

[LEGAL NOTICE NO. 58]

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

Wages (Security Services) Regulations 2015

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

Short title and commencement

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

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

Application

2. These Regulations shall apply to all workers whose minimum rate of remuneration without taking into consideration any allowance, bonus, overtime payment or additional benefit whatsoever, whether in money or otherwise, does not exceed \$250.00 per week and who are employed in any undertaking or any part of an undertaking engaged in security services in respect of which a licence under the Business Licensing Act (Cap. 204) is in force or is required by law for such undertaking and their employers.

Interpretation

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

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

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

“overtime” means work performed in excess of the normal hours on a normal working day and all work performed on days other than a normal working day;

“Promulgation” means the Employment Relations Promulgation 2007;

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

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

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

Rates of remuneration

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

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

Hours of work

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

Public holidays

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

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

- (a) worked for the employer throughout the last working day preceding the public holiday; and
- (b) presented himself or herself for work on the first working day after the public holiday.

(3) Sub-regulation (2)(a) and (b) shall be deemed to have been complied with where the worker is—

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

Overtime

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

- (a) for all workers rostered on 9 hourly shifts for all time worked in excess of 9 hours on any working day;
- (b) for all workers rostered on 8 hourly shifts for all time worked in excess of 8 hours on any working day;
- (c) for all time worked on a public holiday.

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

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

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

Sick leave

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

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

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

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

Meal allowance

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

Bereavement leave

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

Transport

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

Occupational Health and Safety compliance

12.—(1) The employer has a duty of care responsibility under section 9 of the Health and Safety at Work Act 1996 to ensure, as far as possible, the worker's health, safety and welfare while at work.

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

Grievance procedure

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

Labour Management, Consultation and Cooperation Committee

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

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

Sexual harassment

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

Notices

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

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

(3) If the employer fails to pay the fixed penalty within the specified period of time, the offender is liable on conviction—

(a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both; or

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

Revocation

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

Made this 23rd day of June 2015.

J. K. KONROTE

Minister for Employment, Productivity and Industrial Relations

[LEGAL NOTICE NO. 59]

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

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

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

Short title and commencement

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

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

Application

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

(a) workers employed in or about a shop on operations carried on for the purpose of selling goods or the preparation of goods for sale;