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## **STANDING COMMITTEE ON SOCIAL AFFAIRS**

### **Committee Consolidated Review Report on the Ministry of Labour, Industrial Relations and Employment 2010 to 2013 Annual Reports**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
**Parliamentary Paper No. 74 of 2018**

*Tuesday, 15<sup>th</sup> May, 2018*

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## CHAIRPERSON'S FOREWORD

On behalf of the Standing Committee on Social Affairs, I am pleased to present the Consolidated Report for the Ministry of Labour, Industrial Relations and Employment 2010 to 2013 Annual Reports.

The Standing Committee on Social Affairs was established under Section 109(2) (b) of the Standing Orders (SO) of the Parliament of the Republic of Fiji and is mandated to examine matters relating to health, education, social services, labor, culture, media and their administration.

On the 16<sup>th</sup> of April, 2018 Parliament resolved to refer the Ministry of Labour, Industrial Relations and Employment Annual Reports from 2010 to 2013 to this Committee, for the purpose of scrutinizing and reporting back to the Parliament at a later date. The focus was particularly on areas of administration, legislation, budget, organization structure, functions, policies, programs/projects of the year as per Standing Order 110(1) (c). The Committee took note of the Annual Report.

The Ministry of Labour, Industrial Relations and Employment strives to ensure that all workers are protected against all forms of discrimination in the workplace through the design, development and enactment of modern and visionary labour laws and management system that apply and deliver real social justice in the workplace.

The Committee has conducted a review of the Ministry of Labour, Industrial Relations and Employment Annual Report from 2010 to 2013 and has no matters to bring to the attention of the House. The Committee recommends that the House take note of its report.

Finally, I would like to extend my appreciation to the Honourable Members who were involved in the formulation of this bipartisan report: Deputy Chair, Hon. Veena Bhatnagar and the Committee members, Hon. Salote Radrodoro, Hon. Ruveni Nadalo, Hon. Anare T. Vadei, Hon. Alivereti Nabulivou and Hon. Samuela Vunivalu as alternate members.

In my capacity as the Chairman of the Standing Committee on Social Affairs, I commend this report to the Parliament.



Hon. Viam Pillay  
Chairman

## RECOMMENDATIONS

The Standing Committee on Social Affairs has conducted a review of the Ministry of Labour, Industrial Relations and Employment Annual Report from 2010 to 2013 and has a few recommendations to bring to the attention of the House.

### Recommendation 1

- Taking into consideration the tabling of 2010 to 2013 Annual Reports in 2018, the Committee recommends that in future there should be more timely presentation of Annual Reports.

### Responses from the Ministry of Labour, Industrial Relations and Employment

The Ministry has noted and acknowledged the recommendation of the Social Affairs Standing Committee on the timely presentation of Annual Reports. The Ministry will ensure the timely submission and publication of its annual reports reflecting the services rendered by the Ministry with the utilization of Government funds for the public information in future.

- We state that the Ministry was heavily involved with the overall labour reforms undertaken since the early 1990's in relation to the new Employment legislations, establishment of new labour market institutions, institutional strengthening and establishment of new systems and processes to adopt international standards and best practices in the Ministry.
- These strategic reforms resulted in the modernization of our Occupational Health and Safety, Employment Relations and Employment Creation, legislations, institution, policies, organizational culture and practices, and systems and processes which have been certified to ISO 9001:2008 Quality Management System.
- As a result of the priority given to the various components of the labour reforms, the drafts Annual Reports were pending finalization. However, this is now finalized up to the year 2016 (January – July).

### Recommendation 2

- Improvement of systems and processes to ensure the timely clearance of the backlogs on the workmen's compensation cases.

### Responses from the Ministry of Labour, Industrial Relations and Employment

The Ministry acknowledged and noted the recommendation of the Social Affairs Standing Committee on the improvement of systems and processes in ensuring the timely clearance of workmen's compensation cases.

- The Workers' Compensation Service of the Ministry has standardized all its operating procedures to ensure consistency across all divisions and areas and timely resolution of compensation cases.
- As part of the Ministry's continual improvement process, the Workers' Compensation Service systems and processes were audited by external Auditors in 2016 before being certified under the ISO 9001:2008 Standards.
- The Ministry this year is embarking towards obtaining a higher standard of certification upgrading its systems and processes from ISO 9001:2008 to ISO 9001:2015 in improving its systems and processes leading to improved customer service delivery.

### **Recommendation 3**

- All Annual Reports must include some details of the audited Financial Statements (refer to 2011 Annual Report)

### **Responses from the Ministry of Labour, Industrial Relations and Employment**

The Ministry has noted and acknowledged the recommendation of the Social Affairs Standing Committee on the inclusion of some details of the audited Financial Statements.

- In addressing the recommendation of the Committee, the Ministry has incorporated the full audited Financial Statements for Annual Reports year ending 2012, 2013, 2014, 2015 and 2016 (January – July).
- The Ministry will in future ensure the inclusion of the full audited Financial Statements in all its Annual Report publications.

## INTRODUCTION

The Ministry of Labour, Industrial Relations and Employment 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 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.

The Parliament at its sitting on 16<sup>th</sup> of April, 2018 referred the 2010 to 2013 Annual Reports of the Ministry of Labour, Industrial Relations and Employment to the Standing Committee on Social Affairs to scrutinize.

The review of these four (4) Annual Reports involved consultation, collation of information and data and a presentation from the Ministry Labour, Industrial Relations and Employment of which assisted the Committee members to fully understand the Ministry's operations, achievements and challenges encountered with those financial years.

On 1<sup>st</sup> of May 2018, the Committee invited the officials from the Ministry for a presentation on its 2010 to 2013 Annual Reports. The presentation and the discussions focused on the Ministry Labour, Industrial Relations and Employment's administration and gender breakdown, organization structure, functions, policies/programs in place, budgetary allocation, achievements and challenges faced.

The review report on the Ministry of Labour, Industrial Relations and Employment 2010 to 2013 Annual Reports contains the Committee's recommendations, findings, gender analysis and the concluding remarks.

## **FINDINGS**

The Committee after its scrutiny on the Ministry of Labour, Industrial Relations and Employment 2010-2013 Annual Report identified the following findings:

1. The Committee noted that the Ministry of Labour, Industrial Relations and Employment has not been submitting its Annual Reports on time.
2. The Audit Report captures continuous variances from 2010 to 2013. For instance, in 2013, 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. Whilst in 2012, a variance of \$467,900 was recorded.
3. The Committee noted progress in solving the pending and unresolved cases for workmen's compensation from 2010 to 2013 but the delay in court systems attributed to the accumulation of the backlogs.

## GENDER ANALYSIS

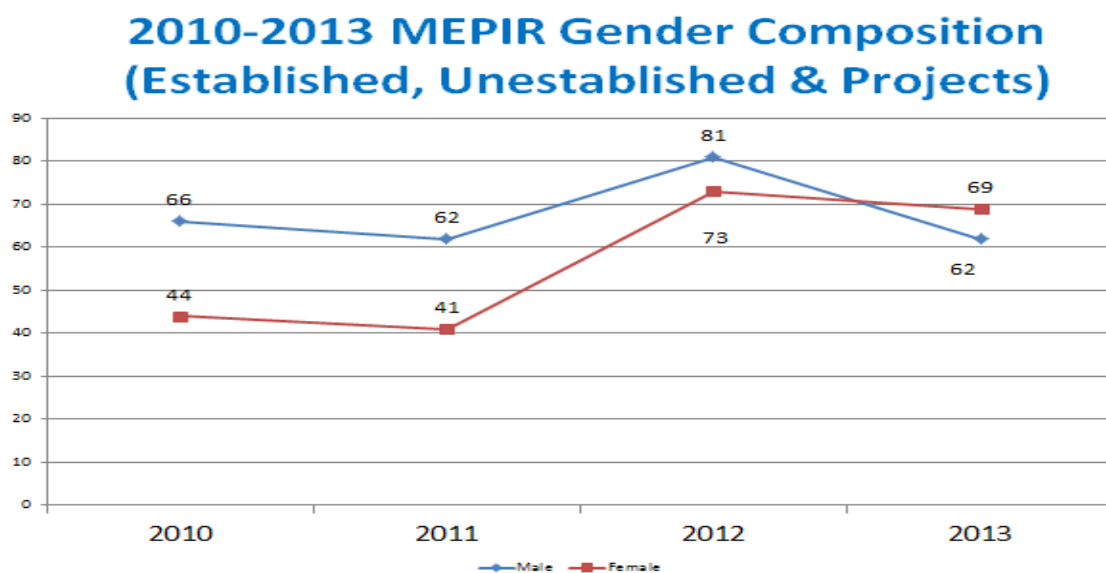
Under SO 110(2), where a committee conducts an activity listed in Clause (1), the Committee ensures full consideration will be given to the principle of gender equality so as to ensure matters considered with regard to the impact and benefit on both men and women equally.

At the outset, the Ministry is committed to rebuilding confidence, stability and growth in the labour market in facilitating economic and social development at the enterprise, industry and nation levels and has a range of responsibilities but its primary mission is that of advisor on public policy issues which affect women and gender at any workplace.

The Ministry has actively pursued the inclusion and application of social justice principles in all its services in particular, maintaining gender equality in all workplaces. The ensuing manifestation of fair work practices and productive workforce in the Ministry's ability to deliver social justice and help enhance the overall integrity and value of the public service at large.

The Ministry expands on equitable principles to creating change and expands workplace options by focusing on issues that impact women to build successful careers through education, knowledge, policy and skills. Empowering women in the workplace, marketplace and community so they can adopt corporate leadership and board representation, equal opportunity and non-discrimination, workplace health and safety, access to education and training programs, enterprise development, encourages companies to establish benchmarks and transparent processes to measure and report on progress towards their gender equality goals.

Statistics on gender composition from 2010 to 2013 were as follows:





## **CONCLUSION**

The review of the Annual Reports from the year 2010 to 2013 for the Ministry of Labour, Industrial Relations and Productivity was conducted in a comprehensive manner which covered all the required aspects.

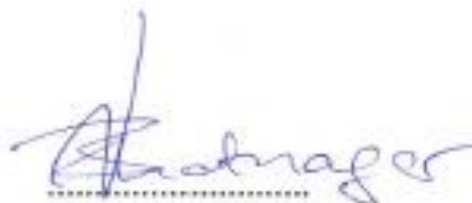
The response from the Ministry was acceptable and they managed to clarify on the issues raised by the Members during their presentation. Moreover, given the time that has lapsed, the Committee has still made a few recommendations for appropriate actions.

Overall, the Standing Committee on Social Affairs acknowledges and commends the Ministry on its performance.

## SIGNATURES OF MEMBERS FOR THE STANDING COMMITTEE ON SOCIAL AFFAIRS



Hon. Viam Pillay  
(Chairperson)



Hon. Veena Bhatnagar  
(Deputy Chairperson)



Hon. Salote Radrodoro  
(Member)



Hon. Anare T. Vadel  
(Member)



Hon. Ruveni Nadalo  
(Member)



Hon. Alifereti Nabulivou  
(Alternative Member)

# APPENDICES

## APPENDIX 1: LIST OF ACRONYMS

Acronyms	Meaning
SO	Standing Orders

**APPENDIX 2: POWERPOINT PRESENTATION BY THE MINISTRY OF LABOUR,  
INDUSTRIAL RELATIONS AND EMPLOYMENT**

## **Presentation to Social Affairs Standing Committee**

Ministry of Employment, Productivity & Industrial  
Relations (MEPIR)

Tuesday 1<sup>st</sup> May 2018

## **Overall Performance**

- KPIs
- Achievements
- Budgetary Allocation & Expenditure level
- Gender Composition
- Challenges
- Future Plan

## National Policy Agenda (2010-2013)

- People's Charter for Change, Peace and Progress (PCCPP)
- Roadmap For Democracy and Sustainable Socio-Economic Development 2009 – 2014 (RDSSD)
- Ministry's Vision and Mission statements (2010-2013)

## 2010 Budget Utilisation ,KPIs & Achievements

**Vision** – Decent & Productive Work for All

**Mission** - Ensuring social justice, good faith employment relations, safe and productivity driven workplaces in Fiji

2010 Budget Allocation - \$10,550.70 (M)	
Budget Utilized (\$M)	Budget Unutilized (\$M)
\$9,322.90	\$1,227.80

KEY PERFORMANCE INDICATORS	
Outcome 1 - Equitable Participation for all in Socio-Economic Development	
Outcome 2 - Maintain Law & Order and Uphold the Rule of Law effectively & efficiently	
Outcome 3 - Sustainable Community Livelihood through Enterprise Development	
Outcome 4 - Fullest and Most Productive Utilisation of Human Resources	
Outcome 5 - Quality Occupational Health & Awareness Training	
Outcome 6 - Labour Market Information	

## 2010 Achievements

### ACHIEVEMENTS

1. The Ministry cleared 1,956 claims from a total of 2,201 claims for workers compensation during the year
2. Ministry utilized \$1,913,007.00 or 96% of the \$2m allocated for workers compensation in the 2010 Budget to clear the backlog of all Government cases
3. For the private sector, a total compensation payout of \$915,737.95 was recorded during the year
4. The Ministry paid out a total of \$1,123,383.52 or 75% from the \$1.5m allocated in the 2010 Budget
5. 18,984 NEC activities undertaken (Client Registration, Foreign Employment Service (FORES), Fiji Volunteer Service (FVS) & Fiji Employment Service (FES))
6. Workplace inspections conducted - 3,350
7. WRO workplace inspections - 3,350
8. Labour complaints recoveries - \$232,909.86
9. NDT Consultancy - 753
10. OHS breaches - 30 employer charged under ERT & ERC
11. Commendation and Assistance from ILO on the progress of Fiji's Labour Reforms during the International Labour Conference in Geneva, Switzerland in June 2010
12. 99th Session of the International Labour Conference - Fiji was represented by a tripartite delegation led by the Minister for Labour, Industrial Relations and Employment that was approved by Cabinet in its Decision No. 158 of 11th May 2010. The other members of the delegation comprised two Government delegates, and one each from the Fiji Trades Union Congress and the Fiji Employers Federation, with the Permanent Secretary as the Adviser

