

[LEGAL NOTICE NO. 43]

**WAGES COUNCIL ACT
[CHAPTER 98]**

NOTICE

THE Minister for Labour, Industrial Relations, Tourism and Environment having made the Wages Regulation (Building and Civil and Electrical Engineering Trades) Order 2007 and having given notice of making that order to the Building and Civil and Electrical Trades Council, the said Council, pursuant to the provisions of subsection (4) of Section 8 of the Wages Council Act, hereby publishes the said order in accordance with the provisions of Regulation 5 of the Wages Councils Regulation.

Dated this 14th day of March 2007.

**Sahadeo Singh
Secretary
Building and Civil and Electrical
Engineering Trades Wages Council**

It is provided by subsection (2) of section 13 of the Wages Councils Act as follows:

“The employer of any workers shall post in the prescribed manner such notices as may be prescribed for the purpose of informing them of any wages regulation proposals of wages regulation order affecting them, and, if it is so prescribed, shall give notice in any other prescribed manner to the said workers of the said matters, and of such matters, if any, as may be prescribed”.

It is provided further by Regulation 6 of the Wages Councils Regulations as follows:

“Every notice required under the provisions of subsection (2) of section 13 of the Act to be posted by the employer of any worker affected by any wages regulation proposals or wages regulation order, shall be a copy of such proposals or order, as the case may be, and shall be posted by affixing the same in a conspicuous position in such place or places, in every shop, warehouse, store, undertaking or other place of employment in or which any such worker is employed, as to be readily accessible to every such worker employed by such employer.”

The penalty for non-compliance is a fine not exceeding \$40.00

WAGES REGULATION

[BUILDING AND CIVIL AND ELECTRICAL ENGINEERING TRADES] ORDER 2007

IN exercise of the powers conferred upon me by Section 8 of the Wages Councils Act and having received wages regulation proposals from the Building and Civil and Electrical Engineering Trades Wages Council, and the provisions of the said section having been otherwise complied with, I have made the following order:

Citation and commencement

1. This Order may be cited as the Wages Regulation (Building and Civil and Electrical Engineering Trades) Order 2007 and shall come into force on 05th day of March 2007.

Application

2. This order does not apply to:-
 - (a) Any worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order does not apply; or
 - (b) Any apprentice; or
 - (c) Any worker employed by the Fiji Electricity Authority or any Company or sub-contractor that takes over the operations of Fiji Electricity Authority.

Interpretation

3. In this order, unless the context otherwise requires: -

“apprentice” has the meaning assigned to it by the Fiji National Training Act, or any other law amending or replacing the same.

“clerk” means a worker who is employed wholly or mainly in performing one or more of the following classes of work; sorting of incoming mail, preparation of out-going correspondence, filing correspondence or other documents, receiving or interviewing callers, arranging appointments, attendance of telephones and the receiving and recording messages by telephone, making entries in books showing receipts to, or payment from petty cash, shorthand writing, typing of correspondence, book keeping , operating of machine equipment for accounting, calculating, addressing, franking, copying and reproducing documents and drawings, preparing stencil, duplication or composing of office correspondence;

- “driver heavy goods” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle, exceeding 10 tonnes (10160kg) load capacity;
- “driver light goods” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle of 60cwt (3360kg) or less unladen in weight;
- “five-day working week” means a working period of 45 hours made of 9 hours each day from Monday to the succeeding Friday, both days inclusive;
- “foreman” means a worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies and who supervise over twenty (20) workers on a worksite;
- “general tradesman” means a semi or skilled tradesman to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies and who is not otherwise defined in this order;
- “heavy plant operator” means a worker who is required to operate any wheeled or trailed plant or equipment, which has a weight exceeding 10 tonnes or lifting capacity exceeding 10 tonnes;
- “leading hand” means a worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies and who supervises a minimum of six (6) and a maximum of twenty (20) workers on a worksite;
- “light plant operator” means a worker who is required to operate any wheeled or trailed plant or equipment, which has a weight exceeding 20 tonnes or lifting capacity exceeding 20 tonnes;
- “night” means the interval between six o’clock in the evening of any day and six o’clock in the morning of the following day;
- “operator” means a worker who is not otherwise defined in the order and is normally required to operate heavy earth moving machinery;
- “public holiday” means any of the days specified in the schedule to the Public Holidays Act or any day appointed by notification under section 6 of that Act;
- “tradesman class 1” means a worker who holds a tradesman class 1 trade test certificate issued by the Director of the Training and Productivity Authority of Fiji under the Fiji National Training (Trade Testing) Regulations, 1976 and shall have a complete set of tools.

“tradesman class 2” means a worker who holds a tradesman class 2 trade test certificate issued by the Director of the Training and Productivity Authority of Fiji under the Fiji National Training (Trade Testing) Regulations 1976 or a worker who has successfully completed an apprenticeship in any of the trades to which this order applies, and has been awarded the Trade Course Certificate by Fiji Institute of Technology or Certificate of Apprenticeship awarded by the Training and Productivity Authority of Fiji and shall have a complete set of tools.

“tradesman class 3” means a worker who holds a tradesman class 3 trade test certificate issued by the Training and Productivity Authority of Fiji under the Fiji National Training (Trade Testing) Regulations 1976;

“unskilled work” means work which requires no particular skill and includes the digging or filling of holes by using a pick or a shovel; clearing construction sites with hand tools; mixing and spreading mortar or cement with a hand shovel or rake; fragmenting stones or demolishing walls or other structure by hand pick or hammer, cleaning waste materials from work places or carrying materials to work places; lifting and stacking by hand bricks, timber and other materials or objects; digging or shovelling loose materials by hand; cutting or clearing under bush or trees; doing routing maintenance work on roads by using hand shovel; pick or other tools;

“unskilled worker” means a worker who is wholly or mainly employed with unskilled work;

“watchman” means a worker who is wholly or mainly employed on the watching or guarding of premises or stock;

“worker” means a worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies.

