

LAWS OF SOLOMON ISLANDS

1996 Edition]

LABOUR ACT

CHAPTER 73

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**AN ACT TO AMEND, DECLARE AND CONSOLIDATE THE LAW RELATING TO
LABOUR**

[1st June 1960]

*3 of 1960
20 of 1964
3 of 1970
8 of 1973
1 of 1978
LN 46A of 1978
LN 88 of 1978
18 of 1979
1 of 1981
3 of 1982
8 of 1982*

**PART I
PRELIMINARY**

Short title

1. This Act may be cited as the Labour Act.

Interpretation

2. In this Act unless the context otherwise requires,-

"agricultural undertaking" includes processes conducted on the undertaking for the preservation and despatch of the agricultural products of the undertaking, unless any such processes are specifically declared by order made by the Minister to be parts of an industrial undertaking;

LN 46A of 1978

"casual employee or worker" means an employee or worker employed on a temporary or irregular basis at an hourly or daily rate of wages payable at the end of each day or on completion of a task or piece of work specified at the time of engagement which task is capable of being completed in a shorter period than the normal working week or the statutory working week whichever is the lesser;

18 of 1979, s.2

"commercial undertaking" includes-

(a) commercial establishments and offices, including establishments engaging wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan, or administration of goods or services of any kind;

(b) establishments for the treatment or care of the aged, infirm, sick, destitute, or mentally unfit;

(c) hotels, restaurants, boarding houses, clubs, cafes and other refreshment houses;

(d) theatres and places of public amusement; and

(e) any establishment similar in character to those enumerated in sub-paragraphs (a), (b), (c), and (d) above;

"Commissioner" means the Commissioner of Labour;

1 of 1981, Sched. 3

"domestic servant" means any house, stable or garden servant or car driver employed in, or in connection with, the domestic services of any public or private dwelling-house, eating house, club or institution;

"employer" means any person by whom a worker is employed, and includes a prospective employer;

20 of 1964, s. 2

"family" includes the wife or wives of a worker and his children who are unmarried and under the age of fourteen years;

"Health Officer" means any public officer to whom the Minister has assigned the functions conferred by this Act on the Health Officer;

1 of 1981, Sched. 3

"immigrant worker" means any worker whose passage to Solomon Islands has been provided in consideration of a promise to perform work in Solomon Islands;

"industrial undertaking" includes-

(a) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished or in which materials are transformed including undertakings engaged in shipbuilding, in the generation, transformation, or transmission of electricity, in the production or distribution of gas or motive power of any kind, in the purification or distribution of water, or in heating or cooling;

(b) undertakings engaged in the construction, reconstruction, maintenance, repair, alteration or demolition of any one or more of the following:

buildings, railways, tramways, airports, harbours, docks, piers, works of protection against floods or coast erosion, canals, works for the purpose of inland, maritime or aerial navigation, roads, tunnels, bridges, viaducts, sewers, drains, wells, irrigation or drainage works, telecommunication installations, works for the production or distribution of electricity or gas, pipelines, water-works, and undertakings engaged in other similar work or in the preparation for or laying the foundation of any such work or structure;

(c) mines, quarries or other works for the extraction of minerals from the earth;
and

20 of 1964, s.2

(d) undertakings engaged in the transport of passengers or goods, including the handling of goods at docks, quays, wharves and warehouses, but excluding transport by hand unless such undertakings are regarded as part of the operation of an agricultural or commercial undertaking;

"medical practitioner" means any person registered as such under the provisions of the Medical and Dental Practitioners Act;

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"medical officer" means any person in the service of the government of Solomon Islands who is registered as a medical practitioner in accordance with the Medical and Dental Practitioners Act;

"non-indigenous worker" means any person who is not entitled to enter the Solomon Islands without complying with section 8 of the Immigration Act;

*1 of 1978, s.2,
Cap. 60*

"member of the police force" means any member of the Solomon Islands Police Force established under the Police Act;

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"seaman" means any person employed as a member of the crew of any vessel or boat whatsoever (other than a ship of war) engaged in maritime navigation whether privately or publicly owned;

"undertaking" means an undertaking whether public or private and, for the avoidance of doubt, it is hereby declared that an undertaking does not include a domestic establishment;

3 of 1970, s.2

"worker" means any person who has entered into or works under a contract of service or apprenticeship with an employer whether by way of manual labour, clerical work or

otherwise, whether the contract is expressed or implied, is oral or in writing, but does not include a domestic servant or seaman.

20 of 1964, s.2

Term of contract

3. In default of any agreement to the contrary whether express or implied every contract of employment shall be deemed to be from month to month determinable by either party on one month's notice or by the payment of one month's wages in lieu of notice.

Supply of certificate to worker on termination of employment

4. At the request of a worker whose contract has expired or been terminated his employer shall give him a certificate indicating the dates of his commencing and leaving work and the nature of the work in which he was employed.

*3 of 1970, s.23
1 of 1981, Sched. 3*

Rules relating to holiday leave etc

5.- (1) The Minister may make rules in accordance with section 80 which shall have the effect of including in every contract of employment to which such rules apply terms relating to the provision of annual holiday leave (including payment of leave passage), sick leave and sickness benefits.

*18 of 1979, s.3
1 of 1981, Sched. 3*

(2) The Minister may make rules in accordance with section 80 which shall have the effect of including in every contract of employment terms relating to post-employment benefits which shall be due or payable to the employee.

PART II ADMINISTRATION

Commissioner of Labour and other officers

6.-(1) The Minister may assign to any public officer all or any of the functions of the Commissioner of Labour under this or any other Act.

*20 of 1964, s.3
LN 46A of 1978
18 of 1979, s.3
1 of 1981, Sched. 3
3 of 1982, Sched. 7*

(2) Any reference in any enactment to the Commissioner of Labour, in relation to any function, is a reference to any person to whom the Minister has assigned that function under this section.

(3) If any employer is aggrieved by any decision or order of the Commissioner under this Act, he may require that such decision or order be confirmed by the Minister who may confirm or rescind such decision or order or substitute therefor any decision or order which could be lawfully given in accordance with the provisions of this Act.

(4) Subject to such exceptions as may be prescribed, a person to whom the Minister has assigned any of the functions of the Commissioner -

(a) shall not have any direct or indirect interest in any undertaking under his supervision;

(b) shall not reveal, either during the subsistence of his appointment or subsequently, any manufacturing or commercial secrets or working processes which may come to his knowledge in the course of his duties; and

(c) shall treat as absolutely confidential the source of any complaint bringing to his notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection has been made in consequence of the receipt of such a complaint.

(5) Any officer who contravenes any of the provisions of subsection (4) shall be guilty of an offence against this Act and shall be liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment, and in the case of a second or subsequent offence, to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

Inspections, enquiries, etc.

7. For the purposes of this Act, the Commissioner or a Health officer may enter at all times upon any place which he has reasonable cause to believe is a place of employment and into any house accommodation provided by an employer for workers, and put questions, either alone or in the presence of witnesses, concerning the workers to the employer or to any person who may be in charge of the workers or to the workers themselves and the employer or such person, or any such worker, shall be equally bound to answer such questions truthfully to the best of his ability:

20 of 1964, s.3

3 of 1970, s.3

1 of 198, Sched. 3,

3 of 1982, Sched. 7

Provided that-

(i) the Commissioner or Health Officer shall not enter or inspect a private dwelling-house without the consent of the occupier thereof; and

(ii) on the occasion of a visit or inspection the Commissioner or Health officer shall notify the employer or his representative of his presence, unless he has reasonable

grounds for believing that such notification may be prejudicial to the performance of his duties.

Returns by employers, inspection of documents, etc.

8.-(1) Every employer shall furnish to the Commissioner such return or returns, which shall be accurate and complete in every particular, in such form or forms as shall be prescribed.

3 of 1970, s.4

(2) The Commissioner or Health Officer may call for and examine all contracts, registers, books of account and other documents and may call for any information concerning any workers or relating to their employment.

(3) The Commissioner or Health Officer may take and remove for purpose of analysis, samples of materials and substances used or handled by any worker in the course of his employment, subject to the employer of such worker, or the representative of that employer being notified of any samples or substances taken or removed for such purpose.

Power of summons and institution of proceedings

9.-(1) Whenever the Commissioner has reasonable grounds for suspicion that any offence under this Act has been committed or wishes to enquire into any matter concerning disputes as to wages, alleged wrongful termination of agreement or contract, misconduct, food, medical attendance, death, mining usage and mining complaint, inspection, sanitation or any other matter relating to employer and worker dealt with under the provisions of this Act, the Commissioner may summon any person whom he has reason to believe can give information respecting the subject-matter of the enquiry, and the person so summoned shall be bound to attend at the time and place specified in the summons and to answer all questions which the Commissioner may put to him.

(2) If the Commissioner is of opinion that an offence has been committed or that any complaint is well founded he may institute such proceedings criminal or civil for and in the name of the worker as he shall deem necessary in the circumstances.

Offences

10. Any person who hinders or obstructs any officer acting in the execution of his duty under this Act or who refuses to produce any document or give any information lawfully required of him, or who produces a document or gives information which he knows to be false, or who fails to comply with any lawful summons, order or demand of such officer under this Part is guilty of an offence and upon conviction shall be liable to a fine of one thousand dollars or to imprisonment for six months.

*3 of 1970, s.5
1 of 1981, Sched. 3*

PART III

WAGES AND HOURS OF WORK

Liability of worker for advances and loans

11.-(1) Subject to the provisions of section 12 the total amount of all loans and advances of wages made by an employer to a worker, or to a person in consideration of his taking up employment, shall not without the prior approval of the Commissioner exceed an amount equivalent to the wages earned during the previous month or the monthly wage offered.

18 of 1979, s.4

(2) No worker shall be held to be liable for that part of any loan or advance made to him by his employer which is in excess of the maximum amount that is authorised under subsection (1).

(3) No employer shall make any deduction by way of discount, interest or any similar charge on account of any loan or advance of wages made to any worker.

Permissible deductions from wages

12.-(1) Except with the prior written permission of the Commissioner the maximum amount which may be deducted from the wages of a worker shall not exceed one-third of the total wages due for any pay period in respect of all or any of the following -

18 of 1979, s.4

(a) any sums loaned or advanced by the employer to the worker in anticipation of the regular period of payment of his wages;

(b) the actual cost of any materials, tools or implements supplied by the employer to the worker at the latter's request to be used by him in his occupation;

(c) the actual cost approved in writing by the Commissioner of any loss or injury to materials or other property of the employer caused by the wilful misconduct or negligence of the worker;

(d) any other sum declared by notice to be deductible;

Provided that the maximum amount specified above may be exceeded by any attachment or assignment of wages ordered by a court.

(2) Notwithstanding anything to the contrary in this Act contained, an employer may -

(a) with the consent of a worker make deductions from the wages of that worker and pay to the appropriate authority, person or account any amounts or subscriptions which the worker has agreed to contribute to any provident or pension fund, life or endowment insurance policy, or other scheme approved by the Commissioner; or

(b) make deductions from the wages of a worker and pay to the appropriate authority, person or account in respect of rates or taxes for which the worker is liable as notified to the employer; or

(c) make deductions from the wages of a worker of any amount which forms, or is a part of, any collective agreement or an award within the meaning of the Trade Disputes Act provided that the employee gives his written consent to the employer.

*8 of 1982, s.13(2)
Cap 75*

Days and hours of work

13.-(1) Subject to any lower maximum number of hours of employment applicable to him by virtue of any regulation, rules, contract or agreement negotiated on his behalf -

18 of 1979, s. 5

(a) the normal weekly hours of any worker shall not exceed forty-five hours;

(b) the normal daily hours of work of any worker in an industrial or agricultural undertaking shall not exceed nine hours;

(c) a worker whose hours of work exceed six hours daily shall be given a break of at least thirty minutes arranged so that the worker does not work continuously for more than five hours;

(d) hours of work and breaks from work shall be so arranged as not to require the worker's presence at the place of work for more than twelve hours daily;

(e) a worker shall be given a weekly rest of at least twenty-four continuous hours, which shall, where practicable, include Sundays or other customary rest days; and

(f) no worker shall be required to work on a gazetted public holiday or on more than six days in one week, unless such worker is employed in a service to which the Essential Services Act applies or in an occupation in which work on public holidays or customary rest days is expressly provided for in his contract of service.

Cap. 12

(2) The above limits on hours of work may be exceeded in those processes which by reason of their nature are required to be carried on continuously by a succession of shifts, subject to the condition that the average working hours shall not exceed nine daily and forty-five weekly over a period of three weeks;

(3) Workers engaged on shift work shall be given at least twenty-four continuous hours of rest weekly notwithstanding that the incidence of shift rotas may be such that this rest period does not coincide with the normal or customary weekly rest days.

