

FREEDOM OF ASSOCIATION & COLLECTIVE BARGAINING POLICY GUIDELINES

**FIJI's SOCIAL POLICY GUIDELINES FOR FIJI FISHING INDUSTRY ASSOCIATION
PREPARED BY LRQA & CONSERVATION INTERNATIONAL**

A collaboration between Conservation International, LRQA and Fiji Fishing Industry Association.
Thank you to all those who provided input and feedback



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How to Use this Document

These Freedom of Association and Collective Bargaining Policy Guidelines (Guidelines) have been co-developed by Conservation International (CI) and LRQA in consultation with local governments, fishing industry partners, local civil society organisations and worker organisations.

These Guidelines provide a practical roadmap for all Fiji Fishing Industry Association (FFIA) to develop or strengthen policies that support compliance and advance social responsibility standards. They are part of a series of policy guidelines that address various human and labour rights issues. Collectively, these guidelines form a policy guidance that aims to:

- Support FFIA members to understand what human and labour rights are and why companies should safeguard human rights and implement remediation.
- Provide step-by-step guidance on how companies can manage and safeguard human rights in own operations and supply chains.
- Signpost tools and resources to support human rights safeguards.

Recognising that implementation will vary across organisations, these Guidelines have aligned recommendations with Fiji's national laws, regional frameworks and international conventions. It also incorporates indicators from the [Social Responsibility Assessment Tool for the Seafood Sector](#) to help organisations build awareness of fundamental human rights obligations and implement operational safeguards.

Scope

The policy guidance encompasses a wide range of labour practices, including recruitment, working conditions, wages, health and safety, and worker welfare. It covers every stage of the employment cycle, from hiring to repatriation, supporting FFIA members' compliance and alignment with local law and international standards.

Specifically, it covers the following Social Improvement Areas which were deduced from the implementation of the 2023 Social Responsibility Assessment (SRA) of the Fiji Fishing Industry Longline Fleet, and the subsequent ground truthing workshop with industry, government, and local civil society organisations.

- Occupational Health and Safety (OHS) at Sea;
- Forced Labour;
- Child Labour;
- Employment Contracts;
- Corporate Responsibility and Transparency; and
- Freedom of Association and Collective Bargaining.

Applicability

These Guidelines provide a blueprint for fishing companies at all stages in developing their approach to human rights. It is framed around the **Minimum, Good** or **Best** practices fishing companies and vessel owners can implement. The framework below will help companies evaluate the current maturity level of your approach to human rights, and what steps you need to take to improve your management systems.

	Framework Definition	Maturity Level of Human Rights Approach
Minimum	If the policies and procedures in this category are implemented, this will reflect minimum compliance with Fiji national legislation, regional frameworks, and SRA performance indicators.	<ul style="list-style-type: none"> You are in the early stages of developing your approach to human rights. You have made some commitments as a company and have basic policies and procedures in place, most of which are focused on your own operations. Policies exist but little detail is provided on operational processes, governance, worker training and communication. There is no process to monitor adherence to ensure compliance.
Good	If the policies and procedures in this category are implemented, this will reflect compliance with Fiji national legislation, regional frameworks, and SRA performance indicators, as well as efforts to go above and beyond minimum compliance.	<ul style="list-style-type: none"> You are committed to human rights, understand what your risks and priorities are for your own operations and your supply chains. You invest in resources to prevent and reduce those risks. Your workers have received training but there is a limited/weak process to ensure compliance.
Best	If the policies and procedures in this category are implemented, this will reflect compliance to Fiji national legislation, regional frameworks, and SRA performance indicators, as well as reflecting a best practice approach to managing and addressing human rights topics.	<ul style="list-style-type: none"> Your human rights approach is led by your board and/or executive management. You are making progress in preventing, reducing and remedying risks in your own operations and your supply chains. Your workers have received effective training and there is a robust process to ensure compliance.

1. What is the freedom of association and the right to collective bargaining?

[Freedom of association](#) refers to the inherent right of both employers and workers to autonomously establish and participate in groups aimed at advancing and safeguarding their occupational interests. It is the prerogative of workers and employers alike to form and manage their own organisations, free from external interference, be it from the government or any other entity.

Right to [collective bargaining](#) refers to the right to voluntary negotiations between employers and workers' organisations, for:

- determining working conditions and terms of employment; and/or
- regulating relations between employers and workers; and/or
- regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

The right to freedom of association and collective bargaining are recognised by the International Labour Organisation (ILO) as a fundamental right at work. Both rights are often mentioned together as they are closely linked. The freedom of association is essential for the establishment of industry associations, trade unions, and any employer and workers' organisations, which are the primary vehicles for collective bargaining. In turn, collective bargaining is the process through which these organisations negotiate fair terms and conditions, such as wages, working hours, occupational health and safety and equal treatment, on behalf of their members. Therefore, respecting the freedom of association and effectively recognising the right to collective bargaining go hand in hand as key means for ensuring labour protection.

