

MINIMUM WAGES ACT

CHAPTER 88:04

Act
35 of 1976
Amended by
11 of 2000

Current Authorised Pages

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<i>(inclusive)</i>	<i>by L.R.O.</i>
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Note on Omission

Draft of proposed Order for Minimum Wages and Terms and Conditions of Service, 2001 (LN 245/2001) has been omitted.

CHAPTER 88:04

MINIMUM WAGES ACT

ARRANGEMENT OF SECTIONS

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Minimum Wages

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CHAPTER 88:04

MINIMUM WAGES ACT

An Act respecting minimum wages and terms and conditions of employment. 35 of 1976.

[18TH JUNE 1976]

Commencement.

1. This Act may be cited as the Minimum Wages Act.

Short title.

2. In this Act—

Interpretation.
[11 of 2000].

“Board” means the Minimum Wages Board appointed by the Minister under section 4;

“Chairman” means the Chairman of the Board;

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

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“Deputy Chairman” means the Deputy Chairman of the Board;

“employer” means a person who employs a worker;

“employment” includes any trade, business, profession, office, vocation or apprenticeship;

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

“out-worker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale, in his own home or on other premises not under the control or management of the person who gave out the articles or materials;

“worker” means a person in receipt of earnings from an employer in respect of employment and includes an out-worker.

3. (1) The Minister may by Order (hereinafter called a “Minimum Wages Order”) fix minimum wages and terms and conditions of service for any class of workers generally or for any class of workers in a particular industry or undertaking or where satisfied that it is necessary to do so, fix a national minimum wage applicable to workers generally.

Minister may
fix minimum
wage.

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- (2) An Order under this section may—
- (a) specify hours of work and other terms and conditions of service in relation to any minimum wage;
 - (b) provide for different minimum wages for workers in different categories of undertakings engaged in the same employment;
 - (c) provide that a national minimum wage shall not apply to workers of a specified category or to workers in a specified area or shall apply to such workers only subject to specified conditions.

(3) An Order under this section shall be subject to negative resolution of Parliament.

Appointment of
Minimum
Wages Board.

4. For the purposes of this Act the Minister shall appoint a Board to be known as the Minimum Wages Board.

Composition of
the Board.

- 5.** (1) The Board shall consist of seven members including—
- (a) one member nominated by the associations most representative of employers;
 - (b) one member nominated by the associations most representative of labour;
 - (c) one Government representative.

(2) One member of the Board shall be appointed Chairman by the Minister. The Deputy Chairman shall be selected by the Board at its first meeting.

Functions of the
Board.

6. The Board shall advise and make recommendations to the Minister on all matters relating to the fixing of minimum wages and terms and conditions of service.

Term on Board.

7. (1) Subject to subsection (2) a member shall serve on the Board for the period specified in his instrument of appointment.

(2) A member, other than the Chairman, may at any time resign by giving notice thereof in writing to the Chairman who shall thereupon forward such notice to the Minister, and the Chairman may resign by giving notice thereof in writing to the Minister. Resignation shall be effective upon receipt of notice by the Minister.

8. (1) The Board shall meet at such times as may be necessary or expedient for the discharge of its functions under this Act.

Meetings and procedure of Board.

(2) The Chairman, or in his absence the Deputy Chairman, and three other members shall constitute a quorum.

(3) In the case of an equality of votes the Chairman or Deputy Chairman, as the case may be, shall, in addition to his original vote, have a casting vote.

(4) Subject to this section, the Board may make rules for the regulation of its own proceedings and procedures.

9. Members of the Board shall be paid such remuneration and allowances as may be authorised by the Minister.

Remuneration of members.

10. The Minister shall assign to the Board from the officers of his Ministry, a Secretary and such other staff as may be required for the Board to perform its functions efficiently.

Minister to assign staff to Board.

11. Where, in the opinion of the Minister it is necessary to fix or vary a minimum wage or terms and conditions of service for any workers, either because—

Minister to refer to Board.

(a) there is no machinery for the effective regulation of the remuneration or terms and conditions of service for such workers; or

(b) the existing machinery is not adequate or is likely to cease to be adequate for that purpose,

he shall refer the matter to the Board for their recommendation and advice.

12. (1) Upon a referral by the Minister, the Board shall determine whether there exists any or any adequate machinery for the regulation of the remuneration or terms and conditions of service of the workers in respect of whom the referral was made or any of them.

Board to determine existence of machinery for regulating remuneration, etc., and report thereon.

(2) Where it is determined that regulatory machinery does exist, the Board shall examine the adequacy of that machinery and report thereon to the Minister. There shall be included in the report such recommendations as the Board may think fit for improving the efficiency of the machinery.

(3) Where, in the opinion of the Board, there are among the workers in respect of whom the referral was made, some whose case should be dealt with separately either on the ground that there exists regulatory machinery in respect of some of the workers and not others, or that the nature or hours of employment of some workers differs from that of others or for any other reason, the Board shall so advise the Minister.

Recommendation
of Board.

13. Where, having considered a referral by the Minister, the Board is of the opinion that the Minister should fix a minimum wage or other terms and conditions of service in respect of the workers in respect of whom the referral was made or any of them, the Board shall so recommend and shall include in the recommendation—

- (a) a proposed minimum wage;
- (b) terms relating to paid holiday and sick leave; and
- (c) such other basic conditions, including danger money, dirt money, on-call or stand-by money, as the nature of the case may require.

