

<p style="text-align: center;">SUGAR INDUSTRY (AGRICULTURAL WORKERS) REMUNERATION ORDER</p>
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This Remuneration Order was made by the Minister of Labour and Industrial Relations upon recommendations from the National Remuneration Board under section 96 of the Industrial Relations Act 1973. It sets down the minimum rates of wages and conditions of employment in respect of certain categories of workers.

*The first Remuneration Order in respect of this sector was made on **27 September 1974** by the then Minister of Labour and Industrial Relations. Prior to that, the wages and conditions of employment were governed by Wages Regulation Orders made under the Regulation of Wages and Conditions of Employment Ordinance, 1961.*

An employer may pay a worker remuneration at a rate higher than that prescribed in the Remuneration Order and provide him with more favourable conditions of employment but on no account should he reduce a worker's remuneration or alter his conditions of service so as to make them less favourable than what is stipulated in the Remuneration Order.

Any employer who fails to comply with any of the provisions of the Remuneration Order shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months and to a fine not exceeding two thousand rupees.

THE INDUSTRIAL RELATIONS ACT

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

GN No. 214 of 1983 Effective 01.10.1983

GN 64 of 1985	wef	1.10.83	GN 65 of 1986	wef	1.06.86
GN 79 of 1987	“	1.07.87	Act 36 of 1988		
GN 191 of 1989	“	10.12.88	Reprint 1 of 1990		
GN 145 of 1990	“	1.02.90	Act 40 of 1993	wef	14.12.93
GN 8 of 1995	“	30.01.95	GN 9 of 1995	“	30.01.95
GN 45 of 1995	“	20.04.95	GN 194 of 1997	“	1.07.97
GN 140 of 1998	“	1.07.98	GN 129 of 1999	“	1.07.99
Reprint 2/1999			GN 168 of 2000	“	1.07.2000
GN 135 of 2001	“	1.07.2001	Act 20 of 2001		
GN 185 of 2002	“	1.07.2002	GN 174 of 2003	“	1.07.2003
GN 160 of 2004	“	1.07.2004			

1. These regulations may be cited as the **Sugar Industry (Agricultural Workers) (Remuneration Order) Regulations 1983.**

2. (1) In these regulations:-

"**Act**" means the Industrial Relations Act;

"**chief watchman**" means a watchman who is in charge of every watchman employed on an estate and its annexes;

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

"**earnings**" means -

- (a) basic wages;
- (b) wages for work done in excess of a normal day's work or on a public holiday; and
- (c) any allowance or bonus paid under paragraphs 5, 6, 7, 11 or 12 of the Second Schedule;

"employer" means any person who employs a worker;

"field worker (male/female)" means a worker who performs manual tasks related to agriculture;

"gardener" means a worker who is sufficiently skilled as to be able on his own to sow seeds, trim hedges, prepare flower beds and generally tend plants;

"hospital servant" means a worker who is attached to an estate hospital -

- (a) for the purpose of doing messenger's work or assisting a dresser; and
- (b) is not required to clean the hospital premises;

"intercrop season", in relation to an employer means the period intervening between the end of a harvest and the beginning of the next harvest; **(Amended GN 8/95)**

"job contractor" has the same meaning as in the Labour Act; **(Act 20 of 2001)**

"land" means a land on which canes are, or are intended to be, cultivated;

"light field work" includes tidying and cleaning in camps, offices and factory yards, doing light weeding, gate keeping, supplying of drinking water to other workers and working as herdsman and in stables and handling manure;

"light trimming" means the operation commonly known as "passe la serpe pour enlever la paille gonflée" whilst cutting canes; **(Amended GN 79/87)**

"marqueur" means a worker who records the presence at work of other workers and performs other minor clerical duties;

"miller" has the same meaning as in the Cane Millers and Planters Arbitration and Control Board Act;

"normal day's work" has the meaning assigned to it in paragraph 1 of the Second Schedule;

"overseer (grade 1)" means a worker who is responsible for supervising the work of not more than 24 workers and required to -

- (a) complete his daily duties;

- (b) be in attendance when payment of wages is effected to workers under his supervision;
 - (c) prepare the weekly paysheet of workers under his supervision on the required form;
 - (d) record the attendance of workers under his supervision, or the task set to each worker, or the amount of work done or the money earned by each worker per day;
- (Amended GN 79/87)**

"overseer (grade 2)" means a worker responsible for supervising the work of other workers;

"owner" in relation to land, includes a lessee or a beneficial occupier;

"pensioner" means a worker who is in receipt of a pension under the Sugar Industry Pension Fund Act, the Sugar Industry Retiring Benefits Act or the National Pensions Act;

"regular labour force" has the meaning assigned to it in Part V of the Labour Act;

"special category" in relation to a worker, refers to a worker who does light field work and is employed in accordance with section 98 of the Act;

"stipulated hours" means the hours specified in paragraphs 1 and 1A of the Second Schedule; **(Amended by GN 80 of 2010)**

"trade union" means a trade union in respect of which the Registrar of Associations has issued a certificate stating that the union represents not less than twenty-five per cent of the workers employed by an employer;

"watchman (grade 1)" means a watchman who is in charge of the offices or the annexes of an estate;

"watchman (grade 2)" means a watchman other than a chief watchman or a watchman (grade 1);

"worker"

- (a) means a worker employed in the sugar industry;
- (b) includes –
 - (i) a worker previously described or commonly known, in the sugar industry, as –
 - (A) a field worker;

- (B) a watchman;
- (C) a night soil worker;
- (D) a hospital servant;
- (E) an overseer;
- (F) a platelayer;
- (G) a marqueur; or
- (H) a loco-stoker; and
- (ii) a worker whose work is allied to or substantially comparable to the work done by a worker specified in paragraph (b)(i) of this definition; and
- (iii) a worker employed by a job contractor; **(Act 20 of 2001)**
- (c) does not include -
 - (i) a worker to whom the Sugar Industry (Non-Agricultural Workers) (Remuneration Order) Regulations 1985 applies;
 - (ii) a person employed by the Mauritius Sugar Industry Research Institute.

"working day" has the same meaning as in the Labour Act;

"young person" means a worker who has attained the age of 15 years but is under the age of 18 years.

