



STANDING COMMITTEE ON ECONOMIC AFFAIRS

**PUBLIC PETITION FOR PARLIAMENT TO URGENTLY LOOK INTO THE ILL
TREATMENT FACED BY STAFF AND FORMER STAFF OF THE GRAND PACIFIC
HOTEL**



**PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No 98 of 2017**

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Chair's Foreword

The Standing Committee on Economic Affairs was tasked to consider and report back on the Public Petition for Parliament to look into the ill treatment faced by staff and former staff of the Grand Pacific Hotel (GPH). It should be noted that this Petition was initially assigned to the Standing Committee on Justice, Law and Human Rights but later handed over to the Standing Committee on Economic Affairs. After deliberations and consideration of this Petition, the Committee was in agreement that whilst issues of concern were present back in 2014 and 2015, they have since been addressed satisfactorily as follows:-

- In 2014, 6 grievances were filed, 3 were settled in 2014, 1 was settled in 2015, 2 were referred to the Tribunal and have been settled.
- In 2015, 9 grievances were filed, 4 were settled in 2015, and 1 was withdrawn, 4 were referred to the Tribunal of which 3 were settled and 1 is pending.
- In 2016, 2 grievances were filed, 1 was settled in 2016, 1 was withdrawn in 2017.

It is important to note that the number of grievances raised by GPH staff has dropped off considerably since 2014, with just 2 filed in 2016, both of which have been resolved. This is a definite sign that the situation at GPH has improved overall.

One of the contributing factors that brought about this petition was that when the Hotel opened in 2014, there were no formal HR policies and procedures in place. This has since been rectified and operations in general at the hotel are running smoothly.

The Committee recommends the Ministry of Employment, Productivity and Industrial Relations monitors all employers for compliance with the Employment Relations Act 2007.

I thank the Hon. Members of both the Standing Committee on Justice, Law and Human Rights and the Standing Committee on Economic Affairs who were present in the production of this Report and also the Parliamentary Staff who assisted.

I commend this Report to Parliament.



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HON. LORNA EDEN

CHAIRPERSON

Introduction

The Grand Pacific Hotel (GPH) has been an icon of the South Pacific for over a century. Totally rebuilt, the hotel reopened in May 2014 on the hundredth anniversary of its original opening and regained its place as the “grand old lady” of the Pacific.

In 2015, a petition with sixty-seven (67) signatories was brought before Parliament highlighting the plight and claims of ill-treatment by staff and former staff members of the GPH in Suva. These claims were made against the General Manager of the hotel and the Executive team, and alleged bad management and ill-treatment of GPH staff members.

The Petition was initially assigned to the Standing Committee on Justice, Law and Human Rights but later handed over to the Standing Committee on Economic Affairs.

The Committees deliberated upon this quite thoroughly and received submissions from the Petitioners, the current General Manager of GPH, and officials of the Ministry of Employment, Productivity and Industrial Relations, in order to have a better understanding on how these cases were handled back when it was initially lodged.

Recommendations and Findings

1. While the application to hire expatriates rests with the owners of an establishment, the Committee believes that all employers must be respectful of Fiji's laws and cultures.
2. The Committee was surprised to discover that the hotel had no proper HR policies and procedures when they opened in 2014. This contributed to the issues raised in the Petition. The Committee recommends the Ministry of Employment, Productivity and Industrial Relations monitors all employers for compliance with the Employment Relations Act 2007.
3. The Committee is pleased to note that the number of grievances raised by GPH staff has dropped off considerably since 2014 with just 2 lodged in 2016, both of which have been resolved. This is a definite sign that the situation at GPH has improved overall.
4. The Committee encourages employees to follow proper procedures regarding grievances as per the Employment Relations Act 2007.
5. The Committee encourages employers to seek membership with organizations within their industries to help them better understand best practices and cultures in Fiji.

Gender Analysis

Gender is a critical dimension to parliamentary scrutiny. Under Standing Order 110 (2) the Committee is required to ensure full consideration to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

The Committee also notes that there was satisfactory gender balance prevalent amongst the staff of GPH with regards to the petition presented.

Conclusion

Due to inordinate delays by relevant agencies in dealing with this matter conclusively, this Petition was brought to Parliament on 20 May 2015.

The issues raised relate to private matters that are based upon personnel issues at the GPH. As the relevant personnel are no longer employed at GPH, the matters raised in the Petition have been resolved.

Since then, as to the issues raised in the Petition:-

In 2014, 6 grievances were filed

- 3 were settled in 2014, 1 was settled in 2015
- 2 were referred to the Tribunal and have been settled

In 2015, 9 grievances were filed

- 4 were settled in 2015 and 1 was withdrawn in 2015
- 4 were referred to the Tribunal, of which 3 have been settled and 1 is pending

In 2016, 2 grievances were filed

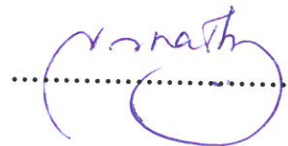
- 1 was settled in 2016
- 1 was withdrawn in 2017

It is important to note that the number of grievances raised by GPH staff has dropped off considerably since 2014, with just 2 lodged in 2016, both of which have been resolved. This is a definite sign that the situation at GPH has improved overall.