Matters to be
considered by
Board.

14. In recommending a proposed minimum wage or other terms and conditions of service, the Board shall consider—

- (a) the general level of wages in Trinidad and Tobago;
- (b) the cost of living;
- (c) contributions payable and benefits provided under the system of national insurance established by the National Insurance Act; and
- (d) other economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining high levels of employment.

Ch. 32:01.

Minister may
accept or reject
advice of
Board.

15. The Minister may accept the recommendation or advice of the Board either fully or in part or he may reject it.

Minister to
publish notice
of intention.

16. Where upon receipt of recommendation or advice of the Board the Minister proposes to make an Order fixing or varying a minimum wage or terms and conditions of service, he shall publish a notice to that

effect in the *Gazette* and in at least one daily newspaper in circulation in Trinidad and Tobago. The notice shall contain a draft of the proposed Order and shall state the time, which shall not be less than twenty-one days from the date of publication of the notice within which any written objection to the draft Order may be submitted.

17. (1) Any person objecting to the making of an Order shall forward his objection to the Minister, stating—

Objections.

- (a) the grounds of objection;
- (b) the nature of his interest in the matter;
- (c) such additions, modifications or amendments to the draft Order as he may think fit.

(2) The Minister shall forthwith refer all objections to the Board.

18. The Board shall forward their comments on the objections to the Minister and may submit such additions, amendments or modifications to the draft Order as they may determine and the Minister may thereupon make a Minimum Wages Order in such terms as he thinks fit having regard to the comments on the objections as forwarded by the Board.

Board to comment on objections and Minister may make Order.

19. (1) Subject to subsection (2), every worker to whom a Minimum Wages Order applies shall, as from the making of the Order, be paid by his employer remuneration not less than the minimum wage prescribed in the Order (referred to below as the “statutory minimum remuneration”) and shall enjoy such other terms and conditions of service no less favourable than the terms and conditions of service prescribed in the Order, notwithstanding that the remuneration or terms and conditions of service of such worker may be provided for in a collective agreement or in a written contract.

Effect of Minimum Wages Order.

(2) Every worker to whom a Minimum Wages Order applies and who receives remuneration more than the statutory minimum remuneration and enjoys other terms and conditions of service more favourable than the terms and conditions of service prescribed in the Order shall in no way be adversely affected by reason only of the making of the Order.

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Employer to
keep records.

20. The employer of every worker to whom a Minimum Wages Order applies shall keep and maintain such records in respect of that worker as may be necessary to show whether or not the provisions of the Order are being complied with in respect of that worker and unless seized and taken away by an authorised officer under the provisions of section 22(1) such records shall be retained by the employer for a period of three years.

Authorised
officers' powers
of inspection.
[11 of 2000].

21. The Minister may authorise in writing any officer in his Ministry (referred to below as an "authorised officer") to require any employer or any person authorised by any employer, except a person engaged in a confidential, professional relationship with such employer—

- (a) to give him information with respect to remuneration paid to and terms and conditions of service enjoyed by workers, in respect of whom a Minimum Wages Order applies, in the service of that employer;
- (b) to permit him to inspect any records or paysheets relating to such workers;
- (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.

Power of entry.
[11 of 2000].

22. (1) An authorised officer may at all reasonable times enter any premises or place where any workers to whom a Minimum Wages Order applies are employed or in the case of out-workers where the articles or materials are given out, or where there are any books, records or other documents relating to such workers, and—

- (a) examine such books, records or other documents relating thereto;
- (b) search, if necessary with the assistance of any other person, any building, receptacle or place for books, records, documents, papers or things which may afford evidence as to the violation of any provision of this Act;

- (c) where, during the course of the examination it appears to the authorised officer that there has been a violation of this Act, seize and take away any of the books, records or other documents relating to workers and retain them until they are produced in any proceedings; but where such books, records or other documents are necessary for the continued operations of the business reasonable access thereto shall be allowed to the employer;
- (d) require the employer or any person in the service of that employer to give him all reasonable assistance with, and to answer all questions relating to, the examination;
- (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.

(2) Admission to premises shall not be demanded except on the warrant of a Court but if it is shown to the satisfaction of a Court on sworn information in writing—

- (a) that admission to any premises has been refused or that refusal is apprehended or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any purpose as is mentioned in subsection (1),

the Court may, by warrant under his hand, authorise entry on the premises, except that such a warrant shall not be issued unless the Court is satisfied either that written notice of the intention to apply for a warrant has been given to the occupier, or that giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section may take with him such other persons as may be necessary to effect the purpose of his entry.

(4) Every warrant issued under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(5) Every person who hinders or molests or interferes with any person doing anything that he is authorised by subsection (1) to do or prevents or attempts to prevent any person from doing any such thing and any person who, unless he is unable to do so, fails or refuses to do anything he is required by or pursuant to this section to do, is liable on determination by the Industrial Court to a fine of ten thousand dollars.

Reports to
Minister.
[11 of 2000].

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.

Ch. 88:01.

(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.
[11 of 2000].

22B. (1) Where—

- (a) a worker alleges non-compliance 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 paragraph (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.

Ch. 88:01.

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.

Worker not to be prejudiced. [11 of 2000].

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

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.

Limitation on delivery of judgment. [11 of 2000].

(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.

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False information—penalty. [11 of 2000].

