



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Review Report on the International Labour Organization Protocol of 2002 to the Occupational Safety and Health Convention 1981



**PARLIAMENT OF THE REPUBLIC OF FIJI
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Chairperson's Foreword

I am pleased to present the Review Report on the International Labour Organization Protocol of 2002 to the Occupational Safety and Health Convention 1981.

The Committee when reviewing the treaty, heard oral submissions, received written submissions as well as holding public consultations in Suva and Lautoka from the relevant stakeholders and the general public.

The Protocol was formulated in 2002 as a Protocol to the ILO Occupational Safety and Health Convention 1981 (Convention). The Protocol has a total of 11 Articles and was enacted to give effect to Articles 4 and 11 of the Convention.

Fiji should adopt an expansive definition of work that includes the formal and informal sector. This expanded notion of work is going to be consistent with Fiji's vision of equality for all, enunciated in our Constitution and it would be inequitable for workers from the formal sector and with the contract of service, written or oral, to be protected from violence while excluding workers in the informal sector.

The Committee recommends that Fiji fully ratifies the Treaty.

The Committee commends the contributions by stakeholders that assisted in the preparation of this report.

I take this opportunity to thank members of my Committee including contributions of alternate members: Hon. Lenora Qereqeretabua and Hon. Prof. Biman Prasad (alternate members for Hon. Pio Tikoduadua) and Hon. Mikaele Leawere (alternate member for Hon. Anare Jale) and the Secretariat for compiling this bipartisan report.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this report to the Parliament.



Hon. Alexander O'Connor
Chairperson

Acronyms

CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
ERA	Employment Relations Act
FCS	Fiji Corrections Service
FPF	Fiji Police Force
FTUC	Fiji Trades Union Congress
ILO	International Labour Organisation
MEPIR	Ministry of Employment, Productivity & Industrial Relations
MODNS	Ministry of Defence and National Security
MOFA	Ministry of Foreign Affairs
MWCPA	Ministry of Women, Children and Poverty Alleviation
NGP	National Gender Policy
RIA	Regulatory Impact Assessments
RFMF	Republic of Fiji Military Forces
SDGs	Sustainable Development Goals
SO	Standing Orders

Recommendations

The Committee recommends that:

1. Fiji accede to the Convention and adopts without reservation.
2. Fiji should adopt an expansive definition of work that includes the formal and informal sector. This expanded notion of work should be consistent with Fiji's vision of equality for all, enunciated in our Constitution.
3. Fiji reviews the current legislations whereby compensation claims could be made beyond the current limitation of 24 months. Some occupational related diseases are diagnosed much later after ones' retirement.
4. Fiji develops capacity to detect and report on occupational diseases especially to those that have long latent period.
5. Fiji creates a National Occupational Safety and Health Coordinating Agency for effective sharing of information across Ministries and Agencies which are involved in promoting occupational safety and health.
6. Parliament must ensure that all laws, regulations and statutes related to occupational safety and health, undergo Regulatory Impact Assessments (RIA) to ascertain their effectiveness.

1.0 Introduction

1.1 Background and Terms of Reference

The Committee had reviewed the International Labour Organization- Protocol of 2002 to the Occupational Safety and Health Convention 1981 in the first meeting on Monday 24th February 2020.

On 2nd to 10th March 2020 stakeholders made submissions on the above Treaty in the Parliament precinct in Suva and on 5th March 2020 in Lautoka.

The Articles 8 to 12 of the Protocol outline the ratification processes and provides for other administrative guidance on the Protocol.

The Health and Safety at Work Act 1996 (Act) and the Health and Safety at Work (Administration) Regulations 1997 (Regulations) provide the minimum requirements pertaining to health and safety at work. In this regard, they provide for the systems of notification and recordings of occupational accidents, occupational diseases, dangerous occurrences and suspected cases of occupational diseases by the employers and the competent authorities in Fiji.

