

S.P. 6/20



**St Helena
Government**

EMPLOYMENT RIGHTS (AMENDMENT) BILL, 2020



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Employment Rights Ordinance, 2010, to increase the number of persons to comprise the Labour Regulation Authority and to introduce remuneration for such persons and the members of the Employment Rights Committee; to amend the enabling provision for regulations to be made with respect to maternity, parental and adoption leave; and for connected and incidental purposes.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title, commencement and interpretation

1. (1) This Ordinance may be cited as the Employment Rights (Amendment) Ordinance, 2020, and comes into force on 1st April, 2020.

(2) In this Ordinance “the principal Ordinance” means the Employment Rights Ordinance, 2010.

Amendment of section 3 – Labour Regulating Authority

2. The principal Ordinance is amended by repealing section 3 and substituting the following section—

“3. (1) There is continued a Labour Regulating Authority which has the powers and functions conferred or imposed on the Labour Regulating Authority by this or any other Ordinance and which is to be comprised of three persons appointed by the Governor by Notice published in the Gazette as follows—

- (a) a chairman who must be the Chief Magistrate appointed as such in accordance with section 7 of the Magistrates’ Court Ordinance, 2011; and
- (b) 2 other persons appointed at the discretion of the Governor.

(2) The Governor may appoint a Deputy Labour Regulating Authority.

- (3) The remuneration of a person comprising the Labour Regulating Authority pursuant to subsection (1)(b) shall be £600 per annum which shall be paid out of the Consolidated Fund and which may be increased by the Governor in Council as the Governor in Council determines fit and any such increase shall be published by Notice published in the Gazette.”.

Amendment of section 7 – Employment Rights Committee

3. The principal Ordinance is amended in section 7 by inserting after subsection (2) the following subsections—

“(3) The remuneration of a member of the Employment Rights Committee shall be £450 per annum which shall be paid out of the Consolidated Fund and which may be increased by the Governor in Council as the Governor in Council determines fit and any such increase shall be published by Notice published in the Gazette.

(4) Subsection (3) does not apply to persons appointed pursuant to subsection (2)(a) or (b).”.

Amendment of section 27 - Working hours and leave periods

4. The principal Ordinance is amended in section 27(2) by deleting the words “maternity and paternity leave” in paragraph (i) and substituting “maternity, parental and adoption leave”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance makes provision for the Labour Regulating Authority to be increased to three persons and for two of these persons to be paid as specified. The Ordinance also introduces remuneration for the members of the Employment Rights Committee.

Section 27 of the Employment Rights Ordinance, 2010, makes provision for regulations to be issued to prescribe the right of an employee to paid or unpaid maternity or paternity leave. This provision is amended to extend the scope of the regulatory power to cover maternity, parental and adoption leave.