

THE MINIMUM WAGE ACT

ORDERS
(under section 3)

The Minimum Wage (Garment-Making Trade) Order, 1974

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208/85*Similar Orders made in respect of the—**Bread, Bun and Cake Bakery Trade*

—

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Retail Petrol Trade

—

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—

L.N. 158/70

Catering Trade

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THE MINIMUM WAGE ACT

ORDERS
(under section 3)

THE MINIMUM WAGE (GARMENT-MAKING TRADE) ORDER, 1974

(Made by the Minister on the 10th day of May, 1974)

[20th May, 1974.]

L.N. 220/74
Amdt.
L.N. 208/85

1. This Order may be cited as the Minimum Wage (Garment-Making Trade) Order, 1974.

2. In this Order—

“casual worker” means a worker whose total period of employment in any week in any garment-making establishment does not exceed eighteen hours;

“garment-making establishment” means an establishment in which the garment-making trade is carried on whether exclusively or in addition to any other trade or business;

“garment-making trade” means the trade or business of making or manufacturing, altering or repairing garments, whether for profit or not;

“overtime work” means work done—

- (a) during any period on a rest day;
- (b) during any period on any Sunday, public general holiday, Good Friday or Christmas Day;
- (c) during any period in excess of eight hours on any standard day;

“rest day” means in relation to a worker such day of the week as may be excluded from single-time work in respect of such worker;

“single-time work” means work (not being done on any Sunday, public general holiday, Good Friday or Christmas Day) done during any period not exceeding—

- (a) eight hours on any standard day;

(b) forty hours in any one week of five standard days and shall not include work done on a rest day;

“standard day” means in relation to a worker, any day of a week (excluding Sunday) which is not a rest day in respect of such worker;

“various categories of workers” means the various categories defined in Schedule B;

“wage” means wage received in money, exclusive of ancillary benefits;

“week” means the period commencing immediately after twelve o'clock midnight on each Saturday and ending at twelve o'clock midnight on the Saturday next following;

“worker” means a worker of any category specified in the first column of Schedule A and defined in Schedule B.

Schedules A
and B.

3.—(1) Subject to sub-paragraph (2) in respect of employment in the garment-making trade—

(a) the minimum wage payable to a worker in any category specified in the first column of Schedule A in respect of single-time work done by him in any week shall be the sum specified in the second column of the aforesaid Schedule in respect of such worker:

Provided that a worker who fails to do single-time work for a period of forty hours in any week by reason of not presenting himself for work or absenting himself from the establishment without the permission of his employer or wilfully refusing to work shall be paid such sum as is arrived at by dividing the sum specified in the said Schedule by forty and multiplying the result by the number of hours of single-time work done by him;

(b) the minimum wage payable to a worker of any category specified in the first column of Schedule A in respect of any overtime work done by him in any week shall be such sum as is arrived at by dividing the sum specified in the second column of the said Schedule in respect of such worker by forty and multiplying the result thereof by twice the number of hours of overtime work done by such worker in the case of work done on any Sunday, public general holiday, Good Friday or Christmas Day or by one and one-half times the number of such hours in any other case;

- (c) the minimum wage payable to a casual worker in respect of work done in any week shall be such sum as is arrived at by dividing the sum specified in the second column of Schedule A in respect of a worker similarly employed and multiplying the result thereof by one and one-third times.

(2) Where a worker is employed in more than one category by reason of the fact that the work at the garment-making establishment at which he works does not justify his employment on one particular task only, he shall be paid wage at the minimum rate fixed for the higher or highest of the categories in which he is employed.

4. Nothing in this Order shall be construed as preventing the payment of wage at a rate higher than the minimum rates specified herein.

SCHEDULE A

(Paragraph 2)

Minimum single-time rates per week of forty hours in garment-making establishments

CATEGORY OF WORKER	WAGE
Warehouse Foreman	\$110.00
Cutter	\$106.00
Spreader	\$ 91.00
Sewing Machine Operator	\$ 90.00
Sewing Machine Operator Trainee	\$ 85.00
Presser and Finisher	\$ 86.00
Storeman	\$ 90.00
Miscellaneous Worker	\$ 86.00
Mechanic	\$118.00
Mechanic Trainee	\$ 86.00
Maintenance Worker	\$ 93.00
Office Maid	\$ 85.00
Messenger	\$ 85.00

- (i) Miscellaneous Workers include: Floor Girls, Floor Helpers, Packers, Wrappers, Trimmers.
- (ii) The period of training for any trainee should not exceed twelve weeks.