Section 26 (1) of the Act provides the following in regards to the notifications of accidents and other matters, where an accident occurs at a workplace, whether or not it causes the death of, or bodily injury to, any person; or any other matter occurs at or in relation to a workplace which affects the health and safety of any person, being an accident or other matter which is required by the regulations to be notified. Further, the employer at the workplace or such other person as is prescribed shall give notice of the accident or other matter to the Chief Health and Safety Inspector.

The Report is divided into three parts:

- I. **Part One** - focuses on the Committee recommendations
- II. **Part Two** - covers the Findings of the report to Parliament
- III. **Part Three** -covers the Conclusion

1.2 Committee Remit and Composition

Pursuant to Standing Orders 109(2) (e) that the Standing Committee on Foreign Affairs and Defence is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multi-lateral organisation.

The members of the Standing Committee on Foreign Affairs and Defence are as follows:

- 1.2.1 Hon. Alexander O'Connor – Chairperson
- 1.2.2 Hon. Dr. Salik Govind - Deputy Chairperson
- 1.2.3 Hon. Selai Adimaitoga – Member
- 1.2.4 Hon. Pio Tikoduadua - Member
- 1.2.5 Hon. Anare Jale – Member
- 1.2.6 Hon. Lenora Qereqeretabua –Alternate Member
- 1.2.7 Hon. Mikaele Leawere- Alternate Member
- 1.2.8 Hon. Prof. Biman Prasad – Alternate Member

1.3 Procedure and Program

The Standing Committee on Foreign Affairs and Defence commenced its deliberation on the 2nd to 10th March in the Parliament precincts and 5th March 2020 in Lautoka and received a written and oral submission from stakeholders with the following attendees:

- Ministry of Defence and National Security
- Republic of Fiji Military Forces
- Fiji Police Force
- Fiji Corrections Service
- Ministry of Foreign Affairs
- International Labour Organization
- Ministry of Employment, Productivity and Industrial Relations
- Ministry of Women, Children and Poverty Alleviation
- Senior Officials of the International Labour Organisation based in Suva
- Mr. Samisaraan Pillay, Retired British Army Officer
- Nadi Chamber of Commerce President Dr. Ram Raju
- University of the South Pacific
- Professor Shaista Shameem
- Fiji Human Rights and Anti-Discrimination Commission
- Fijian Teachers Association
- Office of the Solicitor General
- Ministry of Industry, Trade and Tourism
- Pacific Network on Globalization (PANG)
- Fiji Women Rights Movement (FWRM)
- Mr. Reginald Lutu (personal submission)
- Fiji Trades Union Congress (FTUC)

2.0 Committee Deliberation and Analysis

2.1 Committee Findings

The Committee's findings are outlined below:

1. All submitters agreed that Fiji sign and ratify the Convention without Reservation.
2. Need for Ministry of Employment, Productivity & Industrial Relations and Ministry of Health and Medical Services train specialist doctors to properly diagnose and treat workplace related injuries and diseases.
3. Lack of information sharing and coordinating of data amongst key government ministries and agencies to better track and understand OHS related injuries and diseases in the workplace.
4. Current laws and policies focus only on occupational injuries and diseases and not on overall wellness and physical fitness in schools and workplaces in view of the current prevalence of NCDs.

Benefits of Ratification

Ratification of the Protocol will further strengthen and complement Fiji's national laws and policies some of which are:

- a. Employment Relations Act 2007, Health and Safety at Work Act 1996;
- b. Health and Safety and Work (Control of Hazardous Substance) Regulations 2006;
- c. Health and Safety at Work (Diving) Regulations 2006;
- d. Health and Safety at Work (Administration) Regulations 1997;
- e. Accident Compensation (Employment Accidents) Regulations 2018;
- f. The Committee commends the contributions by stakeholders that assisted in the preparation of this report.

Impact of the Convention

Fiji ratified the International Labour Organization Occupational Safety and Health Convention 1981 (the Convention) on 28 May 2008.

