



Company and Employers' Obligations

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Here comes some more of the mundane stuff! Once you've set up the business, it's worth familiarising yourself with your ongoing legal responsibilities.³⁸

The legal requirements for employers and reporting obligations of companies can seem overwhelming at first – but it is better to be fully aware of all of these requirements at the outset and understand which of them you'll have to comply with, than be faced with non-compliance penalties later! The Business Company and Registration Division and MCIC can provide ongoing guidance and advice.

Remember, as complicated as some of this seem, all businesses are in the same canoe and can often provide you with advice about how to navigate your way through. If you need advice, contact a friend or a mentor with a business, or seek the professional advice of a business consultant, chartered accountant, or lawyer. Professional business networks provide a useful forum for learning from other businesses.

Ongoing reporting

Companies are required to file annual returns online or in person. More information is available at the following websites:

- Employers' P2 Annual Return Form – <http://www.mfed.gov.ki/our-work/taxation/employer>
- Companies' Annual Return Form – <https://mcic.gov.ki/business-and-companies-regulatory-division-bcrd/>
- VAT Return Form – <http://www.mfed.gov.ki/our-work/taxation/business>

Failure to submit an annual return on time will incur late fees.

Your legal obligations as an employer³⁹

The Employment and Industrial Relations Code (2015)⁴⁰ outlines several requirements of employers. Employers must register with the Kiribati National Provident Fund and maintain employer contributions for any employees (see Section 6, Step 5).

Employers must abide by minimum wage orders provided and must display a written notice in a conspicuous place in the workplace for the purpose of informing the employees of any minimum wage orders applicable to employees in the workplace. Employers should consult the Labour Division of the Ministry of Employment and Human Resource⁴¹ for further requirements relating to workers' compensation and occupational health and safety.

38 This section is based on information from the Ministry of Labour and the Employment and the Industrial Relations Code (2015). It should not be interpreted as a definitive guide to employers' obligations.

39 Information in this subsection should be used as a guide only, and employers should consult legal professionals for definitive advice.

40 Republic of Kiribati Employment and Industrial Relations Code 2015, http://www.paclii.org/ki/legis/num_act/eairc2015388.rtf.

41 Ministry of Employment and Human Resource, Government of Kiribati, "Labour Division," <http://www.employment.gov.ki/index.php/divisions/labour>.