



MINISTRY OF LABOUR,  
INDUSTRIAL RELATIONS & EMPLOYMENT

# 2013 Annual Report



DECENT & PRODUCTIVE WORK FOR ALL

PARLIAMENTARY PAPER NO: 31/2015



The background of the slide is a solid blue color with a subtle, repeating geometric pattern of squares and rectangles in various shades of blue, creating a textured effect.

## Vision, Mission and Values

### Vision Statement

Decent & Productive Work For All

### Mission Statement

Ensuring Social Justice, Good Faith  
Employment Relations, Safe and Productivity  
Driven Workplaces

### Values

We have strong values, which are well embedded  
in our culture. We believe that these values will  
empower us to deliver our strategy:

- **Spiritual Renewal**  
Engaging in personal “spiritual renewal” on a  
daily basis in accordance with one’s belief to  
renew one’s spiritual values and character.
- **Inclusiveness**  
Treating everyone in an equitable and non-  
discriminatory manner.
- **Honesty**  
Being honest and doing the right thing for  
all our stakeholders.
- **Accountability**  
Being answerable and having the courage  
and transparency to take ownership of our  
actions.
- **Responsiveness**  
Always striving to ensure that all our  
customers are service efficiently, effectively  
and economically.
- **Innovation**  
Continuously developing and improving  
our services and products through creativity.
- **Team Work**  
Supportive of others’ efforts, loyal to one  
another personally, professionally and  
ethically.

# Table of Contents

03	Permanent Secretary's Report	12	Labour Laws Timeline
04	Organizational Profile	14	Tripartism
06	Policy Statement	19	Results
07	Workforce Profile	56	Finance
10	Management Structure		

## Results Section

- 1 Implementation of the Ministry's Strategic Plan and Reformed Laws
- 2 Awareness, Promotion and Training Standards and Practice
- 3 Assessment, Registration, Compliance & Monitoring - Labour Standards Service
- 4 Registrar of Trade Unions and Registrar of Industrial Associations
- 5 Effective & Efficient Referral of Employment Dispute and Grievance cases - Employment Relations Unit
- 6 Employment Dispute and Grievance Resolution - Mediation Service
- 7 Adjudication of Employment Matters - Employment Relations Tribunal
- 8 Licensing, Compliance and Monitoring - OHS Standards
- 9 Workers' Compensation Advisory Service
- 10 Registration of Labour Management Consultation Co-operation Committee (LMCC) - Productivity Service
- 11 Labour Prosecution & Facilitation of International Labour Organisation Reporting - Policy & Legal Service
- 12 International Relations & External Trade
- 13 Employment Creation - National Employment Centre (NEC)
- 14 Financial Service







## PERMANENT SECRETARY'S REPORT

The year 2013 was both challenging and exciting. Government looked forward to the completion of Fiji's new Constitution. For the Ministry, our excitement was specific to ensuring that the fundamental principles and rights to work were incorporated and protected in the new Constitution. This result was achieved in the 2013 Constitution that was published for national dissemination.

The Ministry through its tripartite partnership conducted a comprehensive review of the Employment Relations Promulgation (ERP) 2007 after five (5) years of implementation. A total of twenty-seven (27) consultative meetings were held through social dialogue during the year.

We undertook for the first time a very comprehensive National Minimum Wages Survey that covered some 10% of the workforce nationwide. The intent of the National Minimum Wage Survey was to determine through quantitative data a National Minimum Wage for Fiji. The National Minimum Wage Survey was a success that resulted in the proposal by the Consultant, Dr. Mahendra Reddy, a National Minimum Wage of \$2 per hour.

The National Minimum Wage for the first time in Fiji's history provided wage protection to some 70,000 workers and their families; who are usually left out of on the periphery to the struggle and make end meets. This new National Minimum Wage not only provided social protection coverage for these workers and their families it ensured no worker is paid below this rate.

The Hon. Minister for Labour Mr. Jone Usamate led the Ministry to another dimension through the public roadshows he held in the three main Divisions. Through these roadshows, our customers were given the opportunity to discuss their issues and raise complaints they had against the services provided by the Ministry. A Complaints Resolution Team was formalized to address all the complaints raised by the public. The response from the public to the Minister's roadshows added value to the Ministry's service delivery.

The operational reform within the Ministry move to another level given the push towards ISO 9001:2008 certification. A training was conducted by the Independent European Certification Group for our internal auditors to be competent and conduct internal audits looking into the Ministry's systems and processes. All the strategic business units of the Ministry documented their

Taito Waqa



systems and procedures which included specific performance indicators.

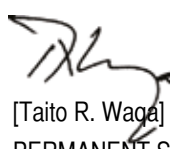
The Hon. Minister for Labour also led the Fijian Government delegation in October to the 319th session of the ILO Governing Body Meeting held in Geneva. This was to defend Fiji's case under Article 26 of the ILO Constitution.

The year also saw the extension of the Memorandum of Understanding between Ministry of Labour Fiji and Ministry of Labour PNG on Technical Assistance in the field of occupational health and safety. In doing bilateral cooperation between the two countries was strengthened.

In addition, the National Employment Centre with the assistance of the ILO established a Cash for Work Plus initiative. This is a rehabilitation programme that assisted the hurricane affected homes in Vunidogoloa in the Northern Division.

The Mediation Service extended its cooperation with the Singapore Mediation Centre (SMC) and conducted its scheduled mediation training in October to capacity build staff as part of the Ministry's succession planning.

The Ministry established Fiji's Impairment Assessment Manual - benchmarking to the American and Australian assessment manuals. Eighty-eight medical doctors were trained on how to use Fiji's first-ever Impairment Assessment Manual, for work related injuries and deaths. This is to strengthen the Ministry's capacity and capability in the provision of workers' compensation services as part of its social protection service.



[Taito R. Waqa]

PERMANENT SECRETARY FOR LABOUR, INDUSTRIAL  
RELATIONS AND EMPLOYMENT

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# **Organizational Profile**



## ABOUT THE MINISTRY

The Ministry of Labour, Industrial Relations and Employment (MLIRE) is the arm of the Fiji Government that is tasked with ensuring harmonious and productive employment relations in the local workforce. The core responsibility of the Ministry of Labour is to pursue the attainment of Decent Work Standards through the promotion of fair working conditions, stable and productive employment relations, employment opportunities, development of healthy workers; the provision of healthy and safe working environment. These responsibilities are achieved by focusing on developing a modern and enabling policy environment supported by sound labour laws, policies, institutions, practices and values, underpinned by tripartite social dialogue.

# Policy Statement

As part of the Government's Sustainable Economic and Empowerment Development Strategies (SEEDS), the Presidential Mandate for the Government, the Peoples Charter for Change, Peace and Progress (PCCPP), the Millennium Development Goals (MDG), the Fiji Productivity Charter, the Public Service for the 21st Century (PS21) and the Fiji Budget Estimates 2013, the Ministry of Labour, Industrial Relations and Employment is committed to "rebuilding Fiji" in the labour market in our collective responsibility with stakeholders to facilitate economic growth and future prosperity. Particularly, the Ministry embraces the principle that healthy, safe, fair, productive and harmonious workplaces are critical and necessary components for achieving the objectives of the PCCPP of "Building a Better Fiji".

To support this goal, the Ministry has focused its strategy on establishing an enabling and sustainable environment created through modern and progressive policies, legislations, programmes and actions that will make Fiji a highly attractive place to work, live, invest and raise a family. This is to be achieved through a Ministry which is transformative, visionary, efficient, accountable, transparent and customer focused.

In particular, the Ministry is reforming all outdated labour policies, legislations, institutions and administration systems with the aim of providing a progressive and modern business environment that promotes flexibility in wage setting, stable employment relationships, progressive health and safety standards, better workers compensation system, improved terms and conditions of employment, speedy and effective conflict resolution system and good faith bargaining that will enhance productivity.

In reforming the labour policies, the Ministry adopts the 'Fundamental Principles and Rights at Work' enshrined in the eight (8) core ILO Conventions and other Conventions ratified by the Fijian Government. It also ensures that these policies comply with good governance principles.

The strategic positioning of these new labour policies and institutions will also promote and facilitate trade and employment creation locally due to the World Trade Organization's (WTO) insistence on core labour standards compliance as an important precondition to international trade in a globalized and democratized world.



The background of the slide is a photograph of a bright blue sky with scattered white clouds. The clouds are more concentrated in the upper right corner, while the rest of the sky is a clear, deep blue.

# **Workforce Profile**

The Ministry's workforce profile includes 131 established positions and out of this, 31 established posts are funded through Requisition to Incur Expenditure (RIE), 21 Government Wage Earners, 82 Project Officers and 50 Volunteers as provided in Table 01 and 02.

The profile for highest attainment in education level for Ministry staff is as follows:

- 13 Masters;
- 6 Post Graduate Diplomas;
- 2 Post Graduate Certificates;
- 11 Professional Diplomas (Legal);
- 15 Bachelor of Law;
- 128 Bachelor of Commerce / Arts;
- 65 Diplomas;
- 29 Certificates; and
- 10 Secondary.

The employee groups and segments within our Ministry are the key elements that engage staff to accomplish the Ministry's mission and vision through Individual Work Plans (IWP) that is derived from their Strategic Business Unit's Business Plan which is aligned to the Ministry's Annual Corporate Plan.

In our recruitment process, we ensure the Equal Employment Opportunity (EEO) principles are followed. Staff are rotated upon 2-3 years completion of tour from one station to another. This ensures that there is job variety and reduces corruption.

### Workforce and Job Diversity

The Ministry's workforce diversity is guided by the Equal Employment Opportunity (EEO) provisions under the Employment Relations Promulgation 2007 and the Public Service Act, and supported by a strong corporate culture of non-discrimination. The current MLIRE diversity profile is as follows: Out of the 284 Ministry staff,

- 150 are i-taukei and 134 are Fijians;
- 136 males and 148 females;
- 13 within the age bracket of 18-25 years; 42 between 26-30; 156 between 31-40; 64 between 41-50 and 9 between 51-60 as tabulated in Table 03.

### Promotion of the two Deputy Secretaries

For the first time in the Ministry's history, both of its Deputy Secretaries were promoted as Permanent Secretaries as:

1. Mr. Samuela Namosimalua Deputy Secretary (Headquarters) - Permanent Secretary Local Government, Town and Country Planning and Environment
2. Mr. Osea Cawaru Deputy Secretary (National OHS Service) - Permanent Secretary for Defense, National Security and Immigration.

The Ministry through its leadership strategy did see the above promotion as an opportunity for them to add value in their respective ministries and at the same time provided the opportunity for its own people to take up leadership positions.

In summary, apart from being a legal requirement, diversity is a strength of the Ministry. It is a resource that attracts the best available talent. The diversity in human resource is an effective communication strategy when engaging customers and stakeholders.

Employment Category	Number
Permanent Staff	131
Government Wage Earners	21
Project Officers	82
Volunteers	50
<b>TOTAL</b>	<b>284</b>

Table 01: Total number of staff by Employment Category

Employment Category	Male	Female
Permanent Staff	54	77
Government Wage Earners	12	9
Project Officers	44	38
Volunteers	16	34
<b>TOTAL</b>	<b>136</b>	<b>148</b>

Table 02: Total number of staff by Employment Category and Sex

Staff Age Bracket	Number
18-25	13
26-30	42
31-40	156
41-50	64
51-60	9
60 +	0
<b>TOTAL</b>	<b>284</b>

Table 03: Staff Age Bracket





## MANAGEMENT STRUCTURE



**MINISTER FOR LABOUR, INDUSTRIAL RELATIONS & EMPLOYMENT**  
Mr. Jone Usamate



**PERMANENT SECRETARY FOR LABOUR, INDUSTRIAL RELATIONS & EMPLOYMENT**  
Mr. Taito Waqa



**CHIEF TRIBUNAL**  
Mr. Sainivalati Kuruduadua



**CHIEF MEDIATOR**  
Mr. Vimlesh Maharaj



**DEPUTY SECRETARY FOR LABOUR, INDUSTRIAL RELATIONS & EMPLOYMENT (HEADQUARTERS)**  
Mr. Samuela Namosimalua



**DEPUTY SECRETARY (NATIONAL OHS / WORKERS COMPENSATION SERVICE)**  
Mr. Osea Cawaru



**DIRECTOR LABOUR POLICY & PRODUCTIVITY (DLPP)**  
Ms. Vani Varea



**DIRECTOR NATIONAL EMPLOYMENT CENTRE (NEC)**  
Mr. Viliame Cagilaba



**ACTING DIRECTOR NATIONAL OHS SERVICE (NOHSS)**  
Mr. Isimeli Tuivaga



**DIRECTOR LABOUR STANDARDS SERVICE (LSS)**  
Mr. Vilimone Baledrokadroka

While the Minister for Labour, Industrial Relations and Employment sets the political direction, the Permanent Secretary heads the Ministry's eight (8) level hierarchical organizational structure down to volunteer level. Within the Ministry, there are two types of reporting relationships, the first being the administrative reporting and the second is the functional reporting relationship.

The Deputy Secretary (Headquarters) integrates all Unit activities through the exercise of organizational authority. Detailed functional expertise is located at Service levels which are headed by Directors and is where administrative authority and functional directions are joined.

The Ministry's three (3) Boards, namely the Employment Relations Advisory Board (ERAB), the National Occupational Health and Safety Advisory Board (NOHSAB) and the National Employment Centre Board (NECB) have both a functional (making policy recommendations on employment matters) and administrative (Board governance) reporting function to the Minister.

### Customers and Stakeholders

The Ministry's key customers are Fiji's workforce including unemployed persons,

workers' and employers' representative organisations, non-governmental organizations (NGOs), other Government Ministries and international organizations such as the International Labour Organisation (ILO).

The main requirements and expectations of our key customers, is to provide advice on labour laws, to ensure they operate within the legal framework, while at the same time improving their business opportunities.

The key difference in the labour market segment, are the expectations of parties. The employer groups require that we provide advice to facilitate their profitability while the worker groups or unions require the protection of workers through the application of the labour laws by the employers.

### Suppliers and Partners

The Ministry of Finance through its tender process has identified key suppliers of goods and services. The Ministry utilizes their services for supply of goods such as office equipment and consumables. We ensure that re-ordering of goods is done to ensure sufficient levels of stock are on-hand. We enjoy the excellent relationship with our suppliers as our accounts are

cleared in good time.

Partners of the Ministry include the tripartite social partners (employer and worker organisations) who work with the Ministry in developing labour policies. Other key partners are the:-

1. International Labour Organisation (ILO) that sets international standards on labour matters; and
2. Asian Productivity Organisation (APO) that sets standards and provides relevant capacity building in the area of workplace, sectoral and national productivity.

Overall, the Ministry's partners have a critical role in the effective operation of the Ministry. The communication mechanisms established for suppliers as explained are the Fiji Procurement Office under the Ministry of Finance and the tripartite (Government, Employer and Worker) Boards. For the international organisations, the key mechanism of communication are through our representation in the ILO and APO Governing Bodies.

All partners play a key role in setting the platform for innovation and the Ministry is responsible for its implementation. The Ministry's supply chain must adhere to the requirements of the Ministry of Finance and the Public Service Commission.





# 1975 - 2012: Labour Laws

**1975**

Workers  
Compensation  
Act (Cap 94)

**1995**

Industrial  
Association Act  
( Cap 95)

**1996**

Health and  
Safety at Work  
Act 1996

**1997**

Health and  
Safety at Work  
(Administration)  
Regulations

Health and Safety  
at Work (Training)  
Regulations

Health and  
Safety at Work  
(Representatives  
and Committees)  
Regulations

**1998**

Daylight  
Saving Act

**2009**

National  
Employment  
Centre Decree

**2012**

Wages  
Regulation  
Orders for the 10  
Sectors





# Enactment Timeline

## 2003

Health and Safety at Work (Amendment)

Health and Safety at Work (General Workplace Conditions) Regulations

## 2006

Health and Safety at Work (Control of Hazardous Substances) Regulations

## 2007

Employment Relations Promulgation (ERP)

## 2008

Employment Relations (Administration) Regulations

Employment Relations (Labour Management Consultation and Cooperation Committees) Regulations

Employment Relations (Employment Agencies) Regulations

Code of Good Faith for Collective Bargaining

Code of Ethics for Mediators

National Policy on Sexual Harassment in the Workplace

National Code of Practice for HIV/AIDS in the Workplace

# **Tripartism**

The Ministry aims to ensure that it serves the needs of working women and men through tripartism by bringing together government, employers, workers and independent representatives to set labour laws, develop policies and devise programmes. Its tripartite structure makes the Ministry unique because employers' and workers' organizations have an equal voice with government in all its deliberations.

The Ministry encourages tripartism in all its Boards to promote social dialogue to help design and implement national policies. Achieving fair terms of employment, decent working conditions, and development for the benefit of all cannot be achieved without the active involvement of workers, employers and governments, including a broad-based effort by all of them. To encourage such an approach, one of the strategic objectives of the Ministry is to strengthen social dialogue among the tripartite constituents. It helps governments, employers' and workers' organizations to establish sound labour relations, adapt labour laws to meet changing economic and social needs and improve labour administration.

## The MLIRE has established three different Boards to assist the Government, Workers and Employers implement good practice approaches by maximizing the benefits of dialogue on labour and employment issues as required under the Labour Laws.

Dialogue between Government, workers and employers promotes consensus building and democratic involvement in the world of work. This is social dialogue, which can mean negotiation, consultation or simply an exchange of information and views between representatives of employers, workers

and Government. The Ministry have established Boards and committees representing the Government, workers and employers to discuss labour issues as well as broader issues of economic and social significance to workers and employers. Sometimes these Boards and committees are informal, but often

they are specifically mandated in the Labour Legislations. The three Boards were established as required under the Employment Relations Promulgation (ERP) 2007, Health and Safety at Work Act (HASAWA) 1996 and the National Employment Centre (NEC) Decree 2009.

### EMPLOYMENT RELATIONS ADVISORY BOARD (ERAB)

#### Statutory Obligations

Provides a statutory framework which promotes the welfare and prosperity of all Fiji's people by –

- Creating minimum labour standards that are fair to workers and employers alike and to build productive employment relationships.
- Helping to prevent and eliminate direct and indirect discrimination in employment on the basis of race, colour, gender, sexual orientation, age, physical or mental disability, HIV&AIDS status, marital status, family responsibilities pregnancy, religion, political opinion, national extraction or social origin.
- Providing a structure of rights and responsibilities for parties engaged in employment relations, to regulate the relationship and encourage bargaining in good faith and close observance of agreements; as well as effective prevention and efficient settlement of employment related disputes.
- Establishing the Mediation Service, and the Employment Relations Tribunal to carry out their powers, functions and duties.
- Encouraging consultation between

labour and management in the workplace for better employment relations and productivity improvement.

- Complying with international obligations and giving effect to the constitution and related matters.

#### Functions of the Board

The functions of the Board are -

- To consider and advise the Minister on employment related matters including issues of policy as well as matters provided for by the Employment Relations Promulgation 2007 and any other written law.
- To inquire into and report to the Minister on employment related matters referred to it by the Minister.
- In liaison with the Ministry to facilitate the making of regulations, code of practice and guides relating to matters covered by the Promulgation for the Minister's consideration.
- To advise the Minister on consultation and cooperation between labour and management and how this process may be promoted and strengthened.
- To advise the Minister on International Labour Organization instruments.

- To perform other functions under the Promulgation or any other written law.

#### ERAB Membership

The membership is tripartite and the Minister invites the most representative employer and employee organizations to submit names recommended to be appointed as members.

The Permanent Secretary for Labour, Industrial Relations and Employment is the Chairperson; and his Deputy Secretary is also a member of the Board and under the provision of the Employment Relations Promulgation (ERP) 2007.

The Board membership was for two years effective from 1st January 2012 and expiring on 31st December, 2013. The Board membership is provided on Table 04.

#### Board Papers Tabled

The ERAB Secretariat covered a total of three (3) ERAB meetings in 2013. The ERAB members deliberated and discussed a total of seventeen policy papers.



### ERAB Sub-Committees

As required under the ERP, the Board may from time to time appoint Board Sub-Committees with such membership as the Board deems appropriate. In 2013, the Employment Relations Advisory Board formed only one Sub-Committee which is the ERP Sub-Committee. The committee was tasked to review and amend the current Employment Relations Promulgation 2007.

2013 ERAB Members	
CHAIRPERSON	
Permanent Secretary for Labour, IR & Employment	
BOARD SECRETARY	
Director Labour Policy & Productivity (Ministry of Labour)	
WORKERS REPRESENTATIVE	
- Mr. Felix Anthony - Mr. Daniel Urai Manufoalau	- Mr. Rajeshwar Singh - Mr. Agni Deo - Mr. John Paul
EMPLOYERS REPRESENTATIVE	
- Mr. Poate Mata - Mr. Nesbitt Hazelman	- Mr. Joseph Della Gatta - Mr. Patrick Wong - Mr. Himmat Lodhia
GOVERNMENT REPRESENTATIVE	
- Secretary for the Public Service - Permanent Secretary for Strategic Planning - Deputy Secretary for Labour, Industrial Relations & Employment	
OTHER MEMBERS	
- Ms. Marie Chan - Mr. Peni Gavidia	- Ms. Basundra Kumar

Table 04

2013 ERAB Sub - Committee Members	
CHAIRPERSON	
Permanent Secretary for Labour, IR & Employment	
BOARD SECRETARY	
Director Labour Policy & Productivity (Ministry of Labour)	
WORKERS REPRESENTATIVE	
- Mr. Felix Anthony - Mr. Rajeshwar Singh	- Mr. Daniel Urai Manufoalau
EMPLOYERS REPRESENTATIVE	
- Mr. Poate Mata - Mr. Noel Tofinga	- Mr. Nesbitt Hazelman
GOVERNMENT REPRESENTATIVE	
- Secretary for the Public Service - Permanent Secretary for Strategic Planning - Deputy Secretary for Labour, IR & Employment	
OTHER MEMBERS	
- Ms. Marie Chan	- Mr. Peni Gavidia

Table 05

### ERP Sub-Committee

The ERP Sub-Committee conducted a total of twenty four (24) meetings throughout 2013 discussing and deliberating over the Draft Employment Relations Promulgation 2013 (Revisions and Amendments to the Employment Relations Promulgation No. 36 of 2007). The members collectively achieved a total of ninety eight (98%) consensus of the Draft which was documented in details on the ERP

Template Matrix of Consensus. Members of the ERP Sub - Committee is tabulated in Table 05.

