

ASIA-PACIFIC  
DECENT WORK  
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International  
Labour  
Organization



# ILO DECENT WORK COUNTRY PROGRAMME

Samoa



# Memorandum of Understanding Samoa



Whereas the Government of the Independent State of Samoa (Government), the undersigned workers' and employers' organizations, and the International Labour Organization (ILO), represented by the International Labour Office (referred collectively as the Parties), wish to collaborate in order to promote and advance decent work in Samoa;

Recalling article 40 of the ILO Constitution, according to which the ILO shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes and the Agreement between the United Nations, the International Labour Organization et al. and the Government of Western Samoa concerning technical assistance signed on 20 January 1962;

Now therefore, the Parties hereby agree as follows:

1. The Parties affirm their commitment to collaborate in the implementation of the Decent Work Country Programme (DWCP).

The following are agreed as priorities of the DWCP;

- Completion and implementation of national labour law reform
  - Young women and men have greater access to information and employment services to support their transitions from school to work
  - Tripartite capacity is strengthened
2. The ILO agrees to assist in the mobilization of resources and to provide technical cooperation in the implementation of the DWCP, subject to its rules, regulations, directives and procedures, the availability of funds and conditions to be agreed upon in writing.
  3. In relation to DWCP's and to any related activities of the ILO in the country, the Government will apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies (1947) and its Annex I relating to the ILO.
  4. This Memorandum of Understanding (MoU) may be modified by agreement between the Parties.

Nothing in or relating to this MoU shall be construed as constituting a waiver of the privileges and immunities enjoyed by the ILO.

The DWCP document is attached to this MoU. In the event that the terms contained in the DWCP document are incompatible with the terms of this MoU, including the provisions referenced in article 3, then the latter shall govern and prevail.

The original of the MoU has been written and signed in English. If this MoU is translated into another language, the English version shall govern and prevail.

The MoU, superseding all communications on this matter between the Parties, shall enter into force with effect from its signature by the authorized representatives of the Parties.

For and on behalf of the  
Government of Samoa

For and on behalf of the  
International Labour Organization

  
.....  
Hon. Tuilaepa Lupesoliai Fatialofa Sailele Malielegaoi  
Prime Minister & Acting Minister of Commerce,  
Industry and Labour  
28th November 2013

  
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Mr. Yoshiteru URAMOTO  
Regional Director, Asia and the Pacific  
28th November 2013

For and on behalf of the  
Samoa Chamber of Commerce & Industry

For and on behalf of the  
Samoa Public Service Association

  
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Ms. Peseta Margaret Malua  
Vice President, Samoa Chamber of Commerce & Industry  
28th November 2013

  
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Mr. Gaugau Mateo Ah Tong  
President, Samoa Public Service Association  
28th November 2013

## Acronyms

DWCP.....	Decent Work Country Programme
ESA.....	Employment Service Agencies
GDP.....	Gross Domestic Product
ILO .....	International Labour Organisation
ITC-ILO .....	International Training Centre of the ILO
KAB .....	Know About Business
MCIL.....	Ministry of Commerce Industry and Labour
MLC.....	Maritime Labour Convention
NCD.....	Non-Communicable Diseases
OSH.....	Occupational Safety & Health
PSA.....	Public Service Association
SCCI.....	Samoa Chamber of Commerce and Industry
SBS .....	Samoa Bureau of Statistics
SDS.....	Strategy for the Development of Samoa
SNPF .....	Samoa National Provident Fund
SNTF.....	Samoa National Tripartite Forum
STUC .....	Samoa Trade Union Congress
SWP .....	Seasonal Work Programme
TVET.....	Technical and Vocational Education and Training
TCSM .....	Trade Commerce Sector Management
UNDAF.....	United Nations Development Assistance Framework

