



Tuvalu

**EMPLOYMENT (FAIR WAGES CLAUSES
IN PUBLIC CONTRACTS)
REGULATIONS**

L.N. 10/71



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EMPLOYMENT ORDINANCE

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [Date]

1 Citation

These Regulations may be cited as the Employment (Fair Wages Clauses in Public Contracts) Regulations.

2 Interpretation

In these Regulations —

“**Commissioner**” means the Commissioner of Labour;

“**public authority**” means the Government and any local government authority and includes any other authority, board or body declared by the Minister by notice to be a public authority for the purpose of these Regulations;

“**public contract**” means a contract which fulfils the following conditions —

- (a) that at least one of the parties thereto is a public authority;
- (b) that the execution of the contract involves —

- (i) the expenditure of funds by a public authority, and
- (ii) the employment of workers by the other party to the contract;
- (c) that the contract is a contract for
 - (i) the construction, alteration, repair or demolition of public works, or
 - (ii) the manufacture, assembly, handling or, shipment of materials, supplies or equipment, or
 - (iii) the performance or supply of services; and
- (d) the contract involves the expenditure of an amount of not less than \$5,000;

“**trade union**” means a trade union as defined in the Trade Unions Ordinance.

Cap. 82

3 Provisions applicable to public contracts

Every public contract made hereafter shall, as respects rates of wages, hours of work and conditions of labour, be subject to the following provisions —

- (a) In places where rates of wages and hours and conditions of labour in a particular trade or industry have been established after negotiation between employers and trade unions and are adhered to as a practice of the particular trade or industry in such places, the contractor shall pay rates of wages and observe hours of work and conditions of labour not less favourable to his workers than those established as aforesaid (hereinafter referred to as “established rates and conditions”).
- (b) In places where there are no established rates and conditions, and no trade union which is representative of a substantial proportion of the workers in the particular trade or industry concerned, then rates and conditions which have been established in the district where the work is carried on for contracts of a similar nature shall apply:
Provided that, in the event of failure to reach agreement as to constitute established rates and conditions as aforesaid, the matter shall be referred to the Commissioner who shall act as arbiter and whose decision or award shall be final and binding upon the parties to the contract.
- (c) The contractor or sub-contractor shall post notices, in conspicuous places in the establishments and work places concerned, informing the workers of the rates of pay and other conditions of work.

4 Certificate of tenderer for public contract

No tenderer for public contracts shall be accepted unless and until the tenderer has satisfied to the satisfaction of the Commissioner that the wages, hours of work and conditions of labour of all workers employed by him are fair and reasonable.

5 Duties of contractor and sub-contractor

- (1) The contract shall not transfer or assign directly or indirectly to any person or persons whatever any part of his contract without the written permission of the public authority.
- (2) A sub-contractor shall in relation to the requirements of these Regulations be bound in all cases to conform to the conditions of the main contract in so far as they apply to him and the main contractor shall be responsible for the observance of all contract conditions on the part of sub-contractors, so far as conditions of labour are concerned.

6 Contractor's certificate

On completion of the work contracted for, the contractor shall file with the Commissioner a certificate showing —

- (a) the rates of wages and hours of labour of various classes of workers employed in the execution of the contract;
- (b) whether any wages in respect of the said work and labour remain in arrears; and
- (c) that all other labour conditions of the contract have been duly complied with.

7 Further information

The contractor shall also furnish to the Commissioner such further detailed information and evidence as the Commissioner may from time to time deem necessary to satisfy him that the conditions of these Regulations are being or have been complied with.

8 Consequence of contractor's default in payment

Should the contractor default in payment of any money in respect of wages due to any worker employed by him on a contract and should such worker file a claim for such wages with the Commissioner and should he furnish proof thereof

to the satisfaction of the Commissioner, then the Commissioner may, failing payment by the contractor, arrange for the payment of such claim out of the monies at any time payable under the said contract and an amount so paid shall be deemed a payment to the contractor.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References