

IN THE STATUTORY TRIBUNAL, FIJI ISLANDS  
SITTING AS THE EMPLOYMENT RELATIONS TRIBUNAL

ERT Criminal No 72 of 2011

BETWEEN: LABOUR OFFICER

Complainant

AND: KAMS INDUSTRIAL LIMITED

Employer

Counsel: Ms A. Raitivi, for the Complainant  
Mr Murti Krishna for the Employer

Date of Hearing: Tuesday 19 June 2012

Date of Judgment: Tuesday 19 June 2012

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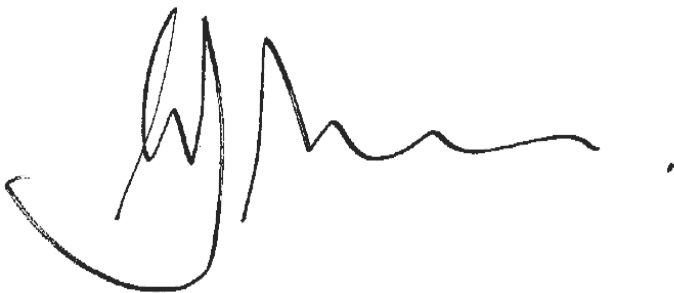
## DECISION

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FAILURE TO PRODUCE ON DEMAND TIME AND WAGES RECORDS – Section 45(1) Employment Relations Promulgation 2007; FAILURE TO PAY ARREARS OF WAGES ON DEMAND – Section 247(B) Employment Relations Promulgation 2007

1. The employer Kams Industries (Kams Industrial Limited) has pleaded guilty to Count 1, that is contrary to Section 45(2) of the Employment Relations Promulgation 2007, that it failed to produce on demand time and wages records.
2. The offence relates to a demand notice served on the employer on 11/2/2011, in respect of wages records pertaining to Joseva Senikau from the period of 1 May 2009 to 12 March 2010.

3. It is noted in relation to the second count, that the Complainant has now entered into a Deed of Settlement regarding the outstanding wages of Mr Senikau and the Labour Officer advises that the Ministry no longer is wishing to proceed with the charge.
4. It is noted that Schedule 8 to the Employment Relations Promulgation 2007, sets out the prescribed amounts for fixed penalty offences for Section 45(4).
5. The fixed penalty for failure to produce time and wages records is currently set at \$100.00. Had the Ministry proceeded with its prosecution of the second charge against the employer and been successful, it is noted that the maximum penalty for a corporation is \$100,000.00
6. Employers need to co-operate fully with the demands of the Labour Office and a strong message needs to be issued to all such employers in this regard.
7. I fine Kams Industrial Limited the fixed penalty amount of \$100.00.
8. In addition, I order that they pay costs to the Labour Office of \$2000.00 to meet all the unnecessary expenses incurred by the Labour Office in its prosecution of the matters.
9. I order that such payments be made within 28 days.

A handwritten signature in black ink, appearing to read 'Andrew J See', with a large, sweeping initial 'A' and a long horizontal stroke extending to the right.

Mr Andrew J See  
Resident Magistrate