

# Fiji Country Profile

**March 2003**

## **Employment of People with Disabilities: The Impact of Legislation (Asia and the Pacific)**

*Prepared by the ILO InFocus Programme on  
Skills, Knowledge and Employability  
in the framework of a project funded by  
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## 1. INTRODUCTION

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983) policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Countries in Asia and Pacific have made considerable progress in introducing legislation concerning the equalisation of opportunities for persons with disabilities, particularly during the Asian and Pacific Decade of Disabled Persons 1993-2002. Many of these laws have yet to be effectively implemented, however. The Biwako Millennium Framework for Action toward an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific refers to this in identifying critical issues to be tackled in the second decade which will span the period 2003 – 2012:

‘The challenge of integrating and including persons with disabilities in the economic mainstream has not been met. Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.’

The question of the effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation anti-discrimination or employment equity legislation - is central, not only in terms of the economic rights of disabled people, but also to their broader social and political rights, which are closely linked to economic empowerment.

This country study for Fiji is part of the ILO project ‘Employment of People with Disabilities – the Impact of Legislation’ which aims to enhance the capacity of national governments in selected countries of Asia and East Africa to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in selected countries of Asia and the Pacific (Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand), the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

The country study outlines the main provisions of the laws in place in Fiji concerning the employment of people with disabilities. A brief review of the implementation of the legislation is also provided, insofar as this was possible, based on a survey of documentary sources, a study by an in-country consultant and feedback from Fijian delegates to a Project Consultation held in Bangkok, 17 January 2003. It may be read in conjunction with the regional overview prepared for this Consultation ‘*Employment of People with Disabilities – the Impact of Legislation (Asia and the Pacific). Project Consultation Report, Bangkok 17 January*’, ILO 2003.



## 2. CONTEXT

The Republic of Fiji, located in the Pacific Ocean, midway between the equator and the South Pole, has one of the largest and most developed economies of all the nearby Pacific Islands. Fiji has been influenced by Melanesian, Polynesian, Micronesian, Indian, Chinese and European influences. In the nineteenth century it served as an independent trade centre for the South Pacific. In 1874, the British established colonial rule, which was not lifted until the 1960s. Other factors of colonial rule, including the issue of land ownership, further contributed to the ethnic tensions of modern day Fiji and contributed to the two 1987 coups (in, September and November) and May 2000 political crisis.<sup>1</sup>

With a population of 844,330<sup>2</sup>, Fiji is ranked 72 out of 173 on the Human Development Index (HDI), according to the UNDP Human Development Report of 2002. Four key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth was 67.4 years for men and 70.9 years for women.
- Educational Attainment, measured as gross enrolment ratio was 84 per cent for men and 83 per cent for women.
- Standard of Living, measured as annual per capita GDP(PPP), was US\$4 799 in 1999
- Adult Literacy Rate was 94.9 per cent for men and 90.8 per cent for women

According to the 1996 Census, the total labour force was estimated to be 297,770 with more than 20 per cent engaged in subsistence activities (not involved in the money economy). Although almost 74 per cent participated in the money economy only a bit more than one-third (36 per cent) were engaged in formal paid employment and 5.8 per cent were unemployed.<sup>3</sup> (See Table 1).

**Table 1. Employment in the money economy and for subsistence in 1996, by sex**

	<b>Males</b>	<b>Females</b>	<b>Total</b>
In money economy	166 299	53 015	219 314
Subsistence: without money	24 151	37 045	61 191
Unemployed	9 602	7 663	17 265
Total labour force	200 052	97 718	297 770

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<sup>1</sup> Ethnic Fijians took over the government, which was ruled by an Indian prime minister. The crisis is still evolving.

<sup>2</sup> World Fact Book, Fiji, July 2001

<sup>3</sup> ILO: William J, Draft Report: Employment Planning, the Labour Market and the Nature and Impact of Skill Losses on the Fiji Economy, ILO, Suva, and December 2001

**Table 2. Size and growth of the labour force**

	Males		Females		Total	
	Number	LFPR %	Number	LFPR %	Number	LFPR %
1986	189 929	85.4	84 607	38.5	274 536	70.9
1996	200 052	79.2	97 718	39.4	297 770	66.1
2001	205 104	77.8	105 270	41.2	310 374	65.7
Increase in 2001	1 169		1 791		2 960	

**Source: Bureau of Statistics and estimates of the Ministry of Planning cited in Employment Planning, the Labour Market and the Nature of Skills Losses on the Economy of Fiji, Draft Report, 2001.**

**Note: LFPR= Labour Force Participation Rate**

Most of the paid employment in 1999 was in the manufacturing (29.5 per cent), distribution, including tourism (21.2 per cent) and finance, insurance, business service and other service (35.3 per cent) sectors.<sup>4</sup>

Since 1996, it is expected that the unemployment rate has risen as a result of reported redundancies related to the global economic downturn, political situation in Fiji, and decline in tourism. While the Fiji government does not maintain unemployment data, the unemployment rate was estimated at 6 per cent in 1997.<sup>5</sup> Arising from these trends it is expected that unemployment will rise considerably in the future.