23. Any person who in furnishing any particulars for the purposes of this Act makes any statement which he knows to be misleading, false or deceptive, or by any dishonest concealment of material facts or by the reckless making of any statement, dishonestly or otherwise, misleads or attempts to mislead any other person, is liable on determination by the Industrial Court to a fine of ten thousand dollars.

Penalty for contravening Minimum Wages Order. [11 of 2000].

24. (1) Every employer who pays a worker less than the statutory minimum remuneration or whose terms and conditions of service are less favourable than the terms and conditions of service prescribed in a Minimum Wages Order applying to such worker or who contravenes the provisions of section 19 or 20 is liable on determination by the Industrial Court to a fine of fifteen thousand dollars.

(2) Where an offence under this section is committed by a body corporate and is proved to have been attributable to the fault of any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Recovery of remuneration. [11 of 2000].

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.

Victimisation offence penalty. [11 of 2000].

26. (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—

- (a) his complaint or liability was founded on non-compliance with a Minimum Wages Order or a contravention of section 20 in respect of that worker; or

(b) the worker gave information to any authorised officer or permitted any authorised officer to inspect or seize and take away any books, records or documents of the employer or in any other way assisted any person doing anything that he was authorised by section 22(1) to do.

(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.

Ch. 88:01.

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

Increase of fines.
[11 of 2000].

27. The Minister may make Regulations generally for the purpose of giving effect to this Act.

Regulations.

28. Where at the commencement of this Act, there is in force any wages regulation Order made under the Wages Councils Ordinance (repealed by this Act) in respect of any workers, such Order shall continue in force until a Minimum Wages Order made by the Minister comes into effect in respect of those workers and any person who contravenes such Order shall be proceeded against as if he had contravened a Minimum Wages Order.

Transitional provisions.
Ch. 22 No. 16.
(1950 Ed.).

29. This Act binds the State.

Act binds the State.

SUBSIDIARY LEGISLATION

MINIMUM WAGES (CATERING INDUSTRY) ORDER

ARRANGEMENT OF CLAUSES

CLAUSE

1. Citation.
2. Interpretation.
3. Minimum remuneration.
4. Hours of work.
5. Minimum remuneration for overtime.
6. Vacation leave.
7. Sick leave.
8. Maternity leave.

FIRST SCHEDULE.

SECOND SCHEDULE.

MINIMUM WAGES (CATERING INDUSTRY) ORDER 158/1991.

made under section 3

1. This Order may be cited as the Minimum Wages (Catering Industry) Order. Citation.

2. In this Order— Interpretation.

“bartender” means a worker who is engaged in the mixing and serving of drinks, and duties ancillary thereto;

“cashier” means a worker whose principal duties consist of receiving cash as well as issuing receipts and accounting therefor;

“chambermaid” means a worker who cleans and tidies rooms, toilets and bathrooms, and makes beds;

“cleaner” means a worker who is wholly or mainly employed in the cleaning of the employer’s premises;

“clerical worker” means a worker who is employed wholly or mainly in clerical work, such as the keeping of books, the deposit of cash, and matters ancillary thereto;

“clerk/typist” means a worker whose duties consist principally of typing, dealing with correspondence, and other related clerical duties;

“cook” means a worker who is responsible for the preparation of meals, and the supervision of kitchen staff in the absence of the head cook;

“counter attendant” means a worker who attends to customers and who is responsible for the cleanliness of counter areas;

“driver” means a worker who is responsible for the operation and care of motor vehicles;

“electrician” means a worker who installs, maintains, and repairs electrical apparatus;

“elevator operator” means a worker whose duties consist of operating elevators;

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Minimum Wages

[Subsidiary]

Minimum Wages (Catering Industry) Order

- “gardener” means a worker who cleans and maintains a garden;
- “grill worker” means a worker who operates a grill in the preparation of meats and fish;
- “handyman” means a worker who is employed to assist in the performance of unskilled jobs;
- “head cook” means a worker who is responsible for the preparation of food and supervision of kitchen staff;
- “head waiter” means a worker whose duties consist wholly or mainly of the supervision of waiters, waitresses and hostesses;
- “housekeeper” means a worker who is responsible for looking after all guest-room requirements, and the supervision of staff engaged in related duties;
- “kitchen assistant” or “assistant cook” means a worker who assists the cook in the performance of his duties;
- “launderer” or “washer” means a worker who is responsible for laundering linen;
- “maintenance worker” means a worker who carries out general maintenance;
- “medical certificate” means a medical certificate prepared by a registered medical practitioner;
- “messenger” means a worker who is employed in taking mail, messages, packages, and other items within business premises or elsewhere;
- “part-time worker” means a worker whose weekly hours of work are less than forty hours;
- “porter/bell-boy” means a worker whose duties consist wholly or mainly of carrying luggage, goods, and packages, and duties ancillary thereto;
- “potwasher” or “dishwasher” means a worker whose duties consist of washing dishes, pots, pans, cutlery, or glassware;
- “reservation clerk” or “receptionist” means a worker who deals with the booking in, and departure of, guests, and other matters ancillary thereto;
- “secretary” means a worker engaged in secretarial duties and matters ancillary thereto;

“skilled tradesman” means a worker who is certified or has received adequate training in construction, erecting metal structures, setting and fitting machine tools, maintaining machinery, equipment or tools, carrying out printing work or producing or processing foodstuffs, textiles or other articles including handicraft goods;

“storekeeper” means a worker who is responsible for stocks, and who purchases foodstuffs, linen, and other requisites;

“supervisor” means a worker who is responsible for general administration and supervision;

“swimming pool attendant” means a worker who is responsible for the cleaning and general maintenance of a swimming pool;

“telephone operator” means a worker who is responsible for the operation of a telephone switchboard;

“waiter” or “waitress” or “hostess” means a worker who is engaged in the serving of food and drink at tables and duties ancillary thereto;

“watchman” or “caretaker” means a worker who guards premises for the prevention of theft, damage or trespass;

“worker” means a worker employed in a catering undertaking.

