Commencement: 14 April 1986

CHAPTER 187

LABOUR (WORK PERMITS)

Act 36 of 1985
Act 9 of 1998
Act 19 of 2001
Act 10 of 2003
Act 9 of 2004
Act 9 of 2005
Act 13 of 2013
Act 6 of 2016
Act 24 of 2018

ARRANGEMENT OF SECTIONS

PART 1 – PRELIMINARY PROVISIONS
1. Interpretation and application

PART 2 – WORK PERMITS
2. Work permits
3. Work Permit Tax
4. Change of employer or occupation
5. Renewal of extension of work permits
5A. Foreign investors entitled to work permits
5B. Issue of work permits to foreign investors
5C. Training
5D. Replacement work permit
5E. Renewal of work permit
5F. Fees
5G. Revocation of work permit
5H. Temporary work permit
5I. Exemption
5J. *(Repealed)*
6. Offences
7. Consideration of applications
8. Decisions and appeals

PART 3 – RESERVED OCCUPATIONS AND TRAINING OF A CITIZEN
9. Declaration reserved occupation
9A. Changes to the list of reserved occupations
10. Training of a citizen

PART 3A – APPEALS

Division 1 – Establishment of the Work Permit Appeals Committee
10A. Establishment of the Work Permit Appeals Committee
10B. Composition of the Appeals Committee
10C. Functions of the Appeals Committee
10D. Meetings of the Appeals Committee

Division 2 – Appeals Procedures
10E. Procedures for appeals

PART 4 – GENERAL PROVISIONS
11. Submission of applications
12. (*Repealed)*
13. Register of non-citizen workers
14. Regulations
15. Implementation and enforcement
16. Report of offences
17. Offences
18. Penalties
18A. Penalty notices
19. Act not to detract from other laws

SCHEDULE 1 – Application for a work permit or its renewal, change of employer or employment status
SCHEDULE 2 – Employer's register of non-citizen employees

LABOUR (WORK PERMITS)

To consolidate with amendments the Labour (Work Permits) Regulation No. 28 of 1977.

PART 1 – PRELIMINARY PROVISIONS

1. Interpretation and application

(1) In this Act, unless the context otherwise requires –

Appeals Committee means the Work Permit Appeals Committee established under section 10A;

application fee means the fee payable under section 5F;

approval certificate means an approval certificate issued by the Vanuatu Investment Promotion Authority;

Commissioner of Labour means the officer referred to as such in section 2 of the Employment Act [Cap. 160];

citizen means a citizen of Vanuatu;

employer means a person for whom a person performs a contract for service, whether the contract is written or not and whether or not the first person pays the second person;

employment means the performance by an employee of a contract of service, whether written or not, and whether paid or unpaid and the words **employ**, **employed**, and **employee** shall be construed accordingly;

foreign investor has the same meaning as in the Vanuatu Foreign Investment Promotion Act 1998;

investment proposal has the same meaning as in the Vanuatu Foreign Investment Promotion Act 1998;

Minister means the Minister responsible for labour relations;

occupation means any commercial or industrial activity, intellectual or manual work or any specific work or task which a person may execute as part of his employment;

residence permit means a residence permit issued under the Immigration Act;

temporary work permit means a temporary work permit issue under section 5H.

Vanuatu Investment Promotion Authority means the Board established by the Vanuatu Foreign Investment Promotion Act 1998;

worker includes a director or manager of a company or firm but does not include an employer.

(2) The provisions of this Act shall not apply to –

(a) any person appointed by the Government to a post within the public service;

(b) any person recruited under a written contract for employment in Government service;

(c) any person rendering voluntary service in Vanuatu under any technical aid scheme where such service has been authorised by the Government;

(d) any person entering Vanuatu at the request or invitation of the Government or as consultant to the Government;

(e) any other class or classes of persons as the Minister may by Order prescribe.

PART 2 – WORK PERMITS

2. Work permits

(1) It shall be an offence for any non-citizen worker to whom this Act applies to take up or to continue in any employment in Vanuatu, without first having obtained a work permit or, where such permit has been issued, otherwise than in accordance with the conditions thereof.

(2) Every employer who wishes to employ any non-citizen worker shall make application for a work permit to the Commissioner of Labour in the form and manner prescribed in Schedule 1.

