L.N. 61 of 1996

CONDITIONS OF EMPLOYMENT (REGULATION) ACT (CAP. 135)

Part-time Employment National Standard Order, 1996

IN exercise of the powers conferred by section 4 of the Conditions of Employment (Regulation) Act, the Minister of Education and Human Resources, on the recommendation of the Labour Board, has made the following order:

1. This order may be cited as the Part-time Employment National Standard Order, 1996. Citation.

2. In this Order: Interpretation.

"Act" means the Conditions of Employment (Regulation) Act;

"leave" means vacation leave, sick leave, birth leave, bereavement leave, marriage leave and injury leave;

"ordinary hours of work" means the hours of work exclusive of overtime;

"part-time employee" means an employee who is not a whole-time employee in terms of the recognised conditions of employment;

"principal employment" means that employment in respect of which social security contributions are payable in terms of the Social Security Act; Cap. 318.

"*pro rata*" means the portion corresponding to the number of hours of work per week during which the employee is employed divided by forty in the case of an employee other than a watchman and by fifty-two in the case of a watchman:

Provided that where the maximum number of hours of work permissible in terms of the recognised conditions of employment of a part-time employee is less than twenty hours a week, the term "*pro rata*" means the portion corresponding to the number of hours per week during which the employee is employed divided by the number of ordinary hours of work per week which a whole time employee is expected to perform, in terms of the recognised conditions of employment;

Provided further that —

(a) when the employee is employed in such part-time employment on a variable time schedule, the number of hours of work per week shall be the average number of hours of work per week spread over a thirteen week period; and

(b) when the employee has not been employed for a period of thirteen weeks, the average number of hours of work per week shall be calculated over the number of weeks in employment;

"recognised conditions of employment" has the meaning assigned to it in section 10 of the Act;

"vacation leave" includes public holidays:

"week" means a calendar week;

"whole-time employee" is an employee who is deemed to be a whole-time employee in terms of the recognised conditions of employment.

Leave for part-timers.

3. (1) Those part-time employees, whose part-time employment is their principal employment, and who are employed in such part-time employment for not less than twenty hours a week, shall be entitled to the portion *pro rata* of the minimum entitlement of vacation leave, sick leave, birth leave, bereavement leave, marriage leave and injury leave applicable in terms of the recognised conditions of employment to whole-time employees, on similar duties with the same employer, and subject to the same conditions of entitlement:

Provided that where the *pro rata* entitlement results in a fraction of a day, it shall be rounded up or down to the nearest half day;

Provided further that when the maximum number of hours permissible in terms of the recognised conditions of employment for a part-time employee is less than twenty a week, any part-time employee in such employment shall be entitled *pro rata* to the benefits of all leave, if the part-time employment is the principal employment of the employee and if the employee is employed for not less than fourteen hours in any week.

(2) For the purposes of this article, the wage applicable to the part-time employee shall be the hourly rate related to the number of hours of work for which the employee is employed.

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