

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

# **INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE SOLOMON ISLANDS**

## **REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE POLICIES OF THE SOLOMON ISLANDS**

**(Geneva, 6 and 8 May 2009)**

### **EXECUTIVE SUMMARY**

The Solomon Islands have ratified only one of the eight core ILO labour Conventions. In view of legal restrictions on the trade union rights of workers, discrimination, and other legal restrictions, further measures are needed to comply with the commitments the Solomon Islands accepted at Doha in the WTO Ministerial Declaration, and in the ILO Declaration on Fundamental Principles and Rights at Work.

The Solomon Islands have not ratified the ILO core Convention on the Right to Organise and Collective Bargaining nor the ILO core Convention on Freedom of Association and Protection of the Right to Organise and in practice these workers' rights are not always protected.

The Solomon Islands have ratified neither of the ILO Core Conventions on equal remuneration and discrimination. Women face serious discrimination which the government has failed to address in any satisfactory way.

The Solomon Islands have ratified neither of the ILO core Convention on child labour, and child labour is a significant problem in the country including in its worst forms.

The Solomon Islands have ratified one of the two ILO core Conventions on forced labour. Although forced labour does not seem to be a widespread phenomenon in the country, the government needs to monitor the issue more closely.

## **INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE SOLOMON ISLANDS**

### **Introduction**

This report on the respect of internationally recognised core labour standards in the Solomon Islands is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "*We renew our commitment to the observance of internationally recognised core labour standards.*" While the Solomon Islands did not join the WTO until 26 July 1996, it was a full member of the WTO at the time the fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed WTO member states' commitment to core labour standards. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

### **I. Freedom of Association and the Right to Collective Bargaining**

The Solomon Islands have not ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organise nor Convention No. 98 on the Right to Organise and Collective Bargaining.

The law provides for the right to organise and to bargain collectively. Approximately 55% of employees in the public sector and 25% of those in the private sector are members of a trade union.

Disputes between labour and management that cannot be settled between the two sides are referred to the Trade Disputes Panel (TDP) for arbitration. The TDP is made of a chairman appointed by the judiciary, a worker representative, and a business representative. The law provides for protection of workers from arbitrary dismissal or lockout while the TDP is deliberating. However in practice workers are not always duly protected.

The law allows strikes and in 2008, industrial actions took place in the hotel, security, plantation and extracting industries. Many industrial actions are related to non-compliance with collective agreements. There are reports of workers being physically mishandled and sometimes beaten, especially in the extracting industry.

In March 2009 gold miners of the Gold Ridge Mining Limited Company went on strike claiming that local workers of the company had been exposed to unsafe and dangerous work practices and environment. This was related to the handling and disposal of cyanide by local employees without safety equipment. In addition workers claimed that the company had abused workers' rights. Management was accused of intimidation, racism and of unfair dismissal of a trade unionist. The case is under review.

### **Conclusions:**

*The Solomon Islands have not ratified the ILO core Conventions on trade union rights. In practice workers' rights to organise and to bargain collectively are not always protected.*

## II. Discrimination and Equal Remuneration

The Solomon Islands have not ratified Convention ILO Convention No. 100 (1951) on Equal Remuneration nor ILO Convention No. 111 (1958) on Discrimination (Employment and Occupation).

The constitution prohibits discrimination. Laws that would have discriminatory effects are banned.

In practice women remain the victims of major discrimination. The majority are unemployed. They are overrepresented in low paid, low skilled jobs and face serious obstacles to entering the labour market.

According to the 2002 UN Committee on Economic, Social and Cultural Rights (UNESCR), about half of the population is involved in unpaid work and rates of unemployment and underemployment are high *“especially for women and young people.”*

The majority of women are illiterate reflecting serious discrimination in access to education and training. The 2002 UNESCR Committee expressed deep concerns about primary education not being compulsory. The Committee’s concerns are further increased by the fact that fewer girls than boys enrol in primary schools and that there is a high drop-out rate among girls in both primary and secondary schools.

Overall it may be concluded that the government has failed to address gender discrimination in any satisfactory way. Despite the creation of a National Council of Women and a Women's Development Division at the governmental level, these appear to be ineffective and successive governments have demonstrated little interest in women’s issues. Not a single woman sits in the 50-member parliament and only four women have served as permanent secretaries in the government.

A 2002 assessment carried out by the government and the UN concluded that women *“are currently under-represented at nearly all levels of decision-making institutions”*.

