

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 Attorneys' and Notaries' Workers (Remuneration) Regulations 2010.

2. In these regulations –

"clerk" means a person employed by an attorney or a notary for –

- (a) the purpose of performing duties in connection with legal matters;
- (b) attending courts and registration and mortgage office; or
- (c) performing such other duties relating or pertaining to the profession of attorney or notary;

"earnings" –

- (a) means basic wages; and
- (b) includes –
 - (i) wages for work done in excess of a normal day's work;
 - (ii) remuneration paid under paragraphs 6, 7, 8, 9, 10(1)(a), (2), (3) and 17 of the Second Schedule;

"secretary" means a person who is engaged wholly or mainly in typing documents according to given instructions and whose duties may include –

- (a) operating a telephone switchboard; and
- (b) receiving, recording and passing on telephone messages;

"worker" means –

- (a) a person employed by an attorney or a notary; and
- (b) does not include a person governed by any other Remuneration Regulations.

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

- (a) remunerated at the rates specified for his category 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 (No. 2) Act 2009.

(3) Subject to paragraph (4), where a salary scale applies to a worker, that worker shall be entitled to –

- (a) one increment for every year of service the worker reckons with his present employer in the same grade or category; and
- (b) one increment for every two years of service the worker reckons with his past employer in the same grade or category.

(4) Where a clerk passes the examination prescribed for ushers, that clerk shall, in addition to any increment payable under paragraph (3), be entitled to 2 increments.

4. Any agreement by a worker to relinquish his right to 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 the worker with conditions of employment more favourable than those specified in the Second Schedule;
- (b) authorise an employer to reduce a worker's remuneration or to alter the worker's conditions of employment so as to make them less favourable.

6. The Attorneys' and Notaries' Employees (Remuneration Order) Regulations 1994 are revoked.

7. These regulations shall come into operation on 1 September 2010.

Made by the Minister on 30 August 2010.

FIRST SCHEDULE
[Regulation 3(1)(a)]

Category of worker	Year of service	Monthly basic wages
		Rs
Clerk	1st year	6,930
	2nd year	7,080
	3rd year	7,230
	4th year	7,380
	5th year	7,530
	6th year	7,730
	7th year	7,930
	8th year	8,130
	9th year	8,330
	10th year	8,530
	11th year	8,780
	12th year	9,030
	13th year	9,280
	14th year	9,530
	15th year	9,830
	16th year	10,130
	17th year	10,430
	18th year	10,730
	19th year	11,055
	20th year	11,405

Category of worker	Year of service	Monthly basic wages
		Rs
Secretary	1st year	6,930
	2nd year	7,080
	3rd year	7,230
	4th year	7,380
	5th year	7,530
	6th year	7,730
	7th year	7,930
	8th year	8,130
	9th year	8,330
	10th year	8,530
	11th year	8,780
	12th year	9,030
	13th year	9,280
	14th year	9,530
	15th year	9,830

SECOND SCHEDULE

[Regulation 3(1)(b)]

1. Normal working hours

A normal working week of a worker shall consist of 32.5 hours of work, excluding time allowed for meal and tea breaks, and shall be made up of 6.5 hours of work a day during 5 days of the week, other than a Saturday or a public holiday.

2. Meal and tea breaks

Every worker shall be entitled on every working day to –

- (a) a meal break of one hour ; and
- (b) a tea break of 15 minutes.

3. Extra work

A worker who performs more than a normal day's work on any working day, other than a public holiday, shall be remunerated at one and a half times the basic rate per hour.

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 22 days; and
- (b) a day shall be deemed to consist of 6.5 hours.

5. Payment of remuneration

(1) Every employer shall pay the wages due to a worker during working hours, not later than three working days before the end of the month and may, where there is an agreement, be credited into the worker's bank account.

(2) Every employer shall, at the time of paying the wages of a worker, issue to that worker a payslip stating *inter alia* –

- (a) the worker's name, national identity card number, category, job title, grade and basic wages;
- (b) the total number of days present at work;
- (c) the number of hours of extra work and the corresponding extra payment;
- (d) the total wages and each item of allowance; and

- (e) every deduction made and the reason thereof.

6. Annual leave

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

(2) (a) Seven days of the annual leave may be taken consecutively at such time as the worker may, on application made to and approved by the employer, elect.

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

(3) (a) Subject to subparagraph (b), a worker shall be paid a normal day's pay in respect of each day's annual leave still due at the end of a period of 12 consecutive months.

(b) A worker shall not be entitled to a normal day's pay as specified in sub-subparagraph (a) where that worker has been dismissed from employment for misconduct.

7. Sick leave

(1) Subject to subparagraph (4), where a worker remains in continuous employment with the same employer for a period of 12 consecutive months, that worker shall, during the following 12 months, be entitled to 21 days' sick leave on full pay.

(2) Where at the end of the period of 12 consecutive months, a worker has not taken the sick leave to which he is entitled under subparagraph (1), any outstanding sick leave shall be accumulated to a maximum of 90 working days.

(3) Where a worker has exhausted the sick leave provided for under subparagraph (1) and has wholly spent time –

(a) in a hospital, public or private;

(b) for convalescence purposes after discharge from a public or private hospital, certified by a medical practitioner,

any additional sick leave granted may be deducted from the accumulated sick leave.

