

L.N. 204 of 2011**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)****Parental Leave Entitlement (Amendment) Regulations, 2011**

IN exercise of the powers conferred by articles 10 and 48 (2) of the Employment and Industrial Relations Act, the Prime Minister has made the following regulations –

Title and coming into force.

L.N. 225 of 2003.

1. (1) The title of these regulations is the Parental Leave Entitlement (Amendment) Regulations, 2011 and they shall be read and construed as one with the Parental Leave Entitlement Regulations 2003, hereinafter referred to as “the principal regulations”.

(2) These regulations shall come into force on the 8th March, 2012.

Amends regulation 1 of the principal regulations.

2. In sub-regulation (2) of regulation 1 of the principal regulations, immediately after the words “working parents”, there shall be inserted the words “and foster carers.”.

Amends regulation 2 of the principal regulations.

3. In sub-regulation (1) of regulation 2 of the principal regulations, immediately after the definition “Act”, there shall be inserted the following new definitions:

“ “foster care” means a service for a determinate period whereby a child is placed in the continuous care of a foster carer, and through which the child is brought up in a family environment according to his best interests;

Cap. 419.

“ “foster carer” means one or more persons, approved by the Fostering Board, to foster a child in terms of the Foster Care Act;”.

Amends regulation 3 of the principal regulations.

4. For subregulation (1) of regulation 3 of the principal regulations there shall be substituted the following:

“(1) These regulations shall apply to all employees, whether whole-time or part-time, and whether they are employed on an indefinite or a fixed term contract:

Provided that in all cases the employee has been in the employment of the same employer for a continuous period of at least twelve months:

Provided further that for the purpose of calculating the twelve month qualifying period in case of employees with a fixed term contract:

(a) when there are successive fixed term contracts with the same employer, the sum of these contracts shall be taken into account, and

(b) when there is a fixed term contract which is renewed within a six month period from its termination, the said period between the two contracts shall also be taken into account.”.

5. In sub-regulation (1) of regulation 4 of the principal regulations;

Amends regulation 4 of the principal regulations

(a) for the words “adoption or legal custody of a child” there shall be substituted the words “adoption, fostering or legal custody of a child”; and

(b) for the words “a period of three months” there shall be substituted the words “a period of four months”.

6. Immediately after regulation 5 of the principal regulations, there shall be added the following new regulation:

Adds new regulation 5A to the principal regulations.

“Foster Carers.

5A. The entitlement to parental leave by employees who are foster carers shall commence from the date when the employee provides the employer with either official documentation provided by the Fostering Board or by the central authority, as the case may be, that the employee has been accepted as a foster carer, or with official documentation provided by the Fostering Board that the review report drawn up by an accredited agency has been accepted by the Fostering Board in terms of the Foster Care Act, according to whichever bears the most recent date.”.

Cap. 491.

7. Immediately after regulation 9 of the principal regulations, there shall be added the following new regulation:

Adds new regulation 9A to the principal regulations.

“Rights and
obligations.

9A. (1) Upon an employee’s return from parental leave, such employee may request changes to his working hours and patterns for a specific period of time. Every employer shall consider and respond to such requests, taking into account both his and the employee’s needs.

(2) In order to facilitate the return to work following parental leave, both the employer and the employee concerned are obliged to maintain contact during the period of leave and may make arrangements for any appropriate reintegration measures, which are to be decided between the parties themselves.”.