

SAMOA

LABOUR AND EMPLOYMENT RELATIONS REGULATIONS 2025

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PURSUANT to section 83 of the Labour and Employment Relations Act 2013, **I, TUIMALEALIIFANO VA'ALETOA SUALAUVI II**, Head of State, acting on the advice of Cabinet, **MAKE** these Regulations:

DATED this^{16th}..... day of^{JANUARY}..... 2025.


.....
(Tuimalealiifano Va'aletoa Sualauvi II)
HEAD OF STATE

REGULATIONS

PART 1 PRELIMINARY

1. Citation and commencement - These Regulations may be cited as the Labour and Employment Relations Regulations 2025, and commence on the date they are signed by the Head of State.

2. Interpretation - In these Regulations, unless the context otherwise requires:

“Act” means the Labour and Employment Relations Act 2013;

“artistic performance” means singing, dancing, modelling, engaging in a sporting activity, acting or appearing, on a television, film, movie, theatre, plays, live entertainment on radio or internet programs or productions, appearing in promotional events or advertising, working as a photographic subject, playing a musical instrument, any work of an artistic or creative nature which includes acting, painting and art, drawing, weaving, producing handicraft and all kinds of cultural and traditional performances and art;

“child” means a person under 18 years of age;

“dangerous heights” means working at a height which poses a risk of harm to a child’s health and safety, taking into account relevant hazards and factors including the child’s age, sex, size, development status and working environment factors;

“designation” means the work an employee is entitled to carry out under the conditions of his or her contract of service or an employment permit;

“employee living with a disability” is a person living with a disability who is an employee;

“employment permit” has the same meaning as provided under the Act;

“hazardous work” means work of a type listed in Schedule 2;

“heavy loads” means a load which poses a risk of harm to a child’s health and safety, taking into account relevant hazards and factors including the child’s age, sex, size, development status and working environment factors;

“permitted light work” means work of a type listed in Schedule 1.

PART 2 EMPLOYMENT OF CHILDREN

3. Conditions of permitted light work-(1) An employer may employ a child between 13 and 15 years of age in permitted light work provided that the child:

- (a) must not be required to work for more than 3 hours per day on a school day, or more than 4 hours on a non-school day;
- (b) must not work during school hours on a school day;
- (c) must not work before 6 am or after 6 pm on any day;
- (d) must not work on Sunday; and
- (e) must be provided a rest break of no less than 15 minutes after 2 hours of continuous work.

(2) An employer must provide a child with information and training on occupational safety and health at the commencement of his or her employment.

(3) An employer must ensure that at all times, a child is in the presence and supervision of a person aged 18 years or over in the workplace.

(4) An employer must not extend a child’s working hours under subregulation (1)(a) in any circumstances.

(5) An employer must ensure that a child has safe and reliable transport to and from the workplace.

4. Exception relating to artistic performances-(1) Despite Regulation 3, a child under the age of 16 years may be employed in an artistic performance, provided that the CEO has granted permission for an exemption under subregulation (2).

(2) If an employer applies in writing to the CEO for an exemption, the CEO must either decline the application for exemption or grant a written exemption that states:

- (a) the number of hours the child may work which will not interfere with the child's education or attendance and participation in school;
- (b) the work does not infringe on the dignity of the child;
- (c) the consent of a parent or a guardian;
- (d) the child will be supervised by a person of 18 years of age or over; and
- (e) the work does not present a danger to the health or safety of the child, having regard to his or her age or physical development.

(3) An employer who fails to produce a written exemption granted under this regulation for inspection at the request of a Labour Inspector commits an offence and is liable to a penalty notice.

5. Hazardous work - A person must not engage or employ a child in any hazardous work.

6. Records relating to children-(1) An employer who employs a child, must, in addition to keeping the information specified in Regulation 12, keep the following information relating to that child:

- (a) the name, birth date and address of the child;
- (b) the name, address and contact details of a parent or a guardian of the child.

