



BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: SOLOMON ISLANDS

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2006 and the 2008 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations: the Solomon Islands Chamber of Commerce and Industry (SICCI); the Solomon Islands Chinese Association (SICA); the Solomon Islands Indigenous Business Association (SIIBA); the Solomon Islands Women in Business Association (SIWIB); the Association of Solomon Islands Manufacturers (ASIM); the Solomon Forestry Association (SFA) and workers' organizations: the Solomon Islands Council of Trade Unions (SICTU); the Solomon Islands Public Employees Union (SIPEU); the Solomon Islands National Union of Workers (SINUW); and the Solomon Islands National Teachers' Association (SINTA) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the SICCI. 2006 AR: Observations by SCCI, SICA, SIIBA, SIWIB, ASIM and SFA.	
	Workers' organizations	2008 AR: Observations by the SICTU, SINUW and its 10 affiliates. 2006 AR: Observations by SICTU, SIPEU, SINUW and SINTA.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Solomon Islands has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, Solomon Islands ratified in 2000 the United Nations convention of the Elimination of All Forms of Discrimination Against Women (CEDAW).
		Ratification intention	YES, for both C.100 and C.111. 2008 AR: According to the Government: as a result of ILO technical assistance in 2005 to hold consultations with employer's and worker's organizations, the Cabinet approved the ratification of Conventions No.100 and 111 together with other unratified ILO fundamental Conventions on 17 May 2007, as a result of ILO technical assistance in 2005. Therefore, the Government intends to bring national legislation into compliance with the ILO fundamental Conventions, in consultation with the employers' and workers' organizations and in cooperation with the ILO. According the SICTU: The Letter of Intent concerning the ratification of the remaining 7 unratified ILO

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

			<p>fundamental Conventions was presented by the Government during the Celebration of the 30th years of ILO Presence in the Pacific in Suva (Fiji). The Government should thus finalize this ratification process in cooperation with the ILO.</p> <p>The SICCI and the SICTU expressed their support to the ratification of C.100 and C.111.</p> <p>2006 AR: The Government indicated its intention to ratify C.100 and C.111, and that it was initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance national laws with the principle and right (PR). It also appreciated the employers' and workers' organizations' (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU) support for the ratification of all ILO Fundamental Conventions not ratified by Solomon Islands. In this respect, it requested ILO technical assistance on the Declaration and standard-related issues and for capacity building in reporting.</p>
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES</p> <p>As a general principle, the Preamble of the national Constitution, 1978, provides for human dignity, equality, social justice, and equity for the people of Solomon Islands. Furthermore, under Article 15 of the Constitution, no law shall make any provision that is discriminatory either of itself or in its effect. Moreover, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.</p>
		<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: 2006 AR: According to the Government: There is no national policy concerning the principle and right (PR). However, the Government intends to do so, and would welcome any ILO assistance in this respect. <p>2006 AR: According to the Government: There is a national policy on the elimination of discrimination in employment and occupation.</p> <ul style="list-style-type: none"> • Legislation <p>2006 AR: Parts III and IV of the Trade Unions' Act (CAP 76), 1970 (as revised in 1998), provides for the registration and the rights and liabilities of trade unions. Freedom of association of employees shall not be subject to employers' interference under Section 60 of the same Act. In addition, the Solomon Islands ratified in 1985 the Right of Association (Agriculture) Convention, 1921 (No.11).</p> <p>Although there is no explicit reference to the right to collective bargaining in national laws and rules, this right is recognized under Section 26 of the Trade Unions Act, which provides that every trade union shall be liable on any contract entered into it or by an agent acting on its behalf, and under Section 59, which refers to agreements. Furthermore, this right is recognized in practice, and many collective bargaining agreements are currently in force in the country.</p> <p>Basic legal provisions: (i) The national Constitution, 1978 (Articles 3(b) and 13); (ii) the Trade Unions' Act (CAP 76), 1970 (as revised in 1998), Parts III and IV, and Sections 26 and 59; and the Trade Unions Act (CAP 161), 1983).</p> <ul style="list-style-type: none"> • Basic legal provisions: (i) The national Constitution, Article 15.
		<p>Basic legal provisions</p>	<p>(i) The Preamble of the Constitution; (ii) The Constitution, Articles 15, 17 and 18; and (iii) Collective agreements.</p>