3. The minimum remuneration payable to a worker shall be as set out in the First Schedule and shall not in any way be abated by reason of a public holiday falling within the work week referred to in clause 4.

Minimum remuneration.
First Schedule.

4. The weekly hours of work applicable to a full-time worker shall be forty hours inclusive of lunch break and rest period spread over a period of six days, Mondays to Saturdays inclusive.

Hours of work.

5. A full-time worker who works overtime on his working day or who works on days off or on public holidays shall not be paid at less than the rates set out in the Second Schedule.

Minimum remuneration for overtime.
Second Schedule.

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Minimum Wages

[Subsidiary]

Minimum Wages (Catering Industry) Order

Vacation
leave.

6. (1) A worker shall be entitled to two weeks vacation leave with pay annually on completion of twelve months service from the date of his employment subject to having worked a minimum of two hundred and twenty days within that period.

(2) In the case of a part-time worker pay shall be calculated on the basis of the average remuneration for the preceding three months or the pay immediately preceding vacation leave, whichever is the higher rate.

(3) Where a public holiday falls within the period of vacation leave of a worker he shall be granted one additional day's leave with pay for every such public holiday.

(4) Where a worker becomes sick during his period of vacation leave, then subject to clause 7 he shall be granted one additional day's leave with pay for every such day of sick leave once the sick leave is certified by a medical practitioner.

Sick leave.

7. (1) A worker shall be entitled to fourteen working days sick leave per year with pay subject to—

- (a) his being continuously employed for a period of at least six months; and
- (b) his production of a medical certificate in respect of any period of illness in excess of two days.

Ch. 32:01.

(2) Payment for sick leave shall amount to the difference between a worker's pay and his entitlement to sickness benefit under the National Insurance Act.

Maternity leave.

8. (1) A pregnant worker shall be entitled to maternity leave and to resume work after such leave.

(2) At least one hundred and fifty days prior to her confinement a worker shall produce to her employer a medical certificate stating the probable date of delivery.

(3) A worker shall be entitled to proceed on leave six weeks prior to the probable delivery date stated in the medical certificate and shall not be required to return to work sooner than seven weeks after the birth of the child.

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Minimum Wages

[Subsidiary]

Minimum Wages (Catering Industry) Order

<i>Categories</i>	<i>Weekly Wages for Full-time Workers \$</i>	<i>Hourly Rates for Part-time Workers \$</i>
Handyman	185.00	5.10
Head Cook	285.00	7.85
Head Waiter	285.00	7.85
Housekeeper	285.00	7.85
Kitchen Assistant/Assistant Cook ...	195.00	5.35
Launderer/Washer	185.00	5.10
Maintenance Worker/Skilled Tradesman	260.00	7.15
Messenger	185.00	5.10
Porter/Bell-Boy... ..	185.00	5.10
Potwasher/Dishwasher	185.00	5.10
Reservations Clerk/Receptionist ...	225.00	6.20
Secretary	225.00	6.20
Storekeeper	250.00	7.00
Supervisor	280.00	7.85
Swimming Pool Attendant	185.00	5.10
Telephone Operator	215.00	5.90
Waiter/Waitress/Hostess	190.00	5.25
Watchman/Caretaker	185.00	5.10

SECOND SCHEDULE

**MINIMUM OVERTIME REMUNERATION FOR
FULL-TIME WORKERS IN THE CATERING INDUSTRY**

(1) *For overtime worked beyond eight hours on a working day*

First four hours	...	...	one and one-half times hourly pay
Second four hours	...		two times hourly pay
Thereafter	...	...	three times hourly pay

(2) *For time worked on day off*

First eight hours	...	...	two times hourly pay
Thereafter	...	...	three times hourly pay

(3) *For time worked on Sunday*

First eight hours	...	...	two times hourly pay
Thereafter	...	...	three times hourly pay

(4) *For time worked on public holiday*

First eight hours	...	...	two times hourly pay
Thereafter	...	...	four times hourly pay

For the purposes of this Schedule "hourly pay" means in the case of the full-time worker his pay divided by forty.

MINIMUM WAGES (SHOP ASSISTANTS) ORDER

ARRANGEMENT OF CLAUSES

CLAUSE

1. Citation.
2. Interpretation.
3. Minimum remuneration.
4. Hours of work.
5. Overtime.
6. Vacation leave.
7. Sick leave.
8. Maternity leave.

FIRST SCHEDULE.

SECOND SCHEDULE.

