

**Blockmaking, Construction, Stone Crushing and Related Industries
(Remuneration Order) Regulations 1994**

GN 174/1994

Repealed by [GN No. 70 of 2003]

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

1. These regulations may be cited as the Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration Order) Regulations 1994.

2. In these regulations -

"barbender Superior Grade" means a worker who

- (a) performs all the duties of a barbender Grade 1; and
- (b) is in charge of a gang of lower grade workers in the trade;

"barbender Grade I" means a worker who –

- (a) prepares and fixes reinforcement in steel structures;
- (b) reads drawings;
- (c) works according to specifications; and
- (c) is capable of supervising lower grade workers in the trade;

"barbender Grade II" means a worker who assists a barbender Grade I in his duties;

"blacksmith Grade I" means a worker who-

- (a) organises and supervises work of lower grade workers in the trade;
- (b) carries out measurements and calculations required;
- (c) deals with the working characteristics of wrought iron, steel and with steel hardening and tempering;
- (d) performs hand forging and welding operations;

- (d) shapes metal by hammering, cutting and punching, and works from drawings or other specifications;

"blacksmith Grade II" means a worker who performs all the duties of a blacksmith Grade I but has not reached the standard or aptitude of a blacksmith Grade I;

"blockmaker" means a worker engaged in the making of blocks and all other functions related thereto such as carrying and mixing of cement, rocks, chippings and water for making blocks and curing them;

"blockmaking industry" means the industry relating to the making of blocks for building and decorative purposes;

"carpenter Superior Grade" means a worker who-

- (a) performs the duties of a carpenter Grade 1; and
- (b) is in charge of a gang of lower grade workers in the trade;

"carpenter Grade I" means a worker who -

- (a) carries out, from drawings and specifications, the construction of any structure, building or shuttering for concrete work;
- (b) prepares and correctly sets out timber members and erects all partitions, roofs, doors and window frames;
- (c) takes off quantities from plans and prepares cutting lists;
- (d) inspects and reports on the state of repairs of any wooden
- (e) structure;
- (f) makes free-hand dimensional sketches; and
- (g) is capable of supervising lower grade workers in the trade;

"carpenter Grade II" means a worker who performs all the duties of a carpenter Grade I but has not reached the standard or aptitude of a carpenter Grade 1;

"construction industry" means the industry relating to building and civil engineering including the construction, repair and demolition of all types of buildings, roads, bridges,

sewers(including connection and plumbing thereof), air fields, harbour works, power stations and any other works;

"continuous employment" means the employment of a worker under an agreement or under more than one agreement where the interval between one agreement and the next does not exceed 28 days;

"driver Grade I" means a driver who drives a lorry, a mobile crane of 10 tons and over or a bulldozer of over 140 H.P, and who is capable of supervising lower grade workers in the trade;

"driver Grade II" means a driver who drives a lorry, a mobile crane of less than 10 tons, or a bulldozer of up to 140 H.P;

"earnings" means -

- (a) basic wages;
- (b) remuneration paid for work in excess of a normal day's work, or on a Sunday, or on a public holiday; and
- (c) any allowance paid under paragraphs 4 and 5 of the Second Schedule;

"electrician Grade I" means a worker who

- (a) installs, maintains and repairs electrical wiring and related equipment in houses, industrial and commercial establishments and other buildings; and
- (b) is capable of supervising lower grade workers in the trade;

"electrician Grade II" means a worker who performs all the duties of an electrician Grade I but has not reached the standard or aptitude of an electrician Grade 1;

"learner" means a worker who is training to become a store-keeper, a tool-keeper or a timekeeper;

"mason Superior Grade" means a worker who-

- (a) performs all the duties of a mason Grade 1; and

- (b) who is in charge of a gang of lower grade workers in the trade;

"mason Grade I" means a worker who

- (a) lays building blocks, iron frames and structures;
- (b) does concrete works;
- (c) aligns blocks with level and plumb line;
- (d) applies plaster;
- (e) examines drawings and specifications;
- (f) performs all other similar duties connected with a construction; and
- (g) is capable of supervising lower grade workers in the trade;

"mason Grade 11" means a worker who performs all the duties of a mason Grade I but has not reached the standard or aptitude of a mason Grade 1;

"mechanic Superior Grade" means a worker who-

- (a) performs all the duties of a mechanic Grade 1; and
- (b) is in charge of a gang of lower grade workers in the trade;

