L.N. 151 of 2010

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (CAP. 452)

Tobacco Manufacture Industry Wages Council Wage Regulation Order (Amendment) Order, 2010

IN exercise of the powers conferred by articles 4 and 48 (2) of the Employment and Industrial Relations Act, the Prime Minister has made the following order:-

Title.

1. The title of this order is the Tobacco Manufacture Industry Wages Council Wage Regulation Order (Amendment) Order, 2010 and it shall be read and construed as one with the Tobacco Manufacture Industry Wages Council Wage Regulation Order, 1991 hereinafter referred to as "the principal order".

L.N.115 of 1991.

Amends the Schedule to the principal order.

2. In the Schedule to the principal order:

(a) in paragraph 1 thereof:

(i) for the definition "part-time employee" there shall be substituted the following:

" "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;"; and

(ii) for the definition "whole-time employee" there shall be substituted the following:

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

(b) for paragraph 10 thereof, except for sub-paragraph (iii) thereof, there shall be substituted the following:

"10. (1) After six months in employment, a whole-time employee shall be entitled to the equivalent in hours of six 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.

(2) After six months in employment, a whole-time employee shall be entitled to the equivalent in hours of a further 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:

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) After twelve months in employment, 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.

(4) After twelve months in employment, 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.

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

(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.". L.N. 247 of 2003.

(c*)* Sub-paragraph (iii*)* of paragraph 10 thereof shall commence with the words "Whole-time employees shall be entitled to.".

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