

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Time Off Work: Ante-Natal Care Etc

Section 128: Time off work to attend adoption appointments

Section 57ZK: Right to remuneration for time off for adoption appointments

668. Subsection (1) makes provision for an employee entitled to attend adoption appointments under section 57ZJ to be paid remuneration by his or her employer for the number of working hours for which the employee is entitled to be absent at the appropriate hourly rate.
669. Subsection (2) makes provision that the hourly rate will be the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off is taken.
670. Subsection (3) makes provision that where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by the average number of normal working hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken. Or, where an employee has not been employed for a sufficient period to enable the calculation based on twelve weeks to be made, a number is used which fairly represents the number of normal working hours in a week, having regard to specified considerations.
671. Subsection (4) stipulates the specific considerations required to be borne in mind by section 57ZK(3) when choosing a number of weeks to divide the employee's salary by when the employee has not been employed for twelve weeks.
672. Subsection (5) provides that any amount of remuneration for time off under subsection (1) does not affect any right to contractual remuneration. However, subsections (6) and (7) provide that any contractual remuneration paid by an employer for time off under section 57ZJ will go towards discharging any liability of that employer to pay remuneration under section (1), and vice versa.