

The Ministry of Labour and Social Security establishes an International Labour Standards Multisectoral Team and an Action Plan for ILS dissemination, with support from the ILO

By Paulo Selemane

Mozambique became the 98^o ILO Member State to ratify the Maritime Labour Convention (MLC, 2006 as amended), and the 22nd African State to do so. As part of the preparations for implementation of the MLC, 2006 (which will enter into force on the 25th of May 2022), the Government of Mozambique, through the Ministry of Labour and Social Security (MITSS) held a retreat (08 to 09 September 2021, in Bilene) to discuss the Action Plan for implementation of this Convention. Participants included multipartite constituents (CTA, CONSILMO, OTM-CS), the Ministry of Industry and Trade, Ministry of Transport and Communications, Ministry of Justice, Ministry of the Sea, Inland Waters and Fisheries, the Parliament, and Academia (Eduardo Mondlane University's Law Faculty and the Nautical Sciences School). The activity is funded by the European Union, through ILO's Trade for Decent Work Project (T4DW).

The Action Plan, a major stepping stone in improving compliance with the Declaration on Fundamental Principles and Rights at Work, seeks to tackle the areas in need of improvement, with emphasis on the two Child Labour Conventions Nos. 138 and 182, in order to support the efforts currently ongoing under the National Action Plan for Elimination of the Worst Forms of Child Labour in Mozambique (2018-2022) (PANPFTI) in particular Axis 4 "Strengthening of the legal framework and of the capacity of the institutions", whose elements largely correspond to the comments by the ILO Supervisory Bodies regarding both Child Labour Conventions.

In its opening remarks the Ministry of Labour and Social Security, represented by Mr. Mussagy Juma, Head of International Cooperation Department, "for the Mozambican Government, the effective implementation of the MLC, 2006 will contribute to sustainable and inclusive economic development in country, by ensuring that the development of the shipping sector to support trade, guarantees decent work and the respect of fundamental principles and rights at work for seafarers. He emphasised that this process has to necessarily be aligned with the PANPFTI".



Mr. Antonio Paunde Machuquela, from the worker's association OTM-CS states that "The retreat has afforded OTM-CS with another opportunity to actively engage in designing of policies on the eradication of the worst forms of child labour, and in building its capacity or mechanisms to draft reports on the status of implementation of International Labour Standards (ILS) in Mozambique. The greatest challenge resides in the process of harmonisation of provisions of the ILS with the domestic laws. Therefore, it is relevant that ILO continues to play

its pivotal role in strengthening the implementation of ILS, in the continued capacity building of Government, Employers and Employees' Associations in order to ensure a smooth process of synchronization and harmonisation of ILS in the national legal framework."

On his turn, Mr. Boaventura Paulo Sibinde, Member of the Executive Secretariat of CONSILMO indicated that "the retreat is an important milestone given the impact on the lives of maritime workers and in the protection of children from the worst forms of child labour. For a long time, maritime workers have not been receiving the necessary attention by ship-owners. Hence the ILS will bring leverage in the search for decent working conditions. It is commendable to see that this endeavour also caters for the eradication of the worst forms of child labour. The implementation of the Maritime Labour Convention (MLC, 2006) will greatly contribute to the pursuit of maritime worker rights, and consequently, decent work. But for its materialization it needs all social partners to be actively involved. There will be enormous challenges. Before we think about its implementation, we need to focus on dissemination of the knowledge to everyone, especially the target group. Besides that, it is critical that we ensure that internal rules/legislation regarding the matter, adapt the ILS so that there are no collisions in its interpretation and application. CONSILMO recognizes the role that the ILO plays in various struggles for the good of the working class in Mozambique, so its role in implementing these norms is crucial. Therefore, we encourage the MITSS and the ILO to follow up the implementation and Action Plan for the Implementation of the ILS".



