

[LEGAL NOTICE NO. 50]

WAGES COUNCIL ACT
[CHAPTER 98]

NOTICE

THE Minister for Labour, Industrial Relations and Productivity having made the Wages Regulation (Road Transport) Order 2007 and having given notice for making that Order to the Road Transport 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 10th day of April 2007.

Sahadeo Singh
Secretary
Road Transport 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 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 is 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

[ROAD TRANSPORT] ORDER 2007

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

Citation

1. This Order may be cited as the Wages Regulation (Road Transport) Order 2007, and shall come into force on the 10th.day of April 2007.

Application

This Order shall apply to any worker to whom the Wages Council (Road Transport) Order applies, except an apprentice employed under a contract of apprenticeship entered into in accordance with the Training and Productivity Authority of Fiji Act or students from a recognized technical education institution.

Interpretation

1. In this order, unless the context otherwise requires -
 - “casual worker” 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;
 - “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, the attendance of telephones and the receiving and recording of 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;
 - “conductor” means a person employed by the holder of a public service vehicle license to issue tickets and collect moneys on a omnibus;
 - “fork-lift driver” means a worker who is employed wholly or mainly in driving a forklift vehicle not exceeding 12 tons (13,440kg);

“garage serviceman” means a worker who is employed wholly or mainly in performing any task in connection with motor vehicles in one or more of the following classes of work: the changing of oil in an engine or transmission system, lubricating joints, tightening loose part, making minor adjustments, mending tyres, checking and servicing batteries, water or tyre pressure, fitting and replacing parts and components such as gear boxes, drive shafts, suspension springs, etc and assisting the mechanics, or any other tasks related to the servicing of vehicles other than those carried out by a mechanic repairman;

“general worker” means a worker who performs tasks which require no particular skill or who is not otherwise defined in this Order;

“heavy articulated driver” means a worker who is employed wholly or mainly in driving an articulated vehicle not exceeding 20 tons (22,400kg) load capacity;

“heavy fork-lift driver” means a worker who is employed wholly or mainly in driving a fork-lift vehicle exceeding 12 tons (13,440kg);

“heavy goods vehicle driver” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle not exceeding 12 tons (13,440kg) load capacity;

“heavy mobile crane driver” means a worker who is employed wholly or mainly in driving a mobile crane with a lifting capacity exceeding 20 tons (22,400kg);

“heavy PSV driver” means a worker who is employed wholly or mainly in collecting of fares and driving passenger vehicle exceeding 60cwt (3,360kg) load capacity;

“learner” means a worker who has worked in the mechanical section of the industry for less than 3 years;

“light goods driver” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle not exceeding 60cwt (3,360kg) or less unladen in weight;

“light PSV driver” means a worker who is employed wholly or mainly in driving a passenger vehicle of 60cwt (3,360kg) load capacity;

“mechanic repairman” means a worker other than a garage serviceman who is employed wholly or mainly in the maintenance and repair of vehicles or performing one or more of the following classes of work: examining

defective vehicles to ascertain the nature or location of defects, dismantling and or replacing damaged parts, grinding valves, relining brakes, rebushing steering mechanism, testing vehicles for road worthiness;

“mobile crane driver” means a worker who is employed wholly or mainly in driving a mobile crane with a lifting capacity not exceeding 20 tons (22,400kg);

“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;

“provisional period of work” means a worker employed by an employer shall be in a provisional period of service for a period of one month before his or her appointment is confirmed;

“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;

“rostered day off” means the day of each week on which a worker is entitled under the terms of the contract to be absent from duty;

“ticket checker” means a worker who is employed wholly or mainly in checking tickets issued to passengers of public service vehicles;

“tourist transport operator” means any person or company wholly or mainly engaged in the transportation of tourists;

“vehicle” has the same meaning given to it by the Land Transport Act 1998;

“vehicle heavy articulated driver” means a worker who is employed wholly or mainly in driving an articulated vehicle exceeding 20 tons (22,400kg) load capacity;

“very heavy goods vehicle driver” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle exceeding 12 tons (13,440kg);

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

“week” means the period between midnight on a Sunday and midnight on the following Sunday.

Rates of Remuneration

- 4-(1) The minimum hourly rate of remuneration to be paid to any 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 or third column of the schedule.
- (2) Drivers must be paid the rate applicable to the vehicle they are employed to drive even if they are qualified to drive other categories of vehicle.
- (3) The minimum rate of pay to be paid to a casual worker of a class specified in the first column of the Schedule is 25% more than the minimum rates specified in the second or third column in the Schedule.
- (4) A driver employed by a tourist transport operator must be paid 25% or more than the rate shown in the Schedule.

Hours of Work

5. The normal hours of work are 8 hours a day for 6 days a week and must be worked during any 6 days of a week beginning from midnight on Sunday to midnight of the succeeding Sunday.

