



International
Labour
Organization

Trade unions and skill development in India: Challenges and international experience

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1. Introduction

It is widely accepted that the India economy faces a major constraint because of a skills gap which prevents the country raising the possibilities presented by the “demographic dividend”.¹

As a tripartite organisation, the ILO regularly engages with its constituents, including workers’ organisations, on a range of issues related to skills and employability. In India, a study on sectoral approaches to skills development found limited engagement of trade unions with the skills agenda. It also found evidence of adversarial attitudes in the IT and automotive sectors, that in particular, have the potential to undermine further development of Sector Skills Councils (SSCs) in these industries.

At subsequent meetings with trade unions organized by the ILO, the possibility of developing case studies on national and international examples of trade unions engagement with skills was raised. The case studies were presented at a one day Forum on Trade Union Involvement in Skills Development at the Royal Plaza Hotel, New Delhi on 26 July 2013, where all the central trade union organisations were invited, along with various office bearers from the emerging new skills structures.

Four countries were selected on the basis of different factors:

1. The United Kingdom (UK) has recent and well-documented experience.
2. It was thought that one of more BRICS countries might be useful. South Africa has good tripartite structures for the labour market and the strongest trade union movement in the continent.
3. Another BRICS country selected was Brazil although documentation was found to be limited.
4. At least one other Asian country was thought desirable and in order to access documentation, the Philippines was selected.

The structure of this report is as follows:

Some initial definitions are proposed, and the scope of the issue discussed; the existing literature is reviewed, and a synthesis of the case studies is presented with key points drawn out.

The international country case studies are then presented in alphabetical order. Finally, a study from India is presented.

2. Defining the scope of TVET

This paper is concerned with Technical and Vocational Education and Training (TVET) defined broadly. Many other terms are in use, such as skills development, vocational training etc but TVET is now a term in general usage.

¹ Santosh Mehrotra, Ankita Gandhi, Bimal K Sahoo, *Estimating India's Skill Gap on a Realistic Basis for 2022*, Economic & Political Weekly, 30 March 2013

A distinction is made between formal education coverage, which is the source of the general skills needed for participation in today's labour market, and the delivery of technical & vocational training, which provides more specific skills and labour competencies. However, there is frequently little coordination between formal education, TVET and the world of work.

TVET can be defined as preparation for work. It can be formal or informal, take place “on the job” or in a specialist institution. It can be very advanced. TVET is often seen as just an initial process, at the start of a person's working life, as an apprenticeship, or in a college, like a catering college, or engineering institute. But it can, and should, continue throughout a person's life and include advanced technical skills.

2.1. Trade union education and TVET

There is a distinction between *trade union education*, which is education for members and office bearers about trade unions and their roles (collective bargaining, safety and health etc), and *trade union involvement with TVET* which is about how unions can help workers, including their members, get more and better TVET, benefiting them as workers, and their enterprise. There are linkages between these two, of course.

Trade union education should be designed and delivered by trade unions themselves. TVET can be designed and delivered by government, and can involve partnership with social partners and training providers; or delivered by employers, or occasionally by trade unions. But when social partners do deliver TVET, it should be within a nationally recognized framework of skills development.

There could also be trade union education *about TVET*, which would equip union office bearers with the knowledge and skills they need in order to participate in TVET governance structures, or advise members about skills development opportunities, or to negotiate with employers about skills issues. This happens in the UK, for example, and in other countries where efforts have been made to increase the involvement of social partners in TVET.

2.2. A neglected area of research?

In preparing the four international case studies, searches were made to find out which countries might offer useful lessons for Indian trade unions. Out of the top 20 citations located on “Google scholar”, only two were published after 2000; most studies dated from the 1990s.

The majority of articles were found in Industrial Relations journals. Journals covering the field of TVET and lifelong learning had very limited references to the role of trade unions in any aspect of TVET. The geographical range was very narrow; coverage rarely extended beyond the OECD countries; in fact countries outside Europe were rarely mentioned.

Heyes remarked as long ago as 1993 that most attention was paid to the national macro policy decisions about TVET but that “the workplace, by contrast, has received relatively little attention, despite it being at this level that skills are utilised and training decisions frequently taken. In

particular, there has been insufficient consideration of the relationship between training provision and workplace industrial relations”.²

A guest editorial in the *Journal of Workplace Learning*, introducing an issue of papers given at the International Conference on Researching Work and Learning held in, Shanghai, in December 2011, remarked on the relative absence of interest: “there were several papers dealing with labor education, but surprisingly few taking up the issues about the different situation of trade unions and worker organization in different parts of the world.”³

2.3. A positive link

In an overview of earlier literature Heyes found that evidence for a positive association between training and trade union presence had been identified in studies in both the USA and the UK.⁴

As the UK case study later demonstrates, trade unions had been excluded from the governance of TVET by the Conservative government after 1979, but there was some activity by individual unions. In the late 1990s, drawing on a survey of members and representatives from the Manufacturing Science and Finance union, Heyes and Stuart (1998) found that union involvement in training decisions was associated with relatively superior training activities and outcomes at the workplace.⁵

Going beyond the UK, studies in Sweden and Germany, both countries where there is a highly developed and stable system of social dialogue, found that trade unions could influence the agenda, but little detail is available about how that trade union influence is used.

The ‘Swedish model’ of co-operation between the Social Democratic government and the strong central organisations of employers and trade unions respectively had a substantial impact on the debate over the reform of vocational education.⁶

In Germany, trade unions and workers’ representatives at plant level have been encouraged to take more ‘responsibility’ for the competitiveness of their firms and one arena for this has been inn TVET. German trade unions have negotiated collective bargaining arrangements in order to improve mutually beneficial further training decisions within German firms.⁷

² Heyes, Jason. (1993) 'Training provision and workplace institutions: an investigation', *Industrial Relations Journal*, 24, 4, 296-307.

³ Jian Huang, Henning Salling Olesen, (2012) "Guest editorial", *Journal of Workplace Learning*, Volume 24, Issue 7/8

⁴ Heyes, Jason.(2000) "Workplace industrial relations and training."

⁵ Heyes, J. and Stuart, M. (1998), *Bargaining for Skills: Trade Unions and Training at the Workplace*. *British Journal of Industrial Relations*, 36: 459–467

⁶ Lundahl, L. (1997), *A Common Denominator? Swedish Employers, Trade Unions and Vocational Training*. *International Journal of Training and Development*, 1: 91–103.

⁷ Mahnkopf, B. (1992), *The ‘Skill-oriented’ Strategies of German Trade Unions: Their Impact on Efficiency and Equality Objectives*. *British Journal of Industrial Relations*, 30: 61–81

Social dialogue over TVET exists at the level of the European Community and the social partners recently agreed to cooperate more in the preparation and implementation of education and training policies, and to develop the social dialogue on these topics.⁸

However, translating the high level social dialogue into real influence at sectoral or workplace level is more complex. In a critical discussion about the relationship between trade unions and workplace learning, based on an analysis of a series of case-studies of restructuring in the European steel industry, some well known authors concluded that “trade union involvement in skill formation and workplace learning is marginal, and contributes to the perpetuation of traditional sector practices and regressive learning provisions”. The reason is that trade unions often fail to address the significance of workplace learning for members, because they address workplace learning as a service. This approach fails to exploit opportunities and possibilities to extend workplace-learning provisions, and thereby meet the wider learning and employability enhancing needs of members.⁹

2.4. Competing through education: the case of Hong Kong

A rare non-European case of direct trade union activity is Hong Kong, where trade unions have developed an important role in narrowing the gap between employees’ educational needs and the provision of courses. Hong Kong unions’ provision of educational services is the result of their need to differentiate themselves from other unions in a competitive environment as well as of union members demanding those services in the absence of the Hong Kong Government providing them.

There is limited legal scope for collective bargaining; and a fragmentation of the trade union movement on ideological grounds. The result seems to have been an appeal to members and potential members through the offer of both wider Continuing Education and TVET.

Hong Kong unions provide flexible education arrangements and low course fees. Continuing Education is promoted as a worker’s right.¹⁰

3. TVET and the informal economy

Of particular relevance to India is a UK study that found that workers on short-term employment contracts, who are working part-time or are not covered by a union collective agreement, were significantly less likely to be involved in any work-related training to improve or increase their skills. The authors suggest that there is a trade-off between expanding the more marginal forms of employment and expanding the proportion of the work-force getting work-related training.¹¹

⁸ “Social partners and the Commission decide that more cooperation is needed in the field of education and training policies, Press Release, European TUC, Brussels, 18/10/2013”

⁹ Dean Stroud, Peter Fairbrother, (2008) “Workplace learning: a trade union failure to service needs”, *Journal of Workplace Learning*, Vol. 20: 1, pp.6 - 20

¹⁰ Wong, Chi Mei, *The roles played by unions in the provision of continuing education in the Hong Kong Special Administrative Region*, Thesis for Doctor of Education Degree, Sydney, 2012

¹¹ Arulampalam, W. and Booth, A. L. (1998), Training and Labour Market Flexibility: Is There a Trade-off?. *British Journal of Industrial Relations*, 36: 521–536

The level of “more marginal forms of employment” in India is very much higher than in the UK. Why would workers invest any time in getting trained in a particular skill if there is no clear pathway into work which utilises that skill? There does need to be a clear benefit of investment in TVET. The case for the economy as whole, and for individual enterprises is clear. It may be less clear for individual workers who spend their working lives moving from one short term job to another through a labour contractor.

3.1. The trade union approach

Macaulay’s 1835 Minute on Education stills influences education and training today. Macaulay, who drafted the Indian Penal Code, proposed an end to government support for education in Sanskrit and Persian. He thought that

*We [the British government] must at present do our best to form a class who may be interpreters between us and the millions whom we govern; a class of persons, Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect.*¹²

The danger is when TVET is designed with the same narrow parameters that Macaulay envisaged for the Indian “subjects”. In other words, to give to the workers just what they need to know in order for the enterprise to make a profit - and no more.

Trade unions will want to define TVET in as wide a way as possible as they believe in the capacity and right of their members, and indeed all workers, to develop and improve themselves. This is the ILO approach and places the worker at the centre of training, and envisages joined up pathways of learning, so the individual can continue their education, and not be obliged to stop learning whenever they have achieved just the level the employer wishes.

3.2. Why TVET is a trade union issue

Vocational training, specific skill training and on the job training give each worker the skills he or she needs for labour market entry and decent employment. Lack of skills is a serious disadvantage for a worker seeking employment. To be able to utilise new technologies advantageously and to be productive in the new forms of labour organization, a worker needs an extended period of formal education plus flexible specific training.

From the worker's point of view, the link between skills and decent work is employability (see R.195). A person has this when he or she can obtain employment, retain it, progress in it, handle the changes that take place, obtain another job if necessary, and move in and out of the work force in different periods of working life.

¹² Zareer Masani, *Macaulay: Pioneer of India's Modernization*, Random House India, Noida, 2012, is recommended for the context of the minute. Those who wish to read the full text can find it at <http://www.english.ucsb.edu/faculty/rraley/research/english/macaulay.html>

So for trade unions, the reason why TVET is so important is that it is a route to Decent Work. TVET can benefit the worker and the enterprise, and the nation. But the connection is not automatic. A worker may have skills, but the employer may not utilize the skills properly, or want to recognize higher skills through better pay, or not offer recognition of skills acquired on the job, or not give promotion (the case with black workers in South Africa during apartheid). So Social Dialogue is vital to ensure that the benefits of TVET are shared.

BOX 1

Education, vocational training and lifelong learning are central pillars of employability, employment of workers and sustainable enterprise development within the Decent Work Agenda, and thus contribute to achieving the Millennium Development Goals to reduce poverty....

