

REPUBLIC OF PALAU

**TITLE 30
LABOR**

**Chapter 1
Protection of Resident Workers**

**Subchapter I
General Provisions**

§ 101. Short title.

§ 102. Statement of policy.

§ 103. Definitions.

§ 101. Short title.

This chapter may be cited as the "Protection of Resident Workers Act. "

Source

49 TTC § 1, modified.

§ 102. Statement of policy.

The Olbiil Era Kelulau finds and declares that it is essential to a balanced and stable economy in the Republic that workers who are citizens of the Republic be given preference in employment in occupations and industries in the Republic, and that the public interest requires that the employment of noncitizen workers in such occupations and industries not impair the wages and working conditions of citizen workers.

Source

49 TTC § 2, modified.

§ 103. Definitions.

Unless it is otherwise provided or the context requires a different construction, application, or meaning, in this chapter:

- (a) "Available" means able to be on the island on which the employer desires workers on the date the employer states the workers are desired.

(b) "Director" means the Director of the Bureau of Labor and Human Resources within the Ministry of Natural Resources, Environment, and Tourism.

(c) "Employer" means any individual, partnership, association, or corporation hiring employees in the Republic and any individual who has in his employ a domestic servant, but does not include any branch or agency of the national government.

(d) "Employment service" means the employment service established under section 141 of this title.

(e) "Employment service officer" means the official who is the head of the employment service established under section 141 of this title.

(f) "Nonresident worker" means any person who is capable of performing services or labor and who is not a citizen of the Republic or an immigrant alien admitted to the Republic for permanent residence under the provisions of Title 13 of this Code, including persons acting in a professional, managerial, or executive capacity.

(g) "Resident worker" means any person who is capable of performing services or labor and who is a citizen of the Republic or an immigrant alien admitted to the Republic for permanent residence under the provisions of Title 13 of this Code, including persons acting in a professional, managerial, or executive capacity.

Source

(P.L. No. 4C-46, § 5; P.L. No. 4C-51, §§ 1 and 2.) 49 TTC § 3(1), as amended by RPPL 3-30 § 9(15), terms put in alphabetical order and section modified. Also in subsection (b) "Director" and "Bureau of Labor and Human Resources" read "chief" & "Division of Labor" which were amended by RPPL 7-43 § 3 .

Subchapter II Application of Chapter

§ 121. Preference to resident workers.

§ 122. Compliance with chapter; exception for temporary employees.

§ 123. Application of chapter to employees of national government.

§ 124. Benefits for resident workers hired by national government contractors.

§ 125. Minimum wage.

§ 121. Preference to resident workers.

Resident workers shall be given preference in employment in the Republic in any industry or

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occupation for which such workers are qualified and available. Nonresident workers shall be employed only to supplement the labor force of available and qualified resident workers.

Source

49 TTC § 4, first and second sentences, modified.

§ 122. Compliance with chapter; exception for temporary employees.

(a) No employer shall employ a nonresident worker except in strict accordance with the provisions of this chapter and rules and regulations issued hereunder, except that the provisions of this chapter shall not apply to temporary employees who are brought into the Republic for a period of time not to exceed 90 days.

(b) If the employer bringing in such temporary employees to the Republic finds that their services are needed for a period of time exceeding 90 days, he may apply to the Chief for an extension of the exemption and the Chief may grant such extension for an additional period of time not to exceed 90 days if he finds that the extension is reasonable.

(c) The Chief may grant more than one extension, but the total time period, including any extensions, that such temporary employee may remain in the Republic under temporary employee status shall not exceed 180 days.

Source

49 TTC § 4, third, fourth and fifth sentences, modified.

§ 123. Application of chapter to employees of national government.

Nothing in this chapter shall be construed to exempt employees of the national government who are seeking employment during hours when they are not engaged in the performance of government employment, or employers other than the national government who are seeking to hire such employees or prospective employees, from complying fully with the provisions of this chapter. This chapter shall be construed to apply to such persons for all purposes, except insofar as rendered inapplicable by a specific provision of this chapter.

Source

(P.L. No. 4C-30, § 1.) 49 TTC § 19, modified.

§ 124. Benefits for resident workers hired by national government contractors.

(a) The national government shall not enter into any contract whose primary purpose is the construction of any building, airport, road, harbor, or any other thing, unless such contract

provides that if the contractor utilizes nonresident workers and if such contractor provides either transportation, lodging or lodging expenses, or room or board expenses to any such worker, then such contractor shall provide the same benefits to resident workers.

(b) Transportation, lodging or lodging expenses, or room or board expenses need not be provided when a resident worker maintains his principal place of residence within normal commuting distance, as defined by regulations implementing Title 30 of this Code, from his place of employment with such contractor.

Source

(P.L. No. 5-6, § 1.) 49 TTC § 20, modified.

§ 125. Minimum wage.

(a) Every employer in the Republic shall pay a minimum wage of \$2.50 per hour. This minimum wage shall not apply to non-profit organizations or to businesses whose annual gross revenue income is not more than \$100,000, nor to the employment of students, or other employees hired on a probationary basis, for a period not to exceed 90 days, nor to the employment of any employee employed pursuant to a work permit.