In 1991, the last year for which poverty rates are available, 25 per cent of the population were living in absolute poverty – lacking in the basics of life such as food or shelter.

## **2.1 People with disabilities**

According to the 1996 Census, there were 12,000 Fijians with disabilities, representing 1.6 per cent of the total population. The Census was not based on a specific definition of disability, however, and was mired with methodological problems, which has resulted in a gross underestimation of disability incidence.<sup>6</sup> A major countrywide survey of people with disabilities is currently being planned (2002).

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<sup>4</sup> Supplement to the 2002 Budget Address, Government of Fiji, November, 2001 as reported in House, 2001.

<sup>5</sup> Ibid

<sup>6</sup> Crosbie Walsh, A., Centre for Development Studies, School of Social and Economic Development, The University of the South Pacific, Suva Disability Counts in Fiji, An analysis of the 1996 Census, 1999



### **3. LEGISLATIVE FRAMEWORK**

The Fiji National Council for Disabled Persons Act 1994 is the main legal instrument concerned with people with disabilities including employment promotion. However, the Fiji Constitution 1988 also contains disability related provisions, which are supported by the Social Justice Act of 2001 and the Fiji Human Rights Act of 1999.

#### **3.1 *Fiji Constitution, 1988***

The Act propounds that “...every person has the right to equality before the law...”<sup>7</sup>. Discrimination is also prohibited “...a person must not be unfairly discriminated against, directly or indirectly...”<sup>8</sup> Disability is specifically referred to as one of the “actual or supposed personal characteristics or circumstances”<sup>9</sup> upon which discrimination is disallowed.

In this regard, the Act refers to the applicability of these principles to laws and administrative actions<sup>10</sup> and particularly to ensuring accessibility for all without discrimination, specifying it is the responsibility of the proprietor to provide reasonable access.<sup>11</sup>

In addition, the Constitution advocates the provision of programs for all “persons disadvantaged” to ensure effective access to education and training.<sup>12</sup> It further specifies the content of an act establishing such a program. It is to include the goals, the intended beneficiaries (if a group, the criteria for selection), the means by which the goals are to be achieved and the performance indicators for judging the efficacy of the program.<sup>13</sup>

Special measures are deemed lawful for “...the purpose of achieving substantial equality between different groups or different categories of persons.”<sup>14</sup> Such measures are not discriminatory<sup>15</sup>, but are not authorised if “substantial equality” has already been achieved.<sup>16</sup> The efficacy of each programme is to be monitored with reference to the specified performance indicators by the department or agency responsible and reported annually to Parliament.<sup>17</sup> Such programmes will expire automatically after ten years if they have not already done so but, may be re-established if the beneficiaries are still in need of assistance.<sup>18</sup>

#### **3.2 *Fiji National Council for Disabled Persons Act 1994***

The Act defines "disabled persons" as “...persons, who as a result of physical, mental or sensory impairment are restricted or lacking in ability to perform an activity in the manner considered normal for human beings...”<sup>19</sup>

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<sup>7</sup> Fiji Constitution 1988 Section 38.1

<sup>8</sup> Ibid Section 38.2

<sup>9</sup> Ibid Section 38.2 a

<sup>10</sup> Ibid Section 38.3 N.B: Section 38.6 Exempts application to laws before enactment of Constitution for a period of two years.

<sup>11</sup> Ibid Section 38.4 and 38.5

<sup>12</sup> Ibid Section 44.1 a

<sup>13</sup> Ibid Section 44.2

<sup>14</sup> Ibid Section 44.3

<sup>15</sup> Ibid Section 44.4

<sup>16</sup> Ibid Section 44.5

<sup>17</sup> Ibid Section 44.6

<sup>18</sup> Ibid Section 44.7

<sup>19</sup> Fiji National Council for Disabled Persons Act 1994 Article 2

The same Act established the Fiji National Council for Disabled Persons.<sup>20</sup> The Act propounds that the Council shall act as a coordinating body for all organisations “...dealing with the care and rehabilitation of the disabled...”<sup>21</sup>. It also formulates the national policy to ensure the provision of services for all disabled persons as well as developing and implementing a plan of action for all rehabilitation services.<sup>22</sup> In addition, the council is obliged to register all organisations providing services to disabled persons.<sup>23</sup>

Vocational Training and Employment Advisory Committee is just one of six committees to be established by the council by virtue of the Act to advise and assist in the implementation of “suitable activities and projects”.<sup>24</sup>

### ***3.3 The Constitution (Amendment) Act of 1997***

The Constitution (Amendment) Act of 1997 includes specific references and provisions related to people with disabilities. The following selection further elaborate these ideas:

(Chapter 4: Bill of Rights, Section 38) Equality

- (1) Every person has the right to equality before the law.
- (2) A person must not be unfairly discriminated against, directly or indirectly, on the ground of his or her:
  - a. actual or supposed personal characteristics or circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or disability; or
  - b. opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others;
- (3) Accordingly, neither a law nor an administrative action taken under a law may directly or indirectly impose a disability or restriction on any person on a prohibited ground.
- (4) Every person has the right of access, without discrimination on a prohibited ground, to shops, hotels, lodging-houses, public restaurants
- (5) The proprietor of a place or service referred to in subsection (4) must facilitate reasonable access for disabled persons to the extent prescribed by law.
- (6) A law, or an administrative action taken under a law, is not inconsistent with the right to freedom from discrimination on the ground of:
  - a. language;
  - b. birth;
  - c. economic status;
  - d. age; or
  - e. disability.

