

**(UN)MUZZLING THE WATCH DOGS:  
COLLECTIVE REGULATION AND WORKING WOMEN  
IN NEW ZEALAND AND FIJI**

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# **(Un)Muzzling the Watch Dogs: Collective Regulation and Working Women in New Zealand and Fiji**

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## ***Abstract***

*New Zealand (NZ) and Fiji are small neighbours with different socio-economic and political trajectories. NZ is a relatively prosperous OECD member with a tradition of liberal democracy that maintained relative economic stability through the global financial crisis. Although one of the most developed Pacific Island economies, Fiji remains a developing nation with a large subsistence agriculture sector and one-quarter of its people living in poverty. Its economic and social difficulties, including tensions between indigenous Fijians and Indo-Fijians, have contributed to four coups d'état since Fiji attained independence in 1970. The last coup in 2006, led by Commodore Bainimarama, installed an 'interim' military regime. This political context has strained international relations and hurt business investment.*

*The economic, social, political and institutional differences of NZ and Fiji have major implications for their respective regulatory frameworks and thus different groups' access to and experience of the labour market. Drawing on qualitative empirical evidence, this paper compares the perceived meanings of collective employment regulation – from legal and institutional frameworks through social dialogue to collective bargaining - for working women in both nations. It finds that achieving gender equality goals, as provided for in international instruments and other regulatory initiatives, have proved elusive, particularly in Fiji. Further, the NZ government has marginalised unions whilst in Fiji, it has adopted a hostile approach, to the particular detriment of working women. The paper concludes by considering regulatory approaches and initiatives that could improve their circumstances.*

## **Introduction**

Within their shared regional location, both New Zealand (NZ) and Fiji are small economies and well-integrated into international trade, in particular NZ for its agricultural products and Fiji for its primary resources. However, NZ is an advanced economy and Fiji is still developing. They also have different political configurations: NZ has had a democratically-elected centre-right National coalition government since 2008 whilst a provisional military government took power in Fiji following a coup-d'état in 2006. Both nations are signatories to international labour standards though the practical effect of this for policy and progress on gender equality varies given their respective economic, institutional and political features. Indeed, women's position in the two labour markets is generally improving but it still trails men on key measures such as participation, pay and often working conditions, particularly in Fiji where women are critical to the operation of unpaid and informal work.

Both nations have also experienced considerable regulatory change. There exists only limited analysis of its meaning for women's access to and experience of the labour market, despite their significant presence in this realm. This paper thus compares the meaning of different institutions and forms of collective regulation for women's labour market position in Fiji and NZ. The next sections overview both countries' economic and regulatory features, women's labour market situation and conceptualisations of employment regulation. Results from a recent qualitative questionnaire in which expert informants in NZ and Fiji were asked to assess the implications of their country's regulatory framework for women are then presented. The paper concludes by highlighting significant links between regulatory developments and working women's circumstances, providing a basis for reconceptualising regulation and policy developments that could improve working women's relationship in both contexts.

## Labour market and economic context

Women form just over half of NZ's population and nearly half of its 2.32 million-strong labour force. In global terms, their participation rate is high at 62.4% (Statistics NZ (SNZ), 2011). Women constitute 48% of Fiji's people but just 31% of a small (330,255) labour force. Their participation rate (37%) is also much lower than in NZ, taking 30 years to triple to this level at a slowing rate. However, the male figure (81%) exceeds NZ's female and male rates (Table 1). Female workers in Fiji are also more vulnerable to poverty - 44% earn less than the 'poverty wage' (FJ \$60/week),<sup>1</sup> in contrast to 32% of males (Narsey, 2007). The presence of young children and larger family size contributes to the low participation levels of Fijian (including Indo-Fijian) women (Rakaseta, 1995) though Fiji's fertility rate has trended downwards to 2.7 births/woman (NZ's is 2.1 – World Bank, 2009).

Women perform 52% of total work in Fiji's economy but receive just 27% of the total income. They form 99% of household workers who number more than the economically-active females, reflecting a culture in which their primary role has been to support economically-active male heads of the household (Narsey, 2007). Yet, when household work is accounted for, economically-active women work 26-31% more than economically-active men.

**Table 1: Demographic and labour market statistics, NZ and Fiji**

Indices	NZ	Fiji
<b>Population (millions)</b>	<b>4.32</b>	<b>0.85</b>
working age population (millions)	3.41	0.59 <sup>^</sup>
labour force (millions)	2.32	0.33
females (millions)	1.09	0.10
persons in employment (millions)	2.17	0.30
female (millions)	1.02	0.09
unemployed (millions)	0.14	0.03
female (millions)	0.07	0.01
labour force participation (%)	68.1	40.0
female (%)	62.3	37.0
male (%)	74.3	81.0
unemployment rate (%)	6.5	8.6
female (%)	6.6	12.9
male (%)	6.5	6.4

Sources: SNZ (various) and Narsey (2007)

<sup>^</sup>Population over 15 years.

As in many countries, women in Fiji and NZ have long been concentrated in occupations where most employees are women, and in a narrower range of occupations than men, reflecting an array of supply and demand factors and impacts on pay. In NZ, women's hourly earnings average 12-15% less than those of men (Council of Trade Unions (CTU), 2010) while the gap is larger (19%) in Fiji (Narsey, 2007). In Fiji, women are over-represented among clerks, albeit concentrated at lower levels. Though under-represented in all other occupations, they are highly concentrated as low income earners in service, shop and sales; plant and machinery; and elementary roles (Table 2). Women are largely self-employed in craft work, and mostly engage as family workers in skilled agriculture and fishery - usually under-employed and low paid. Women senior officials and managers, and technical and associate professionals earn more on average than men in these groups but lower paid and informal women workers form the bulk of working women in Fiji and are worse off than men. Women in largely unorganised, informal sectors (e.g. garment workers, domestic help) (Rokoduru, 2008) and Fiji's many small, unorganised workplaces are positioned even more precariously. In NZ, women have made greater in-roads, being well represented among professionals; community and personal service; clerical and administrative; and sales workers. However, they remain under-represented among managers; technicians and trades workers; machinery operators and drivers; and labourers (Table 3).

<sup>1</sup> FJ\$1 is US\$0.54, GB£0.36 and NZ\$0.72.

Occupational segregation also has age and ethnicity dimensions. In Fiji and NZ, younger women earn more than older women overall, reflecting generational improvements for professional and higher-paid women when age is factored in. In Fiji, women aged 20-29 years earn 20% more, while older women earn less, than their male counterparts (Narsey, 2007). The traditional gap between indigenous Fijians and Indo-Fijians' labour participation has narrowed due to falling Fijian participation in the

**Table 2: Occupations by gender, Fiji (2005)**

Occupation	Female	Male	% female	% of females
Senior officials and management	4,526	12,133	27	5
Professionals	8,950	11,624	44	9
Technical and Associate Professionals	6,291	13,012	33	7
Clerks	12,205	8,866	58	13
Service, Shop, Market Sales	13,917	20,208	41	15
Skilled Agricultural and Fishery	17,900	64,034	22	19
Craft and Related	7,645	32,559	19	8
Plant and Machinery Operators and Assemblers	4,405	21,407	17	5
Elementary occupations	18,478	37,882	33	20

Adapted from: Narsey (2007:33), Table 2.19

declining subsistence sector and rising Indian participation among 20-34 year olds. Indo-Fijians and other ethnic groups are over-represented in occupations such as professional and technical; administrative and managerial; and sales. In NZ, Pacific and Māori women are more likely than Pakēhā (White) women to work in semi- or low-skilled manual jobs, and thus on lower pay and more vulnerable to changing economic conditions (Parker *et al.*, 2012). One of the groups least engaged in paid work is young Māori women. Their employment rate (42%) is much lower than for their Pākehā counterparts (64%), and they are more likely to undertake unpaid work (Warburton, 2008).

**Table 3: Occupation by gender, NZ (2006)**

Occupation	Female	Male	% female	% of females
Managers	120,120	220,410	35	13
Professionals	208,482	165,846	56	22
Technicians and trades workers	45,522	196,335	19	5
Community and personal service workers	109,644	46,824	71	12
Clerical and administrative workers	189,561	51,255	79	20
Sales workers	111,549	74,511	60	12
Machinery operators and Drivers	18,435	95,886	16	2
Labourers	83,178	135,813	38	9
Elsewhere not included	49,518	62,886	44	5

Derived from: SNZ (2006 Census)

In both nations, initiatives like career mentoring of young female workers, younger women having more education than their male counterparts, and more female enrolments in tertiary education, have assisted a rise in women's presence in most professional areas. In Fiji especially, this has enabled them to contribute more to family income but women still enter the paid work force in lower numbers (Jalal, 2009), reflecting cultural norms around women's household and family roles. Although more educated, professional women have been able to access better jobs and improve their economic

position, they do not necessarily receive the same pay or promotion opportunities as men. In NZ, more women than men – and more Pacific and Māori than European women - participate in tertiary education, with female graduates now outnumbering males not just in traditional areas such as teaching and nursing but also management, marketing and law. Again, differences emerge in the salaries of female and male students within a year of graduating (Ministry of Women’s Affairs (MWA), 2010).

By industry, tourism is the only domain in Fiji which has had some recovery since the 2006 coup, accounting for 23% of GDP, but it is facing international competition.<sup>2</sup> This is significant for women who are disproportionately represented in the hotel, retail and restaurants sectors, and community, social and personal services, mostly as low paid workers (Narsey, 2007). However, as with sugar, garment exports have been declining, with job losses in this heavily-feminised industry mostly affecting women (Prasad *et al.*, 2011). Indeed, the percentage of women employed in non-agricultural wage employment fell from 39% in 2002 (cf. 79% of men) to 37% by 2006 due to the closure of several, big multinational garment factories in tax-free zones (TFZs) when their tax exemption periods expired (Jalal, 2009). Their unemployment has been linked to increases in prostitution, homelessness and abuse (Fiji Women’s Crisis Centre (FWCC), 2008). NZ industry dynamics have been less dramatic, reflecting relative political and economic stability. Yet women remain over-represented in health care and social assistance, education and training, and at a distance, accommodation and food services, finance and insurance services, and retail trade. Reflecting its developed economy, eight out of 10 female employees in NZ work in services.

