

**Act No. 27 of 2001**  
**EMPLOYMENT**  
**(CHAPTER 295: FAIR LABOUR STANDARDS IN THE 1987 REVISED EDITION)**

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**Subsidiary Legislation under the Fair Labour Standards Act, 1970**

**FAIR LABOUR STANDARDS (EXCEPTIONS) ORDER**  
**(SECTION 3(2))**

*[Commencement 1st May, 1970]* S.I. 33/1971

1. This Order may be cited as the Fair Labour Standards (Exceptions) Order.

Citation.

2. In this Order the expression "the Act" means the Fair Labour Standards Act.

Interpretation.

3. The provisions of sections 5 and 7 of the Act shall not apply in relation to any employee of a kind specified in the First Schedule.

Employees excluded from the benefits of sections 5 and 7 of the Act.

4. None of the provisions of the Act except-

- (a) Part III;
- (b) so much of section 2 as relates to the interpretation of that Part;
- (c) section 4, as respects the said Part;
- (d) sections 34 and 37; and
- (e) so much of the other provisions of Part V as relates to the implementation or enforcement or carrying out of the said Part III,

Employees restricted to the benefits of Part III of the Act.

shall apply in relation to any employee of a kind specified in the Second Schedule.

5. None of the provisions of the Act except-

- (a) Parts III and IV;
- (b) so much of section 2 as relates to the interpretation of the said Parts;
- (c) section 4, as respects the said Parts;

Employees restricted to the benefits of Parts III and IV of the Act.

(d) sections 34 and 37; and

(e) so much of the other provisions of Part V as relates to the implementation or enforcement or carrying out of the said Parts III and IV,

shall apply in relation to any employee of a kind specified in the Third Schedule.

### **FIRST SCHEDULE (Paragraph 3)**

(i) Any employee disentitled under his contract of employment to the payment of overtime pay and performing managerial or supervisory functions, that is to say, having authority on behalf of, and independently of, his employer to hire or lay off or promote or transfer or exercise disciplinary power over persons employed by his employer or to adjust the grievances of such persons.

In this item "overtime pay", in relation to any employee, means wages at a special rate payable to an employee under a contract of employment for time worked outside the period fixed by that contract as normal working time.

(ii) Any employee holding a formal qualification in the profession of accountancy, architecture, engineering, law, surveying or veterinary science who practises his profession in the course of his employment, or any student in training for such a profession while employed as such a student.

(iii) Any person employed as a gardener or as a domestic servant.

(iv) Any person employed in a hospital, nursing-home, maternity home, clinic or other establishment for the treatment or care of the sick or infirm.

### **SECOND SCHEDULE (Paragraph 4)**

(i) Any person employed in an hotel, not being an hotel on New Providence or Grand Bahama containing one hundred or more bedrooms for the use of guests as sleeping accommodation.

(ii) Any employee who is the wife or husband of the employer.

(iii) Any minister of religion or any person employed to propagate religion or to perform charitable work.

(iv) Any person employed as a salesman or agent who receives at least seventy-five per centum of his entire wages as such a salesman or agent in the form of commissions and whose working hours are not set by, and cannot be verified by, his employer.

(v) Any person employed in an essential service as defined in or under subsection (2) of section 72 of the Industrial Relations Act.

(vi) Any person serving in the naval, military or air forces of the Crown or in the Police Force or (except unestablished non-pensionable employees in receipt of wages of seventy dollars per week or less) employed in the

public service.

- (vii) Any person employed as a farm worker in agriculture or in animal husbandry.
- (viii) Any person employed in connection with the construction or operation of ditches, canals, reservoirs or waterways which are used exclusively for the supply or storage of water for agricultural purposes.
- (ix) Any person employed in commercial fishing.

### **THIRD SCHEDULE (Paragraph 5)**

Any person employed as a seaman.

## **WAGES COUNCIL (BANK CLERKS) REGULATIONS**

### **(SECTION 8)**

*[Commencement 14th March, 1985]* S.I. 17/1985

1. These Regulations may be cited as the Wages Council (Bank Clerks) Regulations.

Citation.

2. In these Regulations-

Interpretation.

"bank" means any place where the business of receiving on current, savings, deposit or other similar account, money which is payable by cheque or order or other instructions and which may be invested by way of advances to customers or otherwise is carried on.

3. There is hereby established a Wages Council in respect of workers employed in The Bahamas by any person or persons carrying on a bank and who are engaged mainly or wholly in the capacity of clerk in connection with the operation of such bank.

Establishment of Wages Council.

4. The Wages Council shall, in respect of wages and conditions of employment for clerks in any bank or for, or in connection with the business of any bank, have the functions and powers set out in the Act:

Functions and powers of Wages Council.

Provided that the Wages Council shall have no power in relation to persons employed by-

- (a) the Government;
- (b) the Central Bank of The Bahamas;
- (c) The Bahamas Development Bank.