(4) In order to ensure continuity of operations an employer may require workers engaged on shift work to remain on duty until relieved by the succeeding shift or until permitted to leave by the supervisor responsible:

Provided that such workers shall be paid at overtime rates for any additional hours so worked.

(5) The limit on hours of work specified in this section may be exceeded subject to the total hours worked (including hours of overtime) not, without the approval of the Commissioner, exceeding fifty-seven hours in any work weekly or two hundred and twenty-eight hours in any calendar month.

(6) The onus of showing the necessity to extend hours of work beyond those provided for in subsections (2) and (5) shall lie on the employer in any particular case and shall be subject to approval by the Commissioner.

(7) Employers shall notify workers, by posting notices in conspicuous places in the work premises or other appropriate places or by such other method as may be approved, of the hours at which work begins and ends, including shift work, the rest intervals during the period of work which are not reckoned as part of the working hours, and the weekly rest period to be accorded to workers.

(8) The Minister may be Order suspend the provisions of this section at any time when Solomon Islands is at war or when a declaration has been made under section 16 of the Constitution that a state of public emergency exists.

Overtime

14.-(1) An employer shall have the right to call upon his workers to undertake a reasonable amount of work in excess of the normal working hours to the extent specified in sub-sections (2), (4) and (5) of section 13.

18 of 1979, 5.5

(2) Workers other than those covered by subsection (3) undertaking such overtime work at the request of, and by prior agreement with their employer, shall be paid for such extra work at the following rates -

(a) for time worked in excess of the normal daily working hours established in the undertaking- at a rate of not less than one and a half times the regular hourly rate of pay;

(b) on Saturdays and Sundays or other agreed rest days substituted therefor-at a rate of not less than one and a half times the hourly rate of pay;

(c) on gazetted public holidays - at a rate of not less than twice the regular hourly rate of pay.

(3) An employer and a worker may agree to the assignment of a task to be performed by the worker as being the equivalent of work for a day of nine hours and the performance of such task shall for the purposes of this Act, be equivalent to working for a day.

(4) Nothing in this Part contained shall prevent any employer from agreeing with any worker in his employment that the wages of such worker shall be paid at an agreed rate in accordance with the amount of work done and not by the month or by the day.

Records to be kept by employers

15.-(1) Every employer shall keep records concerning his workers containing sufficient information to form a full record of the workers and of the terms and conditions of their employment and shall keep a register or check roll, showing the names of the workers, place of recruitment, nature of employment, rate of wages, amount and value of rations (if any), amount earned, advances, deductions, net amount due, amount paid and any bonus due whether paid monthly or at the end of the contract.

20 of 1964, s. 7

18 of 1979, s. 6

(2) Every worker in respect of whom a record, register or check roll is kept under the preceding subsection shall be entitled at all reasonable times to refer to such portions thereof as relate to him.

(3) In this section "workers" includes domestic servants.

Payment of Wages

16.-(1) Where the wages of a worker are payable monthly they shall be paid not later than seven days after the expiration of the period in respect of which they are due.

20 of 1964, s.8

(2) All wages due to a worker whose contract is terminated by expiry of the period for which it was made shall be paid to him on the day on which such agreement or contract terminates.

(3) All wages due to a worker whose contract is terminated by his employer shall be paid to him on the day on which such contract is terminated, or, if this is not possible, on the first day, not being a rest day or public holiday, after the day on which such agreement or contract is terminated.

(4) All wages due to a worker who terminates his contract with his employer after he has given due notice to such employer as required under section 3 shall be paid to him on the day on which such agreement or contract is terminated.

3 of 1982, Sched. 7

(5) If a worker terminates his contract without giving notice to his employer as required by the terms of any contract or if the required notice having been given the worker terminates his

contract without waiting for the expiry of such notice, all wages due shall be paid to him before the expiry of the tenth day after the day on which he terminates his contract:

Provided that the employer may, subject to any order made by a court or the Commissioner to the contrary, deduct from the wages due to the worker such sum as the worker is liable to pay in lieu of notice according to the terms of his contract, if any.

Joinder in cases of non-payment of wages

17.-(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, on a complaint or suit against an employer in respect of wages due to more than one of his workers, the court may permit one complaint or one plaint to be made or filed by the Commissioner or by one of such workers on behalf of all such workers and their claims to be proved by the Commissioner or by such worker accordingly:

*3 of 1970, s.24
1 of 1981, Sched. 3*

Provided that the complaint or plaint shall have annexed thereto a schedule setting forth the names of such workers, their addresses and descriptions and the details of wages due to each such worker.

(2) All such claims shall rank equally between themselves, and shall be paid in full, unless the amount recovered from the employer is less than the total amount of the claims with costs, in which case, after payment of the costs, all such claims shall abate in equal proportions among themselves and be paid accordingly; costs given against the workers shall be paid by such workers or by any of them in such proportions as the court may direct.

(3) The provisions of section 193 of the Criminal Procedure Code Act shall not apply to any criminal proceedings instituted under this Act for the non-payment of wages to any worker.

Cap. 7

Payment in stress, taverns, etc., prohibited

18. No wages shall be paid to any worker-

(a) at or within any shop or store;

(b) at any place or premises where intoxicating liquors are sold; or

(c) at any place of amusement:

*20 of 1964, s.9
1 of 1981, Sched. 3*

Provided that this section shall not apply to any worker who is normally employed in any such store, shop, place or premises.

Wages to be paid in the legal tender

19.-(1) Except where otherwise expressly prescribed the entire amount of the wages earned by, or payable to, any worker in respect of any work done by him shall be actually paid directly to him in legal tender and every payment of, or on account of, any such wages made in any other form shall be illegal, null and void.

(2) Nothing contained in this section or in section 20, shall be construed to prevent or to render invalid any contract for the payment to the credit of any bank account in the name of the worker, any payment in pursuance of such contract or any actual payment by cheque made payable to, or to the order of, any worker of the whole or any part of his wages unless the employee has, by notice in writing to his employer, requested him not to make the payment in that manner.

Contracts to pay wages otherwise than in legal tender, illegal

20. In all contracts for the employment of any worker or for the performance by any worker of any work, the wages of such worker, subject to subsection (2) of section 19, shall be made payable in legal tender and not otherwise and if in any contract provision is made for the whole or any part of such wages to be made payable in any other manner, such provision shall be null and void.

20 of 1964, s. 11

Stipulations as to place and manner of spending wages illegal

21. No employer shall provide in any contract for the employment of any worker any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the worker are to be expended and any such provision in a contract between an employer and a worker shall be illegal, null and void.

Worker's right to recover

22. Every worker shall be entitled to sue for and recover by legal process so much of his wages exclusive of sums lawfully deducted in accordance with the provisions of this Act as shall not have been paid to him in accordance with section 19.

20 of 1964, s. 12

Interests on advances forbidden

23. No employer shall make any deduction by way of discount, interest or any similar charge on account of any advance of wages made to any worker.

Deductions for fines, etc

24.-(1) Except where otherwise expressly permitted by the provisions of this Act no employer shall make any deduction or make any agreement or contract with a worker for any deduction from wages to be paid by the employer to the worker or for any payment to the employer by the

worker for or in respect of any fine, or of bad or negligent work or of injury to the materials or other property of the employer:

Provided that, with the prior approval in writing of the Commissioner, a deduction may be made in respect of any loss or injury to materials or other property of the employer occasioned by the wilful misconduct or negligence of the worker.

30 of 1970, s. 8

(2) No worker shall be required to make a direct or indirect payment for the purpose of obtaining or retaining employment and no deduction may be made from the wages of a worker for this purpose by an employer or his representative or a recruiter.

Remuneration other than wages

25.-(1) No contract with any worker containing a provision that he shall receive food, or a dwelling place in addition to a monetary wage as remuneration for his services shall be illegal by reason only of such a provision, but the value of any food or dwelling place so provided shall be expressed in monetary terms in any such contract.

(2) No employer shall give, or agree to give, any intoxicating liquor or any noxious drug to any worker by way of remuneration.

Employer's shop

26.-(1) Nothing in this Part shall prevent an employer from establishing a shop for the sale of food and domestic goods to his workers at prices which are in the opinion of the Commissioner fair and reasonable and which are marked or exhibited in such manner as the Commissioner may require but such employer shall not compel any worker to purchase food and domestic goods at such shop.

(2) No employer shall trade with any worker or establish or keep a shop on any place of employment otherwise than in accordance with the preceding subsection.

(3) No person employed on any place of employment as an assistant or overseer shall traffic on his own account with any worker employed under or together with him nor shall such person be either directly or indirectly financially concerned in the management of any shop wheresoever it be situated which is used or maintained for the purpose of supplying commodities of any kind whatsoever to those employed under or together with such person.

Exemption of employer if not actual offender

27.- (1) When an employer is charged with an offence under this Part he shall be entitled, upon information duly laid by him and on giving to the Commissioner not less than three days notice in writing of his intention, to have any other person whether or not employed by him whom he charges as the actual offender brought before the court at the time appointed for hearing the

charge; and if, after the commission of the offence has been proved the employer proves to the satisfaction of the court -

20 of 1964, s.13

(a) that he has used due diligence to enforce the provisions of this Part and of any relevant order made thereunder; and

(b) that the said other person had committed the offence in question without his consent or wilful default,

that other person shall be summarily convicted of the offence and the employer shall not be guilty of the offence and the person so convicted shall in the discretion of the court be also liable to pay any costs incidental to the proceedings.

(2) Where an employer seeks to avail himself of the provisions of the preceding subsection, the prosecution, as well as the person whom the employer charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witnesses called by him in support of his pleas, and to call rebutting evidence.

(3) When it appears to the Commissioner at the time of discovering an offence that the employer has used due diligence to comply with the provisions of this Part and that the person who committed the offence did so without the knowledge, consent or connivance of the employer, then the Commissioner may proceed against that person in the first instance without first proceeding against the employer; in any such proceedings the said person who committed the offence may be charged with, and on proof that the contravention was due to his act or default be convicted of, the offence with which the employer may have been charged.

Penalties

28. Any employer who -

1 of 1981, Sched. 3

(a) fails to pay wages in accordance with the provisions of this Part; or

(b) gives any remuneration for services contrary to the provisions of this Part, or makes any deductions from the wages of any worker or receives any payment from any worker contrary to the provisions of this Part; or

(c) trades with his workers or keeps a shop otherwise than in accordance with the provisions of this Part; or

(d) contravenes or fails to comply with any order of the Commissioner made under this Part;

and any person employed on a place of employment who contravenes the provisions of subsection (3) of section 26 shall be guilty of an offence and shall be liable, on conviction, to a fine of one thousand dollars or in default of payment thereof to imprisonment for six months.

PART IV MINIMUM WAGE

Interpretation

29. In this Part, unless the context otherwise requires, the term "minimum wage" means the minimum rate of wages fixed as in this Part provided in respect of the particular occupation followed by the person concerned and applicable to that person.

Fixing of minimum wage

30.-(1) The Minister may by order fix minimum rates of wages for workers in any occupation or in any class or grade of any occupation in Solomon Islands, either generally or in any specified area or province, in any case in which he is satisfied that the minimum rate of wages being paid to any persons employed in any such occupation is unreasonably low.

*20 of 1964, s.14
LN 46A of 1978
LN 88 of 1978*

(2) Before making any order under this section fixing a minimum rate of wage for any workers the Minister shall consult with the representatives of the employers and workers concerned.

Penalty for not paying wages in accordance with minimum rate

31.-(1) Where any minimum rate of wages has been fixed under this Part, an employer shall in cases to which the minimum rate is applicable pay wages to the person employed at not less than the minimum rate, and if he fails to do so shall be liable on conviction in respect of each offence to a fine of five hundred dollars, and to a fine of twenty dollars for each day on which the offence is continued after conviction therefor.

1 of 1981, Sched. 3

(2) On conviction of an employer under this section for failing to pay wages at not less than the minimum rate to a person employed, the court may by the conviction adjudge the employer convicted to pay in addition to any fine such sum as appears to the court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to claim recovery of wages due to him by civil proceedings.

Miscellaneous provisions with regard to legal proceedings

32.-(1) Where an employer has been convicted for failing to pay wages at not less than the minimum rate to any person employed by him, and notice of intention so to do has been served

with the summons, evidence may be given of any failure on the part of the employer to pay wages at not less than the minimum rate to such person at any time during the two years immediately preceding the date on which the complaint was made, and on proof of the failure the court may order the employer to pay to such person such sum as in the opinion of the court represents the difference between the amount which having regard to the provisions of this Part ought properly to have been paid by way of wages during those years and the amount actually so paid.

