

Subsidiary Legislation made under s.36.

Conditions of Employment (Standard Minimum Wage) Order, 2001

LN.2001/065

Commencement **2.7.2001**

| Amending enactments | Relevant current provisions | Commencement date |
|---------------------|-----------------------------|-------------------|
| LN. 2003/084 | Sch. | 1.7.2003 |
| 2005/136 | Sch. | 1.7.2005 |
| 2008/107 | rr. 4(1)-(2), 5(1), Sch. | 1.1.2009 |
| 2010/186 | Sch. | 1.1.2011 |
| 2012/035 | r. 3(2)(a)-(b), Sch. | 1.4.2012 |
| 2012/113 | Sch. | 1.8.2012 |
| 2013/119 | Sch. | 1.9.2013 |
| 2014/130 | Sch. | 1.9.2014 |
| 2015/135 | Sch. | 1.9.2015 |
| 2016/153 | Sch. | 1.8.2016 |
| 2017/137 | Sch. | 1.8.2017 |
| 2018/164 | Sch. | 1.8.2018 |
| 2019/133 | Sch. | 1.8.2019 |
| “ | Sch. | 1.8.2020 |
| “ | Sch. | 1.8.2021 |
| 2022/183 | Sch. | 1.8.2022 |
| 2023/213 | Sch. | 1.8.2023 |
| 2024/105 | Sch. | 1.8.2024 |

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**Conditions of Employment (Standard Minimum Wage)
Order, 2001**

ARRANGEMENT OF PARAGRAPHS

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Title and commencement.

1.(1) This Order may be cited as the Conditions of Employment (Standard Minimum Wage) Order, 2001.

(2) This Order shall come into force on the 2nd day of July, 2001.

Interpretation.

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

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

“rest day” means one day in 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.

Application.

3.(1) Subject to subsection 2, this Order shall apply to all employees in any undertaking or any branch or department of an undertaking.

(2) This Order shall not apply to the following category of persons—

(a) *Deleted.*

(b) *Deleted.*

(c) a domestic servant working in a private household;

(d) a seaman employed in a sea-going vessel registered in Gibraltar.

Standard minimum remuneration.

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

(2) The weekly remuneration referred to in subparagraph (1) relates to a week of 39 hours exclusive of overtime and, except in the case of guaranteed weekly remuneration under

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paragraph 5, is subject to a proportionate reduction where the number of hours worked is less than 39.

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

(4) Where a person, under his contract of service, is entitled to food, a dwelling place or other allowances or privileges, in addition to cash wages as a remuneration for his services, the value ascribed to them shall not exceed 35 per cent of the minimum remuneration referred to in subparagraph (1).

Guaranteed minimum remuneration.

5.(1) If a person works less than 39 hours in any week at his normal duties, he shall still receive the minimum weekly remuneration referred to in paragraph 4, provided that he has worked at least 34 hours and is willing, available and capable of performing other duties reasonably required by the employer.

(2) Where in any week a person at his request and with the consent of the employer is absent from work, the amount of the guaranteed 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.

6. For the purpose of showing that the provisions of this Order have been complied with, every employer shall maintain and retain for a period of 12 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.

7. The provisions of this Order shall not prevent agreements for wages and conditions more favourable than those prescribed therein.

Revocation of 1989 Order.

8. The Conditions of Employment (Standard Minimum Wage) Order 1989 is hereby revoked.

SCHEDULE

Paragraph 4(1)

| Standard Minimum Remuneration Rates | | |
|--|---------------|---------------------------------|
| Age | 15 and over | |
| | Amount | Relevant calculation |
| Hourly Remuneration | £8.90 | |
| Weekly Remuneration | £347.10 | hourly remuneration x 39 |
| Monthly Remuneration | £1504.10 | (weekly remuneration x 52) ÷ 12 |