



The Ministry of Commerce, Industry and Labour

A guide to Labour and Employment Relations and 2023 Reforms

Navigating Workplace Dynamics for Employees and Employers

*Decent work is at the heart of the search for dignity for the individual, stability for the family and peace in the community
(Juan Somalvia, former Director General of the ILO)*

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Introduction

Since the inception of the Labour and Employment Relations Act ‘LERA’ in 2013, persistent challenges and gaps have been identified, ranging from misinterpretations of the law to difficulties in settling employment grievances. Its silence on crucial terms and conditions of employment, coupled with a noted non-compliance rate of employers, prompted a comprehensive review. The Labour and Employment Relations Amendment Act ‘LERAA’ 2023 emerged from an extensive evaluation, aiming to address these issues and enhance the legal framework governing employer-employee relationships.

One of the primary objectives of the amended legislation is to address misinterpretation and the difficulties of increasing the compliance rate of employers with the existing labour laws. To achieve this, this guide has been established with the intention of empowering both employers and employees with a clear understanding of their basic rights and responsibilities stipulated in the LERA 2013 and LERAA 2023. It also serves as a practical resource for fostering fair and equitable workplace practices, providing sound advice to employers and empowering employees to assert their rights effectively. However, it is important to acknowledge that this guide is not intended to offer a complete and authoritative statement of the Act. For the purposes of clarity, the amended definitions, terms, and conditions of employment introduced in the LERAA 2023 will be highlighted in **BLUE** for each key aspect throughout the guideline.

Main sources of the Labour Laws

The main sources of employment law in Samoa are the: Constitution of Independent State of Samoa, the Labour and Employment Relations Act 2013, the Amendment Act 2023 and its regulations, the Occupations Safety and Health Act 2002, the Maritime Labour Convention 2006, the Tripartite Consultation 1976 and all eight of the ten fundamental conventions of the ILO.

Note: Public Servants terms and conditions of employment are provided for under the Public Service Act 2004 and determinations made by the Public Service Commission.

Type of Employees protected.

The existing labour legislation, the LERAA 2023 and its regulations, ensures protections for employees in both the private sector and state-owned enterprises. It extends its safeguards to foreign employees and individuals without citizenship who are employed within the territory of the Independent State of Samoa. This Act further makes special provision for pregnant women, men with new-born babies, employees under the age of eighteen (18), and employees with disabilities.

Moreover, the Act is applicable to regular full-time employees, shift employees, part-time employees, casual workers, and piecework employees.

Glossary of key terms

"casual employees" means those who have been working for an employer for only two months.

"Court" means the Supreme Court of Samoa.

"CEO" refers to the Chief Executive Officer of the Ministry, including a delegate appointed by the CEO under this Act.

"domestic worker" means an employee who works in a private dwelling house.

"employee" (a) means a person who enters or works under a contract with an employer, whether the contract be for manual labour, clerical work or a contract of service or apprenticeship or a contract personally to execute work; and (b) includes employee and managerial personnel.

"employer" means a person employing an employee, and includes an employer's agent, representative or a person acting on the employer's behalf.

"foreign employee" means not a citizen of Samoa undertaking employment in Samoa.

"ILO" is the International Labour Organization.

"grievance" refers to an employee's claim against a current or former employer, stemming from unjust termination, harassment/sexual harassment, discrimination, unfair treatment by the employer, or dissatisfaction that arises from the employer's failure to fulfill their obligations under this Act.

"Ministry" is the department overseeing labour and employment.

"Labour Inspectors" are officers appointed under the Public Service Act 2004 to oversee labour laws.

"overtime" means the number of hours worked more than the limits of hours of work specified in section 47.

"person living with a disability" is someone whose employment is affected by a physical or mental disability.

"piece work" pays based on tasks performed, terminating the employment arrangement.

"place of employment" means a place where work is carried out by an employee for or on behalf of an employer.

“public holiday” has the same meaning as in the Public Holidays Act 2008.

