

LAWS OF FIJI

CHAPTER 98

WAGES COUNCILS

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CHAPTER 98

WAGES COUNCILS

Ordinances Nos. 9 of 1957, 60 of 1961, 15 of 1963, 50 of 1965, 37 of 1966, 6 of 1970

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF WAGES COUNCILS

[12th August, 1960.]

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Wages Councils Act.

Interpretation

2. In this Act unless the context otherwise requires—

1. "Labour Advisory Board" means the Labour Advisory Board established by the provisions of section 3 of the Employment Act; (*Cap. 92.*)
2. "Permanent Secretary" means the Permanent Secretary for Labour appointed under the provisions of section 5 of the Employment Act;
3. "superannuation scheme" means any law, rules, deed or other instrument, providing for the payment of annuities or lump sums to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits;
4. "thrift scheme" means any arrangement for savings, for providing money for holidays or for other purposes, under which a worker is entitled to receive in cash sums equal to or greater than the aggregate of any sums deducted from his remuneration or paid by him for the purposes of the scheme;
5. "wages council" and "commission of inquiry" means respectively a wages council and a commission of inquiry established or set up under this Act;
6. "worker" means any person who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour, except that it does not include any person who is employed casually and otherwise than for the purposes of the employer's business.

PART II—ESTABLISHMENT OF WAGES COUNCILS

Power of Minister to establish wages councils

3.—(1) Subject to the provisions of this Part, the Minister may by order establish a wages council to perform, in relation to the workers described in the order and their employers, the functions specified in this Act.

(2) An order establishing a wages council (hereinafter in this Act referred to as a "wages council order") may be made where the Minister, after consultation with and on the recommendation of the Labour Advisory Board, is satisfied that no adequate machinery

exists for the effective remuneration of such workers, or that existing machinery is likely to cease to exist or be adequate for that purpose, and that it is expedient that such a council be established.

(3) The powers and functions of a wages council may be exercised in relation to the workers, or any class of workers engaged in or working at any trade, industry, or occupation, either generally or in any area or areas of Fiji.

Section substituted by 50 of 1965, s. 3.)

Making of wages council order

4.—(1) Before making a wages council order as aforesaid, the Minister shall publish in the Gazette a notice of his intention to make such order, specifying a place where copies of a draft thereof may be inspected and the time, which shall not be less than thirty days from the date of the publication, within which any objection made with respect of to the draft order must be sent to the Permanent Secretary.

(Amended by 50 of 1965, s. 4.)

(2) Every objection must be in writing and must state—

1. the specific grounds of objections;
2. the omissions, additions or modifications asked for,

and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objection.

(Amended by 50 of 1965, s. 4.)

(3) The Minister, having considered all objections which he is required to consider under the provisions of subsection (2), may—

1. make an order either in terms of the draft order as published or subject to such modifications which, in his opinion, do not effect important alterations in the character of such draft order; or
2. amend the draft order in which case all the provisions of this section shall have effect in relation to the amended draft order as they have effect in relation to the original draft order; or
3. refer the draft order to a commission of inquiry for inquiry and report, in which case he shall consider such report and may then, if he thinks fit, make an order either in terms of the draft or with such modifications as he thinks fit. *(Substituted by 50 of 1965, s. 4.)*

(4) Where the Minister makes a wages council order, he shall publish it in the prescribed manner, together with the report of any commission of inquiry relating to the order, and the order shall come into operation on the date on which it is so published or on such later date as is specified therein.

(Amended by 50 of 1965, s. 4.)

Variation and revocation of wages council order

5.—(1) The Minister may at any time, after consultation with the Labour Advisory Board, by order, abolish, or vary the field of operation of a wages council, and the provisions of section 4 shall apply in relation to such order as they apply in relation to wages council orders: Provided that where an order made under the provisions of this section directs that a wages council shall cease to operate in relation to any workers and that another wages council shall

operate in relation to such workers, but, save as aforesaid, does not affect the field of operation of any wages council, the provisions of section 4 shall not apply to such order.

(2) Where an order made under the provisions of this section directs that a wages council shall cease to operate in relation to any workers and that another wages council shall operate in relation to them, the order may provide that anything done by or to give effect to any proposals made by the first mentioned wages council shall have effect in relation to those workers as if it had been done by or to give effect to proposals made by the second mentioned wages council and may make such further provisions as appears to the Minister to be expedient in connexion with the transition.

(3) Where an order made under the provisions of this section directs that a wages council shall be abolished or shall cease to operate in relation to any workers, then save as is otherwise provided by the order, anything done by or to give effect to proposals made by the wages council shall, except as respects things previously done or omitted to be done, cease to have effect in relation to the workers in relation to whom the wages council ceases to operate.

(Section substituted by 50 of 1965, s. 5.)

General provisions as to wages councils

6.—(1) The provisions of the First Schedule shall have effect with respect to the constitution, officers and proceedings of wages councils.

(2) A wages council shall, upon request by the Permanent Secretary, consider any matter affecting the industrial conditions of workers and employers in relation to whom it operates, and shall make a report thereon to the Permanent Secretary; and a wages council may, if it thinks it expedient so to do, of its own motion make a recommendation on any such matter as aforesaid to the Permanent Secretary on any such matter as aforesaid to the Permanent Secretary. *(Substituted by 50 of 1965, s. 6.)*

(3) On receipt of any report or recommendation made to him under the provisions of subsection (2) the Permanent Secretary shall make a report thereon to the Minister who shall take it into consideration and take such action (if any) as he thinks fit.

(Inserted by 50 of 1965, s. 6.)

General provisions as to commissions of inquiry

7.—(1) The provisions of the Second Schedule shall have effect with respect to the constitution, officers, and proceedings of commissions of inquiry.

(2) Where any matter is referred under section 4 to a commission of inquiry, the commission shall make all such investigations as appear to it to be necessary and shall publish in the prescribed manner a notice stating the questions which it is its duty to consider by virtue of the reference and further stating that it will consider representations with respect thereto made to it in writing within such period as may be specified in the notice, not being less than forty days from the date of the publication thereof, and it shall consider any representations made to it within that period and then make such further inquiries as it considers necessary, including so far as it considers necessary, the hearing of oral evidence.

PART III—WAGES REGULATION ORDERS

Power to fix remuneration and holidays

8.—(1) Subject to and in accordance with the provisions of this section, any wages council shall have power to submit to the Minister proposals (hereafter in this Act referred to as "wages regulation proposals")—

1. for fixing the remuneration to be paid, either generally or for any particular work, by their employers to all or any of the workers in relation to whom the council operates;
2. for requiring all or any such workers as aforesaid to be allowed holidays by their employers.

The power to submit proposals for fixing remuneration shall include power to submit proposals for fixing holiday remuneration.

(2) Before submitting any wages regulation proposals to the Minister, a wages council shall make such investigations as it thinks fit and shall publish, in the prescribed manner, notice of the proposals, stating the place where copies of the proposals may be obtained and the period within which written representations with respect to the proposals may be sent to the council; and the council shall consider any written representations made to it within that period and shall make such further inquiries as it considers necessary and may then submit the proposals to the Minister either without amendment or with such amendments as it thinks fit having regard to the representations:

Provided that if the council, before publishing its proposals, resolves that, in the event of no representation with respect to the proposals being made to it within the said period the proposals shall without further consideration be submitted to the Minister, the proposals shall, if no representation is so made, be submitted to the Minister accordingly.

(3) Where the Minister receives any wages regulation proposals, he shall make an order (hereafter in this Act referred to as a "wages regulation order") giving effect to the proposals as from such date as may be specified in the order:

Provided that the Minister may, if he thinks fit, refer the proposals back to the council and the council shall thereupon reconsider them having regard to any observations made by the Minister and may, if it thinks fit, re-submit the proposals to the Minister either without amendment or with such amendments as it thinks fit having regard to those observations; and where proposals are so re-submitted, the like proceedings shall be had thereon as in the case of original proposals.

The date to be so specified shall be a date subsequent to the date of the order, and where, as respects any worker who is paid wages at intervals not exceeding thirty-one days, the date so specified does not correspond with the beginning of the period for which the wages are paid, the order shall, as respects that worker, become effective as from the beginning of the next such period following the date specified in the order.

(4) As soon as the Minister has made a wages regulation order, he shall give notice of the making thereof to the wages council and that council shall give such notice of the order and the contents thereof as may be prescribed for the purpose of informing, so far as practicable, all persons who will be thereby affected.

(5) Any wages regulation proposals and any wages regulation order for giving effect thereto may make different provision for different cases, and may also contain provision for the amendment or revocation of previous wages regulation orders.

(6) No wages regulation order shall have effect so as to prejudice any rights to remuneration or holidays conferred on any worker by or under any enactment other than this Act.

(7) Remuneration (including holiday remuneration) fixed by a wages regulation order is hereafter in this Act referred to as "statutory minimum remuneration".

Effect and enforcement of wages regulation orders

9.—(1) If a contract between a worker to whom a wages regulation order applies and his employer provides for the payment of less remuneration than the statutory minimum

remuneration, it shall have effect as if for that less remuneration there were substituted the statutory minimum remuneration, and if any such contract provides for the payment of any holiday remuneration at times or subject to conditions other than those specified in the order, it shall have effect as if for those times or conditions there were substituted the times or conditions specified in the order.

