TEXTILES AND ALLIED INDUSTRIES WAGES COUNCIL WAGE REGULATION ORDER, 1977

IN exercise of the powers conferred by section 8 of the Conditions of Employment (Regulation) Act, the Minister for Social Policy having received proposals from the Textiles and Allied Industries Wages Council concerning the conditions of employment of the employees in relation to whom the said Wages Council operates, has made the following order:-

1. This order may be cited as the Textiles and Allied Industries Wages Council Wage Regulation Order, 1977, and shall come into force on the 25th August, 1977.

2. The provisions set out in the Schedule hereto shall apply to all employees in respect of whom the Textiles and Allied Industries Wages Council operates.

3. From the date of commencement of this order, the Textiles and Allied Industries Wages Council Wage Regulation Order, 1975, shall be revoked without prejudice however, to any rights or liabilities existing thereunder on that date.
SCHEDULE

Interpretation

1. In this Schedule, unless the context otherwise requires:-

"customary holidays" means the days (other than Sundays) declared for the time being to be public holidays by or under the National day and other Public Holidays Act, 1975;

"day" in the case of shift employees, means a period of 24 consecutive hours; and, in all other cases, it means a period running from midnight of one day to midnight of the next following day;

"hours of work" means the time on any day during which employees are at the disposal of the employer exclusive of the intervals allowed for meals and rest;

"learner" has the same meaning assigned to it by the Industrial Training Act, 1952;

"night shift" means any period of employment that includes any hours from 10:00 p.m. of one day to 6:00 a.m. of the next following day;

"part-time employee" means an employee whose normal hours of work, calculated on a weekly basis or on average over a period of employment of up to one year, are less than the normal hours of work of a comparable whole-time employee and who is not a whole-time employee with reduced hours;

"part-time watchman" means an employee employed as a watchman for not more than 36 hours a week;

"period of employment" means the time in any day during which employees are at the disposal of the employer, but inclusive of the intervals allowed for meals and rest;

"shift employee" means an employee who regularly works on a shift cycle basis;

"time-and-a-half" and "double-time" mean respectively one and a half times and twice the minimum time rate applicable to the employee;
"wages" means remuneration or earnings, payable in money by an employer to an employee;

"week" means a calendar week;

"weekly day of rest" means a period of twenty-four consecutive hours commencing at the time at which the employee would normally commence his turn of duty;

"whole-time employee" means an employee who is deemed to be a whole-time employee in terms of any recognized conditions of employment.

Hours of Work

2. The minimum weekly wages shall be related to a week of not more than:

(a) forty hours of work in the case of whole-time employees other than watchmen, to be worked in a week of five days;

(b) forty-eight hours* of work in the case of watchmen, exclusive of overtime.

*(averaged over a reference period, as amended by reg. 7 of L.N. 247 of 2003)

Minimum Wage of Whole-time Employees

3. The minimum weekly wages payable to whole-time employees shall be the following:

(a) Watchmen -

(i) whose duties are mainly performed indoors € 162.19

(ii) whose duties are mainly performed out of doors € 164.52

(b) Other whole-time employees -

At age 18 years or over € 162.19
At age 17 years € 155.41
At age 16 years € 152.57
(c) Shift employees -

(i) In the case of employees called upon to work on a three shift cycle and in consideration of the periods of night work on a three shift, an allowance shall be paid equivalent to one tenth of the normal rate of basic remuneration. In the case of employees on a two-shift basis a shift allowance shall be paid equivalent to one-twelfth of the normal rate of basic remuneration;

(ii) Unless every weekly night shift is followed by two consecutive weekly day shifts, such further night shift or shifts shall entitle employees to an extra remuneration amounting to not else than one-fourth of the normal rate of pay.

Minimum Wages of Piece-Work Employees

4. In the case of whole-time employees employed on piecework the minimum piece-rate of wages shall be such that no employee will earn, when employed on such work, less than the appropriate time rate pro rata specified in paragraph 3 of this Schedule.