“reasonable time” is when work is actively happening, considering variations in working hours.

“redundancy” means circumstances where an employer no longer needs an employee’s job due to economic, structural, or similar reasons.

“serious misconduct” includes intimidating or harassing behavior, sexual harassment, criminal convictions leading to imprisonment, dishonest activities (theft, false statements), working under the influence of alcohol or illegal drugs, and any conduct bringing disrepute to the employer or business.

“sexual harassment” includes sexual language, non-verbal gestures, physical acts, or explicit requests for sexual contact linked to employment. It is conduct reasonably viewed as unwelcome and offensive by another person.

“shift employee” means an employee who: (a) works in shift work; or (b) normally works on a Sunday or public holidays.

“shift work” means a pattern of work where one employee replaces another individual in the same job within a 24-hour period.

“spouse” means a female who is not the legally registered wife of a male employee and has co-habited with the male employee in a defacto relationship for at least 9 months.

“Sunday” is a day of rest observed according to the religious beliefs of the employee as a day obliging Labour and Employment Relations Act 2013 or as agreed between the employee and employer.

1. Powers of Labour Inspectors

Responsibilities

Labour inspectors have the authority to:

- Examine employment documents, including but not limited to registers, sign-in books, payroll, pay slips, and other essential records. They are authorized to make copies of these documents.
- Remove materials and substances used or handled at a workplace, with mandatory notification to employers.
- Issue a compliance notice if an employer fails to adhere to the specified terms and conditions outlined in the Act.
- Provide guidance to employers regarding compliance with additional applicable laws.

Key amendments introduced by the 2023 reforms:

- Issue penalty notices to employers based on a prescribed list of strict liability offences (refer Part 10-Issuance of Penalties).
- Inspectors may require that notices issued to employers are prominently displayed in the workplace for employees to access.
- Take necessary action to resolve complaints and grievances including issuance of compliance notices, penalties, conciliation, and others.

Exercising Powers

In the execution of their powers, inspectors are obligated to:

- Refrain from entering private homes without explicit permission from the occupier, except in exceptional circumstances where it becomes unavoidable for inspectors to do so.
- Issue at least 24 hours' notice for inspections, unless there are reasonable grounds to believe that such notice would compromise the effective exercise of their powers, and they have received approval from the CEO to conduct an inspection without prior notification.
- Acknowledge that the CEO may delegate, in writing, certain powers under this Act to a Labour Inspector or another Ministry employee, excluding the power to further delegate.

Key amendments require inspectors to:

- Present valid evidence of identity to the employer.
- Enter workplaces at a reasonable time for inspection purposes. A reasonable time may be based on the times that work is being carried out.
- Always act in accordance with the code of ethical conduct for labour inspectors set out in schedule 5 of the Labour and Employment Relations Regulations 2024.

2. Principles of Employment

Forced Labour

Engaging or procuring someone for forced labour is an offense.

Discrimination

Employers must not discriminate against employees or job applicants based on various grounds, including ethnicity, race, colour, sex, gender, religion, political opinion, national extraction, sexual orientation, social origin, marital status, pregnancy, and family responsibilities, real or perceived HIV status, disability, and participation in trade union activities.

However, exceptions are made for measures improving conditions for disadvantaged groups or if different treatment is inherent to a job's requirements. Equal remuneration for male and female employees performing equal value work is also mandated.

Harassment and Sexual Harassment

Key Amendments:

Any form of harassment, including gender-based or sexual harassment, is prohibited in the workplace. An employee experiencing abuse or harassment from an employer can cease service without notice.

In line with these reforms, the Ministry will ensure that workplaces properly address harassment and sexual harassment in the workplace through preventive measures and internal dispute resolution systems.

Employers are obligated under the Occupational Safety and Health Act 2002 to ensure all hazards and risks associated with assigned work are addressed effectively.

