

# Building Better Government-Private Sector Policy Dialogue in Vanuatu

Paper prepared for 2016 Pacific Update Conference  
18 – 19 July 2016, USP Laucala Campus

Anita Jowitt

**Employer Representative, Vanuatu Tripartite Labour Advisory Council**

Deputy Head of School of Law, USP

Director, Pacific Legal Information Institute (PacLII)

[Jowitt\\_a@vanuatu.usp.ac.fj](mailto:Jowitt_a@vanuatu.usp.ac.fj)

# The importance of policy dialogue for private sector

‘Reform priorities for enhancing Pacific links [include] maintaining political stability and ensuring stakeholder participation’

Naoyuki Yoshino, Dean, ADBI,

Launch of *Pacific Opportunities: Leveraging Asia's Growth*, 2015 Pacific Update Conference

# VCCI Report to the National Sustainable Development Plan Working Group (VCCI NSDP Report)

## Most important policy priorities

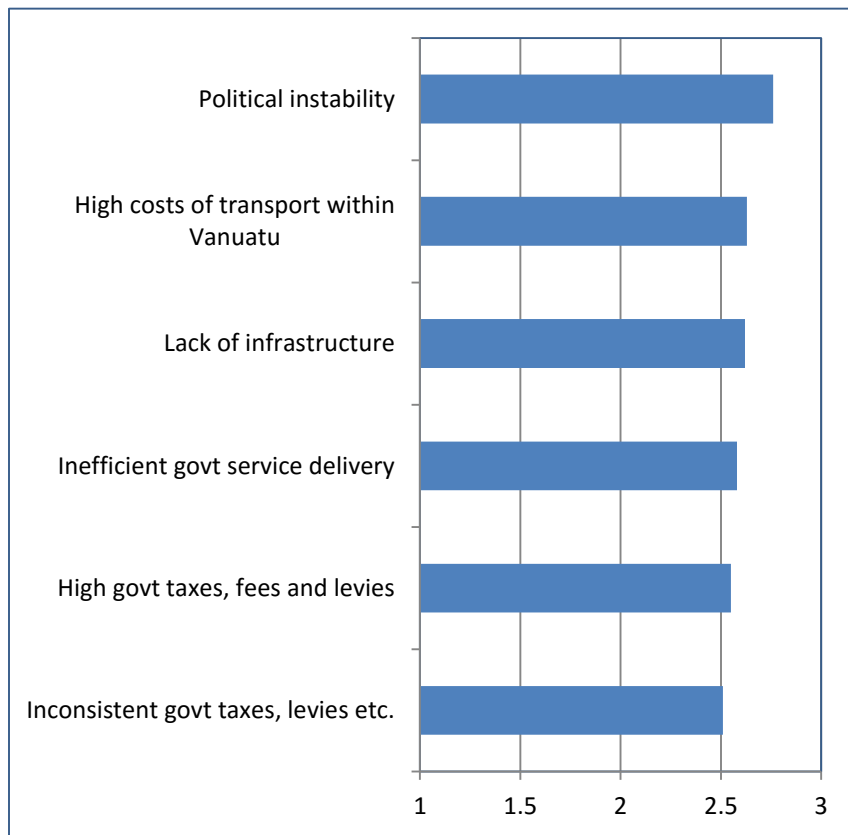
Total	Port Vila and surrounds
1 <sup>st</sup> = Health	<b>1<sup>st</sup> Good governance</b>
1 <sup>st</sup> = Education	2 <sup>nd</sup> Health
<b>3<sup>rd</sup> = Good governance</b>	3 <sup>rd</sup> Competitively priced infrastructure
3 <sup>rd</sup> = Environmental protection	4 <sup>th</sup> Education
5 <sup>th</sup> Sustainable resource management	5 <sup>th</sup> Sustainable resource management

