



GOVERNMENT OF THE BAHAMAS

2025 LABOUR LEGISLATION REFORM

PROPOSED RECOMMENDATIONS
FOR LABOUR LEGISLATIVE REFORM

OCTOBER 7, 2025

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INTRODUCTION

The Government of the Commonwealth of The Bahamas is committed to fostering an equitable, dynamic, and sustainable labour environment that meets the evolving needs of our society. In light of ongoing global advancements and the shifting landscape of work, it has become imperative to modernize our labour laws to align with international best practices and reflect the realities faced by Bahamians today.

Recognizing this pressing need, a comprehensive process of Labour Legislation Reform was initiated in 2022. This process began with an in-depth review of all existing legislation governing employment and industrial relations within The Bahamas. Parallel to this, our legislative review team conducted a rigorous analysis of regional and international policy frameworks to ensure The Bahamas remains competitive and just within the global community.

Central to the reform process has been meaningful engagement with a broad spectrum of stakeholders. Throughout the past two years, the Government convened a symposium, a dedicated stakeholder meeting, and a focused group discussion. These events brought together representatives from the public sector, private sector, trade unions, various interest groups, and civil society. Their collective insights and perspectives have been invaluable in shaping the proposed amendments.

The culmination of these efforts is a streamlined list of recommendations for changes to the Employment and Industrial Relations Act. At this pivotal stage, the Government invites all members of the public to review these proposed reforms and share their perspectives. Your feedback is essential to ensuring that the new legislation serves the best interests of the nation and reflects the voices of Bahamians.

We urge every citizen, organization, and stakeholder to participate in this public consultation. Together, let us build a more inclusive and contemporary labour framework for The Bahamas.

EMPLOYMENT ACT RECOMMENDATIONS

1. Maternity Leave

- Maternity leave will relate to birth mothers and females legally adopting a child.
- **Birth mothers**
 - Increase the current 12-week maternity leave to 14 weeks initially, with an additional 2 weeks increase one year later.
 - Paid maternity leave can only be accessed every three years.
 - Full-time female employees, 18 years or older with at least 12 months of continuous service whether contracted or in a confirmed post are eligible.
 - Part-time female employees, 18 years or older contracted or in a confirmed post are eligible.
 - A business is required to provide a designated breastfeeding station(s) to accommodate birth mothers, where applicable and practical.
 - For a business that is unable to provide a designated breastfeeding station(s), time should be allowed on-site (excluding the restroom) for birth mothers to express their milk for up to 6 months after return to work.
 - In addition, provide the option of an additional six weeks unpaid if medically necessary. Medical report will be required.
- **Females legally adopting a child**
 - Adoption refers to the legal transfer of parental rights to a child through the court system.
 - Implement a period of 4-week to 8-week maternity leave based on a sliding scale and the age of the adopted child; on a case-by-case basis and at the discretion of the employer.
 - As mentioned above, the sliding scale will be as follows:
 - Newborns to 5 years and 11 months 8 weeks
 - 6 years to 10 years and 11 months 6 weeks
 - 11 years to 17 years and 11 months 4 weeks
 - Paid maternity leave can only be accessed every three years.
 - Full-time female employees, 18 years or older with at least 12 months of continuous service whether contracted or in a confirmed post are eligible.

2. Paternity Leave

- Paternity leave is a benefit given to a father after the birth of his child.
- Implement a 2-week paternity leave.
- Paid paternity leave can only be accessed every three years.
- Full-time male employees, 18 years or older with at least 12 months of continuous service, whether contracted or in a confirmed post are eligible.
- Part-time male employees, 18 years or older contracted or in a confirmed post are eligible.
- Part-time male employees shall be entitled to paternity leave on a pro-rata basis, or not less than 1 week.
- Thirty days after the birth of the child, the father will be required to submit a copy of the child's birth certificate as proof of paternity. Failure to produce proof of paternity shall result in garnishment of benefit.
- Father is allowed to apply for paternity leave up to 14 weeks following the birth of the child.

3. Redundancy Insurance

- Implement a bond or insurance (similar to liability insurance) for businesses to ensure that employees receive benefit payouts, as a result of redundancy or insolvency.
- Recommendation still under review for possible future implementation.

