



MINISTRY OF COMMERCE, INDUSTRY & LABOUR

**MATAGALUEGA O
PISINISI, ALAMANUIA & LEIPA**



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INDUSTRIAL RELATIONS & WORK PERMITS DIVISION

1. MANDATE:

- ♦ LABOUR & EMPLOYMENT ACT 1972
- ♦ LABOUR REGULATIONS 1973
- ♦ SHOPS ORDINANCE 1961
- ♦ IMMIGRATION ACT 2004 (WORK PERMITS)
- ♦ MINIMUM WAGE ORDERS

2. CORE FUNCTIONS:

Advise Cabinet through the Minister of MCIL on policy matters pertaining to Industrial relations & Work Permits.

Provide advise to employers & workers on their rights and obligations under the Labour & employment Act 1972.

Advise shop owners, the business community, employees and the general public, on the requirements of the Shops Ordinance and amendments.

Consult with semi government & non government organizations on industrial relations matters.

To ensure full compliance of above parties, to the requirements of the aforementioned legislations

Assessment of work permit applications referred to us by Immigration & to make recommendations to the latter authority for final decision.

9. TIUTE O LE TAGATA OFISA O PEMITA FAIGALUEGA.

Iloiloina o mataupu uma tau Pemitā Faigaluega e tuuina mai i le Matagaluega.

Tagofia o suesuega ma asiasiga o fale faigaluega poo i latou, o lo o faafaigaluegaina i latou e le o ni tagata nuu.

Resitalaina ma tuuina atu fautuaga mo tagata e talosagaina pemitā e faigaluega ai i totonu o le atunuu.

10. TUUSAUNOAGA MAI TULAGA MANAOMIA O LE FAIGA O PEMITA FAIGALUEGA

Faalapotopotoga o lo o Faatinoina Auaunaga Faapitoa:

Taliaina e le Matagaluega o le Va i Fafo ma Fefaatauaiga, o ni vaega faapitoa e fai ma sui o Atunuu i Fafo

Auai atu i polokalame faameaalofa o ni tagata faigaluega e aunoa ma se totogi poo le totogi atu iai na'o se vaega.

Faafaigaluegaina I lalo o polokalame fesoasoani (MOU) ua sainia e Samoa ma e le o aofia I lalo o tuutuuga o le Vaega 3 o le Tulafono o Leipa & Galuega 1972.

11. ISI MATAUPU:

Ua le mafai ona aafia i le lomiga lenei, nisi manaoga o tulafono tau leipa, peitai e talia fiafia e le Matagaluega fesili e tuuina mai i ai latou e i ai le faia i nei tulafono.

9. DUTIES OF WORK PERMIT OFFICER

Verifies all information on work permit applications submitted to the ministry.

Conducts investigations and routine inspections at workplaces or employers employing non-citizens.

Registers and makes assessment reports on work permit applications.

10. EXEMPTION FROM THE REQUIREMENTS TO OBTAIN WORK PERMIT.

Personnel:

Recognised by the Ministry of Foreign Affairs and Trade as accredited diplomats or officials representing foreign countries.

Participating in aid-sponsored programs as volunteers or where less than full salaries are paid; and

Employed in aid funded projects where an MOU signed by the Government of Samoa excludes coverage under section 3 of the Labour and Employment Act 1972.

11. MISCELLANEOUS:

A number of requirements as stipulated under the aforementioned legislations, are not included in this issue of the booklet but we would welcome any enquiries, from those stakeholders with interest in the labour legislations.

1. PULE FAAVAE:

TULAFONO O LEIPA & GALUEGA 1972

TULAFONO FAATONUTONU O LEIPA 1973

TULAFONO O FALEOLOA 1961

TULAFONO O FEMALAGAIGA 2004
(PEMITA FAIGALUEGA)

TULAFONO FAAPOLOAIGA MO TOTOGI AUPITO MAUALALO

2. MATAFAIOI AUTU:

Fautuaina le Kapeneta, e auala atu i le Minisita o Pisinisi, Alamanuia & Leipa i mataupu tau le Va- Fealoa'i Faalegaluega & Pemitā Faigaluega

Tuuina atu fautuaga i ai latou e ona galuega atoa ai ma tagata faigalueg, ia latou aia tatau ma noataga faale-tulafono i lalo o le Tulafono o Leipa & Galuega 1972.

