

AMNESTY INTERNATIONAL

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Warning on Fiji government plan to severely restrict workers' rights

Amnesty International has called on the government of Fiji to repeal a decree that would drastically restrict workers' rights and to immediately cease the harassment of union leaders.

Government measures published on 29 July would, if enacted, violate international labour law and Fiji's human rights obligations. The government must ensure that Fiji's workers are able to exercise their labour rights freely.

Fiji has an obligation to uphold the rights of its workers - including the specific rights to organize, to bargain collectively and to strike.

The "Essential National Industries (Employment) Decree" published in the government Gazette, would take away nearly all collective bargaining rights, severely curtail the right to strike, ban overtime payments and void existing collective agreements for workers in key sectors of the economy including sugar, aviation and tourism. The Decree also authorises employers in government-designated enterprises to dictate working conditions while denying their workers the right to a voice through independent unions.

The latest measures open a new flank in a wider attack on unions in Fiji, where workers are facing repression from the authorities, including the harassment of leaders of the Fiji Trades Union Congress. Virtually all public sector workers have already had their employment and union rights summarily curtailed though an earlier Decree in May this year.

The government of Fiji claims that the measures are needed to ensure the development, viability and sustainability of industries that are essential to the economy, but the best way to achieve these goals is by respecting the fundamental human rights and dignity of those whose labour underpins these enterprises. As it is, Fiji is failing in its duty to deliver decent work to its people. Forty percent of Fijians are reported to live below the poverty line of \$1.25 a day, and more than half of those in full time employment earn wages below the poverty line. Independent trade unions are sorely needed.

Fundamental human rights are at stake, including the right to freedom of association and assembly, and the right to organise. Amnesty International stands steadfast in solidarity with workers in Fiji and the Fiji labour movement in their struggle to defend their rights.

Amnesty International is further concerned by the 4 August arrest of Fiji Trades Union Congress (FTUC) President Daniel Urai and Hotels Union staff member, Dinesh Gounder, and the harassment of FTUC General Secretary Felix Anthony. The two men have been charged under the Public Emergency Regulations (PER) for holding a meeting without a permit. Both have been freed on bail and are due to appear in court on 2 September.

The arrests and harassment of trade unionists are a violation of the ILO Declaration of Fundamental Principles and Rights at Work and of Fiji's obligations to respect freedom of association and assembly and the right to organise. Trade unionists should not need permits or permissions to meet their members.

The 2009 Public Emergency Regulations enable the government to violate key human rights whilst promulgating impunity for those committing such violations. Amnesty International continues to call for an immediate repeal of these regulations.

BACKGROUND

On 8 August the ILO expressed “its serious concern about developments in Fiji”, including the arrests of the two trade union leaders under the PER and the new restrictive Decree.

Under international law, all workers have a human right to form and join trade unions, to bargain collectively and to strike.

These rights are an essential foundation to the realisation of other rights, and are enshrined in the Universal Declaration of Human Rights and conventions adopted by the International Labour Organization (ILO), including core conventions 87 and 98 which have been ratified by Fiji. As a member of the ILO, the Government of Fiji also has a commitment, through the 1998 ILO Declaration on Fundamental Principles and Rights at Work, to respect, promote and realize the fundamental rights set out in the organization’s core conventions.

Moves to limit fundamental workers’ rights in Fiji are also at odds with commitments made under the Cotonou Agreement which defines the European Union’s relations with 79 countries from Africa, the Caribbean and the Pacific, including Fiji.

Amnesty International has outlined its concerns about the Public Emergency Regulations in its detailed report in 2009, *Fiji: Paradise Lost, A tale of ongoing human rights abuses April-July 2009*, available at <http://www.amnesty.org/en/library/info/ASA18/002/2009/en>

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org
