

**RESEARCH & LEGISLATION SECTION**

**CATERING  
AND  
TOURISM  
INDUSTRIES  
REMUNERATION  
REGULATIONS  
2014**



# ***THE EMPLOYMENT RELATIONS ACT***

## **REGULATIONS MADE BY THE MINISTER UNDER SECTION 93 OF THE EMPLOYMENT RELATIONS ACT**

***GN No. 202 of 2014 Effective as from 1 September 2014***

***Amended by GN No. 230 of 2015 w.e.f 30 November 2015***

1. These regulations may be cited as the Catering and Tourism Industries Remuneration Regulations 2014.

2. In these regulations –

“accounts clerk” means a worker who –

- (a) receives cash, cheques and credit card payments and checks such payments against appropriate documents;
- (b) effects bank deposits and withdrawals;
- (c) makes entries in accounting and bookkeeping records;
- (d) assists in the preparation of financial accounts;
- (e) assists in the annual and periodic stocktaking; and
- (f) performs related work as may be required;

“animal keeper” means a worker who is employed in a recreational or leisure park and is responsible for –

- (a) feeding, bathing and providing general care to animals;
- (b) maintaining cleanliness of sheds at all times;
- (c) treating animals in case of minor injury;

“assistant bartender” means a worker who assists a bartender and replaces the bartender in his absence;

“assistant *cafetier*” means a worker who assists a *cafetier* and who is engaged in the café department in the tourism industry to prepare tea, coffee, chocolate or other similar breakfast requisites and replaces a *cafetier* in his absence;

“assistant cook” means a worker who –

- (a) assists a cook;
- (b) prepares simple dishes, cooks and fries snacks;
- (c) cooks food for the personnel; and
- (d) performs other ancillary duties;

“assistant handyperson” means a worker who assists a handyperson and may be required to assist a cabinet maker, carpenter, electrician, welder, plumber, mason, painter or refrigeration mechanic employed in the same establishment;

“assistant head cook” means a worker who prepares and cooks food and performs other ancillary duties under the supervision of a head cook;

“assistant head pastry cook” means a worker in the tourism industry who prepares and cooks pastries, sweets, ices, puddings and performs such other ancillary duties, under the supervision of a head pastry cook;

“assistant head waiter” means a worker who –

- (a) assists a head waiter;
- (b) attends to service for not more than 25 guests at any one time; and
- (c) replaces the head waiter in his absence;

“assistant housekeeper” means a worker in the tourism industry who assists a housekeeper and replaces the housekeeper in his absence;

“assistant pastry cook” means a worker in the tourism industry who assists a pastry cook, prepares simple pastries and performs such other ancillary duties;

“assistant receptionist” means a worker in the tourism industry who assists a receptionist and replaces the receptionist in his absence;

“assistant restaurant supervisor” means a worker who assists the restaurant supervisor and replaces the restaurant supervisor in his absence;

“assistant storekeeper” means a worker who is responsible for ordering, receiving, recording, classifying and issuing goods in a store;

“bar” means premises where alcoholic drinks, whether or not together with non-alcoholic drinks, snacks or cakes are sold for consumption on the premises;

“bartender” means a worker who –

- (a) prepares and serves drinks and cocktails;
- (b) is responsible for cash takings;
- (c) replaces the head barman in his absence; and
- (d) where he works in the catering industry, also keeps relevant records in the discharge of his duties as a bartender;

“beach waiter” means a worker who is employed by a seaside hotel to –

- (a) supply to hotel residents such items as may be provided by the hotel for the comfort of the residents while they are on the beach;
- (b) serve drinks, snacks, cigarettes or other similar items to hotel residents while they are on the beach and to take charge of bills; and
- (c) remove from the beach any bottle, can, rubbish or item supplied under paragraphs (a) and (b);

“boarding house” means a building comprising –

- (a) not less than 2 bedrooms or sleeping rooms set apart and appropriately furnished for letting; and
- (b) a room set apart and appropriately furnished where food and non-alcoholic drinks only may be sold to residents, their guests and visitors for consumption on the premises only;

“cabinet maker” means a worker who –

- (a) is capable of using and maintaining the tools of the trade;
- (b) makes completely wooden articles, effects repairs and refashions wooden articles;
- (c) makes sketches or drawings of work to be done; or
- (d) carves designs in wood for decoration;

“café” means premises where non-alcoholic drinks, whether or not together with snacks or cakes, are sold for consumption on the premises;

“cafetier” means a worker in the tourism industry who is responsible for a café department and the keeping of records therein;

“carpenter” means a worker who –

- (a) is capable of using and maintaining the tools of the trade;
- (b) constructs any structure, building or shuttering for concrete work;
- (c) prepares and correctly sets out all timber members and erects all partitions, roofs, doors and window frames;
- (d) takes off quantities from plans and prepares cutting lists;
- (e) inspects and reports on the state of repairs of any wooden structure; and
- (f) makes free-hand dimensioned sketches;

“cashier” means a worker, other than a bartender or receptionist, engaged wholly or mainly in dealing with cash or any medium of currency and keeping relevant books;

