

*Government Notice No. 208 of 2019***THE EMPLOYMENT RELATIONS ACT****Regulations made by the Minister under section 93 of
the Employment Relations Act**

1. These regulations may be cited as the Cleaning Enterprises (Remuneration) Regulations 2019.

2. In these regulations –

“accounts clerk” means an employee who performs one or more of the following duties –

- (a) receiving cash and keeping relevant records;
- (b) preparing money for deposits in bank and arranging withdrawals;
- (c) effecting bank deposits and withdrawals;
- (d) making up wage packets and wage sheets; and
- (e) doing related work as may be required;

“cleaner” means an employee engaged in the general cleaning, and keeping in orderly condition, of premises;

“cleaning enterprise” means the enterprise engaged in the general cleaning, and keeping in orderly condition, of premises, streets and other public places;

“clerk” –

- (a) means an employee who performs clerical or similar duties; and
- (b) includes a typist;

“driver” means a worker in possession of a valid driving licence for the vehicle he is required to drive and who –

- (a) drives a motor vehicle for transport of refuse, materials or personnel;
- (b) makes minor repairs and keeps the vehicle clean and in good running order;
- (c) carries out daily routine maintenance and checks; and
- (d) reports any mechanical defects promptly to his employer;

“driver grade I” means an employee who drives a vehicle of 10 tonnes or more;

“driver grade II” means an employee who drives a vehicle of more than 5 tonnes and less than 10 tonnes;

“driver grade III” means an employee who drives a vehicle of not more than 5 tonnes;

“employee”–

- (a) means a person who works under a contract of employment with a cleaning enterprise, whether the contract is oral or in writing; but
- (b) does not include an employee –
 - (i) whose basic wage or salary is at a rate exceeding 600,000 rupees in a year, except in relation to –
 - (A) Part II of the First Schedule; and
 - (B) sections 5, 26, 32, 33, 34, 49, 50, 52, 53, 54 and Parts VI, VII, VIII and XI of the Workers’ Rights Act 2019;
 - (ii) whose conditions of employment are governed by any other Remuneration Regulations;

- (iii) employed by a statutory body or a local authority, as the case may be, whose conditions of employment are governed by the recommendations made by the Pay Research Bureau, or a salary commission, by whatever name called;

“helper” means an employee who accompanies a driver for the purpose of loading and unloading refuse or materials carried in the vehicle;

“lavatory attendant” means an employee who –

- (a) cleans lavatories and maintains their tidiness; and
- (b) is called upon, as and when required, to perform the duties of a refuse collector;

“new or expectant mother” means an employee who–

- (a) is pregnant or who has given birth within the previous 6 months as certified by a Government medical practitioner; or
- (b) is breastfeeding;

“reasonable business grounds” means –

- (a) inability or impracticability to reorganise working arrangements of existing employees;
- (b) a detrimental effect on the ability to meet customers’ demand;

“receptionist or telephonist” means an employee who performs one or more of the following duties –

- (a) operating a telephone switchboard;
- (b) receiving, recording and passing telephone messages;

- (c) supplying information to callers and directing them to persons called upon;
- (d) keeping records of callers; and
- (e) doing related work as may be required;

“refuse” includes household refuse as well as garden or yard refuse, waste, whether solid or otherwise, including hazardous waste, clinical waste and pharmaceutical waste, litter or anything which is being disposed of;

“refuse collector” means an employee who –

- (a) cleans streets and other public places; and
- (b) collects refuse;

“store clerk” means an employee who is responsible for the procurement, receipt, custody and issue of materials in a store and the keeping of records thereof;

“supervisor” means an employee who –

- (a) is responsible for supervising the work of other employees; and
- (b) is called upon, as and when required, to record the attendance of employees under his supervision;

“vehicle attendant” means an employee who accompanies a driver for the purpose of changing flat tyres and securing any cargo carried by the vehicle and doing similar light duties.

3. (1) Subject to the other provisions of this regulation and regulation 6, an employee shall be –

(ha) governed by the conditions of employment specified in –

- (i) the Workers’ Rights Act 2019; and

(ii) the First Schedule;

(b) remunerated at the rates specified in the Second Schedule.

(2) Where the conditions of employment in the Workers' Rights Act 2019 are different from those in the First Schedule, the conditions specified in the First Schedule shall prevail.

(3) The rates specified in the Second Schedule include –

(a) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and

(b) the additional remunerations payable under the Additional Remuneration and Other Allowances (2018) Act 2017 and the Additional Remuneration and Other Allowances (2019) Act 2018.

