



# PAPUA NEW GUINEA HUMAN RESOURCE INSTITUTE

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## INTRODUCTION TO LAWS ON HUMAN RESOURCES MANAGEMENT PRACTICE IN PAPUA NEW GUINEA

### INTRODUCTION

THE PAPUA NEW GUINEA HUMAN RESOURCE INSTITUTE IS INTRODUCING A CERTIFICATE COURSE AIMED AT EMPOWERING MANAGERS AND HUMAN RESOURCE PRACTITIONERS WITH THE KNOWLEDGE AND SKILLS TO EFFECTIVELY MANAGE THEIR LEGAL EXPOSURE IN A PRUDENT MANNER. THIS CERTIFICATE COURSE INTRODUCES ALL THE CONCEPT AND PRINCIPLES OF ALL LAW IN FORCE IN THE COUNTRY RELATING TO THE HUMAN RESOURCE MANAGEMENT PRACTICE.

THE BENEFITS OF PARTICIPATING IN THE COURSE ARE SIGNIFICANT. YOU SAVE MONEY ON LEGAL CONSULTATIONS AND ON LITIGATION COSTS. SAVING TIME AND OTHER IMPORTANT RESOURCES CAN BE SIGNIFICANT ALSO. TO BE EMPOWERED TO KNOW HOW TO DEAL WITH LITIGATION ISSUES IS STRATEGICALLY A PREVENTIVE ACTION THAT WILL SAVE YOUR ORGANIZATION SIGNIFICANT MONEY AND TIME.

THE LEGAL DIMENSIONS OF OUR HR PRACTICES IS REAL AND THEY POSE A THREAT TO EVERY ORGANIZATION. ALL HR PRACTITIONERS AND MANAGERS DO KNOW THAT MISTAKES CAN BE COSTLY AS ALL HR PRACTICES HAVE LEGAL IMPLICATIONS. MANAGERS AND HR PRACTITIONERS ARE MAKING DECISIONS ON DAILY BASIS THAT HAVE LEGAL IMPLICATIONS. THIS COURSE IS AIMED AT EMPOWERING YOUR PERSONNEL TO UNDERTAKE THEIR LEGAL RESPONSIBILITIES PRUDENTLY. SOME OF THE LAWS OF THE LAND COVERED BY THE COURSE INCLUDE;

- THE LAW ON WORKERS COMPENSATION
- THE LAW ON OCCUPATIONAL HEALTH & SAFETY
- THE LAW ON EMPLOYMENT IN PNG
- CONTRACT LAW
- THE LAW ON EMPLOYMENT RELATED TAX
- THE LAW ON CONSULTANCY AND WITHHOLDING TAX
- THE LAW ON FOREIGN EMPLOYMENT & LOCALIZATION
- THE LAW ON SUPERANNUATION IN PNG
- INDUSTRIAL RELATIONS LAW
- THE LAW ON EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

THIS IS A PROFESSIONAL QUALIFICATION IN HUMAN RESOURCES MANAGEMENT. THE COURSE COVERS THE FOLLOWING;

- THE LATEST LEGISLATION ON THE TOPIC OR SUBJECT
- LATEST CASE STUDIES OF SIMILAR CASES AND JUDGMENT ON THE TOPIC

THE PNGHRI CERTIFICATE IN INTRODUCTION TO LAWS ON HR PRACTICE IN PAPUA NEW GUINEA AIMS TO:

- PROVIDE MANAGERS AND HUMAN RESOURCE PROFESSIONALS WITH A FORMAL PROGRESSIVE PROGRAM TO STUDY LEGAL ASPECTS OF HR PRACTICE;
- OFFER PARTICIPANTS LATEST CASE STUDIES AND TRENDS IN LAW ON THE SUBJECT
- ENABLE PARTICIPANTS TO DEVELOP THEIR KNOWLEDGE, AND AWARENESS ON THE LEGAL ENVIRONMENT OF HR PRACTICE
- ENABLE HR PRACTITIONERS TO UNDERSTAND AND COMMUNICATE LEGAL MATTERS WITH EASE WHEN DEALING WITH LEGAL PROFESSIONALS.
- ASSIST HR PRACTITIONERS ENSURE THAT LEGAL CASES ARE FACILITATED FOR EFFECTIVELY AND HELP TO PREVENT LITIGATION ISSUES RELATING TO HR PRACTICE