### Board & Sub-Committee Meetings

Board and Sub-Committee meetings and attendance for the period 1 January to 31 December 2013 is provided in Table 06.

ERAB & ERAB SUB - COMMITTEE MEETINGS 2013					
Month	No. of Meetings	Meeting Dates	Types of Meeting	Venue	Agenda
May	1	15/05/2013	Sub Committee	Holiday Inn	ERP Amendments
	2	16/05/2013	Sub Committee	Holiday Inn	ERP Amendments
	3	17/05/2013	Sub Committee	Holiday Inn	ERP Amendments
	4	27/05/2013	Sub Committee	Southern Cross	ERP Amendments
	5	28/05/2013	Sub Committee	Southern Cross	ERP Amendments
Jul	6	18/07/2013	Sub Committee	Southern Cross	ERP Amendments
	7	23/07/2013	Sub Committee	Southern Cross	ERP Amendments
	8	24/07/2013	Sub Committee	Southern Cross	ERP Amendments
	9	29/07/2013	Sub Committee	Holiday Inn	ERP Amendments
	10	30/07/2013	Sub Committee	Holiday Inn	ERP Amendments
	11	31/07/2013	Sub Committee	Holiday Inn	ERP Amendments
Aug	12	01/08/2013	Sub Committee	Holiday Inn	ERP Amendments
	13	06/08/2013	Sub Committee	Southern Cross	ERP Amendments
	14	07/08/2013	Sub Committee	Southern Cross	ERP Amendments
	15	08/08/2013	ERAB	Holiday Inn	Ratification /Adoption of ILO instruments
	16	08/08/2013	Sub Committee	Holiday Inn	ERP Amendments
	17	09/08/2013	Sub Committee	Holiday Inn	ERP Amendments
	18	15/08/2013	Sub Committee	Holiday Inn	ERP Amendments
	19	16/08/2013	Sub Committee	Holiday Inn	ERP Amendments
Sept	20	18/09/2013	Sub Committee	Holiday Inn	ERP Amendments
	21	20/09/2013	Sub Committee	Holiday Inn	ERP Amendments
	22	25/09/2013	ERAB	Peninsula	ERP Amendments
	23	25/09/2013	Sub Committee	Peninsula	ERP Amendments
Oct	24	15/10/2013	Sub Committee	Holiday Inn	ERP Amendments
	25	17/10/2013	Sub Committee	Tanoa Plaza	ERP Amendments
	26	18/10/2013	Sub Committee	Tanoa Plaza	ERP Amendments
Dec	27	20/12/2013	ERAB	Holiday Inn	ERP Amendments

Table 06

## NATIONAL OCCUPATIONAL HEALTH & SAFETY ADVISORY BOARD (NOHSAB)

### Statutory Obligations

Provides statutory framework to:-

- Reform the law relating to the health and safety of workers and other people at work or affected by the work of other people.
- Provide clear objectives and functions which cover every workplace.
- Set out the roles of employers, workers, self employed persons, manufacturers, designers, suppliers, installers, inspectors and provides methods for the development of detailed standards and codes of practice.
- Provide the consolidation and progressive replacement of the associated health and safety legislations as defined and related matters.

The Permanent Secretary for Labour, Industrial Relations and Employment and his Deputy Secretary is also a member of the Board and shall be its Chairperson under the provision of the Health and Safety at Work Act 1996.

The Board membership was for two years effective from 1st January 2012 and expiring on 31st December, 2013. The Board memberships is provided in Table 07.

### NOHSAB Sub-Committees

As required under the Act, the Board may from time to time appoint Board Sub-Committees with such membership as the Board deems appropriate. The Board Sub-Committees of the National OHS Service is tabulated in Table 08.

### NOHSAB Membership

The membership is tripartite and the Minister shall invite the most representative employer and employee organisations to submit names recommended to be appointed as members.

### Board & Sub-Committee Meetings

Board and Sub-Committee meetings and attendance for the period 1 January to 31 December 2013 is provided in Table 09.

Board Members	Board		Sub-Committee		Sub-Committee		Sub-Committee	
			Trust Fund		Human Resource		Special Projects	
	No. of meetings		No. of meetings		No. of meetings		No. of meetings	
	Held	Attended	held	Attended	Held	Attended	Held	Attended
Permanent Secretary for Labour, IR & Employment	5	5	n/a	n/a	n/a	n/a	n/a	n/a
Secretary for Public Service	5	5	5	5	1	-	4	1
Permanent Secretary for Works & Transport	5	4	n/a	n/a	n/a	n/a	n/a	n/a
Permanent Secretary for Public Enterprise	5	5	n/a	n/a	n/a	n/a	n/a	n/a
Permanent Secretary for Local Government	5	4	n/a	n/a	n/a	na	n/a	n/a
Representatives of Employers								
Mr. Naveen Lakshmaia (FEA)	5	-	n/a	n/a	n/a	n/a	n/a	n/a
Mr. Asaeli Tokalau (SCC)	5	3	5	5	n/a	n/a	n/a	n/a
Mr. Noel Tofinga (FCEF)	5	4	n/a	n/a	n/a	n/a	n/a	n/a
Mr. John O'Connor (NFA)	5	1	n/a	n/a	n/a	n/a	n/a	n/a
Mr. Ashok Nath (SmartWork)	5	3	n/a	n/a	1	-	4	2
Representatives of Workers								
Mr. John Mudaliar (NUFCW)	5	2	5	5	n/a	n/a	n/a	n/a
Mr. Krishna Raghuwaiya (USPSA)	5	4	n/a	n/a	n/a	n/a	n/a	n/a
Mr. Vilikesa Naulumatua (FASA-ATS)	5	1	n/a	n/a	n/a	n/a	n/a	n/a
Mr. Rouhit Singh (LCC)	5	5	n/a	n/a	n/a	n/a	n/a	n/a
Ms. Jotika Sharma	5	2	n/a	n/a	1	-	4	4

Table 09: NOHSAB Board Membership

2013 NOHSAB Members	
CHAIRPERSON	
Permanent Secretary for Labour, Industrial Relations & Employment	
DEPUTY CHAIRPERSON	
<ul style="list-style-type: none"> <li>• Employer Member</li> <li>• Worker Member</li> </ul>	
WORKERS REPRESENTATIVE	
<ul style="list-style-type: none"> <li>• Mr. John Mudaliar</li> <li>• Mr. Krishna Raghuwaiya</li> <li>• Mr. Vilikesa Naulumatua</li> <li>• Ms. Jotika Sharma</li> <li>• Mr. Rouhit Singh</li> </ul>	
EMPLOYERS REPRESENTATIVE	
<ul style="list-style-type: none"> <li>• Mr. Ashok Nath</li> <li>• Mr. Asaeli Tokalau</li> <li>• Mr. Naveen Lakshmaia</li> <li>• Mr. John O'Connor</li> <li>• Mr. Noel Tofinga</li> </ul>	
GOVERNMENT REPRESENTATIVE	
<ul style="list-style-type: none"> <li>• Secretary for the Public Service</li> <li>• Permanent Secretary for Public Enterprise, Tourism &amp; Communication</li> <li>• Permanent Secretary for Local Government, Urban Development &amp; Environment</li> <li>• Permanent Secretary for Transport, Works &amp; Energy</li> </ul>	

Table 07

2013 NOHSAB Sub - CommitteeS & Members	
HUMAN RESOURCE	
<ul style="list-style-type: none"> <li>• Mr. Ashok Nath</li> <li>• Ms. Jotika Sharma</li> <li>• Public Service Commission</li> </ul>	
TRUST FUND	
<ul style="list-style-type: none"> <li>• Mr. Asaeli Tokalau</li> <li>• Mr. John Mudaliar</li> <li>• Public Service Commission</li> </ul>	
WORLD OHS DAY	
<ul style="list-style-type: none"> <li>• Mr. Jotika Sharma</li> <li>• Mr. Noel Tofinga</li> <li>• Ministry of Labour</li> </ul>	
DIVING REGULATIONS	
<ul style="list-style-type: none"> <li>• Mr. Rouhit Singh</li> <li>• Mr. Ashok Nath</li> <li>• Public Service Commission</li> </ul>	
CONSTRUCTION REGULATIONS	
<ul style="list-style-type: none"> <li>• Ms. Reijeli Naruma</li> <li>• Mr. Ashok Nath</li> <li>• Ministry of Works</li> </ul>	
SPECIAL PROJECTS	
<ul style="list-style-type: none"> <li>• Mr. Ashok Nath</li> <li>• Ms. Jotika Sharma</li> <li>• Public Service Commission</li> </ul>	

Table 08

## NATIONAL EMPLOYMENT CENTRE BOARD (NECB)

### Statutory Obligations

Provides statutory framework to: -

- Establish a 'one-stop-shop' NEC infrastructure throughout the Fiji Islands under the jurisdiction of the Ministry of Labour to provide quality skills training, human resource development and utilisation services to enhance the employability of the unemployed persons, retirees and volunteers for both the local and overseas employment markets through quality consolidation, facilitation, coordination and monitoring of all existing employment creation services within Government.
- Provide a structure of responsibilities and rights for the NEC Board.
- Establish the Formal Employment Service (FES), the Self Employment Service (SES), the Fiji Volunteer Service (FVS) and the Foreign Employment Service (FORES).

- Encourage effective and efficient consultation and communications between employment creation services and the NEC for quality strategic management of employment creation information, data and challenges.
- Promote decent and environment - friendly employment opportunities and career advancement for all unemployed persons in the labour market including persons with disabilities.
- Promote opportunities for decent self - employment, entrepreneurship, the starting and development of small and micro enterprises or cooperatives including social enterprises, green productivity and local economic development programs through sustainable enterprise development.
- Promote decent vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities.
- Prevent and eliminate direct and indirect discrimination to any unemployed persons involved in any employment creation service.
- Comply with international obligations relating to human development and climate change.
- Effectively address any other related matters.

- and corporate plan targets every year.
- Ensure an efficient and effective NEC established under the Ministry by this Decree.
- Ensure an efficient and effective NEC Secretariat.
- Ensure an efficient and effective operation employment creation services established under the NEC Decree.
- Ensure an efficient and effective implementation of employment creation policies of Government.

### NECB Board Membership

The membership is tripartite and the Minister invites the most representative employer and employee organizations to submit names recommended to be appointed as members.

The Permanent Secretary for Labour, Industrial Relations and Employment is the Chairperson of the Board under the provision of the National Employment Centre Decree 2009.

The Board membership is for two years effective from 1st January 2012 and expiring on 31st December, 2013. The Board memberships is provided on Table 10.

### Functions of the Board

The functions of the Board are to:-

- Establish overarching NEC's strategic plan and corporate plan vision, mission, values, targets and strategies.
- Ensure the achievements of the Centre's overarching strategic plan

### NECB Board Meeting

The NEC Board met once in 2013 with a total of nineteen (19) board papers presented at its meeting on 10th January, 2013.

2013 NEC Board Members	
<b>CHAIRPERSON</b>	
Permanent Secretary for Labour, IR & Employment	
<b>BOARD SECRETARY</b>	
Director National Employment Centre (NEC)	
<b>WORKERS REPRESENTATIVE</b>	
• Ms. Teresa Ali	• Mr. Nitin Goundar
<b>EMPLOYERS REPRESENTATIVE</b>	
• Mr. Noel Tofinga	• Mr. Alipate Qetaki
<b>DIVISIONAL COMMISSIONERS</b>	
<ul style="list-style-type: none"> <li>• Commissioner Eastern</li> <li>• Commissioner Central</li> <li>• Commissioner Western</li> <li>• Commissioner Northern</li> </ul>	
<b>GOVERNMENT REPRESENTATIVES</b>	
<ul style="list-style-type: none"> <li>• Secretary for the Public Service</li> <li>• Permanent Secretary for Strategic Planning</li> <li>• Permanent Secretary for Finance</li> <li>• Permanent Secretary for Industry and Trade</li> <li>• Permanent Secretary for Youth and Sports</li> <li>• Permanent Secretary for Education</li> <li>• Permanent Secretary for Lands</li> <li>• Permanent Secretary for Agriculture</li> </ul>	
<b>YOUTH REPRESENTATIVE</b>	
• Mr. Maciu Ratumaimuri	
<b>VOCATIONAL TRAINING INSTITUTION REPRESENTATIVE</b>	
• Fiji National University (FNU)	

Table 10



# RESULTS

**This section highlights the achievements of year 2013 as committed under the Ministry's 2013 Annual Corporate Plan**

## SOCIAL JUSTICE



**GOOD FAITH  
EMPLOYMENT  
RELATIONSHIPS**



**SAFE AND  
PRODUCTIVITY DRIVEN  
WORKPLACES**

# 2013 Key Highlights

RESULTS

## Jan

- Implementation of 2013 Annual Corporate Plan
- National Employment Centre Board (NECB) Meeting

## Feb

- Minister for Labour Western Division Roadshow

## Mar

- Minister for Labour Northern Division Roadshow

## Jul

- Total of five (5) ERAB Sub Committee Meetings held in July on ERP Amendments

## Aug

- Minister for Labour Kadavu Roadshow
- ERAB Meeting on the Ratification and Adoption of ILO instruments
- Total of seven (7) ERAB Sub Committee Meetings held in August on ERP Amendments

## Sep

- First NMW Consultation for the Central Eastern Division held at the Suva Holiday Inn
- Minister for Labour Levuka Roadshow
- Total of three (3) ERAB Sub Committee Meetings held in September on ERP Amendments
- ERAB Meeting on ERP Amendments



## Apr

- Extension of Memorandum of Understanding between Ministry of Labour Fiji & PNG on OHS Technical Assistance
- Celebration and Commemoration of 2013 ILO World OHS Day

## May

- First Ever National Minimum Wage Baseline Survey conducted nationwide
- Training conducted to the Western and Northern Division Sugar Industry on the Eradication of Child Labour
- Minister for Labour Central Eastern Division Roadshow
- Total of five (5) ERAB Sub Committee Meetings held in May on ERP Amendments
- 55th Session of the APO Governing Body Meeting in Tokyo, Japan

## Jun

- Gazetting of 2014 Public Holidays
- Celebration of 2013 World Day Against Child Labour
- Asian Mediation Association (AMA) Annual General Meeting held at Hong Kong
- Public Service Day
- 318th Session of the ILO Governing Body Meeting in Geneva
- 319th Session of the International Labour Conference in Geneva

## Oct

- 54th Workshop Meeting of Heads of National Productivity Organisation (NPO) in Nadi, Fiji
- 2nd NMW Consultation for the Western Division held at the Nadi Tanoa Hotel
- 3rd NMW Consultation for the Northern Division held at the Takia Hotel
- Commencement of 2013 Daylight Savings
- Total of three (3) ERAB Sub Committee Meetings held in October on ERP Amendments

## Nov

- In-Country 2013 SMC Training on Managing Conflicts and Resolving Disputes Effectively Through Mediation
- 2014 Annual Corporate Plan Workshop held at the Lagoon Resort, Pacific Harbour

## Dec

- Dr. Reddy presents final NMW recommendation to the Labour Minister
- ISO 9001:2008 Lead Auditors Course
- Celebration of 2013 World HIV/AIDS Day
- ERAB Meeting on ERP Amendments

## 1

## IMPLEMENTATION OF THE MINISTRY'S STRATEGIC PLAN AND REFORMED LAWS

## WORKERS COMPENSATION REFORM

## Fiji Workcare Decree

Draft Decree was discussed with the ILO Experts during the 2013 ILC.

## OHS POLICY DEVELOPMENT

## HASAW (Plant) Regulations 2013

These regulations are developed to replace the Factories Act 1978. The Regulations expand on the duties of Designers, Manufacturers, Importers, Suppliers and Installers of Plant that are imposed by the Health and Safety at Work Act 1996, and incorporate the modern approach of 'Duty of Care' whereby those who create the risk and those who work with the risk have the primary responsibility to solve them. Once completed, the Regulations will allow for better management of plant used at workplaces in Fiji and reduce the number of accidents/incidents related to plant use, and will cover all industrial sectors.

## HASAW (User Certification) Regulations 2013

These regulations will set the minimum competency requirements for the various users of plant and will ensure that only those meeting these minimum requirements are permitted to operate plants. This will result in a reduction in the number of workplace accidents/incidents related to plant use at workplaces and will cover all industrial sectors.

## HASAW (Construction) Regulations 2013

These regulations will primarily cover the health and safety aspects of construction sites with the primary aim of reducing accidents/incidents in the Construction sector.

- Meetings of Sub-committee held and finalizing of training package for stakeholder consultation during the last quarter.
- Stakeholder consultation completed in the respective divisions i.e. Northern- 9th Oct, Western- 23rd October & Central/ Eastern-28th November.
- Information Paper tabled in the 4th NOHSAB meeting.

## Draft Code of Practice for Amusement Rides 2011

This will regulate the manufacture, maintenance, inspection and operation of all amusement rides in Fiji.

## Code of Practice for Sawmilling and Woodworking

This will provide guidance on the maintenance, inspection and operation of sawmill and woodworking machinery and will target the Agriculture, Forestry & Fisheries sector.

## EMPLOYMENT RELATIONS REFORM

## Secure Government policy position on draft ERP Amendments 2013 with Government reps in ERAB &amp; Solicitor General's Office for ERAB tripartite consultations

- Secured Government policy positions

on draft ERP Amendments 2013 with Government Reps. Ministry's Senior Managers, Divisional Heads, Government representatives from the Strategic Planning and Public Service Commission discussed on the ERP amendment at a one week's workshop on the 8th – 12th April 2013 at the Suva Holiday Inn.

## Endorsement of the ERP Amendments 2013 at ERAB and its Sub-Committees

- Completed tripartite discussions through 27 meetings on the ERP Amendments 2013 at the Sub-committee Meetings completed and final amendments were tabled to the Board on the 15th of October, 2013.
- The tripartite consultation was very successful as it resulted in a 98% consensus by the tripartite partners on the ERP amendments.

## ERP Amendments 2013

- Cabinet paper presented to the Minister on 18th and 19th December on the ERP Amendments for cabinet endorsement.

## SMC Mediation Training

- MOA with Singapore Mediation Centre (SMC) for training & accreditation.
- Annual General Meeting of Asian Mediation Association held in Hong Kong on the 12th of June 2013 and attended by the Chief Mediator.
- The Chief Mediator was one of four guest speakers at a Seminar organized by the Hong Kong Mediation Center. The seminar was





attended by Mediators and Judicial Officers from various jurisdictions in Hong Kong.

- Completed SMC Training & Accreditation workshop on Module III – Managing Conflicts and Resolving Disputes Effectively from 11-15th November 2013 at Holiday Inn.

#### Gazette Public Holidays 2014

- The Cabinet Paper for the proposed 2014 Public Holidays was submitted to Cabinet in June. Cabinet endorsed the following dates declared as Public Holidays for 2014 under the Employment Relations Promulgation 2007.
  - New Year's Day-Wednesday, 1st January
  - Prophet Mohammed's Birthday-Monday, 13th January
  - Good Friday - Friday, 18th April
  - Easter Saturday -Saturday, 19th April
  - Easter Monday - Monday, 21st April
  - Fiji Day -Friday, 10th October
  - Diwali -Thursday, 23rd October
  - Christmas Day -Thursday, 25th December
  - Boxing Day Holiday - Friday, 26th December

#### WAGES REFORM

Determination of National Minimum Wage through a Baseline Survey followed by Stakeholder workshops on "Findings of National Minimum Wage Survey"

- The National Minimum Wage Survey was conducted in the month of May on randomly selected enterprises covering 17,000 workers (10% of total workers) throughout Fiji.

- First Stakeholders' Consultation completed for the C/E division on 27 September, the Minimum wage presented as \$2.32
- Consultations continued with the Western and Northern division stakeholders on 3rd and 4th October.
- NEC Team (Northern Division) assisted by other core Units organised the National Minimum Wage Survey Consultation with stakeholders held in Takia Hotel, Labasa on 4th October 2013.
- Launching of the National Minimum Wage & its Wage Review Mechanism.
- Paper presented to ERAB on its meeting on 15th October.
- Dr. Reddy's final presentation and recommendations to the Minister on 24th December.

#### PRODUCTIVITY REFORM

##### ISO 9001:2008 Certification of Core Business Systems & Processes

- Formation of QMS Change Management Team formed and met to develop a timetable for QMS activities. Development of ISO 9001:2008 Mandatory Procedures and finalisation of the Quality Management System Manual carried out by all Services. This included the integration of Core Business Systems and Processes with the Mandatory Procedures and the development of Standard Operating Procedures (SOP)
- Draft QMS Manual finalised

## 2 AWARENESS, PROMOTION AND TRAINING STANDARDS AND PRACTICE

### Better Informed Labour Force on OHS and Labour Matters

The Ministry is responsible for undertaking the following awareness, promotions and training of standards and practices as part of its proactive service, which is an integral part of the employment relations management strategy, and the implementation of its policies and legislations.

