

## **SAMOA**

Samoa, with a population of approximately 188,000, is a constitutional parliamentary democracy that incorporates traditional practices into its governmental system. Executive authority is vested in Head of State Tui Atua Tupua Tamasese Efi, elected by parliament in 2007. The unicameral parliament, elected by universal suffrage, is composed primarily of the heads of extended families (matai). The most recent parliamentary elections, held in 2006, were marred by charges of bribery. All 10 by-elections subsequently ordered by the Supreme Court were considered generally free and fair. The ruling Human Rights Protection Party maintained its majority and continued to be the only officially recognized party in parliament. Security forces reported to civilian authorities.

Human rights problems included police abuse, poor prison conditions, domestic violence against women, abuse of children, and discrimination against women and non-matai.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

- a.    Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

- b.    Disappearance

There were no reports of politically motivated disappearances.

- c.    Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and the government generally observed these prohibitions in practice. However, there were some allegations of police abuses.

The media and publications of a local nongovernmental organization (NGO) reported police abuses. In January a young man lodged a complaint of police

brutality through a local NGO. The man alleged that he sustained injuries to his head, teeth, and ear after a police officer punched him. In May the same NGO received complaints from the mother of a 16-year-old boy who she claimed received injuries to his hands while he was in police custody; the boy was believed to be handcuffed at the time of questioning. In August a woman lodged a complaint through a local NGO that she was indecently assaulted by a police officer while under questioning at the police station. All such cases were reported to be under investigation by the Police Professional Standards Unit. At year's end there were no reports on the results of these investigations.

In April the court dismissed a case against a former minister, accused of killing a fellow villager, when not enough witnesses appeared.

In July a senior police officer accused in March 2009 of sodomy and indecent assault of a juvenile in 2007 at the Oloamanu Juvenile Center was found guilty and sentenced to three-and-one-half years in prison. However, in December the Supreme Court ordered a retrial, reportedly due to a request from the Attorney General's Office to rehear the witnesses' accounts. The trial continued at year's end.

There were no reported developments in the investigation of two cases in September 2009 in which police allegedly assaulted persons in custody.

### Prison and Detention Center Conditions

Prison conditions remained poor. Some prison facilities were nearly a century old. The Tafaigata men's prison had 29 cells of various sizes, including eight large concrete cells that were approximately 30 feet by 30 feet and held 20 to 25 inmates each. Only basic provisions were made with respect to food, water, and sanitation in the 24 older cells. Cell lighting and ventilation remained poor; lights were only turned on from dusk until 9 p.m. Some but not all individual cells had toilet facilities.

The separate Tafaigata women's prison had five cells that were approximately 15 feet by nine feet, and each held four to six inmates. Bathroom facilities were in separate rooms. Physical conditions, including ventilation and sanitation, generally were better in the women's prison than in the men's prison.

Some juveniles were held with adults, but most were housed in the Oloamanu Juvenile Center. Physical conditions at the center were generally better than those

at the adult facilities, but there were unconfirmed reports of problems with food, clothing, and the water supply.

Prisoners were permitted escorted hospital visits for medical checks as necessary. There is a room at the police officers' headquarters used as a medical clinic; however, there was no doctor or nurse assigned to the facility. In September the media reported an influenza outbreak at the Tafaigata men's prison. One of the cells reportedly was used as an isolation cell, which public health officials inspected daily. The influenza epidemic subsequently was contained and eliminated.

At year's end there were more than 300 inmates at the Tafaigata men's and women's prisons, the Oloamanu Juvenile Center, and Vaiaata Prison combined. Most inmates were incarcerated in the Tafaigata facilities. Although exact numbers were not available, both the men's and the women's prisons contained more inmates than they were originally designed to hold. By December construction was completed on an additional wing of five cells for male inmates at Tafaigata. The wing was expected to hold 60 inmates.

The government permitted family members and church representatives to visit prisons every two weeks. Families were allowed to bring food parcels for inmates; however, the practice was disallowed in December when police found contraband and cell phones in the parcels.

Overnight detainees were held at two holding cells at police headquarters in Apia. The cells had good lighting, sanitation, and ventilation. Pretrial detainees were held at the Tafaigata Prison but in separate holding cells; they did not socialize with the rest of the prison community.

