

Your Life is in Your Hands

**Women Workers
in Fiji's Tax Free
Zone - A Rights
Approach**

'Your Life is in Your Hands': Women Workers in Fiji's Tax Free Zone - A Rights Approach

By Avelina Rokoduru

A project of APWLD's Labour and Migration Task Force

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Abbreviations & Acronyms

APWLD	Asia Pacific Forum on Women, Law and Development
BNPL	Basic Necessities Poverty Line
ECREA	Ecumenical Council of Research, Education and Advocacy
EEO	Equal Employment Opportunities
ER Bill	Employment Relations Bill
FIT	Fiji Institute of Technology
FNPF	Fiji National Provident Fund
FNTC	Fiji National Training Council
FTIB	Fiji Trade and Investment Bureau
FWCC	Fiji Women's Crisis Centre
FWRM	Fiji Women's Rights Movement
HROs	Human Resource Officers
MoL	Ministry of Labour
OHS	Occupational Health and Safety Standards
TFF	Tax Free Factories
TFZ	Tax Free Zone
USP	University of the South Pacific
WRO	Wages Regulations Order





Foreword

APWLD's Labour and Migration Task Force has worked with its members in identifying and exposing discriminatory policies and laws affecting local and migrant women workers in special economic zones in APWLD member countries in the context of globalisation from a feminist perspective. Recently, the Labour and Migration Task Force member from South Korea has completed a study exposing such discriminatory laws in South Korean free trade zones. This study in Fiji is the next case study under this objective.

This research project was created by the Task Force in 2005 as its members thought this was an important study to undertake as many governments in Asia Pacific have established special economic zones and others were designating areas where multinational corporations could set up their operations. Governments were enacting and implementing legislation and policies to benefit these corporations to the detriment of its own citizens.

Avelina Rokoduru, Labour and Migration Task Force member from Fiji, took up this challenge to study the conditions of working women in tax free zones in Fiji. These zones were established in the 1970s and 1980s as part of the economic initiatives of the government of that period in response to external economic globalisation pressure from international financial institutions who dictated economic development to the developing world.

The main criticism of the creation of special economic zones is that it gives businesses, usually foreign corporations more economic liberty than indigenous companies outside these zones, with special tax concessions granted to these investors upon their fulfillment of certain criteria set by the government. These special economic zones have grown in size and localities and functionalities so that the various types of manufacturing and processing activities found in any location has progressively diversified from small scale to large scale manufacturing and processing. There is, as well, an increasing presence of the service industries in these zones that either serve the working public in those zones, or are located there simply to enjoy the tax concessions and holidays that are synonymous with those zones.

This publication presents an analysis of policies and laws related to tax free zones in Fiji in order to pinpoint discriminatory aspects of these legislations and how they affect the lives and livelihood of women workers. The research attempts to identify and reveal the conditions experienced by women workers in these zones. The research in the end also clearly mentions some means through which the exploitation can be effectively addressed.

Fiji generally still needs to improve the working conditions of its women workers and the findings of this research will be used as a platform to advocate for better working conditions in tax free zones and other sectors with special focus on maternity protection and rights.

I thank APWLD, Avelina, Fiji Women's Rights Movement and the Labour and Migration Task Force for their efforts in seeing this research project to fruition and we hope to present more case studies in the near future. I expect this publication to be a useful resource to all those who are working in this area.

Cynthia Ca Abdon-Tellez

Convenor, APWLD Labour and Migration Task Force



Summary of Findings and Recommendations

- Firstly, the majority of the women employed in the Tax Free Zone (TFZ) work in the two garment factories. The women have a low level of academic education as they were school drop outs. Because of this, their employment opportunities are narrow and employment in garment factories is one of the very few alternatives available to them.
- Secondly, the majority of the women are not skilled because they are not formally trained garment workers. They receive in-house training instead. The lack of skills has contributed to the low level of wages with 91 percent of the women earning FJ\$80.00¹ or less per week, therein establishing a ready source of cheap labour in the TFZ.
- Thirdly, because of poor wages, most of the women are willing to work overtime and during public holidays.
- Fourthly, there is evidence that the Garment Wages Council has also contributed to the low hourly rates in the garment industry as the council's views and wage negotiations for the garment industry are generally gender-based and pro-employer. Further, due to structural weaknesses, the wages council has been ineffective in negotiating for better wages for the women workers.
- Consequently, take-home pay for women in the garment factories in the TFZ has remained low (ranging between \$18.00 and \$80.00 for 91 percent of the women) in the last decade in comparison to male-dominated industries in the manufacturing sector. This is further compounded by the various deductions each woman makes towards hire purchase payments, loan repayments, house rents, transport costs, child minding services and other expenses.

¹All currency referred to in this book is in Fijian dollars (FD\$) unless otherwise indicated. At the time of writing this book, the currency conversion was 1 US\$= 1.6 FD\$.

- The women workers sign a single-page annual agreement that is brief in nature and lacks specific provisions on maternity leave, payment of leave and work on public holidays, sexual harassment, addressing grievances, wages, and allowances awards.
- Employment benefits, even though not stated in the agreement, are offered to the women, for example free Pap smear tests, savings schemes, loans schemes, housing and death assistance.
- The majority of the women are not aware of their labour, social, and civil rights as workers, which were the main rights considered for the purpose of this study. This contributes to their exploitation in the garment manufacturing environment.
- Most of the women are not organised (non-unionised) and are discouraged from joining the union because paying the \$1.00 union fee per week out of their net pay is too high for them. This is coupled with the threat of possible victimisation from management for joining the union.
- Women are awarded paid annual leave of at least 10 days, paid sick leave of at least five days and paid maternity leave of 84 days. Maternity leave provisions discourage women from enjoying their reproductive rights because of the low daily rate of \$5.00 per day for every child compared to \$14.85 - \$17.55 per normal working day. Because of this, some women deny themselves their 42 days of post-birth leave in their need to return to earning normal wages.
- The women cannot agitate to improve their work conditions because their work agreement does not allow this. Moreover, the small number of union membership amongst the women is inadequate to represent the workers in negotiating issues and redressing any of their grievances.
- Assisted by Human Resource Officers (HROs), women can lodge written complaints which are immediately addressed by their superiors. The process can be questioned given the low level of academic ability of the woman worker to write her own letter of complaint.

- Most of the women cannot vote or campaign in municipal elections because they live outside town/city boundaries. While they can vote at national elections, they prefer not to conduct campaigns during national elections.
- The majority of the women can own property, use the local police and court systems, become administrators in their local neighbourhood, church, school and women's groups because they can freely express themselves in public but not in the work place.



Recommendations

■ Improvement of Wage Rates

There is a definite need to review the wages structure for the women workers in the Kalabo Tax Free Zone. While the industry has declined due to the ending of various special trade preferences and economic arrangements, earnings of \$18.00 - \$80.00 per week for 91 percent of the women in the two garment factories warrants a review of their wage structure so that the women can earn sustainable levels of income to meet their daily needs.

Towards this end, the work and composition of the wages council which deliberates and negotiates the wages of these women needs scrutiny. A 2006 study has highlighted structural weaknesses and incompetence in the system that still dictates the wage level of garment women workers. This study acknowledges the validity of that work and supports its call towards improving wages for garment workers. It is recommended that the Ministry of Labour, Ministry of Women, Social Welfare and Poverty Alleviation, Fiji Women's Rights Movement and other rights-based NGOs, trade unions and the media strongly review this issue to highlight the plight of women workers and to seek urgent redress.

■ Transparent Agreements

The employers and trade unions representing the women workers in the TFZ must review the work agreement. Provisions for maternity leave, allowances, overtime work, work during public holidays, addressing grievances and/or further training need to be clearly spelt out. Allowing the women to work, based on

transparency of the agreement, empowers them to know their entitlements and rights and to perform to the best of their capability. Without this essential information, women workers can, and are, exploited in the workplace.

■ **Maternity Leave**

It is recommended that maternity leave provisions must be clearly spelt out in the agreement so that women workers are fully aware of their entitlement should pregnancy occur. Moreover, the 42 days leave before and after birth should be left entirely to the women to portion, supported by medical certificates. Therefore, whether they take the total 84 days after birth or otherwise still obligates the employer to pay maternity allowances. This study recommends that \$5.00 per day of maternity allowance (33 percent of weekly pay if hourly rate is \$1.65) be reviewed and increased to a sustainable level. Finalisation of the allowance and maternity leave conditions must be worked out and negotiated between women representatives of the workers and employers.

■ **Variations to Work Agreement**

If the employer relentlessly follows cost effective measures, then the employer might consider adopting variations in the work agreement (Employment Relations (ER) Bill clause 155) where women workers receive a different work agreement from that of their male counterparts in light of suggested provisional changes as mentioned above.

■ **Awareness of Women Worker's Rights**

There is a need to create awareness of the social, civil and labour rights, the lack of which leaves the women vulnerable to exploitation. With the assistance of human rights-based NGOs, women-based NGOs, the Ministry of Women, the Ministry of Labour, trade unions and the media, women workers in the TFZ and all over Fiji can be made aware of their rights in the workplace.

■ **Employment Relations Bill (ER Bill)**

The ER Bill is a progressive piece of labour legislation that addresses some of the major labour concerns for women in the TFZ (and women in general) such as maternity leave provisions, paid leave and holidays, sexual harassment and

discrimination and equal employment opportunities in the workplace. Its implementation is welcomed but the political circumstance around which it is being implemented can be legally challenged, therein putting the labour issues for women in jeopardy. The legal fraternity needs to be informed about the importance of this bill for all women workers in Fiji and encouraged to design solutions for a possible legal battle that could sidetrack the realisation of an important piece of legislation.

■ **Review of Employment Act and ER Bill on Definitions**

Where the ER Bill is an amalgam of seven labour laws and the Employment Act (1978) provides legal framework for paid work in Fiji, both bill and law lack a clear definition of work. Both use an archaic definition of 'employ' and use 'service - i.e. contract of service' to infer to work. A concise and contemporary measurable definition of work will remove any vagueness and doubt over the evaluation and measurement of work. This then opens the possibility of reviewing hourly rates for wage workers and women workers alike.



1. Introduction

The Asia Pacific Forum on Women, Law and Development (APWLD) is an independent, non-government, non-profit organisation with consultative status at the Economic and Social Council of the United Nations (ECOSOC). It is committed to enabling women in the region to use law as an instrument of social change for their empowerment in the struggle for justice, peace, equality and development.

The Labour and Migration (L&M) Task Force has worked with its members in identifying and exposing discriminatory policies and laws affecting local and migrant women workers in tax free zones in APWLD member countries in the context of globalisation from a feminist perspective. The L&M Task Force has already published a study exposing such discriminatory laws in South Korean free trade zones. This (Fiji) is the next case study under this objective.

The tax free zones in Fiji were planned in the 1970s and 1980s as part of the economic initiatives of the government of that period in response to external economic globalisation pressures from international financial institutions which dictated economic development for the developing world. In Fiji, this appeared in general economic programmes and policies such as import substitution and export orientation, which resulted in the birth of tax free zone and tax free factories in the 1990s.

The zone and factories were located in selected areas close to large residential areas with the idea of providing employment for the local residents while at the same time decentralising some essential services away from the main urban centers. There were local and foreign investments involved in that venture and special tax concessions were granted to those investors upon their fulfillment of certain criteria demanded by the government.

Fiji still needs to improve the general working conditions of its women workers and the findings of this research will be used as a platform to advocate for better working conditions for women in both tax free zone and other sectors, with



special focus on maternity protection and rights. As well, the findings of this research can be used by women NGOs, the Ministry of Women and other interested stakeholders to advocate for the ratification (Fiji is a signatory) of the International Labour conventions on Maternity Protection (2000) and (girl) Child Labour (1999).

1.1 The Republic of the Fiji Islands

As a group of some 800 islands (only 350 inhabited) located in the South Pacific, the Republic of Fiji Islands (Fiji) is an independent sovereignty of some 900,000² citizens. The population is made up of two large ethnic groups of indigenous Fijians (59 percent) and Indo-Fijians (41 percent) with the total population of women standing at around 49 percent in 2003³. The post-colonial state of Fiji inherited its territorial boundaries, its institutions and especially its class, ethnic, gender and regional nature from its (British) colonial progenitors (Naidu, 2006).⁴ These inheritances have largely shaped Fiji's economic, political and social environments as well as policies that have facilitated and maintained a labyrinth of interactions at the local, national and international levels.

This study seeks to establish work conditions of women employed in Fiji's only tax free zone. The literature reviewed here has drawn heavily on a few recent key works relevant to this study: women's work conditions (Embersen-Bain, 2005), Wages Councils (Narsey, 2006), Fiji's garment industry (Storey, 2006), (Hannan, 2006) and various media articles. This review dwells specifically on issues and trends of industrialisation and manufacturing, labour and employment conditions, tax free zones and women's work in Fiji.

² Population estimated to be total of 831,550; 424,187 males and 407,363 females - Key Statistics, Fiji Islands Bureau of Statistics, 2007, p9

³ Last national census held in 1996. Population census for 2006 was deferred by government decision. The same government was then overtaken in a military coup d'tat on December 5, 2006.

⁴ "The State of the State in Fiji: Some Failings in the Periphery", in, S. Firth, (ed), Globalisation and Governance in the Pacific Islands, State, Society & Governance in Melanesia, Studies in State & Society in the Pacific, Australia National University, Canberra, 2006, p299.

1.2 Industrialisation and the Introduction of Tax Free Zones

At this juncture, it is topical to establish how tax free zones were introduced in Fiji. The country's economy from the colonial period was traditionally based on agriculture, with sugar and copra as its leading elements. From the late 1960s and into the 1970s, industrial development grew at a faster pace and the rapid growth in the tourism sector for the same period projected a similar trend for Fiji's industrial sector⁵.

