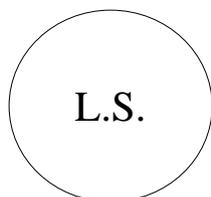


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**EMPLOYMENT RIGHTS ORDINANCE, 2010*****EMPLOYMENT RIGHTS (AMENDMENT) REGULATIONS, 2019***

In exercise of the powers conferred by sections 27 and 49 of the Employment Rights Ordinance, 2010, the Governor in Council makes the following Regulations:

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Employment Rights (Amendment) Regulations, 2019, and come into force on 1 April 2020.

(2) In these Regulations, the “principal Regulations” means the Employment Rights (Annual Leave Cycles) Regulations, 2015.

Amendment of regulation 1 - Short title

2. Regulation 1 of the principal Regulations is amended to deleting the words and characters “(Annual Leave Cycles)” in sub-regulation (1) and substituting “(Leave Entitlement)”.

Insertion of regulation 4 - Maternity, parental and adoption leave entitlement

3. The following regulation is inserted in the principal Regulations after regulation 3:

“Maternity, parental and adoption leave entitlement

4. (1) A female employee is entitled to 14 weeks maternity leave which may be taken at any time during the period commencing 3 months before her expected date of delivery of the child and ending one year after the date of the child’s birth.

(2) An employee intending to take maternity leave must no later than 28 days before the date on which her maternity leave starts, or as soon as reasonably possible, notify her employer of—

- (a) her pregnancy and the expected week of childbirth; and
- (b) the date on which she so intends her maternity leave to start.

(3) Four weeks of the leave under sub-regulation (1) must be on full pay if the employee has been continuously employed by the employer for a period of at least 26 weeks on the date on which the maternity leave starts or the date of the child's birth, whichever is earlier.

(4) An employee on leave under sub-regulation (1) may, at least 28 days before the expected date of return from such leave, request additional maternity leave or request to return to work on a part time basis.

(5) An employee is entitled to 2 weeks parental leave if that employee is either—

- (a) the father of the child and has, or expects to have, responsibility for the upbringing of the child; or
- (b) the spouse or life partner of the child's mother and not the child's father, but who has, or expects to have, the main responsibility (in addition to the responsibility of the mother) for the upbringing of the child.

(6) Parental leave under sub-regulation (5)—

- (a) may be taken at any time during the period commencing 3 months before the expected date of the child's birth and ending one year after the date of the child's birth; and
- (b) must be on full pay if the employee has been continuously employed by the employer for a period of at least 26 weeks on the date on which the parental leave starts or the date of the child's birth, whichever is earlier.

(7) An employee intending to take parental leave referred to in sub-regulation (5) must no later than 28 days before the date on which the parental leave starts, or as soon as reasonably possible, notify his or her employer of the date on which that employee so intends such leave to start.

(8) An employee on parental leave under sub-regulation (5) may, at least 10 days before the expected date of return of that employee from such leave, request additional parental leave or request to return to work on a part time basis.

(9) An employee is entitled to 2 weeks adoption leave which may be taken at any time during the period commencing 3 months before the date on which the employee is notified under the Welfare of Children Ordinance, 2008, that a child is to be, or expected to be, placed with the employee and ending one year after the date on which the child is placed with the employee for adoption.

(10) The provisions of sub-regulation (9) apply in the same manner to an employee who is the spouse or life partner of the child's adopting parent referred to in that sub-regulation and who has, or expects to have, the main responsibility (in addition to the responsibility of the adopting parent) for the upbringing of the child.

(11) An employee intending to take adoption leave referred to in sub-regulation (9) must no later than 28 days before the date on which the adoption leave starts, or as soon as reasonably possible, notify his or her employer of the date on which that employee so intends such leave to start.

(12) Adoption leave under sub-regulation (9) must be on full pay if the employee has been continuously employed by the employer for a period of at least 26 weeks on the date on which the adoption leave starts or the date on which the child is placed with the employee, whichever is earlier.

(13) An employee on adoption leave under sub-regulation (9) may, at least 10 days before the expected date of return of that employee from such leave, request additional adoption leave or request to return to work on a part time basis.

(14) An employee's entitlement to leave under this regulation is not affected—

- (a) by the birth, or expected birth, of more than one child as a result of the same pregnancy; or
- (b) if the child was stillborn after 24 weeks of pregnancy or has died.”.

Made by the Governor in Council this 6th day of January 2020.

Connie C Johnson
Clerk of Councils

EXPLANATORY NOTE

(This note is not part of the Regulations)

The purpose of these Regulations is to amend the Employment Rights Regulations, 2015, to make provision for statutory maternity, parental and adoption leave periods. The new regulation 4 allows 14 weeks maternity leave entitlement and 2 weeks parental and adoption leave. Maternity, parental and adoption must be allowed on full pay after 26 weeks of service.