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## FOREWORD

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Bismillah Hirrahman Nirrahim. Assalamualaikum Warahmatullahi Wabarakatuh

Alhamdulillah, praise be to Allah Subhanahu WaTa'ala for His grace, strength and guidance and by His kind, the Department of Labour managed to publish the book '**Guide to Brunei Darussalam Employment Laws and Regulations**' in order to educate and provide an understanding and raise public awareness about the laws and regulations of labour in this country. The book is published in conjunction with the roadshow awareness program organised by the Department of Labour.

'**Guide to Brunei Darussalam Employment Laws and Regulations**' consists of brief information on Employment Order 2009, Workmen's Compensation Act 1957, Workplace, Safety and Health Order 2009, Employment Agencies Order 2004 and Employment Information Act 1974 as well as Employer Checklists, Sample Contract of Service and Employees Guide on how to lodge complaints.

The objective of the guide is to equip employer with important information on labour laws and regulations, and subsequently to instill responsibility/accountability to the labour standards and conditions. It is also intended to inform and educate employers to respect and fulfill the rights of workers, for example, on the working hours, rest day, overtime payment, paid leave and maternity leave for all workers, not merely to foreign workers but more importantly to the local workforce as well. As such, it is hoped that employers will provide conducive working environment to the workers which in turn create positive outcome to the productivity of the company and at the same time encourages locals to work in the private sectors.

Ultimately, such useful guide will help to develop better understanding amongst employers which will then hoped to reduce labour related issues such as delayed salary payment and unfair dismissal of workers.

DOL in its plan, will organize awareness program (road shows) on labour laws and regulations which will be conducted throughout the year, to all four districts. The road shows will be conducted in such a way that the public can have informal dialogue session with DOL and as such, I take this opportunity to encourage the public to actively participate and use this venue as the platform for discussion.

It is hoped that public sees this approach as a positive move towards the betterment of the labour standards in the country.

At this juncture, I would like to reiterate the importance of employers to comply and obliged to the labour laws and regulations so as to ensure a more conducive and harmonious working environment.

Last but not least, I would like to thank the committee involved for their commitment and contribution for the realization of the '**Guide to Brunei Darussalam Employment Laws and Regulations**'.

Wabillahi Taufik Walhidayah, Wassalamualaikum Warahmatullahi Wabarakatuh.

**HAJI RANI BIN BPSK DSS HJ MOHD YUSOF**

**Acting Commissioner of Labour**

**Department of Labour**

## **INTRODUCTION**

### **EMPLOYMENT ORDER, 2009**

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The Employment Order, 2009, which came into operation on 3<sup>rd</sup> September 2009, is the main legislation governing the terms and conditions of employment in Brunei Darussalam. It covers all persons who are employed under a contract of service, which may be written or implied but excludes seamen, domestic servants, and any person employed in a managerial, executive or confidential position. Civil servants and all employees of statutory bodies are also excluded from this Order.

The Employment Order, 2009, sets out the minimum terms and conditions of employment. You are encouraged to provide better terms and conditions than those stipulated, so as to attract and retain valued employees in an increasingly global labour market. These should be clearly set out in your company policies and made known to all employees.

### **WORKMEN'S COMPENSATION ACT, 1957**

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The main aim of this act is to compensate an injured worker for the loss of earning capacity as a result of an injury arising out of and in the course of employment.

### **WORKPLACE SAFETY AND HEALTH ORDER, 2009**

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The Workplace, Safety and Health Order was fully enforced on 1<sup>st</sup> August 2013. It is an order relating to the safety, health and welfare of persons at work in workplaces.

This Order shall apply to all workplaces including:-

- Any workplace wholly or partly owned or occupied by the government;
- Any premises in which any building operation or any construction work carried on by or on behalf of the Government.

## **EMPLOYMENT AGENCIES ORDER, 2004**

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The Employment Agencies Order, 2004 was fully enforced on 1<sup>st</sup> January 2012. This Order is designed to regulate the employment agency activities within Brunei Darussalam through:

- Registering and licensing of all employment agencies;
- Monitoring of employment agency activities;
- Receiving and addressing complaints from the public that are related to employment agencies;
- Conducting investigations on employment agency matters; and
- Taking appropriate actions when necessary in order to enforce the Order.

It is aimed at preventing:-

- Human / labour trafficking
- Forgery of documents and signatures
- Irresponsible and unscrupulous employment agencies

Employment Agencies Order, 2004 aimed towards the protection of employers and employees.

## **EMPLOYMENT INFORMATION ACT, 1974**

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This is an Act to provide for the collection of information regarding employed persons in the private sectors. The annual census will be conducted by the Department of Labour in October (every year) to collect detailed information of the employer's/ employees', wages, earnings and hours of work in the private sectors and shall be submitted on or before the 30<sup>th</sup> November every year.

