

L.N. 503 of 2011

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

**Protection of Maternity (Employment) (Amendment) (No. 2)
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 –

1. The title of these regulations is the Protection of Maternity (Employment) (Amendment) (No. 2) Regulations, 2011 and they shall be read and construed as one with the Protection of Maternity (Employment) Regulations, 2003, hereinafter referred to as “the principal regulations”.

Title.

L.N. 439 of 2003.

2. 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) A pregnant employee may apply for maternity leave for an uninterrupted period of fourteen weeks if she notifies her employer in accordance with regulation 8 of these regulations and this uninterrupted period shall increase to 16 weeks as from 1st January 2012 and to 18 weeks as from 1st January 2013 onwards:

Provided that employees who shall be on maternity leave on 1st January 2012 shall be automatically entitled to enjoy maternity leave for an uninterrupted period of 16 weeks, even where such maternity leave commenced before 1st January 2012:

Provided further that employees who shall be on maternity leave on 1st January 2013 shall be automatically entitled to enjoy maternity leave for an uninterrupted period of 18 weeks, even where such maternity leave commenced before 1st January 2013.”.

3. For regulation 7 of the principal regulations there shall be substituted the following;

Amends regulation 7 of the principal regulations.

“7. An employee on maternity leave shall be entitled to the first 14 weeks of maternity leave with full wages but if the employee chooses to avail herself of any additional maternity leave

beyond the 14 weeks in terms of sub-regulation 6(1) above, the employer shall not be obliged to pay any wages for those weeks of maternity leave which go beyond the aforementioned 14 weeks, without prejudice to any relevant benefit in respect of any period of maternity leave which goes beyond 14 weeks in terms of the Social Security Act to which the employee may be entitled if she chooses to avail herself of maternity leave beyond the paid 14 weeks.”.

Adds new regulation
9A to the principal
regulations.

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

“Overtime. 9A. Notwithstanding anything stated to the contrary in any other law, regulation, order, collective agreement or in any contract of service, employees shall not be obliged to work overtime:

(a) during pregnancy;

(b) for a period of 12 months from either the birth of his or her child or from the effective date of the adoption of a child:-

Provided that the right granted in this regulation shall be a non transferable right.”.

