

FIJI ISLANDS GOVERNMENT GAZETTE SUPPLEMENT

No. 20
FRIDAY, 20th MAY
2011

[LEGAL NOTICE NO. 37]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment, having made the Wages Regulation (Mining & Quarrying Industry) Order 2011 pursuant to section 54 (5) of the Employment Relations Promulgation 2007, hereby publishes the said Order—

Dated this 21st day of April, 2011.

S. LESI
Secretary
Mining & Quarrying Industry Wages Council

It is provided by section 56 (1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows:

“An employer that fails to comply with subsection (1) commits an offence”.

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction:—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
 - (b) for a company or corporation, to a fine not exceeding \$50,000.
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WAGES REGULATION (MINING AND QUARRYING INDUSTRY) ORDER 2011

In exercise of the powers conferred upon me by section 54 (2) of the Employment Relations Promulgation 2007, 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, make the following Order:

Citation and commencement

1. This Order may be cited as the Wages Regulation (Mining and Quarrying Industry) Order 2011, and is deemed to have come into force on 1st day May, 2011.

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 Fiji National University (Amendment) Decree 2010.

Interpretation

3. In this Order, unless the context otherwise requires—
 - “apprentice” has the meaning assigned to it by the Fiji National University (Amendment) Decree 2010;
 - “casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the twenty-four (24) hour period immediately following the payment;
 - “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, possesses a valid Blasters License Certificate and have worked as an Assistant Miner/Scraper, Op/Timberman for more than 3 years;
 - “assistant miner/scraper” means a worker who is working as an operation/timberman/magazine attendant with more than a year experience;
 - “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 section 64 of the Promulgation or any day appointed by notification under section 6 of that Promulgation;

- “Promulgation” means the Employment Relations Promulgation of 2007;
- “rostered-day-off” means that any 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;
- “technical services” means a worker with at least one year experience on the job on the following; Survey or Geology or Lab or Ventilation;
- “tradesman” means a worker who holds a tradesman certificate relevant to the industry and issued by the Training and Productivity Authority of Fiji or the Fiji National University or equivalent qualification obtained from tertiary institution and has worked for three years in the industry;
- “tradesman trainee” means a worker who holds a tradesman certificate relevant to the industry and issued by the Training and Productivity Authority of Fiji or the Fiji National University or equivalent qualification obtained from tertiary institution but has no work experience in the industry;
- “unskilled worker” means a worker who performs tasks which require no particular skill or who is not otherwise defined in this Order;
- “week” means a period of 7 consecutive days.

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 and third 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 cent more than the minimum rates specified in the second and third column of the Schedule.

Hours of Work

5.—(1) Subject to subsections (2) and (3), an employment contract must fix at not more than 45 or 48 the maximum number of hours (exclusive of overtime) to be worked in a week by a worker bound by that contract.

(2) If the number of hours (exclusive of overtime) fixed by an employment contract to be worked by a worker in a week is 45 hours or more, but less than 48 hours as mentioned in subsection (1), the parties must fix the daily working hours so that those hours are worked on not more than 5 days.

(3) If the maximum number of hours (exclusive of overtime) fixed by an employment contract to be worked by a worker in a week is 48 hours or more as mentioned in subsection (1), the parties must fix the daily working hours so that those hours are worked on not more than 6 days.

Public Holidays

6. Every worker shall be paid in respect of each public holiday for the number of hours worked (exclusive of overtime) which the worker 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) the worker had worked for the employer throughout the last working day preceding the public holiday; and
- (b) the worker presents himself or herself 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 prevented from presenting himself or herself for employment by illness or injury covered by a medical certificate or is prevented from presenting himself or herself for employment by any other cause acceptable to the employer.

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 or her 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 \$5.50 or a decent meal pack.

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 worker's normal hourly rate of remuneration in respect of first four hours worked in excess of normal working hours and twice the worker's normal rate of remuneration for all times worked thereafter;

- (b) twice the worker's normal rate of remuneration in respect of all time worked on a rostered day-off;
- (c) one and half times the worker's 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.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Bereavement Leave

12. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

13. The employer has a "duty of care" responsibility under Section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Condition) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments which must be provided by the employer without any cost to the employees.

Grievance Procedure

14. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour – Management, Consultation and Cooperation Committee

15.—(1) All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour – Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and

(2) All Wages Regulation Orders are to have a provision requiring employers to complete the Labour-Management Consultation and Co-operation Committee record forms as a general obligation to ensure the attaining of quality control.

Other Allowances

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

(2) A worker shall be entitled to height allowance of 24 cents (twenty-four cents) per hour if the said worker is required by the employer to work at a height of over and above 7.5 meters unless he works on a properly constructed fixed structure.

(3) Any surface worker who is required by his or her employer to work underground shall be paid underground allowance at the rate of 14 cents (fourteen cents) per hour.

Revocation

17. The Wages Regulation (Mining and Quarrying Industry) Order 2009 is revoked with effect from 1st May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

SCHEDULE

MINIMUM REMUNERATION
(Paragraph 4)

| <i>Class of Workers (First Column)</i> | <i>Minimum Hourly Rate of Remuneration</i> | |
|--|--|-------------------------------------|
| | <i>(Second Column - u/ground)</i> | <i>(Third Column/surface rates)</i> |
| Clerk | \$2.79 | \$2.79 |
| Machinist | \$3.03 | \$2.87 |
| Miner | \$4.03 | \$3.87 |
| Assistant Miner/Scraper | \$3.03 | \$2.87 |
| Operators | \$3.10 | \$2.95 |
| Skilled Worker | \$3.03 | \$2.87 |
| Technical Services | \$3.03 | \$2.87 |
| Tradesman | \$3.40 | \$3.25 |
| Tradesman Trainee | \$2.95 | \$2.79 |
| Unskilled Worker | \$2.63 | \$2.48 |

[LEGAL NOTICE NO. 38]

WAGES COUNCIL

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[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulations (Wholesale and Retail Trades) Order 2011 and pursuant to section 54 (5) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April, 2011.

S. LESI
Secretary
Wholesale and Retail Trades Wages Council

It is provided by section 56 (1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows—

“An employer that fails to comply with subsection (1) commits an offence.”

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.00.

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WAGES REGULATION
(WHOLESALE AND RETAIL TRADES) ORDER 2011

IN exercise of the powers conferred upon me by section 54 (5) of the Employment Relations Promulgation 2007, 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 and commencement

1. This Order may be cited as the Wages Regulation (Wholesale and Retail Trades) Order, 2011 and is deemed to have come into force on 1st May, 2011.

Application

2. This Order shall apply to such workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment additional benefit whatsoever, whether in money or otherwise, does not exceed \$250.00 per week and who are employed in Fiji and Rotuma in any undertaking, any part of the business of which is wholesale trade or retail trade or wholesale and retail trade as come into any of the following categories, and their employers—

- (a) Workers employed in or about a shop on operations carried on for the purpose of selling goods or the preparation of goods for sale;
- (b) Workers employed in warehouses and stores in connection with warehousing or storing of goods which are to be sold;
- (c) Workers employed in transporting goods in connection with their sale, warehousing or storing;
- (d) Watchman employed in or about shops, warehouses or stores; and
- (e) Clerical workers

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 the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“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 correspondences, filing correspondences 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 correspondences;

“driver” means a worker who is employed 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 section 64 of the Promulgation or any day appointed by notification into the *Gazette* under section 66 of the Promulgation;

“Promulgation” means the Employment Relations Promulgation of 2007;

“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/her 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 Regulation (Wholesale and Retail Trades) Order 2011 applies;

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

“week” means a period of 7 consecutive days;

“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 column of the Schedule.

(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.

Public Holidays

5. Every worker shall be paid in respect of each public holiday for the number of hours worked (exclusive of overtime) which he/she 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) the worker worked for the employer throughout the last working day preceding the public holiday; and
- (b) he/she present himself/herself for employment 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/herself for employment by his/her employer or is prevented from presenting himself/herself for employment by illness or injury covered by a medical certificate or is prevented from presenting himself/herself for employment by any other reason which the employer considers satisfactory.