(b) Penalties. Any employer who violates the requirements of this section shall be subject to a civil penalty of \$500 for each violation.

Source

RPPL 5-14 § 1.

**Subchapter III
Administration of Chapter**

§ 141. Employment service; established.

§ 142. Same; functions and duties.

§ 143. Chief; functions and duties.

§ 144. Chief to promulgate rules and regulations.

§ 145. Employer's records.

§ 146. Fees for Division of Labor.

§ 141. Employment service; established.

(a) There is hereby established in the Division of Labor an employment service.

(b) The employment service shall be headed by an employment service officer, who shall report

directly to the Chief.

(c) The purpose of the establishment of the employment service is to create a system of free public employment offices in the Republic for workers seeking employment and for employers seeking workers.

(d) The employment service shall have such powers, duties, and functions as may be established by this chapter, other provisions of this Code, and the manual of administration of the national government.

Source

49 TTC § 5, modified.

§ 142. Same; functions and duties.

For the purpose of this chapter, and without limitations on the scope or extent of powers, duties or responsibilities vested in it by other provisions of this Code, the manual of administration, or order of the President, the employment service through its employment service officer shall:

(a) in the placement of workers, assist the Chief in determining occupational categories, and, for those occupational categories designated by the Chief, perform certification functions regarding minimum standards of qualifications and minimum wage requirements.

(b) conduct continuing surveys of manpower needs, assist in preparing training programs and recommend other measures for alleviating shortages and reducing the need for nonresident workers.

(c) oversee, monitor and review the use of nonresident workers and all matters related thereto, including, but not limited to, the following: health, safety, meals, lodging, salaries, working hours and conditions, and specific contractual provisions for labor services.

(d) conduct such investigations as may be necessary to fulfill the provisions of this section and such other duties as may be required by the Chief.

Source

(P.L. No. 4C-46, § 2.) 49 TTC § 7, modified.

§ 143. Chief; functions and duties.

For the purposes of this chapter, and without limitations on the scope or extent of powers, duties or responsibilities vested in him by other provisions of this Code, the manual of administration, or order of the President, the Chief shall:

- (a) enforce the provisions of this chapter and the agreements which the Chief enters into with employers concerning the employment of nonresident workers, including the performance of investigatory functions as appropriate thereto.
- (b) require that employers accept such agreements or conditions for the payment of wages or benefits to nonresident workers as the Chief shall determine to be necessary and consistent with the policy and purposes of this chapter. Any such agreements or conditions agreed to by an employer shall be legally enforceable in the courts of the Republic, upon action taken by an aggrieved employee or on his behalf by the Chief. In any such action taken by the Chief on behalf of an aggrieved employee, the Chief shall be represented by the Office of the Attorney General.
- (c) establish occupational categories for the occupations to which this chapter is applicable, and, when the Chief deems it necessary or desirable, establish minimum standards of qualification procedures, and minimum wage requirements for workers in certain occupational categories.
- (d) supervise the employment service in furtherance of the objectives of this chapter and in the effectuation of the provisions of this chapter.

Source

(P.L. No. 4C-46, § 1.) 49 TTC § 6, modified.

§ 144. Chief to promulgate rules and regulations.

The Chief, subject to approval by the President, shall promulgate rules and regulations necessary or appropriate to effectuate the provisions of this chapter. Such rules and regulations shall become effective immediately, or on the date which the Chief shall determine, and shall have the force and effect of law.

Source

49 TTC § 13, modified.

§ 145. Employer's records.

Each employer hiring employees in the Republic shall keep and present immediately upon demand of the Chief and quarterly to the Chief up-to-date records with the following

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information:

- (a) the name, address, age and legal residence of each of his employees;
- (b) the classification and wage rate of each of his employees;
- (c) payrolls showing the number of hours worked each week, the compensation earned, and deductions made for each of his employees;
- (d) the educational and experiential backgrounds of each of his nonresident employees (to be provided but once by an employer for each nonresident employee working in the Republic);
- (e) the number of employment related accidents, name of the injured, and disposition by the employer of the injured employee;
- (f) the number and types of illnesses of nonresident workers, the treatment and disposition of those workers, and whether hospitalization was required;
- (g) the citizenship, country of origin, and expiration date of entry permit of each nonresident worker employed; and
- (h) a copy of the nonresident workers' agreement authorizing the hiring of the nonresident workers.

Source

(P.L. No. 4C-46, § 3.) 49 TTC § 9, modified.

§ 146. Fees for Division of Labor.

(a) Notwithstanding any other provision of law, the Division of Labor shall charge and collect the fees set forth in the following schedule:

- (1) New work permit \$300.00
- (2) Application fee \$15.00
- (3) Permit for domestic helpers \$250.00
- (4) Fee for change of status from dependent to employment \$300.00

- (5) Application for temporary permit, i.e., for employment up to 90 days \$300.00
- (6) Work permit extension \$300.00
- (7) Re-issue of lost work permit \$100.00
- (8) Change of job classification \$300.00
- (9) Photocopying \$0.50 per page

(b) This section shall remain effective only until regulations governing its subject matter are adopted by the Division of Labor and the time for the Olbiil Era Kelulau to disapprove such regulations pursuant to 6 PNC § 133 has expired.