(2) An employer, who fails to produce a record of child employees at the request of a Labour Inspector commits an offence and is liable to a penalty notice.

PART 3 EMPLOYMENT OF PERSONS LIVING WITH DISABILITIES

7. Medical attention-(1) A employee living with a disability and requiring medical attention is entitled to sufficient time off work to seek medical attention as is reasonable in the circumstances.

(2) An employer may provide transportation for the purposes of subregulation (1) if it is practical and reasonable to do so.

8. Special facilities - If an employee living with a disability requires special or modified equipment or facilities in a workplace, an employer may take such measures as are reasonable in the circumstances, to ensure that such equipment and facilities are provided or modified accordingly.

PART 4 EMPLOYMENT OF DOMESTIC WORKERS

9. Requirements of written contracts-(1) An employer who employs a domestic worker must have a written contract of service between the employer and the domestic worker that complies with Schedule 3 of the Act.

(2) An employer who employs a domestic worker must produce, at the request of a Labour Inspector, a copy of a domestic worker's contract of service.

(3) An employer who contravenes this regulation commits an offence and is liable to a penalty notice.

10. Rest and meal breaks-(1) A domestic worker must be provided with a paid rest period of at least 15 minutes after 3 hours of continuous work.

(2) A domestic worker must be provided with an unpaid meal break of at least 45 minutes after 4 hours continuous work, including any paid rest period under subregulation (1).

(3) A domestic worker and his or her employer may agree in writing that meals shall be provided by the employer.

PART 5 WAGE STATEMENTS, EMPLOYMENT RECORDS AND EMPLOYMENT DATA

11. Wage statements-(1) At the end of every wage period, an employer must provide an employee with a written or electronic wage statement that includes:

- (a) the employee's name;
- (b) the employee's role or nature of employment;
- (c) the duration of the wage period;
- (d) the days or hours worked;
- (e) the rate of the employee's wages;
- (f) any overtime worked and the rate of overtime payments;

- (g) the gross earnings of the employee;
- (h) allowances or other payments due to the employee;
- (i) deductions in accordance with section 27 of the Act;
- (j) the net amount due to the employee after all deductions have been made in respect of the wage period.

(2) An employer who fails to provide an employee with a wage statement at the end of a wage period commits an offence and is liable to a penalty notice.

12. Employment records-(1) An employer must keep and maintain an employment record for each employee in accordance with subregulation (2).

(2) An employment record must include the following information:

- (a) the name, birth date, gender and address of the employee;
- (b) the employee's Samoa National Provident Fund, Accident Compensation Corporation and any other National Identification numbers;
- (c) the employee's designation or job;
- (d) the wages paid to the employee during each wage period;
- (e) the hours worked by the employee during each wage period including the employee's attendance records whether electronic or manual;
- (f) any allowances or other benefits paid to the employee during each wage period;
- (g) an itemised list of deductions from wages during each wage period;
- (h) any overtime worked during each wage period and the amount of overtime paid to the employee;
- (i) the date the employee's employment commenced;
- (j) the date the employee's contract of service expires if his or her employment is for a fixed term or is subject to an employment permit;
- (k) the record of leave entitlements; and
- (l) the record of a foreign employee's employment number.

(3) An employer who fails to keep or maintain an employment record in accordance with subregulation (1) commits an offence and is liable to a penalty notice.

13. Access to employment records-(1) An employee or representative of the employee may request in writing to his or her employer, to view his or her employment records and to access a copy of those records including payslips, contract, confirmation employment letters and employment reference.

(2) An employer who receives a request from an employee or representative of the employee under subregulation (1) must provide the information within 5 working days from the date of the request.

(3) An employer who fails to provide an employee with his or her employment records within 5 working days from the date of a request under subregulation (1) commits an offence and is liable to a penalty notice.

14. Employment data-(1) The CEO may in writing request that an employer;

- (a) provide the information specified in Schedule 3;
- (b) provide an employment record specified in regulation 12.

