

*Government Notice No. 216 of 2019***THE EMPLOYMENT RELATIONS ACT****Regulations made by the Minister under section 93
of the Employment Relations Act**

1. These regulations may be cited as the Livestock Workers (Remuneration) Regulations 2019.
2. In these regulations –
 - “employee” –
 - (a) means a person employed in a livestock industry; but
 - (b) does not include an employee –
 - (i) whose basic wage or salary is at a rate exceeding 600,000 rupees in a year, except in relation to –
 - (A) Part II of the First Schedule; and
 - (B) sections 5, 26, 32, 33, 34, 49, 50, 52, 53, 54 and Parts VI, VII, VIII and XI of the Workers’ Rights Act 2019;
 - (ii) whose conditions of employment are governed by any other Remuneration Regulations;
 - (iii) employed by a statutory body or a local authority, as the case may be, whose conditions of employment are governed by the recommendations made by the Pay Research Bureau, or a salary commission, by whatever name called;
 - “farm employee grade I” means an employee 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 employee grade II” means an employee 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; and

(e) other light duties;

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

“reasonable business grounds” means –

(a) inability or impracticability to reorganise working arrangements of existing employees; and

(b) a detrimental effect on the ability to meet customers’ demand;

“supervisor” means an employee who is responsible for supervising the work of other employees and who may be required to record the attendance of employees under his supervision;

“watchperson” means an employee 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;

3. (1) Subject to the other provisions of this regulation and regulation 7, an employee shall be –

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

(i) the Workers' Rights Act 2019; and

(ii) the First Schedule;

(b) remunerated at the rate specified in the Second Schedule.

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

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

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

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

(4) Where a salary scale applies to an employee –

(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.

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4. Every employee shall be entitled to a rest of not less than 11 consecutive hours in any day.
 5. Where an employer employs more than one watchperson, the terms and conditions of employment of the watchpersons shall be governed by the Private Security Services Employees (Remuneration) Regulations 2019.
 6. Notwithstanding paragraph 1(1) and (3) of the First Schedule, for the period ending 31 December 2019 –
 - (a) the normal working week for a watchperson shall consist of 72 hours' work, made up of 6 days of 12 hours, including time allowed for meal and tea breaks; and
 - (b) the watchperson 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 12 hours' work in every day.
 7. Nothing in these regulations shall –
 - (a) prevent an employer from –
 - (i) providing an employee with conditions of employment which are more favourable than those specified in the First Schedule; or
 - (ii) remunerating the employee at a rate higher than that specified in the Second Schedule;
 - (b) authorise an employer to –
 - (i) reduce the wages of an employee; or
 - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of an employee so as to make them less favourable.

8. The Livestock Workers (Remuneration Order) Regulations 2008 are revoked.
9. These regulations shall come into operation on 24 October 2019.

Made by the Minister on 11 October 2019.

FIRST SCHEDULE
[Regulations 2, 3, 6 and 7]

CONDITIONS OF EMPLOYMENT
PART I – GENERAL CONDITIONS

1. Provisions applicable specifically to watchperson

(1) The normal working week for a watchperson shall consist of 48 hours' work, made up 6 days of 8 hours on any working day, whether or not a public holiday, including time allowed for meal and tea breaks.

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

(3) Subject to subparagraph (4), a watchperson who –

(a) works on a public holiday shall be remunerated –

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

(ii) thereafter, at 3 times the basic rate,

for each hour of work;

(b) performs more than 48 hours or such lesser stipulated number of hours 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.

(4) For the purpose of computation of extra work, any authorised leave, including injury leave shall be deemed to constitute attendance at work.

(5) (a) Every watchperson shall be entitled to a normal day's pay in respect of every public holiday, other than a Sunday, that occurs on any of his normal working days.

(b) Where a watchperson is required to work on a public holiday, other than a Sunday, he shall be paid, in addition to the normal day's pay provided for under sub subparagraph (a), any remuneration due under subparagraph (3).

(c) Any agreement by a watchperson, other than a collective agreement under section 57 of the Employment Relations Act, to relinquish his right to a paid public holiday or to forego such leave shall be null and void.

2. End of year bonus

(1) An employee 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) An employee 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) Where an employee remains in continuous employment with the same employer for only part of the year and –

- (a) his employment is terminated in the course of the year for any reason; or
- (b) he retires in the course of the year; or
- (c) he resigns in the course of the year on or after having been in continuous employment for at least 8 months,

the employee shall be paid, not later than the last working day of the month in which his employment is terminated, he retires or resigns, as the case may be, a bonus equivalent to one twelfth of his earnings for that year.

(4) An employer shall pay 75 per cent of the expected bonus referred to in subparagraphs (1) and (2) 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 an employee –

- (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,

shall count as a working day.

3. Limitations on assignment of work

- (1) A female employee 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 kilogrammes.

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

4. Shift work for watchperson

(1) Where work is performed on night shift, an employer shall not, without the watchperson's consent, require the watchperson to work –

- (a) on more than 6 consecutive nights; and
- (b) for more than 12 hours a day.

(2) For the purpose of subparagraph (1)(a), night work means any period during which a watchperson is required to work or to remain at his workplace for at least 6 consecutive hours between 6 p.m. and 6 a.m. the following day.

(3) Where a female watchperson who may be required to perform night shift work produces a medical certificate certifying that she is pregnant, her employer shall not require her to perform night shift work during a period of at least 8 weeks before confinement.

(4) Shift work shall be –

(a) scheduled on a monthly basis; and

(b) organised in 2 or more shifts during a period of 24 consecutive hours.

(5) A copy of the monthly schedule of duty worked out on a roster basis indicating the date and time at which a watchperson shall attend duty shall be handed over to the watchperson.

(6) Where a watchperson is employed on shift work, he shall be paid an allowance of 15 per cent of his basic wage in addition to his normal day's wage for work performed during night shift as specified at subparagraphs (1)(a) and (2).

5. Vacation leave

(1) Subject to subparagraphs (2) and (3), an employee, other than a migrant employee, who remains in continuous employment with the same employer for a period of at least 5 consecutive years shall be entitled to a vacation leave of not more than 30 days, whether taken consecutively or otherwise, for every period of 5 consecutive years, to be spent abroad, locally or partly abroad and partly locally.

(2) Subject to subparagraph (8), any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under subparagraph (1).

(3) Where an employee would have been eligible to take vacation leave under the revoked Livestock Workers (Remuneration

Order) Regulations 2008 prior to, or within a period of less than 5 years from, 24 October 2019, the employee shall, on completion of the prescribed period in the revoked regulations, be entitled to the vacation leave under subparagraph (1).

(4) The vacation leave shall be –

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

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

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

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

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

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

PART II – HEALTH AND SAFETY CONDITIONS

6. Uniforms and protective equipment

- (1) An employer shall provide to –
 - (a) an employee, 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.

7. Tools and equipment

(1) An employer shall provide to an employee 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.

SECOND SCHEDULE
[Regulations 3 and 7]

Category of employee	Year of service	Monthly basic wages (Rs)	Daily basic wages (Rs)
Supervisor	1st year	9,996	-
	2nd year	10,147	-
	3rd year	10,300	-
	4th year	10,571	-
	5th year & thereafter	10,781	-
Farm Employee grade I		9,511	365.81
Farm Employee grade II		8,900	342.31
Watchperson		9,405	361.73