Mr. Atanásio P. Chacanane, Director of the Technical Office at the Parliament, who also participated actively in the group works and plenary discussions that resulted in the designing of the Draft Action Plan to implement ILS, indicated that "the event was an opportunity for the Mozambican Parliament to get involved, from the onset, in the ILS implementation process, which means to add a new action in its supervisory role. He further added that, such as in many other laws in force in the Mozambican legal framework, challenges remain in the raising the awareness of the targeted special audience, so that the effective law enforcement can be achieved. Therefore, we strongly encourage the ILO experts to continue providing technical advice to the State to ensure ILS implementation becomes a reality".

For Mr. Paulo Selemane (National Project Coordinator), "The dynamics of the event has proven, again, that the successful implementation of ILS requires continued tripartite collaboration, multidisciplinary approach and social dialogue. Only jointly it will be possible to, sustainably, ensure that every seafarer enjoys the right to a safe and secure workplace that complies with safety standards and to health protection, medical care, welfare measures and other forms of social protection, which ILO seeks to promote".

The resulting Draft Action Plan will be further fed by the results of a gap analysis on maritime legislation, to be conducted by a consultant, and will result in the adoption of concrete activities. The next stage of the process will

the submission of the Draft Action Plan for Implementation of ILS (with focus on MLC 2006) to the MITSS Consultative Council, further inputs, and request of sectoral validation, prior to implementation.



Participants to the Retreat to Set up the ILS Multisectoral Team within the Ministry of Labour and Social Security.

Trade for Decent Work Conducts Virtual Training of Trainers Workshop on International Labour Standards and its application, in the Northern Region of Mozambique

By Stelio Marerua and Paulo Selemane

The International Labour Organization (ILO), through the Trade for Decent Work Project, funded by the European Union, recently conducted a virtual Training of Trainers' Workshop on International Labour Standards (ILS) and its application for the Ministry of Labour and Social Security (MITSS), other Government officials and social partners.

This first regional workshop, held in the Northern Region (in Nampula province) from 26 to 29 October 2021, aimed at publicizing the core Conventions to both Mozambican citizens at large, and to the enterprises operating in the regions, to promote the application of these Conventions at all levels of the country. One of the specific objectives was the strengthening Government officials' capacity to implement ILS and the Maritime Labour Convention 2006, which will come into force in 25th May 2022. Training was delivered by Amanda Mejia-Cañadas, ILO's International Labor Standards and Labor Law Specialist, from the Decent Work Team based in Pretoria.

Speaking during the workshop, ILO National Project Coordinator for Social Dialogue, Mr. Antenor Pereira emphasized the relevance of reporting on International Labor Standards to the ILO's supervisory bodies and the implications of non-compliance to the set standards. "It is very important that you see the relevance of completing the reports on the Convention on the eradication of the Worst Forms of Child Labor. We hope to receive inputs from all provinces as our goal is that after this seminar the technicians should be capacitated with relevant knowledge, and hence see the practical usefulness of results in better business conditions and access to funds," stated Mr. Pereira.



Left: Participants from Northern Region trained on ILS. **Right:** Amanda Candas ILO ILS Specialist/Trainer



Participants receiving their Training Certificates on ILS

Meanwhile, the Ministry of Labor and Social Security representative, Mr. Mussagy Juma said that “Mozambique is committed towards eradicating the Worst Forms of Child Labor, stating that the commitment has been shown through the Government’s decision to ratify the key instrument”. Mr. Juma further added that using children as a vehicle to earn money by doing jobs to feed the elderly is a mistake. Mozambique has already declared the eradication of the Worst Forms of Child Labor. There is a need to disseminate information so that there is knowledge both nationally and globally, about immediate actions to be taken,” said Mr. Juma.