(2) An employer who receives a request from the CEO under subregulation (1), must provide the information within 10 working days from the date of the request.

PART 6

FOREIGN EMPLOYEE EMPLOYMENT PERMITS

15. Categories of employment permits - The CEO may, for the purposes of applying the relevant factors to be considered under section 60 of the Act:

- (a) develop and publish one or more categories of employment permits that may be issued;
- (b) use such data as is appropriate for the purpose of determining categories of employment permits that may be issued; and
- (c) have permits of different durations according to the category of an employment permit.

16. Evidence required for an employment permit - The CEO may, for the purpose of considering an application under Part 9 of the Act, require:

- (a) a written request to the CEO from the employer providing the rationale for employing a person to whom section 58(1) of the Act applies;
- (b) a police clearance and medical clearance;
- (c) a copy of the business license, foreign investment certificate, staff payroll, receipts of income tax records, National Provident Fund contributions and Accident Compensation Corporation contributions;
- (d) proof of an applicant's identity;
- (e) an original letter of offer from a prospective employer;
- (f) evidence of qualifications;
- (g) work references related to the proposed position;
- (h) a copy of the position advertisement within the local labour market;
- (i) any other evidence necessary to determine the merits of an application.

17. Application by existing employment permit holder for new permit - The holder of an employment permit that, after the expiry of that employment permit, intends to work in Samoa (whether for the same employer and in the same position, or for another employer, or in another position) must apply for a new employment permit within 30 days before the expiry of the existing employment permit.

18. Extension of an employment permit in exceptional circumstances-(1) Despite the provisions of this Part, the CEO may extend an employment permit if an employment permit holder is required to continue working beyond the expiry date on the following grounds:

- (a) due to force majeure; or
- (b) due to Act of God; and
- (c) it is appropriate for the employment permit to be extended having regard to the totality of the circumstances.

(2) The CEO may impose any conditions on an employment permit that is extended under this regulation that the CEO considers appropriate in the circumstances.

19. Inspection of employment permits-(1) An employee to whom section 58(1) of the Act applies, must have his or her employment permit in his or her place of employment, and surrender it for inspection at the request of a Labour Inspector.

(2) An employer who employs an employee to whom section 58(1) of the Act applies must keep a copy of the employee's employment permit in the place of employment, and upon request allow a Labour Inspector to view the permit and the foreign employee's records.

(3) An employment permit holder who breaches subregulation (1) commits an offence and is liable to a penalty notice.

(4) An employer who breaches subregulation (2) commits an offence and is liable to a penalty notice.

20. Withholding documents prohibited-(1) An employer must not withhold an employment permit, passport, identity document or any other document belonging to a employee to whom section 58(1) of the Act applies.

(2) An employer who breaches subregulation (1) commits an offence and is liable to a penalty notice.

21. Recruitment and placement fees - A person including any recruitment agency or employer must not charge an employment permit applicant or an employment permit holder for any recruitment or placement fees or costs.

22. Contract of service to be submitted-(1) An employer must provide a copy of a proposed or existing contract of service relating to an employment permit applicant or employment permit holder at the request of a Labour Inspector.

(2) An employer who breaches subregulation (1) commits an offence and is liable to a penalty notice.

23. Attempt to impede inspection - An employer or a representative of an employer who intentionally takes steps to impede a Labour Inspector in the discharge of his or her duties in relation to the inspection of employment permits by persons at a workplace commits an offence and is liable to a penalty notice.

PART 7
LABOUR INSPECTION

24. Identification of Labour Inspectors-(1) A Labour Inspector must carry an identification card and produce it as evidence of his or her identity when discharging his or her functions under sections 16 or 17 of the Act.

(2) An identification card must include the following information:

- (a) the full name of the Labour Inspector;
- (b) a photograph of the Labour Inspector;
- (c) a description of a Labour Inspector's authority to inspect a place of employment under sections 16 or 17 of the Act;
- (d) the signature of the CEO;
- (e) the date the identification card expires; and
- (f) the official seal or stamp of the Ministry.