3. Trade Unions and Employer/Employee Organization

Below are the roles and responsibilities of trade unions and organizations clarified in the LERAA 2023:

Recognition and Rights

- Employees and groups can join a union, and unions can join employee organizations. Employers can join employer organizations.
- All parties must avoid interfering with each other's establishment, function, or administration.
- Employers or employer organizations shouldn't try to control employee organizations or unions financially or otherwise.
- Reasonable access to the workplace for recruitment or meetings is granted to trade unions.
- Employees can request a deduction of trade union membership fees from their pay.

Disciplinary Fines and Collective Bargaining

- Employers cannot impose fines for misconduct; alternative measures may include issuing warning letters (electronic) or suspension for serious misconduct. Leave without pay can also be considered relative to the prevailing circumstance.
- Collective agreements must be in writing, signed, specify coverage, expiration date, amendment or termination processes, and dispute resolution mechanisms.
- Copies of collective agreements are submitted to the CEO.

4. Contracts of Service

Illegal Contract Terms: Any terms of a work contract that violate this Act are invalid. Existing valid contracts continue, and the Act applies to them.

Longer Wage Period Approval: Approval is needed for contracts with wage periods or piecework exceeding one month. CEO approval may require specific terms in the contract. A contract of service of more than 2 months shall be in writing.

Written Contract Guidelines: An employer is responsible to provide an employee with work in accordance with his/her contract of service. Contracts can be in Samoan or English, as chosen by the employee. Three original copies are made and distributed: one for the employer, one for the employee, and one for the CEO upon request.

Probation Period: An employee may undergo a maximum of 3-month probation at the commencement of his/her employment. The employer must confirm or terminate the appointment in writing during probation. If not confirmed by the end of the probation, the appointment is considered confirmed.

Employment of people living with disabilities: Employers hiring persons with disabilities must comply with additional conditions in regulations.

5. Terms and Conditions of Employment

Section 38 to Section 49 of the LERA 2013 and Amendment Act 2023 provide clear and transparent terms and conditions of employment for employees in workplaces below:

On a Sunday, an employee whose work is regular on this day is paid at their ordinary rate **but** should be paid double the ordinary rate when an employee on a day off is requested by the employer to work. These conditions also apply to shift employees, aligning with their contract terms and conditions.

Key amendments:

There is no longer a specific reference to shift work given there are other types of workers that may be scheduled to work on a Sunday that will be paid at the normal rate.

During a Public Holiday, an employee who is considered an ordinary employee or shift employee working on public holiday is to be paid double the normal rate. In addition, an employee who is an ordinary either employee or shift employee where a public holiday falls on their usual working day is entitled to a day of rest and their ordinary rate of wages.

Note: Commission holidays approved by the Public Service Commission (PSC) are not covered under LERA therefore a clear decision or policy must be in place on whether they will be recognized and the applicable rate.

Annual Leave Entitlement:

- After working for a consecutive period of 12 months for an employer, an employee is entitled to a 10 day leave package.
- An employee has the right to request for a payment in lieu of annual leave, subject to approval by the employer.

Key amendments:

- Annual leaves can be taken on a pro rata basis within the year it is accumulated.
- Any unused annual leave up to 20 days can be carried forward to the next year with possible extension by mutual agreement.
- Payment in lieu of annual leave no longer requires approval by MCIL CEO.
- An employer who fails to comply with such conditions will be penalised with a WST\$1,000 fine.

For Sick Leave, an employee immediately receives 10 days after a 12-month period of employment service. Such leaves can be taken in pro rata basis after three months of employment. A maximum of 20 unused sick leave days can be carried forward with a possible extension by mutual agreement.

- Amendments are similar to Annual leave i.e., can be taken on a pro rata basis, carry forward up to 20 days

Overtime hours does not apply to domestic workers. If an employee requests an employer to work extra hours, these overtime hours may be compensated with time off by *mutual agreement*. Otherwise, overtime hours are paid at the rate of at least one and a half times (1.5) his or her ordinary rate of pay. This

entitlement may not apply to employees under a contract of service for a managerial position, being paid an annual salary with compensations and commissions included.

