

A BILL

entitled

EMPLOYMENT AMENDMENT ACT 2025

WHEREAS it is expedient to amend the Employment Act 2000;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Employment Act 2000 ("the principal Act"), may be cited as the Employment Amendment Act 2025.

Amends section 3

2 In section 3 of the principal Act—

(a) insert the following definition in its correct alphabetical position—

“other gratuities” has the meaning given in section 10C;”;

(b) delete the definition of “a week's wages” and substitute—

“a week's wages” in relation to an employee whose wages vary from week to week, shall be calculated by taking—

(a) the average wages not including any other gratuities earned by him over the previous twelve weeks; or

(b) in any case where he has worked for less than twelve weeks, the average wages not including any other gratuities earned by him over the time that he has worked;”.

Retrospective application

3 (1) This Act shall be deemed to have come into operation on 1 March 2024.

(2) Any calculation made during the relevant period by an employer for the purposes of the principal Act in accordance with the definition of a “week's wages”, as clarified by section 2 of this Act, shall be deemed to have been validly made.

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(3) Any payment of other gratuities by an employer to an employee during the relevant period shall not constitute an overpayment of wages to which an employer is entitled to be reimbursed; and no employee to whom this subsection applies shall be required to return to his employer any other gratuities so received.

(4) In this section—

- (a) the “relevant period” means the period beginning on 1 March 2024 and ending immediately before this Act receives Assent;
- (b) “employer”, “employee”, “other gratuities” and “wages” have the meanings respectively given in the principal Act.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the definition in section 3 of the principal Act, with retrospective effect, to clarify certain expressions. The amendment addresses doubts that had arisen as to the interpretation of “a week’s wages” in the Employment Act 2000 (“the principal Act”) when calculating an employee’s time-off entitlement under that Act.

Clause 1 is self-explanatory.

Clause 2 amends section 3 of the principal Act to expressly provide that other gratuities are excluded from the definition of “a week’s wages” for the purposes of calculating an employee’s time-off entitlement.

Clause 3 enables the Bill to apply retrospectively and provides that any payment of other gratuities which took place during the period commencing 1 March 2024 (when the principal Act was amended to provide for the protection of other gratuities) until this Bill receives assent shall not constitute an overpayment of wages to which an employer is entitled to be reimbursed and no employee shall be required to return any other gratuities so received.