

# GOVERNMENT OF FIJI GAZETTE SUPPLEMENT

No. 15

THURSDAY, 25th JUNE

2015

[LEGAL NOTICE NO. 51]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

## Employment Relations (National Minimum Wage) Regulations 2015

IN exercise of the powers conferred upon me by section 264 of the Employment Relations Promulgation 2007 and acting on the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

TO ESTABLISH A NATIONAL MINIMUM WAGE FOR ALL WORKERS  
IN ALL WORKPLACES IN THE REPUBLIC OF FIJI

*Short title and commencement*

1.—(1) These Regulations may be cited as the Employment Relations (National Minimum Wage) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—

“Court” means the Employment Relations Court;

“equivalent hourly wage rate” means the hourly wage rate calculated from the salary or remuneration of a worker that is an equivalent hourly wage rate;

“Government” means the Government of the Republic of Fiji;

“Minister” means the Minister responsible for Employment, Productivity and Industrial Relations;

“Ministry” means the Ministry of Employment, Productivity and Industrial Relations;

“national minimum wage” means the minimum wage established under regulation 4 which shall be the hourly wage rate or equivalent hourly wage rate below which all hourly wage rates in the Republic of Fiji shall not be allowed;

“Promulgation” means the Employment Relations Promulgation 2007; and

“Tribunal” means the Employment Relations Tribunal.

*Application*

3. These Regulations apply to all workplaces and all employers operating in the Republic of Fiji who employ workers under a contract of service as defined under the Promulgation including, but not limited to, workers in a ship or aircraft of any kind registered in the Republic of Fiji or owned by the Government, whether or not the ship or aircraft is within the territorial waters, land or airspace of the Republic of Fiji.

*Establishment of the national minimum wage*

4. The national minimum wage is fixed at FJ\$2.32 per hour.

*Enforcement of national minimum wage*

5.—(1) Where an employment contract provides for the payment of an hourly wage rate or an equivalent hourly wage rate which is less than the national minimum wage established under these Regulations, the contract shall be deemed null and void to the extent of the inconsistency and the national minimum wage shall have effect.

(2) Any employer or any other person authorised by or acting on behalf of the employer, who fails to comply with any provision of this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 2 years or to both.

(3) Where proceedings are brought under sub-regulation (2) in respect of an offence for the payment of an hourly wage rate or equivalent hourly wage rate less than the national minimum wage, and—

(a) if the employer or any other person authorised by or acting on behalf of the employer charged, disputes the charges, evidence may be given of any like contravention on the part of the employer or such other person in respect of any period during the 6 years immediately preceding the date of the offence; and

(b) on proof of such contravention,

the Tribunal or the Court may order the employer to pay such sum as is found by the Tribunal or the Court to represent the difference between the amount which ought to have been paid during that period to the worker by way of remuneration, if the provisions of these Regulations had been complied with, and the amount actually paid to the worker.

(4) No evidence shall be given under sub-regulation (3)(a) unless notice of intention to give such evidence has been served upon the employer or any other person authorised by or acting on behalf of the employer, with the summons, warrant, information or complaint.

(5) The powers provided under these Regulations for the recovery of wages due from an employer to a worker in respect of the national minimum wage shall be in addition to and not in derogation from any existing right to recover other such wages from the Tribunal.

*Notices*

6.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any national minimum wage affecting them.

(2) Any employer that fails to comply with sub-regulation (1) commits an offence and shall be liable upon conviction to a fine not exceeding \$20,000 or a term of imprisonment not exceeding 2 years or both.

*Fixed penalty notice*

7.—(1) A Labour Inspector may, in the prescribed form, institute proceedings for any offence committed under these Regulations by issuing a fixed penalty notice of \$500 to an employer or any other person authorised by or acting on behalf of the employer for non-compliance with any provision under these Regulations.

(2) If proceedings are instituted by means of serving a fixed penalty notice under sub-regulation (1) and the fixed penalty notice has been accepted by the payment of the fixed penalty, in accordance with any condition contained in the fixed penalty notice, that acceptance shall be deemed as a conviction for the offence in respect of which the fixed penalty notice was issued.

(3) In any proceedings, a certificate signed by the clerk of the court or an authorised officer that the fixed penalty was or was not paid shall, unless the contrary is proved, be conclusive evidence of the matters stated in the certificate.

(4) An employer or person authorised by or acting on behalf of an employer who contravenes these Regulations and has accepted the fixed penalty notice under sub-regulation (2) shall pay to the worker in respect of which the offence was committed, such sum representing the difference between the amount which ought to have been paid during that period to the worker by way of remuneration and the amount actually paid to the worker.

*Review of national minimum wage*

8.—(1) The national minimum wage established under these Regulations may be reviewed and determined from time to time by the Minister.

(2) The review under sub-regulation (1) shall be undertaken in consultation with the Employment Relations Advisory Board, and other relevant stakeholders.

*Revocation*

9. The Employment Relations (National Minimum Wage) Regulations 2014 is hereby revoked.

*Effect of national minimum wage*

10.—(1) The national minimum wage established under these Regulations shall not affect any other written law regulating wages or any review of such laws.

