

[ LEGAL NOTICE NO. 74]

**WAGES COUNCILS ACT**  
**[CHAPTER 98]**

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**NOTICE**

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

Dated this 7<sup>th</sup> day of November 2005

**Surendra Shiudin**  
**Secretary**  
**Mining & Quarrying 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 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 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**

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### **[MINING AND QUARRYING INDUSTRY] ORDER 2005**

IN exercise of the powers conferred upon me by Section 8 of the Wages Council Act, I having received wages regulation proposals from the Mining and Quarrying 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 (Mining and Quarrying Industry) Order 2005, and shall come into force on 18<sup>th</sup> day of November 2005.

#### *Application*

2. This Order does not apply to:-
  - (a) Any worker to whom the Wages Council (Mining and Quarrying Industry) 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 Act or any other law amending or replacing the same.

#### *Interpretation*

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

“apprentice” has the meaning assigned to it by the Training and Productivity Authority Act, or any other law amending or replacing the same;

“casual worker” means any worker whose terms of engagement provide for his payment at the end of each days work and who is not engaged for a longer period of 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; 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;

- “machinist” means a worker with the necessary skills engaged to take charge of and/or operate any machine, which is stationary and used in the Mining and Quarrying Industries;
- “miner” means a worker who has successfully completed training requirements for a period of one year and possesses a valid Blasters License Certificate;
- “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;
- “rostered-day-off” means that day of each week on which a worker is entitled in terms of his contract to be absent from his duty;
- “skilled worker” means a worker engaged to perform tasks not described in the order but a worker who has successfully undertaken relevant training and possess necessary skills for carrying out work associated with the industry;
- “tradesman” means a worker who holds a tradesman certificate relevant to the industry and issued by the Training and Productivity Authority of Fiji or equivalent qualification obtained from tertiary institution.
- “unskilled worker” means a worker who performs tasks which require no particular skill or who is not otherwise defined in this Order;
- “week” means the period between midnight on a Saturday night and midnight on the succeeding Saturday night.

#### *Rates of remuneration*

- 4-(1) The minimum hourly rates of remuneration to be paid to the classes of workers specified in the first column of the Schedule, whether such workers to be paid hourly, daily, weekly or for any periods, shall be those contained in the second column of the Schedule as the case requires.
- (2) The minimum rates of remuneration to be paid to casual workers of the classes specified in the first column of the Schedule shall be twenty-five per centum more than the minimum rates specified in the second column of the Schedule.

#### *Hours of Work*

5. The normal hours of work shall be 48 hours per week and shall be spread over the period of not more than six days per week as follows:
- (a) for workers engaged on five days per week, the normal hour of work shall not exceed nine hours per day; and
  - (b) for workers engaged on six days per week, the normal hour of work shall not exceed eight hours per day.

### *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 does not apply to any worker unless:

- (a) he worked for the employer throughout the last working day preceding the public holiday; and
- (b) he presents himself for employment at the usual starting time on the first working day after such public holiday;

Provided further that sub-paragraphs (a) and (b) of the preceding provision shall be deemed to have been complied with where the worker is excused from presenting himself for employment by his employer, or is prevented from presenting himself for employment by illness or injury covered by a medical certificate or is prevented from presenting himself for employment by other reason which the employer considers satisfactory.

### *Rest Day*

7. In each week a worker shall be entitled to a rest day herein referred to as the rostered day-off, this shall be determined by the employer and notified to the worker not less than seven days in advance of such day. In the event of the rostered day-off falling on a public holiday, in respect of workers engaged on six days working week only shall be entitled and granted an additional day off as rostered day-off.

### *Outstation Allowance*

- 8-(1) the employer shall make appropriate travel arrangement and provide suitable accommodation and food to workers required to work away from the place of employment.
- (2) Where the worker makes his own travel, accommodation and food arrangements or either of them, the employer shall reimburse to the worker, the cost of such travel, accommodation and food as may be agreed between the employer and the worker concerned.

### *Meal Allowance*

- 9 Every worker who is required to work overtime in excess of 3 hours on any normal working day or shifts shall be entitled to a meal allowance of \$3.50.

### *Overtime*

10-(1) Overtime work shall be all work performed:

- (a) in excess of normal hours on a normal working day;
- (b) on days other than the normal working days;
- (c) rostered days off and public holidays.

(2) The rate of remuneration payable for overtime work to a worker shall be:

- (a) one and half time the workers normal hourly rate of remuneration in respect of first four hours worked in excess of normal working hours and twice the workers normal rate of remuneration for all times worked thereafter;
- (b) twice the workers normal rate of remuneration in respect of all time worked on a rostered day-off;
- (c) one and half times the workers normal hourly rate of remuneration in respect of all time worked on a public holiday;
- (d) for workers engaged on five day working week at one and half times the normal rate of remuneration for the first four hours worked on Saturday and thereafter including Sunday at twice the workers normal rate of remuneration.

### *Sick Leave*

11 A worker shall be entitled to ten (10) days sick leave with pay per calendar year provided that :

- (a) Such sickness is supported by a medical certificate issued by a registered medical practitioner;
- (b) This paragraph shall not apply to any worker where the worker or the union representing the workers has entered into a Productivity Remuneration System.

### *Other Allowances*

12. A worker shall be entitled to tool allowance of \$70.00 (seventy dollars) per annum if the said worker is required by his employer to provide his own set of tools as agreed between the said worker and his employer to carry out his normal and routine duties.

13. A worker shall be entitled to height allowance of 24 cents (twenty-four cents) per hour if the said worker is required by his employer to work at a height of over and above 7.5 meters.

14. A worker who is required by his employer to work underground shall be paid an underground allowance at the rate of 14 cents (fourteen cents) per hour.

*Revocation*

15. The Wages Regulation (Mining and Quarrying Industry) Order 2002 is revoked with effect from 18<sup>th</sup> day of November 2005.

Dated at Suva this 7<sup>th</sup> day of November 2005.

**K.V.ZINCK**

**Minister for Labour, Industrial Relations & Productivity**

**SCHEDULE**

**MINIMUM REMUNERATION**

*(Paragraph 4)*

*Class of Workers  
(First Column)*

*Minimum Hourly Rate of Remuneration  
(Second Column)*

Clerk	\$2.14
Machinist	\$2.20
Miner	\$2.97
Operators	\$2.26
Skilled Worker	\$2.20
Tradesman	\$2.49
Unskilled Worker	\$1.90

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