A low-skill, low-productivity, low-wage economy is unsustainable in the long term and is incompatible with poverty reduction. This is the vicious circle of inadequate education, poor training, low productivity and poor quality jobs and low wages that traps the working poor and excludes workers without relevant skills from participating in economic growth and social development in the context of globalization. This also negatively affects the competitiveness of enterprises and their capacity to contribute to economic and social development.¹³

As the ILO points out,

*improving productivity is not an end in itself, but a means to improving workers' lives, enterprises' sustainability, social cohesion and economic development. ...Productivity gains arising from skills development should be shared between enterprises and workers - including through collective bargaining.*¹⁴

3.3. Involving social partners

A strong partnership between government, employers and workers is an essential feature of an effective and enduring bond between the world of learning and the world of work.

One principle that is consistent in all ILO instruments is the involvement of the ILO constituents in the formulation of policy and the application of the core labour standards. This should apply to the governance of TVET systems and institutions and the delivery of TVET in the workplace. The Human Resources Development Recommendation 2004 (195) states this in its very first paragraph¹⁵:

Members should, based on social dialogue, formulate, apply and review national human resources development, education, training and lifelong learning policies which are consistent with economic, fiscal and social policies.

¹³ Conclusions on skills for improved productivity, employment growth and development, International Labour Conference, 2008

¹⁴ Conclusions on skills for improved productivity, employment growth and development, International Labour Conference, 2008

¹⁵ Author's emphasis

And in section 4: Members *should*:

(a) Recognize that education and training are a right for all and, in cooperation with the social partners, work towards ensuring access for all to lifelong learning;

And in section 5, it repeats the principle:

Members should:

(a) *define, with the involvement of the social partners, a national strategy for education and training, as well as establish a guiding framework for training policies at national, regional, local, and sectoral and enterprise levels;*

A brief summary of Labour Standards relevant to TVET can be found in Annexe 1.

3.4. International experience

In 2004, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) undertook a General Survey on instruments concerning employment and training policies. The survey found few concrete examples of social partner involvement, outside the European Union, let alone trade union actions. Reports and discussions by the ILO in 2008 and 2010 provide little by way of detailed involvement by trade unions in TVET and confirm the literature review.

In a number of countries, the preferred pattern is for TVET to be “employer led”, based on the theory that employers are best placed to decide what skills are required, and to provide the input into designing the qualifications and training programmes to deliver the skills.

3.5. Types of trade union involvement in TVET

Whilst evidence of the involvement of TU in the growing wave of TVET reforms in the last decade, the case studies prepared for this report found five methods of action by trade unions with regard to TVET:

1. Policy, including formulating and implementing policy through national and sectoral dialogue;
2. Participation in tripartite TVET bodies, including formulation of competencies and qualifications;
3. Collective bargaining on skills and training issues;
4. Action in the enterprise and workplace on skills and training; and
5. Direct Provision of TVET

4. Policy

This is generally at a higher level, and the Philippines case study includes seeking a change in the law to ensure that TVET contains information on workers' rights. But it could include a voice in formulation of the policy framework.

4.1. Participation in tripartite TVET bodies

This is one of the most common forms of trade union action, found in three out of four of the case studies. However, it does not always translate into practical action. Trade union representatives need support to be able to put forward a distinctive viewpoint. It may be that the most practical TVET bodies to engage with are at sectoral level, such as Sector Skill Councils.

4.2. Collective bargaining

This is not very widespread in our case studies. The metalworkers union NUMSA, was very active in using bargaining structures to advance its TVET agenda in the late 1980s and 1990s, but following the dismantling of apartheid, has not sustained its interest. The British TUC actively encourages collective bargaining (which is highly decentralised in the UK) on TVET.

4.3. Action in the Workplace

This can take many forms including, as in South Africa, the legal right to sign off employers' training plans submitted for refund of the training levy - although it appears that workplace union organizations do not exercise the right in practice. It might involve a trade union office bearer advising and helping workers with their own training plans, as the Union Learning Reps do in the UK. But there appear to be few examples in the case studies or literature of trade unions organizing for TVET in the workplace. This may be because of employer opposition, or because trade unions do not see TVET as a workplace issue

4.4. Direct Provision

In two of our case studies this was prominent and it occurs in other countries too, such as Hong Kong, mentioned earlier, and Argentina. This depends upon unions obtaining funding - and involvement in tripartite structures seems to help in drawing down such funds. There should be a guarantee of funds for a minimum period of time; it is not going to be very effective to run a programme for a few months.

It is also important, that direct trade union provision, such as in the case of the Philippines, is of the same quality as that obtainable elsewhere, and offer nationally recognized qualifications.

Summary of Trade Union involvement in TVET in selected countries

	Brazil	Philippines	South Africa	UK
Policy	No evidence	Yes - for example draft law	Some, but more rhetorical.	Yes - well researched policy proposals
Participation in tripartite TVET bodies	Yes	Yes - built in TESDA, the main body concerned	Yes, highly developed TU involvement.	No. Tripartism is rare in UK. "Employer led" TVET structures
Collective bargaining	Very limited	No	Not since mid 1990s	Yes
Action in the Workplace	No	No	Legal mandate for unions, but not exercised in practice.	Yes - ULRs
Direct Provision	Yes - with state funding	Yes - with state funding	No	No

5. Role of trade unions in TVET in India

It follows from the discussion up to this point that a distinctive trade union position on TVET in India, is possible and necessary. Otherwise, the huge investment of GOI in vocational training which is planned may be dominated by employers and training providers who may have no interest in workers' own long term development.

Elements of a trade union policy might include:

1. Support for ratification and implementation of the relevant ILO conventions for example, Convention 142.
2. Involvement in the governance of the TVET system, including sectoral skills councils, state skill missions, training bodies. However, union nominees would need training and support to help them be advocates for trade union viewpoints.
3. Insistence that the TVET curriculum includes a module on workers' rights and, designed by trade unionists.
4. Increased involvement in the workplace in negotiating collective agreements on lifelong learning; and in supporting workers in taking up training opportunities. Every Charter of Demands could include a section on TVET.
5. Becoming involved in TVET should be seen as an opportunity to build union organisation. If trade unions become active in the workplace on TVET issues, this helps to make them more attractive to workers.

6. International Case Studies

6.1. Case Study 1: Brazil

6.1.1. Introduction

In 2011, Brazil became the world's sixth largest economy, with a Gross Domestic Product (GDP) of 2.5 trillion dollars and US\$12,900 per capita. The unemployment rate, one of the lowest in the region, fell to 6.2%. Despite the recent demonstrations, that have drawn attention to high levels of inequality, and resentment at spending on big projects at the expense of public services, Brazil made great progress under President Lula, who came from the trade union movement; and under his successor the same policies look set to continue.

Seventeen million formal sector jobs were created in the decade 2002 -11. GDP has been growing at a steady 5% per year for most of the last decade. Between 2003 and 2008, the minimum wage rose faster than inflation, providing workers at the base of the income pyramid with significant real gains (38.3%).

Formal employment and the minimum wage have risen, the purchasing power of those earning average pay has recovered, open unemployment has fallen, and undocumented subcontracting has been curbed. Average household incomes have risen and poverty has declined. Positive macroeconomic developments, a range of progressive government policies and improved collective bargaining outcomes have all played a part in this.¹⁶

In Brazil formal education indicators had always been low but in the 1990s there was an unprecedented move to expand enrolments, and the country now has a vocational training system that gives wide coverage and is of good quality. However, there are shortcomings in general levels of education in the population as a whole, particularly in the poorest and most densely-populated regions where a large proportion of the people do not have access to the basic skills of expression and applied mathematical skills that would open the way for them to enter more specific training programmes and accede to formal employment.

6.1.2. The trade union movement in Brazil

Freedom of Association is guaranteed by the constitution, Convention 87 has not been ratified, but Convention 98 has been ratified. In Brazil, the union structure operates at three levels: confederations at the national level, federations at the provincial level and municipal level unions. In practice, federations and confederations have a minor role in collective bargaining. The unionisation rate is around 19%.

¹⁶ For more on the recent macro-economic experience in Brazil, see Paulo Eduardo de Andrade Baltar et al, *Moving towards Decent Work. Labour in the Lula government: reflections on recent Brazilian experience*, Global Labour University Working Paper # 9, May 2010

The law permits only one union per industry or profession in a given jurisdiction, which must be at least the municipal jurisdiction, but could be city or above. That union monopolises representation in the sector. Known as *unicidade sindical* (union unity), in practice it means that workers are free to choose **not** to join a union, but not free to refuse to be represented by it; the municipal level union will represent workers and receive union dues from them, whether they are union members or not. The equivalent in India might be that one union covered say, all mineworkers in the Dhanbad area, and no other union could operate. And all miners had to pay dues whether members or not.

However, there is no legal provision for workplace organisation. Unions struggle to establish these in the face of employer hostility - and their legal monopoly does not encourage them to prioritize this work. As a result less than 10% of union members are covered by any form of workplace organization.

By law, each worker must pay a compulsory annual fee equivalent to one day's wages. It is deducted from their pay in March and then distributed to the unions, federations and confederations. A portion (20%) of the fee goes to an employment and wage fund at the Ministry of Labour. The funds are distributed in proportion to the number of workers legally represented based on the obligatory single union system, not on the number of workers actually affiliated.

National centres seeking recognition must meet the following requirements: the affiliation of at least 100 unions distributed across the five regions, the affiliation of unions in at least five sectors, and the affiliation of at least 5% of all union members nationally in the first year, rising to at least seven per cent in two years. Less than six of the 17 national centres currently in operation meet these criteria.

In May 2007, the Ministry of Labour's Union Information System counted 7,000 local unions, 19 confederations and 283 federations. Fifty-five per cent of the existing unions were not affiliated to any of the 17 central federations seeking official recognition in 2007. The CUT was by far the most important of the apex bodies, gathering together 50 per cent of all unions and federations that were affiliated to a central federation. The "Union Power" (Força Sindical, or FS) had 20 per cent, and the New Workers' Central Federation (Nova Central Sindical de Trabalhadores, (NCST), created in 2005 had 17%. The ITUC has four affiliates including the two largest organizations CUT and FS.

6.1.3. Collective Bargaining

Neo-liberal reforms in the 1990s in Brazil had a profound impact on employment relations and collective bargaining. Deregulation resulted in dramatic increase in atypical contracts, including temporary employment and service contracts. The increase in subcontracting arrangements reduced the bargaining power of trade unions.

It is interesting to note that once Brazil ratifies any international labour convention, courts can begin applying its provisions, and can rule that a collective agreement violates the standard. The Government too, can declare an agreement, or sections of it, null and void. These procedures may be contrary to C 98.

In Brazil, until 1988, public servants could neither organize nor strike – but during the 1980s, public

servants' voluntary associations called some of the most important and longest strikes in the country. The 1988 Constitution finally recognized the right of public sector workers to organize trade unions, but the law was not explicit in guaranteeing collective bargaining, so *there is limited scope for public servants to negotiate on TVET*.

Data shows that collective bargaining is undertaken by around 70% of unions, and unions in the manufacturing sector are most active. But because workplace organization is weak, or non-existent, and unions do not possess information about the enterprise, the scope of bargaining is limited. Agreements often re-state the law. Unions are obliged to limit bargaining to issues that employers agree to discuss.

6.1.4. Social dialogue and tripartism

In general, the Brazilian government has a positive attitude towards social dialogue and tripartism. In 2003, the Presidency convened the Economic and Social Development Council (Conselho de Desenvolvimento Econômico e Social, CDES) to provide advice concerning long-term strategic policies for social and economic development. The CDES is a national, multipartite council with representation from government, employers, trade unions and civil society. While it has no legal authority as such, it contributes to the national policy debate and helps shape government intervention.

Tripartism operates at the local level through Employment Committees. These are permanent bodies, with balanced tripartite membership, comprised of no less than 6 and no more than 18 members, representing urban and rural areas (with equal numbers), workers, employers and government. The main duties of these committees are: to generate knowledge on the local labour market; to guide and control local execution of policies. In 2008, all of Brazil's 26 States had established State Employment Committees (or Councils), and 3,110 municipalities (56 per cent of the total) had also registered local committees.