“catering industry” means –

- (a) the industry relating to the preparation and provision of food and drinks; and
- (b) includes any trade or business carried on in a bar, café, fast food outlet, restaurant, *table d'hôte* or victualler's shop;

“caviste” means a worker who is responsible for the stock in the wine cellar, issuing wine for service and the keeping of relevant records;

“certified trainee” means a person who holds a certificate of competency issued by the Mauritius Institute of Training and Development or any other training institution registered and accredited with the Mauritius Qualification Authority and is employed for the purpose of being graded in a job;

“cleaner” means a worker, other than a valet or gardener, who performs one or more of the following duties –

- (a) doing general cleaning, including sweeping of floors;
- (b) keeping in orderly conditions the interior and exterior of premises, grounds and beaches;
- (c) cleaning of toilets;

- (d) performing unskilled work involving physical effort; and
- (e) assisting in doing other cognate duties;

“cook” means a worker who –

- (a) (i) prepares or cooks food, pastries, sweets, ices, puddings and similar items in the catering industry; or
- (ii) prepares and cooks food in the tourism industry;
- (b) cooks food for the personnel; and
- (c) performs other ancillary duties;

“continuous employment” means the employment of a worker under an agreement or under more than one agreement where the interval between one agreement and the next does not exceed 28 days;

“driver” means a worker who –

- (a) drives any motor vehicle, including a lift truck or a trailer;
- (b) is responsible to effect minor repairs, clean his vehicle and keep it in running order;
- (c) is responsible to ensure that other repairs of any vehicle entrusted to him are effected; and
- (d) assists in loading and unloading of a motor vehicle;

“delivery person” means a worker in the catering industry who is responsible for delivering ordered products on a home to home basis and deals with cash for the payment of the delivered products;

“*domaine*” means a place of interest with recreational or leisure facilities and may include the provision of accommodation, food and drinks;

"earnings" –

- (a) means basic wages; and
- (b) includes –

- (i) wages earned for extra work under paragraph (2) of the Second Schedule;
- (ii) remuneration paid under paragraphs 3, 8(1), 9, 10, 11, 12(1)(a),(2),(3) and 17 of the Second Schedule; and
- (iii) any productivity payment, by whatever name called;

“electrician” means a worker who –

- (a) is capable of using and maintaining the tools of the trade;
- (b) installs, maintains and repairs electrical wirings and related equipment; and
- (c) reads and understands simple wiring diagrams;

"entertainer" means a worker who gives musical, dance, song or other similar performances, in group or otherwise, and entertains hotel guests and residents;

"fast food operative" means a worker who works in a fast food outlet and who in the discharge of his duties, is required to perform the following tasks –

- (a) preparing food, snacks and other in-house specialities, according to procedures laid down by the unit; or
- (b) attending to and serving customers, taking charge of bills or being responsible for cash takings;
- (c) cleaning his immediate work space only;

"fast food outlet" means premises where food prepared using standard ingredients and set procedures for cooking is sold as a quick meal for consumption on and off the premises, irrespective of whether or not non-alcoholic drinks, snacks or cakes are also sold on the premises;

“gardener” means a worker who is sufficiently skilled to be able on his own to operate mechanically propelled garden equipment, sow seeds, trim hedges, prepare flower beds and maintain the green, including plants;

“guide” means a person employed for the purpose of providing information and assistance to customers;

“hairdresser” means a worker who shaves, cuts, trims, dresses, waves, curls, stains, dyes or treats, in any other manner, the hair and beard of any person;

“handyperson” means a worker who is in charge of maintenance of buildings and premises and performs other odd jobs;

“head bartender” means a worker who supervises other bartenders, prepares and serves drinks and is responsible for a bar and the keeping of relevant records;

“head cook” means a worker who –

- (a) (i) prepares or cooks food, pastries, sweets, ices, puddings and other similar items in the catering industry; or
- (ii) prepares or cooks food in the tourism industry;
- (b) supervises not less than 3 cooks; and
- (c) is responsible for the cleanliness of his place of work;

“head pastry cook” means a worker in the tourism industry who –

- (a) prepares and cooks pastries, sweets, ices, puddings and other similar items;
- (b) supervises not less than 3 pastry cooks; and
- (c) ensures the cleanliness of his place of work;

“head waiter” means a worker in the tourism industry who –

- (a) takes charge of banquets and receptions;
- (b) advises clients as to the choice of meals and wines;
- (c) supervises other waiters; and
- (d) ensures that cleaners maintain the place under his responsibility free from dirt or filth;

“hotel” means a building comprising –

- (a) not less than 9 bedrooms or sleeping rooms set apart and appropriately furnished for letting; and
- (b) a room set apart and appropriately furnished where food, tobacco, alcoholic and non-alcoholic drinks may be sold to residents, their guests and visitors for consumption on and off the premises;



“housekeeper” means a worker in the tourism industry who is responsible for household administration, selection and control of staff, domestic stores and cleanliness of the premises;

“job contractor” has the same meaning as in the Employment Rights Act;

“kids’ club hostess” means a worker who is responsible to look after and to organise activities for kids;

“kitchen cost controller” means a worker who –

- (a) verifies the quantity and quality of deliveries from suppliers in conformity with purchase orders;
- (b) checks, controls and records the quantity of foodstuffs, drinks and other materials issued from the kitchen store to avoid wastage;
- (c) conducts inventory of stock of foodstuffs, drinks and other materials used or kept in the kitchen;
- (d) prepares daily food cost, controls fluctuation in the quantity and price of deliveries from suppliers and submits relevant reports to management;
- (e) verifies orders from the restaurant and keeps relevant records; and
- (f) keeps up to date information in relation to the costs of standard recipes;

“kitchen helper” means a worker who cleans crockery, cutlery and other kitchen requisites;

“launderer” means a worker who does laundering, drying and ironing;

“linen keeper” means a worker in the tourism industry who is responsible for receiving, issuing, despatching, checking or stacking of linen or laundry and for sewing and repairs of clothing;

“loader” means a worker who –

- (a) prepares meal trays;
- (b) loads and unloads meal containers from a high lift truck or an aircraft; and
- (c) performs other ancillary duties;

“mason” means a worker who –

- (a) is capable of using and maintaining the tools of the trade;
- (b) lays building bricks, iron frames and structures;
- (c) does concrete works, aligns blocks with level and plumb line, applies plaster;
- (d) examines drawings and specifications; and
- (e) performs other similar duties connected with construction;

“Mauritius Qualifications Authority” means the Mauritius Qualifications Authority established under section 3 of the Mauritius Qualifications Authority Act;

“painter” means a worker who –

- (a) is capable of using and maintaining the tools of the trade;
- (b) cuts all types of glass;
- (c) mixes putty and glazing;
- (d) estimates materials for puttying, painting, varnishing, glazing and any other operation appertaining to the trade;
- (e) mixes and blends paints to any required shade;
- (f) deals with the properties and application of the various types of paints, enamels, stains, varnishes and polishes;
- (g) deals with fillers and thinning paint; and
- (h) uses primers and undercoats;

"pastry cook" means a worker in the tourism industry who prepares or cooks pastries, sweets, ices, puddings and other similar items and performs other ancillary duties;

“personnel clerk” means a worker who –

- (a) keeps records of personnel, including wages and other related information;
- (b) makes up wage packets and wage sheets; and
- (c) deals with enquiries in relation to the duties specified in paragraphs (a) and (b);

“pleasure craft” has the same meaning as in the Tourism Authority Act;

“plumber” means a worker who –

- (a) is capable of using and maintaining the tools of the trade;
- (b) assembles, installs and maintains pipe fittings and fixtures of drainage, heating and cooling systems;
- (c) cuts passage holes for pipes;
- (d) cuts, reams, threads, bends and joins pipes and tests them for leaks;
- (e) installs fixtures and does repair and maintenance work; and
- (f) understands drawings or other specifications;

“porter operator” means a worker who –

- (a) is wholly or mainly engaged in carrying luggage;
- (b) attends to guests generally; and
- (c) may be required to operate a telephone switchboard;

“productivity payment” –

- (a) means all sums of money, by whatever name called, paid to a worker in respect of any work performed by him, in addition to –
  - (i) the basic wages set out in the First Schedule; or
  - (ii) such higher wages agreed upon between the worker and his employer, as the case may be,

which is related to productivity;

- (b) does not include payment of an attendance bonus up to a maximum of 10 per cent of the worker’s basic wages, meal allowance, transport allowance or any other allowances or payment not related to productivity;

“receptionist” means a worker in the tourism industry who –

- (a) is responsible for the reception counter;

- (b) makes reservation, arranges registration of guests and allocates rooms to them;
- (c) presents bills to guests on their departures and collects payments; and
- (d) performs related clerical or similar duties;

"refrigeration mechanic" means a worker who performs repair works on air conditioning and refrigeration system and equipment;

"remuneration" –

- (a) means all emoluments, in cash or in kind, earned by a worker under a contract of employment; and
- (b) includes any sum paid by an employer to a worker to cover expenses incurred in relation to the special nature of his work;

"restaurant" means premises where food, pastry and non-alcoholic drinks are sold for consumption on or off the premises and alcoholic drinks are sold for consumption on the premises;

"restaurant supervisor" means a worker who is responsible to welcome guests and to plan and supervise the organisation of the restaurant;

"room service clerk" means a worker who –

- (a) takes orders from rooms and collects payments;
- (b) submits bills to relevant services; and
- (c) is responsible for the overall supervision of the room service;

"security officer" means a worker who provides security and protection services and who does one or more of the following duties –

- (a) guarding the premises against hazards, theft and illegal entry;
- (b) ensuring the safety and security of clients, personnel and any other authorised person on the premises of the employer;
- (c) performing preventive patrol to guard against theft and illegal access to the premises; and

- (d) taking appropriate actions upon the detection of suspicious activities, undesirable conduct or behaviour and events and recording such entries as may be necessary;

“senior accounts clerk” means a worker who –

- (a) supervises staff under his control;
- (b) prepares, examines, reconciles and executes all accounts;
- (c) assists in the preparation of budgets and estimates;
- (d) carries annual and periodic stocktaking; and
- (e) performs any other ancillary duties;

“sewing attendant” means a worker who attends to the sewing of clothing by way of repairs or confection;

“skipper” means a worker who holds a licence issued under the Tourism Authority Act and who –

- (a) drives a pleasure craft;
- (b) advises passengers as to their safety;
- (c) is responsible for the proper loading and unloading of such materials as are required for a trip;
- (d) is responsible for minor repairs, simple maintenance of the pleasure craft and its cleanliness;

“skipper’s assistant” means a worker who assists a skipper;

“spa therapist” means a worker who offers massage, beauty care, nail and body treatment to the clients of a hotel;

"sports instructor" means a worker in the tourism industry who –

- (a) welcomes guests at playing points and invites them to participate in indoor and outdoor games;
- (b) organises and animates competition among guests in games and sports, and attributes prizes to winners;
- (c) participates in games and sports as co-partner or opponent;

- (d) initiates first time players to rules, procedures and basics of games and sports;
- (e) submits requisitions for the purchase of sports materials and equipment; and
- (f) assists in making inventory of sport equipment;

"sports and leisure attendant" means a worker in the tourism industry who –

- (a) prepares playing grounds for indoor and outdoor activities;
- (b) carries sports equipment and materials, installs the materials and removes them after use; and
- (c) keeps playing grounds and equipment clean;

“store attendant” means a worker who –

- (a) carries and delivers goods in a store;
- (b) keeps the stores in an orderly condition; and
- (c) performs other ancillary duties;

“storekeeper” means a worker who is responsible for the procurement, receipt, custody and issue of goods, tools, equipment and materials in a store and the keeping of records thereof;

"*table d'hôte*" means a designated space at the residence of a person where guests are served with meals consisting of a limited choice, offered at fixed hours and at a fixed price for consumption on the premises;

“teamaker” means a worker engaged in a café who is required to make and serve tea or coffee;

“telephonist” means a worker who is mainly or wholly engaged in operating a telephone switchboard, and in addition –

- (a) receives, records and passes on telephone messages; and
- (b) deals with telephone enquiries and supplies information where necessary;

“tourism industry” –

- (a) means the industry relating to the commercial organisation and operation of holidays and visits to places of interest for tourists, both inbound and outbound; and
- (b) includes –
  - (i) activities provided principally as direct or essential support services to the organisation and operation of holidays and visits to places of interests referred to in paragraph (a), such as accommodation, food and drinks, and recreational or leisure facilities provided by establishments such as hotels and boarding houses;
  - (ii) inland tourists attractions, including *domaines* and recreational or leisure parks; and
  - (iii) in-flight catering services;

"tourist" –

- (a) means a person who travels to a place outside his usual environment and stays at that place for not more than 12 consecutive months for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited; and
- (b) includes a person ordinarily resident in Mauritius;

"trainee" means a worker, other than a kitchen helper or a cleaner, who is employed for the purpose of being trained in a job;

"valet" means a worker who is responsible, in respect of not more than 10 rooms, for making beds, cleaning bedrooms, bathrooms, arranging rooms and caring for clothes;

"waiter" means a worker who –

- (a) serves at table not more than 25 guests at any one time;
- (b) prepares and cleans tables;
- (c) serves meals or refreshments in rooms; and
- (d) performs other ancillary duties;

"waste water plant operative" means a worker who attends to the cleaning of sewerage plant or waste water treatment plant and performs minor repairs on them;

“watchperson” means a worker who –

- (a) keeps watch over premises and property; and
- (b) carries out periodic inspection tours within the premises and keeps appropriate records;

“welder” means a worker who –

- (a) is capable of using and maintaining the tools of the trade;
- (b) deals with electrodes in general use and prepares all materials for welding;
- (c) carries out all forms of welding in mild steel and structural steel, and uses oxyacetylene torch and electric arc welding for simple cutting and welding; and
- (d) reads and understands any drawing or specification relating to his duties;

“victualler's shop” means premises where food, snacks and cakes and non-alcoholic drinks are sold for consumption on or off the premises;

“worker” –

- (a) means any person employed in the catering or tourism industry;
- (b) does not include a worker –
  - (i) whose conditions of employment are governed by any other Remuneration Regulations;
  - (ii) employed by a statutory body or local authority, as the case may be, whose conditions of employment are governed by the recommendations made by the Pay Research Bureau or a salary commission, by whatever name called;

“workplace” means any premises or part of premises which are not domestic premises and which are made available to any employee as a place of work.

**3.** Every worker who works for an employer on 3 or more days in a working week shall, in respect of that week, be deemed to have remained in continuous employment.

**4.** Every employer who carries out his business on the premises of any establishment referred to in the definition of "tourism industry" or operates under the administrative control of any of the establishments, for the purposes of providing to the residents or guests of



those establishments, food and drinks, recreational or leisure facilities or any other facilities directly related to the tourism industry, shall comply with the provisions of these regulations.

5. (1) Subject to this regulation and regulation 10, a worker employed in –

- (a) (i) a bar, café;
- (ii) a fast food outlet, restaurant for consumption on, or on and off, the premises, with less than 40 covers;
- (iii) a *table d'hôte*, with less than 40 covers;
- (iv) a boarding house;
- (v) a hotel with less than 60 rooms;
- (vi) inland tourists attractions, including *domaines* and recreational or leisure parks, with restaurants having less than 40 covers,

shall be remunerated at the rates specified in Column III of the First Schedule;

- (b) (i) a fast food outlet; restaurant for consumption on, or on and off, the premises with 40 or more covers
- (ii) a *table d'hôte* with 40 or more covers;
- (iii) a hotel with 60 or more rooms;
- (iv) inland tourists attractions, including *domaines* and recreational or leisure parks, with restaurants having 40 or more covers; and
- (v) in-flight catering services,

shall be remunerated at the rates specified in Column IV of the First Schedule,

and shall be governed by the conditions of employment specified in the Second Schedule.

(2) The rates specified in the First Schedule include the additional remuneration payable under the Additional Remuneration (2014) Act 2013.

(3) Every worker, other than a trainee or watchperson –

- (a) may be employed at a daily rate for a period not exceeding 3 months; and

(b) shall, thereafter, be employed at a monthly rate.

(4) Subject to paragraph (5), where a scale of wages applies to a worker specified in the First Schedule, the worker shall be entitled to –

(a) the initial wages specified in the scale which applies to him; and

(b) one increment for every completed year of service he reckons with his employer until he reaches the top wages of the scale corresponding to the category applicable to him.

(5) A period of training or adaptation shall not be reckoned as service for the purpose of paragraph (4).

**6.** Where a worker is called upon to replace another worker drawing higher remuneration, the worker shall be paid the higher remuneration applicable to the other worker.

**7.** (1) (a) The period of training for a trainee, other than a certified trainee, shall not exceed 12 months.

(b) Where, at the end of the training period, a trainee other than a certified trainee continues to be employed by the same employer, he shall be employed in the appropriate category.

(c) No person shall be employed as a trainee more than once by the same employer.

(2) The period of adaptation for a certified trainee shall not exceed 3 months.

(3) Where, at the expiry of 3 months, a certified trainee continues to be employed by the same employer, he shall be employed in the appropriate category.

**8.** Any agreement by a worker to relinquish his right under these regulations shall be void.

**9.** Every employer to whom these regulations apply shall display or cause to be displayed a copy of these regulations in a conspicuous place at the premises where the workers are working.

**10.** Nothing in these regulations shall –

(a) prevent an employer from –

(i) remunerating a worker at a rate higher than that specified in the First Schedule; or

- (ii) providing the worker with conditions of employment more favourable than those specified in the Second Schedule;
- (b) authorise an employer to –
  - (i) reduce the wages of a worker; or
  - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of a worker so as to make them less favourable.

**11.** The Catering Industry (Remuneration Order) Regulations 2004 are revoked.

**11A.** Notwithstanding paragraphs 1(1) and 2(1)(b) of the Second Schedule, for period 1 September 2014 to 7 November 2014 –

- (a) the normal working week for every worker, other than a watchperson or security officer, shall be deemed to have consisted of 48 hours' work, excluding time allowed for meal and tea breaks; and
- (b) the worker referred to in paragraph (a) shall be remunerated at one and a half times the basic rate for every additional hour of work after the performance of 48 hours' work in every week.

**Amended by GN No. 230 of 2015**

**12.** These regulations shall be deemed to have come into operation on 1 September 2014.

Made by the Minister on 18 September 2014.

---

**SECOND SCHEDULE**  
[Regulations 2, 5 and 10]

**1. Normal working hours**

(1) The normal working week for every worker, other than a watchperson or a security officer, may begin on any day, whether or not a public holiday and shall consist of 45 hours work, excluding time allowed for meal and tea breaks.

(2) Every worker shall be entitled on any working day to a meal break of one hour and 2 tea breaks of 15 minutes each.

(3) Except where his services are required in special circumstances, a worker shall be entitled to one rest day in any working week, and the rest day shall, at least twice a month, be a Sunday.

(4) A worker shall not be required to work continuously for a period exceeding 15 hours.

(5) The normal working week for a watchperson or security officer shall consist of 72 hours' work, made up of 12 hours' work on any working day.

**2. Extra work**

(1) Subject to paragraph 3, a worker, other than a watchperson or security officer, who –

(a) works on a public holiday or a weekly rest day shall be remunerated –

(i) for the first 8 hours, at twice the basic rate; and

(ii) thereafter at 3 times the basic rate,

for every hour of work;

(b) performs more than 45 hours' work in any week, not being hours of work referred to in sub subparagraph (a), shall be remunerated at one and a half times the basic rate for every additional hour of work.

(2) Subject to paragraph 3, a watchperson or a security officer who –

(a) works on a public holiday or weekly rest day shall be remunerated –

- (i) for the first 12 hours, at twice the basic rate; and
- (ii) thereafter, at 3 times the basic rate,

for every hour of work;

- (b) performs more than a normal day's work on any other day, shall be remunerated at one and a half times the basic rate for every additional hour of work.

### **3. Extra remuneration for public holidays**

(1) Where a worker, other than a monthly paid worker, remains in continuous employment with the same employer for a period of 12 consecutive months, the worker shall be entitled, in the following 12 months, to a normal day's pay in respect of every public holiday, other than a Sunday, that occurs while he is in the service of the employer and on which he is not required to work.

(2) Where a worker is required to work on a public holiday, other than a Sunday, the worker shall be paid, at the end of the next pay period –

- (a) in the case of a worker who would otherwise have been entitled to a normal day's pay under subparagraph (1), the normal day's pay;
- (b) in the case of a monthly paid worker, his normal wages,

in addition to any wages due for extra work under paragraph 2.

### **4. Payment of remuneration**

(1) Every worker shall be paid his remuneration during working hours and not later than the last working day of the pay period.

(2) Every employer shall, at the time of paying the remuneration of a worker, issue to the worker a payslip stating inter alia –

- (a) the name and the National Pension Registration Number of the employer;
- (b) the name, National Identity Card number, date of entry, job title and grade, if any, of the worker;
- (c) the basic wages and every item of allowance, including any productivity payment, by whatever name called;

- (d) the total number of days on which the worker was present at work and details of leave taken, if any;
- (e) the number of hours of extra work performed by the worker, the relevant applicable rates and the corresponding amount for extra work;
- (f) all deductions made and the reasons therefor;
- (g) the total remuneration and the net pay.

## **5. Notional calculation of basic rate**

For the purpose of determining wages due for extra work or for any other purpose –

- (a) a month shall be deemed to consist of 26 days; and
- (b) a day shall be deemed to consist of –
  - (i) in the case of a watchperson or security officer, 12 hours;
  - (ii) in every other case, 8 hours.

## **6. Transport benefits and facilities**

- (1) Every worker shall –
  - (a) be entitled to free transport; or
  - (b) in case no free transport is available, be paid the return bus fare,

where the distance between his residence and the place where he reports for work exceeds 3 kilometres.

(2) Where a worker is required by his employer to attend, or cease work at any time when no public bus service is available, the employer shall, irrespective of the distance between the place of residence of the worker and the place of work, provide that worker with appropriate free means of transport from the worker's residence to his place of work, or from the worker's place of work to his residence or both, as the case may be.

(3) Subject to the distance limit specified in subparagraph (1), every worker who attends work by his own means of transport shall be entitled to an allowance equivalent to the corresponding return bus fare.

(4) Where an employer provides transport for workers, the vehicle shall be fitted with seats that are safe, properly maintained and fitted with suitable back-rest.

## **7. Meal Allowance**

(1) Where a worker is required to perform more than 2 hours' extra work after having completed his normal day's work on any day of the week, whether or not a public holiday, the worker shall, in addition to any wages due for extra work, be provided by the employer with an adequate free meal or be paid a meal allowance of 70 rupees per day.

(2) The meal allowance specified in subparagraph (1) shall be paid not later than on the last working day of the relevant pay period.

## **8. Annual leave**

(1) Where a worker remains in continuous employment with the same employer for a period of 12 consecutive months, the worker shall, during every subsequent period of 12 consecutive months, while he remains in continuous employment, be entitled to 16 annual days' leave on full pay.

(2) (a) Eight days of the annual leave specified in subparagraph (1) may, on application made to and approved by the employer, be taken consecutively at such time as the worker elects.

(b) The remaining 8 days' annual leave shall be taken at such time as agreed between the worker and the employer, or in default of agreement, at such times as the employer determines.

(3) Subject to subparagraph (4), where a worker has not taken or been granted all the leave to which he is entitled under subparagraph (1), he shall be paid a normal day's pay in respect of every day's annual leave still due at the end of the period of 12 consecutive months.

(4) Subparagraph (3) shall not apply where the employment of a worker is terminated for misconduct.

## **9. Sick leave**

(1) Subject to subparagraph (4), a worker who remains in continuous employment with the same employer for a period of 12 consecutive months, shall, during every subsequent period of 12 consecutive months while he remains in continuous employment, be entitled to 21 days' sick leave on full pay.

(2) Where at the end of the period of 12 consecutive months, a worker has not taken the sick leave to which he is entitled under subparagraph (1), any outstanding sick leave shall be accumulated to a maximum of 90 working days.

(3) Where a worker has exhausted the sick leave under subparagraph (1) and has wholly spent time –

- (a) for medical treatment in a hospital, public or private;
- (b) for convalescence purposes after discharge from a public or private hospital, certified by a medical practitioner,

any additional sick leave granted may be deducted from the accumulated sick leave under subparagraph (2).

