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 provide a clearer and more effective process for resolving trade disputes and regulating strike action.

This Bill provides for the following:

(a) inserts definitions of "CBA", "deferral", "discontinuance" and "mediation";

(b) requires the Commissioner or his or her delegate to mediate a trade dispute for 14 working days before conciliation begins;

(c) extends the conciliation periods under section 4 from 7 days to 14 days;

(d) allows either party to an unresolved trade dispute to apply directly to the Trade Disputes Tribunal;

(e) allows an employer and the employees involved in a trade dispute to enter into a Collective Bargaining Agreement setting out their rights and obligations;

(f) requires a fresh strike notice after an Order under section 34 expires if the dispute remains unresolved, and confirms that an undertaking or arrangement cannot override this requirement or revive an earlier strike notice;

(g) makes a breach of the fresh strike notice requirement an offence punishable by a fine of up to VT500,000 or imprisonment for up to 4 years, or both, for an individual, and a fine of up to VT2,000,000 for a body corporate;

(h) adds interruption to a child's right to receive quality educational services as a ground for an Order under to defer or discontinue a strike; and

(i) replaces "Director" with "Secretary" in paragraphs 40(2)(c) and (d).

These amendments will strengthen the process for resolving trade disputes, protect children's access to education and ensure that strike action is conducted in accordance with the Act.

Minister of Internal Affairs

REPUBLIC OF VANUATU

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

Arrangement of Sections

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REPUBLIC OF VANUATU

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:

““CBA” means a Collective Bargaining Agreement;

“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 “14”

5 Subsection 4(2)

(a) Delete “7”, substitute “14”

(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 6

Insert

"6A Collective Bargaining Agreement

In addition to section 6, an employer and the employees to a trade dispute may enter into a CBA outlining the rights and obligations of each party."

7 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."

8 Paragraph 34(2)(b)

Delete ".", substitute "; or

(c) to cause an interruption to the right of a child to receive educational services."

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

Delete “Director”, substitute “Secretary”