(4) (a) Where a worker is absent on grounds of sickness, he shall, except where the employer is aware of the nature of the sickness, notify the employer of the sickness as soon as possible.

(b) Where a worker is sick for more than 4 consecutive days, he shall forward to the employer a medical certificate –

- (i) within 3 days following the worker's discharge, where the worker was admitted to a public or private hospital; or
- (ii) on the day following the fourth day of absence, in any other case.

(5) An employer may, at his discretion and at his own expense, cause a worker who is absent on grounds of sickness to be medically examined by a medical practitioner of his choice.

8. Study leave

(1) Where a worker remains in continuous employment with the same employer for 12 consecutive months, that worker shall –

- (a) be entitled to leave on full pay for the purpose of sitting for a legal examination;
- (b) be given at least half day's time off with pay twice a week for tuition for the purpose of preparing for a legal examination;
- (c) subject to subparagraph (2), be entitled to one month's leave on half pay for the purpose of preparing for a legal examination.

(2) No worker shall be entitled to the leave specified under subparagraph (1)(c) for more than three attempts at the same legal examination.

9. Special leave

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

- (a) 5 days' special leave on full pay on the occasion of the celebration of the worker's first religious or civil marriage;
- (b) 3 days' special leave on full pay on the occasion of the first religious or civil marriage of the worker's son or daughter; or
- (c) 3 days' special leave on full pay on the death of the worker's spouse, child, father, mother, brother or sister.

10. 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 has been in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave specified in this paragraph, gives birth to a still-born child, she shall, on production of a medical certificate, be entitled to 12 weeks' leave on full pay.

(3) 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.

(4) A female worker who 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), as the case may be, without pay.

(5) (a) A female worker who is nursing her unweaned child shall, for that purpose, be entitled every day at a time convenient to her and having regard to the needs of the child to at least –

- (i) 2 breaks of half-hour; or
- (ii) one break of one hour.

(b) The break specified in subparagraph (a) shall –

- (i) be for a period of 6 months from the date of confinement or such longer period as may be recommended by a medical practitioner; and
- (ii) not be deducted from the number of hours of work of the female worker.

11. Medical facilities

Every worker shall, on the recommendation of an eye specialist, be paid an allowance of 3,000 rupees for the purchase of spectacles, every 2 years.

12. Transport benefits and facilities

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

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

(3) Where a clerk is called upon to attend duties over 1.6 kilometres away from the normal place of employment, the clerk shall be paid the return bus fare and if no bus is available, the amount actually spent on transport.

13. Meal allowance

Where a clerk has to spend the day at a distance of 5 kilometres or over from the normal place of employment for the purpose of the employer's business, the clerk shall be entitled to an allowance of 50 rupees.

14. End of year bonus

(1) Where a worker remains in continuous employment with the same employer in a year, the worker shall be entitled at the end of that year to a bonus equivalent to one twelfth of his earnings for that year.

(2) Every worker 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 in that year,

shall be entitled at the end of that year to a bonus equivalent to one twelfth of his earnings for that year.

(3) Seventy-five per cent of the expected bonus specified in subparagraphs (1) and (2) shall be paid not later than 5 clear working days before 25 December and the remaining balance not later than on the last working day of the same year.

(4) For the purpose of this paragraph, a day where a worker –

(a) is absent with the employer's authorisation;

(b) reports for work but is not offered work by the employer; or

- (c) is absent on grounds of –
 - (i) illness after notification to the employer under paragraph 7(4); or
 - (ii) injury arising out of and in the course of his employment,

shall count as a working day.

15. Death grant

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

- (a) surviving spouse of the deceased worker for funeral purposes; or
- (b) person who has borne the funeral expenses, where the deceased worker leaves no surviving spouse.

(2) A worker referred to in subparagraph (1) should 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 or she was living under a common roof at the time of the worker’s death.

16. Certificate of employment

(1) Where a worker leaves the employment of an employer, that employer shall, not later than the day on which the worker leaves the employment, issue to the worker a certificate stating the duration of the worker’s time of employment, the post held and if the worker so desires, the rate of remuneration.

(2) A certificate issued under subparagraph (1) shall not contain anything unfavourable to the worker.

17. Vacation leave

(1) A worker who remains in continuous employment with the same employer for a period of not less than 10 years, shall be entitled to a vacation leave of not less than 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 the worker intends to spend the vacation wholly or partly abroad, be effected in advance and at least 7 days before the worker proceeds abroad.

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

18. 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 grounds of permanent incapacity to perform his or her 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) should 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.

19. Gratuity at death

(1) Subject to subparagraph (2), where a worker dies, his 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) should 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 for every period of 12 months' continuous service of the deceased worker; and
- (b) paid in a lump sum.

- (4) In this paragraph –
- (a) “continuous 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 or she was living under a common roof at the time of the worker’s death; and
 - (d) "dependant" means any person who was living in a deceased worker's household and was wholly or partly dependent on the worker’s earnings at the time of the worker’s death.

20. Provision of black coat

- (1) An employer shall, every 2 years, provide a black coat to every worker who is required to attend court.
 - (2) The first issue of the black coat shall be effected not later than the first time the worker is required to attend court and thereafter at the beginning of the year when court resumes.
 - (3) The black coat shall remain the property of the employer.
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