## 2010 Achievements

### ACHIEVEMENTS

1. 3 Employment disputes cases settled at mediation and recovered a total sum of \$118,007.72
2. Employment grievance settlement rate - 83%
3. No strikes recorded in 2010 (1 strike threat diffused in 2010)
4. OHS compliance activities undertaken - 6978
5. Mediation Accreditation by SMC
6. Successful commissioning of the new NEC operating systems and processes
7. Secondments of 40 Ministry staff for the establishment of the NEC
8. Development of the new value based Training Package for the Life Skills Training including the Trainers Guide and Users Workbook benchmarked to ISO 9001 and ISO 26000 standards.
21. Quality Occupational health service provided - 1095
22. OHS Awareness Training conducted - 556
23. OHS Consultancy conducted - 1294
24. OHS Licensing, Compliance & Monitoring - 6978
25. Technical Assistance to PNG in the field of Occupational Health and Safety
26. website, databases, media releases, awareness and training on all core businesses, consultation and policy development with stakeholders including NOHSAB, ERAB, NECB, Wages Councils through Labour Reform discussions, ILO Compliance Reports,
27. PSC Week, Government Information Referral Centre, District & Provincial Council Meetings, World OHS Day
28. Service Excellence awards - Achievement Award
29. Fiji Business Excellence - Commitment Award

## 2011 Budget Allocation, KPIs & Achievements

**Vision** – Decent & Productive Work for All

**Mission** - Ensuring social justice, good faith employment relations, safe and productivity driven workplaces in Fiji

Budget Allocation - \$9,246.90 (M)	
Budget Utilized	Budget Unutilized
\$8,910.80	\$336.10

### KEY PERFORMANCE INDICATORS

Outcome 1 - Equitable Participation for all in Socio-Economic Development  
 Outcome 2 - Maintain Law & Order and Uphold the Rule of Law effectively & efficiently  
 Outcome 3 - Sustainable Community Livelihood through Enterprise Development  
 Outcome 4 - Fullest and Most Productive Utilisation of Human Resources  
 Outcome 5 - Quality Occupational Health & Awareness Training  
 Outcome 6 - Labour Market Information

## 2011 Achievements

### ACHIEVEMENTS

1. **77.08%** Mediation settlement against 75% international rating
2. **183** workers compensation cases paid out to private sector workers
3. **\$706,009.87** paid out to injured workers and dependents of deceased private sector workers
4. **102** workers compensation case paid out to government workers
5. **\$862,195.48** paid out to injured government workers and dependents of deceased workers
6. **2,375** Workplace inspections conducted
7. **933** Labour complaints settled
8. **\$232,909.86** recovered through Labour complaints
9. **11,443** OHS proactive and compliance activities conducted
10. First-ever specialised child labour inspection training for Ministry Officers
11. **28,270** NEC activities undertaken (Client Registration, FORES, FVS & FES)
12. **3,092** HIV & AIDS Awareness Training sessions conducted by NOHSS and NEC
13. PNG OHS Bill handed over to the Minister for Labour, PNG by Fiji's Minister for Labour
14. OHS Joint Partnership Project with Ports Authority of Fiji
15. **13** structured ERP training conducted
16. **15** OHS Training conducted



## 2012 Budget Allocation, KPIs & Achievements

**Vision** – Decent & Productive Work for All

**Mission** - Ensuring social justice, good faith employment relations, safe and productivity driven workplaces in Fiji

Budget Allocation - \$8,033.50	
Budget Utilized	Budget Unutilized
\$8,023.00	\$10.50

### KEY PERFORMANCE INDICATORS

1. Fullest and most productive utilisation of our human resources
2. Protection and Development of Children and Youth
3. Reducing poverty to a negligible level by 2015
4. Creating sustainable livelihoods through enterprise development
5. To improve public service delivery and improve public sector efficiency and effectiveness through public sector reforms
6. Quality, affordable and efficient health services for all
7. Universal access to information and competitive telecommunication services

## 2012 Achievements

### ACHIEVEMENTS

1. **81.03%** Mediation settlement against 75% international rating
2. **232** cases (EG, ED, CC, WCS, MISC) settled in ERT
3. **161** workers compensation cases paid out to private sector workers
4. **\$494,583.65** paid out to injured workers and dependents of deceased private sector workers
5. **107** workers compensation case paid out to government workers
6. **\$1,003,011.93** paid out to injured workers and dependents of deceased government workers
7. Completed Refresher on Doctor's Impairment Assessment Workshop on 24th April 2012 at the Holiday Inn, Suva and 26th April at the Waterfront Hotel in Lautoka.
8. Timely completion and adoption of the Fiji Impairment Assessment Manual.
9. Complete reporting obligations under the ILO Constitution on, nine (9) law and practice reports in relation to ILO Conventions 12, 19, 81, 87, 98, 100, 111, 122, and 129.
10. Complete Mediation Awareness Seminar for Judges and Magistrates of Fiji in concurrence with Honourable Chief Justice on 14th September 2012.
11. Complete Module 2 Training on Managing Conflicts & Resolving Disputes Effectively through Mediation for Ministry staff conducted by resource personnel's from the Singapore Mediation Centre (SMC) from 10th to 13th September 2012.
12. Child labour Policing Training conducted to 23 Fiji Police Officers
13. Child labour awareness conducted to 197 schools (primary and secondary) which consists of 347 teachers for Central, Western and Northern Division

# 2012 Achievements

## ACHIEVEMENTS

1. **64** reported cases received, investigated and withdrawn from child labour activities
2. National Minimum Wage Baseline Survey contract signed
3. **11,868** NEC activities undertaken (Client Registration, FORES, FVS & FES)
4. **12** LMCC Awareness conducted
5. **60** HIV & AIDS awareness training conducted
6. Commemoration of World AIDS Day on 1<sup>st</sup> December, 2012
7. Establishment of Occupational Medicine Unit within the Worker's Compensation Unit.
8. Complete development of the draft Memorandum of Understanding between NOHSS and MSAF.
9. Signed Memorandum of Understanding on technical assistance in the field of labour inspection between the government of the republic of Fiji Ministry of Labour and the government of the republic of Kiribati Ministry of Labour on 20<sup>th</sup> March, 2012 at the Suva Holiday Inn.
10. Signed Extension of Memorandum of Understanding on technical assistance in the field of Occupational Health and Safety between the Government of the Republic of Fiji, Ministry of Labour and the Independent State of Papua New
11. Complete development of the Workmen's Compensation Database

## 2013 Budget Allocation, KPIs & Achievements

**Vision** – Decent & Productive Work for All

**Mission** - Ensuring social justice, good faith employment relations, safe and productivity driven workplaces in Fiji

### Budget Allocation - \$8,525.30 (M)

Budget Utilized	Budget Unutilized
\$8,493.60	\$31.70

### KEY PERFORMANCE INDICATORS

### ACHIEVEMENTS

Fullest and most productive utilisation of our human resources  
 Protection and Development of Children and Youth  
 Reducing poverty to a negligible level by 2015  
 Creating sustainable livelihoods through enterprise development  
 To improve public service delivery and improve public sector efficiency and effectiveness through public sector reforms  
 Quality, affordable and efficient health services for all  
 Universal access to information and competitive telecommunication services

## 2013 Achievements

### ACHIEVEMENTS

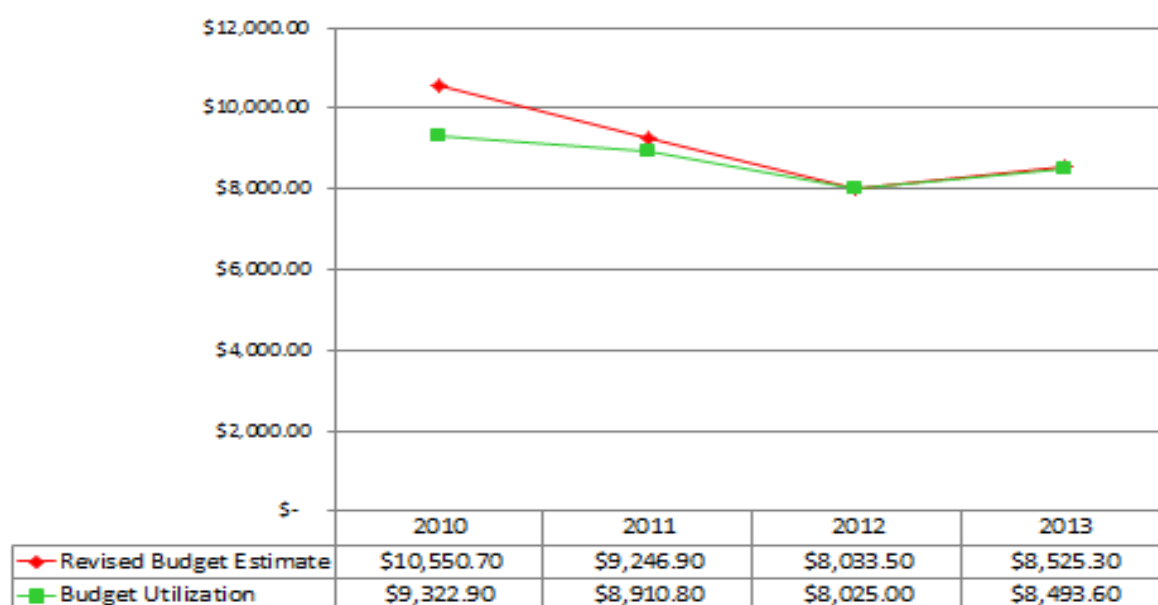
1. 23 ERAB Sub Committee meetings on ERP Amendments
2. 1 ERAB Meeting on ERP Amendments
3. 192 cases (EG, ED, CC, WCS, MISC) settled in ERT
4. 11,443 OHS proactive and compliance activities conducted
5. 186 workers compensation cases paid out to private sector workers
6. \$652,184.22 paid out to injured workers and dependents of deceased private sector workers
7. 141 workers compensation case paid out to government workers
8. \$928,314.78 paid out to injured workers and dependents of deceased government workers
9. 6 Conventions approved by Cabinet for ratification and adoption
10. Impairment assessment training for Medical Assessors
11. 29 child cases reported, investigated and children withdrawn from child labour activities
12. Training conducted to the Western and Northern Division Sugar Industry on the eradication of child labour
13. MOU with Municipal Markets on the reporting of child labour cases to the Ministry
14. Labour Celebration of 2013 World Day Against Child Labour
15. First ever National Minimum Wage Baseline Survey conducted nationwide
16. NMW Consultations conducted in all divisions nationwide

## 2013 Achievements

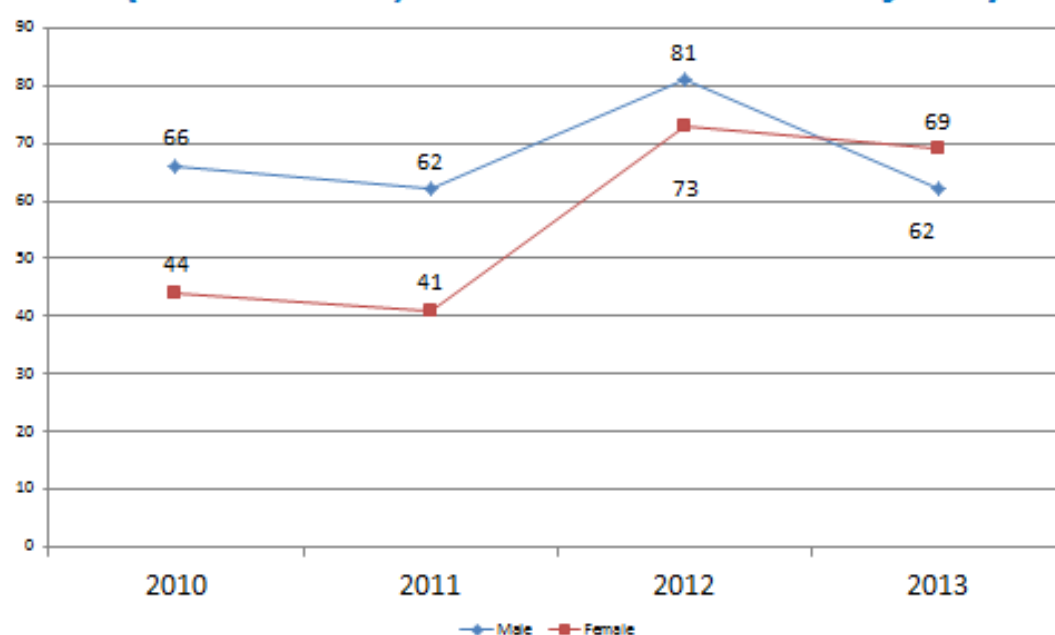
### ACHIEVEMENTS

17. Dr Reddy presents final NMW recommendation to the labour Minister
18. 7,808 NEC activities undertaken (Client Registration, FORES, FVS & FES)
19. 85.57% Mediation settlement against 75% international rating
20. ISO 9001:2008 Lead Auditors Course
21. 18 LMCC Committees registered
22. 18 LMCC awareness conducted
23. 70 HIV & AIDS Awareness Training conducted
24. Extension of MOU between Ministry of Labour Fiji and Ministry of Labour PNG on Technical assistance in the field of Occupational health and Safety on 28 April, 2013
25. Minister for Labour nationwide roadshow
26. 318th Session of the ILO Governing Body Meeting in Geneva
27. 319th Session of the International Labour Conference in Geneva
28. Commemoration of ILO World Day of Safety and health and Work on 28 April, 2018.
29. 55th Session of the APO Governing Body Meeting in Tokyo, Japan
30. 54th Workshop Meeting of Heads of National Productivity Organisation (NPO) in Nadi, Fiji
31. Celebration of World HIV & AIDS Day

## 2010 – 2013 Revised Budget Estimate VS Actual (\$M)



## 2010-2013 MEPIR Gender Composition (Established, Unestablished & Projects)



## Challenges

1. Workmen's Compensation backlog cases.
2. Length of time in delivery of decisions filed in Court.
3. Weak operational systems and processes.
4. Gaps in policies.

