

EMPLOYMENT ACT
(CHAPTER 91, SECTION 66B)
EMPLOYMENT (PART-TIME EMPLOYEES) REGULATIONS

[1st October 1996]

Citation

1. These Regulations may be cited as the Employment (Part-Time Employees) Regulations. **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 35 hours a week;

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"part-time employee" means an employee who is required under his contract of service with an employer to work for less than 35 hours a week;

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"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 89(1) or (2) of the Act.

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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 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 88 of the Act; and for each paid holiday he shall be paid a sum calculated according to the following formula:

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(2) If a part-time employee is required by his employer to work on any day on which he is entitled to a paid holiday, he shall be paid a sum at his basic rate of pay for one day's work in addition to the sum

referred to in paragraph (1) and to a travelling allowance for one day, if payable to him under the terms of his agreement with his employer. (3) No part-time employee shall be entitled under paragraph (2) to receive double any housing allowance or food allowance. (4) If the part-time employee agrees to relinquish his entitlement to paid holidays, his employer shall pay him an allowance which shall be incorporated in his hourly gross rate of pay, which shall be calculated according to the following formula:

(5) The annual entitlement to paid holidays of a part-time employee shall be in proportion to the entitlement of a similar full-time employee and shall be calculated in hours in accordance with the following formula:

(6) Section 88(4) and (5) of the Act shall not apply to a part-time employee.

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Illustration

Where the part-time employee is required to work 22 hours a week and a similar full-time employee is required to work 8 hours a day and 44 hours a week, the annual entitlement to paid holidays of the part-time employee calculated in accordance with regulation 6 (5) shall be —

If the hourly gross rate of pay of the part-time employee is \$5, in accordance with regulation 6 (1), for every public holiday he shall be paid —

If the part-time employee relinquishes his entitlement to paid holidays, in accordance with regulation 6 (4), he shall be paid an allowance, as part of his hourly gross rate of pay, of —

His hourly gross rate of pay will be increased to \$5.19.

Annual leave

7. —(1) A part-time employee shall be entitled to paid annual leave in proportion to the entitlement of a

similar full-time employee provided by section 43 of the Act, which shall be calculated according to the following formula:

(2) The employer shall pay the part-time employee at his hourly gross rate of pay for the period of paid annual leave taken by the employee or, if he has been dismissed otherwise than for misconduct before he has taken that leave, for any period of that leave not taken. (3) If a part-time employee (other than a part-time employee who is required under his contract of service with his employer to work for at least 5 days, and 30 hours, a week) agrees to relinquish his entitlement to paid annual leave, his employer shall pay him an allowance which shall be incorporated in his hourly gross rate of pay, which shall be calculated according to the following formula:

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(4) Section 43 (7) of the Act shall not apply to a part-time employee.

Illustration

Where a part-time employee is required to work 4 hours a day for 5 days a week and a similar full-time employee is required to work 8 hours a day and 44 hours a week and is entitled to 10 days paid annual leave, the annual entitlement of the part-time employee calculated in accordance with regulation 7 (1), to paid leave shall be —

or 9.1 days, based on the part-time employee's normal working hours of 4 hours a day. If the hourly gross rate of pay of the part-time employee is \$5 and he takes 2.5 hours' paid leave, in accordance with regulation 7 (2), for the period of that leave, he will be paid a sum of —

If the part-time employee relinquishes his entitlement to paid holidays, in accordance with regulation 7 (3), he shall be paid an allowance, as part of his hourly gross rate of pay, of —

His hourly gross rate of pay will be increased to \$5.18.

Sick leave

8. —(1) A part-time employee shall be entitled to paid sick leave in proportion to the entitlement of a similar full-time employee provided by section 89 of the Act, which shall be calculated according to the following formula:

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(2) The employer shall pay the part-time employee for the period of paid sick leave taken — (a) where no hospitalisation is necessary, at his hourly gross rate of pay excluding any allowance payable in respect of shift work; and (b) where hospitalisation is necessary, at his hourly gross rate of pay. (3) Section 89(5) of the Act shall not apply to a part-time employee.

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Illustration

Where a part-time employee is required to work 4 hours a day for 5 days a week and a similar full-time employee is required to work 8 hours a day and 44 hours a week and is entitled to 14 days' paid sick leave where hospitalisation is not required, and 60 days paid sick leave, if hospitalisation is required, the entitlement of the part-time employee to paid sick leave shall be — where hospitalisation is not required —

or 12.7 days based on the part-time employee's normal working hours of 4 hours a day or, where hospitalisation is required —

or 54.6 days based on the part-time employee's normal working hours of 4 hours a day.

Childcare leave

8A. —(1) A part-time employee shall be entitled to paid childcare leave in proportion to the entitlement of a similar full-time employee provided by section 87A of the Act, which shall be calculated according to the following formula:

Number of hours a week which the
part-time employee is required to

$$\begin{array}{ccccc}
 & \text{work} & & 2 & \text{Number of hours a day} \\
 & \text{x 52} & & \text{(being the number of days of} & \text{which a similar full-} \\
 & & \text{x} & \text{paid childcare leave which a} & \text{time employee is} \\
 & & & \text{similar full-time employee is} & \text{required to work} \\
 & & & \text{entitled to)} & \\
 \hline
 & \text{Number of hours a week which a} & & & \\
 & \text{similar full-time employee is required} & & & \\
 & \text{to work} & & & \\
 & \text{x 52} & & &
 \end{array}$$

(2) The employer shall pay the part-time employee for the period of paid childcare leave taken at his hourly gross rate of pay. (3) Section 87A (5) of the Act shall not apply to a part-time employee.

Illustration

Where a part-time employee is required to work 4 hours a day for 5 days a week, and a similar full-time employee is required to work 8 hours a day and 44 hours a week, the entitlement of the part-time employee to paid childcare leave calculated in accordance with regulation 8A (1) shall be —

If the hourly gross rate of pay of the part-time employee is \$5 and he takes 4 hours of paid childcare leave, in accordance with regulation 8A (2), for the period of that leave, he will be paid a sum of —

S 605/2004, wef 01/10/2004

Maternity benefits

9. —(1) Every female part-time employee shall be entitled to the benefit period provided by Part IX of the Act. (2) During such benefit period, she shall be paid — (a) for each day that she would ordinarily have been required to work under her contract of service with her employer at her gross rate of pay; and (b) for each paid holiday the sum referred to in regulation 6 (1) unless she has relinquished her entitlement to paid holidays. (3) Any reference to a payment under Part IX of the Act, or a rate prescribed under section 76 of the Act, in sections 79 and 83 to 87 of the Act shall, in the case of a part-

time employee, refer to the payment or rate to which she is entitled under paragraph (2). **Application of Act**

10. Unless otherwise provided in these Regulations, the Act shall apply to a part-time employee. **Savings**

11. Notwithstanding anything in these Regulations, where the terms of service under which a part-time employee is employed are provided for in a contract of service or collective agreement entered into before 1st October 1996, such terms of service shall, in so far as they are more favourable to the employee than the provisions of these Regulations, continue to apply unless the parties to the contract of service or the collective agreement, as the case may be, otherwise agree.

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