

BRITISH VIRGIN ISLANDS JURISDICTION



BENJAMIN LAW

Toronto's Premier Family-First Law Firm For

Personal Injury | Long-Term Disability | Real Estate
Employment | Notary | Wills and Power of Attorney

www.benjaminlaw.ca

Toronto

1018 Finch Avenue West, Unit 301
North York, Ontario M3J 3L5

Brampton

470 Chrysler Drive, Units 1&2
Brampton, ON L6S 0C1

Ajax

577 Kingston Road,
Ajax, ON L16 6M1

Labour Overview

Among other items, the Labour Code, 2010 provides for fairness in relation to the recruitment of employees, which now addresses sexual harassment. It also makes significant changes to the basic conditions of employment; revises the redundancy regime; prohibits children under age 16 from working, except in certain circumstances, and not below age 14; and adds a requirement for employers to provide retirement benefits for employees.

Employers in the BVI are required to provide employees with a written statement describing the conditions of employment, including:

- The employee's general responsibilities and related duties
- The regular hours of work and rest periods
- The starting salary
- The term of employment if other than indefinite
- The probationary period (if any); and
- The employee's leave and vacation privilege

A new employee's probationary period may not exceed 4 months. More senior ranking employees, at the rank of supervisor or higher, may be subject to a probationary period of not more than 6 months. In BVI, there is one minimum wage applicable to students enrolled in secondary school and another one for other workers.

An employee who has been continuously employed for not less than four months is entitled to a minimum of 12 paid sick days per year. However, any social security benefits received by the employee in respect of that illness or physical incapacitation may be deducted from the wages payable by the employer.

Employees with less than 10 years of service are entitled to one paid vacation day per month of service (excluding the probationary period, if any). The employer and employee may agree that the employee would forego the taking of earned vacation leave. However, such an agreement is not to be deemed to deny the employee the right to vacation leave at a future time to be mutually agreed between the employer and the employee.

Employees are entitled to paid public holidays, provided they work their scheduled workday immediately before and after the holiday. An employee who works on a public holiday is entitled to at least time and a half for hours worked on that day.

Pension Overview

Effective July 16, 2010, the Labour Code 2010 requires employers to provide retirement benefits to permanent employees through a pension scheme, annuity, provident fund or other form of retirement scheme. This scheme may be contributory.

The BVI Constitution provides for pensions for public officers.



BENJAMIN LAW

Toronto's Premier Family-First Law Firm For

Personal Injury | Long-Term Disability | Real Estate
Employment | Notary | Wills and Power of Attorney

www.benjaminlaw.ca

Toronto

1018 Finch Avenue West, Unit 301
North York, Ontario M3J 3L5

Brampton

470 Chrysler Drive, Units 1&2
Brampton, ON L6S 0C1

Ajax

577 Kingston Road,
Ajax, ON L16 6M1

Social Security Benefits Overview

Virgin Islands Social Security Board, Social Security (Benefits) Regulations require that private sector employees contribute 4% and employers 4.5% on maximum insurable earnings of \$39,468.00 (as of Jan. 1, 2015). If an insured person has more than one employer, each employer must deduct and pay contributions on the employee's behalf. Where total contributions exceed the maximum contributions payable, a refund from the Social Security Board is payable.

An Age Benefit is paid to an insured person who has reached the age of 65 and has satisfied the necessary contribution conditions. It is paid in the form of a Pension or a Grant.

To qualify for an Age Pension, an insured person must have reached 65 years and have made a minimum number of contributions. An Age Grant is payable where the insured person has made at least 50 contributions but has not met the minimum number to qualify for an Age Pension.



BENJAMIN LAW

Toronto's Premier Family-First Law Firm For

Personal Injury | Long-Term Disability | Real Estate
Employment | Notary | Wills and Power of Attorney

www.benjaminlaw.ca

Toronto

1018 Finch Avenue West, Unit 301
North York, Ontario M3J 3L5

Brampton

470 Chrysler Drive, Units 1&2
Brampton, ON L6S 0C1

Ajax

577 Kingston Road,
Ajax, ON L16 6M1