Presumably, the scope of these committees could include TVET, and possibly discussions are held on skills issues. However we have no data about whether this happens in practice.

6.1.5. The national framework for TVET in Brazil

In Brazil, production is not just for domestic consumption but also for export, and it includes goods with significant contributions from added value and technology

like steel and commercial aircraft. There is thus a demand for a wide range of occupational skills.

The Ministry of Labour plays the key role of overall policy and coordination, which also means, at least in theory, that TVET is more closely aligned to the needs of the labour market.

The 1995 the National Plan for Training and Vocational Qualification (Plano Nacional de Formação e Qualificação, PLANFOR) sought to increase labour productivity and set the goal of training 20 per cent of the country's economically active population. The programme was implemented through state

governments. Eleven million workers were trained between 1990 and 2001; however, many courses did not meet national guidelines. In 2003, PLANFOR was replaced by a new body, the National Professional Qualification Plan (National Professional Training Plan (Plano Nacional de Qualificação Profissional, PNQ), which established more specific content and increased the hours of training.

In Brazil today, TVET is offered by public and private institutions. The most important institutions are private and employer led and known as the “S system” as all the names begin with “S”. These include the National Industrial Training Service (Serviço Nacional de Aprendizagem Industrial – SENAI), the National Commercial Training Service (Serviço Nacional de Aprendizagem Commercial – SENAC), the National Transportation Training Service (Serviço Nacional de Aprendizagem do Transporte – SENAT) and the National Rural Training Service (Serviço Nacional de Aprendizagem Rural – SENAR). These are essentially sector bodies similar to those found in the UK or South Africa and are funded by levies of a percentage of companies’ payrolls.

Of these bodies, SENAI and SENAC are responsible for meeting most of the demand for vocational education. Brazilian enterprises can have exemption agreements with SENAI so that instead of paying in to that institution, they can use directly part of their contribution. But this must be authorised by SENAI, and that part of the levy can only be used to contract courses with it.

The various qualifications are distributed among the vocational education institutions such as SENAI, SENAC, SENAT, SENAR, Universities and Federal Educational Institutes. The private vocational educational institutions continuously monitor labour market demands.

6.1.6. Social Dialogue in TVET

The structures mentioned earlier, such as SENAI, are industry led, but have trade union participation. Trade unions sit on the boards, not on a tripartite basis, but by invitation. In addition, through their membership of the CDES (mentioned above), social partners have been able to negotiate with government on TVET issues.

According to one ILO report,

The engagement of social partners, and more generally tripartism, played a critical role in the context of the crisis [in Brazil]. To begin, the decision in 2006 that laid out the terms for minimum wage increases during 2007–2011 was the result of consultation with the social partners. In addition, the extension of unemployment insurance to workers most hit by the crisis was also a by-product of tripartite engagement. Social dialogue also resulted in a programme that offered temporarily laid-off workers the possibility of receiving unemployment insurance while undergoing training courses.¹⁷

In fact, the Bolsa Qualificação (Training Scholarship) programme was developed in the late 1990s, but was expanded in the following decade. Under the scheme workers are granted leave from jobs for a period of two to five months to participate in a training course, during which participants receive unemployment benefits. Employers are not required to pay salaries or make payroll contributions

¹⁷ Decent Work Country Profile, ILO, 2009

during this period. When the training course has been completed, participants return to their place of work. They are guaranteed employment for three months upon return to the workplace, but after this time can be dismissed; the unemployment benefit period is then reduced by the months that the worker participated in the training course (although there is a minimum guarantee of one month of benefits). In 2008 only 7,700 workers participated in this programme, but during the crisis the number of participants in 2009 jumped to over 20,000. The Bolsa Qualificação must be agreed between the employer and trade union.

6.1.7. Trade union action on TVET

Trade unions take action on TVET in three areas:

1. Direct provision;
2. Collective bargaining
3. Policy debates

6.1.8. TVET offered by trade unions

The Fundo de Amparo ao Trabalhador (Fund for the Protection of Workers) usually known as FAT, funds training projects managed by trade unions. The Council that oversees FAT is tripartite. Three of the main union federations (CUT), Força Sindical and CGT, carry out training programmes both at central level and through their branch affiliates.

CUT runs seven “Escolas Sindicais” or “union schools”. Six have a regional focus, and one is dedicated to Tourism and Hospitality. The schools seem to have a dual function of trade union education, discussion on public education policy AND skills development.

6.1.9. A school for workers

The School of Tourism and Hospitality is based in Florianópolis, the capital city and second largest city of Santa Catarina state in the Southern region of Brazil. It is one of the most prosperous cities in the country, with a thriving tourism sector. The Union School has signed an agreement with the Ministry of Tourism which is a sign of its recognition as a centre of competence.

There are programmes for employed and unemployed workers, covering the supply chain of tourism and hospitality.

The skills training developed by the union school is not restricted to only preparation for the performance of functions, but raises wider questions about the world of work, the preparation for life and for the exercise of democracy and active citizenship.

Since 2003, the School has been conducting courses Information Technology, Food and Hygiene and Food Handling, Spanish (tourists come to Florianópolis from other countries in South America), Art

and Culture, Business Relations and Sales, Restaurants and Hospitality Management, the maintenance of motors boats and other vocational courses in the field of tourism and hospitality.

6.1.10. Collective Bargaining

It appears that collective bargaining on skills issues is rare; as mentioned earlier, there are legal limits on collective bargaining in some cases. Collective agreements negotiated in the banking and automobile sectors in the 1990s seem to have included provision of skills development. In the case of banking study leave was agreed and financial incentives for workers who improved their skills.

São Paulo, one of the areas where trade unions are strongest, has seen a number of agreements, or demands by trade unions. A union of workers in the paper industry, and the journalists, and garment workers, negotiations concessions on training, including that it be should imparted in the working day.

Box 2

Automotive Sector Agreement - bipartism plus

Following collective bargaining in 1993, between private companies and the Federation of Metalworkers of São Paulo, an Automotive Sector Agreement was signed, with as a third participant the Federal Government.

The government agreed to support a "Quality and Productivity" programme in the sector, which included the training and retraining of the labour force employed.

The programme had a Deliberative Council with representation of workers.

These examples appear to be the exception. An ILO report noted that

*Even though training related to restructuring appeared in some collective conventions, generic and ineffective clauses prevailed. Agreements establishing such things as minimum investment in training, numbers of workers affected and numbers of hours were extremely rare, as were those establishing protection in cases of economic restructuring and technological change.*¹⁸

6.1.11. Contribution to policy debates

The CUT held its 1st National Conference on "Education of the Workers" in 2012 and was "an important space for exchanging experiences and debates that culminated in the consolidation of guidelines and proposals for the defence of public education."

Representative of the Ministry of Education and the Ministry of Labour and Employment were present, and workers' representatives expressed concern with how TVET policies were implemented. Trade union speakers made a number of comments:

¹⁸ *Industrial relations and collective bargaining: Argentina, Brazil and Mexico compared* Adalberto Cardoso and Julián Gindin ; International Labour Office. - Geneva: ILO, 2009

"Workers do not feel bound in the process of professional qualification. The programs are based on market logic. We cannot accept professional education and training only in the service of competitiveness of the productive sectors."

"We object to the scheme Pronatec (National Access to Technical Education and Employment), which transfers public resources to the private sector at the expense of investment required in building an education that expresses the longing of the working class. We do not want to train machines, but conscious people".

"Brazil has ratified Convention 140 of the ILO, which deals with paid educational leave, but needs to implement it."

"The curriculum of education and professional training must include knowledge of worker's safety & health and the right to union organization, "

CUT has a particular issue with the neglect of the TVET system of the 65 million Brazilians aged over 15 who have not completed basic education.

6.1.12. Implications for India

The Brazilian trade union movement has the potential for considerable influence on the skills development agenda. The largest National Centre, CUT has a very close relationship with the largest political party, the Workers' Party which has provided the previous and current president.

The trade union movement sits on the various tripartite bodies which implement and set the policy and implementing of the TVET system in the country.

However, the absence of union organisation in the workplace, and the general weakness of collective bargaining, and in particular collective bargaining around skills development, has undermined the influence of trade unions in practice.

One of the main objectives of the trade union movement has been to open up the TVET system to the large number of Brazilians who do not have high level of formal education. It is not been successful in doing this.

In many ways, the conclusions from the Brazilian case study resemble those from South Africa, where a very high level of trade union participation in tripartite structures has resulted in very little real improvement in the TVET system from the trade union point of view.

The close relationship with the state has enabled trade unions to draw on funds to run their own programmes, but the numbers overall, can be of no great significance.

A key conclusion is that influence through structures is of little value, unless accompanied by a strategy of industry and workplace based activity.

6.2. Case Study 2: Philippines

6.2.1. Introduction

The Philippines is an archipelago comprising 7,000 islands, with a population of around 100 million people, with an additional 8 - 12 million Filipinos living overseas. Of the country's total labour force of around 40 million, the agricultural sector employs close to 32% but contributes to only about 14% of GDP. The industrial sector employs around 14% of the workforce and accounts for 30% of GDP. Meanwhile the 47% of workers involved in the services sector are responsible for 56% of GDP.

6.2.2. Trade unions

Under the Labor Code, unions are classified into two kinds, based on the level or tier in which they operate. The first is the enterprise or plant-level union made up of employees of the enterprise. Such a union can have its own certificate of registration issued by Department of Labor & Employment (DOLE)¹⁹, in which case it is called an independent union; or it can be created directly by a federation, in which case it is called a charter or local. This type of union operates exclusively within the enterprise.

The second kind of union is made up of several enterprise or plant-level unions. In law, this could either be a federation (also referred to as a national union), or a trade union centre. A federation is a union with at least ten independent unions or “locals” (to use the US term) as members. The members must have collective bargaining agreements or must at least be certified or recognized collective bargaining agents in the enterprises in which they operate. A trade union centre is a combination of two or more federations.

Conflicting data is available on the number of trade union members and on collective bargaining coverage. Some observers agree that union membership is declining. An article published in May 2013, claims

*The number of organized workers nationwide dropped from a high of 2.97 million unionized workers before the law was passed, down to mere 555,000 in 2004 which further dropped to 319,408 in 2010. The 2010 number of organized workers was 10.6 per cent of the total 3,020,168 wage earners in the country at that time and less than one per cent of the country's 2009 labour force of 39.39 million.*²⁰

At the same time, DOLE states that total membership stands at 1,833,000. There were 18,428 unions registered, of which 16,544 were private sector, and 1,742 public sector.

¹⁹ The Philippines follows US spelling of labor, not labour.

²⁰ <http://asiancorrespondent.com/81540/trade-unionism-in-the-philippines-is-gone-almost/>

6.2.3. National centres

Like India, there is a multiplicity of trade unions.

There are three affiliates of the International Trade Union Confederation (ITUC):

1. Alliance of Progressive Labour (APL) 50,821
2. Federation of Free Workers (FFW) 27,078
3. Trade Union Congress of the Philippines (TUCP) 475,000

Membership data is as per the ITUC website.

Kilusang Mayo Uno, or May First Labour Movement (KMU) is an independent labour centre in the Philippines that describes itself as “promoting militant unionism”. It was created on 1 May 1980.

There are other national centres.

6.2.4. Collective Bargaining

The collective bargaining structure mirrors the trade union structure. The locus of collective bargaining since 1953 is the enterprise level. Although the Labour Code permits multi-employer bargaining, this type of bargaining, or for that matter, industry-level bargaining or national bargaining, is not practised in the Philippines.

Due to law restrictions and violation in practice, which often include the use of violence, there are only 220,000 private- and public-sector workers covered by collective bargaining agreements, or approximately 12 per cent of union members and less than 1 per cent of the total workforce.

TVET does not seem to be a topic included within the scope of collective bargaining.