## Future Plan

1. Redeployment of Military officers from 2010 -2012
2. Deployment of Military doctor to assist in the clearance of workmen's cases medical reports, 2011
3. Appointment of 2 Legal Tribunals to assist in the clearance of pending decisions
4. Establishment of ISO 9001:2008
5. WC amendments, ER amendments, NEC amendments, NMW Review, WR Review
6. Strategic Development Plan (2018-2022)
7. Operational Plans
8. Organisational Structural Review
9. National Employment Policy

## **APPENDIX 3: VERBATIM REPORTS**

### **VERBATIM NOTES OF THE STANDING COMMITTEE ON SOCIAL AFFAIRS HELD IN THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, TUESDAY 1<sup>ST</sup> MAY, 2018 AT 2.29 P.M.**

**Submittee : Ministry of Employment, Productivity and Industrial Relations**

#### In Attendance

- |                            |   |                            |
|----------------------------|---|----------------------------|
| 1. Ms. Salaseini Daunabuna | - | Permanent Secretary        |
| 2. Mr. Atish Kumar         | - | Director Labour Standard   |
| 3. Mr. Lui Mario           | - | A/Director OHS             |
| 4. Mr. Shane Pickering     | - | Chief Mediator             |
| 5. Ms. Elena Vuniwa        | - | Senior Information Officer |
- 

DEPUTY CHAIRPERSON.- A very good afternoon and *ni sa bula vinaka*. Dear guests, on behalf of my Honourable Members, Honourable Rupeni Nadalo, Honourable Anare Vadei, Honourable Salote Radrodro and of course my secretariat team Ms. Susana and Mr. Savenaca Koro, I accord you a very warm welcome to today's meeting. Thank you for availing yourselves today I know, busy time but still you have taken out time to do a presentation to the Standing Committee on Social Affairs. So, once again a big *vinaka vakalevu*. Honourable Members, today we have with us the team from Ministry of Employment, Productivity and Industrial Relations and we welcome the Permanent Secretary, Ms. Salaseini Daunabuna, Ms. Elena Vuniwa, Senior Information Officer, Mr. Atish Kumar, Director, Mr. Shane Pickering, Chief Mediator and we have got Mr. Lui Mario, Acting Director OHS. Thank you very much for your time and without further ado let us move straight into the presentation and after that the Honourable Members will be given an opportunity to put forward some questions.

MS. S. DAUNABUNA.- Thank you, Madam Deputy Chairperson and Honourable Members of the Committee. A very good afternoon to you all. We had already provided our informational package and presentation earlier today and I will just take us through the slides regarding our 2010 – 2013 Annual Reports.

The key areas that I am covering in my presentation are in terms of our KPIs for the period that was mentioned, our achievements, the budget allocation and our expenditure level, the gender composition, the challenges as well as our future plans. So, the National Policy Agenda 2010 – 2013 some of the guiding frameworks that we used in terms of the deliverables during that period was the Peoples Charter for Change Peace and Progress (PCCPP), the Roadmap for Democracy and Sustainable Socio Economic Development (RDSSED) 2009 – 2014 as well as our vision and mission statements.

In 2010 the Ministry's Vision was 'decent and productive work for all' and the Mission was 'ensuring social justice, good faith employment relations and safe and productivity driven workplaces in Fiji'. The budget allocation in 2010 was \$10.5 million and our utilisation was \$9.3 million. The unutilised budget amounted to \$1.2 million. You see our key performance indicators in that year;

Outcome 1 - Equitable Participation for all in Socio-Economic Development

Outcome 2 - Maintain Law & Order and Uphold the Rule of Law effectively & efficiently  
Outcome 3 - Sustainable Community Livelihood through Enterprise Development  
Outcome 4 - Fullest and Most Productive Utilisation of Human Resources  
Outcome 5 - Quality Occupational Health & Awareness Training  
Outcome 6 - Labour Market Information

Some of the achievements in that year for the Ministry was in terms of the disposing of the claims in Worker's Compensation. We were able to clear out of the 2,201, came to clearance of 1,956 in total and we utilised \$1.9 million or 96 percent of the \$2 million allocated under the Worker's Compensation Allocation.

In terms of the private sector, the compensation payout was \$915,000 that was recorded for that year and we paid a total of \$1.1 million or 75 percent from the \$1.5 million allocated in the budget. The National Employment Centre (NEC) activities, the registrations were 18,984 for the different services and the inspections at the workplace that was conducted 3,350. In terms of the Wages Regulations Inspections that we also conduct was also 3,350. The Complaint Recoveries amounted to \$232,909.86, and the Non-Destructive testing consultancy that we had provided was 753 activities. And breaches of the Occupational Health and Safety (OHS), there were 30 employers that were charged. Commendation and assistance from ILO on the progress of our Labour Reforms and there was a tripartite delegation that attended the session of the International Labour Conference.

Still on achievements and I apologise for the numbers. In terms of dispute cases, we had settlements that mediation and a recovery of the total of \$118,007.72. The Employment Grievance Settlement Rate was 83 percent. No strikes were recorded in 2010. The OHS compliance activities that we undertook altogether came to 6,978 and accreditation was done by the Singapore Mediation Centre for our internal mediation training. The National Employment Centre operating systems and processes were successfully commissioned and we seconded 40 of the Ministry staff to establish the National Employment Centre (NEC).

We also developed the new value based training package for life skills training and we also provided quality occupational health service under 1,095 activities; 556 OHS awareness training was conducted and 1,294 OHS consultancy was conducted. We also do licensing, compliance and monitoring and a total of 6,978 activities was undertaken.

In that same year, we also provided technical assistance to Papua New Guinea in terms of OHS. We also took part in the PSC week and the Government Information Referral Centre, we also took part in some of those activities; the Provincial Council Meetings and World OHS Day. So under the achievements of 2010, the achievement award was received by the Ministry in the Service Excellence Awards and the Commitment Award under the bigger Fiji Business Excellence Awards.

So moving on Chair to the 2011 allocations. The Vision and the Mission is the same as I had mentioned earlier and the budget allocation for that year came to \$9.2 million. We utilised \$8.9 million and the unutilised budget was \$336,000. The KPIs there are the same, as I had mentioned earlier, six outcomes. And in terms of achievements, the mediation settlement was able to achieve 77 percent



settlement rate which is higher than the 75 percent international rating. We paid out 183 compensation cases in the private sector and this was \$706,009.87 paid to the injured workers and dependence of the deceased private sector workers. In terms of the Government cases, this totaled a 102 altogether and the amount that was paid was \$862,195.48.

Workplace inspections conducted was 2,375 and 933 labour complaints were settled. In terms of recoveries through labour complaints, this came to a total of \$232,909.86; and 11,443 OHS proactive and compliance activities were conducted. We also had our first ever specialized child labour inspection training for our Ministry officers. And our activities under the NEC in total was 28,270. We also conducted HIV and AIDS awareness training and there was a total of 3,092 activities.

In that same year the OHS Bill which was done in collaboration with the Ministry was handed over to the PNG Minister for Labour and we also had the OHS Joint Partnership Project with the Ports Authority of Fiji. We also conduct ERA trainings and we did 13 in that year and also OHS training which came to the total of 15.

2012 Budget Allocation – The Vision and the Mission is the same. The Budget Allocation for that year was \$8.033 million. So, the budget utilization was \$8.023 million and the unutilized budget was \$10,500.

The Key Performance Indicators have changed from the previous year.

KPI 1 - Fullest and most productive utilization of our human resources;

KPI 2 - Protection and Development of Children and Youth;

KPI 3 - Reducing poverty to a negligible level by 2015;

KPI 4 - Creating sustainable livelihoods through enterprise development;

KPI 5 - To improve public service delivery and improve public sector efficiency and effectiveness through public sector reforms;

KPI 6 - Quality, affordable and efficient health services for all; and

KPI 7 - Universal access to information and competitive telecommunication services.

So, in terms of achievements in 2012, the settlement of mediation went up further and sat at 81.03 percent which is still higher than the 75 percent international rating.

1. Cases that were settled at the Employment Relations Tribunal and these included grievances disputes workers compensation - 232 cases
2. Worker's compensation cases paid out to the private sector, there were 161 cases and the total was \$494,583.65
3. For Government workers, this was 107 cases and the amount paid out was \$1,003,011.93
4. Completed our refresher course on the Medical Impairment Assessment that is done by the Ministry
5. Complete the Fiji Impairment Assessment Manual
6. Complete our reporting obligations under the ILO Constitution under the heads of the Conventions mentioned there on ILO Conventions 12, 19, 81, 87, 98, 100, 111, 122, and 129



7. Mediation awareness seminar for Judges and Magistrates in concurrence with the Honorable Chief Justice
8. Completion of the Module 2 Training on Managing Conflicts & Resolving Disputes. This was done through the Singapore Mediation Centre (SMC)
9. Conducted our Child Labour Policing Training to 23 Fiji Police Officers and conducted also under the same heading of Child Labour Awareness, we also conducted awareness to 197 schools and that included 347 teachers
10. In terms of the Child Labour activities, we had 64 reported cases within that year and we signed the National Minimum Wage Baseline Survey contract
11. For the National Employment Centre, we recorded 11,868 activities
12. Labour Management Consultation Committees, there were 12 awareness sessions that we conducted
13. Conducted our HIV & AIDS awareness training which came to 60
14. Commemorated World AIDS Day
15. Established the Occupational Medicine Unit within the Worker's Compensation Unit.
16. Completed the development of our Memorandum of Understanding between National Occupational Health Services and the Maritime Safety Authority
17. Signed the Memorandum of Understanding on technical assistance in terms of labour inspections together with the Government of the Republic of Kiribatis and also an extension of the MOU was also signed with Papua New Guinea
18. Completed the development of our Worker's Compensation Database within that year.

2013 Budget Explanation - The Vision and the Mission is still the same. The budget allocated was \$8.5 million. We utilised \$8.4 million and the unutilised budget was \$31,000.

Key Performance Indicators – they are the same as the previous year. The achievements within 2013 was a total of 23 Employment Relations Advisory Board (ERAB) Sub Committee meetings and one ERAB meeting on the ERP amendments to the law. There were 192 cases that we were able to settle in the tribunal and this included grievances, disputes and workers compensation and compliance cases as well.

In terms of Occupational Health and Safety proactive and compliance activities, there was a total of 11,443. For payment on workers compensation to the private sector there was a total payment to 186 workers which amounted to \$652,000. For Government workers there was a payment to 141 workers totalling \$928,000. Six Conventions were approved by Cabinet for ratification and adoption that year. We also conducted the Impairment Assessment Training for our medical assessors in the country. There were 29 cases of child labour reported that we investigated and the children were withdrawn from the child labour activities.

We also conducted training to the Western and the Northern Divisions sugar industry on the eradication of child labour. We were able to have the MOU with the Municipal Markets on reporting of child labour cases to the Ministry. We celebrated the 2013 World Day against Child Labour that year and we also undertook our first National Minimum Wage baseline survey. Together with that there were consultations held in all Divisions nationwide and Dr. Mahendra Reddy that undertook the survey presented the recommendations to the Minister for Labour at that time.

The National Employment Centre activities totalled 7,802 and the mediation settlement rate went up even further to 85.57 percent which is well above the 75 percent settlement rate at the International level. We also introduced into the Ministry our ISO 90001 2008 Lead Auditors Course for the officers to undertake in terms of implementation of ISO within the Ministry. The Labour Management Consultation Committees, there was a registration of 18 and awareness of 18 as well conducted that year. HIV and AIDS awareness training, we were able to conduct a total of 70 trainings and an extension of the MOU between the Ministry and Ministry of Labour, Papua New Guinea in the field of Occupational Health and Safety. The Ministry undertook a nationwide road show within that year and we also were able to appear in the governing body session of the ILO and also the International Labour Conference both in Geneva.

We commemorated the World Day of Safety and Health at Work in 2013 and attended the Asia Productivity Organisation governing body meeting in Tokyo, Japan. We were also able to collaborate with the APO in terms of holding a Heads of National Productivity Organisation workshop in Nadi that year. We celebrated also World HIV and AIDS Day. So those were some of the achievements that we have drawn from the 2010 to 2013 Annual Reports.

The next slide gives the budgets for 2010 to 2013. As you can see in 2010, we have the budget estimates at \$10.5 million and budget utilisation was \$9.3 million. In 2011, budget was \$9.2 million and the utilisation was \$8.9 million. In 2012, the budget was \$8.033 million and our utilisation was \$8.025 million. In 2013, the budget estimate was \$8.5 million and the utilisation was \$8.4 million.

In terms of the question of gender composition, we have given a graph which depicts the gender composition of the Ministry over the years which shows in the blue graph the male composition. From 2010 was 66 of the total staff roll, in 2011 it dropped to 62, in 2012 it picked up again to 81 and then in 2013 it dropped again to 62 males from the whole composition.

In terms of females, in 2010 we had a female staff roll of 44 and in 2011 it dropped slightly to 41 and then it picked up sharply in 2012 to 73 and then dropped slightly in 2013 to 69. Some of the challenges that we can highlight within that period as well as we had quite a number of backlog cases on workers compensation and cases that went through to the Court, took some time in terms of the delivery of the outcome of the decision. There was not a strong enough operational systems and processes which is the link to the introduction of the International Organization for Standardization (ISO) within the Ministry and there was gaps in terms of policies that sort of are linked to the operational parts of the Ministry as well.

The future plans that came out from that year was there were redeployment of some military officers to assist with the workers compensation backlog and there was also a deployment of a military doctor to assist in the clearing of the medical reports which formed a large part of the backlog within that period.

There was also appointment of legal tribunals to assist in clearing pending decisions within the Court system and we also established the ISO 90012008 system. In terms of the law, there was some amendments that took place also within that period regarding, not only the employment law but also the National Employment Centre (NEC) and the Wages Regulations.

We will be publishing this year the five-year strategic development plan for the Ministry counting from 2018 and out to 2022. Together with that will be the 2018-2019 operational plan. We are in the process of doing our organisational restructure to be able to align ourselves to what is the best need and the best fit for the organisation. We are also in the completion stage of a national employment policy for the country. Thank you.

DEPUTY CHAIRPERSON.- Thank you, Madam PS. That was a much enlightening presentation from the Ministry of Employment, Productivity and Industrial Relations. I believe there are questions which our team would like to ask but before that, going through the Annual Reports for 2012 and 2013, Madam PS, I just found out that both the annual reports has got audit queries. In fact there are variations in reference to page 53 of the 2012 Annual Report and also page 58 of 2013 Annual Report. So 2012 and 2013 both have variations in the auditor's report. Would you care to please advise what has been done to resolve these queries in the 2012 on page 53? It states that a variance of \$467,900 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.

MS. S. DAUNABUNA.- Chair, with your permission if I can get our Director to respond to that.

DEPUTY CHAIRPERSON.- Definitely. Thank you.

