

WORKERS (CONTRACTS OF SERVICE)

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Workers (Contracts of Service) Act 1922

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Workers (Contracts of Service) Act 1922

TABLE OF AMENDMENTS

The Workers (Contracts of Service) Act 1922 No 18 was made and commenced on 18 November 1922.

Amending Legislation	Certified	Date of Commencement
Chinese and Native Labour Amendment Ordinance 1923 No 5*		16 August 1923
Chinese and Native Labour Amendment Ordinance 1924 No 10*		6 August 1924
Chinese and Native Labour Ordinance 1953 No 1		25 July 1953
Chinese and Native Labour Ordinance 1964 No 2*		3 April 1964
Ordinances Revision Ordinance 1966 No 1*		30 January 1966
Workers (Contracts of Service) Ordinance 1967 No 7		10 April 1967
Workers (Contracts of Service) Ordinance (No 2) 1967 No 15		10 April 1967
Ordinances Revision Ordinance 1967 No 25		29 December 1967
Adapation of Laws Order 1969 GN No 188/1969		31 January 1968
Statute Law Revision Act 2011 No 8	15 April 2011	15 April 2011
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

* The amendments from this instrument have been incorporated but have not been validated against the original source.

An Act to govern employment of labour and other related purposes.

[Long title am No 7 of 1967 s 2, opn 10 Apr 1967; Act 8 of 2011 s 12 and Sch 1[163], opn 15 Apr 2011]

Adopted by the Parliament of Nauru as follows:

1 Short title and commencement

This Act may be cited as the *Workers (Contracts of Service) Act 1922* and came into effect on 18 November 1922.

[s 1 subst Act 8 of 2011 s 12 and Sch 1[159], opn 15 Apr 2011]

2 Definitions

In this Act:

‘authorised person’ means a person authorised in writing by the Minister for the purposes of this Act;

[def am Act 8 of 2011 s 12 and Sch 1[160]–[162], opn 15 Apr 2011]

‘contract’ or **‘contract of service’** means a contract made between an employer and a worker for the performance of service or work in the Republic 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 Supreme Court;

[def am GN No 188/1969 para 3, opn 31 Jan 1968]

‘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; and

‘worker’ means a person in relation to whom a declaration under Section 3 has been made.

[def am No 25 of 1967 s 6 and Sch 4, opn 29 Dec 1967; Act 8 of 2011 s 12 and Sch 1[162], opn 15 Apr 2011]

[s 2 (formerly s 3) subst No 7 of 1967 s 3, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[162], [163], opn 15 Apr 2011]

3 Declaration of worker

The Cabinet may, by notice in the Gazette, declare a person, or a person in a class of persons, who is in the employ of any other person, firm or company to be a worker within the meaning of this Act.

[s 3 (formerly s 3A) insrt No 7 of 1967 s 4, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[162], [163], opn 15 Apr 2011]

4 Contracts of service

(1) A contract of service is subject to the approval of the Minister.

[subs (1) am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

(2) The Minister shall not approve a contract of service:

- (a) if the period of service for which the person agrees to serve exceeds 3 years or, where the contract of service is a training contract, 5 years;
- (b) unless the Minister is satisfied that its terms are fair and reasonable to the person agreeing to perform service or work under the contract; and

(c) unless the Minister is satisfied that the requirements of this Section have been complied with.

[subs (2) am No 7 of 1967 s 5, opn 10 Apr 1967; Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

(3) A contract of service shall be in writing and shall be signed by both parties to the contract in the presence of an authorised person.

[subs (3) am Act 8 of 2011 s 12 and Sch 1[161], opn 15 Apr 2011]

(4) An authorised person shall not permit the person agreeing to perform service or work under a contract of service to sign the contract unless:

- (a) he or she has explained the terms of the contract to that person; and
- (b) he or she is satisfied that that person understands those terms.

[subs (4) am Act 8 of 2011 s 12 and Sch 1[161], opn 15 Apr 2011]

(5) An authorised person shall not permit the parties to a contract of service to sign the contract at a place outside the Republic unless the person agreeing to perform the service or work under the contract is included in a class of persons determined by the Minister to be a class of persons who may enter into contracts of service outside the Republic.

[subs (5) am Act 8 of 2011 s 12 and Sch 1[160], [161], opn 15 Apr 2011]

(6) A contract of service shall be in duplicate.

(7) The authorised person before whom a contract of service is signed shall endorse on the contract and duplicate a certificate that:

- (a) he or she has explained the terms of the contract to the person agreeing to perform service or work under the contract; and
- (b) he or she was satisfied that that person understood those terms.