The Constitution bars unfair discrimination based on disability and also requires the right to access, without discrimination, to public places, shops and related establishments. Further, it

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<sup>20</sup> Ibid Article 3(1)

<sup>21</sup> Ibid Article 4a

<sup>22</sup> Ibid Article 4a and b

<sup>23</sup> Ibid Article 5

<sup>24</sup> Ibid Article 8 (1)

requires that proprietors facilitate reasonable access for disabled people to the extent described by law.

Chapter 5, Section 44 calls for social justice and affirmative action and requires that Parliament make “provision for programs designed to achieve for all groups or categories of persons who are disadvantaged effective equality and access to: (a) education and training; and (b) land and housing and participation in commerce and in all levels and branches of services of the State.”

### ***3.4 The Social Justice Act 2001***

The Social Justice Act of 2001 provides additional legislative support specifically for Section 44 of the Constitution. According to this legislation, The Act is “to implement the Social Justice Provisions (Chapter 5) of the Constitution by establishing programs of affirmative action and for related matters.” It spells out a Schedule of Affirmative Action programs to achieve equity of access by disadvantaged groups, including people with disabilities.

The Act defines affirmative action as “State policies to assist groups or categories of persons who are disadvantaged, so as to enable them to achieve equality of access with groups or categories who are not disadvantaged.” Equality of access is defined as “access to education and training, to land and housing, to participation in commerce and to participation in all levels and branches of service of the State.” The Act includes monitoring and reporting requirements according to prescribed indicators.

People with disabilities are specifically mentioned with regard to special education, small and micro enterprise development, with regard to their own care and rehabilitation, poverty alleviation and family assistance programs.

### ***3.5 Fiji Human Rights Act 1999***

It is an Act to confer functions on the Human Rights Commission, in addition to those in the Constitution, to regulate its procedure and for related matters. Disability is a prohibited ground for discrimination under Section 17. This section applies to discrimination in employment, application for work, providing approval for licences, access to and participation in education and accommodation of the build environment.

### ***3.6 Other relevant legislation***

Although many of the following pieces of legislation described in Table 3 do not specifically identify people with disabilities, they mandate services or protections of critical interest to all people and therefore people with disabilities in regard to matters pertaining to employment and training.

**Table 3. Additional legislation of particular relevance to the employment and training of people with disabilities**

	<b>Description</b>
Education Act of 1978 (Cap 93)	Regulates the establishment of schools including special schools. Spells out the government responsibilities, which include: overall administration and policy making; registering and monitoring schools and providing advisory services; designing curriculum; licensing, training and employing teachers; setting and overseeing external examinations. Local schools are operated by communities, NGOs and other entities.
Fiji National Training Act	Establishes the Fiji National Training Council
Employment Act	Deals with conditions of employment in the workplace and establishes the Labour Advisory Board which advises the Minister on issues related to employment. The Act addresses the legal conditions of employment and dispute resolution.
National Provident Fund, Act 1966	Establishes a provident fund for employed workers that includes old age disability and survivor benefits. No rehabilitation provisions.
Workmen's Compensation Act, 1978 (Cap 94)	Deals with compensation for work related injuries. Does not include any provisions related to vocational rehabilitation, job retention, accommodations or return to work provisions.
Health and Safety at Work Act, 1996*	Relates to health and safety of workers and establishes the National Occupational Health and Safety Advisory Board. The Act allows the Minister to terminate a member of the Board for physical incapacity.
Small and Mico-Enterprise Development Act	Among other things, established the National Center for Small and Micro-Enterprise Development, which is not fully operational and will provide training and business development assistance.
Wage Councils Act (Cap 98))*	According to this Act, the Permanent Secretary may grant permits authorizing the employment of workers with disabilities at less than the statutory minimum rate of remuneration.
<b>DRAFT LEGISLATION</b>	
Industrial Relations Bill	The Industrial Relations Bill is intended to replace the Employment Act and a number of other laws. The current draft calls for a prohibition on discrimination, including against disabled persons, however it also allows for exceptions based on the need for special services or facilities considered unreasonable and if there is "risk of infecting others with illness." The current draft also calls for a two per cent quota system for employers who hire more than 50 employees but does not spell out any levies, fines or consequences for failure to comply.
Draft National Building Code	Originally developed by the then Ministry of Trade and Commerce, the Code has not been adopted into legislation. The Code deals with engineering and design standards and makes provisions for people with disabilities. If adopted will cover construction of houses, public amenities and renovations. <sup>25</sup>

Note: \* These Acts have measures that could be considered discriminatory

<sup>25</sup> Joint publication by The Fiji Disabled People's Association (FDPA) and the Institute of Justice and Applied Legal Studies (IJALS), Fiji Report: Disability Law and Policy (Issues Affecting the Delivery of Services and Access to Facilities for People with Disabilities)

## **4. IMPLEMENTATION**

### ***4.1 Institutional framework***

The main government department responsible for promoting the employment of disabled persons in Fiji is the Ministry of Labour, Industrial Relations and Productivity (formerly the Ministry of Employment and Industrial Relations). The Fiji National Council for Disabled Persons and the Fiji Disabled Peoples' Association also work actively in this area. The Fiji National Training Council and the National Vocational Training in Suva both offer training facilities - the latter particularly caters to the needs of people with disabilities.