Hon. Lorna Eden (Chair)

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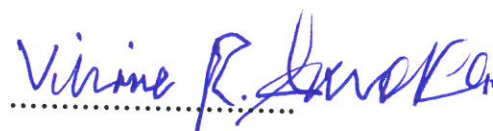
Hon. Vijay Nath (Deputy Chair)

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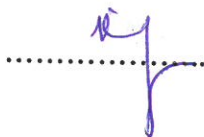
Hon. Brij Lal (Member)

.....

Hon. Viliame Gavoka (Member)

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Hon. Prem Singh (Member)

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Petition

Member's certificate of endorsement

In my opinion, the attached petition is respectful, does not promote disharmony, and is deserving of presentation

Signature: Viliame Gavoka

Name of member submitting the petition: HON. VILIA ME GAVOKA

I wish to present this petition to Parliament on the following date: 20/05/15

Date Submitted: 18/05/2015

Attach this form to the petition

For staff use only

Date and time received: _____

Name of person receiving the form: _____

Petition must be attached to this form.



OFFICE OF THE LEADER OF OPPOSITION
Parliament House
SUVA

May 18, 2015

Mrs. Viniana Namosomalua
Secretary General
Parliament of Fiji
Suva

Dear Madam

Tabling of Petition on the abuse of the workers' rights of Staff of Grand Pacific Hotel

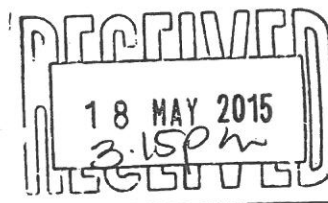
In pursuit to Standing Order Number 37, I hereby start the formal process making notice of my intent to table a petition and this attached report in the House in two days.

The former and current staff aggrieved in this petition have in their views exhausted all avenues available to address these issues pertaining to discrimination, oppression and violations of their human rights.

I ask that you consider this petition to be tabled on Wednesday 20th May 2015.

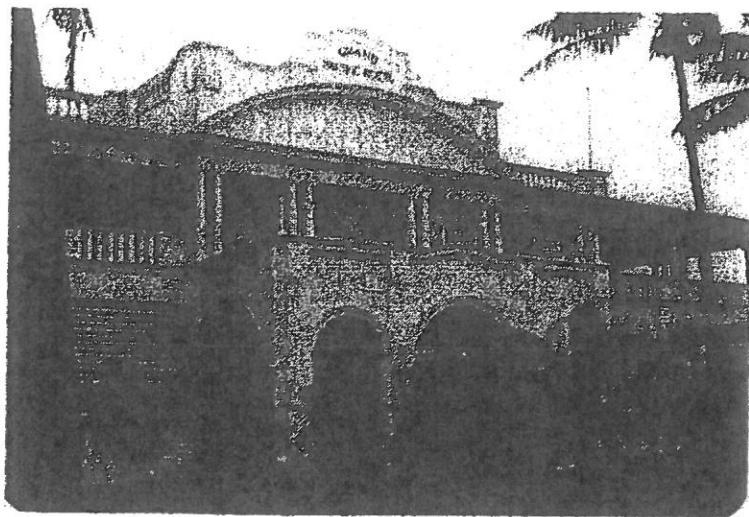
Yours sincerely

Hon Viliame Gavoka



Public Petition for Parliament to urgently look into the ill treatment faced by staff and former staff of the Grand Pacific Hotel

BACKGROUND	Petition is been brought to the House, and a report on the grievd is attached.
WHAT WE ARE ASKING FOR	<p>"We the undersigned, call on the Parliament of Fiji to thoroughly investigate and bring an end to the alleged oppression, racial discrimination, violations of human rights, and the injustice that were and are still being inflicted on former and current employees of the Grand Pacific Hotel by hotel management, which include the following persons:</p> <ul style="list-style-type: none"> - ✓ General Manager, Mr Eugene Diethelm - ✓ Spa Manager, Mrs Amina Diethelm - ✓ Executive Chef, Chef George Ringtisen - ✓ Restaurant Manager, Jonatha Ramaccioni - Butler, Sanat Kumar - Human Resources Manager, Joyce Latchmi - ✓ Assistant Restaurant Manager, Akesa Tuilevuka - House-Keeping Manager, Melania Dikoula - Front Office Manager, Nancy Chute - Finance Manager, Nilesdni Kumar "
WHAT YOU SHOULD KNOW BEFORE YOU SIGN	<p>We would like this petition submitted in Parliament at the May Parliamentary Sitting of 2015</p> <p style="text-align: center;">OPPOSITION CHAMBERS PARLIAMENT OF FIJI GOVERNMENT BUILDINGS SUVA</p> <p>BY PLACING YOUR SIGNATURE AND DETAILS ON THIS DOCUMENT YOU HAVE READ, UNDERSTOOD AND AGREE TO THE TERMS OF THIS PETTION SET OUT ABOVE AND ALSO THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. THAT YOU CONFIRM THAT YOU ARE EITHER 18 YEARS OF AGE OR OVER. 2. THAT YOU HAVE NOT BEEN COERCED OR FORCED TO PROVIDE YOUR SIGNATURE AND DETAILS THIS PETITION. 3. THAT STRICTLY NO MONEY OR DONATION IN KIND HAS BEEN OFFERED OR EXCHANGED FOR YOUR SIGNATURE. PLEASE NOTE: THAT WE, AS A GROUP INITIATING THIS PETITION DO NOT AND WILL NOT CONDONE OR ACCEPT RESPONSIBILITY FOR SUCH CONDUCT OR LOSSES INCURRED AS A RESULT. 4. THAT YOU ACKNOWLEDGE THAT THE PETITION WAS READ AND/OR EXPLAINED TO YOU IN THE LANGUAGE YOU ARE MOST FAMILIAR WITH.



