



A Guide to Working in Bermuda



Disclaimer: The information contained in this Guide is only for reference and informational purposes. It is general information to persons seeking or having employment in Bermuda. This information does not substitute independent legal advice nor shall it be used instead of legal advice in employment disputes or any legal or Tribunal proceedings. Please refer to the Employment Act 2000, which, subject to any expressed provisions to the contrary applies to all employers and employees.

For legal advice, you should get professional or specialist advice from a lawyer.

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ABOUT THIS GUIDE

Introduction

The purpose of this Guide is to provide a basic overview of the rights and obligations of employers and employees or those seeking employment in Bermuda in accordance with the Employment and Labour Code of Bermuda.

Know your Rights!

In Bermuda the Employment and Labour Code of Bermuda protects employees' rights.

If you are working in Bermuda, you have basic rights! As a worker, the Employment and Labour Code protects your rights. The Employment and Labour Code comprises the [Employment Act 2000](#) and the [Trade Union and Labour Relations \(Consolidation\) Act 2021 Act](#). The Ministry responsible for labour oversees these laws to ensure they are respected. This Guide will focus on the Employment Act 2000 (**the Act**), which sets out laws in Bermuda that cover all employees, no matter your immigration status. The Act provides for the minimum standards of employment for all employees. This means that any statement or contract of employment cannot exclude any of the standards set out in the Act nor provide you with any entitlement less than the Act allows.

Who is considered an employee?

An employee is any person who is employed solely or mainly in Bermuda for compensation under a contract of employment for at least 15 hours or more each week.

Who is not considered an employee?

Persons under the age of 16 years, casual workers, part-time employees, temporary employees, students or voluntary workers are not considered employees under the Act. (See Glossary for definitions)

1. Receiving a Job Offer

Before you start

Starting a new job can be an exciting new chapter in your life! You submitted your application, landed an interview and have been offered a job. Now that you have a job offer, be clear about the terms of employment; such as hours of work and wages with your potential new employer.

Other things you should consider before accepting a new job include, but are not limited to:

- Where will your work location be?
- Who will you report to?
- What type of health insurance coverage your employer provides?
- Will you be paid at an hourly rate or receive a monthly salary?
- When will you be paid, for example, weekly, every two weeks or monthly?
- What standard deductions will be made from your wages?
- Does your employer provide any other benefits?
- Is your place of employment unionized?
- How many days of vacation are you entitled to per year?
- Obtaining a draft copy of your written statement of employment.
- Are you entitled to tips, gratuities or service charge and what are the details of the scheme?

What benefits are included in your statement of employment?

There are several benefits required by law which all eligible employees should receive and must be included in your statement of employment ("SOE"). These include social insurance, health insurance and private pension. As an eligible employee you must receive social insurance and health benefits from the first day of your employment. Your employer must provide you with the corresponding paperwork for you to complete in order to get these benefits.

Social Insurance

Social insurance is a government pension that both the employee and your employer contribute towards. The funds can be accessed by anyone who has reached the age of 65 and who has contributed sufficiently. Your employer is required to pay at least 50% and the remaining 50% may be deducted from your wages.

Exceptions apply to work permit holders hired to work for 6 months or less, a person who works for less than 4 hours per week or works as a volunteer.

Health Insurance

There are different types of health insurance policies that employers can purchase on behalf of their employees. The Standard Health Benefit is the minimum health insurance that employers must provide to their eligible employees and their unemployed spouses. The employer is required to pay at least 50% and the remaining 50% may be deducted from your wages.

Private Pension

To be eligible to contribute to a private pension, you must have reached the age of 23 and have worked for at least 720 hours with your employer within the calendar year of employment. The employer is required to pay at least 50% and the remaining 50% may be deducted from your wages.

Government workers are enrolled in a separate pension plan.

Some employers will offer additional benefits to employees such as paying the employee's portion of social insurance, health insurance, private pension and even payroll tax, without making a deduction from wages. Other benefits your employer may provide include bonuses, life insurance and allowances towards housing, so be sure to enquire.

Wages

You should have a discussion with your potential employer to come to an agreement about your wages which are also known as your salary.

Minimum Wage

If you are working in Bermuda, you are entitled to receive a minimum hourly wage rate of \$16.40. The Ministry responsible for labour overseas the Employment (Minimum Hourly Wage Entitlement) Act 2022, the Employment (Minimum Hourly Wage) Order 2023 and relevant regulations, which set out the minimum hourly wage rate which covers all employees, no matter your immigration status, working in Bermuda.

Please read the Guide to the Minimum Hourly Wage Rate document which provides a basic overview of the rights and obligations of employers and employees as it pertains to the minimum hourly wage rate in Bermuda.

Starting a new job as a work permit holder

Coming to work in Bermuda can be an exciting move. Work permit holders, also known as guest workers or expatriates make up a significant number of employees in Bermuda and provide valuable services to Bermuda's economy. If you are not a Bermudian, a naturalized British Overseas Territories (BOT) citizen (those deemed to belong to Bermuda), spouse of a Bermudian or a Permanent Resident Certificate (PRC) holder, you will be required to hold a work permit to work in Bermuda. If you require a work permit, you must be outside of Bermuda when applying for a job the first time, unless the Department of Immigration (DOI) provides permission otherwise.

If offered a job, your employer is required to apply for a work permit on your behalf. As part of the work permit application, a written statement of employment ("SOE") must be signed by both you and your employer which your employer will submit to the DOI. As part of the application, you will also be required to provide details of any family members or partners. Once approval has been granted by the DOI, you will be permitted to come to Bermuda to work.

The statement of employment submitted as part of the work permit application will form part of the conditions of your employment. Once you arrive in Bermuda, if your employer provides you with a more detailed contract, the terms must match what you already agreed to.

If you provide your written agreement or consent, your employer can also deduct your wages for work permit fees, repatriation costs (e.g. airline tickets), accommodation, travel for family members or partners to the island and anything else you agree to in writing (especially if they are for your benefit).

Other considerations:

- Request a copy of your signed written statement of employment ("SOE").
- Be sure you agree with the terms in your SOE and any subsequent contract of employment.
- Photocopy your work permit card in case it gets misplaced.
- Confirm what the required documents are when returning to the island after travel abroad.