**For assistance contact PNGHRI on:**

Tel: (675) 323 5022 ,

Fax: (675) 323 5344

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*To be always ahead - to be at the leading edge, your rate of learning must be equal or greater than the rate of change.*

*Charles Handy*

*Where the market, the rules, the technology, the system, the infrastructure, are similar, the competitive difference between one organization and the other, strategically lies in the human differentials.*

*He who knows how to lead people will back away from managing people.*

*Jerry Wemin - PNGHRI President*

## **THEMES**

### **THEME 1 MAKING EMPLOYMENT CONTRACTS**

THE AIM OF THE PRESENTATION OF THE RELEVANT LAW UNDER THIS THEME IS TO CAUSE THE PARTICIPANTS TO APPRECIATE THE LEGAL IMPLICATIONS ATTACHED TO THE PROCESS INVOLVED IN EMPLOYING A PERSON.

### **THEME 2 MANAGING EMPLOYMENT CONTRACTS**

THE AIM OF THE PRESENTATION OF THE RELEVANT LAW UNDER THIS THEME IS TO CAUSE THE PARTICIPANTS TO APPRECIATE THE LEGAL IMPLICATIONS THAT ATTACH TO THE EMPLOYER'S RIGHTS AND DUTIES UNDER AN EMPLOYMENT CONTRACT.

### **THEME 3 PERFORMING EMPLOYMENT CONTRACTS**

THE AIM OF THE PRESENTATION OF THE RELEVANT LAW UNDER THIS THEME IS TO CAUSE THE PARTICIPANTS TO APPRECIATE THE LEGAL IMPLICATIONS THAT ATTACH TO THE EMPLOYEE'S RIGHTS AND DUTIES UNDER AN EMPLOYMENT CONTRACT.

### **THEME 4 TERMINATING EMPLOYMENT CONTRACTS**

THE AIM OF THE PRESENTATION OF THE RELEVANT LAW UNDER THIS THEME IS TO CAUSE THE PARTICIPANTS TO APPRECIATE THE LEGAL IMPLICATIONS THAT ATTACH TO VARIOUS MANNERS OF TERMINATION OF AN EMPLOYMENT CONTRACT.

### **THEME 5 CONCLUDING EMPLOYMENT CONTRACTS**

THE AIM OF THE PRESENTATION OF THE RELEVANT LAW UNDER THIS THEME IS TO CAUSE THE PARTICIPANTS TO APPRECIATE THE LEGAL IMPLICATIONS THAT ATTACH TO THE VARIOUS MATTERS THAT LINGER ON AFTER TERMINATION OF AN EMPLOYMENT CONTRACT.

THE COURSE IS DIVIDED INTO THESE THEMES FOR TWO REASONS. FIRST, THIS ENABLES ME TO GROUP THE VARIOUS LAWS INTO RELEVANT GROUPS. AND, TWO, IT ENABLES ME TO PRESENT THE VARIOUS LAWS IN A LOGICAL MANNER, FROM THE COMMENCEMENT TO THE CONCLUSION OF AN EMPLOYMENT. THE PARTICIPANTS SHOULD, THEREFORE, BE ABLE TO EASILY FOLLOW AND UNDERSTAND THE COURSE.

## **SESSSIONS**

EACH SESSION TAKES ONE (1) HOUR. THERE ARE SIX (6) SESSIONS IN ONE DAY. ON THIS BASIS, FOR FIVE FULL DAYS, THE TOTAL SESSIONS FOR THE COURSE WILL BE 30.

## **VENUE**

ALL SESSIONS HELD IN PORT MORESBY ARE HELD AT THE GATEWAY HOTEL.

## **THE CERTIFICATE**

ALL PARTICIPANTS GRADUATE AT A CEREMONY HOSTED BY THE INSTITUTE AND CERTIFICATE WILL BE PRESENTED AFTER THE TRAINING.

