



Statutory Document No. 77/07

THE EMPLOYMENT ACT 2006

THE ADOPTION LEAVE REGULATIONS 2007

Approved by Tynwald

21st March 2007

Coming into operation

1st April 2007

In exercise of the powers conferred on the Department of Trade and Industry by sections 65, 91, 92, 93, 94, 95, 96, 97, 98 and 175(1) of the Employment Act 2006¹, and of all other enabling powers, the following Regulations are hereby made:

PART 1

PRELIMINARY

1. Citation and commencement

These Regulations may be cited as the Adoption Leave Regulations 2007 and, subject to section 175(1) of the Employment Act 2006, shall come into operation on 1st April 2007.

Adoption Leave Regulations 2007

"ordinary adoption leave" means leave under section 95 of the Act;

"parental leave" means leave under section 84 or 85 of the Act;

"partner", in relation to a child's adopter, means a person (whether of a different sex or the same sex) who lives with the adopter and the child in an enduring family relationship but is not a relative of the adopter of a kind specified in paragraph (2);

"paternity leave (adoption)" means leave under section 95 of the Act;

"statutory leave" means leave under section 95 of the Act;

Adoption Leave Regulations 2007

(2) Regulation 25 (protection of ...)

- (3) For the purposes of paragraph (2) —
 - (a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period, and
 - (b) a failure to act is to be treated as done when it was decided on.
- (3) For the purposes of paragraph (2) in the case of ...

Adoption Leave Regulations 2007

(3) An employee's entitlement to 1

[REDACTED]

Adoption Leave Regulations 2007

- (a) where the variation is to provide for the employee's period of leave to begin on the date on which the child is placed with him for adoption, at least 28 days before the date of placement.

- (b) where the variation is to provide for the employee's period of leave to begin on the date on which the child is placed with him for adoption, at least 28 days before the date of placement.

Adoption Leave Regulations 2007

(a) is entitled, during the period of leave, to the benefit of all of the terms
and conditions of employment which apply to the employee

(ii) the disclosure of confidential information

(iii) the acceptance of gifts or other benefits, or

Adoption leave: general

12. Disrupted placement in the course of adoption leave

(1) This regulation applies where —

(a) an employee has been on adoption leave

(4) In paragraph (3), "week" means the period of 7 days beginning with Sunday.

13. Redundancy during adoption leave

(1) This regulation applies where, during an employment period, a

Adoption Leave Regulations 2007

was postponed the employee's return to work on 11/11/07.

- (a) with his seniority, pension rights and similar rights —
 - (i) in a case where the employee is returning from additional

adoption leave, or consecutive periods of statutory leave which

maternity leave, or they would have been entitled to

Adoption Leave Regulations 2007

(c) has, or expects to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child.

(d) In paragraph (2)(c) "main" means—

Adoption Leave Regulations 2007

(7) An employee must give his employer a further notice, as soon as is reasonably practicable after the child is born, of the date on which he intends to return to work.

placed.

(8) Notice under paragraph (1), (4), (6) or (7) shall be given in writing, if the employer so requests.

21. _____

(1) Except in the case referred to in paragraph (2), an employee's period of paternity leave (adoption) begins on the date specified in his notice under regulation

Adoption Leave Regulations 2007

PART 4

GENERAL PROVISIONS

25. Protection from detriment

(1) An employee is entitled under section 65 of the Act not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer because

Adoption Leave Regulations 2007

(a) the employee took, or sought to take, ordinary adoption leave,
additional adoption leave or maternity leave (including

(b) the employer believed that the employee was likely to take ordinary
adoption leave or additional adoption leave, or

(c) the employee failed to

Adoption Leave Regulations 2007

(referred to in paragraph (2) as a "statutory right") and...

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Regulation 4.

SCHEDULE
MODIFICATIONS IN RESPECT OF OVERSEAS ADOPTIONS

Interpretation

1. (1) In regulation 2(1) —
 - (a) for the definition of "adopter", substitute —

the person who is the adopter of the child

adopted or, in a case where the child is adopted by a couple, either of them

Adoption Leave Regulations 2007

(b) a predetermined date specified in a notice under regulation 7 which is as

(2) In a case where the employee receives an official notification before 30th September 2007 and the adopter's child enters the Island on or after that date, the employee may choose to begin a period of ordinary adoption leave only on a predetermined date, specified in a notice under regulation 7 which is later than the date of

of the date on which he received that notice;

(b) where the employer is given notice of the employee's intention to take leave under section 77A(1)(a) on or after the date on which he received that notice;

(4) An employee shall be treated as having satisfied the condition in paragraph 1

Adoption Leave Regulations 2007

(7) _____

requests.