In the economic development period of 1971 - 1975, it was acknowledged that the industrial development programme should give emphasis to manufacturing which, while having an import substitution role, would also have an export potential⁶. The same development plan recognised the importance of exports for economic growth and resolved to study and design relevant solutions to increase Fiji's exports in the future. Amongst others, there was a need to increase the production of goods that had export potential; the encouragement of efficiency and cost reductions in the export sector to increase the international competitiveness of Fiji's goods and services; to ensure that credit, insurance and transport facilities are accessible to the exporter at reasonable cost; that for the import-based exporter, the imported inputs must be availed with ease; and, that the Fiji government must do all it can to reduce barriers to its exports such as tariffs, quotas and other indirect taxes in overseas markets⁷.

To further effect active marketing and a resultant buoyant export industry, a marketing division was set up around this time (1971) within the Ministry of Commerce and Industry. The division's functions would also include assessing foreign markets, future trends in demand in overseas markets for different agricultural and manufactured commodities, and especially to work in collaboration with other sections of government in gathering information on tariff structures of countries which were of export interest to Fiji. The proposed marketing division would investigate opportunities for bilateral trade negotiations and agreements, as well as to extend invitations to potential and existing foreign

⁵ Central Planning Office, 1970, Fiji's Sixth Development Plan 1971 - 1975, Ministry of Finance, Suva. p1.

⁶ Ibid., p70.

⁷ Ibid., p71.

importers to come and inspect the range of local production in Fiji⁸. This was the birth of the Fiji Island Trade and Investment Board (later Bureau - FTIB), which was to establish the tax free zone scheme in later years.

In summary, industrialisation in Fiji from the 1960s through to the 1980s had been largely based on import substitution which was modest in scope for expansion due to small domestic market size, relatively low income levels and the fact that easy possibilities for consumer goods substitutes were becoming exhausted⁹.

1.3 The Manufacturing Sector

From the mid-1980s, under the direction of the World Bank and the International Monetary Fund (IMF), economic policies in Fiji were redirected away from public sector enterprise, interventionist government planning and public expenditure, and import-substitution (aimed at promoting local industries and reducing dependence on imports)¹⁰. Economic development policies focused on 'market-friendly' initiatives and outward-oriented production for the export market, including the promotion of export manufacturing. Since the May 1987 military coup, export-focused and growth-led economic development policies have taken on even greater importance¹¹.

Structural Adjustment Policies (SAPs) after the coup included initiatives such as restraints on government expenditure (including a reduction in real wages and cutbacks in health and education) and two devaluations of the Fiji dollar. This was aimed at stopping the outflow of capital and facilitating the opening-up of the economy to competitive export production. Other features of the adjustment package that had (and have) become a boon for successive governments include corporatisation and privatisation of public enterprises, a reform of the tax system (including the imposition of a Value Added Tax), wage deregulation and tough labour controls¹².

⁸ Ibid., p73.

⁹ Central Planning Office, 1980, Fiji's Eighth Development Plan 1981 - 1985, Ministry of Finance, Suva p24.

¹⁰ Emberson-Bain, 1995, p1.

¹¹ Ibid.

¹² Ibid.

Emberson-Bain also noted how manufacturing achieved rapid growth after 1988. While employment figures were stable until 1988, the manufacturing sector accounted for 50 percent of the estimated 13 percent increase in paid employment between 1988 and 1989 due largely to the rapid growth of the garment industry. Within the whole sector, employment rose dramatically by 40 percent in 1989 from 14,040 to 19,666.

1.4 The Tax Free Factory /Tax Free Zone Scheme

'A tax free zone is a collection of factories within a specific location which enjoy preferential conditions. Individual factories, enjoying the same preferential conditions, are known as tax free factories' - Reserve Bank of Fiji (RBF), 1993, in, Storey (2003).

A 1986 World Bank report on Fiji's economic performance recommended transition to manufacturing, citing the fragility of the sugar and tourism industries to external shocks and natural disasters. The same report recommended the establishment of tax free zones to diversify Fiji's economy. Around this same time, the LOME 3 Convention of 1985 - 1990¹³, was offering development assistance packages in Investment and Export Development (IED). The three components of the package included development of a tax free zone and industrial infrastructure, export and investment promotion, and quality assurance¹⁴.

The TFZ was established at an opportune time for Fiji (1997) because the country was in the throes of the aftermath of the 1987 military coup. There was capital flight, industries were closing down and the country was experiencing a general decrease in its traditional exports of sugar, gold, timber and fish. The economy was also too narrow, relying mainly on sugar and tourism, with a manufacturing sector that catered to a small domestic market¹⁵.

¹³ Preferential trade agreement between the European Economic Community (EEC) and the African, Caribbean and Pacific (ACP) countries known, since 2000, as the Cotonou Agreement.

¹⁴ Interview, FTIB management, May 17, 2007.

¹⁵ Interview, FTIB management, May 17, 2007.

The first factories to be established at the TFZ were garment factories which had taken advantage of the tax concession holidays as well as the preferential trade agreement (SPARTECA)¹⁶ and other arrangements and policies with Australia under the Multi Fiber Agreement (MFA)¹⁷ and the Import Credit Scheme (ICS)¹⁸, all of which had allowed Fiji's exports to enter Australia duty free. However, with World Trade Organisation (WTO) regulations on preferential trade, and the end of the special arrangements in Australia, Fiji's garment industry stood to lose out¹⁹.

There were many incentives attracting investors to the Tax Free Factory²⁰ /Tax Free Zone (TFF/TFZ) Scheme. To be granted a corporate tax holiday for 13 years, the companies needed to export over 70 percent of their annual production. The package also included total waiver of licensing for import of capital goods and other production materials. They were also exempted from paying customs duty on imported capital goods. Finally, no withholding of tax was charged on interest, dividends and/or royalty payments which were paid abroad if they were not subjected to tax in the shareholders' country²¹.

Furthermore, final dividend was taxed at a rate of 15 percent when paid to resident shareholders compared to the then normal rate of 35 percent. A further benefit for TFFs, together with the investment permits granted by the Fiji Trade and Investment Board (FTIB) and tax-free status, was the entitlement to import 'specialist labour' without passing the stringent tests of importing labour from other countries as provided for under the immigration laws²². In practice, the scheme came to be dominated by the burgeoning garment sector. In the period 1988-1998, 57 percent of all TFF investment was in the garment sector²³ and garment employment became the dominant source of all manufacturing jobs.

¹⁶ SPARTECA - Allowed garment manufacturers in Fiji preferential but non-reciprocal access to the markets of Australia and New Zealand in the form of duty-free and unrestricted access or concessional access. Narayan, 2001, p37.

¹⁷ MFA: A global agreement through which Fiji garment exports enter the US under export quotas. Due to expire in 2005. Ibid.

¹⁸ ICS: Allowed Australian fabric to be shipped to Fiji at a competitive price if it was then used in re-imported goods for Australian wholesalers or retailers. Ibid.

¹⁹ Hannan, K., Sugar and Sweatshirts, Migrants and Remittances, Globalisation and Governance in the Pacific Islands, State and Governance in Melanesia: Studies in State and Society in the Pacific, Australian National University, Canberra.

²⁰ Tax Free Factories were those factories given the same TFZ concessions and benefits but not located inside the physical boundaries of the Kalabo TFZ.

Figure A: Fiji Garment Exports 1986 - 2005

Year	Garment Exports (Fiji Dollar Million)	As % of total exports	As % of GDP
1986	4.8	1.6	0.36
1987	8.8	2.2	0.66
1988	30.1	5.7	2.1
1989	97.3	14.8	6.24
1990	113.7	15.5	7.73
1991	131.1	19.7	7.14
1992	116.7	16.8	5.78
1993	128.7	17.5	5.92
1994	140.9	18.4	6.2
1995	185	21.4	6.62
1996	189.9	21.3	7.41
1997	200.1	22.9	7.7
1998	302.8	29.8	10.8
1999	322.1	31.6	11.4
2000	332.9	32.7	11.8
2001	313.9	30.8	11.1
2002	245.4	25.9	-
2003	252.7	26.8	-
2004	256.4	26.7	-
2005	120	-	-

Source: Storey, D, Data from Fiji Bureau of Statistics (various issues) in, Firth, S (Ed.), 2006: 220.

Australia, however, soon dominated the industry. Australia in the 1990s changed from a quota to a tariff system and also implemented the Import Credit Scheme (ICS) in 1991. Those changes gave incentives for Australian companies to source raw materials from Asia, add value in Australia, and then export to Fiji for off-shore processing where a finished product could re-enter Australia under SPARTECA²⁴.

²¹ Narayan & Prasad, 2003, p13, in Storey, 2006.

²² Ibid.

²³ Narayan, 2001, p37, in, Storey, 2006.

²⁴ Storey, 2006, p11.

Australian companies could claim a 'duty drawback' on imported Asian fabrics under that scheme. Coupled with SPARTECA, the ICS offered further opportunity for the Australian garment industry to strengthen ties with Fiji's emerging garment sector. Consequently, Fiji became, by the late 1990s, a key supplier for major Australian brands: Bonds, Yakka, Rip Curl, Country Road, Lee Jeans, Just Jeans, Hot Tuna, Voodoo Dolls, and Wet Wet Wet. Indeed, the Fiji garment industry continues to be quite embedded in the production of recognisable global and regional brands²⁵.

From 1997-2001 garments replaced sugar as the country's leading export, accounting for an average of 26 percent of total exports²⁶. There was anticipation that the Trim, Cut and Fit (TCF) sector would reach \$1 billion in exports in 2005, employ about 30,000 people and move beyond its reliance on preferential trade agreements with Australasia and the United States (FTIB, 1999)²⁷. But this was not to be. With the end of SPARTECA and the various trade arrangements, garment factories were closing down and companies were moving away from Fiji to other countries with better investment packages and sources of cheap labour.

1.5 End of Tax Free Factories/Tax Free Zones and Birth of Information Technology Zones

The TFF and TFZ schemes had ended and the Fiji Islands Trade and Investments Bureau (FTIB), had introduced a new investment package (which includes the Duty Suspension Scheme) to replace the TFF and the TFZ effective from January 1, 2001. The benefits of this new package revolved around low tax rates, income being taxed only once, low customs duty on production inputs, construction and capital goods, duty free imports for manufacturing for export, investment allowance, accelerated depreciation allowance, and losses carried forward for eight years on a sliding scale portion of export income tax deductible²⁸.

²⁵ Ibid.

²⁶ MoF and National Planning, 2002 p15, After Storey, 2006 p9 - 13.

²⁷ FTIB 1999, After Storey, 2006 p.9-13.

²⁸ 'Packaging the Right Product - FTIB considers promoting IT-based industries under new investment scheme', Review, October 2002, p22 - 23.

Currently the two garment factories located within the Kalabo TFZ are still enjoying their TFZ status until 2010 after which they will continue with this new investment package. According to FTIB, they will continue to enjoy duty free entry of all their raw materials and inputs like machinery, and their entire tax burden is staggered over a period of nine years. This applies for all export-oriented companies²⁹. This study has been conducted at the Kalabo TFZ in the period after the boom of the garment industry and in the period in which FTIB is pushing a new information technology package in the same zone. Further, as the terms of reference demanded a study of Fiji's tax free zone, this study looks specifically at Fiji's lone tax free zone and does not extend this to tax free factories located outside this zone.

1.6 The Manufacturing Sector and Women Workers

By 1989, women workers represented nearly 30 percent (24,725 out of 84,245) of total official employment with their participation in the paid labour market rising by as much as 74 percent during 1976-1986³⁰. The manufacturing sector is one of the largest employers of women. It also has a relatively younger age structure, with 52 percent of women workers being between 15 and 29 years of age as opposed to 40 percent for men³¹. This will be scrutinised again in this study to establish whether this profile still applies in the TFZ. Emberson-Bain argues that employers in the manufacturing sector prefer women in occupations like garment-making, fish canning, ginger and other food processing, and to some extent tobacco manufacturing and butter processing industries³². This preference will also be studied in this research.

1.7 Labour Laws Affecting Women in Fiji

Labouring Under the Law³³, an ILO funded study for the Fiji Women's Rights Movement extensively discussed six labour laws - Employment Act (1978), Wages Council Act (1978), Factories Act (1972), Fiji National Provident Fund Act (1985), Fiji National Training Act (1985), Workmen's Compensation Act (1978) - that have

²⁹ Ibid.

³⁰ Emberson-Bain, 1995, p2.

³¹ Ibid.

³² Ibid p3.

³³ Emberson-Bain with Slatter, 1995.

affected the general labour conditions for women. The two laws which affect the women workers in the TFZ and are discussed extensively in this study include: Employment Act (1978) and its clauses on maternity provisions, working on public holidays and inadequate leave rights for women; and, Wages Council Act (1978) and its provisions on the functions and roles of the wages councils. Moreover, the current Employment Relations Bill (2005) that is soon to become law in Fiji is also scrutinised for its provisions on equal employment opportunities, sexual harassment and discrimination in the workplace, as well as its provisions on maternity leave amongst others.



2. Methodology

This study relied on the latest research and other relevant literature, questionnaire interviews with workers at the Kalabo TFZ, and personal interviews with employers, trade unionists, government officials, worker representatives as well as focus group discussions (FGDs) with a wide section of the TFZ industries. Various interview extracts and media reports by Island Business and Review, NGO reports from the Fiji Women's Rights Movement, and ECREA together with government reports from the Fiji Bureau of Statistics, Ministry of Labour and Industrial Relations and Fiji Trades and Investment Board have been used to provide statistics and relevant information and generally supplement findings from this research.

The targets of this research were the nine companies in the TFZ and a sample of 600 respondents. Unfortunately three companies who had initially showed interest withdrew while the fourth allowed an interview with a member of management staff and only one employee. This late withdrawal affected the sample size. Of the 614 questionnaires distributed, administered and processed for this research, only 236 were accepted for analysis. The problems of incomplete questionnaires lay in the workers having very limited time to answer them and to freely engage with the three research assistants. Most of the respondents felt intimidated to answer the questionnaires or freely express themselves in FGDs for fear of losing their jobs. This was despite several verbal and written assurances from company management. The research team

acknowledged the sensitive nature of the study and consented to only interview the workers at the TFZ, therein limiting the type and quantity of information gathered.

