

2011 Annual Report

For the year ending 31st December 2011

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS & EMPLOYMENT

Parliamentary Paper No. 5 of 2018





“To engage in personal spiritual rebirth
on a daily basis in accordance with
one’s faith”

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1.0 Overview

MINISTER'S FOREWORD

The Ministry is nearing the end of the Labour Reform with the modest establishment and activation the National Employment Centre (NEC) by Government to promote and secure jobs for the unemployed and, as a short to medium term target, to help reduce the unemployment rate from 8.6 percent to 4.2 percent by 2012 and provide skills training for the unemployed to enable them to find suitable employment and improve their livelihoods thereby accelerating the economic and social developments in the country. On a longer term, NEC will play a significant role in reducing unemployment rate to less than 3 percent by 2020 and at the same time contributing to the reduction of poverty to a negligible level by 2015 in line with Government's Ten-Point Economic Plan and the People's Charter for Change, Peace and Progress respectively.



The remaining component of the Labour Reform involves the reform of the Workmen's Compensation Act earmarked for 2011. The strategy is to overhaul and replace the current archaic workers compensation legislation with a modern policy framework and law, similar to the approach taken with earlier reforms of labour policies, laws, institutions and practices. With the completion of the final component of the Labour Reform, the labour market will be strategically positioned and its foundation strengthened to take on the rigours of the local and international environment while providing a reasonable level of social protection for all the workers in this country.

As we take stock of the progress and achievements of the Labour Reform, we realise that despite the various forms of challenges faced by the Ministry, the momentum has been sustained throughout the last twenty two years. Through deep reflection, we admit that determination and commitment alone do not have the energy to sustainably overcome such challenges and at the same time we acknowledge all support rendered throughout. We understand this looking back on the road we have come, the experience we have encountered and the challenges we have endured.

The Ministry also continued with reform of the Wages Councils through the establishment of a criteria and the establishment of a formula for wage setting adopting the ILO Convention 131 and its Recommendation 135. This is in line with its 2011 targets to introduce a national minimum wage which is fair and just and at the same time promoting national productivity.

I acknowledge the Lord's Divine Providence in sustaining the progress of the Labour Reform and the achievement of the Ministry's service targets during the year 2011.

A handwritten signature in black ink, appearing to read 'Filipe N. Bole'. The signature is written in a cursive style and is positioned above a dotted line.

[Filipe N. Bole]

MINISTER FOR LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT
MINISTER FOR EDUCATION, YOUTH AND SPORTS, NATIONAL HERITAGE, CULTURE AND
ARTS

PERMANENT SECRETARY'S STATEMENT

The completion of the Labour Reform compels the Ministry to review its current systems and processes for the purpose of improving the quality of its services on par with international best practices. Therefore, the revised systems and processes will also be benchmarked to the ISO 9001 and ISO 26000 standards. This will help ensure that the Ministry is strategically positioned to fully capitalise on the business excellence journey.



As part of its commitments under the Labour Reform in 2011, the Ministry actively pursued the inclusion and application of social justice principles in all its services. The ensuing manifestation of fair work practices and productive workforce is expected to help rebuild the public's trust and confidence in the Ministry's ability to deliver social justice and help enhance the overall integrity and value of the public service at large. These efforts are further strengthened by the alignment of the Ministry's policies with the Roadmap for Democracy and Sustainable Socio- Economic Development 2009-2014, the Public Service Act, the Financial Management Reform, the ILO Conventions, the Fiji Decent Work Country Program, the ILO Global Jobs Pact, the Millennium Development Goals and the Pacific Plan.

To empower our national **Decent Work** agenda, Government has incorporated the social justice principles of the thirty (30) ILO Conventions we have ratified to date into our new labour laws. These Conventions include the entire eight (8) core ILO Conventions of the *ILO Declaration on the Fundamental Principles and Rights at Work*, and the four (4) priority ILO Conventions of the *ILO Declaration on Social Justice for a Fair Globalization*. In September this year, Fiji has also signed the *Fiji Decent Work Country Programme 2010-2012*, after endorsing the *Pacific Decent Work Plan 2010* in Port Vila in March this year.

Furthermore, it is my intention to continue to redefine the corporate leadership and corporate culture of the Ministry by 'Connecting our people to their future'. To achieve this, we have started to redefine the work of all newly-recruited Productivity Officers, staff and volunteers through their direct involvement in all the change-management phases of the remaining components of the Labour Reform. The aim is to inculcate multi-skilling, change and innovative attitude as an integral part of our corporate culture. In this way, we can effectively shift the paradigm of work by empowering staff to acquire the requisite knowledge, skills and competencies to improve the quality of all our services to our clients, stakeholders and members of the public.

I fully acknowledge and appreciate the invaluable support given by the Honourable Minister in guiding the successful passage of the NEC Decree 2009, the reactivation of the Tripartite Forum and the implementation of the Wages Regulations Orders. With this necessary support, we challenged ourselves individually and collectively as a corporate entity to ensure the achievement of all our reform and operational targets as reflected in the 2011 Annual Corporate Plan.

On this note, I wish to thank all my staff for their hard work and tireless efforts in implementing and supporting the Labour Reform activities over the years and 2011 in particular. This continued commitment and dedication was a key element in the Successful achievement of our 2011 Annual Corporate Plan targets.

May the Lord Be Merciful and Bless our Minister, Staff and their families in the years to come.

A handwritten signature in black ink, appearing to read 'T. R. Waqa', written over a dotted line.

[T. R. Waqa]

PERMANENT SECRETARY FOR LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

CARING FOR OUR CITIZENS AND THE ENVIRONMENT

Protecting the rights of all workers

The Ministry of Labour, Industrial Relations and Employment strives to ensure that all workers are protected against any form of discrimination in the workplace through the design, development and enactment of modern and visionary labour laws that apply and deliver real social justice in the workplace. These laws encompass the contemporary human resource management best practices and fully comply with all the labour standards and ILO Conventions that Fiji has ratified over the years. More importantly, these laws have been innovatively designed to help cushion the effect of globalisation on the local labour market and economy through the effective implementation of productivity initiatives in all workplaces and the corresponding improvement of employment conditions for all workers. As such, Fiji's labour laws are amongst the best and most progressive in the world as evident from the current use of the current Employment Relations Promulgation 2007 (ERP) as model legislation at the ILO Training Centre in Turin, Italy.



Safeguarding the investments of all Employers and Investors

The Ministry of Labour Industrial Relations and Employment also communicates and maintains effective dialogues with employers' groups and representatives in the tripartite boards and other statutory committees that the Ministry serves. This open-natured and professional approach embodies good governance principles and allows the free flow of information between the employers and the Ministry, thus paving the way for matured and objective deliberations on employment relations issues at the workplace and at the national levels.

Empowering our Women to reach their full potential in the workplace

Under the Gender Equality and Women in Development Outcome, the Ministry has derived one (1) Output. The detail of the achievements of the Output is provided below

In line with this outcome, the achievement for **Output 1: Portfolio Leadership, Policy Advice and Secretariat Support** is at **100%**. One of the key achievements under this output is the promotion of decent employment opportunities in relation to the Fiji Decent Work Country Programme. Equal training opportunities have been given at all levels within the Ministry and there is an also equal employment opportunity in staff recruitment process. The EEO principle will be considered in the Board membership Renewal of ERAB, NOHSAB and NEC Board which will be carried out in December 2011. The Fiji Government is also committed to the EEO as evidenced in the nomination of a female Senior Legal Officer as part of the Fiji delegation to the ILC 2011 led by the Hon. Minister Filipe N. Bole. The NEC Service is also currently practicing EEO in all its processes.



Assisting the Poor and Marginalised through Work

The Ministry of Labour, Industrial Relations and Employment strives to assist the poor and marginalised in the community to get out of poverty and into gainful employment to be able to afford the basic essentials of life and decent living. 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 indicated the existence of child labour, including its worst forms, in Fiji.

Fiji ratified the Minimum Age Convention, 1973 (C.138) and the Worst Forms of Child Labour Convention, 1999 (C.182). ILO will help the constituents in building up capacity for the application of C.138 and C.182 with a view to developing and implementing interventions against the worst forms of child labour. The child Labour unit was established with the assistance of the ILO Tackle Project and in line with the commitment of our Government in ensuring that children of school age are given the best possible academic qualification and assistance to ensure that they attain the best academic qualification available. 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.

The child Labour unit has also trained the District interagency committee around Fiji in relation to the issue of child labour and their responsibility in ensuring that the issue of child Labour is well embedded into their programmers which should benefit the children who are in employment and those who need to be withdrawn from child labour. Effectively the committees are located in Sigatoka, Nadi, Lautoka, Ba, Tavua, Rakiraki, Labasa, Savusavu, Taveuni and Suva which deals with all the child Labour and support matters around Fiji and the District level, This has been the first time where the interagency committee members have been trained in the area of child labour and this has resulted in having the message taken to the grass roots level by the committee members.

Reaching out to the Public

The Ministry of Labour, Industrial Relations and Employment is reshaping and enhancing its key services to meet and exceed the expectations of the general public and its social partners. With this daunting prospect in the forefront of its planning and operations, the Ministry rose to the challenge and continued with the systematic review of its systems and processes to match the growing expectation and sophistication of the demand on its services from members of the general public. As part of this exercise and commitment, the Ministry capitalises on every opportunity to educate the public of their rights and responsibilities in the workplace, and provide information on the services provided to ensure harmonious employment relations in the workplace.

These responsibilities and undertakings are designed to realise the Ministry's vision of *"Decent and Productive Work for All"* as well as contribute to the overall goal of the *Peoples Charter for Change, Peace and Progress* in *"Building a Better Fiji"*.

ROLES AND RESPONSIBILITIES

The 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 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.



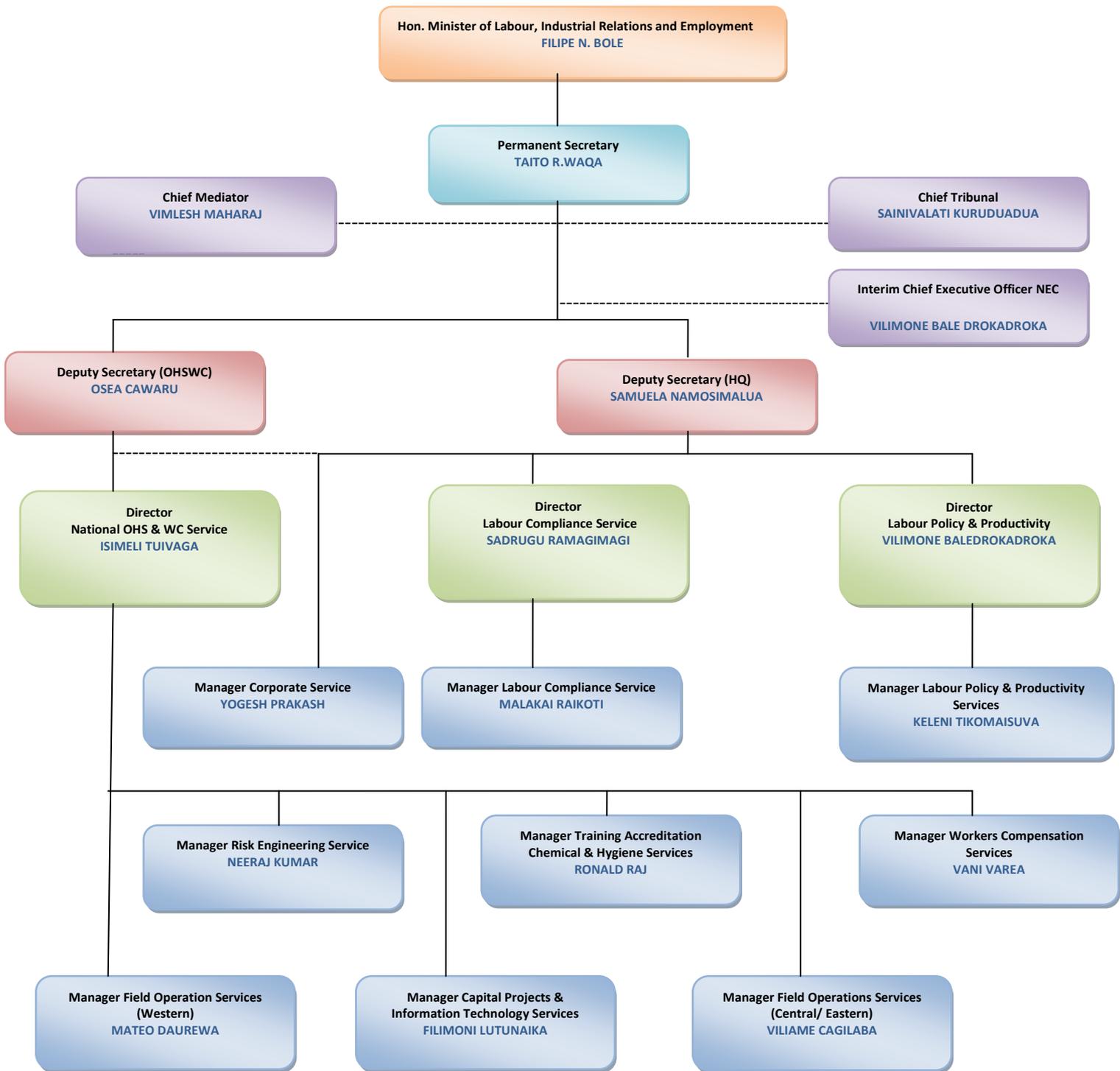
In a facilitative role, the Ministry informally mediates employment disputes and employment grievances between individual workers and employers, provides advisory support to employers and trade unions on administration best practices and workers on all workers compensation matters. Coordinating the implementation 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



In all its work, the Ministry is guided by the National Employment Centre Decree 2009 and its subsidiary legislations, the Employment Relations Promulgation 2007, the Employment Relations (Administration) Regulations 2008, the Employment Relations (Labour-Management Consultation and Cooperation Committees) Regulations 2008, the Employment Relations (Employment Agencies) Regulations 2008, the Code of Good Faith for Collective Bargaining 2008, the Code of Ethics for Mediators 2008, the National Policy on Sexual Harassment in the Workplace 2008, the National Code of Practice for HIV/AIDS in the Workplace 2008, the Wages Regulation (Building and Civil and Electrical Engineering Trades) Order, the Wages Regulation (Garment, Industry) Order, the Wages Regulation (Hotel and Catering Trades) Order, the Wages Regulation (Manufacturing, Industry) Order, the Wages Regulation (Mining and Quarrying Industry) Order, the Wages Regulation (Printing Trades) Order, the Wages Regulation (Road Transport) Order, the Wages Regulation (Sawmilling and Logging, Industry) Order, the Wages Regulation (Security Services) Order, the Wages Regulation (Wholesale and Retail Trades) Order, the Workmen's Compensation Act (Cap. 94), the Health and Safety at Work Act 1996, the Health and Safety at Work (Amendment) Act 2003, the Health and Safety at Work (Administration) Regulations 1997, the Health and Safety at Work (Training) Regulations 1997, the Health and Safety at Work (Representatives and Committees) Regulations 1997, the Health and Safety at Work (General Workplace Conditions) Regulations 2003, the Health and Safety at Work (Control of Hazardous Substances) Regulations 2006, the Health and Safety at Work (Diving) Regulations 2006, the Shop (Regulation of Hours and Employment) Act (Cap. 100), the Daylight Savings Act 1998, the Industrial Associations Act (Cap. 95) and the Indian Immigrants (Repatriation) Act (Cap. 103).

In 2011, 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, the development of OHS Reform, Workers Compensation Reform, IT Reform, ER Reform, Productivity Reform, Wages Reform, Employment Creation Reform, Financial Management Reform and Civil Service Reform and to maintain the current operations of its core services. To facilitate its reporting obligations to the ILO, the Ministry is committed to provide an update of Fiji's National Action Plan to reduce its Decent Work Deficit for social dialogue with the tripartite partners

MANAGEMENT/ ORGANIZATION STRUCTURE (SOURCE: 2011 ACP)



Note

1. The Mediation Service comprises the Chief Mediator and supported by eight (8) Mediators who have been professionally trained and accredited to international standards.
2. The Employment Relations Tribunal is presided by the Chief Tribunal, awaits the appointment of a Legal Tribunal and a Non-Legal Tribunal
3. The Employment Relations Court (not shown in above organization structure) is a Division of the High Court and presided by a High Court Judge.
4. The National Employment Centre comprises the Interim Chief Executive Officer and supported by the Director Operations, Director Employment Services and the Chief Information Officer.

POLICIES AND LAWS GOVERNING THE MINISTRY'S OPERATIONS

Overarching Policy Framework

1. Presidential Mandate for the Government
2. Peoples Charter for Change, Peace and Progress
3. Roadmap for Democracy and Sustainable Socio-Economic Development 2009-2014
4. Fiji Productivity Charter 2005
5. Fiji Budget Estimates 2010
6. Millennium Development Goals (MDGs)
7. Pacific Action Plan for Decent Work
8. Fiji's Decent Work Country Programme 2010-2012

Generic Legal Framework

1. State Services Decree 2009
2. Administration of Justice Decree 2009 (including all amendments)
3. Financial Administration Decree 2009
4. Public Service Act 1999 and Public Service Regulation 1999
5. General Orders (1993 Edition)
6. Terms and Conditions of Employment for Government Wage Earners 2009
7. Financial Management Act 2004
8. Financial Instructions 2005
9. Fiji Procurement Regulations 2010
10. Financial Manual 2005
11. Fiji National Provident Fund Act
12. Fiji National Training (Amendment) Act 2002

Specific Labour Laws

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
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)

2.0

ACHIEVEMENTS & MILESTONES

LABOUR REFORM PROGRESS

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. This aim is summarised in the Ministry's Vision of **Decent and Productive Work for All**.



This is the very challenge that the Labour Ministry is embarking on over the years, and committed to complete this Labour Reform as soon as possible. By the Lord's Grace alone we, through active dialogue and participation with our social partners, have been able to deliver most of the components of the Labour Reform to date, as summarized below.

The good news is that we are ready to conclude this marathon Labour Reform. Therefore, the Ministry's 2011 Policy target is to finally complete the Labour Reform in terms of modernizing of all policies and laws by 31st December 2011, and the establishing of the new WorkCare Authority in 2012 for the modern OHS and Workers Compensation Services.

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 and implemented in workplaces to improve productivity in a sustainable manner. This includes the reforming of our wage setting machinery to promote productivity and ensure decent wages for workers, balanced with employers' ability to pay.

The six (6) components of the Labour Reform (demand side) which the Labour Ministry were heavily involved with since the 1990s are listed below. The dates noted after each component indicate the period in which market research, policy framework design, legislation drafting and development, establishment of administration and institutions with capacity building and training are completed or expected to be completed for that component of the Reform.

- i. OHS Reform: **Completed** between 1991-2001: Rolled Out;
- ii. ER Reform: **Completed** between 2004-2010: Rolled Out;
- iii. Productivity Reform: **Completed** between 2004-2010: Rolled Out;
- iv. Wages Reform: **Completed** between 2004-2010: Rolled Out;
- v. Employment Reform (NEC): **Completed** between 2008-2009: Rolled Out;
- vi. Workers Compensation Reform: **Scheduled** between 2008-2011: Rolled Out in 2012.

OHS Reform

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 5% 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.



The successful OHS Reform is based on the 'duty of care' principle where the primary responsibilities of OHS risk management rest with requisite parties who create risk from the 'cradle-to-grave' risk continuum (designers, manufacturers, importers, suppliers, employers, users and workers).

This proactive OHS risk management policy is summarized by the philosophy that: ***“Those who create the OHS risks and those who work with those risks must have the primary responsibility to resolve those risks (not the OHS Inspectors or another third party)”***. Therefore, the secondary assistance can be accrued to third party advisory/consultants including OHS Inspectors.

This policy of co-regulation between the employers and workers (OHS Committees/Representatives) or between the State and the enterprise is the hallmark of paradigm shift in the devolution of powers between actors to effectively improve participation in the resolution of OHS risks and improvement of productivity. This historic labour market reform effectively paved the way for the Employment Relations Reform and the Productivity Reform, including the reformation of leadership and management styles in workplaces to synergize with the best practices under the Fiji Business Excellence Award system and ISO 9001 quality management standard.

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)”***.

Employment Relations Reform

The Employment Relations Reform (formerly called the Industrial Relations Reform) was finally implemented with the enactment of the new Employment Relations Promulgation (ERP) on 1st October 2007, which came into force on 2nd April 2008. A six (6) months grace period was granted by Cabinet for stakeholders to prepare themselves for full compliance.

The historic enactment of the visionary Employment Relations legislations in 2007 and its seven (7) subsidiary legislations in 2008, resulted in the repealing of six (6) out-dated pieces of labour legislations and replacing them with modern legislations which provide various labour standards and social protection provisions for workers, and also promote good faith social dialogue and productivity improvement in workplaces. For the first time in our history, these new labour laws comply with relevant ILO Conventions. Government is committed to roll out the various components of the Labour Reform under these new labour laws to ensure decent work for all, especially during this challenging time of global economic crisis. Like any new law, we are currently refining certain provisions of the law to improve the effectiveness of its applications.



The role of employment relations in Fiji has taken a universal dimension and meaning, brought about by pressures from the Global Economy. Globalization makes us more vulnerable to each other because it makes us dependent more on each other in trade, investment, finance and also in the world of employment. It puts pressures on all stakeholders of our local industry to work very closely together in a partnership arrangement (“we” rather than “them and us”).

In response to this global challenge, the new ERP demands a big shift in the way we resolve our conflicts, from the current adversarial industrial relations approach towards the desired consultative approach where we see ourselves as partners in development rather than adversaries without discrimination towards. This is the very essence of the social, economic and political reforms carried out under the *Peoples Charter* with the aim to carry our country forward on the principles of common citizenship, fairness, equity, justice and good governance.

The ERP is the result of very intensive and extensive consultations and consensus building amongst the tripartite social partners (employers, trade unions and Government) including other key agencies, the general public and civil society organizations for a period of about ten years since 1998. The current Government successfully promulgated the new law in its commitment to deliver progressive social justice for all workers in Fiji with productivity.

The ERP repealed and replaced six (6) out-dated 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.

For the first time in our history, the enabling and reformed labour legislations (ER, OHS & 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*.

The ERP requires all employers employing more than 20 workers must establish a Labour-Management Consultation and Cooperation Committee (LMC) with the dual aims of promoting good faith employment relationships and productivity improvement. The vibrant synergy created at the LMC is designed to boost innovation in workplaces. The rationale of the new policy design is to improve the quality of employment relationships, thereby shifting our conflict resolution culture away from the unproductive adversarial (‘divide and rule’) approach towards the partnership (‘we’) culture between employers and workers with the introduction of the duty of good faith.

To facilitate this paradigm shift, a Code of Good Faith in Collective Bargaining is introduced to guide the employers and trade unions to amicably resolve their employment problems at the enterprise level. This peace building effort is underscored by the introduction of Mediation Services as the primary-problem solving institution at the national level under the Ministry of Labour, Industrial Relations and Employment.

The ERP also produces Fiji’s first Mediation Service which was established in September 2008 with a very high settlement rate of 84%. This rate is comparable to the best mediation services in the world. Over the very short period since its inception, Fiji’s Mediation Service has also proven to be a very effective labour market stabilizer, peace builder, equalizer and productivity booster – and stress reliever!



For the first time in Fiji's history, the vulnerable non-unionized workers (comprising 70% of the employment sector) are empowered under the ERP to access the Ministry's Mediation Service, free of charge and without any lawyers, to amicably resolve their employment grievances. This important social justice landmark is supported by the Code of Good Faith that governs social dialogue in employment relationships. This mediatory peace building effort relegates the litigation processes to the secondary role via the newly created Employment Relations Tribunal and Employment Relations Court.

The ERP and its seven (7) supporting subsidiary legislations in the forms of Regulations and Codes are designed to integrate for the first time in a single national policy framework the promotion of good faith employment relationships with productivity improvements at the enterprises, industrial sectors and national levels. We see for the first time fully paid maternity leave and the introduction of the concept of equal employment opportunities to remove all forms of discrimination. The new law recognizes sexual harassment as a special form of gender discrimination and we have a new National Policy on the Prevention of Sexual Harassment in the Workplace, and Fiji's first National Workplace Code of Practice on HIV and AIDS. These need more promotion and awareness.

The new law ensures both workers and employers are treated fairly, with dignity and are rewarded fairly for their work, while promoting harmonious and productive employment relationships. It ensures smooth and speedy resolutions of grievances and disputes whether individual or collective, with proactive mediation as the primary resolution mechanism.

The new law is also designed to get rid of bureaucratic bottlenecks and delays in resolving employment related disputes that have contributed in the past to work stoppages and strikes causing significant economic losses and downturn in national productivity. It is designed to create a productive environment through the introduction of fundamental social justice principles and the duty of Good Faith that will improve employment relationships and boost investor confidence. The employers will greatly benefit from the stable environment and harmonious employment relationships under the new legislation. The law has got all the vital ingredients that will deliver social justice and peaceful co-existence in the productive employment of our people. However, the quality of leadership and management at enterprises are key enablers to achieve these.

The enactment of this new ER law is a landmark socio-economic policy reform that are significantly reshaping the social and economic landscape of Fiji's labour market towards achieving social justice, good governance and sustainable productivity growth at both the corporate and national levels as desired under the *Peoples Charter* and the Ministry's vision of **Decent and Productive Work for All**.

