
Government Notice No. 222 of 2019

THE EMPLOYMENT RELATIONS ACT

**Regulations made by the Minister under section 93 of
the Employment Relations Act**

1. These regulations may be cited as the Private Secondary Schools Employees (Remuneration) Regulations 2019.
2. In these regulations –
 - “acceptable teaching experience” means experience acquired as a teacher, in the same category in which one is employed, or in a higher category, in a private secondary school registered under the Education Act;
 - “employee” –
 - (a) means any person working in a private secondary school; but
 - (b) does not include an employee –
 - (i) whose basic wage or salary is at a rate exceeding 600,000 rupees in a year, except in relation to –
 - (A) Part II of the First Schedule; and
 - (B) sections 5, 26, 32, 33, 34, 49, 50, 52, 53, 54 and Parts VI, VII, VIII and XI of the Workers’ Rights Act 2019;
 - (ii) whose conditions of employment are governed by any other Remuneration Regulations;
 - (iii) employed by a statutory body or a local authority, as the case may be, whose conditions of employment are governed by the recommendations made in a report of

the Pay Research Bureau, or a salary commission, by whatever name called;

“graduate” means an employee who is the holder of –

- (a) a degree, *licence-es-lettres* or *licence-es-science* from a university or institution approved by the Minister; or
- (b) an alternative qualification acceptable to the Minister;

“instructor” means a physical training instructor or a person who teaches art, music, dance or craft;

“instructor grade I” means an instructor who has –

- (a) followed secondary school education for 5 years and obtained at least a credit in English Language at the Cambridge School Certificate examination or an equivalent qualification acceptable to the Minister; and
- (b) completed successfully at least a 2-year course in physical education, art, music dance or craft and is the holder of a diploma or certificate acceptable to the Minister;

“instructor grade II” means an instructor who has –

- (a) followed secondary school education for 5 years and obtained at least a credit in English Language at the Cambridge School Certificate examination or an equivalent qualification acceptable to the Minister; and
- (b) special aptitude to perform the duties assigned to an instructor;

“laboratory attendant” means an employee who is required to –

- (a) assemble any laboratory apparatus;
- (b) prepare for use any laboratory equipment which may be required;

- (c) keep a laboratory and its equipment clean; or
- (d) perform any other ancillary duties;

“Minister” means the Minister to whom responsibility for the subject of education is assigned;

“non-graduate grade I” –

- (a) means an employee who holds –
 - (i) a Higher School Certificate or an equivalent qualification acceptable to the Minister; and
 - (ii) a diploma or certificate in education relating to teaching in secondary schools and acceptable to the Minister; but
- (b) does not include an instructor;

“non-graduate grade II” means an employee who holds –

- (a) a Higher School Certificate or an equivalent qualification acceptable to the Minister; or
- (b) (i) a Cambridge School Certificate with credit in not less than 5 subjects, including English Language, at one and the same sitting or an equivalent qualification acceptable to the Minister; and
 - (ii) a diploma or certificate in education relating to teaching in secondary schools and acceptable to the Minister;

“non-graduate grade III” means an employee who holds –

- (a) a Cambridge School Certificate with credit in not less than 5 subjects, including English Language, at one and the same sitting or an equivalent qualification acceptable to the Minister; or

- (b) (i) a Cambridge School Certificate with less than 5 credits; and
- (ii) a diploma or certificate in education relating to teaching in secondary schools and acceptable to the Minister;

“non-graduate grade IV” means an employee who does not hold the minimum qualification required of a non-graduate grade III;

“principal” means a person responsible for the control and supervision of instruction in a school and whose qualifications are specified in the Education Regulations 1957;

“reasonable business grounds” means –

- (a) inability or impracticability to reorganise working arrangements of existing employees;
- (b) a detrimental effect on the ability to meet customers’ demand;

“teacher” includes an instructor;

“usher” means an employee who is required to –

- (a) look after the premises, furniture and equipment;
- (b) be in charge of the general welfare of pupils and attend to sick or injured pupils;
- (c) provide assistance in –
 - (i) the preparation of time-tables and records of attendance;
 - (ii) keeping pupils’ records;
 - (iii) the preparation of rooms and halls for examinations and other functions;

(d) supervise arrest classes; and

(e) perform other ancillary duties;

“workshop attendant” means an employee who is required to –

(a) keep a workshop and its equipment clean;

(b) prepare for use any equipment which may be required; and

(c) perform other ancillary duties;

3. (1) Subject to the other provisions of these regulations and regulation 6, an employee shall be –

(a) governed by the conditions of employment specified in –

(i) the Workers’ Rights Act 2019; and

(ii) the First Schedule,

and remunerated at the rates specified in the Second Schedule.

