

THE TERRITORY OF NAURU

No. 7 of 1967

A N O R D I N A N C E

To amend the Chinese and Native Labour Ordinance 1922-1966

(Assented to : 5th April, 1967)

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the Nauru Act 1965, as follows:-

Short title. 1.-(1.) This Ordinance may be cited as the Workers (Contracts of Service) Ordinance 1967.

(2.) The Chinese and Native Labour Ordinance 1922-1966 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the Workers (Contracts of Service) Ordinance 1922-1967.

Title. 2. The title of the Principal Ordinance is amended by omitting the words "Chinese and Native".

Repeal. 3. Section 3 of the Principal Ordinance is repealed and the following section is inserted in its stead:-

Definitions. "3. In this Ordinance, unless the contrary intention appears -

"authorised person" means a person authorised in writing by the Administrator for the purposes of this Ordinance;

"contract" or "contract of service" means a contract made between an employer and a worker for the performance of service or work in Nauru for the employer;

"employer" means the owner, proprietor, manager or other person having the chief authority at the place of work at which a worker is engaged or employed;

"the Court" means the Central Court;

"training contract" means a contract of service under which an employer agrees to train a worker in a trade or profession for a specified period;

"worker" means a person in relation to whom a declaration under section 3A of this Ordinance has been made."

4. After section 3 of the Principal Ordinance, the following section is inserted:-

"3A. The Administrator ~~in Council~~, by notice ~~in the Gazette~~, declares a person, ~~or a person included in a class of~~ persons, who is in the employ of any other person, firm or company (including the British Phosphate Commissioners) to be a worker within the meaning of this Ordinance."

Declaration of worker.

Contracts of service.

5. Section 4 of the Principal Ordinance is amended by omitting paragraph (a) of sub-section (2.) and by inserting in its stead the following paragraph:-

"(a) if the period of service for which the person agrees to serve exceeds three years or, where the contract of service is a training contract, five years;"

6. Sections 8, 8A and 8B of the Principal Ordinance are repealed and the following sections are inserted in their stead:-

Summary dismissal.

"8.-(1.) Where a worker -

- (a) is repeatedly absent from work without permission or just cause;
- (b) refuses or neglects to obey reasonable work instructions;
- (c) fails to perform his work diligently and to the best of his ability;
- (d) exerts a bad influence on other workers;

(e) strikes or violently pushes his employer or any of his overseers or workers; or

(f) is imprisoned for a period exceeding seven days,

his employer may summarily terminate the contract of service by giving to him written notice of dismissal together with a copy of this section and the employer shall deliver a copy of that notice to the Administrator within twenty-four hours.

"(2.) The worker may, within seven days or within such further time as the Court allows, appeal to the Court against the summary dismissal and the Court may allow or disallow the summary dismissal.

Summary
dismissal
of trainee

"8A. An employer may summarily dismiss a worker at any time during the first six months of his employment under a training contract by giving him one month's written notice of dismissal or payment of one month's wages in lieu of notice.

Summary
termination
by either
party.

"8B.-(1.) An employer or a worker may summarily terminate a contract of service in accordance with an express provision in the contract for termination by either party upon giving notice of termination for a period of not less than one month.

"(2.) Where an employer terminates a contract under the last preceding sub-section and the worker has been employed by him for not less than ten years but not more than twelve years the Court may, upon application by the worker, award the worker such proportionate part of any long-service benefits provided for in the contract as the Court thinks fit.

"(3.) An employer may make payment to a worker of his wages for the period of notice in lieu of notice."

7. After Section 8C of the Principal Ordinance the following sections are inserted:-

Termination
by Court.

"8D.--(1.) The Court may terminate a contract of service upon the application of a worker where -

- (a) the employer or his overseers have assaulted or abused the worker or any of his dependants; or
- (b) one of his dependants in the Territory is suffering continuing ill-health.

(2.) The Court may terminate a contract of service upon the application of an employer or a worker where -

- (a) the other party has committed a **substantial breach** of the contract of service;
- (b) the contract of service has been entered into as the result of fraud, duress or serious misrepresentation by the other party; or
- (c) the worker is for medical reasons unable to satisfactorily perform the duties provided for in the contract of service.

