

[LEGAL NOTICE NO.80]

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 (Security Services) Order 2012 and pursuant to section 54 (5) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 2nd day of October, 2012.

S. LESI
Secretary
Security Services 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.

WAGES REGULATION
(SECURITY SERVICES) ORDER 2012

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 Security Services Wages Council, and the provisions of the said section having been otherwise complied with, I hereby make the following Order –

Citation and commencement

1. This Order may be cited as the Wages Regulation (Security Services) Order 2012, and shall come into force on 31st October, 2012.

Application

2. This Order applies 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 per week and who are employed by Security Services licensed under the Business Licensing Act (Cap. 204) and their employers.

Interpretation

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

“Act” refers to Health and Safety at Work Act 1996;

“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;

“Promulgation” refers to the Employment Relations Promulgation 2007;

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

“security guard” means a person/worker who is wholly or mainly engaged on watching, guarding and having surveillance over any premises, chattels, stock, materials, vehicles, buildings, unoccupied sites and other form of properties as decided by the employer and such security guard must have successfully completed at least level one security officers’ course, approved as grants claimable under the National Training Productivity Centre, within 12 months from 31st October, 2012;

“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 is \$2.41.

(2) The minimum hourly rate of remuneration to be paid to a casual worker is \$3.01.

Hours of work

5. Normal hours of work shall be nine (9) hours per day for a five (5) day week or eight (8) hours per day for a six (6) day week.

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) Sub-paragraphs (a) and (b) in 6(2) above are 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 nine hourly shifts for all time worked in excess of nine hours on any working day;
- (b) for all workers rostered on eight hourly shifts for all time worked in excess of eight hours on any working day;
- (c) for all time worked on 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 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 public holiday twice the worker's normal hourly rate of pay.

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.

Bereavement leave

9. 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.

Meal allowance

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

Transport

11. Transport shall be provided between 10.00pm and 6.00am, where public transport is not available, 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 workers health, safety and welfare while at work.

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

Grievance procedure

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

Labour – Management, Consultation and Cooperation Committee (LMCCC)

14. –(1) 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.

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

Sexual harassment

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

Revocation

16. The Wages Regulation (Security Services) Order, 2011 is hereby revoked.

Dated at Suva this 30th day of October 2012.

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JONE USAMATE
Minister for Labour, Industrial
Relations and Employment