



جوابتن بوروا

JABATAN BURUH
KEMENTERIAN HAL EHWAL DALAM NEGERI
NEGARA BRUNEI DARUSSALAM

GUIDELINES ON EMPLOYEES' RIGHTS UNDER EMPLOYMENT ORDER 2009

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DEPARTMENT OF LABOUR

Labour Department is one of the departments under the Ministry of Home Affairs. It was established in 1955 in Belait District.



SERVICES UNDER DEPARTMENT OF LABOUR

- Granting licenses to employers for recruiting foreign workers and domestic workers.
- Issuing licenses to employment agencies for supplying foreign workers.
- Providing labor awareness to employers and workers.
- Offering compound fines and prosecuting labour offences.
- Inspecting workers' welfare and work environment.
- Enforcing labor laws and regulations.
- Ensuring workers receiving compensations due to work-related injuries and illness.
- Collecting detailed information of employed persons in the private sector.

PROSECUTION AND LEGISLATION DIVISION



SERVICES

- Offering compound
- Prosecuting Labour offences
- Providing Labour Advisory Services
- Drafting Labour's laws and regulations



CONTACT US



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Department of Labour,
Jalan Dewan Majlis,
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LAWS

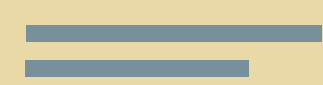
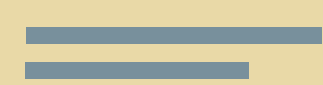
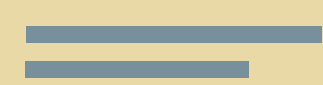
- Employment Order, 2009
- Employment Agencies Order, 2004
- Employment Information Act (CAP. 99)
- Workmen's Compensation Act (CAP. 74)
- Trade Disputes Act (CAP.129)
- Trade Union Act (CAP. 128)
- Anti-Trafficking in Persons Act (CAP.230)
- Prevention of People Smuggling Act (Cap 229)

EMPLOYEES' RIGHTS UNDER EMPLOYMENT ORDER 2009



EMPLOYMENT ORDER 2009

- Came into operation on **3rd September 2009**.
- Governing the **terms and conditions** of employment in Brunei Darussalam.
- Covers all persons who are employed under a **contract of service**, which may be written or implied.
- Sets out the **minimum** terms and conditions of employment.



WHO IS COVERED UNDER EO2009?

ALL WORKERS IN:-

- **Private Sectors (Except Managerial Position and above)**

EXCEPT:-

- **Seamen**
- **Domestic Workers (Except for some provisions)**





EMPLOYEE'S RIGHTS



RIGHTS

CONTRACTS OF SERVICE

PAYMENT OF SALARIES

HOURS OF WORK AND OVERTIME

REST DAYS

PUBLIC HOLIDAYS

ANNUAL LEAVE

SICK LEAVE







MATERNITY LEAVE

Section 10. Contract of Service



- A contract of service is an **agreement** between an employer and an employee.
- It shall be in **writing** and **signed** by both parties.
- Terms and conditions in the contract must be **agreed** by both parties in order to reduce labour disputes.

Minimum Terms of Employment in the Contract of Service

Category	Description	Category	Description
 <p>Details of employment</p>	<p>1. Full name of employer</p> <p>2. Full name of employee (as specified on the identity card, work pass or passport)</p> <p>3. Job title, main duties and responsibilities</p> <p>4. Start date of employment</p> <p>5. Duration of employment (Immigrant employee)</p>	 <p>Salary</p>	<p>9. Fixed deductions, such as: TAP and SCP contributions (For local employees only)</p> <p>10. Overtime payment period (if different from salary period)</p> <p>11. Overtime rate of pay</p>
 <p>Working hours and rest day</p>	<p>6. Working arrangements:</p> <ul style="list-style-type: none"> Daily working hours (e.g. 9.00am to 5.00pm, including 1 hour lunch break) Number of working days per week (e.g. 6) Rest day (e.g. Sunday) 	 <p>Leave and medical benefits</p>	<p>12. Types of leave:</p> <ul style="list-style-type: none"> Annual leave Outpatient sick leave Hospitalisation leave Maternity leave <p>13. Other medical benefits:</p> <ul style="list-style-type: none"> Medical Insurance Workmen's Compensation
 <p>Salary</p>	<p>7. Salary period (e.g. first day until last day in that month, 1 Jan 2022 until 31 Jan 2022)</p> <p>8. Basic salary (For hourly, daily or piece-rated employees, employers should indicate the basic rate of pay (e.g. \$ X per hour, day or piece)</p>	 <p>Others</p>	<p>14. Probation period</p> <p>15. Notice period (Termination/ Resignation)</p> <p>16. Repatriation</p>