MINIMUM WAGES (SHOP ASSISTANTS) ORDER

159/1991.

made under section 3

1. This Order may be cited as the Minimum Wages (Shop Assistants) Order. Citation.

2. In this Order— Interpretation.

“cashier” means a shop assistant whose principal duties consist of receiving, accounting for and issuing receipts for cash received in the course of business;

“cleaner” means a shop assistant who is responsible for cleaning and keeping business premises in an orderly condition;

“clerical worker” means a shop assistant employed wholly or mainly in clerical work;

“driver/loader” means a shop assistant who is employed as a light motor vehicle driver and who is also required to load or off-load goods of a weight and size which are reasonably manageable by a single person and who may also be required to assist a loader/porter;

“loader/porter” means a shop assistant who is wholly or mainly employed in one or more of the following duties, that is to say, taking messages, collecting or delivering mail, portering goods or supplies, packing or unpacking goods, and loading or unloading vehicles;

“medical certificate” means a medical certificate prepared by a registered medical practitioner;

“messenger/driver” means a shop assistant who is employed as a light motor vehicle driver and who is also required to collect or deliver mail, messages, packages and other items within business premises or elsewhere;

“part-time shop assistant” means a shop assistant whose weekly hours of work are less than forty hours;

“pay” means in the case of a full-time shop assistant the weekly rate of pay that a shop assistant usually receives and in the case of a part-time shop assistant the hourly rate of pay that such a shop assistant usually receives;

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Minimum Wages (Shop Assistants) Order

- “receptionist” means a person who receives callers, ascertains their needs and assists accordingly, receives and relays telephone calls, assists with typing and other pertinent clerical duties;
- “sales clerk” means a shop assistant who displays, explains and sells merchandise to customers;
- First Schedule. “shop assistant” means any one of the categories of persons listed in the First Schedule employed in a hardware store, grocery, supermarket, drug store, jewellery store, dry goods store, pawn shop, provision shop, agricultural store, flower shop, boutique, furniture store, stationery and book store, or such other similar undertaking, whether employed on a full-time basis or part-time basis;
- “stock replenisher” means a shop assistant who is responsible for monitoring the state of the stock and replenishing as necessary;
- “supervisor” means a shop assistant who is in charge of sales clerks and who is responsible for the proper care of stock and for service to the general public;
- “telephone operator” means a person who operates a telephone switchboard and routes incoming and outgoing calls;
- “window dresser” means a shop assistant who is responsible for the arrangement and display of merchandise or other commodities;
- “wrapper” means a shop assistant who attends to the wrapping of goods in business premises for delivery to purchasers.
- Minimum remuneration. First Schedule. **3.** The minimum remuneration payable to a shop assistant shall be as set out in the First Schedule and shall not in any way be abated by reason of a public holiday falling within the work week referred to in clause 4.
- Hours of work. **4.** The weekly hours of work applicable to a full-time shop assistant shall be forty hours, inclusive of lunch break and rest period spread over six days, Mondays to Saturdays inclusive.
- Overtime. **5.** A full-time shop assistant who works overtime on his normal working day and who works on days off or on public holidays, shall be paid at the rate set out in the Second Schedule.
- Second Schedule.

6. (1) A shop assistant shall be entitled to two weeks Vacation Leave. vacation leave annually with pay on completion of twelve months service from the date of his employment subject to having worked a minimum of two hundred and twenty days within that period.

(2) In the case of a part-time shop assistant pay shall be calculated on the basis of the average remuneration for the preceding three months or the pay immediately preceding vacation leave, whichever is the higher rate.

(3) Where a public holiday falls within the period of vacation leave of a shop assistant he shall be granted one additional day's leave with pay for every such public holiday.

(4) Where a shop assistant becomes sick during his period of vacation leave, then subject to clause 7 he shall be granted one additional day's leave with pay for every such day of sick leave once the sick leave is certified by a registered medical practitioner.

7. (1) A shop assistant shall be entitled to fourteen working Sick leave. days sick leave annually with pay subject to—

(a) his being continuously employed for a period of at least six months; and

(b) his production of a medical certificate in respect of any period of illness in excess of two days.

(2) Payment for sick leave shall amount to the difference between a shop assistant's pay and his entitlement to sickness benefit under the National Insurance Act.

Ch. 32:01.

8. (1) A pregnant shop assistant shall be granted maternity Maternity leave. leave with pay.

(2) At least one hundred and fifty days prior to confinement a shop assistant shall produce a medical certificate stating the probable date of delivery.

(3) A shop assistant shall be entitled to proceed on leave six weeks prior to the delivery date as stated on the medical certificate and shall not be required to return to work sooner than seven weeks after the birth of the child.

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Minimum Wages (Shop Assistants) Order

(4) At least two weeks prior to her intended return to work, a shop assistant shall submit to her employer a medical certificate stating the actual date of birth of the child, certifying her fitness to return to work and indicating the intended date of return.

(5) During the period of maternity leave, a shop assistant shall be entitled to pay calculated by computing the difference between her pay and any maternity benefits that she may be entitled to under the National Insurance Act.