Productivity Reform

The Productivity Reform referred here is the component integrated in the policy framework of the new Employment Relations Promulgation 2007. This is in response to the commitment by stakeholders to implement the "Programme of Action" (Article 2) of the *Fiji Productivity Charter 2005*.

The multiple aims of our Charter are to raise national competitiveness; eradicate poverty and raise standard of living; create economic opportunities by producing more goods and services more efficiently and effectively; advance the promotion of

sustainable development and make Fiji the premier place to live and work. These aims are basically to ensure that we continue our productivity growth in a sustainable manner, with the involvement of everyone in the formal and informal sectors.

It is also designed to strengthen the delivery capacity of the National Productivity Training Centre (NPTC) to improve productivity at the enterprise level in both the public and private sectors through the workplace Labour-Management Consultation and Cooperation Committees (LMCC). This will result in the close partnership of the Labour Ministry, social partners and NPTC in the implementation of this new productivity policy initiative to achieve the desired aim of Article 1.1 of the Productivity Charter.

The desired key outcomes intended to be delivered in a sustainable manner by the Labour Reform through the enactment and implementation of the new Employment Relations Promulgation 2007 is twofold –

- (i) To promote and realize 'good faith' employment relationships; and
- (ii) To promote and raise productivity levels in workplaces.

These two-fold outcomes are designed to be delivered at the workplace level through various newly created consultative arrangements. For example, the function and establishment of LMCC Committees for employers employing more than 20 workers. A LMCC Committee consists of equal number of managers and workers with a role of promoting harmonious employment relationships and productivity improvement in workplaces throughout Fiji.

LMCC Committees will also collate productivity data on six monthly intervals to enable enterprises to measure their performances objectively and find ways to improve them. These productivity data will also be sent the Labour Ministry to be collated, analysed and computed into productivity indicators for respective industrial sectors and national aggregate as well, to complement the data gathered by the Productivity Measurement Unit of NPTC and those with the Ministry of Finance and National Planning, Bureau of Statistics and Reserve Bank of Fiji.

In this way we will be able to measure how well we have fared in productivity improvement at the enterprise level, sector level and national level in terms of Labour Productivity, Capital Productivity and Total Factor Productivity and other productivity ratios and indicators. This market feedback will also be useful to determine whether the knowledge, skills and qualifications acquired from our school systems, FNU, NPTC and USP are compatible with the needs of workplaces and businesses in Fiji, and initiate reforms in these institutions based on the 'supply and demand' needs of the labour market. The productivity indicators will also enable an enterprise, sector or the country as a whole to compare itself with any enterprise, sector or nation around the world.

With this in mind, the Ministry's Productivity Unit together with Mediation Services, Employment Relation Services and the Occupational Health & Safety Unit with the guidance of the Permanent Secretary was tasked to develop a Competency Value- Based LMCC Training package. This Package included both basic Productivity Tools as well as generic components of OHS, Mediation Services and Employment Relations Services. This package included 9 units:

1. Overview of LMCC
2. Social/ Spiritual Capital
3. Mediation Skills
4. Good Faith
5. OHS & HIV/AIDS in the Workplaces
6. 5's
7. Quality Circles
8. ISO 9001:2008
9. Productivity Measurements

This package will form the blueprints for the development of other relevant packages.

The Unit was involved in the Benchmarking of value-based Ministry's Systems and Processes to the ISO 9001:2008 & ISO 26000 Standards. An Executive support Team consisting of a Principal Officer with 15 staff from Labour Policy & Productivity Service, Labour Compliance Service & IT Unit other Services was established by the Permanent Secretary to focus on key programmes within the Ministry. The team have been reviewing and re-engineering the Labour Compliance Service systems and Processes which included the Complaints Resolutions process, the Arrears of Wages process, Prosecution process and the Employment Relation Process.

The Productivity Officers through the Executive Support Team have been actively involved in the review and reengineering of the Labour Compliance Service systems and processes to include ISO Standards and this will further be applied throughout the Ministry including the Productivity Unit.

The team was also tasked to draft a Competency based training package for Labour Standards Services which comprised of 15 Units namely Social/ Spiritual Capital, Mediation Skills, Good Faith, Inspection Procedures, Investigation Procedures, Prosecution Procedures, Employment Relation Services, Registrar of Trade Unions, Registrar of Industrial Association, Wages Councils, 5's, Quality Circles, ISO9001:2008 & Productivity Measurement.

The Unit also worked with Corporate Services in the drafting of the Ministry's Civil Service Excellence Awards Submission to Public Service Commission. In addition to this the Productivity Officers also participated in the Fiji Business Excellence Awards Programme as 2011 Evaluators.

Furthermore the Unit was also assigned to research on the Labour Productivity component as one of the factors to be included in the Wages Increment Formula. This was further tabled to Employment Relation Advisory Board and was endorsed by the Board Members. The Productivity Based Wage System has been promoted to stakeholders through the ERAB.

The Productivity Unit in addition to their other tasks is Secretariat to the Employment Relations Advisory Board which meet on quarterly basis and also to any Sub- Committees that are required to meet on Employment related matters. The Team is also assigned Adhoc assignments to assist the Permanent Secretary on Policy matters.

Wages Reform

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 flexibility allowed Fiji to establish its Wages Councils along key industrial sectors, with each Council advising the Minister for Labour on minimum wages within the sector, adopting a wage setting criteria that basically used the cost of living or inflation rate without any productivity component. However, the 8th Pillar of the *Peoples Charter for Change, Peace and Progress*, commits Government to adopt a National Minimum Wage in its efforts to reduce poverty to a negligence level by 2015. Also, the *Fiji Productivity Charter 2005* commits social partners to move towards productivity based wage systems.

The ten Wages Councils currently in operation are: Wages Council (Road Transport), Wages Council (Wholesale & Retail Trades), Wages Council (Building & Civil & Electrical Engineering), Wages Council (Hotel & Catering Trades), Wages Council (Manufacturing Industry), Wages Council (Printing Trades), Wages Council (Sawmilling & Logging Industry), Wages Council (Mining & Quarrying Industry), Wages Council (Garment Industry), Wages Council (Security Services). The establishment of an additional Media and Journalism Wages Council and a Miscellaneous Wages Council to cover all other workers not covered by any other Council are committed to be finalized next year.

As part of the Wages Reform, all the ten (10) existing Wages Councils were reformed under the Employment Relations Promulgation 2007 (ERP) with a common Chairperson (compared to 10 Chairpersons in the past) to reduce costs and provide better coordination in setting minimum wages. The Councils set *inter alia* the minimum hourly rate of remuneration for each of the job categories within the ten sectors through the WROs.

The current ten (10) WROs apply only to workers whose minimum rate of remuneration does not exceed \$250.00 per week, which is much higher than the Basic Needs Poverty Line (BNPL). Therefore, the WROs basically protect the interests of about 70% non-unionized and marginalized working people in different industries/sectors in Fiji.

The key areas of debate in setting the multiple minimum wages for various sectors in the Wages Councils revolved around the criteria used by the Wages Councils in determining the increases in minimum wages under the respective Wages Regulations Orders. For example, the employers contended that the Wages Councils are biased in including too many social criteria and not including key economic criteria such as GDP growth, productivity growth, ability to pay and impact on employment in the determination exercise. Hence, the need to adopt a set of criteria which is accepted by all social partners. This issue was successfully resolved in three special Employment Relations Advisory Board (ERAB) meetings this year where all the social partners (employers, workers, Government & 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*.

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:

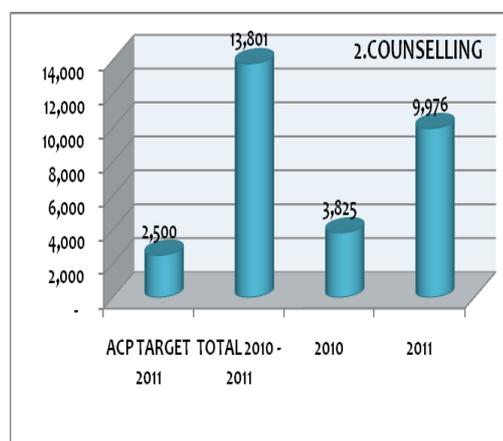
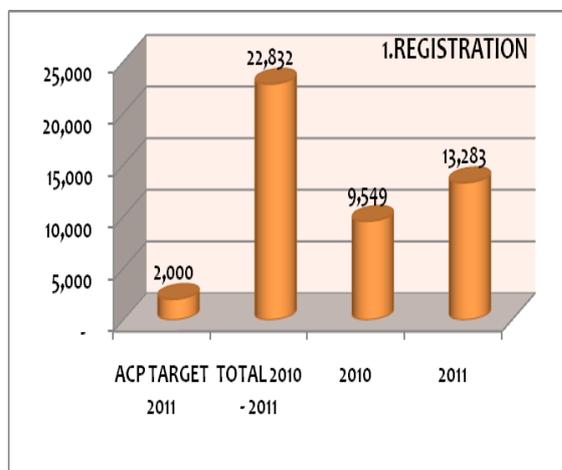
- (i) Criterion 1: the needs of workers and their families;
- (ii) Criterion 2: the general level of wages in the country;
- (iii) Criterion 3: the cost of living and changes therein;
- (iv) Criterion 4: social security benefits;
- (v) Criterion 5: the relative living standards of other social groups; and
- (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.

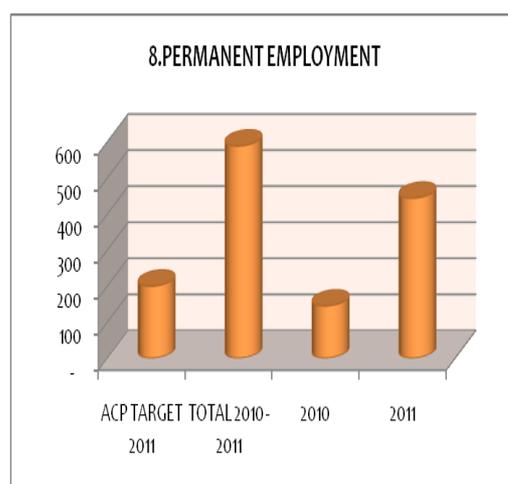
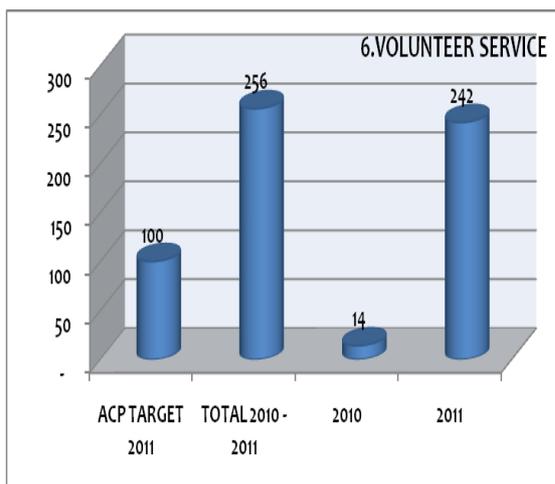
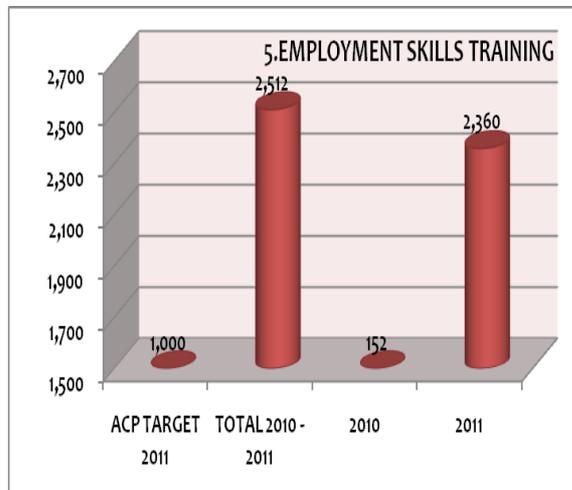
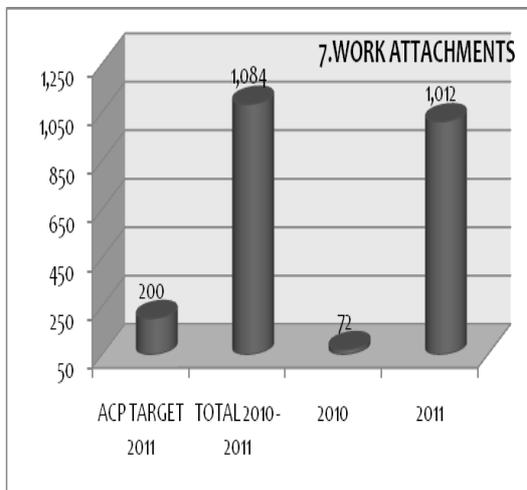
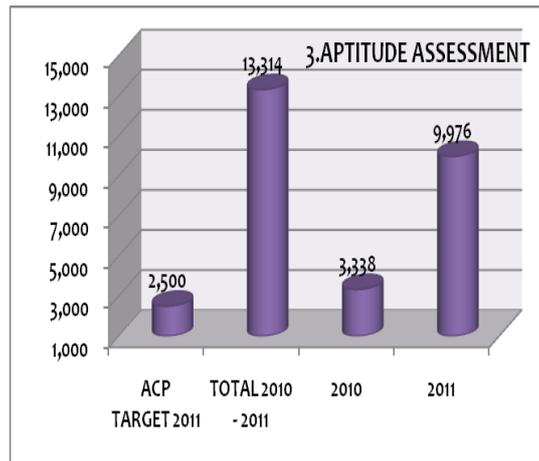
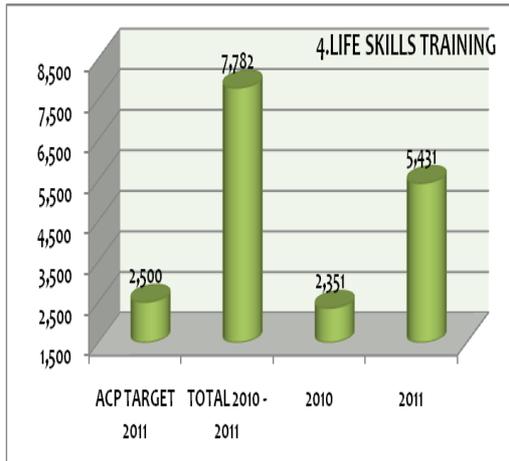
The productivity indicators acquired under the Productivity Reform will also be used to promote productivity based performance system and associated productivity based wage systems at the enterprise, sector and national levels. The new minimum wage formula based on these ILO criteria to be used in the review and adjustment of multiple sector based minimum wages under the WROs will be finalized next year, and the exercise to determine the National Minimum Wage will be also commissioned next year.

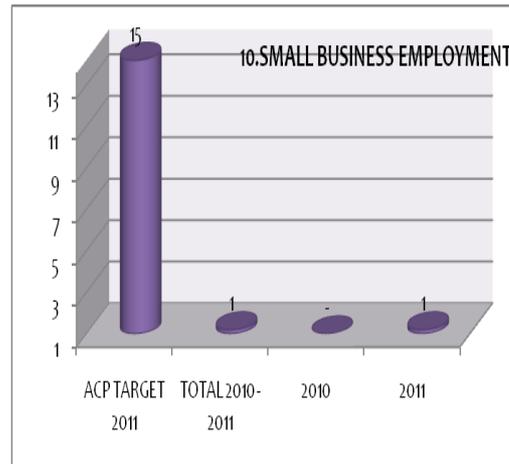
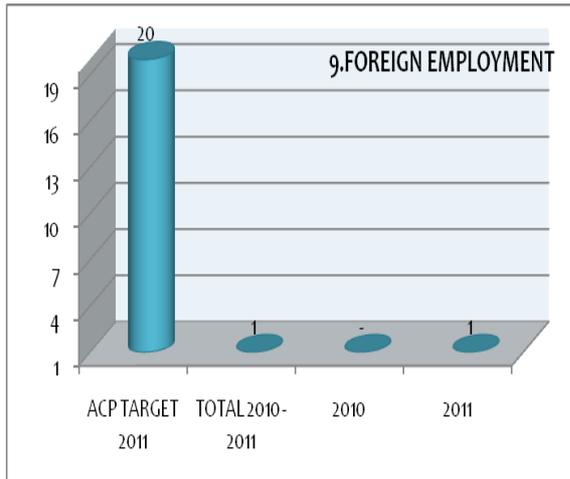
Employment Creation Reform (NEC)

The National Employment Centre was successfully commissioned in June 2010 with the registration of the unemployed in the seven district offices of the Ministry. Some forty one (41) Ministry staff commissioned and rolled out the NEC operations from June to December 2010. In January 2011, sixteen Ministry staff reverted back to their normal duties while the balance of 9 permanent staff and 16 volunteers continued with the NEC operations in 2011.

Despite meager resources, the Centre successfully rolled-out the operational activities that surpassed the 2011 targets in most of the NEC activities as shown in the graphs below:







The NEC continues to establish and maintain strategic partnership with stakeholder organizations, including donor agencies. Specifically, the NEC acknowledges the partnership with Kuruleca Consultant, National Training and Productivity Centre, Service Pro, Fiji National University, and those Employers that continue to utilize the NEC opportunities in terms of getting work attachees, volunteers and permanent staff.

The donor funding partnership with Fiji National University of \$1million in 2011 towards the NEC operations has a direct impact to the increase in clients being registered, trained and provided work attachment, volunteer and permanent employment opportunities. The NEC also acknowledges the partnership with the Ministry for Women and Social Welfare in providing training to the welfare recipients with the intention to graduate them out of welfare assistance. Government funding towards the NEC in 2011 increased to \$1.1million thus bringing the total annual NEC budget to \$2.1million for 2011.

Workers Compensation Reform

This is the last of the six components of the Labour Reform to be undertaken by the Ministry. The completion of the Workers Compensation Reform will mark the end of the long journey to conclude the overhauling and modernizing of all our outdated colonial labour policies, laws, institutions, values, practices, competencies, systems and processes.

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 dependants of deceased workers, with very strong governance and oversight features. The new scheme is also expected to significantly reduce poverty and promote national wealth creation.

The draft workers compensation law will be 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.

The proposal is to integrate both the current National OHS Service and the new Workers Compensation Service into an executive agency or statutory body under a new enabling legislation for cost-effectiveness. The authority should be self-financing, thus reducing the Labour Ministry's size and budget to facilitate the rightsizing exercise under the Civil Service Reform.

Parallel with the Ministry's drafting of the new Workers Compensation law, the National OHS and Workers Compensation Service, in liaison with NSW WorkCover Authority, is actively engaged in developing the knowledge and skills of medical practitioners in Fiji in the evaluation of work-related permanent impairment in injured persons, as a vital part of Fiji's Workers Compensation Reform.

After much discussions with relevant stakeholders at the National OHS Advisory Board and support from the Ministry of Health, the Ministry engaged a renowned Occupational Medicine Specialist and consultant from New South Wales, Australia, Dr. Dwight Dowda who conducted the first Impairment Assessment 2 day workshop at the Raffles Tradewinds in Lami in September 2006 for local doctors assessing workers compensation cases. As we speak, Dr. Dowda is conducting the first of the 2 four-day workshops, one here in Suva this week and one in Lautoka next week as part of the recommendations from the 2006 workshop.

These workshops are targeting about 45 local Doctors. At the end of these impairment assessment trainings, these doctors are expected to professionally assess permanent impairments for occupational injuries and diseases to quality international standards such as the *American AMA5 Guidelines* and the *NSW Workcover Guides for the Evaluation of Permanent Impairment*. These two widely recognized standards are adopted in the workshops for the professional training of local Doctors by Dr Dowda to enable them to speedily dispose workers compensation cases under the current legislation and more so under the new workers compensation scheme to be completely developed by next year. Also, at the end of the workshop the local Doctors, facilitated by our own Doctor seconded from the Military Dr. Rauni, will be advising the Ministry on Guidelines to be adopted by Fiji in the Evaluation of Impairment.



The aim of the workshops is to strengthen the capacity of local medical practitioners in assessing work-related permanent impairments under the workers compensation legislations. The Ministry faced very significant problems over the years in not being able to facilitate the timely payments of workers compensation cases. One of the main reasons is the lack of capacity of local doctors and the absence of adopted national guidelines in this specialized occupational medicine field. These complications significantly delay the payout of workers compensation and adversely affect the delivery of social justice to the vulnerable workers and their families.

The Ministry is greatly indebted to the Prime Minister and Commander of the Fiji Military Forces for providing a batch of fifteen (15) Military Officers led by Lt. Colonel Tuinaosara which includes Dr. Rauni, a Fiji Military Doctor. Dr. Rauni was sent by the Ministry to NSW this year and successfully completed his occupational medicine skills training in Impairment Assessment. On his return he has cleared a very significant number of backlog workers compensation cases together with the very able support of the hardworking Military support staff attached with the Workers Compensation Service. Combined with the workers compensation staff, the efforts of the dedicated Military team has been responsible for the clearing of most of the backlog cases to date. This is a very important part of the Workers Compensation Reform, which would facilitate the smooth transition from the old to the new legal jurisdictions.

Efforts also made for FSM/FNU to provide formal post graduate Occupational Medicine courses for local Doctors in liaison with Monash University. This initiative is looking positive and would significantly improve local capacity for sustainable improvement of occupational medicine practice in Fiji under the new Workers Compensation legislation.

With increasing incidence of Non-Communicable Diseases in the general population and also reflected in the workers compensation cases, the National OHS Service must step up its exhortations for all employers and workers to actively participate in promoting safe and healthy practices and lifestyles in their workplaces through their OHS committees and OHS management systems in order to ensure quality of working life amongst workers and enhance workplace productivity on a sustainable basis. This is in accordance with the proactive 'duty of care' principle under the OHS legislations which is designed to prevent the occurrence of workplace injuries and diseases with associated costs - the old adage that "prevention" is better than 'cure' and a healthy workforce produces a happy and productive nation.

CONTRIBUTION OF LABOUR REFORMS TO TARGETED OUTCOMES

At the outset, the Labour Ministry's commitment is to rebuild confidence, stability and growth in the labour market in facilitating economic and social development at the enterprise, industry and national levels.

To achieve this goal, the Ministry is tasked with reforming all the out dated labour legislations with the aim of providing a progressive business environment that promotes flexibility in wage fixing, stable employment relationships, improved terms and conditions of employment and good faith bargaining that will enhance productivity. This Reform has been long overdue since Independence.

The current labour laws generally reflect colonial heritage, values, norms and institutions that have outlived their usefulness. The piecemeal changes in the last three decades only strengthened the adversarial nature of employment relations to the detriment of the workers, the employers and the economy as a whole.

In this context, the Labour Reform marks a new era in employment relations in Fiji. The era that will be distinguished by a commitment to the fundamental principle of partnership – namely, that it is better to work together co-operatively for the common good in the workplace than to work in opposition to each other. Therefore, the Reform is intended to produce positive outcomes and improve productivity for everyone: Government, employers and workers.

The Reform promotes a brand new culture of conflict resolution through dialogue in good faith to build proactive and progressive employment relationships amongst the social partners. If other countries have benefitted from this principle, we believe Fiji can, must and will also benefit from it too, as demonstrated vividly in the successful case of Singapore and other countries. However, this principle of Good Faith will demand a complete change of spiritual values and behaviour in how social partners conduct their collective bargaining process and resolve their differences. It demands a revolutionary shift and 'spiritual rebirth' in our moral values and attitudes, from the current bad faith attitude to the desired good faith behaviour (Agape Love).

The Reform is also designed to get rid of bureaucratic bottlenecks and delays in resolving employment related disputes that have contributed to work stoppages and strikes causing significant economic losses and downturn in national productivity. In essence, the Reform will create a productive environment through the introduction of fundamental social justice principles and good faith that will improve employment relationships and boost investor confidence.

OUTPUT 1: PORTFOLIO LEADERSHIP, POLICY ADVICE AND SECRETARIAT SUPPORT

Impairment Assessment Workshop for Medical Assessors

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.

Establishments of new institutions

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. Another highlight is the establishment of a Child Labour Unit this year and also a HIV/AIDS Unit as a 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.

Development of Workcare Decree

Some of the key achievements under this output are the development of the WorkCare Decree which is the last component of the Labour Reform agenda. Progress was also made on the development of the following health and safety regulations and national code of practice

- HASAW (Plant) Regulations 2011;
- HASAW (User Certifications) Regulations 2011;
- HASAW (Construction) Regulations 2011;
- National Code of Practice for Occupational Noise;
- Amendment to Regulation 44 of HASAW (General Workplace Conditions) Regulations 2003;
- Code of Practice for Amusement Rides 2011; and
- Code of Practice for Sawmilling and Woodworking Machinery 2011.

Decent Work Country Programme (DWCP)

Another key achievement is the implementation of Fiji's Decent Work Country Programme (DWCP) through the staffing of the HIV/AIDS Unit by two officers from the TACH Unit to facilitate the awareness, training and promotion programs on HIV/AIDS in the Workplace.

The Ministry, through the National OHS and Workers Compensation Service have conducted training for the PNG delegates on the OHS functions and systems and processes.

OHS Reform

A major highlight for the quarter is the commencement of the internal consultation on the Workcare Bill following the drafting by the Permanent Secretary for Labour, Industrial Relations and Employment (PSLIRE). The internal consultation involved the PSLIRE and the senior executives of the Ministry.

