

[LEGAL NOTICE NO: 87]

WAGES COUNCILS ACT
[CHAPTER 98]

NOTICE

THE Minister for Labour and Industrial Relations having made the Wages Regulation (Manufacturing Industry) Order 2006 and having given notice of making that Order to the Manufacturing Industry 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 14th day of July 2006

Surendra Shiudin
Secretary
Manufacturing 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 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

[MANUFACTURING INDUSTRY] 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 Manufacturing Industry 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 (Manufacturing Industry) Order 2006, and shall come into force on the 21st day of August 2006.

Application

2. This Order shall apply to any worker to whom the Wages Council (Manufacturing Industry) Order applies, except an apprentice employed under a contract of apprenticeship entered into in accordance with the Training and Productivity Act.

Interpretation

3. In this order, unless the context otherwise requires: -
 - “casual worker” means a worker whose terms of engagement provides for payment at the end of each day’s work and who is not engaged for longer period than 24 hours at a time;
 - “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 rate of remuneration to be paid to any worker, whether paid hourly, daily, weekly or for any period is \$2.00 per hour.
- (2) The minimum hourly rate of remuneration to be paid to a casual worker is \$2.44 per hour.

Working Week

- 5-(1) A working week consists of not more than 48 hours spread over a maximum of 6 days per week.
- (2) For workers required to work for 6 days a week, the normal hours of work per day are 8; and for workers required to work 5 days a week, the normal hours of work per day are 9.

Shift Work

- 6-(1) If a worker's normal hours of work are on a shift basis -
 - (a) the normal hours of work per shift are as specified in paragraph 5(2); and
 - (b) if the number of hours actually worked during a shift is less than the number of hours specified for the shift, the worker must be paid for the full shift and for the purposes of paragraph 8 is to be regarded as having worked for a full shift.
- (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 and 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.

Rest day

- 8-(1) a worker who is normally required to work for 6 days a week is entitled to one rest day in each week.
- (2) A worker who is normally required to work for 5 days a week is entitled to 2 consecutive rest days each week.
- (3) If a rest day coincides with a public holiday the worker is entitled to an alternative rest day.

Overtime

- 9-(1) Overtime pay must be paid to –
 - (a) Every worker employed for 5 days or less a week – for all time worked in excess of 9 hours on any working day during a week, and for all hours worked on any rest day or public holiday; for all the time worked on a paid public holiday at twice the normal hourly rate of pay;
 - (b) Every worker employed on a 6 day working week – for all hours worked;-
 - (i) in excess of 8 hours on any of the first 5 days of the week;
 - (ii) in excess of 8 hours on the 6th day of the week;
 - (iii) on any rest day or public holiday.
- (2) Overtime pay payable under sub-paragraph (1) for a public holiday is in addition to that payable under paragraph 7.
- (3) The rate of remuneration payable for overtime worked -
 - (a) by a worker to whom sub-paragraph (1)(a) applies is –
 - (i) on any working day and on the first rest day - 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;
 - (ii) on the second rest day and on a public holiday – twice the worker's normal hourly rate of pay.

(b) by a worker to whom sub-paragraph (1)(b) applies is-

- (i) on any working day – one and a half times the worker’s normal hourly rate of pay for the first 4 hours and thereafter twice the worker’s normal hourly rate of pay;
 - (iii) on a rest day or public holiday – twice the worker’s normal hourly rate of pay
- (4) A minimum of 4 hours overtime pay at the rates specified in sub-paragraph (3) must be paid in respect of any overtime worked on a rest day or a public holiday.

Sick Leave

10. A worker is entitled to 10 days sick leave with pay per calendar year if sick leave is supported by a medical certificate issued by a registered medical practitioner.

Annual holiday

11. No deduction is to be made from a worker’s remuneration in respect of any annual holiday taken under Part IV of the Employment Regulations.

Meal Allowance

12. Every worker who is required to work overtime in excess of two (2) hours on any normal working day is entitled to meal allowance of \$3.50.

Night Allowance

13. Night allowance at the rate of 9 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 10.00pm on one day and 6.00am on the following day.

Personal Protective Equipment

14. 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

15. The Wages Regulation (Manufacturing Industry) Order 2003 dated 4th March 2003 is revoked with effect from the 21st day of August 2006.

Dated at Suva this 17th day of August 2006

[KRISHNA DATT]
Minister for Labour and Industrial Relations