MR. A. KUMAR.- Thank you, Madam Chair. In terms of the variations of the 2012 report, previously what the Ministry was actually using is, we were claiming for these workers' wages from the employers and then we will keep it in the Ministry's trust account and then it will be paid out to these workers. What we found out is that a lot of times these workers change their contact details. They do not reside at the same place when we go and visit them at their place so these monies were kept in the trust accounts and until and unless the worker comes back then we give the cheque to them and we pay out these monies to these workers.

But what the Ministry has done Madam is, from 2014 we have introduced the electronic fund transfer system where we will get the workers' bank account and we have noted that out of the number of complaints that we had, around 95 percent of these workers have bank accounts so the money is paid directly into the bank accounts so we are not processing any cheques. Only 5 percent we do process cheques where workers do not have their bank accounts and then it is paid within 14 to 21 days to these workers. In 2012 we did not have a system, so actually it was taking long for us to process this. This has been rectified and as we go along, Madam, you can see that these issues have been rectified by the Ministry.

DEPUTY CHAIRPERSON.- 2013 has the same problem but that money has already been paid out? The variance?

MR. A. KUMAR.- We are still trying to locate some of these, majority of these workers have actually received this money. Some have actually migrated and we have also advertised in the newspapers to ensure that these workers can come back and claim.

DEPUTY CHAIRPERSON.- Thank you so much Mr. Atish. Actually, I am going through your 2010 to 2013 Annual Reports, I can see you have had your fair share of achievements as well as some challenges, so I commend on your achievements and obviously, you are gallantly moving forward to combat all the challenges you currently face from 2013 to 2018 is another long journey. I believe the Ministry has overcome some of the challenges mentioned in the 2010 to 2013 Annual Reports.

Just a small question, a lot has been done in regards to child labour. What would be the status of child labour as of 2018?

MR. A. KUMAR.- Thank you Madam. As we speak, until 31<sup>st</sup> March 2018, from 2011 to 2018, we have received about 200 child labour cases. When you look at the 2018 figure, we have not received any child labour case. For 2017, we have received around 17 child labour cases. These were cases where we can see that children would work after school but some situations where they would not be paid the right wages or they may be working without the consent of their parents or their guardian.

So, what we have done, we have removed these children from child labour with the assistance of Ministry of Education and also the Social Welfare Department. These children are back in school. We have a monitoring system in place where we work with the Divisional Education Officers and also with the Ministry of Women and Children to ensure that these children remain in school. For 2018, we have implemented a proactive inspection that was done from 2017 and 2016, where we noted that even though there is no child labour case, we still go and monitor these places where we can see that there are children who are working.

We can also note that not all work done by children is child labour. After school, they can assist their parents, they can assist their guardians or they can work in non-hazardous areas where there is a consent from parents and guardians.

DEPUTY CHAIRPERSON.- Thank you so much and I also see that you have done some work in the HIV/AIDS Awareness training and all that. Do you do it on your own or do you do it in collaboration with the Ministry for Health?

MS. S. DAUNABUNA.- Our Manager – Worker's Compensation can answer in terms of OHS as well.

MR. L. MARIO.- Thank you, Madam Chair and Members of the Committee. In relation to this, HIV training is mainly targeted for workplaces and this training is done in collaboration with Ministry of Health to target mainly the workforce. That is where the Ministry conducts this training in collaboration with the Ministry of Health mainly for workplaces.

DEPUTY CHAIRPERSON.- Thank you. Honourable Members, please if you have any questions. Honourable Radrodro?

HON. S.V. RADRODRO.- Madam Chair and thank you PS and the team for your presentation. First of all, I would like to ask a supplementary question on the child labour. I note from your reports that you do not have any number stated for 2010 and 2011. Only you have 2012 and 2013; 64 and 29

respectively. My question is, do you have a database because these are reported cases? Do you have a database for reported cases? What about the unreported cases and my main concern is the child prostitution and what you have mentioned, it sort of reflects that these are not reported because you are kind of just focussing maybe after school, maybe garage where they work, but my main concern is on the child prostitution. How do you work with this? Because in the absence of any database, I am asking you whether you have a database because what I am saying is based on media reports in terms of child prostitution. So, what kind of programmes, what kind of activities do you do to be able to make inroads into this child prostitutions which is, according to media reporting is increasing? So, what is your Ministry doing in terms of establishing or work in collaboration with other ministries, maybe with Ministry of Women, Children and Poverty Alleviation.

I note you have a programme on TACKLE. So, how is this being addressed? Thank you.

MR. A. KUMAR.- Thank you, Madam Chairperson, thank you Madam for your question. In terms of the Child Labour Unit and of course the enforcement of child labour laws when the Employment Relations Act came into force on 2<sup>nd</sup> April, 2008, the Ministry conducted the labour inspection process. So, what we have basically done is we have connected labour inspection in all industries in Fiji in terms of industries where we can see that children are working and we have also conducted inspections into informal sectors.

For example backyard garage, car wash areas where we can see or for example, we have done night operations where we can see children are actually working at the service station selling pie or they are selling *bu* during school breaks and also selling in the market during school hours. So, after 2008, 2009 after compliance investigation, we had submitted a report through ILO to the European Union and through that Fiji was selected by the EU and ILO on the implementation of the Child Labour Project in Fiji. That actually happened because Fiji has shown a progress in terms of ensuring that we have got a reformed laws in place, we also have a monitoring system and enforcement compliance procedures that has actually assisted in terms of withdrawal of children.

So, from 2011 we have maintained a Child Labour Database, that is, we have profiled every child's employment activities, every child's school activities in terms of what they are doing and we have also conducted awareness to school teachers, we also have conducted awareness to police officers and we also have gone down right to the *tikina* level and to the advisory council level to ensure that we disseminate this information to our people so they exactly know what child labour is. When you look at the issue of child labour we can see that previously in Fiji, any work that is done by a child it was a responsibility for them.

For example, if you look at the cane belt areas in the Western and Northern Divisions, sometimes we can see that children who are 16 years or 17 years of age will not go to school on a certain time because they want to help their parents in the cane farm or for example children who are assisting their families in maritime areas, they will assist them in terms of fishing activities. So, this information had to be collected and of course through our team, we have collected this information and then it was presented to ILO and through that, the ILO gave the Tackling Child Labour through Education (TACKLE) Project to Fiji.

TACKLE Project ran n from 2011 till 2013 and under the TACKLE Project we have implemented the Child Labour Monitoring Process. That means we have actually gone down to the grassroots level, we

have actually provided them with the information, what they are required to and you can see that in 2011 and 2012, we had about 64 reported cases. We have also gone down in terms of ensuring that we advise the *tikina* councils and advisory councils on the reporting mechanism. So we have established the district Inter-Agency Committees and through these Committees we have received reports and then these committees have actually been working on the ground to ensure that as soon as we receive a case of child labour, the Committee is activated and then they withdraw the child from child labour.

For example, if there is a case of child prostitution, it goes to the Ministry of Women and Children then Social Welfare Department and also Save the Children who are recipients of the EU project on child labour. They assist us in terms of withdrawal of these children who are actually involved in prostitution. Of course, with that they work closely with the then Department of Social Welfare to ensure that they have a database. So, in terms of child prostitution, the Ministry of Women and Children have a database in place and they also have case profiles that was referred from the Save the Children of Fiji. Then of course in 2014 and 2015 with the implementation, we had signed on 17th December, 2015 an Inter-agency Guideline. This Inter-agency Guideline is the working document for the Ministry of Employment, Ministry of Women and Children and Poverty Alleviation, Fiji Police Force and Ministry of Health and Medical Services to ensure that we have a referral process in place. And with that in place, we have also seen the implementation of the Child Helpline and ensuring that the reporting is done so that any child who is in any form of child labour can report to the Ministry and of course we take action from that.

DEPUTY CHAIRPERSON.- This issue, Mr. Atish, is a cross-cutting issue. How effective is your collaboration with the other Ministries, like Ministry for Health, Ministry for Youth, Ministry for Women, Children and Poverty Alleviation, in the sharing of your data and all those?

MR. A. KUMAR.- Thank you, Madam. With the implementation of the Inter-Agency Guidelines on child labour and child abuse we can see that we have a very strong link with these Ministries. And we also have a very strong link with the district officers, provincial officers also with the *tikina* councils and advisory councils. So we have representatives around who actually report on child labour cases.

For example, if there is a child labour case in Ba, then definitely the cane farmers, because we have trained the cane farmer organisations, we have also trained FSC field officers. So FSC field officers will go around and if they see a child during school hours working in a cane farm, they will quickly report that to Ministry of Employment in Ba, or they will report it to the Social Welfare Department. And then the officers will take action in terms of ensuring that we withdraw the child.

Our primary concern is to ensure that we withdraw the child and then we refer the child back to school, assist them in terms of ensuring that they have the necessary school books, and they are provided with the necessity of education and of course through that we have seen that no child has come back in to child labour, after they have been referred to school.

We also have a reporting process where the District Education Officers are part of the Inter-Agency Committee, they report through the inter-agency in terms of the child labour cases they receive.

DEPUTY CHAIRPERSON.- Thank you so much.

HON. S. V. RADRODRO.- Thank you Deputy Chair. My question is, it is 2018 and we are only into the 2013 Annual Report. I know maybe you are new in to the Ministry, and it is not only unique to your Ministry, there are other ministries that also are faced with the same issue. So what has been your problem, because I note that you have a decreasing budgetary allocation for these years. There is a decrease in budgetary allocation and it is rather contradictory, it is going in opposition with your staffing. Your budgetary allocation, I think went right down in 2012, but if you look at your staffing, that is when your staffing peaked. And then you have this issue on non- submission of Annual Reports. If you can just explain what are the reasons?

MS. S. DAUNABUNA.- Deputy Chair, just to give some background to the production of the Annual Reports, also during these periods that we were not able to submit our Annual Reports, we were actually undergoing a labour reform within the Ministry. And some of that work took away the focus from producing these reports to actually being able to deliver under the reforms that the Ministry had set itself out to complete. Because there were programmes that were running together at the same time, of course, one took precedence over the other, which is why from last and this year, we have had to have a little bit of a catch up game in terms of our Annual Reports. We actually had to produce this far back as 2004 to now we are into 2016 and at the moment we are compiling the 2017 reports.

HON. S. V. RADRODRO.- That question is being asked because the Annual Report is the reflection of how your budgetary allocation has been utilised. It is your budgetary performance. So the budgetary allocation has been given and your documentation of how that budgetary allocation has been utilised is reflected in the Annual Report and the non-submission can be perceived as the Permanent Secretary said because of the reform, but from the outside looking in, it can be perceived as an organisation that is not organised, that is not properly managed because of the budgetary provision. That budget provision has got to translate into performance in regards to policy implementation in programmes. So, if you can just explain on them?

MS. S. DAUNABUNA.- Deputy Chair, of course we thank the Honourable Member for raising that issue and of course we realise that the Annual Reports are such an important part of any organisation. With that in mind, we, of course had to make sure that the reports that were due to be produced were actually produced and that we have to update all our records within the Annual Reports. So, that is the process we, of course, find out that it had happened and we have rectified it and all that we are left to do is really the 2017 report.

DEPUTY CHAIRPERSON.- Wonderful, thank you, PS.

HON. S.V. RADRODRO.- Just another question, in terms of the cases pending in 2010, the report highlighted that there was 245 cases as pending. I could not get .....

MS. S. DAUNABUNA.- For which year?

HON. S.V. RADRODRO.- In 2010, like the total number of claims is 1,956 from a total of 2,201 claims for worker's compensation during the year. But those ones have been cleared. So, in my calculation 245 is pending; is that correct? Also I could not make out for the other 2011, 2012 and 2013 on that same issue. The Ministry cleared 1,956 claims from a total of 2,201 claims for worker's compensation during the

year. So, my calculation is that 245 cases were pending and I was just interested what the scenario is for 2011, 2012 and 2013. Like definitely that 245 cases will be picked up in 2011? What is the trend, if you have that many, so it will sort of, so by 2013, what would have been the pending cases?

MR. L. MARIO.- Thank you, Honourable Member for the question. The pending cases for worker's compensation, a bulk of it was from 2001 to 2009 in which we had a total of 2,201 cases. In 2010, there was a taskforce that was set up. This is where we sought the assistance of military personnel in trying to locate most of these un-located workers and also assist the unit in processing these cases. This is also the period in which the medical doctor was seconded from the military to also assist. Because of the bulk of the cases were from 2001 up to 2009, the task force actually settled majority of the cases and this taskforce was disbanded at the end of 2012.

Average in a year, we receive over 1,500 cases and our disposition rate or our settlement rate per year is around 70 to 80 percent of cases. Now that we have managed to reduce it within the six-year timeframe as required by law, these are the total cases that you are managing on a yearly basis at an average of 1,000 cases. Even though we will be settling the same number, the numbers we receive every year for compensation cases is almost the same.

HON. S.V. RADRODRO.- Deputy Chair, I think you misunderstood my question. My question was on that balance of cases which is 245.

DEPUTY CHAIRPERSON.- That was carried forward, I believe?

MR. L. MARIO.- Yes, Madam.

DEPUTY CHAIRPERSON.- Thank you.

HON. S.V. RADRODRO.- The other question is 2011, 2012 and 2013, I wanted to know what were the pending cases because I could not get it from your presentation.

MR. L. MARIO.- At the end of 2010, for private cases we received 87 injury cases and 49 death cases and whatever was pending, pending in the sense that some are due for medical opinion. Whatever cases are not cleared within that particular year is carried forward to the next year. That is where the number fluctuates between that figures.

DEPUTY CHAIRPERSON.- Basically I was reading a report, 75 percent international rating, you are doing a wonderful job by achieving 81 percent so that is pretty commendable. Thank you, we move on to No. 9?

HON. S.V. RADRODRO.- My question is on the numbers because you are reporting on the numbers and I just want an explanation on the pending cases.

DEPUTY CHAIRPERSON.- The question is of statistical nature, maybe they need to report in 2014 and 2015.



HON.S.V. RADRODRO.- They can provide that....

MS. S. DAUNABUNA.- We can provide in our follow-up information.

DEPUTY CHAIRPERSON.- Thank you. Honourable Vadei?