Other achievements under this output are progress made on the development of the following health and safety regulations and national code of practice

- HASAW (Plant) Regulations 2011;
- HASAW (User Certifications) Regulations 2011;
- HASAW (Construction) Regulations 2011;
- National Code of Practice for Occupational Noise;
- Amendment to Regulation 44 of HASAW (General Workplace Conditions) Regulations 2003;
- Code of Practice for Amusement Rides 2011; and
- Code of Practice for Sawmilling and Woodworking Machinery 2011.

Fiji Impairment Assessment Manual

To complement this phase of the Workers Compensation Reform, the development of the Fiji Impairment Assessment Manual concluded during the quarter. Selected local Doctors have undergone rigorous training on the use of the manual.

Regional bilateral cooperation

In terms of regional cooperation, the PNG Draft Occupational Safety and Health Bill 2011, which was also drafted by the PSLIRE, was handed over by the Minister for Labour, Industrial Relations and Employment, Hon. Filipe Nagera to the Papua New Guinea Minister for Labour and Industrial Relations, Hon. Martin Aini on Monday 24th October 2011 and following this the PSLIRE 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.

Wages Reform

Another major agenda is the continuation of the Wages Reform through the advertisement of an Expression of Interest during the quarter. The process of national minimum wage survey will be undertaken in 2012 following the completion of the procurement process under the Procurement Regulations 2010 anticipated to commence early next year.

OUTPUT 2: ESTABLISHMENT OF THE NATIONAL EMPLOYMENT CENTRE (NEC)

The highlight being the drive towards registration of our unemployed. In accordance with prescribed outputs in the Annual Corporate Plan 2011, the National Employment Centre targeted to register 10,000 people in 2011. The following tables and graphs depict the Registration, Professional Counselling, Aptitude Assessment and Life Skills Training as well as Employment Skills Training carried out in all Divisions during the First Quarter of 2011.

The NEC establishment comprise the establishment of the NEC as a new labour market institution under the NEC Decree 2009. This includes the appointment of the NEC staff, the appointment of the NEC Board, and implementation of the NEC statutory functions together with the monitoring and evaluation of the NEC roll-out through a continuous improvement culture.

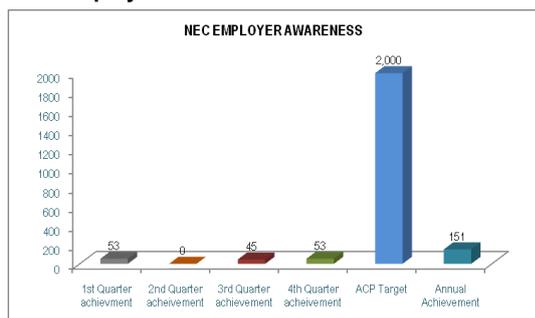
The 4th Quarter showed a further decline in the registration, comprising only 19% of the 4th quarter target as shown in *Table 3*. However, total registration reached 13,283 and surpassed the annual target by 132%. The cumulative NEC registration since April 2010 to December 2011 reached 22,823 and is approximately 81% of the total unemployed in 2007. The NEC had a total budgetary of \$1.1m in 2012 which is an increase of \$100,000 as compared to 2011.

All Divisions have surpassed the Quarterly Targets for Registration, Professional Counselling, Aptitude Assessment and Life Skills Training. This is an indication that unemployed persons are now more aware of the roles and functions of the National Employment Centre and the need to support the Centre in educating, giving opportunities for sustainable employment for the most marginalised people in Fiji. The tables below show the distribution of the unemployed within the NEC processes by Division.

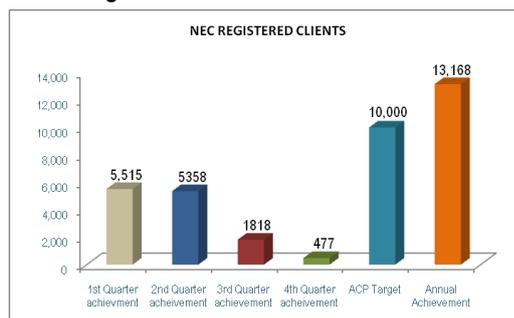
As shown in *Figure 2* above, no training was done in the Quarter, given the fact that annual training targets were surpassed by the 3rd Quarter. The limited budgetary allocation was the other major reason for no training to be conducted in the quarter. However, all the annual training targets were surpassed by the 3rd Quarter. The following graphs summaries the various NEC components from registration. Compared to their 2011 targets, all the NEC components from registration, counselling, aptitude assessment, life skills training and employment skills training all surpassed their 2011 ACP targets, with their cumulative figures depicted in *Figures 3-7* below:

Total Statistics of NEC Registration, Counselling, Aptitude Assessment, Life Skills Training & Employment Skills Training

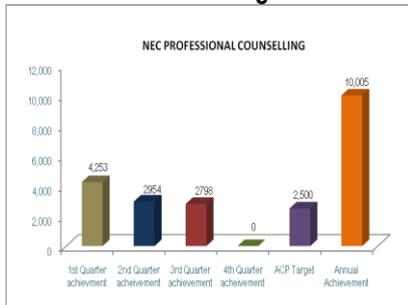
NEC Employer Awareness



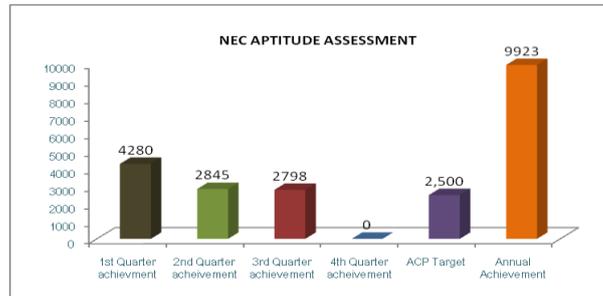
NEC Registration



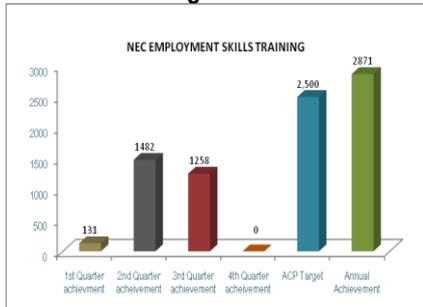
Professional Counselling



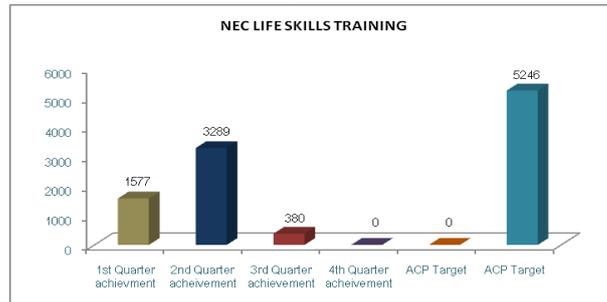
Aptitude Assessment



Life Skills Training



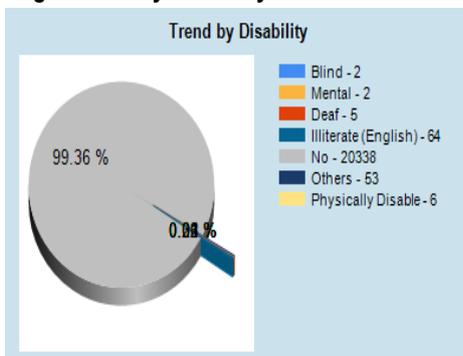
Employment Skills Training



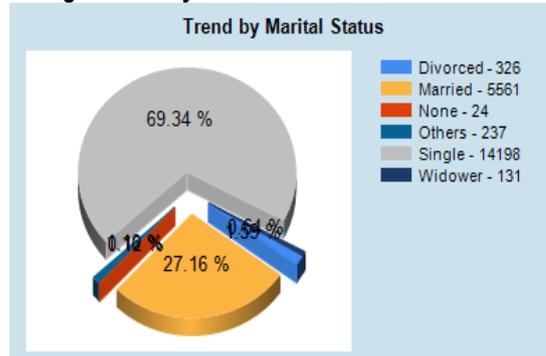
Commissioning of NEC Database

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.

Registration by Disability



Registration by Marital Status



OUTPUT 3: CONSULTING SERVICES – WORKERS’ COMPENSATION ADVISORY SERVICES

Clearance of Compensation Claim Backlog

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 as shown in Figure 1 below.

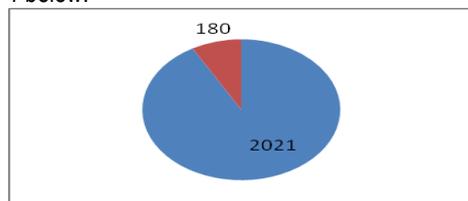
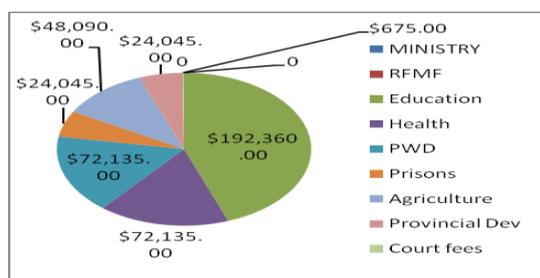


Figure 1: 2011 Workers Compensation Backlog Cases

In relation to the significant reduction in backlog cases, the Ministry utilised \$862,195.48 or 86% of the \$1m allocated for workers compensation in the 2011 Budget to clear the backlog of all Government cases. Of this amount, \$862,195.48 was paid out to 102 claimants and their beneficiaries, The breakdowns of payouts for death and injury cases in the public sector are shown in Figures 2 and 3.

Figure 2: Compensation Payable for Government Death Cases

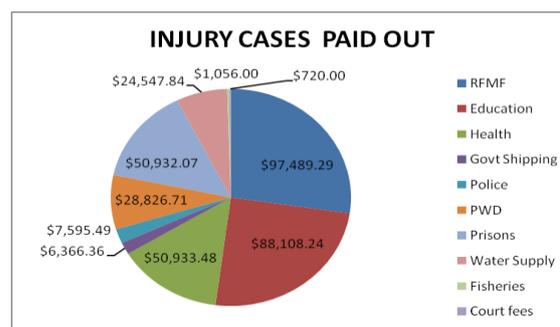
DEATH CASES PAID OUT		
MINISTRY	NO OF CASES	AMT PD
RFMF	3	\$72,135.00
Education	8	\$192,360.00
Health	3	\$72,135.00
PWD	3	\$72,135.00
Prisons	1	\$24,045.00
Agriculture	2	\$48,090.00
Provincial Dev	1	\$24,045.00
Court fees	15	\$675.00
TOTAL	36	\$505,620.00



Compensation Payable for Government Injury Cases

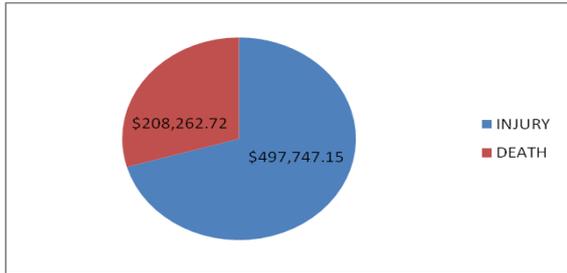
The injured government workers were also compensated for workplace injuries, 66 workers were paid a total of \$356,575.48 as compensation. Tabulated below are the breakdowns of injury payouts according to Govt. Ministries.

MINISTRY	NO OF CASES	AMT PD
RFMF	14	\$97,489.29
Education	4	\$88,108.24
Health	6	\$50,933.48
Govt Shipping	1	\$6,366.36
Police	5	\$7,595.49
PWD	14	\$28,826.71
Prisons	3	\$50,932.07
Water Supply	2	\$24,547.84
Fisheries	1	\$1,056.00
Court fees	16	\$720.00
TOTAL	66	\$356,575.48

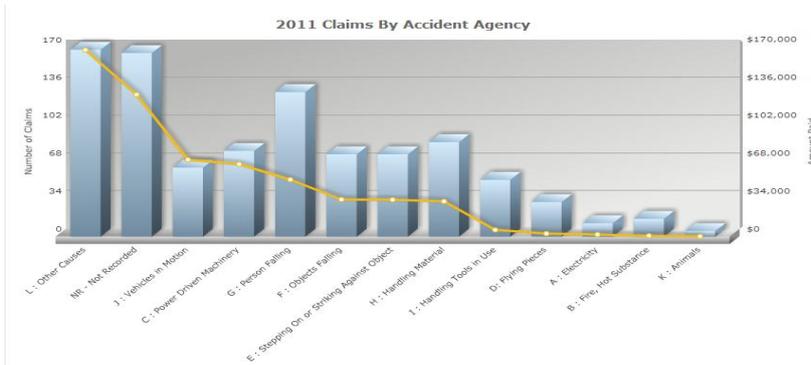
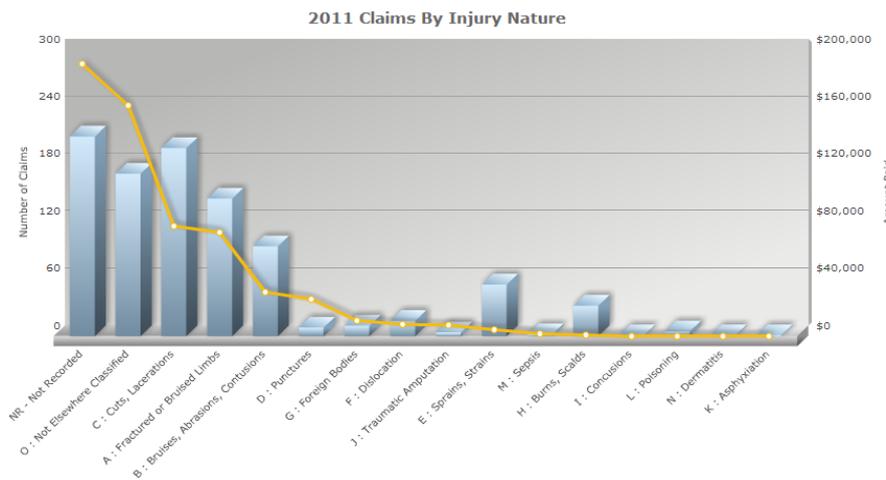
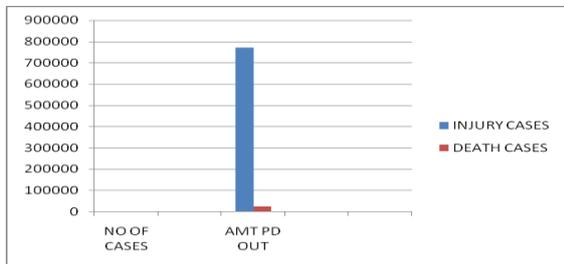


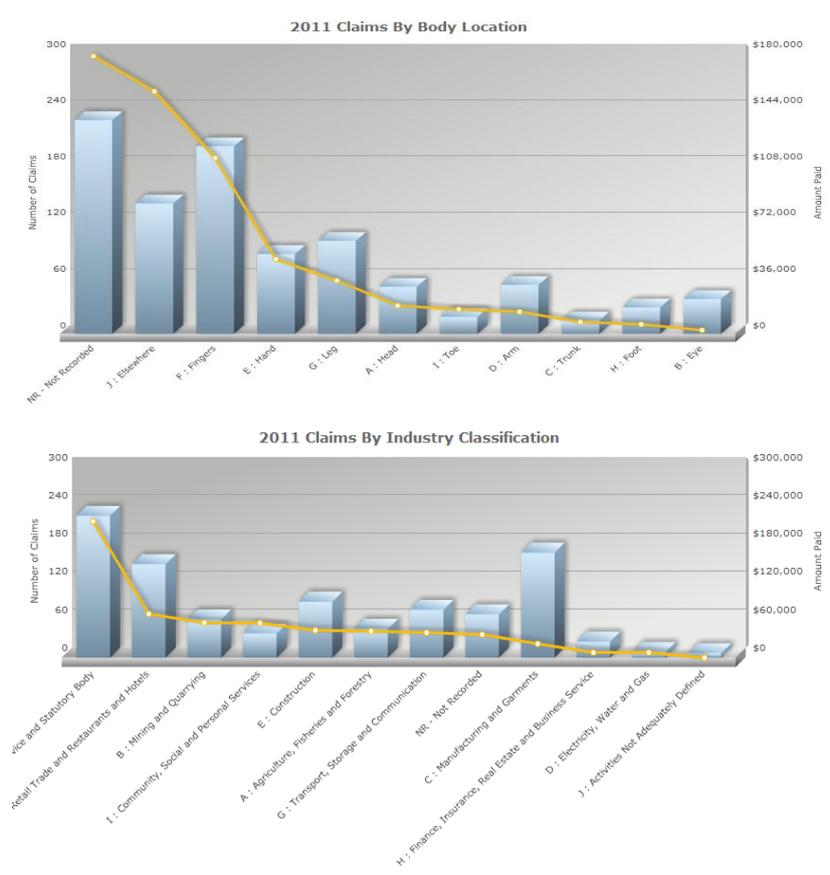
Compensation Payable for Private Sector cases

For the private sector, a total compensation payment of \$706,009.87 was paid out for 183 cases. Out of these, \$497,747.15 was paid out to 173 injured workers and \$208,262.72 was paid out to dependents of ten deceased workers



This achievement translates to a 86% settlement rate and mainly attributed to the scheduled deployment of the some of the Ministry's Suva-based staff to the District Offices in the Western and Northern Divisions; regular visits by the Ministry's designated Medical Officer to all the Labour Offices in the Districts to carry out medical assessments of injured workers; and the secondment of the team of military officers led by Lt. Col. Tuinaosara to the Ministry to boost the Ministry's capacity to efficiently and effectively settle the high volume of backlogged workers compensation cases.





OUTPUT 4: ESTABLISHMENT OF THE FOREIGN EMPLOYMENT CENTRE (FORES)

As prescribed under the National Employment Centre Decree 2009; and duly gazetted by the Minister for Labour, Industrial Relations and Employment in Gazette Notice 111 of 2009, the Foreign Employment Unit under the Ministry of Labour, is designated to function as the Foreign Employment Service under the National Employment Centre.

Foreign Employment Service is one of the Four Employment Creation Services, under the National Employment Centre. The NEC Foreign Employment Service Regulations has been endorsed by Cabinet in 2010 (Cabinet Decision No. 208 of 2010). This Regulation is due to be gazetted in the 2nd Quarter of 2011. Foreign Employment is a sensitive issue in nature because it requires the holistic development of any person to be able to adapt to new culture and way of life when working abroad.

The Foreign Employment Service is also guided by the Employment Relations (Employment Agencies) Regulations 2008, under the Employment Relations Promulgation 2007. This measure is undertaken to ensure the safety of Fiji Citizens employed abroad. In this respect, the procedure for foreign employment of NEC trainees is specified under an overall system and process. This implies that any such person registering under the NEC with a view to gain sustainable foreign employment; undergoes rigorous theoretical and practical training in the specified field of employment and has considerable experience in the particular field of employment for which he or she has been offered a place.

As per guidelines under the Employment Relations (Employment Agencies) Regulations 2008 and the NEC Foreign Employment Service Regulations, foreign employers seeking to recruit Fiji Citizens for employment opportunities abroad must go through the Ministry of Labour, Industrial Relations and Employment in the process of recruitment of any Fiji Citizen living in Fiji and registered under the NEC. Contracts Offered must be attested, the Employer must provide relevant credentials as evidence of its existence and proper investigations must be made by the Ministry and the NEC Foreign Employment Service to determine the credibility of the said foreign employer.

The NEC Foreign Employment Service and the Ministry of Labour's Foreign Employment Unit provide an essential service in monitoring and reviewing the employment status of Fiji Citizens registered under the NEC engaged in overseas

employment. Through these reviews, the NEC generates reports on what sectors of the employment market is relevant for overseas employment.

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 ongoing 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.

As prescribed under the National Employment Centre Decree 2009; and duly gazetted by the Minister for Labour, Industrial Relations and Employment in Gazette Notice 111 of 2009, the Foreign Employment Unit under the Ministry of Labour, is designated to function as the Foreign Employment Service under the National Employment Centre.

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 under NEC arrangement from the 3rd Quarter.

The main achievement for the FORES in the 3rd Quarter 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.

As per endorsement of the NEC Board, the FORES will be formally launched in early 2012 in alignment with the outcome of the MSG establishment of a labour mobility programme for MSG countries.

The main achievement for the FORES in the 4th Quarter is final revision of the NEC FORES Regulations after the NEC Board. As per endorsement of the NEC Board, the FORES will be formally launched in early 2012. The FORES launching will be timely and in alignment with the outcome of the Melanesian Spearhead Group (MSG) pursuance of establishing a labour mobility scheme for the MSG countries in early 2012. The MSG labour mobility scheme is expected to be finalised through an MOU during the MSG Leaders Meeting in Nadi scheduled for March 2012.

OUTPUT 5 – CONSULTING SERVICES – MILITARY SERVICEMEN COMPENSATION SERVICE

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 154 cases we have committed for 2011, the achievement per quarter would be 38.5 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.

In terms of other processes performed in the quarter relating to military ME Cases, we have also published claimants names in the Fiji Sun in February after consultation with the military with their medical assessment completed by Dr Rauni. After this advertisement we continue to receive cases and to date is it almost 200 cases and it keeps increasing.

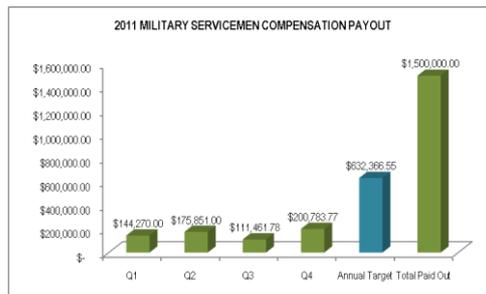
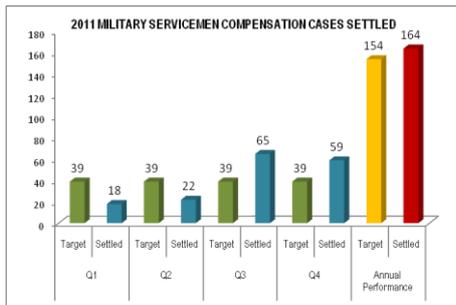
With the major achievement being the settlement of Middle East Military Servicemen compensation cases committing a total of \$163,811.84 for the second quarter compared to the \$375,000 for the 1st quarter from the \$1.5m budgetary allocation with the distribution of compensation pay-out. According to Accounts there is only \$24,239.78 is left as at the end of June 2011 this will account for the rest of the account pending.

From the 154 cases we have committed for 2011, the achievement per quarter would be 38.5 cases to be settled. During this 2nd quarter WC have settled 23 cases so that is 59.7% for 2nd quarter. It is important to note that from the \$1.5m RIE allocated for 2011 Military Middle East Cases, in the 2nd Quarter we requested for \$200,090.78 and utilised \$175,851.00. One of the challenges that the Workers Compensation Unit is faced with is the delay in the release of RIE for the payment of outstanding compensation claims hence the drop in the rate of payment from the Unit.

With the major achievement being the settlement of Middle East Military Servicemen compensation cases committing a total of \$134,961.78 for the 3rd quarter for the pay-out of 65 military servicemen (29 Priority 2 cases & 36 Priority 1 cases) compared to the \$163,811.84 for the 2nd quarter from the \$1.5m budgetary allocation with the distribution of compensation pay-out. This leaves a balance of \$1,090,412 as at the end of September 2011.

For information the Priority 1 cases were initially approved by Cabinet in 2009 with a list of 110 military servicemen to be processed by the Ministry and following complaints from other servicemen who were missed out Cabinet approved another 132 cases and also a blanket approval was given to accommodate those that may have been missed out and this resulted in another 200 cases as at 30 September 2011.

The Ministry continued to investigate Military Middle East Cases that were approved by Cabinet in 2009 and 2011. The normal Workmen’s Compensation Procedures were followed in conducting investigations. During the Quarter, a sum of \$200,783.77 was released by Ministry of Finance to pay out 59 injured Military Servicemen. One of the biggest challenge for the unit is the pending records for the Priority 3 cases as they happen way back in 1978. These included cases in three priorities. Priority 1 case that was initially approved by Cabinet in 2009 and Priority 2 & 3 cases, approved by Cabinet in 2011. A total of \$200,783.77 was released by MOF to pay-out 59 Military Servicemen .These were:



OUTPUT 6: ESTABLISHMENT OF THE FIJI VOLUNTEER SERVICE

As prescribed under the National Employment Centre Decree 2009; and duly gazetted by the Minister for Labour, Industrial Relations and Employment in Gazette Notice 110 of 2009, the Human Resource Management Division, under the Public Service Commission is designated to be the Fiji Volunteer Service.

Fiji Volunteer Service is one of the Four Employment Creation Services, under the National Employment Centre. The NEC Fiji Volunteer Service Regulations has been endorsed by Cabinet in 2010 (Cabinet Decision No. 209 of 2010). This Regulation is due to be gazetted in the 2nd Quarter of 2011.

There have been on-going consultations between the NEC and the Public Service Commission in regards to the transfer of the Fiji Volunteer Service to the Commission and the amendment of the Fiji Volunteer Service Regulations.

