



NATIONAL REMUNERATION BOARD

PROPOSED RECOMMENDATIONS



Review of Domestic Workers (R.O) Regulations



20th July 2010

1. INTRODUCTION

The origin of domestic work goes back in history to the 'master-servant' relationship. It is one of the oldest occupations in the world. Domestic work may be compared to the unpaid labour traditionally performed by women within a household. This is probably one of the reasons for domestic work to remain undervalued, informal and poorly documented. In recent years, the share of domestic workers in the workforce has been increasing as the demand for such services has been on the rise due to more and more women joining the labour force, the phenomenon of ageing population and the lack of facilities to balance work life with family life.

An attempt to regulate the wages and conditions of employment in the domestic services sector dates back to 1951 when a Minimum Wage Advisory Board was set up (GN No 174 of 1951). Following the report and recommendations of the aforesaid Board, the Government published a Code in 1953 setting out the minimum wages and conditions of employment which were considered reasonable at that time to guide employers and employees in private households (GN No 901 of 1953). However Government decided not to enforce the Code by legislation because such an attempt would have involved 'an undesirable intrusion into the privacy of the home'. However, following the coming into force of the Industrial Relations Act, the first Remuneration Order for this sector was made public in 1981 (GN No. 279 of 1981), which was repealed and replaced by another recommendation in 1983 extending the coverage of workers to whom the R.O. could apply. These regulations governing domestic services were last reviewed in 1988.

On 28 August 2009, the Minister of Labour, Industrial Relations and Employment, acting under Section 91 of the Employment Relations Act 2008 (ERA), referred to the National Remuneration Board (Board) the Domestic Workers (Remuneration Order) Regulations 1988 for review. The review exercise was initiated with the publication of a notice inviting written representations from interested parties, which appeared in the daily newspapers *Le Socialiste* and *Le Matinal* and in the *Government Gazette* on 3, 4 and 5 September 2009 respectively. Necessary arrangements were also made for the notice to be broadcasted in the news bulletins with a view to attaining the maximum number of domestic workers. Two Trade Unions responded namely, the *Confédération des Travailleurs du Secteur Privé (CTSP)* and the *Domestic Employees' Union (DEU)*. No submissions were received from the employers' side. The Board held two Public Hearings on 16 and 23 October 2009 whereby parties deponed and substantiated

on their demands on behalf of their members. It has been noted with concern that there were neither written nor any verbal proposals from the employers' side, be it individuals or associations.

The Board started off with its investigations, which was not without obstacles. Domestic work being an activity carried out in the informal sector of the economy, there is a scarcity of relevant data and given the fear on the part of the workers to lose their very source of income following their participation in the survey and the helplessness of the unions to convince the latter to do so, the Board had no other option than to have recourse to informal means to gather some information on the prevailing working conditions in this sector. In this regard, the Board would like to put on record the contribution of the representative of the DEU and the Chairperson of the Commission Diocese du Monde Ouvrier (CDMO).

2. OVERVIEW OF THE SECTOR

2.1 PROFILE OF HOUSEHOLD WORKERS

It can safely be assumed that the majority of workers engaged in private households do not have a strong academic background, with the exception of the Driver who needs at least a driving licence. However, no doubt they need to possess certain skills to be able to deliver in a household, be it for household tasks, cooking, looking after old people or baby-sitting, which cannot be ignored. However, although the skills are perceived as innate and unproductive, such workers warrant due recognition and respect. Another characteristic of the domestic workers is that they are mostly unorganised and as such have very weak or simply no bargaining power. These workers tend to be mostly part-time workers trying to make both ends meet by providing their services to more than one household within the same working week. This is confirmed by the figures of the Continuous Multipurpose Household Survey (CMPHS) as regards employment in this sector.

2.2 EMPLOYMENT

Based on CMPHS 2006/2007, it has been estimated that there are around 43,121 households employing domestic services, out of which almost 73% of domestic workers are part-timers. 67% are household maids doing overall household chores, 20% are employed as gardeners, 8% as baby-sitter and hardly 3%

as Garde-Malade. It is worth mentioning that although male are employed in private households as gardeners, guards and drivers, female workers make up the majority of domestic workers.

