



WORKERS



**EMPLOYERS'
GUIDE**

Rights to Pregnancy and Maternity Leave



VISION STATEMENT

To be a leading and recognized Public Sector Organization with highly motivated staff maintaining high professional and technical standards of service for all stakeholders.

MISSION STATEMENT

To provide efficient and effective Labour Administration practices for sustained socio-economic development.

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Copies of the Labour Code are available at:
Government Printery
Botanical Gardens
St. George's

Government Printery

Source: Employment Act No. 14 of 1999



Protection For Pregnant Workers

1Q: *What are your rights as a worker?*

- A: (a) Leave of absence for the purpose of maternity leave
- (b) Pay while on maternity leave
- (c) To resume work after such leave if she so desires.

2Q: *How can a worker qualify for maternity leave?*

- A: A worker shall only be entitled to maternity leave with pay if:
- (i) At the date of her expected confinement she would have been continuously employed by that employer or a successor to that employer for a period of eighteen months or more.
- (ii) She informs her employer in writing (if he/she so requests) at least three weeks before the commencement of the maternity leave required.
- (iii) That she will be requiring maternity leave because of pregnancy.
- (iv) That she intends to return to work for her employer.

3Q: *How much leave are you entitled to under the Act?*

- A: You are entitled to maternity leave for a period of three months with maternity pay as follows:
- (i) In the case of monthly paid workers, a sum not less than forty percent of two months pay.
- (ii) In the case of weekly or fortnightly paid workers, a sum not less than forty percent of four fortnights pay.
- (iii) In the case of daily paid workers, a sum not less than forty percent or one-fifth of the pay earned in the twelve months immediately prior to the commencement of the leave being taken.
- (iv) You are entitled to be paid in a lump sum on the first day of the maternity leave or be paid in the

same manner in which you were paid on a normal payday, at election of the employee.

- (v) After the first occasion, you will be entitled to maternity leave with pay once in every two years.

4Q: *Is there any maternity protection in the Act for workers who do not qualify for maternity leave with pay?*

- A: A worker who is ineligible for maternity leave with pay shall be entitled to take maternity leave without pay for a period of three months, but that employee may return to work before the expiration of three months at her own option. Provided she produces a certificate of fitness from a registered medical practitioner.

5Q: *Do you have to notify your employer before you return to work?*

- A: A worker shall exercise her right to return to work by notifying her employer at least two weeks before the day on which she proposes to return of her intention to return to work on that day.

6Q: *What recourse do you have if your employer fails to comply with this Act?*

- A: An employer who refuses to comply with this Act commits an offence and shall be liable on summary conviction, on the complaint of the employee or the Labour Commissioner, to a fine of five thousand dollars and to imprisonment for six months.

7Q: *Are there any requirements for employers?*

- A: It is mandatory for employers to keep record of all female workers showing:
- (i) Her name and address.
- (ii) The date of commencement of employment.
- (iii) Her normal pay and working week.
- (iv) The duration (with dates) of any previous periods of maternity leave granted pursuant to the Employment Act.
- (v) All maternity pay which has been paid to the employee on any and every previous occasion.
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