

31 May 2021

CIRCULAR No. 21/2021

Dear Member,

**EMPLOYEES PARTICIPATING IN THE POLLS – MORESBY NORTHWEST
BY-ELECTION, WEDNESDAY 02 JUNE 2021.**

This is to inform you about the requirement to allow workers time off to cast their votes or participate in the polling in the Moresby Northwest By-Election which will be conducted on **Wednesday 02 June 2021** throughout the Port Moresby Northwest Electorate. This will apply only to eligible voters from the electorate.

Under Section 196 of the Organic Law on national and Local Level Government Elections 1997, all employers are required to grant Leave of Absence to citizen workers who express their desire to go and vote in the elections. All employers are therefore encouraged to make time available for workers/employees to go and cast their individual votes on that date, time and place designated for that purpose. The time off will be with or without pay but we encourage employer discretion to allow employees off with pay.

Taking into account delays (real or unforeseen) that may occur at the respective polling stations/booths, reasonable time should be allowed off for each of them to cast his/her vote and the time off granted is for that purpose only. Employers should exercise discretion to liaise with their workers to setting a timetable to ensure those workers who will not be participating are manning operations while others go cast their votes. The method of achieving this purpose to ensure normal business operations are not adversely affected are left to each individual employer.

We have attached an extract of Section 196 of the Organic Law on National and Local Level Government Elections for your further reference.

If you have any queries regarding the above, please do not hesitate to contact the Federation Office on **325 8266** or **325 8249** or email us through enquiries@efpng.org.pg.

Yours Sincerely,



Florence Willie
Executive Director

194. FAILURE TO TRANSMIT CLAIMS.

A person who accepts a claim for enrolment or transfer of enrolment for transmission to a Returning Officer shall forthwith transmit the claim to the Returning Officer.

Penalty: A fine not exceeding K500.00.

195. FORGING OR UTTERING ELECTORAL PAPERS.

(1) A person who—

(a) forges an electoral paper; or

(b) utters a forged electoral paper, knowing it to be forged,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

(2) In Subsection (1), “electoral paper” includes a prescribed form.

196. EMPLOYERS TO ALLOW EMPLOYEES LEAVE OF ABSENCE TO VOTE.

(1) If an employee who is an elector notifies his employer that he desires leave of absence to enable him to vote at an election, the employer shall, if the absence desired is necessary to enable the employee to vote at the election, allow him leave of absence without any penalty or disproportionate deduction of pay for such reasonable period as is necessary to enable the employee to vote at the election.

Penalty: A fine not exceeding K500.00.

(2) An employee who obtains leave of absence under this section under pretence that he intended to vote at the election but without the *bona fide* intention of doing so, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(3) This section does not apply to an elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

197. PROTECTION OF THE OFFICIAL MARK.

(1) A person who, without lawful authority, the burden of proof of which lies upon him—

(a) makes an official mark on or in a paper; or

(b) has in his possession a paper bearing an official mark; or

(c) makes use of or has in his possession an instrument capable of making on or in a paper an official mark,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.