

No. S 35

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

EMPLOYMENT (AMENDMENT) ORDER, 2012

ARRANGEMENT OF SECTIONS

Section

1. Citation and commencement.
 2. Amendment of section 45 of S 37/09.
 3. Amendment of section 91.
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CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

EMPLOYMENT (AMENDMENT) ORDER, 2012

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Employment (Amendment) Order, 2012 and shall be deemed to have commenced on the 1st. January, 2011.

Amendment of section 45 of S 37/09.

2. Section 45 of the Employment Order, 2009, in this Order referred to as the principal Order, is amended in subsection (1), by inserting the following new paragraph immediately after paragraph *(h)* —

“*(ha)* deductions of contributions payable by an employer on behalf of an employee under and in accordance with the provisions of the Supplemental Contributory Pensions Order, 2009 (S 58/09);”.

Amendment of section 91.

3. Section 91 of the principal Order is amended —

(a) in subsection (1) —

(i) in paragraph *(b)(ii)*, by deleting the fullstop and substituting a colon therefor;

(ii) by adding the following provisos —

“Provided that in the case of a citizen of Brunei Darussalam or permanent resident, every such female employee shall be entitled to absent herself from work during —

(a) the period of 2 weeks immediately before her confinement;
and

(b) the period of 13 weeks immediately after her confinement:

Provided further that in the case of a citizen of Brunei Darussalam or permanent resident, and who suffers from incomplete pregnancy at

24 weeks or above, every such female employee shall be entitled to absent herself from work during —

(a) the period of 2 weeks immediately before her confinement; and

(b) the period of 6 weeks immediately after her confinement.”;

(b) in subsection (2) —

(i) in paragraph (b), by deleting the fullstop and substituting a colon therefor;

(ii) by adding the following provisos —

“Provided that in the case of a citizen of Brunei Darussalam or permanent resident, every such female employee shall be entitled to receive payment from her employer at her gross rate of pay for the period of 2 weeks referred to in paragraph (a) of the proviso in subsection (1) and the first 11 weeks of the period referred to in paragraph (b) of the proviso in subsection (1):

Provided further that in the case of a citizen of Brunei Darussalam or permanent resident, who suffers from incomplete pregnancy at 24 weeks or above, every such female employee shall be entitled to receive payment from her employer at her gross rate of pay for the period of 8 weeks.”;

(c) by adding the following two new subsections —

{5} In this section, “citizen of Brunei Darussalam or permanent resident” means a citizen of Brunei Darussalam or a permanent resident who —

(a) is an employee in respect of whom contributions are payable by her employer on behalf of the employee under and in accordance with the provisions of the Tabung Amanah Pekerja Act (Chapter 167); and

(b) is lawfully married or validly married under any written law.

{6} The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order in writing exempt any employee or class of employee from the provision of subsection {5}.”.

BRUNEI DARUSSALAM GOVERNMENT GAZETTE

Made this 1st. day of Jamadilawal, 1433 Hijriah corresponding to the 24th. day of March, 2012 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM

Dicetak oleh AWANG ABDUL HAMID BIN ABDULLAH, Pemangku Pengarah Percetakan,
di Jabatan Percetakan Kerajaan, Bandar Seri Begawan BB3510, Negara Brunei Darussalam.

Harga B\$5.00