

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5347 GIBRALTAR Thursday 1st October 2026

LEGAL NOTICE NO. 344 OF 2026

EMPLOYMENT ACT

EMPLOYMENT TRIBUNAL (CONSTITUTION AND PROCEDURE) (AMENDMENT) RULES 2026

In exercise of the powers conferred upon him under section 12 of the Employment Act, and of all other powers enabling him in that behalf, the Minister hereby makes the following rules.

Title.

1. These Rules may be cited as the Employment Tribunal (Constitution and Procedure) (Amendment) Rules 2026.

Commencement.

2. These Rules come into operation on day of publication.

Amendment to the Employment Tribunal (Constitution and Procedure) Rules 2016.

3.(1) The Employment Tribunal (Constitution and Procedure) Rules 2016 are amended in accordance with the provisions of this rule.

(2) In rule 2(1) substitute the definition of “Mediator” with-

““Mediator” means a Chairperson, the Director of Employment, or any other person selected by a board established under rule 5(2A) and appointed by the Minister as a Mediator for the purposes of these Rules by notice in the Gazette on the basis of their experience and knowledge of employment law and practice;”.

(3) Substitute rule 5(1) with-

“5.(1) The Judicial Service Commission shall invite applications from individuals with qualifications and experience who wish to preside as Chairpersons.”.

(4) Substitute rule 5(2) with-

“(2) Upon selection of a Chairperson by the Judicial Service Commission, the Minister shall appoint that Chairperson by notice in the Gazette.”.

(5) After rule 5(2) insert a new rule 5(2A) as follows-

“(2A) The Director of Employment shall invite applications from individuals with qualifications and experience who wish to preside as Mediators.”.

(6) After new rule 5(2A) insert a new rule 5(2B) as follows-

“(2B) The Director of Employment shall establish a board comprised of three heads of different Government departments and Chief Executive Officers of different statutory authorities or agencies or their appointed representatives.”.

(7) After new rule 5(2B) insert a new rule 5(2C) as follows-

“(2C) Upon selection of a Mediator by the board established by the Director of Employment under subrule (2B), the Minister shall appoint that Mediator by notice in the Gazette.”.

(8) Substitute rule 5(4) with-

“(4) Any Chairperson appointed under subrule (2) shall hold the position for a term of three years from the date of appointment, unless that Chairperson dies, resigns in accordance with subrule (6), or his appointment is revoked under subrule (7) or (8).”.

(9) After rule 5(4) insert a new rule 5(4A) as follows-

“(4A) Any Mediator appointed under subrule (2C) shall hold the position for a term of three years from the date of appointment, unless that Mediator dies, resigns in accordance with subrule (6), or his appointment is revoked under subrule (7A) or (8).”.

(10) Substitute rule 5(5) with-

“(5) A Chairperson may be re-appointed in accordance with subrule (2) and a Mediator may be re-appointed in accordance with subrule (2C).”.

(11) Substitute rule 5(6) with-

“(6) A person appointed as Chairperson or Mediator may resign by writing to that effect to the secretary to the Tribunal provided that he shall not remove himself as a Chairperson or Mediator until after the expiration of three months from the time when he communicates his resignation in writing to the secretary to the Tribunal.”.

(12) Substitute rule 5(7) with-

“(7) The Minister, after consultation with the Judicial Service Commission, may only revoke the appointment of a Chairperson on the following grounds:

- (a) for neglect of duty;
- (b) for material breach of any term, condition or provision of any letter of appointment;

- (c) for incapacity or inability to perform the duties of Chairperson by reason of illness or otherwise;
- (d) for incompetence;
- (e) if the person becomes bankrupt or insolvent; and
- (f) for conviction of a criminal offence.”.

(13) After rule 5(7) insert a new rule 5(7A) as follows-

“(7A) The Minister, after consultation with the Director of Employment, may revoke the appointment of a Mediator, or suspend a Mediator, by letter to that Mediator without having to show cause or provide an explanation for the revocation or suspension.”.

(14) Substitute rule 5(9) with-

“(9) The Minister, after consultation with the Judicial Service Commission, may only suspend a Chairperson pending an investigation or inquiry relating to a ground or grounds under subrule (7) or relating to a complaint under Rule 88.”.

(15) Substitute rule 5(10) with-

“(10) A Chairperson whose appointment has expired may be eligible for re-appointment except where–

- (a) the appointment has been revoked by virtue of subrule (7) or (8); or
- (b) the appointment would have expired but for his resignation by virtue of subrule (6).”.

(16) After rule 5(10) insert a new rule 5(11) as follows-

“(11) A Mediator whose appointment has expired may be eligible for re-appointment except where–

- (a) the appointment has been revoked by virtue of subrule (7A) or (8); or
- (b) the appointment would have expired but for his resignation by virtue of subrule (6).”.

(17) After new rule 5(11) insert a new rule 5(12) as follows-

“(12) The powers of the Tribunal shall not be affected by–

- (a) any failure to appoint a Chairperson, Mediator, or secretary;
- (b) any vacancy in the membership of the Tribunal; or

- (c) any defect afterwards discovered in the appointment or qualification of a person purporting to be a Chairperson, Mediator, secretary or member.”.

Dated: 1st October 2026.

C SANTOS,
Minister with responsibility for Employment.

EXPLANATORY MEMORANDUM

These Rules amend the Employment Tribunal (Constitution and Procedure) Rules 2016 to provide, *inter alia*, for different procedures for the appointment of Chairpersons and Mediators.