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# 1. COUNTRY CONTEXT

## 1.1 Economic and social context

1. The Independent State of Samoa is a small remote island nation located in the South West Pacific with a population of about 187, 000. It consists of two main islands, Savai'i and Upolu, and Manono and Apolima islands and uninhabited islets, with a land area of 2934 square kilometers and an exclusive economic zone of 98, 500 square kilometers, the smallest in the Pacific. Approximately 22% of the predominantly Polynesian population lives in Apia while 53% live in small coastal villages<sup>1</sup>.
2. The Samoan economy is based largely on fisheries, agriculture, small-scale manufacturing and tourism. The Agriculture Sector (including Fisheries) remains an important driver of economic growth and is key to ensuring food security, income generation and enhances export capacity.
3. Samoa relies heavily on development assistance as well as on private remittances from overseas; however sound economic management and high governance standards have led to strong economic growth in past decades. The performance of the tourism industry has been particularly good but the Samoan economy remains vulnerable due to remoteness, income volatility, limited economic diversification, susceptibility to natural disasters, environmental damage and limited institutional capacity. In recent years, the Samoan economy and labour market has suffered from the global economic crisis of 2008, the tsunami of 2009 and Cyclone Evan in late 2012.
4. Samoa has a small, open economy driven by agriculture, fisheries, tourism, remittances and, increasingly, the service sector. Subsistence agriculture and fishing are integral to Samoan livelihoods; more than two-thirds of households are engaged in these activities, accounting for 12 per cent of GDP for 2007.<sup>2</sup>
5. Samoa is well governed by Pacific standards, with a government that has been able to create a stable political environment during its 51 years of independence. The government is committed to strengthening economic management and public sector reform and the high quality of governance has contributed to economic growth.
6. Gender issues, such as the promotion and protection of women's rights, gender equity and women and discrimination are of high importance in Samoa, being a matrilineal society. The level of women's participation in the paid labour force is relatively high, and their access to education and achievement in the formal educational system is virtually equal to men. Women occupy a number of senior positions in the public sector. The church plays a key role in influencing public opinion and in education through the provision of schools at all levels.
7. The United Nations Development Programme (UNDP) Human Development Index (HDI) ranks Samoa 96<sup>th</sup> out of its 182 countries<sup>3</sup>. Based on the HDI, Samoa has one of the higher levels of social development in the Pacific, showing higher overall educational and health standards than other Pacific islands. The country is broadly on track to meet the Millennium Development Goals (MDG) on health and education.

## 1.2 National development plans

8. The Samoan Government's overall strategic priorities are contained in the Strategy for the Development of Samoa (SDS) 2012 – 2016. The SDS 2012-16 is divided into four priority areas;

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<sup>1</sup> ADB(2007a):Samoa:2007FactSheet,ADB,Manila

<sup>2</sup> UN Statistics Division figure, cited in 'Aid for Trade At a Glance' (2009)

<sup>3</sup> <http://hdrstats.undp.org/en/countries/profiles/WSM.html>

Economic sector, social policies, infrastructure sector and the environment<sup>4</sup>. The number of goals/key outcomes has been increased to fourteen. The previous goal 'private sector led economic growth and employment creation' is broken down to three 'sector' goals on agriculture, exports and tourism in the new SDS, which also has macro-economic stability and enabling environment for business development as economic sector goals. Despite the challenging development of domestic employment during the previous strategy period, the SDS 2012-16 does not have any explicit employment as a key outcome. However, employment is mainstreamed in the SDS 2012-2016 with "increased level of subsistence agriculture moving towards semi commercial status" as an indicator to measure progress under Key Outcome 2 of re-invigorating agriculture; "increase in the number of new employment in export oriented industries" as an indicator to measure progress under Key Outcome 5 of enabling environment for business development; "increased employability of graduates from Post-Secondary Education Training (PSET) providers" as an indicator to measure progress under Key Outcome 7 of improved focus on access to education, training and learning outcomes; and "Increase number of women and youth engaged in community based program/business" as an indicator to measure progress under Key Outcome 8 of social cohesion. Other areas of Decent Work, such as social protection, working conditions and rights and work are not addressed in the SDS 2012-16, neither are issues of gender equality and equal access to employment and treatment at work. While these areas are not addressed specifically in the SDS, it is strongly reflected in individual Sector Plans, such as the Community Sector Plan, Trade Commerce and Manufacturing Sector Plan. Samoa has also adopted several regional and international development frameworks like the eight MDGs, the Pacific Plan, the Trade Commerce Sector Plan and the United Nations Development Assistance Framework (UNDAF) to address some of its economic and social challenges.

### 1.3 Key decent work challenges

#### 1.3.1 Labour force and employment creation

9. Samoa faces a critical challenge in supporting sustained economic and employment growth and poverty reduction in the aftermath of the 2008 global economic crisis, the 2009 tsunami and the 2012 cyclone. In fiscal year (FY) 2011/12, the economy grew by 1.2 per cent, and growth is estimated to have slowed to 0.9 per cent in FY 2012/13, reflecting the impact of Cyclone Evan on the economy. In FY 2013/14, economic growth is projected to recover to 3.1 per cent.<sup>5,6</sup> The growth of decent and productive employment opportunities plays a key role in further strengthening and sustaining this recovery and in reducing poverty in Samoa.
10. Samoa's labour market is characterized by the formal segment and the non-formal segment. The formal segment is estimated to account for around 40 per cent of the labour force in Samoa and the non-formal segment for around 60 per cent of the labour force.<sup>7</sup> An improvement in the employment situation in Samoa thus requires appropriate policies addressed at both segments.
11. Supporting the growth of employment in the formal segment is a key priority pro-poor economic and employment growth in Samoa as it provides opportunities for workers in the non-formal segment (including the poor) to move into better jobs in the formal segment. It also offers opportunities to the young women and men who enter the labour market each year in search of wage employment in the formal segment. Since 2005 however, job growth in the formal segment in Samoa has become weak. Between 2000 and 2007, the number of jobs in the

<sup>4</sup> SDS 2012 – 16 (2012)

<sup>5</sup> IMF, World Economic Outlook Database, April 2013.