#### **4.1.1 Department of Social Welfare**

The Ministry of Women, Social Welfare and Poverty Alleviation is the primary advisor to the government on public policies that affect women, social issues and poverty alleviation programmes. The Department of Social Welfare within this Ministry is the key government entity related to research and policy formulation for people with disabilities.

The three core business areas of the DSW all have relevance to the employment and training of people with disabilities. The first area, the provision of policy advice relates directly to people with disabilities as well as poverty alleviation. Since people with disabilities are among the poorest of the poor globally<sup>26</sup> and the most marginalized in Fiji<sup>27</sup>, people with disabilities are a critical target group in need of the attention of the Department. Similarly, a second area of core business, child protection and family welfare must similar address the needs of disabled person, 10 per cent of whom are estimated to be on family assistance.<sup>28</sup> Since this area of core business also deals with grants to service providers, the DSW must address the issue related to inclusion of disabled persons in the activities of all grantees and not just the funding of disability specific NGOs. Finally, in the third area of core business, community economic development, which includes targeted assistance to vulnerable groups, inter-sectoral collaboration, income generating activities, self-employment for special needs groups, rural based enterprises, training and non-formal education, etc. the relevance of people with disabilities is clear.

#### **4.1.2 Fiji National Council for Disabled Persons**

The main role of the Fiji National Council of Disabled Persons is to act as a National Co-ordinating Body. Housed within the Department of Social Welfare, it has established a National Resource Centre, which includes demographic data on persons with disabilities such as social and economic dimensions, including employment status and educational level. There are a number of advisory committees that operate under the remit of the Council such as the Vocational Training and Employment Committee and the Committee on Accessibility. The latter has completed its recommendations on the Standard Code on Accessibility for Fiji.

Currently, employers and trade union are not members of the FNCDP, which is charged with the development of policy related to vocational rehabilitation.

#### **4.1.3 Ministry of Labour, Industrial Relations and Productivity**

This Ministry is responsible for the administration of the labour laws, for the encouragement of good labour relations, the promotion of health and safety, as well as for research and

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<sup>26</sup> Elwan Ann, Poverty and disability, A Survey of the Literature

<sup>27</sup> UNDP, Government of Fiji, Fiji Poverty Report, p. 32, 39, 1997

<sup>28</sup> Ibid

development. It is the lead agency coordinating integrated human resource development. SWS programme on Labour Administration and Productive Improvement is a major national tripartite and inter-ministerial initiative to increase labour force skills, productivity, competitiveness, job creation, and small enterprise development.

The Fiji National Training Council, a tripartite body made up of representatives from government, employers and employees under the Chairmanship of the Permanent of this Ministry, is the official Government body that exists to provide training to employees of both the private and public sector. It delivers training courses on the basis of market demand, and funds these by the 'FNTC Levy', which is a 1 per cent tax on employers' gross payrolls. While most of its students are employed and employer-sponsored (90 per cent), many are self-paid or otherwise sponsored. FNTC would consider reduced rates for students with disabilities. The National Vocational Training Centre in Suva specifically aims to integrate persons with disabilities into mainstream vocational training schemes.

#### **4.1.4 Ministry of Youth**

This Ministry is responsible for the formulation and implementation of policies and programs aimed at providing employment for youths (15-24) and helping them to achieve their full potential on many levels. In particular this Ministry is trying to address the particular needs related to high levels of unemployment among youth and launched, with ILO assistance, the Youth Employment Policy Framework. People with disabilities are among the groups specifically targeted.

## **4.2 Policy**

### **4.2.1 National Plan**

Fiji's Task Force Report for the Preparation of the Strategic Development Plan 2002-2004 (November 2001)<sup>29</sup> specifically identifies people with disabilities, mostly in regard to their poverty status. The plan includes the following recommendations related to disabled persons:

- Recommendation 1 calls for ensuring that all categories of poor are provided with minimum and affordable basic needs. For people with disabilities this will include providing tax incentives for taxpayers and financial support for non-taxpayers who look after people with extreme disabilities who are unable to earn a living and are looked after in their homes.
- Recommendation 4 calls for providing a safety net for poor, working-age persons who are incapable of working. The recommendation calls for sensitizing communities about people with disabilities and providing financial support to them.

### **4.2.2 Other regulations and policy statements**

The Department of Social Welfare in the Ministry of Women, Social Welfare and Poverty Alleviation and the FNCDP are the government entities charged with facilitating and implementing policies and programs for people with disabilities. The major policy documents include the following:

- Department of Social Welfare Strategic Plan
- FNCDP documents

Other ministries have policy statements that are inclusive of people with disabilities and some of these are noted.