Table 1 - Estimated Number of Households Employing Domestic Services, 2006/07

	Part time	Full time	Total
Domestic services	20,339	8,375	28,714
Baby sitter	1,147	2,144	3,290
Garde malade	748	648	1,396
Cook	548	199	748
Gardener	8,176	299	8,475
Driver	349	150	499
Total number of households in sample	31,307	11,815	43,121

Source: CSO, Continuous Multipurpose Household Survey (CMPHS)

2.3 Prevailing Conditions

Based on the observations of the representative of the DEU, since most of these workers may not be educated beyond primary education, they feel exploited by their employers and a term which is often heard among these workers is 'esclavage moderne' / 'modern slavery'. Moral harassment and false accusations of theft is a common feature in order to force an employee to resign without any compensation, which is most often not reported for fear of losing their job or being entangled in legal procedures.

Another problem encountered in this sector is the inadequate remuneration for additional work by the employer, be it on an ad-hoc basis or extra duties added to the normal established schedule. It has been particularly the case of the so-called 'Gardiens Campement' who are required to do all sorts of tasks not part of their normal duties, for instance, bathing dogs, washing cars, cleaning bungalows, gardening, helping in kitchen whenever required by their boss. These workers are unable to refuse such additional work for the simple reason that they are 'dependents' living in servant quarters. This issue was also raised during the public hearing session by one of the unions' representatives. It is claimed that such provision of accommodation sometimes leads to abuse on the part of the employer.

In several cases, it seems that meal is not provided for those working at night. In addition, travelling expenses are either not catered for or a fixed amount is proposed which is mostly below the expense incurred by the employee for this purpose. In such cases, the 'take it or leave it' attitude is often

deplorable. While end of year bonus is paid to most of them, leaves tend to be almost nonexistent in this informal sector. It has been brought to the attention of the Board that a large majority of domestic workers are indebted as they tend to buy goods on hire purchase, their own income more often being insufficient to even feed their family adequately.

One indicator which provides a general view of the working conditions of workers in this sector is the number of complaints registered by the Ministry of Labour, Industrial Relations & Employment. In 2009, 466 complaints were registered, working out to an average of 38 cases per month. It would have been interesting to distinguish the nature of the complaints and in particular those pertaining to underpayment of wages. However the Board was given to understand that this information could not be made available. Nevertheless, the majority of complaints relates either to non-payment of wages or severance allowance following dismissal or termination of employment without notice.

An in-depth analysis of the prevailing situation would eventually point to other social implications which warrant serious consideration. From representations of one of the unions, the Board has been given to understand that children of such workers tend to be mal-nourished, lack adequate clothing and either do not go to school or if attending school, they suffer from lack of concentration in class and tend to lag behind in education leading to a vicious circle of poverty-driven family and therefore prone to other social problems. A proper investigation in this regard as far as their characteristics and income are concerned would certainly lead to interesting findings but unfortunately such work is beyond the scope of the NRB, given the meagre resources at its disposal.

3. RECOMMENDATIONS

The determination of the terms and conditions of employment of domestic workers based on full consultation is the ideal mechanism. However as pointed out earlier, it is rather unfortunate that there was no participation either from individual employers or employers' representative organization.

A salient feature of this sector of employment is that on the one hand the employers belong to different income groups ranging from those having large capacity to pay to those in the middle or even lower income group. On the other hand, the workers belong to a category with a multiplicity of tasks to be performed, which may not be clearly defined at the outset. The Board therefore has the delicate task of making recommendations taking into account the specificity of the sector, bearing in mind that it has to strike the right balance between domestic workers being fairly remunerated and the fact that the employers being themselves individuals, as distinct from profit-making business enterprises, who have to pay the domestic worker out of their own salary. No doubt, the domestic workers are dependent on the degree to which different households can afford domestic work. After much deliberations, the Board has therefore come up with the following recommendations bearing in mind the specificity of the sector, the long-term interest of both the workers who provide the services and the employers who need the services of such workers, the whole transposed into the Proposed Domestic Workers (Remuneration Order) Regulations as per Annex. It has all throughout remained guided by Section 97 of the Employment Relations Act 2008 as well as the need for decent working conditions. The Board is also well aware that it is prescribing the minimum wages and conditions of employment in line with the spirit of the new labour legislations. Though the one to one relationship and the reality in the sector does not seem to be much encouraging as far as the scope for collective bargaining is concerned, the Board nevertheless leaves ample room for this to take place.

3.1 *Definition Clause*

1. Household Helper

In the present R.O., 'Household Helper' is defined as '*a worker who is over the age of 15 but under the age of 18 years and who is employed to give general help in a house*'. Already this is not in conformity with the Education Act which makes education compulsory up to the age of 16 years and the Employment Rights Act 2008 which defines a child as 'a person under the age of 16'. In addition, the Board feels that it is unfair to pay someone a lesser salary on the ground that the latter falls between 16 and 18 years, though the latter may be performing the same household tasks as a household worker. **The Board recommends that such age-based discrimination should be done away with and the category 'Household Helper' be removed from the regulations.**

II. Part-time Worker

The Board recommends that for the purpose of these regulations, the following definition of a part-time worker be added:

'part-time worker' means 'any worker whose normal working hours are less than those specified at Paragraph 1 of the Second Schedule.'