(2) Where the conditions of employment in the Workers’ Rights Act 2019 are different from those in the First Schedule, the conditions specified in the First Schedule shall prevail.

(3) The rates specified in the Second Schedule include –

(a) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and

(b) the additional remunerations payable under the Additional Remuneration and Other Allowances (2018) Act 2017 and the Additional Remuneration and Other Allowances (2019) Act 2018.

(4) Subject to paragraph (7), where a teacher changes his employer, he shall receive from his new employer one increment

in respect of every 2 years of acceptable past teaching experience acquired by him.

(5) Subject to paragraph (7), a teacher shall receive from his employer one increment in respect of every –

- (a) 2 years of acceptable teaching experience acquired in the service of the same employer before 1 June 1971;
- (b) year of acceptable teaching experience acquired in the service of the same employer after 1 June 1971.

(6) (a) An increment which is payable under paragraph (5) (b) shall be paid on 1 January every year.

(b) For the purpose of paragraph (5)(b), a year shall be deemed to include part of a year.

(7) A teacher shall not receive –

- (a) more than 5 increments under paragraphs (4) and (5)(a);
- (b) any increment, where he is drawing the top salary in the scale which applies to him.

(8) Where a graduate holds –

- (a) a Higher School Certificate or an equivalent qualification acceptable to the Minister; or
- (b) a professional certificate in education or an equivalent qualification acceptable to the Minister,

he shall, on his first appointment, be entitled to one additional increment.

(9) An employee, other than a teacher, to whom a salary scale applies shall be entitled to one increment for every year of service performed in the same capacity with his employer.

4. (1) Subject to paragraph (2), where a conversion of salary from one grade to a superior grade is effected by an employer for the benefit of a teacher already in his service, the conversion shall be so effected as not to reduce the salary payable to the teacher in the lower grade.

(2) Where there is no equivalent salary in the scale applicable to the higher grade, the salary payable shall be the next higher salary in that grade.

5. Every employee shall be entitled to a rest of not less than 11 consecutive hours in any day.

6. Nothing in these regulations shall –

(a) prevent an employer from –

(i) providing an employee with conditions of employment which are more favourable than those specified in the First Schedule; or

(ii) remunerating the employee at a rate higher than that specified in the Second Schedule;

(b) authorise an employer –

(i) to reduce the wages of an employee; or

(ii) subject to section 57 of the Employment Relations Act, to alter the conditions of employment of the employee so as to make them less favourable;

(c) be construed as imposing an obligation on an employer to remunerate a teacher, other than a teacher who was

in employment at the date of commencement of these regulations, in accordance with his qualifications rather than in accordance with the remuneration attached to the post he occupies.

7. The Private Secondary Schools Employees (Remuneration Order) Regulations 1984 are revoked.
8. These regulations shall come into operation on 24 October 2019.

Made by the Minister on 11 October 2019.

FIRST SCHEDULE
[Regulations 2, 3 and 6]

CONDITIONS OF WORK

PART – GENERAL CONDITIONS

1. Hours of attendance and of teaching

(1) Subject to subparagraph (2), a teacher shall not be required to –

- (a) be in attendance at a school for more than 6 hours on any day, inclusive of half an hour for a meal break;
- (b) do more than 4½ hours of actual teaching on any day.

(2) Subparagraph (1) shall not apply to a teacher who is attending a training course for teachers.

(3) A teacher shall not be required to –

- (a) supervise arrest classes;
- (b) perform the duties of an orderly more than once in a fortnight;
- (c) teach more than 3 subjects in any one week.

2. Part-time teachers

(1) Where a teacher is employed part-time within school hours, he shall be remunerated at the following rate –

$$\frac{1.25 \text{ MS} \times \text{HT}}{97.5}, \text{ where –}$$

- (a) “MS” means monthly salary determined in accordance with the Second Schedule;

- (b) “HT” means the number of hours of teaching actually done by the part-time teacher;
 - (c) “97.5” represents the average monthly hours a full-time teacher may be expected to teach.
- (2) For the purpose of subparagraph (1) –
“school hours” means the hours between 8.00 a.m. and 4.00 p.m..
- (3) Paragraph 1 shall not apply to part-time teachers.