GRAND PACIFIC HOTEL

A Report on issues faced by staff at the Grand Pacific Hotel

To: The Honourable Jioji Konrote

Honourable Minister for Employment,
Productivity and Industrial Relations

"FOR YOUR EYES ONLY"

"CONFIDENTIAL"

Background

The Grand Pacific Hotel (GPH) was reopened in May 2014. GPH is owned by a consortium of companies including NASFUND, Lamana Development and the Fiji National Provident Fund (FNPF)

In March 2015, the Fiji Women's Crisis Centre (FWCC) was approached by **Makereta Mafili** for assistance with an employment dispute.

After speaking to Makereta, FWCC became aware that there were many staff members of GPH who had faced similar issues with GPH Management. FWCC then asked to speak to the other staff members who had been dismissed from GPH and carried out some of its own investigations.

In particular staff have reported issues with the General Manager **Eugen Diethelm** and other expatriate staff working at the hotel. Staff have informed us that they have reported their concerns to the Police, the Labour and Immigration Departments and their union, but no progress appears to be made in achieving any resolution.

This Report details the issues that staff are facing with management. This report has been prepared to allow the workers voices to be heard. These workers are amongst the most marginalised groups in our society – they are mostly women, with basic education, in minimum wage jobs. They have neither the knowledge nor the ability to agitate for their labour rights. They are also citizens of Fiji and are entitled to work with dignity and respect.

Oppressive Employment Conditions

Employment Contracts

Staff were allegedly, not able to seek legal advice or negotiate any terms of the Employment Contract. The finalised contracts were allegedly, simply given to them to read over and sign.

The contract contains the following oppressive conditions:

Disciplinary Procedure

While staff have been provided with a Grievance Process whereby they can report grievances, there is no disciplinary policy as specified in Clause 17.1 of the standard employment contract.

Instead staff have allegedly simply been called in by the General Manager and told that they were going home. In some instances, they have later been issued with a month's pay in lieu of notice. No opportunity is provided to staff to rectify performance issues, or to make representations as to the allegations against them. No proper consideration is given to the issues based on which employment is terminated. Staff are being denied natural justice, and most terminations appear to be summary dismissals.

See Case Study George Morrell

Abuse of Maternity Leave Provisions

Female staff have reported being forced to go on maternity leave at six months, despite being medically fit to carry out their duties.

This policy is being enforced across the board without due regard to the individual circumstances of each pregnant employee.

Due to this policy, some women have been forced to return to work when their babies are one or two weeks old. One woman had her maternity leave expire BEFORE her child was born.

Pregnant women are also being called into the HR manager's office and questioned about whether they are married and who the father of their baby is. Such questioning, and any consequential actions taken from the answers given is offensive and is in breach of the constitutional rights of these women.

Unauthorised deduction from salaries

Staff have reported unauthorised deductions from their salaries.

A petition, signed by 75 members of staff, dated 27 March 2015 was presented to the Ministry of Labour requesting the Ministry to look into issue of unauthorised deductions. The employees report that \$40-\$45 has been deducted from their fortnightly salaries from the beginning of March 2015.

The employees are unaware what these deductions are for – not explanation has been provided and no authorisation has been given to Management for salary deductions.

A copy of the Petition is attached. See Attachment No 3

OHS issues

Glass bottle exploding incident

Staff report that beverages in glass bottles were stored in an unventilated storeroom, which consequently became very hot.

2 members of staff, including one Siteri Yaya were in the storeroom putting away empty bottles when a full bottle exploded. A shard of glass flew out and struck Siteri on her jaw, becoming embedded just above her jugular vein.

Other staff immediately started to rush Siteri to the CWM hospital. However, while they were still on the way, they received a telephone call from the GM ordering them to go to Dr De Asa instead, as he did not want this incident to become known.

Siteri was then made to take sick leave for the incident, even though it was a workplace incident. It is not known whether any report was made to the Ministry of Labour.