Trading arrangements have structured NZ and Fiji’s economic and labour market deregulation since the 1980s. For NZ, key free trade agreements (FTAs) include the Closer Economic Relations (CER or ANCERTA) FTA with Australia (1983), NZ-China FTA (2008) and Hong Kong-NZ Closer Economic Partnership (2011). Fiji’s trade liberalisation has involved sectors such as tourism, sugar, low-cost women’s labour, fisheries, timber and gold. However, subsequent Government revenue losses have led to trade and economic policy changes, including restructured tax regimes which, combined with global market forces, have impacted disproportionately on poorer households, women’s employment options and their broader economic status. Trade and labour market deregulation in Fiji has also involved TFZs and the undermining of unions in order to reduce high wage rates which are perceived to affect the country’s manufacturing and exporting competitiveness. Fiji’s mean daily real wages decreased 22% between 1982-86 and 1989-92 (they fell 33% in manufacturing). With a rising number of female-headed households, this indicates further poverty and social burdens for women. These measures also encouraged a feminised labour force that has been open to exploitation through poor conditions, terms and low pay in industries such as garment manufacture and fish canning (also Kelsey, 2004). Most women employed in TFZ also have little education, are unskilled and receive in-house training; their employment opportunities are thus narrow. De-industrialisation, job losses and wage decreases have also disproportionately impacted on women, partly due to gender constructs about why women work - during ‘economic recession, constructs of women as primarily wives, mothers, and caretakers of families are operationalised to take the pressure off the job market’ (Lateef, 1990:114). Many have improvised by shifting into the informal sector (e.g. sewing, selling traditional handicrafts, making food) at home or in workshops, often on a full-time basis with poor wages, conditions and job security.

More widely, Fiji is a signatory to regional reciprocal agreements including the Pacific Islands Countries Trade Agreement (PICTA); and the Pacific Agreement on CER (PACER) though the Bainimarama regime was suspended in 2009 from Pacific Islands Forum meetings and activities including trade negotiations for the PACER-Plus regional FTA, and there is a dispute over the mandate and independence of the Office of the Chief Trade Advisor (OCTA) which advises Forum Island countries in their trade negotiations with Australia and NZ (MacLellan, 2011). Australia and NZ have been criticised for ‘interfering’ via the Pacific Islands’ Forum Secretariat (PIFS) and thereby

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<sup>2</sup> Indeed, the Government shifting away from giving numbers on macro-economic targets to making statements (Prasad *et al.*, 2011).

undermining regional trade processes. Indeed, in 2009, the regime summarily expelled the Australian High Commissioner (Lal, 2012). The World Trade Organisation (WTO) (2009) reports that the proliferation of such agreements has made its trade regime excessively complex and has questionable socio-economic, political and environmental impacts. Further, there have been calls for the generation of new remittances from Australia and NZ if labour market restrictions could be removed and the markets for unskilled labour from the Pacific opened up as this hurts unskilled and poor households who have benefited from the seasonal labour scheme. However, such developments could take time given tense relations between Fiji and donor countries following the last coup (Prasad *et al.*, 2011).

Women's labour market circumstances in the NZ and Fijian thus vary, with their access and progress in Fiji trailing NZ, and generally inferior to those of men in both settings despite initiatives and pockets of improvement. The following section overviews NZ and Fiji's collective employment regulation.

### **Labour market regulation**

Collective regulation is typically conceived in cost-benefit terms for different groups. Efficient regulation can be seen as that where the total benefits to some exceed the total costs to others. Regulation is justified on grounds including the need for intervention according to classical economics of 'market failures' (e.g. inadequate information); collective judgments by a significant sector of society; and diverse experiences and social subordination (e.g. Moss and Cisternino, 2009; Balleisen and Moss, 2010). Formal/'hard' regulation generally encompasses legal and official measures concerned with specific rights and obligations whilst informal/'soft' regulation involves extra-legal and unofficial initiatives and tends to deal with general principles although a combinatory approach predominates.

Collective regulation plays a central role in employment relations, often aimed at checking the power relations between the social partners. Its many forms include legal and institutional frameworks; tripartism; social dialogue; collective bargaining; industrial conflict; dispute resolution; information and consultation; and employee participation. Indeed, at the European level, social dialogue has emerged to essentially replace collective bargaining, as has 'the recognition of a growing body of fundamental social rights, embodied in primary and second labour legislation' (BUIRA, 2008:6).

Much collective regulation in NZ and Fiji is formally framed by international labour standards. NZ has ratified relevant international UN instruments on general human rights, while Fiji has ratified some core instruments (but has not signed and/or ratified others such as the International Covenant on Civil and Political Rights). In respect of gender, both have signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Signatories are legally bound to put its provisions into practice, and are committed to submit national reports at least every four years on progress made in relevant areas.<sup>3</sup> However, Amnesty International (AI) (2010) and others have criticised Fiji's government for failing to meet its CEDAW obligations. Whilst NZ acceded to the Convention on the Political Rights of Women, neither nation ratifies the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, entitling them to the same pay and working conditions as nationals.

NZ and Fiji also formally support relevant ILO instruments on labour and other standards concerning gender equality, including the Right to Organise and Collective Bargaining Convention (98); the Equal Remuneration Convention (100) which encompasses equal pay for work of equal value, and the Discrimination (Employment and Occupation) Convention (111). Both endorse the Tripartite Consultation Convention (144), significant given the thinning of tripartism in NZ and now side-lined bodies in Fiji. However, neither ratifies the Maternity Protection Convention (183). Unlike Fiji, NZ has not ratified the Freedom of Association and Protection of the Right to Organise Convention (87)

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<sup>3</sup> NZ but not Fiji has ratified the CEDAW optional protocol which allows individuals to bring a complaint directly to the CEDAW Committee for it to investigate claims of serious violations, after domestic remedies have been exhausted.

though Fiji's ratification of this and Convention 98 does not fit well with its recent Decrees which restrict unions' organisation of workers and civic organisations' freedom of speech. Neither country ratifies the Workers with Family Responsibilities Convention (156) or Night Work Convention (171) though Fiji endorses the Indigenous and Native People's Convention (169) and the Minimum Age Convention (138). Fiji has ratified both core conventions on child labour but its legal provision that children under age 12 may only be employed in a family-owned or agricultural enterprise, and children aged 12-15 years may be employed on a daily wage basis in non-industrial work not involving machinery, provided they return to parents/guardian every night, does not conform with ILO Conventions. Both have signed conventions on forced labour; though not widespread in NZ, there is concern in Fiji about human trafficking (ILO, 2010) (for detail, see Parker *et al.*, 2011).

Within NZ, employment regulation has changed hugely in recent decades. From the 1980s, its long-lasting central wage-fixing (awards) system and much tripartite and social dialogue activity have been dismantled and the market deregulated. The Employment Contracts Act 1991 (*ECA*) then removed union registration and compulsory union membership though it extended grievance rights to all workers and strengthened the legislative minimum code. Consequently, much of the early 1990s' decline in union membership, density rates (particularly private sector), collective bargaining practice and coverage has been attributed to the de-collectivising and decentralising effects of this Act (e.g. Crawford and Walsh, 1999). Some have also regarded it as inimical to women's employment interests generally and a threat to their gains via unions and arbitration (Coleman, 1989). The situation changed somewhat with the introduction of certain employment and labour market protections by the fifth Labour-led government (1999-2008). Collective bargaining became 'a public sector phenomenon' with the enactment of the Employment Relations Act 2000 (*ERA*) which replaced the *ECA* and offers greater legislative support for collective bargaining. Union representatives on the Ministerial EEO Advisory Group also successfully called for the establishment of an EEO Commissioner within the HRC.

However, the National-coalition government (since 2008) has stressed flexible working and employee choice, favouring voluntarist solutions to labour force and equality problems via supply-side measures such as education and training. It has also emphasised good faith and workplace-level arrangements via statute and policy, showing little inclination for regulation or collective bargaining. Under the *ERA*, there has been no significant return to national or sector awards beyond some parts of the public sector. For women, over-represented among those not covered by collective arrangements, this is likely to have impacted on the protection and advancement of gender equality. And while women constitute 56.6% of NZ union membership, registered unions cover just 17% of the employed labour force (Department of Labour (DoL), 2011), meaning most workers are now on individual employment agreements and private sector workers have low union coverage levels.

Fiji's legal and institutional framework has been shaped by its status as a former British colony, and complicated by ethnic and clan rights. A tripartite Labour Advisory Board (LAB) was set up under the 1965 Employment Act to advise on employment matters. A large proportion of formal sector workers were organised at that time while informal sector workers (i.e. many women) were not. Workers in manufacturing were mostly unorganised but somewhat protected by minimum wages in certain industries. Government workers were represented by the Fiji Public Service Association (FPSA) while civil society worker organisations were affiliated to the Fiji Trade Unions Congress (FTUC) or the Fiji Islands Council of Trade Unions (FICTU) which are affiliated to Australian and NZ counterparts. Teachers and nurses also have large unions, and there are unions in non-manufacturing private sectors (e.g. finance, hotels, telecommunications, other service industries and government enterprises, sugar, airport, electricity). Management-level workers were mostly on individual employment contracts and not represented by these fora.