III. Spouse

The Board recommends that for the purpose of this R.O. the following definition of 'spouse' be added to the regulations:

'Spouse' means 'the person with whom the employee has contracted civil or religious marriage and who lives under the same roof as the employee.'

3.2 Second Schedule

I. Normal Hours of Work

II. Extra Work

III. Notional Calculation of Basic Rate

There was a demand for 40-hour week on 6 days by one union and on 5 days by another one. Being given that a large number of employers in this sector work on Saturdays and themselves work on an 8-hour day basis, reducing the normal working hours to less than 8 hours would cause practical problems to the employer, in terms of additional labour and extra payments. **The Board thus recommends status quo as regards normal working hours and consequently notional calculation of the basic rate remains unchanged.** The provisions for extra work in the R.O. seem to be more advantageous to the worker than it is in the Employment Rights Act which allows for the payment of extra work on a fortnightly basis. **The Board therefore recommends no change to these provisions save that the extra payment on public holidays should be in addition to the normal pay of the worker for that day.**

IV. Payment of Remuneration

Given the economic situation of workers involved in this sector, the Board tends to agree with the representative of the union that a worker shall be paid his wages during working hours and not later than the last working day of the pay period, unless there is any compelling reason not to do so. **The Board therefore recommends accordingly.**

After much discussion, the Board members agreed that issuing of pay slips by individual households may not be practical and may unnecessarily cause administrative inconvenience. The Board instead feels that it would be more appropriate for the employer to keep some sort of book record of the appropriate personal details of the worker, stating the job title and conditions of work in addition to the remuneration being paid, causing the worker to affix his/her signature each time payment is made. **The Board recommends that at least an appropriate form of record keeping be established upon mutual agreement.**

V. Leave Entitlements

1 Annual and Sick Leave

The Board finds the provisions of the R.O. adequate **and therefore recommends no change except that paragraph 5(3) be deleted.**

2 Wedding Leave

Although the provisions in other sectors cannot be extended to the domestic service sector without eventually having its negative impact on employment of full-time workers, **the Board recommends that to reinforce the worker/employer relationship, three days leave with pay on the occasion of the worker's own first wedding** would not be too heavy a burden since as a matter of principle a worker *normally* gets married only once in a lifetime. Rather the Board would urge the employers to consider giving additional leaves with pay on such occasions depending on their working relationships and affordability.

3 Paternity Leave

The Board recommends that on the occasion of the birth of his child, upon the production of proof of same, the employee be entitled to 5 continuous working days leave provided he reckons 12 months continuous employment with the same employer immediately preceding the birth of the child. Such leave should begin within the first week following the birth of the child. However, the Board rejects the demand for any payment as paternity benefits as claimed by one of the unions.

VI. *Maternity Benefits*

The Board is of the opinion that no discrimination should be made as regards maternity benefits. **The Board recommends that the maternity allowance of Rs.300 payable to the employee within 7 days following the confinement be increased to Rs.2000.** Provisions should be made in the regulations to cater for the eventuality of a still-birth and miscarriage. **It is therefore recommended that where a female worker suffers a miscarriage which is duly certified by a medical practitioner, she shall be entitled to 2 weeks' leave on full pay.** In addition it is recommended that a new paragraph be introduced stating that a female employee who gives

birth to a still-born child may opt for either 2 weeks or 12 weeks leave on full pay, the latter to be drawn from the 3 confinements provided in the regulations. It is also recommended that such benefits be extended to employees reckoning less than 12 months continuous employment, albeit without pay. In addition, appropriate arrangements should be made by the employer for the female worker to nurse her unweaned child for a period of one hour daily or half an hour twice daily at such time as is convenient to her.