Staff have been made to work without proper protective equipment. **See Case Study**

Report on GPH Staff Grievances FWCC

- None of Inise's medical expenses were paid by GPH. She estimates that she spent \$100 on pharmaceuticals and transportation due to her injuries. Her eye sight has also been affected and she now needs glasses, which she had had to purchase off the counter, as she cannot afford eye tests.
- Two days after her return to work, on 31 December 2014, Inise was serving breakfast in the restaurant. She picked up a plate of pancakes with three small dishes – one each with cream, honey and berries. While lifting the plate, the dish of cream slipped into the dish of honey.
- According to Inise, GPH's Training manager, an expatriate by the name of Leonard, was also present in the dining room. When he saw the dish of cream tilt into the dish of honey, Inise alleges that he swore at her, using words to the effect "Fuck you! What the fuck you doing?" According to Inise, she asked him to stop swearing at her and despite this, he continued swearing, embarrassing her in front of guests, who were seated in the restaurant.
- Inise alleges she was in tears and walked out of the dining area and sought refuge in the girl's locker room. When she emerged some time later, she saw Mr Leonard walking to the GM's office.
- The following day, GM spoke to Inise in front of the other staff and guests on the terrace and said: "You bloody Fijian. You go home. You go home." Then he called Inise inside the restaurant and said "You bloody Fijian. Good for nothing. You have no right to talk back to your supervisor."
- Inise says she was highly distressed by what had happened and after talking to her friends, including Makereta Mafili, she decided to report Mr Leonard's abusive behaviour towards her to the Police. The next day, Inise says she went to the Totogo Police Station, where her statement was recorded. OC Waqabaca was dealing with Inise's matter.
- Inise says that after making the report, they managed to get the Police Commissioner's email address and emailed him regarding the above incident. According to Inise and Makereta, the Commissioner responded to the email stating that "he is against corruption, and will get to the bottom of this."
- Inise and Makereta followed up with complaint as Mr Leonard was going to leave the country in a few days, and they wanted him charged. The investigation was apparently being dealt with by a police officer by the name of Savou at CID.
- Inise says further that when she and Makereta enquired about the investigation into their complaint with CID, they were told that the matter had been transferred back to Totogo to Luke Navela. When they followed up with the police station, they were told by Corporal Cama that Inise's file had gone missing.
- On 17th January 2015 Inise and Makerata called Priya a police officer at around 12pm who was on day off and informed that she took the file home. They called her again at 2pm to enquire the reasons for taking the file home to which she responded that the file is not at home but in the filing cabinet at the Station.

- This saw pregnant women being forced to return to work after having given birth only a week or two before, without getting the chance to properly recuperate and heal after child birth.
- The workers also informed the client that Ms Latchmi also asked them questions about the nature of their relationship with the men that made them pregnant. Client was appalled by this intrusion into their personal lives and told Ms Latchmi that that was none of her business.
- Client said that management at GPH has been demoting and summarily dismissing staff with no reasonable explanation, and have not allowed them the opportunity to use their own internal mediation processes to reply to allegations made against them.
- Client assisted Inise Toganiyasawa (Inise) with her police complaint against GPH Training Manager, Mr Leonard (see Inise's Case Study above).
- In December 2014, Makereta was serving two groups of guests having dinner, who decided to join their tables. A crystal vase fell and was broken. Eugene had told the local Indo Fijian couple not to join tables but the guests had done so anyway. Eugene called Security and asked them to escort the guests out. He said "Escort these bloody Indians out. Go home and drink your beer. I don't need your money." Makereta went after the guests to apologise.
- On 13 February, client called in sick from Makoi Health Center after she had developed food poisoning after consuming the staff food at GPH the previous day (mince). Client states that the food that is available for staff is often stale, cooked at 2.00 am and expected to be eaten by staff the whole day. Due to staff working hours (staff being picked up between 4.00 to 5.00 am for morning shifts and night shifts often not ending until 1.00am), the staff have no choice but to eat this food. Client states that she went to Makoi Health Center after suffering from diarrhoea and vomiting on the 11th and feeling even worse on the 12th. She was put on a drip. While she was still on the drip at Makoi Health Center, she called Jonathan, the Restaurant Manager, who accused her of fabricating her illness. The client says that Jonathan told her "GM has told me to tell you you're going to be demoted" Client replied "I'm going to the media" Jonathan then texted Client that he was going to see the GM. The client then left Makoi Health Center and went to GPH with the canula still attached to her hand.
- Client says she went to the GM and the following conversation took place inside cession room:
 GM: "So you're really sick. Why did you have to tell them you ate food here?"
 Makereta: Tell me why you want to demote me?"
 GM: No, I'll tell you on the 16th. You're the one who went to Immigration and Labour. On Monday, I'll tell you why I'll demote you."

