

[LEGAL NOTICE NO. 107]

WAGES COUNCILS ACT
[CHAPTER 98]

NOTICE

THE Minister for Labour and Industrial Relations having made the Wages Regulation (Wholesale and Retail Trades) Order 2006 and having given notice of making that Order to the Wholesale and Retail 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 04th day of August 2006

Surendra Shiudin
Secretary
Wholesale and Retail 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

[WHOLESALE AND RETAIL TRADES] ORDER 2006

IN exercise of the powers conferred upon me by Section 8 of the Wages Council Act, I having received Wages Regulation proposals from the Wholesale and Retail Trades Wages Council, and the provisions of the said section having been otherwise complied with have made the following Order:

Citation

1. This Order may be cited as the Wages Regulation (Wholesale and Retail Trades) Order, 2006 and comes into force on 15th day of September 2006.

Application

2. This Order does not apply to:
 - (a) any worker to whom the Wages Council (Wholesale and Retail 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 of Fiji Act or any other law amending or replacing the same.

Interpretation

3. In this Order unless the context otherwise requires:-
 - “cashier” means a worker who is engaged wholly or mainly in receiving cash for sales affected in his employer’s trade;
 - “casual worker” means a worker whose terms of engagement provide for his payment at the end of each day’s work and who is not engaged for a longer period than twenty – four (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 mails, preparation of out-going correspondence, filing correspondence or other documents, receiving or interviewing callers, arranging appointments, 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;

“driver” means a worker who is engaged wholly or mainly in driving a mechanically propelled vehicle for the transport of goods in connection with their sale, warehousing or sorting;

“driver/trailer” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle with a trailer for the transport of goods or persons or driven for any purpose connected with the business of his employer;

“fork-lift operator” means a worker who is employed wholly or mainly in operating a power driven fork-lift for any purpose connected with the business of his/employer;

“other worker” means a worker engaged to perform tasks not described in the schedule, but a worker who possesses necessary skills for carrying out work associated with the wholesale and retail trades;

“packer” means a worker who is employed wholly or mainly in packing goods;

“public holiday” means any of the days specified in the Schedule to the Public Holidays Act or any day appointed by notification into the Gazette under Section 6 of that Act;

“salesman” means a worker who is wholly or mainly engaged in selling, canvassing or otherwise soliciting for sales either in a store or outside from place to place;

“sewing machinist” means a worker who is employed wholly or mainly in operating a sewing machine for any purpose connected with the business of his employer;

“shop assistant” means a worker who is employed wholly or mainly in a shop serving customers and performing duties incidental thereto;

“storeman” means a worker who is employed wholly or mainly in a store in checking stock in or out, issuing stock, or caring for stock;

“unskilled worker” means a worker who is employed wholly or mainly on any of the following duties that is to say, the opening, closing, sweeping and cleaning of premises and the lifting, carrying and opening of goods, or on manual work of a similar nature, or on any duty not otherwise specified in this Order in any establishment to which the provisions of the Wages Council (Wholesale and Retail Trades) Order applies;

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

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

“weekday” means any day of the week other than a Sunday or public holiday.

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 hereto, whether such workers to be paid hourly, daily, weekly or for any other periods, shall be those contained in the second or third column of the Schedule, as the case requires.
- 4-(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 or third column of the Schedule.

Public Holidays

5. Every worker shall be paid in respect of each public holiday for the number of hours work (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:

And provided further that sub-paragraphs (a) and (b) is 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 any other reason which the employer considers satisfactory.

Watchman's Hours

- 6-(1) The normal hours of work for a watchman shall be eight hours a day for six days a week, and may be worked during any six days or any week beginning from midnight on Saturday to midnight on succeeding Saturday.

- 6-(2) In each week a watchman is entitled to one rest day hereinafter referred to as the “rostered day - off” which shall be determined by the employer and notified to the watchman no less than one week in advance of the week within which it falls.

Overtime

- 7-(1) Overtime remuneration shall be paid to:-
- (a) every worker employed for five days or less per 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 paid public holidays;
 - (b) every worker employed on a five and one-half working week or, not being a watchman, on a six-day working week for all time worked:
 - (i) in excess of 8 hours on any week day other than the early closing day applicable to him;
 - (ii) in excess of five hours on such early closing day or where employed upon a six-day working week, in excess of five hours on such sixth day; and
 - (iii) on Sundays and public holidays; and
 - (c) every watchman employed on a six-day week for all time worked in excess of 8 hours on any working day and for all time worked on the rostered day off.
- 7-(2) The remuneration payable under the provisions of sub-paragraph (1) shall in the case of paid public holidays be in addition to that payable under paragraph 5.
- 7-(3) The rate of remuneration payable for overtime worked by workers in sub-paragraphs (1) (a) and (b) shall be:
- (a) on week days, one and one-half times the workers’ normal hourly rate of pay for the first two hours and thereafter at twice the workers normal hourly rate of pay;
 - (b) on Sundays and public holidays twice the workers’ normal hourly rate of pay.
- 7-(4) At least four hours overtime pay at the rate specified in sub-paragraph 3(b) shall be paid in respect of any overtime on Sundays and public holidays.

Provided that in the case of emergency which could not have been controlled or foreseen, and which is not of a regular periodical nature, where no notice has been

given by the employer on a day previous to the said emergency, at least two hours' overtime pay shall be paid.

Sick Leave

8. A worker shall be entitled to 6(six) days sick leave with pay per calendar year provided that:
 - (a) such sick leave are supported by a medical certificate issued by a registered medical practitioner;
 - (b) this paragraph shall not apply to any worker unless the worker has been in the employment of his employer for an initial period of three (3) months.
 - (c) Unutilised sick leave at the end of the year to be paid in addition to the annual leave entitlement.

Meal Allowance

9. 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 \$4.50 (four dollars and fifty cents).

Subsistence Allowance

10. Every worker shall in respect of each night during the whole of which he is required by his employer to work in a location (or workplace) different from the workers usual workplace or place of engagement for employment, be paid a subsistence allowance of not less than:-
 - (a) \$17.50 (seventeen dollars and fifty cents) per day, if accommodation without meals, is provided by the employer; or
 - (b) \$25.00 (twenty five dollars) per day, if neither the accommodation nor meals, is provided by the employer;

Provided in the event where a worker is supplied with accommodation and meals by his employer, he shall not be entitled to any allowance.

Personal Protective Equipment

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

Revocation

12. The Wages Regulation (Wholesale and Retail Trades) Order, 2003 dated the 5th day of June 2003 is revoked with effect from 15th day of September 2006.

Dated at Suva this 15th day of September 2006.

[KRISHNA DATT]
Minister for Labour and Industrial Relations

Wages Regulation (Wholesale and Retail Trades) Order 2006

SCHEDULE
(Paragraph 4)

MINIMUM REMUNERATION

<i>Class of Workers</i> <i>First Column</i>	<i>Minimum Hourly Remuneration</i>	
	<i>2nd Column</i> <i>Under 18 yrs</i>	<i>3rd Column</i> <i>Over 18 yrs</i>
Cashier	2.02	2.15
Clerk	1.98	2.11
Driver L/Goods & Group 2	-	2.28
Driver H/Goods	-	2.61
Fork Lift Operator	-	2.43
Packer	1.94	2.11
Salesman	2.04	2.18
Sewing Machinist	2.00	2.12
Sales Assistant	1.98	2.11
Storeman	2.02	2.15
Unskilled Worker	1.84	1.98
Watchman	1.90	2.05
Other Worker	1.98	2.11
