

WORKERS RIGHTS ACT 2019 'HOURS OF WORK'

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Section 20 - Normal working hours

Employment Rights Act 2008	Workers Rights Act 2019
<p>(1) The normal day's work of a worker, other than a part-time worker or a watchperson –</p> <p>(a) shall consist of 8 hours' actual work; and</p> <p>(b) may begin on any day of the week, whether or not on a public holiday.</p>	<p>1) Subject to subsection (2) and to any other enactment, the normal working week for every worker, other than a part-time worker or <i>garde malade</i> shall consist of 45 hours of work, excluding time allowed for meal and tea breaks, made up as follows –</p> <p>a) where the worker is required to work on 5 days in a week, 9 hours' work on any 5 days of the week, other than a public holiday;</p> <p>b) where the worker is required to work on 6 days in a week –</p> <p>i. 8 hours' work on any 5 days of the week other than a public holiday; and</p> <p>ii. 5 hours' on one other day of the week other than a public holiday.</p>

Normal working hours (*continued*)

Employment Rights Act 2008	Workers Rights Act 2019
<p>(2) A worker, other than a part-time worker or a watchperson, and an employer may agree that the worker works in excess of the stipulated hours without added remuneration, if the number of hours covered in a fortnight does not exceed 90 hours, or such lesser number of hours as may be specified in an agreement.</p>	<p>(2) Subject to the operational requirements of the employer, the normal working week of any worker may begin on any day of the week.</p>
<p>(3) Where a daily paid worker, other than a part-time worker or watchperson, has completed 90 hours' work or such lesser number of hours as may be specified in an agreement, in less than 12 days in a fortnight, he shall be paid 12 normal days' basic wages in respect of that fortnight.</p>	<p>(3) No worker, other than a garde malade, shall, except in special circumstances and subject to any other enactment, be required to work for more than 12 hours per day.</p>

Normal working hours (*continued*)

Employment Rights Act 2008	Workers Rights Act 2019
<p>(4) A normal day's work of a watchperson, other than a part-time watchperson –</p> <p>(a) shall consist of 12 hours' actual work; and</p> <p>(b) may begin on any day of the week, whether or not on a public holiday.</p>	<p>(4) The normal day's work of a <i>garde malade</i>, other than a part-time worker –</p> <p>(a) shall consist of 12 hours' actual work, excluding time allowed for meal and tea breaks; and</p> <p>(b) may begin on any day of the week, whether a public holiday or not.</p>
<p>(5) (a) A worker shall be entitled to a rest day of at least 24 consecutive hours in every period of 7 consecutive days.</p> <p>(b) Subject to paragraph (c), the rest day specified in paragraph (a) shall be a Sunday.</p> <p>(c) Where, by nature of its operational requirements, an employer operates on a 7-day week, the rest day shall, at least twice a month, be a Sunday unless the worker and the employer agree otherwise.</p>	<p>(5) (a) A worker shall be entitled to a rest day of at least 24 consecutive hours in every period of 7 consecutive days.</p> <p>(b) Subject to paragraph (c), the rest day referred to in paragraph (a) shall be a Sunday.</p> <p>(c) Where, by nature of his operational requirements, an employer operates on a 7-day week, the rest day shall, at least twice a month, be a Sunday.</p>

Normal working hours (*continued*)

Employment Rights Act 2008	Workers Rights Act 2019
<p>(6) No person shall employ a young person in an industrial undertaking between 10.00 pm and 5.00 am.</p> <p>(7) Every worker shall be entitled to a rest of not less than 11 consecutive hours in any day. (Amended by Act No 14 of 2009, Act No.6 of 2013)</p>	<p>6) No person shall employ a young person in an undertaking between 10 p.m. and 5 a.m..</p> <p>(7) Every worker shall be entitled to a rest of not less than 11 consecutive hours in any day.</p>
	<p>(8) Where, by his agreement a worker is required to work for 6 days in a week as provided in subsection (1)(b), the employer shall pay the worker a full day's remuneration on the day on which the worker is required to stop work after 5 hours' work as agreed upon between him and his employer.</p>

Meal and Tea Breaks

Employment Rights Act 2008	Workers Rights Act 2019
<p>(1) Every employer shall, unless the employer and worker agree otherwise, grant to the worker on each working day –</p> <ul style="list-style-type: none">(a) a meal break of one hour not later than 4 consecutive hours of work; and(b) one tea break of at least 20 minutes or two tea breaks of at least 10 minutes each.	<p>(1) Unless otherwise agreed, every employer shall grant to a worker on each working day –</p> <ul style="list-style-type: none">(a) a meal break of one hour not later than after 4 consecutive hours of work; and(b) one tea break of at least 20 minutes or 2 tea breaks of at least 10 minutes each. <p>(2) Any break under this section shall be without pay.</p>