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<sup>29</sup> Ministry of Planning, Suva, Fiji.

According to the Social Justice Act, each Ministry “may make regulations to give effect to the provisions of this Act and the “Ministry may, by regulation, amend the Schedule.” Many Ministries are beginning to respond with various policy documents, such as Strategic Plans or the Ministry of Education *Blueprint for Affirmative Action on Special Education*.<sup>30</sup>

### **Department of Social Welfare**

The Department of Social Welfare in the Ministry of Women, Social Welfare and Poverty Alleviation completed the first edition of a strategic plan, “A Challenge and a Promise.” The plan identified six Key Result Areas (KRAs). The first specifically identified people with disabilities (KRA 1: Strategic Policy Advice) stating that DPW would “facilitate and produce quality and timely research and policies in close liaison with key stakeholders in the following areas: Income support, strengthening families, youth at risk, income generation and self-reliance, housing for the poor, aging, persons with disabilities, poverty alleviation and support to NGOs. According to its plan, the Department intends to realize the following outcome: “National development strategies which improve the quality of life, alleviate poverty and promote social well being.” The plan includes specific success indicators and performance measures that include: An active research program, advice to the Minister and policies, which are adopted by the Cabinet. The current plan, in its first stage did not include persons with disabilities in its formulation, but will do so in the future.

### **FNCDP Documents**

The FNCDP has produced several documents related to its work and structure, such as an organizational chart that describes its internal structure, functioning and relationships to other Ministries and organizations. This list of plans however does not constitute a national plan. In fact, one of the future plans listed in a document provided in 2002 by the FNCDP is “the formulation of the National Plan for Fiji.” Currently, Fiji lacks a national plan or general policy initiative other than those noted legislatively for the full participation of people with disabilities and a policy related to the vocational rehabilitation and employment and training of people with disabilities. Basically, Fiji has followed the guidance in the FNCDP Act and the Decade’s Targets for Action as a policy framework in working with people with disabilities.

### **Youth Employment Policy Framework - Ministry of Youth**

The Ministry of Youth, Employment Opportunities and Sports launched its *Youth Employment Policy Framework: An Affirmative Action* in April 2002. One of its key recommendations is that the Ministry should take “appropriate steps to ensure that the needs of young women and other equity groups (young people with disabilities, indigenous Fijian, rural youth) are adequately reflected in the various policies and programs which form part of the Framework.

The document specifically identifies the *need to increase access of disabled and disadvantaged youth to training* and calls for giving priority to these youth in the Integrated Human Resource Development Program. It further identifies the *need to create employment opportunities for young people with disabilities* and suggests exploring supported employment, sheltered workshops and community-based rehabilitation approaches.

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<sup>30</sup> Only the draft copy was available at the time of the study. *Blueprint for Affirmative Action on Special Education, 4 February-23 April 2002: Draft copy prior to public consultation and final compilation.*

As a matter of policy, the Integrated Human Resource Development (IHRD) program HRD project includes people with disabilities as a target group and the influence of this policy is evident in the development of the youth framework.

However, not all government strategic plans and policy frameworks include people with disabilities. For example, *The Women's Plan of Action 1999-2008, Volumes 1 and 2* does not address the unique needs of women with disabilities and this is probably true of many other strategic plans or policy documents that were not reviewed in the course of the study.

### **4.3 Consultative mechanisms**

The Fiji National Council of Disabled Persons is the National Co-ordinating Body in disability-related matters. While employer's organizations and trade unions are not currently represented on the Council, they each have an influence in the development of legislation and policy related to disabled persons through their influence on the development of the labour code, such as in the drafting of the Industrial Relations Bill. Recently, the ILO recommended that Fiji include employers and trade union representatives on the FNCDP as per ILO Convention 159. If they chose, employers and trade unions can also influence the mainstreaming of people with disabilities through their participation in the IHRD program and/or by taking the initiative in advocacy or programming.

The Fiji Disabled Persons' Association (FDPA) liaises with the government and other relevant authorities to produce and monitor legislation and policies to protect the rights of people with disabilities.

### **4.4 Enforcement**

No information was obtained in preparing this draft country profile.

### **4.5 Employment promotion measures**

#### **4.5.1 Employment services**

Fiji lacks a formal mainstream employment services program to provide vocational guidance and job matching services for job seekers. The only mainstream job matching or employment services are offered by Ministry of Youth and these job-matching services are in a nascent stage. While the policy statements of this Ministry encourage the inclusion of people with disabilities, there is no data to indicate the extent to which they benefit from employment services which exist.

It is difficult to assess the nature of the special employment services offered to people with disabilities. Individual schools conduct special employment and support services but no comprehensive national data is kept on these services or the outcomes of such services. However, based on the limited number of students who have moved on to formal employment from the FVTTI (none since 1997 according to the manager) and the paucity of data and programs, it is estimated that the uncoordinated, mainly school-based efforts that do exist probably only reach a very small percentage of the population that could benefit from such services. Additionally, no services exist for adults with disabilities.