However, Fiji has overhauled its labour regulation in the last decade. Initially, major tripartite stakeholders continued to be involved (e.g. commenting on an Employment Relations Bill (*ERB*) which introduced compulsory recognition of unions in workplaces). The *ERB* had almost completed the Parliamentary process at the time of the 2006 coup. Both unions and employer organisations

lobbied the post-coup government to enact it as a promulgation as there was on-going support for the reforms.<sup>4</sup> All workers were covered by the *ERP* except the uniformed services, and all employment relationships required written contracts. In 2009, President Iloilo dismissed the judiciary and suspended Fiji's 1997 Constitution, Chapter 5 of which addressed 'social justice and affirmative action' and ordered Parliament to legislate for programmes or special measures for groups of disadvantaged persons (ILO, 2006). Cabinet recently approved the Employment Relations (Amendment) Decree 2011 which exempts Government and other Government entities (i.e. a large proportion of the employed) from the *ERP*, providing that they are subject to the Employment Relations Tribunal for claims under other Acts. It also terminates proceedings brought under the *ERP* against the Government or its entities, as well as any orders of the Tribunal or Employment Relations Court involving these parties. There does not seem to have been any consultation with stakeholders on this, nor account taken of opposition to it (Fiji NGO CEDAW Report, 2010), reflecting the demise or disintegration of tripartite and internal social dialogue arrangements since the 2006 coup. The recent Essential Services Decree (also known as the Essential National Services Decree) severely curtails union bargaining powers and voids collective agreements in key sectors (e.g. aviation, finance) such that tripartite dialogue no longer prevails. It removes collective bargaining rights for many workers, imposes heavy restrictions on those elected to union leadership and removes the right to strike and minimum wages for the sectors it covers. Further, the Public Emergency Regulations (*PER*), in force soon after the abrogation of the 1997 Constitution in April 2009, and initially intended as a short-term security measure (Lal, 2012) but only lifted on 7 January 2012, have restricted unions' ability to meet with their members, give the police and military extended powers to censor the media and restrict public assembly. A *PER* breach may result in criminal prosecution and imprisonment. These developments have implications for working women who, to a greater extent than in NZ, remain over-represented among the low paid.

A key issue for Fiji thus concerns regulatory enforcement. The *ERP* established new institutions (e.g. Employment Ministry's Mediation Unit, Employment Relations Advisory Board (ERAB), Employment Relations Tribunal to adjudicate grievances, Employment Relations Court, which along with the Tribunal, is available for compulsory arbitration). However, effective enforcement of employment rights has been badly hampered by a lack of easy access to the law courts, lawyers' costs or the need to use the Fiji HRC (FHRC).<sup>5</sup> No cases on gender equality or non-discrimination on the grounds of gender in employment have been filed by the FHRC (*ibid.*). An Administration of Justice Decree re-established an independent judiciary, along with workshops to train it, prosecutors, police and legal aid lawyers on the extent of the laws, to empower judges to enforce human rights law, and to 'implement them in a gender-sensitive way' to help apply the Domestic Violence Decree. However, gender and ethnic appointments to the judiciary by the regime have been criticised, and AI (2010) alleges that increasing use of extra-judicial forms of settlement (e.g. seeking traditional forgiveness or 'bulubulu') in cases of violence against women have resulted in perpetrators receiving minimal punishment. The Government is yet to report on the implementation or outcomes of its decrees (also UN General Assembly of the CEDAW, 2010).

Formal regulation thus bears some similarity in the two countries, including the ratification of key ILO and UN standards concerning sex equality and anti-discrimination, and less so, those relating to industrial relations and collective bargaining. This has translated into national statutes and regulations covering equality of opportunity and treatment. There are also similarities in the countries' employ of a multi-level legal system involving specialist tribunals as well as recourse to the mainstream courts, and a strong emphasis on mediation. However, the tenor and extent of the change has differed, with sustained, incremental dismantling of collectivist measures in the *ERA* and government policy in NZ, and the non- or partial application and transgression of initiatives; an accelerated imposition of collective-curbing decrees; and political and institutional turmoil in Fiji. The two nations' differing

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<sup>4</sup> The *ERP* consolidated existing legislation and repealed others including the Employment Act (Cap 92), Wages Councils Act (Cap 98), Trade Unions Act (Cap 96) and Trade Unions (Recognition) Act 1998.

<sup>5</sup> Created by a 2009 decree, the FHRC replaced the HRC set up under the Constitution which could investigate alleged contraventions of human rights and unfair discrimination, voluntarily or on complaint, resolve complaints by conciliation or refer unresolved complaints to the courts.

equality starting points has meant that women in Fiji have faced greater problems in accessing and progressing in the labour market. The following section outlines the empirical methodology adopted to look more closely at the meaning of different and changing regulatory forms for women in both countries.

## **Methodology**

The main research aim of the study was to assess what contemporary regulation means for working women's circumstances in NZ and Fiji. In response, a qualitative mode of inquiry was chosen. Comparable, 'rich' data were derived from an email questionnaire sent to expert informants in both countries in 2010-11. Thirty-five returns were received from a possible 60 informants (58% response rate), most of whom were women. This included 22 responses from 35 NZ contacts (63%), and 13 responses from 25 Fijian contacts (52%). The lower response rate for Fiji partly reflects an articulated concern from some non-respondents about state reprisals for partaking in the study. NZ informants were evenly split among senior unionists, managers, academics, policy analysts and HR specialists. Fiji respondents encompassed these and international agency representatives. Most individuals wished to remain anonymous, though most NZ informants replied on behalf of their organisation. Subsequent online and telephone liaison with respondents enabled clarification and further data gathering, typically of documentary evidence and especially for Fiji where the regulation is changing rapidly.

Fifteen interview questions sought open-ended information about the informants' experience in relevant fields; and their understanding of the scope and substance of collective regulation. Data were also collected on the experts' views of what constitutes key regulatory forms for working women; key regulatory issues for women; enforcement and regulatory impacts on women in social/personal, economic and political terms; and the roles of key social partners in seeking to improve female workers' circumstances. Interviewees were also asked to indicate where and why they felt collective regulation had made most and least progress with respect to working women; and to proffer their views on their situation could be improved. The dimensions used to frame the interview questions and analyse the evidence emerged from extant literature and the data themselves. For instance, a typology of regulatory forms emerged and included legal and institutional frameworks; tripartism and social dialogue; collective bargaining; and information and consultation. The open-ended character of responses sometimes revealed multiple standpoints on issues or phenomena (e.g. around concepts of regulation). The informants' responses were thus both corroboratory and divergent in character. Reflecting a grounded approach, this material was aggregated thematically, and then examined in relation to key analytic dimensions.

## **Findings**

### ***Defining the regulatory framework***

Informants identified collective regulation in terms of processes and outcomes in both settings. Most stressed formal mechanisms whilst acknowledging that the formality of regulation varies:

'Formal' regulation includes collective employment agreements [CEAs] and legislation; 'informal' regulation includes employer workplace policies and government policies not covered by legislation (e.g. the NZ State Services Commission's public service bargaining parameters). (National Official, NZ Public Service Association (PSA))

[It's] (f)ormal and informal mechanisms which provide for the recognition, protection and advancement of workers' rights and interests on a collective basis or through collective action. (international agency worker)

Informants for Fiji stressed CEAs more in their definition, reflecting their perceived significance for above-minima gains for working women. However, they noted the 'long, protracted process' which can accompany collective bargaining, and the need for participative implementation to give it effect – not a 'given' in Fiji today.

While responses for both nations highlighted the broad intentions of collective regulation of employees – including the provision of an avenue for collective bargaining, worker representation and a safety net for workers from unfair workplace practices - informants stressed Fiji's political and socio-economic instability by highlighting regulation's role in ensuring greater workplace democracy.

The following were cited as principal parties to collective regulation: state agencies (e.g. NZ DoL), unions, central union bodies (NZCTU, FCTU and FICTU), employers and employer bodies (e.g. Business NZ, Fijian Employers Federation). Industry organisations (e.g. for the garment industry, tourism); central private sector bodies (e.g. Fiji Commerce and Employers Federation, Chamber of Commerce); civil society organisations; and tripartite bodies (e.g. ERAB, Wages Councils) were also specified for Fiji. This is interesting given a waning of tripartite arrangements in NZ though respondents mentioned the existing university tripartite structure and PaEE Steering Group, and a strong commitment from District Health Boards (DHBs) and health sector unions to the Health Sector Relationship Agreement); and specific arrangements at policy level for dialogue on gender equality (e.g. the National Advisory Council for the Employment of Women (NACEW), a tripartite advisory body to the Minister of Labour and legacy of the last Labour-led government). In Fiji, the mechanisms still exist and seek to use legislation, social dialogue, collective bargaining, arbitration and dispute resolution processes but much less so due to the recent political and industrial environment. The Arbitration Commission was seen as a key institution of Fiji's regulatory past. By contrast, the PSC, though critical for the public sector (Fiji's largest employer and a significant employer of women), operates 'through declaration in effect' and 'exhibits a lack of dialogue, consultation or engagement and relies on decrees to exclude worker participation' (agency representative).

Coalitions were not specified in relation to NZ and collective regulation, and in Fiji, they are purported to be uncommon where dialogue methodology is undeveloped and positional bargaining is the norm due to wider regulatory controls:

[C]urrent limits on collective action due to *PER* [and] commonality of interest between government-appointed, independent members of Wages Councils and the ERAB (strong faith-based backgrounds in a number of cases) and unions. Generally, there is a reliance on statutory mechanisms to define the scope for collective action – rare to have campaigns outside of this framework. (International agency representative)

Indeed, perceptions of low levels of coalition activity at present, despite NGOs and others 'working tirelessly' (University Council member) in the past, fit with recent reports that campaigns in Fiji to promote working women continue, via social movements and community groups like the YWCA, femLINK Pacific, FWRM and FWCC, but the effectiveness of women's voice has diminished (e.g. International Women's Development Agency (IWDA), 2010a, b). For example, the FWRM was noted for its contribution to the outlawing of sexual discrimination in the Constitution<sup>6</sup> and in the run up to the *ERP* but recently, 'there has been little to no visibility on economic issues of NGOs (nor indeed of the Ministry of Women)' (anonymous).

International bodies and instruments were cited infrequently as prominent components of either country's regulatory framework; if mentioned, their roles were linked to those of other regulatory forms. For instance, the SPC representative's agency is directly involved in

capacity building in human rights treaty ratification, monitoring and implementation; and undertaking a stocktake on the realisation of employment rights in Pacific countries through the Universal Periodic Review Process and reporting on this article to separate treaty bodies. [It] is also concerned to ensure that gender is mainstreamed in employment laws, policies and practice and that international human rights frameworks guide any decisions that involve workers and women.