- In addition, time off may be granted by the employer in lieu of time at the request of an employee.

For Hours of Work:

- Employees, excluding domestic workers under schedule 3, should not work more than 40 hours per week, 8 hours per day (excluding mealtimes), or continuously for over 4.25 hours without a 1-hour meal break.
- Employees engaged in continuous work may work 8 consecutive hours with a 45-minute meal break. There should be at least 36 consecutive hours of rest in any seven-day period.
- Employers cannot require a 12-hour consecutive work period, and employees must have a minimum 8-hour rest for each day or adjoining days of work.

A shift employee can only work a maximum of 12 hours per day in shift work. When working overtime hours, he/she is paid one and a half (1.5) of his or her ordinary rate. These extra hours can be counted as beyond 40 hours in an average of two weeks.

- Overtime for shift work is now calculated on the average hours over a 2-week period instead of a 3-week period in the principal Act.

Paternity leave is granted on the terms that a medical certificate is provided to prove the presumed date of childbirth, upon a written request by the spouse and that the male counterpart has worked for a period of 12 months.

Maternity Leave

Eligible employees, with a documented pregnancy and a minimum of 12 months of continuous employment, are entitled to maternity leave and payment options under section 44.

Maternity leave, at the employee's chosen time during or after pregnancy, is granted based on two options:

- i. a consecutive period of at least 4 weeks with full pay and 2 weeks without pay, or
- ii. a consecutive period of at least 6 weeks with two-thirds pay.

Employers are prohibited from terminating the service of a female employee during or after pregnancy unless on grounds unrelated to pregnancy or childbirth. The burden of proving unrelated termination reasons lies with the employer.

Maternity protection extends to the right of the female employee to return to the same or an equivalent position at the same rate post-maternity leave. Furthermore, female employees returning to work after maternity leave are granted breaks or a reduction of work hours for breastfeeding or providing milk for

their child. These provisions aim to support the well-being and job security of female employees during the critical period of pregnancy and childbirth.

Performance Management & Termination

- An employee can terminate his or her employment contract for an unspecified period with notice or without notice if certain circumstances apply, e.g., seasonal employee, casual employee, etc., or if the employee's position is made redundant under section 54(A).
- If a contract of service is terminated, an employer may pay an employee in lieu of the employee continuing to work during a notice period; and
- An employee whose employment is terminated under Section 55 is entitled to the payment of all annual leave owing to him or her, including any annual leave accumulated during a part year of employment.

Key amendments stipulate that:

- An employer is prohibited from terminating the employment service of an employee who seeks assistance from any government agency, state owned enterprise or a Trade Union on terms and conditions of labour laws and any other relevant laws.
- If a contract of service is terminated for reasons of conduct or performance, there are procedural requirements that must be met by the employer including three (3) written warnings with an opportunity given to the employee to improve their conduct or work performance.

6. Handling Grievances and complaints

An **employment grievance** refers to a formal, written concern officially lodged with the Ministry of Commerce, Industry, and Labour (MCIL) by an employee regarding a violation of workplace policies, contractual terms, or employment laws.

A **complaint** is a general term for expressing dissatisfaction or concern about any aspect of the workplace. Complaints can be informal and may not necessarily follow a formal procedure.

How do we handle grievances and complaints?

There are two ways to handle complaints and grievances within the Ministry:

I. Issues and Advice

When a Labour Inspector (LI) receives a complaint—whether through a phone call, email, social media, or in person—the **first step** is to assess whether the case should be formally lodged with the Ministry. The

LI will either provide advice according to existing labour laws or give the complainant a form to complete for formal lodging.

If the issue is minor, the LI will advise the complainant on the necessary steps according to the LERA 2013, the Amendment Act 2023, and related regulations. These cases are recorded daily in the [Issues and Advice Database \(Excel\)](#).

If the LI suspects that the case involves a breach of labour laws, the complainant will be instructed to complete the form and officially lodge the grievance with the Ministry.