6.2.5. Workers' Associations

The concept of workers' association was first introduced in 1997 through the Labour Code. The idea was to expand the options for organizing both formal and informal workers. The purpose of a workers' association is to give legitimacy to organizations that do not formally satisfy the requirements for obtaining legal status as a union (such as minimum membership requirements or existence of an employee–employer relationship) but which are nevertheless operating as mutual aid associations. It was partly also a response to the emergence of “social movementism” that was advocated by some federations as a means to expand the scope and relevance of traditional unionism. By recognizing these associations as legal entities, they could then graduate beyond mutual aid and start asserting organizational rights.

The concept of workers' association has given unions an instrument for organizing workers who are traditionally difficult to organize, such as those under formal employee–employer relationships but

nonetheless in precarious situations (i.e. low-paid workers under short-term employment contracts), or those under the personal employ of another (household workers or family drivers), or those who are self-employed (such as market vendors). This alternative form of organizing also allows unions to help their members to augment their income not by wage concessions from the employer through collective bargaining, but by livelihood assistance programmes for workers and their family members. In this context, a workers' association is a hybrid form combining elements of conventional trade unionism, rural workers' organizations and the cooperative movement.

Box 3
Migrant workers

The Philippines has long been known for its overseas employment programme, the number of Filipinos overseas was estimated at 8.579 million in 2009, divided almost evenly into permanent migrants and circular migrants or overseas Filipino workers (OFWs). Apart from helping ease the pressure of unemployment locally, overseas employment generates foreign exchange remittances, up to 10% of gross national product (GNP). Clearly, an important issue is training for workers to give them the skills to work overseas.

The government is also looking into utilizing returning OFWs to conduct training so that they may transfer skills learned abroad.

6.2.6. Social dialogue and tripartism

The government is positive towards tripartism and social dialogue. Trade union representatives sit on many national bodies on a tripartite basis, such as social security, housing.

In June 2010 Benigno Aquino became president and announced a 22-point labour and employment policy agenda. It is notable that the government recognizes that economic growth should be job-rich and the benefits of growth are spread more widely.

Point 3 of the 22 Point Agenda is to “Promote not only the constitutionally protected rights of workers but also their right to participate in the policymaking process” - a clear statement on favour of social dialogue.

Implementation of the 22 Point Agenda and the subsequent reforms were intensely debated through a social dialogue process in which 14 trade union federations and national centres took part.

The National Tripartite Industrial Peace Council (TIPC) serves as the main forum for tripartite consultation between trade unions, employers and government. In policy and practice, the DOLE does not introduce new rules, guidelines or programmes without TIPC consultation or endorsement. The TIPC is not established by primary legislation, but under rules.

Although collective bargaining at industry or sectoral level is rare, tripartite consultation and social dialogue among the social partners at levels above the enterprise has become more widespread.

There are seven industry tripartite councils covering Automotive Assembly; Banking; Construction; Clothing and Textile Industry; Hotel and Restaurant; Sugar; and the Maritime Industry.

It seems that neither the TIPC nor the industry tripartite councils have had any discussion on TVET, but this is not precluded. But the plan to roll out the 22 Point Plan includes the idea “to harness industry tripartite councils for human resource development initiatives”.

6.2.7. The national framework for TVET in the Philippines

The current framework dates from the mid-1990s following a major review in 1991 which found that there were multiple overlapping agencies and hence a lack of coherence in TVET.

The Technical Education and Skills Development Authority (TESDA) was established in 1994 through the merger of several institutions. TESDA is charged with the formulation of a comprehensive development plan for manpower based on the National Technical Education and Skills Development Plan.

Technical and vocational education is offered to enhance students' practical skills at institutions usually accredited and approved by TESDA. Institutions may be government operated, often by provincial government, or private. The vast majority are privately operated and most call themselves colleges.

They may offer programmes ranging in duration from a couple of weeks to two year diploma courses. Programmes are categorised into three broad areas:

1. technology courses like automotive technology, computer technology, and electronic technology;
2. service courses such as caregiver, nursing aide, hotel and restaurant management;
3. Trade courses such as electrician, plumber, welder, automotive mechanic, diesel mechanic, heavy vehicle operator & practical nursing.

Upon graduating from most of these courses, students may take an examination from TESDA to obtain the relevant certificate or diploma.

In the academic year 2008-2009, there were about 2.6 million college students. Approximately 1.6 million students are enrolled in private universities and colleges, with the remainder in state universities and colleges

TESDA also promulgates training regulations that provide baseline prescriptions of learning on what to be learned, how to teach, and how to assess learning.

6.2.8. Training in the workplace

The Enterprise-Based Training Act aimed at strengthening the enterprise-based training by consolidating apprenticeship and learnerships, dual training, on-the-job training and all other forms of industry-based training arrangements into one rationalized system. Under this, employers can gain some tax benefits by offering apprenticeships and other training schemes. Take up has not been as wide as hoped, but in the last year for which data can be found (2008) the target was 62,700 apprenticeships, itself a decline of 106,000 from a few years earlier. Even this figure was not achieved.

6.2.9. Social partnership in TVET

The Board of TESDA is fully tripartite, with five government representatives; two from employers; three representing workers and two from the training institutions

The Secretary of Labor and Employment is the Chairperson, so TESDA sits firmly within the scope of that ministry.²¹

The law setting up TESDA also states that

The Authority shall primarily be responsible for formulating, continuing, coordinated and fully integrated technical education and skills development policies, plans and programs taking into consideration the following:

...

...

c) equal participation of representatives of industry groups, trade associations, employers, workers and government shall be made the rule in order to ensure that urgent needs and recommendations are readily addressed;

There seems to be no provision regarding social dialogue at industry or enterprise level concerning TVET although, as noted earlier, the government does foresee a role for the tripartite industry councils in addressing skill issues in the future.

6.2.10. Trade union involvement in TVET

We can identify three areas of trade union action:

1. Direct provision of TVET
2. Influence on policy, direction and content of the TVET through TESDA
3. Proposing policy through Parliament.

There seems to be no trade union action on TVET in the workplace.

²¹ As in the USA, the “Secretary” of a government department is the same as a Minister in India.

6.2.11. Direct provision of TVET

The TUCP has established a Workers' College on its HQ campus. This is a centre for trade union education. The College also provides, in conjunction with TESDA, free vocational training. It offers easy access. Assessments for enrolment are held weekly, by TESDA staff, and classes start every two months. The following courses are offered:

Call Centre Agents

Housekeeping

Wellness and Massage

Plumbing

Welding

Computer Hardware Servicing

Electrical Installation and Maintenance

Students must be between 18 to 55 years old and have completed at least 2 years in college for the call centre course or High School for all other courses. They sit a qualification assessment administered by TESDA. If they pass, then TESDA reimburses the Workers College - a system of "payment by results".

It is important to note that these are mainstream courses, which offer nationally recognised qualifications. The quality of training in the Workers' College must be equivalent to that available elsewhere.

Ten per cent of the curriculum at the Workers' College vocational course is devoted to learning about workers' rights and trade unionism.

An example of the success of the programme works is provided in the box.

Box 4

126 proud graduates of TESDA/TUCP Workers College free training for work programme's pledge of excellence

March 22, 2011, Quezon City – “I will win. I will be a good worker. I will be better than the next person,” a pledge of excellence of every graduate as they say goodbye, reminisce the last 5-7 weeks of training and look forward with confidence to the changes and challenges awaiting them.

Resembling a traditional graduation ceremony, the 126 graduates of three courses, Finishing Course for Call Centre Agents, Housekeeping and Wellness/Massage, were formally presented to proud parents, trainers and TUCP officials. “It feels good to finally graduate. I am proud of where I came from. I am proud of being a recipient of TWC’s training program,” said Jennylyn Saavedra, a graduate of FCCCA course.

Brother de la Cruz, TUCP Youth Director, reminded graduates of much bigger challenges in life than completing the training. He stressed that TUCP with assistance from TESDA prepared graduates to succeed.

“I’ve had my share of failures, of being rejected after series of employment interviews and examinations. But I never gave up. TUCP Workers College did not only teach us communication skills but also prepared us to accept every rejection as a challenge to do better,” shared Kristina Ocampo, who delivered the graduates’ response on behalf of FCCCA scholars. After almost a month of intensive company (in-house) training, Ms Ocampo signed a work contract with a Philippine-based call centre.

Joey Apaw speaking on behalf of housekeeping graduates, said he is proud of being a product of TWC and TESDA’s exacting standards. “I am no ordinary housekeeping graduate. I am a TWC person,” Joey exclaimed.

Bro. Alejandro Villaviza assured graduates of TUCP’s support in helping them find jobs, bring better services, quality training courses for more families and communities, better opportunities, better protection for and the exercise of their rights, and help them enjoy the fruits of their efforts.

“To our new students, we will mould you to be better students and workers. To our graduates, go spread the good news! There is hope; hope for many can start at the TUCP Workers College,” concluded Bro. Villaviza.

6.2.12. Influencing the TVET system through TESDA

The main forum where trade union exercise policy influence is through the TESDA board. Here, union representatives have pressed for Recognition of Prior Learning (RPL). They have debated which skill areas could be subject to apprenticeships. This topic is relevant as employers abuse apprenticeship schemes, keeping young workers in low skill areas on low pay in the name of apprenticeship. Trade union reps have even been sitting on TESDA committees to define skill standards.

6.2.13. Policy on content of TVET

In 2011, TUCP representatives in the Philippines Congress proposed a law for the inclusion of labour education in the curriculum for tertiary education to increase the awareness of college students on labour laws, labour rights and privileges and other related concerns. House Bill 3205, also known as “Labor Education Act of 2010,” proposed to prepare the college students for their eventual entry into the labour force.

“It is imperative for college students who will eventually join the labor force as workers and employees to have knowledge about labor rights, worker’s welfare and benefits, core labor standards,

labor laws and regulations, the national and global labor situation, labor market concerns, labor issues, overseas work and related concerns,” the TUCP Representative in Congress, Raymond Mendoza said.

Mendoza sought the immediate approval of the bill saying “it is the policy of the State to protect the rights of workers and promote their welfare.” The measure was approved in 2011 by the House of Representatives, the lower House of Congress. It has not yet passed in the Senate, and the TUCP are searching for a senator to sponsor the measure.

6.2.14. Implications for India

The Philippines provides a strong basis of tripartite social dialogue. Although trade unions do not represent a high percentage of workers, and are divided, they are accepted as social partners, and represented in the key body for TVET, the TESDA. Through this, they are able to exercise influence over the TVET policies. The fact that there is one nodal agency, the TESDA, assists trade union input. Clearly, securing trade union representation on TVET bodies is a key issue in India.

Trade unions have also used their political representatives in the national parliament, the Congress, to press for education on workers’ rights to be included in the college curriculum. While trade unions do not have direct representation in the Lok Sabha or Rajya Sabha, there are certainly members of both houses who are sympathetic to the trade union movement and who could raise a trade union perspective on TVET issues.

In addition, the Philippines trade unions have been able to offer TVET directly, in conjunction with the TESDA, and help learners achieve qualifications. This is expensive, and sustainability is key. The involvement of trade unions in TESDA helps to secure funding, but is not enough on its own. Providing high quality training is as important as the representation on TESDA, to secure the funding to sustain the Workers’ College programme. Trade unions should only start this kind of programme if they can sustain high quality provision over a number of years.

6.3. Case Study 3: South Africa

6.3.1. Introduction

The South African labour market is characterized by extremely high unemployment, job insecurity, casualisation, out-sourcing, and extremely low wages - and so shares several features with India. On the other hand, it has very progressive labour legislation.

There were 191 registered trade unions in February 2013, according to the Department of Labour. There are four national centres in South Africa, all affiliated to the International Trade Union Confederation (ITUC):

1. Confederation of South African Workers' Unions (CONSAWU) 49,730 members
2. Congress of South African Trade Unions (COSATU) 1,800,000 members
3. Federation of Unions of South Africa (FEDUSA) 310,000 members
4. National Council of Trade Unions (NACTU) 310,000 members.

There are also other trade unions, outside any national centre. COSATU is perhaps the best known national centre because of its very active role in the anti-apartheid struggle. It is also part of the “Alliance” along with the African National Congress and the South African Communist Party (see box).

