

# Employment Regulation 1980

## **Unvalidated References:**

Employment Act

[Industrial Relations Act 1962](#)

[Industrial Relations Act 1962](#)

[Industrial Relations Act 1962](#)

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 January 2003.

.....

Legislative Counsel

Dated 25 November 2006

## **INDEPENDENT STATE OF PAPUA NEW GUINEA.**

Chapter 373.

### *Employment Regulation 1980*

#### ARRANGEMENT OF SECTIONS.

1. Certification of appointment of authorized officer.
2. Record of oral contract of service.
3. Attested contract.
4. Transfer and notice of variation of attested contract.
5. Notice of death of attested contract employee.
6. Piece-rate contract and register.
7. Repatriation and final payment.
8. Record of wages, allowances and deductions.
9. Record of service and leave entitlements.
10. Clothing and other articles.
11. Initial issues of clothing and other articles.
12. Additional items, etc, in high altitudes.
13. Issue of replacement clothing and other articles.
14. Employment agent's licence.
15. Register, etc., to be kept by employment agent.
16. Mosquito nets.
17. Notification of order, etc.

- 18. General penalty.
- 19. Fees.

Employment Regulation 1980

MADE under the Employment Act.

Dated                    200 .

**1. CERTIFICATION OF APPOINTMENT OF AUTHORIZED OFFICER.**

A certificate of appointment under Section 8(2) of the Act shall be—

- (a) in the case of a labour officer—in Form 1; and
- (b) in the case of a medical officer or a medical assistant—in Form 2.

**2. RECORD OF ORAL CONTRACT OF SERVICE.**

(1) A written record under Section 15(1) of the Act must, in addition to any other terms and conditions of service that may be stated in the record, contain all the matters set out in Section 14 of the Act.

(2) Notwithstanding Subsection (1), where the employee is an illiterate person who is employed outside the province in which he is engaged, the record under Section 15(1) of the Act of the terms and conditions of the oral contract must, if the employee so requests or a labour officer so directs, be in Form 3.

(3) A record under this section must be retained by the employer for a period of six years from the date of termination of the employment of the employee to whom the record relates.

Penalty: A fine not exceeding K100.00.

**3. ATTESTED CONTRACT.**

For the purposes of Section 21(2) of the Act an attested contract of service shall be in Form 4.

**4. TRANSFER AND NOTICE OF VARIATION OF ATTESTED CONTRACT.**

A transfer and notice of variation, under Section 25(3)(c) of the Act, of an attested contract shall be in Form 5.

**5. NOTICE OF DEATH OF ATTESTED CONTRACT EMPLOYEE.**

A notice under Section 27(a) of the Act to a labour officer notifying the death of an employee employed under an attested contract shall specify—

- (a) the full name of the employee; and
- (b) the place and date of death; and
- (c) the number of his contract; and
- (d) the number of his dependants resident with him (if any).

## 6. PIECE-RATE CONTRACT AND REGISTER.

(1) A Piece-rate Register to be kept by an employer under Section 31(1) of the Act shall be in Form 6.

(2) The Secretary may set the guidelines to be followed in the preparation of a written piece-rate contract.

(3) A Register under Subsection (1) must be retained by the employer for a period of six years from the date of expiry or termination of the contract to which the Register relates.

Penalty: A fine not exceeding K100.00.

## 7. REPATRIATION AND FINAL PAYMENT.

(1) A statement under Section 45(b) of the Act setting out the arrangements made for the repatriation of an employee and his accompanying dependants, shall be in Form 7.

(2) A statement under Section 84(1)(a)(ii) of the Act containing all particulars of current and deferred wages due to an employee on termination or expiry of that employee's contract and of all leave and money instead of leave received by the employee shall be in Form 8.

## 8. RECORD OF WAGES, ALLOWANCES AND DEDUCTIONS.

(1) A record of wages, allowances and deductions to be kept by an employer under Section 83(1) of the Act shall be in Form 9 and must be retained by the employer for a period of six years from the date of its preparation.