(2) Where it appears to the Commissioner that any sum is due by an employer to any person by reason of the fact that wages have been paid to him 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 this section, the Commissioner may, if it appears expedient so to do by reason of the refusal or neglect of such person to take the necessary proceedings, on behalf of and in the name of such person institute civil proceedings before any court of competent jurisdiction for the recovery of the said sum.

Offence by agent

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

Employers not to receive premium rates in force

34.-(1) Where a person employed in any occupation being a person to whom a minimum wage 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:

Provided that nothing in the foregoing provisions shall apply to any such payment duly made in pursuance of any instrument of apprenticeship executed within three months of the commencement of the employment.

(2) If an employer acts in contravention of the provisions of this section he shall be liable on conviction in respect of each offence to a fine of forty dollars, and the court may upon conviction in addition to imposing a fine adjudge him to repay to the person by whom the payment was made the sum improperly received by way of premium.

Prevention of evasion

35. Any shopkeeper, dealer or trader who by way of trade makes any arrangement, express or implied, with any person in pursuance of which the person performs any work for which a minimum wage has been fixed, shall be deemed for the purpose of this Part to be the employer of

such person, and the net remuneration obtainable by such person in respect of the work, after allowing for his necessary expenditure in connection with the work, shall be deemed to be wages.

Exemption

36.-(1) The Commissioner may issue permits of exemption to infirm or disabled persons authorising the employment of such persons at less than the minimum wage fixed in respect of the occupation in which such persons are employed, and such permits may specify the conditions under which such persons may be so employed and the wage conditions specified in such permit shall, for the purposes of this Part, be deemed to be the minimum wage.

(2) Any minimum rate of wages may, with the written permit of the Commissioner, be subject to abatement by collective agreement; and thereupon during the continuance of such collective agreement the wage and conditions specified in such permit shall be deemed to be the minimum wage fixed in respect of the employed persons who are a party to such collective agreement.

(3) Save as in this section provided, any agreement for the payment of wages at less than the minimum fixed under this Part shall be void.

PART V WRITTEN CONTRACTS OF EMPLOYMENT

Work permit requirements for non-indigenous workers and penalties

37.-(1) No person shall employ an immigrant or non-indigenous worker unless such worker has obtained from the Commissioner a work permit and the employment relates to the conditions of such work permit.

1 of 1978, s.3

(2) No immigrant or non-indigenous worker whether employed or self-employed shall work in Solomon Islands without a work permit from the Commissioner which shall specify the work which such immigrant or non-indigenous worker may undertake.

(3) Any immigrant or non-indigenous worker who wishes to work in Solomon Islands shall, in addition to the provisions of section 8 of the Immigration Act, make application in the prescribed form to the Commissioner for a work permit provided that such application may be made on behalf of an immigrant or non-indigenous worker by any prospective employer.

Cap. 60

(4) Any application for a work permit to, or any work permit obtained from, the Commissioner shall be in such form and subject to such conditions and requirements (including the payment of fees) as may be prescribed.

(5) Any person who employs an immigrant or non-indigenous worker in breach of subsection (1) shall be guilty of an offence and liable to a fine of one thousand dollars.

(6) Any immigrant or non-indigenous worker who works in Solomon Islands either without a work permit or in breach of the conditions of any subsisting work permit shall be guilty of an offence and liable to a fine of five hundred dollars.

(7) Nothing in this section shall require persons otherwise entitled to enter Solomon Islands without a work permit in accordance with section 7(1) (e) of the Immigration Act to obtain a work permit.

Cap. 60

(8) Any person aggrieved by the decision of the Commissioner to refuse the issue of a work permit as required by this section may appeal against such decision in writing to the Minister within fourteen days of the notification of a refusal and the Minister may hear and determine the appeal either by confirming the decision or varying it or over-ruling it as he shall in his absolute discretion think fit and shall notify the person aggrieved within twenty-eight days of receipt of the appeal.

PART VI EMPLOYMENT OF WOMEN

Interpretation

38. For the purposes of this Part-

"night" means the interval between seven o'clock in the evening and six o'clock the next morning;

"woman" includes all persons of the female sex.

Prohibition of employment of women at night

39. Women shall not be employed during the night in any undertaking, except where the night work-

*LN 46A of 1978,
LN 88 of 1978*

(a) has to do with raw materials or materials in course of treatment which are subject to rapid deterioration; or

(b) is necessitated by an emergency which it was impossible to foresee and which is not of a recurring character; or

(c) is that of a responsible position of management held by a woman who is not ordinarily engaged in manual work; or

(d) is that of nursing and of caring for the sick, or other health or welfare work; or

(e) is carried on in a cinematograph or other theatre while such theatre is open to the public; or

(f) is carried on in connection with a hotel or guest house, or with a bar, restaurant or club; or

(g) is carried on by a registered pharmacist; or

(h) is not prohibited by an international convention applying to Solomon Islands and is specifically declared by the Minister by order to be work upon which women may so be employed.

Restriction on employment of women in mines

40.-(1) Women shall not be employed in underground work in any mine:

20 of 1964, s.19

Provided that this subsection shall not apply -

(a) to women holding positions of management who do not perform manual work; or

(b) to women employed in health or welfare services.

(2) In this section the expression "mine" shall include any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

Suspension of prohibition

41. The Minister may by order from time to time suspend the prohibition of the employment of women during the night when in case of serious emergency the public interest so demands.

LN 88 of 1978

Maternity leave

42.-(1) Notwithstanding any agreement to the contrary, express or implied, a female worker other than a casual worker shall, on production of a medical certificate stating the anticipated date of her confinement, be entitled to up to twelve weeks' maternity leave from her employer including a period of at least six weeks' compulsory leave after her confinement during which it shall be an offence for her employer or any other employer to give her employment, and acceptance by a female worker of such employment from any other employer shall be deemed to be a breach of her previous contract. The remainder of the period of maternity leave shall not be compulsory but may be provided before the presumed date of confinement or following expiration of the compulsory leave period of partly before the presumed date of confinement and partly following the expiration of the compulsory leave period if certified to be necessary by a medical practitioner.

(2) The leave before the anticipated date of confinement shall be extended by any period elapsing between the anticipated date of confinement and the actual period of compulsory leave to be taken after confinement shall not be reduced on that account.

(3) In case of illness arising out of pregnancy the leave entitlement before confinement shall be of such duration as is certified to be necessary by a medical practitioner; in case of illness arising out of confinement, any extension of leave in addition to the period of compulsory leave, shall be of such duration as is certified to be necessary by a medical practitioner:

Provided that any additional leave certified as necessary which exceeds the twelve weeks of maternity leave may be deducted from the annual leave or sick leave entitlement of the worker. During the period of maternity leave the employee shall be entitled, for a maximum period of twelve weeks, to be paid not less than twenty-five *per centum* of the wages she would have earned had she not been absent from work and for any period of additional annual or sick leave at the full rate to which she is entitled during such leave.

(4) A female worker shall, whilst absent from work on maternity leave in accordance with the provisions of this section, be entitled to such medical benefits, including pre-natal, confinement and post-natal care and hospitalisation where necessary, as may be provided by government or private medical services, and her freedom of choice of doctors and between a public and private hospital shall be respected by the employer.

(5) An employer shall allow a female worker who is nursing a child to leave her work for this purpose for up to an hour twice a day during her working hours. Such interruptions of work shall be counted as working time and shall be remunerated accordingly.

Restriction on dismissal of female worker

43.-(1) During the period that a female worker is absent from work on maternity leave taken in accordance with the provisions of section 42 it shall not be lawful for her employer to give her notice of dismissal, or to give her notice of dismissal at such a time that the notice would expire during her absence or to give her notice of dismissal until such absence has exceeded the normal period of maternity leave and any additional leave which may have been certified to be necessary by a medical practitioner.

18 of 1979, s.7

(2) If a female worker who has received the wages due to her during the period of maternity leave or additional leave approved by her employer, should fail without reasonable cause to return to work for her employer she shall be regarded as having abandoned her employment without due notice and shall be required to pay to her employer an amount equivalent to the wages payable during the period of notice specified by section 3 or equivalent to the wages payable during the period of notice for which express or implied provision is made in her contract or service, whichever is the greater.

Penalty

44. Any person who acts in contravention of, or fails to comply with, any of the provisions of this Part commits an offence and upon conviction shall be liable to a fine of five hundred dollars.
1 of 1981, Sched. 3

PART VII EMPLOYMENT OF CHILDREN AND OTHER YOUNG PERSONS

Interpretation

45.-(1) For the purposes of this Part-

*20 of 1964, s.21
LN 46A of 1978*

"night" means the interval between six o'clock in the evening and six o'clock the next morning; and

"ship" means any vessel or boat whatsoever (other than a ship of war) engaged in maritime navigation, whether privately or publicly owned.

(2) The Minister for the purposes of this Part may by notice in the Gazette exclude from the definition of "industrial undertaking" -

(a) processes conducted for the preservation and despatch of the agricultural products of any particular undertaking or class of undertaking; and

(b) undertaking in respect of which, from their nature and size, adequate supervision may be impracticable.

Employment of children under 12

46. No child under the age of twelve years shall be employed in any capacity whatsoever:

3 of 1970, s.18

Provided that the provisions of this section shall not apply to any such child employed by and in company with his parents (or one of them) or his guardian on light work of an agricultural, domestic or other character which has been approved by the Commissioner.

Employment of persons under 15

47. A person under the age of fifteen shall not be employed or work -

*3 of 1970, s.19
LN 46A of 1978*

(a) in any industrial undertaking, or in any branch thereof, except in employment approved by the Minister; or

(b) on any ship:

Provided that nothing contained in this section shall apply to or prevent the employment of a person under the age of fifteen years upon work in a school-ship or a training-ship or a technical school or college when such work is approved and supervised by a public authority.

Employment of persons under 16

48. A person under the age of sixteen shall not be employed underground in any mine.

Employment of persons under 18

49. A person under the age of eighteen shall not be employed or work-

(a) underground in any mine unless, being a male person, he has attained the age of sixteen and produces a medical certificate of a medical practitioner or a person approved for that purpose by the Health Officer attesting his fitness for such work;

(b) on any ship as a trimmer or stoker except on a ship mainly propelled by means other than steam:

Provided that a male person between the ages of sixteen and eighteen may be employed as a trimmer or stoker on a ship exclusively engaged in the coastal trade if he is certified by a medical practitioner to be physically fit for such work;

(c) on any kind of work on a ship unless certified by a medical practitioner to be fit for such work:

Provided that in urgent cases the Commissioner may permit the embarkation of a male person under the age of eighteen without prior medical examination, and in such case the employer shall at his own expense have such male person medically examined by a medical practitioner at the first place of call at which there is a medical practitioner, and should such practitioner not attest such male person as fit for the work, the employer shall at his own expense return such male person as a passenger to the port or place where he was engaged, or to his home, whichever is the nearer; or

(d) during the night in any industrial undertaking:

Provided that a male person over the age of sixteen may be so employed with the permission in writing of the Commissioner.

Register of young persons

50. Every employer in an industrial undertaking and every master of a ship shall keep a register of all persons under the age of eighteen years employed in such undertaking or on such ship, and shall enter therein the names of such employed young persons, the dates of their birth and the dates when their employment begins and ceases. Such register shall at all reasonable times be open to inspection by the Commissioner or other officer authorised by him.

Presumption of age

51.- (1) If in the case of proceedings in respect of an offence under the provisions of this Part it is alleged by the person conducting the prosecution that the person in respect of whom the offence was committed was under the age of eighteen, sixteen, fifteen or twelve, as the case may be, at the date of the commission of the alleged offence the magistrate shall, after such inquiry as he may think necessary and after hearing any evidence that may be tendered by either party to the proceedings, determine the age of the said person and such determination shall be final.

(2) It shall be a sufficient defence to any charge against an employer or master of a ship for contravening or failing to comply with any provision of this Part if it shall be made to appear to the court before which the charge is brought that the person so charged had reasonable cause to believe that the child or other young person employed was of an age at which the child or other young person could be employed without contravening this Part.

Penalty

52. Any person who acts in contravention of, or fails to comply with, any of the provisions of this Part, is guilty of an offence and upon conviction shall be liable to a fine of five hundred dollars.

1 of 1981 Sched. 3

PART VIII APPRENTICES

Interpretation

53. In this Part-

"guardian" includes any person lawfully having charge of a person under the age of sixteen.

Contracts of apprenticeship of persons over 14 and under 16

54. The parent or guardian of a person above the age of fourteen years and under the age of sixteen years may, with the consent of such person, apprentice him to an employer to train him or have him trained systematically for a trade or employment in which art or skill is required, for any term not exceeding five years.