Split Shift for Public Service Vehicles

- 6-(1) Public Bus Service drivers who have at least 2 hours break between successive shifts for the day may be required to work normal hours of work in split shifts, as follows -
 - (a) the normal hours of work must be worked in not more than 2 shifts;
 - (b) such shifts must (notwithstanding paragraph 5) be worked between the hours of 5.00 am to 11.30pm;
 - (c) if a lesser number of hours than 8 is actually worked during the day, the worker must be paid for minimum of 8 hours of work and, for the purpose of paragraph 9, is regarded as having performed 8 hours of work.
 - (d) the break between the shifts shall be a minimum of 2 hours.
 - (e) this paragraph shall not apply to any other worker covered by this order.
- (2) For the purpose of this paragraph a meal break not exceeding one hour does not constitute a break between shifts.

Public Holidays

- 7-(1) Subject to sub-paragraph (2) every worker must be paid at his or her normal rate of pay in respect of each public holiday for the number of hours (exclusive of

overtime) which 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 after the public holiday.
- (3) Sub-paragraph (2) is complied with if the worker is -
 - (a) excused from work by the employer;
 - (b) prevented from working by illness or injury verified by a medical certificate; or
 - (c) prevented from working by any other causes acceptable to the employer.

Rostered day off

8. In each week a worker is entitled to one rest day (herein referred to as “the rostered- day- off”) to be determined by the employer and notified to the worker at least 24 hours beforehand. If the rostered- day -off falls on a paid public holiday the worker must be granted an additional day off as a “rostered- day-off”.

Overtime

9. Overtime pay must be paid to every worker as follows-
 - (a) for the first 4 hours worked in excess of 8 hours of each day other than a rostered - day-off or paid public holiday – at one and a half times the worker’s normal hourly rate of pay and for all overtime worked thereafter on the day at twice the worker’s normal hourly rate of pay;
 - (b) for all time worked on the worker’s rostered- day-off, at twice the normal workers hourly rate of pay;
 - (c) for all the time worked on a paid public holiday – at twice the normal hourly rate of pay.

Subsistence Allowance

10. Every worker must, in respect of each night during the whole of which he or she is required by the employer to be absent from the place where he or she was engaged for employment, be paid a subsistence allowance of not less than-
 - (a) \$10.00 if quarters are provided by the employer; or
 - (b) \$20.00 if the employer does not provide quarters.

Meal Allowance

11. Every worker who is required to work overtime in excess of two hours on any normal working day is entitled to a meal allowance of five (\$5.00) dollars and any worker who is required to work on a rostered day off in excess of six (6) hours on that day is entitled to a meal allowance of five (\$5.00) dollars.

Annual Holiday

12. Every worker must be given annual holidays in accordance with the provisions of Part IV of the Employment Regulations, or any other regulation revoking or replacing the same. No deduction is to be made from a worker's pay in respect of any annual holiday taken.

Sick Leave

13. Every worker is entitled to eight days sick leave with pay per year if the sick leave is supported by a medical certificate issued by a registered medical practitioner.

Personal Protective Equipment

14. Employers to provide and maintain Personal Protective Equipment (PPE) without cost to the employees in accordance with an approved standard for the purpose of protecting employees from any Health and Safety hazards associated with the work on which the employees are employed.

Uniforms

15. Employers are encouraged to provide uniforms to its employees to improve the image of the industry.

Revocation

16. The Wages Regulation (Road Transport) Order 2004 is revoked with effect from 10th day of April 2007.

Dated at Suva this 10th day of April 2007.

[MRS BERNADETTE ROUNDS GANILAU]

Minister for Labour, Industrial Relations Tourism & Environment

WAGES REGULATION (ROAD TRANSPORT) ORDER 2007

SCHEDULE (Paragraph 4)

Current Classes of workers Remuneration	Current	
	under 18 yrs	18yrs and over
<i>Clerk</i>	1.96	2.06
<i>Light Vehicle Goods Driver</i>	-	2.15
<i>Heavy Vehicle Goods Driver</i>	-	2.55
<i>Very Heavy Vehicle Goods Driver</i>	-	2.57
<i>Heavy Articulated Vehicle Driver</i>	-	2.57
<i>Mobile Crane Driver</i>	-	2.57
<i>Heavy Mobile Crane Driver</i>	-	2.69
<i>Very Heavy Articulated Driver</i>	-	2.69
<i>Light PSV Driver</i>	-	2.15
<i>Heavy PSV Driver</i>	-	2.55
<i>Fork-Lift Operator</i>	-	2.37
<i>Heavy Fork-lift Operator</i>	-	2.54
<i>Garage Serviceman</i>	1.98	2.08
<i>General Worker</i>	1.91	2.02
<i>Mechanic repairman</i>	1.99	2.63
<i>Ticket Checker</i>	1.83	1.95
<i>Conductor</i>	1.83	1.95
<i>Watchman</i>	1.84	1.95

Learner

1.24

1.24(yr. 1)

1.40(yr.2)

1.70 (yr. 3)