Box 5 The Tripartite Alliance

Since 1994 the South African state has been governed through an Alliance of the African National Congress (ANC), South African Communist Party (SACP) and Congress of South African Trade Unions (COSATU). Whilst each of these organisations claims autonomy and independence, they share a common history and core ideological persuasions which have been articulated as the National Democratic Revolution (NDR). Whilst ANC members may not necessarily have membership of the SACP or COSATU, any member of the SACP or COSATU who desires to enter politics are required to be a member of the ANC. The SACP and COSATU do not contest elections. As part of the agreement, only the ANC contests elections and as such leads the Alliance.

This paper will mainly deal with COSATU and its affiliates; very little information about the other national centres was available for this case study.

6.3.2. Correcting the apartheid legacy

The former apartheid government in South Africa effectively used race to control and restrict black people from access to economic opportunities. The under-development of black South Africans was characterised by the progressive destruction of productive assets; deliberate denial of access to skills and jobs; the undermining of self-employment and entrepreneurship.

Under apartheid, the TVET system, as with most aspects of South African life, was skewed towards helping the white minority. TVET was provided to help the white working class get qualifications to work in artisan and supervisory roles in industries like mining, the backbone of the economy. The polytechnics provided this training and the standard was high.

Post-apartheid, the system has struggled to meet the demands placed upon it. It is estimated that the South African economy requires 14,500 artisans to be produced each year, whereas the current rate is only 5000 per year. In 2011, 14% of South Africa's employers reported recruitment difficulties, down from 39% in 2007.²² It may be noted that this is not as serious as India, where 67% of India's employers reported recruitment difficulties in 2011, up from 9% in 2000.

The education system remains largely divided as long-lasting consequences of apartheid have not been suppressed yet. In particular, the quality of basic education is still very low for a large fraction of the Black African population, as shown by a number of regional and international surveys of pupil performance at school.

Lack of relevant skills in the South African labour force is a major factor in unemployment and consequently poverty. It is reported that there are nearly 4.5 million actively seeking work, and that there are nearly 3.25 million "discouraged work seekers", unemployed workers who are available to work but have not taken steps to find jobs. South Africa's level of youth unemployment is very high; about 42 per cent of young people under the age of 30 are unemployed compared with less than 17 per cent of adults over 30.²³

These young people who are not in employment, education or training (NEET), have a poor educational foundation and are poorly prepared to undertake further learning.

In addition, 2.4 million people are working in the informal economy, and many of these are doing so because they lack the skills (or their skills are not recognized through qualifications) to work in the formal economy.

In 2011, only 40% of people aged 55 to 64 were in the labour force, so the skills of older workers are lost. There is also a mismatch between skills and jobs. In 2005, 24% of South Africa's workers were over-qualified for their jobs, and 27% were under-qualified.

6.3.3. Legislation on skills and equity

Three linked pieces of legislation are relevant to a discussion of the skills environment: The Skills Development Act (1998), The Employment Equity Act (1998) and the Broad Based Black Economic Empowerment Act (2003).

The Skills Development Act provides the legal basis for skills development, including the sectoral training bodies.

²² Murtin, F. (2013), "Improving Education Quality in South Africa", *OECD Economics Department Working Papers*, No. 1056, OECD Publishing, is the source for most of the data in this section. <http://dx.doi.org/10.1787/5k452klfn9ls-en>

²³ Confronting youth unemployment: policy options for South Africa, Discussion paper, South African Government, 2011

The other two acts aim to promote and achieve fairness in the workplace (in South Africa termed "equity"), by advancing people from what are termed "historically disadvantaged" groups. These groups include all people of colour, women (including white women) and people with disabilities (including whites).

Broad Based Black Economic Empowerment Act provides the basis for positive discrimination in favour of the historically disadvantaged groups. One way is to offer preferential access to government procurement contracts. Companies in South Africa that deal with the government or parastatals must demonstrate compliance with the Broad Based Black Economic Empowerment Act (2003) as required by the Preferential Procurement Act (2005). In return, these companies must require their suppliers to be empowered to improve their rating at government. Thus Broad-Based Empowerment is driven down the supply chain. An external agency draws up a score card, and one of seven areas scored is training.

The purpose of the Employment Equity Act is to ensure workplace equity. It prohibits unfair discrimination in the workplace and guarantees equal opportunity and fair treatment to all employees. It recognises that, given the historical disparities, simply removing discrimination does not in itself result in substantive equality. The Act therefore imposes an obligation on certain employers ("designated employers") to implement affirmative action measures to advance the "designated groups" (African, Indian and coloured people, women and people with disabilities).

A key requirement of the Employment Equity Act is the elimination of all barriers, particularly unfair discrimination, in the workplace. The Employment Equity Act requires companies employing more than 50 people to design and implement plans to improve the makeup of the workforce, so that it more closely mirrors national demographics, and report them to the Department of Labour.

All employers are legally obliged to appoint a SDF (Skills Development Facilitator), to complete and submit a Workplace Skills Plan (WSP), and to report on training in an Annual Training Report (ATR) which is part of the requirement to achieve greater equality in employment.

And the employer must take "reasonable steps to consult with representatives of employees representing the diverse interests of the workforce on the conducting of an analysis, preparation and implementation of a plan, and on reporting to the Director-General (of the Labour Ministry)".²⁴

In other words, where there is a trade union in the workplace, the employer should consult it. Trade union representatives are legally entitled to monitor contraventions of the Act and report to relevant bodies.

Thus, the Broad Based Black Economic Empowerment Act, the Skills Development Act and Employment Equity Act are all linked, and provide a role for trade unions in training issues. We shall return to some of these legal requirements later.

²⁴ Employment Equity Act, 1998, Sections 16 and 17

6.3.4. The national framework for TVET

Since 1994, there have been repeated attempts to overcome the apartheid legacy in the TVET system, and new initiatives are launched regularly. There has been no lack of government efforts to make the TVET system work.

The current policy and operational framework is the National Skills Development Strategy III. The lead ministry is the Department of Higher Education and Training, which supervises all non-school education.²⁵ For TVET, this includes the Further Education and Training colleges, the 21 Sector Education and Training Authorities and the National Skills Fund - together with the related quality assurance, advisory and regulatory institutions. Some of these previously came under the Ministry of Labour.

The key area of focus for expansion is now the public further education and training (FET) college sector. The pass rates in FETs are very low and students in colleges view them as second best, and an alternative to Higher Education. Staff are poorly qualified, and have low morale after frequent changes in the system, according to their trade union.²⁶

These 50 multi-campus FET colleges have been given more autonomy, by making colleges the employers of all staff and enabling them to decide on programme offerings. Colleges are funded according to the type of programme taken by students and funds are transferred to the college and managed by it. Only state-approved curricula are funded.

6.3.5. National Qualification Framework

The SA Qualifications Act of 1995 established the South African Qualifications Authority and a National Qualification Framework (NQF), following the pattern in England and other countries. SAQA has a number of roles:

1. To oversee the development of the National Qualifications Framework (NQF), by formulating and publishing policies and criteria for the registration and accreditation of bodies responsible for establishing education and training standards or qualifications. The NQF has not been a success.
2. To oversee the implementation of the NQF by ensuring the registration, accreditation and assignment of functions to the various TVET bodies, as well as the registration of national standards and qualifications on the framework.
3. To oversee the Education and Training Quality Assurance (ETQA) regulations were published in 1998 and provided for the accreditation of Education and Training Quality Assurance bodies. These bodies are responsible for accrediting providers of education and

²⁵ The Minister for Higher Education and Training, Dr Blade Nzaminde, MP, is General Secretary of the South African Communist Party.

²⁶ The South African Democratic Teachers Union (SADTU), a COSATU affiliate, in a statement in 2010.

training standards and qualifications registered on the NQF, monitoring provision, evaluating assessment and facilitating moderation across providers, and registering assessors.

The SAQA defines a training provider as: ‘a body that delivers learning programmes that culminate in specified NQF standards or qualifications and manages the assessment thereof’.

In South Africa, 787 new qualifications were developed under the NQF, and only 180 have been used. So many qualifications being issued continue to be outside the NQF framework.

6.3.6. Social dialogue

South Africa has a highly structured social dialogue process, principally through the National Economic Development and Labour Council (NEDLAC).

At NEDLAC, Government comes together with organised business, organised labour and organised community groupings on a national level to discuss and try to reach consensus on issues of social and economic policy.

NEDLAC must review draft legislation in the labour fields before it is sent to Parliament and its comments must be considered, but it carries out dialogue in many other ways.

Extensive social dialogue also takes place on TVET and related issues on an *ad hoc* basis initiated by the Presidency. For example, in April 2013, three national centres signed the Youth Employment Accord, following lengthy negotiations. Other signatories to the accord included government, the South African Youth Council, the National Youth Development Agency, student bodies, political parties, business, and NGOs. So although not tripartite dialogue, trade unions were central to the process.

6.3.7. Social partnership in TVET

According to the Skills Development Act (1998) and the Skills Development Levies Act (1999), employers are mandated to pay 1% of their payroll towards annual skills levies. Employers can recover this levy if they can prove that they have assessed and trained employees during the year.

The levies are paid to the appropriate Sector Education and Training Authority, of which there are 21. Membership could be described as “tripartite plus”, with government, employers and trade unions as core membership, with academics, training providers and professional bodies in addition. Trade union nominees are appointed by the appropriate sectoral unions or by national centres.

There has been huge controversy about the effectiveness of these SETAs. The Higher Education and Training Minister, Blade Nzimande, has been very critical. He told the South African Parliament that

there was "little" to show for the Rand 37.5 billion ploughed into them since 2000.²⁷ Large scale corruption has been alleged, with "the boards and management members enriching themselves." The money spent by SETAs over the past 11 years was money "going down the drain with no accounting".

This has a basis in fact. In 2012, it was reported that an investigation by auditors had found "large scale looting and corruption at the Chemical Industries Education & Training Authority." Many SETAs have funded a mushrooming sector of private training providers, which has included businesses run by relations and friends of SETA staff, although also many good providers do exist...

6.3.8. Trade union involvement in TVET

Trade union nominees sit on all the national bodies involved including the SETAs and the National Skills Fund. Apart from involvement in the national governance structures such as SETAs, the key structures in the workplace are the skills development committees, also called training committees. These have a legal status, and trade union representation is mandatory.

FEDUSA, one of the national centres, has commented that workplace skills plans submitted by employers "needs to receive more attention". The skills development committees should be "involved from the conceptual phase of the plan and quality assurance mechanisms being set in place which ensure accredited training takes place." This would ensure much more involvement by trade unions in the workplace. FEDUSA believes that grants, which are refunds of the skills levy, should be dependent upon employers having provided adult basic education and training (ABET) and HIV/AIDS training within their organisations.

There is very little research about the functioning of the workplace structures. A survey of 17 metal and engineering companies in Gauteng province found that most committees are dominated by employers, and do not allow for effective engagement by shop stewards.²⁸

6.3.9. Collective bargaining

Collective bargaining is encouraged in the South African labour relations system. Of some interest are Bargaining Councils, which are statutory bodies that registered unions and employer organisations may voluntarily establish within a specific economic sector. These can agree a collective agreement that then becomes a legally enforceable instrument and can also be extended to bind non-union members if the party union has majority membership within the workplace. There are more than 40 bargaining councils at national sector or provincial level.

Co-ordination and planning of collective bargaining is therefore important. The National Union of Metalworkers of South Africa (NUMSA) recently held its National Bargaining Conference (NBC) from April 16-19 April 2013, with 450 delegates from all over the country attending.²⁹

²⁷ One South African rand = approximately INR 5.75

²⁸ *Is the Skills Act working for workers?*, South African labour Bulletin, June 2002

²⁹ NUMSA website, campaigns section www.numsa.org.za

This included what in India would be called a Charter of Demands for the metal sector, and this included specific TVET issues. There are two specific demands:

1. ABET provided by all employers in all sectors without loss of pay to those employees.
2. Skills training must be expedited across all sectors. A ratio of 3 apprenticeships per artisan must be adopted across all sectors in addition to other sector specific demands on training.

