

Government Notice No. 226 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 Salt-Manufacturing Industry (Remuneration) Regulations 2019.

2. In these regulations –

“*alimentateur*” means a person who is required to attend to or operate a water pump and regulate saline water in the salt pans;

“employee” –

(a) means a male or female person employed in the salt-manufacturing 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;

“factory” –

- (a) has the same meaning as in the Occupational Safety and Health Act; and
- (b) includes any premises where saline water is processed for extraction of salt;

“factory operator” means an employee who performs manual tasks and who is required to attend to or operate a machine;

“foreman” means an employee who assigns duties to employees, supervises the activities of employees and performs any ancillary duties;

“mason” means a person who –

- (a) selects, cuts and shapes stones preparatory to setting with chisel, hammer and other shaping tools;
- (b) spreads mortar with trowel over foundation or laid stone;
- (c) sets stone in mortar bed and tamps into place with hammer;
- (d) aligns stone with level and plumb-line; and
- (e) fills joints between stones with mortar;

“reasonable business grounds” means –

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

“salt-manufacturing industry” means an industry where saline water is processed for extraction of salt;

**3.** (1) Subject to the other provisions of this regulation and to 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 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 remuneration 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. 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

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- (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 the employee so as to make them less favourable.
8. The Salt-Manufacturing Industry (Remuneration Order) Regulations 1983 are revoked.
9. These regulations shall come into operation on 24 October 2019.

Made by the Minister on 11 October 2019.

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**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 of 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 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. Limitation on assignment of work**

No female employee shall be compelled to do any work involving the carrying of a load of more than 18 kilogrammes.

## **3. Piece work**

(1) Every employee may be required to perform piece work by his employer at such rates, to be agreed upon between them, which shall be so determined that the employee shall earn not less than 10 per cent over and above the relevant rate specified in the Second Schedule.

(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 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.

#### **4. 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 overseas leave under the revoked Salt-Manufacturing Industry (Remuneration Order) Regulations 1983 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 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) –

- (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.



**5. Shift work for a 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), 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 scheduled –

- (a) on a monthly basis; and
- (b) organised in 2 or more shifts during a period of 24 consecutive hours.

(5) (a) 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.

(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.

(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).

## **6. Optional retirement**

(1) Every employee who has been in continuous employment with the same employer for a period of not less than 10 years may retire on or after reaching the age of, in the case of –

- (a) a male employee, 58 years;
- (b) a female employee, 55 years.

(2) Where an employee retires under subparagraph (1), he shall be paid a gratuity as specified in Part VIII of the Workers' Rights Act 2019.

## **PART II – HEALTH AND SAFETY CONDITIONS**

### **7. Uniforms and protective equipment**

(1) Every employer shall provide –

- (a) 2 uniforms and 2 pairs of socks to every employee once every year;
- (b) 2 pairs of rubber gloves to be replaced each time they become worn out and a hat once every year to every employee, except a watchperson;
- (c) 2 pairs of rubber boots to every employee once every 18 months;
- (d) a pair of protective sunglasses to every employee except a watchperson on a duration basis;
- (e) a serviceable flash light to every night watchperson; and

- (f) a plastic raincoat to every watchperson once every 2 years.

(2) Any uniforms and protective equipment provided under this paragraph shall remain the property of the employer and be renewed as provided above.

## **8. Issue of tools**

(1) Every employer shall issue to every employee all the tools and equipment used in the performance of his work.

(2) Every tool and equipment specified in subparagraph (1) shall remain the property of the employer.

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**SECOND SCHEDULE**  
[Regulations 3 and 7]

<b>Category of employee</b>	<b>Daily wages (Rs cs)</b>
Male employee	342.31
Female employee	342.31
Foreman	363.12
<i>Alimentateur</i>	342.31
Mason	357.08
Watchperson	342.31
Factory Operator	342.31

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