4. Workday paid break

- Introduce a formal paid break of one hour, for every 8-hour workday.
- Call it a "break" and not a "lunch break". Employees are not restricted to only eating lunch, but can utilize the break for other activities.
- This would not apply to employers who currently provide a paid break and a meal to their employees (i.e., large hotel properties).

5. Mental Wellness Leave

- Mental wellness leave is an opportunity for employees to strengthen their ability to cope with stress, build resilience, and maintain healthy relationships, while also realizing their potential and contributing to their workplace.
- Mental wellness leave legislation will cover the following key elements:
 - Every employee will be entitled to 3 unpaid mental wellness days.
 - The employee will be able to access these days after 6 months of continuous employment.

- For all categories of employees as defined in the Employment Act.
- No medical certificate shall be required for up to 3 unpaid mental wellness days taken in a calendar year.
- An employee who exercises their right to take a mental wellness day shall not be subject to disciplinary action, termination, or any adverse employment consequence on the basis of exercising that right.

6. Standard Hours of Work

- Standard hours apply when an employee is scheduled to work forty hours per week. Likewise, the employee cannot work more than eight hours per day. If the employee works more than eight hours per day, they are to receive overtime pay. Overtime pay will be calculated at the rate of time and a half.

7. Irregular Hours of Work

- Irregular hours apply when a full-time employee is scheduled to work more than forty hours per week. A work week consists of seven days. Likewise, the employee can work up to ten hours per day. If the employee works more than ten hours per day, they will receive overtime pay. Overtime pay will be calculated at the rate of time and a half. It should be noted that irregular hours cannot exceed ten hours each day at regular pay, nor can it exceed three days off. Forty-eight hours are required to be off, within a 7-day period.
- Irregular hours need to be approved and scheduled between the organization and the employee.
- Irregular hours must be a documented agreement between employer and employee, with a copy of such agreement given to the employee.
- Any change to this agreement cannot be made unilaterally.

8. Mandatory Break Between Shifts

- There must be an 8-hour break between shifts.

9. Exemption of Supervisors and Managers

- Restructure 8(4) to include a provision (in Section 10) when managers and supervisors are required to work in excess of standard hours, they are to be given time off equivalent to overtime hours worked.

10. Inspectors

- Amend the Employment Act to empower the Minister to designate suitably qualified public officers as inspectors to ensure compliance with the Act (Section 10 Health and Safety at Work Act).

11. Definition of Refusal

- Amend Section 2 to include a definition of refusal.
- A refusal is defined as when an individual does not adhere to the requirement or request to attend a conciliation meeting when a dispute has been filed.
- A conciliation meeting occurs at The Department of Labour when a neutral third party calls the disputed parties to dialogue, in an attempt to resolve the dispute through negotiation.
- It is proposed that if three conciliation meetings are missed, it can be deemed that refusal has occurred.

12. Section 26A Dismissal of Employees

- It is recommended that in this provision, “contemplation” is removed and replaced with “decided”.
- In instances where under twenty employees will be made redundant, notification to the Minister will be required along with two weeks’ notice.
- If twenty or more employees will be made redundant, consultation with the Minister will be required along with thirty days’ notice.

13. Repeal Employer’s Requirement

- It is recommended to amend Section 26 (2017 Amendment Act) to remove the requirement of the employer to meet with a worker representative prior to redundancy where no trade union is recognized in the business.

14. Severance payout

- When an employee’s contract is terminated or severed by the employer, they are entitled to severance pay.
- Definition of Severance Pay:
Severance Pay means the monetary compensation payable by an employer to an employee whose employment is terminated by reason of redundancy, restructuring, or other involuntary separation not attributable to misconduct. It is calculated with reference to the employee’s basic rate of pay and completed years of continuous service, subject to statutory minimums and maximums, and must be paid on or before the effective date of termination.

15. Categories of employees:

- **Full-time employee**

An individual employed by an organization under an agreement, contract, or terms of service, who is scheduled to work a standard number of hours as outlined by the employer.

Full-time employment generally entails working at least 30 to 40 hours per week and may include eligibility for certain benefits as required by law and employer policies.

- **Management (Supervisor and Above)**

An individual who is authorized and accountable to executive management, and is responsible for overseeing, directing, and controlling the activities, operations, or employees of an organization or unit within it.