(2A) The employer must provide copies of the following:

(a) all copies of the advertisements for the position to which the application for work permit relates; and

(b) all copies of applications received in response to the advertisement under paragraph (a); and

(c) in the case where the employer is a corporate entity- records of the decision of appointing the successful candidate.

(3) The Commissioner of Labour may issue work permits for employment for a period not exceeding 4 years and may impose conditions on the work permits.

(3A) However, if the permit is issued because of a decision of the Vanuatu Investment Promotion Authority, the Commissioner of Labour must issue the permit for the period stated in the approval certificate issued by the Board.

(4) All work permits issued by the Commissioner of Labour shall contain –

(a) the full name and business address of the employer;

(b) the full name of and the occupation to be carried out by the employee;

(c) a photograph of the employee;

(d) details of the residence permit of the employee in cases where the employee is subject to immigration control;

(e) such further matters as may be prescribed by the Minister by Order.

(5) The Commissioner of Labour may impose conditions on work permits being issued under this Act.

(6) The Commissioner of Labour must not issue a work permit under this section to a foreign investor issued with an approval certificate from the Vanuatu Investment Promotion Authority unless issued for the purposes of his or her employees under section 5B.

3. Work Permit Tax

(1) An employer to whom a work permit is issued under this Act (shall be liable to pay an annual tax (to be known as **the Work Permit Tax**) at a rate of VT 330,000, or such other rate not exceeding VT 500,000 as the Minister may by Order prescribe for persons being citizens of, or ordinarily resident in, any country specified in the Order or for specified classes of persons.

(1A) Without limiting subsection (1), the Minister may by Order prescribe a rate of Work Permit Tax that is less than VT 330,000 for persons who are non-citizen workers employed by specified classes of businesses, industries, institutions or other employers.

(2) The Work Permit Tax shall be paid in full for one year upon the issue of a work permit and thereafter shall be due on the anniversary of the date of the issue in each ensuing year while the work permit remains in force.

(3) (*Repealed*)

(4) (*Repealed*)

(5) (*Repealed*)

4. Change of employer or occupation

An employer shall make application to the Commissioner of Labour in the manner and form prescribed in Schedule 1 for the amendment of a work permit issued to any employee who –

(a) wishes to change his occupation although remaining in the service of the said employer; or

(b) has previously been employed in any occupation by another employer.

5. Renewal of extension of work permits

(1) An employer who wishes to retain the services of any employee who has been issued with a valid work permit under this Act beyond the expiry of the period for which such permit is valid, may apply to the Commissioner of Labour in the form prescribed under Schedule 1.

(2) An application under subsection (1) must be made not less than 60 days prior to the date of expiry of that work permit.

(3) The Commissioner of Labour must not renew a work permit under this section after 4 years from when it was originally issued.

5A. Foreign investors entitled to work permits

(1) A foreign investor who has received an approval certificate from the Vanuatu Investment Promotion Authority for an investment proposal is entitled to be issued with the work permits specified in the certificate for the proposal.

(2) If a foreign investor:

(a) produces an approval certificate to the Commissioner of Labour; and

(b) lodges an application in accordance with section 2(2); and

(c) pays the work permit tax in accordance with section 3 and the application fee;

the Commissioner must issue to the investor the number of work permits specified in the certificate, for the period specified in the certificate.

5B. Issue of work permits to foreign investors

(1) The Commissioner of Labour must issue the work permits within 5 working days after the foreign investor complies with section 5A(2).

(2) Each work permit remains in force for a period not exceeding 4 years.

(3) The foreign investor does not require a work permit to enable himself or herself to carry out the activities involved in the investment proposal.

(4) If the Commissioner of Labour is unable for any reason to consider an application from a foreign investor under section 5A, one of the deputy commissioners must consider the application and issue the permit within the time specified in subsection (1).

5C. Training

(1) When issuing a work permit to a foreign investor, the Commissioner of Labour must tell the person in writing:

(a) about the person's obligations to train citizens with the aim of replacing non-citizens in the positions for which the work permits are issued; and

(b) that the Commissioner will take into account the amount of training the person has provided in deciding whether to renew the work permits.

(2) The foreign investor must tell the Commissioner of Labour, at the end of each financial year, about the training that has taken place during that financial year.

5D. Replacement work permit

(1) If during the period of a work permit granted to a foreign investor (the **original permit**) the person named in the permit leaves Vanuatu:

(a) the foreign investor may apply to the Commissioner of Labour for a replacement work permit; and

(b) on payment of the application fee, the Commissioner of Labour must issue a replacement work permit for the person named in the application.