#### **4.5.2 Support for self employment and income generation**

No data is kept on the involvement of people with disabilities in mainstream income generating programs. Anecdotal evidence, drawn from interviews with key informants, such as people with disabilities, government officials from the Ministries which house some of



these programs, other government officials, and villages, indicates that the numbers of people with disabilities is extremely low. Currently, there are no programmes to specifically target people with disabilities in self employment. Those who are recipients of family assistance grants however have access to poverty alleviation grants, and these may be used to initiate or develop a micro or small enterprise.

### **4.5.3 Poverty alleviation**

The current government approach to poverty alleviation is three-fold:

- Providing income earning opportunities;
- Ensuring that the poor have the means (capacity) to take advantage of job opportunities; and
- Providing a safety net for those in greater need.

The programs for achieving these objectives include family assistance allowance; subsidies for education, health and housing costs; self-help projects; youth programmes and provision of assistance for micro and small business development. The Department of Social Welfare also provides capital grants for poverty alleviation projects (PAP), which are implemented by NGOs. These projects are designed to improve the coping capabilities of people who are receiving family assistance. Micro-finance is one of the reasons that PAP grants are offered. To qualify, people must be a recipient of Family Assistance, the Care and Protection Fund, or meet other criteria. Since people with disabilities are estimated to compose 10 per cent of the Family Assistance grantees, many are eligible for PAP grants, yet it seems that few access them.



## 5. OUTCOMES AND IMPACT

### 5.1 Open employment

No ongoing data source exists with regard to the participation of people with disabilities in the labour force.

While the data it produced is not considered reliable or comprehensive, the 1996 Census gives some idea of the participation rate of people with disabilities in the labour force at that point in time. Table 4 illustrates the situation for disabled persons and Table 5 illustrates the types of individuals by disability and gender that are in the labour force. The tables and the information related in it are adapted from *Disability Counts*.

**Table 4. The labour force: Disabled persons and general population**

Sector	Per cent to the sector	
	Disabled persons	General population
Money economy	18.1	29.5
Subsistence	13.1	29.9
Not in labour force	67.6	40.6
Numbers	8626	500913

Adapted from *Disability Counts*, p. 29.

Note that this data source defines the labour force as those in the money economy and subsistence workers, inclusive of those who are unemployed, subsistence farmers, the self-employed, communal workers, unpaid family workers, fisher folk and communal workers. Many women who are homemakers were included in the labour force statistic.

The data supports that which is found in many countries, showing large percentages of people with disabilities absent from the labour force. Table 5 illustrates the types of persons with disabilities in the labour force and the gender breakdown. Of particular significance is that the data indicates:

- People who have disabilities related to limitations related to intelligence or from aging and physical impairments were less likely to be in the labour force than those with other types of disabilities.
- Males were over three times more likely than females to be in the money economy (25.7 as opposed to only 7.9 per cent).

**Table 5. Disabled labour force participants by disability type and gender (age 15 and older)**

	Gender	Sight	Intelligence	Hearing	Physical	Age	Other	Not Stated	Disabled	Number
Part Time		1.8	0.6	0.6	1.9	2.1	2.3	4.0	1.8	87
		1.3		0.9	0.9	0.8	1.4	1.8	0.9	33
Full Time	Male	9.2	5.0	12.0	7.2	1.4	18.6	14.6	8.5	413
	Female	2.9	0.7	6.2	2.3	0.6	5.8	7.9	2.6	97
Money + Subsistence	Male	23.1	5.0	12.0	7.2	1.4	18.6	14.6	8.5	413
	Female	6.5	1.3	4.8	1.8	1.5	2.4	3.5	2.4	89
Unemployed	Male	3.7	5.1	3.3	3.2	0.6	3.6	3.3	3.2	157
	Female	13.0	4.5	2.6	2.7	0.8	2.8	0.9	2.0	86
Subsistence Only	Male	19.2	15.4	17.2	13.5	13.5	10.5	15.9	14.1	689
	Female	14	8.3	17.2	13.1	8.5	14.7	11.4	11.9	445
Not in Labour Force	Male	41.3	66.4	44.0	61.6	76.8	45	52.3	58.6	2863
	Female	73.4	84.5	67.4	78.5	87.4	72.5	74.6	79.4	2968
Money Economy Total	Male	37.8	15.7	37.6	23.2	8.4	42.8	31.8	25.7	1255
	Female	12.0	6.5	14.5	7.8	3.7	12.4	14.1	7.9	305
Labour Force Total	Male	57.0	31.1	54.8	36.7	21.9	53.3	47.7	39.8	1944
	Female	26.0	14.8	32.07	20.9	12.2	27.1	25.5	19.8	750
Not Started	Male	1.6	2.8	1.2	1.6	1.1	1.7		1.6	79
	Female	0.6	0.7	0.9	0.7	0.4	0.4		0.6	22
Total Numbers	Male	433	544	332	2160	621	645	151		4886
	Female	308	445	227	1241	907	498	114		3740

Other Census data suggests a slightly higher proportion of Indo-Fijian (19.2 per cent) engaged in the money economy as compared to indigenous Fijians (16.7 per cent). No data exists with regard to the types of jobs, wages, benefits, and career advancement potential of those people with disabilities, except from anecdotal evidence.

