

**ILO SOUTH PACIFIC MEETING ON SOCIAL DIALOGUE,
13-15 DECEMBER 2000, WELLINGTON, NEW ZEALAND**

1. Introduction

This meeting was convened by the International Labour Organization as a follow-up to meetings held in Nadi in 1997 and Kathmandu in November 2000. Those attending the meeting represented the Fiji Islands, Kiribati, Papua New Guinea, Samoa, Solomon Islands and Vanuatu and included participants from government, employers and workers organizations. Lists of participants and resource persons are attached as appendices.

2. Purpose of Meeting

- 2.1 The purpose of the meeting was to provide participants with a further opportunity to consider and discuss “social dialogue” as a means of promoting the practical implementation of the ILO Declaration on Fundamental Principles and Rights at Work linked with the concept of “decent work”.
- 2.2 The Declaration reaffirmed the commitment of the international community to respect, to promote and to realise in good faith the principles concerning the rights to 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.
- 2.3 These issues are important to Pacific Island countries in relation to their social and economic development, and meaningful dialogue between the tripartite parties is essential if appropriate solutions are to be found for economic and social problems.

3. Opening Session

- 3.1 The meeting began with a very moving Maori ceremony during which participants were warmly welcomed to Aotearoa (New Zealand). A number of country representatives responded to the welcome.
- 3.2 Mr A M Zakaria, Director ILO Suva, opened the formal business of the meeting with a message from the ILO Regional Director for Asia and the Pacific, Ms Mitsuko Horiuchi. In her message, Ms Horiuchi welcomed

participants and extended her thanks for the support of the New Zealand Department of Labour for making the meeting possible. Ms Horiuchi said that since the last ILO meeting in the South Pacific in 1997, there has been a sea of change in the Asia/Pacific region – in the form of an increasing appreciation of the importance of fundamental principles and human rights at work. Globalisation has brought sweeping changes to the world of work but, unfortunately, globalisation's benefits are not reaching enough people and we need a 'social floor' below which no one should be allowed to fall. The goals identified in the ILO Constitution are just as relevant today as they were when first written in 1919 – they put people at the heart of our work. There is now greater recognition that all development must be people centred. Economic and social goals are inter-related and must be considered together. The ILO Declaration on Fundamental Principles and Rights at Work were laid down in Copenhagen in 1995, and adopted by the International Labour Conference in 1998. The Declaration obliges all ILO member States to respect the principles contained in the ILO fundamental Conventions – whether they have ratified them or not. Ms Horiuchi said that the challenge that our region faces is finding ways to institutionalise these principles in all parts of life and she expressed the hope that this meeting would provide an opportunity to formulate practical plans for action to meet this challenge.

- 3.3 Mr Zakaria also spoke on his own behalf and personally welcomed all those present. He briefly discussed the related seminars that have previously been held in the region over the past few years and which laid down the foundation for the current meeting. Mr Zakaria emphasised the importance of social dialogue and identified the present stages at which the various participating countries are at in promoting social dialogue and the ratification of ILO fundamental conventions. He noted that the meeting is expected to both raise and develop a more common understanding of social dialogue, and facilitate the preparation of practical and effective action plans to assist South Pacific countries to realise the principles of the ILO Declaration at national, provincial, sectoral and enterprise levels. Mr Zakaria said that to make social dialogue happen in practical life, fundamental changes will be required in most, if not all, countries in respect of a range of key parameters including the political will required to mobilise policy and legislative support to promote economic and social justice for all.
- 3.4 Mr Werner Blenk, Director of the ILO Manila office and the South East Asia and Pacific Multi-Disciplinary Advisory Team, also welcomed the participants to the meeting. He said that although social dialogue may have different meanings we are involved in social dialogue at this meeting – the transfer of information between the three parties when they come together. Through dialogue we bargain for employment conditions and

record them in the form of collective agreements. Agreed rules are often set down in legislation including those for managing strikes and settling disputes. Mr Blenk said that the ILO is founded on tripartism, which provides the three partners with an equal voice, and it strongly advocates tripartism through Conventions and Recommendations. Mr Blenk identified the advantages of engaging in tripartism, including the integration of the various interests of the parties, and employers and workers can represent those interests through their organizations. He said the ILO believes very strongly in social dialogue. However, systems cannot simply be transferred from one country to another and this meeting provides an opportunity to make comparisons and facilitate the provision of assistance.

- 3.5 Mr John Chetwin, Secretary of Labour, New Zealand warmly welcomed all those attending the meeting. He said that his Department was very pleased to be able to assist in facilitating the meeting which is the first ILO gathering in New Zealand of Pacific Island representatives. Mr Chetwin highlighted the need for dialogue both in resolving disputes and in the development of policies in respect of labour and other social issues. He said he was sure the participants would find the meeting very helpful and he wished them well in their deliberations and also hoped they would have a pleasant stay in Wellington.

4. Objectives

The objectives of the meeting were to:

- a. Provide further impetus for the implementation of the country action plans formulated at the meeting held at Kathmandu in November 2000.
- b. Enhance the capacity of the individual constituents to effectively participate in the process of promoting, ratifying, applying and monitoring ILO Conventions including the human rights Conventions enshrined in the ILO Constitution.
- c. Identify examples of good practice while also examining the challenges that remain.
- d. Provide an opportunity to exchange sub-regional experiences aimed at the development of national programmes of action based upon functional social dialogue and linked to the fundamental ILO Conventions, with the object of improving the capacity of constituents to prevent, manage and resolve conflicts.
- e. Facilitate the identification of follow-up technical assistance required by individual countries.

5. Expected Outcomes

At the conclusion of the meeting participants were expected to have:

- (i) A clearer recognition and understanding of the value of social dialogue in promoting and implementing economic and social policies.
- (ii) An improved appreciation of the ILO Declaration on Fundamental Principles and Rights at Work linked with the concept of “decent work”.
- (iii) Clarified the action required by countries to promote and realise in good faith the ILO Fundamental Conventions.
- (iv) Identified ways to strengthen political will to recognise fundamental principles and their role in overall social and economic development.
- (v) Identified examples of good practice that may be adopted/adapted to strengthen social dialogue.
- (vi) Enhanced their capacity to effectively participate in the process of promoting, ratifying, applying and monitoring ILO Conventions.
- (vii) Prepared action plans to put into effect the expressed needs of the countries and constituents using functional social dialogue.
- (viii) Identified and prioritised the technical assistance and support required from the ILO to enable the effective implementation of their programmes of action.

6. ILO Fundamental Conventions

Several of its Conventions have been identified by the ILO as being fundamental to the rights of human beings at work, irrespective of the levels of development of individual member states. These rights are a precondition for all others in that they provide for the necessary implements to strive freely for the improvement of individual and collective conditions of work. The Conventions are as follows:

(i) Freedom of Association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

(ii) The Abolition of Forced Labour

- Forced Labour Convention, 1930 (No. 29).
- Abolition of Forced Labour Convention, 1957 (No. 105).

(iii) Equality

- Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- Equal Remuneration Convention, 1951 (No. 100).

(iv) The Elimination of Child Labour

- Minimum Age Convention, 1973 (No. 138).

7. Tripartism, Social Dialogue and Decent Work Defined

'Tripartism', 'social dialogue' and 'decent work' are important matters considered at this meeting and for ease of reference they are broadly defined as follows:

- (i) Tripartism is a mechanism designed to bring governments and employers' and workers' organizations together with a view to ensuring that the different interests of employers, workers and public authorities are taken into account in decision making and particularly in the development and application of policies in economic, social and labour related fields.
- (ii) Social Dialogue includes all types of negotiation, consultation or exchange of information between representatives of governments, employers and workers, on issues of common interest relating to economic and social policy.
- (iii) Decent Work is work that provides men and women workers with dignity and sufficient income to pursue his/her goals of life and family welfare in conditions of freedom and equity and without any form of exploitation.

8. Social Dialogue in the South Pacific: A Comparative Overview

Justice Alan J Boulton addressed the meeting on the above. The following is a summary of his address:

8.1 Much has happened since the "*High Level Meeting on the Promotion of Tripartism in the South Pacific*", held in Nadi, Fiji on 4-6 August 1997. Developments have included:

- East Asian Financial Crisis had an enormous impact on Asian economies - (change in thinking in Asian Tiger economies and developments in such countries as Indonesia and Cambodia and

implications in Indonesia including secession movements in East Timor, Aceh, and Irian Jaya).

- Fiji – progress with adoption of new Constitution and elections under that Constitution – attempted coup in May 2000 resulting in suspension of the Constitution and the replacement of the democratically elected government. The Fijian economy is experiencing severe deterioration as a result of the recent political crisis. The adverse effects of the crisis have been felt in severe job losses, a decline in foreign investment, reduced exports and substantial fall in tourist numbers. Some of the worst effected sectors of the Fiji economy are tourism-related activities, manufacturing (including the garment industry), construction and retail and wholesale business. Surveys by the Ministry of Labour indicate that almost 8000 people lost their jobs in three months due to the political upheavals.
- Solomons – change of government and ethnic tensions leading to political instability and violence and need for external assistance with peace-keeping. Ethnic tensions and militia activity have had a negative effect on economy.
- Changes of government in Papua New Guinea and Vanuatu and issues about political stability; and
- Change in government in New Zealand with Election of Labour Government earlier this year and the passage of the *Employment Relations Act 2000* (which came into force on 2 October 2000).

