



BELIZE

**WAGES COUNCILS ACT
CHAPTER 302**

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CHAPTER 302

WAGES COUNCILS

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CHAPTER 302

WAGES COUNCILS

CAP. 239,
R. E. 1980-1990.
21 of 1958.
5 of 1962.
S. I. 5 of 1959.
40 of 1963.

[28th February, 1959]

PART I

Preliminary

- 1. This Act may be cited as the Wages Councils Act.
- 2. In this Act, unless the context otherwise requires,

Short title.

Interpretation.

“Labour Commissioner” means the person for the time being in charge of the Labour Department;

“outworker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

“superannuation scheme” means any law, rules, deed or other instrument, providing for the payment of annuities or lump sums to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits;

“thrift scheme” means any arrangements for savings, for providing money for holidays or for other purposes, under which a worker is entitled to receive in cash sums equal to or greater than the aggregate of any sums deducted from his remuneration or paid by him for the purposes of the scheme;

“wages council” means a wages council established under this Act;

“worker” means any person who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour, except that it does not include any person who is employed casually and otherwise than for the purposes of the employer’s business.

PART II

Establishment, Powers, Functions etc., of Wages Council

Power of Minister
to establish wages
councils.
40 of 1963.

3. Subject to this Part, the Minister may by Order (hereinafter in this Act referred to as a “wages council order”) establish a wages council to perform, in relation to the workers described in the Order and their employers, the functions specified in this Act, in any case in which he is satisfied that no adequate machinery exists for the effective regulation of the remuneration of such workers, or that the existing machinery is likely to cease to exist or be adequate for that purpose, and that it is expedient that such a council be established.

Making of wages
council order.

4.—(1) Before making a wages council order, the Minister shall publish, in such manner as he thinks fit, notice of his intention to make the order, specifying a place where copies of a draft thereof may be obtained, and the time, which shall not be less than twenty-one days from the publication, within which any objection made with respect to the draft order must be sent to him.

(2) Every objection so made must be in writing and must state,

(a) the specific grounds of objection; and

(b) the omissions, additions or modifications asked for,

and the Minister shall consider any such objection, made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objection.

(3) The Minister, having considered all the objections which he is required to consider under subsection (2) of this section, may make an order in the terms of the draft or subject to such modifications as he may think fit.

(4) Where the Minister makes a wages council order, he shall publish it in such manner as he thinks fit, and the order shall come into operation on the date on which it is so published or on such later date as is specified therein.

5.—(1) The Minister may at any time by Order abolish, or vary the field of operation of, a wages council, and the provisions of section 4 shall apply in relation to any such Order as they apply in relation to wages council orders,

Variation and revocation of wages council order.

Provided that where the Order directs that a wages council shall cease to operate in relation to any workers and that another wages council shall operate in relation to them, but, except as aforesaid, does not affect the field of operation of any wages council,

(i) the provisions of section 4 of this Act shall not apply; but

(ii) when the Order is made, the Minister shall publish it in such manner as he thinks fit, and it shall come into operation on the date on which it is so published or on such later date as is specified therein.

(2) Where an Order of the Minister directs that a wages council shall cease to operate in relation to any workers and that another wages council shall operate in relation to them, the Order may provide that anything done by, or to give effect to any proposals made by, the first-mentioned wages council shall have effect in relation to those workers as if it had been

done by, or to give effect to proposals made by, the second-mentioned wages council and may make such further provisions as appears to the Minister to be expedient in connection with the transition.

(3) Where an Order of the Minister under this section directs that a wages council shall be abolished or shall cease to operate in relation to any workers, then, save as is otherwise provided by the Order, anything done by, or to give effect to proposals made by the wages council shall except as respects things previously done or omitted to be done, cease to have effect or, as the case may be, cease to have effect in relation to the workers in relation to whom the wages council ceases to operate.

General provisions
as to wages coun-
cils. Schedule.

