

Export Enterprises (Remuneration Order) Regulations 1984

GN 191/1984

15th December

Regulations made by the Minister under section 96 of the Industrial Relations Act

1. These regulations may be cited as the Export Enterprises (Remuneration Order) Regulations 1984.

2. In these regulations-

"clerk"-

- (a) means a worker employed for the purpose of performing clerical or similar duties;
- (b) does not include a telephonist, a receptionist or a typist;

"continuous employment" means-

- (a) subject to paragraph (b), the employment of a worker under an agreement or under more than one agreement where the interval between an agreement and the next does not exceed 28 days;
- (b) for the purpose of paragraphs 5, 6 and 14 of the Second Schedule-
 - (i) at least 250 days' work performed by a worker employed on a six-day week;
 - (ii) at least 208 days' work performed by a worker employed on a five-day week;

"driver, Grade 1" means a driver who drives a vehicle of over 10 tons;

"driver, Grade 2" means a driver who drives a vehicle of more than 5 tons but not more than 10 tons;

"driver, Grade, 3" means a driver other than a driver, Grade 1 or a driver, Grade 2-

"earnings ", in relation to a worker-

- (a) means basic wages; and
- (b) includes-
 - (i) wages for work done in excess of a normal day's work or on a public holiday;
 - (ii) remuneration paid under paragraphs 5, 6, 9(I) and 10 of the Second Schedule; and
 - (iii) any productivity payment;

"export enterprise" has the same meaning as in the Export Processing Zones Act;

"factory worker"-

- (a) means a worker who performs manual tasks requiring a particular skill or aptitude; and
- (b) includes a person who is required to attend to or operate a machine;

"mechanic" means a worker who-

- (a) attends to, and services machinery; and
- (b) does simple mechanical installation and repairs;

"packer"--

(a) means a worker who--

- (i) ties products or bundles of products by means of a machine-
- (ii) marks products with a manually operated stamping machine;
- (iii) burns identifying data on wooden boxes or box parts; and

(b) includes a labeller and any other worker who performs similar duties;

"productivity payment"--

- (a) means all sums of money, by whatever name called, paid to any category of worker in respect of any work performed by him over and above or in addition to the basic work agreed upon between him and his employer, and exclusively related to productivity;
- (b) does not include payment (such as attendance bonus, acting allowance, night duty allowance, meal allowance and travelling allowance) which is not linked exclusively with productivity;

"prolonged illness" means the period of illness of a worker which is-

(a) wholly spent in a clinic or hospital; or

(b) spent at home for the recuperation of his health, on the recommendation of a medical practitioner of a clinic or hospital or of a panel of doctors agreed upon between the employer and the worker or the worker's trade union representative;

"trainee" means a worker who is employed for the purpose of being trained in a job;

"unskilled worker"--

- (a) means a person who performs manual tasks requiring physical effort but no particular skill or aptitude,
- (b) includes a cleaner, a packer and a worker, other than a trainee, who does not have the required skill and is employed to assist other workers;

"worker" means any person employed by an export enterprise.

Amended by [\[GN No. 39 of 1986\]](#); [\[GN No. 65 of 1987\]](#)

3. (1) Subject to the other provisions of this regulation and to regulation 5. every worker shall be-
- (a) remunerated at the rates specified in the First Schedule: and
 - (b) governed by the conditions of employment specified in the Second Schedule.

(2) The rates specified in the First Schedule and in Paragraph 3(2)(b)(ii) of the Second Schedule include the appropriate additional remuneration payable under the Additional Remuneration (No. 2) Act 2009.

Amended by [\[GN No. 138 of 2005\]](#); [\[GN No. 190 of 2006\]](#); [\[GN No. 143 of 2007\]](#); [\[GN No. 231 of 2008\]](#); [\[GN No. 29 of 2010\]](#); [\[GN No. 106 of 2010\]](#)

(3) (a) Where a scale of wages applies to a worker, his entry point in the scale shall be determined having regard to the number of completed years' service he reckons with his employer in the category, and every worker shall receive one increment for every completed year of service.

(b) Any training period shall not be reckoned for the purpose of this regulation.