Fautuaina i latou e ona faleoloa, au fai pisinisi, tagata faigaluega i faleoloa, atoa ai ma tagata lautele i aiaiga i lalo o le Tulafono o Faleoloa 1961 ma ona teuteuga.

Faatalanoaina o mataupu tau le va fealoa'i faalegaluega ma matagaluega tumaoti a le malo, faatasi ai ma faalapopotoga umia saoloto.

Ia mautinoa le tausisia ei latou e ona galuega, atoa ai ma tagata faigaluega aiaiga o le Tulafono e pei ona taua i luga.

Iloiloina o talosaga o pemitā faigaluega, e tuuina mai e le Ofisa o Femalagaina, atoa ai ma le tuuina atu o fautuaga i ai latou o lo o nafa ma le faia o faaiuga.

3. DUTIES OF IR INSPECTORS:

Conduct routine inspections at workplaces to ensure full compliance of both employers & workers to the requirements of the Labour & Employment Act 1972 and Labour Regulations 1973.

Investigation of industrial grievances/complaints lodged with the ministry.

Attempt to resolve industrial disputes that may arise from time to time.

Organize training on industrial relations and conditions of employment for employers and workers in the private sector.

Coordinate & Facilitate awareness workshops for both employers & workers at the Private Sector.

Registration of complaints lodged within the ministry.

Respond to enquiries on Industrial Relations and conditions of employment.

Engage in grievance settlement, as required by Labour & Employment Act 1972.

Maintain and keep records of investigations, routine inspections, enquiries plus other related matters .

7. Galuega Fai-sifi– Vaega 30

O se tagata faigalega, o ia lea ua faigaluega ise galuega fai- sifi faifai pea, ma e ona manaomia e se tagata e ana le galuega, e galue faasosoo e ova atu ile ono itula, poo le sili atu i le 8 itula i le aso e tasi poo le ova atu ile 40 itula i le vaiaso. Ae peitai, o le fua faatatau o itula faigaluega i totonu o le 3 vaiaso, e le tatau ona ova atu i le 40 itula i le vaiaso.

E le tatau i se tagata faigaluega fai sifi, ona galue e ova atu i le sefululua itula i le aso e tasi.

Tuutuuga o le fuaiupu 29 o le Tulafono lenei, o le a l'e tatau ona faaaogaina i soo se tagata faigaluega, o ia lea ua faafaigaluega i lalo o lana feagaiga tau galuega i se galuega fai-sifi faifai pea.

Ae peitai, afai ae faigaluega se tagata faigaluega fai sifi, i luga o le fasefulu itula i le vaiaso. O le a tatau ona totogi atu iai se totogi faasili, e tusa ma le fuaiupu (2) o le Vaega 29 o le Tulafono o lo o taua i luga.

8. Galuega fai-vaega

E leai se mea o i totonu o lenei Vaega, o le a tatau ona taofia ai so o se tagata e ona le galuega, mai le tuuina atu o lona maliega i so o se tagata faigaluega, e faapea o sea tagata faigaluega, o le a tatau ona totogi atu i se fua faatatau, ua malilie i ai e tusa ma le aofaiga o le galuega ua faia a e l'e o le fuafuaina i le aso.

7. Shift Workers—Section 30

A shift worker who is engaged under his contract of service in regular shift may be required by his/her employer to work more than six consecutive hours or more than 8 hours in any one day with more than 40 hours per week . But the average number of hours worked over a period of 3 weeks, shall not exceed 40 hour per week.

No worker who is engages under his contract of service in regular shift work, shall under any circumstances work more than 12 hours in any one day.

The provision of section 29 (**overtime for extra work**) shall not apply to any worker who is engaged under his contract of service in regular shift work.

But if any worker who works for and at the request of his employer, more than the average of 40 hours per week, shall be paid for extra work in accordance with Section 29 (2) of the Labour & Employment Act 1972.