The right to freedom of association and collective bargaining are important in the fisheries sector. The remote and isolated nature of fishing vessels, and the diverse composition of crews, can make it challenging for workers to raise concerns or advocate for their rights. Vessel owners and operators may also not fully understand issues and concerns affecting fishers at sea. Respecting freedom of association rights can help overcome these challenges, and promote effective social dialogue and constructive labour relations.

2. What are the compliance requirements?

Freedom of association and the right to collective bargaining are also recognised as one category of the fundamental principles and rights at work. The ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) are the core instruments that protect these rights.

In Fiji, freedom of association and the right to collective bargaining are constitutional rights. The [Fiji Constitution](#) affirms that every person has the right to freedom of association, and that every worker has the right to form or join a trade union. The protection of these rights is further reinforced and governed by the [Employment Relations Act 2007](#).

3. Why is it important?

Fiji’s Offshore Fishing Crew Policy (2025-2028) states that vessel owners and operators should ensure that fishers’ rights of freedom of association and collective bargaining are respected, and can be exercised without harassment, intimidation or retaliation. While fishers' rights are protected by national law and policy, fishers are often unaware of their rights and face practical barriers to effectively exercise them. A key underlying factor is the common absence of written employment contracts, which contributes to fishers’ limited understanding of their rights. The limited number of official trade unions and low unionisation rate in the industry further exacerbates this gap, leaving many fishers without representation or support. Migrant workers, who make up a large portion of the workforce, face even greater challenges due to language barriers, which hinder their ability to form, join, or participate meaningfully in any worker organisations. At sea, fishers may also face difficulties contacting and engaging with union representatives, and can be at greater risk of retaliation.

In addition to allowing workers to freely form, join, or participate in trade unions, employers can also consider establishing voluntary social dialogue and worker participation forums. These might include joint worker-management committees or similar dialogue platforms to encourage engagement between workers and management. Worker social dialogue platforms should also be inclusive and reflective of the composition of the workforce, having regard to demographic factors such as nationality or gender. Workers should be free to select their own representatives to participate in these social dialogue platforms, and by a method of their own choosing.

4. Practical Steps: What do you need to do?

This section outlines the **Minimum**, **Good** and **Best** practices for respecting and promoting fishers’ freedom of association and rights to collective bargaining. See **Appendix I** for the international and local regulations relating to the Minimum practices, and **Appendix II** for additional tools and resources to adopt these practices in your own policies and procedures.

	<u>MINIMUM</u>	<u>GOOD</u> In addition to MINIMUM	<u>BEST</u> In addition to GOOD
Policies & Management Systems	<p>M1 Establish a written policy to demonstrate respect for workers’ freedom of association and the right to collective bargaining. Your policy should at a minimum:</p> <ul style="list-style-type: none"> • Respect Fiji national laws and regulations. • Respect workers’ freedom of association and the right to collective bargaining without discrimination, harassment, intimidation, interference or retaliation. 	<p>Raise workers’ awareness of their rights to organise and bargain collectively.</p> <ul style="list-style-type: none"> • During the hiring or onboarding process, provide contact details of union representatives or invite them to meet with fishers. • Provide training or invite union representatives to conduct training related to rights to organise and collective bargaining. 	<p>Establish a worker participation mechanism with management to ensure continuous and meaningful engagement with workers.</p> <ul style="list-style-type: none"> • Establish worker committees, worker-management communication channels, and/or regular worker consultation processes. • Ensure that workers are free to appoint their own representatives to participate in social dialogue / participation mechanisms without interference from management.

	MINIMUM	GOOD In addition to MINIMUM	BEST In addition to GOOD
	<ul style="list-style-type: none"> Respect workers' freedom to form worker organisations, including trade unions, to advocate and promote their rights. Respect workers' rights to decide the structure, policies, programs and priorities of any worker organisations without interference. Ensure that no worker is excluded from effectively participating in worker organisations based on their migration status, gender, or ethnicity. Prohibit any suppression of workers exercising their rights to association and collective bargaining. 		<ul style="list-style-type: none"> Organise regular meetings between management and worker representatives to discuss improvements related to issues in the workplace. Communicate the meeting minutes to all workers. Consider and integrate worker input into decision-making. Ensure all worker demographic groups are represented in social dialogue mechanisms. Give special considerations to vulnerable groups, such as migrant workers, women, and ethnic minorities, etc. Involve local partners in facilitating communication with workers, such as the government, local communities, and NGOs, etc.
	<p>M2 Ensure that workers have a grievance and/or dispute resolution mechanism during recruitment, employment and termination (see the Forced Labour Policy Guideline for additional information).</p> <ul style="list-style-type: none"> Provide workers a direct communication channel with a designated manager or your HR department other than their direct supervisor (e.g., captains). Ensure that the communication channel is available in languages that workers understand. 	<p>Provide workers with access to third-party independent organisation that can address grievances.</p> <ul style="list-style-type: none"> Provide workers with a directory of local authorities, worker organisations, trade unions, governance bodies or NGOs that provide channels for grievance reporting and resolution. 	<p>Establish connectivity at sea to enable workers to access grievance channels at all times, especially at sea.</p> <ul style="list-style-type: none"> Install satellite internet and set up a Wi-Fi router on board fishing vessels for fishers to contact worker representatives when needed.

