Pacific Islands Council of Trade Unions

Position Statement

on

LABOUR MOBILITY IN THE PACIFIC

PICTU Members with Hon. Agni Singh, Fiji Minister for Employment, Productivity & International Relations and ILO staff at the opening of the Regional Coordination meeting on Labour Mobility in the Pacific

3rd-5th July 2023,
Tanoa International Hotel,
Nadi,
FIJI
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I. Acknowledgement:

The Pacific Council of Trade Unions (PICTU) would like to acknowledge the continued support of the International Labour Organization (ILO) by organizing the regional coordination meeting on Labour Mobility in the Pacific on the 3rd-5th July 2023 in Nadi, Fiji, making it possible for the members of PICTU from Australia (online), Cook Islands, Fiji, Kiribati (online), New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu (online) to produce this position paper to represent the aspirations and expectations of temporary migrant workers including seasonal workers in the Pacific region.

PICTU also acknowledge the valuable contributions by the Pacific Islands Forum Secretariat (PIFS) and the Pacific Agreement for Closer Economic Relations (PACER) Plus Implementation Unit.

PICTU also extend sincere appreciation to Hon. Agni Singh, Fiji Minister for Employment, Productivity & International Relations, for his support and encouragements to advance the work of trade unions in the Pacific region to ensure the protection of the welfare and livelihood of workers in the Pacific region.

Last but not least, PICTU also acknowledge the fruitful dialogue and sharing with the members of the Pacific Islands Private Sector Organisation (PIPSO) as outlined in our Joint Statement on Labour Mobility in the Pacific.
II. **Preamble:**

*Supporting* the strategic objectives of the International Labour Organization (ILO) to: (i) promote and realize standards and fundamental principles and rights at work; (ii) create greater opportunities for women and men to secure decent employment and income; (iii) enhance the coverage and effectiveness of social protection for all; and to (iv) strengthen tripartism, bipartism and social dialogue;

*Supporting* the PIF Leaders commitment to accelerate our economic growth aspirations, by investing our shared expertise to quantify and determine the full value of our people, oceanic and land-based natural resources; and where appropriate, to use this value as the basis of our negotiations regarding access to these resources\(^1\);

*Supporting* the progress of labour mobility programmes as an economic opportunity for both sending and receiving countries, and the development of the regional labour mobility strategy which is closely correlated with the *Pacific Agreement for Closer Economic Relationship (PACER)* Plus;

*Acknowledging* that the pace of labour mobility amongst the Pacific Island countries continues to trend upwards given the well-established economic attraction for countries of origin and destination as well as the catalytic effects of such factors as climate change-induced migration\(^2\); and

PICTU **present this position statement** which outlined the key issues, expectations of treatment and recommendations to improve the issues raised during their regional coordinating meeting on *Labour Mobility in the Pacific* on the 3-5\(^{th}\) July 2023, Tanoa International Hotel, Nadi, Fiji.

III. **Issues:**

*The temporary migrant workers:*

1. Do not understand the contracts they signed because of language barriers, and often the benefits they were told by the recruiting agencies and/or governments are not always provided by the employers in the receiving countries;

2. Do not understand their rights at work before they depart from their countries and upon arrival in the receiving countries including hours of work, salary, fees deduction from their salaries, access to superannuation, accommodation, health cover, visa conditions, recruitment costs; etc.

3. In some cases, were not fully briefed on vaccination requirements in countries of destination and in some cases did not feel equipped to use heavy machines;

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\(^1\) 2050 Strategy for the Pacific Blue Continent, Pacific Islands Forum Secretariat, 2022;
4. Families experience social issues caused by labour schemes such as separation of married couples, no money sent back to families, difficulty of repatriation of children born in the receiving countries;

**The trade unions as workers’ representatives:**

5. Were not invited to national or regional consultations on the Pacific Labour Mobility since its development in closely correlated with the PACER Plus until 2022.

6. In the sending countries are not involved in the pre-departure training since the establishment of the seasonal workers schemes in 2007 New Zealand and in 2012 in Australia.

7. In New Zealand and Australia are not consistently involved in the arrival induction training to inform the temporary migrant workers on their rights at work in the receiving countries.

**IV. Expectations:**

**That temporary migrant workers:**

1. Understand the contracts they signed and benefits that they will receive from the employers in the receiving countries prior to signing their contracts through the assistance of relevant national trade unions;

2. Understand their rights at work including hours of work, salary, fees deduction from their salaries, access to superannuation, accommodation, health cover, visa conditions, etc. before they depart from their countries during the pre-departure trainings;

3. Are reminded of their rights at work including hours of work, salary, fees deduction from their salaries, access to superannuation, accommodation, health cover, visa, etc. upon arrival in the receiving countries;

4. Are fully informed of any medical requirements linked to specific forms of employment in destination countries; and are allocated to appropriate jobs suitable to their skills or trained if jobs required additional knowledge and skills such as using heavy machineries;