8.2 On a wider front, continuing trend towards *globalisation* of markets – the growth of the world wide market where capital can move freely between countries (i.e. to “where the best investment opportunities are” – and with decisions being taken by economists on the basis of “what will bring the most profit?”). There are also implications re the control that can be exerted by national governments over a range of social and economic policy matters – fears that actions may deter “foreign investment” (interference with competitive market in order to protect individuals from that market through labour laws and standards). Furthermore, it is often the case that with foreign investment comes the introduction of US or Japanese managerial philosophies and practices – with more emphasis on individual workers or work teams than collective representation.

8.3 There is a need for other values to be recognised in relation to economic development:

- Social responsibilities/values
- Rights of workers

The question is how will these be protected?

There has been a reaction against globalisation evidenced to some extent by demonstrations (sometimes violent) at recent World Trade Organization meetings (e.g. Seattle in November 1999). Also in endeavours to ensure that the basic rights of workers are protected (e.g. ILO Declaration on Fundamental Principles and Rights at Work and its follow-up).

8.4 Some examples (of globalisation):

- (a) Garment factory in Indonesia – (competition of Fiji garment industry).
- (b) Yazaki wire harness factory in Samoa – largest private sector employer (1500 workers) – moved from Melbourne.
- (c) Cambodia – US trade agreement for the garment industry and pressure to make changes to labour laws and recognition of trade unions.
- (d) Fiji sugar industry and reliance on favourable trade arrangements.

Hence, problems and challenges of competition in a worldwide market place.

8.5 With all these problems and issues facing countries, why is the ILO talking about Social Dialogue? What does it mean and how is it practised elsewhere? What relevance has it for the South Pacific?

What is Social Dialogue?

- And how does it differ from the tripartism we were discussing 3 years ago?

(i) Social dialogue: a working definition

“Social dialogue is understood to include all types of negotiation, consultation or simply exchange of information between representatives of governments, employers and workers, on issues of common interest relating to economic policy.”

- (ii) The ILO recognises that Social Dialogue is a way to foster fair economic adjustment and social development. Globalisation and social and economic adjustment programmes create pressures upon all parties and so it is necessary to bring them together to protect their common interests. In such way, Social Dialogue helps to promote consensus, democracy and good governance which is conducive to “sustainable economic and social development”.

- (iii) The ILO is seeking to promote Social Dialogue by:
- promoting understanding as to what it is about, how it works and the benefits it can bring
 - strengthening the institutions of Social Dialogue; and
 - strengthening the parties to Social Dialogue – helping them to develop the capacity to speak on behalf of others and to develop democratic credentials.
- (iv) **Social Dialogue is a Broader Concept than Tripartism.**

Tripartite forums are sometimes assumed to be relevant only to a narrow range of issues e.g.

- Labour legislation
- Conditions of employment
- Collective bargaining
- International labour standards and issues.

Of course, these are not the only matters which tripartite forums can deal with. There are examples of such forums dealing with wider economic, social and labour market policies.

Social Dialogue tends to direct attention to such wider issues (whilst not downplaying need for consultation and discussion about labour issues). Also Social Dialogue is a broader concept in that it includes:

- dialogue at supra-national, national and regional levels;
- dialogue about a wide agenda of issues of economic and social concern;
- dialogue including more than social partners (e.g. new partners from civil society such as NGOs and women's groups, if they are seen to be representative and accountable); and
- dialogue and bargaining between employers and workers at the enterprise or industry level.

8.6 ILO Conventions Support the use of Tripartite Social Dialogue

- (i) Range of ILO Conventions and Recommendations which are relevant - including;
- **Conventions 87** (*Freedom of Association and Protection of the Right to Organize*) and **98** (*Right to Organize and Collective Bargaining*) – need for involvement of employers' and workers'

organizations which are independent and free from government interference in tripartite mechanisms;

- **Convention 144** and **Recommendation 152** (*Tripartite Consultations to Promote the Implementation of International Labour Standards*) – need for involvement or representative workers' and employers' organizations in the consideration of the ratification of Conventions and the steps to be taken in relation to implementation;
 - **Recommendation 113** (*Consultation and Cooperation between Public Authorities and Employers' and Workers' Organizations at the Industrial and National Levels*) – deals with measures to promote effective consultation and cooperation between public authorities and employers and workers organizations;
 - **Convention 122** (*Employment Policy*) – deals with tripartite consultation regarding employment policies;
 - **Convention 150** (*Labour Administration*) – covers the need for tripartite consultation, cooperation and negotiation within system of labour administration.
- (ii) The ratification of such Conventions and acceptance of the principles in them is important in order to create the conditions to enable effective tripartite dialogue to take place, namely:
- The existence of free, independent and strong (effective) organizations for workers and employers;
 - The readiness of the parties, including the Government, to consult and negotiate.
- (iii) Consider these questions: Does the Government consider workers and employers as partners in social and economic development? Do employers recognise trade unions as bargaining agents for workers? Do the parties have the capacity to discuss the issues?

Note the low level of ratifications of the relevant Conventions by South Pacific countries – does this mean that conditions for positive results from Social Dialogue do not exist in these countries?

8.7 Social Dialogue Varies in the way it is Practised from Country to Country

Each country must adopt the form of Social Dialogue that is appropriate to its own experience and the needs and circumstances of the time. However, the experiences in other countries can help in the search for the best system - hence identify some examples of good practice in Social Dialogue and some ways of promoting Social Dialogue in other countries.

8.8 What is Experience Elsewhere with Social Dialogue?

Following are some examples:

(a) Western Europe

- (i) **European Union** (originally 6 countries – Belgium, France, West Germany, Italy, Luxemburg and the Netherlands) – now only countries outside EU in Western Europe are Norway and Switzerland – and looks likely to move east (and double in size) in coming years. It is the largest ‘trade bloc’ - now 15 countries that have just voted on a new treaty on power-sharing and voting practices that will enable it to nearly double its membership in the next decade.
- (ii) European Union has sponsored and supported the development of Social Dialogue at the supra-national (European) level. Not possible to refer to all the measures/developments, but there is a significant involvement by the social partners in EU policy making – and during the 1990s the social partners acquired an increasingly important consultative role, particularly in regard to employment policies and with the launch of the “macro-economic dialogue” in June 1999.
- (iii) Some notable features of Social Dialogue at European level:
 - *constant renewal of process* has involved some of the bodies established being marginalised, downgraded or reformed (or replaced with more effective bodies/processes) to ensure that Social Dialogue is more than “a ritual with no obligation to achieve a result” (criticism of the Committee on Employment by the European Commission in 1999);
 - *growing role of NGOs in dialogue* (Social Dialogue is becoming **civil** dialogue) – as dialogue has expanded beyond issues traditionally dealt with in union/employer bargaining, this has seen involvement of various NGOs (e.g. NGOs for equal opportunities; integration of disabled persons into workforce; etc.).
 - Two interesting features about involvement of NGOs
 1. just as in case of employers and workers they need effective representative bodies able to speak

for constituents, need for organisational consolidation and coordination of policy among NGOs – lead to creation of *Platform of European Social NGOs* in September 1995; and

2. significant cooperation between the *European Trade Union Federation* (ETUC) and Platform on variety of issues e.g. campaign for European Bill of Rights (despite suspicions which trade unions have in some countries displayed towards NGOs).

- (b) **ILO's InFocus Program** on Strengthening Social Dialogue commissioned a number of papers on the experience in different countries in bipartite and tripartite dialogue. So far, papers have been prepared on Western Europe, United States, Korea and Hungary.

U.S. Paper begins with statement that “Social Dialogue (e.g. tripartite consultation) does not exist in the U.S.”. There are no tripartite institutions between unions/employers/ government which regularly act in consultative or regulatory manner on labour, social or economic policies. Labour (AFL-CIO) seeks to influence by lobbying Federal or State legislations.

The paper notes 2 recent trends in Social Dialogue:

- (i) *bipartite consultation and partnership building between labour and management.*
(e.g. pressures for firms to stay competitive in global markets has led to mergers, attempts to raise productivity, move plants to lower wage or non-union parts of the US or other countries and outsourcing of production to lower cost producers. Threats of plant closure etc. meant US unions generally have agreed to management demands for higher productivity and to enter into labour management partnerships);
- (ii) *coalition building between labour and other social actors in civil society (NGOs)*
(e.g. to address issues of racism/sexism, to elect progressive political candidates and to conduct anti-sweatshop campaigns).

- (c) **Korea and Hungary**

In both countries, significant developments occurred in Social Dialogue in the 1990s.