25. Notification of inspection - A Labour Inspector who visits a place of employment for the purpose of conducting an inspection must:

- (a) identify himself or herself to the employer on arrival and produce his or her identification card; and
- (b) if the inspection is without notice to the employer, produce evidence of the CEO's written approval to inspect the workplace.

26. Code of ethical conduct - A Labour Inspector must comply with the code of behavior for Labour Inspectors in Schedule 4.

27. Compliance notices-(1) A CEO or Labour Inspector may issue a compliance notice under section 16(2)(d) of the Act, and a Labour Inspector may issue a compliance notice under section 17(2)(d) of the Act in the prescribed form as provided in Schedule 6.

(2) If a CEO or Labour Inspector issues a compliance notice, he or she must do so in writing, and include the following information:

- (a) the provision of the Act or the Regulations that the CEO or Labour Inspector believes on reasonable grounds has been breached;

- (b) the reasons in which the CEO or Labour Inspector believes on reasonable grounds the Act or Regulations have been breached;
- (c) the action that must be taken by the employer to comply with the Act or Regulations;
- (d) the timeframe by which the employer must comply with the Act or Regulations, which is 10 working days from the date of the compliance notice;
- (e) the consequences of not complying with the compliance notice;
- (f) the person's right to challenge the compliance notice; and
- (g) any other information that is material to the compliance notice.

28. Penalty notices-(1) A penalty notice may be issued by:

- (a) the CEO or a Labour Inspector under section 16(2)(e) of the Act; or
 - (b) a Labour Inspector under section 17(2)(c) of the Act,
- for the offences listed in Schedule 5 in the prescribed form as provided in Schedule 7.

(2) A penalty notice, must be in writing and include the following information:

- (a) the provision of the Act, or the Regulations that have been breached;
- (b) the grounds on which the CEO or Labour Inspector believes that the Act or Regulations have been breached;
- (c) the amount of the fine imposed by the penalty notice;
- (d) how the fine imposed by the penalty notice is to be paid;
- (e) that the penalty notice must be paid within 28 days of the date of the penalty notice;
- (f) the consequences of not complying with the penalty notice;
- (g) a person's right to challenge a penalty notice; and
- (h) any other information that is material to the penalty notice.

29. Procedure-(1) A person who has been served with a penalty notice may elect to pay the fine stated in the notice, within the time specified in the notice.

(2) The payment of a fine under this section is to be made to the Office of the Ministry as approved by the CEO.

30. Effect of payment of fine-(1) The payment of a fine under regulation 29 avoids any further prosecution for the offence specified in the penalty notice.

(2) No conviction is to be recorded against the person served with a penalty notice if the person elects to pay the fine specified under these Regulations.

(3) Nothing in these Regulations is to be construed as depriving a person of his or her right to be tried for the offence alleged against the person.

PART 8 GRIEVANCE AND COMPLAINTS PROCEDURES

31. Lodging a grievance or complaint-(1) A grievance or complaint must be lodged with the Ministry in writing by an employee or representative of the employee.

(2) The Ministry may publish forms to be used for the purpose of lodging a grievance or complaint.

32. When a grievance or complaint may be declined -
A Labour Inspector may decline a grievance or complaint if:

- (a) the complaint or grievance has not been made or lodged with the Ministry in writing;
- (b) the complainant has failed to provide sufficient information or documentation to enable the grievance or complaint to be progressed, within the period of time specified in writing by the Labour Inspector;
- (c) the grievance or complaint is trivial, frivolous or vexatious; or
- (d) the grievance or complaint has not been submitted within 90 days from the date when the matter giving rise to the grievance or complaint came to the attention of the complainant.