<sup>6</sup> Central Bank of Samoa: Monetary Policy Statement for the Financial Year 2011/2012.

<sup>7</sup> ILO estimates. The formal segment is defined here as the sum of wage employment in the public sector and in private enterprises that have registered with the Ministry of Commerce, Industry and Agriculture. The non-formal segment represents the residual in the labour force.



private sector increased from 12,168 to 16,921 but fell to 12,711 in 2010.<sup>8</sup> Analysis of census results tells a similar story, with wage employment declining from 28,179 in 2006 to 23,365 in 2011.

12. The decline in jobs in the formal segment has coincided with a decline of value added in manufacturing. Between 2000 and 2005, manufacturing GDP grew by 35 per cent but decreased -36.7 per cent between 2005 and 2010.<sup>9</sup> Such developments is likely to have been influenced in part by the expiration of the Multi Fiber Agreement, which expired at the beginning of 2005 and under which Chinese investors produced garments for export – garments were one of Samoa’s leading exports in the first half of the 2000s. Furthermore, with high levels of remittances and tourism earnings, it has coincided with an appreciation of the Tala in real terms by over 40 percent between 2000 and 2012, likely dampening investment, and hence employment growth, in the tradable sector.<sup>10</sup>
13. Agro-processing has widely been identified as an industry with potential in Samoa. Labour-intensive manufacturing provides another opportunity. With manufacturing being the only sector in Samoa with a higher share of women in employment than men, this can also serve to enhance income-earning opportunities for women.
14. Within policies aimed at supporting employment growth in the formal segment, a focus on the dynamic sectors of the economy in addition to manufacturing is also warranted. Tourism has been widely recognized as a sector that can contribute to economic development, employment growth and poverty reduction. Private sector employment in the “accommodation, cafes and restaurants” nearly tripled between 2000 and 2007. Other services, particularly “Finance, Insurance, Real Estate and Business Services” have also seen rapid growth, with employment in the sector more than tripling between 2000 and 2007. With the advance of information technology, which mitigates the constraint of geographical distance, sectors such as business process outsourcing (such as call centers and data entry and processing) could also be explored.
15. Such industrial and sectorial policies that mainstream both quantitative and qualitative employment objectives can serve to spur employment growth in the formal segment, which offers expanding opportunities for workers in the non-formal segment to move into better jobs in the formal segment, and which in turn can serve to extend the coverage of social security. It also serves to diversify exports, which in Samoa is currently largely restricted to primary commodities (fresh fish, noni juice and coconut oil account for nearly three-fourths of exports), lessening the volatility of growth.
16. Expanding employment opportunities in the formal segment is a priority consideration in Samoa but critically this must be coupled with appropriate policies addressed at the non-formal segment, where the majority of Samoan workers earn their living. In the non-formal segment, the vast majority of workers are subsistence oriented (agriculture and fishing). According to the 2011 Census, 35 per cent of the employed were in subsistence activities, a share that has increased from 29.0 per cent in 2006. The majority of the poor are found in the non-formal segment. Raising agricultural productivity with a view to increasing market production while maintaining levels of subsistence production required to feed families can thus play an important role in raising incomes and addressing income poverty.
17. Samoa is currently undertaking a number of initiatives in this regard, including land reforms, investment in infrastructure and in public services that support increased production such as agricultural extension, technical information and assistance, and access to credit. The challenge

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<sup>8</sup> Samoa Ministry of Commerce, Industry and Labour: Labour Market Survey of Private Sector Employers in Samoa, various years.

<sup>9</sup> ILO calculations based on ADB: Key Indicators for Asia and the Pacific 2011: Samoa.

<sup>10</sup> ILO calculations based on Central Bank of Samoa data.

becomes consolidating and scaling up these initiatives. Concurrently, it will be critical to consolidate initiatives to empowering workers in the non-formal segment by extending access to health, education and training services and to strengthen institutions that support small holders and producer organizations (including cooperatives) to foster economies of scale.

