

SUBSIDIARY LEGISLATION 452.63

**WHOLESALE AND RETAIL TRADES WAGES
COUNCIL WAGE REGULATION ORDER***

18th March, 1989

LEGAL NOTICE 32 of 1989, as amended by Legal Notices 427 of 2007, 125 of 2010, 362 of 2012, 334, 444 of 2013, 482 of 2014, 5 of 2016, 5 of 2017, 97 and 383 of 2017, 104 and 351 of 2019, 469 of 2020 464 of 2021, 335 of 2022, 286 of 2023, 341 of 2024 and 288 of 2025.

1. The title of this Order is Wholesale and Retail Trades Wages Council Wage Regulation Order. Title.

2. The provisions set out in the Schedule hereto shall apply to all employees in respect of whom the Wholesale and Retail Trades Wages Council operates other than persons employed in bars, restaurants and coffee-houses. Field of operation of Wages Council.

SCHEDULE

*Amended by:
L.N. 427 of 2007;
L.N. 125 of 2010;
L.N. 362 of 2012;
L.N. 334 of 2013;
L.N. 444 of 2013;
L.N. 482 of 2014;
L.N. 5 of 2016;
L.N. 5 of 2017;
L.N. 97 of 2017;
L.N. 383 of 2017;
L.N. 104 of 2019;
L.N. 351 of 2019;
L.N. 469 of 2020;
L.N. 464 of 2021;
L.N. 335 of 2022;
L.N. 286 of 2023;
L.N. 341 of 2024;
L.N. 288 of 2025.*

1. In this Schedule unless the context otherwise requires - Interpretation.
"customary holidays" means the days (other than Sundays) declared for the time being to be public holidays by or under the National Holidays and other Public Holidays Act; Cap. 252.

"hours of work" means the time on any day during which employees are at the disposal of the employer, exclusive of 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;

"time-and-a-half" and "double-time" mean respectively one and a half times and twice the actual time rate applicable to the

*This Order has been repealed by Legal Notice 125 of 2026.

employee;

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

"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.

Hours of work.

2. The minimum weekly remuneration payable to whole-time employees shall be related to a week of not more than forty hours spread over six days:

Provided that the hours of work of watchmen shall be related to a week of not more than sixty hours spread over six days.

Minimum remuneration payable to whole-time employees.

Amended by:

L.N. 97 of 2017;
L.N. 383 of 2017;
L.N. 104 of 2019;
L.N. 351 of 2019;
L.N. 469 of 2020;
L.N. 464 of 2021;
L.N. 335 of 2022;
L.N. 286 of 2023;
L.N. 341 of 2024;
L.N. 288 of 2025.

3. Subject to the provisions of paragraph 2 of this Schedule, the minimum weekly remuneration payable to whole-time employees shall be as follows:-

- (a) Whole-time employees other than watchmen, of the age specified in Column 1 of the table immediately following shall be entitled to the appropriate rate of remuneration set out in Column 2 thereof:

Minimum Remuneration

WHOLE-TIME EMPLOYEES (OTHER THAN WATCHMEN)

Column 1	Column 2
At age 16 years.....	€220.71
17 years.....	€223.29
18 years and over.....	€230.61

- (b) Watchmen employed as whole-time employees performing duties as specified in Column 1 of the table immediately following shall be entitled to the appropriate rate of remuneration set out in Column 2 thereof:

Minimum Remuneration

WATCHMEN EMPLOYED AS WHOLE-TIME EMPLOYEES

Column 1	Column 2
Watchmen whose duties are mainly performed indoors.....	€230.61
Watchmen whose duties are mainly performed outdoors.....	€232.93

Minimum daily rest.

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

5. (1) *(Deleted by Legal Notice 5 of 2016).* Minimum weekly rest.
- (2) All whole-time employees shall be entitled to at least one day of rest in every calendar week.
6. Whole-time employees other than watchmen shall be entitled to overtime remuneration as follows: Minimum overtime rates.
- (a) for all hours of work in excess of the normal hours of work in accordance with paragraph 2 of this Schedule time-and-a-half;
 - (b) for all hours of work on Sundays and customary holidays double-time;
 - (c) for all hours of work in any calendar week in excess of the number of working hours, being not more than forty, stipulated in the contract of service excluding from such number -
 - (i) all time paid for under the foregoing provisions of this paragraph; and
 - (ii) the number of hours during which an employee is on holiday, sick leave or is absent from work without remuneration subject to a maximum of seven hours in respect of any whole day time-and-a-half:
- Provided that the Director of Labour may authorize an employer in writing to pay overtime to specified employees or groups of employees in respect only of hours of work in excess of a weekly average of the number of working hours being not more than forty, stipulated in the contract of service, calculated over such a number of consecutive weeks as the Director may deem reasonable; and in that case the provisions of item (a) of this paragraph shall not apply;
- (d)
 - (i) for all hours of work by watchmen in excess of ten hours daily or in excess of sixty hours in a period of six consecutive days ..time-and-a-half;
 - (ii) for all hours of work by watchmen on the seventh day (day of rest) double-time.
- 6A. (1) Employees in respect of whom this Order applies shall only be obliged to work on Sundays if they give their written consent to work on Sundays to their employer. Work on Sundays.
- (2) Only those employees who give their consent in terms of this paragraph shall be obliged to work on Sundays. These employees shall be paid in accordance with paragraph 6 of this Schedule.
- (3) No employee shall be subject to any disadvantage, threat or actual dismissal by his employer on account that he is not willing to give his consent to work on Sundays in terms of this paragraph.
- (4) This paragraph shall not apply to those employees who are obliged to work on Sundays by virtue of a pre requisite in their

contract of employment or in the written statement which must be drawn up in terms of the Act and its subsidiary legislation.

Vacation leave.

7. (1) In addition to the minimum weekly rest to which whole-time employees may be entitled under paragraph 5, 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 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.

(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;
- (d) four days vacation leave 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.

Sick leave.

8. (1) After completing the first six months of employment, 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:

Cap. 318.

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. Cap. 318.

(2) After completing the first six months of employment, a whole-time employee shall in every calendar year be entitled to the equivalent in hours of a further thirty-six 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: Cap. 318.

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. Cap. 318.

(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. S.L. 452.87

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

10. A whole-time employee shall be allowed three days leave with pay on the occasion of his or her marriage, and one day leave on the occasion of the birth of a child to the wife of the employee. Special leave.

Injury leave.	11. 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, if he/she is injured during the actual discharge of his/her duty and not due to any contributory negligence on his/her part or to any contravention of safety rules laid down by the management.
Cap. 318.	
Jury leave.	12. Whole-time employees called for jury service shall be allowed all the necessary time off on full pay to attend such service at the Court.
Retiring age.	13. In cases where the retiring age of a male employee is expected at the age of sixty years, such employee shall be given the opportunity by his employer to retain his employment beyond this age at least until the age of sixty-one years, provided that the employee in question shall still be allowed, if he so wishes, to retire at the age of sixty 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 persons employed by wholesale merchants, distributors, importers, exporters, commission agents, wholesale and marketing, co-operatives, retailers, lending libraries, hawkers, hairdressers, consumers' co-operatives, photographic studios; but it shall not apply to employees in any shop run directly under the management of a hotel as part of the amenities of the hotel, nor to employees in any shop either run directly by the management of a club as part of the amenities thereof or given out under contract for the purpose of increasing those amenities.