(2) Workers covered under the provisions of these Regulations are also accorded all the minimum labour standards provided under the Promulgation.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations

[LEGAL NOTICE NO. 52]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## **Wages (Building and Civil and Electrical Engineering Trades) Regulations 2015**

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Building and Civil and Electrical Engineering Trades) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations shall apply to all 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 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 or distribution of electricity;
- (d) any store or workshop operated wholly or mainly in connection with any of the works referred to in 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 these Regulations, unless the context otherwise requires,—

“apprentice” has the meaning assigned to it by the Fiji National University Decree 2009;

- “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 of messages by telephone, making entries in books showing receipts to, or payment from petty cash, shorthand writing, typing of correspondence, book keeping, operating of machine equipment for accounting, calculating, addressing, franking, copying and reproducing documents and drawings, preparing stencil, duplication or composing of office correspondence;
- “driver 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 60 cwt (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 who supervises over 20 workers on a worksite;
- “general tradesman” means a semi or skilled tradesman;
- “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 who supervises a minimum of 6 and a maximum of 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;
- “LMCCC” means the Labour Management, Consultation and Cooperation Committee;
- “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 normally required to operate heavy earth moving machinery;
- “overtime” means 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;
- “Promulgation” means the Employment Relations Promulgation 2007;

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

“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 Decree 2009 and shall have a complete set of tools;

“tradesman class 2” means—

- (a) 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 Decree 2009; or
- (b) a worker who has successfully completed an apprenticeship in any of the trades to which these Regulations apply, 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 Decree 2009;

“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 routine 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; and

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

*Rates of remuneration*

4. The minimum hourly rates of remuneration to be paid to the class of workers specified in the first column of Schedule 1 hereto, whether such workers are employed hourly, daily, weekly or for any period, shall be those contained in the second column of Schedule 1.

*Hours of work*

5. The normal hours of work shall be 9 hours per day, for a 5 day 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 or she would normally have worked on that day had it not been a public holiday, provided that this regulation 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) the worker presents himself or herself for employment on the first working day after such public holiday,

and provided further that paragraphs (a) and (b) shall be deemed to have been complied with where the worker is excused from presenting himself or herself for employment by his or her employer, or 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 reason which the employer considers satisfactory.

*Overtime*

7.—(1) Overtime remuneration shall be paid to every worker employed on a 5 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-regulation (1) shall, in the case of public holidays, be in addition to that payable under regulation 6.

(3) The rate of remuneration payable for overtime shall be—

- (a) on week days, including Saturdays, one and a half times the worker's normal hourly rate of remuneration;
- (b) on public holidays and Sundays, twice the worker's normal hourly rate of remuneration; and
- (c) 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 regulation 8, the minimum payment for time worked on Sundays and public holidays shall be not less than the remuneration payable to the worker for 3 hours worked on such days.

(4) When overtime is necessary, it shall be so arranged that workers have at least 8 consecutive hours off duty between the works of successive days.

(5) If on the instruction of his or her employer a worker resumes or continues work without having had 8 consecutive hours off duty, he or she shall be paid at twice his or her hourly rate of remuneration until he or she is released from duty for such period, and he or she shall then be entitled to be absent until he or she has had 8 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 a worker's remuneration in respect of annual holidays taken by a worker under section 58 of the Promulgation.

*Attendance money*

9. Every worker who presents himself or herself for work on any day which he or she is required by his or her employer to present himself or herself 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 3 hours' work on that day; and
- (b) for a Sunday or public holiday, not less than the remuneration payable to such worker for 1 hour's work on that day and such remuneration shall be in addition to that payable under regulation 5.

*Subsistence allowance*

10. Every worker shall, in respect of each night during the whole of which he or she is required by his or her 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) six dollars and fifty cents (\$6.50) if quarters is provided by his or her employer;
- (b) eight dollars and sixty cents (\$8.60) if his or her 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 2 hours on any normal working day shall be entitled to a meal allowance of \$7.00 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 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*

13. 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*

14.—(1) 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.

(2) 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 Health and Safety at Work Act 1996 where, some of these requirements in these Regulations include the provisions of personal protective equipment, 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 the 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) Employers are required to complete LMCCC record forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

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

*Notices*

18.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

19. The Wages Regulation (Building and Civil and Electrical Engineering Trades) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations

SCHEDULE  
(Regulation 4)

<i>Classes of Workers (First column)</i>	<i>Rates of Remuneration (Second column)</i>
Foreman	\$5.10
Leading Hand	\$4.37
Tradesman Class 1	\$4.20
Tradesman Class 2	\$4.01
Tradesman Class 3	\$3.89
General Tradesman	\$3.72
Watchman	\$2.63
Driver Light Goods	\$3.52
Driver Heavy Goods	\$4.20
Heavy Plant Operator	\$4.41
Light Plant Operator	\$4.25
Clerk	\$3.72
Unskilled Workers	\$3.10

[LEGAL NOTICE NO. 53]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## **Wages (Hotel and Catering Trades) Regulations 2015**

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations —

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Hotel and Catering Trades) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations 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 these Regulations, 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, 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 or she 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 24 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 these Regulations;
- “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 licence under the Liquor Act 2006 is in force;
- “LMCCC” means the Labour Management Consultation Cooperation Committee;
- “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 and 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;
- “overtime” means 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;
- “Promulgation” means the Employment Relations Promulgation 2007;
- “public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification in the *Gazette* under section 66 of the Promulgation;

“part-time worker” means a worker who is employed on a weekly contract of service and, at his or her own request, works less than 48 hours per week;

“student trainee” means—

- (a) an employee who is undertaking full-time course of instruction at the School of Hotel and Catering Services of the Fiji National University or any other recognised 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 Regulation relates, and is undertaking a training programme that is approved by the Training and Productivity Authority of Fiji or the Fiji National University being a programme—
    - A. 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;
    - B. the duration of which, in the case of an employee who has attained the age of 18 years, is attached for only 3 months;
  - (iii) will be paid a Training Allowance of \$60 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; and

“worker” means a worker to whom these Regulations apply.

#### *Rates of remuneration*

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

(2) The minimum rates of remuneration to be paid to casual workers shall be twenty-five per cent 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 sub-regulation (2), in which case the notice shall not be less than a fortnight or a month in advance of such rest days as the case may be.