Prisoners and detainees were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, and authorities investigated such allegations and documented the results in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

In August police officials announced that the Professional Standards Unit was investigating police wardens at Tafaigata Prison after the media published complaints made by a prisoner on parole. The first matter involved the investigation of a claim that a police warden impregnated a female inmate. The

same female prisoner previously had received an additional two-year sentence when she was found guilty of having her baby aborted by another inmate. The second matter under investigation was an allegation that police wardens had borrowed money from inmates and failed to pay back the loans. Police officials stated their concern regarding such events; however, at year's end officials had not released any findings from investigations.

The government permitted monitoring visits by independent human rights observers; however, there were no known requests during the year. The Office of the Ombudsman is legally mandated to receive and investigate complaints of prisoners and detainees on issues of inhumane overcrowding, status and circumstances of juvenile offenders, and improvement of pretrial detention, bail, and recordkeeping procedures. There were no complaints or reports by prisoners made known to the Ombudsman's Office.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

The country has a small national police force. Enforcement of rules and security within individual villages is vested in the fono (council of matai). A commissioner for police and prisons administration is appointed to a three-year term and reports to the minister of police. A lack of resources limited police effectiveness.

In May the court found an assistant commissioner guilty of indecent assault in 2007 against a female police officer. The assistant commissioner was fined 250 tala (\$107) and put on probation for 12 months. The assistant commissioner was not reappointed when his three-year contract ended.

The Samoa Police Force contributed to United Nations Peacekeeping efforts in Sudan, Liberia, East Timor, and the Solomon Islands. In June a Samoan peacekeeper was sentenced to three years' imprisonment for negligent driving for causing the death of a civilian in the Solomon Islands. The Samoan government negotiated an extradition agreement with the Solomon Islands government, and at year's end the police officer was serving his sentence in Tafaigata Prison.

#### Arrest Procedures and Treatment While in Detention

The Supreme Court issues arrest warrants based on sufficient evidence. The law provides for the right to a prompt judicial determination regarding the legality of detention, and the authorities generally respected this right in practice. Detainees were informed within 24 hours of the charges against them, or they were released. There was a functioning bail system. Detainees were allowed prompt access to family members and a lawyer of their choice. If the detainee was indigent, the government provided a lawyer.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Due to staff shortages, some Supreme Court and district court judges faced a backlog of pending cases. Of particular concern were postponements of rulings on constitutional cases, some of which were pending for years.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. A trial judge examines evidence and determines if there are grounds to proceed. Defendants have the presumption of innocence. Trials are public, and juries are used. Defendants have the right to be present and to timely consultation with an attorney, at public expense if required. Defendants may confront witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence, and defendants have the right to appeal a verdict. The law extends these rights to all citizens.

Many civil and criminal matters were handled by village fono, which varied considerably in their decision-making styles and the number of matai involved in the decisions. The Village Fono Act recognizes the decisions of the fono and provides for limited appeal to the Lands and Titles Court and the Supreme Court. The nature and severity of the dispute determine which court receives an appeal. A further appeal may be made to the Court of Appeal if necessary. According to a 2000 Supreme Court ruling, the fono may not infringe upon villagers' freedom of religion, speech, assembly, or association.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The laws prohibit such actions, and the government generally respected these prohibitions in practice. However, there is little privacy in villages, where there can be substantial societal pressure on residents to grant village officials access without a warrant.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

Individuals generally could criticize government officials publicly or privately without reprisal.

The independent media were generally active and expressed a wide variety of views without restriction. The law stipulates imprisonment for any journalist who, despite a court order, refuses to reveal a confidential source upon request from a member of the public. However, there has been no court case invoking this law.

The opposition alleged limited access to state-run radio and former state-run television.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Although for financial reasons private ownership of computers was relatively uncommon, access to the Internet through Internet cafes was generally available and widely used in urban areas. Internet access was limited or nonexistent in rural areas. The International Telecommunication Union reported that approximately 5 percent of the country's inhabitants used the Internet in 2008.

#### Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events. The 2009 ban on the movies *Milk*, *Angels and Demons*, *The Butcher, Van Wilder, Unborn*, and *The Cell 2* continued. In March the movie *Precious* was banned for inappropriate scenes and story; however, the ban was lifted in April. A local NGO that had pressed for the release of the film argued that themes of incest and indecent assault helped raise public awareness of these issues.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. However, traditional law governs villages, and village fono regularly banned citizens from village activities or banished citizens from the village for failing to conform to village laws or obey fono rulings. Cases of village banishment were rarely made public. Of those cases that became known during the year, reasons for banishment included murder, rape, adultery, and unauthorized claims to land and matai title. In some cases civil courts overruled banishment orders. Some banished persons were accepted back into the village after performing a traditional apology ceremony.

