

*Government Notice No. 225 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 Road Haulage Industry (Remuneration) Regulations 2019.

2. In these regulations –

“driver” means an employee who –

(a) drives a motor vehicle such as a lorry, a van or a trailer for the transport of equipment, goods or other materials and personnel; and

(b) is the holder of a driving licence for the motor vehicle he is required to drive;

“driver grade I” means a driver who drives a motor vehicle of over 10 tonnes;

“driver grade II” means a driver who drives a motor vehicle of more than 5 tonnes but not more than 10 tonnes;

“driver grade III” means a driver who drives a motor vehicle of not more than 5 tonnes;

“employee” –

(a) means a person who has entered into or works under a contract of service with an employer in the road haulage industry, whether the contract is oral or in writing; 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;
 - (i) whose conditions of employment are governed by any other Remuneration Regulations;
 - (ii) 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;

“factory” –

- (a) has the same meaning as in the Occupational Safety and Health Act; and
- (b) includes any premises where –
 - (i) saline water is processed for extraction of salt;
 - (ii) a lime kiln is operated;
 - (iii) aloe fibre leaves or thread are processed or treated;
 - (iv) any article is adapted for sale;

“reasonable business grounds” means –

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

“road haulage industry” –

- (a) means the industry relating to the transport by van, lorry or trailer of equipment, building materials, personnel, goods and other materials; and
- (b) includes the use of such transport by private owners or commercial and other firms and factories, in connection with their trade or business; but
- (c) does not include –
 - (i) an export enterprise;
 - (ii) a distributive trade;
 - (iii) a light metal industry;
 - (iv) the sugar industry;
 - (v) the construction industry;
 - (vi) the baking industry;
 - (vii) the cinema industry;
 - (viii) the catering industry;
 - (ix) the nursing homes; and
 - (x) the tea industry;

“tanker driver” means an employee who drives a lorry tanker which is especially designed for transporting bulk petroleum products or gas, or both;

“tanker driver’s assistant” means an employee who assists a tanker driver for the purpose of performing one or more of the following duties –

- (a) loading and unloading of petroleum products or gas, or both, onto or from the lorry tanker;

- (b) carrying out minor tasks related to the maintenance and good running of the lorry tanker;
 - (c) assisting the tanker driver in manoeuvring the lorry tanker;
- “vehicle assistant” means an employee who is wholly or mainly engaged in assisting the driver of a motor vehicle and who performs one or more of the following duties –
- (a) loading and unloading materials carried in the motor vehicle;
 - (b) ensuring the safety of any cargo carried by the motor vehicle;
 - (c) carrying out minor tasks related to the maintenance and good running of the motor vehicle, including changing a flat tyre and attending to the pressure of tyres;
 - (d) assisting the driver in manoeuvring the motor vehicle;
- 3.** (1) Subject to the other provisions of this regulation and to regulation 6, every 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 rates specified in the Second Schedule.
- (2) Where the conditions of employment in the Workers’ Rights Act 2019 are different from those in the First Schedule, the conditions specified in the First Schedule shall prevail.
- (3) The rates specified in the Second Schedule include –

- (a) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and
 - (b) the additional remunerations payable under the Additional Remuneration and Other Allowances (2018) Act 2017 and the Additional Remuneration and Other Allowances (2019) Act 2018.
- (4) Where a scale of wage 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 period of 12 consecutive months of service he reckons with his employer in the category in which he is employed.
4. A driver may, for the motor vehicle he is required to drive, be required by his employer to –
- (a) keep that motor vehicle clean and in good running order;
 - (b) carry out daily routine maintenance and checks;
 - (c) report any mechanical defects promptly to his employer;
 - (d) make minor repairs and help the motor mechanics when his motor vehicle is under repair.
5. Every employee shall be entitled to a rest of not less than 11 consecutive hours in any day.
6. Nothing in these regulations shall –
- (a) prevent an employer from –

- (i) providing an employee with conditions of employment which are more favourable than those specified in the First Schedule; or
 - (ii) remunerating the employee at a rate higher than that specified in the Second Schedule.
- (b) authorise an employer –
- (i) to reduce the wages of an employee; or
 - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of the employee so as to make them less favourable.
7. The Road Haulage Industry (Remuneration) Regulations 2009 are revoked.
8. Subject to paragraph 5(2)(b) of the First Schedule, these regulations shall come into operation on 24 October 2019.

Made by the Minister on 25 October 2019.

FIRST SCHEDULE

[Regulations 2, 3 and 6]

CONDITIONS OF EMPLOYMENT**PART I – GENERAL CONDITIONS****1. Piece work**

(1) Subject to subparagraph (2), an employee may be required to perform piece work for his employer at such rates, to be agreed upon between them, which shall not be less than a sum exceeding the relevant rate specified in the Second Schedule by 10 per cent.

