

Legal Notice No. of 2021

ST HELENA



EMPLOYMENT RIGHTS ORDINANCE, 2010

*EMPLOYMENT RIGHTS ((LABOUR REGULATING AUTHORITY))(AMENDMENT)
REGULATIONS, 2021*

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

Citation and interpretation

1. (1) These Regulations may be cited as the Employment Rights (Labour Regulating Authority)(Amendment) Regulations, 2021.

(2) In these Regulations, “the principal Regulations” means the Employment Rights (Labour Regulating Authority) Regulations, 2013.

Employer’s grievance procedure

2. Regulation 2 of the principal Regulations is amended by inserting the words “chairman of the” before the first reference to “Regulator” in paragraph (1).

Form of complaint or claim and response

3. Regulation 3 of the principal Regulations is amended—

(a) by revoking paragraph (1) and substituting the following:

“(1) A complaint or claim and response must be submitted in writing unless the chairman of the Regulator otherwise directs, in which case the chairman, or any other person directed by the chairman, must reduce the verbal complaint, claim or response to writing.”;

(b) by inserting the words “chairman of the” before the first reference to “Regulator” in paragraph (3).

Procedure after receipt of complaint or claim

4. Regulation 4 of the principal Regulations is amended by inserting the words “chairman of the” before the word “Regulator” in paragraph (2).

Decision of Regulator

5. Regulation 5 of the principal Regulations is amended by revoking paragraph (1) and substituting the following:

“(1) The chairman of the Regulator, on being satisfied that all preliminary inquiries have been completed, may dismiss all, or part only, of a complaint or claim or response and the Regulator must proceed to dispose of the complaint or claim or response, or part of it, not so dismissed.”

Procedural orders of Regulator

6. Regulation 7 of the principal Regulations is amended—

- (a) by inserting the words “chairman of the” before the first reference to “Regulator”;
- (b) by deleting the word “Regulator’s” and substituting “chairman’s”.

Issue of findings

7. Regulation 8 of the principal Regulations is amended by deleting the words “his or her” and substituting “its”.

Departure from procedures and time limits

8. Regulation 11 of the principal Regulations is amended—

- (a) by inserting the words “chairman of the” before the first reference to “Regulator” in paragraph (1);
- (b) by deleting the word “Regulator” wherever it occurs in paragraphs (2) and (3) and substituting “chairman”.

Made by the Governor in Council this day of 2021.

Connie C Johnson
Clerk of Councils

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Rights (Labour Regulating Authority) Regulations, 2013, to enable the chairman of the Labour Regulating Authority to deal with certain procedural matters before a matter is considered by the Regulator.