- (2) A worker shall be deemed to be employed in the sugar industry if he is employed on an express or implied contract of service, by or on behalf of a miller or an owner of land, or by a job contractor, to do any work mainly concerned with - **(Act 20 of 2001)**
 - (a) the preparation of land, the growing, harvesting, or processing of canes, the construction, repair or maintenance of roads, bridges or water works wholly or substantially required for the purposes of the sugar industry, and any other work incidental to the exploitation of land; or
 - (b) the transport of canes, sugar, materials or supplies used in connection with any work specified in paragraph (2) (a).
- 3.** (1) Subject to these regulations and to paragraph 5 of the Second Schedule, every worker 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) Where, for more than 6 days, a worker continuously replaces a worker drawing a higher remuneration, he shall, as from the first day of replacement and for so long as he continues to replace the other worker, be remunerated at the rate specified for the other worker. **(Amended GN 79/87)**
- (3) Paragraphs 9 to 11, 13 to 19, 23, 24, 30, 32 and 33 of the Second Schedule shall not apply to a worker employed by or on behalf of an employer whose total area of land does not , in the aggregate, exceed 25 arpents. **(Amended GN 65/86)**
- (4) Paragraphs 7, 9, 10, 11(3) to (7), 13(2), (3) and (4), 14 to 28 and 30 to 33 of the Second Schedule shall not apply to a worker employed by a job contractor. **(Act 20 of 2001)**
- (5) Every field worker (female) employed on an 8-hour day and whose former basic wage or salary was **Rs 2929.84** per month or **Rs 112.69** per day shall be paid , in lieu of her integrated wage or salary, a wage or salary of **Rs 3061.84** per month or **Rs 117.76** per day . **(GN 160/2004)**
4. Any agreement by a worker to relinquish his eligibility for a paid holiday or to forego a paid holiday shall be void.
5. (1) Every employer who owns either a sugar factory or more than 100 arpents of land under sugar cane cultivation shall define clearly in writing the qualifications and duties of all categories of workers in his employment and shall make such document available to any worker at his request or to any trade union which has negotiating rights or representational status with him. **(Amended Act 36/88)**
- (2) Where a vacancy occurs other than in the grade of field workers or a new post is created at any level of the hierarchy in his enterprise, the employer shall advertise such vacancy or new post by a notice conspicuously displayed outside his main office and sub-offices, if any, and, before having recourse to external recruitment, consider offering the vacant or new post to his workers in the lower grade. **(Amended Act 36/88)**
6. (1) Where an employer who owns either a sugar factory or more than 100 arpents of land under sugar cane cultivation needs to provide training for the performance of a work in his enterprise, he shall, when selecting the appropriate person, give

consideration in priority to his workers who hold appropriate qualifications.

- (2) Where a worker is selected for training under paragraph (1), he shall be entitled to paid time off during the training period. **(Amended Act 36/88)**
- 7.**
 - (1) Nothing in these regulations shall prevent an employer from paying a worker, remuneration at a rate higher than that specified in the First Schedule or from granting him conditions of employment more favourable than those specified in the Second Schedule.
 - (2) Nothing in these regulations shall authorise the employer of a worker in his service at the date of the commencement of these regulations to reduce the worker's remuneration or to alter his conditions of employment so as to make them less favourable to the worker.
 - (3) Where, as at 30 June 1987, a worker was being paid remuneration at a rate higher than that specified in the First Schedule for his category, the employer shall as from 1 July 1987, pay to the worker an additional remuneration of 15 per cent of that specified rate. **(Amended GN 79/87)**
- 8.** Every employer who is a miller or an owner of land shall conspicuously display a copy of these regulations near the entrance to every office or sub-office of his undertaking or business so that it may be inspected by every worker.
- 9.** The rates specified in regulation 3(5), the First Schedule and paragraphs 5 and 6 of the Second Schedule include the appropriate additional remuneration payable under the Additional Remuneration Act .
- 10.** The Sugar Industry (Agricultural Workers)(Remuneration Order) Regulations 1974 are revoked.
- 11.** These regulations shall be deemed to have come into operation on 1 October 1983.

Made by the Minister on 30 December 1983

SECOND SCHEDULE
(regulation 3)

1. HOURS OF WORK DURING CROP SEASON (Amended GN 8/95)

- (1) Subject to subparagraph (4), where a worker other than a watchman is employed otherwise than on task work, the length of a normal day's work, excluding any time allowed for a meal break shall be -
 - (a) on a Saturday, 5 hours; and
 - (b) on every other day which is not a public holiday
 - (i) 6 hours for a special category worker or a female worker after she has entered on the seventh month of pregnancy;
 - (ii) 7 hours for every other worker. **(Amended by GN 80 of 2010)**
- (2) Subject to subparagraph (4), where a worker other than a watchman is employed on task work, he shall be deemed to have performed a normal day's work if -
 - (a) excluding any time allowed for a meal break he remains diligently at work for -
 - (i) 5 hours on a Saturday; or
 - (ii) 6 hours on every other day which is not a public holiday; or
 - (b) he completes the task allotted to him.
- (3) The task allotted to a worker, other than a watchman, on a Saturday shall be equivalent to five-sixths of the task allotted on any other day which is not a public holiday.
- (4) The length of a normal day's work for a watchman shall be 10 hours on every day which is not a public holiday. **(Amended by GN 80 of 2010)**

1A. HOURS OF WORK DURING INTERCROP SEASON (GN 8/95)

- (1) Subject to subparagraph (3), where a worker other than a watchman is employed otherwise than on task work, the length of a normal day's work, excluding any time allowed for a meal break, shall be—
 - (a) 6 hours on every day, other than a Saturday or a public holiday, for a special category worker or for a female worker after she has entered on the seventh month of pregnancy;

- (b) 8 hours on every day other than a Saturday or a public holiday.
- (2) Subject to subparagraph (3), where a worker, other than a watchman, is employed on task work, he shall be deemed to have performed a normal day's work if—
 - (a) excluding any time allowed for a meal break, he remains diligently at work for 6 hours on everyday other than a Saturday or a public holiday; **(Amended GN45/95)**
or
 - (b) he completes the task allotted to him.
- (3) The length of a normal day's work for a watchman shall be 12 hours on every day other than a Saturday or a public holiday. **(amended by GN 80 of 2010)**
- (4) Except where he voluntarily undertakes to do so, no worker other than a watchman shall be required to work either on a Saturday or a public holiday during intercrop season. **(Amended GN45/95)**

2. ADDITIONAL WORK (Amended GN 80 of 2010)

- (1) Subject to subparagraph (2), where a worker works on any week day in excess of the stipulated hours or works during intercrop season on any Saturday which is not a public holiday, the employer shall, in respect of the additional work, remunerate the worker at not less than one and a half times the rate at which the work is remunerated when performed during the stipulated hours.
- (2) Where a worker works on a public holiday, the employer shall, in addition to the remuneration payable, remunerate the worker in respect of any work done –
 - (a) during the stipulated hours, at not less than twice the rate at which the work is remunerated when performed during the stipulated hours on a week day;
 - (b) in excess of the stipulated hours, at not less than 3 times the rate at which the work is remunerated when performed during the stipulated hours on a week day.