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<sup>6</sup> This formed the basis for the non-discrimination provisions and equal remuneration for male and female provisions in the Employment Bill that followed, and subsequently, the *ERP*.

The Secretariat also supported the FWRM with the pre-ERP Employment Relations Bill. In NZ, it was observed that whilst the last Labour Government enthusiastically promoted the ILO ‘Decent Work’ initiative, the current administration voted against an international labour convention to establish fundamental rights for Domestic Workers at the ILO in Geneva, and has reduced state support for decent work programmes, including at international level.

### ***Key regulatory issues and impacts***

Echoing the collective emphasis of extant studies, informants’ responses highlighted the following issues as key to policy development, regulation and their impacts for working women in both nations:

- equal pay and pay equity;
- minimum wages;
- PPL;
- sexual harassment; and
- pensions.

On equal pay in NZ, respondents generally concurred with Frances and Nolan’s (2008) assessment that the central wage-fixing and a strong (if masculinist) labour movement in the 1960s-70s had been able to convert equal pay decisions into advances for women’s pay equity, whilst the subsequent dismantling of this system and market deregulation ‘removed the possibility of across-the-board changes [for women]’ (*ibid.*:28). Also specified was the ECA’s impact in terms of halting and sometimes reversing the trend to a narrower gender pay gap (the gap fell just four percentage points between 1997-2003 though Dixon (2004) attributes this to the minimum wage level, increases in the human capital of women relative to men, patterns of job growth and changes in women’s employment distribution). A 2002 MWA discussion document (Harré, 2002) was highlighted for proposing that government regulation, collective bargaining and unionisation as part of a solution to further closing the gap though arguments on the cost of remedying any under-evaluation of female-dominated work have been used with some success in collective bargaining (e.g. ITUC, 2009a). Indeed, most respondents were critical of the National-coalition government’s ‘hands off’ approach to employment relations including, soon after assuming office in late 2008, the abolition of the Pay and Employment Equity (PaEE) Unit set up by the predecessor Labour-led administration to implement a Plan of Action to reduce the gender pay gap and ensure public sector pay and employment equity. Unionists particularly noted the widespread reaction to the Unit’s removal and cancellation of existing pay investigations. They referred to calls for re-regulation (e.g. via the CTU-led coalition in late 2009 on a national Pay Equity Challenge campaign, ‘challenging’ the Government to outline its plans to close the gender pay gap and put pay equity back on its agenda, working with employers and unions to this end, as well as to low pay rallies involving unions, suggesting that increasing the minimum wage could be a key pay equity strategy).

For Fiji, respondents reported that the late 1960s were important for the promotion by NGOs of women’s rights as part of wider social movements which saw the country move towards independence. There was also increasing stakeholder involvement (e.g. a national Tripartite Forum, established in 1976, conducted successful, institutionalised social dialogue until political party/union linkages led to boycotts by the unions and its demise). Various parties were acknowledged for providing some regulation on the ground, including the ILO and UNDP’s representative offices, Human Rights Commission (HRC), Fiji Women’s Rights Movement (FWRM), the government-sponsored National Council of Women (NCW) and FWCC. Also highlighted was an EEO Policy initiated in 1989 by the Public Services Commission (PSC), the public sector employment regulator, that provides guidelines and benchmarks from which ministries and departments are expected to formulate their own EEO policies, and Fiji established an Inter-Ministerial Committee on Women in 1998. The ERP was cited for its intended promotion of gender equality. Those with a comparative eye regarded it as more far-reaching than NZ equal pay legislation with its provision that ‘every employer shall pay male and female workers equal remuneration for work of equal value’, in line with Fiji’s

ratification of international ILO conventions. However, one international agency rep pointed out that the ILO has asked the Fijian government to amend Part 9.77(1) which refers to equal remuneration for persons 'of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work' so that it conforms with the equal remuneration Convention – vital given the size of Fiji's gender pay gap. It was also widely perceived that least progress for working women had been made with the application and enforcement of the equal pay provision, with the 'present standoff between the regime and the union leaders is weakening the bargaining position of unions' (Ex-senior/superannuation fund manager). For NZ, the ILO CEACR (2008) urged the Government to consider amending its equal pay legislation to address pay discrimination that occurs in situations where men and women perform different work of equal value.

On minimum wages, both countries' differing formal regulation was acknowledged. In NZ, the national minimum rose by 46% between 1999 and 2006. Respondents estimated that most of the workers for whom the increase in April 2008 to NZ\$12/hour directly led to a pay rise were women. (The minimum wage was NZ\$13/hour in 2011, with the Government wanting to tie further increases to economic conditions – Parker, 2011). In Fiji, too, respondents pointed to an overall improvement in minimum wages in recent years - despite 'increasingly effective employer opposition' (University Council member). For instance, the Wages Regulation Order (WRO) 2009 was said to have helped boost minimum wages by 20%. But industry minima in Fiji are much lower than NZ's national figure (e.g. in 2008, the minimum wage in the garment sector was just FJ\$1.26/hour) and a 10% wage rate hike in 2011 was welcomed by the Textile, Clothing and Footwear Council if future increments are linked to adequate productivity growth and favourable export market conditions (Fibre2Fashion, 2011). Also, WROs were reportedly not actively enforced, with long implementation delays meaning set-backs in pay increases for the lowest paid. More specifically, the female garment workers' annual agreement was described as 'flimsy', without specific provision for maternity leave, paid leave, sexual harassment, wages and allowance awards. Because most of the industry's women workers are not organised or aware of their basic rights, 'they can be victimised and exploited by management' (anonymous) and a 'generally pro-employer and gender-biased' Garments Wages Council (Rokoduru, 2008).

For PPL, it was noted that NZ's penultimate (Labour-Alliance Coalition) government legislated for its introduction under the Parental Leave and Employment Protection Act 1987. There have been subsequent amendments to extend PPL arrangements but the provisions were still seen to 'generally lag those of Australia and the UK but are stronger than measures in Fiji' (employment relations academic). Indeed, under the *ERP*, women in paid employment in Fiji can take paid maternity leave for 84 days with a mere FJ\$5/day allowance. Women's organisations long pushed for this but wanted it to go through a democratically-elected government (Fiji NGO CEDAW Report, 2010). Further, it was reported that the low daily rate has led to many women denying themselves the 42 days of post-birth leave, and there have been delays in the implementation of the *ERP* on maternity leave due to a strong employers' lobby for a tax scheme for employers who pay it. Somewhat reluctantly, the FWCC will support an employer incentive if it is the only way for female staff to have maternity leave and pay as 'women are affected by a clause of the scheme during recruitment drives' (*Fiji Times Online*, 2009).

In both nations, the HR Commissions were widely by informants as crucial for promoting and protecting human rights under relevant laws. For instance, Fiji's HRC Act 1999 provides that 'sexual harassment ... constitutes harassment by reason of a prohibited ground of discrimination' (Section 17(1)). Section 76 of Fiji's *ERP* also outlines the liability of a worker who sexually harasses another, and an employer must develop and maintain a policy to prevent sexual harassment at work, consistent with national policy guidelines. Although the Fiji State CEDAW Report (2010) mentions the national policy (developed by the ERAB under the *ERP*), several informants pointed out that it does not mention that it only applies to state actors. In NZ, respondents pointed to the 1993 Human Rights Act's provision of a general framework for the protection of human rights which conforms to UN covenants and conventions. It prohibits discrimination in employment matters and beyond on grounds including sex. Moreover, under the *ERA*, if an employee thinks he or she has been unjustifiably

dismissed after complaining of sexual harassment, he or she can take a personal grievance against the employer, with remedies including reinstatement and financial compensation. A FWRM (2002) document indicated that sexual harassment affects one in three women in Fiji, usually repeatedly over their working life. However, reports to Fiji's FWCC have dropped to low levels in the past decade, denoting political and economic instability, particularly around the coups in 2000 and 2006, with women probably prioritising 'greater and more important issues such as economic survival' over reporting personal experiences of violence (FWCC, 2009). In NZ also, one in three women report has experienced sexual harassment, mostly in the workplace. Further, more related complaints were made to the HRC by employees from small firms with no sexual harassment policy than those from larger organisations with policies (EEO Trust, 2008).

Respondents were generally aware that, as elsewhere, of NZ and Fiji's rising dependency ratio of retirees to people of working age. However, informants for Fiji stressed that many women working in the informal sector are not entitled to post-retirement savings. As Narsey (2007) notes, this means that the poverty level is high for women than men. Recent regulatory developments were also noted for their potential to worsen gender differentials around retirement. In 2009, the PSC reduced the public servants' compulsory age of retirement from 60 to 55 years, contrary to constitutional safeguards against age discrimination and a court decision. A State Services Decree followed, requiring all civil servants to retire at 55 years, removing the Public Services Board and terminating all appeals and hearings pending decisions. The regime refuses to release the latest figures of forced retirements and media censorship prevents information from being published. However, the intention is to 'reduce the government workforce and save money' (anonymous), and the PSC has consulted with different ministries on the redundancy voluntary package for civil servants. It is now looking to amend the Family Law Act to make it mandatory for children to physically and financially take care of their parents as more of the elderly begin to live longer. With elder- and child-care already highly gendered in both nations, this provision could 'further entrench gender-based care roles in Fiji' (international agency representative). In NZ, too, fewer working women than men have unbroken, full-time career paths, and have generally made lower contributions to Kiwisaver, workplace and other retirement funds. Union respondents in particular noted that recent requirements for higher levels of worker contribution levels to Kiwisaver may disproportionately affect those on lower wages (e.g. women, Māori, Pasifika).

When asked to prioritise regulatory *forms* in terms of their influence on working women's circumstances, respondents for both countries ranked legislation, union representation, collective bargaining highly (Table 4). More particularly, informants for Fiji stressed recent minimum wage improvements, despite employer opposition, as 'probably [having] had the greatest positive impact on women's employment' (international agency representative). Wages Councils and WROs were significant as 'the only protection available to many women in paid employment in the unorganised private sector' (*ibid.*) but they do not cover domestic workers – among the most vulnerable women.