Box 6
Case study: National Union of Metalworkers of South Africa (NUMSA)

NUMSA has been the COSATU affiliate which has most consistently worked on TVET.

In 1990, even before apartheid was dismantled, the union invited employers to a conference to discuss training. The union's view was that it was not necessary to wait for a new government, but that social partners could act together. For NUMSA, the issue was that many very experienced black workers received no opportunity to receive more advanced training and to progress in their workplace. Their skills were not recognised, and white workers got training, promotion - and higher pay.

NUMSA designed a project to build knowledge of TVET amongst its workplace leaders. Workers elected one of their own number to go through a systematic training programme, and thus be able to take part in negotiations at the workplace on skills issues.

In 1993, NUMSA developed a collective bargaining strategy which sought to 'reorganise' grading along skills (and not task) lines, and push for more and better training that created career-paths for workers. It was expected that with more training, workers would gain more skills and be eligible to move up and across the various jobs in the industry and economy. Better trained workers would enable better utilisation of human resources, efficient organisation of work, bring about improvements in productivity, help to make companies more viable and competitive, and therefore bring about job security. The strategy therefore aimed for this crucial link between wages, skills/training, grading reforms, work organisation and job security.

The union was able to incorporate this in agreements in the automobile and tyre industries. The strategy fitted in with the new approach of the government.

An analysis in 2004 found "the strategy has not worked because the union did not drive it hard enough. It required the constant commitment of the union's senior leadership and it is questionable whether that was present." In addition, "ultimately, its success depends on strong company or shop floor level engagement. This would then imply sufficient capacity building amongst shop stewards and proper buy-in from employers." These factors were not present.

It may be mentioned that after the democratic government took office in the mid-1990s, a layer of union activists moved into government roles. A great deal of experience and knowledge was thus lost, and the movement has struggled to replace those activists, according to some observers.³⁰

³⁰ Adrienne Bird, *NUMSA's Vocational Training Project*, South African Labour Bulletin, June 1990;

Box 7
Case study 2: Training layoff scheme

As part of measures to respond to the crisis, the tripartite partners agreed to introduce a training layoff scheme. The rationale behind the scheme was to provide an alternative to retrenchment for employers who were forced to lay off workers due to the recession. The aims of the scheme was to keep workers in employment during the economic downturn while re-skilling them as an investment for future economic recovery. This amounted to a temporary suspension of work during which training occurs. The training layoff scheme, the first of its kind in South Africa was introduced in September 2009.

The scheme was not intended for employers which were going concerns or experiencing financial problems unrelated to the recession, but was targeted specifically at firms in distress due to the recession. The attractiveness of the scheme lay in the fact that both employers and employees gained. More specifically, employers on the scheme experienced a reduction in payroll costs since employees were longer paid but received training allowances, funded by the National Skills Fund. Meanwhile workers were still formally employed, with a contract of employment; they received a lower salary in the form of a training allowance and also received training. Training allowances were pegged at 50% of basic wages with a cap of Rand 6,239 per month. Participation in the scheme was entirely voluntary and depended on agreement between an employer and a trade union on behalf of workers OR between an employer and individual workers. Just under Rand 3 billion was allocated to the scheme of which 2.4 billion was for the training allowances and 500 million for training costs.

Training costs and the organisation of training was provided through the relevant SETA and could include generic training such as adult basic education and training (ABET). Workers could participate in scheme from maximum of three months.

Take up of the scheme was not very large, would only just over 6000 workers taking part. Many employers complained that the scheme was excessively bureaucratic and they were obliged to disclose financial information they did not feel was appropriate.

However, a review of the scheme by the ILO makes no references to the trade union position on implementation in practice.³¹

6.3.10. Trade union policy

COSATU views TVET as part of a wider socialist struggle; analysis and policy reflect the ideological orientation of COSATU as part of the Alliance:

To attain this objective (the National Democratic Revolution), one of the tools workers use is the skills development terrain (which is a plane of struggle) to achieve short term gains with the aim of achieving the long-term goal of the working class struggle – socialism.³²

COSATU held a national Education and Skills Conference attended by Affiliates in July 2012 - such events are held regularly; the previous one was in 2009. The scope was all areas of education, including schools, as well as training for skills. The conference adopted a resolution “On Skills Development”:

The Conference recognizes that the present dispensation of skills development invests narrowly towards meeting market demands and imperatives to accelerate the accumulation process in post-apartheid South Africa. It reasserts that a skills development should be part of a revolutionary process that puts transformation and development at the core of the mandate of the democratic government. The Conference further commits to overcoming the divide

³¹ ILO, *Global Jobs Pact Country Scan Africa*, Geneva, 2011

³² Jonas Mosia and Bizzah Mantantana, “Deepening radical change: Taking skills seriously”, *South African Labour Bulletin*, Vol 33 Number 4 October/November 2009

between mental and manual labour through skilfully weaving theory and practice while strengthening early childhood development, revolutionizing adult education and skills development through vocational and other training to realise radical transformation of the South African labour market to serves the needs of society.

However, it is difficult to find practical policy, going beyond such general statements.

At the 2009 Conference, COSATU identified a number of problems, but the federation and affiliates does not seem to have been able to address them. Capacity of union representatives was an overarching problem:

While we have deployed comrades to sit on many structures dealing with skills issues there is a major problem in terms of accountability. We do not have a clear picture of what these people do in those structures and there is also a problem of [lack of mandates]. The other challenge is the capacity of shop stewards to develop workplace skills plans. Affiliates have not spent time and effort on the skills revolution where it matters most, the workplace.

At the workplace COSATU identified several areas where action is needed:

1. Workplace Skills Plans must be signed off - and trade unions should demand a role in approving the plans, which is mandatory.
2. There should be Skills Development Committee in every workplace, as a joint committee where there is a trade union.
3. Every workplace must have a Skills Development Facilitator. Trade unions had initially demanded and campaigned for this to be a jointly agreed appointment of the SDF, but had given up the campaign.
4. In the 1980s and 1990s, COSATU had demanded that ABET (adult basic education and training) should be a priority. In 2009, it was admitted “we have taken our feet off the accelerator in this area. The vigour with which we used to campaign for ABET has seriously slowed down.”
5. The lack of research on “how unions have fared in the skills revolution”.

It is striking that many in the South African trade union movement can identify the problems, but real progress is limited. It is a case of diagnosing the illness, and even prescribing the medicine, but at the moment, the patient is not taking the tablets!

6.3.11. Implications for India

Formal participation does not equal influence

1. The South African labour market shares several features with India: under employment and unemployment, job insecurity, casualization, out-sourcing, and low wages. It faces similar skill challenges. It also has a divided trade union movement.
2. A key difference is the very close association between the largest national centre and the ruling party - a formal alliance. Legislation such as the Skills Development Act and Employment Equity Act provide for a formal role for trade unions in the TVET structures.

South African trade unions thus have a very high level of participation in the governance of labour market structures as well as established centralised collective-bargaining in many sectors.

3. These formal advantages do not seem to have translated into major influence on the skills agenda. It may be that because of the very close relationship between the leading national centre (COSATU) and the ruling party, trade unions feel that their role in developing and implementing policy on skills development is essentially to act as a supporter of government initiatives.
4. There are a number of examples of high level policy statements by COSATU and affiliates, particularly SADTU, but these often seem to lack details, as there is no practice base for the trade union movement to draw upon.

Support and training for union activists engaged in TVET is vital

1. It also appears that there is little support for trade union members who sit on the governance structures of labour market institutions. There do not appear to have been any training for workplace union representatives on skills, with the exception, for a time, of the metalworkers union NUMSA.
2. Indeed, some pro union analysts believe that the formal structures provide no influence for trade unions, and are not a good use of time.
3. Documentation reveals very few practical measures by trade unions or proposals for improving skills development. With the exception of the metal sector, there seems to be little workplace activity.

6.3.12. Policy issues

1. Particular attention has been paid in South Africa to youth unemployment and resources have been concentrated on young people in the transition from education to employment. It may be that this has meant a relative neglect of skills development for workers in employment, who have lower educational levels because of the apartheid legacy. It is these workers who are in many cases of the members of the trade unions. There is a real danger of unemployed youth and older workers being played off against each other. COSATU have opposed a Government scheme for a youth wage subsidy — a tax-based incentive scheme that would have given companies rebates for hiring young employees. COSATU has argued that, under the youth wage subsidy, employers would fire older, unionised employees because of the incentive to hire younger ones.
2. India's move to a national qualifications framework (NQF) approach should proceed with caution, given the limited success of the initiative in South Africa.

6.4. Case Study 4: United Kingdom

6.4.1. Introduction

Participation of social partners in the UK vocational education and training system is voluntary and decision-making tripartite institutions are non-existent; collective bargaining is limited.

In the absence of tripartite institutions for TVET, trade unions in the UK have focussed on the workplace. Since 1999, British trade unions have appointed more than 28, 000 "Union Learning Representatives" (ULRs) across all four countries that make up the UK. These are workplace based union lay officials, with the same legal rights as the traditional shop stewards, safety representatives and other workplace representatives.

However, the key difference is that they specialise in helping union members to identify their learning needs, and then try to find ways, in collaboration with the employer, to fulfil those training needs. Annually, nearly 250,000 union members are now taking up training activities as a result of the work of the union learning representatives. It is generally acknowledged by government and the employers' organisation that the ULRs have had a very positive effect in increasing the skills of workers, and independent research bears this out. Where unions are recognised and negotiate over training, employees are 24 per cent more likely to report receiving training, according to research carried out by Dr Leena Kumarappan, Working Lives Research Institute, London Metropolitan University.

6.4.2. The national framework for TVET

In the UK, the term TVET is not widely used, the terms found are "skills" and "further education".

The United Kingdom has four component parts with devolved governments - England, Scotland, Wales and Northern Ireland, and each have differing arrangements for TVET. There is an overarching body, UKCES (UK Commission

for Employment and Skills), which works in alliance with sector skills councils. . UKCES provides advice to governments, and aims to encourage greater investment in skills and industry by match funding. The multiplicity of agencies, the frequent changes

to the TVET system, and differing arrangements in each of the four countries, does make understanding the skills system a challenge. In this case study, we shall mainly describe the system in England. The TUC, most trade unions, the Union Learning Rep system and labour law, operate throughout the UK.

The Skills Funding Agency is a part of the Department for Business, Innovation and Skills (BIS) and it exists to fund and promote adult further education (FE) and skills training in England. In England, the FE and skills sector comprises more than 220 FE colleges, which were traditionally run by local government bodies, but in the mid-1990s, were detached from those local government bodies and made autonomous.

There are also some 900 recognized and licensed independent training providers, and some 2,500 lower level training organisations with which colleges and providers subcontract. The Skills Funding Agency funds these providers in England. The budget from government for skills is being cut by 25% between 2010 and 2015. But the amounts being spent are still significant. In the 2012–13 financial years the Agency will manage £3.6 billion of investment.³³ The priority is to channel funding specifically to young adults, the low-skilled and those who are unemployed.

6.4.3. Qualifications/ awards

The UK follows a qualifications framework approach. This is a framework which organises qualifications according to a series of specified levels of knowledge and skill. These levels are defined in terms of learning outcomes: the competences learners must have, regardless of whether they learned these competences formally, on the job, or elsewhere. New and existing qualifications can be placed within this system of levels according to their learning outcomes. This allows qualifications to be compared more easily, and makes it clearer how learners can progress from one level of qualification to the next.

6.4.4. Sector Skills Councils

Sector Skills Councils (SSCs) are Government-sponsored, employer led organisations “providing strategic leadership for education, training and skills development in specific economic sectors in the UK”. There are currently twenty-five SSCs, covering about 85 per cent of the British workforce. SSCs are licensed by the Government through the UK Commission for Employment and Skills (UKCES). The government reorganizes the systems every few years which may indicate that employer led bodies are not as effective as they claim. Trade union participation in these bodies is not mandated by law, although trade unions are sometimes invited to participate, especially in providing input regarding competency standards, awards and the curriculum.

