

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3690 of 18 December, 2008

LEGAL NOTICE NO. 110 OF 2008.

EMPLOYMENT ACT

**CONDITIONS OF EMPLOYMENT (LICENSED
NON-RESIDENTIAL ESTABLISHMENTS) (AMENDMENT)
ORDER 2008**

In the exercise of the powers conferred upon him by section 36(3) of the Employment Act, and of all other enabling powers, the Minister has made the following Order—

Title and commencement.

1. This Order may be cited as the Conditions of Employment (Licensed Non-Residential Establishments) (Amendment) Order 2008 and comes into operation on 1 January 2009.

Amendment of the Conditions of Employment (Licensed Non-Residential Establishments) Order, 1986.

2. The Conditions of Employment (Licensed Non-Residential Establishments) Order, 1986 is amended as follows—

(a) in paragraph 2—

(i) delete the definitions of “any other worker”, “auxiliary worker” and “regular worker”;

(ii) after the definition of “catering undertaking” insert—

““full time worker” means a worker who ordinarily works for not less than 34 hours a week on any employment or work to which this Order applies;”;

(iii) after the definition of “manager” insert—

““part time worker” means a person employed, who with the consent of his employer, ordinarily works for not more than 34 hours a week on any employment or work to which this Order applies;”;

- (iv) after the definition of “residential establishment” insert–

““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;”

- (b) in the heading to paragraph 4 for “regular” substitute “full time”;

- (c) for paragraph 4(1) substitute–

“4.(1) Subject to the provisions of paragraphs 3 and 6, the minimum weekly remuneration payable to a full time worker to whom this Order applies shall be the standard minimum remuneration.”

- (d) in paragraph 4(2) for “40 hours” substitute “39 hours”;

- (f) in paragraph 6 for “regular worker” each time it occurs substitute “full time worker”;

- (g) in paragraph 6(2) for “any other worker” substitute “a part time worker”;

- (h) delete paragraph 7;

- (i) for paragraph 8 substitute–

“Minimum remuneration for any other worker.

8. The minimum weekly remuneration payable to any part time worker to whom this Order applies shall be ascertained by ascribing the hourly standard minimum

remuneration rate in respect of each hour or part of an hour worked.”.

Dated 18th December, 2008.

L MONTIEL,

Minister with responsibility for Employment.

EXPLANATORY MEMORANDUM

This Order amends the Conditions of Employment (Licensed Non-Residential Establishments) Order, 1986 in order to ensure that the rates of pay do not fall below the standard minimum rates provided in the Conditions of Work (Standard Minimum Wage) Order 2001 as amended or replaced from time to time.