

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