

*Government Notice No. 203 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 Baking Industry (Remuneration) Regulations 2019.

2. In these regulations –

“assistant machine operator” means an employee who works under the supervision of a machine operator;

“bag of flour” means a bag of flour of a net weight of not more than 50 kilogrammes;

“bakery” means any premises used in the manufacture of bread, biscuits, cakes or pastry;

“bakery operator”, in respect of an industrial bakery or semi-automated bakery, means an employee who is required during any working period to attend to or operate a set of machines engaged in either one of the following sequences of operation –

(a) the mixing of flour up to the manufacture of raw bread; or

(b) the fermentation stage up to the unloading of the baked product;

“baking industry” means any business, trade or undertaking for the manufacture of bread, biscuits, cakes or pastry;

“basic wages” mean wages as specified in the Second Schedule;

“brigadier” or “oven operator” –

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- (a) means an employee who is mainly engaged in firing, controlling or operating an oven; and
  - (b) includes an employee commonly known as *enfourneur* or *defourneur*;

“clerk” means an employee who is in charge of materials and tools and is responsible for stocks, orders and issues thereof, and for the keeping of records;

“coupeur” means an employee who is engaged wholly or mainly in cutting dough for loaves;

“driver” means an employee who holds a valid driving licence, drives and is in charge of a motor vehicle used exclusively in the baking industry;

“employee” –

- (a) means a person who is employed in the baking 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 VII 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 by the

Pay Research Bureau, or a salary commission, by whatever name called;

“employer” means an employer in the baking industry;

“*fleurage*” means dry flour used for the purpose of handling dough;

“handpacker” means an employee employed in the baking industry and who is required to do one or more of the following duties –

- (a) slicing of loaves or other bakery products;
- (b) carrying out manual sorting of bakery products;
- (c) wrapping and packing of bakery products by hand or mechanically in boxes, bags or otherwise;
- (d) placing labels on bakery products by gluing or otherwise;
- (e) carrying out any other similar or related task of a repetitive or routine nature.

“handyperson” means an employee engaged in an industrial bakery or semi-automated bakery to assist the bakery operator and to perform any other casual piece of work in the bakery;

“industrial bakery” means a bakery where mechanical power is used throughout the bread-manufacturing process, except the cutting process in the manufacture of “*pain maison*” which is done manually, and which should be equipped with the following machines –

- (a) a flour sieve (manual or mechanical);
- (b) electric mixer(s);
- (c) rack oven(s);

- (d) water cooler;
- (e) a fermentation room; and
  - (i) in case *pain baguette* is manufactured, an electrical dough-divider and a moulder;
  - (ii) in case *pain rond* is manufactured, an automatic dough dividing-rounding machine; and
  - (iii) in case *pain maison* is manufactured, a moulder;

“machine operator” –

- (a) means an employee who is responsible for the operation of a machine to process or cut dough; but
- (b) does not include a *coupeur* or a mixer;

“mechanised bakery” means a bakery where mechanical power is used in any part of the manufacturing process;

“Minister” means the Minister to whom responsibility for the subject of labour is assigned;

“mixer” –

- (a) means an employee who is engaged in the mixing of flour and the appropriate ingredients for the preparation of dough, either manually or mechanically; and
- (b) includes an employee commonly known as *petrisseur*, *façonneur*, *patissier* or *decorateur*;

“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;

“salesperson” means an employee who is engaged exclusively in the actual sale of bread, biscuits, cakes or pastry in or outside a bakery on behalf of a baker, and is responsible for the proceeds of the sale;

“semi-automated bakery” means a bakery where all production operations, except the cutting process in the manufacture of *pain maison* which is done manually, are mechanically processed by means of electronic machines, and which should be equipped with the following machines –

- (a) a flour sieve (manual or mechanical);
- (b) a water-cooler;
- (c) a water meter;
- (d) electric mixer(s);
- (e) elevator(s);
- (f) rack oven(s);
- (g) a fermentation room –
  - (i) in case *pain baguette* is manufactured, an automatic baguette-line equipped with an automatic divider, a conical-rounder, intermediate proofers and a moulding station;
  - (ii) in case *pain rond* is manufactured, an automatic dough dividing, rounding and depositing machine; and
  - (iii) in case *pain maison* is manufactured, a moulder or the same equipment as provided in subparagraph (i)

“team”, in respect of –

- (a) a semi-automated bakery, means a group of employees comprising 2 bakery operators and at least 2 handypersons,

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and where *pain maison* is also manufactured, at least 2 *coupeurs*;

- (b) an industrial bakery, means a group of employees in addition, comprising 2 bakery operators and at least 3 handypersons; and where *pain maison* is also manufactured, at least 2 *coupeurs*; and
- (c) a mechanised bakery, means a team of not less than 9 employees comprising 2 *coupeurs*, one brigadier, 3 mixers and 3 unskilled employees.

