NITIJELA OF THE MARSHALL ISLANDS

25TH CONSTITUTIONAL REGULAR SESSION, 2004 **BILL NO:20ND1**

P. L. 2004-13

AN ACT

to insert the intended provisions of section 104 of the Protection of Resident Workers Act, 16 MIRC Ch. 1(the Act).

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS

Section 1. **Short Title**

This Act may be cited as the Protection of Resident Workers (Amendment) Act, 2004

Section 2. **Amendments**

The following provisions are hereby inserted under Section 104 of the Act, to read as follows;

§104. Preference

Notwithstanding any other law or regulation to the contrary, each employer in the Republic shall be required, unless exempted by order of the President, to:

(a) maintain by the commencement of its second year of its operations, a workforce, at least twenty-five per cent (25%) of which is comprised of resident workers;

(b) maintain by the commencement of its third year of operations, a workforce that is fifty per cent (50%) of which is comprised of resident workers;

(c) maintain by the commencement of its fourth year of operations and for every year of operations thereafter, a workforce at least seventy-five per cent (75%) of which is

comprised of resident workers; and

(d) employ by the commencement of its second year of operations, thereafter, at least one Marshallese citizen to train as a counter-part to each non-resident worker employed at such time.

(e) In addition to the foregoing requirements, resident workers shall at all times be given preference in employment in the Republic.

(2) Non-residential workers shall be employed only to supplement the labor force of available and qualified resident workers, and shall not be paid a higher salary or wage than equally qualified resident workers performing the same type of job in any industry or occupation, No employer shall employ a nonresident worker except in strict compliance with the provisions of this chapter and the 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 not to exceed ninety (90) days. If the employer bringing in such temporary employees to the Republic finds that the services are needed for a period of time exceeding the ninety (90) days, he may apply to the Secretary for the extension of the exemption and the Secretary may grant such extension of the exemption if he finds that the extension is reasonable. The Secretary may grant more than one extension, bu the total time period, including any extensions, that a temporary employee may remain in the Republic under temporary employee status shall not exceed one hundred and eighty (180) days. Prior to the issuing of an exemption, the Secretary shall confirm that the Ministry of Justice has issued the nonresident worker a valid visa or entry permit for the

that the Ministry of Justice has issued the nonresident worker a valid visa or entry permit for the period for which the exemption or extension is requested and that his employment is permitted under the visa or work permit.

Section 3. **Repeal**

PL 1995-130 and PL 1995-133 are hereby repealed.

Section 4. **Effective Date**

This Act shall take effect upon certification in accordance with Article IV Section 21 of the Constitution and the Rules of Procedure of the Nitijela.

CERTIFICATE

I hereby Certify:

(1) that the above Nitijela Bill no:**20ND1** was passed by the Nitijela of the Marshall Islands on the 22nd day of October, 2004; and

(2) that I am satisfied that Nitijela Bill No:**20ND1** was passed in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela..

I hereby place my signature before the Clerk of the Nitijela this 22nd day November 2004.

Attest:

Litokwa Tomeing
Speaker
Nitijela o f the Marshall Islands

Joe E Riklon
Clerk
Nitijela of the Marshall Islands