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

- (a) after having worked for 12 consecutive days, the employer shall grant 3 consecutive days off; or
- (b) 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 48 hours spread over six days in any one week.

*Split shifts*

7.—(1) Where a worker is required to work his or her 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 or her contract, the worker shall be paid for the minimum number of hours so specified.

(2) A worker who is required to work his or her normal hours of work in separate shifts shall be entitled to payment of shift allowance of \$2.30 cents per day in addition to his or her normal rate of remuneration.

(3) For the purpose of this regulation, a meal break not exceeding 1 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 or she would normally have worked on that day had it not been a public holiday, provided that this regulation does not apply to any worker unless—

- (a) he or she worked for the employer throughout the last working day preceding the public holiday; and
- (b) he or she presents himself or herself for employment on the first working day after such public holiday,

and provided further that sub-regulations (a) and (b) shall be deemed to have been complied with where the worker is excused from presenting himself or herself for employment by his or her employer, or 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 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 4 hours worked in excess of 8 hours on each day other than the rostered day off applicable to the worker concerned, at one and a 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 20 cents per hour, shall be 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 2 hours on any normal working day or shift shall be entitled to a meal allowance of \$7.00 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.—(1) 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.

(2) The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any work place to ensure that the workers are protected according to the requirements of the Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provisions of personal protective equipment, which must be provided by the employer without any cost to the employees.

*Grievance procedure*

16. In the case of a grievance in the work place, 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) All Wages Regulations shall have a provision requiring the employers to complete LMCCC record forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

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

*Notices*

19.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

20. The Wages Regulation (Hotel and Catering Trades) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations



SCHEDULE  
(Regulation 4)

---

<i>Class of workers (First Column)</i>	<i>Licensed Undertaking (Second Column)</i>	<i>Other Undertaking (Third Column)</i>
Barman	\$3.23	–
Clerk	\$3.16	\$2.86
Cook	\$3.28	\$2.98
General Worker	\$3.04	\$2.80
House Worker	\$3.04	\$2.80
Kitchen-hand	\$3.04	\$2.80
Laundry-hand	\$3.04	\$2.80
Night Attendant	\$3.04	\$2.80
Outdoor Worker	\$3.04	\$2.80
Student Trainee	\$60/wk allowance	\$60/wk allowance
Waiter	\$3.04	\$2.80
Watchman	\$3.04	\$2.80

[LEGAL NOTICE NO. 54]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## Wages (Manufacturing Industry) Regulations 2015

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Manufacturing Industry) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations 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 a manufacturing process in respect of which a licence under the Business Licensing Act (Cap. 204) is in force or is required by law for such undertaking and their employers.

*Interpretation*

3. In these Regulations, 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;

“overtime” means 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;

“Promulgation” means the Employment Relations Promulgation 2007;

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

“week” means a period of 7 consecutive days; and

“worker” means a worker to whom these Regulations apply.

*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 \$3.15.

(2) The minimum hourly rate of remuneration to be paid to a casual worker is \$3.94.

*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 regulation 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 regulation 8 is to be regarded as having worked for a full shift.

(2) For the purpose of this regulation, a meal break not exceeding 1 hour does not constitute a break between shifts.

*Public holidays*

7.—(1) Subject to sub-regulation (2), every worker must be paid at his or her normal rate of remuneration 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 regulation 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-regulation (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 cause 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 remuneration must be paid to—
- (a) every worker employed for 5 days or less a week—
    - (i) for all the 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; and
    - (ii) for all the time worked on a paid public holiday at twice the normal hourly rate of remuneration;
  - (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 remuneration payable under sub-regulation (1) for a public holiday is in addition to that payable under regulation 7.
- (3) The rate of remuneration payable for overtime worked—
- (a) by a worker to whom sub-regulation (1)(a) applies is—
    - (i) on any working day and on the first rest day – one and a half times the worker’s normal hourly rate of remuneration for the first 4 hours and thereafter twice the worker’s normal hourly rate of remuneration;

- (ii) on the second rest day and on a public holiday – twice the worker’s normal hourly rate of remuneration;
- (b) by a worker to whom sub-regulation (1)(b) applies is—
  - (i) on any working day – one and a half times the worker’s normal hourly rate of remuneration for the first 4 hours and thereafter twice the worker’s normal hourly rate of remuneration;
  - (ii) on a rest day or public holiday – twice the worker’s normal hourly rate of remuneration.
- (4) A minimum of 4 hours overtime remuneration at the rates specified in sub-regulation (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 be 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*

11. Every worker who is required to work overtime in excess of 2 hours on any normal working day shall be entitled to a substantial decent hot meal or meal allowance of \$6.00 in lieu of a 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 20 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 10.00 pm on one day and 6.00 am on the following day.

*Occupational Health and Safety compliance*

15.—(1) 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.

(2) 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 Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provisions of personal protective equipment, 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 the 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) All employers must complete LMCCC record forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

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

*Notices*

19.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

20. The Wages Regulation (Manufacturing Industry) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations

[LEGAL NOTICE NO. 55]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

## **Wages (Mining and Quarrying) Regulations 2015**

In exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Mining and Quarrying) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2.—(1) These Regulations shall apply to all workers engaged in the Mining and Quarrying Industry and 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 Fiji in such undertaking or any part thereof in respect of which a licence under the Mining Act (Cap. 146) is in force or is required by law for such undertaking and their employers.

(2) These Regulations do not apply to—

- (a) any worker to whom the Wages Regulation (Mining and Quarrying Industry) Order 2012 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 Decree 2009.