2. RIGHTS OF AN EMPLOYEE

Statement of employment ("SOE")

According to the Act, you must be provided with a written SOE, also known as a contract of employment, to review and sign no later than 1 week after starting your new job. Your SOE must set out all the terms and conditions of your employment such as start date, job title, job description and place(s) of work among many others found in the Act.

Your employer should provide you with a copy of your signed SOE for your records.

As of 1 June 2021, if you are a casual worker, part-time employee, student, temporary worker or voluntary worker your employer must provide you with a written SOE that is modified according to your employment terms and conditions. For example, you may not be paid for sick or vacation leave.

Employment policies

At the beginning of your employment, you will usually be orientated to your new job. During this time, you should be provided with a copy of the employee handbook or other policies. If you are not provided with any, you can ask what policies are that affect your employment.

Unionized vs non-unionized jobs

Some places of employment may be unionized. This means that a collective bargaining agreement ("CBA") exists between the employer and one of the unions in Bermuda. In such unionized jobs, employees are represented by a union. As a result and in accordance with their CBA, employees may pay either full or partial contributions to the union in lieu of membership. In addition to having a statement

of employment and an employee handbook, the CBA will include additional conditions of your employment and procedures. Be sure to obtain a copy of this agreement from your employer if you work in a unionized environment.

Non-unionized environments do not have union representation nor a collective agreement. The conditions of your employment will be found in your written statement of employment, the employee handbook or in other written policies.

Fixed-term employment contracts

You may receive a fixed-term employment contract, for example, if you are hired to complete a specific project, to cover an absence or to meet a businesses' short-term needs. These types of contracts are for a specified length of time and will have a specified start date and end date.

Benefits under fixed-term contracts

On a fixed term contract, you are entitled to the same benefits, rights, responsibilities and protections in this section, provided you are contracted to work for 15 hours or more in each week during your fixed term contract. Your employer will also have the same rights in Section 3 titled "**Rights of an employer**". This will not apply to you if you are on a fixed-term contract for 3 months or less in any year as you will be considered a temporary worker. Consult the Bermuda Health Council on 292-6420 for information on Health Insurance for fixed-term contracts.

Wages

The wages you receive (less any deductions) will be based on what you agreed to in your SOE. There are deductions allowed by law that your employer can make from your wages and other deductions your employer can make if you authorize them to do so in your SOE.

Any deductions made from your wages must be shown in your itemized pay statement, otherwise known as a pay slip.

Tips and other gratuities

All employers who regularly receive tips and other gratuities must have a Policy Statement which advises on the managing of tips and how other gratuities are collected and redistributed.

A tip is a payment in return for services, voluntarily made to or left for an employee by a customer of that employee's employer, in excess of any basic fee or standard charge imposed.

Other gratuities are payment in return for services, voluntarily made to an employer by a customer, in excess of any basic fee or standard charge imposed and/or a

payment of a service charge or similar charge imposed, by an employer on a customer for services, in excess of the basic fee.

Your employer is not permitted to withhold tips or other gratuities from you, make a deduction from your tips or other gratuities, or cause you to give your tips or other gratuities to them except where authorised or required by law, a court or tribunal.

Your employer is not permitted to share in tips, any tip pool or the redistribution of other gratuities unless they regularly perform the same work as you or other employees within the same industry to a substantial degree. The Ministry of Economy and Labour have produced Procedural Guidance on what "to a substantial degree" is.

Itemized pay statement

Your employer must provide you with a written itemised pay statement, before or at the time your wages are paid. Your itemized pay statement is a record of your wages and must include the following:

- The timeframe for the work;
- The rate of wages and number of hours worked (if paid at an hourly rate);
- The amount and purpose of any deduction; and
- Any bonus, gratuity, living allowance or other payment the employee is entitled to

Check your pay slip for accuracy and keep them as a record should a dispute arise between you and your employer.

Deductions

Your employer is allowed to make deductions from your wages if they are authorized by law, a collective agreement, by a term you agreed to in your SOE or any prior written agreement or consent you have given. Authorized deductions governed by legislation or collective agreements include:

- Social insurance
- Health insurance
- Private pension
- Payroll tax
- Full or partial union dues contributions to the union in lieu of membership

Your employer is also allowed to deduct your wages for overpayment of wages, payroll errors, if you participate in a strike or irregular industrial action short of a strike that results in a withdrawal of labour and other specific circumstances.

As stated in the previous Section 1 titled "**Receiving a Job Offer**", if you have provided your written consent or agreement to other deductions (especially if they are for your benefit), your employer has the right to deduct them from your wages.

Your employer is subject to a different tax rate for remuneration paid to an employee who is a disabled person, pursuant to the [Payroll Tax Rates Act 1995](#). Presently, the payroll tax rate where an employee is a disabled person is 0%. For further information, contact the Office of the Tax Commissioner on 297-7754 or visit their website at <https://www.gov.bm/department/office-tax-commissioner>.

Hours of work

By law, there is no number of hours you are prohibited from working daily or weekly, but all employees must have a 24-hour consecutive rest period each week. Some exceptions exist depending on your profession. If you work in a unionized environment, your union will negotiate your hours of work on your behalf.

Overtime pay

According to the Act, every hour worked over 40 hours in a week is considered overtime. You are entitled to be paid at least time and a half (the overtime rate) for your overtime hours or be paid at your regular hourly wage and compensated for your overtime with time in lieu unless you agreed with your employer in writing that this entitlement does not apply to you.

Overtime pay and time in lieu also does not apply to you if you are a manager or professional whose statement of employment states that your annual salary has been calculated to take into account occasionally working above 40 hours a week.

Where you have agreed that overtime pay does not apply to you, your employer should pay you at straight time for overtime hours worked.

If you work in a unionized environment, your union will negotiate your overtime pay on your behalf. Your employer's policy on overtime pay should be found in your statement of employment, collective bargaining agreement or another policy document.

Rest days

The number of rest days you have will differ depending on the type of job you do, but your employer must give you a rest period of at least 24 consecutive hours in each week. This means, you are allowed to work a 6 day work week, but the Act prohibits you from working a 7 day week. There are some employees to whom this rest period does not apply such as, but not limited to, police officers, prison officers, fire officers, doctors and nurses.

Meal breaks

You are entitled to a meal break of a minimum of 30 minutes after you have worked for five continuous hours. During this break, you are not required to perform any work unless you agree to do so.