(2) A replacement work permit:

(a) is in force for the remainder of the period of the original permit; and

(b) is issued subject to the same conditions to which the original work permit was subject.

(3) In spite of section 3:

(a) the foreign investor is not entitled to a refund of the work permit tax paid on the original work permit; and

(b) no work permit tax is payable on the issue of the replacement work permit; and

(c) the tax paid on the original permit is taken to have been paid on the replacement permit.

5E. Renewal of work permit

(1) A foreign investor may apply for the renewal of a work permit issued under section 5A or 5D.

(2) The foreign investor must:

(a) lodge an application, in accordance with Schedule 1, at least 30 days before the work permit is due to expire, and

(b) pay the work permit tax in accordance with section 3 and the application fee.

(3) In deciding whether to renew a work permit, the Commissioner must take into account the amount of training that the foreign investor has provided for citizen workers he or she employs.

(4) The Commissioner of Labour must not renew a work permit issued under section 5A or 5D, after 4 years from when the work permit was originally issued.

5F. Fees

The application fee payable on an application for a work permit, temporary work permit or exemption under this Act is VT 20,000.

5G. Revocation of work permit

(1) A work permit issued under this Part is automatically revoked if the residence permit issued to the holder of the work permit is cancelled.

(1A) The Commissioner of Labour may revoke a work permit if he or she is satisfied that, the holder of the work permit:

(a) has failed to train a citizen worker; or

(b) has failed to comply with any condition of the work permit; or

(c) is mistreating other employees he or she is working with.

(1B) For the purposes of paragraph (1A)(c), **mistreating** includes but is not limited to an act of physically or verbally assaulting another person.

(2) If the holder of a work permit falls to pay the work permit tax within 30 days of the date on which the tax becomes due under section 3(2):

(a) the Commissioner of Labour must give the holder a written notice that the Commissioner will revoke the permit if the tax is not paid within 7 days of the date specified in the notice; and

(b) if the tax is not paid by that date, the Commissioner must revoke the permit.

5H. Temporary work permit

(1) The Commissioner of Labour may issue a temporary work permit for a worker who proposes to be employed for 4 months or less if the employer pays:

(a) the work permit tax of VT 40,000; and

(b) the application fee.

5I. Exemption

The Commissioner of Labour may exempt an employer from the need to obtain a work permit for a worker if –

(a) the worker is to be employed for 1 month or less; and

(b) the employer pays the application fee; and

(c) the employee pays an exemption permit tax of VT 10,000.

5J. *(Repealed)*

6. Offences

(1) It shall be an offence for any employer to employ any non-citizen worker in respect of whom a work permit has not been issued or whose work permit has been issued in respect of employment by another employer.

(2) It shall be an offence for any employer to continue to employ any non-citizen worker in respect of whom a work permit has been issued for such employment beyond the date of expiry of such permit.

(3) It shall be an offence for any employer to employ any non-citizen worker in respect of whom a work permit has been issued in any occupation other than that specified in such work permit.

7. Consideration of applications

In considering any application made for the issue of a work permit or for the renewal or

extension of a work permit or for the amendment of a work permit to authorise a change of employer or change of occupation, the Commissioner of Labour –

(a) shall ascertain whether the employer has advertised the vacant position adequately and whether any suitably qualified citizen worker has applied for the position or has sought similar employment, and

(b) may have regard to such other matters as he considers relevant and in particular –

(i) the employment record of the employer;

(ii) the ability of the employer to provide reasonable training facilities for a citizen-worker counterpart to a work permit holder;

(iii) the professional or technical qualifications and experience of the prospective employee;

(iv) the protection of local and national interests; and

(v) whether the conditions of employment offered are in conformity with the laws of Vanuatu and with the terms of any collective agreement which may be in force in respect of the industry or occupation concerned, if any.

8. Decisions and appeals

(1) The Commissioner of Labour shall reach a decision upon every application made to him under the provisions of this Part within 30 days from the date of receiving such application, or within such extended period as provided by subsection (2) and such decision shall be communicated by the Commissioner of Labour to the employer making the application without delay.

(2) In cases where an application received by the Commissioner of Labour does not provide all the information required or where any of the information provided is required to be verified, the calculation of the period prescribed in subsection (1) shall be suspended until the date of receiving such additional information or of verification of such information and the employer making the application shall be so informed by the Commissioner of Labour.

