
Government Notice No. 229 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 Tailoring Trade (Remuneration) Regulations 2019.
 2. In these regulations –
“employee” –
 - (a) means a person employed by a tailoring merchant or in a tailor’s shop; 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;
- “learner” means a person who is employed solely for the purpose of learning and acquiring skill in the tailoring sector;

“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;

“superior grade tailor” means an employee who –

- (a) supervises the work of other tailors and learners;
- (b) cuts suits, overcoats, pants and dresses;
- (c) takes measurements;
- (d) makes designs or patterns;

“tailor grade I” means an employee who is required to –

- (a) cut and fit a suit, a pair of pants and a shirt;
- (b) complete a jacket;

“tailor grade II” means an employee who is required to –

- (a) cut shirts and pants and stitch jackets up to the second fitting;
- (b) cut and fit shirts; or
- (c) cut and fit pants;

“tailor grade III” means an employee who only fits shirts and pants;

“tailoring merchant” or “tailor’s shop” means an undertaking relating to –

- (a) the making of wearing apparel by hand or by machine by a tailor or under the supervision of a tailor;

-
- (b) the sewing and embroidering of garments by hand or by machine;
 - (c) pattern making and marking or cutting of materials in the manufacture of garments;
3. (1) Subject to the other provisions of this regulation and regulation 5, every employee shall be –
- (a) governed by the conditions of employment specified in –
 - (i) the Workers’ Rights Act 2019; and
 - (ii) the First Schedule; and
 - (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. Every employee shall be entitled to a rest of not less than 11 consecutive hours in any day.
5. 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 the employee so as to make them less favourable.
6. The Tailoring Trade (Remuneration Order) Regulations 2001 are revoked.
7. These regulations shall come into operation on 24 October 2019.

Made by the Minister on 11 October 2019.

FIRST SCHEDULE
[Regulations 2, 3 and 5]

CONDITIONS OF EMPLOYMENT

1. Piece rate work

(1) Subject to subparagraph (2), an employee may be required to perform piece rate 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 subparagraph (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 the 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. Vacation leave

(1) Subject to subparagraph (2), 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 (7), any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under subparagraph (1).

(3) 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.

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

(5) An employee shall, except in exceptional 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.

(6) Where an employer cannot, on business reasonable grounds, accede to the request of an employee under subparagraph (5) –

- (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.

(7) Where an employee is paid wages in lieu of the vacation leave under subparagraph (6), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

SECOND SCHEDULE
[Regulation 3(1)(b)]

Category of employee	Monthly basic wages (Rs)
Superior Grade Tailor	9,989
Tailor grade I	9,366
Tailor grade II	8,991
Tailor grade III	8,900
Learner	
1st year	8,900
2nd year	8,900
3rd year	8,900
4th year	8,900
5th year	8,900
