

AN ACT

to establish an Inquiry into minimum conditions of employment and related matters, and for related purposes.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

1           Section 1. Short title.

2                       This Act may be cited as the Labor (Minimum Conditions)  
3 Inquiry Act 1983.

4           Section 2. Purposes of this Act.

5                       (1) The people of any country are entitled to expect that,  
6 within the natural limits imposed by the resources of the country and its  
7 opportunities for development, they will be able by their labor to achieve  
8 at least a dignified standard of living, above the poverty line.

9                       (2) In the past in the Marshall Islands, this was effectively  
10 guaranteed by the subsistence economy and by traditional and family ties.  
11 In an increasingly cash-oriented economy this is ceasing to be true, and  
12 it becomes a function of modern government to take positive steps to ensure  
13 a fair minimum distribution of the proceeds of labor and industry.

14                      (3) Central to the modern needs is the need for guaranteed  
15 minimum wages, in line with the capacity of the economy to pay, and it is  
16 a function of good government to seek to identify what are the requirements  
17 in the way of wages to allow all the people to have a reasonable standard  
18 of living, at least enough to support themselves and their dependants  
19 with dignity and self-respect.

1                   (4) Equally, such matters as hours of labor and the  
2 employment of children and young persons must be considered by Government  
3 and, if necessary, regulated.

4                   (5) The purpose of this Act is to establish an Inquiry into  
5 the needs of the country for fixed minimum wages and other minimum standards  
6 of employment, and into how the principles set out above can best be  
7 implemented in the economy of the Marshall Islands.

8                   Section 3. Establishment of the Inquiry.

9                   An Inquiry into Minimum Conditions of Employment for workers  
10 in the Marshall Islands is hereby established.

11                   Section 4. Membership of the Inquiry.

12                   (1) The Inquiry shall be conducted by a Board of such persons  
13 as are appointed by the Cabinet, with the approval of the Mitijela signified  
14 by resolution.

15                   (2) The membership shall include representatives of the  
16 Government as an employer, of Government employees, of employers in the  
17 private sector and of employees in the private section, and there shall be  
18 equal representation of each of those four categories.

19                   (3) The compensation (if any) of members of the Board  
20 is as determined by the Cabinet.

21                   Section 5. Consultant.

22                   (1) The Cabinet shall arrange for the appointment of at  
23 least one consultant to the Inquiry, who shall be a person of wide experience  
24 with the conomic, social and employment needs of smaller developing  
25 countries.

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1                   (2) Before making an appointment under Subsection (1)  
2 the Cabinet shall seek the advice and assistance of the International  
3 Labour Organization and any other interested specialized agencies of the  
4 United Nations.

6           Section 6. Terms of reference of the Inquiry.

7                   (1) The precise terms of reference of the Inquiry are such  
8 as are, consistent with the principles set out in Section 2 and with  
9 Subsection (2), determined by the Cabinet, with the approval of the Mitijela  
10 signified by resolution.

11                   (2) In particular, the Inquiry -

12                           (a) shall take into account both the cost of living,  
13                                 and methods of alleviating it, and the capacity of  
14                                 the economy to pay; and

15                           (b) may recommend for a range of minimum wages; and

16                           (c) shall make recommendations concerning the number  
17                                 of working hours and payments of overtime; and

18                           (d) shall make recommendations in respect of dangerous  
19                                 work and the payment of penalty rates for such  
20                                 work; and

21                           (e) shall make recommendations concerning minimum  
22                                 ages for employment, taking into account not only  
23                                 age but the nature of the work concerned; and

24                           (f) shall recommend ways in which minimum conditions  
25                                 may be introduced, and revised from time to time;  
26                                 and  
27

1 (g) may make such recommendations and suggestions  
2 related to though not strictly within its  
3 terms of reference, as it thinks proper.

4 (3) In dealing with its terms of reference, the Inquiry  
5 shall take fully into account any International Labour Organizations  
6 Conventions that are, or should be, binding on the Republic.

7 Section 7. Powers of the Inquiry.

8 The provisions of the Legislative Procedure Act (1980)  
9 (M.I. Code, 1975 Sections 1.901 through 1.910) apply to and in relation  
10 to the Board as if it were a committee of the Nitijela.

11 Section 8. Procedures of the Inquiry.

12 (1) The Board shall appoint one of its members to be the  
13 chairman.

14 (2) The Board shall meet in public and hold public  
15 hearings, except that it may meet privately in executive session for the  
17 purpose of discussion and deliberation.

18 (3) The Board shall keep minutes of its proceedings.

19 (4) Subject to this Act, the Board shall determine its  
20 own procedures (including the quorum).

21 Section 9. Report of the Inquiry.

22 (1) Subject to Subsection (2), at the conclusion of the  
23 Inquiry the Board shall report its conclusions and recommendations,  
24 together with minutes of its meetings and any comments that it cares  
25 to make, to the Speaker, for presentation to the Nitijela, and to the  
26 Cabinet.

1 (2) In any event, the Board shall report before the end  
2 of the Fifth Constitutional Regular Session, 1984, of the Nitijela.

3 (3) The Board may make any interim reports that it thinks  
4 desirable.

5 (4) Any members of the Board may dissent from a report of  
6 the Board, or may make a minority report, and a minority report may be  
7 presented to the Speaker and to the Cabinet in the same way as the  
8 majority report.

9 Section 10. Effective date.

10 This Act becomes effective on the date on which it becomes  
11 law.

11 Certificate

12 I hereby certify:

13 (1) that the above Nitijela Bill No. 10 N.D.-1 has been passed  
14 by the Nitijela of the Marshall Islands on the 30th day of September 1983; and

15 (2) that I am satisfied that Nitijela Bill No. 10 N.D.-1 has been  
16 passed in accordance with the Constitution of the Marshall Islands and the  
17 Rules of the Nitijela.

18 I hereby place my signature before the Clerk of the Nitijela this 17th day  
19 of October 1983.

20 /s/ Atlan Anien  
21 Atlan Anien, Speaker  
Nitijela of the Marshall Islands

22 Attest:

23

24 /s/ Donald F. Capelle  
25 Donald F. Capelle, Clerk  
Nitijela of the Marshall Islands

26 Concurred by High Commissioner Hon. Janet McCov - 10/31/83