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The Gazette of the Democratic Socialist Republic of Sri Lanka

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PART I : SECTION (I) – GENERAL

Government Notifications

THE WAGES BOARDS ORDINANCE

NOTIFICATION

Hotel and Catering Trade

In accordance with the provisions of Section 28 of the Wages Boards Ordinance (Chapter 136), the Wages Board for the Hotel and Catering Trade hereby notifies that the Wages Board by virtue of the powers vested in it by Section 30 of the aforesaid ordinance, proposes to vary in the manner set out in the Schedule hereto, such decisions of the Board as are specified in that Schedule.

Objections to the aforesaid proposal will be received by the Chairman of the Board until 12.00 noon on 16th October, 2006.

Every such objection must be made in writing and must contain a statement of the grounds upon which such objection is taken.

D. S. EDIRISINGHE,
Chairman,

Wages Board for the Hotel and Catering Trade.

Department of Labour,
Colombo 05.
13th September, 2006,

SCHEDULE

The decision made by the Wages Board for the Hotel and Catering Trade and set out in the Schedule to the notification published in *Gazette Extraordinary*, No. 34 of 27th April, 1979, as varied from time to time and lastly varied by the notification published in *Gazette Extraordinary*, No. 1361/34 of 8th October, 2004, shall be further varied as follows :

Order

- (1) "Not less than 10 persons" stated in the provisos of Part II of the Wages Board Ordinance shall be varied by the substitution of "Not less than 07 persons"
- (2) "The letting of hotel rooms for lodging; including the work of the following workers" stated in Part II shall be further varied by the substitution of "Businesses engaged in the Hotel and Catering Trade and having rooms together with business engaged in the supply of all types of food and drinks; including the work of the following workers".

Number (36) under (2)

Shall be further varied as, "Any other workers engaged in the Hotel and Catering Trade, in hotels with or without lodging and any sort of business engaged in the supply of all types of food and drinks".

Part I
Definition of Normal Working Day
(Section 24)

The number of hours constituting a normal working day (inclusive of one hour for meal and rest) shall be as given bellow :

- (a) On any five days - 09 hours
- (b) On any one day - 06 hours

However, working day can be determined as 12 hours subject to an interval of 4 hours for meal and rest on a normal working day.

Part II
Normal Working Week
(Section 24)

The number of hours constituting a normal working week shall not exceed 45 working hours.

Part III
Calculation of overtime rate

In respect of each hour of work in excess of the normal working day, the minimum overtime rate shall be 1 1/2 times the minimum hourly rate (ascertained by dividing the minimum monthly rate by 240).

Part IV
Weekly Holiday
(Section 24)

- (a) Every employer shall allow any one-day as the weekly holiday to all workers employed under him. The weekly holiday the worker is entitled to receive under the sub section shall be given within the same week or the following week. The employee may be allowed to obtain the accumulated weekly holidays for four consecutive weeks of a month at any time during that month. For this the prior approval of the Commissioner of Labour should be obtained. In calculation of the hours worked the approved leave given by the employer, the hours constituting a public holiday and Poya day shall be taken into consideration.
- (b) Provided however that a worker may be employed on a weekly holiday subject to the following conditions :
 - (i) The minimum rate of wage for a normal working day (ascertained by dividing the minimum monthly rate by 30) shall be paid for the first 9 hours (inclusive of one hour for meal and rest) and that a day within six days next succeeding weekly holiday shall be allowed to that worker as a holiday with pay ;
 - (ii) In respect of each hour of work thereafter an overtime rate equal to amount calculated by dividing the minimum monthly rate by 240 and multiplying by 1 1/2 shall be paid.

Part V
Annual Leave
(Section 25)

- (a) An employee, covered by this Wages Board, employed continuously for a complete one year shall be entitled to 21 days leave with full remuneration. However, within the first year of employment the leave entitlement shall be as follows :
- (i) Where his employment commences on or after 1st of January but before the 1st of April, a leave of 21 days with full remuneration ;
 - (ii) Where his employment commences on or after 1st of April but before the 1st of July, a leave of 17 days with full remuneration ;
 - (iii) Where his employment commences on or after 1st of July but before the 1st of October, a leave of 11 days with full remuneration ;
 - (iv) Where his employment commences on or after 1st of October a leave of 09 days with full remuneration.
- (b) Further an employer shall allow an employee to obtain the above annual leave and is bound to pay remuneration for such leave.
- (c) In respect of the following years of employment the employee engaged in this trade is entitled for take and shall take an annual leave of 21 days with remuneration, of which not less than 7 days shall be consecutive days.
- (d) The leave that the employee is entitled to take shall be allowed by the employer to be taken on days agreed upon by the employer and the employee.
- (e) The leave that the employee is entitled to take shall be given to the employee in the next succeeding year.

Part VI
Public Holidays
(Section 25)

- (a) subject to the provisions of the said section every employer shall allow as holiday with remuneration to every employee employed by him each of the following public holidays within the meaning of the holiday act, No. 29 of 1971.
- (1) The Tamil Thai Pongal Day
 - (2) National Day (04th of February)
 - (3) The day prior to Sinhala and Tamil New Year Day
 - (4) The Sinhala and Tamil New Year Day
 - (5) Milad - un - Nabi (Holy Prophet's Birthday)
 - (6) May Day (May 01)
 - (7) The day immediate following the Full Moon Day of the Sinhala month of Vesak.
 - (8) Christmas Day
- (b) An employer may employ any employee on any such public holiday as is referred to in the preceding paragraph subject to the following conditions.
- (i) In respect of such public holiday an employee shall be paid with remuneration calculated at the minimum rate ascertained by dividing the monthly rate by 30 and he shall be allowed a holiday with pay on or before the 31st of December of the respective year ; or
 - (ii) Such employee shall be remunerated for work done on any such public holiday at not less than double the minimum daily rate of the wages (ascertained by dividing the minimum monthly rate by 30) for the work done during the number of hours consisting a normal working day ;
 - (iii) In respect of each hour of work in excess of the minimum number of hours constituting a normal working day performed by a worker on a day declared as a public holiday for the Hotel and Catering Trade under Section 25 of the Wages Boards (Chapter 136), the minimum overtime rate shall be 2 times the minimum hourly rate ascertained by dividing the minimum monthly rate by 240.