For collective bargaining, the Fiji Nurses' Association (FNA) stood out for its organising – including an illegal and lengthy strike early in the life of the regime – which has successfully raised the minimum wage and reduced hours of work for its primarily female membership. The Factory and Commercial Workers Union which organises in manufacturing and retail, was noted for its steady membership growth 'which bodes well for women in private sector', and ability to negotiate better working conditions and minimum wages. This follows a period of retrenchment and many job losses in the garment industry particularly (see earlier), as well as ongoing difficulties relating to 'ideological employers, lack of dialogue mechanisms and effective collective bargaining, and the active lobbying of government' (international agency representative). Other union-related activity included resourcing by the Fiji Teachers Union (FTU) and FTUC of women wings to increase women's numbers and power. The FPSA and the Public Sector Union, with their principle of promoting women and women rights, were also mentioned, as was, however, a special category of employees including women in the public service who are given special benefits in view of the current political situation.

In NZ, ‘stand-out’ union achievements were said to include the Service and Food Workers’ Union’s (SFWU) successful negotiation of a multi-employer collective agreement (MECA) in the DHBs which raised the CEA minimum wage NZ\$2 above the legal minimum (also DHBs and SFWU, 2010). Other bargaining successes with pay in low-pay and feminised areas of work (e.g. school support staff, nursing, primary health care, aged care, retail sector organising and supermarket collective bargaining successes by the National Distribution Union) were given. Several respondents noted the greater capacity of larger unions in NZ to pursue initiatives relating to gendered work interests, mostly in the public sector where it is easier to establish close working relationships with employers. Indeed, despite disappointments over pay equity, the PSA’s National Secretary pointed to her union’s participation in the 2007-08 reviews in public service departments, DHBs and local government, and follow through on response plans with employers; pursuit of legal cases to uphold fair payment and treatment at work; promotion of better terms and conditions through collective bargaining; and large survey of women members in 2010.

Particularly in NZ but also until the last few years for Fiji, informants connected legislative initiatives that structure workplace regulation, with union campaigns and lobbying on anti-discrimination, EEO measures, PPL and flexible working. Nonetheless, CEAs are more likely to contain provisions on

**Table 4: Regulation seen to have most influence on working women’s situation, NZ and Fiji**

NZ	Fiji
<b>legislation:</b> ERA; Parental Leave and Employment Protection Act 1987; flexible working, work breaks and breastfeeding statutes; Human Rights Act 1993; and Equal Pay Act 1972	<b>union representation and collective bargaining:</b> for instance, the FNA - ‘largest and most effective female-dominated union which organises across both industrial and public policy issues and is recognised as a key stakeholder in the health sector’ (international agency representative)
<b>collective bargaining/workplace agreements:</b> particularly for enhanced leave arrangements, pay systems, training and development though this ‘depends on the ability of the union to negotiate successfully with the employer’ (Employment relations policy analyst)	<b>legislation:</b> ERP, particularly in respect of discrimination, sexual harassment and maternity leave; and WROs
<b>union representation:</b> including the CTU Women’s Council’s role in engaging with the CEDAW	<b>tripartite processes and structures:</b> Wages Councils
<b>tripartite processes and structures</b>	<b>state processes and agencies</b>
<b>(state) PaEE processes and agencies:</b> PaEE mechanisms developed by the former PaEE Unit which were implemented by unions and employers	<b>international instruments, action programmes and for a</b>
<b>international instruments, action programmes and fora</b> including the UN CEDAW and the ITUC Action Programme on achieving gender equality	

extended unpaid leave (38%) and flexible hours (19%) than the right to work part-time (3%), job share (14%) or work remotely (virtually non-existent) (Blumenfeld *et al.*, 2011). For Fiji, it emerged that unions continue to lobby around the implementation of WROs but, with exceptions, their recent focus has been understandably on freedom of association issues: ‘the extent to which the current government’s motivation for reducing organising and collective bargaining rights is a response to (p)olitical opposition by unions or has economic or industrial relations objectives is not clear’ (international agency representative). Indeed, union influence and collective deals vary. In NZ, although CEAs were understood to be effectively enforced in workplaces with clear processes for the escalation of grievances, employer hostility to unions was acknowledged, particularly in the private sector (e.g. in private aged care, a low-paying sector requiring considerable physical exertion by its virtually all-female workforce, one senior unionist wrote that employers have vigorously resisted the development of a MECA). In Fiji, more stress was put on union’s current incapacity to organise around the enforcement of general standards, with workers who are reliant on minimum code not having effective access to unions.

Overall, some NZ informants questioned the scope of legislative and CEA provisions for working women, while others were concerned about the opportunity to fulfil their potential. For instance:

[Does it have] enough ‘teeth’ in the first place – specifically the possibility of achieving pay equity would be assisted by reviewing the Equal Pay Act to cover this area more fully. (National Official, PSA)

*ERA* emphasises ‘good faith’ bargaining ... but what does this mean in practice when union power continues to be eroded by regulatory and environmental changes? (Employment relations academic)

Somewhat differently, Fiji’s *ERP* was widely held to be progressive - ‘at present, the only significant form of collective regulation of women and gender equality in the workplace’ (ex-senior/superannuation fund manager). However, this Act and protective regulation generally were seen to be very patchily implemented and to lack formal assessment:

I don’t think that there’s effective enforcement of the Promulgation at present ... Reps at forums, including board directorship, are still heavily male-dominated. Whilst there’s some effort in government to ensure that all Merit Qualification Requirements are adhered to strictly ... there is evidence that a special group of employees are being given exclusive additional benefits. (University Council member)

Given the Government’s clamp down on unions, it’s possible that some employers may take advantage ... and [discriminate] against women workers by not honouring the work conditions they may have agreed with unions. (CEO, regional private sector organisation)

Without any outcome on the Constitution and the relevance of the Bill of Rights Chapter that ensures gender equality, it’s hard to conclude whether gender equality is protected. (SPC representative)

*ERP* enforcement was also criticised for ‘not providing the right mechanism to collect the right information from employers’ that would enable the Ministry to proactively enforce it. For instance, on anti-discrimination, employers are required under the Act to give a count of male and female workers. However,

they are not asked any further leading questions that will help the Ministry to ascertain whether the employer is aligned to the spirit of the anti-discrimination provisions. An aggrieved woman would need to separately file a complaint form which would, in my view, put her at risk of intimidation and recriminations, with the possibility of her losing her job. (Ex-senior/superannuation fund manager)

Although there was a generally positive view of Fiji’s mediation/tribunal system, there were complaints about delays, resourcing and the limited capacity of the labour inspectorate.

Respondents also recognised that regulatory potential is often limited by insufficient knowledge on the part of workers and employers. For instance, in NZ, PPL entitlements represent a major step forward for working women, as do flexible working arrangements, but both are under-utilised. NZ academics said that economic downturn and an increasing sense of job insecurity has encouraged some women to not draw on such provisions, though unions reported their role in providing much-needed, related information.

In terms of areas perceived to show least progress, in Fiji, informants stressed the ‘lack of gender sensitisation’ in the private and informal sectors; conditions and salary packages for executive women, and unlike NZ, the non-provision of nursing rooms in workplaces for nursing mothers and of additional day care centres for children at up to four years of age. In NZ, least progress was discussed in relation to the terms and conditions for women in the private sector (particularly hospitality and retail), with some exceptions. Lack of progress generally was mostly linked to a ‘lack of political will’ (University Council member) in both countries, and to the last two coups, political turmoil in Fiji and trade arrangements, which has made

participation in the political process is difficult, especially for those advocating institutional and legal change to improve the status of women. Formal dialogue on labour issues has been shattered. (Ex-senior/superannuation fund manager)

For example, progress on Fiji's ratification of the CEDAW in 1995 was 'set back by the attempted coup in 2000 and ensuing political instability' (SPC representative). The demise of the Tripartite Forum and LAB's influence were linked to the 2006 coup; that of the ERAB – highlighted for its contributions to incremental employment law improvement in the past - to the 'recent deterioration in the Government view of unions'; and the thwarting of the Ministry of Labour's compliance functions of the *ERP* and its subsidiary regulations to

the actions of the interim regime in not only removing the collective bargaining powers of the unions, but in union bashing [since] the 2006 coup. There's now rampant intimidation of union leaders who find themselves thrown into police cells on a regular basis, sometimes for merely voicing legitimate concerns of the workers. (Ex-senior/superannuation fund manager)

These observations were based on the mid-2011 introduction of the Essential Services Decree which applies to certain industries and effectively removed the compulsory collective bargaining powers of unions, and on scepticism about an apparent absence of breaches of the *ERP*'s anti-discrimination provisions. Decrees removing the public sector and designated essential industries' access to enforcement mechanisms, as well as of many union rights were also stressed for causing 'less enforcement of rights' and the public sector 'going backwards', prompted largely by a lack of commitment to employee or union engagement in public sector restructuring.

Relatively speaking, NZ unions were considered more successful than their Fijian counterparts in pushing gender equality issues, particularly under the last Labour-led administration (also CTU, 2006). A milder political climate for seeking reform for working women was also indicated by acknowledgements of Business NZ initiatives which aimed to encourage women's participation in paid work (e.g. assistance with the Government's work-life balance initiative, work on the *Workplace Productivity Group* and former PaEE Steering Group, collaboration with unions on widening access to workplace-based learning). Nonetheless, whilst it recently endorsed the conclusions of the *ILO Report of the Committee of Gender Equality 2009* on the need for social dialogue and tripartism as key policy tools to advance gender equality at work, as well as on increased women's participation in leadership roles in social partner organisations, it has led other business groups in lobbying against state initiatives that are perceived to raise costs. Further, current state policies on improving women's working conditions were said to be 'not immediately evident' (National Official, PSA) and 'improving the conditions of working women ... not a priority' (CTU Policy Analyst). Many felt that the 'thinning' of regulation, removal of institutions like the PaEE Unit and recent legislative changes (e.g. extension of the *ERA* 90-day trial period to all employees; restricted union access to workplaces, especially in the private sector) had disproportionate effects for working women. For example, it was thought that the extension of the trial period 'will affect women more than men because of their life-time work patterns' (Senior Official, National Distribution Union) and because more women work in vulnerable work. While it remains official policy to support PaEE review and response plans (specifically excluding pay investigations), a CTU Policy Analyst observed:

the withdrawal of resourcing has had a direct and substantive effect on the ability to further this goal. The removal of structures that were established to enable PaEE mechanisms to be implemented in the workplace means that only a very few unions and employers and undertaking PaEE activity.