Source

RPPL 5-7 § 56. RPPL 5-8 § 1(56) added subsection (b). Amended by RPPL 6-32 § 2[146].

**Subchapter IV
Hiring of Nonresident Workers**

- § 161. Application required.
- § 162. Referral of resident workers.
- § 163. Publication of vacancy; notification of Chief.
- § 164. Determination to permit employment of nonresident workers.
- § 165. Nonresident employment agreements.
- § 166. Expiration of nonresident employment agreements for failure of performance.
- § 167. Nonresident worker's identification certificate.
- § 168. Entry requirements.
- § 169. Outside employment by nonresident worker prohibited; deportation.
- § 170. [Repealed]
- § 171. Mandatory deportation upon conviction of felony.
- § 172. Fees for employment of nonresident workers.
- § 173. Dependents of nonresident workers.
- § 174. Recovery of costs from nonresident worker.

§ 161. Application required.

Any employer who desires to import nonresident workers for employment in the Republic shall file an application with the employment service stating the place and nature of the employer's business, the number of workers desired and occupational qualifications of such workers, the wages to be paid such workers, the date on which such workers are desired, the locations in the

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Republic where such workers are desired, and any other information the employment service may require or which the employer may deem appropriate.

Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(1), modified.

§ 162. Referral of resident workers.

Upon receipt of an application pursuant to the provisions of section 161 of this title, the employment service shall first endeavor to fill the job vacancies reported by the employer by referral of qualified resident workers registered with such service and available for employment.

Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(2), first sentence, modified.

§ 163. Publication of vacancy; notification of Chief.

(a) In the event of inability to supply sufficient qualified resident workers pursuant to section 162 of this title, the employment service shall cause the existence of the vacancies and other applicable information regarding the jobs to be publicized. The publication shall include posting of notice in public places in the Republic, the use of radio and newspaper media when appropriate, and such other means as the employment service may determine to be feasible. No nonresident worker shall be permitted to be employed unless such publicity shall have been given for a period of 30 days.

(b) Upon the expiration of 30 days after the first advertisement by the employment service, the employment service officer, upon a finding that there are no occupationally qualified resident workers available to fill all or some of the vacancies applied for, shall notify the Chief of those positions for which nonresident workers are available.

Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(2), except first sentence, and § 8(3), modified.

§ 164. Determination to permit employment of nonresident workers.

(a) Upon receipt of notice from the employment service officer of those positions which the employer requires, and for which no resident workers are available, the Chief shall determine whether the employment of such nonresident workers will be in the best interest of the Republic, shall determine under what conditions the employer should be authorized to hire nonresident workers for those positions, and for each authorized nonresident worker shall issue an

employment permit and identification certificate valid for a maximum period of two years, subject to renewal for further periods of two years employment of the worker with the same employer. A nonresident worker shall be ineligible for employment by any other employer in the Republic for five years following the date of termination of any previous employment in the Republic, unless the nonresident worker meets the requirements below. For purposes of this section, this provision shall not apply to spouses of Palauan citizens employed as nonresident workers. A nonresident worker maybe eligible for employment by another employer for the duration of the term in his or her contract, and any eventual renewal after the duration of the term if applicable, if the nonresident worker is otherwise eligible to be hired by another employer, and:

(i) his or her current employer has died and the employer's legal successor agrees to retain the employment of the nonresident worker; or

(ii) his or her current employer sells the company or business that the nonresident worker is employed at or otherwise transfers the management of the company or business that the nonresident worker is employed at to another employer, and the seller or transferor and the buyer or transferee agree that the buyer or transferee shall retain the nonresident worker as an employee, or when a sole proprietor incorporates the business that the nonresident worker is employed at; or

(iii) his or her employer is found guilty by a court of law for any crime where the nonresident worker, or a dependent of the nonresident worker, is a victim; or

(iv) the business dissolves.

(b) A nonresident worker holding an employment permit and identification certificate is not prohibited from performing tasks outside his or her stated profession or occupation, so long as such tasks are reasonably related to the main job for which he or she is employed.

(c) Within seven days after the receipt of notice from the employment service officer, the Chief shall notify the employer of his findings.

Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(4), first and second sentences, modified. Amended by RPPL 6-32 § 3[164]. Subsection (a) amended by RPPL 7-13 § 26. Subsection (a) amended by RPPL 7-16 § 2.

§ 165. Nonresident employment agreements.

(a) For those positions for which the Chief has determined that nonresident workers may be hired, he shall require that a nonresident employment agreement be entered into between the

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employer and the national government, which agreement shall authorize the employer to hire nonresident workers.

(b) The agreement shall be signed by the Chief, as representative of the national government, and by the employer or his authorized representative.