Rates of remuneration

- 4-(1) The minimum hourly rates of remuneration to be paid to the class of worker specified in the first column of the first Schedule hereto, whether such workers be employed hourly, daily, weekly or for any period, shall be those contained in the second column of the Schedule.

Hours of Work

5. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Public Holidays

6. Every worker shall be paid in respect of each public holiday for the number of hours worked (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday.

Provided that this paragraph shall not apply to any worker unless:

- (a) he has been in the employment of his employer for an initial period of less than 30 days which period shall include non-working days and working days upon which the worker is excused from working or presenting himself for work by reason of any illness or injury covered by a medical certificate or by any other reason which the employer considers necessary;
- (b) where a public holiday falls on a day, which a worker does not normally work the day upon which such public holiday is observed, shall be paid as if it were a public holiday.
- (c) The following days must be kept as public holidays in all workplaces-
 - (a) New Year's Day;
 - (b) Good Friday;
 - (c) Easter Saturday
 - (d) Easter Monday;
 - (e) Prophet Mohammed's Birthday;
 - (f) *Ratu Sir Lala Sukuna Day*;
 - (g) Queen's Birthday;
 - (h) Youth Day;
 - (i) Fiji Day;
 - (j) *Diwali*;
 - (k) Christmas Day;
 - (l) Boxing Day.

Overtime

- 7-(1) Overtime remuneration shall not be payable to a worker who has not completed 45 hours of work during the working week.
- (2) Overtime remuneration shall be paid to:-
- (a) Every worker employed on a five day working week for all time worked in excess of 9 hours on any working day during such week and for all time worked on Saturdays, Sundays and public holidays.
- (3) The remuneration payable under sub-paragraph (2) shall in the case of public holidays, be in addition to that payable under paragraph 6.

- (4) The rate of remuneration payable for overtime shall be:
- (i) on week days, including Saturdays, one and one-half times the worker's normal hourly rate of remuneration;
 - (ii) on gazetted public holidays and Sundays, twice the workers' normal hourly rate of remuneration; and
 - (iii) on days when a worker is required to continue work after midnight twice the workers' normal hourly rate of remuneration for all work performed after midnight.

Provided that subject to the provisions of paragraph 8, the minimum payment for time worked on Sundays and public holidays shall be not less than the remuneration payable to the worker for three hours work on such days.

- (5) When overtime is necessary, it shall be so arranged that workers have at least eight consecutive hours off duty between the works of successive days. A worker who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he had not had at least eight consecutive hours off duty between those times, without loss of wages for ordinary working time occurring during such absences. If on the instruction of his employer such a worker resumes or continues work without having had said eight consecutive hours off duty, he shall be paid at twice his hourly rate of remuneration until he is released from duty for such period, and he shall then be entitled to be absent until he has had eight consecutive hours off duty without loss of remuneration for ordinary working time occurring during such absence.

Attendance money

8. Every worker who presents himself for work on any day which he is required by his employer to present himself for work, but is prevented from working by reason of inclement weather, shall be paid:
- (a) for any day, other than a Sunday or a public holiday not less than the remuneration payable to such worker for three hours work on that day; and
 - (b) for a Sunday or public holiday, not less than the remuneration payable to such worker for one hours work on that day and such remuneration shall be in addition to that payable under paragraph 5.

Subsistence allowance

9. Every worker shall, in respect of each night during the whole of which he is required by his employer to be absent from the place where he was engaged for employment, be paid a subsistence allowance of not less than: -
- (a) four dollars and sixty cents (\$4.60) if quarters is provided by his employer;
 - (b) six dollars and sixty cents (\$6.60) if his employer does not provide meals and quarters.
 - (c) Provided that where the employer provides meals and quarters, employees will not be entitled to subsistence allowance.

Meal allowance

10. Every worker who is required to work overtime in excess of two hours on any normal working day shall be entitled to a meal allowance of four dollars and sixty cents (\$4.60).

Sick leave

11. (1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.
- (2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.
- (3) For a worker to be entitled to sick leave, the worker must-
- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
 - (b) Produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.
- (4) A registered medical practitioner who knowingly issues a medical certificate to a worker whom the registered medical practitioner knows is capable of work commits an offence as does the worker who sought the medical certificate.

Bereavement Leave

12. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Revocation

13. The Wages Regulation (Building and Civil and Electrical Engineering Trades) Order 2003 made on the 2nd June 2003 is revoked with effect from 05th .day of March 2007.

Dated at Suva this 14th day of March 2007.

B. R. GANILAU
Minister for Labour, Industrial
Relations Tourism & Environment

**WAGES REGULATION (BUILDING & CIVIL & ELECTRICAL
ENGINEERING TRADES) 2007**

SCHEDULE
(Paragraph 4)

<i>Classes of Workers</i>	<i>Rates of Remuneration</i>	
	<i>Current</i>	<i>Proposed</i>
	\$	\$
Foreman	-	3.70
Leading Hand	-	3.20
Tradesman Class 1	2.51	3.07
Tradesman Class 2	2.42	2.97
Tradesman Class 3	2.30	2.82
General Tradesman	2.19	2.68
Watchman	1.44	1.76
Clerk	2.19	2.68
Unskilled Workers	1.84	2.25
Driver Light Goods	2.09	2.56
Driver Heavy Goods +10 tonnes	2.51	3.07
Heavy Plant Operator +10 tonnes	2.64	3.23

Light Plant Operator

2.53

3.10
