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## **STANDING COMMITTEE ON SOCIAL AFFAIRS**

### **Review of the Ministry of Employment, Productivity and Industrial Relations 01 August 2016 – 31 July 2017 and 2017 – 2018 Annual Reports**



**PARLIAMENT OF THE REPUBLIC OF FIJI  
Parliamentary Paper No. 29 of 2023**

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## COMMITTEE MEMBERSHIP



### **Chairperson**

Hon. Alitia Bainivalu MP

Government Member

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### **Deputy Chairperson**

Hon. Ratu Rakuira Vakalalabure MP

Government Member

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### **Member**

Hon. Sashi Kiran MP

Government Member

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### **Member**

Hon. Viam Pillay MP

Opposition Member

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### **Member**

Hon. Parveen Kumar Bala MP

Opposition Member

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## CHAIRPERSON'S FOREWORD

I am pleased to present the report of the Standing Committee on Social Affairs on the annual review of the Ministry of Employment, Productivity and Industrial Relations 2017 - 2018 & 01 August 2016 – 31 July 2017 Annual Reports.

This review was undertaken in accordance with Standing Order 109(2)(b) which mandates the committee to look into issues related to health, education, social services, labour, culture and media.

The Standing Committee on Social Affairs of the last term of Parliament was referred Ministry of Employment, Productivity and Industrial Relations 01 August 2016-31 July 2017 and 2017-2018 Annual Reports. The same report had been reintroduced in this new term of Parliament and have been referred to the current Standing Committee on Social Affairs. As per the normal process for report scrutiny, the current Committee was mandated by Parliament to review the Annual Report and report back on its findings.

The Committee took note of and deliberated on the previous Committee's succinct work done on the mentioned report. This Report will reiterate the work done by the previous Committee in reviewing and highlighting the contents of the Ministry of Employment, Productivity and Industrial Relations and make recommendations on the anomalies noted in the report. It will also highlight the discussions held by the Committee with the Ministry in relation to the issues noted from its report.

In the period under review, the Ministry of Employment, Productivity and Industrial Relations continued to support workplaces to become compliant, productive and inclusive, in response to important legislative change, complex issues and growing community expectations. The Ministry's internal processes were changed and upgraded for re-certification to ISO 9001:2015 international standards in growing an efficient and effective work culture.

The Ministry significantly expanded its service offerings through the launch of its Customer Service Centre, ensuring that more workers and businesses understood their entitlements and obligations. There was also easier access of services for general public as well as the implementation of Fiji's first-ever National Employment Policy aimed at reducing unemployment.

It also continued to work with its tripartite partners and strived to find the best ways to achieve decent work and employment growth in Fiji.

At this juncture I would like to acknowledge the Members of the Standing Committee on Social Affairs in the last term of Parliament for their efforts and input, which has greatly assisted our Committee in the completion of this report.

I would also like to thank the Honourable Members of the current Standing Committee on Social Affairs, the secretariat staff and all other support staff for their valuable input and support.

I also extend my gratitude to the former Permanent Secretary of the Ministry of Employment, Productivity and Industrial Relations, Mr Osea Cawaru, and his staff for their timely assistance in this review process.

On behalf of the Standing Committee on Social Affairs, I commend this Report to Parliament and request all members of this august Parliament to take note of the Report.



.....  
**Hon. Alitia Bainivalu**  
**Chairperson**



## **RECOMMENDATION:**

The Standing Committee on Social Affairs has conducted the annual review of the Ministry of Employment, Productivity and Industrial Relations for 2016-2017 & 2017-2018 and recommends that Parliament take note of its report.

## **1.0 INTRODUCTION**

The 2016-2017 & 2017-2018 Annual Reports of the Ministry of Employment, Productivity and Industrial Relations were tabled in Parliament in the August 2022 sitting in the last term of Parliament. The same report was reinstated in this new term of Parliament in February 2023 and referred to the current Standing Committee on Social Affairs for its scrutiny and report back on its findings.

Standing Orders 109(2)(b) allows Standing Committee on Social Affairs to examine matters related to health, education, social services, labour, culture and media.

Furthermore, Standing Orders 110(1)(c) authorises the Standing Committee to “*scrutinise the government departments with responsibility within the committee's subject area, including by investigating, inquiring into, and making recommendations relating to any aspect of such a department's administration, legislation or proposed legislative program, budget, rationalisation, restructuring, functioning, organisation, structure and policy formulation.*”

## **1.1 Committee Procedure**

To reiterate as major work of the report scrutiny was undertaken by the members of the Committee in the last term of Parliament. The Committee met to deliberate on and formulate questions pertaining to the 2016-2017 & 2017-2018 Annual Reports of the Ministry of Employment, Productivity and Industrial Relations. Following this, the committee held an audience with the Executive Management of the Ministry for their response to the committee's questions and clarification of issues. Upon receipt of all relevant information on the committee's queries, we compiled our findings on the Annual Report and subsequently endorsed it in October.

