

LEGAL NOTICE NO. 12

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 MINIMUM WAGES ORDER, 2003

PART I

NATIONAL MINIMUM WAGE

1. This Order may be cited as the Minimum Wages Order, 2003. Citation

2. (1) Subject to paragraph 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 eight 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 eight 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 subparagraph (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.

Normal  
working  
hours

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

(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 one third hours, exclusive of meal and rest breaks.

(4) Notwithstanding subparagraph (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 no less than three-quarters of an hour after no more than four and a half consecutive hours, calculated from the time scheduled for the commencement of duty and an additional rest break of no less than fifteen minutes 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 a half consecutive hours calculated from the time scheduled for the commencement of duty and an additional paid break of no less than ten minutes after a subsequent period of no more than three hours.

Overtime  
rates

5. (1) Subject to subparagraph (2) and paragraph 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.

## 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:

- (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 twelve dollars or less or the equivalent thereto and such other workers whose terms and conditions are saved under this 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 governmental 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 or community development.

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.

Saving of  
terms and  
conditions  
and certain  
Orders

Application of  
Order

Non-  
application of  
Order

No authority  
to alter  
wages, terms  
and  
conditions

L.N. No. 40 of  
1999 revoked

10. The Minimum Wages Order, 1999 is revoked.

FIRST SCHEDULE

[Paragraph 2(2)]

MINIMUM WAGES FOR ALL WORKERS

<i>Daily Rated</i> (8 hour day)	<i>Weekly Rated</i> (40 hour week)	<i>Monthly Rated</i> (40 hour week) x 52 weeks ÷ 12 months = 173.33 hours
\$64.00	\$320.00	\$1386.64

SECOND SCHEDULE

[Paragraph 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 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
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

Dated this 15th day of January, 2003.

L. ACHONG  
*Minister of Labour and Small and  
Micro Enterprise Development*

Laid in the House of Representatives this 17th day of January,  
2003.

J. SAMPSON-JACENT  
*Clerk of the House*

Laid in the Senate this 28th day of January, 2003.

D. DOLLY  
*Ag. Clerk of the Senate*