L. N. 115 of 1977

CONDITIONS OF EMPLOYMENT (REGULATION) ACT, 1952
(Act No. XI of 1952)
(Kept in force by virtue of Article 86 of the Employment and Industrial Relations Act – Cap.452)

HOSPITALS AND CLINICS WAGES COUNCIL WAGE REGULATION ORDER, 1977

IN exercise of the powers conferred by section 8 of the Conditions of Employment (Regulation) Act, 1952, the Minister of Labour, Welfare, and Culture having received proposals from the Hospitals and Clinics 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 Hospitals and Clinics Wages Council Wage Regulation Order, 1977 and shall come into force on the 22nd August, 1977.

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

3. From the date of commencement of this order, the Hospitals and Clinics Wages Council Wage Regulation Order, 1976 shall be revoked without prejudice however, to any rights of liabilities existing thereunder on that date.
SCHEDULE

Interpretation

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

"Clinic" means any establishment or organisation falling within the field of operation of the Hospitals and Clinics Wages Council other than a Hospital:

Provided that where the clinic is situated in a pharmacy, the employees in that Pharmacy shall not be deemed to be employees of that Clinic;

"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;

"hospital" means any institute of medico-surgical treatment, any maternity home or hydropathic establishment and includes homes for old aged people, and sanatoria excluding those charitable institutions identified as such by the Minister responsible for labour;

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

"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;

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

"semi-skilled worker" means a worker who would otherwise be a skilled worker but has not undergone an apprenticeship in the trade;

"shift worker" means an employee who is regularly engaged on alternate periods of employment in accordance with a prepared roster;

"time-and-a-half" and "double-time" mean respectively one-and-a-half and
double the actual ordinary time rate payable to the employee;

"wages" means the 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.

Minimum Rates of Pay

2. Whole-time employee shall not be paid less than the rates of pay applicable to their grade as shown hereunder:

<table>
<thead>
<tr>
<th>CATEGORY A - (Employees who by the nature of their duties ordinarily come into direct relationship with the patient)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital/Clinic Attendant</td>
<td>€ 8,827.55 per annum rising by annual increments of € 55.90 up to a maximum of € 9,200.25 annually.</td>
</tr>
<tr>
<td>Enrolled Nurse</td>
<td>€ 9,090.77 per annum rising by annual increments of € 83.86 up to a maximum of € 10,106.09.</td>
</tr>
<tr>
<td>This salary applies to those employees who by the nature of their employment administer medical care to the patient.</td>
<td></td>
</tr>
<tr>
<td>Staff Nurse / State Registered Nurse</td>
<td>€ 9,575.28 per annum rising by annual increments of € 83.86 to € 9,925.52 per annum and by annual increments of € 111.81 up to a maximum of € 10,619.30 per annum;</td>
</tr>
</tbody>
</table>
Provided that those S.R.N.'s who besides their normal duties perform also the work of a midwife they become entitled to the payment of an increase of € 111.81 per annum besides their normal salary.

CATEGORY B - (Employees who by the nature of their duties do not ordinarily come into direct relationship with the patient)

Hospital Auxiliaries

(a) Servants and Laundry Employees

€ 169.76 per week rising by annual increments of € 1.16 per week up to a maximum of € 175.56 per week.

(b) Fatigueman/ Fatiguewoman/ Labourers/ Caretakers/ Gate-keepers

€ 172.67 per week rising by annual increments of € 1.75 per week up to a maximum of € 177.92 per week.

The duties of a gate-keeper shall consist only of controlling access to the hospital grounds.

Semi-Skilled Workers

€ 177.33 per week rising by annual increments of € 1.75 per week up to a maximum of € 182.58 per week.

Skilled Workers

€ 179.66 per week rising by annual increments of 1.75 per week up to a maximum of € 187.81 per week.

Non-Industrials

(including appointments clerk, clerk/clerk typist)

€ 173.84 per week rising by annual increments of € 1.75 per week up to a maximum of € 183.74 per week.
CATEGOR\text{Y C}

Dental Auxiliaries

During the first year of employment in the profession an employee under the age of 18 years will receive a minimum wage of \( \€ 169.76 \) per week; after the first year of employment in the profession the wage per week shall not be less than \( \€ 173.25 \) per week rising by annual increments of \( \€ 1.28 \) per week up to a maximum of \( \€ 179.65 \) per week.

Dental Laboratory Assistants

\begin{tabular}{ll}
 At age 16 years & \( \€ 160.14 \) \\
 At age 17 years & \( \€ 163.01 \) \\
 At age 18 years and over & \( \€ 172.67 \)
\end{tabular}

per week rising by annual increments of \( \€ 1.75 \) per week up to a maximum of \( \€ 177.92 \) per week.

Dental Mechanics

Where a Dental Mechanic in possession of a qualification recognised by the Advisory, and Executive Board performs work on the construction of dentures and other connected work, whether or not he performs also all or any of the following additional duties, namely the construction of obturators, splints for fractures, chrome cobalt prosthesis, precision attachment bridge work and porcelain fused to gold bridge work, he shall receive a salary of \( \€ 9,575.28 \) per annum rising by annual increments of \( \€ 83.86 \) up to \( \€ 9,925.52 \) per annum and thereafter by annual increments of \( \€ 111.81 \) up to a maximum of \( \€ 10,619.30 \) per annum.