## Least important policy priorities

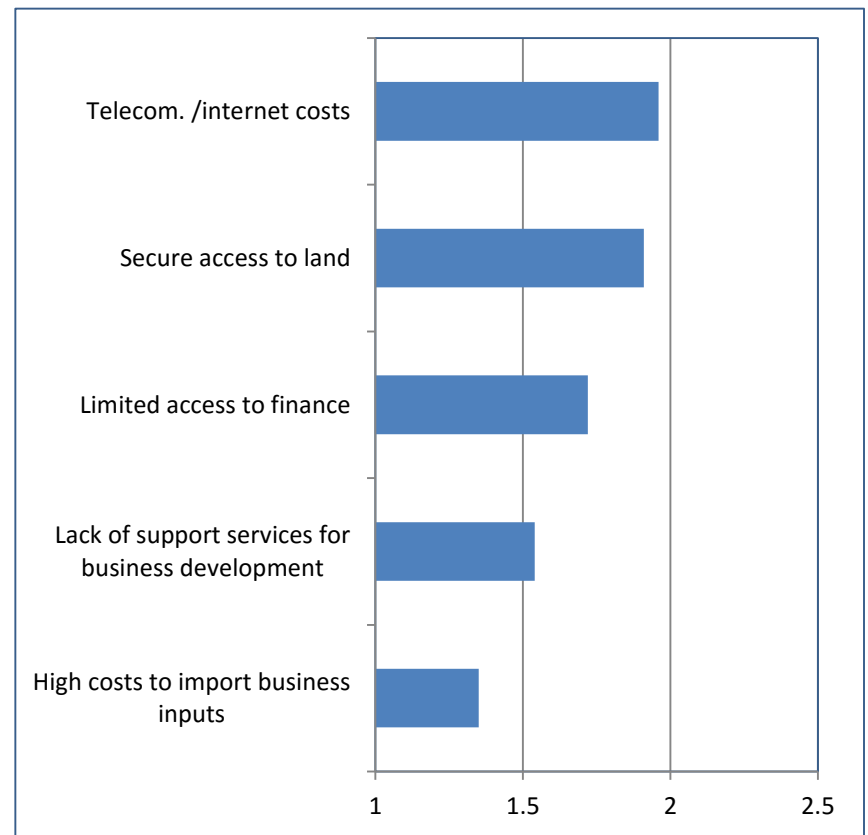
Total	Port Vila and surrounds
1 <sup>st</sup> Traditional economy promotion	1 <sup>st</sup> = Traditional economy promotion
2 <sup>nd</sup> Macroeconomic stability & equitable growth	1 <sup>st</sup> = Climate change action
3 <sup>rd</sup> = Private sector development & employment creation	3 <sup>rd</sup> Protection of biodiversity
3 <sup>rd</sup> = Primary sector development	4 <sup>th</sup> Macroeconomic stability & equitable growth
5 <sup>th</sup> Climate change action	5 <sup>th</sup> Green growth

# VCCI NSDP Report: Problems for businesses (1 no problem; 2 minor problem; 3 major problem)

## Biggest problems (>2.5)

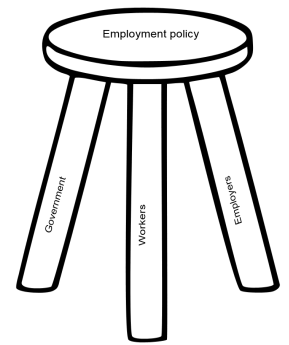


## Smallest problems (<2)



# Building better dialogue

## ILO Tripartite Approach to Employment Policy



- Declaration on Social Justice for Fair Globalization 2008
  - C 144 tripartite consultation
- Pacific ILO Members
  - Fiji (joined in 1974);
  - Papua New Guinea (joined in 1976);
  - Solomon Islands (joined in 1984);
  - Kiribati (joined in 2000);
  - Vanuatu (joined in 2004);
  - Samoa (joined in 2005);
  - The Republic of Marshall Islands (joined in July 2007);
  - Tuvalu (joined in May 2008);
  - The Republic of Palau (joined in May 2012);
  - Cook Islands (joined in June 2015); and
  - Kingdom of Tonga (joined in February 2016)

# Adoption of ILO Tripartite Approach in the Pacific

- Decent Work Country Programmes (DWCPs)
- More laws (either new structures or updating existing structures)
  - Kiribati Employment & IR Code 2015
  - Samoa Labour and Employment Relations Act 2013
  - Solomon Islands Labour Rules 2012
  - Vanuatu Employment Amendment Act 2010
  - Fiji Employment Relations Promulgation 2007
  - PNG Employment Relations Amendment Act 1991 (amend. 1998)

# Vanuatu's legal evolution

## **Labour Advisory Board 1983**

- Board of up to 15 members
  - 5 public servants
  - Equal number employer & worker reps
- Simply defined functions (provide advice on any matter affecting employment & labour relations)
- To determine its own rules of procedure

## **Tripartite Labour Advisory Council 2010**

- 10 member Council
  - Commissioner of Labour (Chair)
  - 3 members from govt, employers and workers
- More detailed statement of objectives and functions
- To determine its own rules of procedure

# A success?

- ILO Press Release 1 May 2011

*For the first time since independence in 1980 government, workers and employers have formally joined forces to create a tripartite advisory body to help guide Vanuatu's development of new labour and employment policies...*