	<u>MINIMUM</u>	GOOD In addition to MINIMUM	BEST In addition to GOOD
	<ul style="list-style-type: none"> • Ensure that the communication channel is available to all workers. • Ask workers to appoint a representative on board fishing vessels to raise concerns with the captain. • Provide workers with reasonable and unmonitored access to communication facilities to report any grievance or dispute. 		
Establishing and participating in unions	<p>M3 Ensure that workers are free to form and join worker organisations, including worker unions.</p> <ul style="list-style-type: none"> • Do not refuse to hire or dismiss workers based on their union affiliation or organising efforts. • Allow worker representatives to be freely elected and carry out activities related to workers' rights without interference. • Allow worker representatives with regular access to workers, management and the workplace to carry out their representative functions. • Do not discriminate against workers for their union affiliation or membership. Discrimination in this context means any different or less favourable treatment towards a worker due to their union affiliation or membership. • Do not dismiss workers for exercising their right to strike. 	-	<p>Provide workers with information about worker organisations and unions.</p> <ul style="list-style-type: none"> • During the hiring process, inform workers of the existing and active workers organisations and their rights to participate. • During the hiring or onboarding process, allow union representatives to meet with workers to understand their interest in joining.

	<u>MINIMUM</u>	<u>GOOD</u> In addition to MINIMUM	<u>BEST</u> In addition to GOOD
	<p>M4 Ensure that workers are free to collectively negotiate their employment terms and conditions.</p> <ul style="list-style-type: none"> Keep records of all past and present collective bargaining agreements on file. 	-	Discuss with workers how to improve wages and productivity in mutually beneficial ways through regular and ongoing social dialogue channels.

Appendix I: References for Minimum Requirements

	Minimum
Policies & Management Systems	M1 <ul style="list-style-type: none"> Fiji Offshore Fishing Crew Policy (2025-2028) SRA Performance Indicator 1.1.4 Freedom of Association and Collective Bargaining S2 – S6
	M2 <ul style="list-style-type: none"> SRA Performance Indicator 2.1.1 Grievance reporting and access to remedy S2
Establishing and participating in unions	M3 <ul style="list-style-type: none"> SRA Performance Indicator 1.1.4 Freedom of Association and Collective Bargaining S2 & S4
	M4 <ul style="list-style-type: none"> SRA Performance Indicator 1.1.5 Earnings and benefits S12

Appendix II: Tools and Templates

	Tools	Templates
Normative sources	<p>Fiji national laws and policies</p> <ul style="list-style-type: none"> • Constitution of the Republic of Fiji • Fiji Employment Relations Act 2007 • Fiji Offshore Fishing Crew Policy (2025-2028) <p>ILO Conventions, protocols and recommendations</p> <ul style="list-style-type: none"> • ILO C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) • ILO C98 Right to Organise and Collective Bargaining Convention, 1949 (No.98) • ILO C154 Collective Bargaining Convention, 1981 (No. 154) • ILO C188 Work in Fishing Convention, 2007 (No. 188) 	-
Policies & Management Systems	<ul style="list-style-type: none"> • 2.5 Right to freedom of association and collective bargaining, Responsible Recruitment Manual and Action Plan, FAIR Fish project, Plan International Thailand • 10 Principles for the Proper Management of Assemblies: Implementation Checklist, Special Rapporteur on the rights to freedom of peaceful assembly and of association (2016) 	<ul style="list-style-type: none"> • Annex J: Sample Freedom of Association Policy & Alternative Worker Representation, Code of Conduct & Auditable Standards: Tuna Handbook, Seafood Task Force (2020)
Establishing and participating in unions	-	-

Appendix III: Glossary

Term	Definition	Source
Collective Bargaining	All negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for: <ul style="list-style-type: none"> determining working conditions and terms of employment; and/or regulating relations between employers and workers; and/or regulating relations between employers or their organisations and a workers' organisation or workers' organisations. 	ILO C154 Collective Bargaining Convention, 1981 (No. 154)
Fisher	Every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers.	ILO C188 Work in Fishing Convention, 2007 (No. 188)
Freedom of Association	Respect for the inherent right of both employers and workers to autonomously establish and participate in groups aimed at advancing and safeguarding their occupational interests. It is the prerogative of workers and employers alike to form and manage their own organisations, free from external interference, be it from the government or any other entity.	Fundamental Principles and Rights at Work , ILO
Organisation	Any organisation of workers or of employers for furthering and defending the interests of workers or of employers.	ILO C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)