3. NOTIONAL CALCULATION OF HOURLY RATES (Amended GN 80 of 2010)

For the purpose of calculating remuneration –

- (a) for work done in excess of a normal day's work;

- (b) for work performed on a public holiday;
- (c) for task work;
- (d) in respect of deductions for absences;
- (e) for workers paid at a daily rate; and
- (f) for any other reason,

a month shall be deemed to consist of 22 days during intercrop season and 26 days during crop season and the basic hourly rate shall be calculated according to the formula –

- (i) $W/260$, in the case of a watchman;
- (ii) $W/173.33$, in the case of any other worker,

wherein "W" means the monthly basic wage of the worker.

4. TASK WORK

- (1) Field work, wherever possible, shall be performed on a task basis and measured by the gaulette.
- (2) Where a task includes the weeding of a road adjacent to a field, that weeding shall be measured separately and remunerated at a rate which shall not be less than the rate for weeding the field, increased by 10 per cent.

5. RATES OF PAY FOR CUTTING AND/OR LOADING (GN 160/2004)

- (1) Subject to subparagraphs (2) and (3), cutting and/or loading of properly trashed canes shall be paid for by weight at a rate not below the following rates per tonne:
 - (a) cutting and carrying canes over a distance not exceeding 15 gaulettes and loading—
 - (i) in trailers drawn by Scammell type wheel tractors **Rs147.99**
 - (ii) in lorries **Rs138.76**
 - (iii) in tramway wagons and baskets **Rs129.52**
 - (iv) in low trailers drawn by Ferguson type wheel tractors **Rs129.52**
 - (b) cutting and carrying canes over a distance not exceeding 15 gaulettes and stacking at not more than 3 gaulettes from the point of loading **Rs113.72**
 - (c) cutting canes **Rs74.01**

- (d) loading canes in Scammell type trailers—
 - (i) if carried over a distance not exceeding 3 gaulettes **Rs68.43**
 - (ii) if carried over a distance exceeding 3 gaulettes but not exceeding 15 gaulettes **Rs83.33**
- (e) loading canes in trailers other than that of the Scammel type—
 - (i) if carried over a distance not exceeding 3 gaulettes **Rs61.09**
 - (ii) if carried over a distance exceeding 3 gaulettes but not exceeding 15 gaulettes **Rs74.01**
- (f) loading canes in lorries -
 - (i) if carried over a distance not exceeding 3 gaulettes **Rs66.45**
 - (ii) if carried over a distance exceeding 3 gaulettes but not exceeding 15 gaulettes **Rs80.10**
- (g) cutting canes collectively up to and not exceeding 5 lines and windrowing the cut canes on one line for mechanical loading **Rs77.71**
- (h) cutting canes up to and not exceeding 3 lines and stacking the cut canes in stacks of 400kgs or thereabout for mechanical loading **Rs77.71**
 - (i) cutting canes collectively on more than 3 lines but not exceeding 6 lines and stacking the cut canes in stacks of 400kgs or thereabout for mechanical loading **Rs81.34**
- (2) Where a worker is required to dig ruts and remove straw for stacking cut canes for mechanical side-loading he shall be paid an allowance of not less than **Rs3.76** per tonne.
- (3) (a) Where canes have not been properly trashed within 3 weeks of cutting, an additional **Rs15.51** per tonne shall be paid to the worker who may, in such cases be required by the employer to carry out light trimming with a bill-hook.

- (b) Where canes have not been properly trashed within 3 weeks of cutting and the worker is not required to carry out light trimming, he shall be paid an allowance to be agreed upon between the worker and the employer, but which shall not be less than 33% of the allowance payable under sub-paragraph (a).
- (c) Where at the time of cutting, a full trashing is required owing to the condition of the canes, such work shall be paid for at a rate to be agreed upon between the employer and the worker or, failing such agreement, at a rate to be fixed by the Minister.
- (d) Where canes have to be carried over a distance of more than 15 gaulettes in a field, the relevant rates for cutting and loading or for cutting or loading done separately shall be increased by **Rs 1.23** per tonne for each additional gaulette or fraction of a gaulette, and such increased rates shall be paid for, on the total amount of canes cut/ or loaded by the worker in the field.
- (e) Where a worker has, during cutting, to move straw from one interline to another, he shall be paid an additional **Rs10.78** per tonne of canes cut.
- (f)
 - (i) Where the yield of canes is less than 20 tonnes per arpent, the relevant rates for cutting and loading shall be increased by not less than **Rs12.76** per tonne and the relevant rates for cutting or loading done separately shall be increased by not less than **Rs6.36** per tonne.
 - (ii) Where the yield of canes is less than 10 tonnes per arpent, the relevant rates for cutting and loading shall be increased by not less than **Rs17.26** per tonne and the relevant rates for cutting or loading done separately shall be increased by not less than **Rs8.26** per tonne.
- (g)
 - (i) Where at the point of loading, there is a difference in level, other than a slope of more than 2 feet, an additional allowance of **Rs5.97** per foot per tonne shall be paid for each additional foot or part of a foot, in excess of the 2 feet.
 - (ii) The difference in level shall be measured by the perpendicular distance between the level of the field and that of the road at the point of loading and, where there is no road, by the perpendicular distance between the level of the field and that of

the ground on which the vehicle rests at the time of loading.

- (h) Where the gradient of the slope in a field is steeper than 1 in 3, an additional **Rs11.34** per tonne shall be paid.
- (i) Where, in any week, a worker -
 - (i) attends work on not less than 5 days; and
 - (ii) earns not less than the minimum basic wage each day, he shall be paid a bonus equivalent to 5 per cent of his weekly earnings.
- (j) Where a worker is required to carry canes for loading across the lines "**saute muraille**" also known as "**barfe**" he shall be paid an allowance of **Rs4.56** per tonne in addition to the relevant rates specified in sub-paragraph (1).