18. Importantly, policy initiatives to support off-farm employment opportunities are also required. Such opportunities can serve to supplement incomes from on-farm activities but also attract workers away from (or absorb workers) from agriculture, which in turn would allow incomes/wages for agricultural work to rise.
19. In this regard, agro-processing and tourism provide opportunities for both off-farm employment and in reducing the labour force in the non-formal segment. However, some poor households, due to inadequate opportunities for training and education, may lack the capacities to take up employment opportunities in the off-farm activities or in the urban formal segment, and thus government programmes to directly provide employment as a social protection mechanism, in the form of public works or employment guarantee schemes, can also serve to diversify household income sources.<sup>11</sup> In the design of any such programmes, careful gender considerations will be required.
20. The above discussion has highlighted the importance of raising labour productivity and recognition of workers in the non-formal segment while at the same time supporting adequate employment growth in the formal segment. Facilitating this structural transformation will need to be underpinned by significant investments in education, vocational training, skills development and legal protection of workers in the non-formal segment that meet the requirements of the labour market, the proper accreditation and recognition of skills, including village-based skills and upgrading of business environment for small businesses

### 1.3.2 Labour legislation and institutional frameworks

21. The Labour and Employment Relations Act 2013, No. 7 is the principal law governing the terms and conditions of employment. The new legislation introduces significant changes that will affect both employers and workers. There are new provisions on fundamental employment rights including: equal pay for equal work; no forced labour; prohibition of discrimination in employment on the grounds of ethnicity, race, gender, religion, sexual orientation, marital status etc.; right to bargain collectively; freedom of association, employment permits for non-citizens and conciliation and arbitration processes to settle disputes as well as for maternity and paternity leave entitlements.
22. It also establishes the National Tripartite Forum that consists of Government, employers and workers representatives. The Forum has an advisory, consultative and investigative role in employment and labour matters. Other employment related legislation includes, the Apprenticeship Act 1972, No. 13, now under review for a new Apprentice Bill 2013; the Remuneration Tribunal Act 2003, No. 17; the Occupational Safety and Health Act 2002; the Public Service Act 2004, No. 14 and the Public Holidays Act 2008 and relevant amendments in 2011 and 2013.
23. While focus in recent years has been on strengthening the legal framework for labour and employment, the challenges ahead will include further preparation of subsidiary legislation, information and promotion as well as enforcement of the Laws and Regulations. Regulations to implement the Labour and Employment Relations Act and the Occupational Safety and Health Act are expected to be finalized in 2013 or early 2014.
24. MCIL, which is the competent authority as well as the enforcement authority for the labour and employment related legislation, has availed themselves of different capacity building

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<sup>11</sup> ILO: The Challenge of Employment Creation in G20 Countries: Policy Options (2011).



opportunities in recent years, but recognizes the need for further strengthening of the inspectorate system for the effective function. The advantage of engaging the social partners in labour legislation application is also recognized and will be further pursued in the next DWCP-phase through the established fora.

25. Ratifications of ILO Conventions on the Maritime Labour, OSH and Labour Inspections are under consideration and the application of the new legislation will be an important element to implement the principles of the Conventions.

### 1.3.3 Social protection

26. Social security provides two crucial roles: provide an adequate degree of security for those who work and provide an adequate degree of security for those who cannot or no longer work. In Samoa, formal sector workers are protected against some loss of income due to age, death and disability through the provisions of the Samoa National Provident Fund (SNPF), Senior Citizens Benefits Fund and Workers Compensation and Accident Insurance (ILO, 2006).
27. On the other hand, workers in the informal economy (estimated at around 60 per cent of the labour force) are largely protected under the Village Fono Act 1980. While extended families have played a central role in providing social protection, rapid social and economic changes are breaking down the way of living and community values.
28. An important challenge looms for the government of Samoa to extend social security to informal economy, particularly women who live in rural areas or to self-employed workers, many of them also women in the urban informal sector. Government will also have to consider the Domestic Workers Convention and recommendations to protect the domestic work industry employees, as well as protect the rights of the child and eliminate child labour – C182.
29. There is increasing recognition globally and particularly in Pacific Island Countries (including Samoa) that Non-Communicable Diseases (NCDs) are an important development issue undermining health gains and imposing financial and economic costs on Governments and households. In PICs, NCDs are already the leading cause of death frequently accounting for 70% of all deaths. NCDs reduce worker productivity and can diminish household savings. NCDs could dilute one of the strategic benefits open to Samoa, its potential “demographic dividend” of a large working age population.<sup>12</sup>

### 1.3.4 Tripartite capacity and social dialogue

30. The social partners in Samoa are the Samoa Chamber of Commerce and Industry (SCCI) and the Public Service Association (PSA). Labour issues are the responsibility of the Ministry of Commerce, Industry and Labour. At present, there is no umbrella body to unite workers representatives and in September 2013, the ILO was requested by the de unions, during a worker’s workshop, to re-activate the Samoa Trade Union Congress (STUC). A Committee was set up to look at a constitution to be adopted by STUC. The new Labour and Employment Relations (LER) Act 2013 promotes the formation of employees’ and employers’ associations within each workplace and thus will be registered under the LER Regulations 2013.
31. In Samoa, the recently passed Labour and Employment Relations Act, 2013 provides for the establishment of the Samoan National Tripartite Forum (SNTF) consisting of twelve (12) members who hold office for three (3) years and are eligible for reappointment:
  - Chief Executive Officer, Labour and Employment Relations (Chairperson)
  - Secretary of the Public Service Commission;
  - Chief Executive Officer, Samoa National Provident Fund;

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<sup>12</sup> The Economic Cost of Non-Communicable disease in the Pacific Islands, The World Bank, 2012

- Chief Executive Officer, Accident Compensation Corporation
- Four (4) representatives from the employers' organisation to be appointed by the Head of State upon the advice of Cabinet;
- Four (4) representatives from the employees' organisation to be appointed by the Head of State upon the advice of Cabinet.