The Commissioner may appoint person to execute contract of apprenticeship

55. Whenever any person above the age of fourteen years and under the age of sixteen years is without known parents or guardian, the Commissioner may, with the consent of such person, appoint some fit and proper person to execute a contract of apprenticeship on his behalf.

Contracts of apprenticeship of persons over 16

56. Any person of the age of sixteen years or upwards, not being under any contract of apprenticeship may apprentice himself for any term not exceeding five years to any trade or employment in which art or skill is required.

Assignment of contract of apprenticeship

57. A contract of apprenticeship may, with the consent of the parties endorsed thereon and with the permission of the Commissioner, be assigned.

Attestation of contract of apprenticeship

58. A contract of apprenticeship shall not be valid unless it is in writing and is approved and attested by the Commissioner.

Duties of Commissioner on attesting contracts of apprenticeship

59. Before attesting any contract of apprenticeship the Commissioner shall satisfy himself -

(a) that the apprentice has freely consented to the contract;

(b) that the apprentice has been medically examined and certified by a medical practitioner to be physically and mentally fit to be employed and trained in the trade or employment specified in the contract;

(c) that both parties to the contract have fully understood the terms of the contract;

(d) that provision has been made in the contract as to how the apprentice's remuneration is to be determined, and as to the scale of increments, if any;

(e) that provision has been made for payment of such remuneration during illness and holidays, if any;

(f) that in any case where the apprentice is unable to return to his home at the conclusion of each day, the contract contains adequate provision to ensure that the apprentice is supplied with food, clothing, accommodation and medical attention; and

(g) that the terms of the contract are in accordance with the provisions of this Act.

Retention of apprentices after expiry of contract

60. If any person retains an apprentice in his service after the stipulated period of service has expired without making any agreement for the payment of wages, the apprentice shall be entitled to recover from such person wages at the current rate payable for service similar to that performed by such apprentice.

Powers of Commissioner

61. The provisions of this Act relating to the powers of the Commissioner in connection with the termination and cancellation of contracts shall apply to contracts of apprenticeship.

3 of 1970, s.20

Exemption of employer from provisions of this Part

62. The Commissioner may by writing under his hand exempt from the provisions of this Part contracts of apprenticeship made or to be made by any employer who satisfies him that the terms and conditions of such contracts are not less favourable to the apprentice than those provided for by this Part.

Cancellation of exemption

63. An exemption made under the provisions of the preceding section may at any time be revoked by the Commissioner.

PART IX CARE OF WORKERS

Interpretation

64. In this Part the expression "dependant" means any person dependent upon the worker who is living with him at the place of employment in pursuance of an agreement between the parties to the contract of employment.

Rations

65. An employer shall, if required by the Commissioner, or may by agreement with the worker, provide a worker with rations on the prescribed scale:

Provided that where rations are provided by the employer, the Commissioner shall, notwithstanding the provisions of sections 19, 20 and 21, prescribe the cash equivalent of the rations which may be deducted from the wages.

Protection of workers from malaria

66. Every employer shall take such measures as the Commissioner or a Health Officer may require for the protection of workers and their dependants from malaria.

Workers to be supplied with water

67. Where no public water supply is readily available to his workers, every employer shall, at his own expense, provide for the use of such workers and their dependants living with them on the employer's property, an adequate and easily accessible supply of wholesome water for drinking, washing and other domestic purposes to the satisfaction of the Commissioner or Health Officer, and shall take all such measures as are necessary and practicable and as the Commissioner or Health Officer may reasonably require to maintain such supply and to protect it from pollution:

*3 of 1970, s.21;
LN 46A of 1978*

Provided that -

(a) this section shall apply only in relation to workers and dependants who are living on the employer's property with the consent of the employer; and

(b) nothing in this section shall be construed as preventing an employer from levying a charge upon his workers in respect of water used by them or their dependants, at such rate as may be approved from time to time by the Minister of Finance.

Sanitary arrangements

68. Every employer shall make or cause to be made sufficient and proper sanitary arrangements for workers and their dependants.

Provision of housing

69. Where an employer's undertaking is so located that a worker cannot reasonably be expected to return to his home at the conclusion of his daily work, the employer shall cause such worker, together with his wife and children, to be adequately and properly housed in or near the undertaking, or pay to such worker a housing allowance:

*18 of 1979, s.8
1 of 1981, Sched. 3*

Provided that-

(a) nothing in this section shall be deemed to confer upon the worker a right to free housing for himself and his family; and

(b) in the event of an employer charging rent for housing supplied to the worker under this section, such rent shall not exceed such rate as may from time to time be approved by the Commissioner

Medical care and treatment

70.-(1) At every place of employment the employer shall provide for all workers such medical attention and treatment with medicines of good quality, first-aid equipment and appliances for the transportation of sick or injured workers as may be required by the Commissioner or a Health Officer.

(2) Every employer shall take, or cause to be taken, for treatment with as little delay as possible every worker injured or falling ill during the course of his employment and every resident worker and resident dependant on a place of employment requiring medical attention at a hospital or dispensary to the hospital or dispensary maintained for the workers at such place of employment, or, if there is no such hospital or dispensary, to the nearest hospital or dispensary maintained by the Government or approved by the Commissioner or a Health Officer and shall also provide any transport necessary therefor.

(3) The cost of maintenance and treatment in hospital of a worker and his dependants residing on the place of employment shall be borne or paid by the employer as long as the worker remains in his employment:

Provided that if the employer continues to pay the worker wages or part wages amounting to not less than half his usual wages he may recover by deduction from the wages of such worker the cost of his maintenance in hospital, at such rate as may be prescribed.

(4) Where such worker or dependant has been admitted to a Government hospital the cost of his maintenance and treatment at such rate as may from time to time be prescribed and in the event of the death of such worker or dependant in such hospital any reasonable burial expenses incurred shall be recoverable from the employer at the suit of the medical officer in charge.

Hospital maintained by employers

71.- (1) Any employer may be required in writing by the Commissioner or a Health Officer, having regard to the situation of any place of employment and the number of workers employed and resident thereon, at his own expense to provide and maintain -

(a) a room properly equipped as a sickroom with accommodation for not less than ten per cent of his workers; or

(b) a separate building properly equipped as a plantation hospital with accommodation for not less than ten per cent of his workers; and

(c) the services of a medical practitioner or such other person as may be approved by a Health Officer.

(2) Every employer who is required by the provisions of sub-section (1) to maintain a sickroom or plantation hospital shall keep a register of all patients admitted thereto. The register shall be produced for inspection on demand of the Commissioner or a Health Officer.

Directions in regard to housing and sanitation

72. Every employer shall observe all reasonable directions given to him by the Commissioner or a Health Officer in regard to the housing of workers and the sanitation of the buildings and provision of medical facilities and attendance.

Reporting of deaths

73. An employer shall forthwith report the death of a person in his employment to the Commissioner and such report shall whenever possible be accompanied by a medical certificate stating the cause of death.

Penalty

74. Any person who contravenes or fails to comply with any provisions of this Part of this Act is guilty of an offence and shall be liable upon conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

1 of 1981 Sched. 3

PART X GENERAL

Criminal proceedings

75. The Commissioner may institute and conduct the prosecution in any proceedings for an offence against the provisions of this Act.

Civil proceedings

76. In any civil proceedings between an employer and a worker in his employment the Commissioner may appear on behalf of the worker.

Court fees

77. No fees of court shall be charged in any proceedings whether civil or criminal arising out of the provisions of this Act.

Application to the Crown

78. This Act shall bind the Crown save and except that nothing in this Act contained shall apply or be construed to apply to or in relation to the following persons -

20 of 1964, s.24

(a) persons in the naval, military or air services of the Crown (other than locally engaged civilian employees); and

(b) members of the Solomon Islands Police Force.

Power to exempt persons from the provisions of this Act

79. The Minister may by order exempt any person or class or group of persons from all or any of the provisions of this Act or of any rule or order made thereunder.

PART XI RULES

80.-(1) The Minister may make rules generally for the better carrying out of the provisions of this Act and, without derogation from the generality of the foregoing, for all or any of the following purposes -

- (a) the appointment and regulation of advisory boards to advise on labour matters generally, and in particular to advise on fair minimum rates of wages and size of tasks;
- (b) prescribing registers of wage payments to be kept by employers, requiring the issue to workers of statements of wage payments, prescribing the intervals at which wage payments shall be made and generally to ensure the proper payment of all wages earned;
- (c) prescribing the maximum size of tasks;
- (d) the establishment of a fund or other method to make provision for securing the expenses of recruitment, transport or repatriation of workers upon such terms and conditions and subject to such control as he deems necessary, and for the administration of such a fund;
- (e) prescribing conditions under which women may be employed during the night in cases where such employment is permitted by this Act and providing for the health and safety of women employed;
- (f) restricting or prohibiting the employment of women in any specified class of undertaking;
- (g) providing generally for the protection of employed children and other employed young persons under the age of eighteen;
- (h) in the case of unhealthy, dangerous or onerous work, prescribing higher minimum ages than those specified in sections 46 and 47;
- (i) prescribing the form of contracts of apprenticeship and the terms and conditions upon which such contracts may be lawfully entered into, and the rights and obligations of apprentices and their masters;
- (j) the registration of contracts of apprenticeship;

(k) the number of apprentices who may be apprenticed during a specified period in any specified trade or employment;

(l) forbidding the taking of apprentices by persons not possessing specified qualifications;

(m) the provision, by such means as he may deem expedient, of adequate supervision over the employment and training of apprentices;

(n) the holding of examinations of apprentices and the issue of certificates based on the results thereof;

(o) prescribing scales for rations where such are provided by the employer under the provisions of section 65;

(p) prescribing minimum standards of housing, furniture, sanitation and water supply for workers;

(q) prescribing scales of medicines and sick room and hospital equipment;

(r) prescribing records to be kept by employers and forms to be used for the purposes of this Act and the rules made thereunder;

18 of 1979, s.9

(s) making provision for persons employed in undertakings generally, or in a particular undertaking, to be entitled to holidays with or without pay and, in such circumstances as may be specified therein, making provision for the payment of passages to enable workers to return from their place of employment to their home island during such holidays or at the termination of their employment;

18 of 1979, s.9

(t) prescribing the circumstances and conditions under which leave with or without pay and other benefits may be granted to workers in the event of casual sickness, or long term sickness certified by a medical practitioner in circumstances not covered by the Workmen's Compensation Act;

*18 of 1979, s.9;
Cap 78*

(u) applying all or any of the provisions of this Act to all seamen, domestic servants and to all or to either such categories of persons, and providing generally for the engagement, repatriation and working conditions of seamen and domestic servants;

(v) prescribing any fee, rate, matter or thing which is required, or appears to be expedient, to be prescribed under or in connection with this Act and to provide for the remission of fees;

(w) providing generally for the protection of workers.

(2) Rules made by the Minister under this Act may provide for the imposition of a penalty for a breach thereof, not exceeding a fine of forty dollars or imprisonment for three months, or to both such fine and imprisonment.

[Subsidiary Legislation]

SOLOMON ISLANDS

CHAPTER 73

LABOUR

Subsidiary Legislation

THE LABOUR (MINIMUM RATES OF WAGES) ORDER

(Section 30)

LN 11/1996

[1st March 1996]

1. This Order may be cited as the Labour (Minimum Rates of Wages) Order.
2. The minimum rate of wage for all workers:
 - (a) in the Fishing and the Agriculture Plantation sector shall be one dollar and twenty cents (\$1.20) per hour; and
 - (b) in all other sectors shall be one dollar and fifty cents (\$1.50) per hour.
3. This Order shall apply throughout Solomon Islands.

THE WORK PERMIT (FEES EXEMPTION) (MINISTERS OF RELIGION) ORDER

(Section 79)

LN 39/1985

[31st May 1985]

Citation

1. This Order may be cited as the Work Permit (Fees Exemption) (Ministers of Religion) Order.

Exemption of Ministers of religion

2.-(1) Rule 3(2) of the Work Permit Rules 1985 does not apply to any Minister of religion who is engaged mainly in the preaching or teaching of the beliefs of his religion.

(2) For the purposes of paragraph (1), the expression "minister of religion" means pastor, priest, bishop, brother, nun or other person belonging to any religious order of any religious denomination in Solomon Islands.

**THE WORK PERMIT (FEES EXEMPTION) (TEACHERS EMPLOYED IN SCHOOLS
AND CENTRES ADMINISTERED BY CHURCHES) ORDER**
(Section 79)

LN 16/1991

[1st February 1991]

1. This Order may be cited as the Work Permit (Fees Exemption) (Teachers Employed in Schools and Centres Administered by Churches)

2. Teachers and Instructors employed by National Secondary School and Vocational Training Centres administered by churches in Solomon Islands are hereby exempted from the requirements of -

- (a) paragraph (2) of rule 2;
- (b) paragraph (2) of rule 3;
- (c) Paragraph (3) of rule 7; and
- (d) rule 8,

of the Work Permit Rules.

