L.N. 115 of 1991

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

Tobacco Manufacture Industry Wages Council Wage Regulation Order, 1991

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 Tobacco Manufacture Industry 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 Tobacco Manufacture Industry Wages Council Wage Regulation Order, 1991 and shall come into force on the 17th July, 1991. Citation and commencement.

2. The provisions set out in the Schedule hereto shall apply to all employees in respect of whom the Tobacco Manufacture Industry Wages Council operates. Application of order.

3. From the date of commencement of this order, the Tobacco Manufacture Industry Wages Council Wage Regulation Order, 1977, shall be revoked. Revokes previous order. L.N. 97 of 1977.

SCHEDULE

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 the intervals allowed for meals and rest;

"part-time employee" means an employee who is not a whole-time employee;

"time-and-a-half" and "double-time" means respectively one-and-a-half times and twice the minimum time rate applicable to the employee;

"wages" means remuneration or earnings payable in money by an employer to an employee;

"whole-time employee" means an employee who works for more than thirty hours in any one week.

2. (1) The hours of work of whole-time employees other than watchmen shall not exceed forty hours in any one week: Hours of work.

Provided that by mutual agreement between the employer and the authorised representatives of the employees, the total number of hours worked in any one week can be extended or decreased sohowever as neither to exceed a maximum of forty-two and a half hours, nor a minimum of thirty-five hours:

Provided further that the total weekly average over a calendar year does not exceed an average of 40 hours per week.

(2) The hours of work of whole-time watchmen shall not exceed fifty-hour in any one week of six days.

Minimum remuneration of whole-time employees.

3. (1) The minimum weekly wage payable to whole-time employees, both male and female, other than watchmen shall be the following:

At age 18 years or over	Lm34.13,0
At age 17 years	Lm31.22,0
At age 16 years	Lm29.99,0

(2) The minimum wage for watchmen shall be:

Lm34.13 — for watchmen whose duty is mainly performed indoors

Lm35.13 — for watchmen whose duty is mainly performed out of doors.

Minimum remuneration to part-time employees.

4. The minimum remuneration payable to part-time employees of the categories specified in paragraph 3 hereof shall not be less than the proportionate rate of the minimum remuneration payable to a whole-time employee of the same category, calculated on the basis of a 54 hour week in the case of watchmen and a 40 hour week in the case of other employees.

Piece rates.

5. The minimum earnings by an employee engaged on piece-work, per week or any part thereof, shall not be less than the minimum earned if the employee was employed on a day rate basis.

Minimum daily rest.

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

Provided that, where the last half-hour of the period of employment is allowed as a part of the hour of rest, the employee shall be entitled to leave the place of work as soon as that half-hour starts.

Minimum weekly rest.

7. All whole-time employees shall be allowed one whole day off in every calendar week.

Overtime.

8. (1) Whole-time employees, other than watchmen, shall be paid at time-and-a-half rates for overtime work performed on weekdays, and at double-time for work performed on Sundays and public holidays.

(2) Watchmen shall be paid at time-and-a-half rates for time worked in excess of fifty four hours in a six-day week, and at double time rates for all time worked on a Sunday or a public holiday.

Vacation leave.

9. (1) In addition to the minimum weekly rest to which whole-time employees may be entitled under paragraph 7, whole-time employees shall be entitled to the National Holidays and to all public holidays with full pay, and to the following vacation leave not being less than:—

(a) for 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 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 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 day vacation leave during 1988 and 1989, two days vacation leave during 1990, three days vacation leave during 1991 and 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.

10. Whole-time employees shall be entitled to —

(i) six days full pay and six days on half pay sick leave after six months in employment;

(ii) twelve days on full pay and twelve days on half pay sick leave after twelve months employment, in any calendar year, less any sickness benefit to which they may be entitled under the Social Security Act, 1987, provided a medical certificate certifying incapacity for work covering the period of absence is produced to the employer, who shall be entitled, if he so wishes, to send his medical officer to examine the employee, and

Act X of 1987.

(iii) one year injury leave on full pay, less the full amount of any injury benefit to which the employee may be entitled in terms of the Social Security Act, 1987, if he is injured during the actual discharge of his duty and such injury is not due to contributory

negligence on his part or in contravention by him of safety rules laid down by the management.

Special leave.

11. (1) Whole-time employees shall be entitled to two days paid leave on the occasion of the death of any of the following relatives: the wife or husband of the employee, the father or mother (or the person who at the time was acting as the father or mother), the son or daughter, and the brother or sister.

(2) Whole-time employees shall be entitled to one day paid leave on the occasion of the birth of any child to the wife of the employee.

(3) Bereavement leave or birth leave shall not be claimed, partly or wholly if the occurrence takes place when the employee is on vacation leave, or on a Sunday or a customary holiday.

(4) Whole-time employees shall be allowed three days paid leave on the occasion of their marriage.

(5) Whole-time employees called for Jury Service shall be allowed all necessary time off on full pay to attend to such service in Court.

Waiting time.

12. An employee is entitled to the wages applicable to him for all time during which he is present on the premises of his employer, or elsewhere 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 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; and

(d) during normal meal times, and he is not waiting for work to be given to him to perform.

Retiring age.

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

EXPLANATORY NOTE

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

The provisions of the above Schedule apply to all employees in any undertaking or in any part of an undertaking, the activities of which consist wholly or mainly in the manufacture of cigars, cigarettes, cheroots or pipe or other tobacco and any form of processing of tobacco, whether by hand or by machine.

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