



## FIJI TRADES UNION CONGRESS

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DATE: 21/07/11

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### **PRESS RELEASE – DECREE NO. 21 BY FIJI GOVERNMENT**

Government has been actively pursuing trade unions for the past few months and the recent Decree No. 21 of 2011 dated 16 May 2011 has been issued that grossly curtails the Freedom of Association and Collective Bargaining . This Decree was not reported in the media nor have many affiliates and the public any knowledge of it. The Decree basically does two things.

1. It excludes all public sector workers (Government Employees) from the provisions of the Employment Relations Promulgation.
2. It terminates all matters and proceedings before the Mediation Committee, Arbitration Tribunal and the Labour Courts with effect from the date of the Decree.

The implication of this Decree is far reaching and takes away **all fundamental rights of workers in the public sector.** This includes the civil servants, unestablished workers, teachers and nurses. These workers no longer have the following:

1. Fundamental rights at work
2. Valid contracts of service
3. Protection of Wages
4. Rights to minimum Conditions of work like holidays and leave, sick leave, bereavement leave, maternity leave etc.
5. Protection from redundancy and unfair treatment.
6. Protection from sexual harassment
7. Protection from any form of discrimination
8. Right to challenge any decision of the employer

9. Right to report any dispute or be heard by the Arbitration Tribunal or Labour Courts except OHS and Workman's Compensation issues.
10. Right to Collective Bargaining
11. All Regulations related to ERP no longer apply to Government Workers.

In short, these **workers and their Unions no longer have any rights**. The Decree also violates all ILO Core Conventions and Fundamental Rights of all workers. It is unclear if the Unions in the Public Sector legally exist as there is now no law that deals with Unions in the Public Sector. We are now advised that **another decree** listing critical industries is in the making which would extend the coverage of Decree 21 to all Government owned entities and the Sugar and Tourism industry.

Government has said that workers in the Public Sector still have access to the Disciplinary Committee set up within the PSC. This is only a Disciplinary Committee to review disciplinary matters only. It is not independent nor does this Committee deal with other grievances.

This development has been a serious AND DIRECT attack on the Trade Union Movement thus on the workers of Fiji. There has NOT been any consultation with the Unions. The FPSA had written to Government seeking a meeting. Instead the Attorney General acknowledged the request and sent a copy of Decree No. 21.

The Trade Union Movement cannot be seen to be sitting idle while workers' fundamental rights are being violated. Intimidation of workers is also rampant particularly in the sugar industry. These rights have been a result of decades of struggles by past and present generations and should not be allowed to disappear with a stroke of a pen. These rights are universally recognized and FTUC calls upon Government to respect and promote these rights as its obligation to the ILO and under the Cotonou Agreement.

**Felix Anthony**  
**NATIONAL SECRETARY**

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