3. Security of employment

(1) A teacher whose services are terminated by his employer without good and sufficient cause within 3 weeks immediately preceding the start of any school vacation shall, without prejudice to any severance allowance, be entitled to his full salary up to the end of that vacation.

- (2) For the purpose of subparagraph (1) –
“vacation” includes end-of-year vacation.

4. Study leave

A teacher who is the beneficiary of a Government-sponsored scholarship in the field of education or any subject taught in the school where he is employed shall be granted leave without pay for a period not exceeding 3 years.

5. Vacation leave

(1) Subject to subparagraph (2), an employee, other than a migrant employee, who remains in continuous employment with the same employer for a period of at least 5 consecutive years shall be entitled to a vacation leave of not more than 30 days, whether taken

consecutively or otherwise, for every period of 5 consecutive years, to be spent abroad, locally or partly abroad and partly locally.

(2) Subject to subparagraph (7), any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under subparagraph (1).

(3) The vacation leave shall be –

- (a) for a period of not less than 6 consecutive days; and
- (b) with pay and such pay shall, in case the employee opts to spend the leave wholly or partly abroad, be effected at least 7 working days before the employee proceeds abroad.

(4) The vacation leave shall be deemed to constitute attendance at work and shall not be cumulative.

(5) An employee shall, except in exceptional circumstances, give not less than 3 months' notice when applying for the vacation leave and the employer shall, subject to reasonable business grounds, accede to the application.

(6) Where an employer cannot, on reasonable business grounds, accede to the request of an employee under subparagraph (5) –

- (a) the employee and the employer may agree on another period when the vacation leave is to be taken; or
- (b) in default of an agreement, the employer shall pay to the employee a normal day's wage in respect of each day's leave applied for and such payment shall

be effected in the month in which the leave was due to start.

7. Where an employee is paid wages in lieu of the vacation leave under subparagraph (6), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

SECOND SCHEDULE

[Regulations 3 and 6]

Category of employee	Monthly salary (Rs cs)
Principal	15,470.50
	Monthly salary scale (Rs cs)
Teachers, other than instructors	
Graduate	12,189 – 12,283 – 12,525 – 12,827.50 – 13,073 – 13,239 – 13,417 – 13,679.50 – 14,114 – 14,421 – 14,601 – 14,942 – 15,105
Non-Graduate grade I	12,106 – 12,189 – 12,283 – 12,525 – 12,646.50 – 12,729.50 – 12,827.50 – 13,073 – 13,239 – 13,417 – 13,679.50 – 13,902 – 14,108.50
Non-Graduate grade II	9,680.20 – 9,770.50 – 9,967.60 – 10,095.30 – 10,282.10 – 10,436.70 – 10,543.70 – 10,804 – 10,917.50 – 11,013.70 – 11,096.70 – 11,133.70 – 11,254.50 – 11,369 – 11,469.50
Non-Graduate grade III	8,929.70 – 9,055 – 9,177.30 – 9,274.40 – 9,362.70 – 9,463.30 – 9,584 – 9,722.80 – 9,856.50 – 9,962.10 – 10,075.70 – 10,282.10 – 10,459.70
Non-Graduate grade IV	8,900 – 8,900 – 8,900 – 8,900 – 8,900 – 8,922.10 – 9,015.90
Instructors	
Instructor grade I	9,680.20 – 9,770.50 – 9,967.60 – 10,095.30 – 10,282.10 – 10,436.70 – 10,543.70 – 10,804 – 10,917.50 – 11,013.70 – 11,096.70 – 11,133.70 – 11,254.50 – 11,369 – 11,469.50

Instructor grade II	8,929.70 – 9,055 – 9,177.30 – 9,274.40 – 9,362.70 – 9,463.30 – 9,584 – 9,722.80 – 9,856.50 – 9,962.10 – 10,075.70 – 10,282.10 – 10,459.70
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Other employees

Clerk, Typist, Secretary, Usher or Librarian	} 8,900 – 8,900 – 8,900 – 8,900 – 8,900 – 8,900 – 8,900.60 – 8,935.10
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Laboratory Attendant, Workshop Attendant	} 8,900
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Caretaker, Cleaner, Gardener	}	(a) 3,739.75	if required to be in attendance for not more than 3 hours daily
		(b) 8,900	if required to be in attendance for more than 3 hours daily
