

THE INDUSTRIAL RELATIONS ACT

Regulations made by the Minister under Section 96 of the Industrial Relations Act

1. These regulations may be cited as the Livestock workers (Remuneration Order) Regulations 2008.

2. In these regulations –

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

"earnings" –

(a) means basic wages; and

(b) includes –

(i) remuneration paid under paragraphs 2, 3, 6, 7, 8, 12, 13(1)(a), (2), (5) and 18 of the Second Schedule; or

(ii) any productivity payment;

"farm worker grade I" means a worker who performs tasks in relation to –

(a) breeding and raising of animals;

(b) growing of feed crops; and

(c) construction, repairs and maintenance of miradors;

"farm worker grade II" means a worker who may be required by his employer to perform one or more of the following duties –

(a) feeding and watering;

(b) milking;

(c) cleaning;

(d) planting, cultivating and harvesting feed crops;

(e) other light duties;

"livestock industry" means an industry relating to the breeding and raising of livestock, including cattle, deer and poultry;

"supervisor" means a worker who is responsible for supervising the work of other workers and who may be required to record the attendance of workers under his supervision;

"watchperson " means a worker who –

(a) keeps watch over premises and property;

- (b) takes periodic inspection tours in respect of buildings and grounds and records such entries as required; and
- (c) keeps watch for suspicious persons or activities;

"worker"–

- (a) means a person employed in a livestock industry; and
- (b) does not include a person governed by any other Remuneration Order Regulations.

3. (1) Subject to the other provisions of this regulation and regulation 5, every worker shall be –

- (a) remunerated at the rates specified in the First Schedule; and
- (b) governed by the conditions of employment specified in the Second Schedule.

(2) The rates specified in the First Schedule are inclusive of the appropriate additional remuneration payable under the Additional Remuneration Act 2008.

(3) Where a salary scale applies to a worker –

- (a) his entry point in the scale shall be determined in accordance with the number of years of service which he reckons with the same employer in the grade in which he is employed; and
- (b) he shall receive one increment in respect of every year of service.

4. Any agreement by a worker 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 a worker 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; or
- (b) authorise an employer to reduce a worker's remuneration or to alter his conditions of employment so as to make them less favourable.

6. The Livestock Workers (Remuneration Order) Regulations 1983 are repealed.

7. These regulations shall be deemed to have come into operation on 1 July 2008.

Made by the Minister on 7 August 2008.

FIRST SCHEDULE*(regulation 3(1)(a))*

Category of Worker	Monthly basic wages Rs	Daily basic wages Rs
Supervisor 1st Year	6,490	
2nd Year	6,630	
3rd Year	6,770	
4th Year	7,015	
5th Year	7,210	
Farm worker grade I	6,060	233.08
Farm worker grade II	4,880	187.69
Watchperson	5,970	229.62

SECOND SCHEDULE

(regulation3(1)(b))

1. Normal working hours

(1) (a) A normal working week for a worker, other than a watchperson, shall consist of 45 hours of work, including work on Sundays and other public holidays.

(b) A normal day's work for a worker specified in subparagraph (1)(a) shall, excluding time allowed for meal and tea breaks, consist of 8 hours except on one day of the week when it shall consist of 5 hours.

(c) Every worker specified in subparagraph (1)(a) shall be entitled to a rest day in every working week and the rest day shall at least twice a month be a Sunday.

(2) Every worker referred to in subparagraph (1)(a) shall, on every working day, be entitled to –

- (a) a meal break of one hour to be taken before noon; and
- (b) 2 tea breaks of 10 minutes each, before and 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 3 days' leave without pay during the month, one of the days being a Sunday.

2. Remuneration for extra work

(1) Subject to paragraph 12, where a worker other than a watchperson –

- (a) works on a public holiday, he shall be remunerated –
 - (i) for the first 8 hours of work, at twice the basic rate per hour; and
 - (ii) thereafter, at 3 times the basic rate per hour; or
- (b) performs more than a normal day's work on any day, other than a public holiday, 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 of work, at twice the basic rate per hour; and

(ii) thereafter, at three times the basic rate per hour; or

(b) performs more than a normal day's work on any day, other than a public holiday, he shall be remunerated at one and a half times the basic rate per hour.

3. Work in cyclonic weather

Where a worker works on a day on which a cyclone warning class III or IV is in force, he shall, in addition to any remuneration due to him, be entitled to –

- (a) an allowance equal to not less than 3 times the basic rate per hour in respect of every hour he remains at work; and
- (b) an adequate meal.

4. Notional calculation of basic rate

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

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

5. Payment of wages

(1) A worker shall be paid his wages during working hours not later than the last working day of the –

- (a) month, in the case of a monthly paid worker; or
- (b) week, in any other case.

(2) An employer shall, when paying the wages of a worker, issue to the worker a pay slip stating, inter alia –

- (a) his name, national identity card number, category, grade and basic wages;
- (b) his total wages and each item of allowance including any productivity payment;
- (c) each deduction made and the reason thereof;
- (d) the number of days on which he was present at work; and
- (e) the number of hours of extra work performed by him and the corresponding extra payment.

