

No. 15 - 2014

I assent,

[L.S.]

(Agd.) P. L. Allen
Governor-General.

24th November, 2014

AN ACT to Amend provisions relating to hours and days of work
in several enactments in order to facilitate the implementation
of flexible working arrangements in Jamaica; and for
connected matters.

[25th November, 2014]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and
with the advice and consent of the Senate and House of Representatives
of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Employment (Flexible Work Short title.
Arrangements) (Miscellaneous Provisions) Act, 2014.

2

[No.] *The Employment (Flexible Work Arrangements)*
(Miscellaneous Provisions) Act, 2014

Amendment
and repeal of
enactments.
Schedule.

2. The provisions of the enactments specified in the first column of the Schedule are amended or, as the case may be, repealed, as specified in the second column.

SCHEDULE (Section 2)
Enactments Amended or Repealed

| Enactment _____ | Amendment or Repeal _____ |
|---|--|
| <i>Apprenticeship Act</i> | |
| Apprenticeship (Motor Mechanic Trade) Order, 1959 | |
| Paragraph 2 | <ol style="list-style-type: none">1. In the definition of “working day”, delete the words “eight hours” and substitute therefor the words “twelve hours”.2. In the definition of “working week”, delete the words “forty-eight hours” and substitute therefor the words “forty hours”. |
| Paragraph 11 | <ol style="list-style-type: none">1. Delete sub-paragraph (2) and substitute therefor the following— “ (2) No apprentice in the trade shall be required or permitted to work for more than forty hours in any week or, if the apprentice is under the age of eighteen years, for more than eight hours in any day.”.2. Delete sub-paragraph (3). |
| <i>Betting, Gaming and Lotteries Act</i> | |
| Second Schedule Licensed Betting Offices Rules, 1965 | |
| Rule 2 | Delete paragraph (2) (a) and substitute therefor the following— “(a) be closed to the public on Good Friday and Christmas Day; and”. |

[No.] *The Employment (Flexible Work Arrangements)
(Miscellaneous Provisions) Act, 2014*

Enactment

Amendment or Repeal

Customs Act

Customs
Regulations, 1955

New
Regulation
124A

Insert next after the heading "PART XV. *Working Days and Hours*" the following as regulation 124A—

"Definition of "rest day". 124A. In this Part "rest day" means, in relation to an officer, such day of the week, not being a public holiday, as is by agreement between the officer and his employer to be excluded from the officer's working days."

Regulation 125

Delete regulation 125 and substitute therefor the following—

"Working days and hours.

125.—(1) The working days of officers shall be all days, except rest days and public holidays.

(2) Subject to paragraph (3), the working hours of officers for attendance on the public shall be as follows—

| | Working Hours | |
|---|--|--|
| (a) for all business at the Customs House | Monday to Thursday 8 a.m. to 4 p.m. inclusive of a luncheon interval of one hour | Friday 8 a.m. to 3 p.m. inclusive of a luncheon interval of one hour |
| (b) for all business at a location other than the Customs House, and for the receipt of goods into or the | Monday to Thursday 8 a.m. to 5 p.m. inclusive of a | Friday 8 a.m. to 4 p.m. inclusive of a luncheon interval |

Enactment

Amendment or Repeal

| | Working Hours | |
|---|--|--|
| delivery of goods from a Customs area, Queen's Warehouse or private warehouse (not being operated as an in bond shop) | luncheon interval of one hour | of one hour |
| (c) for any purpose other than the purpose set out in subparagraph (a) or (b). | Monday to Thursday 8 a.m. to 5 p.m. inclusive of a luncheon interval of one hour | Friday 8 a.m. to 4 p.m. inclusive of a luncheon interval of one hour |

(3) The Commissioner of Customs may require officers to attend on the public on Saturdays and Sundays during hours to be established by the Commissioner.”.

Regulation 127 1. In paragraph (1), delete from the Scale the words “Saturdays, Sundays and public” and substitute therefor the words “Rest days and public”.

2. In paragraph (2), delete the words “Sunday or” and substitute therefor the words “rest day or”.

Regulation 130 Delete the words “Sunday or” wherever they appear and substitute therefor, in each case, the words “rest day or”.

Excise Duty Act

Section 76 Delete subsection (2) and substitute therefor the following—

“ (2) No premises licensed under this Act for the manufacture of excisable goods shall be opened or operated on public holidays except as the Commissioner may permit, either generally or on any special occasion.”.

