



Governing Body

319th Session, Geneva, 16–31 October 2013

GB.319/INS/8(Rev.)

Institutional Section

INS

Date: 23 October 2013

Original: English

EIGHTH ITEM ON THE AGENDA

Follow-up to the resolution on the trade union situation in Fiji, adopted by the Governing Body at its 316th Session (November 2012)

Purpose of the document

The Governing Body is invited to take note of the information and to take a decision in view of any further development which might be reported and of the recommendation of its Officers concerning the complaint submitted under article 26 of the ILO Constitution on similar matters.

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Policy implications: None.

Legal implications: None.

Financial implications: Financing of the direct contacts mission.

Follow-up action required: Determination of dates and follow through of the direct contacts mission.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.319/INS/10; GB.319/INS/15/1.

1. In the follow-up to the resolutions adopted at the 15th Asia and the Pacific Regional Meeting and at the 316th Session (November 2012) of the Governing Body, the Governing Body, at its 318th Session (June 2013), decided, in the light of the discussions held in the Conference Committee on the Application of Standards concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to:
 - (a) urge the Government to accept the return of the direct contacts mission before its 319th Session (October 2013), to assist the Government and the social partners in finding solutions to the outstanding matters in relation to freedom of association; and
 - (b) place this item on the agenda of its 319th Session (October 2013).¹
2. Also relevant to the issues at hand, a complaint under article 26 of the ILO Constitution was filed by certain Workers' delegates to the 102nd Session of the International Labour Conference (June 2013) against the Government of Fiji for non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Fiji in 2002. At its 318th Session, the Governing Body also decided to place this matter on the agenda of its current session.
3. The Director-General wrote once again to the Prime Minister on 3 July 2013 informing him of the decisions taken both as regards the follow-up to the resolution on the trade union situation in Fiji and the article 26 complaint. He also encouraged the Government of Fiji to confirm dates that would enable the direct contacts mission to take place prior to the October 2013 Governing Body session. Despite efforts made by the ILO Country Office in Suva to obtain the Government's agreement in this respect, the Government has not yet confirmed dates for the mission or replied to the Director-General's letter.
4. The decision of the Governing Body following the discussion of this item will take into account any further development which might be reported, as well as the recommendation of its Officers concerning the complaint submitted under article 26 of the ILO Constitution on similar matters.²
5. It is to be noted that the Officers of the Governing Body have proposed to the Governing Body to declare the article 26 complaint against Fiji receivable in accordance with article 26 of the ILO Constitution.

Draft decision

6. *In light of the proposal of the Officers of the Governing Body concerning the receivability of the article 26 complaint, and taking into account the communication from the Prime Minister of Fiji dated 15 October 2013³ asking that the direct contacts mission visit the country after the elections due for 30 September 2014, the Governing Body may wish to:*
 - (a) *urge the Government again to accept the return of the direct contacts mission before its 320th Session (March 2014) to assist the Government and*

¹ GB.318/PV/Draft, para. 39.

² See GB.319/INS/15/1.

³ See GB.319/INS/8(Add.).

the social partners in finding solutions to the outstanding matters in relation to freedom of association; and

(b) place this item on the agenda of its 320th Session (March 2014).