



BERMUDA

EMPLOYMENT (MINIMUM HOURLY WAGE) ORDER 2023

BR 21 / 2023

The Minister responsible for labour, in exercise of the power conferred by section 11 of the Employment (Wage Commission) Act 2019, makes the following Order:

Citation

- 1 This Order may be cited as the Employment (Minimum Hourly Wage) Order 2023.

Interpretation

- 2 In this Order—
 - “Act” means the Employment (Wage Commission) Act 2019;
 - “employee” has the meaning given in section 3 of the Act;
 - “minimum hourly wage” has the meaning given in section 2 of the Act;
 - “pay reference period” has the meaning given in section 2 of the Act;
 - “personal care employee” means a person who provides routine personal care and assistance with activities of daily living to persons who are in need of such care due to effects of ageing, illness, injury, or other physical or mental condition in private homes and other independent residential settings.

Minimum hourly wage for pay reference period commencing on 1 June 2023

- 3 (1) Subject to paragraph 4, the minimum hourly wage to apply to an employee is \$16.40.

EMPLOYMENT (MINIMUM HOURLY WAGE) ORDER 2023

(2) The minimum hourly wage referred to in subparagraph (1) shall apply during the pay reference period that shall commence on 1 June 2023 and shall remain in effect until such date as the Minister may determine by notice published in the Gazette.

Composition of minimum hourly wage for employees receiving gratuities and service charges and personal care employees

4 (1) An employee receiving payment in the form of gratuities and service charges and a personal care employee shall be paid a minimum hourly wage of \$16.40 as provided in paragraph 3(1), which shall be calculated to include—

- (a) a basic wage determined by the employer; and
- (b) gratuities, service charges or commissions, or a combination of gratuities, service charges and commissions paid to the employee by customers or received by the employer for services provided by the employee.

(2) Where at any time the composition of the minimum hourly wage as provided in subparagraph (1) does not amount to the minimum hourly wage of \$16.40, the employer shall pay the employee the difference in amount.

(3) The minimum hourly wage referred to in subparagraph (1) shall not be calculated to include any tips voluntarily given to an employee.

Commencement

5 This Order shall come into operation on 1 June 2023.

Made this 23rd day of March 2023

Minister of Economy and Labour

[Operative Date: 01 June 2023]