

CHINESE AND NATIVE LABOUR.

THE ISLAND OF NAURU.

CHINESE AND NATIVE LABOUR ORDINANCE 1922-1924

BEING

CHINESE AND NATIVE LABOUR ORDINANCE 1922 (No. 18 of 1922)^(a)

AS AMENDED BY

CHINESE AND NATIVE LABOUR AMENDMENT ORDINANCE 1923 (No. 5
of 1923)^(b)

AND

CHINESE AND NATIVE LABOUR ORDINANCE 1924 (No. 10 of 1924).^(c)

AN ORDINANCE

To Govern Employment of Chinese and Native Labour.

2. This Ordinance may be cited as the *Chinese and Native Labour Ordinance 1922-1924*.

3. In this Ordinance—

“The Administrator” shall mean the person for the time being acting as Administrator of the Island of Nauru.

“Native” shall mean an aboriginal native of any island of the Pacific Ocean, or of any of the East India Islands, or of Malaysia, and shall include also any person who is wholly or partly descended from any aboriginal native or natives aforesaid.

“Chinaman” shall mean a native of China.

“Labourer” means any native or Chinaman in the employ of any person, company, or firm, including the British Phosphate Commission.

“Employer” means the owner, proprietor, manager, or other person having the chief authority at the place of work at which a labourer is engaged or employed.

4.—(1.) Every contract for service or work in the Island of Nauru entered into between an employer and a Chinaman or native shall be in duplicate, and shall be made in the presence of and be subject to the approval of the Administrator.

(a) Made on 18th November, 1922.

(b) Made on 16th August, 1923.

(c) Made on 6th August, 1924.

(2.) The Administrator, before approving of the contract, must satisfy himself that the labourer understands its nature and terms.

(3.) The Administrator shall be responsible that the terms of the contract are fair and reasonable to the intended labourer.

(4.) The duration of a contract shall not exceed three years.

5. Every contract shall be registered, and registration shall be effected by filing the original copy in the office of the Administrator and paying the prescribed fee.

6. No labourer shall be required to perform any work for which he is physically unfit.

7. No labourer, other than those employed on domestic services, and except as is hereinafter provided, shall be required to work on Sundays, or on such other days stipulated in the contract of the labourer to be observed as holidays.

Nothing in this section shall be deemed to prevent an employer from requiring his labourers to work after hours or on Sundays or holidays in cases where the circumstances render work necessary such as urgent work where delay would cause heavy monetary loss, loading and discharging steamers or vessels—care, maintenance, and running of machinery—but for all such work overtime shall be paid.

8. A labourer who has entered into a contract of service, and who neglects, without reasonable cause, to perform any work, which under the contract it is his duty to perform, shall be guilty of an offence.

9. No labourer shall be required to work longer than nine hours each working day (excluding Sunday), or such less number of hours as may be stipulated in the contract. On each day the labourer shall be allowed one and a half hours for rest and meals, and the calculation of hours of work shall always exclude those hours.

Permission to carry on work continuously for a fixed number of hours may, at the discretion of the Administrator, be granted, where the special conditions of a particular class of business, such as the loading and discharging of vessels, render such mode of working advisable.

10. A labourer may be employed on task or piece work, provided he is not required to work for a longer number of hours in any one day than is prescribed in the foregoing section, and that the pay earned in any one day shall not be less than the rate prescribed in his contract.

11. An employer who, against the will of a labourer, requires or enforces the performance of any work beyond that provided for in the foregoing sections, shall be guilty of an offence against this Ordinance.

Penalty: Fine not exceeding Five pounds, or imprisonment not exceeding one month.

12. Every employer shall, at the end of each week, post in a conspicuous place in the quarters occupied by the labourers, and upon a form approved by the Administrator, a return showing the number of hours of extra work performed by each labourer during the week.

13. Every employer shall supply to each labourer all tools necessary for the performance of any work assigned to him.

14. Any labourer who through negligence or carelessness or other improper conduct causes damage to, or loss of, any tools or other property of his employer shall be guilty of an offence.

15. Any labourer who wishes to bring any complaint under the notice of the Administrator shall be given every reasonable facility for so doing.

If any employer, manager, overseer, or other person in authority endeavours to prevent a labourer from bringing a complaint under notice he shall be guilty of an offence against this Ordinance.

16. Any labourer who against the orders of a manager or overseer carries or uses fire or a naked light, so as to endanger the property of his employer, shall be liable to a fine not exceeding Five pounds, or to imprisonment for any term not exceeding six months.

17. In the case of fire the employer or his representative may call out the whole or any of the labourers and may enter with them upon any land where the fire may be, or to which the fire may spread, and may do all things reasonable for the purpose of preventing or extinguishing the fire.

18. Any labourer so called out, who without reasonable cause refuses or neglects to assist in extinguishing the fire shall, on conviction, be liable to a penalty not exceeding Five pounds, or to imprisonment for any term not exceeding six months.