(2) Where an employee is required to perform piece work –

- (a) (i) in excess of a normal day's work on a week day, he shall be paid at a rate which shall not be less than one and a half times the normal basic rate for every additional hour; and
- (ii) 10 per cent of the pay under sub sub paragraph (i);
- (b) on a public holiday –
 - (i) during normal working hours, he shall be paid at not less than twice the rate at which the work is remunerated when performed during normal hours on a week day;

- (ii) after normal working hours, he shall be paid at not less than 3 times the rate at which the work is remunerated when performed during the normal hours on a week day,

and 10 per cent of the pay under sub sub subparagraph (i) or (ii), as the case may be.

2. Notice for leave

(1) An employee who wishes to take more than one day's annual leave shall give his employer not less than 7 days' written notice.

(2) An employee who has been absent from work for one day may elect to have it reckoned as one day of his annual leave.

3. Attendance bonus

(1) Every employee who, during a period of one month, does not absent himself from work on any day on which he is required to work, shall be entitled, at the end of that month, to an attendance bonus of not less than 10 per cent of the basic wages he has earned for that month.

(2) For the purpose of subparagraph (1), absence on annual leave or leave following injury arising out of and in the course of employment shall not be reckoned as absence from work.

4. Court proceedings

(1) Where fines are imposed by a Court of law –

- (a) due to the state of the vehicle which a driver is required to drive, such fines shall be borne by the employer;

(b) due to the conduct of a driver, such fines shall be borne by the driver.

(2) Remuneration shall be paid by the employer in respect of –

(a) any period spent by an employee in going to, attending or returning from a court in relation to proceedings in which he has been acquitted of an offence;

(b) any period spent by an employee in going to, attending or returning from a court in relation to proceedings arising out of the state of the vehicle he is required to drive, irrespective of the verdict.

5. Shift work

(1) An employer may request an employee to work on shift work.

(2) (a) Where work is performed on night shift, an employer shall not require the employee to work –

(i) on more than 6 consecutive nights; and

(ii) except with the written consent of the employee, for more than 8 hours a day.

(b) Notwithstanding sub subparagraph (a)(ii), where shift work of more than 8 hours a day was being performed before 24 October 2019, the shift system of more than 8 hours a day shall continue until 31 January 2020.

(3) For the purpose of subparagraph (2)(a) –

“night work” means any period during which an employee 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.

(4) Where a female employee 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.

(5) Shift work shall be scheduled –

(a) on a monthly basis; and

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

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

(b) The monthly schedule of duty shall be posted up in a conspicuous place at the place of work at least one week before the schedule is due to take effect.

(7) Where an employee 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 (2)(a) and (b) and (3).

6. 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 Road Haulage Industry (Remuneration) Regulations 2009 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 special circumstances, give not less than 3 months' notice when applying for the vacation leave and the employer shall, subject to reasonable business grounds, accede to the application.

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

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

(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

7. Uniforms and protective equipment

- (1) Every employer shall provide –
 - (a) a plastic raincoat with a hood every 2 years to every employee who is required to work in an open vehicle not fitted with a fixed canopy or a properly secured canopy-like metal structure supporting a tarpaulin of adequate size; and
 - (b) 2 uniforms, a pair of shoes and a beret or cap every year to every employee.

(2) The employer shall provide the uniforms and protective equipment referred to in subparagraph (1) as soon as the employee assumes duty.

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

SECOND SCHEDULE
[Regulations 3 and 6]

Category of employee	Year of service	Monthly basic wages (Rs)
Tanker Driver	1st year	11,086
	2nd year	11,174
	3rd year	11,362
	4th year	11,550
	5th year	11,764
	6th year	11,979
	7th year	12,194
	8th year & thereafter	12,408
Tanker Driver's Assistant	1st year	8,900
	2nd year	8,963
	3rd year	9,102
	4th year	9,239
	5th year	9,378
	6th year	9,521
	7th year	9,694
	8th year & thereafter	9,865
Driver grade I	1st year	10,307
	2nd year	10,502
	3rd year	10,689
	4th Year	10,877
	5th year	11,065
	6th year	11,152
	7th year	11,340
	8th year & thereafter	11,528

Category of employee	Year of service	Monthly basic wages (Rs)
Driver grade II	1st year	10,011
	2nd year	10,173
	3rd year	10,341
	4th year	10,507
	5th year	10,668
	6th year	10,855
	7th year	11,043
	8th year & thereafter	11,132
Driver grade III	1st year	9,752
	2nd year	9,919
	3rd year	10,081
	4th year	10,245
	5th year	10,412
	6th year	10,576
	7th year	10,764
	8th year & thereafter	10,952
Vehicle Assistant	1st Year	9,256
	2nd Year	9,394
	3rd Year	9,538
	4th Year	9,712
	5th year	9,882
	6th year	10,044
	7th year	10,205
	8th year & thereafter	10,374