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$3,000	A TERM NOT EXCEEDING 1 YEAR
	OR BOTH		

Section 21. Termination of Contract



Termination of contract of service only occur when:

Sec 17

Employee has been **mistreated** in person or property.

Sec 18

Employee or his dependant is **threatened by danger** to the person by violence or disease (Employee may terminate his contract without notice)

Sec 19

Breach of contract by employer due to employer **fails to pay** the employee salary.

Sec 19

Breach of contract by employee due to employee **absent** from work for more than 2 days without prior leave from his employer or without reasonable excuse or without informing employer with reason.

Sec 21

Contract of service has **expired** or when the piece of work has been completed.

Sec 23

Either party **terminate** the contract of service without notice if notice has already been given without waiting for the expiry of that notice.

Section 21. Termination of Contract

The notice period of termination of contract depends on:

- What is agreed in the contract.
- The length of notice period must be the same for both parties.
- If there is no notice period in the contract or no notice agreed by either party, the notice guidelines provided by the Labour Department must be used.

Notice Guidelines

Length of Service	Notice Period
Less than 26 weeks	1 day
26 weeks to less than 2 years	1 week
2 years to less than 5 years	2 weeks
5 years or more	4 weeks



Section 26. Employee's Misconduct

Employee's Misconduct:

- A breach of duty or discipline which is inconsistent with the express or implied conditions of an employee's contract of service. Examples:

■ **Misuse of company facilities or supply**

■ **Dishonesty**

■ **Disorderly or immoral conduct at work**

■ **Willful insubordination**

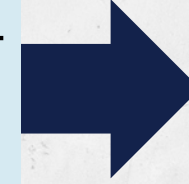


- If the employee has committed an act of misconduct, the employer should conduct an **inquiry** before deciding whether to dismiss the employee or to take other forms of disciplinary action as follow:

The employee should be told of their alleged misconduct,



Have the opportunity to present their case, and



The person hearing the inquiry should not be in a position which may suggest bias.

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$3,000	A TERM NOT EXCEEDING 1 YEAR
	OR BOTH		

Section 39. Payment of Salaries

- Payment of salary and overtime pay must be paid at least once a month and not later than the following timeline:



Salary

Overtime Pay

	Payment Deadline	Example (Salary Period: 1 - 31 Jan 2024)
Salary	Paid within 7 days after the end of the salary period	Salary must be paid by 7 Feb 2024
Overtime Pay	To be paid within 14 days after the end of the salary period	Overtime pay must be paid by 14 Feb 2024

Section 45: Permitted Deductions:

- Absence from work
- Damage to or loss of goods/money
- Cost of meals supplied by the employer at the request of the employee
- For amenities and services
- The recovery of advances, loans or adjustment of overpayment of salary
- Income tax payment
- Any other deductions which may be approved by the Minister

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$3,000	A TERM NOT EXCEEDING 1 YEAR
	OR BOTH		

Section 65. Hours of Work and Overtime

Shift Worker

Not more than an average of 44 hours a week over any continuous period of 3 weeks subject to a maximum of 12 hours a day.

Non-Shift Worker

Not more than 8 hours a day or not more than 44 hours a week.

X

Not permissible to work more than 12 hours in a day (including overtime).

