REPUBLIC OF VANUATU

CONSOLIDATION OF THE FRENCH AND ENGLISH TEXTS OF THE LAWS OF VANUATU ACT [CAP 295]

Approval of the English Text of the Trade Disputes Consolidation Edition 2026 Order No. 99 of 2026

In exercise of the powers conferred on me by subsection 9(1) of the Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295], I, the Honourable JOB SAM ANDY, Minister of Youth, Justice and Community Services, make the following Order:

1 Approval of the English Text of the Trade Disputes Consolidation Edition 2026

The English Text of the Trade Disputes Consolidation Edition 2026 is approved.

2 Appointed day

The appointed day for the coming into operation of the Trade Disputes Consolidation Edition 2026 is the day on which this Order is made.

3 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 02nd **day of** JUNE **, 2026.**

REPUBLIC OF VANUATU
Ministry of Youth, Justice & Community Services
MINISTER
Ministère de la Jeunesse, de la Justice et des Services Communautaires
REPUBLIQUE DE VANUATU

Honourable JOB SAM ANDY
Minister of Youth, Justice and Community Services

Commencement: 6 June 1983

CHAPTER 162

TRADE DISPUTES

Act 3 of 1983
Act 10 of 1995
Act 6 of 2020
Act 10 of 2023

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TRADE DISPUTES

To make provision for settlement of trade disputes by conciliation or arbitration and for matters incidental thereto.

PART 1 – PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires –

"adjudicator" means the person appointed under section 9;

"Commissioner" means the person holding the office of the Commissioner of Labour under the Employment Act [Cap. 160];

"conciliation proceedings" means proceedings taken before the Commissioner under this Act with a view to bringing about a settlement of a trade dispute by conciliation between the parties;

"irregular industrial action short of a strike" means any concerted course of conduct (other than a strike) which, in contemplation or furtherance of a trade dispute –

(a) is carried on by a group of workers with the intention of preventing, reducing or otherwise interfering with the production of goods or the provision of services; and

(b) in the case of all or some of them, is carried on in breach of their contracts of employment;

"labour officer" means a person holding the office of a labour officer under the Employment Act [Cap. 160];

"Labour Advisory Board" means the Labour Advisory Board appointed under the Employment Act [Cap. 160];

"lock-out" means action which, in contemplation or furtherance of a trade dispute, is taken by one or more employers, whether parties to the dispute or not, and which consists in the exclusion of workers from one or more factories, offices or other places of employment or in the suspension of work in one or more such places or in the collective, simultaneous or otherwise connected termination or suspension of employment of a group of workers;

"registered trade union" means a trade union registered under the Trade Unions Act [Cap. 161];

"strike" means a concerted stoppage of work by a group of workers in contemplation or furtherance of a trade dispute, whether they are parties to the dispute or not, and whether (in the case of all or any of those workers) it is or is not in breach of their contracts of employment;

"trade dispute" means a dispute between employers and workers or between workers and workers, which is connected with one or more of the following –

(a) the terms and conditions of employment, or the physical conditions in which any workers are required to work;

(b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;

(c) allocation of work or the duties of employment as between workers or groups of workers;

(d) matters of discipline;

(e) the membership or non-membership of a trade union on the part of a worker;

(f) facilities for officials of trade unions;

(g) machinery for negotiation or consultation, and other procedures relating to any of the foregoing matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in any such negotiation or consultation or in the carrying out of such procedures;

"Tribunal" means the Trade Dispute Tribunal established under section 8;

"worker" means a person who works or normally works or seeks to work –

(a) under a contract of employment; or

(b) under any other contract (whether express or implied, and if express, whether oral or in writing) whereby he undertakes to perform personally any work or services for another party to the contract who is not a professional client of his.

2. Trade unions etc. as parties to disputes

A trade dispute to which a registered trade union or an employers' association is a party shall be treated for the purposes of this Act as a trade dispute to which workers or, as the case may be, employers are parties.

PART 2 – TRADE DISPUTES BETWEEN EMPLOYERS AND WORKERS

3. Request for conciliation of trade disputes

If a trade dispute arises between an employer and a worker, either party may request the Commissioner to settle the trade dispute by conciliation.

4. Settlement of trade dispute by the Commissioner

(1) If a request referred to in section 3 is made to the Commissioner, and the Commissioner considers that he or she can act upon such request with a reasonable prospect of success, the Commissioner must without delay promote a settlement of the trade dispute within 7 days from the date of receiving the request.

