B 1206

L.N. 118 of 2026

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (CAP. 452)

Construction (Conditions of Work) Regulation Order, 2026

IN EXERCISE of the powers conferred by article 4(1) of the Employment and Industrial Relations Act, the Minister responsible for employment and industrial relations has made the following regulations:-

Citation, commencement and applicability.

1. (1) The title of this order is the Construction (Conditions of Work) Regulation Order, 2026.

(2) This order shall come into force within two (2) months from its date of publication in the Gazette.

(3) The provisions established in this order shall apply to all employees who work in building, in civil engineering or in mechanical or electrical works, and in respect of all employees engaged in marble works and lime kilns:

Provided that this order shall not apply to employees engaged by woodwork contractors:

Provided further that in the event that there is a collective agreement applicable to the class of employees covered by this order, the more favourable conditions in such agreement or in this order shall prevail.

Interpretation.

2. In this order, unless the context otherwise requires:

Cap. 452.

"Act" means the Employment and Industrial Relations Act;

"building, civil engineering and mechanical or electrical engineering or work" means construction, re-construction, maintenance, repair, alteration, painting, decoration or demolition of any building, road, harbour, dock, pier, bridge, viaduct, drain, sewer, well or other work of construction, the preparation for or laying the foundation of any work or structure, the extraction from the earth of stone, clay, sand or gravel, the manufacture of pre-cast concrete masonry and concrete units, the manufacture of cement tiles and any plumbing work or electrical wiring;

"customary breaks" means breaks which are customary among particular sections of the employees to whom this order applies;

"customary holidays" means the days, other than Sundays, declared for the time being to be public holidays under the National Holidays and other Public Holidays Act; Cap. 252.

"collective agreement" shall have the same meaning as assigned to in the Act;

"day" means a period running from midnight (12.00a.m) of one day to midnight (12.00a.m.) of the immediately following day;

"hours of work" shall have the same meaning as assigned to it in the Act;

"marble works" means the cutting, dressing, setting and laying of marble blocks or slabs to make ornamental or protective surfaces and the preparation and setting of all marble objects whether for ornamental purposes or otherwise;

"normal hourly wage" means the weekly wage divided by:

(a) sixty (60), in the case of watchpersons; and

(b) forty (40), in the case of other employees;

"part-time employee" shall have the same meaning as assigned to it in the Act;

"rest period" shall have the same meaning as assigned to it in the Organisation of Working Time Regulations; S.L. 452.87

"time-and-a-half" and "double-time" mean respectively:

(a) in the case of a time employee, one-and-a-half times and twice the normal rate payable to him;

(b) in the case of an employee on piece-work:

(i) the piece rates payable to the employee; and

(ii) a time rate equal to one half or, as the case may be, the whole of the normal rate which would have been payable to him if he were a time employee;

"wages" means remuneration or earnings, payable by an employer to an employee and includes any bonus payable under article 23 of the Act, other than any bonus or allowance related to performance or production;

"week" means a calendar week;

"whole-time employee" shall have the same meaning as assigned to it in the Act.

Hours of work.

3. (1) The minimum weekly remuneration for time employees, other than watchpersons, shall be related to not more than forty (40) hours of work calculated on an average for one (1) calendar year, exclusive of overtime and of customary breaks for meals and rest distributed over a five (5) day week.

(2) The minimum weekly remuneration for watchpersons shall be related to a week of not more than sixty (60) hours of work, exclusive of overtime, distributed over six (6) days.

(3) A time-schedule covering a period of a calendar year for all categories of employees within the same establishment shall, as the case may be, be submitted in writing by registered letter to the Director and shall, upon such notification and provided that it complies in all respects with the provisions of this order and with the requirements of any other law, constitute the normal working hours in the establishment:

Provided that:

(a) until such time-schedule is submitted to the Director, the normal working hours in the establishment shall be forty (40) hours in any one (1) week; and

(b) any changes to such time-schedule shall not be effected by the employer before the prior notification in writing of such changes to the Director.

Minimum wages.

4. (1) Subject to the provisions of article 9, the minimum weekly wages payable to time employees shall be as follows:

(a) (i) watchpersons whose duties are mainly performed indoors .....,,, €351.15;

(ii) watchpersons whose duties are mainly performed outdoors.....€353.48;

(b) other time employees.....€234.10.

(2) Notwithstanding the provisions of article 3, an employee shall be entitled to the full contracted weekly remuneration if:

(a) he works not less than thirty-seven (37) hours in any one (1) week, exclusive of any overtime work, if he is employed in a quarry;

(b) he works for not less than forty-five (45) hours in any one (1) week, exclusive of any overtime work, if he is employed as a watchperson;

(c) in the case of any other employee, if he works less than forty (40) hours but not less than thirty (30) hours, in any one (1) week, exclusive of any overtime work:

Provided that a proportionate reduction may be made in respect of any such number of hours during which the employee is absent at his own request.

