



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Review Report on the International Labour Organization- Violence and Harassment Convention 2019



PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 40 of 2020

May 2020

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Chairperson's Foreword

I am pleased to present the International Labour Organization Violence and Harassment Convention 2019.

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

The Convention requires every State Party to respect, promote and realise the right of everyone to a World of Work free from violence and harassment.

The Convention was adopted on 21 June 2019 and comes into force twelve months after the date on which the ratifications of two members have been registered with the ILO Director General.

States Parties must also with a view to preventing and eliminating violence and harassment in the World of Work, shall respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote decent work.

Ratification of the Convention will strengthen Fiji's national laws and policies such as, the Employment Relations Act 2007, the National Sexual Harassment Policy, National Gender Policy and also complement the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) which Fiji ratified in 1995.

The Committee recommends that Fiji accedes to the ratification of the Convention.

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.

A handwritten signature in blue ink, appearing to read 'A. O'Connor', is positioned above a horizontal line.

Hon. Alexander O'Connor
Chairperson

Acronyms

CEDAW	United Nations Convention on the Elimination of all forms of Discrimination Against Women
ERA	Employment Relations Act
FCS	Fiji Corrections Service
FPF	Fiji Police Force
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
RFMF	Republic of Fiji Military Forces
SDGs	Sustainable Development Goals
SO	Standing Orders

Recommendations

The Committee recommends that:

1. Fiji accedes to the Convention and adopts without reservation.
2. To broaden the definition of harassment in the ERA – currently confined mainly to sexual harassment, but should include *‘unacceptable behaviours and practices or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender based violence and harassment.’*
3. Our existing laws to be reviewed and to be consistent with the Convention.
4. To consider including the disciplined forces in the ERA.

1.0 Introduction

1.1 Background and Terms of Reference

The Committee had reviewed the International Labour Organization- Violence and Harassment Convention 2019 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.

In Article 7 to Article 9 of the Convention outline obligations of States Parties with respect to protection and prevention of violence and sexual harassment at the work place.

Article 9 of the Convention states that each member shall adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to:

(a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;

(b) take into account violence and harassment and associated psychological risks in the management of occupational safety and health;

(c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and

(d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned in relation to the policy referred to in subparagraph (a) of this Article.

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
- Pacific Conference of Churches
- World Council of Churches
- International Campaign to Abolish Nuclear Weapons (ICAN)
- Fijian Teachers Association
- Office of the Solicitor General
- Ministry of Industry, Trade and Tourism
- Pacific Network on Globalization (PANG)
- Fiji Women Rights Movement (FWRM)

2.0 Committee Deliberation and Analysis

2.1 Committee Findings

The Committee's findings are outlined below:

1. There was overall support by stakeholders to ratify the Treaty without any reservation.
2. Our current legislation on *harassment and violence* is narrowly defined. It needs to be broadened to reflect the Treaty definition.
3. Reservations on the Protocol in that it should not apply to members of the discipline services and Members of the discipline services should be immune from any liability emanating from the conduct of training or during the conduct of a course of instruction.
4. Specifically, we need a broad critique and investigation of the kind of employment from which our top managers and executives are being recruited.
5. Reporting – the true extent of under-reporting is not known due to many reasons.
6. Empowering and education – there is a need to empower and create awareness for both employer and employee on violence and harassment at workplace.
7. Localisation and current policies on recruitment. For example, the issue of Open Merit Recruitment System as raised by the Unions.

Benefits of Accession

Once ratified, the following benefits will be acquired:

1. The ratification of this convention will bring us closer to being in line with the Fijian Constitution provisions on Bill of Rights.
2. Creating a safe and productive work environment.
3. Ensuring quality work environment - free of intimidation and sexual harassment, and to enhance productivity.
4. The Convention is essential to end gender-based violence in the world of work, one of the most effective tools of oppression preventing gender equality.

5. Fiji will be signalling zero tolerance for violence and harassment as well as contributing to SDG Goals 5 and 8 of the UN 2030 Agenda on Sustainable Development – on gender equality and decent work respectively.

Requirements for Implementation

Given the salient provisions of the Fijian Constitution and the relevant national laws and policies, Fiji is in compliance with the minimum requirements of the Convention. Therefore there is no legal impediment to the ratification of the Convention.

Article 14 of the Convention states that the Convention shall come into force 12 months after the date on which the second State to ratify it registers their ratification with the Director-General. Currently no State has ratified this Convention.

With respect to procedural issues pertaining to the deposit of the instrument of ratification, these are outlined under Articles 13 to 20 of the Convention.

Challenges

1. Need to centralise and coordinate data amongst key government ministries and agencies to better understand violence and harassment in the homes, schools, tertiary institutions and workplaces in Fiji.
2. Reforms and leadership driven change management is important to change mindsets and cultural taboos for all Fijians in current and future society.
3. Need for spiritual and moral lessons in homes and schools to fight against violence and harassment in the home, schools, businesses, workplaces and society in general with proper deterrence and safeguards in place.
4. Policy and Law Reform to curb violence and harassment in Fiji society in all sectors, must have the depth and width of national consultations and consensus on the way forward.
5. Men and young boys have a key role in building safe and secure homes and workplaces in Fiji beginning with the respect for human life and humanity and zero tolerance attitude towards violence and harassment.

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*.

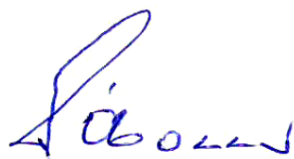
3.0 Gender Analysis

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-Violence and Harassment Convention 2019.

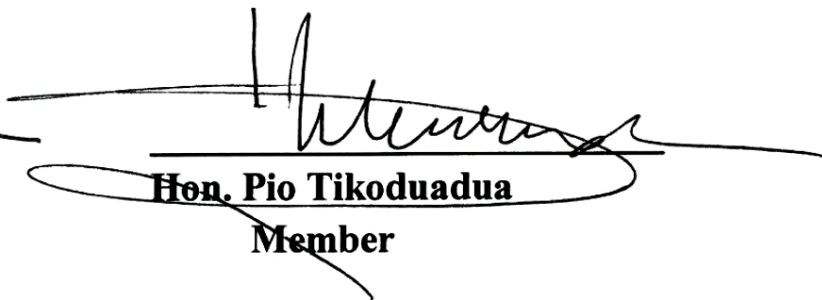
5.0 Members Signature



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.	Monday, 9 th March, 2020	University of the South Pacific	✓	✓
11.		Professor Shaista Shameem	✓	✓
12.		Fiji Human Rights and Anti-Discrimination Commission	✓	✓
13.		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.	Tuesday, 10 th March, 2020	Office of the Solicitor General	✓	✓
19.		Fiji Women Rights Movement (FWRM)	✓	✓
20.		Pacific Network on Globalization (PANG)		✓