VII. *Protective Clothing and Equipment*

The regulations provide for:-

- (a) *2 aprons yearly to every Household Worker, Household Helper, Cook and Household cum Cook;*
- (b) *1 pair of boots and 3 pairs of gloves yearly to every gardener working under a contract of not less than 5 days per week; and*
- (c) *A serviceable flashlight to every watchman performing night duties.*

The Board is of the opinion that, given the specificity of the domestic sector, the demands of the unions concerning towels, soaps and socks each month and that of a leather jacket is rejected. Although the Board would appeal to those who can afford and those who want their employees to be well-groomed to do so at their own discretion as far as the provision of shoes and uniforms are concerned, it cannot impose such a provision as a general requirement on all households. **In order not to financially overburden the individual household employer the Board feels that the existing provisions are adequate and therefore maintains status quo.**

VIII. *Travelling Benefits*

The existing R.O. makes provisions for the employer to cater for free means of transport to the worker *only* when no public bus service is available. **The Board recommends that in all fairness the worker should be refunded the travelling expenses incurred by him on bus fares or its equivalent if using his own means of transport. Paragraph 8 in the existing regulations is amended accordingly.**

IX. *Subsistence Allowance*

The provisions in the existing R.O. allows for free and adequate meal to every worker who is required to work beyond 07.00 p.m. after the completion of his normal day's work or at a place other than his normal place of work and in circumstances in which he may otherwise be deprived of a meal. **The Board recommends that the title of this paragraph be replaced by 'Meal Allowance'. The Board further recommends that where an adequate free meal is not provided to a worker who is required to work beyond 06.00 p.m. after the completion of his normal day's work or at a place other than his normal place of work, the worker be entitled to a meal allowance of Rs.50 and that such allowance be paid before the performance of extra work so as to allow the worker to feed himself. However, in circumstances in which he may otherwise be deprived of a meal, the employer is required to make necessary arrangement for the provision of an adequate meal.**

X. *Disturbance Allowance*

The Rs.10 allowance mentioned in the regulations having no value today, **it is recommended that whenever a worker is required by his employer to work in a place other than his normal place of work, he shall be entitled to an allowance of not less than Rs.50 daily.** The other provisions under this item are adequate save that **for the protection of the worker he/she should not be compelled to work outside his/her normal working hours for more than 3 consecutive days while working outside his/her normal place of work. This will cater for adequate rest for the worker, in spite of being away from his/her family during this period. The Board recommends accordingly.**

XI. *End of Year Bonus*

As per the present regulations, *every worker who has remained in continuous employment with the same employer for one year on a contract of service for not less than 4 days per week is eligible at the end of the year to a bonus equivalent to $\frac{1}{12}$ of his earnings for that year.* An in-depth

analysis of this provision reveals a fundamental injustice to the rest of the workers in the industry. **On the ground of fairness and justice, the Board recommends that every worker who has remained in continuous employment with the same employer for 12 consecutive months, irrespective of the duration of the contract, shall be entitled to an end of year bonus equivalent to $\frac{1}{12}$ of his earnings for that year. Any worker who has been in employment for any period less than a year should not be deprived of the bonus; he should also be entitled to the end of year bonus, but on a pro-rata basis.**

XII. Medical Expenses

The Union has requested Rs.2,500 for medical treatment. The Board is aware that quite a few employers in this sector feel concerned about the health of their domestic workers as the former depend on their availability and therefore do not hesitate to contribute towards the medical expenses incurred by the latter which at the end of the day also benefits the employer in terms of lesser absences due to sickness. **The Board encourages those who can afford to continue to do so in a spirit of strengthening their working relationships. However, the Board maintains that health facilities are free and anything beyond that would better be left to be negotiated between parties and at the discretion of the employer and cannot be imposed as minimum terms and conditions of employment. The Board therefore makes no recommendations on this issue.**

XIII. Special Allowance

One of the Unions' demand was to provide for an allowance of 10% per pet for pet caretaker. This would mean intruding in too much details in the duties to be performed by each type of worker. The Board should rather restrict itself to providing broad guidelines. One solution to an abuse in this regard would be to agree upon the tasks to be performed at the beginning itself of the employment contract, and to mutually establish some sort of payment for such ad hoc tasks. **The Board therefore makes no recommendation on this issue.**

XIV. Overseas Leave/Vacation Leave

Given the income group to which workers in this sector belong, going abroad on holidays seems to be a very remote option. However, the Board tends to agree also that in case the ticket is offered by a close relative and the worker might feel tempted to spend some time abroad, it would be unfortunate to deprive him/her of such offer in case he/she is not given release from his work. For this purpose after much discussion the Board reached the conclusion that this is a one-off benefit which could be shared equally between the employer and the employee. **The Board therefore recommends that a new paragraph entitled 'Vacation Leave' be added to the Second Schedule. It is recommended that a full-time worker reckoning at least 10 years service with the same employer be entitled to 2 months vacation leave with at least one month with full pay to be spent wholly or partly abroad or locally at the employee's discretion. Instead of an additional burden, this sort of benefit should rather be viewed as a sort of compensation for loyalty and good work of the worker.**