(2) If the Commissioner considers that he or she cannot act upon the request of the parties within 7 days as required under subsection (1), he or she must refer the request to the Tribunal.

5. Power of labour officer in a dispute

(1) For the purposes of the exercise of his functions under section 4 the Commissioner may–

(a) require the parties to the dispute and any other person whom he has reason to believe can give information relevant to the matter in dispute, to appear before him at an appointed time and place;

(b) require any person to produce any documents or records touching upon the matter in dispute in the possession or under the control of such person.

(2) A person who –

(a) fails to comply with any requirement of the Commissioner under subsection (1); or

(b) knowingly gives to the Commissioner information false in any material particular;

shall be guilty of an offence.

(3) A person is liable on conviction for an offence committed under subsection (2):

(a) in the case of an individual – to a fine not exceeding VT 100,000 or imprisonment for a term not exceeding 3 years or to both; or

(b) in the case of a corporate body - to a fine not exceeding VT 1,000,000.

6. Memorandum of conciliation

(1) A memorandum recording the terms of the conciliation must be:

(a) made by the Commissioner before whom the conciliation proceedings have taken place; and

(b) signed by the Commissioner and the parties.

(2) The memorandum under subsection (1) is binding on the parties to the trade dispute.

(3) A person who fails to comply with this section commits an offence punishable on conviction:

(a) in the case of an individual - to a fine not exceeding VT 100,000 or imprisonment for a term not exceeding 3 years or to both; or

(b) in the case of a corporate body - to a fine not exceeding VT 1,000,000.

7. Delegation by the Commissioner

(1) The Commissioner may delegate to a labour officer his or her power to promote settlement of a trade dispute by conciliation.

(2) To avoid doubt, the Commissioner must not delegate his or her power under section 6.

PART 3 – THE TRADE DISPUTE TRIBUNAL

8. Establishment of the Trade Dispute Tribunal

The Trade Dispute Tribunal is established.

9. Appointment and removal of adjudicator

(1) The Tribunal consists of an adjudicator who is to be appointed in writing by the Judicial Service Commission on the recommendation of the Minister responsible for trade dispute.

(2) The adjudicator is to hold office for a period of 5 years and is eligible for re-appointment only once.

(3) Subject to subsection (4), the Ministry responsible for trade dispute is to determine the terms and conditions of appointment of the adjudicator.

(4) The Government Remuneration Tribunal is to determine the remuneration of the adjudicator.

(5) The appointment of the adjudicator must follow a fair and transparent selection process and must be based on merit.

(6) A person must not be appointed under subsection (1), unless the person is a registered legal practitioner with 5 years or more experience in litigation.

(7) The Judicial Service Commission may remove the adjudicator if he or she:

(a) fails to fulfil the functions conferred on the adjudicator under this Act; or

(b) commits a serious breach of a term and condition of his or her appointment; or

(c) becomes bankrupt; or

(d) commits a serious misconduct.

10. Functions of the Tribunal

(1) The functions of the Tribunal are to consider and make awards on any trade dispute.

(2) The Tribunal has such other functions as may be conferred on it under this Act or any other Act.

11. Powers of the Tribunal

(1) The Tribunal has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions under this Act or any other Act.

(2) The Tribunal is to determine and regulate its own procedures by Order.

11A. Other staff of the Tribunal

(1) The Judicial Service Commission may employ such other staff of the Tribunal as it considers necessary for the proper and efficient performance of the functions of the Tribunal.

(2) The Judicial Service Commission is to determine the terms and conditions of employment of the other staff of the Tribunal.

(3) The appointment of a staff member must follow a fair and transparent selection process and must be based on merit.

12. Awards by the Tribunal

(1) The Tribunal must make an award without delay and, in any case, not more than 3 months from the date of receiving notification of the dispute.

(2) An award made by the Tribunal under this section is final.

13. Non-admission of legal practitioners

A person with legal qualifications, experience or training is not permitted to represent any party or witness before the Tribunal, unless he or she appears as a party or as a witness.

14. Evidence

(1) A person is entitled to produce all such information as may be required without being bound by the rules of evidence applicable in civil or criminal proceedings.

(2) The Tribunal may require any person:

(a) to produce, in writing, such other information; or

(b) to attend and give evidence on oath.

(3) A person may refuse to provide any information or to answer any question or to produce any document on the ground to incriminate him or her or on any lawful ground.

(4) A person who knowingly gives false information or produces a false document to the Tribunal commits an offence punishable on conviction:

(a) in the case of an individual - to a fine not exceeding VT100,000 or to imprisonment to a term not exceeding 3 years, or to both;

(b) in the case of a body corporate - to fine not exceeding VT1,000,000.

