

DISCLAIMER

This Report provides a brief of the Proceedings of Parliament on **Friday 29th April 2022**. While all efforts have been made to provide an informative brief, this information must not be relied upon as an alternative to the official Hansard record of proceedings of Parliament. If you have any specific questions about the Proceedings of Parliament on **Friday 29th April 2022**, you should consult the official Hansard or seek assistance from the Office of the Clerk of the Legislative Assembly.

DAY 2

9:30am

Friday 29th April 2022

I. OTHER ANNOUNCEMENTS BY THE SPEAKER

The Speaker of the house, greeted the Hon. Prime Minister, Members of the Cabinet, the opposition and Members of the Parliament. Mr Speaker also acknowledge Samoa listening in, acknowledge the Head of State, Council of Deputy and neighbouring countries through her honorific salutations.

- The Speaker acknowledge receipt of a complaint letter pursuant to SO 178(1) by a Member of parliament towards certain Members whom the complaint relates however their names remains suppressed until the SO 178(2) which requires the speaker to conduct an analysis of whether there is a breach of parliament. The Members whom this letter is referring to are given until 4pm on Monday 2nd May to submit a written response to this matter in which the speaker will later decide on. Speaker also rules that no one can speak about the matter in the Assembly.

II. PRESENTATION OF PAPERS

A total of 5 Annual Reports were tabled.

III. GOVERNMENT ORDERS OF THE DAY

1. LABOUR AND EMPLOYMENT RELATIONS AMENDMENT BILL 2022 – second reading Afioga Hon LEATINUU Wayne Soialo – Minister for Commerce, Industry and Labour

The Hon Minister moved a motion for the Labour and Employment Relations Amendment Bill 2022 to be second read and wishes to speak on the merits of the bill; Motion approved and seconded.

The Minister of Commerce Industry and Labour highlighted that this Bill was formulated in 2018 and process of consultations was completed before it was brought in Parliament. The Minister also clarified that there were three major reasons for this amendment;

- 1) To simplify interpretations of terms, clarify terms and conditions of employment
- 2) Enhance its services, clarify role of labour inspections
- 3) Strengthen our partnership with the ILO conventions (International Labour Organization Convention), improve consistency with ratifies ILO conventions which Samoa is a member of

The Minister further outlined briefly the main contents of the bill is to encourage the discussions of the minimum wage every 2 years, to clarify the age employment to ensure that children are encouraged to attend school. Overall, the bill is to ensure that the Labour and Employment Relations Act satisfies both the needs of employees and employers. The Minister then concluded by stating that once the bill is passed, there will be regulations to improve this bill.

2. Susuga HON TUILAEPA Fatialofa Auelua Sailele Malielegaoi – Leader of the Opposition

The Hon Member greeted Members of the Parliament and also acknowledged those who are listening from afar, clergies, as well as Alii and Faipule. He wished to speak on the amendments which he sees critical for the employers, employees and those contributing in the development of Samoa and their taxes.

The Member posed a question whether the consultations been done included all the companies and employees in the private sector which he relates that it should reflect good governance and transparency. The Member also noted from the Minister's clarification that sailors are now included in the Bill which had not been there before. Hon. Tuilaepa expressed concern in reference to clause 4 and 5, he noting that this amendment requires the Cabinet to endorse representatives nominated by the employers and employees organisation however in the Principal Act, the Head of State endorsed such appointments. Why is the Head of State removed from this provision?

Hon Prime Minister – Fiame Naomi Mataafa (Point of Clarification)

The Hon Prime Minister clarified that in reference to the matter raised by the Leader of the Opposition in regards to having he 'O Le Ao o Le Malo' to officially state when the Parliament sitting is to commence, she accentuated that this is not a new Parliament Sitting as it is a continuation from when Parliament commenced its business on Tuesday.

**Susuga HON TUILAEPa Fatialofa Auelua Sailele Malielegaoi- Leader of the Opposition
cont'**

The Member for Lepa wanted clarification from the Minister towards the amendment of 'manpower' to 'employees' as we are still using the word 'employees'. The Member also queried the removal of annual leaves for employees under Part time. Also emphasized that having annual leaves for part-times was a good incentive to encourage people to further their education while employed as a part-timer. This initiative was introduced during his time as it was specially requested by the Attorney General's Office to allow part time workers to assist with the workload. However, he respects if the removal of these leaves is a new change brought forward by the government of the day.

He further queried the Minister, as to why are Regulations repealed when these are the rules that will guide what has been provided by the Act. The Hon Member went on to explain the four (4) pillars of laws: clarifying the difference between the Constitution being the supreme law, Principal Act, Subsidiary laws which includes regulations and rules. He concluded by urging the Minister to adhere to the pillar of laws and that regulations should be established. He further included, that the advice relayed by him are done with good intentions.

3. Hon LAUOFO Fonotoe Nuafesili Pierre Laufofo, Member for Anoamaa No.2

The Member for Anoamaa No.2 addressed the House and Members of Parliament, and greeted the whole of Samoa in her honorific salutations. The Member noted that, in regards to the amendment bill, he emphasized that during these uncertain times, it is appropriate to base amendments on cost of living we are facing now, on the economy status of our country and the current dilemma with the virus- Covid19. The Member implies that bills should be drafted at the right timing or in accordance with the timing and season especially at this time of our country being affected by covid-19. The Member also stated that it is costly to install internet, computers, therefore Parliament should consider working from home. The Member then suggested to look into proposing further amendments that can cater for employees working from home so that this bill is in line with the situation we are in right now with the pandemic.

