

**RESEARCH, LEGISLATION AND LABOUR
STANDARDS DIVISION**

**TAILORING
TRADE**

REMUNERATION ORDER

REGULATIONS 2001



THE INDUSTRIAL RELATIONS ACT

REGULATIONS MADE BY THE MINISTER UNDER SECTION 96 OF THE INDUSTRIAL RELATIONS ACT

GN No 4 of 2002 Effective as from 01.08.2001

GN No. 187 of 2002 wef 01.07.02 GN No.176 of 2003 wef 01.07.03

GN No.162 of 2004 wef 01.07.04

Previous :

(GN No. 160 of 1976, 68/79, 80/81, 332/81, 129/83, 212/83, 147/90, 196/97, 142/98, 131,99, 170/2000, 137/2001)

1. These regulations may be cited as the Tailoring Trade (Remuneration Order) Regulations 2001.

2. In these Regulations -

"continuous employment" means the employment of an employee under an agreement or under more than one agreement with the same employer where the interval between an agreement and the next does not exceed 28 days;

"earnings" -

- (a) means basic wages; and
- (b) includes -
 - (i) wages for work done in excess of a normal day's work or on a public holiday;
 - (ii) remuneration paid under paragraphs 4, 6(1) and (3), 7, 8(1)(a) and (3) of the Second Schedule;

"employee"-

- (a) means a person employed by a tailoring merchant or in a tailor's shop;
- (b) does not include an employee governed by the -
 - (i) Distributive Trades (Remuneration Order) Regulations 1983;
 - (ii) Export Enterprises (Remuneration Order) Regulations 1984;

(iii) Factory Employees (Remuneration Order) Regulations 2001;

"learner" means a person who is employed solely for the purpose of learning and acquiring skill in the tailoring sector;

"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) 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 appropriate additional remuneration payable under the Additional Remuneration Act.

4. Any agreement by an employee 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 paying an employee remuneration at a rate higher than that specified in the First Schedule or from providing him with conditions of employment more favourable than those specified in the Second Schedule;
- (b) authorise an employer to reduce an employee's remuneration or to alter his conditions of employment so as to make them less favourable.

6. The Tailoring Trade (Remuneration Order) Regulations 1976 are revoked.

7. These regulations shall be deemed to have come into operation on 01 August 2001.

Made by the Minister on 27 December 2001.

SECOND SCHEDULE

(regulation 3)

1. Normal working hours

The normal working week for every employee shall consist of 45 hours, excluding time allowed for meal and tea breaks, made up of -

- (a) 8 hours on each of 5 days of the week other than a public holiday;
- (b) 5 hours on 1 day of the week, other than a public holiday, which shall be the same day every week.

2. Extra work

An employee who -

- (a) works on a public holiday shall be remunerated -
 - (i) for the first 8 hours, at twice the basic rate;
 - (ii) thereafter, at 3 times the basic rate;
- (b) performs more than a normal day's work on any other day, shall be remunerated at one and a half times the basic rate.

3. Notional calculation of Basic Rate

For the purpose of determining remuneration due for extra work or any other cause -

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

4. 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 First Schedule by 10%.

- (2) Where an employee is required to perform piece rate work on a public holiday or in excess of a normal day's work, he shall be remunerated at a rate which shall not be less than a sum exceeding that to which he would be entitled under paragraph 2 by 10%.

5. End of year bonus

- (1) Where an employee has remained in continuous employment with the same employer for one year, he shall be entitled, at the end of that year, to an end of year bonus equivalent to 1/12 of his earnings for that year.
- (2) Every employee 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 during his employment in that year,shall be entitled at the end of that year to a bonus equivalent to 1/12 of his earnings for that year.
- (3) 75% of the expected bonus specified in subparagraphs (1) and (2) shall be paid not later than 5 working days before 25 December and the balance not later than the last working day of the same year.

6. Annual leave

- (1) Where an employee has remained in continuous employment with the same employer for 12 consecutive months, he shall be entitled in the following 12 months to 14 working days' leave on full pay to be taken at such time as the employer and the employee may agree.
- (2) Where the employer and the employee are unable to agree as to when the leave under subparagraph (1) is to be taken, half of the leave period shall be fixed by the employer and the other half by the employee.
- (3) Where an employee has not taken or been granted leave to which he is entitled under this paragraph, he shall, except if he is, before the expiry of the period of twelve months, dismissed for misconduct, be paid a normal day's pay in respect of each day's annual leave still due at the end of that period.

7. Sick leave

- (1) Subject to subparagraph (2), where an employee who has remained in continuous employment with the same employer for 12 consecutive months, he shall, during the following 12 months, be entitled to 21 days' sick leave on full pay.
- (2) Where an employee is absent owing to illness, he shall notify his employer on the first day of absence and, if he remains ill for more than 4 consecutive days, he shall forward a medical certificate to that effect so as to reach his employer not later than the fifth day of absence.
- (3) The employer may, at his own expense, cause an employee who is absent on ground of illness to be examined by a medical practitioner of his choice, with the employee's consent.

8. Maternity benefits

- (1) Subject to subparagraph (2), where a female employee has remained in continuous employment with the same employer for 12 months immediately preceding her confinement, she shall, on production of a medical certificate, be entitled to -
 - (a) 12 weeks' leave on full pay to be taken at her discretion before and/or after confinement provided that at least 6 weeks' leave shall be taken immediately following the confinement; and
 - (b) an allowance of **1,000 rupees** payable within 7 days of her confinement.
- (2) Where a female employee who has at any time had three confinements is pregnant, she shall not be entitled to the benefits specified in subparagraph (1), but she shall be entitled to only the leave specified in subparagraph (1)(a) without pay.
- (3) Where a female employee suffers a miscarriage, she shall, on production of a medical certificate, be entitled to a maximum of 2 weeks' leave on full pay.

9. Meal allowance

Where an employee who has completed a normal day's work is required to work after 7 p.m. he shall, in addition to any remuneration due under paragraph 2, be paid a meal allowance of **25 rupees** per day.

10. Transport benefits and facilities

- (1) Where the distance between an employee's residence and the place of work exceeds 3 kilometres, the employee shall, unless the employer provides transport benefits and facilities, be entitled to the return bus fare.
- (2) Where an employee is required by his 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 -
 - (a) from the employee's residence to his place of work; or
 - (b) from the employee's place of work to his residence,such transport being provided from, or up to, the nearest practicable place from the employee's residence.

11. Gratuity at death or on retirement before 60

- (1) Subject to subparagraph (2), every employer shall pay a gratuity where an employee -
 - (a) dies; or
 - (b) retires before the age of 60 on ground of permanent incapacity to perform his work duly certified by a Government Medical Officer, provided the employee has been in continuous employment for not less than 10 years with the employer.
- (2) Where the death of an employee occurs after the age of 60, the gratuity under subparagraph (1) shall be payable only if the employee has not been paid severance allowance by the employer in accordance with the Labour Act on or after reaching the age of 60.
- (3) The gratuity shall be paid -
 - (a) in a lump sum and calculated according to the formula " $N \times W/2$ ", where " N " means the number of years of service and " W " means the last monthly wage;
 - (b) to the employee or the deceased employee's spouse or where he leaves no spouse, in equal proportions to his dependants;
 - (c) irrespective of any benefits the employee or the deceased employee's spouse or his dependants, as the case may be, may be entitled to under the National Pensions Act.

