L.N. 29 of 1980

CONDITIONS OF EMPLOYMENT (REGULATION) ACT, 1952 (ACT NO. XI OF 1952)

Beverage Industries Wages Council Wage Regulation Order, 1980

IN exercise of the powers conferred by section 8 of the Conditions of Employment (Regulation) Act, 1952, the Minister of Labour, Welfare and Culture, having received proposals from the Beverage Industries 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 Beverage Industries 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 Beverage Industries Wages Council operates.

Revokes L.N. 52 of 1977.

3. From the date of commencement of this order, the Beverage Industries Wages Council Wage Regulation Order, 1977, shall be revoked without prejudice 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;

"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;

"outside worker" means a person emloyed mainly outside the factory in the distribution and delivery of the employer's products and in the collection of the employer's empty bottles and boxes;

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

"time-and-a-half" and "double-time" mean respectively one and a half times and twice the minimum 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 is employed for more than thirty-five hours in any calendar week, spread over not less than four days.

Hours of work.

2. The minimum weekly remuneration shall be related to a week of not more than —

(a) forty-five hours of work in the case of whole-time employees other than watchmen, and

(b) sixty hours of work, spread over a six-day week, in the case of watchmen.

Minimum remuneration of whole-time employees.

3. The minimum weekly remuneration payable to whole-time employees, both males and females, shall be that shown hereunder:

(a)	watchmen	£24.13×25c—£24.63
(b)	other employees:	
(i)	aged 20 years or over	£24.13×25c—£24.63
(ii)	aged 18 or 19 years ...	£22.88
(iii)	aged 17 years	£20.24
(iv)	aged under 17 years ...	£19.13:

Provided that, where the remuneration is incremental, the increment shall be awarded annually.

Minimum daily rest.

4. Whole-time employees, other than watchmen, shall be allowed daily intervals for meals and rest of not less than one hour in the aggregate in the case of inside workers and of not less than one and a half hours in the aggregate in the case of outside workers.

Minimum weekly rest.

5. Whole-time employees shall be allowed one whole day off in every period of seven consecutive days.

Minimum overtime rates.

6. (1) Whole-time employees, other than watchmen, outside workers or shift workers, shall be entitled to overtime remuneration as follows:

(a) for all time worked in excess of forty-five hours in any calendar week ... ... time-and-a-half;

(b) for all time worked in excess of nine hours on any day of a five day week ... ... time-and-a-half;

(c) for all time worked in excess of eight hours on any day of a five and a half day week time-and-a-half;

(d) for all time worked on any customary holiday, when such day falls on any day other than a Sunday ... ... time-and-a-half;

(e) for all time worked on Sundays ... double-time:

Provided that any overtime due in accordance with the provisions of item (b) or (c) of this sub-paragraph shall only be payable if the total time worked in any calendar week is not less than 45 hours and so long as any reduction in such number of hours is not the result of an employer's order or as a consequence of a customary holiday occurring on a working day.

(2) Whole-time outside workers may be entitled to overtime remuneration on a commission basis:

Provided that such overtime remuneration may be offset against any commission paid to the employee so long as the amount of such commission is not less than the overtime remuneration due to him at the following rates:

(a) for all time worked in excess of forty-five hours in any calendar week ... ... time-and-a-half;

(b) for all time worked on any customary holiday, when such day falls on any day other than a Sunday ... ... time-and-a-half;

(c) for all time worked on Sundays ... double-time.

(3) Shift workers shall be entitled to overtime remuneration as follows:

(a) for all time worked in excess of forty-five hours in any calendar week	time-and-a-half;
(b) for all time worked on any customary holiday, when such a day falls on any day other than a Sunday	time-and-a-half;
(c) for all time worked on a Sunday being in excess of forty-five hours in any calendar week	double-time.

(4) Watchmen shall be entitled to overtime remuneration as follows:

(a) for all time worked in excess of sixty hours in any calendar week	time-and-a-half;
(b) for all time worked in excess of ten hours on any day	time-and-a-half;
(c) for all time worked on any customary holiday, including Sundays, in excess of sixty hours in any calendar week	double-time.

Vacation leave.

7. Whole-time employees shall be entitled, in every calendar year, to —

(a) all customary holidays with full pay, and

(b) after three months in employment, vacation leave of such number of working days with full pay as is equivalent to the number of working days as that particular employee should normally attend to work during a period of four weeks:

Provided that whole-time employees who have been in employment for less than one year shall be entitled to such part of the said vacation leave as is in proportion to the number of months in employment.

Sick leave.

8. After completing one year in employment, whole-time employees shall be entitled to seven days sick leave on full pay in every calendar year, less any sickness benefit to which they may be entitled under the National Insurance Act, 1956, provided a medical certificate certifying incapacity for work covering the whole period is produced to the employer.

Bereavement leave.

9. Whole-time employees shall be entitled to two days leave on full pay on the occassion of the death of one of the following relatives: 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, daughter, brother or sister.

Injury leave.

10. A whole-time employee shall be entitled up to a maximum of one year injury leave on full pay, less the full amount of any injury benefit to which such employee may be entitled in terms of the National Insurance Act, 1956, 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 any safety rules laid down by the Management.

Marriage leave.

11. A whole-time employee shall be allowed three days leave on full pay on the occasion of his marriage.

Birth leave.

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

Jury leave.

13. A whole-time employee called for jury service shall be allowed all necessary time off on full pay to enable him to attend to such service in Court.

Minimum remuneration of part-time employees.

14. The minimum remuneration payable to part-time employees of the categories specified in paragraph 3 hereof shall be *pro rata* at an hourly rate arrived at by dividing the amount appearing for the category by the number of hours of work per week for the relative category:

Provided that in no case shall a part-time employee be paid for less than three hours even if he has performed less than three hours work.

Retiring age.

15. 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 order 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, which consists wholly or mainly in the bottling or the production of distilled spirits, wines, malt liquors, soft drinks and carbonated beverages, and of any other activity so far as it is incidental or ancillary to any such activity as aforesaid as the undertaking, including, without prejudice to the generality of the foregoing —

(a) the distilling of ethyl alcohol for all purposes, the distilling, rectifying and blending of alcoholic liquors;

(b) the production of wines, cider, perry or other fermented beverages;

(c) the production of malt or malt liquors, such as beer, ale, porter and stout, and

(d) the manufacture of non-alcoholic beverages, such as soft drinks and carbonated mineral waters.

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