33. When a grievance or complaint is deemed to be abandoned - A Labour Inspector may decide to close a complaint or grievance and take no further action if:

- (a) the complainant cannot be located;
- (b) the respondent cannot be located;
- (c) the complainant withdraws the grievance;
- (d) the complainant fails to attend an interview requested by a Labour Inspector;
- (e) the complainant fails to provide further information or documentation requested by a Labour Inspector within 20 working days of the request; or
- (f) it is reasonable in the circumstances for the Labour Inspector to close the complaint or grievance.

34. Conciliation of grievances-(1) A Labour Inspector may conciliate a grievance by:

- (a) exchanging letters;
- (b) phone calls;
- (c) requiring individual conciliation meetings with the complainant and respondent;
- (d) requiring joint conciliation meetings between the complainant and respondent;
- (e) other means that are appropriate in the circumstances.

(2) An employer must attend to a conciliation when required under subregulation 1(c) and (d) of this Regulation.

(3) An employer who fails to attend a conciliation under subregulation (2) of this Regulation is liable to a penalty notice as prescribed by Schedule 5.

35. Confidentiality and conflicts of interest-(1) A Labour Inspector must keep confidential any statement, admission, or document that is made or provided during the conciliation process unless all of the parties to the conciliation process agree otherwise.

(2) A Labour Inspector must excuse himself or herself from conciliating a grievance if his or her involvement in conciliating the grievance gives rise to an actual or perceived conflict of interest.

36. Settlement agreements-(1) If a grievance is settled between the parties by conciliation, a Labour Inspector must prepare a written settlement agreement recording:

- (a) the terms agreed by both parties;
- (b) the signatures of the parties; and
- (c) the signature of the Labour Inspector.

(2) A settlement agreement may make provision for one or more of the following:

- (a) the payment of any wages or other entitlement owing to an employee under the Act;
- (b) the payment of compensation for harm, distress or humiliation to an employee;
- (c) reinstatement of an employee to his or her former position if he or she was terminated from employment;
- (d) an apology;
- (e) an undertaking to make changes to workplace practices;
- (f) other such terms that are appropriate in the circumstances.

(3) Before the parties sign a settlement agreement, the Labour Inspector must advise the parties of the following:

- (a) the terms of the agreement;
- (b) that they may seek independent legal advice; and
- (c) that by signing the agreement, it is final and binding on them.

PART 9 MISCELLANEOUS

37. Notices - If the CEO or Labour Inspector issues a notice under the Act or Regulations, a person is deemed to have been served the notice if:

- (a) the notice is served in person;
- (b) the notice is left at the person's last known residence or place of business;
- (c) the notice is posted to the person's last known postal address; or
- (d) the notice is served by another method, provided such method is agreed to by the person.

38. Appeals-(1) A person to whom a notice of a decision is served under the Act, and to which this regulation applies to, has the right to appeal the decision to the CEO.

(2) A decision for the purpose of this regulation includes:

- (a) a compliance notice issued under section 16(2)(d) or section 17(2)(d) of the Act;
- (b) a penalty notice issued under section 16(2)(e) or section 17(2)(c) of the Act;
- (c) a decision relating to the granting of an employment permit under section 60 of the Act;
- (d) a decision relating to revoking an employment permit under section 61 of the Act;
- (e) a decision relating to restricting an employer under section 61A of the Act.

(3) This regulation does not limit any person from applying to a court to have a decision reviewed.

SCHEDULE 1
(Regulation 3)

PERMITTED LIGHT WORK LIST

Industry	Permitted light work
Retail and office work	<p>Cashier;</p> <p>General cleaning using cloths, brooms, mops and vacuum cleaners without the use of harmful cleaning substances;</p> <p>Office and clerical work including filing, record keeping and computer work;</p> <p>Stocktaking which does not include any lifting or carrying of heavy loads or working at dangerous heights;</p> <p>Work as a salesperson;</p> <p>Stocking shelves which does not include lifting or carrying of heavy loads, or working at dangerous heights;</p> <p>Deliveries, postage and dispatching goods, which does not include lifting or carrying of heavy loads.</p> <p>Other general duties of a similar nature in retail and office;</p>