		Grounds of discrimination	2006 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/color, sex, religion, political opinion and place of birth and disability. Under section 15(4) of the national Constitution, the expression «discriminatory» means affording different treatment to different persons, including persons subject to disabilities and restrictions, and excluding them from privileges or advantages on grounds of race, place of origin, political opinions, colour, creed or sex.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations	NIL
		Information/Data collection and dissemination	2006 AR: The Government mentioned that a National Analysis on Women, Youth and Children had been finalized in 2004. It, however, requested the ILO assistance for the collection of statistics and information relevant to the elimination of discrimination in employment and occupation.
Prevention/Monitoring, enforcement and sanction mechanisms	2006 AR: According to Government: Specific measures have been implemented or are envisaged to respect, promote and realize the PR. In instances where the Government finds that the principle has not been respected, the Government provides advice to the offending party and a mutual agreement is found.		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	YES 2006 AR: According to Government: A labour law reform is being initiated in association with the social partners.	
	Promotional activities	Institutions to promote equality	2008 AR: According to the Government and the SICCI: a new Ministry of Women, Youth and Children Affairs has been established. 2006 AR: According to Government: There is no special machinery or body in relation to the PR. However, the Government requested ILO assistance in designing such machinery.
		Other activities	2008 AR: The SICCI stated that Labour Day celebrations are organized and awareness-raising campaigns are carried out on a regular basis through radio broadcasting. 2006 AR: Specific measures have been implemented or are envisaged to respect, promote and realize this PR in the country. The PR is realized in a number of collective agreements, both in public and private sectors. In addition, a National Situation Analysis on Women, Youth and Children has been finalized in 2004. In instances where the Government finds that the principle has not been respected, measures are being taken in accordance of the Constitution, sections 17 and 18. Under the Constitution, any person whose fundamental rights or freedoms has been contravened may apply to High Court for redress and shall be entitled to compensation for the contravention thereof from the person or authority which contravened it.
	Special initiatives/Progress	2008 AR: The Government provided financial assistance for the national celebration of Labour Day. These activities included awareness-raising on the fundamental principles and right at work (FPRW), including radio broadcasting. Furthermore, a weekly radio programme on the FPRW is organized. 2006 AR: According to Government: (i) the Government intends to ratify C.100 and C.111; and (iii) the Government is currently initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance of national laws with the provisions of C. 100 and C.111.	

<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2008 AR: The SICCI indicated that the Government lacked capacity in the monitoring and enforcement of the law.</p> <p>2006 AR: According to the employers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SFA: There is a concern as the realization of the PR in Solomon Islands, due to ethnicity, and other discriminations on grounds of race, sex and religion. The main difficulties encountered in realizing the PR in Solomon Islands are as follows: (i) lack of employment opportunities; (ii) lack of social dialogue; (iii) inadequate labour laws; and (iv) lack of public awareness.</p> <p>SICA: (i) lack of adequate legislation; (ii) lack of information and data; (iii) lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes;</p> <p>SIWIB: (i) lack of information and data; (ii) social and economic circumstances; and (iii) forms of discrimination on grounds of race, religion and ethnicity;</p> <p>SICCI: (i) forms of discrimination at workplace on grounds of gender; (ii) lack of adequate legislation; (iii) lack of information and data; lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes;</p> <p>ASIM: (i) cultural discrimination; and (ii) lack of consistent and permanent education.</p> <p>SIIBA: (i) discrimination is common in practice in this country, especially on grounds of ethnicity (the «one Tok system»), race and religion, inadequate legislation; (ii) inadequate legislation; (iii) inadequate enforcement of the legislation; (iv) lack of expertise and resources in the Labour Division; (v) lack of information and data collection; and (vi) lack of ILO support and technical cooperation programmes.</p>
		<p>Workers' organizations</p>	<p>2008 AR: According to the SICTU and SINUW, the Solomon Islands faced ethnic conflicts from 1999 to 2004, which affected the whole country. Although this conflict is currently non-apparent, it still remains and needs to be addressed to improve the realization of the PR in the Solomon Islands.</p> <p>2006 AR: According to the workers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SIPEU: (i) inadequate legislation; (ii) lack of information and data; (iii) lack of capacity of Government, employers' and workers' organizations; (iv) lack of social dialogue; and (v) lack of ratification of C.100 and C.111;</p> <p>SINTA: (i) ethnicity, and other discriminations on grounds of race, sex and religion; (ii) social, cultural values and traditions; (iii) gender bias; (iv) inadequate legislation; (v) lack of information and data; (vi) lack of capacity of Government, employers' and workers' organizations; (vii) lack of social dialogue; and (viii) lack of public awareness on the PR;</p> <p>SICTU and SINUW: (i) discrimination needs to be enforced in laws, practice and regulations; (ii) lack of information and data; (iii) social values (in particular discrimination based on sex and barriers to women's employment); (iv) social and economic circumstances and (v) there are reported cases of discrimination based on race, creed, following the ethnic conflicts.</p>