[subs (7) am Act 8 of 2011 s 12 and Sch 1[161], opn 15 Apr 2011]

[s 4 subst No 2 of 1964, opn 3 Apr 1964]

5 **Contracts to be registered**

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

[s 5 am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

6 **Work to be suitable**

No worker shall be required to perform any work for which he or she is physically unfit.

[s 6 am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967]

7 **Sundays and holidays**

(1) No worker, 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 worker to be observed as holidays.

(2) Nothing in this Section shall be deemed to prevent an employer from requiring his or her workers 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.

[s 7 am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; Act 8 of 2011 s 12 and Sch 1[163], opn 15 Apr 2011]

8 Summary dismissal

- (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 or her work diligently and to the best of his or her ability;
 - (d) exerts a bad influence on other workers;
 - (e) strikes or violently pushes his or her employer or any of his or her overseers or fellow workers; or
 - (f) is imprisoned for a period exceeding 7 days,
- his or her employer may summarily terminate the contract of service by giving to him or her written notice of dismissal together with a copy of this Section and the employer shall deliver a copy of that notice to the Minister within 24 hours.

[subs (1) am Act 8 of 2011 s 12 and Sch 1[160], [163], opn 15 Apr 2011]

- (2) The worker may, within 7 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.

[s 8 subst No 7 of 1967 s 6, opn 10 Apr 1967]

9 Summary dismissal of a trainee

An employer may summarily dismiss a worker at any time during the first 6 months of his or her employment under a training contract by giving him or her one month's written notice of dismissal or payment of one month's wages in lieu of notice.

[s 9 (formerly s 8A) subst No 7 of 1967 s 6, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

10 Summary termination by either party

- (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 1 month.
- (2) Where an employer terminates a contract under subsection (1) and the worker has been employed by him or her for not less than 10 years but not more than 12 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 or her wages for the period of notice in lieu of notice.

[s 10 (formerly s 8B) subst No 7 of 1967 s 6, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

11 Variation of contracts

- (1) The Court may, at any time, on the application of an employer, order that a contract be varied by relieving the employer of his or her obligations to pay such part of a worker's deferred wages as the Court directs by way of liquidated damages.

[subs (1) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967]

- (2) Without in any way limiting the grounds on which the Court may order a contract to be varied under this Section, the following shall be deemed to be sufficient grounds for any such order:
- (a) absence of the worker from his or her employment without permission or just cause;
 - (b) refusal by the worker to perform work lawfully allotted;
 - (c) failure by the worker to show ordinary diligence;
 - (d) any other breach of the contract on the part of the worker; or
 - (e) negligence on the part of a worker resulting in the loss of, or damage to, the employer's property.

[subs (2) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967]

[s 11 (formerly s 8C) insrt No 1 of 1953 s 3, opn 25 July 1953; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

12 Termination by Court

- (1) The Court may terminate a contract of service upon the application of a worker where:
- (a) the employer or his or her overseers have assaulted or abused the worker or any of his or her dependants; or
 - (b) one of his or her dependants in the Republic is suffering continuing ill-health.

[subs (1) am Act 8 of 2011 s 12 and Sch 1[163], opn 15 Apr 2011]

- (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.

[s 12 (formerly s 8D) insrt No 7 of 1967 s 7, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

13 Supplementary orders by the Court

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 or her return to the place of recruitment.

[s 13 (formerly s 8E) insrt No 7 of 1967 s 7, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

14 Variation or termination by mutual consent

An employer and a worker may, with the approval of and subject to any conditions specified by the Minister:

- (a) vary; or
- (b) terminate,

a contract of service by mutual consent.

[s 14 (formerly s 8F) insrt No 7 of 1967 s 7, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

15 Working hours

- (1) No worker shall be required to work longer than 9 hours each working day, excluding Sunday, or such lesser number of hours as may be stipulated in the contract. On each day the worker shall be allowed one and a half hours for rest and meals, and the calculation of hours of work shall always exclude those hours.
- (2) Permission to carry on work continuously for a fixed number of hours may, at the discretion of the Minister, be granted, where the special conditions of a particular class of business, such as the loading and unloading of vessels or aircraft, render such mode of working advisable.

[s 15 (formerly s 9) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], [163], opn 15 Apr 2011]

16 Piece work

A worker may be employed on task or piece work, provided he or she is not required to work for a longer number of hours in any one day than is prescribed in Section 15, and that the pay earned in any one day shall not be less than the rate prescribed in his or her contract.

[s 16 (formerly s 10) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

17 Excessive requirements by employers

An employer who, against the will of a worker, requires or enforces the performance of any work beyond that provided for in the Sections, shall be guilty of an offence against this Act.

Penalty: fine not exceeding \$10 or imprisonment not exceeding 1 month.