## **YOUR INVESTMENT**

MEMBER/S	K1, 800 (INCL VAT)
NON - MEMBER/S	K3, 000 (INCL VAT)
CORPORATE MEMBER/S	K2, 200 (INCL VAT)

YOUR FEES ARE TAX DEDUCTIBLE UNDER TRAINING LEVY ACT. IF YOU ARE PAYING AS AN INDIVIDUAL, YOU CAN CLAIM REIMBURSEMENT THROUGH THE END OF THE YEAR TAX RETURN AS THIS COURSE IS CONSIDERED PART OF YOUR CONTINUING PROFESSIONAL DEVELOPMENT.

## **MANNER OF PRESENTATION**

EACH SESSION WILL COVER THE VARIOUS LEGAL IMPLICATIONS INVOLVED; THE SESSION INCLUDES A VERBAL PRESENTATION AND PAPER.

EACH PARTICIPANT WILL UNDERTAKE VARIOUS CASE STUDIES/EXERCISES, WHICH MAY INCLUDE ANSWERING QUESTIONS, COMMENTING ON SAMPLES, DRAFTING SIMPLE DOCUMENTS, ETC; IN GROUPS OR INDIVIDUALLY.

## **COURSE HANDOUT**

THE BASIC MATERIALS THAT WILL FORM THE COURSE HANDOUT WILL BE AS FOLLOWS:

- PRESENTATION (PAPER)
- EXERCISES (QUESTIONS, SAMPLES, CASE STUDIES)
- LEGISLATION (PROVISIONS ONLY OR THE WHOLE OF RELEVANT ACTS OR REGULATIONS OR RULES)
- CASES (LIST OF RELEVANT CASES IN SUMMARY FORM)
- REFERENCES (FOR FURTHER OR FUTURE INFORMATION)

## **THE FACILITATOR**

MANAGING OF GOMA LAWYERS, MR. DILU GOMA WHO HAS BEEN PNGHRI'S LAWYER FOR A NUMBER OF YEARS. MR. GOMA HAS A FIRST CLASS DEGREE FROM UPNG AND HAS EXPERIENCE IN TUTORING LAW. MR. GOMA WAS AT ONE TIME THE CHIEF LEGAL COUNSEL TO THE CHIEF JUSTICE. HE HAS HAD BOTH PUBLIC AND PRIVATE SECTOR EXPERIENCE BEFORE GOING PRIVATE. MR. GOMA HAS PRESENTED A NUMBER OF PAPERS AT PNGHRI'S CONFERENCES AND LUNCHEONS OVER THE PAST FEW YEARS.

**COURSE RUNS MONTHLY DEPENDING ON DEMAND.**

# Outline of Sessions

<b>THEME 1: MAKING EMPLOYMENT CONTRACTS</b>	
1	<input type="checkbox"/> DETERMINING NEED FOR EMPLOYEE (ORGANIZATION STRUCTURE, DUTY STATEMENTS, APPROVALS) <input type="checkbox"/> ADVERTISING: CONTENT, USE OF AGENT, ETC
2	<input type="checkbox"/> SHORT-LISTING, INTERVIEW, SELECTIONS, ETC <input type="checkbox"/> ADVISING OF SELECTION/LETTER OF OFFER, ETC
3	<input type="checkbox"/> ACCEPTANCE OR REJECTION OF OFFER OF EMPLOYMENT <input type="checkbox"/> FORMAL CONTRACT: BASIC TERMS & CONDITIONS, EXECUTION
4	<input type="checkbox"/> STATUTORY APPROVALS, DEPENDENTS, MOVEMENT EXPENSES,
5	<input type="checkbox"/> SETTLING IN AND COMMENCEMENT
<b>THEME 2: MANAGING EMPLOYMENT CONTRACTS</b>	
6	<input type="checkbox"/> CONVERTING ORAL CONTRACTS INTO WRITTEN CONTRACTS, INVOLVEMENT OF LABOUR OFFICERS, ETC <input type="checkbox"/> STATUTORY APPROVALS, CONSULTATIONS (WORK PERMIT, ETC)
7	<input type="checkbox"/> WAGES & ENTITLEMENTS (INCLUDING LEAVE) (PAY DEDUCTIONS: GARNISHEE/AUTHORITY)
8	<input type="checkbox"/> INCOME TAX: CALCULATION AND PAYMENT <input type="checkbox"/> CONSULTANCY & WITH-HOLDING TAX
9	<input type="checkbox"/> INCOME TAX: CALCULATION AND PAYMENT <input type="checkbox"/> CONSULTANCY & WITH-HOLDING TAX
10	<input type="checkbox"/> STAFF DISCIPLINE
11	<input type="checkbox"/> WORK SAFETY AND WELFARE
12	<input type="checkbox"/> WORKERS COMPENSATION
13	<input type="checkbox"/> SUPERANNUATION
14	<input type="checkbox"/> INDUSTRIAL DISPUTES
15	<input type="checkbox"/> STAFF PERFORMANCE APPRAISAL <input type="checkbox"/> DISCRIMINATION

