

[LEGAL NOTICE NO. 92]

**WAGES COUNCILS ACT
[CHAPTER 98]**

NOTICE

THE Minister for Labour and Industrial Relations having made the Wages Regulation (Hotel and Catering Trades) Order 2006 and having given notice of making that Order to the Hotel and Catering Trades Wages Council, the said Council, pursuant to the provisions of subsection (4) of Section 8 of the Wages Councils Act, hereby publishes the said order in accordance with the provisions of Regulation 5 of the Wages Councils Regulations.

Dated this 13th day of July 2006

**Surendra Shiudin
Secretary
Hotel and Catering 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 or 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 Regulations 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 on 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

[HOTEL AND CATERING TRADES] ORDER 2006

IN exercise of the powers conferred upon me by Section 8 of the Wages Councils Act, having received Wages Regulation proposals from the Hotel and Catering 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 (Hotel and Catering Trades) Order, 2006 and comes into force on the 25th day of August 2006.

Application

2. This Order does not apply to –
 - (a) any worker to whom the Wages Council (Hotel and Catering Trades) Order does not apply; or
 - (b) any apprentice employed under a contract of apprenticeship entered into in accordance with the provisions of the Training and Productivity Authority of Fiji Act or any other law amending or replacing that Act;
 - (c) any worker who is not employed in any undertaking or part of an undertaking the business of which, whether severally or in combination, essentially consists in the carrying on of the activities described in the Hotel and Catering Trades Wages Council Order; or
 - (d) any worker employed by Emperor Gold Mining Company Limited.

Interpretation

3. In this Order:
 - “barman” means a worker who is employed wholly or mainly in mixing, dispensing and serving alcoholic and non-alcoholic beverages at bars or on duties ancillary to those tasks;
 - “casual worker” means any worker the terms of whose engagement provide for his payment at the end of each days work and who is not engaged for a longer period than twenty-four hours at a time;

“clerk” means a worker who is employed wholly or mainly in performing one or more of the following classes of work, that is to say, sorting incoming mail, preparing outgoing correspondence, filing correspondence or other documents, receiving and documenting guests, receiving and recording messages by telephone, making entries in books showing receipts to or payments from petty cash, shorthand writing, typing correspondence, book-keeping, operating machine equipment for accounting, calculating, addressing, franking, copying and reproducing documents and drawings, preparing stencils, duplicating or composing office correspondence;

“cook” means a worker who is employed wholly or mainly in preparing and cooking the dishes normally listed on the menu of the institution where he works, including the mixture of two or more ingredients or the preparation and cooking of meat, poultry, game or fish and on duties ancillary to any of those tasks;

“day” means a continuous period of twenty-four hours beginning at midnight on any day and ending at midnight the following day;

“general worker” means a worker who is employed wholly or mainly in performing tasks, which require no particular skill, not being a worker of any other kind specified in this Order;

“house worker” means a worker who is employed wholly or mainly in all or any of the tasks that is to say cleaning and servicing guest rooms, cleaning bathrooms, corridors, staircases, lounges, dining rooms and restaurants, or on duties ancillary to those tasks;

“kitchen-hand” means a worker who is employed wholly or mainly in assisting a cook;

“laundry-hand” means a worker who is employed wholly or mainly in washing, drying or ironing clothing, bedding or furnishing or on duties ancillary to those tasks;

“licensed undertaking” means an undertaking in respect of the whole or part of which a license under the Liquor Act is in force;

“night attendant” means a worker who is employed wholly or mainly on night work performing various tasks including carrying luggage, cleaning shoes, attending to the requirements of guests or clients, attending telephones or any other duties ancillary to any of those tasks;

“outer island business” means business of hotel and catering trades operated outside the mainland of Viti Levu, Vanua Levu, Ovalau and Taveuni not accessible by road;

“outdoor worker” means a worker who is employed wholly or mainly on outdoor work in connection with the employer’s trade or business, including the cultivation of flowers, shrubs, trees or other plants, the preparation of soil for planting or transplanting, pruning plants, weeding, mowing lawns, taking care of plants, removing or disposing of refuse or duties ancillary to any of those tasks;

“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;

“part-time worker” means a worker who is employed on a weekly contract of service and, at his own request, works less than forty-eight hours per week;

“student trainee” means:

(a) an employee who is undertaking full-time course of instruction at the School of Hotel and Catering Services, Fiji Institute of Technology or any recognised institution; or

(b) any employee who:

(i) is under the age of 18 years; or

(ii) having attained the age of 18 years, has not previously worked in any undertaking to which the Hotel and Catering Trades Wages Council Order relates, and is undertaking a training programme that is approved by the Training and Productivity Authority of Fiji (TPAF) being a programme;

(iii) Under which the training provided is supervised by a registered Training Officer; and

(iv) The duration of which, in the case of an employee who has attained the age of 18 years, is not more than 6 months.