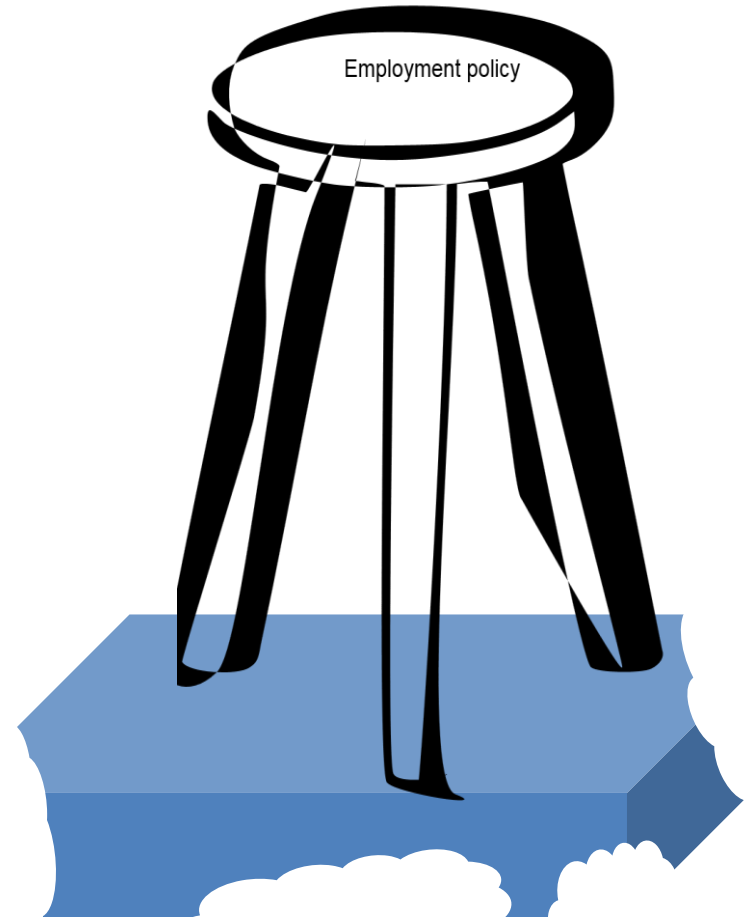
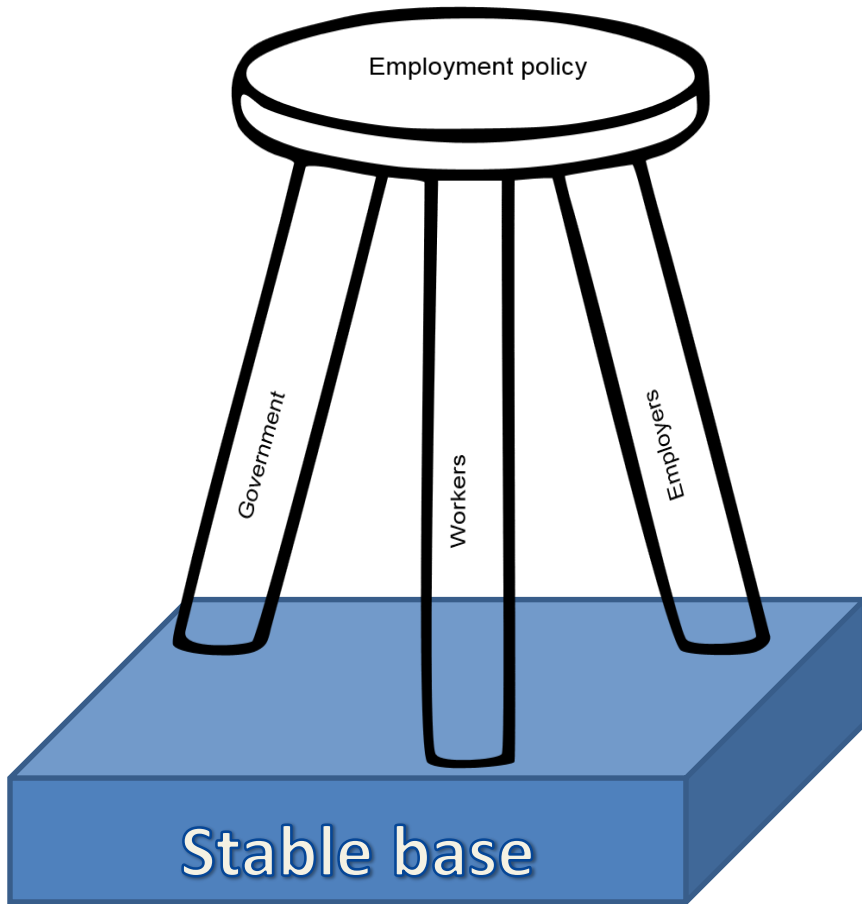
*Strengthening the governance of the labour market is expected to result in a variety of direct and indirect benefits to workers and employers...*

*The new council has been acclaimed by both workers' and employers' organizations.*



# Ideal vs Reality?

Informal/  
subsistence/  
non-unionised  
workers



# Gaps between concept & practice

- Processes
  - Minute taking
  - Advance notice of agendas/papers
  - Pre-meeting preparation
  - Consultations with constituencies to ensure acting as representatives
- Inequalities in capacity of social partners
  - Govt reps as employees or policy advisors?
  - Overambitious work programmes
- Determining the policy agenda
- Communications between TLAC & Minister

# Narrowing the gap: Legal fixes

- Laws
  - Samoa (& others as well):
    - section 6, meetings at least 2 x every 6 months, plus can be called
  - PNG:
    - section 9F 6 weeks notice of meetings;
    - 9H effect of recommendations;
    - 9I –J secretariat

# Narrowing the gap: practical fixes

- ILO already building employer & worker organisation capacity
  - Organisational culture around meetings
  - Organisational culture around acting in a representative manner
- Govt capacity being addressed?
  - How to act as govt policy representative
  - How to provide secretariat support
    - Resource issues
    - Organisational culture around meetings

# Moving forward

- Academic
  - Comparative study of operation of tripartite labour bodies in Pacific
- Practical
  - Developing organisational culture
    - PICPA?
    - ADB?