

# Flash report

7 January 2019

Issue 1



**This flash report is issued as a reminder of the new provisions in the Employment Relations Act 2007 which came into effect on 1 January 2019.**

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## Family care leave

The amendments to the Employment Relations Act 2007 (ERA) included the introduction of section 68A — Family care leave

- Where a worker has completed more than 3 months continuous service with the same employer and wishes to provide care or support to a member of the worker's immediate family or a member of the worker's household, the worker is entitled to paid family care leave of not less than 5 working days during each year of service
- Family care leave entitlement must not be accumulated and unused family care leave for each year automatically lapses in the next year
- For a worker to be entitled to family care leave, the worker must, as soon as reasonably practicable, notify the employer of his or her absence or intended absence and the reason for it

For the purposes of this section:

- “*household*” means the occupants of a dwelling-house who are financially dependent on each other or an occupant of the dwelling-house
- “*immediate family*” consists of a worker's spouse, child, parent and sibling

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## Parental leave

The amendments to the ERA included the amendment of Part 11 — Parental leave (previously: Maternity leave)

- Section 101 of the Act has been amended to reflect maternity leave to be 98 consecutive days (previously: 84 consecutive days)
- A new section 101A titled “*Rights of men on paternity leave*” has been introduced
- The new section 101A provides that a man whose partner (spouse or de facto partner) is entitled to maternity leave under the act is entitled to paternity leave of 5 working days (subject to other provisions in the act)

Please contact your KPMG client service personnel or a member of our Tax team for any further information or clarification in respect of this.

## IMPORTANT

This flash report is issued in summary form exclusively for the information of clients and staff of KPMG and should not be used or relied upon as a substitute for detailed advice or as a basis for formulating business decisions.