

S.P. 29/21



**St Helena
Government**

ST HELENA GOVERNMENT

**EMPLOYMENT RIGHTS
(AMENDMENT) BILL, 2021**



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Employment Rights Ordinance, 2010, to further regulate the duties and functions of the Labour Regulating Authority and Employment Rights Committee; and for related and connected purposes.

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

Short title and interpretation

1. (1) This Ordinance may be cited as the Employment Rights (Amendment) Ordinance, 2021.

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

Amendment of section 2 – Interpretation

2. Section 2 of the principal Ordinance is amended by deleting the definition of “Regulator” and substituting:

““**Regulator**” means the Labour Regulating Authority appointed under section 3;”.

Amendment of section 3 – Labour Regulating Authority

3. Section 3 of the principal Ordinance is amended by revoking subsection (2) and substituting the following:

“(2) The Governor may appoint—

(a) a deputy chairman, who must be a justice of the peace, to perform the functions of the chairman when the chairman is absent or otherwise unavailable to perform those functions; and

(b) a clerk of the Labour Regulating Authority.”

Amendment of section 4 – Duties of Labour Regulating Authority

4. Section 4 of the principal Ordinance is amended—
- (a) by renumbering the existing text as subsection (1);
 - (b) by deleting paragraph (a);
 - (c) by deleting paragraph (d) and substituting the following:
 - “(d) to prepare and publish guidelines in the Gazette on best practice and codes of practice in employment protection for employers, employees and workers.”;
 - (d) by adding the following subsection:
 - “(2) Before preparing and publishing the guidelines under subsection (1)(d), the Labour Regulating Authority must consult the Executive Council.”.

Amendment of section 8 – Functions of Committee

5. Section 8 of the principal Ordinance is amended by adding the following subsection:
 - “(4) The Committee must promote the rights of employees granted under this Ordinance.”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

The purpose of the Bill is to amend the Employment Rights Ordinance, 2020, to make further provision with respect to the Labour Regulating Authority and Employment Rights Committee.

Clause 1 provides the short title of the Ordinance.

Clause 2 amends a definition in consequence of the amendment to the constitution of the Labour Regulating Authority.

Clause 3 makes provision for the appointment of a deputy chairman and clerk of the Labour Regulating Authority.

Clause 4 further regulates the duties of the Labour Regulating Authority.

Clause 5 further regulates the functions of the Committee.