6. PRODUCTIVITY BONUS

Every worker who does cutting and/or loading of canes in the crop season shall be entitled to a productivity bonus representing a percentage of his actual earnings over a period of a fortnight according to the following table— **(GN 160/2004)**

Productivity Bonus	Fortnightly Earnings	
5% on earnings	between Rs2153 and	2639
6% "	not exceeding	2932
7% "	"	3231
8% "	"	3478
9% "	"	3641
10%	"	"
3952		
11% "	"	4152
12% "	"	4496
13% "	"	4723
14% "	"	5034
15% "	exceeding	5034

7. DISTURBANCE ALLOWANCE

Where a worker is required, at the end of the crop on one estate, to help terminate the crop on another estate, irrespective of regions, he shall be entitled to a disturbance allowance of—

- (a) in the case of a field worker, **Rs10** daily;
- (b) in the case of an overseer, **Rs25** daily.

(Amended GN 79/87)

8. LIMITATIONS ON ASSIGNMENT OF WORK

- (1) No field worker (female) or young person shall be compelled to do -
- (a) holing;
 - (b) uprooting;
 - (c) forking;
 - (d) crowbar work;
 - (e) loading;
 - (f) cutting;
 - (g) heavy cleaning or clearing;
 - (h) heavy buttage;
 - (i) any work involving the carrying of a load of more than 18 kilos;
 - (j) epierrage;
 - (k) ploughing while in charge of other workers;
 - (l) stub (souche) plantation;
 - (m) facing of stones (parmentage);
 - (n) altering the position of stone wall in accordance with the current practice in the northern region;
 - (o) furrowing after subsoiling;
 - (p) cutting and loading canes for planting;
 - (q) burying leguminous plants without ploughing; or
 - (r) handling of bagasse cubes.

(Amended GN 79/87)

- (2) No female worker shall, after she has entered on the seventh month of pregnancy, be required to do any work other than light field work.
- (3) No young person shall be required to do -
- (a) any work other than unskilled field work;
 - (b) work under rollers;
 - (c) work as a sample boy;
 - (d) work as cleaner or stoker feeding bagasse or centrifugal helper.

- (4) No field worker shall be required to perform "*sens inverse*" light trimming.
(Amended GN 79/87)
- (5) No female worker referred to in regulation 3(5) shall be required to perform any operation comprised in plantation of canes.
- (6)
 - (a) Subject to sub-subparagraph (b), no male worker above the age of 55 years shall be compelled to carry or load canes.
 - (b) A male worker above the age of 55 years may be required to carry canes where he is performing the duties, and is paid at the rate specified in paragraph 5(1)(g), (h) or (i).
(Amended GN 65/86)
- (7) Where a female worker is required to carry a basket of scum, sand, manure or cane tops, the employer shall cause a male worker to be present to help her lift the basket.
- (8) No female worker above the age of 55 years shall be compelled to carry sand or scum. **(Amended GN 65/86)**

9. CONVERSION TO MONTHLY EMPLOYMENT

Every daily worker who has completed 24 months' continuous employment with the same employer in a grade shall be classified as a monthly worker in that grade and shall be paid accordingly with effect from the first day of the next ensuing month.

10. PAYMENT OF WAGES

- (1) Every monthly worker shall be paid his wages in 2 instalments, not later than the fifteenth and the last working day of the month.
- (2) Every daily worker shall be paid his wages during working hours
 - (a) on Saturday, during the crop season;
 - (b) on the last working day of the week, during the intercrop season.
(Amended GN8/95)
- (3) All payments of wages shall be made at the estate office or sub-office.
- (4) Every worker shall, within 72 hours after every payment receive a payslip showing -
 - (a) his name;

- (b) his total wages and allowances;
 - (c) the number of working days; and
 - (d) the number of days on which he was present at work.
- (5) Where a day on which a worker attends work is not a working day, he shall be informed of the fact on the same day.

11. OVERSEERS' ALLOWANCE

- (1) Every overseer who is in charge of the spraying of herbicides or pesticides shall be paid an allowance of **Rs1.35** for each day on which he performs such work.
- (2) Every overseer affected to the supervision of workers engaged in cutting and loading of canes shall be entitled to an allowance of 0.6% of the wages (excluding the regularity and productivity bonus) of the workers under his supervision for each day on which he performs such work.

(Amended GN 79/87)

- (3) (a) Subject to sub-paragraph (4), every overseer who is employed on a monthly basis and is not provided with housing accommodation by his employer shall be entitled to an allowance of—
- (i) **Rs65.00**, if he is single;
 - (ii) **Rs75.00**, if he is married and has no dependent child;
 - (iii) **Rs80.00**, if he is married and has up to 2 dependent children;
 - (iv) **Rs85.00**, if he is married and has more than 2 dependent children.

(Amended GN 79/87)

- (b) For the purpose of sub-paragraph (a), "dependent child" means a child or an adopted child under the age of 18 who is living with and is wholly or substantially maintained by the overseer.
- (4) Where the rent paid by an overseer is higher than the allowance he receives under subparagraph (3), he shall be entitled to an additional allowance representing the difference between the rent paid and the allowance up to a maximum of -
- (i) **Rs10.00** if he is single;
 - (ii) **Rs15.00** if he is married.
- (5) No overseer shall be required to carry -

- (a) water for the workers under his supervision; or
 - (b) any tool or other material.
- (Amended GN 79/87)**

- (6) All stationery, pens or pencils used by an overseer in connection with his work shall be provided by his employer.
(Amended GN 79/87)
- (7) Every overseer who is required to go from house to house after working hours in order to inform workers under his supervision of a change of site of work, shall be entitled to an allowance of **Rs25** on each occasion he performs such extra work.
(Amended GN 79/87)

12. FIELD WORKERS' ALLOWANCE

- (1) Every field worker (male) who, in the course of a normal day's work, is required to do—
 - (a) heavy clearing;
 - (b) holing;
 - (c) uprooting;
 - (d) forking;
 - (e) ploughing while in charge of other workers;
 - (f) stub (souche) planting;
 - (g) facing of stones (parmentage);
 - (h) altering the position of stone walls in accordance with the current practice in the northern regions;
 - (i) furrowing after subsoiling;
 - (j) cutting and loading canes for planting;
 - (k) burying leguminous plants without ploughing;
 - (l) handling of bagasse cubes;
 - (m) crow-bar work; or
 - (n) epierrage,shall be entitled to an allowance equivalent to not less than 15 per cent of his wages for that day.
- (2) Every field worker, (female) who, in the course of a normal day's work, is required to do trashing, relevage de paille, spreading of fertilizer or any operation comprised in planting including the application of ash, sand, scum and manure shall be entitled to an allowance equivalent to not less than 15 per cent of her wages for that day.