- (i) In **Korea**, a *Tripartite Commission* was set up by a landmark Social Pact reached in 1998. The economic crisis led to IMF demands for a range of measures to be taken, including a more flexible lay-off system, in exchange for economic bailout. Part of the Government response was to involve labour and employers in seeking solutions.
- (ii) In **Hungary**, a tripartite *Interest Reconciliation Council* (IRC) was established in 1988 – this covered labour, social and economic policies and was needed to assist in the period of transition towards a market-orientated economy.

The IRC has now been replaced with new structures which recognise the need for wider representation (i.e. multinational companies, chambers of commerce, municipal governments, and NGOs formed in new atmosphere of freedom of association). Hence the *Economic Council* has been established for the purpose of consultation on economic policy and includes unions, employers and others (multinational companies, chambers of commerce etc.). The *National Labour Council* has been given the IRC's functions in relation to labour matters – including decision-making on the guaranteed minimum wage and pre-legislative consultations regarding labour legislation.

(d) **Indonesia**

- Significant changes as a result of Crisis including the resignation of President Suharto, and moves towards greater democracy.
- Enormous progress with labour rights (ratification of C87 and other Fundamental Conventions) and the development of new labour laws.
 - trade unions, labour dispute settlement, employment protection, migrant workers
 - Involvement of tripartite and other organizations in the consultations regarding the drafting of the Bill. This involvement ensured that all interests were considered in an environment where there was little trust of government processes, to ensure the process was transparent.
 - Better legislation was drafted.

- Trade Union Act is now in force and Labour Dispute Settlement Bill and Manpower Development and Protection Bill are presently before Parliament.

(e) **South Africa**

- Used social dialogue to help process of reconciliation following dismantling of apartheid and election of a democratic government.
- National Development and Labour Council (NADLAC) created in 1995 and has a tripartite/plus structure
 - government represented by Ministers of Finance, Planning and Industry (and others as relevant)
 - employers and workers represented by leaders of largest representative organizations.
 - civil groups able to join the forum (including youth groups, disability groups and women's groups)
- NADLAC has a mandate to consult, negotiate and share information on economic and social policy issues as agreed between the parties.
 - It meets monthly and has a secretariat to undertake research and provide administrative assistance.
 - Agreements reached within NADLAC are binding on the parties.
 - If about legislation, must go to Parliament (Council negotiated the Labour Relations Act).
 - NADLAC has also been involved in other key policy decisions (forum for growth and reconstruction).

- (f) Other examples of successful National Level Social Dialogue include (i) Australia; and (ii) Ireland (where, since the 1970s Social Dialogue has been used to transform Ireland into one of the most successful economies in Europe).

8.9 **Features of Social Dialogue**

The examples given demonstrate a number of things about Social Dialogue at National level, such as:

- Has been successfully used by many countries to assist in tackling problems (economic crisis; process of reconciliation; employment problems; etc.)

- Type of Social Dialogue at national level varies from country to country according to needs and aspirations.
- Conditions for successful Social Dialogue include:
 - Willingness on the part of government to consult;
 - Existence of free, independent and effective organization of employers and workers; and
 - Determination to make Social Dialogue something more than a “ritual” or pointless/ endless discussions → meaningful consultations with and involvement of social partners in policy processes.
- Increased involvement of NGOs in Social Dialogue (and the coalition of interests which has been identified between these groups and workers organizations in several countries).
- Agenda for Social Dialogue wider than labour issues – extends to range of economic and social policies.

8.10 Enterprise Level Social Dialogue

- Dialogue between employers and workers (not government). This includes collective bargaining between employers and workers (unions) but extends beyond this in that it covers matters not traditionally subject to collective bargaining.
- There is a lot that could be said about this topic, especially when considering developments in industrial relations in Australia and New Zealand in the last decade:-
 - clearly there has been less willingness on the part of some employers to recognise unions and to bargain with them
 - preference in some management philosophies for so-called “direct” dealings between management and workers (individual agreements; work teams; etc.) However, many employers recognise the benefit of collective representation of workers and negotiation of collective agreements covering wages and working conditions.
- Differences between collective bargaining and Social Dialogue;
 - Traditionally collective bargaining aims at agreement .
 - Social Dialogue is more broadly conceived, aims to influence (perhaps lend legitimacy to initiatives by other actors such as

government). For example, bargaining is based on circumstances of a firm (decisions taken by management about product development, production location, organization of work operations etc). Social Dialogue seeks opportunity to exert an influence on the strategic decisions taken by management (influence at earlier stage of decision-making and enlarge range of available options).

- Employers view social dialogue as a means of educating employees and unions about inevitability of sacrifice to meet requirements of competitiveness.
- Employers pursuing best practice social dialogue at enterprise level:-
 - recognise workers and unions as partners in business;
 - see positive role for unions in bargaining machinery;
 - are willing to provide information about the business; and
 - maintain “open lines of communication” between management and representatives of the workers so that matters can be raised and settled at earliest stage of misunderstanding.

8.11 Developments in the South Pacific

- Some years since a report was prepared – but this and country reports provide a background to the tripartite institutions and practices that have been put into place in several countries and the issues that have been addressed. It seems to me that social dialogue as a concept and as a practical approach to addressing issues/problems, has much to offer South Pacific countries.
 - in many respects, it is consistent with the traditional approach to community life in the Region;
 - it is practised through formal and informal mechanisms in many countries; and
 - it provides an approach for dealing with many of the challenges facing countries.
- Most countries already practice some form of social dialogue – the purpose of this meeting is to examine how social dialogue might be extended or improved in the current environment and might be adapted to deal with the new challenges facing countries in the Region.
- It is possible to refer to a number of worthwhile examples of social dialogue in South Pacific Countries that have involvement in OSH matters; provident funds; wage fixing and dispute settlement processes; training and apprenticeship schemes etc.

- The Labour Advisory Boards which have operated in Fiji and Vanuatu – forums for discussion and consultation between government/employers/ unions on labour issues and labour legislation – these provide examples of the successful operation of such machinery from which other countries can benefit.
- The developments in the Fiji Islands surrounding the operation of the Consultative Committee on Economic Strategy and the re-establishment of the Tripartite Forum also provide lessons for others.
- The problems which have been overcome in Papua New Guinea with the National Labour Advisory Council and the operation of that body in recent years is also a useful example.

8.12 More Recent Developments:

- In Fiji the formation of the Integrated Human Resources Program for Employment Promotion (IHRDEP) – a recent development in tripartite cooperation to deal with the problem of unemployment in Fiji – set up through cooperation between the Government, Fiji Employers Federation and Fiji Trade Union Council and the ILO.
- In Papua New Guinea, various projects have been set up on a tripartite basis and with ILO support → “Labour Administration and Workers Protection” and for the development of national occupational safety and health policy.
- These are examples of formal mechanisms for consultation and involvement – they confirm the value of establishing such formal mechanisms which tend to be more permanent, and have clearly defined charter of responsibilities, etc. But we cannot deny the value of informal mechanisms which can be used to get started with tripartite consultation just by calling the parties together. If people see the benefit of it, they can just get on with Social Dialogue/tripartite consultation whether through formal or informal mechanisms.

8.13 Some Benefits of Social Dialogue at National Level

- Better decision making by Governments:
 - allows views and interests of employers and workers to be taken into account
 - opens process of decision-making to greater public scrutiny (makes arbitrary decision making, corruption, nepotism more difficult).

- Assists in the formulation of policies to deal with problems:
 - additional inputs from interested organizations.
- Strengthens democratic institutions:
 - helps to involve wider interests in decision-making/policy formulation
- Opportunity for information sharing and consensus building
 - share information between social partners about problems facing the country
 - promotes understanding about such problems and the policy options for dealing with them'
 - basis for building consensus on action to be taken
 - sometimes not able to solve problems, but understanding them helps people to accept and deal with them.
- Helps build better relationships between the parties
 - contributes towards better industrial environment and may help in being able to address other problems and issues.
 - it can remove suspicion that grows when parties don't talk to each other and provide basis on which common interests can be identified.

8.14 **A Similar List of Benefits of Social Dialogue at Enterprise Level**

- Helps to establish a better climate of industrial relations between workers and management:-
 - more trust and cooperation
 - greater understanding of problems/challenges facing enterprise
 - freer exchange of ideas as to ways to improve business and production processes
 - better/more open lines of communication between management and workers and fewer industrial disputes, strikes and grievances.