Hours of Work

6.—(1) Subject to subsections (2) and (3), an employment contract must fix at not more than 45 or 48 the maximum number of hours (exclusive of overtime) to be worked in a week by a worker bound by that contract.

(2) If the number of hours (exclusive of overtime) fixed by an employment contract to be worked by a worker in a week is 45 hours and more but less than 48 hours as mentioned in subsection (1), the parties must fix the daily working hours so that those hours are worked on not more than 5 days.

(3) If the maximum number of hours (exclusive of overtime) fixed by an employment contract to be worked by a worker in a week is 48 hours and more as mentioned in subsection (1), the parties must fix the daily working hours so that those hours are worked on not more than 6 days.

7.—(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.

(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

8.—(1) Overtime remunerations 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;
- (b) every worker employed on a six-day working week for all time worked in excess of 8 hours on any working day during such week, 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.

(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.

(3) The rate of remuneration payable for overtime worked by workers in sub-paragraphs (1) (a) and (b) shall be—

- (a) on weekdays, one and one-half times the worker's normal hourly rate of pay for the first two hours and thereafter at twice the worker's normal hourly rate of pay; or
- (b) on public holidays twice the worker's normal hourly rate of pay.

(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 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

9.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlements must not be accumulated and unused sick leave for each year automatically lapses.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable, notify the employer of his or her absence and the reason for it; and
- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Meal allowance

10. 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 \$5.50 or a decent hot meal.

Subsistence allowance

11. 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 worker's usual workplace or place of engagement for employment, be paid a subsistence allowance of not less than—

- (a) \$21.00 per day, if accommodation without meals, is provided by the employer; or
- (b) \$30.00 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/she shall not be entitled to any allowance.

Bereavement leave

12. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

13. The employer has a “duty of care” responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the workers.

Grievance Procedure

14. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour- Management, Consultation and Cooperation Committee (LMCCC)

15. All employers with more than 20 workers are required by Sections 9(1)(d) and 9(3) of the Promulgation to have a Labour-Management Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity. Employers are to complete LMCCC forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

16. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

Revocation

17. The Wages Regulation (Wholesale and Retail Trades) Order, 2009 is hereby revoked with effect from 1st May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

SCHEDULE
(Paragraph 4)

| <i>Class of Workers [First Column]</i> | <i>Minimum Hourly Remuneration No age discrimination [Second Column]</i> |
|--|--|
| Cashier | \$2.75 |
| Clerk | \$2.75 |
| Driver L/Goods & Group 2 | \$2.75 |
| Driver H/Goods | \$3.19 |
| Fork Lift Operator | \$2.92 |
| Packer | \$2.64 |
| Salesman | \$2.75 |
| Sewing Machinist | \$2.75 |
| Sales Assistant | \$2.75 |
| Storeman | \$2.75 |
| Unskilled Worker | \$2.59 |
| Watchman | \$2.53 |
| Other Worker | \$2.75 |

[LEGAL NOTICE NO. 39]

WAGES COUNCIL

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[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Manufacturing Industry) Order 2011 and pursuant to the provisions of section 54 (5) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April 2011.

S. LESI
Secretary
Manufacturing Industry Wages Council

It is provided by section 56 (1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows—

“An employer that fails to comply with subsection (1) commits an offence.”

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction:—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.

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WAGES REGULATION
(MANUFACTURING INDUSTRY) ORDER 2011

IN exercise of the powers conferred upon me by section 54 (5) of the Employment Relations Promulgation 2007, having received wages regulation proposals from the Manufacturing 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 (Manufacturing Industry) Order 2011, and is deemed to have come into force on 1st May, 2011.

Application

2. This Order shall apply to all workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$250 per week and who are employed in any undertaking or any part of an undertaking engaged in a Manufacturing process in respect of which a license under the Business Licensing Act is in force or is required, by law in respect of such undertaking and their employers.

Interpretation

3. In this Order, unless the context otherwise requires—

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification under section 66 of that Promulgation;

“Promulgation” means the Employment Relations Promulgation of 2007;

“week” means a period of 7 consecutive days.

Rates of remuneration

4.—(1) The minimum hourly rates of remuneration to be paid to any worker, whether paid hourly, daily, weekly or for any period is \$2.75 per hour.

(2) The minimum hourly rate of remuneration to be paid to a casual worker is \$3.44 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 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.

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 day of the week;
 - (ii) 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 worker's normal hourly rate of pay for the first four hours and thereafter twice the worker's 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;
 - (ii) 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.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Meal Allowance

11. 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 \$5.50 or a decent hot meal.

Bereavement Leave

12. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Annual holiday

13. No deduction is to be made from a worker's remuneration in respect of any annual holiday taken under section 58 of the Promulgation.

Night Allowance

14. 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.

Occupational Health and Safety Compliance

15. The employer has a "duty of care" responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

16. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour – Management, Consultation and Cooperation Committee

17. All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete Labour – Management, Consultation and Cooperation Committee forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

18. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

Revocation

19. The Wages Regulation (Manufacturing Industry) Order 2009 is revoked with effect from the 1st day of May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

[LEGAL NOTICE NO. 40]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Hotel and Catering Trades) Order 2011, and pursuant to section 54(5) of the Employment Relations Promulgation 2007, hereby publishes the said Order.

Dated this 21st day of April 2011.

S. LESI
Secretary
Hotel and Catering Trades Wages Council

It is provided by section 56 (1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows—

“An employer that fails to comply with subsection (1) commits an offence.”

The penalty for non-compliance is a fixed penalty of \$100.00. In the event of non-payment of the fixed penalty, the offender is liable on conviction—

- (a) for an individual, to a fine not exceeding \$10,000.00 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.00.

WAGES REGULATION
(HOTEL AND CATERING TRADES) ORDER 2011

IN exercise of the powers conferred upon me by section 54 subsection (5) of the Employment Relations Promulgation 2007, having received wages regulation proposals from the Hotel & Catering Trades 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 (Hotel and Catering Trades) Order, 2011 and is deemed to have come into force on 1st May, 2011.

Application

2. This Order shall apply to all workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$250.00 per week and who are employed in any undertaking or any part of the business of which includes the supply of food or drink for sale for immediate consumption or consumption on the premises or the provision of living accommodation for five or more adult guests or lodgers, and their employers.

Interpretation

3. In this Order unless the context otherwise requires—

“barman” means a worker who is employed wholly or mainly in mixing, dispensing and serving alcoholic and non-alcoholic beverages at bars or on duties ancillary to those tasks;

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“clerk” means a worker who is employed wholly or mainly in performing one or more of the following classes of work, that is to say, sorting incoming mail, preparing outgoing correspondence, filing correspondence or other documents, receiving and documenting guests, receiving and recording messages by telephone, making entries in books showing receipts to or payments from petty cash, shorthand writing, typing correspondence, book-keeping, operating machine equipment for accounting, calculating, addressing, franking, copying and reproducing documents and drawings, preparing stencils, duplicating or composing office correspondence;

- “cook” means a worker who is employed wholly or mainly in preparing and cooking the dishes normally listed on the menu of the institution where he works, including the mixture of two or more ingredients or the preparation and cooking of meat, poultry, game or fish and on duties ancillary to any of those tasks;
- “day” means a continuous period of twenty four hours beginning at midnight on any day and ending at midnight the following day;
- “general worker” means a worker who is employed wholly or mainly in performing tasks, which requires no particular skill, not being a worker of any other kind specified in this Order;
- “house worker” means a worker who is employed wholly or mainly in all or any of the tasks that is to say cleaning and servicing guest rooms, cleaning bathrooms, corridors, staircases, lounges, dining rooms and restaurants, or on duties ancillary to those tasks;
- “kitchen-hand” means a worker who is employed wholly or mainly in assisting a cook;
- “laundry-hand” means a worker who is employed wholly or mainly in washing, drying or ironing clothing, bedding or furnishing or on duties ancillary to those tasks;
- “licensed undertaking” means an undertaking in respect of the whole or part of which a license under the Liquor Act is in force;
- “night attendant” means a worker who is employed wholly or mainly on night work performing various tasks including carrying luggage, cleaning shoes, attending to the requirements of guests or clients, attending telephones or any other duties ancillary to any of those tasks;
- “outer island business” means a business of hotel and catering trades operated outside the mainland of Viti Levu, Vanua Levu, Ovalau and Taveuni not accessible by road;
- “outdoor worker” means a worker who is employed wholly or mainly on outdoor work in connection with the employer’s trade or business, including the cultivation of flowers, shrubs, trees or other plants, the preparation of soil for planting or transplanting, pruning plants, weeding, mowing lawns, taking care of plants, removing or disposing of refuse or duties ancillary to any of those tasks;
- “public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification under section 66 of the Promulgation;
- “part-time worker” means a worker who is employed on a weekly contract of service and, at his own request, works less than forty-eight hours per week;