HON. A.T. VADEI.- Thank you, Madam Deputy Chairperson. I would like to thank the PS and the team for coming forward to present their Annual Reports for those years mentioned. My question is whether the Ministry has got the database to assist students who are studying now. What are the courses that they can undertake where they can graduate after six months? Do you have that database with the Ministry?

MS. S. DAUNABUNA.- Madam Chairperson, the database we do have is a National Employment Centre database, if that is what the Honourable Member is referring to. But that database captures those that have graduated and want to register with the Centre and are looking for employment. But we also register in terms of unskilled workers and we have some numbers also in our database in terms of that registration but not the courses that they can undertake.

DEPUTY CHAIRPERSON.- I think that can be answered by Ministry of Education or those sectors that actually provide technical colleges. That is what you asked on the availability of short courses within six months.

HON. A.T. VADEI.- They are implementing ISO 9001, that is where I am coming from because for quality management system that is a follow-up to that one and it will be an added value to them.

DEPUTY CHAIRPERSON.- A bit further for that.

HON. A.T. VADEI.- What I am asking is, to assist students nowadays that they pick out courses. A lot of higher education schools are offering Certificates and Degrees to assist students, whether the Ministry has a database on what sort of courses they have to undertake so that they can have ....

DEPUTY CHAIRPERSON.- You mean employment opportunities?

HON. A.T. VADEI.- Yes, employment opportunities because you have got NEC there.

DEPUTY MADAM CHAIRPERSON.- You mean to say it is like a careers.

HON. A.T. VADEI.- You got National Employment Centre there so that is why I am asking those questions.

MR. A. KUMAR.- Thank you, Madam Chairperson . I thank the Honourable Member for the question. Madam Chairperson, in terms of the ISO 90001 2008 is implemented in the Ministry to document and provide procedures for these services in terms of Workmen's Compensation, in terms of mediation, in terms of labour standards; to ensure that we have a standard service in place. For example, our office in Nadi will provide the same service to members of the public compared to the office in Suva.

This is to ensure that we go down to the members of the public and ensure that the services are same in the advice that we provide to the members of public.

In terms of the issues of National Employment Centre and what courses. In terms of the National Employment's database we have are for those who are unemployed and their qualifications also registered, if they have qualifications and what skills they have so that, that can be matched through the employment which can go out in the market . For example, if someone is a carpenter then of course there will be a request coming to the National Employment Centre that they want 10 carpenters so these unemployed people will then be referred to these employers in terms of employment.

Now in terms of the issues on what courses they can take, I think that is something that our colleagues from the Ministry of Education will be able to advise on because they provide those details.

DEPUTY CHAIRPERSON.- I think what the Honourable Vadei is saying is the market opportunities, like, this particular job requires or this particular organisation requires, like you said 95 carpenters. So the market availability, employment opportunities availability, they are looking at that. I think PS got what Honourable Vadei is trying to ask? So, do you work in collaboration with the Technical Colleges to see that this is the market needs and this is what we want from you?

MS. S. DAUNABUNA.- Thank you. In fact, we recognise that there are some work that we needed to do in terms of seeing what is being produced and what does the market provide; a demand and supply sort of a situation.

So this year we have just signed, I think it was last month or the month before, the Memorandum of Understanding (MOU) with Fiji National University (FNU) who will also work with us to undertake some research in terms of labour market needs. We recognise that we might not have the speciality in-house but we have also redone our structure in such a way that we have established also a research arm within the Ministry to be able to work directly with FNU because that is more their area in trying to get data from the field and that is where we will also see how we can work our policies around the findings from the research as well.

DEPUTY CHAIRPERSON.- I think by working in collaboration with them will be good because you know what are the labour market needs and if you give them the demand, the needs, they will produce. So basically you have done an MOU and that is wonderful. The employment opportunities will be more because we know the availability, the vacancies and in what sectors, so basically the production on those sectors could be more. Thank you so much. Honourable Vadei, you got any other question?

HON. A.T. VADEI.- Yes, my next question is on that added value, that ISO 90012008 - Quality Management System. What value does it add to your labour reform?

MR. A. KUMAR.- Thank you, Sir. The ISO 90012008 provides a standard that in terms of our service. We have a process in terms of workmen's compensation. There is a process that needs to be followed when dealing with a case. Previously, prior to ISO coming in, we had each office having their own process. So there was no standard in place.

In Nadi, they will have a different process, in Suva they will have a different process and there was no audit system in place even though we were conducting our internal audit but when you look at the ISO process, we have external auditors coming in to check on our service. For example, if there is a labour complaint case pending with our Nadi or Lautoka office, they will have the same standard applied as that in Suva. So that is checked through with the international auditors who coming in and also that has increased the customer satisfaction when we look at it in terms of the providing of service, in terms of ensuring that we have a standard process right across Fiji in terms of dealing with the issues of the Ministry and in terms of ensuring that we provide the compliance and enforcement.

HON. S.V. RADRODRO.- A supplementary question to that one. On the ISO, you said that you have set the standards and also it has brought about customer satisfaction. Can you then explain why is workmen's compensation backlogs still a challenge as listed in your presentation?

DEPUTY CHAIRPERSON.- Can we say still or because we moved on to 2018 now. That was from the 2010 to 2013 report.

HON. S.V. RADRODRO.- I believe Chair that is for them to explain. That is the question.

MR. L. MARIO.- Thank you, Madam. In relation to what the Director has just explained earlier, the ISO as mentioned has brought about some sort of consistency in how things are done to try and address cases. Previously a case can be lying there for up to a year or two years without any work being done. Now with the requirement, all officers are required to update their clients on a monthly basis especially for cases that are pending post injury or for death cases that are still being investigated. Officers are required to update their clients on a regular basis. That is the difference that ISO has brought to the Ministry even though there is a lot of challenges that we still face because of the current legislation, but this ISO certification has helped a lot in terms of dealing with majority of our unsatisfied customers.

DEPUTY CHAIRPERSON.- Thank you, Honourable Nadalo, you have a question?

HON. R.N. NADALO.- Thank you Chair through you, thank you PS and the team, thank you for your presentation. How does the Ministry evaluate its service delivery in terms of providing efficient and effective services to its customers?

MS. S. DAUNABUNA.- Is the question really on how we measure our output and our KPIs?

HON. R.N. NADALO.- How does the Ministry evaluates its service deliver to its customers?

MS. S. DAUNABUNA.- Within the mechanism of the ISO itself, there is a provision in which we will have to measure the feedback from your customers as well and that is something that is undertaken by the different units. From that, they can gauge whether they are on the right track or not on the right track, but really the gist of ISO is how can you better serve your customers and within that framework is also the feedback and not only feedback, but feedback and what can you do with the feedback; whether it will help you and if there are some challenges identified by the customers then that is really where you need to improve as well.

We also do the internal and that is something we have introduced recently is to also gauge the internal customer satisfaction because while we measure the outside customer satisfaction, we also need to know that we have people internally and we also need to hear from them as well. That is also the element that we have introduced as well.

DEPUTY CHAIRPERSON.- *Vinaka* and thank you very much, Madam PS.

HON. S.V. RADRODRO.- Deputy Chair, can I ask another question? In regards to your challenges as in your presentation, I know the Court is a different institution and it is beyond your control but you have listed that as one of your challenges and which I also attest to, because I have had complaints being referred to me and upon enquiry, the delay was in the Court and not in the Ministry.

What is the strategy that the Ministry has to be able to work better with the Court? For the three cases that came to me, the delay was in the Court. How will the Ministry address this issue in terms of the working with the Court, to make decision on the pending cases?

MS. S. DAUNABUNA.- Deputy Chair, if I can just give some background. In fact, the challenges that we highlighted in terms of the 2010 to 2013, but this is something that now and then it still pops up. At that time also, the Court here is the Employment Tribunal in which we file most of our cases and at that time it was really under the banner of the Ministry.

Moving forward, about two years back, the Tribunal now sits with the Judicial system but there has also been additional appointments to those that can sit at the bench to speed up the process. We have seen some improvements over the years in terms of the turnaround time and the delivery of the judgements. But where we have cases that come in and there are some time factors that have crept in, in terms of the delay. We have cases that we represent workers in the court system. In those instances because the court runs on its own timetable, but we do press upon the bench whether it is possible to get things delivered within a certain time, keeping in mind that someone has been out of a job or someone has been injured for this period of time. We do raise it at that forum if we represent the workers.

Also if we are not representing the workers but we do enquire with the Registry of the Court because we cannot write directly to the bench. But we do enquire with the Registry whether they could give us an update or are there any timelines that they can advise us of delivery of these judgements and we have been able to use that forum recently as well.

HON. S.V. RADRODRO.- Madam Deputy Chairperson, one last question. I know we do not get much opportunity to have the Ministry officials here with us so it is the only opportunity that we are afforded by Parliament to be able to ask questions in terms of the operational running of the Ministry. And again back to the Challenges on number 3 and 4 - Weak operational systems and processes and gaps in policies. In my view, these challenges would have been addressed in the reform and you had mentioned that the reform had been undertaken successfully. I am just wondering why are they still being listed as challenges when the reform had been undertaken. We are here in 2013, maybe you can give us an insight whether the reform is still continuous after 2013 and how would these two challenges be addressed because in my view these should have been taken care of by the reform. Thank you.

MS. S. DAUNABUNA.- Thank you, Madam Chairperson. The challenges that we have identified there were really challenges that sat within that time period in terms of the Annual Report that we are responding to. It was identified at that time regarding the systems and processes in place and that was something that needed to be done and the answer was in terms of the ISO that was implemented by the Ministry. The same would be in terms of the policies so these have been strengthened through the ISO system and also some of it have come in terms of the overall reform that the Ministry undertook.

DEPUTY CHAIRPERSON.- Thank you. Once last question, Honourable Vadei.

HON. A.T. VADEL.- My last question in regards to the compensation claims and the award payments. I believe it is due to the delay in some of the court cases and judgements to be made. Does your Ministry pay interest on those premiums or awards to be paid to the claimant like the Public Trustee? Or you are still hanging onto that for the period of five years or three years without giving any interest to the claimant?

MR. L. MARIO.- Thank you Madam Deputy Chairperson and Honourable Members of the Committee. Unfortunately the current legislation does not allow for interest to be paid to claims if there is a delay in the resolution. That is something that the Ministry does not have jurisdiction over but sometimes the Courts normally consider if cases end up in Court. With the current legislation that we have, whatever amount is claimed has to be paid by whoever needs to be paid.

Most probably just to further clarify on the issue raised by the Honourable Member, in relation to the pending cases, when we say that we resolved over 1,000 cases, the figures that are highlighted in the reports are the actual numbers that are paid out. So out of 1,100 or 1,500, only about 10 percent of those cases involve monetary payment, the rest are closed due to nil percent awarded by doctors or cases are not being work related. So, this is a query on the numbers not matching because of the total numbers that we receive every year that whatever we resolve in a year basically the current year to the next year is almost the same and that is why we are working and trying to reform this Worker's Compensation legislation. Thank you.

HON. S.V. RADRODRO.- Would your budgetary allocation have an impact on the number of cases that you resolve? Because you only have a budgetary allocation to deal and I note the decreasing trend. Does that affect the number of cases that you have to clear?

MR. L. MARIO.- The budgetary allocation does help in the resolution of cases but the budgetary allocation is only for Government workers. For those in the private sector, it is either insurance or employers have to pay direct.

DEPUTY CHAIRPERSON.- Thank you Honourable Members for your questions. I once again thank you Madam PS, Madam Salaseini Daunabuna and thank you Madam Elenoa Vuniva and Mr. Atish Kumar, Mr. Shane Pickering and of course Mr. Lui Mario. Thank you for your presentation and thank you for your time. Before you leave please do join us for tea. Thank you once again, *vinaka, vakalevu*.


MS. S. DAUNABUNA.- Thank you Madam Deputy Chair and the Honourable Members. I believe we will provide the follow up supplementary that we had alluded to earlier and we will provide it to the Secretariat.

DEPUTY CHAIRPERSON.- Yes. Thank you.

The Committee adjourned at 3.36 p.m.

