

Subsidiary Legislation made under s. 36.

Conditions of Employment (Transport Contracting Undertakings) Order, 1990

LN.1990/092

Commencement **12.7.1990**

Amending enactments	Relevant current provisions	Commencement date
LN. 1992/113	Sch.	31.8.1992
1996/074	Sch.	24.6.1996
1997/143	Sch.	1.12.1997
2003/117	Sch.	23.10.2003
2005/168	Sch.	1.7.2005
2008/108	Para. 2, Sch.	1.1.2009

1932-16

Employment

1990/092

**Conditions of Employment (Transport Contracting
Undertakings) Order, 1990**

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Title.
2. Interpretation.
3. Application.
4. Minimum remuneration.
5. Minimum overtime rates.
6. Guaranteed minimum remuneration.
7. Records.
8. Minimum nature of conditions prescribed.

SCHEDULE

The Minimum Remuneration

Title.

1. This Order may be cited as the Conditions of Employment (Transport Contracting Undertakings) Order, 1990.

Interpretation.

2. In this Order, unless the context otherwise requires,—

“articulator driver” means a person who is employed to drive articulated motor vehicles used for the carriage of goods with a laden weight exceeding 3,500 kilograms;

“driver delivery man (B Class Licence)” means a person who is employed to drive motor vehicles having not more than eight seats, in addition to the driver’s seat, with a laden weight not exceeding 3,500 kilograms;

“driver delivery man (C Class Licence)” means a person who is employed to drive motor vehicles (not being adapted or constructed to form part of an articulated vehicle) used for the carriage of goods with a laden weight exceeding 3,500 kilograms;

“labourer” means a person employed on loading, unloading and other labouring duties and whose duties do not include the driving of any type of motor vehicle;

“public holiday” has the same meaning as it has in paragraph 2 of the Employment (Annual and Public Holidays) Order;

“rest day” means one day of each week (not being a public holiday) which has been notified to the employee before the commencement of that week as a rest day or, failing such notification, Sunday in that week;

“standard minimum remuneration” means the standard minimum remuneration as set out in the Conditions of Work (Standard Minimum Wage) Order, 2001 as amended or replaced from time to time;

“time and a half” and “double time” mean respectively one and a half times and twice the hourly rates of pay obtained by dividing the employee’s agreed weekly wage by the agreed number of working hours in a normal week;

“transport contracting undertaking” means an undertaking the business of which is the provision of vehicles by hire for the purpose of transporting goods or materials.

Application.

1932-16

Employment

1990/092

Conditions of Employment (Transport Contracting Undertakings) Order, 1990

3. This Order applies to all employees in Gibraltar in any undertaking or any branch or department of an undertaking engaged in transport contracting, except employees in the Dock Labour Pool and employees of those official employers who are members of the Official Employers Joint Industrial Council.

Minimum remuneration.

4. (1) Subject to the provisions of paragraph 5 and 6, the minimum weekly remuneration payable to employees to whom this Order applies shall be as set out in the Schedule.

(2) The remuneration specified in subparagraph (1) relates to a week of 39 hours exclusive of overtime and except in the case of guaranteed weekly remuneration under paragraph 6, is subject to a proportionate reduction accordingly where the number of hours worked is less than 39.

(3) In calculating the remuneration for the purpose of this Order recognized breaks for meals aggregating up to a maximum of 2 hours in any day shall be excluded.

Minimum overtime rates.

5. (1) Overtime rates of pay shall be—

- (a) time and a half for overtime on normal working days including Saturdays;
- (b) double time for all time worked on weekly rest days or on public holidays and in addition in the case of time worked on Good Friday or Christmas Day one day's holiday in lieu or payment in compensation therefor, in accordance with paragraph 9(2) of the Employment (Annual and Public Holidays) Order.

(2) The number of hours worked in a week shall not exceed 60 unless approved by the Director under section 41 of the Act, in which case double time shall be payable for any hours in excess of 60.

(3) Where an employee is allowed time off in lieu of overtime worked or a day off during any week as piece meal apportionment of a statutory holiday period or in lieu of a public holiday, such time off or day off shall count in full towards the 39 hours to be worked in any week under paragraph 4(2).

Guaranteed minimum remuneration.

6. (1) Although in a week an employee may work less than 39 hours at his normal duties, he shall still receive the minimum remuneration in paragraph 4, provided that the hours so worked are at least 34 and provided that he is willing, available and capable of performing other reasonable duties as required by his employer.

(2) Where in any week an employee at his request and with the consent of his employer is absent from work, the amount of the guaranteed minimum weekly remuneration shall be reduced proportionately.

(3) Overtime worked on a rest day shall not be taken into account for the purpose of the guaranteed weekly remuneration.

Records.

7. For the purpose of showing that the provisions of this Order have been complied with, every employer shall maintain and retain for the period of twelve months weekly records showing clearly the hours of commencing and of ceasing work, the meal or other breaks included, the number of hours worked daily, the wages paid and the holidays allowed in relation to every employee.

Minimum nature of conditions prescribed.

8. The provisions of this Order shall not prevent agreements for wages and or conditions more favourable than those prescribed herein.

1932-16

Employment

1990/092

Conditions of Employment (Transport Contracting Undertakings) Order, 1990

SCHEDULE

Paragraph 4(1)

The minimum remuneration set out in paragraph 4 shall be—

Grade	Remuneration
Labourer	standard minimum remuneration
Delivery man (B Class Licence)	standard minimum remuneration
Delivery man (C Class Licence)	standard minimum remuneration
Articulator driver	£196.95, or the standard minimum remuneration if higher