8. Piece work

Nothing contained in this Part shall prevent any employer from agreeing with any worker that the wages of such worker shall be paid at an agreed rate in accordance with the amount of work done and not by the day.

3. TIUTE O ALII/TAMAITAI ASIASI:

Asiasia o falefaigaluega, ina ia mautinoa le tausisia o aiaiga faaletulafono i lalo o le Tulafono o Leipa ma Galuega 1972, faatasi ai ma le Tulafono Faatonutonu o Leipa & Galuega 1973.

Suesueina o mataupu poo faasea tau galuega, e faatoai mai i le Matagaluega.

Tagofia o ni faasea, e tulai mai i fale faigaluega mai lea taimi i lea taimi.

Saunia o aoaoga i tulaga tau va fealoa'i faalegaluega ma mataupu tau galuega, mo e ona galuega & tagata faigaluega i pisinisi umia saoloto.

Faatino polokalame faalauiloa moi latou e ana galuega faatasi ai ma tagata faigaluega i pisinisi umia saoloto.

Faamaumauina o faasea e faatoai mai i le Matagaluegaina.

Tagofia o mataupu tau i le va-fealoa'i faalegaluega ma tulaga tau galuega.

Faia o faaiuga talafeagai mo faasea, e pei ona aiaia i lalo o le Tulafono o Leipa & Galuega 1972.

Saunia o faamaumauga o suesuega, asiasiga, mataupu tau va-fealoa'i faalegaluega, atoa ai ma nisi mataupu talafeagai.

4. DUTIES OF EMPLOYERS:

To ensure the fulfillment of their obligations under the Labour Act, in terms of industrial relations & work permit issues

Maintain and keep proper records of employment of workers.

Promote equity and fairness in payment of wages, overtime and other workers rights as stipulated under the provisions of the Labour & Employment Act 1972.

Fosters harmony between employers and workers for the welfare of both parties.

5. DUTIES OF WORKERS:

To perform his/her designated duties and tasks as required in the employment contract.

Provide quality services to ensure the sustainability of increasing productivity within workplaces.

To conform to terms and conditions of employment contracts.

Know their rights and obligations as workers.

To contact the Ministry of Commerce, Industry and Labour, if required clarification of the Labour and Employment Act 1972

6.2 Aso Malolo Faale-malo - Vaega 25

Soo se tagata faigaluega e tatau ona maua lona totogi masani i soo se aso malolo faale-malo. Ae vagana ai, ua iai se maliliega a le tagata e ona le galuega ma le tagata faigaluega, i soo se tasi o aso, e sui ai sea aso malolo faale-malo.

O se tagata faigaluega e manaomia e le o loo ia galue ai, e faigaluega i se aso malolo faale-malo, e tatau ona ia mauaina le faaluaina o lona totogi.

6.3 Aso Malolo faale-tausaga- Vaega 26

Afai o se tagata faigaluega ua tuanai le 12 masina, talu ona faigaluega faalausosoo i le tagata lava lea e tasi e ona le galuega, e tatau ona ia mauaina aso malolo e sefulu.

6.4 Malologa ona ua ma'i – Vaega 27

Soo se tagata faigaluega, e tatau ona maua ona aso ma'i totogi e sefulu, pe afai ua atoa le sefulu-lua masina talu ona faigaluega faalausosoo i sea kamupani ma e tatau ona tuuina atu le pepa ma'i i le fale faigaluega, i totonu o le tolu aso talu mai le aso na gasegase ai.

6.5 Ovataimi- Vaega 29

Soo se tagata faigaluega, e faigaluega ova atu i le valu itula i le aso e tasi, ma ova atu i le 40 itula i le vaiaso, e tatau ona ia mauaina se totogi e le i lalo ifo o le tasi ma le afa (T1.5) o lona totogi masani.

6.2 Public Holidays – Section 25

Every worker is entitled to his/her ordinary rate of pay on any public holiday, provided that by agreement between the employer and worker, any other day may be substituted for such holiday.

A worker who is required by his/her employer to work on a public holiday shall be entitled to double time.

6.3 Annual Leave – Section 26

A worker is entitled to not less than ten (10) days annual leaves after 12 months continuous service with the same employer.