XV. Termination of Employment and Severance allowance

The Board is of the opinion that adequate provisions have been made in the Employment Rights Act 2008 in this regard. **The Board makes no further recommendation on these items.**

XVI. Death Grant

The existing R.O. makes no provision in this regard. The unions made representations for the provision of Rs.5,000 as funeral expenses, irrespective of the length of service of the worker. **The Board concurs with this stand and recommends Rs.3500 as death grant upon death of a worker who has been in continuous employment with the same employer for at least 12 consecutive months.**

XVII. Gratuity at death or on retirement before the age of 60 on medical grounds

The existing regulations do not cater for gratuity at death or on retirement before the age of 60 on medical grounds. The unions' demand is that where a worker dies before the age of 60 or retires before the age of 60 on medical ground certified by a Medical Practitioner, the worker shall be paid a gratuity of 15 days' remuneration for every year of service provided the worker has been in continuous employment with the same employer for the last 2 years. **The Board recommends that the worker be entitled to a gratuity at death or on retirement before the age of 60 on medical grounds provided the worker reckons at least 10 years continuous service with the same employer. The gratuity shall be calculated on the basis of 15 days' basic wages per year of service of the employee. The employee's year of service shall be computed as from the first day of the period during which the employee has been in continuous employment with the same employer up to his last day of employment.**

3.3 WAGES

Wages vary considerably in this area making minimum wage fixing both complex and crucial. Almost by definition the wages of domestic workers are less than what their employers earn on the labour market. Regulating domestic work therefore means addressing individual employers and not commercial enterprises. Domestic workers may cook, clean, take care of elderly, children and disabled, or even domestic pets – tasks that may vary widely over time.

At some point in time, re-evaluating the domestic work was tabled but the question is how far can the Board afford to go in this direction. On one side, there is the worker and on the other there is the employer who is himself an income earner out of which he has also to pay the worker.

Having given due consideration to the reality of the sector in which it is evolving and taking other relevant socio-economic factors into consideration the Board finds the following wage proposal to be fair and reasonable after a 22-year period review:-

Category of Worker	Monthly Basic Wages	Hourly Rate
	Rs	Rs
Cook	4225	20
Driver	6150	30
Gardener	5000	24
Garde-malade	5100	16
Household Worker	4025	19
Watchman	5500	18
Household Worker/Cook	4600	22
Caretaker	5000	24

These are only minimum ‘guidelines’ with the final package depending on the individual needs of the employer and the skills of the employee. This is left to be negotiated between the parties. The heart of an employment contract is the exchange of labour for cash. The question that is frequently asked is ‘how much do I pay my domestic worker?’ The employer needs to weigh up the scope of the duties required and the affordability of domestic help. Bearing in mind that different households have different needs, someone looking for a replacement ‘mother’ who would be required to cook, look after children and do shopping will be expected to pay a lot more than someone who would just require his/her apartment to be cleaned and his/her clothes to be ironed. An excellent child-minder or cook

with experience and reference would normally have higher expectations from their employer as would the employer as regards the quality of the service. Except for bad faith on the part of the employer, any added responsibility should in all fairness be adequately compensated for, since treating these workers with respect and dignity goes a long way in paving the route to a successful long-term and mutually beneficial working relationship. The Board therefore makes a special appeal to the employers to remunerate their workers at more favourable terms wherever possible and not simply stick to the minimum terms and conditions prescribed in these regulations.

4. ACKNOWLEDGEMENTS

The Board wishes to extend its appreciation to all parties for their contribution to the successful completion of this exercise, especially the unions and those few workers who came forward, in spite of their fear, to share their problems with the officers. My special thanks go to the Board Members, Staffs and in particular to the Senior Remuneration Analyst in post.

Rajpalsingh Allgoo M.B.E., M.S.K.
Acting Chairperson
National Remuneration Board

20th July, 2010.

ANNEX

PROPOSED
DOMESTIC WORKERS
(REMUNERATION ORDER)
REGULATIONS

THE EMPLOYMENT RELATIONS ACT

PROPOSED DOMESTIC WORKERS (REMUNERATION ORDER) REGULATIONS

1 These Regulations may be cited as the **Domestic Workers (Remuneration Order) Regulations 2010**.

2 In these regulations:-

"caretaker" means a worker who is employed in an apartment house and is required to perform one or more of the following duties:-

- (a) cleaning and general maintenance of the yard of an apartment house;
- (b) cleaning and maintaining the common parts of the apartment house, including staircases;
- (c) checking all the lights of the apartment house and replacing fused bulbs;
- (d) cleaning and maintaining all drain pipes and outlets, manholes, grease traps, gullies and other related equipment;
- (e) cleaning and disinfecting all water tanks and garbage dumps;
- (f) operating electric water pumps;
- (g) any other cognate duties.