(2) Where the Secretary is satisfied that by the use of machines or other means an employer is able—

- (a) to record and retain for the period specified in Subsection (1) substantially the same information as the information provided for in Form 9; and
- (b) to make available, at reasonable times, that information to a labour officer,

he may, in writing, exempt that employer from the requirements of Subsection (1).

(3) Where, under an award or agreement registered under the [Industrial Relations Act 1962](#), information additional to the record in Form 9 is ordered or provided for, the Secretary shall determine the form in which that information is to be recorded.

(4) Where—

- (a) a dispute arises as to any particulars of the information required to be contained in Form 9;  
and  
(b) the employer fails to produce that form or a record under Subsection (2) or (3), as the case may be, properly maintained,

a statement by the employee as to those particulars shall be sufficient evidence of the particulars as stated unless the employer satisfies the Secretary or an Arbitration Tribunal, established under the [Industrial Relations Act 1962](#), to the contrary.

- (5) An employer who fails to keep a record under this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

## **9. RECORD OF SERVICE AND LEAVE ENTITLEMENTS.**

(1) An employer must in relation to each employee, not being a casual employee or a piece-rate worker, keep a record of that employee's service and leave entitlements in accordance with Form 10.

- (2) Where—

- (a) a dispute arises as to any particulars of the information required to be contained in Form 10;  
and  
(b) the employer fails to produce that form properly maintained,

a statement by the employee as to those particulars shall be sufficient evidence of the particulars so stated unless the employer satisfies the Secretary or an Arbitration Tribunal, established under the [Industrial Relations Act 1962](#), to the contrary.

- (3) A record under Subsection (1) must be retained by the employer for a period of six years from the date of its final completion.

- (4) An employer who fails to keep a record under this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

## **10. CLOTHING AND OTHER ARTICLES.**

(1) Subject to Section 73 of the Act, the clothing and other articles to be issued by an employer to an employee are as set out in Schedule 2 and the reference in Sections 11, 12 and 13 to an item by number, shall be read as a reference to an item of clothing or other article so numbered in that Schedule.

(2) The clothing and other articles referred to in Subsection (1) shall be of good construction and serviceable material to the satisfaction of a labour officer and shall be issued in accordance with Sections 11 and 12.

(3) An employee or employer who is aggrieved by a determination of a labour officer under Subsection (2) may appeal to the Secretary whose decision is final.

(4) Any wet weather clothing issued by an employer to an employee, otherwise than in accordance with this Regulation, to facilitate the performance by the employee of his duties, remain, unless any other law provides to the contrary, the property of the employer and deductions shall not be made in the wages of the employee in respect of the clothing so issued.

## **11. INITIAL ISSUES OF CLOTHING AND OTHER ARTICLES.**

(1) A male employee employed under an attested contract or oral contract shall be issued with Items 1 to 6 and either Item 7 or 8.

(2) A female employee under an attested contract or oral contract shall be issued with Items 1 to 6 and Items 9 to 12 and where the employee is engaged as a saleswoman or in clerical work, the employee shall in addition, be issued with Items 13 and 14.

(3) The Items under Subsections (1) and (2) shall be issued—

(a) in the case of an employee under an attested contract—at the time of attestation of the contract; and

(b) in the case of an employee under an oral contract—within 28 days of commencement of his employment.

(4) Notwithstanding Subsection (3)(b), an employee under an oral contract whose place of employment is at an altitude above sea-level that exceeds 300 m, shall, on the day that he commences employment, be issued with Item 1.

## **12. ADDITIONAL ITEMS, ETC, IN HIGH ALTITUDES.**

(1) If the place of employment is at an altitude above sea-level that—

(a) exceeds 300 m, but does not exceed 1,200 m the employer shall, in addition to the issue under Section 11, issue to a male employee Item 16 or 17 and to a female employee Item 18; and

(b) exceeds 1,200 m, the employer shall, in addition to the issue under Section 11, issue double the entitlement under Paragraph (a).

