

**A LAW TO PROVIDE FOR PART-TIME EMPLOYEES  
(ELIMINATION OF UNFAVOURABLE TREATMENT)**

1. This Law may be cited as the Law to provide for Part-Time Employees (Elimination of Unfavourable Treatment), 2000.

2. In this Law, unless the context otherwise requires –

“competent authority” means the Minister of Labour and Social Insurance

“comparable full-time employee” means a full-time employee who –

- (i) works in the same undertaking as a part-time employee;
- (ii) has the same kind of employment contract or relationship as the part-time employee has;
- (iii) carries out duties which are the same as, or similar to those carried out by the part-time employee, having regard to other considerations such as seniority, qualifications and skills;

“Minister” means the Minister of Labour and Social Insurance

“part-time employee” means an employee, under a contract of employment, or in such other circumstances leading to the conclusion that there exists a relationship of employer and employee, whose hours of work, calculated on a weekly basis or as an average over a period of employment of one year, are less than the normal hours of work of a comparable full-time employee;

“principle of pro rata temporis” means the principle whereby any remuneration or other benefit to which a comparable full-time employee is entitled, is directly proportional to the remuneration or other benefit to which a part-time employee is entitled, based on a comparison of the number of hours worked each week by the comparable full-time employee and the part-time employee respectively.

3. The purpose of this Law is –

- (a) To eliminate discrimination against part-time employees and to improve the quality of part-time work;
- (b) to promote the development of part-time work on a voluntary basis, and to contribute to the flexible organisation of working time, in a manner which takes into account the needs of employers and employees.

4. - (1) Subject to subsection (2) below, this Law shall apply to all part-time employees.

(2) The following employees shall be excluded from the scope of application of this Law–

- (a) Part-time employees who work on a casual basis, as will be prescribed by Regulations;
- (b) full-time employees affected by partial unemployment, that is to say, by a collective and temporary reduction of their normal working hours for financial, technical or structural purposes.

(3) Any exclusions prescribed by regulations, in accordance with paragraph (a) of

subsection (2) above shall be re-examined periodically by the competent authority, in order to determine whether the objective reasons, which existed when such exclusions were prescribed, still exist.

5. Where there is no comparable full-time employee in an undertaking, any comparison required to be made under this Law shall be made by reference to any specific collective agreement or, if no specific collective agreement exists, in accordance with relevant legislation, or any general collective agreement or practice.

6. - (1) In respect of terms and conditions of employment, a part-time employee shall not be treated less favourably than a comparable full-time employee by reason only that he/she works part-time, unless different treatment is justified on objective grounds.

(2) Where appropriate, the principle of pro rata temporis shall apply.

(3)(a) Where justified on objective grounds, the competent authority, after consultation with social partners in accordance with legislation in force, collective agreements and practice, and/or the social partners, where appropriate, make the access to particular conditions of employment subject to a specified period of service, the length of an employee's employment and an employee's qualifications based on his/her earnings.

(b) The conditions for access to particular conditions of employment by part-time employees shall be reviewed periodically having regard to the principle of non-discrimination.

7. - (1) Subject to section 6 of the present Law, every part-time employee shall be entitled to equal terms and conditions of employment and to equal treatment and shall be afforded the same protection as that given to a comparable full-time employee, in particular with regards to –

(a) Salary and benefits:

Provided that any cash allowances and allowances for part-time employees shall be fixed in proportion by reference to the number of hours worked, earnings or contributions, or other methods, according to relevant legislation, collective agreements and practice;

(b) the social insurance scheme:

Provided that any contributions by, and payment of allowances to, or in relation to, a part-time employee shall be fixed in accordance with the provisions of the Social Insurance Laws of 1980 to 2002;

(c) the termination of employment:

Provided that any part-time employee whose hours of work are less than those specified in the Termination of Employment Laws of 1994 to 2002 shall be excluded;

(d) protection of maternity;

(e) annual leave with pay and paid public holidays;

(f) parental leave;

(g) sick leave.

(2) A part-time employee shall be entitled to equal treatment to, and enjoy the same protection as that afforded to a full-time employee in relation to –

- (a) The right to join and participate in the activities of a union, the right to collective negotiations and the right to act as an employees' representative;
- (b) health and safety at work;
- (c) protection from unfavourable discrimination in employment and occupation.

8. - (1) An employer shall ensure that the transfer of an employee from full-time to part-time employment, or the opposite, in the event of any vacancies in the undertaking is done on a voluntary basis.

(2) The refusal of a part-time employee to be transferred to full-time employment or the opposite shall not in itself constitute a reason for the termination of his/her employment, without prejudice to the termination of the employee's employment in accordance with relevant legislation, collective agreements and practice, for other reasons such as may arise from the operational requirements of the undertaking concerned.

9. An employer shall, as far as possible, examine the following –

- (a) Requests of employees in relation to their transfer from full-time to part-time employment that becomes available in the undertaking;
- (b) requests of employees in relation to their transfer from part-time to full-time employment or for an increase in their working time should the opportunity arise;
- (c) provision of timely information on the availability of part-time and full-time positions in the undertaking in order to facilitate transfers from full-time to part-time employment and the opposite;
- (d) measures to facilitate access to part-time employment at all levels of the undertaking, including skilled and administrative positions and, where appropriate, to facilitate access by part-time employees to vocational training to enhance career opportunities and occupational mobility;
- (e) provision of appropriate information to bodies representing employees about part-time employees working in the undertaking.

10.-(1) The competent authority may, after consultation with social partners, in accordance with relevant legislation, collective agreements and practice, identify, deal with and, where necessary, eliminate obstacles of legal or administrative nature which may limit the opportunities for part-time employment.

(2) Social partners, acting within their respective spheres of competence and in accordance with the procedures set out in collective agreements, shall identify, deal with and, where necessary, eliminate obstacles of a legal or administrative nature, which may limit the opportunities for part-time employment.

(3) Within three months from the coming into force of this Law, the competent authority shall invite the organisations representing employers and employees respectively, to examine within a fixed period of time to be determined by it, existing collective employment agreements with a view to revising and/or readjusting such agreements in order to remove any provisions which limit free choice and/or opportunities for part-time employment.

11. The Labour Disputes Court shall have exclusive jurisdiction to determine any dispute of a civil nature arising from the provisions of this Law.

12. Any employer who contravenes any provision of this Law shall be guilty of an

offence and shall be liable, on conviction, to a fine not exceeding two thousand pounds.

13. The Minister may appoint inspectors and/or such other officials as he may deem necessary for the effective application of this Law.

14. - (1) The Council of Ministers may issue regulations for a more effective application of the provisions of this Law, or in relation to any matter which this Law provides as requiring to be prescribed by regulations.

(2) Without prejudice to the generality of subsection (1) above, any regulations may in particular prescribe –

(a) The categories of employees working on a casual basis who, in accordance with the provisions of paragraph (a) of subsection (2) of section 4, are excluded from the scope of application of this Law;

(b) the duties or powers of inspectors or other officers appointed in accordance with the provisions of Section 13 of this Law.

15. This Law shall come into force on 1<sup>st</sup> January 2003.