

*Government Notice No. 207 of 2019***THE EMPLOYMENT RELATIONS ACT****Regulations made by the Minister under section 93
of the Employment Relations Act**

1. These regulations may be cited as the Cinema Employees (Remuneration) Regulations 2019.

In these regulations –

“assistant projectionist” means an employee who assists the projectionist in his duties and is able, in the absence of the projectionist, to operate a projection equipment and its sound producing equipment;

“box-office attendant” means an employee who sells or delivers tickets, receives cash from the public and is accountable therefor to his employer;

“café” means a space in a cinema lobby where soft drinks, ice-cream, lollies, nibbles and the like are sold;

“café assistant” means an employee who performs the following duties –

- (a) fills the selling tray with articles collected from the café;
- (b) sells ice-cream, lollies, nibbles and the like inside viewing halls;
- (c) receives cash and is accountable therefor to the café keeper; and
- (d) returns any unsold articles to the café;

“café keeper” means an employee who is in charge of a café and who, for the purpose of running it, –

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- (a) displays and sells soft drinks, ice-cream, lollies, nibbles and the like;
 - (b) replenishes stock as and when required;
 - (c) records items issued to the café assistant; and
 - (d) is responsible for cash sales, keeps relevant records and is accountable therefor to his employer;

“caretaker/cleaner” means an employee who watches over the premises of a cinema after an evening performance and, before going off-duty, cleans the viewing halls;

“casual employee” means an employee engaged occasionally;

“cinema” means a theatre which consists of one or more viewing halls used for the projection of films and accommodation of viewers;

“cleaner” means an employee who cleans the premises of a cinema and who may be required to stick bills and perform other cognate duties;

“driver” means an employee who –

- (a) drives a motor vehicle used in the transport of equipment, material and personnel;
- (b) is responsible for keeping the motor vehicle clean and in good running order; and
- (c) may be required to effect minor repairs to the motor vehicle;

“employee” –

- (a) means a person who is employed by an employer in the cinema industry; but
- (b) does not include an employee –

- (i) whose basic wage or salary is at a rate exceeding 600,000 rupees in a year except in relation to –
 - (A) Part III of the First Schedule; and
 - (B) sections 5, 26, 32, 33, 34, 49, 50, 52, 53, 54 and Parts VI, VII, VIII and XI of the Workers’ Rights Act 2019;
- (ii) whose conditions of employment are governed by any other Remuneration Regulations;
- (iii) employed by a statutory body or a local authority, as the case may be, whose conditions of employment are governed by the recommendations made in a report of the Pay Research Bureau, or a salary commission, by whatever name called;

“employer” means an employer in the cinema industry;

“helper” means an employee who accompanies a driver in a motor vehicle for the purpose of carrying, loading and unloading of equipment and material to be conveyed, or which has been conveyed;

“officer” means the supervising officer of the Ministry responsible for the subject of labour and employment relations or any public officer duly authorised by him;

“projectionist” means an employee who may be required to perform one or more of the following duties –

- (a) operate projection equipment and the corresponding sound producing equipment during a show from one projection booth;
- (b) stick films together and un-stick them later after projection as per instructions from the employer or his representative;

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- (c) attend to film breakages and effect necessary repairs;
 - (d) rewind projected films;
 - (e) maintain the projection and sound producing equipment clean and effect minor repairs to the said equipment;
 - (f) cut and re-adjust a film reel in accordance with the instructions given by, or on behalf of, his employer;
 - (g) keep a record of films entrusted to him for projection purposes;

“reasonable business grounds” means –

- (a) inability or impracticability to reorganise working arrangements of existing employees;
- (b) a detrimental effect on the ability to meet customers’ demand;

“show” means the projection of –

- (a) one or more films within a viewing hall at one session; or
- (b) one film in more than one viewing hall within a cinema simultaneously or successively, provided that in the latter case the time lag between the start of the projection in one viewing hall and the start of the projection in the second or more viewing halls, does not exceed half an hour;

“store assistant” means an employee who –

- (a) delivers from, and receives at, the premises of the cinema or any other place held by the employer, film reels and other equipment;
- (b) repairs films which are in his custody; and
- (c) is responsible for recording and controlling the stock;

“ticket controller” means an employee who –

- (a) controls admittance to viewing halls;
- (b) is responsible for receiving and checking admission tickets; and
- (c) is accountable therefor to his employer;

“usher” means an employee who is responsible for ushering viewers to their seats;

3. Every employee specified in Part II of the Second Schedule may be required –

- (a) to report for duty not later than one hour before the time scheduled for the start of a show; and
- (b) to stay at the place of employment for half an hour after the show.