THE LABOUR (DOMESTIC SERVANTS) RULES
(Section 80)

LN 6/1968

[29th January 1968]

Citation

1. These Rules may be cited as the Labour (Domestic Servants) Rules.

Application of Cap. 73. to domestic servants

2. The provisions of the Labour Act, with the exception of all rules heretofore made thereunder, are hereby applied to domestic servants.

THE LABOUR (RATION) RULES (Section 80)

LN 29/1964
42/1964
128/1965
36/1966

[1st October 1968]

Title

1. These Rules may be cited as the Labour (Rations) Rules.

Rations

2. An employer may under the provisions of section 65 of the Act provide a worker with rations of the kind specified in the Schedule hereto in such quantities as may be agreed between the employer and the worker.

Deductions

3. An employer may deduct from the wages of a worker to whom rations are provided under rule 2 of these Rules the cash equivalent of such rations as prescribed by the Commissioner:

Provided that the total sum to be deducted in any one month shall not exceed fourteen dollars or two-thirds of the worker's wages whichever is the less.

Cash equivalent

4. The Commissioner shall from time to time and at least once in every year by notice prescribe the cash equivalent of the items specified in the Schedule hereto.

SCHEDULE

1. Rice.

2. Biscuits (Navy).

3. Bread.

4. Root Vegetables-

Panna, yam, sweet potato, taro or such other item as may be approved from time to time by the Commissioner.

5. Green Vegetables-

Peas, beans, onions, cabbages, or such other items as may be approved from time to time by the Commissioner.

6. Fruit-

Bananas, plantains, coconuts or such other items as may from time to time be approved by the Commissioner.

7. Salt.

8. Meat-

Tinned, preserved or fresh.

9. Fish-

Tinned or fresh.

10. Sugar.

11. Tea.

12. Soap.

13. Cocoa.

14. Curry Powder.

15. Cost of preparation.

16. Milk.

THE LABOUR (FAIR WAGES CLAUSES IN PUBLIC CONTRACTS) RULES
(Section 80)

LN 112/1968

[1st October 1968]

Citation

1. These Rules may be cited as the Labour (Fair Wages Clauses in Public Contracts) Rules.

Interpretation

2. In these Rules -

"public authority" means the Government, the Solomon Islands Ports Authority established under the Ports Act, a local authority, and includes any other authority, board or body declared by the Minister by notice to be a public authority for the purpose of these Rules;

Cap. 61

"public contract" means a contract which fulfils the following conditions -

(a) that at least one of the parties thereto is a public authority;

(b) that the execution of the contract involves -

(i) the expenditure of funds by a public authority; and

(ii) the employment of workers by the other party to the contract;

(c) that the contract is a contract for-

(i) the construction, alteration, demolition of public works; or

(ii) the manufacture, assembly, handling or shipment of materials, supplies or equipment; or

(iii) the performance or supply of services; and

(d) the contract involves the expenditure of an amount of not less than five thousand dollars;

"trade union" means a trade union as defined in the Trade Unions Act.

Cap. 76

Provisions applicable to all public contracts

3. Every public contract made hereafter shall, as respects rates of wages, hours of work and conditions of labour, be subject to the following provisions -

(a) In places where rates of wages and hours and conditions of labour in a particular trade or industry have been established after negotiation between employers and trade unions and are adhered to as a practice of the particular trade or industry in such places, the contractor shall pay rates of wages and observe hours of work and conditions of labour not less favourable to his workers than those established as aforesaid (hereinafter referred to as "established rates and conditions").

(b) In places where there are no established rates and conditions, and no trade union which is representative of a substantial proportion of the workers in the particular trade or industry concerned, then rates and conditions which have been established in other places in Solomon Islands for contracts of a similar nature shall apply, providing that, in the event of failure to reach agreement as to what constitute established rates and conditions as aforesaid, the matter shall be referred to the Commissioner who shall act as arbiter and whose decision or award shall be final and binding upon the parties to the contract:

Provided that the Commissioner may, if he thinks fit, refer a matter in dispute to a tribunal established to resolve trade disputes, or if no such tribunal has been established, to such independent arbitrator as he may deem fit.

(c) The contractor or sub-contractor shall post notices, in conspicuous places in the establishments and work places concerned, informing the workers of the rates of pay and other conditions of work.

Certificate of tenderer for public contract

4. No tender for public contracts shall be accepted unless and until the tenderer has certified to the satisfaction of the Commissioner that the wage, hours of work and conditions of labour of all workers employed by him are fair and reasonable.

Duties of contractor and sub-contractors

5.-(1) The contractor shall not transfer or assign directly or indirectly to any person or persons whatever any part of his contract without the written permission of the public authority.

(2) A sub-contractor shall in relation to the requirements of these Rules be bound in all cases to conform to the conditions of the main contract in so far as they apply to him and the main contractor shall be responsible for the observance of all contract conditions on the part of sub-contractors, so far as conditions of labour are concerned.

Contractor's certificate on completion

6. On completion of the work contracted for, the contractor shall file with the Commissioner a certificate showing-

- (i) the rates of wages and hours of labour of the various classes of workers employed in the execution of the contract;
- (ii) whether any wages in respect of the said work and labour remain in arrears; and
- (iii) that all other labour conditions of the contract have been duly complied with.

Further information

7. The contractor shall also furnish to the Commissioner such further detailed information and evidence as the Commissioner may from time to time deem necessary to satisfy him that the conditions of these Rules are being or have been complied with.

Satisfaction of worker's claim in default of payment

8. Should the contractor default in payment of any money in respect of wages due to any worker employed by him on a contract and should such worker file a claim for such wages with the Commissioner and should he furnish proof thereof to the satisfaction of the Commissioner, then the Commissioner may, failing payment by the contractor, arrange for the payment of such claim out of the moneys at any time payable under the said contract, and an amount so paid shall be deemed a payment to the contractor.

THE LABOUR (NOTIFICATION OF IONISING RADIATIONS) RULES (Section 80)

LN 104/1965
Act 1 of 1981

[29th May 1965]

Citation

1. These Rules may be cited as the Labour (Notification of Ionising Radiations) Rules.

Interpretation

2. In these Rules "ionising radiations" means electro-magnetic radiation (X- or gamma-rays) or corpuscular radiation (α -particles, β -particles, electrons, protons, neutrons or heavy particles), capable of producing ions.

Report by employer using device exposing workers to ionising radiations

3. Every employer who uses any device whereby any worker employed by him is or may be exposed to ionising radiations shall, within one month of the coming into operation of these Rules, furnish the Commissioner with a report specifying such device, the use to which such device is put, the locality of such device, the number of workers employed by him who are or may be exposed to ionising radiations from such device, and any safety precautions taken against ionising radiations in the use of such device.

Notice by employer intending to use device exposing workers to ionising radiations

4. Every employer intending to use a device which will or may expose workers employed by him to ionising radiation shall, not less than one month prior to the date on which he intends to bring such device into use, give to the Commissioner notice in writing specifying the device, the use to which such device is to be put, the locality of such device, the number of workers employed by him who will or may be exposed to ionising radiations from such device, and any safety precautions to be taken against ionising radiations in the use of such device.

Penalty

5. Any employer who fails to comply with the provisions of these Rules shall be guilty of an offence and shall be liable to a fine of five hundred dollars or to imprisonment for three months, or to both such fine and imprisonment.

Act 1 of 1981, Sched. 3

THE LABOUR (SEAMEN) RULES *(Section 80)*

LN 59/1968
60/1971
Act 1 of 1981

[23rd May 1968]

Citation

1. These Rules may be cited as the Labour (Seamen) Rules.

Application of Cap. 73 to seamen

2. The provisions of the Act with the exception of sections 13, 14, 16 and 24(1), and sections 68 and 69, are hereby applied to seamen.

3.-(1) Where the wages of seamen are payable monthly, they shall be paid not later than seven days after the expiration of the period in respect of which they are due:

Provided that if by reason of the vessel being on a voyage it is impracticable to make payment within this period, such payment shall be made within two clear days (excluding a Sunday or a public holiday) of the vessel arriving at a port where it is practicable for such payment to be made.

(2) All wages due to a seaman employed on a contract or agreement of service shall be paid within two days of the termination of such contract or agreement, or at the time when the seaman is discharged, whichever first occurs.

(3) If the master or owner fails without reasonable cause to make payment to a seaman as prescribed in paragraphs (1) and (2), he shall pay to such seaman, in addition to the amount of wages due, a sum amounting to twice his ordinary daily rate of pay for each day during which payment is delayed beyond the time prescribed in the said paragraphs, and such sum shall be recoverable as wages:

Provided that the additional amount payable under this paragraph shall not exceed one month's wages.

(4) Except where otherwise expressly permitted by law, no master or owner of a vessel shall make any deduction or make any agreement or contract with a seaman for any deduction from wages to be paid by the master or owner to the seaman or for any payment to the master or owner by the seaman for or in respect of any fine, or bad or negligent work or injury to the materials or other property of the master or owner.

4. A seaman's right to wages, and, where his contract or agreement provides for the supply of provisions, his right to provisions, shall begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

5.-(1) Subject to paragraph (2), a seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage.

(2) Nothing in this rule shall apply to a stipulation made by the seaman belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

6. The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to any written law applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim to wages.

7. A seaman or apprentice shall not be entitled to wages or provisions for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

8. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

9. Whenever in any proceeding relating to seaman's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a court of competent jurisdiction, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding six dollars, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

10. If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damages caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

11. Subject to the provisions of the Act and these Rules, and to section 19 of the Affiliation, Separation and Maintenance Act, as respects wages due or accruing to a seaman or apprentice to the sea service -

LN 60/1971
Cap. 1

(a) they shall not be subject to attachment or arrestment by any court;

(b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(c) a power of attorney or authority for the receipt thereof shall not be irrevocable; and

(d) a payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof.

12.-(1) Subject to rule 6 in cases of loss or foundering of a ship, the owner or person with whom a seaman has made a contract for service on board the ship shall, unless the contract makes provision more favourable to the seaman, continue to pay each seaman employed thereon at the same rate of wages payable under the contract until the expiry of two months from the date of such loss or foundering or until the seaman is reengaged, whichever first occurs.

(2) A seaman shall not be entitled to receive wages under this rule if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this rule in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

13. Any person who contravenes any of the provisions of rule 3 or rule 12 (1) shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for three months.

*Act 1 of 1981,
Sched. 3*

14. For the avoidance of doubt it is hereby declared that every stipulation in any agreement inconsistent with any provision of these Rules shall be void.

THE LABOUR (APPRENTICESHIP) RULES

ARRANGEMENT OF RULES

RULE

- 1. CITATION**
- 2. INTERPRETATION**
- 3. APPOINTMENT OF SUPERVISOR AND ASSISTANT SUPERVISOR**
- 4. APPOINTMENT OF APPRENTICESHIP BOARD**
- 5. DUTIES AND FUNCTIONS OF BOARD**
- 6. PERMISSION TO EMPLOY APPRENTICES**
- 7. REGISTRATION OF CONTRACT OF APPRENTICESHIP**
- 8. ASSIGNMENT OF CONTRACT OF APPRENTICESHIP**
- 9. TERMINATION OF CONTRACTS**
- 10. ENTICEMENT OF APPRENTICES**
- 11. PROBATIONARY PERIOD**
- 12. SUSPENSION OF APPRENTICE**
- 13. UNSATISFACTORY PROGRESS OF APPRENTICE**
- 14. RECORDS TO BE KEPT BY EMPLOYERS**
- 15. LIMITATIONS IN REGARD TO METHOD OF PAYMENT, OVERTIME AND FOREIGN SERVICE**
- 16. CERTIFICATE OF APPRENTICESHIP**

- 17 MISCELLANEOUS POWERS OF SUPERVISOR
- 18. TRAINING SCHEMES
- 19. MAKING OF SCHEMES-PROCEDURE
- 20. APPOINTMENT OF INSPECTORS
- 21. POWERS OF INSPECTORS
- 22. DISCLOSURE OF INFORMATION AN OFFENCE
- 23. EXISTING CONTRACTS OF APPRENTICESHIP
- 24. PENALTIES
- 25. POWER TO PRESCRIBE FORMS ETC
- 26. EXEMPTIONS

THE LABOUR (APPRENTICESHIP) RULES
(Section 80)

LN 106/1970
60/1974
Act 1 of 1981

[27th November 1970]

Citation

1. These Rules may be cited as the Labour (Apprenticeship) Rules.

Interpretation

2. In these Rules unless the context otherwise requires -

"apprentice" means a person who is bound by a written contract to serve an employer for a determined period with a view to acquiring knowledge, including theory and practice, of a trade in which the employer is reciprocally bound to instruct that person;

"Board" means the Apprenticeship Board constituted under the provisions of rule 4;

"Commissioner" means the Commissioner of Labour;

"inspector" means an inspector appointed by the Minister under the provisions of rule 20;
Act 1 of 1981, Sched. 3

"scheme" means a scheme made under the provisions of rule 18;

"Supervisor" means the Supervisor of Apprenticeship appointed under the provisions of rule 3;

"trade" means a skilled manual occupation.