Except



Accident, actual or threatened

Work which is essential to the life of the community

Work which is essential to national defence or security

Urgent work to be done to machinery or plant

An interruption of work which was impossible to foresee



Overtime:



- 1 The contractual working hours (excluding break time and overtime) → Cannot exceed **8 hours a day** or **44 hours a week.**
- 2 If an employee work more than 8 hours in a day or 44 hours in a week → The extra hours of work are considered **overtime**
- 3 If the employer requires their employee to work overtime → Overtime payment is at **1.5 x the hourly basic rate of pay**
- 4 Including overtime, the employee should not work → more than **12 hours a day** (excluding break times)
- 5 Total overtime → must not exceed **72 hours in a month.**

Example:



	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$1,600	A TERM NOT EXCEEDING 1 YEAR
	OR BOTH		

Section 63. Rest Days

An employee is entitled to **1 rest day** (midnight to midnight) each week without pay

Rest day is **Sunday or any other day** as scheduled and informed by an employer before the beginning of each month

For a shift worker, the rest day can be a continuous period of **30 hours**



	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$1,600	A TERM NOT EXCEEDING 1 YEAR
		OR BOTH	







Section 70. Public Holidays

1. 1st January
2. First Day of Hijrah
3. Chinese New Year
4. 23rd February (Brunei's National Day)
5. Maulud Prophet Muhammad's Birthday
6. 15th July (His Majesty's Sultan and Yang Di-Pertuan's Birthday)
7. First Day of Ramadhan
8. Anniversary of the revelation of Quran (Nuzul Al-Quran)
9. Hari Raya Aidilfitri
10. Hari Raya Aidiladha
11. 25th December (Christmas Day)



	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$1,600	A TERM NOT EXCEEDING 1 YEAR
		OR BOTH	

Payment of Salary: Rest Days and Public Holidays

<p>If you work</p> <p>Example: As a Cashier 8 hours and \$17 a day</p> 	<p>For up to half of your normal daily working hours</p> <p>Example: 3 hours out of 8 hours</p> 	<p>For more than half your normal daily working hours</p> <p>Example: 7 hours out of 8 hours</p> 	<p>Beyond your normal daily working hours</p> <p>Example: 9 hours</p> 
 <p>At employer's request</p>	<p>1 day's salary</p> <p>Example: \$17</p>	<p>2 day's salary</p> <p>Example: \$34</p>	<p>2 day's salary + Overtime rate</p> $(\$17 \times 2) + (1\text{hr} \times \frac{1.5 \times \$17}{8\text{hr}})$ <p>= \$34 + \$3.19 = \$37.19</p>
 <p>At your own request</p>	<p>Half day's salary</p> <p>Example: \$8.50</p>	<p>1 day's salary</p> <p>Example: \$17</p>	<p>1 day's salary + Overtime Rate</p> $\$17 + (1\text{ hr} \times \frac{1.5 \times \$17}{8\text{hr}})$ <p>= \$17 + \$3.19 = \$20.19</p>

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$3,000	A TERM NOT EXCEEDING 1 YEAR
OR BOTH			

Section 71. Annual Leave

- An employee who has served an employer for a period of not less than 3 months.
- Annual leave depends on what is stated in the employment contract which shall not be less than the following:

Years of Service	Days of Leave
1	7
2	8
3	9
4	10
5	11
6	12
7	13
8 and thereafter	14

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$1,600	A TERM NOT EXCEEDING 1 YEAR
	OR BOTH		

Section 72. Sick Leave

- An employee is entitled to sick leave as follows:



1. **14 days** outpatient sick leave per year
2. **60 days** hospitalisation leave (including the 14 days outpatient sick leave)

- The conditions for sick leave entitlement:



1. Has worked with the employer for at least **6 months**
2. **Certified unfit** to work by a certified medical practitioner
3. **Notify** the employer of sick leave within 48 hours

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$1,600	A TERM NOT EXCEEDING 1 YEAR
	OR BOTH		

Section 91. Maternity Leave



COMPLETE PREGNANCY

- All foreign female employees are entitled to 9 weeks of maternity leave as follows:-

Before	After	9 weeks
4 weeks	5 weeks	

Eligibility requirement:

- ✓ Has served the employer for more than 180 days (6 months).

Payment of Salary

- ✓ Salary is paid for a period of 8 weeks.

