

**REPUBLIQUE
DE
VANUATU**
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**REPUBLIC
OF
VANUATU**
OFFICIAL GAZETTE

14 SEPTEMBRE 2015

NO. 79

14 SEPTEMBER 2015

SONT PUBLIES LES TEXTES SUIVANTS

NOTIFICATION OF PUBLICATION

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DETERMINATION 1 of 2015 - DETERMINATION OF SEVERANCE PAY POLICY FOR THE
GOVERNMENT AND AGENCIES OF THE GOVERNMENT.

Notice No. 233 of 2015

This Determination sets out the provision for severance pay to employees of the Government and Agencies of the Government.

PART 1. GENERAL

This determination is issued pursuant to subsection 13(1) of the Government Remuneration Tribunal Act No. 20 of 1998 [CAP 250].

The determination applies to those persons employed by or appointed to positions by, the Government or by an agency of Government.

The Tribunal may issue guidance notes from time to time to assist employing bodies in the administration of this Determination.

PART 2. SEVERANCE PAY AND RELATED MATTERS

1. Severance allowance

(1) Where an employee has been in the continuous employment of the Government or an agency of the Government for a period of not less than 12 months commencing before, on or after the date of commencement of this determination, and –

- (a) the Government or the Agency of the Government terminates his employment; or
- (b) the employee retires on or after reaching the age of 55 years; or
- (c) the Government or the Agency of the Government retires the employee on or after reaching the age of 55 years; or
- (d) where the employee has been in continuous employment with the Government or an Agency of the Government for a continuous period of not less than 6 consecutive years, the employee resigns in good faith; or

- (e) the employee ceases to be employed by reason of illness or injury and is certified by a registered medical practitioner to be unfit to continue to work; or
- (f) the employment of the employee ceases for reason of death of the employee.

the Government or the Agency of the Government of which the employee is employed shall pay severance allowance to the employee.

For the purpose of this section, "medical practitioner" means a medical practitioner registered as a health practitioner under the Health Practitioners Act, to practice medicine and/or surgery.

(2) For the purposes of subsection (1)(1) of Part 2 –

(a) an employee who works for the Government or an Agency of the Government on 4 or more days in any week shall be deemed, in respect of that week, to have been in continuous employment;

(b) where an employee ceases to be in the employment of a Public Service organization or a Public Sector organization or an Agency of the Government and enters the employment of another Public Service organization or a Public Sector organization or an Agency of the Government, his or her employment by the first and second Public Service organization or Public Sector organization or an Agency of Government shall be deemed to be continuous employment.

(3) Severance pay shall be deemed to be redundancy payment -

(a) if at any time the Government or an Agency of the Government finds a greater number of persons are employed than is considered necessary for the efficient working of the Government or the Agency of the Government then the Government or the Agency of the Government may, subject to the Employment Act [Cap. 160], declare a person or persons as the case may be, redundant and terminate his or her or their employment accordingly, and

(b) An employee whose employment is terminated under paragraph (a) will be entitled to receive a redundancy payment on the date of the termination of his or her employment calculated in accordance with Part 2, section 3 of this determination.

(4) Severance pay shall be deemed to be gratuity payment calculated in accordance with Part 2, section 3 of this determination.

(5) For the purpose of section 16, Part 3 of Schedule 7 of the Companies Act No. 25 of 2012, Severance Pay shall be deemed to be wages for an Agency of the Government registered under the Companies Act No. 25 of 2012.

2. When severance allowance not due

An employee shall not be entitled to severance allowance if he or she is dismissed for serious misconduct.

3. Amount of severance allowance

The amount of severance allowance payable to an employee shall be:


- (a) for every period of 12 months, 1 month remuneration; or
- (b) for every period less than 12 months, a sum equal to one-twelfth of the appropriate sum calculated under paragraph (a) multiplied by the number of months during which the employee was in continuous employment.

PART 3. EFFECTIVE DATE

The determination shall take immediate effect.

The determination supersedes and revokes any determination or decision relating to severance pay payable to employees of the Government or an Agency of the Government.

Signed this 7th day of September 2015.



Hilda Taleo, Chairperson, Government Remuneration Tribunal