Policy statement against bullying and sexual harassment

You have the right not to be bullied or sexually harassed at work. Bullying is habitual offensive behaviour directed at an employee or group of employees. Sexual harassment is one or more instances of offensive sexually suggestive conduct.

As of 1 June 2021, your employer must ensure that they have a [written policy statement](#) to guard you and all employees against bullying and sexual harassment. This policy should be presented to you during the start of your employment and your employer should have procedures to assist you in understanding the policy.

If your employer does not have a [written policy statement](#) or they are not following their policy, you may contact the Labour Relations Section or the Human Rights Commission to get more information about your rights.

Public holidays and pay

There are currently 10 public holidays observed in Bermuda. According to the Act, you are entitled to a holiday with pay for each public holiday you work unless you and your employer agree in writing that this entitlement will not apply to you.

If you are granted a holiday with pay, this paid holiday must be granted whether the holiday falls on your rest day or whether you work on a public holiday.

For example, should the public holiday fall on your rest day, your employer must grant you a holiday with pay on your working day following the public holiday or on another day as agreed between you and your employer.

Should you be required to work during a public holiday, your employer must pay you at least time and a half or pay you your regular wages with another holiday day with pay. You will not be entitled to public holiday pay if you are absent from work the day prior to the public holiday and the work day following the public holiday, unless you are on vacation or sick leave. If you work in a unionized environment, your union will negotiate your public holiday pay on your behalf.

Where you have agreed that public holiday pay does not apply to you, your employer should pay you at straight time for working on a public holiday.

Your employer's policy on public holiday pay should be found in your statement of employment, collective bargaining agreement or another policy document.

Bermuda's public holidays:

1. New Year's Day
2. Good Friday
3. Bermuda Day (last Friday in May)
4. National Heroes Day (3rd Monday in June)
5. Emancipation Day

6. Mary Prince Day
7. Labour Day (1st Monday in September)
8. Remembrance Day
9. Christmas Day
10. Boxing Day
11. Any other day declared by the Governor by proclamation of Section 4 of the Public Holidays Act 1947

Vacation leave and pay

According to the Act, you are entitled to at least two weeks' paid vacation leave per year after you complete one year of continuous employment and each year thereafter. Some employers may grant their employees more than two weeks of vacation per year. However, after your first six months of continuous employment, you are entitled to use one week of your allotted vacation leave.

Your employer will approve your vacation request subject to the requirements of the business and vacation requests by other employees.

Vacation pay is not cumulative under the Act. This means that if you fail to take your two weeks of paid vacation, the Act does not permit for any unused vacation to be carried over into the next year.

The amount of pay to be received during vacation leave will reflect the employee's regular weekly wages or, in the case of an employee whose wages vary from week to week, a calculation of the average week's wages earned by the employee over a certain period.

Your employer's policy on vacation should be found in your statement of employment, collective bargaining agreement or another policy document.

Public duties

Depending on the requirements of the business, an employer may give you time off to attend the following meetings:

- Government Board
- The Royal Bermuda Regiment
- The Reserve Police
- The Senate or House of Assembly

According to the Act, if you are given time off to attend the Royal Bermuda Regiment and you have completed one year of continuous employment your employer should pay your normal wages for your time off. If you are paid your normal wages and also receive payment in connection with your regimental duties, your employer can deduct that payment from your normal wages.

Other public duties for which employers must give you time off include jury service, to attend court as a witness or to vote in a parliamentary election. Under the Act, your employer is not obligated to pay you for these public duties. Should you be paid by your employer for any public duties, and you receive amounts from carrying out such duties, the amounts may be deducted from your wages.

Sick leave and pay

According to the Act, you are entitled to a minimum of eight paid sick days after completing one year of continuous employment. Under the Act, your employer is not entitled to pay you for sick leave on your second or more consecutive sick days, unless, and if your employer requests you to provide a doctor's note certifying that they have examined you and determined that you are unable to work due to sickness or injury.

Ante-natal care and pay

If you are pregnant and require ante-natal care, your employer must allow you to take time off with pay during your working hours to attend your appointments. Should your employer request a doctor's note confirming your pregnancy and an appointment card confirming the appointment, you are required to provide it.

Maternity leave and pay

You are entitled to maternity leave if you provide your employer with a doctor's note certifying you are pregnant, the estimated due date, and you submit an application for maternity leave at least four weeks before your due date.

According to the Act, if you have completed one year of continuous employment at the time of your child's birth, you are entitled to 13 weeks paid maternity leave. If you have not completed one continuous year of employment at the time of your child's birth, your entitlement is 13 weeks unpaid maternity leave.

It is important to notify your employer at least two weeks before the end of your maternity leave that you will be returning back to work. Should you not notify your employer, it shall be taken that you have terminated your employment.

Paternity leave and pay

As a father, you are also entitled to paternity leave. To be granted paternity leave, you must; be the father of the child, provide a doctor's note certifying the child's mother is pregnant, the estimated due date and submit an application for paternity leave at least four weeks before you intend to take paternity leave.

According to the Act, if you have completed one year of continuous employment at the time of the due date, you are entitled to a minimum of 5 consecutive paid days of paternity leave. If you have not completed one continuous year of employment

at time of your child's birth, the entitlement is a minimum 5 consecutive unpaid days of paternity leave.

It is important to note that paternity leave must be taken before 14 weeks from the date of the birth of your child and may only be granted once during a 12-month period.

Bereavement leave

You are entitled to 3 consecutive days of bereavement leave and 5 consecutive days of bereavement leave to attend an overseas funeral on the death of an immediate family member, which includes, but is not limited to, a spouse, child, parent, sibling, grandparent, grandchild and other specific family members or persons you shared a household with.

Your employer is not obligated to pay you for bereavement leave.

Termination of employment

You have the right to terminate your employment for any number of reasons. During your probation period, you can terminate your employment without giving your employer notice. After you complete your probation period, you should provide your employer with the required notice period to terminate your employment.

Your required notice period should be found in your statement of employment, collective bargaining agreement (if you work in a unionized environment) or another policy document.

For work permit holders who decide to terminate their employment or whose work permits have expired, see Section 4 titled **"Finishing a job – Terminating your employment as a work permit holder and settling your affairs."**

Retirement

There is no legal retirement age for employees in Bermuda, unless you work for the Bermuda Government. For other employers, a retirement policy is usually implemented for employees who reach the pensionable age of 65. The retirement age should be stated in your employee handbook, collective agreement (if you work in a unionized environment) or another policy document.

