



About the Labour Act (2021 Revision)

UPDATED JAN 2023

What has the Act defined as the initial probation period allowed?

A term not more than 6 months initially which can be extended to a further 6 months provided that such agreement is in writing and signed by both the employee and employer. Unless otherwise stated in a contract i.e. 3 months.

When should an employee expect to receive a written statement of working conditions once he/she has commenced employment?

Within 10 working days

When does an employee begin accruing benefits?

At the commencement of employment; however, not payable until after the probation period has been satisfied and the employee's employment is confirmed.

What is the notice period required for termination of employment?

The Labour Act requires that both parties give written notification of termination of employment of at least 24 hours if on probation. With respect to employees who are not on probation, both parties are required to give written notice at least equal to the interval of time between the employee's pay days.

FAQ

Are part-time employees entitled to leave benefits?

Yes, part-time employees earn leave benefits i.e. vacation, at the ratio that their actual hours of employment bear to the standard work week.

What is the maternity entitlement as defined by the Labour Act once an employee has completed 12 months of employment?

Every female employee is entitled to twelve calendar weeks' in any twelve month period. First 20 days-Employee's basic wage. Next 20 days-At half the employee's basic wage.

What is the vacation entitlement as defined by the Labour Act?

- Up to 4 years - 2 weeks
- 4 - 10 years - 3 weeks
- Exceeding 10 years - 4 weeks

If an employee works on a public holiday what payment is he entitled to?

Double his normal rate of pay for the hours actually worked and where he works less than the full day he shall, in addition, be entitled to be paid his normal rate for the remaining hours.

How is an employee compensated for public holidays (PH) not worked by the employee?

The employee is to receive the normal wage he would have received had it not been a public holiday and given the employee has worked his scheduled day before the PH and his scheduled day after the PH.



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What is the sick leave entitlement as defined by the Labour Act?

10 days per annum at the employee's basic rate of pay, for actual sickness. Sick leave is available to the employee in the event he is ill or otherwise physically incapacitated for work.

In the event the employee resigns, is sick leave not taken payable to the employee?

The Act does not obligate an employer to do so, however, the parties may agree to conditions more advantageous than what the Labour Act has established.

The Labour Act (2021 Rev.) establishes the minimum employment standards.

What is the rest period permitted to each employee as per the Labour Act?

24 consecutive hours in every 7-day period. In addition to the above, every employer who is classified as construction, manufacturing, heavy equipment operators, hospitality, gardening or landscaping is to permit each hourly paid employee the following breaks:

- 3-5 hours — a minimum of a 15-minute break
- 5 and above — a minimum of (2) 15-minute breaks
- 5 and above and in addition to (a) & (b) a meal Break of (30) minutes

What is the maximum standard work day and work week as defined by the Labour Act?

9hrs a day and 45hrs a week

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FAQ

When is overtime payable and at what rate?

An employer shall pay overtime pay to an employee for every hour of work in excess of the standard work week or a standard work day.

When are wages payable?

Wages shall be paid on a regular periodic basis on ordinary working days with not more than one month between pay days.

Are employees entitled to a statement of wage?

Yes, within one week of receipt of payment.

When is an employee entitled to severance pay?

Upon termination for any reason other than a dismissal pursuant to s51 (1) (a-c), providing the employee has exceeded one year of continuous employment.

How is severance pay calculated?

Severance pay consists of one weeks' wage at the employee's latest basic wage, with no cap.

How long does an employee have to file a complaint of "Unfair Dismissal"?

Within 90 days of the dismissal date.