4. The post of box-office attendant, ticket controller and usher may, at the employer’s discretion, be interchangeable and filled by 2 or more persons.

5. (1) Subject to the other provisions of this regulation and regulation 10, an employee shall be –

- (a) governed by the conditions of employment specified in –
 - (i) the Workers’ Rights Act 2019; and
 - (ii) the First Schedule;
- (b) remunerated at the rates specified in the Second Schedule.

(2) Where the conditions of employment in the Workers’ Rights Act 2019 are different from those in the First Schedule,

the conditions of employment specified in the First Schedule shall prevail.

- (3) The rates specified in the Second Schedule include –
 - (a) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and
 - (b) the additional remunerations payable under the Additional Remuneration and Other Allowances (2018) Act 2017 and the Additional Remuneration and Other Allowances (2019) Act 2018.

6. Subject to paragraph 7 of Part II of the First Schedule, no projectionist shall be required to operate more than 3 projection equipment and their corresponding sound producing equipment during a show.

7. Every employee, other than a casual employee, shall be remunerated on a monthly basis.

- 8.** (1) Every employer shall –
- (a) keep a Wages Book and an Attendance Book, in the form set out in the Third and Fourth Schedules, respectively; and
 - (b) display a copy of these regulations in a conspicuous place in every cinema where he has employees.

(2) The records specified in paragraph (1)(a) shall be produced by the employer for inspection on request made by the Minister or an officer.

9. Every employee shall be entitled to a rest of not less than 11 consecutive hours in any day.

- 10.** Nothing in these regulations shall –
- (a) prevent an employer from –
 - (i) providing an employee with conditions of employment which are more favourable than those specified in the First Schedule; or
 - (ii) remunerating the employee at a rate higher than that specified in the Second Schedule.
 - (b) authorise an employer to –
 - (i) reduce the wages of an employee; or
 - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of the employee so as to make them less favourable.
- 11.** The Cinema Employees (Remuneration Order) Regulations 2005 are revoked.
- 12.** These regulations shall come into operation on 24 October 2019.

Made by the Minister on 11 October 2019.

FIRST SCHEDULE
[Regulations 2, 5, 6 and 10]

**PART I – PROVISIONS SPECIFICALLY APPLICABLE TO
EMPLOYEES OF PART II OF THE SECOND SCHEDULE**

1. Every employee, other than a casual employee, shall be provided with work for up to 28 shows a month and shall be remunerated at the appropriate rate specified in the second column of Part II of the Second Schedule, unless he absents himself without good and sufficient cause.
2. Where an employee referred to in paragraph 1 works for more than 28 shows in a month, he shall be remunerated for each additional show at the appropriate rate specified in the third column of Part II of the Second Schedule.
3. A show performed on a public holiday shall be deemed to be 2 shows –
 - (a) for the purposes of paragraphs 1 and 2 of this Part; and
 - (b) for the determination of continuous employment.
4. Casual employees shall be remunerated at the rate per show specified in the third column of Part II of the Second Schedule.
5. Where a casual employee is required to work on a public holiday, he shall be remunerated for each show at twice the appropriate rate referred to in paragraph 4.
6. For the purpose of determining remuneration due in respect of an employee referred to in Part II of the Second Schedule, a normal day's remuneration shall be equivalent to one-twenty-eighth of his remuneration specified in the second column of that Part.

PART II – OTHER CONDITIONS OF EMPLOYMENT**7. Allowance to projectionist**

Subject to regulation 6, where a projectionist is required to operate more than one projection equipment during a show, he shall be entitled to an allowance equivalent to 5 per cent of his normal day's remuneration in respect of each additional projection equipment operated by him.