“Promulgation” means the Employment Relations Promulgation of 2007;

“student trainee” means:

- (a) an employee who is undertaking full-time course of instruction at the Fiji National University or any recognised tertiary institution; or
- (b) any employee who:
 - (i) is under the age of 18 years; or
 - (ii) having attained the age of 18 years, has not previously worked in any undertaking to which the Hotel and Catering Trades Wages Council Order relates, and is undertaking a training programme that is approved by the Fiji National University or any recognised tertiary institution as being a programme;
 - (iii) under which the training provided is supervised by a registered Training Officer, and shall not be rostered as a regular employee and provided free meals and travel allowance during the period of attachment;
 - (iv) the duration of which, in the case of an employee who has attained the age of 18 years, is attached for only 3 months.
 - (v) they will be paid a Training Allowance of \$50 a week irrespective of whether under 18 years or over 18 years.

“waiter” means a worker who is employed wholly and mainly in the serving of food or drinks at tables or on duties ancillary to those tasks;

“watchman” means a worker who is employed wholly or mainly in the watching or guarding of premises or property and any items therein;

“week” means the period of 7 consecutive days.

Rates of Remuneration

4.—(1) The minimum rates of remuneration to be paid to workers other than casual workers are specified in the tables set out in the Schedule.

(2) The minimum rates of remuneration to be paid to casual workers shall be twenty-five per centum more than those specified in the Schedule.

Rest day

5.—(1) In each week a worker shall be entitled to one rest day, which shall be determined by the employer and notified to the worker not less than a week in advance of that day except for the workers employed by the employers in outer islands under the arrangements made by the following sub-clause (2), in which case the notice shall not be less than a fortnightly or a month in advance of such rest days as the case may be.

(2) All workers engaged by the employers operating business in outer island shall be permitted to grant “rest days” to such workers as follows—

- (i) after having worked for 12 consecutive days, the employer shall grant 3 consecutive days off; or
- (ii) after having worked for 24 consecutive days, the employer shall grant 5 consecutive days off.

Working week

6. The normal working week shall consist of forty-eight hours spread over six days in any one week.

Split shifts

7.—(1) Where a worker is required to work his normal hours of work in separate shifts—

- (a) the normal hours of work in a day shall be worked in not more than two shifts;
- (b) those shifts shall be completed within 13 hours, computed from starting to finishing time, including meal breaks; and
- (c) if the worker is actually required to work fewer hours than are specified in his contract, the worker shall be paid for the minimum number of hours so specified.

(2) A worker who is required to work his normal hours of work in separate shifts shall be entitled to payment of shift allowance of \$1.15 cents per day in addition to his/her normal rate of remuneration.

(3) For the purpose of this paragraph, a meal break not exceeding one hour in duration shall not constitute a break between shifts.

Public Holiday

8. 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 workers unless—

- (a) he worked for the employer throughout the last working day preceding the public holiday; and
- (b) he presents himself for employment 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.

Overtime

9. Overtime remuneration shall be paid to every worker in the classes mentioned in the Schedule—

- (a) for the first four hours worked in excess of eight hours on each day other than the rostered day off applicable to the worker concerned, at one and one-half times the worker's normal rate of remuneration and for all overtime worked thereafter on such day, at twice the worker's normal rate of remuneration;
- (b) for all the time worked on the worker's rostered day off, at twice the worker's normal rate of remuneration.

Annual Holiday

10. All workers shall be given annual holidays in accordance with the provision of section 58 of the Promulgation.

Night Shift Allowance

11. Night shift allowance, at the rate of 11 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 10pm on one day and 6am on the day immediately following.

Sick Leave

12.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Meal Allowance

13. Every worker who is required to work overtime in excess of two hours on any normal working day or shift shall be entitled to meal allowance of \$5.50 or a decent hot meal.

Bereavement Leave

14. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

15. The employer has a "duty of care" responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

16. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour Management Consultation and Cooperation Committee

17. All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour Management Consultation Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete Labour Management Consultation and Cooperation Committee forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

18. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

Revocation

19. The Wages Regulation (Hotel and Catering Trades) Order 2009 is revoked with effect from 1st May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

SCHEDULE

| <i>Class of Workers</i> | <i>Licensed Undertaking</i> | <i>Other Undertaking</i> |
|-------------------------|-----------------------------|--------------------------|
| Barman | \$2.92 | \$2.64 |
| Clerk | \$2.86 | \$2.59 |
| Cook | \$2.97 | \$2.70 |
| General Worker | \$2.75 | \$2.53 |
| House Worker | \$2.75 | \$2.53 |
| Kitchen Hand | \$2.75 | \$2.53 |
| Laundry Hand | \$2.75 | \$2.53 |
| Night Attendant | \$2.75 | \$2.53 |
| Outdoor Worker | \$2.75 | \$2.53 |
| Student Trainee | - | - |
| Waiter | \$2.75 | \$2.53 |
| Watchman | \$2.75 | \$2.53 |

[LEGAL NOTICE NO. 41]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Building and Civil and Electrical Engineering Trades) Order 2011, and pursuant to section 54 (5) of the Employment Relations Promulgation 2007, hereby publishes the said Order.

Dated this 21st day of April 2011.

S. LESI
Secretary

Building & Civil & Electrical Engineering Trades Wages Council

It is provided by section 56(1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows—

“An employer that fails to comply with subsection (1) commits an offence.”

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.

WAGES REGULATION (BUILDING AND CIVIL
AND ELECTRICAL ENGINEERING TRADES) ORDER 2011

IN exercise of the powers conferred upon me by section 54 (5) of the Employment Relations Promulgation 2007, and having received the wages regulations proposals from the Building and Civil and Electrical Engineering Trades Wages Council, and the provisions of the said section having been otherwise complied with, have hereby made the following Order—

Citation and commencement

1. This Order may be cited as the Wages Regulation (Building and Civil and Electrical Engineering Trades) Order, 2011 and is deemed to have come into force on 1st May, 2011.

Application

2. This order shall apply to such of the workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional payment whatsoever, whether in money or otherwise, does not exceed \$250.00 per week and who are employed in Fiji or Rotuma in any undertaking or part of an undertaking which consists in the carrying on, for gain, of one or more of the following activities concerned with the business of building or civil or electrical engineering:—

- (a) the construction, structural alteration, maintenance, repair or demolition of any building, or the preparation for and laying the foundation of, any intended building;
- (b) the construction, structural alteration, maintenance, repair or demolition of any railway line or siding, airfield, dock, harbour, wharf, quay, pier, road, tunnel, bridge, viaduct, waterworks, dam, reservoir, pipeline, aqueduct, drain, drainage works, sewer or sewage works;
- (c) the generation of electricity or the installation, construction, demolition, alteration, maintenance, extension, renewal or repair of equipment, lines or other work in connection with the use of distribution of electricity;
- (d) any store or workshop operated wholly or mainly in connection with any of the works referred to in sub-paragraphs (a), (b) or (c) or the repair, maintenance or testing of any machinery or mechanical or engineering equipment used in connection with such works.