"cook" means a worker who is required to perform one or more of the following duties:-

- (a) prepare and cook food for the household members and guests;
- (b) serve food to the household members and guests; and
- (c) be responsible for:-
 - (i) the cleanliness of the place where he works; and
 - (ii) the cleanliness of the crockeries, cutleries, plates and utensils under his care;

(d) perform any other cognate duties.

"driver" means a worker who holds a valid driving licence and who is required to:-

- (a) drive a car for the transport of members of the household or any other person at the request of the employer;
- (b) run errands; and
- (c) be responsible for the daily maintenance and cleanliness of the car.

"earnings" means

- (a) basic wages; and
- (b) remuneration paid under paragraphs 2, 5, 6, 7(1)(a),(2), (4) and (5), 8, 9 and 14 of the Second Schedule.

"gardener" means a worker who is required to :-

- (a) plant, treat and cultivate flowers, shrubs, trees and vegetables;
- (b) mow lawns;
- (c) trim hedges; and
- (d) maintain paths and gardens.

"garde-malade" means a worker who is employed for the purpose of looking after a sick or a disabled person.

"house" means a private dwelling or a bungalow and the grounds attached thereto.

"household worker" means a worker who is required to perform one or more of the following duties:-

- (a) manual work in a house;
- (b) running errands;
- (c) baby-sitting.

"household worker/cook" means a worker who is required to perform one or more of the duties of a cook and of a household worker.

"Part-time Worker" means any worker whose normal working hours are less than those specified at Paragraph 1 of the second schedule."

“spouse” means the person with whom the employee has contracted civil or religious marriage and who lives under the same roof as the employee.

- 3** (1) Subject to regulation 6 a worker shall be:-
 - (a) remunerated at the rate 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 include the appropriate additional remuneration payable under the Additional Remuneration (No 2) Act 2009.
- 4** An agreement by a worker to relinquish his right to a paid holiday or to forego such leave shall be void.
- 5** Nothing in these regulations:-
 - (a) shall prevent an employer from paying a worker higher remuneration than that specified in the First Schedule or from providing him conditions of employment more favourable than those specified in the Second Schedule;
 - (b) shall authorise an employer to reduce a worker's remuneration or to alter his conditions of employment so as to render them less favourable.
- 6** The Domestic Workers (Remuneration Order) Regulations 1983 is repealed.

Made by the Minister on 2010.

FIRST SCHEDULE

(Regulation 3)

Category of Worker	Monthly Basic Wages	Hourly Rate
	Rs	Rs
Cook	4225	20
Driver	6150	30
Gardener	5000	24
Garde-malade	5100	16
Household Worker	4025	19
Watchman	5500	18
Household Worker/Cook	4600	22
Caretaker	5000	24

SECOND SCHEDULE

(Regulation 3)

1 Normal working hours

- (1) A normal working week for a worker, other than a watchman and a garde-malade, shall be of 48 hours.
- (2) A normal working day for every worker, other than a watchman and a garde-malade, shall be of 8 hours to be performed between 6.00 a.m and 10.00 p.m.
- (3) The normal working day for a watchman and a garde-malade shall consist of 12 hours.
 - (b) A watchman or a garde-malade who works regularly on Sundays shall be entitled to 3 days' leave without pay in every month, one of the days being a Sunday.
- (4) Every worker shall be entitled on every working day to a lunch break of one hour.

2 Extra work

- (1) A worker, other than a watchman or a garde-malade, shall be remunerated at:-
 - (a) one and a half times the basic rate for work done in excess of 8 hours or after 10.00 p.m. on any day other than a public holiday;
 - (b) twice the basic rate for the first 8 hours' work performed on a public holiday before 10.00 p.m. ; and
 - (c) three times the basic rate for work done in excess of 8 hours or after 10.00 p.m. on a public holiday.
- (2) A watchman or a garde-malade who:-
 - (a) performs more than a normal day's work on any day other than a public holiday shall be remunerated at one and a half times the basic rate;
 - (b) works on a public holiday shall be remunerated:-

- (i) for the first 12 hours, at twice the basic rate;
- (ii) thereafter, at three times the basic rate.