“unskilled employee” means an employee, commonly known as *manoeuvre* or helper, who is required to perform any casual piece of work in a bakery.

3. Any amount payable for public holidays, annual leave, sick leave and maternity leave shall be determined as specified in the Second Schedule.

4. (1) Subject to the other provisions of this regulation and regulation 8, every 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 rate 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 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.

(4) Where a scale of wages applies to an employee, he shall be entitled to –

- (a) the initial wages prescribed in the scale which applies to him; and
- (b) one increment in respect of every period of 12 months' continuous employment he reckons with his employer in the category in which he is employed.

(5) The rate payable to a *coupeur* in an industrial bakery or a semi-automated bakery shall be that specified for a *coupeur* in paragraph 1(3) of the Second Schedule and paragraph 3 of Sub-part B of the First Schedule.

(6) The remuneration for work performed at night by bakery operators and handypersons in the semi-automated bakery and the industrial bakery shall be calculated as specified in paragraph 1(1) and (2) of the Second Schedule.

(7) The remuneration for additional bags in respect of employees specified in paragraph 1(3) of the Second Schedule shall be calculated on the basis of one-thirteenth of the basic wages times one and a half for every additional bag.

(8) (a) Where the amount of work specified in paragraph (2) of the Sub-part B of the First Schedule is performed by a lesser

number of employees than that specified for a team, the remuneration that would have accrued to an absent employee shall be equitably distributed among those who have performed the work of the absent employee.

(b) In the event of any disagreement among the employees under subparagraph (a) as to the distribution of the remuneration of an absent employee, the distribution shall be in such manner as may be determined by the supervising officer of the Ministry responsible for the subject of labour and employment relations.

5. No employee, other than an unskilled employee or a handyperson, shall have the obligation to clean a bakery.

6. (1) Every employer shall keep –

(a) an attendance book in the form set out in the Third Schedule;

(b) a wages book in the form set out in the Fourth Schedule.

(2) Every employer in a bakery specified in paragraph 1 of the Second Schedule shall keep a flour manipulation record book in the form set out in the Fifth Schedule.

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

8. 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.
- 9.** The Baking Industry (Remuneration Order) Regulations 2003 are revoked.
- 10.** These regulations shall come into operation on 24 October 2019.

Made by the Minister on 11 October 2019.

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**FIRST SCHEDULE**  
[Regulations 2, 4 and 8]

**PART I – PROVISIONS APPLICABLE TO EMPLOYMENT  
IN THE MANUFACTURE OF BREAD**

**SUB PART A – PROVISIONS APPLICABLE TO ALL TYPES  
OF BAKERY (MECHANISED, INDUSTRIAL  
AND SEMI-AUTOMATED)**

1. (1) Night work shall start not earlier than 5 p.m. and end not later than 7 a.m. on the following day.

(2) Day work shall start not earlier than 5 a.m. and end not later than 7 p.m..

(3) Every employee shall be entitled during every working period to –

(a) a meal break of one hour; and

(b) 2 tea breaks of 15 minutes each, the first to be taken not earlier than 2 hours before the meal and the second not later than 2 hours after the meal.

(4) The employer shall provide tea, during each of the tea breaks during night work, to the employee.

**SUB PART B – PROVISIONS SPECIFICALLY APPLICABLE  
TO THE MECHANISED BAKERY**

1. (1) Every employee in a night team shall work on a roster basis of 4 days' work followed by 2 days' rest and every employee in a day team shall work on a roster basis of 6 days' work followed by one day's rest.

2. (1) A team may be required to manipulate, including flourage, not less than –

- (a) 13 bags of flour during day work; or
- (b) 20 bags of flour during night work; and

(2) Where a team is required to manipulate more than the number of bags specified in subparagraph (1) of this subparagraph, the number of bags to be manipulated shall be indicated at the start of work.

**3.** An employee specified in paragraph 1(3) of the Second Schedule who performs –

- (a) work on a public holiday, shall be paid at twice the rate specified in the Schedule;
- (b) night work which falls partly on a public holiday and partly on a day other than a public holiday shall be paid for that night work at one and a half times the rate specified in the Schedule.

**4.** Where a team is required to manipulate a number of bags of flour which is less than the number of bags specified in paragraph 2(1), every employee of that team shall be paid –

- (a) subject to subparagraph (b), as if the team had manipulated the number of bags specified in paragraph 2(1) in respect of that team;
- (b) in the case of an employee performing night work –
  - (i) in accordance with subparagraph (a); or
  - (ii) by agreement between the employee and the employer –
    - (A) at the rate specified in paragraph 1(3) of the Second Schedule, in respect of the actual number of bags manipulated; or

- (B) the daily basic wage specified in paragraph 1(3) of the Second Schedule;

whichever is higher.