19. If a labourer commits an offence, for which he is on conviction by the proper authorities sentenced to a term of imprisonment, whereby the employer loses the benefit of his services, the term during which the labourer is imprisoned shall be added to the term of his contract.

20. If an employer neglects or refuses to supply a labourer with the articles of accommodation, food, or clothing, &c., stipulated in his contract, or supplies an inferior quality of those articles, or if any person in authority over the labourer assaults or ill-uses him, the offender shall be liable, on conviction, to a penalty not exceeding Twenty pounds, or to imprisonment for any term not exceeding six months.

21. Any labourer who assaults or addresses any threatening language to his employer or to any person in authority over him, shall be liable to a penalty not exceeding Ten pounds, or to a term of imprisonment not exceeding twelve months.

22. The wages and rates for overtime to be paid to the labourer by the employer shall be as may be agreed upon between the labourer and the employer when the contract is entered into, subject in all cases to the approval of the Administrator.

23. The balance of wages (or last pay) due to labourers shall be paid to such labourers by their employers or the employer's authorized agent immediately before embarkation for return passage home in the presence of the Administrator or officer deputed by him.

24. The wages due on account of any labourer who may have died or deserted during the term of his engagement shall be paid to the Administrator, who shall dispose of the same for the benefit of the relatives of the deceased labourer, if they can be ascertained, or in such other manner, as the case may be, as to the Administrator may seem just.

25.—(1.) The employer of every labourer shall assign to him a suitable dwelling, and shall at all times keep the dwelling in sufficient repair, and shall keep the yards and grounds for a sufficient space round about the dwelling well drained and free from brushwood, weeds, rubbish, and refuse of every description, and shall provide proper sanitary conveniences.

(2.) Separate dwelling, approved in each case by the Administrator or officer deputed by him, shall be provided for each married couple.

(3.) No dwelling which, in the opinion of the Administrator, is unfit for habitation shall be assigned to any labourer.

(4.) No greater number of labourers, or of labourers and other persons together, shall be assigned to any dwelling or separate compartment erected after the coming into force of this Ordinance, than at the rate of one adult to every three hundred cubic feet of internal air space and fifty square feet of superficial floor area. In no cases are the sleeping bunks provided for the labourers to be arranged in more than one tier, except in special cases approved

by the Administrator. The maximum number of men to be accommodated in any one of the buildings now erected shall be as may be approved by the Administrator.

Inserted by
No. 10 of 1924,
s. 3.

(5.) When labourers under contract are quartered or dwell in a compound or location, the employer shall provide for the interior of the dwelling places, for the approaches thereto, and for the necessary outbuildings, to be lighted between the hours of sunset and sunrise as may be approved or ordered by the Administrator or officer deputed by him.

26. A labourer who keeps his dwelling in such a state as to be a nuisance or to be injurious to health, or who refuses or neglects within a reasonable time, after being required by the employer to do so, to remove any nuisance which may have accumulated, or may have been placed in the immediate neighbourhood of his dwelling, or who commits any nuisance, shall be liable to a penalty not exceeding Two pounds, or a term of imprisonment not exceeding two months.

27. It shall be the duty of every employer, by himself or by a European in his employ, to inspect daily the houses of all labourers under contract, and insure the preservation of cleanliness and the due care of the sick.

28. Every employer shall make and maintain proper sanitary arrangements to the satisfaction of the Administrator or officer deputed by him for the purpose.

29. Every employer shall issue daily, in respect of every labourer, such rations as shall be specified in the labourer's contract and approved by the Administrator.

30. Every employer of five or more labourers shall keep a ration book in form approved by the Administrator. True entries shall be made in the ration book daily of all rations supplied.

Every employer shall, at all reasonable times upon request of the Administrator or of any person authorized by him, produce the ration book for examination and inspection, and shall, at any time when requested to do so, forward to the Administrator a correct copy of any specified entry or entries therein.

31.—(1.) Any labourer, or the wife of any labourer who sells or barter any rations or part of any ration furnished under this Ordinance, shall be liable to a penalty not exceeding Ten shillings.

(2.) Any person who takes from any labourer or wife of any labourer any ration or part of a ration by way of purchase or barter shall be liable to a penalty not exceeding Five pounds, and in default of payment to a term of imprisonment not exceeding one month.

(3.) Action under this section shall only be taken on the complaint of the employer.

32. When the number of labourers in one business exceeds fifty, there shall be a building or buildings, duly certified as suitable and sufficient by the Administrator, or an officer nominated by him, and set apart for the reception of labourers and their wives and families who may require medical aid or treatment. The building so certified is, for the purpose of this regulation, termed the hospital.

Every employer who keeps five hundred or more labourers shall—

- (a) provide the services of a duly registered medical practitioner approved by the Administrator, and
- (b) have in his employment a person qualified as a medical assistant and approved by the Administrator.

