

# EMPLOYMENT OF WOMEN

- The Employment Act 1955 provides a special protection for female workers.
- It is stated that female employees are not to be employed in any industrial or agricultural undertaking between 10 pm to 5 am, nor commence work without having had a rest after working for 11 consecutive hours.

# EMPLOYMENT OF WOMEN

## continued...

- However, the Director General for Labour may 'on application made to him in any particular case exempt in writing any female employee or class of female employees from this restriction, subject to any conditions he may impose.
- All of these conditions are provided in Section 34 of the Employment Act 1955.

# EMPLOYMENT OF WOMEN

## continued...

- Besides affording female employees the benefits of maternity leave and a maternity allowance, Section 35 of the Employment Act prohibits the employment of female employees in any 'underground working'.
- By virtue of Section 36, the Act may authorise the Minister of Human Resources to 'prohibit or permit the employment of female employees in such circumstances or under such conditions' as he thinks appropriate, notwithstanding anything to the contrary stated above.



# Maternity Protection

- Generally, every female employee is entitled to maternity for a period not less than 60 consecutive days ('the eligible period') and maternity allowance in respect of the eligible period.
- Section 37(1)(a) of the Employment Act 1955 sets out this general rule.

# Maternity Protection continued...

When should the maternity leave commence?



# Maternity Protection continued...

- Ordinarily, maternity leave shall not commence earlier than the period of 30 days before the employee's confinement.
- However, on the certification of a government medical officer or company doctor that the female employee is unable to perform her duties satisfactorily due to advanced state of pregnancy, she may be required to commence her leave 14 days before her confinement.

(Section 37(1)(b))

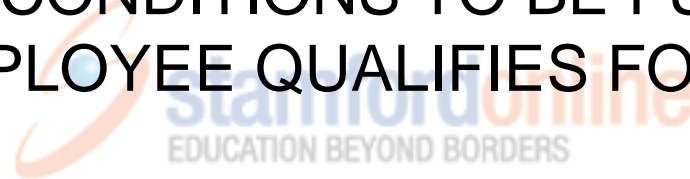
# Maternity Protection continued...

- It should be noted that an employee is also entitled to receive, for each day, of her maternity leave, a maternity allowance at her ordinary rate of pay, or at the rate prescribed by the Minister of Human Resources, whichever is the greater.
- A monthly-rated female employee is deemed to have received her maternity allowance if she continues to receive her monthly wages without abatement during her abstinence from work within the eligible period.

(Section 37(2)(b),(c))

# Maternity Protection continued...

WHAT ARE THE CONDITIONS TO BE FULFILLED  
BEFORE AN EMPLOYEE QUALIFIES FOR MATERNITY  
ALLOWANCE?



# Maternity Protection continued...

- To qualify for a maternity allowance during the eligible period, the employee must:
  - Have been employed by the same employer for an aggregate of not less than 90 days during the nine months preceding confinement;
  - Have been employed by the employer anytime during the four months immediately preceding the confinement; and
  - Not have more than five surviving children.

# Maternity Protection continued...

- Furthermore, Section 40 of the Employment Act 1955 provides for the circumstances where a female employee may lose her entitlement to maternity allowance.
- Basically, female employee who expects to be confined within four months and who is about to leave her employment should notify her employer of her pregnancy. Failure to do so results in the loss of her entitlement to maternity allowance.



# Maternity Protection continued...

- But then, failure to do the above will not prejudice her, if:
  - The failure was due to mistake or other reasonable cause; or
  - If the employer has not been let down by such defect or inaccuracy.
- Notice should preferably be given in writing.
- The employee is also liable to forfeit her maternity allowance to the extent of seven days if she refuses or fails to submit to the free medical treatment offered by her employer.

# Maternity Protection continued...

- In addition, the employee must within a period of 60 days preceding her expected confinement notify her employer of it and the date she intends to commence maternity leave, or the payment of maternity allowance will be suspended.