

*Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 39,
No. 110, 8th June, 2000*

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 11 of 2000

[L.S.]

AN ACT to amend the Minimum Wages Act, Chap. 88:04

[Assented to 2nd June, 2000]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Short title Minimum Wages
(Amendment) Act, 2000.

Interpretation
Chap. 88:04

2. In this Act, “the Act” means the Minimum Wages Act.

Section 2 amended

3. Section 2 of the Act is amended, by inserting, in appropriate alphabetical sequence, the following definitions:

“Court” means the Industrial Court established under the Industrial Relations Act;

“Minister” means the Minister with responsibility for labour matters;”.

Section 21 amended

4. Section 21 of the Act is amended—

(a) in paragraph (b), by deleting the full-stop and substituting a semi-colon; and

(b) by adding the following paragraph:

“(c) to permit him to interview workers in respect of whom a Minimum Wages Order applies, with respect to the remuneration received and the terms and conditions of service enjoyed.”.

Section 22 amended

5. Section 22 of the Act is amended—

(a) in subsection (1)—

(i) by deleting the full-stop at the end of paragraph (d) and substituting a semi-colon; and

(ii) by adding the following paragraph:

“(e) interview workers in respect of whom a Minimum Wages Order applies, with respect to the remuneration received and the terms and conditions of service enjoyed.”;

(b) in subsection (2) by deleting the word “magistrate” wherever it occurs and substituting the word “Court”; and

(c) in subsection (5) by deleting the words “summary conviction to a fine of one thousand, five hundred dollars and to imprisonment for two years” and substituting the words “determination by the Industrial Court to a fine of ten thousand dollars”.

6. The Act is amended by inserting immediately after ^{Act amended} section 22, the following sections:

“Reports to
Minister

22A. (1) Where an authorised officer has carried out an inspection of any premises or place under section 22 he shall submit a report to the Minister within fourteen days of carrying out the inspection.

(2) On examining the report submitted to him the Minister shall, where a breach of the provisions of the Act is identified, deem the report to be made pursuant to section 51 of the Industrial Relations Act, and the report shall be treated with in accordance with the provisions of Part V of the Industrial Relations Act.

Complaints
by workers

22B. (1) Where—

(a) a worker alleges noncompliance with the provisions of this Act;

(b) a worker’s employment is terminated on the ground of his refusal to accept terms and conditions less than provided for under a minimum wages order;

(c) there is a difference of opinion as to the reasonableness of any action taken or not taken by an employer as to the suspension or dismissal of a worker consequent upon the making of a minimum wages order,

the worker, the recognised majority trade union or, where there is no such union, any union of which the worker is a member, may complain to the employer, in writing, in respect of any matter identified in paragraphs (a), (b) or (c) seeking to have it rectified.

(2) Where the employer fails to rectify the matter within fourteen days of the said complaint, the worker, the recognised majority union or, where there is no such union, the union of which the worker is a member, may make a report to the Minister in writing.

(3) Upon such matter being reported to the Minister and where a breach of the provisions of the Act is identified, the Minister shall deem the report to be made pursuant to section 51 of the Industrial Relations Act and the report shall be treated with in accordance with the provisions of Part V of the Industrial Relations Act.

Worker not to
be prejudiced

22c. (1) No employer shall dismiss, suspend or otherwise adversely affect the employment of a worker or alter his position to his detriment by reason only

that a complaint alleging non-compliance with any minimum wages order is made by that worker against the employer.

(2) An employer who contravenes subsection (1) is liable on determination by the Industrial Court to a fine of twenty thousand dollars.

Limitation on
delivery of
judgment

22D. (1) Matters under this Act which fall to be heard and determined by the Industrial Court shall be heard within six weeks of being referred to the Court and once hearing has commenced, be heard from day to day, as far as possible, until hearing is completed.

(2) Judgment in a matter referred to in this Act shall be delivered not later than six weeks from the date of completion of the hearing save that in exceptional circumstances judgment shall be delivered not later than two weeks after the end of the six-week period referred to and reasons for the delay shall be indicated in the judgment.

(3) Where the Court fails to deliver its judgment within the two-week period referred to in subsection (2), it shall state in open court the reasons for the delay and if such delay continues the court shall, at further one-week intervals, state the reasons for the continued delay until judgment is delivered.”.

7. Section 23 of the Act is amended by deleting the words “summary conviction to a fine of one thousand, five hundred dollars and to imprisonment for two years” and substituting the words “determination by the Industrial Court to a fine of ten thousand dollars”. Section 23 amended

Section 24 amended **8.** Section 24(1) of the Act is amended by deleting the words “summary conviction to a fine of two thousand dollars and to imprisonment for two years” and substituting the words “determination by the Industrial Court to a fine of fifteen thousand dollars”.

Section 25 amended **9.** Section 25 of the Act is repealed and replaced as follows:

“ 25 (1) In any case where an employer has been found by the Industrial Court to be guilty of paying less than the statutory minimum remuneration to any worker, the employer shall be liable to pay to the worker a sum equal in amount to the difference between the amount actually paid as remuneration and the statutory minimum remuneration in addition to compound interest, at a rate to be determined by the court.

(2) The Industrial Court may, in addition to arrears of remuneration awarded under section 25(1), award such damages as it thinks fit.”.

Section 26 amended **10.** Section 26 of the Act is amended—

(a) by repealing subsection (1) and replacing as follows:

“ (1) An employer against whom a complaint is made or who is found to be liable under section 24(1) shall not dismiss, suspend or otherwise adversely affect a worker by reason only of the fact that—”;

(b) in paragraph (1)(a) by—

(i) deleting the word “charge” and substituting the word “complaint”;

and

- (ii) deleting the word “conviction” and substituting the word “liability”;
- (c) by repealing subsection (2) and replacing it as follows:

“ (2) An employer who contravenes any of the provisions of subsection (1) is liable on determination by the Industrial Court to a fine of thirty thousand dollars.

(3) The Court shall, in the determination of a matter referred to in this Act, exercise its power and jurisdiction under sections 10 and 11 of the Industrial Relations Act.”.

11. The Act is amended by adding after section 26, Act amended the following section:

“Amendment
in respect of
fines 26A. The Minister may, by Order, subject to negative resolution of Parliament, increase the fines contained in this Act.”.

Passed in the Senate this 14th day of December, 1999.

N. COX
Clerk of the Senate

Passed in the House of Representatives this 7th day of April, 2000.

J. SAMPSON-JACENT
Clerk of the House

House of Representatives amendments agreed to by the Senate this 18th day of April, 2000.

N. COX
Clerk of the Senate