

[LEGAL NOTICE NO. 43]

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 (Sawmilling and Logging Industry) Order 2011 and pursuant to section 54(5) of the Employment Relations Promulgation 2007 hereby publishes the said Order.

Dated this 21st day of April, 2011.

S. LESI
Secretary
Sawmilling and Logging Industry 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
[SAWMILLING AND LOGGING INDUSTRY] 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 Sawmilling and Logging Industry Wages Council, and the provisions of the said section having been otherwise complied with, have made the following Order:

Short title

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

Application

2. This Order 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 per week and who are employed in Fiji and Rotuma by the operator of any sawmill registered under the Forest Regulations in or about such sawmill or on work ancillary thereto 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;

“general” means activities not solely connected with any department or section;

“other worker” means a person engaged to perform tasks not described;

“plant equipment operator” means a person with the necessary skill engaged to take charge of and/or operate with assistance, any plant or equipment either mobile or stationary including any stationary steam boiler and prime mover or any stationary electrical generating plant producing electricity at 110 volts or more whose duties would include responsibility for the correct, efficient and safe operation of the plant under his control, its proper care and maintenance and the keeping of safe records as required by the employer;

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

“Promulgation” means the Employment Relations Promulgation of 2007;

“rostered day-off” means that day of each week on which a worker is entitled under the terms of his contract to be absent from his duty;

“temporary worker” means any worker whose terms of engagement does not exceed three months on a continuous basis and paid weekly;

“watchman” means a worker who is employed wholly or mainly on the watching or guarding of premises or stock;

“week” means a period of 7 consecutive days;

“worker” means a worker to whom the Wages Council (Sawmilling and Logging Industry) Order applies.

2. In this Order, the following definitions shall be deemed to apply to all workers generally employed in the Sawmilling and Logging Industry whose rates of wages are calculated on an hourly basis according to the type of work within the industry with which are predominantly employed or associated.

(a) Field Work

For the purpose of this paragraph and the First Schedule of this Order—

“logging” means the activities carried out normally in a forest in the course of procuring, preparing and removing logs, poles and other forest produce from the places where they have been grown to a point where they are marshaled for shipping by sea or for conversion to products of various kinds in plants or factories;

“logging crew hand” means a person with the necessary skill engaged to perform various tasks, other than operate mobile plant, directly connected with the felling of trees for the production of logs, etc, and preparation, extraction and transport of logs, poles or the like, in the forest;

“log truck driver” means a suitably skilled person in possession of appropriate driving license, engaged to drive truck and trailer combinations specifically designed for the carriage of logs or poles and whose duties include responsibility for the efficient and safe operation and the correct loading and discharge of the vehicles, their proper care and maintenance and the keeping of simple records as required by the employer;

“mobile/plant and equipment” means plant which is self-propelled or towed and perform its functions while moving on wheel or tracks;

“mobile plant and equipment operator” means a person with the necessary skill engaged to operate mobile plant connected with the extraction and transport of logs, poles and the like in the forest whose duties include the responsibility or the correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer;

“other worker” means any person engaged to perform tasks associated with logging operators;

“truck driver” means a skilled person engaged to drive a truck, the carrying capacity of which is over 5,100kg used for carrying logs or poles or the like;

(b) Road Construction Work

For the purpose of this paragraph and the First Schedule of this Order—

“mobile plant and equipment” means a plant, which is self-propelled carried or towed and performs its functions while moving on wheels or tracks while carried;

“mobile equipment and plant operator” means a person with the necessary skill engaged to operate mobile plant used primarily for the construction and maintenance of roads and whose duties include responsibility for correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer;

“other worker” any person engaged to perform tasks associated with the construction or maintenance of roads, which are described above;

“road construction work” means the activities carried on in the course of constructing, repairing and maintaining access roads, usually of a standard suitable for the passage of heavy trucks and similar vehicles used primarily to facilitate the movement of goods of any description required in the course of removing and the manufacture of any forest produce;

“truck driver” means a suitably skilled person in possession of the appropriate driving license engaged to drive trucks of any size over 5,100 kg carrying capacity used for the carriage of goods or gravel, stone, soil, clay, sand or the like whose duties include responsibility for the efficient and safe operation and the correct loading and discharge of the vehicle, its proper care and maintenance and the keeping of simple records as required by the employer.