*Interpretation*

3. In these Regulations, unless the context otherwise requires,—

“apprentice” has the meaning assigned to it by the Fiji National University Decree 2009;

“assistant miner/scrapper” means a worker who is working as an operation/timber man/ magazine attendant with more than one year experience;

“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, attendance of telephones and 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;

“LMCCC” means the Labour Management, Consultation and Cooperation Committee;

“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 has worked as an Assistant Miner/Scraper, Operation/Timber man for more than 3 years;

“operator” means a worker who is not otherwise defined in these Regulations and is normally required to operate heavy earth-moving machinery;

“overtime” means 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;

“Promulgation” refers to Employment Relations Promulgation 2007;

“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;

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

“skilled worker” means a worker engaged to perform tasks not described in the Regulations but a worker who has successfully undertaken relevant training and possesses 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 either Survey, Geology, 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 a 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 a 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 these Regulations;

“week” means a period of 7 consecutive days; and

“worker” means a worker to whom these Regulations apply.

*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 are to be paid hourly, daily, weekly or for any period, 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 sub-regulations (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, 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, 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 regulation 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,

and provided further that paragraphs (a) and (b) 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.—(1) In each week, a worker shall be entitled to a rest day herein referred to as the rostered day-off, which shall be determined by the employer and notified to the worker not less than seven days in advance of such day.

(2) 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 arrangements 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 \$6.00 or a decent hot meal.

*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 a half times the worker's normal hourly rate of remuneration in respect of first 4 hours worked in excess of normal working hours and twice the worker's normal rate of remuneration for all time 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 a 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 a half times the normal rate of remuneration for the first 4 hours worked on Saturday and thereafter including Sunday at twice the worker's 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.—(1) 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.

(2) The Health and Safety at Work (General Workplace Condition) Regulations 2003 specifies the conditions which must be followed by all employers in any work place to ensure that the workers are protected according to the requirements of the Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provisions of personal protective equipment, 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(1)(d) and (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.

(2) Employers must complete LMCCC 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 metres unless he or she 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.

*Sexual harassment*

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

*Notices*

18.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

19. The Wages Regulation (Mining and Quarrying Industry) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations

SCHEDULE

MINIMUM REMUNERATION

*(Regulation 4)*

MINING

<i>Class of workers</i>	<i>Minimum Hourly Rate of Remuneration</i>	
<i>(First column)</i>	<i>(Second column – underground)</i>	<i>(Third column – surface rates)</i>
Clerk	\$3.17	\$3.17
Machinist	\$3.44	\$3.26
Miner	\$4.58	\$4.40
Assistant Miner/Scraper	\$3.44	\$3.26
Operator	\$3.52	\$3.35
Skilled Worker	\$3.44	\$3.26
Technical Services	\$3.44	\$3.26
Tradesman	\$3.86	\$3.69
Tradesman Trainee	\$3.35	\$3.17
Unskilled Worker	\$2.99	\$2.82

## QUARRYING

<i>Class of workers</i> (First column)	<i>Minimum Hourly Rate of Remuneration</i>	
	<i>(Second column – underground)</i>	<i>(Third column – surface rates)</i>
Clerk	\$3.17	\$3.17
Machinist	\$3.44	\$3.26
Miner	\$4.58	\$4.40
Assistant Miner/Scraper	\$3.44	\$3.26
Operator	\$3.52	\$3.35
Skilled Worker	\$3.44	\$3.26
Technical Services	\$3.44	\$3.26
Tradesman	\$3.86	\$3.69
Tradesman Trainee	\$3.35	\$3.17
Unskilled Worker	\$2.99	\$2.82

[LEGAL NOTICE NO. 56]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

## Wages (Printing Trades) Regulations 2015

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

- 1.—(1) These Regulations may be cited as the Wages (Printing Trades) Regulations 2015.
- (2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations shall apply to those 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 any undertaking or any part of an undertaking engaged in a printing process in respect of which a licence under the Business Licensing Act (Cap. 204) is in force or is required by law for such undertaking and their employers.

*Interpretation*

3. In these Regulations, unless the context otherwise requires—

“binding skilled” means a worker who is wholly or mainly employed in sewing, stitching, perfect binder, collator or gathering, guillotine and any other automated binding machine and includes personnel in the art of hand binding in this classification;

- “binding un-skilled” means a worker who is wholly or mainly employed in the finishing process of collating, inserting, gathering or any other manual tasks without any prior experience in the trade of printing;
- “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;
- “cleaner” means a worker who cleans, especially whose regular work is cleaning buildings, equipment and related matters;
- “driver” means a worker who is wholly or mainly employed in driving a mechanically propelled vehicle for the transport of goods in connection with their sale, warehousing or sorting;
- “handyman” means a worker who is employed wholly or mainly in labour chores within the employer’s service otherwise not defined;
- “learner” means a worker who has worked in the industry for at least one year;
- “LMCCC” means the Labour Management, Consultation and Cooperation Committee;
- “overtime” means 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;
- “part-time worker” means a person who is employed under a contract of service on a part-time basis for a specified number of hours a day or specified number of hours or days a week;
- “pre-press” means a worker who is wholly or mainly employed in graphics, typesetting, proof reading or copy holding, photolithography or automated computer to plate processes;
- “printer” means a worker who is wholly or mainly employed as an off-setting machine operator and who should have 3 years’ experience in the industry;
- “printer assistant” means a worker who is wholly or mainly employed in assisting paper loading, ink filling or ink cleaning;
- “Promulgation” means Employment Relations Promulgation 2007;
- “public holiday” means any of the days specified in section 64 of the Promulgation or any day appointed by notification in the *Gazette* under section 66 of the Promulgation;
- “week” means a period of 7 consecutive days; and
- “worker” means a worker to whom these Regulations apply.

