



Date: 24<sup>th</sup> January 2022

**Attention: To all Business houses in Vanuatu**

**DEPARTMENT OF LABOUR DIRECTIVES AND POTENTIAL POLICY RESPONSES IN CASE OF A COVID-19 LOCKDOWN**

The global pandemic has severely affected the employment in our domestic market. Consequently, Businesses have closed and around 55 percent of formal workers have ceased regular contributions to the VNPF and evidence suggests that internal migration to rural areas has increased.

We are also anticipating that during this pandemic and in the event that we will be faced with a total lock down, there will be three scenarios applicable to all employers and Business house in our domestic market. The three scenarios defined based on the outbreak phases are the following:

1. **Scenario 1.** *No cases*

2. **Scenario 2**

a. **Scenario 2a:** *one or more imported cases detected in quarantine (border cases).*

b. **Scenario 2b:** *One or more individual cases locally detected (sporadic cases) or cluster(s) of cases in time, geographic location and/or common exposure (cluster of cases).*

3. **Scenario 3.** *Large outbreak of local transmission (community transmission).*

Considering the potential scenario of local COVID-19 cases, as well as the respective measures for containment (including lockdowns), DOL takes the



following directives to be submitted to the National Disasters Committee. It is important to also take note that those proposed directives were approved by the Tripartite Labour Advisory Council (TLAC) meeting of 10<sup>th</sup> December 2021.

The said directives are elaborated to address measures to be taken in case of no lockdown (I), lockdown (II) and also where there is Options for policy response to protect the most vulnerable workers is also an avenue to explore (III). Those directives are also prepared considering that vaccination is not compulsory and a mandatory requirement. Nevertheless, this directive can be amended subject to any future policy directive of the government while addressing COVID19 in our shores.

## **I. LABOUR DIRECTIVE FOR BUSINESSES AND WORKPLACES IN CASE OF NO LOCKDOWN.**

1. All staff performing labour activities out of home and reporting to their place of work must provide proof of vaccination. It is the duty of Employers to encourage their workers to take vaccination because it will protect them, their families, community, and their work colleagues. The Employer cannot terminate an employee on the ground of his/her refusal to take vaccinations given that the Government has not made vaccination a mandatory requirement.
2. All businesses, Government Departments and NGO's must update their Business Continuity Plan (BCP). They must specified the list of workers that can work from home in case of a lockdown and the list of workers that will need to cease their labour activities.
3. DOL acknowledges the financial pressure that the global pandemic has imposed on businesses. DOL encourages all employers to consider in their BCP mechanism to avoid termination of contracts. For instance: subsistence salary for workers ceasing labour activities, use of outstanding annual leave and use of unpaid annual leave.
4. In case of termination of contracts, all employers must comply with the provisions of the Employment Act and provide workers with all the benefits that correspond by law (severance payment, annual leave, notice period).
5. In case of Scenario 2b or Scenario 3, but with no lockdown, mask-wearing is compulsory in all indoors public spaces.



## **II. LABOUR DIRECTIVE FOR BUSINESSES AND WORKPLACES IN CASE OF LOCKDOWN.**

1. All workers and employers to strictly follow all the containment measures established by the Ministry of Health.
2. Considering your Business Continuity Plan (BCP) Employers must assess the essential service needs and will implement their recruitment plan according to the essential service delivery that will be provided during a total lockdown.
3. DOL acknowledges the financial pressure that a lockdown implies. DOL encourages employers to find mechanisms to avoid termination of contracts. For instance: subsistence salary for workers ceasing labour activities, use of outstanding annual leave and use of unpaid annual leave.
4. In case of termination of contracts, all employers must comply with Employment Act and provide workers with all the benefits that correspond by law (severance payment, annual leave, notice period).

## **III. OPTIONS FOR POLICY RESPONSE TO PROTECT THE MOST VULNERABLE WORKERS**

In the current context of the labour market in Vanuatu, DOL has identified four group of workers:

1. Essential staff that will keep working. (Essential activities will be determined and listed by NDMO).
2. Staff working remotely from home.
3. Staff that by the nature of their job cannot work from home and need to cease their labour activities.
4. Workers already affected by the global pandemic that have lost their jobs.

So far, there is no confirmation of budget availability to implement these measures of policy response. Funding alternatives, including Government budget are the following:

1. Universal cash transfer
2. Cash transfer to affected workers
3. Universal allocation of Food Rations
4. Allocation of Food Rations to affected workers

Option III could be regarded as a humanitarian option which will attract the attention of the Government and donor partners with funding assistance.

Should you request any further clarification or queries on this matter, please do not hesitate to contact the Department of Labour and Employment Services on Tel: 33130.

Yours Sincerely,

  
Murielle MELTENOVEN  
**COMMISSIONER**



*Department of Labour & Employment Services  
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