



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

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

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 SCCI. 2006 AR: Observations by SCCI, SICA, SIIBA, SIWIB, ASIM and SFA.	
	Workers' organizations	2008 AR: Observations by the SICTU and SINUW. 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 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C.87) nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C.98).
		Ratification intention	YES, for both C.87 and C.98. 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 on 17 May 2007 the ratification of C.87 and C.98 together with other unratified ILO fundamental Conventions. The Government intends now to bring national legislation into compliance with the ILO fundamental Conventions in consultation with the social partners and in cooperation with the ILO. The SICCI and the SICTU expressed their support to the ratification of C.87 and C.98. 2006 AR: The Government indicated that it had the intention to ratify C.87 and C.98. 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

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 or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

			this respect, it requested ILO's technical assistance on the Declaration and standard-related issues and for capacity building in reporting.	
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , the national Constitution, 1978, Article 3 (b), provides for the freedom of conscience, of expression and of assembly and association. Under Article 13 of the same text, the right to freedom of assembly and association and the right to belong to trade unions or other associations for the protection of interest shall not be hindered.		
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Legislation <p>2008 AR: The Government has received the draft of the Industrial Relations Law elaborated in consultation with the social partners and the ILO. It intends to organize a national tripartite workshop on labour law review in cooperation with the ILO very shortly.</p> <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>		
	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).		
	Judicial decisions	NIL		
	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	2006 AR: Government authorization or approval is not required to establish an employers' organization, but it is required for the conclusion of collective agreements (Trade Unions Act (CAP 76), 1970 (as revised in 1998). The exercise of freedom of association and the right to collective bargaining is recognized at enterprise, sector/industry, national (and international) levels for all categories of employers.
For Workers			2006 AR: Government authorization or approval is not required to establish a workers' organization, but it is required for the conclusion of collective agreements under Part III of the Trade Unions Act (CAP 76), 1970 (as revised in 1998), which provides for the conditions of registration of trade unions. The exercise of freedom of association and the right to collective bargaining is recognized at enterprise, sector/industry, national (and international) levels for the following categories of workers: (i) all workers in the public service; (ii) medical professionals; (iii) teachers; (iv) agricultural workers; (v) workers engaged in domestic work; (vi) workers in export processing zones (EPZs) or enterprises/industries with EPZs status; (vii) migrant workers; (viii) workers above the age 16 years (with exceptions- Cf. Trade Unions Act (CAP 161), 1983); and (ix) workers in the informal economy.	

			Special attention to particular situations	NIL
			Information/ Data collection and dissemination	NIL
		At international level	According to Government: The principle and right (PR) is recognized at international level for employers' and workers' organizations.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Monitoring, enforcement and sanctions mechanisms	<p>2006 AR: According to the Government: Specific governmental measures have been implemented (inspection and monitoring mechanisms -but not enough; penal, civil or administrative sanctions; special institutional machinery) or are envisaged (legal reform, capacity building of government officials and employers' and workers' organizations; tripartite discussion of issue; awareness raising/advocacy) to respect, promote and realize the PR in the country.</p> <p>In instances where the principle of freedom of association and the effective recognition of the right to collective bargaining has not been respected, above-mentioned Section 13 of the national Constitution applies. In case of contravention of the right to freedom of assembly and association and the right to belong to trade unions or other associations for the protection of interest, the victims may apply to High Court for redress and shall be entitled to compensation (Sections 17 and 18 of the Constitution). Moreover, an employer who infringes the right to freedom of association of employees shall be guilty of an offence and shall be liable to a fine of two hundred dollars (about US\$ 20 as of September 2005) or to imprisonment for six months, or to both penalties (Section 60 of the Trade Unions' Act (CAP 76)).</p>		
	Involvement of the social partners	<p>YES</p> <p>2006 AR: According to the Government: A labour law reform is being initiated in association with the social partners.</p>		
	Promotional activities	<p>2008 AR: The Government is collaborating more and more with the social partners in the national labour law review and has organized activities related to the Declaration follow-up in the country.</p> <p>The SICCI stated that Labour Day celebrations are organized but more substantial promotional activities should be carried out.</p>		
	Special initiatives/Progress	<p>2008 AR: The Government provided financial assistance for the national celebration of Labour Day. These activities included awareness raising on fundamental principles and right at work (FPRW), including radio broadcasting. Furthermore, a weekly awareness raising radio programme on the FPRW is being organized.</p> <p>2006 AR: According to the Government: (i) The existence of Police associations can be regarded as successful examples in relation to freedom of association; (ii) the Government intends to ratify C.87 and C.98; 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. 87 and C.98.</p>		