[s 17 (formerly s 11) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[162], opn 15 Apr 2011]

18 Weekly return of extra work

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

[s 18 (formerly s 12) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

19 Tools

Every employer shall supply to each worker all tools necessary for the performance of any work assigned to him or her.

[s 19 (formerly s 13) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

20 Complaints by workers

- (1) A worker who wishes to bring any complaint under the notice of the Minister, shall be given every reasonable facility for so doing.
- (2) Where any employer, manager, overseer, or other person in authority endeavours to prevent a worker from bringing a complaint under notice, he or she shall be guilty of an offence against this Act.

[s 20 (formerly s 15) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], [162], opn 15 Apr 2011]

21 Naked lights

A worker 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 or her employer, shall be liable to a fine not exceeding \$10 or to imprisonment for any term not exceeding 6 months.

[s 21 (formerly s 16) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

22 Call-out to fight fire

In the case of fire, the employer or his or her representative, may call out the whole or any of the workers 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.

[s 22 (formerly s 17) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

23 Worker not complying with call-out

A worker 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 \$10 or to imprisonment for any term not exceeding 6 months.

[s 23 (formerly s 18) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

24 Employer not providing necessities

Where an employer neglects or refuses to supply a worker with the accommodation, food, clothing or any other benefit stipulated in his or her contract, or supplies an inferior form of any of them, or if a person in authority over the worker assaults or ill-uses him, the offender shall be liable, on conviction, to a penalty not exceeding \$40 or to imprisonment for any term not exceeding 6 months.

[s 24 (formerly s 20) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[163], opn 15 Apr 2011]

25 Wages and overtime rates

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

[s 25 (formerly s 22) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

26 Finishing pay

The balance of wages or last pay due to workers shall be paid to such workers by their employers or the employer's authorised agent immediately before embarkation for return passage home in the presence of the Minister or officer deputed by him or her.

[s 26 (formerly s 23) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], [161], opn 15 Apr 2011]

27 Wages due to deceased worker

The wages due on account of any worker who may have died or deserted during

the term of his or her engagement shall be paid to the Minister, who shall dispose of the same for the benefit of the relatives of the deceased worker, if they can be ascertained, or in such other manner, as the case may be, as to the Minister may seem just.

[s 27 (formerly s 24) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

28 Workers' dwellings

(1) The employer of every worker shall assign to him or her 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.

[subs (1) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967]

(2) A separate dwelling, approved in each case by the Minister or officer deputed by him or her, shall be provided for each married couple.

[subs (2) am Act 8 of 2011 s 12 and Sch 1[160], [163], opn 15 Apr 2011]

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

[subs (3) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

(4) No greater number of workers, or of workers and other persons together, shall be assigned to any dwelling or separate compartment erected after the coming into force of this Act, than at the rate of one adult to every 8.5 cubic meter of internal air space and 50 square feet of superficial floor area. In no cases are the sleeping bunks provided for the workers to be arranged in more than one tier, except in special cases approved by the Minister. The maximum number of men to be accommodated in anyone of the buildings now erected shall be as may be approved by the Minister.

[subs (4) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; Act 8 of 2011 s 12 and Sch 1[160], [162], opn 15 Apr 2011]

(5) When workers 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 Minister or officer deputed by him or her.

[subs (5) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

[s 28 (formerly s 25) renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

29 Welfare inspections

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

[s 29 (formerly s 27) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

30 Sanitary arrangements

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

[s 30 (formerly s 28) renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

31 Rations

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

[s 31 (formerly s 29) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

32 Ration books

- (1) Every employer of 5 or more workers shall keep a ration book in form approved by the Minister.
- (2) Entries shall be made in the ration book daily of all rations supplied.
- (3) Every employer shall, at all reasonable times upon request of the Minister or of a person authorised by him or her, produce the ration book for examination and inspection, and shall, at any time when requested to do so, forward to the Minister a correct copy of any specified entry or entries.

[s 32 (formerly s 30) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], [161], opn 15 Apr 2011]

33 Medical care

- (1) When the number of workers in one business exceeds 50, there shall be a building or buildings, duly certified as suitable and sufficient by the Minister, or an officer nominated by him or her, and set apart for the reception of workers and their wives and families who may require medical aid or treatment. The building so certified is, for the purpose of this Section, termed the hospital.
- (2) Every employer who keeps 500 or more workers shall:
 - (a) provide the services of a duly registered medical practitioner approved by the Minister; and
 - (b) have in his or her employment a person qualified as a medical assistant and approved by the Minister.
- (3) Every employer shall provide, at his or her 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.

[s 33 (formerly s 32) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

34 Hospital treatment

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

[s 34 (formerly s 33) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[163], opn 15 Apr 2011]

35 Worker or family member declining hospital treatment

Where a worker or his wife or any member of his family so sent or ordered by the worker'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.