6.—(1) The Schedule shall have effect with respect to the constitution, officers and proceedings of wages councils.

(2) A wages council shall consider, as occasion requires, any matter referred to it by the Minister with reference to the industrial conditions prevailing as respects the workers and employers in relation to whom it operates, and shall make a report upon the matter to the Minister, and a wages council may, if it thinks it expedient to do so, make of its own motion a recommendation to the Minister with reference to the said conditions and, where such a recommendation is so made, the Minister shall forthwith take it into consideration.

Power to fix remu-
neration and holi-
days.

7.—(1) Subject to and in accordance with this section, any wages council shall have power to submit to the Minister proposals (hereinafter in this Act referred to as “wages regulation proposals”),

- (a) for fixing the remuneration to be paid, either generally or for any particular work, by their employers to all or any of the workers in relation to whom the council operates;
- (b) for requiring all or any such workers as aforesaid to be allowed holidays by their employers.

(2) The power to submit proposals for fixing remuneration shall include power to submit proposals for fixing holiday remuneration.

(3) Wages regulation proposals for requiring a worker to be allowed a holiday,

- (a) shall not be made unless both holiday remuneration in respect of the period of the holiday and remuneration other than holiday remuneration have been or are being fixed under this Part for that worker;
- (b) shall provide for the duration of the holiday being related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday; and
- (c) subject as aforesaid, may make provision as to the times at which or the periods within which and the circumstances in which the holiday shall be allowed.

(4) Wages regulation proposals for fixing holiday remuneration may contain provisions as to the times at which that remuneration shall accrue and shall become payable and for securing that any such remuneration which has accrued due to a worker during his employment by an employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

(5) Before submitting any wages regulation proposals to the Minister, a wages council shall make such investigations as it thinks fit, and shall publish in such manner as shall be prescribed by regulations made by the Minister under this Act notice of the proposals, stating the place where copies of the proposals may be obtained and the period, which shall not be less than twenty-one days from the date of the publication of the notice, within which written representations with respect to the proposals may be sent to the council; and the council shall consider any written representations made to it within that period and shall make such further inquiries as it considers necessary, and shall submit the proposals together with its reasons therefor to the Minister either without amendment or with such amendments as it thinks fit having regard to the representations.

5 of 1962.

5 of 1962.

(6) Where the Minister receives any wages regulation proposals, he shall consider the proposals and may make an Order (hereinafter in this Act referred to as a “wages regulation order”) giving effect to the proposals without amendment or with such amendments as he thinks fit or giving effect to such other proposals as in his opinion ought to have been submitted by the council, and any such Order shall take effect as from the date specified in the Order,

Provided that the Minister may, if he thinks fit, refer the proposals submitted back to the wages council and the wages council shall thereupon reconsider them having regard to any observations made by the Minister and then resubmit the proposals to the Minister either without amendment or with such amendments as it thinks fit having regard to those observations; and where proposals are so resubmitted the provisions in this subsection contained shall apply to the proposals resubmitted in like manner as they apply to the original proposals.

(7) As soon as the Minister has made a wages regulation order, he shall give notice of the making thereof to the wages council and that wages council shall give such notice of the Order and the contents thereof as may be prescribed for the purpose of informing so far as practicable, all persons who will be thereby affected.

(8) Any wages regulation proposals and any wages regulation order for giving effect thereto may make different provision for different cases, and may also contain provision for the amendment or revocation of previous wages regulation orders.

(9) No wages regulation order shall have effect so as to prejudice any rights as to remuneration or holidays conferred on any worker by or under any enactment other than this Act.

(10) Remuneration (including holiday remuneration) fixed by a wages regulation order is hereinafter in this Act referred to as “statutory minimum remuneration”.

