

REPUBLIC OF KIRIBATI
(No. 3 of 2008)

I assent,

Beretitenti
Assented: 15th May 2008

AN ACT TO AMEND THE TRADE UNIONS AND EMPLOYER ORGANIZATIONS ACT

Commencement:
2008

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

1. Short Title

This Act may be cited as the Trade Unions and Employer Organizations (Amendment) Act, 2008

2. Repeal of Section 21

Section 21 of the Trade Unions and Employer Organizations Act (No. 1 of 1998) is amended at section 21 by repealing it and substituting it as follows:-

"21(1) Workers and employers shall have the right, in accordance with law, to establish organizations in cooperation with others, without any discrimination, for the promotion and protection of their economic and social interests and to join any such organization of their choice.

(2) Workers and employers organization shall have the right to joint a federation of trade unions or a federation of employers organizations, and to affiliate with, and participate in the affairs of any international workers organization, or international employers organization and to contribute to, or receive financial assistance from those organizations.

(3) Subject to this Act, nothing contained in any law shall prohibit any worker from being or becoming a member of any trade union, or cause a worker to be dismissed or otherwise prejudiced by reason of that worker's membership or participation in the activities of a trade union.

(4) No employer shall make it a condition of employment of any worker, that such worker shall neither be nor become a member of any or a particular trade union or

other organization representing workers in any trade or industry, and any such condition in any contract of employment entered into before or after the commencement of this Act shall be void.

(5) Any employer who contravenes subsection (4) and every person who, whether acting on his own behalf or on behalf of a trade union or of an employer or employer organization, and whether or not acting in contemplation or furtherance of a trade dispute, compels, persuades or induces or attempts to compel, persuade or induce, any employer to contravene subsection (4) shall be liable to a fine not exceeding \$1000 and to a term of imprisonment not exceeding 6 months".

TRADE UNIONS AND EMPLOYER ORGANIZATIONS (AMENDMENT) ACT 2008

EXPLANATORY MEMORANDUM

Kiribati has ratified the International Labour Organization (ILO) core Conventions on the freedom of association and collective bargaining. The object of this Act is to give effect to those said Conventions. In doing so, the Act expands on Section 13 of the Constitution dealing with the protection of freedom of assembly and association.

The only amendment in this Act is the amendment to Section 21 by repealing the old same section and protects the employers' and the workers' from establishing their own organizations of their own choosing for the furtherance of their occupational and industrial interests. The amendments also guarantee the rights of workers and employers to establish and join federations and to affiliate with international organizations. The current protections against discrimination for trade union membership and activities are retained.

Titabu Tabane
Attorney General