



BERMUDA

EMPLOYMENT (MATERNITY LEAVE EXTENSION AND PATERNITY LEAVE)
AMENDMENT ACT 2019

2019 : 39

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WHEREAS it is expedient to amend the Employment Act 2000 to provide for vacation leave after the first six months of continuous employment, to extend the period provided for maternity leave and to make provision for paternity leave;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Employment Act 2000 ("the principal Act"), may be cited as the Employment (Maternity Leave Extension and Paternity Leave) Amendment Act 2019.

Amends section 12

2 Section 12 of the principal Act is amended—

- (a) by deleting the heading and substituting "Vacation leave";
- (b) in subsection (1), by inserting after "annual vacation" the word "leave";

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(c) by inserting after subsection (1)—

“(1A) Without prejudice to subsection (1), an employee who has completed the first six months of continuous employment shall be entitled to a period of one week’s vacation leave, but where such leave (or any part thereof) is taken prior to the completion of the first year of continuous employment, the leave so taken shall be deducted from the period of annual vacation leave to which the employee is entitled pursuant to subsection (1)(a).”;

(d) in subsection (2)—

(i) by deleting “annual vacation” and substituting “vacation leave”; and

(ii) by inserting after “subject to the”, the word “reasonable”; and

(e) in subsection (3), by deleting “annual”.

Amends section 16

3 Section 16(2) of the principal Act is amended—

(a) in paragraph (a) by deleting “a period of twelve weeks, consisting of eight weeks paid leave and four weeks unpaid leave” and substituting “a period of 13 weeks paid leave”; and

(b) in paragraph (b) by deleting “eight weeks” and substituting “13 weeks”.

Inserts section 16A

4 The principal Act is amended by inserting after section 16—

“Paternity leave

16A (1) An employee shall be entitled to be absent from work for the purpose of caring for a child or supporting the child’s mother (hereinafter referred to as “paternity leave”) if he—

(a) is the father of the child; and

(b) submits to his employer—

(i) a certificate of a registered medical practitioner certifying that the child’s mother is pregnant and the estimated date of the child’s birth; and

(ii) an application for paternity leave at least four weeks before the day he specifies as the day on which he intends to commence his leave.

(2) The period of paternity leave shall be—

(a) in relation to an employee who has completed at least one year of continuous employment or will have done so by the expected date of birth of the child, a period of five consecutive days paid leave;

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(b) in any other case a period of five consecutive days unpaid leave.

(3) Paternity leave may only be taken once during a 12 month period beginning with the date on which the child is born and such leave shall be taken within a period not exceeding 14 weeks from that date.”.

Consequential amendments

5 (1) In consequence of the amendments made under section 2 of this Act—

(a) sections 6(2)(g) and 20(3)(a) of the principal Act are amended by deleting “annual vacation” and substituting “vacation leave”; and

(b) the National Training Board (Apprenticeship and Training) Regulations 2009 are amended in paragraph 10 of Form 1 of the Schedule by deleting “annual”.

(2) In consequence of the amendments made under section 4 of this Act, sections 5(3)(a) and 20(3)(a) of the principal Act are amended by inserting after “maternity leave” the words “, paternity leave”.

Savings and commencement

6 (1) Nothing in this Act shall affect any entitlement to maternity leave under section 16 of the principal Act where such leave commenced prior to the coming into operation of this Act.

(2) This Act shall come into operation on such day as the Minister may appoint by notice published in the Gazette.

[Assent Date: 08 October 2019]

[Operative Date: 01 January 2020]