(2) If an employer fails to pay to a worker to whom a wages regulation order applies remuneration not less than the statutory minimum remuneration, or fails to pay to any such worker holiday remuneration, at the times and subject to the conditions specified in the order or fails to allow to any such worker the holidays fixed by the order, he shall be liable on conviction to a fine not exceeding one hundred dollars or to a term of imprisonment not exceeding three months for each offence, and where the employer or any other person charged as a person to whose act or default the offence was due has been found guilty of an offence under this section consisting of a failure to pay remuneration not less than the statutory minimum remuneration, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid to the worker by way of remuneration, if the provisions of this Part had been complied with, and the amount actually so paid.

(3) Where proceedings are brought under the provisions of subsection (2) in respect of an offence consisting of a failure to pay remuneration not less than the statutory minimum remuneration, then—

1. if the employer or any other person charged as a person to whose act or default the offence was due is found guilty of the offence, 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 three years immediately preceding the date of the offence; and
2. on proof of such contravention, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid during that period to the employee by way of remuneration, if the provisions of this Part had been complied with, and the amount actually so paid:

Provided that evidence shall not be given under paragraph (a) of this subsection unless notice of intention to give such evidence has been served upon such employer or such other person with the summons, warrant, information or complaint. (*Subsection inserted by 15 of 1963, s. 2.*)

(4) The powers given by this section for the recovery of sums due from an employer to an employee shall be in addition to and not in derogation from any right to recover such sums by civil proceedings:

Provided that no person shall be liable to pay twice in respect of the same cause of action. (*Subsection inserted by 15 of 1963, s. 2.*)

(5) The provisions of section 219 of the Criminal Procedure Code shall not apply to any proceedings brought under the provisions of subsection (2):

Provided that no such proceedings shall be instituted after the expiration of three years from the date on which the act or default constituting the offence occurred. (*Section amended by 6 of 1970, s. 2.*)

(*Cap. 21.*)

Permits to infirm and incapacitated persons

10.—(1) If, as respects any worker employed or desiring to be employed in such circumstances that a wages regulation order applies or will apply to him, the Permanent Secretary is satisfied on application being made to him for a permit under this section either by the worker or the employer or a prospective employer that the worker is affected by

infirmity or physical incapacity which renders him incapable of earning the statutory minimum remuneration, the Permanent Secretary may if he thinks fit, grant, subject to such conditions, if any, as he may determine, a permit authorising the employment of such worker at less than the statutory minimum remuneration, and while the permit is in force the remuneration authorised to be paid to the worker by the permit shall, if those conditions are complied with, be deemed to be the statutory minimum remuneration. (*Substituted by 15 of 1963, s.3*)

(2) Where an employer employs any worker in reliance on any document purporting to be a permit granted under the provisions of subsection (1) authorising the employment of that worker at less than the statutory minimum remuneration, then, if the employer has notified the Permanent Secretary that, relying on that document, he is employing or proposing to employ that worker at a specified remuneration, the document shall, notwithstanding that it is not or is no longer a valid permit relating to that worker, be deemed, subject to the terms thereof and as respects only any period after the notification, to be such a permit until notice to the contrary is received by the employer from the Permanent Secretary. (*Section amended by 15 of 1963, s. 3.*)

Computation of remuneration

11.—(1) Subject to the provisions of this section, any reference in this Part to remuneration shall be construed as a reference to the amount obtained or to be obtained in cash by the worker from his employer after allowing for the worker's necessary expenditure, if any, in connexion with his employment, and clear of all deductions in respect of any matter whatsoever, except any deductions lawfully made—

1. in accordance with the provisions of the Employment Act; or
2. at the request of the worker, either for the purpose of a superannuation scheme, or a thrift scheme or for any purpose in the carrying out of which the employer has no beneficial financial interest either directly or indirectly. (*Subsection amended by 37 of 1966, s. 90.*) (*Cap. 92*)

(2) Notwithstanding anything contained in subsection (1), wages regulation proposals and wages regulation orders may contain provisions authorising specified benefits or advantages, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of workers, by the employer or by some other person under arrangements with the employer and not being benefits or advantages the provision of which is illegal by virtue of any other Act, to be reckoned as payment of wages by the employer in lieu of payment in cash, and defining the value at which any such benefits or advantages are to be reckoned.

Employers not to receive premiums

12.—(1) Where a worker to whom a wages regulation order applies is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account, any payment by way of premium:

Provided that nothing in this subsection shall apply to any such payment duly made in pursuance of any instrument of apprenticeship not later than four weeks after the commencement of the apprenticeship or to any such payment made at any time if duly made in pursuance of any instrument of apprenticeship approved for the purposes of this proviso by a wages council.

(2) If any employer acts in contravention of this section, he shall be liable on conviction in respect of each offence to a fine not exceeding forty dollars, and the court may, in addition to

imposing a fine, order him to repay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

Records and notices

13.—(1) The employer of any workers to whom a wages regulation order applies shall keep such records in English as are necessary to show whether or not the provisions of this Part are being complied with as respects them, and the records shall be retained by the employer for three years.

(Amended by 15 of 1963, s. 4.)

(2) The employer of any workers shall post in the prescribed manner such notices as may be prescribed for the purpose of informing them of any wages regulation proposals or wages regulation order affecting them, and, if it is so prescribed, shall give notice in any other prescribed manner to the said workers of the said matters, and of such matters, if any, as may be prescribed.

(3) If an employer fails to comply with any of the requirements of this section, he shall be liable on conviction to a fine not exceeding forty dollars.

Criminal liability of agent and superior employer, and special defence open to employer

14.—(1) Where the immediate employer of any worker is himself in the employment of some other person and that worker is employed on the premises of that other person, that other person shall for the purposes of this Part be deemed to be the employer of that worker jointly with the immediate employer.

(2) Where an employer is charged with an offence under this Part, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person to whose act or default he alleges that the offence in question was due brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and, if the employer further proves that he has used all due diligence to secure that this Part or any relevant rule or order made thereunder are complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of the provisions of subsection (2)-

1. the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives evidence and any witnesses called by him in support of his pleas and to call rebutting evidence;
2. the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(4) Where it appears to an officer acting for the purposes of this Part that an offence has been committed in respect of which proceedings might be taken under this Part against an employer, and the officer is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the employer could establish a defence under subsection (2), the officer may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer.

In any such proceedings the defendant may be charged with and, on proof that the offence was due to his act or default, be convicted of, the offence with which the employer might have been charged.

Officers

- 15.—(1) The Minister may appoint officers to act for the purposes of this Part.
- (2) Every officer acting for the purposes of this Part shall be furnished by the Permanent Secretary with a certificate of his appointment or authority so to act, and when acting under this Part shall, if so required by any person affected, produce the certificate to him.
- (3) An officer acting for the purposes of this Part shall have power for the performance of his duties—
1. to require the production of wages sheets or other records of wages kept by an employer, and records of payments made to outworkers by persons giving out work, and any other such records as are required by this Part to be kept by employers, and to inspect and examine those sheets or records and copy any material part thereof;
 2. to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments to be made for the work;
 3. at all reasonable times to enter any premises at which any employer to whom a wages regulation order applies carries on his business (including any place used, in connection with that business, for giving out work to outworkers and any premises which the officer has reasonable cause to believe to be used by or by arrangement with the employer to provide living accommodation for workers);
 4. to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers;
 5. to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Part, any person whom he has reasonable cause to believe to be or to have been a worker to whom a wages regulation order applies or applied or the employer of any such person or a servant or agent of the employer employed in the employer's business and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined:

Provided that no person shall be required under paragraph (e) to give any information tending to incriminate himself.

- (4) An officer acting for the purposes of this Part may institute proceedings for any offence under this Part and may, although not a barrister and solicitor, conduct any such proceedings.
- (5) An officer acting for the purposes of this Part who is authorised in that behalf by general or special directions of the Minister may, if it appears to him that a sum is due from an employer to a worker on account of the payment to him of remuneration less than the statutory minimum remuneration, institute on behalf of and in the name of that worker civil proceedings for the recovery of that sum and in any such proceedings the court may make an order for the payment of costs by the officer as if he were a party to the proceedings. The power given by this subsection for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.
- (6) Any person who obstructs an officer acting for the purposes of this Part in the exercise of any power conferred by this section, or refuses to comply with any requirement of such an officer made in the exercise of any such power, shall be liable on summary conviction to a fine not exceeding forty dollars.

Inspectors

16.—(1) The Minister may appoint inspectors whose duty it shall be, when directed by the chairman of a wages council, to collect and furnish to that wages council such information with regard to the wages and other conditions of employment of workers to whom that wages council applies as the chairman, after consultation with the representative members of the employers and workers, considers necessary to enable the wages council properly to carry out its functions.

(2) Every inspector acting for the purposes of this section shall be furnished by the chairman of the wages council concerned with a certificate of his appointment or authority to act, and when acting under this section shall, if so required by any person affected, produce the certificate to him.

(3) An inspector acting for the purposes of this section shall have the same powers of entry, inspection, examination, questioning and other matters as has an officer under subsection (3) of section 15, but as if references in that subsection to a wages regulation order were references to a wages council order.

