

(UNOFFICIAL)

L. N. 98 of 1977

CONDITIONS OF EMPLOYMENT (REGULATION) ACT, 1952  
(ACT NO. XI OF 1952)  
*(Kept in force by virtue of Article 86 of the Employment and Industrial Relations Act – Cap.452)*

CLAY AND GLASS PRODUCTS WAGES COUNCIL WAGE  
REGULATION ORDER 1977

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 Clay and Glass Products 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 Clay and Glass Products Wages Council Wage Regulation Order, 1977, and shall come into force on the 8th August 1977.

Application of order

2. The provisions set out in the Schedule hereto shall apply to all employees in respect to whom the Clay and Glass Products Wages Council operates.

Revokes previous order

3. From the date of commencement of this order the Clay and Glass Products Wages Council Wage Regulation Order, 1975, shall be revoked without prejudice, however, to any rights or liabilities existing thereunder on that date.

## SCHEDULE

### Definitions

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;

"day" in the case of shift employees means a period of twenty-four consecutive hours; in all other cases, it means a period running from midnight of one day to midnight of the next following day;

"half day" means a period of twelve consecutive hours ending at 1:00 p.m. or 1:00 am.;

"hours of work" means the time on any day during which the employees are at the disposal of the employer, exclusive of the intervals allowed for meals and rest;

"night shift" means any period of employment that includes any hours from 10:00 p.m. of one day to 6:00 am. of the next following day;

"part-time employee" means an employee whose normal hours of work, calculated on a weekly basis or on average over a period of employment of up to one year, are less than the normal hours of work of a comparable whole-time employee and who is not a whole-time employee with reduced hours;

"period of employment" means the time on any day during which the employees are at the disposal of the employer, inclusive of the intervals allowed for meals and rest;

"shift employee" means an employee who is regularly engaged on alternate day and night shift work on regular cycle basis;

"time-and-a-half" and "double-time" mean respectively one and a half time and twice the actual time rate applicable to the employee;

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

"watchman" means a person who guards his employers' property against fire, theft, illegal entry and similar contingencies;

"week" means a calendar week;

"weekly day of rest" means a period of twenty-four consecutive hours commencing at the time at which the employee would normally commence his turn of duty;

"whole-time employee" means an employee who is deemed to be a whole-time employee in terms of any recognized conditions of employment.

### Hours of Work

2. The minimum weekly wage shall be related to a week of not more than:-

(a) forty hours of work in the case of whole-time employees other than watchmen spread over a week of five days;

(b) forty-eight hours\* of work in the case of watchmen.

*\*(averaged over a reference period, as amended by reg. 7 of L.N. 247 of 2003)*

### Minimum Wages of Whole-Time Employees

3. (1) (a) Whole time employees in the industry, other than watchmen, shall be entitled to minimum weekly wages, related to age as follows:-

At age 18 or over	€ 153.45
At age 17	€ 146.67
At age 16	€ 143.83

(b) Watchmen shall be paid in the minimum weekly wage of € 153.45 independently of their age.

(2) In this paragraph 'industry' includes any establishment falling within the field of operation of the Clay and Glass Products Wages Council.

### Minimum Remuneration of Part-Time Employees

4. Part-time employees shall be paid pro-rata at an hourly rate not less than the minimum time rate applicable to whole-time employees.

Night Shift Rate

5. Whole-time employees engaged on night shift duty shall whilst engaged on such duty, be paid at an hourly rate, one and one sixth times the actual ordinary time rate payable to the employee. Such increased rate shall be reckoned as the actual time rate for the purposes of determining the amount of any overtime payable in terms of paragraph 8 hereof to the employees in respect of any hours worked during night shift.

Minimum Daily Rest

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

Minimum Weekly Rest

7. (a) Whole-time employees, other than watchmen, shall be allowed two weekly days of rest in every week.

(b) Watchmen shall be allowed a weekly day of rest in every week.

Minimum Overtime Rates

8. (1) In the case of all employees, other than watchmen, overtime shall be payable as follows:-

(a) for all time worked in excess of the normal working hours of the establishment on any day from Monday to Saturday ..... time-and-a-half;

(b) for all time worked on Sundays or on customary holidays ..... double-time;

(c) exclusive of any overtime payable in terms of the foregoing provisions for all hours worked in excess of forty hours of work in any one week ..... time-and-a-half.

(2) In the case of watchmen overtime shall be payable as follows:-

- (a) for all time worked in excess of fifty-two hours in any one week ..... time-and-a-half;
- (b) for all time worked on a day of rest or on a customary Holiday ..... double-time.

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:-

- Holidays(a) four working weeks and one working day during the calendar with pay 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. (1) A whole-time employee shall in every calendar year be entitled to the equivalent in hours of ten days sick leave on full pay, less an amount equal to the sum set for sickness benefit entitlement at the rate established under 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 established under the Social Security Act, which amount is also to be calculated on a *pro rata* basis:

Provided that –

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

(b) a medical certificate covering the period of absence is produced to the employer on the day of return to work or, if such period of absence is longer than seven days, within seven days of the onset of sick leave absence;

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

(2) The employer may require a medical certificate by his own physician to certify incapacity for work during the period of absence.

(3) The sick leave entitlement granted by virtue of this paragraph shall be calculated on the basis provided for annual leave as specified in regulation 8(1) of the Organisation of Working Time Regulations.

#### Jury Service

11. Whole-time employee shall be allowed such leave with pay as is necessary and for such time as required to serve as jurors on such occasions as they are called up to serve in the Courts.

#### Bereavement Leave

12. Whole-time employees shall be allowed leave with pay on the day of the death and on the day of the funeral of any of the following relatives: the wife, husband, the mother, father, the son, daughter, the brother or sister.

### Special Leave

13. A whole-time employee shall be entitled to three working days leave on full pay on the occasion of his marriage and two working days leave on full pay on the occasion of the birth of a child to his wife.

### Injury Leave

14. A whole-time employee shall be entitled to 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 Social Security Act, 1987, 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.

### Waiting Time

15. An employee shall be entitled to the payment of the actual 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 and 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;
- (d) during normal meal times in a room or place in which no work is being done and is not waiting for work to be given to him to perform.

### Retiring Age

16. 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 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)

This Schedule applies to all employees in any undertaking or part of an undertaking, the activities of which consist wholly or mainly in the manufacturing of clay products, pottery, earthenware, china, ceramics, glass, glassware, mirrors, neon signs, fibreglass, and fibreglass products, and ornamental stone products.

Amended up to 01.01.11