



STANDING COMMITTEE ON NATURAL RESOURCES

2014, 2015 AND 2016 ANNUAL REVIEW OF THE MINISTRY OF EMPLOYMENT, PRODUCTIVITY AND INDUSTRIAL RELATIONS



**PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 110/18**

July, 2018

Published and Printed by the Department of Legislature, Parliament House, SUVA.



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Consolidated Annual Review of the Ministry of Employment, Productivity and Industrial Relations 2014, 2015 & 2016 Annual Reports

Report of the Natural Resources Standing Committee

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Chair's Foreword

I rise to present the review of the Standing Committee on Natural Resources on the 2014, 2015 and 2016 consolidated Annual Reports of the Ministry of Employment, Productivity and Industrial Relations.

The Standing Committee on Natural Resources is established under Section 109 (2) (c) of the Parliament of the Republic of Fiji Standing Orders (SO). It is mandated to examine matters related to forestry, agriculture, mining, environment, fisheries, water and marine services.

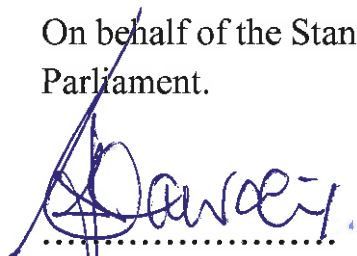
The purpose of the review was to scrutinise the Ministry of Employment, Productivity and Industrial Relations 2014, 2015 and 2016 Annual Reports; to compare and to analyse the performance of the Ministry in terms of its administration, legislation, organisation structure, financial management, functions and programs.

The Committee in its review process has identified areas of concern that the Ministry will need to clarify and validate to assist the Ministry's management, extension and service delivery to all stakeholders. The review exercise was made possible through consultations and verification meetings with the Permanent Secretary and Senior Staff of the Ministry.

The Committee recommends that the House take note of its report and the Way Forward.

I extend my appreciation to the Honourable Members and the Secretariat who were involved in the production of this bipartisan report. My Committee colleagues are Hon. Alivereti Nabulivou (Member), Hon. Niko Nawaikula (Member), Hon. Samuela Vunivalu (Member) and Hon. Jiosefa Dulakiverata (Member) and Hon. Salote Radrodoro (alternate member for Hon. Niko Nawaikula).

On behalf of the Standing Committee on Natural Resources, I commend this Report to Parliament.



.....
Hon. Joweli R Cawaki

Chairperson

Acronyms

HASAWA	Health and Safety at the Work Place Act
OHS	Occupational Health and Safety
SMART	Safety Management Audit Review Tool
ERP	Employment Relations Promulgation
NOSHAB	National Occupational Safety and Health Advisory Board
LMCC	Labour Management Consultation and Cooperation Committee
CBEE	Community Based Emergency Employment
WR	Wages Regulation
NEC	National Employment Centre
LST	Life Skills Training
TCF	Technical College of Fiji
FVS	Fiji Volunteer Service
ERAB	Employment Relations Advisory Board
NOHSS	National Occupational Health and Safety Service
ILO	International Labour Organization
SWP	Seasonal Workers Program
RSE	Recognized Seasonal Employer
NECB	National Employment Centre Board
LPP	Labour Policy and Productivity
ERCC	Employment Relations Call Centre
EDV	Engineering Design Vetting

Ministry of Employment, Productivity and Industrial Relations

Recommendation

The Standing Committee on Natural Resources has conducted the consolidated annual review of the 2014, 2015 and 2016 performance and operations of the Ministry of Employment, Productivity and Industrial Relations and recommends that the House take note of the Committee's report.

1.0 Introduction

The Ministry of Employment, Productivity and Industrial Relations Annual Reports for 2014, 2015 and 2016 were assigned to the Standing Committee on Natural Resources by the Hon. Speaker for second reading on Monday 21st May, 2018. The above mentioned Annual Reports were initially referred to the Standing Committee on Social Affairs to scrutinise on Monday 16th April, 2018. The decision was delivered by the Hon. Speaker to ease the workload for the Standing Committee on Social Affairs.

2.0 Gender Analysis

The Ministry's amended Memorandum of Understanding with the Australia Seasonal Workers Program has given Fiji the opportunity to participate in other sectors in the seasonal work programme such as aquaculture, hospitality, cane farming and cotton. This has seen the increase in the number of workers employed in the hospitality sector especially women in 2017/2018.

2.1 Summary of Deployment - New Zealand Seasonal Workers Program from 2015 to 2018.

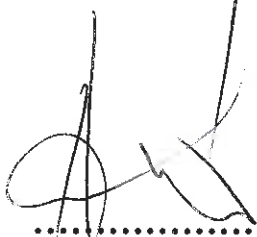
Year	Seasonal Workers Program			Recognised Seasonal Employer		
	Male	Female	Total	Male	Female	Total
2015	108	29	137	44	2	46
2016	71	14	85	207	21	228
2017	188	26	213	265	19	284
May 2018	132	12	144	215	8	223
TOTAL	499	81	579	731	50	781

- 2.1.1** The progressive increase of seasonal workers from 2015-2016, saw the increase in the number of Fijian workers securing seasonal employment in New Zealand from forty six (46) in 2015 to two hundred and twenty eight (228) in 2016.
- 2.1.2** In 2015, the first batch of fifteen (15) women workers were employed with Plant Grow Pick under the Australian Seasonal Worker Programme¹.
- 2.1.3** It can be noted that the Permanent Secretary is a woman – Ms. Salaseini Daunabuna. There are two women directors, the Director Labour Policy & Productivity (LPP) and Director Employment Relations Call Centre (ERCC). There are also board members who are women in the National Occupational Safety and Health Advisory Board (NOSHAB) and National Employment Centre Board (NECB).

SIGNATURE OF MEMBERS:



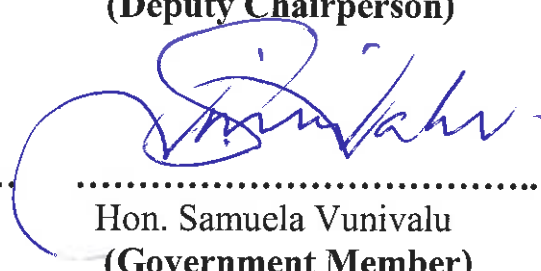
.....
Hon. Joweli Cawaki
(Chairperson)



.....
Hon. Alivereti Nabulivou
(Deputy Chairperson)



.....
Hon. Niko Nawaikula
(Opposition Member)



.....
Hon. Samuela Vunivalu
(Government Member)



.....
Hon. Jiosefa Dulakiverata
(Opposition Member)

¹ The data on the Summary of Deployment for the Seasonal Workers Program from 2015 – 2018 was provided by the Ministry of Employment, Productivity and Industrial Relations.

APPENDICES

Appendix 1	Committee Procedure
Appendix 2	Verbatim
Appendix 3	Ministry's Response

1.0 Committee Procedure

The Natural Resources Committee met on Wednesday 06th June, 2018 to review the 2014, 2015 and 2016 Annual Reports of the Ministry of Employment, Productivity and Industrial Relations. The Committee invited the Senior Officials of the Ministry to briefly explain the overall performance of the Ministry as highlighted in its Annual Reports.

1.1 Committee Members

The members of the Standing Committee on Natural Resources are as follows:

- 1.1.2** Hon. Joweli Cawaki, Chair, Assistant Minister for Rural & Maritime Development & National Disaster Management;
- 1.1.3** Hon. Alivereti Nabulivou, Deputy Chair, Government MP;
- 1.1.4** Hon. Niko Nawaikula, Opposition MP;
- 1.1.5** Hon. Samuela Vunivalu, Government MP;
- 1.1.6** Hon. Jiosefa Dulakiverata, Opposition MP; and
- 1.1.7** Hon. Salote Radrodro (alternate Member for Hon. Niko Nawaikula).

1.2 Submissions Received

A presentation by the Ministry of Employment, Productivity and Industrial Relations to the Standing Committee on Natural Resources was held on Thursday 14th June, 2018 at the Small Committee room, Parliament.

Listed below are the attendees:

- 1.2.1** Ms. Salaseini Daunabuna – Permanent Secretary for Employment, Productivity and Industrial Relations
- 1.2.2** Mr. Tomasi Kawa – Director, OHS/Workmen's Compensation Services
- 1.2.3** Mr. Atish Kumar – Senior Information Officer
- 1.2.4** Ms. Seruwaia Bavai – Manager NEC
- 1.2.5** Mr. Tomasi Keni – Mediator
- 1.2.6** Mr. Lui Mario – Manager Workers Compensation

2.0 Analysis of the Committee

The Committee noted that the overall performance of the Ministry of Employment, Productivity and Industrial Relations for 2014, 2015 and 2016 had clearly highlighted the Ministry's Key Performance Indicators (KPI's) Achievements and Budgetary Allocation & Expenditure level.

2.1 2014 Budget Utilisation, KPIs & Achievements

2.1.1 Vision - Decent & Productive Work for All.

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

2.2 2014 Budget Allocation - \$10,013,561

Budget Utilized (\$M)	Budget Unutilized	% Utilized
\$9,982,594	\$30,967.00	99.7

2.3 Key Performance Indicators

2.3.1 Fullest and most productive utilization of our human resources.

2.3.2 Protection and Development of Children and Youth.

2.3.3 Reducing poverty to a negligible level by 2015. Achievement of gender equality and empowerment of women.

2.3.4 Creating sustainable livelihoods through Enterprise Development.

2.3.5 To improve public service delivery and improve public sector efficiency and effectiveness through Public Sector Reforms.

2.3.6 Universal access to information and competitive telecommunication services.

- 2.3.7** An effective, competitive and stable financial system that will enhance economic growth and development.

2.4 2014 Achievements

- 2.4.1** Implementation of Fiji's first ever National Minimum Wage (NMW).
- 2.4.2** Fiji's successful outcomes at the 320th Session of the ILO Governing Body in March 2014.
- 2.4.3** Understudy of the New Zealand Recognized Seasonal Employer (NZRSE) Work Scheme by the Minister for Employment, Productivity and Industrial Relations, Honourable Jone Usamate.
- 2.4.4** Inter-Agency Understanding (IAU) signing between the Government of New Zealand and the Government of the Republic of Fiji on Fiji's inclusion under the New Zealand Recognized Seasonal Employer (NZRSE) Work Scheme.
- 2.4.5** Involvement of NEC clients in the construction of thirty (30) new homes for the relocation of the Vunidogoloa residents.
- 2.4.6** Commencement of the Ministry's Operational Reform.
- 2.4.7** Certification of the National Occupational Health and Safety Service and the Mediation Service to ISO 9001:2008 Quality Management System (QMS).
- 2.4.8** Memorandum of Understanding (MOU) signing between the Government of the Independent State of Papua New Guinea and the Government of the Republic of Fiji on technical assistance in the field of Occupational Health and Safety (OHS).
- 2.4.9** Approved 2015 Public Holidays.
- 2.4.10** Commemoration of ILO World Day for Safety and Health at Work.

- 2.4.11 Commemoration of World Day against Child Labour.
- 2.4.12 Soft launch of the Foreign Employment Service (FORES).
- 2.4.13 Public launch of the National Employment Centre (NEC).
- 2.4.14 One hundred and seventy four (174) Promotional initiatives were carried out in 2014.
- 2.4.15 Six (6) user-pay training programs within the last six (6) months of 2014 conducted under the newly established Employment Relations Call Centre (ERCC) of the Ministry in June 2014.
- 2.4.16 One hundred and sixty five (165) LMCC Training conducted to workplaces of more than twenty (20) workers.
- 2.4.17 Eighty seven (87) OHS training conducted to workplaces employing more than twenty (20) workers.
- 2.4.18 One hundred and fourteen (114) OHS awareness conducted to workplaces.
- 2.4.19 Sixty two (62) HIV & AIDS awareness conducted.
- 2.4.20 Child Labour training conducted to the Sugar Industries in the Western and Northern Division.
- 2.4.21 Three thousand, one hundred and thirty two (3,132) Workplace Labour inspection conducted.
- 2.4.22 Seven hundred and twenty one (721) Labour complaints settled.
- 2.4.23 \$1,400,591 workplace inspection recoveries.
- 2.4.24 Three (3) Employment agencies registered.
- 2.4.25 Four (4) Child Labour cases withdrawn.

- 2.4.26** Six (6) bargaining Units under the Essential National Industries (ENI) 2011 Decree were re-registered during this period.
- 2.4.27** Six (6) annual returns were received while 4 being rejected due to non-compliance issues.
- 2.4.28** Sixty seven (67) Collective Agreements were registered.
- 2.4.29** Four (4) amendments to respective Constitutions were registered and no secret ballots conducted in 2014.
- 2.4.30** Thirty nine (39) requests for registration of Industrial Associations were received whereby thirteen (13) were registered while twenty six (26) were returned due to non-compliance with the Industrial Associations Act.
- 2.4.31** One (1) Industrial Association was deregistered during the year based on the non-submission of annual returns for the past 5 years.
- 2.4.32** Nine hundred and seven (907) Employment grievance resolved, one hundred and thirty three (133) not resolved.
- 2.4.33** Six (6) employment disputes resolved, three (3) not resolved.
- 2.4.34** \$773,656 recovered from employers and paid to workers.
- 2.4.35** One hundred and ninety eight (198) employment grievance cases received by the ERT whereby sixty five (65) cases were settled and one hundred and twelve (112) cases were heard.
- 2.4.36** Fourteen (14) employment dispute cases received whereby a total of ten (10) cases were settled and three (3) cases were heard.
- 2.4.37** Twenty two (22) criminal cases received whereby eleven (11) cases were settled and eight (8) cases were heard.

- 2.4.38 Seventy one (71) compensation cases were settled and thirty seven (37) cases were heard.
- 2.4.39 Thirty five (35) miscellaneous cases received whereby a total of six (6) cases were settled and two (2) cases were heard.
- 2.4.40 Four hundred and twenty five (425) chemicals were registered in 2014.
- 2.4.41 Forty five (45) proactive occupational hygiene services were provided.
- 2.4.42 Twenty seven (27) chemical consultancy services were provided to employers.
- 2.4.43 Five (5) HIV & AIDS Training and sixty (60) awareness conducted.
- 2.4.44 Twelve (12) Non Destructive Testing (NDT) consultancies provided in 2014.
- 2.4.45 Three hundred and eleven (311) Building plans vetted (Engineering Design Vetting).
- 2.4.46 Seven thousand, eight hundred and thirty (7,830) statutory inspections were conducted.
- 2.4.47 Six hundred and forty (640) workplaces were registered.
- 2.4.48 Three hundred and sixty three (363) OHS Notices were issued to employers.
- 2.4.49 Four hundred and ninety two (492) OHS SMART audits were conducted.
- 2.4.50 One thousand, seven hundred and twenty (1,720) business license issued.
- 2.4.51 Forty nine (49) diving gears inspections were conducted.