The NEC also submitted its request to the Commission for the granting of 3 project positions for the newly established Fiji Volunteer Service.

The main achievement for 2011 was the review of the draft FVS Regulations after the submission to the NEC Board before submission to the SG’s Office in early 2012 for vetting and gazetting. This Output will be transferred to the Public Service Commission, Human Resource Management Division. Discussion with PSC, revolved around

OUTPUT 7: LICENSING, COMPLIANCE AND MONITORING

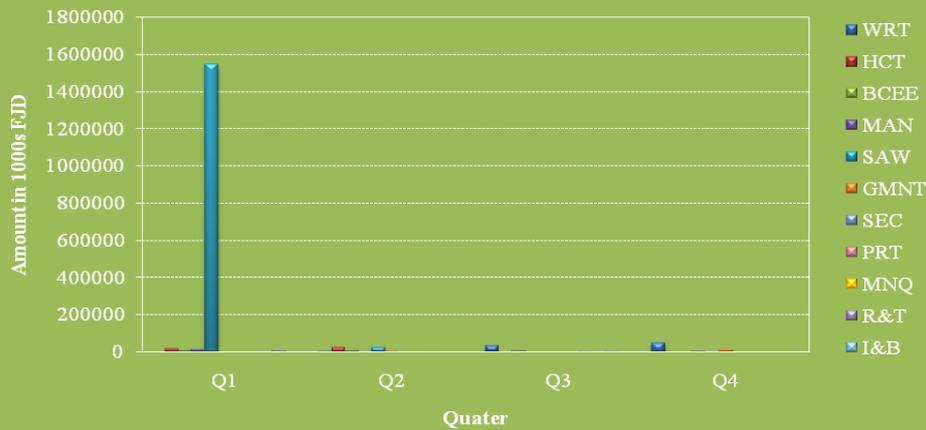
Inspection

WRO	Q1		Q2		Q3		Q4	
	Target	Achieved	Target	Achieved	Target	Achieved	Target	Achieved
WRT	721	511	142	240	142	172	142	168
HCT	256	131	150	83	150	73	150	137
BCEE	102	20	99	28	99	92	99	46
MAN	127	17	50	17	50	22	50	15
SAW	18	4	14	3	14	3	14	3
GMT	39	2	8	3	8	7	8	13
SEC	30	11	28	5	28	35	28	10
PRT	22	1	12	2	12	2	12	3
MNQ	5	1	2	3	2	1	2	2
R&T	87	10	69	18	69	41	69	19
I&B	935	110	935	142	935	71	935	78



WRO	Q1	Q2	Q3	Q4
WRT	759.26	2372.63	35,000	49,270.58
HCT	17054.84	23,496.89	0	788.44
BCEE	11529.05	11,529.05	10,000	0
MAN	12062	264	0	2,584.83
SAW	1,548,462.23	23,947.10	0	0
GMNT	0	1,289.35	0	11,418
SEC	0	0	0	0
PRT	0	0	3000	0
MNQ	0	6,526.80	0	0
R&T	8526.8	0	2000	590.2
I&B	0	0	0	0

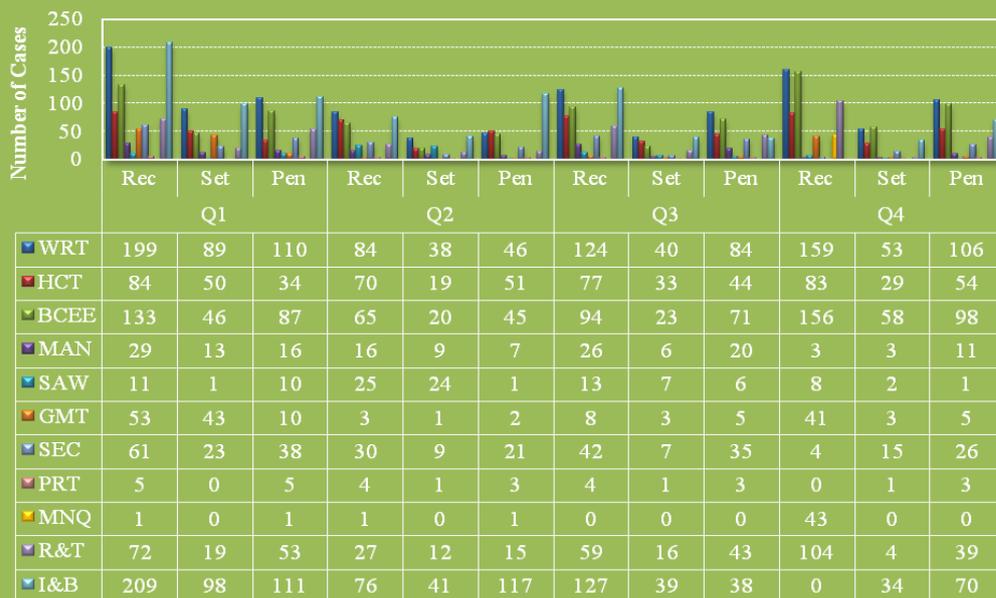
Inspection recoveries by Industrial Sectors



Complaints

WRO	Q1			Q2			Q3			Q4		
	Recvd	Set	Pend.									
WRT	199	89	110	84	38	46	124	40	84	159	53	106
HCT	84	50	34	70	19	51	77	33	44	83	29	54
BCEE	133	46	87	65	20	45	94	23	71	156	58	98
MAN	29	13	16	16	9	7	26	6	20	3	3	11
SAW	11	1	10	25	24	1	13	7	6	8	2	1
GMT	53	43	10	3	1	2	8	3	5	41	3	5
SEC	61	23	38	30	9	21	42	7	35	4	15	26
PRT	5	0	5	4	1	3	4	1	3	0	1	3
MNQ	1	0	1	1	0	1	0	0	0	43	0	0
R&T	72	19	53	27	12	15	59	16	43	104	4	39
I&B	209	98	111	76	41	117	127	39	38	0	34	70

Status of Complaints by Industrial Status

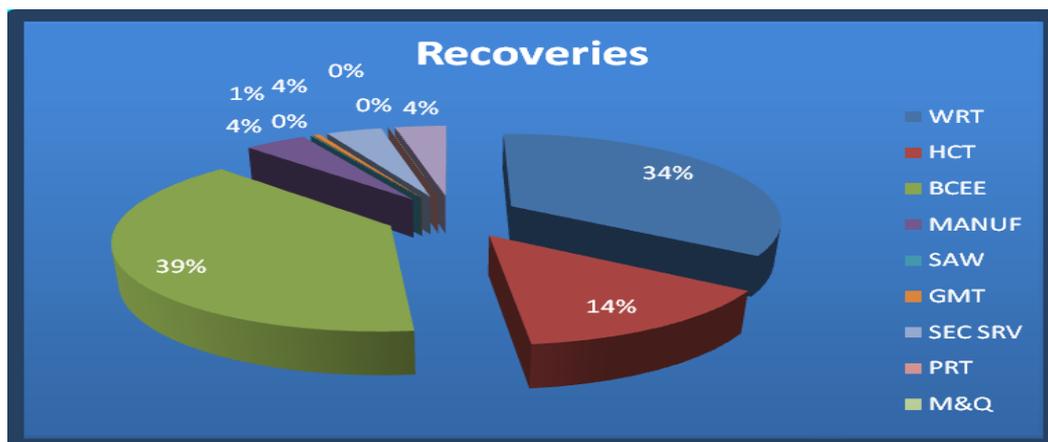


Registered complaints by Industrial Classification as shown in the previous page shows that majority complaints received were from Distribution of Wholesales & Retail and Hotel Catering Order, Community Social & Personal Services followed by Building & Civil Electrical Engineering and Financial Services, Real Estate & Business Services then Transport & Communication Storage, while lesser complaints was received from Manufacturing and Sawmilling Classification.

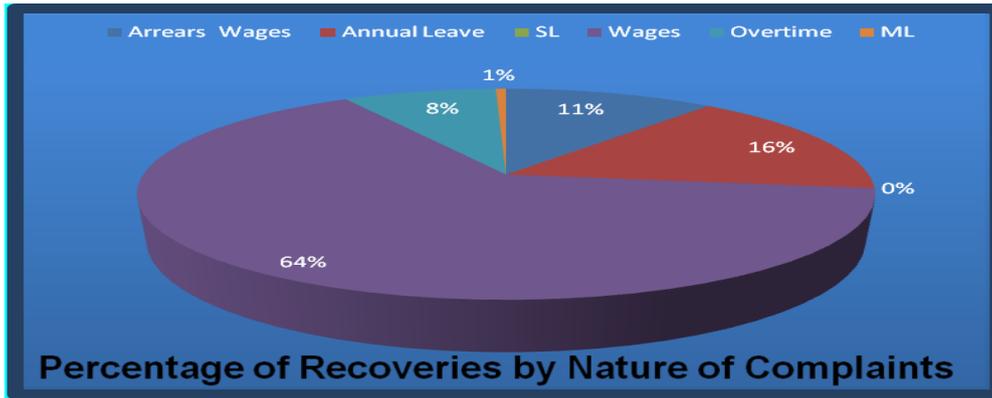
Complaints Recoveries

#	WRO'S	RECOVERIES						
		Arrears Wages	Annual Leave	SL	Wages	Overtime	ML	TOTAL
1.	Wholesale & Retail	\$6859.67	\$19,945.24	\$0.00	\$36,235.48	\$11,250.56	\$662.00	\$74,952.95
2.	Hotel & Catering	\$7754.77	\$5,798.74	\$0.00	\$16,702.80	\$417.08	\$0.00	\$30,673.39
3.	B& CEE	\$2584.40	\$3,183.33	\$0.00	\$79,181.88	\$708.40	\$0.00	\$85,658.01
4.	Manufacturing	\$203.43	\$1,931.74	\$0.00	\$2,401.00	\$5035.00	\$0.00	\$9,571.17
5.	Sawmilling	\$0.00	\$116.00	\$0.00	\$0.00	\$110.00	\$0.00	\$226.00
6.	Garment Industry	\$0.00	\$450.16	\$0.00	\$131.76	\$0.00	\$495.40	\$1077.32
7.	Security Services	\$4810.98	\$1,815.93	\$0.00	\$1,967.30	\$0.00	\$0.00	\$8,594.21
8.	Printing Industry	\$0.00	\$0.00	\$0.00	\$66.00	\$0.00	\$0.00	\$66.00
9.	Mining & Quarry	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10.	Road Transport	\$1,904.22	\$1,924.81	\$0.00	\$4,010.08	\$80.00	\$0.00	\$7,919.11
WRO TOTAL		\$24,117.47	\$35,156.95	\$0.00	\$140,696.30	\$17,601.04	\$1,157.40	\$218,738.16
11.	Individual Bargaining	\$245.65	\$17,262.03	\$0.00	\$18,696.69	\$0.00	\$0.00	\$36,204.37
GRAND TOTAL		\$24,363.12	\$52,418.98	\$0.00	\$159,392.99	\$17,601.04	\$1,157.40	\$254,942.53

Table: 6: Complaints Recoveries



In 2011, recoveries collected and ranked by Industry from highest were Building & Civil Electrical Engineering, Wholesales & Retail Order, Hotel & Catering Trades, Security Services, and the least were from Garment industries, Mining then Printing Industries as shown in the pie-chart above.



The most common complaints received in 2011 were unpaid wages, annual leave, arrears of wages and overtime.

LMCC and ERP Awareness

#	WAGES REGULATION ORDER	LMCC AWARENESS		ERP AWARENESS		
		NO. REGISTERED	2011	NO. ATTENDED	2011	NO. ATTENDED
1.	Wholesale & Retail				1	10
2.	Hotel & Catering		1	24	4	68
3.	Building & Civil & Electrical Engineering					
4.	Manufacturing Industry					
5.	Sawmilling					
6.	Garment Industry		2	20		
7.	Security Services					
8.	Printing Industry					
9.	Mining & Quarrying Industry					
10	Road Transport					
WRO TOTAL			3	44	5	78
11	Individual Bargaining				1	17
GRAND TOTAL			3	44	6	95

There were 3 LMCC & 6 ERP awareness trainings conducted in 2011 under the various WRO's as illustrated in Table above.

Demand & Fixed Penalty

#	WRO	DEMAND NOTICE	FIXED PENALTY
1.	Wholesale & Retail	14	
2.	Hotel & Catering	4	
3.	Building & Civil & Electrical Engineering	7	
4.	Manufacturing Industry	3	
5.	Sawmilling	0	
6.	Garment Industry	0	
7.	Security Services	8	
8.	Printing Industry	0	
9.	Mining & Quarrying Industry	0	
10.	Road Transport	5	
WRO TOTAL		41	
11.	Individual Bargaining	18	
GRAND TOTAL		59	0

There were 41 Demand Notices issued under WRO's and no Fixed Penalty Notices issued in 2011 as shown Table above.

Office of the Prime Minister & Permanent Secretary's Office Referral

A total of **60** PM Referral cases were received, out of this **56** were brought forward from last year none was settled during the Quarter. Four (**4**) new cases were received and were settled, in the 4th Quarter as shown in *Table 11* and *Figure 26*.

Breakdown of Permanent Secretary's Referral

DISTRICT	PS REFERRAL CASES			RECOVERIES
	RECEIVED	SETTLED	PENDING	
C/EASTERN	7	3	4	1967.72
LAUTOKA	2	2	0	10,200.00
NADI	2	2	0	600.00
BA	1	1	0	0
SIGATOKA	0	0	0	0
LABASA	1	0	1	0
SAVUSAVU	10	0	10	0
TOTAL	23	8	15	\$12,767.72

There were 23 PS Referral were received in the year, 15 are currently under ongoing investigation whilst 8 has been settled as illustrated in the above *Table*.

BREAKDOWN OF PM PENDING CASES

#	TYPE OF CASES	PENDING	%
1	Employment Tribunal	16	22.22%
2	Mediation	5	6.94%
3	Legal Vetting	1	1.39%
4	Demand Notice	8	11.11%
5	OHS/Workman Compensation	4	5.56%
6	Complainant to provide evidence	6	8.33%
7	Complaint No contact	2	2.78%
8	On going	21	33.33%
TOTAL		77	100%

Total pending cases of 77 PM referral cases shown on *Table* above with its nature.

Redundancies

#	WRO	No. Redundant	Payout
1.	Wholesale & Retail	101	643,397.64
2.	Hotel & Catering		
3.	Building & Civil & Electrical Engineering		
4.	Manufacturing Industry		
5.	Sawmilling		
6.	Garment Industry		
7.	Security Services		
8.	Printing Industry		
9.	Mining & Quarrying Industry		
10.	Road Transport		
11.	Individual Bargaining		
GRAND TOTAL		101	\$643,397.64

During the year we received redundancy notifications for 101 workers from Wholesale Retail Industry with a total payout of \$ 643,397.64 as shown in *Table above*. Additionally other companies have been notified to provide us with necessary information on their status.

Private Employment Agencies

During the year, 7 applications for authorisation have been received. Two (2) applications that were submitted for extension and one has been granted approval, while the other is pending as they have pending employment cases. Moreover, two applications were denied authorisation, whilst 1 is being processed. Currently, three (3) Employment Agencies have been granted authorisation to carry out Foreign Recruitment operations.

OUTPUT 8: ESTABLISHMENT OF FORMAL EMPLOYMENT SERVICE (FES)

The following statistics by Division revealed an increase in both work attachment opportunities and formal employment in the 4th Quarter as shown in *Table 17* and *Table 18* respectively. This is a positive indication of the involvement of employers in providing work attachment opportunities and recruiting NEC trainees for permanent employment.

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
TOTAL CENTRAL/EASTERN	94	139	417	55	705
TOTAL NORTHERN	17	12	63	4	96
TOTAL WESTERN	26	46	103	36	211
TOTAL WORK ATTACHMENTS	137	197	583	95	1012

Table 17: Work Attachment by Division by each Quarter

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
TOTAL CENTRAL/EASTERN	88	46	113	6	253
TOTAL NORTHERN	12	5	31	0	48
TOTAL WESTERN	0	6	124	13	143
TOTAL PERMANENT EMPLOYMENT	100	57	268	19	444

Table 18: Work Attachment by Division by each Quarter

The other achievement for the FES in 2011 is the final review of the NEC FES Regulations after the endorsement of the NEC Board. The FES Regulations will be forwarded to the SGs office for legal vetting and gazetting in the 1st Quarter, 2012.

Output 9: LICENSING, COMPLIANCE AND MONITORING – OCCUPATIONAL HEALTH AND SAFETY SERVICE

Staffing of the OHS Service

Due to zero growth in the PSC establishment of new position the National OHS Service has created 17 Project Post and 10 Graduate Volunteer post which was funded from the NOHSAB Fund to assist the National OHS in providing much needed assistance in each strategic units to be able to provide service better to the workers and employers in Fiji. The NOHSAB in its meeting on the 30th of March approved the extension of contract of the 10 Project officers and the creation of 10 new Senior Technical Assistant Post in order to formalise the 10 Volunteer posts to project position.

In-house training for all staff in OHS Module I & II

On the 29th of March the new OHS Committee for the National OHS Service attended the three 3 day Reps and Committee Training including all the members of the staff that had not attended the 3day training before.

In-house training for all new staff and OHS Committee members on OHS Module I and II completed for 7 new Technical Officers. There was no other new addition to the staffing compliments hence the training focused on the new Project Technical Officers of the National OHS Service.

In-house training of staff on HIV/AIDS

This was not done during the 1st quarter of the year due to commitment outside the Ministry of our Trainers. The Training Unit have identified the 31st May for the training

In house training completed as part of the core activity for the newly established HIV&AIDS Unit only for the National OHS Service this was for the new Project officers who had gone through the 6 weeks training during the 2nd Quarter.

Quality awareness on OHS Enforcement Policy and Procedure

A paper was tabled to the National OHS Advisory Board on the 30th of March 2011 to inform and provide awareness to the members. It is expected that through this awareness discussion paper the members will transfer this information to all its members. The OHS Enforcement Policy and Procedure was tabled to the tripartite partners of the NOPHSAB on the 30th of March and again on the 29 June. The Board at its meeting on the 30th of March endorsed that the draft policy be tabled through a NOHSAB Advisory Sub-committee to review the document and a draft Terms of Reference (TOR) to be tabled on the 29th of June. The TOR was approved by the Board and the Sub-Committee will be working on the draft policy which is to be tabled in the next meeting after the Sub-Committee has completed its review and consultation with the stakeholders. In order to facilitate the awareness and training on the OHS Enforcement Policy and Procedure for employers and clients we have parcelled this together in our training and awareness programs during the 2nd quarter.

A paper was tabled to the National OHS Advisory Board on the 30th of March 2011 to inform and provide awareness to the members. It is expected that through this awareness discussion paper the members will transfer this information to all its members.

Issuance of OHS Notices to clients.

There were a total of 41 OHS Notices that were issued by the National OHS Service during the year. In total the types of notices served includes 1 Prohibition, 1 Rescinding Order, 1 and 16 Requisition Notice.

Investigation and reporting of OHS cases

There was only one OHS case that was reported to the Ministry this year. This was the referral of an OHS issue from the Ministry of Finance regarding the faulty air-conditioned units. OHS Inspectors had carried out the investigation and submitted the recommendations for the provision of split type units to support the current central air-conditioning unit at the Ro Lalabalavu House which is being tenanted by the Ministry of Finance.

Three Investigations currently handled by the Field Operation Services Two relating to Construction Industry and 1 relating to the Diving industry. Currently the Unit is completing its findings for the three cases to determine the next course of action to be taken by the NOHSS.

Effective prosecution of employers for breach of the OHS legislations – No prosecution was made during the 1st quarter of the year. This will be done in the second quarter after the completion of the prosecution case is completed by our Legal Officer. Training program has been identified for our Legal officers to attend to facilitate their training on their return.

During the year, the quality OHS statutory Engineering Inspections of plants/machinery is as illustrated below:

Effective prosecution of employers for breach of the OHS legislations – No prosecution was made during the 2nd quarter of the year as most of the cases have been resolved. This will be done in the second quarter after the completion of the prosecution case is completed by our Legal Officer. Training program has been identified for our Legal officers to attend to facilitate their training on their return.

As indicated in the graph the majority of the activity focused on the statutory inspections, workplace registration, OHS SMART Audit and workplace visits. This reflects on the demand from the industries in these services however the National OHS Service will strategize its plan to ensure that the other core activities that have been identified as areas that needed to be touched in the next quarter.

Nine (9) workplaces were commissioned as of 31 March 2011 out of the quarterly target of 10 for the unit. This consultancy service is mainly demand-driven and with close co-operation with the enforcement arm of the National OHS Service will ensure that new workplaces which have not undergone the commissioning process are identified and inspected so that the target for the year can be achieved.

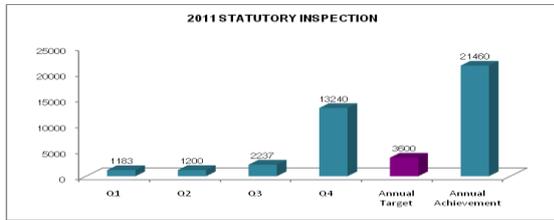
Quality OHS statutory engineering inspections of plants/machinery

During the quarter, the quality OHS statutory Engineering Inspections of plants/machinery is as illustrated below

As indicated in the graph the majority of the activity focused on the statutory inspections, workplace registration, OHS SMART Audit and workplace visits. This reflects on the demand from the industries in this service however the National OHS Service will strategize its plan to ensure that the other core activities that have been identified as areas that needed to be touched in the next quarter.

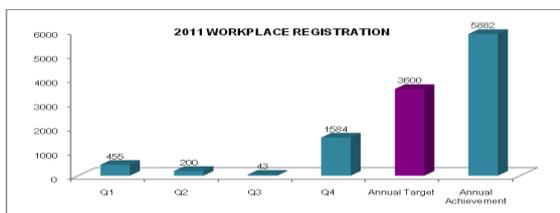
OHS Statutory Inspection

There were 21460 EDV statutory inspections conducted for 2011 out of the yearly target of 3600 and this represent 596% of the achievement for this activity for the year. This service is mainly demand-driven and indications from the current figures are that the target for the year has been surpassed.



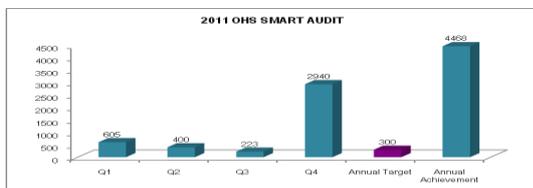
Workplace Commissioned

There were 5882 workplaces registered for 2011 out of the yearly target of 3600 and this represent 163% of the achievement for this activity for the year.



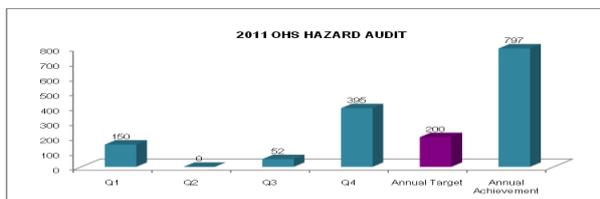
SMART Audit

There were 4488 SMART audits conducted for 2011 out of the yearly target of 300 and this represent 149% of the achievement for this activity for the year.



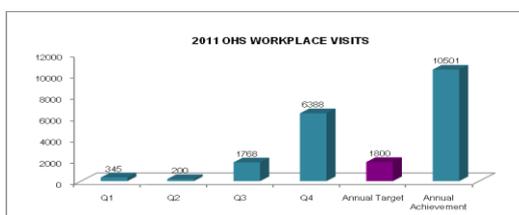
OHS Hazard Audit

There were 797 OHS Hazard Audits conducted for 2011 out of the yearly target of 200 and this represent 399% of the achievement for this activity for the year.



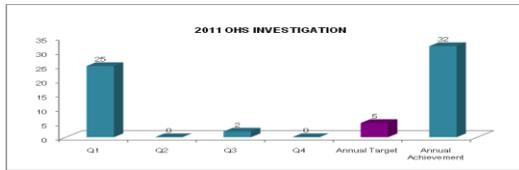
Workplace Visits

There were 10501 workplace visits conducted for 2011 out of the yearly target of 1800 and this represent 583% of the achievement for this activity for the year.



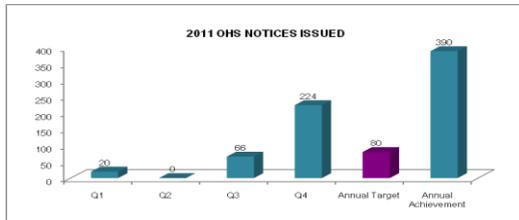
OHS Investigation

There were 32 workplace OHS investigations conducted for 2011 out of the yearly target of 5 and this represent 640% of the achievement for this activity for the year.



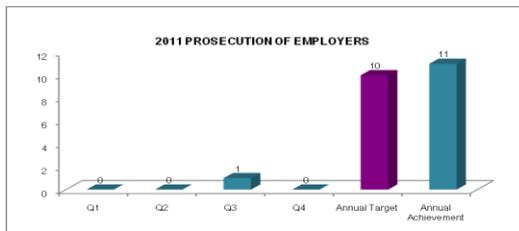
OHS Notices Issued

There were 390 notices issued for 2011 out of the yearly target of 80 and this represent 487.50% of the achievement for this activity for the year.