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FIRST SCHEDULE

**MINIMUM WEEKLY REMUNERATION FOR
SHOP ASSISTANTS**

<i>Category of Shop Assistant</i>	<i>Weekly Wages for Full-time Shop Assistant \$</i>	<i>Hourly Rates for Part-time Shop Assistant \$</i>
Supervisor	280.00	7.70
Window Dresser	225.00	6.20
Driver/Loader	225.00	6.20
Messenger/Driver	225.00	6.20
Clerical Worker	200.00	5.50
Telephone Operator	195.00	5.36
Cashier	210.00	5.80
Sales Clerk	200.00	5.50
Loader/Porter	190.00	5.25
Stock Replenisher	190.00	5.25
Wrapper	185.00	5.10
Messenger	185.00	5.10
Cleaner	185.00	5.10
Receptionist	200.00	5.50

SECOND SCHEDULE

OVERTIME PAY FOR FULL-TIME SHOP ASSISTANTS

(1) *For overtime worked beyond eight hours on a working day*

First four hours one and one-half times hourly pay

Second four hours two times hourly pay

Thereafter three times hourly pay

(2) *For time worked on day off*

First eight hours two times hourly pay

Thereafter three times hourly pay

(3) *For time worked on Sunday*

First eight hours two times hourly pay

Thereafter three times hourly pay

(4) *For time worked on public holiday*

First eight hours three times hourly pay

Thereafter four times hourly pay

For the purposes of this Schedule “hourly pay” means in the case of the full-time shop assistant his pay divided by forty.

MINIMUM WAGES (HOUSEHOLD ASSISTANTS) ORDER

ARRANGEMENT OF CLAUSES

CLAUSE

1. Citation.
2. Interpretation.
3. Minimum remuneration.
4. Minimum remuneration for overtime.
5. Hours of work.
6. Days off.
7. Vacation leave.
8. Sick leave.
9. Maternity leave.
10. Duties to be set out.

FIRST SCHEDULE.

SECOND SCHEDULE.

MINIMUM WAGES (HOUSEHOLD ASSISTANTS) ORDER 160/1991.

made under section 3

1. This Order may be cited as the Minimum Wages (Household Assistants) Order. Citation.

2. In this Order— Interpretation.

“full-time household assistant” means a household assistant who normally works with an employer for the period set by clause 5 as a work week;

“household assistant” means a full-time or part-time household assistant employed in the carrying out of any or all household duties;

“household duties” means all those duties that are inherent in the normal functioning of a household, such as cooking, cleaning, washing or ironing;

“medical certificate” means a medical certificate prepared by a registered medical practitioner;

“part-time household assistant” means a household assistant whose work week with an employer does not equate with the work week of a full-time household assistant;

“pay” means, in the case of a full-time household assistant, the weekly remuneration received by such an assistant and in the case of a part-time household assistant the hourly rate of pay received by such an assistant.

3. (1) No household assistant shall be paid less than the minimum remuneration set out in the First Schedule. Minimum remuneration. First Schedule.

(2) A full-time household assistant’s pay shall not in any way be abated by reason of a public holiday falling within the work week referred to in clause 6.

4. (1) Where a full-time household assistant works more than the work week prescribed by clause 5, the minimum remuneration payable for such overtime work shall be at the rate set out in Part I of the Second Schedule. Minimum remuneration for overtime. Part I. Second Schedule.

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Minimum Wages (Household Assistants) Order

Part II.
Second
Schedule.

(2) A household assistant, who by mutual agreement with his employer, works on a public holiday, shall be paid at a rate no less than that set out in Part II of the Second Schedule.

Hours of
work.

5. The weekly hours of work applicable to a full-time household assistant shall be forty-four hours, exclusive of lunch or other rest period, spread over a period of six days per week.

Days off.

6. (1) An employer of a full-time household assistant shall grant the said household assistant one day off each week, such day off to be the subject of agreement between them.

(2) A full-time household assistant shall not accumulate more than four weekly days off.

(3) Where a full-time household assistant has accumulated four weekly days off, his employer shall grant him and he shall take four days immediately after the end of the week in which the fourth day off was earned.

Vacation leave.

7. (1) A full-time household assistant shall be entitled to two weeks vacation leave annually with pay on completion of twelve months service from the date of his employment subject to having worked a minimum of two hundred and twenty days in that period.

(2) In the case of a part-time household assistant pay shall be calculated on the basis of the average remuneration for the preceding three months or the pay immediately preceding vacation leave, whichever is the higher rate.

(3) Where a public holiday falls within the period of vacation leave of a household assistant, the household assistant shall be granted one additional day's leave with pay for every such public holiday.

(4) Where a household assistant becomes sick during his period of vacation leave, then subject to clause 8 he shall be granted one additional day's leave with pay for every such day of sick leave once the sick leave is certified by a registered medical practitioner.

8. (1) A household assistant shall be entitled to fourteen working days sick leave per year with pay subject to—

Sick leave.

- (a) his being continuously employed for a period of at least six months;
- (b) his production of a medical certificate in respect of any period of illness in excess of two days.

(2) The pay to which a household assistant is entitled shall be the difference between his pay and his entitlement to sickness benefit under the National Insurance Act.

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9. (1) A household assistant shall be entitled to maternity leave and to resume work after such leave.

Maternity leave.

(2) At least one hundred and fifty days prior to her confinement a household assistant shall give to her employer a medical certificate stating the probable date of delivery.

(3) A household assistant shall be entitled to proceed on leave six weeks prior to the probable delivery date stated in the medical certificate and shall not be required to return to work sooner than seven weeks after the birth of the child.

(4) At least two weeks prior to her intended return to work, a household assistant shall give to her employer a medical certificate stating the actual date of birth of the child, certifying her fitness to return to work and indicating the intended date of return.

(5) During the period of maternity leave, a household assistant shall be entitled to pay calculated by computing the difference between her pay and any maternity benefits that she may be entitled to under the National Insurance Act.

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10. The duties, hours of work and rest periods of every household assistant shall be clearly set out in writing by his employer when the household assistant first assumes duty.

Duties to be set out.