Food and beverage (excluding bars or premises where alcohol is served)	<p>Cashier;</p> <p>General cleaning using cloths, brooms, mops and vacuum cleaners without the use of harmful cleaning substances;</p> <p>Service work such as serving tables, working as a waiter, waitress, dishwasher or kitchen hand;</p> <p>General office assistant;</p> <p>Deliveries which do not include lifting or carrying of heavy loads. Other general duties of a similar nature.</p>
Other	<p>Baby sitting;</p> <p>Light gardening;</p> <p>Meal preparation including cleaning, preparing and serving food but not using sharp implements;</p> <p>Running errands;</p> <p>Washing clothes;</p> <p>Sweeping;</p> <p>Cleaning animal enclosures and providing food and water to animals in circumstances that do not pose a risk of harm to a child's health, safety and development.</p>

SCHEDULE 2
(Regulation 5)

HAZARDOUS WORK LIST

(a) Prohibited work in particular occupations or industries for children under the age of 18

Industry	Prohibited work
Construction	All construction work including: 1. All work involving welding or being in close proximity to welding; 2. All work relating to the connection of electricity, disconnection of electricity or being in close proximity to live wiring; 3. All work relating to concrete laying, carpentry, scaffolding, roofing or other heavy construction on a building site; 4. All work relating to the demolition of a building.
Manufacturing	5. All manufacturing work including work on a mechanical production line.
Port work	6. All work in ports and wharves (excluding office work) and including work as a stevedore, dockworker and labourer.
Medical and clinical work	7. All work in medical facilities including laboratories (other than office work). 8. All work as ambulance staff.
Sanitary services and waste management	9. All work relating to the collection of waste or the disposal of waste (including rubbish and sewage).
Fire prevention services	10. All work as a firefighter.

Airport services	<p>Airport services carried out outside of the terminal, including:</p> <ol style="list-style-type: none"> 11. All work at airports relating to the maintenance, refuelling, loading and flying of any aircraft. 12. Working as ground staff on the tarmac, such as directing aircraft and loading, and unloading luggage from aircraft.
Work at sea	<ol style="list-style-type: none"> 13. Deep sea diving. 14. Night work.
Other hazardous work	<ol style="list-style-type: none"> 15. Mining and quarrying. 16. Transport. 17. Any other hazardous work as determined by the CEO.

(b) Prohibited work relating to specific hazards

Petroleum, gas, water and explosive substances	Any work involving the handling, storage or transportation of water, petroleum, gas or other explosive substances.
Hazardous substances	Any work involving the handling, storage, exposure or transportation of poisons, toxins, diseases or other hazardous substances agents or processes.
Extreme temperatures	Any work involving exposure to extreme heat or cold, such as work in freezers or cool storage or work involving exposure to fire and flames.
Heights	Work at dangerous heights including work as a rigger or scaffolder.
Confined Spaces	Work in confined spaces.
Electricity	Any work involving the maintenance of the supply or connection of electricity including work as a line mechanic.

Heavy machinery and tools	Any work involving operating dangerous or heavy machinery, equipment or tools, including trucks, forklifts, earthmoving equipment, mechanical crushing equipment, hydraulics, or other machinery, equipment or tools of a similar nature.
Heavy lifting	Any work involving the manual handling, lifting or transport of heavy loads.
Mental and psychological stress	Any work that requires a child to see, or participate in any activity that is degrading, sexually exploitative, morally repugnant, inhumane or cruel, including work as a bartender, a masseur or masseuses, as an entertainer, exotic dancer or a personal server in bars and venues where alcohol is served.
Underground work and under water work	Any work that is carried out underground or under water.
Unhealthy environment or difficult working conditions	Work that exposes children to an unhealthy environment such as noise levels, vibrations, fumes or gases or dust and work under difficult conditions such as work for long hours or during the night or work where a child is unreasonably confined to the premises of the employer.