- 2.4.52** Sixty four (64) sawmill inspections were conducted.
- 2.4.53** Two hundred and ninety two (292) OHS hazard audits were conducted.
- 2.4.54** Thirty eight (38) backlog cases from 2001 to 2009 settled and a total of \$78,204.29 was paid out to thirteen (13) injured workers.
- 2.4.55** One hundred and sixty six (166) workers were paid \$453,979.93.
- 2.4.56** One thousand, one hundred and twenty seven (1,127) backlog cases from 2010-2012 were received and settled.
- 2.4.57** Twenty nine (29) Middle East cases were settled with the balance of 33 remain pending.
- 2.4.58** One hundred and sixty (160) cases in 2014 were settled against the annual target of two hundred (200).
- 2.4.59** \$1,496,304.72 was paid out for one hundred and sixty (161) cases out of the \$1.5 million allocated for the year.
- 2.4.60** One hundred and seventy eight (178) LMCC Workplace Committees registered.
- 2.4.61** One hundred and twenty six (126) employment grievance cases received and settled 64 cases whilst 189 remain active for further investigation.
- 2.4.62** Two (2) criminal cases settled.
- 2.4.63** Employment Creation Services established in 2014.
- 2.4.64** Eight thousand, four hundred and seven (8,407) clients registered under the NEC Professional Counselling, Aptitude Assessment, Life Skills Training and Employment Skills Training commenced with the Western and Central Division.

- 2.4.65 One thousand and eleven (1,011) Professional Counseling conducted to clients.
- 2.4.66 One thousand and eleven (1,011) Aptitude Assessment conducted.
- 2.4.67 Seven hundred and twelve (712) Life Skills Training conducted.
- 2.4.68 Two hundred and fifty (250) Employment Skills Training conducted.
- 2.4.69 One hundred and forty eight (148) NEC Awareness were conducted.
- 2.4.70 Twenty six (26) clients were absorbed into the Foreign Employment Service (FES).
- 2.4.71 Nine thousand, four hundred and eighty eight (9,488) employers registered with the Ministry. 317 (3.35%) have come forward to recruit NEC clients.
- 2.4.72 Two hundred and twenty five (225) MOUs signed between NEC and employers.

2.5 2015 Budget Allocation, KPIs & Achievements

- 2.5.1 **Vision** - Decent Employment & Productivity for All.
- 2.5.2 **Mission** - Promote Employment Creation and Ensuring Social Justice, Good Faith Employment Relations, Safe and Productivity Driven Workplaces.
- 2.5.3 **2015 Budget Allocation - \$15,734,706 (M)**

Budget Utilized	Budget Unutilized	% Utilized
\$15,305,909	\$428,800.00 (2.7%)	97.3

2.6 Key Performance Indicators

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

2.7 2015 Achievements

- 2.7.1** The Cabinet approved Recruitment and Selection Criteria for the New Zealand Recognized Seasonal Employer (RSE) Work Scheme.
- 2.7.2** Increased in Fiji's first National Minimum Wage from \$2 per hour to \$2.32 per hour.
- 2.7.3** MOU extension with Papua New Guinea on Occupational Safety and Health Technical Assistance.
- 2.7.4** Christmas Island Workers' Compensation cases payout.
- 2.7.5** Sharing of eradication of child labour practice with the Government of Papua New Guinea.
- 2.7.6** Fiji signs MOU on participation under the Australian Seasonal Workers Program (SWP).
- 2.7.7** Signing of Fiji's Tripartite Agreement in Geneva.

- 2.7.8 Signing of the Inter – Agency Understanding (IAU) with Government of New Zealand on Recognized Seasonal Employer (RSE).
- 2.7.9 Successful completion of the government of Papua New Guinea's (PNG) Occupational Safety and Health Reform through assistance provided by the Ministry.
- 2.7.10 Training on Management of Information Security System to Enhance IT Services.
- 2.7.11 Commemoration of World AIDS Day.
- 2.7.12 Essential Industries Decree Review.
- 2.7.13 ISO certification of Labour Standards Service (LSS) and National Employment Centre (NEC).
- 2.7.14 Re-certification of National Occupational Health and Safety Service (NOHSS) and Mediation Service (MS).
- 2.7.15 One thousand, five hundred and thirty four (1,534) new compensation cases were reported. The number of cases settled in the year was one thousand, two hundred and ninety three (1,293) with a total of one thousand, four hundred and twenty one (1,421) cases pending from 2010 to 2015.
- 2.7.16 \$2.5 million was allocated by Government to cater for the compensation for government workers. A total of \$2,553,417.27 was paid out to two hundred and fourteen (214) government cases. Sixty eight (68) were death cases totaling \$1,632,000.00 and one hundred and forty six (146) were injury cases totaling \$921,417.27.
- 2.7.17 For the private sector, a total of one hundred and sixteen (116) cases were paid out totaling \$305,493.64. This consisted of five (5) death cases totaling \$120,000.00 and one hundred and eleven (111) injury cases totaling \$185,493.64.

- 2.7.18** Twenty five (25) Middle East cases were pending at the beginning of 2015. Nineteen (19) cases were resolved with only six (6) cases pending.
- 2.7.19** Fifty five (55) cases which were pending for the period 2001 to 2009, thirty nine (39) cases were settled with sixteen (16) cases were pending in the ERT.
- 2.7.20** Two hundred and fifty seven (257) Christmas Island cases were paid out amounting to \$2,532,735.00. A total of thirty eight (38) cases were paid directly to surviving veterans while the other 219 cases were distributed amongst the total of one thousand, one hundred and seventy four (1,174) dependents.
- 2.7.21** Eight y eight (88) OHS awareness and sixty seven (67) OHS Trainings conducted.
- 2.7.22** Fifty seven (57) trainers were accredited as OHS Accredited Trainers. These comprised twenty two (22) Ministry staff and thirty five (35) external trainers.
- 2.7.23** Fourty (40) HIV/AIDS Awareness Programmes and eight (8) Training Sessions were conducted to both employers and workers.
- 2.7.24** Four hundred and sixty nine (469) companies registered their industrial chemicals in 2015, a rise of ten percent (10%) from the previous year's figure.
- 2.7.25** Eighty (80) Occupational Hygiene consultancies were carried out in 2015, an increase of seventy eight percent (78%).
- 2.7.26** The total number of plant/machinery vetted in 2015 was five hundred and twenty three (523), an increase of twenty eight percent (28%) from 2014.
- 2.7.27** Three hundred and fifty two (352) workplace designs were vetted, an increase of thirteen percent (13%) from 2014.

- 2.7.28 Seven thousand, three hundred and eight (7,308) statutory engineering inspections were carried out, a decrease of seven percent (7%) from 2014.
- 2.7.29 Three hundred and ninety three (393) SMART audits were conducted in 2015.
- 2.7.30 One hundred and fifty six (156) Hazard audits were conducted in 2015, a decrease of twenty percent (20%) from 2014.
- 2.7.31 Five hundred and seventeen (517) Notices were issued in 2015, an increase of thirty percent (30%) from 2014.
- 2.7.32 Fifteen (15) employer-based LMCC Committee was registered.
- 2.7.33 Four thousand, one hundred and twenty eight (4,128) workplace inspections conducted.
- 2.7.34 One thousand and sixty eight (1,068) fixed penalty notices were issued to the employers for non-compliance of the Wages Regulations (WR), National Minimum Wage (NMW) and the Employment Relations Act (ERA) 2007.
- 2.7.35 Nine hundred and sixty seven (967) labour complaints were resolved under the ten Sectoral Wages Regulations.
- 2.7.36 \$154,776.23 recovered from employers who have not paid the minimum entitlement of arrears of wages to workers who have been terminated or resigned from the service.
- 2.7.37 Seven (7) child labour cases were investigated and resulted on the withdrawal of seven (7) children from workplaces.
- 2.7.38 Thirty six (36) criminal cases that were referred to the Unit as referral cases for prosecution, twenty five (25) criminal cases were settled by the Unit.

- 2.7.39** One hundred thirty eight (138) Employment Grievances (EG) were referred to the Unit for representation, one hundred twenty (120) EG were settled with a total of thirty four (34) cases remained active during this period.
- 2.7.40** Nine hundred thirty eight (938) employment grievances have been registered with the Mediation Services. A total of one hundred and one (101) cases were pending from 2014 which have been brought forward to 2015 so the cumulative total of one thousand and thirty nine (1,039) cases for 2015. Of these, nine hundred seventy two (972) cases were mediated upon during the year resulting in the settlement of eight hundred (800) grievances (82.30%), while one hundred and seventy two (172 that is 17.70%) cases were not resolved and referred to the Employment Tribunal for third party adjudication.
- 2.7.41** The total amount recovered by the Mediation Service for the period under review was \$762,266.03 for the aggrieved workers.
- 2.7.42** Two (2) disputes were pending with the Mediation Services from 2014 and twenty one (21) new employment disputes were referred to the Mediation Services in 2015, bringing the accumulative total to twenty three (23). Twelve (12) cases were resolved which constitutes a settlement rate of 54.55%. Ten (10) cases which is 45.45% were referred to the ERT.
- 2.7.43** Informal mediation was conducted between USP Staff Union and the University of the South Pacific and the matter in contention was mutually settled.
- 2.7.44** One hundred and ninety eight (198) employment grievance cases received whereby sixty five (65) cases were settled and one hundred and twelve (112) cases were heard.
- 2.7.45** Fourteen (14) employment dispute cases were received whereby a total of ten (10) cases were settled, three (3) heard and one (1) outstanding.

- 2.7.46** Twenty five (25) criminal cases were received whereby eleven (11) cases were settled and eight (8) cases were heard and six (6) outstanding.
- 2.7.47** Seventy one (71) compensation cases were settled and thirty seven (37) cases were heard in 2014.
- 2.7.48** Thirty five (35) miscellaneous cases were received whereby a total of six (6) cases were settled and two (2) cases were heard and twenty seven (27) outstanding.
- 2.7.49** Seven (7) trade unions were registered in 2015, eleven (11) Collective Agreements, two (2) amendments to Constitution, one (1) ENI Bargaining Unit re-registered and twenty five (25) Annual Returns.
- 2.7.50** Twelve (12) industrial associations were registered. Thirteen (13) collective agreement and four (4) Annual Returns and cancellation of two (2) IAs.
- 2.7.51** Twelve (12) employer awareness were conducted to enable the various employers in Fiji to sign MOU with NEC.
- 2.7.52** One hundred ninety eight (198) NEC Clients absorbed into foreign employment.
- 2.7.53** Eight hundred thirty two (832) unemployed Fijians were successfully able to secure work attachment contract through the NEC in 2015.
- 2.7.54** Four hundred fifteen (415) unemployed Fijians absorbed into permanent employment locally.
- 2.7.55** Three (3) Fijian workers employed with Hylife-Canada.
- 2.7.56** Thirty one (31) Fijian seasonal workers deployed to New Zealand under the pilot phase of the Recognized Seasonal Employer (RSE) Work Scheme.

- 2.7.57** Fifteen (15) Fijian workers employed with Bostok, New Zealand.
- 2.7.58** Fifteen (15) Fijian workers employed with Plant Grow Pick under the Australia Seasonal Worker Programme (SWP).
- 2.7.59** First batch of fifteen (15) women workers employed with Plant Grow Pick under the Australian Seasonal Worker Programme (SWP).
- 2.7.60** The Ministry in 2015 promoted the Ministry's services by releasing the sixty four (64) media releases; four (4) newspaper spread, fifteen (15) talkback shows, ten (10) press conferences, twenty five (25) media responses. The Unit also released fifty six (56) media monitors during the period under review.

2.8 2016 Budget Allocation, KPIs & Achievements

- 2.8.1 Vision** – Decent Employment & Productivity for All.
- 2.8.2 Mission** – Promote Employment Creation and Ensuring Social Justice, Good Faith Employment Relations, Safe and Productivity Driven Workplaces.
- 2.8.3 2016 Budget Allocation - \$11,282,087**

Budget Utilized	Budget Unutilized	% Utilized
\$7,628,073	\$3,654,014	67.6

2.9 Key Performance Indicators

- 2.9.1** Increased coverage of Government activities.
- 2.9.2** Greater public awareness of Government programmes and broad-based appreciation of Government.
- 2.9.3** Continuous public awareness on unemployment reduced from 8.6% in the 2007 Census to less than 4.2% by 2015.

- 2.9.4 Increasing in number of people in paid employment from two hundred and ninety eight thousand, nine hundred and seventy four (298,974) by three percent (3%) per year or at the rate of GDP growth whichever is higher.
- 2.9.5 Every year ten (10) organisations to attain compliance with the productivity clause of the ERP 2007.
- 2.9.6 The proportion of the economically active rural population in full time paid work increased from forty nine percent (49%) in 2007 Census to not less than sixty percent (60%).
- 2.9.7 Increased compliance to the HASAWA 1996.
- 2.9.8 Proportion of own account and contributing family workers in total employment increased.
- 2.9.9 Three percent (3%) Productivity growth by 2012.
- 2.9.10 Conduct at least 20 LMCCC and Productivity structured training per annum commencing in 2010 for both private and public sector organizations.
- 2.9.11 Reorganisation of public sector training based on Capacity.
- 2.9.12 Needs Assessment and addressing specific and position related skills development.
- 2.9.13 Agreement in place with Australia and NZ on temporary employment schemes by 2010.
- 2.9.14 Reduce revenue arrears.
- 2.9.15 Revenue retention activated.
- 2.10 **2016 Achievements**
 - 2.10.1 ISO Certification of Corporate Service, Policy & Legal Service.

- 2.10.2** Re-certification of National Occupational Health and Safety Service (NOHSS), Mediation Service (MS), Labour Standards Service and the National Employment Centre.
- 2.10.3** Signing of the amended Memorandum of Understanding (MOU) between the Government of Australia and the Government of the Republic of Fiji on Fiji's participation under the Australia Seasonal Work Programme (SWP).
- 2.10.4** Signing of Memorandum of Understanding between Fiji and Vanuatu on enhancement of human resource capabilities under the Fiji Volunteer Service (FVS).
- 2.10.5** Signing of Memorandum of Understanding (MOU) between the Ministry of Education, Heritage and Arts and the Employment Ministry in providing technical skills and training to the unemployed and unskilled Fijians registered under the National Employment Centre (NEC).
- 2.10.6** Deployment of the first group of Fijian workers for seasonal work employment opportunity under the Australia Seasonal Worker Programme (SWP).
- 2.10.7** Launching of a mini pilot project on community based on Emergency Employment by Government and the ILO.
- 2.10.8** Ministry's public consultation to the isolated rural communities on the revised Tikina-based Recruitment and Selection Criteria.
- 2.10.9** Commemoration of ILO World Day for Safety and Health at Work.
- 2.10.10** Commemoration of World Day Against Child Labour.
- 2.10.11** Commemoration of World AIDS Day.
- 2.10.12** One thousand, nine hundred and five (1,905) priority labour inspections were conducted.