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	<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: (i) lack of employment opportunities; (ii) lack of social dialogue; (iii) inadequate labour laws; (iv) lack of enforcement capacities; and (v) lack of public awareness on the PR;</p> <p>SICA: (i) lack of adequate legislation; (ii) lack of information and data; (iii) lack of public awareness-raising; and (iv) lack of ILO support and technical cooperation programmes;</p> <p>SIWIB: (i) lack of adequate legislation; (ii) lack of ratification of C.87 and C.98 by the Government; and (iii) lack of awareness-raising among workers' organizations, given that many workers are not aware of their rights and unemployment is very high in the country;</p> <p>SICCI: (i) inadequate legislation; (ii) inadequate enforcement of the legislation; (iii) lack of desire of certain employers to comply with the laws; (iv) lack of resources and staff for the labour inspection; and (v) lack of ILO support and technical cooperation programmes;</p> <p>ASIM: (i) lack of communication and social dialogue on the PR; (ii) lack of coordination among government officials; (iii) inadequate legislation; (iv) lack of expertise, resources and capacity of the Labour Division; and (v) lack of information and data collection;</p> <p>SIIBA: (i) inadequate legislation; (ii) inadequate enforcement of the legislation; (iii) lack of expertise and resources in the Labour Division; (iv) lack of resources and staff for the labour inspection; (v) lack of information and data collection; and (vi) lack of ILO support and technical cooperation programmes.</p>
		<p>Workers' organizations</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) very poor legislation; (ii) lack of capacity of the Labour Division to enforce laws and regulations; and (iii) lack of training and capacity building among employers' and workers' organizations;</p> <p>SINTA: (i) lack of adequate legislation; (ii) lack of capacity of the Labour Division; and (iii) lack of training and capacity building among employers' and workers' organizations;</p> <p>SICTU and SINUW: (i) lack of adequate legislation; (ii) lack of ratification of C.87 and C.98 by the Government; and (iii) lack of awareness-raising among employers' and workers' organizations.</p>
	According to the Government		<p>2008 AR: The Government reiterated the same challenges mentioned under the 2006 AR. It added that the Labour Division lacked capacity to carry out its monitoring role to operate and report effectively to the ILO.</p> <p>2006 AR: The main difficulties encountered in realizing the PR in 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) legal provisions; (vi) lack of capacity of responsible government institutions; (vii) lack of capacity of employers' organizations; (viii) lack of capacity of workers' organizations; and (ix) lack of social dialogue on the PR.</p>

<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2008 AR: According to the Government: the requests made under the 2006 AR remain valid. The Government and the SICCI again request 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 these principles and rights in Solomon Islands.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the principle and right 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); capacity building of responsible government institutions; Strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; strengthening social dialogue; and (2) Awareness-raising, legal literacy and advocacy; sharing of experiences across countries/regions; 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 the Solomon Islands. Mediation, arbitration and conciliation procedures should also be strengthened.</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) employment creation, (iii) social dialogue; and (iv) public awareness raising on the PR;</p> <p>SICA: (i) legislation; (ii) data collection; and (iii) public awareness raising on the PR;</p> <p>SIWIB: (i) educational programmes; (ii) capacity building; and (iii) adequate coordination among employers' and workers' organizations concerning the promotion and realization of the PR;</p> <p>SICCI: (i) legal reform; and (ii) strengthening of the Government and the employers' and workers' organizations capacities in enforcing laws and realizing the PR;</p> <p>ASIM: (i) social dialogue, (ii) labour law reform, (iii) data collection; and (iv) capacity building of Government institutions and of employers' and workers' organizations;</p> <p>SIIBA: (i) labour law reform; and (ii) capacity building of Government institutions and of employers' and workers' organizations.</p> <p>According to the workers' 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>SIPEU, SINTA, SICTU and SINUW: (i) capacity building of Government institutions and of employers' and workers' organizations.</p>
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TECHNICAL COOPERATION	Offer	ILO (ILO: Assistance in reporting under the Declaration' Annual Review; labour law reform; and decent work country programme)
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 that some countries facing structural difficulties, such as Solomon Islands (and three other countries), were able to report with ILO assistance. They encouraged Solomon Islands to initiate the necessary labour law reforms to remove the obstacles to ratification of C.87 and C.98. Finally the IDEAs acknowledged the high number of promotional activities concerning the realization of the PR in Jordan (and some other countries), and encouraged the Office to maintain its support to these activities (Cf. Paragraphs 12, 25, 32 and 35 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2006 AR: The IDEAs encouraged the Government of Solomon Islands that had provided its first report under the Declaration to follow up and had expressed its willingness to ratify C.87 and C.98 (Cf. Paragraph 34 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from the Solomon Islands and 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>2000-2004 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, for example).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	