

IN THE STATUTORY TRIBUNAL, FIJI ISLANDS
SITTING AS THE EMPLOYMENT RELATIONS TRIBUNAL

ERT Criminal Case No 30 of 2012

BETWEEN: LABOUR OFFICER

Complainant

AND: JIM'S ENTERPRISE LIMITED

Employer

Counsel: Ms L Ratumaitavuki for the Complainant
Ms Shareen for the Employer

Date of Hearing: Friday 22 June 2012

Date of Judgment: Friday 22 June 2012

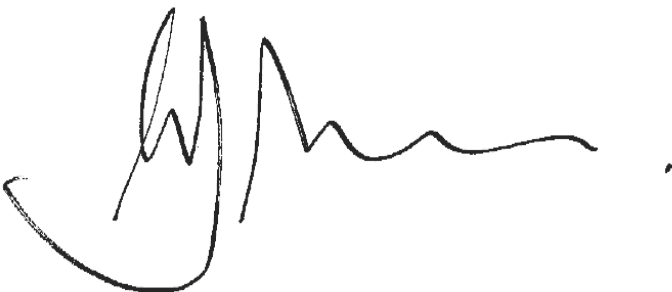
DECISION

FAILURE TO PAY ARREARS OF WAGES ON DEMAND – Section 247(b) Employment Relations Promulgation 2007; Failure to pay worker minimum wage in accordance with Wages Regulation (Security Services) Orders 2008 and 2011-Section 55(2) Employment Relations Promulgation 2007.

1. The employer has pleaded guilty to the following charges:
 - (i) Failing to pay wages upon demand in writing contrary to Section 247(b) of the Employment Relations Promulgation 2007; and
 - (ii) Failing to pay a worker minimum wage in accordance with Wages Regulation (Security Services) Orders 2008 and 2011, contrary to Section 55(2) of the Employment Relations Promulgation 2007.

2. It is noted that a further charge of failing to produce time and wages records was not proceeded with by the Labour Officer.
3. I regard this as a very serious set of complaints and would strongly caution the employer in relation to its ongoing responsibilities under this law.
4. In relation to Count 2, Failing to Pay Wages on Demand, I fine the employer \$2000.00, ordered to be paid within 14 days.
5. In relation to Count 3, Failing to pay a worker minimum wage in accordance with Wages Regulation (Security Service) Order 2008 and Wages Regulation (Security Service) Order 2011; Schedule 8 provides for a fixed amount as a prescribed offence. I order that the fine of \$100.00 be paid within 14 days.
6. I recognise the co-operation provided today by Ms Shareen (in entering into an agreement with the Labour Officer to pay the outstanding wages of \$20,807.40 in instalment payments by 27 August 2012) and that this has been taken into account in considering whether or not this matter should be otherwise referred to the High Court.
7. In relation to costs, I order that the employer pay the Labour Officer's combined costs of \$1500.00, payment to be made within 14 days.

I order accordingly.

A handwritten signature in black ink, appearing to read 'A. J. See', with a large, sweeping initial 'A' and a long horizontal stroke extending to the right.

Mr Andrew J See
Resident Magistrate