6.4.5. Social partnership in TVET

In 1964, the TVET framework provided for a levy on employers, and a system of sectoral, or industry training boards (ITBs), that were tripartite. Employers could apply for a rebate on the levy they paid, if they provided training approved by the

ITB. In the 1970s, the Labour Government established a tripartite Manpower Services Commission (MSC) to take overall charge of the TVET system, and supervise the ITBs. The MSC had wide ranging powers, and substantial funding. This had area committees, again tripartite, which funded local colleges and training providers.

The Conservative government that came to power in 1979 was ideologically opposed to tripartism and soon moved to dismantle the previous system. Its preference was for “employer led” bodies. The MSC role shifted to running short term programmes for unemployed youth, and it was later abolished.

Tripartite ITBs were replaced with employer-led Industry Training Organisations, which have since evolved into Sector Skills Councils. At local level, employer led Training & Enterprise Councils were

³³ £1 = approx. INR 84

set up - and funded by government.

The Labour Government returned to power in 1997 was not in favour of formal tripartism, but trade union influence did increase. The Labour Party government identified lifelong learning as providing 'a new and modern role for trade unions'.

6.4.6. Trade union involvement in TVET

In the 1980s, British industrial relations were marked by extreme polarity, as the government attacked trade unions, living standards, and introduced privatisation. As unemployment increased, short course labour market training programs were expanded which, although disguising employment statistics, were seen as delivering low quality training.

At the same time, workplace union organisation survived, and trade unions used new legal rights to appoint workplace safety representatives (agreed in 1978), usually known as “safety reps” to create a new area of activity - health and safety at work. This set a precedent in trade unions creating lay officials specializing in a workplace issue, and subsequently the TUC has promoted other such positions, including Equality Reps and Environment Reps – and Union Learning Reps.

From the early 1990s, individual trade unions and the Trades Union Congress (TUC) began calling for workplace learning committees and rights for trade unions to bargain on training.

Even in a climate hostile to trade unions in the early 1990s, TUC regions formed partnerships with Training and Enterprise Councils (TECs). These Bargaining for Skills projects promoted union involvement in training at the workplace. The TECs were finding that they were not able to spend all their funds. Employers were not taking up the opportunities to train their workers, so the trade unions were able to link up workplaces with local colleges and training providers, essentially doing the employers’ job for them. The name “Bargaining for Skills” was however, misleading. At this stage, there was no collective bargaining regarding skills; the term did however, indicate that the TUC thought skills should be on the collective bargaining agenda and was a workplace issue.

6.4.7. The Labour Government

The Labour Government elected in 1997 was more willing to work with trade unions, as it realized that trade union involvement in training had led to increased take up of training. An important landmark was the setting up of the Union Learning Fund in 1998, (ULF) established by the Department for Education and Employment, which has disbursed around £150m.

The Union Learning Fund provided resources to trade unions to develop and build on a number of initiatives which were already under way. The ULF contributed to the development of additional roles for existing union representatives, for example, in negotiating 'learning agreements' and in providing advice and guidance to members, as well as creating new roles for union activists as advocates and enthusiasts for learning. Many of the union-led projects involved recruiting Union Learning Representatives" (ULRs) and establishing workplace learning centres. More than 550 Union Learning Fund projects have been run, involving 57 trade unions.

In 1997, the Trades Union Congress (TUC) General Council established a Learning and Services Task Group that proposed formalising "Union Learning Representatives" development through a national network, with clear roles and accredited training.

The existing programme was formalised into a department called "TUC Learning Services" under the new Labour Government, extending such activity into areas such as Skills for Life, Information, Advice and Guidance and the recruitment and training of union learning representatives (ULRs).

Since 1999, British trade unions have appointed nearly 28,000 of these "Union Learning Representatives".

Box 8
Legal rights for ULRs

Where trade unions are recognised by employers, the Employment Act 2002 provides a statutory right to paid time off work for appropriately trained union learning representatives (ULRs) to carry out a range of duties, including:

- analysing members' learning or training needs;
- advising members about learning or training matters;
- arranging learning or training;
- promoting the value of learning or training;
- consulting the employer about these issues; and
- undergoing training relevant to their functions.

In terms of meeting the condition in the Act that ULRs have been or will be suitably trained for their role, that this can be done by completing a training course approved by the TUC or the ULR's own union.

The key role of the ULRs is to assist union members to identify their learning needs, and then try to find ways, in collaboration with the employer, to fulfil those training needs. Annually, 250,000 union members are now taking up training activities as a result of the work of the union learning representatives. It is generally acknowledged by government and the employers' organisation that the ULRs have had a very positive effect in increasing the skills of workers, and independent research bears this out. The Workplace Employer Relations Survey (WERS) is carried out every five years by the Economic and Social Science Research Council (ESRC). The results of the 2009 WERS have recently been analysed and confirm that there is a clear statistical relationship between trade union activity on skills, and higher levels of training.

The success of the ULF in creating demand for learning in the workplace lay behind the government's decision to include statutory rights for 'union learning representatives' in the Employment Act 2002. This means they have the same protection as other union office bearers, such as the traditional shop stewards, safety representatives and other workplace representatives. They have the right to time off to fulfil their functions, and to attend training (see box).

6.4.8. Union Learn

Unionlearn was established in 2006 by the TUC in order to provide an ongoing framework to support union led learning in England. This is now well established as a mainstream part of the services the TUC provides to its affiliates and indeed, all trade union members.

Box 9

Transport & General Workers Union - Sainsbury's Distribution, Hams Hall

Sainsbury's is the second largest multiple retailer in the UK and as such, relies on a network of distribution centre employing packers and drivers.

Learning was a key organising tool in the T&G's '100% union membership campaign' at Sainsbury's distribution centre at Hams Hall. The union negotiated paid time off work for 100 employees each year to attend courses run by the local college, giving employees opportunities to gain recognised qualifications, including the European Computer Driving License courses and an on-site English for Speakers of Other Languages (ESOL) programme. Over a year T&G membership increased by 500 and the number of stewards increased from eight to twelve, in addition to eight ULRs and six dedicated safety reps.

Source – T&G Union Learning Representative Newsletter

6.4.9. The impact of ULRs

The most significant impact of ULRs has been on increasing the number of members taking up training in basic literacy and numeracy skills and also training leading to nationally recognised vocational or academic qualifications.

One research study found that over half of employees in unionised workplaces believe that they would be more likely to undertake learning if it was organised through a union.

Workers trust their union. ULRs are their own colleagues, and understand their position. ULRs spend time with members, and can provide independent advice, where the employer might not have the worker's best interest at heart.

But would this training have happened anyway? Research has indicated that there is very low "deadweight" in workplace projects with the training unlikely to have occurred without union involvement. Trade union organised training is not substituting for employer training. There is also significant additionality, with projects resulting in increased activities as opposed to replacing existing activities.

6.4.10. A boost to union organisation

It is important to note which union members are coming forward for appointment/election as ULRs. Although the majority of ULRs are already union representatives, holding another union post, some have come to the role fresh, and do not have another union role. In such cases, these new activists are more likely to be female (52 per cent), and are more likely to be under 40 years old - 25 per cent in

comparison with 11 per cent of ULRs that held a previous union position). Union involvement in TVET then, has provided some new activists.

Learning has become more linked to union organising; and learning and skills form part of union negotiating. Case studies indicate that learning is offering a path to union activism and encouraging new activists into the union or re-engaging those who have been active in the past.

In a number of cases, trade unions have reported an increase in membership as a result of their involvement in skills development for workers.

It changes members' perceptions of the union and the role the union will have in their personal and professional lives. We think it has a strong retention and probably recruitment impact as well. (Union learning officer, professional union)

The TUC Assistant General Secretary, Kay Carberry, has said, in a speech in March 2013:

I believe learning can help us rebuild our collective strength and drive wider trade union resurgence. I want trade unionism to be synonymous with learning. I want people to join unions because of the breadth and depth of learning opportunities we offer. And I want learning to be as much part of our industrial bargaining agenda as pay, pensions or holiday time. The learning and equality agendas are two sides of the same coin. Building a fairer and more equal Britain is up there at the top of the TUC's priorities, but we're never going to achieve this if we don't give more people learning opportunities and help ordinary people to achieve their true potential. One of the reasons we have such an unequal society is the huge discrepancy in the way people are educated, trained and offered chances to get on at work. Nearly half of British employers failed to train any of their staff – an astonishing statistic revealing 13 million workers missed out.

Box 10
Training programme and other support for ULRs

The TUC has developed a comprehensive suite of training programmes for ULRs, who have the legal right to time off with pay to attend, if their union is recognized by the employer. The TUC programme commences with a 5 day Stage 1 course, then another 5 day Stage 2 course. Specialist follow up courses are available.

Regular newsletters are mailed out to all ULRs, and guides on specific topics. For example, the TUC recently circulated a "Negotiating Brief" for ULRs on the topic of providing support for workers where English was not their first language. The government used to provide finance for courses in ESOL English for Speakers of other Languages". When this was withdrawn, the TUC issued the negotiating brief for ULRs, so that they could make the case to employers to fill the funding gap.

The TUC guidance for ULRs provided arguments to use when persuading employers to provide the finance necessary for such training, in particular the business case.

The TUC holds regular conferences, on a regional basis for all ULRs.

6.4.11. Collective Bargaining and TVET³⁴

The TUC has encouraged affiliates and ULRs to take up TVET as an issue for collective bargaining. It has produced a model learning agreement. A learning agreement is a type of collective agreement.

Collective bargaining in the UK is decentralised, and it is possible to have separate agreements. There may be a recognition agreement, which sets out the scope of management union relationship, and facilities for the union representatives. Other agreements may cover grievance and discipline arrangements. These are called procedural agreements. There are also substantive agreements, which might cover pay, holidays, pensions. These are revised more frequently than procedural agreements

Research has already shown that union recognition has a consistently positive effect not only on the extent to which employees are provided with training, but also on the amount of training they receive. Workplaces are more likely to offer higher levels of employee training (defined as 10 or more days of training per year) when they recognise trade unions, have some form of representative structure and where unions directly negotiate with management over training.

The TUC has produced a model learning agreement. There is resistance from employers to collective bargaining on training; as a general rule, employers want to limit the scope of collective bargaining, and trade unions want to expand the scope of collective bargaining.

In a research study of 281 learning agreements analysed, just under two-thirds were in the private sector and one third were in the public sector and covered workplaces employing a total workforce of 672,060. Workplaces with learning agreements were, on average, larger, had higher levels of union density and had more union learning reps (ULRs) than those without learning agreements.

Those workplaces with learning agreements are typically associated with more favourably disposed management, a higher prevalence of partnership agreements and workplace conditions arrived at by a higher degree of negotiation.

63 % of all learning agreements made reference to time-off arrangements for the take up of any learning opportunities. Paid time off was provided in around 85 per cent of cases. Normally this is on a 50-50 basis, with one hour's learning in an employee's own time covered by an hour paid for by the company. Around seven in ten agreements provided for time off with pay for ULRs. Nearly 60% of learning agreements offer both work-related and non-work-related learning opportunities.

A key feature of union-led learning is the presence of a joint learning committee representing the employer, union and sometimes including colleges or other provider. Learning committees are a central mechanism by which learning agreements are enacted and initiatives embedded. Around three-quarters of learning agreements made reference to the establishment of a learning committee. Their remit included the identification of learning needs, the development of organisational and individual learning plans, the provision for time off for learning and the responsibilities for the ongoing

³⁴ Much of this section is directly drawn from Mark Stuart, *The context, content and impact of union learning agreements*, Unionlearn, September 2011

monitoring of the agreement. In the most detailed cases they also included detailed provisions for the establishment of learning centres, the support structures that needed to be put in place for ULRs and wider matters relating to financial investment. Just under half of all learning agreements noted that the identification of learning needs was to be the joint responsibility of management and unions through the learning committee.