These awareness, promotion and training programmes are provided to workplaces and their Committees advising both employers and workers of their legal obligations on the minimum terms and conditions of employment under the Employment Relations Promulgations (ERP) 2007 and its subsidiary legislations; and preventive actions to averting occupational deaths, injuries and related diseases under the Health and Safety at Work Act (HASAWA) 1996 and its subsidiary legislations.

### Employment Relations Promulgation (ERP) Training & Awareness

The ERP training is conducted on an 'as and when request' basis for the duration of one (1) day and similarly on awareness for the duration of (two) 2 hours. The number of ERP training and awareness conducted during the year is depicted in Figure 01.

The 2 year trend indicates that there was a high number of ERP training requests received by during the 2 year period and this resulted in no record of strike in 2013.

Figure 02 provides the number of trainings conducted for each quarter in 2013 and it illustrates that highest number of training and awareness request was received in the fourth quarter due to the demand from workplaces seeking clarification and information on the reformed Employment Relations Promulgation (ERP) 2007.

### LMCC Training for Workplace LMCC Committees and Representatives

The LMCC training and awareness is conducted for workplaces employing 20 or more workers and have established LMCC Committees as required under the ERP 2007. LMCC training is conducted for the duration of one (1) day and awareness is for the duration of two (2) hours.

The number of LMCC Training and Awareness conducted in 2013 is depicted in Figure 03 in comparison with the years 2011 and 2012.

Figure 04 provides the number of trainings conducted for each quarter in 2013.

### Specialized OHS Training and Awareness for Workplace OHS Committees and Representatives

Specialized OHS training and awareness is also provided to workplaces employing 20 or more workers, and have established their workplace OHS Committee; which is also an integral part of the OHS management strategy and the implementation of its policies and procedures.

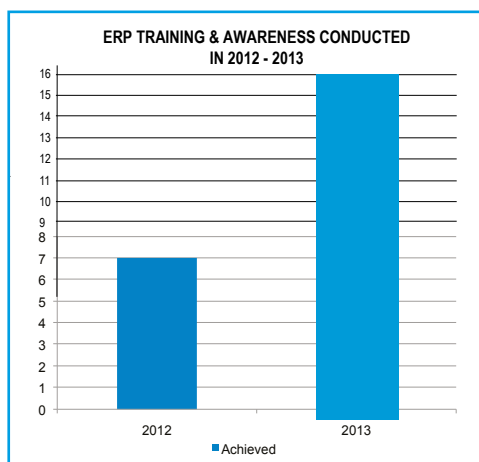


Figure 01

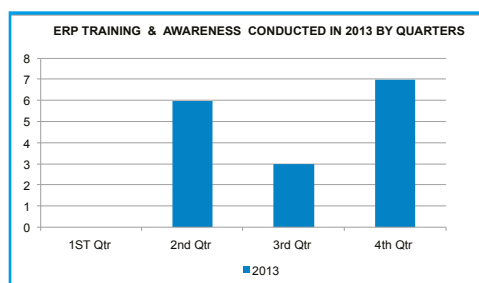


Figure 02

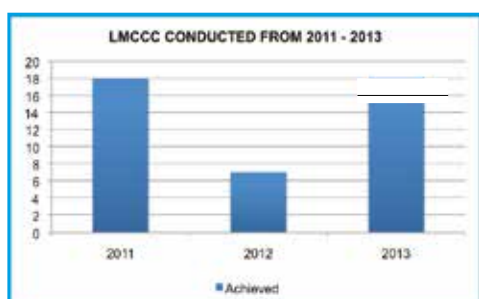


Figure 03

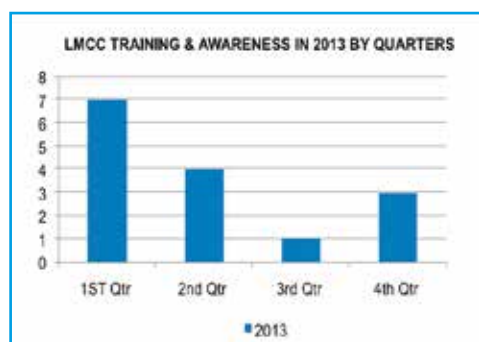


Figure 04

The number of OHS Trainings and Awareness conducted in 2013 is depicted in Figure 05 and compares it with 2012.

Figures 06 and 07 provides the number of training and awareness conducted for each quarters in 2013 and illustrates the requests received due to the demand of workplaces seeking clarification and information on the Health and Safety at Work (HASAWA) Act 1996.

### HIV & AIDS Training and Awareness for Workplaces

The HIV & AIDS training and awareness is conducted to advise workers and employers of acceptable preventive action to avert occupational deaths, injuries and related diseases from HIV & AIDS in the workplace, whilst respecting the fundamental principles and rights at work. This also empowers workplace stakeholders to reduce the impact of HIV & AIDS in businesses and the community



at large through the implementation of workplace policies including the National Code of Practice and programs that support preventative activities and those who are infected and affected by HIV & AIDS.

Figures 08 and 09 provides the number of HIV & AIDS trainings and awareness conducted for each quarters in 2013 and illustrates the trend.



Figure 05



Figure 06

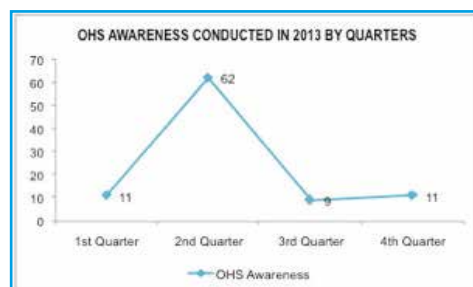


Figure 07

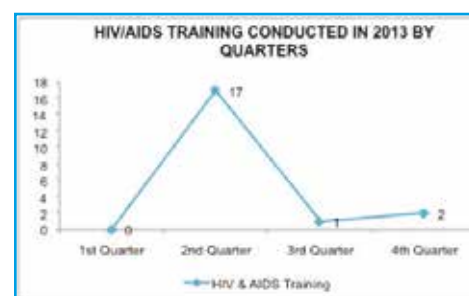


Figure 08

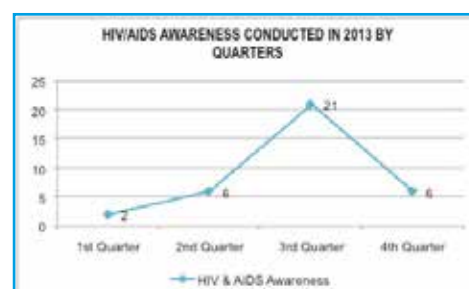


Figure 09



### 3 ASSESSMENT, REGISTRATION, COMPLIANCE AND MONITORING - LABOUR STANDARDS SERVICE

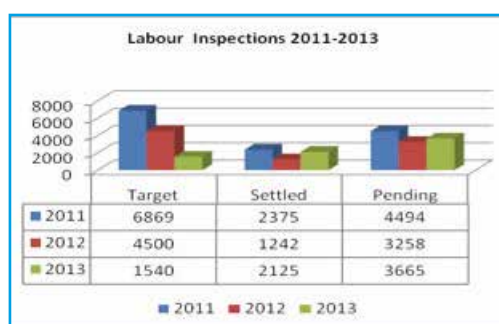


Figure 10



Figure 11

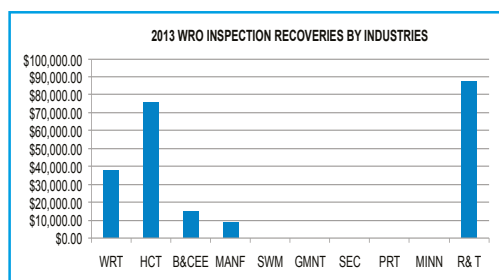


Figure 12



Figure 13

#### Effective and Efficient Labour Compliance Service

A core service of the Ministry is the Labour Standards Service (LSS) which is responsible for the promotion of fundamental principles and rights at work standards, and the compliance functions of the Employment Relations Promulgation 2007 (ERP) and its subsidiary Regulations, including the ten Wages Regulation Orders. The Service deals mainly with the minimum terms and conditions of employment in Fiji under the reformed labour laws.

Enforcement Officers' (Labour Standards Services) main obligations under the ERP 2007 is to conduct labour inspections on employers and at workplaces. This includes the verification of wages records, resolution of labour complaints/employment grievances, attestation of foreign contracts of service, prosecution of offences under the ERP. Additionally the Unit monitors the authorization of employment agencies in Fiji for local and overseas employment.

#### Labour Inspections

For compliance and monitoring, the Ministry continually carries out labour inspections on the minimum terms and conditions of employment under the 10

sectoral Wages Regulation Orders (WRO) and Individual Bargaining for the informal sectors that are not covered under the 10 WROs.

In 2013, the Unit conducted a total of 2125 labour inspections against the annual target of 1540. Figure 10 shows the trends on labour inspections conducted against its annual targets from 2011 - 2013.

#### Individual Bargaining (IB)

Individual bargaining is the process where an employee and his/her employer negotiate over the minimum terms and conditions of employment and the worker is not covered under any of the 10 sectoral Wages Regulation Order.

In 2013, the Ministry settled a total of 273 individual bargaining cases as depicted in Figure 11.

#### Labour Inspection (WRO & IB) Recoveries

The Ministry recovered a total of \$250,102.32 for both WRO and IB inspection. The breakdown of WRO inspections recoveries by industries is illustrated in Figure 12.



## Labour Complaints

In 2013, the Unit settled the total of 1024 labour complaints against the annual estimated target of 2505. Figure 13 shows trends of labour complaints settled and pending against annual targets from 2011 - 2013.

## Labour Complaints Recoveries

The Ministry recovered a total of \$298,394.39 through labour complaints, under the WRO and IB as depicted in Figure 14. The breakdown of labour complaints under the 10 WRO sectors is depicted in Figure 15 and Individual Bargaining in Figure 16 for 2012 and 2013.

## Penalty Notices Issued

Penalty notices are issued to workplaces or employers that do not comply with or found breaching the provisions of the ERP 2007 and its subsidiary legislations.

In 2013, the LSS issued a total of 957 penalty notice to non-compliant workplaces. Out of the 957 penalty notices issued, a total of 4 employers were charged for breaching the child labour laws. These cases were taken before the Employment Relations Tribunal.

## Authorization of Employment Agencies

A total of 3 employment agencies were authorised for local and overseas employment as mentioned below:

1. Ace and Ace Enterprises
2. New Advent Ministry and Thrive International Agency
3. Mary Kates Travel Limited

## Effective and Efficient Complaints Resolution

The Complaints Resolution Unit was established in September 2012 to resolve all Prime Minister's (PM), Attorney General's (AG), Minister (MLIRE) and Permanent Secretary's (PS) referrals in a quick and efficient manner. Speedy resolution of these cases is done in good faith between the complainants and employers and enterprises.

The Team is headed by a Manager, two (2) Labour Officers, one (1) Assistant Labour Officer, one (1) Temporary Relieving Labour Inspector and one (1) Volunteer. The Team's achievement for the year is highlighted below.

## Prime Minister's Referral

To ensure speedy resolution of referrals from the PM's Office, the CR Unit received a total of 111 cases, whereby 82 cases were settled, 9 referred for mediation, 3 for prosecution with a total of 17 pending for further actions. Figure 17 depicts the number of PM's referral actioned in 2013. The settlement percentage for PM's referrals in 2013 is 80.86%

## Prime Minister's Referral Recoveries

From the 82 cases settled, the Unit recovered the total of \$57,774.14 for complainants as depicted in Figure 18.

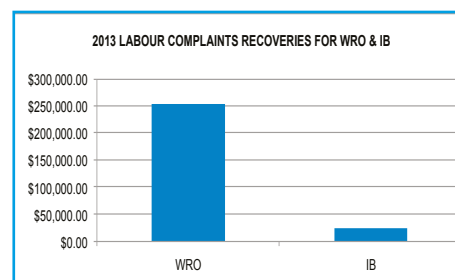


Figure 14

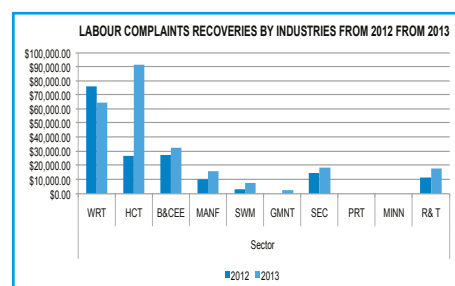


Figure 15

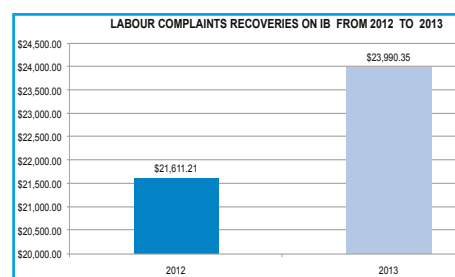


Figure 16

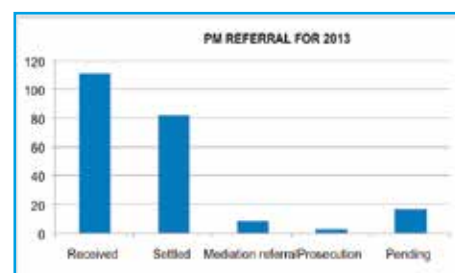


Figure 17

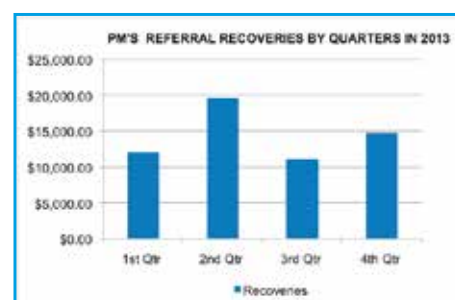


Figure 18

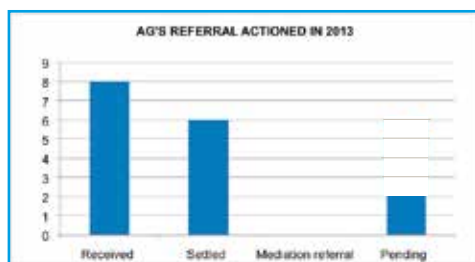


Figure 19

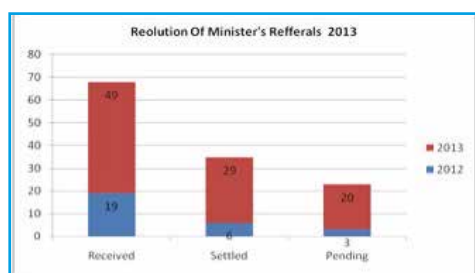


Figure 20

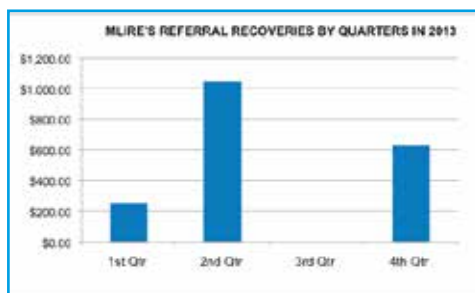


Figure 21

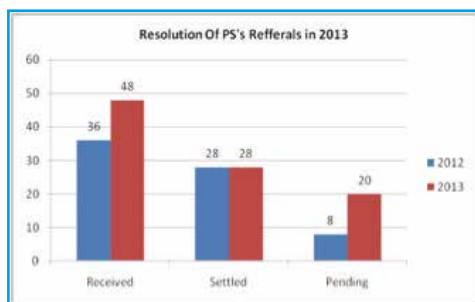


Figure 22

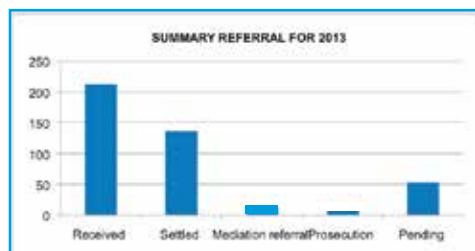


Figure 23

### Attorney General's Referrals

The Unit also receives referrals from the AG's Office for their facilitation. In 2013, a total of 8 cases were received whereby 6 were settled, none referred for mediation whilst 2 remain pending for further investigations as depicted in Figure 19.

### Minister for Labour's Referrals

The Minister for Labour, Industrial Relations & Employment also received grievances from the general public in regards to their cases in relation to the minimum terms and conditions of employment, occupational health and safety, mediation and prosecution cases.

In 2013, the Unit received a total of 49 referrals from the Minister's Office whereby 29 were settled and a total of 20 remain pending for further action as provided in Figure 20 and compared with to 2012.

### Minister for Labour's Referral Recoveries

From the 29 cases settled, the Unit recovered the total of \$1,938.37 as recoveries for grievors as depicted in Figure 21.

### Permanent Secretary's Referrals

The Office of the Permanent Secretary also receives cases from concerned citizens in relation to the terms and conditions of their employment.

From this office, the Unit received a total of 48 cases whereby 28 were settled with a total of 20 pending for further action as illustrated in Figure 22 and this is

equivalent to a settlement of 58.33% in 2013. The graph is also in comparison with the year 2012.

### Permanent Secretary's Referral Recoveries

From the 28 cases settled, the Unit manages to recover the total of \$2,969.37 to workers and dependents.

### Summary of Referrals

In total, the CRT received a total of 216 cases for the year whereby 145 cases were settled with a total of 59 remains pending for further scrutiny.

Figure 23 summarizes the total number of cases actioned in 2013.

### Summary Referral Recoveries

From the 145 cases settled, the Unit managed to recover the total of \$62,681.88 as recoveries.

### Road Show Referrals

Cases referred via the Minister's Road Shows were also handled by the Unit.

The Minister held Road Shows at the following divisions:

- Western Division - 06/02 to 08/02/13
- Northern Division - 18/03 to 22/03/13
- Central Eastern Division - 07/05 to 09/05/13
- Kadavu - 31/07 to 1/08/13 2013
- Levuka - 25/09 to 28/09/13

From these referrals, the Unit received a total of 173 cases whereby 166 were settled, and of 7 referred to Tribunal. A total of \$257,239.92 was recovered in this process.

### Total of Referral Recoveries

The Complaints Resolution Unit recovered a total of \$319,921.80 from referrals and the Minister's roadshows.

Through the Road Shows, the Ministry noted that most workers / grievors were not aware of their rights and obligations under the labour laws. The Road Show initiated by the Labour Minister greatly benefited both workers and employers to understand their responsibilities and rights under the law. It was also an achievement of Government's commitment towards an open door policy and bringing its services to the people.

The CRU is required to process cases within 3 months after its lodged.

### Effective Monitoring and Coordination of Child Labour Cases

The Child Labour Unit, earmarked a Centre for Excellence is responsible for monitoring, training and development of the labour inspectorate and stakeholders, on all aspects of child labour issues under the ERP 2007 and Health and Safety at Work Act 1996. It promotes and advocates issues of child labour in Fiji and administers the child labour information system in Fiji. The Unit conducts investigations and prosecutes child labour cases, provides awareness to the stakeholders and members of the public on child labour laws and ensures that issues related to child protection are urgently addressed.

### Establishing Strategic Partnership on Elimination of Child Labour

In promoting Fiji's Fair Trade Certification through the elimination of Child Labour in the Sugar Industry, the Ministry through the Child Labour Unit provided training for the Sugar Industry. The training for the Western Division was undertaken on 10 May 2013 where a total of 51 participants took part; 22 participants were trained in the Northern Division on 23 May 2013. This is part of establishing strategic partnership with the Ministry of Sugar, the Sugarcane Growers Council and the three Cane Producer Associations in Fiji.

The Unit also established a strategic partnership with the Ministry of Local Government, and piloted the child labour reporting system for reporting cases from the Municipal markets to the Ministry. The reporting process was implemented through a MOU with the Municipal markets.

Additionally, the Labour Minister presented an information paper on the Child Labour Unit's performance, an impact assessment. The identification of best practices and challenges for improvement at the "Child Labour Project Review Forum" in Belgium, Brussels on the 2nd and 3rd of July.

### Children Withdrawn from Child Labour Activities

The Unit was able to take 29 children out of child labour situations. These children were referred to schools and other educational and training institutes.



2013 Minister's Road Show in Labasa on 21.03.13



2013 Labour Minister's Road Show in Sigatoka



Ministry assists a family by referring the child back to school



School participation during the 2013 World Day Against Child Labour Celebration on 12.06.13

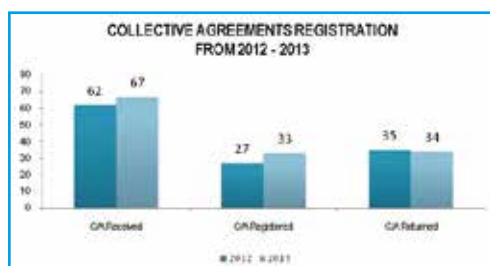


Figure 24



Figure 25



Figure 26

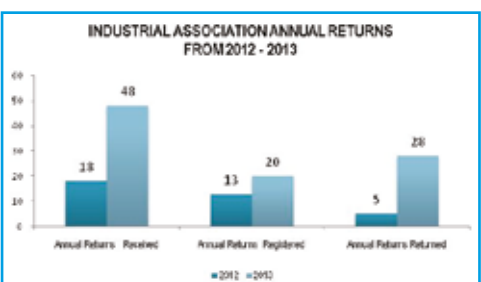


Figure 27



Secret Ballot for Suva City Council (SCC) in 2013

## 4 REGISTRAR OF TRADE UNIONS AND REGISTRAR OF INDUSTRIAL ASSOCIATIONS

### Effective and Efficient Administration and Control of Registration of Trade Unions (RTU) and Industrial Associations (RIA)

The RTU and RIA units are responsible for the effective, efficient, administration and control of all trade union (TU) and industrial association (IA) matters. The units' core activities deal with the registrations, suspensions, cancellations of TUs and IAs. The RTU unit is also responsible for the coordination and supervision of strike ballots by trade unions and vetting and registration of all collective agreements between registered TUs and employers.

