L.N. 128 of 2026

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (CAP. 452)

Tobacco Manufacture Industry (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 order:-

Citation, commencement and applicability.

1. (1) The title of this order is the Tobacco Manufacture Industry (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 in any undertaking or in any part of an undertaking, the activities of which consist wholly or mainly of the manufacture of cigars, cigarettes, cheroots or pipe or other tobacco and any form of processing of tobacco, whether by hand or by machine:

Provided 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:

"Act" means the Employment and Industrial Relations Act; Cap. 452.

"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.

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

"double time" means twice the actual time rate applicable to the employee;

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

"part-time employee" shall have the same meaning as

assigned to it in the Act;

"time and a half" means one-and-a-half times the actual time rate applicable to the 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;

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

Hours of work.

3. (1) The hours of work of whole-time employees other than watchpersons shall not exceed forty (40) hours in any one (1) week:

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 may be increased or decreased, as long as the number of hours does not exceed either a maximum of forty-two and a half (42½) hours, and nor a minimum of thirty-five hours (35):

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

(2) The hours of work of whole-time watchpersons shall not exceed fifty-four (54) in any one week of six (6) days.

Minimum remuneration of whole-time employees.

4. (1) The minimum weekly wage payable to whole-time employees, other than watchpersons, shall be two hundred twenty nine euro and forty-four cents (€229.44).

(2) The minimum wage for watchmen shall be:

(a) three hundred and nine euro and seventy-four cents (€309.74) for watchpersons whose duty is mainly performed indoors;

(b) three hundred and twelve euro and seven cents (€312.07) for watchpersons whose duty is mainly performed outdoors.

Piece work 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 that would be earned if the employee was employed on a day rate basis.

6. (1) When the employee is required to wear a uniform in the performance of his duties, such uniform shall be provided free of any charge by the employer. Uniform allowance.

(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. S.L. 646.13.

7. All whole-time employees, other than watchpersons, shall be allowed intervals for meals and rest of not less than, in the aggregate, one (1) hour every day: Minimum daily rest.

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 commences.

8. All employees shall be entitled to a rest period according to the Organisation of Working Time Regulations. Minimum weekly rest. S.L. 452.87.

9. (1) Whole-time employees, other than watchpersons, 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. Overtime.

(2) Watchpersons shall be paid at time-and-a-half rates for time worked in excess of fifty-four (54) hours in a six (6) day week, and at double time rates for all time worked on a Sunday or a public holiday.

10. The employee shall be entitled to annual leave in accordance with the Organisation of Working Time Regulations. Vacation leave. S.L. 452.87.

11. (1) A whole-time employee shall be entitled to the equivalent in hours of six (6) days sick leave on full pay, less an amount equal to the sum established for sickness benefit entitlement at the rate established 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 established 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: Sick leave. 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 submitted 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 established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act.

Cap. 318.

(2) A whole-time employee shall be entitled to the equivalent in hours of a further six (6) days sick leave on half pay, less an amount equal to half the sum established for sickness benefit entitlement at the rate determined in accordance 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 established for sickness benefit entitlement at the rate determined in accordance 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 submitted 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 established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act.

Cap. 318.

(3) A whole-time employee, after one year in employment, shall in every calendar year be entitled to the equivalent in hours of twelve (12) 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 established 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 submitted 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 established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act. Cap. 318.

(4) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of a further twelve (12) days sick leave on half pay, less an amount equal to half the sum established 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 established 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 is submitted 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 established for sickness benefit entitlement at the rate determined in accordance with the Social Security Act. Cap. 318.

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

Provided that the said entitlements shall be calculated *pro rata* according to the date of employment in the relative calendar year.

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

(7) 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.

Waiting time.

12. An employee shall be 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 express or implied consent;

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

(c) solely by reason of the fact that he is a resident there; and

(d) during normal meal times 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. 452.24.
S.L. 452.68.

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

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