"mechanic Grade I" means a worker who –

- (a) repairs or services motor vehicles;
- (b) examines defective vehicles to ascertain the nature and location of defects;
- (c) dismantles parts;
- (d) replaces damaged parts;
- (e) grinds valves;
- (f) relines brakes;
- (g) rebushes steering mechanisms;
- (h) performs other tasks to effect repairs;
- (i) changes oil in engines and transmission systems;
- (j) lubricates joints;
- (k) tightens loose parts;(1) makes adjustments;
- (m) performs other tasks to keep vehicles in good condition; and

(n) is capable of supervising lower grade workers in the trade;

"mechanic Grade I" means a worker who performs all the duties of a mechanic Grade I but has not reached the standard or aptitude of a mechanic Grade 1;

"painter Superior Grade" means a worker who--

- (a) performs all the duties of a painter Grade 1, and
- (b) is in charge of a gang of lower grade workers in the trade;

"painter Grade I" means a worker who--

- (a) does lining, sign-writing and lettering;
- (b) cuts all weights of glass;
- (c) mixes putty and glazing;
- (d) estimates materials for puttying, painting, varnishing, glazing and any other operation appertaining thereto;
- (e) mixes and blends paints to any required shade;
- (f) deals with the properties and application of the various types of paints, enamels, stains, varnishes and polishes;
- (g) deals with fillers and, thinners;
- (h) uses primers and undercoats;
- (i) does finishing coats in paints and other similar duties; and
- (j) is capable of supervising lower grade workers in the trade;

"painter Grade II" means a worker who performs all the duties of a painter Grade I but has not reached the standard or aptitude of a painter Grade I;

"plumber Superior Grade" means a worker who -

- (a) performs all the duties of a plumber Grade I; and
- (b) is in charge of a gang of lower grade workers in the trade;

"plumber Grade I" means a worker who -

(a) assembles, installs and maintains pipes, fittings and fixtures of drainage, heating and sanitary systems at various locations;

(b) examines drawings or other specifications;

(c) cuts passage holes for pipes in walls or floors;

(d) cuts, reams, threads and bends pipes;

(e) joins pipes by use of screws and bolts, fittings, caulks joints and tests them for leaks with air or water pressure gauges;

(f) installs fixtures;

(g) does repair and maintenance work such as replacing washers, mending burst pipes and opening clogged drains; and

(h) is capable of supervising lower grade workers in the trade;

"plumber Grade II" means a worker who performs all the duties of a plumber Grade I but has not reached the standard or aptitude of a plumber Grade I;

"related industry" means the stone chipping (macadam) and the stonebreaking industry;

"stone breaker" means a worker who breaks stones with a stone-axe;

"stone crushing industry" means the industry relating to the making of stone dust and other related functions and includes stonebreaking, stone splitting and stone chipping;

"stonemason" means a mason who carries out ornamental stone work;

"stone splitter" means a worker who drills and splits stones with a pneumatic drill;

"stone worker" means a person who carries and feeds stones into a stone crusher and/or delivers the stone chippings (macadam) or stone dust to customers;

"store and tool-keeper" means a person

(a) who receives, stores and issues tools, merchandise equipment or other goods;
and

- (b) maintains relevant records;

"time keeper" means a person who -

- (a) keeps records of times of arrival and departure of workers;
- (b) calculates wages due from records of hours worked or performed by individual workers; and
- (c) prepares and effects payment of wages

"unskilled worker" means a worker who performs manual tasks involving physical effort but no particular skill;

"worker" -

- (a) means any person employed in the blockmaking industry, construction industry, stone crushing and any other related industry;
- (b) does not include any person –
 - (i) governed by any other Remuneration Order;
 - (ii) employed by any local authority or para-statal body.

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

- (2) The rates specified in the First Schedule include the additional remuneration payable under the Additional Remuneration Act 2002.

(3) 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.

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

(5) A worker shall not be employed as a learner for more than six months.

**Amended by [GN No. 174 of 1997]; [GN No. 119 of 1998]; [GN No. 108 of 1999];
[GN No. 147 of 2000]; [GN No. 114 of 2001]; [GN No. 163 of 2002]**

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

5. 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.