- (3) Every worker who, in the course of a normal day's work is required to spray herbicides or pesticides or to do stone or concrete breaking, shall be entitled to an allowance equivalent to not less than 20 per cent of his wages for that day.
- (4) Where a worker who is engaged to spray herbicides or pesticides is, owing to climatic conditions, required to stop such work after 2 hours and perform some other work, he shall be entitled to the allowance specified in subparagraph (3).
- (5) Every male field worker who, in the course of a normal day's work, is required to cut cane tops shall be entitled to an allowance equivalent to not less than 15 per cent of his wages for that day.
(Amended GN 65/86)
- (6) (a) Every field worker who, in the course of a normal day's work, is required to do trashing for mechanical loading, shall be paid an allowance of **Rs5** for that day.
(Amended GN 79/87)
- (b) In the case of a field worker (female), the allowance specified in subparagraph (6)(a) shall be paid in addition to the allowance payable under subparagraph (2).
(Amended GN 79/87)

13. TRAVELLING BENEFITS

- (1) Every worker shall, where the distance between his residence and his site of work exceeds 3.2 km (2 miles) be entitled to free transport or be paid a daily allowance equivalent to the full return bus fare between his residence and the most practicable place nearest to his site of work.
(Amended GN 79/87)
- (2) Every employer shall provide an autocyple to every marqueur who is required to cover a distance of 5 miles or more daily from the estate's office so as to perform his duties, such autocyple remaining the employer's property and the cost of running and maintaining it being borne by him.
- (3) Every watchman who –
- (a) is solely engaged in patrolling sugar cane plantations; and
- (b) has not been issued with a bicycle by his employer,
- shall, in addition to the allowance payable to him under subparagraph (1), be entitled to a bicycle allowance of **Rs1.25** in respect of each day on which he performs those duties.
(Amended GN 65/86)

- (4) Every overseer who has not been issued with a bicycle by his employer shall, in addition to the allowance payable to him under subparagraph (1), be entitled to an allowance of **Rs1.25** in respect of each day on which he comes to work on a bicycle.
(Amended GN 79/87)

14. END OF YEAR BONUS

- (1) Every worker who has worked for the same employer in a year shall be entitled, at the end of that year to—
- (a) a bonus equivalent to 18 per cent of his yearly earnings if he has, both during the crop and intercrop seasons of that year, performed a number of normal days' work which is not less than 62 per cent and not more than 75 per cent of the number of days of work of the crop and the intercrop seasons taken together; or
- (b) a bonus equivalent to 20 per cent of his yearly earnings if he has, both during the crop and intercrop seasons of that year, performed a number of normal days' work which is more than 75 per cent but not more than 85 per cent of the number of days of work of the crop and the intercrop seasons taken together; or
- (c) a bonus equivalent to 22 per cent of his yearly earnings if he has, both during the crop and intercrop seasons of that year, performed a number of normal days' work which is more than 85 per cent of the number of days of work of the crop and the intercrop seasons taken together.

(Amended Act 36 of 1988)

- (2) Every worker who does not qualify for a bonus under subparagraph (1), shall be entitled to be paid a bonus equivalent to 8.4 per cent of his yearly earnings.
- (3) For the purpose of subparagraph (1) a day on which a worker -
- (a) was absent with the employer's authorisation,
- (b) has reported for work but has not been offered work by his employer, or
- (c) has absented himself on grounds of illness or injury after notification to his employer under paragraph 18 (3),
- shall count as a working day.

15. PAID LEAVE

- (1) Every daily worker who reckons a number of working days which is not less than 80 per cent of the number of working days during which his employer was harvesting his sugar cane

crop shall, in the following year, be eligible for leave on full pay as follows—

- (a) 7 working days in January to be determined by the employer; and
 - (b) every public holiday, other than a Sunday, which occurs while he is in the employment of that employer and on which he does not work.
- (2) Every worker who has been in the continuous employment of the same employer for 12 months shall in any year be eligible, in addition to the leave specified in subparagraph (1), for leave on full pay on 7 working days at any time in the year, other than the month of January.
 - (3) A worker shall, except in special circumstances, give not less than 48 hours' notice when applying for leave and the approval of the leave shall be subject to the requirements of the employer.
 - (4) Leave shall not be cumulative and shall be taken in the year in which the worker is eligible to it.
 - (5) Wages in lieu of leave shall be paid at the end of the year if the employer fails to grant any leave applied for by the worker.
 - (6) A worker who ceases to be employed after qualifying for leave under subparagraph (1) or (2) and is not lawfully dismissed for misconduct, shall be entitled to be paid for 7 working days in lieu of his January leave if he has not already taken it.
 - (7) Every watchman who works regularly on Sundays shall, in addition to the leave specified in subparagraph (1) or (2), be entitled to 3 days' paid leave in every month, one of the days being a Sunday.
 - (8) (a) Where a worker who reckons continuous employment with the same employer for a period of not less than 10 consecutive years—
 - (i) retires or is asked to retire on or after the age of 60;
 - (ii) retires before reaching the age of 60 on the ground of permanent incapacity to perform his work as certified by a Government Medical Practitioner; or
 - (iii) retires under paragraph 21,he shall be entitled to 3 months leave on full pay to be taken before retirement.

(Amended GN9/95)

- (b) For the purpose of sub-subparagraph (a), "**worker**" means a worker who is employed by an employer who owns either a sugar factory or more than 42.2087 hectares (100 arpents) of land under sugarcane cultivation.
(Amended GN9/95)

16. SPECIAL LEAVE

- (1) Every monthly worker shall be entitled to -
 - (a) 6 continuous working days' leave on full pay on the occasion of his marriage;
 - (b) 4 days' leave on full pay, on the occasion of the marriage of his child or of the death of his spouse, father, mother or child.
- (2) No worker shall claim the privilege specified in subparagraph (1) (a) more than once.
- (3) Every worker who has during the harvest season attended work on a number of days not falling below 90 per cent of the number of days on which he is required to work for his employer shall be entitled to 2 days' special leave on full pay during the following intercrop season.

17. OVERSEAS LEAVE

- (1) Subject to subparagraph (2), every employer shall allow every worker reckoning continuous employment with the same employer for a period of not less than 10 years a leave with pay of not more than 6 weeks every 10 years to be wholly spent abroad.
(Amended GN 79/87)
- (2) The leave specified in subparagraph (1) shall be taken during intercrop season and shall not be cumulative.

