

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

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## **Wages (Manufacturing Industry) Regulations 2015**

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Manufacturing Industry) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations shall apply to all workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$250.00 per week and who are employed in any undertaking or any part of an undertaking engaged in a manufacturing process in respect of which a licence under the Business Licensing Act (Cap. 204) is in force or is required by law for such undertaking and their employers.

*Interpretation*

3. In these Regulations, unless the context otherwise requires,—

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“overtime” means work performed in excess of the normal hours on a normal working day and all work performed on days other than a normal working day;

“Promulgation” means the Employment Relations Promulgation 2007;

“public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification in the *Gazette* under section 66 of the Promulgation;

“week” means a period of 7 consecutive days; and

“worker” means a worker to whom these Regulations apply.

*Rates of remuneration*

4.—(1) The minimum hourly rates of remuneration to be paid to any worker, whether paid hourly, daily, weekly or for any period is \$3.15.

(2) The minimum hourly rate of remuneration to be paid to a casual worker is \$3.94.

*Working week*

5.—(1) A working week consists of not more than 48 hours spread over a maximum of 6 days per week.

(2) For workers required to work for 6 days a week, the normal hours of work per day are 8 and for workers required to work 5 days a week, the normal hours of work per day are 9.

*Shift work*

6.—(1) If a worker’s normal hours of work are on a shift basis—

(a) the normal hours of work per shift are as specified in regulation 5(2); and

(b) if the number of hours actually worked during a shift is less than the number of hours specified for the shift, the worker must be paid for the full shift and for the purposes of regulation 8 is to be regarded as having worked for a full shift.

(2) For the purpose of this regulation, a meal break not exceeding 1 hour does not constitute a break between shifts.

*Public holidays*

7.—(1) Subject to sub-regulation (2), every worker must be paid at his or her normal rate of remuneration in respect of each public holiday for the number of hours (exclusive of overtime) which the worker would normally have worked on that day had it not been a public holiday.

- (2) This regulation does not apply to a worker unless the worker—
- (a) worked for the employer throughout the last working day preceding the public holiday; and
  - (b) presented himself or herself for work on the first working day after the public holiday.
- (3) Sub-regulation (2) is complied with if the worker is—
- (a) excused from work by the employer;
  - (b) prevented from working by illness or injury verified by a medical certificate; or
  - (c) prevented from working by any other cause acceptable to the employer.

*Rest day*

8.—(1) A worker who is normally required to work for 6 days a week is entitled to one rest day in each week.

(2) A worker who is normally required to work for 5 days a week is entitled to 2 consecutive rest days each week.

(3) If a rest day coincides with a public holiday the worker is entitled to an alternative rest day.

*Overtime*

9.—(1) Overtime remuneration must be paid to—

- (a) every worker employed for 5 days or less a week—
  - (i) for all the time worked in excess of 9 hours on any working day during a week, and for all hours worked on any rest day or public holiday; and
  - (ii) for all the time worked on a paid public holiday at twice the normal hourly rate of remuneration;
- (b) every worker employed on a 6 day working week for all hours worked—
  - (i) in excess of 8 hours on any day of the week;
  - (ii) on any rest day or public holiday.

(2) Overtime remuneration payable under sub-regulation (1) for a public holiday is in addition to that payable under regulation 7.

(3) The rate of remuneration payable for overtime worked—

- (a) by a worker to whom sub-regulation (1)(a) applies is—
  - (i) on any working day and on the first rest day – one and a half times the worker's normal hourly rate of remuneration for the first 4 hours and thereafter twice the worker's normal hourly rate of remuneration;

- (ii) on the second rest day and on a public holiday – twice the worker’s normal hourly rate of remuneration;
  - (b) by a worker to whom sub-regulation (1)(b) applies is—
    - (i) on any working day – one and a half times the worker’s normal hourly rate of remuneration for the first 4 hours and thereafter twice the worker’s normal hourly rate of remuneration;
    - (ii) on a rest day or public holiday – twice the worker’s normal hourly rate of remuneration.
- (4) A minimum of 4 hours overtime remuneration at the rates specified in sub-regulation (3) must be paid in respect of any overtime worked on a rest day or a public holiday.

*Sick leave*

10.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to be paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable, notify the employer of his or her absence and the reason for it; and
- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker’s incapacity for work.

*Meal allowance*

11. Every worker who is required to work overtime in excess of 2 hours on any normal working day shall be entitled to a substantial decent hot meal or meal allowance of \$6.00 in lieu of a meal.

*Bereavement leave*

12. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

*Annual holiday*

13. No deduction is to be made from a worker’s remuneration in respect of any annual holiday taken under section 58 of the Promulgation.

*Night allowance*

14. Night allowance at the rate of 20 cents per hour is payable, in addition to the wages otherwise payable to a worker, in relation to time worked by the worker, not being overtime, commencing between 10.00 pm on one day and 6.00 am on the following day.

*Occupational Health and Safety compliance*

15.—(1) The employer has a duty of care responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible, the workers' health, safety and welfare while at work.

(2) The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provisions of personal protective equipment, which must be provided by the employer without any cost to the employees.

*Grievance procedure*

16. In the case of a grievance in the workplace, the parties shall resort to the grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

*Labour Management, Consultation and Cooperation Committee*

17.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (3) of the Promulgation to have a Labour Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity.

(2) All employers must complete LMCCC record forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

18. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

*Notices*

19.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be liable on conviction—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

20. The Wages Regulation (Manufacturing Industry) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations.