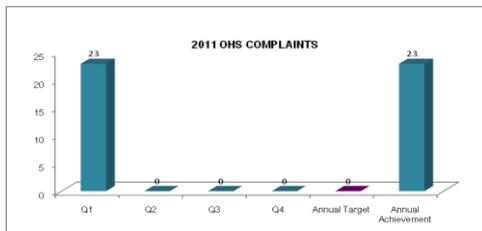
Prosecution of Employers

There were 11 employers prosecuted in 2011 out of the yearly target of 10 and this represent 110% of the achievement for this activity for the year.



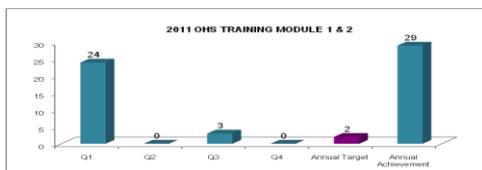
OHS Complaints

There were 23 complaints received and settled in 2011 which represents 100% of the achievement for this activity for the year.



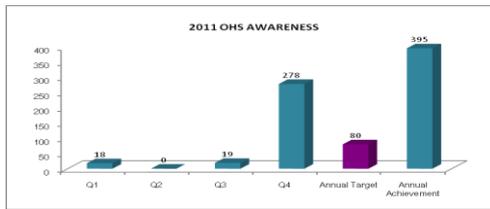
OHS Training Module 1 & 2

There were 29 workplaces trained for 2011 out of the yearly target of 2.



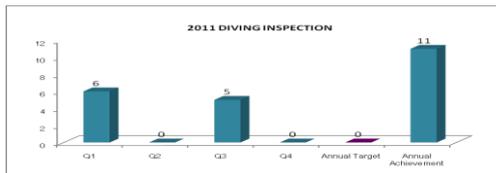
2011 OHS Awareness

There were 395 OHS Awareness conducted in 2011 out of the yearly target of 80.



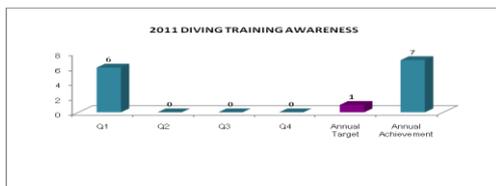
Diving Inspection

There were 11 diving inspections conducted in 2011.



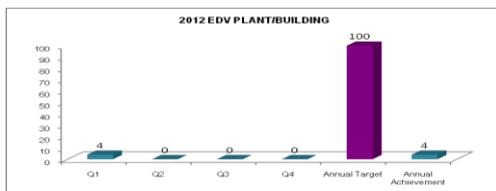
Diving Training Awareness

There were 7 diving awareness conducted in 2011 out of the yearly target of 1.



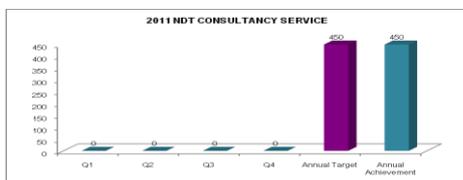
EDV Plant / Building

There was 4 EDV for plants/buildings conducted in 2011 out of the yearly target of 100. This consultancy service is mainly demand-driven and indications from the current figures are that the target for the year will be surpassed.

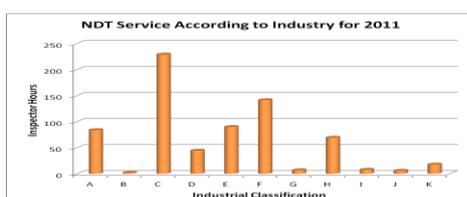


NDT Consultancy Service

There were 450 consultancy services conducted in 2011 out of the yearly target of 450.

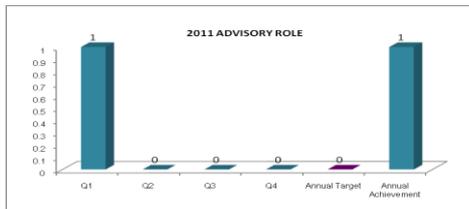


This consultancy service is also demand-driven and the greatest demand for this service was in the Manufacturing (C) sector, which was largely due to the request from the FSC sugar mills to inspect new and existing machinery.



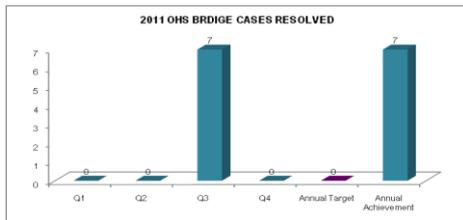
Advisory Role

There was only 1 advisory conducted in 2011.



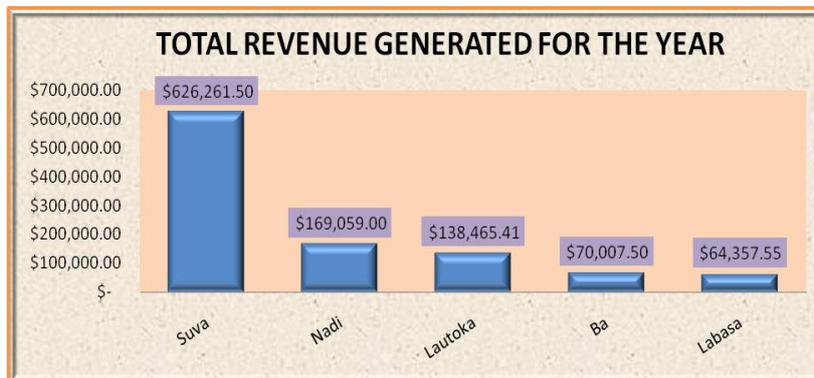
OHS Bridge Cases Resolved

There were 7 bridge cases resolved in 2011.



OHS Revenue

In as far as the revenue generation for the National OHS Service it has surpassed the annual target of \$750,000.00 by \$86,878.07 during the 3rd quarter of the year. In order to fully utilise the limited resources the National OHS Service had focused its attention on the SMART, Statutory Engineering Inspections, Training and targeted inspection program. This had paid dividend during the 3rd quarter when overall revenue generated came to a total of \$836,878.07 which is equivalent to (149%) achievement as shown below.



OUTPUT 10: ESTABLISHMENT OF THE SELF EMPLOYMENT SERVICE (SES)

As prescribed under the National Employment Centre Decree 2009; and duly gazetted by the Minister for Labour, Industrial Relations and Employment in Gazette Notice 112 of 2009, three institutions is designated to be the Self Employment Service. These are, the Integrated Human Resource Development Programme for Employment Promotion (IHRDPEP), Centre for Appropriate Technology & Development (CATD), and the National Centre for Small and Micro Enterprise Development (NCSMED).

As the names states, the Self Employment Service focuses primarily on sustainable self-employment. This is one area which is lacking in Fiji due to lack of finances, lack of motivation and the differing perceptions about small business enterprise. Under the Self Employment Service, the NEC looks into ventures that must utilise Fiji's greatest natural resource, the land. It also looks at innovative new ideas that are not already in place in Fiji.

In our targets, the NEC via the Self Employment Service shall hold business trainings to equip NEC trainees with the relevant training and business skills needed to have a sustainable enterprise. The NEC will also arrange for business attachment with various successful businesses in Fiji so that valuable knowledge and expertise are not limited but are

flowing through all business generations. The NEC also offers financial assistance to the NEC trainees who have undergone the requisite training and are serious about starting their business.

The Self Employment Service is one of the Four Employment Creation Services, under the National Employment Centre. The NEC Fiji Self Employment Service Regulations has been endorsed by Cabinet in 2010 (Cabinet Decision No. 205 of 2010).

The main achievement for the SES in 2011 was the finalisation of the Training Package on SES Regulation and system and process. The SES has been negatively impacted by a shortage of funding.

OUTPUT 11: DISPUTE RESOLUTION – INDUSTRIAL RELATIONS (Mediation)

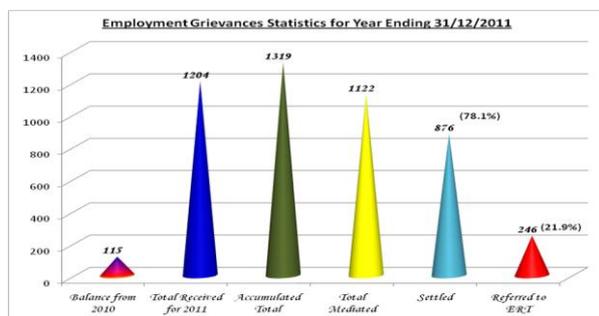
Employment Grievance

Employment Grievance that relates to individual workers complaints (whether a union member or not) can be raised on issues such as dismissal, discrimination, disadvantaged by unjustifiable action of the employer, duress or on sexual harassment.

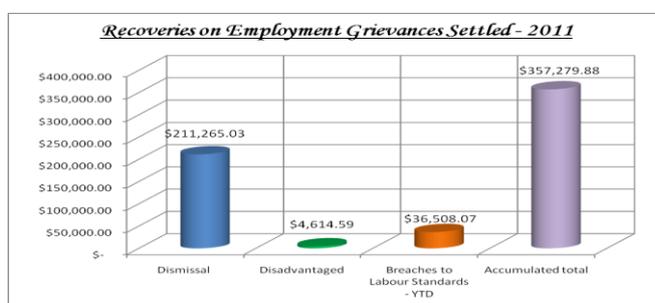
The ERP 2007 gives worker[s] who believes they have a grievance the right to directly access the mediation services without a cost and seek redress in such grievances including reinstatement in the event of dismissal. By far, this has been the single social most important social justice provision benefitting the workers.

During the year 2011, a total of 1204 such grievances have been registered by the Mediation Unit. A total of 115 cases with mediation were brought forward from 2010. Of these, 1122 cases was mediated upon during the year resulting in the settlement of 876 (78.1 %) grievances while 246 cases was referred to the Employment Tribunal for third party adjudication (figure 2). 197 cases were however pending at the end of the year with mediation continuing to 2012.

While mediation sessions ending in agreement is one way of measuring outcomes, it may not be entirely possible to quantify the monetary benefit accrued to the aggrieved worker in the case of reinstatement. However, direct tangible benefit to the worker is quantified in a recovery being a total of \$357,279.88 actually paid out to aggrieved workers.



The graph below illustrated the monetary recoveries from the various categories of grievances resolved by Mediation.



Employment Disputes

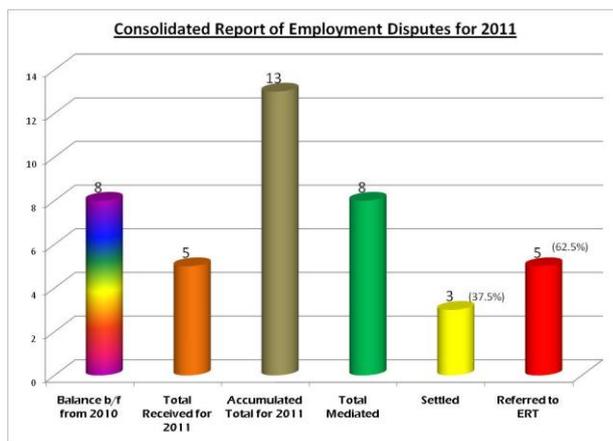
Employment Disputes as described in the Employment Relations Promulgation relates to interpretation, application or operation of an employment contract and any other employment related case raised by the union on behalf of its members. It is concerned with disputes over entitlements or obligations that are already established in contracts and are therefore beyond negotiation at the time dispute arises.

It is only in the latter case that the dispute is referred to Mediation Unit while the interpretation matters are adjudicated by the Tribunal.

During the period under review, a total of 5 new employment disputes relating to *collective agreement & log of claims* were referred to the Unit by the Permanent Secretary that was eventually allocated to the Mediator for commencement for mediation. 8 employment disputes were carried forward from 2010. 8 disputes was mediated during the year 2011 resulting in the settlement of 3 [37.5%] cases while 5 being referred to the Employment Relations Tribunal.



Illustrated below is a summary of Employment Disputes for the year 2011.



Effective Management of Strikes – Informal Mediation

The general objective of Part 18 of the ERP is to recognize that the duty of good faith does not preclude certain legal strikes and lockouts, and to ensure mediation is available to solve issues relating to the threat of a strike or lockout.

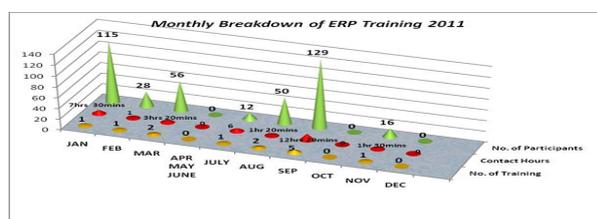
As such, strikes and lockouts have taken a new meaning under the ERP that seeks pro-active intervention of mediators to prevent catastrophic outcome resulting in no report of actual strike during the year that encourages investor confidence and maintains labour market stability.

The Chief Mediator - Vimlesh Maharaj along with Mediator Nadi – Sosiceni Manulevu conducted an informal mediation in December 2010 with negotiations continuing in January 2011 that resulted in a pay-out of a total of \$354,260.64 to the workers on 1st January, 2011.

During 2011, another matter was referred by the RTU for Mediation Unit to convene informal mediation that was successfully resolved by Mediator Tevita Kunatuba and the parties agreed to engage in good faith bargaining rather than taking strike action.

ERP - Training Conducted

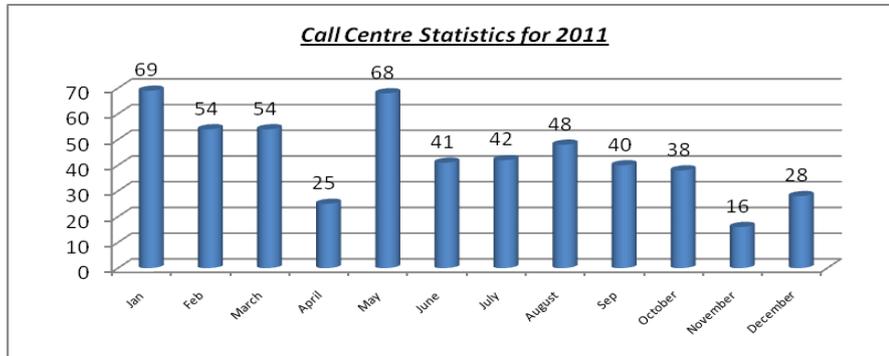
Apart from providing awareness training on the new legislation to support employment relationship among the parties, the Mediation Unit has moved on to provide structured training to stakeholders on a user pay basis.



Mediation Call Centre

Ministry operates a call centre situated at 4th Floor serviced by the Mediators rostered on a daily basis. The call centre serves as the first point of contact for all incoming enquiries from members of the public to which the mediator on duty responds immediately and wherever necessary, refers the matter for necessary action to the appropriate service for answers to the query. For the year 2011, a total of 523 such queries have been recorded by the Unit.

Figure below summarizes the number of calls received by Mediation Unit during 2011.



International affiliation to Asian Mediation Association [AMA]

Asian Mediation Association is an umbrella body of leading mediation centers in Asia which comprises members from Hong Kong, Indonesia, Malaysia, the Philippines and Singapore. AMA members provide the infrastructure for conflict management and dispute resolution for disputes in Asia, or with businesses in Asia. This is unique in that it represents an unprecedented grouping of mediation centres in Asia, combining the resources of a diverse blend of Asian cultures. AMA members provide access to a wide range of dispute resolution and conflict management services across several jurisdictions

Ministry of Labour, Industrial Relations & Employment [Mediation Unit] has been accorded international recognition as 1st Associate Country Member of the Asian Mediation Association (“AMA”) the current secretariat of which is based in Kuala Lumpur, Malaysia.

Mediation Office Opens in Labasa

The current Government has successfully progressed towards achieving Fiji’s roadmap towards National development and prosperity by focusing on economic growth of the country by committing its regime to strengthening trading relationship, infrastructural developments, commercial agriculture training programmes and promote tourism through its positive drive towards promoting the “Look North Policy”.

The Honourable Minister for Labour, Industrial Relations and Employment Mr. Filipe Bole officially launched the Mediation Services for the people of Northern Division on Friday 7th October 2011 at Civic Center, Labasa.

Following the launching of the Mediation Services, an open forum with the PS as the moderator was conducted by Chief Mediator on the theme “Sharing experience since inception of Mediation Unit and exchange of ideas in Employment relationship”. The forum provided the participants an opportunity to raise concerns and seek clarifications on employment matters directly from the Permanent Secretary and Chief Mediator.

The office is administrated by sole Mediator with support of an Administrative Assistant, who provide free, fast and fair services in the resolution of employment problems and maintaining workplace peace and harmony which indirectly raises the level of investment and economic production in North. The office is opened at an opportune time to meet the growing demand in sustaining productive employment relationship and replaces services that were, until now, provided on ad-hoc basis from Suva.

There has been a historic change over from the system of dispute resolution practiced in adversarial era to a modern and professional notion incorporated in the Mediation process. The office caters for the most vulnerable in society who have for a very long time eagerly waited for social justice and fair opportunity in redressing employment related problems.

The enactment of Mediation Unit will highly contribute to the prosperity and well-being of Vanua - Levu people, that will make Ministry of Labour, Industrial Relations and Employment and the Government proud in achieving its goal towards Fiji’s roadmap towards national development.



Mr. Filipe Bole unveils the Mediation Plaque at the launch

INAUGURAL GRADUATION OF 1ST ASSOCIATE MEDIATORS

The Associate Mediator Accreditation course is specially designed for those acquire formal recognition of their mediation principles, skills, expansion on tactics and techniques. After successful completion of vigorous practical assessment, the Mediators attain accreditation as Associate Mediators of the Singapore Mediation Centre (SMC) gaining entitlement to special SMC benefits and privileges.

Following successful completion of the Associate Mediator Accreditation Course in 2010/2011, Chief Mediator and 6 Mediators as well as the Chief Tribunal were recognized for this achievement at the *Inaugural Graduation Ceremony of 1st Associate Mediators in Fiji* on 29th July 2011 organized at *Lali Room 1 – Holiday Inn*.

The Chief Guest for the historical event was the Honourable Attorney-General Mr. Aiyaz Sayed-Khaiyum. The grandaunts were honoured with practicing license certificate under the membership of Associate Mediators that is renewed annually based on performance.

The Mediators are now empowered with wide spectrum of application by even dealing with cases abroad, as they are now listed as mediators with the Singapore Mediation Centre. The graduation really embarks on Government's efforts and commitment to have specialized expertise personnel's in Fiji.



1st Associate Mediators with their certificates



Mr. Aiyaz Sayed- Khaiyum signs the 'insignia'

Second Asian Mediation Association (AMA) Conference

Fiji being the notion of third developing country compared to giants of South Pacific Island like Australia and New Zealand is the first country in the region to become a member of the Asian Mediation Association.

The 2nd AMA conference was held in Kuala Lumpur on 24 – 25 February 2011 with the theme - "*Rediscovering Mediation in the 21st Century*". A three member delegate led by Chief Justice – Honourable Justice Anthony Gates, and comprising of the Chief Mediator, Mr. Vimlesh Maharaj and Madam Justice Angela Wati participated in the 2 day conference.

The Chief Mediator also made a presentation on *An Update of Mediation in Fiji* during the conference presenting to the forum the success of mediation services since its establishment in 2008, the mediation process and the major challenges faced.

AMA members provide access to a wide range of dispute resolution and conflict management services across several jurisdictions and works within the parameters of its Charter which among other things lists other objectives e.g. Co-operate in research and development to advance the field of ADR, and to develop a culturally appropriate model of conflict management and resolution for Asia. As an Associate Member, the Mediation Unit of Ministry qualifies to participate in AMA conference held every two years as well as attend Annual General Meetings of AMA to keep abreast with activities and strategies of the Association. 2011 AGM of the AMA is scheduled to be held in Indonesia on 6th April, 2012.



Fiji delegate at the Conference.



The Chief Justice receives a token of appreciation.

Re-Assessment Associate Mediator & MLIRE-SMC Accreditation

Following discussions with the Singapore Mediation Centre, Mediators Sahid Ali, Shane Pickering and Harbans Narayan appeared for the re-assessment of Associate Mediators held on 24th June, 2011 at the Mediation office in Suva under the supervision of the Chief Mediator with the assessment materials provided by the Singapore Mediation Centre

OUTPUT 12: ESTABLISHMENT OF THE TRIPARTITE FORUM

The Employment Relations Advisory Board innovatively undertaking the Forum's work. From this perspective, the Ministry has been actively utilising the ERAB, NOHSAB during the year to provide sound policy advice to the Hon. Minister. .

The Permanent Secretary has also been providing policy advice in the statutory organisation Boards such as the FNPF, ATH, NTPC, FNU Boards during the year.

However with respect to the KPIs the output is **not applicable** is this stage given that the nomination of new Board members will be undertaken in December 2011. In relation to the tripartite forum, the Employment Relations Advisory Board innovatively undertaking the Forum's work. From this perspective, the Ministry has been actively utilising the ERAB, NOHSAB during the quarter to provide sound policy advice to the Hon. Minister. The Permanent Secretary has also been providing policy advice in the statutory organisation Boards such as the FNPF, ATH, NTPC, FNU Boards during the quarter.

OUTPUT 13: PRODUCTIVITY SERVICE – LMCC REGISTRATION AND TRAINING, WORKPLACE CONSULTANCY

The highlight for this output is the development of the LMCCC Training package by the Executive Support Team with the guidance of the Permanent Secretary and finalised by 31 March. The innovatively designed package forms the blueprint for

the development of other relevant packages such as OHS, productivity measurement and tools, good faith labour relations, etc. Following the finalisation of the package, the Ministry will be conducting the LMCCC training and awareness mandated by the ERP 2007.

The highlight for this output is the continued capacity building of staff in productivity with NTPC and through APO.

OUTPUT 14: DISPUTES / GRIEVANCE RESOLUTION (ERT)

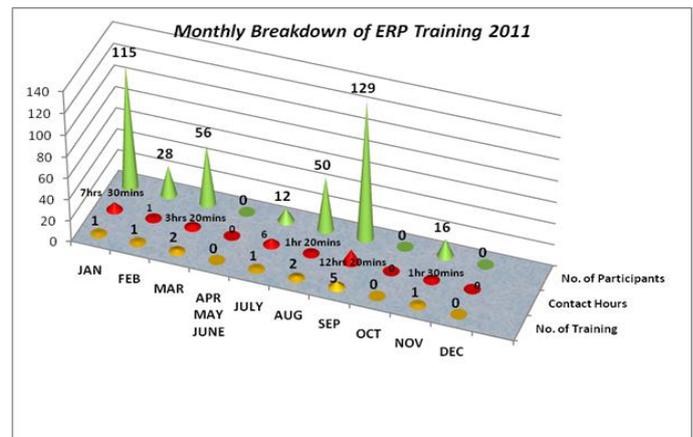
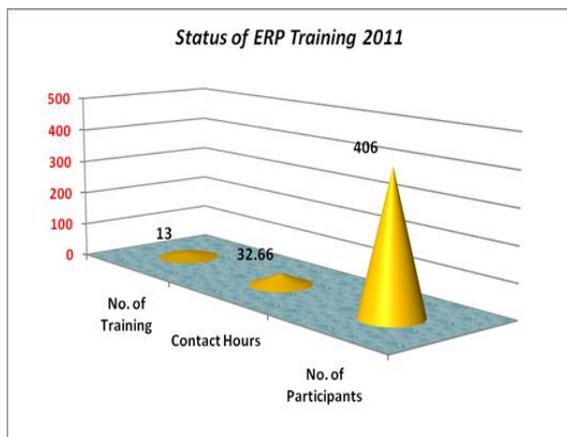
Given the appropriate resourcing of the Tribunal, the process of adjudication on employment matters dealing with grievances, disputes, Workers Compensation and criminal cases continued improving during the quarter. There is also a discussion with the Chief Justice that the Tax Tribunal will be assisting the Tribunal in 2012. The cases coming before the Tribunal have almost doubled in the last quarter and this shows the awareness of the social partners in particular the workers of their rights under the law which is the Employment Relations Promulgation 2007 and its Regulations.

OUTPUT 15: CONTINUOUS AWARENESS TRAINING

As part of the roll out of the ERP, the Ministry continues to provide ERP awareness and training for workplaces to ensure that worker and employers alike are aware of their rights in the workplace and also their duties.

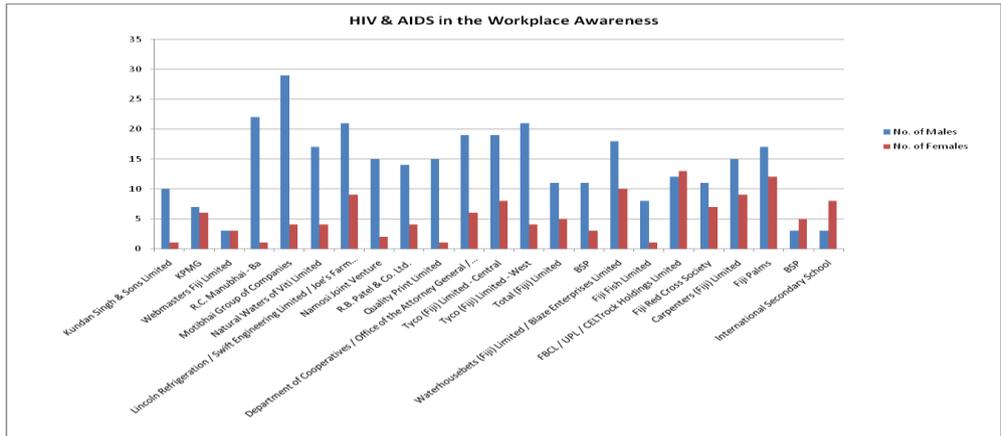
Apart from providing awareness training on the new legislation to support employment relationship among the parties, the Mediation Unit has moved on to provide structured training to stakeholders on a user pay basis.

