

# Employment (Amendment) Act 2010

REPUBLIC OF VANUATU

## EMPLOYMENT (AMENDMENT) ACT NO. 25 OF 2010

### Arrangement of Sections

- 1 Amendment
- 2 Commencement

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*Assent: 17/01/2011*  
*Commencement: 07/02/2011*

## EMPLOYMENT (AMENDMENT) ACT NO. 25 OF 2010

An Act to amend the [Employment Act](#) [CAP 160].

Be it enacted by the President and Parliament as follows:

### 1 Amendment

The [Employment Act](#) [CAP 160] is amended as set out in the Schedule.

### 2 Commencement

This Act commences on the day on which it is published in the Gazette.

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## SCHEDULE

### AMENDMENTS OF THE [EMPLOYMENT ACT](#) [CAP 160]

#### 1 [Part 1](#) – Title

Delete “LABOUR ADVISORY BOARD”, substitute “TRIPARTITE LABOUR ADVISORY COUNCIL”

## **2 Section 1**

Repeal the section, substitute:

### **“1. Definition**

In this Act, unless the contrary intention appears::

**Council** means the Tripartite Labour Advisory Council established under section 1A;

**Port-Vila Statement on Decent Work** means the Port-Vila Statement on Decent Work made by the Government, Employers and Workers from the International Labour Organization’s Pacific Island Member States on 9th February 2010.”

## **3 After section 1**

Insert :

### **“1A. Tripartite Labour Advisory Council**

The Tripartite Labour Advisory Council is established.

#### **1B. Objectives of the Council**

The objectives of the Council are to:

- (a) make recommendations for the resolution of social, economic and labour issues; and
- (b) promote employment and industrial relations practices in accordance with the Port Vila Statement on Decent Work; and
- (c) ensure active consultation with tripartite constituents on the development, adoption, implementation and regulation of International Labour Standards.

#### **1C. Composition of the Council**

(1) The Council consists of the following members appointed in writing by the Minister:

- (a) the Commissioner of Labour, who is the chairperson of the Council; and
- (b) three Government representatives nominated by the Minister of Internal affairs upon the advice of the Director General of Internal Affairs; and
- (c) three members nominated by the Vanuatu Council of Trade Unions;
- (d) three members nominated by the Vanuatu Chamber of Commerce and Industry.

(2) The Minister must appoint the members nominated under subsection (1) within 30 days of receiving the nomination.

(3) The members appointed under paragraphs (1)(c) and (1)(d) are to nominate respectively from amongst themselves two members to be the vice-chairpersons of the Council.

(4) The appointment of the members must be published in the Gazette.

#### **1D. Remuneration**

Members of the Council are entitled to a sitting allowance as may be determined from time to time by the Minister.

### **1E. Functions of the Council**

(1) The functions of the Council are to consider and make recommendations or proposals to the Government on:

(a) any legislation or legislative amendment on any of the following areas before it is introduced in Parliament:

(i) labour; or

(ii) employment; or

(iii) industrial relations; or

(iv) working conditions ; or

(v) wages ; or

(b) any policy measures or programmes that affect:

(i) labour; or

(ii) employment; or

(iii) industrial relations; or

(iv) working conditions ; or

(v) wages ; or

(c) the establishment and functioning of national bodies responsible for:

(i) vocational training; or

(ii) occupational safety and health ; or

(iii) productivity; or

(d) the ratification, implementation and denunciation of:

(i) any Conventions and recommendations of the International Labour Organization; or

(ii) any other international labour standards; or

(e) the reports to the International Labour Office regarding ratified conventions; or

(f) the ratification of newly adopted Conventions and recommendations of the International Labour Organization; or

(g) proposals or matters to be discussed at the International Labour Conference of the International Labour Organization or resolutions or conclusions adopted by the International Labour Conference, or issues addressed by other tripartite regional or international conferences; or

(h) the implementation and evaluation of technical cooperation activities of the International Labour Office; or

(i) the promotion of a better understanding in the community of Decent Work and the activities of the International Labour Organization; or

(j) other matters connected with the employment of workers or industrial relations referred to it by the Commissioner of Labour.

(2) In addition to subsection (1), the Council may also carry out studies on issues related to:

(a) labour; or

(b) economic and social affairs.”

#### **4 Paragraph 76(2)(b)**

Delete the paragraph, substitute

“(b) certain functions of the Tripartite Labour Advisory Council may also be exercised by the following commissions:

(i) the Public Service Commission, in relation to public servants;

(ii) the Teaching Service Commission, in relation to teaching service staff;

(iii) the Judicial Service Commission, in relation to judicial service staff;

(iv) the Police Service Commission, in relation to members of the Police Force.”

#### **5 After section 77A**

Insert:

##### **“77B Rules of the Council**

The Council may determine its own rules and procedures.”