(c) The agreement shall contain the following provisions, in addition to any other provisions the Chief deems necessary in the circumstances:

(1) a statement that the employer requires such nonresident workers for immediate employment;

(2) a statement of the wages the employer is paying or intends to pay the nonresident workers for each occupational classification he is importing to fill;

(3) a statement that the employer agrees to comply with the minimum employment conditions and other requirements consistent with the provisions of this chapter and other applicable laws of the Republic;

(4) a statement of the period of time for which the employer will be allowed to fill each position with a nonresident worker before he must attempt to fill the position with a resident worker by filing a new application with the employment service;

(5) a statement of the employer's responsibility for return transportation to the place of origin of each nonresident worker so employed;

(6) a statement that the term of the nonresident worker's employment contract shall be no longer than two (2) years from the date that the nonresident enters the Republic and may be renewed upon consent of both parties, but under no circumstances may the nonresident worker accept employment from any other employer during the term of the agreement; and

(7) a statement that the nonresident worker shall be ineligible for employment by any other employer within the Republic for a period of five (5) years following the termination or expiration of the nonresident worker's agreement.

(d) The term of employment set forth in a nonresident workers' agreement, and the term of any work permit issued pursuant to such agreement, shall commence upon the date the nonresident worker enters the Republic.

(e) Upon execution of the agreement required under this section, the Chief shall notify the

Bureau of Immigration.

(f) The Chief shall provide each nonresident worker covered by this chapter with a copy of the nonresident workers' agreement which authorized his employer to hire him.

Source

(P.L. No. 4C-29, §§ 1 and 2; P.L. No. 5-84.) 49 TTC § 8(4), except first and second sentences, (5) and (6) (first sentence), modified. Subsection (d) added by RPPL 5-7 § 50, modified; former subsections (d) and (e) relettered. Subsection (e) amended by RPPL 6-26 § 19(1)[165(e)]. Subsection (c) amended by RPPL 6-32 § 4[165] by the addition of subsections (6) and (7). The word "five" in subsection (c)(7) was added by the Code Commission.

§ 166. Expiration of nonresident employment agreements for failure of performance.

Any nonresident employment agreement entered into by the Chief with any employer pursuant to the requirements of section 165 of this title shall expire 60 days from the date thereof, except as to the employment of any nonresident worker who is employed and present in the Republic within 60 days from such date.

Source

(P.L. No. 5-76, § 1) 49 TTC § 22, modified.

§ 167. Nonresident worker's identification certificate.

(a) The Chief shall provide each nonresident worker covered by this chapter with a nonresident worker's identification certificate.

(b) The identification certificate shall contain:

- (1) the nonresident worker's name,
- (2) his employer's name,
- (3) his job classification,
- (4) his legal residence,
- (5) his country of origin and citizenship,
- (6) the date of expiration of his entry permit, and

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(7) the number of the nonresident workers' agreement which authorized his employer to hire him.

(c) The nonresident worker shall be required to keep such certificate on his person at all times.

Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(6), modified.

§ 168. Entry requirements.

Prior to entry of a nonresident worker into the Republic for employment under the provisions of this chapter, the following requirements shall be met:

(a) Each nonresident worker shall present to the Chief or his representative a sworn affidavit, on a form issued by the national government, executed by him, and such other evidence as the Chief may require, which indicates:

- (1) a minimum of two years' experience in the line of work for which he is being hired,
- (2) marital status, and if married, the name of the spouse, number and ages of dependent children and the addresses of the spouse and dependent children, and
- (3) that he has not been convicted of a felony or other crime involving moral turpitude.

(b) The employer of a nonresident worker shall present to the Chief or his representative, a copy of the nonresident worker's contract of employment, which shall include a statement of:

- (1) the job title,
- (2) the duration of the contract,
- (3) the location of work,
- (4) the weekly hours schedule,
- (5) the wage scale for regular and overtime work,
- (6) any deductions for living costs, and
- (7) such other information or contractual provisions as required by the Chief.

Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(7), modified.

§ 169. Outside employment by nonresident worker prohibited; deportation.

(a) It shall be unlawful for any nonresident worker admitted into the Republic under the provisions of this chapter to engage in any other employment for compensation or for profit other than for the employer who has contracted with the Chief for the employment of such nonresident worker in the Republic.

(b) Any employment of a nonresident worker in a manner prohibited by this section shall constitute sufficient ground and cause for deportation. The Chief shall communicate to the Attorney General any violation of this section and the Attorney General shall institute deportation proceedings against the nonresident worker if in the opinion of the President such would be in the best interest of the public.

(c) Violation of the provisions of this section by an employer or nonresident worker shall also be subject to the penalties prescribed by section 187 of this title.

Source

(P.L. No. 4C-77, § 1.) 49 TTC § 17, modified.

§ 170. [Repealed]

Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(8), modified. Repealed by RPPL 6-32 § 6.

§ 171. Mandatory deportation upon conviction of felony.

Any nonresident worker convicted of a felony, upon said conviction being affirmed on appeal, or following their failure to file a notice of appeal within the time prescribed thereof, shall, following completion of any term of imprisonment imposed by the court, be deported. The cost of such deportation may be ordered to be paid by the nonresident worker or by his employer, at the discretion of the court.

Source

RPPL 2-32 § 1, modified.

§ 172. Fees for employment of nonresident workers.

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(a) For each new nonresident worker an employer hires after the effective date of this section, the employer shall pay to the National Treasury an initial fee of \$150. Thereafter, the employer shall pay an annual fee of \$100 for each nonresident worker it employs.

(b) For each dependent of a nonresident worker who enters the Republic, the nonresident worker shall pay to the National Treasury an annual fee of \$150.

