

(LEGAL NOTICE NO. 65)

**WAGES COUNCIL ACT
(CHAPTER 98)**

NOTICE

THE Minister for Labour, Industrial Relations and Productivity having made the Wages Regulation (Garment Industry) Order 2005 and having given notice of making that order to the Garment Industry Wages 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 Regulations.

Dated this 5th day of September, 2005.

Surendra Shiudin
Secretary
Garment Industry 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 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”.

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

WAGES REGULATION

[GARMENT INDUSTRY] ORDER 2005

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

Citation and commencement

1. This Order may be cited as the Wages Regulation (Garment Industry) Order 2005, and shall come into force on the 25th November, 2005.

Application

2. This order does not apply to:-
 - (a) Any worker to whom the Wages Council (Garment Industry) Order does not apply; except
 - (b) An apprentice employed under a contract of apprenticeship entered into in accordance with the Training and Productivity Authority of Fiji Act.

Interpretation

3. In this order, unless the context otherwise requires: -
 - “casual workers” means a worker whose terms of engagement provide for payment at the end of each day’s work and who is not engaged for longer than 24 hours at a time;
 - “learner” means a worker who has worked in the industry for less than 5 months;
 - “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;
 - “week” means the period between midnight on a Saturday and midnight of the following Saturday;

Rates of remuneration

- 4-(1) The minimum hourly rates of remuneration to be paid to a worker, whether hourly, daily, weekly or for any period –
 - (a) in the case of a learner – \$1.25 per hour; and
 - (b) in the case of any other worker – \$1.48 per hour.

- (2) The minimum hourly rate of remuneration to be paid to casual workers of the classes specified in this paragraph is 25% more than the minimum rates specified.

Working Week

5. A working week is from Monday to Friday at nine (9) hours per day.

Public Holidays

- 6.-(1) Subject to sub-paragraph (2), every worker must be paid in respect of each public holiday for the number of hours (exclusive of overtime) the worker would normally have worked on that day had it not been a public holiday.

- (2) This paragraph does not apply to a worker unless the worker-

- (a) worked for the employer throughout the last working day preceding the public holiday; and
- (b) presented himself or herself for work at the usual starting time on the first working day and after the public holiday.

- (3) Sub-paragraph (2) is complied with if the worker is-

- (a) excused from presenting himself or herself for work by the employer;
- (b) prevented from presenting himself or herself for work by illness or injury verified by a medical certificate; or
- (c) prevented from presenting himself or herself for work by any other cause acceptable to the employer.

Overtime

- 7.-(1) Overtime work is work performed in excess of the normal hours on a normal working day and all work performed on days other than a normal working day.

- (2) Overtime pay payable under sub-paragraph (1) for a public holiday is in addition to that payable under paragraph 6.

- (3) The rate of remuneration payable for overtime worked is-

- (a) on any working day or a Saturday – one and half times the workers' normal hourly rate of pay for the first four hours and thereafter twice the workers' normal hourly rate of pay;
- (b) on public holidays and Sundays – twice the workers' normal hourly rate of pay.

- (4) The minimum overtime payable under this paragraph is one hour for week days and two hours for Saturdays.
- (5) A minimum of four hours overtime pay at the rates specified in subparagraph (3) is to be paid in respect of any overtime worked on a public holiday or a Sunday.

Annual Holidays

8. No deduction is to be made from workers remuneration in respect of annual holiday taken by a worker under Part IV of the Employment Regulations.

Sick Leave

- 9.-(1) A worker upon completion of three months service with an employer is entitled to five days sick in a year.
 - (2) Sick leave must be supported by a medical certificate issued by a Registered Medical Practitioner.
 - (3) Leave unutilised at the end of a year is to be calculated at the normal rate of wages payable and paid to the worker concerned.
 - (4) A worker whose employment is terminated after a period of over three months but not exceeding one year from the date of its commencement is entitled to sick leave calculated on a pro rata basis.

Meal Allowance

10. Every worker who is required to work overtime in excess of three hours on any normal working day is entitled to a hot substantial meal or meal allowance of \$3.00 instead of a meal.
11. The Wages Regulation (Garment Industry) Order 2003 is revoked with effect from the 25th day of November, 2005.

Dated at Suva this 16th day of September, 2005

[K. V. Zinck]
Minister for Labour, Industrial Relations and Productivity