6. The following regulations are revoked

(a) Blockmaking, Stonecrushing and other Related Industries (Remuneration Order) Regulations 1977;

(b) Construction Industry (Remuneration Order) Regulations 1975.

FIRST SCHEDULE

(regulation 3)

Category of worker

Wages per month

							(Rs)
Chief Foreman	...	...	...	...	...	...	6930
							5560
Foreman	...	...	1st Year	...	...		5720
			2nd Year	...	...		5850
			3rd Year	...	...		6030
			4th Year	...	...		6180
			5th Year	...	...		6375
			6th Year	...	...
Store and	...	...	1st Year	...	...
Tool keeper,			2nd Year	...	...		5080
Time Keeper			3rd Year	...	...		5190
			4th Year	...	...		5265
			5th Year	...	...		5375
			6th Year	...	...		5500
							5582

Daily wages

							Rs cs
Watchman	...	...	...	...	...	...	179.52
Leading Hand Artisan	...	...	...	...	...	...	206.56
Mechanic - Superior Grade	...	...	...	...	...	...	212.13
Grade I	197.79
Grade II	179.52
Driver - Grade I	197.79
Grade II	179.52
Others	163.55

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Category of worker

Daily wages

							Rs cs
Blacksmith, Electrician - Grade I	197.79

	Grade II	...	...	...	...	179.52
Carpenter, Mason, Painter,						
Plumber - Superior Grade	...	...	...	...	...	212.13
Grade I	...	...	...	...	...	197.79
Grade II	...	...	...	...	...	179.52
Barbender - Superior Grade	...	...	...	...	...	212.13
Grade I	...	...	...	...	...	197.79
Grade II	...	...	...	...	...	179.52
Sirdar	...	...	...	...	...	179.52
Stone Mason	...	...	...	...	...	212.13
Stone Driller	...	...	...	...	...	179.52
Cabinet Maker...	...	...	...	...	...	212.13
Plant Operator...	...	...	...	...	...	179.52
Unskilled Worker	...	...	...	...	...	163.55
Stone Breaker	...	...	...	...	...	179.52
Stone Splitter	...	...	...	...	...	179.52
Blockmaker	...	...	...	...	...	179.52
Stone Worker	...	...	...	...	...	179.52
Learner -						
First 3 months	...	...	...	...	...	134.93
Next 3 months	...	...	...	...	...	179.52

**Amended by [GN No. 174 of 1997]; [GN No. 119 of 1998]; [GN No. 108 of 1999];
[GN No. 147 of 2000]; [GN No. 114 of 2001]; [GN No. 163 of 2002]**

SECOND SCHEDULE

(regulation 3)

1. Normal working hours

(1) The normal working week for every worker other than a watchman shall consist of 45 hours' work, excluding time allowed for meal and tea breaks, made up of -

(a) 8 hours' work on every day other than a Saturday or public holiday; and

(b) 5 hours' work on every Saturday other than a public holiday

(2) Every worker shall be entitled on every working day, to-

(a) a lunch break of one hour to be taken before noon; and

(b) a tea break of 15 minutes.

(3) (a) A normal working day for a watchman shall consist of 12 hours.

(b) Where a watchman is required to work on every day of a month he shall be entitled to four days' leave without pay during the month, one of the days being a Sunday.

2. Extra work

(1) 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 three times the basic rate;

(b) on any other day, performs more than a normal day's work shall be remunerated at one and a half times the basic rate.

(2) 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 three times the basic rate;

- (b) performs more than a normal day's work on any other day shall be remunerated at one and a half times the basic rate.

3. Notional calculation of basic rate

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

- (a) a month shall be deemed to consist of 26 days;
- (b) a day shall be deemed to consist of -
 - (i) 12 hours in the case of a watchman;
 - (ii) 8 hours in every other case.

4. Allowance to blockmakers

Every blockmaker who, in the course of a normal day's work is required to -

- (a) operate a concrete mixing machine;
- (b) operate a blockmaking machine; or
- (c) organise or supervise work relating to blockmaking,

shall be entitled to an allowance equivalent to 20% of his earnings for that day.

5. Piece rate work

(1) Subject to subparagraph (2), a worker may be required to perform piece work at such rate as may be agreed upon between him and his employer provided the rate shall not be less than a sum exceeding the appropriate rate specified in the First Schedule by ten per cent.