## CONTRACT OF SERVICE

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- A contract of service creates an employer and an employee relationship between the two parties.
- It shall be in writing and signed by both parties (subject to *Section 10 of Employment Order, 2009*).
- The agreed terms and conditions of employment cannot be less favourable than the Employment Order, 2009.

**Any employer who fails to provide a contract of service is guilty of an offence and liable on conviction to a fine not exceeding \$3,000, imprisonment for a term not exceeding one year or both.**



## TERMS OF EMPLOYMENT (MINIMUM TERMS PROVIDED BY THE LAW)

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The employer is required to include the following particulars in writing in the contract of service:-

✓	The name of employers or group of employers and place of employment.
✓	The name and place of origin of the employee.
✓	Where possible, the names and address of the next of kin of the employee.
✓	The nature of employment.
✓	The duration of employment and the method of calculation.
✓	The appropriate period of notice to be given by the party wishing to terminate the contract of service.
✓	The rates of salary and the method of calculation, the manner and times of payment of salary.
✓	The measures to be taken to provide the welfare of the employee.
✓	The conditions of repatriation, if the employee is not a citizen of Brunei Darussalam.
✓	Any special conditions of the contract of service.

## TERMINATION OF CONTRACT

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A termination of contract may occur when:-

- The work specified in the contract has been completed or when a date specified in the contract for the expiry of the contract has been reached.
- Either party has decided to end the contract with appropriate notice in accordance with terms of the contract.
- There has been a breach of contract and the other party wishes to terminate the contract.

The notice period for 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 agreed by either party or included in the contract, the following notice period shall apply:-

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

## WHAT CONSTITUTES MISCONDUCT?

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Misconduct refers to a breach of duty or discipline which is inconsistent with the express or implied conditions of an employee's contract of service.

Some examples of misconduct are as follows:-

- Misuse of company facilities/ 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.

## PAYMENT OF SALARY

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There is no minimum wage in Brunei Darussalam. It is subject to negotiation and mutual agreement between an employer and employee.

### ***How often should an employee be paid his/her salary?***

An employee must be paid at least once a month. All salary other than overtime payment must be paid **within 7 days** after the end of salary period. Salary for overtime must be paid **within 14 days** after the end of the salary period.

### ***When is salary payable to an employee whose contract of service has been terminated by his employer?***

The total salary due to an employee must be paid on his last day of employment if:-

- ✓ He is dismissed on the grounds of misconduct
- ✓ His service is terminated by his employer

If this is not possible, it must be paid within 3 working days from the date of dismissal or termination.

### ***When is salary payable to an employee who resigns?***

- ✓ If an **employee resigns and has served the required notice period**, he must be paid all salary due to him on the last day of employment.
- ✓ If an **employee resigns without notice or without serving the required notice period**, he must be paid all salary due to him within 7 days from the last day of employment.



### ***Can an employers make deductions from an employee's salary?***

No deductions other than those allowed under the Employment Order, 2009 or ordered by the Court, can be made by an employer. The permitted deductions from the salary are:-

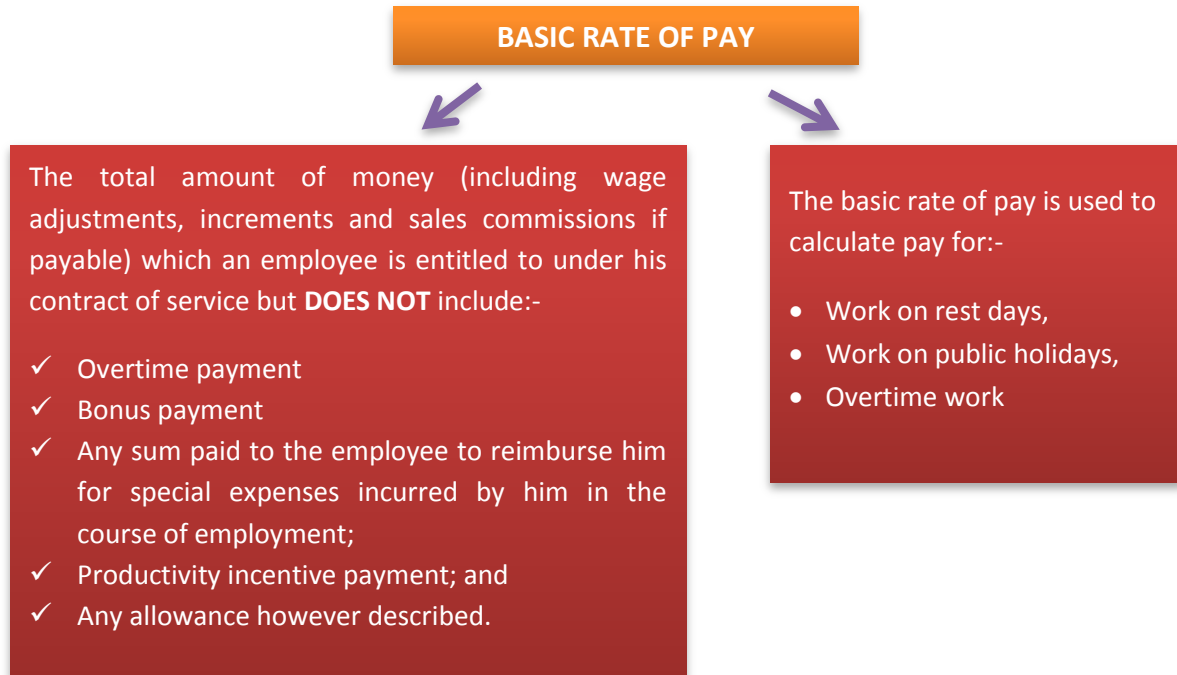
- (a) Absence from work
- (b) Damage to or loss of goods/money
- (c) Cost of meals supplied by the employer at the request of the employee;
- (d) House accommodation
- (e) For amenities and services
- (f) The recovery of advances, loans or adjustment of overpayment of salary
- (g) Income tax payment
- (h) TAP contributions
- (i) Contributions to superannuation scheme/ provision fund
- (j) Payments to any registered co-operative society
- (k) Any other deductions which may be approved by the Minister.