- George alleges that the GM was abusive towards local staff and often used pejorative terms such "Bloody Dog" "Bloody Monkey" "Bloody Donkey" "Stupid Fijian" and "Good For Nothing" when addressing staff.
- George alleges that in September 2014, he was serving guests at the Prince Albert Restaurant when he was sworn at by the GM, who called him a "Stupid Fijian" and "Fuck you", and chased him away from the restaurant. George alleges this happened in front of guests and left him very embarrassed. After this incident, George alleges that after this incident, he was told to work at the Na Toba Bar.
- George alleges that on 7 January 2015, the following incident happened. He reported to work at 0800 hours on the 07 January 2015 (Wednesday). At 8.05 am he went to the staff changing room to wear his uniform and punched in to start work at 8.14am. At 9.00 am, the Training manager, Mr Leonard came to George and asked him when he started work. George responded he was in the staff change room by 8.05am. Leonard accused him of being 30 minutes late, which George disputed. Leonard then told the Restaurant Manager, Mr Jonathan, that George had been late to work. On 9 January, Jonathan informed the GM that George had been late to work two days earlier. The GM, who was about to leave for a holiday, told Jonathan to "handle it" This conversation was overheard by Tim at the Swiss Bakery. George further says that at 5.30pm on 9 January, he was called into the office of Joyce Latchmi, the HR Manager. Leonard and Jonathan were also present. Leonard then left. Jonathan asked the HR Manager to make George stay back and work late, but she refused and asked Jonathan to leave. The HR Manager then received a phone call from the GM who allegedly asked the HR Manager to send George home until the GM returned to work. The HR Manager then asked George to sign a letter confirming that George agreed to go home and wait for the return of the GM to sort out the issue. George further says that the HR Manager then asked him if he would support her complaint against the GM and his spouse to Fiji Immigration. George says he replied – "I will think about it", returned all company property and left the premises.
- George says that he was later called back by the GM who told him he could return to work as a casual employee on 3 months' probation. George says he refused. He was then paid 1 month salary in lieu of notice.
- George says that he had done back to back shifts on Tuesday 6 January and Wednesday 7 January, hence he was a few minutes late. He says that his Tuesday shift had finished late and he had only had a few hours at home.
- George is now employed at Governors Restaurant as a waiter

Name	Gabriel Maibola
Gender	Male

have drinks from the bar. However, instead of drinking beer, he had only a few bowls of grog and resumed his duties.

- Gabriel wants justice as he strongly feels that he was unfairly dismissed from his job.
- He has not been able to secure employment since then, and is struggling with daily expenses.

Name Suppressed

Name	Name Suppressed
Gender	Female
Employment Period	6 January 2014 to May 2014
Position(s) held:	Human Resources Manager

- Client explains that she had a very traumatizing experience whilst working under Mr. Eugen (GM) and his wife Amina. She said that the GM always displayed demeaning behavior and she went to work every day in fear of being victimized by the GM.
- She says that a staff member by the name of Seini Daveta reported 20 minutes late for duty on a particular day, then on another occasion she was accused of not listening to her supervisor. GM terminated Seini without following the disciplinary procedure in the ERP and without the presence and consultation with HR Manager.
- The GM and his wife had a huge fight in the office where she accused Mr. Eugen of not spending time with her and spending more of his time with the Sales & Marketing Manager, Ms. Lesieli Vete. GM and his wife went to a building in HFC and started screaming at each other in the presence of Ms. Lesieli Vete.
- Ms. Vete was shocked at the behavior of Mr. and Mrs. Eugen and Ms. Vete was purely meeting with Mr. Eugen for follow ups with Sales visits that she had made during the day. GM packed up her laptop and told her not to return. Client says that she quickly got up and took Ms. Vete out of the office as she was in tears.
- Client asked Ms. Vete to write up an incident report.
- Mrs. Diethelm called Client's mobile and requested that she meet with her. During this meeting client advised Mrs. Diethelm that her behavior was unacceptable and that she and Mr. Eugen should leave their personal matters at home and not air it in the office. Client further informed her to abide by the

walked off, only to turnaround and come back and continue his abuse on our client as she was standing there clearing the dirty plates.

- Due to the traumatic experience that client endured whilst working at GPH she resigned and has now joined Holiday Inn.

Asenaca Tuqiri

Name	Asenaca Tuqiri
Gender	Female
Employment Period	03 March, 2014 to current
Position(s) held:	Room Attendant

- Asenaca said that on 07 April, 2015, she was at work and was asked by her Supervisor to be on stand-by at the Levuka Terrace.
- She said that during happy hour the GM called out to her to get a mop.
- She said she didn't realize that the GM had followed her into the ladies washroom while on her way to fetch a mop.
- She said that she had seen a tissue on the washroom floor and bent down to pick it up.
- Just then the GM yelled startling her and said "You stupid! Why are you using that to wipe up the mess? I told you to get the mop!" She tried to explain that she was on her way to get the mop and that she saw that there was a tissue on the floor so she picked it up to put it in the waste basket. But the GM refused to listen to her and suspended her.
- She said that she received her suspension letter and that it stated that she failed to obey instructions.
- She was suspended for 2 weeks without pay, however she was called back again.
- Client said that she does not have luxury of finding work elsewhere, so she decided to return to work when they called her back in.

