

S.I. NO. 375 OF 2002

**EMPLOYMENT REGULATION ORDER (PROVENDER MILLING
JOINT LABOUR COMMITTEE)(No. 2), 2002**

WHEREAS the Labour Court (hereinafter called "the Court"), pursuant to the provisions of the Industrial Relations Acts, 1946 - 2001, made an Employment Regulation Order (Provender Milling Joint Labour Committee) dated 9th July, 2002 (S.I. No. 353 of 2002) (hereinafter called "the said Order") fixing the statutory minimum rates of remuneration and regulating the statutory conditions of employment of workers in relation to whom the Provender Milling Joint Labour Committee (hereinafter called "the Committee") operates;

AND WHEREAS the Committee has submitted to the Court a proposal for revoking the said Order;

AND WHEREAS the Committee has also submitted to the Court the proposals set out in the Schedule hereto for fixing the statutory minimum rates of remuneration and regulating the statutory conditions of employment of workers in relation to whom the Committee operates;

AND WHEREAS the provisions of Section 48 of the Industrial Relations Act, 1990 have been complied with;

NOW, THEREFORE, the Court, in exercise of the powers conferred on it by Section 43(4) of the Industrial Relations Act, 1946 and Section 48(4) of the Industrial Relations Act, 1990, hereby Orders as follows:-

- (1) This Order may be cited as the Employment Regulation Order (Provender Milling Joint Labour Committee) (No.2), 2002.
- (2) Effect is hereby given to the proposals set out in the Schedule hereto.
- (3) The provisions set out in the Schedule hereto shall have effect as from 26th July, 2002 and as from that date the said Order shall be revoked.

SCHEDULE

STATUTORY MINIMUM REMUNERATION AND CONDITIONS OF EMPLOYMENT

SECTION 1 - WORKERS TO WHOM THIS SCHEDULE APPLIES

Workers, other than carters and lorry drivers, employed in the manufacture for sale or on commission (including packing where such packing is carried on in conjunction with such manufacture) of animal feeding stuffs by any process whatsoever, including the grinding, cutting or flaking of cereals and the mixing of one substance with another substance, but excluding production merely by natural agencies or in the course of ordinary farm husbandry.

"Animal feeding stuff" means any article manufactured for use as food for horses, mules, jennets, asses, cattle, sheep, swine, goats or poultry, but does not include grass meal.

SECTION 2 - STATUTORY MINIMUM REMUNERATION

Lump sum payment

Within four weeks of the effective date of this Employment Regulation Order, a once-off lump sum payment equal to 1% of annual basic pay on 1st April, 2002 shall be paid to those in the employment of the employer on 1st April, 2002.

ALL WORKERS

| | In effect until 31st August, 2002 | From 1st September, 2002 |
|--------------------------|---|--|
| | Per Week | Per Week |
| 18 years of age and over | €257.17 | €268.60 |
| Under 18 years of age | €180.02 | €188.02 |

SECTION 3 - NORMAL WORKING HOURS

The normal number of hours to be worked by workers in relation to whom the Committee operates shall be 39 hours per week or lesser hours as contracted for.

The maximum number of hours which may be worked by workers over 16 years and under 18 years shall be governed by the provisions of the Protection of Young Persons (Employment) Act, 1996.

SECTION 4 - OVERTIME RATES

The minimum rates for overtime, which shall be calculated on a daily basis, to apply in respect of hours worked in excess of the normal number of hours of work, shall be as follows:-

- (a) For all time worked in excess of the normal number of hours of work, the overtime rate shall be one-and-a-half times the general minimum time-rate otherwise applicable

| | |
|---|--|
| In effect until 31 st August, 2002 €6.59 x 1.5 | From 1 st September, 2002 €6.89 x 1.5 |
|---|--|

for full time adult employees, i.e. **time-and-a-half** except insofar as provided for under the provisions of paragraphs (b), (c) or (d) of this Section.