For Paulo Selemene, National Project Coordinator, “most of the topics were new to the participants representing Cabo Delgado, Nampula, Niassa, Sofala, Zambézia and Maputo provinces. Nevertheless, they have shown a genuine interest in the topics that were presented (National Action Plan for Elimination of the Worst Forms of Child Labor, the Rules of the Game: An introduction to ILS, Abolition of Child Labor, ILO International Labor Standards, Conventions nrs. 29 and 105, Protocol of 2014, Comments by the ILO Supervisory Bodies on Mozambique Report, Forced Labour, Freedom of Association, Conventions 87 and 98, Equal Opportunity and Treatment, Employment (Policy and Promotion), Maritime Labour Convention 2006, as per amendment) as we could witness by the group dynamics and plenary discussions”.

In ending, he indicated that a similar Workshop will be replicated for the Southern Region of Mozambique, and that it will take place from the 16th – 19th of November, in Inhambane Province.

The Southern Regional Workshop in ILS, taking place in Inhambane, is regarded by OTM-Conselho Sindical as an equalizer and a tribute to everyone who has devote their energies to improve the world of work, as they have just celebrated their 45th Anniversary.

By Paulo Selemene, NPC

16 November 2021

Lusaka CO, Trade for Decent Work Project, has kicked off its Training of Trainers Southern Regional Workshop on ILS and its Application. The event is taking place in Inhambane, with the participation of representatives from the central provinces of Manica and Tete and, run by ILO's International Labour Standards and Labour Law Specialist, Amanda Mejia-Cañadas. The event will run from the 16th through the 19th November, and is he second Workshop, after the Northern Regional Workshop that was held in Nampula province, from the 26 through the 29th October.



The expected results are the sensitization all concerned stakeholders about the International Labor Standards System; Train all Social Partners and Tripartite Constituents in International Labour Standards; Publicize ILO Core Conventions; Disseminate the Maritime Labour Convention; Train Trainers on ILO Conventions so that they can replicate the knowledge; Strengthening the climate of social dialogue through the training related activities; National trainers trained on the Fundamental Conventions and the Maritime Labour Convention; Constituents trained on the Fundamental Conventions and the MLC and the need to respond to ILO Supervisory Bodies recommendations and comments.



After welcoming the participants, in his opening remarks, on behalf of the Provincial Executive Secretary of *Organização dos Trabalhadores de Moçambique* (OTM-Conselho Sindical), Mr. Custódio Zeferino Amós, expressed “Inhambane’s great honor, and joy, to host this Regional Workshop on Training of Trainers on International Labor Standards and its Application, promoted by ILO”. He extended a special salutation to the facilitators and to those who, direct and indirectly, made the Workshop possible.

OTM-CS sees this event as an equalizer that is going to render procedures more uniform for everyone. For them, this Southern Region Workshop takes place at a very special moment, as they have just celebrated their 45th Anniversary on the 13th of October 2021. “This Tripartite workshop is a tribute to the members of the organization who have dedicated their lives to the promotion and defense of employer’s rights and the interests of the common citizen. The topics presented in this Workshop will, definitely equip participants with in depth knowledge that will, improve the development of their activities in their respective workplaces in the promotion of employers and socio-professional rights”.



Mr. Custódio urged participants to profit from the opportunity to embrace the knowledge, contribute, suggest, openly, by bringing together all the collective knowledge fully, so that we can all firmly walk towards a society free of social and labour related injustices, which, unfortunately still exist in Mozambique, Inhambane included. He additionally pleaded participants to devote their attention to the Social Dialogue, Culture of Work and International Labour Standards, as these are key ingredients to Labour Peace and catalyzers to an increase in production and productivity in all sectors. This is true because the development/education of the Human Capital is the cornerstone for the transformation and betterment of the national economy, poverty eradication, and to lower the levels of illiteracy.

In ending, he appealed all participants to abide by the Presidential protocol to stop the spread of the COVID-19 pandemic by washing hands with ashes, use of alcohol gel and correct use of masks.

