

This does not apply to employees in the hospitality or seasonal industry who work on a seasonal basis.

Notice to be given by the Employer to the Employee (Section 153)

- (a) Not less than 1 week - if the employee has worked continuously over 12 weeks but less than 2 years.
- (b) Not less than 2 weeks - if the employee has worked continuously over 2 years but less than 5 years.
- (c) Not less than 4 weeks - if the employee has worked continuously over 5 years but less than 10 years.
- (d) Not less than 6 weeks - if the employee has worked continuously over 10 years.

Notice to be given the Employee to the Employer (Section 153)

- (a) not less than 1 week - if the employee has worked continuously over 12 weeks but less than 5 years.
- (b) not less than 2 weeks - if the employee worked continuously over 5 years

Both employer and employee can agree to longer periods of notice.

Termination of Employment
Certificate of Termination (Section 156)

An employer shall provide a dismissed employee with a certificate of Termination if the employee requests one.

Duration of Working Weeks (Sections 164 & 165)

- For the purpose of calculating an employee's period of employment any week in which that employee works at least 24 hours shall be counted.
- Seasonal employees in the hospitality industry, working at least 26 weeks in a year shall be deemed to have been employed for that year.

Trade Unions and Employers' Organizations
Rights of Association (Sections 326 & 329)

Every employee has the right to be a member of a trade union, to hold office or take part in any lawful trade union activity.

Every employer has the right to be a member of an employer's organization, to hold office or take part in any lawful activity of the organization.

The role of the Department of Labour is to ensure that employers and employees comply with all Labour Laws. In this way the Department aims to promote and encourage good relations among workers, employers and their unions, so that the workplace becomes more conducive to work and St. Lucia becomes more attractive to investors.

We therefore invite you to call or visit our offices for information with the hope that our assistance will meet your satisfaction.

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Department of Labour

A Short Guide on the Labour Law

INTRODUCTION

This leaflet is produced by the Department of Labour to provide a simple explanation to some of the frequently used sections of the Labour Act. However, still feel free to call the Department at the telephone numbers listed on the back page for further clarification on these or any other sections of the Labour Act.



Fundamental Principles of Employment (Sections 6 & 7)

- Forced labour is illegal
- It is illegal to discriminate against an employee on the following grounds

Race	Colour	Sex
Religion	National Extraction	Disability
Social Origin	Political affiliation	Pregnancy
Age	Ethnic Origin	Marital Status
HIV/Aids	Serious Family Responsibility	Trade Union Membership

- An employer shall not penalize an employee for joining a trade union or seeking his or her rights under the Law.

Contracts of Employment (Section 14)

An employer has one (1) month to provide an employee with a written contract if that employee does not have, and requests one in writing.

Hours of Work (Sections 27, 28, & 29)

- The maximum working hours are eight (8) for a day or forty (40) for a week.
- An employer and employee may agree for flexible working hours as long as those hours do not exceed forty (40) in any week.
- An employee must receive a day off during every week.

Split Shifts (Section 30)

An employer and employee may agree for that employee to work split shifts spanning 16 hours in a day; but not for more than three (3) consecutive days within a seven (7) day period.

Meal Intervals (Section 31)

No employee shall work for more than five (5) continuous hours without a meal interval of not less than one (1) hour.
No employee shall be required to work during the meal break without his/her consent.

Overtime (Section 32)

- Overtime is work done beyond an employee's daily or weekly working hours.
- Overtime must be calculated at a rate of 1 ½ times the daily rate, but twice the rate when work is done on Sundays, Public holidays or on an employee's day off.

Pay for Public Holidays (Section 34)

An employee who is paid by the day must receive pay for a public holiday provided that this employee worked on the working day before and the working day after that public holiday. This still applies if any of these two days is the employee's day off.

Deductions for Fines (Section 51)

It is illegal to make deductions from employees' wages because of bad or negligent work or damage to the employers' materials or property.

This may only be authorized by the Labour Commissioner upon request by the employer.

Sick Leave (Sections 90 & 91)

- Employees become eligible to receive sick leave pay after not less than 6 months of employment.
- Employees shall receive sick leave pay without a medical certificate if the sick leave does not exceed two (2) days and the total sick leave (uncertified) for the year has not exceeded twelve (12) days.

Vacation Leave (Section 97)

An employee becomes entitled to vacation leave after one (1) year of employment. A year of employment is equivalent to at least one hundred and fifty (150) days worked, within a twelve month period for hourly or daily paid employees or at least 200 days worked in a twelve month period for weekly, fortnightly or monthly paid employees.

Saturdays, Sundays or public holidays shall not be counted in an employee's vacation leave.

If an employee who has worked for more than 3 months but less than 1 year is dismissed or resigns he/she is still entitled to be paid a portion of vacation leave.

Valid Reason for Dismissal (Section 129)

An employer shall only dismiss an employee if there is a valid reason and such dismissal must be in accordance with the Labour Act.

Termination of Employment Constructive Dismissal (Section 132)

An employee may terminate his/her employment with little or no notice on the grounds that the employer's conduct has made it unreasonable to expect that employee to continue working.

Under such conditions the employee shall be deemed to have been unfairly dismissed and shall be entitled to compensation.

Termination for Misconduct (Sections 134, 135 & 142)

An employer has the right to dismiss an employee because of that employee's serious misconduct. Otherwise the employer may choose to give the employee a written warning or suspension instead of dismissing him/her.

Termination of Employment for Unsatisfactory Performance (Section 136)

If an employee is not performing in a satisfactory manner, the employer shall give him/her three (3) written warnings and instructions to correct his/her performance.

If the employee fails to improve during the following one (1) month period after the 3rd warning, the employer may dismiss that employee.

Natural Justice Hearing (Section 140)

Before dismissing an employee for misconduct the employer must invite the employee (in writing) to a hearing so that the employee is presented an opportunity to defend him/herself. The invitation must state the charges against the employee and his/her right to bring along a representative to the hearing.

Redundancy (Sections 145 & 162)

An employee, who has worked for at least 104 weeks continuously, must be paid a redundancy pay if he/she is dismissed for the following reasons:

- The organization has closed down - re-organized, been sold, reduced operation or restructured
- Redundancy pay is calculated as follows:
Year 1 – 3 1 weeks pay per year
Year 4 – 7 2 weeks pay for these next 4 years
Year 8 and over 3 weeks pay for these additional years

For employees paid more than \$350.00 per week, the employer reserves the option of paying at that level or paying at the \$350.00.

If the employer chooses to re-employ the affected employee not later than 4 weeks after the redundancy, under similar terms and conditions, the employee would not be entitled to redundancy pay.

Lay-offs (Section 148)

An employee who has been laid off for at least twelve (12) continuous weeks shall be deemed to be terminated due to redundancy.