Note:

Any employee who has served with the employer for **less than 180 days** (6 months) is **not entitled** to be paid any salary.

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$1,000	A TERM NOT EXCEEDING 6 MONTHS
	OR BOTH		

CONTRACTS OF APPRENTICESHIP



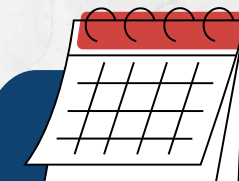
PART III. CONTRACTS OF APPRENTICESHIP

- “apprentice” means any person who has contracted to serve an employer and to learn and to be taught any business, trade, manufacture, undertaking, calling or employment in which employees are employed.



APPLICABLE TO

1. Any person under age of 16 with the permission of his parent/guardians or Commissioner of Labour.
2. Any person age 16 years and above.
3. Any person age 18 and above without an existing apprenticeship.



PERIOD OF CONTRACT

MAXIMUM OF
5 YEARS



CONDITIONS OF CONTRACTS OF APPRENTICESHIP

- Must be signed by both parties
- Must be attested by Commissioner of Labour
- Certificate of service on discharge must be prepared by Employer to apprentice and endorsed by Commissioner of Labour.

Note:

For foreign students, it depends on the conditions of student visa. Please seek advice from Department of Immigration and National Registration.

	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,500	A TERM NOT EXCEEDING 6 MONTHS
	OR BOTH	

EMPLOYMENT (MINIMUM WAGE) ORDER 2023



EMPLOYMENT (MINIMUM WAGE) ORDER. 2023

- The **lowest amount of base salary** that an employer is required **to pay employees** for the work performed during a given period, which **cannot be reduced** by collective agreement or an individual contract, prior to the reduction of the TAP/SCP/SPK contributions and prior to additional allowances or other monetary benefits.



APPLICABLE TO

All employees

(Local & Non-Locals)

in **Private Companies**

Government

Apprentices

Domestic worker



Special Authorisation Work Pass

Voluntary worker

Professional Visit Visa

Informal worker

Seaman



IMPLEMENTATION OF THE MINIMUM WAGE POLICY

- Effective **12th July 2023**
- **6-month** transitional period
- To be implemented in phases
- For selected industries only



PHASE 1

- ✓ Banking and finance
- ✓ ICT (Infocommunication Technology)



MINIMUM WAGE RATES



CLASS OF INDUSTRIES	FULL-TIME EMPLOYEE <i>(monthly)</i>	PART-TIME EMPLOYEE <i>(hourly)</i>
Banking and finance	BND 500	BND 2.62
Infocommunication technology		



OFFENCES

FINE

NOT EXCEEDING \$3,000

IMPRISONMENT

A TERM NOT EXCEEDING 1 YEAR

OR BOTH

FOREIGN WORKERS' LICENCE



FOREIGN WORKERS' LICENSE DIVISION



SERVICES

- As the secretary of the Foreign Worker License Evaluation Committee.
- Reviewing and processing foreign worker applications.
- Evaluating and issuing foreign worker licenses



CONTACT US



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Department of Labour,
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Bandar Seri Begawan, BS3910,



TYPES OF APPLICATION

- New Application
- Renewal Application
- Additional Application
- Transfer of Contract
- Change of Position / Salary
- Change of Job Description
- Cancellation of Employee

Note: All application must apply through NLMS

Section 112. Employment of Immigrant Employees

- Must obtain license from Commissioner of Labour.
- Work assigned must be in accordance to the contract of services and approved licensed by Department of Labour.



Conditions on Foreign worker's licence

1. The employer must hire employees to perform work/tasks at the **specified address** mentioned in the licence.
2. The employer must not utilize any job approved by the Commissioner of Labour for purposes other than the **specific job** or task stated in the worker's pass and foreign worker's licence.
3. Employers must **not transfer** workers without the consent of the Commissioner of Labour.
4. The employer must **not exploit** the position of the employees.

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT LESS THAN \$6,000 AND NOT EXCEEDING \$10,000	A TERM OF NOT LESS THAN 6 MONTHS OR NOT MORE THAN 3 YEARS
	OR BOTH		

Section 24. Transfer to other employment

- Employer can transfer employee to another company because of restructuring.
- The new employer will take over your contract of service on the existing terms.