Nonetheless, a considerable divide was generally perceived between current NZ state passivity on or selective withdrawal of equality measures for workers, and 'active derailing' from formal regulation involving key parties in Fiji, helping to inculcate a 'culture of silence' (CEO, regional private sector organisation). Further, the very strong gender imbalance in the political arena in Fiji,<sup>7</sup> 'due to

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<sup>7</sup> Just prior to the last coup, female CEOs in government and corporate entities numbered less than 10% and the percentage of representation of women in parliament was five per cent.

traditional views about their non-involvement in politics', has worked against women generally. Despite ILO, UNDP and aid agencies' contributions to improvements in this area through their ongoing support of related campaigns by the FWRM, FWCC and NCW (e.g. FWRM and NCW's efforts led to the upgrading of the Department of Women to a separate Ministry for Women), 'the follow up process is weak' (University Council member).

Interestingly, in conjunction with the political setting, the context of recession in NZ and recession and widespread poverty in Fiji were also seen to also galvanised some organising and campaigning in NZ (e.g. the CTU-led PaEE campaign, mobilisation of working women (particularly in retail, hospitality and care work sectors) around low pay), and to fuel – if in a comparatively low key way – resistance in Fiji, all the more remarkable given the growing body of sanctions by the regime.

### ***Where to?***

Overall, informants perceived that collective regulation did not provide sufficient impetus to significantly improve women's work or wider circumstances, albeit from differing starting points in NZ and Fiji. Priorities in both countries were said to include (in no particular order):

- regular improvements in the pay and conditions for low paid women, including increases to minimum wages, and in Fiji, strengthening of Wage Council mechanisms to help non-unionised workers gain timely wage adjustments and improvement of wage rates of women workers in the TFZ;
- closure of the respective gender pay gaps (e.g. via revision of NZ's Equal Pay Act 1972 to achieve 'real pay equity' (NZ-based Ministry advisor);
- higher numbers and proportions of women in leadership, business, union, political and other public roles in both countries though Fiji badly lags NZ on virtually all related indicators – 'to bring a balanced contribution to the development of the country' (CEO, regional private sector organisation);
- non-erosion and extension of (recently-achieved) employment rights;
- reversal of certain employment law and other regulatory changes (e.g. the 90-day trial period in NZ; many of Fiji's recent decrees, for their 'illegal introduction as much as their negative effects on working women' (anonymous); and particularly, the return of union rights 'without fear of reprisals from government' which could 'reduce enforcement costs for the Ministry [of Labour] as they act as 'de facto' compliance supervisors for it' (ex-Senior/superannuation fund manager);
- restoration of cancelled or weakened tripartite and other initiatives;
- *on-going* monitoring and adaptation of HR policies and practices to 'enhance women's workplace experience in ways that will be generational' (HR Director, large NZ organisation);
- expanded coverage and greater enforcement of regulation, particularly in Fiji (e.g. by Wages Councils Orders to ensure the protection of women's wages in the informal sector; by the Ministry of Labour, Industrial Relations and Employment which has responsibility for ensuring compliance by employers to the non-discriminatory and equal remuneration provisions of the *ERP*, and is seen as the mechanism with the (potential) 'political' clout, given adequate resourcing to carry out its compliance function effectively, to make changes since unions have been rendered nearly powerless);
- more data collection of women's situation for regulatory enforcement purposes (e.g. in Fiji, 'the reporting requirements for employers ... need to be expanded' (Ex-senior/superannuation fund manager) and '(a) starting point would be to conduct a census and research ... so that the results can be used to convince the government and employers of the potential economic benefits that can be derived from closing the gender gap' (University Council member);
- revision of government ministry strategies to resolve gender inequalities;
- improved capacity and organising environment for unions (particularly in Fiji) and internal union reform (e.g. identification of women's employment priorities, campaigns among currently unorganised workforce)

- more strategizing (e.g. ‘I’m not aware of any [Fiji] government or other organisations plans with regards to improving working conditions for women’ – CEO, regional private sector organisation);
- alignment with provisions in other countries and greater uptake of available measures (e.g. PPL and flexible work legislation) – ‘(g)ender balance in the Fiji workplace can be achieved, but it will require a lot more than compliance with the anti-discrimination provisions of the *ERP*. Fiji needs to pay attention to what other countries ... are doing to improve representation of women’ (Ex-senior/superannuation fund manager – including an increase in the daily maternity allowance increased to a sustainable level, provision of nursing rooms for working mothers in their workplaces and additional day care centres for young children (cf. restoration of early childhood education support in NZ);
- improved investment in training and education opportunities (e.g. in NZ, with a partial focus on part-time working women; in Fiji, for women across the labour market);
- the couching of gender equality centrally within workplace regulation at all levels; and
- regulatory changes that are wide-ranging, connected, coordinated, and involve multiple agencies.

However, it was widely recognized that the development of these and other initiatives would be more complex in Fiji than NZ due to environmental, resourcing and enforcement level differences,<sup>8</sup> and the comparatively weaker and more vulnerable labour market situation of its women. For example, whilst union involvement was assessed to be difficult for many women in both nations, especially those in low-paying and vulnerable jobs and private sector, Fiji’s informal (unregulated) sector workers would be particularly complex to organise, particularly in a context of heavily-reduced union capacity on account of recent government actions. Indeed, several respondents thus stressed the need for ‘basics’ such as transparent agreements that clearly articulate maternity leave, allowances, overtime work, and work during public holidays, addressing grievances and/or further training in Fiji.

As might be expected, moreover, more steps are being taking by agencies in NZ than Fiji to reduce gendered vertical segregation at work and to encourage women into leadership roles – though informants for Fiji want to see ‘gender sensitisation’ of male-dominated organisations, empowerment programmes for women and workplace cultural changes. These include NZ Global Women, a not-for-profit organization which, partly through its Breakthrough Programme, is seeking to shape, find more opportunities for and expand the impact of women leaders for whom it is ‘a potentially powerful source of support, ... affiliated to influential professional organisations’ (HR Director, medium-sized NZ organisation). Also mentioned were the EEO Trust’s Cross-Company Mentoring Programme to enhance career opportunities for senior women managers; the Ministry of Social Development’s Women in Leadership Summit; NZ Women in Leadership programmes run for senior female academic and general staff in universities; and Future Leaders, a four-year mentoring programme for young female teens to develop their leadership skills.

With the example of minimum wages, which are higher in NZ (see earlier), whilst the NZ Government wants to link future national increments to economic conditions, Fiji’s Government has made a commitment (People’s Charter) to introduce a national minimum wage. However, there is scepticism about its likely impact for women:

if this is instead of rather than as well as the WROs, it will probably lead to lower wages as the calibrated sector-based system enables some industries to pay more and a national minimum wage may well be set at the lowest common denominator, leading to downwards compression of low wages. (international agency representative)

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<sup>8</sup> Fiji’s Government recently stated its intention to ratify all outside human rights treaties within a 10-year period (State CEDAW Report, 2010) and formally acknowledged that it needs to work harder to strengthen its laws and regulatory frameworks, including ratification of international standards such as the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

NZ and Fiji were also differentiated by respondents for Fiji who felt that the development of participative mechanisms in Fiji will continue to be strongly linked to external agency support. Several informants specifically referred to the Fiji NGO CEDAW Report's (2010) recommendation that stakeholders consider setting gender-specific National Development Goals (as a further development of UN Millennium Development Goals relating to gender gaps in employment, incomes and household work). It was also noted that in developing countries, external agencies including international finance institutions impact strongly on the potential for dialogue. In Fiji, '(t)his is especially obvious in public sector reform, where the promotion of a fixed agenda narrows any real space for negotiated outcomes' (international agency representative). More widely, there were calls for a 'gender sensitisation' of the negotiation, ratification, implementation and assessment of Fiji's trade and economic policy, as well as analysis of their complementarity with social development policies. Indeed, it was noted that, while some economic opportunities have opened up for women, due to exclusive and fast-paced processes, complex issues, lack of government capacity and 'compromised negotiating machinery', this has not been in ways that support women's labour rights, increase their ability to access the labour market equitably, or support institutions that increase gender. Although Fiji is already extensively liberalized,

further negative impacts on women are possible - especially if there is liberalisation of services (e.g. if water supply was privatised and this expense took further cash out of already vulnerable household budgets). Fiji is in fact the example to the rest of the Pacific of why not to liberalise inappropriately and without rigorous analysis, impact assessment and consultation with stakeholder groups - including those that represent women's issues. (Fiji NGO CEDAW Report, 2010:78)

Most informants for Fiji were hopeful that working women's situation will improve with the re-institutionalisation of a general election, to 'which the people of Fiji are very much looking forward' (University Council member) but Bainimarama has delayed several times, and growth in the representation of and commentaries from women in public roles.

### **Concluding discussion**

NZ has performed well on international equality and life satisfaction measures though it recently slipped a place to sixth position on the overall 2011 Global Gender Gap (GGG) measure of 135 countries. Fiji does not rank well on this indice, dropping one place to 109<sup>th</sup> position, scoring particularly poorly on economic participation and opportunity, and 'political empowerment' measures (World Economic Forum, 2011). Indeed, women's labour force participation in NZ has risen to one of the highest levels in the developed world while Fiji's has fallen from already low levels over the past decade, with more women exposed to poor wages, conditions and job security associated with the informal sector. Further, Fiji's unemployment rate is nearly double that of NZ; and its women are twice as likely as men to be unemployed.