(c) Quarry and Gravel Pit Work

For the purpose of this paragraph and the First Schedule to this Order—

“gravel pit” means an area or situation where gravel, sand, stone or similar materials is extracted or crushed and or screened and otherwise processed or prepared;

“mobile plant and equipment ” means plant, which is self-propelled, carried or towed and performs its functions while moving on wheels or tracks while carried;

“mobile equipment and plant operator” means a person with the necessary skill engaged to operate mobile plant used primarily in connection with the extraction, handling and transport of gravel, sand, stone, soil, clay or whose duties include responsibility for the correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer;

“other worker” means any person engaged to perform tasks associated with the operation or quarry or gravel pit, which is not described above;

“quarry” means an area or situation where rock of similar material is quarried or crushed and/or screened and otherwise processed or prepared;

“spaller” means a person with the necessary skill engaged to manually break stone;

“stationary plant” means plant used in, or in connection with a quarry or gravel pit and which is either fixed or mounted on wheels but which is not self-propelled and which perform its function while stationary and include portable or hand tools which are operated while connected to stationary plant with hoses, cable or the like;

“stationary plant operator” means a person with the necessary skill engaged to operate mobile plant used primarily in connection with the extraction, transport, crushing, grading or screening of gravel, sand, stone or broken stone, soil, clay or whose duties include responsibility for the correct, efficient and safe operation of the machine, its proper care and maintenance and the keeping of simple records as required by the employer.

(d) Sawmill Log Yard Work

For the purpose of this paragraph and the First Schedule to this Order—

“log yard” means any area or situation used primarily for the receipt, storage, sorting and preparation of logs immediately before their entry to a sawmill;

“other worker” means any person engaged to perform tasks in a log yard, sawmill or sawshop, which are not described;

“saw doctor” means any person who has usually served as an apprentice in the maintenance and proper storage of woodcutting saws and who is competent in carrying out all aspects of the operation, repair and maintenance of woodcutting saw blades;

“sawmill” means any number of combination of inter-related machines housed in one building which are used to convert logs to carts, flitches, slabs, scantling boards and the like by means of sawing them either lengthwise or crosswise and any system or conveyors or used to move logs or timber to, from, round or between any of these machines but exclude any conveyors, trolleys, lines and skids used primarily for the dripping in liquid or sorting of sawn timber emerging from the sawmill;

“sawmill hands” means a person with the necessary skill engaged to perform various tasks (other than the operation of sawmill plant or assisting in the operation of saws used primarily to saw logs, cants, flitches, slabs or lengthwise) directly connected with the handling, movement or conversion of logs, cants, flitches, slabs, scantling, boards or within the log yard or sawmill;

“sawmill plant and equipment operator” means a person with the necessary skill engaged—

(a) to operate any plant (other than saws used primarily to saw logs, cants, flitches, slabs or the like lengthwise and/or portable or hand tools) used in a sawmill or for handling logs in a log yard;

(b) to assist in operating any saw used primarily to saw logs, cants, flitches, slabs or the like lengthwise under the direction of a sawyer;

“sawshop” means a room, building or area where woodcutting saw blades or chains are repaired or maintained and which contains the necessary tools and equipment for that purpose;

“sawshop hand” means a person with the necessary skill engaged to perform various tasks directly connected with the repair and maintenance of woodcutting saw blades or chains under the direction of a qualified sawdoctor in the sawshop or sawmill;

“sawyer” means a person with the necessary skill engaged to take charge of and operate and/or operate with assistance, any machine in a sawmill primarily used to saw logs, cants, flitches, slabs, or the like lengthwise in the course of producing sawn timber;

The skill required of a sawyer include—

- (1) the ability to safely and efficiently operate the machine under his control and to give it proper care and maintenance;
- (2) a sound practical knowledge of the methods used for the most efficient production of sawn timber;
- (3) the ability to assess the quality of sawn timber and to determine the best method of sawing logs, cants, flitches, slabs or the like to achieve the optimum, recovery possible for them in sawn timber, having regard to quality, sizes, lengths, etc required;
- (4) the ability to instruct and direct his assistants in the functions required of them to operate the machine.

