

Severance Pay

Severance is payable in cases of redundancy, extended layoff/short-time or natural disasters.

Eligible persons should have at least two completed years service.

Payment is calculated on the average weekly insurable earnings of the last two years at a ratio of: 2.5 weeks per year for the first 10 years, 3 weeks per year for next the 10 years and 3.5 weeks per year for the next 13 years.

Payment should be made within two months of termination or can be extended to four months with permission from National Insurance Department.

Public Holidays

The common practice is to pay weekly and monthly paid employees for public holidays. In the case of daily or hourly paid employees, some union agreements provide for the employee to be paid if he or she works the working day before and the working day after the public holiday. There is no legal requirement for payment to be made if employees do not work on the public holiday.

Notice of Termination

Summary dismissal, or constructive dismissal does not require notice. On other occasions the Employment Rights Act provides the outline of the required notice to be provided on either side. Persons should also refer to their contract of employment.

Entitlement and Practices on Termination

The employer is obligated by law to pay any outstanding wages and holiday or 'average' pay. All other payments are based on the nature of the termination and other contractual requirements.

NIS Benefits

Both employers and employees are required to contribute to NIS payments.

NIS benefits include sickness, maternity, employment injury, unemployment, invalidity, disablement, old age and survivors benefits.

Sick Leave

There is no statutory provision for sick leave. Certified sick leave must be substantiated by a Doctor's Certificate after two days absence.

Jury Duty

The Juries Act Cap 115B provides for employees to be granted paid leave when summoned to serve on the Jury. Employees are required to report to work when excused by the Judge from duty.

Bereavement Leave

This is at the employer's discretion except when included in a Union agreement.

Maternity Leave

The Employment of Women (Maternity Leave) Act Cap 345 guarantees expectant mothers maternity leave of 12 weeks after being employed for a minimum of twelve months.

An employee is not entitled to maternity leave by the same employer on more than three occasions.

An employee's seniority rights, reinstatement to her former or equivalent work and rate of pay are all guaranteed under the act.

THE LABOUR DEPARTMENT

MISSION

To promote and maintain a stable and harmonious industrial relations climate and provide employment services to the community.

GOAL

The overall goal of the Labour Department is to provide quality service to employers, trade unions, individual employees and members of the community in the promotion of social and economic justice in the working environment.



Industrial Relations Section
at the vanguard of
Promoting Justice in Employment

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INDUSTRIAL RELATIONS SERVICES

- Workplace Inspections
- Shop Inspections
- Advice on Industrial Relations
- Conciliation in Disputes
- Referrals to the Employment Rights Tribunal
- Referrals to the Director of Public Prosecution
- Resolution of Workplace Conflict
- Complaints Investigation
 - Maternity Leave
 - Conditions of Employment
 - Holidays With Pay
 - Suspensions
 - Resignations
 - Dismissals
 - Layoffs
 - Payment of Wages
 - Sexual Harassment
- Facilitate Industrial Relations Training
- Enforce Labour Legislation
- Attend Court Hearings
- Review Labour Legislation
- International Labour Standards Reporting

SOME EMPLOYMENT STANDARDS AT A GLANCE

Working Hours

- Shops Act, Cap 2015-30

Provides for a 40 hour work week and an 8 hour work day excluding the lunch hour.

- Domestic Employees Hours of Duty Act Cap 344

Provides for a 44 hour week

Hours of work for other categories of workers are not stipulated by legislation however the majority of business places operate on a 40 hour work week.

The Shops Act 2015 – 30 can be used as a guide to employment standards.

Overtime

Overtime is voluntary.

The Shops Act & Domestic Employees Act provide for payment of overtime at a rate of time and one half for work done in excess of 8 hours on an ordinary working day.

Double pay is paid for work done on Public Holidays and off days.

Triple pay for work done on Public Holidays is provided for in some collective agreements, in all other cases it is at the sole discretion of the employer.

Holidays with Pay

Holidays are governed by the Holidays with Pay Act, 2017 – 3.

Provides for annual holidays of 3 weeks after the first year of employment and 4 weeks on completion of year 5 and onward.

Provides for an average holiday pay when persons have worked at least 48 days in 3 months but less than 1 year.

Provides for an additional day to be added to the holiday period where a public holiday occurs during the holiday.

Lunch Break

The Shops Act, 2015-30 and the Domestic Employees (Hours of Duty) Act provide for an hour lunch after at least four and a half consecutive hours from the commencement of the work day.

There are no statutory provisions for other categories of employees but a lunch break of one hour is the accepted norm.

Wages/Salaries

There is no national minimum wage in Barbados.

The Wages Council (Wages Regulations) (Shop Assistants) Order 2004 currently regulates the minimum wage for Shop Assistants.

In all other cases, the rates of pay is negotiable between the employer and employee. In a unionised establishment the rate of pay may be determined by collective agreement.

