

THE NATIONAL WAGE CONSULTATIVE COUNCIL ACT 2016

**Regulations made by the Minister under sections 8 and 23 of the
National Wage Consultative Council Act 2016**

1. These regulations may be cited as the National Minimum Wage Regulations 2017.

2. In these regulations –

“Act” means the National Wage Consultative Council Act 2016;

“employer” –

(a) means a person who employs a worker and is responsible for the payment of remuneration to the worker; and

(b) includes –

(i) a job contractor;

(ii) a person, other than another shareworker, who shares the profit or gross earnings of a shareworker;

“export enterprise” has the same meaning as in the Export Enterprise (Remuneration Order) Regulations 1984;

“part-time worker” has the same meaning as in the Employment Rights Act;

“shareworker” has the same meaning as in the Employment Rights Act;

“supervising officer” means the supervising officer of the Ministry;

“variable pay component” –

(a) means any remuneration in cash, whether paid every month or not and which is not fixed; and

(b) includes –

(i) remuneration for extra work;

(ii) responsibility allowance;

(iii) attendance bonus;

(iv) refund of travelling expenses;

- (v) refund of uniform expenses or protective equipment;
- (vi) statutory meal allowance;
- (vii) end of year bonus.

3. (1) Subject to these regulations, the national minimum wage of every worker, other than a part-time worker, shall be 8,140 rupees per month.

(2) The national minimum wage of every part-time worker –

- (a) other than a part-time worker referred to in subparagraphs (b) and (c), shall be calculated in the manner specified in Part I of the Schedule;
- (b) of an export enterprise shall be calculated in the manner specified in Part II of the Schedule; and
- (c) where the hours of work prescribed or agreed for a corresponding full-time worker in any enactment, contract of employment, collective agreement, award or the Pay Research Bureau Report is less than 45 hours a week, shall be calculated in the manner specified in Part III of the Schedule.

(3) The national minimum wage referred to in paragraph (1) shall, in respect of –

- (a) a worker, other than a worker of an export enterprise, not be inclusive of the additional remuneration payable to a full-time employee under the Additional Remuneration and Other Allowances (2018) Act 2017;
- (b) a worker of an export enterprise –
 - (i) be inclusive of –
 - (A) the additional remuneration payable to a full-time employee under the Additional Remuneration and Other Allowances (2018) Act 2017;
 - (B) housing allowance granted to the worker or value of that allowance, if any;
 - (C) food allowance granted to the worker who is entitled to the benefit under sub sub subparagraph (B) or value of that allowance, if any; and
 - (D) any fixed remuneration in cash, by whatever name called, paid to the worker monthly and which is guaranteed for work on normal scheduled working

hours and is not decreased for authorised absences during a pay reference period as per an agreement; but

(ii) not be inclusive of any variable pay component.

(4) The benefits granted under paragraph (3)(b)(i)(B) and (C) shall not, in the aggregate, exceed 2,500 rupees monthly.

(5) (a) The supervising officer may request any employer to prove that an amount included in the national minimum wage payable to a worker under paragraph (3)(b)(i)(B) and (C) reflects the real value of food or housing allowance granted to the worker.

(b) All expenses related to food and housing in respect of every worker of an export enterprise shall be accounted for in the audited accounts of that enterprise.

(6) Where, upon a request made under paragraph (5), an employer fails to submit evidence to the supervising officer that the amount which has been so included reflects the real value of food or housing allowance granted to any of his worker, the supervising officer may direct the employer to pay to that worker any balance due in respect of the national minimum wage.

(7) An employer shall comply with any direction issued by the supervising officer under paragraph (6).

4. (1) An employer shall keep a record of the remuneration of every worker.

(2) The record kept under paragraph (1) shall, in relation to every worker, clearly indicate –

- (a) the amount paid as national minimum wage;
- (b) the different pay components and their corresponding amounts; and
- (c) where any benefit is in kind, the corresponding monetary value, as applicable.

(3) The supervising officer may direct any employer to provide a copy of any record kept pursuant to paragraph (1).

(4) An employer shall comply with any direction issued by the supervising officer under paragraph (3).

5. An employer shall, in the payslip issued to a worker at the time of payment, specify –

- (a) the amount paid as national minimum wage;

- (b) the different pay components and their corresponding amounts; and
 - (c) where any benefit is in kind, the corresponding monetary value, as applicable.
- 6.** Nothing in these regulations shall –
- (a) prevent an employer from paying his worker or part-time worker a wage which is higher than the national minimum wage the worker or part-time worker is entitled to;
 - (b) authorise an employer to reduce a worker's or part-time worker's wage to the national minimum wage.
- 7.** Any agreement by a worker to relinquish his right to the payment of a national minimum wage to which he is entitled under these regulations shall be null and void.
- 8.** These regulations shall come into operation on 1 January 2018.

Made by the Minister on 27 December 2017.

SCHEDULE
[Regulation 3(2)]

PART I

National minimum wage of a part-time worker, other than a part-time worker referred to under Parts II and III of this Schedule

1. For a part-time worker, other than a watchperson –

$$\frac{8500}{195} \times \text{number of hours worked in a month} \times A$$

Where –

A = 1.10 (if the part-time worker has worked up to 100 hours in a month); or
1.07 (if the part-time worker has worked above 100 hours in a month)

2. For a watchperson –

$$\frac{8500}{312} \times \text{number of hours worked in a month} \times A$$

Where –

A = 1.10 (if the watchperson has worked up to 100 hours in a month); or
1.07 (if the watchperson has worked above 100 hours in a month)

PART II

National minimum wage of a part-time worker of an export enterprise

1. For a part-time worker other than a watchperson –

$$\frac{8140}{195} \times \text{number of hours worked in a month} \times A$$

Where –

A = 1.10 (if the part-time worker has worked up to 100 hours in a month); or
1.07 (if the part-time worker has worked above 100 hours in a month)

2. For a watchperson –

$$\frac{8140}{312} \times \text{number of hours worked in a month} \times A$$

Where –

A = 1.10 (if the watchperson has worked up to 100 hours in a month); or
1.07 (if the watchperson has worked above 100 hours in a month)

PART III

National minimum wage of a part-time worker, where the hours of work prescribed or agreed for a corresponding full-time worker in any enactment, contract of employment, collective agreement, award or the Pay Research Bureau Report is less than 45 hours a week

$$\frac{8500}{A} \times \text{number of hours worked in a month} \times B$$

Where –

A = number of hours per week prescribed or agreed for a full-time worker x
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B = 1.10 (if the part-time worker has worked up to 100 hours in a month); or
1.07 (if the part-time worker has worked above 100 hours in a month)