In August the head of state was banned from one of his villages after the village refused to recognize him as a title holder. The conflict, according to media reports, arose from a dispute whereby the head of state built a shelter without the traditional protocol consultation with members of the village. In September traditional leaders banished the deputy prime minister from his electoral constituency after he delivered a letter to them announcing he would not run in the next general elections. According to media reports, the constituency decision was based on the deputy prime minister's failure to follow the traditional protocol of announcing such a decision with the leaders in person. At year's end both the head of state and deputy prime minister remained banished from their respective villages.

The government was willing to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, but the need did not arise during the year.

The law prohibits forced exile, and the government did not use it.

### Protection of Refugees

The country's laws provide for the granting of refugee status, but the government has not established a system for providing protection to refugees. The government received no requests during the year for refugee status, asylum, or protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

### Elections and Political Participation

The most recent elections, held in 2006, were marred by charges of bribery. As a result of election challenges filed by losing candidates, the Supreme Court ordered



10 by-elections. All the mandated by-elections were conducted and generally considered free and fair.

The law does not prohibit the formation of opposition parties, but there were no officially recognized opposition parties. Restrictive rules limiting the formation of viable opposition political parties has allowed the ruling political party to dominate government since 1982. In October 2009 and February 2010, parliament amended the Electoral Act and the constitution, respectively, to disallow current members of parliament from joining or associating with political parties other than those of which they were members during their initial oath of allegiance. As a result, in March three Independent members resigned from parliament because of their association with the Tautua Samoa Party. After by-elections in May, two members were reelected, while the ruling Human Rights Protection Party gained the other seat.

While the constitution gives all citizens above the age of 21 the right to vote and run for office, by social custom candidates for 47 of the 49 seats in parliament are drawn from the approximately 30,000 matai, who are selected by family agreement; there is no age qualification. Although both men and women are permitted to become matai, only 8 percent were women. Matai controlled local government through the village fono, which were open to them alone.

There were four women in the 49-member parliament, three of whom served in the 13-member cabinet. One woman served as head of a constitutional office, two women as chief executive officers of government ministries, and six women as general managers of government corporations. There are no constitutional quotas reserved for the number of female parliamentarians.

The political rights of citizens who are not of ethnic Samoan heritage are addressed by the reservation of two parliamentary seats for at-large members of parliament, known as "individual voters" seats. One at-large cabinet minister and parliamentarian was of mixed European-Samoan heritage. Citizens of mixed European-Samoan or Chinese-Samoan heritage were well represented in the civil service.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. Penalties ranged from several months

to several years of imprisonment if convicted. There were isolated reports of government corruption during the year.

In March a cabinet minister pled guilty to two charges of negligent driving and was fined 300 tala (\$130) from two separate accidents in November 2009. On one occasion, he was driving a government vehicle; on the other, a government-paid rental vehicle.

In July an account officer in the Ministry of Police pled guilty to charges of theft from a 2008 charge of embezzling approximately 270,000 tala (\$116,460) and was sentenced to four-and-one-half years' imprisonment. The case of two other account officials in the Ministry of Finance continued at year's end.

Police corruption was not a significant problem, although there were credible reports of minor instances of bribery, such as bribes to avoid traffic citations.

Public officials were not subject to financial disclosure laws; however, such disclosure was encouraged by codes of ethics applicable to boards of directors of government-owned corporations. The law provides for an ombudsman to investigate complaints against government agencies, officials, or employees, including allegations of corruption. The ombudsman may require the government to provide information relating to a complaint.

By law, government information is subject to disclosure in civil proceedings involving the government, unless the information is considered privileged or its disclosure would harm the public interest. In the case of other requests, petitioners had to navigate an often slow bureaucratic process, and consequently information was not always obtainable in a timely manner.

The November 2009 report of the UN Group of Experts on the Democratic Republic of the Congo (DRC) presented information indicating that African Ventures Ltd., which was registered in Samoa, directly or indirectly funded conflict and perpetrators of human rights abuses in the eastern DRC.

## Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were cooperative and responsive to their views.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations. In July representatives from the UN Convention Against Corruption visited the country, as did UN Human Rights Council representatives in September; each group conducted regional and local workshops.

