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Fiji: ILO Commission of Inquiry needed to protect workers' rights

Amnesty International reiterates its call to the International Labour Organization (ILO) to establish a Commission of Inquiry to investigate Fiji's persistent and egregious non-observance of fundamental workers' rights contained in the ILO Convention No 87 on Freedom of Association and the Protection of the Right to Organize.

Amnesty International first made this call in August 2013 (see AI Index: ASA 18/002/2013). Since then, the situation for workers' and trade union rights has continued to deteriorate and the government of Fiji continues to refuse an ILO 'direct contacts mission' as requested by the Governing Body.

In December 2013, the Fijian authorities issued an amendment to the Essential National Industries Decree (ENID), enacted in 2011, which has the effect of extending its coverage to further economic sectors, including the pine industry, the mahogany industry, fire prevention services, local government and Fiji airports. The Attorney General made clear that the purpose of the decree was to restrict union rights, contrary to Fiji's obligations under the 1998 ILO Declaration of Fundamental Principles and Rights at Work.

The ENID restricts collective bargaining rights – severely curtailing the right to strike, bans overtime payments and voids existing collective agreements for workers in specified sectors of the economy. As an immediate consequence of the extension of scope of ENID, Ministry of Labour officials halted a ballot for industrial action by the Tropik Wood Industries Limited Workers Union, which was followed by de-recognition of the union by the employer.

In January 2014, Daniel Urai – leader of the National Union of Hospitality Catering and Tourism Industries Employees Union – was arrested for allegedly instigating an 'unlawful' strike. Although later released on bail, he was required to attend court daily until 18 March 2014 when the charges were dropped.

Fiji continues to ignore the 2013 Committee of Experts report and the conclusions of the Committee on the Application of Standards. Given the current context of lack of protection in law and practice of workers' rights in Fiji, and on-going non-cooperation with the ILO, Amnesty International considers that a Commission of Inquiry, under Article 26 of the ILO Constitution, is appropriate and necessary to address workers' legitimate concerns.