(4) (a) No information obtained in pursuance of subsection (3) shall be disclosed by an inspector except to the wages council for which it was obtained or except for the purposes of a prosecution under this Act.

(b) No information so obtained shall be disclosed by an inspector in such a form as to enable the identification therefrom of an individual employer or worker to whom it relates, except with the prior consent in writing of such employer or worker.

(5) (a) Any person who obstructs an inspector acting for the purposes of this section in the exercise of any power conferred by this section, or refuses to comply with any such power, shall be guilty of an offence and shall be liable to a fine not exceeding forty dollars.

(b) Any inspector who wilfully discloses any information in contravention of the provisions of subsection (4) shall be guilty of an offence and shall be liable to a fine not exceeding forty dollars. (*Section inserted by 60 of 1961, s. 2.*)

Penalty for false entries in records, producing false records or giving false information

17. If any person makes or causes to be made or knowingly allows to be made any entry in a record required by this Part to be kept by employers, which he knows to be false in a material particular, or for purposes connected with this Part produces or furnishes, or causes or knowingly allows to be produced or furnished, any wages sheet record, list or information which he knows to be false in a material particular, he shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Regulations

18. The Minister may make regulations for prescribing anything which by this Act is required or authorised to be prescribed.

FIRST SCHEDULE

(Section 6)

CONSTITUTION, OFFICERS AND PROCEEDINGS OF WAGES
COUNCILS

1. A wages council shall consist of persons appointed by the Minister, being—

1. not more than three persons chosen by the Minister as being independent persons;

2. such number as the Minister thinks fit of persons who, in his opinion, represent employers in relation to whom the council or, as the case may be, the councils in question, is or are to operate;
3. such number as the Minister thinks fit of persons who, in his opinion, represent workers in relation to whom the council or, as the case may be, the councils in question, is or are to operate.

2. Of the persons appointed under sub-paragraph (a) of paragraph I, one shall be appointed by the Minister to act as chairman, and another may be appointed by the Minister to act as deputy chairman in the absence of the chairman.

3. Before appointing a person under sub-paragraph (b) or sub-paragraph (c) of paragraph I, the Minister shall consult any organisations appearing to him to represent employers, or, as the case may be, workers concerned, and the persons appointed under those sub-paragraphs shall be equal in number.

4. The Minister may appoint a secretary and such other officers as he thinks fit of a wages council.

5. The proceedings of a wages council shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.

6. A wages council may, if it thinks fit, delegate any of its powers under this Act (except the powers to submit wages regulation proposals) to a committee or, as the case may be, a sub-committee consisting of such number of persons, being members of the council, as the council thinks fit:

Provided that the members of the committee or sub-committee representing employers and the members of the committee or sub-committee representing workers shall be equal in number.

7. The Minister may make rules as to the meetings and procedure of a wages council and of any committee or, as the case may be, sub-committee thereof, including rules as to the quorum and the method of voting, but, subject to the provisions of this Act and to any rules so made, a wages council and any committee or, as the case may be, sub-committee thereof may regulate its procedure in such manner as it thinks fit.

8. The term for which a member of a wages council is to hold office shall be such as may be determined by the Minister at the time of his appointment, and the conditions subject to which he is to hold office shall be such as may be prescribed.

9. There may be paid out of the Consolidated Fund to the members of a wages council appointed under sub-paragraph (a) of paragraph I such remuneration, and to any member of any such council, such travelling and other allowances, as the Minister may determine.

SECOND SCHEDULE

(Section 7)

CONSTITUTION, OFFICERS AND PROCEEDINGS OF COMMISSIONS OF INQUIRY

1. Every commission of inquiry shall consist of persons appointed by the Minister, being—

1. not more than three persons chosen by the Minister as being independent persons;
2. not more than two persons chosen by the Minister to represent employers;
3. not more than two persons chosen by the Minister to represent workers.

2. Of the persons appointed under sub-paragraph (a) of paragraph I, one shall be appointed by the Minister to act as chairman, and another may be appointed by the Minister to act as deputy chairman in the absence of the chairman.
3. The persons appointed by the Minister under sub-paragraph (b) and (c) of paragraph I shall be equal in number and shall be appointed after such consultation as the Minister may consider necessary with such organisations representing employers and workers respectively as he thinks fit, and the said persons shall be persons who, in the opinion of the Minister, are not connected with or likely to be affected by the matters to be inquired into by the commission.
4. (a) The Minister may appoint such number of persons as he thinks fit as assessors to be available to any commission of inquiry, being persons who, in the opinion of the Minister have an expert knowledge of any of the matters with which the commission's inquiry is concerned.
(b) An assessor shall not vote or otherwise be a party to any report or recommendation of the commission.
5. The Minister may appoint a secretary and such other officers as he thinks fit of any commission of inquiry.
6. The proceedings of a commission of inquiry shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.
7. The Minister may make rules as to the meetings and procedure of commissions of inquiry including rules as to the quorum but subject to the provisions of this Act and to any rules so made a commission of inquiry may regulate its procedure in such manner as it thinks fit.
8. There shall be paid out of the Consolidated Fund to members of, and assessors to, any commission of inquiry such remuneration and such travelling and other allowances as the Minister may determine.

Controlled by Ministry for Labour, Industrial Relations and Immigration

CHAPTER 98

WAGES COUNCILS

SECTION 3—WAGES COUNCIL (BUILDING AND CIVIL AND ELECTRICAL ENGINEERING TRADES) ORDER

*Order 27 September 1965 [in force 22 October 1965],
Legal Notices Nos. 75 of 1970, 80 of 1973, III of 1978, 70 of 1982*

1. This Order may be cited as the Wages Council (Building and Civil and *Electrical Engineering Trades*) Order.
2. In this Order—
"tunnel" does not include any part of a mine;
"undertaking" includes a city or town council or any other public statutory authority.
3. There shall be established in respect of the workers to whom this Order applies and their employers a Wages Council to be known as the "Building and Civil and Electrical Engineering Trades Wages Council".
4. Subject to the provisions of paragraph 5, this Order shall apply to such of the workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional payment whatsoever, whether in money or otherwise,

does not exceed \$100 per week and who are employed wholly or mainly on the island of Viti Levu or in the town of Labasa 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:—

1. the construction, structural alteration, maintenance, repair or demolition of any building, or the preparation and the laying the foundation of, any intended building;
2. 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;
3. the generation of electricity or the installation, construction, demolition, alteration, maintenance, extension, renewal or repair of equipment, lines or other work in connection with the use of distribution of electricity;
4. any store or workshop operated wholly or mainly in connection with any of the works referred to in sub-paragraph (a), (b) or (c) or the repair, maintenance or testing of any machinery or mechanical or engineering equipment used in connection with such works.

(Amended by Legal Notices 75 of 1970, 80 of 1973, 70 of 1982.)

5. This Order does not apply to any of the following workers in respect of their employment in any of the following circumstances:—

1. workers in relation to whom any Wages Council shall operate (other than the Wages Council established by this Order) in respect of any employment which is for the time being within the field of operation of that Wages Council;
2. workers wholly or mainly employed in a garage or vehicle park or in the repair, maintenance or testing of motor vehicles or vessels, unless the sole or main business or function of their employer is building or civil or electrical engineering;
3. workers employed by the Government of Fiji, or the Royal New Zealand Air Force, or the New Zealand Civil Aviation Administration; or the New Zealand Ministry of Works, or the Fiji Sugar Corporation Limited, or the Emperor Gold Mining Company Limited, or the Suva City Council. *(Amended by Legal 111 of 1978.)*

SECTION 8—WAGES REGULATION (BUILDING AND CIVIL AND ELECTRICAL ENGINEERING TRADES) ORDER

Legal Notice No. 46 of 1980

[In force 11 February 1980]

1. This Order may be cited as the Wages Regulation (Building and Civil and Electrical Engineering Trades) Order.

2. This Order shall not apply to—

1. any worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order does not apply;
2. any apprentice;
3. any worker employed by the Fiji Electricity Authority.