32. The Forum has the following duties and functions:

- Consult on labour and employment policies relating to employees' employment security and working conditions;
- Consult on industrial, economic and social policies having impact on employees' employment security and working conditions;
- Consult on the principles and directions of structural adjustments in the public and private sector;
- Consult on the ways the resolutions made at the Forum is to be implemented;
- Consult on the reform of institutions, consciousness and practices for better labour and employment relations;
- Consult on the ways to support the programs designed to increase tripartite cooperation, thereby promoting industrial peace and contributing to a balanced growth of the national economy.

#### 1.4 The ILO in Samoa

33. Samoa became a member of the ILO in 2005 and ratified ILO's eight Fundamental Conventions in 2008. The Samoan Government is obliged to supply reports on the application of ratified conventions. Samoa has reported twice on ratified conventions.

34. In recent years, the ILO has undertaken a range of activities in Samoa:

- Desk review on youth employment;
- Pacific Trade Union Training on Decent Work for Youth and Labour Migration in Samoa;
- Conduct of baseline social security studies
- Review of Samoa's labour legislation and technical assistance to the drafting of new or revised legislation;
- Funding of 2013 Labour Force Survey / School-to-Work Transition Survey including technical assistance. ;
- Support to the government and social partners to put in place workplace policies to address HIV/AIDs.
- Ongoing capacity building, including workshops for employers, workers representatives and training for MCIL staff.

35. The ILO is awaiting the ratification of the 1947 Convention on the Privileges and Immunities for Specialized Agencies and Annex 1, as it will give ILO more scope to expand the overall programme in Samoa. It had been cleared by the Attorney General's Office and a submission was made to Cabinet.

## 2. COUNTRY PROGRAMME PRIORITIES

36. Based on tripartite consultations including a review of the previous DWCP, it has been agreed that the following Country Programme priorities be established.

- Priority 1: Completion of the labour law reform and implementation of labour laws
  - Priority 2: Young women and men have greater access to information and employment services to support their transitions from school to work
  - Priority 3: Tripartite capacity is strengthened
37. The identification of these priorities and the Outcomes and strategies describe below are consistent with and integrated into the United Nations Development Assistance Framework (UNDAF) for the Pacific Sub-Region. Broadly, the UNDAF (2013-2017) focuses its programming and advocacy efforts on five inter-related outcomes areas, namely:
- Environmental management, climate and disaster risk management,
  - Gender equality,
  - Poverty reduction and inclusive economic growth,
  - Basic services (health and education).
  - Governance and human rights

### 3. Outcomes and strategies

#### 3.1 Priority 1: Completion of the labour law reform and implementation of labour laws

38. Since 2010, the ILO has been supporting Samoa to develop its Labour & Employment Relations Act 2013, and which will introduce significant changes to Samoa's employment laws for both employers and employees. The Act, which is expected to commence operation in early 2014, includes new maternity and paternity leave entitlements. It also provides greater clarity about key employment issues such as termination notice periods and pay-out entitlements and provisions targeting the elimination of child labour. It is clear that the new legislation covers all employees and employers and addresses the issue of non-discrimination in the workplace. The definition of employees in the LERA covered all employees including managerial personnel.
39. Following the enactment of the Labour and Employment Relations Bill, this key priority includes support to MCIL to develop appropriate regulations for the implementation of the Labour and Employment Relations Act. Moreover, the OSH Regulations will be developed in support of the implementation of the OSH Act. Terms of Reference for this work will be prepared in consultation with MCIL and made available to the Samoa National Tripartite Forum (SNTF) for their inputs.
40. Supporting MCIL to develop its internal capacity to implement its new statutory responsibilities including particular attention to labour inspection and enforcement is required. The training of labour officers to implement effectively their inspection functions and accurately record inspection data to inform the Department's on-going inspection work will be a priority area of work. As part of the overall Decent Work Country Programme, Government and social partners will be supported to roll out awareness workshops for their members to ensure the effective implementation of the labour legislation and regulations. Refer to Outcome 3.4.
41. As deemed appropriate, the activities to strengthen the inspection and enforcement function will be complemented by other initiatives to strengthen the national OSH system and management. To measure the effective functioning of the labour inspection system, support will be provided to establish and monitor indicators such as, (a) number of labour inspection conducted per year; (b) number of enterprises inspected per months; (c) percentage of enterprises complied to law
42. Subject to ratification, initiatives to strengthen the capacity to apply the principles of the Maritime Labour Convention will also be considered.

