

WHAT IS A "GOOD EMPLOYER"?

This guide refers to and promotes the concept of being a "good employer". For the purposes of this guide, a good employer is an employer who deals with their employees in good faith.

A good employer always takes care to abide by the various rules regulations and laws affecting their business. In this guide the information presented is based on statutory minimums. You are not allowed to offer conditions that are worse than these minimums, but you can, of course, offer conditions that are better (as many good employers do).

Good employers treat their employees equitably, avoiding unfair preference or bias and promote **good employment relations**.

Good employers also provide a pleasant, healthy and happy workplace for their employees.

WHAT ARE GOOD EMPLOYMENT RELATIONS?

Under *common law* (the general body of case law that underlies all Acts) there is a general duty of mutual trust, confidence and cooperation between employers and employees.

Employers and employees both have a duty to ensure that good employment relations exist. What this duty means is really a matter of common sense. Employees do not have to be treated as friends or family members, but they should always be treated with respect. Employers should also be treated with respect.

An employment relationship is an ongoing relationship between people, and because of this there needs to be a certain amount of flexibility. Both employers and employees need to act reasonably towards each other at all times, and should always be fair in their dealings with each other.

In law the general duty of mutual trust, confidence and cooperation is broken up into a number of more specific duties for both employers and employees. The main duties are listed below:

Employer's duties

- to be fair and reasonable
- to pay wages
- to provide a safe system of work
- to repay authorised expenses

Employee's duties

- to act in good faith
- to provide personal service and be ready and willing to work
- to obey reasonable orders
- to exercise reasonable care and skill and be reasonably competent
- to respect confidentiality and not undertake activities which would create a conflict of interest

GOOD EMPLOYMENT RELATIONS AND DECENT WORK

Vanuatu joined the International Labour Organisation (ILO) in 2003. This UN agency works on a “tripartite” basis, with employers, employees and the government working together to further labour market development. As a member of the ILO Vanuatu has made a commitment to its values. As employer partners in Vanuatu’s tripartite labour market development the VCCI is also committed to promoting these values.

In 1999 the Director General of the ILO said:

The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity... The goal is not just the creation of jobs, but the creation of jobs of acceptable quality.

One of the cornerstones of decent work is upholding fundamental rights at work. These rights are:

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour; and
- the elimination of discrimination in respect of employment and occupation.

Vanuatu has joined 7 of the 8 fundamental ILO Conventions that protect these fundamental rights. Even if Vanuatu’s law does not fully cover all of these areas, all good employers should be particularly careful to make sure that:

- employees can join trade unions and participate in trade union activities if they want to
- employees are never forced into involuntary work
- children are not exploited
- there is no discrimination in hiring processes, promotion opportunities or the distribution of work activities

More generally a good employer should always try to ensure that conditions of work don’t only comply with the law, but also provide for a safe and healthy workplace where employees feel valued and are encouraged to work as productively as possible.

EMPLOYMENT RECORDS

A good employer needs to maintain good **employment records**. Without good employment records you cannot be sure that you are upholding your part of the employment contract.

Various factsheets in the guide advise you on why you need to keep full and accurate employment records to help you manage all aspects of your employees’ contracts, leave, pay etc. These records are especially important should any disputes arise between you and your employees.

The tools sections in each chapter will help you to maintain good employment records by providing various tools to assist you.