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**An Act to amend the Employment Relations Act 2012.**

**(26 September 2016)**

**The Parliament of the Cook Islands enacts as follows—**

- 1 Title**  
This Act is the Employment Relations Amendment Act 2015-16.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the assent of the Queen's Representative.
- 3 Principal Act amended**  
This Act amends the Employment Relations Act 2012.
- 4 Section 29 amended**  
Section 29(4) is repealed.
- 5 Section 37 amended**  
Section 37(5) of the principal act is amended by inserting the following words "in accordance with section 49" after the words "date of termination" the second time they appear in the paragraph.
- 6 Section 49 amended**  
Section 49 of the principal act is repealed and the following section is substituted—

**“49 Entitlements on termination**

- “(1) Upon termination of employee, the employer must, as soon as reasonably practicable, pay the employee—
- “(a) all accrued annual leave not taken at the time of termination (at the employee’s ordinary rate of pay); and
  - “(b) all outstanding pay.
- “(2) Despite subsection (1) where an employer and employee agree in writing for any other entitlement, or entitlements, to be payable to the employee on termination of employment that entitlement, or entitlements, must be paid to the employee as soon as reasonably practicable.
- “(3) For the avoidance of doubt section 36 applies to all payments made to the employee pursuant to this section.”

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This Act is administered by the Ministry of Internal Affairs  
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