**Any employer who fails to pay the salary of an employee in accordance with the provisions of this Part is guilty of an offence and liable on conviction to a fine not exceeding \$3,000, imprisonment for a term not exceeding one year or both.**



## CALCULATION OF SALARY

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### ***Formula for Basic Rate of Pay:-***

For a monthly- rated employee who is employed to work in the **same number of days every week**, the basic rate of pay for 1 day is calculated as follows:-

$$\frac{12 \text{ X Monthly Basic Rate of Pay}}{52 \text{ X Number of days an employee is required to work in a week}}$$

For a monthly-rated employee who works **alternately on a number of days in one week and a different number of days in the other week** e.g. 5 days in a week and 6 days in another week over every 2 weeks period, the basic rate of pay for 1 day is calculated as follows:-

$$\frac{12 \text{ X Monthly Basic Rate of Pay}}{52 \text{ X Average Number of days on which an employee is required to work in a week over any period of 2 consecutive weeks}}$$

## GROSS RATE OF PAY

The total amount of money including allowances which an employee is entitled to under his contract of service, but **DOES NOT** include:

- ✓ Overtime payments;
- ✓ Bonus payments;
- ✓ Any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;
- ✓ Productivity incentive payments; and
- ✓ Travelling, food or housing allowances.

The gross rate of pay is used to calculate pay for:-

- Payment in lieu of notice of termination,
- Deduction of pay for absence from work,
- Paid holidays, paid annual leave
- Paid sick leave; and
- Paid maternity leave

### ***Formula for Gross Rate of Pay:-***

For a monthly-rated employee who is employed to work in the **same number of days every week**, the gross rate of pay for 1 day is calculated as follows:-

**12 X Monthly Gross Rate of Pay**  
**52 X Number of days an employee is required to work in a week**

For a monthly-rated employee who works **alternately on a number of days in one week and a different number of days in the other week** e.g. 5 days in a week and 6 days in another week over every 2 weeks period, the gross rate of pay for 1 day is calculated as follows:-

**12 X Monthly Gross Rate of Pay**  
**52 X Average Number of days on which an employee is required to work in a week over any period of 2 consecutive weeks**

**What is the salary payable to a monthly-rated employee if he DOES NOT work a complete month?**



For the purpose of calculating the salary, a ‘month’ or ‘completed month’ refers to calendar month (i.e. January, February, etc). An employee may not work a complete month if he:

- Starts work after the first day of the month; or
- Leaves employment before the end of the month; or
- Takes no-pay leave during the month; or
- Takes leave of absence to perform his reservist training during the month.

In such situations, the salary payable to him is calculated as follows:-

<b>Salary = <u>Monthly Gross Rate of Pay</u> X</b>	
<b>* Total no. of working days in that month (includes public holiday if the employee is entitled to holiday but excludes rest days and non-working days)</b>	<b>*No. of days the employee actually worked in that month</b>

\*If the number of working hours in any working day is 5 hours or less, it shall be regarded as a half-day.

\*If it is more than 5 hours, it is regarded as one day.

**HOURS OF WORK AND OVERTIME**

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Hours of work under the Employment Order is the period during which an employee is expected to carry out the duties assigned to him by his employer. It does not include any intervals allowed for rest, tea break and meals.

**How many hours can an employee normally be expected to work in a day/ week?**

- ❖ For a **non-shift worker**, the hours of work shall not be more than 8 hours a day or more than 44 hours a week.
- ❖ For a **shift worker**, the hours of work shall not be 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.

**All work in excess of the above hours shall be considered as overtime work.**

**How many hours can an employee normally be expected to work in a day/ week?**

An employee is not allowed to work for more than 12 hours in a day (inclusive of overtime work) except in following circumstances:-



- 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.

In the case of a shift worker, he is NOT allowed to work for more than 12 hours a day under any circumstances.