3. In this Order:

"apprentice" has the meaning assigned to it by the Fiji National Training Act or any other law amending or replacing the same;

(*Cap. 93.*)

"five-day working week" means a working period of 45 hours made up of 9 hours each day from Monday to the succeeding Friday, both days inclusive;

"five and one-half day working week" means a working period of 45 hours made up of 8 hours each day from Monday to the succeeding Friday, both days inclusive and 5 hours on Saturday;

"general tradesman" means a worker to whom the Wages Council (Building and Civil and Electrical Engineering Trades) Order applies and who is not otherwise defined in this Order;

"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;

"public holiday" means any of the public holidays specified as a paid public holiday in the Schedule;

"unskilled work" means work which requires no particular skill and includes the digging or filling of holes or trenches 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 structures by hand pick or hammer; clearing waste materials from work places 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 underbush or trees; doing routine maintenance work on roads by using hand shovel, pick or other hand tools;

"unskilled worker" means a worker who is wholly or mainly employed on unskilled work;

"watchman" means a worker who is wholly or mainly employed in the watching or guarding of premises or materials;

"tradesman class 2" means a worker who holds a tradesman class 2 trade test certificate issued by the Permanent Secretary for Employment and Industrial Relations* under the Industrial Training (Trade Testing) Rules, 1968 or a tradesman class III trade test certificate issued by the Director of the Fiji National Training Council under the Fiji National Training (Trade Testing) Regulations;

"tradesman class I" means a worker who holds a tradesman class I trade test certificate issued by the Permanent Secretary for Employment and Industrial Relations* under the Industrial Training (Trade Testing) Rules, 1968 or a tradesman class II trade test certificate issued by the Director of the Fiji National Training Council under the Fiji National Training (Trade Testing) Regulations;

"craftsman" means a worker who holds a craftsman trade certificate issued by the Permanent Secretary for Employment and Industrial Relations* under the Industrial Training (Trade Testing) Rules, 1968 or a tradesman class I Trade Test Certificate issued by the Director of the Fiji National Training Council under the Fiji National Training (Trade Testing) Regulations;

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

4. The minimum hourly rate of remuneration to be paid to any worker whether such worker be employed hourly, daily, weekly or for any other period shall be:

1. for any unskilled worker under the age of 18 years, 80 cents;
2. for any unskilled worker of or over the age of 18 years, 90 cents;
3. for any general tradesman, \$1.05 cents;
4. for any tradesman class 2, \$1.10 cents;

5. for any tradesman class 1, \$1.15 cents;
6. for any craftsman, \$1.20 cents;
7. for any watchman, 70 cents.

5. Every worker shall be paid at his normal rate of remuneration in respect of each paid public holiday for the number of hours' work (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday:
Provided that—

1. this paragraph shall not apply to any worker unless he has been in the employment of his employer for a total of not less than 30 days, which period shall include non-working days and working days upon which the worker is excused from working or presenting himself for work by reason of any illness or injury covered by a medical certificate or by any other reason which the employer considers necessary;
2. where a public holiday falls on a day which a worker does not normally work the day upon which such public holiday is observed shall be paid as if it were a paid public holiday.

* See Legal Notice No. 89 of 1982.

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

1. every worker employed on a five-day working week for all time worked in excess of 9 hours on any working day during such week and for all time worked on Saturdays, Sundays and paid public holidays; and
2. every worker employed on a five and one-half day working for all time worked—
3. in excess of 8 hours on any week day other than Saturdays;
4. in excess of 5 hours on any Saturday; and
5. on Sundays and paid public holidays.

(2) The remuneration payable under sub-paragraph (1) shall, in the case of paid public holidays, be in addition to that payable under paragraph 5.

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

1. on week days, including Saturdays and on paid public holidays, one and one-half times the worker's normal hourly rate of remuneration;
2. on Sundays, twice the worker's normal hourly rate of remuneration; and
3. on days when a worker is required to continue work after midnight, twice the worker's normal hourly rate of remuneration for all work performed after midnight:

Provided that, subject to the provisions of paragraph 7, the minimum payment for time worked on Sundays and paid public holidays shall be not less than the remuneration payable to the worker for 3 hours' work 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 work of successive days. A worker who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least 8 consecutive hours off duty between those times, shall, subject to this paragraph, be released after completion of such overtime until he has had 8 consecutive hours off duty without loss of wages for ordinary working time occurring during such absences. If on the instructions of his employer such a worker resumes or continues work without having had such 8

consecutive hours off duty he shall be paid at twice his hourly rate of remuneration until he is released from duty for such period, and he shall then be entitled to be absent until he has had eight consecutive hours off duty without loss of remuneration for ordinary working time occurring during such absence.

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

1. for any day, other than a Sunday or a paid public holiday, not less than the remuneration payable to such worker for 3 hours' work on that day; and
2. for a Sunday or paid public holiday, not less than the remuneration payable to such worker for one hour's work on that day and such remuneration shall be in addition to that payable under paragraph 5.

8. No deduction shall be made from the remuneration of any worker in respect of any annual holiday taken by the worker under the provisions of the Employment Regulations.

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

1. \$2.00 if quarters are provided by his employer; or
2. \$2.75 cents if quarters are not provided by his employer.

10. Every worker who is required to work overtime in excess of two hours on any normal working day shall be entitled to a meal allowance of \$1.00.

11. All workers shall be given annual holidays in accordance with the provisions of Part IV of the Employment Regulations or any other regulations revoking and replacing the same.

SCHEDULE
(Paragraph 3)

The following public holidays shall be paid public holidays for the purpose of this Order—

New Year's Day
Prophet Mohammed's Birthday
Good Friday
Easter Monday
Fiji Day
Deepawali
Prince Charles's Birthday
Christmas Day
Boxing Day

SECTION 3—WAGES COUNCIL (HOTEL AND CATERING TRADES)
ORDER

Order 16 March 1966 [in force 1 April 1966], Legal Notices Nos. 76 of 1970, 83 of 1973, 72 of 1982

1. This Order may be cited as the Wages Council (Hotel and Catering Trades) Order.
2. In this Order, "local authority means a local authority as defined in section 10 of the Public Health Act.

(Cap. 111)

3. There shall be established in respect of the workers to whom this Order applies and their employers a wages council to be known as the "Hotel and Catering Trades Wages Council".

4. This Order shall apply to all workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$100 per week and who are employed in any undertaking 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:
Provided that this Order does not apply to any workers employed—

1. in any undertaking which is operated by the Government or by any local authority; or
2. in any employment which is for the time being within the field of operation of any other Wages Council Order, or their employers.

(Amended by Legal Notices 76 of 1970, 83 of 1973, 72 of 1982.)

SECTION 8—WAGES REGULATION (HOTEL AND CATERING TRADES)
ORDER

Legal Notice No. 26 of 1983
[In force 1 May 1983]

Short title

1. This Order may be cited as the Wages Regulation (Hotel and Catering Trades) Order.

Application

2. This Order shall not apply to—

1. any worker to whom the Wages Council (Hotel and Catering Trades) Order does not apply;

(b) any apprentice employed under a contract of apprenticeship entered into in accordance with the provisions of the Fiji National Training Act or any other law amending or replacing that Act;

(Cap. 93.)

- any worker who is not employed in any undertaking or part of an undertaking the business of which, whether severally or in combination, essentially consists in the carrying on of the activities described in the Wages Council (Hotel and Catering Trades) Order; or
- any worker employed by the Emperor Gold Mining Company Limited;

Interpretation

3. In this Order—

1. "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;

2. "casual worker" means any worker the terms of whose engagement provide for his payment at the end of each day's work and who is not engaged for a longer period than twenty-four hours at a time;
3. "clerk" means a worker who is employed wholly or mainly in performing one or more of the following classes of work, that is to say, sorting incoming mail, preparing outgoing correspondence, filing correspondence or other documents, receiving and documenting guests, receiving or interviewing callers, arranging appointments, attending telephones, 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;
4. "cook" means a worker who is employed wholly or mainly in preparing and cooking the dishes normally listed on the menu of the institution where he works, including the mixture of two or more ingredients or the preparation and cooking of meat, poultry, game or fish and on duties ancillary to any of those tasks;
- 5.
6. means a continuous period of twenty-four hours;
7. "general worker" means a worker who is employed wholly or mainly in performing tasks which require no particular skill, not being a worker of any other kind specified in this Order;
8. "house worker" means a worker who is employed wholly or mainly in all or any of the following 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;
9. "kitchen-hand" means a worker who is employed wholly or mainly in assisting a cook;
10. "laundry-hand" means a worker who is employed wholly or mainly in washing, drying or ironing clothing, bedding or furnishings or on duties ancillary to those tasks;
11. "licensed undertaking" means an undertaking in respect of the whole or part of which a license issued under the Liquor Act is in force;

(Cap. 192.)

1. "night attendant" means a worker who is employed wholly or mainly on night work in performing various tasks including carrying luggage, cleaning shoes, attending to the requirements of guest or clients, attending telephones or any other duties ancillary to any of those tasks;
2. "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;
3. "public holiday" means a public holiday specified in the Second Schedule;
4. "part-time worker" means a worker who is employed on a weekly contract of service and, at his own request, works less than forty-eight hours per week;
5. "student trainee" means—
 1. an employee who is undertaking a full-time course of instruction at the School of Hotel and Catering Services, Fiji Institute of Technology; or
 2. an employee who—

3. is under the age of 18 years; or
4. having attained the age of 18 years, has not previously worked in any undertaking to which the Wages Council (Hotel and Catering Trades) Order relates,
6. is undertaking a training programme that is approved by the Fiji National Training Council, being a programme—
 1. under which the training provided is supervised by a registered Training Officer; and
 2. the duration of which, in the case of an employee who has attained the age of 18 years, is not more than 6 months;
7. "waiter" means a worker who is employed wholly or mainly in the serving of food or drinks at table, the preparing, laying or clearing of tables or on duties ancillary to those tasks;
8. "watchman" means a worker who is employed wholly or mainly in the watching or guarding of premises or property and any items therein;
9. "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

Rates of remuneration

- 4.—(1) The minimum rates of remuneration to be paid to workers other than casual workers shall be those specified in the table set out in the First Schedule.
- (2) The minimum rates of remuneration to be paid to casual workers shall be forty per cent more than those specified in the First Schedule.