Certificate of termination

When your employment has been terminated you may request a certificate of termination from your employer and they must provide it to you. The certificate verifies details of your employment including name and address of employer, nature of employer's business, length of your continuous employment, job title, the wages and remuneration received at the end of your employment and the reason for the termination (if you request this to be included).

What are a union's responsibilities?

In unionized workplaces, the union has certain responsibilities toward employees and employers. In these workplaces, the union is responsible for representing employees at grievances, arbitrations and in collective bargaining negotiations with the employer. The contract between a union and an employer is referred to as a CBA. The CBA details the mutually agreed-to rights and responsibilities of employees and employers in a unionized workplace. You can contact your union representative to learn more about your workplace policies.

What are an employee's responsibilities?

You have responsibilities towards your employer, even if you work part time, on a casual basis or temporary basis.

The main responsibilities of employees include, but are not limited to:

- personally do the work you were hired to do;
- do your work carefully and seriously;
- avoid putting yourself or others in danger;
- follow their employer's instructions (there are some exceptions, for example, if an employer asks you to do something dangerous or illegal, you do not have to follow these instructions);
- be trustworthy and honest; and
- treat everyone with respect and not bully or sexually harass anyone.

Responsibility to keep your employment information

It is helpful to keep your employment documents such as pay slips and your statement of employment should you need to clarify a matter with your employer about pay, the conditions of your employment or should a dispute arise between you and your employer and you decide to make an official complaint with the appropriate office.

Responsibilities as a work permit holder

You must at all times, be mindful of and adhere to the conditions placed on your work permit and of the job responsibilities placed on your job description. You must also take note of the general information listed on the back page of your work permit document.

You are only allowed to work in the job stated on your work permit. You will be only permitted to change jobs in Bermuda if you have worked on the island for two continuous years or more (exceptions apply) with your first employer. If not, you must obtain permission to reside and seek employment from the Department of Immigration.

Should you leave Bermuda on business or holiday, you should carry your work permit. This will ensure a smooth transition through Bermuda immigration upon your return to the Island.

When employees do not uphold their responsibilities

If you do not uphold your responsibilities, your employer is allowed to take certain disciplinary actions which can include, but is not limited to:

- disciplining you, such as giving you a written warning for unsatisfactory performance or misconduct;
- suspending you without pay in some circumstances;
- taking other action against you such as extending your probationary period or placing you on a performance improvement plan;
- firing you without notice if you are guilty of serious misconduct, for example: stealing, being dishonest, or using violence in the workplace, etc.;
- taking you to court to stop you from doing things that are harmful to the business.

If your place of employment has a CBA in place, you should review your CBA in reference to disciplinary matters or consult your union for guidance.

3. RIGHTS OF AN EMPLOYER

Probation periods

If you are a new employee your employer may require you to serve a period of probation for no longer than six months. During your probationary period, you are entitled to receive a review of your performance halfway through your probation period. Before your probation period expires, your employer may extend your probation period by no more than 3 months.

During your probation period you or the employer may terminate the employment without giving notice. You may terminate your employment for any reason. However, your employer may only terminate your employment for any reason relating to your performance, performance review, conduct or operational requirements of the business.

If you have been promoted, your employer may require you to serve a period of probation. During this time, your employer is not permitted to terminate your employment unless they have followed their disciplinary processes and procedures or those under the Act.

These probation periods do not apply to some public officers such as customs officers, police officers, fire officers, educators and prison officers who will have longer periods of probation.

Disciplinary action

If you do not uphold your responsibilities, your employer is allowed to take certain disciplinary action. The Act sets out the minimum disciplinary procedures for employers to follow regarding repeated misconduct and unsatisfactory performance and serious misconduct.

If your employer does not follow their processes and procedures in disciplining you, the discipline may be unfair.

Your employer's disciplinary procedure should be found in your statement of employment, collective agreement (if you work in a unionized environment) or another policy document.

Lay off

Your employer is entitled to lay you off for reasons related to the operational needs of the business. If you are to be laid off due to these reasons, your employer must inform you and (and your union if a unionized workplace) of the lay off as soon as practical and the reasons. Your employer must also provide the length of the lay off period.

It is important to note that although an employer can lay you off in compliance with the Act, if the lay off period goes beyond 4 consecutive months, your position with your employer will be automatically made redundant and you may be entitled to severance allowance.

Before going on lay off, you should provide your employer with all your up to date contact information such as email address, telephone number(s) and mailing address, should your employer need to contact you to resume work.

Should you find other employment during your lay off period, and your employer calls you back to work and you decline, your position will not be made redundant and you will not be entitled to severance allowance.

Redundancy

Your employer is entitled to terminate your employment if your position is no longer needed (becomes redundant), for reasons related to the operational needs of the business and other factors. Your employer is required to give you notice and 14 days prior to notice to inform you (and your union if you work in a unionized environment) of the conditions of redundancy and consult.

Should your position be made redundant and you have been employed continuously for one year, you may be entitled to be paid severance allowance by your employer. Get in contact with the Labour Relations Section for advice on 297-7716.

With 10 or more redundancies, employers are encouraged to notify the Labour Relations Section or the Ministry responsible for labour to obtain guidance. Employees are also encouraged to also notify the Labour Relations Section for assistance in cases of redundancies.

Termination of employment

If you do not uphold your responsibilities, your employer is allowed to take certain disciplinary action including terminating your employment. Your employer may give you written warnings prior to terminating your employment for repeated infractions or for not performing your duties in a satisfactory manner. If it has been shown or proven that you are guilty of serious misconduct, for example but not limited to, stealing, dishonesty or using violence in the workplace, your employer is entitled to terminate your employment without giving you notice.

It is unlawful for your employer to terminate your employment, threaten you or penalize you should you ask about your rights or raise issues related to the terms of your employment.

It is also unlawful for your employer to discipline or terminate you for any of, but not limited to, the following reasons:

- your race, sex, religion, colour, ethnic origin, national extraction, social origin, political opinion, disability (some exceptions apply) or marital status;
- age (some exceptions);
- pregnancy (subject to exception) ;
- trade union activity;
- temporary absence from work due to illness to sickness or injury (subject to exception);
- absence related to public duties;
- removing yourself from a work situation that is dangerous to your life or health;
- your participation in industrial action in compliance with labour laws, i.e. Employment Act 2000 and The Trade Union and Labour Relations (Consolidation) Act 2021;
- making a complaint against your employer to the Labour Relations Section; or
- making a protected disclosure.