THE MINIMUM WAGE (GARMENT-MAKING TRADE) ORDER, 1974

SCHEDULE B

(Paragraph 3)

**DEFINITION OF THE VARIATION CATEGORIES OF WORKERS EMPLOYED IN
THE GARMENT-MAKING TRADE**

WAREHOUSE FOREMAN	...	...	...	A worker who exercises supervising authority over all the workers in a warehouse in addition to any other work which may be required of him.
CUTTER	...	...	...	A worker who is primarily engaged in cutting garments by hand/machine.
SPREADER	...	...	...	A worker whose primary duty is to spread cloth in layers on the cutting table for cutting.
MACHINE OPERATOR	...	...	...	A worker whose primary duty is to operate a sewing machine for the making of garments or parts thereof.
PRESSER/FINISHER	...	...	...	A worker who is primarily engaged in finishing a garment, viz. turning a seam; cutting threads, making loops; attaching buttons, press-studs, etc.; or final pressing.
STOREMAN	...	...	...	A worker primarily engaged in the handling and distribution of stores.
MECHANIC	...	...	...	A worker who is in charge of the maintenance and repair of any or all of the equipment and machinery in the Factory.
MAINTENANCE WORKER	...	...	...	A worker who assists generally in maintenance but is not responsible for the operation of mechanical or electrical machinery.
MAID	...	...	...	A worker primarily engaged in work of a domestic nature in the establishment, and who may be required to run errands.
MESSENGER	...	...	...	A worker who performs the duties of a messenger.

THE MINIMUM WAGE ACT

ORDER
(under section 3)

THE NATIONAL MINIMUM WAGE ORDER, 1975

(Made by the Minister on the 22nd day of October, 1975)

[2nd November, 1975.]

L.N. 339/75
Amdt.:
 L.N. 27/78
 83/79
 82B/80
 168/84
 44/88
 27³/90
G.S. d.d.
 1.6.1990
 55A/91
 44/92
 53/94
 80/96
 98B/99
 188/2001
 121/2003

1. This Order may be cited as the National Minimum Wage Order, 1975.
2. In this Order, unless the context otherwise requires—

Citation.

Interpretation.

“household worker” means a worker employed to work in a private place of residence;

“normal working day” means, in relation to any worker, any day on which that worker is normally required to work for his employer but does not include—

- (a) a rest day; or
- (b) a public holiday;

“public holiday” means—

- (a) any day which under the provisions of any enactment for the time being in force is, or is declared to be, or is proclaimed as, a public general holiday; and
- (b) Good Friday and Christmas Day;

“rest day” means, in relation to any worker, the day allowed to that worker in accordance with paragraph 3 as a rest day;

“wage” means remuneration in money and does not include the value of—

- (a) any lodgings or food supplied; or

(b) any other benefit conferred,

to or on any worker by his employer;

“week” means the period commencing immediately after twelve o’clock midnight on each Saturday and ending at twelve o’clock midnight on the Saturday next following;

“worker” means an individual who has entered into, or works under, a contract with an employer, whether the contract is express or implied, and (if it is express) whether it is oral or in writing, and includes any individual employed aboard any aircraft registered in Jamaica, or aboard any ship registered in Jamaica, but does not include—

- (a) any individual employed under a contract of apprenticeship which is registered under the Apprenticeship Act; or
- (b) any student registered or enrolled at any educational institution recognized by the Minister responsible for education and employed during any vacation granted by that educational institution; or
- (c) any individual employed in such basic school or day care centre or sheltered workshop as may be recognized by the Minister for the purpose of this definition; or
- (d) any individual performing work which is a part of his training in any institution certified by the Minister to be a vocational training institution; or
- (e) any individual—
 - (i) certified by the Minister to be a learner; and
 - (ii) performing, in a place of employment specified in the Minister’s certificate, work which is a part of that individual’s training during a period of training specified in that certificate; or
- (f) any individual employed by the Government or by the Kingston and Saint Andrew Corporation or any Parish Council under the Special Labour Intensive Employment Project for the Relief of Unemployment.

Rest day.

3.—(1) Every employer shall, in each week during which any worker, other than an hourly worker as defined in paragraph 5, works for him, allow that worker one day as a rest day.

(2) The day on which the rest day of any worker is to fall in any particular week shall be determined by agreement between that worker and his employer.

4. Subject to the provisions of paragraph 8, with effect from the 1st day of November, 2003, the national minimum wage for workers, other than household workers, is hereby fixed at the rate of—

National
minimum
wage.

- (a) \$50.00 per hour for work done by such workers during any period not exceeding—
 - (i) 8 hours on a normal working day; or
 - (ii) 40 hours in any week;
- (b) \$75.00 per hour for work done by such workers during any period in excess of 8 hours on a normal working day or in excess of 40 hours in any week;
- (c) \$100.00 per hour for work done by such workers during any period on a rest day or on a public holiday.

