

REPUBLIC OF VANUATU

BILL FOR THE

TRADE DISPUTES (AMENDMENT)

ACT NO. OF 2026

Explanatory Note

This Bill amends the Trade Disputes Act [CAP 162] (“the Act”).

The Government aims to modernize the framework for resolving industrial relations cases and provide greater clarity on the legal requirements for strike or other industrial action.

This Bill provides for the following:

- (a) introduces the mediation process where the Commissioner, before attempting to settle a trade dispute by conciliation, must conduct a mediation of the trade dispute between both parties for a period of 14 working days;
- (b) extends the timeline for the Commissioner to promote a settlement of the trade dispute through conciliation from 7 days to 21 days to allow for more thorough consideration of the issues;
- (c) enhances access to the Trade Dispute Tribunal by allowing either party involved in a trade dispute to apply directly for awards if the matter remains unresolved;
- (d) ensures that where an Order of Discontinuance expires and the dispute remains unresolved, any party intending to proceed with the industrial action must issue a fresh notice of strike in accordance with subsection 33A(1) of the Act;
- (e) clarifies that any undertaking, agreement or arrangement made between parties does not override the requirements under subsection 33A(1) of the Act;
- (f) outlines that failure to comply with strike notice requirements constitutes an offence.

These amendments will strengthen the trade dispute framework, encourage amicable settlements through mediation, and ensure that industrial actions are conducted in a transparent and lawful manner towards social justice within an adequate timeframe.

Minister of Internal Affairs



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BILL FOR THE TRADE DISPUTES (AMENDMENT) ACT NO. OF 2026

An Act to amend the Trade Disputes Act [CAP 162].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Trade Disputes Act [CAP 162] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE TRADE DISPUTES ACT [CAP 162]

1 Section 1

Insert in their correct alphabetical positions:

““deferral” means to defer, delay or postpone an industrial action made by an Order under section 34;

“discontinuance” means the cessation of an industrial action made by an Order under section 34;

“mediation” means a process where parties attempt to reach an amicable settlement to their dispute with the assistance of one or more third parties;”

2 Section 3

Delete “If”, substitute “Subject to section 3A, if”

3 After section 3

Insert

“3A. Mediation

Before the Commissioner attempts to settle a trade dispute by conciliation, the Commissioner or his or her delegate, must conduct a mediation of the trade dispute between both parties, for a period of 14 working days.”

4 Subsection 4(1)

Delete “7”, substitute “21”

5 Subsection 4(2)

(a) Delete “7”, substitute “21”

(b) Delete “he or she must refer the request to the Tribunal”, substitute “either party to a trade dispute may apply to the Tribunal to consider and make awards on that trade dispute”

6 After section 33A

Insert

“33B. Notice of strike after expiry of Order

- (1) If an Order made under section 34 expires, and the trade dispute to which the Order relates remains unresolved, a person, employee, group of employees or trade union must not commence or continue the strike unless a fresh notice of strike is given in accordance with subsection 33A(1).
- (2) Any undertaking or arrangement made between the parties does not override the requirements of subsection (1).
- (3) To avoid doubt, the expiry of an Order made under section 34 does not revive or validate any notice of strike given before the making of that Order.
- (4) A person who contravenes this section commits an offence, punishable on conviction:
 - (a) in the case of an individual - to a fine not exceeding VT500,000 or by imprisonment to a term not exceeding 4 years, or to both; or
 - (b) in the case of a body corporate - to a fine not exceeding VT2,000,000.”

7 Paragraphs 40(2)(c) and (d)

Delete “Director”, substitute “Secretary”