

BONAIRE JURISDICTION



BENJAMIN LAW

Toronto's Premier Family-First Law Firm For
Personal Injury | Long-Term Disability | Real Estate
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Labour Overview

The Labour regulation 2000 distinguishes between non-scheduled workers and scheduled workers. A scheduled worker is an employee whose working hours fall completely or partially outside normal office (business) hours. There are different rules for both groups with regard to working hours, periods of rest and breaks.

Special rules also exist for Hospitality Workers (Hotels, Restaurants, Casinos) and Domestic Workers. There is one minimum wage for workers 21 years of age and over, with that wage discounted for workers under 21.

Overtime can be compensated by time off in lieu of additional wages, upon written agreement of the employer and employee.

The overtime rules apply only to employees earning below a certain threshold, which is set by the Social Security Bank.

By article 1614ca of the Civil Code, a woman is entitled to full paid leave from 4-6 weeks prior to birth (Pregnancy leave) in addition to 6-8 weeks after birth (Maternity leave). It is illegal to dismiss an employee on maternity leave. There is no law for paternity leave.

Under the Vacation Regulation 1949, there are 13 public holidays. The Regulation also provides for vacation time for employees who have worked continuously for a year. The amount is determined by multiplying the number of contracted working days per week by three, to a maximum of 15.

Severance is a legal obligation of the employer, stated in the Severance Ordinance (Cessantia-landsverordening) (P.B. 1983, no. 85). An employee, whose working relationship terminates other than through his own fault, is entitled to severance pay upon completion of one year of service. Severance is payable to both permanent and temporary employees. The amount is dependent on years of service.

Pension Overview

Apart from what is provided under the social security system, there is no legislation governing private sector pension plans.



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Social Security Benefits

The Algemene Ouderdomsverzekering (AOV) is the old age pension insurance for all residents of the Dutch Caribbean (Bonaire, Sint Eustatius and Saba) or for those who have lived on these islands for a period of time. It guarantees an old age pension upon attaining the retirement age. The level of the benefit is determined by the number of years of residence within the Dutch Caribbean prior to reaching retirement age.

Current residents of the Dutch Caribbean could have also lived/worked for a number of years on another former Antillean island (St Maarten, Aruba or Curaçao) or in the Netherlands. In that case they are entitled to AOV or AOW from that land. The pension is granted upon request. The AOV retirement age will be raised gradually during the coming years to the age of 65.

The AOV old age pension/surcharge ceases upon death of the entitled person. When a pensioner dies, the pension is paid until the last day of the month in which death occurred. After the death of a pensioner, a lump sum equal to four months of pension, is paid to the person or persons who, in the opinion of SZW, are eligible based on equitable relief.

Pension – Old Age, Widow & Orphans Pension. Each worker must be insured for old age pension and survivor (widow and orphans) pension.



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