<b>THEME 3: PERFORMING EMPLOYMENT CONTRACTS</b>	
16	<input type="checkbox"/> ATTENDING DUTIES: DRESS, PUNCTUALITY, BEHAVIOUR <input type="checkbox"/> NEGLECT OF DUTIES: ABSENCES, LATENESS, POSTPONEMENT, <input type="checkbox"/> COMPETENCE IN PERFORMANCE: LACK OF KNOWLEDGE OR SKILL
17	<input type="checkbox"/> OBEDIENCE AND INSUBORDINATION: WHO CAN GIVE LAWFUL DIRECTION? EXCUSES <input type="checkbox"/> MISCONDUCT: RELATING TO DUTIES, UNRELATED TO DUTIES
18	<input type="checkbox"/> CONFIDENTIALITY: INFORMATION, BUSINESS SECRETS <input type="checkbox"/> PARTICULAR CONTRACTED TASKS: LOCALIZATION
19	<input type="checkbox"/> INDUSTRIAL ACTION: MEMBERSHIP OF INDUSTRIAL ORGANIZATION, RIGHTS AND DUTIES
<b>THEME 4: TERMINATING EMPLOYMENT CONTRACTS</b>	
20	<input type="checkbox"/> TYPES OF TERMINATION: NOTICE, FOR CAUSE, REDUNDANCY, MEDICAL, DEATH
21	<input type="checkbox"/> GROUNDS FOR TERMINATION: EVIDENCE OF GROUND
22	<input type="checkbox"/> PROCEDURE FOR TERMINATION: RIGHT TO BE HEARD, CHARGE, DECISION
23	<input type="checkbox"/> SUSPENSION <input type="checkbox"/> APPEAL
<b>THEME 5: CONCLUDING EMPLOYMENT CONTRACTS</b>	
24	<input type="checkbox"/> TERMINATION ENTITLEMENTS
25	<input type="checkbox"/> TERMINATION ENTITLEMENTS
26	<input type="checkbox"/> DEPENDENTS: WILLS, INTESTACY, PUBLIC CURATOR
27	<input type="checkbox"/> RESTRICTION CLAUSE
28	<input type="checkbox"/> RE-EMPLOYMENT
29	<input type="checkbox"/> REPATRIATION
30	<input type="checkbox"/> INJUNCTIVE RELIEF



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## INTRODUCTION TO LAWS ON HUMAN RESOURCES MANAGEMENT PRACTICE IN PAPUA NEW GUINEA