[s 35 (formerly s 34) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

36 Hospital inspection

The Minister or officer deputed by him or her, shall from time to time visit the hospital.

[s 36 (formerly s 35) renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

37 Register of hospital admissions and discharges

(1) The person in charge of the hospital shall cause an admission and discharge register in such form as may be approved by the Minister to be kept in the hospital, and shall enter or cause to be entered in the register the name and disease of every worker 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.

(2) The register shall be open to inspection by the Minister or officer deputed by him or her.

[s 37 (formerly s 36) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

38 Notifiable diseases and injuries

(1) 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 Minister by the employer.

(2) The report in subsection (1) 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 \$20.

[s 38 (formerly s 37) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

39 Offences by employer relating to hospital

An 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 equipment as may be required by the provisions of any rule for the time being in force with regard to the medical care of workers, or hinders or obstructs the Minister or officer deputed by him or her, when visiting the hospital, shall be liable to a penalty not exceeding \$40, and in default of payment to a term of imprisonment not exceeding 2 months.

[s 39 (formerly s 38) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; No 25 of 1967 s 3 and Sch 1, opn 29 Dec 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], opn 15 Apr 2011]

40 Unauthorised food or drink in hospital

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

[s 40 (formerly s 39) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[162], opn 15 Apr 2011]

41 Disorderly conduct in hospital

A 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 worker or otherwise, to be disorderly therein, shall be liable to a penalty not exceeding \$1 and in default of payment, to a term of imprisonment not exceeding 1 month.

[s 41 (formerly s 40) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

42 Repatriation

As soon after the expiration or termination of a worker'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.

[s 42 (formerly s 41) am No 1 of 1953 s 5, opn 25 July 1953; No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

43 Period between expiration of contract and departure home of worker

Where any period elapses between the expiration of a worker's contract and his or her departure from the place of his or her employment on his or her 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 60 days, and provided also that the contract of the worker does not specify a lesser period.

[s 43 (formerly s 42) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; No 15 of 1967 s 3, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

44 Option of temporary re-engagement

Where the period in Section 43 exceeds 60 days, or such less period as may be specified in the contract, the worker shall elect whether or not he or she will continue to serve under the contract so renewed until the opportunity for his or her return passage home occurs:

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

[s 44 (formerly s 43) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

45 Employer failing to provide for repatriation

An employer who when opportunity for the return of a worker whose contract has expired or has been terminated occurs fails to provide therefor in the manner prescribed shall be liable to a penalty not exceeding \$40 and in default of payment, to a term of imprisonment not exceeding 1 month.

[s 45 (formerly s 44) am No 1 of 1953 s 6, opn 25 July 1953; No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

46 New contracts of employment

(1) It shall be lawful for a worker, after the expiration of a contract, instead of returning home, to enter into a fresh contract with his or her employer for a further period not exceeding 3 years.

(2) The fresh contract shall be made before the Minister, and shall be subject to the provisions of this Act.

[s 46 (formerly s 45) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], [162], opn 15 Apr 2011]

47 Inspection of work places

The Minister or a person authorised by him or her, may, at any time enter into or upon any place on which workers may be employed and inspect the state and condition of the workers, and may inquire into any complaint which the employer may make against a worker or a worker against his or her employer.

[s 47 (formerly s 46) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160], [161], opn 15 Apr 2011]

48 Obstruction of inspections

A 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 \$100 or to a term of imprisonment not exceeding 6 months.

[s 48 (formerly s 47) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

49 False entries in registers, etc

A 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 \$100 and in default of payment, to a term of imprisonment not exceeding 6 months.

[s 49 (formerly s 48) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967]

50 Default penalty

A person charged with an offence against the provisions of this Act for which no penalty has been provided shall, on conviction, be liable to a penalty not exceeding \$40 and in default of payment, to a term of imprisonment not exceeding 3 months.

[s 50 (formerly s 49) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[162], opn 15 Apr 2011]

51 Rules

The Minister may make rules respecting the lodging, rations, water, bedding, clothing, medicine, sanitary accommodation and medical care to be provided for workers, hospital equipment, the forms, registers, and books required to be kept and any other matter for carrying this Act into effect, and may fix a penalty not exceeding \$20 for the breach of any rule.

[s 51 (formerly s 50) am No 7 of 1967 s 8 and Sch, opn 10 Apr 1967; No 15 of 1967 s 4, opn 10 Apr 1967; renum No 25 of 1967 s 5 and Sch 3, opn 29 Dec 1967; am Act 8 of 2011 s 12 and Sch 1[160]–[163], opn 15 Apr 2011]