Rest day

5. 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 one calendar month in advance of that day.

Working week

6. The normal working week shall consist of not more than forty-eight hours spread over six days in any one week.

Split shifts

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

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

Public holidays

- 8.—(1) Every worker shall be entitled to a holiday with pay in respect of each paid public holiday.
- (2) Where a worker is required to work on any of the paid public holidays, he shall be entitled, in addition to his appropriate wages, to be paid for the actual hours worked at his normal rate of pay.

Overtime

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

1. for the first four hours worked in excess of eight hours on each day other than the restored day off applicable to the worker concerned, at one and one-half times the worker's minimum rate of remuneration, and for all overtime worked thereafter on such day, at twice the worker's minimum rate of remuneration; and
2. for all time worked on the worker's restored day off, at twice the worker's minimum rate of remuneration.

1. *Annual holidays*

10. All workers shall be given annual holidays in accordance with the provisions of Part IV of the Employment Regulations, or any other Regulations revoking or replacing those provisions.

1. *shift allowance*

11. Night shift allowance, at the rate of 5 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 p.m. on one day and 6 a.m. on the immediately following day.

12. The Wages Regulation (Hotel and Catering Trades) Order, 1980 is revoked.

FIRST SCHEDULE
(Paragraph 4)

INSERT TABLE

SECOND SCHEDULE
(Paragraph 2)

PUBLIC HOLIDAYS

New Year's Day
Prophet Mohammed's Birthday
Good Friday
Easter Saturday
Easter Monday
Queen's Birthday
Bank Holiday
Fiji Day
Deepawali
Prince Charles's Birthday
Christmas Day
Boxing Day

Legal Notices Nos. 88 of 1981, 66 of 1982

1. This Order may be cited as the Wages Council (Manufacturing Industry) Order.
2. In this Order "local authority" means—

1. a local authority as defined in section **10** of the Public Health Act;
1. *111.*)

(b) a municipality constituted under the Local Government Act.

1. *125.*)

3. There shall be established in respect of the workers to whom this Order applies and their employers a Wages Council to be known as the "Manufacturing Industry Wages Council".
4. This Order shall apply to all workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$100 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 is in force or is required, and their employers:

1. *204.*)

Provided that this Order shall not apply to any workers employed—

1. *in* any undertaking which is operated by Government or by any local authority; or
2. in any employment which is for the time being within the field of operation of any other Wages Council Order,

or their employers.

1. *(Amended by Legal Notice 66 of 1982.)*

SECTION 3—WAGES COUNCIL (PRINTING TRADES) ORDER

Legal Notices Nos. 109 of 1981, 67 of 1982

1. This Order may be cited as the Wages Council (Printing Trades) Order.
2. In this Order "local authority" means—

(a) a local authority as defined in section **10** of the Public Health Act;
(Cap. 111.)

(b) a municipality constituted under the Local Government Act.
(Cap. 125.)

1. There shall be established in respect of the workers to whom this Order applies and their employers a Wages Council to be known as the "Printing Trades Wages Council."

4. This Order shall apply to all workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed 100 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 is in force or is required, and their employers:

1. 204.)

Provided that this Order shall not apply to any workers employed—

1. in any undertaking which is operated by Government or by any local authority; or
2. *in* any employment which is for the time being within the field of operation of any other Wages Council Order, or their employers.

(Amended by Legal Notice 67 of 1982.)

SECTION 8—WAGES REGULATION (PRINTING TRADES) ORDER

Legal Notice No. 45 of 1983

[In force 1 July 1983]

Short title

1. This Order may be cited as the Wages Regulation (Printing Trades) Order.

Application

2. This Order shall not apply to—

1. any worker to whom the Wages Council (Printing Trades) Order does not apply; or
2. any apprentice employed under a contract of apprenticeship entered into in accordance with the provisions of the Fiji National Training Act or of any other law amending or replacing that Act.

1. 93.)

3. In this Order—

1. "casual worker" means a worker whose terms of engagement provide for his payment at the end of each day's work and who is not engaged for a longer period than twenty-four hours at a time;
2. "public holiday" means any of the days specified in the Schedule to the Public Holidays Act or any day appointed by notification under section 6 of that Act; (*Cap. 101*)
3. "week" means the period between midnight on a Saturday night and midnight on the succeeding Saturday night.

4.—(1) Subject to sub-paragraph (2), the minimum hourly rate of remuneration to be paid to a worker, whether that worker be paid hourly, daily, weekly or for any other period, shall be—

(a) where the worker has not attained the age of 18 years—\$1.01; and

(b) where the worker has attained the age of 18 years—\$1.14.

(2) The minimum hourly rate of remuneration to be paid to a casual worker shall be 25% more than the minimum rate that would be applicable to that worker under sub-paragraph (1).

5. A working week for a worker other than a casual worker shall consist of five working days of nine hours each.

6.—(1) Subject to sub-paragraph (2), every worker other than a casual worker shall be paid in respect of each public holiday for the number of hours (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday.

(2) Sub-paragraph (1) shall not apply to a worker unless—

1. he worked for his employer throughout the last working day preceding the public holiday; and
2. he presents himself for work at the usual starting time on the first working day after the public holiday.

(3) The requirements of sub-paragraph (2) shall be deemed to have been complied with in any case where the worker is excused from presenting himself for work by his employer, is prevented from presenting himself for work by illness or injury verified by a medical certificate or is prevented from presenting himself for work by any other cause acceptable to his employer.

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

1. for all time worked in excess of nine hours on any working day;
2. for all time worked on a Sunday or a public holiday; and
3. for all time worked on a day, other than a Sunday or a public holiday, that is in excess of five days in a week.

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

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

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

(4) Without prejudice to sub-paragraph (3), a minimum of four hours' overtime pay at the rates specified in that sub-paragraph shall be paid in respect of any overtime worked on a Sunday or a public holiday.

8. No deductions shall be allowed from worker's remuneration in respect of any annual holiday taken by a worker under Part IV of the Employment Regulations or under any regulations amending or replacing those Regulations.

SECTION 3—WAGES COUNCIL (ROAD TRANSPORT) ORDER

Order 14 March 1966 [in force 18 March 1966,] Legal Notices Nos. 118 of 1968, 10 of 1969, 77 of 1970, 82 of 1973, 71 of 1982

1. This Order may be cited as the Wages Council (Road Transport) Order.
2. In this Order "local authority" means a local authority as defined in section 10 of the Public Health Act.
(*Cap. 111*)
3. There shall be established in respect of the workers to whom this Order applies and their employers a wages council to be known as the "Road Transport Wages Council".
4. This Order shall apply—
 1. 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 \$100 per week and who are employed—

2. in any undertaking; or
3. if the undertaking consists of several parts, in any part of such 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 Traffic Act; and
(b) to the employers of such workers:

Provided that this Order does not apply to any workers employed—

1. in any undertaking which is operated by the Government or by any local authority;
2. in any employment which is for time being within the field of operation of any other Wages Council Order; or

(iii) as dockworkers and stevedores, or their employers.

(Substituted by Legal Notice 118 of 1968; amended by Legal Notices 10 of 1969,

1. of 1970, 82 of 1973, 71 of 1982.)

SECTION 8 — WAGES REGULATION (ROAD TRANSPORT) ORDER

1. *Notice No. 1 of 1982*
2. *force 8 January 1982]*

1. This Order may be cited as the Wages Regulation (Road Transport) Order.
2. This Order shall not apply to—

1. any worker to whom the Wages Council (Road Transport) Order does not apply;
2. any apprentice employed under a contract of apprenticeship entered into in accordance with the provisions of the Fiji National Training Act or any other law amending or replacing the same; (*Cap. 93.*)

3. In this Order—

"clerk" means a worker who is employed wholly or mainly in performing one or more of the following classes of work:—

1. sorting of incoming mail, preparation of outgoing 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 payments from petty cash, shorthand writing, typing of correspondence, book-keeping, operation of machine equipment for accounting, calculating, addressing, franking, copying and reproducing documents and drawings, preparing stencils, duplicating or composing of office correspondence;
2. "casual worker" means a worker whose terms of engagement provide for his payment at the end of each day's work and who is not engaged for a longer period than 24 hours at a time;

"conductor" means a person employed by the holder of a licence to issue tickets and collect moneys on an omnibus;

"driver" means a worker who is employed wholly or mainly in driving a vehicle for the transport of goods and passengers or either of them;

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

"garage serviceman" means a worker who is employed wholly or mainly in performing in connection with motor vehicles one or more of the following classes of work:—

1. changing of oil in engine or transmission system; lubricating joints; tightening loose parts; making minor adjustments; mending tyres; checking or checking and servicing batteries, water or tyre pressure, washing, cleaning or polishing; or any other tasks related to the servicing of vehicles other than those carried out by a mechanic-repairman;

"general worker" means a worker who performs tasks which require no particular skill or who is not otherwise defined in this Order;

"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:—

1. 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;

"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;

"paid public holiday" means a public holiday specified in the Second Schedule;

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

"ticket-checker" means a worker who is employed wholly or mainly in checking tickets issued to passengers of public service vehicles;

"vehicle" means a mechanically propelled vehicle in one of the following categories:—

1. public service vehicle, being a vehicle constructed or adapted to carry more than seven passengers inclusive of the driver;
2. heavy goods vehicle, over 3048 kg unladen;
3. others not within class (a) or (b) above;
4. "watchman" means a worker who is wholly or mainly employed in the watching or guarding of premises or materials;
5. "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night;
6. "worker" means a worker to whom the Wages Council (Road Transport) Order applies.