II. Official Lodgement of Employment Grievance to the Ministry

The following table outlines the key steps and considerations for handling employee grievances through the intervention of labour inspectors:

	Steps to be taken	Explanation
1.	Lodging a complaint	Employees are entitled to lodge complaints with labour inspectors under the provisions of the Labour and Employment Relations Amendment Act 2023. Grievances should be submitted within 90 days from the date the issue arose within workplaces.
2.	Initial Interview and Documentation	Upon receiving a complaint, labour inspectors have the authority to conduct interviews with relevant parties, including employers and employees. An inspector may also request the necessary documents or information related to the employment grievance investigation.
3.	Information Requests	Labour inspectors may request written or oral information from the involved parties within a specified period to further aid in the investigation and resolution process.
4.	Penalty and Compliance Notices	Labour inspectors are empowered to issue penalty notices or compliance notices if, upon investigation, it is found that the employer has violated the provisions of the Act. These notices serve to ensure corrective action and adherence to employment laws.
5.	Conciliation and Settlement	Labour inspectors are mandated to use their best endeavours to assist parties in reaching a settlement through informal conciliation. This involves

		facilitating discussions between the employer and employee to find an amicable resolution to the grievance.
6.	Appeal Process	Parties to a complaint have the right to challenge a decision made by a labour inspector via the Ombudsman Office or in court. This ensures a fair and transparent mechanism for resolving disputes if any party disagrees with the inspector's findings.
7.	Penalties for Non-Compliance	Individuals and employers who are found to have provide false information, fails to furnish requested information, or not attending an interview are subject to fines. This reinforces the importance of cooperation in the grievance resolution process.

7. Redundancy

Key amendments introduced by the 2023 reforms include procedural requirements for redundancies.

Before opting for redundancy, employers must:

- Consider whether an employee is qualified and eligible to be redeployed for another position in the same company.
- Consult with the relevant trade union the employee is a member of on the nature and content of redundancy proposals to mitigate further impacts of redundancy on the employee.
- Provide written reasons for redundancy and ensure to notify the CEO no later than 1 month in advance if a proposed redundancy applies to more than 20 employees.

8. Employment of Children

Key amendments introduced by the 2023 reforms strengthens provisions on the employment of children:

- The Minimum Age for entry into general employment is now 16 years and above.
- However, a child no less than 13 years and under the age of 16 may be employed in light work that is not harmful to the health and development of a child, nor affects school attendance and benefits the school offers. Types of work are prescribed under the light works list included in the regulations.
- A child under the age of 18 is prohibited to engage and be employed in hazardous work listed in the updated regulations that is highly likely to jeopardize the child's health, safety or morals.
- Any person who breaches these conditions commits an offence and is liable to a fine not exceeding 300 penalty units or a term of imprisonment not exceeding three (3) years.

9. Employment of Non-Citizens

If an employee is not a citizen, permanent resident, or Temporary Resident Permit (allowing employment) holder in Samoa, he or she needs an employment permit to legally work in Samoa. The duration of an employment permit has been increased up to 3 years based on assessment by the Ministry. When non-citizens without permits are found within the grounds of the workplace, employers will be penalized.

Work permit requirements and procedures

The Ministry has established a Foreign Employee Employment Permit Policy outlining requirements and procedures for lodging permits for foreign employees. Employers may request a copy to understand more fully the permit processes. Additionally, it is the employer's responsibility to ensure employees are aware of their rights and understand and comply with the existing policies.

- The amendment stipulates that Section 61A grants the CEO power to deny permits to employers for up to a year if they provide false information, breach laws, or if it is in the public interest. A report from the Labour Inspector informs this decision.

10. Employment of domestic workers

Below are key amendments that aims to strengthen and further clarify the terms and conditions for domestic workers:

- A written contract must be provided in a language that is understandable to him or her.
- Must be paid no less than the Minimum Wage
- Ordinary hours should not exceed 45 hours a week, shall not be required to work between 8:00pm and 5:30 unless it is reasonable to do so.
- Employers must not withhold personal documents such as passports.
- Freedom of movement is a fundamental right of the worker specifically during their personal time.
- Domestic workers are also entitled to the same fundamental rights as other categories of workers such as freedom of association and to access complaint and grievance systems with either the employer or the Ministry.