8.15 **The 1997 Meeting in Nadi**

I would like to start this meeting by reminding you about the main conclusions reached at the meeting at Nadi in 1997 where it was decided that there was a need to adopt or consider a number of things including:

- (i) Machinery for Tripartite Consultations on Labour Matters.
 - Development of formal Advisory Board – like LAB in Fiji or NLAC in Papua New Guinea.
 - Establishment, where appropriate, of tripartite consultative mechanisms on specific labour issues (OSH, social security, workers compensation, vocational training).
- (ii) Arrangements for Tripartite Consultation and Cooperation on Economic and Social Issues.
 - Governments to obtain views of key stakeholders in the country in developing policies on major social and economic issues → perhaps beyond traditional arrangements (often the employer may be a foreign owned enterprise which needs to be brought into consultation process).
- (iii) The Need for Consultative Bodies at Provincial and Industry Levels
 - Establishment of provincial tripartite bodies where government decision-making is decentralised or devolved. e.g. in Papua New Guinea with moves towards greater devolution of powers to provincial governments.
 - Industry-level tripartite bodies to complement national consultative tripartite bodies on labour issues (such as arrangements in the sugar industry in Fiji).
- (iv) Strengthening the Capacity of Employers' and Workers' Organizations – it is fair to say this is one of the weaknesses identified in the way of promoting tripartism
 - Need for strong, independent and gender-balanced employer and worker organizations.
 - Need for recognition of peak bodies by government.
 - Need for organizations to have capacity to represent members effectively.
 - Need for government to develop systems and policies to ensure timely availability of information.
- (v) Future ILO Assistance in the Development of Tripartism and other Work in South Pacific Countries
 - Primary responsibility for strengthening tripartism rests with government, employers and workers organizations.

- Need for further ILO assistance in development of tripartism in the South Pacific region.
- South Pacific tripartite Regional Meetings to be held on regular basis.

(vi) Ratification of Relevant ILO Conventions

- ILO member states in the South Pacific should consider the ratification of core ILO conventions (some progress has been made).

(vii) National Action Plans

- Each tripartite national delegation to prepare a National Action Plan (what success has there been in implementing these plans?)

8.16 Conclusion

There are many challenges facing countries in the South Pacific Region (political upheavals, ethnic tensions, providing employment and globalisation threats).

I believe that there are valuable lessons to be learnt by examining experiences/achievements of other countries with social dialogue.

8.17 Comments Following Address by Justice Boulton

The following is a brief summary of comments by Ms Anne Knowles, Chief Executive, N.Z. Employers Federation and Mr Ken Douglas, ILO Governing Body worker substitute member.

Ms Anne Knowles

- Many of the factors identified by Justice Boulton differ from country to country – what fits one may not fit another.
- The ILO Declaration confirms the importance of the principles of freedom of association etc. However, difficulties do arise in their application. For example, the Convention on Maternity Leave for women has been ratified by only 36 countries due to its prescriptive nature. There is, therefore, a need to have a re-look at the Convention so that countries may adopt it having regard for their own circumstances.
- Issues of importance such as employment and superannuation have been the subjects of ongoing social dialogue in New Zealand.

- New Zealand's legislation adopts the principles and the right to bargain and we are at present developing a code relating to good faith bargaining.
- The N.Z. Employers Federation has a large membership and information sharing is required in order to facilitate the involvement of members in its work.
- From an overall point of view, the concept of social dialogue is important but countries need to do their own thing in its implementation.

Mr Ken Douglas

- Mr Douglas noted that this meeting is probably the first ILO regional meeting of South Pacific countries held in New Zealand.
- Most South Pacific countries are relatively young insofar as economic activity is concerned – they no longer understand or don't use the economic activities of the past.
- Rigorous operation of tripartism and its institutionalisation are needed in order to make further progress.
- To be relevant, unions should not simply look after their members but should endeavour to improve the quality of life for all.
- There is a need for countries to develop regional standards which are compatible – are workers to be victims of the process or will they be able to influence the process? Social dimensions are affecting the activities of the World Trade Organization.
- Everyone should be able to share in the process of developing an economy that is good for all.
- Unions need to clearly understand both their rights and obligations.

8.18 Country Statements

A representative from each country made a brief statement in response to Justice Boulton's address. These are summarised as follows:

FIJI ISLANDS

- The establishment of tripartite consultation is already in place and this involves a range of employers, workers and government representatives. Other boards such as the Labour Advisory Board and Occupational Safety and Health Board are also in place and very effective. However, most have suffered set-backs due to the local situation.
- Ratification of core ILO Conventions have been placed on hold.
- Submissions have been received on the draft Industrial Relations Bill but again the matter has been placed on hold.

- The social partners have agreed to continue working together but there is a lack of tripartite consultation on important issues.
- Everyone is keen to minimise the affect of the recent coup.

KIRIBATI

- The country is working closely with the ILO to promote tripartism.
- They are wanting to translate conventions into the local language and will then arrange consultation with interested parties.

PAPUA NEW GUINEA

- On the matter of social dialogue, Papua New Guinea has ratified the relevant conventions. However, it is important for the Government to recognise that the principles of the core ILO conventions need to be enunciated in legislation.
- There are various tripartite boards in place that deal with specific issues.
- Submissions are made to Government on what should go in the budget. There is dialogue right across the economy.
- Papua New Guinea has asked the ILO to help in reviewing labour administration and, as a result, have a report which covers a wide range of issues. Informal discussions have taken place to determine what matters should be actioned.
- Have also involved non-government organizations in the formulation of policies. This method of arranging studies from which action can be determined is an appropriate way of making progress.
- Papua New Guinea needs help on ILO reporting procedures.

SOLOMON ISLANDS

- Their situation is similar to that of the Fiji Islands
- They are working on the development of a labour council but social dialogue is practiced already.
- Need assistance on human resources development and systems for reaching rural people.

9. Decent Work and the ILO Declaration on Fundamental Principles and Rights at Work

The above topic was introduced by Mr Werner Blenk. Following is the paper he presented:

DECENT WORK FOR WOMEN AND MEN EVERYWHERE

GLOBALISATION AND INEQUALITY

- 9.1 ILO's "Your Voice at Work" report reminds us that the globalizing economy – characterized by the opening of world markets, heightened competition, accelerated technical and structural change as well as the cyber-revolution – is having a dramatic impact on work. Open markets create new opportunities for economic growth and rising incomes. Some people and countries are using these opportunities but others have been excluded. Losses and gains are spread unevenly, and the simultaneous inclusion and exclusion of people, regions and economic sectors present major challenges. The informal economy is exploding, leaving many without any say in their working conditions. These factors lead to growing recognition that unless questions of fairness and equality are addressed by the international community, the process of international integration may be rejected by increasing numbers of countries and people. If we manage to reconcile economic efficiency with social justice, markets will be powerful engines in the fight against poverty. The challenge is that markets must work for everybody, that social justice is globalized as well!
- 9.2 As a result of a growing awareness of the need for a social pillar in the global economy a consensus is emerging around a set of principles and rights enshrined in international labour standards and in particular in the ILO "Declaration on Fundamental Principles and Rights at Work", adopted by ILO's constituents in June 1998. These rights form an intrinsic part of ILO's understanding of "Decent Work". Their goal is that of the ILO, that is to promote social justice. They form the social floor under which nobody should fall. They are valid in all countries, regardless of the stage of development. They are enabling rights and principles that contribute positively to and indeed are prerequisite for equitable social and economic development everywhere. They enable the flowering of human potential and the building of vibrant social institutions that can lead to the eradication of poverty. As human rights, they form part of the heritage of all humankind. As inputs to economic growth, they keep trade liberalization and indeed modern capitalism viable. Countries that have eliminated forced labour, the worst forms of child labour and the most insidious forms of discrimination in employment and occupation are as a rule doing much better economically than those where rights at work are

violated. The benefits are greater where standards or participation, protection and promotion coalesce and reinforce each other.

- 9.3 These rights and principles are an integral part of ILO's new programme thrust on "Decent Work" for women and men everywhere which has received the full support of its tripartite constituents. Decent work is not an abstract concept. It is about the aspiration of people everywhere, for a decent job, decent conditions, about gender equality, about getting children out of child labour, about having a voice at work. In brief it is about human dignity.

THE ROLE OF THE ILO

9.4 **The Four Strategic Objectives**

How can we promote the goal of decent work? To achieve this, we are bringing together four strategic objectives:

- (i) achieving universal respect for fundamental principles and rights at work;
- (ii) the creation of greater employment and income opportunities for women and men;
- (iii) extending social protection; and
- (iv) promoting social dialogue

9.5 **Core Labour Standards**

Every person who works has rights. They are essential for work that is productive and are obtained in conditions of freedom, equity, security and human dignity. These rights are not ancillary benefits to be added when economic conditions are right. They have to be there as a platform on the ground floor. The ILO's Declaration on Fundamental Principles and Rights at Work adopted in 1998 set out those basic rights clearly. They are freedom of association and effective recognition of the right to engage in collective bargaining, together with the elimination of forced or compulsory labour, for the right to refuse child labour and discrimination in employment or occupation. Together they present a floor below which no person should fall.

- 9.6 The 1995 Copenhagen Social Summit identified the seven basic ILO Conventions on these issues as the social floor of the emerging global economy. By doing so, it highlighted the principles and rights they contain as global objectives to be pursued by the international community as a whole. When trade ministers met in Singapore in 1996, they renewed their government's commitment to the observance of internationally

recognised core labour standards, and affirmed their support for the ILO's work in promoting them. The ILO has moved forward since Copenhagen and Singapore to adopt the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, a reaffirmation of core ILO values by the countries of the world.