(e) Timber Yard Operations

For the purpose of this paragraph and the First Schedule to this Order—

“mobile plant and equipment” means plant or equipment which is self-propelled or towed and performs its functions while moving on wheels or tracks or while carried;

“mobile plant and equipment operator” means a person with the necessary skill engaged to operate mobile plant and equipment used for the movement or handling of sawn timber in a timber yard whose duties include responsibility for the correct, efficient and safe operation of the machine, its proper care and maintenance and keeping of simple records as required by the employer;

“other worker” means any person engaged to perform any tasks in or about a timber yard which are not described;

“skill” means the ability to accurately determine and record the measurement of sawn timber in the recognised unit of measurement at a speed normally required in the industry, the ability accurately determine the quality of sawn timber in accordance with the recognised grading rules at a speed normally required in the industry, a sound practical knowledge of the methods used to sort, handle and package sawn timber;

“tallyman” means a person with the necessary skill engaged to measure and/or grade sawn timber in a timber yard;

“timber yard” means an area or situation in which sorting, grading, tallying, storage, air-drying, packaging, marking or the preparation for sale or distribution of sawn timber is carried out;

“timber yard man” means a person with the necessary skill engaged to perform various tasks, other than tallyman or mobile plant or equipment operator, directly connected with the sorting, grading, tallying, handling, moving, packaging or marking of sawn timber in a timber yard.

(f) Planner Mill Operations

For the purpose of this paragraph and the First Schedule to this Order—

“machinists” means a person with the necessary skill engaged to take charge of and/or operate with the assistance, maintenance of any machine in a planner mill used primarily to plane, gauge or mould sawn timber lengthwise;

“other worker” means a person engaged to perform tasks in or adjacent to planner mill, which are not described;

“planer mill hand” means a person with the necessary skill engaged to perform tasks in a planer mill, other than that of a machinist, directly connected with the movement or handling of sawn, slashed and dressed timber;

“skill” means the ability to safely and efficiently operate the machine under his control and to give it proper care and maintenance, the ability to “set up” the machine under his control and to prepare, sharpen the knives or cutting tools used on it, the ability to assess the quality of sawn timber and to determine the best method of machining it and the ability to measure sawn timber and keep simple records as required by the employer.

(g) Boron Treatment Plant Operations

For the purpose of this paragraph and the First Schedule to this Order—

“other worker” means a person engaged to perform tasks in or adjacent to a pressure treatment plant, which are not described;

“pressure treatment plant” means a building or area containing plant and equipment designed to impregnate timber with preservative chemicals by use of pressure;

“treatment plant hand” means a person engaged to perform tasks, other than treatment plant operator, directly connected with the handling, treating or movement of timber in or adjacent to the pressure treatment plant;

“treatment plant operator” means a person with the necessary skill engaged to take charge of the plant and with responsibility for the control of the treating process which includes the safe and efficient operation of the plant, the mixing of chemicals, the keeping of records, the preparation of timber for treatment and the loading and discharge of the plant;

(h) Pressure Treatment Plant Operations

For the purpose of this paragraph and the First Schedule to this Order—

“other worker” means a person engaged to perform tasks in or adjacent to a pressure treatment plant which are not described;

“pressure treatment plant” means a building or area containing plant and equipment designed to impregnate timber with preservative chemicals by use of pressure;

“treatment plant hand” means a person engaged to perform tasks, other than treatment plant operator, directly connected with the handling, treating or movement of timber in or adjacent to the pressure treatment plant;

“treatment plant operator” means a person with the necessary skill engaged to take charge of the plant and with responsibility for the control of the treating process which includes the safe and efficient operation of the plant, the mixing of chemicals, the keeping of records, the preparation of timber for treatment and the loading and discharge of the plant.

(i) Kiln-Drying Operations

For the purpose of this paragraph and the First Schedule to this Order—

“assistant kiln operator” means a person engaged to perform tasks, other than kiln operator directly connected with the handling, drying, checking and movement of timber in or adjacent to the kiln drying plant;

“kiln drying plant” means a building or area containing plant and equipment designed to speed up drying of timber by the use of regulated high temperature generated from steam and force air flow provided by special kiln fans;

“kiln operator” means a person with the necessary skill engaged to take charge of the kiln drying plant with the responsibility of the kiln drying process which includes the safe and efficient operation of the kiln, the preparation, loading and unloading of the kiln charge, the tracking of the kiln drying process and proper keeping of the kiln charge records;

“other worker” means a person engaged to perform tasks in or adjacent to a kiln drying plant which are not described.

Rates of Remuneration

4.—(1) The minimum hourly rate of remuneration to be paid to any worker specified in the First Column of the Schedule hereto whether such worker be employed hourly, daily, weekly or for any other period shall be that contained in the second column of that schedule as the case may be.

(2) The minimum rates of remuneration to be paid to casual workers shall be twenty-five percent more than those specified in the Schedule.

Hours of Work

5. The normal hours of work shall be nine (9) hours per day spread over five (5) days a week.

Public Holiday

6.—(1) Subject to subparagraph (2), every worker other than casual worker who does not work on a public holiday shall be paid at his normal rate of remuneration in respect of each public holiday for the number of hours (exclusive of overtime) which he would normally have worked on that day had it not been a public holiday.

(2) This paragraph shall not apply to a worker unless:

- (a) he worked for his employer throughout the last working day preceding the public holiday; and
- (b) he presents himself for work on the first working day after such public holiday.

(3) The requirements of sub-paragraph (2) shall be deemed to have been complied with in any case where the worker is excused from presenting himself for work by his employer or is prevented from presenting himself for work by illness, injury verified by a medical certificate issued by a medical practitioner or due to the death of an immediate family member i.e. father, mother, wife, children or brother and sister.

Rest Day

7. In each week, a worker shall be entitled to one rest day, hereinafter referred to as the “rostered-day-off” which shall be determined by the employer and notified to the worker not less than 48 hours in advance of such day. In the event of the rostered-day-off falling on a public holiday, the worker shall be granted an additional day off as a rostered-day-off.

Subsistence Allowance

8.—(1) Every worker shall, in respect of each night during the whole of which he is required by his employer absent from his normal place of residence, for employment be paid a subsistence allowance of not less than \$15.00.

(2) Subsistence allowance shall also be payable to every worker who is required to be absent from his usual place of residence whilst engaged in logging.

Meal Allowance

9. Every worker who is required to work overtime on any normal working day shall be entitled to a meal allowance of \$5.50 or a decent hot meal for the first two hours of overtime and additional meal allowance every four hours thereafter.

Overtime

10. The rate of remuneration payable for overtime work to a worker shall be:
- (a) one and half times the worker’s normal hourly rate of remuneration in respect of the first three hours worked in excess of normal working hours and twice the worker’s normal hourly rate of remuneration for all times worked thereafter;
 - (b) twice the worker’s normal hourly rate of remuneration in respect of all time worked on a rostered-day-off;

- (c) two and one half times the worker's normal hourly rate of remuneration in respect of all time worked on public holiday;

Sick Leave

11.—(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

12. 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

13. 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. 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

14. 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

15. 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

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

Revocation

17. The Wages Regulation (Sawmilling and Logging) 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

SCHEDULE
(Paragraph 5)

First Column Class of Work	Second Column Minimum Hourly Remuneration
Field Workers	
Log Truck Drivers	\$3.59
Truck Drivers	\$3.29
Mobile Plant Operators	\$3.59
Logging Crew Hands	\$3.25
Other Workers	\$3.16
Road Construction Workers	
Mobile Plant & Equipment Operators	\$3.59
Truck Drivers	\$3.29
Other Workers	\$3.16
Quarry and Gravel Pit Workers	
Mobile Plant & Equipment Operators	\$3.59
Stationary Plant Operators	\$3.31
Spallers	\$3.25
Other Workers	\$3.16
Sawmilling Sawshop Log Yard Workers	
Sawyers	\$3.59
Saw doctor	\$4.69
Saw blade grinder	\$3.59
Plant & Equipment Operators	\$3.25
Sawmill & Log Yard Hands	\$3.19
Sawshop Hands	\$3.25
Other Workers	\$3.16

Timber Yard Workers

Mobile Plant & Equipment Operators	\$3.51
Tallymen	\$3.31
Timber Yard Hands	\$3.20
Other Workers	\$3.16

Planner Mill Workers

Machinist	\$3.25
Mill Hands	\$3.19
Other Workers	\$3.16

Boron Treatment Plant Workers

Treatment Plant Operators	\$3.52
Treatment Plant Hands	\$3.29
Other Workers	\$3.16

Pressure Treatment Plant Workers

Treatment Plant Operators	\$3.51
Treatment Plant Hands	\$3.19
Other Workers	\$3.16

Kiln Drying Operations

Kiln Operator	\$3.59
Assistant Kiln Operator	\$3.29
Other Workers	\$3.16

Store Workers

Store Assistant	\$3.29
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General Workers Not Otherwise Specified

Plant and Equipment Operators	\$3.44
Drivers	\$3.29
Watchman	\$3.16
Other Workers	\$3.16