15. Conflict of interest

(1) If the adjudicator has a conflict of interest in any proceedings of the Tribunal, he or she must disclose his or her interest to the Judicial Service Commission.

(2) Subject to subsection 9(6), if the adjudicator discloses his or her interest under subsection (1), the Judicial Service Commission must appoint another person to preside over the proceeding in that specific matter.

16. Tribunal to summon a person

(1) The Tribunal may summon a person or any representative of a party to the dispute, to provide a statement to the Tribunal in relation to the dispute.

(2) A person who fails to comply with subsection (1) commits an offence punishable on conviction to a fine not exceeding VT 1,000,000.

17. Trade disputes brought to any Court

If a matter is brought to any Court and it relates to a trade dispute, the Court must refer that matter to the Tribunal.

18. *(Repealed)*
19. *(Repealed)*
20. *(Repealed)*
21. *(Repealed)*
22. *(Repealed)*
23. *(Repealed)*
24. *(Repealed)*

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) fire fighting;

(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.

26. Conciliation or adjudication to commence forthwith

Where a trade dispute, which, in the opinion of the Minister, constitutes a threat of a serious disruption of, or interference with, the proper and orderly maintenance or management of an essential service, exists or is apprehended, the Minister shall forthwith take such action and issue such directives as may appear to him necessary or conducive to bringing about a

settlement of the dispute by conciliation or adjudication in accordance with the provisions of Part 2 or 3.

27. President may proclaim emergency pending settlement

Pending a settlement of a trade dispute refereed to in section 26, the President on the advice of the Prime Minister, may issue a proclamation of emergency in relation to the essential service in question.

28. Proclamation of emergency

(1) A proclamation of emergency in relation to any essential service may be limited as to time, place and circumstance.

(2) The President may determine that any Minister nominated in the proclamation of emergency shall have, in respect of the essential service to which the proclamation relates all or any of the powers specified n section 29.

(3) A proclamation of emergency shall be in force for a period specified therein not exceeding 1 month, but the President may, by further proclamation, extend its operation for a further period which shall not exceed 1 month.

29. Powers of Minister

(1) The Minister nominated under section 28(2) may provide, operate, maintain, control and regulate the essential service, in respect of which he is nominated, during the period of emergency and for that purpose may exercise all the rights of an employer of labour in that essential service.

(2) Without limiting the generality of subsection (1), the Minister nominated under section 28(2) may, for the purpose of exercising the powers under that subsection, by Order –

(a) prohibit persons employed in the essential service from commencing a strike, or direct persons ordinarily employed in or in connection therewith who are engaged in a strike, to terminate such strike;

(b) direct what activities shall be performed for the purposes of the essential service and the terms and conditions upon which that essential service shall be provided;

(c) direct at what times and places and upon what terms and conditions and in what manner the essential service may be used;

(d) prohibit the provision, operation or maintenance of the essential service except with his consent first had and obtained;

(e) authorize any person to enter upon any land, building or structure used in, or in connection with, the provision, operation or maintenance of the essential service;

and may provide by Order for any matter incidental to the exercise of the powers conferred by this section.

(3) A person authorized by the Minister under subsection (2)(e) shall be entitled to enter upon the land, building or structure specified in the authority and therein to do –

(a) all such acts and things as he is directed under subsection (2) to do;

(b) all such acts and things as, in his opinion, shall be done for the provision, operation and maintenance of the essential service for the purposes of which the land, building or structure is used.

(4) A person who is required to perform any activity for the purpose of complying with a direction given under subsections (2) and (3) shall be deemed to have entered into a

contract of service with the Government to perform that activity in the course of his employment.

(5) Any person who fails to comply with any direction or prohibition under this section shall be guilty of an offence.

30. Protection for administering proclamation of emergency

No person shall incur any liability on account of anything done under this Part without negligence and in good faith in a belief on reasonable grounds that it is authorized under section 29 to be done.

31. Government may recover cost of providing essential service

Any expenses incurred by the Government in, or in connection with, the provision, operation or maintenance of an essential service in pursuance of an Order under section 29 may be recovered from the person ordinarily responsible for the provision, operation or maintenance of that service, as a civil debt owing by him to the Government:

Provided that the amount of the expenses recoverable under this section shall not exceed the amount of the expenses which would have been incurred by that person in, or in connection with, the provision, operation or maintenance of that service if an Order under section 29 had not been made in respect thereof.