Finally, there were two sets of questionnaires (Appendices 1 and 2). The semi-structured questionnaires administered to the women workers were designed to establish their work conditions within the framework of their agreement as well as to gauge level of awareness of their rights as workers. The employers in the TFZ were administered open-ended questionnaires that sought to establish the history of the company, the reasons for its establishment in the TFZ, their main labour concerns and how those concerns have and/or may be addressed. Both sets of questionnaires were administered on site during work hours at the TFZ.

3. Results and Analysis

3.1 General

The Kalabo TFZ, (Fiji's sole TFZ) accommodates nine different companies including two garment factories, two computer companies, one communications company, a warehouse and distribution centre, a carton factory bulk house, a scented body oil processing company, and a security firm. Of the nine companies, only six are represented in this study (*Table 1*) as they had granted permission for this research. Therefore, while the total number of employees in the whole TFZ stands at about 1,126 - (*Table 1*) - 952 employees for the six companies are represented in this study. Out of that total, 236 respondents were analysed here (24.7 percent) - just about a quarter of the total number of employees for those companies involved in this study. The results from this study are presented here and analysed against the backdrop of the current labour laws and other relevant published reports pertaining to women and their work conditions in Fiji.

Table 1: Factory Type by Number & Sex of Workers Kalabo Tax-free Zone (TFZ), 2007

<i>Year of Establishment</i>	<i>Factory</i>	<i>Type of Activity</i>	<i>Number of Workers (Male/Female) (Approx)</i>		<i>Total (Approx)</i>
	C.J Patel - Nestle	National Distribution Centre – Bulk site	14	0	14
1997	Mark One Apparel	Garment Making	150	450	600
	Golden Manu.	Carton Factory - Bulkhouse	1	0	1
2006	Quest	Call in Centre – ANZ	n.a.	n.a.	138
	Fiji Natural Oils	Scented Body Oil Processing	n.a.	n.a.	14
	Digicel	Telecommunications	n.a.	n.a.	22
2003	Lyndhurst Garments	Garments, Bags, Belts Manufacturing	60	238	298
2006	Sublime	Electronic Data-Processing	2	23	25
1997	Risk Control Security Services	Security Firm	14	0	14
Total			227*	725*	1126

Source: Fieldwork. * Totals exclude companies whose sex breakdowns were not available (n.a.).

3.2 Labour Profile

3.2.1 Sex

A total of 236 workers from the Kalabo Tax Free Zone (TFZ) were interviewed (*Table 2*). Where the three companies - CJ Patel (a national distribution company), Risk Control Security Services (security company contracted by the Fiji Trades and Investment Board to look after the zone) and Golden Manufacturing Company (a carton factory bulk house) all employed solely male employees, the other three companies in this study, namely, Lyndhurst Garments, Mark One Apparel and Sublime (electronic data processing) employed both males and females. The majority of the workers in this study are women (88 percent) workers from the two garment factories. As the TFZ is dominated by the two garment factories (about 900 workers), *Table 2* echoes that disparity in its findings. Thus, women workers here mainly refer to garment workers as they make up the majority of women workers in this study.

Table 2: Work Place by Sex of Worker - Sample Frame Kalabo TFZ, 2007

<i>Workplace</i>	<i>Sex</i>		<i>Total</i>	<i>Percentage Total (%)</i>
	<i>Male</i>	<i>Female</i>		
CJ Patel	5	0	5	2.1
Lyndhurst Garments	11	94	105	44.5
Mark One Apparel	6	112	118	50.0
Risk Securities	6	0	6	2.5
Sublime	0	1	1	.4
Golden Manufacturing	1	0	1	.4
Total	29	207	236	100

Source: Fieldwork.

3.2.2 Age, Marital Status & Children

Generally, the workers' ages ranged from 17 (female, garment factory worker) to 59 years of age (male, garment factory worker) with an average age of 34 years. Most of the women in this study were aged between 21 - 50 years while the majority for both men and women fell into the 31 - 40 age groups (*Table 3*). Thus, it can be said that the majority of the women workers in this study are in the reproductive age group.

Most of the workers between the ages of 19 - 59 were married (56 percent), while 24 percent of the workers who had never married were aged between of 18 - 54 years. There were 19 percent of workers between the ages of 17 - 50 years who had married and, at the time of this study, were widowed, divorced, separated or were involved in a de facto relationship. Women workers made the majority for all these counts (*Table 4*).

Table 3: Age/Sex Statistics for Workers - Kalabo TFZ, 2007

<i>Age (Years)</i>	<i>Sex (Male/Female)</i>		<i>Crude Total (n = 236)</i>	<i>Percentage (%)</i>
> 20	3	7	10	4.2
21 - 30	11	61	72	30.5
31 - 40	7	79	86	36.4
41 - 50	5	49	54	22.8
51 - 59	3	3	6	2.5
Not stated	0	8	8	3.3
Total	29	207	236	100

Source: Fieldwork.

Table 4: Marital Status by Age Groups by Sex - Kalabo TFZ, 2007

<i>Age Status</i>	<i>Sex</i>		<i>Total</i>	<i>Percentage (%)</i>
	<i>Male</i>	<i>Female</i>		
Single (18 – 54 yrs)	15	42	57	24.2
Married (19 – 59 yrs)	11	122	133	56.4
Divorced (25 – 50 yrs)	1	14	15	6.4
Widowed (17 – 50 yrs)	1	10	11	4.7
Separated (27 – 51 yrs)	0	15	15	6.4
De facto (26 – 50 yrs)	0	4	4	1.7
Not stated	1	0	1	0.4
Total	29	207	236	100

Source: Fieldwork.

Most of the women were mothers with one to three children (64 percent), four to seven children (10 percent) with about 25 percent of the women having no children (*Table 5*). Also, the generally increasing instances of single parenting in Fiji are evident in this study where a total of 10 women workers and one male are single parents or guardians with one to three children to look after. The youngest female (17 years) is also a single parent and a widow with a child to look after.

Table 5: Marital Status by Sex by No. of Children - Kalabo TFZ Sample, 2007

Sex	Current No. of Children	Marital Status							Total
		Single	Married	Divorced	Widowed	Separated	De-facto	Not stated	
Male									
	0	14	3	0	0			1	18
	1	1	1	0	0			0	2
	2	0	3	0	1			0	4
	3	0	1	1	0			0	2
	4	0	2	0	0			0	2
	8	0	1	0	0			0	1
	Total	15	11	1	1			1	29
Female	0	31	17	1	1	1	0		51
	1	7	32	3	2	4	1		49
	2	2	35	7	4	4	1		53
	3	1	23	2	1	3	1		31
	4	0	10	0	1	2	1		14
	5	0	3	0	0	1	0		4
	6	0	1	1	0	0	0		2
	7	0	1	0	0	0	0		1
	Not stated	1	0	0	1	0	0		2
	Total	42	122	14	10	15	4		207

Source: Fieldwork.

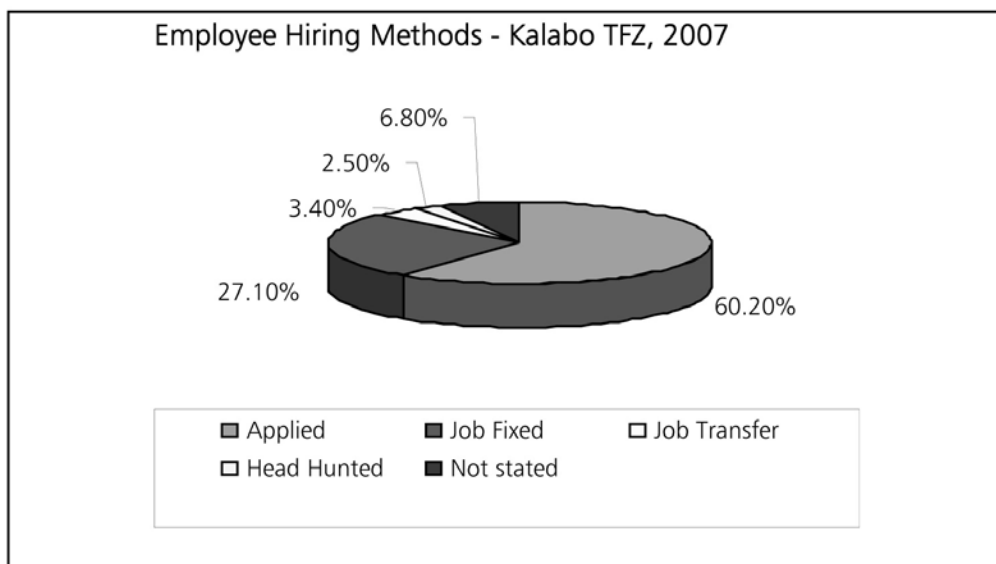
A further 35 women and two men may also be single parents/guardians with one to eight children in their care as they were divorced, separated, or widowed. But this figure must be treated with caution as those same workers could be living with partners - something the questionnaire was not designed to capture (*Table 5*). The oldest woman worker (58 yrs) in this study is a widowed woman who is guardian for seven children. What needs highlighting is that there are more single parent women than men. This finding becomes important when considering income earnings and family obligations discussed in other parts of this report.

3.2.3 Level of Education, Training and Hiring Methods

The majority of the women had dropped off from formal education after failing national qualifier examinations at form 2, 4, 6 or 7 levels (*Table 6*). Thus academic skills for these women are low. Yet, the majority of the workers had formally

applied for a job by writing an application letter to show interest in employment at one of the six companies represented in this study (*Chart 1*).

Chart 1: Kalabo TFZ - Hiring Methods Indicated by Employees



Source: Fieldwork.

There are more tertiary-educated males who work for the distribution company and the security firm and are taking part-time courses at the University of the South Pacific (USP) or at the Fiji Institute of Technology (FIT). For the distribution company, training was available only for senior staff if it was required, and was extended to junior staff if they were taking extra courses (which would benefit the company) at FIT³⁴. For others, working for the company was just a temporary arrangement to pay for their education. Once they received scholarships or a better paying job, the men would move on. The 17 women in this category indicated tertiary education as they had attained specific garment factory skills and certification from the Fiji National Training Council (FNTC), or the Fiji Garment Training Centre (FGTC) (*Table 6*). This represented only 8 percent of all the women workers in this study.

³⁴ Interview with management, July 1, 2007.

Table 6: Work Place by Sex of Worker by Highest Level of Education - Kalabo TFZ, July, 2007

<i>Highest Level of Education</i>	<i>Company</i>	<i>Sex</i>		<i>Total</i>
		<i>Male</i>	<i>Female</i>	
Primary School Classes 1 - 6	CJ Patel	1	0	1
	Lyndhurst	3	7	10
	Mark One Apparel	0	19	19
	<i>Total</i>	4	26	30
Secondary School Classes 7 - Form 7	CJ Patel	1	0	1
	Lyndhurst	8	73	81
	Mark One Apparel	6	82	88
	Risk Securities	5	0	5
	Sublime	0	1	1
	Golden Manufacturing	1	0	1
	<i>Total</i>	21	156	177
Tertiary School	CJ Patel	3	0	3
	Lyndhurst	0	9	9
	Mark One Apparel	0	8	8
	Risk Securities	1	0	1
	<i>Total</i>	4	17	21
Not Stated	Lyndhurst		5	5
	Mark One Apparel		3	3
	<i>Total</i>		8	8

Source: Fieldwork.

The workers indicated the various methods through which they were first hired to determine their starting and current wage levels (*Table 7*). This was especially relevant for the distribution company (hiring was strictly through application letters) and the garment factories where workers also arranged jobs for relatives and friends. In those cases, the workers appeared at the factory, indicated they needed work, and after a satisfactory trial and/or interview, signed an agreement with the company and were given a few weeks of in-house training³⁵.

³⁵ Interview with garment factory worker, June 6, 2007.

For one garment factory, a new worker needed to bring an original birth certificate copy, and/or a Fiji National Provident Fund (superannuation card) which carried a photograph, a current Australia & New Zealand Bank card or a water bill as identification³⁶. The e-processing company 'head hunted' for its workers by looking for and hiring the highest performers from certified computer training schools around Suva; in that way, the company was assured of acquiring a batch of capable and accurate data processing workers³⁷ (Table 7).

Table 7: Hiring Method by Highest Level of Education - Kalabo TFZ, 2007

<i>Hiring Methods</i>	<i>Highest Level of Education</i>				<i>Total</i>
	<i>Primary</i>	<i>Secondary</i>	<i>Tertiary</i>	<i>Not stated</i>	
Applied	21	101	17	3	142
Job fixed by friend or relative	5	55	1	3	64
Job transfer	2	6	0	0	8
Head Hunted for Skill	0	5	0	1	6
Not stated	2	10	3	1	16
Total	30	177	21	8	236

Source: Fieldwork.

3.2.4 Residence of Workers

Most of the workers lived around the Nasinu (TFZ) area (58.5 percent) travelling to their workplace either on their own transport or that provided by the company. Others resided around Suva (22 percent) and Nausori (18.6 percent) and at least one worker travelled daily from Navua to work at the TFZ. The area is regularly serviced by at least two bus companies running at half hourly intervals and which drop and pick up workers directly from the work site. For example, a standing arrangement by the management of Mark One Apparel allows for a bus company to pick up its workers along the Nausori to TFZ route, and another from Raiwaqa to TFZ zone every morning and afternoon³⁸.

³⁶ Interview with management, garment factory, May 25, 2007.

³⁷ Interview with manager of company, June 27, 2007.

³⁸ Information from HRO for company, July 12, 2007.

Further, three taxi bases service this area with one of them located about 700 meters from the zone. As the TFZ is a highly secured area, previous clearances for any vehicle travelling in and out of the area is essential. This also applies to all forms of public transport entering the area to pick up and drop off workers.