(3) *(Repealed)*

(3A) *(Repealed)*

(3B) The fee for an appeal under this section is VT30, 000.

(4) This section does not apply to a work permit issued under section 5A or 5D.

PART 3 – RESERVED OCCUPATIONS AND TRAINING OF A CITIZEN

9. Declaration reserved occupation

(1) The Minister may by Order declare any occupational activity whatsoever to be a reserved occupation. Such Order shall fix the proportion of non-citizen workers each employer may employ, if any, in such reserved occupation.

(2) Any Order prescribing the number of non-citizen workers who may be employed in a reserved occupation by any particular employer shall be prescribed as a percentage of the total number of citizen workers employed in such reserved occupation by that employer:

Provided that where the calculation of such percentage does not produce a whole number, the percentage shall be deemed to be the next higher whole number where the proportion of a whole number is 0.5 or over or the next lower whole number where the proportion of a whole number is less than 0.5.

(3) Any employer who wishes to employ a greater number of non-citizen workers than that prescribed in any reserved occupation shall make prior application to the Commissioner of Labour.

(4) The Commissioner of Labour may in his discretion grant or refuse an application made in accordance with subsection (3); when granted, the permission shall stipulate the additional numbers who may be so employed and the duration of such employment.

(5) Any employer who –

(a) employs any non-citizen worker in any reserved occupation otherwise than in accordance with the provisions of any order made under subsection (1); or

(b) employs a greater number of non-citizen workers in any reserved occupation than that prescribed by such Order otherwise than in accordance with the permission of the Commissioner of Labour granted under subsection (4); or

(c) employs any non-citizen worker in any manner contrary to the decision of the Appeals Committee on an appeal under Part 3A,

shall be guilty of an offence against this Act.

9A. Changes to the list of reserved occupations

(1) Before making a declaration under section 9 changing the list of reserved occupations, the Minister must publish a notice of the proposed changes in the Gazette and in a local newspaper.

(2) The notice must:

(a) set out details of the proposed changes; and

(b) be published at least 6 months before the Minister proposes to make the declaration to change the list; and

(c) ask for public comment on the proposed changes; and

(d) set out the address to which comments may be sent, and a closing date for comments.

(3) The Minister must have regard to the comments when deciding on the changes.

10. Training of a citizen

(1) It shall be a condition of the issue of every work permit or its renewal or change of employment status, or transfer to another employer, that the employer shall train a citizen worker:

Provided that the Commissioner of Labour may exempt an employer from the training requirements if he is satisfied that there is no citizen worker available as a counterpart to the work permit holder.

(2) Before issuing a work permit the Commissioner of Labour shall satisfy himself that the training provisions of the employer will be adequate and that the costs thereof will be borne by the employer.

(3) This section does not apply to a work permit issued to a foreign investor under section 5A or 5D.

PART 3A – APPEALS

Division 1 – Establishment of the Work Permit Appeals Committee

10A. Establishment of the Work Permit Appeals Committee

The Work Permit Appeals Committee is established.

10B. Composition of the Appeals Committee

(1) The Appeals Committee consists of the following members:

(a) the Director General of the Ministry of Internal Affairs; and

(b) the Chief Executive Officer of the Vanuatu Investment and Promotion Authority; and

(c) the Director of Immigration Services; and

(d) a person nominated by the Judicial Service Commission.

(2) The member referred to under paragraph (1)(d) is to be appointed by the Minister by Order for a period of 4 years.

(3) The person appointed under subsection (2), is the Chairperson of the Appeals Committee.

(4) The members of the Appeals Committee are to elect from amongst themselves a Deputy Chairperson.

(5) The person elected as Deputy Chairperson holds office for a period of 2 years.

10C. Functions of the Appeals Committee

The Appeals Committee is responsible to assess and make a determination on all applications for appeal made under section 10E.

10D. Meetings of the Appeals Committee

(1) The Appeals Committee is to meet at least 4 times in a year and may hold such other meetings as are necessary for the proper performance of its functions.

(2) The Chairperson of the Appeals Committee is to preside at all meetings of the Appeals Committee and in his or her absence, the Deputy Chairperson is to preside at these meetings.

(3) At a meeting of the Appeals Committee, the quorum is 3 members present at the meeting.

(4) The Appeals Committee may meet despite any vacancies in its membership so long as a quorum is present.