18. SICK LEAVE

- (1) Subject to subparagraph (3), every monthly worker who is sick shall be entitled in every year to -
 - (a) 21 working days' leave on full pay, and
 - (b) 21 days' leave on half pay if -

- (i) he is admitted to a hospital or clinic; or
 - (ii) he cannot resume work after his discharge from a hospital or a clinic and requires time to recuperate; or
 - (iii) although he is not admitted to a hospital or a clinic, it is certified by a Government Medical Officer that he is unwell and requires time to recuperate.
- (2) Subject to subparagraph (3), every daily worker who has been in continuous employment with the same employer for at least 12 months and who is sick, shall in any year, be entitled to 21 working days' leave on full pay;
- (3) Where a worker absents himself on grounds of illness, he shall notify his employer of the fact not later than the second day of absence and, where his absence lasts for more than 4 days, he shall, in addition, forward to his employer a medical certificate not later than the day following the fourth day of his absence.
- (4) Where, in any year, a worker who is entitled to sick leave under subparagraph (1) or (2) has taken less than 21 days' sick leave, he shall be paid his basic wages for every day by which that period of 21 days exceeds the number of days of sick leave taken by him.

19. SUGAR ALLOCATION

- (1) Every monthly worker who is employed by a miller shall be entitled at the end of every crop to a free allocation of 20 kilos of sugar which shall be white in the case of a miller producing white sugar.
- (2) A worker entitled to a free allocation of sugar may opt for a cash allowance representing the market value of the sugar allocation.

20. GRATUITY ON RETIREMENT

- (1) Every employer who owns either a sugar factory or more than 42.2087 hectares (100 arpents) of land under sugar cane cultivation shall pay a gratuity to or in respect of every worker who has worked for him for not less than 10 consecutive years if —
 - (a) he retires or is asked to retire on or after the age of 60;
 - (b) he retires before reaching the age of 60 on the ground of permanent incapacity to perform his work certified by a Government Medical Practitioner; or

- (c) he dies whilst he is on leave prior to retirement under paragraph 15 (8).
(Amended GN 9/1995)
- (2) (a) The gratuity shall be paid in a lump sum calculated according to the following formula—
 - (i) **30 (W - 1.23P)** where a worker reckons not more than 25 consecutive years of service; or
 - (ii) **N x 0.75 W**, where—
 - (A) a worker joins employment on or after 30 January 1995; or
 - (B) a worker reckons more than 25 consecutive years of service.
- (b) For the purpose of subparagraph (a)—
 - (i) "**W**" means either the last monthly wage or, in the case of a worker in a special category, the highest monthly wage received by the worker during his employment on the estate;
 - (ii) "**P**" means the monthly pension to which the worker is entitled on the date the gratuity under subparagraph (1) becomes payable;
 - (iii) "**N**" means the number of years of service.
(Amended GN 9/1995)
- (3) The monthly pension under subparagraph (2)(b) includes—
 - (a) any part of the pension which has been commuted to a lump sum;
 - (b) the monthly pension payable under the Sugar Industry Pension Fund Act or the pension payable under the Sugar Industry Retiring Benefits Act;
 - (c) the contributory retirement pension payable under the National Pensions Act; and
 - (d) the pension value of the lump sum payable to the worker under section 48(2) of the National Pensions Act.
- (4) For the purpose of subparagraph (3)(c), the contributory retirement pension means—
 - (a) where the worker is aged 60 or over on the date the gratuity under subparagraph (1) is due and -
 - (i) he has elected to receive the contributory retirement pension, the contributory retirement pension payable to him at that date; or

- (ii) he has not elected to receive the contributory retirement pension, the contributory retirement pension which would have been payable to him had he elected to receive that pension.
- (b) where the worker is under the age of 60 on the date the gratuity under subparagraph (1) is due, the contributory retirement pension which would have been payable had he –
 - (i) been able to retire for National Pensions purposes at that date, and
 - (ii) elected to receive that pension.
- (5) Every worker who retires before the age of 60 on the ground of permanent incapacity shall, in addition to any compensation to which he is entitled in respect of that incapacity under the Workmen's Compensation Act or under Part V of the National Pensions Act be paid the gratuity under this paragraph.
- (6) A gratuity payable to a worker under this paragraph shall be reduced by the amount of the gratuity payable to him under the Sugar Industry Retiring Benefits Act.
- (7) (a) Where a worker dies, the gratuity shall be paid—
 - (i) to the surviving spouse; or
 - (ii) where the deceased leaves no spouse, in equal proportion to his dependants.
- (b) For the purpose of this subparagraph—
 - (i) “**spouse**” means the person with whom the worker had contracted a civil or religious marriage and with whom he lived under a common roof at the time of his death;
 - (ii) “**dependant**” means the person who was living in the deceased worker’s household and wholly or partly dependent on his earnings of the time of his death.

(Amended GN 9/1995)

21. OPTIONAL RETIREMENT (Amended by GN 79/87; GN9/95 and Act 20/2001)

- (1) In this paragraph, “**worker**” means a worker who is employed by an employer who owns either more than 100 arpents of land under cane cultivation or a sugar factory.

- (2) Every monthly worker 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—
- (i) in the case of a female worker, 50 years;
 - (ii) in the case of a male worker, 55 years;
- and shall be paid a gratuity.
- (3) (a) The gratuity shall be paid in a lump sum calculated according to the formula—
- (i) **30 (W — 1.23P)**, where a worker reckons not more than 25 consecutive years of service; or
 - (ii) **N x 0.75 W**, where—
 - (a) a worker joins employment on or after 30 January 1995; or
 - (b) a worker reckons more than 25 consecutive years of service.
- (b) For the purpose of sub-subparagraph (a) —
- (i) "**W**" means either the last monthly wage or, in the case of a worker in a special category, the highest monthly wage received by the worker during his employment on the estate;
 - (ii) "**P**" means the monthly pension to which the worker is entitled on the date the gratuity under subparagraph (2) becomes payable.
 - (iii) "**N**" means the number of years of service
- (4) The monthly pension under subparagraph (3)(b) includes -
- (a) any part of the pension which has been commuted to a lump sum;
 - (b) the monthly pension payable under the Sugar Industry Pension Fund Act or the pension payable under the Sugar Industry Retiring Benefits Act;
 - (c) the contributory retirement pension payable under the National Pensions Act; and
 - (d) the pension value of the lump sum payable to the worker under section 48 (2) of the National Pensions Act.
- (5) The contributory retirement pension referred to in subparagraph (4) (c) shall -
- (a) in the case of a female worker aged 55 or over; or
 - (b) in the case of a male worker aged 58 or over;

on the date the gratuity under subparagraph (2) is due, be deemed to be the contributory retirement pension which would have been payable had the worker been able to retire under the National Pensions Act on that date.