3.3 Work Conditions

3.3.1 Types of Employment

The majority of the employees worked in the two garment factories with machinists making up at least 57 percent of the respondents (*Tables 1 & 8*). A further 14 percent worked as quality controllers in the garment factories, four percent in the ironing and folding sections, three percent as security officers and supervisors, and others who worked as drivers, helpers, assistants, mechanics, handyman, cleaners, clerks and others (*Table 8*) for the six companies.

There is general evidence of gender stereotyping (Emberson-Bain with Slatter, 1995) in some types of work activities in the TFZ (e.g. receptionist, mechanic, handyman, driver, cleaner, machinist), which raises some wages and occupational, health and safety issues such as sex and gender-based wage differentials and sex-based Occupational Health and Safety (OHS) issues on matters concerning lifting loads and treatment of pregnant workers. For example, the two garment factories have made efforts to set work conditions that promote equal employment opportunities applied across the board including minimum wages, sexual harassment and discrimination policies, all of which will be discussed in greater detail in other parts of this study.

Table 8: Work Positions by Sex - Kalabo TFZ, 2007

<i>Position at Work</i>	<i>Sex</i>		<i>Total</i>	<i>Percentage (%)</i>
	<i>Male</i>	<i>Female</i>		
Office Clerk	2	0	2	0.8
Machinist	6	129	135	57.2
Supervisor	0	7	7	3.0
Driver	1	0	1	0.4
Aisle Assistant (Distribution)	2	0	2	0.8
Security Guard	6	1	7	3.0
Quality Controller (Garment)	1	33	34	14.4
Helper (Garment)	1	3	4	1.7
Folding (Garment)	0	4	4	1.7
Ironing (Garment)	0	10	10	4.2
Fabric Inspector	2	0	2	0.8
Cotton Clipper (Garment)	0	1	1	0.4
Training Supervisor (Garment)	0	1	1	0.4
Cutter/Layer (Garment)	1	0	1	0.4
Mechanic	2	0	2	0.8
Handyman	1	0	1	0.4
Main Assembly	0	1	1	0.4
Stain Remover	0	1	1	0.4
Buttoning	0	2	2	0.8
Receptionist	0	1	1	0.4
Cleaner	0	1	1	0.4
Packing	0	2	2	0.8
Personal Assistant	1	2	3	1.3
Distribution Clerk	1	1	2	0.8
Not Stated	2	7	9	3.8
Total	29	207	236	100

Source: Fieldwork.

3.3.2 Hours of Work and Wages

The normal day (nine hours) for all the companies begins at 8.00am and ends at 5.00pm from Monday to Friday (including an unpaid hour's lunch break) (*Table 9*). Some companies offered a full hour's lunch and two 15 minutes breaks (mid-morning and mid-afternoon). Others complied with the hour's break by offering a half hour lunch and two 15 minutes breaks for morning and afternoon tea, e.g., the garment factories whose management provided sheltered lunch areas and tables outside the factories for staff members and hot tea for the workers at lunch and tea breaks.

Table 9: Workplace by Sex by Working Hours - Kalabo TFZ, 2007

Work Length	Sex	Work Place						Total
		CJ Patel	Lyndhurst Garments	Mark One Apparel	Risk Securities	Sublime	Golden Manuf	
<40 hrs	F		1	1				2
	Tot		1	1				2
40 hrs	M	4	0	0				4
	F	0	1	4				5
	Tot	4	1	4				9
> 40hrs	M	1	9	5	6	0	1	22
	F	0	80	92	0	1	0	173
	Tot	1	89	97	6	1	1	195
	F		10	8				18
	Tot		10	9				19
Others	F			1				1
	Tot			1				1
Not Stated	M		2	1				3
	F		2	6				8
	Tot		4	6				10

Source: Fieldwork.

The minimum hourly rates and wages paid to workers in the TFZ are regulated by law. The Wages Council Act allows for the establishment of a wages council or a minimum wage fixing legislation where 'no adequate machinery exists for the effective remuneration' of workers³⁹. The act provides the means of applying

³⁹ Emberson-Bain with Slatter, 1995: 24.

statutory minimum wages and enforcing basic conditions of employment such as paid public and annual holidays, maximum hours of work and overtime rates in any industry, occupation or trade where similar protective intervention is believed to be warranted (sect. 8)⁴⁰. There are ten wages councils (as outlined in the act above) set up in different sectors of Fiji's economy⁴¹ that regularly establish and monitor minimum wage rates and levels. These wage councils also determine the hourly rates and wages of people working in the Kalabo TFZ. Workers were paid weekly in the six companies and wage levels varied according to levels of skill and experience (*Table 10*). For the highly performance-based garment factories, a different hourly rate and wage level was set for new beginners without training against those for new staff with previous work experience and even those with longer years of work in the same garment factory (*Case study 1*).

Table 10: Minimum Hourly Rates by Factory - Kalabo TFZ, 2007

<i>Company</i>	<i>Hourly Rate in FJ\$ Learners</i>		<i>Hourly Rate in FJ\$ Experienced/Others</i>	
	<i>(Male)</i>	<i>(Female)</i>	<i>(Male)</i>	<i>(Female)</i>
Mark One Apparel	\$1.26	\$1. 26	\$1.48	\$1.48
Lyndhurst Garments	---	---	\$1.55	\$1.55
Golden Manufacturing	----	---	\$4 - 40	---
CJ Patel (Nestle)	----	---	\$2 – 50	---
Risk Securities	---	---	\$1 - 70	---
Sublime	n.a.	n.a.	\$6, 500 base salary*	

Source: Fieldwork.

*Hourly rate not disclosed except base salary; additional 23.5 percent of that paid as incentives.

One of the factories did not recruit new beginners without previous machinist skills and accepted intending experienced employees after three - four hourly trials on different sewing machines. Should the potential employee prove proficient, he/she is put on three months probation at \$1.55⁴² an hour (regardless of sex) with his/her performance closely monitored. After three months, the worker is confirmed in his/her position with an increased hourly rate of \$1.65. At the time of this study, the highest paid machinists in that factory were paid \$1.95 while supervisors were earning \$2.00 to \$2.30 for an hour's work⁴³. (The company justified its hiring method by saying that was manufacturing the world class Kookai brand for its 26 retail outlets in Australia.)

⁴⁰ Ibid.

⁴¹ Narsey, 2006: vii.

⁴² This was the standard hourly rate for new recruits in the garment industry in 1999. Review April 1999: 46 - The Wage Debate by Ateca Tora

⁴³ Interview with management, July 11, 2007.

Case Study 1: Different Wage Levels

Shanti and Mere (fictitious names) both work at the same garment factory where wage rates are now calculated on an hourly basis and not upon the number of pieces sewn, ironed, cut, folded or packed as before. Shanti attended the Fiji Garment Training Centre (FGTC) in Nabua to learn her skill as a machinist and then went to work at another garment factory where she was being paid \$1.80 an hour. When she came to work at this TFZ factory, she was paid \$1.50 per hour and for the next two weeks, was observed for her proficiency. Since Shanti proved her worth, she was now being paid \$1.80 an hour for her work.

Mere, on the other hand, came to the factory and asked if there was any vacancy for a machinist. She was accepted and provided in-house training. For the next two weeks, she was paid about \$1.20 per hour for nine hours per day. At the end of the six weeks, the management decided she was capable of good work and she was accepted to continue work at the factory. This time, she was paid \$1.65 an hour and she hopes to earn higher than that if she works hard enough. Both Shanti and Mere understand that wages are paid according to their individual performance and that pay rise in the factory is not automatic.

It is also evident that minimum hourly rates for all workers in the Kalabo TFZ are not only low but have remained low in the last decade (*Table 11*), therein raising the question: have the wages councils been effective in implementing a minimum wage level upon which women workers in the TFZ (and indeed all wage earners) are able to sustain livelihoods above the poverty line? If not, then the wages councils' roles and functions need to be investigated for non-delivery and the Wages Council Act needs to be revised towards that end.

Table 11: Minimum Wage (Garment Factory)

<i>Year</i>	<i>Learner</i>	<i>Other</i>
1991	\$0.65	\$0.85
1999	\$1.05	\$1.26
2002	\$1.15	\$1.36
2004	\$1.21	\$1.43

Source: After Storey in, S. Firth, 2006: 230.

The other question becomes: are wages in the garment industry (and for the factories in the TFZ) deliberately kept low because it mostly employs women whose work is of lesser value than their male counterparts?⁴⁴ This is most likely the case as shown in the following arguments: a) the manufacturing sector recorded a worse gender/wage differential in 1997 than any other sector, with women's pay 63 percent that of men's, in which the garment industry employed 12,000 women⁴⁵; b) now the garment industry received a pay increase in March 1999; for learners \$1.05 and for other workers, \$1.26; and the garment wages council then noted that the industry will not be reviewed until the economy picked up again.⁴⁶ However, in January 2002, the Ministry of Labour announced huge wage increases for the generally male-dominated printing trades industry, building and civil engineering industry and wholesale & retail industry, bringing their hourly rate between \$1.60 and \$2.51⁴⁷.

There were further increases (by \$0.10) in hourly rates for garment workers in 2002 and 2004 (*Table 11*); c) yet, in 2007, the current minimum hourly rate for women recruits into the garment factories in the TFZ, whether learners (\$1.23) or experienced (\$1.55 - \$1.65), still falls below the 2002 rates for male-dominated industries. Currently, experienced machinists are earning hourly wages that range from \$1.65 to \$1.95 and their supervisors are earning an hourly \$2.20.

⁴⁴ Fiji women workers earn 88 percent of men's salaries - CEDAW Roadmap, p142.

⁴⁵ Storey, p230.

⁴⁶ Garment wages council legal notice No. 27 in Fiji Government gazette supplement No. 13 of 1999 - NGOs in CEDAW Roadmap, p171.

⁴⁷ Ibid.

These wage differentials require immediate investigation and adjustment so that hourly rates for wage earners are not gender biased towards male workers for two good reasons: i) women workers have contributed their skills and prowess in the garment industry; and, ii), a rising number of women workers in the garment factories in the TFZ are becoming sole parents and breadwinners (*Table 5*). Those women's contribution to the sector and industry, as well as to their families and society in general, need to be rewarded.

If equal employment opportunity (EEO) and equal pay for work of equal value aspirations and regulations as espoused by CEDAW, ILO, government (ER Bill (Part 9)), and the aspirations of NGOs and women workers are to be realised, the Employment Act (1978) and the ER Bill (2005) need scrutiny re the definition of work. There is a need to define 'work' and 'services' aside from the interpretations of 'employ' (from an employer's view - to use the services of a person under a contract of service - Employment Act (1978) (ER Bill (2005) to gauge a realistic value for work regardless of gender.

As well, the composition of the wages councils need to be revised towards a gender balanced representation⁴⁸, and the functions of the wages councils need to be reviewed and strengthened⁴⁹. Both these reviews need to take place to improve the hourly wages for women workers in the TFZ.

A 2006 NGO-sponsored study (on the roles and functions of Fiji's wages councils) established that "the wages councils were ineffective due to institutional weaknesses" and recommended that "'just wages' levels must be set according to the employer's 'ability to pay' (rather than inability to pay) so there is sustainability for both the employing enterprise and the income of the employee"⁵⁰. For example, in the garment industry, trade unions and the Ministry of Labour have all too often accommodated the employer's standpoint that paying an hourly rate of more than a dollar will result in the closing down of factories⁵¹.

⁴⁸ After Emberson-Bain with Slatter, 1995.

⁴⁹ After Narsey, 2006.

⁵⁰ Narsey, 2006, vii.

⁵¹ Interview, Senior Labour Official, July 12, 2007.

"Negotiating minimum wages and OHS Standards at the TFZ can also be a moral issue for the Ministry of Labour. When we do our work with them (employers), we also have to consider the plight of the workers - their low level of education; they reside in squatter areas and are raising families. If we become too tough and stringent on OHS and raise minimum wages to a certain level, there is a possibility that the factories will close and we will have an extra 1000 workers on the streets without employment" - Senior labour officer

The real threat of factory closure and unemployment exposes government (Ministry of Labour) and trade unions to a level of vulnerability when negotiating real wages with employers and, especially, foreign investors in the TFZ. But Narsey reminds us that "there have been no recorded instances of employers closing down in Fiji because of higher rates set by wages councils. Employers who have closed down recently (as in the garment industry) have done so largely because of broader World Trade Organisation-induced forces abroad, such as reduced preferences in destination markets for their products, or the ending of special concessions by Government"⁵².

Unfortunately, the first task of the female Labour Minister in the current interim government, post-December 2006 coup, was to dissolve the councils as a cost-cutting exercise with the "current minimum wage levels and regulations still in place"⁵³. By removing the ten wages councils, the existing minimum wages of women workers (and all males) in the TFZ and elsewhere, as low as they are, presumably cannot be reviewed and/or adjusted until the wages councils are re-instated or similar institutions are established to carry out the work of those wages councils⁵⁴. That action may also be interpreted as a message to foreign and local investors that they can establish businesses with cheap labour in Fiji.

⁵² 2006, p3.

⁵³ Ibid.

⁵³ Narsey, 2006, p97.

It is recommended that in order to improve minimum wages for women workers in the TFZ, wages councils need to be promptly re-instated and their roles and functions reviewed and strengthened⁵⁵ to promote sustainable minimum wages for all women workers whose hourly rates are determined by those councils. Adopting an 'employer's ability to pay' approach at wages council negotiations seems more viable and is also recommended by this study⁵⁶.