(c) An employer may recover from a nonresident worker a maximum of 50 percent of the fees paid for that worker under subsection (a) of this section, provided the employer provided written notice of his intent to recover such fees to the nonresident worker before the nonresident worker departed from his home country. The recovery of such fees shall be through deductions from the salary of the nonresident worker, provided that the deductions may not exceed ten percent of the nonresident worker's gross monthly income.

(d) This section shall remain effective only until a regulation governing its subject matter is adopted by the Division of Labor and the time for the OEK to exercise its legislative veto power pursuant to 6 PNC § 133 has expired.

Source

RPPL 5-7 § 38 on 10/3/97 effective 11/1/97. Subsection (d) added by RPPL 5-8 § 1(38) on 11/5/97 effective 11/1/97. Subsection (b) amended by RPPL 5-34 § 34(a).

§ 173. Dependents of nonresident workers.

(a) Notwithstanding any other provision of law or regulation, no dependent of a nonresident worker may obtain a dependent entry permit to enter into the Republic unless:

(1) the foreign worker's annual income is \$15,000 or more, and

(2) the foreign worker's employer consents to the issuance of the dependent entry permit.

For purposes of this section, dependents shall be limited to spouses and children. The \$15,000 income requirement may be satisfied by combining the income of a husband and wife who desire to bring in a minor child or children. This section shall not apply to dependents who hold a valid dependent entry permit as of the effective date of this section, as amended; provided, that the provisions of this section shall apply to renewals of dependent entry permits.

(b) This section shall remain effective only until a regulation governing its subject matter is adopted by the Division of Labor and the time for the Olbiil Era Kelulau to exercise its legislative veto power pursuant to 6 PNC § 133 has expired.

Source

RPPL 5-7 § 51, modified. Subsection (b) added by RPPL 5-8 § 1(51), effective 11/5/97.
Subsection (a) amended by RPPL 5-34 § 34(b) and further amended by RPPL 6-32 § 5[173(a)].

§ 174. Recovery of costs from nonresident workers.

Notwithstanding any other provision of law, an employer may recover from a nonresident worker the cost of obtaining any health examination of and police clearance for the worker required as a condition of renewing the worker's work permit.

Source

RPPL 5-7 § 55.

**Subchapter V
Enforcement of Chapter**

§ 181. Authorization to conduct hearings and investigations.

§ 182. Procedure for hearings and investigations.

§ 183. Petition to court for enforcement of Chief's order.

§ 184. Appeals to Chief.

§ 185. Appeals to court.

§ 186. Injunctions.

§ 187. Penalties for violation of chapter.

§ 188. Penalties for violation of section 124.

§ 181. Authorization to conduct hearings and investigations.

The Chief or his representative is hereby authorized to conduct hearings or investigations as he may deem appropriate and necessary to enforce the provisions of this chapter. In connection with such hearings or investigations, the Chief may subpoena witnesses, records, and documents.

Source

(P.L. No. 4C-46, §4.) 49 TTC § 10(1), modified.

§ 182. Procedure for hearings and investigations.

(a) The Chief or his representative shall, upon a sworn affidavit by a person that a violation of this chapter or any rule or regulation issued thereunder has occurred, investigate all complaints, and he shall have the power to schedule a public or closed hearing as he may deem appropriate under the circumstances.

(b) Adequate notice shall be given to all parties involved in the controversy or investigation should a hearing be scheduled, and opportunity shall be made available to them to present such evidence as they may desire.

(c) The Chief upon conclusion of his investigation or hearing shall have the power to issue an order disposing of the matter. Such order shall be in force and effect until modified, sustained, or repealed by the Chief who shall review within thirty (30) days all investigations and hearings conducted.

Source

(P.L. No. 4C-46, §4.) 49 TTC § 10(2), modified.

§ 183. Petition to court for enforcement of Chief's order.

(a) The Chief may petition the Trial Division of the Supreme Court for the enforcement of an order issued under the provisions of this chapter, and the appropriate temporary relief or restraining order.

(b) The Chief shall file in the court a transcript of the records in the proceedings, including, where appropriate, the pleading and testimony upon which the order was entered and the findings and order of the Chief.

(c) Upon such filing, the court shall cause notice to be served upon the person against whom the order is directed. Thereupon the court shall have jurisdiction of the proceeding and may grant such temporary relief or restraining order as it shall deem just and proper, or issue a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the Chief.

(d) In all such actions the Chief shall be represented by the Office of the Attorney General.

Source

(P.L. No. 4C-46, § 4.) 49 TTC § 10(3), modified.

§ 184. Appeals to Chief.

(a) Anyone aggrieved by a decision of the employment service in the implementation of this chapter, or by a decision of the Chief in the implementation or enforcement of this chapter, may appeal such decision to the Chief within ten (10) days after he received notice of such decision. In connection with such appeal, he shall be entitled to a public hearing, and may be represented in person or by counsel of his choice.

(b) Within ten (10) days after such hearing, the Chief shall give notice to the appellant of his findings, and issue an order disposing of the matter.

Source

49 TTC § 11, modified.

§ 185. Appeals to court.

(a) Anyone aggrieved by an order of the Chief issued under the provisions of sections 182 or 184 of this title may appeal the order to the Trial Division of the Supreme Court within ten (10) days following the date of the order.