*Rates of remuneration*

4.—(1) The minimum hourly rates of remuneration to be paid to the class of workers specified in the first column of the Schedule, whether such workers are employed hourly, daily, weekly or for any period, shall be those contained in the second column of the Schedule.

(2) The minimum hourly rate of remuneration to be paid to casual and part-time workers is 25% more than the minimum rates specified in the second column of the Schedule.

*Working week*

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

*Public holidays*

6.—(1) Subject to sub-regulation (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 regulation 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-regulation (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 9 hours for workers whose employment contract is fixed on five working days in a week;
- (b) for all time worked in excess of 8 hours for workers whose employment contract is fixed on 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-regulation (1) shall, in the case of public holidays, be in addition to that payable under regulation 6.

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

- (a) in respect of overtime worked on a day other than Sunday or a public holiday—
  - (i) one and a half times the worker's normal hourly rate of remuneration for the first 4 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 remuneration.

- (4) A minimum of 4 hours overtime remuneration at the rates specified in sub-regulation (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 2 hours on any normal working day shall be entitled to a meal allowance of \$6.00 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.—(1) 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.

(2) The Health and Safety at Work (General Workplace Conditions) Regulations 2003 specifies the conditions which must be followed by all employers in any work place to ensure that the workers are protected according to the requirements of the Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provision of personal protective equipment, 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 the 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) All employers must complete LMCCC forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

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

*Notices*

15.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

16. The Wages Regulation (Printing Trades) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE

Minister for Employment, Productivity and Industrial Relations

SCHEDULE  
(Regulation 4)

<i>Class of Workers</i>	<i>Minimum Hourly Remuneration No age discrimination</i>	
	<i>[First Column] Learner</i>	<i>[Second Column] Permanent</i>
Pre-press	\$2.72	\$3.28
Binding un-skilled	\$2.72	\$3.28
Binding skilled	\$2.72	\$3.28
Printer Assistant	\$2.72	\$3.28
Printer	\$2.72	\$3.28
Driver	—	\$2.72
Cleaner	—	\$2.72
Handyman	—	\$2.72



[LEGAL NOTICE NO. 57]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## **Wages (Sawmilling and Logging Industry) Regulations 2015**

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Sawmilling and Logging Industry) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations 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 Fiji 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.—(1) In these Regulations, 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;

“LMCCC” means the Labour Management, Consultation and Cooperation Committee;

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

“overtime” means 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;

“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 or her control, its proper care and maintenance and the keeping of safe records as required by the employer;

- “Promulgation” means the Employment Relations Promulgation 2007;
- “public holiday” means any of the days specified in section 64 of the Promulgation and any day appointed by notification in the *Gazette* under section 66 of the Promulgation;
- “rostered day-off” means that day of each week on which a worker is entitled under the terms of his or her contract to be absent from his or her duty;
- “temporary worker” means any worker whose terms of engagement does not exceed three months on a continuous basis and is 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; and
- “worker” means a worker to whom these Regulations apply.

(2) In these Regulations, 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 they are predominantly employed or associated—

(a) *field work*

For the purpose of this paragraph and the Schedule—

- “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 marshalled 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 licence, 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 a plant which is self-propelled or towed and performs 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 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 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 Schedule—

“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” means 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 licence 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 Schedule—

“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 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 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 performs its function while stationary and includes - portable or hand tools which are operated while connected to the stationary plant with hoses, cables 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 Schedule—

“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 combinations of inter-related machines housed in one building which are used to convert logs to cants, flitches, slabs, scantling boards and the like by means of sawing them either lengthwise or crosswise and any system or conveyors 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 to—

- (a) 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) 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—

- (i) the ability to safely and efficiently operate the machine under his or her control and to give it proper care and maintenance;
- (ii) a sound practical knowledge of the methods used for the most efficient production of sawn timber;
- (iii) 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;

- (iv) the ability to instruct and direct his or her assistants in the functions required of them to operate the machine.

(e) *timber yard operations*

For the purpose of this paragraph and the Schedule—

“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 and 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 to 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) *planer mill operations*

For the purpose of this paragraph and the Schedule—

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

“other worker” means a person engaged to perform tasks in or adjacent to planer 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 or her control and to give it proper care and maintenance, the ability to set up the machine under his or her 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 Schedule—

“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 Schedule—

“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 Schedule—

“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.

(j) *veneer/lathe and plywood operations*

For the purpose of this paragraph and the Schedule—

“plant and equipment operator” means a person with the necessary skills to take charge and operate any machine, hot-press or lathe used in the veneer mill;

“assistant operator” means a person with the necessary skills to perform tasks other than operating machine, hot-press or lathe directly connected to works carried out in the veneer mill;

“other worker” means a person engaged to perform tasks in the veneer mill which are not described.

(k) *chip mill operations*

For the purpose of this paragraph and the Schedule—

“chip mill operator” means a person with the necessary skills to take charge and operate the de-barker and chipper machines;



“chipper hands” means a person with the necessary skills to assist chip mill operators performing tasks such as in-feed and out-feed attendants to conveyor and chip pile attendants ensuring that foreign material or logs below specifications do not enter the chipper to spreading of logs on conveyor avoiding jamming to ensuring chips are piled in accordance with the Occupational Health and Safety regulations etc.;

“other worker” means a person engaged to perform tasks in the chip mill 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 whether such worker is 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 per cent 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 or eight (8) hours per day spread over six (6) days a week.

*Public holiday*

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

(2) This regulation shall not apply to a worker unless—

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

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

*Rest day*

7.—(1) 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.

(2) 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 or she is required by his or her employer to be absent from his or her normal place of residence for employment, be paid a subsistence allowance of not less than \$17.00.