(4) Where a worker is called upon to replace a worker drawing a higher remuneration, he shall be paid the remuneration applicable to that other worker.

(5) (a) Where a trainee is undergoing training, he shall be remunerated at three fourths of the relevant rate specified in the First Schedule.

(b) The period of training shall not exceed 3 months.

(c) Where at the end of the training period, the worker continues to be employed, he shall be employed in the appropriate category.

(d) No worker shall be employed as a trainee more than once by the same employer.

Amended by [\[GN No. 65 of 1987\]](#); [\[GN No. 180 of 1997\]](#); [\[GN No. 126 of 1998\]](#); [\[GN No. 115 of 1999\]](#); [\[GN No. 154 of 2000\]](#); [\[GN No. 121 of 2001\]](#); [\[GN No. 170 of 2002\]](#); [\[GN No. 159 of 2003\]](#); [\[GN No. 146 of 2004\]](#)

4. Any agreement by a worker to relinquish his right to a paid holiday or to forego such leave shall be void.

5. (1) Nothing in these regulations shall-

- (a) prevent an employer from paying a worker remuneration at a rate higher than that specified in the First Schedule or from providing him with conditions of employment more favourable than those specified in the Second Schedule;
 - (b) authorise an employer to reduce a worker's remuneration or to alter his conditions of employment so as to make them less favourable.
- (2) Where, as at 30 June 1987, a worker was being paid remuneration at a rate higher than that specified for his category and in respect of his length of service, the employer shall, as from 1 July 1987, pay an additional remuneration of-

(a) 10% in respect of a worker specified in Part I of the First Schedule; or

(b) 15% in respect of a worker specified in Part II of the First Schedule, of that specified rate .

Amended by [\[GN No. 65 of 1987\]](#)

6. For the purpose of paragraphs 5, 6 and 14 of the Second Schedule-

- (a) maternity leave;
- (b) a day on which a worker is on prolonged illness;
- (c) a day on which the employer is unable to provide work;
- (d) a day on which a cyclone warning Class III or IV is in force; or
- (e) injury leave, following injury arising out of and in the course of employment,

shall be deemed to be a day at work.

7. The Export Enterprises (Remuneration Order) Regulations 1975 are repealed.

FIRST SCHEDULE

[Regulation 3]

PART I

Category of worker

Year of service

Monthly wages

Rs

Chief Clerk	1st year	6,114
	2nd year	6,307
	3rd year	6,480
	4th year	6,676
	5th year & thereafter	6,834
Accounts Clerk, Cashier, Storekeeper	1st year	5,693
	2nd year	5,860
	3rd year	6,042
	4th year	6,177
	5th year	6,318
	6th year	6,471
	7th year & thereafter	6,615
Clerk, Assistant Storekeeper	1st year	4,607
	2nd year	4,883
	3rd year	5,111
	4th year	5,520
	5th year	5,766
	6th year	5,927
	7th year	6,074
	8th year	6,230
	9th year & thereafter	6,365
Foreman/Forewoman, Typist, Timekeeper	1st year	4,676
	2nd year	4,980
	3rd year	5,287
	4th year	5,488
	5th year & thereafter	5,624
Telephonist, Receptionist	1st year	4,676
	2nd year	4,980
	3rd year & thereafter	5,287

Mechanic, Electrician	1st year	4,607
	2nd year	4,883
	3rd year	5,111
	4th year	5,399
	5th year	5,520
	6th year	5,674
	7th year	5,766
	8th year	5,853
	9th year & thereafter	5,927
Driver -	Grade 1	5,864
	Grade 2	5,698
	Grade 3	5,553

PART II

Category of worker	Year of service	Weekly wages
		Rs cs
Watchman		939.85
Factory Worker	1st year	745.51
	Thereafter	769.28
Unskilled Worker	1st year	660.96
	Thereafter	721.10

Amended by [\[GN No. 65 of 1987\]](#); [\[GN No. 180 of 1997\]](#); [\[GN No. 126 of 1998\]](#);
[\[GN No. 115 of 1999\]](#); [\[GN No. 154 of 2000\]](#); [\[GN No. 121 of 2001\]](#);
[\[GN No. 170 of 2002\]](#); [\[GN No. 159 of 2003\]](#); [\[GN No. 146 of 2004\]](#);
[\[GN No. 138 of 2005\]](#); [\[GN No. 190 of 2006\]](#); [\[GN No. 143 of 2007\]](#);
[\[GN No. 231 of 2008\]](#); [\[GN No. 29 of 2010\]](#); [\[GN No. 106 of 2010\]](#)

SECOND SCHEDULE

(regulation 3)

1. Normal working hours

(1) The normal working week for every, worker shall consist of 45 hours' work, excluding time allowed for meal and tea breaks.

