

SUBSIDIARY LEGISLATION 452.40

**DOMESTIC SERVICE WAGES COUNCIL
WAGE REGULATION ORDER**

1st February, 1976

LEGAL NOTICE 7 of 1976, as amended by Legal Notices 65 of 1976, 76 and 108 of 1977, 36 of 1978, 2, 25 and 66 of 1979, 30 of 1980, 33 of 1981, 122 of 1989, 427 of 2007, 132 and 528 of 2010, 504 of 2011, 362 of 2012, 334 and 444 of 2013, 482 of 2014 and 5 of 2016.

1. The title of this Order is Domestic Service Wages Council Wage Regulation Order.

Title.

2. The provisions set out in the Schedule shall apply to all employees in respect of whom the Domestic Service Wages Council operates.

Application of Order.

SCHEDULE

(Article 2)

*Amended by:
L.N. 65 of 1976;
L.N. 76 of 1977;
L.N.108 of 1977;
L.N. 36 of 1978;
L.N. 2 of 1979;
L.N. 25 of 1979;
L.N. 66 of 1979;
L.N. 30 of 1980;
L.N. 33 of 1981;
L.N.122 of 1989;
L.N.427 of 2007;
L.N.132 of 2010;
L.N. 528 of 2010
L.N. 362 of 2012;
L.N. 334 of 2013;
L.N. 444 of 2013;
L.N. 482 of 2014;
L.N. 5 of 2016.*

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 Holidays and other Public Holidays Act;

Interpretation.

"day" means the time of twenty-four consecutive hours;

Cap. 252.

"double pay" means double the minimum day's pay applicable to an employee;

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

"meals" means morning coffee, lunch, afternoon tea and supper;

"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;

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

"time-and-a-half" and "double-time" means respectively one-and-a-half times and twice the minimum time rate applicable to the employee;

"week" means a calendar week;

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

Main groups of domestic workers.

2. For the purposes of this Wage Regulation Order, there shall be six groups of workers in domestic service, as follows:

GROUP 1 shall consist of those workers engaged by the month who sleep in their employer's house on not less than seventeen nights in any month;

GROUP 2 shall consist of those workers engaged by the month who sleep in their employer's house on less than seventeen nights a month or not at all;

GROUP 3 shall consist of these workers engaged by the week who sleep in their employer's house on not less than four nights in any week;

GROUP 4 shall consist of those workers engaged by the week who sleep in their employer's house on less than four nights a week or not at all;

GROUP 5 shall consist of those workers who are engaged by the day;

GROUP 6 shall consist of those workers who are engaged by the hour.

Hours of work.

3. The hours of work of workers in Groups 1 and 3 on those days when they do not sleep in their employer's house, of workers in Groups 2 and 4 on those days when they do not sleep in their employer's house, and of workers in Group 5, shall be not more than eight in any day but not more than forty-four hours in any week, this being up to the 28th February, 1990 and forty hours thereafter, exclusive of breaks for meals and rest.

4. The minimum remuneration of workers shall be as follows:

Minimum remuneration.
Substituted by:
L.N. 528 of 2010.
Amended by:
L.N. 362 of 2012;
L.N. 5 of 2016.

Whole-Timers

Workers in Group 1 €750.18 per month

Workers in Group 2 €745.52 per month

Workers in Group 3 €173.25 per week

Workers in Group 4 €171.50 per week

Part-Timers

Workers in Group 5 €28.58 per day

Workers in Group 6 €4.29 per hour:

Provided that for employment exceeding four hours in any one day payment shall in no case be less than the equivalent of a day's work:

Provided further that any part-time worker who qualifies as a whole-time employee in accordance with paragraph 1 of this Schedule shall be entitled to the full weekly wage applicable under this sub-paragraph notwithstanding that she works for less than six days.

5. (1) Workers in Groups 1, 2, 3, and 4 on those days when they do not sleep in their employer's house and workers in Group 5 shall be entitled for payment at time-and-a-half for all time worked over eight hours in normal days and for all time worked over forty-four hours in any one week, this being up to 28th February, 1990 and for all time worked over forty hours after the 28th February, 1990.

Minimum overtime remuneration.

(2) Workers who work on a customary holiday shall be entitled to double pay for one day's work and payment at double time for all time worked over eight hours.

(3) Workers who work on their weekly day of rest shall be entitled to payment at double-time for all time worked.

6. (a) Workers in Groups 1 and 3 on those days when they sleep in their employer's house, and workers in Groups 2 and 4 on those days when they sleep in their employer's house shall be entitled to all meals, and on those days when they do not sleep in their employer's house they shall be entitled to all means except supper.