Overtime has to be paid if the employee is required to work beyond his contractual hours of work. Payment for overtime work must be paid within 14 days after the last day of the salary period.

The rate of payment is **1.5 times** the hourly basic rate of pay.

The formula for computing the hour rate of pay is as follows:-

**(a) Monthly-Rated Employee**

$$\frac{12 \times \text{Monthly Basic Rate of Pay}}{52 \text{ weeks} \times 44 \text{ hours}}$$

**(b) Daily-Rated Employee**

$$\frac{\text{Daily Pay at the Basic Rate}}{\text{Working Hours Per Day}}$$

**(c) Piece-Rated Employee**

$$\text{Hourly Basic Rate of Pay} \times 1.5 \times \text{No. Of Hours Overtime Worked}$$

**Based on the hourly rate of pay, the overtime pay for the 3 categories of employees is calculated as follows:-**

$$\frac{\text{Total Weekly Pay Received}}{\text{Total No. of Hours Worked in the Week}}$$

An employee is permitted to work up to a limit of 72 hours of overtime in a month. However, this limit may be exceeded if approval has been granted by the Commissioner of Labour.



Any employer who fails to pay the overtime of an employee will be liable on conviction to a fine not exceeding \$3,000, Imprisonment for a term not exceeding one year or both.

## REST DAYS



- An employee is entitled to **1 rest day** (midnight to midnight) each week without pay. The rest day shall be on a 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.

Any employer who fails to provide a rest day is guilty of an offence and liable on conviction to a fine not exceeding \$800, and for a second or subsequent offence to a fine not exceeding \$1,600, imprisonment for a term not exceeding one year or both.



## PUBLIC HOLIDAYS

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An employee is entitled to **11 days public holidays** in a year:-

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

## ANNUAL LEAVE

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***How many days of paid annual leave is an employee entitled to for each year of service?***

It depends on what is stated in the employment contract which shall not be less than the following:-



Years Of Service	Days of Leave
1 <sup>st</sup>	7
2 <sup>nd</sup>	8
3 <sup>rd</sup>	9
4 <sup>th</sup>	10
5 <sup>th</sup>	11
6 <sup>th</sup>	12
7 <sup>th</sup>	13
8 <sup>th</sup> and thereafter	14

## SICK LEAVE

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*How many days of paid sick leave is an employee entitled to for each year of service?*

**14 days outpatient sick leave per year and 60 days hospitalization leave** (including the 14 days outpatient sick leave) provided he satisfies the following conditions:-

- ✓ Must have worked for at least 6 months;
- ✓ Has obtained a medical certificate from the company doctor. If no such doctor is appointed, from a government doctor or a doctor employed by any of the approved hospitals; and
- ✓ Must inform employer of the sick leave within 48 hours.



## MATERNITY LEAVE

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### FOREIGN EMPLOYEES

All **foreign female employees** are covered under the Employment Order and are entitled to **9 weeks of maternity leave** as follows:-

- i. **4 weeks immediately before** the delivery of her child
- ii. **5 weeks immediately after** the delivery of her child. By mutual consent, the last 4 weeks of the maternity leave can be taken within 6 months from the date of delivery.

All female employees must satisfy that she has served an employer for **more than 180 days** and **only 8 weeks are entitled to receive payment benefit.**

## LOCAL EMPLOYEES

All **citizen or permanent resident female employees** are covered under the Employment Order and are entitled to **15 weeks of maternity leave** as follows:-

- i. The period of **2 weeks immediately before** the delivery of her child.
- ii. The period of **13 weeks immediately after** the delivery of her child.

Eligibility requirements:-

- ✓ Applies to citizen or permanent resident of Brunei Darussalam.
- ✓ Has served an employer for **more than 180 days**.
- ✓ An employee whose contributions are payable by her employer on behalf of the employee under TAP.
- ✓ Lawfully married



### Payment of Salary

- The employer pays the basic salary for the first 8 weeks.
- Following this, the government helps to pay salary for a period of 5 weeks.
- However, the employer is obliged to make advance salary payments for the above-mentioned 5 weeks period and then make claim to the government for repayment.
- The final 2 weeks of the remaining leave is unpaid leave.



**Any employer who fails to pay the salary of his female employee during maternity leave is guilty of an offence and liable on conviction to a fine not exceeding \$1,000, imprisonment for a term not exceeding 6 months or both.**



## BASIC EMPLOYMENT CHECKLIST FOR EMPLOYEES

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Title of job	✓	Annual Leave	✓
Scope of work i.e duties to be performed	✓	Eligibility for Leave	✓
Basic Salary	✓	Sick Leave and Medical Certification (MCs)	✓
Other allowances if payable	✓	Hospitalisation Leave	✓
When Salary/ Allowances will be paid (at least once a month)	✓	Maternity Leave	✓
TAP Contributions	✓	Termination of Employment	✓
Hours of Work per day/ week	✓	Dismissal for Misconduct	✓
Time of Meals	✓	Workplace, Safety and Health	✓
Rate of Overtime Payment	✓	Workplace, Safety and Health Roles and Responsibilities.	✓
Public Holidays/ Rest Day Arrangements	✓		

**SAMPLE OF EMPLOYMENT CONTRACT AGREEMENT**

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This sample contract is designed to help you draft an employment agreement. It includes all the essential elements of a typical contract. You may modify to suit your specific needs and situations. Keep in mind that this document is a starting point and not a finished product. You need to make that the actual agreement reflects the relationship between you and your employee.