#### Registration of Trade Unions (RTU)

##### Collective Agreements

A total of 67 collective agreements were received for registration; 33 agreements were registered while 34 were returned due to incomplete reports or non-compliance with the ERP. Figure 24 depicts the number of collective agreements registered and rejected in 2013 & 2012.

##### Annual Returns

The ERP requires all trade unions to provide the Registrar of Trade Unions on or before the 30th September of each year, a general audited statement of all its receipts and expenditure, assets and liabilities as at 31st December of the previous year. In 2013, 37 annual returns were received and 8 rejected due to incomplete reports or non-compliance with the law as shown on Figure 25.

### Amendments to Trade Union Constitution (RTU)

A total of 4 requests for amendments to respective Constitutions were received. Three of these requests were registered while 1 was returned due to non-compliance with minimum standards in law.

#### Secret Ballots for Strike Mandate

A total of 5 Secret Ballot for Strike Notices were received by the Registrar in 2013. These were issued by the following trade unions:

- National Union of Municipal Workers (NUMW) vs. Suva City Council (SCC)
- Fiji Sugar General Workers Union (FSGWU) vs. Fiji Sugar Corporation (FSC)
- National Union of Hotel Catering Tourism & Industries Employees (NUHCTIE) vs. Yatule Is. Beach Resort
- FSGWU vs. Tropik Wood Industries
- NUHCTIE vs. Fiji Hideaway Resort and Spa

In addition to the above, workers of Sheraton Fiji Resorts, Sheraton Denarau Villas & the Westin Denarau Island Resorts and Spa went on strike on the 31st December 2013. The strike was "declared unlawful" due to their failure to follow procedures set out in the ERP.

Furthermore, the ERP also administers the change of names for trade unions. The Fiji School of Medicine Employees Association (FSMEA) applied for a name change Union and is now registered



as the Fiji National University Employees Association (FNUEA) with effect from 12th February 2013.

### Registration under the Essential National Industries Decree No. 35 of 2011 (ENID)

The Decree requires all representatives and bargaining units a period of 2 years for representation of members before a re-registration is provided. 2013 saw 4 re-registrations from 2012.

### Registration of Industrial Associations (RIA)

#### New Registration

A total of 39 new IA registrations were received. Thirteen were registered while 26 were returned due to non-compliance with the Industrial Associations Act. Only one Industrial Association (Makoi Mini Van Operators Association) was deregistered during the year, this was based on the non-submission of annual returns for the past 5

years, a requirement under Section 11 of the said Act. A summary of new registrations are depicted in Figure 26.

#### Annual Returns

In 2013, the Registrar of Industrial Associations received a total of 48 annual returns; 20 were accepted and a total of 28 were rejected based on the non-compliance with the IA Act due to unaudited financial statements and records not updated by Associations as depicted in Figure 27.

## 5 EFFECTIVE AND EFFICIENT REFERRAL OF EMPLOYMENT DISPUTE CASES - EMPLOYMENT RELATIONS UNIT

### Employment Relations Unit

The Employment Relations Unit is a Strategic Business Unit established under the Executive Support Services (ESS) that is responsible for the analysis of employment disputes and their referral to the Mediation Services and Employment Relations Tribunal. The Unit is also responsible for the monitoring and management of strikes and lockouts.

The Unit recorded bad faith relationships between employer and worker organizations in prior to the implementation of the ERP -

these generally resulted in the increase in number of strike notices. Since the “roll-out” of the Employment Relations law, all parties involved in these disputes have been tasked with the primary responsibility of resolving their disputes and grievances. The Ministry place a secondary role by encouraging “good faith” practices from the collective bargaining stages to reporting of disputes.

#### Employment Disputes (ED)

2013 saw the unit receiving a total of 40 disputes from Trade Unions and employers, and 19 pending from 2012. Out of these, a

total of 28 cases were accepted and referred to the Mediation Services, while 29 cases were sent to the Employment Relations Tribunal for adjudication. Two disputes were withdrawn due to incomplete reporting. These parties were then advised to resubmit their disputes and follow proper procedures. Figure 28 depicts the number of Employment Disputes processed and withdrawn in 2013.

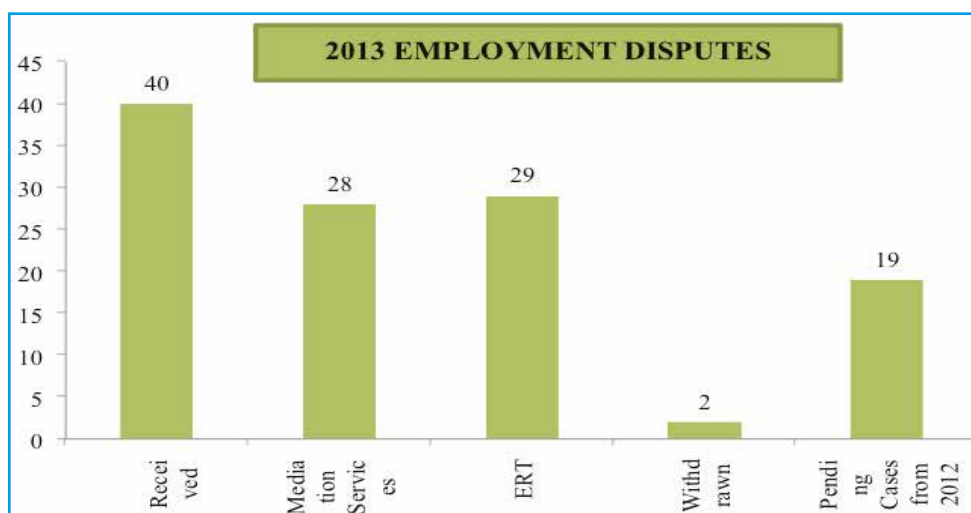


Figure 28



## 6 EMPLOYMENT DISPUTE AND GRIEVANCE RESOLUTION - MEDIATION SERVICE

### EFFECTIVE AND EFFICIENT EMPLOYMENT GRIEVANCE AND DISPUTE RESOLUTION

The Mediation Service in Fiji was commissioned in 2008 as a result of successful visionary Employment Relations Reform implemented under the new and progressive Employment Relations Promulgation 2007 (ERP). Since the establishment of this peace building institution, it has evolved with varied experiences and challenges both, in terms of providing effective and efficient mediation services for employment related matters, and reaching to all time high success rate in conflict resolution. While doing so, it maintains a strike-free work environment which enhances productivity and promotes

investor confidence in Fiji. The practice of mediation was kept flexible and dynamic, responding to the cultural needs of a working population of over 133,000 in the formal sector with 8,000 employers. The exclusion of lawyers from mediation as a statutory requirement, has kept the mediation session user friendly and free of legal complexities.

Disputes or grievances between parties involve human beings who are gifted with emotions. The mediator helps the parties deal with emotional issues. Discussions during the mediation sessions in the presence of mediators tend to reduce misunderstandings, and resentment frequently declines.

Through mediation every issue is discussed including the concerns beyond legal boundaries. The process itself presents a challenge to both parties to devise solutions and a settlement represents success for all involved.

#### Mediation Settlement against International Rating

The Mediation Service has achieved an employment grievance settlement rate of 85% since its inception, which is significantly higher than the international best practice benchmark of 75%. The Mediators have been professionally trained and accredited by the Singapore Mediation Centre (SMC), which is among the top 4 mediation services in the world.

PERCENTAGE ACHIEVED AGAINST TARGETS			
Key Activities	2011	2012	2013
Mediation Outcome	77.8%	81.03%	85.57%
Employment Disputes	37.5% [Settled 3, Mediated 8]	9.1% [Settled 1, Mediated 11]	45% [Settled 10, Mediated 22]
Employment Grievance	78.01% [Settled 876, Mediated 1122]	81.7% [Settled 969, Mediated 1186]	86.3% [Settled 1052, Mediated 1219]

Table 11

The Ministry is promoting its successful mediation model globally and amongst regional countries as a unique and effective approach to promote peace not only in workplaces but also in the family, community, judicial, commercial, trade, consumer and international arenas (refer to Table 11 and Figure 29).

The unique social justice features of this revolutionary model that is not in other mediation models in the world are: non - court referral (mediation is the primary conflict resolution institution rather than the courts which are secondary); no lawyers; close system; free of charge; customization of Western Harvard procedural model to Fiji's culture; and a strong code of ethics for Mediators. In this respect the Fiji model is a world-class benchmark in itself.

The Ministry is also creating a community mediation system around Fiji to alleviate violence, murders, and crimes and to promote sustainable peace in families and communities through the National Employment Centre Board (NECB) stakeholders in partnership with the Ministry and its Mediation Service.

Apart from resolving grievances and disputes amicably without cost to the parties, mediation boosts conflict resolution capacity and productivity, heals relationships and creates new mediation related businesses.

### Mediation Call Centre

The Mediation Service includes the dissemination of information on employment rights and obligations to all stakeholders as stipulated under section 193 (4) of the ERP. These services are

provided by phone, facsimile, e-mail or face-to-face interview. All information provided is recorded in our Call Centre Register. Each mediator is rostered for Call Centre duty once a week to attend to all queries raised (refer to Figure 30).

### Customer Survey

The Mediation Service received 2795 customer service feedbacks for 2013 of which 2476 or 88.59% were happy with the service; 218 or 7.8% did not make any comment and 101 or 3.61% were not pleased with our service. Now that the majority of our valued clients are happy, we request our customers are asked to identify areas of improvement to improve services based on customer needs (refer to Figure 31).

### Employment Disputes

Employment disputes are raised by unions on behalf of its members after the initial attempt to negotiate with the employer has failed. It is then reported to the Permanent Secretary for Labour who after accepting the dispute refers the case for mediation.

A total of 28 new employment disputes relating to collective agreements and log of claims were referred for mediation whilst one (1) remains pending from 2012. Of these 29 cases, 22 were mediated of which 10 were resolved which is 45% of all mediated cases and 12 referred to the Employment Relations Tribunal, leaving 7 cases pending. This is an enormous improvement from 2012 in which only 1 employment dispute was resolved. Refer to Figure 32 for the 2013 employment disputes.



Figure 29

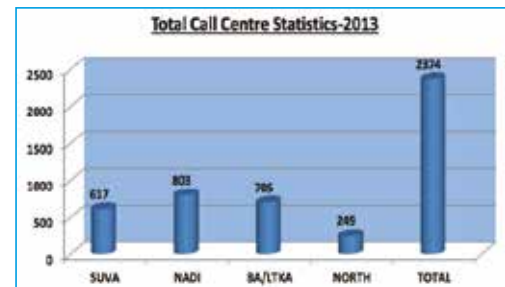


Figure 30



Figure 31



Figure 32

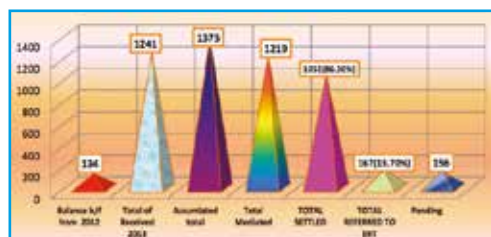


Figure 33: Consolidated Report of Employment Grievance in 2013



Figure 34: Individual Summary of Employment Grievance Mediated in 2013



First ever Commercial Mediation session

Mediator	Organization	Contact Hours	No of Participants
Sadrup R	China Railway	7	19
Vinesh M	FTUC	1	25
Shane P	Forestry Department	2	16
Tevita K	LTA Management Team	2.5	21
Tevita K	FTUC	2	22

Table 12: Mediator Organisation Contact Hours



2013 Asian Mediation Association (AMA) Annual General Meeting held in Hong Kong on 12th June 2013 whereby the Chief Mediator addressing the Sub-Committee.

The Trade Unions and employers have gradually understood the good faith approach that parties should adopt during negotiations and we continue to instill the principles of good faith in mediation. This is now appreciated by both parties and have enabled them to contribute constructively during the mediation process.

### Employment Grievance

Employment grievances are complaints raised by individual workers on any of the following: - unfair or unjustified dismissal; an unjustifiable action by the employer which disadvantaged a worker; a worker that has been discriminated within the terms of Part 9 of the ERP; a worker that has been sexually harassed within the terms of section 76 of the ERP; a worker that has been subject to duress in relation to membership or non-membership of a trade union.

With the exception of dismissal cases, all the other grievances should first be raised with the employer by the grievor to encourage self-regulation. An aggrieved worker can raise an employment grievance with the Mediation Service if he or she is not satisfied with the employer's decision or does not receive any response to the grievance raised within 7 days. A total of 1241 employment grievances were registered with the Mediation Service. A total of 134 cases were pending from 2012 which have been brought forward to 2013 so the cumulative total for 2013 is 1375. Of these, 1219 were mediated upon during the year resulting in the settlement of 1052 (86.30%) grievances while 167 (13.70%) were not resolved and referred to the Employment Relations Tribunal

for adjudication. One hundred fifty six (156) cases were pending at the end of the year. Figure 33 and 34 illustrates the consolidated and individual employment grievances summary in 2013.

While mediation sessions ending in agreement is one way of measuring outcomes, it may not be entirely possible to quantify the monetary benefit accrued to the aggrieved worker in cases of reinstatements. However, recoveries through mediation totalled \$910,392.55 and paid to aggrieved workers.

### Commercial Mediation

In diversifying the mediation service into other areas of conflict resolution, a humble beginning was made when a commercial matter that was festering for over two years between two subsidiary companies of Telecom Holdings Ltd namely Telecom Fiji Ltd and Pacific Engineering Technologies Ltd volunteered to seek the services of the Mediation Unit. Chief Mediator conducted informal mediation in this matter. In facilitating mediation process in over a three days, the parties reached an amicable resolution resulting in the payment of over \$450,000 dollars, that was captured in an agreement.

Such a settlement signified the beginning of new era in resolution of conflicts, outside the realm of employment matters by the Mediation Service. This achievement augurs well for the Mediation Service to diversify its services to stakeholders including commercial, industrial, family and consumer conflicts.



## ERP Training

There were 5 Awareness programs conducted on specific topics under the Employment Relations Promulgation 2007 as depicted in Table 12.

## Mid-Year Conference

The Mediation Service reviews its performance at the end of the first six months in Suva where mediators and their Administration Assistants join the Suva staff to review six monthly performances. In 2013, the conference was held for two days on 11th and 12th of July. The first day, saw each mediator presenting their achievements for the first six months along with a consolidated and achievement and challenges.

Discussions on the second day centered on trends and challenges in the labour market that was likely to impact performances and hamper overall achievements at the end of the year. It also provided an opportunity to raise operational matters including legal interpretations and policies that would enable the Unit to be effective and efficient in service delivery.

## Contemplated Strike Report

Section 190 of the ERP requires proactive intervention by the Mediation Service to arrange informal mediation at the earliest where there is a contemplated strike or lockout in an essential service.

During the year, three unions had applied for strike ballots in 5 organizations and the Permanent Secretary for Labour had directed that informal mediation take place and amicably resolve the

impasse and avoid a strike. One of these cases resulted in deadlock and one was closed following a regulation declaring that the organization is included under the ENID 2011. One related to COLA/ wage increase in which the employer paid the increase directly to the workers without further negotiation with the union. The remaining two cases were under negotiation.

## International Affiliation and Recognition

Fiji is the only nation in the South Pacific to become a member of the Asian Mediation Association (AMA). As a financial member, the Mediation Unit qualifies in sharing of information with the member countries of AMA and attendance to conferences and its AGM.

The AMA - AGM 2013 was held at Excelsior Hotel in Hong Kong on 12th June. Chief Mediator attended the AGM representing the Ministry's Mediation Services.

The Chief Mediator also presented to the AGM an update on Mediation in Fiji and its success since its establishment in 2008.

## Capacity Building of Mediation Service

The Unit in conjunction with the Singapore Mediation Centre (SMC) conducted the final module training on "Managing Conflicts and Resolving Conflicts effectively through Mediation" from the 11th to 14th November 2013 at the Holiday Inn, Suva.



2013 Asian Mediation Association (AMA) Annual General Meeting held in Hong Kong on 12th June 2013 whereby the Chief Mediator addressing the Sub-Committee.



Opening of the training on "Managing Conflicts and Resolving Conflicts effectively through Mediation" held at the Suva Holiday Inn from 11th Nov. 2013.



Opening of the training on "Managing Conflicts and Resolving Conflicts effectively through Mediation" held at the Suva Holiday Inn from 11th Nov. 2013.



Participants of the training on "Managing Conflicts and Resolving Conflicts effectively through Mediation" held at the Suva Holiday Inn from 11th - 14th November, 2013.

The official opening of the workshop took place on Monday 11th November at 8.30am with the arrival of the Chief Guest Honorable Mr. Justice William Calanchini, President of the Court of Appeal, the Honorable Minister for Labour, Mr. Jone Usamate and the two workshop instructors Mr. George Lim and Mr. Tat Lim.

Twenty-four participants from the Ministry did this training. Twelve (12) officers completed Module 1 and the other twelve (12) completed Module 3. The latter group were assessed on the final day for Accreditation as an Accredited Mediator with the SMC.

### Commissioner for Oath and JP Service

Two officers of the Mediation Service are Commissioner for Oath and one a Justice of Peace. As part of the Mediation Service providing corporate social responsibilities to the community, this team assisted members of the public with Commissioner for Oath and JP Services. During the year, 981 people were served and 3182 documents signed. These responsibilities are available free of charge to clients.

## 7 ADJUDICATION OF EMPLOYMENT MATTERS - EMPLOYMENT RELATIONS TRIBUNAL (ERT)



The Employment Relations Tribunal assists employers, workers and their representatives by adjudicating and determining grievance or dispute over employment contracts. The Tribunal also assists the disputing parties to amicably settle disputes and have it in writing as a binding award or decision. In adjudication proceedings, there is also a requirement on the Tribunal to provide mediation assistance to the disputing parties when

the need arises.

### Employment Grievance

A total of 202 employment grievance cases were received whereby a total of 81 cases were settled and 54 cases heard. Figure 36 depicts the number of employment grievance cases actioned in 2013 in comparison to 2012.

### Employment Dispute

A total of 32 employment dispute cases were received whereby a total of 3 cases were settled and 7 cases heard. Figure 37 depicts the number of employment dispute cases actioned in 2013 in comparison to 2012.

### Criminal Cases

A total of 32 criminal cases were received whereby a total of 20 cases were settled and 4 cases heard. Figure 38 depicts the number of criminal cases actioned in 2013 in comparison with 2012.

### Workers Compensation Cases

A total of 45 workers compensation cases were received whereby a total of 76 cases were settled and 69 cases heard. Figure 39 depicts the number of workers compensation cases actioned in 2013 in comparison to 2012.

### Miscellaneous Cases

The Employment Relations Tribunal received a total of 21 miscellaneous cases whereby a total of 12 cases were settled and 6 cases heard. Figure 40 depicts the number of miscellaneous cases actioned in 2013 in comparison to 2012.

### Summary of Received, Heard and Settled Matters

The number of referrals to the ERT increases annually. There is a slight decrease in the number of settled matters due to the increase in demand from workers and their representatives for matters to be heard as soon as possible thus more time is spent on hearing rather

than settling of matters as provided in Figure 41.

The Tribunal expresses its sincere gratitude to Resident Magistrate Andrew See's assistance for hearing Tribunal cases in 2013 as depicted in Figure 42.

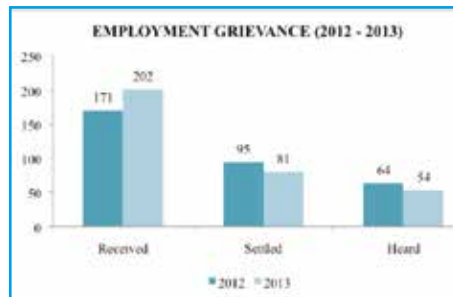


Figure 36

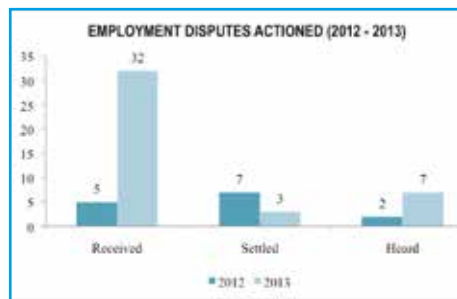


Figure 37

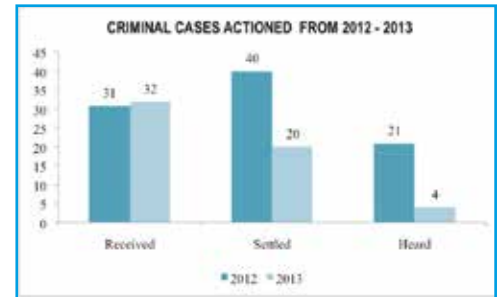


Figure 38

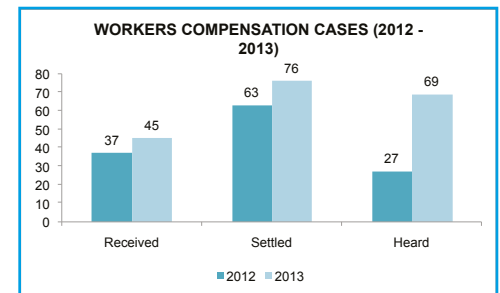


Figure 39

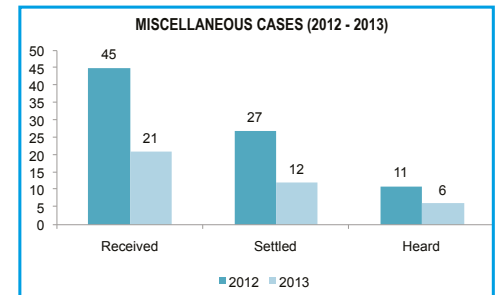


Figure 40



Figure 41

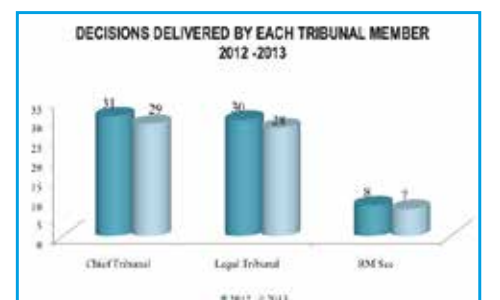


Figure 42



## 8

LICENSING, COMPLIANCE AND MONITORING -  
OHS STANDARDS**Occupational Health & Safety  
International Benchmarking**

The Occupational Health & Safety and Workers Compensation Service continuously gauges the effectiveness of the OHS legislation and the services it provides against the international best practice by collecting and analysing data using the ILO formula.

