

FTUC SPECIAL DELEGATES CONFERENCE

16th February 2019

The Special Delegates Conference of the FTUC held on 16th of February 2019 resolves as follows:

Resolution No. 01: Tripartism

NOTING WITH SERIOUS CONCERN: The continued practice of government to dismantle platforms of social dialogue and tripartism particularly in the Wages Council, Fiji National Provident Fund, National Training and Productivity Council, Fiji National University, and the diminishing roles in National Occupational and Health Safety Board, National Employment Centre and Employment Relations Advisory Board.

REAFFIRMS: The fact that the Tripartite Forum represents the most effective and consultative mechanism within the spirit of ILO Convention 98 and ILO Convention 144 for consultations and negotiations on all employment related matters.

REITERATES: That FTUC maintains its firm position on boycotting participation in any tripartite forums until its role as an important stakeholder is recognized for sincere engagement.

CALLS UPON: Government to respect ILO Convention on Tripartite Consultation (No. 144) and engage in meaningful and genuine social dialogue to resolve all outstanding matters and employment related matters.

Resolution No.02: National Minimum Wage and Wages Councils

CONDEMNING:

The Government's blatant disregard to engage in a fair and consultative process in reviewing the National Minimum Wage.

MINDFUL:

Of the fact that the abolition of Wages Councils has drastically increased poverty, destitution and misery in Fiji.

NOTING WITH SERIOUS CONCERN:

That the proposal to reinstate Wages Councils as the tripartite structure which provided non-unionized workers with the barest protection against absolute exploitation has been entirely abandoned by the government.

CONCERNED :

That this government has disregarded the involvement and consultation of workers' organization as an equal tripartite partner in its wage setting review process.

WARNS:

The government that the abolition of minimum wage protection has contravened ILO Convention 26 which has been ratified by Fiji.

FURTHER WARNS:

The government that stable labour market is the key to sustained economic progress and development and that the removal of such structures and due process has contributed significantly to creating greater instability in the labour market and our economy.

APPEALS:

To the government to reconsider its action in removing the basic protection afforded to Fiji's most vulnerable workers through the Wages Councils in the interests of the welfare of Fiji's working people, its industrial peace and economic progress in Fiji.

DEMANDS:

That the Government immediately restore the Wages Councils and engage with the Fiji Trades Congress Union to fix a National Minimum Wage.

Resolution No.03: Joint Implementation Report & Labour Law Reforms

EXPRESSES CONCERN:

At the obnoxious manner in which the government has been dealing with the review of "Labour Reforms" which violated the freedom of trade unions and the rights of workers in the country.

NOTES:

That the government has time and again given assurances to amend the contentious issues of the labour laws and later carry out a comprehensive review of the industrial relations laws to comply with the ILO Conventions and the Universal Declaration of Human Rights and based on fair labour practices but has so far it has failed to take any positive action to review such labour laws.

FURTHER REMINDS:

The government that the FTUC through the Employment Relations Advisory Board and in concurrence with the Ministry of Labour agreed through the Joint Implementation Report to review the provisions of the labour laws.

STRONGLY DEPLORES:

The lethargic way in which the Ministry of labour has handled the review process to implement changes to accommodate the concerns of the workers and ensure full compliance into Core ILO conventions.

CALLS UPON GOVERNMENT:

To immediately begin the review process as agreed in the Joint Implementation Report including compliance with the ILO Conventions ratified by Fiji.

DEMANDS:

That the government immediately respond to the ILO Committee of Experts on Application of Standards and Recommendations on Fiji and take all necessary steps to comply with its recommendations on Conventions 87, 100 and 111.

Resolution No.04: Individual Contracts

NOTING WITH SERIOUS CONCERN:

That the Ministry of Public Enterprises and Sector Reform has been intimidating unions and workers in Fiji and has deviated from the principle of collective bargaining to imposing unilateral individual employer-employee contract system which has also led to an emergence of individual contracts in the private sector.

NOTING WITH FURTHER CONCERN:

That enforcing individual contracts in the public and private sector is a severe violation of ILO Convention No. 98 concerning the Right to Organize and Collective Bargaining.

CRITICIZING:

The government for its continued anti-labour stance in its effort to further deprive workers of their fundamental rights.

RECOGNIZING:

That an individual contract system has placed the workers completely at the mercy of employers since individual workers will not be in a position to negotiate.

REMINDING:

The government and employers that collective bargaining is the only fair and just means of bargaining for workers and that it is an integral part of industrial relations and workers' rights.

CALLS UPON:

The government to affirm its commitment to collective bargaining, in recognition of and respect for ILO Convention No. 98 which it has ratified and is obligated to uphold.

Resolution No.05: Dispute Resolution Mechanisms

CALLS UPON:

The government to immediately analyze the current system of dispute resolution machinery and establish a machinery that addresses all types of grievances and disputes.

FURTHER CALLS UOPON:

Government to create a system of resolving disputes and grievances that is effective, user friendly and efficient, and expedites the process within mutually agreed timelines.

EXPRESSES SERIOUS CONCERN:

At the inefficiency of the Arbitration Court and Employment Tribunals where workers and unions endure excessive delays sometimes up to 4 to 5 years before a ruling is handed.

DEMANDS:

The Government to take necessary steps to improve the current system in order to reduce the timelines taken to resolve disputes and grievances from the date it is lodged to the day a ruling is made and delivered.

Resolution No.06: Solidarity Actions

In view of the above resolutions and FTUC campaigns on:

- i. National Minimum Wage
- ii. Right to Strike
- iii. Delayed Labor Law Reforms
- iv. Imposition of unilateral Individuals Contracts
- v. FASA issues
- vi. The longstanding Vatukoula Strike,

The Fiji Trades Union Congress:

- RESOLVES TO:** Conduct a National Day of Protest to raise our voice against the continued repression of workers' rights in the country.
- AIMS:** To conduct march and rallies around the country to show dissent to government's ignorance and blatant disregard to our requests.
- CONDEMNS:** The continued refusal to grant permits to the FTUC to exercise its rights freely in a democratic manner.
- CALLS UPON:** Government to carefully study its process to obtain permits which is a system set to undermine our right to assemble as enshrined in the Fiji Constitution and international treaties.
- REMINDS:** Government that we will not hesitate to call upon political parties, civil society, international solidarity organisation, global union confederations and the International Labour Organisation to campaign at a global level.

RESOLUTION NO.09: Right to Strike

NOTES:

The continued denial by the Government to respect the workers' fundamental right to conduct strike action.

IS APPALLED AT:

The Ministry's response and refusal by the Registrar of Trade Unions to supervise or allow us to conduct secret ballot for strike action explicit.

DEMANDS:

That the Right to Strike be respected and all obstacles, both legal and administrative, impeding its exercise be immediately removed in conformity with international law and ILO Convention (87) on FOA and CB.