

AMENDMENT TO THE EMPLOYMENT RIGHTS ACT

It is brought to the attention of all concerned that section 13 of the Economic and Financial Measures (Miscellaneous Provisions) Act 2013 (Act No. 27 of 2013), which was passed by the National Assembly on 17 December 2013, has amended sections 3, 19, 30, 31A, 44 and 67 of the Employment Rights Act.

2. An extract of the relevant part of the Economic and Financial Measures (Miscellaneous Provisions) Act 2013 is appended.

3. The above amendments take effect as from 21 December 2013 on which date the Economic and Financial Measures (Miscellaneous Provisions) Act 2013 was gazetted.

15 January 2014

EXTRACT

THE ECONOMIC AND FINANCIAL MEASURES (MISCELLANEOUS PROVISIONS) ACT 2013

Section 13 of Act No. 27 of 2013

13. Employment Rights Act amended

The Employment Rights Act is amended –

- (a) in section 3(2)(b), by inserting, after the words “(5),”, the words “(5B),”;
- (b) in section 19(1), by deleting the words “a normal day’s work” and replacing them by the words “his normal day’s work on any day of the week, whether or not a public holiday,”;
- (c) in section 30(3), by deleting the words “subsection (1)(b)” and “subsection (1)(a)” and replacing them by the words “subsection (1A)” and “subsection (1)”, respectively;
- (d) in section 31A –
 - (i) in subsection (4), by deleting the words “this section” and replacing them by the words “subsection (2)”;
 - (ii) by adding the following new subsection –
 - (5) In this section –
 - “earnings” –
 - (a) means basic wages; and
 - (b) includes –

- (i) wages earned for overtime under section 16;
 - (ii) wages paid under sections 17, 24, 27(1), (2), (2A) and (3), 28, 30(1), (4) and (5)(a) and 31; and
 - (iii) any sum of money, excluding commission, by whatever name called, paid to a worker, in respect of any work performed by him, in addition to the basic wages agreed upon between him and the employer and which is related to productivity.
- (e) in section 44(4)(b), by inserting, after the word “employed”, the words “on a full-time basis for a period of at least 30 consecutive working days”;
- (f) in section 67(1), by repealing paragraph (e) and replacing it by the following paragraph –
 - (e) contravenes –
 - (i) a condition of any authority issued, or approval given, under this Act;
 - (ii) any order or direction given under this Act;
 - (iii) any provision of this Act or any regulations made under this Act; or
 - (iv) any order made by the Court,