Employee's Rights of Transfer

- Be notified of the transfer and of matters relating to the transfer.
- Be given the opportunity to consult your employer.
- Preserve the original terms and conditions of employment under the new employer.
- The Employee has the obligation to serve the new employer in the same way as with your original employer.

	COMPOUND	FINE	IMPRISONMENT
OFFENCES	NOT EXCEEDING \$1,000	NOT EXCEEDING \$3,000	A TERM NOT EXCEEDING 1 YEAR
	OR BOTH		

DISPUTE SETTLEMENT



LAW ENFORCEMENT DIVISION

ROLES AND RESPONSIBILITIES

- Enforcing laws and regulations under the purview of Department of Labour.
- Ensuring the welfare of the employees and a harmonious work environment.
- Ensuring the employers comply with the enforced law.
- Increasing the employee's awareness and understanding on the worker's rights as outlined in the law.



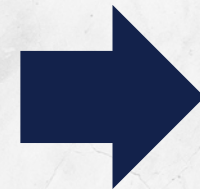
SERVICES

- Lodging complaints
- Providing labour law-related counsel.
- Awareness programmes
- Mediation
- Conduct Inspections

COMPLAINT PROCEDURE

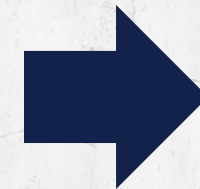
1

Lodge a report to the nearest **Police Station**



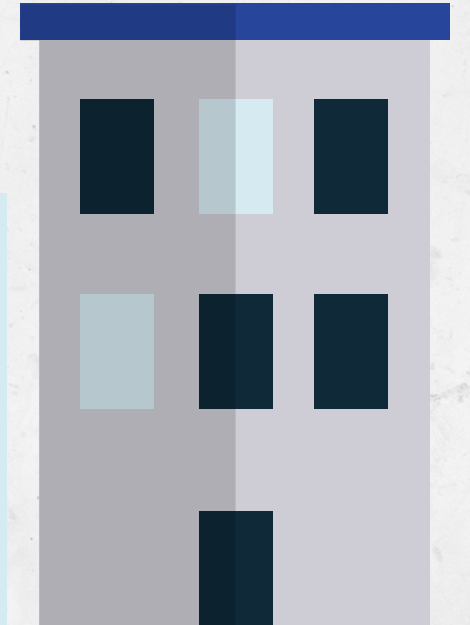
2

Proceed to the **Labour Enforcement Division** or its nearest branch to make a formal complaint



3

Complaint must come **personally** to lodge a report and must not be represented by anyone else



Documents to bring when lodging a report:



1 Police report (official)

2 Identity Card

3 Worker's passport

4 Worker's contract

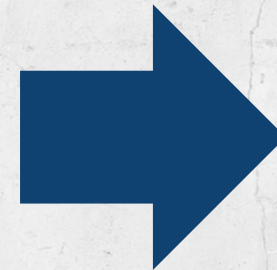
5 Job Card/Punch Card

6 Other relevant documents

INDICATORS

TYPES OF COMPLAINTS

1	Delay Or Unpaid Wages
2	Wages Deductions
3	Excessive Overtime
4	Repatriation
5	Termination Without Notice
6	Contract of Service
7	Sick Leave






ACTION TAKEN

1	Mediation
2	Warning Letter
3	Offering Compound
4	Prosecution
5	Revocation of FWL




Contact us

Complaint Hotlines: Labour Enforcement Division


	2381848 (Office Hour)
	7298989 (After Office Hour)
	info.buruh@buruh.gov.bn



For more information, visit:

	<u>www.labour.gov.bn</u>
	@labour.bn
	Jabatan Buruh, Negara Brunei Darussalam

Address:

	Department of Labour, Jalan Dewan Majlis, Bandar Seri Begawan, BS3910, Brunei Darussalam
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Q&A Session



THANK YOU



جوابتن بوروه

JABATAN BURUH
KEMENTERIAN HAL EHWAL DALAM NEGERI
NEGARA BRUNEI DARUSSALAM