4.—(1) The minimum hourly rates of remuneration to be paid to the classes of workers specified in the first column of the First Schedule shall be those contained in the second or third column of that Schedule as the case may be:

Provided that drivers shall be paid the rate applicable to the vehicle they are employed to drive notwithstanding that they may be qualified to drive other categories of vehicles.

(2) The minimum rates of remuneration to be paid to casual workers of the classes specified in the first column of the First Schedule shall be twenty-five per cent more than the minimum rates specified in the second and third column of the First Schedule.

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

6. Where a worker is required to work his normal hours of work in separate shifts—

1. the normal hours of work shall be worked in not more than two shifts;
2. such shifts shall notwithstanding the provisions of paragraph 5 of this Order be worked either between the hours of 6 a.m. and 5 p.m. or between the hours of 7 a.m. and 6 p.m.; and
3. where a lesser number of hours than 8 is actually worked the workman shall be paid for a minimum of 8 hours of work and for the purposes of paragraph 9 of this Order shall be regarded as having performed 8 hours' work.

For the purposes of this paragraph a meal break not exceeding a duration of one hour shall not constitute a break between shifts.

7. Every worker shall be paid at his normal rate of remuneration in respect of each paid public holiday for the number of hours (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday.

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

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

1. 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 one-half times the worker's minimum hourly rate of remuneration and for all overtime worked thereafter on such day at twice the worker's minimum hourly rate of remuneration;
2. for all time worked on the worker's rostered-day-off at one and one-half times the worker's minimum hourly rate of remuneration;
3. for the first 8 hours worked on a paid public holiday, at one and one-half times the worker's minimum hourly rate of remuneration, to be paid in addition to his entitlement under paragraph 7 hereof;
4. for all time worked in excess of 8 hours on a paid public holiday, at two and one-half times the worker's minimum hourly rate of remuneration.

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

- (a) \$3.50 cents if quarters are provided by his employer; or
- (b) \$6.50 cents if quarters are not provided by his employer.

11. All workers shall be given annual holidays in accordance with the provisions of Part IV of the Employment Regulations, or any other Regulation revoking or replacing the same.

12. The Wages Regulation (Road Transport) Order 1979 is hereby revoked

- 1.

FIRST SCHEDULE

(Paragraph 4)

INSERT TABLE

SECOND SCHEDULE

(Paragraph 3)

—————
New Year's Day
Prophet Mohammed's Birthday
Good Friday
Easter Saturday
Easter Monday
Queen's Birthday
Fiji Day
Prince Charles Birthday
Deepawali
Christmas Day
Boxing Day

—————

SECTION 3—WAGES COUNCIL (SAWMILLING) ORDER

Legal Notices Nos. 179 of 1969, 74 of 1970, 76 of 1973, 69 of 1982

1. This Order may be cited as the Wages Council (Sawmilling) Order.
2. In this Order "local authority" means a local authority as defined in section 10 of the Public Health Act.
(*Cap. 111.*)
3. There shall be established in respect of the workers to whom this Order applies and their employers a Wages Council to be known as the "Sawmilling Wages Council".
4. This Order shall apply to all workers whose minimum rate of remuneration without taking in to consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise does not exceed \$100 per week and who are employed on the islands of Viti Levu, Vanua Levu or Kadavu by the operator of any sawmill registered under the Forest Regulations in or about such sawmill or on work ancillary thereto and their employers:
Provided that this Order shall not apply to any workers employed—

1. in any undertaking which is operated by the Government or by any local authority; or
2. in any employment which is for the time being within the field of operation of any other Wages Council Order; or
3. by the Emperor Gold Mining Company Limited, or their employers.

(*Amended by Legal Notices 74 of 1970, 76 of 1973, 69 of 1982.*)

—————

SECTION 8—WAGES REGULATION (SAWMILLING) ORDER

Legal Notice No. 60 of 1983

[*In force 1 August 1983*]

1. This Order may be cited as the Wages Regulation (Sawmilling) Order.
2. This Order shall not apply to—

1. any worker to whom the Wages Council (Sawmilling) Order does not apply;

(b) any apprentice employed under a contract of apprenticeship entered into in accordance with the provisions of the Fiji National Training Act or any other law amending or replacing the same;

(Cap. 93.)

- any watchman.

- 3.—(1) In this Order unless the context otherwise requires—

1. "general" means activities not solely connected with any department or section;
2. "other worker" means a person engaged to perform tasks not described;
3. "plant operator" means a person with the necessary skill engaged to take charge of anchor operate, with assistance, any plant either mobile or stationary including any stationary steam boiler and prime mover or any stationary electrical generating plant producing electricity at 110 volts or more whose duties would include responsibility for the correct, efficient and safe operation of the plant under his control, its proper care and maintenance and the keeping of simple records as required by the employer;
4. "public holiday" means any of the public holidays specified as a paid holiday in the Second Schedule;
5. "rostered-day-off" means that day of each week on which a worker is entitled under the terms of his contract to be absent from his duty; "worker" means a worker to whom the Wages Council (Sawmilling) Order applies.

4. In this Order the following terms shall be deemed to apply to all workers generally employed in the sawmilling 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 purposes of this paragraph and the First Schedule—

1. "logging" means the activities carried on 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;
2. "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;
3. "truck driver" means a suitably skilled person in possession of the 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;
4. "mobile plant" means plant which is self-propelled or lowed and performs its functions while moving on wheels or tracks;

5. "mobile plant 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 and 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;
6. "other worker" means any person engaged to perform tasks associated with the employer's logging and log transport operations which are not described above;
7. "truck driver" means a skilled person engaged to drive a truck, the carrying capacity of which is over 5,100 kg, used for carrying logs or poles or the like
8. ROAD CONSTRUCTION WORK

For the purposes of this paragraph and the First Schedule—

1. "mobile plant" means plant which is self-propelled or towed and performs its function while moving on wheels or tracks;
2. "mobile 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;
3. "other worker" means any person engaged to perform tasks associated with the construction or maintenance of roads which are not described above;
4. "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;
5. "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 First Schedule—

1. "gravel pit" means an area or situation where gravel, sand, stone or similar material is extracted or crushed and/or screened and otherwise processed or prepared;
2. "mobile plant" means plant which is self-propelled or towed and performs its function while moving on wheels or tracks;
3. "mobile 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 the like 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;
4. "other work" means any person engaged to perform tasks associated with the operation of quarry or gravel pit which are not described above;
5. "quarry" means an area or situation where rock or 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;

1. "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 stationary plant with hoses, cable or the like;
2. "stationary plant operator" means a person with the necessary skill engaged to operate stationary plant used in connection with the extraction, transport, crushing, grading or screening of gravel, sand, stone or broken stone, soil, clay or the like 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 purposes of this paragraph and First Schedule—

1. yard" means any area or situation used primarily for the receipt, storage, sorting and preparation of logs immediately before their entry to a sawmill;
2. "other worker" means any person engaged to perform tasks in a log yard, sawmill or sawshop which are not described;
3. "sawdoctor" means a person who has usually served as an apprentice in the maintenance and keeping of wood-cutting saws and who is competent in carrying out all aspects of the operation, repair and maintenance of wood-cutting saw blades;
4. "sawmill" means any number or combination 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 of conveyors or the like used to move logs or timber to, from, round or between any of these machines but excludes any conveyors, trollies, lines and skids used primarily for the dipping in liquid or sorting of sawn timber emerging from the sawmill;
5. "sawmill hand" 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 the like lengthwise) directly connected with the handling, movement or conversion of logs, cants, flitches, slabs, scantling, boards or the like within the log yard or sawmill;

"sawmill plant operator" means a person with the necessary skill engaged—

1. to operate any plant (other than saws used primarily to saw logs, cants, flitches, slabs or the like lengthwise and/or portable or hand tools) used in a sawmill or for handling logs in a log yard;
2. to assist in operating any saw used primarily to saw logs, cants, flitches, slabs or the like lengthwise under the direction of a sawyer;
 1. "sawshop" means a room, building or area where wood-cutting saw blades or chains are repaired or maintained and which contains the necessary tools and equipment for that purpose;
 2. "sawshop hand" means a person with the necessary skill engaged to perform various tasks directly connected with the repair and maintenance of wood-cutting saw blades or chains under the direction of a qualified sawdoctor in the sawshop or sawmill;

3. "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 skills required of a sawyer include—

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

(e) TIMBER YARD OPERATION

For the purposes of this paragraph and the First Schedule—

1. "mobile plant" means plant which is self-propelled or towed and performs its functions while moving on wheels or tracks;
2. "mobile plant operator" means a person with the necessary skill engaged to operate mobile plant used for the movement or handling of sawn timber in a timber yard whose duties include responsibility for the correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer;
3. "other worker" means any person engaged to perform any tasks in or about a timber yard which are not described;
4. "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 and a sound practical knowledge of the methods used to sort, handle and package sawn timber;
5. "tallyman" means a person with the necessary skill engaged to measure and/or grade sawn timber in a timber yard;
6. "timber yard" means an area or situation in which the sorting, grading, tallying, storage, air drying, packaging, marking or the preparation for sale or distribution of sawn timber, is carried out;
7. "timber yard hand" means a person with the necessary skill engaged to perform various tasks, other than tallyman or mobile plant 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 purposes of this paragraph and the First Schedule—