- 2.10.13 Three hundred and seven (307) labour complaints were resolved.
- 2.10.14 \$270,935.86 recovered through workplace inspections and settlement of labour complaints cases.
- 2.10.15 One hundred eighty five (185) fixed penalty notices were issued to non-compliance employers covered under the Wages Regulations (WR), National Minimum Wage (NMW) and the Employment Relations Promulgation (ERP) 2007.
- 2.10.16 Two hundred sixty nine (269) demand notices have been issued to employers in terms of demand for wages and time records.
- 2.10.17 Twenty seven (27) OHS awareness were conducted to employers.
- 2.10.18 Fifty eight (58) OHS training were conducted to employers employing more than 20 workers.
- 2.10.19 Eighteen (18) HIV/AIDS awareness programmes were conducted to employers and workers.
- 2.10.20 Six hundred and five (605) industrial chemicals were registered in 2016.
- 2.10.21 Occupational Hygiene consultancies were carried out in 2016.
- 2.10.22 Eighty nine (89) plants/machinery vetted in 2016.
- 2.10.23 One hundred forty (140) workplace designs were vetted.
- 2.10.24 Twenty six (26) new workplaces commissioned.
- 2.10.25 Two thousand, two hundred sixty one (2,261) statutory engineering inspections were carried out.
- 2.10.26 Seven hundred sixty (760) workplaces were registered.

- 2.10.27** One hundred fifty four (154) SMART audits were conducted in 2016.
- 2.10.28** Four (4) Hazard audits were conducted in 2016.
- 2.10.29** Seventy nine (79) OHS Enforcement Notices were issued.
- 2.10.30** Five hundred thirty (530) employment grievances were mediated resulting in the settlement of four hundred thirty eight (438) grievances (82.6%), while ninety two (92) (17.4%) cases were not resolved and referred to the Employment Tribunal for third party adjudication.
- 2.10.31** \$343,054.37 recovered by the Mediation Service as dues for workers.
- 2.10.32** Four (4) disputes were mediated resulting in the settlement rate of (1) employment dispute with a recovery of \$12,732.28 for the aggrieved workers.
- 2.10.33** Fourty five (45) Trade Unions were registered in 2016 and twenty eight (28) annual returns received and recorded by the Ministry.
- 2.10.34** Fourty (40) registration of industrial association were recorded in the year 2016 and eighteen (18) annual returns were recorded.
- 2.10.35** Eight (8) pending cases from 2001 – 2009 were settled out of the sixteen (16) backlog cases.
- 2.10.36** Six hundred ninety four (694) pending cases from 2010 – 2015 were settled in 2016.
- 2.10.37** \$1,374,330.00 was utilised from the \$3.0 million allocated to pay out ninety two (92) cases. Fifty two (52) injured workers were paid \$365,563.28 while fourty (40) dependants of deceased worker's death cases received a total of \$1,008,766.72.

2.10.38 One hundred forty six (146) cases have been paid out to the private sector amounting to \$485,497.62.

2.10.39 Twenty two (22) medical doctors were trained to assist in providing medical assessments to injured workers and to clear backlog cases.

2.10.40 One thousand, seven hundred thirty eight (1,738) NEC clients were registered in 2016.

2.10.41 Three hundred thirty eight (338) Fijians were registered with the NEC found permanent jobs locally.

2.10.42 Two hundred seventy (270) Fijians were absorbed through work attachment with various industries in Fiji.

2.10.43 One hundred and thirteen (113) workers were absorbed for overseas employment.

2.10.44 Thirty eight (38) volunteers under the Fiji Volunteer Service were engaged in regional countries with an engagement period of 2 years.

2.10.45 Twenty seven (27) employer-based LMCC Committees were registered.

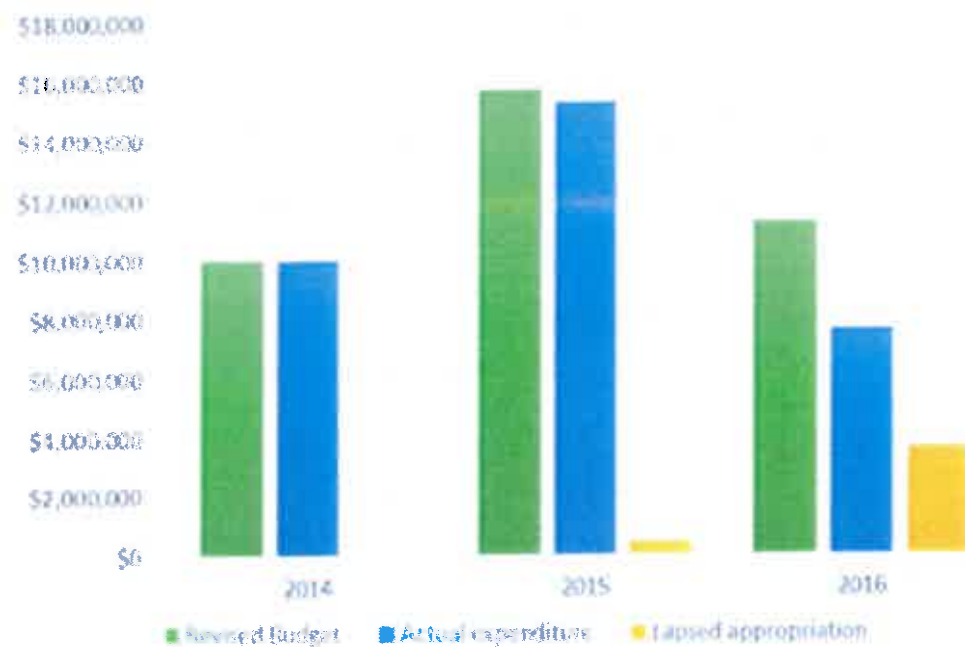
2.10.46 Twelve (12) awareness sessions and trainings were conducted to LMCC Committees.

3.0 2014-2016 Revised Budget Estimate VS Actual (\$M)

Year	Revised Budget	Actual Expenditure	Lapsed Appropriation	%Utilized
2014	\$10,013,356	\$9,982,594	\$30,967	99.7
2015	\$15,734,706	\$15,305,909	\$428,800	97.3
2016	\$11,282,087	\$7,628,073	\$3,654,014	67.6

3.1 Graph shows the Revised Budget Estimate vs Actual (\$M)

2014 – 2016 Revised Budget Estimate VS Actual (\$M)



5.0 Way Forward

It is recommended:

- 5.1** The Annual Reports be produced immediately in the following year.
- 5.2** The Ministry's Annual Reports should reflect the Ministry's performances and achievements against the set targets in accordance with the Ministry's Annual Corporate Plan.
- 5.3** The Ministry to indicate measures undertaken to address issues raised in the previous year's Audit Report.
- 5.4** The Ministry to co-ordinate with the Ministry of Education with the introduction of Life Skills Training in the school curriculum.
- 5.5** The Ministry should re-introduce the Apprenticeship Scheme.
- 5.6** The Ministry should open Overseas Employment Market for all sectors to cater for women participation.
- 5.7** The Ministry should review the Recruitment and Selection criteria to consider the applicants employment, skills and experience.

6.0 Conclusion

The Committee concluded that the overall performance of the Ministry of Employment, Productivity and Industrial Relations for 2014, 2015 and 2016 had clearly highlighted the Ministry's Key Performance Indicators (KPI's) Achievements and Budgetary Allocation & Expenditure level.

APPENDIX 2

Verbatim Report

STANDING COMMITTEE ON
NATURAL RESOURCES

[Verbatim Report of Meeting]

HELD IN THE

COMMITTEE ROOM (EAST WING)

ON

THURSDAY, 14TH JUNE, 2018

MR. CHAIRMAN. - It is to be dealt with within six years. So, Committee Members, any last question?

Yes, Honourable Dulakiverata, the last question?

HON. J. DULAKIVERATA.- On that, Honourable Chair, considering the number of the outstanding cases, we have the six-years' limitation period, so if you are serious about resolving these things without going over the six years, what are the avenues open to you if you do not have enough people to deal with these pending cases? Can you have a Committee or another body to look after the pending cases so that no one is disadvantaged by going over the six years?

MS. S. DAUNABUNA.- Thank you, Honourable Chair. In fact, for the Workmen's Compensation, there is a Taskforce that actually exists to make sure that the cases are processed within the timelines. This is the reactive side of the services we provide, but we are revamping the proactive side as well.

We have tried to do understandings, for example, in the security industry as we had mentioned, we have been able to have stakeholder understanding so that there is an input from our end before security companies get their Master Licence, because we saw that there was the big hike in terms of non-conformity to the law. That is part of the proactive exercise that we undertake.

We are looking to see how we can also have an impact in the construction industry, but more on a proactive level rather than a reactive level. But we do have the Taskforce within the Ministry that tries to make sure that we are able to meet the timeline, and no one at the end of the day is disadvantaged by the processes in place.

HON. A. NABULIVOU.- Last question: do you have any timeline for those compensation reports with the documents provided? What is the timeline for their application to be processed until compensation?

HON. MEMBER.- Six years.

HON. A. NABULIVOU.- No, it is not six years.

MS. S. DAUNABUNA.- Six years is the limitation but for us, we normally try to do it within one and a half to three years, but the determination on some of these cases is on the post injury, some are injured and you can only do the final assessment after one and a half years or two years, so that is why there are some cases that we determine after the three-year period. Yes, so there are other factors that creep in that we have to consider before we finalise the case.

MR. CHAIRMAN.- Just lastly, Permanent Secretary, if the worker have grievances and wants to complain, what is the process?

MR. A. KUMAR.- Thank you, Honourable Chair. In terms of the employment grievances, if a worker has a grievance with the employer then they have to first exhaust the internal grievance procedure within the company and, of course, with the contract. Once that is done and if the worker is still not satisfied and in case the worker is terminated from employment, the worker will come to the Mediation Service to lodge the unfair dismissal case and also to the Labour Compliance Services to lodge a case in terms of minimum terms and conditions and payment of their wages. So in any case, if the worker says that he or she has not been paid the right wages then we backdate their claim from the day they have been employed.

As I mentioned before, what input do you have in these institutions, FNU, et cetera, because these people come in to the workforce, they do not have that background which they could have gained through attachment but where they are attached was nothing related to their course of study. So, these are the things we have to look at so that we can have a very good workforce, people are relevant to what they do.

MR. CHAIRMAN.- *Vinaka.*

MS. S. DAUNABUNA.- Mr. Chairman, if I can just add.

MR. CHAIRMAN.- Yes.

MS. S. DAUNABUNA.- In terms of the attachment system that has been mentioned, in fact the Act does require the percentage that you can take in in terms of attachés. We recognised that that is the system that we had put in place and the law is not static. There is always room for improvement and now seeing that there are some areas that we need to improve on and that is probably the next step that we can definitely take.

We have done awareness sessions to employers. The Minister has done his awareness sessions encouraging them to make use of the clients that are registered with us and are willing to come in as attachés.

The other step we have taken, of course, and we have just put that out in the media recently is that, we have doubled the allowance for these attachés so that it is a system that they know that they can get the right payment and one that is relevant for them to make use of in this day and age. It was not revised from when we implemented it so we have just revised that under the new NEC Board appointees in the meeting that we held recently. So, it is in phases and step-by-step to see how we can improve the system but we are working towards a better system in place.

MR. CHAIRMAN.- Yes, Honourable Vunivalu?

HON. S.B. VUNIVALU.- This is in the Report regarding “Miscellaneous cases”: for 2014, we had discussed this one and we want to know because I think there were 35 cases that were received; 6 were settled; and 2 were left, something like that, what about the rest of the cases?

MS. S. DAUNABUNA.- Honourable Chair, Page 18, on “Miscellaneous cases”, is the question regarding the two cases?

HON. S.B. VUNIVALU.- Yes, 35 were

MS. S. DAUNABUNA.- The 35 miscellaneous cases....

HON. S.B. VUNIVALU.- Six were settled and two were left.

MS. S. DAUNABUNA.- The ones that were settled are the ones that do not go through right to the Tribunal but the two that are listed there are the two that went through to the Employment Tribunal. So, the remaining numbers, of course, are the ones that we have not completed our internal work on and, of course, they would carry over to the next year. But we try to complete the process within the six-year timeframe so that we are not caught by any limitations in terms of the timeline, yes.

Once it is in the court system, of course, the court has a different timeline to ours, but the one that we work with is the six-years.

HON. N. NAWAIKULA.- Can you just talk to us a bit more about the attachment and the apprenticeship possibly linked to the apprenticeship programme. In relation to attachment, the first comment that I wish to make is that, if I graduate or after I graduate, I do not want to be sitting around at home, it is better for me or I will be more encouraged even to work for free doing an attachment and that will give me experiences.

On the other side of the coin, as an employer, I assess my workers much better from working with them as opposed to applications and interviews so that when they go through, I know for sure which one I prefer, and there are some instances where I put priority in, especially if he comes from a poor family, et cetera.

Those assessments I conduct better by having attachment as opposed to receiving applications. Also I measure their attitude better that way because I work with them and after that I can select the best person that I want and go back to them to ask them to come forward. But how are you progressing on the programme of attachment and apprenticeship? I heard that it was part of the NEC, so just give us some clarifications, please, in relation to that.

MS. S. BAVAI.- Thank you, Mr. Chairman, just to give a brief on the work attachés under the National Employment Centre. You will notice that employers sign MOUs with NEC so once they do that, they put in their request for work attachés and we identify them from the database on the requirements, the needs and the clients that we have and then we just send them the list and they will select their work attachés.

These work attachés are paid allowances (50 percent by the employer and 50 percent by NEC). They are placed on six months' work attachment like the Honourable Nawaikula had mentioned, to learn the work and their areas of qualification, and that is the area under the work attachment for NEC.

MR. CHAIRMAN.- *Vinaka.*

HON. N. NAWAIKULA.- ... but now, as you say, it depends on the employer coming to see you, is there a possibility of this, putting as part of the regulations so that it becomes compulsory for all workers to be accepting attachés.

MS. S. BAVAI.- Thank you, Sir. I think there is a clause out of the NEC Act which allows for employers to absorb five percent of the total workforce but for the enforcement of all employers to take in work attachés, but still nothing under the law.

HON. J. DULAKIVERATA.- Can I just comment on that: sometimes, not only NEC but Fiji National University (FNU) to attain their certificate or qualification, they have to do certain attachments. Sometimes, they come around just wanting to satisfy that attachment, it is not related to what they are doing. I do not know how they are going to assess these people's report but on that basis, they go and issue them with their certificate.

