



## Governing Body

317th Session, Geneva, 6–28 March 2013

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Institutional Section

INS

Date: 22 March 2013

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### SEVENTH ITEM ON THE AGENDA

## Latest developments in Fiji in light of the resolution of the 15th Asia–Pacific Regional Meeting

#### Purpose of the document

The Governing Body is invited to take note of the information and consider the draft decision in paragraph 5).

**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:** Depending on the Governing Body's further guidance.

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** None.

1. Following the resolution adopted at the 15th Asia–Pacific Regional Meeting which invited the Governing Body to instruct the Director-General to, inter alia, closely monitor the situation in Fiji and to intervene to safeguard the human and labour rights of Fijian workers, and subsequent to the interruption of the ILO direct contacts mission to Fiji in September 2012, the Governing Body adopted at its 316th Session (November 2012), a resolution, which included the following operational paragraphs:

Instructs the Director-General to:

- (a) work with the Fiji Government to seek its acceptance of the direct contacts mission under the previously agreed terms of reference, which are based on the conclusions and recommendations of the ILO Committee on Freedom of Association on Case No. 2723;
  - (b) urge that the Government, together with the social partners, find appropriate solutions in law and in practice which are in conformity with freedom of association principles;
  - (c) continue to closely monitor the situation in Fiji and work to safeguard the human and labour rights of Fijian workers; and
  - (d) report to the Governing Body at its 317th Session (March 2013) on action taken and developments regarding the trade union situation in Fiji.
2. In accordance with these instructions, the Director-General, in a letter dated 21 December 2012, brought the above resolution to the attention of the Prime Minister and requested him to consider facilitating the return of the abovementioned mission prior to the 317th Session of the Governing Body so that it might be appraised of the developments in relation to the trade union rights situation in Fiji when it next considered this item of the agenda.
  3. While the ILO Country Office for South Pacific Island Countries in Suva has been in contact with the government authorities to try to obtain confirmation of dates for the mission, to date the Government has not replied to the Director-General's letter or confirmed any dates for the mission.
  4. The ILO continues to maintain close contact with the social partners in Fiji and to monitor the situation concerning human and labour rights of Fijian workers. The social partners have, in particular, raised deep concern over the recent (15 January 2013) Government Decree entitled "Political Parties (registration, conduct, funding and disclosures)". This new decree is the subject of further complaints to the Committee on Freedom of Association as it also touches upon the question of trade union and employers' organization officials' support of a political party or engagement in political activity.

### **Draft decision**

5. ***In light of the absence of cooperation on the part of the Government of Fiji, the Governing Body:***
  - (a) expresses its strong disappointment at the failure of the Government of Fiji to respond to the Director-General's letter of 21 December 2012;***
  - (b) urges the Government to be cooperative with the ILO and its procedures in the future, and in particular as regards the Governing Body's previous request that, together with the social partners, it find appropriate solutions to bring the law and practice into conformity with freedom of association principles;***

- (c) urges the Government of Fiji to accept the direct contacts mission as set out in the resolution adopted by the Governing Body in 2012 so that it may take place prior to the June 2013 International Labour Conference; and*
- (d) decides to include this item on the agenda of the 318th Session of the Governing Body in June 2013.*