



Ex Tempore Decision

Title of Matter: Labour Officer on behalf of Kritika Sheenal (Complainant)
v
City Motor Services (Respondent)

Section: Section 247 (b) Employment Relations Promulgation 2007

Subject: Failing to Pay Wages Upon Demand (Claim for Maternity Leave Entitlements)

Matter Number: ERT CC No 121 of 2017

Appearances: Ms V Raravula, Labour Officer on behalf of Kritika Sheenal
Mr N Kumar, Director City Motor Services Ltd

Date of Hearing: 11 December 2017

Before: Mr Andrew J See, Resident Magistrate

Date of Decision: 11 December 2017

1. In order to be eligible for the maternity leave entitlements provided for under Section 101 of the *Employment Relations Act 2007*, a Worker must be able to establish that at any time during the three month period immediately before the birth of her child, that she was employed for a period of, or for periods amounting in the aggregate, of no less than 150 days.
2. The critical issue on this occasion is that the birth of the child did not take place until the 12th of May 2017. For the first qualifying proviso within Section 101 (4) to be met, the Worker would need to have established that during the three months immediately before the birth of her child, that she had been employed.
3. Unfortunately for the Worker, her employment ceased on the 27th of January, 2017 and on that basis cannot attract the qualifying provision as set out in Section 101 (4).
4. There is no benefit thereafter calculating 150 days during the nine month pregnancy term, because of the fact that the initial qualifying period of three months cannot be established. Unfortunately for the Worker the application brought by the Labour Officer cannot succeed.

5. The matter is dismissed.



Mr Andrew J See
Resident Magistrate

