

[LEGAL NOTICE NO. 12]

WAGES COUNCIL

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

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NOTICE

THE Minister for Labour, Industrial Relations, Employment, Local Government, Urban Development, Housing and Environment having made the Wages Regulation (Printing Trades) Order 2008, and pursuant to the provisions of subsection (5) of Section 54 of the Employment Relations Promulgation 2007, hereby publishes the said Order

Dated this 15th day of January 2009.

J. PULU  
Acting Secretary  
Printing Trades Wages Council

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

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

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

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

The penalty for non-compliance is a fixed penalty of \$100. 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 no exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000.

## WAGES REGULATION [PRINTING TRADES] ORDER 2008

IN exercise of the powers conferred upon me by subsection (5) of Section 54 of the Employment Relations Promulgation 2007, having received wages regulation proposals from the 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 2008, and shall come into force on the 1st day of February 2009.

### *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 licence under the Business Licensing Act is in force or is required by law in respect of such undertaking and their employers.

### *Interpretation*

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

“casual worker” means a worker whose terms of engagement provide for the worker’s payment at the end of each day’s work and who is not re-engaged within 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 the section 64 of the Employment Relations Promulgation or any day appointed by notification under Section 6 of that Promulgation.

“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 – \$2.20 per hour; and

(b) in the case of any other worker – \$2.65 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 five working days of nine (9) 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 on any working day;
- (b) for all time worked on a Sunday or a public holiday; and
- (c) 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 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 \$3.50.

*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 Condition's) Regulations 2003 specifies the conditions which must be followed by all employers in any workplace to ensure that the workers are protected according to the requirements of the Act. Some of these requirements in these Regulations include the provisions of personal protective equipments, which must be provided by the employer without any cost to the employees.

*Grievance Procedure*

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 Employment Relations Promulgation.

*Labour – Management, Consultation and Cooperation Committee (LMCC)*

13. (i) All employers with more than 20 workers are required by Sections 9(1)(d) and 9(3) of the Promulgation to have a Labour-Management, Consultation and Cooperation Committee to assist them to review and develop work practices in order to promote good faith employment relations and increase productivity; and requiring employers to complete LMCC 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 2005 made on 19th day of June 2006 is revoked with effect from the 1st day of February 2009.

Dated at Suva this 15th day of January 2009.

F. BOLE  
Minister for Labour, Industrial Relations, Employment,  
Local Government, Urban Development, Housing and Environment