I go along with what Honourable Nawaikula is saying, so it is better for employers to get people to come for attachment because if you get employers, I think, and put them into your company and you find out that they lack the attitude, work ethic, et cetera. Sometimes, we give a probationary period but we have a better assessment of the workers if they come for attachment. Even we pay them more than what they are specified on the amount there, if they really do a good job and they will have the benefit of getting full employment for them, it is for them to prove themselves.

HON. A. NABULIVOU.- I think you have the MOU to sign together with the Ministry of Lands because this is very important. Someone just died 2 weeks ago (I used to work in the mine before for eight years and I know what is going on in there, here and abroad). Safety is very important.

We need the Employment Ministry to work with the Ministry of Lands because the tough place there is the underground mine, and the safety of the workers is very important. Thank you.

MR. CHAIRMAN.- Thank you.

HON. J. DULAKIVERATA.- Mr. Chairman, I just make two comments: the first is regarding the apprenticeship. Is apprenticeship still going on?

MS. S. DAUNABUNA.- It is under the Ministry, we look after apprenticeship for the Government Shipping Services component, as well as Government Printing. Just to inform the Committee Members that there is actually work that is undertaken now and we are also a member of that process where the actual apprenticeship scheme is going through a reform phase, to see what exists at the moment and how we can make it relevant to the future of work that we need to create. That is a process that has already been undertaken, we are part of that process and we hope to be able to formulate a mechanism that works for everyone considering our youth unemployment. Of course, in Fiji it is quite high with 18 percent rate.

HON. J. DULAKIVERATA.- Why I ask the question, Mr. Chairman, is because from the apprentice scheme that used to operate before and the calibre of the people that come into the workforce, they are very good. Now when we did away with that, Australia and New Zealand benefitted by absorbing all the workers from here, people that used to work in the shipping industry and all other areas. I hope it will come again to improve the calibre of workers in our workforce.

Secondly, do you have any input into these tertiary institutions, namely FNU, USP in the formulation of their curriculum to be industry-based?

MR. CHAIRMAN.- Technical College.

HON. J. DULAKIVERATA.- What I am saying is, because of the calibre of graduates that come into the workforce, it is very different from before because graduates that came before, they can be absorbed immediately in the workforce. When they come, they know what to do, it is so different now because some people are just there for the sake of getting a degree here and there, the syllabus or the curriculum that they learnt, what I am asking is, whether you have any input into this? Given the fact that we contribute more than any other country in the Pacific to the USP, and we own the FNU, so we should have a say because if we are to have a good qualified workforce then the universities should be targeted so that when they come, they are prepared to join.

I will just raise the issue about the Life Skills Training. You do not come and teach these people again about these things. When they come they should know all these life skills. So, if you are not part of this thing or if you do not have any input, maybe it is something that you think about if we are to improve the quality of our workers in the country in moving forward. *Vinaka*.

MS. S. DAUNABUNA.- Thank you for that comment. In fact, we are working closely with the Fiji Higher Education Commission and we know that these are some of the factors that we have to think about, how we can have a very active and a proactive input within the system that creates the kind of workforce that is relevant for us. Thank you for that and definitely we will take that on board.

me, if I am wrong, I just want to clarify as to why there is an increase in the number of trade unions every year and how many unions have been registered?

MR. CHAIRMAN.- Do they have to register every year?

HON. A. NABULIVOU.- No, that is the new register application that has gone through the Registrar of Trade Unions but as I have said, from 2014 to 2016, the total is 85 trade unions registered every year: in 2014 - 13; 2015 -27; 2016 - 45. Correct me, if I am wrong because I just want to clarify as to why is there an increase in trade unions registered every year? Trade unions come under the umbrella of the Fiji Trades Union Congress (FTUC) which is represented by Felix Anthony and the team. Thank you.

MS. S. DAUNABUNA.- I will give you the information we have from our end. Actually, the numbers that are depicted every year are the actual registrations that we receive and these are the new registrations because you only register once. But you are required to give your annual returns so if you do not give your annual returns, that is where our other process kicks in and you could face de-registration.

If you do face de-registration then, of course, you have to go through another process of coming back to register again. But we do go through a lengthy process to make sure that we can assist you to be able to salvage your association. These are the numbers that we receive, it maybe that there has been more awareness on the ground and people that are wanting to register as a union, but those are the figures that we have with us at the moment.

HON. A. NABULIVOU.- A question, Mr. Chairman, based on those old reports but it is not in the report, I think, on the compensation, especially the Workmen's Compensation in Vatukoula: are you aware of those compensations being paid out or do you know anything about what is going on in Vatukoula in terms of safety precautions, et cetera?

MS. S. DAUNABUNA.- Mr. Chairman, is this in relation to events or the long pending cases?

HON. A. NABULIVOU.- Mining, in terms of compliance.

MS. S. DAUNABUNA.- All right, in terms of Occupational Health and Safety from our end, I can get our Director to also explain a little bit more but just to put it into context, we are working with the Ministry of Lands & Mineral Resources to look at aspects in which we can work together, not provide an overlap of activities but where we can work together to make sure that they cover areas relevant to them but also that we assist in providing the Occupational Health and Safety aspects.

HON. A. NABULIVOU.- I think we need more from the authority responsible.

MR. T. KAMA.- Thank you, Mr. Chairman. OHS in the mines is exempt under the current Health and Safety at Work Act, so that would be the reason that we are now liaising with the Ministry of Lands and the Mineral Resources, to work together in terms of those overlaps and for us to provide them with assistance. We are also doing some consultations at the moment to try and include the mining industry into the application of the Health and Safety at Work Act. At the moment, we are talking with the Ministry of Lands & Mineral Resources. Thank you.

MR. CHAIRMAN.- Thank you.

HON. J. DULAKIVERATA.- Honourable Chair, just a note on that, because we were noticing the comparison on your graphs and it was low but there is no note on your graph to say because it is only for six months, I think you should indicate that in your report.

MS. S. DAUNABUNA.- Yes, I think that is a valid point and we may have taken this for granted because it was a national event, the cyclone plus the change in the financial year, but be that as it may, this is the information we are providing which reflects why our graphs are shown that way in the reports.

MR. CHAIRMAN.- *Vinaka*. Members of the Committee, any point of clarification? Yes, Honourable Vunivalu?

HON. S.B. VUNIVALU.- Yes, Honourable Chair, I am going back to 2015. Before you attended this International Labour Organisation meeting in Geneva, mentioned here is the signing of Fiji's tripartite Agreement in Geneva, can you just elaborate further to us before you went to Geneva, who all went there because this ILO is not well-known from the grassroot people; what agreement was done; was there any consultation or awareness done before the signing of this tripartite Agreement in Geneva? Thank you.

MS. S. DAUNABUNA.- Thank you, Honourable Chairman. The signing of that tripartite Agreement that we have mentioned is depicted within our Annual Report. The consultation was done with the most representative of the workers and employers' organisations that were there, namely the Fiji Trades Union Congress (FTUC) and the Fiji Commerce and Employers' Federation (you can see the actual picture of the signing ceremony). So that was the consultation that was done because ILO recognises the most representative of the employers and the workers' organisations, and in this case it is the Fiji Trades Union Congress for workers and the Fiji Commerce and Employers Federation for the employers.

They may have their own trickle-down consultation from their end in terms of these two peak bodies but that is the process they will undertake themselves. So for Government, it is dealing with whoever is the representative at that level, and if the Committee wants, we can provide a copy of the Agreement that was signed. There was an Agreement signed here in 2015 and there was also another Agreement signed here in Fiji in 2016, and we can provide those follow-up copies.

HON. N. NAWAIKULA.- Just on ILO, can you just tell us briefly because these people are always going to Geneva - Felix Anthony and his team; what is their role or what do they go and do in Geneva in relation to that because I have been to them, "Please, can you take up these complaints on ILOC 169, maybe we are low priority", but what do they go and do there?

MS. S. DAUNABUNA.- Mr. Chair, for the Ministry of Employment, the UN body we align ourselves with is the ILO, and the ILO as a basic principle, operates on a tripartite forum which is Government, the workers and the employers. So, as a State Party, we are required to be represented at a tripartite level, which is why our delegation has always been a tripartite delegation. But when we do reach Geneva, we have our different groupings that we align ourselves to. For Fiji, we are included within the Asia Pacific Group for the Government grouping and, of course, for the Fiji Commerce and Employers' Federation, they align themselves with the employers grouping and likewise for Fiji Trades Union Congress, they align themselves with the workers grouping.

So any issues that they wish to raise are raised through that forum but it is a very structured process, but as a State Party, we are required to be represented at a tripartite level.

HON. A. NABULIVOU.- On the presentation today, based on the 2014 and 2016 Reports, I was asking about the trade unions, I think we have registered 13 trade unions in 2014; 27 in 2015; and 45 in 2016. Correct

Awareness sessions were conducted to employers in terms of Occupational, Health and Safety Services and also in terms of HIV and AIDS Awareness at the workplace.

We registered the Industrial Chemicals - 605 altogether within that year, and also undertook again Occupational Hygiene Consultancies. We continued with the vetting of the Plants and Machineries Systems within OHS, the Workplace Design as well as the commissioning of new workplaces.

We conducted more than 2,000 Statutory Engineering Inspections and there were registrations that came up to 760, in terms of workplaces.

Smart audits were also undertaken as well as hazard audits within that year.

We issued 79 Occupational Health and Safety enforcement notices within that year.

The 530 employment grievances were mediated which resulted in the settlement of 438 of these, which amounted to 82.6 percent in total, and 17.4 percent were not resolved. These were referred to the Employment Tribunal mechanism.

The amount of \$343,000 was recovered in terms of dues that were owed to workers. We also did mediation on disputes and four disputes were mediated resulting in the settlement rate of one employment dispute and the recovery of \$12,000 for these aggrieved workers. The registrations of Trade Unions continued with 45 registered in 2016 as well as the receipt of annual returns.

In addition to that, we also register industrial associations, so 40 were registered within that year with annual returns also being submitted from these associations. We had 694 pending cases from 2010 to 2015 which was settled in 2016, so \$1.3 million was utilised from the \$3 million allocated to pay out 92 cases. These are Workmen's Compensation cases.

We have also given the breakdown for the private sector, the payout was \$485,000. So, as I had earlier mentioned, we also train medical doctors in terms of Permanent Incapacity Training and 22 medical doctors were trained within that year.

We registered over 1,700 clients under our NEC, 338 clients found permanent employment within that year, and 270 were absorbed through work attachments with various industries in Fiji; 113 were absorbed for overseas employment; and 38 volunteers under our Fiji Volunteer Service were able to be engaged in the regional countries around the Pacific.

We also did registration of our Labour Management Consultation Committee in terms of productivity and we continued to do our awareness sessions to stakeholders under that same platform within that year which came to 12 as we have already listed.

MR. CHAIRMAN.- *Vinaka.*

MS. S. DAUNABUNA.- I think if I can explain, one of the key questions that came from the Committee was, if you see our utilisation, it is quite low, it is 67.6 percent, but also this was the year that we were faced with the cyclone and also the change in the budget year. So we had a protracted six-month budget that we have to work with which explains why the utilisation is low compared to the other two years that I explained. So, this is 67 percent utilisation.

MS. S. DAUNABUNA.- That is the figure for 2015 and the contracts are no longer than one year.

HON. A. NABULIVOU.- Renewed or not?

MS. S. DAUNABUNA.- But we do have some returning workers, so it is really based on how well you showcase yourself and your performance. We also have workers that have been asked to go back to do that group work.

HON. A. NABULIVOU.- What is the contract - six months or one year?

MS. S. DAUNABUNA.- Seven months.

HON. A. NABULIVOU.- All right.

MR. CHAIRMAN.- Can we move on to 2016.

MS. S. DAUNABUNA.- For the 2016 Annual Report, we have provided a breakdown of our budget which is \$11.2 million. Our utilisation for that year, we utilised \$7.6 million and the unutilised budget was \$3.6 million, so our percentage utilisation rate was 67.6 percent.

So, if we look at our key performance indicators, we had provided the list of the key performance indicators that were measured against within that year. The achievements that we were able to undertake within that year we had for the first time the Corporate Services as well as our Policy and Legal that were certified to the ISO Standards. Other services that had their re-certification were the Occupational, Health and Safety Services, Mediation Services, Labour Standards Service as well as our National Employment Centre (NEC).

We had the amendment to the MOU between the Australian Government and the Fiji Government in terms of the Seasonal Workers Programme and it was signed within that year. We also had a signing of MOU between Fiji and Vanuatu on enhancing human resource capabilities under our Fiji Volunteer Service.

We also signed an MOU between our Ministry of Education and our Ministry in terms of technical skills and training to our unemployed and unskilled clients within the National Employment Centre.

We deployed the first group of Fijian workers for seasonal work employment opportunity under the Seasonal Work Programme. We launched the mini-pilot on Community-Based Emergency Employment between the Ministry and the International Labour Organisation which was a joint project. We did public consultations to rural isolated communities in terms of the revision of our recruitment and selection criteria. We commemorated three events - the World Day for Safety for Health; World Day Against Child Labour; and World Aids Day.

We did the Priority Labour Inspections and were able to resolve 307 of our labour complaints. We recovered 270,000 through workplace inspections and settling of labour complaints.

We also issued fixed penalty notices in terms of non-compliance to the Wages Regulations and the National Minimum Wage and demand notices were also issued to employers in terms of the wages and time records.

HON. A. NABULIVOU.- How many Mediators in your Ministry?

MS. S. DAUNABUNA.- We have a total of seven Mediators and they are based in the Central, Western and Northern Divisions.

HON. A. NABULIVOU.- All in the headquarters.

MS. S. DAUNABUNA.- No, they are based in the West and also in the North and the Head Office here in Suva.

We also recorded the employment dispute cases that we have listed there and in terms of compensation, we settled 37 compensation cases and remainder, of course, were from 2014 as well. We registered seven trade unions within that year; 11 collective agreements; there were also some amendments to the Constitution; 25 annual returns were also filed within that year.

We also provided Employer Awareness in terms of the employers that have signed under the National Employment Centre; 198 NEC clients were absorbed into foreign employment; 832 Fijians were successfully able to secure attachment contract through our National Employment Centre; 415 were actually absorbed into permanent employment locally.

We had three Fijian workers employed with High Life Canada within that year; 31 Fijians were deployed to New Zealand for the RSE (Recognised Seasonal Employment Work Scheme); 15 Fijians were employed with Bostock, New Zealand; another 15 were employed with Plant Grow Pick under the Australian Seasonal Worker Programme. We also had the first batch of 15 women workers, employed under the Plant Grow Pick under the Australian Scheme that were also employed within that year.

So, I have also given information there about the awareness and the media campaigns that we ran within that year. Thank you, Mr. Chairman.

MR. CHAIRMAN.- *Vinaka*, Honourable Members of the Committee, any further questions for the 2015 Annual Report?

