

S.I. 26 of 2015

EMPLOYMENT ACT

*(Cap 69)***Employment (Conditions of Employment) (Amendment) Regulations, 2015**

In exercise of the powers conferred by section 40 of the Employment Act, the Minister for Labour and Human Resource Development, after consultation with the Unions, the employer's organisations and other representatives of workers who are not members of a Union, hereby makes the following Regulations—

1. These Regulations may be cited as the Employment (Conditions of Employment) (Amendment) Regulations, 2015 and shall come into operation on 1st June, 2015.

Citation

2. The Employment (Conditions of Employment) Regulations is hereby amended as follows—

Amendment of
S.I. 34 of 1991

(a) in regulation 15—

(i) by inserting after the words “regulation 16”, the words “or paternity leave under regulation 19A”;

(ii) by inserting after the words “sickness or maternity”, the words “or paternity”;

(b) by inserting after regulation 19, the following regulation—

Paternity leave

“19A.(1) A male worker, resident in Seychelles, under a contract of continuous employment or for a fixed term or a part-time

male worker, is entitled to paid paternity leave of 5 consecutive working days.

(2) A male worker shall be entitled to paternity leave under subregulation (1), if—

- (a) he becomes father of a child;
- (b) he has acknowledged paternity of the child;
- (c) he takes paternity leave within a period of 4 months of the birth of the child, whether or not the birth of the child takes place in Seychelles;
- (d) he, at the time of applying for paternity leave, has successfully completed his probation and is in employment with his current employer for a period of not less than 12 months; and
- (e) the child is alive and he takes care of the child during paternity leave.

(3) A male worker who intends to take paternity leave shall—

- (a) notify his employer in writing of his intention to take paternity leave, at least 8 weeks prior to the expected date of the birth of the child, indicating therein the expected date of the birth of the child, with the

endorsement by the mother of the expected child giving full name, national identification number and address of the mother; and

- (b) apply in writing the dates for which he intends to take paternity leave, at least 2 weeks prior to such date, with a certificate of confinement of the mother of the expected child.

(4) The male worker shall, before going on paternity leave, furnish to the employer a copy of—

- (a) the birth certificate of the child evidencing his paternity and the date of the birth of the child; and
- (b) the maternity leave certificate issued to the mother of the child.

(5) The male worker who intends to take paternity leave shall inform his employer of any change to the dates of such leave, where—

- (a) the child is born before or after the expected date of birth;
- (b) the newborn child is hospitalised; or
- (c) the mother of the child dies and the child survives.

(6) A male worker who has applied for paternity leave and where the mother of the child dies during or shortly after the birth of the child shall, if he intends to take care of the child, be entitled to an extended paternity leave for the remaining period of the maternity leave which would have otherwise been enjoyed by the mother of the child under regulation 16.

(7) The period of extended paternity leave under subregulation (6) shall not exceed the period for which the mother of the child, after giving birth to the child, would have been entitled under regulation 16 if she was alive.

(8) A male worker shall be entitled to take paternity leave once in a calendar year.”

Made this 28th day of May, 2015

IDITH ALEXANDER
MINISTER OF LABOUR AND
HUMAN RESOURCE DEVELOPMENT