8. Medical expenses

Where an employee, other than a casual employee, has remained in the continuous employment of an employer, he shall be entitled to the refund of expenses for a sum not exceeding 1,000 rupees per year for his medical treatment and for any dental extraction.

9. Vacation leave

(1) Subject to subparagraphs (2) and (3), an employee, other than a migrant employee, who remains in continuous employment with the same employer for a period of at least 5 consecutive years shall be entitled to a vacation leave of not more than 30 days, whether taken consecutively or otherwise, for every period of 5 consecutive years, to be spent abroad, locally or partly abroad and partly locally.

(2) Subject to subparagraph (8), any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under subparagraph (1).

(3) Where an employee would have been eligible to take overseas leave under the revoked Cinema Employees (Remuneration Order) Regulations 2005 prior to, or within a period of less than 5 years from, 24 October 2019, the employee shall, on completion of the prescribed period in the revoked regulations, be entitled to the vacation leave under subparagraph (1).

(4) The vacation leave shall be –

- (a) for a period of not less than 6 consecutive days; and
- (b) with pay and such pay shall, in case the employee opts to spend the leave wholly or partly abroad, be effected at least 7 working days before the employee proceeds abroad.

(5) The vacation leave shall be deemed to constitute attendance at work and shall not be cumulative.

(6) An employee shall, except in exceptional circumstances, give not less than 3 months' notice when applying for the vacation leave and the employer shall, subject to reasonable business grounds, accede to the application.

(7) Where an employer cannot, on reasonable business grounds, accede to the request of the employee under subparagraph (6) –

- (a) the employee and the employer may agree on another period when the vacation leave is to be taken; or
- (b) in default of an agreement, the employer shall pay to the employee a normal day's wage in respect of each day's leave applied for and such payment shall be effected in the month in which the leave was due to start.

(8) Where a employee is paid wages in lieu of the vacation leave under subparagraph (7), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

PART III – HEALTH AND SAFETY CONDITIONS**10. Protective equipment and uniforms**

- (1) Every employer shall provide –
 - (a) 2 sets of uniform to every employee; and
 - (b) 2 pairs of rubber gloves to every cleaner and caretaker/cleaner.

(2) The items provided under subparagraph (1) shall be first issued on assumption of duty by the employee and be renewed, in respect of the uniforms, not later than 31 March in every year, and in respect of the gloves, as and when they become unserviceable.

(3) An employee shall not be entitled to the re-issue to him of the uniforms and protective equipment referred to in subparagraph (1) by 31 March where he has assumed duty within a period of 6 months prior to that date.

(4) The uniforms and protective equipment provided under subparagraph (1) shall remain the property of the employer.

(5) Notwithstanding the provisions of subparagraph (1), the employer shall abide by the provisions of the Occupational Safety and Health Act.

SECOND SCHEDULE

[Regulations 3, 5 and 10]

PART I

Category of employee	Monthly basic wages (Rs)
Driver	10,577
Store Assistant	9,875
Caretaker/Cleaner	9,875
Cleaner	8,900
Helper	8,900

PART II

Category of employee	Basic wages for up to 28 shows per month (Rs)	Rates per show above 28 shows and for casual employees (Rs)
Projectionist	10,374	468.32
Assistant Projectionist	9,275	378.59
Box-office Attendant	9,172	369.65
Ticket Controller	9,172	369.65
Usher	9,172	369.65
Café Keeper	9,172	369.65
Café Assistant	8,900	315.71

THIRD SCHEDULE
[Regulation 8(1)(a)]

WAGES BOOK – YEAR

Name of employee

National Identity Card no.

Category

Date of entry in employment

Month	No of days worked/ No. of shows performed	Wages	Remuneration for overtime/ extra shows	Allowances or other payment	Total	Deductions	Net wages paid	Signature of employee

FOURTH SCHEDULE
[Regulation 8(1)(a)]

ATTENDANCE BOOK – YEAR

Name of employee

National Identity Card no.

Category

Date of entry in employment

Date	Time of arrival	Time of departure	No. of shows performed (where applicable)	Signature of employer	Signature of employee