The Figure below summarizes the total number of ERP trainings conducted to stakeholders upon request in 2011.



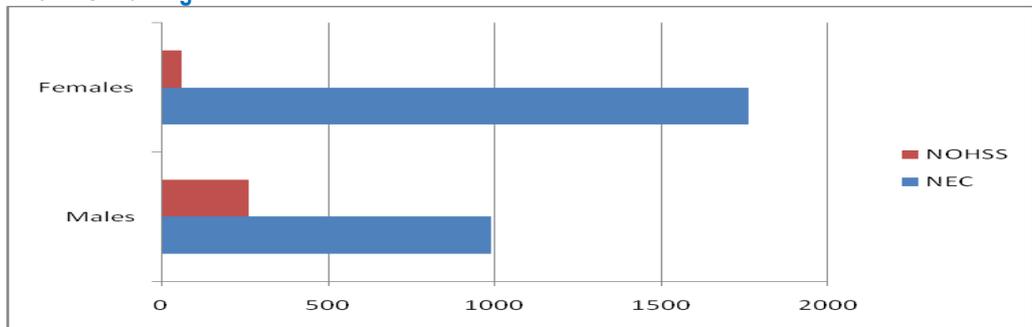
OUTPUT 16: PUBLIC AWARENESS AND PROMOTIONS – OCCUPATIONAL HEALTH AND SAFETY PRACTICES

One of the highlights in this output is the establishment of the HIV/AIDS unit to address HIV/AIDS issues in the workplace in line with Fiji’s commitment to the Decent Work Country Programme. The Unit will be responsible for the raising of HIV/AIDS issues in the workplace as summarised in the graph below.



During the 2nd Quarter of the year the HIV/AIDS Unit together with the NEC had trained 3073 individuals through the NOHSS and NEC training and promotion programs as reflected in output 16.11. The representation of the table and the graph below indicates 512.16% achievement for the 2nd quarter.

HIV/AIDS Training



Department	Males	Females	TOTAL
NEC	990	1760	2750
NOHSS	261	62	323
TOTAL	1251	1822	3073

The targeted OHS Module I & II trainings to be conducted by the Training & Accreditation Unit was 15, which was 100% achieved. The unit had trained 249 individuals through the training programs which included HIV/AIDS. A total of 4 HIV Aids trainings were conducted for the 4th Quarter and a total of 15 HIV/AIDS awareness sessions. A total of 15 HIV & AIDS Workplace Training of Trainer certification was also carried out with the target set for the year as 10. Five candidates also qualified for the OHS Accreditation and successfully completed the OHS Accredited Trainers programme during the last quarter.

The NOHSS also conducted in-house training for all new staff and OHS Committee members on OHS Module I and II and quality awareness on OHS Enforcement Policy and Procedure for employers and clients.

OUTPUT 17: OCCUPATIONAL HYGIENE CONSULTANCY SERVICE

The major activities under this output are the conduct of occupational hygiene consultancy services where the Ministry provides support for workers and employers on the maintenance of a safe work environment. Chemical management is also a key activity, where workplaces are provided guidance on the management of workplace chemicals.

The highlights for the output include the continued provision of proactive Occupational Hygiene and Chemical Consultancy service and the effective implementation of National Industrial Chemicals Management System (NICMS) through chemical registration and storage of relevant information into the NICMS database as shown in *Figure 49* for the 3rd quarter and *Figure 50* for the 4th quarter.

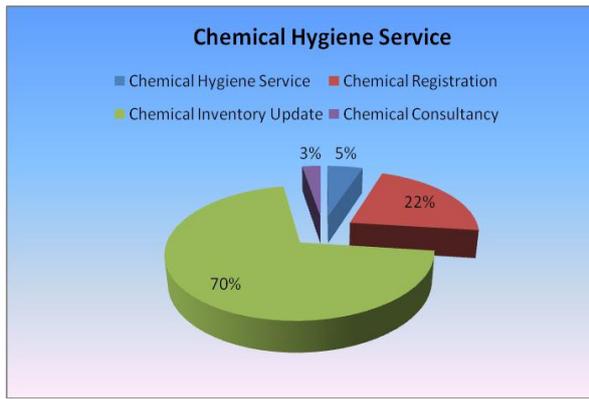


Figure 49

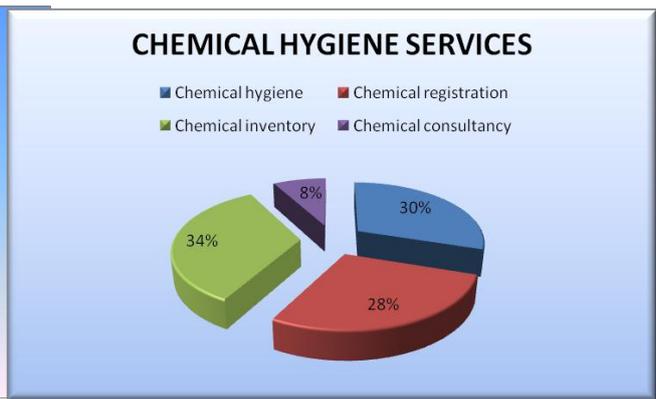


Figure 50

There was also the implementation of quality OHS Joint Partnership Project with Ports Authority of Fiji as part of the ratification of ILO Maritime Labour Convention 2006 (MLC). A joint-partnership inspection of plants and lifting equipment for Ports Authority of Fiji (Lautoka Wharf) was carried out in the 3rd quarter where 136 Units were inspected by the Inspectors on the lifting gears only with the inspection on the rest of the lifting equipment will be done in the last quarter of the year. As at end of 4th the agenda has successfully completed.

OUTPUT 18: A WELL INFORMED LABOUR MARKET UNDER ERP 2007

One of the key activity under this output is the linking of all the Services to the National Employment Centre in terms of client referrals. This will ensure that the best possible advice is given to clients on the utilisation of their money that is with the ministry.

In terms of Gender Equality and Women Development, the NEC has processed the following number of males and females in each NEC Component:

NEC Components	ACP Target	Males			Total Males – 1 st Quarter	Females			Total Females – 1 st Quarter	% Females in each component
		C/E	West	North		C/E	West	North		
Registration	10,000	900	551	239	1690	1201	850	373	2424	143%
Professional Counselling	2,500	519	650	282	1451	548	903	291	1742	120%
Aptitude Assessment	2,500	518	788	282	1588	548	788	291	1627	102%
Life Skills Training	2,500	235	283	174	692	258	400	227	885	127%
Total		2172	2272	977	5421	2555	2941	1182	6678	123%

The current trend depicted on the graph shows an increase in female participation in all phases of the NEC. This is a positive indication of the development of women in terms of education and training.

Female participation in all phases of the NEC show Fiji's progress towards an equal playing field between Males and Females in Fiji. Women are now motivated to further their educate themselves and further their careers and to eventually partake or even dominate fields of employment generally assumed to belong to the Males only.

The establishment of the National Employment Centre is part of Government's commitment to eradicate Poverty. The National Employment Centre is established under the National Employment Centre Decree 2009. It is a one stop shop employment centre that offers four employment creation services namely, the Formal Employment Service, the Fiji Volunteer Service, the Self Employment Service, the Foreign Employment Service. The Centre reports to the Minister for Labour, Industrial Relations & Employment.

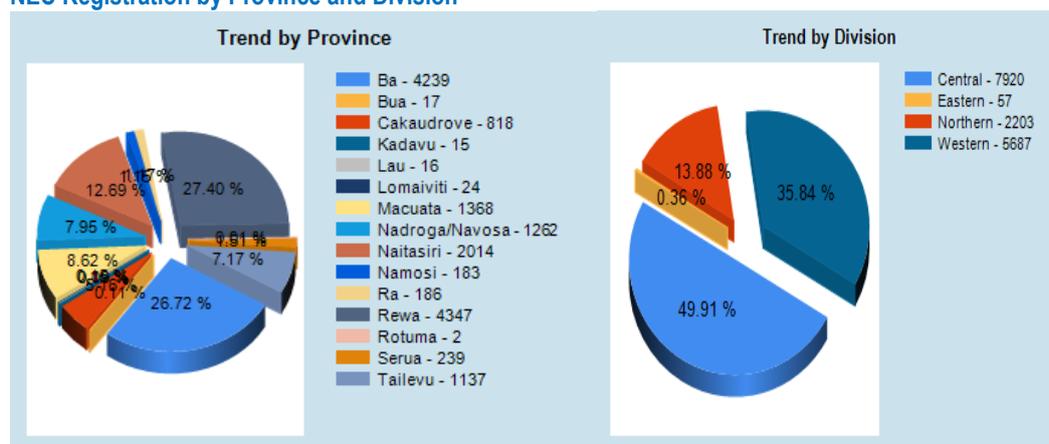
Part of the Centre's core functions is the training and up skilling and holistic development of unemployed persons, including unemployed graduates, retirees, and part time workers; to gain sustainable employment. The Centre began its roll out by registering 9424 unemployed persons from April 2010 to December 2010. It targets to register 10,000 unemployed persons in 2011.

The targets achieved by the Centre in terms of Employment for the First Quarter of 2011 are outlined below:

NEC Components	ACP Target	Annual Target			Quarterly Targets			Total Target	Quarterly Achievements			Total Achieved	%Quarterly
		C/E	West	North	C/E	West	North		C/E	West	North		
Local Employment	415	220	124	71	74	31	18	123	55	69	22	146	118%
Self-Employment	60	32	18	10	8	5	3	16	2	-	-	2	12.5%
Foreign Employment	50	26	15	9	6	4	2	12	-	-	-	-	-
Volunteer Service	800	416	240	138	104	60	35	199	-	20	1	21	10%

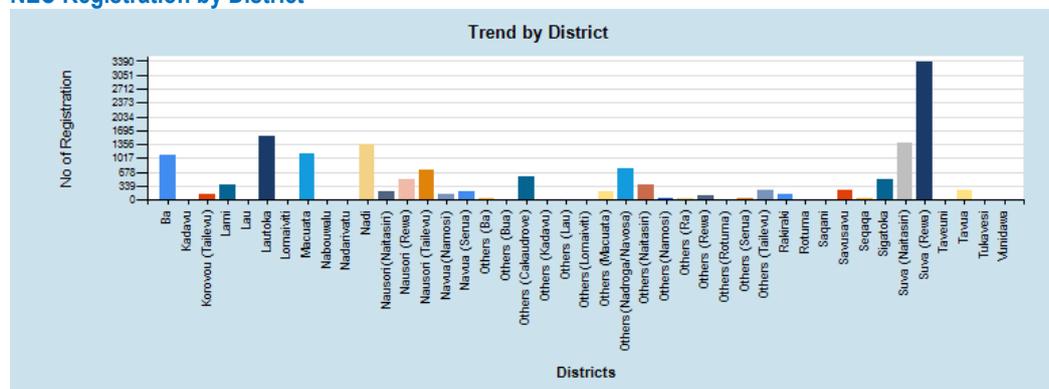
The role and functions of the Ministry contributes directly and also indirectly to the alleviation of poverty, particularly in the areas of Wages Reform, labour relations, health and safety at work and workers compensation.

NEC Registration by Province and Division



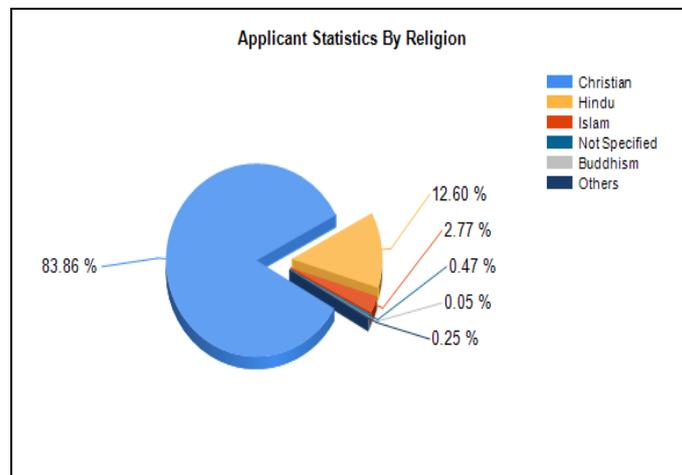
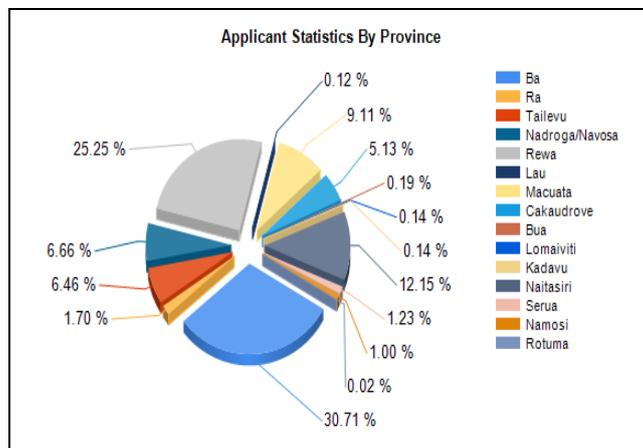
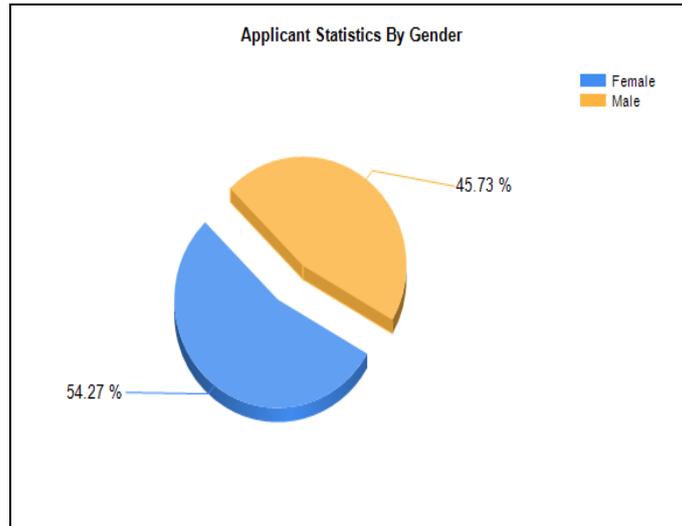
Source: NEC Database 2011

NEC Registration by District



Source: NEC Database June 2011

NEC Registration by Sex by Province & by Religion



ACHIEVING THE GOALS OF THE PEOPLE'S CHARTER FOR CHANGE, PEACE AND PROGRESS

The achievements for Outputs 1, 2 and 3 involving Workers Compensation Advisory Services and the Military Servicemen Compensation Service contributes to the fulfilment of the goals and objectives of Pillars 3, 4, 5 and 8. The timely settlement of workers compensation contribute directly to just and visionary leadership, effective and efficient public sector service delivery, sustainable economic growth and poverty reduction.

The achievements for Outputs 4 and 5 involving Licensing, Compliance and Monitoring of Labour Standards and OHS contributes to the fulfilment of the goals and objectives of Pillars 1, 3, 4, 5, 9, 10 and 11. These two outputs contribute directly to ensuring good governance, visionary and accountable leadership, efficient and effective public sector service delivery, sustainable economic growth, developing knowledge-based society, improving workplace health conditions and at the same time enhancing regional and international relations.

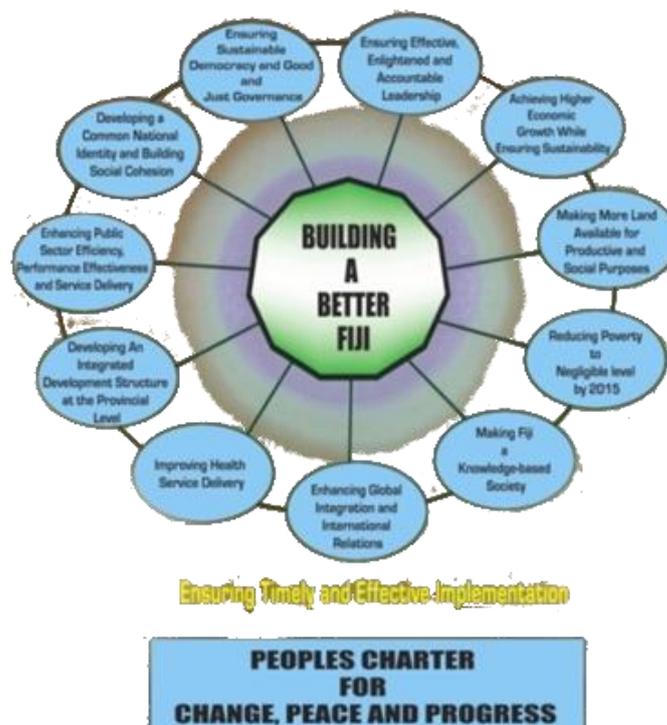
The achievements for Outputs 6 and 7 involving Mediation and OHS Promotion contribute to the fulfilment of the goals and objectives of Pillars 1, 2, 8, 9, 10, and 11. Outputs 6 & 7 contribute directly to good governance, developing common national identity, poverty reduction, developing knowledge-based society, improving workplace health conditions and at the same time enhancing regional and international relations.

The achievements for Outputs 8, 9 and 10 involving NEC establishment and the Tripartite Forum contributes to the fulfilment of the goals and objectives of all the eleven Pillars of the PCCPP. The NEC targets the unemployed who are the most marginalised people in the labour market. It provides a window of opportunity for the unemployed through competency based skills training and work place attachment both locally and internationally that directly contributes to all the eleven pillars of the PCCPP.

The achievements for Outputs 11 involving Occupational Hygiene Services contribute to the fulfilment of the goals and objectives of Pillars 4, 5 and 10. The provision of an efficient and effective OHS services contributes to an efficient and effective public sector service delivery, sustainable economic growth, and improving workplace health conditions and at the same time enhancing regional and international relations.

The achievements for Outputs 12 involving a well informed labour market under ERP 2007 and the unemployed under NEC 2009 contributes to the fulfilment of the goals and objectives of Pillars 4, 5, 8 and 11. Output 12 contributes directly to an efficient and effective public sector service delivery, sustainable economic growth, developing knowledge-based society, improving workplace health conditions and at the same time enhancing regional and international relations.

KEY PILLARS OF THE PEOPLES CHARTER



SERVICE EXCELLENCE JOURNEY

In its pursuit of quality service delivery to members of the public, the Ministry actively engaged in national excellence programmes namely the Civil Service Excellence Award 2010 and the Fiji Business Excellence Awards.

Service Excellence Awards 2011 – The Ministry attained the Achievement Award in the 2011 Service Excellence Awards (SEA).



Photoset 1: Ministry Staff during CSEA 2010 ceremony.



Photoset 2: Ministry Staff during FBEA 2010 ceremony.

Benchmarking Service Quality to International Standards

The Ministry also 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.

National Productivity and Training Centre

(Formerly known as Training and Productivity Authority of Fiji)

The Training and Productivity Authority of Fiji (TPAF) merged with the Fiji National University (FNU) as the National Training and Productivity Centre. The merger was approved by Cabinet in 2010 to minimise duplication of facilities, equipment, resources, courses and programs which had resulted in unnecessary wastage of limited resources available in past years.

The merger will ensure that the various FNU schools will concentrate mainly on pre-service programs and TPAF (under FNU) will focus on in-service programs, management of the apprenticeship and levy schemes and productivity promotion in industries. The move would involve migrating all formal training, other than on-the-job training from TPAF, to the FNU's TVET programmes, with such migration including programmes, staffing and facilities.



On the administration front, NTPC would remain under the ambit of the Ministry of Labour, Industrial Relations and Employment with the Permanent Secretary of the Ministry as the Chairman of the TPAF Board. NTPC's supreme policy body is a 14 member tripartite Board, comprising representatives from Government, Employers and Employees.

INTERNATIONAL HIGHLIGHTS

99th Session of the International Labour Conference

The 99th Session of the International Labour Conference (ILC) was held in Geneva, Switzerland from Wednesday 2nd June to Friday 18th June 2010.



As an ILO Member State, Fiji was represented by a tripartite delegation led by the Minister for Labour, Industrial Relations and Employment which 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.

For cost-cutting measures, the Minister and the Permanent Secretary only attended four days in the last week of the Conference Plenary (14th – 18th June 2010). The Minister addressed the Plenary Session on the afternoon of Wednesday 16th June after paying courtesy visits with the Permanent Secretary and the Fiji Tripartite Delegation to the Office of the ILO Director-General and personally met with the Assistant Director General and Regional Director for the ILO Asian and Pacific Region. The Minister and the Team also met with the ILO's Director for the International Labour Standards (NORMES) on Thursday 17th June 2010. It was unfortunate that the Director-General of the ILO could not be met personally due to the state of his health as he was taken ill during the second and third weeks of the Conference.

Fiji's Decent Work Country Programme

The primary goal of the ILO is to promote opportunities for men and women to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Decent work country programmes (DWCPs) promote decent work as a key component of development policies and at the same time as a national policy objective of governments and social partners. The present country programme is informed by international and regional development agendas including the Millennium Development Goals (MDGs), the United Nations Development Assistance Framework (UNDAF) for the Pacific subregion 2008 – 2012, and the Pacific Plan as well as national development objectives as expressed in Fiji's Strategic Development Plan (SDP) 2007 – 2011.

The Fiji DWCP is the product of tripartite consultations. In August 2009, separate consultations with the Fiji Trades Union Congress (FTUC), the Fiji Employers Federation (FEF), and the Ministry of Labour, Industrial Relations and Employment (MLIRE) were followed by tripartite consultations in September 2009 during which priorities were agreed on. The priorities in the DWCP also take due account of the Fiji Government's on-going Labour Reform agenda, the outcomes of the regional Tripartite High Level Meeting on 'Decent Work for Sustainable Development in the Pacific' held in Port Vila, Vanuatu between 5 and 9 February 2010, the Biennial Country Programme Review (2006-2007) for Pacific Island Countries (PICs), as well as ILO's comparative advantages vis-a-vis other UN and bilateral development partners, and the regional Tripartite Technical Meeting on Decent Work held in Nadi, Fiji between 26 and 28 November 2007.

The Fiji 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 part 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.

Asian Productivity Organisation

The 52nd Session of the APO Governing Body Meeting (GBM) took place in Kuala Lumpur, the Malaysian capital from 20th to 22nd April 2010. The GBM brought together 50 delegates and advisers from 19 member countries as well as eight observers from the Colombo Plan, Pan African Productivity Association, Kenya, Nigeria, and Turkey. The Governing Body unanimously elected Ryuichiro Yamazaki to be the next APO Secretary-General. He has a long, distinguished career with the Ministry of Foreign Affairs of Japan, serving, among other posts, as Japan's Ambassador to Vietnam and the Philippines. Secretary-General designate Yamazaki will assume office from mid-September 2010.

This year's GBM took up important agenda items. They included determining the amount of total membership contributions for the 2011 and 2012 biennium, reviewing the secretariat's proposed cost reductions, and electing a new APO Secretary-General who will assume the position from September this year. The meeting had a lively discussion on the APO preliminary budget for the 2011–2012 biennium. Due to the economic growth of member countries in 2006, 2007 and 2008, the apportionment of membership contributions had changed considerably. A number of countries saw their membership contributions increase by 20% to 30%, with a few experiencing a 40% increase. At the end, the meeting approved a 0% increase in the amount of total membership contributions for 2011 and 2012, and the contributions by member countries will continue to be calculated using the current contribution formula. The meeting also agreed to undertake a concurrent review of the membership calculation formula by a task force on a timetable to be decided by the Secretary-General.

In explaining the cost reduction proposals submitted by the Secretariat, which would entail drastic salary cuts for all Secretariat staff members, Secretary-General Shigeo Takenaka stressed that staff were the most important assets to the organization. Therefore, the reduction should be seen as an emergency measure. The meeting adopted the proposal with the condition that these measures would be reviewed within two years to ensure long-term sustainability of the organization and the morale of staff members. During the plenary session, APO Director for the Republic of Korea Dr. Dong Kyu Choi was elected APO Chair for 2010–2011, with APO Director for Lao PDR Somdy Inmyxai and Acting APO Director for Malaysia Mohd. Razali Hussain assuming the position of First and Second Vice Chairs, respectively.

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GBM delegates also exchanged ideas and views on regional productivity issues. This year, Directors were invited to make presentations on the theme of the APO's thrust areas. This topic was chosen to enable the APO to remain relevant and effective in fulfilling its mission. A special presentation on Malaysia's New Economic Model by Tan Sri Dato' Dzulkifli bin Abdul Razak, Vice Chancellor, Universiti Sains Malaysia, and a member of the National Economic Advisory Council, offered more food for thought in the field of national innovation and competitiveness. "The Secretariat will study these valuable inputs carefully in order to translate them into practical programs and activities," promised Secretary-General Takenaka in his [closing statement](#). Referring to the difficulties that the meeting faced in major agenda items, he said, "If the APO remains cooperative spirit that has been displayed in this GBM is maintained, I am confident that our organization will be able to overcome any difficulty."