The Member also mentioned the removing of the role by the Head of state under clause 4 and 5 from the Principal Act but have a committee to nominate that the Parliamentary Committee should look into this. The Member also commended on the amendment to have a guideline on the process for seasonal workers to specifically help with the selection or the recruiting process. He also commended the Hon Minister for this new guideline which is part of the PACER plus agreement with the AUS, NZ and other parts of the pacific.

The Member for Anoamaa No.2 further highlighted two things which he noticed from the scheme in relation to overseas companies offering job opportunities for our people. Some NZ and AUS companies have local agents who deal with the recruiting of seasonal workers whereas those who do have local agents have to go through the Ministry for the normal process for recruiting and this is where he believes the issue arises from. Therefore, he

encourages having local agents established and posed the village Pulenuu to handle such cases as he or she would understand the applicants to the work scheme so as to avoid misconduct overseas.

He then, commended these schemes as it is a contribution to the families and the remittances for Samoa to which the member advised the government not to cease but look for more ventures and measures that would improve the scheme. He warned the Minister to stay alert as he has been made aware that Australia may be ceasing the program in the future. The Member further noted a new scheme by the Government of Australia which is called the Pacific Engagement Visa similar to the former Quota scheme offered by the Government of NZ, he urged the Minister to consider this scheme as it may replace the seasonal worker scheme which has been very helpful to our economy.

The Member also noted that the Minimum wage will now be reviewed every two years by a Forum. He then queried why the Head of State does not give the proclamation anymore but now given to the Forum to do so. Advised to keep the Head of State as the one who gives proclamation upon the advice of the Cabinet. The Member further queried working on Sundays, he noted that this should not halt the employment of essential services such as: hospitals, EPC, and SWA but there are others that he notes should not be open on Sunday.

Proceedings were suspended for normal recess at 10:31am and resumed at 11:07am

Hon LAUOFO Fonotoe Nuafesili Pierre Laufofo, Member for Anoamaa No.2- cont'

There is also an amendment where an employee is entitled to carry forward 20 days annual leave which may be extended by agreement between the employer and the employee however the member drew emphasis on the rationale behind establishing annual leave was to give time for an employee to rest for their mental health. The Member sought clarification on the amendment to allow the employer to employ a child not less than 12 years old, but believe that the suitable age for a child to work should start from 16 years old. The Member queried the age to employ for light work has been reduced to 12 years old and he wanted clarification on the reasons behind this decision as it is important to recognize the Ministry of Education, Sports and Culture (MESOC) programs which encourages children to attend school.

The Member also queried why the granting of work permits for overseas employment has been referred from the Minister to the CEO of the Ministry, when all applicants are addressed to the Minister. The Member requires clarification as the Principal has been amended in such a way that enables the CEO to issue permits when it is the Minister who should rightly do it.

4. Hon LAUTAFI Fio Selafi Purcell - Member for Satupaitea

The Member for Satupaitea greeted the whole House and Members of Parliament and then explained that the tabled bill was drafted during his time as Minister and when HRPP was government but due to the impact of the pandemic it was never tabled. He then stated that the tabled bill provides priority on how important our partnership is with international organizations. Further stated that it also provides the intention to have provisions to protect employees and to guide them through. He also posed a question, on how we can determine and ensure that this legislation will be effective. For instance, there is now more power referred to the CEO's and inspectors in the amendment bill, how can we monitor that the delegated powers given to the CEO's and inspectors are being rightly implemented. Are there enough resources for the Ministry to implement the Bill?

The Member queried the reasonable time which is mentioned in the bill where the inspector is mandated to carry out their work, he noted that there should be a specific time mentioned to avoid any confusion between the inspector and the place which he/she is supposed to inspect. The Member also queried the employment of 13 year olds and questioned who determines the hazardous environment of working conditions. Stated that it should be clear in regulations the type of works that are not suitable for children at the age of 13yrs old. He noted that there should be a structured working conditions guidelines to reflect the working conditions we want rather than using the words ' that will jeopardize the health' which he figures are vague words. The Member also raised the issue regarding work permits mentioned in the bill which is not clear as it requires a person to write to the Minister but the approval comes from the CEO thus asked the Minister to clarify this.

The member further highlighted the inclusion of collective agreements mentioned in the bill and the encouragement of trade unions which is foreign for us Samoans. Therefore, advising the minister to clarify to the public especially our workers the main purpose of trade unions, its benefits and challenges to avoid misleading workers in joining trade unions.

The Member also expressed concern on the Cabinet's involvement to dismiss members of the Samoa Tripartite Forum which he labelled a way to politicize of these positions. The Tripartite Forum was there to voice the views of the employers and the employees. However, these amendments now show that the authority is given to the Cabinet to terminate the members of the Forum but instead suggested that there should be a transparent process to remove or terminate these people from their positions, if necessary.

5. LENATAI Victor Faafoi Tamapua - Member for Vaimauga No.2

The Member for Vaimauga No.2 acknowledged the Members of Parliament and members of the public who are tuning in. The Member expressed concern with allowing 13 years to work as they are still young particularly the need to keep them safe on the roads referring to (street vendors). He then queried whether this provision contradicts the Education Act which makes it mandatory for all children to attend schools.

The Member then referred to clause 11 of the Amendment (amends Section 20 of the Principal Act) if this could also be used for the Ministry of Women (appointment of District Committees) in the matter of discriminations.

Hon LEOTA Laki Lamositele- Minister of Women, Community and Social Development

The Minister interrupted the Member by stating that what the Member has raised has no relation to the clause of the Bill.

**Proceedings were adjourned at 12:06pm and is to reconvene on Tuesday 3rd
May 2022, 9:30am.**