

[LEGAL NOTICE NO. 46]

WAGES COUNCIL

[Part 6 Division 2 of the Employment Relations Promulgation 2007

NOTICE

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

Dated this 21st day of April, 2011.

S. LESI
Secretary
Printing Trades Wages Council

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

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

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

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

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

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

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

Citation and commencement

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

Application

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

Interpretation

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

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

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

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

“Promulgation” means the Employment Relations Promulgation of 2007;

“week” means a period of 7 consecutive days.

Rates of Remuneration

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

(a) in the case of a learner – \$2.42 per hour; and

(b) in the case of any other worker – \$2.92 per hour.

(2) The minimum hourly rate of remuneration to be paid to casual workers of the classes specified in this paragraph is 25% more than the minimum rates specified in sub-paragraph (1).

Working Week

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

Public Holidays

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

(2) This paragraph does not apply to a worker unless the worker—

(a) worked for the employer throughout the last working day preceding the public holiday; and

(b) presented himself or herself for work on the first working day after the public holiday.

(3) The requirement of sub-paragraph (2) shall be deemed to have been complied with in any case where the worker is—

- (a) excused from presenting himself or herself for work by the employer;
- (b) prevented from presenting himself or herself for work by illness or injury verified by a medical certificate from a registered medical practitioner; or
- (c) prevented from presenting himself or herself for work by any other cause acceptable to the employer.

Overtime

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

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

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

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

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

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

Meal Allowance

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

Sick Leave

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

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

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

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

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

Bereavement Leave

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

Occupational Health and Safety Compliance

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

Grievance Procedure

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

Labour-Management, Consultation and Cooperation Committee

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

Sexual Harassment

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

Revocation

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

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

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