The Office of the Ombudsman was generally considered effective and operated free from government or political party interference; however, the government did not always adopt its recommendations.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these provisions in practice. However, politics and culture reflected a heritage of matai privilege and power, and members of certain families of high traditional status possessed some advantages.

### Women

The constitution prohibits abuse of women, but common societal attitudes tolerated their physical abuse within the home; such abuse was common.

Rape is illegal, but there is no legal provision against spousal rape. Many cases of rape went unreported because common societal attitudes discouraged such reporting. In recent years, however, authorities noted a rise in the number of reported cases of rape. This appeared to be a result of efforts by government ministries and local NGOs to increase awareness of the problem and the need to report rape cases to police. Rape cases that reached the courts were treated seriously, and the conviction rate was generally high. The penalties for rape range from two years' to life imprisonment, but a life sentence has never been imposed. The trial of the former cabinet minister charged with 22 charges of rape and assault was adjourned to January 2011 after the prosecution was allowed more time to collect evidence. In October a former deputy speaker of the house admitted to a charge of attempted rape following a 2009 complaint from a female relative. In December the former deputy speaker was sentenced to four years' imprisonment.

Domestic abuses typically went unreported due to social pressure and fear of reprisal. Village fono typically punished domestic violence offenders, but only if the abuse was considered extreme (that is, visible signs of physical abuse). Village religious leaders also were permitted to intervene in domestic disputes. When police received complaints from abused women, the government punished the offender, including by imprisonment. Domestic violence is charged as common criminal assault, with penalties ranging from several months to one year in prison. The government did not keep statistics on domestic abuse cases specifically but acknowledged the problem to be one of considerable concern. The Ministry of Police has a nine-person Domestic Violence Unit, which worked in collaboration with NGOs that combated domestic abuse. NGO services for abused women included confidential hotlines, in-person counseling, victim support, and shelters.

From February to August, a local NGO carried out a national campaign to bring awareness through reporting, services, and information against abuses to women and children. The campaign included holding community workshops, providing counseling, and posting banners along roadsides throughout the country.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination. The National Health Service, private hospitals, general practitioners, and various health care centers provided information and access to contraception and access to maternal health services, which included skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care. The UN Children's Fund (UNICEF) reported that the estimated annual maternal mortality rate was 29 deaths per 100,000 births from 2003 to 2008. Women and men had equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

Women have equal rights under the constitution and statutory law, and the traditionally subordinate role of women was changing, albeit slowly, particularly within the more conservative segments of society. The Ministry of Women, Community, and Social Development oversees and helps secure the rights of women. To integrate women into the economic mainstream, the government sponsored numerous programs, including literacy and training programs for those who did not complete high school.

A labor law provision prohibits employment of women between midnight and 6 a.m. unless special permission is granted by the commissioner of labor. This

regulation was generally observed. Permission for night work was generally granted upon application.

### Children

Citizenship is derived by birth in the country if at least one parent is a citizen; the government may also grant citizenship by birth to a child born in the country if the child would otherwise be stateless. Citizenship also is derived by birth abroad to a citizen parent who either was born in Samoa or resided there at least three years.

By law education is compulsory through the age of 14. The government did not effectively enforce the compulsory education law, as children under the age of 14 years were seen selling goods on the streets during school hours.

The January enactment of the 2009 Education Act led to a government initiative, supported by foreign assistance, that suspends public and private Christian school fees for five years for all students attending public school under the age of 14. However, students had to pay some administration fees, which were controlled by respective school boards for operating the school.

Law and tradition prohibit the severe abuse of children, but both tolerate corporal punishment. Although there were no official statistics available, press reports indicated a rise in reported cases of child abuse, especially incest and indecent assault cases, which appeared to be due to citizens' increased awareness of the need to report physical, emotional, and sexual abuse of children. The government aggressively prosecuted such cases. In August a teacher was sentenced to 12 months' probation and fined 150 tala (\$65) for inflicting bodily harm on a high school student.

The minimum age for consensual sex is 16 years; the maximum penalty for violators is seven years' imprisonment. There is no specific criminal provision regarding child pornography; however, child pornography cases can be prosecuted under a provision of law that prohibits distribution or exhibition of indecent material. The maximum penalty is imprisonment for two years.