(2) Where a worker is required to perform piece work on a public holiday, he shall be remunerated at a rate which shall not be less than the sum exceeding that to which he would be entitled under paragraph 2 of the Second Schedule by ten per cent.

6. Payment of remuneration

(1) 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 the case of a daily worker, not later than the last working day of every week or, if the worker so agrees, every fortnight.

(2) Every employer shall, at the time of paying the wages of a worker, issue to him a pay slip stating inter alia -

- (a) the worker's name, category and social security number;
- (b) the total number of days on which he was present at work;
- (c) his total wages and each item of allowance;
- (d) every deduction made and the reason thereof;
- (e) number of hours of extra work and the corresponding extra payment

7. Joint liability

Where an employer employs a job contractor, both shall be jointly and severally liable for the remuneration and conditions of employment of their workers.

8. Transport benefits and facilities

(1) Where the distance between a worker's residence and the place where he reports for work exceeds 5 km, the worker shall, unless the employer provides transport facilities, be entitled to the return bus fare, and if no bus service is available, and no private transport is provided, the employer shall provide taxi for the conveyance of the worker.

(2) Where an employer provides transport for his workers -

- (a) the workers shall be collected at mutually agreed convenient points;
- (b) the workers shall be transported back to the collecting point within a reasonable time after work stoppage;
- (c) the transport vehicle shall leave the work site not later than one hour after work stoppage.

9. Public holidays

Where a daily worker has remained in continuous employment with the same employer for twelve consecutive months, he shall during the following twelve months be entitled to a normal day's wages in respect of every public holiday other than a Sunday which occurs while he is in the employer's service.

10. Subsistence allowance

Where -

- (a) a worker other than a watchman has, by reason of his employment, to spend the night away from home;
- (b) a worker other than a watchman, who has completed a normal day's work and who is not performing piece normal work, is required to work after 7 p.m;
- (c) a watchman is required to perform a supplementary watch after a normal day's work,

he shall, in addition to any remuneration due under paragraph 2, be paid a subsistence allowance of Rs 15 per day.

11. End of year bonus

(1) Where a worker has remained in continuous employment with the same employer for 12 consecutive months in a year, he shall, at the end of that year, be entitled to a bonus equivalent to 1/12 of his earnings for that year.

(2) Every worker who

- (a) takes employment during the course of the year;
- (b) is still in employment as at 31 December; and
- (c) has performed a number of normal days' work equivalent to not less than 80% of the working days during his 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.

(3) Seventy-five per cent of the expected bonus specified in subparagraphs (1) and (2) shall be paid not later than 5 clear working days before 25 December and the balance not later than on the last working day of the same year.

12. Protective equipment

(1) Every employer shall provide -

- (a) a pair of rubber gloves at least once every 15 working days to every stone breaker, stone splitter, stone worker, blockmaker and every worker employed in welding, stonedrilling, operating a concrete -vibrator or an electric drillingmachine;
- (b) a pair of rubber boots every year to every stone breaker, stone splitter, stone worker, blockmaker and every worker employed on large surface concreting, road surfacing or lime work;
- (c) one uniform every year to every stone breaker, stone splitter, stone worker and blockmaker;
- (d) a respiratory mask to every stone worker and every worker who operates a concrete mixer;
- (e) a raincoat, to be replaced as and when necessary, to every stone breaker and every stone splitter;
- (f) a pair of goggles to every worker employed in hacking concrete, welding or stone drilling;
- (g) a safety belt to every worker employed in erecting steel at structures;
- (h) a helmet every three years to every stone breaker, stonesplitter, stone worker and blockmaker.

(2) Every employer shall provide to every blacksmith and every elder in his employment a suitable apron which shall be renewed whenever it becomes unserviceable.

(3) Every pair of boots supplied by an employer to a worker shall remain the property of the employer.

13. Annual leave

(1) Where a worker has remained in continuous employment with the same employer during 12 consecutive months, he shall be entitled during the following 12 months to 16 working days' leave on full pay -

- (a) 8 of which may, with the employer's approval, be taken consecutively by the worker; and
- (b) the remaining 8 days shall be taken at such time as the employer and the worker may agree or, in default of agreement, at such time as the employer shall determine.

(2) Where a worker has not taken or been granted the leave to which he is entitled under subparagraph (1) he shall, except if he is, before expiry of the period of twelve months, dismissed for misconduct, be paid a normal day's wages in respect of each day's annual leave still due at the end of that period.

