



**Monday 25 April 2022**  
**MEMBERS PRE-SITTING BRIEFING**

A total of 38 Members convened at the Maota o Tofilau Eti Alesana - Conference room on Monday 25<sup>th</sup> April for their usual Member's Pre-Sitting Briefing. The Briefing was chaired by the Hon Mr Speaker and began with an opening prayer by the Deputy Speaker. There was one Bill on the Agenda, *Labour and Employment Relations Amendment Bill 2022*. The CEO of the Ministry of Commerce, Industry and Labour attended to present an overview of the Bill and to respond to queries and concerns raised by the Members.

**(1) Labour and Employment Relations Amendment Bill 2022.**

**Presenter:** Afioga Pulotu Lyndon Chu Ling  
*Chief Executive Officer - Ministry of Commerce Industry and Labour.*

Chief Executive officer of the Ministry explained that the Bill seeks to amend the Labour and Employment Relations Act 2013 ("Principal Act"). It is to improve consistency and ratified International labour Organization conventions, clarify terms and conditions of employment, clarify the role of labour inspectors, and improve processes for resolving employment grievances and complaints and to provide for a process regarding the termination of employment. He further explained that this Bill went through the proper process of consultations before presenting.

**Queries raised by Members:**

- Member for Lepa and Leader of the Opposition commended the introduction of the Bill however advised that it would have been more convenient if the Bill and related information are made available for them beforehand. This would give them ample time to prepare ahead especially the Bill has several clauses.

The member also raised the issue regarding conditions to employing a minor. Clause 32, section 51 permits a 13-year-old to engage in light work employment the Member questioned, what is the definition of "*light work*". This needs to be clarified to ensure the safety of the minor. He further suggested that 16 year olds should be given entrance to work for general employment and 18 year olds to be employed in more heavy work, based on our Fa'asamoa culture and way of life where parents would need the assistance of the children for the development of their families.

The Member also pointed out the importance of amendments made regarding 'sex and female' in the workplace and the role of women in our community

whereby equal rights should be enhanced. He continued to mention the significance of enforcing policies whereby couples are prohibited from working together especially in Government Ministries as this is where issues may arise.

He stressed on the inconsistency in translations, clarified that in clause 7, section 13, substitute 'manpower' with 'employees', however in the Samoan version the amendment remains the same 'tagata faigaluega'. Advised that translation should be consistent to avoid confusion. The Member also advised the Ministry on their process to re-adjust wages for casual employees to make sure that there is a solid balance between the wage earners and the permanent workers so that other business people and companies are not affected as they also contribute to our economy.

*CEO: Responded to the matters raised by the Opposition Leader and stated that there will be regulations in place to clearly define what "light work" is. He noted that the Ministry has taken into account the Member's suggestions to improve the Bill.*

- Other Members queried the amendments made to leave entitlements of employees.
- The Member for Anoamaa No.2 sought an explanation from the Ministry on the status of 'leave' for employees especially at this time of Covid-19 specifically for those working in Companies.
- Member for Satupaitea commended the Ministry for the bill and noted that this bill was in discussion during his time as Minister and commends the CEO and staff for ensuring that the draft comes to fruition. He reminded the Ministry that they should encourage their employees to take leave when necessary, it is the sole purpose of having Sick leave, is to utilize it when sick. He also suggested one way to monitor leave usage is through auditing and follow up.

*The CEO of the Ministry of Commerce, Industry and Labour made note of the following issues raised by the Members and noted that there will be further amendments to the bill as the issues raised will benefit and improve the bill. He also offered clarification on the leave requirement in the amendment specifically for companies during Covid-19 so that workers are entitled to special leave when affected by the virus.*

- Member for Sagaga No.2 suggested the word 'aiga faasoesa' is wrongly used to translate 'sexual harrassment' as it implies a different meaning. He noted that there should be accurate translation to avoid confusion.

- 
- The Hon Prime Minister questioned whether the Ministry has made changes referring to Clause 33 section 52 on Maternity and paternity leave.

*The CEO clarified that they have not made changes to the Maternity and Paternity leave as it comes with a huge pay-out but there will be a time.*

*The CEO acknowledged the Hon. Speaker and Hon Members for their time and interest on the Bill and concluded his presentation.*

**The Members Briefing concluded at 11:11am**

---