

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 Office Attendants (Remuneration) Regulations 2013.

2. In these regulations –

"continuous employment" means the employment of an office attendant under a contract of employment or under more than one contract of employment where the interval between one contract of employment and the next does not exceed 28 days;

"earnings" –

(a) means basic wages; and

(b) includes –

(i) wages earned for extra work under paragraph 4(1) of the Second Schedule;

(ii) wages paid under paragraphs 11, 12, 13, 16, 18(1)(a), (2) and (3), 19 and 22 of the Second Schedule;

(iii) any productivity payment;

"head office attendant" means a person employed under a contract of employment, whether oral, written, implied or express, for the purposes of planning, organising and supervising the work of office attendants, transmitting to them orders received from the employer or superior, and performing such other related duties as may be required by the employer;

"office attendant" –

(a) means a person employed under a contract of employment, whether oral, written, implied or express, for the purposes of performing one or more of the following duties –

(i) running errands;

(ii) watching premises during business hours;

- (iii) cleaning premises;
 - (iv) operating a telephone switchboard;
 - (v) working a lift;
 - (vi) obtaining receipts for articles delivered;
 - (vii) answering calls or bells;
 - (viii) greeting callers, supplying information and attending to their requests, and directing them to persons called upon;
 - (ix) keeping records in relation to the duties performed; and
 - (x) doing other related duties;
- (b) includes a head office attendant;
- (c) does not include an office attendant –
- (i) whose conditions of employment are governed by the provisions of 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;

“productivity payment” –

- (a) means any sum of money, by whatever name called, paid to an office attendant in addition to the basic wages agreed upon between the office attendant and his employer, in respect of any work performed by the office attendant and which is related to productivity;
- (b) does not include payments such as meal allowance, transport allowance or any other allowances or payments not related to productivity;

“remuneration” –

- (a) means all emoluments, in cash or in kind, earned by an office attendant under a contract of employment; and
- (b) includes any sum paid by an employer to an office attendant to cover expenses incurred in relation to the special nature of his work.

3. (1) Subject to the other provisions of these regulations, every office attendant shall be –

- (a) remunerated at the rates specified 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 additional remuneration payable under the Additional Remuneration (2013) Act 2012.

(3) An office attendant who remains in the continuous employment of an employer shall be entitled to one increment for each completed year of service in the category applicable to him until the office attendant reaches the top wages of the salary scale corresponding to his category as set out in the First Schedule.

4. An agreement by an office attendant to relinquish his right to a paid holiday or to forego such leave shall be void.

5. Nothing in these regulations shall –

- (a) prevent an employer from –
 - (i) paying an office attendant wages at a rate higher than that specified in the First Schedule; or
 - (ii) granting the office attendant conditions of employment more favourable than those specified in the Second Schedule;
- (b) authorise an employer to –
 - (i) reduce the wages of an office attendant; or
 - (ii) alter the conditions of employment of the office attendant so as to make them less favourable.

6. The Office Attendants (Remuneration Order) Regulations 2000 are revoked.

7. These regulations shall come into operation on 1 December 2013.

Made by the Minister on 21 November 2013.

FIRST SCHEDULE
[Regulations 3(1)(a),(2),(3) and 5]

Category of worker	Year of service	Monthly basic wages (Rs)
Head office attendant	1 st year	10,245
	2 nd year	10,470
	3 rd year	10,720
	4 th year	10,970
	5 th year	11,220
	6 th year	11,470
	7 th year	11,720
	8 th year	11,970
	9 th year	12,220
	10 th year & thereafter	12,470
Office attendant	1 st year	8,344
	2 nd year	8,545
	3 rd year	8,745
	4 th year	8,945
	5 th year	9,145
	6 th year	9,345
	7 th year	9,570
	8 th year	9,795
	9 th year	10,020
	10 th year & thereafter	10,245

SECOND SCHEDULE
[Regulations 2, 3(1)(b) and 5]

1. Appointment of head office attendant

(1) An employer who employs 5 or more office attendants shall employ one head office attendant for every 5 office attendants.