5. Provided with pastoral care & financial programs to address social issues caused by labour schemes such as separation of married couples, no money sent back to families, difficulty of repatriation of children born in the receiving countries;

**That trade unions as workers’ representatives:**

6. Are invited as key stakeholders to national and regional level consultations on the Pacific labour mobility in correlated with the PACER Plus;

7. Are included in the pre-departure trainings in sending countries and arrival induction trainings in receiving countries to inform the temporary migrant workers of their rights at work in the receiving countries and give them the opportunity to join the relevant trade unions;
8. Are allowed to assist and/or represent the temporary migrant workers’ in reviewing and finalising the contract agreements prior to signing the contracts;

9. Are allowed to address and handle temporary migrant workers’ grievances through official channels or union-union Memorandum of Understanding (MOU);

**That Social Partners - trade unions, employers’ organization & governments:**

10. Note that It is key to success that there be an ongoing and meaningful consultations with key stakeholders (workers, employers and governments) at regional negotiations covering topics of mutual interests; and ensuring that pacific labour mobility workforces (including travelling spouses and children) across various jurisdictions are equitably protected.

11. At the Pacific regional level, it should be further anticipated that a unilateral labour mobility framework should be formalised with a design of best fit platform for the region, similar to the ASEAN model.

12. Note that ongoing education on labour mobility across the pacific region is fundamental to all involved. All decision makings at this high level would require communication transparency and sharing information for all to benefit.

13. PICTU needs to be actively involved at all national, regional and international levels of decision makings. These bodies require on-going resource support in order to participate effectively.

V. **Recommendations:**

1. That compliance to existing national labour legislations in the receiving countries and international labour standards by all parties be enforced to ensure all relevant entitlements of temporary migrant workers are received including hours of work, salaries, leave, superannuation, health cover, pastoral care, suitable accommodation, access to training and legal representation.

2. That the national trade unions be included in the pre-departure and arrival induction trainings to inform the temporary migrant workers of their rights at work and access to superannuation, health cover, pastoral care, financial literacy and legal aid services in the receiving countries, and give them the opportunity to join the relevant trade unions.

3. That national trade unions in the receiving countries and sending countries cooperate to ensure provision of appropriate assistance temporary migrant workers including financial literacy, legal aid and representation to employers and/or government.

4. That the following issues relating to the benefits be addressed in consultation with the national trade unions as representatives of the temporary migrant workers:
(i) All recruitment and recruitment related costs be borne by the employer or split with temporary migrant workers. Recruitment costs included fees for recruitment services offered by recruiting agents or employer, visa application fees, airfares, and medical insurance; and other related costs included medical costs, insurance costs, costs for skills and qualification tests, costs for training and orientation, travel, lodging and other administrative costs such as employment contracts, visa application fees, etc;

(ii) Provision of employment flexibility for worker and spouse, between sectors and employers;

(iii) Superannuation to be transferred into a recognised fund in the sending countries;

(iv) Rights and process for workers to raise issues and grievances with employer. If employee dismissed unfairly costs to be covered by employer;

(v) Reduce high cost of pre departure requirements, including medical, travel, permits and police checks;

(vi) Address increasing social costs from labour mobility, including family problems and rising crimes, are equally high in both sending and receiving countries, while harnessing the benefits of labour mobility for employment opportunities and interest of business;

5 That Migrant Workers’ Resource Centers (MRCs) be established in the national trade unions in both the sending and receiving countries to provide support for temporary migrant workers including workers’ rights training, legal representation, access to superannuation, financial literacy, pastoral care, etc;

6 That employment legislations be reviewed (or enacted) to include temporary migrant workers;

7 That Immigration policies and laws be reviewed in relation to mobile labour workers for ease and practical applications, so as to facilitate climate resilience in the Pacific and economic needs of receiving countries;

8 That trade unions as workers’ representatives and employers’ organisations in both receiving and sending countries be invited to consultation on the development and/or review of the existing regional frameworks and initiatives on labour mobility including PACER Plus to strengthen social dialogue on labour mobility at national and regional levels;

9 The PICTU & the Pacific Islands Private Sector Organisation (PIPSO) work together to establish guidelines, such as on costs, treatment, social issues; and

10 That the PICTU & PIPSO jointly organize a meeting with ACTU & NZCTU and ANZ Employers/Recruiting Employers to address recommendations relating to both PICTU & PIPSO.
VI. Next steps and way forward:

1. That the position statement be presented to ILO Tripartite meetings, Pacific Finance Economic Ministers Meeting (FEMM) to be held on the 7-10th August 2023 in Suva, Fiji, the regional consultation of the Pacific Labour Mobility by the PACER Plus Implementing Union in November 2023, and the 52nd PIF Leaders’ meeting to be held on 6-10th November 2023 in the Cook Islands and subsequent events.

PICTU & PIPSO Members at the Regional Coordination meeting on Labour Mobility in the Pacific, 5th July 2023, Tano’a International Hotel, Nadi Fiji