Supplementary
orders by the
Court.

"8E. Where the Court terminates or allows the termination of any contract of service it may -

- (a) determine and order the payment of any amounts due between the parties by way of liquidated damages; and
- (b) order that the employer employ or pay wages to the worker pending his return to the place of recruitment.

Variation
or termination
by mutual
consent.

"8F. An employer and a worker may, with the approval of and subject to any conditions specified by the Administrator -

(a) vary; or

(b) terminate,

a contract of service by mutual consent."

Additional amendments.

8. The Principal Ordinance is amended as set out in the Schedule to this Ordinance.

THE SCHEDULE

Section 8

ADDITIONAL AMENDMENTS

Section Amended	Amendments
6	Omit "labourer", insert "worker".
7	(a) Omit "labourer" (wherever occurring), insert "worker". (b) Omit "labourers", insert "workers".
8C	(a) Omit from sub-section (1.) "labourer's", insert "worker's". (b) Omit from sub-section (2.) "labourer" (wherever occurring), insert "worker".
9	Omit "labourer" (wherever occurring), insert "worker".
10	Omit "labourer", insert "worker".
11	(a) Omit "labourer", insert "worker". (b) Omit "Five pounds", insert "Ten dollars".
12	(a) Omit "labourers", insert "workers". (b) Omit "labourer", insert "worker".
13	Omit "labourer", insert "worker".
15	Omit "labourer" (wherever occurring), insert "worker".
16	(a) Omit "labourer", insert "worker". (b) Omit "Five pounds", insert "Ten dollars".
17	Omit "labourers", insert "workers".
18	(a) Omit "labourer", insert "worker". (b) Omit "Five pounds", insert "Ten dollars".
20	(a) Omit "labourer" (wherever occurring), insert "worker". (b) Omit "Twenty pounds", insert "Forty dollars".

- 22 Omit "labourer" (wherever occurring), insert
"worker".
- 23 Omit "labourers" (wherever occurring), insert
"workers".
- 24 Omit "labourer" (wherever occurring), insert
"worker".
- 25 (a) Omit from sub-sections (1.) and (3.) "labourer",
insert "worker".
(b) Omit from sub-sections (4.) and (5.) "labourers"
(wherever occurring), insert "workers".
- 27 (a) Omit "labourers", insert "workers".
(b) Omit "European", insert "person".
- 29 (a) Omit "labourer", insert "worker".
(b) Omit "labourer's", insert "worker's".
- 30 Omit "labourers", insert "workers".
- 32 Omit "labourers" (wherever occurring), insert
"workers".
- 33 (a) Omit "labourer" (wherever occurring), insert
"worker".
(b) Omit "labourer's", insert "worker's".
- 34 (a) Omit "labourer", insert "worker".
(b) Omit "labourer's", insert "worker's".
- 36 Omit "labourer", insert "worker".
- 37 Omit "Ten pounds", insert "Twenty dollars".
- 38 (a) Omit "labourers", insert "workers".
(b) Omit "Twenty pounds", insert "Forty dollars".
- 39 Omit "labourer", insert "worker".
- 40 (a) Omit "labourer", insert "worker".
(b) Omit "Ten shillings", insert "One dollar".
- 41 Omit "labourer's", insert "worker's".
- 42 (a) Omit "labourer", insert "worker".
(b) Omit "labourer", insert "worker".

- 43 Omit "labourer" (wherever occurring), insert
"worker".
- 44 (a) Omit "labourer", insert "worker".
(b) Omit "Twenty pounds", insert "Forty dollars".
- 45 Omit "labourer", insert "worker".
- 46 (a) Omit "labourers", (wherever occurring", insert
"workers".
(b) Omit "labourer" (wherever occurring), insert
"worker".
- 47 Omit "Fifty pounds", insert "One hundred dollars".
- 48 Omit "Fifty pounds", insert "One hundred dollars".
- 49 Omit "Twenty pounds", insert "Forty dollars".
- 50 (a) Omit "labourers", insert "workers".
(b) Omit "Twenty pounds", insert "Forty dollars".