Appointment of Supervisor and Assistant Supervisor

3.-(1) The Minister may, by notice in the Gazette, appoint a Supervisor of Apprenticeship and one or more other persons to be Assistant Supervisors of Apprenticeship for the purposes of these Rules.

Act 1 of 1981, Sched. 3

(2) Every Assistant Supervisor of Apprenticeship may, subject to the directions of the Supervisor, perform any act or discharge any duty which may lawfully be performed or is required to be discharged by the Supervisor under the provisions of these Rules.

Appointment of Apprenticeship Board

4.-(1) The Minister may, by notice in the Gazette, establish an Apprenticeship Board for the purposes of these Rules, and such Board shall consist of a Chairman, Deputy Chairman, and not less than five and not more than nine other members appointed by the Minister.

Act 1 of 1981, Sched. 3

(2) The Minister may appoint a secretary to the Board who shall be an officer of the Board and who shall perform such duties as the Board may determine.

(3) The Chairman, or in his absence, the Deputy Chairman, shall preside at every meeting of the Board and where the Deputy Chairman so presides, he shall, with respect to that meeting and any business transacted thereat, have all the powers of and be deemed to be the Chairman of the Board.

(4) The Chairman, Deputy Chairman, and members of the Board shall hold office for such period, not exceeding three years, as shall be specified at the time of their appointment, and on the expiration of such period shall be eligible for reappointment.

(5) The Chairman, or, in his absence, the Deputy Chairman and half the members of the Board shall form a quorum, a fraction of a whole number being disregarded.

(6) Subject to the provisions of these Rules, the Board may regulate its own procedure.

Duties and functions of Board

5. Without prejudice to the other provisions of these Rules, the Board shall perform the following duties and functions: -

(a) it shall at the request of the Commissioner, and may of its own motion, investigate and make recommendations to the Commissioner on any matters connected with these Rules;

(b) it shall investigate any dispute or other matter arising out of a contract of apprenticeship referred to it by the Supervisor, and shall endeavour to settle such dispute amicably;

(c) it shall perform such duties and functions in regard to any other matter concerning apprenticeship as may be required by the Commissioner.

Permission to employ apprentices

6.-(1) (a) No person shall employ an apprentice without having first obtained the written permission of the Supervisor so to do.

(b) The Supervisor's permission as aforesaid shall specify the maximum number of apprentices who may be employed at any one time by the person to whom the permission is given.

(2) No permission shall be given under this rule unless the person applying therefor satisfies the Supervisor that his establishment offers reasonable opportunities for the proper training of the apprentice or the number of apprentices proposed to be employed by him.

(3) Any person aggrieved by any decision of the Supervisor under this rule may appeal therefrom to the Board whose decision thereon, after consultation with the Commissioner, shall be final and shall not be questioned in any proceedings whatsoever.

(4) Any person who -

(a) employs an apprentice without having first obtained the written permission of the Supervisor to employ apprentices; or

(b) having obtained the written permission of the Supervisor to employ apprentices, employs at any one time a number of apprentices in excess of the maximum number specified in such written permission,

shall be guilty of an offence.

Registration of contracts of apprenticeship

7.-(1) Every contract of apprenticeship made after the commencement of these Rules shall be in the form prescribed.

(2) An employer who enters into a contract of apprenticeship with any person shall within fourteen days thereafter lodge, in such manner as may be prescribed, with the Supervisor for registration -

(a) the contract of apprenticeship together with two copies thereof, and

(b) the medical certificate required by section 58 (b) of the Act.

(3) Any employer who fails to comply with the provisions of paragraph (2) shall be guilty of an offence.

(4) No contract of apprenticeship made after the commencement of these Rules shall be binding until it has been registered by the Supervisor.

(5) The Supervisor may refuse to register any contract of apprenticeship if, in his opinion, it is not in the interests of the person who is the apprentice thereunder or if it is not made in accordance with the provisions of a scheme; and he may, in coming to a decision under this paragraph, have regard, in addition to any other circumstances, to such person's prospects of obtaining employment at the expiration of such contract in the trade in which he seeks to bind himself as apprentice.

(6) Any party dissatisfied with the refusal of the Supervisor to register a contract of apprenticeship may appeal to the Board within thirty days from the date upon which the decision of the Supervisor is communicated to it and the Board's decision, after consultation with the Commissioner, shall be final, and shall not be questioned in any proceedings whatsoever.

(7) In every case where the Supervisor registers a contract under these Rules, he shall -

(a) endorse the particulars of registration thereon and on one of the copies referred to in paragraph (2)(a) and return the contract and such copy to the employer; and

(b) file the other copy referred to in paragraph (2) (a).

(8) The employer shall deliver the copy which has been endorsed under paragraph (7) (a) to the apprentice for him to keep.

Assignment of contracts of apprenticeship

8.-(1) Where a contract of apprenticeship is assigned in accordance with the provisions of section 56 of the Act, the employer to whom the rights and obligations under the contract of apprenticeship are being assigned shall, within one month of the date on which the contract of apprenticeship is endorsed in accordance with section 56 of the Act, lodge, in such manner as may be prescribed, with the Supervisor for registration, such instrument as may be prescribed, and any such employer who fails so to lodge such instrument shall be guilty of an offence.

(2) (a) Where, under any contract of apprenticeship, an apprentice is employed by two or more persons in partnership, unless the apprentice shall otherwise elect, his contract of apprenticeship shall not be terminated by reason only of the death or retirement of any partner if the business of the partnership is continued by the surviving or continuing partner or partners whether alone or jointly with another person or persons and the rights and obligations of the employer under such contract shall be deemed to be assigned to the person or partners continuing the business.

(b) Such person or partnership shall, within one calendar month of the date of such death or retirement, lodge the contract, together with such instrument as may be required by the Commissioner, with the Supervisor, who shall certify thereon that the employer's rights and obligations under such contract have been assigned to such person or partnership under the provisions of this paragraph.

Termination of contracts

9.-(1) Subject to the provisions of rule 11 of these Rules any contract of apprenticeship may be terminated-

(a) by mutual agreement in writing of the parties thereto; or

(b) by the Supervisor at the instance of any party thereto if he is satisfied that it is expedient so to do; or

(c) by the Supervisor at the instance of the Board.

(2) The employer shall give notice to the Supervisor of the termination of any contract under paragraph (1)(a), and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence.

(3) The Supervisor shall not exercise the powers conferred upon him by paragraph (1)(b) unless he has given both parties to the contract an opportunity to be heard by, or to make representations to, him.

(4) The fact of termination shall be endorsed by the Supervisor upon the file copy of the contract of apprenticeship.

(5) (a) Any party dissatisfied with the action of the Supervisor in terminating a contract of apprenticeship may appeal to the Board within two months from the date upon which the decision of the Supervisor is communicated to him.

(b) The Board shall consult the Commissioner on the matter of appeal and, in the event of its setting aside the decision of the Supervisor, it may make such direction with regard to the payment of any wages which would have been payable to the apprentice if the contract had not been terminated as it considers just, and any sum so directed to be paid may be recovered by the apprentice from the employer as a civil debt recoverable summarily.

(6) The decision of the Board under the provisions of paragraph (5) shall be endorsed by the Supervisor upon the file copy of the contract of apprenticeship.

(7) A contract terminated under the provisions of this rule shall be terminated for all purposes but without prejudice to any right of action which may have accrued before the date of such termination.

(8) The provisions of this rule shall be without prejudice to the powers of the Commissioner under section 60 of the Act.

Enticement of apprentices

10. Any person who induces or attempts to induce an apprentice to quit the service of his employer, or who employs a person whom he knows is bound by a contract of apprenticeship to any other person, shall be guilty of an offence.

Probationary period

11. (1) The first six months of practical service served with an employer under every contract of apprenticeship shall be a period of probation during which the contract may be terminated by either party; and any agreement to the contrary, whether expressed or implied, shall be null and void without, however, affecting the validity of any other part of the agreement of which it form a part.

(2) The employer shall give notice to the Supervisor of the termination of any contract under the provisions of paragraph (1), and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence.

Suspension of apprenticeship

12.-(1) If an employer is satisfied that an apprentice bound to him by a contract under the provisions of these Rules has committed a serious breach of the terms of such contract or of any conditions of apprenticeship applicable to such apprentice, he may forthwith suspend the apprentice.

(2) An employer who has suspended an apprentice shall report the matter in writing to the Supervisor within three days of the suspension and the Supervisor shall forthwith investigate the matter and may confirm or set aside the suspension of the apprentice or vary the term thereof.

(3) Whether or not a complaint has been lodged by the employer, the Supervisor may order the suspension of an apprentice pending investigation and, if he does so, he shall report his action to the Board.

(4) Where the Supervisor sets aside the suspension of an apprentice the employer shall pay to the apprentice such wages as may have been withheld from him during the period of the suspension.

(5) Any employer who fails to report the suspension of an apprentice in accordance with the provisions of this rule shall be guilty of an offence.

Unsatisfactory progress of apprentice

13. (a) Where an employer is not satisfied with the progress of an apprentice he may report the matter in writing to the Supervisor who shall then investigate the matter and may extend the term of the contract for any period not exceeding twelve months or terminate the contract in accordance with the provisions of rule 9.

(b) Where an apprentice is not satisfied with his progress with an employer he may report that matter in writing to the Supervisor who shall then investigate the matter and may make such recommendations to the employer as he may think fit.

Records to be kept by employers

14.-(1) Every employer who employs an apprentice shall keep in respect of every such apprentice records of the remuneration paid to, and of the time worked by, every such apprentice, and such other particulars as may be prescribed.

(2) Such records shall be kept in such form and manner as may be prescribed.

(3) Every person who employs or has employed an apprentice shall retain any record made in accordance with this rule for a period of three years after the date of the last entry in the record.

(4) Every employer who fails to keep the required records in the proper form and manner and every employer and former employer who fails without reasonable excuse to retain any record made in accordance with this rule for the required period shall be guilty of an offence.

Limitations in regard to method of payment, overtime and foreign service

15.-(1) Notwithstanding the provisions of any other law for the time being in force, any term of a contract of apprenticeship or any condition of apprenticeship which-

(a) provides that the whole or any part of the wages of an apprentice shall be based upon the quantity of work done, or

(b) requires an apprentice under seventeen years of age to work overtime, shall be null and void.

(2) Any term of a contract of apprenticeship or any condition of apprenticeship which provides for an apprentice to be employed outside Solomon Islands shall be null and void unless the consent in writing of the Commissioner to the inclusion of such term or condition in the contract or conditions of apprenticeship has first been obtained.

Certificate of apprenticeship

16.-(1) The employer of an apprentice shall, on the satisfactory completion of the contract of apprenticeship, and if the apprentice shall have passed to the satisfaction of the Board all proficiency tests and examinations specified under a scheme in respect of the trade in which he was bound as an apprentice, signify on the contract of apprenticeship that it has been completed,

whereupon the Commissioner shall make out or cause to be made out a certificate of apprenticeship in such form and manner as may be prescribed, submit the same to the employer for signature, to the Supervisor for counter-signature and, when so counter-signed and thereafter signed by the Chairman or Deputy Chairman of the Board, give it to the apprentice.

LN 60/1974

(2) If any employer fails to give such a certificate then, without prejudice to any penalty to which the employer may be liable in respect of such failure, it shall be lawful for the Supervisor, having first made such enquiries as may be necessary and possible, to give such a certificate himself.

(3) Any person who contravenes any of the provisions of paragraph (1) shall be guilty of an offence.

Miscellaneous powers of Supervisor

17.-(1) The Supervisor may, if he deems it expedient, order that the term of any contract of apprenticeship be extended by not more than one day in respect of every ordinary working day upon which the apprentice bound by such contract was absent from work, and the contract period of apprenticeship shall thereupon be deemed to be extended accordingly:

Provided that the Supervisor may, if he deems it expedient and subject to the provisions of rule 15(1) (b), order that every eight hours of overtime, whether consecutive or not, worked by the apprentice shall for the purposes of this paragraph be taken as an additional day of work during such apprenticeship, but this proviso shall not apply so as to permit time lost on account of suspension under the provisions of rule 12 to be made up.