(b) The commencement of any proceedings in any court shall not operate as a stay of compliance with any provisions of this chapter, or any rules, regulations, or orders issued hereunder.

(c) All findings, decisions, or orders by the Chief on questions of fact shall be deemed final if supported by substantial evidence.

Source

49 TTC § 12, modified.

§ 186. Injunctions.

In addition to any of the other penalties prescribed by this chapter, the Attorney General may bring an action in the Trial Division of the Supreme Court to enjoin violations of the provisions of this chapter or any of the rules and regulations issued pursuant thereto.

Source

49 TTC § 15, modified.

§ 187. Penalties for violation of chapter.

(a) Any employer who wilfully violates any of the provisions of this chapter or any of the rules and regulations issued pursuant thereto shall, upon conviction thereof, be fined not more than two thousand dollars (\$2,000), or imprisoned for not more than six (6) months, or both.

(b) Any nonresident worker who fails to comply with the provisions of section 167 of this title shall, upon conviction thereof, be fined not more than fifty dollars (\$50), or imprisoned for not more than five (5) days, or both.

Source

49 TTC § 14, modified.

§ 188. Penalties for violation of section 124.

Any contractor who violates any provision of a government contract containing the requirements imposed by section 124 of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to a fine of one thousand dollars (\$1,000), and shall also be ordered to pay reasonable expenses for transportation, lodging, and board to any employee entitled thereto to whom it was not so furnished.

Source

(P.L. No. 5-6, § 2.) 49 TTC § 21.

Chapter 2

Nonresident Workers' Health Certificates

§ 201. Statement of policy.

§ 202. Certificate required.

§ 203. Physical examination required.

§ 204. Rejection of permit holder; notification to President.

§ 205. Revocation of entry permit.

§ 206. Penalties for violation of chapter.

§ 207. Regulations.

§ 201. Statement of policy.

(a) It is the policy of the national government to insure the health of its citizens, and to prevent the overtaxation of its medical and hospital facilities and personnel in the care and treatment of persons who are not citizens of the Republic and who arrive in the Republic in a condition of ill health.

(b) To this end, it shall be the practice of the national government, in accordance with the terms of this chapter:

(1) to require each nonresident worker and each member of his family entering the Republic to have in his possession a certificate of freedom from contagious disease;

(2) to conduct a physical examination of every entrant into the Republic who holds an entry permit for employment in the Republic; and

(3) to revoke such entry permit upon a showing that the continued presence of such

person in the Republic would violate the statement of intent in this section.

Source

(P.L. No. 5-45, § 1.) 49 TTC § 51, modified.

§ 202. Certificate required.

(a) In addition to any other requirements contained in this title or Title 13 of this Code, every person admitted to the Republic for employment under the provisions of Chapter 1 of this title, and every person admitted to the Republic as a member of the family of such person, shall have in his possession, and thereafter shall keep in his possession, a certificate of freedom from communicable diseases.

(b) Such certification shall be executed and validated not more than thirty (30) days preceding the date of entry of such person into the Republic by a physician licensed to practice medicine in the country of origin of that person.

Source

(P.L. No. 5-45, § 2.) 49 TTC § 52, modified.

§ 203. Physical examination required.

Within ten (10) days after his entry into the Republic, each holder of an entry permit which authorizes such person to enter the Republic for the purpose of employment, and each member of the family of such person, shall be subject to a physical examination to be conducted by or under the auspices of the Bureau of Public Health. The cost of such physical examination shall be borne by the entry permit holder.

Source

(P.L. No. 5-45, § 3.) 49 TTC § 53(1), modified.

§ 204. Rejection of permit holder; notification to President.

(a) The Director of the Bureau of Public Health shall, within a reasonable time after the completion of the physical examination required in section 203 of this title, notify the President as to any medical reasons why the entry permit holder or a member of the family of the entry permit holder should not be allowed to remain in the Republic, and shall state the basis of his judgment.

(b) No such notification shall be made if the continued presence of the entry permit holder or family member in the Republic would not, in all medical probability, result in substantial danger

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to the health of the inhabitants of the Republic or in a need for prolonged medical care and treatment while in the Republic.

(c) Such notification shall be made upon any positive finding of any contagious disease, including any social disease.

Source

(P.L. No. 5-45, § 4.) 49 TTC § 54, modified.

§ 205. Revocation of entry permit.

Upon notification from the Director of the Bureau of Public Health to the President as provided in section 204 of this title, the President shall revoke the entry permit of the holder or the family member in question on the grounds that his continued presence in the Republic would not be in the best interests of the Republic.

Source

(P.L. No. 5-45, § 5.) 49 TTC § 55, modified.

§ 206. Penalties for violation of chapter.

Failure by a nonresident worker to have the certificate required by section 202 of this title in his possession, or failure to take the physical examination required by section 203 of this title within the time prescribed, shall:

(a) be grounds for denial of entry or for revocation of nonresident worker's permit or entry permit; and

(b) constitute a violation of section 187(b) of this title.

Source

(P.L. No. 5-45, § 6.) 49 TTC § 56, modified.

§ 207. Regulations.