8.-(1) Where a contract between a worker to whom a wages regulation order applies and his employer provides for the payment of less remuneration than the statutory minimum remuneration, it shall have effect as if for that less remuneration there were substituted the statutory minimum remuneration, and if any such contract provides for the payment of any holiday remuneration at times or subject to conditions other than those specified in the Order, it shall have effect as if for those times or conditions there were substituted the times or conditions specified in the Order.

(2) Where an employer fails to pay to a worker to whom a wages regulation order applies remuneration not less than the statutory minimum remuneration, or fails to pay to any such workers holiday remuneration at the times and subject to the conditions specified in the Order or fails to allow to any such worker the holidays fixed by the Order, he commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty dollars for each offence.

(3) Where the employer or any other person charged as the person to whose act or default the offence was due has been found guilty of an offence under this section consisting of a failure to pay remuneration not less than the statutory minimum remuneration, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid to the worker by way of remuneration, if this Part had been complied with, and the amount actually so paid.

(4) On the prosecution of any person for failing to pay remuneration not less than the statutory minimum remuneration, it shall lie on that person to prove that he has not paid remuneration less than the statutory minimum remuneration.

(5) Where proceedings are brought under this section in respect of an offence consisting of a failure to pay remuneration not less than the statutory minimum remuneration, then, if notice of intention to do so has been served with the summons, warrant or complaint,

(a) evidence may, on the employer or any other person charged as a person to whose act or default the offence

was due having been found guilty of the offence, be given of any like contravention on the part of the employer in respect of any period during the two years immediately preceding the date of the offence; and

- (b) on proof of the failure, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid during that period to the worker by way of remuneration, if this Part had been complied with, and the amount actually so paid.

(6) The power given by this section for the recovery of sums due from an employer to a worker shall not be in derogation of any right to recover such sums by civil proceedings.

9.-(1) Whereas respects any worker employed or desiring to be employed in such circumstances that a wages regulation order applies or will apply to him, the Labour Commissioner is satisfied on application being made to him for a permit under this section either by the worker or the employer or a prospective employer, that the worker is affected by infirmity or physical incapacity which renders him incapable of earning the statutory minimum remuneration, he may, if he thinks fit, grant, subject to such conditions, if any, as he may determine, a permit authorising the employment of the worker at less than the statutory minimum remuneration, and while the permit is in force the remuneration authorised to be paid to the worker by the permit shall, if those conditions are complied with, be deemed to be the statutory minimum remuneration.

(2) Where an employer employs any worker in reliance on any document purporting to be a permit granted under subsection (1) authorising the employment of that worker at less than the statutory minimum remuneration, then, if the employer has notified the Labour Commissioner that, relying on that document, he is employing or proposing to employ that worker at a specified remuneration, the document shall, notwithstanding that it is not or is no longer a valid permit relating to that worker, be deemed, subject to the terms thereof and as respects only any period after the notification, to be such a permit until notice to the contrary is received by the employer from the Labour Commissioner.

Permits to infirm and incapacitated persons.

10.—(1) Subject to this section, any reference in this Part to remuneration shall be construed as a reference to the amount obtained or to be obtained in cash by the worker from his employer after allowing for the worker's necessary expenditure, if any, in connection with his employment, and clear of all deductions in respect of any matter whatever, except any deductions lawfully made,

Computation of remuneration.

- (a) in accordance with the Labour Act, Cap. 297; or
- (b) at the request of the worker, either for the purposes of a superannuation scheme, or a thrift scheme, or for any purpose in the carrying out of which the employer has no beneficial financial interest either directly or indirectly.

5 of 1962.

(2) Notwithstanding anything in subsection (1) of this section, wages regulation proposals and wages regulation orders may contain provisions authorising specified benefits or advantages being benefits or advantages provided, in pursuance of the terms and conditions of the employment of workers, by the employer or by some other person under arrangements with the employer and not being benefits or advantages the provision of which is illegal, by virtue of the Labour Act, Cap. 297, or by any other enactment, to be reckoned as payment of wages by the employer in lieu of payment in cash, and defining the value at which any such benefits or advantages are to be reckoned.