For the Project Focal Coordinator within the Ministry of Labour and Social Security (MITSS), Mussagy Juma, “this Workshop for the Southern Region, takes place within the context of activities of the Trade for Decent Work Project, funded by the European Union, and implemented by the ILO CO Lusaka, through the MITSS. This workshop (Training of Trainers) is a response to challenges faced by the Ministry of Labour and Social Security of Mozambique in meeting reporting obligations, under Article 22 of ILO Constitution, concerning the ILO Conventions”.

For Mr. Mussagy, this Workshop is an opportunity for participating organizations to understand what are the obligations that result of ratification of an ILO International Convention, as well as to improve inter-ministerial cooperation and promote Social Dialogue. This is a very practical Workshop, where we expect participants to profit from the physical presence of ILO’s International Labour Standards, Amanda Mejia-Cañadas to interact, inquire and make recommendations. The participants, after the

training will become ILS ambassadors, who will join forces with other ambassadors who have already gone through training, to disseminate the knowledge in the different spheres of Mozambican society in support to implementation and compliance with ILS whilst promoting decent work.



According to the training facilitator, Amanda Mejia-Cañadas, the workshop will cover topics like the



Abolition of Child Labour, Child Labour, Freedom of Association, Equal Opportunities and Treatment Employment (Policy and Promotion), the Maritime Labour Convention, 2006 (as per amendment) that Mozambique has ratified and will enter into force on the 25th of May 2022. There will be a particular emphasis on the country's responsibility to report on the implementation of the ILS in Mozambique, the need to address the comments made by ILO Supervisory Bodies, namely the Committee of Experts on the Application of Conventions and Recommendations (CEACR) attest to the

challenges remaining, such as the need to adopt an action plan to counter trafficking in people, as well as the potential need to revise several labour legislative provisions.

“In its continued efforts to achieving decent work for all, Mozambique and Cabo Verde are jointly disseminating the Guidance from the ILO Tripartite Declaration concerning Multinational Enterprises and Social Policy (ILO MNE Declaration) in a Hybrid event”

By Paulo Selemene

Under the Trade for Decent Work Project, co-funded by the European Union and the Government of Finland, Mozambique and Cabo Verde are holding a hybrid joint tripartite awareness raising workshop to disseminate the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). This is the only ILO instrument

that provides direct guidance to enterprises on social policy and inclusive, responsible, and sustainable workplace practices. It is the only global instrument in this area that was elaborated and adopted by governments, employers, and workers from around the world.



Left: Representative OTM-CS (Employees Association) **Right:** Representative from Employers Association CTA

The event that started on the 1st of March and will end on the 3rd of March was preceded by a virtual training on the MNE Declaration which participants are taking through the ITC-ILO e-campus. Participants to the event comprise representatives from different sectors: Government (Ministry of Labour and Social Security, Ministry of Industry and Commerce, Ministry of Mineral Resources and Energy, Ministry of Justice, the Parliament), Employers Organisations (Mozambique Business Confederation Association, APICOL - Association for the Promotion of Investment and Local Content, Mozambique's Industrial Association, National Institute for Tourism) and the two main Employee Organisations (CONSILMO and OTM-CS), who are getting familiar with the instrument and are being encouraged to continue working jointly with the multinational (and national) enterprises to ensure the realization of decent work for all - a universal goal enshrined in the 2030 Agenda for Sustainable Development.



The mainstreaming of MNE Declaration's principles in the national development strategy, is a steppingstone to ensure the improvement of implementation of ILO fundamental Conventions in EU trading partners through improved labour relations and working conditions. To that end multidisciplinary groups have been setup, and each is working on the designing of a Draft Tentative Road Map for the promotion and implementation of the MNE Declaration in Mozambique.



