

PACER Plus Labour Mobility Working Group Meeting (PPLMWG.01)

15 June 2021 | 12:30pm Apia Standard Time

(Held virtually via Zoom)

Outcomes Summary

The PACER Plus Labour Mobility Working Group met virtually on 15 June 2021, attended by the following signatories: Australia, Cook Islands, Kiribati, New Zealand, Niue, Samoa (Chair), Solomon Islands, Tonga, Nauru, Tuvalu and Vanuatu.

The meeting was chaired by Mrs Nella Tavita-Levy, Assistant Chief Executive Officer of the Samoan Ministry of Foreign Affairs and Trade.

1. Opening Prayer and Overview

1. The meeting was opened with a prayer by Ms Kairangi Samuela from the Cook Islands.
2. The Chair welcomed the participants to the meeting and noted an amendment to the title of Agenda Item 2 to be consistent with the title of the meeting paper; 'Reflecting on how Labour Mobility will be included in the PPIU Constitution'.
3. The Committee adopted the agenda and noted the production of a summary of outcomes by the PPIU together with a short report from the Committee to be submitted to the Joint Committee.

2. Reflecting on how Labour Mobility will be included in the PPIU Constitution

4. Samoa presented proposed labour mobility language in the PPIU Constitution and the Memorandum of Arrangement (MoA) in paper PPLMWG.01/D.1. The proposed language is based on previous discussions of the Group including suggestions from New Zealand and provides:
 - A definition of the Pacific Labour Mobility Annual Meeting within the PPIU Constitution.
 - Overall context of the Labour Mobility Arrangement (LMA) and relationship between the Parties and participants of the LMA within the PPIU Constitution.
 - Amendments to the functions of the PPIU to capture the PPIU's support to the PLMAM and LMWG i.e. 'and its related arrangements'.
 - Confirmation of support by the PPIU to the implementation of the LMA - effectively becoming the Secretariat to the LMWG.
 - Space in the Work Programme to address work on labour mobility issues and key objectives specified in the LMA, as agreed by the Joint Committee.

Action Items:

- 1 The LMWG agreed to include all proposed language on labour mobility submitted by Samoa in the IU Constitution and the MoA. The Group preferred the proposed second option for paragraph B under the MoA.**
- 2 The LMWG agreed to submit the agreed language in the IU Constitution and Memorandum of Arrangement to the Joint Committee for approval.**

3. Terms of Reference for the Labour Mobility Working Group

5. Australia presented the paper PPLMWG.01/D.2 regarding the Terms of Reference for the Labour Mobility Working Group.

6. New Zealand sees the Body established under the Labour Mobility Arrangement rather than the Agreement which would provide more flexibility as a working group to determine and amend TORs as Labour Mobility officials.
7. Solomon Islands noted a potential inconsistency between paragraphs 27 which states that the LMWG can amend the TORs at any time, and the regular reporting to be undertaken by the LMWG to the Joint Committee on its activities and to seek relevant approvals provided in paragraph 21. New Zealand saw that both paragraphs could live aside each other given that the Group was established under the Labour Mobility Arrangement and thus could amend their TORs without approval by the Joint Committee. However in terms of DEC activity funding and activity proposals by the Group, these would need to be submitted to the Joint Committee for approval.
8. Solomon Islands sought clarity on what other aspects would not need to be submitted to the Joint Committee for approval. New Zealand saw the LMWG exercising a large amount of direction over the shape of labour mobility activities and have a governing role in developing the scope of the labour mobility work. The Group would have a role in determining where those priorities and emphasis might be and then submit to the Joint Committee for approval.
9. Australia advised that they would update the document based on comments received.

Action Items:

3 The LMWG agreed to send comments on the TORs to Australia by Thursday, 17 June.

4 The LMWG agreed for the finalized TORs to be provided to the Joint Committee to note at its next meeting.

4. Update on PIFS Labour Mobility proposals for PPMIN and FTMM

10. New Zealand presented the paper PPLMWG.01/D.3 which provided an update on the work of the Pacific Islands Forum Secretariat (PIFS) on labour mobility. The paper sought to facilitate discussion by the LMWG on how the Group can support Ministers engage on labour mobility issues at the next PACER Plus Ministers Meeting (PPMIN) and Forum Trade Ministers Meeting (FTMM).
11. PIFS continues to develop its labour mobility work programme which includes the following key activities for 2021:
 - Forum Trade Ministers at their last meeting in February 2020 agreed that labour mobility would be a standing agenda item of FTMM discussion.
 - Ministers agreed that PIFS would undertake a Comprehensive Assessment of Regional Labour Mobility. PIFS have completed an initial draft and intend to share the Assessment with the proposed Labour Mobility Reference Group in the first instance.
 - During FTMM 2020, the Secretariat proposed the creation of a new regional labour mobility meeting, however Ministers were unable to reach consensus on this proposal due to its potential overlap with the existing Pacific Labour Mobility Annual Meeting. PIFS remain interested in establishing such a forum.