6. Annual leave

(1) Where a worker remains in continuous employment with the same employer for a period of 12 consecutive months, he shall be entitled, during the next period of 12 months while he remains in the continuous employment of the same employer, to 14 working days' annual leave on full pay.

(2) (a) Subject to sub subparagraph (b), 7 days of the annual leave specified in subparagraph (1) may be taken consecutively or otherwise at such times as the worker may, on application made to and approved by the employer, elect.

(b) The remaining 7 days of the annual leave shall be taken at such time as the worker and the employer may agree or, in default of any agreement, at such time as the employer shall determine.

(3) Subject to subparagraph (4), where a worker has not taken or been granted all the annual leave to which he is entitled to in this paragraph, 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.

(4) Subparagraph (3) shall not apply where a worker is dismissed for misconduct.

7. Sick leave

(1) Subject to subparagraph (2), where a worker remains in continuous employment with the same employer for a period of 12 consecutive months, he shall be entitled, during the next period of 12 months while he remains in the continuous employment of the same employer to –

- (a) 21 days' sick leave on full pay; and
- (b) a further period of 15 days' sick leave on half pay provided that
 -
 - (i) he is admitted to a clinic or hospital; or
 - (ii) a medical practitioner of a clinic or hospital certifies that he needs time for the recuperation of his health after his discharge from the clinic or hospital.

(2) (a) Where a worker is absent on the ground of illness, he shall notify his employer of his illness on the first day of his absence, unless he is genuinely unable to do so, in which case he shall do so not later than the second day of his absence.

(b) Where a worker referred to in sub subparagraph (a) is ill for more than 4 consecutive days, he shall forward to his employer a medical certificate

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- (i) within 3 days following his discharge, where the worker was admitted to a hospital or clinic; or
- (ii) not later than 10.00 a.m. on the fifth day of absence, in any other case.

(3) An employer may, at his own expense, cause a worker who is absent for reasons of illness to be medically examined by a medical practitioner.

8. Special leave

Where a worker 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 civil or religious 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.

9. Transport benefits and facilities

(1) An employer shall, where the distance between a worker's residence and his place of work exceeds 3 kilometres, provide a worker with free transport from the worker's residence to his place of work and from the worker's place of work to his residence, or pay him the equivalent of the return bus fare.

(2) An employer shall, irrespective of the distance between a worker's residence and his place of work, provide the worker with free transport from the worker's residence to his place of work and/or from the worker's place of work to his residence, where the worker is required by his employer to attend or cease work at any time when no public service bus is available.

(3) Where an employer provides transport to his workers, the transport shall be –

- (a) provided from, or up to, the nearest practicable place from the worker's residence; and
- (b) properly fitted with well secured seating and backrest facilities.

(4) Subject to subparagraph (2), where the distance between a worker's residence and his place of work exceeds 3 kilometres and where the worker attends work by his own means of transport, he shall be entitled to an allowance equivalent to the corresponding return bus fare.

10. Uniforms and protective equipment

(1) An employer shall provide to –

- (a) a worker, other than a watchperson –
 - (i) 2 uniforms and 2 pairs of rubber boots every year;
 - (ii) a pair of gloves which shall be replaced as and when it becomes unserviceable;

- (b) a watchperson, one raincoat every 3 years, a pair of rubber boots every year and a serviceable flashlight for night work.

(2) The uniforms or protective equipment provided under subparagraph (1) shall remain the property of the employer.

(3) Notwithstanding all the uniforms and protective equipment referred to in this paragraph, an employer shall abide by the provisions of the Occupational Safety and Health Act 2005.

11. Meal allowance

Where a worker who has completed a normal day's work is required to work after 7 p.m., he shall, in addition to any remuneration due under paragraph 2, be paid a meal allowance of 50 rupees per day.

12. 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, he shall be entitled during the next period of 12 months while he remains in the continuous employment of the same employer to a normal day's pay in respect of any public holiday, other than a Sunday, on which he is not required to work.

(2) Where a worker referred to in subparagraph (1) is required to work on a public holiday, other than a Sunday, he shall be paid at the end of the next pay period, in addition to the normal day's pay provided under subparagraph (1), any remuneration due under paragraph 2.

(3) Where a monthly paid worker is required to work on a public holiday, other than a Sunday, he shall be paid at the end of the next pay period, in addition to his normal wage, any remuneration due under paragraph 2.

13. Maternity 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 either –
 - (i) before confinement, provided that at least 6 weeks' maternity leave shall be taken immediately following the confinement; or
 - (ii) after confinement; and
- (b) an allowance of 2,000 rupees payable within 7 days of her confinement.

(2) Where a female worker, who remains in continuous employment with the same employer for a period of 12 consecutive months, gives birth to a still-born

child and the still-birth is duly certified by a medical practitioner, she shall be entitled, upon the recommendation of her medical practitioner, to opt either for –

(a) 2 weeks' leave on full pay; or

(b) 12 weeks' leave on full pay.