(2) Where it is proved to the satisfaction of the Board that a person has undergone previous technical training relevant to the trade in which he desires to be apprenticed, the Board may authorise the Supervisor to reduce the period of apprenticeship to be served by such person to such lesser period as it shall determine.

(3) The Supervisor shall have all the powers of an inspector under these Rules.

Training schemes

18.-(1) The Commissioner may, with the approval of the Board and subject to the provisions of the next succeeding rule make a scheme or schemes for regulating the training of apprentices in any trade:

Provided that no scheme shall revoke or vary any term of any contract of apprenticeship registered before the date of making of such scheme.

(2) A scheme may, in respect of any trade to which it relates, specify -

(a) the qualifications, including age and educational standard, required for apprentices in that trade;

(b) without prejudice to the provisions of rule 17(2), the period of apprenticeship applicable to that trade;

(c) the practical training which employers shall provide for the apprentices in their employ in that trade;

(d) the theoretical training in that trade which shall be provided by or at the expense of employers for their apprentices or which apprentices shall undergo, and the manner in which such training shall be provided or undergone;

(e) the proficiency tests or examinations which apprentices in that trade shall be required to undergo from time to time;

(f) the maximum number of ordinary working hours which apprentices in that trade may be required or permitted to work during any week or on any day, and the days on which, the hours on any day before or after which, and the intervals during which no apprentice in that trade may be required or permitted to work;

(g) the maximum period of overtime which apprentices in that trade may be required or permitted to work on any day or during any specified period;

(h) the minimum number of paid holidays to be allowed to apprentices in that trade during any year of their apprenticeship;

(i) the minimum wages and other conditions which shall apply to apprentices in that trade;

(j) the minimum remuneration and other conditions which shall apply in respect of any period during which an apprentice in that trade is unable by reason of any condition of apprenticeship or other specified circumstances to render service to his employer during ordinary working hours;

(k) any other matter which in the opinion of the Commissioner with the approval of the Board, is necessary for the effective operation of the scheme.

(3) The Commissioner may, in any scheme, provide that the conditions of apprenticeship specified therein, or any of them, shall apply in respect of apprentices either generally or in any area of Solomon Islands.

(4) Different conditions of apprenticeship may be specified under this rule in respect of different classes of employers or apprentices and different specified trades and, in specifying such different conditions, the Commissioner may apply any method of differentiation he may deem advisable.

(5) A scheme may be amended by a subsequent scheme or by an order made by the Commissioner on the advice of the Board.

(6) A person may not bind himself as an apprentice in any trade in respect of which a scheme has been made unless he has the qualifications required under that scheme.

Making of schemes procedure

19.-(1) Before making a scheme, the Commissioner shall publish twice consecutively in the Gazette, a notice of his intention to make a scheme specifying a place where copies of a draft thereof may be inspected and a time, which shall not be less than thirty days from the first date of such publication, within which any objection to such draft scheme shall be sent to the Commissioner.

(2) Every such objection shall be in writing and shall state-

(a) the specific grounds of objection, and

(b) the deletions (if any) from, or additions or modifications (if any) to, the scheme requested by the objector,

and the Commissioner shall consider any such objections made by or on behalf of any person appearing to him to be affected, if such objection has been sent to him within the time specified as aforesaid, and he may, but shall not be bound to, consider any other objection.

(3) At the expiration of the time specified for the making of objections as aforesaid the Commissioner may, after consideration of all objections which he is required by the provisions of paragraph (2) to consider and with the approval of the Board-

(a) withdraw the draft scheme; or

(b) make the scheme in terms of the draft thereof published as aforesaid; or

(c) make the scheme subject to such deletions from, or additions or modifications to, the draft of the scheme published as aforesaid as he considers necessary:

Provided that no deletion from, or addition or modification to, any scheme shall be made under this sub-paragraph if, in the opinion of the Commissioner, such deletion, addition or modification effects important alterations in the character of the draft of such scheme published as aforesaid.

(4) The Commissioner may amend a draft scheme otherwise than as permitted under the provisions of paragraph (3)(c), but in such case all the provisions of this rule shall apply to such amended draft scheme as if it were an original draft scheme.

(5) Where the Commissioner makes a scheme, he shall publish it twice consecutively in the Gazette.

Appointment of inspectors

20. The Minister may appoint such persons as he thinks necessary to be inspectors for all or any of the purposes of these Rules.

Act 1 of 1981, Sched. 3

Powers of inspectors

21.-(1) An inspector may-

(a) at any reasonable time enter any premises in which he has reasonable cause to believe that an apprentice is or has within the previous six months been employed and take with him any interpreter or other assistant or a police officer;

(b) examine, with respect to matters under these Rules, every person whom he finds on premises entered under the provisions of sub-paragraph (a) or whom he has reasonable cause to believe to be or to have been within the preceding six months employed on such premises, and require every such person to be so examined;

(c) require any apprentice to appear before him at a time and place fixed by the inspector and then and there question that apprentice;

(d) require the production or delivery up of any of the records required to be kept by or under the provisions of these Rules and of any document relating thereto or relating, with respect to matters under these Rules, to the business of any person whom the inspector has reasonable cause to believe is or was within the preceding six months the employer of an apprentice;

(e) examine and make extracts from and copies of any such documents produced or delivered up as aforesaid:

Provided that an inspector-

(i) shall not enter or inspect a private dwelling house without the consent of the occupier thereof;

(ii) on the occasion of a visit of inspection shall notify the employer or his representative of his presence, unless he has reasonable grounds for believing that such notification would be prejudicial to the performance of his duties; and

(ii) if so required by the employer shall be accompanied during any inspection or examination by the employer or his representative.

(2) Any person who -

(a) refuses or fails to comply to the best of his ability with any requirement made by an inspector under the provisions of this rule; or

(b) hinders an inspector in the exercise of his powers under the provisions of this rule, shall be guilty of an offence:

Provided that no one shall be required under the provisions of this rule to answer any question or to give any information tending to incriminate himself.

(3) Any inspector exercising, or seeking to exercise, any of the powers specified in paragraph (1) shall, on being required to do so, produce written evidence of his appointment.

Disclosure of information an offence

22. Any member of the Board or any public officer or other person who discloses to any person, except for the purposes of the performance of his duties or the exercise of his powers under these Rules, any information in relation to the financial affairs, plant, equipment or working processes of any person, such information having been acquired in the performance of his duties or in the exercise of his powers under these Rules, shall be guilty of an offence:

Provided that nothing in this rule shall apply to the disclosure of information for the purposes of any criminal proceedings which may be taken whether by virtue of the Rules or otherwise or for the purposes of a report of any such proceedings.

Existing contracts of apprenticeship

23. Every contract of apprenticeship valid in accordance with the law in force at the commencement of these Rules shall be deemed to comply with the provisions of rule 7.

Penalties

24. Any person who commits an offence under these Rules shall be liable to a fine not exceeding five hundred dollars or to imprisonment for three months, or to both such fine and imprisonment.

Act 1 of 1981, Sched. 3

Power to prescribe forms, etc.

25. The Commissioner may, with the prior approval of the Board, prescribe-

(a) the form of any contract of apprenticeship and the matters for which provision shall be made in such contract;

(b) the manner in which educational standards or date of birth may be proved;

(c) the nature of returns which employers may from time to time be required to furnish to the Supervisor and the period within which those returns shall be so furnished;

(d) the procedure for registration and assignment of contracts of apprenticeship and for the notification of the expiration or termination of such contracts;

(e) the form and manner in which certificates of apprenticeship are to be issued by employers;

(f) the arrangement and conduct of proficiency tests and examinations specified under a scheme;

LN 60/1974

(g) all or any matters which by these Rules are required or permitted to be prescribed.

Exemptions

26.-(1) The Commissioner, with the approval of the Board, may, in the case of any particular contract, exempt any person from any of the provisions of these Rules or from any condition of apprenticeship contained in any scheme.

(2) Any such exemption may at any time be withdrawn by the Commissioner with the approval of the Board.

LABOUR (HOUSING STANDARDS) RULES

(Section 80)

*LN 114/1970
Act 1 of 1981*

[1st January 1971]

Title

1. These Rules may be cited as the Labour (Housing Standards) Rules.

Uninhabitable dwellings

2. When, in the opinion of the Commissioner or Health Officer, any dwelling becomes unfit or unsafe for human habitation or occupation, the Commissioner or Health Officer may direct the employer in writing that the same shall not be used for the housing of workers unless or until the repairs specified in such direction are carried out and thereupon the employer shall carry out the said repairs within a reasonable time to the satisfaction of the Commissioner or Health Officer and, if so directed, shall find an alternative dwelling for such workers.

Minimum standards of housing

3. After the date of commencement of these Rules, no new building shall be constructed for the purpose of housing workers, and no existing building not in use for the housing of workers at such date shall thereafter be used, converted or adapted for the housing of workers, unless such building is constructed, used, converted or adapted to conform to not less than the standards prescribed under these Rules.

Housing for single workers

4.-(1) Housing for single workers or for workers unaccompanied by their families shall be built in units so designed that not more than six workers shall live in any one room. Such units shall not be constructed back to back:

Provided that, on application being made in writing to the Commissioner, the Commissioner may vary the requirements as to housing specified in this paragraph, if, in the opinion of the Health Officer, such variation would not be to the detriment of the health of any person inhabiting any housing in respect which such variation is effected.

(2) Subject to the provisions of rule 5, units to which paragraph (1) applies shall be constructed to provide not less than 48 square feet of floor space, excluding kitchens, bathrooms and toilets, for each occupant.

Temporary accommodation

5. In the case of single workers' living accommodation required for use at construction sites or in connection with other temporary projects, it shall be lawful for the employer to provide housing in the form of temporary structure or tentage, so as to provide not less than 40 square feet of floor space per worker and in units so designed that not more than twelve workers shall be accommodated in any one room:

Provided that such forms of accommodation shall be subject to the approval of the Commissioner and to such conditions as he, on the advice of the Health Officer, may direct.

Housing for families

6.-(1) Housing for workers accompanied by their families shall be built in units each of which shall house only one family. Such units shall not be constructed back to back:

Provided that, on application being made in writing to the Commissioner, the Commissioner may vary the requirements as to housing specified in this paragraph, if, in the opinion of the Health Officer, such variation would not be to the detriment of the health of any person inhabiting any housing in respect of which such variation is effected.

(2) Each unit to which paragraph (1) applies shall-

(a) in the case of a worker accompanied by his wife and more than two children, or by any children of five years of age or more, provide exclusive of kitchens, bathrooms and toilets at least two rooms, each comprising not less than 96 square feet of floor space;

(b) in the case of a worker accompanied by his wife and not more than two children under five years of age, provide, exclusive of kitchens, bathrooms and toilets, at least 144 square feet of floor space.

Height of walls

7. In the case of any housing to which rule 4 or rule 6 applies, except where otherwise expressly provided by law-

(a) in the case of a building with a leaf roof and no ceiling, the outer walls shall be not less than 6 feet in height:

Provided that the mean average height of any room from the floor to the underside of the roof shall be not less than 7 feet 6 inches;

(b) in the case of a building with roofing of any material other than leaf, and no ceiling, the outer walls shall be not less than 7 feet 6 inches in height;

(c) in the case of any building with a ceiling, the outer walls shall be not less than 7 feet 6 inches in height on each storey.

Door and window openings

8. Every external door-opening in any room used as a bed-room or living-room shall be provided with a weather-proof door properly fitted and hung and each door shall be maintained by the employer at all times in a sound and weather-proof condition, and every window opening shall be protected by a shutter, louvers, or other suitable means, and shall be maintained in a weather-proof condition to the satisfaction of the Commissioner.

Roofs

9. Roofs shall be weatherproof and, if constructed of leaf, shall have a minimum pitch of 45 degrees.

Windows and ventilation

10.-(1) Every room used as a bedroom or living room shall be provided with a window or windows constructed in such manner as to enable them to be opened to admit the external air and the total area of such window or windows, excluding frames, shall be not less than one-twelfth of the total floor area of each room.

(2) Every such room shall be sufficiently cross-ventilated by means of air bricks, fixed louvers, tubes, under-eaves openings, or by any similar means, the total area of which shall be not less than one-twenty-four of the total area of each room:

Provided that the Commissioner, on the advice of the Health Officer, may vary the provisions of this paragraph having regard to the structure of the room and climatic conditions.