5 of 1962.

(3) Where any payment is made by a worker in respect of any benefit or advantage provided as mentioned in subsection (2) of this section, then,

- (a) if the benefit or advantage is authorised by virtue of subsection (2) of this section to be reckoned as payment of wages by the employer *in lieu* of payment in cash, the amount of the payment shall be deducted from the defined value for the purposes of reckoning the benefit or advantage;
- (b) if the benefit or advantage is authorised by virtue of subsection (2) of this section to be reckoned as payment

of wages by the employer *in lieu* of payment in cash, any excess of the amount of the payment over the defined value shall be treated for the purposes of subsection (1) of this section as if it had been a deduction not being one of the excepted deductions therein mentioned;

- (c) if the benefit or advantage is specified in a wages regulation order as one which has been taken into account in fixing the statutory minimum remuneration, the whole of the payment shall be treated for the purposes of subsection (1) of this section as if it had been a deduction not being one of the excepted deductions therein mentioned.

5 of 1962.

(4) Nothing in this section shall be construed as authorising the making of any deduction, or the giving of remuneration in any manner, which is illegal by virtue of the Labour Act, Cap. 297, or of any other enactment.

PART III

Miscellaneous

Records and notices.

11.—(1) The employer of any workers to whom a wages regulation order applies shall keep such records as are necessary to show whether or not the provisions of this Part are being complied with as respects them, and the records shall be retained by the employer for six years.

(2) The employer of any workers shall post in the prescribed manner such notice as may be prescribed for the purpose of informing them of any wages regulation proposals or wages regulation order affecting them, and, if it is so prescribed, shall give notice in any other prescribed manner to those workers of those matters and of such other matters, if any, as may be prescribed.

(3) An employer who fails to comply with any of the requirements of this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

12.--(1) Where the immediate employer of any worker is himself in the employment of some other person and that worker is employed on the premises of that other person, that other person shall for the purposes of this Part be deemed to be the employer of that worker jointly with the immediate employer.

Criminal liability of agent and superior employer, and special defence open to employer.

(2) Where an employer is charged with an offence under this Part, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention to have any other person to whose act or default he alleges that the offence in question was duly brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and if the employer further proves that he has used all due diligence to secure that this Part and any relevant regulation or order made thereunder are complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of the provisions of subsection (2) of this section, then,

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives evidence and any witnesses called by him in support of his pleas and to call rebutting evidence;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(4) Where it appears to an officer acting for the purposes of this Part that an offence has been committed in respect of which proceedings might be taken under this Part against an employer, and the officer is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the employer could establish a defence under subsection (2) of this section, the officer may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer.

(5) In any such proceedings, the defendant may be charged with, and on proof that the offence was due to his act or default, be convicted of, the offence with which the employer might have been charged.

Officers.

13.—(1) The Labour Commissioner and such other officers as the Minister may appoint shall act for the purposes of this Part.

(2) Every officer acting for the purposes of this Part shall be furnished by the Public Services Commission with a certificate of his appointment or authority so to act, and when acting under this Part shall, if so required by any person affected, produce the certificate to him.

(3) An officer acting for the purposes of this Part shall have power for the performance of his duties,

- (a) to require the production of wages sheets or other records of wages kept by an employer, and records of payments made to outworkers by persons giving out work, and any other such records as are required by this Part to be kept by employers, and to inspect and examine those sheets or records and copy any material part thereof;
- (b) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments to be made for the work;
- (c) at all reasonable times to enter any premises at which any employer to whom a wages regulation order applies carries on his business (including any place used in connection with that business for giving out work to outworkers and any premises which the officer has reasonable cause to believe to be used by or by arrangement with the employer to provide living accommodation for workers);

- (d) to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers;
- (e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Part, any person whom he has reasonable cause to believe to be or to have been a worker to whom a wages regulation order applies or applied or the employer of any such person or a servant or agent of the employer employed in the employer's business and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined,

Provided that no person shall be required under paragraph (e) of this subsection to give any information tending to criminate himself.