**SUB PART C – PROVISIONS SPECIFICALLY APPLICABLE  
TO INDUSTRIAL BAKERY AND SEMI-AUTOMATED  
BAKERY**

1. (1) Every employee in a night team shall work on a roster basis of 4 days' work followed by one day's rest and every employee in a day team shall work on a roster basis of 6 days' work followed by one day's rest.

(2) A normal day's work for an employee in a team in an industrial bakery or semi-automated bakery during any working period shall, excluding time allowed for meal and tea breaks, consist of 8 hours.

2. Where an employee, other than a *coupeur* –

(a) works on a public holiday, he shall be remunerated –

(i) for the first 8 hours, at twice the basic rate; and

(ii) thereafter, at 3 times the basic rate;

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

**PART II – SPECIFIC PROVISIONS APPLICABLE  
TO EMPLOYMENT OTHER THAN IN BREAD  
MANUFACTURE**

1. The normal working week for an employee shall, excluding time allowed for lunch and tea breaks, consist of 45 hours, made up of 8 hours on 5 days of the week and 5 hours on one day of the week.

2. An employee shall be entitled on every working day to –
  - (a) a lunch break of one hour;
  - (b) 2 tea breaks of 15 minutes each, the first to be taken not earlier than 2 hours before lunch and the second not later than 2 hours after lunch.
3. Where an employee –
  - (a) works on a public holiday, he shall be remunerated –
    - (i) for the first 8 hours, at twice the basic rate; and
    - (ii) thereafter, at 3 times the basic rate;
  - (b) performs more than a normal day's work on any day, other than a public holiday, he shall be remunerated at one and a half times the basic rate per hour.

### **PART III – PROVISIONS APPLICABLE SPECIFICALLY TO WATCHPERSON**

1. The normal working week for a watchperson shall consist of 48 hours' work, made up of 6 days of 8 hours on any working day, whether or not a public holiday, including time allowed for meal and tea breaks.
2. Except where his services are required in special circumstances, a watchperson shall be entitled to one rest day in any working week, and the rest day shall, at least twice a month, be a Sunday.
3. Subject to paragraph 4, a watchperson who –
  - (a) works on a public holiday, shall be remunerated –
    - (i) for the first 8 hours, at twice the basic rate; and
    - (ii) thereafter, at 3 times the basic rate;  
for each hour of work;

- (b) performs more than 48 hours or such lesser stipulated number of hours in any week, not being hours of work referred to in sub subparagraph (a), shall be remunerated at one and a half times the basic rate for every additional hour of work.

4. For the purpose of computation of extra work, any authorised leave, including injury leave shall be deemed to constitute attendance at work.

5. (1) Every watchperson shall be entitled to a normal day's pay in respect of every public holiday, other than a Sunday, that occurs on any of his normal working days.

(2) Where a watchperson is required to work on a public holiday, other than a Sunday, he shall be paid, in addition to the normal day's pay provided for under subparagraph (1), any remuneration due under paragraph 3.

(3) Any agreement by a watchperson, other than a collective agreement under section 57 of the Employment Relations Act, to relinquish his right to a paid public holiday or to forego such leave shall be null and void.

#### **PART IV – SHIFT WORK FOR WATCHPERSON**

1. Where work is performed on night shift, an employer shall not, without the watchperson's consent, require the watchperson to work –

- (a) on more than 6 consecutive nights; and
- (b) for more than 12 hours a day.

2. For the purpose of paragraph 1, night work means any period during which a watchperson is required to work or to remain at his

workplace for at least 6 consecutive hours between 6 p.m. and 6 a.m. the following day.

3. Where a female watchperson who may be required to perform night shift work produces a medical certificate certifying that she is pregnant, her employer shall not require her to perform night shift work during a period of at least 8 weeks before confinement.
4. Shift work shall be scheduled –
  - (a) on a monthly basis; and
  - (b) organised in 2 or more shifts during a period of 24 consecutive hours.
5. Where a watchperson is employed on shift work, he shall be paid an allowance of 15 per cent of his basic wage in addition to his normal day's wage for work performed during night shift as specified at paragraphs 1(a) and 2.

#### **PART V – EXTRA REMUNERATION FOR PUBLIC HOLIDAYS**

1. Every employee, other than a watchperson, shall be entitled to a normal day's pay in respect of every public holiday, other than a Sunday, that occurs on any of his normal working days.
2. Where an employee, other than a watchperson, is required to work on a public holiday, other than a Sunday, he shall be paid, in addition to the normal day's pay provided for under paragraph 1, any remuneration due under paragraphs 3(a) of Sub-part B, 2(a) of Sub part C or 3(a) of Part II, as the case may be.