Provisions of beds

11.-(1) In sleeping accommodation with earthen, concrete, coral or stone flooring, a raised bed shall be provided for each occupant:

Provided that single bunks may be supplied instead of beds of fitted in not more than two tiers.

(2) No communal sleeping platforms shall be provided for single workers not accompanied by their families.

Kitchens

12.-(1) Except where cooked rations are issued to single workers or workers unaccompanied by their families, kitchens shall be provided, in the case of single workers or workers unaccompanied by their families, kitchens shall be provided, in the case of single workers or workers unaccompanied by their families, on a scale of not less than one kitchen for each twelve workers or fraction thereof, and, in the case of workers accompanied by their families, one kitchen shall be provided of each family.

(2) Kitchens contained under the same roof as living accommodation shall have a floor area of not less than 30 square feet and shall be equipped with a stove or other suitable device for cooking food and shall be ventilated in such manner as to permit the efficient discharge of smoke and fumes.

(3) Kitchens which are not contained under the same roof as living accommodation shall have a floor area of not less than 30 square feet:

Provided that where such kitchen is used by or provided for single workers, the floor area thereof shall be not less than 48 square feet for every twelve workers or fraction thereof.

(4) Notwithstanding any other provision of these Rules to the contrary, kitchens which are not contained under the same roof as living accommodation may have earthen floors.

(5) Kitchens ancillary to the type of single worker's living accommodation referred to in rule 5 shall be of such dimensions as the Commissioner, on the advice of the Health Officer, may direct.

Sitting and drainage

13.-(1) Except with the approval of the Commissioner, space between buildings shall be not less than 25 feet:

Provided that the space between buildings construed wholly or partly of leaf shall be not less than 30 feet.

(2) A clear open space of at least 25 feet shall be maintained around each group of buildings, or, in the case of single building, around the building.

(3) Provision shall be made on all housing sites for drainage sufficient to carry away surface water and waste and prevent the formation of any area of stagnant water in the vicinity of the buildings, due regard being had to the provisions of the Environmental Health Act.

Cap. 99

Workers to obey lawful orders

14.-(1) Every worker and nay person living with such worker shall obey any lawful order given to him by the Commissioner of Health Officer or by his employer relating to the observance by such worker of sanitary or health precautions in any dwelling, but the refusal or neglect of any worker to obey any such order shall not of itself exempt the employer from any liability imposed upon him by these Rules.

Act 1 of 1981, Sched. 3

(2) Any person who fails to comply with any lawful order made under this rule shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for fourteen days or to both such fine and such imprisonment.

Offences

15. Any person who, except with the permission in writing of the Commissioner, requires or permits any worker to reside in any building which is not in compliance with the requirements of these Rules shall be guilty of an offence and liable to fine of five hundred dollars or to imprisonment for three months or to both such fine and such imprisonment, and in addition to a fine of fifty dollars for every day or part of a day during which the offence continues.

Act 1 of 1981, Sched. 3

THE HOLIDAYS, SICK LEAVE AND PASSAGES RULES

(Section 80)

LN 19/1982

[26th March 1982]

Title

1. These Rules may be cited as the Holidays, Sick Leave and Passages Rules.

Application and effect

2.-(1) These Rules shall not apply to immigrant workers but shall apply to all other workers employed in an undertaking.

(2) These Rules shall have the effect of including in the contract of employment of each worker to whom the rules apply the provisions of rules 4 to 7 inclusive as terms of such contract.

Interpretation

3. In these Rules-

"home" means the village in Solomon Islands regarded in custom as the place of origin of the worker;

"working days" excludes public holidays, Sundays or other customary rest days.

Holidays

4.-(1) Each worker is entitled to be given by his employer a holiday at the rate of not less than 1.25 working days for each complete calendar month of employment in an undertaking.

(2) A worker shall be paid in respect of such holiday at the rate normally applicable to him.

Holiday passages

5.-(1) A worker taking a paid holiday shall be entitled once in each calendar year to be paid by his employer the cost of return journeys made between the place of employment and the worker's home by the worker, his wife and a maximum of 4 dependent children under the age of 18 years.

(2) The employer shall decide the route and method of travel.

Travelling time

6. Where a worker taking a paid holiday travels to his home he shall be entitled to additional holiday without pay for a period equal to the number of days necessarily spent travelling to and from his home by the route and method of travel paid for by the employer.

Sick-leave

7. - (1) Subject to paragraph (2) of this rule, a worker who-

(a) has been continuously employed in an undertaking for a minimum of 26 weeks; and

(b) is absent from work because of sickness, shall be entitled to be paid by his employer during such absence from work for such period or periods not being more than 22 working days in any calendar year as may be certified to be necessary by a medical practitioner.

(2) This rule shall not apply to absence from work caused by personal injury to the workman by accident arising out of and in the course of his employment or in any other circumstances in which the employer is liable to pay compensation to the workman under the Workmen's Compensation Act.

Cap. 78

Recruitment passages

8. An employer shall pay for the cost of travel within Solomon Islands of a worker-

(a) from the place of recruitment of the worker to the place of employment at the start of the contract of employment; and

(b) unless the worker is taking a holiday passage in accordance with rule 5, from the place of employment to the place of recruitment on the termination of the contract of employment.

Additional record to be kept by employers

9. Every employer shall in the records concerning his workers required to be kept under section 15 of the Labour Act record the home of each worker.

THE WORK PERMIT RULES

(Section 80)

LN 40/1985

82/1985

53/1990

142/1992

[31st May 1985]

Citation

1. These Rules may be cited as the Work Permit Rules.

Application for work permit

2.-(1) An application under section 37(3) of the Labour Act for the grant or renewal of a work permit shall be made in Form I of Schedule 1.

(2) No application for the grant or renewal of a work permit shall be considered by the Commissioner unless the applicant has paid to the Commissioner a fee of two hundred dollars.

Grant and renewal of work permit

3.-(1) Where an application for the grant or renewal of a work permit has been received and considered by the Commissioner, he may, subject to paragraph (2), grant or renew a work permit which shall be in Form 2 of Schedule 1.

LN 82/1985

(2) No work permit shall be granted or renewed unless the applicant has paid to the Commissioner such fees as are prescribed in Schedule 2.

Duration of work permit

4.-(1) Subject to this rule and rule 5, any work permit granted or renewed by the Commissioner shall be valid for such period as the Commissioner shall specify in the work permit.

LN 82/1985

(2) The period to be specified pursuant to paragraph (1) shall be the period for which the appropriate fee has been paid in accordance with Schedule 2:

Provided that no period exceeding two years shall be specified in any work permit.

Grounds for revocation of work permit

5. The Commissioner may revoke any work permit granted or renewed pursuant to rule 3(1) at any time if, at that time -

(a) he becomes aware of and is satisfied that the applicant has filled in a false particular in his application for the work permit; or

(b) he is satisfied that the immigrant or non-indigenous worker to whom the work permit has been granted or whose work permit has been renewed has contravened any of the conditions of the work permit referred to in rule 6.

Conditions of work permit

6.-(1) No immigrant or non-indigenous worker who has been granted a work permit or whose work permit has been renewed pursuant to rule 3(1) shall-

(a) propose, accept or comply with any alteration-

(i) in the terms of service of his employment;

(ii) in the description of the work for which he was employed by his present employer to undertake;

(b) undertake any work other than those described in the application for his work permit;

(c) undertake any work in any place other than the place where he is to undertake the work as indicated in the application for his work permit; or

(d) undertake any work with any employer other than the employer referred to in the application for his work permit,

without the prior approval of the Commissioner.

Variation of particulars and conditions of work permit

7.-(1) Any immigrant or non-indigenous worker who has been granted a work permit or whose work permit has been renewed pursuant to rule 3(1), or his employer on his behalf, may apply in writing to the Commissioner for a variation of any of the particulars or conditions of the work permit.

LN 142/1992

(2) Where an application has been made pursuant to paragraph (1), the Commissioner may, subject to paragraph (3), vary the particulars or the conditions in respect to which the application has been made and endorse such variation on the work permit.

(3) No variation shall be made pursuant to paragraph (2) unless the applicant has paid to the Commissioner a fee of two hundred and fifty dollars.

Fee on appeal to Minister

8. Where an appeal is made to the Minister pursuant to section 37(8) of the Labour Act, the appellant shall pay to the Commissioner a fee of five hundred dollars.

LN 142/1992

Fees not refundable

9.-(1) Subject to paragraph (2), no fees paid pursuant to any of the provisions of these Rules shall be refundable.

LN 82/1985

(2) The Commissioner may refund any fee paid pursuant to these Rules if circumstances, in his opinion, justify the refund of the fee.

SCHEDULE 1

SOLOMON ISLANDS

Form 1

MINISTRY OF IMMIGRATION AND LABOUR (LABOUR DIVISION)

rule 2(1)

APPLICATION FOR A WORK PERMIT

Please fill in all parts of this form and send it with a fee of \$200.00 to the Commissioner of Labour, MIL, P.O. Box G20, HONIARA.

The form may be filled in by the immigrant/non-indigenous employee or his (proposed) employer. If an answer is none, write "NONE" in the appropriate space. Continue on separate sheet if there is insufficient space to complete any part.

Part 2 is to be filled in by the Company or Employer.

PART 1: DETAILS OF EMPLOYEE

- 1 Christian Names Surnames
- 2 Date of birth Place of birth Nationality
- 3 Qualification & details of Education (produce copies of any Certificates, Diplomas or Degrees if any)
- 4 Experience relevant to the job offered
- 5 Ability to speak English (tick whichever is appropriate)

(a)Excellent (b) Good (c) Fair (d) None
- 6 Date of first employment in S.I.
- 7 Previous employment in S.I. with dates and job title and expiry date of current permit if any.
- 8 Details of any conditions attached to a current permit to enter and reside.

- 9 Relationship to employer/Company Official (if any)
- 10 Duration of employment
- 11 Name of employer and registered office (if any)
- 12 Place where employee is to undertake work.
- 13 Job title
- 14 Full description of work employee is to undertake.

PART 2: COMPANY/EMPLOYER AND JOB INFORMATION

- 5 If employer is a foreign investor, date of foreign investment approval & activities approved
- 6 Describe the Localisation programme for this work and name of counterpart.
- 7 Complete the following table:

On date of application	Same date 2 years previously	Same date 4 years previously

No. of Solomon Island Citizens employed.

No. of non-Solomon Island Citizens employed.

- 8 Localisation programme for the firm. A clear indication is required of the firm's arrangements to comply with Government's employment programmes and localisation policy.

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- 9 Full details of job advertisement and salary offered in Solomon Islands (produce documentary proofs)

- 10 Full details of job advertisement and salary offered Overseas (produce documentary proofs)
- 11 State the name & qualifications of Solomon Islanders who have applied for the job and grounds for their rejection.
- 12 State the grounds for the preference of the expatriate worker.

I declare that the information given above is true to the best of my knowledge and belief.

Signed:
employee/employer

NOTE: An application for entry and residence permits has to be made to the Principal Immigration Officer.

FOR OFFICIAL USE	Receipt No.
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SOLOMON ISLANDS

Form 2

rule 3(1)

MINISTRY OF IMMIGRATION AND LABOUR (LABOUR DIVISION)

—————
WORK PERMIT

NO. HON
NO. IMM

Name of holder:
.....

Age:
.....

Nationality:
.....

Overseas address:
.....

Marital Status:
.....

Name of employer:

.....

Address of employer:

.....

Registered Office (if any) of employer:

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Date of issue/renewal:

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Date of expiry:

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Description of work to be undertaken:

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Place where the work is to be undertaken:

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Signature:

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Commissioner of Labour

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NOTE: Under section 37(6) of the Labour Act (Cap. 73), any immigrant/non-indigenous worker who works in Solomon Islands either without a work permit or in breach of the Conditions of any subsisting work permit is guilty of an offence and liable to a fine of \$500.00.

The Conditions of this work permit are laid down in rule 7 of the Work Permit Rules.

Under rule 6 of these Rules the Commissioner may revoke a work permit at any time if he is satisfied that the holder has breached a Condition of the work permit or has made a false entry in his application for a work permit.

Rules for the renewal of work permits and variation of the particulars and Conditions of work permits are laid down in the Work Permit Rules

SCHEDULE 2

LN 142/1992

rule 3(2)

WORK PERMIT FEES

Period to be specified	Appropriate fee
(a) 3 months or less	150.00
(b) more than 3 months but not more than 6 months	200.00
(c) more than 6 months but not more than 9 months	250.00
(d) more than nine months but not more than 12 months	300.00
(e) more than 12 months but not more than 15 months	350.00
(f) more than 15 months but not more than 18 months	400.00
(g) more than 18 months but not more than 21 months	450.00
(h) more than 21 months but not more than 24 months	500.00