Constraints in the implementation of the Maritime Labour Convention, 2006 (MLC 2006)

By Paulo Selemene

As part of the presentations and debates at the XXXII Coordination Council of the Mozambican Ministry of Labour and Social Security, a presentation on the Constraints in the Implementation of the Maritime Labour Convention 2006 was delivered by the Labour Inspection, represented by Dr. Paulina Mutolo, on the second day of the event. The main challenges indicated were trainings provided were in English language. The training of Labour Inspectors on MLC, 2006, this proved challenging, given that besides the language issue it was delivered fully online. She indicated that further support is required in terms of dissemination and clarity of roles of participating institution in the current joint inspection model, in the process.



From left: ILO, OTM-CS Representative, CONSILMO Representative and CTA's Representative

Paulo Selemene reminded participants that the effective implementation of the Maritime Labour Convention 2006, ratified by Mozambique and that entered into force on the 25th May 2022, is one of the key interventions of the Trade for Decent Work Project that the ILO running with co-funding from EU and Government of Finland. As part of this process, a Frequently Asked Questions Application on the Maritime Labour Convention 2006, in Portuguese, is being finalized. This is a milestone as it will also benefit other Portuguese speaking countries. He also clarified that a Gap Analysis of the Mozambican Legislation considering the MLC 2006 is being completed until 31st of August, that will result in a matrix of national legislation that needs to be revised or introduced so that national legal framework can accommodate the MLC principles and practices. Regarding training, he explained the audience that training of 4 resource persons versed on the implementation of the MLC 2006 (including labour inspectors) has been completed and that two regional workshops were held in the Northern and Southern Region of Mozambique, on ILS, involving participants from all provinces of the country, representing the Tripartite Constituents (Government, Employers Organisations and Employee Associations).



Her Excellency Margarida Adamugy Talapa, Minister of Labour and Social Security, in the middle, posing with the Employee Associations Representative, Employers Associations Representative, Gaza Province Authorities and the ILO

In the concluding remarks and recommendations on the MLC 2006, the Minister of Labour and Social Security, H.E. Dr. Margarida Adamugy Talapa emphasised that this new International Labour Standard is very important and comes at a critical time in Mozambique. She stressed that speedy actions need to be taken to ensure that by September 2023, when the first report is submitted to ILO Supervisory Bodies concrete actions are reported. She further added that, despite the delay, in fact, a gradual implementation ought to be considered, as suggested by the presenter from the Labour Inspection. Priority provinces to be considered are where the main ports are located, namely: Maputo (South), Sofala (Centre) and Nampula (North).

Gap Analysis of Mozambican Legislation considering the Maritime Labour Convention 2006 validated at a Workshop held, in Maputo, on the 31st of August 2022

By Paulo Selemene (NPC)