14. Sick leave

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

- (a) twenty-one day's sick leave on full pay; and
- (b) a further period of fifteen days on half pay in respect of any time which is –

- (i) wholly spent in a clinic or hospital; or
- (ii) certified by a medical practitioner of the clinic or hospital as necessary for the recuperation of the worker's health after his discharge from the clinic or hospital.

(2) (a) Where a worker is absent owing to sickness, he shall notify his employer of the fact on the first day of absence and, if he remains sick for more than four consecutive days, forward a medical certificate to that effect so as to reach his employer on the fifth day of absence.

(b) Where a medical practitioner has been designated by the employer and agreed upon by the worker, the medical certificate shall as far as possible be issued by that medical practitioner.

(3) An employer may at his own expense cause a medical practitioner to examine a worker who is absent owing to illness.

15. Termination of employment

(1) Where a worker who is paid daily for his day's work has remained in continuous employment with the same employer for a period of at least 6 months but less than 3 years, he shall be entitled to 7 clear days' notice of termination of agreement.

(2) Every worker shall be entitled to a compensation of one day's wage for each completed month of service where -

- (a) he has worked for the same employer for more than 6 consecutive months;
- (b) his service is terminated before the expiry of 12 months for any cause other than misconduct; and
- (c) his attendance has averaged not less than 20 days per month during the first six months of his employment.

16. Issue of milk

(1) Every employer shall provide –

- (a) every stone breaker, stone splitter, stone worker and blockmaker on every day on which he attends work, with 800 ml of milk;
- (b) every painter and every welder on every day on which he works as painter or welder, with 400 ml of milk.

(2) No milk supplied under subparagraph (1) shall be taken away by the worker.

17. Death grant

(1) Where a worker who has remained in continuous employment with the same employer for not less than 12 consecutive months dies, the employer shall pay an amount of Rs 2,000 to -

- (a) the surviving spouse of the worker; or
- (b) where the deceased leaves no surviving spouse, the person who satisfies the employer that he has borne the funeral expenses.

(2) For the purposes of subparagraph (1), "spouse" means the person to whom the deceased worker was civilly or religiously married and with whom he was living at the time of death.

18. Maternity benefits

(1) Subject to subparagraph(2), where a female worker has remained 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 500 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) Where a female worker suffers a miscarriage which is duly certified by a medical practitioner she shall be entitled to a maximum of 7 days' leave on full pay.

19. Tools

(1) The employer shall provide to every worker the tools which may be required in the performance of work.

(2) The tools provided under subparagraph (1) shall remain the property of the employer.

20. Overseas leave

(1) Every employer shall grant to every worker reckoning continuous employment with him for a period of at least 15 years, one overseas leave of at least two months to be wholly spent abroad.

(2) At least one month of the leave specified in subparagraph (1) shall be with pay, such pay being effected in advance and at least 7 days before the worker proceeds abroad.

(3) For the purposes of annual and sick leave and end of year bonus, such overseas leave shall be deemed to constitute attendance at work.

21. Gratuity at death or on retirement before 60

(1) Subject to subparagraph (2), every employer shall pay a gratuity where a worker -

(a) dies; or

(b) retires before the age of 60 on ground of permanent incapacity to perform his work duly certified by a Government Medical Practitioner,

provided the worker has been in continuous employment for not less than 10 years with the same employer.

(2) Where the death of a worker occurs after the age of 60, the gratuity under subparagraph (1) shall be payable only if the worker has not been paid severance allowance by the employer in accordance with the Labour Act after reaching the age of 60.

(2) The gratuity shall be paid

- (a) in a lump sum and calculated according to the formula $N \times W/2$, where "N" means the number of years of service and "W" means the last monthly basic wage;
- (b) to the worker or the deceased worker's surviving spouse or, where he leaves no surviving spouse, in equal proportions to his dependents;
- (c) irrespective of any benefits the worker or the deceased worker's surviving spouse or his dependents, as the case may be, may be entitled to under the National Pensions Act.

(4) For the purpose of subparagraph (3)

- (a) "spouse" means the person with whom the worker had contracted a civil or religious marriage and with whom he was living under a common roof at the time of his death;
- (b) "dependent" means any person who was living in the deceased worker's household and was wholly or partly dependent on his earnings at the time of his death.