Ifereimi Natuku

Name	Ifereimi Natuku
Gender	Male
Employment Period	January 2015 to 7 March 2015
Position(s) held:	Barman

- Ifereimi was terminated on 07 March, 2015.
- He claims that he was terminated for his involvement with former staff of GPH, who had been accused of stirring up trouble with the hotel union.
- He said that Makereta Mafili and a few others would go over to his place in Makoi, where he and his wife would host a friendly get-together.
- Apparently, the GM was falsely informed by an unknown person that the purpose of these get-togethers was to rally support to form a union, and that members of this union had raised their complaints with the Labour Department.
- Ifereimi said that his probationary period was going to end in only 2 days, and he was looking forward to becoming a permanent employee when he was unfairly dismissed.
- He said that on the day he was dismissed, he had just finished his shift at 12.30 midnight when he was handed a termination letter by his HOD, Jonathan. He was asked to sign the letter, but Ifereimi refused.
- Ifereimi asked why he was being terminated. HOD said that it was because the hotel was trying to reduce permanent staff and increase casual workers. However, when his wife had enquired about Ifereimi's termination, HR told her that it was due to his poor work performance.
- He said that he has experienced working for five-star hotels in Nadi and in the Mamanucas and he has never received a bad report from his employers.
- He said that according to his contract, the employer has the discretion to summarily dismiss an employee for theft, sexual assault, or drinking alcohol on the hotel premises/arriving at work drunk etc. However, he had done anything of that sort that would jeopardize his reputation or work with the hotel.
- The contract also states that if the employment should be terminated by the Employer, the employee shall be given 2 week notice or pay in lieu of notice.
- Ifereimi said that he is yet to receive his payment since he was terminated.

- Client explains that on 12 April 2015, the hotel had received 52 new arrivals while 27 guests were departing. Tevola was rostered to work in the public area instead of cleaning guest rooms.
- She had taken a break for lunch and went to the kitchen to eat. While having lunch, the GM came in and yelled at her in front of other staff and on-looking guests. He said "what are you doing here? Come on get up and go help the others! You know I can sack you people and bring in new staff! You are suspended!"
- She said that he suspended her on the spot for 2 weeks and told to come the next day to pick up her letter.
- Client complained that she worked a lot of overtime without receiving any overtime pay. She said that the maximum number of rooms that they were required to clean was 13. However, at times she was forced to clean up to 27 rooms in one day.
- She said that before she was terminated, she saw a police officer bringing in 3 people, who were later confirmed as being new casual workers.
- Client also is yet to receive payment in lieu of termination.
- She refuses to go to the hotel to collect her letter because she fears that it is a termination letter instead of a letter explaining her temporary suspension.

Alzeena Nisha

Name	Alzeena Nisha
Gender	Female
Employment Period	03 March 2014 to January 2015
Position(s) held:	Beauty Therapist

- Client worked in Gym & Spa section which was managed by Amina Diethelm (GM's wife).
- She explains that she was sick on Saturday, 3rd January 2015 and phoned her manageress to advise the same. Amina responded "fine" and snapped down the phone.
- After being medically examined our client called Amina again to advise her that she was given 3 days sick leave.

- The reason for her termination given by HRM was that her husband had assaulted the GM.
- She also explained that she made numerous request during her term of employment to be given a copy of her employment contract but to no avail.
- The matter is pending in Employment Relations Tribunal. The HRM has been pestering our client over phone regarding the progress of the matter.
- Client is seeking justice, and wants FWCC to provide support, urging the Labour and Immigration Departments to investigate existing staff complaints against management of GPH.

GRAND PACIFIC HOTEL

EMPLOYMENT CONTRACT

PARTIES

BETWEEN: GRAND PACIFIC HOTEL LIMITED with its registered office Ernst & Young,
Chartered Accountants, Pacific House, Level 7, 1 Butt Street, PO Box 1359, Suva.

AND: MAKARETA MAFILI of SUVA

1 Position

You are employed as Public Area Supervisor.

2 Reporting

You will report to the Executive Housekeeper such other person as may be advised by the Hotel from time to time.

3 Place of work

In this role you shall be based at the Grand Pacific Hotel, Victoria Parade, Suva. However, you acknowledge that the Hotel reserves the right to require you to perform your duties at other locations.

4 Date of commencement

Your employment will commence on March 3, 2014. Please report to the Human Resources.

5 Probation

A probation period will apply for the first three months of employment to assess and confirm suitability for the position. At the end of the probationary period, the Hotel will either confirm the Employee's employment under this Agreement, extend the probationary period for such further time as the Hotel considers appropriate to enable a further assessment of suitability to be made or notwithstanding any other provision in this Agreement, terminate the Employee's employment by giving one month's notice or pay in lieu of notice. Should the employee decide to terminate his/her employment contract during the probationary period, he/she will be required to give two week's written notice.

6 Days and hours of work

Your normal hours of work (exclusive of overtime) will be 48 hours per week. These hours are to be worked over 8 hours per day over any 6 days of the week. You are expected to work beyond those hours [and do shift work] as necessary to ensure that the Hotel's needs are met. This will include working on weekends and public holidays. You agree to be flexible and/or work extra hours beyond maximum normal hours to meet the needs of the Hotel's business.

7 Duties

7.1 Your main duties and responsibilities are as required of the position and which will be described separately in a Job Description on your commencement date. However you agree to perform all other reasonable duties within your capabilities or otherwise requested by the Employer.

7.2 Where circumstances demand, the position description may be reasonably modified and updated by the Hotel from time to time in its discretion and without prior notice to the Employee.