### —Registration Form—

DETERMINING NEED FOR EMPLOYEE (ORGANIZATION STRUCTURE, DUTY STATEMENT, APPROVALS); CONTENT, USE OF AGENT, ETC; SHORT-LISTING, INTERVIEW, SELECTION, ETC; ADVISING OF SELECTION/LETTER OF OFFER, ETC; ACCEPTANCE OR REJECTION OF OFFER OF EMPLOYMENT; FORMAL CONTRACT: BASIC TERMS & CONDITIONS, EXECUTION; STATUTORY APPROVAL, DEPENDENTS, MOVEMENT EXPENSE, SETTLING IN AND COMMENCEMENT; CONVERTING ORAL CONTRACTS INTO WRITTEN CONTRACTS, INVOLVEMENT OF LABOUR OFFICERS, ETC; STATUTORY APPROVAL, CONSULTATIONS (WORK PERMITS, ETC); WAGES AND ENTITLEMENTS (INCLUDING LEAVE) (PAY DEDUCTION: GARNISHEE/AUTHORITY); INCOME TAX; CALCULATION AND PAYMENT; CONSULTANCY AND WITHOLDING TAX; STAFF DISCIPLINE; WORK SAFETY AND WELFARE; WORKERS COMPENSATION; SUPERANNUATION; INDUSTRIAL DUTIES; STAFF PERFORMANCE APPRAISAL; DISCRIMINATION; ATTENDING DUTIES; DRESS, PUNCTUALITY, BEHAVIOUR; NEGLIGENCE OF DUTIES: ABSENCE, LATENESS, POSTPONEMENT; COMPETENCE IN PERFORMANCE: LACK OF KNOWLEDGE OR SKILLS; OBEDIENCE AND INSUBORDINATION: WHO CAN GIVE LAWFUL DIRECTION? EXCUSES; MISCONDUCT; RELATING TO DUTIES, UNRELATING TO DUTIES; CONFIDENTIALITY: INFORMATION, BUSINESS SECRETS; PARTICULAR CONTRACTED TASKS: LOCALIZATION; INDUSTRIAL ACTION: TERMINATION: EVIDENCE OF GROUND; PROCEDURE FOR TERMINATION: RIGHT TO BE HEARD, CHARGE, DECISION; SUSPENSION; APPEAL; TERMINATION SUSPENSION; APPEAL; TERMINATION ENTITLEMENTS; DEPENDENTS: WILLS, INTESTACY, PUBLIC CURATOR; RESTRICTION CLAUSE; RE-EMPLOYMENT; REPATRIATION; INJUNCTIVE RELIEF.

**You add value to yourself when you invest in your ongoing learning and personnel development. Your employer benefits from an effective and efficient and highly motivated employee—that is you!**

<p>Name/s</p> <p>1. ....</p> <p>2. ....</p> <p>3. ....</p> <p>4. ....</p> <p>5. ....</p> <p>6. ....</p>	<p>Organization: .....</p> <p>Address: .....</p> <p>Telephone: ..... Fax: ..... Email: .....</p> <table style="width: 100%;"> <tr> <td style="width: 25%;"><b>FEES:</b></td> <td style="width: 25%;">Member/s</td> <td style="width: 10%;">No. ....</td> <td style="width: 40%;">K 1,800 (VAT included)</td> </tr> <tr> <td></td> <td>Corporate Members</td> <td>No. ....</td> <td>K 2,200 (VAT included)</td> </tr> <tr> <td></td> <td>Non-Members</td> <td>No. ....</td> <td>K 3,000 (VAT included)</td> </tr> </table> <p style="text-align: center;"><u>TOTAL DUE</u> K .....</p> <p><i>Your fees are tax deductible under Training Levy Act. If you are paying as an Individual, you can claim reimbursement through the end of the year tax return as this course is considered to be part of your continuing professional development.</i></p>	<b>FEES:</b>	Member/s	No. ....	K 1,800 (VAT included)		Corporate Members	No. ....	K 2,200 (VAT included)		Non-Members	No. ....	K 3,000 (VAT included)
<b>FEES:</b>	Member/s	No. ....	K 1,800 (VAT included)										
	Corporate Members	No. ....	K 2,200 (VAT included)										
	Non-Members	No. ....	K 3,000 (VAT included)										

Please get your supervisor's approval:

Approval of Supervisors: (Yes/No) Name: \_\_\_\_\_ Sign: \_\_\_\_\_ Date \_\_\_\_\_

**Terms & Conditions:**

- Up on confirmation from Supervisor, any cancellation of attendance must be done one week prior to the seminar date. 20% penalty fee will be charged for late cancellations if course fee is not paid yet and participants who have paid course fee/s, PNGHRI will take 30% off the fee/s. the penalty fees are to cater for administration and hotel charges. Participants will have to pay the additional 30% to attend the next series or reimburse the remaining amount.
- Deferral of training will be done only once and participants must attend. If PNGHRI keeps on deferring the training, participant/s has the right to ask for reimbursement.