	According to Government	<p>2008 AR: The Government reiterated the same challenges mentioned under the 2006 AR. Furthermore, there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment). It further specifies that the Labour Division lacks the capacity to carry out its monitoring role, operate and report to the ILO.</p> <p>2006 AR: The main difficulties encountered in realizing the PR in the Solomon Islands are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vi) prevailing employment practices; (vii) lack of capacity of responsible government institutions (labour inspection, in particular); (viii) lack of capacity of employers' organizations; (ix) lack of capacity of workers' organizations and (x) lack of social dialogue on the PR. Moreover, there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment.</p>
TECHNICAL COOPERATION	Request	<p>2008 AR: According to the Government: the requests made under the 2006 AR remain valid. The Government again requests ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW. This will allow the Government and the employers' and workers' organization to draw a national plan of action to better realize the PR in Solomon Islands.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Solomon Islands, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration;(2) Awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; Strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; establishing or strengthening specialized institutional machinery; cooperation between institutions (e.g. various ministries and relevant commissions); (3) Sharing of experiences across countries/regions.</p> <p>In addition, social dialogue, legal reform, monitoring and implementation of the Principle and Right are important steps to be addressed in Solomon Islands as soon as possible. ILO technical assistance would be welcomed in this respect, especially in the preparation (survey and validation seminar) and launching of a national Declaration Programme for Solomon Islands.</p> <p>All employers' and workers' organizations supported the Government's request for ILO technical cooperation, including the launch of an ILO Declaration Programme to facilitate the promotion and realization of the fundamental principles and rights at work in Solomon Islands.</p> <p>According to the employers' organizations, the ILO technical cooperation would be necessary to assist in the realization of the PR in Solomon Islands in the following areas:</p> <p>SFA: (i) labour law reform; (ii) strengthening of social dialogue and (iii) public awareness-raising campaign to targeted groups and decision makers;</p> <p>SICA and SICCI: (i) legal reform; (ii) data collection and (iii) public awareness-raising on the PR;</p> <p>SIWIB: (i) education programmes; (ii) capacity building and (iii) adequate coordination among social partners concerning the promotion and realization of the PR;</p> <p>ASIM: (i) public awareness-raising on the PR;</p> <p>SIIBA: (i) legal reform; (ii) strengthening of the capacity building of Government and social partners; and (iii) public awareness raising;</p>

		<p>SIPEU: (i) information and data collection; (ii) capacity building of employers' and workers' organizations on the PR; (iii) strengthening of social dialogue and (vi) awareness-raising of the public on the PR and the negative aspects of child labour and its worst forms;</p> <p>SINTA: (i) legal reform; (ii) information and data collection; (iii) capacity building of employers' and workers' organizations on the PR; (iv) strengthening of social dialogue and (v) awareness-raising of targeted groups and decision makers;</p> <p>SICTU and SINUW: fighting against all forms of discrimination in employment and occupation.</p>
	Offer	ILO (including labour law reform and assistance in reporting under the 2006 AR), and CEDAW Programme (UNDP, UNIFEM, national NGOs, etc).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also noted the new report by Solomon Islands in cooperation with the ILO, and the intentions expressed by most governments, including the Government of Solomon Islands, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 12, 64, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from the Solomon Islands (and few other countries) that had never reported under the Declaration Annual Review (Cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Solomon Islands, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Solomon Islands and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	