SCHEDULE 3
(Regulation 14)

**Employment data to be submitted by the
employer at the request of the CEO**

1. The trading name of the business on the Business Licence.
2. The company name (if the employer is a registered company).
3. The address of the business
4. Business type and industry
5. Full name of each employee
6. Nationality of each employee
7. The number of non-Samoan citizens who are employed in the workplace
8. The number of Samoan citizens who are employed in the workplace.

SCHEDULE 4
(Regulation 26)

Code of ethical conduct for Labour Inspectors

This Code applies to Labour Inspectors appointed under the Labour and Employment Relations Act 2013.

Knowledge and competence

1. A Labour Inspector must strive to continually improve his or her professional knowledge and skills, and strive to improve his or her service to the community.

Honesty and integrity

2. A Labour Inspector must, in the performance of his or her functions and duties under the Act:

- (a) uphold the standards of professional conduct that apply to the Public Service;
- (b) uphold standards of conduct required by the Ministry; and
- (c) comply strictly with the law.

3. A Labour Inspector must act fairly and reasonably at all times when dealing persons under the Act. He or she shall consider all relevant facts when considering a matter before a decision is made.

4. A Labour Inspector must not accept any gifts, presents, subscriptions, favours, gratuities, promises or special advantage in the performance of his or her functions or duties.

Independence and conflicts of interest

5. A Labour Inspector must act independently, free from political influence, when exercising any functions or powers under the Act and these Regulations.

6. A Labour Inspector must not exercise his or her functions or powers knowing that he or she has an interest, whether directly or indirectly, in any undertaking that is subject to labour inspection under the Act and these Regulations.

7. A Labour Inspector must, without delay, suspend any activity in the performance of his or her functions or duties, if it comes to his or her attention, that he or she may have a real or perceived conflict of interest in relation to that activity. The Labour Inspector must without delay raise the issue with his or her supervisor or relevant Assistant Chief Executive Officer or the CEO.

Confidentiality

8. A Labour Inspector must not disclose confidential information regarding the identity of any person arising from an inspection, investigation, industrial dispute or grievance to any other person other than for the purpose of discharging his or her functions or powers under the Act.

9. A Labour Inspector must not reveal at any time, any manufacturing or commercial secrets or working processes that may come to his or her knowledge in the course of exercising his or her functions or duties.

Records

10. A Labour Inspector must maintain contemporaneous and legible records of any interview or inspection undertaken in the performance of his or her functions and duties, including the date and time of the record.

11. A Labour Inspector must store records securely at all times in accordance with the policies of the Ministry.

SCHEDULE 5
(Regulation 28)

Offences subject to a penalty notice

Provision	Offence	Fine in Penalty Units
Section 35	Failure to have a written contract of service applying to an employee.	1 penalty unit
Regulation 4	Failure to produce a written exemption to a Labour Inspector for inspection	2 penalty units
Regulation 6	Failure to produce an employment record relating to the employment of a child at the request of a Labour Inspector.	2 penalty units
Regulation 9(2)	Failure to enter into a written contract of service with a domestic worker that includes the terms and conditions listed in Schedule 3 of the Act.	1 penalty unit
Regulation 9(3)	Failure to produce a copy of a domestic worker's contract of service that includes the terms and conditions listed in Schedule 3 of the Act.	1 penalty unit
Regulation 11(2)	Failure to provide an employee with a wage statement	1 penalty unit
Regulation 12	Failure to keep an employment record in accordance with subregulation (1)	1 penalty unit
Regulation 13	Failure by employer to provide access to employment records by the employee	1 penalty unit

Regulation 19(3)	Failure of an employment permit holder to produce an employment permit for inspection	2 penalty units
Regulation 19(4)	Failure of employer to keep a copy of the foreign employee's employment permit in the place of employment and upon request allow a Labour Inspector to view the permit and records	2 penalty units
Regulation 20	Withholding an employment permit, passport, identity document or any other document belonging to a foreign employee	2 penalty units
Regulation 22	Failure to produce a proposed or existing contract of service for an employment permit applicant or employment permit holder at the request of a Labour Inspector	1 penalty unit
Regulation 23	Attempting to impede a Labour Inspector	5 penalty units
Regulation 34	Failure to attend conciliation as required by a Labour Inspector	1 penalty unit

SCHEDULE 6
(Regulation 27)

Compliance Notice

Compliance Notice No.....