7.3 The Employee shall:

- (a) exercise the powers vested in [him/her] and perform the duties appropriate to [his/her] position or as otherwise assigned to [him/her] by the Hotel in a competent and professional manner and in accordance with generally accepted professional standards
- (b) comply with all reasonable directions given by the Hotel and with all policies and regulations laid down by the Hotel concerning its employees
- (c) during normal working hours (unless prevented by ill health or accident and except during holidays permitted by this Agreement) devote the whole of [his/her] time, attention, and abilities to carrying out [his/her] duties
- (d) well and faithfully serve the Hotel, giving it the full benefit of [his/her] experience and knowledge
- (e) refrain from any action calculated to create discord or disharmony among the employees of the Hotel or incite industrial strife or disruption
- (f) not without the written consent of the General Manager enter into the service of or be employed in any capacity for any purpose whatsoever or for any part of his time by any person, firm or company other than the Hotel
- (g) not without the written consent of the General manager be engaged in or have any interest in any undertaking or business of a similar nature to or competing with that of the Hotel
- (h) use [his/her] best endeavours to promote, develop, and extend the Hotel's good name, business, interests, and reputation, and not do anything to its detriment
- (i) use [his/her] best endeavours to train such persons as may be nominated by the Hotel
- (j) attend to the business of the Hotel outside normal business hours when required by the Hotel including travelling to such places, in such manner, and on such occasions as the Hotel reasonably requires and

(k) perform services for any associated company as directed by the Hotel.

8 Warranties

8.1 The Employee warrants that:

- (a) all representations, whether oral or in writing, made by the Employee as to qualifications and experience in applying for this position are true and complete and
- (b) there are no liabilities, encumbrances, debts, attachments or other matters which would interfere with [his/her] ability to discharge any obligations under this Agreement.

9 Salary

9.1 The Hotel shall pay the Employee the net salary set out in Schedule 1 subject to the payment of tax in accordance with Fiji law.

9.2 The salary shall be paid in arrears by equal calendar [monthly/weekly] payments on the last day of each [month/week].

9.3 You will be entitled to time off in lieu (TOIL) equivalent to the number of hours worked outside maximum normal hours.

10 Leave and entitlements

The Employee shall be entitled to all leave and entitlements as set out in Schedule 1 in accordance with the Policies and Procedures of the Hotel.

11 Other discretionary leave and benefits

The Employee may enjoy other leave and benefits as set out in Schedule 1 in accordance with the Policies and Procedures of the Hotel at the sole discretion of the Hotel.

12 Medical examination

Acceptance of a contract for all employees is conditional upon the Employee being in good physical condition. If the Hotel has concerns about the Employee's health, it may require the Employee to be examined by a medical practitioner nominated, instructed and paid for by the Hotel. By signing this Agreement the Employee irrevocably consents to undergo, at the Hotel's expense, a medical examination and an assessment of the Employee's fitness to work by the Hotel's nominated doctor or doctors in accordance with this clause. The Employee also irrevocably consents to the disclosure by that doctor or doctors to the Hotel of the Employee's medical condition and of the doctor's assessment.

13 Conflict of interest

The Employee shall not, without the prior written consent of the Hotel, be involved in any other business or profession or be an employee or agent of, or contractor to, any other company, firm or person, or assist or have any financial interest in any other business or profession.

- (c) for lack of skill or qualification which the Employee expressly or by implication warrants to possess
- (d) for habitual or substantial neglect of the Employee's duties or
- (e) for continual or habitual absence from work without the permission of the Employee and without other reasonable excuse.

16.2 In the event the Hotel investigates or begins disciplinary proceedings into any alleged misconduct, it may suspend you with or without pay or give you reduced or alternative duties pending the outcome of the investigation and/or disciplinary procedure proceedings.

17 Disciplinary procedure

17.1 The Hotel's disciplinary procedure is set out in its Disciplinary Policy.

17.2 Depending on the seriousness of the breach established during disciplinary proceedings and the circumstances, the Hotel may impose one or more of the following forms of disciplinary action: verbal or written warnings, probation, suspension with or without pay, demotion, transfer to another position or location, reduction in pay or removal of benefits, termination on notice or upon payment in lieu of notice or termination without notice or payment in lieu (summary dismissal).

18 Grievance procedure

The Employee must settle any employment grievance they may have in accordance with the grievance procedure set out in the Hotel's Grievance Procedure.

19 Policies and procedures

19.1 The Employee will be required to comply with the Hotel's Policies and Procedures as may be implemented, revised or replaced by the Employer from time to time in its sole discretion. A copy of all policies and procedures including the Disciplinary Policy and Grievance Procedure are enclosed with this Agreement or otherwise available at the Human Resources Office. It is the Employee's responsibility to ensure that they read and familiarise themselves with these policies and procedures and seek clarification if they are unsure of any aspects of any policy or procedure.

19.2 Any breach of the Hotel's policies and procedures may result in disciplinary action against you, up to and including summary dismissal.

