

REPUBLIQUE DE VANUATU

**SERVICE DU TRAVAIL**

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REPUBLIC OF VANUATU

**DEPARTMENT OF LABOUR**

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Date: 16<sup>th</sup> July 2020

## **Notice: to all Employers and Business Houses in Vanuatu**

### **Department of Labour and Employment Services on the Management of Employment during the Seven (7) Public Holidays from 23<sup>rd</sup> July to 29<sup>th</sup> July 2020.**

Further to the official declaration of Public Holiday by **H.E OBED MOSES TALLIS TEMAR NE WERE**, the Honorable Deputy Prime Minister and Minister for Internal Affairs and Employment affairs across the country has instructed that all business houses to be closed to commemorate the 40 years Anniversary Celebrations from 23<sup>rd</sup> July to 29<sup>th</sup> July 2020.

Exceptions are only given to all Essential Services to operate but any other businesses who wish to operate must justify in writing to the Commissioner of Labour with their reasons for operating during this period as alluded under section 23 (2)(h) of the Employment Act. Please send your request to Department of Labour and Employment Services before Tuesday 21<sup>st</sup> July 2020 so we can assess your request and respond back to you on time.

All businesses and companies are advised to refer to the following Acts while we observe and comply with the official declaration of Public Holiday effective from 23<sup>rd</sup> July to 31<sup>st</sup> July 2020.

#### **TRADE DISPUTE PART 4 – TRADE DISPUTES AFFECTING ESSENTIAL SERVICES**

##### **25. Definition of "essential service"**

In this Part the expression "essential services" means –

- (a) any of the following services or facilities ordinarily available to the public –
  - (i) air traffic control;
  - (ii) firefighting;
  - (iii) generation and supply of electricity;
  - (iv) health and sanitary services;
  - (v) lighthouses or other navigational safety devices;
  - (vi) meteorological services;
  - (vii) rescue services (land, sea and air);

- (viii) postal and telecommunication services;
- (ix) water and sewerage;
- (b) any activity concerned with supplying anything necessary for maintaining any service or facility specified in paragraph (a);
- (c) any other service, facility or activity declared by the Minister by Order to be an essential service for the purposes of this Part.

#### **EMPLOYMENT ACT CHAPTER 160 SECTION 23 SUBSECTION (2) & (3):**

##### **23. Work on public holidays**

(1) Except where he voluntarily undertakes so to do no employee shall be required to work on a Sunday or public holiday.

(2) Subsection (1) shall not apply in relation to persons employed in –

- (a) undertakings engaged in the transport of passengers or goods by road, sea or air, including the handling of passengers or goods at docks, quays, wharves, warehouses or airports;
- (b) undertakings of public utility including provision of water or gas, generation or supply of electricity, postal and telecommunication services, sewerage and similar services;
- (c) hotels, guest houses, bars, restaurants, clubs and similar establishments;
- (d) theatres and places of public amusement;
- (e) establishments for the treatment and care of the sick, infirm, destitute or mentally unfit;
- (f) newspaper and radio broadcasting undertakings;
- (g) animal husbandry;
- (h) any other work approved, on the application of an employer, by a Labour officer for the purpose of this subsection, having regard to the requirements of the proper management of the undertaking and the convenience of the public.

**(3) An employee working on a Sunday or public holiday in pursuance of subsection (2) shall be granted an equivalent period of time off work on another day.**

#### **PUBLIC HOLIDAYS CHAPTER 114**

##### **5. Compulsory closing of stores by order**

The President may by Order from time to time direct that all stores, shops and other places of business throughout Vanuatu or in any one or more of such places as may be stated in the Order shall be and remain closed upon any public holiday.

##### **6. Penalty for keeping open store**



When an Order is made under section 5 it shall be unlawful for any person to keep open any store, shop or other place of business other than a hotel in any of the places named in such order or to sell or cause to be sold in any such store, shop or other place of business any goods or articles whatsoever. Any person who contravenes the provisions of this section shall on conviction be liable to a fine not exceeding VT 5,000 and in default of payment to imprisonment for a term not exceeding 1 month.

## 7. Exemptions

Section 6 shall not apply to –

- (a) the sale of any drugs or medicines;
- (b) the sale of bread, butter, fresh milk, fresh meat, fresh fish and ice not later than noon;
- (c) the sale of refreshments in any places where refreshments are habitually sold for consumption on the premises.

Should you request any further clarification or queries please do not hesitate to contact the Department of Labour and Employment Services on 33130 or email [mmetsan@vanuatu.gov.vu](mailto:mmetsan@vanuatu.gov.vu) or [williej@vanuatu.gov.vu](mailto:williej@vanuatu.gov.vu)

Yours Sincerely,



**Murielle MELTENOVEN**  
**Commissioner**  
Department of Labour & Employment Services  
Ministry of Internal Affairs

Cc: DG- MOIA  
VCCI  
Vanuatu National Workers Union  
Chrono