43. The ILO with its constituents will develop a project proposal (possibly as part of a Pacific – centered proposal) that can be used for national and donor resource mobilization covering the implementing practice change to give effect to revised statutory frameworks, particularly in the areas of labour inspection and OSH inspection.
44. Work under this priority is integrated into the UNDAF outcome areas of (a) Governance and human rights and (b) Gender equity. The DWCP Country Programme Outcomes and the ILO support for the attainment of these Outcomes is summarized in Table 1, below.

**Table 1 Priority 1 – Outcomes and ILO support**

Country Programme Outcomes	ILO support	Targets	
Outcome 1.1: The Labour and Employment Relations Act, the Occupational Safety and Health legislation and other labour laws are being implemented, in conformity with International Labour Standards	Completion and formal submission to the government and SNTF of draft regulations for the Labour and Employment Relations Act	The draft regulations for labour and employment relations Act approved by government	By end of 2013
	Completion and formal submission to the government and SNTF of draft regulations for the Occupational Safety and Health Act	The draft OSH regulations approved by government	By end of 2013
	Support to the ratification of the Maritime Labour Convention (MLC) 2006	Submission of the legal instrument of Ratification of the MLC by government	By end 2013
Outcome 1.2: A functioning labour inspection system is in place to effectively promote and enforce national labour legislation	Study to assess the challenges to a more widely application of labour laws, extending their effective application to the currently non-formal segment of the labour market	Study completed with recommendations submitted to Government (and potentially STNF)	By mid-to late 2014
	Training programme for labour officers with statutory responsibility for the enforcement and promotion of the legislation is designed and launched, possibly as a Pacific initiative.	Number of labour inspection conducted by trained officials and new measures being put in place by trained officials in regard to labour inspection.	To be determined
	Public information is developed by MCIL and social partners and disseminated on new/changes to employment legislation, including specific strategies focusing on the elimination of sexual harassment and discrimination, OSH and maritime labour or addressing specific sectors e.g. ports, waste management etc.	Number of enterprises and workers receiving information of labour legislative changes	

Country Programme Outcomes	ILO support	Targets	
	Selected elements on data collection and analysis on OSH strengthened (based on further needs assessment)	Needs assessment submitted to Government	End of 2014
		As applicable, further capacity building	
	Support to ratify ILO Convention 81 on Labour Inspection and at least one of the key OSH Conventions (C155 and/or C187)	Submission of the Instrument of Ratification for ILO Convention 81	By end of 2014
		Submission of the Instrument of Ratification Convention, and/or The Promotional Framework for Occupational Safety and Health Convention, 187	By end of 2014

### 3.2 Priority 2: Young women and men have greater access to information and employment services to support their transitions from school to work

45. Support to the development of a national employment policy has been identified as national priority. Following the validation workshop of the Samoa employment situation analysis in October 2013, the ILO will provide technical support in formulating a coherent and integrated employment policy that seeks to coordinate macroeconomic, industrial, migration, employment services and education and skills and other relevant policies. Significant outputs under this aspect of the work include:
- Establishment of an inclusive national employment policy working committee and framework with agreed terms of reference and comprising representatives of key government agencies, social partners and civil society
  - A Situational Analysis of Employment Policies in Samoa.
46. The persistent challenges of addressing gaps in critical labour market information to inform evidence-based policy development is essential to the long-term success of an employment policy framework. A key part of this policy will need to be the development of a future focused approach to collection, analysis and dissemination of labour market information. Overall responsibility for such information rests with the Samoa Bureau of Statistics (SBS). However, the MCIL can play a key role in supporting the SBS as well by developing a framework for the collection, analysis and dissemination of secondary labour market data falling within the purview of the Ministry. The MCIL will place emphasis on its role in collecting secondary labour market data, particularly in the area of labour inspection as well as data from the Public Service Commission (PSC), National Provident Fund (NPF) and Accident Compensation Corporation (ACC) and Employment Service Agencies. Within a package of training for inspectorate services, particular attention will be given to developing robust data collection mechanisms that include the collection of gender-disaggregated data. The intention is to develop a systematic information management system to build knowledge of the nature of employment disputes, problems and issues that arise in workplaces, monitor developments and reporting regularly to constituents on trends and issues. Indicators of success will include for example (a) availability of reliable and up to date labour market data and (b) frequency publishing labour market information.