Interpretation

3. In this order, unless the context otherwise requires—

“apprentice” has the meaning assigned to it by the Fiji National University (Amendment) Decree 2010, or any other law amending or replacing the same;

“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;

“driver heavy goods” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle, exceeding 10 tons (10160kg) load capacity;

“driver light goods” means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle of 60cwt (3360kg) or less unladen in weight;

- “five-day working week” means a working period of 45 hours made of 9 hours each day from Monday to the succeeding Friday, both days inclusive;
- “foreman” means a worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies and who supervise over twenty (20) workers on a worksite;
- “general tradesman” means a semi or skilled tradesman to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies and who is not otherwise defined in this Order;
- “heavy plant operator” means a worker who is required to operate any wheeled or trailed plant or equipment, which has a weight exceeding 10 tons or lifting capacity exceeding 10 tons;
- “leading hand” means a worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies and who supervises a minimum of six (6) and a maximum of twenty (20) workers on a worksite;
- “light plant operator” means a worker who is required to operate any wheeled or trailed plant or equipment, which has a weight exceeding 20 tons or lifting capacity exceeding 20 tons;
- “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;
- “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 section 64 of the Employment Relations Promulgation 2007 or any day appointed by notification under section 66 of the Promulgation;
- “Promulgation” means the Employment Relations Promulgation of 2007;
- “tradesman class 1” means a worker who holds a tradesman class 1 trade test certificate issued by the Director of the Training and Productivity Authority of Fiji under the Fiji National Training (Trade Testing) Regulations, 1976 or under the Fiji National University (Amendment) Decree 2010 and shall have a complete set of tools;
- “tradesman class 2” means a worker who holds a tradesman class 2 trade test certificate issued by the Director of the Training and Productivity Authority of Fiji under the Fiji National Training (Trade Testing) Regulations 1976 or under the Fiji National University (Amendment) Decree 2010 or a worker who has successfully completed an apprenticeship in any of the trades to which this Order applies, and has been awarded the Trade Course Certificate by Fiji Institute of Technology or Certificate of Apprenticeship awarded by the Training and Productivity Authority of Fiji or the National Training and Productivity Centre of the Fiji National University and shall have a complete set of tools;

“tradesman class 3” means a worker who holds a tradesman class 3 trade test certificate issued by the Training and Productivity Authority of Fiji under the Fiji National Training (Trade Testing) Regulations 1976 or under the Fiji National University (Amendment) Decree 2010;

“unskilled work” means work which requires no particular skill and includes the digging or filling of holes by using a pick or a shovel; clearing construction sites with hand tools; mixing and spreading mortar or cement with a hand shovel or rake; fragmenting stones or demolishing walls or other structure by hand pick or hammer, cleaning waste materials from workplaces or carrying materials to work places; lifting and stacking by hand bricks, timber and other materials or objects; digging or shovelling loose materials by hand; cutting or clearing under bush or trees; doing routing maintenance work on roads by using hand shovel; pick or other tools;

“unskilled worker” means a worker who is wholly or mainly employed with unskilled work;

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

“week” means a period of 7 consecutive days;

“worker” means a worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies.

Rates of Remuneration

4. The minimum hourly rates of remuneration to be paid to the 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 column of the Schedule.

Hours of Work

5. The normal hours of work shall be 9 hours x 5 days i.e. forty-five (45) hours in any one week.

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 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.

Overtime

7.—(1) Overtime remuneration shall be paid to every worker employed on a five day 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 public holidays.

(2) The remuneration payable under sub-paragraph (2) shall in the case of public holidays, be in addition to that payable under paragraph 6.

- (3) The rate of remuneration payable for overtime shall be—
- (i) on week days, including Saturdays, one and one-half times the worker's normal hourly rate of remuneration;
 - (ii) on gazetted public holidays and Sundays, twice the workers' normal hourly rate of remuneration; and
 - (iii) on days when a worker is required to continue work after midnight twice the worker's normal hourly rate of remuneration for all work performed after midnight.

Provided that subject to the provisions of paragraph 8, the minimum payment for time worked on Sundays and public holidays shall be not less than the remuneration payable to the worker for three hours worked on such days.

(4) When overtime is necessary, it shall be so arranged that workers have at least eight consecutive hours off duty between the works of successive days. A worker who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he had not had at least eight consecutive hours off duty between those times, without loss of wages for ordinary working time occurring during such absences. If on the instruction of his employer such a worker resumes or continues work without having had said eight consecutive hours off duty, he shall be paid at twice his hourly rate of remuneration until he is released from duty for such period, and he shall then be entitled to be absent until he has had eight consecutive hours off duty without loss of remuneration for ordinary working time occurring during such absence.

Annual Holidays

8. No deduction is to be made from workers remuneration in respect of annual holiday taken by a worker under section 58 of the Promulgation.

Attendance Money

9. Every worker who presents himself for work on any day which he is required by his employer to present himself for work, but is prevented from working by reason of inclement weather, shall be paid:

- (a) for any day, other than a Sunday or a public holiday not less than the remuneration payable to such worker for three hours work on that day; and
- (b) for a Sunday or public holiday, not less than the remuneration payable to such worker for one hour's work on that day and such remuneration shall be in addition to that payable under paragraph 5.

Subsistence Allowance

10. Every worker shall, in respect of each night during the whole of which he is required by his employer to be absent from the place where he was engaged for employment, be paid a subsistence allowance of not less than:—

- (a) four dollars and sixty cents (\$4.60) if quarters is provided by his employer;
- (b) six dollars and sixty cents (\$6.60) if his employer does not provide meals and quarters;

Provided that where the employer provides meals and quarters, employees will not be entitled to subsistence allowance.

Meal Allowance

11. 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 five dollars and fifty cents (\$5.50) or a decent hot meal.

Sick Leave

12.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave or each year automatically lapses in the next year.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Bereavement Leave

13. A worker who has completed more than three (3) months continuous service with the same employer is entitled to three (3) days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

14. The employer has a “*duty of care*” responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Condition) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

15. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour – Management, Consultation and Cooperation Committee

16. All employers with more than 20 workers are required by Sections 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete Labour Management Consultation and Cooperation Committee record forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

17. All employers are required to develop and maintain a sexual harassment policy in the workplace. They must take reasonable steps to prevent sexual harassment occurring.

Revocation

18. The Wages Regulation (Building and Civil and Electrical Engineering Trades) Order 2009 is revoked with effect from 1st May, 2011

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

SCHEDULE
(Paragraph 4)

| <i>Classes of Workers</i> | <i>Rates of Remuneration</i> |
|---------------------------|------------------------------|
| | \$ |
| Foreman | 4.62 |
| Leading Hand | 3.96 |
| Tradesman Class 1 | 3.80 |
| Tradesman Class 2 | 3.63 |
| Tradesman Class 3 | 3.52 |
| General Tradesman | 3.36 |
| Watchman | 2.38 |
| Driver Light Goods | 3.19 |
| Driver Heavy Goods | 3.80 |
| Heavy Plant Operator | 3.99 |
| Light Plant Operator | 3.85 |
| Clerk | 3.36 |
| Unskilled Workers | 2.81 |

[LEGAL NOTICE NO. 42]

WAGES COUNCIL

[Part 6 Divisions 2 of Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Garment Industry) Order 2011 and pursuant to the provisions of subsection (5) of Section 54 of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April 2011.

S. LESI
Secretary
Garment Industry Wages Council

It is provided by Subsection (1) of section 56 of the Employment Relations Promulgation 2007 as follows:

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by subsection (2) of section 56 of the Employment Relations Promulgation 2007 as follows:

An employer that fails to comply with subsection (1) commits an offence.”

The penalty for non-compliance is a fixed penalty of \$100.00. In the event of non-payment of the fixed penalty, the offender is liable on conviction:—

- (a) for an individual, to a fine not exceeding \$10,000.00 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.00

WAGES REGULATION (GARMENT INDUSTRY) ORDER 2011

IN exercise of the powers conferred upon me by subsection (5) of Section 54 of the Employment Relations Promulgation 2007, having received wages regulation proposals from the Garment Industry Wages Council, and the provisions of the said section having been otherwise complied which have made the following Order.