A key basis for this international comparison is to analyse the Incidence Rates for Non-Fatal Injuries per 1,000 workers. Workers Compensation Data for non-fatal injuries is used to derive the Incidence Rate which is compared to other countries. Since 2001 Fiji is rated second to UK which has the lowest incidence rate in the world but is ahead of Sweden which is rated the third in the world. Fiji's performance has been consistent over the

years and has

the potential to be the best in the world through further research and analysis of the factors which we are currently undertaken. This also validates that the Fiji OHS revolutionary reform model is one of the best in the world, as evident in ILO's facilitation to transfer the Fiji OHS model to Papua New Guinea and Kiribati through the south-south partnerships.

This comparison is depicted in Figure 43 on the next page.

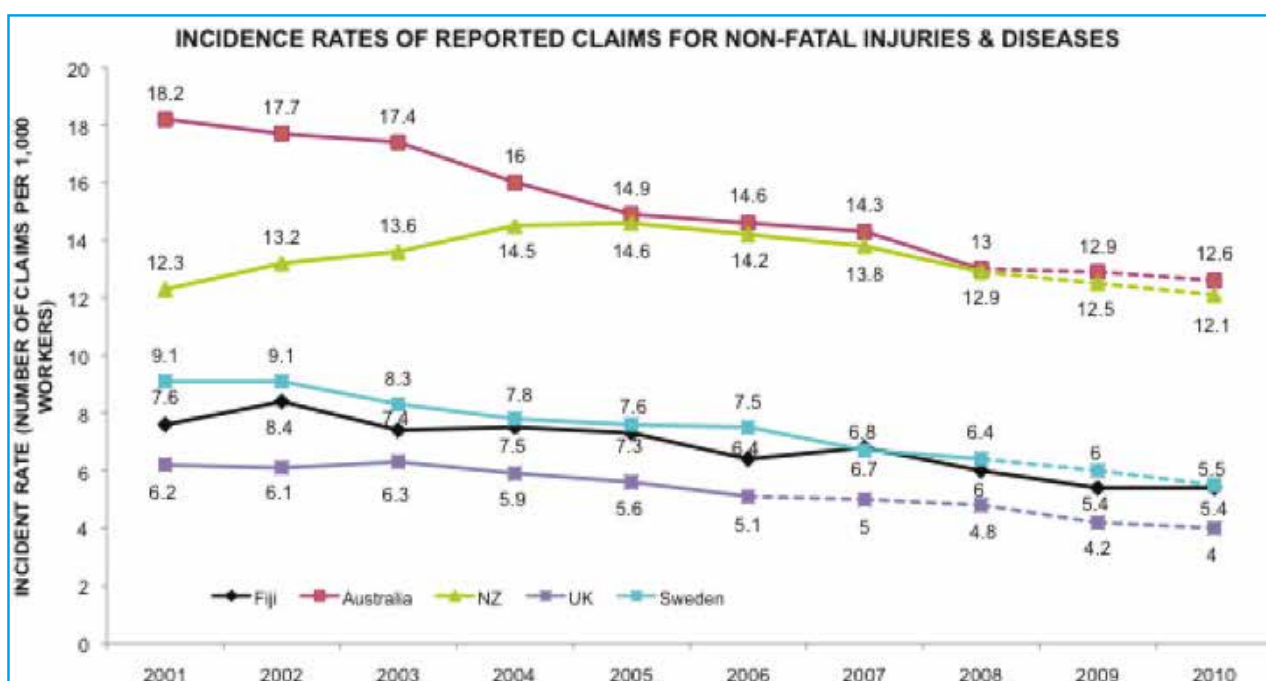


Figure 43



**Notes**

- The United Kingdom (UK) and Sweden (SW) have consistently been the best countries in the world in terms of OHS performance.
- Figures for Australia and New Zealand are derived from compensation claims for serious injury and disease.

**Sources:**

- Ministry of Labour, Industrial Relations and Employment, 'Workers Compensation Analysis Report', Suva, Fiji, 5th August 2011.
- Commonwealth of Australia, 'Fatal Occupational Injuries: How does Australia compare internationally?', 2004.
- ILO LABORSTA Internet, Extracted on 13th September 2011.
- Commonwealth of Australia, 'Comparative Performance Monitoring Report: Comparison of work health and safety and workers' compensation schemes in Australia and New Zealand 12th Edition', 2010.





Occupational Medicine Specialist Dr. Dowda conducted Impairment Assessment Training for Medical Assessors in 2013

## 2013 ACHIEVEMENTS

Based on Figure 43, Fiji is way ahead of our developed regional neighbours, Australia and New Zealand in terms of non-fatal workplace injuries. It is self evident that the OHS Reform has created many businesses and employment since its inception (1996) with savings and improved productivity.

Over the past 10 years, Fiji's OHS performance has been consistently good and on par with the best OHS performance Internationally. This achievement demonstrates the effectiveness of the OHS policy design features which achieved a number of break-throughs within the OHS discipline. These are: -

- Best industrial democracy as stipulated under Part 3 (Workplace Arrangements) of the HASAWA 1996.
- Unique Chemical Border Control under Part 9 (Assessment and Control of Chemicals) of the HASAWA 1996
- Integration of OHS and Environment with productivity - triple bottom line outcomes.
- Improvement in the quality of lives of workers and their families.
- Significant culture shift from hierarchical to participative conducive to quality culture.
- Adoption of spiritual dimension through OHS Training in contrast to the secular WHO and ILO model. Therefore, the Fiji OHS model adopts the holistic OHS development and vision - the promotion and maintenance of the highest degree of - 1. spiritual (values); 2. physical; 3. mental; and 4. social - well being.

### Joint Partnership Projects

The Ministry has established joint partner-

ship with key industries in the development of their OHS management system to improve business performance with the aim of reducing injuries and accidents in the workplace e.g monitoring was conducted to ensure that safe radiation levels are emitted from medical x-ray operations in hospitals and x-ray detectors in airports. The service was also used to validate the presence of carcinogenic lead in the laboratory and the sugar mills to resolve the disputes on alleged lead poisoning raised by the workers and the unions. All other occupational hygiene services are provided on demand. The OHS Service is the only provider and therefore the market leader for this specialised occupational hygiene service in Fiji. Through this service, local companies maximise their profits because of the cheaper rate OHS service has provided since 1998.

### Specialised Occupational Medicine Service

This service is the only institution undertaking specialised work (free of charge) on assessing impairment for injured workers and identifies cause of death for workers compensation payout. To facilitate this outcome, the Ministry secured the services of a renowned Australian occupational medicine specialist, Dr Dowda, who conducted 8 competency based training in occupational medicine for 88 local doctors since 2006. During this period the OHS Service has developed with Dr Dowda's assistance Fiji's first Impairment Assessment Manual that is benchmarked to Australian and American standards. Now local doctors have for the first time a standardised method for assessing injuries and deaths for compensation payout, that is benchmarked to the world's best practice. This is evident in the speedy clearance of 5204 (death & injury) backlog



cases from 2001 to 2013. To facilitate this reform, the Ministry has acquired its own and the first local occupational medicine doctor (Dr Tikoinayau) to under study Dr. Dwight Dowda.

Dr. Tikoinayau was sent overseas 3 times to attend specialist occupational medicine training in Australia and USA. Picture 12 illustrates Dr. Dowda and the Minister for Labour during the opening of the Occupational Medicine Specialist Training in 2013.

#### Approved Specialised Risk Engineering Service

The Risk Engineering Unit of the National OHS Service is the only approved specialised agent locally to provide Non-Destructive Testing (NDT) consultancy on high tensile structures such as tank services, pipelines and building steel structures with emphasis on welding to ensure compliance with the approved engineering standards for reliability and safety under the OHS regulations. The NDT techniques utilised are industrial radiography (X-Ray), Ultrasonic, Magnetic particle and Dye penetrant. The OHS Service is the only provider and therefore the market leader for this specialised engineering service in Fiji. Through this service local companies maximise their profits because of the cheaper rate OHS service has provided since 1983. The service provided includes x-rays for ship hulls for IKA Corporation ships built in the Government shipyard to American Bureau of Shipping Standards, ultrasonic test for mill rollers etc in FSC Mills, double brake winder components for all the Emperor Gold Mine shafts in Vatukoula, x-ray supervision for Blue Gas Submarine/land pipelines and oil storage tanks in Vuda, x-rays for oil storage tanks in Vuda, ultrasonic for transmis-

sion shafts for yachts and ships, ultrasonic for Fiji Air fixtures, numerous welder certification tests using both x-ray & ultrasonic and various surface crack detection using magnetic particles and dye penetrant techniques.

#### Specialised Occupational Hygiene Service

The Occupational Hygiene Service of the National OHS Service is the only approved specialised agent locally providing occupational hygiene consultancy such as asbestos sampling, noise measurement, gas and dust monitoring, radiation monitoring (x-ray and gamma-ray), light monitoring, humidity, air quality and chemical registration and monitoring. Asbestos service provided to MSAF to detect static and airborne asbestos discovered that 9 ships out of 365 contained asbestos but below 0.01 fiber/ml of air. Asbestos consultancy service was also conducted in Samoa on request. Radiation monitoring were conducted to ensure that safe radiation levels are emitted from medical x-ray operations in hospitals and x-ray detectors in airports.

#### Efficient and effective provision of Occupational Hygiene Service

- Occupational Hygiene - provided to monitor workplace conditions such as air quality, ventilation, noise, etc. and is demanded by all industrial sectors
- Efficient and effective provision of Chemical Service
- Chemical consultancy - service provided to employers using industrial chemicals at their workplaces
- Asbestos issues - service provided to determine the presence of asbestos at workplaces





Ministry celebrates 2013 World HIV / AIDS Day

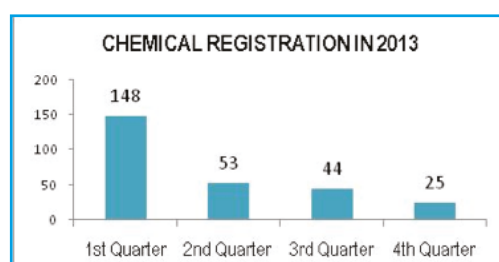


Figure 45



Figure 46

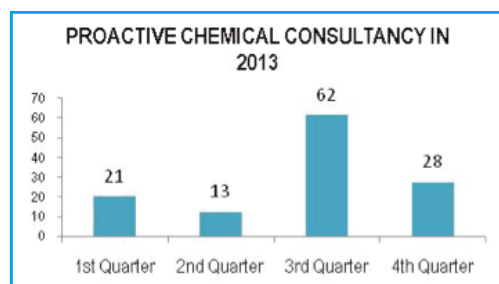


Figure 47



### Compliance to HIV/AIDS Policy and Procedures

The OHS Service in its proactive approach carries out OHS awareness and training, and HIV & AIDS training so that both employers and employees can become familiar with the law and provide assistance upon request on how to get their workforce to work together to improve occupational health and safety, and addressing HIV & AIDS stigmatized at workplace.

### Compliance to OHS Enforcement

#### Chemical Registration

Registration of all chemicals used in workplaces are registered and updated daily in the National Chemical Management Safety Data Sheet (NCMSDS) on an annual basis. During the period under review the Training, Accreditation and Chemical & Hygiene Unit registered a total of 270 chemicals as depicted in Figure 45.

#### Occupational Hygiene

Proactive Occupational Hygiene service is provided to monitor workplace conditions such as air quality, ventilation, noise, etc. and is demanded by all industrial sectors. In 2013, a total of 331 proactive occupational hygiene service was provided as depicted in Figure 46.

#### Chemical Consultancy

Chemical consultancy service is provided to employers using industrial chemicals. In 2013, a total of 124 chemical consultancy service was provided to employers as depicted in Figure 47.

### Engineering Design Vetting (Building)

All drawings for new workplaces and addition/alteration to existing workplaces are checked for minimum OHS standards prior to commencement of construction works. This consultancy service is demand-driven. The number of consultancies provided is depicted in Figure 48. The main demand for this service was from the Wholesale & Retail Trades, Restaurant and Hotel (F) sectors. The rise in demand can be attributed to investor confidence, as there were upgrades of existing facilities in the retail and tourism sectors, as tourist arrivals grew.

### Engineering Design Vetting (Plants)

All new plant (pressure vessels, lifting equipment, etc.) are checked against safety standards prior to use at workplaces. This consultancy service is based on demand as depicted in Figure 49. The main demand for this activity was in the Wholesale, Retail Trades, Restaurants and Hotels (F) sector followed by the Construction (E) sector due to the large number of construction projects, particularly the road upgrades.

### Workplace Commissioned

Following on from the Building Engineering Design Vetting (EDV), new workplaces are checked for compliance to OHS standards prior to occupation. This consultancy service is also demand-driven. Figure 50 shows the number of new workplaces commissioned in 2013.

### Non Destructive Testing (NDT)

NDT is used for examination of materials and components in such a way that allows the material/component to be examined



without changing or destroying their useful life. The techniques used include Magnetic Particle, Dye Penetrant, Ultrasonic, Eddy Current and Radiography. The demand for this service is predominantly from the Manufacturing (C) and Construction (E) sectors. This consultancy service is demand-driven. An increase in the demand for this service in the 2nd quarter of 2013 due to the commencement of FSC sugar mill inspections prior to the start of the crushing season as depicted in Figure 51.

### Statutory Inspections

Statutory inspections is conducted on all plants (pressure vessels, lifting equipment, etc) used at workplaces, as per the requirements of the OHS legislation, normally on an annual basis. During the period under review the Field Operations Unit conducted a total of 4395 statutory inspections as depicted in Figure 52.

### Workplace Registration

Workplace registration is conducted on an annual basis for all workplaces employing 20 or more workers. A total of 717 workplaces were registered as depicted in Figure 53.

### OHS Notices

OHS Notices are issued for non-

compliance with OHS legislations. Figure 54 shows the number of OHS Notices issued in 2013.

### SMART Audit

SMART Audits are conducted at workplaces to gauge compliance to OHS legislative requirements and is conducted on request. Figure 55 shows the number of SMART Audits conducted in 2013.

### Hazard Audit

Hazard Audits are provided to identify and recommend control measures for OHS hazards at workplaces. Conducted for all businesses to gauge compliance to minimum OHS requirements, prior to the renewal of Business Licenses. Figure 56 shows the number of hazard audits conducted in 2013.

### Business License

The issuance of business license is a mandatory obligation of the employer to fulfill in relation to the "duty of care" principle under the HASAWA 1996 section 9(1). This includes all workplaces which the Act describes as "any workplace whether or not in the building or structure where workers work and ensure safe for use and occupancy". In 2013 the Field Operations Unit issued a total of 3516

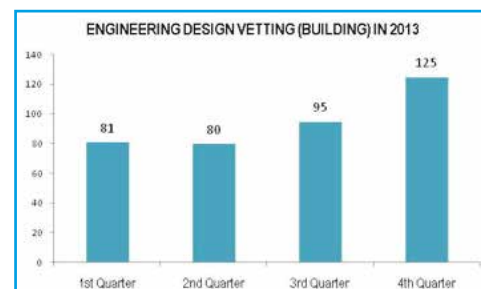


Figure 48:

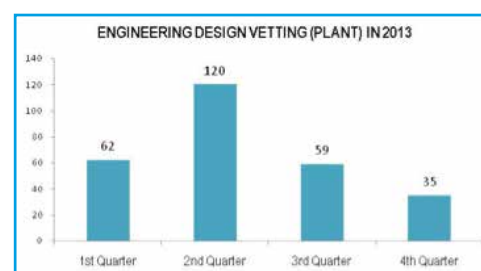


Figure 49

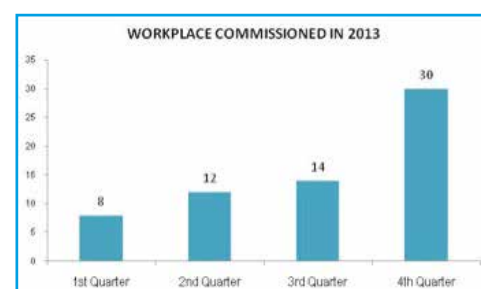


Figure 50



Figure 51

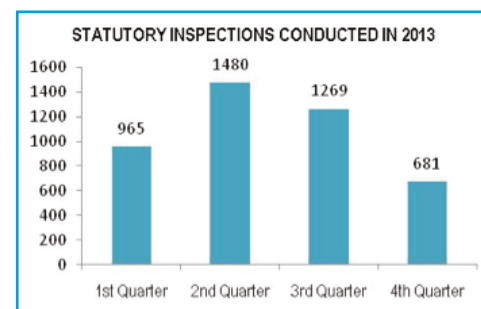


Figure 52



Engineering Design Vetting of Plants



Figure 53

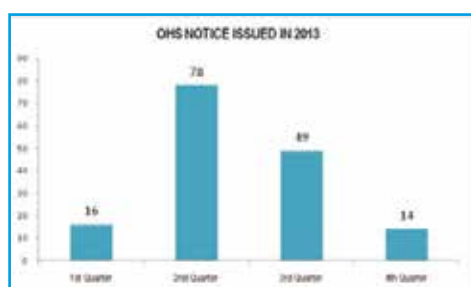


Figure 54



Figure 55



Figure 56



Figure 57

business licenses as depicted in Figure 57.

### Diving Gears Inspection

Part 2 (sub-regulation 5) of the HASAWA (Diving) Regulations 2006 clearly states the requirements of risk assessment in which an employer, including a dive operator must ensure that all diving operations, hazards are identified and their associated risk assessed. A total number of 29 sets of diving gear were inspected as depicted in Figure 58.

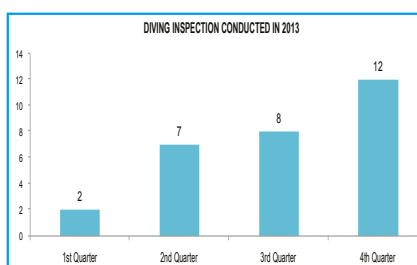


Figure 58

### Sawmill Inspection

Sawmill and logging industry is a high risk workplace which needs risk assessment and monitoring to avoid injuries and fatalities. The need is such that Inspectors are engaged for risk assessment and hazard identification prior to the issuing of annual licensing from the Ministry of Forestry. A total number 6 sawmill inspections were conducted as depicted in Figure 59.

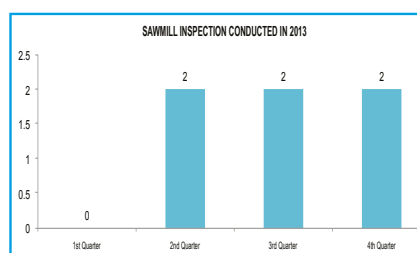


Figure 59

### Quality and Efficient Settlement of Workers' Compensation Cases

The Workmen's Compensation Act (Cap. 94) places on employers the legal responsibility to compensate workers who sustain injuries or contract diseases, out of or in the course of their employment. The compensation is through monetary payments and provision of medical care. In cases involving the death of workers, compensation is paid to the dependants of the deceased.

In order to maintain this momentum for the projected decline in the coming years, targeted approaches are necessary to reduce occupational injuries and diseases.

The Workers' Compensation Service is tasked to look into compensation of workers from the public and private sectors. Each year the Government allocates \$1 million to compensate Government workers whose injuries or death were work related.

The challenge of the Service is to effectively clear all backlog compensation cases for both civil servants and military personnel since the start of the engagement in Lebanon and Sinai in the 1970s; and to facilitate the transition into the new Workers Compensation legislation.

The Service is also responsible for the administration of secretarial services for the National Occupational Health & Safety Advisory Board.

Table 13 provides a summary of activities conducted by the Workers' Compensation Service in 2013.

## 9

## WORKERS' COMPENSATION ADVISORY SERVICE

**Clearing Cases Pending between 2001 to 2009**

A total of 108 backlog cases were pending between 2001 – 2009. Out of this, a total of 35 cases were settled leaving a balance of 73 (Injuries - 63, Death – 10) cases. This achievement is equivalent to 29% against the annual target of 121.

**Compensation Payout for Backlog Cases for the Period 2001 to 2009**

A total \$78,204.29 was paid to 13 workers who were injured during the period 2001 – 2009.

**Clearing Pending Cases between 2010 to 2012**

A total of 1863 cases between 2010 – 2012 was recorded. A total of 576 cases were settled whilst 1287 remains pending for further investigation. This achievement is equivalent to 93% against the annual target of 618. A total of 166 workers were paid \$453,979.93 for compensation.

The Ministry was directed by the Honorable Prime Minister in February 2010 to clear all backlog cases between 2001 to 2009.

**Clearing Pending Middle East Cases**

A total of 17 Middle East cases were settled with the balance of 33 remaining. This achievement is equivalent to 43% against the annual target of 40 cases.

**Clearing 2013 Cases**

A total of 1,057 cases were registered in 2013 whereby 160 cases were settled and 897 remain. This achievement is equivalent to 80% against the annual target of 200 cases. Three injured workers were paid \$20,407.29 in compensation.