HON. J. DULAKIVERATA.- Mr. Chairman, just a question on overseas employment for everyone, on the selection process, we have heard that people had to come from NEC and be employed in this Scheme. We had found out that some early batches had escaped from Australia, they never completed their contracts. What I am saying is that, the people that live in the cities or urban areas are not fit to be selected to go and work in the farms.

Just Saturday last week, I had some of the boys who used to work for me left for New Zealand from Naikawaga Village, and they called me and said that the employer was very happy with them. They work in Otago, and from their performance, the manager told them that the people from Vanuatu took one month to complete their job which they did in a few days. So last Saturday, he paid for their admission to the Games and took a day off to go and watch rugby. I am just saying the calibre of people that are selected to do certain jobs. You must ensure that these people are trained to do that type of job, just for your information.

MR. CHAIRMAN.- *Vinaka*.

HON. A. NABULIVOU.- Just a follow-up question, from the 2015 seasonal workers that were deployed in New Zealand, say 15 or 30 Fijian workers, how many people are still there?

have within the system, we have provided this information through our ministerial statement and we initially had a registered number of more than 50,000 clients but the issue for us was that it did not reflect the true figure of applicants that are registered with us and had actually found employment. So because the software was done by a private company, we had to bring back the company to help us clean up the data set.

It took us a good many months to be able to finalise that because we had to contact individuals that were in our database and also we had to go through a system of publishing in the papers if they could come forward to clean up the data set and to tell us whether they had found employment. So we were able to then finish that exercise and we now have a number of 8,000 from the 50,000 so the 8,000 is the figure that we are currently dealing with.

But also in addition to that, we have tried to see how we can pro-actively have a database system that works for us and we had signed a MOU with the Fiji National Provident Fund (FNPF) so they can help us in terms of identifying clients that are registered with us who have found employment. So that is the other aspect that we have entered into just about two or three months back.

MR. CHAIRMAN.- *Vinaka*, Permanent Secretary, can we move on to the next item.

MS. S. DAUNABUNA.- So in terms of the 2015 achievements that we have provided, in terms of smart audit, we also conducted our smart audits within that year, 2015, and hazard audits under the Occupational Health and Safety Services.

Notices were issued within that year and we recorded an increase of this of about 30 percent, compared to 2014. We had a registration of our Labour Management Consultation Committee (LMCC) in terms of productivity and this was 15 altogether.

We also conducted our Workplace Inspections and issued fixed penalty notices to employers that did not comply with the Wages Regulations as well as the National Minimum Wage requirements. The total recorded for that year was 1,068.

We also recovered from employers within that year in terms of the minimum entitlement of arrears of wages, terminations and resignations and the total was \$154,000.

We had seven child labour cases that were investigated and this resulted in the withdrawal of seven children from workplaces and they were referred back into the education system.

We had 36 criminal cases that were referred for prosecution and 25 that were settled by the Labour Compliance Unit.

We also dealt with employment grievance cases that were also referred for representation. A total of 120 were settled and 34 cases that remained active during that period for the team to continue to work on.

In terms of Mediation Services, we had 938 grievances that were registered with our Service. The total amount recovered by the Mediation Service for that year was \$762,000 for the aggrieved workers. So Formal Mediation is what I have been explaining but we also do Informal Mediation and this was done together with the University of the South Pacific issue.

In terms of employment grievance cases, we had 198, 65 were settled and 112 went through to the Employment Tribunal System.

Mediation is about looking at a way forward for cases and about finding a solution that is fair to both parties, and the solution has to come from the parties. As a Mediator, we cannot propose, advice or tell the parties, "This is how the case is supposed to be settled." The settlement is supposed to come from the parties.

The mediation has been successful in all these years in the number of cases that we have received. Since we started in 2008, we received about 186 cases, especially on the employment grievance. But by the end of 2017, the number of cases we have received in mediation has gone up to about 1,400. So that shows that the workers are aware of their rights, if they are being unfairly dismissed from workplaces, they can come in and lodge their cases with the Mediation Unit. I hope that answers your question, Sir.

HON. A. NABULIVOU.- Just a follow-up question, do you have any compensation for the loss of time?

MR. T. KENI.- Yes, Sir, in mediation, Honourable Chair, we also do recoveries, that is normally paid out to the workers. For mediation, when we do mediation, we call it "compensation" so in most cases, for unfair dismissal, the employers have to compensate the workers for the time that they have been staying home. We look at how they can move forward to find employment and within that short period of time, normally employers compensate workers so that they can survive before they find employment.

HON. A. NABULIVOU.- (Inaudible)

MR. T. KENI.- Otherwise most of them are going back for

HON. A. NABULIVOU.- Both.

MR. T. KENI.- ... reinstatement, yes.

MR. CHAIRMAN.- Yes, Honourable Nawaikula.

HON. N. NAWAIKULA.- This is not for 2015, this is in general. It is a question on the National Employment Centre (NEC) and going back to the Auditor's Report, you know it is only for the good of everyone; the Auditor General made two specific concerns. The first concern was about the seven or eight regulations that were supposed to be passed to complement the work of the NEC which was not being done, and we hope it is not your problem.

For us, we have the same problem but the problem for us is the Solicitor-General, so if you can just enlighten us on that.

The second one, pointed out by the Auditor-General was, you do not have a proper software to assist you; how have those two concerns been addressed?

MS. S. DAUNABUNA.- Thank you, in terms of the National Employment Centre regulations, I can advise the Committee that we are in the final text of the regulations. We have taken it back to the newly appointed board. The board was just appointed and we had our first sitting last month so they have been able to go through those regulations and it was also taken through the Employment Relations Advisory Board as well which was also newly appointed after the lapse of their two-year term.

So we are now finishing off the text and should be able to have it go through the Cabinet system as well as publish the regulations. In terms of the software, it is the question on the database. The database that we

2015, how did you manage your cases? Were you able to meet your targets? Yes or if not, what were the reasons?

MR. A. KUMAR.- Thank you, Mr. Chairman, for 2015 we have managed to settle a little over 45 percent of these cases. We also have a process where when we say we have settled a case, we also want to pay out to these workers and as you may have seen that for the past two weeks, we have been advertising in the papers that for those workers whose wages we have with us through claims, they have not come in to collect, so we are now going through the process of going down to these workers to ensure that they get their dues which is with the Ministry on time.

We are also working towards ensuring that we clear these backlog cases. Some of these cases have been settled by the workers themselves but they have not been coming forward to advise the Ministry that they have settled the case with their employer. So we are working on that, Sir.

HON. N. NAWAIKULA.- Just a supplementary question: so what was the reason, what was bad before and is good now, is it the staff problem or money problem?

MR. A. KUMAR.- Thank you, Sir. We have now started conducting workplace inspection on those areas where there is a lot of complaints coming up. For example, we can see that we have increased our inspection to the building and civil area because we have seen that there is lot of complaints coming from the building and civil sector.

We will also increase our inspection to the security companies from where we are receiving a lot of complaints and, of course, with the assistance of the Ministry of Defence, we have now a process where security companies will have to get their Master Licence and, of course, they will only get their Master Licence when they have the Compliance Certificate from the Ministry of Employment, FNPF and from the Fiji Revenue and Customs Service.

These are the considerations being taken by the Security Industry Board to ensure that they get their Master Licence. So with that in place, they have to follow the minimum terms and conditions and also the minimum rates of pay. They must pay their workers their right wages.

HON. A. NABULIVOU.- Just a question on the Mediation Services: can you elaborate on the Mediation Services and what is the procedure there, especially a lot of laid workers turn back to the Ministry for mediating?

MS. S. DAUNABUNA.- Honourable Chair, through you, if I can get our Mediator to respond to the question.

MR. T. KENI.- Thank you, Honourable Chair and Honourable Members, I believe the question is on how a worker can come and lodge his employment grievance in the Ministry. The Mediation Services deal with cases, we call it the "4Ds" and one of those is dismissal, so the Honourable Member has asked about dismissal. If a worker is unfairly dismissed from his or her workplace, they have to come in to the Ministry and lodge in their grievances. There is a form that we call, the "ER Form 1" which the worker has to fill with our support staff and then it goes for our analysis and it goes up to the Chief Mediator and then he allocates the cases to us, Mediators, then we call the parties to come for mediation. When the parties come forward, they normally come down and sit in our Office and then we conduct the normal process of mediation.

We also have areas where we concentrate more. For example, when there is a lot of complaints coming up from a particular area then we also increase the labour inspection on those areas, so that has been achieved, Sir.

HON. N. NAWAIKULA.- That is a very good one.

HON. J. DULAKIVERATA.- One more comment, Mr. Chairman, further to what Honourable Nawaikula had said on the annual reports, it is not only you, it is other ministries and departments as well. Now we are dealing with the three-years' Annual Reports - 2014, 2015 and 2016. It has taken so long to analyse all these reports and to compare figures which are no longer relevant, for which part of our recommendation will be the efficient production of Annual Reports the following year so that we can verify most of the things that are going on. It is all for the betterment of government and everyone. *Vinaka*.

Back to this compensation issue, the compensation is paid for by government or the employer for the death-related cases?

MS. S. DAUNABUNA.- For death-related cases, government workers, it is paid for by the government in terms of the different ministries but for the private sector workers, it is paid for by their employer.

HON. J. DULAKIVERATA.- Do we have a plan to have an insurance scheme for all the workers to have this thing? This accident issue which is paid for by government is very efficient. We went to the first payment, and if we have all these type of payments in all sectors, it is good. We have to think out of the box, we cannot just be going through this long processes and leave families in agony over the years, not receiving their money. There may be the only breadwinner in all these problems, so I will just leave that for you to think about. Thank you.

MS. S. DAUNABUNA.- Thank you for that, of course, we are well aware of the success stories out of the Accident Compensation Commission Fiji (ACCF) and at the moment, we are also undertaking a review of our work care system.

Mr. Chairman, if I can just add to the comment which was put forward regarding having good follow-up system in terms of when we report back on KPIs against our achievements. Government also through this reform system is getting up our processes in order so that we can capture a performance management framework; a system that works for everyone and one of that is ensuring that you have the right Key Performance Indicators (KPIs) but also that you have a reporting platform that allows you to check back on whether you are on the right track, so that is already something that is being implemented and we are also working towards that system as well.

MR. CHAIRMAN.- As highlighted by Honourable Nawaikula, most of the reports that we have gone through, even one of the report was withdrawn from Parliament to go back to the Ministry because it does not tie up with the Corporate Plan, the targets and the performance on what has been achieved. Yours is a little bit better than the rest in which we have seen most of the achievements tie up to your targets but your comment has been taken care of on the new reform which is what we want in Parliament, so that it makes our work easier in terms of scrutinising. *Vinaka*.

HON. N. NAWAIKULA.- Can we just ask another one of your targets because I am sure your Minister has made presentation in relation to this, it is a very good achievement indeed. If you can just talk generally on it, for example, resolution of 50 percent labour complaint cases, 50 percent by 31st December; number of prosecution of criminal cases - 50 criminal cases; effective representation of employment - 100 percent. For

HON. A. NABULIVOU.- ... confused.

HON. J. DULAKIVERATA.- It is just something to think about.

MS. S. DAUNABUNA.- Just to add to that, the doctor that does the assessment will not always find that it is work-related. There have been cases where the doctors established that it is not work-related, but the medical assessment component comes in if it is not clear that it is a work-related injury. Sometimes there are heart attack cases, these ones are very hard to determine whether it was because of your work or not.

So, in the few cases that we have had, the medical assessment is key to determining that, but it is not always the case that the doctor finds in favour of compensation. There have been cases where the ruling has been against compensation.

We have trained about more than 200 doctors in terms of the Permanent Impairment Capacity Training. These doctors can also provide independent assessment and we do call on them now and again if there is a need to, and they do help us out in terms of these assessments, but there is a pool that we have been able to build up and these doctors currently are within our system as well.

MR. CHAIRMAN.- Honourable Nawaikula.

HON. N. NAWAIKULA.- For the 2015, I have two comments and a question. My first comment is that, I have been looking through the Corporate Plans for all departments, and the Ministry of Employment was the best. You know just by comparison, the Ministry of Agriculture had a target - increased export, but did not particularise it. Yours was very clear and you had specific targets.

My second comment is that, I am going to ask you as we will also be putting in our recommendation that in the future, our Annual Reports for a particular year also contains your targets and achievements and how you address the previous year's audit queries so that we can know in one year, these are your targets and of all those audited queries, those have been addressed.

Some of the Annual Reports that are coming in, most do not have that. We are probably using a format that has been standardised but then you know for so many years, we are now in the Performance Management culture, and I think that should be part of it. So, I am putting that comment now as well as that in our recommendation to Parliament. We will be putting that in too so that in the future, once the Annual Report comes in, we will also have a copy of your Corporate Plan there, and whether the targets were achieved but more explanation whether those targets were not achieved.

So, my question, I am going back to 2015, you have a target there in relation to gender equality. In your target (very specific) you were supposed to conduct eight awareness sessions and one talk-back show on Sexual Harassment. So, were those achieved, if not, what were the problems?

MR. A. KUMAR.- Thank you, Mr. Chairman. In terms of gender equality and, of course, the talk-back show, the Ministry has conducted a talk-back show on Sexual Harassment and also in terms of gender equality. We also conduct the workplace inspections in terms of ensuring that employers understand about gender equality in terms of the rights of the female workers and ensure that in terms of maternity production, in terms of the minimum terms and conditions, annual leave, sick leave, bereavement leave so all these are done through the labour compliance inspection process where we go out and conduct the inspection.

We had 469 companies that were registered having industrial chemicals and this is an increase of 10 percent from the previous year.

We continued to do the Occupational Hygiene Consultancies, recording an increase of 78 percent and we also undertook the normal Workplace Design and Vetting as well as our Statutory Inspections under OHS.

HON. S.B. VUNIVALU.- Thank you, Permanent Secretary. My question is in regards to our men on Middle East Peacekeeping mission, when they leave the country, we call that “Tour of Duty” but in some cases, some just died through natural deaths, not accidental, shooting, et cetera, but just natural deaths. They leave our shores for “Tour of Duty”, how do you explain when a person dies during his tour of duty? Thank you.

MS. S. DAUNABUNA.- Mr. Chairman, for the Ministry, we operate under the Workmen’s Compensations Act and for us to be able to be included in any compensation consideration, the worker that suffers an injury or death, the circumstance has to be related to the work that the person does. So, in some instances where it is a natural death we also do medical assessment. The medical assessment form is quite a key part of the consideration for compensation that we do. So, if it is a natural death, normally because it is not related to the work, we are not able to process those sorts of payments. Our role comes in if there is an establishment or a link between the injury or death to the work that the person undertook.

HON. A. NABULIVOU.- Can I just pose this question, follow-up to that question: a person has an illness, died while still working, it is work-related, what is the relationship with the Ministry of Employment? The doctor has confirmed that it is work related, that is a follow-up question to that?

