

REPUBLIC OF KIRIBATI.
(No. 9 of 1980).

I assent,

U. Tevai
Beretitenti
27 August, 1980.

AN ACT TO AMEND THE EMPLOYMENT ORDINANCE (CAP. 84).

Commencement: 27 August, 1980.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title and commencement.

1. This Act may be cited as the Employment (Amendment) Act, 1980, and shall come into operation on such date as may be fixed by the Minister by notice.

Amends section 2 of the principal Ordinance. (Cap. 84).

2. Section 2 of the Employment Ordinance (in this Act referred to as the principal Ordinance) is amended -

(a) by inserting the following definitions:-

"contract of employment" means any contract, whether oral or in writing whether express or implied to employ or to serve as an employee;

'National Conditions of Service' means the National Conditions of Service made by Government in relation to employees of Government, Statutory Bodies, and Government owned companies;"

(b) by repealing the definition "worker" and replacing it by the following definition -

"worker" means any person who has entered into or works under a contract of employment and includes any immigrant worker and any worker who is apprenticed, but does not include any domestic servant;"

Amends section 55 of the principal Ordinance.

3. Section 55(1) of the principal Ordinance is amended -

(a) by repealing the words "as a manual worker".

(b) by inserting after sub-paragraph (b) the word "or" and the following sub-paragraph -

"(c) has been in operation for a period exceeding 1 month or for more than 30 working days at the time when this sub-paragraph is brought into force and is to continue in operation".

- (c) Omit from subsection (1)(a) "the United Kingdom or that part of Her Majesty's dominions",
substitute "the place".
- (d) Omit from subsection (1)(a) "the United Kingdom or such other part of Her Majesty's dominions",
substitute "that place".
- (e) Omit from subsection (1)(b) "the United Kingdom or the part of Her Majesty's dominions",
substitute "the place".
- (f) Omit subsection (2).

~~CAP. 84 - EMPLOYMENT~~

(CAP. 30 of 1977).

A. Employment Ordinance

Amendment
No.

1

Section 2 (1977, S. 2)

(Sch.3)

Omit from the definition "employer" the words "the Government of the Colony",
substitute "the Government".

2

Section 5 (1977, S. 5)

Add at the beginning of the section -

"(1A) This section shall be read subject to sections 5, 9 and 14 of the Constitution."

3

Section 27 (1977, S. 27)

(Sch.3)

Omit from subsection (1) "The Governor in Council",
substitute "The Beretitenti, acting in accordance with the advice of the Cabinet".

(b)

Omit from subsection (1) "he",
substitute "the Cabinet".

(c)

Omit subsection (2), substitute -

"(2) Before an order is made under subsection (1), the Minister shall consult with representatives of the employers of the workers concerned and with representatives of the workers."

4

Section 41 (1977, S. 41)

(Sch.3)

Omit "the Government of the Colony" (first occurring),
substitute "the Government".

(Sch.3)

Omit "of the Government of the Colony" (second occurring).

5

Section 77 (1977, S. 77)

(Sch.3)

Omit from paragraph (h) "the Governor in Council",
substitute "the Minister".

6

Section 83 (1977, S. 83)

(Sch.3)

Omit from subsection (2) "The Governor in Council",
substitute "The Minister".

7

Section 85 (1977, S. 85)

(Sch.3)

Omit from subsection (1)(a) "the Governor in Council",
substitute "the Minister".

8

Section 107 (1977, S. 107)

(Sch.3)

Omit from subsection (2) "the Government of the Colony",
substitute "the Government".

9

Section 113 (1977, S. 113)

Omit the section, substitute -

"Application of Ordinance. "113. This Ordinance shall bind the
Republic, save and except that nothing in
this Ordinance shall apply to or in
relation to police officers."

10

Section 118 (1977, S. 118)

(Sch.3)

Omit "The Governor in Council",
substitute "The Minister".

11

Section 119 (1977, S. 119)

(Sch.3)

Omit from subsection (1) "The Governor in Council",
substitute "The Beretitenti, acting in accordance with the
advice of the Cabinet,".

B. Employment (Fair Wages Clauses in
Public Contracts) Regulations

Regulation 2 (1977, Reg. 2)

Do not amend "Government" in the definition "public
authority".

Amends section 56 of the principal Ordinance.

4. Section 56 of the principal Ordinance is amended by inserting after paragraph (g) the following paragraphs -

- "(ga) any entitlement to annual increments in wages;
- "(gb) any entitlement to annual leave and leave pay;
- "(gc) any entitlement to sick leave and payment whilst sick;"

Amends section 73 of the principal Ordinance.


5. Section 73 of the principal Ordinance is amended by repealing the figure of "\$100" and substituting the figure of "\$300".

Repeal and substitution of section 113 of the principal Ordinance.

6. Section 113 of the principal Ordinance is repealed and the following section substituted:-

"113. This Ordinance shall bind the State save and except that nothing in this Ordinance shall apply to or in relation to police officers, and Part VI shall not apply to workers whose employment is regulated by the National Conditions of Service."

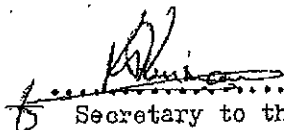
This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 25 August, 1980 and is found by me to be a true and correctly printed copy of the said Bill.



 Clerk to the Maneaba ni
 Maungatabu.


Published by exhibition -

(1) at the Public Office of the Beretitenti on 27 August, 1980.



 Secretary to the Cabinet.

(2) at the Maneaba ni Maungatabu on 27 August, 1980.



 Clerk to the Maneaba ni
 Maungatabu.

EMPLOYMENT (AMENDMENT) ACT, 1980.

EXPLANATORY MEMORANDUM.

Now that all public officers, and the staffs of the Statutory Corporations and government owned companies are covered by the National Conditions of Service and can readily discover their rights as employees, it is considered that people working in the private sector should also be able to easily discover their rights.

Section 55 of the Employment Ordinance (Cap. 84) already requires that contracts of service for manual workers shall, in certain circumstances, be in writing and attested by the Commissioner of Labour. This Bill amends the principal Ordinance by extending the requirement for written contracts to non-manual workers, and by requiring existing contracts to be reduced into a written form complying with the existing Ordinance. Still excepted from the provisions as to written contracts will be engagements of less than one month and domestic servants.

The object of the Bill is not to dictate to private employers and employees what benefits are given to the employee, but to ensure that such benefits as are given are known to the employees.

The penalty for offences under Part VI of the Ordinance is raised from \$100 to \$300.

In order to give ample opportunity for publicity the new provisions will come into operation on a date to be fixed by the Minister.

Michael Jennings
Attorney General

EMPLOYMENT (AMENDMENT) ACT, 1980.

LEGAL REPORT

I hereby certify my opinion that the above Act does not conflict with any of the provisions of the Constitution and may properly be signed by the Beretitenti.

Michael Jennings
Attorney General
26 August, 1980.