The Ministry of Justice and Courts Administration and the Ministry of Education, in collaboration with NGOs, carried out educational activities to address domestic violence and inappropriate behavior between adults and children and to promote human rights awareness.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

#### Anti-Semitism

The country had no organized Jewish community, and there were no reports of anti-Semitic acts.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

There is no law pertaining specifically to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom was observed widely in practice. There were no reports of discrimination against persons with disabilities, including physical, sensory, intellectual, and mental disabilities, in the areas of employment, education, access to health care, or the provision of other state services. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multistory buildings.

The Ministry of Women, Community, and Social Development has responsibility for protecting the rights of persons with disabilities.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Sodomy and "indecent between males" are illegal, with maximum penalties of seven and five years' imprisonment, respectively. However, these provisions were not actively enforced with regard to consensual homosexual acts between adults. There were no reports of societal violence based on sexual orientation or gender identity; however, there were isolated cases of discrimination.

#### Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

## Section 7 Worker Rights

### a. The Right of Association

Workers legally have unrestricted rights to establish and join organizations of their own choosing. There were no practical limitations to union membership, and approximately 20 percent of the private sector workforce was unionized. The Public Service Association functioned as a union for all government workers, who made up approximately 8,000 of the approximately 25,000 workers in the formal economy. Unions generally conducted their activities free from government interference.

The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety, and workers exercised this right.

Workers in the private sector have the right to strike, but there were no private sector strikes during the year.

### b. The Right to Organize and Bargain Collectively

The law provides workers with the right to organize and bargain collectively, and workers exercised this right in practice. The Public Service Association engages in collective bargaining on behalf of government workers, including bargaining on wages. Arbitration and mediation procedures are in place to resolve labor disputes, although such disputes rarely arose.

There are no special laws or exemptions from regular labor laws in the sole export processing zone.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but the matai frequently called upon persons, including minors, to work for their villages. Most persons did so willingly; however, the matai may compel those who do not.

### d. Prohibition of Child Labor and Minimum Age for Employment

It is illegal to employ children under the age of 15 years except in "safe and light work." The Ministry of Labor refers complaints of illegal child labor to the attorney general for enforcement; however, no cases were prosecuted during the year. The law does not apply to service rendered to family members or the matai, some of whom required children to work for the village, primarily on village farms. The extent of this practice varied by village, but it generally did not significantly disrupt children's education.

Children frequently were seen vending goods and food on Apia street corners. The government has not made a definitive determination whether this practice violates the country's labor laws, which cover only persons who have a place of employment. Although the practice may constitute a violation of the law, local officials mostly tolerated it. To address the child vendor problem, the 2009 Education Act prohibits any student from being engaged in light or heavy industrial activity within school hours of 8 a.m. to 2 p.m.; however, it did not ban vending by children under 14 years of age altogether.

e. Acceptable Conditions of Work

An advisory commission to the minister of labor makes recommendations on minimum wage increases every five years, based on national surveys held every three years. There were two minimum wages: two tala (\$0.86) per hour for the private sector, and 2.65 tala (\$1.14) for the public sector. In June the public-sector minimum wage was passed by government after recommendation by the advisory commission; however, in December authorities decided to maintain the private-sector minimum wage at two tala. Neither provided a decent standard of living for a worker and family unless supplemented by other activities, such as subsistence farming and fishing. Wages in the private sector are determined by competitive demand for the required skills but should not be less than the minimum private sector wage.

The provisions of the Labor Act cover only the private sector; a separate law, the Public Service Act, covers public sector workers. Labor laws stipulate a standard workweek of no more than 40 hours, or eight hours per day (excluding meal times). For the private sector, overtime pay is specified at time and a half, with double time for work on Sundays and public holidays and triple time for overtime on such days. For the public sector, there is no paid overtime, but compensatory time off is given for overtime work.



The Occupational Safety Hazard Act establishes certain rudimentary safety and health standards for workplaces, which the Ministry of Commerce, Industry, and Labor is responsible for enforcing. The law also covers persons who are not workers but who are lawfully on the premises or within the workplace during work hours. However, independent observers reported that safety laws were not enforced strictly, except when accidents highlighted noncompliance. Work accidents were investigated when reports were received. Many agricultural workers, among others, were inadequately protected from pesticides and other dangers to health. Government education and awareness programs addressed these concerns by providing appropriate training and equipment to agricultural workers. Safety laws do not apply to agricultural service rendered to the matai.

While the law does not address specifically the right of workers to remove themselves from dangerous work situations, the commissioner of labor investigates such cases, without jeopardy to continued employment. The government investigated several cases during the year. Government employees are covered under different and more stringent regulations, which were enforced adequately by the Public Service Commission.