Employment (Part-Time Employees) Regulations 1996

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Enacting Formula

No. S 421

EMPLOYMENT ACT
CHAPTER 91

EMPLOYMENT (PART-TIME EMPLOYEES) REGULATIONS 1996

In exercise of the powers conferred by section 66B of the Employment Act, the Minister for Labour hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Employment (Part-Time Employees) Regulations 1996 and shall come into operation on 1st October 1996.

Definitions

2.—(1) In these Regulations —

"full-time employee" means an employee who is required under his contract of service with an employer to work for not less than 30 hours a week;

"part-time employee" means an employee who is required under his contract of service with an employer to work for less than 30 hours a week;

"similar full-time employee", in relation to a part-time employee, means a full-time employee who is employed by the employer of the part-time employee to carry out duties similar to those of the part-time employee.

(2) Where there is no similar full-time employee, it shall be deemed, for the purposes of calculating any entitlement under these Regulations, that the similar full-time employee is —

(*a*) required to work 8 hours a day and 44 hours a week;

(*b*) entitled to paid annual leave, based on a period of continuous service equal to that of the part-time employee, in accordance with section 43(1) of the Act; and

(*c*) entitled to paid sick leave in accordance with section 44(1) of the Act.

Items to be specified in contract of service

3.—(1) Every contract of service of a part-time employee shall specify —

(*a*) his hourly basic rate of pay;

(*b*) his number of working hours for one day or one week;

(*c*) his number of working days for one week or one month; and

(*d*) his hourly gross rate of pay, with the description and amount of each allowance payable separately itemised.

(2) Where a contract of service does not specify any item required to be specified by

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paragraph (1), the Commissioner may, for the purposes of calculating any entitlement under these Regulations, determine the amount of that item according to such formula as the Commissioner may think fit.

Payment for work on rest day

4.—(1) A part-time employee who at his own request works for an employer on a rest day shall be paid for that day —

(*a*) if the period of work does not exceed half his normal hours of work for one day, a sum at his basic rate of pay for half a day's work;

(*b*) if the period of work exceeds half but does not exceed his normal hours of work for one day, a sum at his basic rate of pay for one day's work;

(*c*) if the period of work exceeds his normal hours of work for one day but does not exceed the normal hours of work for one day of a similar full-time employee —

(i) a sum at his basic rate of pay for one day's work; and

(ii) at his hourly basic rate for each hour or part thereof which exceeds his normal hours of work; or

(*d*) if the period of work exceeds the normal hours of work for one day of a similar full-time employee —

(i) a sum at his basic rate of pay for one day's work;

(ii) at his hourly basic rate for each hour or part thereof which exceeds his normal hours of work but does not exceed the normal hours of work of a similar full-time employee; and

(iii) at one and a half times his hourly basic rate of pay for each hour or part thereof which exceeds the normal hours of work of a similar full-time employee.

(2) A part-time employee who, at the request of his employer, works on a rest day shall be paid for that day —

(*a*) if the period of work does not exceed half his normal hours of work for one day, a sum at his basic rate of pay for one day's work;

(*b*) if the period of work exceeds half but does not exceed his normal hours of work for one day, a sum at his basic rate of pay for 2 days' work;

(*c*) if the period of work exceeds his normal hours of work for one day but

does not exceed the normal hours of work for one day of a similar full-time employee —

(i) a sum at his basic rate of pay for 2 days' work; and

(ii) at his hourly basic rate for each hour or part thereof which exceeds his normal hours of work; or

(*d*) if the period of work exceeds the normal hours of work for one day of a similar full-time employee —

(i) a sum at his basic rate of pay for 2 days' work;

(ii) at his hourly basic rate for each hour or part thereof which exceeds his normal hours of work but does not exceed the normal hours of work of a similar full-time employee; and

(iii) at one and a half times his hourly basic rate for each hour or part thereof which exceeds the normal hours of work of a similar full-time employee.

(3) Section 36(1) of the Act shall not apply to a part-time employee unless he is required to work at least 5 days in a week.

(4) Section 37(2), (3) and (3A) of the Act shall not apply to a part-time employee.

Overtime pay

5.—(1) A part-time employee who works beyond his normal hours of work shall be paid for such extra work —

(*a*) at his hourly basic rate of pay for each hour or part thereof which exceeds his normal hours of work but does not exceed the normal hours of work of a similar full-time employee; and

(*b*) at one and a half times his basic hourly rate for each hour or part thereof which exceeds the normal hours of work of a similar full-time employee.

(2) Section 38(4) and (6) of the Act shall not apply to a part-time employee.

Holidays

6.—(1) A part-time employee shall be entitled to paid holidays on such days as are provided by section 42 of the Act; and for each paid holiday he shall be paid a sum calculated according to the following formula: