

**RESEARCH, LEGISLATION & LABOUR STANDARDS
DIVISION**

**BLOCKMAKING CONSTRUCTION
STONE CRUSHING
&
RELATED INDUSTRIES
REMUNERATION ORDER**

REGULATIONS 2003



THE INDUSTRIAL RELATIONS ACT

REGULATIONS MADE BY THE MINISTER UNDER SECTION 96 OF THE INDUSTRIAL RELATIONS ACT.

GN No. 70 of 2003 Effective as from 01. 06. 2003

GN No. 152 of 2003 wef 01.07.2003

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(GN No. 174 of 1994, 174/97, 119/98, 108/99, 147/2000, 114/2001163/2002)

Formerly :

- (a) Blockmaking, Stone Crushing and other Related Industries (Remuneration Order) Regulations 1977

GN. No 20 of 1977 (60/79, 146/81, 299/81, 111/83, 193/83, 130/90)

- (b) Construction Industry (Remuneration Order) Regulations 1975

GN No 101 of 1975 (165/73, 133/75, 154/76, 57/79, 144/81, 301/81, 114/83, 196/83, 133/90)

1. These regulations may be cited as the **Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration Order) Regulations 2003.**

2. In these regulations -

"accounts clerk" means an employee who performs one or more of the following duties -

- (a) prepares money for deposits in bank and arranges withdrawals;
- (b) effects bank deposits and withdrawals;
- (c) makes up wage packets and wage sheets;
- (d) prepares, examines, reconciles and executes all accounts;
- (e) prepares and monitors budgets and estimates;
- (f) assists in the annual and periodic stock-taking;
- (g) supervises staff under his control;

"barbender Superior Grade" means an employee who -

- (a) performs all the duties of a barbender Grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"barbender Grade 1" means an employee who -

- (a) prepares and fixes reinforcement in steel structures;
- (b) reads drawings;
- (c) works according to specifications; and
- (d) is capable of supervising lower grade employees in the trade;

"barbender Grade II" means an employee who assists a barbender Grade I in his duties;

"blacksmith Superior Grade" means an employee who -

- (a) performs all the duties of a blacksmith Grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"blacksmith Grade I" means an employee who -

- (a) organises and supervises work of lower grade employees in the trade;
- (b) carries out measurements and calculations required;
- (c) deals with the working characteristics of wrought iron, steel and with steel hardening and tempering;
- (d) performs hand forging and welding operations;
- (e) shapes metal by hammering, cutting and punching: and
- (f) works from drawings or other specifications;

"blacksmith Grade II" means an employee who performs all the duties of a blacksmith Grade I but has not reached the standard or aptitude of a blacksmith Grade I;

"blockmaker" means an employee engaged in the making of blocks and all other functions related thereto such as carrying and mixing of cement, rocks, chippings and water for making blocks and curing them;

"blockmaking industry" means the industry relating to the making of blocks for building and decorative purposes;

"carpenter Superior Grade" means an employee who -

- (a) performs all the duties of a carpenter Grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"carpenter Grade I" means an employee who -

- (a) carries out, from drawings and specifications, the construction of any structure, building or shuttering for concrete work;
- (b) prepares and correctly sets out all timber members and erects all partitions, roofs, doors and window frames;
- (c) takes off quantities from plans and prepares cutting lists;
- (d) inspects and reports on the state of repairs of any wooden structure;
- (e) makes free-hand dimensional sketches; and
- (f) is capable of supervising lower grade employees in the trade;

"carpenter Grade II" means an employee who performs all the duties of a carpenter Grade I but has not reached the standard or aptitude of a carpenter Grade I;

"chief supervisor" means an employee who -

- (a) organises, coordinates and controls activities of employees engaged on a site of work to ensure efficient uses of resources;
- (b) allocates work programmes to any supervisor working under his supervision;
- (c) verifies the proper carrying out and progress of work on sites of work; and
- (d) ensures respect of all health and safety regulations on sites of work;

"clerk" --

- (a) means an employee employed for the purpose of performing clerical or similar duties; and
- (b) does not include a receptionist, a telephonist or a word processing operator;

"construction industry" means the industry relating to building, civil engineering and erection and dismantling works including -

- (a) site preparation works;
- (b) excavation works;
- (c) construction, structural alteration, renovation, repair, maintenance (including cleaning and painting) and demolition of all types of buildings, roads, bridges, airfields, harbour works, inland waterways, dams, river and avalanche and sea defence works, railways, tunnels, viaducts and any other works related to the provision of services such as communication, drainage,

sewerage (including connection and plumbing thereof), water and energy supplies; and

- (d) erection and dismantling of prefabricated building and structures as well as the manufacturing of prefabricated elements;

"continuous employment" means the employment of an employee under an agreement or under more than one agreement where the interval between one agreement and the next does not exceed 28 days;

"driver Grade I" means a driver, other than a plant operator, who drives a vehicle of 10 tons and over, and who is capable of supervising lower grade employees in the trade;

"driver Grade II" means a driver, other than a plant operator, who drives a vehicle of less than 10 tons;

"earnings" -

- (a) means basic wages; and
- (b) includes -
 - (i) wages for work done in excess of a normal day's work or on a public holiday;
 - (ii) remuneration paid under paragraphs 4, 5, 6, 10(1), 11 and 12(1)(a), (2) and (4) of the Second Schedule;
 - (iii) any productivity payment;

"electrician Superior Grade " means an employee who -

- (a) performs all the duties of a electrician Grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"electrician Grade I" means an employee who -

- (a) installs, maintains and repairs electrical wiring and related equipment in houses, industrial and commercial establishments and other buildings; and
- (b) is capable of supervising lower grade employees in the trade;

"electrician Grade II" means an employee who performs all the duties of an electrician Grade I but has not reached the standard or aptitude of an electrician Grade I;

"employee" -

- (a) means any person employed under any contract of service of whatsoever duration in the blockmaking industry, construction industry, stone crushing and any other related industry;
- (b) does not include any person -
 - (i) governed by any other Remuneration Order;
 - (ii) employed by any local authority or para-statal body;

"leading hand" means a skilled employee who either assists a foreman or, in the absence of the latter, is required in addition to his normal duties to supervise the work of a gang of employees;

"learner" means an employee who is training to become a store-keeper, a tool-keeper or a timekeeper;

"mason Superior Grade" means an employee who -

- (a) performs all the duties of a mason Grade I; and
- (b) who is in charge of a gang of lower grade employees in the trade;

"mason Grade I" means an employee who -

- (a) lays building blocks, iron frames and structures;
- (b) does concrete works;
- (c) aligns blocks with level and plumb line;
- (d) applies plaster;
- (e) examines drawings and specifications;
- (f) performs all other similar duties connected with a construction; and
- (g) is capable of supervising lower grade employees in the trade;

"mason Grade II" means an employee who performs all the duties of a mason Grade I but has not reached the standard or aptitude of a mason Grade I;

"mechanic Superior Grade" means an employee who -

- (a) performs all the duties of a mechanic Grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"mechanic Grade I" means an employee who -

- (a) repairs or services motor vehicles;
- (b) examines defective vehicles to ascertain the nature and location of defects;
- (c) dismantles parts;

- (d) replaces damaged parts;
- (e) grinds valves;
- (f) relines brakes;
- (g) rebushes steering mechanisms;
- (h) performs other tasks to effect repairs;
- (i) changes oil in engines and transmission systems;
- (j) lubricates joints;
- (k) tightens loose parts;
- (l) makes adjustments;
- (m) performs other tasks to keep vehicles in good condition; and
- (n) is capable of supervising lower grade employee in the trade;

"mechanic Grade II" means an employee who performs all the duties of a mechanic Grade I but has not reached the standard or aptitude of a mechanic Grade I;

"multi-skilled employee" means an employee who is skilled in more than one of the occupations specified in paragraph 6 of Part II of the First Schedule and who is employed to perform duties appertaining thereto as per agreement;

"painter Superior Grade" means an employee who -

- (a) performs all the duties of a painter Grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"painter Grade I" means an employee who -

- (a) does lining, sign-writing and lettering;
- (b) cuts all weights of glass;
- (c) mixes putty and glazing;
- (d) estimates materials for puttying, painting, varnishing, glazing and any other operation appertaining thereto;
- (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 thinners;
- (h) uses primers and undercoats;
- (i) does finishing coats in paints and other similar duties; and
- (j) is capable of supervising lower grade employees in the trade;

"painter Grade II" means an employee who performs all the duties of a painter Grade I but has not reached the standard or aptitude of a painter Grade I;

"plant operator" means an employee who operates any equipment or plant, whether fixed or mobile, of varying size and complexity, such as pre-mixed concrete plant, pre-mixed asphalt plant, stone-crushing plant, blockmaking plant, tower crane, earth-moving or earth-excavating tractor or caterpillar or bulldozer, bobcat, grader, road roller, or any other similar equipment or plant;

"plumber Superior Grade" means an employee who -

- (a) performs all the duties of a plumber Grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"plumber Grade I" means an employee who -

- (a) assembles, installs and maintains pipes, fittings and fixtures of drainage, heating and sanitary systems at various locations;
- (b) examines drawings or other specifications;
- (c) cuts passage holes for pipes in walls or floors;
- (d) cuts, reams, threads and bends pipes;
- (e) joins pipes by the use of screws and bolts, fittings, caulks joints and tests them for leaks with air or water pressure gauges;
- (f) installs fixtures;
- (g) does repairs and maintenance work such as replacing washers, mending burst pipes and opening clogged drains; and
- (h) is capable of supervising lower grade employees in the trade;

"plumber Grade II" means an employee who performs all the duties of a plumber Grade I but has not reached the standard or aptitude of a plumber Grade I;

“productivity payment”

- (a) means all sums of money, by whatever name called, paid to any category of employee in respect of any work performed by him over and above or in addition to the basic work agreed upon between him and his employer, and related to productivity;
- (b) does not include payment of attendance bonus equivalent to a maximum of 10% of the employee's basic wages and any other payments such as meal allowance, transport allowance and those allowances obtained on an ad hoc basis;

"receptionist / telephonist" means an employee who performs one or more of the following duties -

- (a) operates a telephone switchboard;
- (b) receives, records and passes telephone messages;
- (c) supplies information to callers and directs them to persons called upon;
- (d) keeps records of callers;

"related industry" means any other industry involved in activities directly related to the block-making, construction and stone-crushing industry and which includes a premixed concrete plant, and an asphalt plant;

"short term contract" means a contract of employment of a determinate duration of less than 12 months;

"skilled employee" means an employee who is skilled in one of the occupations specified in paragraph 6 of Part II of the First Schedule and whose work achieves varying degrees of excellence and standard according to his specific grade;

"stone breaker" means an employee who breaks stones with a stone-axe;

"stone crushing industry" means the industry relating to the making of stone dust and other related functions and includes stone breaking, stone splitting and stone chipping;

"stonemason" means a mason who carries out ornamental stone work;

"stone splitter" means an employee who drills and splits stones with a pneumatic drill;

"stone employee" means a person who carries and feeds stones into a stone crusher and / or delivers the stone chippings (macadam) or stone dust to customers;

"store and toolkeeper" means a person -

- (a) who receives, stores and issues tools, merchandise, equipment or other goods; and
- (b) maintains relevant records;

“supervisor” means an employee who –

- (a) assigns duties or tasks to each employee working under his supervision according to instructions received from his employer or the chief supervisor;
- (b) supervises and coordinates the work of the employees under his supervision to ensure proper and timely completion of tasks on sites of work;
- (c) verifies and records the amount of work performed by each employee during the day;
- (d) ensures that employees under his supervision work in a safe environment and comply with all safety regulations; and
- (e) performs any ancillary duties as may be assigned to him by his employer or the chief supervisor;

"time keeper" means a person who -

- (a) keeps records of times of arrival and departure of employees;
- (b) calculates wages due from records of hours worked or work performed by individual employees; and
- (c) prepares and effects payment of wages;

"turner Superior Grade " means an employee who -

- (a) performs all the duties of a turner grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"turner Grade I" means an employee who -

- (a) performs all the duties of a turner grade II;
- (b) reads and interprets engineering drawings and operation sheets;
- (c) sets the machine correctly for all types of work;
- (d) uses precision instruments in high precision work such as grinding and lapping attachments; and
- (e) understands the theory and use of coolants;

"turner Grade II" means an employee who -

- (a) uses and maintains the tools of the trade;
- (b) carries out measurements and calculations required in the trade;
- (c) performs high precision work (0.005 mm) on simple, capstan and turret lathes;

- (d) works out the change of gear wheels for screw cutting;
- (e) gauges the correct cutting speed and feed for metals;
- (f) reads and interprets engineering drawings; and
- (g) understands the use of proper coolants;

"tyre person" means an employee who -

- (a) uses and maintains the tools of the trade;
- (b) removes and replaces tyres of all types of wheels;
- (c) repairs inner tubes;
- (d) understands the purpose of ordinary, tubeless and radial tyres;
- (e) maintains and repairs punctures in tubeless tyres by plugging, vulcanising and performing any other such connected works;
- (f) adjusts wheel balancing where the necessary apparatus is available; and
- (g) operates and maintains air compressors for inflating tyres;

"unskilled employee" means an employee who performs manual tasks involving physical effort but no particular skill;

"weighbridge clerk" means an employee who checks the correct weighing of every vehicle, its gross weight and tare and makes the appropriate entries according to the nature of sales;

"welder Superior Grade" means an employee who -

- (a) performs all the duties of a welder grade I; and
- (b) is in charge of a gang of lower grade employees in the trade;

"welder Grade I" means an employee who -

- (a) performs all the duties of a welder grade II;
- (b) makes dimensioned free-hand sketches and reads and interprets any drawings;
- (c) reads and carries out properly welding instructions written in English and French; and
- (d) carries out all welding jobs according to the strictest procedures;

"welder Grade II" means an employee who -

- (a) uses and maintains the tools of the trade;
- (b) uses an oxyacetylene flame for all welding and cutting purposes;
- (c) works from simple drawings and sketches;

- (d) carries out all forms of welding in all thicknesses of materials;
- (e) makes welds in oblique, vertical and up-hand positions;
- (f) adopts correct measures to avoid under-cutting, expansion and contraction;
- (g) recognises different metals and selects the most suitable electrodes for welding; and
- (h) welds with submerged arc welding set;

"word processing operator" means a person who performs one or more of the following duties-

- (a) types and collates letters, memoranda and similar matter according to written, dictated or other information;
- (b) performs word processing and simple computer/data processing work;
- (c) operates telefax and e-mail services.

"year" means any period of 12 consecutive months except in relation to paragraph 13 of the Second Schedule which refers to a calendar year.

- 3**
- (1) Subject to the other provisions of this regulation and regulation 5, every employee shall be remunerated at the rates specified in 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 Act 2008.
 - (3) Where a scale of wages applies to an employee, he shall be entitled to -
 - (a) the initial wages prescribed in the scale which applies to him; and
 - (b) one increment in respect of every year of service he reckons with his employer in the category in which he is employed.
 - (4) Where an employee is called upon to replace an employee drawing a higher remuneration, he shall be paid the remuneration applicable to that other employee.
 - (5) An employee shall not be employed as a learner for more than six months.

4. Any agreement by an employee to relinquish his right to a paid holiday or to forego such leave shall be void.
5. Nothing in these regulations shall -
 - (a) prevent an employer from paying an employee remuneration at a rate higher than that specified in the First Schedule or from providing him with conditions of employment more favourable than those specified in the Second Schedule;
 - (b) authorise an employer to reduce an employee's remuneration or to alter his conditions of employment so as to make them less favourable.
6. These regulations shall come into operation on 1 June 2003.
7. The Blockmaking , Construction, Stone Crushing and Related Industries (Remuneration Order) Regulations 1994 are repealed.

Made by the Minister on 30 May 2003.

FIRST SCHEDULE*(regulation 3)***PART I**

<i>Category of employee</i>	<i>Year of service</i>	<i>Monthly basic wages Rs</i>
Administrative staff		
Accounts clerk, store and tool keeper, timekeeper	1st Year	8,975
	2nd Year	9,160
	3rd Year	9,345
	4th Year	9,530
	5th Year	9,715
	6th Year	9,900
	7th Year	10,085
	8th Year & thereafter	10,270
Clerk	1st Year	7,980
	2nd Year	8,205
	3rd Year	8,480
	4th Year	8,705
	5th Year	8,930
	6th Year	9,155
	7th Year	9,380
	8th Year & thereafter	9,610
Weighbridge clerk	1st Year	7,690
	2nd Year	7,910
	3rd Year	8,130
	4th Year	8,350
	5th Year	8,625
	6th Year	8,850
	7th Year	9,075
	8th Year & thereafter	9,310

Word processing operator	1st Year	7,580
	2nd Year	7,805
	3rd Year	8,030
	4th Year	8,255
	5th Year	8,535
	6th Year	8,765
	7th Year	8,995
	8th Year & thereafter	9,225
Receptionist/Telephonist	1st Year	6,585
	2nd Year	6,800
	3rd Year	7,065
	4th Year	7,280
	5th Year	7,495
	6th Year	7,715
	7th Year	7,935
	8th Year & thereafter	8,155
Learner	First 3 months	6,280
	Next 3 months	8,810

PART II

<i>Category of employee</i>	<i>Year of service</i>	<i>Monthly basic wages Rs</i>
Non-administrative staff		
Chief supervisor		12,370
Supervisor	1st Year	10,150
	2nd Year	10,380
	3rd Year	10,610
	4th Year	10,840
	5th Year	11,070
	6th Year	11,300
	7th Year	11,535
	8th Year & thereafter	11,770

**Daily basic wages
Rs**

Leading hand	1st Year	372.38
	2nd Year	376.13
	3rd Year	379.88
	4th Year	383.63
	5th Year & thereafter	387.38

Plant operator	1st Year	347.38
	2nd Year	353.38
	3rd Year	359.38
	4th Year	365.38
	5th Year & thereafter	371.38

Multiskilled employee	1st Year	334.38
	2nd Year	341.88
	3rd Year	349.38
	4th Year	356.88
	5th Year & thereafter	364.38

Skilled employees

		Superior Grade Rs	Grade I Rs	Grade II Rs
Barbender, blacksmith, carpenter, electrician, mason, mechanic, painter, plumber, turner, welder and any other employee possessing the same level of skill in allied occupations	1st Year	359.38	347.38	326.38
	2nd Year	365.38	349.88	329.63
	3rd Year	371.38	352.38	332.88
	4th Year	377.38	354.88	336.13
	5th Year & thereafter	383.38	357.38	339.38

<i>Category of employee</i>	<i>Year of service</i>	<i>Daily basic wages</i>	
		<i>Grade I Rs</i>	<i>Grade II Rs</i>
Driver	1st Year	347.38	326.38
	2nd Year	349.88	329.63
	3rd Year	352.38	332.88
	4th Year	354.88	336.13
	5th Year & thereafter	357.38	339.38
Stone mason		372.38	
Cabinet maker		372.38	
Blockmaker		339.38	
Stone driller		339.38	
Stone breaker		339.38	
Stone splitter		339.38	
Stone employee		339.38	
Tyreperson		339.38	
Unskilled employee		297.46	
Watchperson		332.88	

SECOND SCHEDULE

(regulation 3(1))

1. Normal working hours

- (1) The normal working week for every employee, other than a watchperson, shall consist of 45 hours' work, excluding time allowed for meal and tea breaks, made up of -
 - (a) 8 hours' work on every day, other than a Saturday or public holiday; and
 - (b) 5 hours' work on every Saturday, other than a public holiday.
- (2) An employee, other than a watchperson, shall be entitled on every working day, to -
 - (a) a meal break of one hour to be taken not earlier than 3 hours and not later than 5 hours after the starting time; and
 - (b) 2 tea breaks of 15 minutes each, the first to be taken not earlier than 2 hours before the meal break and the second not later than 2 hours after the meal break.
- (3)
 - (a) A normal working day for a watchperson shall consist of 12 hours.
 - (b) Where a watchperson is required to work on every day of a month, he shall be entitled to four days' leave without pay during the month, one of the days being a Sunday.

2. Extra work

- (1) Subject to paragraph 6, where an employee, other than a watchperson -
 - (a) works on a public holiday, he shall be remunerated -
 - (i) for the first 8 hours, at twice the basic rate per hour; and
 - (ii) thereafter at three times the basic rate per hour;
 - (b) performs more than a normal day's work on any other day, he shall be remunerated at one and a half times the basic rate per hour.
- (2) Where a watchperson -
 - (a) works on a public holiday, he shall be remunerated -
 - (i) for the first 12 hours, at twice the basic rate per hour;
 - (ii) thereafter, at three times the basic rate per hour;

- (b) performs more than a normal day's work on any other day, he shall be remunerated at one and a half times the basic rate per hour.
- (3) (a) Subject to subparagraph (b), where an employee is required to perform extra work immediately after a normal day's work, he shall be granted a rest-period of 15 minutes after the normal day's work, the time to be mutually agreed between the employer and the employee.
- (b) Such rest period shall not be reckoned as falling within working hours

3. Notional calculation of basic rate

For the purpose of determining remuneration due for extra work or any other cause -

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

4. Allowance to blockmakers

Every blockmaker who, in the course of a normal day's work is required to -

- (a) operate a concrete mixing machine;
- (b) operate a blockmaking machine; or
- (c) organise or supervise work relating to blockmaking,

shall be entitled to an allowance equivalent to 20% of his earnings for that day.

5. Piece work

- (1) Subject to subparagraph (2), an employee may be required to perform piece work by his employer at such rates to be agreed between them, which shall be so determined that the employee shall earn not less than 10% over and above the basic rate.
- (2) Where an employee is required to perform piece work on a public holiday or in excess of the normal working hours on any day, he shall be remunerated at a rate which shall not be less than a sum exceeding that to which he would be entitled under paragraph 2(1) by 10%.

6. Extra remuneration for public holidays

- (1) Where an employee, other than a monthly paid employee, has remained in continuous employment with the same employer for 12 consecutive months, he shall be entitled, in the following 12 months, to a normal day's wages 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 an employee who would otherwise have been entitled to a normal day's wages under subparagraph (1) or a monthly paid employee is called upon to work on a public holiday, other than a Sunday, he shall be paid at the end of the next pay period one normal day's wages in addition to any remuneration due under paragraph 2.

7. Meal allowance

Where -

- (a) an employee, other than a watchperson, has by reason of his employment, to spend the night away from home;
- (b) an employee, other than a watchperson, who has completed a normal day's work, is required to work after 7 p.m.;
- (c) a watchperson is required to perform a supplementary watch after a normal day's work;

he shall, in addition to any remuneration due under paragraph 2, be paid a meal allowance of **Rs 50** in respect of that day.

8. Payment of remuneration

- (1) Every employee shall be paid his wages during working hours -
 - (a) in the case of a monthly paid employee, not later than the last working day of the month;
 - (b) in the case of a fortnightly paid employee, not later than the last working day of the fortnight;
 - (c) in any other case, not later than the last working day of every week.
- (2) Every employer shall, at the time of paying the wages of an employee, issue to him a pay slip stating *inter alia* -
 - (a) the employee's name, category, job title, grade, rates of pay and national identity number;
 - (b) the total number of days on which he was present at work;
 - (c) the number of hours of extra work performed by him and the corresponding extra payment;
 - (d) his total wages and each item of allowance including piece rate earnings;

- (e) every deduction made and the reason thereof; and
- (f) such other particulars as may be required by the Minister.

9. Joint liability

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

10. Annual leave

- (1) Subject to subparagraph (2), where an employee has remained in continuous employment with the same employer for 12 consecutive months, he shall, in the following 12 months, be entitled to 16 working days' leave on full pay.
- (2)
 - (a) Subject to subparagraph (b), 8 days of the leave may be taken either consecutively or otherwise provided the employee has given reasonable notice to his employer;
 - (b) the employer shall not, without reasonable cause, withhold the granting of leave under subparagraph (a); and
 - (c) the remaining 8 days shall be taken at such time as the employer and the employee may agree or, in default of agreement, at such time as the employer shall determine.
- (3)
 - (a) Subject to subparagraph (b), where an employee, other than an employee referred to at subparagraph (1), has completed an aggregate period of employment of not less than 12 months over a period of not more than two years with the same employer, he shall be entitled to one day's annual leave for each subsequent month of service, so long as there is no break covering one year between two contracts;
 - (b) the leave shall be taken at such time as the employer and the employee may agree or, in default of agreement, at such time as the employer shall determine.
- (4) Subject to subparagraph (5), where an employee has not taken or been granted all the leave to which he is entitled under subparagraph (1) and (3), he shall be paid a normal day's pay in respect of each day's annual leave still due at the end of that period or at the end of his contract.
- (5) Subparagraph (4) shall not apply where an employee is dismissed for misconduct.

11. Sick leave

- (1) Subject to subparagraph (3), where an employee who has remained in continuous employment with the same employer for twelve consecutive months is sick, he shall, during the following twelve months be entitled to -
 - (a) twenty-one days' sick leave on full pay; and
 - (b) a further period of 15 days on half pay in respect of any time which is -
 - (i) wholly spent in a clinic or hospital; or
 - (ii) certified by a medical practitioner of the clinic or hospital as necessary for the recuperation of the employee's health after his discharge from the clinic or hospital.
- (2) Where an employee, other than an employee referred to at subparagraph (1), has completed an aggregate period of employment of not less than 12 months over a period of not more than two years with the same employer, he shall be entitled to one day's sick leave for each subsequent month of service, so long as there is no break covering one year between two contracts.
- (3) Where an employee absents himself on grounds of illness, he shall notify his employer of the fact on the first day of absence and unless he is genuinely unable to do so, he shall notify on the second day of absence at latest, and if he remains sick for more than four consecutive days, he shall forward a medical certificate to that effect so as to reach his employer not later than on the fifth day of absence.
- (4) Where a medical practitioner has been designated by the employer and agreed upon by the employee, the medical certificate shall as far as possible be issued by that medical practitioner.
- (5) An employer may at his own expense, cause a medical practitioner to examine an employee who is absent owing to illness, with the employee's consent.

12. Maternity protection

- (1) Subject to subparagraph (3), where a female employee has remained in continuous employment with the same employer for 12 months immediately preceding her confinement, she shall, on production of a medical certificate, be entitled to -
 - (a) 12 weeks' leave on full pay to be taken at her discretion before and/or after confinement provided that at least 6 weeks' leave shall be taken immediately following the confinement; and
 - (b) an allowance of **Rs2000** payable within 7 days of her confinement.

- (2) Where a female employee who has remained in continuous employment with the same employer for 12 months suffers a still-birth, which is duly certified by a medical practitioner, she shall be entitled, upon the advice of her medical practitioner, to opt either for 2 weeks' leave on full pay or 12 weeks' leave on full pay deductible from the 3 confinements as provided for in these regulations.
- (3) Where a female employee who has at any time had 3 confinements is pregnant, she shall not be entitled to the benefits specified in subparagraph (1) but she shall be entitled to only the leave specified in subparagraph (1)(a) or 2 as the case may be, without pay.
- (4) Where a female employee suffers a miscarriage, which is duly certified by a medical practitioner she shall be entitled to 2 weeks' leave on full pay immediately after the miscarriage.
- (5) Every female employee who has entered the seventh month of pregnancy shall be offered, as far as is practicable and at her request, all appropriate working facilities as recommended by her medical practitioner.
- (6) Subject to subparagraph (7), where a female employee is nursing her unweaned child, she may require her employer to grant her at such time as is convenient to her -
 - (a) a break of one hour daily; or
 - (b) a break of half an hour twice daily,for the purpose of nursing her unweaned child.
- (7) The employer may require a break under subparagraph (6) to be taken immediately before or after a meal or tea break.
- (8) No break under subparagraph (6) shall be deducted from the number of hours of work of the employee.

13. End of year bonus

- (1) Every employee who has remained in continuous employment with the same employer for one year shall be entitled at the end of that year to a bonus equivalent to 1/12 of his earnings for that year.
- (2) Every employee who -
 - (a) takes employment during the course of the year;
 - (b) is still in employment as at 31 December; and
 - (c) has performed a number of normal days' work equivalent to not less than 80 per cent of the working days during his employment in that year,

shall be entitled at the end of that year to a bonus equivalent to 1/12 of his earnings for that year.

- (3) Every employee who has been employed on one or more short term contracts during the course of the year and who is whether or not in employment as at 31 December, shall be entitled at the end of that year to a bonus equivalent to 1/12 of his earnings for that year.
- (4) Seventy-five per cent of the expected bonus specified in subparagraphs (1), (2) and (3) 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.
- (5) For the purpose of this paragraph, a day on which an employee -
 - (a) was absent with his employer's authorisation;
 - (b) has reported for work but has not been offered work by his employer; or
 - (c) has absented himself on ground of -
 - (i) illness after notification to his employer under paragraph 11(3) ;
 - (ii) injury arising out of and in the course of employment,shall be reckoned as a working day.

14. Transport benefits and facilities

- (1) Every employee shall be entitled to free transport or be paid the return bus fare where no free transport is available if the distance between his residence and the place where he reports for work exceeds 3 km.
- (2) Subject to subparagraph (3) and to the distance limit specified in subparagraph (1), every employee who attends work by his own means of transport shall be entitled to an allowance equivalent to the corresponding return bus fare.
- (3) Where an employer provides transport for his employees -
 - (a) the employees shall be collected at mutually agreed convenient points;
 - (b) the employees shall be transported back to the collecting point within a reasonable time after work stoppage;
 - (c) the transport vehicle shall leave the work site not later than one hour after work stoppage.
- (4) Where an employee 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 and the place of work, provide appropriate free means of transport -

- (a) from the employee's residence to his place of work; or
 - (b) from the employee's place of work to his residence, such transport being provided from, or up to, the nearest practicable place from the employee's residence.
- (5) The transport referred to under subparagraphs (3) and (4) shall be properly fitted with well-secured seating and back-rest facilities.

15. Protective equipment

- (1) Every employer shall provide -
- (a) either 2 pairs of boots or steel-capped shoes or a combination of both, a raincoat and 2 uniforms per year to every employee specified in Part II of the First Schedule;
 - (b) a pair of appropriate gloves, be it rubber, woollen, leather or otherwise to every employee specified in Part II of the First Schedule except the watchperson;
 - (c) a respiratory mask to every employee directly exposed to dust and/or noxious emanations, either directly or as a result of working in confined spaces affected by dust or noxious substances and/or emanations;
 - (d) a pair of goggles to every employee employed in hacking concrete, welding or stone drilling;
 - (e) a protective waist band to every plant operator;
 - (f) a safety belt to every employee employed in erecting steel structures;
 - (g) a helmet to every employee specified in Part II of the First Schedule;
 - (h) a suitable apron to every blacksmith and every welder in his employment.
- (2) The protective equipment provided under subparagraph (1) shall be first issued on assumption of duty by the employee and shall be renewed as and when they become unserviceable, except for the items under subparagraph (1)(a) above which shall be renewed by 30 April at latest every year.
- (3) The protective equipment provided under subparagraph (1) shall remain the property of the employer.

- (4) Notwithstanding the protective equipment granted under subparagraph (1), the employer shall abide by the provisions of the Occupational, Safety, Health and Welfare Act.

16. Issue of milk

- (1) Every employer shall provide -
- (a) every stone breaker, stone splitter, stone employee and blockmaker on every day on which he attends work, with 1000 ml of milk;
 - (b) every painter and every welder on every day on which he does painting or welding works, with 500 ml of milk.
- (2) No milk supplied under subparagraph (1) shall be taken away by the employee.