3.3.3 Take-home Wages

For the 226 workers who answered this probe, take-home wages for the TFZ workers in this study varied in amounts from as low as \$18.00 to about \$150.00 per week (*Table 12*). Given the low hourly rates paid to workers in the TFZ (*Tables 10,11*), other factors that contributed to the final take-home total wages included various payments made towards the Fiji National Provident Fund (FNPF - superannuation), (100 percent of the workers), savings schemes (22 percent of the workers), loan payment to the bank or the company (19 percent of the workers), hire purchase payments (18 percent of the workers), work uniforms (5 percent of the workers), trade union fees (4 percent of the workers) and others such as insurance, rent, transport and child care centre payments. Most of the workers acknowledged their very low incomes and wanted an increase in wages. Some garment factory workers noted that an increase in hourly rates from \$1.65 to \$2.00 could mean a lot of difference in meeting daily expenses:

"Can all the garment workers get their starting rate at \$2.00 an hour? \$68.00 is not enough to look after a family like mine (me and my son)"
- Machinist

"\$100.00 is not enough for a week. After payments, I'd be fortunate to have at least eight plastic bags of shopping from the supermarket. I used to be able to buy more than that before, but it's very difficult now"
- Security officer

"If more women in the garment factory can get a starting rate of \$2.00 per hour to meet the difficulties we are facing now. As we can see, some of us earn \$45.00 - \$65.00 a week, which is too low to meet the needs of a family" - Machinist

⁵⁵ Narsey, 2006, p97 - 104.

⁵⁶ Narsey, 2006.

These sentiments agree with the general view of Narsey's work where "overall, there has been a serious long-term deterioration in the real incomes of wage earners in the country, both absolutely, and relative to, GDP per capita"⁵⁷.

Table 12: Weekly Wages by Sex of Workers - Kalabo TFZ, 2007

<i>Wages/Week (FJ\$)</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
18 – 64	1	88	89
65 – 70	4	40	44
71 – 80	3	28	31
81 – 90	0	8	8
91 – 100	5	4	9
101 – 150	9	3	12
151 – 250	2	1	3
Sub-total	24	172	196
Not Stated	5	35	40
Total	29	207	236

Source: Fieldwork.

Interestingly, 51 percent of all women workers who declared their total wages per week in this study earned \$64.00 or less and another 23 percent earned between \$65.00 and \$70.00 per week. Thus about 74 percent of the total women - the majority - earned \$70.00 or less in a week and 91 percent of all the women earned \$80.00 or less (*Table 12*). These sums fall way below the national average calculated wages of '\$128.00 to \$132.00 per week for a family with two to three children' for 2002⁵⁸ which Barr stated as "absolutely appalling and totally inadequate". Barr and Naidu⁵⁹ have also noted that, amongst others, garment workers and security guards were paid wages well below the Basic Needs Poverty Line (BNPL).

⁵⁷ 2006, p97.

⁵⁸ Barr, K (2003), "Wages Councils and Just Wages in Fiji", *Fijian Studies*, 1 (1) LAB Paper 12/2002 in, Narsey, 2006, p5.

⁵⁹ Barr, K & Vijay Naidu, "Comment on Poverty", *Fiji Update*, 2002 in, *ibid*, 14.

The wages councils that decided wage rates for the garment industry in 2003 and 2005, would require a large 85 percent increase in average Wage Regulations Orders (WROs)⁶⁰ to reach even the 1997 BNPL discounted by 20 percent. This reflects how low the hourly rates and wage levels are for the garment industry (and its women workers) and the same can be inferred for other wage earners in the TFZ. What's more, the proportion of wage earners below the BNPL (inclusive of women wage earners in the TFZ) have been increasing from 31 percent in 1978 to 69 percent in 1989 and to 71 percent in 1999⁶¹. After the two coups of 2000 and 2006, the proportion of wage earners below the BNPL is expected to continue to rise. From this study, it is recommended that the work of the wages councils be reviewed so that hourly rates for women wage earners (especially for those in the TFZ) are revised and raised to a level comfortably above the poverty line and with due consideration given to the negative impacts of the current political upheavals and resultant economic downturns in the country.

3.3.4 Overtime Work and Wages

While three companies do not allow overtime, the majority of the employees work overtime at the TFZ (90 percent). About 94 percent of the women workers also work paid overtime which is time-and-a-half pay for the first four hours and double-time after that (*Table 13*). In one garment factory, the women earned double time if they worked on public holidays, and time-and-a-half pay for working from 7.30am to 12pm, and double time from 12pm to 4pm, if they worked on Saturdays.

In one garment factory, choice is given to the employee for overtime work, working on Saturdays and public holidays and workers provide their own transport⁶² after working overtime. In this study, some women have worked on public holidays with normal pay which is compensated by taking non-paid leave on a chosen day of the following week. In those instances, the worker has been denied two sets of daily wages and meal allowances (\$3.00 in access of three hours - *Table 13*); one set of daily wage from double time and meal allowances for working on a public holiday; and one day's wages from taking a day's non-paid compensation off-day. The employer gains two days of wages on the other hand.

⁶⁰ WROs - gazetted by the Minister for Labour sets out the mandatory new wage rates and other conditions of work that are established by the relevant wages councils - Narsey, 2006, v.

⁶¹ Ibid.

⁶² This was noted in the CEDAW Shadow report for Fiji presented by the NGOs. 2002: p171.

While the Employment Act (1978, cap 92) makes no provisions for either sick leave or paid work on public holidays⁶³, the ER Bill (2005) contains specifics for paid work on holidays (Part 7, cl. 58) and paid sick leave (cl. 68). Because of the inclusion of these provisions in the ER Bill, its implementation is important to manifest these labour rights for women workers. In that way, exploitation of women's work and its underpayment may be curtailed. As well, work at the TFZ on public holidays needs to be regularly monitored by labour inspectors from the Ministry of Labour as this is an area that is open to abuse by employers. The Fiji Trades and Investment Board's on-site office does not monitor nor regulate labour conditions in the factories as this is left solely to the discretion of the employer.⁶⁴ At the same time, the women workers are vulnerable as they welcome more overtime and public holiday work to supplement their low incomes:

"We need overtime work to earn more money, but they (management) discourage overtime work and we must go home at 5.00pm" - Garment worker

3.4 Women Worker's Social Rights in Collective Agreements

The terms and conditions of an agreement offered (in place of an employment contract) to a wage worker is borne from a collective agreement designed by the employers and representatives of the relevant trade union and is signed between them and enforced with a labour officer as witness⁶⁵. A collective agreement is one which outlines the terms and conditions of employment that have been negotiated between the employer and the union (*Table 13*). Only two management staff signed contracts and the remaining 98 percent of the TFZ workers signed an agreement for a year's employment. This agreement is signed at the beginning of every year and some of the terms of the agreement may change (e.g. number of days for annual and sick leave). For one garment factory, the agreement operates mostly on a verbal level (oral contract) with the understanding that the company will provide maternity pay and leave, compensation, worker's organisation, channels to address grievances, and other relevant labour terms and conditions as these are not specified in the agreement (Annex 3).

⁶³ Emberson-Bain with C. Slatter, 1995, p7.

⁶⁴ Interview, FTIB Site manager, May 6, 2007.

⁶⁵ Interview Senior OHS Officer, Ministry of Labour, Suva. July 11, 2007.

Table 13: Non-Wage Conditions set by Wage Regulation Orders, 2004

	<i>Wholesale & Retail</i>	<i>Garment Industry</i>	<i>Manufacturing</i>	<i>Security Services</i>
<i>Hrs of Work</i>	8hrs x 5days x 5 hrs/6day – 45hrs	9hrs x 5 days, 45hrs	8hrs x 6days 9hrs x 5days	6hrs x 8hrs - 48hrs 6hrs x 12hrs - 72hrs
<i>Paid Public Holiday</i>	All public holidays	All public holidays	All public holidays	
<i>Overtime</i>	1 st 2hrs T ½ & thereafter Double time	1 st 4hrs T ½ & thereafter Double time	1 st 4hrs T ½ & thereafter Double time	1 st 4hrs T ½ & thereafter Double time
<i>Sick Leave</i>	6 days with medical certificate	5 days with medical certificate	10 days with medical certificate	6 days with medical certificate
<i>Annual Leave</i>	10 days	10 days	10 days	10 days
<i>Meal Allowance</i>	\$3.00 after 2hrs overtime	\$3.00 in excess of 3hrs overtime	\$3.30 in excess of 2hrs	\$3.50 in excess of 2hrs
<i>Subsistence</i>	\$15.00 accommodation; \$20.00 without accommodation	-	-	Transport provided between 10pm – 6am. Personal Protective Equipment provided.
<i>Watchman's Hrs</i>	8hrs x 6 days 48hrs	-	-	-
<i>Night Shift Allowance</i>	-	-	\$0.09 per hr 10pm – 6am	-
<i>Tool Allowance</i>	-	-	-	-
<i>Height Allowance</i>	-	-	-	-
<i>Casuals</i>	25% > than minimum	-	\$2.22 per hr	-
<i>Shift Allowance</i>	-	-	-	-

Source: Ministry of Labour in, Narsey, 2006: p134.

The general understanding on maternity leave is that women workers are given 84 days of leave paid at \$5.00 per day for each child⁶⁶. This provision is not specified in the agreement and appears as a form of oral contract⁶⁷ between the employer and the women workers.

Maternity leave can only be taken if a woman has worked consecutively for five months in the company. Where the woman is not aware of this leave (because of its verbal nature) or is denied this leave and/or the stipulated pay and she seeks redress, the fact that this verbal provision is not stated in the agreement is sufficient grounds for a woman to be denied her maternity leave.

It also exposes women workers to exploitation during the time when she is denied paid maternity leave or daily wages. Given that the ER Bill⁶⁸ will be enforced from October 1, 2007, this study recommends that employers and trade unions whose female employees work in the TFZ meet to discuss this oversight and to suggest variations to the current collective agreements to allow for maternity leave provisions to be specified in the collective agreements as well as with the agreements given out by employers to their respective female employees (ER Bill clause 155).

The social rights of a worker include accommodation, transport, further training for self and possibly for the immediate family, medical care for self and possibly for the immediate family, and insurance and other social obligations that employers may have for their workers. An agreement or contract may include part or parts of these rights.

The agreement signed by all workers (including women) in the TFZ does not provide housing, transport, further training for self nor for the family, and medical care for self and for the family. All the women workers were paid superannuation into their individual accounts held with the Fiji National Provident Fund (FNPF) as stipulated in the Fiji National Provident Fund Act (1985).

Furthermore, the majority of the TFZ workers, including 66 percent of all the women workers, are not fully aware of their social rights and whether medical, transport, training and superannuation were awarded to them at all. This was mainly due to these conditions not being specifically mentioned in their work agreement (see sample agreement in Annex 3).

⁶⁶ Interview with garment factory management, May 26, 2007.

⁶⁷ Even though the legislated oral contract can only last a month - Employment Act 1978. Cap 92, cl 22 (3)

⁶⁸ Has specific provisions on maternity leave - Part 11 cl 101.

This study recommends that human resource officers (HROs) for the companies create awareness amongst its women workers of their contractual social rights. Contractual social rights include the right to become pregnant and give birth while being employed : the right to getting paid maternity leave/; the right to show grievance and receive recourse for sexual harassment issues, the right to further training, and others. Moreover, awareness workshops designed for women workers in the TFZ and run by women NGOs in conjunction with trade unions need to be conducted. Some possible awareness workshop topics include interpreting maternity, sick and other leaves and rights in contracts for women workers, understanding the sexual harassment policy of the work place, identifying the different types of and addressing sexual harassment issues in the work place/, amongst others.

One of the two garment factories in this study has arranged for public transport, in-house training, as well as some medical treatment for its workers including women workers. As these provisions are not stated in the agreement, they may be seen as benefits that employers award their workers to promote good relations and effect high productivity in the workplace (*Case Study 2*).

3.5 Benefits

The majority of the workers (54 percent), including 89 percent of the women, noted having benefits in their employment at the TFZ. Women workers from one garment factory indicated transport, free periodic Pap smear clinics and subsidised eye clinics, a child care centre for those women who cannot pay for child minders and a savings scheme for the workers. These were all provided by the employer (*Case Study 2*). Finally, as there were no foreign workers of either sex employed at the TFZ, the questions on migrant women workers and their social, labour, political and civic rights were not answered.

Case Study 2 - Additional Benefits - Garment Factory

Ana (not her real name) is 58 years old and has worked at Garment Factory B for the last 15 years. She had previously worked in two other garment factories and had started working for \$0.50 and now earns \$2.20 an hour - 'a great improvement'. Work conditions in this factory are much better with a clean working environment. At this workplace, there is a special room to allow rest for someone who falls ill at work. If the person turns worse, the employer takes her to the hospital at the employer's cost. Doctors and nurses also conduct regular Pap smears on the women workers in a special room set up for the visitors at the factory. The employer also allows special clinic teams (e.g. overseas eye specialists touring Fiji) to attend to the workers. There was one such eye clinic in 2006 through which Ana was able to get a new pair of subsidised glasses. She was able to pay off the pair of glasses by receiving a loan from the company; payments for which were directly deducted from her weekly wages.

If a worker died, the company contributed \$500 towards the funeral - a sum which paid for the coffin, met part of the cost for transport of the work delegation to the funeral, as well as part of the cost of traditional gifts to be presented at the funeral. The company also gave out loans to workers who wanted to buy private cars or to build houses. For housing projects, the workers needed to provide proof of land being bought and quotes for house construction. The company allowed for a maximum \$10,000 loan to pay for construction materials. For this, payments were directly deducted from the worker's weekly wages.

The employer provided a child care center for the children of workers and Ana has a child attending that centre. She pays \$11.00 per week for her child while outsiders pay \$22.00 for that same service at the child care center. The company also arranged daily transport and also a savings scheme for its workers. For the savings scheme, the worker authorises an amount to be deducted from her wages which is directly deposited into her savings account held with management. The worker is able to draw those funds at the end of three months to pay off loans, hire purchase, bills, and especially school fees for the worker's children. In cases where the worker's daughter drops out of secondary school at Form 6/7, the company pays for the daughter's training at Fiji National Training Council (garment training school) while she works at the factory too.

3.6 Labour Rights

3.6.1 Organised Work

Trade unions are a legitimate avenue through which workers can collectively address their grievances and negotiate solutions with their employers and government. Trade unions are a force to be reckoned with in Fiji with trade union activity both common and widely accepted. Only the garment factory workers in the TFZ belonged to a union while the workers from the four other companies were not organised. Fiji has a trade union that represents garment workers and only two garment factories in Fiji are represented by the union.