(4) (a) A worker who absents himself on grounds of sickness shall, except where his employer is aware of the nature of his sickness, notify the employer of the sickness as soon as possible.

(b) Where the worker remains sick for more than 4 consecutive days, he shall forward a medical certificate to the employer –

- (i) in case he is admitted to a public or private hospital, within 3 days following his discharge; and
- (ii) in any other case, not later than 10.00 hours on the fifth day of absence.

(5) An employer may, at his own expense, cause a worker who is absent on ground of illness to be medically examined by a medical practitioner of the employer's choice.

## **10. Vacation leave**

(1) A worker, who remains in continuous employment with the same employer for a period of not less than 10 years, shall be entitled to a vacation leave of not less than 2 months for every period of 10 years, to be spent wholly abroad, wholly locally, or partly abroad and partly locally, at the worker's discretion.

(2) At least one month of the vacation leave under subparagraph (1) shall be with pay, and such pay shall, in case the worker opts to spend the vacation wholly or partly abroad, be effected in advance at least 7 days before the worker proceeds abroad.

(3) The vacation leave under this paragraph shall be deemed to constitute attendance at work.



## **11. Special leave**

Where a worker remains in continuous employment with the same employer for a period of 12 consecutive months, the worker shall be entitled to –

- (a) 6 working days' special leave on full pay on the occasion of the celebration of his first religious or civil marriage;
- (b) 3 working days' special leave on full pay on the occasion of the first religious or civil marriage of each of his son or daughter; and
- (c) 3 working days' special leave on full pay on the death of his spouse, child, father, mother, brother or sister.

## **12. Maternity leave and benefits**

(1) A female worker who remains in continuous employment with the same employer for a period of 12 consecutive months immediately preceding her confinement shall, on production of a medical certificate, be entitled to –

- (a) 12 weeks' maternity leave on full pay to be taken –
  - (i) after confinement; or
  - (ii) partly before the date of confinement, provided that at least 6 weeks' maternity leave is taken immediately following the confinement; and
- (b) an allowance of 3,000 rupees payable within 7 days of the confinement.

(2) Where a female worker who has been in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave specified in this paragraph gives birth to a stillborn child, she shall, on production of a medical certificate, be entitled to 12 weeks' leave on full pay.

(3) Where a female worker suffers a miscarriage which is duly certified by a medical practitioner, she shall, after the miscarriage, be entitled to 2 weeks' leave on full pay.

(4) A female worker who reckons less than 12 months' continuous employment, shall not be entitled to the benefits specified in subparagraph (1)(b), but shall be entitled to the maternity leave specified in subparagraph (1)(a) or (2), as the case may be, without pay.

(5) (a) A female worker who is nursing her unweaned child shall, for that purpose, be entitled everyday at a time convenient to her and having regard to the needs of the child, to at least –

(i) 2 breaks of half hour each; or

(ii) one break of one hour.

(b) The break specified in subparagraph (a) shall –

(i) be for a period of 6 months from the date of confinement or such longer period as may recommended by a medical practitioner; and

(ii) not be deducted from the number of hours of work of the female worker.

(6) A female worker who has entered into the seventh month of pregnancy shall be offered, as far as is reasonably practicable and at her request, all appropriate working facilities as recommended by her medical practitioner.

### **13. Uniforms and protective equipment**

(1) Every employer shall provide –

(a) 3 sets of uniform and 2 pairs of shoes every year to every worker, other than a worker referred to in sub subparagraphs (d) and (e);

(b) 2 caps to every head cook, assistant head cook, cook, assistant cook, head pastry cook, assistant head pastry cook, pastry cook, assistant pastry cook, *cafetier* and assistant *cafetier*;

(c) a pair of gloves to every kitchen helper, cleaner, waste water plant operative and gardener;

(d) a pair of safety shoes, steel capped shoes or boots, as appropriate, and 3 sets of uniform to every cabinet maker, carpenter, electrician, welder, plumber, mason, painter, refrigeration mechanic, handyperson and assistant handyperson;

(e) one raincoat, a pair of boots or shoes, and 3 sets of uniform to every watchperson, security officer, waste water plant operative and gardener.

(2) Subject to subparagraph (3), the uniforms and protective equipment referred to in this paragraph shall be provided by the employer when the worker first assumes duty and shall be renewed –

- (a) at latest by 31 March every year, in respect of the items provided under subparagraphs (1)(a), (d) and (e) except for the raincoat;
- (b) at latest by 31 March every 2 years in respect of the raincoat; and
- (c) as and when the items specified in subparagraphs (1)(b) and (c), become unserviceable.

(3) A worker shall be entitled to the re-issue of the uniforms and protective equipment under subparagraph (2)(a) by 31 March where he has assumed duty within a period of 6 months prior to that date.

(4) The uniforms and protective equipment referred to in this paragraph shall remain the property of the employer.

(5) Notwithstanding the protective equipment granted under these regulations, the employer shall comply with the Occupational Safety and Health Act.

#### **14. Medical facilities**

(1) An employer shall cause a worker who is directly or indirectly exposed to noise, dust, or, chemical or noxious substances to undergo a complete medical examination at the expense of the employer every 6 months.