(Miscellaneous Provisions) Act, 2014

Enactment

Amendment or Repeal

Excise Duty
Regulations, 1942

- | | |
|---------------|---|
| Regulation 1A | Delete the regulation and substitute therefor the following— “Interpretation. 1A. In these Regulations— “Commissioner” means the Commissioner General; “rest day” means, in relation to an officer, such day of the week, not being a public holiday, as is by agreement between such officer and his employer, to be excluded from working days.”. |
| Regulation 75 | In paragraph (1), delete the words “Saturdays, Sundays” and substitute therefor the words “rest days”. |
| Regulation 77 | Delete the word “Sundays” and substitute therefor the words “rest days”. |
| Regulation 78 | 1. In paragraph (1), delete from the Scale the words “Saturdays, Sundays” and substitute therefor the words “rest days”. 2. In paragraph (2), delete the words “Saturdays, Sundays and”. |
| Regulation 81 | Delete the word “Sunday” and substitute therefor the words “rest day”. |

Enactment

Amendment or Repeal

*Food Storage and
Prevention of
Infestation Act*

Food Storage and
Prevention of
Infestation
Regulations, 1973

Third Schedule

Delete paragraph 8 and substitute therefor the following—

“Restriction on Hours of Work

8. An employer shall not cause or permit a worker to work, and a worker shall not work, on specified operations for more than—

- (a) twelve hours on any day;
- (b) forty hours in any period of seven consecutive days; or
- (c) one hundred and twenty hours in any period of twenty-one consecutive days.”.

Holidays with Pay Act

Holidays with Pay
Order, 1973

Paragraph 4

In sub-paragraph (4), delete the word “Sunday” wherever it appears.

*Labour Relations and
Industrial Disputes
Act*

Section 2

In the definition of “industrial dispute”—

- (a) insert in paragraph (c) immediately after the words “in paragraph (a) or (b)”, the words, “being a dispute relating wholly or partly to”;

[No.] *The Employment (Flexible Work Arrangements)
(Miscellaneous Provisions) Act, 2014*

Enactment

Amendment or Repeal

(b) insert next after paragraph (c) the following as paragraph (d)—

“(d) without limiting the effect of paragraph (a) or (b), being a dispute relating wholly or partly to the subjecting of any worker to an occupational detriment on the basis that the worker seeks to exercise or has exercised his right to manifest and propagate his religion in worship and observance.”.

*Licences on Trades
and Business Act*

Section 26

Delete the section.

Minimum Wage Act

Minimum Wage
(Bread, Bun and
Cake Bakery
Trade) Order, 1974

Paragraph 2 (1)

In the definition of “overtime work”, delete from paragraph (a) the words “a Sunday”.

Paragraph 3

Delete the words “a Sunday or” wherever they appear.

Minimum Wage
(Catering Trade)
Order, 1965

1. In the definition of “overtime work”—

(a) delete paragraph (c);

(b) in paragraph (d), delete the words “eight hours on any other day” and substitute therefor the words “forty hours in any week”.

2. In the definition of “single-time work” delete all the words appearing after the word “exceeding” and substitute therefor the words “forty hours in any one week”.

Minimum Wage
(Garment-Making
Trade) Order, 1974

Paragraph 2

1. In the definition of “overtime work”—

(a) in paragraph (b), delete the word “Sunday,”; and

| Enactment | Amendment or Repeal |
|---|--|
| | <p>(b) in paragraph (c), delete the words “eight hours on any standard day” and substitute therefor the words “forty hours in any week”.</p> <p>2. Delete the definition of “single-time work” and substitute therefor the following—</p> <p>“ “ single-time work” means work (not being done on any public general holiday, Good Friday or Christmas Day) done during any period not exceeding forty hours in any one week of seven standard days and shall not include work done on a rest day;”.</p> <p>3. In the definition of “standard day” delete the words “(excluding Sunday)”.</p> |
| Paragraph 3 Minimum Wage (Hotel Trade) Order, 1970 | In sub-paragraph (1) (b), delete the word “Sunday,”. |
| Paragraph 2 | <p>1. In the definition of “overtime work”, delete paragraph (c) and substitute therefor the following—</p> <p>“(c) during any period in excess of forty hours in any week exclusive of any day referred to in paragraphs (a) and (b);”.</p> <p>2. Delete the definition of “single-time work” and substitute therefor the following—</p> <p>“ “single-time work” means work during any period of forty hours per week so arranged that the days during which such work is done shall not include a rest day or any Public General Holiday, Good Friday and Christmas Day;”.</p> |
| Paragraph 3 | Delete the word “forty-eight” wherever it appears and substitute therefor the word “forty”. |
| Schedule A | Delete the words “Per week of forty-eight hours, six days per week (including Sundays) and eight hours per day.” wherever they appear and substitute therefor, in each case, the words “Per week of forty hours.”. |

