

ACT NO. 26 OF 2023

I assent.

W. M. KATONIVERE
President

[28 November 2023]

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 2023.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Employment Relations Act 2007 is referred to as the “Principal Act”.

Section 185 amended

2. Section 185 of the Principal Act is amended by deleting the definition of “essential service and industry” and “essential services and industries” and substituting the following—

““essential service and industry” or “essential services and industries” means a service listed in Schedule 7 and, for the avoidance of doubt, only includes any other service that is part of any of the following, if it has been designated as an essential service and industry after the date of commencement of the Employment Relations (Amendment) Act 2023—

- (a) the Government;

- (b) a statutory authority;
- (c) a local authority, including a city council, town council or the Central Board of Health;
- (d) a company that is a public enterprise as defined in section 2 of the Public Enterprises Act 2019;
- (e) a duly authorised agent or manager of an employer; and
- (f) a person who owns, or is carrying on, or for the time being is responsible for the management or control of a profession, business, trade or work in which a worker is engaged;”.

Section 188 amended

3. Section 188 of the Principal Act is amended by—

- (a) in subsection (4), deleting “21 days” and substituting “6 months”; and
- (b) after subsection (4), inserting the following new subsection—

“(5) Subsection (4) does not have retrospective effect and only applies to actions filed after the date of commencement of the Employment Relations (Amendment) Act 2023.”.

Passed by the Parliament of the Republic of Fiji this 23rd day of November 2023.