

## **7. Employers in the public sector**

- (1) This regulation —
  - (a) applies to a workplace agreement to which a person who comes within section 43 (1) of the Act is a party; and
  - (b) prescribes who is to be the employer of any such person for the purposes of section 44 (1) of the Act.
- (2) If in law the person has a contract of employment the employer is the employer under that contract.
- (3) If in law the person does not have a contract of employment the employer is the person who has power to appoint or employ the person or persons of the category to which the person belongs.
- (4) If under subregulation (2) or (3) the Governor would otherwise be the employer, the employer is the Minister responsible for the administration of the government department, body, agency, or establishment in which the person principally carries out his or her duties.
- (5) The fact that a person is prescribed as an employer by this regulations is not to be read limiting the exercise of any power of delegation that the person has under a written law.

*[Regulation 7 inserted by Gazette 22 February 1994 p.723.]*