“waiter” means a worker who is employed wholly and mainly in the serving of food or drinks at tables or on duties ancillary to those tasks;

“watchman” means a worker who is employed wholly or mainly in the watching or guarding of premises or property and any items therein;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

Rates of Remuneration

- 4-(1) The minimum rates of remuneration to be paid to workers other than casual workers are specified in the tables set out in the Schedule.
- (2) The minimum rates of remuneration to be paid to casual workers shall be twenty-five per centum more than those specified in the Schedule.

Rest day

- 5-(1) In each week a worker shall be entitled to one rest day, which shall be determined by the employer and notified to the worker not less than a week in advance of that day except for the workers employed by the employers in outer islands under the arrangements made by the following sub-clause (2), in which case the notice shall not be less than a fortnightly or a month in advance of such rest days as the case may be.
- (2) The workers hired from mainland (Viti Levu, Vanua Levu, Ovalau and Taveuni) and engaged by the employers operating business in outer island shall be permitted to grant "rest days" to such workers as follows:
 - (i) After having worked for 12 consecutive days, the employer shall grant 3 consecutive days off; or
 - (ii) After having worked for 24 consecutive days, the employer shall grant 5 consecutive days off.

Working week

- 6. The normal working week shall consist of forty-eight hours spread over six days in any one week.

Split shifts

- 7-(1) Where a worker is required to work his normal hours of work in separate shifts:
 - (a) the normal hours of work in a day shall be worked in not more than two shifts;
 - (b) those shifts shall be completed within 13 hours, computed from starting to finishing time, including meal breaks; and
 - (c) if the worker is actually required to work fewer hours than are specified in his contract, the worker shall be paid for the minimum number of hours so specified.

- (2) A worker who is required to work his normal hours of work in separate shifts shall be entitled to payment of shift allowance of 85 cents per day in addition to his/her normal rate of remuneration.
- (3) For the purpose of this paragraph, a meal break not exceeding one hour in duration shall not constitute a break between shifts.

Public Holidays

- 8-(1) Every worker shall be entitled to a holiday with pay in respect of each public holiday.
- (2) Where a worker is required to work on any of the public holidays, the worker is entitled, in addition to his appropriate wages, to be paid for the actual hours worked at his/her normal rate of pay.

Overtime

9. Overtime remuneration shall be paid to every worker in the classes mentioned in the Schedule:
 - (a) for the first four hours worked in excess of eight hours on each day other than the rostered day off applicable to the worker concerned, at one and one-half times the worker's normal rate of remuneration and for all overtime worked thereafter on such day, at twice the workers normal rate of remuneration; and
 - (b) for all the time worked on the worker's rostered day off, at twice the worker's normal rate of remuneration.

Annual Holidays

10. All workers shall be given annual holidays in accordance with the provision of Part IV of the Employment Regulations, or any other regulations revoking or replacing those provisions.

Night Shift Allowance

11. Night shift allowance, at the rate of 11 cents per hour, is payable in addition to the wages otherwise payable to a worker in relation to time worked by the worker, not being overtime commencing between 10pm on one day and 6am on the day immediately following.

Sick Leave

12. In each calendar year, a worker is entitled to six (6) days sick leave with pay.

Provided that:-

- (a) such sick leave are supported by a medical certificate issued by a registered medical practitioner; and
- (b) the worker had completed three (3) months of service with the employer.
- (c) unutilised sick leave to be paid at the end of the year and, or to be paid on pro-rata basis according to the period of service.

Revocation

13. The Wages Regulation (Hotel and Catering Trades) Order 2003 dated 15th October 2003 is revoked with effect from the 25th day of August 2006.

Dated at Suva this 23rd day of August 2006.

[KRISHNA DATT]
Minister for Labour and Industrial Relations

WAGES REGULATION (HOTEL AND CATERING TRADES) ORDER 2006

SCHEDULE

Class of Workers	Licensed Undertaking	Other Undertaking
	<i>Current</i>	<i>Current</i>
	\$	\$
<i>Barman</i>	2.27	2.04
<i>Clerk</i>	2.22	1.99
<i>Cook</i>	2.35	2.11
<i>General Worker</i>	2.15	1.94
<i>House Worker</i>	2.15	1.94
<i>Kitchen Hand</i>	2.15	1.94
<i>Laundry Hand</i>	2.15	1.94
<i>Night Attendant</i>	2.15	1.94
<i>Outdoor Worker</i>	2.15	1.94
<i>Student Trainee</i>	1.73	1.71
<i>Waiter</i>	2.15	1.94
<i>Watchman</i>	2.15	1.94
