

L.N. 99 of 1960

## WAGES BOARD ORDINANCE, 1957 (No. 5 OF 1957)

### Retail and Ancillary Trades (Lagos) Minimum Remuneration and Conditions of Employment Order, 1960

*Commencement : 1st July, 1960*

WHEREAS the Minister of Labour (hereinafter referred to as the Minister) has received from the Retail and Ancillary Trades (Lagos) Wages Board notification under section 13 (1) of the Wages Boards Ordinance, 1957; of recommendations by the Board in relation to the remuneration and other conditions of employment of workers employed in Lagos in retail and ancillary trades :

NOW THEREFORE in exercise of the powers conferred by section 13 (2) of the Wages Boards Ordinance, 1957, the Minister hereby makes the following Order—

1. This Order may be cited as the Retail and Ancillary Trades (Lagos) Minimum Remuneration and Conditions of Employment Order, 1960, and shall come into operation on the 1st July, 1960.

2. The remuneration and conditions of employment contained in the Schedule in respect of workers to whom the Schedule applies are hereby fixed.

3. The Conditions of Employment (Retail and Ancillary Trades) (Lagos and Colony) Order in Council, 1950, and the Minimum Wage Fixing (Retail and Ancillary Trades) (Lagos and Colony) Order in Council shall cease to have effect in Lagos.

Citation and commencement.

Remuneration and conditions of employment of retail workers in Lagos.

Order in Council No. 6 of 1950.  
Order in Council No. 7 of 1950.

## SCHEDULE

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## PART I.—STATUTORY MINIMUM REMUNERATION, ETC.

Minimum remuneration.

1. Subject to the provisions of paragraphs 3, 4 and 5, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraph 2.

Table of remuneration.

2. The minimum remuneration payable to male or female workers of the classes specified in column 1 of the following table shall be the appropriate amount set out in column 2 of the table :—

Column 1						Column 2		
						£	s	d
(i)	Cashiers	..	..	..	..	15	0	0 per month
(ii)	(a) Clerks with middle II certificate	..	..	..	..	7	0	0 per month
	(b) Clerks with secondary IV certificate	..	..	..	..	9	0	0 per month
	(c) Clerks with School certificate or equivalent qualification	..	..	..	..	12	10	0 per month
(iii)	Customs clerks	..	..	..	..	12	10	0 per month
(iv)	Sales clerks	..	..	..	..	9	0	0 per month
(v)	Shop assistants	..	..	..	..	6	0	0 per month
(vi)	Store-keepers	..	..	..	..	15	0	0 per month
(vii)	Book-keepers	..	..	..	..	15	0	0 per month
(viii)	Copy typists	..	..	..	..	10	0	0 per month
(ix)	Shorthand typists	..	..	..	..	15	0	0 per month
(x)	Subordinate staff	..	..	..	..	5	0	0 per month
(xi)	Office messenger	..	..	..	..	5	10	0 per month
(xii)	Watchmen	..	..	..	..	5	0	0 per month
(xiii)	Petrol station attendants	..	..	..	..	6	0	0 per month
(xiv)	Labourers	..	..	..	..	0	5	0 per day

Remuneration in respect of workers under the age of 18 years.

3. The minimum remuneration payable to a worker under the age of 18 years in the classes of employment designated as subordinate staff shall be in accordance with the following table :—

Age	Minimum remuneration
15 years and under .. .. .	4 0 0 per month
Between 15 years and 16 years .. .. .	4 5 0 per month
Between 16 years and 17 years .. .. .	4 10 0 per month
Between 17 years and 18 years .. .. .	4 15 0 per month
18 years and over .. .. .	5 0 0 per month

Basis of remuneration.

4. (1) The minimum remuneration specified in paragraph 2 relates, in the case of a worker other than a watchman or a petrol station attendant, to a week of 45 hours exclusive of overtime, but such that the normal working hours shall not exceed eight hours in any five working days and five hours on the shorter working day.

(2) The minimum remuneration of a watchman shall be paid in respect of hours of work which amount in the aggregate to twelve hours in any turn of duty, subject to a maximum of seventy-two hours in any week.

(3) The minimum remuneration of a petrol station attendant shall be paid in respect of a maximum 56 hour-week on a daily shift not exceeding 10 hours.

(4) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal-times shall be excluded.

5. (1) Work performed by a worker on any day after he has completed the hours in respect of which the minimum wage is payable to him shall be overtime work and shall be remunerated on such days at a minimum rate of one and a quarter times the normal minimum rate of wages of such worker.

Minimum overtime rates.

(2) Work performed by a worker on a work free day shall be remunerated at a minimum rate of one and half times the normal minimum rate of wages of such worker.

(3) Work performed by a worker on a public holiday shall be remunerated at a minimum rate of twice the normal minimum rate of wages of such worker.

(4) For the purposes of this paragraph—

(a) the normal minimum rate of remuneration of a worker shall be calculated as an hourly rate and, where the minimum remuneration of the worker is a daily wage, shall be equal to two-fifteenths of such daily wage, or where the minimum remuneration of the worker is a monthly wage, shall be equal to 1/195th of such monthly remuneration;

(b) all work performed by a watchman in any turn of duty which begins on a Sunday shall be deemed to be work performed on a work free day.

## PART II.—CONDITIONS OF EMPLOYMENT

6. An employed person, after a period of twelve months in the continuous employment of an employer, shall be given a holiday with full pay at his normal rate, and shall be given a similar holiday with respect to every successive such period; and the duration of the holiday shall in the case of each worker be in accordance with the following table:—

Holidays with pay.