(2) Subsistence allowance shall also be payable to every worker who is required to be absent from his or her 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 an 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 a 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.—(1) 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.

(2) 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 Health and Safety at Work Act 1996 and where some of these requirements in these Regulations include the provisions of personal protective equipment, 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 the 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(1)(d) and (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.

(2) Employers must complete LMCCC forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

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

*Notices*

17.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

18. The Wages Regulation (Sawmilling and Logging Industry) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment Productivity and Industrial Relations

SCHEDULE  
(Regulation 4)

---

<i>First Column</i> <i>Class of Work</i>	<i>Second Column</i> <i>Minimum Hourly Remuneration</i>
<i>Field Workers</i>	
Log Truck Drivers	\$4.11
Truck Drivers	\$3.77
Mobile Plant Operators	\$4.11
Logging Crew Hands	\$3.73
Other Workers	\$3.62
<i>Road Construction Workers</i>	
Mobile Plant & Equipment Operators	\$4.11
Truck Drivers	\$3.77
Other Workers	\$3.62
<i>Quarry and Gravel Pit Workers</i>	
Mobile Plant & Equipment Operators	\$4.11
Stationary Plant Operators	\$3.79
Spallers	\$3.73
Other Workers	\$3.62
<i>Sawmilling Sawshop Log Yard Workers</i>	
Sawyers	\$4.11
Saw doctor	\$5.38
Saw blade grinder	\$4.11
Plant & Equipment Operators	\$3.73
Sawmill & Log Yard Hands	\$3.65
Sawshop Hands	\$3.73
Other Workers	\$3.62
<i>Timber Yard Workers</i>	
Mobile Plant & Equipment Operators	\$4.03
Tallymen	\$3.79
Timber Yard Hands	\$3.66
Other Workers	\$3.62
<i>Planer Mill Workers</i>	
Machinist	\$3.73
Mill Hands	\$3.65
Other Workers	\$3.62

*Boron Treatment Plant Workers*

Treatment Plant Operators	\$4.02
Treatment Plant Hands	\$3.77
Other Workers	\$3.62

*Pressure Treatment Plant Workers*

Treatment Plant Operators	\$4.03
Treatment Plant Hands	\$3.65
Other Workers	\$3.62

*Kiln Drying Operations*

Kiln Operator	\$4.11
Assistant Kiln Operator	\$3.77
Other Workers	\$3.62

*Store Workers*

Store Assistant	\$3.77
-----------------	--------

*General Workers Not Otherwise Specified*

Plant and Equipment Operators	\$3.94
Drivers	\$3.77
Watchman	\$3.62
Other Workers	\$3.62

*Vaneer/Lathe & Plywood Operations*

Plant and Equipment Operators	\$3.78
Assistant Operator	\$3.71
Other Worker	\$3.62

*Chip Mill Operations*

Chip Mill Operator	\$3.78
Chipper Hand	\$3.71
Other Worker	\$3.62

[LEGAL NOTICE NO. 58]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## **Wages (Security Services) Regulations 2015**

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Security Services) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations 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 security services in respect of which a licence under the Business Licensing Act (Cap. 204) is in force or is required by law for such undertaking and their employers.

*Interpretation*

3. In these Regulations, 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;

“LMCCC” means the Labour Management, Consultation and Cooperation Committee;

“overtime” means 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;

“Promulgation” means the Employment Relations Promulgation 2007;

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

“week” means a period of 7 consecutive days; and

“worker” means a worker to whom these Regulations apply.

*Rates of remuneration*

4.—(1) The minimum hourly rates of remuneration to be paid to a worker whether paid hourly, daily, weekly or for any period is \$2.51.

(2) The minimum hourly rate of remuneration to be paid to a casual worker is \$3.14.

*Hours of work*

5. The normal hours of work shall be 9 hours per day for a 5 day week, or 8 hours per day for a 6 day week.

*Public holidays*

6.—(1) Subject to sub-regulation (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 regulation 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-regulation (2)(a) and (b) shall be 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 9 hourly shifts for all time worked in excess of 9 hours on any working day;
- (b) for all workers rostered on 8 hourly shifts for all time worked in excess of 8 hours on any working day;
- (c) for all time worked on a public holiday.

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

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

- (a) in respect of overtime worked on a day other than a public holiday—
  - (i) one and a half times the worker's normal hourly rate of remuneration for the first 4 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 remuneration.

*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.

*Meal allowance*

9. Every worker who is required to work overtime in excess of 2 hours on any normal working day or shift is entitled to a substantial decent hot meal or a meal allowance of \$6.00 in lieu of a meal.

*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.

*Transport*

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

*Occupational Health and Safety compliance*

12.—(1) 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.

(2) 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 Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provisions of personal protective equipment, which must be provided by the employer without any cost to the employees.

*Grievance procedure*

13. In the case of any employment grievance in a workplace, the parties shall resort to the 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) All employers must complete LMCCC forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

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



*Notices*

16.—(1) An employer must display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, 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; or

(b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

17. The Wages Regulation (Security Services) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE

Minister for Employment, Productivity and Industrial Relations

---

[LEGAL NOTICE NO. 59]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## **Wages (Wholesale and Retail Trades) Regulations 2015**

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Wages (Wholesale and Retail Trades) Regulations 2015.

(2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations shall apply to such 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 Fiji 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 these Regulations, unless the context otherwise requires,—

“cashier” means a worker who is engaged wholly or mainly in receiving cash for sales affected in his or her 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;

“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 or her employer;

“LMCCC” means the Labour Management Consultation and Cooperation Committee;

“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;

“overtime” means 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;

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

“Promulgation” means the Employment Relations Promulgation 2007;

- “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;
- “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 or 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, 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 these Regulations in any establishment to which the provisions of the Wages Regulation (Wholesale and Retail Trades) Order 2012 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;
- “week day” means any day of the week other than a Sunday or public holiday; and
- “worker” means a worker to whom these Regulations apply.

