

LEGAL NOTICE No. 11

REPUBLIC OF TRINIDAD AND TOBAGO

THE MINIMUM WAGES ACT, CHAP. 88:04

NOTICE

MADE BY THE MINISTER UNDER SECTION 16 OF THE  
MINIMUM WAGES ACT

NOTICE OF PROPOSED MINIMUM WAGES ORDER, 2005

NOTICE is hereby given that in accordance with the provisions of section 16 of the Minimum Wages Act, Chap. 88:04 (“the Act”) the Minister of Labour and Small and Micro Enterprise Development (“the Minister”) proposes to make an Order fixing the minimum rate of wages and terms and conditions of service in respect of workers in Trinidad and Tobago.

Notice is also given that pursuant to section 17(1) of the Act, a person objecting to the making of the Order shall forward his objection in writing to the Minister stating—

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

And take Notice that any objection to the proposed Order shall be submitted from 17th January, 2005 to 9th February, 2005 and shall be addressed to—

The Permanent Secretary  
Ministry of Labour and Small and Micro  
Enterprise Development  
Riverside Plaza, Besson Street  
Port-of-Spain

And take notice that until the National Minimum Wage Order, 2005 comes into operation the National Minimum Wage Order, Legal Notice No. 1 of 2003 continues in force.

Dated this 17th day of January, 2005.

A. ROBERTS  
*Minister of Labour and Small and  
Micro Enterprise Development*

## REPUBLIC OF TRINIDAD AND TOBAGO

## THE MINIMUM WAGES ACT, CHAP. 88:04

## ORDER

MADE BY THE MINISTER UNDER SECTION 3 OF THE  
MINIMUM WAGES ACT

## THE PROPOSED MINIMUM WAGES ORDER, 2005

## PART I

## NATIONAL MINIMUM WAGES

Citation 1. This Order may be cited as the Proposed Minimum Wages Order, 2005.

National minimum wage 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.

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

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

(3) The normal working month shall not exceed one hundred and seventy-three and one third hours, exclusive of meals and rest breaks.

(4) Notwithstanding subclause (1), the normal working day for the Security Industry shall not exceed twelve hours inclusive of meals and rest breaks.

(5) 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.

(6) 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.

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. Meal and rest breaks

(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.

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

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

(3) Notwithstanding subclause (2), a worker in the Security Industry whose work schedule requires him to work in 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 twelve hours in a working day, on off days and on public holidays.

## PART II

### SAVINGS AND EXCEPTIONS

Saving of terms and conditions in certain orders

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:

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

Application of Order

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.

Non-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;
- (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 organizations and social service agencies registered with the Ministry with responsibility for social services or community development.

9. This Order shall not be construed as authorizing—
- (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.
- No authority to alter wages, terms and conditions

FIRST SCHEDULE

(Clause 2)

MINIMUM WAGES FOR ALL WORKERS

Daily Rated (8 hour day)	Weekly Rated (40 hour week)	Monthly Rated (40 hour week) x 52 weeks ÷ 12 months = 173.33 hours
\$72.00	\$360.00	\$1559.97

SECURITY INDUSTRY WORKERS

Daily Rated (12 hour day)	Weekly Rated (48 hour week)	Monthly Rated (48 hour week) x 52 weeks ÷ 12 months = 208 hours
\$108.00	\$432.00	\$1872.00

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 overtime worked beyond twelve hours on a working day of a four-day week—
 

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

First eight hours	...	...	...	two times hourly rate (40-hour week)
First twelve hours	...	...	...	two times hourly rate (48-hour week)
Thereafter	...	...	...	three times hourly rate
5. 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

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6. 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 |
7. 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            |
8. For time worked beyond the forty-eight hour work week (Security Industry)—
- |                   |     |     |     |                                    |
|-------------------|-----|-----|-----|------------------------------------|
| First four hours  | ... | ... | ... | one and one half times hourly rate |
| Second four hours | ... | ... | ... | two times hourly rate              |
| Thereafter        | ... | ... | ... | three times hourly rate            |

Dated this      day of                      , 2005.

*Minister of Labour and Small and  
Micro Enterprise Development*

Laid in the House of Representatives this      day of                      , 2005.

*Clerk of the House*

Laid in the Senate this      day of                      , 2005.

*Clerk of the Senate*