20 Return of property

Any equipment, uniforms, keys or property of the Hotel shall be maintained in a safe place at all times and not loaned to unauthorised people. Upon termination the Employee must return all equipment, books, documents, keys, credit cards, software, hardware or any other property belonging to or relating to, Hotel's business and any material accumulated during the Executive's employment other than of a personal nature.

21 Jurisdiction

This Agreement is subject to the laws of Fiji and any grievance not resolved in accordance with the Grievance Procedure shall be subject to the non-exclusive jurisdiction of the Fiji courts.

I MAKARETA MAFILI have read, understood and am in agreement with the terms and conditions of this Agreement. I have also had the opportunity to have a third party of my choice review this Agreement and I accept the terms and conditions of this Employment Agreement.

Schedule 1

Salary, leave and entitlements (clauses 10, 11 & 12)

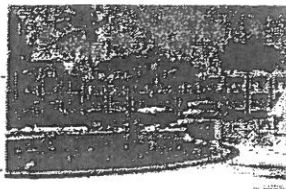
1	<p>Salary</p> <p>\$1,100 per month net salary. Reviews will take place on January 1 of each year.</p>
2	<p>FNPF</p> <p>The Hotel will contribute to the Fiji National Provident Fund (FNPF) on your behalf in accordance with Fiji law. Currently this is equal to 8% of the Employee's gross salary.</p> <p>In addition the Hotel will also deduct from the Employee's salary the required Employee's FNPF contribution and remit it to FNPF.</p>
3	<p>Annual leave</p> <p>Upon completion of 12 months continuous employment with the Hotel, you will be entitled to 10 days annual leave per annum. You may be permitted to take leave before the first 12 months of employment at the sole discretion of the Hotel.</p>
4	<p>Sick leave</p> <p>Upon completion of 3 months' continuous employment with the Hotel, you will be entitled to 10 working days sick leave per annum. Sick leave will only be paid when accompanied by a written medical certificate signed by a registered medical practitioner assigned by the hotel, certifying your incapacity to work.</p> <p>Sick leave entitlement may not be accumulated. Any unused sick leave for each year automatically lapses in the next year.</p>
5	<p>Bereavement leave</p> <p>Upon completion of 3 months' continuous employment with the Hotel, you shall be entitled to 3 days bereavement leave per annum.</p>
6	<p>Maternity leave</p> <p>If eligible, you are entitled to 84 consecutive days of paid maternity leave in accordance with the law on the following basis:</p> <ul style="list-style-type: none"> (a) for the first three births, normal pay you would have received if you had been at work (b) for the fourth and subsequent births, half your normal pay you would have received if you had been at work.

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Atlantic Hotel General Manager Under The Limelight



Wednesday, September 28, 2011

All is not seems to be going well for now at one of the leading hotel's in The Gambia, Laico Atlantic Hotel in Banjul.

Barely a year ago when it's Swiss born General Manager, had Eugen Diethelm said to have unceremoniously sacked five of its working staff, now around sources closed to this paper accused him of physically assaulting a female receptionist of the hotel, a matter which is currently under the police for further

investigation.

When this paper got a tip-off about the saga that ensued at the hotel on Sunday September, 25th 2011 that the General Manager of the Hotel was embroiled in a fight with one of his staff member,

quickly visited the scene to verify what actually went wrong.

"I was trying to address a complaint a particular guest brought to me relating to a meal served to her some two days ago, as well as helped her settled her bills owed to the hotel, when suddenly the General Manager comes in and started pouring all sorts of insults on me. He does not only stop at the insults, but went as far as assaulting me physically," said Yatta Jobarteh, the victim.

She alleged that the General Manager has recently uttered series of threatening words to her and five of her colleagues with possible dismissal or transferred them to the restaurant.

Some receptionists who spoke to this paper collaborates the views of Yatta on conditions of anonymity fearing possible reprisal.

"Am very much disappointed with the General Manager's attitude; he has physically assaulted this lady in my presence just for trying to help me sort out my complaint and clear out my bills. To my surprised he just come and started insulting her and even assaulting her. This is the least expected from a General Manager", said Miss Michelle Duque, the guest Yatta was trying to help. When the General Manager was contacted, he was said to have left for Sheraton Hotel and came back later saying, "I don't have time to talk to you, I can only talk to you when my lawyer is around", says Eugen Diethelm.

The police public relations officer ASP Mballow was contacted to shed light on the issue and the Police are now busy investigating the matter.

In a related development the Marketing Manageress of the hotel is said to have resigned together with a long serving staff in the person of Musa Jobe.

by: **Kebba Ansu Manneh**

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Re: Unlawful Deduction of Wages at GPH

As members of the GPH employees union we would like to raise our concerns regarding the above and please note how seriously disturbed we are when we realized that our wages had been deducted without our knowledge.

The management's action seriously contravenes our individual contracts that were originally given to us. We were not informed about it prior to the implementation of their desired changes and the staffs are not at all happy about it. Instead the initial agreement stated that our wage increment should be given in January of every year.

So in view of the above considerations we therefore request your high office to please look into this as we demand answers from the management of GPH on why this has happened.

Finally if the matter is not properly addressed then we will not hesitate to take this further.

Respectfully yours

GPH WORKERS