Citation and Commencement

1. This Order may be cited as the Wages Regulation (Garment Industry) Order, 2011 and is deemed to have come into force on 1st May, 2011.

Application

2. This Order shall apply to all workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$250.00 per week and who are employed in any undertaking or any part of an undertaking engaged in the Garment manufacturing process in respect of which a licence under the Business Licensing Act, is in force or is required, by law in respect of such undertaking and their employers.

Interpretation

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

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within 24 hour period immediately following the payment;

“learner” means a worker who has worked in the industry for less than 5 months;

“public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification under section 66 of that Promulgation;

“Promulgation” means the Employment Relations Promulgation of 2007;

“week” means a period of 7 consecutive days.

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 - \$1.65 per hour.

(b) in the case of any other worker - \$1.96 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. The normal working week shall consist of no more than forty-five hours (45) hours spread over 5 days in any one week.

Public Holiday

6. 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 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.

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 sub-paragraph (3) is to be paid in respect of any overtime worked on a public holiday or a Sunday.

Annual Holiday

8. No deduction is to be made from workers remuneration in respect of annual holiday taken by a worker under section 58 of the Promulgation.

Sick Leave

9.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave or each year automatically lapses in the next year.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable notify the employer or his or her absence and the reason for it; and
- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

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 decent meal or meal allowance of \$5.50 instead of a meal.

Bereavement Leave

11. A worker who has completed more than 3 months continuous service with he same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

12. The employer has a “duty of care” responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers’ health, safety and welfare while at work. The Health and Safety at Work (General Workplace Condition’s) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

13. In the case of grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour Management, Consultation and Cooperation Committee

14.—(i) All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity. Employers to complete Labour Management and Cooperation Committee record forms as a general obligation to ensure the attaining of quality control.

15. All employers required to develop and maintain a policy to prevent sexual harassment in the workplace.

Revocation

16. The Wages Regulation (Garment Industry) Order 2009 is revoked with effect from the 1st May, 2011.

Dated at Suva this 25th day of April 2011.

F. BOLE
Minister for Labour,
Industrial Relations and Employment

[LEGAL NOTICE NO. 43]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Sawmilling and Logging Industry) Order 2011 and pursuant to section 54(5) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April, 2011.

S. LESI
Secretary
Sawmilling and Logging Industry Wages Council

It is provided by section 56(1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56(2) of the Employment Relations Promulgation 2007 as follows—

“An employer that fails to comply with subsection (1) commits an offence.”

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction:—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.

WAGES REGULATION
[SAWMILLING AND LOGGING INDUSTRY] ORDER 2011

In exercise of the powers conferred upon me by section 54 (5) of the Employment Relations Promulgation 2007, having received wages regulation proposals from the Sawmilling and Logging Industry Wages Council, and the provisions of the said section having been otherwise complied with, have made the following Order:

Short title

1. This Order may be cited as the Wages Regulation (Sawmilling and Logging Industry) Order 2011 and is deemed to have come into force on 1st May, 2011.

Application

2. This Order shall apply to all workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise does not exceed \$250 per week and who are employed in Fiji and Rotuma by the operator of any sawmill registered under the Forest Regulations in or about such sawmill or on work ancillary thereto and their employers.

Interpretation

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

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“general” means activities not solely connected with any department or section;

“other worker” means a person engaged to perform tasks not described;

“plant equipment operator” means a person with the necessary skill engaged to take charge of and/or operate with assistance, any plant or equipment either mobile or stationary including any stationary steam boiler and prime mover or any stationary electrical generating plant producing electricity at 110 volts or more whose duties would include responsibility for the correct, efficient and safe operation of the plant under his control, its proper care and maintenance and the keeping of safe records as required by the employer;

“public holiday” means any of the days specified in section 64 of the Promulgation and any day appointed by notification under section 66 of that Promulgation;

“Promulgation” means the Employment Relations Promulgation of 2007;

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

“temporary worker” means any worker whose terms of engagement does not exceed three months on a continuous basis and paid weekly;

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

“week” means a period of 7 consecutive days;

“worker” means a worker to whom the Wages Council (Sawmilling and Logging Industry) Order applies.

2. In this Order, the following definitions shall be deemed to apply to all workers generally employed in the Sawmilling and Logging Industry whose rates of wages are calculated on an hourly basis according to the type of work within the industry with which are predominantly employed or associated.

(a) Field Work

For the purpose of this paragraph and the First Schedule of this Order—

“logging” means the activities carried out normally in a forest in the course of procuring, preparing and removing logs, poles and other forest produce from the places where they have been grown to a point where they are marshaled for shipping by sea or for conversion to products of various kinds in plants or factories;

“logging crew hand” means a person with the necessary skill engaged to perform various tasks, other than operate mobile plant, directly connected with the felling of trees for the production of logs, etc, and preparation, extraction and transport of logs, poles or the like, in the forest;

“log truck driver” means a suitably skilled person in possession of appropriate driving license, engaged to drive truck and trailer combinations specifically designed for the carriage of logs or poles and whose duties include responsibility for the efficient and safe operation and the correct loading and discharge of the vehicles, their proper care and maintenance and the keeping of simple records as required by the employer;

“mobile/plant and equipment” means plant which is self-propelled or towed and perform its functions while moving on wheel or tracks;

“mobile plant and equipment operator” means a person with the necessary skill engaged to operate mobile plant connected with the extraction and transport of logs, poles and the like in the forest whose duties include the responsibility or the correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer;

“other worker” means any person engaged to perform tasks associated with logging operators;

“truck driver” means a skilled person engaged to drive a truck, the carrying capacity of which is over 5,100kg used for carrying logs or poles or the like;

(b) Road Construction Work

For the purpose of this paragraph and the First Schedule of this Order—

“mobile plant and equipment” means a plant, which is self-propelled carried or towed and performs its functions while moving on wheels or tracks while carried;

“mobile equipment and plant operator” means a person with the necessary skill engaged to operate mobile plant used primarily for the construction and maintenance of roads and whose duties include responsibility for correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer;

“other worker” any person engaged to perform tasks associated with the construction or maintenance of roads, which are described above;

“road construction work” means the activities carried on in the course of constructing, repairing and maintaining access roads, usually of a standard suitable for the passage of heavy trucks and similar vehicles used primarily to facilitate the movement of goods of any description required in the course of removing and the manufacture of any forest produce;

“truck driver” means a suitably skilled person in possession of the appropriate driving license engaged to drive trucks of any size over 5,100 kg carrying capacity used for the carriage of goods or gravel, stone, soil, clay, sand or the like whose duties include responsibility for the efficient and safe operation and the correct loading and discharge of the vehicle, its proper care and maintenance and the keeping of simple records as required by the employer.

(c) Quarry and Gravel Pit Work

For the purpose of this paragraph and the First Schedule to this Order—

“gravel pit” means an area or situation where gravel, sand, stone or similar materials is extracted or crushed and or screened and otherwise processed or prepared;

“mobile plant and equipment ” means plant, which is self-propelled, carried or towed and performs its functions while moving on wheels or tracks while carried;

“mobile equipment and plant operator” means a person with the necessary skill engaged to operate mobile plant used primarily in connection with the extraction, handling and transport of gravel, sand, stone, soil, clay or whose duties include responsibility for the correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer;

“other worker” means any person engaged to perform tasks associated with the operation or quarry or gravel pit, which is not described above;

“quarry” means an area or situation where rock of similar material is quarried or crushed and/or screened and otherwise processed or prepared;

“spaller” means a person with the necessary skill engaged to manually break stone;

“stationary plant” means plant used in, or in connection with a quarry or gravel pit and which is either fixed or mounted on wheels but which is not self-propelled and which perform its function while stationary and include portable or hand tools which are operated while connected to stationary plant with hoses, cable or the like;

“stationary plant operator” means a person with the necessary skill engaged to operate mobile plant used primarily in connection with the extraction, transport, crushing, grading or screening of gravel, sand, stone or broken stone, soil, clay or whose duties include responsibility for the correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer.