## APPENDIX 4: RESEARCH ANNUAL REPORT SUMMARIES

 <b>PARLIAMENT OF THE REPUBLIC OF FIJI</b> Research and Library Services		Annual Report Summary 180073
<b>Annual Report Summary-Ministry of Labour, Industrial Relations and Employment 2013</b> <b>Standing Committee on Social Affairs</b>		
Vision - "Decent and Productive Work for All" Mission- "Ensuring Social Justice, Good-Faith Employment Relations, Safe and Productivity-Driven Workplaces"		
	2013	MPs Comments
<b>Principal Activity</b>	The Ministry 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 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, and institutions, practice and values, underpinned by tripartite social dialogue.	
<b>Acts in place</b>	1. Employment Relations Promulgation 2007 2. Employment Relations (Administration) Regulations 2008 3. Employment Relations (Labour-Management Consultation and Cooperation Committees) Regulations 2008 4. Employment Relations (Employment Agencies) Regulations 2008 5. Code of Good Faith for Collective Bargaining 2008 6. Code of Ethics for Mediators 2008 7. National Policy on Sexual Harassment in the Workplace 2008 8. National Code of Practice for HIV/AIDS in the Workplace 2008 9. Wages Regulation (Building and Civil and Electrical Engineering Trades) Order 10. Wages Regulation (Garment Industry) Order 11. Wages Regulation (Hotel and Catering Trades) Order 12. Wages Regulation (Manufacturing Industry) Order 13. Wages Regulation (Mining and Quarrying Industry) Order 14. Wages Regulation (Printing Trades) Order 15. Wages Regulation (Road Transport) Order 16. Wages Regulation (Sawmilling and Logging Industry) Order	
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 <b>PARLIAMENT OF THE REPUBLIC OF FIJI</b> Research and Library Services		Annual Report Summary 180073
	17. Wages Regulation (Security Services) Order 18. Wages Regulation (Wholesale and Retail Trades) Order 19. Health and Safety at Work Act 1996 20. Health and Safety at Work (Amendment) Act 2003 21. Health and Safety at Work (Administration) Regulations 1997 22. Health and Safety at Work (Training) Regulations 1997 23. Health and Safety at Work (Representatives and Committees) Regulations 1997 24. Health and Safety at Work (General Workplace Conditions) Regulations 2003 25. Health and Safety at Work (Control of Hazardous Substances) Regulations 2006 26. Health and Safety at Work (Diving) Regulations 2006 27. National Employment Centre Decree 2009 28. Workmen's Compensation Act (Cap. 94) 29. Industrial Associations Act (Cap. 95) 30. Shop (Regulation of Hours and Employment) Act (Cap. 100) 31. Daylight Savings Act 1998 32. Indian Immigrants (Repatriation) Act (Cap. 103)	
<b>Ministry Structure</b>	There are three Boards which 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. The three boards are: <ul style="list-style-type: none"> <li>• Employment Relations Advisory Board (ERAB)</li> <li>• National Occupational Health &amp; Safety Advisory Board (NOHSAB)</li> <li>• National Employment Centre Board (NECB)</li> </ul>	
<b>Key Highlights</b>	<ul style="list-style-type: none"> <li>• First ever comprehensive National Minimum Wage survey that covered some 10% of the workforce nationwide. The survey was a success that resulted in the proposal by the consultant, a National Minimum wage of \$2 per hour.</li> <li>• 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.</li> <li>• NEC with assistance of the ILO established Cash for Work Plus initiative. This is a rehabilitation programme that assisted the hurricane affected homes in Vunidogolua in North.</li> <li>• The Ministry established Fiji's Impairment Assessment Manual-benchmarking to the American and Australian assessment manuals. 88 doctors were trained on how to use Fiji's first ever Impairment Assessment Manual, for work related injuries and deaths.</li> </ul>	
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	<ul style="list-style-type: none"><li>Ministry undertook the following trainings:<ul style="list-style-type: none"><li>Employment Relations Promulgation (ERP) training &amp; Awareness</li><li>LMCC training for workplace LMCC committee and representatives</li><li>Specialized OHS training and Awareness for workplace OHS committee and representatives</li><li>HIV &amp; AIDS training and Awareness for workplaces</li></ul></li><li>The Employment Relations Tribunal assists employers, workers and their representatives by adjudicating and determining grievance or dispute over contracts. Number of cases received was 332; cases settled 192 and cases heard 140.</li><li>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.</li><li>Formal Employment Service recorded a total number of 1145 clients absorbed into formal employment thus achieving 573% against its target of 200 clients.</li></ul>		
Financial Position		2013 \$	2012 \$
	Total Revenue	333	130,233
	Total Expenditure	8,493,664	8,025,044
	Trust Fund balance for OHS Education and Accident Prevention	4,761,357	4,360,893
	Trust Fund balance for OHS Consultancy Services, Workmen's Compensation and Wages Dispute	760,175	286,408
	Trust Fund balance for Employment Relations Agency	175,454	41,561
	Trust Fund balance for Child Labour Unit	(19,900)	48,383
	Trust Fund balance for NEC	490,784	499,881
Auditor Opinion (Auditor General)	<u>Qualifications</u>		
	<ol style="list-style-type: none"><li>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>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, Auditor was not able to ascertain that all receipts and payments have been accurately accounted and disclosed in the Main Trust Fund Accounts.</li></ol>		

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	<p><u>Qualified Audit Opinion</u></p> <p>In Auditors opinion, except for the matters referred to in the qualification paragraphs:</p> <ol style="list-style-type: none"> <li>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.</li> <li>The financial statements give the information required by the Financial Management Act 2001 in the manner so required.</li> </ol> <p>Without further qualifying the opinion, I draw attention to the following matter:</p> <p>The Ministry did not reconcile the expenditure in the FMIS general ledger as no expenditure ledger was maintained. It prepared its financial statements from FMIS general ledger. As a result auditor was not able to ascertain the accuracy of the amounts stated in the Statement of Receipts and Expenditure.</p> <p>The Auditor has obtained all the information and explanations, which, to the best of his knowledge and belief were necessary for the purpose of the audit.</p>	
Gender Analysis	No information provided	

16 March 2018

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## Annual Report Summary-Ministry of Labour, Industrial Relations and Employment 2012 Standing Committee on Social Affairs

Vision - "Decent and Productive Work for All"

Mission- "Ensuring Social Justice, Good-Faith Employment Relations, Safe and Productivity-Driven Workplaces in Fiji"

	2012	MPs Comments
<b>Principal Activity</b>	The core responsibility of the Ministry of Labour is to pursue the attainment of Decent Work standards through the promotion of employment opportunities, development of healthy workers; the provision of healthy and safe working environment, fair working conditions and stable and productive employment relations. 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.	
<b>Acts in place</b>	<ol style="list-style-type: none"> <li>1. Employment Relations Promulgation 2007</li> <li>2. Employment Relations (Administration) Regulations 2008</li> <li>3. Employment Relations (Labour-Management Consultation and Cooperation Committees) Regulations 2008</li> <li>4. Employment Relations (Employment Agencies) Regulations 2008</li> <li>5. Code of Good Faith for Collective Bargaining 2008</li> <li>6. Code of Ethics for Mediators 2008</li> <li>7. National Policy on Sexual Harassment in the Workplace 2008</li> <li>8. National Code of Practice for HIV/AIDS in the Workplace 2008</li> <li>9. Wages Regulation (Building and Civil and Electrical Engineering Trades) Order</li> <li>10. Wages Regulation (Garment Industry) Order</li> <li>11. Wages Regulation (Hotel and Catering Trades) Order</li> <li>12. Wages Regulation (Manufacturing Industry) Order</li> <li>13. Wages Regulation (Mining and Quarrying Industry) Order</li> <li>14. Wages Regulation (Printing Trades) Order</li> <li>15. Wages Regulation (Road Transport) Order</li> <li>16. Wages Regulation (Sawmilling and Logging Industry) Order</li> <li>17. Wages Regulation (Security Services) Order</li> </ol>	

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	<ol style="list-style-type: none"> <li>18. Wages Regulation (Wholesale and Retail Trades) Order</li> <li>19. Health and Safety at Work Act 1996</li> <li>20. Health and Safety at Work (Amendment) Act 2003</li> <li>21. Health and Safety at Work (Administration) Regulations 1997</li> <li>22. Health and Safety at Work (Training) Regulations 1997</li> <li>23. Health and Safety at Work (Representatives and Committees) Regulations 1997</li> <li>24. Health and Safety at Work (General Workplace Conditions) Regulations 2003</li> <li>25. Health and Safety at Work (Control of Hazardous Substances) Regulations 2006</li> <li>26. Health and Safety at Work (Diving) Regulations 2006</li> <li>27. National Employment Centre Decree 2009</li> <li>28. Workmen's Compensation Act (Cap. 94)</li> <li>29. Industrial Associations Act (Cap. 95)</li> <li>30. Shop (Regulation of Hours and Employment) Act (Cap. 100)</li> <li>31. Daylight Savings Act 1998</li> <li>32. Indian Immigrants (Repatriation) Act (Cap. 103)</li> </ol>	
<b>Ministry Structure</b>	Organisation Structure can be seen on page 8 of the Annual Report. The Ministry comprises of 6 major Services and 12 Sections and 22 Units. Details can be seen from pages 10-13.	
<b>Key Highlights</b>	<ul style="list-style-type: none"> <li>• National Minimum Wage Baseline Survey contract signed between Dr. Mahendra Reddy (Consultant) and the Permanent Secretary for Labour, Industrial Relations &amp; Employment Mr. Taito Waqa on the 2nd of November, 2012.</li> <li>• Establishment of Occupational Medicine Unit within the Worker's Compensation Unit.</li> <li>• Complete development of the Workmen's Compensation Database.</li> <li>• Complete development of the Health and Safety at Work (Plant) Regulations to replace the Factories Act 1978.</li> <li>• Complete development of the Draft Code of Practice for Sawmilling and Woodworking Machineries.</li> <li>• The National OHS Service generated a total of \$1,356,790.56 revenue as of 31 December 2012.</li> <li>• Total of \$1,003,057.65 was paid out to government workers for 107 cases which is equivalent to 103 % when compared to \$1m allocated by government.</li> <li>• Signed Memorandum of Understanding on technical assistance in the field of labour inspection between the government of the republic of Fiji Ministry of Labour and the government of the republic of Kiribati Ministry of Labour on 20th March, 2012 at the Suva Holiday Inn.</li> <li>• Signed Extension of Memorandum of Understanding on technical assistance in the field of Occupational Health</li> </ul>	

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	and Safety between the Government of the Republic of Fiji, Ministry of Labour and the Independent State of Papua New Guinea, Ministry of Labour on 26th April 2012 in Lautoka.			
Financial position		2012 \$	2011 \$	
	Total Revenue	130,233	77,143	
	Total Expenditure	8,025,044	8,910,757	
	Trust Fund balance for OHS Education and Accident Prevention	4,360,893	3,371,110	
	Trust Fund balance for OHS Consultancy Services, Workmen's Compensation and Wages Dispute	286,408	952,238	
	Trust Fund balance for Employment Relations Agency	41,561	3,610	
	Trust Fund balance for Child Labour Unit	48,383	17,181	
	Trust Fund balance for NEC	499,881	239,664	
Auditor Opinion (Auditor General)	<u>Qualifications</u>			
	<ol style="list-style-type: none"> <li>1. A variance of \$467,900 exists between the trust fund cash at bank account balance and the trust fund liability account balance contrary to section 38 (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 \$657,783 exists between the trust fund cash at bank recorded in the general ledger and the bank statement balance, contrary to section 32 (6) of Finance Instructions 2010. As such, Auditor was not able to ascertain that all receipts and payments have been accurately accounted and disclosed in the Main Trust Fund Accounts.</li> </ol>			
	<u>Qualified Audit Opinion</u>			
	In Auditors opinion:			
	(a) Except for the matters referred to in the qualification paragraphs, 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 2012.			
	(b) The financial statements give the information required by the Financial Management Act 2001 in the manner so required.			

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	The Auditor has obtained all the information and explanations, which, to the best of his knowledge and belief were necessary for the purpose of the audit.	
Gender Analysis	No information provided	

30 April 2018

#### Disclaimer

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## Annual Report Summary-Ministry of Labour, Industrial Relations and Employment 2010 and 2011 Standing Committee on Social Affairs

Vision - "Decent and Productive Work for All"

Mission- "Ensuring Social Justice, Good-Faith Relations, Safe and Productivity-Driven Workplace in Fiji"

	2010	2011	MPs Comments
<b>Principal Activity</b>	<p>Ministry is responsible for the promotion of social justice in workplaces through the provision of awareness, training, advisory services and capacity building exercises for the social partners including the enforcement of Fiji's labour legislations to ensure compliance through training and inspections of workplaces. The Ministry also administers the ten (10) Wages Councils and enforces the Wages Regulations Orders and inspections of workplace to ensure compliance with the Employment Relations and OHS legislations.</p> <p>In 2010, the Ministry is responsible to continue with the task of reducing the Decent Work Deficit through the Ministry's new Mediation Service and Employment Relations Tribunal; impetus to hive-off the National Occupational Health and Safety and Workers Compensation Services together with Department of Environment, the development of OHS Reform, Workers Compensation Reform, IT Reform, ER Reform, Productivity Reform, Financial Management Reform and Civil Service Reform and to maintain the current operations of its core services.</p> <p>In a facilitative role, the Ministry informally mediates employment disputes and employment grievances between individual workers and employers, provides advisory support to employers and trade unions on administration best practices and workers on all workers compensation matters. Coordinating the implementation of APO training projects and the administration of Government's obligations under the ILO as a member state are also part of the Ministry's key responsibilities.</p>		
<b>Act in place</b>	<ol style="list-style-type: none"> <li>1. Employment Relations Promulgation 2007</li> <li>2. Employment Relations (Administration) Regulations 2008</li> <li>3. Employment Relations (Labour-Management Consultation and Cooperation Committees) Regulations 2008</li> <li>4. Employment Relations (Employment Agencies) Regulations 2008</li> <li>5. Code of Good Faith for Collective Bargaining 2008</li> <li>6. Code of Ethics for Mediators 2008</li> <li>7. National Policy on Sexual Harassment in the Workplace 2008</li> </ol>		