(2) A head office attendant shall be selected from the grade of office attendant, having regard to seniority, efficiency and merit.

(3) A head office attendant shall be responsible to the employer for the proper performance of the duties of the office attendants working under his supervision.

2. Appointment of temporary office attendant

An office attendant may be engaged in a temporary capacity or on probation at daily rates for a period not exceeding 90 days in a year, whether such period is continuous or in aggregate.

3. Normal working hours

(1) A normal working week shall consist of 5 days of not more than 8 hours and one day of 5 hours exclusive of one hour daily for lunch which shall be granted between 9 a.m. and noon.

(2) An office attendant shall be entitled to a tea break of 15 minutes on every working day.

4. Extra work

(1) Subject to paragraph 22, an office attendant who –

(a) works on a public holiday or on a weekly rest day, 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 a normal day's work on any day other than a public holiday or a weekly rest day, shall be remunerated at one and a half times the basic rate for every additional hour of work.

(2) Where, at the request of his employer, an office attendant remains in the service of the employer, outside his normal site of work, before or after his normal working hours, the office attendant shall be deemed to be performing extra work and shall be remunerated in accordance with subparagraph (1).

5. Notional calculation of basic rate

For the purpose of determining wages due for extra work or for any other reasons –

- (a) a month shall be deemed to consist of 26 days;
- (b) a day shall be deemed to consist of 8 hours.

6. Sharing services of office attendants

Where the services of an office attendant are, with the consent of the office attendant, shared by 2 or more employers, all the employers shall be jointly and severally liable for the remuneration and conditions of employment of that office attendant.

7. Payment of remuneration

(1) Every office attendant shall be paid remuneration during working hours and not later than on the last working day of the pay period.

(2) Every employer shall, at the time of paying the remuneration of an office attendant, issue to the office attendant a payslip stating, *inter alia* –

- (a) the name, National Identity Card Number, job title and grade of the office attendant;
- (b) the basic wages and each item of allowance;
- (c) all deductions made and the reasons therefor;
- (d) the total number of days on which the office attendant was present at work;
- (e) the number of hours of extra work performed by the office attendant at the relevant applicable rates and the corresponding extra payment; and
- (f) the total remuneration.

8. Meal allowance

(1) Where an office attendant is required to perform more than 2 hours' extra work after having completed his normal day's work on any day of the week, whether or not a public holiday, he shall, in addition, to any wages due for extra work, be provided by the employer with an adequate free meal or be paid a meal allowance of 70 rupees per day.

(2) The meal allowance specified in subparagraph (1) shall be paid not later than on the last working day of the relevant pay period.

9. Travelling benefits and facilities

(1) Every office attendant shall –

- (a) be entitled to free transport; or
- (b) in case no free transport is available, be paid the return bus fare,

where the distance between his residence and the place where he reports for work exceeds 3 kilometres.

(2) Where an office attendant is required by the employer to attend or cease work at any time when no public bus service is available, the employer shall, irrespective of the distance between the place of residence and the place of work, provide appropriate free means of transport from the office attendant's residence to his place of work, or from the place of work to the office attendant's residence or both, as the case may be.

(3) Subject to the distance limit specified in subparagraph (1), every office attendant who attends work by his own means of transport shall be entitled to an allowance equivalent to the corresponding return bus fare.

10. Protective equipment

(1) An office attendant shall be entitled to –

- (a) 3 uniforms every year;
- (b) one raincoat or one jacket every 2 years;
- (c) 2 pairs of shoes every year;
- (d) 2 pair of boots, wherever applicable, every year;
- (e) one pair of gloves, wherever appropriate, which shall be replaced as and when they become unserviceable;

- (f) one head gear every year, which may be retained by the office attendant when a fresh issue is made.

(2) The protective equipment specified in subparagraph (1) shall be issued to the office attendant upon assumption of duty.