3 Notional calculation of basic rate

In calculating the remuneration payable to a worker:-

- (a) a month shall be deemed to consist of 26 days;
- (b) the basic hourly rate shall be the appropriate rate specified in the First Schedule or the rate actually paid to the worker, whichever is the higher.

4 Payment of wages

- (1) A worker shall be paid his wages during working hours not later than the last working day of the pay period.
- (2) Every employer shall:-
 - (a) keep a remuneration book;
 - (b) enter in the remuneration book:-
 - (i) the job title and the conditions of work he performs;
 - (ii) the remuneration paid to him; and
 - (c) cause the worker to affix his signature or thumbprint in the remuneration book each time remuneration is paid.

5 Extra remuneration for public holidays

- (1) Where an employee, other than a monthly paid employee, has remained in continuous employment with the same employer for 12 consecutive months, he shall be entitled in the following 12 months, to a normal day's wages 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 employee who would otherwise have been entitled to a normal day's wages under subparagraph (1) or a monthly paid employee is called upon to work on a public holiday, other

than a Sunday, he shall be paid at the end of the next pay period one normal day's wages in addition to any remuneration due under paragraph 2.

6 Annual and Sick leaves

- (1) Where a worker is required to work not less than 6 days in a week and has been in continuous employment with the same employer for 12 consecutive months, he shall be entitled during the following 12 months to :-
 - (a) 14 days' annual leave; and
 - (b) 21 days' sick leave, with pay.
- (2) Where a part-time worker is required to work less than 6 days in a week, he shall be entitled to leave computed in accordance with the following formula:-

$N/D \times$ number of days of leave granted under subparagraph (1), where "N" means the number of days he is required to work in a week, and "D" means the number of working days in a week of a comparable full-time worker.
- (3) For the purpose of subparagraph (2), a "part-time worker" means a worker whose normal working hours of work are less than those of a comparable full-time worker.
- (4) Where a worker absents himself on grounds of sickness, he shall notify his employer on the first day of absence, and if he remains sick for more than 4 consecutive working days, he shall forward a medical certificate to that effect so as to reach his employer on the fifth day of absence.
- (5) An employer may, at his own expense, cause a medical practitioner to examine a worker who is absent owing to sickness.

7 Maternity benefits

- (1) Subject to subparagraph (2), where a female worker has remained in continuous employment with the same employer for 12 consecutive 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 Rs.2000 payable within 7 days of her confinement.

- (2) Where a part-time worker remains in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave, she shall, on production of a medical certificate, be entitled to an allowance computed in accordance with the following formula:-
- $$N/D \times \text{amount specified in subparagraph (1b)}$$
, where “N” means the number of days of work she is required to perform in a week and “D” means the number of working days in a week of a comparable full-time worker.
- (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 a medical practitioner, she shall be entitled to 2 weeks’ leave on full pay immediately after the miscarriage.
- (5) Where a female worker who has been in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave under this paragraph, gives birth to a still-born child, shall, upon the advice of her medical practitioner, be entitled to opt either for 2 weeks’ leave on full pay or 12 weeks’ leave on full pay deductible from the 3 confinements as provided for in these regulations.
- (6) Where a female employee is nursing her unweaned child, she may require her employer to grant her at such time as is convenient to her:-
- (a) a break of one hour daily; or
 - (b) a break of half an hour twice daily, for the purpose of nursing her unweaned child.
- (7) No break under subparagraph (6) shall be deducted from the number of hours of work of the employee.

8 Paternity Leaves

- (1) A male worker shall be entitled to 5 consecutive working days’ leave, to be known as paternity leave, on production of :-
- (a) a medical certificate certifying the birth of his child from his spouse; and

- (b) a written statement signed by him that he is living with his spouse under a common roof.
- (2) Subject to subparagraph (1), the paternity leave shall:-
- (a) begin within one week from the birth of the child; and
 - (b) be on full pay where the worker has been in continuous employment with the same employer for a period of at least 12 months prior to the date of birth of the child.

9 Wedding Leave

Where a worker remains in continuous service with the same employer for a period of 12 consecutive months he shall be entitled to 3 days' wedding leave on full pay on the occasion of the celebration of his first religious or civil marriage.

10 Protective Clothing and Equipment

- (1) Every employer shall provide:-
- (a) two aprons yearly to every household worker, cook and household worker/cook; and
 - (b) one pair of boots and 3 pairs of gloves yearly to every gardener working under not less than a 5-day week contract; and
 - (c) a serviceable flashlight to every watchman performing night duties.
- (2) All protective clothing and equipment specified in subparagraph (1) shall remain the property of the employer.

