

L.N. 376 of 2009

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)**

**Contracts of Service for a Fixed Term (Amendment)
Regulations, 2009**

IN exercise of the powers conferred by article 34 of the Employment and Industrial Relations Act, the Minister for Social Policy has made the following regulations –

- 1.** The title of these regulations is the Contracts of Service for a Fixed Term (Amendment) Regulations, 2009, and they shall be read and construed as one with the Contracts of Service for a Fixed Term Regulations, 2007, hereinafter referred to as “the principal regulations”.

Title.
L.N. 51 of 2007.
- 2.** Paragraph (d) of sub-regulation (2) of regulation 3 of the principal regulations shall be deleted.

Amends regulation 3 of the principal regulations.
- 3.** Immediately after sub-regulation (9) of regulation 7 of the principal regulations, there shall be added the following new sub-regulation (10) as follows:

Amends regulation 7 of the principal regulations.

“(10) Nothing in these regulations shall confer a right to employment on an indefinite contract under these regulations when a person is in an employment relationship in the public service or in the public sector which has not been made in accordance with the Constitution or with any law which applies to employment in the public service or the public sector.

Provided that if such an employment relationship in the public service or in the public sector is terminated after it has lasted for a period in excess of four years on the grounds that it had not been made in accordance with the Constitution or with any law which applies to employment in the public service or the public sector, the employee whose employment has been so terminated may claim compensation from his former employer and may for this purpose refer his case to the Industrial Tribunal, within four months from the date of the said termination, and if the Tribunal is satisfied that the reason for the termination of the employment was that the employment was not made in accordance with the

Constitution or with any other law referred to above, it shall grant an award of compensation which is, in the opinion of the Tribunal, sufficiently effective and constitutes a deterrent against abuse in the recruitment process and, in any case, such compensation shall be calculated as one month's wages for each year in employment, provided that this amount shall not be less than an amount equivalent to the total wages payable to such a person for a six month period of employment."

