SUBSIDIARY LEGISLATION 452.88

URGENT FAMILY LEAVE REGULATIONS

5th April, 2004

LEGAL NOTICE 296 of 2003, as amended by Legal Notice 427 of 2007.

Title.

1. The title of these regulations is the Urgent Family Leave Regulations.

Interpretation.

2. (1) In these regulations -

Cap. 452.

"the Act" means the Employment and Industrial Relations Act;

"*pro rata*" shall have the meaning assigned to it by article 2 of the Act:

Provided that:

(*a*) when the employee is employed in part-time employment on a variable time schedule, the number of hours of work per week shall be the average number of hours of work per week spread over successive thirteen week periods commencing on the first of January of each calendar year; and

(*b*) when the employee has not been in part-time employment for a period of thirteen weeks the average number of hours of work per week shall be calculated over the number of weeks in employment.

(2) Subject to the provisions of subregulation (1), terms and expressions used in these regulations shall, unless the context otherwise requires, have the meaning assigned to them in the Act.

Purpose and applicability.

3. (1) The purpose of these regulations is to lay down minimum requirements designed to facilitate the reconciliation of parental and professional responsibilities for working parents.

(2) These regulations shall be applicable without prejudice to the introduction and implementation of more favourable provisions in collective agreements or other agreements entered into between the employer and the employee.

(3) These regulations shall apply to all workers who have an employment contract or employment relationship as contemplated in the Act.

Urgent leave on grounds of *force majeure*.

4. (1) All employees, shall be entitled to time off from work on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making the immediate presence of the employee indispensable.

(2) The circumstances covered by subregulation (1) shall include:

(*a*) accidents to members of the immediate family of the employee;

(*b*) the sudden illness or sickness of any member of the

immediate family of the employee requiring the assistance or the presence of the employee;

(*c*) the presence during births and deaths of members of the immediate family of the employee.

(3) For the purposes of this regulation, "immediate family" means the husband, wife and married or unmarried children, as well as family relations up to the first degree, and whether living in the same household or not and persons having legal custody of a child.

Notification.

5. No advance notification is required to be given by the employee except in those cases where it is possible for the employee to give at least twenty-four hours notice of an event which is to take place and which requires the absence of the employee from the place of work for urgent family reasons.

Number of hours of urgent leave.

6. (1) The employer shall be bound to grant to every employee a minimum total of fifteen hours with pay per year as time off from work for urgent family reasons as specified in these regulations:

Provided that the total number of hours availed of by the employee for urgent family reasons shall be deducted from the annual leave entitlement of the employee.

(2) The employer shall have the right to establish the maximum number of hours of time off from work in each particular case, save that the minimum time should not be less than one hour per case unless there is the specific agreement of the employee.

(3) The employer shall have the right to demand such evidence as may be necessary to verify and confirm the request for urgent leave by the employee.

(4) Part-time employees shall be entitled to *pro-rata* urgent leave entitlement.

Offences.
Amended by: L.N. 427 of 2007.

7. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence against the Act and shall be liable, on conviction, to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) and not more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37).