

CAYMAN ISLANDS

ORDER UNDER
THE MINIMUM WAGE LAW,
Cap. 104

It is hereby published for public information that in accordance with Section 3 of the Minimum Wage Law, Cap. 104, the Administrator has fixed the following minimum wage to be paid to the category of occupation set out below, with effect from the 21st of November, 1967 -

OCCUPATION	MINIMUM WAGE
LABOURER	6/- an hour of 8-hour day.

J. A. CUMBER
Administrator of the Cayman Islands

Government Notice No. 131 of 1967
Date of Operation: 21st November, 1967

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CHAPTER 104

Law
8 of 1946.

THE MINIMUM WAGE LAW

[31st December, 1946]

1. This Law may be cited as the Minimum Wage Law.

Short title.

2. In this Law—

“minimum wage” means the minimum rate of wages fixed as hereinafter provided in respect of the particular occupation followed by the person concerned and applicable to that person.

Interpretation.

3. (1) Where the Administrator is satisfied that the wages paid to employees in any particular occupation or trade in the Islands are unreasonably low, he may by order published locally fix a minimum wage to be paid to such employees.

Fixing of minimum wage.

(2) The Administrator may by order vary or cancel a minimum wage.

(3) Any minimum wage so fixed or the cancellation or variation of any minimum wage shall become effective as from the date specified in that behalf in the order.

4. (1) The Administrator may, where he considers it advisable, appoint Advisory Boards for the purpose of advising and assisting in the preparation of any order in respect of the fixing of minimum wages.

Appointment of Advisory Boards, etc.

(2) The Administrator may make regulations as to the meetings and procedure of Advisory Boards.

5. (1) Where any minimum wage has been fixed by the Administrator under this Law an employer shall in cases to which the minimum wage is applicable pay wages to the person employed at not less than the minimum wage and if he fails so to do shall be guilty of an offence and be liable on conviction before the Grand Court in respect of each offence to a penalty not exceeding twenty pounds and to an additional penalty not exceeding five pounds for each day on which the offence continued after conviction.

Penalty for not paying wages in accordance with minimum rate fixed under section 3.

(2) On the conviction of an employer under this section the Court may by the conviction adjudge the employer convicted to pay

in addition to any penalty such sum as appears to the Court to be due to the person employed on account of wages, calculated on the basis of the minimum wage:

Provided that the power to order the payment of wages under this section shall be in addition to and not in derogation of any right of the person employed to recover wages by any other proceedings.

Miscellaneous provisions with respect to legal proceedings.

6. (1) Where an employer has been convicted under section 5 for failing to pay wages at not less than the minimum wage to any worker, then, if notice of intention so to do has been served within three days next before the hearing of the information or complaint, evidence may be given of any failure on the part of the employer to pay wages at not less than the minimum wage to that worker at any time subsequent to the coming into operation of the minimum wage and within two years immediately preceding the date on which the information or complaint was laid, and on proof of the failure the Court may order the employer to pay such sum as in the opinion of the Court represents the difference between the amount which, having regard to the provisions of this Law, ought to have been paid to the worker by way of wages during those years and the amount actually so paid.

(2) Where it appears to the Administrator that any sum is due by an employer to a worker by reason of the fact that wages have been paid to that worker at less than the minimum wage applicable, and that it is not possible to recover the sum so appearing to be due, or some part of that sum, by means of proceedings under section 5, the Administrator may, if it appears expedient so to do by reason of the refusal or neglect of the worker to take the necessary proceedings, on behalf of and in the name of the worker institute civil proceedings before a Court of competent jurisdiction for the recovery of the said sum:

Provided always that the Court before which any such civil proceedings are instituted shall have the same power to make an order for the payment of costs by the Government as if the Government represented by the Administrator were a party to the proceedings.

Offence by agent.

7. (1) Where an offence for which an employer is by virtue of this Law liable to a penalty has in fact been committed by some agent of the employer or some 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 punishment as that to which the employer is liable.

(2) Where the employer who is charged with an offence against this Law proves to the satisfaction of the Court, that he has used due diligence to enforce the execution of this Law, 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 penalty in respect of the offence, without prejudice, however to the power of the Court under this Law to adjudge him to pay any sum which appears to the Court to be due to the person employed on account of wages.

(3) Where the immediate employer of any worker to whom a minimum wage applies is himself in the employment of some other person and that worker is employed on the premises of, and to perform the work of, that other person, that other person shall for the purpose of the provisions of this Law relating to the penalty for not paying wages in accordance with the minimum wage be deemed to be an employer of the worker jointly with the immediate employer.

8. Any shopkeeper, dealer or trader who by way of trade makes any arrangements, express or implied, with any worker under which the worker performs any work for which a minimum wage has been fixed under this Law shall be deemed for the purpose of this Law to be the employer of the worker and the net remuneration obtainable by the worker in respect of the work after allowing for his necessary expenditure in connection with the work shall be deemed to be wages.

Prevention of evasion.

9. (1) Where a worker in any trade, being a person to whom a minimum wage fixed under this Law applies, is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him or on his behalf or on his account any payment by way of premium:

Employers not to receive premiums where minimum rates in force.

Provided that nothing in this section shall apply to any such payment duly made in pursuance of any instrument of apprenticeship executed not later than four weeks after the commencement of the employment.

(2) If any person contravenes this section he shall be guilty of an offence and be liable on conviction before the Grand Court in respect of each offence to a penalty not exceeding twenty pounds, and the Court may by the conviction, in addition to imposing a penalty, adjudge such person to pay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

Burden of proof.

10. On any prosecution of a person for failing to pay wages at not less than the minimum wage, it shall lie on that person to prove that he has not paid wages at less than the minimum wage.

Record of wages to be kept.

11. Every employer in an occupation to which a minimum wage is applicable shall keep such records of wages as are necessary to show that the provisions of this Law are being complied with in respect of persons in his employment, and if he fails to do so he shall be guilty of an offence and be liable on conviction before the Grand Court in respect of each offence to a penalty not exceeding five pounds, and also to an additional penalty not exceeding two pounds for each day during which the omission continues after conviction.

Appointment of officers and power of entry and inspection.

12. (1) The Administrator 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 Law.

(2) Any such officer shall have power to enter at any time during business hours upon the premises of an employer in an occupation to which a minimum wage is applicable and to require the production of wage sheets or other records of wages by any such employer and to inspect and examine the same and to copy the whole or 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 wage sheet or other record of wages shall be guilty of an offence and be liable on conviction before the Grand Court in respect of each offence to a penalty not exceeding five pounds.

(4) Any person who makes, or causes to be made, or knowingly allows to be made, any wage sheet or record of wages or record of payments which is false in any material particular or produces or causes to be produced any such false sheet or record to any officer acting

in the exercise of the powers given by this section, knowing the same to be false, shall be guilty of an offence and be liable on conviction before the Grand Court to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a term not exceeding three months.