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Minimum Wages

[Subsidiary]

Minimum Wages (Household Assistants) Order

FIRST SCHEDULE

**MINIMUM WEEKLY REMUNERATION FOR
HOUSEHOLD ASSISTANTS**

Full-time Household Assistant	...	...	\$150.00 per week
Part-time Household Assistant	...	...	\$3.75 per hour

SECOND SCHEDULE

PART I

**MINIMUM REMUNERATION FOR HOUSEHOLD
ASSISTANTS**

(Overtime)

Full-time Household Assistant	\$5.10 per hour
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PART II

**MINIMUM REMUNERATION FOR HOUSEHOLD
ASSISTANTS**

(Public Holidays)

Additional hourly rate

Full-time Household Assistant	...	...	\$6.80 per hour
Part-time Household Assistant	...	...	\$7.50 per hour

MINIMUM WAGES (SECURITY INDUSTRY EMPLOYEES) ORDER 10/1995.

made under section 3

1. This Order may be cited as the Minimum Wages (Security Industry Employees) Order. Citation.

2. In this Order— Interpretation.

“canine security guard” means an employee whose duties wholly or mainly consist of providing protection with the assistance of a dog;

“clerical worker” means an employee whose duties wholly or mainly consist of clerical work, but does not include a clerk/typist;

“clerk/typist” means an employee whose duties consist principally of typing, dealing with correspondence and other related clerical work;

“dog handler” means an employee whose duties are to attend to, groom and assist in the transportation of dogs;

“off-day” in relation to an employee, means a period, other than on a public holiday, during which he is not normally required to work;

“part-time employee” means an employee whose normal weekly hours of work are less than forty hours;

“pay” means in the case of full-time or part-time employees, the hourly rates of pay that they usually receive;

“receptionist” means an employee who receives callers, ascertains their needs and assists accordingly, receives and relays telephone calls and assists with typing and other related clerical duties;

“secretary” means an employee engaged in secretarial duties and matters ancillary thereto;

“security industry” means the group of security organisations operating in Trinidad and Tobago;

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Minimum Wages (Security Industry Employees) Order

“security industry employee” or “employee” means a person employed in the security industry in any of the categories of employees listed in the Schedule, whether employed on a full-time or part-time basis;

“security organisation” means any firm, body corporate or other organisation engaged in the provision of protection, at a fee, to persons and property within the territorial boundaries of Trinidad and Tobago;

“telephone operator” means an employee who is responsible for the operation of a telephone switchboard;

“unprecepted security guard” means an employee whose responsibility is to provide protection and who has not been precepted by the Commissioner of Police.

Minimum remuneration. Schedule.

3. The minimum remuneration payable to a security industry employee shall be as set out in the Schedule.

Hours of work.

4. (1) Except in cases of emergency no employee shall be rostered to work for more than twelve hours in any twenty-four-hour period.

(2) No employee shall be required to work for a continuous period in excess of sixteen hours in any twenty-four-hour period.

SCHEDULE

**MINIMUM REMUNERATION FOR SECURITY INDUSTRY
EMPLOYEES**

<i>Category of Security Industry Employees</i>	<i>Hourly Rates for Full- time Security Industry Employees</i>			<i>Hourly Rates for Part-time Security Industry Employees</i>	
Canine Security Officer	...	\$6.00	...	...	\$6.25
Unprecepted Security Guard	...	\$5.50	...	...	\$5.75
Dog Handler	...	\$5.30	...	...	\$5.55
Secretary	...	\$5.63	...	...	\$6.20
Clerk/Typist	...	\$5.38	...	...	\$5.90
Receptionist	...	\$5.00	...	...	\$5.50
Clerical Worker	...	\$5.00	...	...	\$5.50
Telephone Operator	...	\$4.88	...	...	\$5.36

MINIMUM WAGES ORDER

ARRANGEMENT OF CLAUSES

CLAUSE

PART I

NATIONAL MINIMUM WAGE

1. Citation.
2. National minimum wage.
3. Normal working hours.
4. Meal and rest break.
5. Overtime rates.

PART II

SAVINGS AND EXCEPTIONS

6. Saving of terms and conditions in certain Orders.
7. Application of Order.
8. Non-application of Order.
9. No authority to alter wages, terms and conditions.

FIRST SCHEDULE.

SECOND SCHEDULE.

MINIMUM WAGES ORDER

88/2005.

made under section 3

PART I

NATIONAL MINIMUM WAGE

1. This Order may be cited as the Minimum Wages Order. Citation.

2. (1) Subject to clause 8, on the coming into force of this Order, the national minimum wage for workers in Trinidad and Tobago, shall be at the rate of nine dollars per hour exclusive of gratuities, service charges and commissions. National minimum wage.

(2) A worker who completes a normal working day, or a normal working week, or a normal working month shall be paid no less than the amounts set out in the First Schedule. First Schedule.

(3) An output or piece worker who works at the employer's premises or whose hours are otherwise recorded and whose hours are controlled by the employer shall receive no less than the rate of nine dollars per hour.

(4) Where the hours of an output or piece worker are not controlled by the employer and those hours are not otherwise recorded the worker shall be paid according to a written agreement between the worker and the employer which should state—

(a) a fair estimate of the average number of hours the worker is likely to perform on a normal working day; and

(b) an agreed output or piece rate.

(5) The written agreement referred to in subclause (4) shall be maintained by the employer as part of the worker's pay record and the rate agreed shall not be less than the equivalent of the national minimum wage.