**Payment of Compensation to Workers or Beneficiaries from the Private Sector**

In the private sector, a total of \$652,184.22 was paid to 182 injured workers and beneficiaries of 4 workers who died because of work related accidents or injuries. This is depicted in Figures 60 and 61.

**Full Utilization of \$1.0M allocated by Government for Compensation Claims by Government Workers**

The \$1M allocated for the year was paid to 141 workers. The actual amount paid was \$928,314.78, which is equivalent to 93% of the quantum.

The total of \$528,000 was paid to beneficiaries of twenty-two (22) deceased workers.

The amount paid to 119 injured workers was \$400,314.78. These payments are depicted in Figures 62 and 63.

Tabulated below is the Summary of Injury and Death cases paid from the allocated \$1m.

COMPENSATION PAID OUT FROM 2010 - 2013								
Year	Private Cases				Government Cases			
	Number Paid		Amount Paid		Number Paid		Amount Paid	
	I	D	I	D	I	D	I	D
2010	78	5	\$816,737.95	\$99,000	87	49	\$301,237.09	\$1,178,205.00
2011	173	10	\$497,747.15	\$208,262.72	90	37	\$584,293.63	\$880,000
2012	158	3	\$422,583.65	\$72,000	82	25	\$403,011.93	\$600,000
2013	182	4	\$32,184.22	\$120,000	119	22	\$400,314.78	\$528,000

Table 13



Figure 60



Figure 61

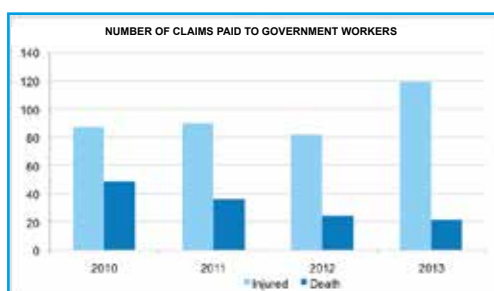


Figure 62

Ministry's	No of cases		Compensation Paid out	
	Injury	Death	Injury	Death
Government Supplies	2	-	\$2569.42	\$ -
RFMF	55	7	\$202,971.92	\$168,000
Forestry Dept	1	-	\$3357.90	\$ -
PWD	17	3	\$95,814.17	\$72,000
Education	-	5	\$ -	\$120,000
Agriculture	4	1	\$28,501.00	\$24,000
Health	7	3	\$19,778.86	\$72,000
Police	10	2	\$21,676.64	\$48,000
Social Welfare	-	2	\$ -	\$48,000
Labour	-	1	\$ -	\$24,000
<b>TOTAL</b>	<b>96</b>	<b>24</b>	<b>\$376,669.91</b>	<b>\$576,000</b>

Table 14: Summary of Injury and Death Cases Payed Out from Government Allocation in 2013

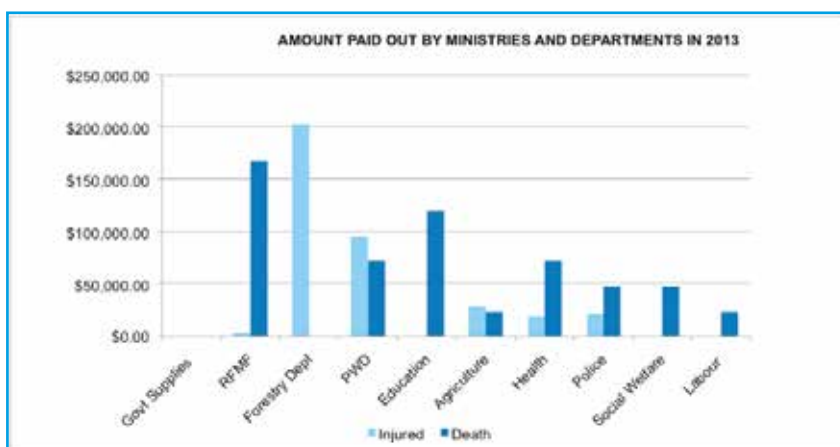


Figure 63

### Trust Account Withdrawals and Opening of New Accounts

### Workers' Compensation Cases Reported by District Offices from 2010 to 2013

These are Workers Compensation cases beneficiary accounts for children under 21 years of age. Total of 127 trust fund withdrawals for education needs were facilitated during the year and a total of 13 new trust accounts were opened. A total of \$66,867.87 was withdrawn in 2013.

Table 15 shows the number of cases reported by the seven District Offices from 2010 to 2013.





WC Reported Cases	DISTRICT OFFICERS																Overall
	Suva		Sigatoka		Nadi		Lautoka		Ba		Savusavu		Labasa		Total		
	I	D	I	D	I	D	I	D	I	D	I	D	I	D	I	D	
2010	50	18	11	7	38	14	19	5	13	9	16	3	11	3	158	59	217
2011	138	35	22	5	41	12	31	3	16	9	8	2	29	3	285	69	354
2012	332	73	29	4	50	12	50	9	54	13	26	5	47	12	588	128	716
2013	398	62	11	5	30	8	75	5	48	13	7	4	25	3	594	100	694

Table 15: Summary of Injury and Death Cases Payed Out from Government Allocation in 2013

The Manufacturing sector records the highest number of workplace injuries. The sectors that follow close after this are:

- Wholesale and Retail Trade
- Restaurants and Hotels
- Public Service and Statutory Authority

## 10 REGISTRATION OF LABOUR MANAGEMENT CONSULTATION COOPERATION COMMITTEE (LMCC) - PRODUCTIVITY UNIT

### Effective and Efficient Productivity Service

#### Administration of Labour Management Consultation Co-operation Committee (LMCCC) Regulation 2008

As part of Productivity Reform under the Employment Relations Promulgation (ERP) 2007, LMCCC is essential in building the human and social capital of enterprises. LMCCC is the new arrangement of relationships in an organization where a committee comprising of employer and worker members, in unison create an enabling environment for the achievement of goals and the nurturing of future relationships through the concept of good faith and the promotion of productivity.

The purpose of LMCCC is to create a bi-partite forum for meaningful consultation and cooperation between employers and

workers representatives, at the enterprise or organization level. In 2013, the Ministry conducted a total of 18 LMCC Awareness programs. The ministry also finalized the draft value-based Competency Based Training (CBT) Package to be used for Accredited LMCC Training in both private and public sector organizations.

#### LMCC Registration

A LMCC Committee is made up of equal number of employers and workers representatives.

Membership of these committees should include all levels of management and workers within the respective organizations.

The employers and workers in an organization are responsible for selecting their members. The Committee may by mutual agreement invite additional

members to provide information and advice at its meetings.

A total of eighteen LMCC Committees employing twenty or more workers were registered in 2013.

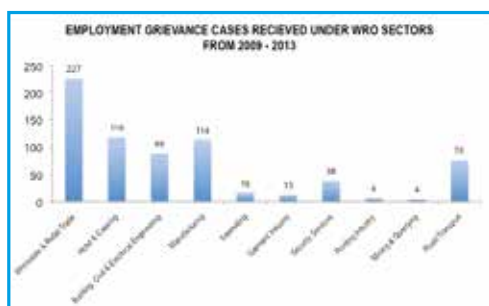


Figure 64

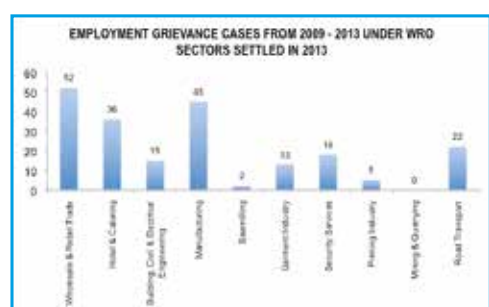


Figure 65

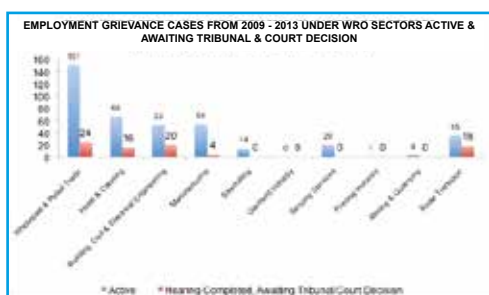


Figure 66

## 11 LABOUR PROSECUTION AND FACILITATION OF INTERNATIONAL LABOUR ORGANISATION REPORTING - POLICY & LEGAL UNIT

### Labour Prosecution

The Ministry's Legal Officers appear as labour representatives of workers with grievance matters in the Employment Relations Tribunal (ERT).

In addition, these officers also represent workers on criminal matters, if the complainants choose this option.

Outlined in Tables 16 and 17 is the breakdown of cases that have been referred to this Unit for prosecution.

### Cases Referred for Prosecution

#### Employment Grievance

Depicted in Table 16 is the number of employment grievance and criminal cases received from individuals and workers from the Wages Regulations Order (WRO) sectors, between 2009 and 2013.

#### Employment Grievance Cases Received

In terms of the employment grievances received from 2009 to 2013, the Wholesale and Retail sector recorded the highest number. This indicates the need for the Ministry to boost its proactive role through training, awareness and promotion as well as targeted inspections as depicted in

Figure 64.

#### Employment Grievance Settlement

The total settlement rate for 2013 was 242 cases compared to the annual target of 53 cases. The breakdown of cases settled per industry is depicted in Figure 65.

#### Employment Grievance Active Cases and Cases Heard and Awaiting Tribunal or Court Decisions

A total of 398 active cases and 82 cases that have been heard, are awaiting decisions from the Employment Relations Tribunal and Employment Relations Court. This is shown in Figure 66.

### Criminal Cases

#### Criminal Cases Received

In terms of the criminal matters received in 2013, the Wholesale and Retail sector maintains the highest rate of 62 Criminal matters, followed by Security Services at 56, then Building, Civil and Electrical Engineering at 51. This also indicates the need for the Ministry to boost its proactive role through rigorous awareness, promotion and training and as well as targeted inspections for the most affected sectors. The number of cases received

EMPLOYMENT GRIEVANCE CASES FROM 2009 - 2013				
Sectors	Received	Settled	Active	Hearing Completed, Awaiting Tribunal/ Court Decision
Wholesale & Retail Trade	227	52	151	24
Hotel & Catering	118	36	66	16
Building, Civil & Electrical Engineering	88	15	53	20
Manufacturing	114	45	54	4
Sawmilling	16	2	14	-
Garment Industry	13	13	-	-
Security Services	38	18	20	-
Printing Industry	6	5	1	-
Mining & Quarrying	4	-	4	-
Road Transport	75	22	35	18
<b>Total</b>	<b>699</b>	<b>208</b>	<b>398</b>	<b>82</b>
Individual Bargaining (IB)	243	34	177	28
<b>OVERALL TOTAL</b>	<b>942</b>	<b>242</b>	<b>575</b>	<b>110</b>

Table 16

for criminal cases is depicted in Figure 67.

### Criminal Cases Settlement

In terms of settlement, the Unit settled a considerable number of criminal cases from the informal sector. The total settlement rate for the year is 88 cases compared to the annual target of 53 as depicted in Figure 68.

### Active Criminal Cases and Cases Heard and Awaiting Tribunal or Court Decisions

In 2013, a total of 167 active criminal cases and a total of 29 cases heard and awaiting Tribunal or Court decisions as depicted in Figure 69 and Table 17.

### International Labour Organisation (ILO) Reporting

This Unit is mandated to facilitate all International Labour Organisation (ILO) Annual Reporting obligations. 2013 saw the Government delegation led by the Honourable Minister for Labour, Industrial Relations and Employment Mr. Jone Usamate to Geneva in late May to defend Fiji's case wherein Fiji was cited twice in the ILO Standards Committee. The Policy Team with the guidance of the Acting Permanent Secretary – Mr. Namosimalua provided support to the delegation in terms of facilitating relevant information to defend the country's policy stand on certain labour issues.

### Employment Relations Advisory Board (ERAB) Secretariat

The Policy Team also provides secretariat support to the ERAB and its Sub-Committee meetings. This includes minute write-ups and drafting board papers.

The following activities were also undertaken by the Team:

#### • ERP Review Process

The ERP review process was undertaken by the tripartite ERAB Sub Committee and the main ERAB Board. The Policy Team provided secretariat support during these arduous meetings.

- The ERAB Sub-Committee carried out a total of 38 consultations including ERAB meetings for the review agenda.
- These one-day consultations were conducted between 2012 and 2013.
- The ERAB consultations concluded on 20th December 2013; at which time the policy team was tasked to finalise the ERP matrix of amendments and other relevant issues.
- The review officially concluded in 2013 and the revised Employment Relations Promulgation (ERP) was forwarded to the Office of the Solicitor General for due process and gazetting.

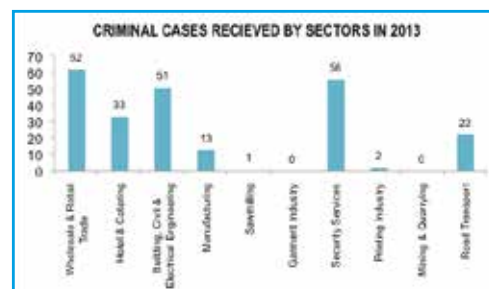


Figure 67



Figure 68



Figure 69

CRIMINAL CASES FROM 2009 - 2013				
Sectors	Received	Settled	Active	Hearing Completed, Awaiting Tribunal/Court Decision
Wholesale & Retail Trade	62	22	37	3
Hotel & Catering	33	7	20	6
Building, Civil & Electrical Engineering	51	27	23	1
Manufacturing	13	1	12	-
Sawmilling	1	1	-	-
Garment Industry	-	-	-	-
Security Services	56	18	38	-
Printing Industry	2	-	2	-
Mining & Quarrying	-	-	-	-
Road Transport	22	8	11	3
<b>Total</b>	<b>240</b>	<b>84</b>	<b>143</b>	<b>12</b>
Individual Bargaining (IB)	34	4	24	16
<b>OVERALL TOTAL</b>	<b>274</b>	<b>88</b>	<b>167</b>	<b>29</b>

Table 17

## 12 INTERNATIONAL RELATIONS AND EXTERNAL TRADE

### Facilitating International Obligations

obligations for 2013:

#### International Labour Conference (ILC)

The broad policies of the International Labour Organization (ILO) are set by the International Labour Conference, which meets once a year in June, in Geneva, Switzerland. This annual Conference brings together representatives from governments and worker and employer organizations who are member States of the ILO. Often referred to as the International Parliament of Labour, the Conference establishes and adopts international labour standards and is a forum for discussion on key social and labour issues.

Each member State is represented by a delegation consisting of two government delegates, one employer delegate, one worker delegate, and their respective advisers.

As endorsed by Cabinet, the Fijian delegation was led by the Honorable Minister for Labour, IR & Employment Mr. Jone Usamate and accompanied by the following tripartite delegates:

1. Mr. Taito Roba Waqa – Government Delegate
2. Mr. Sharvada Nand Sharma – Government Delegate
3. Mr. Felix Mark Anthony – Workers' Delegate
4. Mr. Poate Mata Uculoa – Employers' Delegate

The Fijian Government submitted its 2013 report to the ILO during the Conference in Geneva. The following reports were part of the Fijian Government reporting

1. Freedom of Association and Right to Organization Convention, 1948 (No.87)
2. Right to Organize and Collective Bargaining Convention, 1949 (No.98)
3. Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144)
4. Nursing Personnel Convention, 1977 (No.149)
5. Indigenous and Tribal Peoples Convention, 1989 (No.169)
6. Working Conditions (Hotels and Restaurants Convention, 1991 (No.172)

Cabinet approved the following Conventions and Recommendations for ratification and adoption respectively as listed below. These were part of the Government's Report for 2013:

1. Freedom of Association and Right to Organize Convention, 1948 (No.87)
2. Right to Organize and Collective Bargaining, 1949 (No.98)
3. Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144)
4. Nursing Personnel Convention, 1977 (No.149)
5. Indigenous and Tribal Peoples Convention, 1981 (No.169)
6. Working Conditions (Hotels and Restaurants) Convention, 1991 (No.172)

#### Maritime Labour Convention (MLC) 2006 into Fiji Labour Laws

The Maritime Labour Convention (MLC) sets minimum requirements for seafarers



to work on a ship and contains provisions on a wide range of matters, including employment conditions, accommodation, recreational facilities, food and catering, health protection, welfare of seafarers, the certification of ships and seafarers, social security and the compliance and enforcement of MLC provisions

In 2013, two meetings were conducted at Kadavu House, Suva. The Ministry submitted a Cabinet Paper in May 2013 to ratify the Maritime Labour Convention 2006, after the Employment Relations Advisory Board (ERAB) recommended to the Minister for Labour, that this Convention be ratified by the Fiji Government.

### Bilateral Cooperation

#### OHS Technical Assistance

Bilateral Cooperation between the Independent State of Papua New Guinea (PNG) and the Government of the Republic of Fiji have strengthened ties in the extension of technical assistance in the field of Occupational Health and Safety.

An extension to the Memorandum of Understanding (MOU) was signed between the two countries by the PNG High Commissioner Mr. Peter Eafeare and the Honorable Minister for Labour, IR & Employment Mr. Jone Usamate on the 25th of April 2013, in Suva.

The extension of MOU was a significant framework that was established to facilitate mutual co-operation between the two Governments and to facilitate their long term commitment towards the project on the capacity building of the PNG occupational health and safety.

The extension of the MOU was done for PNG's OSH Bill towards enactment and put in place a new OSH Structure and OSH Management System for the Papua New Guinea OSH Inspectorate.

#### 2013 ILO World OSH Day

The celebration of the World Day for Safety and Health at Work is an integral part of the Global Strategy on Occupational Safety and Health of ILO. It promotes the creation of a global preventive safety and health culture involving all stakeholders. In many parts of the world, national authorities, trade unions, employer organizations and safety and health practitioners organize activities to celebrate this date.

The ILO celebrates the World Day for Safety and Health at Work on the 28th of April every year to promote the prevention of occupational accidents and diseases globally. It is an awareness-raising campaign intended to focus international attention on emerging trends in the field of occupational safety and health, and on the magnitude of work-related injuries, diseases and fatalities worldwide.

The National Occupational Health and Safety Service with representatives from worker and employer organizations, ILO and other Government Departments observed the day at the Suva Civic Centre with the theme - Prevention of Occupational Disease.

The day was also observed by workplace OHS Committees along with primary and secondary school students. These students made the day memorable by participating in essay and poster competitions based on the 2013 theme. Best Management System Certificates



Extension of Memorandum of Understanding on OHS Technical Assistance between Ministers for Labour Fiji and PNG



2013 World OSH Day participants together with Ministry staff



OHS Committee of agencies awarded with Best OHS Management System Certificate that meets the requirement of the policy.

were awarded to successful workplaces that met the requirements of the Occupational Health and Safety Management System.

## 13 EMPLOYMENT CREATION - NATIONAL EMPLOYMENT CENTRE (NEC)

### National Employment Centre - Employment Creation Policy

The Government in its commitment to “building a better Fiji”, provided a reformative legislative framework through the NEC to reduce the unemployment rate from 8.6% to 4.3% by 2015. This framework is designed to provide social justice to the unemployed persons including persons with disabilities. This is linked to four (4) Pillars of the People's Charter for Change, Peace and Progress which are Pillars 5, 8, 9 and 11.

This framework enables NEC to strategically position itself to ensure NEC clients are provided with quality skills training and human resource development services, to enhance the employability of unemployed persons, retirees and volunteers in both the local and overseas employment markets.

There are four (4) employment creation services established under the NEC which includes the Foreign Employment Service (FORES), Fiji Volunteer Service (FVS), Self Employment Service (SES), and Formal Employment Service (FES).

The FES, FORES and the secretariat functions are administered by the Ministry. The FVS is administered by the Public Service Commission. The SES is still administered by various Ministries and contributes to the development and monitoring of Small and Micro Enterprises (SME). The SES is awaiting the implementation of the Cabinet Decision No.85 of 13/03/12.

The system and processes of these

employment creation services comply with international best practices which are ISO 9001:2008 and ISO 26000 standards. These comply with requirements of the Fiji Business Excellence Awards Framework to promote business excellence. The key driver is rooted on a value based model of “spiritual renewal” compared to the world models that use “innovation” or “continuous learning”. The Human Resource Development components are certified to the Fiji National Qualification Framework. The strategic positioning of this policy and institution are in line with ILO Global Jobs Pact and the Millennium Development Goal One (MDG).

### Client Registration

Clients are registered to allow the National Employment Centre to obtain real time data on the number of unemployed persons according to their qualification and specialization.

The National Employment Centre registered 6,041 clients against the annual target of 3,000 clients. The increase in registration figures in comparison with 2012, resulted from the community awareness programs conducted through talk back shows on television, radio, newspaper advertisements and also face to face or by “word of mouth”. It was also noted that more females were registered in 2013 compared to males and these were mostly single mothers who needed to support their families.

Client registrations are usually high in the first quarter of each year as it coincides with the official release of external examination results.

Figure 40 illustrates the number of clients registered with the Centre from 2012 – 2013.

### Establishment of the Foreign Employment Service (FORES)

The Foreign Employment Service was established on 30th December 2009 as per Gazette Legal Notice 111/09. However, the setting up and rolling out was on hold until 2012. By the same notice, the Minister for Labour designated the Foreign Employment Unit within the Ministry to become the Foreign Employment Service (FORES).

In 2013, the Foreign Employment Service negotiated employment opportunities in the United Arab Emirates (UAE), New Zealand and Canada. His Excellency Mr. Robin Nair Fiji's Ambassador to the UAE was instrumental in the negotiations with this country.