The union has a membership of about 200 with a 50 percent annual turn over rate because the workers feel the pinch of paying \$1.00 weekly union fees⁶⁹. Only 27 percent (64) of the total respondents from the garment factories were members of that union. Of these, the 60 women workers joined the union because they wanted improved work conditions and to have employment security by joining a union. Most of the women (71 percent) were non union members because 'joining the union was mainly an unnecessary financial burden on their meager incomes'⁷⁰. For example, union fees for the garment workers union is \$1.00 per week; this is a total of \$48.00 per year. For an industry that increased its hourly wages by \$0.10 every two years, \$48.00 is a huge amount of money to part with (Tables 11, 12). This money was put to better use by paying for a family's financial needs. Given the high rate of unemployment and the recent economic downturns in Fiji's economy, the women thought it prudent not to join a union because participating in union actions could result in job losses for them.

This fear was quite evident as was witnessed by the researcher. The trade unionist representing the workers arrived at the site to conduct a meeting to agitate workers to demand for pay increases and better work conditions. The meeting had a poor turn out. In that instance, the employer's stand that the union only had minority representation (150 members out of 600 workers) held sway⁷¹. The women's need for job security holds a higher priority than the women's need to seek union redress on work-related grievances; the women used other methods to address work grievances (see below).

⁶⁹ Interview, Garment workers trade union representative - June 12, 2007.

⁷⁰ Ibid.

⁷¹ Interview - trade union representative.

3.6.2 Promotion

About 56 percent of the total respondents agreed that they could get a promotion in their current work place at the TFZ, another 41 percent thought otherwise, while 3 percent did not know whether they could get one at all. The majority of the women workers (57 percent) indicated getting a promotion through good work and taking additional classes to improve their skills (*Table 14*). A good number of women from the garment factories thought there was no promotion at their workplace. They contradicted management who stated that promotions were encouraged for workers who performed well, citing, for example, supervisor positions at one of the garment factories given to outstanding workers who were originally hired as machinists⁷².

Table 14: Promotion by Sex of Workers - Kalabo TFZ, 2007

<i>Promotion Means</i>	<i>Sex</i>		<i>% Total Females</i>
	<i>Males</i>	<i>Females</i>	
Good work	17	118	57
Taking classes	4	42	20
Being loyal to the employers	1	1	.5
Learning other people's work	2	7	3.4
There is no promotion	4	23	11
Not stated	1	16	8
Total	29	207	100

Source: Fieldwork.

⁷² Interview: management of garment factory, May 24, 2007.

3.6.3 Annual Leave

The majority of the respondents (95 percent) take two weeks of annual leave just as 97 percent of the women workers do. On the other hand, only 55 percent of the women stated this leave was paid and 45 percent thought otherwise. The management at one garment factory gives "ten days annual leave on pro-rata. Leave without pay will be granted for genuine reasons only". These clauses may have caused confusion amongst the workers. The agreement does not specifically state that leave will be paid even though the length of leave has been expressly stated. It is recommended that leaves, whether paid or not, be stated in the agreements which women workers sign and comply with for the year's length.

3.6.4 Sick Leave

The majority of the TFZ workers are entitled to sick leave, just as 80 percent of the women workers do. The women were confused over the length of sick leave as 70 percent of them said leave length was according to that prescribed by the medical certificate, 19 percent indicated the standard length of leave given by the employer, while 11 percent of the women did not know the answer to this question. A sample agreement seen during one of the interviews clearly stipulates a standard five days of sick leave which negates the majority indication that sick leave applied according to medical certificate needs. In the agreement, women who have fallen sick and convalesced for more than five stipulated days have been allowed unpaid leave on the basis of a medical certificate. Eighty seven percent of the women knew that sick leave was paid while the remainder was unsure of this.

As before, it is recommended that leave conditions need to be expressly stated in the agreement so that women workers are clearly informed of their leave conditions and do not lose wages over misunderstanding/ confusion about sick leave conditions

3.6.5 Maternity Leave

Sixty percent of the women workers said they were awarded maternity leave. Thirty four percent of the women thought this leave was not granted. Four percent of the women could not get leave as they had just started work, and the remaining women did not know whether they were given maternity leave at all. This indicates that a substantial number of women were not certain about maternity leave conditions. The confusion may be attributed to a worker's agreement that does not specify maternity leave in its terms and conditions.

The length of maternity leave in the TFZ is the standard 84 days as is stipulated in the Employment Act (1978). For the two garment factories, the 84 days for a woman in confinement is allocated as 42 days before birth and 42 days after birth and a woman is paid a standard \$5.00 per day for those 84 days - a total of \$420.00 is paid for every birth to a woman worker in the TFZ. This is a variation from standard maternity leave policy in Fiji where women workers receive full pay for the first three children and thereafter half of her total pay or \$5.00 per day for the fourth and every subsequent birth⁷³. The variations in maternity leave policies are arbitrary in nature⁷⁴ and in this case, discourage a woman from becoming pregnant while working in the TFZ as will be shown below.

The current ER Bill that comes into effect from October 1, 2007 is more progressive for women workers because it specifically provides for full pay for the first three births and half pay from the fourth baby. It is recommended that the ER Bill is translated into the vernacular (at least those parts pertaining to women working in the TFZ) for the two main ethnic groups in Fiji and that public awareness programmes for this bill are conducted across the nation before and after the bill becomes an act. This needs to be done to promote effective transition from the old archaic labour laws to those combined in this one act. Whether this provision will be applied to women wage earners (especially in the garment industry) remains to be seen.

⁷³ This was much better than the provision in the Employment Act 1978, Cap 92, Clause 2 which granted a maternity allowance of \$1.50 per day for every period of confinement!

⁷⁴ FWRM, FWCC, ECREA, NGO Report on the Status of Women in the Rep. of Fiji Islands, CEDAW Roadmap, p169.

Case Study 3 - Maternity Leave

Maryanne (not her real name), a machinist, is pregnant and since she has been with the company for more than five months, she is allowed to take 42 days of leave before birth and 42 days after birth. Thus Maryanne will receive \$420.00 for that leave. If Maryanne was working normal hours (\$1.65 per hr for 9 hrs a day - Table 14) and had not taken leave or had taken leave with full pay, she will have been paid \$1,247.40 for the same length of days. Therefore, Maryanne, by taking maternity leave at \$5.00 per day, loses \$827.40 for the 84 days she takes for maternity leave.

The factories only differed on the method of payment for this leave as one factory strictly adheres to this allocation while the other pays the full maternity leave regardless of how leave is taken. For the factory where leave is divided into two, a woman gets paid \$210.00 for taking 42 days of leave before labour and receives the second allotment of \$210.00 if she returns to work immediately on the 43rd day. Failure to do so and without a medical certificate from a doctor means the woman loses out on maternity pay and actual pay for those extra days. The factories have taken this stance to prevent instances of absenteeism.

Moreover, the woman working at the TFZ can only enjoy the maternity leave provision on the condition that she has been employed for five months or more at the garment factory (*Case Study 3*). While the five month condition may seem arbitrary in nature, closer scrutiny shows that this condition discourages women from bearing a child while working for the factory.

One third (32 percent) of the women thought the leave length could be negotiated with the employer, while 60 percent of the women thought 84 days was the standard length of this leave. The remainder of the women did not know the length of maternity leave they were entitled to. Sixty percent of the women indicated that maternity leave is paid maternity while the remainders were not aware of this fact. It is recommended that HROs for the factories create awareness of this provision. It is also recommended that agreements signed by women must contain maternity leave provisions to prevent confusion and misunderstanding and the resultant loss of pay.

3.6.6 Work Grievances

Most (68 percent) of the workers thought they could go on strike at the TFZ. Forty nine percent of the women agreed with this sentiment while 40 percent indicated otherwise and the rest of the women were not aware whether they could take strike action at all. According to their work agreement, engaging in strike actions will result in immediate termination. Furthermore, the women who said they could take strike actions are not all trade union members (only 27 percent are). While one garment factory does not allow its workers to be affiliated with a union, the second factory only has 150 workers in the union movement - a number too small to represent and address the needs of the majority. The women's answers indicate a need for awareness on organised activism and their labour rights. It is recommended that women-based NGOs and trade unions address this issue.

The majority (75 percent) of respondents could lodge a complaint, if work conditions are bad or not fair, through standard procedures (lodging a written complaint to the immediate boss) and most women (70 percent) said the same. The low level of education for most of the workers makes presenting written complaints a problem in the workplace. This is solved by getting the assistance of the HRO to draft the letters for the women⁷⁵. In doing so, the content of the written complaint becomes questionable. Only 6 percent of the total workers indicated otherwise. A good 19 percent of the total workers did not know if they could lodge a complaint while 29 percent of the women would not lodge a complaint at all. These women preferred to talk to their friends about work-related problems and in that way vent their frustration.

The suggestion of discussing the issue with the complaints manager, the trade union representative or the HRO officer was not received well as this could mean intimidation by line supervisors⁷⁶. In the same token, most of the complaints were addressed immediately by the superiors (68 percent). The majority of women attested to the immediate redress of complaints by line supervisors (79 percent), while a significant 21 percent of the women indicated they could not lodge complaints for fear of intimidation. Again, these figures show a need for creating awareness concerning women's labour rights. A stress free and cordial working environment can boost productivity and therein improve opportunities to earn higher wages and promotions.

⁷⁵ Interview, HRO garment factory, July 12, 2007.

⁷⁶ Interview, supervisor, June 6, 2007.

3.6.7 Labour Rights Awareness

Finally, there is a low level of awareness of labour rights for the workers in the TFZ (37 percent) with 63 percent of the workers not aware of their labour rights. Similarly, 56 percent of the total women did not know their labour rights. This conspicuous lack can be attributed to a general lack of information about labour rights at the workplace as well as the lack of specific provisions and procedures in the agreement. Management indicated that discussions with staff were usually on OHS issues, general behaviour and other concerns⁷⁷. There is an evident need for labour-related information in the TFZ and its women workers and it is recommended that HROs, women-based NGOs, staff of the Ministry of Labour, trade union representatives and others need to create awareness of labour issues, rights and procedures for redress in the TFZ. This is to prevent further exploitation and abuse of women's cheap labour.

3.7 Political Rights and Civil Rights

The political rights of workers include their right to be represented by a union to address their grievances and to vote for union officials, to stand for municipal or national elections and to campaign at both elections. Civil rights for workers include owning property, using the courts and free expression at the workplace and in public. These questions were asked so that the study is comprehensive and not biased towards labour rights only.

3.7.1 Municipal and National Elections

Most of the workers cannot vote (54 percent) or campaign (49 percent) at municipal elections because they live in areas outside the town boundaries of Nausori, Nasinu and Suva. Only 22 percent of the women can vote at municipal elections while most of the women (61 percent) could not vote at municipal elections because they lived outside the town boundaries. This implies that a significant number of women workers at the TFZ reside in the squatter areas that dot the landscape along the Suva-Nausori corridor. All the subjects of this study can vote at the national elections except for the seven women and three men

⁷⁷ Interview, manager, May 25, 2007.

aged 17 - 20 who have not reached the legal voting age of 21. Only 43 percent of the women could campaign for national elections and 70 percent of the women indicated they could hold administrative positions in their local neighbourhood, church, school and women's groups. This is an indication that more than half of the women workers in this study were confident to lead within their communities.

3.7.2 Awareness of Political Rights

About 72 percent of all workers are aware of their political rights. This was echoed by the women (70 percent) and indicates a rather high level of political awareness amongst the workers. This may be attributed to the current political events in Fiji.

3.7.3 Religious Affiliation

While the majority of the workers (76 percent) could join any religious group, only 37 percent of the women said they could. As most of the women were Christians, the question may have been misconstrued to mean they were being asked to change religion, which was not the case. This probe was meant to establish if the women had freedom of choice of religion and the 54 percent of non response indicated this misunderstanding.

3.7.4 Freedom of Expression

More than half (63 percent) of the respondents said they could express themselves at their work place; and 62 percent of the women agreed to this. The same trend was seen in the confidence of the workers to freely express themselves in public (56 percent) to which 52 percent of the women agreed. Also, the workers could freely express themselves in other groups and meetings (65 percent) to which the women also felt the same (62 percent). Overall, the workers are able to express themselves freely without feeling threatened by tribal, municipal or national authority.

3.7.5 Property Ownership

The majority (74 percent) of the workers indicated that they could own property while (26 percent) could not. While this right is enjoyed by all workers in Fiji, the 27 percent of women who could not own property indicated so in consideration of their low wage levels. For the women, about 72 percent declared they could own property.

3.7.6 Law Enforcement

The majority (78 percent) of workers could report to the local police and use the local court systems to address wrongs against them and 77 percent of the women could do the same. On the other hand 21 percent of the workers could not use the system and 22 percent of the women echoed this sentiment.

All in all, only 47 percent of the workers and about 32 percent of the women were aware of their civil rights. On the issues of the civil rights of workers, the findings of the research show that majority of the respondents were not aware or fully understood their rights as stipulated by law. General awareness of human rights and civic rights either through the media, the Ministry for Women, the Ministry of Home Affairs, rights-based NGOs and others could address this lack.

3.8 Employment Relations Bill

The Employment Relations Bill (ER Bill) will be enforced as law in Fiji from October 1, 2007. This bill is an amalgam of seven separate labour acts, namely, the Employment Relations Act (Chpt 92), the Trade Unions Act (Chpt 96), Wages Councils Act (Chpt 98), Industrial Relations Act (Chpt 95), Trade Disputes Act (Chpt 97), Trade Unions Recognition Act, and the Public Holidays Act (Chpt 10). While all the acts have affected the work conditions of the woman worker in the TFZ, some changes to those acts as appearing in the ER Bill amalgam are briefly discussed here: maternity leave, sexual harassment, trade union issues and the wages council.