(4) Where an employee is in the continuous employment of an employer in a category to which a scale of wages as set out in the Second Schedule applies, the worker shall be entitled to one increment for each completed year of service in the category until the employee reaches the top wages of the scale.

4. Every employee shall be entitled to a rest of at least 11 consecutive hours in any day.

5. Any new or expectant mother shall, following a request made by her and on recommendation by a Government medical practitioner, be offered such work that does not affect her safety and health.

6. Nothing in these regulations shall –

(a) prevent an employer from –

- (i) providing an employee with conditions of employment which are more favourable than those specified in the First Schedule; or
 - (ii) remunerating the employee at a rate higher than that specified in the Second Schedule.
- (b) authorise an employer to –
- (i) reduce the wages of an employee; or
 - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of the worker so as to make them less favourable.
- 7.** The Cleaning Enterprises (Remuneration) Regulations 2013 are revoked.
- 8.** Subject to paragraph 1(2)(b) of the First Schedule, these regulations shall come into operation on 24 October 2019.

Made by the Minister on 25 October 2019.

FIRST SCHEDULE

[Regulations 2, 3 and 6]

CONDITIONS OF EMPLOYMENT**PART I – GENERAL PROVISIONS****1. Shift work**

(1) An employer may request a worker to work on shift work.

(2) (a) Where work is performed on night shift, an employer shall not require the employee to work –

- (i) on more than 6 consecutive nights; and
- (ii) except with the written consent of the employee, for more than 8 hours a day.

(b) Notwithstanding sub subparagraph (a)(ii), where shift work of more than 8 hours a day was being performed before 24 October 2019, the shift system of more than 8 hours a day shall continue until 31 January 2020.

(3) For the purpose of subparagraph (2)(a) –

“night work” means any period during which an employee is required to work or to remain at his workplace for at least 6 consecutive hours between 6 p.m. and 6 a.m. the following day.

(4) Where a female employee who may be required to perform night shift work produces a medical certificate certifying that she is pregnant, her employer shall not require her to perform night shift work during a period of at least 8 weeks before confinement.

(5) Shift work shall be scheduled –

- (a) on a monthly basis; and

(b) organised in 2 or more shifts during a period of 24 consecutive hours.

(6) (a) A copy of the monthly schedule of duty worked out on a roster basis indicating the date and time at which a worker shall attend duty shall be handed over to the employee.

(b) The monthly schedule of duty shall be posted up in a conspicuous place at the place of work at least one week before the schedule is due to take effect.

(7) Where an employee is employed on shift work, he shall be paid an allowance of 15 per cent of his basic wage in addition to his normal day's wage for work performed during night shift as specified at subparagraphs (2)(a) and (3).

2. Vacation leave

(1) Subject to subparagraphs (2) and (3), an employee, other than a migrant employee, who remains in continuous employment with the same employer for a period of at least 5 consecutive years shall be entitled to a vacation leave of not more than 30 days, whether taken consecutively or otherwise, for every period of 5 consecutive years, to be spent abroad, locally or partly abroad and partly locally.

(2) Subject to subparagraph (8), any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under subparagraph (1).

(3) Where an employee would have been eligible to take vacation leave under the revoked Cleaning Enterprises (Remuneration) Regulations 2013 prior to, or within a period of less than 5 years from, 24 October 2019, the employee shall, on completion of the prescribed period in the revoked regulations, be entitled to the vacation leave under subparagraph (1).

(4) The vacation leave shall be –

- (a) for a period of not less than 6 consecutive days; and
- (b) with pay and such pay shall, in case an employee opts to spend the leave wholly or partly abroad, be effected at least 7 working days before the employee proceeds abroad.

(5) The vacation leave shall be deemed to constitute attendance at work and shall not be cumulative.

(6) An employee shall, except in exceptional circumstances, give not less than 3 months' notice when applying for the vacation leave and the employer shall, subject to reasonable business grounds, accede to the application.

(7) Where an employer cannot, on reasonable business grounds, accede to the request of an employee under subparagraph (6) –

- (a) the employee and the employer may agree on another period when the vacation leave is to be taken; or
- (b) in default of an agreement, the employer shall pay to the employee a normal day's wage in respect of each day's leave applied for and such payment shall be effected in the month in which the leave was due to start.