9.7 The Declaration is a decisive step towards universal respect of these rights, even by countries which have not ratified Conventions:

- It recognises that all ILO Members have, by their very acceptance of the ILO Constitution an obligation to respect, realise and promote freedom of association and the effective recognition of the right to engage in collective bargaining, together with the elimination of forced or compulsory labour; child labour and discrimination in employment or occupation;
- It is accompanied by a follow-up designed to encourage countries' efforts towards these objectives. The success of this promotional approach, which explicitly rules out the use of the Declaration for protectionist purposes, will of course depend on the mobilization of sufficient support and assistance both within the ILO and in other organizations; and
- It recognises a matching obligation on the part of the ILO to offer technical cooperation and assistance to members in need of it.

9.8 The observance of fundamental principles and rights at work is of major significance in the context of globalisation. First, it will directly hasten the elimination of the most inhumane labour practices such as those of child and forced labour that have outraged the conscience of the international community. Child labour, beginning with its worst forms, must be eradicated altogether. It is probably the most visible manifestation of economic and social systems gone astray where children have to work and their parents are unemployed. Secondly, through guaranteeing freedom of association and the right to bargain collectively we will strengthen the negotiating power necessary to eliminate the many forms of unacceptable labour practices that still exist, whether in export industries or elsewhere in the economy. Thirdly, this countervailing power will contribute significantly to redressing the central problem of an uneven distribution of the gains from trade and economic growth. Fourthly, there are wider benefits to be reaped such as the contribution of a free labour movement, independent employers' organizations and the absence of discrimination to ensuring greater democracy and more transparent public policies.

9.9 In all the above ways, improved observance of core labour standards can make a significant contribution to alleviating many of the social problems that are at the root of the disenchantment with globalisation. Moreover, apart from defusing a potential backlash against globalisation, building a

consensus for observance of fundamental principles and rights at work across the world will eliminate an important source of friction that could disrupt further moves to open world markets.

9.10 Promotion of Employment

The second strategic objective is the promotion of employment. Work – or the absence of it - affects and shapes our lives decidedly. We draw part of our identity from it. The remuneration we draw from it allows us to participate in markets. Without a job the promise of the market economy sounds hollow. In other words, employment is much more than a policy issue. The emphasis given by the ILO to this objective is based on its central position as a source of livelihood and social integration. Productive and freely chosen employment is the main safeguard against poverty. It also implies a major emphasis on enterprise development and the need for creating an enabling environment for productive investment. Training and skills development and support for small and medium sized enterprises are critical. Without full employment or at least steady growth in employment creation, which in turn is largely dependent on a global economic environment that promotes sustainable growth, improving labour conditions and achieving other social objectives will be extremely difficult.

9.11 The promotion of employment is closely related to the process of integration in the global economy. International flows of capital, knowledge and labour all critically affect the potential for employment growth, but also underlie the increase in competitive pressures and the widespread need for industrial restructuring. So the evolution of the international trading environment is a key element to take into account in design of employment strategy. In its current work, the ILO is concentrating on assessing four crucial determinants of employment within an expanding knowledge-based economy: globalisation, macro-economic policy, the transformation of production systems and enterprise strategy, and human resource development. A major concern is equality of access to employment and labour markets, particularly gender equality.

9.12 Social Protection

The Third strategic objective concerns social protection. For globalisation to work, people must feel secure and must be able to take advantage of new and changing opportunities. If there is one demand that is universally shared, it is for security – a demand which encompasses the workplace and the labour market, income and consumption, the family and integration in society. Decent work implies security in the workplace, and security in livelihood. Social protection plays a vital role in supporting, supplementing and replacing market incomes in the event of old age, incapacity for work, bearing and raising children, and unemployment.

Equally important is health care – without which many in the developing world are unfit to earn their living.

- 9.13 The positive impact of social protection on the economy is often neglected, and this impact can be enhanced by better coordination between social protection, labour market and anti-poverty policies. Top priority must be given – by civil society, as much as by the State – to finding the most effective means to bring social protection to the majority, especially in developing countries, who still go without. An efficient economy and an effective system of social protection are both essential for the attainment of income security and a stable society.
- 9.14 And yet socio-economic insecurity is growing. Some of the new anxieties reflect economic trends, including changes due to globalisation and increasing instability of international financial markets. Others have their roots in some labour market developments, including the spread of more flexible and informal forms of work. Much anxiety results from the inadequacy of social protection systems, including the fact that a growing majority of the world's population is excluded from coverage by statutory social security schemes, notably most of those in informal production and employment.
- 9.15 These trends and policy failures make it necessary to urgently look for new and innovative ways of promoting socio-economic security as the basis of social justice and economic dynamism. Basic security for all is essential for decent work and decent societies, and for sustainable development. Creating basic security is advantageous for employers, who can secure more cooperation and efficiency, vital for workers, because it is a dimension of human dignity, and essential for governments, which can thereby achieve a better balance between competing policy objectives.
- 9.16 These are domains where the ILO's work on social protection, including social security and safety at work, plays a vital role. For instance, in the wake of the Asian financial crisis the ILO's work has demonstrated the need for institutions for security (such as unemployment insurance) to be in place ahead of the crisis in order to reduce its impact and ensure that the costs are not borne by the poor and vulnerable. In developing countries social protection can bolster stability, minimise social unrest and help countries adjust more easily to economic, social and political change. ILO efforts to render workplaces safe, to defend basic conditions of work, to put in place institutions to ensure income security in sickness and old age, therefore, also contribute to economic development, enabling industries and enterprises to restructure and raise efficiency, and workers to accept change more easily. In this way, people's security makes an important contribution to the stability of the global economy.

9.17 **Social Dialogue**

The fourth strategic objective – which is the focus of our meeting – concerns social dialogue between labour, management and government in its many forms and around the world. Achieving the objectives of decent work for all requires strong social partners and effective social dialogue. Despite our past efforts, there remains in some countries a widespread lack of recognition, understanding and support for the important role of social dialogue, especially social dialogue involving workers' and employers' representatives and government, related to the design and implementation of economic and social policies. There should be a fertile ground for promoting social dialogue in the South Pacific. Dialogue seems in many ways consistent with traditional approaches to community life in your countries. Maybe we should reflect on how to build on existing practices and ask ourselves how we might evolve them, against the background of globalisation which has also reached the South Pacific.

- 9.18 Respect for freedom of association reinforces popular participation and buttresses democratic institutions. Systems of collective bargaining and social dialogue create space for negotiations that can address an uneven distribution of the gains from trade and economic growth. Independent organizations of employers and of workers can push for more transparent and hence more efficient public policies that can enjoy support across the population.
- 9.19 Whilst trade union membership remains significant in many large workplaces, it has decreased overall in the last decade. Women in particular often remain deprived of a representational avenue for expressing their voice at work. Given the growing diversity of company interests – ranging from small enterprises in the informal sector to global companies – employers' organizations are also challenged by globalisation. Although the business community has embraced the principles of freedom of association and collective bargaining in the Declaration and in the United Nations-sponsored Global Compact, the contribution that worker participation and strong labour market institutions might make towards increasing productivity and added value is not always fully appreciated in a number of countries.
- 9.20 Attaining the ILO's goal of decent work for all will only be possible if people can have a say in how this goal is to be achieved and have the right to build institutions that represent their interests. There is a need, as the "Your Voice at Work Report" highlights, for greater "representational security" – supported by well-functioning institutions – as a basis for sustainable growth. Representational security facilitates local responses to a globalized economy which is particularly important in small island

countries. In turn, the collective institutions that grant representational security are contingent upon respect for freedom of association.

9.21 These principles and rights – and above all respect for them – are good for labour, since they constitute the cornerstone of representational security in the formal and informal economies. They are good for business, as they unlock the door to sound human resources policy and open up the high road to competing in the global market. And they are good for governments, because they pave the way for collective action that can aid economic growth and poverty eradication. Having a voice at work helps fill information gaps and lays the foundation for trust and cooperation in the management of change – a vital function of social dialogue at national, sectoral and firm levels. Civil society groups also depend upon freedom of association and recognition of the legitimacy of collective action to carry out their own work effectively.

9.22 **Synthesis**

By way of conclusion, we should remember that these four objectives are closely intertwined: respect for fundamental principles and rights is a precondition for the construction of a socially legitimate labour market; social dialogue the means by which workers, employers and their representatives engage in debate and exchange on the means to achieve this. Employment creation is the essential instrument for raising living standards and widening access to incomes; social protection the means to provide security of income and of the working environment. In addition, gender equality and development are themes that cut across the strategic objectives. In other words “Decent Work” is the convergence of ILO’s four interdependent strategic objectives, encompassing rights at work, employment, social protection and social dialogue. Together they provide the social foundations of the global economy and the underpinnings for our fight against poverty.

9.23 In order to operationalise “Decent Work” at the national level, the ILO is preparing “Decent Work” initiatives which deal with standards, employment, social protection and social dialogue in an integrated manner. These initiatives are done jointly with the governments and with employers’ and workers’ organizations of the participating countries, so as to ensure that the national initiative is not only technically and financially feasible, but also actively involves different social actors to reach a broad consensus. Efforts are starting in a number of countries to launch the process. For example, in our region, the Philippines will be one of the first countries to operationalise “Decent Work” at the national level.