3. (1) The normal working day shall not exceed eight hours, exclusive of meal and rest breaks. Normal working hours.

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Minimum Wages

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Minimum Wages Order

(2) The normal working week shall not exceed forty hours, exclusive of meal and rest breaks.

(3) The normal working month shall not exceed one hundred and seventy-three and three, three, three, four over ten thousand hours, exclusive of meal and rest breaks.

(4) Notwithstanding subclause (1), the normal work day for businesses which schedule workers to work only four days in the week shall not exceed ten hours, exclusive of meal and rest breaks.

(5) Where a worker continues to work for two hours after his normal working day he shall be entitled to a paid break of no less than fifteen minutes and to a further paid break of no less than twenty minutes for every additional two-hour period.

Meal and rest break.

4. (1) A worker is entitled to a meal break of not less than three-quarters of an hour after no more than four and one-half consecutive hours, calculated from the scheduled time of commencement of duty and an additional rest break of no less than a quarter of an hour after a subsequent period of no more than three hours.

(2) A worker on continuous or non-continuous shift work is entitled to a paid break of no less than twenty minutes after no more than four and one-half consecutive hours calculated from the scheduled time of commencement of duty and an additional paid break of no less than the ten minutes after a subsequent period of no more than three hours.

Overtime rates.

5. (1) Subject to subclause (2) and clause 6, a worker who works overtime—

- (a) on his normal working day or on off days, Sundays or public holidays; or
- (b) for each additional hour or part thereof beyond forty hours in any one week exclusive of meal and rest break,

Second Schedule.

shall be paid at the rates set out in the Second Schedule.

(2) A worker, whose work schedule requires him to work in continuous or non-continuous shifts in a normal working week, in which every day of the week including Sunday is a normal working day, shall be paid the overtime rates set out in the Second Schedule for work performed beyond eight hours on a working day, on off days and on public holidays.

Second
Schedule.

PART II

SAVINGS AND EXCEPTIONS

6. The national minimum wage and provisions relating to overtime in this Order shall be applicable to household assistants, petrol filling station employees, catering industry employees, shop assistants and security industry employees, save however, that the other terms and conditions established in the following Orders shall remain in force:

Saving of terms
and conditions
in certain
Orders.

- (a) Petrol Filling Station Employees Order, 1982;
- (b) Minimum Wages (Catering Industry) Order, 1991;
- (c) Minimum Wages (Shop Assistants) Order, 1991;
- (d) Minimum Wages (Household Assistants) Order, 1991; and
- (e) Minimum Wages (Security Industry Employees) Order, 1995.

7. The terms and conditions of work including overtime rates set out in this Order, shall apply only to workers receiving an hourly rate of thirteen dollars and fifty cents or less or the equivalent thereto and such other workers whose terms and conditions are saved under this Order.

Application of
Order.

8. This Order does not apply to—

- (a) trainees in training schools approved by appropriate Government Agencies such as the—
 - (i) Youth Training and Employment Partnership Programme (YTEPP); or
 - (ii) National Energy Skills Centre;

Non-application
of Order.

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Minimum Wages Order

- (b) schemes developed from time to time by other Government ministries, departments or agencies;
- (c) other schemes submitted to and approved by the Minister to whom responsibility for labour is assigned;
- (d) registered apprentices;
- (e) students on vacation jobs; and
- (f) persons who volunteer services to registered charitable organisations and social service agencies registered with the Ministry with responsibility for social services, youth and sports or community development and gender affairs.

No authority to alter wages, terms and conditions.

9. This Order shall not be construed as authorising—

- (a) the reduction of wages paid to those employees who already receive wages in excess of the minimum wage; and
- (b) changes in the existing terms and conditions of any worker to effect a lowering of such terms and conditions.

(Clause 2).

FIRST SCHEDULE

MINIMUM WAGES FOR ALL WORKERS

<i>Daily Rated</i>	<i>Weekly Rated</i>	<i>Monthly Rated</i>
(8-hour day) \$72.00	(40-hour week) \$360.00	(40-hour week) x 52 weeks ÷ 12 months = 173.3334 hours \$1560.00

SECOND SCHEDULE

(Clause 5).

OVERTIME WAGES FOR ALL WORKERS

1. For overtime worked beyond eight hours on a working day—

First four hours	...	...	one and one-half times hourly rate
Second four hours...	...	...	two times hourly rate
Thereafter	...	...	three times hourly rate
2. For overtime worked beyond ten hours on a working day of a four-day shift week—

First four hours	...	...	one and one-half times hourly rate
Second four hours...	...	...	two times hourly rate
Thereafter	...	...	three times hourly rate
3. For time worked on an off day—

First eight hours	...	...	two times hourly rate (40-hour week)
Thereafter	...	...	three times hourly rate
4. For overtime on a Sunday where Sunday is a normal day—

First four hours	...	...	one and one-half times hourly rate
Second four hours...	...	...	two times hourly rate
Thereafter	...	...	three times hourly rate
5. For time worked on a Sunday where Sunday is not a normal day and on a Public Holiday—

First eight hours	...	...	two times hourly rate
Thereafter	...	...	three times hourly rate
6. For time worked beyond the forty-hour work week—

First four hours	...	...	one and one-half times hourly rate
Second four hours...	...	...	two times hourly rate
Thereafter	...	...	three times hourly rate