EXTERNALLY-FUNDED NATIONAL LABOUR MARKET PROGRAMMES

National Employment Centre (NEC)

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 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.

Eradication of Child Labour Programme

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.

Fiji has ratified the Minimum Age Convention, 1973 (C.138) and the Worst Forms of Child Labour Convention, 1999 (C.182). ILO will help the constituents in building up capacity for the application of C.138 and C.182 with a view to developing and implementing interventions against the worst forms of child labour.

The child Labour unit was established with the assistance of the ILO Tackle Project and in line with the commitment of our Government in ensuring that children of school age are given the best possible academic qualification and assistance to ensure that they attain the best academic qualification available.

The child Labour unit has conducted the first ever specialised 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.

The child Labour unit has also trained the District interagency committee around Fiji in relation to the issue of child labour and their responsibility in ensuring that the issue of child Labour is well embedded into their programmes which should benefit the children who are in employment and those who need to be withdrawn from child labour ,

Effectively the committees are located in Sigatoka , Nadi , Lautoka , Ba , Tavua , Rakiraki , Labasa , Savusavu , Taveuni and Suva which deals with all the child Labour and support matters around Fiji and the District level ,

This has been the first time where the interagency committee members have been trained in the area of child labour and this has resulted in having the message taken to the grass roots level by the committee members.

ILO Aid-In-Kind Programme

The ILO committed the amount of \$570,981.00 in the form of technical assistance to Fiji in 2010. Unfortunately, the Ministry did not receive any form of assistance that was funded under this Programme.

GENDER EQUALITY AND WOMEN IN DEVELOPMENT

Under the Gender Equality and Women in Development Outcome, the Ministry has derived one (1) Output. The detail of the achievements of the Output is provided below

In line with this outcome, the achievement for **Output 1: Portfolio Leadership, Policy Advice and Secretariat Support** is at **100%**. One of the key achievements under this output is the promotion of decent employment opportunities in relation to the Fiji Decent Work Country Programme. Equal training opportunities have been given at all levels within the Ministry and there is an also equal employment opportunity in staff recruitment process. The EEO principle will be considered in the Board membership Renewal of ERAB, NOHSAB and NEC Board which will be carried out in December 2011. The Fiji Government is also committed to the EEO as evidenced in the nomination of a female Senior Legal Officer as part of the Fiji delegation to the ILC 2011 led by the Hon. Minister Filipe N. Bole. The NEC Service is also currently practising EEO in all its processes

The Ministry is also segregating data by gender to determine and promote distribution equity in the labour market.

POVERTY REDUCTION

Under the Poverty Reduction Outcome, the Ministry has derived five (5) Outputs. The detail of the achievements of the Outputs are provided below

In line with this outcome, the achievement for **Output 1: Portfolio Leadership, Policy Advice and Secretariat Support** is at **100%**. One of the key achievements under this output is the implementation of the 10 WRO's increase in 1 May 2011 after the 6 months grace period given the Prime Minister.

In line with this outcome, the achievement for **Output 2: Establishment of the National Employment Centre** is at **234%**. One of the key achievements under this output is the placement of unemployed persons into employment through the NEC.

In line with this outcome, the achievement for **Output 3: Consulting Services – Workers Compensation Advisory Services** is at **51.5%**. One of the key achievements under this output is the timely investigation and settlement of workers compensation backlog cases for Government and private sector workers.

In line with this outcome, the achievement for **Output 16: Public Awareness and Promotions – Occupational Health and Safety Practices** is at **160%**. One of the key achievements under this output is the quality OHS Awareness sessions undertaken for workplaces to raise their awareness on health and safety ensuring they are safe at work.

In line with this outcome, the achievement for **Output 18: A Well Informed Labour Market Under ERP 2007 and the Unemployed under the NEC Decree 2009** is at **100%**. One of the key achievements under this output is the availability of Sex-Disaggregated data in all the Ministry's existing databases (NEC and WC). For the other proposed databases, disaggregation of data by sex is planned and documented in the Ministry's Database Handbook.

3.0

Labour Market Statistics

LABOUR MARKET UPDATE 2010

LABOUR	2004	2005
Index of Paid Employment [1989 = 100]	135.7*	139.3*
Labour Force [000]		
Both Sexes	318.6	321.3
Male	211.4	213
Female	107.2	108.3
Unemployed [000]		
Both Sexes	23.1	23.4
Unemployed [%]	7.3	7.3

Labour Force [Estimates]	2008 [e]	2009 [e]
Total	839,621	845,532
Active	329,755	332,582
Employed	300,747	303,647
Money work	256,023	261,181
Formal	130,600	132,600
Informal [Unpaid workers/Seasonal/Working proprietors]	125,423	128,581
Subsistence	44,724	42,466
Unemployment	29,018	28,935
Unemployment rate %	8.8	8.7

Paid Employment by Industry and by Gender	2005	
	Male	Female
Total	85,467*	39,736*
Agriculture, Forestry and Fishing	1,214	175
Mining and Quarrying	1,820	79
Manufacturing	15,492	10,035
Electricity, Gas and Water	2,467	183
Construction	8,262	263
Wholesale and Retail Trades, Restaurants and Hotels	17,934	9,302
Transport, Storage and Communications	7,566	1,618
Finance, Insurance, Real Estates and Business Services	4,832	2,950
Community, Social and Personal Services	25,880	15,131

* As per Survey Result

Source: Fiji Islands Bureau of Statistics

Paid Employment of Wage and Salary Earners by Industry	2005	
	Wage Earners	Salary Earners
Total	78,208*	46,995*
Agriculture, Forestry and Fishing	1,058	331
Mining and Quarrying	1,540	359
Manufacturing	22,852	2,675
Electricity, Gas and Water	2,104	546
Construction	8,065	460
Wholesale and Retail Trades, Restaurants and Hotels	23,010	4,226
Transport, Storage and Communications	5,176	4,008
Finance, Insurance, Real Estates and Business Services	3,424	4,358
Community, Social and Personal Services	10,979	30,032

* As per Survey Result

Source: Fiji Islands Bureau of Statistics

Population size and growth by Geographic sector

Geographic Sector	Population Size	
	P1996 (Nr)	P2007 (Nr)
Total Fiji	775,077	837,271
Rural Sector	415,582	412,425
Urban Sector	359,495	424,846

2007 Census of Population and Housing

2002-2003 Household Income and Expenditure Survey

Average Household Income	All Fiji
All	12753
Rural	10559
Urban	15267
Average Income Per Adult Equivalent Per Week	All Fiji
All	59.51
Rural	48.57
Urban	72.43
The Incidence of Poverty (%) Using Differentiated Values for the BNPL	Percentage
All Fiji	35
Rural	40
Urban	29
Division	
Central	26
Eastern	35
Northern	53
Western	37

Source: Household Income & Expenditure Survey 2002-03

Note: BNPL - Basic needs poverty line: the monetary value of the minimum cost of living

Paid Employment labour force

Labour Force Category	1996 Census			2007 Census			Change (%)		
	P	M	F	P	M	F	P	M	F
Population age 15+	500,913	252,722	248,191	594,150	301,531	292,619	18.6	19.3	17.9
1. Economically Active	297,770	200,052	97,718	326,988	216,955	110,033	9.8	8.4	12.6
a. Employed	286,646	194,350	92,296	298,974	203,120	95,854	4.3	4.5	3.9
(1) Money inc.	219,314	166,299	53,015	252,399	181,691	70,708	15.1	9.3	33.4
No subs.	130,752	94,124	36,628	207,076	144,017	63,059	58.4	53.0	72.2
With subs.	88,562	72,175	16,387	45,323	37,674	7,649	-48.8	-47.8	-53.3
(2) Only Subs.	67,332	28,051	39,281	46,575	21,429	25,146	-30.8	-23.6	-36.0
b. Unemployed	11,124	5,702	5,422	28,014	13,835	14,179	151.8	142.6	161.5
2. Not economically active	203,143	52,670	150,473	267,162	84,576	182,586	31.5	60.6	21.3
F/T Home W.	106,686	2,591	104,095	131,957	9,173	122,784	23.7	254.0	18.0
F/T Student	56,051	28,159	27,892	63,262	30,559	32,703	12.9	8.5	17.2
Retired	9,695	6,094	3,601	19,815	12,624	7,191	104.4	107.2	99.7
Disabled	3,117	1,826	1,291	5,888	3,170	2,718	88.9	73.6	110.5
Not looking	5,473	3,653	1,820	25,707	16,061	9,646	369.7	339.7	430.0
Others	22,121	10,347	11,774	20,533	12,989	7,544	-7.2	25.5	-35.9

2007 Census of Population and Housing

Summary of Employment/Unemployed Labour Force

Year	Employed (Number)			Unemployed Number			Rate (%)		
	Pop	Male	Female	Pop	Male	Female	Pop	Male	Female
All Sectors									
1996	286,646	194,350	92,296	11,124	5,702	5,422	3.7	2.9	5.5
2007	298,974	203,120	95,854	28,014	13,835	14,179	8.6	6.4	12.9
Rural Sector									
1996	158,456	109,258	49,198	3,276	1,663	1,613	2.0	1.5	3.2
2007	150,491	105,542	44,949	10,550	5,206	5,344	6.6	4.7	10.6
Urban Sector									
1996	128,190	85,092	43,098	7,848	4,039	3,809	5.8	4.5	8.1
2007	148,483	97,578	50,905	17,464	8,629	8,835	10.5	8.1	14.8

2007 Census of Population and Housing

LABOUR PRODUCTIVITY DATA

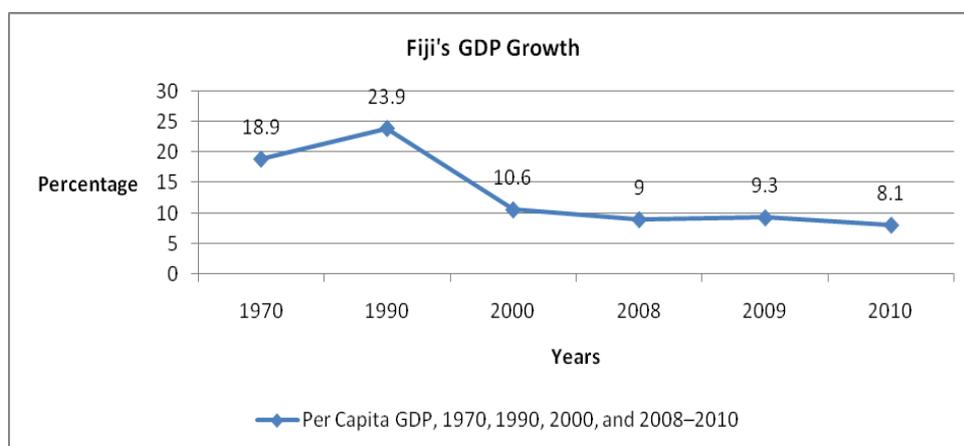
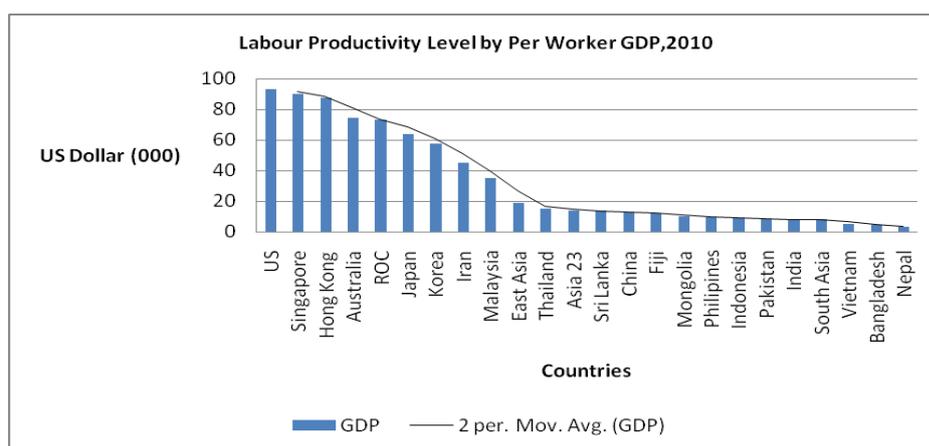


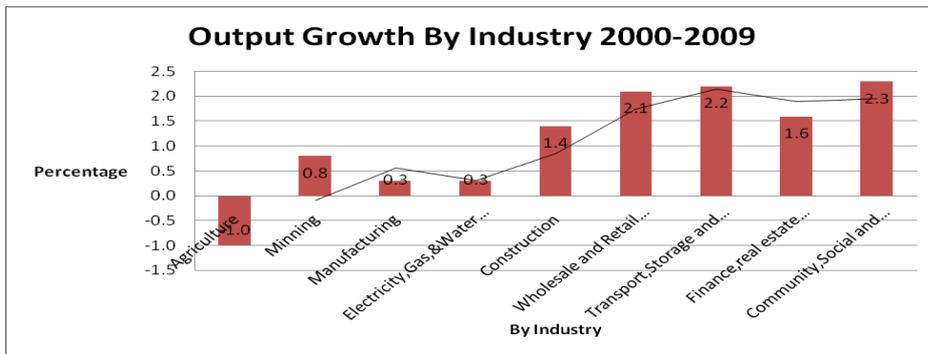
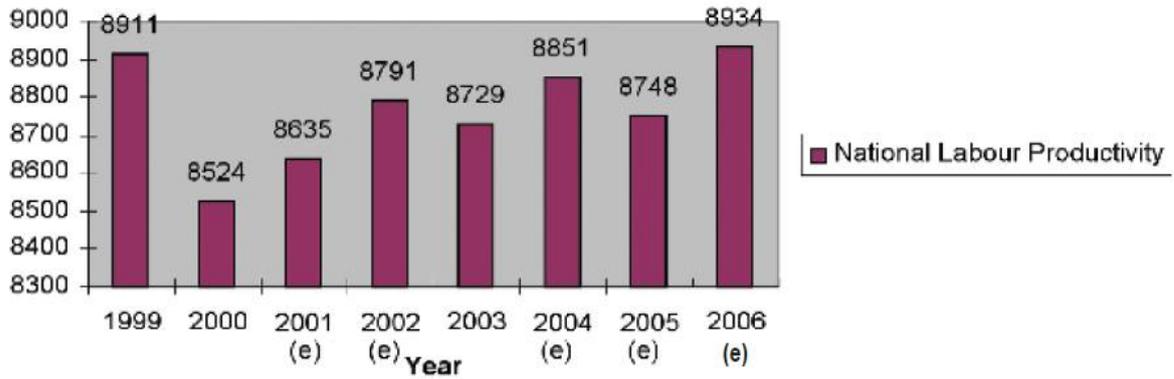
Figure shows the annual growth rate of GDP at constant price



Source: APO Productivity Database 2012.01

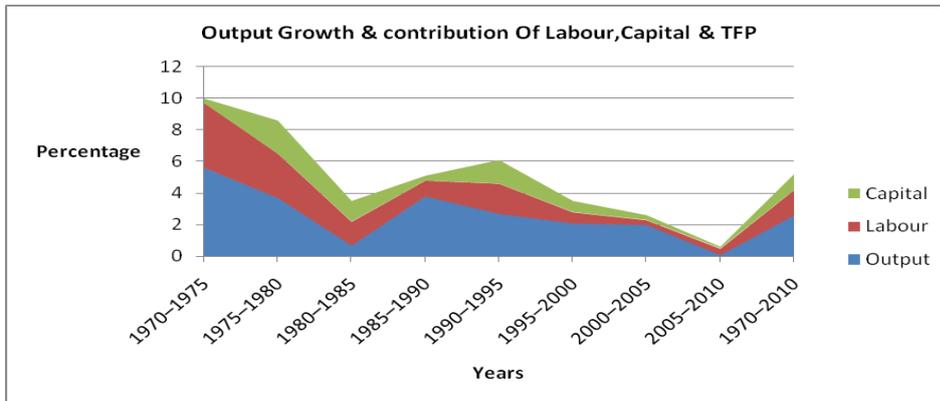
Fig 2.3: National Labour Productivity

(FJD)



Source: APO Productivity Database 2012.01

Output Growth and Contributions of Labor, Capital, and TFP



Source: APO Productivity Database 2012.01

WORKERS COMPENSATION STATISTICS

Clearance of Compensation Claim Backlog

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 as shown in Figure 1 below.

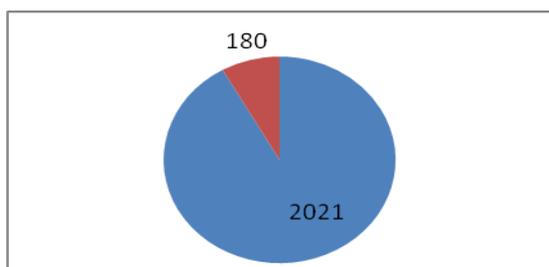


Figure 1: 2011 Workers Compensation Backlog Cases

In relation to the significant reduction in backlog cases, the Ministry utilised \$862,195.48 or 86% of the \$1m allocated for workers compensation in the 2011 Budget to clear the backlog of all Government cases. Of this amount, \$862,195.48 was paid out to 102 claimants and their beneficiaries, The breakdowns of payouts for death and injury cases in the public sector are shown in Figures 2 and 3.

DEATH CASES PAID OUT		
MINISTRY	NO OF CASES	AMT PD
RFMF	3	\$72,135.00
Education	8	\$192,360.00
Health	3	\$72,135.00
PWD	3	\$72,135.00
Prisons	1	\$24,045.00
Agriculture	2	\$48,090.00
Provincial Dev	1	\$24,045.00
Court fees	15	\$675.00
TOTAL	36	\$505,620.00

Figure 2: Compensation Payable for Government Death Cases

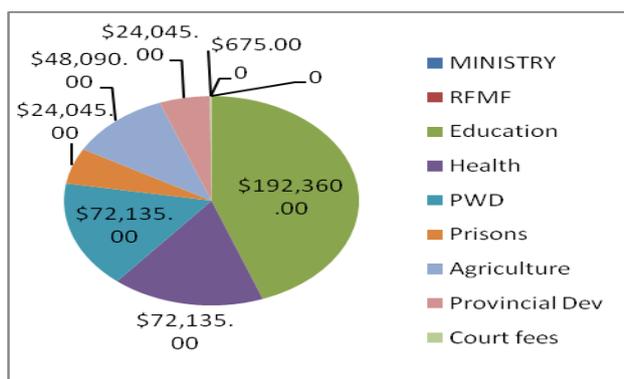


Figure 3: Compensation Payable for Government Injury Cases

The injured gov workers were also compensated for workplace injuries, 66 workers were paid a total of \$356,575.48 as compensation. Tabulated below are the breakdowns of injury payouts according to Govt Ministries.

MINISTRY	NO OF CASES	AMT PD
RFMF	14	\$97,489.29
Education	4	\$88,108.24
Health	6	\$50,933.48
Govt Shipping	1	\$6,366.36
Police	5	\$7,595.49
PWD	14	\$28,826.71
Prisons	3	\$50,932.07
Water Supply	2	\$24,547.84
Fisheries	1	\$1,056.00
Court fees	16	\$720.00
TOTAL	66	\$356,575.48

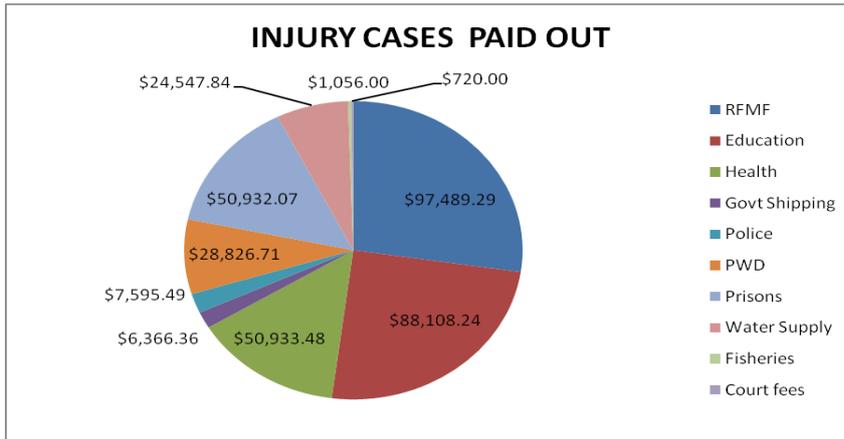
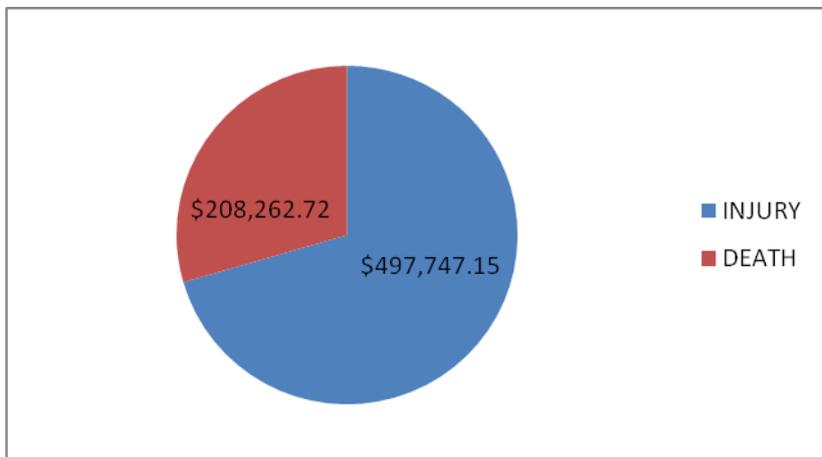


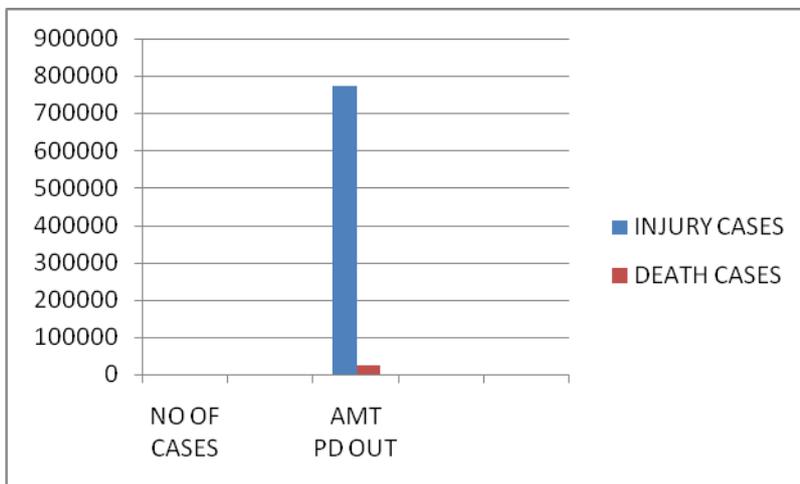
Figure 4: Compensation Payable for Private Sector cases

For the private sector, a total compensation payment of \$706,009.87 was paid out for 183 cases. Out of these, \$497,747.15 was paid out to 173 injured workers and \$208,262.72 was paid out to dependents of ten deceased workers

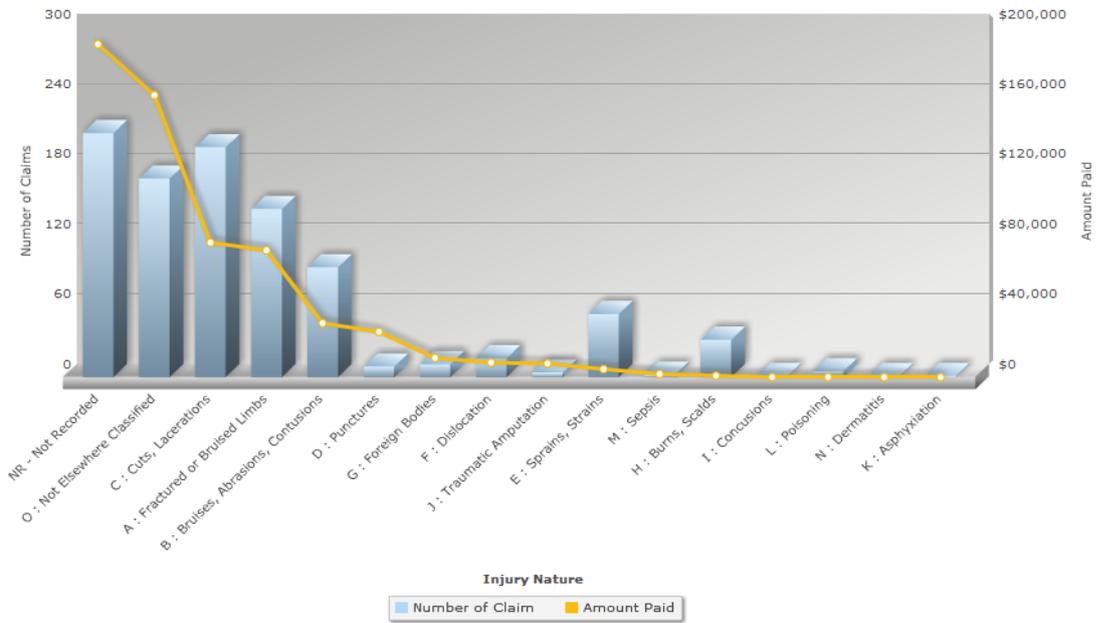


This achievement translates to a 86% settlement rate and mainly attributed to the scheduled deployment of the some of the Ministry's Suva-based staff to the District Offices in the Western and Northern Divisions; regular visits by the Ministry's designated Medical Officer to all the Labour Offices in the Districts to carry out medical assessments of injured workers; and the secondment of the team of military officers led by Lt. Col. Tuinaosara to the Ministry to boost the Ministry's capacity to efficiently and effectively settle the high volume of backlogged workers compensation cases.