[No.] *The Employment (Flexible Work Arrangements)*
(Miscellaneous Provisions) Act, 2014

Enactment

Amendment or Repeal

Minimum Wage
 (Industrial Security
 Guards) Order, 1982

Paragraph 4

1. Delete sub-paragraph (a) and substitute therefor the following—

“(a) \$204.97 per hour for work done during any period not exceeding 40 hours in any week;”.

2. In sub-paragraph (b), delete the words “in excess of 8 hours on a normal working day or”.

Minimum Wage
 (Laundry and Dry
 Cleaning Trade)
 Order, 1977

Paragraph 2

1. In the definition of “normal working day”—

(a) delete the word “or” in paragraph (b);
 and

(b) delete paragraph (c).

2. Delete the definition of “single time work” and substitute therefor the following—

“ “single-time work” means work done during any period not exceeding forty hours in any week;”.

Paragraph 4

In sub-paragraph (2) delete the words “or a Sunday” wherever they appear.

Minimum Wage
 (Occupation
 Records) (Hotel
 Trade) Order, 1970

Paragraph 2

1. In the definition of “overtime work” delete paragraph (c) and substitute therefor the following—

“(c) during any period in excess of forty hours in any week exclusive of the days referred to in paragraphs (a) and (b);”.

Enactment

Amendment or Repeal

2. Delete the definition of “single-time work” and substitute therefor the following—

“single-time work” means work done during any period so arranged that the days during which such work is done shall not include a rest day, Public General Holiday, Good Friday or Christmas Day;”.

Minimum Wage
(Retail Petrol
Trade) Order, 1974

Paragraph 2

1. Delete the definition of “overtime work” and substitute therefor the following—

“overtime work” means work done—

- (a) during any period on a rest day;
- (b) during any period on any Public General Holiday, Christmas Day or Good Friday;
- (c) during any period in excess of forty hours in any week;”.

2. Delete the definition of “single-time work” and substitute therefor the following—

“single-time work” means work done during any period that—

- (a) is not a rest day, Public General Holiday, Christmas Day or Good Friday; and
- (b) does not exceed forty hours in any week.”.

[No.] *The Employment (Flexible Work Arrangements)
(Miscellaneous Provisions) Act, 2014*

Enactment

Amendment or Repeal

National
Minimum Wage
Order, 1975

Paragraph 4

1. Delete sub-paragraph (a) and substitute therefor the following—

“(a) \$140.00 per hour for work done by such workers during any period not exceeding 40 hours in any week;”.

2. In sub-paragraph (b), delete the words “in excess of 8 hours in any normal working day or”.

Paragraph 5

Delete sub-paragraphs (1) and (2) and substitute therefor the following—

“(1) Subject to the provisions of paragraph 8, with effect from the commencement date of the Employment (Flexible Work Arrangements) (Miscellaneous Provisions) Act, 2014, the minimum wage for household workers who are employed as weekly workers is hereby fixed at the rate of—

(a) \$5,600.00 per week for work done by household workers during the first 40 hours of their normal working week, and \$210.00 per hour for work done during any period in excess of such 40 hours in any week; and

(b) \$280.00 per hour for work done by such household workers during any period on a rest day or on a public holiday.

(2) Subject to the provisions of paragraph 8, with effect from the 6th day of January, 2014, the minimum wage for household workers who

Enactment

Amendment or Repeal

are employed as hourly workers is hereby fixed at the rate of-

- (a) \$140.00 per hour for work done by such workers on any day other than a public holiday;
- (b) \$280.00 per hour for work done by such workers during any period on a public holiday.”.

National Insurance Act

Section 15

In subsection (1) (iv-

- (a) delete the word “one-sixth” and substitute therefor the word “one-seventh”; and
- (b) delete the words “and Sundays shall be disregarded”.

Post Office Act

Post Office
Regulations, 1941

Regulation 159

Delete the words “a Sunday or”.