**HR managers and general managers are too busy to pay attention to legal matters concerning their work. Yet they are expected to make decisions that have legal implications. This course is aimed at getting you to do your job professionally with the understanding of your legal exposures and liabilities.**

**You make the well informed decisions, you save the legal cost and everyone wins.**

## SUMMARY OF PARTICIPANTS FEEDBACK

### Api Leka - Exe. Manager HR. PNG Waterboard

The course has excellent content and facilitator. "It gives you the vital tools on the appropriate legislation to refer to for employment issues. I'll recommend this highly to other..."

### Tatas Buraik - National Fisheries Authority

"Balance presentation for both private and public sector..."

### Helen Aitsi - P & O (PNG) Ltd

"The easy to follow and understand content. Great explanations, great facilitator ... great source of information and advice"

### Alfred Walne - Lawyer: Legal Officer. PNG Waterboard

"the course overall, pretty good. ... Consider nearly everything contained in this course the strength of the course."

### Cathy Bolwell - Deloitte Touche Tohmatsu

"Overall view of the course is excellent. Excellent content and facilitator. The networking with other participants added greatly to the course; the discussion of actual workplace issues. There is enormous value for HR practitioners to understand the various awards and their application in the workplace. The use of case studies ensured relevancy and currency of the program. I would recommend this course highly to all."

### Momo Gavera - Brian Bell & Co, Ltd

"Relevant easy to understand, well written and very thorough."

### Gabi Lega - NCDC

"I appreciate every bit of it. Materials are outstanding. HR practitioners, being non lawyers must attend this course."

### Helena Dickson - Wokman Ltd

"I thoroughly enjoyed Dilu's style as he guided us through the course material."

### John Basil - UMW Niugini Ltd

"The overall content of the course was good. I enjoyed the course."

### Bala Kapa - PNG Forest Authority

"My overall view of the course is, exceptional, very good. The course should be made mandatory to prevent mistreatment of employees and employers alike."

### Boge Mahuru - Chevron Niugini Ltd

"Excellent presentation and easily understood. The group discussion and ideas shared by participants was the strength of the course. This is a value added course for any organization and individual attending the course."

### Lucas Michael - Arnotts Biscuits (PNG) Ltd

"Very good course. An eye opener and also would help HR practitioners in their duties. ... very useful for HR practitioners. The difference will be in saving on huge legal costs."

### John Fainame - UNITECH

"Relevant and a must for HR People. Balanced and necessary cases and exercises."

### Reuben Aila - Chevron Niugini

"Detailed and good. Excellent program and I have already recommended my other 3 colleagues to attend."

### Peter Cooper - Ramu Sugar

"Very comprehensive and knowledgeable facilitator. Coverage of the whole employment aspect is the strength of the course."

### Sam Gagau - HR Manager. PNG Cocoa & Coconut Research Institute.

"Excellent course and ... facilitator. ... For any HR practitioners, this is a course one cannot miss out on. I wouldn't mind seeing this course made compulsory prerequisite for HR managers before they take on a role of managing human resources at any organization."

### Saima Sapias - Shell PNG Ltd.

"...it is a very informative course to attend and of good value."

### Zara Kepa - KK Kinston Ltd

"The course is detailed and comprehensive..."

### Helen Kua - Tolukuma Gold Mine

"Excellent and very understandable facilitator. Every session and topic was understandable and beneficial to me..."

### Elemor G Murdano - RD Tuna Cannery Ltd

"Excellent content and easy to understand with very competent facilitator. This course is a must. Content is comprehensive and

scheduling of topics makes it very easy to understand.

### Ephraim Moguna - PNG Power

"Facilitator commends high integrity and perfect delivery. The course clarifies and resolves most HR problems..."

### Lawrence Yaum - UNITECH

"The course was very well balanced with appropriate legislation which are supported by court cases. Facilitator is knowledgeable and expert on laws relating to employment. Everyone in an employment decision making position must learn and understand the appropriate laws applying to their practices."