**This Employment Agreement dated this (date) day of (month) 20xx is made between:**

.....

(herein after referred to as “the employer”)

**Address of employer:**

.....  
.....  
.....

**And**

.....

(herein after referred to as “the employee”)

**Address of employee:**

.....  
.....  
.....

**1. Commencement of Employment**

This employment contract will begin on \_\_\_\_\_ and continue until terminated as set out in clause 13 (below).

**2. Place of work**

.....  
.....

**3. Job description**

3.1 Job title \_\_\_\_\_ (e.g Teacher, Security Officer, Security Supervisor, Driver, Cleaning Specialist, Child Minder, Gardener,etc)

3.2 Duties

.....  
.....  
.....

**4. Remuneration**

4.1	The employer shall review the employee's remuneration/ salary upon confirmation in the appointment and subsequently once a year.	\$ _____ per month/ day/ week
4.2	The employee shall be entitled to the following allowances:	\$ _____ / per hour
4.3	The employee shall also be paid the overtime (OT) for work beyond 8 hours in a day or 44 hours in a week. The total amount of OT paid every week/ two weeks/ months* will be made on _____.	

4.4. The employer shall review the employee's remuneration/ salary upon confirmation in the appointment and subsequently once a year.

**5. Working Days/ Hours of Work/ Overtime**

5.1. Working days will be 4/5/6 \_\_\_\_\_ days a week.

5.2. The normal working hours will be as follows: .....

5.3. Rest day \_\_\_\_\_

5.4. Overtime will only be worked if authorized or agreed upon between the parties from time to time.

**6. Meal Intervals**

6.1. The employee shall have a meal (lunch/ dinner) break of 45 minutes/ 1 hour (delete the one that is not applicable). Meal time will be taken from: ‘

Lunch : \_\_\_\_\_ to \_\_\_\_\_ daily.

Dinner : \_\_\_\_\_ to \_\_\_\_\_ daily.

**7. Sunday or Rest Day Work**

7.1. Any work on Sunday/ rest days will be by agreement between the parties from time to time.

7.2. If the employee works on a Sunday/ rest day at the request of the employer he/ she will be paid 1 day's basic salary for working up to half the normal daily working hours or 2 day's basic salary for working for more than half the normal daily working hours.

7.3. If the employee works beyond his/ her normal daily working hours on his rest day, he shall be paid 1.5 times his hourly basic rate of pay.

7.4. If the employer works on a Sunday/ rest day at his own request, he/ she will be paid ½ day's basic salary for work up to half the normal working hours of 1 day's.

## **8. Public Holidays**

- 8.1. The employee will be entitled to a paid public holiday provided he does not absent himself from work on the working day before or after the holiday without informing the employer or without a reasonable excuse.
- 8.2. If the employee works on a public holiday he/ she shall be paid an additional one day's basic salary pay and travel allowance (if any) for that day.

## **9. Annual Leave**

- 9.1. The employee who has served for at least 3 months, is entitled to ..... days of paid leave for every 12 months of continuous service. One day's paid leave will be added to the said employee's annual leave entitlement for every subsequent 12 months of continuous service thereafter, up to a maximum of 14 days.
- 9.2. Where the employee's period of employment is more than 3 months but less than 12 continuous months of service, the annual leave entitlement will be in proportion to the number of completed months of service in that year.

## **10. Sick Leave**

- 10.1. The employee will be entitled to paid sick leave not exceeding:
- 10.2. 14 days in each year if no hospitalisation is necessary; or
- 10.3. 60 days (including the 14 days in 10.2) in each year if hospitalisation is necessary.
- 10.4. During the first six months of employment the employee will not be entitled to paid sick leave and any sick leave taken during the period will be considered.
- 10.5. The employee is to notify the employer as soon as possible in case of his-her absence from work through illness after certification of his sick leave by company's doctor or a Government doctor or any other certified medical practitioner or medical officer.

## **11. Maternity Leave (to include if applicable)**

**\*\*\* Subject to their nationals, if the employee is local then it is based on the new provisions\*\*\***

11.1. The female employee will be entitled to paid 9 weeks maternity as follows:

- i. 4 weeks immediately before the delivery of her child; and
- ii. 5 weeks immediately after the delivery of her child.

11.2. 8 weeks of maternity leave will ONLY be paid and the other one (1) week will be considered unpaid leave if she take that leave.

