

Special Education Needs Institutions Employees (Remuneration) Regulations 2024

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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 **Special Education Needs Institutions Employees (Remuneration) Regulations 2024**.

2. In these regulations –

"carer" means an employee who is registered under the Special Education Needs Authority (Registration of Special Education Needs Institutions) Regulations 2021 and who performs one or more of the following duties –

- (a) providing care, attention and general support, in his day to day needs and activities, to a learner;
- (b) cleaning and maintaining the classroom and outdoor environment in good conditions;
- (c) making arrangements, serve meals and provide assistance to learners;
- (d) assisting teachers to implement pedagogical and extra-curricular activities;
- (e) assisting teachers to prepare teaching materials and to set up and organise classrooms;
- (f) ensuring welfare, safety and development of learners; and
- (g) performing such other duties related to the above, as may be required;

"caretaker" means an employee who performs one or more of the following duties –

- (a) cleaning and maintaining the school premises, yard and surroundings;
- (b) providing help to the teaching staff and carer, whenever required;
- (c) opening and closing all the premises of the school;
- (d) running official errands;
- (e) ensuring security of the premises; and

- (f) performing such other duties related to the above, as may be required;

"clerk" means an employee who performs one or more of the following duties –

- (a) preparing, processing, maintaining and updating records and accounts and compile statistical data;
- (b) performing word processing duties and data processing work;
- (c) performing registry work, including filing of documents;
- (d) making transport arrangements, as may be required;
- (e) performing secretarial, administrative and routine office work;
- (f) operating office equipment, including fax machines; and
- (g) performing such other duties related to the above, as may be required;

"driver" means an employee who holds a driving licence and –

- (a) drives a vehicle for the transport of learners or any other persons at the request of the employer; and
- (b) performs other ancillary duties.

"employee" –

- (a) means a person –
 - (i) who enters into an agreement, whether oral or in writing, with a special education needs institution duly registered with the Special Education Needs Authority; or
 - (ii) who is registered with the Special Education Needs Authority and is employed in a public institution and whose wages or salary and other conditions of employment are not determined by the Pay Research Bureau; 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 II of the First Schedule; and

- (B) sections 5, 17A, 26, 32(1), (1A), (4), (5), (6)(a) and (7), 34, 49, 50, 51A, 52, 53, 57, 59(7) and 120 and Parts VI, VII, VIII and XI of the Workers' Rights Act 2019;
- (ii) whose wages or salary and other conditions of employment are governed by any other Remuneration Regulations; or
- (iii) employed by a local authority or a statutory body and whose wages or salary and other conditions of employment are governed by the recommendations of the Pay Research Bureau;

"learner" has the same meaning as in the Special Education Needs Authority (Registration of Special Education Needs Institutions) Regulations 2021;

"special education needs institution" –

- (a) means an institution, whether private or public, registered with the Special Education Needs Authority; and
- (b) includes a resource and development centre or a special education needs unit, which provides specialised education to persons with disability.

"teacher" means an employee who is registered under the Special Education Needs Authority (Registration of Special Education Needs Institutions) Regulations 2021 and who, in relation to a learner –

- (a) creates and implements a personalised learning plan and prepares lessons based on the individual disability of the learner;
- (b) prepares teaching materials and equipment and sets up and organises classrooms and other areas for learning, recreational and extra-curricular activities;
- (c) checks, assesses and keeps record of progress of the learner;
- (d) ensures a coordinated approach to the safety, welfare and physical, social, emotional and intellectual development of the learner; and
- (e) liaises and maintains effective communication with parents, of the learner, paramedical professionals, school management staff and such other relevant persons;

"teacher assistant" means an employee who is registered under the Special Education Needs Authority (Registration of Special Education Needs Institutions) Regulations 2021 and who, in relation to a learner –

- (a) provides personalised attention to facilitate the learning and development and mobility of the learner;
- (b) assists in the preparation of materials and teaching aids according to the needs of the learner;
- (c) assists in the setting up of indoor and outdoor areas for learning and recreational and other extra-curricular activities; and
- (d) promotes learning by participating in activities in special education needs settings.

3. A carer, teacher assistant or teacher who, before the coming into operation of these regulations is in employment in a special education needs institution and who does not hold the qualifications specified in the Special Education Needs Authority (Registration of Special Education Needs Institutions) Regulations 2021, shall be entitled, on a personal basis, to the wages prescribed, for his specific category, in the Second Schedule.

4. (1) Subject to regulation 3, the other provisions of this regulation and regulation 5, 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 salary rates specified in the Second Schedule include the additional remunerations payable under Workers' Rights (Additional Remuneration) (2024) Regulations 2024.

5. Any agreement by an employee to relinquish his right to a paid holiday or to forego such leave shall be void.

6. Nothing in these regulations shall –
- (a) prevent an employer from –
 - (i) providing the worker with conditions of employment more favourable than those specified in the First Schedule; or
 - (ii) remunerating a worker at a rate higher than that specified in the Second Schedule;
 - (b) authorise, an employer to –
 - (i) reduce the wages of a worker; or
 - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of a worker so as to make them less favourable.
7. These regulations shall be deemed to have come into operation on 1 January 2024.

Made by the Minister on 1 March 2024.

FIRST SCHEDULE

[Regulations 2, 4(1)(a)(ii) and (2) and 6(a)(i)]

1. Normal working hours

- (1) A normal working week shall be of –
 - (a) 32½ hours from Mondays to Fridays for teaching staff;
 - (b) 37½ hours from Mondays to Fridays for non-teaching staff;
- (2) A normal day's work shall consist of –
 - (a) 6½ hours for teaching staff; and
 - (b) 7½ hours for non-teaching staff,

excluding any time allowed for meals and tea breaks.