47. It is anticipated that a key feature of the employment policy will be either the significant improvement in the existing service to job seekers or the establishment of a new Employment Service (either public or private) to address a critical gap in the delivery of effective services for matching workers and employment and training opportunities. The ILO will support the review of existing services and as appropriate, the development of justified and budgeted plan to establish a national employment service.
48. Finally, the Samoan government has also requested support to enhance pre-departure and reintegration services for its seasonal workers. Accordingly, the ILO will work to enhance measures for the protection and support of migrant workers and their families, and the development outcomes from seasonal labour migration. These are areas where the ILO can add the most value to existing and planned work being undertaken by other key stakeholders. Indicators of success will include for example (a) percentage of seasonal migrants who receive pre-departure guidance, (b) percentage of the registered seasonal migrant workers (women and men) who have been recruited to decent jobs, and (c) Number of registered return migrant workers who have start their own business.
49. The ILO with its constituents will develop project documents that can be used for national and donor resource mobilization. These efforts will focus on the following specific areas:
- A technical cooperation project to establish and implement a new national employment service
  - A technical project to ensure that (a) law, policy and administrative practice is enhanced to provide effective protections for migrant workers and their families and (b) to improve the economic potential of temporary labour migrants' their families and communities.
50. Work under this priority is integrated into the UNDAF outcome areas of (a) Poverty reduction and inclusive economic growth and (b) Gender equity. The DWCP Country Programme Outcomes and the ILO support for the attainment of these Outcomes is summarized in Table 2, below.

**Table 2 Priority 2 – Outcomes and ILO support**

Country Programme Outcomes	ILO support		Targets
Outcome 2.1 National employment policies and a coordinating mechanism is in place	Validated Samoa employment situation analysis	Workshop to validate draft employment situation analysis and number of government agencies and social partners participating in the validation workshop	By end of 2013
	Cabinet submission (including TOR) for the establishment of a multi-stakeholder national Employment Policy Working Committee	Establishment of a national Employment Policy Working Committee with agreed TOR and comprising representatives of key government agencies, social partners and civil society	



	<p>Training programme for Working Committee on the formulation, implementation and monitoring of employment policies.</p> <p>Tripartite sub-regional workshop on wage setting policy and practices.</p>	Senior staff of government agencies and social partners participating in employment policy training programme	By mid-2014
	National employment policy that includes a focus on formal and informal employment contains specific strategies to tackle youth unemployment, the needs of women and the effective delivery of services to support workers participating in seasonal work schemes in Australia and New Zealand.	Official adoption of national employment policy	By the end of 2014
<p><u>Note:</u> Future ILO support provided based on progress and above-mentioned work plan.</p>			
Outcome 2.2: Employment Service Agencies (ESA) (public and/or private) providing employment advice and support to young job seekers	Review of existing service provision (public and private) for job seekers.	ILO study of existing service provision to young job seekers	By end 2013
		Tripartite study tour to Fiji review employment service centers	By mid-2014
		Validation workshop and stakeholder recommendations for improvement of existing framework using either public and/or private providers	Before end of 2014
	Consideration of a new national Employment Service	A justified and budgeted plan to establish a national employment service	By mid-2015
<p><u>Note:</u> Future ILO support provided based on decision to establish an employment service but could include, a training programme for staff and development of public information, etc.</p>			
Outcome 2.3: System for regularly collecting, analysing and publishing labour market data (including the formal and informal) is implemented.	Training provided to staff of Samoa Bureau of Statistics and the Ministry of Commerce, Industry and Labour, SNPF, ACC, ESA, Employers' organizations, Employees' organizations on international practices in developing and managing labour market information system	30 trained personnel on LMI systems and reporting mechanisms	By 3 <sup>rd</sup> quarter 2014.
	<p>Review of existing labour market information system</p> <p>National workshop to validate and consider review and upgrading of the existing labour market information</p>	<p>Completion of the review</p> <p>30 policy makers and stakeholders participating in a national tripartite workshop to disseminate review report and validate policy options</p>	By mid-2014

	system	Development of a justified, realistic and budgeted plan to upgrade the existing labour market information system.	End of 2015
	<b>Note:</b> Future ILO support provided based on decision to upgrade the existing labour market information system.		
Outcome 2.4: Returning temporary labour migrants', and their families and communities, have access to information and services to Improve their economic potential	Development of information packages are designed in areas of financial education, goal setting and small business opportunities and management are disseminated to seasonal workers and their families	All temporary labour migrants and their families receiving pre and post assignment information packages and advice	After 2014
	Review of existing (a) saving products and services (b) enterprise development services and (c) job placement service available to out-going and returning temporary migrant workers	Completion of the review and validation workshop	Before end of 2014
	Development of self-guided business start-up guides developed and provided to temporary labour migrants and their families	All temporary labour migrants and their families receive the business start-up guides  Percentage of workers/families starting micro-enterprises	All workers/families after 2014