## **12. Termination of Employment**

12.1. Either party can terminate this agreement with( 1 day/ 1 week/ 2 weeks/ 1 month) written notice or by paying salary in lieu of notice for the relevant period.

## **13. Workplace, Safety and Health**

13.1. The employer will take all reasonably practicable measures to protect the safety and health of employees in the course of their work.

13.2. The employee must attend identified safety and health courses related to his/ her work and abide by the company's safety and health rules and regulations.

## **14. Workmen's Insurance**

14.1. Where personal injury is sustained by the employee in the course of his employment, the employer will be liable to pay compensation where applicable under the Workmen's Compensation Act 1957 (Cap.74).

14.2. The employer will insure and maintain insurance under one or more approved policies with an insurance against any liability that he would incur to any workmen employed by him where applicable under the Workmen's Compensation Act 1957 (Cap.74).

SAMPLE

**15. Other conditions of employment or benefits.**

.....  
.....  
.....

**16. General**

16.1. Any changes to this agreement will only be valid if they are in writing and have been agreed and signed by both parties.

THIS AGREEMENT SIGNED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_.

(Signature)

.....

Name of employer :

Name of employee:

Witness By (Signature/ Name) :

Enclosed : (relevant instructions/ company policy guidelines.

SAMPLE

# DISPUTE SETTLEMENT

LABOUR ENFORCEMENT DIVISION (LED)

GROUND FLOOR

DEPARTMENT OF LABOUR

MINISTRY OF HOME AFFAIRS

BRUNEI DARUSSALAM

***HOTLINE: +6732381848***





The Labour Enforcement Division (LED) receives complaints from workers and employers with regards to employment practices and laws.



## COMPLAINT PROCEDURES FOR EMPLOYEES

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Lodge a report/ complaint to the nearest Police Station

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

The complainant must come personally to lodge a report and must NOT be represented by anyone else.

## DOCUMENTS TO BRING WHEN LODGING A REPORT

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Police Report

Identity Card

Worker's Passport

Worker's Contract

Job Card/ Time Card

Other relevant documents

# **EMPLOYMENT AGENCIES ORDER, 2004**



## EMPLOYMENT AGENCY UNIT

It is a unit under the Division of Labour Standards and Employment Agency which has been entrusted with the tasks and responsibilities which includes:

- i. Registering and licensing of all employment agencies in the country;
- ii. Monitoring and regulating the activities of employment agencies, and
- iii. Receiving and investigating complaints related to employment agencies in the country in accordance with the Employment Agencies Order 2004.

## EMPLOYMENT AGENCY LICENSE (LAP)



Employment Agency License or *Lesen Agensi Pekerjaan* (LAP) is used to identify and recognise an employment agency, which have been registered and licensed by the Department of Labour.

There are three categories of licence issued;

- 1) Category **A** – For bringing in and processing **domestic workers** only (such as maids);
- 2) Category **B** – For bringing in and processing workers in the **private sectors** only, and
- 3) Category **C** – Combination of Category **A & B**

Certain applications are handled through/by licensed employment agencies and/or employer as follows:-

MUST BE THROUGH LICENSED EMPLOYMENT AGENCIES ONLY	CAN BE HANDLED BY EMPLOYER OR THROUGH LICENSED EMPLOYMENT AGENCIES
1. Recruitment of new domestic workers (e.g. house maids).	1. Application for foreign worker license/ labour quotas for personal or company (new, additional or renewal of license).
	2. Renewal of work pass recommendation (BUR555).
2. Recruitment of new workers for companies (e.g. BUR500).	3. Transfer or renewal of contract (domestic or company).
	4. Cancellation of foreign worker license/ labour quotas.
	5. Reclamation of security deposits.
	6. Any other related applications.

## EMPLOYMENT AGENCY REPRESENTATIVE CARDS / KAD WAKIL AGENSI PEKERJAAN

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- It is a card issued by the Employment Agency Unit used to identify agents that have been registered and licensed by the Commissioner of Labour.
- The cardholder is authorized to carry out recruitment processes in the Department of Labour.
- The criterias for cardholders are as below:
  1. Must be Citizens or Permanent Residents of Brunei Darussalam only.
  2. Pass security vetting.
  3. Possess a good character.
  4. Currently working for a licensed employment agency.

## COMPLAINT PROCEDURE

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When making a complaint about employment agency related issues, the complainant must:

1. Go to Level 1, Unit Employment Agency, Department of Labour to make the official complaint;
2. Fill in the complaint form provided.
3. Bring along relevant documents such as:
  - i. Police Report
  - ii. Identity Card of complainant.
  - iii. Job Order.
  - iv. Payment receipt.
  - v. Contract of Agreement between complainant and employment agency.