<i>Type of employment</i>	<i>Duration of annual holiday</i>
(i) worker in categories (x)-(xiv) of paragraph 2	one week a year
(ii) workers in categories (i)-(ix) of paragraph 2	2 weeks a year

7. (1) Any holiday required to be given in pursuance of paragraph 6 may, by agreement between the employed person and the employer, be deferred for not more than six months and, may be taken separately or conjointly with any other such holiday or part thereof.

Deferred holidays, etc.

(2) A person who ceases to be employed otherwise than by dismissal after having completed—

(a) less than twelve but not less than six months in the continuous employment of an employer, or

(b) not less than six months in the continuous employment of an employer since he last qualified for holidays in accordance with paragraph 6, shall, with respect to such period of employment, be paid an amount which shall bear the same proportion to full pay for the period of leave to which he is entitled under paragraph 6 at his normal rate as the said period shall bear to twelve months.

Weekly day  
of rest.

8. (1) In every week a worker shall be entitled to a work free day.

(2) Any worker who works for and at the request of his employer on a work free day shall be paid for such work at a rate not less than his ordinary rate of pay and a half of such rate unless the worker and the employer shall have agreed that a whole day within three days immediately before or after the work free day shall be substituted therefor :

Provided that no worker shall be compelled to work on a work free day.

Sick leave.

9. (1) An employed person after a period of six months in the continuous employment of an employer, shall, on the production to the employer of a certificate from a qualified medical practitioner stating that in consequence of illness he is unfit for work, be allowed sick leave with full pay at his normal rate.

(2) Sick leave allowable in accordance with the provisions of sub-paragraph (1) shall not be less than seven days in any period of six months.

Medical  
attention.

10. An employed person, after a period of six months in the continuous employment of an employer, shall be entitled to receive, at the expense of the employer, medical attention and hospital treatment from a qualified medical practitioner approved by the employer as and when such attention and such treatment are required :

Provided that—

(a) the employer shall be liable only for the expenses of such period of medical attention and of hospital treatment as shall not exceed in the aggregate four weeks in any period of twelve months continuous employment but shall not be liable for operation fees nor for cost of dental treatment ; and

(b) the disability of the person is not attributable to his own neglect or fault.

Saving of  
Workmen's  
Compensa-  
tion  
Ordinance.  
Cap. 234.

11. The provisions of paragraphs 9 and 10 shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Ordinance.

Calculation  
of employ-  
ment.

12. For the purpose of calculating continuous employment qualifying a worker for an annual holiday or sick leave or medical attention, the worker shall be deemed to be in the continuous employment of an employer for any period during which he is employed by the said employer on each successive normal working day without interruption otherwise than by way of public holidays, holidays with pay, sick leave and any period of medical attention and hospital treatment allowed in accordance with this Schedule, or any other absence approved by the employer.

## PART III—GENERAL

## 13. In this Schedule—

Interpreta-  
tion.

“book-keeper” means any person employed wholly or mainly in keeping books of accounts or related duties ;

“cashier” means any person employed wholly or mainly in receiving, paying, and accounting for cash other than those whose duty includes the receiving and accounting for cash sales ;

“clerk” means any person employed wholly or mainly on clerical work, and includes work ordinarily performed by invoice clerks ;

“customs clerk” means any person employed wholly or mainly on clerical duties connected with customs or excise duty and is capable of preparing customs entries ;

“labourer” means any person employed on general labouring work ;

“office messenger” means any person employed in carrying a message inside or outside any office and includes a literate office boy ;

“petrol station attendant” means any person who is wholly or mainly engaged in the serving of customers at petrol filling stations ;

“sales clerk” means any employed person whose duties include the supervision of the sale of and the accounting for commodities ;

“shop assistant” means any person employed mainly in the selling of commodities ;

“shorthand-typist” means any person employed wholly or mainly in shorthand writing and typing ;

“store-keeper” means any person in charge of premises used as a store or warehouse for commodities wholly or mainly intended for sale by retail, and who is responsible for the care of, handling and accounting for such commodities ;

“subordinate staff” means any person employed on odd jobs and shall include cleaner, handyman, shop boy and porter ;

“typist” means any person employed wholly or mainly in copy typing ;

“watchman” means any person employed wholly or mainly in guarding the employer’s premises for the prevention of theft, fire, damage or trespass ;

“week” means a continuous period of seven days ;

“qualified medical practitioner” means a medical practitioner registered under the Medical Practitioners’ and Dentists’ Ordinance.

Cap. 130.

## 14. In all premises in which workers are engaged in the retail and ancillary trades there shall be provided—

Condition in  
premises.

(a) adequate supply of wholesome drinking water.

(b) for use of all female employed persons whose work is done standing, suitable facilities for sitting sufficient to enable such persons to take advantage of any opportunities for resting which may occur in the course of their employment.

## PART IV—APPLICATION

15. The workers to whom this Schedule applies are all workers employed in Lagos in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged wholly or mainly for the retail sale of goods :

Workers to  
whom  
Schedule  
applies.

Provided that workers shall be excepted who are employed—

(i) in any trade or business conducted in a market or at any stall or table in a public place or open space (not being the property of a private owner);

(ii) in any trade or business conducted by a street trader;

(iii) in any trade or business wholly or mainly concerned with the preparation and sale of meals or refreshments; or

(iv) as drivers engaged in the transportation or distribution of retail goods.

J. M. JOHNSON,  
*Minister of Labour of the  
Federation*

LAGOS, 1st July, 1960.