

Bil. S 26

EMPLOYMENT ORDER, 2009
(S 37/2009)

EMPLOYMENT (MINIMUM WAGE) ORDER, 2023

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
2. Application
3. Interpretation
4. Minimum wages
5. Effect of minimum wages
6. Offences
7. Transitional period

SCHEDULE 1 — APPLICATION OF ORDER

SCHEDULE 2 — MINIMUM WAGE RATES

EMPLOYMENT ORDER, 2009
(S 37/2009)

EMPLOYMENT (MINIMUM WAGE) ORDER, 2023

In exercise of the power conferred by section 74A of the Employment Order, 2009, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Order —

Citation and commencement

1. This Order may be cited as the Employment (Minimum Wage) Order, 2023 and shall commence on 12th July 2023.

Application

2. (1) This Order applies to any employee or category, class or description of employees who is under a contract of service for any employment specified in Schedule 1.

(2) This Order does not apply to —

(a) the Government;

(b) any apprentice;

(c) any immigrant employee who is —

(i) issued a Professional Visit Visa; or

(ii) employed by an employer through a Special Authorisation Work Pass.

Interpretation

3. In this Order, unless the context otherwise requires —

"minimum wage" means —

(a) the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period which cannot be reduced by a collective agreement or an individual contract; and

(b) the amount is prior to the reduction of the employee's contributions to —

- (i) the National Retirement Scheme established and maintained under section 8 of the National Retirement Scheme Order, 2023;
- (ii) the Employee Trust established under section 6(1) of the Employee Trust Act (Chapter 167); or
- (iii) the Supplemental Contributory Pensions Trust established under section 7(1) of the Supplemental Contributory Pensions Trust Order, 2009 (S 58/2009);

"Professional Visit Visa" means a visa issued by the Controller of Immigration to any immigrant employee for the purpose of professional work or requiring his expertise for a particular project awarded in Brunei Darussalam for a period of less than 3 months;

"Special Authorisation Work Pass" means a licence issued by the Commissioner of Labour to an employer to employ any immigrant employee who works for the purpose of a particular project awarded in Brunei Darussalam for a period of less than one year.

Minimum wages

4. In setting the minimum wage rates in relation to any category, class or description of employees in respect of whom this Order applies, the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, determine the coverage according to the types of employment or classes of industries as specified in Schedule 2.

Effect of minimum wages

5. (1) Where the basic rates of pay agreed in a contract of service or existing salary is lower than the minimum wage rates, the basic rates of pay or existing salary shall be substituted with any rate not lower than the minimum wage rates.

(2) Where the basic rates of pay agreed in a contract of service or existing salary is higher than the minimum wage rates, the basic rates of pay or existing salary shall not be reduced to any rate lower than the basic rates of pay agreed in the contract of service or the existing salary.

(3) Nothing in this paragraph shall be construed as preventing an employer and employee from agreeing to any basic rate of pay which is higher than the minimum wage rates.

Offences

6. Any employer who fails to pay the salary of an employee in accordance with this Order is guilty of an offence.

Transitional period

7. For the purposes of this Order, an employer shall make any adjustment in respect of an employee's contract of service within the transitional period of 6 months starting from 12th July 2023.

SCHEDULE 1

(paragraph 2(1))

APPLICATION OF ORDER

All employees who are under a contract of service for employment with the following –

(a) a bank licensed under section 4 or 23 of the Banking Order, 2006 (S 45/2006) and an Islamic bank licensed under section 4 or 23 of the Islamic Banking Order, 2008 (S 96/2008);

(b) a finance company licensed under the Finance Companies Act (Chapter 89);

(c) a telecommunication system or service operator licensed under section 5 of the Telecommunications Order, 2001 (S 38/2001);

(d) Bank Usahawan Berhad;

(e) the Perbadanan Tabung Amanah Islam Brunei established by section 3(1) of the Perbadanan Tabung Amanah Islam Brunei Act (Chapter 163).

SCHEDULE 2

(paragraph 4)

MINIMUM WAGE RATES

<i>Class of industries</i>	<i>Full-time employee Monthly</i>	<i>Part-time employee Hourly</i>
1. Banking and finance	\$500	\$2.62
2. Infocommunication technology	\$500	\$2.62.

Made this 22nd. day of Zulhijah, 1444 Hijriah corresponding to the 11th. day of July, 2023.

DATO SERI SETIA AWANG HAJI AHMADDIN BIN HAJI ABDUL RAHMAN
Minister of Home Affairs.