In the case of a Dental Mechanic without the qualifications referred to in the preceeding paragraph the wages should be \( \€ 179.66 \) per week rising by annual increments of \( \€ 1.75 \) per week up to a maximum of \( \€ 186.07 \) per week.
Overtime

3. Whole-time employees shall be paid overtime at the following rates:-

(1) Hospitals

(a) for all time worked outside the ordinary hours of work on any day of the week, including any weekly day of rest except a Sunday or a customary holiday .......... time-and-a-half;

(b) for all time worked on a Sunday or a customary holiday ................................ double-time.

(2) Clinics

(a) for all time worked outside the ordinary hours of work on any day except a Sunday or customary holiday .......... time-and-a-half;

(b) for all time worked on a Sunday or a customary holiday ................................ double-time.

Ordinary Hours of Work

4. The ordinary hours of work of all whole-time employees in any establishment or organisation shall not exceed in the aggregate forty hours of work in any one week, and the minimum wage of such employees shall be related to a week of not more than forty hours of work;

Provided that:-

(a) the ordinary hours of work of whole-time shift workers employed in any hospital shall be spaced within an uninterrupted period of employment for any particular day determined by the employer in agreement with the employees in accordance with a roster prepared by them;

(b) the ordinary hours of work of whole-time employees other than shift-workers employed in any hospital shall be spaced within an interrupted period of employment of not more than nine hours on any one day inclusive of the interval allowed for rest; and
(c) the ordinary hours of work of whole-time employees employed in any clinic shall be spaced between the times of 8:00 a.m. and 7:00 p.m. on any one day from Monday to Friday. On Saturday the hours of work shall be between the times of 8:00 a.m. and 1:00 p.m.

**Waiting Time**

5. An employee shall be entitled to the payment of the minimum remuneration applicable to him for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:

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

   (b) for some purpose not connected 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 recognised breaks for meals and rest, provided he is not waiting for work to be given to him to perform.

**Free Meals and Uniforms**

6. All whole-time employees employed in any hospital shall be entitled to the following free of charge:

   (a) one main meal each working day either at mid-day or in the evening;

   (b) tea in the morning and in the afternoon;

   (c) uniforms, overalls, or any other outer wear like protective clothing which they are required to wear by the employing organisation:

Provided that should employees not avail themselves of their right to any free meals as aforesaid they shall not be entitled to any pecuniary compensation in substitution therefor.

**Minimum Daily Rest**

7. (1) Whole-time employees in any hospital shall be allowed intervals
for meals and rest of not more nor less in the aggregate than one hour on any one day.

(2) Whole-time employees in any clinic shall be allowed intervals for meals and rest of not less in the aggregate than one hour on any one day.

Minimum Weekly Rest

8. Whole-time employees shall be allowed one day of rest in every week.

Annual Vacation Leave

9. Whole-time employees shall be entitled to the National Holidays and to all Public Holidays with full pay, and to the following leave not being less than -

   (a) four working weeks and one working day during 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;
   
   (d) four working weeks and four working days during the calendar year 1992 and during any other calendar year thereafter:

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.

Meaning of Vacation Leave

For the purposes of paragraph 10 "vacation leave" means leave with pay which may be availed of on days agreed upon between the employer and the employee, provided that one working day during 1988 and 1989, two working days during 1990, three working days during 1991 and four working days during 1992 and during any calendar year thereafter 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 the 9th November, 1988.
(As amended by L.N. 38 of 1989)

Sick Leave

10. (1) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of thirty 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 thirty 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) 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.”

Leave for Injury or Contraction of Disease

11. Whenever whole-time employees sustain any injury or contract any disease while on duty they shall be entitled to leave on full pay less the full amount of any benefit to which such employee may be entitled in terms of the National Insurance, Act, 1956, for the whole duration of such an injury or disease:

Provided, however, that the injury or the disease is -

(a) sustained or contracted by the employee during the actual discharge of his duties;

(b) not sustained or contracted owing to negligence on the employee's part;

(c) specifically attributable to the nature of the employee's duties when such duties are specified by the employer or by someone acting on behalf of the employer.

Marriage Leave

12. Whole-time employees shall be entitled to three working days leave with pay on the occasion of their marriage.
Birth Leave

13. Whole-time male employees shall be entitled to one working day leave with pay on the occasion of the birth of a child to their wife.

Bereavement Leave

14. A whole-time employee shall be entitled to two working days leave with pay on the occasion of the death of any of the following relatives to the employee: husband, wife, father, mother, (or the person who at the time was acting as father or mother of the employee) son, daughter, brother or sister.

Leave for Jury and Court Service

15. Whole-time employees shall be entitled to leave with pay for all working time during which they are required to attend at Court as jurors or summoned to appear as witnesses in police cases.

Retiring Age

16. In cases where retirement of a male employee is expected at the age of 60 years, such employee shall be given the opportunity by the 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 60 years.

EXPLANATORY NOTE

(This note is not part of the Schedule, but is intended to show its applicability)

The provisions of this Schedule apply to all employees in any private hospital, nursing or convalescent home, dental or other clinic, including dental mechanics, and medical or nursing institutions or similar establishments.

"Hospital" means any institute of medico-surgical treatment, any maternity home or hydropathic establishment, and includes homes for old aged persons and sanatoria, excluding those charitable institutions identified as such by the Minister responsible for labour.
"Clinics" also includes ante-natal clinics, X-Ray clinics and medical laboratories and any other establishment where people go to be medically examined or to receive medical attention but does not include any institution which is not run as a profitable concern.

This order shall not apply to employees whose remuneration for services is regulated by tariff made by or under any other law.

Amended up to 01.01.17