5.—(1) Subject to the provisions of paragraph 8, with effect from the 1st day of November, 2003, the minimum wage for household workers who are employed as weekly workers is hereby fixed at the rate of—

Minimum
wage for
household
workers.

- (a) \$2,000.00 per week for work done by household workers whose normal working week is 40 hours, and \$75.00 per hour for work done during any period in excess of such 40 hours in any week;
- (b) \$2,050.00 per week for work done by household workers whose normal working week is 41 hours, and \$75.00 per hour for work done during any period in excess of such 41 hours in any week;
- (c) \$2,100.00 per week for work done by household workers whose normal working week is 42 hours, and \$75.00 per hour for work done during any period in excess of such 42 hours in any week;
- (d) \$2,150.00 per week for work done by household workers whose normal working week is 43 hours, and \$75.00 per hour for work done during any period in excess of such 43 hours in any week;
- (e) \$2,200.00 per week for work done by household workers whose normal working week is 44 hours, and \$75.00 per hour for work done during any period in excess of such 44 hours in any week;

- (f) \$100.00 per hour for work done by such household workers during any period on a rest day or on a public holiday.

(2) Subject to the provisions of paragraph 8, with effect from the 1st day of November, 2003, the minimum wage for household workers who are employed as hourly workers is hereby fixed at the rate of—

- (a) \$50.00 per hour for work done by such workers during any period not exceeding 8 hours on any day other than a public holiday;
- (b) \$75.00 per hour for work done by such workers during any period in excess of 8 hours on any day other than a public holiday;
- (c) \$100.00 per hour for work done by such workers during any period on a public holiday.

(3) In this paragraph—

“hourly workers” means workers who, by agreement with their employers, normally work for less than 40 hours per week for any one employer;

“normal working week” means the number of hours in each week during which the weekly worker in relation to whom such period is specified is normally required to work for his employer, but does not include any period on a rest day or on a public holiday;

“weekly workers” means household workers who, by agreement with their employers, regularly work for not less than 40 hours per week for any one employer.

6.—(1) Any period during which any worker, acting on the instructions of his employer, waits at his work place in order to be available to perform any of his duties whenever he is required to do so shall be reckoned, for the purposes of paragraph 4 or 5 as the case may require, as a period during which work is done by that worker.

(2) Where a casual worker reports for duty at his work place on any day in accordance with the instructions of his employer and the provisions of sub-paragraph (1) do not apply as a result of any special circumstances of the case, that worker shall be deemed, for the purposes of paragraph 4 or 5, as the case may require—

- (a) to have worked 4 hours on that day if he is not required to do any work or if the number of hours for which he is required to work is not more than 4; or
- (b) to have worked for 8 hours if the number of hours for which he is required to work is more than 4 but less than 8.

Workers shall be paid for waiting time, etc.

(3) For the purposes of sub-paragraph (2) "casual worker" means any worker who is employed—

- (a) from day to day; or
- (b) for the performance of a particular task which normally cannot be performed in less than one working day.

7. Any employer who—

Offences.

- (a) contravenes the provisions of sub-paragraph (1) of paragraph (8); or
- (b) deducts from the wages of any worker any amount for lodgings or food supplied by him to that worker or for any other benefit conferred by him on that worker,

shall be guilty of an offence and be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding three months.

8.—(1) Where any order (other than this Order) made under the Act fixes in respect of any worker a minimum wage of which the hourly rate is higher than the hourly rate of the minimum wage fixed in respect of that worker by this Order, the hourly rate of the minimum wage fixed by that order shall apply in respect of that worker instead of the hourly rate of the minimum wage fixed by this Order.

Savings.

(2) Nothing in this Order shall be construed as preventing the payment of wages at rates higher than the rates fixed by this Order and all contracts of employment subsisting at the 2nd November, 1975, at such higher rates shall continue to be valid.

(3) For the avoidance of doubt, no worker shall be paid less than the rates of wages fixed by this Order.

THE MINIMUM WAGE ACT

ORDER
(under section 3)

THE MINIMUM WAGE (INDUSTRIAL SECURITY GUARDS) ORDER, 1982

(Made by the Minister on the 29th day of September, 1982)

[1st October, 1982.]