Notional calculation of basic hourly rate

Employment Rights Act 2008

15. For the purposes of determining the hourly basic wage due for extra work or for any other reason, the number of hours of work shall notionally be calculated

- (a) a monthly paid worker on the basis of –
 - (i) 312 hours in the case of a watchperson; or
 - (ii) 195 hours in any other case;
- (b) for a fortnightly paid worker, on the basis of –
 - (i) 144 hours in the case of a watchperson; or
 - (ii) 90 hours in any other case;
- (c) a weekly paid worker, on the basis of –
 - (i) 72 hours in the case of a watchperson; or
 - (ii) 45 hours in any other case; or
- (d) for a daily paid worker, on the basis of –
 - (i) 12 hours of work in the case of a watchperson; or
 - (ii) 8 hours of work in any other case.

Workers Rights Act 2019

25. Notional calculation of basic hourly rate For the purpose of determining the basic hourly rate due for extra work or any other reason, except where expressly provided in an enactment –

- a) a month shall be taken to consist of –
 - i. 26 days in the case of a worker employed on a 6-day week; and
 - ii. 22 days in the case of a worker employed on a 5-day week;
- b) a day shall be deemed to consist of –
 - i. 8 hours' work in the case of a worker employed on a 6-day week
 - ii. 9 hours' work in the case of a worker employed on a 5-day week; or
 - iii. 12 hours' work in the case of a *garde malade*.

Section 21 – Compressed Hours

- Where an employer requires a worker to perform piece work, task work or work of a similar method of work, the worker shall be deemed to have performed a day's or a week's work where **he completes the piece work, task work or other work within a shorter period of time and he shall be paid wages due for the whole day or week, as the case may be.**

Section 22- Flexitime

- (1) An employer may request a worker to work on flexitime.
- (2) Where an employer makes a request under subsection (1), the worker may accede to that request.
- (3) Subject to subsection (5), a worker shall **be entitled to request to work on flexitime to care for his child where the child is below school age or the child has an impairment.**
- (4) Where a worker makes a request to work on flexitime, his **employer** shall **inform him**, in writing within **21 days of the date of the request**, whether or not it has been granted
- (5) The employer shall, unless there are **reasonable business grounds** to refuse, **grant the request.**
- (6) Where a worker is entitled to work on flexitime, the employer shall establish –
 - (a) a **core period** of the day during which the worker shall be at work; and
 - (b) a **period of time** within which work shall be performed.
- (7) In this section “reasonable business grounds” means –
 - (a) an **inability to reorganise work**; or
 - (b) a **detrimental impact on quality or performance**;

“school age” means the age of 4.

Section 23- Shift Work

- (1) Subject to this Act, an employer may request a worker to work on shift work.
- (2) An employer shall not, without a worker's consent, require the worker to work on shift work –
 - (a) *for more than 8 hours in a day;*
 - (b) *at night on more than 5 consecutive nights, except in such sector or industry as may be prescribed*
- (3) Where **a female worker** who may be required to perform **night shift work** produces a medical certificate certifying that she is **pregnant**, her employer shall **not require** her to perform **night shift work** during a period of **at least 8 weeks before confinement.**
- (4) Shift work shall be scheduled on a **monthly basis.**
- (5) (a) a **roster basis** indicating the date and time at which a worker shall attend duty shall be **handed over to the worker.**
(b) The monthly schedule of duty shall be **posted up** in a **conspicuous place at the place of work** at least **one week before the schedule is due to take effect** and a **copy** thereof **handed to each worker** concerned.
- (6) Where a worker is employed on shift work, he shall be paid an **allowance of 15 per cent** of his basic wage in addition to his normal day's wage for work performed during **night shift.**