- (2) Subject to subparagraph (3), every worker shall be entitled on every working day to-
- (a) a lunch break of one hour to be taken between 10 a.m. and noon on or off the factory premises; and
 - (b) two tea breaks of ten minutes each, the first to be taken not earlier than two hours before lunch and the second not later than two hours after lunch
- (3) Where a shift system is in operation, the time of the tea breaks for meals and tea shall be mutually agreed between the employer and the worker.

Amended by [\[GN No. 65 of 1987\]](#)

2. Extra work

- (1) A worker may be required to perform extra hours of work for up to 10 hours per week.
 - (2) No worker shall except with his consent, be required to perform extra hours of work in excess of 10 hours per week.
 - (3) No employer shall require a worker to perform extra hours of work unless he has given notice to the worker of the extra work to be performed and its duration at least 24 hours in advance.
- (4) Subject to paragraphs 9 and 10, a worker, other than a watchman, who-
- (a) works on a public holiday shall be remunerated-
 - (i) for the first 8 hours, at twice the basic rate;
 - (ii) thereafter, at 3 times the basic rate;
 - (b) performs more than 45 hours' work in any week shall, except for work performed on a public holiday be remunerated in respect of the additional hours of work which he performs, as follows –
 - (i) for the first 10 hours, at one and a half times the basic rate per hour;
 - (ii) for the next 5 hours, at twice the basic rate per hour; and
 - (iii) thereafter, at three times the basic rate per hour.
- (4) Subject to paragraph 9, a watchman who—
- (a) works on a public holiday shall be remunerated-
 - (i) for the first 12 hours at twice the basic rate;
 - (ii) thereafter at 3 times the basic rate;
 - (b) performs more than 72 hours' work in any week shall, except for work performed on a public holiday, be remunerated at one and a half times the basic rate per hour in respect of the additional hours of work which he performs.

Amended by [\[GN No. 65 of 1987\]](#)

3. Notional calculation of basic rate

(1) The remuneration specified in the First Schedule in relation to a watchman represents payment in respect of 45 hours' work and 27 additional hours.

(2) For the purpose of determining remuneration due for extra work or any other cause-

(a) the weekly basic rate of a monthly paid worker, other than a watchman, shall be deemed to be three-thirteenths of the monthly basic rate;

(b) the basic rate per hour shall be deemed to be-

- (i) one forty-fifth of the weekly basic rate, in the case of a worker, other than a watchman,
- (ii) Rs 10.62, in the case of a watchman.

Amended by [\[GN No. 65 of 1987\]](#); [\[GN No. 180 of 1997\]](#); [\[GN No. 126 of 1998\]](#);
[\[GN No. 115 of 1999\]](#); [\[GN No. 154 of 2000\]](#); [\[GN No. 121 of 2001\]](#);
[\[GN No. 170 of 2002\]](#); [\[GN No. 159 of 2003\]](#); [\[GN No. 146 of 2004\]](#);
[\[GN No. 138 of 2005\]](#); [\[GN No. 190 of 2006\]](#); [\[GN No. 143 of 2007\]](#)
[\[GN No. 231 of 2008\]](#); [\[GN No. 29 of 2010\]](#)

4. Payment of remuneration

Every worker shall be paid his wages during working hours-

(a) in the case of a monthly worker, not later than the second working day in the following month;

(b) in every other case, not later than the last working day of the week.

5. Annual leave

(1) Where a worker has remained in continuous employment with the same employer for 12 consecutive months, he shall in the following 12 months be entitled to--

(a) 14 days' leave on full pay in the case of a worker employed on a six-day week;

(b) 12 days' leave on full pay in the case of a worker employed on a five-day week.