MS. S. DAUNABUNA.- Is the question asking, “What if there are conflicting medical reports?”

HON. A. NABULIVOU.- Yes.

MS. S. DAUNABUNA.- If there are conflicting medical reports, normally, we have a doctor that does our assessment on behalf of the worker. So, if the employer disputes the medical report that we provide then an application is made to the Tribunal to make that determination.

HON. A. NABULIVOU.- In a Constituency, a lot of similar cases come up to us, so we have to know what the Ministry of Employment’s stance on that because some cases are work-related and they have their doctors who would confirm that it is death during working time. So, the doctor recommends that he may have died during work and you have a doctor, so that case will go to the Tribunal, just to clarify that.

MS. S. DAUNABUNA.- Also the doctor that we have internally, provides this service who is an Occupational Medicine Doctor so it is a specialised area, that is why the assessment done is conducted by this doctor. He is the one whom we normally use when we submit to the Tribunal.

HON. J. DULAKIVERATA.- Mr. Chairman, just on this subject, because this doctor works for you, it is natural that if you work for someone, your allegiance is there. What I am suggesting is, if we have an independent doctor, make them do their own assessments instead of being tied to anyone, make it transparent because this is very serious business. If a doctor says that his death is work-related, and your doctor says that it is not work-related, he had a heart problem which caused his death, who should we believe? So if we have an independent doctor or just a consultant to deal with the assessment, I think that is transparent, fair and we can all believe in that because if you have your own doctor and you have a Ministry’s doctor, surely your mind can be ...

HON. J. DULAKIVERATA.- Just one question before we move on.

MS. S. DAUNABUNA.- Yes.

HON. J. DULAKIVERATA.- Thank you, Mr. Chairman. Seasonal Employer Work Scheme is an overseas one because this question was asked in Parliament to your Honourable Minister regarding the employment of women, and the response was that it depends on the requirement of the employer from the other side as to what sort of work they want to offer, but we had discussed this issue. If you are really concerned about women participation or gender equality then the Ministry should not only depend on what they offer from the other side. You should take the initiative and find employment opportunities for women overseas, like caregiving and all the other employment opportunities where women can be employed in. I do not know what is in your Agreement but we thought that you should look at more opportunities for women employment in the Scheme, so that they can also participate and benefit from this Agreement. Thank you.

MS. S. DAUNABUNA.- Yes, of course, thank you, Mr. Chairman. Of course, we agree that the scales should be balanced where possible, and in this case generally there has been an identification that there has to be an increased recruitment of women within that Scheme and we recently attended a meeting in New Zealand (I think about two weeks back), so we will be having our meeting within in terms of the outcome of that meeting. That meeting was specifically to identify and look at how we can increase the chances for women within the Scheme. So, it is already a work-in-progress and we hope to be able to contribute to how we can improve that system.

So, we also extended within that year our MOU with Papua New Guinea in terms of OHS technical assistance, and the payout was also done for the Christmas Island Workmen's Compensation cases.

In terms of the child labour practices, we also were able to do some sharing of best practices with the Government of Papua New Guinea and that year, we also signed the MOU under the Australian Seasonal Worker Programme. The tripartite Agreement was signed in Geneva in terms of ILO and we also signed that year the Recognised Seasonal Employer Scheme with the Government of New Zealand.

There was a successful completion of our Occupational Health and Safety Reform Assistance that was given to the Government of PNG, and we improved our services in terms of enhancing our IT Services. That year we commemorated World AIDS Day and there was also the review of the Essential National Industries Decree, and we did the ISO Certification for Labour Standard Services and the National Employment Centre, and our Occupational Health and Safety Services and Mediation Services where we certified to the ISO certifications.

In terms of the compensation cases that were reported, we had 1,534; we settled 1,293. These are pending cases from 2010 to 2015, we have also mentioned within our presentation.

We have given the breakdown also of how much we had paid in terms of Government compensation and the private sector compensation cases. That year we also did the payout for the Middle East compensation cases.

In terms of the Employment Tribunal cases, we had 39 cases that were settled in 2015 and 16 cases pending within that year and, of course, this would be carried over to the following year for continued adjudication.

We also did the payout of the Christmas Island cases which amounted to \$2.5 million. We conducted our OHS awareness and training sessions with stakeholders as well as our HIV AIDS Awareness Programmes.

In your 2016 Report, I see that it talks about life skills training, you want to bring this into this. When they enter the labour force, then you come and teach them life skills training so what sort of coordination do you have in the schools?

During our time, all these life skills were done in schools. When people come and join the workforce we expect them to come and work. They do not come and teach them all the small skills which they are supposed to acquire from school and from the homes. We want to bring them through the labour force and be productive, so how do you people coordinate these labour skills, child labour, life skills training, et cetera, where do you draw the line? These are big issues these days, soon you will never find people using a cane knife, they will not know because when they go to primary school, most are not allowed to weed and plant vegetables. You should spell out all these things.

(Laughter)

I am sorry, I am giving out my frustration on these things because a lot of people in the villages cannot do any other work now, just play volleyball.

MR. A. KUMAR.- Thank you, Mr. Chairman, yes, there is a fine line between child labour and child development and any work that is done in the school as part of the teaching and learning process is not child labour, when you look at children working after school and this is what we have done in our consultations with our community leaders, school teachers, also with the *tikina*, advisory council representatives. We have explained to them the child labour process.

Child labour is where the child is in employment during school hours and the child is below 15 years of age and the child does not have the parental consent, that is where child labour comes in. But if the child is of school age and they are working during school hours then, of course, it is child labour but after school the child is able to assist the parents, guardians or the family members in simple tasks at home, in their farm that is not affecting their health, safety and wellbeing and also the schooling of a child, then that is not child labour. That is what we have done in our consultations and training awareness to the employers, workers as well as community leaders and school teachers to ensure that they understand about the child labour process.

Through the training process, we have noted that people have now understood about the areas of child labour. Anything that is done in the school that is not part of the teaching and learning process is not child labour, it is, of course, child development.

MR. CHAIRMAN.- *Vinaka*, can we move on to the 2015 presentation.

MS. S. DAUNABUNA.- Thank you, Mr. Chairman. For 2015, we had a budget allocation of \$15.7 million. Our utilisation for that year was \$15.3 million; unutilised budget was \$428,000, so our percentage utilisation for that year was 97.3 percent. There are seven Key Performance Indicators that we have listed in the documents that we have provided.

In terms of the achievements for that year, of course, we welcomed our then new Minister for Employment into the Ministry and also the New Zealand Recognised Seasonal Employment (RSE) Work Scheme was approved.

The National Minimum Wage was increased from \$2 to \$2.32 within that year and also the MOU that was signed.

returns so that was one of the requirements under the law, that you have to also submit your annual returns. We can provide the information on the total number that we have after we underwent our exercise of identifying the unions that were active and non-active. But also in terms of the de-registration, there is a process that we undertake before the decision is undertaken to de-register.

Normally, we send out request for responses from the unions and then we also publish it in the papers to see whether there is any response, and there is a time period that is given, so it is not that we undertake the exercise straightaway but we do have to follow a certain process and time is given for parties to respond whether they agree with the process undertaken or whether there is time that they would like to be able to submit their annual returns. We have had situations where requests have come for consideration because they were not able to have an AGM, not being able to submit their annual return, so we make considerations based on the submissions that come through.

MR. CHAIRMAN.- *Vinaka*.

HON. A. NABULIVOU.- Regarding the Annual Report for 2014, 6 annual returns were received. What I am saying is, I just want to ask how many trade unions were active and how many were inactive, and what is the process of de-registration because a lot of trade unions do not submit returns, at the same time when there is no AGM, what is the process of the Ministry of Employment process on that?

MS. S. DAUNABUNA.- We will provide further particulars.

MR. CHAIRMAN.- *Vinaka*, Members of the Committee any other question for 2014?

HON. A. NABULIVOU.- Just a question, Mr. Chair, regarding child labour, is there any training in the Central Division for the topic on child labour?

MS. S. DAUNABUNA.- Within 2014 or generally?

HON. A. NABULIVOU.- 2014.

MR. A. KUMAR.- Mr. Chair, yes, Sir, we have conducted training for child labour in the Central, Eastern, Northern and Western Divisions and with the child labour training, we also trained school teachers. We have also trained our community leaders, *Tikina* Council representatives, and what we have seen is that, after the training then they become the advocate of child labour and they have really taken it down to the grassroot level to ensure that our people know about child labour and the importance of sending our children to school.

HON. A. NABULIVOU.- The reason why I ask about child labour is because there is no presentation in the Provincial Council meetings so it goes right down to the grassroot people, but it is not mentioned in the 2014 Report. There is training for only the Western and the Northern Divisions but not the Central Division, that is why I asked.

MR. CHAIRMAN.- Yes, Honourable Dulakiverata.

HON. J. DULAKIVERATA.- Thank you, Mr. Chairman. On child labour, I think people are misinterpreting the definition of “child labour”, whether this is known to the people by doing some chores in the home, in some schools they are not allowed to do anything.

know in terms of their rights at the workplace, but also in terms of what they need to adhere to under the Employment Relations Act.

Our awareness sessions and trainings are conducted by a set of teams within the Ministry which not only covers labour inspection but it also covers our Occupational Health and Safety Services, also the productivity aspect under our Productivity Unit, so it is an all-encompassing aspect that we conduct in terms of the training from the Ministry's side.

MR. CHAIRMAN.- Honourable Vunivalu.

HON. S.B. VUNIVALU.- Thank you, Mr. Chair, through you; thank you, Permanent Secretary and the team for your presence this morning.

My question is that, you have mentioned that there were thirty homes that were constructed in Vunidogoloa for relocations. Are there places that you are supposed to build houses as well or only for Vunidogoloa residents?

MS. S. DAUNABUNA.- Mr. Chairman, this was the project that we undertook together with the ILO in terms of the community at Vunidogoloa and really the effect of sea level rise and the erosion of their coastlines, there was a project undertaken to relocate the villagers within that area. So, that is the only project that we had undertaken but also in addition to that, the other project that we undertook was the Community-Based Emergency Employment. So, these are sort of interlink projects but they come in, in terms of responses to situations, not only sea level rise but the Community-Based Emergency Employment came in response to the TC Winston rebuild. So, the projects we undertook were done together with the ILO but they were done after scoping exercises but those were the two that we had undertaken.

MR. CHAIRMAN.- *Vinaka*.

HON. S.B. VUNIVALU.- Why I asked that question, Mr. Chairman, is because not only Vunidogoloa was affected in Fiji. There are other places too that need to be relocated in regards to what has been done to Vunidogoloa.

MS. S. DAUNABUNA.- Thank you. As I explained, normally if there is an identification of assistance that needs to be done, there has to be an element of employment for us to be in the picture but also for us to provide the assistance with ILO because the bulk of this funding is also from ILO, but they also do a scoping exercise to determine who can be assisted and the extent of assistance that can be provided.

MR. CHAIRMAN.- *Vinaka*, Honourable Nabulivou.

HON. A. NABULIVOU.- Thank you, Mr. Chairman, I just ask one question about trade unions: can you tell us as to how many active trade unions there are all over Fiji now?

My second question is in regard to the de-registration of trade unions. One trade union is like the Vatukoula Emperor Gold Mine which should be de-registered, but still there. Can you tell us more on that, and enlighten us more on all those trade unions?

MS. S. DAUNABUNA.- Mr. Chairman, in terms of the total number of trade unions that we have on our listing, we have just done in terms of a reconciliation exercise because we had numbers that were registered but we had those that were active and those that were not active. We also had those that did not submit annual

MR. L. MARIO.- Yes, and due to some cases being reported late, that is why, but now we are managing to work within the six-year period and all the cases that we are handling now are within the six-year period. Thank you.

HON. J. DULAKIVERATA.- Just a question: still on the labour complaints, you mentioned that 721 labour complaints were settled in 2014. Can I just ask how many complaints did you receive; and how many are still outstanding?

MR. A. KUMAR.- Thank you, Mr. Chairman, the Labour Compliance Section received more than 200 complaints in 2014. Through our investigation process, some of these complaints were actually not in terms of their minimum terms and conditions but there were basically workers who were coming in to complain because they had some unfavourable working conditions. Those employers have been visited and, of course, those complaints have been resolved. Those complaints that have not been resolved have been carried forward and, of course, most of these complaints have been going through the Employment Tribunal process where the workers' dues have been taken in and the claims have been forwarded to the employers through the Employment Tribunal.

Of course, we also have cases where the workers have settled their cases with their employers themselves in terms of good faith and, of course, in terms of payment of their dues but those cases which are not resolved are going through the Employment Tribunal process.

HON. J. DULAKIVERATA.- A follow-up question on that: just going by this figure that you have just given, you received more than 2,000 and you have settled 721, so pending is 1,279. Given this period of six years to settle, just going by this figure, I do not know whether the complaints are increasing or decreasing. For instance, if it is increasing, what will happen to these outstanding cases if the period of six years lapse? After six years, what will happen to these people? Do they have to re-lodge their complaints to qualify for the period, or what happens?

MR. A. KUMAR.- Thank you, Mr. Chairman, the Labour Compliance and Services, we work within the six-year timeframe. So, if a complaint is not resolved then, of course, it goes to the next step in terms of the adjudication process in the Employment Relations Tribunal to ensure that that particular worker gets his or her dues on time.

We have also noted and seen that a lot of times these workers settle their complaints with their employer and then we have to get the full details from them as to how much they have settled; what was the amount paid so that those records can be with the Ministry so that we can provide their record and, of course, settle their complaint. But if any complaint is not resolved then, of course, it has to go through the Employment Tribunal process so that the worker can get their dues on time.

HON. J. DULAKIVERATA.- Mr. Chairman, just a follow-up question: I asked the question earlier, "how many registered companies in Fiji", and noting the number of inspections that you made because there are so many companies that are not inspected, now given the number of outstanding cases here, you have a real big backlog. So, how do you look at this from your corporate planning; are you going to increase your manpower to cater for this, because it appears that this will be a growing thing?

MS. S. DAUNABUNA.- Thank you for the follow-up question. I had mentioned already that we are working to increase our manpower and we found that that is something that we really need to do if we were to increase our reach in terms of the inspections that we conduct on the ground. In addition to that, we also conduct awareness sessions for employers and also at workplaces so that they know exactly what they need to

working to improve in terms of the outreach that we have to the employers and in terms of the inspections we conduct on the ground.