In this study, only 6 percent of all the workers in the TFZ have generally heard about the ER Bill while 94 percent do not have knowledge of it and have responded by asking what the ER Bill was. This indicates a dire need for awareness on ER Bill issues on the part of the woman worker. On the other hand, at least one employer (garment factory) has had discussions with the employee's trade union representative on matters regarding the maternity provisions of the new bill.

3.8.1 ER Bill and Maternity Leave

For the women workers in this study, maternity provision with the two garment factories currently stipulate 84 days of maternity leave (42 days before and 42 days after birth) paid at \$5.00 per day. This would mean a general income of \$420.00 for each confinement with each factory differing on payment conditions. Where one factory allows the woman worker a full \$420.00 pay for the 84 days regardless of leave breakdown before and after giving birth, the second factory strictly adheres to the time frames? any deviance from which the worker forfeits payment for those number of days in breach of the agreement.

What needs to be highlighted though is the important fact that maternity leave provisions are not included in the collective agreement and that the collective agreement is only good for one year. The omission suggests a lack of gender-sensitivity on the design of the collective agreement and the cyclic annual enforcement of the collective agreement compounds this oversight. Maternity leave for women workers employed on collective agreements need to be immediately redressed. In this case, the majority of the workers in the garment industry are women workers whose rights to reproductive health need to be acknowledged and protected.

As is current practice, the employer is under no obligation to consider previous number of children to meet the "full pay for the first three births and half for the fourth and subsequent births" conditions of the ER Bill (Part 11, cl 101). Currently there is a standard \$5.00 pay per day for the 84 days of maternity leave (*Case Study 3*) and even this understanding does not appear in black and white in the collective agreement. Apart from women working as administration staff on formal contracts, whether maternity leave is paid, let alone whether pregnant

women are allowed to continue to work on the floor in an industry that demands high productivity at minimal cost to the employer, needs to be questioned.

Therefore, apart from clauses covering sick and annual leaves, and disciplinary procedures, a gender-sensitive collective agreement must also contain maternity leave pay and conditions that ensure women workers are not left in doubt about this important reproductive right.

The process of changing the bill to become law has been somewhat sudden⁷⁸ and the general processes and machineries to create awareness for the impending Employment Relations Act (at least for workers) need to be fast tracked so that TFZ workers (especially women workers) know how the new laws will affect them on matters such as maternity leave and addressing work-related grievances, especially on wage issues.

3.8.2 Equal Employment Opportunities (EEO) Policy

There was evidence that a policy of non discrimination and equal employment opportunity on wages (ER Bill Part 9), promotion and benefits was in force in three of the six companies. The two garment factories worked on a standard hourly-based wage packet that did not discriminate between the sexes. While new recruits entered the factories on a similar wage rate (*Table 10*), individual performances in a high performance driven environment determined the women's wage level and promotion in the end. Likewise for one factory, similar benefits were extended to both sexes of workers irrespective of position in the factory. For example, all workers were provided lunch areas, child minding services and savings schemes⁷⁹.

Similarly, the data processing company pays a standard base salary of \$6,500 for all its workers after six months of probation. Another 23.5 percent of that is placed as incentives for all its workers; therefore the individual woman determines her own wage level with her speed and accuracy⁸⁰ as the company relies on offering high speed and accurate data entry.

⁷⁸ This bill has been continuously debated in parliament since 1995 and was on the verge of being implemented as law in 2000 and again in 2006 but for the coups of those years.

⁷⁹ Interview, management - June 1, 2007.

⁸⁰ Interview, management - June 27, 2007.

In the male dominated security and distribution companies and the company bulk house, gender-based employment is quite visible because the companies deal with providing security and protection and lifting and loading of goods onto and out of trucks (although the heaviest tasks are done by forklifts).

All these tasks are seen to be masculine ones that require a man's physical input. Yet, most of the tasks are performed by forklifts that can also be driven by women. What was not established was whether women had applied for those positions. If not, there is a need to create awareness that here was another employment opportunity that women could venture into (including driving trucks, buses, caterpillars, cranes, etc). When asked about hiring women for the distribution centre, the manager said a woman can be employed in the office doing dispatch work⁸¹ - a gender-based view of paid work.

3.8.3 ER Bill and Sexual Harassment

Both of the garment factories had designed and adopted progressive policies to address sexual harassment in the workplace (ER Bill Part 9). In one of the factories, any language or action of a sexual nature can be brought to an immediate supervisor's attention via a written complaint.

The incident needs to be verified by two-three people and together with the supervisor's report, the incident is investigated by management and actions are immediately taken. There are disciplinary action options of verbal warnings, written warnings and immediate dismissals with appropriate termination wages⁸².

3.8.4 ER Bill and Paid Leave and Public Holidays

The ER Bill also contains provisions for paid leave and paid work for working on public holidays (Part 7, cl 58, 59). There have been instances of women working on public holidays and receiving normal pay for the day after which she is compensated to an off-day on one of the days of her choice the following week. This exercise denies her one full day's payment for normal work (taken as compensation) and payment for another day's work because she must be paid double time for working on public holidays. Therefore, in this case, the enforcement of the ER Bill is also important to prevent exploitation of labour.

⁸¹ Interview with management - June 1, 2007.

⁸² Interview, HRO Garment Factory, July 12, 2007.



4. Conclusions

The TFZ's establishment in 1997 was a godsend for women whose livelihoods have rested on employment in this zone. Unfortunately, the decline of the garment industry has also meant unemployment for thousands of women all over Fiji. That there are still two garment factories which have employed the majority of the women in this study needs acknowledgement. On the other hand, the future of these women and their families will be determined by the tenacity of the factory employers to remain in the TFZ and add value to their product, find niche markets (even around the Pacific Islands) and diversify products. It is also suggested that the future health of the garment factories will be based on low wages as any increases will mean closure 'because the cost of garments are going down while the price for making them is increasing' ⁸³.

This means that in order for the garment factories to keep that niche, women's labour will still be needed in the TFZ where wages will remain low. The most skilled of the women may leave for other better paying jobs (such as salesgirl, etc which pays \$2.00 an hour) but work opportunities will still be available for women school drop-outs in need of a job⁸⁴. Therefore, the garment factories in the TFZ will still have willing women employees who will be aware that wages are low and yet have no or very few alternatives for employment because of their poor academic record. There are many other conclusions that can be drawn about the garment industry but for this study, women's labour conditions in the TFZ are as follows:

■ Firstly, the majority of the women employed in the TFZ work in the two garment factories. The women have a low level of education as they were school drop-outs from secondary schools in Fiji. Because of this, their employment opportunities are narrow and employment in the garment factories is one of the very few alternatives available to them.

⁸³ Storey, 2006, p228.

⁸⁴ Ibid.

- Secondly, the majority of the women are not skilled because they are not formally trained garment workers. For this, they need to be trained at the Fiji Garment Training Centre (FGTC), the Fiji National Training Council (FNTC), or at other training centres and women's organisations such as religious women's groups, etc. Instead the majority received in-house training. So the lack of skills has contributed to the low level of wages with 91 percent of the women earning \$80.00 or less per week therein establishing a ready source of cheap labour in the TFZ.
- Thirdly, because of the poor wages most of the women are willing to work overtime (so they earn time and a half and/or double time), on Saturdays and public holidays.
- Furthermore, there is evidence that the Garment Wages Council has also contributed to the low hourly rates in the garment industry as the council's views and wage negotiations for the garment industry are generally gender-based and pro-employer.
- Therefore, take home pay for women in the garment industry (and in the TFZ) has remained low in Fiji in comparison to male dominated industries in the manufacturing sector. This is further compounded by the various deductions each woman makes towards hire purchase payments, loan repayments, house rents, transport costs, child minding services and others. Where women are single parents, the financial burdens are even more excessive.
- The women workers sign an annual agreement that is brief in nature and lacks specific provisions on maternity leave, working during public holidays and Saturdays, sexual harassment, addressing grievances, wages, and allowances awards. Because of these omissions, the women are not well versed with work conditions regarding those issues and can be exploited for their labour on that basis.
- Employment benefits, even though not stated in the agreement, are offered to the women, for example free Pap smear tests, savings schemes, loans schemes, housing and death assistance. One factory has even started English literacy classes for its workers to improve communications within the factory.

- With the exception of their political rights, the majority of the women are not aware of their labour, social and civil rights as workers. This factor contributes to their exploitation in the garment making environment.
- Most of the women have not joined the union and are discouraged from doing so because paying \$1.00 as union fee per week out of \$70.00 - \$80.00 net pay is too high for them. This is coupled with the threat of possible victimization from the administration for joining the union. Moreover, the agreement signed by the woman worker forbids her to behave in any manner that might 'strike production' (*Annex 3*).
- Women are awarded paid annual leave of at least 10 days, paid sick leave of at least five days and paid maternity leave of 84 days. Maternity leave provisions discourage women from enjoying their reproductive rights because of the low daily wage rate of \$5.00 per day for every child compared to \$14.85 - \$17.55 per normal working day. Because of this, some women deny themselves their 42 days of post-birth leave in their need to return to earning normal wages to meet financial needs. The women can do this on the basis of medical certification pronouncing the woman fit for work.
- The women cannot agitate to improve their work conditions because their work agreement does not allow this. Moreover, the small number of union membership amongst the women is inadequate to represent the workers in negotiating labour issues and redressing any of their labour grievances.
- The women can lodge written complaints, which are immediately addressed by their superiors. Because of their low level of education, this letter is written with the help of the HRO, therein casting doubt on the content of the letter.
- Most of the women cannot vote or campaign in municipal elections because they live outside town boundaries.
- The majority of the women can vote at national elections but do not wish to campaign for candidates at national elections.
- The majority of the women can own property, use the local police and court systems, become administrators in their local neighborhood, church, school and women's groups because they can freely express themselves in public except in the work place.



5. Recommendations

This study concludes by suggesting a few recommendations to address the labour situation for the women workers in the TFZ. These recommendations include:

- a) Improving the low wages of women workers by reviewing their wage structure and the work of the Wages Council which determines and negotiates hourly rates of wages;
- b) Addressing maternity leave provisions for women workers in the TFZ;
- c) Introducing a variation to the current work agreement to cater for women;
- d) Creating awareness for women worker's labour, social and civil rights;
- e) Endorsing the Employment Relations Bill; and
- f) Reviewing of some labour laws.

a) Improvement of Wage Rates and Review of Functions of Wages Councils

1) It is recommended that in order to improve minimum wages for women workers in the TFZ, wages councils need to be promptly re-instated to facilitate negotiation for sustainable minimum wages for all women workers whose hourly rates are determined by those councils. Adopting an 'employer's ability to pay' approach at wages council negotiations seems more viable and is also recommended by this study.⁸⁵

2) The work of the wages councils be reviewed⁸⁶ so that hourly rates for women wage earners (especially for those in the TFZ) are revised and raised to a level comfortably above the poverty line and with due consideration given to the negative impacts of the current political upheavals and resultant economic downturns in the country; and,

3) The composition of the wages councils need to be revised towards a gender balanced representation⁸⁷ so that women workers and their needs are effectively represented at council deliberations.

⁸⁵ After Narsey, 2006.

⁸⁶ Narsey, 2006 p97 - 104.

⁸⁷ After Emberson-Bain with Slatter, 1995.

b) Maternity and Other Leaves

1) It is recommended that a gender-sensitive collective agreement be designed by employers and trade unionists which must also contain clear stipulations on maternity leave, pay and conditions and these must be transferred to the agreement that women workers sign at their place of work. This is to ensure women workers understand that reproductive health needs are rights that they are entitled to demand;

2) It is also recommended that leave, whether paid or not, be clearly stated in the agreements which women workers get to sign and comply with for their contract period.

c) Variations to Work Agreement

1) It is recommended that agreements signed by women must contain maternity leave provisions to prevent confusion and misunderstanding and the resultant loss of pay for women who take maternity leave. This would mean a variation to the agreement to be signed by women which could contain maternity leave provisions.

d) Awareness of Worker's Rights

1) There is a need for awareness on organised activism and their labour rights. It is recommended that women-based NGOs and trade unions need to address this lack to prevent abuse and exploitation of women's labour in the TFZ;

2) On the issues of the civil rights of workers, the findings of the research show that the majority of the respondents were not aware of, or fully understood, their rights as stipulated by law. General awareness of human rights and civic rights either through the media, use of a vernacular language, the Ministry for Women, the Ministry of Home Affairs, rights-based NGOs and others could address this lack;

3) There is an evident need for labour-related information in the TFZ and for its women workers. It is recommended that HROs, women-based NGOs, staff of the Ministry of Labour, Ministry of Women, trade union representatives, human rights advocates and others need to create awareness for labour issues, rights and procedures for redress in the TFZ. This is to prevent further exploitation and abuse of women's cheap labour in the TFZ;

4) There is a need for creating awareness concerning the labour rights for the women so that their productivity is not hindered. A stress free and cordial working environment can boost productivity of the women and therein improve their opportunities to earn higher wages and promotions.

e) Employment Relations Bill

The Employment Relations Bill's enactment come October 1, 2007⁸⁸ will be eyed skeptically as it becomes law under unfavorable political conditions. The bill's implementation may be seen as an illegal interim government's way of currying favour with the working population. While the bill was extensively reviewed and advocated by NGOs (especially the Fiji Women's Rights Movement), its sudden implementation overriding proper parliamentary procedures can be legally challenged in a court of law. Should that be the case, the implementation of a progressive bill is left in a quandary and the legal measures through which the needs for women workers in the TFZ can be delayed. Suffice it to say that justice delayed will be justice denied.

The enactment of the bill as law has been somewhat sudden⁸⁹ and the general processes and machineries to create awareness for the impending ER Act (at least for workers) need to be fast tracked so that TFZ workers (especially women workers) know how the new laws will affect them on matters such as maternity leave, trade union activism, and addressing work-related grievances especially on wages issues;

It is recommended that the ER Bill is translated into vernacular (at least those parts pertaining to women working in the TFZ) for the two main ethnic groups in Fiji and that public awareness programmes for this bill are conducted across the nation before and after the Bill becomes an Act. This needs to be done to promote effective transition from the old archaic labour laws to those combined in this one act.

