

LEGAL NOTICE NO. 63

REPUBLIC OF TRINIDAD AND TOBAGO

THE MINIMUM WAGES ACT, CHAP. 88:04

ORDER

MADE BY THE MINISTER UNDER SECTION 3(1) OF THE
MINIMUM WAGES ACT

THE MINIMUM WAGES ORDER, 2005

PART I

NATIONAL MINIMUM WAGES

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

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.

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 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.

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 meals and rest breaks.

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

(4) 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.

(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
breaks

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.

(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.

Overtime
rates

5. (1) Subject to subclause (2) and clause 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 (Security Industry Employees) Order, 1995; and
- (e) Minimum Wages (Household Assistants) Order, 1991.

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.

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, youth and sports or community development and gender affairs.

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.

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 = 173.3334 hours
\$72.00	\$360.00	\$1560.00

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 time worked on an off day—

First eight hours	...	...	...	two times hourly rate (40-hour week)
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 29th day of March, 2005.

A. ROBERTS
*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.

Acting Clerk of the Senate