The previous Committee received written response from the Ministry of Employment, Productivity and Industrial Relations for this annual review. It is available on the Parliament website, at the following link:

<https://www.parliament.gov.fj/committees/standing-committee-on-social-affairs/>

## **2.0 ABOUT THE MINISTRY OF EMPLOYMENT, PRODUCTIVITY AND INDUSTRIAL RELATIONS**

The Ministry of Employment, Productivity and Industrial Relations is responsible for upholding the constitutional right of every Fijian to economic participation, a just minimum wage, humane treatment in the workplace and proper working conditions. The Ministry promotes and advances the rights of workers and employers, and administers and enforces the Employment Relations Promulgation 2007, Health and Safety at Work Act 1997, National Employment Centre Act 2009 and the Workers Compensation Act (Cap. 94).

## 3.0 KEY FINDINGS

- 3.1 The Ministry has conducted 3724 labour inspections from 1st August 2017 to 31st July 2018 on the new minimum wage rate. The non-compliant employers have been investigated and are going through the due process or through the Employment Relations Tribunal. The total recoveries of non-compliance amounted to \$819,768.36 for the period 2017-2018.
- 3.2 We note that the Ministry conducted public consultations in all Tikina/districts around Fiji on the Government's revised seasonal work recruitment and selection criteria, to address the issue of absconding of seasonal workers. The committee enquired with the Ministry on the actions taken against seasonal workers found to be in breach of their work contracts. We were informed that as per the revised Policy of 2017, a 4-year ban were imposed on villages of absconded workers. Majority of breaches were related to alcohol, drug use (Marijuana) and poor performance.
- 3.3 We note that the following OHS Legislations and Policies are undergoing review:
- Draft Construction Regulation – we note that the final draft is currently being vetted by the Solicitor-General's (SG's) Office to be cleared in October of this year.
  - Draft Noise Code of Practice - The Draft Noise Code has been cleared by the SG's Office and will be presented to the National Occupational Health and Safety Advisory Board (NOHSAB) and Cabinet for endorsement.
  - Draft Plant Regulation - The Plant Regulation was last reviewed internally in January 2019. It was then placed on hold due to the COVID-19 pandemic. The latest review was conducted internally on the 1st of July 2022 to merge the Plant and Plant User Regulations in line with Approved International Standards such as the Australian (AS), British Standard (BS), American (US) and European Standard (EN).
  - Draft Amusement Rides Code of Practice - There was an internal review conducted by the Ministry's technical team in 2019 on the current draft. Due to the COVID-19 pandemic, the review was on hold until to date.
  - Draft Sawmill Code of Practice - The last NOHSAB subcommittee review on the draft COP was held on the 21st of June 2018. A consultation was conducted with the Ministry of Forestry in January 2020 on the gaps to align the Codes of Practice of the two Ministries.



## **4.0 COMMITTEE RECOMMENDATIONS**

The Committee recommends:

- 4.1 That it recognises the challenge faced by NEC to register and track clients who are unemployed in efforts to engage them in a range of activities as part of its selection process. Therefore, the committee recommends that the Ministry engage with relevant Government Departments, Media and Communication agencies, District and Provincial Offices, and other relevant agencies to create a wide range of avenues through which to make contact with clients.
- 4.2 That the Ministry review the four-year ban imposed on the villages of absconding seasonal workers.
- 4.3 That the Ministry institute strict penalties on absconding seasonal workers and those found to be in breach of their work contracts.
- 4.4 That the Ministry continue to engage with tripartite partners in good faith and uphold the social dialogue process as embedded in the Employment Relations Act 2007 and in line with ILO convention 144.
- 4.5 That the Ministry prioritise and urgently complete the review of the following OHS policies and legislation:
  - Draft Construction Regulation;
  - Draft Noise Code of Practice;
  - Draft Plant Regulation;
  - Draft Amusement Rides Code of Practice; and
  - Draft Sawmill Code of Practice.

## **5.0 CONCLUSION**

The committee has fulfilled its mandate to review the 2016-2017 & 2017-2018 Annual Reports of the Ministry of Employment, Productivity and Industrial Relations. As part of its review process, the committee heard evidence from the Executive Management of the Ministry and received a written response.

In this review report, the committee has highlighted various areas that need to be strengthened by the Ministry and relevant recommendations have been made for the resolution of issues.


## COMMITTEE MEMBERS' SIGNATURE


We, the Members of the Standing Committee on Social Affairs, hereby agree with the contents of this report:

  
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Hon. Alitia Bainivalu  
(Chairperson)

  
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Hon. Ratu Rakuita Vakalalabure  
(Deputy Chairperson)

  
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Hon. Sashi Kiran  
(Member)

  
.....  
Hon. Viam Pillay  
(Member)

  
.....  
Hon. Parveen Bala  
(Member)

29/03/23  
.....  
(Date)

# APPENDICES

## **Published written evidence**

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Written evidence was received from the Ministry of Employment, Productivity and Industrial Relations and can be viewed on the Parliament website at the following link:

<https://www.parliament.gov.fj/committees/standing-committee-on-social-affairs/>