Your employer is not allowed to terminate your employment when you are on vacation leave, maternity leave, paternity leave, bereavement leave or during any period of sick leave. According the Act, your employment can be terminated if your sick leave is longer than 6 weeks.

If your employer does not follow the necessary processes in terminating your employment, your termination may be unfair.

Payment in lieu of notice

If you give notice to your employer to terminate your employment, your employer may allow you to work during your notice period. If your employer does not allow you to work during your notice period, your employer should pay you your wages for that period.

In situations such as your position being made redundant, your employer is required to give you notice and 14 days prior to the notice inform you (and your union if you work in a unionized environment) of the conditions of redundancy and consult. If your employer does not allow you to work your notice period, it must pay you your wages for your notice period as if you had worked it.

What are an employer's responsibilities?

Employers have responsibilities towards their employees, which include, but are not limited to:

- Employers must give their employees a place to work and make sure they have access to it. They should provide their employees with the tools, equipment and other things they need to do their work, unless otherwise agreed.
- Employers must pay their employees the salary and benefits they agreed to, including vacation, public holidays and other types of leave.
- Employers must make sure that working conditions reasonably protect their employees' safety and health.
- Employers must give their employees written notice that their contracts are ending, if no date is specified, or that they are being laid off.
- Employers should treat their employees with respect. They must make sure policies and procedures are in place on bullying, sexually harassment or discrimination.

When employers do not uphold their responsibilities

Problems and disagreements can arise in any workplace. When they do, employees and employers can try to settle things by talking to each other before taking further steps.

If you belong to a union or work in a unionized workplace, the union may present a grievance (a complaint) to your employer on your behalf.

If you are unable to resolve the matter with your employer, you may contact the Department of Labour for guidance or to file an official complaint. Call 297-7716 or visit the Department of Labour at #23 Parliament Street, Hamilton, HM12.

4. FINISHING A JOB

Retirement

There is no legal retirement age in Bermuda. For the majority of government workers (public officers) the retirement age is 68. If your employer has a retirement policy in place, you will be required to retire as per their policy.

Redundancy

If your position has been made redundant, there has been a reduction in the workforce and it means your position is no longer needed. This can happen, for example, when businesses downsize, change their operations, processes, relocate or close down all together. Before deciding on redundancies, your employer may offer you alternative roles, but they are not obligated to do so. Depending on the length of continuous years with your employer, you may be entitled to severance allowance. The amount of severance allowance is determined by how long you worked for your employer and should be found in your statement of employment, collective agreement (if you work in a unionized environment) or another policy document.

Otherwise, severance will be paid in accordance with the Act which states that severance allowance payable to an employee must be no less than two weeks wages for each completed year of service up to the first 10 years and three weeks wages for each completed year after the first 10 years, up to a maximum of 26 weeks.

As mentioned in Section 3 titled "**Rights of an Employer Rights – lay off**" your position may be made redundant if a lay off is longer than 4 consecutive months.

Before deciding on redundancies, your employer must consult with you (and your union in a unionized workplace).

On deciding redundancy, your employer should ensure that redundancies are selected in a fair way. In accordance with the [Human Rights Act 1981](#), it is discriminatory to to select anyone because of the following reasons:

- Race, colour, sex, and other categories;
- Age (with exceptions);
- sexual orientation;
- ethnicity;
- religion; and
- pregnancy, political opinion, disability (with exceptions), marital status.

Resignation

There are a number of reasons why you may want to terminate your employment. You should ensure your resignation is in writing and in accordance with the notice period in your SOE.

Giving notice

During your probation period, you can terminate your employment without giving your employer notice. After your probation period is complete, you should provide your employer with the required notice period to terminate your employment.

If you are not sure what your notice period is, you should review the conditions of your employment such as your statement of employment, collective agreement or employee handbook. Generally, you are required to give one week's notice if you are paid weekly, two weeks' notice if paid every two weeks and one month's notice if you are paid monthly.

Once you give notice, your employer should not reduce your pay, change any of the conditions of your employment, or force you to take vacation time during your notice period.

During your notice period, your employer may ask you to stop working immediately. If so, your employer is required to pay you any wages, unused vacation and other remuneration accrued as if you had completed your notice period. Please see section 3 titled "**Rights of an Employer - Payment in Lieu of notice.**" Your employer must pay you what are entitled to within 7 days from the date of termination or at the next interval which you would have been paid, had the employment not been terminated – whichever period is longer.

The only exception to providing notice is for constructive dismissal. This is when your employer's conduct is in serious breach of your contract of employment and has created conditions so bad that your only option is to resign. For a claim constructive dismissal, you may seek the advice of a Labour Relations Officer of the Labour Relations Section regarding your rights to terminate your employment.

In cases where your employer has terminated your employment, you are required to receive payment for your wages, any unused vacation and any other remuneration that may have accrued up to your last working day.

Giving notice under a fixed-term contract

Most fixed-term contracts expire automatically on the end date of the contract or at the end of a project. Your contract may have a notice period to end the contract before the expiration date. If so, you can submit your notice to quit prior to the expiration of the contract and your employer should also do the same if they wish to terminate your employment in certain situations.

Terminating your employment as a work permit holder and settling your affairs

If you decide to terminate your employment or your employer does not renew your work permit, your permission to work in Bermuda will expire and you will be required to cease working upon the expiration of your permit and return your work permit to your employer.

The Immigration Work Permit policy generally provides that you have up to 90 days to settle your affairs and leave Bermuda. Contact the Department of Immigration for further information about your right to remain once your work permit has expired.

As per the [Immigration Work Permit policy](#), your employer is required to pay for you to be repatriated to your home country, unless you agree that you will be responsible. You are responsible for repatriating any dependents when you depart Bermuda (unless the dependants have permission to reside and seek employment).

5. ADDITIONAL INFORMATION

Getting injured at work

If you have been injured at work or in the course of your employment, your employer may be liable to compensate you. There are several options available to you if you are injured on the job.

The [Worker's Compensation Act 1965](#) ensures your employer compensates you if you have been injured in the course of your employment (and it is not your fault) and you are unable to work. Compensation will only be paid for loss of work for 3 consecutive days or more.