Minimum Daily Rest

5. All whole-time employees, other than watchmen, shall be allowed intervals for meals and rest of not less in the aggregate, than one hour every day:

Provided that -

(a) subject to the provisions of paragraph (b) of this proviso, the interval or intervals shall be allowed after the first or before the last hour of the period of employment; and

(b) where the last half hour of the period of employment is allowed as a half hour of rest, the employees shall be entitled to leave the place of work as soon as that half hour starts.

Minimum Weekly Rest

6. All whole-time employees other than watchmen shall be allowed two weekly days of rest in every week. Watchmen shall be allowed one weekly day of rest;
Provided that where a shift system precludes the allowance of 2 days of rest in any one week in any cycle, employees shall be allowed one day of rest in that particular week, and are paid at the rate of time and a half for any one of the other working days of the week.

Minimum Overtime Rates

7. (1) In the case of all whole-time employees, other than watchmen, overtime shall be payable as follows:-

(a) for all time worked in excess of 8 hours on any day, and for all time worked on the first pre-determined day of rest of the week ........................................................ time-and-a-half;

(b) for all time worked in excess of 40 hours in any week exclusive of any time paid for at overtime rates ............ time-and-a-half;

(c) for all time worked on Sundays or the second or only pre-determined day of rest of the week ...................... double-time;

(d) for all hours of work on a customary holiday, in addition to the normal hourly wage .............................................. double-time;

Provided that where a customary holiday falls on a Sunday or another day of rest, overtime shall be paid only at double-time.

(2) In the case of watchmen, overtime shall be payable as follows:-

(i) for all time worked in excess of 9 hours on any day ........................................ time-and-a-half;

(ii) for all time worked in excess of 54 hours in any week of six consecutive days .... time-and-a-half;

(iii) for all time worked on the second or only pre-determined day of rest of the week and on a customary holiday ............... double-time.
(3) Notwithstanding the provisions of the preceding subparagraphs of this paragraph -

(i) shift employees shall not be entitled to overtime payment for time worked in normal shift on Sundays, or on a day of rest;

(ii) when a customary holiday falls on a working day, overtime at time and a half shall be payable to whole-time employees, other than watchmen, for work in excess of 40 hours during the week less the number of hours that would have normally been worked on such a day by that employee;

(iii) in the case of watchmen, when a customary holiday falls on any day from Monday to Saturday, overtime at time and a half shall be payable to them for work in excess of 45 hours during that week.

Vacation Leave

8. (1) In addition to the minimum weekly rest to which whole-time employees may be entitled under paragraph 6, whole-time employees shall be entitled to all customary holidays with full pay, and to the following vacation leave not being less than:-

(a) four working weeks and one working day during each of the calendar years 1988 and 1989;

(b) four working weeks and two working days during the calendar year 1990;

(c) four working weeks and three working days during the calendar year 1991, and

(d) four working weeks and four working days during the calendar year 1992 and during any calendar year there after:

Provided that when a whole-time employee is in employment for less than twelve months during any calendar year, he shall be entitled to such part of the said vacation leave as is in proportion to the number of months in employment.

(2) For the purposes of this paragraph "vacation leave" means leave with pay which may be availed of:-
Provided that:

(a) one day vacation leave during each of the calendar years 1988 and 1989;

(b) two days vacation leave during 1990;

(c) three days vacation leave during 1991; and

(d) four days vacation leave during 1992, and during any calendar year there after;

shall not form part of any shutdown and shall be granted by the employer as optional leave in addition to any optional leave the employee may have been entitled to on 9th November, 1988.

Sick Leave

9. (1) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of twelve days sick leave on full pay, less an amount equal to the sum set for sickness benefit entitlement at the rate established under the Social Security Act, and part-time employees shall have a pro rata entitlement to sick leave in hours on full pay, less an amount equal to the sum set for sickness benefit entitlement at the rate established under the Social Security Act, which amount is also to be calculated on a pro rata basis:

Provided that –

(a) the first three days of any claim for sick leave shall be paid in full by the employer;

(b) a medical certificate covering the period of absence is produced to the employer on the day of return to work or, if such period of absence is longer than seven days, within seven days of the onset of sick leave absence;