The President shall have the power, in the manner which is or may be provided by law, to establish and promulgate regulations not inconsistent with this chapter. He may delegate any or all of his responsibilities under this section to the Director of Immigration, the Chief of the Division of Labor, the Director of the Bureau of Public Health, or any of them.

Source

(P.L. No. 5-45, § 6.) 49 TTC § 57, modified. Amended by RPPL 6-26 § 19(m).

Chapter 3
Labor Development

§ 301. Short title.

§ 302. Regional cooperation and exchange of information.

§ 303. Exchange of Division personnel.

§ 304. United States Department of Labor funds and programs.

§ 305. Apprenticeship training program.

§ 306. Annual report.

§ 301. Short title.

This chapter may be cited as the "Palau Labor Development Act of 1975."

Source

(P.L. No. 6-31, § 1.) 49 TTC § 101, modified.

§ 302. Regional cooperation and exchange of information.

(a) The Chief of the Division of Labor shall initiate and maintain with the several nations of the Pacific area who are participants in the Conference of South Pacific Labor Ministers, through the Department of Labor, Commonwealth of Australia, a program of the periodic exchange of information concerning labor in the Republic, including, but not limited to, the exchange of information concerning training programs and facilities, applicable legislation and statistics.

(b) The Chief shall maintain a file of all information received from other such countries, which shall be compiled and transmitted to the Olbil Era Kelulau as part of the annual report of the Division required by this chapter.

Source

(P.L. No. 6-31, § 2.) 49 TTC § 102, modified.

§ 303. Exchange of Division personnel.

The Chief is authorized to explore with other countries of the Pacific area who are participants in the Conference of South Pacific Labor Ministers, programs for the exchange of labor administration personnel for training and experience in the field of labor administration. To this end, the Chief is authorized to implement such programs by providing for the periodic exchange of Division personnel, and for the in-service training of labor administration personnel from

other such countries in the Republic.

Source

(P.L. No. 6-31, § 3.) 49 TTC § 103, modified.

§ 304. United States Department of Labor funds and programs.

(a) The Chief is authorized and directed to develop and maintain a list of all programs and services offered by the United States Department of Labor.

(b) The Chief shall transmit copies of the list to the Olbiil Era Kelulau as a part of the annual report of the Division required by this chapter, together with a statement as to the advisability of the applicability of each program or service to the Republic, and a statement of the current eligibility of the Republic for participation in these programs and services.

(c) The Chief shall take such steps as may be appropriate, upon the request of the Olbiil Era Kelulau, to secure the extension of these programs and services to the Republic.

Source

(P.L. No. 6-31, § 4.) 49 TTC § 104, modified.

§ 305. Apprenticeship training program.

(a) The Chief shall submit to the Olbiil Era Kelulau and to the President a plan for an apprenticeship training program, whereby employers would be reimbursed for a portion of the salary of an apprentice by the national government until these apprentices have been fully qualified in their trade. This program shall be limited to trades which the Chief believes essential to the future development needs of the Republic, and shall include, but not be limited to, programs in the fields of construction, agriculture and mechanics.

(b) The plan for the program shall include a statement of the funds necessary to implement the program, together with a request for the funds. To the maximum extent possible, the Chief is authorized and directed to seek funding for the program out of the regular operating budget of the Division.

Source

(P.L. No. 6-31, § 5.) 49 TTC § 105, modified.

§ 306. Annual report.

(a) The Chief shall, not later than January 31 of each year, transmit to the Olbiil Era Kelulau and

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to the President a complete report of the activities of the Division over the previous year, together with any other information required by this chapter or other laws. The report shall also contain recommendations for legislation by the Olbiil Era Kelulau, in particular, legislation devoted to the development of labor skills of citizens of the Republic.

(b) On January 1 and July 1 of each year, the Director of the Bureau of Human Resources shall submit to the Olbiil Era Kelulau a report containing the following information for the immediately preceding six (6) month period: (1) the number of Palauan citizens participating in the apprenticeship program; (2) the number of participants successfully completing the program; (3) the number of successful participants who found employment related to the skills training received in the program; (4) whether such employment is in the private or public sector; (5) the amount of funds deposited in the Palau Apprenticeship Program Fund; (6) the amount of funds expended; and (7) a detailed accounting of how the funds were expended. This report shall be in addition to the annual report filed by the Chief pursuant to 30 PNC § 306.

Source

(P.L. No. 6-31, § 6.) 49 TTC § 106, modified. Subsection (b) added by RPPL 4-48 § 9(b), modified.

Chapter 4 Hazardous Jobs

§ 401. Work with or near high explosives; hazardous job wage differential required.

§ 402. Liability of employer who violates section 401.

§ 401. Work with or near high explosives; hazardous job wage differential required.

(a) All nongovernmental employers in the Republic shall be required to pay the normal hourly wage plus a 25 percent differential to all employees who are citizens of the Republic for every hour or portion thereof during which such employees work with, or within 500 feet of, any high explosive.

(b) In this section, "high explosive" shall include, but not be limited to, dynamite, trinitrotoluene, trinitrotoluol, nitroglycerin, plastic explosives, and blasting caps of all varieties.

Source

PDC § 1102(a), as added by PL 5-3-2 § 1, modified.