SOURCES:

- Juan Somavia, Perspectives on Decent Work, ILO, Geneva, 2000
- Decent Work, ILC, ILO, Geneva, 2000.

9.24 Panel Discussion

The following is a brief summary of the comments made on behalf of government, employer and worker representatives following Mr Blenk's introduction:

- (i) There is a large gap between idealism and realism. Country situations mean they are unable to provide the ideal but it is a goal we should all aim for. The three partners should work together to achieve the best results.
- (ii) ILO standards make an important contribution to achieving decent work and help is available from the ILO to assist with the implementation of standards through labour laws etc.
- (iii) In Asian/Pacific countries, although standards are supposed to be applied, enforcement is virtually impossible. Company based unions are often a problem and there is a need for strong independent unions that can represent the workers.
- (iv) Reference was made to ILO conventions on social security and the need for these to be implemented by countries.
- (v) Conventions 87 and 98 provide workers and employers with the rights to associate, organise and bargain collectively. Without these rights it is not possible to bargain effectively. The rules should cover all employment issues, including those that apply to special needs groups.
- (vi) Union and employer organizations need to be strong and have a clear mandate. Once established they need to make good use of social dialogue to achieve their aims and objectives. Capacity building is required with the help of the ILO.

9.25 Mr Kevin Hince, Immediate Past Director of Industrial Relations, Victoria University, commented as follows:

- (i) There is a need to clearly distinguish between paper and reality. The ILO needs to improve the policing of its conventions. Independent auditing of convention application and the related information and reports may be necessary.
- (ii) There is a need to clarify what member countries are really doing (in the implementation of labour standards).

- (iii) The catch cry – “you can’t transfer one country’s system to another” is often used as an excuse for doing nothing. It’s wrong to say that everyone is different – there is a lot that can be used. Good industrial and social relationships need effective institutions.
- (iv) The claim by many that “dialogue is a way of life” is also often used for doing little or nothing. Dialogue needs to lead to action.
- (v) Finally, Mr Hince challenged the ILO to lift the level of debate about globalisation.

10 The New Zealand Employment Relations Act 2000

10.1 A presentation on the above was made by Mr Michael Hobby and Mr Shane Kinley of the N.Z. Department of Labour. All participants were provided with explanatory material containing detailed information on the new Act together with a copy of the recently published “ERA Info – A Report on Current Employment Relations in New Zealand”.

10.2 A summary of the presentation is as follows:

- (i) The overall objective of the Act is to build productive employment relationships through the promotion of mutual trust and confidence in all aspects of the employment relationships through:
 - recognition that employment relationships must be built on good faith behaviour;
 - acknowledgement of the inherent inequality of bargaining in employment relationships;
 - promotion of the collective, while protecting individual choice;
 - promotion of mediation as the primary problem-resolving mechanism and reducing the need for judicial intervention; and
 - promotion of the observance of the principles underlying ILO Conventions 87 and 98.
- (ii) The Act provides for:
 - Freedom of Association
 - Legal recognition of unions through registration
 - Authority of unions to enter workplaces at reasonable times etc.
 - Union meetings per annum on pay of 2 hours duration.
 - Deduction of union fees by agreement.
 - Employment relations education leave.
 - Various employment arrangements including individual and collective agreements.

- Collective agreements to set the terms and conditions of union members. Additional conditions may be negotiated on an individual basis.
 - Bargaining arrangements for collective agreements.
 - Good faith bargaining.
 - The development of a Code of Good Faith by the tripartite parties.
 - Management of strikes and lockouts with special conditions relating to essential services.
 - Dispute resolution including mediation.
 - The establishment of an Employment Relations Authority and an Employment Court.
- (iii) More detailed information may be found in the hand-out material previously referred to.

11 Constituent Group Discussions on Social Dialogue

11.1 The first day concluded with constituent group discussions on social dialogue. The groups were asked to focus on the following:

- (i) What are the main issues and challenges for governments/ employers/workers organizations in promoting “social dialogue” and the “Declaration” in the Pacific Islands region?
- (ii) How best can “social dialogue” and the “Declaration” be promoted?

11.2 Group Presentations

The results of the group discussions on social dialogue were presented during the first session of the second day. These are briefly summarised as follows:

11.3 Government

- (a) The following issues were identified:
 - Government has an important role to play in labour relations
 - there are many interest groups and it is essential for Government to ensure industrial peace and law and order.
 - Government needs the support of the other social partners.
 - There is sometimes a lack of the necessary political will to formally establish, by legislation, the required organizations, systems and procedures.
 - There is a lack of effective action by government departments – often due to a lack of resources and know-how.
 - There is a lack of appropriate consultation between government agencies when policies are being considered.

- There is often a lack of interest by workers and employers in attending official meetings – there needs to be a stronger commitment.
 - The Government needs relevant information from employer and worker organizations on labour issues.
- (b) The following were suggested as ways of dealing with the issues:
- Specific projects should be developed in relation to the implementation of conventions on such matters as child labour.
 - School and community programmes should be instituted to help in changing attitudes.
 - Labour issues should receive more general publicity.
 - Democratic employer and worker institutions should be established where they do not exist and adequately resourced.
 - Conventions should be translated into local languages to enable them to be properly understood by the people.
 - Tripartism must be based upon trust of each other – application of the concept of good faith.
 - Those involved should not try to do everything at once – issues need to be prioritised according to their relative importance.
 - There is a need for decentralisation of activities to support social dialogue in provincial and rural areas.
 - Employers and workers need to take the initiative and be a pro-active part of the team – identify issues that need attention such as a minimum wage.
 - An efficient bureaucracy is required for preparation of ILO and other related reports.
 - Strong personal commitment by those involved is essential.

11.4 **Workers**

- (a) Issues identified are as follows:
- Main issue is the need for democratic infrastructure and institutions which provide a conducive environment that promotes social dialogue.
 - Unions need to safeguard and protect democracy.
 - There needs to be a tripartite institution to facilitate dialogue and effective participation in labour matters by the three partners. This should be legally enacted.
 - Unions need to be competent and adequately resourced to deal with labour issues.

- Unions need to be independent and have committed officers and leaders who are willing to take on issues such as globalisation.
 - Unions need to be provided with up-to-date information with networking capability.
 - Union leaders need to be trained to enable them to be effective.
- (b) Suggested responses involving the following:
- Government action where necessary to provide legal infrastructure, systems and procedures for handling labour matters.
 - Effective action to encourage and assist unions to become partners in social development.
 - ILO assistance for employer and worker representatives to improve their capacity to do things. Lip service is no good – practical implementation is essential if progress is to be made; including the legal enforcement of ILO Conventions.
 - ILO assistance is also required in the development and implementation of information services for rank and file members, and in the training of union leaders to enable them to be effective.
 - Procedures (e.g. tripartite committees and other forums) should be put in place to encourage dialogue and getting the partners to work together. They exist already in some places but they are often ineffective and do not achieve the desired outcomes.

11.5 Employers

- (a) The main issues in promoting and realising social dialogue are as follows:
- Dissemination of information about positive/negative effects of dialogue.
 - Willingness and commitment of social partners to participate.
 - Inadequate employer representation.
 - Implementation problems due to isolation.
 - Neglect of the informal sector.
 - Political problems.
 - Big hurdle of the initial step for introducing social dialogue.
 - Lack of trust in each other.

(b) Suggested responses to the above issues included the following:

- Explanatory information written in the vernacular. Hold more seminars for workers and involve the churches.
- More active pressure from employers/workers to ensure government participation.
- Campaign for membership (of Employers Federation) and education to eliminate the us and them syndrome between big and small employers.
- Use of radio to reach out to outlying islands.
- Improve policing of the laws.
- Initiate move to include informal sector.
- More education and cultural integration during childhood years – upbringing.
- Insofar as dialogue is concerned, the first bold steps must be made by the parties - improve the understanding of the partners.
- Insofar as trust is concerned, the past is history and the three partners should move forward with sincerity.

(c) The employers identified the following as the main issues and challenges for the ILO Declaration:

- Dissemination of the principles of the core conventions.
- Gender issues – cultural; traditional; financial.
- Absence of formal contracts.
- Child labour.

(d) Responses were as follows:

- Translation of the Declaration into the vernacular and more public awareness campaigns.
- Education of more women (on the issues).
- Employer groups to conduct seminars.
- Active forms of birth control.
- Change culture and attitudes, using tangible results/comparisons.
- Use pressure groups to influence non-conformities to comply.
- Ministry of Labour to be encouraged to apply pressure and rule in favour of workers unfairly dismissed.
- Make education compulsory and enforce it.
- Ratification of core conventions and their implementation and enforcement.

(e) In their final summary/conclusion the employers said that to move towards effective promotion of social dialogue and in relation to the Declaration they will need technical as well as financial assistance as in the Pacific Region there are:

- Diverse languages and dialects.
- A cluster of islands scattered across a vast expanse of the Pacific Ocean.
- Rich in cultures but sometimes traditions, values and attitudes may need to be adapted to modern life.