### 3.3 Priority 3: Tripartite Capacity is strengthened

51. A significant focus of this DWCP is supporting the social partners to represent their members and associates and to operate in the new environment established by Labour and Employment Relations Act and to Occupational Safety and Health legislation. The various trade unions in Samoa have indicated their interest to re-establish the Samoa Trade Union Congress as the peak representative body of workers' organizations in Samoa.
52. The ILO with its constituents, will develop project documents that can be used for national and donor resource mobilization efforts in the following areas:
  - A technical cooperation project with the support of ITC-ILO International Training Centre to establish a programme to deliver foundation skills training to social partners.
  - A technical cooperation project to build awareness of and to develop implementation strategies and capacities to give effect to new responsibilities under revised labour and OSH legislation and the involvement of social partners in this effort.
  - A technical cooperation project focusing on workplace policies and strategies to tackle the negative spill-over of social problems in workplaces – including disability discrimination, gender discrimination and sexual harassment, Sexually Transmitted Infections (including HIV/AIDs) as well as Non-Communicable Diseases (NCDs).
53. Work under this priority is integrated into the UNDAF outcome areas of (a) Governance and human rights and (b) Gender equity. The DWCP Country Programme Outcomes and the ILO support for the attainment of these Outcomes is summarized in Table 3, below.

**Table 3. Priority 3 – Outcomes and ILO support**

Country Programme Outcomes	ILO support	Targets	
Outcome 3.1 Social partners capacities to provide meaningful service and to recruit new members is increased	Foundation skills training provided to social staff to support their operational capacities to deliver effective services to their memberships and contribute as social partners to policy dialogue, design and being progressively delivered	At least 5 senior members/staff from each of the social partners receive training.	Programme designed by mid-2014 and being progressively implemented
Outcome 3.2 Workers' organizations more unified through the establishment of a peak representative organization or process	Support to the preparation of strategic plan for the re-establishment of the Samoa Trade Union Congress which is developed and considered for endorsement/action by a national workshop of trade union affiliates in Samoa	Twenty 20 trade union officials or representatives trained and supported to re-establish the Samoa Trade Union Congress  Date of finalization of the report	Plan to be developed by mid-2014
Outcome 3.3 Employer organizations are better able to advocate on the business and employment needs of their members	Support to the development of a SCCI strategic plan and its implementation	Survey of business enabling environment conducted, including members perceptions and service needs  National validation workshop SCCI Strategic plan updated and reviewed	By mid-2014  End of 2014
Outcome 3.4 Social partners are informing and supporting their member/affiliates of their rights and responsibilities under the new legislation	Employers and Workers organizations have a package of public information that is being disseminated to their members as new labour legislation is enacted; including a specific strategy focusing on the elimination of sexual harassment and discrimination. To the extent possible common materials can be developed.	At least 75% of their members or affiliates regularly receive information of labour-related legislative and regulatory changes	By end of 2014
Outcome 3.5 The Samoa National Tripartite Forum (SNTF) is meeting regular and functioning according to its regulations	Training is provided to SNTF members and supporting staff on the effective functioning of tripartite labour advisory bodies and good practices.	All SNTF members and support staff trained by  Instrument of ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) is submitted to the ILO.	By end of 2014  By end of 2014

## 4. Implementation and management

54. The Country Programme Outcomes (results) are expected to be delivered by the government and social partners with technical and other support from the ILO on the basis and extent to which resources are available and can be mobilised. Within its strategic role and functions the Samoa National Tripartite Forum (SNTF), will maintain an oversight role in relation to progress towards achieving the priorities and targets set out in this DWCP.

55. The implementation of this programme will be facilitated by the ILO Office of Pacific Island Countries in Fiji, regional technical specialists based in the ILO Regional Office for Asia and its Decent Work Team, the International Training Centre of the ILO in Turin as well as technical units in ILO headquarters in Geneva.
56. Within two-months of finalizing this document, an implementation plan, with complementary monitoring and reporting plans will be developed by the ILO in collaboration with the Samoa National Tripartite Forum (SNTF). These plans will be reviewed every six-months and adjustments made as necessary and appropriate.

## About the ILO

The International Labour Organization (ILO) is the United Nations agency devoted to promoting rights at work, encouraging decent employment opportunities for women and men in conditions of freedom, equity, security and human dignity, and enhancing social protection. It is unique in that it brings together representatives of governments, employers and workers to jointly shape policies and programmes and strengthen their dialogue.

The ILO develops international labour standards and works with members States to ensure they are respected in practice as well as principle.

The ILO Office for Pacific Island Countries based in Fiji, provides technical assistance to nine member States (Fiji, Kiribati, Republic of Marshall Islands, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu and Vanuatu), as well as to non-member States in the region as required, on a wide range of areas including: labour migration; the elimination of child labour; promotion of gender equality; labour law reform; protecting seafarers; labour market statistics; occupational safety and health; HIV/AIDS in the workplace; youth employment; and entrepreneurship development.

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