

SAINT CHRISTOPHER AND NEVIS

THE PROTECTION OF EMPLOYMENT (AMENDMENT) ACT, 2001

AN ACT to amend the Protection of Employment Act 1986, No. 6 to rectify certain injustices to the employee.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:-

Short Title.

1. This Act may be cited as the Protection of Employment (Amendment) Act, 2001.

Amendment to section 2.

3. Section 2 of the Protection of Employment 1986, No 6 (in this Act referred to as "the principal Act") is amended by deleting the expression "casual worker" and its definition and substituting the following expression and its definition-

"casual worker" means any person whose employment is a chance employment based on no contract to employ, even though there could be reasonable expectation of being employed;"

Amendment to section 5.

3. (1) The principal Act is amend by renumbering the existing section 5 as subsection (1) if section 5 and by deleting the provisions immediately following paragraph (c) and inserting the following new subsection:

3. (2) Subsection (c) of section 5 shall apply only when the employer has warned the employee in writing on at least two occasions within the six months preceding the termination of employment, indicating the nature of the misconduct or unsatisfactory performance of duties and in the case of the last warning, the intention of the employer to terminate the services of the employee if similar misconduct is repeated or the unsatisfactory performance of duty persists."

Amendment to section 7.

4. (1) Section 7 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:-

Subject to the provisions of section 5 of this Act, an employer shall give an employee notice of termination of services of the employee on the following basis-

- (a) An employee with three months, but less than one year's continuous service, one week;
- (b) An employee with one year, but less than three year's continuous service, two weeks;
- (c) An employee with, three years but less than five year's continuous service, three weeks;
- (d) An employee with five years, but less than seven year's continuous service, four weeks;
- (e) An employee with seven years, but less than ten year's continuous service, five weeks;
- (f) An employee with ten years, but less than fifteen year's continuous service, six weeks;
- (g) An employee with fifteen years and over continuous service, ten weeks;
- (h) An employee paid on a monthly basis who has completed three months, but less than five years continuous services, one month;
- (i) An employee paid on a monthly basis who has completed five years, but less than ten years continuous services, two months;
- (j) An employee paid on a monthly basis who has completed ten years and over continuous service, three months;

4. (2) Section 7 of the principal Act is amended by deleting subsection (3) and substituting the following subsection.

4. (3) Where an employer contemplates laying off or terminating the employment of ten or more employees or 10% or more employees (whichever is less) on any of the grounds specified under section 5 (1) at the same time, the employer shall, not less than one month before any proposed lay off or termination, notify the Labour Commissioner in writing of -

- (a) the reasons for the lay off or terminations
- (b) the number and categories of employees affected;
- (c) the period over which the termination are intended to be carried out: and

(d) a summary of the results of any consultations with any trade union representing the employees.”

Amendment to section 11.

5. Section 11 of the principal Act is amended –

(a) by deleting the full stop at the end of paragraph (g) and substituting a semi colon; and

(b) by inserting the following paragraph immediately after paragraph (g) –

“(h) absence from work to attend a court hearing in response to a summons, provided prior notice has been given to the employer;”.

Amendment to section 25.

6. Section 25 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Where an employee has been continuously employed for a period of not less than one year and the employer terminates the services of that employee on any grounds specified in paragraph (d), (e), (f) or (g) of section 5 (1), or the employee has terminated his or her services in pursuance of section 8 (3), the employee shall be entitled to severance payment.”