(8) Where an employee is paid wages in lieu of the vacation leave under subparagraph (7), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

PART II – HEALTH AND SAFETY CONDITIONS

3. Protective equipment

(1) Every employer shall provide –

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- (a) all employees, except accounts clerk, store clerk, clerk and receptionist or telephonist, with –
 - (i) 2 uniforms and 2 pairs of boots or protective shoes, whichever is appropriate, every year;
 - (ii) appropriate gloves, which shall be replaced as and when they become unserviceable;
 - (iii) a raincoat every 2 years;
 - (b) all employees who are directly or indirectly exposed to refuse or noxious substances with a respiratory mask which shall be renewed as and when it becomes unserviceable;
 - (c) every refuse collector, cleaner and lavatory attendant with a cap every year.

(2) Every employer shall provide to an employee the protective equipment referred to in subparagraph (1) as soon as the employee assumes duty.

4. Medical facilities

- (1) Where an employee is regularly exposed to refuse, dust or noxious substances and emanations –
- (a) while directly involved in the performance of –
 - (i) tasks such as refuse collection and lavatory cleaning;
 - (ii) tasks where chemical substances are being used; or
 - (hb) while performing work on a regular basis, in confined spaces affected by dust, filth or noxious substances and emanations,

his employer shall cause the employee to undergo a complete medical examination, every 6 months, at the expense of the employer.

(2) Where, in the course of the medical examination under subparagraph (1), a medical practitioner detects any work-related health problem which, in his opinion, necessitates further medical examination or treatment, the medical practitioner may refer an employee to a medical institution for appropriate investigations and all the corresponding expenses shall be borne by the employer.

5. Tools

(1) An employer shall provide every employee with the appropriate tools and cleaning materials which may be required in the performance of his work.

- (2) The tools provided under subparagraph (1) shall –
- (a) be replaced as soon as they become unserviceable;
 - (b) remain the property of the employer.
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SECOND SCHEDULE

[Regulations 3 and 6]

Category of employee	Year of service	Monthly basic wages (Rs)
Supervisor	1st year	11,422
	2nd year	11,655
	3rd year	11,889
	4th year	12,122
	5th year	12,355
	6th year	12,589
	7th year	12,848
	8th year and thereafter	13,107
Accounts Clerk	1st year	10,345
	2nd year	10,532
	3rd year	10,739
	4th year	10,946
	5th year	11,154
	6th year	11,261
	7th year	11,469
	8th year and thereafter	11,702
Store Clerk	1st year	10,345
	2nd year	10,532
	3rd year	10,739
	4th year	10,946
	5th year	11,154
	6th year	11,261
	7th year	11,469
	8th year and thereafter	11,702
Clerk	1st year	10,063

	2nd year	10,248
	3rd year	10,436
	4th year	10,620
	5th year	10,827
	6th year	11,035
	7th year	11,142
	8th year and thereafter	11,349
Receptionist/Telephonist	1st year	9,558
	2nd year	9,740
	3rd year	9,923
	4th year	10,105
	5th year	10,291
	6th year	10,480
	7th year	10,687
	8th year and thereafter	10,895
Driver grade I	1st year	10,307
	2nd year	10,495
	3rd year	10,703
	4th year	10,910
	5th year	11,118
	6th year	11,225
	7th year	11,432
	8th year and thereafter	11,640
Driver grade II	1st year	10,011
	2nd year	10,194
	3rd year	10,382
	4th year	10,568
	5th year	10,775
	6th year	10,983
	7th year	11,190

	8th year and thereafter	11,298
Driver grade III	1st year	9,756
	2nd year	9,938
	3rd year	10,121
	4th year	10,307
	5th year	10,495
	6th year	10,703
	7th year	10,910
	8th year and thereafter	11,118
Refuse Collector	1st year	9,195
	2nd year	9,345
	3rd year	9,500
	4th year	9,683
	5th year	9,865
	6th year	10,048
	7th year	10,231
	8th year and thereafter	10,421
Lavatory Attendant	1st year	9,195
	2nd year	9,345
	3rd year	9,500
	4th year	9,683
	5th year	9,865
	6th year	10,048
	7th year	10,231
	8th year and thereafter	10,421
Helper	1st year	9,045
	2nd year	9,195
	3rd year	9,345
	4th year	9,500
	5th year	9,683

	6th year	9,865
	7th year	10,048
	8th year and thereafter	10,231
Cleaner	1st year	9,045
	2nd year	9,195
	3rd year	9,345
	4th year	9,500
	5th year	9,683
	6th year	9,865
	7th year	10,048
	8th year and thereafter	10,231
Vehicle Attendant	1st year	8,900
	2nd year	9,045
	3rd year	9,195
	4th year	9,345
	5th year	9,500
	6th year	9,683
	7th year	9,865
	8th year and thereafter	10,048
