

L.N. 443 of 2011

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

**Transfer of Business (Protection of Employment)
(Amendment) (No. 2) Regulations, 2011**

IN exercise of the powers conferred by articles 38 and 48 (2) of the Employment and Industrial Relations Act, the Prime Minister has made the following regulations –

1. The title of these regulations is the Transfer of Business (Protection of Employment) (Amendment) (No. 2) Regulations, 2011, and they shall be read and construed as one with the Transfer of Business (Protection of Employment) Regulations, 2002, hereinafter referred to as “the principal regulations”. Title.
L.N. 433 of 2002.

2. In regulation 4 of the principal regulations, for the words “part-time employees.” there shall be substituted the words “part-time employees:” and immediately thereafter, there shall be added the following new proviso:- Amends regulation
4 of the principal
regulations.

“Provided that notwithstanding anything stated in the Act and in these regulations, and irrespective of the size of the workforce, the transferor shall provide information about the conditions of employment of every employee to the transferee, which information shall always include a copy of the contract of employment or written statement in terms of the Information to Employees Regulations, 2002 and the information provided by the transferor to the transferee in respect of a particular employee shall also be given to that employee”. L.N. 431 of 2002.

3. For sub-regulation (1) of regulation 6 of the principal regulations there shall be substituted the following; Amends regulation
6 of the principal
regulations.

“6. (1) Without prejudice to what is stated in the proviso to regulation 4 of these regulations, for the purposes of article 38(2) of the Act, the transferor and the transferee shall be bound to give the information therein specified by means of a written statement containing all the information specified in article 38(2) of the Act.”.

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Amends regulation
7 of the principal
regulations.

4. For regulation 7 of the principal regulations there shall be substituted the following:

“7. Without prejudice to what is stated in the proviso to regulation 4 of these regulations, the transferor and the transferee shall also be bound to forward to the Director responsible for employment and industrial relations, a copy of the written statement mentioned in regulation 6 on the same day that these are notified to the employees’ representatives.”.