- (b) For all time worked on Sundays, the overtime rate shall be twice the general minimum time-rate otherwise applicable i.e. **double time**.
- (c) For all time worked on statutory public holidays (or customary public holidays substituted therefor), the overtime rate shall be twice the general minimum time-rate otherwise applicable i.e. **double time**, exclusive of the statutory entitlements under the Organisation of Working Time Act, 1997.
- (d) Payment for working on the normal day off shall be at the rate of **time and one half** for the first four hours from normal starting time and **double time** thereafter.
- (e) The calculation of overtime pay for shift workers shall be on an individual employee's consolidated rate of pay:- i.e. the personal basic rate inclusive of the shift premium.

SECTION 5 - CALCULATION OF SHIFT PAY

The shift premium shall be calculated on an individual employee's personal basic rate of pay, as distinct from the basic rate for the industry.

SECTION 6 - ANNUAL LEAVE

All employees are entitled to annual leave in accordance with the provisions of the Organisation of Working Time Act, 1997.

SECTION 7 - SERVICE PAY

Those workers who have been in continuous employment with the one employer to be granted service pay as follows:-

| | |
|--|--------------|
| Employees with 5 years' continuous service and over | €0.64 per wk |
| Employees with 10 years' continuous service and over | €1.27 per wk |
| Employees with 15 years' continuous service and over | €1.90 per wk |
| Employees with 20 years' continuous service and over | €2.54 per wk |

SECTION 8 - SICKNESS BENEFIT SCHEME

The following Sickness Benefit Scheme shall apply:-

- (1) Each employer will set up a scheme for his employees conforming to the terms set out below.
- (2) All employees who have completed six months' service shall be included in the scheme.
- (3) The following benefit shall be payable for up to a maximum of 18 weeks in any calendar year, in the case of illness medically certified and notified to the Company within the first three days of absence - up to €31.74 per week subject to the sum of all benefits, i.e. both State and Company benefits, not exceeding the individual employee's personal basic rate of weekly pay.
- (4) The employee's contribution shall be a maximum of €0.51 per week. The employer's contribution shall be twice that amount or such appropriate amount in the first twelve months of operation as shall guarantee the benefit set out above.
- (5) The operation of the scheme may be reviewed on an annual basis and such review shall have regard to the financial aspects of the scheme.

SECTION 9 - PENSION AND MORTALITY SCHEME

This is a defined contribution scheme. Employees will contribute at a rate of 2.5% of their basic pay. Employers will contribute 2.5% of employees' basic pay and in addition will pay for death in service benefit and any administrative costs of the scheme. All benefits under the existing scheme to be paid up for existing members. The new scheme will become effective from the renewal date for the existing scheme in each individual company.

A death benefit of an amount equivalent to two and a half (2.5) years basic pay shall be provided for dependants on the death of a member in service before the age of 65. In addition dependants will be entitled to accumulated benefits in the fund.

All employees who have completed 18 months continuous service and have passed their nineteenth birthday are eligible for membership of the scheme. Entry to the scheme will take place on the renewal date of the pension scheme in each individual company.

SECTION 10 – GENERAL

Nothing in this Employment Regulation Order shall be taken to exclude, limit or be in any way inconsistent with the rights of any employee under any statutory enactment.

**Given under the Official Seal of
the Labour Court this 22nd
day of July, 2002.**

L.S.

**(Signed) KEVIN DUFFY
DEPUTY CHAIRMAN**

EXPLANATORY NOTE

This note is not part of the Instrument and does not purport to be a legal interpretation.

The Instrument fixes with effect from 26th July, 2002 statutory minimum rates of remuneration and regulates statutory conditions of employment for workers employed in the Provender Milling Industry. It is made by the Labour Court on the recommendation of the Provender Milling Joint Labour Committee.

NOTE: Enquiries should be directed to **The Secretary, Joint Labour Committees, The Labour Court, Tom Johnson House, Haddington Road, Dublin 4.** Telephone 01-6136666, Extension Nos. 6639, 6640, 6641 and 6642. “Lo-Call” number (if calling from outside (01) area) 1890 220 228.

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