Every employer shall provide, at his own expense, proper medical attendance as required by this section, and shall keep on the premises an ample supply of the drugs and other articles considered necessary.

33. Every labourer, and the wife and any member of the family of any labourer who requires medical care or treatment, shall be sent by the labourer's employer to the hospital for treatment as an in-patient or out-patient, as the case may be.

34. If a labourer or his wife or any member of his family so sent or ordered by the labourer's employer to go to the hospital neglects or refuses to go, or without permission or due discharge therefrom leaves the hospital, he or she may be taken or returned to the hospital by the employer, and may be dealt with in the same manner as if he or she had been disorderly in hospital.

35. The Administrator, or officer deputed by him, shall from time to time visit the hospital.

36. The person in charge of the hospital shall cause an admission and discharge register in such form as may be approved by the Administrator to be kept in the hospital, and shall enter or cause to be entered in the register the name and disease of every labourer or of his wife or any member of his family admitted into the hospital, with the date of admission and discharge, and the date of the death of every person who shall die in the hospital.

The register shall be open to inspection by the Administrator or officer deputed by him.

37. Each case of venereal disease, and of any contagious or infectious disease, and of serious bodily injury, shall be immediately reported, in writing, to the Administrator by the employer.

Substituted by
No. 5 of 1923,
s. 3.

Such report shall give particulars of the disease or accident, and in the case of venereal or other contagious or infectious disease, the steps taken for the segregation of the case.

Penalty: Fine not exceeding Ten pounds.

38. Any employer who neglects or refuses to keep the register aforesaid, or make the proper entries therein, or to provide such supply of food, attendance, and equipments as may be required by the provisions of any rule for the time being in force with regard to the medical care of labourers, or hinders or obstructs the Administrator, or officer deputed by him, when visiting the hospital, shall be liable to a penalty not exceeding Twenty pounds, and in default of payment to a term of imprisonment not exceeding two months.

39. Any person who takes or attempts to take or causes to be taken any food or drink to any labourer in the hospital, without the permission of the hospital authorities being first obtained, shall be guilty of an offence against this Ordinance.

40. Any person, whether a patient or not, who is guilty of any disorderly conduct in the hospital, or of inciting any patient, whether the patient be a labourer or otherwise, to be disorderly therein, shall be liable to a penalty not exceeding Ten shillings, and in default of payment to a term of imprisonment not exceeding one month.

41. As soon after the expiration of a labourer's contract as opportunity offers, his employer shall provide him (and his wife and family if they accompany him) with a return passage home and with proper accommodation and maintenance during such passage.

42. If any period elapses between the expiration of a labourer's contract and his departure from the place of his employment on his return passage home, the contract shall be deemed to be renewed for that period on the same terms and conditions, provided the period does not exceed sixty days, and provided also that the contract of the labourer does not specify a lesser period.

43. If the period in the last preceding section exceeds sixty days, or such less period as may be specified in the contract, the labourer shall elect whether or not he will continue to serve under the contract so renewed until the opportunity for his return passage home occurs:

Provided that if the labourer elects not to serve, the employer shall continue to provide him with rations and proper lodging accommodation and bedding until he so departs.

44. An employer who when opportunity for the return of a labourer occurs fails to provide therefor in the manner prescribed shall be liable to a penalty not exceeding Twenty pounds, and in default of payment to a term of imprisonment not exceeding one month.

45. It shall be lawful for a labourer, after the expiration of a contract, instead of returning home, to enter into a fresh contract with his employer for a further period not exceeding three years.

The fresh contract shall be made before the Administrator, and shall be subject to the provisions of this Ordinance.

46. The Administrator, or any person authorized by him, may at any time enter into or upon any place on which labourers may be employed and inspect the state and condition of the labourers, and may inquire into any complaint which the employer may make against a labourer or a labourer against his employer.

47. Any person who obstructs or incites others to obstruct the persons hereinbefore mentioned in making an entry, inspection, or inquiry or who prevents or endeavours to prevent an entry, inspection or inquiry being held, shall be liable to a fine not exceeding Fifty pounds or to a term of imprisonment not exceeding six months.

48. Any person who makes any false or incorrect entry in any pay list, ration book, register, or return hereinbefore provided for, or who produces any false pay list, ration book, register, or return shall be liable to a penalty not exceeding Fifty pounds, and in default of payment to a term of imprisonment not exceeding six months.

49. A person charged with an offence against the provisions of this ordinance for which no penalty has been provided shall, on conviction, be liable to a penalty not exceeding Twenty pounds, and in default of payment to a term of imprisonment not exceeding three months.

50. The Administrator may make rules respecting the lodging rations, water, bedding, clothing, medicine, sanitary accommodation and medical care to be provided for labourers, hospital equipment, the forms, registers, and books required to be kept and any other matter for carrying this Ordinance into effect, and may fix a penalty not exceeding Ten pounds for the breach of any rule.