A supervisor or manager has the authority to make decisions concerning the planning, coordination, and execution of tasks, allocate resources, and enforce policies to achieve the objectives of the organization.

- A supervisor or manager may supervise the work of others and monitor the performance of employees and/or supervisors.
- A supervisor or manager may also manage an operational or business process.

- **Non-Management**

An individual employed by an organization under an agreement, contract, or terms of service, who is scheduled to work a standard number of hours as outlined by the employer.

Full-time employment generally entails working 40 hours per week, and may include eligibility for certain benefits as required by law and employer policies.

- **Part-time employee**

An individual employed under a contract to work less than 30 hours per week, with proportional wages, benefits, and statutory protections. Part-time employees may perform regular and ongoing work, but on a reduced-hour basis.

- **Casual worker**

An individual engaged on an irregular, ad hoc, or on-demand basis, often for short periods or specific tasks, without any guarantee of continuous or regular work, and entitlements may be limited unless the casual arrangement becomes regular and continuous over time.

- **Contractual worker**

An individual engaged under a written contract of employment or for services that specify particular terms and conditions, such as duties, duration, deliverables, or compensation, and are entitled to statutory rights unless excluded by law. A contractual worker may be hired for a fixed term, a project, or specific tasks.

- **Seasonal worker**

An individual employed to perform work that is inherently tied to a particular season, cycle, or recurring period within the year. Seasonal employment is of limited duration but may recur at approximately the same time each year.

- **Temporary worker or On-caller**

An individual engaged to cover staff absences, meet unexpected workload demands, or provide services during peak periods. Such workers are typically contacted by the employer when work becomes available, and their employment is generally understood to be short in duration and contingent on immediate organizational needs. If a temporary employee's work exceeds twelve consecutive months in the same role, they should be converted to a full-time employment contract.

16. Casual workers and on-callers

- A casual worker is an individual engaged under a fixed-term contract for a specified duration or task, and is entitled to all statutory benefits on a pro-rata basis.
- Casual worker legislation will cover the following key elements:
 - Employment terms must be clearly defined based on days contracted to work and compensation.
 - Employment terms must be properly documented and agreed upon by both parties.
 - Compensation must be calculated at a rate that is comparable to the compensation rate of a full-time employee.
 - Establish a proper system(s) to determine how work should be scheduled, assigned and completed.
 - Employers must ensure that all legal requirements are followed, including the fair treatment of the employee.
 - Fair treatment of employees means ensuring all workers are treated with respect, dignity, and without bias, regardless of their background or characteristics.

17. Remote work

- Remote work means performing one's job function(s) from a location other than the company's premises, which can include, but it is not limited to, an employee's home or any other secure location.
- Remote work legislation will cover the following key elements:

- The allowance of work from home will be at the discretion of the employer.
- The employer and employee must agree to the terms of the work-from-home arrangement.
- Encourage discussion on industrial benefits being extended to remote workers.
- There must be a disconnect clause written in an employer's work-from-home policy. An employer must advise the employee of the right to shut down from work outside of their normal hours.

18. Vacation Leave

- Vacation accrual is the amount of paid time off that an employee has earned over time. Vacation accrual begins from the first day of employment.
- Vacation earned is the collection of vacation time, and vacation taken is using the earned vacation for time off.
- After six months, employees are entitled to take one week's paid vacation leave.
- In the case of termination of employment during the first year, employees are entitled to accrued vacation pay after ninety days of employment.

19. Probation

- Probation is a trial period at the beginning of employment, allowing both the employer and employee to determine continued employment before committing to a long-term arrangement.
- Probation legislation will cover the following key elements:
 - A probationary period should not exceed 6 consecutive months.
 - A probationary period may be extended once, for a maximum of 1 – 3 months.
 - Terminations and separations during the probationary period will be governed by Section 15.

20. Disclosure Of Employee Records

- Employee records should be retained by the employer for a minimum of 3 years.
- In addition to the Minister, the Director of Labour should be able to request employee records from the employer.
- The employer will have 30 days to produce the requested employee records.
- The employer will incur a \$1,000 fine if they do not comply within the 30-day timeframe.

21. Section 67 Biometric screening

- Make the following adjustment into the existing clause:

“...unless for the purposes of time and attendance.”