11. Annual leave

(1) Where an office attendant remains in continuous employment with the same employer for a period of 12 consecutive months, the office attendant shall, in the following 12 months, be entitled to 16 days' annual leave on full pay.

(2) (a) Eight days of the annual leave specified in subparagraph (1) may, on application made to and approved by the employer, be taken consecutively at such time as the office attendant elects.

(b) The remaining 8 days' annual leave shall be taken at such time as agreed between the office attendant and the employer, or in default of agreement, at such time as the employer determines.

(3) Subject to subparagraph (4), where an office attendant has not taken or been granted all the days' annual leave to which he is entitled under subparagraph (1), he shall be paid a normal day's pay in respect of each day's annual leave still due at the end of that period.

(4) Subparagraph (3) shall not apply where the employment of an office attendant is terminated for misconduct.

12. Sick leave

(1) Subject to subparagraph (4), an office attendant who remains in continuous employment with the same employer for a period of 12 consecutive months 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, an office attendant has not taken all 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 an office attendant has exhausted the sick leave under subparagraph (1) and has wholly spent time –

- (a) for medical treatment 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 to the office attendant may be deducted from the sick leave accumulated under subparagraph (2).

(4) (a) An office attendant who absents himself on grounds of sickness shall, except where the employer is aware of the nature of the sickness, notify the employer of the sickness not later than on the second day of his absence.

(b) Where the office attendant remains sick for more than 4 consecutive days, the office attendant shall forward a medical certificate to the employer

—

(i) if he is admitted to a public or private hospital, within 3 days' following his discharge; or

(ii) in any other case, on the fifth day of absence.

(5) An employer may, at his own expense, cause an office attendant who is absent on grounds of sickness to be medically examined by a medical practitioner of the employer's choice.

13. Special leave

Where an office attendant remains in continuous employment with the same employer for a period of 12 consecutive months, the office attendant shall be entitled to

—

(a) 6 working days' special leave on full pay on the occasion of the celebration of his first religious or civil marriage;

- (b) 3 working days' special leave on full pay on the occasion of the first religious or civil marriage of each of his son or daughter; and
- (c) 3 working days' special leave on full pay on the death of his spouse, child, father, mother, brother or sister.

14. Death grant

(1) Where an office attendant who has remained in continuous employment with the same employer for at least 12 months dies, the employer shall pay an amount of 3,500 rupees to –

- (a) the surviving spouse of the deceased office attendant; or
 - (b) where the deceased office attendant leaves no spouse, the person who satisfies the employer that he has borne the funeral expenses.
- (2) For the purpose of subparagraph (1) –

"spouse" means the person with whom the deceased office attendant contracted a civil or religious marriage and with whom the office attendant was living under a common roof at the time of death.

15. End of year bonus

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

- (2) Every office attendant who –
- (a) takes employment during the course of the year;
 - (b) is still in employment as at 31 December of that year; and
 - (c) has performed a number of normal days' work equivalent to not less than 80 per cent of the working days during his employment in that year,

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

(3) The bonus specified in subparagraphs (1) and (2) shall be paid not later than 5 clear working days before 24 December of each year.

(4) For the purpose of this paragraph, a day on which an office attendant –

- (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 ground of –
 - (i) illness duly notified under paragraph 12(4); or
 - (ii) injury arising out of and in the course of his employment,

shall be reckoned as a working day.

16. Allowances

(1) Where an office attendant is required by his employer, in addition to his normal duties –

- (a) to drive, on any day, a motor vehicle, the office attendant shall be paid, in addition to his basic wage for that day, an extra allowance of 15 per cent of the daily basic wage;
- (b) to make and serve tea, the office attendant shall be paid an extra allowance of 300 rupees per month.

(2) An office attendant who opts to clean sanitary conveniences regularly shall be paid an extra allowance of 400 rupees per month.

17. Medical expenses

An office attendant who has remained in continuous employment with the same employer for 12 months shall be entitled to a sum of not less than 3,000 rupees a year for the purchase of spectacles, or for medical expenses incurred by him during that year, or for both, provided that any expenses incurred are supported by appropriate documentary evidence.