32. Presumptive provision in awards applicable to essential services

During a period of emergency existing in relation to an essential service every award or agreement applicable to work in that service shall be deemed to contain a provision that requires all workers engaged therein to work on the terms and conditions of the award or agreement and to perform the work in a manner customarily required of workers under that award or agreement.

33. Prohibition of strike and lock-outs during emergency

Without prejudice to section 34 any person who –

(a) engages or continues to engage in a strike;

(b) institutes a lock-out against workers who ordinarily work in the provision, operation or maintenance of an essential service;

contrary to an Order made by the Minister under section 29, shall be guilty of an offence.

PART 5 – PROVISIONS WITH RESPECT TO STRIKES, LOCK-OUTS, ETC.

33A. Notice of strike or other industrial action

(1) Where any strike or other industrial action is contemplated by a trade union or workers the following procedure shall be followed –

(a) at least 30 days' notice of the proposed strike or other industrial action shall be given in writing to the Commissioner and to the employer of every worker who may be involved in the action;

(b) the notice shall be signed by the person or persons giving it and if given by a trade union, shall specify the name of such trade union and, if not given by a trade union, shall specify the names, addresses and employment of all persons by or on behalf of whom it is given;

(c) the notice shall state the date on or after which the strike or other industrial action is contemplated; and

(d) the notice shall be delivered by hand or by forwarding the same by registered post.

(2) Any person contravening or failing to comply with any of the requirements of subsection (1) shall be guilty of an offence:

Provided that no prosecution in respect of such offence shall be instituted except with the written consent of the Attorney General.

(3) The immunity against liability in tort conferred on a registered trade union or any other person by, or in pursuance of, sections 18 of 19 of the Trade Unions Act [Cap. 161] shall not apply with respect to any action taken without complying with the provisions of subsection (1).

34. Minister may order industrial action to be discontinued or deferred

(1) Where it appears to the Minister –

(a) that in contemplation or furtherance of a trade dispute, industrial action, consisting in a strike, or irregular industrial action short of a strike, or a lock-out, has begun or is likely to begin; and

(b) that the condition stated in subsection (2) is fulfilled; and

(c) that it may be conducive to a settlement of the trade dispute by conciliation or adjudication if the industrial action is discontinued or deferred.

(2) The condition referred to in subsection (1)(b) is that the industrial action in question has caused or would cause an interruption in the supply of goods or in the provision of services of such a nature, or on such a scale, as to be likely –

(a) to be gravely injurious to the national economy, to imperil national security or to create a serious risk of public disorder; or

(b) to endanger the lives of a substantial number of persons, or expose a substantial number of persons to serious risk of disease or personal injury.

(3) An Order under this section shall specify –

(a) the industry, undertaking (or a part thereof), and the description of workers in respect of which the Order is to have effect, or all or any of these matters;

(b) the persons or description of persons who are to be bound by the Order;

(c) the date on which the Order is to take effect and the period, not exceeding 60 days, for which the Order, unless revoked earlier, shall remain in force.

(4) Any person contravening or failing to comply with any of the directions contained in an Order under this section shall be guilty of an offence:

Provided that no prosecution in respect of such offence shall be instituted except by, or at the instance of, or with the written consent of the Attorney General.

(5) The immunity against liability in tort conferred on a registered trade union or any other person by, or in pursuance of, section 18 or 19 of the Trade Unions Act [Cap. 161] shall not apply with respect to any act which constitutes an offence under this section.

35. Peaceful picketing

(1) It shall be lawful for a person acting in contemplation or furtherance of a trade dispute to attend –

(a) at or near his own place of work; or

(b) if he is an official of a registered trade union, at or near the place of work of a member of that union whom he is accompanying,

for the purpose of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working.

(2) If a person works or normally works –

(a) at more than 1 place; or

(b) at a place the location of which is such that attendance there for a purpose mentioned in subsection (1) is impracticable;

his place of work, for the purpose of that subsection, shall be any premises of his employer from which he works or from which his work is administered.

(3) In the case of a worker who is not currently in employment and whose last employment was terminated in connection with a trade dispute, the reference to his place of work in subsection (1) shall be taken as a reference to his last place of work.

(4) Notwithstanding anything in section 18 or 19 of the Trade Unions Act [Cap. 161] the immunity conferred by those sections shall not prevent any act done in the course of picketing from being actionable in tort unless such act is done in the course of attendance declared lawful by subsection (1) above.