Section 24-Overtime

Employment Rights Act 2008	Workers Rights Act 2019
<p>(1) Subject to subsection (3) –</p> <p>(a) a worker and an employer may agree on the number of hours of work to be performed in excess of the stipulated hours where the exigencies of an enterprise so require;</p> <p>(b) no employer shall require a worker to perform work in excess of the stipulated hours unless he has given, as far as is practicable, at least 24 hours notice in advance to the worker of the extra work to be performed.</p>	<p>(1) Subject to subsections (3) and (4) –</p> <p>(a) a worker and an employer may agree on the number of hours of work to be performed in excess of the stipulated hours where the exigencies of an enterprise so require;</p> <p>(b) no employer shall require a worker to perform work in excess of the stipulated hours unless he has given, as far as is practicable, at least 24 hours’ notice to the worker of the extra work to be performed.</p>
<p>(2) A worker who does not wish to work in excess of the stipulated hours on a particular day shall notify his employer, at least 24 hours in advance, of his intention not to work on that day.</p>	<p>(2) A worker who does not wish to work in excess of the stipulated hours on a particular day shall, at least 24 hours in advance, notify his employer of his intention</p>

Overtime (continued)

Employment Rights Act 2008	Workers Rights Act 2019
<p>(3) Subject to subsection (5), where a –</p> <p>(a) worker works on a public holiday, he shall be remunerated at twice the notional rate per hour for every hour of work performed;</p> <p>(b) worker, other than a watchperson, performs more than 90 hours' work or such lesser number of hours as may be specified in an agreement in a fortnight, not being the hours of work referred to in paragraph (a), he shall be remunerated at one and a half times the notional rate per hour for every hour of work performed; or</p> <p>(c) watchperson performs more than 144 hours of work in any fortnight, not being the hours of work referred to in paragraph (a), he shall be remunerated at one and a half times the notional rate per hour for every hour of work performed</p>	<p>(3) Subject to subsection (5), where a worker works on a public holiday, the employer shall remunerate him in respect of any work done –</p> <p>a) during normal working hours, at not less than twice the rate at which the work is remunerated when performed during the normal hours on a week day;</p> <p>b) after normal working hours, at not less than 3 times the rate at which the work is remunerated when performed during the normal hours on a week day.</p>

Overtime (continued)

Employment Rights Act 2008	Workers Rights Act 2019
<p data-bbox="198 297 1268 444">(4) For the purpose of subsections 3(b) and (c), the day on which a worker is on annual leave shall be reckoned in the computation of overtime.</p> <p data-bbox="198 654 1225 846">(5) An agreement may stipulate that the remuneration provided for therein for a pay period includes payment for work on public holidays and for work in excess of the stipulated hours where –</p> <p data-bbox="198 911 1207 1051">(a) the maximum number of public holidays; and (b) the maximum number of hours of overtime on a day other than a public holiday,</p> <p data-bbox="198 1115 1256 1200">covered by the remuneration are expressly stated for in the agreement.</p>	<p data-bbox="1314 297 2466 589">(4) Subject to subsection (5), where a worker works on a week day for more than the normal working hours, the employer shall, in respect of the extra work, remunerate the worker for each extra hour at not less than one and a half times the rate at which the work is remunerated when performed during the normal hours.</p> <p data-bbox="1314 654 2466 793">(5) An agreement shall stipulate that the remuneration provided for in the agreement includes payment for work on public holidays and overtime where –</p> <p data-bbox="1314 858 2481 1001">(a) the maximum number of public holidays; and (b) the maximum number of hours of overtime on week days and public holidays,</p> <p data-bbox="1314 1065 2372 1150">covered by the remuneration are specified in writing in the agreement</p> <p data-bbox="1314 1215 2372 1300">(6) For the purpose of subsection (5), the monthly or hourly basic salary shall be clearly specified in the agreement.</p>

Overtime (*continued*)

Additional points

(7) Subject to subsection (4), where a worker is required to perform extra work immediately after a normal day's work, he shall be granted a **rest period of at least 10 minutes with pay** before performing the extra work.

(8) In this section –

“normal hours” includes stipulated hours

Stipulated Hours

Stipulated Hours is defined under S.20 (1) (a)-(b) and ss.4 (a) or such less hours as stipulated in the agreement.