(d) Sawmill Log Yard Work

For the purpose of this paragraph and the First Schedule to this Order—

“log yard” means any area or situation used primarily for the receipt, storage, sorting and preparation of logs immediately before their entry to a sawmill;

“other worker” means any person engaged to perform tasks in a log yard, sawmill or sawshop, which are not described;

“saw doctor” means any person who has usually served as an apprentice in the maintenance and proper storage of woodcutting saws and who is competent in carrying out all aspects of the operation, repair and maintenance of woodcutting saw blades;

“sawmill” means any number of combination of inter-related machines housed in one building which are used to convert logs to carts, flitches, slabs, scantling boards and the like by means of sawing them either lengthwise or crosswise and any system or conveyors or used to move logs or timber to, from, round or between any of these machines but exclude any conveyors, trolleys, lines and skids used primarily for the dripping in liquid or sorting of sawn timber emerging from the sawmill;

“sawmill hands” means a person with the necessary skill engaged to perform various tasks (other than the operation of sawmill plant or assisting in the operation of saws used primarily to saw logs, cants, flitches, slabs or lengthwise) directly connected with the handling, movement or conversion of logs, cants, flitches, slabs, scantling, boards or within the log yard or sawmill;

“sawmill plant and equipment operator” means a person with the necessary skill engaged—

(a) to operate any plant (other than saws used primarily to saw logs, cants, flitches, slabs or the like lengthwise and/or portable or hand tools) used in a sawmill or for handling logs in a log yard;

(b) to assist in operating any saw used primarily to saw logs, cants, flitches, slabs or the like lengthwise under the direction of a sawyer;

“sawshop” means a room, building or area where woodcutting saw blades or chains are repaired or maintained and which contains the necessary tools and equipment for that purpose;

“sawshop hand” means a person with the necessary skill engaged to perform various tasks directly connected with the repair and maintenance of woodcutting saw blades or chains under the direction of a qualified sawdoctor in the sawshop or sawmill;

“sawyer” means a person with the necessary skill engaged to take charge of and operate and/or operate with assistance, any machine in a sawmill primarily used to saw logs, cants, flitches, slabs, or the like lengthwise in the course of producing sawn timber;

The skill required of a sawyer include—

- (1) the ability to safely and efficiently operate the machine under his control and to give it proper care and maintenance;
- (2) a sound practical knowledge of the methods used for the most efficient production of sawn timber;
- (3) the ability to assess the quality of sawn timber and to determine the best method of sawing logs, cants, flitches, slabs or the like to achieve the optimum, recovery possible for them in sawn timber, having regard to quality, sizes, lengths, etc required;
- (4) the ability to instruct and direct his assistants in the functions required of them to operate the machine.

(e) Timber Yard Operations

For the purpose of this paragraph and the First Schedule to this Order—

“mobile plant and equipment” means plant or equipment which is self-propelled or towed and performs its functions while moving on wheels or tracks or while carried;

“mobile plant and equipment operator” means a person with the necessary skill engaged to operate mobile plant and equipment used for the movement or handling of sawn timber in a timber yard whose duties include responsibility for the correct, efficient and safe operation of the machine, its proper care and maintenance and keeping of simple records as required by the employer;

“other worker” means any person engaged to perform any tasks in or about a timber yard which are not described;

“skill” means the ability to accurately determine and record the measurement of sawn timber in the recognised unit of measurement at a speed normally required in the industry, the ability accurately determine the quality of sawn timber in accordance with the recognised grading rules at a speed normally required in the industry, a sound practical knowledge of the methods used to sort, handle and package sawn timber;

“tallyman” means a person with the necessary skill engaged to measure and/or grade sawn timber in a timber yard;

“timber yard” means an area or situation in which sorting, grading, tallying, storage, air-drying, packaging, marking or the preparation for sale or distribution of sawn timber is carried out;

“timber yard man” means a person with the necessary skill engaged to perform various tasks, other than tallyman or mobile plant or equipment operator, directly connected with the sorting, grading, tallying, handling, moving, packaging or marking of sawn timber in a timber yard.

(f) Planner Mill Operations

For the purpose of this paragraph and the First Schedule to this Order—

“machinists” means a person with the necessary skill engaged to take charge of and/or operate with the assistance, maintenance of any machine in a planner mill used primarily to plane, gauge or mould sawn timber lengthwise;

“other worker” means a person engaged to perform tasks in or adjacent to planner mill, which are not described;

“planer mill hand” means a person with the necessary skill engaged to perform tasks in a planer mill, other than that of a machinist, directly connected with the movement or handling of sawn, slashed and dressed timber;

“skill” means the ability to safely and efficiently operate the machine under his control and to give it proper care and maintenance, the ability to “set up” the machine under his control and to prepare, sharpen the knives or cutting tools used on it, the ability to assess the quality of sawn timber and to determine the best method of machining it and the ability to measure sawn timber and keep simple records as required by the employer.

(g) Boron Treatment Plant Operations

For the purpose of this paragraph and the First Schedule to this Order—

“other worker” means a person engaged to perform tasks in or adjacent to a pressure treatment plant, which are not described;

“pressure treatment plant” means a building or area containing plant and equipment designed to impregnate timber with preservative chemicals by use of pressure;

“treatment plant hand” means a person engaged to perform tasks, other than treatment plant operator, directly connected with the handling, treating or movement of timber in or adjacent to the pressure treatment plant;

“treatment plant operator” means a person with the necessary skill engaged to take charge of the plant and with responsibility for the control of the treating process which includes the safe and efficient operation of the plant, the mixing of chemicals, the keeping of records, the preparation of timber for treatment and the loading and discharge of the plant;

(h) Pressure Treatment Plant Operations

For the purpose of this paragraph and the First Schedule to this Order—

“other worker” means a person engaged to perform tasks in or adjacent to a pressure treatment plant which are not described;

“pressure treatment plant” means a building or area containing plant and equipment designed to impregnate timber with preservative chemicals by use of pressure;

“treatment plant hand” means a person engaged to perform tasks, other than treatment plant operator, directly connected with the handling, treating or movement of timber in or adjacent to the pressure treatment plant;

“treatment plant operator” means a person with the necessary skill engaged to take charge of the plant and with responsibility for the control of the treating process which includes the safe and efficient operation of the plant, the mixing of chemicals, the keeping of records, the preparation of timber for treatment and the loading and discharge of the plant.

(i) Kiln-Drying Operations

For the purpose of this paragraph and the First Schedule to this Order—

“assistant kiln operator” means a person engaged to perform tasks, other than kiln operator directly connected with the handling, drying, checking and movement of timber in or adjacent to the kiln drying plant;

“kiln drying plant” means a building or area containing plant and equipment designed to speed up drying of timber by the use of regulated high temperature generated from steam and force air flow provided by special kiln fans;

“kiln operator” means a person with the necessary skill engaged to take charge of the kiln drying plant with the responsibility of the kiln drying process which includes the safe and efficient operation of the kiln, the preparation, loading and unloading of the kiln charge, the tracking of the kiln drying process and proper keeping of the kiln charge records;

“other worker” means a person engaged to perform tasks in or adjacent to a kiln drying plant which are not described.

Rates of Remuneration

4.—(1) The minimum hourly rate of remuneration to be paid to any worker specified in the First Column of the Schedule hereto whether such worker be employed hourly, daily, weekly or for any other period shall be that contained in the second column of that schedule as the case may be.

(2) The minimum rates of remuneration to be paid to casual workers shall be twenty-five percent more than those specified in the Schedule.

Hours of Work

5. The normal hours of work shall be nine (9) hours per day spread over five (5) days a week.

Public Holiday

6.—(1) Subject to subparagraph (2), every worker other than casual worker who does not work on a public holiday shall be paid at his normal rate of remuneration in respect of each public holiday for the number of hours (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday.

(2) This paragraph shall not apply to a worker unless:

- (a) he worked for his employer throughout the last working day preceding the public holiday; and
- (b) he presents himself for work on the first working day after such public holiday.

(3) The requirements of sub-paragraph (2) shall be deemed to have been complied with in any case where the worker is excused from presenting himself for work by his employer or is prevented from presenting himself for work by illness, injury verified by a medical certificate issued by a medical practitioner or due to the death of an immediate family member i.e. father, mother, wife, children or brother and sister.

