

L.N. 117 of 2010

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

Part-Time Employees (Amendment) Regulations, 2010

IN exercise of the powers conferred by articles 25 and 48 of the Employment and Industrial Relations Act, the Prime Minister made the following regulations:–

1. (1) The title of these regulations is the Part-Time Employees (Amendment) Regulations, 2010 and they shall be read and construed as one with the Part-Time Employees Regulations, 2002, hereinafter referred to as “the principal regulations”.

Title and coming into force.

L.N. 427 of 2002.

(2) These regulations shall apply to all part-time employees who are engaged as such as from the date of the coming into force of these regulations, or after.

(3) In the case of part-time employees whose part-time employment is one in respect of which social security contributions are not payable in terms of the Social Security Act, who have been engaged as such prior to the date of coming into force of these regulations and who are still in their part-time employment on the date of the coming into force of these regulations, regulations 2 and 4 shall commence to apply in their regard upon the expiry of six months from the date of the coming into force of these regulations.

Cap. 318.

2. In regulation 3 of the principal regulations, the definition “principal employment” shall be deleted.

Amends regulation 3 of the principal regulations.

3. In regulation 4 of the principal regulations:

Amends regulation 4 of the principal regulations.

(a) In sub-regulation (1) thereof, for the words “Without prejudice to what is stated in regulation 6, it” there shall be substituted the word “It”; and

(b) for sub-regulation (2) thereof, there shall be substituted the following:

“(2) Part-time employees shall be paid the same hourly rate applicable to comparable whole-time employees:

Provided that a part-time employee who in a particular week works hours not exceeding the normal weekly hours of a comparable whole-time employee, and is paid at the normal hourly rate for such hours, shall not be considered as being treated less favourably than a comparable whole-time employee solely because the comparable whole-time employee is paid at a higher rate for those hours worked in excess of normal weekly hours, so however that:

(a) if the part-time employee's weekly hours of work exceed the normal weekly hours of a comparable whole-time employee, any such hours exceeding the normal weekly hours of a comparable whole-time employee, shall be paid at the same rate as that applicable to comparable whole-time employees;

(b) any hours worked on Sundays and public holidays, whether in respect of normal hours of work or for hours in excess of normal hours of work of comparable whole time employees, shall be paid at the same hourly rates applicable to comparable whole-time employees.”.

Amends regulation
6 of the principal
regulations.

4. In sub-regulation (1) of regulation 6 of the principal regulations, for the words “Those part-time employees, whose part-time employment is their principal employment shall be entitled *pro rata* to –” there shall be substituted the words:

“All part-time employees shall be entitled *pro rata inter alia* to –”.