People with disabilities report and the government's EEO policy suggests that some people with disabilities are engaged in the government's civil service systems, but the government keeps no data in this regard. Some people with disabilities and others suggest however that the Public Service Commission required medical exam screens on many people with disabilities.<sup>31</sup>

NGOs are reportedly more open to hiring disabled people. Special schools and the FVTTC have hired disabled individuals as teachers. In the private sector some banks (Westpac and ANZ are among them) reportedly hire blind telephone operators, and Punja and Company, a food processing company, hires disabled workers. The garment industry has hired women with hearing impairments in the past; especially those trained at the FVTTC and many are still in their employ. Other examples of single hires of disabled workers exist.

No information exists to suggest that home-based or telecommuting jobs exist or are available to people with disabilities in the formal, paid job market. Certainly, many subsistence or self-employed opportunities exist. No studies exist that address the issue of the impact of information technology with regard to employment of people with disabilities, although many disabled persons have learned to use computers and the Internet in the urban centers.

The government of Fiji is working closely with the ILO to address many of these employment challenges, especially related to job creation in both formal and informal sectors, for open and

<sup>31</sup> Joint publication by The Fiji Disabled People's Association (FDPA) and the Institute of Justice and Applied Legal Studies (IJALS), Fiji Report: Disability Law and Policy (Issues Affecting the Delivery of Services and Access to Facilities for People with Disabilities)

self-employment opportunities. It is a tripartite approach that engages six key Ministries as advisors on a PEAK body and includes seven subprograms that are aimed at employment promotion through an integrated approach. The subprograms include policy and cooperation, small and micro enterprise development, eco-tourism development, cooperatives development, and labour administration and productivity improvement, human resource development for the hotel and tourism industry and advanced vocational training. A different ministry hosts each of these programs. The main focus is the creation of sustainable employment and income generation. The program seeks to create job opportunities related to tourism, agriculture, fisheries, forestry, indigenous products, import substitution and other areas. While the program targets people with disabilities as a special group their representatives, including the Department of Social Welfare and the FNCDP and representatives of disabled persons associations should be included in the IHRD planning to ensure the representation of disabled persons needs and their participation and inclusion in programs.

## ***5.2 Employment opportunities for people with disabilities in protected work environments***

Although the FVTTC has a sheltered workshop program, the work is intermittent and people are not paid regularly. The data relating to the FVTTC is noted in section 4.5. Currently, no direct attempts are made to transition participants into the workforce and no person with a disability is reported to have moved to open employment from the Center since 1997, according to the Center manager.

No other protected work opportunities are known to exist, except those that are part of the special education programs. For example, some of the special schools have income generation programs, such a making crutches at one and a contract with Air Pacific to package headphones for in flight entertainment at another. Students at other schools and the FVTTC make sewing and craft products, which are sold. However, these types of work opportunities are typically for educational and training purposes rather than long-term employment or economic self-sustenance. National data is not kept.

There is no centralized data source to determine what happens to young people who leave these protected settings.

Some of the special schools have also developed innovative approaches to training, engaged business and industry in the design of their courses and/or engaged in income generating activities that provides real work and income for students and the school. For example, the Latoka School for the Intellectually Handicapped started a small workshop that employs five of its graduates.

Many opportunities exist for developing both training and work opportunities in protected transitional (e.g., in vocational school, the FVTTC, or through new outreach programs to rural areas) settings. However, these have not been exploited. Concepts like supported employment, enclaves, government set-aside or job preferences, or social enterprises do not exist in Fiji to date.

## ***5.3 Self-employment opportunities for people with disabilities***

Self-employment, income generation and opportunities in the informal sector are being looked to as an alternative to the formal labour market. Many opportunities for income generating activities exist and several government ministries have business development and income generation programs. No data is kept on the involvement of people with disabilities in

these programs however and based on interviews, it does not seem that people with disabilities have not been involved to any large extent. Recent policy initiatives may change this situation.

There are no special programs to support people with disabilities in self-employment or to develop income generating possibilities, other than those offered through the primary schools and the DSW Poverty Alleviation grants. Many of the schools report that they prepare students for self-employment in woodworking and sewing but the reality of these claims or the viability of such businesses could not be ascertained.

Tables 4 and 5 include data on individuals who are in the money economy or engaged in subsistence activities that could yield income (which could include home making for women), but again there is no centralized or ongoing data source in this regard.

Based on discussions with key informants, the number of people with disabilities engaged in self-employment and income generating activities is probably very small, due to the lack of services, other barriers and a general cultural orientation based on communal living rather than individual enterprise. For example, only one person of the hundreds trained by the FCDP is known to have a business and its success is questionable.<sup>32</sup>

Yet, many opportunities for individual, group, cooperative or family self-employment exist. During the process of conducting this research the following list of possibilities were identified:

1. A chicken company has an agreement with the Fiji Development Bank to assist villages to set up chicken raising businesses.
2. A flower exporter with an international market offers business start-up assistance among villagers to meet immediate market demands for cut flowers.
3. The spice business, including growing vanilla beans, offers similar market opportunities. The Agricultural Extension Agents provides training and the resources for groups to start production.
4. The Agriculture Ministry is trying to engage villagers in the food processing to provide added value. The Ministry provides tools and technical expertise.
5. The tourism industry had an immediate need for indigenous crafts of good quality for sale to tourists.
6. The FNTC identified a market for mushroom production and a low budget way to provide the medium for growing mushrooms and would consider including people with disabilities.<sup>33</sup>
7. The IHRD program has identified other employment and income generating opportunities and is providing community based training to meet them.