Rest Day

7. In each week, a worker shall be entitled to one rest day, hereinafter referred to as the “rostered-day-off” which shall be determined by the employer and notified to the worker not less than 48 hours in advance of such day. In the event of the rostered-day-off falling on a public holiday, the worker shall be granted an additional day off as a rostered-day-off.

Subsistence Allowance

8.—(1) Every worker shall, in respect of each night during the whole of which he is required by his employer absent from his normal place of residence, for employment be paid a subsistence allowance of not less than \$15.00.

(2) Subsistence allowance shall also be payable to every worker who is required to be absent from his usual place of residence whilst engaged in logging.

Meal Allowance

9. Every worker who is required to work overtime on any normal working day shall be entitled to a meal allowance of \$5.50 or a decent hot meal for the first two hours of overtime and additional meal allowance every four hours thereafter.

Overtime

10. The rate of remuneration payable for overtime work to a worker shall be:
- (a) one and half times the worker’s normal hourly rate of remuneration in respect of the first three hours worked in excess of normal working hours and twice the worker’s normal hourly rate of remuneration for all times worked thereafter;
 - (b) twice the worker’s normal hourly rate of remuneration in respect of all time worked on a rostered-day-off;

- (c) two and one half times the worker's normal hourly rate of remuneration in respect of all time worked on public holiday;

Sick Leave

11.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.

- (3) For a worker to be entitled to sick leave, the worker must—
 - (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
 - (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Bereavement Leave

12. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

13. The employer has a “*duty of care*” responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the worker's health, safety and welfare while at work. The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

14. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour – Management, Consultation and Cooperation Committee

15. All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete Labour Management, Consultation and Cooperation Committee forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

16. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

Revocation

17. The Wages Regulation (Sawmilling and Logging) Order 2009 is revoked with effect from 1st May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

SCHEDULE
(Paragraph 5)

| First Column Class of Work | Second Column Minimum Hourly Remuneration |
|--|--|
| Field Workers | |
| Log Truck Drivers | \$3.59 |
| Truck Drivers | \$3.29 |
| Mobile Plant Operators | \$3.59 |
| Logging Crew Hands | \$3.25 |
| Other Workers | \$3.16 |
| Road Construction Workers | |
| Mobile Plant & Equipment Operators | \$3.59 |
| Truck Drivers | \$3.29 |
| Other Workers | \$3.16 |
| Quarry and Gravel Pit Workers | |
| Mobile Plant & Equipment Operators | \$3.59 |
| Stationary Plant Operators | \$3.31 |
| Spallers | \$3.25 |
| Other Workers | \$3.16 |
| Sawmilling Sawshop Log Yard Workers | |
| Sawyers | \$3.59 |
| Saw doctor | \$4.69 |
| Saw blade grinder | \$3.59 |
| Plant & Equipment Operators | \$3.25 |
| Sawmill & Log Yard Hands | \$3.19 |
| Sawshop Hands | \$3.25 |
| Other Workers | \$3.16 |

Timber Yard Workers

| | |
|------------------------------------|--------|
| Mobile Plant & Equipment Operators | \$3.51 |
| Tallymen | \$3.31 |
| Timber Yard Hands | \$3.20 |
| Other Workers | \$3.16 |

Planner Mill Workers

| | |
|---------------|--------|
| Machinist | \$3.25 |
| Mill Hands | \$3.19 |
| Other Workers | \$3.16 |

Boron Treatment Plant Workers

| | |
|---------------------------|--------|
| Treatment Plant Operators | \$3.52 |
| Treatment Plant Hands | \$3.29 |
| Other Workers | \$3.16 |

Pressure Treatment Plant Workers

| | |
|---------------------------|--------|
| Treatment Plant Operators | \$3.51 |
| Treatment Plant Hands | \$3.19 |
| Other Workers | \$3.16 |

Kiln Drying Operations

| | |
|-------------------------|--------|
| Kiln Operator | \$3.59 |
| Assistant Kiln Operator | \$3.29 |
| Other Workers | \$3.16 |

Store Workers

| | |
|-----------------|--------|
| Store Assistant | \$3.29 |
|-----------------|--------|

General Workers Not Otherwise Specified

| | |
|-------------------------------|--------|
| Plant and Equipment Operators | \$3.44 |
| Drivers | \$3.29 |
| Watchman | \$3.16 |
| Other Workers | \$3.16 |

[LEGAL NOTICE NO. 44]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

The Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Security Services) Order 2011 and pursuant to section 54 (5) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April, 2011.

S. LESI
Secretary
Security Services Wages Council

It is provided by section 56 (1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows—

“An employer that fails to comply with subsection (1) commits an offence”.

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.

WAGES REGULATION (SECURITY SERVICES) ORDER 2011

In exercise of the powers conferred upon me by section 54(5) of the Employment Relations Promulgation 2007, having received wages regulation proposals from the Security Services 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 (Security Services) Order 2011, and is deemed to have come into force on 1st May, 2011.

Application

2. This Order applies to all workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$250 per week and who are employed by Security Services licensed under the Business Licensing Act and their employers.

Interpretation

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

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification under section 66 of that Promulgation;

“Promulgation” means the Employment Relations Promulgation of 2007;

“week” means a period of 7 consecutive days.

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 \$2.20.

(2) The minimum hourly rate of remuneration to be paid to a casual worker is \$2.75 per hour.

Hours of Work

5. Normal hours of work shall be nine (9) hours per day for a five (5) day week or eight (8) hours per day for a six (6) day week.

Public Holidays

6.—(1) Subject to sub-paragraph (2), every worker other than a casual 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 on the first working day after the public holiday.

(3) And provided further that sub-paragraphs (a) and (b) in 6(2) above are deemed to have been complied with where 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 remuneration shall be paid to a worker as follows:—
- (a) for all workers rostered on nine hourly shifts for all time worked in excess of nine hours on any working day;
 - (b) for all workers rostered on eight hourly shifts for all time worked in excess of eight hours on any working day;
 - (c) for all time worked on a public holiday.
- (2) The remuneration payable under sub-paragraph (1) shall, in the case of public holidays, be in addition to that payable under paragraph 6.
- (3) The rate of remuneration payable under sub-paragraph (1) shall be—
- (a) in respect of overtime worked on a day other than a public holiday:
 - (i) one and one-half times the worker's normal hourly rate of pay for the first four hours: and
 - (ii) twice the worker's normal hourly rate thereafter; and
 - (b) in respect of overtime worked on a public holiday twice the worker's normal hourly rate of pay.

Sick Leave

- 8.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.
- (2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.
- (3) For a worker to be entitled to sick leave, the worker must—
- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
 - (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Bereavement Leave

9. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Meal Allowance

10. Every worker who is requested to work overtime in excess of two hours on any normal working day or shift shall be entitled to meal allowance of \$5.50 or a decent hot meal.

Transport

11. Transport shall be provided between 10.00pm and 6.00am, where public transport is not available, transport shall be provided by the employer.

Occupational Health and Safety Compliance

12. The employer has a “duty of care” responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

13. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract. The procedure shall not be inferior to the procedure stipulated in Schedule 4 of the Promulgation.

Labour – Management, Consultation and Cooperation Committee

14. All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete Labour Management, Consultation and Cooperation Committee forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

15. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

Revocation

16. The Wages Regulation (Security Services) Order, 2009 is revoked with effect from 1st May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

[LEGAL NOTICE NO. 45]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007]

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Road Transport) Order 2011 and pursuant to section 54 (5) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April, 2011.

S. LESI
Secretary
Road Transport Wages Council

It is provided by section 56 (1) of the Employment Relations Promulgation 2007 as follows:

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows:

“An employer that fails to comply with subsection (1) commits an offence.”

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction:—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
 - (b) for a company or corporation, to a fine not exceeding \$50,000.
-

WAGES REGULATIONS [ROAD TRANSPORT] ORDER 2011

IN exercise of the powers conferred upon me by section 54 (5) of the Employment Relations Promulgation 2007, having received wages regulation proposals from the Road Transport 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 (Road Transport) Order 2011, and is deemed to have come into force on 1st May, 2011.