1. "machinist" means a person with the necessary skill engaged to take charge of and/or operate, with assistance, any machine in a planer mill used primarily to plane, gauge or mould sawn timber lengthwise;
2. "other worker" means a person engaged to perform tasks in or adjacent to a planer mill which are not described;
3. "planer mill" means a building or the area containing planing or moulding machines and the like, conveyors, trollies, tram lines, etc., used for working or handling sawn timber;
4. "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 planing, movement or handling of sawn timber;
5. "skill" means the ability to safely and efficiently operate the machine under his control and to give it proper care and maintenance, the ability to "set up" the machine under his control and to prepare and 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 purposes of this paragraph and the First Schedule—

1. "boron treatment plant" means a building or area containing plant and equipment designed to mix and apply a chemical solution to and for the storage of sawn timber during its preservative treatment by the diffusion process;
2. "other worker" means a person engaged to perform any tasks in or adjacent to any boron treatment plant which are not described;
3. "treatment plant hand" means a person engaged to perform any tasks, other than treatment plant operator, connected with the handling and storage of, or the application of treating solution to, sawn timber or the mixing of treating solution;
4. "treatment plant operator" means a person with the necessary skill engaged to take charge of the treating process involving the responsibility for the safe and efficient operation of the plant, the mixing of solution, the keeping of records, control of diffusion, storage, etc.

(h) PRESSURE TREATMENT PLANT OPERATIONS

For the purposes of this paragraph and the First Schedule—

1. "other worker" means a person engaged to perform tasks in or adjacent to a pressure treatment plant which are not described;
2. "pressure treatment plant" means a building or area containing plant and equipment designed to impregnate timber with preservative chemicals by use of pressure;
3. "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;
4. "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.

5. The minimum hourly rate of remuneration to be paid to any worker specified in the first column of the First Schedule whether such workers be employed hourly, daily, weekly or for any other period shall be that contained in the second column of that Schedule as the case may be.
6. The normal hours of work shall not exceed 9 hours a day or 45 hours a week.
7. Every worker who does not work on a public holiday shall be paid at his normal rate of remuneration in respect of each paid public holiday for the number of hours (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday.
8. In each week a worker shall be entitled to one rest day, hereinafter referred to as the "rostered-day-off", which shall be determined by the employer and notified to the worker not less than 48 hours in advance of such day. In the event of the rostered-day-off falling on a paid public holiday the worker shall be granted an additional day off as a rostered-day-off.
9. The rate of remuneration payable for overtime work shall be—
 1. one and a half times the worker's normal hourly rate of remuneration in respect of all time worked in excess of normal working hours;
 2. twice the worker's normal hourly rate of remuneration in respect of all time worked on a rostered-day-off;
 3. two and half times the worker's normal hourly rate of remuneration in respect of all time worked on a public holiday.
11. All workers shall be given annual holidays in accordance with the provisions of Part IV of the Employment Regulations, or any other regulations revoking or replacing the same.
11. The Wages Regulation (Sawmilling) Order, 1981 is hereby revoked.

FIRST SCHEDULE
(Paragraph 5)

MINIMUM HOURLY RATES OF REMUNERATION

<i>First Column</i>	<i>Second Column</i>
<i>Class of Work</i>	<i>Minimum Hourly Remuneration</i>
	\$
FIELD WORKERS:	
Log Truck Drivers.....	1.35
Truck Drivers.....	1.22
Mobile Plant Operators.....	1.35
Logging Crew Hands.....	1.21
Other Workers.....	1.16
ROAD CONSTRUCTION WORKERS:	
Mobile Plant Operators.....	1.35
Truck Drivers.....	1.22
Other Workers.....	1.16

QUARRY AND GRAVEL PIT WORKERS:	
Mobile Plant Operators.....	1.35
Stationary Plant Operators.....	1.23
Spallers.....	1.21
Other Workers.....	1.16
SAWMILLING, SAWSHOP, LOG YARD WORKERS:	
Sawyers.....	1.35
Plant Operators.....	1.21
Sawmill and Log Yard Hands.....	1.18
Sawshop Hands.....	1.21
Other Workers.....	1.16
TIMBER YARD WORKERS:	
Mobile Plant Operators.....	1.32
Tallymen.....	1.23
Timber Yard Hands.....	1.18
Other Workers.....	1.16
PLANER MILL WORKERS:	
Machinist.....	1.29
Mill Hands.....	1.18
Other Workers.....	1.16
BORON TREATMENT PLANT WORKERS:	
Treatment Plant Operators.....	1.30
Treatment Plant Hands.....	1.22
Other Workers.....	1.16
PRESSURE TREATMENT PLANT WORKERS:	
Treatment Plant Operators.....	1.32
Treatment Plant Hands.....	1.18
Other Workers.....	1.16
STORE WORKERS:	
Store Assistants.....	1.22
GENERAL WORKERS NOT OTHERWISE SPECIFIED:	
Plant Operators.....	1.22
Drivers.....	1.16
Other Workers.....	1.16

SECOND SCHEDULE
(Paragraph 3)

PUBLIC HOLIDAYS

New Year's Day
Prophet Mohammed's Birthday
Good Friday
Easter Saturday
Easter Monday
Queen's Birthday
Bank Holiday
Fiji Day
Deepawali
Prince Charles's Birthday
Christmas Day

SECTION 3—WAGES COUNCIL (WHOLESALE AND RETAIL TRADES) ORDER

Orders 9 October 1964 [in force 15 November 1964] 28 December 1966, Legal Notices Nos. 73 of 1970, 80 of 1973, 148 of 1977, 64 of 1978, 68 of 1982

1. This Order may be cited as the Wages Council (Wholesale and Retail Trades) Order.
2. In this Order—

1. "clerical worker" 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 outgoing 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 payments from, petty cash, shorthand writing, typing of correspondence, book keeping, operation of machine equipment for accounting, calculating, addressing, franking, copying and reproducing documents and drawings, preparing stencils, duplicating or composing of office correspondence;
2. "shop" means any premises in which any of the businesses designated in the Schedule is carried on and in respect of which a licence under the Business Licensing Act is in force or is required and includes any room or structure which is part of the building wherein such premises are situated and in which goods sold or made in the shop are stored or prepared for sale;
3. 204.)
4. Provided that there shall be excluded from this definition that part of a shop which is used solely and exclusively for the accommodation of the occupier or of any person in his employment.

(Paragraph substituted by Order 28 December 1966; amended by Legal Notice 148 of 1977.)

3. There shall be established in respect of the workers to whom this Order applies and their employers a Wages Council to be known as the "Wholesale and Retail Trades Wages Council".
- 4.—(1) Subject to the provisions of sub-paragraph (2), it is intended that this Order shall apply to such of the workers whose minimum rate of remuneration, without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$100 per week and who are employed

wholly or mainly in the cities of Suva and Lautoka, the towns of Nausori, Sigatoka, Nadi, Ba, Labasa, Levuka and Lami or on the island of Taveuni or within a radius of one and a half miles from the Post Offices at Vaileka, Tavua, Navua or Savusavu, 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:—

1. workers employed in or about a shop on operations carried on for the purpose of selling goods or the preparation of goods for sale;
2. workers employed in warehouses and stores in connection with warehousing or storing of goods which are to be sold;
3. workers employed in transporting goods in connection with their sale, warehousing or storing;
4. watchmen employed in or about shops, warehouses or stores;
5. clerical workers.

(Amended by Legal Notices 73 of 1970, 80 of 1973, 64 of 1978, 68 of 1982.)

(2) This Order does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

1. workers in relation to whom any Wages Council shall operate (other than the Wholesale and Retail Trades Wages Council) in respect of any employment which is for the time being within the field of operation of that Wages Council;
 1. workers employed wholly or mainly on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners of premises);
 2. seamen, dockworkers and stevedores;
2. workers employed in bonded warehouses;
3. workers employed by the Fiji Sugar Corporation Limited.

(Amended by Legal Notice 73 of 1970.)

SCHEDULE

(Paragraph 2)

(Inserted by Legal Notice 148 of 1977)

DESIGNATED BUSINESSES

Bar, Milk and Dairy
Bookshop
Butcher
Chemist, Drug Store, Pharmacy
Dealer, Motor Vehicle, Accessories and Spare Parts
Dealer/Repairer, Office Equipment
Florist
Gallery, Art
Jeweller
Maker/Repairer, Shoe
Merchant, Scrap Metal
Merchant, Timber

Shop, Greengrocer
Shop, Pawn
Shop, Retail
Shop, Tailor and Drapery
Shop, Wholesale and Retail
Shop not otherwise defined
Studio, Photographic

SECTION 8—WAGES REGULATION (WHOLESALE AND RETAIL
TRADES) ORDER

Legal Notice 35 of 1982

[In force 1 May 1982]

1. This Order may be cited as the Wages Regulation (Wholesale and Retail Trades) Order.
2. This Order shall not apply to—

1. any worker to whom the Wages Council (Wholesale and Retail Trades) Order does not apply;

(b) any apprentice employed under a contract of apprenticeship entered into in accordance with the provisions of the Fiji National Training Act or any other law amending or replacing the same.