11. Issuance of penalties

Penalties for violations of Labour laws:

- The key amendment for this section is that labour inspectors have the power to issue penalties to employers who do not comply with the labour laws and their recent amendments.
- Refer below clarification of offences and penalty units. It is important to note that inspectors are expected to present their identification card during an inspection:

Breach Description	Penalty Units
	1 unit=SAT\$100
Failure to have a written contract of service applying to an employee.	- 1 unit
Failure to produce a written exemption to a Labour Inspector for inspection. Applies to the employment of children in artistic performances.	- 2 units
Failure to keep an employment record relating to the employment of a child under the age of 18.	- 2 units
Failure to produce a copy of a domestic worker's contract of service that includes the terms and conditions listed in Schedule 3.	- 1 unit
Failure to provide an employee with a written wage statement/payslip.	- 1 unit
Failure to keep or maintain proper employment records that includes the required information according to sub-regulation 1 and 2.	- 1 unit
Failure by employer to provide access to employment records by the employee.	- 1 unit
Failure to produce a permit for foreign employees during inspection.	- 2 units
Failure to produce a contract of service for a permit applicant or permit holder during inspection.	- 1 unit
Failure to attend conciliation as required by a Labour Inspector except unless for unforeseen/emergency reasons.	- 1 unit

**APPENDIX: TERMS AND CONDITIONS OF EMPLOYMENT IN THE LABOUR AND EMPLOYMENT RELATIONS ACT 2013
AND ITS AMENDMENT ACT 2023.**

PART VII: TERMS & CONDITIONS OF EMPLOYMENT	ORDINARY WORKER	SHIFT WORKER	PART TIME WORKER	PIECE WORKER
Section 38: Working on Sunday 1. An employee is paid double if the work is requested by the employer, considering this day is his/her normal day off. 2. An employee is paid the normal rate if this day is his/her normal shift day.	YES N/A	YES YES	YES N/A	YES N/A
Section 39: Public Holidays 1. An employee is paid normal if this day is a day off and is not requested to work. 2. When an employer requests an employee to work, there are two options for payment: i. Pay the employee the double rate, or ii. Pay the employee the normal rate with a day off to substitute for the public holiday.	YES YES YES	YES YES YES	YES YES YES	YES YES YES
Section 40: Annual Leave ‘AL’ 1. Once an employee completes a consecutive service of 12 months, he or she is entitled to 10 days AL with the options below on how it can be taken: i. Be granted taken in a pro-rata basis in which the leave is accumulated, and ii. Carry forward to a subsequent year. iii. Carry forward a maximum of 20 AL days.	YES YES YES	YES YES YES	YES YES YES	YES YES YES
Section 41: Payment in lieu of Annual Leave 1. Upon mutual agreement, an employer will have the AL entitlement paid to an employee instead of utilizing it.	YES	YES	YES	YES