*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 are 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 percent 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 or she would normally have worked on that day had it not been a public holiday, provided that this regulation 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) the worker presents himself or herself for employment on the first working day after such public holiday,

and provided further that paragraphs (a) and (b) shall be deemed to have been complied with where the worker is excused from presenting himself or herself for employment by his or her employer or 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 reason which the employer considers satisfactory.

*Hours of work*

6.—(1) Subject to sub-regulations (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 as prescribed by 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 as prescribed by subsection (1), the parties must fix the daily working hours so that those hours are worked on not more than 6 days.

(4) The normal hours of work for a watchman shall be 8 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 the succeeding Saturday.

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

*Overtime*

7.—(1) Overtime remuneration shall be paid to—

- (a) every worker employed for five days or less per working week for all time worked in excess of 9 hours on any working day during such week;
- (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-regulation (1) shall in the case of paid public holidays be in addition to that payable under regulation 5.

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

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

(4) At least 4 hours overtime remuneration at the rate specified in sub-regulation (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 2 hours overtime remuneration shall be paid.

*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 be 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*

9. Every worker who is required to work overtime in excess of 2 hours on any normal working day shall be entitled to a meal allowance of \$6.00 or a decent hot meal.

*Subsistence allowance*

10. Every worker shall in respect of each night during the whole of which he or she is required by his or her 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) \$25.00 per day, if accommodation without meals, is provided by the employer; or
- (b) \$35.00 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 or her employer, he or she shall not be entitled to any allowance.

*Bereavement leave*

11. 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*

12.—(1) 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.

(2) 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 Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provisions of personal protective equipment, 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 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) Employers are to complete LMCCC record 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.

*Notices*

16.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Revocation*

17. The Wages Regulation (Wholesale and Retail Trades) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations

SCHEDULE  
(Regulation 4)

---

<i>Class of Workers [First Column]</i>	<i>Minimum Hourly Remuneration No age discrimination [Second Column]</i>
Cashier	\$3.04
Clerk	\$3.04
Driver L/Goods & Group 2	\$3.04
Driver H/Goods	\$3.52
Fork Lift Operator	\$3.23
Packer	\$2.92
Salesman	\$3.04
Sewing Machinist	\$3.04
Shop Assistant	\$3.04
Storeman	\$3.04
Unskilled Worker	\$2.86
Watchman	\$2.80
Other Worker	\$3.04

[LEGAL NOTICE NO. 60]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## Wages (Garment Industry) Regulations 2015

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

- 1.—(1) These Regulations may be cited as the Wages (Garment Industry) Regulations 2015.
- (2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations 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 (Cap. 204) is in force or is required by law for such undertaking and their employers.

*Interpretation*

3. In these Regulations, 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 a 24 hour period immediately following the payment;

“industry” means the garment industry;

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

“LMCCC” means the Labour Management, Consultation and Cooperation Committee;

“overtime” means 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;

“Promulgation” means the Employment Relations Promulgation 2007;

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

“week” means a period of 7 consecutive days; and

“worker” means a worker to whom these Regulations apply.

*Rates of remuneration*

4.—(1) The minimum hourly rates of remuneration to be paid to a worker, whether paid hourly, daily, weekly or for any other period shall be—

(a) in the case of a learner – \$2.00;

(b) in the case of any other worker – \$2.24.

(2) The minimum hourly rate of remuneration to be paid to casual workers of the classes specified in this regulation is 25% more than the minimum rates specified.

*Working week*

5. The normal working week shall consist of no more than 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 of work, exclusive of overtime, which he or she would normally have worked on that day had it not been a public holiday, provided that this regulation does not apply to any worker unless—

- (a) he or she worked for the employer throughout the last working day preceding the public holiday; and
- (b) he or she presents himself or herself for employment on the first working day after such public holiday,

and provided further that paragraphs (a) and (b) shall be deemed to have been complied with where the worker is excused from presenting himself or herself for employment by his or her employer, or is prevented from presenting himself or herself for employment by illness or injury verified by a medical certificate or is prevented from presenting himself or herself for employment by any other reason which the employer considers satisfactory.

*Overtime*

7.—(1) Overtime remuneration payable under this regulation for a public holiday is in addition to that payable under regulation 6.

(2) The rate of remuneration payable for overtime worked is—

- (a) on any working day or a Saturday – one and a half times the worker’s normal hourly rate of remuneration for the first 4 hours, and thereafter twice the worker’s normal hourly rate of remuneration;
- (b) on public holidays and Sundays – twice the worker’s normal hourly rate of remuneration.

(3) The minimum overtime payable under this regulation is 1 hour for week days and 2 hours for Saturdays.

(4) A minimum of 4 hours overtime remuneration at the rates specified in sub-regulation (2) 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 a worker’s 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 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*

10. Every worker who is required to work overtime in excess of 3 hours on any normal working day is entitled to a substantial decent hot meal or meal allowance of \$6.00 in lieu of a meal.

*Bereavement leave*

11. 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*

12.—(1) 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.

(2) 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 Health and Safety at Work Act 1996 where some of these requirements in these Regulations include the provisions of personal protective equipment, which must be provided by the employer without any cost to the employees.

*Grievance procedure*

13. In the case of any employment grievance in a workplace, the parties shall resort to the 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) All employers must complete LMCCC record forms as a general obligation to ensure the attainment of quality control.

*Sexual harassment*

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

*Notices*

16.—(1) An employer must display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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 body corporate, to a fine not exceeding \$50,000.