11 Travelling Benefits

- (1) Where the distance between an employee's residence and his place of work exceeds 3 km, his employer shall either provide him with free transport to and from his place of work or pay him the equivalent of the return bus fare.
- (2) Subject to subparagraph (3), where the distance between an employee's residence and his place of work exceeds 3 km and where the employee attends work by his own means of transport, he shall be entitled to an allowance equivalent to the corresponding return bus fare.
- (3) 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.

12 Meal Allowance

- (1) Every employer shall:-
 - (a) provide a free and adequate meal or a meal allowance of Rs 50.00 to every worker who is required to work:-
 - (i) beyond 6.00 p.m. after completion of a normal day's work;
 - (ii) at a place other than his normal place of work.
 - (b) make necessary arrangement for the provision of a free and adequate meal in circumstances in which the worker may otherwise be deprived of a meal.
- (2) The meal allowance shall be paid to the worker before the performance of extra work.

13 Disturbance Allowance

- (1) A worker who is required by his employer to work in a place other than his normal working place shall be entitled to an allowance of not less than Rs.50.00 daily.
- (2) No worker shall be compelled by his employer to work in and stay outside his normal place of employment for a period exceeding 3 consecutive days.

14 Vacation Leave

- (1) An employee who remains in continuous employment with the same employer for a period of at least 10 years shall be entitled to a vacation leave of at least 2 months to be spent wholly or partly abroad or locally at the employee's discretion.
- (2) Subject to subparagraph (1), at least one month of the vacation leave shall be with pay, such pay shall, in case the employee intends to spend his vacation abroad, be effected in advance and at least 7 days before the worker proceeds abroad.

- (3) The leave specified at subparagraph (1) shall be taken at such time as the employer and the employee may agree.
- (4) A vacation leave shall be deemed to constitute attendance at work.

15 Gratuity on retirement before the age of 60 on medical grounds

- (1) Where an employee who has been in continuous employment of an employer for not less than 10 years retires before the age of 60 on the ground of permanent incapacity to perform his work duly certified by a Government Medical Practitioner, the employer shall pay a gratuity to him.
- (2) The gratuity specified in subparagraph (1) shall be paid in a lump sum and calculated:-
 - (a) in the case of a worker, other than a part-time worker, on the basis of 15 days' basic wages per year of service irrespective of any benefits the employee may be entitled to under the National Pensions Act.
 - (b) in the case of a part-time worker, on the basis of the following formula:-

$N/D \times$ amount of gratuity payable under subparagraph (a), where "N" means the number of days of work performed by the part-time worker in a week and "D" means the number of days of work performed by a comparable full-time worker in a week.

16 Death grant

Where an employee who has been in continuous employment with the same employer for not less than 12 consecutive months dies, the employer shall pay an amount of Rs 3500 to :-

- (a) his spouse; or
- (b) if he leaves no spouse, the person who satisfies the employer that he has borne the funeral expenses.

17 Gratuity at Death

- (1) Where an employee who has been in the continuous employment of an employer for not less than 10 years dies, the employer shall pay a gratuity.
- (2) The gratuity specified in subparagraph (1) shall be paid:-
 - (a) in a lump sum and calculated on the basis of 15 days' basic wages per year of service;

- (b) to the deceased employee's surviving spouse or, where he leaves no surviving spouse, in equal proportions to his dependants;
- (c) irrespective of any benefits the deceased employee's spouse or dependants may be entitled to under the National Pensions Act.
- (d) in the case of a part-time workers, on the basis of the following formula:-

$N/D \times$ amount of gratuity under subparagraph (a), where "N" means the number of days of work performed by the part-time worker in a week and "D" means the number of days of work performed by a comparable full-time worker in a week.

- (3) For the purpose of subparagraph (2) (b) and (2) (c)

"dependant" means, in relation to an employee, a relative who

- (i) was living in the household; and
- (ii) wholly or partly dependent on the earnings of that employee at the time of his death.

18 End of Year Bonus

- (1) Every worker who has remained in continuous employment with the same employer for one year shall be entitled at the end of the year to a bonus equivalent to 1/12 of his earnings for that year.
- (2) Every worker who:-
 - (a) takes employment during the course of the year; and
 - (b) is still in employment as at 31 December,shall be entitled at the end of that year to a bonus equivalent to 1/12 of his earnings for that year.
- (3) Seventy-five per cent of the expected bonus shall be paid not later than 5 clear working days before 25 December and the balance not later than on the last working day of the same year.