The Cabinet Decision approved the workmen's compensation for those who served in Lebanon between 1978 to 31st January 1997 and for Sinai between 1982 to 31st January 1997. During the year 2011, a total of 188 cases were paid out, out of which 187 were injury cases with a payout of \$722,114.51 while one death case was paid out the sum of \$24,000.00

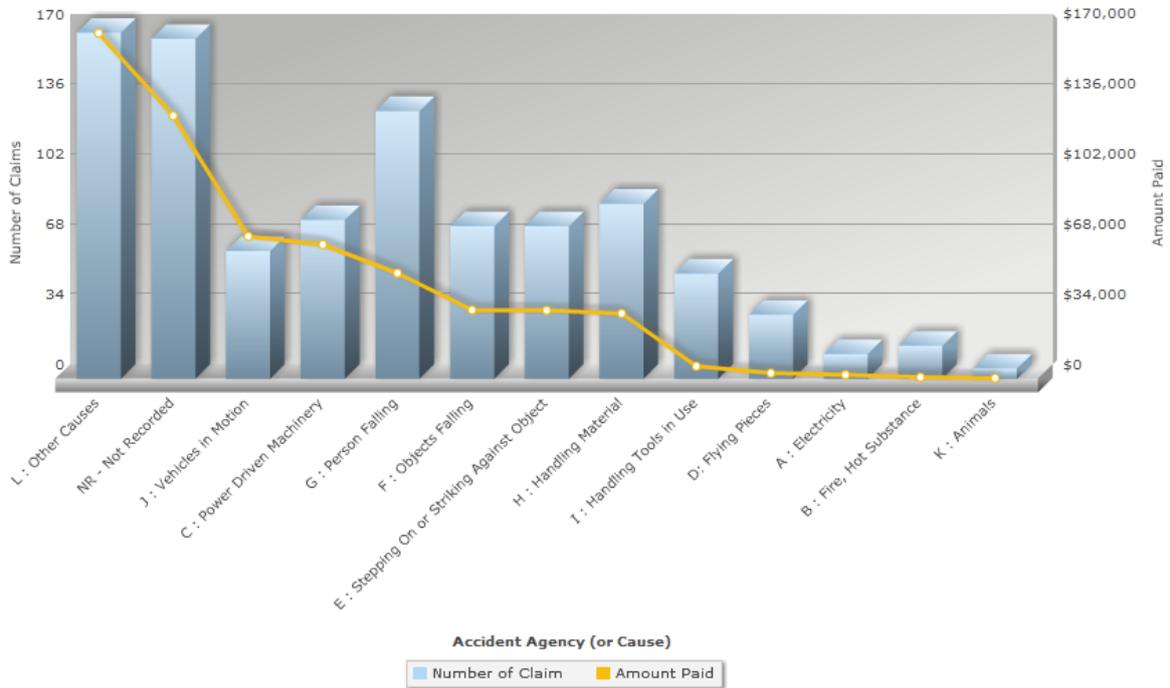


2011 Claims By Injury Nature



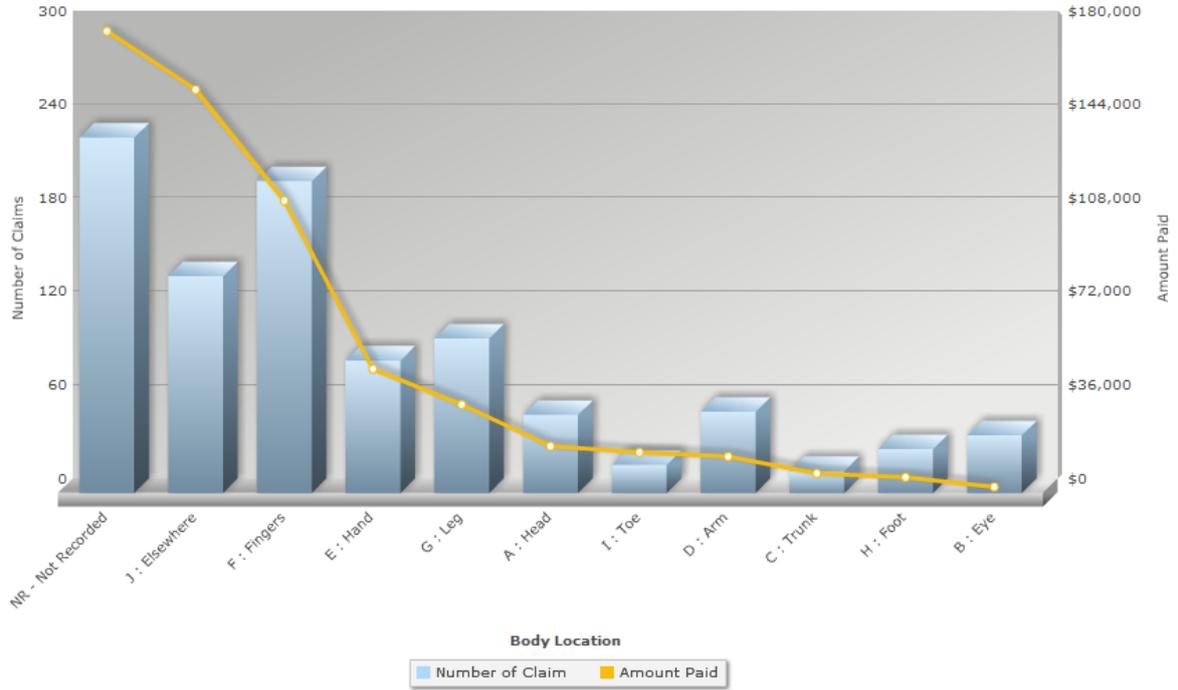
Decent and Productive Work for All
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2011 Claims By Accident Agency



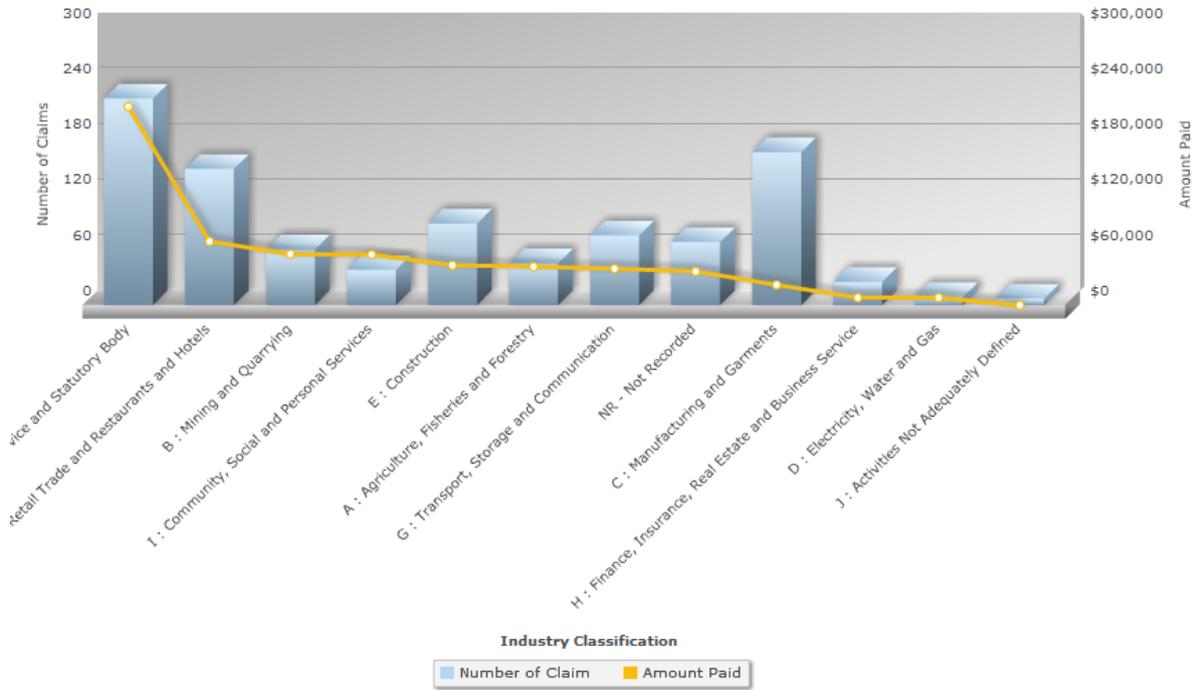
Decent and Productive Work for All
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2011 Claims By Body Location



Decent and Productive Work for All
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2011 Claims By Industry Classification



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4.0

Reports of Ministry's Boards

NATIONAL OCCUPATIONAL HEALTH AND SAFETY ADVISORY BOARD-ANNUAL REPORT FOR 2011

Background

The National Occupational Health and Safety Advisory Board (NOHSAB) is established under the provision of *Health and Safety at Work Act 1996*. The membership is tripartite consisting of members from the employers, workers and government.

It is a requirement under Section 39 of the HASAWA 1996 that the Board shall prepare and submit to the Minister a report of its operations annually.

Functions of the NOHSAB

The functions of the Board are:

- (i) To advise the Minister on matters relating to occupational health and safety;
- (ii) To inquire into and report to the Minister on matters referred to it by the Minister;
- (iii) In liaison with the Inspectorate, to facilitate the development of national health and safety regulations, standards and approval of codes of practice for the Minister's consideration; and
- (iv) Such other functions as are imposed on it by or under the Health and Safety at Work Act 1996 or any other Act.

3.2 The Board has powers necessary to carry out its functions or as are conferred on it by this or any other Act.

3.3 The Board has powers necessary to invite one more person(s) it considers appropriate to act in an advisory capacity to advise the Board on matters relating to health and safety at work on key policy areas.

Membership of NOHSAB

The membership is basically tripartite and the Minister shall invite the most representative employers and workers organization to submit names recommended to be appointed as members.

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

The previous Board membership was for two years effective from 1st January, 2010 and expiring on 31st December, 2011. They are as follows:

<p>Workers Representative</p> <ol style="list-style-type: none"> 1. Mr. John Mudaliar 2. Mr. Damodaran Nair 3. Mrs. Basundra Kumar 4. Mr. Jotika Sharma 5. Mr. Vilikesa Naulumatua 	<p>Employers Representative</p> <ol style="list-style-type: none"> 6. Mr. Inoke Bokini 7. Mr. Asaeli Tokalau 8. Ms. Olive Whippy 9. Mr. Stephen Chand 10. Mr. Josese Daveta
<p>Government Representative</p> <ol style="list-style-type: none"> 11. PS for Public Service Commission 12. PS for Public Enterprises, Tourism & Communication. 13. PS for Local Govt, Urban Development & Environment, 14. PS for Transport, Works & Energy 	<p>Chairperson Permanent Secretary for Labour, Industrial Relations & Employment</p> <p>Deputy Chairperson</p> <ol style="list-style-type: none"> 1. Employer Member 2. Worker Member

Amongst the members stated above, Mr. John O'connor has replaced Mr. Stephen Chand and Mr. Josese Daveta was replaced by Mr Steven Gow both from the Fiji Employers Commerce Federation. They both joined NOHSAB in June 2011.

Meetings

The NOHSAB met four times in the year 2011. The 1st meeting was held on the 30th March 2011, the 2nd on 29th of June 2011, the 3rd on 30th of September, 2011 and the last meeting of the year was held on the 06th of December, 2011. The 1st meeting was held at Novotel Lami and the other three (3) meetings were held at the Holiday Inn in Suva.

A total of ten (10) papers were presented to the NOHSAB in the 1st meeting of the year, however discussion for majority of the papers continued till the last Board Meeting of the year. Towards the end of 2011 there were a total of 40 Papers submitted to the Board.

A total of 16 new papers were presented to the Board for the year 2011, namely the Report of the funds sub-committee on the Extension of appointment of OHS Project Technical Officers and creation of Workers Compensation Project Officers Posts, Report of the Advisory Committee on the Draft Impairment Assessment Guide, Update on OHS Education and Accident Prevention Fund, Workmen's Compensation trend before and after reformed Health and Safety at Work Act 1996, Update on the ILC 2011, Update on the Workmen's Compensation Data Trend before and after the reformed Health and Safety at Work Act 1996, Report on the new Training Package for LMCC & OHS, Noise Monitoring Equipment & Noise Training, Segregation of Workmen's Compensation Statistics by Gender, Update on Worker's Compensation taskforce and the Middle East Compensation cases and Regional Co-operation between the MLIRE(NOHS) and PNG/Kiribati.

OHS POLICIES

There were four (4) scheduled meetings conducted with satisfactory outcome in 2011.

Key OHS policies that were discussed and resolved for 2011 were:

List of Hazardous Substances/Workplaces

The final list of hazardous workplace or employment which is likely to harm the health and safety or morals of children was submitted to the subcommittee. The Board noted the comments of the Sub – Committee and agreed the adoption and the recommendation as there were no comments to this paper.

Update of the Status of the Draft Health and Safety at Work (Construction) Regulations

The board firstly notes the deliberation of the sub- committee in the development of the final draft of the Health and Safety at Work Construction Regulation and had endorsed the Regulations for gazetting.

Update on the Extent of Asbestos Use in Fiji

The Board endorsed the development of the Ministerial Order to further support and address the importation issue and removal of the current asbestos containing material now in use.

Update on OHS Compliance and Enforcement Policy

The following were the recommendations made to the Board on this policy:-

- a) *the compliance and enforcement policy NOHSS document,*
- b) *the importance of having a compliance and enforcement policy to govern the compliance and enforcement carried out by the NOHSS; and*
- c) *Lastly to nominate an Advisory Committee to deliberate and review the compliance and enforcement policy.*

After the deliberation by the NOHSAB it was suggested that the Secretariat draw up a clear Terms of Reference and issues to be reviewed with the involvement of Legal Officer from Solicitor General's Office and the ILO expert in the deliberation of the Advisory Committee. These recommendations have been addressed as requested and the details on *Paper No. OHS/1/6/12* and awaits the Boards endorsement for adoption.

Progress on the Doctors 2011 Workshop on Impairment Assessment and the Fiji Manual on the Permanent Impairment Assessment Guide

The board was invited to note the progress of the Fiji Manual of Permanent Impairment Assessment Guide. They approved the recommendation and the Secretariat to liaise with the Ministry of Health and Ministry of Finance on the fee issue.

Report of the Advisory Committee on the Draft Fiji Impairment Assessment Guide

The Board approved for the release of \$59,000.00 from the OHS Trust Fund to finance the Second Phase in Country Training Programme also the extension of the subcommittee tenure to complete the Fiji Impairment Assessment Guide Manual.

Also a recommendation was tabled to the NOHSAB to adopt the Draft WorkCare as a tool for Permanent Impairment Assessment for the Workmen's Compensation cases in line with the new Workers Compensation Decree.

The Board has endorsed the draft in principle before the inclusion of administrative issues relative to the recently developed Workmen's Compensation Decree.

Report of the Advisory Committee on the Draft Noise Code of the Practice

Awareness of the latest draft of the Code of Practice was carried out for affiliates of Fiji Commerce & Employers Federation for Human Resource and Manufacturing Councils on the 6th -7th July, 2011.

Furthermore, refinement of the Noise Code was carried out by the National OHS Service before legal vetting with SG's office.

The Board has endorsed the final draft of the National Code of Practice for Occupational Noise and for legal vetting by SG's office before gazetting.

NATIONAL EMPLOYMENT CENTRE BOARD - ANNUAL REPORT 2011

The NECB was established under through the appointment of the Board members by the Minister for Labour, Industrial Relations and Employment via the gazette notice dated 14th April 2010. The only NECB meeting for 2011 was held on Thursday 29th October, 2011.

Some 13 Board papers were discussed in the 2011 Meeting of NECB.

The NECB remains mindful that its role is to provide the best possible policy advice on employment related matters to the Minister for Labour, Industrial Relations and Employment ('the Minister').

The NECB's Mission

To advise the Minister on all matters pertaining to employment.

Membership, Functions and Powers of the NECB

The NECB, which was established in 2010 under the provisions of section 17(2) of the National Employment Centre Decree 2009. The current members are:

Chairperson

Permanent Secretary for Labour,
Industrial Relations

appointed 1st January 2010

Representatives of Government

Permanent Secretary for the Public Service

appointed 1st January 2010

Permanent Secretary for Finance

appointed 1st January 2010

Permanent Secretary for Strategic Planning,

National Development and Statistics

appointed 1st January 2010

Permanent Secretary for Education	appointed 1 st January 2010
Permanent Secretary for Social Welfare	appointed 1 st January 2010
Permanent Secretary for Agriculture	appointed 1 st January 2010
Permanent Secretary for Industry & Trade	appointed 1 st January 2010
Permanent Secretary for Lands	appointed 1 st January 2010

Employers Representatives

Ms. Judy Yee-Joy	appointed 1 st January 2010
Mr Pawan Sharma	appointed 1 st January 2010 and resigned on 05 October 2010

Workers Representatives

Ms Asena Naulivou	appointed 1 st January 2010
Ms. Teresa Ali	appointed 1 st January 2010

Youth Representatives

Mr. Timoci Kacanavesi	appointed 1 st January 2010
Ms. Elizabeth Bucknell	appointed 1 st January 2010

Representatives of Vocational Training Institutions

Mr. Jone Usamate	appointed 1 st January 2010
Mr. Tito Isala	appointed 1 st January 2010
Mr Josua Mataika	appointed 1 st January 2010
Dr. Rohit Kishore	appointed 1 st January 2010

Representatives of Civil Society Organisations

Mr Hassan Khan	appointed 1 st January 2010
Mr Leonard Benjamin Anthony	appointed 1 st January 2010

Other Persons

General Manager, Native Land Trust Board	appointed 1 st January 2010
Commissioner Central Division	appointed 1 st January 2010
Commissioner Eastern Division	appointed 1 st January 2010
Commissioner Western Division	appointed 1 st January 2010
Commissioner Northern Division	appointed 1 st January 2010

Section 18 of the NEC Decree sets out the NECB's main functions and the overall function is to consider and advise the Minister on employment related matters including issues of policy as well as matters provided for by the NEC Decree and any other written law.

Other functions include:

- (a) to establish the overarching National Employment Centre's strategic plan and corporate plan vision, mission, values, targets and strategies, rationalising and integrating the strategic plans and corporate plans of the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service;
- (b) to ensure the achievements of the Centre's overarching strategic plan and corporate plan targets every year, compatible with national unemployment needs and Government's commitments to the Peoples Charter for Change, Peace and Progress;
- (c) to ensure an efficient and effective National Employment Centre established under the Ministry by this Decree;
- (d) to ensure an efficient and effective National Employment Centre Secretariat established under this Decree;
- (e) to ensure the efficient and effective consolidation of all existing employment creation services within or under the jurisdictions of Government ministries and departments under the National Employment Centre Secretariat umbrella, operating under the Ministry's jurisdiction;
- (f) to ensure the efficient and effective operations of all the Employment Creation Services established under this Decree;
- (g) to ensure the efficient and effective implementation of employment creation policies of Government through the various Employment Creation Services by way of effective facilitation, coordination and monitoring roles;
- (h) to ensure efficient and effective strategic partnerships with vocational training and other training institutions, including the disciplined forces to realise quality competency-based skills training for all attachés, volunteers and unemployed persons;
- (i) to ensure an efficient and effective national registration system for all the unemployed throughout the Fiji Islands;
- (j) to ensure the provision of quality and professional counselling services to all unemployed persons;

- (k) to ensure the establishment and sustainability of the Fiji Volunteer Service and the Foreign Employment Service through the National Employment Centre Secretariat;
 - (l) to search and find innovative ways or secure partnerships to significantly create and boost employment opportunities for the unemployed, such as the adoption of progressive information and communication technologies in training and development;
 - (m) to boost entrepreneurship skills training and the creation of small businesses locally through the provision of seed funding and technical support services;
 - (n) to effectively promote, facilitate and boost local and overseas employment opportunities through progressive media marketing and other effective strategies;
 - (o) to effectively promote, facilitate and boost participation in the Fiji Volunteer Service for services locally, regionally and internationally;
 - (p) to effectively promote and facilitate quality skills training and re-training or up-skilling of unemployed persons and workers;
 - (q) to ensure the timely collation and analysis of labour market 'supply and demand' information and data relating to employment and unemployment to facilitate the effective delivery of the National Employment Centre and Employment Creation Services' core businesses;
 - (r) to provide and maintain an efficient and current national human resources database system on employment and unemployment to ensure quality policy advice to the Minister and also to facilitate the Government's human resources planning, including the allocation of scholarships;
 - (s) to periodically advise the Minister on the performances of all the Employment Creation Services in terms of employment creation growth;
 - (t) to assume and rationalize the employment creation responsibilities of existing boards or bodies established by any of the Employment Creation Services operating within the jurisdiction of any Government ministry or department for the purposes of organisation reform under this Decree;
 - (u) to decide on the allocation and distribution of human resources, operating and capital budgets and assets amongst the Employment Creation Services and the National Employment Centre Secretariat in accordance with the Government policy to establish the National Employment Centre and associated restructuring reform;
 - (v) to decide, in consultation with the Minister, on the employment creation core businesses of the Employment Creation Services during the establishment or designation of the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service or the Foreign Employment Service;
 - (w) to decide, based on the determination of employment creation core businesses under subsection (1)(v), the rationalization of organisation structures and positions in these Services, their numbers, grades, salary levels, contractual terms and conditions of employment and performance management systems to be adopted that are compatible with the market demands of the various employment and business markets to ensure that these Services are market-driven, cost-efficient and cost-effective;
 - (x) to inquire into and report to the Minister on matters relating to employment creation referred to it by the Minister;
 - (y) to provide the Minister with bi-annual reports on the progress in implementing the employment creation policies of Government under this Decree; and
 - (z) to advise the Minister on any other employment creation matter as well as matters provided for by this Decree and any other written law;
- (2) The Board may invite any person it considers appropriate to act in an advisory capacity to the Board in its deliberations.
 - (3) The Board may appoint an advisory committee comprising wholly or partly of persons who are not members of the Board to advise the Board on any employment creation or entrepreneurship related matter.
 - (4) The Board has powers necessary to carry out its functions as conferred on it by this Decree or any other written law.
 - (5) To facilitate the implementation of the Board's functions under subsection (1), each Employment Creation Service must establish its own working committee. The committee is to be chaired by the Chief Executive Officer or manager of the Employment Creation Service.
 - (6) The Chief Executive Officer or manager of an Employment Creation Service shall be directly responsible to the Board for the corporate management and leadership of the Employment Creation Service through the National Employment Centre Secretariat.

The Board has powers necessary to carry out its functions as conferred on it by this Promulgation or any other written law.

Performance Highlights

In 2011, the NECB had one (1) Board meetings deliberating and making decisions on twenty (13) discussion papers.

SUMMARY OF DISCUSSION PAPER DECISIONS

Paper No.	DISCUSSION PAPER	DECISION
1.	NEC Implementation Update 2011	NECB noted with appreciation the NEC achievement and endorsed that the NEC budget be sourced through normal budget process.
2.	NEC (Amendment) Decree 2011	NECB to submit comments to Secretariat within 2 weeks
3.	NEC Administration (Amendment) Regulations 2011	NECB to submit comments to Secretariat within 2 weeks
4.	NEC Formal Employment Service (Amendment) Regulations 2011	NECB to submit comments to Secretariat within 2 weeks
5.	NEC Self Employment Service (Amendment) Regulations 2011	NECB to submit comments to Secretariat within 2 weeks
6.	NEC Foreign Employment Service (Amendment) Regulations 2011	NECB to submit comments to Secretariat within 2 weeks
7.	NEC Fiji Volunteer Service (Amendment) Regulations 2011	NECB to submit comments to Secretariat within 2 weeks
8.	Fiji Volunteer Service (FVS) Setting Criteria for Volunteers	NECB endorsed the paper
9.	Logo for FVS	NECB endorsed that PSC does the finer details for the FVS Logo
10.	FVS Revised Allowances for Volunteer	NECB endorsed the FVS allowance be within the range of F\$500-F\$2,000 depending on the cost of living in the receiving country.
11.	Marketing and Launching Plan for FVS	NECB endorsed the paper
12.	NEC Trust Fund (Amendment) Regulations 2011	NECB to submit comments to Secretariat within 2 weeks
13.	NEC Code of Ethics (Amendment) 2011	NECB to submit comments to Secretariat within 2 weeks

5.0 AUDIT REPORT



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24 May 2012

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

Dear Sir

AUDITED FINANCIAL STATEMENTS OF THE MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT FOR THE YEAR ENDED 31 DECEMBER 2011

Audited Financial Statements for the Ministry of Labour, Industrial Relations & Employment for the year ended 31 December 2011 together with my audit report on them are enclosed.

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

Yours sincerely

Tevita Bolanavanua
AUDITOR-GENERAL

cc: ✓ Mr. Taito Waqa, Permanent Secretary for Labour, Industrial Relations & Employment.

Encl.

