



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: SAMOA**

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

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	<b>YES</b> , under the 2006 Annual Review (AR). Samoa became an ILO member State in 2005.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> , according to the Government: Involvement of the employers' organizations (the Samoa Association of Manufacturers and Exporters (SAME); and the Samoa Chamber of Commerce and Industry (CCI)) and workers' organizations (the Samoa Public Service Association (PSA); the Yazaki Employees' Association (YEA); and the Polynesian Airlines Staff Association (PASA) by means of consultation and communication of a copy of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2006 AR:</b> Observations by the SAME Observations by the CCI.	
	<b>Workers' organizations</b>	<b>2006 AR:</b> Observations by the PSA Observations by the YEA Observations by the PASA	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Samoa has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b> However, Samoa ratified in 1992 the United Nations Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW).
		<b>Ratification intention</b>	<b>Under consideration for both C.100 and C.111.</b>  <b>2008 AR:</b> According to the Government: ILO technical assistance in order to better understand international labour standards (ILS) and the Declaration and a labour law review are necessary before the process of ratification of C.100 and C.111 can be initiated in Samoa.  <b>2006 AR:</b> The Government enjoyed the employers' and workers' organizations' (CCI, SAME, PSA, YEA and PASA) support for ratification of all ILO fundamental Conventions by Samoa.
	<b>Recognition of the principle and right</b>	<b>Constitution</b>	<b>YES</b> , the national Constitution, Article 15, prohibits discrimination in employment and occupation.
		<b>Policy, legislation</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul>

<sup>1</sup> 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](http://www.ilo.org/ilolex)

<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>(prospect(s), means of action, basic legal provisions)</b>	<b>and/or regulations</b>	<b>2006-2007 ARs:</b> According to Government: There is a national policy on the elimination of discrimination in employment and occupation.
		<b>Basic legal provisions:</b>	(i) The national Constitution, article 15.
		<b>Grounds of discrimination</b>	<b>2006 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/color, sex, religion, political opinion, national extraction/social origin, language, place of birth and disability.
		<b>Judicial decisions</b>	According to the SAME: There have been some judicial decisions to enforce the principle and right (PR), mainly with respect to pay and working conditions.
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	NIL
		<b>Information/Data collection and dissemination</b>	<b>2006 AR:</b> No, but the Government requested the ILO assistance for the collection of statistics and information relevant to the elimination of discrimination in employment and occupation.
<b>Prevention/Monitoring, enforcement and sanction mechanisms</b>	<b>2006 AR:</b> 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.		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Involvement of the social partners</b>	NO	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	NO <b>2006 AR:</b> According to the Government: There is no special machinery or body in relation to the PR, and the Government does not need ILO assistance to design such machinery.
		<b>Other activities</b>	<b>2008 AR:</b> The Government indicated that a government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.
	<b>Special initiatives/Progress</b>	NIL	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2006 AR:</b> According to the SAME: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) lack of information and data; (ii) social values; (iii) social and economic circumstances, and (v) there are technically no discriminations against women in Samoa, except for senior positions where women are underrepresented.  According to the CCI: The main difficulties encountered in Samoa in realizing the principle and right are as follows: (i) social values, cultural traditions (interference of Samoan cultural patterns in the labour relations schemes: for instance, a person with a Matai title might be reluctant to follow the instructions given by his senior who is titleless); (ii) lack of public awareness and support; (iii) legislation; and (iv) enforcement mechanisms.
		<b>Workers' organizations</b>	<b>2006 AR:</b> According to the YEA: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; and (iii) lack of public awareness and support.

		According to the PASA: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) lack of information and data; (ii) social values; and (iii) social and economic circumstances.
	<b>According to the Government</b>	<p><b>2008 AR:</b> The Government indicated the following challenges: (i) legal provisions are not in conformity with international labour standards; (ii) lack of public awareness; (iii) capacity building and (iv) labour inspection is weak.</p> <p><b>2006 AR:</b> In response to the employers' and workers' organizations observations, the Government mentioned the following: Compared to other Pacific countries, Samoa has the highest rate of female Chief Executive Officers (30%). There is, of course, room for progress. In this respect, the Government supports the CCI stand on the need for appropriate legislation and greater public awareness on the principle and right and the need to highlight the benefits/positive aspects of each principle and right from both the workers' and the employers' viewpoints.</p>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2008 AR:</b> The Government request ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.</p> <p><b>2006 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Samoa, 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; (2) Awareness-raising, legal literacy and advocacy; and (3) Strengthening data collection and capacity for statistical analysis; sharing of experiences across countries/regions; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; strengthening social dialogue; training of other officials (police, judiciary, social workers, teachers). These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national Declaration Programme for Samoa.</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 Samoa.</p> <p>According to the SAME: There is a need to fight against discrimination in Samoa.</p> <p>According to the CCI: The ILO technical cooperation would be necessary to assist in the realization of this PR in Samoa in the following areas: (i) greater public awareness on the PR as well as on the relevant legislation, including a focus on benefits/positives aspects of the principle and right from workers' and employers' viewpoints; (ii) labour law reform; (iii) enforcement mechanisms; and (iv) launch of an ILO Declaration Programme to facilitate the realization of the fundamental principles and rights at work.</p> <p>According to the PSA and the PASA: The ILO technical cooperation would be necessary to facilitate the realization of this PR in Samoa, especially in sensitizing workers, and the public in general.</p> <p>According to the YEA: The ILO technical cooperation would be necessary to facilitate the realization of this principle and right in Samoa in the following areas: (i) legislative reform and adequate protection against the adverse effects of globalization; and (iii) awareness raising and tripartite consultations on the PR; and (iv) launch of an ILO Declaration Programme to facilitate the realization of the fundamental principles and rights at work.</p> <p>The Government agreed with the views expressed by PASA, PSA, SAME and YEA. It also supported the CCI stand on the need to highlight the benefits/positive aspects of each PR from both the workers' and the employers' viewpoints.</p>
	<b>Offer</b>	ILO (including assistance in reporting under the 2006 AR), and CEDAW Programme (UNDP, UNIFEM, national NGOs, etc).

<p><b>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p><b>2008 AR:</b> 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 intentions expressed by most governments, including the Government of Samoa, 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, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2005 AR:</b> The IDEAs looked forward to receiving a first reply from Samoa (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><b>2003-2004 ARs:</b> The IDEAs expressed concern that several countries, including Samoa, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Samoa 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>
<p><b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p>NIL</p>