(8) Where it becomes known to the employee that the child will not enter the Island, he shall notify the employer of the fact as soon as is reasonably practicable."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Adoption Leave Regulations 2006.

97 employees' right to take leave under the Adoption Leave Regulations 2006.



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THE EMPLOYMENT ACT 2006

THE FLEXIBLE WORKING REGULATIONS 2007

Approved by Tynwald

21st March 2007

Coming into operation

30th September 2007

- (a) in relation to a notice transmitted by electronic communication, on the day on which it is transmitted,
- (b) in relation to a notice sent by post, the day on which the notice would be delivered in the ordinary course of post.

Entitlement to work

3. Duration of employment

- (1) The condition as to duration of employment which

Flexible Working Regulations 2007

(c) without reasonable cause, refused to provide the employer with

(2) An employer shall confirm the withdrawal of a request for flexible working if

9. Right of appeal

(1) An employee is entitled to appeal against his employer's decision

13. Right to be accompanied

- (1) This regulation applies where —
 - (a) a meeting is held under regulation 7(1) or 10(1), and
 - (b) the employee reasonably requests to be accompanied at the meeting.
- (2) ~~Where this regulation applies the employer must permit the employee~~

to be accompanied at the meeting by a single companion who —

- (a) is chosen by the employee, and
- (b) a worker of the same employer as the employee.
- (2) ~~The companion shall be permitted~~

(2) An agreement under paragraph (1) must be recorded in writing by the employer.

(2) The agreement recorded in writing under paragraph (1) must

- (a) specify what period the extension relates to,
- (b) specify the date on which the extension is to end, and
- (c) be dated;

and the employer shall send a copy of it to the employee.

15. Breaches of regulations by employer entitling employee to make

complaints to Tribunal

The breaches of regulations under section 100(1)(a) of the Act which entitle an employee to make a complaint to the Tribunal under section 101 of the Act even though his application has not been dismissed or has been agreed with him

Flexible Working Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, made under the Employment Act 2006, make provision

complemental to section 99 of the Act which provides

sections 99 to 101



Statutory Document No. 76/07

THE EMPLOYMENT ACT 2006

THE MATERNITY LEAVE REGULATIONS 2007

Approved by Tynwald

21st March 2007

Coming into operation

1st April 2007

In exercise of the powers conferred on the Department of Trade and Industry by sections 65, 79, 80, 81, 82, 83, 114, and 174 of the Employment Act 2006¹, and of all other enabling powers, the following Regulations are hereby made:—

Preliminary

1. Citation and commencement

These Regulations may be cited as the Maternity Leave Regulations 2007 and, subject to section 175(1) of the Act, shall come into operation on the 1st April 2007.

2. Interpretation

In these Regulations —

"the Act" means the Employment Act 2006

"additional adoption leave" means leave in addition to the ordinary adoption leave

Maternity Leave Regulations 2007

"parental leave" means leave under section 84 or 85 of the Act;

"statutory leave" means leave under section 84 or 85 of the Act;

Maternity Leave Regulations 2007

(ii) a registered midwife,
stating the expected week of childbirth.

(2) An employee who has notified her employer under paragraph
(1)(a)(iii) of the date on which she intends her ordinary maternity leave period to start

variation at least —

- (a) 28 days before the date varied, or
- (b) 28 days before the new date,

whichever is the earlier, or, if not reasonably practicable, as soon as it is reasonably practicable

(b) [Redacted]

childbirth, been continuously employed for a period of not less than 26 weeks.

Maternity Leave - B - 1 - 2007

Maternity Leave Regulations 2007

(5) Where the employee is dismissed after the commencement of an ordinary or additional maternity leave period but before the time when (except for

(6) An employer who is notified under any provision of regulation 4 of the date on which by virtue of any provision of regulation 6 or 7 of the

Maternity Leave Regulations 2007

(i) notice of the termination of the employment contract by her employer;

(ii) compensation in the event of redundancy; or

(b) is bound, during that period, by her implied obligation to her employer of good faith and any terms and conditions of her employment relating to

to —

(i) notice of the termination of the employment contract by her;

(ii) the disclosure of confidential information;

(iii) the acceptance of gifts or other benefits, or

12. **Contractual rights to maternity leave**

- (1) This regulation applies where an employee is entitled to —
- (a) ordinary maternity leave: or

(referred to in paragraph (2) as a "statutory right") and also to a right which
~~corresponds to that right and which arises under the contract of employment~~

- (2) In a case where this regulation applies —

14. Right to return after maternity leave

leave which was —

(a) an isolated period of leave on

Maternity Leave Regulations 2007

(2) The provision in paragraph (1)(a)(i) concerning the treatment of periods of additional maternity leave is subject to the requirements of paragraphs 5