### NOTE:

**Complainant should make a police report prior to making complaints to Employment Agency Unit.**

List of the Licensed Employment Agencies can be found at the Department of Labour Website ([www.labour.gov.bn](http://www.labour.gov.bn)) or at the Employment Agency Unit located on level 1, Department of Labour

## OFFENCES UNDER EMPLOYMENT AGENCIES ORDER, 2004

SECTION	OFFENCE	FINE
6	Carrying on an employment agency without employment agency licence	1) A fine not exceeding \$5,000, imprisonment for a term not exceeding one year  2) In the case of a second and subsequent conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both
13	Carry on the business not in the place as stated in the licence	A compound not exceeding \$600
14	Did not display of licence	A compound not exceeding \$600
15	Fail to notify the Commissioner of change of person in charge or partnership	A compound not exceeding \$600
16	Fail to notify the Commissioner of cessation of business	A compound not exceeding \$600
21	Sharing of fee with contractors or contractors' agents	A compound not exceeding \$600
22	Advertising without full information	1) A fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both.  2) A compound not exceeding \$600
24	Fail to maintain of records	A compound not exceeding \$600
31	Lends the employment agencies' licence	A fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.
32	Every person who – a) not being the licensee, uses a licence issued by the Commissioner; b) makes or furnishes any application, return, written information or written explanation containing any particulars which to his knowledge is false or incorrect in any material particular; or c) being a licensee, fails to comply with any provision of his licence or with any of the conditions of his licence.	1) A fine not exceeding \$2,000.  2) In respect of a second or subsequent offence to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

# EMPLOYMENT INFORMATION ACT, CHAPTER 99, 1974



## EMPLOYMENT INFORMATION ACT, 1974

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### ANNUAL CENSUS OF EMPLOYERS'/EMPLOYEES WAGES, EARNINGS AND HOURS OF WORK FORM BUR 700A, BUR 700B AND BUR 702)

Under the provision of Employment Information Act 1974, Chapter 99, Section 3(1), all employers must fill in the Annual Census of Employer's/Employees' Wages, Earnings and Hours of Work and all forms must be returned before or on **30TH NOVEMBER of the Census Year**. Appropriate actions will be taken for late submission of forms.



It is an offence under Employment Information Act 1974, Chapter 99, Section 8, for any employer, who without any lawful excuse, wilfully refuses or neglects to furnish, or wilfully gives a false answer to any question necessary for obtaining any information or particulars required the particulars or information required in this form within the time allowed, shall be guilty of an offence and will be fined TWO THOUSAND FIVE HUNDRED DOLLARS [BND 2,500.00] and serve a jail term of Six [6] months, and in the event of a continuing offence, a further fine of FIFTY DOLLARS [BND 50.00] per day will be incurred during which the offence continues.



The Department of Labour conducts the collection of information on Annual Census of Employer's/Employees via online in 2015 using the Labour Control System.

Documents needed for registration to get the account system number 'Labour Control System':-

- A copy of Registered Certificate Section. 16 & 17 /Form X /Business License under relevant Law Order (eg. Insurance Order 2006)
- Original Identity Card.
- A copy of Recruitment of Foreign Workers License (Section 112[1]) [Labour Quota], if relevant only.
- For representative of company [if relevant only]:-
  - Verification letter from owner of company stating the representative's name and his/her identity card number.
  - Copy of the owner's identity card.

For any queries regarding this matter, please contact directly to:

Survey and Statistics Counter  
Department of Labour Lobby Area, Ground Floor .  
Bandar Seri Begawan BB3910,  
Jalan Dewan Majlis  
Tel: 2383006 extension: 4501-4504

# WORKPLACE, SAFETY AND HEALTH ORDER, 2009





## WORKPLACE SAFETY AND HEALTH DIVISION

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The objective of the division is as follows:-

- To ensure that any work related injuries and occupational diseases are compensated
- To monitor and assure that all workplaces are in safe and healthy condition
- To provide useful information and conduct awareness campaigns on safety and health at the workplace
- To organise a systematic approach on inspection of organisations in the country
- To support organisations in maintaining and monitoring workplaces

## WHO DOES IT APPLY TO?

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This Order shall apply to all workplaces including:-

- Any workplace wholly or partly owned or partly owned or occupied by the government
- Any premises in which any building operation or any construction work carried on by or on behalf of the Government

## WHAT SHOULD BE REPORTED?

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According to Workplace Safety and Health (Incident Reporting) Regulations, 2014, any person should notify the Commissioner where any accident at a workplace, leads to:-

- The death of any employee and any person who is not at work or of any self-employed person;
- The employee being granted more than 3 consecutive days of sick leave by a registered practitioner;
- The employee was admitted in a hospital for at least 24 hours for observation or treatment;
- The employee suffered an occupational disease at a workplace; and
- Any dangerous occurrence occurs at a workplace.

### NOTE:

Incidents shall be reported to the Commissioner of Labour through Workplace Safety and Health Division, Department of Labour not later than 10 days.

