

Working in the Cook Islands

Whether you are entering the workforce for the first time; or have been in the workforce for some time, it is important for you to know and understand your rights and obligations when you decide to work in the Cook Islands.

This fact sheet provides workers and employers with general guidance on workplace rights and obligations in employment and describes employment basics that are fundamental to good employment relations.

What are minimum terms and conditions of employment?

The minimum terms and conditions of employment set the minimum standard of employment in the Cook Islands. Workers are entitled to at least the minimum terms and conditions of employment such as annual leave, sick leave, public holidays, overtime pay, maternity & paternity leave, hours of work, rest breaks and rules about termination.

The minimum standards of employment are also applicable to foreign workers.

A chart of the minimum terms and conditions of employment for full time, part time and casual workers can be found on page 2 of this fact sheet.

Can I get less than the minimum terms and conditions of employment?

No. It's important to know that your employer can not provide you with terms that are less favourable than the minimum terms and conditions of employment set out in the Employment Relations Act 2012. However, your employer can provide you with terms and conditions of employment that are better than those set out in the Employment Relations Act 2012.

Employment Agreements (Contracts)

Employment agreements are an important aspect of good employment relations, as they ensure that everyone has clear expectations about their role, working conditions and employment entitlements.

An individual employment agreement can be in writing between the worker and employer or an oral agreement.

Foreign workers are required by the Immigration Office to have a written employment agreement.

(For more information on employment agreements and a basic template refer to the Employment Agreement Brochure)

What type of worker am I?

A full-time worker is someone who is employed for at least 35 hours a week; and has regular hours of work each week; and has a reasonable expectation that they will be employed by the employer for those hours each week

A part-time worker is someone who is employed for less than 35 hours a week, has regular hours of work each week

and has a reasonable expectation that they will be employed by the employer for those hours each week

A casual worker is someone whose working hours are irregular or who works intermittently or who is employed for short term work only.

Preventing problems at work

It is important to recognise when there is an employment relationship problem and deal with the issue as soon as it arises. Often small problems that are left unresolved become difficult to deal with.

Problems are least likely to arise when:

- Workers and employers are well informed about their employment rights and responsibilities.
- Employment agreements (and any subsequent changes to the agreement) are in writing. This helps prevent misunderstandings.
- Workers are consulted about changes made to the agreement. Getting the workers input will often lead to better decisions and the worker is likely to respond better to change when they have some warning and have been listened to.
- Employers avoid giving assurances or directions that are inconsistent with the written agreement or that are not recorded in it.
- Workers and employers are able to communicate freely and clearly with one another on matters that affect their employment relationship.

Ending your employment

There are 3 ways in which your employment may be ended, such as resignation, termination and instant dismissal.

A worker and employer are required to give proper notice before ending the employment relationship. However, instant dismissal for serious misconduct does not require an employer to provide any notice.

Detailed information about ending your employment, and your entitlement can be found in the Ending your employment fact sheet

OTHER FACT SHEETS

- > Maternity Leave
- > Paternity Leave
- > Health, Welfare & Safety in Employment
- > Employment Agreement and Template
- > Overtime pay
- > Public Holidays & Sunday
- > Leave Entitlements
- > Young workers

For more information contact the Ministry of Internal Affairs on: intaff.employment@cookislands.gov.ck or 29370

Minimum Terms & Conditions of Employment

	Full time workers	Part time worker	Casual worker
Annual leave	No less than 10 days for each 12 month period	Entitled to a proportion of annual leave based on the hours worked proportional to full time worker	No entitlement
Sick leave	No less than 5 days for each 12 month period	Entitled to a proportion of sick leave based on the hours worked proportional to full time worker	No entitlement
Public holidays – paid leave	Paid leave when public holiday falls on a day the worker would ordinarily be working	Paid leave when public holiday falls on a day the worker would ordinarily be working	No entitlement
Public holidays – rate of pay	Receive one or a combination of the following: > Double the rate of pay per hour worked > An extra day of annual leave > Receive time off in lieu for time worked > Any other reasonable arrangement that is no less favourable than the above 3 suggestions	Receive one or a combination of the following: > Double the rate of pay per hour worked > An extra day of annual leave > Receive time off in lieu for time worked > Any other reasonable arrangement that is no less favourable than the above 3 suggestions	Double the rate of pay per hour worked
Maternity Leave	No less than 6 weeks paid leave at a rate no less than minimum wage for 40hours per week	No less than 6 weeks paid leave at a rate no less than minimum wage for 40hours per week	No entitlement
Paternity Leave	No less than 2 days paid leave and 3 days unpaid leave to be taken in the first 6 weeks following birth	No less than 2 days paid leave and 3 days unpaid leave to be taken in the first 6 weeks following birth	No entitlement
Overtime pay	Salaried worker – no entitlement Wage worker – all hours beyond 40hours per week is to be compensated at one and one half times the ordinary rate of pay	Salaried worker – no entitlement Wage worker – all hours beyond 40hours per week is to be compensated at one and one half times the ordinary rate of pay	Wage worker – all hours beyond 40hours per week is to be compensated at one and one half times the ordinary rate of pay
Refusal to work overtime	An worker may refuse to work more than 40hours for the following reasons: > Worker was not given sufficient notice of extra hours > Or for health and safety reasons	same entitlement as full time worker	same entitlement as full time worker
Rest and meal breaks	After 3 hours a worker is entitled to take a rest period of not less than 10 minutes during the 3 hours. In addition, a worker who work 5 or more hours is entitled to a rest of meal break of no less than 30 min	same entitlement as full time worker	same entitlement as full time worker
Wage protection	An employer can not deduct money from your wages without your consent. An employer can only deduct tax and superannuation	same protections as full time worker	same protections as full time worker
Termination by	Reasons must be linked to one or	Same rules as full time worker	No entitlement

employer	more of the following > Capacity > Conduct > Restructuring		
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