

Employment (Amendment) (No. 2) Bill 2000

Items	Existing Provision	Proposed amendments in the Bill	Proposed Committee Stage Amendments	
(i)	Section 11F	<p>(1) Subject to subsection (1A), where, in the case of an employee to whom this Part applies who has not been employed by the same employer for the whole of a payment period but has been so employed for a period of not less than 3 months in the payment period –</p> <p>(a) the contract of employment is terminated –</p> <p>(i) at any time during the payment period; or</p> <p>(ii) on the expiry of the payment period,</p> <p>otherwise than by the employee under section 6 or 7 or by the employer under section 9; or</p>	<p>(1) Subject to subsection (1A), where, in the case of an employee to whom this Part applies who has not been employed by the same employer for the whole of a payment period but has been so employed for a period of not less than 3 months in the payment period –</p> <p>(a) the contract of employment is terminated –</p> <p>(i) at any time during the payment period; or</p> <p>(ii) on the expiry of the payment period,</p> <p>otherwise than –</p> <p>(A) by the employee other than in accordance with section 10; or</p> <p>(B) by the employer under</p>	<p>(1) Subject to subsections (1A) and (1B), where, in the case of an employee to whom this Part applies who has not been employed by the same employer for the whole of a payment period but has been so employed for a period of not less than 3 months in the payment period –</p> <p>(a) the contract of employment is terminated –</p> <p>(i) at any time during the payment period; or</p> <p>(ii) on the expiry of the payment period; or</p> <p>(1B) Subsection (1)(a) does not apply to a contract of employment which is terminated –</p> <p>(a) by the employee</p>

Note : Differences between the original proposed amendment and the Committee Stage Amendments are expressed in bold types.

			section 9; or	except such a contract which is terminated in accordance with section 10; or (b) by the employer under section 9.
(ii)	Section 15	(4) Any employer who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine at level 6.	(4) Subject to subsection (5), any employer who contravenes subsection (1)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine at level 6. (5) In proceedings for an offence under subsection (4) (and without prejudice to the operation of subsection (1B)), it shall be a defence for the employer charged with the offence to prove that – (a) he purported to terminate the continuous contract of employment of the pregnant employee concerned in	(4) Subject to subsection (5), any employer who contravenes subsection (1)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine at level 6. (5) Without prejudice to the operation of subsection (1B), it shall be a defence for an employer charged with an offence under subsection (4) to prove that – (a) he purported to terminate the continuous contract of employment of the pregnant employee concerned in accordance with section

			<p>accordance with section 9; and</p> <p>(b) at the time of such termination, he reasonably believed that he had a ground to do so.</p>	<p>9; and</p> <p>(b) at the time of such termination, he reasonably believed that he had a ground to do so.</p>
(iii)	Section 33	(4BB) An employer who contravenes subsection (4B) shall be guilty of an offence and shall be liable on conviction to a fine at level 6.	<p>(4BB) Subject to subsection (4BC), any employer who contravenes subsection (4B) shall be guilty of an offence and shall be liable on conviction to a fine at level 6.</p> <p>(4BC) In proceedings for an offence under subsection (4BB) (and without prejudice to the operation of subsection (4BAA)), it shall be a defence for the employer charged with the offence to prove that –</p> <p>(a) he purported to terminate the</p>	<p>(4BB) Subject to subsection (4BC), any employer who contravenes subsection (4B) shall be guilty of an offence and shall be liable on conviction to a fine at level 6.</p> <p>(4BC) Without prejudice to the operation of subsection (4BAA), it shall be a defence for an employer charged with an offence under subsection (4BB) to prove that –</p> <p>(a) he purported to terminate the continuous contract of employment of the employee</p>

			<p>continuous contract of employment of the employee concerned in accordance with section 9; and</p> <p>(b) at the time of such termination, he reasonably believed that he had a ground to do so.</p>	<p>concerned in accordance with section 9; and</p> <p>(b) at the time of such termination, he reasonably believed that he had a ground to do so.</p>
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