(2) Where, in the course of the medical examination, a medical practitioner detects any work related health problem which, in his opinion, necessitates further medical examination or treatment, the medical practitioner may refer the worker to a medical institution for appropriate investigations and all the corresponding expenses shall be borne by the employer.

#### **15. Joint liability**

Where an employer employs a job contractor, the employer and job contractor shall be jointly and severally liable for the remuneration and conditions of employment, including provision of safety, health and welfare facilities of the workers.

#### **16. End of year bonus**

(1) A worker who remains in continuous employment with the same employer for one year shall be entitled, at the end of the year, to a bonus equivalent to one-twelfth of his earnings for that year.

- (2) Every worker who –
- (a) takes employment during the course of a year;
  - (b) is still in employment as at 31 December of the year; and
  - (c) has performed a number of normal days' work equivalent to not less than 80 per cent of the working days on which he has been called upon to work by his employer in that year,

shall be entitled at the end of the year to a bonus equivalent to one twelfth of his earnings for that year.

(3) Seventy-five per cent of the expected bonus specified in subparagraphs (1) and (2) shall be paid not later than 5 clear working days before 25 December, and the balance not later than on the last working day of the same year.

- (4) For the purposes of this paragraph, a day on which a worker –
- (a) is absent with the employer's authorisation;
  - (b) reports for work but is not offered work by his employer; or
  - (c) is absent on ground of –
    - (i) illness as provided for under paragraph 9(4);
    - (ii) injury arising out of and in the course of employment,

shall be reckoned as a working day.

## **17. Work in cyclonic weather**

Where a worker works or is required by his employer to remain at his workplace on a day on which a cyclone warning class III or IV is in force, the worker shall, in addition to any remuneration due to him, be entitled to –

- (a) an allowance equal to 3 times the basic hourly rate in respect of every hour; and
- (b) adequate meals.

## **18. Compensation**

(1) A worker shall be entitled to a compensation of one day's wage for every completed month of service where –

- (a) he has worked for the same employer for one month or more;
  - (b) his service is terminated before the expiry of 12 months for any cause other than misconduct, or his short-term contract has come to an end; and
  - (c) his attendance has averaged not less than 20 days per month during his period of employment.
- (2) In this paragraph –

“short-term contract” means a contract of determinate duration of not more than 24 months.

### **19. Gratuity on retirement before the age of 60 on medical ground**

(1) Subject to subparagraph (2), an employer shall pay a gratuity to a worker, irrespective of any benefit the worker may be entitled to under the National Pensions Act, where the worker retires before the age of 60 on ground of permanent incapacity to perform his work and where such incapacity is duly certified by a Government medical practitioner.

(2) The worker referred to in subparagraph (1) is a worker who has been in continuous employment with the same employer for a period of not less than 5 years.

(3) The gratuity specified in subparagraph (1) shall be –

- (a) calculated on the basis of 15 days’ remuneration per year of service of the worker; and
- (b) paid in a lump sum.

(4) In this paragraph, “year of service” shall be computed as from the first day of the period during which a worker has been in continuous employment with the same employer up to his last day of employment with that employer.

### **20. Gratuity at death**

(1) Where a worker who has been in continuous employment with the same employer for a period of not less than 12 months dies, the employer shall, irrespective of any benefit the spouse or dependants of the deceased worker may be entitled to under the National Pensions Act, pay a gratuity to –

- (a) the spouse of the deceased worker; or

- (b) where there is no surviving spouse, the dependants of the deceased worker, in equal proportions.
- (2) The gratuity referred to in subparagraph (1) shall be –
  - (a) calculated on the basis of 15 days' remuneration per year of service of the deceased worker; and
  - (b) paid in a lump sum.
- (3) In this paragraph –

"dependant" means any person who was living in the deceased worker's household and was, wholly or partly, dependent on the earnings of the worker at the time of his death;

"spouse" means the person with whom the deceased worker contracted a civil or religious marriage and with whom the worker was living under a common roof at the time of his death; and

"year of service" shall be computed as from the first day of the period during which a worker has been in continuous employment with the same employer up to his last day of employment with that employer.

## **21. Death grant**

- (1) Where a worker who has remained in continuous employment with the same employer for at least 12 months dies, the employer shall pay an amount of 3,500 rupees to –
  - (a) the surviving spouse of the deceased worker; or
  - (b) where the deceased worker leaves no spouse, the person who satisfies the employer that he has borne the funeral expenses.
- (2) In this paragraph –

"spouse" means the person with whom the deceased worker contracted a civil or religious marriage and with whom he was living under a common roof at the time of his death.

## **22. Certificate of employment**

- (1) Where the employment of a worker is terminated by his employer or where a worker leaves the employment of an employer, the employer shall, not later than on the last working day of the worker, issue to that worker a certificate of

employment stating the duration of employment, the post held and, if the worker so wishes, the basic wages of the worker.

(2) A certificate issued under subparagraph (1) shall not contain anything unfavourable to the worker.

---