

FUEL CONSERVATION—FIVE DAY WEEK [Cap. 222

CHAPTER 222

FUEL CONSERVATION—FIVE DAY WEEK

Act
No. 11 of 1978.

AN ACT TO PROVIDE FOR SATURDAYS NOT TO BE TREATED AS WORKING DAYS IN GOVERNMENT DEPARTMENTS AND CERTAIN OTHER INSTITUTIONS AND FOR THE REGULATION OF THE HOURS OF WORK IN SUCH DEPARTMENTS AND INSTITUTIONS. AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[17th February. 1977]

Short title and
date of
operation.

1. This Act may be cited as the Fuel Conservation Five Day Week Act, and shall be deemed, for all purposes, to have come into operation on February 17, 1977, (hereinafter referred to as the "relevant date").

Saturdays to
be non-
working days.

2. Saturdays shall not be working days in any Government department, public corporation, local authority or trade in which, immediately prior to the relevant date, Saturdays were not or were required not to be working days under any regulation made under section 5 of the Public Security Ordinance or in any other institution or part thereof specified by the Minister by regulation made under this Act, where the Minister considers such regulation necessary or expedient on grounds of national economy or for the better regulation of trade or industry;

Provided that the preceding provisions shall not apply to any institution or part thereof that may be exempted from such provisions by the Minister by regulation made under this Act, where the Minister considers such regulation necessary or expedient on grounds of national economy or for the better regulation of trade or industry.

Hours of work
to be
performed
from Monday
to Friday.

3. Every worker in an institution in which under this Act, Saturdays are not working days shall on every day from Monday to Friday, commence and cease work at the time he commenced and ceased work immediately prior to the relevant date and shall be remunerated as if he had worked on Saturdays.

4. No worker shall be entitled to the payment of any sum of money in the nature of an overtime payment in respect of the extra hours of work performed by him from Monday to Friday in consequence of Saturday not being a working day, notwithstanding any law, custom, practice or agreement to the contrary.

No overtime
payment for
extra work
performed
from Monday
to Friday in
consequence of
Saturday not
being a
working day.

5. Where a worker in an institution in which under this Act, Saturdays are not working days is required by his employer to work on a Saturday and accordingly does so he shall be entitled to receive and shall be paid a sum of money in the nature of an overtime payment in respect of such work.

Payment of
overtime for
work on
Saturday.

6. Every worker who has been employed by any employer, immediately before the relevant date, in an institution to which the provisions of section 2 apply shall, subject to the provisions of any other written law, continue to be employed on such terms and conditions relating to salary, allowances, and any other payments of money (by whatever name called) which are not less favourable than those which such worker had received immediately before such date.

Payment of
salary, &c., to
be not less
favourable.

7. Every employer in any institution to which the provisions of section 2 apply shall take account of every Saturday in each week, as though every worker employed under him had worked on that day, for the purpose of computing the number of days worked for the grant of annual holidays to such worker in terms of the provisions of any decision of any Wages Board established under the Wages Boards Ordinance-

Every
employer to
take account of
Saturdays for
the purpose of
annual
holidays.

Effect of the provisions of this Act

8. The provisions of this Act, other than the provisions of section 6, shall have effect notwithstanding anything in any other law.

11. When an offence under this Act is committed by a body of persons, whether corporate or unincorporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he, having regard to the nature of his functions and in all the circumstances, exercised all due diligence to prevent the commission of that offence.

Offences by bodies of persons.

Regulations.

9. (1) The Minister may make regulations for the purposes for which regulations are required to be made under this Act.

(2) No regulation made under subsection (1) shall have effect until it is published in the Gazette and approved by Parliament.

Offences and penalties.

10. (1) Every person who contravenes or fails to comply with any provision of this Act or any regulation made thereunder shall be guilty of an offence under this Act, and shall on conviction before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Any employer who fails to pay a sum of money required to be paid to a worker of such employer under this Act shall be guilty of an offence and shall be liable on conviction before a Magistrate to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment-

(3) On a conviction of an employer for an offence under subsection (2), the court may, in addition to any other sentence, order the employer to pay to such worker, within a period specified in the order, such sum of money as may be found by the court to be due to such worker under the provisions of this Act and if such sum is not so paid such sum may be recovered in the same manner as a fine and paid to such worker.

12. In this Act, unless the context otherwise requires—

" employer ", " trade " and " worker " shall have the same meanings respectively as in the Wages Boards Ordinance ;

" local authority " means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council ;

" public corporation " means any corporation, board or other body which was or is established by or under any written law, other than the Companies Ordinance,* with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise.

* Repealed and replaced by the Companies Act, No. 17 of 1982 — See the Supplement to the Revised Edition.