

# **BILL NO. 1 OF 2018**

## **A BILL**

FOR AN ACT TO AMEND THE EMPLOYMENT RELATIONS ACT 2007

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.**—(1) This Act may be cited as the Employment Relations (Amendment) Act 2018.
- (2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.

*Section 88 deleted*

- 2.** The Employment Relations Act 2007 is amended by deleting section 88.

March 2018

## **EMPLOYMENT RELATIONS (AMENDMENT) BILL 2018**

### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is intended only to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 Given that the Republic of Fiji is a state party to the Convention on the Elimination of All Forms of Discrimination against Women (**‘CEDAW’**), it is imperative that our laws are aligned to our state obligations under CEDAW.
- 1.2 The Employment Relations (Amendment) Bill 2018 (**‘Bill’**) seeks to remove section 88 of the Employment Relations Act 2007 (**‘Act’**).
- 1.3 Section 88 of the Act states that an employer is not prevented from prohibiting the employment of females in underground work in mines of all kinds except—
  - (a) in management positions not requiring manual work;
  - (b) in health and welfare services;
  - (c) in education or training; or
  - (d) for occasional non-manual work.
- 1.4 This prohibition perpetuates gender stereotyping in the mining sector and if not remedied will continue to be a barrier for females. Females should be accorded the same employment rights as males to work wherever they choose to work.

#### **2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill deletes section 88 of the Act.

### **3.0 MINISTERIAL RESPONSIBILITY**

- 3.1 The Act comes under the responsibility of the Minister responsible for employment, productivity and industrial relations.

A. SAYED-KHAIYUM  
Attorney-General