

Subsidiary Legislation made under s. 36.

Employment (Omnibus Drivers and Conductors) Order

1963.08.06

Commencement **16.9.1963**

Amending enactments	Relevant current provisions	Commencement date
Order of 20.8.1968 Para. 3 LN. 2008/104 Paras. 2, 3(1)-(2)		1.1.2009

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Title.

1. This Order may be cited as the Employment (Omnibus Drivers and Conductors) Order.

Interpretation.

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

“omnibus conductor” means an employee 18 years of age or over who is wholly or mainly engaged in the collection of fares from passengers using an omnibus;

“omnibus driver” means an employee 21 years of age or over who is wholly or mainly engaged in the driving of an omnibus as defined in the Traffic Act;

“omnibus driver/conductor” means an employee 21 years of age or over who is wholly or mainly engaged upon the duties of both driver and conductor in an omnibus on which no conductor is employed;

“single time rate” means the hourly rate obtained by dividing the weekly remuneration which the employee normally receives from the employer by the number of hours which the employee works in a normal week;

“time and a half” and “double time” mean respectively one and a half and twice the hourly rate obtained by dividing the weekly remuneration which the employee normally receives from the employer by the number of hours which the employee works in a normal week;

“Transport Commission” means the Transport Commission established by section 3 of the Transport Act 1998;

“week” means pay week.

Minimum wage.

3.(1) The minimum weekly rates of remuneration payable to the employees to whom this Order applies shall be the weekly minimum rate of remuneration set out in the Conditions of Employment (Standard Minimum Wage) Order, 2001 as amended or replaced from time to time in respect of a week of not more than 39 hours subject as provided in paragraphs 5, 7 and 8.

- (2) Proportionate amounts shall be paid in respect of hours of work less than 39 per week.

Minimum weekly rest.

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4. Employees shall be allowed one whole day off each week, which shall be known as the “rest day”.

The expression “rest day”, unless otherwise stated, means one day in each week which has been notified to the employee before the commencement of that week as a rest day, not being a day of customary holiday, or failing such notification, Sunday.

Minimum overtime rates.

5. Minimum overtime rates shall be payable to an employee to whom this Order applies as follows:—

- (a) On any day, other than a Sunday, or weekly rest day, for all time worked in excess of eight hours— time-and-a-half:

Provided that, where the employer normally requires the employee’s attendance on only five and a half days in the week, overtime at the above rate shall be payable for all time worked in excess of eight and a half hours on the five whole days and in excess of five and a half hours on the half day.

- (b) On a Sunday— for all time worked— time-and-a-half.

- (c) On a weekly rest day— for all time worked— double time:

Provided that if an employee be required to work less than four hours on his rest day he shall be paid not less than eight hours pay at single time rates for such work.

Minimum remuneration for recognized public holidays.

6.(1) An employee who is not required to work on a public holiday shall be paid not less than eight hours pay at single time rates for that holiday.

- (2) An employee who is required to work on a public holiday for eight hours or less—

- (a) shall be paid not less than eight hours pay at single time rates; and
- (b) shall be allowed one day’s holiday in lieu thereof, not being another public holiday or rest day, within a period of twenty-eight days preceding or succeeding the holiday, for which he shall be paid not less than eight hours pay at single time rates:

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Provided that if the employee has not been allowed a holiday in lieu by the twenty-eighth day after the public holiday, or before the date of discharge whichever is the earlier, he shall be paid for the working day next following the twenty-eighth day or the last day of employment, as the case may be, the amount to which he is entitled under the provisions of this Order in respect of any work done on that day with an additional payment at single time rate for not less than eight hours.

(3) Where an employee works on a public holiday and it is agreed between the employer and the employee that no day of holiday in lieu of the public holiday shall be allowed to the employee, the employer shall pay to the employee on the next pay day following the public holiday not less than eight hours at double time in respect of that public holiday.

Additional payment for spread-over of hours of work.

7. Where on any day the hours of duty of an employee are spread over more than ten hours the employee shall be paid as follows:—

- (a) the minimum remuneration payable to the employee under the other provisions of this Order; and
- (b) an additional payment at the rate of one penny per hour for all time worked.

Workers temporarily transferred to higher grade work.

8. Where an employee is required temporarily to perform the duties of an employee entitled to a higher minimum remuneration than himself he shall be paid for the time so worked not less than the minimum remuneration to which he would be entitled if he were normally employed as an employee of the higher grade.

Records.

9. For the purpose of showing that the provisions of this Order have been complied with every owner of an omnibus shall make and retain for a period of twelve months records showing clearly the hours of commencing and of ceasing work, the meal or other breaks included and the number of hours worked daily by every employee employed by him to whom this Order applies.

Order to be displayed.

10. A copy of this Order in English and Spanish shall be posted up and kept posted up in the premises or in a place where it can be conveniently read by the employees.

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11. This Order shall not apply to employees other than those engaged as omnibus drivers, driver/conductors or conductors on omnibuses which are licensed by the Transport Commission to work on fixed routes.