### United Arab Emirates (UAE)

The UAE provided employment opportunities in the Healthcare Sector,

Tourism Sector, High-end Business & Retail Centres, Ferrari World Theme Park, Department of Transport, and Emrill Services. In 2013, four candidates was absorbed into the tourism sector. These positive signs are significant as Government seeks to reduce unemployment and alleviate poverty.

Table 18 is the analysis of applications received for jobs in the Healthcare Sector, Tourism Sector and High-end Business & Retail Centres.

### New Zealand

A New Zealand company (Vehicle Testing New Zealand) reviewed 55 applications, 13 were shortlisted and three candidates were selected and employed by this company.

FORES continued researching other potential overseas markets for employment opportunities.



Figure 40



Foreign Employment contracts signed between the Ministry and the two successful applicants for overseas employment in Canada

	Sector	No. of Applications Received Per Position	Percentage of Applications Received Per Position	No. of Applications that Met the Minimum Requirements	Percentage of Applications that Met the Minimum Requirements	No. of Applications that Did Not Meet the Minimum Requirements	% of Applications the Did Not Meet the Minimum Requirements
1	Healthcare	440	100%	369	84%	71	16%
2	Tourism	1017	100%	510	50.15%	507	49.85%
3	Retail & Call Centre	245	100%	193	78.78%	52	21.22%

Table 18: Analysis of FORES Applications in 2013

Table 19 illustrates the number of clients absorbed into Foreign Employment in 2013 by Quarters:

FORES	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr	Total	Annual Target	%
2013	1	8	7	39	55	20	275%

Table 19: Number of Clients absorbed into Foreign Employment Service in 2013 by Quarters

### Global Comparison of Unemployment Rates for 2013

The unemployment rate in Fiji was 8.6% in the 2007 census. Through the National Employment Centre and other Government

initiatives, the national unemployment rate has significantly decreased from 8.6% in 2007 to 6.9% in the last quarter of 2013. Compared to developed economies in OECD countries, Fiji's unemployment rate of 6.9% is rated the fourth best compared

to Austria (5.1%), Luxembourg (6.0%) and Netherlands (6.9%). Please refer to the ILO Figure 41 below for the 2013 unemployment rates

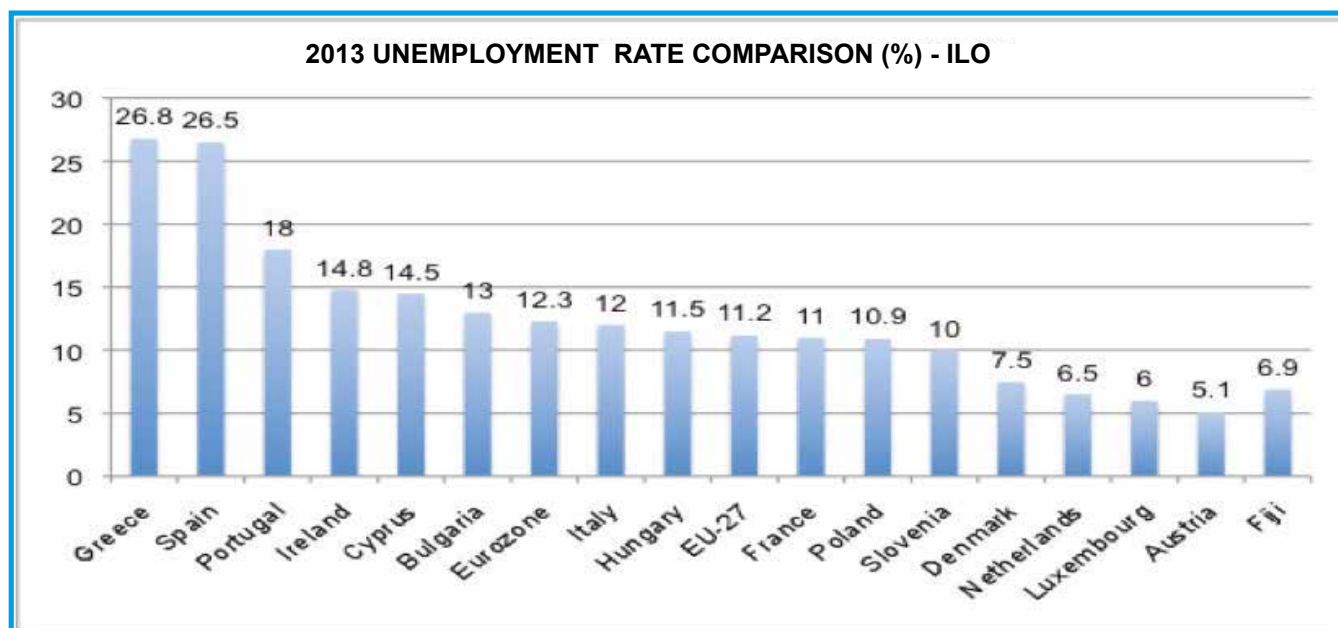


Figure 41

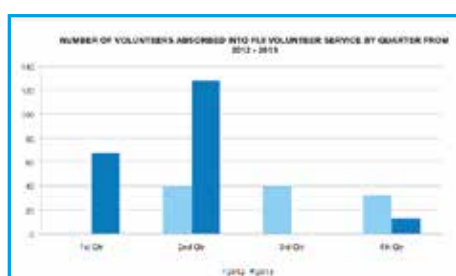


Figure 42

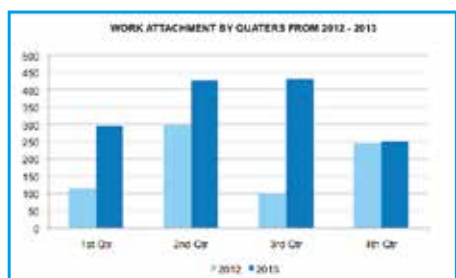


Figure 43

### Establishment of the Fiji Volunteer Scheme (FVS)

The FVS is established under Part 10 of the NEC Decree 2009. The Minister for Labour, Industrial Relations and Employment in 2011 designated the managing of this service to the Human Resource Management Division of the Public Service Commission to be the Fiji Volunteer Service (under legal notice No. 110). The FVS focuses on placement services of unemployed persons and retirees into volunteer assignments locally and overseas.

In 2013, the FVS absorbed a total of 209 volunteers for local and overseas volunteer assignments against the annual target of 50 volunteers. The increase

in the number of volunteerism in 2013 resulted from the number of assistance required by neighbouring Pacific Island countries.

Figure 42 illustrates the number of Volunteers absorbed into volunteer assignment from 2012 - 2013.

### Establishment of the Formal Employment Service (FES)

#### Work Attachment

As stated in the NEC Decree No. 54 of 2009, employers with 50 or more workers are required to take on at least 5% of the total number of workers as attachees as stated under the formal employment service (FES).



The Centre is anticipating that the numbers will increase as employers continue, in good faith, to realize its corporate social responsibility under its obligations under Decree.

Statistics by Division revealed the continued absorption of clients into both work attachment opportunities and formal employment depicts the positive commitment of employers in the involvement of providing work attachment opportunities and recruiting NEC trainees for permanent employment.

The massive increase in 2013 was due the increase in demand from employers and also the multiplier effect of the successful rate of clients being absorbed into permanent employment after completion of the work attachment.

The increase number of work attachment in 2013 dovetails with the increase in the number of MOU signed between employers and the NEC and also due to the increase in demand from employers and the multiplier effect of the successful rate of clients being absorbed into permanent employment after completion of the work attachment.

Figure 43 illustrates the number of clients attached for Work Attachment by employers from 2012 - 2013 by quarters.

### Permanent Employment

During the year under review, the FES recorded a total number of 1145 clients absorbed into formal employment thus achieving 573% against its annual target of 200 clients. Clients are being absorbed automatically into permanent employment

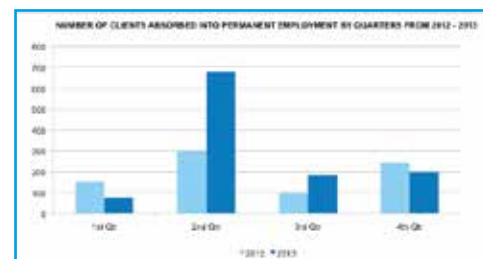
due to their excellent performance during their work attachment period. The number of permanent employment continued to rise steadily due to the increase in number of graduates registered with NEC.

Figure 44 illustrates the number of clients absorbed into Permanent Employment from 2012 - 2013.

### Establishment of the Self-Employment Service (SES)

The SES is established under Part 9 of the NEC Decree 2009 under Cabinet Decision No. 2345, had designated the Intergrated Human Resource Development Project (IHRDP) hosted under the Ministry of National Planning; Centre for Appropriate Technology and Development (CATD) hosted by the Ministry of Indigenous Affairs; and the National Centre for Small and Micro Enterprise Development (NCSMED) hosted by the Ministry of Industry to be integrated to the Self Employment Service.

As of 2012, the role of NEC has been purely administrative i.e. to register clients and advise those that show interest to start their small business to agencies where they can access funding. The SES has been negatively impacted by a shortage of funding and this has resulted in the non-achievement of any small business established under the SES.



Number of Clients Absorbed into Permanent Employment by Quarters from 2010 - 2013



NEC signs MOU with NTPC



NEC Vunidogoloa Cash for Work Plus (CFWP) Project in 2013



NEC Vunidogoloa Cash for Work Plus (CFWP) Project in 2013



R E S U L T S


2013 ACHIEVEMENTS

# Finance Results




# 15 FINANCIAL SERVICE


**REPUBLIC OF FIJI**  
**OFFICE OF THE AUDITOR GENERAL**



8<sup>th</sup> Floor, Ratu Sukuna House,  
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**Excellence in Public Sector Auditing**

File: 481

28 May 2014

The Minister  
Ministry of Labour, Industrial Relations and Employment  
Civic House  
SUVA

Dear Sir

---


**AUDITED FINANCIAL STATEMENTS OF THE MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT FOR THE YEAR ENDED 31 DECEMBER 2013**

---

Audited Financial Statements for the Ministry of Labour, Industrial Relations and Employment for the year ended 31 December 2013 together with my audit report on them are enclosed.

Particulars of errors and omissions arising from the audit have been forwarded to management of the Ministry for its action.

Yours sincerely

  
**Tevita Bolanavanua**  
**AUDITOR-GENERAL**

cc: Mr. Taito Waqa, Permanent Secretary for Ministry of Labour, Industrial Relations and Employment.

Encl.

RECEIVED




30 MAY 2014

MINISTER'S OFFICE



## FINANCIAL STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2013

## INDEPENDENT AUDIT REPORT

	<p>8<sup>th</sup> Floor, Ratu Sukuna House, MacArthur Street, P. O. Box 2214, Government Buildings, Suva, Fiji Islands.</p>		<p>Telephone: (679) 330 9032 Fax: (679) 330 3812 Email: <a href="mailto:info@auditorgeneral.gov.fj">info@auditorgeneral.gov.fj</a> Website: <a href="http://www.oag.gov.fj">http://www.oag.gov.fj</a></p>	
<p align="center"><b>REPUBLIC OF FIJI</b> <b>OFFICE OF THE AUDITOR GENERAL</b>  Excellence in Public Sector Auditing</p>				
<p><b>MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT</b> <b>FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2013</b></p>				
<p><b><u>INDEPENDENT AUDIT REPORT</u></b></p>				
<p><b><u>Scope</u></b></p>				
<p>I have audited the special purpose financial statements which have been prepared under the cash basis of accounting and notes thereon of the Ministry of Labour, Industrial Relations and Employment for the year ended 31 December 2013, as set out on pages 6 to 16. The financial statements comprise the following:</p>				
<ul style="list-style-type: none"> <li>(i) Statement of Receipts and Expenditure;</li> <li>(ii) Appropriation Statement;</li> <li>(iii) Statement of Losses; and</li> <li>(iv) Trust Accounts Statements of Receipts and Payments for:             <ul style="list-style-type: none"> <li>a. National Occupational Health &amp; Safety Education and Accident Prevention</li> <li>b. OHS Consultancy Services, Workmen's Compensation and Wages Dispute</li> <li>c. Employment Relations Agency</li> <li>d. Child Labour Unit</li> <li>e. National Employment Centre</li> </ul> </li> </ul>				
<p>The Ministry of Labour, Industrial Relations and Employment is responsible for the preparation and presentation of the special purpose financial statements and the information contained therein.</p>				
<p>My responsibility is to express an opinion on these special purpose financial statements based on my audit.</p>				
<p>My audit was conducted in accordance with the International Standards on Auditing to provide reasonable assurance as to whether the special purpose financial statements are free of material misstatements. My audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the special purpose financial statements and evaluation of accounting policies. These procedures have been undertaken to form an opinion as to whether, in all material respects, the special purpose financial statements are fairly stated and in accordance with government policies stated in Note 2, the Audit Act and the Financial Management Act 2004, so as to present a view which is consistent with my understanding of the financial performance of the Ministry of Labour, Industrial Relations and Employment for the year ended 31 December 2013.</p>				
<p>The audit opinion expressed in this report has been formed on the above basis.</p>				
<p><b><u>Qualifications</u></b></p>				
<ol style="list-style-type: none"> <li>1. A variance of \$485,641 exists between the trust fund cash at bank account balance and the trust fund liability account balance contrary to section 58 (3) of Finance Instructions 2010. Therefore, the <i>Trust Fund Account Statement of Receipts and Expenditures</i> cannot be ascertained to be fairly stated.</li> <li>2. A variance of \$427,280 exists between the trust fund cash at bank recorded in the general ledger and the cash at bank balance as per bank reconciliation, contrary to section 32 (6) of Finance Instructions 2010. As such, I was not able to ascertain that all receipts and payments have been accurately accounted and disclosed in the Main Trust Fund Accounts.</li> </ol>				
<p align="center">3</p>				



**Qualified Audit Opinion**

In my opinion, except for the matters referred to in the qualification paragraphs:

- (a) The financial statements present fairly, in accordance with the accounting policies stated in Note 2, the financial performance of the Ministry of Labour, Industrial Relations and Employment for the year ended 31 December 2013.
- (b) The financial statements give the information required by the Financial Management Act 2001 in the manner so required.

Without further qualifying the opinion, I draw attention to the following matter:

The Ministry did not reconcile the expenditure in the FMIS general ledger as no expenditure ledger was maintained. It prepared its financial statements from the FMIS general ledger. As a result I was not able to ascertain the accuracy of the amounts stated in the Statement of Receipts and Expenditure.

I have obtained all the information and explanations, which, to the best of my knowledge and belief were necessary for the purpose of my audit.



Tevita Bolanavanua  
AUDITOR GENERAL

Suva, Fiji

28 May 2014



**MANAGEMENT CERTIFICATE FOR THE YEAR ENDED 31 DECEMBER 2013****MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT****MANAGEMENT CERTIFICATE****FOR THE YEAR ENDED 31 DECEMBER 2013**

We certify that these financial statements:

- (a) fairly reflect the financial operations and performance of the Ministry of Labour, Industrial Relations and Employment and its financial position for the year ended 31 December 2013; and
- (b) have been prepared in accordance with the requirements of the Financial Management Act 2004 and the Finance Instructions 2010.



Taito Waqa  
Permanent Secretary for Labour,  
Industrial Relations & Employment



Viliame Nauludugua  
Acting Senior Accounts Officer

Date: 26/05/2014

Date: 26/05/14

## APPROPRIATION STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2013

## MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

APPROPRIATION STATEMENT  
FOR THE YEAR ENDED 31 DECEMBER 2013

SEG	Item	Budget Estimate \$	Appropriation Changes \$	Revised Estimate \$	Actual Expenditure \$	Carry- Over \$	Lapsed Appropriation \$
<b>Operating Expenditure</b>							
1	Established Staff	3,227,837	(199,379)	3,028,458	3,028,453	---	5
2	Government Wage Earners	178,020	(25,248)	152,772	152,727	---	45
3	Travel & Communication	219,500	68,401	287,901	286,934	---	967
4	Maintenance & Operations	294,300	52,323	346,623	346,160	---	463
5	Purchase of Goods & Services	824,900	92,322	917,222	915,217	---	2,005
6	Operating Grants & Transfers	55,000	(25,806)	29,194	29,193	---	1
7	Special Expenditure	3,068,779	37,387	3,106,166	3,077,981	---	28,185
	<b>Total Operating Expenditure</b>	<b>7,868,336</b>	<b>---</b>	<b>7,868,336</b>	<b>7,836,665</b>	<b>---</b>	<b>31,671</b>
13	Value Added Tax	657,000	---	657,000	656,999	---	1
	<b>TOTAL EXPENDITURE</b>	<b>8,525,336</b>	<b>---</b>	<b>8,525,336</b>	<b>8,493,664</b>	<b>---</b>	<b>31,672</b>

**Appropriation Movements**

In 2013, there was no redeployment of funds from the Ministry's budget.

Other movements were as follows:

Virement No.	From	To	Amount \$
Various	SEG 1	SEG 3	51,574
Various	SEG 1	SEG 4	50,186
Various	SEG 1	SEG 5	53,842
34/2013	SEG 1	SEG 7	43,500
60/2013	SEG 2	SEG 4	1,000
Various	SEG 2	SEG 5	6,000
Various	SEG 3	SEG 5	2,776
Various	SEG 4	SEG 3	14,000
Various	SEG 4	SEG 5	17,894
Various	SEG 5	SEG 3	2,249
Various	SEG 5	SEG 4	14,000
38/2013	SEG 6	SEG 5	25,806
Various	SEG 7	SEG 5	6,113

## STATEMENT OF RECEIPTS AND EXPENDITURE FOR THE YEAR ENDED 31 DECEMBER 2013

## MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

STATEMENT OF RECEIPTS AND EXPENDITURE  
FOR THE YEAR ENDED 31 DECEMBER 2013

	Notes	2013 \$	2012 \$
<b>RECEIPTS</b>			
<b>State Revenue</b>			
Commission		333	343
<b>Total State Revenue</b>		<b>333</b>	<b>343</b>
<b>Agency Revenue</b>			
Miscellaneous	3 (a)	---	129,890
<b>Total Agency Revenue</b>		<b>---</b>	<b>129,890</b>
<b>TOTAL REVENUE</b>		<b>333</b>	<b>130,233</b>
<b>EXPENDITURE</b>			
<b>Operating Expenditure</b>			
Established Staff	3 (b)	3,028,453	2,687,442
Government Wage Earners	3 (c)	152,727	145,559
Travel & Communication	3 (d)	286,934	243,803
Maintenance & Operations	3 (e)	346,160	363,502
Purchase of Goods & Services	3 (f)	915,217	781,570
Operating Grants and Transfers	3 (g)	29,193	39,618
Special Expenditure	3 (h)	3,077,981	3,071,328
<b>Total Operating Expenditure</b>		<b>7,836,665</b>	<b>7,332,822</b>
<b>Capital Expenditure</b>			
Capital Purchase	3 (i)	---	50,000
<b>Total Capital Expenditure</b>		<b>---</b>	<b>50,000</b>
Value Added Tax		656,999	642,222
<b>TOTAL EXPENDITURE</b>		<b>8,493,664</b>	<b>8,025,044</b>





## STATEMENT OF LOSS

### MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

#### STATEMENT OF LOSSES

FOR THE YEAR ENDED 31 DECEMBER 2013

#### Loss of Money

There was no loss of money recorded for the year ended 31 December 2013.

