

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Cook Islands - 2021

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

REPORTING

Fulfillment of Government's reporting obligations

87-98 Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations?, b) The most representative workers organizations?, c) The competent authorities?

94. Please describe the consultation process(es). [10.2]

The draft questionnaire was sent to the respective organisations with a cover email explaining the nature and objective of the questionnaire. We invited them to provide their comments and if necessary, we made ourselves available for a meeting.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

95. Did employers organizations comment on the report? [11a]

No

Workers' organizations	
96. Did workers organizations comment on the report? [11b]	No
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	
Ratification	
Ratification status	
87-98 Ratification status	87 not ratified 98 not ratified
Ratification intention	
6. What are the prospects for ratification of Convention No. 87?	Likely
7. What are the prospects for ratification of Convention No. 98?	Likely
8. What, if any, are the impediments to the ratification of Convention No. 87 and/or Convention No. 98?	Lack of resources and support in terms of awareness raising for this particular topic. Lack of resources and capacity for data collection and reporting on this particular topic.
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	
Constitution	
9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?	No

Policy-Legislation and/or Regulations	
9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?	No
Judicial decisions	
9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?	No
Exercise of the principle and right	
At national level (enterprise, sector/ industry) and international level	
For Employers	
12.1. Please specify and indicate the involvement of social partners.	Social Partners have agreed to have this Convention ratified as part of one of the deliverables of our DWCP.
For Workers	
12.1. Please specify and indicate the involvement of social partners.	Social Partners have agreed to have this Convention ratified as part of one of the deliverables of our DWCP.
Special attention to particular situations	
14. Has particular attention been paid to specific groups of population, workers or sectors of activity in the efforts to promote freedom of association and the effective recognition of the right to collective bargaining?	No

Information/ Data collection and dissemination	
12. If yes, please specify:	d) Awareness-raising, e) Other related activities
12.e. Please specify other	Through worksite inspections and dealing with complaints from employees, the Labour Inspectorate has encouraged workers to engage in collective bargaining and exercise their rights to freedom of association. These are already legislated in the current domestic labour legislation. The gap is in the implementation and exercising of these rights. The Cook Islands Workers Association is the umbrella association for the multiple workers unions in the Cook Islands and also have to continue their work in regards to awareness raising or engaging actively in any collective bargaining efforts.
Monitoring, enforcement and sanctions mechanisms	
9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?	No
Involvement of the social partners	
12.1. Please specify and indicate the involvement of social partners.	Social Partners have agreed to have this Convention ratified as part of one of the deliverables of our DWCP.
Promotional activities	
13. Have any initiatives resulted in successful examples or good practice in promoting freedom of association and	No

<p>the effective recognition of the right to collective bargaining?</p>	
<p>Special initiatives/Progress</p>	
<p>13. Have any initiatives resulted in successful examples or good practice in promoting freedom of association and the effective recognition of the right to collective bargaining?</p>	<p>No</p>
<p>TECHNICAL COOPERATION</p>	
<p>Request</p>	
<p>17. What are the technical cooperation needs in your country to promote freedom of association and the effective recognition of the right to collective bargaining?</p>	<p>a) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle, b) Awareness-raising, legal literacy and advocacy, c) Strengthening data collection and capacity for statistical analysis, d) Sharing of experiences across countries/regions, f) Capacity building of responsible government institutions, g) Training of other officials (police, judiciary, social workers, teachers),h) Strengthening capacity of employers' organizations, i) Strengthening capacity of workers' organizations, j) Strengthening tripartite social dialogue</p>