(c) employees in receipt of a social security pension in respect of retirement or widowhood in terms of the Social Security Act shall, for the purpose of calculating the sick leave pay due, be deemed to have received an amount equal to the sum set for sickness benefit entitlement at the rate established under the Social Security Act.
(2) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of a further twelve days sick leave on half pay, less an amount equal to half the sum set for sickness benefit entitlement at the rate established under the Social Security Act, and part-time employees shall have a pro rata entitlement to sick leave in hours on half pay, less an amount equal to half the sum set for sickness benefit entitlement at the rate established under the Social Security Act, which amount is also to be calculated on a pro rata basis:

Provided that –

(a) the first three days of any claim for sick leave shall be paid at half pay by the employer;

(b) a medical certificate covering the period of absence is produced to the employer on the day of return to work or, if such period of absence is longer than seven days, within seven days of the onset of sick leave absence;

(c) employees in receipt of a social security pension in respect of retirement or widowhood in terms of the Social Security Act shall, for the purpose of calculating the sick leave pay due, be deemed to have received an amount equal to half the sum set for sickness benefit entitlement at the rate established under the Social Security Act.

(3) The employer may require a medical certificate by his own physician to certify incapacity for work during the period of absence.

(4) Whole-time employees employed for less than one year shall be entitled to paid sick leave in proportion to the number of months in employment.

(5) For the purposes of this paragraph, a break in employment of not more than thirty days, other than at the employee’s request shall not interrupt the continuity of service.
(6) The sick leave entitlement granted by virtue of this paragraph shall be calculated on the basis provided for annual leave as specified in regulation 8(1) of the Organisation of Working Time Regulations.

Bereavement Leave

10. Whole-time employees shall be allowed three days paid leave on the occasion of the death of any of the following relatives: the wife or husband, the mother or father, (or the person who at the time was in fact acting as the mother or father of the employee), the son or daughter, and the brother or sister:

Special Leave

11. A whole-time employee shall be allowed three days leave with full pay on the occasion of his marriage and two days leave with full pay on the occasion of the birth of a child to his wife.

Injury Leave

11A. A whole-time employee shall be entitled to one year injury leave on full pay, less the full amount of any injury benefit to which such employee may be entitled in terms of the Social Security Act, 1987, if he is injured during the actual discharge of his duties and such injury is not due to any contributory negligence on his part, or to the contravention by him of any safety rules laid down by the Management.

Jury Service

12. A whole-time employee called for jury service shall be allowed all the necessary time off without loss of pay to attend the Courts.

Part-Time Employees

13. The minimum remuneration payable to part-time employees shall be at such hourly rate arrived at:-

(a) in the case of watchmen, by dividing by 48* the weekly rate applicable to that category of watchmen.

*(as amended by reg. 7 of L.N. 247 of 2003)
(b) in the case of other employees, by dividing by 40 the weekly rate applicable to such other employees at age 18 years or over.

Part-time Watchmen

14. Paragraph 14 of this Schedule to the principal order has been revoked by L. N. 60/78.

Waiting Time

15. An employee is entitled to the payment of the minimum wages applicable to him for all time during which he is present on the premises of his employer or elsewhere unless he is present thereon in any of the following circumstances:-

   (a) without the employer's consent, expressed or implied;

   (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;

   (c) by reason only of the fact that he is resident thereon;

   (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

Retiring Age

16. In cases where the retiring age of a male employee is expected at the age of 60 years, such employee shall be given the opportunity by his employer to retain his employment beyond this age at least until the age of 61 years, provided that the employee in question shall still be allowed, if he so wishes, to retire at the age of 60 years.

EXPLANATORY NOTE

(This note is not part of the order but is intended to indicate its applicability)
The provisions of the above Schedule shall apply to all employees in any undertaking or in any part of an undertaking the activities of which consists wholly or mainly in any of the following:-

(a) the manufacture or processing (including the spinning, weaving, knitting, finishing and any other process incidental to the foregoing) of natural, artificial or man-made fibres and fabrics; and

(b) the making up of articles from natural, artificial or man-made fibres and fabrics.

Amended up to 01.01.13