Under the provisions of Regulation 27, I
.....*[insert the name of*
inspector/enforcer], the CEO/ Labour Inspector (*strike out*
non applicable designations) appointed under the provisions
of Section 14 of the Labour and Employment Relations Act
2013, require you:-

1. Name of employer:

.....
.....

Address of employer:

.....
.....

To comply with the following provision of section
[insert the relevant section] of the Labour and
Employment Relations Act 2013 (Act), or Regulation
[insert the relevant regulation] of the Labour and
Employment Relations Regulations 2025 (Regulations)
by the 10th working day from the date of this compliance
notice:

.....
.....
.....
.....

2. The CEO/ Labour Inspector's (*strike out non applicable*
designation) reasons for his/her belief that the Act, or
Regulations have been breached are: (*list reasons*)

.....
.....
.....
.....
.....

3. The actions that must be taken by the employer to comply with the Act, or Regulations are: *(list actions)*
-
-
-
-
-

Warning

4. Failure to comply with such section of the Act, or such Regulation specified above is an offence under the Act or Regulations, and is punishable by the issuance of a penalty notice under Schedule 7 or prosecution under the Act.
5. If the employer disputes non-compliance with the Act or Regulations, the employer may challenge the compliance notice in court, after the matter has been prosecuted in the District Court.

Date:

Signed:

Print Name:

[CEO/Labour Inspector] *(strike out non applicable designations)*

**SCHEDULE 7
(Regulation 28)**

Penalty Notice

Part A

Notice number.....

Name of employer /Company/Business:

.....
.....

Principal Address/Registered Office of employer/
Company/Business:.....

.....
.....

Background (*where relevant*):

1. At *[insert time]* on *[insert day of week and date]* at *[insert place]*, it is alleged that an offence/breach under the following section of the Labour and Employment Relations Act 2013 (Act) or the following Regulation of the Labour and Employment Relations Regulations 2025 (Regulations) was committed by the employer: - *[Insert section of the Act or regulation of the Regulations]*:

.....
.....
.....

2. The CEO/Labour Inspector's (*strike out non applicable designations*) reasons for his/her belief that the Act or Regulations have been breached are: (*list reasons*)

.....
.....
.....
.....
.....
.....

3. If the offence is not disputed, Part B of this notice may be completed and forwarded together with the prescribed sum by way of payment of the penalty to the Ministry of Commerce, Industry and Labour within 28 days from the date of this notice.
4. The penalty for the alleged offence is \$
5. The penalty must be paid within 28 days from the date of this notice to the Ministry of Commerce Industry and Labour.
6. (a) If the offence is disputed or the penalty is not paid within 28 days from the date of this notice, this matter will be prosecuted and determined in a hearing in the District Court.

(b) If the matter is prosecuted, the employer or employee may make submissions: -
 - (i) contesting whether the offence alleged was actually committed;
 - (ii) as to the penalty and whether such penalty should be reduced;
 - (iii) as to any other relevant matter.
7. Further to paying the penalty connected to this offence, the employer is required to remedy the non-compliance with the relevant provision of the Labour and Employment Relations Act 2013, or the Labour and Employment Relations Regulations 2025 by:
[insert directions to remedy]
.....
.....
.....
.....
.....
.....
.....
.....

Dated.....

Name of CEO/Labour Inspector:

.....

Signature of CEO/Labour Inspector:

.....

Part B

Notice number.....

Date of Notice:.....

Name of employer/Company/Business/employment
permit holder:.....

Penalty: \$.....

The sum of \$..... is enclosed.

Signed by the employer:.....

Print Name:

Date:
