

[LEGAL NOTICE NO. 57]

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

Wages (Sawmilling and Logging Industry) 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 (Sawmilling and Logging Industry) 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 Fiji 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.—(1) 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;

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

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

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

“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;

“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 or her control, its proper care and maintenance and the keeping of safe records as required by the employer;

- “Promulgation” means the Employment Relations Promulgation 2007;
- “public holiday” means any of the days specified in section 64 of the Promulgation and any day appointed by notification in the *Gazette* under section 66 of the Promulgation;
- “rostered day-off” means that day of each week on which a worker is entitled under the terms of his or her contract to be absent from his or her duty;
- “temporary worker” means any worker whose terms of engagement does not exceed three months on a continuous basis and is 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; and
- “worker” means a worker to whom these Regulations apply.

(2) In these Regulations, 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 they are predominantly employed or associated—

(a) *field work*

For the purpose of this paragraph and the Schedule—

- “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 marshalled 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 licence, 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 a plant which is self-propelled or towed and performs 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 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 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 Schedule—

“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” means 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 licence 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 Schedule—

“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 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 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 performs its function while stationary and includes - portable or hand tools which are operated while connected to the stationary plant with hoses, cables 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 Schedule—

“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 combinations of inter-related machines housed in one building which are used to convert logs to cants, flitches, slabs, scantling boards and the like by means of sawing them either lengthwise or crosswise and any system or conveyors 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 to—

- (a) 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) 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—

- (i) the ability to safely and efficiently operate the machine under his or her control and to give it proper care and maintenance;
- (ii) a sound practical knowledge of the methods used for the most efficient production of sawn timber;
- (iii) 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;

- (iv) the ability to instruct and direct his or her assistants in the functions required of them to operate the machine.

(e) *timber yard operations*

For the purpose of this paragraph and the Schedule—

“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 and 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 to 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) *planer mill operations*

For the purpose of this paragraph and the Schedule—

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

“other worker” means a person engaged to perform tasks in or adjacent to planer 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 or her control and to give it proper care and maintenance, the ability to set up the machine under his or her 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 Schedule—

“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 Schedule—

“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 Schedule—

“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.

(j) *veneer/lathe and plywood operations*

For the purpose of this paragraph and the Schedule—

“plant and equipment operator” means a person with the necessary skills to take charge and operate any machine, hot-press or lathe used in the veneer mill;

“assistant operator” means a person with the necessary skills to perform tasks other than operating machine, hot-press or lathe directly connected to works carried out in the veneer mill;

“other worker” means a person engaged to perform tasks in the veneer mill which are not described.

(k) *chip mill operations*

For the purpose of this paragraph and the Schedule—

“chip mill operator” means a person with the necessary skills to take charge and operate the de-barker and chipper machines;

“chipper hands” means a person with the necessary skills to assist chip mill operators performing tasks such as in-feed and out-feed attendants to conveyor and chip pile attendants ensuring that foreign material or logs below specifications do not enter the chipper to spreading of logs on conveyor avoiding jamming to ensuring chips are piled in accordance with the Occupational Health and Safety regulations etc.;

“other worker” means a person engaged to perform tasks in the chip mill 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 whether such worker is 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 per cent 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 or eight (8) hours per day spread over six (6) days a week.

Public holiday

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

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

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

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

Rest day

7.—(1) 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.

(2) 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 or she is required by his or her employer to be absent from his or her normal place of residence for employment, be paid a subsistence allowance of not less than \$17.00.

(2) Subsistence allowance shall also be payable to every worker who is required to be absent from his or her 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 an 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 a 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.—(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 and 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

14. In the case of a grievance in the 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

15.—(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) Employers must complete LMCCC forms as a general obligation to ensure the attainment of quality control.

Sexual harassment

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

Notices

17.—(1) An employer shall 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 shall be 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

18. The Wages Regulation (Sawmilling and Logging Industry) Order 2012 is hereby revoked.

Made this 23rd day of June 2015.

J. K. KONROTE
Minister for Employment Productivity and Industrial Relations

SCHEDULE
(Regulation 4)

<i>First Column</i> <i>Class of Work</i>	<i>Second Column</i> <i>Minimum Hourly Remuneration</i>
<i>Field Workers</i>	
Log Truck Drivers	\$4.11
Truck Drivers	\$3.77
Mobile Plant Operators	\$4.11
Logging Crew Hands	\$3.73
Other Workers	\$3.62
<i>Road Construction Workers</i>	
Mobile Plant & Equipment Operators	\$4.11
Truck Drivers	\$3.77
Other Workers	\$3.62
<i>Quarry and Gravel Pit Workers</i>	
Mobile Plant & Equipment Operators	\$4.11
Stationary Plant Operators	\$3.79
Spallers	\$3.73
Other Workers	\$3.62
<i>Sawmilling Sawshop Log Yard Workers</i>	
Sawyers	\$4.11
Saw doctor	\$5.38
Saw blade grinder	\$4.11
Plant & Equipment Operators	\$3.73
Sawmill & Log Yard Hands	\$3.65
Sawshop Hands	\$3.73
Other Workers	\$3.62
<i>Timber Yard Workers</i>	
Mobile Plant & Equipment Operators	\$4.03
Tallymen	\$3.79
Timber Yard Hands	\$3.66
Other Workers	\$3.62
<i>Planer Mill Workers</i>	
Machinist	\$3.73
Mill Hands	\$3.65
Other Workers	\$3.62

Boron Treatment Plant Workers

Treatment Plant Operators	\$4.02
Treatment Plant Hands	\$3.77
Other Workers	\$3.62

Pressure Treatment Plant Workers

Treatment Plant Operators	\$4.03
Treatment Plant Hands	\$3.65
Other Workers	\$3.62

Kiln Drying Operations

Kiln Operator	\$4.11
Assistant Kiln Operator	\$3.77
Other Workers	\$3.62

Store Workers

Store Assistant	\$3.77
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General Workers Not Otherwise Specified

Plant and Equipment Operators	\$3.94
Drivers	\$3.77
Watchman	\$3.62
Other Workers	\$3.62

Vaneer/Lathe & Plywood Operations

Plant and Equipment Operators	\$3.78
Assistant Operator	\$3.71
Other Worker	\$3.62

Chip Mill Operations

Chip Mill Operator	\$3.78
Chipper Hand	\$3.71
Other Worker	\$3.62