You are required to notify your employer of any accident that occurs while at work and you should complete an incident form. If you and your employer are unable to agree in writing the compensation amount, you may make an application to the Court to enforce your rights and entitlement to compensation.

The amount of compensation will depend on the extent of the injury and your inability to work. If injuries lead to permanent incapacity or death, the [Worker's Compensation Act 1965](#) will also apply.

Some employees may receive additional worker's compensation depending on where they work and the type of job they do.

Union and decertification

Freedom of association is a basic human right. Under Bermuda's labour laws, unions may make an application on behalf of employees to the Department of Labour Section to become certified (otherwise known as unionized). In order to make an application for certification, a union must be able to show that at least 35% of non-management employees in a particular group support the application. There are other criteria that must also be met. Contact a trade union for more information on becoming unionized.

Employees who wish to make an application to decertify a union should contact the Department of Labour for guidance or seek legal advice.

Safety & health in the workplace

Your employer is responsible for ensuring the safety and health of your workplace as per Bermuda's [Occupational Health and Safety laws](#).

Government has not mandated any vaccinations in the workplace; however, employers are required to follow the Government's safety & health protocols. Employers cannot request personal or confidential medical information from you or your doctor without your consent. Some employers have introduced Covid protocols.

Sick leave should only be used during times of illness or injury that prevent you from working. If you are not sick or injured and you are required to quarantine for any reason, you should consult your employer about the leave options available to you. You may contact the Department of Health for more information by calling 444 2498.

Discrimination

The Human Rights Commission sets out specific criteria in which an employer is not to discriminate against their employees. For instance, your employer is not allowed to discriminate against you during hiring, training, promoting, dismissing or demoting any person and other circumstances. Employers and employment agencies are also barred from discriminatory advertising. Additionally an employer is prohibited from terminating, penalizing or intimidating an employee who has made a complaint under the [Human Rights Act 1981](#). For further information on the Human Rights grounds and areas of protection, contact the Human Rights Commission on 295-5859.

Inclusion in the workplace

All employees should be treated equally and afforded the same opportunities by their employer or prospective employer. A disabled person should not be considered disqualified for a job or a promotion by reason of his or her disability if it is possible for an employer, or prospective employer, to modify circumstances of the job or place of employment to eliminate the effects of the person's disability in relation to the job, so long as this does not create an unreasonable hardship for the employer or prospective employer. For further information, contact the Human Rights Commission on 295-5859 or visit their website at <https://humanrights.bm/>.

Useful information for guest workers

English language proficiency

If your employer obtained a work permit for you under the [Portuguese Accord](#) or you work in the [construction industry](#), you must have a working knowledge of the English language for safety and health reasons.

Live-in domestic workers (nannies or housekeepers)

As per [Immigration Work Permit policy](#), if you are a live-in nanny/housekeeper, your employer is required to ensure that you have health insurance, social insurance and payroll tax as well as a wage equivalent of at least \$16.40 an hour. Your room and board must be calculated at \$700.00 a month or at \$158.00 a week.

Rehabilitation of offenders

The [Rehabilitation of Offenders Act 1977](#), treats you as if you never committed an offence or were ever convicted of any offences. For the purposes of applying for a job, only **after seven years** (rehabilitation period) from the date of your conviction or the completion of your sentence are you not legally required to answer 'yes' if asked whether you have ever been convicted of an offence. However, there are some exceptions such as certain prison sentences or entering some professions, such as becoming a lawyer or doctor. Particular care may have to be taken if your offence

relates to a serious crime or is directly related to your job. Contact the Department of Workforce Development on 297-7714 or Department of Court Services on 292-5005 for more information.

Young workers

If you are a young worker, under the age of 18, your employment is guided by the [Employment of Children and Young Persons Act 1963](#).

If under the age of 13, you are not allowed to work in any type of employment unless you are working for your parents or guardian and the type of work is light work, such as domestic, agricultural or horticultural work. You must also have a rest period of 36 continuous hours each working week. If you have reached the age of 13, you can work without your parent's permission doing work that is light and safe.

If aged 13 or above and you are still in school, you are not allowed to work during school hours nor shall you be employed for two hours or more on a day that you have attended school. Any work you do should not jeopardize your ability to gain an education.

If you are under the age of 15 you are not permitted to work in any industrial employment. If you are between the ages of 16-17, you can work during the night, but your employer cannot permit you to work past midnight and employers must ensure that young female workers get home safely.

Dealing with problems at work

Most employees enjoy good relationships at work. However, problems and disagreements can arise in any workplace. Problems can be related to: your job, your employment terms and conditions, the way you are being treated at work, how you have been disciplined, your rights under the Employment Act, and other legislation.

Sort it out informally

Before taking any formal action, make an effort to resolve the problem first, to ensure it is not a misunderstanding or a mistake. Discuss the matter with your immediate supervisor and suggest how you would like the issue to be resolved. If you have tried to resolve the matter informally and it is not resolved, you should file a formal complaint of grievance. If you are a union member, you can contact your trade union representative for advice and support on employment issues.

Complaints and grievance procedures

Your employer should have a clearly written complaints or grievance procedure for you to follow if you would like to raise an issue. This can usually be found in your employee handbook, statement of employment or another policy document. For unionized employees, it can be found in your collective agreement. If there is no

written procedure in place, at the very least your employer should give you in writing the name of the person that you can raise the grievance with. In the absence of this information, it is still a good idea to raise your concerns in writing to your employer. In addition to setting out what your grievance is in writing, you may find it helpful to suggest how you would like your employer to resolve the problem. You should make sure your letter is dated and that you keep a copy for your records. For unionized workers, your union representative can raise a grievance on your behalf to your employer.

It is not always easy for employees to raise workplace concerns with their employers, however, it is important to bring issues to your employer's attention before they become more serious or escalate. Once you raise a formal grievance, your employer has a duty to meet with you to discuss your grievance. After meeting with you, your employer should, without unreasonable delay, write to you with their decision. They should set out, where appropriate, what action they intend to take to resolve the grievance. If you are still unsatisfied, you may file a complaint with the Labour Relations Section or your union may file a complaint to the Labour Relations Section on your behalf.

Department of Labour

This guide provides a basic overview of employees' rights and employer's obligations under the Employment Act 2000. The Department of Labour offers free, confidential and impartial expert labour advice on employment issues in accordance with Employment & Labour Code. However, they do not provide you with legal advice. Contact the Department of Labour to have a confidential discussion with a Labour Relations Officer about your rights or for further information.