17. Conveniences and facilities

- (1) Every employer shall provide and maintain in good hygienic condition, for use by his employees -
- (a) washing facilities; and
 - (b) drinking water
- (2) Every employer shall, in addition, provide to every timekeeper, store and tool keeper, and to every employee specified in Part II of the First Schedule -
- (a) a pair of towels every 6 months;
 - (b) one toilet soap every month,
- the first issue to be effected on assumption of duty by the employee.

18. Medical facilities

- (1) Every employee regularly exposed to dust and/or noxious substances and emanations, either:
- (a) directly by performing -
 - (i) tasks such as drilling and cutting of stones, concrete, wood or fibreboard;
 - (ii) tasks involving the use of substances such as paint, thinner, enamel, varnish, welding material and special cement for tile-laying;
 - (b) or as result of regularly working in confined spaces affected by dust and/or noxious substances and emanations,

shall undergo a complete medical check-up at the expense of his employer every 6 months.

- (2) In the event of any work-related health problems detected during such check-up necessitating further investigation, the doctor doing the check-up shall refer the employee to a recognized medical institution for appropriate investigations and medical care.

19. Tools

- (1) The employer shall provide to every employee the tools which may be required in the performance of work, to be replaced as soon as they become unserviceable.
- (2) The tools provided under subparagraph (1) shall remain the property of the employer

20. Vacation leave

- (1) An employee who remains in continuous employment with the same employer for a period of at least 10 years shall be entitled to a vacation leave of 2 months to be spent wholly or partly abroad, or locally, at the employee's discretion.
- (2) Subject to subparagraph (1), at least one month of the vacation leave shall be with pay, and such pay shall, in case an employee intends to spend his vacation abroad, be effected in advance and at least 7 days before he proceeds abroad.
- (3) The leave specified at subparagraph (1) shall be taken at such time as the employer and the employee agree.
- (4) A vacation leave shall be deemed to constitute attendance at work.

21. Compensation

Every employee shall be entitled to a compensation of one day's wage for each completed month of service where -

- (a) he has worked for the same employer for more than one month;
- (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 employment.

22. Gratuity on retirement before 60 on medical grounds

- (1) Where an employee who has been in the continuous employment of an employer for not less than 10 years retires before the age of 60 on the ground of permanent incapacity to perform his work duly certified by a Government Medical Practitioner, the employer shall pay a gratuity to him.
- (2) The gratuity specified in subparagraph (1) shall be paid in a lump sum and calculated on the basis of 15 days' basic wages per year of service irrespective of any benefits the employee may be entitled to under the National Pensions Act.

23. Death grant

- (1) Where an employee who has been in continuous employment with the same employer for not less than 12 consecutive months dies, the employer shall pay an amount of **Rs.3,500** to
 - (a) his spouse; or
 - (b) if he leaves no spouse, the person who satisfies the employer that he has borne the funeral expenses.
- (2) For the purpose of subparagraph (1), "**spouse**" means the person with whom the deceased employee had contracted a civil or religious marriage and with whom he was living under a common roof at the time of his death.

24. Gratuity at Death

- (1) Where an employee who has been in the continuous employment of an employer for not less than 10 years dies, the employer shall pay a gratuity.
- (2) The gratuity specified in subparagraph (1) shall be paid -
 - (a) in a lump sum and calculated on the basis of 15 days' basic wages per year of service;
 - (b) to the deceased employee's surviving spouse or, where he leaves no surviving spouse, in equal proportions to his dependants; and
 - (c) irrespective of any benefits the deceased employee's spouse or dependants may be entitled to under the National Pensions Act.
- (3) For the purpose of subparagraph (2) (b) and (c) -
 - (a) "**spouse**" means the person with whom the employee had contracted a civil or religious marriage and with whom he lived under a common roof at the time of his death; and

- (b) **"dependant"** means, in relation to an employee, a relative, other than an orphan, who
 - (i) was living in the household; and
 - (ii) was wholly or partly dependent on the earnings of that employee at the time of his death.

25. Optional retirement

- (1) Every employee who remains in continuous employment with the same employer for a period of not less than 10 years may retire on or after reaching the age of 55 years and shall be paid a gratuity.
- (2) The gratuity specified in subparagraph (1) shall be paid in a lump sum and calculated on the basis of 15 days' basic wages per year of service irrespective of any benefits the employee may be entitled to under the National Pensions Act.

26. Special Leave

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

- (a) 6 days' special leave on full pay on the occasion of the celebration of his first religious or civil marriage;
- (b) 3 days' special leave on full pay on the occasion of the religious or civil marriage of his son or daughter;
- (c) 3 days' special leave on full pay on the death of his spouse, child, father, mother, brother or sister; or
- (d) one working day's paternity leave on the occasion of the birth of his first three children.