#### Loss of Fixed Assets

The Ministry conducted its Board of Survey in 2013. The Permanent Secretary of Finance has approved the write-off of the unserviceable assets reported in the Board of Survey report. The following division's assets amounting to \$36,800 were reported to be unserviceable:

Division	Amount for Unserviceable Items \$
Western	19,430
Northern	11,070
Central/Eastern	6,300
<b>Total</b>	<b>36,800</b>

Items worth \$41,383 from the following divisions were found to be in surplus:

Division	Surplus \$
Western	9,256
Northern	14,187
Central/Eastern	17,940
<b>Total</b>	<b>41,383</b>

**NATIONAL OCCUPATIONAL HEALTH AND SAFETY EDUCATION AND ACCIDENT PREVENTION FUND ACCOUNT -  
STATEMENT OF RECIEPTS AND PAYMENTS FOR THE YEAR ENDED 31 DECEMBER 2013**

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT  
NATIONAL OCCUPATIONAL HEALTH & SAFETY EDUCATION AND ACCIDENT  
PREVENTION TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2013**

	2013 \$	2012 \$
<b>RECEIPTS</b>		
OHS Trust Fund	1,372,500	2,022,872
<b>Total Receipts</b>	<u>1,372,500</u>	<u>2,022,872</u>
<b>PAYMENTS</b>		
OHS Trust Fund	972,036	1,033,088
<b>Total Payments</b>	<u>972,036</u>	<u>1,033,088</u>
<b>Net Surplus</b>	<b>400,464</b>	<b>989,784</b>
Balance as at 1 January	4,360,893	3,371,110
<b>Closing Balance as at 31 December 2013</b>	<u><b>4,761,357</b></u>	<u><b>4,360,893</b></u>

**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR OHS CONSULTANCY SERVICES, WORKMEN'S COMPENSATION AND WAGES DISPUTE FOR THE YEAR ENDED 31 DECEMBER 2013**

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT**

**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR OHS CONSULTANCY SERVICES, WORKMENS COMPENSATION AND WAGES DISPUTE FOR THE YEAR ENDED 31 DECEMBER 2013**

	<b>2013</b>	<b>2012</b>
	<b>\$</b>	<b>\$</b>
<b>RECEIPTS</b>		
Workmen's Compensation	2,113,278	1,451,607
Wages Dispute	578,467	220,938
OHS Consultancy	898,060	527,596
<b>Total Receipts</b>	<b>3,589,806</b>	<b>2,200,141</b>
<b>PAYMENTS</b>		
Workmen's Compensation	2,057,196	2,203,560
Wages Dispute	558,160	207,329
OHS Consultancy	500,683	455,082
<b>Total Payments</b>	<b>3,116,039</b>	<b>2,865,971</b>
<b>Net Surplus/(Deficit)</b>	<b>473,767</b>	<b>(665,830)</b>
Balance as at 1 January	286,408	952,238
<b>Closing Balance as at 31 December 2013</b>	<b>760,175</b>	<b>286,408</b>

**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR EMPLOYMENT RELATIONS AGENCY FOR THE ENDED 31 DECEMBER 2013**

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT**

**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR  
EMPLOYMENT RELATIONS AGENCY  
FOR THE YEAR ENDED 31 DECEMBER 2013**

	Notes	2013 \$	2012 \$
<b>RECEIPTS</b>			
ERT Trust Fund		138,225	61,414
<b>Total Receipts</b>		<u>138,225</u>	<u>61,414</u>
<b>PAYMENTS</b>			
ERT Trust Fund		4,332	23,464
<b>Total Payments</b>		<u>4,332</u>	<u>23,464</u>
<b>Net Surplus/(Deficit)</b>		133,893	37,950
Balance as at 1 January		41,561	3,610
<b>Closing Balance as at 31 December 2013</b>		<u>175,454</u>	<u>41,561</u>



**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR LABOUR UNIT FOR THE ENDED 31 DECEMBER 2013**

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT**

**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR CHILD LABOUR UNIT  
FOR THE YEAR ENDED 31 DECEMBER 2013**

	Notes	2013 \$	2012 \$
<b>RECEIPTS</b>			
CLU Trust Fund		20,010	264,029
<b>Total Receipts</b>		<u>20,010</u>	<u>264,029</u>
<b>PAYMENTS</b>			
CLU Trust Fund		88,293	232,827
<b>Total Payments</b>		<u>88,293</u>	<u>232,827</u>
<b>Net Surplus/(Deficit)</b>		<b>(68,283)</b>	<b>31,202</b>
Balance as at 1 January		48,383	17,181
<b>Closing Balance as at 31 December 2013</b>		<u><b>(19,900)</b></u>	<u><b>48,383</b></u>

**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR NATIONAL EMPLOYMENT CENTRE FOR THE ENDED 31 DECEMBER 2013**

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT**

**TRUST FUND ACCOUNT - STATEMENT OF RECEIPTS AND PAYMENTS FOR NATIONAL EMPLOYMENT CENTRE**

**FOR THE YEAR ENDED 31 DECEMBER 2013**

	Notes	2013 \$	2012 \$
<b>RECEIPTS</b>			
NEC Trust Fund		72,267	1,307,120
<b>Total Receipts</b>		<u>72,267</u>	<u>1,307,120</u>
<b>PAYMENTS</b>			
NEC Trust Fund		81,364	1,046,903
<b>Total Payments</b>		<u>81,364</u>	<u>1,046,903</u>
<b>Net Surplus/(Deficit)</b>		<b>(9,097)</b>	<b>260,217</b>
Balance as at 1 January		499,881	239,664
<b>Closing Balance as at 31 December 2013</b>		<u><b>490,784</b></u>	<u><b>499,881</b></u>

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2013****MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT****NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2013**

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**NOTE 1: REPORTING ENTITY**

The core responsibility of the Ministry of Labour is to pursue the attainment of decent work standards through the development of healthy workers; the provision of healthy and safe working environment; fair working conditions and stable and constructive labour relations. These responsibilities are achieved by focussing on developing an enabling environment supported by sound labour laws, policies and practices.

**NOTE 2: STATEMENT OF ACCOUNTING POLICIES****(a) Basis of Accounting**

In accordance with Government accounting policies, the financial statements of the Ministry of Labour, Industrial Relations and Employment is prepared on cash basis of accounting. All payments related to purchases of fixed assets have been expensed.

The financial statements are presented in accordance with the Financial Management Act and the requirements of Section 71 (1) of the Finance Instruction 2010. The preparation and presentation of a Statement of Assets and Liabilities is not required under the current Government policies, except for that of the Trade and Manufacturing Accounts.

**(b) Accounting for Value Added Tax (VAT)**

All income and expenses are VAT exclusive. The Ministry on a monthly basis takes out VAT output on total money received for expenditure from Ministry of Finance. VAT input on the other hand is claimed on payments made to the suppliers and sub-contractors for expenses incurred.

The VAT payment as per the statement of receipts and expenditure relates to the VAT input claimed on payments made to the suppliers and sub-contractors for expenses incurred and VAT payments to Fiji Revenue & Customs Authority (FRCA). Actual amount paid to FRCA during the year represent the difference between VAT Output and VAT Input.

**(c) Comparative Figures**

Where necessary, amounts relating to prior years have been reclassified to facilitate comparison and achieve consistency in disclosure with current year amounts.

**(d) Revenue Recognition**

Revenue is recognised when the Ministry receives actual cash.

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 31 DECEMBER 2013**

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT**

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS (continued...)  
FOR THE YEAR ENDED 31 DECEMBER 2013**

**NOTE 3: SIGNIFICANT VARIATIONS**

- (a) Wrong posting in 2012 in JV 04/04 amounting to \$129,889.95. The Ministry does not receive any miscellaneous revenue. All revenue is deposited to the Trust Fund bank account and not the Consolidated Fund Account.
- (b) The Established Staff costs increased by \$341,011 or 13% in 2013 compared to 2012. This was due to the filling of vacant posts for the Ministry and the Revolutionary Labour Reform which result in the increase in project staff.
- (c) The Government Wage Earners costs increased by \$7,168 or 5% in 2013 due to the filling of vacant posts for the Ministry and the payment of overtime for drivers engaged in the Revolutionary Labour Reform undertaken by the Ministry such as the National Minimum Wages Reform.
- (d) The Travel and Communication costs increased by \$43,131 or 18% in 2013 due to the increase in the number of trips due to Reforms, Awareness's and Referral Cases from FICAC, PM's Office and AG's Office.
- (e) The Maintenance and Operation costs decreased by \$17,342 or 5% in 2013 due to the proper monitoring and control measures in place resulting in the reduced operating costs in the maintenance of assets and equipment.
- (f) The Purchase of Goods and Services costs increased by \$133,647 or 17% in 2013 due to purchase of office goods and services due to expiry of life time of assets thus replacements, stationeries as per majority computerized duties and providing human resources as per OHS Compliance.
- (g) The Operating Grants and Transfers decreased by \$10,425 or 26 % in 2013 mainly due to decrease in expenditure paid out for grants and payments of ILO contribution through proper monitoring and control.
- (h) The Special Expenditure costs increased by \$6,653 or 0.2% in 2013 due to the Revolutionary Labour Reform and the undertaking of the National Minimum Wages Reform.
- (i) The Capital Purchase costs decreased by \$50,000 or 100% due to the non-approval of the budget.

**NOTE 4: OPERATING TRUST**

At balance date, the Operating Trust Fund Account had a balance of \$124,778.33 that relates to various employee deductions.





**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 31 DECEMBER 2013**

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT**

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS (continued...)  
FOR THE YEAR ENDED 31 DECEMBER 2013**

---

**NOTE 5: MAIN TRUST ACCOUNT**

At balance date, the Main Trust Fund Account maintained by the Ministry of Labour had a balance of \$6,167,867.38. The Balances in this account relates to the Workmen's Compensation, Wages Dispute, OHS Consultancy Services, OHS Trust Fund, National Employment Centre, Employment Relations Agency and Child Labour Unit.

**NOTE 6: REVOLVING FUND ACCOUNT (RFA)**

At balance date, the Ministry had a balance of \$206.00 in the RFA account.

**NOTE 7: DRAWINGS ACCOUNT**

At balance date, there were funds amounting to \$170,119.95 under Drawings Account. These monies relate to cheques written by the Ministry that are yet to be presented to the bank.

### FINANCIAL STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2013

The bar graph below depicts the Budget allocation for the past 5 years. We note an increase in the Budget allocation for 2014, due to an increase in Capital Projects. An

additional \$250,000 for allocated for the implementation of the National Minimum Wage (recruitment of 16 new Labour Inspectors), \$1.5m was allocated to

Workman Compensation, and \$0.8m was allocated to National Employment Centre.

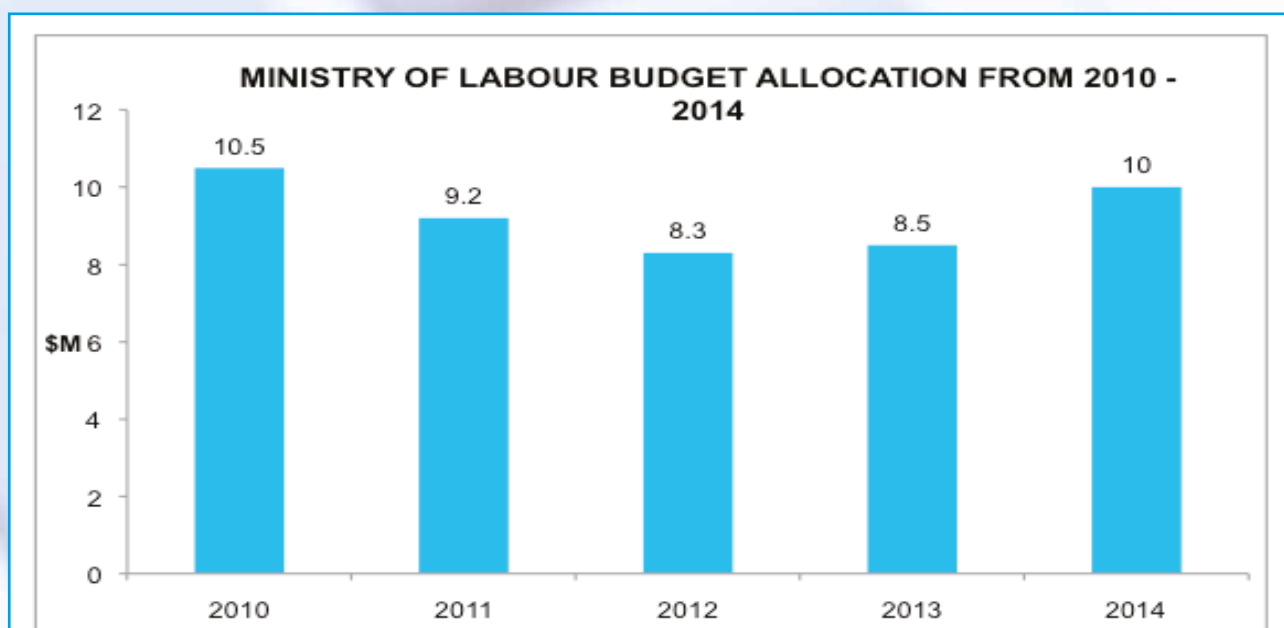


Figure 45

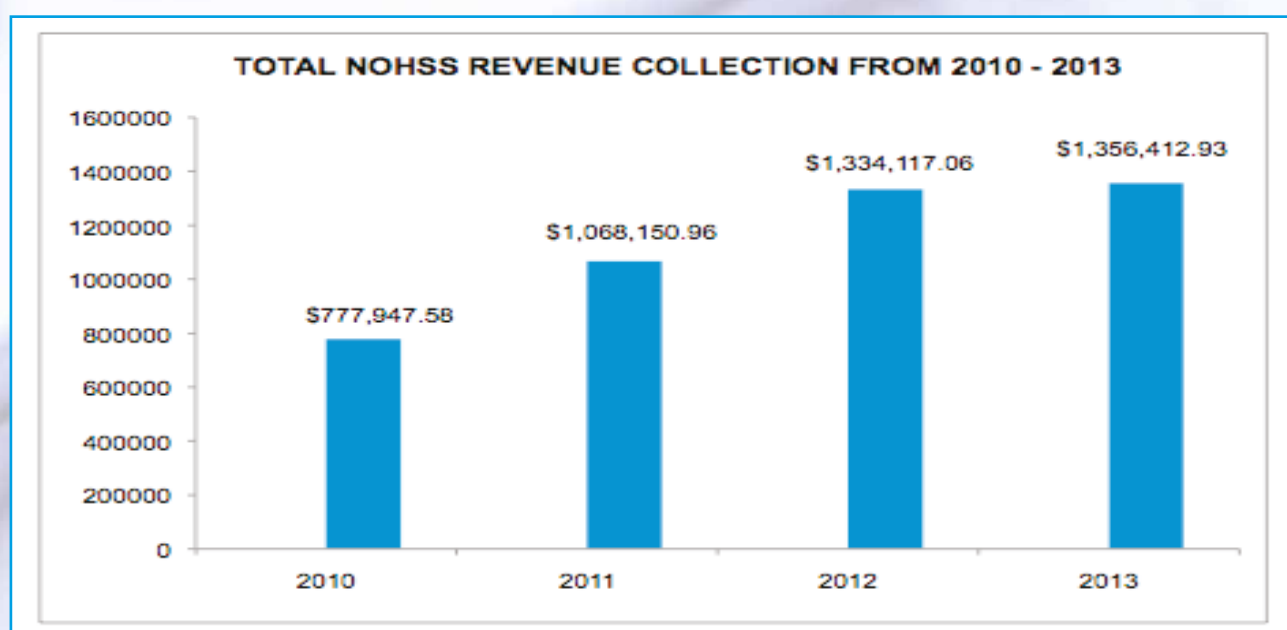


Figure 46

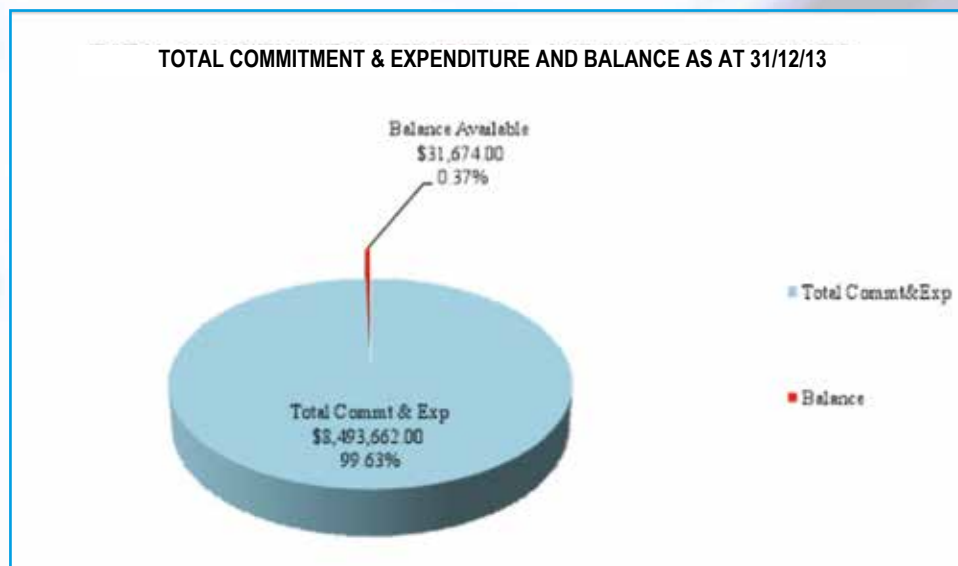


Figure 47

## NOTES:

As at 31st December 2013 MLIRE had utilized 99.6% (\$8,493,662.00) from the budgetary allocation of \$ 8,525,336. As at 31st December the balance available is 0.4 % i.e. (\$ 31,674.00).

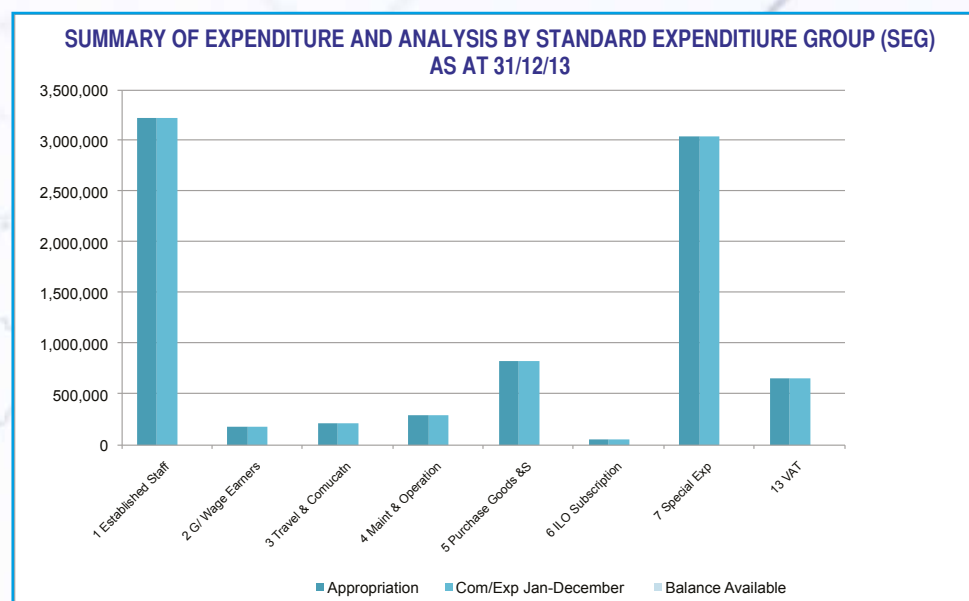


Figure 48

## NOTES:

SEG 1 - From the \$3,225,651 allocated provision, 100% been utilized in SEG 1 i.e. \$3,225,645.00. The balance available as at 31st December was 0% i.e. \$6.00

SEG 2 – From the \$178,020 allocated provision, 99.97% been utilized in SEG 2 i.e. \$177,975.00. The balance available as at 31st December was 0.03% i.e. \$45.00

SEG 3 – From the \$219,500 allocated provision, 99.56% been utilized in SEG 3 i.e. \$218,535.00. The balance available as at 31st December was 0.44% i.e. \$965.00

SEG 4 – From the \$296,486 allocated provision, 99.84% been utilized in SEG 4 i.e. \$296,019.00. The balance available as at 31st December was 0.16% i.e. \$467.00

SEG 5 – From the \$824,900.00 allocated provision, 99.76% been utilized in SEG 5 i.e. \$822,896.00. The balance available as at 31st December was 0.24% i.e. \$2,004.00

SEG 6 – From the \$55,000 allocated provision 100% been utilized in SEG 6 i.e. \$54,999.00. The balance available as at 31st December was 0% i.e. \$1.00.

SEG 7 – From the \$3,096,779 allocated provision 98.17% been utilized in SEG 7 i.e. \$3,040,594.00. The balance available as at 31st December was 1.83% i.e. \$28,185.00.

SEG 13 – From the \$657,000 allocated provision 100% been utilized in SEG 13. \$ 656,999.00. The balance available as at 31st December was 0% i.e. \$1.00.



## COMMITMENT AND EXPENDITURE (ACTIVITY 2 - LABOUR SERVICES) AS AT 31/12/13

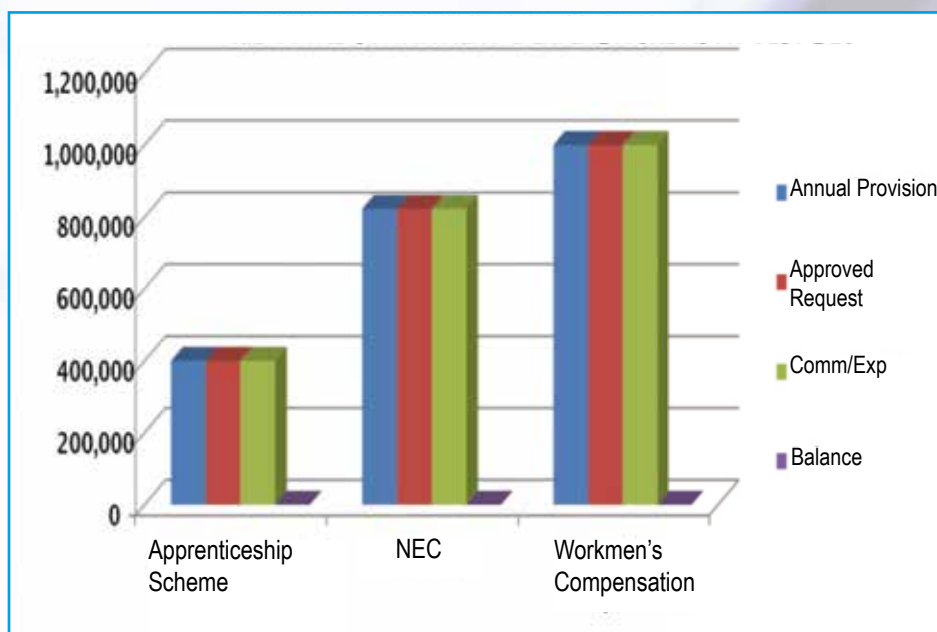


Figure 49:

## RIE SUMMARY NOTES AS AT DECEMBER, 2013

## Apprenticeship Scheme (Other Industries- Govt Printing and Govt Shipping)

- \$400,000.00 was allocated from MOF to cater for the Apprenticeship Scheme training.
- \$400,000.00 been approved for 1st – 4th quarter
- \$200,000.00 (100%) being paid out to the Stake Holders in March 2013 leaving \$0 Balance (0%)
- \$200,000.00 (100%) being paid out to the Stake Holders in August 2013 leaving \$0 Balance (0%)

## National Employment Centre – (NEC)

- Amount allocated was \$ 823,278.00
- \$771,000.00 was being approved for the 1st quarter
- \$ 52,278.00 was being approved for the 4th quarter
- \$823,277.47 (100%) being utilized leaving the balance of \$0.51.

## Workmen's Compensation

- Amount allocated was \$1,000,000.
- Approved amount received was \$1,000,000.00
- Amount utilized as at 31st December was \$ 999,817.00 i.e. 99.98%. Balance available was 0.02% i.e.\$ 183.00





