



Ministry of Labour, Local Government and Rural Development

Corner 29 Raccoon Avenue & 6129 Brown Street, Mountain View Area, Belmopan City, Belize.

Telephone: 501-828-5156/802-2663; Fax: 501-802-0157

ceosecretary@labour.gov.bz or ministersecretary@labour.gov.bz

FREQUENTLY ASKED QUESTIONS RE COVID-19 LABOUR / EMPLOYMENT SITUATIONS

1. *Can an employee self-quarantine?*

Response: The Ministry of Health has advised that persons who suspect that they have been exposed to the Coronavirus should immediately contact the Ministry of Health or its agencies. Only the Ministry of Health has the competent authority to advise on matters of quarantine.

Ministry of Health: 0800-MOH-CARE/MOH Facebook: <https://www.facebook.com/Belizehealth/>

2. *What should an employer and/or employee do if they feel sick?*

The employee should make sure that he or she discusses the matter immediately with his or her employer. It should be made clear that the employee should seek medical advice from his or her physician. Once the employee is not certified sick and fit to work, but is still concerned about their feelings, then both the employer and employee should discuss work arrangements. Any decision reached should factor the following:

- If the employee will work from home - for how long and what arrangements will be in place for work?
- Will the employee remain at work in an isolated space with limited interaction and for how long?

3. *Can an employee self-quarantine for more than fourteen days?*

Response: Did the employee's physician certify the employee to be sick and (i) advise self-isolation and (ii) approve sick leave? If yes, it is very likely that the employee's physician would have recommended the employee to visit again for another medical consultation and examination. It is the employee's physician and/or the Ministry of Health who will determine if further self-quarantine and additional sick leave are required.

Employers and employees should be guided by Section 131 of the Labour Act, which addresses the issue of sick leave.

4. *Can an employer send home an employee if the employee appears to be ill? (please refer to #2 and #3)*

Response: If an employee appears to be unwell or ill, that employee should inform his or her employer of the health situation and also seek medical advice and/or medical attention immediately and report the matter to Ministry of Health.

5. *Will an employee get paid if the employer decides to close down the business and cease all operations?*

Response:

- (i) Once the employer's business remains in operation and the employee's contract, oral or written, is still in force, the employee must be paid in accordance with the Labour Act and the terms and conditions of his or her employment contract. Refer to Section 32 of the Labour Act
- (ii) Once an employer makes the decision to cease all operations, the employer should ensure full compliance with Section 45 of the Labour Act. Note: Section 45 (3) of the Labour Act mandates employers to inform the recognized Trade Union or if none exists, the workers' representative, and in any case the Labour Commissioner of closure of business no later than a month in advance as it relates to termination of employees or redundancy.

6. *Where the business has ceased operations, should employees be paid for work done leading up to their termination or redundancy?*

Response: At all times and without any exceptions, employees should be paid for past work performed. This is with reference to Section 96 (2) of the Labour Act, which addresses payment of wages.

7. *Should employees be given notice if their working hours or work days are to be reduced?*

Response: If the terms and conditions of work are to be changed, the employer has a responsibility to first discuss these changes before they are made effective with the employees, Trade Unions or Employees' Representative – in accordance with the Labour Act and any existing Collective Bargaining Agreement or HR Policy.

Also, employers need to be guided on the matter by Section 37 of the Labour Act - Notice Period For Voluntary Termination of Contract.

8. *Should employees be given notice for redundancy?*

Response: If the employer has decided on a redundancy strategy, they have a responsibility to give notice to their employees. Section 45 of the Labour Act sets out the mandatory requirements. Specifically, Section 45(3) of the Labour Act clearly sets out the process that is to be followed by the employer.

9. *What benefits are employees to receive for termination?*

Response: Termination benefits should be paid in accordance with the Labour Act and include adequate Notice Pay, Vacation Pay, Wages, and Severance Pay. These benefits vary depending on the period of employment.

