

L.N. 440 of 2018

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

Annual Leave (Amendment) National Standard Order, 2018

IN EXERCISE of the powers conferred by articles 4 and 48 of the Employment and Industrial Relations Act, the Minister responsible for European Affairs and Equality has made the following order:

1. The title of this order is the Annual Leave (Amendment) National Standard Order, 2018 and this order shall be read and construed as one with the Annual Leave National Standard Order, 2018, hereinafter referred to as "the principal order".
Title.
L.N. 271 of 2018.

2. Sub-article (2) of article 3 of the principal order, shall be substituted by the following:
Amends article 3 of the principal order.

"(2) As from the 1st of January 2019, unless otherwise agreed to in any applicable collective agreement, or unless otherwise agreed in any agreement reached between the employer or employers or employers' associations on the one hand and the employees on the other, the employer may only utilize up to the equivalent in hours of twelve working days from the annual leave entitlement, to be calculated as provided for in the Organisation of Working Time Regulations, for the purposes of any type of shutdown, including a temporary closure of whole or part of the premises by the employer for bridge holidays or any other short periods of shutdown."

S.L. 452.87.

3. Immediately after article 4 of the principal order, there shall be added the following new article 4A:
Adds new article 4A to the principal order.

"Overutilization of annual leave and forced leave.

4A. Should an employee or employees be made to avail himself of forced leave by his employer, notwithstanding anything stated to the contrary in any law, in any contract of service or in any collective agreement, the employer shall always provide a written statement within a reasonable time frame before the forced leave starts to run, wherein the employer gives justified reasons compelling the imposition of forced leave on the employee or employees. In such instances the utilization of such forced leave does not give rise to a civil debt in favour of the employer should the leave taken exceed the annual leave entitlement of the employee due by virtue of the Organization of Working Time Regulations or by virtue of the contract of employment or the applicable collective agreement:

S.L. 452.87.

Provided that, notwithstanding the provisions of this regulation, any leave taken by an employee which has been requested by the employee himself, which is in excess of the annual leave entitlement due by virtue of the Organization of Working Time Regulations or by virtue of the contract of employment or the applicable collective agreement, shall give rise to a civil debt in favour of the employer upon termination of the employee's employment."

S.L. 452.87.

Amends article 7 of the principal order.

4. Article 7 of the principal order shall be amended as follows:

(a) in paragraph (a) thereof, immediately after the word "concerned;", there shall be added the word "and"; and

(b) in paragraph (b) thereof, the words "Regulations; and" shall be substituted by the words "Regulations." and paragraph (c) thereof shall be deleted.