



Commencement: 26/10/2009

REPUBLIC OF VANUATU

**EMPLOYMENT (AMENDMENT) ACT
No. 33 Of 2009**

Arrangement of Sections

1. Amendment
2. Commencement

REPUBLIC OF VANUATU

Assent: 19/10/2009
Commencement: 26/10/2009

**EMPLOYMENT (AMENDMENT) ACT
NO. 33 OF 2009**

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.

SCHEDULE

AMENDMENTS OF EMPLOYMENT ACT [CAP 160]

1. Subsection 29 (1)

Repeal the subsection, substitute

“(1). Every employer shall grant to an employee who has been in continuous employment with the same employer for;

(a). a period of 1 to 6 years annual - leave on full pay at the rate of 1.25 working days per month for each year of employment; or

(b). a period of 7 to 19 years annual - leave on full pay at the rate of 1.75 working days per month for each year of employment.

2. After subsection 34 (3)

Insert

“(3A) In addition to subsection (3) if an employer doubts the medical certificate being provided to him or her by the Employee, the employer may refer the employee to a certified medical practitioner of the employer’s choice for a second consultation at his cost.”

3. subsection 36 (1)

Repeal the subsection, substitute

“(1). An employer must allow a woman employee to go on maternity leave upon production by her of a medical certificate stating that her confinement is likely to take place within 6 weeks, and must not permit her to work for a period of 6 weeks before her confinement and 6 weeks after her confinement.”

4. Subsection 36 (2)

Delete “full”, substitute “66% of the”

5. Subsection 36 (2B)

Repeal the subsection, substitute

“(2B) If there is more than one employer from whom a woman employee would be entitled to claim wages under this subsection, the Commissioner of labour, a labour officer or a labour inspector must determine the amount of wages that must be paid by each employer according to the number of hours on which the woman employee has worked for the relevant employer.”

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6. Subsection 36 (3)

After “purposes”, insert “ , until the child reaches the age of 24 months”

7. Paragraph 54 (1)(d)

Repeal the Paragraph, substitute

“(d) Where the employee has been in continuous employment with the same employer for a continuous period of not less than 6 consecutive years and the employee resigns in good faith; or”

8. Paragraph 56 (2)(a)

Delete “2”, substitute “1”