(5) Nothing in this section shall be taken to confer on any person the right to enter upon private property against the will of the owner.

36. Secondary action

(1) The immunity conferred by sections 18 and 19 of the Trade Unions Act [Cap. 161] shall not apply where a person induces a breach of contract, other than a contract of employment, by means of secondary action which does not satisfy the conditions set out in subsection (3).

(2) For the purpose of this section there is secondary action in relation to a trade dispute when, and only when, a person –

(a) induces another to break a contract of employment or interferes or induces another to interfere with its performance; or

(b) threatens that a contract of employment will be broken or interfered with or that he will induce another to do so,

if the employer under the contract of employment is not a party to the trade dispute.

(3) The conditions referred to in subsection (1) are –

(a) that the purpose or principal purpose of the secondary action is directly to prevent or disrupt the supply during a trade dispute of goods or services between an employer who is a party to the dispute and an employer whose workers are taking the action, and the action is likely to achieve that purpose; or

(b) where the secondary action involves workers of associated employers of the employer in dispute or workers of their customers, that the purpose or principal purpose of the secondary action is directly to prevent or disrupt the supply during the dispute of goods or services from the associated employer to the customer, which but for the dispute would have been supplied by the employer in dispute, and the action is likely to achieve that purpose; or

(c) where the secondary action involves workers of associated employers of the employer in dispute or workers of their suppliers, that the purpose or principal purpose of the secondary action is directly to prevent or disrupt the supply during the dispute of goods or services to the associate employer from the supplier, which but for the dispute would have been supplied to the employer in dispute, and the action is likely to achieve that purpose; or

(d) that the secondary action is taken in the course of peaceful picketing declared lawful by section 35.

(4) For the purpose of subsection (3)(b) and (c), any two employers are to be treated as associated if one is a company of which the other (directly or indirectly) has control, or if both are companies of which a third person (directly or indirectly) has control.

37. Intimidation or annoyance

Every person who, with a view to compelling any other person to do or to abstain from doing any act which such other person has a right to do or abstain from doing, wrongfully and without legal authority –

(a) uses violence to or intimidates such other person or his wife or children, or damages his property; or

(b) persistently follows such other person about from place to place; or

(c) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

(d) watches or besets the house or other place where such person resides or works or carries on business or happens to be or the approach to such house or place; or

(e) follows such other person in disorderly manner in or through any street or road,

shall be guilty of an offence.

Penalty: a fine not exceeding VT 100,000 and imprisonment for a term not exceeding 3 years.

PART 6 – MISCELLANEOUS

38. *(Repealed)*

39. Conspiracy in trade disputes

(1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) Nothing in subsection (1) shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State.

40. Application of the Act to Government and public service

(1) Except as provided in subsection (3) and subject to the modifications set out in subsection (2), the provisions of this Act shall apply in relation to –

(a) the Government and members of the public service of Vanuatu, and

(b) any registered trade union the majority or a substantial number of members of which consists of members of the public service of Vanuatu,

as they apply to any other employer, person or registered trade union.

(2) The modifications mentioned in subsection (1) are as follows –

(a) except in sections 28, 29 and 33, the references to the Minister shall be taken as references to the Minister responsible for matters relating to public service;

(b) the functions of the Labour Advisory Board shall be exercised by the Public Service Commission;

(c) the powers and duties of the Commissioner of Labour shall vest in the Director of the Public Service Department;

(d) the powers and duties of a labour officer shall vest in the Director of the Public Service Department or an officer appointed by him for that purpose.

(3) Nothing in this Act shall apply in relation to members of the armed forces, police force or prison service.

41. Regulations

The Minister may make Regulations not inconsistent with this Act for the better carrying out or giving effect to the provisions of this Act.

Table of Amendments (since the Revised Edition 1988)

1	*Amended by Act 6 of 2020*	*11A*	*Inserted by Act 10 of 2023*
Part 2 (heading)	*Amended by Act 6 of 2020*	*18 – 24*	*Repealed by Act 6 of 2020*
3, 4	*Substituted by Act 6 of 2020*	*26*	*Amended by Act 6 of 2020*
5	*Amended by Act 6 of 2020*	*33A*	*Inserted by Act 10 of 1995*
5(3)	*Inserted by Act 6 of 2020*	*34(1)(c)*	*Substituted by Act 6 of 2020*
6, 7	*Substituted by Act 6 of 2020*	*38*	*Repealed by Act 6 of 2020*
Part 3	*Substituted by Act 6 of 2020*	*41*	*Inserted by Act 6 of 2020*