HON. N. NAWAIKULA.- This is a general question: on your achievements for 2014, in terms of the monitoring of the International Labour Organisation (ILO) Conventions, does that come through the Ministry like ILOC 10? What I am interested in is ILOC 169, it is a Convention but does the monitoring process for that come through the Ministry? The ILOC 169 is the Convention for the Rights of Indigenous and Tribal Peoples but it comes through ILO, and Fiji ratified that in 1998. I assume that once Fiji ratifies a Convention like ILOC it becomes subject to the monitoring process, so that was the reason why I was asking because there are some dealings with Labour specifically, but this one is dealing with the rights of indigenous people. So I am asking in relation to the monitoring, does Fiji give an annual report to the IRC (you are probably familiar with that), I just want to know whether Fiji has been subject to the monitoring process of ILOC 169 and whether reports in relation to Fiji's compliance have been submitted for that, so ILOC 169?

From the tradesman's side, the representations for the labourers, for example, come through Fiji Trades Union Congress (FTUC) because that is the national body, and it gives its views from the other side and for me, especially in relation to ILOC 169, we have been trying to ask FTUC to take our issues up but from the national side, I am sure that each country like Fiji, having ratified ILOC 169, is subject to its reports and if that has been done, that is what I need to know?

MS. S. DAUNABUNA.- Mr. Chairman, we can provide that follow-up information as well but just to explain briefly, every year, we are required to report on certain Conventions and there is a certain list that is provided by ILO that we have to give updates on, and we can certainly provide whether this is one of the conventions that have been required for us to report on recently. As soon as we get information to provide that sort of update, we do consult with stakeholders for their input and whatever input is given to us, it is tabled as a report that goes through to ILO and there is normally a reporting period between June and September that we have to provide these reports. Certainly, we can provide that update whether this Convention is covered within that ambit.

HON. A. NABULIVOU.- Thank you so much for the presentation, Permanent Secretary and the team. Just a clarification on the 2014 achievements: you have got a total number of backlog cases from 2001 to 2009 which have been resolved. What happened with the 2014 cases, are there some pending cases? Thank you, Mr. Chairman.

MR. L. MARIO.- Thank you, Mr. Chairman and Honourable Members. In relation to the backlog of cases for 2001 to 2009, these were the cases that are over the six-year period in which the Workmen's Compensation Act was supposed to deal with. But the 2014 cases are classified as current cases that we normally deal with in the normal situation and the number of cases that were resolved within that year have been reflected in the Annual Reports. The reason why we highlighted the 2001 to 2009 cases was because of the backlog and which has already passed the six-year period and that is why it was a priority at that time to address these pending cases. Thank you.

MR. CHAIRMAN.- Just a follow-on question to that, how long does the Ministry keep the unresolved cases?

MR. L. MARIO.- The legislation allows the Ministry to work within six years.

MR. CHAIRMAN.- Six years.

cases that were settled, the cases that were heard and the total recoveries that were done and were paid back to the affected workers.

Also within 2014, we also dealt with the cases that came under the Middle East umbrella, Middle East cases. About 29 were settled and there was a balance of 33 that were remaining to be paid out within that year.

Still on Awareness and Trainings, the National Employment Centre(NEC) also conducted within that year the Professional Counselling, Aptitude Assessment, Life Skills Training and Employment Skills Training; these were commenced in both the Western and the Central Divisions.

We also undertook our Awareness Programmes under the National Employment Centre and within that year, we had 9,400 employers registered with the Ministry to recruit clients under the NEC, and in terms of this recruitment, we had the signing of the different MOU with the employers to employ clients that were registered within our system.

HON. N. NAWAIKULA.- I am more interested in your targets in relation to your 2014 Corporate Plans. I feel (I am not sure), possibly your achievements may be measured against those targets and which ones were achieved and which ones may not be achieved and the reason for those not being achieved. So in terms of the target that was set for 2014, which ones were achieved and for those that were not achieved, what were the reasons for that?

MS. S. DAUNABUNA.- Yes, Mr. Chairman, in terms of that breakdown we can provide that information as a follow up to give you what our targets were as I had mentioned, against the achievables for that year.

HON. N. NAWAIKULA.- Yes, and possibly too, for the same year, if you could also tell us of the issues that were raised by Auditors. In the Auditor's Report, there may be three or four issues that were raised against your Ministry and how they were addressed. So if that can come with that too, please, unless it is already here?

MS. S. DAUNABUNA.- So, if I understand it, do you want us to draw it from our Audit Report?

HON. N. NAWAIKULA.- Yes, usually the Audit Report will have five or six items raised, let us say, for this Ministry, these were the concerns that were raised, so we just want you to know how during that year were those addressed.

MS. S. DAUNABUNA.- Yes, we can certainly provide that as well. We also had a list of questions so we just want to clarify how you want us to go through the questions that were given. There is quite an extensive list that came from the secretariat.

HON. J. DULAKIVERATA.- Thank you, Mr. Chair, through you, I just want to ask: you noted there that 3,132 workplace Labour inspections were conducted during 2014, how many registered businesses are here in Fiji?

MS. S. DAUNABUNA.- Thank you, Mr. Chairman, from our record we actually have a number of 10,000 altogether for employers but because of the human resource capacity we have internally, our reach is to the 3,000 employers and we are working to increase our capacity. We have advertised to bring in other labour inspectors to help us to be able to increase the reach for us within Fiji. We have also some identified areas that are the hot-spot areas for us which is where our spot-check inspections are also conducted. All in all, we are

as well. Included in that is, of course, the overriding Constitution as well as the Ministry's Vision and Mission Statements for the period that are now covered within this discussion.

For 2014, we have provided the breakdown of the budget. Our budget allocation was \$10 million, utilisation was \$9.9 million and unutilised was \$30,900 so the utilisation rate for that year was 99.7 percent.

We have also listed the Key Performance Indicators (KPIs) that we were measured against, and that is 8 in total.

We have also provided the achievements that came out of that year in 2014. Firstly, was the first ever National Minimum Wage implementation.

Also there was representation at the governing body at International Labour Organisation (ILO). An understudy was taken in terms of the Seasonal Worker Programme in New Zealand as well as the signing of the agreement between the two State Parties.

There was an involvement of our NEC clients in the construction of 30 new homes for the relocation project of the Vunidogoloa residents. We also began the Ministry's operational reform within that year.

In terms of the ISO Certification, the National Occupational Health and Safety Services as well as the Mediation Service were certified to ISO 9001, 2008 Quality Management Systems and also there was the signing of the MOU between our Country and the State of Papua New Guinea.

There was also our Commemoration of ILO World Day for Safety and Health at Work.

The other second event that we also recognized and is also an international event is the World Day Against Child Labour. Under the NEC framework, the soft launch of the Foreign Employment Service was undertaken within that year as well as the bigger public launch of the National Employment Centre.

We have listed the different activities that were undertaken within that year, including promotional initiatives and user-pay training programmes. Under the Productivity umbrella, we also undertook the Labour Management and Consultation Committee (LMCC) trainings as well as the Occupational Health and Safety Training and Awareness and HIV and Aids Awareness, also under the Occupational Health and Safety umbrella.

Child Labour Training was also conducted to the sugar industries in the West and the North and we also conducted labour inspections. Within that year, four child labour cases were withdrawn, meaning four children were taken out of the child labour environment and incorporated into the education system. We also had listings of the collective agreements that were registered within the Ministry that year and also the workplace inspections conducted by the Labour Standards team.

In terms of industrial associations, we had registered 13, 26 were returned in terms of non-compliance and we had a few de-registrations as well due to non-submission of annual returns. That is actually outlined within the law, that is what is undertaken for non-submission but after due process is undertaken for these associations and unions.

We have already mentioned that the work that is undertaken in terms of awareness and recoveries and the Ministry also undertook a non-destructive testing consultancies within the Year 2014. A few of our cases also went through to the Employment Tribunal System and we have given the breakdown of the number of

VERBATIM NOTES OF THE MEETING OF THE STANDING COMMITTEE ON NATURAL RESOURCES HELD IN THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS ON THURSDAY, 14TH JUNE, 2018 AT 10.20 A.M.

Interviewee/Submittee: Ministry of Employment, Productivity and Industrial Relations (MEPIR)

In Attendance:

- | | | |
|----------------------------|---|--|
| 1. Ms. Salaseini Daunabuna | - | Permanent Secretary |
| 2. Mr. Tomasi Kama | - | Director, Occupational Health (OHS) and Safety Workmen's Compensation Services |
| 3. Mr. Atish Kumar | - | Director, Labour Standard Services |
| 4. Ms. Elina Vuniwa | - | Senior Information Officer |
| 5. Ms. Seruwaia Bavai | - | Manager, National Employment Centre (NEC) |
| 6. Mr. Tomasi Keni | - | Mediator |
| 7. Mr. Lui Mario | - | Manager, Workmen's Compensation Services (Northern) |
-

MR. CHAIRMAN.- *Vinaka*, Honourable Members of the Committee, we will start again with our meeting. This morning, we are blessed to have the team from the Ministry of Employment, Productivity and Industrial Relations, headed by the Permanent Secretary, Salaseini Daunabuna.

To the team and to you, Permanent Secretary, the Committee on Natural Resources welcomes you to Parliament for the presentation this morning.

The Committee has been given your Report from 2014, 2015 and 2016 to scrutinise basically how the Ministry has performed in terms of the Budget that has been given to the Ministry and also the work that has been mandated through your Corporate Plan for those three years.

We have sent a number of questions and I understand your presentation will also cover those questions that we have sent to you through our analysis of the Report, and I understand there is a presentation that you have that you will present to us.

The membership of this Committee includes the Honourable Dulakiverata, Honourable Vunivalu, Honourable Nawaikula, Honourable Nabulivou and I am the Chair. We have different backgrounds to your mandate but we will try and interject on the way during the presentation just to clarify some of the issues that we have.

So on that note, we welcome you again to the Committee and we hope our discussions in our meeting today will help us in putting together a Consolidated Report for the three years that will be reported to Parliament in the next sitting of Parliament.

So, on that note, we now give you the floor for your presentation.

MS. S. DAUNABUNA.- *Vinaka*, Mr. Chairman and Honourable Members of the Committee, a very good morning to you all. I am here this morning with my team from the Ministry of Employment consisting of two Directors; one of our mediators; as well as our two Managers from the National Employment Centre; as well as the Workmen's Compensation Services; and we also have our media personnel here with us.

We have already provided a snapshot of the work that we did between 2014 and 2016. As you will see, we have outlined the main policy documents that form the basis on which we did our work during those periods

Of course, for this, we also have a maximum of six-year timeframe and we backdate the claims and, of course, claim from the employer. So the workers have two avenues that they can go to. In terms of unfair dismissal, it goes to Mediation Service.

In terms of minimum terms and conditions, non-payment of wages, annual leave, sick leave and bereavement leave, of course, maternity leave, those come to the Labour Compliance Section for investigation and, of course, we recover these wages and give that to the worker.

MR. CHAIRMAN.- All right. *Vinaka*, Members of the Committee, I think we have learnt a lot today in terms of just reading and now the expert has told us how it happens in the Ministry and the process that they follow in the Ministry.

Permanent Secretary and the team, on behalf of the Committee, we thank you a lot for availing your time and be with us today in terms of looking at your three Reports for 2014, 2015 and 2016.

What we have discussed today and your contribution has helped us a lot in putting our Report together for the next sitting of Parliament.

Also, if you can take on board the recommendation from the Committee in terms of matching the targets, performance and also the financial allocation to the Ministry so that you can better do your job in terms of the budget that has been given.

So, on that note, on behalf of the Committee, we thank you again, *vinaka va levu* for the time and we wish the Ministry well in the future, *vinaka*.

The Committee adjourned at 12.14 p.m.

APPENDIX 3

Ministry's Response

ANNUAL REPORT SUMMARY – MINISTRY OF EMPLOYMENT, PRODUCTIVITY AND INDUSTRIAL RELATIONS 2014, 2015, 2016

Questions

- **How does the Ministry prioritise its budget allocations for the 2014 – 2016 promotional initiatives e.g. page 13 of Annual Report 2014. (CSD)**

The Ministry prioritises its budget allocations for the 2014 – 2016 promotional initiatives towards **advertising** (radio, newspaper, talkback shows), **publicity** (media releases to print and broadcasting media, giving interviews to the media and roadshows) and **direct marketing** (brochures, posters, banners). These promotional initiatives targeted the general population, to inform them of services and programs offered by the Ministry to its main customers i.e. employers, workers, unemployed persons, students, relevant stakeholders and the general public as a whole.

- **The Committee to ask the Ministry of Employment, Productivity and Industrial Relations to explain the differences of figures of the promotional initiatives on the Annual Report and Annual Corporate Plan 2014? Pg. 13 Annual Report 2014. (CSD)**

Annual Corporate Plan

Management decision at that time for different SBUs to commit in the supplying of information for press release purposes to the Media Unit and also to take on the lead role in drafting press releases.

2014 ACP Target – Page 42

Promotion of Ministry's services:

- Press Release – 60
- Talkback Show – 8
- Media Interviews – 12
- E-Bulletin – 26
- Exhibition – 1
- Promotional materials (e.g. Brochure/ Posters) - 8

A total of 174 promotional initiatives were carried out in 2014 with a high 40% of the work done through press releases, followed by 26% in the form of media interviews with the Minister for Labour, Industrial Relations and Employment, 16% were talkback shows on FBC TV, 7% were in the form of e-bulletins and other talkback shows and lastly 2% were for press conferences.

- **Why did the Ministry withdraw the 14 child labour cases? Pg 15 Annual Report 2014 (LSS)**

The children were withdrawn from child labour activities and returned to school, this was done as part of the compliance and enforcement process of the Ministry to ensure that no child is employed during school hours. Children were employed mainly selling homemade cakes, 'sasa' broom at service stations and in towns around Fiji.

- **What could have caused the reduction from 29 to 4? It peaked in 2013 with 29 cases and dropped again in 2014 for 4 cases only. Pg. 15 Annual Report 2014 (graph 8) (LSS)**

The awareness enforcement and compliance has increased where we have targeted businesses such as car wash, backyard garages etc. The joint Taskforce team with Ministry of Women Children and Poverty Alleviation and with Ministry of Education and Cane Producer Associations to ensure that all Children of school age remain in School.

- **What is the reason for the de-registration of Industrial Associations and Trade Unions? Monetary recovery (pg. 15) Annual Report 2014 (RTU/RIA)**

De-registration of Industrial Associations and Trade Unions are due to the non-submission of annual returns with audited financial report which is a requirement under the Industrial Associating Act and also under the ERA 2007.

- **What is the process of unresolved employee grievances? How long does the Ministry keep them? Pg. 16 Annual Report 2014. (MS)**

What are the recovery cases? The detailed process of grievance received / disputes? E.g. pg. 17 Annual Report 2014 and 2015-2016. (MS)

Licensing and Compliance and Monitoring – OHS Standards

- **Why the graphs dropped in 2013? i.e. Statutory engineering inspections 2012 – 2016 and workplace registration 2012 – 2016. (NOHSS)**

The figures provided in the 2014 & 2015 Annual Reports are annual achievements whereas 2016 figures is based on the first 6 monthly (Jan – Jun) achievement. The annual achievements for 2016 is 5454.