Meals.

(b) Workers in Group 5 shall be entitled to all meals except supper.

(c) Workers in Group 6 shall be entitled to coffee or tea after working for not less than two hours and shall be further entitled to lunch or supper, as the case may be, after working in the aggregate for not less than five hours.

(d) Workers in Groups 1 and 3 on those days when they do not sleep in their employer's house, workers in Groups 2 and 4 on those days when they do not sleep in their employer's house and workers in Group 5, shall be entitled to supper when their hours of work in excess of eight in any day exceed three:

Provided that workers in Groups 1 and 2 shall have forty-eight euro thirty-six cents (€48.36) deducted monthly from their minimum remuneration, workers in Groups 3 and 4 shall have eleven euro and sixteen cents (€11.16) deducted weekly from their minimum remuneration, and workers in Group 5 shall have one euro eighty-six cents (€1.86) deducted daily from their minimum remuneration, as compensation for meals to which they shall be entitled as aforesaid:

Provided that workers in Group 6 shall have no deduction from their minimum remuneration as

compensation for meals to which they may be entitled as long as they are not entitled to a day's pay in which case they shall have €1.61 deducted from their minimum remuneration; and:

Provided further that should workers not avail themselves of their right to any meals as aforesaid, they shall not be entitled to any pecuniary compensation in substitution therefor.

Minimum daily rest.

7. (a) Workers in Groups 1 and 3 on those days when they sleep in their employer's house, and workers in Groups 2 and 4 on those days when they sleep in their employer's house, shall be entitled to a minimum daily rest of three hours in the aggregate in every day, the time or times of rest to be fixed by the employer after consultation with the employee.
- (b) Workers in Groups 1 and 3 on those days when they do not sleep in their employer's house and workers in Groups 2 and 4 on those days when they do not sleep in their employer's house, and workers in Group 5, shall be allowed. in any one day intervals of not less, in the aggregate, than forty-five minutes for meals and rest.

Minimum weekly rest.

8. Workers in Groups 1, 2, 3 and 4 shall be entitled to a day's rest in every week, such day of rest being fixed by the employer after consultation with the employee:

Provided that in special cases with the consent of both employer and employee the worker shall be entitled to a holiday of a number of days equivalent to the number of weekly days of rest of which he does not avail himself up to but not exceeding seven.

Vacation leave.

9. (1) In addition to the minimum weekly rest to which whole-time employees may be entitled under paragraph 8, 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:

- (a) four working weeks and one working day during the calendar 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 purposes 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.

10. (1) After the completion of six months continuous service, every whole-time employee in Groups 1, 2, 3 and 4 shall in every calendar year be entitled to the equivalent in hours of fourteen 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:

Sick leave.

Cap. 318.

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.

Cap. 318.

(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.

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11. A whole-time employee shall be entitled to a maximum of 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, 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.

Injury leave.

Cap. 318.

12. Employees in Groups 1, 2, 3 and 4 shall be entitled to two days paid leave on the occasion of the death of any of the following relations: the wife or husband, the mother or father, the daughter or son, and the sister or brother.

Bereavement leave.

13. Employees falling under Groups 1, 2, 3 or 4 shall be entitled to three working days leave on full pay on the occasion of

Marriage leave.

their marriage.

Birth leave. **14.** A male worker in Groups 1, 2, 3 and 4 shall be entitled to two days leave with pay on the occasion of the birth of a child to his lawful wife.

Jury service. **15.** Employees falling under Groups 1, 2, 3 or 4 called for jury service shall be allowed all necessary time off on full pay to enable them to attend to such services in Court.

Retiring age. **16.** In cases where the retiring age of a male employee is expected at the age of sixty years, such employee shall be given the opportunity by his employer to retain his employment beyond this age at least until the age of sixty-one years, provided that the employee in question shall still be allowed, if he so wishes, to retire at the age of sixty years.

EXPLANATORY NOTE

*Amended by:
L.N. 504 of 2011.*

(This note is not part of the Order but it is intended to indicate its applicability).

The above Order applies to employees employed in private households, engaged in domestic duties, such as servants, maids, housekeepers, cooks, butlers, valets, handymen, cleaners, charwomen, washerwomen, baby-sitters, nursemaids, and other persons employed in related work, including chauffeurs, gardeners and similar occupations connected with the household.

In this paragraph "private households" includes charitable institutions which provide residential care to persons in need as their main activity, monasteries and convents but does not include any hospital, clinic, nursing home, institute of medico-surgical treatment, maternity home or hydropathic establishment, home for aged persons or schools run by any such households.