Services provided include:

- Educating employees and employers on Bermuda's employment & labour laws.
- Investigating and mediating employment and labour related complaints.
- Referring unresolved matters to the Employment and Labour Relations Tribunal.
- Facilitating the certification and decertification of unions in the workplace.

Telephone: 297-7716

Location: #23 Parliament Street, Hamilton HM12

Email: departmentoflabour@gov.bm

6. USEFUL RESOURCES FOR

1. Department of Labour

Provides confidential expert labour advice to employees, employers and unions on their rights, responsibilities and obligations under Bermuda's labour laws. Provide conflict resolution services for disputes arising between employers and employees and employers and unions.

Tel: (441) 297-7716

Email: departmentoflabour@gov.bm

Location: #23 Parliament Street, Hamilton HM12

Further Information: [Click Here](#)

Website: www.gov.bm/labour-relations-office

[Anonymous Employment Violation Tip Line](#)

To file a complaint with the Department of Labour, the complaint must fall within one or more of the areas covered by the Employment Act 2000. A complaint should be made within six months of the alleged incident(s).

2. Department of Workforce Development

The Department of Workforce Development oversees career development and workforce training in Bermuda.

Tel: (441) 297-7714

Email: dwd@gov.bm

Location: #23 Parliament Street, Hamilton HM12

Website: www.gov.bm/department/workforce-development

3. Department of Immigration

The Department of Immigration provides numerous services to locals and guest workers. For guest workers, the department is responsible, for example, for granting permission to work, issuing work permits and granting permission to seek and reside.

Tel: (441) 295-5151 x 1940

Location: Government Administration Bldg. #30 Parliament Street, Hamilton HM12

Further Information: [Click Here](#)

Immigration Violation Hotline: (441) 296-5202

Immigration Violation Email: Immigrationcomplaints@gov.bm

Website: www.gov.bm/department/immigration

4. The Department of Health (Workplace safety and health)

The Environmental Health Unit is responsible for enforcing the [Occupational Safety and Health Act 1992 and the Occupational Safety & Health Regulations 2009](#). The department ensures safe working conditions at all places of employment (indoor and outdoor), the establishment of safety and health committees and investigates complaints or major accidents.

Telephone: (441) 278-5333

Email: envhealth@gov.bm

Location: 6 Hermitage Road, Devonshire FL 01

Further Information: [Click Here](#)

Website: www.gov.bm/occupational-safety-and-health

5. Department of Social Insurance

The Department of Social Insurance ensures that your employer complies with paying your social insurance contributions. Investigates reports of non-compliance.

Telephone: (441) 294-9242

Email: socialinsurance@gov.bm

Location: Government Administration Bldg., 30 Parliament Street, Hamilton HM 12

Further Information: [Click Here](#)

Website: www.gov.bm/department/social-insurance

6. Bermuda Health Council

The Health Council monitors and enforces employers' compliance with paying health insurance for their employees. Investigates reports of non-compliance.

Telephone: (441) 292-6420

Email: healthcouncil@bhec.bm

Location: Sterling House, 3rd Floor, 16 Wesley Street, Hamilton HM11

Further Information: [Click Here](#)

Website: www.bhec.bm

7. Pension Commission

The Pension Commission monitors the administration and funding of pension plans and investigates complaints relating to a pension plan or pension fund.

Telephone: (441) 295-8672

Location: Wessex House, 45 Reid Street, Hamilton HM12

Further Information: [Click Here](#)

Website: www.gov.bm/department/pension-commission

8. Human Rights Commission

If you feel you have been harassed or discriminated against based on any of the protected grounds under the Human Rights Act, 1981 ('the Act') you can reach out to the Human Rights Commission with your complaint or query which can investigate your report of non-compliance.

Telephone (441) 295-5859

Email: humanrights@gov.bm

Location: Milner Place, 32 Victoria Street (ground floor).

Visit the Office: walk-ins between 8:45am-5pm Monday-Friday

Website: www.humanrights.bm

The complaint must fall within one or more of the protected categories covered by the Human Rights Act together with a ground. Complaints should be made within six months of the alleged incident(s).

9. Magistrates Court or the Supreme Court

You may be able to bring a civil claim in Magistrates' Court regarding your employment in [Small Claims Court](#) , but if your claim relates any matters under the Employment Act, the Court may request you to file a report with the Labour Relations Section instead.

10. Employee Assistance Program of Bermuda (EAP)

EAP provide counselling, consulting and support services for employees and organisations to enhance employee effectiveness and overall organisational productivity. Your company must be a member of EAP Bermuda.

Telephone: (441) 292-9000 (Confidential 24-hour phone line)

Email: info@eap.bm

Location: Washington Mall, 22 Church Street, 4th floor, Unit 410, Hamilton HM 11

Website: www.eap.bm

11. Department of Health

Responsible for to ensuring the health of all Bermuda residents. It provides employers with recommendations to assist employers in establishing workplace protocols to protect employee health and safety regarding COVID-19.

Telephone: (441) 278-4900

Location: Continental Building, #25 Church Street, Hamilton HM12

Website: <https://www.gov.bm/department/health-headquarters>

Coronavirus Hotline: (441) 444 2498

UNIONS

12. Bermuda Industrial Union

Organizes and negotiates on behalf of its members. Represents members are drawn from various industries, enterprises and occupations throughout the Island. Predominant among its members are "Blue Collar Workers".

Telephone: (441) 292-0044

Location: 29 Union Square, Hamilton HM12

Email: info@biu.bm

Website: www.biu.bm

13. Bermuda Public Service Union

Organizes and negotiates on behalf of its members who work in a variety of industries.

Telephone: (441) 292 6985

Location: 2 Angle Street, Hamilton HM10

Email: info@bpsu.bm

Website: www.bpsu.bm

14. Bermuda Entertainment Union

Mission is to promote, protect, prepare, and preserve entertainers, promoters, technicians and support staff as well as those who are legally authorized to visit and execute such duties in Bermuda. Membership includes, musicians, singers, dancers, promoters and event planners, audio & visual technicians, comedians, DJ's, magicians, actors, artist management and the like.