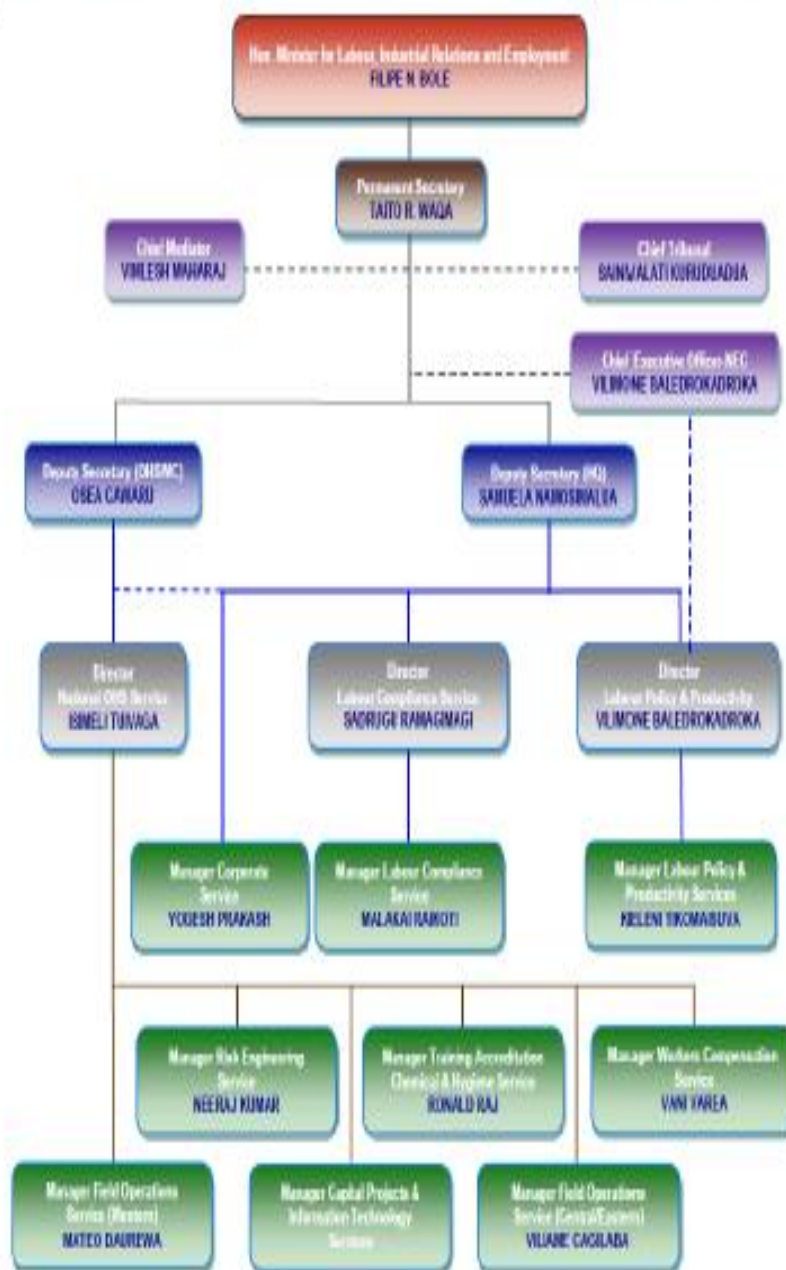
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<ol style="list-style-type: none"> <li>8. National Code of Practice for HIV/AIDS in the Workplace 2008</li> <li>9. Wages Regulation (Building and Civil and Electrical Engineering Trades) Order</li> <li>10. Wages Regulation (Garment Industry) Order</li> <li>11. Wages Regulation (Hotel and Catering Trades) Order</li> <li>12. Wages Regulation (Manufacturing Industry) Order</li> <li>13. Wages Regulation (Mining and Quarrying Industry) Order</li> <li>14. Wages Regulation (Printing Trades) Order</li> <li>15. Wages Regulation (Road Transport) Order</li> <li>16. Wages Regulation (Sawmilling and Logging Industry) Order</li> <li>17. Wages Regulation (Security Services) Order</li> <li>18. Wages Regulation (Wholesale and Retail Trades) Order</li> <li>19. Health and Safety at Work Act 1996</li> <li>20. Health and Safety at Work (Amendment) Act 2003</li> <li>21. Health and Safety at Work (Administration) Regulations 1997</li> <li>22. Health and Safety at Work (Training) Regulations 1997</li> <li>23. Health and Safety at Work (Representatives and Committees) Regulations 1997</li> <li>24. Health and Safety at Work (General Workplace Conditions) Regulations 2003</li> <li>25. Health and Safety at Work (Control of Hazardous Substances) Regulations 2006</li> <li>26. Health and Safety at Work (Diving) Regulations 2006</li> <li>27. National Employment Centre Decree 2009</li> <li>28. Workmen's Compensation Act (Cap. 94)</li> <li>29. Industrial Associations Act (Cap. 95)</li> <li>30. Shop (Regulation of Hours and Employment) Act (Cap. 100)</li> <li>31. Daylight Savings Act 1998</li> <li>32. Indian Immigrants (Repatriation) Act (Cap. 103)</li> </ol>	
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Ministries  
structure



<b>Reforms</b>	<p><b>Labour Reform</b></p> <p>With increasing globalization, Fiji must quickly reform its labour market with the aim to secure social justice for its people by minimizing the negative effects of globalization on our domestic labour market, while maximizing its positive effects.</p> <p>The main challenge of the Labour Reform is to undertake local, regional and global labour market researches to identify gaps in labour market policies, laws, institutions, values, practices, competencies, systems and processes; and strategically position our modern labour market policies, laws, institutions, values, practices, competencies, systems and processes against the forces of globalization to ensure that the minimum social protection and labour standards afforded to our workers are compatible with our social and economic needs, and also promote good faith employment relations and ensure that best business management practices are implemented in workplaces to improve productivity in a sustainable manner.</p> <p><b>OHS Reform</b></p> <p>The Occupational Health and Safety (OHS) Reform was successfully completed in the 1990s culminating in the enactment of the enabling Health and Safety at Work Act 1996 and the establishment of the National OHS Service in 1998 which replaced the outdated Factories Act and its Factories Inspectorate agency. Since 1997 the national annual OHS accident rate has been consistently declining in a significant way by at least 3% per annum, which is a clear testimony on the increasing awareness and observance of OHS standards across industries with productivity gains. However, the emerging challenges are occupational diseases, noise hearing loss and work stress issues. In fact this successful OHS policy fundamental was adopted to reform and transform the former 2003 Industrial Relations Bill into the 2004, 2005 and 2006 Employment Relations Bills which became law as the Employment Relations Promulgation 2007. Therefore, the parallel ER co-regulation policy (similar to the OHS Policy) which is facilitated and promoted by the Labour-Management Consultation and Cooperation Committee is summarized by the philosophy that: "Those who create the ER risks (employment grievances and employment disputes) and those who work with those risks must have the primary responsibility to resolve those risks (not the Labour Inspectors or another third party such as Mediation or ER Tribunal or ER Court)".</p> <p><b>Employment Relations Reform</b></p> <p>The Employment Relations Reform (formerly called the Industrial Relations Reform) was finally implemented with the enactment of the new Employment Relations Promulgation (ERP). The ERP repealed and replaced six (6) out-dated</p>
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	<p>pieces of labour legislations and replaced them with an innovative and modern policy framework that integrates for the first time, the promotion of good faith employment relationships with productivity improvement, which we consider as the fundamentals of sustainable socio-economic development. The enabling and reformed labour legislations (ER, OHS &amp; NEC) collectively fulfil both the guiding principles of our Peoples Charter for Change, Peace and Progress, and the Fiji Productivity Charter 2005; and comply with a total of thirty (30) ILO Conventions which Fiji has ratified, including the eight (8) Core ILO Conventions of the 1998 ILO Declaration on the Fundamental Principles and Rights at Work and the four (4) Priority ILO Conventions of the 2008 ILO Declaration on Social Justice for a Fair Globalization.</p> <p><b>Productivity Reform</b></p> <p>The Productivity Reform referred here is the component integrated in the policy framework of the new Employment Relations Promulgation 2007. It is designed to strengthen the delivery capacity of the Training and Productivity Authority of Fiji (TPAF) to improve productivity at the enterprise level in both the public and private sectors through the workplace Labour-Management Consultation and Cooperation Committees (LMCC).</p> <p><b>Wages Reform</b></p> <p>The past and present Wages Councils in Fiji have been guided by ILO Convention No. 26 on Minimum Wage-Fixing Machinery (1928) which was ratified by Fiji in 1974. Article 3 of the Convention states that "Each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage fixing machinery, and the methods to be followed in its operation". This issue was successfully resolved in three special Employment Relations Advisory Board (ERAB) meetings this year where all the social partners (employers, workers, Government &amp; Wages Councils) unanimously agreed for the Wages Councils to adopt the flexible wage setting criteria contained in the ILO Convention No. 131 and its Recommendation 135 as the basis to review and adjust minimum wages in Fiji under the Wages Regulation Orders that are compatible with the economic and social realities of Fiji, and also to use the criteria to determine a National Minimum Wage later. In this dialogue, the Labour Ministry is promoting a productivity-based wage system to enhance national productivity and also work towards a National Minimum Wage to be declared by the Labour Minister later, as committed under the Peoples Charter.</p> <p>The objective of the adopted wage reform policy is to give wage-earners the minimum social protection in the context of economic realities of a nation as summarized in the following six social and economic criteria or groups of factors, to be taken into account in determining the level of minimum wages:</p>
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	<p>(i) Criterion 1: the needs of workers and their families;</p> <p>(ii) Criterion 2: the general level of wages in the country;</p> <p>(iii) Criterion 3: the cost of living and changes therein;</p> <p>(iv) Criterion 4: social security benefits;</p> <p>(v) Criterion 5: the relative living standards of other social groups; and</p> <p>(vi) Criterion 6: economic factors, including the requirements of economic development, levels of productivity and the level of employment. This criterion also includes the capacity to pay.</p> <p><b>Employment Creation Reform (NEC)</b></p> <p>In response to the global jobs crisis, the Ministry, in consultation with the tripartite partners and other stakeholders, has promulgated Fiji's new employment and social protection policies to drive economic growth and accelerate recovery from the global economic crisis. This is our international, regional and national commitments to the 2009 ILO Jobs Pact endorsed by all ILO member states in the 2009 International Labour Conference held in Geneva. In response to this global employment policy initiative, the Ministry has gazetted Fiji's first National Employment Centre law (the National Employment Centre Decree) last year in December 2009 and the National Employment Centre (NEC) was launched, to be a "one-stop shop" agency to actively engage Fiji's unemployed in meaningful economic activities. The Centre consolidates, facilitates, coordinates and monitors all our current employment promotion and small business creation activities with the aim to boost employment creation and productivity both in the formal and in the informal sectors, locally and overseas. In an integrated manner, the Centre is managing the Formal Employment Service, the Self Employment Service, and also establishes and manages the new Fiji Volunteer Service and our Overseas Employment Service in close partnerships with our training institutions to boost our national skills levels.</p> <p><b>Workers Compensation Reform</b></p> <p>The Government's social protection policy promoted by the Ministry is to strengthen our national social security regime by working towards replacing our out-dated workers compensation system with a "no-fault" social insurance scheme. The reformed system is to provide better health care and social security for injured workers and dependents of deceased workers, with very strong governance and oversight features. The draft workers compensation law will be</p>	
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	submitted for Cabinet approval next year after consultations with social partners. The Ministry's target is to complete the new law and organization design with processes in 2011, and complete the commissioning of the new Authority in 2012.		
Projects	<ul style="list-style-type: none"> <li>• The National Employment Centre was established to assist the unemployed and under employed in finding productive employment or starting up their own small and micro enterprises to make a decent living.</li> <li>• The Ministry also facilitated the significant reforms being undertaken by the Training and Productivity Authority of Fiji (TPAF) and the Fiji National Provident Fund (FNPF) as well as the institutional merger of TPAF with the Fiji National University.</li> <li>• The Ministry continued with the clearance of the backlog of workers compensation claims during the year. Following a directive from the Prime Minister's Office, the Ministry managed to clear 1,936 claims from a total of 2,201 claims for workers compensation during the year. In relation to the significant reduction in backlog cases, the Ministry utilised \$1,913,007.00 or 96% of the \$2m allocated for workers compensation in the 2010 Budget to clear the backlog of all Government cases. Of this amount, \$1,479,448.09 was paid out to the claimants and their beneficiaries, and \$433,557.91 was incurred as operational costs. For the private sector, a total compensation payout of \$813,737.93 was recorded during the year. Of this amount, \$816,737.93 was paid out for injury cases and \$99,000 was paid out for death cases.</li> <li>• The major achievement is the settlement of claims from past and current Fiji soldiers that</li> </ul>	<ul style="list-style-type: none"> <li>• The child Labour unit has conducted the first ever specialized Labour inspection training on child Labour from the 29th to the 2nd of September 2011 where a total of 30 inspectors and officers have gone through this training to ensure that they get better understanding on child Labour and the best way to tackle it. The very important aspects of the training were on how to withdraw children from child Labour and readmit them into the school system in considering both the formal and non-formal education training. The issue of the legal provisions for prosecution was also discussed and officers were trained on how to handle cases in relation to prosecution of employers and individual who engage under aged children in employment.</li> <li>• One of the key achievements under this output is the support of the tripartite National OHS Advisory Board on the proposed refresher workshop for Doctors – The refresher course will be for the Doctors who had undertaken the Impairment Assessment Training that was conducted late last year. This is to assist them in the standardising and benchmarking of their impairment assessment reports. In order to conduct this training the NOHSS was to approve funding hence a paper was tabled to NOHSAB for approval of the funds to run this training. As a result of this request the National OHS Advisory Sub-committee had given its approval.</li> <li>• The Ministry has established an office of the Mediation Unit in Labasa in line with Governments, „Look North Policy“, which will serve the people of entire Northern Division. A Mediator has been posted to this newly established office since 14th June 2011.</li> <li>• A Child Labour Unit this year and also a HIV/AIDS Unit as a</li> </ul>	