11.6 Other general comments included

- Special action is required for capacity improvement of women's organizations.
- Constituent members need help in handling the heavy burden of reports (every year) to ILO on the application of conventions.

12 Gender and Decent Work

Presentation by Ms Mitsuko Horiuchi; ILO Regional Director for Asia and the Pacific

12.1 Ms Horiuchi opened her session by saying that many groups, such as women and migrant workers, are often excluded from the rights of freedom of association and social dialogue. However, her presentation was focussed on women workers and the related gender issues.

- (i) Ms Horiuchi referred to statistics contained in the UNDP Human Development Report 2000 which identified gender gaps.
- (ii) The gender related development index for the Fiji Islands, Samoa and Papua New Guinea makes a comparison of male and female education levels including life expectancy, adult literacy and enrolment levels.
- (iii) The gender empowerment index uses a range of measures to measure women's empowerment including;
 - Seats in parliament held by women
 - Female administrators
 - Professional and technical workers
 - Women's GDP per capita.
- (iv) Statistics show that the agricultural sector employs most women but industry and services are increasing. Areas where women's employment is also increasing include:
 - Informal sector
 - Self employment
 - Home-based work
 - Part-time work
- (v) Women's employment is typically:
 - Low skilled
 - Low paid
 - Low quality in a limited range of sectors and occupations
- (vi) Persistent inequalities:
 - Women work more hours than men and there are obstacles to combining family responsibilities with employment
 - Women undertake a great deal of unpaid work
- (vii) Concerns in globalizing world include:
 - Migrant workers
 - Trafficking of women and children
 - Restricted access to education and training.
- (viii) (a) Women workers rights in Asia:

- ILO Convention No.100 (Ratified by 20 Asia/Pacific countries)
 - ILO Convention No. 111 (Ratified by 16 Asia/Pacific countries)
 - ILO Convention No. 156 (Ratified by 2 Asia/Pacific countries).
- (b) A new convention (No. 183) provides for maternity protection. Its provisions include:
- Applies to all women workers, including informal sector
 - Protection of health of mother and child
 - 14 weeks leave, with cash benefits
 - Benefits through social insurance or public funds
 - Employment protection
- (ix) Women's representation in decision-making processes:
- Women are deprived of representational avenues
 - In the informal sector there is a lack of institutional frameworks where women can be heard
 - Positive action is required including training and education
 - Family-friendly initiatives are also necessary
- (x) Integrating women into development paradigm was among the issues considered at the following:
- 1975, Institutional Women's Year and first World Conference (Mexico)
 - 1970's emergence of women in development
 - Gender and Development – Beijing Conference.
- (xi) Today – gender mainstreaming:
- Strategies are required for making women's and men's concerns and experiences an integral dimension of design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres.
 - Transformation is necessary to ensure women become active players in society.
 - Gender equality is essential and women's questions require specific answers.
- (xii) Some particular concerns for women – the gender dimension:
- De jure and De facto equality
 - Violence against women and sexual harassment
 - Family-friendly initiatives, child care and flexible working arrangements
 - Informal sector – home-based workers.

12.2 The issues raised by Ms Horiuchi were discussed by participants and comments from representatives of constituent groups included the following:

(i) Government

- Real constraints exist in putting legislation into practice – it is often a case of not what you know but who you know.
- Programmes need to be prioritised to achieve progress.
- Need reliable and up-to-date statistics.

(ii) Employer

- Women often do not have good access to education due to cultural, economic and other constraints.
- There are very few women in senior positions or the professional areas
- Women are more vulnerable to dismissal
- Women always have to accept responsibility for the family, i.e. take time off to care for a sick child.
- Even where women achieve political aspirations there is little follow through on women's issues.
- Social dialogue needs to involve a lot more women
- Women's groups are campaigning and need to work on politicians to achieve equality.

(iii) Worker

- There is a massive impact of tradition in male dominated societies which does not help women to make changes
- There should be free and compulsory education for all – more females than males currently drop out of the system because they are not encouraged to continue.
- More women are now hungry for education – 60% of teachers are female but virtually all head teachers are male.
- In the selection process senior men will usually choose males.
- There is a real need for more information to be widely distributed about women's issues.
- More than 60% of population is existing in poverty and women and children are the first to suffer.
- There is a need to attract more women into politics.

12.3 Brief open discussions took place on the question – How do we deal with the gender gap? The responses included the following:

- This is one of the most important issues for governments to deal with. Perhaps the ILO could help prepare an accurate statistical report on the issues – no one can argue with facts.
- We should all take a hard look at the application of the conventions and the implementation of related legislation.
- Women continue to lag behind and even where rules exist they are not put into practice. Should be preparing and implementing positive programmes and include their funding in the annual budget.
- People in positions of responsibility (government, employer and worker) should be taking practical steps to implement change.

13 Group Work by Country Teams

13.1 During these discussions the teams were asked to focus on the following:

- (i) To identify what needs to be done about promoting “social dialogue”.
- (ii) To identify what needs to be done about promoting the “Principles and Rights at Work” embodied in the “Declaration” (Programme on ‘decent work’).
- (iii) To prepare a “country plan of action” to promote “social dialogue” and the “Declaration”.
- (iv) How to ensure that social dialogue encompasses all relevant groups and issues (including women workers)
- (v) To identify what actions need to be taken by government, employers and unions to implement the “Plan of Action” and what assistance might be needed.

13.2 The teams were also asked to identify what positive things could be done over the next couple of years. They were also requested to prioritise their proposals – not everything can be done at once.

14 Presentation of Group Work

Fiji

14.1 The main issue and challenges in promoting the realisation of social dialogue in Fiji were identified as follows:

- Dissemination of information – need to inform constituents about the positive/negative effects of social dialogue by (i) Holding more seminars; (ii) Involving the church; and (iii) Using radio and television for next 2 years.
- Willingness and commitment of social partners to participate in the labour and occupational safety and health reforms. This requires active pressure from employer and worker organizations to ensure government participation.
- Neglect of informal sector. There is a need to (i) Initiate moves to include informal sector; (ii) Visit villages and rural areas to undertake meetings/seminars; and (iii) Pursue human resource development in this sector.
- Political problems. This requires (i) More education and cultural integration during childhood years/upbringing; and (ii) Giving greater credence to the vernacular early in education.
- Gender issue – cultural; traditional and financial. Specific action includes: (i) Employer/trade union groups to conduct seminars and forums; and (ii) Union movement to revive the women’s wing by the appointment of a full time officer.
- Absence of formal contracts. This may be improved by (i) Using pressure groups to influence the non-conformers to comply/perform; (ii) Encouraging Ministry of Labour to apply pressure and rule in favour of workers unfairly dismissed; and (iii) Improving the current status of the workers.
- Child Labour. This requires such action as (i) Enforcement of compulsory education and working towards free primary education; and (ii) Ratification of core conventions regarding child labour and their effective implementation/enforcement.

14.2 In summary/conclusion the participants said that Fiji has progressed well in the successful promotion of social dialogue but the bi-partisan partners must continue to exert pressure to ensure workers and employers needs are looked after. Resources are limited and the current political crisis has made them scarce. They therefore look with hope that the ILO will assist in one way or the other. In providing a budget for what is proposed, the participants identified the following:

- (i) Strengthening the capacity of the women's wing by the appointment of a full time officer etc. - \$50,000 for a 2 year programme.
- (ii) Workshops for employers and workers to promote and disseminate information regarding the core conventions - \$20,000.
- (iii) Informal sector programme of activities involving government, workers and employers - \$50,000.
- (iv) Data bank for employers and workers – setting up etc. - \$20,000.

Kiribati

14.3 The representatives from Kiribati provided a note on the technical cooperation activities discussed during the ILO Mission to Kiribati in August 2000 together with a comprehensive written summary of the current situation. These identify the objectives of the future planned activities including the support and assistance that ILO may provide. In order to avoid repetition this report includes only a brief précis of the information and anyone requiring further details should refer to the note and summary supplied.

14.4 The discussions at the August 2000 meeting involved the promotion of social justice for all through the implementation of 4 strategic objectives as follows:

- (i) Promote and realise standards, fundamental principles and rights at work.
- (ii) Create greater opportunities for women and men to secure “decent” employment and income.
- (iii) Enhance the coverage and effectiveness of social protection for all.
- (iv) Strengthen tripartism and social dialogue.

14.5 The outcomes of the discussions included the following proposals:

- Agreed to convene a national tripartite seminar on fundamental principles and rights at work.
- Translation of 7 fundamental conventions into the vernacular for wider awareness and understanding.
- Formulation of a sub-regional study project on patterns of child labour.
- Tripartite participation by Kiribati in the proposed Pacific multi-islands seminar on the Declaration
- Initiation of an in-country meeting on ratification of the ILO Conventions (ILO support to be provided on request).