18. Maternity benefits

(1) A female office attendant 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 –
 - (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 3,000 rupees payable within 7 days of the confinement.

(2) Where a female office attendant 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 stillborn child, she shall, on production of a medical certificate, be entitled to 12 weeks' leave on full pay.

(3) Where a female office attendant 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 office attendant 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 leave specified in subparagraph (1)(a) or (2), as the case may be, without pay.

(5) A female office attendant who has entered into the seventh month of pregnancy shall be offered, as far as is reasonably practicable and at her request, all appropriate working facilities as recommended by her medical practitioner.

(6) (a) A female office attendant 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 each; 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 office attendant.

19. Vacation leave

(1) An office attendant 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 for every period of 10 years to be spent wholly abroad or locally, or partly abroad and partly locally, at the office attendant'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 office attendant opts to spend the vacation wholly or partly abroad, be effected in advance and at least 7 days before the office attendant proceeds abroad.

(3) The vacation leave under this paragraph shall be deemed to constitute attendance at work.

20. Gratuity on retirement before the age of 60 on medical grounds

(1) Subject to subparagraph (2), an employer shall pay a gratuity to an office attendant, irrespective of any benefits the office attendant may be entitled to under the National Pensions Act, where the office attendant retires before the age of 60 on ground of permanent incapacity to perform his work and where such incapacity is duly certified by a government medical practitioner.

(2) An office attendant referred to in subparagraph (1) is an office attendant who has been in continuous employment with the same employer for a period of not less than 5 years.

(3) The gratuity referred to in subparagraph (1) shall be –

- (a) calculated on the basis of 15 days' remuneration per year of service of the office attendant; and
- (b) paid in a lump sum.

(4) In this paragraph –

“year of service” shall be computed as from the first day of the period during which an office attendant has been in continuous employment with the same employer up to his last day of employment with that employer.

21. Gratuity at death

(1) Where an office attendant who has been in continuous employment with the same employer for a period of not less than 12 months dies, his employer shall, irrespective of any benefits payable under the National Pensions Act, pay a gratuity –

- (a) to the spouse of the deceased office attendant; or
- (b) where there is no surviving spouse, to the dependants of the deceased office attendant, in equal proportions.

(2) The gratuity referred to in subparagraph (1) shall be –

- (a) calculated on the basis of 15 days' remuneration per year of service of the deceased office attendant; and
- (b) paid in a lump sum.

(3) In this paragraph –

“dependant” means any person who was living in a deceased office attendant's household and was wholly or partly dependant on the earnings of the office attendant at the time of the death of that office attendant;

“spouse” means the person with whom a deceased office attendant contracted a civil or a religious marriage and with whom the office attendant was living under a common roof at the time of his death; and

“year of service” shall be computed as from the first day of the period during which an office attendant has been in continuous employment with the same employer up to his last day of employment with that employer.

22. Extra remuneration for public holidays

(1) Where an office attendant, other than a monthly-paid office attendant, remains in continuous employment with the same employer for a period of 12 consecutive months, the office attendant shall be entitled, in the following 12 months, to a normal day's pay in respect of every public holiday, other than a Sunday, that occurs while he is in the service of the employer and on which he is not required to work.

(2) Where an office attendant is required to work on a public holiday other than a Sunday, the office attendant shall be paid, at the end of the next pay period –

(a) in the case of an office attendant who would otherwise have been entitled to a normal day's pay under subparagraph (1), the normal day's pay;

(b) in the case of a monthly-paid office attendant, his monthly wages,

in addition to any wages for extra work due to him under paragraph 4.

23. Certificate of employment

(1) Where the employment of an office attendant is terminated by his employer or, where an office attendant leaves the employment of an employer, the employer shall, not later than on the last working day of the office attendant, issue to that office attendant, a certificate stating the duration of employment, the post held and if the office attendant so wishes, the basic wages of the office attendant.

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