	<p>served in the Middle-East. The Ministry paid out a total of \$1,123,383.52 or 75% from the \$1.5m allocated in the 2010 Budget. The balance of \$376,616.48 was not utilised due to the delay in the release of RIE.</p> <ul style="list-style-type: none"> <li>• The Ministry continued to implement and review the Labour Compliance Services Enforcement Policy and Procedures for continuous improvement. This included the provision of relevant training for the Labour Compliance Service staff on policies and procedures, and raising the level of awareness amongst employers and clients on the Ministry's systems and processes concerning the enforcement of labour standards stipulated under the Employment Relations Promulgation and its subsidiary regulations and code.</li> <li>• The Ministry managed to inspect a total of 3,330 employers and workplaces in 2010. This number represents 36% of the 9,233 employers registered in 2010. These inspections fully complement the role of the Employment Relations Tribunal and the Employment Relations Court in ensuring harmonious and productive working relationships between all the key stakeholders in Fiji's labour market.</li> <li>• The Ministry also delivered a total of 753 hours of NDT Consultancy services against the target of 450 hours as committed in the Ministry's Annual Corporate Plan 2010 to Fiji's industries. This performance represented the growing demand for NDT consultancy services from the various industries around the country. The Ministry also established a special laboratory to support the provision of NDT tasks and the safe storage of</li> </ul>	<p>commitment to the Decent Work Country Programme. The Ministry is also assisting our regional neighbours in the reform of their labour laws and policies as committed in the 2011 ACP.</p> <ul style="list-style-type: none"> <li>• A major highlight is the commencement of the internal consultation on the Workcare Bill following the drafting by the Permanent Secretary for Labour, Industrial Relations and Employment (PSLURE). The internal consultation involved the PSLURE and the senior executives of the Ministry.</li> <li>• Other achievements are progress made on the development of the following health and safety regulations and national code of practice             <ul style="list-style-type: none"> <li>• HASAW (Plant) Regulations 2011;</li> <li>• HASAW (User Certifications) Regulations 2011;</li> <li>• HASAW (Construction) Regulations 2011;</li> <li>• National Code of Practice for Occupational Noise;</li> <li>• Amendment to Regulation 44 of HASAW (General Workplace Conditions) Regulations 2003;</li> <li>• Code of Practice for Amusement Rides 2011; and</li> <li>• Code of Practice for Sawmilling and Woodworking Machinery 2011.</li> </ul> </li> <li>• In terms of regional cooperation, the PNG Draft Occupational Safety and Health Bill 2011, which was also drafted by the PSLURE, was handed over by the Minister for Labour, Industrial Relations and Employment, to the Papua New Guinea Minister for Labour and Industrial Relations, and following this the PSLURE and a Senior Engineer conducted a stakeholder workshop on the draft Bill in Papua New Guinea on 12-16 December 2011. In the spirit of regional cooperation, Cabinet endorsed the signing of the MOU between Fiji and Kiribati on Technical Assistance for Labour Reform and Labour Inspections: January 2012 – December 2013 in its meeting on 06/12/2011.</li> </ul>	
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	<p>NDT equipment and materials. This setup is guided by the systems and processes stipulated in Ministry's NDT management system for the purpose of further improving the provision of NDT services to clients and the local industries.</p> <ul style="list-style-type: none"> <li>• The Ministry successfully commissioned the new NEC operating systems and processes. This significant achievement was facilitated by the 40 seconded staffs and the utilisation of the Ministry's resources to produce the outputs of the National Employment Centre within the meager resources provided by Government.</li> <li>• The Ministry aspires to benchmark its systems and processes to international standards, namely the ISO 9001 standards on Quality Management Systems and the ISO 26000 Guidelines on Corporate Social Responsibility, in its pursuit of quality service delivery to members of the public.</li> <li>• Fiji's Decent Work Country Programme (DWCP) details the policies, strategies and results required to realise progress in Fiji towards decent work for all. It also reflects the final stages of the Fiji Government's Labour Reform programme, and the strategic planning of ILO cooperation activities with Fiji for the period 2010 – 2012. Reflecting the constituents' as well as the ILO experts' assessment of past cooperation, the programme aims at ensuring a strong coherence of ILO activities in Fiji and thus to contribute to the achievement of sustainable impacts to the extent possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Commissioning of NEC Database- the IT Unit was involved with the development and deployment of the NEC database on the Ministry's internal data network. This included communicating the requirements and feedback from the NEC data operators and staff to the external developers and ensuring that the database software meets the expectations of the users.</li> <li>• The Ministry continued with the clearance of the backlog of workers compensation claims during the year. Following a directive from the Prime Minister's Office, the Ministry managed to clear 2021 (91.82%) claims from a total of 2,201 claims for workers compensation during the year. The Ministry is currently investigating the 180 pending cases. In relation to the significant reduction in backlog cases, the Ministry utilised \$862,193.48 or 86% of the \$1m allocated for workers compensation in the 2011 Budget to clear the backlog of all Government cases. Of this amount, \$862,193.48 was paid out to 102 claimants and their beneficiaries.</li> <li>• In this First Quarter of 2011, the Government of Papua New Guinea had approached Fiji requesting assistance in labour and manpower, for the construction of their multibillion dollar natural gas project. Cabinet endorsed that the NEC be the primary agent for the selection of the various skills and trades requested by the Government of Papua New Guinea. Amidst the on-going negotiations at political level between the two countries and the finalisation of a MOU, NEC is continuing with the registration of unemployed people including retirees with various skills who may or may not be potential candidates for the said project. Consultation with PNG and private employment agencies in PNG was undertaken in the 2nd Quarter where expression of interest to recruit workers from Fiji to PNG was expressed. The foreign employment opportunity in PNG will be the main opportunity to be available immediately for the Fiji workers</li> </ul>	
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		<p>under NEC arrangement from the 3rd Quarter.</p> <ul style="list-style-type: none"> <li>• The main achievement for the FORES is the tabling of the NEC FORES Regulations with the NEC Board. With the endorsement of the Board, the Regulations have been forwarded to the SGs office for legal vetting and gazetting.</li> <li>• The major achievement being the settlement of Middle East Military Servicemen compensation cases committing a total of \$375,000 for the quarter from the \$1.5m budgetary allocation with the distribution of compensation pay-out. From the 134 cases we have committed for 2011, the achievement per quarter would be 38.3 cases to be settled. During this 1st quarter we have settled 18 cases so that is 47% for 1st quarter. It is important to note that from the \$1.5m RIE allocated for 2011 Military Middle East Cases, in the 1st Quarter we requested for \$144,270 and we fully utilised this amount as well in the 1st Quarter - 100% achievement in terms of monetary pay-out.</li> </ul>	
Auditor's Opinion (Auditor General)	<p><b>Unqualified Audit Opinion</b></p> <p>In auditor's opinion, 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 &amp; Employment for the year ended 31 December 2010.</p>	No information provided	
Externally-Funded National Labour market Programmes	<ul style="list-style-type: none"> <li>• National Employment Centre- the Fiji National University donated a total of \$3 million over the next three years (2011, 2012 and 2013) to the National Employment Centre through the National Training and Productivity Centre. The agreement for the grant was reached by Ministry of Labour and the former Training and Productivity Authority of Fiji. This donation would complement the \$601,000.00 provided in 2010 by the Government through the relocation of the National Youth Service Scheme (NYSS)</li> </ul>	<ul style="list-style-type: none"> <li>• National Employment Centre- The Fiji National University through a three year strategic partnership with NEC donated a total of \$3 million over three years (2011, 2012 and 2013) through the National Training and Productivity Centre. The agreement for the grant was reached by Ministry of Labour and the Fiji National University. This partnership arrangement would complement the \$1.1million provided by the Government in 2011 towards the NEC. Given the high unemployment in the country, the NEC has been tasked, with other employment</li> </ul>	



	<p>from the Ministry of Youth and Sports to the NEC. A further \$102,000 was sourced from OHS Education and Accident Prevention Fund to fund the NEC Life Skills Training programme in 2010. Unemployment in the country is quite high and NEC has been tasked, with other employment creation agencies in the government, to bring down the rate from 8.6 per cent to 4.2 per cent by 2011.</p> <ul style="list-style-type: none"> <li>• <b>Eradication of Child Labour Programme-</b> The 'Tackling Child Labour through Education' (TACKLE) project was launched in Fiji in 2008 and operates in 11 countries from the ACP. The EU-funded 4-year project is implemented by ILO-IPEC and aims to address child labour issues through strengthened legal frameworks and policies, strengthened capacity leading to improved implementation of child labour laws, the creation of replicable models for direct interventions to remove children from hazardous work and give them access to appropriate educational alternatives, taking into account the specific needs of girl and boy children, and an enhanced knowledge base and networks on child labour and education. Recent surveys carried out under the TACKLE project have indicated the existence of child labour, including its worst forms, in Fiji.</li> </ul>	<p>creation agencies Government, to bring down the rate from 8.6 per cent to 4.2 per cent by 2014.NEC will continue to work with its stakeholders and development partners to mobilise the required resources, knowledge, skills and expertise to create a synergy towards the creation of new work attachment, volunteers, and employment opportunities, including foreign employment.</p> <ul style="list-style-type: none"> <li>• <b>Eradication of Child Labour Programme-</b> The 'Tackling Child Labour through Education' (TACKLE) project was launched in Fiji in 2008 and operates in 11 countries from the ACP. The EU-funded 4-year project is implemented by ILO-IPEC and aims to address child labour issues through strengthened legal frameworks and policies, strengthened capacity leading to improved implementation of child labour laws, the creation of replicable models for direct interventions to remove children from hazardous work and give them access to appropriate educational alternatives, taking into account the specific needs of girl and boy children, and an enhanced knowledge base and networks on child labour and education. Recent surveys carried out under the TACKLE project have indicated the existence of child labour, including its worst forms, in Fiji.</li> </ul>	
ILO Conventions ratified by Fiji	<p>Fiji has ratified a total of 30 ILO Conventions by 31 Dec 2010:</p> <p><b>8 Core Conventions – ILO Declaration on Fundamental Principles and Rights at Work 1998</b></p> <ol style="list-style-type: none"> <li>1. C-29 Forced Labour</li> <li>2. C-87 Freedom of Association</li> <li>3. C-98 Right to Organize and Collective Bargaining</li> <li>4. C-100 Equal Remuneration</li> </ol>		



	<p>3. C-103 Abolition of Forced Labour</p> <p>6. C-111 Discrimination Employment and Occupation</p> <p>7. C-138 Minimum Age</p> <p>8. C-182 Worst Forms of Child Labour</p> <p>4 Priority Conventions – ILO Declaration on Social Justice for Fair Globalization 2008</p> <p>1. C-81 Labour Inspection Convention</p> <p>2. C-122 Employment Policy</p> <p>3. C-129 Labour Inspection (Agriculture)</p> <p>4. C-144 Tripartite Consultation (International Labour Standards)</p> <p>Other Conventions</p> <p>1. C-8 Unemployment Indemnity (Shipwreck)</p> <p>2. C-11 Right of Association (Agriculture)</p> <p>3. C-12 Workmen's Compensation (Agriculture)</p> <p>4. C-19 Equality of Treatment (Accident Compensation)</p> <p>3. C-26 Minimum Wage – Fixing Machinery</p> <p>6. C-43 Underground Work (Women)</p> <p>7. C-50 Recruiting Indigenous Workers</p> <p>8. C-64 Contracts of Employment (Indigenous Workers)</p> <p>9. C-63 Penal Sanctions (Indigenous Workers)</p> <p>10. C-86 Contracts of Employment (Indigenous Workers)</p> <p>11. C-108 Seafarers Identity Document</p> <p>12. C-149 Nursing Personnel Convention</p> <p>13. C-153 Occupational Safety and Health Convention</p> <p>14. C-139 Vocational Rehabilitation and Employment (Disabled Persons)</p> <p>15. C-169 Indigenous and Tribal People in Independent Countries</p> <p>16. C-172 Working Conditions (Hotels and Restaurants) Convention</p> <p>17. C-178 Labour Inspection (Seafarers) Convention</p> <p>18. C-184 Safety and Health in Agriculture Convention</p>	
Gender analysis	<p>Labour Force information is broken down into gender.</p> <p>In terms of Gender equality, NEC has more women than male participants from all the divisions. More information on page 30 of the annual report.</p>	





## Guiding questions

- 1) In the 2011 Annual Report, there is neither the financial statement nor audit reports provided. Can you provide explanation why these important documents haven't been provided in the Annual Report?
- 2) Can you explain why there were so many backlogs of workers compensation claims?
- 3) How does the Ministry evaluate its service delivery (in terms of providing efficient & effective service) to its customers?
- 4) How does the Ministry manage customer complaints?
- 5) How does the Ministry promote gender equality at its workplace?
- 6) What initiatives/programmes are in place for the Ministry to align its outputs and goals to the Sustainable Development Goals (SDGs)?
- 7) What are some of the challenges faced by the Ministry and how have these been overcome?
- 8) Highlight some of the Ministry's future plans?

16 March 2018

### Disclaimer

The Annual Report Summary was prepared to assist the Standing Committee on Social Affairs in its review of the Ministry of Labour, Industrial Relations and Employment 2010 and 2011 Annual Report. Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Report. The Research and Library Team shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice. The Research and Library Team accepts no responsibility for any references or links to, or the content of, information maintained by third parties. Other sources should be consulted in the review of the Report.

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## APPENDIX 5: WRITTEN RESPONSES TO THE COMMITTEE'S RECOMMENDATIONS



### MINISTRY OF EMPLOYMENT, PRODUCTIVITY & INDUSTRIAL RELATIONS PO BOX 2216, GOVERNMENT BUILDINGS, SUVA

**Headquarters**  
Level 4, Civic House, Suva  
Phone: 3303500  
Fax: 3304701

**Mediation Services**  
Level 5 Civic House, Suva  
Phone: 3315808 /3100097  
Fax: 3317259/3100242

**National Occupational Health & Safety**  
Level 6, Civic House, Suva  
Phone: 3316999  
Fax: 3315029

**Labour Standard Services**  
Level 2, Post Fiji Building, Suva  
Phone: 3314999/ 3306372  
Fax: 3314198

**National Employment Centre**  
Level 4, Post Fiji Building, Suva  
Phone: 3310331/ 3310801  
Fax: 3310806



#### **“DECENT WORK & EMPLOYMENT GROWTH”**

*Generate Employment Growth, Promote and Enforce Decent Work and Productivity, Encourage Good Faith Employment Relations, Enforce Safe Workplaces and Ensure Social Justice*

### UPDATE TO THE STANDING COMMITTEE OF SOCIAL AFFAIRS MINISTRY OF EMPLOYMENT ANNUAL REPORTS 2010 - 2013

Below is the requested update from the Ministry of Employment, Productivity and Industrial Relations for the information of the Social Affairs Standing Committee as per their report to Parliament.

#### **1. Timely presentation of Annual Reports**

- The Ministry has noted and acknowledged the recommendation of the Social Affairs Standing Committee on the timely presentation of Annual Reports. The Ministry will ensure the timely submission and publication of its annual reports reflecting the services rendered by the Ministry with the utilization of Government funds for the public information in future.
- We state that the Ministry was heavily involved with the overall labour reforms undertaken since the early 1990's in relation to the new Employment legislations, establishment of new labour market institutions, institutional strengthening and establishment of new systems and processes to adopt international standards and best practices in the Ministry.
- These strategic reforms resulted in the modernization of our Occupational Health and Safety, Employment Relations and Employment Creation, legislations, institution, policies, organisational culture and practices, and systems and processes which have been certified to ISO 9001:2008 Quality Management System.
- As a result of the priority given to the various components of the labour reforms, the draft Annual Reports were pending finalization. However, this is now finalized up to the year 2016 (January – July).

#### **2. Improvement of systems and processes to ensure the timely clearance of workers' compensation cases**

- The Ministry acknowledged and noted the recommendation of the Social Affairs Standing Committee on the improvement of systems and processes in ensuring the timely clearance of workmen's compensation cases.
- The Workers' Compensation Service of the Ministry has standardized all its operating procedures to ensure consistency across all divisions and areas and timely resolution of compensation cases.
- As part of the Ministry's continual improvement process, the Workers' Compensation Service systems and processes were audited by external Auditors in 2016 before being certified under the ISO 9001:2008 Standards.

- The Ministry this year is embarking towards obtaining a higher standard of certification upgrading its systems and processes from ISO 9001:2008 to ISO 9001:2015 in improving its systems and processes leading to improved customer service delivery.
3. **All Annual Reports must include some details of the audited Financial Statements (refer to 2011 Annual Report)**
- The Ministry has noted and acknowledged the recommendation of the Social Affairs Standing Committee on the inclusion of some details of the audited Financial Statements.
  - In addressing the recommendation of the Committee, the Ministry has incorporated the full audited Financial Statements for Annual Reports year ending 2012, 2013, 2014, 2015 and 2016 (January – July).
  - The Ministry will in future ensure the inclusion of the full audited Financial Statements in all its Annual Report publications.

**-ENDS-**