(5) If a member is for any reason unable to attend a meeting of the Appeals Committee, he or she may nominate another person to represent him or her at a meeting of the Appeals Committee.

(6) A member present at a meeting has 1 vote and questions arising at a meeting are to be decided by a majority of votes and the Chairperson has the casting vote.

(7) Minutes are to be kept of all meetings of the Appeals Committee and are to be kept and taken by a senior member of the Department of Labour.

(8) Subject to this Act, the Appeals Committee is to determine and regulate its own procedures.

(9) The Minister is to prescribe by Order, the sitting allowances for the members of the Appeals Committee.

Division 2 – Appeals Procedures

10E. Procedures for appeals

(1) A person aggrieved by a decision of the Commissioner of Labour under this Act may appeal to the Appeals Committee within 7 days of being served with the written notice of that decision.

(2) An application for appeal made under this section must be accompanied with the prescribed fee.

(3) The Appeals Committee must consider the application for appeal and make a decision within 30 days of the lodging of the application.

(4) The Appeals Committee may confirm, modify, amend or rescind the decision of the Commissioner of Labour.

(5) The Appeals Committee must:

(a) record the decision, and the reason for the decision, in writing; and

(b) send a copy of the decision and reasons to the employer or the foreign investor concerned,

within 7 days of the decision.

PART 4 – GENERAL PROVISIONS

11. Submission of applications

(1) In the case of employing establishments situated on Efate, applications for work permits shall be lodged with the Commissioner of Labour who shall issue a receipt for such application.

(2) In the case of other employing establishments such applications may be lodged with the district labour officers who shall be responsible for the transmission of such applications to the Commissioner of Labour who shall issue a receipt therefor.

(2A) The district labour officer must transmit the application to the Commissioner of Labour within 7 days of receiving the application.

(3) The periods prescribed in subsection (1) of section 8 shall commence from the date of receipt of the application by the Commissioner of Labour.

12. *(Repealed)*

13. Register of non-citizen workers

Every employer shall maintain a register of non-citizen workers employed by him and such register shall contain the particulars prescribed in Schedule 2. It shall be an offence against this Act to fail to maintain such register or to fail to enter such prescribed particulars.

14. Regulations

(1) For the better carrying into effect of this Act the Minister may make regulations not inconsistent with this Act, and may prescribe anything that may be prescribed including fees for applications and appeals.

(2) The Minister may provide penalties for the contravention of regulations made under this section which shall not exceed a fine of VT 100,000.

15. Implementation and enforcement

(1) The Commissioner of Labour and any labour officer authorised in writing by the Commissioner of Labour shall be responsible for the implementation and enforcement of this Act.

(2) The Commissioner of Labour or any labour officer authorised by the Commissioner in that behalf, may without notice enter any business premises or place of employment other than any dwelling house (in which case the consent of the owner or occupier shall be required), and require the employer, manager or other person in charge to furnish any information and to produce any book or other document which in his opinion is or may be relevant to the implementation or enforcement of this Act and may, for the purpose of further investigations or for the purposes of evidence in relation to the service of a penalty notice or an intended prosecution, retain or make copies of or extracts from such book or document.

16. Report of offences

The Commissioner of Labour may report offences against this Act or any regulations made under the provisions thereof directly to the Public Prosecutor.

17. Offences

(1) Any person who shall furnish any information which he knows to be false or does not believe to be true, or shall produce any book or document which he knows to be incorrect, to the Commissioner of Labour or a labour officer acting in the exercise of his powers or functions under this Act shall be guilty of an offence against this Act.

(2) Any person who shall wilfully resist or obstruct the Commissioner of Labour or a labour officer, as the case may be, in the lawful performance of his duties under this Act shall be guilty of an offence against this Act.

18. Penalties

(1) Any person convicted of an offence against the provisions of section 13 shall be liable in the case of a first offence to a fine not exceeding VT 10,000 and in the case of a second or subsequent offence to a fine not exceeding VT 20,000 or to imprisonment for a term not exceeding 1 month, or to both such fine and imprisonment.

(2) Any person convicted of an offence against the provisions of this Act other than section 13 shall be liable in the case of a first offence to a fine not exceeding VT 100,000 and in the case of a second or subsequent offence to a fine not exceeding VT 200,000 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment.

(3) In this section, the expression **second or subsequent offence** means an offence which has been committed within 5 years of a previous conviction for the same offence.