Section 42: Sick Leave ‘SL’ <ol style="list-style-type: none"> 1. After completion of a consecutive of 12 months of service to an employer, an employee is entitled to at least 10 days SL. 2. An employee is entitled to take SL after 3 months of commencement date on a pro rata basis. 3. Provide medical certificate when an employee is unwell for at least 3 days on a consecutive basis. 4. Entitled to carry forward 20 days’ sick leave and can be extended upon mutual agreement. 	YES YES YES YES	YES YES YES YES	YES YES	YES
Section 43: Maternity Leave <ol style="list-style-type: none"> 1. Once a female employee completes a 12 months of employment service to an employer, she is entitled to 6 weeks ML. 2. Women who go through miscarriages during the third trimester of pregnancy or who give birth to still born child is entitled to ML. 3. An employee must notify the employer in writing of the date she intends to return to work after utilizing this entitlement. 	YES YES YES	YES YES YES	YES YES YES	YES YES YES
Section 44: Options for payment of maternity leave <ol style="list-style-type: none"> 1. Pay the first four weeks of the ML in full and the last two weeks without pay, or 2. Pay the 6 weeks of ML with two-thirds of the normal pay of the employee. 	YES YES	YES YES	YES YES	YES YES
Section 45: Maternity Protection <ol style="list-style-type: none"> 1. An employer must not terminate a service of a female employee during pregnancy, except on the grounds unrelated to pregnancy or birth of a child. 2. The female employee has the right to return to the same position or an equivalent position paid at the same rate when she first took her maternity leave. 3. A female employee must be provided with the right to one (1) or more daily breaks or a daily reduction of hours of work to breastfeed or provide milk for her child. 	YES YES YES	YES YES YES	YES YES YES	YES YES YES
Section 46: Paternity leave ‘PL’				

1. Upon completion of 12 months of service to an employer, he is entitled to 5 days of PL.	YES	YES	YES	YES
2. He must provide a medical certificate of the child as well as the presumed date of childbirth, and	YES	YES	YES	YES
3. Written confirmation must be provided via letter from his wife or spouse.	YES	YES	YES	YES
Section 47: Hours of Work				
1. An employee other than domestic worker must not require working for more than 40 hours (excluding mealtimes) in any one week.	YES	N/A	N/A	N/A
2. Employee must not require working for more than 8 hours a week (excluding mealtimes) on any one day: or	YES			
3. For more than four (4) and one-quarter hours continuously without an interval of one (1) hour for a meal.	YES			
4. An employee who is engaged in work which must be carried on continuously may be required to work for eight (8) consecutive hours inclusive of a period of at least 45 minutes.	YES			
5. An employee must have at least 36 consecutive hours of rest from work within any seven (7) days.	YES			
6. An employer must not require an employee to work for a period of 12 consecutive hours on any day or adjoining days and must allow a period of rest for the employee of at least (8) hours for each day or adjoining days of work.	YES		<i>Note: They are not required to work for more than 6 hours daily.</i>	
Section 48: Overtime for extra work				
An employee other than a domestic worker to whom schedule 3 applies must be paid for work at the rate of at least one and a half times his or her ordinary rate of pay where the work carried out:	YES	N/A	N/A	N/A
(a) Exceeds eight (8) hours in any day and				

<p>(b) His or her employer requested extra work.</p> <p>2. An employee can request time off in lieu of overtime.</p> <p>3. Overtime conditions in (1) and (2) do not apply if:</p> <p>a. the employee is managerial personnel.</p> <p>b. the employee is paid an annual salary; an</p> <p>c. the annual salary includes compensation for the likelihood of working hours that are additional to an employee's ordinary hours of work</p>	<p>YES</p> <p>YES</p>			
<p>Section 49: Shift Work</p> <p>1. An employee who works under a contract of service in regular shift work may be required by the employer to work.</p> <p>2. More than six (6) consecutive hours in one (1) day; or</p> <p>3. more than eight (8) hours in one (1) day; or</p> <p>4. more than 40 hours in one (1) week; or</p> <p>5. at least 12 hours in one (1) day.</p> <p>6. If a shift employee works on average more than 40 hours per week over a period of two (2) weeks, he or she is entitled to overtime to be paid at one and a half times his or her ordinary rate of pay.</p>	<p>N/A</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>	<p>N/A</p>	<p>N/A</p>
<p>Section 50: Piece Work</p> <p>1. An employee is entitled to be paid wages by his or her employer in proportion to the amount of piece work which he or she has performed.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>YES</p>

KEY: Yes – simply signifies that employees are entitled to such terms and conditions of employment, N/A means Not Applicable.

Contact information:

I. Ministry of Commerce, Industry and Labour (MCIL)

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II. Industrial Relations, Employment Permit and Occupational Safety and Health Division (IREPOSH)

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