- *Section 37 of the Labour Act refers to Notice period of terminate*
- *Section 128 of the Labour Act refers to Payment for Holiday (Vacation Leave)*
- *Section 96 of the Labour Act refers to Payment of wages*
- *Section 183 of the Labour Act refers to Severance Pay*

10. *Can employer's layoff their workers?*

Response: All employers should plan for business and operational risks and make provisions for them - in the context of contingency planning and business continuity. An employer may decide to re-organize its businesses, which is its prerogative. However, the provisions outlined in

Section 45 of the Labour Act must be followed. *Also, please note:* that once the employee contract, oral or written, is in force, the employer is obligated to pay salary and benefits in accordance with the terms and conditions of the existing employment contract.

11. *Can employees use their vacation leave to take care of sick family members?*

Response: Once the employee has accrued vacation, such vacation may be granted as per Section 127 of the Labour Act.

12. *If time off is voluntary given by an employer is the employer obligated to pay?*

Response: For any time-off that is to be given voluntarily by the employer, both the employer and the employee should be very clear about the arrangement and ensure that the agreed arrangement is documented. If the employer decides to voluntarily give time-off to his or her employees, whatever is agreed upon between the employer and employees should be in adherence with the Labour Act.

13. *If the Government of Belize had made an Order or a Proclamation to close down businesses, who will be responsible to pay employees?*

Response: If the Government of Belize makes an Order or a Proclamation for the closure of businesses and/or institutions, employers should be guided by the information provided in the Order/Proclamation.

14. *What are the obligations if employers decide to close their businesses and cease operations?*

Response: Once employers make the decision to close their businesses and cease operations, Section 45 of the Labour Act applies. *Please note:* it is a mandatory requirement for employers to inform the recognized Trade Union or if none exists, the workers' representative and in any case the Labour Commissioner of such a decision.

15. *What are employer's obligations to their employees if they ask staff to work from home?*

Response: Firstly, it would require an agreement between employers and employees to work from home, and the terms and conditions of such an arrangement should be compliant with the Labour Act.

16. *Are employers required to inform the Labour Department that they plan to close their businesses and cease operations?*

Response: Please note that Section 45 (3) of the Labour Act makes it mandatory for employers to inform the recognized Trade Union or if none exists, the workers' representative, and in any case the Labour Commissioner of closure of business and provide notice.

17. *What are the employee's benefits if they are terminated?*

Response: Termination benefits may include adequate Notice Pay, Vacation Pay, Wages, and Severance Pay.

- *Section 37 of the Labour Act speaks about Notice period of terminate*
- *Section 128 of the Labour Act speaks about Payment for Holiday (Vacation Leave)*
- *Section 96 of the Labour Act speaks about Payment of wages*

- ***Section 183 of the Labour Act speaks about Severance Pay.***

18. *Can employees bring their children to work?*

Response: Under normal circumstances it is expected that employees receive permission or approval from their employers before deciding to take their children to work. Under the current circumstances, it is in the interest of everyone not to expose themselves or their children to any health risks that may also be present at the workplace.

19. *How should commissions be paid to sales staff who have been sent home for a temporary period due to a reduction in business activities?*

Response: In accordance to Section 100 (e) of the Labour Act, commission on sales shall be paid not less than once a month and in keeping with the terms and conditions that both employers and employees would have agreed to. Also, if the employee's contract is still in force while he or she has been sent home for a temporary period by his or her employer, the employee is still entitled to be paid for his or her services under the terms and conditions of the existing employment contract.

20. *Who will pay the wages for support staff in schools since these institutions will close on Friday, March 20th, 2020?*

Response: It is also recommended that these employees consult their School Boards and Management Authorities to review their employment arrangements.

21. *Should employers provide Personal Protective Equipment to their employees?*

Response: Belize being a member of the International Labour Organization and having signed on to Convention 155 in reference to Occupational Safety and Health, it is a requirement for employers provide adequate protective clothing and protective equipment to prevent risks of accidents or of adverse effects on health and these measures should not be at the cost of workers.

Prepared by the Labour Department
March 30th, 2020