- (6) (a) Where a worker dies while he is on leave prior to retirement under paragraph 15 (8), he shall be entitled to the gratuity payable under this paragraph.
- (b) The gratuity shall be paid—
 - (i) to the surviving spouse; or
 - (ii) where the deceased leaves no spouse, in equal proportion to his dependants.
- (c) For the purpose of this subparagraph—
 - (i) “**spouse**” means the person with whom the worker had contracted a civil or religious marriage and with whom he lived under a common roof at the time of his death;
 - (ii) “**dependant**” means the person who was living in the deceased worker’s household and wholly or partly dependent on his earnings at the time of his death.

22. GRATUITY AT DEATH

- (1) Every employer who owns either -
 - (a) more than 100 arpents of land under cane cultivation; or
 - (b) a sugar factory,shall pay a gratuity upon the death of a worker who has worked for him for not less than 24 consecutive months.
- (2) (a) The gratuity shall be paid in a lump sum and calculated according to the formula **$N \times W/2$**
 - (b) For the purpose of sub-subparagraph (a) -
 - (i) “**N**” means the number of years of service;
 - (ii) “**W**” means either the last monthly wage or, in the case of a worker in a special category, the highest monthly wage received by the worker during his employment on the estate;
(Amended by GN 9/1995)
- (3) (a) The gratuity shall be paid -
 - (i) to the surviving spouse; or

- (ii) where the deceased leaves no spouse, in equal proportion to his dependants.
- (b) For the purpose of sub-subparagraph (a)—
 - (i) "**spouse**" means the person with whom the worker hasd contracted a civil or religious marriage and with whom he lived under a common roof at the time of his death;
 - (ii) "**dependant**" means the person who was living in the deceased worker's household and wholly or partly dependent on his earnings at the time of his death.
- (4) No gratuity shall be payable where a lump sum or a pension is payable under the Workmen's Compensation Act or under Part V of the National Pensions Act.

23. MATERNITY BENEFITS (Amended GN145/90)

- (1) Subject to subparagraph (3), where a female worker 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 **Rs500** payable within 7 days of her confinement,
(Amended GN9/95)
 - (c) 800 ml of milk per day during the 3 months following her confinement or an allowance of **Rs3** per day if milk is not readily available.
- (2) Subject to subparagraph (3), where a female worker is pregnant and has worked for the same employer for not less than 150 days during the 11 months immediately preceding her confinement, she shall be entitled to -
 - (a) the leave specified in subparagraph (1)(a) on half pay; and
 - (b) the benefits specified in subparagraphs(1)(b) and (c).
- (3) Where a female worker who has at any time had 3 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.

- (4) Where a female worker suffers a miscarriage which is duly certified by the estate medical practitioner or a Government Medical Officer, she shall be entitled to a maximum of 2 weeks' leave on full pay.
- (5) When the wife of a monthly worker is pregnant and is not attended to by the estate midwife, she shall be entitled to a maternity allowance of **Rs300** unless she is entitled to an allowance under subparagraph (1).
(Amended GN 145/90)

24. GRANT TO FAMILY OF DECEASED WORKER OR PENSIONER

- (1) Where a worker dies, and he has during the 12 months immediately preceding his death, been in the continuous employment of his employer, the employer shall pay a gratuity of **Rs2,000—**
(Amended GN9/95)
 - (a) to the surviving spouse; or
 - (b) where the deceased leaves no spouse, to a member of the deceased's family designated by the employer.
- (2) Where a pensioner dies, the person who was his employer at the date of his retirement shall pay a gratuity of **Rs1,500.**
(Amended GN9/95)
 - (a) to the surviving spouse; or
 - (b) where the deceased leaves no spouse to a member of the deceased's family designated by the employer.

25. HOUSING ALLOWANCE

- (1) Every employer who owns more than 100 arpents of land under sugar cane cultivation shall pay to every monthly worker who is 18 years of age or over and for whom suitable accommodation is not provided, an allowance of
 - (a) **Rs56.00**, if the worker is unmarried;
 - (b) **Rs61.00**, if the worker is divorced by the decision of a court of law, or where there is separation supported by an affidavit;
 - (c) **Rs61.00**, if the worker is a widow or widower; or
 - (d) **Rs61.00**, if the worker is married.
(Amended GN 79/87)
- (2) For the purpose of this paragraph -

- (a) a worker shall be deemed to be married where he cohabits with a person with whom he has undergone a civil marriage or a religious union ceremony; and
- (b) where both parties to the marriage are working for the same employer, they shall be entitled to an allowance of only **Rs61.00** between them.
(Amended GN 79/87)

26. SCHOOL TRANSPORT

Every employer who owns more than 100 arpents of land under cane cultivation shall -

- (a) provide transport facilities for -
 - (i) children of his workers who attend a secondary school; and
 - (ii) children, not above 20 years of age, of his workers who attend a technical or vocational school recognised by the Ministry of Education, Arts and Culture; or
(Amended GN 79/87)
- (b) pay to the worker the appropriate return bus fare in respect of every such child.

27. MEDICAL FACILITIES

- (1) Every worker who -
 - (a) has been in continuous employment for 2 consecutive years with an employer who owns more than 100 arpents of land under sugar cane cultivation; and
 - (b) is qualified for intercrop employment during the preceding crop season, shall be entitled to -
 - (i) free medical attention from a medical practitioner nominated by his employer;
 - (ii) receive, free of charge, any drug which may be prescribed by an estate medical practitioner or by a Government Medical Officer where the drugs prescribed by him are not available at the hospital;
 - (iii) expenses not exceeding **Rs300.00** per year incurred for the dental treatment of the worker, his wife and children, which expenses are duly certified by a registered dentist and that sum or any part of it which is not claimed by the worker shall be cumulative for a period of 2 years;
(Amended GN 79/87)

- (iv) a transport allowance equivalent to the return bus fare when he is referred by the estate medical practitioner to a Government Medical Officer for treatment.
- (2) For the purpose of subparagraph (1) (iii) -
 - (a) **"dental treatment"** includes **"tooth extraction"**, **"filling of tooth"** and **"cleaning of tooth"**;
 - (b) **"wife"** means the person with whom the male worker has contracted a civil or a religious marriage and with whom he lives under a common roof;
 - (c) where both parties to a marriage are working for the same employer, the allowance shall not exceed **Rs300** per year.
(Amended GN 79/87)
- (3) Every worker engaged in spraying herbicides or pesticides shall be entitled to be medically examined once every 6 months at his employer's expense.
- (4) (a) Every worker and his dependants who reside on the estate and who fall sick at any time shall be provided with free transport by the employer to and from a Government Hospital.
 - (b) For the purpose of subparagraph (a), "*dependants*" means the spouse of the worker and his children or any person who is living with and is wholly or substantially maintained by him.
(Amended GN 79/87)