Accurate and timely identification and notification of occupational injuries and diseases will assist in further strengthening of programmes to prevent, respond and compensate for the workers who are involved in occupational safety and health related incidents.

Requirements for Implementation

Fiji's legislative framework is already in compliance with all the obligations under the Protocol.

Under section 20 of the Fijian Constitution, every person has the right to fair employment practices, including humane treatment and proper working conditions.

Challenges

1. Need to centralise and coordinate data amongst key government ministries and agencies to better understand OHS injuries and diseases in homes, schools and workplaces in Fijian Society.
2. Reforms and leadership in the homes and workplaces to inculcate safe life and work practices in domestic, school, tertiary, industrial and work environments.
3. There is no single data collection agency in Fiji to tally "occupational accidents, occupational diseases, dangerous occurrence and commuting accidents" pursuant to Articles 4 and 5. There is no inter-agency understanding or coordination with respect to data collection; let alone investigation of occupational accidents/diseases.

2.2 Oral and Written Evidence Received

The Committee received oral and written submissions from stakeholders and the public as listed on page 7 of this report and in *Appendix A*.

3.0 Gender Analysis

The Convention is gender neutral and therefore benefits all genders.

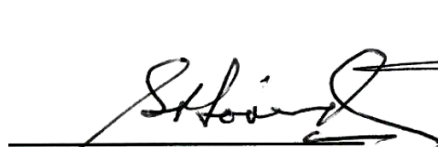
4.0 Conclusion

The Standing Committee on Foreign Affairs and Defence has fulfilled its mandate approved by Parliament which is to review the International Labour Organization Protocol of 2002 to the Occupational Safety and Health Convention 1981.

5.0 Members' Signature



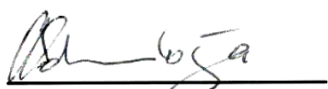
Hon. Alexander O'Connor
Chairperson



Hon. Dr. Salik Govind
Deputy Chairperson



Hon. Pio Tikoduadua
Member



Hon. Selai Adimaitoga
Member



Hon. Anare Jale
Member



Hon. Mikaele Leawere

**(Alternate Member for Hon. Anare Jale during the duration of
Treaty Proceedings)**

6.0 Appendices

All other written and transcribed evidences gathered during the public submissions and public consultations will be made accessible on the Parliament website on: <http://www.parliament.gov.fj/committees/standing-committee-on-foreign-affairs-and-defence/>

No	Date	Agency/Organisation	Written Evidence	Oral Evidence
1.	Monday, 02 nd March, 2020	Ministry of Defence and National Security	✓	✓
2.		Republic of Fiji Military Forces	✓	✓
3.		Fiji Police Force	✓	✓
4.		Fiji Corrections Service	✓	✓
5.	Tuesday, 03 rd March, 2020	Ministry of Foreign Affairs	✓	✓
6.		Ministry of Employment, Productivity and Industrial Relations	✓	✓
7.		Ministry of Women, Children and Poverty Alleviation	✓	✓
8.	Thursday, 05 th March, 2020	Mr. Samarasam Pillay, Retiree	✓	✓
9.		Dr. Ram Raju, President of the Nadi Chamber of Commerce	✓	✓
10.		University of the South Pacific	✓	✓
11.		Professor Shaista Shameem	✓	✓
12.		Fiji Human Rights and Anti-	✓	✓

		Discrimination Commission		
13.	Monday, 9th March, 2020	Pacific Conference of Churches	✓	✓
14.		World Council of Churches	✓	✓
15.		International Campaign to Abolish Nuclear Weapons (ICAN)		✓
16.		Fijian Teachers Association	✓	✓
17.		Ministry of Industry, Trade and Tourism	✓	✓
18.		Office of the Solicitor General	✓	✓
19.	Tuesday, 10 th March, 2020	Fiji Women Rights Movement (FWRM)	✓	✓
20.		Pacific Network on Globalization (PANG)		✓