(2) Six days of the annual leave specified in sub-paragraph (1) may be taken consecutively at such time as the worker may, on application made to and approved by the employer, elect.

(3) The remaining days of the annual leave shall be taken at such time as the worker and the employer may agree or, in default of agreement, at such time as the employer may determine.

(4) A worker shall be paid a normal day's pay in respect of each day's annual leave still due to him at the end of a period of 12 consecutive months, except where, before the end of the period, he has-

(a) not applied for the leave specified in subparagraph (2);

(b) been dismissed from his employment for misconduct; or (c) broken his agreement.

6. Sick leave

(1) Subject to subparagraph (2), where a worker who has remained in continuous employment with the same employer for 12 consecutive months is sick, he shall during the following 12 months be entitled to-

(a) in the-case of a worker employed on a six-day week –

(i) 21 days' sick leave on full pay; and

(ii) a further period of 14days' sick leave on full pay for prolonged illness;

(b) in the case of a worker employed on a five-day week-

(i)18 days' sick leave on full pay; and

(ii) a further period of 12 days' sick leave on full pay for prolonged illness.

(2) Where a worker is absent from work on the ground of illness he shall -

(a) notify his employer of the illness not later than the second day of his absence, unless his employer is aware of the nature of his illness; and

(b) forward a medical certificate to his employer so as to reach his employer not later than on the third day of his absence if the illness continues for more than 2 consecutive days.

(3) An employer may, at his own expense, cause a medical practitioner to examine a worker who is absent on the ground of illness.

(4) A worker shall not be entitled to any payment in respect of any period of absence on the ground of illness following immediately upon the expiry of an annual leave unless he produces a medical certificate covering the period of absence.

Amended by [\[GN No. 65 of 1987\]](#)

7. Transport benefits and facilities

(1) Every worker shall be entitled to free transport or to be paid the return bus fare where no free transport is available if the distance between his residence and the place where he reports for work exceeds 3.2 km (2 miles).

(2) Where a worker is required by his employer to attend or cease work at any time when no public bus service is available, the employer shall provide, irrespective of the distance between the place of residence and the place of work, provide appropriate free means of transport from the workers residence to or from his place of work or both, as the case may be provided that in these cases transport shall be provided up to a practicable place nearest the workers residence.

Amended by [\[GN No. 65 of 1987\]](#)

8. Maternity benefits

(1) Subject to subparagraph (2), where a female worker has remained in continuous employment with the same employer for 12 months immediately preceding her confinement, she shall, on production of a medical certificate, be entitled to-

- (a) 12 weeks' leave on full pay to be taken at her discretion before and/or after confinement provided that at least 6 weeks' leave shall be taken immediately following the confinement; and
 - (b) an allowance of Rs 300 payable within 7 days of her confinement.
- (2) Where a female worker who has at any time had 3 confinements is pregnant, she shall not be entitled to the benefits specified in subparagraph (1) but she shall be entitled to only the leave specified in subparagraph (1)(a) without pay.
- (3) Wherever possible and at her request, every female worker who has entered in her seventh month of pregnancy shall not be allocated work requiring continuous standing.

Amended by [\[GN No. 65 of 1987\]](#); [\[GN No. 137 of 1990\]](#)

9. Public holidays

(1) Where a worker, other than a monthly paid worker, has remained in continuous employment with the same employer for 12 consecutive months, he shall be entitled, in the following 12 months, to a normal day's wages in respect of every public holiday, other than a Sunday, that occurs while he is in the service of the employer and on which he is not required to work.

(2) Where a worker who would otherwise have been entitled to a normal day's wages under subparagraph (1) or a monthly paid worker is called upon to work on a public holiday, he shall-

(a) in the case of a public holiday, other than a Sunday, be paid at the end of the next pay period one normal day's wages in addition to any remuneration due under paragraph 2; or

(b) in respect of a normal day's work., instead of being paid at twice the basic rate, be paid at the normal rate and be granted one day off duty with a normal day's pay in the next following week.

