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GOVERNMENT OF FIJI

EMPLOYMENT RELATIONS (AMENDMENT) DECREE 2011
 (DECREE NO. 21 OF 2011)

IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO AMEND THE EMPLOYMENT RELATIONS PROMULGATION 2007

Short title and commencement

- 1.—(1) This Decree may be cited as the Employment Relations (Amendment) Decree 2011.
- (2) This Decree shall come into force on the day of its publication in the *Gazette*.

Section 3 amended

2. Section 3 of the Employment Relations Promulgation No. 36 of 2007 (“the Promulgation”) is amended by deleting the whole section and substituting—

“3.—(1) Subject to subsection (2), this Promulgation applies to all employers and workers in workplaces in Fiji, including local authorities, statutory authorities and the Sugar Industry.

(2) This Promulgation does not apply to the Government, including the Public Service Commission, and members of the Republic of Fiji Military Forces, Fiji Police Force and Fiji Corrections Service; Provided however that the Government shall be subject to the Tribunal for any claims under the Workmen’s Compensation Act (Cap. 94) and the Health and Safety at Work Act 1996.”

New section inserted

3. The Promulgation is amended by inserting the following new section after section 265—

“Action against the State

266.—(1) Any action, proceeding, claim, dispute or grievance of any form whatsoever (except for any claims under the Workmen’s Compensation Act (Cap. 94) and the Health and Safety at Work Act 1996) in any court, tribunal or any other adjudicating body which purports to or purported to challenge or involves the Government of the Republic of Fiji, any Minister or the Public Service Commission which has been brought by virtue of or under this Promulgation shall wholly terminate upon the commencement of the Employment Relations (Amendment) Decree 2011, and a certificate to that effect shall be issued by the Chief Registrar, Tribunal or any other person or body exercising a judicial function.

(2) Any orders of the Employment Relations Tribunal or the Employment Relations Court whether preliminary or substantive in any action, proceeding, claim, dispute or grievance of any form whatsoever (except for any claims under the Workmen’s Compensation Act (Cap. 94) and the Health and Safety at Work Act 1996) which had been brought by virtue of or under this Promulgation and purports to or purported to challenge or involves the Government of the Republic of Fiji, any Minister or the Public Service Commission shall wholly terminate upon the commencement of the Employment Relations

(Amendment) Decree 2011, and a certificate to that effect shall be issued by the Chief Registrar, Tribunal or any other person or body exercising a judicial function.

(3) A certificate issued under subsections (1) and (2) is conclusive of the matters stated in the certificate and shall not be subject to challenge in any court, tribunal, Commission or any other adjudicating body.”

GIVEN UNDER my hand this 13th day of May 2011.

EPELI NAILATIKAU
President of the Republic of Fiji