Uniform allowance.

5. (1) When the employee is required to wear a uniform in the performance of the employee's duties, such uniform shall be provided by the employer free of charge.

S.L. 646.13.

(2) Personal protective equipment according to the Minimum Requirements for the use of Personal Protective Equipment at Work Regulations shall also be provided by the employer free of charge.

Piece-work employees.

6. In the case of employees employed on piece-work, the minimum piece rates of wages shall be such that no employee earns, when employed in such work, less than the appropriate *pro rata* time rate specified in article 4.

Minimum daily rest.

7. Employees other than watchpersons shall be allowed intervals of not less, in the aggregate, than one (1) hour for meals and rest in any day on which the hours of work exceed five and a half (5½) hours.

Minimum weekly rest. S.L. 452.87.

8. All employees shall be entitled to a weekly rest period in accordance with the Organisation of Working Time Regulations.

Minimum overtime rates.

9. (1) Subject to the provisions of this article and article 3, minimum overtime rates shall be paid to all employees, as follows:

(a) on any day, other than Saturday and Sunday or customary holidays, for any hours worked in excess of the normal working hours of the establishment which shall not exceed nine (9) hours on any day.....time-and-a-half;

(b) for all hours of work on Saturdays..time-and-a-half;

(c) for all hours of work on Sundays.....double-time;

(d) for all hours of work on a customary holiday...double time in addition to a normal hourly wage:

Provided that the provisions of this sub-article shall apply to an employee on piece work only when he is required to work overtime by his employer.

(2) Overtime shall be payable to watchpersons:

(a) at the rate of time-and-a-half for all time worked in excess of sixty (60) hours in a period of six (6) consecutive days; and

(b) at the rate of double-time for all time worked on the seventh (7) day and, or on any customary holiday.

Vacation leave. S.L. 452.87

10. All employees shall be entitled to annual leave in accordance with the Organisation of Working Time Regulations.

Sick leave.

11. (1) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of fifteen (15) days sick leave on full pay, less an amount equal to the sum set for sickness benefit entitlement at the rate determined in accordance with 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 determined in accordance with the Social Security Act, which amount shall also be calculated on a *pro rata* basis:

Cap. 318.

Provided that:

(a) the first three (3) days of any claim for sick leave shall be paid in full by the employer;

(b) a medical certificate covering the period of absence shall be produced to the employer on the day of return to work or, if such period of absence exceeds seven (7) days, within seven (7) days of the commencement of such absence due to sick leave;

(c) employees receiving a social security pension in respect of retirement or widowhood in accordance with the Social Security Act shall, for the purpose of calculating the sick leave payment due, be deemed to have received an amount equal to the sum set for sickness benefit entitlement at the rate determined in accordance with the Social Security Act.

Cap. 318.

(2) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of a further fifteen (15) days sick leave on half pay, less an amount equal to half the sum set for sickness benefit entitlement at the rate determined in accordance with 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 determined in accordance with the Social Security Act, which amount shall also be calculated on a *pro rata basis*: Cap. 318.

Provided that:

(a) the first three (3) 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 shall be produced to the employer on the day of return to work or, if such period of absence exceeds seven (7) days, within seven (7) days of the commencement of such absence due to sick leave;

(c) employees receiving a social security pension in respect of retirement or widowhood in accordance with the Social Security Act shall, for the purpose of calculating the sick leave payment due, be deemed to have received an amount equal to half the sum set for sickness benefit entitlement at the rate determined in accordance with the Social Security Act. Cap. 318.

(3) Sick leave entitlements shall apply from the first (1) day of employment:

Provided that the said entitlement shall be calculated *pro rata* in accordance with the date of employment in the relative calendar.

(4) The employer may require a medical certificate by a physician of his choice to certify that the employee was unfit for work during the period of absence.

(5) For the purpose of this article, a break in employment of not more than thirty (30) days shall not interrupt the continuity of service.

(6) The sick leave entitlement 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.

12. An employee shall be entitled to the payment of the Waiting time.

minimum remuneration applicable to him for all times during which he is present on the premises of his employer or in any other place in connection with his employment unless he is present thereon in any of the following circumstances:

(a) without the employer's express or implied consent;

(b) for some purpose related with his work, other than that of waiting for work to be assigned to him;

(c) solely by reason of the fact that he is resident thereon;

(d) during normal meal times in a room or place in which no work is being done, and he is not waiting for any work to be assigned to him.

Other forms of leave.

S.L. 452.101.

13. Employees shall be entitled to the national holidays and to all public holidays with full pay, to all forms of leave according to the Minimum Special Leave Entitlement Regulations and all other forms of leave that may, from time to time, be stipulated in the National Standard Orders or regulations made under the Act.

Repeal and saving.
S.L. 452.08.
S.L. 452.59.

14. The Construction Wages Council Order and the Construction Wages Council Wage Regulation Order are hereby repealed without prejudice to anything done or omitted to be done thereunder.

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