

(UNOFFICIAL)

L. N. 27 of 1980

CONDITIONS OF EMPLOYMENT (REGULATION) ACT, 1952  
(CAP. 135)

*(Kept in force by virtue of Article 86 of the Employment and Industrial Relations Act – Cap.452)*

CONSTRUCTION WAGES COUNCIL WAGE REGULATION ORDER  
1980

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 Construction Wages Council concerning the conditions of employment of the employees in relation to whom the said Wages Council operates, has made the following order:-

Citation and commencement

1. This order may be cited as the Construction Wages Council Wage Regulation Order, 1980, and shall come into force on the 10th March, 1980.

Application of order

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

Revokes previous order Regulation

3. From the date of commencement of this order, the Construction Wages Council Wage Order, 1972, 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" means a period running from midnight of one day to midnight of the next immediately following day;

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

"normal hourly wage" means the weekly wage divided by:-

(a) 48\*, in the case of watchmen, and

*\*(as amended by reg. 7 of L.N. 247 of 2003)*

(b) 40, in the case of other employees;

"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;

"recognized breaks" means breaks which are customary among particular sections of the employees to whom this schedule applies;

"time-and-a-half" and "double-time" mean respectively:-

(a) in the case of a time employee, one-and-a-half times and twice the normal rate due to him;

(b) in the case of an employee on piece-work:

(i) the piece rates being paid to the employee, and in addition,

(ii) a time rate equal to one-half, or, as the case may be, the whole of the normal rate which would have been payable to

him if he were a time 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 worker 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. (1) The minimum weekly remuneration for time employees, other than watchmen, shall be related to not more than forty hours of work calculated on an average for one calendar year exclusive of overtime and of recognized breaks for meals and rest spread over a five-day week.

(2) The minimum weekly remuneration for watchmen shall be related to a week of not more than forty-eight hours\* of work, exclusive of overtime. \**(averaged over a reference period, as amended by reg. 7 of L.N. 247 of 2003)*

(3) A time-schedule covering a period of a calendar year for all categories of employees in the same establishment, as the case may be, shall be submitted in writing by registered letter, to the Director, and shall when so, notified and provided it complies in all respects with the provisions of this order and the requirements of any other law, constitute the normal working hours in the establishment:-

Provided that:-

(a) until such time-schedule is submitted to the Director as aforesaid, the normal working hours in the establishment shall be forty hours in any one week; and

(b) any changes to such time-schedule shall not be effected by the employer before the prior notification in writing of such changes to the Director.

Minimum Remuneration

3. (1) Subject to the provisions of paragraph 7 of this Schedule, the minimum weekly wages payable to time employees shall be the following:-

- |     |  |          |
|-----|--|----------|
| (a) | (i) Watchmen whose duties are mainly performed indoors       | € 172.67 |
|     | (ii) Watchmen whose duties are mainly performed out of doors | € 175.00 |
| (b) | Other time employees -                                       |          |
|     | (i) aged 18 years and over                                   | € 172.67 |
|     | (ii) aged 17 years   | € 161.86 |
|     | (iii) aged under 17 years                                    | € 159.28 |

(2) Notwithstanding the provisions of paragraph 2 of this Schedule, an employee shall be entitled to the full contracted weekly remuneration if:-

- (a) he works for not less than 37 hours in any one week, exclusive of overtime work, if he works in a quarry;
- (b) he works for not less than 45 hours in any one week, exclusive of overtime work, if he works as a watchman;
- (c) in the case of any other employee, he works for less than 40 hours, but not less than 30 hours in any one week, exclusive of overtime work:

Provided that a proportionate reduction may be made in respect of such number of hours during which the employee shall absent himself at his own request.

Piece-work Employees

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

Minimum Daily Rest

5. Employees other than watchmen shall be allowed intervals of not less, in the aggregate, than one hour for meals and rest in any day on which the hours of work exceed five and one half hours.

Minimum Weekly Rest

6. All employees shall be allowed a weekly day of rest in every week.

Minimum Overtime Rates

7. Subject to the provisions of this paragraph and of paragraph 1 of this Schedule, minimum overtime rates shall be paid to all employees, other than watchmen, as follows:-

- (1) (a) On any day, other than Saturday and Sunday or customary holidays for any hours in excess of the normal working hours of the establishment which shall not exceed nine hours on any day .... time-and-a-half;
- (b) for all hours of work on Saturdays ..... time-and-a-half;
- (c) for all hours of work on Sundays ..... double-time;
- (d) for all hours of work on a customary holiday ..... double-time in addition to a normal wage.

The provisions of this paragraph apply to an employee on piece work only when he is required to work overtime by his employer.

(2) Overtime shall be payable to watchmen:-

- (a) at the rate of time-and-a-half for all time worked in excess of 60 hours in a period of six consecutive days,
- (b) at the rate of double-time for all time worked on the seventh day and/or on any customary holiday.

### Holidays

8. (1) Whole-time employees shall be entitled in every calendar year, to
- (a) all customary holidays with full pay, and
  - (b) to the following vacation leave not being less than:-
    - (i) four working weeks and one working day during the calendar years 1988 and 1989;
    - (ii) four working weeks and two working days during the calendar year 1990;
    - (iii) four working weeks and three working days during the calendar year 1991;
    - (iv) 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 purpose of this paragraph, a break in employment of not more than thirty days shall not interrupt the continuity of service.

(3) For the purpose of this paragraph "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 other 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 9<sup>th</sup> November, 1988

*(As amended by L.N. 38 of 1989)*

### Sick Leave

9. (1) After the completion of one year 's continuous service, a whole-time employee shall in every calendar year be entitled to the equivalent in hours of fifteen 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) After the completion of one year's continuous service, a whole-time employee shall in every calendar year be entitled to the equivalent in hours of a further fifteen 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) For the purpose of this regulation, a break in employment of not more than thirty days shall not interrupt the continuity of service.

(5) 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 two days paid leave on the occasion of the death of the following relations: the wife, husband, mother, father (or the person who at the time was in fact acting as the mother or father of the employee), son or daughter, brother or sister.

#### Marriage Leave, etc.

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

#### Injury Leave

12. 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 under the Social Security Act, 1987, if he is injured during the actual discharge of his duty and such injury is not due to any contributory negligence on his part (or to the contravention by him of safety rules laid down by the management).

#### Jury Service

13. A whole-time employee shall, if called upon to serve as juror, be allowed all time off as shall be necessary, without any deduction from pay

to which he would otherwise have been entitled to enable him to attend such duty in Court.

### Waiting Time

14. An employee is 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 or in any other place in connection with his employment 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 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.

### EXPLANATORY NOTE

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

The above order operates in respect of all employees engaged in building, in civil engineering, and in mechanical or electrical engineering or work and also in respect of all employees engaged in marble works and lime kilns.

In this Explanatory Note;-

- (a) The phrase "building, civil engineering and mechanical or electrical engineering or work" includes construction, reconstruction, maintenance, repair, alteration, painting, decoration, or demolition of any building, road, harbour, dock, pier, bridge, viaduct, sewer, drain, well or other work of construction, the preparation for or laying the foundation of any work or structure, the extraction from the earth of stone, clay, sand or gravel, the manufacture of precast concrete

Construction

masonry and concrete units, the manufacture of cement tiles, and any plumbing work or electrical wiring; and

(b) the phrase "marble works" includes the cutting, dressing, setting and laying of marble blocks or slabs to make ornamental or protective surface, and the preparation and setting of all marble objects whether for ornamental purpose or not.

This order does not apply to employees employed by woodwork contractors.

Amended up to 01.01.16