(4) An officer acting for the purposes of this Part may institute proceedings for any offence under this Part and may, although not an attorney-at-law, conduct any such proceedings.

(5) An officer acting for the purposes of this Part who is authorised in that behalf by general or special directions of the Minister or the Public Services Commission may, if it appears to him that a sum is due from an employer to a worker on account of the payment to him of remuneration less than the statutory minimum remuneration, institute on behalf of and in the name of that worker civil proceedings for the recovery of that sum and in any such proceedings the court may make an order for the payment of costs by the officer as if he were a party to the proceedings.

The power given by this subsection for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

(6) Any person who obstructs an officer acting for the purposes of this Part in the exercise of any power conferred by this section, or refuses to comply with any requirement of such an officer made in the exercise of

any such power commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

14. Any person who,

Penalty for false entries in records, producing false records or giving false information.

- (a) makes or causes to be made or knowingly allows to be made any entry in a record required by this Part to be kept by employers, which he knows to be false in a material particular; or
- (b) for purposes connected with this Part, produces or furnishes, or causes or knowingly allows to be produced or furnished, any wages sheet, record, list or information which he knows to be false in a material particular,

commits an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months, or to both such fine and term of imprisonment.

Regulations.

15. The Minister may make regulations for prescribing anything which by this Act is required or authorised to be prescribed.

Expenses.

16. There shall be paid out of the Consolidated Revenue Fund any expenses incurred by wages councils, commissions of inquiry, or officers in carrying into effect this Act.

SCHEDULE

WAGES COUNCILS ACT
Constitution, Officers and
Proceedings of Wages Councils
[Section 6 (1)]

1. A wages council shall consist of persons appointed by the Minister, being,

- (a) not more than three persons chosen by the Minister as being independent persons;
- (b) such number as the Minister thinks fit of persons who, in his opinion, represent employers in relation to whom the wages council or, as the case may be, the wages councils in question, is or are to operate;
- (c) such number as the Minister thinks fit of persons who, in his opinion, represent workers in relation to whom the wages council or, as the case may be, the wages councils in question, is or are to operate,

Provided that where a trade union represents a substantial proportion of such workers, the trade union shall be represented on the wages council or wages councils in question.

2. Of the persons appointed under subparagraph (a) of paragraph 1 of this Schedule, one shall be appointed by the Minister to act as Chairman, and another may be appointed by the Minister to act as Deputy-Chairman in the absence of the Chairman.

3. Before appointing a person under subparagraph (b) or subparagraph (c) of the said paragraph 1, the Minister shall consult any organisations appearing to him to represent employers or, as the case may be, workers, concerned and the persons appointed under those subparagraphs shall be equal in number.

4. The Minister may appoint a secretary and such officers as he thinks fit of a wages council.
5. The proceedings of a wages council shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.
6. A wages council may, if it thinks fit, delegate any of its powers under this Act (except the powers to submit wages regulation proposals) to a committee consisting of such number of persons, being members of the wages council, as the wages council thinks fit,

Provided that the members of the committee representing employers and the members of the committee representing workers shall be equal in number.
7. The Minister may make regulations as to the meetings and procedure of a wages council and of any committee thereof, including regulations as to the quorum and the methods of voting, but, subject to this Act and to any regulations so made, a wages council and any committee thereof may regulate the procedure in such manner as it thinks fit.
8. The term for which a member of a wages council is to hold office shall be such as may be determined by the Minister at the time of his appointment, and the conditions subject to which he is to hold office shall be such as may be prescribed.
9. There shall be paid out of the Consolidated Revenue Fund to the members of a wages council appointed under paragraph 1 of this Schedule, such travelling and other allowances (including compensation for loss of working time) as may be approved by the Minister.