Application

2. This Order shall apply to all workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$250.00 per week and who are employed—

- (a) in any undertaking; or
- (b) if the undertaking consists of several parts, in any part of the undertaking, where the business of such undertaking or such part is, wholly or mainly, the carriage, for hire or reward, of passengers and goods, or either of them, by any motor vehicle required to be licensed as a public service vehicle or a goods vehicle under the Land Transport; and to the employers of such workers.

Interpretation

3. In this order, unless the context otherwise requires—

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“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 section 64 of the Promulgation or any day appointed by notification under section 66 of that Promulgation.
- “Promulgation” means the Employment Relations Promulgation of 2007;
- “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;

“very 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 a period of 7 consecutive days.

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 and 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 Service Vehicle 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; and
- (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. 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 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.

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 dollars and fifty cents (\$5.50) or a decent hot meal 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 dollars and fifty cents (\$5.50) or a decent hot meal.

Annual Holiday

12. Every worker must be given annual holidays in accordance with the provisions of Part 7 section 58 of the Promulgation, 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.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.

- (3) For a worker to be entitled to sick leave, the worker must—
- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and
 - (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Bereavement Leave

14. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

15. The employer has a "duty of care" responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

16. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour – Management, Consultation and Cooperation Committee

17. All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee

to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete Labour Management Consultation and Cooperation Committee forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

18. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

Uniforms

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

Revocation

20. The Wages Regulation (Road Transport) Order 2009 is revoked with effect from 1st May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment

SCHEDULE
(Paragraph 4)

*Classes of workers
(First Column)*

Remuneration

| | <i>Other Operators (Second Column)</i> | <i>Buses & Taxi Operators (Third Column)</i> |
|----------------------------------|--|--|
| Clerk | \$2.38 | \$2.32 |
| Light Vehicle Goods Driver | \$2.49 | - |
| Heavy Vehicle Goods Driver | \$2.94 | - |
| Very Heavy Vehicle Goods Driver | \$2.94 | - |
| Heavy Articulated Vehicle Driver | \$2.94 | - |
| Mobile Crane Driver | \$2.94 | - |
| Heavy Mobile Crane Driver | \$3.10 | - |
| Very Heavy Articulated Driver | \$3.10 | - |
| Light PSV Driver | \$2.49 | \$2.43 |
| Heavy PSV Driver | \$2.94 | \$2.87 |
| Fork-Lift Operator | \$2.75 | - |
| Heavy Fork-lift Operator | \$2.94 | - |
| Garage Serviceman | \$2.40 | \$2.34 |
| General Worker | \$2.33 | \$2.28 |
| Mechanic Repairman | \$3.04 | \$2.97 |
| Ticket Checker | \$2.24 | \$2.19 |
| Conductor | \$2.24 | \$2.19 |
| Watchman | \$2.24 | \$2.19 |
| Learner | (Yr 1) \$1.43 | \$1.40 |
| | (Yr 2) \$1.62 | \$1.58 |
| | (Yr 3) \$1.96 | \$1.91 |

[LEGAL NOTICE NO. 46]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007

NOTICE

THE Minister for Labour, Industrial Relations and Employment having made the Wages Regulation (Printing Trades) Order 2011, and pursuant to section 54 (2) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April, 2011.

S. LESI
Secretary
Printing Trades Wages Council

It is provided by section 56 (1) of the Employment Relations Promulgation 2007 as follows—

“An employer shall display a written notice in the workplace for the purpose of informing the workers of any proposed Wages Regulation Order or any Wages Regulation Order affecting them”.

It is provided further by section 56 (2) of the Employment Relations Promulgation 2007 as follows—

“An employer that fails to comply with subsection (1) commits an offence”.

The penalty for non-compliance is a fixed penalty of \$100. In the event of non-payment of the fixed penalty, the offender is liable on conviction—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.

WAGES REGULATION (PRINTING TRADES) ORDER 2011

IN exercise of the powers conferred upon me by section 54 (5) of the Employment Relations Promulgation 2007, having received wages regulation proposals from the Printing Trades 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 (Printing Trades) Order 2011, and is deemed to have come into force on the 1st May, 2011.

Application

2. This Order shall apply to such of the workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional payment whatsoever, whether in money or otherwise, does not exceed \$250 per week and who are employed in any undertaking or any part of an undertaking engaged in a Printing process in respect of which a license under the Business Licensing Act is in force or is required by law in respect of such undertaking and their employers.

Interpretation

3. In this order, unless the context otherwise requires—

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within the 24 hour period immediately following the payment;

“learner” means a worker who has worked in the industry for less than six months;

“public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification under section 66 of that Promulgation;

“Promulgation” means the Employment Relations Promulgation of 2007;

“week” means a period of 7 consecutive days.

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 – \$2.42 per hour; and

(b) in the case of any other worker – \$2.92 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 in sub-paragraph (1).

Working Week

5. A working week for a worker other than a casual worker shall consist of either five working days of nine (9) hours per day or six working days of eight (8) hours per day.

Public Holidays

6.—(1) Subject to sub-paragraph (2), every worker other than a casual 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 on the first working day after the public holiday.

(3) The requirement of sub-paragraph (2) shall be deemed to have been complied with in any case where 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 from a registered medical practitioner; or
- (c) prevented from presenting himself or herself for work by any other cause acceptable to the employer.

Overtime

7.—(1) Overtime remuneration shall be paid to a worker other than a casual worker as follows—

- (a) for all time worked in excess of nine hours for workers whose employment contract is fixed on a five working days in a week;
- (b) for all time worked in excess of eight hours for workers whose employment contract is fixed on a six working days in a week; and
- (c) for all time worked on a Sunday or a public holiday.

(2) The remuneration payable under sub-paragraph (1) shall, in the case of public holidays, be in addition to that payable under paragraph 6.

(3) The rate of remuneration payable under sub-paragraph (1) shall be—

- (a) in respect of overtime worked on a day other than Sunday or a public holiday—
 - (i) one and one-half times the worker's normal hourly rate of pay for the first four hours; and
 - (ii) twice the worker's normal hourly rate thereafter; and
- (b) in respect of overtime worked on a Sunday or a public holiday twice the worker's normal hourly rate of pay.

(4) A minimum of four hours overtime pay at the rates specified in sub-paragraph (3) is to be paid in respect of any overtime worked on a public holiday or a Sunday.

Meal Allowance

8. 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 \$5.50 or a decent hot meal.

Sick Leave

9.—(1) Where a worker who has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

(2) Sick leave entitlement must not be accumulated and unused sick leave for each year automatically lapses in the next year.

(3) For a worker to be entitled to sick leave, the worker must—

- (a) as soon as reasonably practicable notify the employer of his or her absence and the reason for it; and

- (b) produce, if requested by the employer, a written certificate signed by a registered medical practitioner, certifying the worker's incapacity for work.

Bereavement Leave

10. A worker who has completed more than 3 months continuous service with the same employer is entitled to 3 days paid bereavement leave in a year, in addition to any other leave entitlement.

Occupational Health and Safety Compliance

11. The employer has a duty of care responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible, the workers health, safety and welfare while at work. The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

Grievance Procedure

12. In the case of a grievance in the workplace, the parties shall resort to grievance procedure in the employment contract or in the absence of such contract, shall use the procedure stipulated in Schedule 4 of the Promulgation.

Labour-Management, Consultation and Cooperation Committee

13. All employers with more than 20 workers are required by section 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete Labour – Management, Consultation and Cooperation Committee forms as a general obligation to ensure the attaining of quality control.

Sexual Harassment

14. All employers are required to develop and maintain a policy to prevent sexual harassment in the workplace.

Revocation

15. The Wages Regulation (Printing Trades) Order 2009 is revoked with effect from 1st May, 2011.

Dated at Suva this 25th day of April, 2011.

F. N. BOLE
Minister for Labour,
Industrial Relations and Employment