(Cap. 93.)

3. In this Order—

1. "cashier" means a worker who is engaged wholly or mainly in receiving cash for sales effected in his employer's trade;
2. "casual worker" means any worker whose terms of engagement provide for his payment at the end of each day's work and who is not engaged for a longer period than 24 hours at a time;
3. "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 outgoing 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 payments 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 stencils, duplicating or composing of office correspondence;
4. "driver" means a worker who is engaged wholly or mainly in driving a mechanically propelled vehicle for the transport of goods in connection with their sale, warehousing or storing;
5. "driver/trailer" means a worker who is employed wholly or mainly in driving a mechanically propelled vehicle with a trailer for the transport of goods or persons or driven for any purpose connected with the business of his employer;
6. "fork-lift operator" means a worker who is employed wholly or mainly in operating a power driven fork-lift for any purpose connected with the business of his employer;
7. "packer" means a worker who is employed wholly or mainly in packing goods;

"public holiday" means any of the days specified in the Schedule to the Public Holidays Act or any day appointed by notification in the Gazette under section 6 of that Act; (*Cap. 101.*)

- "salesman" means a worker who is wholly or mainly engaged in selling, canvassing or otherwise soliciting for sales either in a store or outside from place to place;
- "sewing machinist" means a worker who is employed wholly or mainly in operating a sewing machine for any purpose connected with the business of his employer;
- "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 engaged wholly or mainly in a store in checking stock in or out, issuing stock, or caring for stock;
- "unskilled worker" means a worker who is employed wholly or mainly on any of the following duties, that is to say, the opening, closing, sweeping, and cleaning of the premises and the lifting, carrying and opening of goods, or on manual work of a similar nature, or on any duty not otherwise specified in this Order in any establishment to which the provisions of the Wages Council (Wholesale and Retail Trades) Order applies;
- "watchman" means a worker who is employed wholly or mainly on the watching or guarding of premises or stock;
- "week" means the period between midnight on a Saturday night and midnight on the succeeding Saturday night;
- "weekday" means any day of the week other than a Sunday or public holiday.

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 be paid hourly, daily, weekly or for any other periods, shall be those contained in the second or third column of the Schedule, as the case requires.

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

5. Every worker shall be paid in respect of each public holiday for the number of hours' work (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday:

Provided that this paragraph shall not apply to any worker unless—

1. he worked for the employer throughout the last working day preceding the public holiday; and
2. he presents himself for employment at the usual starting time on the first working day after such public holiday:

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

6.—(1) The normal hours of work for a watchman shall be 8 hours a day for 6 days a week, and may be worked during any 6 days of any week beginning from midnight on Saturday to midnight on the succeeding Saturday.

(2) In each week a watchman 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 watchman not less than one week in advance of the week within which it falls.

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

1. every worker employed for 5 days or less per working week for all time worked in excess of 9 hours on any working day during such week and for all time worked on Saturdays, Sundays and paid public holidays; and
2. every worker employed on a five and one-half day working week or, not being a watchman, on a six-day working week, for all time worked—
3. in excess of 8 hours on any week day other than the early closing day applicable to him;
4. in excess of 5 hours on such early closing day or, where employed upon a six-day working week, in excess of 5 hours on such sixth day; and
5. on Sundays and paid public holidays; and
6. every watchman employed on a six-day week for all time worked in excess of 8 hours on any working day and for all time worked on the rostered day off.

(2) The remuneration payable under the provisions of sub-paragraph (1) shall, in the case of paid public holidays, be in addition to that payable under paragraph 5.

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

1. on weekdays one and one-half times the workers' normal hourly rate of pay for the first 4 hours and thereafter at twice the workers' normal hourly rate of pay;
2. on Sundays and public holidays twice the workers' normal hourly rate of pay.

(4) The rate of remuneration payable for overtime worked by a watchman in sub-paragraph (1) (c) of this paragraph shall be one and one-half times the watchman's hourly rate of pay.

(5) At least 4 hours' overtime pay at the rate specified in sub-paragraph 3 (b) of this paragraph shall be paid in respect of any overtime on Sundays and public holidays: Provided that in the case of emergency which could not have been controlled or foreseen and which would interfere with the normal working of the undertaking and which is not of a regular periodical nature where no notice has been given by the employer on a day previous to the said emergency at least two hours' overtime pay shall be paid.

8. No deductions shall be allowed from a worker's remuneration in respect of any annual holiday taken by the worker under Part IV of the Employment Regulations, or any other Regulations revoking or replacing the same.

9. The Wages Regulation (Wholesale and Retail Trades) Order 1980 is hereby revoked.

SCHEDULE
(Paragraph 4)

<i>First Column Class of Worker</i>	<i>Clerk</i>
Driver.....	Driver/Trailer..... Forklift Operator.....
Packer.....	Salesman..... Sewing Machinist..... Shop Assistant.....
Storeman.....	Unskilled Worker.....
Watchman.....	<i>Minimum Hourly Second Column Under 18 years Over \$ 1.15</i>
	<i>1.13 1.16 1.19 1.19 1.11 1.17 1.14 1.13 1.15 1.03 1.08 Remuneration Third Column 18 years and over \$ 1.25 1.23 1.26 1.29 1.29 1.21 1.27 1.24 1.23 1.25 1.13 1.18</i>

SECTION 18—WAGES COUNCILS REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Publication of wages council order
3. Publication of notice by commission of inquiry
4. Publication of notice of wages regulation proposals
5. Publication of notice of wages regulation order
6. Posting by employers of notices of wages regulation proposals and orders

Regulations 10 August 1964 fin force 14 August 1964], 8 September 1966

Short title

1. These Regulations may be cited as the Wages Councils Regulations.

Publication of wages council order

2. Publication of every wages council order and every report of any commission of inquiry required to be published under the provisions of subsection (4) of section 4 of the Act, shall be effected by publishing them in the Gazette.

(Amended by Regulations 8 September 1966.)

Publication of notice by commission of inquiry

3. Publication of every notice required to be published under the provisions of subsection (2) of section 7 of the Act, shall be effected by publishing such notice in the Gazette.

Publication of notice of wages regulation proposals

4. Publication of every notice of any wages regulation proposals required to be published under the provisions of subsection (2) of section 8 of the Act shall be effected by publishing such notice, and the wages regulation proposals to which it relates, in the Gazette.

Publication of notice of wages regulation order

5. Every notice by a wages council of any wages regulation order required to be given under the provisions of subsection (4) of section 8 of the Act shall be given by publishing such order in the Gazette.

Posting by employers of notices of wages regulation proposals and orders

6. Every notice required under the provisions of subsection (2) of section 13 of the Act to be posted by the employer of any workers affected by any wages regulation proposals or wages regulation order, shall be a copy of such proposals or order, as the case may be, and shall be posted by affixing the same in a conspicuous position in such place or places, in every shop, warehouse, store, undertaking or other place of employment in or on which any such worker is employed, as to be readily accessible to every such worker employed by such employer.

PARAGRAPH 7, FIRST SCHEDULE—WAGES COUNCILS (MEETINGS AND PROCEDURE) RULES

TABLE OF PROVISIONS

RULE

1. Short title
2. Quorum
3. Voting
4. Notice of hearing
5. Minutes of meetings

Rules 19 June 1963 [in force 21 June 1963]

Short title

1. These Rules may be cited as the Wages Councils (Meetings and Procedures) Rules.

Quorum

2. In order to constitute a meeting of a wages council there shall be present either the chairman or the deputy chairman appointed by the Minister from the persons chosen by the Minister as being independent persons (in these Rules hereinafter referred to as the "independent members") and at least four of the members appointed by the Minister as representing employers and workers (in these Rules hereinafter referred to as the "representative members").

(Amended by Legal Notice 112 of 1970.)

Voting

3. Every member of a wages council shall have one vote:

Provided that the chairman or in his absence the deputy chairman may, if he thinks it desirable, and shall, at the request of more than one-half of the members present representing employers or of more than one-half of the members present representing workers, take a vote of the representative members by sides, and in such a case the vote of the majority of members on either side present and voting shall be the vote of that side. In such a division the independent members shall not vote, but, in the event of the division resulting in a disagreement between the two sides, the question may be decided by the majority vote of the independent members or if one only is present, by the vote of that independent member.

Notice of hearing

4. Notice of a meeting shall be deemed to be sufficiently given to a member of a wages council if sent by post to his ordinary or last known address, but the accidental omission to give notice of a meeting to or the non-receipt of notice of a meeting by any member shall not invalidate the proceedings of any meeting.

Minutes of meetings

5. The secretary of a wages council shall keep minutes of all meetings thereof and shall send to the Permanent Secretary a copy of such minutes and other records and documents before the wages council as soon as is practicable after each meeting of the wages council.

Controlled by Ministry for Employment and Industrial Relations