L.N. 82/82
Amdt.:
 L.Nn. 104/84
 159/85
 55C/91
 10/93
 54/94
 145/95
 1/97
 85A/99
 98/99
 187/2001
 120/2003

1. This Order may be cited as the Minimum Wage (Industrial Security Guards) Order, 1982.

2. In this Order, unless the context otherwise requires—

“industrial security guard” means a worker who—

- (a) is employed by any person engaged in the business of protecting other persons or their property from injury or theft; and
- (b) at such times and places as his employer requires him so to do, guards any person or property;

“normal working day” in relation to any industrial security guard, means any day on which that security guard is normally required by his employer to work, but does not include—

- (a) a rest day; or
- (b) a public holiday;

“public holiday” means—

- (a) any day which under the provisions of any enactment for the time being in force is, or is declared to be, or is proclaimed as, a public general holiday; and
- (b) Good Friday and Christmas Day;

“rest day” means in relation to any industrial security guard, the day allowed to that security guard in accordance with paragraph 3 as a rest day;

“wage” means remuneration in money and does not include the value of—

- (a) any lodgings or food supplied; or
- (b) any other benefit conferred, to or on any industrial security guard by his employer;

“week” means the period commencing immediately after twelve o’clock midnight on each Saturday and ending at twelve o’clock midnight on the Saturday next following.

3.—(1) The employer of an industrial security guard shall, in each week during which he works for that employer, allow him one day as a rest day.

(2) The day on which the rest day of any industrial security guard is to fall in any particular week shall be determined by agreement between that security guard and his employer.

4. With effect from the 1st day of November, 2003, the minimum wage for industrial security guards is hereby fixed at the rate of—

- (a) \$80.00 per hour for work done during any period not exceeding—
 - (i) 8 hours on a normal working day; or
 - (ii) 40 hours in any week;
- (b) \$120.00 per hour for work done during any period in excess of 8 hours on a normal working day or in excess of 40 hours in any week;
- (c) \$160.00 per hour for work done during any period on a rest day or a public holiday.

5. Any period during which an industrial security guard, acting on the instructions of his employer, waits at any place in order to be available to perform any of his duties whenever he is required to do so shall be reckoned, for the purposes of paragraph 4, as a period during which work is done by that security guard.

6.—(1) With effect from the 1st day of November, 2003, and subject to the provisions of sub-paragraph (2), the employer of an industrial security guard shall pay to that industrial security guard, in addition to the minimum wage specified in paragraph 4—

- (a) a laundry allowance at the rate of \$16.50 for each hour of work done by that industrial security guard;
- (b) a firearm premium allowance of \$17.00 for each hour of work done by that industrial security guard where he carries a firearm;

THE MINIMUM WAGE ACT

NOTICE
(under section 11)

THE MINIMUM WAGE (OCCUPATION RECORD) (RETAIL PETROL TRADE)
NOTICE, 1974

(Made by the Minister on the 15th day of January, 1974)

L.N. 22/74

[21st January, 1974.]

1. This Notice may be cited as the Minimum Wage (Occupation Record) (Retail Petrol Trade) Notice, 1974.

2. In this Notice, the expressions "initial period", "petroleum filling station", "petroleum lubricating station", and "retail petrol trade" shall have the respective meanings assigned to them by the Minimum Wage (Retail Petrol Trade) Order.

3.—(1) Every employer in the retail petrol trade who operates a petroleum filling station is hereby required to keep the occupation record specified in Part I of the Schedule.

Schedule

(2) Every employer in the retail petrol trade who operates a petroleum lubricating station is hereby required to keep the occupation record specified in Part II of the Schedule.

SCHEDULE (Paragraph 3)

OCCUPATION RECORD (RETAIL PETROL TRADE)

PART I

Record of quantities of petrol and diesel oil sold

Name of petroleum filling station.....

Address of petroleum filling station.....

Name of proprietor.....Name of manager.....

Grade of filling station: Grade

(Applicable only where the initial period commences on or after the 21st January, 1974, and only until the end of the initial period in respect of the petroleum filling station concerned)

Estimated grade of filling station as estimated by the employer during the initial period (or first portion of twelve weeks thereof) commencing on

19 :—Grade.....

THE MINIMUM WAGE (OCCUPATION RECORD) (RETAIL PETROL TRADE) NOTICE, 1974

SCHEDULE, *contd.*

Week Ending	QUANTITY (IN GALLONS) OF PETROL AND DIESEL OIL SOLD							Signature of proprietor, manager or other authorized person		
	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.		Total for week	Total from 1st April last preceding

PART II

Record of Numbers of Motor Vehicles Lubricated

Name of petroleum lubricating station.....

Address of petroleum lubricating station.....

Name of proprietor.....Name of manager.....

Grade of lubricating station: Grade.....

(Applicable only until the end of the initial period of the petroleum lubricating station concerned)

Estimated grade of lubricating station as estimated by the employer during the initial period (or first portion of twelve weeks thereof) commencing on

19 :—Grade.....

THE MINIMUM WAGE (OCCUPATION RECORD) (RETAIL
PETROL TRADE) NOTICE, 1974

SCHEDULE, *contd.*

Week Ending	NUMBERS OF MOTOR VEHICLES LUBRICATED							Signature of pro- prietor, manager or other author- ized person		
	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.		Total for week	Total from 1st April last pre- ceding

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