Yet, as a UNDP (1997:39) report observes, 'no society treats its women as well as its men' and the headline indices mask many gender equality problems that persist in both nations, including a gender pay gap, gendered occupational segregation, weak female representation in governance, women's concentration in vulnerable and non-unionised work and difficulty in accessing all parts of the labour market, and their shouldering the burden on unpaid work. However, on each count, the situation is worse in Fiji than NZ, reflecting the former's developing economic status, widespread poverty, few meaningful mechanisms for social dialogue, enduring view of women as supporting men's economic activity, and growing history of unstable institutional, regulatory, socio-economic and political conditions. Fiji has also had a much more adverse experience of the global financial crisis, which hit women hard, on account of these factors, its primary economy, extensive economic liberalisation (even by NZ standards) and dependence on multiple, non-transparent trading arrangements. Moreover, ethnic differences linked to clear differences in work experiences in both nations, have played a key part in Fiji's politically tumultuous environment in recent decades; as Lal (2012:2) observes, '(f)or far too long, every aspect of public life in Fiji [has been] seen and assessed through the prism of race'.

It is in these settings that the study's expert informants underscored a number of key themes concerning the links between the regulatory environment and women's labour market situation, with important implications for future regulation concerns. First, the *overall* character and scope of neo-liberal informed regulation was widely seen to have had mixed outcomes for working women at best, and deleterious effects at worst - in both countries. In NZ, state approaches to the labour market and employment relations have oscillated, albeit within the realms of democratic governance. Radical de-regulation from the 1980s-90s was followed by the re-introduction of some union rights though these continue to be under challenge. The Government advances a meritocratic ideology of equal access to the labour market predicated on supply-side interventions, but with limited results. In Fiji, the economic liberalisation programme has provided some opportunities for working women but more often has impacted in a gendered fashion which has been detrimental for some of them. Control by the military is intensifying, as reflected by a recent Decree which gives absolute power to the government and companies deemed 'critical corporations', and removes rights of freedom of association and collective bargaining from workers.

Thus, whilst progressive collective employment regulation such as the *ERP*, pre-coup statutes and Wage Councils exists, implementation of its key principles and provisions has become extremely difficult in a context where non-adherence and amendments to formal regulation have escalated. Further, many of the decrees brought in at an accelerating rate under the five-year old regime directly or indirectly disproportionately hurt working women; they also stifle progress on potentially pro-women measures such as the Domestic Violence decree. 'Watch dogs', including unions, women's and other civil society and certain state agencies have sought to counter these developments but have been effectively muzzled by anti-collectivist measures and 'information asymmetry' due to media censorship (on the same day that the *PER* was lifted, Commodore Bainimarama announced the imposition of a revamped Public Order (Amendment) Decree 'whose overall effect on the conduct of public discourse would be no less chilling' (Lal, 2012:1) and the Media Decree is still in force) and the absence of dialogue with political parties, the continuation of which holds 'worrying tell-tale signs for the future' (Prasad *et al.*, 2011:1). Indeed, the UN CEDAW Committee and informants' reservations about the implementation of Government initiatives to reconstruct social dialogue and equality policy, with links to endorsed international instruments and framework agreements, appear to be well-founded.

Consequently, much hope rests on regional drivers for change within Fiji, including a return to democratic rule. Economic sanctions by neighbouring countries were outlined in the paper though donor countries are not ignoring the plight of the ordinary Fijian citizen (e.g. Australia's aid budget to Fiji in 2012 will double from AUS\$18 million to AUS\$36 million), and international condemnation continues to build around violations of labour rights, on-going political involvement in institutions like the civil service, judiciary and police force (cf. consistent evaluations of non-corruption in NZ) and increasing militarisation of the civil service. The ITUC has reinforced calls to address a shift away from developing dialogue and engagement mechanisms toward 'a command-and-control approach' driven by productivity and effectiveness concerns in Fiji:

Fiji's military rulers are turning the country into an absolute dictatorship, and seem determined ... to crush any dissent and eliminate the legitimate voice of civil society. The rulers must turn back from this destructive path, and allow Fiji to return to democracy. (Sharan Burrow, ITUC, 2011)

The ILO's Committee on Freedom of Association also describes the situation as urgent, given the current impotency of various labour market institutions and recent arrests of and travel bans on many trade unionists (linked to union opposition to the state measures such as the Essential Services decree). The ITUC and its international union partners have escalated their action against Fiji (e.g. delegations of Australian and NZ unions went there in December 2011 on a fact-finding mission though they were denied entry) and want governments to put maximum pressure on the regime. The CTU, Australian Council of Trade Unions and national employer group ACCI have also condemned the Government's actions, as did union representatives at a recent ILO Governing Body meeting (ILO

Workers Group, 2011). Business NZ and the CTU have combined in a joint statement calling on Fiji's government to respect their international obligations on labour standards. The ILO has just passed a resolution in Kyoto condemning the restrictions of fundamental labour rights and the persecutions of unionists. The need to adhere to international treaties and standards is frequently iterated. External measures and internal problems would appear to be having some effect. Accompanying the recent repeal of the *PER*, Bainimarama issued a statement that he would be announcing a nationwide consultation process for a new constitution for the country in the next few weeks.

However, Fiji still garners support from some of its Pacific neighbours, and it is often its people, particularly the vulnerable, who feel the backlash from the regime when external parties apply pressure, amid a context of global financial crisis, natural disasters and inherent and on-going economic difficulties (World Bank, 2011):

(w)e need other countries to help but their actions can also sometimes make things very difficult for the ordinary people who live in Fiji. Not the ones who are high up – they can move on if they have to. But for most people, especially the women – they're the ones who suffer. (Anonymous)

One interim response to Fiji's economic problems could involve a political arrangement. Recent assessment (Prasad *et al.*, 2011) indicates that there have been some positive developments and reforms under the current regime (e.g. dismantling of monopoly structures in the telecommunications sector) but overall reforms for building confidence have proven elusive under non-democratic governance and reduced investment. Declining economic development has been accompanied by increased poverty, migration of skilled and professional people, and a savings outflow. The main option signalled by the respondents emphasises the development of more and stronger formal regulation of employment (relations), tripartite activity and effective enforcement to assist working women. This proposal seems to assume the re-institutionalisation of democratic elections or a change in the regime's lack of political appetite for such and in the economic downturn which especially affects women's labour market position in less economically developed nations (ITUC, 2009b). But, as Lal (2012: 3) notes, '(t)he real issue is not whether elections will be held in 2014, but what kind ... will be allowed'. There needs to be a general understanding that the effectiveness of regulatory developments in the labour market is allied to the inculcation of gender-related and socio-cultural values in economic and political ideology and strategies. Currently, the hidden costs to women of liberalisation are not factored into

trade policy formulation, nor are impacted groups included in its formulation, such as the ministries for women, welfare, health and education as well as civil society groups which provide social services ... Trade policy objectives and negotiations remain an exclusive exercise for the Ministry of Commerce and Trade, in consultation with the business community. (Fiji NGO CEDAW Report 2010:72)

As the list in the preceding section showed, NZ informants also generally stressed 'bulkier' but fine-tuned prescriptive collective regulation, based on multi-party deliberations, to improve working women's overall situation. The current emphasis on flexible working and employee choice via non-prescriptive regulation were not seen to benefit many workers and there was concern about the gender implications of the state's contemplation of changes to collective bargaining arrangements, particularly for low paid, lower/unskilled women. Dismantling of the *ERA* and the linking of annual minimum wage increments to economic conditions were regarded as likely to retard already slow and uneven progress for working women and to deepen a 'sliding back' for some (also HRC, 2010). Though both major political parties in NZ have been 'nervous of any major interventions in the market' (Hyman, 2010:2), this – together with a re-evaluation of female-dominated work - is what most of the respondents would like to see. For many, the neo-liberal, meritocratic agenda - albeit within a more prosperous economy framed by stable, democratic governance - fails to bridge gender gaps on various labour market measures. It also implicitly mutes reaction to such via reduced initiatives to assist or assess working women's circumstances (though overseas delegations help in this respect), and side-lines gender equality concerns in macro-policy.

Another avenue involves the reconceptualisation of regulatory measures and players in ‘win-win’ and interconnected terms. ‘Gender discrimination frustrates women’s participation in employment, reduces their productivity, diverts resources and has an overall negative impact on women’s empowerment and therefore the wider society of which they are part’ (Fiji NGO CEDAW Report, 2010:71). The importance of the right level, forms and mix of protective and progress employment regulation is thus key. There are extant models informed by international standards to which social partners can look for guidance. For instance, in 2002, NZ’s only international framework agreement was signed by the NZ dairy cooperative Fonterra, the International Union of Food (IUF) and the NZ Dairy Workers Union. The agreement binds the company to respect international labour standards including those defined in ILO Conventions 87 and 98 (freedom of association, right to collective bargaining), 138 and 182 (minimum age, child labour), and 100 and 111 (equal remuneration, employment discrimination) (IUF *et al.*, 2002). By delivering progress in gender equality areas, such organisations might influence others, alongside union and HR promotion of ‘best practice’. Indeed, in Fiji, MNCs with leverage over the regime (e.g. Tate and Lyle sugar refiners, Qantas) have been asked by unions to help halt labour rights abuses. Full observance of international standards generally must also represent a key facet of future strategy in both nations; efforts by multiple agencies in both countries for the ILO Decent Work Programme remain subject to political instability and reducing resources in Fiji and NZ respectively.

The withering of prescriptive/formal collective regulation and its decentralisation in NZ; non-compliance to hard regulation in Fiji amid political and socio-economic turmoil; and the space left by a shift away from collective bargaining in both contexts has not been replaced by adequate social dialogue, fundamental social rights, and in Fiji, regulatory enforcement. This has contributed to deteriorating circumstances for some working women in NZ and comparatively more in Fiji. Collective bargaining and union membership are highly significant to strengthening women’s and minority groups’ position, as well as to highlighting when national regulation falls short of international conventions. This analysis stressed the need for moves to recalibrate employer and union powers via formal regulation and practice in NZ, and the cessation of state and employer attacks on the union rights in Fiji in particular if working women’s circumstances are to significantly advance. For its part, Fiji’s union movement needs, like the CTU Affiliates Council in 2010, to endorse an international gender equality action plan, as a positive step towards union developing strategies to ensure women are fairly represented at all union levels.

