

## **INDUSTRIAL RELATIONS CLIMATE**

**Response by NFP Leader Hon Professor Biman Prasad to a Ministerial Statement in Parliament by Minister for Employment, Productivity and Industrial Relations on Thursday March 15, 2018**

Madam Speaker , I thank the honourable Minister for his statement. But at the outset, let me say that the industrial relations climate in the country has never been worse than the last ten years.

We had the Employment Relations Promulgations in 2007, forced upon the workers of Fiji through a Decree. We had the draconian ENI - Essential National Industries Employment Decree in 2011 shoved down the throats of workers.

This Decree was brought about quite deviously Madam Speaker. We know that an American lawfirm Milli Bank was hired to draft the Decree that worked with a local law firm – and intermediary was the then Chief Executive Officer of Fiji Airways. This is an indisputable fact.

We know that following the revelation of this a pilot was terminated by the airline after he was alleged to have extracted this information. He was even interviewed by police. One local trade unionist was also in the spotlight.

Such was the climate of fear and intimidation that existed then.

Madam Speaker under the ENI, workers didn't have a choice but to be subservient to employers including Government. There was little or no recourse for action. The Decree, like many others, could not be challenged in a Tribunal or a court of law.

Following complaints by the Trade Union Movement to the International Labor Organisation and the ILO's decision to hold a Commission of Inquiry if the law wasn't changed, the ENI Decree was repealed in July 2015 and the Employment Relations Promulgations Act as amended twice, then and in February 2016.

But concerns for the workers remain Madam Speaker. Most industries are now designated as Essential Industries contrary to ILO guidelines. Conventions 87 and 98 of ILO - Freedom of Association and protection or the right to organize and Right to organize and Collective bargaining respectively.

Collective Agreements negotiated and achieved through decades of bargaining were declared void under the ENI Decree and benefits lost by the workers are yet to be renegotiated as employers insist on maintaining the benefits they gained through eroding the benefits of workers.

Further, the right to strike is severely restrained. Strike ballots have to be supervised by the Registrar of Trade Unions who also is the permanent secretary in the Ministry of Employment, Productivity and Industrial Relations.

Last year civil servants wanted conduct a ballot for strike. The Registrar of Trade Unions or RTU declared the request unlawful claiming the unions had not engaged in of good faith bargaining and negotiations were not exhausted.

The RTU also ruled out the strike ballot by workers of Air Terminal Services on the basis that it wasn't supervised.

The Unions are claiming the RTU is acting beyond her powers. The supervision of ballots law is clearly being used to block and suppress the right of workers to take strike action as a last resort.

In December 2017, more than 200 Air Terminal Services - ATS workers were locked out of the company after they had gone to discuss employee beneficiary issues as members of ATSET – ATS Employees Trust.

The lockout by the management lasted 34 days – there was evidence of the ATS Acting CEO issuing a directive to the security officers to lock out the workers.

Within a few hours of the action, the Minister declared it quite illegally as a strike. Yet he failed to declare the lockout illegal and order the workers back to work. That was a fatal industrial relations mistake on the Minister's part. The Tribunal's Orders confirms what I am saying. The workers were told to return to work without any victimization and with no loss of pay for the 34 years except for the few hours they attended their meeting.

It was a great victory for the workers and their families a slap on the face of Government and ATS Management. The workers and their families suffered for 34 days, spent the festive season including Christmas and New Year in tents.

The question that is still being raised why the Minister failed to take action and implement the law to resolve the issue in the first place? Why didn't the Attorney General who went to meet the ATSET representatives within 24 hours of the lockout fail to rectify the wrong decision instead of enforcing the Minister's action?

And to make matters worse, the Board Chairman, who is also FBC's CEO, told the workers to sign an apology letter before being allowed to return to work.

In fact, Madam Speaker, in a genuine democracy, a Minister would have quit after his colossal failure to practice harmonious industrial relations. The same would have applied to the ATS Board Chairman and the company's Acting CEO.

As already announced on 4<sup>th</sup> January 2018 as a matter of public policy, we will divest 51% Government shares in ATS to the workers when we come into Government.

Therefore, Madam Speaker, the examples that I have stated are totally in contrast to the Minister's presentation to this parliament of how industrial relations climate has improved in our country.

To put it simply, it never was this bad in our Independent history where worker exploitation, enforcement of draconian laws, enforcement of arbitrary reforms and contract employment, and restrictions on workers rights have been the name of the game of this regime and government as far as industrial relations climate is concerned.