**Model “Letter B”**

**[Minister of Labour]**

**[Address]**

**[Date]**

Dear **[Name of Minister]**,

On behalf of **[name of your union]**, I write to urge the government of **[name of country]** to express its strong support for the establishment of a Commission of Inquiry on Freedom of Association in Fiji with the government members of the Governing Body of the International Labour Organization (ILO) and to urge them to support its establishment at the March 2014 Session of the Governing Body.

Since having taken power through a 2006 coup d’etat, Commodore Bainamarama has systematically restricted or denied the right to freedom of association in law and practice in Fiji. ILO supervisory mechanisms have detailed extremely serious and systematic violations of the right to freedom of association, from harsh beatings, threats, arrests on false charges and constant surveillance to severe restrictions on labour rights for workers in the public sector and private sector ‘essential industries’. The ILO and social partners have sought to engage in a constructive dialogue with the regime in order to find solutions to these extremely serious violations -- but to no avail. Indeed, the regime even ejected an ILO mission in September 2012 that was sent to verify the numerous allegations made by Fijian workers. To date, the regime continues to refuse to allow the mission to return.

*A detailed summary of the regime’s serious and systematic violations of international labour standards is found in the enclosed factsheet.*

Since the complaint for a Commission of Inquiry was filed in June 2013, the regime has escalated its attack on the trade union movement. In July 2013, the Fiji Sugar and General Workers’ Union (FSGWU) filed a legal notice to hold a secret ballot to authorize a strike in the nations’ sugar mills. The union had no other choice as the Fiji Sugar Corporation (FSC), the public entity that owns and manages the sugar mills, had continuously refused to bargain with the union. FSC management held meetings in all work stations in order to intimidate union members not to vote and even threatened that if they voted the FSC would turn their names over to the Government. During the balloting, police and military officers were often present at the polling sites to threaten and intimidate workers. The Attorney General even personally threatened that the regime would intervene to keep the mills running in the case of a strike through use of replacement workers. Though union members had voted overwhelmingly for the strike, the continued threats and intimidation by the police, military and mill management led the union to call it off out of concern for the safety of the workers.

On 18 December 2013, the regime issued an amendment to the Essential National Industries Decree which extended its coverage to the: 1. Pine Industry; 2. Mahogany Industry, 3. Fire Prevention Services Ltd., 4. Local Government; and 5. Airports Fiji Limited. All of the companies in the pine industry were unionized and the Tropik Wood Industries Limited Workers had commenced secret ballot for industrial action in support of their Log of Claims for 2013. This ballot was stopped by Ministry of Labour officials when they produced the text of the Decree. About 130 of the 190 workers had voted and all votes supported industrial action. Management of this company immediately issued a memo to all employees advising them that there was no longer a union in the company and that union officials had no longer any authority to represent them. The Attorney General made clear that the purpose of the decree was to eliminate the union, stating “We hope now that employees are given more control over their own work environment by being able to negotiate directly with the employers rather than having some outside trade unions coming in and making unreasonable claims things would improve.”

Once again, the government is using the courts to harass and intimidate union leaders. On 9 January 2014, union president Daniel Urai was arrested for allegedly instigating an “unlawful” strike. The police also entered the union office and seized computers and mobile phones. Mr Urai was released on bail but must now report daily to the court. He will face trial in March. The earlier sedition charges against Mr Urai were never dropped and can be invoked at any time.

Unless additional pressure is exercised, the government of Fiji will likely continue to ignore the criticisms and recommendations of the ILO supervisory mechanisms, as it has done now for several years. The 2013 observations of the Committee of Experts and the conclusions of the Committee on Application of Standards both reflect this exasperation with the government. As the ILO’s highest-level investigative procedure, the Commission of Inquiry could promote the needed reforms in law and in practice. The Commission of Inquiry could help to open up needed space for public debate and consultation.

Thus, the **[name of union]** strongly urges the government of **[name of your country]** to express its support for a Commission of Inquiry on Freedom of Association in Fiji and to urge the government members of the Governing Body to support its establishment at the March 2014 Session.

Sincerely,

Encl: ITUC factsheet on the ILO Commission of Inquiry in Fiji