20. (1) Subject to subsection (2) and to any other enactment, the normal working week for every worker, other than a part-time worker or garde malade shall consist of 45 hours of work, excluding time allowed for meal and tea breaks, made up as follows –

(a) where the worker is required to work on 5 days in a week,

- 9 hours' work on any 5 days of the week, other than a public holiday;

(b) where the worker is required to work on 6 days in a week –

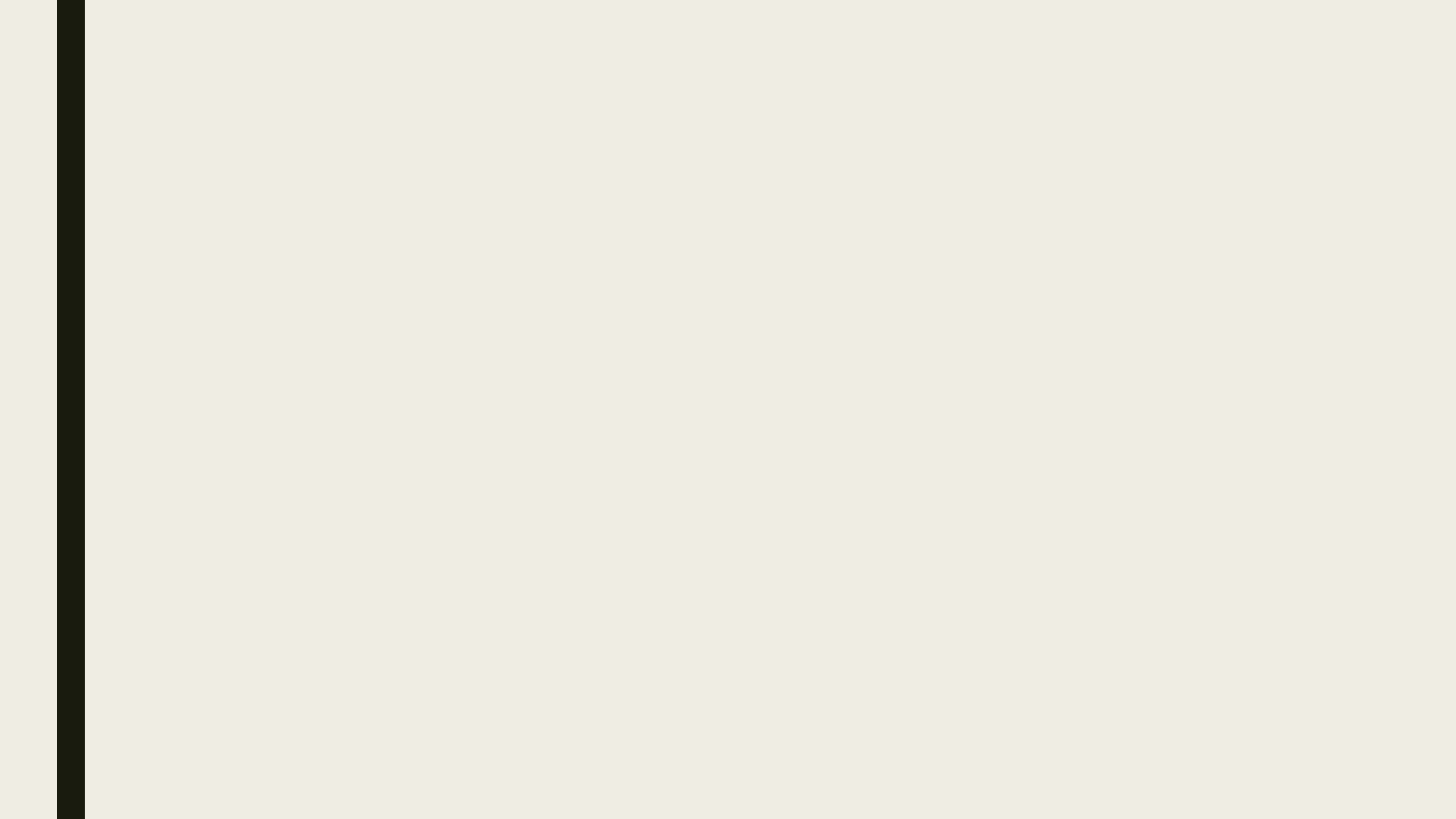
- 8 hours' work on any 5 days of the week other than a public holiday; and

Stipulated Hours

- 5 hours' on one other day of the week other than a public holiday.

ss.4 The normal day's work of a garde malade, other than a part-time worker –

- a) shall consist of 12 hours' actual work, excluding time allowed for meal and tea breaks; and
- b) may begin on any day of the week, whether a public holiday or not.



Remuneration Order

- Examples of 2 Remuneration Orders: (i) The Information and Communication Technologies and Other Related Services (Remuneration) Regulations 2019 and (ii) The Catering and Tourism Industries (Remuneration) Regulations 2019 : if an employee performs more than 45 hours' work in any week, other than a public holiday or a weekly rest day, he shall be remunerated at one and a half times the basic rate for every additional hour if work.