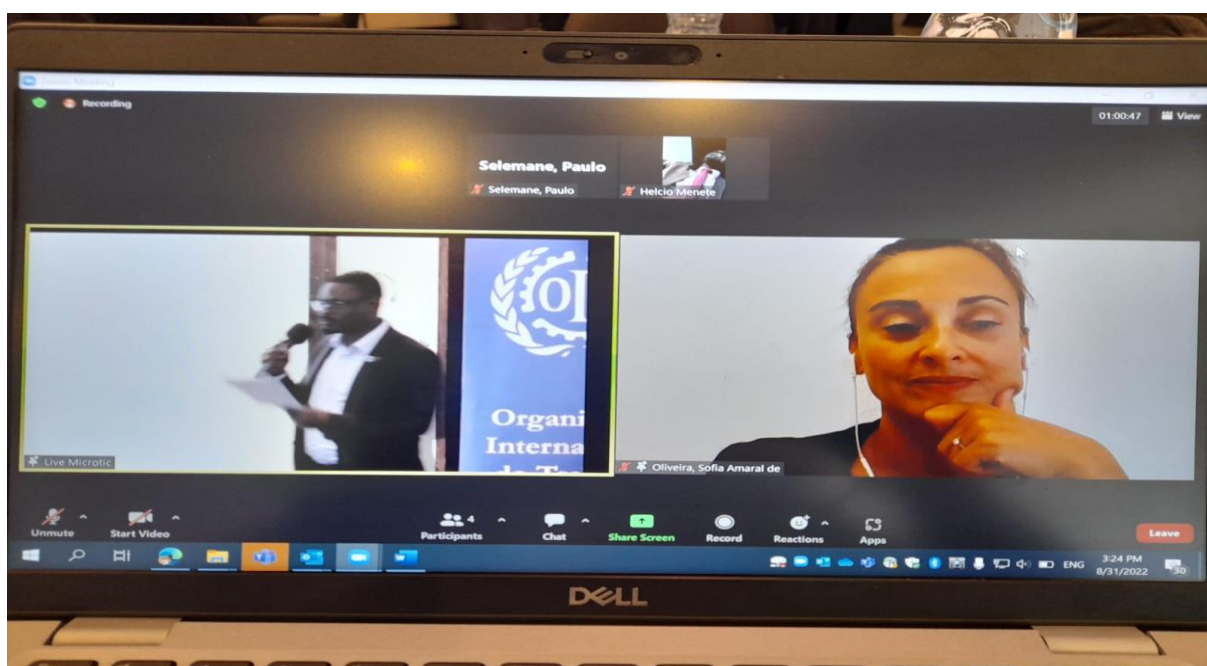
The ILO, through the T4DW Project, co-funded by the European Union and the Government of Finland, held a Workshop to Validate the Gap Analysis of Mozambican Legislation considering the Maritime Labour Convention 2006. This critical event, jointly hosted by the Ministry of Labour and Social Security and the ILO, took place at Hotel Cardoso, in Maputo, and represents a milestone towards the effective implementation of the MLC 2006, that is in force in Mozambique on the 25th of May 2022.

The Validation Workshop which was led by the International Labour Specialist Sofia Amaral (remotely) and the team of National Consultants, Dr. Manuel Castiano and Celso Lopes (in presence) who

conducted the study, had a total attendance of 29 participants representing Tripartite Constituents, academia (Mozambican Higher School of Nautical Sciences), and the parliament. All benefitted from another opportunity to build their capacity on this important International Labour Standard. During the event the Constituents acknowledged the relevance of Social Dialogue, to speed up the domestication of MLC 2006, and reaffirmed their interest in supporting the Mozambican Government, through the Ministry of Labour and Social Security, in responding to the first Report on the status of implementation of the MLC 2006, that is due in September 2023.



Besides validating the Gap Analysis, five thematic groups discussed and presented on the different pillars of a Matrix recommending the pieces of Legislation that should be revised/amended. In addition to that, the participants developed a Draft Indicative Road Map for the legislative transformations.



Another highlight was a presentation delivered by Sofia Amaral, on Frequently Asked Questions App on the MLC 2006, in Portuguese, a product co-funded under the T4DW. This App is available for free download on smartphones, tablets, or pcs by all interested persons (seafarers, etc): <https://faqmlc.ilo.org/pt-pt/>. This will contribute to increase awareness on the rights and obligations of seafarers, shipowners and Member States arising from the convention. Further to that, the App will also benefit other Portuguese speaking countries.

In the area of maritime transport, the ILO's Maritime Labour Convention (MLC 2006), with 101 ratifications, is a key instrument. From the discussions at the Workshop, one of the measures that was strongly proposed by the representative of the fishing vessel owners (and seconded by the ministry of transport) is that, as a matter of urgency, due to the specificity of the fishing sector, a specific legislation be developed for shipowners in the fishing sector and that the ratification of the ILO Work in fishing convention C188 is ratified. ILO support has been requested to that end.

The representative of the Ministry of Labour and Social Security, Mr. Mussagy Juma, indicated that the next steps will be a presentation of the Gap Analysis Report, the Matrix of pieces of legislation to be revised, and the Draft Tentative Road Map, at the Consultative Council.