(2) If the place of employment is at an altitude above sea-level that—

(a) exceeds 450 m, but does not exceed 900 m the employer shall issue to the employee an additional blanket; and

(b) exceeds 900 m, but does not exceed 1,700 m the employer shall issue to the employee two additional blankets; and

(c) exceeds 1,700 m, the employer shall issue to the employee three additional blankets.

(3) The issues under Subsections (1) and (2) shall be made in accordance with Section 11(3)(a) or (b), as the case requires.

(4) An employer who, by means of appliances approved by a labour officer, ensures, at his own expense, that the quarters occupied by an employee are adequately and safely heated between the hours of 5 p.m. of each day and 7 a.m. of the following day need not issue to that employee the additional blankets provided for under Subsection (2).

### **13. ISSUE OF REPLACEMENT CLOTHING AND OTHER ARTICLES.**

An item of clothing or other article issued under this Regulation shall be replaced by the employer on a fair wear and tear basis.

### **14. EMPLOYMENT AGENT'S LICENCE.**

A licence under Section 112 of the Act shall be in Form 11.

### **15. REGISTER, ETC., TO BE KEPT BY EMPLOYMENT AGENT.**

(1) The records and a register to be kept under Section 117(a) of the Act by an employment agent shall be in Form 12 and must be retained by him for a period of six years after their final completion.

(2) The returns under Section 117(b) of the Act shall be in Form 13 and must be prepared in respect of the period of 12 months ending on 31 October of each year and forwarded to the Secretary so as to reach him not later than 30 November of that year.

(3) A person who fails to comply with the provisions of this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

### **16. MOSQUITO NETS.**

(1) Whether or not a mosquito net issued under Section 123 of the Act is suitable for the purpose, is as determined by a labour officer.

(2) An employer or employee who is aggrieved by a determination under Subsection (1) may appeal to the Secretary whose decision is final.

(3) An employer who deducts from the wages of an employee the cost of a mosquito net supplied under Section 123 of the Act is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(4) An employer who fails to replace a mosquito net supplied under Section 123 of the Act on a fair wear and tear basis is guilty of an offence.

Penalty: A fine not exceeding K100.00.

### **17. NOTIFICATION OF ORDER, ETC.**

(1) Where—

- (a) a court makes an order or an award under the Act; or
- (b) an attested contract is varied, transferred or terminated,

the Clerk of the Court making the order or the award, or the labour officer approving the variation, transfer or termination of the contract, shall notify in writing the Secretary, the employer, the employee and the labour officer in charge of the province in which the employee, is employed, of the matters specified in Subsection (2).

(2) A notice under Subsection (2) shall specify–

- (a) the provision of the Act under which the action was taken; and
- (b) in the case of an order or an award–
  - (i) the terms of the order or of the award, as the case may be; and
  - (ii) the reasons for making the order or the award.

## **18. GENERAL PENALTY.**

A person who contravenes or fails to comply with any provision of this Regulation is guilty of an offence, and where no other penalty is imposed is liable to a fine not exceeding K100.00.

## **19. FEES.**

The fees specified in Schedule 3 are payable to the State in respect of the matters specified in that Schedule.

### **SCHEDULE 1**

*PAPUA NEW GUINEA.*

[Employment Act 1978.](#)

*Form 1 – Certificate of Appointment of Labour Officer.*

Act, Sec. 8(2). Form 1.Reg., Sec.1(a).

*PAPUA NEW GUINEA.*

[Employment Act 1978.](#)

*Form 2 – Certificate of Appointment of Medical Officer/Medical Assistant.*

Act, Sec. 8(2). Form 2.Reg., Sec. 1(b).

*PAPUA NEW GUINEA.*

[Employment Act 1978.](#)

***Form 3 – Record of Terms and Conditions of Service.***

Act, Sec. 15. Form 3.Reg., Sec. 2(2).