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## References

- AI 2010. *Fiji: Submission to the CEDAW*. 46<sup>th</sup> Session, July, [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI\\_Fiji\\_Cedaw46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_Fiji_Cedaw46.pdf)
- Balleisen, E. and Moss, D. (eds) 2010. *Government and Markets: Toward a New Theory of Regulation*. Cambridge: CUP.
- Blumenfeld, S. Ryall, S. and Kiely, P. 2009. *Employment Agreements: Bargaining Trends and Employment Law Update 2008/2009*. Wellington: VUW (Industrial Relations Centre).
- BUIRA 2008. *What’s the point of Industrial Relations? A statement of the British Universities’ Industrial Relations Association*, Manchester: BUIRA.
- Coleman, M. 1989. Compulsory arbitration: an essential protection for women workers. *Women's Studies Association Conference Papers*, pp. 343-46.
- Crawford, A. and Walsh, P. 1999. *No longer creatures of the State: Response of NZS’s Unions to the ECA*. Paper presented at the Future of Unions Network Conference, Cardiff University, Wales.
- CTU 2006. *Working Women Recognised Today*, <http://union.org.nz/news/2006/working-women-recognised-today>
- CTU 2010. *Status of Women – NGO CEDAW Report*, <http://union.org.nz/policy/the-status-of-women-ngo-cedaw-report>
- DHBs and SFWU 2010. *Multi-Employer Collective Agreement 1 July 2009 to 31 December 2010*, <http://www.lakesdhb.govt.nz/Resource.aspx?ID=16379>

- Dixon, S. 2004. *Understanding reductions in the gender-wage differential*. Paper presented at the NZ Conference on Pay and Employment Equity for Women, Wellington.
- DoL 2011. *Union membership Return Report 2010*. Wellington: Department of Labour.
- EEO Trust 2008. *Bullying and harassment*, <http://www.eeotrust.org.nz/content/docs/information/Bullying%20and%20Harassment%20Factsheet.pdf>
- Fibre2Fashion 2011. *Textile Council welcomes minimum wage hike*. 28 May, [http://www.fibre2fashion.com/news/apparel-news/newsdetails.aspx?news\\_id=99351](http://www.fibre2fashion.com/news/apparel-news/newsdetails.aspx?news_id=99351)
- FWRM *et al.* 2010. *Fiji NGO Shadow CEDAW Report on the Status of Women in the Republic of the Islands of Fiji*.
- Fiji Times Online* 2011. *Family law review*. Felix Chaudhary, 3 October, <http://www.fijitimes.com/story.aspx?id=182230>
- Frances, R. and Nolan, M. 2008. Gender and the Trans-Tasman World of Labour: Transnational and Comparative Histories. *Labour History*, 95:34-60.
- FWCC 2008. *Fiji Women's Crisis Centre*, <http://www.fijiwomen.org>
- FWRM 2002. *Sexual Harassment of Women in the Workplace Survey*. Suva: Tebutt Research.
- HRC 2010. *NZ Census of Women's Participation 2010*, [http://live.isitesoftware.co.nz/neon/documents/HRC%20Womens%20Census\\_2010\\_WEB.pdf](http://live.isitesoftware.co.nz/neon/documents/HRC%20Womens%20Census_2010_WEB.pdf)
- Hyman, P. 2010. Pay Equity and Equal Employment Opportunity in NZ – Developments 2008/2010 and Evaluation. *Labour, Employment and Work Symposium*, December, University of Victoria, [http://www.victoria.ac.nz/vms/researchcentres/LEW\\_Papers/N11\\_Hyman\\_LEW\\_Final.pdf](http://www.victoria.ac.nz/vms/researchcentres/LEW_Papers/N11_Hyman_LEW_Final.pdf)
- ILO 2006. *National Labour Law Profile: Fiji*, Jane Hodges, August, <http://www.ilo.org/public/english/dialogue/ifpdial/info/national/fiji.htm>
- ILO 2010. *ILOLEX Database of International Labour Standards*, <http://www.ilo.org/ilolex/english/newratframeE.htm>
- ILO 2011. *ILO Workers Group Statement on Fiji*, <http://www.ituc-csi.org/ilo-workers-group-statement-on.html>
- ITUC 2009a. *Internationally Recognised Core Labour Standards in Fiji: Report for the WTO General Council Review of the Trade Policies of Fiji*, March, [http://www.ituc-csi.org/IMG/pdf/WTO\\_report\\_Fiji\\_final.pdf](http://www.ituc-csi.org/IMG/pdf/WTO_report_Fiji_final.pdf)
- ITUC 2009b. *ITUC Report: Gender (in)equality in the labour market: an overview of global trends and developments*. March, Brussels: ITUC.
- ITUC 2011. *ILO Condemns Fiji Junta over Labour Rights*. 18 November, <http://www.ituc-csi.org/ilo-condemns-fiji-junta-over.html>
- IUF, Fonterra and NZDWU 2002. *Agreement Between IFU, Fonterra and the NZDWU*, <http://www.iufdocuments.org/www/documents/Fonterra%20agreement-e.pdf>
- IWDA 2010a. *Where are the women in local government in Fiji?*, 24 April, <http://www.iwda.org.au/2010/04/24/where-are-the-women-in-local-government-in-fiji/>
- IWDA 2010b. *Creating Space on the Mat: Where are the Women?*, <http://www.iwda.org.au/au/wp-content/uploads/2010/04/position-paper-1-fiji-swpmg-creating-space-on-the-mat-where-are-the-women.pdf>
- Jalal, I. 2009. *Gender Equity In Justice Systems Of The Pacific Island Countries and Territories: Implications For Human Development Addressing Unequal Power and Voice*. Technical background paper for the Asia-Pacific Human Development Report on Gender, unpublished paper.
- Kelsey, J. 2004. *Big Brothers Behaving Badly: The Implications for the Pacific Islands of the PACER*. Pacific Network on Globalisation, Suva.
- Lal, B. 2012. *Fiji's first step on a long journey back*. Pacific Islands Report, 18 January, <http://pidp.eastwestcenter.org/pireport/2012/January/01-18-an.htm>
- Lateef, S. 1990. Current and future implications of the coups for women in Fiji. *Contemporary Pacific*, 2(1): 113-30.
- MacLellan, N. 2011. PACER-Plus in trouble as trade advisor resigns. *Islands Business*, 5 September, [http://www.islandsbusiness.com/news/index\\_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=130/focusContentID=25338/tableName=mediaRelease/overrideSkinName=newsArticle-full.tpl](http://www.islandsbusiness.com/news/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=130/focusContentID=25338/tableName=mediaRelease/overrideSkinName=newsArticle-full.tpl)
- Moss, P. and Cisternino, J. (eds) 2009. *New Perspectives on Regulation*. Cambridge, Massachusetts: The Tobin Project.
- MWA 2010. *Analysis of Graduate Income Data 2002-2007 by Broad Field of Study*. March, paper, Wellington: MWA.
- Narsey, W. 2007. *Gender Issues in Employment, Underemployment and Incomes in Fiji*. Suva: Vanuavou Publications.
- Parker, J., Nemani, M., Arrowsmith, J. and Bhowmick, S. 2012. Contemporary collective regulation and working women in NZ. *Journal of Industrial Relations* (special edition), 54(2).
- Parker, J., Nemani, M., Arrowsmith, J. and Douglas, J. 2011. *ILO Comparative Study of Social Dialogue and Gender Equality in NZ, Australia and Fiji*. Working paper no. 22, December, Geneva: ILO.
- Prasad, B., Singh, R. and Kumar, S. 2011. *Fiji Economy Survey 2011: the elusive quest for economic growth*. Unpublished paper, Faculty of Business and Economics, University of the South Pacific, Fiji.
- Rakaseta, V. 1995. Women's work and fertility in Fiji. *Pacific Health Dialog*, 2(1):17-24.
- Rokoduru A. 2008. *Your life is in your hands': Women workers in Fiji's tax free zone - a rights approach*. Asia Pacific Forum on Women, Law and Development: Chiang Mai.
- SNZ 2006. *Census of Populations and Dwellings 2006*. Wellington: SNZ.
- SNZ 2011. *Household Labour Force Survey September 2011 Quarter*, [http://www.stats.govt.nz/browse\\_for\\_stats/income-and-work/employment\\_and\\_unemployment/HouseholdLabourForceSurvey\\_HOTPSep11qtr.aspx](http://www.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/HouseholdLabourForceSurvey_HOTPSep11qtr.aspx)
- UNDP 1997. *Human Development Report 1997*. Oxford and New York: Oxford University Press.
- UN CEDAW General Assembly 2010. *Fiji Delegation Tells Women's Anti-Discrimination Committee Change Will Take Time ...* Department of Public Information, NY, 14 July, <http://www.un.org/News/Press/docs/2010/wom1811.doc.htm>
- Warburton, D. 2008. Employment Rates of Young Māori Women. Proceedings of the 13<sup>th</sup> Labour, Employment and Work in NZ Conference, Wellington: University of Victoria, pp. 190-206.
- World Bank 2009. *World Development Indicators: Fertility Rate – NZ and Fiji*, [http://www.google.co.nz/publicdata/explore?ds=d5bncppjof8f9\\_&met\\_y=sp\\_dyn\\_tfrt\\_in&idim=country:NZL&dl=en&h](http://www.google.co.nz/publicdata/explore?ds=d5bncppjof8f9_&met_y=sp_dyn_tfrt_in&idim=country:NZL&dl=en&h)

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World Economic Forum 2011. *The GGG Report 2011: Rankings and Scores*,  
[http://www3.weforum.org/docs/GGGR11/GGGR11\\_Rankings-Scores.pdf](http://www3.weforum.org/docs/GGGR11/GGGR11_Rankings-Scores.pdf)