In its 2004 report Amnesty International argues that *“discrimination against women exacerbates the violence. Women are poorly represented in the police, law and politics. Too often foreign aid to rebuild the country boosts men's economic opportunities while doing little to address the needs of women.”*

### **Conclusions:**

*The Solomon Islands have not ratified ILO core Conventions against discrimination and women face serious discrimination which the government has failed to address in any satisfactory way.*

## III. Child Labour

The Solomon Islands have not ratified ILO Convention No. 138 (1973), the Minimum Age Convention nor Convention No 182 (1999), the Worst Forms of Child Labour Convention.

The law forbids labour by children under the age of 12, except for light agricultural or domestic work performed in the company of parents. Children under age 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines.

However these laws to protect children from exploitation and abuses at the workplace are inadequately enforced. Education in the Solomon Islands is not compulsory, in practice few resources are devoted to investigating child labour cases and the government's efforts to reduce the numbers of children working have been limited.

The lack of reliable data on the prevalence of child labour in the country is a problem. However according to the 2003 UN Committee on the Rights of the Child "*many children under 15 [years] are working, often in very poor conditions and for long hours.*"

In 2000, the ILO had estimated that the number of working children between the ages of 10 and 14 was approximately 13,000 (6,000 girls and 7,000 boys), representing about 24% of this age group.

The situation of young girls working as domestic workers is particularly preoccupying. Furthermore, according to UN reports, children of both sexes are exposed to prostitution because of economic difficulties and institutions dedicated to the rehabilitation of child victims are lacking;

Finally the great number of children forced to live on the streets stand particularly at risk of exploitation, sexual abuse and violence, including from the police. The government has failed to address this question in any satisfactory way.

***Conclusions:***

*The Solomon Islands have not ratified ILO core Conventions, and child labour is a significant problem in the country including in its worst forms.*

**IV – Forced Labour**

In 1985 the Solomon Islands ratified Convention No. 29, the Forced Labour Convention, but they have not ratified Convention No. 105 on the Abolition of Forced Labour.

The Government has indicated its intention to ratify Convention 105 and has initiated a labour law reform in association with the social partners and the ILO in order to ensure compatibility of national laws with the Convention.

The constitution prohibits forced or compulsory labour, including by children, except as part of a court sentence or order. However under the current laws the exaction of forced labour is not punishable as an offence and there are no penalties imposed for such offense. In response to the request of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) on that issue, the Government has indicated that a law is currently under review.

Further the Solomon Islands National Teachers' Association (SINTA) and the Solomon Forestry Association (SFA) have denounced cases of forced child labour in the plantation sector, mostly within families.

***Conclusions:***

*The Solomon Islands have ratified one of the two ILO core Conventions on forced labour. Although forced labour does not seem to be a widespread phenomenon in the Solomon Islands, the government should monitor the issue more closely.*

### **Recommendations**

1. The government of the Solomon Islands needs to ratify and implement fully all seven core ILO Conventions it has not yet ratified, in addition to other ILO Conventions.
2. The government should establish appropriate protective measures to ensure all workers have the right to organise and to bargain collectively and to prevent violence against workers.
3. The government should actively promote collective bargaining.
4. Legislation against discrimination should provide for the ILO concept of “equal pay for work of equal value”. In general the government need to increase efforts and budget to tackle gender discrimination in employment and remuneration so as to improve women’s position on the labour market.
5. The government need to seriously strengthen its efforts to ensure that girls do attend school and do not drop out.
6. Primary school should be made compulsory, and the government must amend its legislation so as to ensure that children below 15 years of age are not admitted to employment.
7. The government must strengthen the protection of children and young persons from hazardous work by determining, after consultation with the social partners, a comprehensive list of hazardous occupations and activities.
8. The government should establish systematic monitoring on child labour with special attention to informal work activities and low-income communities.
9. The government must investigate allegations of children forced to work.
10. In line with the commitments accepted by the Solomon Islands at the Doha WTO Ministerial Conference and its obligations as a member of the ILO, the Government should provide regular reports to the WTO and the ILO on its legislative changes and implementation of all the core labour standards.
11. The WTO should draw to the attention of the authorities of the Solomon Islands the commitments they undertook to observe core labour standards at the Doha Ministerial Conference. The WTO should request the ILO to intensify its work with the Government in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

### **References**

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