- **Why the figure fluctuates? (Increase/decreases) pg. 17-31 2014 Annual Report 14 (NOHSS)**

NOHSS was ISO Certified in 2014 and I believed this Certification had a big impact on the fluctuation of figures. Initially inspections and other activities were carried out without any request given from client. As from 2014, SOP were in place and every activities undertaken has to comply with the procedure (i.e. request send to DOHSS and upon approval inspection will be carried out).

- **What is the percentage of a compensation paid to death and accidents or injury for 2014 – 2016? (WCS)**

Compensation for death cases is very low, especially for the private sector as most death cases that are deemed as somehow “work-related” through medical opinion are normally disputed by employers for various reasons. This is clearly reflected through the years:

- 2014 (2 private sector cases compensated compared to 35 government cases
- 2015 recorded 5 death cases compensated in the private sector compared to 68 death cases for government.
- 2016 recorded 2 death cases compensated in the private sector compared to 40 for government cases

For injury cases, the disparity is not significant as compensation is dependent on the % awarded by medical doctors.

- **How can the Ministry improve on the settlement of workmen's compensation? (unsettled cases} 2014, 2015-2016 Annual Reports (WCS)**

The compensation unit was initially operated through the assistance of personnel from other services such as OHS and Labour Standard Service personnel together with graduate Volunteers due to the freeze in increasing the size of the civil service.

However, in 2016, it managed to secure 20 additional positions to administer the Workmen's Compensation legislation.

The development of standard operation procedures (SOPs') and certification of its systems and processes has also improved the service delivery.

- **Briefly explain the compensation paid out to Middle East personnel and civil cases? 2014, 2015 & 2016 (WCS)**

The payment of compensation for personnel that were injured in the Middle East as reflected in the 2014 and 2015 reports was a continuation of the process that started in 2009 to clear the pending payments.

This follows the submission of Cabinet Paper on a proposal to compensate military deaths and serious injury cases for personnel that lost their lives or were injured from 1982 to 31st January 1997 when the disciplined forces were not covered under the Act.

Cabinet then allocated \$3m with \$1.5m in the 2010 budget and the other \$1.5m in the 2011 budgetary allocation.

- **Please explain the unsettled and settled cases for Middle East cases from 2014, 2015 & 2016. (Please provide figures) (WCS)**

The initial list as provided to the Ministry at the beginning of the exercise listed a total of 132 cases under the Priority 1(P1) in 2010.

Another list of 132 cases was submitted under Priority 2 (P2) in 2011 following Cabinet Decision No. 7/2011.

As highlighted in the 2014 and 2015 annual reports, a total of 29 Middle-East cases were settled in 2014 with 33 cases pending and another 19 cases were resolved in 2015. The Ministry could not pursue the remaining cases as the workers listed could not be located and secondly, no budgetary allocation was provided for this exercise.

2014, 2015 & 2016 Committee Analysis Questions

Key Highlights

- **Minimum Wages – In 2015 the minimum wage rate was from \$2.00 per hour to \$2.32 per hour. This was not highlighted in the 2016 Annual Report. Can the Ministry clarify? (LSS)**

The increase in the National Minimum Wage from \$2.00 to \$2.32 came into effect from 1 July 2015, hence the highlight in the 2015 Annual Report. The recoveries for LSS on pending labour inspections have been highlighted in the wages section recovery section of the report. There was no increase in the NMW rate in 2016, therefore the report only reflects complaints on wage dues and recoveries.

- **What is the function of the Workmen's Compensation Service and please explain the process? (WCS)**

The Workmen's Compensation Act (s5) stipulates employers' legal responsibility to compensate workers who sustain injuries, contract disease or die from work-related activities arising out of or in the course of their employment through monetary payments.

Following the occurrence of an accident, employers are required under s14 to report injury cases within 14 days and 7 days for death cases.

The Workers Compensation Service is responsible for the administration of the Act and processing of these cases until cases are resolved or payment are made where necessary.

- **What is the impact of the seasonal program amended MOU, has on the number of seasonal workers that go overseas to work? (NEC)**

Australia SWP - The amended MOU has given Fiji the opportunity to participate in other sectors in the seasonal work programme such as aquaculture, hospitality, cane farming and cotton. This has in part seen the increase in the number workers employed in the hospitality sector especially women in 2017/2018.

NZ RSE – The progressive increase in the cap from 2015 -2016 saw the increase in number of Fijian workers securing seasonal employment from 46 in 2015 to 228 in 2016.

Summary of Deployment

Year	SWP			RSE		
	Male	Female	Total	Male	Female	Total
2015	108	29	137	44	2	46
2016	71	14	85	207	21	228
2017	188	26	213	265	19	284
May 2018	132	12	144	215	8	223
TOTAL	499	81	579	731	50	781

- **What are the rights of workers in workplace? (LSS) (NOHSS)**

Rights of workers under the Employment Relations Act 2007:

1. Minimum wages rates to be paid to workers as per the wages regulation and also the NMW.
2. 10 days annual Holiday payment after one year of service
3. 10 days sick leave with sick sheet after completing more than 3 months of service
4. 3 days bereavement leave after completing more than 3 months of service
5. 84 consecutive days' maternity leave, full pay for first 3 births and 50% pay 4 and subsequent birth.
6. Workers have the right to lodge their Employment Grievances for unfair dismissal.

Right of Workers under the Health and Safety at Work Act 1996:

1. Workers have a right to be consulted in the workplace when decisions are made regarding their health and safety. Workers also have a right to be represented for their views on any health and safety issues in the workplace.
2. Be consulted on health and safety issues that affect you including any proposed changes that the employer wants to make that may impact OHS.
3. Worker can be represented by:
 - a Health and Safety Representative elected by the worker
 - a Health and Safety Committee representing workers
 - by other arrangements agreed (for example, Union Representative).
4. Workers also have a responsibility to consult with their employers. These responsibilities include:
 - Participate in and appropriately contributing to consultations initiated by the employer.
 - Take into consideration suggestions made by the employer on health and safety issues.
 - Notify the employer of any a risk to health or safety in the workplace.
 - Be provided with safe systems of work, which includes plant or systems of work; the use, handling storage or transport of substances and plant [that includes equipment and machinery]
 - Refuse to perform work you reasonably think would expose you to a serious risk that is also immediate and imminent

- Protection from discrimination, coercion or threats in relation to a health & safety matters
- Be provided with the information, instruction, training and supervision you need to do your job safely.

- **Why there is a reduction in the OHS awareness and training and HIV awareness and training? (NOHSS)**

The reason for decrease in the number of OHS awareness and training including HIV/AIDS training are as follows.

- Resignation of Staff from the Unit. No replacement staffs were recruited during the period.
- HIV/AIDS Training was the key output for the Ministry of Health and most HIV/AIDS awareness was then conducted by the Ministry of Health
- The office responsible to carry out HIV/AIDS training had also resigned and no replacement was recruited.
- The TACH unit has also Accredited External Trainers on Occupational Health & Safety (OHS). These external accredited OHS Trainers are industry based Fiji wide and as such it becomes their duty and responsibility to conduct OHS Trainings and awareness for their workplaces. This reduces the huge burden from the Ministry and Industries have their own OHS officers/trainers which saves them some costs.
- The effect of cyclone Winston also contributed to the reduced number of workplace Awareness and trainings as companies were on a rebuilding stage for quite some time.

- **Explain more on the workmen's compensation Act Section 6 on the payment of compensation to workers? (WCS)**

Section 6 of the Act provides for compensation to be paid to dependents of workers who die as a result of work-related accidents. The 208 weeks (4 yrs) highlighted in under the same section is then multiplied by the workers Gross weekly earning (at time of death) to determine the compensation amount to be paid by the employer to the dependents.

The maximum amount claim for death cases is \$50,000

On the distribution of compensation to dependents, it is the ERT that determines the amounts to be distributed.

- **NEC Registration – What happens to those who have registered from 2014 – 2016? Why the decrease in 2016? What was the employment rate from the registered applicants? (NEC)**

Registration from 2014 – 2016 and those that found permanent employment. These records are those captured at NEC, however most clients have found employment.

NEC achieved **1738** out of the **2000** target and due to the change in the financial year; the reporting for Y2016 was for Jan – June thus the shortfall. In addition, the influx in registration in 2014 / 2015 was due to the seasonal workers program

YEAR	TARGET	NO REGISTERED	PERMANENT EMPLOYMENT
2014	500	8,407	3,227
2015	500	10,124	415
2016	500	1,738	338
		20,269	3,980

Rate of employment (PE to No. Registered):

- 2014 – 38%
- 2015 – 4%
- 2016 - 19%

- **Why was there no labour inspections on small and medium enterprises? (LSS)**
From 2014 to 2016 the LSS team conducted 10499 Labour Inspections of which 80% of the Inspection conducted was on SME.
- **Why the labour complaints and recoveries dropped in 2016? (LSS)**
In 2016 the LSS section investigated major security companies and matters were taken to the Employment Relations Tribunal (ERT).
- The section also concentrated on the calculation of arrears of wages for security workers and the claims are being taken to the ERT.
- **The drop in money collected in 2016, does it reflect the efficiency of the Ministry or whether all the business had complaint? (LSS)**
The inspections conducted in 2016 has been target based inspections and awareness to employers and workers which led to the compliance of the 10 Wages Regulations and NMW.
- **Occupational Hygiene – Why the decrease in 2016, a decrease of 46% from 2015 as shown in figure 07 pg. 12 2016 Annual Report. (NOHSS)**
The Occupational Hygiene Services was never decreasing at any point in time. However there were services provided by the unit that was free of charge. This was the audiometric testing that was carried out for 580 workers who had applied under the seasonal workers scheme for foreign employment opportunities. This was not a charges service and as such this was not recorded in the revenue register under the occupational Hygiene user pay services. It was directed that this was an initiative from the Government and as such upon the Directive of the Senior Executives the services was provided free instead of user pay basis.

Secondly the Senior Technical Officer from the Occupational Hygiene Unit was on a study leave on a scholarship from the AUSAID for the years 2015 and 2016. Two technical officers had also resigned and were offered better employment conditions and benefits in the private sector and as such this has also contributed to the decrease in the number of occupational Hygiene Inspections during the year.

The effect of cyclone Winston also contributed to the reduced number of workplace occupational hygiene requests as companies were on a rebuilding stage for quite some time and this is also mainly a user pay services that is conducted on request basis from employers.
- **Engineering Design Vetting in Plant & machinery – Why the Engineering Design Vetting in Plant 7 Machinery decrease of 79% from 2015 as shown in figure 08 pg 12 2016 Annual Report. (NOHSS)**
Please note that this figure is only for the first 6 months of 2016 which is compared to the 2015 figure for the whole year. This was during rehabilitation of the country after Winston and less import of new plants and machineries during that period.
- **Engineering Design Vetting of Workplace – Why the decrease in 2016, figure 09? Pg. 12(NOHSS)**
The figure for 2016 is for the first 6 months (Jan-June) which is being used for analysis, Should this be measure for the full year of 2016, the Ministry vetted a total of 390
- **Workplace Commissioned – Why the decrease in 2016 as shown in figure 10? Pg 12(NOHSS)**

Less number of workplace constructions undertaken during the rehab after Winston nationally. It is a client request service therefor we cannot control the number of projects undertaken nationally.

- **Why compare the achievements for 2015 with only 6 months of 2016. (CSD)**
To reflect trends for the 3 year period and it's understandable that the reporting period for 2016 only caters for the first six months (Jan – June) due to TC Winston.
- **Workplace registration – why the decrease in 2015? Pg 13 (NOHSS)**
The figure for 2015 is a typo error and please note figure should read 645 and not 231 as illustrated in the graph.
- **SMART and Hazard Audits – Why the decrease in 2016? Pg 13 (NOHSS)**
Only carried out upon employer's request. Due to the rehabilitation of the country after cyclone Winston, less request received during this period. Please also note that figure given for 2014 & 2015 is the annual achievements and 2016 is for (6) months only. The annual achievements for 2016 is 588.
- **Mediation Services – what happened to the unresolved cases in 2016? (MS)**
- **Registration of Trade Unions – What is the reason for the de-registration of Industrial Associations and Trade Unions? Monetary recovery. (RTU/RIA)**
De-registration of Industrial Associations and Trade Unions are due to the non-submission of annual returns with audited financial report which is a requirement under the Industrial Associating Act and also under the ERA 2007.
- **Registered Trade Unions – compare 2015 and 2016 (pg. 15) figure 17. (RTU/RIA)**
The increase in 2016 figure compared to 2015 was due to the inclusion of collective agreement registered by Trade Unions with Trade Unions registered for the year.
- **What is the requirements for the payment of annual returns? (RTU/RIA)**
Standard annual return form under the Industrial Association Act and Trade Union under the ER 13 form and audited financial report from an existing auditor with the minutes of the AGM and any changes to the administration of trade Unions and Association. Registrar to be updated on these changes.
- **131 death cases compared in 2016 to the international death rating at the workplace? How and Why? (WCS)**
A total of 131 death cases were completed or resolved from 01 January to 31 July 2016 in which 42 death cases were deemed to be "work-related" and compensation was paid out. Two (2) death cases were for the private sector while 40 were for government cases.
- **The reduction from \$5m to \$3m for the payment of workmen's compensation due to TC Winston, was there any other budgetary allocations affected? (WCS)**
The only other major effect was the reviewing of the fiscal year from 31 December to 31 July as the end of financial year. This resulted in the non-utilization of the full budgetary allocation of \$3m (\$1.37m or 46% utilized)
- **Is the above a breach of the Ministry's mandatory functions according to the workmen's compensation amendment Act, Part 2 Section 6. (WCS)**

The provision of budgetary allocation is at the discretion of the Ministry of economy in consultation with the Ministry of Employment.

- **From the NEC registration to 2014 – 2016, how many found secured employment? (NEC)**
3,980 clients managed to secure permanent employment.
- **Like Skills' training to be mainstreamed into the educational curriculum. What is the Ministry's response to this? (NEC)**
May be included into the educational curriculum but the package is developed for the unemployed clients, mostly primary and secondary school leavers.
- **Can the Ministry reintroduced the Apprenticeship program? (CSD)**
The budget allocation for apprenticeship programme currently rests with the Ministry for individuals engaged in apprentice work with the Government Shipping Services. The Ministry is also exploring other labour market demands such as apprenticeship under the Construction industry for the well utilisation of the apprenticeship fund due to the shortage of skills in this areas locally.
- **Are there any other types of employment for female workers apart from farming? E.g Care Givers, all forms of sector employment (NEC)**
In terms of employment in Australia and NZ, the current arrangement is under the seasonal workers program which only includes horticulture, viticulture and accommodation/hospitality.

Ministry is trying its best to sell locals into the markets mentioned but is limited due to the Pacer Plus arrangement.

-ENDS-