*PAPUA NEW GUINEA.*

[Employment Act 1978.](#)

***Form 4 – Attested Contract of Service.***

Act, Sec. 21(2). Form 4.Reg., Sec. 3.

*PAPUA NEW GUINEA.*

[Employment Act 1978.](#)

***Form 5 – Transfer of an Attested Contract of Service and Notice of Variation.***

Act, Sec. 25. Form 5.Reg., Sec. 4.

*PAPUA NEW GUINEA.*

[Employment Act 1978.](#)

***Form 6 – Piece-rate Register.***

Act, Sec. 31(1). Form 6.Reg., Sec. 6.

<b>Name of piece-rate worker or representative of a group of piece-rate workers.</b>	<b>Date of engagement.</b>	<b>Type of work performed and details of unit of work paid for.</b>	<b>Rate of unit of work.</b>	<b>Achievement.</b>	<b>Record of payment.</b>	<b>Date of payment.</b>

*PAPUA NEW GUINEA.*

[Employment Act 1978.](#)

***Form 7 – Statement of Repatriation Arrangements.***

Act, Sec. 45. Form 7.Reg., Sec. 7(1).

*PAPUA NEW GUINEA.*



[Employment Act 1978.](#)

**Form 8** – *Statement of Wages, etc., Due under Attested Contract.*

Act, Sec. 84(1)(a), (2). Form 8.Reg., Sec. 7(2).

PAPUA NEW GUINEA.

[Employment Act 1978.](#)

**Form 9** – *Record of Wages, Allowances and Deductions.*

Act, Secs. 57, 83(1). Form 9.Reg., Sec. 8.

PAPUA NEW GUINEA.

[Employment Act 1978.](#)

**Form 10** – *Record of Service and Leave Entitlement.*

Reg., Sec. 9. Form 10.

PAPUA NEW GUINEA.

[Employment Act 1978.](#)

**Form 11** – *Employment Agent's Licence.*

Act, Sec. 112(5). Form 11.Reg., Sec. 14.

PAPUA NEW GUINEA.

[Employment Act 1978.](#)

**Form 12** – *Employment Agent's Register.*

Act, Sec. 117. Form 12.Reg., Sec. 15(1).

PAPUA NEW GUINEA.

[Employment Act 1978.](#)

**Form 13** – *Return by Employment Agent.*

Act, Sec. 117(b). Form 13.Reg., Sec. 15(2).

SCHEDULE 2 – CLOTHING AND OTHER ARTICLES.

Act, Sec. 73.Reg., Secs. 10, 11, 12, 13.

Item No.	Item Description
1.	Blanket
2.	Towel
3.	Bowl
4.	Cup
5.	Spoon
6.	Kitbag or box
7.	Rami
8.	Short trousers
9.	Blouse length
10.	Skirt denim
11.	Dress length
12.	Under-briefs
13.	Brassieres
14.	Sandals
*	Blouse and skirt
16.	Shirt, woollen
17.	Jersey, woollen
18.	Cardigan, woollen
*Alternative issue instead of Items 9, 10 or 11.	

### SCHEDULE 3 – FEES.

Act, Sec. 151(b).Reg., Sec. 19.

ii

**K**

1. For issue of an employment agents' licence

K3,000

2.	For renewal of employment agents' licence	K3,000.00
3.	For attesting an attested contract of service	5.00
4.	For a notice of transfer of an attested contract (for each contract)	5.00
5.	For preparation of the original of any form	5.00
6.	For each additional copy prepared with the original	2.00
7.	For providing a copy of any form	2.00

Office of Legislative Counsel, PNG

---

<sup>14</sup> Schedule 3 Amended by S.R. 2002, No. 23; Item 1 replaced by the *Employment (Amendment) Regulation 1998* (No 33 of 1998); Item 2 replaced by the *Employment (Amendment) Regulation 1998* (No 33 of 1998).