- In February this year, PIFS sought nominations to participate in a Labour Mobility Reference Group. The Reference Group is intended to guide PIFS work on labour mobility. PIFS propose that the FTMM will “consider and endorse” the creation of the Reference Group at the FTMM.
12. New Zealand advised that there is potential for the PPIU/Labour Mobility Secretariat to draw on the work of PIFS. For example, the Comprehensive Assessment could be used to identify particular needs of LMA participants and opportunities to deliver on LMA commitments.
 13. New Zealand also presented a draft paper to be submitted to the PPMIN which brings the upcoming discussion on labour mobility at the Forum Trade Ministers Meeting to the attention of PACER Plus Ministers; highlighting the intersecting interests with the PIFS in the labour mobility space and recognizing the importance of registering that Pacific Labour Mobility Annual Meeting (PLMAM) is an open and inclusive regional forum. The paper also captures the work of the LMWG to date.
 14. Cook Islands noted the challenge around integrating efforts on labour mobility between the PIFS and LMWG to avoid duplication of work. They noted it was difficult to see how the PIFS sees their work on labour mobility in the region and thus the update was useful in providing this information. Cook Islands were weary of PIFS papers that have come out but has not reached Labour Mobility Groups and does not reflect what is happening on the ground. Cook Islands suggests that the PIFS paper or Terms of Reference for the Labour Mobility Reference Group be shared with the LMWG for consideration ahead of the FTMM.
 15. Niue noted that the management of PIFS’ PACER Plus members and non-PACER Plus members is important and that each country’s decision on membership should be respected.
 16. New Zealand noted in response to the comments made by Cook Islands and Niue, that it was important to have clear messaging on labour mobility for Ministers at the FTMM. New Zealand noted the importance of consultation and due process in relation to papers developed on labour mobility to allow for adequate discussion and consideration ahead of the FTMM and further proposed that this point be an additional recommendation in the draft paper for the PPMIN. New Zealand suggested that the PIFS wait until the FTMM has met before setting up with Labour Mobility Reference Group.
 17. New Zealand suggested that PIFS be invited to the Joint Committee meeting to brief officials on Labour Mobility work that they are currently carrying out.
 18. Niue raised the importance of defining the relationship between PIFS and PACER Plus in addressing labour mobility so that it is clear for all parties at the operational level.
 19. The Chair requested for the Implementation Unit to ensure that access to meeting papers are in line with the PACER Plus Observer Guidelines.

Action Items:

- 5 The Group agreed to invite the PIFS official to provide an update on Labour Mobility work being done by PIFS.**

6 The Group agreed to submit a paper on labour mobility to the PPMIN highlighting the intersecting interests with PIFS in the labour mobility space and recognizing that the Pacific Labour Mobility Annual Meeting is an open and inclusive regional forum and remains the key forum to facilitate regional discussion on labour mobility.

7 The Group further agreed to provide comments on the draft PPMIN paper to New Zealand by Thursday, 17 June.

5. Update on Options and Resourcing

20. Australia presented paper PPLWG.01/D.4 which provided options on how the Labour Mobility Arrangement under PACER Plus could be resourced. The proposal includes suggested positions on resourcing for labour mobility within the PACER Plus Implementation Unit (IU) and decisions on resourcing will require the IU Head and Joint Committee consideration and decision.

The proposal includes two options for resourcing with cost implications:

- I. Activity-based approach: IU Staffing resources based on programme requirements
- II. Elevated status approach: Labour Mobility uniquely resources by the IU

21. Samoa noted that the issue of resourcing would need to be considered in relation to how labour mobility is reflected in the IU Constitution and did not see the need to rush consideration of the paper. They would like further time to consider the paper.

22. Niue raised the need to ensure there is sufficient resources to fund Labour Mobility activities.

23. Australia advised the Group that their Government is working on a range of preferential options for PACER Plus members to the seasonal workers programme and Pacific Labour Scheme.

24. New Zealand suggested that the Joint Committee is flagged of the Group's continued consideration and discussion of resourcing for Labour Mobility.

Action Items:

8 The Group agreed to further consider the resourcing options presented by Australia and to provide further comments on the paper to Australia.

9 The Group agreed to flag its continued discussions on resourcing options for Labour Mobility, at the next Joint Committee meeting.

6. Other Matters/Next Steps

25. No further matters were raised by the Group.

7. Closure of Meeting

26. The Chair closed the meeting at 1:43pm Apia Standard Time.