10. Piece rate work

(1) Subject to subparagraph (2), a worker may be required to perform piece work by his employer at such rates, to be agreed upon between them, which shall not be less than a sum exceeding the appropriate rates specified in the First Schedule by 10 per cent

(2) Where a worker is required to perform piece work on a public holiday or in excess of 45 hours in any week, he shall be remunerated at a rate which shall not be less than a sum exceeding that to which he would be entitled under paragraph 2(l) by 10 per cent.

(3) Notwithstanding subparagraph (1) or (2), every worker who is remunerated on a piece rate basis and who earns more than the appropriate rate specified in the First Schedule plus 10 per cent, shall, in accordance with the Additional Remuneration Act 1986, be paid an additional remuneration of 5 per cent of the whole amount actually earned by him.

4 – Notwithstanding subparagraph (1) or (2) every worker who is remunerated on a piece rate basis shall , with effect from 1st July 1987, be paid an additional remuneration of 15 per cent of the appropriate rate specified as at 30 June 1987 for his category and in respect of his length of service.

Amended by [\[GN No. 65 of 1987\]](#)

11. Meal Allowance

(1) Where a worker is required to perform extra work:

- (i) for less than two hours but at least up to 7.00 p.m.; or
- (ii) for a period covering at least two hours and extending to at least 1800 hours,

after having completed a normal day's work, he shall, in addition to any remuneration due under paragraph 2, be provided with an adequate free meal or a meal allowance of Rs 25 per day.

(2) The meal allowance specified in subparagraph (1) shall be paid not later than the day on which the next wages are due to be paid.

Amended by [\[GN No. 65 of 1987\]](#); [\[GN No. 71 of 2003\]](#)

12. Protective equipment

(1) Every employer shall provide-

- (a) a pair of rubber boots and a pair of rubber gloves to every worker who, by nature of his work, is required to work in water;
- (b) to every watchman-
 - (i) one raincoat every 2 years; and
 - (ii) serviceable flash lights whenever necessary.

2 (a) Every employer shall provide -

- (i) Two aprons to every factory worker;
- (ii) Two overalls or uniforms to every mechanic and electricians,
- (b) The items specified in this subparagraph shall be issued not later than 31st May in every year.

3. Any protective equipment provided under the subparagraphs 1 and 2 shall-

- (a) remain the property of the employer; and
- (b) except for the raincoat and the items specified in subparagraph 2 (a), be renewed as soon as it becomes uncerviceable.

Amended by [\[GN No. 65 of 1987\]](#)

13. Attendance bonus

(1) Every worker specified in the First Schedule and every male factory worker or unskilled worker (male) who, during a period of one month, does not absent himself from work on any day on which he is required to work, shall be entitled at the end of that month to an attendance bonus of not less than 5 per cent of the basic wages he has earned for that month.

(2) For the purpose of subparagraph (1), absences on annual leave and injury leave following injury arriving out of and in the course of employment shall not be deemed to be absence from work.

Amended by [\[GN No. 65 of 1987\]](#)

14. End of year bonus

Every worker who has remained in continuous employment with the same employer for one year shall be entitled at the end of the year to a bonus equivalent to 1/12 of his earnings for that year.

(2) 75% of the expected bonus specified in subparagraph (1) shall be paid not later than 5 clear working days before 25 December and the balance on the last working day of the same year.

(3) Every worker who –

- (a) takes employment during the course of the year;
- (b) still in employment as at 31st December; and
- (c) has performed a number of normal days' work equivalent to not less than 80% of the working days during employment in that year shall be entitled at the end of that year to a bonus equivalent to 1/12 of his earnings for that year.

Amended by [\[GN No. 65 of 1987\]](#)

15. Death grant

Where a worker who has been in continuous employment with the same employer for not less than 12 consecutive months dies, the employer shall pay an amount of Rs 100 to–

- (a) his spouse; or
- (b) if he leaves no spouse, the person who satisfies the employer that he has borne the funeral expenses.

16 Issue of payslips

Every employer shall, at the time of paying wages of a worker, issue to him a payslip stating inter alia–

- (a) the worker's name;
- (b) his total wages and allowances;
- (c) all deductions made and the reasons therefore;
- (d) the total number of days on which he was present at work and
- (e) the number of hours of extra work performed by him.

Added by [\[GN No. 65 of 1987\]](#)