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- (e) the fact that she took or sought to take additional maternity leave; or
- (f) the fact that she failed to return after a period of ordinary or additional maternity leave in a case where –

(i) the employer did not notify her in accordance with regulation

question would end, and she reasonably believed that the period had not ended, or

- (ii) the employer gave her less than 28 days' notice of the date on which the period in question would end, and it was not

Maternity Leave Regulations 2007

- (b) during a week in that period, the employee was absent from work on ordinary or additional maternity leave or parental leave, and
- (c) remuneration is payable to the employee in respect of that week under her contract of employment, but the amount payable is less than the amount that would be payable if she were working,

that week shall be disregarded for the purpose of the calculation and account shall be taken of remuneration in earlier weeks so as to bring up to 12 the number of weeks of

which account is taken

Maternity Leave Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, made under the Employment Act 2006, make provision for



Statutory Document No. 97/07

THE EMPLOYMENT ACT 2006

THE PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

*Approved by Tynwald
Coming into operation*

*21st March 2007
30th September 2007*

In exercise of the powers conferred on the President by section 122(1)(a) of the Constitution, I hereby assent to the following Act of Parliament:

Parental Leave (Disabled Child) Regulations 2007

"parental leave" means leave under regulation 3(1);

"statutory leave" means leave under regulation 3(2);

(2) A reference in any provision of these Regulations to a period of continuous employment is to a period computed in accordance with Schedule 5.

(1) Any entitlement to parental leave may not be exercised if the parent is

Parental Leave (Disabled Child) Regulations 2007

(iii) ending before the date of the — 1111 10111111

- (d) the employer gives the employee notice in writing of the postponement which —
 - (i) states the reason for it, and
 - (ii) specifies the dates on which the period of leave the employer agrees to permit the — 1111 1111 1111 1111

Application of terms and conditions during parental leave

9. Application of terms and conditions during parental leave

An employee who takes parental leave —

- (a) is entitled, during the period of leave, to the benefit of his employer's implied obligation to him of trust and confidence and any terms and conditions of his employment relating to

- (i) notice of the termination of the employment contract by his employer;
- (ii) compensation in the event of redundancy, or
- (iii) disciplinary or grievance procedures;

Parental Leave (Disabled Child) Regulations 2007

(a) if his return is from an isolated period of statutory leave, then

[REDACTED]

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, made under the Employment Act 2006, make provision for an employee's right to take unpaid leave for the purpose of caring for a child with a disability.

Regulations 3 to 7 confer the right to take periods of "parental leave", up to 4 weeks in any year and up to 18 weeks in total, on an employee with one child.



Statutory Document No. 104/07

THE EMPLOYMENT ACT 2006

THE PART-TIME WORKERS

TREATMENT) REGULATIONS 2007

[REDACTED]

- contract of apprenticeship;
- (c) employees employed under a contract of apprenticeship;

5. Workers returning part-time after absence

- (1) This regulation applies to a worker who —
 - (a) was identifiable as a full-time worker in accordance with regulation 2(1) immediately before a period of absence (whether the

followed a termination of the worker's contract or not);

- (b) returns to work for the same employer within a period of less than 12 months beginning with the day on which the period of

- (c) returns to the same job or to a job at the same level under a contract of

(3) In determining whether a part-time worker has been treated less favourably than a comparable full-time worker, the following provisions apply—

4.3. A part-time worker paid at a lower rate than a comparable full-time worker

- proceedings brought by any worker;
- (iv) otherwise done anything under these Regulations in relation to the employer or any other person;
 - (v) alleged that the employer had infringed these Regulations; or
 - (vi) refused (or proposed to refuse) to forgo a right conferred on

(a) when he does an act inconsistent with doing the duty

(b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do so

complainant, it shall reduce the amount of the compensation by such proportion as it

Amendments of the Act

12. Amendments

- (1) The Act is amended as follows.
- (2) In section 128—
 - (a) in subsection (1)(b) (redundancy as unfair dismissal), for "(14)" substitute "(15)";

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations were made on 11th October 2007. They are available in the following format:

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Statutory Document No. 98/07

THE EMPLOYMENT ACT 2006

THE SUSPENSION FROM WORK ON MATERNITY GROUNDS ORDER
2007

Approved by Tynwald

21st March 2007

Coming into operation

30th September 2007

In exercise of the powers conferred by section 106 of the Employment Act 2006, I, the Governor, do hereby make the following Order:

EXPLANATORY NOTE

(This note is not part of the Order.)

Part VI of the Employment Act 2006 is set out