

INTRODUCTION

The Vanuatu Chamber of Commerce and Industry (VCCI) recognises that it is important for the business community to be viewed as “good employers”, and that businesses, particularly new and small businesses, need practical support in order to comply with laws and maintain good practices.

In 2013 the VCCI member’s survey indicated that there was an interest amongst members for VCCI to provide information on employment law and practice. The feedback from the VCCI private sector business forum in July 2013 also indicated that employers wanted information in this area. In response to these surveys the VCCI has developed the Employers’ Guidebook for the benefit of its members. The Employers’ Guidebook will also supplement the VCCI’s existing training services to employers and their employees.

The VCCI has been supported in this work to support employers by the International Labour Organisation (ILO).

HOW TO USE THE EMPLOYERS’ GUIDEBOOK

This Guidebook is intended as a reference for all private sector employers across Vanuatu.

The Guidebook presents comprehensive advice that can be used by employers to assist them in following the law and also to ensure that they treat their employees in a fair and appropriate manner.

Each chapter consists of several sections:

- **Overview** - setting out the topic and summarising the main areas of note to employers.
- **Factsheets** - giving more details on specific areas. There are also some examples of situations employers come across when dealing with employees.
- **Tools** - these tools are supplied as examples for employers on how to manage their responsibilities under each chapter. These are not definitive and are meant to be adapted so they can be used in your business.

The introductory section also includes a *glossary of terms* used in employment law and employment practice. The glossary will help employers become used to the usual jargon within the legislation including definitions of common terms such as *part time* or *casual employment* or *maternity leave*. Whenever you see a term in italics you will be able to find a definition in the glossary. In addition to italics for glossary terms, important text is emphasised in the Guidebook through using ***bold italics***.

The final part of this Guidebook is a consolidated Employment Act [Cap 160]. Most Vanuatu laws, including the Employment Act and Regulations can also be found at the Pacific Islands Legal Information Institute (PACLI): <http://www.paclii.org/vu/>)

WHO IS THIS GUIDEBOOK DESIGNED FOR?

This Guidebook is designed for use by all employers in Vanuatu. Other organisations may also find it useful to refer to the Guidebook should they wish to find out more about employment practices in Vanuatu.

This Guidebook is primarily written to cover individual employment relationships and contracts. These are the most common type of employment relationships in Vanuatu most often take place in medium or small businesses although we hope that large organisations will also find this Guidebook useful.

Larger organisations with more complex employment rules often use personnel manuals containing detailed staff regulations. Personnel manuals containing staff regulations can be useful for larger employers as the employment contracts can be short letters of appointment referring to personnel manual for conditions. As these types of personnel manuals are necessarily specific to the particular organisation, we do not discuss them in detail in the Guidebook.

Should your organisation use a personnel manual and staff regulations we recommend that you have your staff regulations approved by the Department of Labour.

In Vanuatu it is possible to have collective employment contracts. These contracts, which cover many employees, are often negotiated on behalf of employees by a trade union. Collective employment contracts are not common in Vanuatu, and are also specific to the particular collectives who set them up therefore they are not discussed in the Guidebook.

IMPORTANT NOTE

Please note that, while meaning to be comprehensive, the content contained in this Guidebook is ***not intended to replace legal advice or provide legal support*** in the case of litigation between employers, employees and authorities.

We have used court decisions, the plain meaning of the words in the Act and any Department of Labour usual practice as the basis for the content of the Employers' Guidebook. However, as the law consists of Acts, Regulations as well as case law it is complex and also changing. Where possible we do present the current situation in law but interpretations of the law can change.

In some areas the law is very. We note **grey areas** in the factsheets where the law is unclear or where there are conflicting court decisions.

FURTHER HELP

If you are struggling with certain aspects of employment law, then you can also contact the Department of Labour and ask to speak to a Labour Officer. Contacts are:

- Department of Labour, Port Vila: ph 22610
- District Labour Office, Port Vila: ph 23233
- Department of Labour, Luganville: ph 36335

VCCI can also help to explain this Employers' Guidebook to employers, although please note that it does not provide expert legal advice.

Further information on and assistance with the practical aspects of employment law can be obtained from **LORE Consulting** (ph 7794741) and assistance with practical aspects of HR management can be obtained from **Triangle Business Solutions** (ph 29879) (the companies that helped to develop this Guidebook).

Otherwise assistance on legal disputes on employment law can be sought from any of the various lawyers registered to operate in Vanuatu.

ONGOING DEVELOPMENT

We do hope you find this Guidebook useful and we always appreciate the opportunity to develop and improve upon it so please give us your comments on how we can improve it over time.

In future we hope to include sections on occupational safety and health, dispute resolution, recruitment and special categories of workers as well as any other topics of interest to employers.

The VCCI is producing this Guidebook in three basic formats: a printed Guidebook; materials on a flash drive; and materials that can be downloaded from the VCCI website <http://vcci.com.vu/resources/employer-guidebook/>.

On the website is a section where you can ask questions. The website will keep a list of employer's questions and answers. If you have a specific question which this Guidebook does not answer, please check the VCCI website, and ask your question.