**Any employer, occupier and registered medical practitioner who contravenes the regulation is guilty of an offence and liable on conviction for a first offence, to a fine not exceeding \$5,000.00**

# WORKMEN'S COMPENSATION ACT, CHAPTER 74, 1957



## WHAT CONSTITUTES INJURY?

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“Injury” includes any condition listed in the Second Schedules (chapter 5 (Occupation Diseases) to the Workmen’s Compensation Act (Revised Edition 1984).

If a worker is killed in an accident arising out of and in the course of his employment, his dependant can claim compensation.

## WHO SHOULD PAY THE COMPENSATION?

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Every employer should pay compensation if his worker suffers personal injury by accident arising out of and in the course of employment.

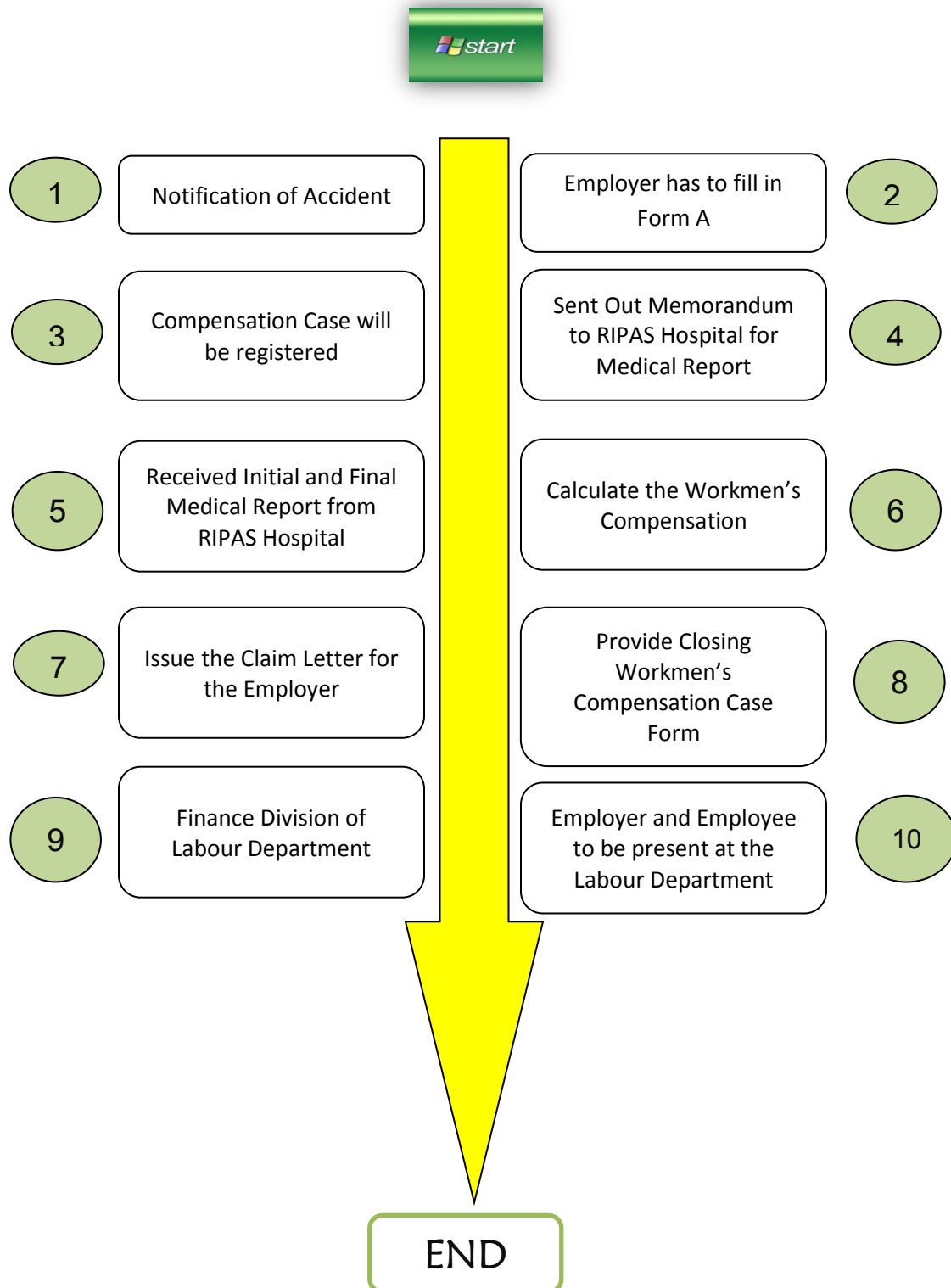
The employer includes: -

- the Government;
- any statutory body or authority;
- any person or body of person whether incorporate or not;
- the legal personal representative of a deceased employer; and
- in relation to a person employed for the purpose of any game or recreation and engaged or paid through a club, the manager or members of the managing committee of such club;



Every employer is required to provide insurance coverage and protect the workers with insurance in order to claim the workmen’s compensation.

## HOW TO CLAIM WORKMEN'S COMPENSATION IN DEPARTMENT OF LABOUR?



## NOTES

## NOTES

