



**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 service employee” means an employee referred to in the Bermuda Standard Classification of Occupations under the occupational title of—

(a) barber or hairdresser, code number 5161; or

(b) beautician, code number 5162.

*[Paragraph 2 definition “personal care employee” deleted and “personal service employee” inserted by BR 52 / 2023 para. 2 effective 31 May 2023]*

**Minimum hourly wage applicable to pay reference period**

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

## **EMPLOYMENT (MINIMUM HOURLY WAGE) ORDER 2023**

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(2) The minimum hourly wage referred to in subparagraph (1) shall apply to a pay reference period—

- (a) that shall not exceed a month; or
- (b) that is shorter than a month in the case of an employee who is paid wages by reference to a period shorter than a month.

*[Paragraph 3 heading deleted and substituted, and subparagraph (2) revoked and substituted by BR 52 / 2023 para. 3 effective 31 May 2023]*

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

4 (1) An employee receiving payment in the form of gratuities and service charges and a personal service 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.

*[Paragraph 4 heading and subparagraph (1) amended by BR 52 / 2023 para. 4 effective 31 May 2023]*

### **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]

**EMPLOYMENT (MINIMUM HOURLY WAGE) ORDER 2023**

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*[Amended by:*

BR 52 / 2023]