

CHAPTER 35.

LABOUR (MINIMUM WAGE)

AN ORDINANCE TO MAKE PROVISION FOR THE FIXING OF ² of 1942.
A MINIMUM WAGE FOR LABOUR.

[13th March, 1942.]

1. This Ordinance may be cited as the Labour (Minimum Wage) Ordinance. Short title.

2. (1) Whenever the Governor in Council is satisfied that the wages paid in the Colony or any part of the Colony for any occupation are unreasonably low, he may by proclamation fix a minimum rate of wage for that occupation. Fixing of minimum wage.

(2) Where a minimum rate of wages is fixed in respect of a part of the Colony the boundaries thereof shall be set out in the proclamation.

(3) The Governor in Council may by proclamation vary or cancel a minimum rate of wage.

(4) The Governor in Council may by proclamation revoke any proclamation made under this section.

(5) Any such minimum rate as aforesaid or the cancellation or variation of any such rate shall become effective as from the date specified in that behalf in the proclamation.

(6) All proclamations under this section shall be published in the *Gazette*.

3. (1) The Governor in Council may where he considers it desirable appoint advisory boards to consider the wages paid for any occupation. Appointment of Advisory Boards.

(2) The Governor in Council may make regulations as to the constitution, appointment and duties of advisory boards.

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Penalty for not paying wages in accordance with minimum rate which is effective.

4. (1) Where a minimum rate of wage fixed by the Governor in Council has become effective an employer shall in cases to which the minimum rate is applicable pay wages to the persons employed at not less than the minimum rate clear of all deductions, and if he fails to do so shall be liable on summary conviction in respect of each offence to a fine not exceeding £20 and to a fine not exceeding £5 for each day on which the offence is continued after conviction therefor.

Meaning of "deductions."

The expression "deductions" shall not apply to loans free of premium or interest advanced on account of wages or to payments in respect of tools or implements supplied to and used by a labourer in his occupation as such, but shall include deductions which could otherwise lawfully be made from wages.

(2) On the conviction of an employer under subsection (1) of this section the Court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the Court to be due to the person employed on account of wages, the wages being calculated on the basis of a minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

Offences by agents.

(3) Where an offence for which an employer is by virtue of this section liable to a fine has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with or before or after the conviction of the employer, and shall be liable on conviction to the same fine as that to which the employer is liable.

Savings as to employer when agent convicted.

(4) Where an employer who is charged with an offence against this section proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Ordinance, and that the offence was in fact committed by his agent or some other person without his knowledge, consent, or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any fine in respect of the offence, without prejudice, however to the power of the Court under subsection (2) of this section to adjudge him to pay any sum which appears to the Court to be due to the person employed on account of wages.

(5) It shall be the duty of every employer in an occupation to which a minimum rate is applicable to keep such records of wages as are necessary to show that the provisions of this Ordinance are being complied with as respects persons in his employment, and if he fails to do so he shall be liable on summary conviction in respect of each offence to a fine not exceeding £2 and also to a fine not exceeding £1 for every day during which the default continues after conviction.

Record of wages to be kept.

(6) On any prosecution of a person for failing to pay wages at not less than the minimum rate it shall lie on that person to prove that he has not paid wages at less than the minimum rate.

Burden of proof.

5. (1) The Governor in Council may appoint such officers as he may think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of the provisions of this Ordinance.

Appointment of officers and power of entry and inspection.

(2) Any such officer shall have power to enter at all reasonable times upon the premises of any employer in an occupation to which a minimum rate is applicable and to require the production of wages sheets or other record of wages by any such employer and to inspect and examine the same and copy any material part thereof.

(3) Any person who hinders or molests any officer in the exercise of the powers given by this section or fails or refuses to produce any wages sheet or other record of wages, shall be liable on summary conviction in respect of each offence to a fine not exceeding £5; and any person who makes or causes to be made or knowingly allows to be made any wages sheet or record of wages or record of payments which is false in any material particular, or produces or causes to be produced or knowingly allows to be produced any such sheet or record to any officer acting in exercise of the powers given by this section knowing the same to be false, shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment with or without hard labour for a term not exceeding three months.

6. Any agreement for the payment of wages in contravention of the provisions of this Ordinance shall be void.

Agreement in contravention of this Ordinance void.