(3) Where a female worker opts for 12 weeks' leave on full pay under subparagraph (2)(b), it shall be deemed that she has taken paid leave due for one confinement.

(4) A female worker who has at any time had 3 confinements or 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 subparagraphs (1)(a) or (2)(b) as the case may be, without pay.

(5) Where a female worker 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.

(6) Where a female worker enters into her seventh month of pregnancy, she shall be offered, as far as is reasonably practicable and at her request, all appropriate working facilities as recommended by a medical practitioner.

(7) An employer shall allow a female worker to nurse her unweaned child for a period of one hour daily or half an hour twice daily at such time as is convenient to her.

(8) The time taken by a female worker referred to in subparagraph (7) shall not be deducted from the number of hours of work of the female worker.

14. Death grant

(1) Subject to subparagraph (2), where a worker dies, his employer shall pay a gratuity of 3,500 rupees to the –

(a) surviving spouse of the deceased worker for funeral purposes; or

(b) person, where the deceased worker leaves no surviving spouse, who satisfies the employer that he has borne the funeral expenses.

(2) A worker referred to in subparagraph (1) shall have been in continuous employment with the same employer for a period of 12 consecutive months.

(3) In this paragraph, "spouse" means the person with whom a deceased worker had contracted a civil or religious marriage and with whom he was living under a common roof at the time of his death.

15. End of year bonus

(1) A worker who works for the same employer in a year shall be entitled, at the end of that year to a bonus equivalent to –

- (a) 12 per cent of his earnings for that year if he has performed a number of normal days' work which is not less than 62 per cent and not more than 75 per cent of the number of working days in that year;
- (b) 14 per cent of his earnings for that year if he has performed a number of normal days' work which is more than 75 per cent but not more than 85 per cent of the number of working days in that year; or
- (c) 16 per cent of his earnings for that year if he has performed a number of normal days' work which is more than 85 per cent of the number of working days in that year.

(2) A worker who does not qualify for a bonus specified in subparagraph (1) shall be entitled to a bonus equivalent to 8.4 per cent of his earnings for that year.

(3) A worker shall be entitled to a bonus equivalent to one twelfth of his earnings for that year, where he –

- (a) takes employment during the course of that 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.

(4) An employer shall pay 75 per cent of the expected bonus referred to in this paragraph not later than 5 clear working days before 25 December and the remaining bonus shall be paid not later than the last working day of the same year.

(5) In 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;
- (c) is absent on the ground of illness after notification to his employer under paragraph 7,

shall count as a working day.

16. Limitations on assignment of work

(1) A female worker shall not be required to do –

- (a) holing;
- (b) uprooting;
- (c) forking;
- (d) crowbar work;
- (e) loading;

- (f) heavy cleaning; or
- (g) any work involving the carrying of a load of more than 18 kilograms.

(2) A female worker shall not be required to do any work, other than light work, after she has entered the sixth month of pregnancy.

17. Tools and equipment

(1) An employer shall provide to a worker all the tools and equipment used in the performance of work.

(2) All the tools and equipment provided under subparagraph (1) shall remain the property of the employer.

18. Vacation leave

(1) A worker 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 worker'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 a worker intends to spend his vacation abroad, be effected in advance and at least 7 days before he proceeds abroad.

(3) A vacation leave shall be deemed to constitute attendance at work.

(4) For the purposes of annual and sick leave and end of year bonus, such vacation leave shall be deemed to constitute attendance at work.

19. Gratuity on retirement before the age of 60 on medical grounds

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

(2) A worker referred to in subparagraph (1) shall have been in continuous employment with the same employer for a period of not less than 10 years.

(3) The gratuity referred to in subparagraph (1) shall be –

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

(4) In this paragraph –

- (a) years 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; and

- (b) "basic wages" means a worker's last drawn basic wages.

20. Gratuity at death

(1) Subject to subparagraph (2), where a worker dies, an employer shall pay a gratuity to the spouse of the deceased worker or, where there is no surviving spouse, in equal proportions to the dependants of the deceased worker, irrespective of any benefits the spouse or the dependants of the deceased worker may be entitled to under the National Pensions Act.

(2) A worker referred to in subparagraph (1) shall have been in continuous employment with the same employer for a period of not less than 10 years.

(3) The gratuity referred to in subparagraph (1) shall be –

- (a) calculated on the basis of 15 days' basic wages per year of service of the deceased worker; and
- (b) paid in a lump sum.

(4) In this paragraph –

- (a) years of service shall be computed as from the first day of the period during which a deceased worker has been in continuous employment with the same employer up to his last day of employment;
- (b) "basic wages" means a deceased worker's last drawn basic wages;
- (c) "spouse" means the person with whom a deceased worker had contracted a civil or religious marriage and with whom he was living under a common roof at the time of his death;
- (d) "dependant" means any person who was living in a deceased worker's household and was wholly or partly dependent on his earnings at the time of his death.