



## Governing Body

322nd Session, Geneva, 30 October–13 November 2014

GB.322/INS/9/1

Institutional Section

INS

Date: 5 November 2014

Original: English

### NINTH ITEM ON THE AGENDA

## **Complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 102nd Session (2013) of the International Labour Conference under article 26 of the ILO Constitution**

1. At its 320th Session (March 2014), when considering the complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by several Workers' delegates to the 102nd Session (2013) of the International Labour Conference under article 26 of the ILO Constitution, as well as the item on its agenda concerning the follow-up to the resolution on the trade union situation in Fiji, the Governing Body: (a) called once again on the Government of Fiji to accept the ILO direct contacts mission under the previously agreed terms of reference, which were based on the conclusions and recommendations of the ILO Committee on Freedom of Association on Case No. 2723; and (b) decided that, if the direct contacts mission did not take place in time for a report to the 322nd Session of the Governing Body (November 2014), then the 322nd Session should appoint a Commission of Inquiry under article 26.
2. The Acting Prime Minister of Fiji wrote to the Director-General on 30 September 2014, indicating his Government's broad acceptance of the ILO direct contacts mission under the original terms of reference, with particular attention being paid to the Essential National Industries (Employment) Decree and its actual impact on the conditions of employment for workers and employers covered under the Decree, and its impact on the Fijian economy (see the appendix). The direct contacts mission took place from 7 to 11 October 2014. The mission's report can be found in document GB.322/INS/9/2.
3. *Taking into account the above and the information contained in the report of the direct contacts mission to Fiji, the Officers of the Governing Body recommend that the Governing Body defer until its 323rd Session (March 2015) the decision on the appointment of a Commission of Inquiry and invite the Government to provide follow-up information on the complaint.*



## Appendix



**OFFICE OF THE MINISTER FOR FINANCE, PUBLIC ENTERPRISES,  
PUBLIC SERVICE, COMMUNICATIONS, TRADE AND TOURISM**

Level 10 (West Wing), Ro Lalabalavu House, Victoria Parade  
P O Box 2212, Government Buildings, Suva  
Telephone: (679) 3303 325 Fax No: (679) 3308 654

30 September 2014

Mr. Guy Ryder  
Director-General  
International Labour Organisation  
Geneva  
**SWITZERLAND**

(Fax No: 41 22799 8533)

Dear Director-General

**Direct Contacts Mission to Fiji**

1. We refer to the Fijian Government's letters of 24 January 2014 and 20 May 2014 regarding the hosting of an International Labour Organization Direct Contacts Mission ("ILO DCM") after the national general elections.
2. We note the decision of the 320<sup>th</sup> Session of the International Labour Organisation Governing Body ("ILOGB") on 27 March 2014 calling for the acceptance of a ILO DCM under the previously agreed terms of reference and that in the event that the ILO DCM does not take place in time for a report to the 322<sup>nd</sup> Session of the ILOGB, then the 322<sup>nd</sup> Session shall appoint a Commission of Inquiry.
3. As the ILO may now be aware, Fiji has just concluded our first truly democratic general elections on 17 September 2014 under the proportional representation system with the universal principle of one person, one vote, one value including getting rid of the communal system of voting. This was the first time in Fiji's history that the general elections were conducted in one day with a voter turnout of 83.9% of registered voters.
4. The Multinational Observer Group consisting of 100 delegates primarily co-led by Australia, India and Indonesia that oversaw the elections concluded that the general elections was "a credible elections" that was "conducted in an atmosphere of calm, with an absence of electoral misconduct or evident intimidation".
5. Upon the conclusion of the general elections, a new Government was elected with Rear Admiral (Ret) Voreqe Bainimarama as the Prime Minister who was sworn into office on 22 September 2014, and the 15 Cabinet Ministers and 5 Assistant Ministers were appointed into office on 25 September 2014.

6. On his first mission abroad, our newly elected Prime Minister addressed the 69<sup>th</sup> Session of the United Nations General Assembly on 28 September 2014, and updated this august body of the political and economic developments in Fiji and the accomplishment of a new democracy based on common and equal citizenry under a secular state.
7. On 6 October 2014 the new Parliament will be convened and for the first time in Fiji's history, we will appoint a female Speaker of Parliament.
8. Even though Fiji is at a busy democratic stage, the Fijian Government remains committed to host the ILO DCM in Fiji as agreed.
9. We wish to advise that the Fijian Government, after much discussion in Geneva and in Cabinet, has broadly accepted the original ILO DCM Terms of Reference. However, we request that the ILO DCM pay particular attention to the Essential National Industries (Employment) Decree ("**Decree**") and its actual impact on the conditions of employment for workers and employers covered under the Decree, and its impact on the Fijian economy.
10. We look forward to fruitful discussions between the tripartite partners and the members of the ILO DCM to obtain the facts regarding the allegations against Fiji and to work in partnership with the Fijian Government for the ultimate benefit of all Fijians.

Thank you.

Yours sincerely



**Aiyaz Sayed-Khaiyum**  
**Acting Prime Minister of the Republic of Fiji**

- cc:
1. *Mr. Jioji Konrote, Honourable Minister for Employment, Productivity and Industrial Relations, Fiji*
  2. *Mr. David Lamotte, Director, ILO South Pacific*