*Revocation*

17. The Wages Regulation (Garment Industry) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE

Minister for Employment, Productivity and Industrial Relations

---

[LEGAL NOTICE NO. 61]

EMPLOYMENT RELATIONS PROMULGATION 2007  
(PROMULGATION NO. 36 OF 2007)

---

## **Wages (Road Transport) Regulations 2015**

IN exercise of the powers conferred upon me by section 264(1)(w) of the Employment Relations Promulgation 2007, and following the advice of the Employment Relations Advisory Board, I hereby make these Regulations—

*Short title and commencement*

- 1.—(1) These Regulations may be cited as the Wages (Road Transport) Regulations 2015.
- (2) These Regulations shall come into force on 1st July, 2015.

*Application*

2. These Regulations 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 Act 1998; and to the employers of such workers.

*Interpretation*

## 3. In these Regulations, 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 money on an 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 parts, 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 these Regulations;

“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 60 cwt (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 60 cwt (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;
- “overtime” means 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;
- “provisional period of work” means a worker employed by an employer in a provisional period of service for a period of one month before his or her appointment is confirmed;
- “Promulgation” means the Employment Relations Promulgation 2007;
- “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;
- “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; and

“worker” means a worker to whom these Regulations apply.

*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 Schedule, whether such workers are employed hourly, daily, weekly or for any period, shall be those contained in the second and third 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 cent more than the minimum rates specified in the second and third column of the Schedule.

(3) 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 vehicles.

(4) The minimum rate of remuneration 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.

(5) A driver employed by a tourist transport operator must be paid 25% or more than the rate shown in the Schedule.

*Hours of work*

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

*Split shift for public service vehicles*

6.—(1) Public Bus Service drivers who have at least 2 hours break between successive shifts for the day may be required to work normal hours of work in split shifts, as follows—

- (a) the normal hours of work must be worked in not more than 2 shifts;
- (b) such shifts must (notwithstanding regulation 5) be worked between the hours of 5.00 am to 11.30 pm;
- (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 regulation 9, is regarded as having performed 8 hours of work; and
- (d) the break between the shifts shall be a minimum of 2 hours.

(2) This regulation shall not apply to any other worker covered by this Regulation.

(3) For the purpose of this regulation a meal break not exceeding 1 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 or she would normally have worked on that day had it not been a public holiday, provided that this regulation does not apply to any worker unless—

- (a) he or she worked for the employer throughout the last working day preceding the public holiday; and
- (b) he or she presents himself for employment on the first working day after such public holiday,

and provided further that sub-regulations (a) and (b) shall be deemed to have been complied with where the worker is excused from presenting himself or herself for employment by his or her employer, or 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 reason which the employer considers satisfactory.

*Rostered day off*

8.—(1) 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.

(2) 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 remuneration 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 remuneration and for all overtime worked thereafter on the day at twice the worker’s normal hourly rate of remuneration;
- (b) for all time worked on the worker’s rostered-day-off, at twice the worker’s normal hourly rate of remuneration;
- (c) for all the time worked on a paid public holiday – at twice the worker’s normal hourly rate of remuneration.

*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 2 hours on any normal working day is entitled to a decent hot meal or a meal allowance of \$7.00 and any worker who is required to work on a rostered day off in excess of 6 hours on that day is entitled to a decent hot meal or a meal allowance of \$7.00.

*Annual holiday*

12.—(1) Every worker must be given annual holidays in accordance with the provisions of section 58 of the Promulgation.

(2) No deduction is to be made from a worker's remuneration 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.—(1) 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.

(2) 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 where some of these requirements in these Regulations include the provisions of personal protective equipment, 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.—(1) All employers with more than 20 workers are required by section 9(1)(d) and (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.

(2) All Wages Regulations are to have a provision requiring employers to complete LMCCC 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.

*Notices*

19.—(1) An employer shall display a written notice in the workplace for the purpose of informing the workers of any wages regulations affecting them.

(2) An employer that fails to comply with sub-regulation (1) commits an offence and shall be liable to a fixed penalty of \$100.

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender shall be 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; or
- (b) for a body corporate, to a fine not exceeding \$50,000.

*Uniforms*

20. Employers are encouraged to provide uniforms to their employees to improve the image of the industry.

*Revocation*

21. The Wages Regulation (Road Transport) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE  
Minister for Employment, Productivity and Industrial Relations

SCHEDULE  
(Regulation 4)

---

<i>Classes of workers (First Column)</i>	<i>Remuneration</i>	
	<i>Other Operators (Second Column)</i>	<i>Buses &amp; Taxi Operators (Third Column)</i>
Clerk	\$2.74	\$2.67
Light Vehicle Goods Driver	\$2.87	–
Heavy Vehicle Goods Driver	\$3.38	–
Very Heavy Vehicle Goods Driver	\$3.38	–
Heavy Articulated Vehicle Driver	\$3.38	–
Mobile Crane Driver	\$3.38	–
Heavy Mobile Crane Driver	\$3.57	–
Very Heavy Articulated Driver	\$3.57	–
Light PSV Driver	\$2.87	\$2.80
Heavy PSV Driver	\$3.38	\$3.31
Fork-Lift Operator	\$3.17	–
Heavy Fork-lift Operator	\$3.38	–
Garage Serviceman	\$2.76	\$2.69
General Worker	\$2.68	\$2.63
Mechanic Repairman	\$3.50	\$3.42
Ticket Checker	\$2.58	\$2.52
Conductor	\$2.58	\$2.52
Watchman	\$2.58	\$2.52
Learner	(Yr 1) \$2.00	\$2.00
	(Yr 2) \$2.00	\$2.00
	(Yr 3) \$2.25	\$2.20