- Existing clause with proposed recommendation inserted in **blue**:

PART XII

FINGERPRINTING AND LIE DETECTOR TEST

67. No employer shall, as a requirement for employment or continued employment, require any person to furnish a set of his fingerprints or take a lie detector test, **unless for the purposes of time and attendance.**

22. Repeal Section 10 (b) Overtime Pay

- Repeal this clause which prevents employees in a tipped category in the tourism and hospitality industry from receiving overtime pay, when required to work on the sixth or seventh day.

INDUSTRIAL RELATIONS ACT RECOMMENDATIONS

1. Election of Union Officers

- Amend the Industrial Relations Act to include a provision so that when only one candidate is contesting a vacant seat, they are automatically elected.

2. Industrial Court Bill

- Repeal Sections 54 – 67 which relates to the Industrial Tribunal and replace it with the Industrial Court Bill (2023).
- Use the following online link below to review a summary document of the Industrial Court Bill 2024.
(<https://form.jotform.com/252507568306864>).

3. Notice of Vacancy

- Repeal Section 86 which relates to labour certificates and incorporate the same provision in The Employment Act.

4. Duration of Strike Certificate

- Currently, the duration of a strike certificate is indefinite.
- Amend Section 74 to establish a six-month duration for a strike certificate.

5. Time Limit on Hearing of Trade Dispute

- It is recommended that the hearing of a trade dispute must take place within forty-five days of the dispute being filed.

6. Employer's Requirement In Redundancy

- Amend Section 26 of the 2017 Amendment Act to remove the requirement of the employer to meet with a worker representative prior to redundancy, where no trade union is recognized in the business.

7. Enhancements to the conciliatory process

- Authorize The Department Of Labour to dismiss claims that are without merit based on the facts.
- Empower The Department Of Labour to determine claims up to \$3,000 for appeals referred to the Industrial Tribunal.
- Amendments to Part V of the Industrial Relations Act will include the following:
 - Enable the Industrial Relations Board to hear and determine claims between \$3,000 to \$5,000, which have been referred to the Industrial Tribunal.

- Permit The Department Of Labour or Industrial Relations Board to refer matters that have been determined to Magistrates Court for enforcement.
- Empower the Industrial Relations Board to hear and determine matters where both parties agree to a process of Alternative Dispute Resolution.

8. Assignment of Legal Authority to The Department of Labour

- Amend section 70 to enable the Department Of Labour, in conjunction with The Office of the Attorney General, to prosecute persons that have violated the Industrial Relations Act and Employment Act, and are subject to fines, to take matters to The Magistrates Court for determination and enforcement of fines.

9. Introduce Anti-Sabotage legislation

- Amend the Act to require employers to have a bond that will be based on the amount of employees, to hold in the event legally required redundancy obligations cannot be met by the employer.

10. Increasing notification of vacancy fee

- The present fee is \$50.
- Recommend increasing the fee to \$150.
- \$50 will go to administration and \$100 for the certificate.
- It is recommended that an additional fee be attached for expedited notice of vacancy requests.

11. Establishment of Independent Scrutineers

- Scrutineers are individuals appointed to observe the conduct of voting and the counting of ballots. Their primary role is to ensure fairness, transparency, and adherence to established procedures throughout the election.
- It is recommended that independent scrutineers be established to govern the electoral process during trade union elections.

CONCLUSION

The Government of The Bahamas extends sincere gratitude to all citizens for their careful review of these recommendations for Labour Legislation Reform. Your engagement and participation are vital to ensuring that any changes to our labour laws truly reflect the needs, rights, and aspirations of Bahamians.

As we chart a path forward, the next critical step will be to gather your invaluable feedback, input, and insights at upcoming Town Hall meetings to be held in both New Providence and Grand Bahama. These forums are designed to foster open dialogue, encourage broad participation, and ensure that your voices are heard. Following these consultations, the collective responses of the public will be compiled and submitted to the Government of The Bahamas for careful consideration.

The ultimate implementation of any reforms will be determined by what best serves our national development, provides robust protection for workers, and maintains economic viability for businesses. This process is not only about advancing our laws, but also about deepening our commitment to social justice and creating a fair and equitable society for all.

Once again, we thank you for engaging in this important national process. Your active involvement ensures that the outcome of labour legislation reform will bring lasting benefits to our country and to every Bahamian. Together, we move forward in strengthening The Bahamas — now and for generations to come.



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