(3) Every employee shall be entitled on every working day to a lunch break of not less than 30 minutes and to 2 tea breaks of 15 minutes on a roster basis.

2. Extra work

- (1) Where an employee –

- (a) performs more than a normal day's work on any day other than a public holiday, he shall be remunerated at one and half times the basic rate in respect of the additional hours of work which he performs;
- (b) works on a public holiday, he shall be remunerated –
 - (i) for the first 6½ hours or 7½ hours, as appropriate, at twice the basic rate for every hour of work which he performs;
 - (ii) thereafter, at 3 times the basic rate.

(2) No teacher or teacher assistant shall perform extra work not related to teaching and activities of a special education needs institution.

(3) Where an employee is required to remain at the workplace up to a maximum of one hour per week beyond the normal working hours in connection with briefings related to learners, he shall be remunerated for that period at the rate specified in subparagraph (1)(a).

3. Notional calculation of basic rate of remuneration

For the purpose of determining remuneration due for extra work or any other reasons –

- (a) a month shall be deemed to consist of 22 days;
- (b) a day shall be deemed to consist of –
 - (i) 6½ hours in respect of teaching staff; and
 - (ii) 7½ hours in respect of non-teaching staff.

4. Transport facilities

(1) An employer shall, where the distance between an employee's residence and his place of work exceeds one kilometre, provide him with free transport from the residence to the place of work and from the place of work to his residence, or pay him the equivalent of the return bus fare or light rail fare, as the case may be.

(2) An employer shall, irrespective of the distance between an employee's residence and the place of work, provide him with free transport from his residence to the place of work and from the place of work to his residence, where the employee is required by his employer to attend or cease work at any time where and when no public transport by bus or light rail is available.

(3) Subject to subparagraph (2), where the distance between an employee's residence and his place of work exceeds one kilometre and where he attends work by his own means of transport, he shall be entitled to an allowance equivalent to the corresponding return bus or light rail fare.

5. Vacation leave

(1) Subject to subparagraph (2), 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 (7), any subsequent eligibility period of 5 consecutive years shall be computed after the employee resumes work after the vacation leave under subparagraph (1).

(3) 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.

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

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

(6) Where an employer cannot, on reasonable business grounds, accede to the request of an employee under subparagraph (5) –

- (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.

(7) Where an employee is paid wages in lieu of the vacation leave under subparagraph (6), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

PART II — HEALTH AND SAFETY CONDITIONS

6. Protective equipment

- (1) Every employer shall provide –
 - (a) 2 aprons and one pair of gloves to every employee being in direct contact with learners;
 - (b) one pair of boots and one pair of gloves to every employee who is –
 - (i) engaged in cleaning tasks; or
 - (ii) in the performance of his duties, in direct contact with water or soil.

(2) The protective equipment provided under subparagraph (1) shall be first issued on assumption of duty by the employee and shall be replaced as and when they become unserviceable, or not later than one year after the first issue, whichever is earlier.

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

7. Optical benefits

(1) Every employer shall provide to an employee optical benefits amounting to a maximum of 3,500 rupees for the purchase of frames or lenses.

(2) The frames or lenses shall be renewed as and when they become unserviceable.

(3) Any claim for the purchase or renewal of frames or lenses shall be supported by the recommendation of a person specified in the Optical Council Act 2021, who can prescribe these optical appliances.

8. Medical facilities

(1) Every employer shall, at his own expense, cause every employee to undergo a complete medical check-up once every 12 months.

(2) (a) Where, in the course of the medical examination under subparagraph (1), a medical practitioner detects any work-related health problem which, in his opinion necessitates further medical examination or treatment, the medical practitioner may refer the worker to any medical institution, whether private or public, for appropriate investigations and all the corresponding expenses, if any, shall be borne by the employer.

(b) The employer shall provide adequate release time to the employee for the purpose of any further medical examination or treatment referred to in sub subparagraph (a).

SECOND SCHEDULE

[Regulations 3, 4(1)(b) and (3) and 6(a)(ii)]

Category of employee	Year of service	Monthly basic wages (Rs)
Teacher	1 st Year	25,500
	2 nd Year	25,875
	3 rd Year	26,250
	4 th Year	26,650
	5 th Year	27,050
	6 th Year	27,450
	7 th Year	27,975
	8 th Year	28,500
	9 th Year	29,025
	10 th Year	29,550

Teacher Assistant/Clerk	1 st Year	22,350
	2 nd Year	22,653
	3 rd Year	22,955
	4 th Year	23,258
	5 th Year	23,560
	6 th Year	23,918
	7 th Year	24,250
	8 th Year	24,575
	9 th Year	24,900

	10 th Year	25,225
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Carer, Driver	1 st Year	18,755
	2 nd Year	19,070
	3 rd Year	19,385
	4 th Year	19,699
	5 th Year	20,014
	6 th Year	20,328
	7 th Year	20,643
	8 th Year	20,958
	9 th Year	21,272
	10 th Year	21,587

Caretaker	1 st Year	18,150
	2 nd Year	18,150
	3 rd Year	18,150
	4 th Year	18,453
	5 th Year	18,768
	6 th Year	19,070
	7 th Year	19,373
	8 th Year	19,675
	9 th Year	19,978
	10 th Year	20,280