§ 402. Liability of employer who violates section 401.

(a) Any nongovernmental employer in the Republic who fails to pay to any employee the

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hazardous job wage differential to which such employee is entitled under section 401 of this title shall be liable to such employee for the wage differential which should have been paid, plus triple damages.

(b) Such an employee is hereby authorized and empowered to bring an action in any court of competent jurisdiction to enforce section 401 of this title on behalf of himself and all others similarly situated.

Source

PDC § 1102(b), as added by PL 5-3-2 § 1, modified.

Chapter 5

Disabled Person's Anti-Discrimination Act

§ 501. Short title.

§ 502. Definitions.

§ 503. Construction.

§ 504. Employment discrimination prohibited.

§ 505. Exceptions.

§ 506. Cause of action.

§ 507. Government employment preference.

§ 508. Access to government buildings.

§ 509. Parking in spaces reserved for persons with disabilities.

§ 501. Short title.

This chapter shall be known and may be cited as the "Disabled Person's Anti-Discrimination Act".

Source

RPPL 3-69 § 1, modified.

§ 502. Definitions.

As used in this chapter:

(a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

(b) "Person with a disability" means an individual with a disability who can perform the essential functions of the job the individual holds or desires.

Source

RPPL 3-69 § 2, modified.

§ 503. Construction.

As used in this chapter:

(a) the terms "discriminate" and "discrimination" include refusal to hire and employ or to bar or to discharge from employment or to treat unequally with regard to terms, conditions or privileges of employment;

(b) the term "employer" includes private individuals, businesses, and corporations, public corporations, and national and state governments.

Source

RPPL 3-69 § 3.

§ 504. Employment discrimination prohibited.

It shall be unlawful for an employer to discriminate against a person with a disability with respect to employment, for reasons relating to the person's disability.

Source

RPPL 3-69 § 4.

§ 505. Exceptions.

Nothing in this chapter shall:

(a) prohibit the establishment and maintenance of bona fide occupational qualifications reasonably necessary to the operation of a particular business or enterprise; or

(b) prohibit an employer from refusing to hire or from discharging any person with a disability for reasons relating to the ability of the person with a disability to perform the work in question.

Source

RPPL 3-69 § 5, modified.

§ 506. Cause of action.

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Any person aggrieved by discrimination as described in section 503 of this chapter may have a cause of action in any court of appropriate jurisdiction for damages and such other remedies as may be appropriate. In addition to such remedies, a person aggrieved by a violation of section 504 of this chapter may be entitled to receive punitive damages in an amount not to exceed one thousand dollars (\$1,000) in the court's discretion.

Source

RPPL 3-69 § 6, modified.

§ 507. Government employment preference.

The President of the Republic of Palau or the President's designee shall, within sixty (60) days of the effective date of this chapter, prescribe rules which shall prohibit as nearly as conditions of good administration warrant, discrimination because of a disability in an executive agency or in the National Public Service System established by 33 PNC Division 1 with respect to a position the duties of which, in the opinion of the Personnel Division of the Bureau of Public Service System, can be performed efficiently by a person with a disability, except that the employment may not endanger the health or safety of the person with a disability or others. Such rules shall also establish guidelines for a program of preferential treatment to be afforded to person's with disabilities or disabled individuals in matters of employment by executive agencies and the National Public Service System.

Source

RPPL 3-69 § 7, modified.

§ 508. Access to government buildings.

(a) No later than January 1, 1999, the Ministry of Public Infrastructure, Industries and Commerce shall designate at least one parking space close to the main entrance of each national government building open to the public; these parking spaces shall be clearly designated, through use of words or symbols, as being available for use only by persons with disabilities and shall cite this section of the PNC.

(b) For national government buildings open to the public built after the effective date of this section, the Ministry of Public Infrastructure, Industries and Commerce shall construct doorways wide enough to accommodate wheelchairs users, wheelchair ramps to allow persons in wheelchairs to enter the first floor of each building and at least one male and one female toilet facility with oversized doorways and safety rails to accommodate wheelchair users.

(c) Within ninety (90) days of the effective date of this chapter, the Minister of Public

Infrastructure, Industries and Commerce shall submit to the Olbiil Era Kelulau a detailed estimate of the cost of installing wheelchair ramps to allow persons in wheelchairs to enter the first floor of each national government building open to the public, and shall, in consultation with the Ministries of Education and Health, identify sources of grant funding for which this project may be eligible.

Source

RPPL 5-13 § 2, modified.

§ 509. Parking in spaces reserved for persons with disabilities.

(a) The Bureau of Public Safety shall issue a disability parking emblem to any vehicle owner who is a person with a disability, or whose spouse or dependent child is a person with a disability. No person may park a vehicle in a space reserved for persons with disabilities unless a disability parking emblem is displayed on the vehicle and one of the occupants of the vehicle is a person with a disability. Any person who violates this section shall be fined fifty dollars (\$50) for each violation.

(b) For the purposes of this section, the term "person with a disability" means a person who is confined to a wheelchair or who uses crutches, a cane, or a walker.

(c) No later than ninety (90) days after the effective date of this section, the Bureau of Public Safety shall promulgate regulations to implement this section.

Source

RPPL 5-13 § 2, modified.