Quarries Control Act

Quarries (General)
Regulations, 1958

Regulation 2

Delete the definition of “young person”.

Part IV

Delete Part IV.

Shops and Offices Act

Section 5

In subsection (2) delete paragraph (c).

Schedule

Delete the Schedule.

Shops
Regulations,
1961

Regulation 2

1. In paragraph (1) (a), delete the words “regulation 8” and substitute therefor the words “regulation 9”.

[No.] *The Employment (Flexible Work Arrangements)*
(Miscellaneous Provisions) Act, 2014

| <u>Enactment</u> | <u>Amendment or Repeal</u> |
|------------------|---|
| | 2. Delete the definition of "prescribed hours of business". |
| Regulation 3 | Delete the regulation and substitute therefor the following— "Application. 3. These Regulations shall not apply to shops that are premises of a class declared under section 3 of the Act to be a shop." |
| Regulation 4 | Delete the regulation and substitute therefor the following— "Shop open without restriction as to hours. 4. Shops may be open on any day without restriction as to hours." |
| Regulation 5 | Delete the regulation and substitute therefor the following— "Restriction as to duration of daily employment. 5. No person shall be employed in or about the business of any shop for more than twelve hours in any day." |
| Regulation 6 | Delete the regulation. |
| Regulation 7 | Delete the regulation. |
| Regulation 8 | Delete the regulation. |
| Regulation 9 | Delete paragraphs (1) and (2) and substitute therefor the following— " (1) Every person employed— (a) in or about the business of any shop on a public general holiday; or (b) during any period in excess of forty hours in any week, shall be entitled to be paid overtime wages for the period during which he is so employed. |

Enactment

Amendment or Repeal

(2) The hourly rates of overtime wages shall be in respect of employment-

(a) in any shop other than an airport shop or a shop registered as a pharmacy-

(i) during the period of a natural disaster; or

(i) for a period that is in excess of forty hours in any week,

one and one-half times the hourly equivalent of the normal wages payable to the person so employed during the week in which he was so employed;

(b) in any shop on a public general holiday when a tourist ship is in the port of the district, village or town in which such shop is situated, twice the hourly equivalent of the normal wages payable to the person so employed during the week in which he so employed; or

(c) in any shop in any circumstances specified in paragraph (1) other than circumstances in respect of which overtime rates are specified in subparagraphs (a) and (b), twice the hourly equivalent of the normal wages payable to the person so employed during the week in which he was so employed.”.

First Schedule

Delete the First Schedule.

**Second
Schedule**

Delete the Second Schedule.

Enactment

Amendment or Repeal

Shops (Kingston and St. Andrew)
(Staggering of Hours) Regula-
tions, 1973

*Towns and
Communities Act*

Section 16

- Repeal the Regulations.
1. In subsection (1), delete the word "Sunday,".
 2. Delete subsection (2) and substitute therefor the following—

“ (2) Any shop registered as a pharmacy under the provisions of the Pharmacy Act may be open between the hours of eight o'clock in the morning and twelve o'clock midnight of Good Friday and Christmas Day for the sale of any drug as defined in that Act.”
 3. Delete subsection (3).
 4. In subsection (4), delete the word "Sunday,".
 5. In subsection (5), delete paragraph (a).
 6. Delete subsection (6) and substitute therefor the following—

“ (6) The following classes of establishments may be open before ten o'clock in the morning and after five o'clock in the afternoon on the days specified in respect of each class, that is to say—

 - (a) establishments for the sale of bread or ice, on Good Friday and Christmas Day; and
 - (b) establishments for the printing or publishing of newspapers, on Christmas Day.”

| <u>Enactment</u> | <u>Amendment or Repeal</u> |
|--|----------------------------|
| Section 17 | Delete the word "Sunday,". |
| Section 18 | Delete the section. |
| <i>Wharfage Act</i> | |
| Section 29 | Delete the section. |
| <i>Women (Employment of) Act</i> | |
| | Repeal the Act. |

Passed in the House of Representatives this 23rd day of September, 2014
with three (3) amendments.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 31st day of October, 2014.

FLOYD E. MORRIS
President.

*This printed impression has been carefully
compared by me with the authenticated
impression of the foregoing Act, and has been
found by me to be a true and correct printed copy
of the said Act.*

*(sgd.) H.E. Cooke
Clerk to the Houses of Parliament.*

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