28. UNIFORMS AND PROTECTIVE EQUIPMENT

- (1) Every employer shall, at least once a fortnight, provide every worker engaged in field work with a pair of good quality gloves.
- (2) Every employer shall provide -
 - (a) one plastic raincoat every 2 years -
 - (i) to every cane-carrier worker required to work in the open;
 - (ii) to every mobile loader helper; and
 - (b) one helmet to every mobile loader helper.
(Amended GN 79/87)
- (3) Subject to subparagraph (5), every employer shall provide -

- (a) not later than 31 May of every second year, 2 pairs of boots simultaneously to every worker engaged on irrigation work or on cleaning lakes, canals or marshes;
(Amended GN 79/87)
 - (b) a plastic raincoat once every 2 years to every worker engaged on overhead irrigation work; and
 - (c) an appropriate mask to every field worker.
- (4) (a) Subject to sub-subparagraphs (b) and (c) and to subparagraph (5), every employer shall provide :
- (i) 2 pairs of boots simultaneously every two years, but not later than 31 May of every second year;
 - (ii) 2 uniforms of hard wearing material not later than 31 May in every year; and
 - (iii) a waterproof overall with short sleeves and a hood every 2 years, the pattern of which shall be agreed upon between the worker and the employer or, failing agreement, as prescribed by the Minister, but not later than 31 May of every second year;
- to every monthly worker and to every worker who becomes monthly employed.
- (b) The issue of uniforms, waterproof overall and the first pair of boots to a worker who becomes monthly employed shall be made within one month of such appointment.
 - (c) The issue of the second pair of boots in respect of the year 1987 to every worker specified in subparagraph 3(a), to every monthly worker and to every worker who becomes monthly employed shall be made not later than 1 January 1988.
 - (d) No worker shall be entitled to boots under sub-subparagraph (a) if he is already provided with boots under subparagraph 3(a).
(Amended GN 79/87)
- (5) Every employer whose total area of land under cane cultivation does not, in the aggregate, exceed 100 arpents, may instead of providing uniforms and boots to his workers, pay them an allowance at the rate of -
- (a) **Rs75.00** in lieu of one uniform,
 - (b) **Rs40.00** in lieu of one pair of boots.

- (6) (a) Every pair of gloves shall be made of rubber or of such other material as may be agreed upon between the employer and the worker.
- (b) Every pair of boots shall be mini-rubber boots.
- (c) Every article of protective clothing or equipment -
 - (i) shall bear an easily identifiable mark;
 - (ii) may remain in the worker' s possession;
 - (iii) shall remain the employer's property; and
 - (iv) shall be replaced by the employer as soon as it becomes unserviceable.
- (7) Every employer shall, once every 3 years, provide every overseer and every watchman with a good quality raincoat, other than one made of plastic.
- (8) Every worker engaged in spraying herbicides or pesticides shall be provided with such protective equipment as is specified in section 16 of the Pesticides Control Act.

29. SUPPLY OF DRINKING WATER

Every field worker shall be entitled to be supplied with a reasonable quantity of drinking water in the field.

30. WEEKLY NOTICE OF TERMINATION OF EMPLOYMENT

After 2 weeks' continuous employment with the same employer, a daily worker shall be entitled to one clear week's notice of dismissal, and the worker shall be required to give to his employer one clear week's notice of his intention to leave.

31. TRADE UNION OFFICIALS

- (1) Every worker who is a member of a trade union shall, subject to subparagraph (3), have the right to invite a trade union official to attend at his place of work for the purpose of discussing matters relating to his remuneration or conditions of employment.
- (2) Every official of a recognised trade union shall, subject to subparagraph (3) have the right to attend at the place of work of such trade union's members for the purpose of discussing

matters relating to their remuneration or conditions of employment.

- (3) Every worker who intends to invite a trade union official under subparagraph (1) or any trade union official who intends to attend at a place of work under subparagraph (2) shall -
 - (a) where the place of work is a factory, give previous notification to the factory manager or one of his assistants; and
 - (b) in any other case, give previous notification to the estate manager or one of his assistants.

32. BONUS TO WORKERS RETIRING BEFORE THE END OF THE YEAR

- (1) Every worker who retires before the end of the year and who has performed a number of normal day's work equivalent to 62 per cent of the working days during his employment in that year shall be paid a bonus equivalent to 18 per cent of his earnings in that year.
- (2) Every worker who does not qualify for a bonus under subparagraph (1) shall be paid a bonus equivalent to 8.4 per cent of his earnings in that year.
- (3) For the purpose of subparagraph (1), a day on which a worker -
 - (a) has absented himself with the employer's authorisation;
 - (b) has reported for work but has not been offered work by his employer; or
 - (c) has absented himself on grounds of sickness or injury after notification to his employer under paragraph 18(3),shall count as a working day.

33. ISSUE OF TOOLS AND EQUIPMENT (Amended GN 79/87)

- (1) Every employer shall issue -
 - (a) all tools and equipment used in the performance of work to every monthly worker; and
 - (b) a bill-hook to every monthly worker who is employed to cut canes.
- (2) (a) The bill-hook under subparagraph 1(b) shall -
 - (i) be surrendered to the employer at the end of each crop season; and

- (ii) be replaced by a new one at least once every 2 crop seasons.
- (b) All tools, equipment and bill-hook specified in subparagraph (1) shall remain the property of the employer.

34. WORKERS EMPLOYED BY JOB CONTRACTOR

- (1) Every worker employed by a job contractor shall be entitled, at the end of any year, to a bonus equivalent to 8.4 per cent of his total earnings in that year provided that he has remained in continuous employment with the same job contractor for at least 4 weeks in that year.
- (2) For the purposes of subparagraph (1), a worker shall be deemed to be in continuous employment where he has worked an average of at least two-thirds of the total number of working days during which he has been in the employment of the job contractor.
- (3)
 - (a) Every job contractor shall provide a pair of boots, a pair of good quality gloves once a fortnight and an appropriate mask to every field worker.
 - (b) Every article of protective equipment –
 - (i) may remain in the possession of the worker;
 - (ii) shall remain the property of the job contractor; and
 - (iii) shall be replaced by the job contractor as soon as it becomes unserviceable.

(Act 20 of 2001)