

L.N. 144 of 2017**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)****National Minimum Wage (Amendment)
National Standard Order, 2017**

IN EXERCISE of the powers conferred by articles 4 and 48 of the Employment and Industrial Relations Act, the Minister responsible for Social Dialogue, Consumer Affairs and Civil Liberties, has made the following order:-

Citation. **1.** The title of this Order is the National Minimum Wage (Amendment) National Standard Order, 2017 and it shall be read and construed as one with the National Minimum Wage National Standard Order, hereinafter referred to as "the principal order".

S.L. 452.71.

Adds new article to the principal order. **2.** Immediately after article 3 of the principal order, there shall be inserted a new article 4 as follows:

"Mandatory supplements.

4. (1) Employees who are paid the weekly minimum wage as set out in the Schedule to this Order, or a weekly wage equivalent to the minimum wage set out in the said Schedule, shall, upon the completion of the first year of employment with the same employer, be entitled to the following mandatory supplement of:

(a) three euro (€3) per week to be effected upon the start of the second year of employment so that the basic pay of the employee concerned shall be the weekly minimum wage as set out in the Schedule or the equivalent to the latter topped up by three euro (€3); and

(b) upon completion of the second year, to a further three euro (€3) per week to be effected upon the start of the third year of employment so that the basic pay of the employee concerned for that year and onwards shall be the weekly minimum wage as set out in the Schedule or the equivalent to the latter topped up by six euro (€6).

(2) Employees who are paid more than the weekly minimum wage as set out in the Schedule to this Order, or more than the weekly wage equivalent to the minimum wage set out in the said Schedule, whether by virtue of any law, regulation or order or by virtue of a contract of employment, shall, upon the completion of the first year of employment with the same employer, be entitled, to that portion of the mandatory supplements as provided in sub-article (1) so however that their weekly minimum wage topped up with the amounts in paragraphs (a) and (b) of sub-article (1) shall not exceed the weekly minimum wage as set out in the Schedule to this Order, or a weekly wage equivalent to the minimum wage set out in the Schedule to this Order topped up with the supplements laid down in paragraphs (a) and (b) of sub-article (1).

(3) Those employees, who, on the 28th April 2017, have already completed at least one year of employment with the same employer and who are paid the weekly minimum wage as set out in the Schedule to this Order, or a weekly wage equivalent to the minimum wage set out in the said Schedule, shall be entitled to the mandatory supplements as laid down in sub-article (1) as follows:

(a) with effect from 1st January 2017, the said employees shall be entitled up to a maximum of three euro (€3) per week adjustment in terms of sub-article (1);

(b) in 2018, the said employees shall be entitled up to a maximum of three euro (€3) per week adjustment in terms of sub-article (1); and

(c) in 2019, the said employees shall be entitled to the balance so as to reach an increase of six euro (€6) in the minimum wage, provided that the employees will have been in employment with the same employer for at least three years.

(4) For the purposes of this article, the term "employment with the same employer" shall mean employment with the employer who had engaged the employee originally and shall include other entities within the same group of companies of which the employer forms part.

Cap. 452. (5) Notwithstanding anything stated to the contrary in article 33 of the Employment and Industrial Relations Act, any other law, regulation or order:

Cap. 452. (a) all those employees who are entitled to the mandatory supplements in terms of this article and who are engaged on a definite contract of employment in terms of the Employment and Industrial Relations Act or of any subsidiary legislation issued thereunder, shall not, upon the expiry of their definite contract of employment, be substituted by another employee for up to one year from that date upon which the contract has expired, unless the employer informs the said employee that there is a good and sufficient cause to substitute that employee and specifically states what constitutes the good and sufficient cause in writing; and

Cap. 452. (b) with respect to all those employees who are entitled to the mandatory supplements in terms of this article and who are engaged on a definite contract of employment in terms of the Employment and Industrial Relations Act or of any subsidiary legislation issued thereunder, if, within six months from the expiry of the first contract of employment, such employee is offered another fixed term contract, the two periods shall be considered as one continuous period."