6.4 Sick Leave – Section 27

Every worker is entitled to ten (10) days paid sick leave after 12 months continuous service with the same employer, subject to production of a medical certificate after 3 days from the date of illness.

6.5 Overtime- Section 29

Any worker who works more than eight hours per day and more than 40 hours per week shall be entitled to all those excess hours at the rate of not less than time one and a half (T1.5) of his/her normal rate.

4. TIUTE OI LATOU E ANA GALUEGA:

Ia mautinoa le faataunuuina o noataga i tulaga tau Va fealoa'i faalegaluega & Pemitā faigaluega i lalo o Tulafono o Leipa.

Saunia lelei o faamaumauga, o tulaga uma tau le faafaigaluegaina o le afaigaluega.

Ia faamalosia le faatutusa o le faiga o totogi, ovataimi ma isi faamanuiaga, o lo o aiaia i lalo o le Tulafono o Leipa & Galuega 1972.

Ia tausia le va lelei o tagata e ona galuega ma tagata faigaluega mo le lelei o itu uma e lua.

5. TIUTE O TAGATA FAIGALUEGA:

Faatino galuega ma tiute e pei ona manaomia i totonu o le konekarate faigaluega.

Tuuina atu o le auaunaga i se tulaga aupito sili ona lelei aua le sologa lelei ma le agavaa i le faatino o galuega i totonu o fale faigaluega.

Ia tausisia aiaiga faatulafonoina i tulaga tau konekarate faigaluega.

Ia malamalama i aia tatau ma noataga faatagata faigaluega.

Ia faafesootai le Matagaluega o Pisinisi. Alamanuia ma Leipa, pe afai e manaomia se faamalamalama o le Tulafono o Leipa & Galega 1972.

6. LABOUR STANDARDS UNDER LABOUR & EMPLOYMENT ACT 1972.

6.1 Termination of Employment Contract (Section 21)

Either party to a contract of service may give the other party a notice of his/her intention to terminate such contract.

The length of such notice shall be the same for both worker and employer and shall be determined by any provision in that behalf in the contract or in the absence of such provision shall be equal to the length of wage period.

Workers with not less than 5 years continuous service with an employer shall be entitled to a notice of two months.

An employer may without notice or payment in lieu of notice dismiss a worker employed by him on the grounds of misconduct, provided that instead of dismissing the worker an employer may:

Instantly down-grade the worker; or
Instantly suspend him from work without pay for a period not exceeding three days.

6. TULAGA MOOMIA TAU LEIPA I LALO O LE TULAFONO O LEIPA MA GALEGA 1972.

6.1 Faamutaina ose Feagaiga tau Galuega: (Vaega 21)

E mafai e soo se tasi o loo aafia ise feagaiga tau galuega, ona tuuina atu i le isi vaega e auai e uiga i lona faamoemoe, ina ia faamutaina sea galuega.

O le umi o sea faaaliga, o le a tatau lava ona tutusa mo le tagata e ona le galuega ma le tagata faigaluega, ma o le a tatau ona fuafuaina se tonu, e soo se tuutuuga mo lea itu, i totonu o le feagaiga. Ae afai e leai se tuutuuga faapena, o le a tatau ona tutusa ma le umi o le vaitaimi totogi.

O tagata faigaluega, e le itiiti ifo o le 5 tausaga le auunaga faalausoosoo i le ana se galuega, e tatau ona agavaa mo le tuuina atu iai o se faaaliga, e tusa ma le lua masina.

E mafai e se tagata e ona le galuega e aunoa ma se faaaliga poo le totogiina atu ose tupe e sui a'i se faaaliga, ona faateaina se tagata faigaluega sa faafaigaluega e ia i luga o mafuaaga tau se amioga e l'e tusa ma tatau ai, ae vagana ai e sui a'i le faateaina o le tagata faigaluega, e mafai e le tagata e ona le galuega:

Ona faapa'u loa lava i lalo le tulaga o le tagata faigaluega ; po o le taofia loa lava o ia mai le galuega e aunoa ma se totogi, mo se vaitaimi e le silia ma le tolu aso.