⁸⁸ Please note that this research was conducted in May-August 2007, after the Coup of December 2006. The Employment Relations Promulgation of 3rd April, 2008 finally changed this bill into law. As this report goes to press, an interim government headed by the Military is still in place in Fiji.

⁸⁹ This bill has been continuously debated in parliament since 1995 and was on the verge of being implemented as law in 2000 and again in 2006 but for the coups of those years.

f) Reviewing of Labour Laws

If equal employment opportunity (EEO) and equal pay for work of equal value aspirations and regulations as espoused by CEDAW, ILO, government (ER Bill (Part 9)), NGOs and women workers are to be realised, there is a need to define 'work' and 'services' aside from the interpretations of 'employ' (from an employer's view - to use the services of a person under a contract of service) as appears in the Employment Act (1978) as well as in the ER Bill (2005). The new definition must be arrived at after wide consultations with all the stakeholders including Ministry of Labour, employers associations, trade unions, worker individuals and groups outside of the unions, the legal fraternity, NGOs, all religious organisations and others. The definitions needs to be gender sensitive, concise and measurable so that work can be given some definite values upon which hourly rates are then calculated. In this way, work can then be given a realistic value regardless of gender, race, creed or colour upon which hourly rates for wage workers can then be determined.



6. References

Barr, K (2003), "Wages Councils and Just Wages in Fiji", *Fijian Studies*, 1 (1) LAB Paper 12/2002. 199 - 208.

Barr, K & Vijay Naidu, (2002), "Comment on Poverty", Paper presented to 'Fiji Update, 2002', Presented by National Centre for Development Studies, Asia Pacific School of Economics and Management, Australian National University with University of the South Pacific. June 12, 2002.

Central Planning Office, (1970), *Fiji's Sixth Development Plan 1971 - 1975*, Min. of Finance, Suva.

_____, (1980), *Fiji's Eighth Development Plan 1981 - 1985*, Min. of Finance, Suva.

Emberson-Bain, A., (1995) , *Fishing for Justice: A Study of Women in the Manufacturing Sector, with Special Reference to the Pacific Fishing Company (PAFCO)*, Research Paper for Fiji Women's Rights Movement, Suva, Fiji.

Emberson-Bain, A with C. Slatter, (1995), *Labouring Under the Law*, Fiji Women's Rights Movement, Suva, Fiji

Employment Relations Bill, (2005), Tabled in the Fiji Parliament, November 30, 2006.

Fiji Islands Bureau of Statistics, (March 2007), *Key Statistics*, Fiji Islands Bureau of Statistics, Suva.

_____, 1996 *Fiji Census of Population and Housing: Analytical Report Part 1: Demographic Characteristics*, Bureau of Statistics, Suva.

Hannan, K., 'Sugar and Sweatshirts, Migrants and Remittances', in, *Globalisation and Governance in the Pacific Islands*, S. Firth, (ed.), State and Governance in Melanesia: Studies in State and Society in the Pacific (1), ANU, Canberra.

Naidu, V., 'The State of the State in Fiji: Some Failings in the Periphery', in, Globalisation and Governance in the Pacific Islands, S.Firth, (ed), State, Society & Governance in Melanesia Studies in State & Society in the Pacific (1), Australia National University, Canberra.

Narayan, P. and B. Prasad, (2003), Fiji's Sugar, Tourism and Garment Industries: A survey of performance, problems and potentials, Fijian Studies, 1 (1). 3 - 27.

Narsey, W., (2006), Just Wages for Fiji: Lifting Workers Out of Poverty, ECREA and Vanuavou Publications, Suva, Fiji.

The Review, 'Packaging the Right Product - FTIB considers promoting IT-based industries under new investment scheme'. October 2002:22 - 23.

_____, 'The Wage Debate, Ateca Tora. April 1999:46

Regional Rights Resource Team and UNDP, (2003), CEDAW ROADMAP: Reporting before the Committee, RRRT & UNDP, Suva, Fiji.

Story, D., End of the Line? Globalisation and Fiji's Garment Industry, in Globalisation and Governance in the Pacific Islands, (ed.), S. Firth, State, Society and Governance in Melanesia Studies in State and Society in the Pacific (1), Australian National University, Canberra. 2006. 217 - 236.



Appendix 1:

Questionnaire One for Workers in the Tax Free Zone - Fiji, 2007

WOMEN WORKERS IN TAX FREE ZONES AND THEIR HUMAN RIGHTS IN THE PACIFIC - WOMEN WORKERS IN FIJI

Avelina Rokoduru, Division of History, School of Social Sciences, University of the South Pacific, Laucala Campus, Suva, Fiji - for APWLD Labour and Migration Task Force, Chiang Mai, Thailand, October, 2007.

Confidentiality

Dear Respondent - Please be assured that all the answers, opinions and information divulged in this questionnaire will remain strictly confidential. Your initial approval and permission will be earnestly sought should any of the information shared here be used.

Part 1: Bio-Data

1. Date of birth: _____

2. Sex: 1) M 2) F

3. Religion:

1.) Christian 2.) Buddhist 3.) Hindu 4.) Islam

5.) Other _____

4. Marital status:

1.) Single 2.) Married 3.) Divorced 4.) Widow

5.) Separated 6.) De facto

5. Current no. of children _____

6. Highest Level of Education:

1.) Primary - Class 1 to 6

2.) Sec. Schl Class 7 - Form 7

3.) Tertiary: _____

7. Where do you live?

a. 1.) Suva 2.) Nausori 3) Nasinu

8. If a migrant worker, which country do you come from?

9. How were you hired for this job?

1) I applied for the job

2) A relative or friend fixed this job for me

3) I was transferred here

4) The company looked for me and appointed me for the job

10. Were you trained specifically for this job?

1) Yes 2) No

11. If yes, where did you receive this training?

1) _____

2) Not applicable

Part 2: Labour Data

12. Where do you work?

1.) Garment factory 2.) Office 3.) Restaurant

4.) Shoe Factory 5.) Food factory 6.) Beverage factory

7.) Shop 8.) Other _____

13. What is your position at work?

14. Number of hours of work per week?

1.) Less than 40hrs 2.) 40 hrs

3.) More than 40 hrs 4.) Depends on the amount of work 5.) Other _____

15. Do you work overtime? 1.) Yes 2.) No

16. Is this overtime paid? 1.) Yes 2.) No

3.) Other _____

17. How often do you get paid?

1.) Weekly 2.) Fortnightly 3.) Monthly

4.) Other _____

18. How much is your take-home pay? _____

19. What payment is/are deducted from your pay? _____

20. Did you sign a contract for this job?

1.) Yes 2.) No 3.) Other _____

21. If yes, length of Contract? 1) _____

2) Not applicable

Part 3: Social Rights

Conditions of Contract: Does your contract provide the following?

22. Housing? 1. Yes 2. No 3. Other _____

23. Transport? 1. Yes 2. No 3. Other _____

24. Further training for self?

1.) Yes 2.) No 3.) Other _____

25. Further training for immediate family?

1.) Yes 2.) No 3.) Other _____

26. Medical for self?

1.) Yes 2.) No 3.) Other _____

27. Medical for immediate family?

1.) Yes 2.) No 3.) Other _____

28. Superannuation?

1.) Yes 2.) No 3.) Other _____

29. What other employment benefits have you been provided?

1) _____

2) Not applicable

30. Are you aware of your social rights as a woman worker?

1.) Yes 2.) No 3.) Other _____

31. If a migrant, are you aware of your social rights as a migrant?

1.) Yes 2.) No 3.) Other _____ 4.) Not a migrant

Part 4: Labour Rights

32. Are you an association/Worker's union member?

1.) Yes 2.) No 3.) Other _____

33. Can you vote for office-bearers in this association?

1.) Yes 2.) No 3.) Other _____

34. Can you get a promotion?

1.) Yes 2.) No 3.) Other _____

35. How do you get a promotion? Through: -

1.) Good work

2.) Taking classes

3.) Being loyal to the employers

4.) Learning other people's work in this work place

5.) Being related to the employers or their administrators.

36. Do you get annual leave?

1.) Yes 2.) No 3.) Other _____

37. Is this annual leave paid?

1.) Yes 2.) No 3.) Other _____

38. Length of leave?

1.) Less than 2 weeks

2.) 2 weeks

3.) Less than a month

4.) One month

5) Other _____

39. Do you get sick leave?

1.) Yes 2.) No 3.) Other _____

40. Length of leave?

1) According to medical certificate

2) standard length for the year 3) None

41. Is this leave paid?

1.) Yes 2.) No. 3.) Other _____

42. Do you get maternity leave?

1.) Yes 2.) No 3.) Other _____

43. Length of leave?

1) Standard length

2) Negotiated with employer

3) Other _____

44. Is this leave paid?

1.) Yes 2.) No 3.) Other _____

45. Can you go on strike with other workers in your workplace?

1.) Yes 2.) No 3.) Other _____



46. Can you lodge a complaint if work conditions are bad or not fair?

1.) Yes 2.) No 3.) Other _____

47. What do you do to register your complaint/s?

1) Follow standard procedures for complaints

2) Talk to friends about it

3) See my immediate boss

4) Nothing

5) Other _____

48. Are these complaints addressed immediately?

1.) Yes 2.) No 3.) Other _____

49. Are you aware of your labour rights as a woman worker?

1.) Yes 2.) No 3.) Other _____

50. If you are a migrant, are you aware of your labour rights as a migrant?

1.) Yes 2.) No
3) Other _____ 4.) Not a migrant

Part 5: Political Rights

51. Can you vote at:

i. Municipal elections?

1.) Yes 2.) No 3.) Other _____

ii. National elections?

1.) Yes 2.) No 3.) Other _____

52. Can you campaign at;

i. Municipal elections?

1.) Yes 2.) No 3.) Other _____

ii. National elections?

1.) Yes 2.) No 3.) Other _____



53. Can you join become an administrator in your local neighborhood, church, school, women's group, etc?

1.) Yes 2.) No 3.) Other _____

54. Are you aware of your political rights as a woman worker?

1.) Yes 2.) No 3.) Other _____

55. If you are a migrant, are you aware of your political rights as a migrant worker?

1.) Yes 2.) No 3.) Other _____ 4.) Not a migrant

Part 6: Civil Rights

55. Can you join any religious group that you prefer?

1.) Yes 2.) No 3.) Other _____

56. Can you think and express yourself freely in the following places and in your other groups without feeling threatened by tribal, municipal or national authority?

a) In your workplace?

1.) Yes 2.) No 3.) Other _____

b) In Public?

1.) Yes 2.) No 3.) Other _____

c) With your other groups?

1.) Yes 2.) No 3.) Other _____

57. Can you own property?

1.) Yes 2.) No 3.) Other _____

58. Can you use the local Police and court systems to address wrongs against you?

1.) Yes 2.) No 3.) Other _____

59. Are you aware of your civil rights as a woman worker?

1.) Yes 2.) No 3.) Other _____

60. If you are a migrant, are you aware of your civil rights as a migrant worker?

1.) Yes 2.) No 3.) Other _____ 4.) Not a migrant

61. Do you know about the Employment Relations Bill?

1) Yes 2) No

62. Do you know how this will affect your work when it becomes law from 1st October, 2007?

1) Yes 2) No

63. If yes for 61 and 62, please explain: _____

2) N/A

64. Any other comments? _____

■ Thank you. ■



Appendix 2:

Questionnaire Two: for Employers in the Tax Free Zone

MIGRANT WOMEN AND THEIR HUMAN RIGHTS IN THE PACIFIC - WOMEN WORKERS IN TAX FREE ZONES IN FIJI.

(For Employers)

*Avelina Rokoduru, Dept. of History/Politics, University of the South Pacific,
Laucala Campus, Suva, Fiji - for Asia Pacific Women in Law and Development -
Labour & Migration Taskforce*

Main Objective:

To study and provide an analysis of the general situation of women migrant workers in Fiji with an additional special emphasis on human rights frameworks (policies, laws) and practices that affect these women. The results from this interview will be incorporated into a report that will be published by the Asia Pacific Women in Law and Development

To the Interviewee:

The views expressed here will be acknowledged as solely your own and remain confidential. Your initial approval will be sought, should any part/s of this interview be reproduced in the final report. Thank you for your time and kind consideration.

(Labour and Migration Taskforce) Chiang Mai, Thailand.

Interview Questions:

Part 1: Bio-Data

1. Occupation : _____
2. Place of Employment: _____
3. Length of Time in this Position: _____

Part 2: Labour Data

4. How many workers are employed in your organisation?

5. How many of these: 1) Women? _____ 2) Men? _____

6. What are some of the most important labour issues affecting your organisation?

7. How do these issues affect your women workers?

8. What actions/steps would you recommend to the government and trade unions to address those issues you've highlighted above?

9. What actions/steps would you recommend to national and regional women's organisations to address those issues you've highlighted above?

10. Does your office inform its workers of their workers rights? How? Why?

11. Does your office inform women workers of their worker's rights? How? Why?

12. Has your office provided other benefits for its workers who are employed here?

a) Women: Lunch and shower areas, child minding services, maternity leave, saving schemes, paid-for reproductive health checks, accident cover, trade union participation, etc. Discuss your answer.

b) Men: Lunch and shower areas, child minding services, maternity leave, saving schemes, paid-for reproductive health checks, accident cover, trade union participation, etc. Discuss your answer.

13. Is there a role for the private sector regarding the protection of women workers in their place of employment?

1) Yes 2) No 3) N/A. Discuss your answer.

14. What are some of the main issues that your office has experienced with immigrant women workers? How have you dealt with these?

15. What are some of the main issues that your office has experienced with emigrant women workers? How have you dealt with these?

16. Can you recommend some particular areas in which the government, and local and regional institutions and NGOs can positively contribute to improve the work conditions of women generally in Fiji?



The End.

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APWLD is a women's human rights network of over 150 lawyers, social scientists, grassroots women and activists from 23 countries of Asia Pacific.



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