#### **PART VI – VACATION LEAVE**

1. Subject to paragraphs 2 and 3, an employee, other than a migrant employee, who remains in continuous employment with the

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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 paragraph 8, any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under paragraph 1.

3. Where an employee would have been eligible to take overseas leave under the revoked Baking Industry (Remuneration Order) Regulations 2003 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 paragraph 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 special 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 an employee under paragraph 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 an employee is paid wages in lieu of the vacation leave under paragraph 7, any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

## **PART VII – HEALTH AND SAFETY CONDITIONS**

### **1. Uniforms and protective equipment**

(1) Subject to subparagraph (2) and paragraph 2(3) every employer shall, not later than the 31 January in each year, provide –

- (a) 2 headgears and 2 aprons of suitable white material and one pair of canvas shoes to every employee specified in paragraphs 1, 2, 3 and 4(4) of the Second Schedule;
- (b) a pair of suitable and appropriate heat resistant gloves to every brigadier, oven operator and bakery operator operating the oven;
- (c) a pair of woollen gloves to every machine and assistant machine operators.

(2) Every employer shall provide to the employees specified in subparagraph (1) on their assumption of service the appropriate uniforms and protective equipment.

(3) The headgears, aprons and gloves provided under this paragraph shall remain the property of the employer.

**2. Conveniences and facilities**

(1) Every employer shall provide and maintain in good hygienic condition, for use by his employees –

- (a) a messroom with an appropriate number of tables and chairs; and
- (b) a bathroom and a toilet.

(2) Every employer shall in addition provide to every employee specified in paragraphs 1, 2, 3 and 4(4) of the Second Schedule –

- (a) a pair of towels every year; and
- (b) one toilet soap every month.

(3) Notwithstanding the protective equipment granted under paragraph 1 and the conveniences and facilities granted under this paragraph, the employer shall abide by the provisions of the Occupational Safety and Health Act.

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**SECOND SCHEDULE**  
[Regulations 3, 4, 6 and 8]

**1. BREAD MANUFACTURE**

**(1) Semi-automated bakery**

<b>Category of employee</b>	<b>Daily basic wages (Rs cs)</b>
Bakery operator	522.44
Handyperson	389.23
Extra remuneration for work performed at night: (basic daily wages + overtime) x 20%	

**(2) Industrial bakery**

<b>Category of employee</b>	<b>Daily basic wages (Rs cs)</b>
Bakery Operator	505.94
Handyperson	377.94
Extra remuneration for work performed at night: (basic daily wages + overtime) x 20%	

**(3) Mechanised bakery**

<b>Category of employee</b>	<b>Daily basic wages for first 13 bags of flour (Rs cs)</b>
<i>Coupeur</i>	460.27

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Brigadier	407.64
Mixer	407.64
Unskilled employee	347.37
Remuneration for every additional bag: (basic daily wages ÷ 13 x 1.5)	

## 2. BISCUIT FACTORY

Category of employee	Daily basic wages (Rs cs)
Oven Operator	355.39
Assistant Oven Operator	351.00
Mixer	367.16
Assistant Mixer	351.00
Machine Operator	367.16
Assistant Machine Operator or Biscuit Stamping	
Machine Operator	351.00
Unskilled employee	346.20

## 3. PASTRY BAKERY

Category of employee	Daily basic wages (Rs cs)
Oven Operator	367.16
Assistant Oven Operator	355.39
Mixer	392.89

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Assistant Mixer	367.16
Unskilled employee	346.20

#### 4. OTHER EMPLOYEES IN BAKING INDUSTRY

Category of employee	Year of service	Monthly basic wage (Rs)
(1) Clerk	1st year	10,173
	2nd year	10,396
	3rd year	10,549
	4th year	10,711
	5th year	10,990
	6th year	11,115
	7th year	11,340
	8th year & thereafter	11,555
(2) Driver	1st year	10,217
	2nd year	10,273
	3rd year	10,328
	4th year	10,441
	5th year & thereafter	10,496
(3) Salesperson	1st year	9,585
	2nd year	9,643
	3rd year	9,712
	4th year	9,768
	5th year & thereafter	9,826

#### Daily basic wages

	(Rs cs)
(4) Handpacker	342.30

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**FIFTH SCHEDULE**

[Regulation 6(2)]

**FLOUR MANIPULATION RECORD  
DAY/NIGHT WORK**

Date	No. of bags/kg		Time started	Time ended	Signature of employer	Signature of coupeur/employee
	<i>Pain maison</i>	Other				

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