- Finalisation of the project document on labour market information services.
- Development of a Youth Employment Policy Framework (possible ILO contribution).
- MLEC, after a review of the achievement of the Cooperatives component of KIR/93/002, will request further ILO assistance (if required).
- The principles of “gender equality and sensitivity” will be mainstreamed across all sectors and taken into account in all activities.
- Participation of Kiribati in the ILO Global Programme on “patterns of insecurity”.
- KTUC will be assisted to strengthen their institutional capacity and rationalisation of trade union membership, etc.
- Tripartite participation in the sub-regional seminar on social dialogue and tripartism.
- Participation by the KTUC on the proposed project on globalisation and its impact on the trade union movement.

14.6 Measures to improve social dialogue are being taken in Kiribati – The three ILO constituents are developing a Tripartite Bill jointly. This includes a statement expressing the underlying understanding upon which tripartite consultation is founded. Part II sets out the machineries to translate the understanding into realities and Part III establishes a Tripartite Maneaba (a traditional meeting house where elders discuss and decide matters by consensus). Parts IV and V set up a Tripartite committee and sub-committees and the Bill also makes provision for a Tripartite Training Council.

Solomon Islands

14.7 Solomon Island representatives identified the following:

- Establishment of a process, which involves all relevant parties including government, employers and workers/trade unions, to improve interactions/dialogue/dissemination of information.
- The process should look at issues of common concern and interest and the methods/tools to be used to promote the “principles and rights at work”.
- A country plan of action is required. A national workshop with wide participation must be undertaken where participants could devise a plan/programme of action to include the following:
 - (i) Time frame
 - (ii) Issues/topics to be covered.
 - (iii) Feasible methods/tools such as:
 - Regular consultations
 - Workshops

- Radio programmes
- Distribution and use of printed/audio materials
- Home grown programmes (not imported)
- A further national workshop should involve all groups, including representatives of youth, the disabled and women. This workshop to identify:
 - (i) Participating groups
 - (ii) Specific issues
 - (iii) Target audiences
 - (iv) Methods/tools integrated into existing networks of the participating bodies including government, employers, trade unions, women and church groups.
- ILO assistance is required to help in the improvement of their capacities.

Papua New Guinea

14.8 Participants from Papua New Guinea provided a Country Plan of Action for 2000/2002 which identified in some detail what is required. The following is a brief summary of the main proposals – more specific information is contained in the plan:

- Four areas of concentration which coincide with the ILO Director General's objectives.
- The process involved all ministries working with social partners, leading private sector institutions and 6 donor institutions.
- The programme has been endorsed by the National Tripartite Consultative Council.
- Public and private sectors have interacted and are promoting dialogue in relation to:
 - (i) policy and legislation
 - (ii) employment promotion and income generation
 - (iii) minimising social cost by improving working conditions.
 - (iv) strengthening institutional capacity for social dialogue on national economic and social policies.
- The main challenge will be how to decentralise these initiatives at the provincial and local levels.
- One other main challenge in these areas is - how effective can the social partners, as well as the productive forces of civil society, be brought to work together.
- This is a country programme of the ILO constituents and ILO assistance is required in its implementation.
- The strategic objectives of the Plan are:
 - (i) Promote and realise fundamental principles and rights at work.
 - (ii) Create greater opportunities for women and men to secure "decent work".

- (iii) Social protection for all.
- (iv) Tripartism and social dialogue.
- The Plan includes a comprehensive programme of action including:
 - (i) National and sub-regional seminars.
 - (ii) Review of existing and preparation of new legislation.
 - (iii) Translation of Declaration into Motu and Pidgin.
 - (iv) Addressing of current issues such as sexual harassment, HIV/AIDS and employment.
 - (v) Drafting of employment policy framework.
 - (vi) Review of current projects and programmes for informal sector.
 - (vii) Urban Informal Sector Study.
 - (viii) Formation of a national skills development authority.
 - (ix) A wide range of initiatives relating to employment.
 - (x) OHS policy – increased awareness, seminar on accident prevention.
 - (xi) Industrial relations policy reform.
 - (xii) Gender equality in all aspects of working life.
 - (xiii) A programme of activities to support capacity building of constituents.
 - (xiv) Examination of “audit” report to determine required technical assistance.
 - (xv) Seminar on productivity improvement.
 - (xvi) Workers education.
 - (xvii) Increasing women’s participation in trade union leadership and management.
 - (xviii) I.R. policy reform focussing on trade dispute settlement.

(NOTE: It is again emphasised that the above is only a brief summary of the Papua New Guinea Country Plan).

Samoa and Vanuatu

- 14.9 The participants from Samoa and Vanuatu provided a combined report which identified a proposed programme of action including the assistance required. These are summarised as follows:
- Vanuatu seeks assistance to strengthen workers and employers organizations in order to improve their capacity to participate in a meaningful way in “social dialogue”.
 - Vanuatu proposes to promote “social dialogue” through the use of “Wan Sinol Bag” theatre.
 - Samoa proposes to hold a series of national tripartite workshops on “social dialogue” as a lead-up to the establishment of a national tripartite forum.
 - Vanuatu wishes to become a member of the ILO and ratify relevant Conventions to give government authority to promote

“principles and rights at work” and the “Declaration”. This should be made a function of the proposed national tripartite forum.

- Both countries wish to hold seminars involving workers, employers, NGOs and other stakeholders (tripartite +) and Samoa would use this as a means towards the final goal of establishing a national tripartite forum.
- Both countries propose the following:
 - (i) Public awareness, education etc., in understanding what is meant by social dialogue and the benefits to participants.
 - (ii) First national seminar on social dialogue including the Declaration – March 2001.
 - (iii) Intra-organisational seminar on social dialogue – April 2001.
 - (iv) Second national seminar on social dialogue and the setting up of a national tripartite forum – May 2001.
 - (v) Sub-committee to draw up relevant legislation – May/June 2001.
 - (vi) Draft legislation to be circulated to stakeholders for comment and input – June 2001.
 - (vii) Final draft to Attorney General – July 2001.
 - (viii) National Tripartite Forum Bill to Cabinet – August 2001.
 - (ix) Bill to Parliament – November/December 2001.
 - (x) Establishment of national tripartite forum – July/August 2002.
- Appropriate ILO assistance will be required at various stages if the above programme of action is to be achieved within the identified time frame.

15 Closing Session

- 15.1 The closing session of the meeting was chaired by Mr A M Zakaria.
- 15.2 Ms Mitsuko Horiuchi made some closing remarks during which she summarised the achievements of the meeting and emphasised again the importance of social dialogue in achieving the aim of decent work for all workers. She thanked New Zealand for its support in facilitating the meeting; the participants for their effective involvement, and all of those who played a supporting role in making the meeting successful.
- 15.3 The closing address was given by the Hon. Margaret Wilson, Minister for Labour, New Zealand. The Minister congratulated the ILO for undertaking the meeting which was the first held in New Zealand. She emphasised that the New Zealand government supported tripartism, freedom of association and collective bargaining etc. as identified in the recently passed Employment Relations Act. Emphasis has been placed on “good faith” bargaining and the parties have been given support in the form of mediation to help them resolve differences, disputes and complaints. The Minister’s address covered a range of related issues and she closed by thanking the participants and wishing them well for the future.

16 Discussion with Individual Countries on Follow-up Technical Assistance

This session took place during the third morning and following the formal meeting. It was facilitated by Justice Alan Boulton, Mr Werner Blenk and Mr A M Zakaria. It was held in order to allow country representatives to individually identify and discuss their action plans and, in particular, the ILO technical assistance they require in order to achieve their programme objectives. It was emphasised that while ILO would do all it can to assist, financial resources were very limited. It was, therefore, important for participants to prioritise their needs over a period of time so that activities could be given attention according to their relative importance and to achieve maximum effect and progress. Details are not repeated here as they are all identified in the respective country reports.

THE END

Appendix 1

LIST OF RESOURCE PEOPLE

Ms Mitsuko Horiuchi	Regional Director, ILO, ROAP, Bangkok
Mr Werner Blenk	Director, ILO SEAPAT, Manila
Mr A M Zakaria	Director, ILO Suva
Justice Alan Boulton	Australian Industrial Relations Commission
Mr Penelope Ferguson	Publications Info Unit, ILO ROAP, Bangkok
Mr Raphael Crowe	Employers' Specialist, ILO, SEAPAT, Manila
Mr Kevin Hince	ILO Consultant
Mr Freek Thomasson	Workers' Specialist, ILO SEAPAT, Manila
Mr Stanley Williams	ILO Resource Person
Ms Sumalee Arayakosol	Programme Officer, ILO ROAP, Bangkok

LIST OF PARTICIPANTS

Mr Dewan Chand	Fiji
Mr Mamatuki Itautoka	Fiji
Mr Teekabu Tikai	Kiribati
Mr Kentaro Ono	Kiribati
Mr Tatoa Kaiteie	Kiribati
Ms Margaret Laymette Elias	Papua New Guinea
Dr Ben Imbun	Solomons
Mr John Foteliwale	Solomons
Ms Hilda Tango	Solomons
Mr Tate Simi	Samoa
Mr Ephraim Mathias	Vanuatu

LIST OF SUPPORT STAFF

Ms Margaret Reade-Rounds	Programme Officer, ILO Suva
Ms Arthurleen Lilo	Senior Admin/Finance Assistant, ILO Suva