18A. Penalty notices

(1) The Commissioner of Labour or any labour officer may serve a penalty notice on a person if it appears to the Commissioner of Labour or the labour officer, as the case may be, that the person has committed an offence under:

(a) section 2(1); or

(b) section 6(1); or

(c) section 6(2); or

(d) section 6(3); or

(e) section 9(5); or

(f) section 13.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person must, within 30 days after receiving the notice, pay to the Commissioner of Labour, the amount of the penalty prescribed by the regulations if dealt with under this section.

(3) The amount prescribed by the regulations must not exceed fifty percent of the maximum penalty specified for the offence.

(4) A labour officer may serve a penalty notice under subsection (1) only if he or she is specifically authorised under section 15(1) to serve a penalty notice for a period of time during which the penalty notice is served.

(5) If the amount specified in the penalty notice is paid under this section, no person is liable to any further proceedings for the alleged offence.

(6) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

19. Act not to detract from other laws

For the avoidance of doubt, nothing in this Act shall derogate from the responsibility of any person of complying with any law applicable to him governing his entry into and residence in Vanuatu.

SCHEDULE 1

(section 2(2), 4 and 5)

The Labour (Work Permits) Act Cap. 187

APPLICATION FOR A WORK PERMIT OR ITS RENEWAL, CHANGE OF EMPLOYER OR EMPLOYMENT STATUS

***NOTES*:**

1. *This form should be completed by the employer or prospective employer in block capitals or typescript and in duplicate, who is applying for:*
   - *(1) the employment of a non-citizen worker, whether temporary or permanent;*
   - *(2) the renewal of a work permit for a non-citizen worker;*
   - *(3) a change of employer by a non-citizen worker;*
   - *(4) a proposed change in employment status of a non-citizen worker.*
2. *Two copies of the completed forms should be lodged with the Commissioner of Labour or the nearest district labour officer, together with –*
   - *(1) the appropriate fee and tax;*
   - *(2) 2 passport-size photographs of the worker or prospective worker, duly certified to be a reasonable likeness;*
   - *(3) the original, or certified copies of the trade or professional qualifications or experience of the worker or prospective worker,*
   - *(4) a copy of the written contract of service under which the worker is employed or it is intended, he will be employed, if any;*
   - *(5) the current work permit where appropriate.*
3. *Parts I and II of this form should be completed in respect of all applications for work permits. Unless the form is correctly completed, it may give rise to delays or refusal to issue a work permit.*
4. *Further copies of this form may be obtained free of charge from the Commissioner of Labour or the district labour office.*
5. *The fees and tax on application for a work permit are payable by the employer or prospective employer.*

WARNING

- *(1) It is an offence to provide incorrect details in the form, knowing them to be false in any material respect.*
- *(2) The lodging of this form for a work permit, in no way absolves the employee or prospective employee from compliance with any immigration regulations to which he may be subject.*
- *(3) The employment of a non-citizen worker (unless exempt), without a valid work permit, constitutes an offence by both the employer and worker.*

[Please delete items not applicable]

PART I

Details of Employer

(1) Full name of employer, business, organization, or undertaking: _____
_____

(2) Address of registered office: _____
_____ Tel: _____

(3) Postal address [if different from (2)]: _____
_____

(4) Nationality of employer: _____

(5) Type or description of business, organization, or undertaking: _____
_____

(6) (a) Number of citizen workers currently employed: _____

(b) Number of non-citizen workers currently employed: _____

(7) The reasons for the employment of the non-citizen worker: _____
_____
_____

(8) The full wage/salary to be paid to the non-citizen worker:

VT_____ p.a./p.m./per week.

(9) The proposed occupation of the non-citizen worker: _____

(10) Location of employment: _____

(11) Full details of the training to be undertaken by the employer of a Ni-Vanuatu counterpart to the non-citizen worker, including:

(a) duration of training;

(b) qualifications and/or experience to be obtained;

(c) methodology and place of training;
_____
_____
_____

Details of non-citizen worker

(1) Full name of the worker: _____

(2) (a) Sex: _____ (b) Marital status: _____

(3) Date and country of birth: _____

(4) (a) Nationality: _____ (b) Religion: _____

(5) Present address: _____

(6) Country of normal residence: _____

(7) Details of dependants (if applicable) already resident with the worker or to accompany him:

(a) Wife (full name, date of birth, nationality): _____

(b) Children (full names, dates of birth, nationalities):

(i) _____

(ii) _____

(iii) _____

(iv) _____

(8) Present occupation/profession: _____

(9) Details and evidence of qualifications/experience obtained, including relevant dates and the name(s) of the issuing authority:
_____
_____

(10) Passport No.: _____ Valid until: _____

(11) Any other relevant information in support of the application:
_____
_____

PART II

1. As the employer or prospective employer, I apply for:

(1) A new (first issue) work permit of _____ years duration in respect of *Mr/Mrs/Miss* _____

(2) The renewal of the attached work permit No. _____ for ____ years duration in respect of *Mr/Mrs/Miss* _____

(3) The alteration of the attached work permit No . _____ for ____ years duration in respect of *Mr/Mrs/Miss* _____

(4) The alteration of the attached work permit No. _____ for _____ years duration in respect of *Mr/Mrs/Miss* _____
on change of employment status from (occupation) _____ to (occupation) _____

(5) The issue of a temporary work permit for _____ working days duration in respect of *Mr/Mrs/Miss* _____

2. I certify that:

(1) I have read and understand the contents of this application form.

(2) I will adhere to any conditions stipulated in the work permit when it is issued.

(3) To the best of my knowledge and belief, the information contained herein is true and accurate.

Dated this _____ day of _____ 20_____

Signed: _____
(Employer or prospective employer)

SCHEDULE 2

(section 13)

EMPLOYER'S REGISTER OF NON-CITIZEN EMPLOYEES

1. The register required to be maintained by every employer of any non-citizen employee under section 13 of the Act shall include the following information:

   Full name of employee;

   Country of normal residence;

   Nationality;

   Trade, occupation or profession;

   Date of commencement of employment;

   Date of issue and serial number of work permit;

   Period of validity of work permit;

   Serial number of immigration entry and residence permit (where applicable);

   Date of termination of employment.

2. The register shall be preserved by the employer in the same manner as accountancy documents and shall be produced on demand to the Commissioner of Labour or any labour officer authorized in that behalf.

Table of Amendments (since the Revised Edition 1988)

1 Amended by Acts 9 of 1998 and 24 of 2018
2(2A) Inserted by Act 24 of 2018
2(3) Substituted by Act 6 of 2016
2(3A) Inserted by Act 9 of 1998
2(5) Inserted by Act 13 of 2013
2(6) Inserted by Act 24 of 2018
3(1) Amended by Acts 19 of 2001, 9 of 2004, 9 of 2005 and Act 24 of 2018
3(1A) Inserted by Act 10 of 2003, amended by Acts 9 of 2004, Act 9 of 2005 and Act 24 of 2018
3(3) Repealed by Act 9 of 1998
3(4) Repealed by Act 19 of 2001
3(5) Inserted by Act 9 of 1998, repealed by Act 9 of 2004
5 Substituted by Act 24 of 2018
5A – 5J Inserted by Act 9 of 1998 [5I, 5J re-numbered from 5J, 5K]
5B(2) Amended by Act 24 of 2018
5E(4) Inserted by Act 24 of 2018
5F Amended by Act 24 of 2018
5G(1A) Inserted by Act 13 of 2013 and substituted by Act 24 of 2018
5G(1B) Inserted by Act 24 of 2018
5H(1)(a) Amended by Act 9 of 2004
5I(c) Inserted by Act 9 of 2004 [there referred to as 5J(c)]
5J Repealed by Act 24 of 2018
8(3) Repealed by Act 24 of 2018
8(3A) Inserted by Act 13 of 2013 and repealed by Act 24 of 2018
8(3B) Inserted by Act 13 of 2013
8(4) Inserted by Act 9 of 1998
Part 3 (Heading) Amended by Act 24 of 2018
9(5)(c) Amended by Act 24 of 2018
9A Inserted by Act 9 of 1998
10 (Heading) Amended by Act 24 of 2018
10(3) Inserted by Act 9 of 1998
Part 3A (Sections 10A to 10E) Inserted by Act 24 of 2018
11(2A) Inserted by Act 9 of 1998
12 Substituted by Act 13 of 2013 and repealed by Act 24 of 2018
14(2) Amended by Act 9 of 2005
15(2) Amended by Act 9 of 2005
18(2) Amended by Act 9 of 2005
18A Inserted by Act 9 of 2005