These opportunities and probably many others exist. Many of these opportunities, which have an immediate market, could be taught to groups of disabled persons, groups that include people with disabilities or families that include disabled members. Training and business support venues could include mainstream outlets, extension services or itinerant teachers to reach those in remote and rural areas, the FVTTC, or special schools.

### **5.3.1 Fiji Disabled Persons Association**

With particular regard to employment, the FDPA is in the process of establishing two income-generating activities. The first is a facility for repairing, refurbishing and manufacturing

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<sup>32</sup> Interview with the FCDP President.

<sup>33</sup> It should be noted that the FAO worked with the Thai government to develop a mushroom farming project of people with disabilities.

wheelchairs and other assistive devices. In addition, the FDPA “Pathfinders” youth group have started a paper making enterprise and are also researching the feasibility of setting up a regular car wash business as a project to generate further employment.

#### ***5.4 Other segregated or protected employment opportunities for people with disabilities***

Because Fiji’s indigenous culture is based on a communal social structure, group employment or self-help groups are encouraged. For example, the Women’s Department provides funds to women to establish group income generating activities. These have not, to date, included women with disabilities. These culturally-appropriate alternative structures clearly offer opportunities for people with disabilities. And such structures are ideal for people with certain types of disabilities since they can contribute according to their abilities and others can compensate for tasks they are unable to do.

In summary, information about labour market and informal sector participation of disabled persons in Fiji is scarce. Specialized programs to foster their economic participation are limited and those that do exist appear to have minimal success. Some mainstream programs geared to employment promotion include disabled persons as a target group. But again, no data is kept and anecdotal information suggests that there are no disabled participants in these programmes, and that actual inclusion is nonexistent, as special outreach and support services have not been set up. While some do enter the labour market, it is without employment promotion policies or support services.

#### ***5.5 Barriers and gaps***

Barriers to employment opportunities include:

- Inaccessible workplaces
- Negative attitudes
- General lack of formal sector jobs
- Lack of access to job opportunities
- Lack of employer incentives or employment promotion legislation
- Lack of data and information about jobs and self employment opportunities for people with disabilities
- Lack of systems to get people with disabilities to the labour market.
- Cultural norms that are not conducive to a market approach required by self-employment and income generation schemes.
- Lack of access to credit by people with disabilities.
- Lack of trained personnel in providing job accommodations, on the job supports, assistive technology, etc.
- Lack of employer support services
- Lack of access to assistive devices and job modification technology
- No systems for follow-up or supports of people with disabilities on the jobs
- Lack of employment opportunities for people with severe disabilities in protected or open employment





## 6. CONCLUDING COMMENT

The Constitution and Social Justice Act provide a good policy framework to improve work and employment opportunities for people with disabilities in Fiji and the FNCDP Act provides an implementation framework for policy development, evaluation and coordination. The political leverage evident in the Social Justice Act, the policy documents in response to it and draft legislation such as the Building Codes and Industrial Relations Bill suggest that Fiji is moving towards international standards with regard to its legislative framework.

Concerted action is needed, however, to implement these laws and policies, and to ensure that people with disabilities are included in targeted government programmes. The framework needs to address the problem of discrimination which disabled people face - anti-discrimination legislation in all sectors, public and private, employment and otherwise would help to overcome this. The FNDCP, which plays a key role in the relation to disability policy, needs strengthening through effective human and financial resource allocation. Resources need to be allocated to ensure that the training and employment needs of disabled persons are adequately met.

Action is also needed to ensure that the social partners – employers and workers' organizations are involved in the process of developing policy and designing implementation strategies. This could be achieved through including representatives of these organizations in the FNCDP.

The opportunity exists to develop strategic partnerships with employers, the private sector and civil society to further the training and employment agenda and to build upon existing efforts like the Integrated Human Resource Development program and the strategic plans of the Ministry of Education and Department of Social Welfare. It appears that considerable goodwill as well as mandated affirmative action requirements currently exists.

Fiji is in a unique position to be a model for the rest of the Pacific Region and should thereby garner the interest of international donors and organizations with interest in developing appropriate policies and services for people with disabilities. The opportunities that currently exist should not be squandered. Although a great deal of responsibility falls on the Department of Social Welfare and the FNCDP, a tremendous amount of goodwill exists among possible partners including international agencies, such as the ILO, as well as certain government ministries and the community at large. The Ministry will need to form strategic partnerships to meet the current challenges and opportunities to address the training and employment needs of people with disabilities in Fiji and to serve as a resource and model for the Pacific Region.