Telephone: (441) 338-8029

Location: 48 Par-la-Ville Road, Suite 121. Hamilton, Bermuda HM 11

Email: info@BermudaEntertainmentUnion.com

Website: <http://bermudaentertainmentunion.com/>

15. Electrical Supply Trade Union

The Electricity Supply Trade Union is a private union working on behalf of those employed by BELCO and Bermuda Gas.

Telephone: (441) 295-5690

Location: #27 Serpentine Road, Pembroke HM07

Email: media@estu.bm

Website: <http://estu.bm/>

16. Bermuda Union of Teachers

Organizes and negotiates on behalf of its teacher members.

Telephone: (441) 292-6515

Location: Seventy-Two Teachers Place, 72 Church Street, Hamilton HM12

Email: info@but.bm

Website: <https://www.but.bm/>

EMPLOYERS' RESOURCES

17. Bermuda Employers' Council

Provides guidance and useful information to all employees whether unionized or not on employee-management relations, employment issues and advocacy, safety and health, work permits, collective bargaining, employee handbooks, the Employment Act 2000, benefits and employment disputes.

Telephone: 441-295-5070

Location: 16 Wesley Street, Hamilton, HM 11

18. Bermuda Hotel Association / Hotel Employers of Bermuda

Provides guidance and information to hotel properties on labour relations, collective bargaining and advocacy.

Telephone: 295-2127

Location: "Carmel" 61 King Street, Hamilton HM19

Email: stodd@bdahotels.bm

Glossary

Belonger	A Belonger is a naturalised British Overseas Territories (BOT) citizen. The term "belonger" appears only in the Bermuda Constitution Order of 1968, and is defined as "A person shall be deemed to belong to Bermuda...".
Bullying	The habitual display of offensive behavior intended to harm, intimidate, humiliate or coerce a person or group of employees and includes, but not limited to, ostracizing, ridiculing, shouting at, threatening, and verbally abusing a person or group of employees.
Casual employee	A person who works from time to time for remuneration/compensation for one or more employers, but who does not seek the rights and obligations of a contract of employment.
Continuous employment	Also known as continuous service. The total length of time that an employee has been working for an employer, including any probationary period up to and including the date of termination.
Collective Bargaining Agreement (CBA)	Any agreement or arrangement made between (1) a trade union and employer or (2) a trade union and a trade union.
Constructive dismissal	When an employer's conduct is in serious breach of an employee's contract of employment and has created conditions so bad that the only option is for the employee to resign.
Contract of employment	Any contract, whether express or implied, whether oral or in writing and whether or not in compliance with the requirements of the Employment Act 2000, which provides for an employee to perform specified services for an employer.
Dress code	A written policy issued by an employer requiring his employees to dress in a particular manner for reasons of safety, hygiene or corporate image.
Discrimination	The unjust or prejudicial treatment of different categories of employees, especially on the grounds of race, religion, colour or sex.

Employment and Labour Code	The Employment Act 2000 and the Trade Union and Labour Relations (Consolidation) Act 2021
Gratuity	A payment for services rendered commonly collected by the employer and paid to the employee.
Grievance	A concern, problem or complaint that an employee raises with their employer.
Fixed-term contract	A contract that comes to an end at a fixed date or on the completion of a project for which a person was hired to work on.
Independent contractor	A person who is self-employed and provides services to clients. They operate differently to employees and are seen as owners and run their own business. Other known terms: contractor, service provider, consultant.
Irregular industrial action	Actions (other than a strike) connected to a labour dispute carried out by a group of workers with the intention of preventing or interfering with the production of goods or the provision of services and in the some cases is carried out in breach of their contracts of employment or breach of their terms and conditions of service.
Itemized pay statement	A record of pay that employers must provide to employees before or on the day of paying them. Otherwise known as a pay slip.
Mediation	A voluntary and confidential process where a mediator helps parties negotiate with each other to resolve workplace complaints.
Part-time employee	A person who is employed by an employer for less than 15 hours each week.
Probation period	A length of time used to assess if the employee is suitable for the job. Probation periods are often 3-6 months long. Other known term: probationary period.
Service charge	A service charge is a payment for a service or similar charge imposed by the employer upon a customer.

Statement of Employment	Otherwise known as a contract of employment, a statement of employment (SOE) is a legally binding document that puts the main terms of employment, including but not limited to, wages, working days and hours and paid leave in writing.
Statutory deductions	Deductions required by statute, or law. The law requires employers to withhold these deductions from employee paychecks.
Serious misconduct	Conduct of such a nature that it would be unreasonable to require the employer to continue the employment of the employee concerned. Examples include causing serious and imminent risk to the health and safety of another person or to the reputation of their employer's business, theft, fraud, assault, sexual harassment or refusing to carry out a lawful and reasonable instruction that is part of the job.
Severance allowance	A payment made when your position has been made redundant. You will receive 2 weeks' wages for every year worked up to 10 years and 3 weeks' wages for every year worked beyond 10 ten years (the maximum weeks' wages is 26).
Sexual harassment	Includes any one or more incidences listed in section 10B(1) of the Employment Act 2000 .
Student	Means a person who is, by virtue of section 1(3) of the Contributory Pensions Act 1970 (students employed in vacation etc), deemed not to be an employed person.
Strike	Stoppage of work by a group of workers in connection with a potential or existing labour dispute, whether they are parties to the dispute or not. For example, not going to work or refusing to perform work.
Temporary employee	A person who is employed for no more than three months in a year.
Tip	A payment voluntarily made to or left for an employee by a customer that a reasonable person would be likely to infer that the customer intended or assumed that the payment would be kept by the employee or shared by the employee with other employees.

Tip pool	A collection of employees' tips that is redistributed among some or all employees.
Unfair dismissal	Unfair dismissal is when an employer terminates an employee's employment without a valid reason.
Voluntary worker	A person who works on a voluntary basis usually for a charity or other philanthropic organization.
Wages	Also known as a salary, wages are all sums payable to an employee under his contract of employment or otherwise directly in connection with his employment, including any commission, but does not include (1) any tips or bonuses (2) any expenses or (3) the monetary value of any benefits in kind.
Week's wages	An employee's average weekly wages if their wages vary from week to week. (The average is calculated from the wages over a period of 12 weeks or for the time they have worked if it is less than 12 weeks.)
Work permit holder	Also known as a guest worker, or expatriate worker, is a person who holds a work permit granted by the Department of Immigration to legally work in Bermuda.

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Labour Relations Section
Ministry of Economy & Labour
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Hamilton HM12