6.4.12. Improving social dialogue

Research has also revealed that in many workplaces, union learning has had a positive impact on industrial relations. Around four out of ten employers claimed that union learning had contributed to an increase in staff morale and employee commitment. Improvement in levels of trust between management and unions was claimed by 42 per cent of managers asked.

This is an interesting finding. Management may say they want a good atmosphere in the workplace. Working together with a trade union in the area of learning, has contributed to that outcome in many workplaces in the UK.

6.4.13. Union learning centres

600 union learning centres have been established in workplaces. Employers involved in union learning activity provide financial contributions to union learning centres mostly in the form of in-kind provision and almost nine in ten stated that their organisation would continue to be involved with union learning activity.

A union learning centre is normally a room, or suite of rooms, where training is delivered by an off-site training provider, such as a local college. The training offered is negotiated by the ULRs and employer with the training provider, following extensive consultation with the workforce.

6.4.14. Implications for India

A key feature of the UK system is the prevalence of union workplace officials, who are lay representatives, chosen by their members, or appointed by the union. These representatives are protected by law, in line with ILO Convention 135.

This feature of British Industrial Relations has made possible the development of specialist functions such as health & safety representatives, equality representatives and now ULRs.

In India, there may be advantages in considering a workplace approach. In the absence of a tradition of specialized union representatives, and legal recognition, unions could focus on well organised sectors or workplaces, with good traditions of social dialogue. The steps to be taken could include:

1. Selecting and training union workplace activists to provide them with a better understanding of the landscape of TVET in the country.
2. The training will also help them to support individual members and workers to identify their own training needs and to advise them on the right pathways to learning.

3. Finally the training will encourage them to develop partnerships with employers to make training available to all work irrespective of gender, age, caste, etc.

Indian trade unions could also consider including TVET within the scope of collective bargaining by including the issue in the Charter of Demands.

However, this would require developing some expertise within national centres, industry federations or larger enterprise level trade unions.

7. India

7.1. Introduction

India aims for a 'faster, more inclusive and sustainable growth' during its 12th Five Year Plan (2012-17) period. India's economic performance has remained consistent over the years with a recent slight slowdown. However, a number of labour market challenges have persisted. The Indian labour market is becoming increasingly informal in nature, with continuing disparities based on gender, social group, rural-urban divide and other issues along with challenges related to implementation and delivery of number of programmes addressing priority concerns such as education, employment, skills development, social protection. There are a number of recognized independent and democratic trade unions in India which strive to uphold workers' rights and interests.

7.2. Trade Unions

Though there are possible advantages through India's growing economic integration into the world markets, the trade unions (TUs) in India face some major challenges in the face of globalization and economic liberalization, which has brought about large scale informalization of work and increased labour flexibility. There is a multiplicity of trade unions across economic and industrial sectors and there are 12 TU federations (the largest five being Bhartiya Mazdoor Sangh, Indian National Trade Union Congress, All India Trade Union Congress, Hind Mazdoor Sabha, Centre of Indian Trade Unions³⁵) recognized by the Government of India as central trade unions (CTUs) on the basis of their strength and spread for purposes of regular consultations³⁶.

Three CTUs, Indian National Trade Union Congress, Hind Mazdoor Sabha and Self Employed Women's Association, are affiliated to the International Trade Union Confederation.

Over the years, the membership of the CTUs has steadily grown – 6.1 m in 1980, 12.33m. in 1989, 24.88m in 2002 – results declared in 1985, 1996 and 2008 respectively through an exhaustive verification exercise conducted by the Chief Labour Commissioner (CLC), Ministry of Labour and Employment³⁷ (a tripartite committee oversees the process). In 2013, membership claims submitted for verification by the CTUs were 90-100m³⁸ - one union leader interviewed attributed this rise in membership to a mobilization drive by all unions in the unorganized sector and also Mahatma Gandhi National Rural Employment Guarantee Scheme workers as well as farm workers had joined in large numbers. The verification is in process through a revised criterion³⁹ of membership of over 800,000 workers spread over at least 8 states and 8 industries. The outcome of the verification process determines the representation of CTUs on International and national conferences, committees,

³⁵ 1. Other CTUs are 6) United Trade Union Centre (Lenin Sarani) 7). Trade Union Co-ordination Centre 8) Swashrayi Mahila Sewa Sangh (SEWA), 9) All India Central Council of Trade Unions 10) Labour Progressive Federation 12) United Trade Union Congress (UTUC), 12) National Front of Indian Trade Unions (NFITU)

³⁶ www.ilo.org > ... > DWT/CO-New Delhi > Areas of work

³⁷ Refer footnote 3

³⁸ http://www.business-standard.com/article/economy-policy/indian-trade-unions-are-getting-bigger-coinciding-with-slowdown-113040600392_1.html

³⁹ Earlier, the criteria to qualify as a CTU was 500,000 workers spread over at least 4 states and 4 industries

councils etc. Based on these, the government allocates representation to unions⁴⁰ in organizations such as Employee Provident Fund, Employee State Insurance Scheme and Indian Labour Conference; as well as for participation in international conferences such as International Labour Conference.

The membership/affiliations of CTUs extends to all public sector undertakings such as coal, steel, railways, banks, civil aviation, transport, tourism etc. in the organized sector and agriculture, construction, handlooms, handicrafts, home-based work, etc. in the unorganised sector.

The registration of a workers union under the Trade Union Act⁴¹ (1926 – amended in 2001) provides credibility to it and through affiliation to a CTU it gets guidance and support. It is not mandatory for the management to recognize the trade union.

The CTUs have well established networks from the national, through to the state and local levels. They hold periodic meetings to interact and motivate their cadre workers besides regular dissemination/circulation of documents on pertinent issues. The CTUs also undertake trainings on labour issues as well as on roles and responsibilities of TUs – some of these are conducted by two autonomous institutions set up by the Ministry of Labour and Employment, V.V. Giri National Labour Institute and Central Board for Workers Education.

Contrary to general perception that TUs are fragmented and mainly an extension of political thought processes, the CTUs, (despite adhering to different ideologies) are taking collective actions (a convenor is elected from amongst the CTUs for a particular campaign). They have recently presented a 10 point⁴² Charter of Demands (CoDs) to the government for immediate action which includes concrete measures to contain price rise, employment generation, strict implementation of labour laws, universal social security cover for organized and unorganized workers and creation of National Social Security Fund; assured pension for all. The CoDs is under consideration by the government.

CTUs are engaged with the government, mainly through tripartite fora and actively involved at the national level but most are despondent that ‘there are only discussions, no action’. At State and district levels also interaction of the unions is generally limited to the Labour Department and sometimes that is also not there. They feel that tripartite fora do not give any importance to their views or opinions.

Views on TUs presence at the enterprise level seem to vary according to perceptions - ranging from involved on one hand and very limited on the other. Some CTUs feel, a TUs interaction with

⁴⁰<http://clc.gov.in/estb/pdf/Annexer.pdf>

⁴¹ for registration trade union must have membership of at least ten per cent or one hundred of the workmen whichever is less, engaged or employed in the establishment or industry.

⁴² The ten point Charter of Demands are: 1) concrete measures to contain price rise; 2) concrete measures for employment generation; 3) strict enforcement of labour laws; 4) universal social security cover for organized and unorganized workers and creation of National Social Security Fund; 5) stoppage of disinvestment in central and states public sector undertaking; 6) No contractualization of work of permanent/perennial nature and payment of wages and benefits to the contract workers at the same rate as available to the regular workers of the industry/establishment; 7) amendment of Minimum Wages Act to ensure universal coverage irrespective of the schedules and fixation of statutory minimum wage of not less than Rs.10,000 linked with cost price index; 8) remove all ceilings on payment and eligibility of bonus, 9) provident fund, increase the quantum of gratuity; 9) assured pension for all; and 10) compulsory registration of trade unions within a period of 45 days and immediate ratification of the ILO Convention Nos. 87 and 98.

management in the organized sector is limited to ‘resolution of industrial disputes’ and the Human Resource Department mostly looks into worker issues such as wages. Issues of skill and training are limited to relevant production processes in the enterprise.

As an example, Tata Steel⁴³ - a public limited company, effectively involves trade unions in decision making processes and all workers (38,018) are members of independent trade union organizations. Tata Steel has a three tier Joint Consultation System that ensures participation of employees at all the levels including top management. Collective bargaining issues are discussed with the recognized unions at over 11 different locations where the company is situated on a regular basis. The Apex Committee meets once a quarter, the Joint Works Council (JWC) meets once a month, and the Joint Departmental Councils (JDC) meets 2 times a month, where issues related to operational performance, safety and environment, welfare of the employees and future directions for sustainable growth are discussed⁴⁴. Workers said they feel involved and can address their concerns through these participatory processes.

Another point of view of workers is that, JDCs and JWC do not address problems of planning or management in the wider sense, but are restricted to production, productivity and safety. Most workers do not have the faintest idea about the working of the JDCs, what they discussed or what they decided.⁴⁵ There seems to be a huge gap in workers understanding and actual workplace issues.

Some CTUs are involved in imparting skills training to their members on small scale income generating activities (through unions own funds or external funding). These trainings are generally not linked to the national framework. Many unions seem not to have accessed government schemes/programmes for welfare activities or trainings either on account of perceived lengthy procedures or lack of awareness. However, some of them have been actively involved in providing health insurance to their members through the Rashtriya Swasthya Bima Yojna.

7.3. Prioritising TVET

India has the largest youth population in the world, 66% of the total population under the age of 35. Many young people enter the labour market at an early age as they cannot afford to remain unemployed. Self-employment (mainly women) and casual wage employment (mainly men) comprise a large majority of youth employment.⁴⁶ Many of them struggle to acquire the right kind of skills demanded by the employers. Through on-the-job training, they train/upgrade but have limited access to skills through formal avenues due to lack of education, awareness or means.

Though enrolment rates in elementary school levels have increased considerably, dropout rates remain high at the secondary levels. Retention of students in schools is difficult due to quality of education, teachers, curriculum and measures need to be put in place for a smooth transition from school to work.

⁴³ http://www.tata.in/aboutus/sub_index.aspx?sectid=8hOk5Qq3EfQ=

⁴⁴ http://www.tatasteelindia.com/corporate-citizen/sustainability_05/social/sp_03.htm

⁴⁵ http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_187873.pdf

⁴⁶ ILO Asia Pacific Working Paper Series : Youth employment and unemployment: An Indian perspective March 2013

As such only 10% of India's working population between 15 and 59 years has received some form of vocational training⁴⁷, only about 5% has marketable skills⁴⁸ and 12 million are expected to join the workforce every year.

Given the socio-economic advantage of skilling its new entrants and existing work force, the Government provided an impetus to the skills ecosystem through its National Five Year Plans, adoption of a National Policy for Skill Development, a focused approach through its National and State level missions – to skill 500 million workers by 2022.

7.4. Policy Framework

For individuals to gain access to decent employment and ensure India's competitiveness in the global market, the National Policy on Skills Development (NPSD)⁴⁹ lays emphasis on expansion of outreach, quality assurance, development of National Vocational Qualification Framework, establishment of Labour Market Information Systems, lifelong learning and recognition of prior learning etc. through expansion of institutional delivery mechanisms such as Industrial Training Institutes/Centres, sectoral skills development initiatives, apprenticeship training, e-learning, web-based learning and distance learning, amongst others. It also stresses on the importance of involving and consciously promoting partnerships between government, industry, trade unions etc. as well as creation of institutional mechanisms for regular consultation with stakeholders. In this context, the role of the trade unions as key stakeholders, as envisaged in NPSD, is:

1. assist in developing competency standards;
2. assist in course designing, examination and certification;
3. raising awareness about the benefit of training, skill development plans and activities among the workers;
4. promote skill upgradation and lifelong learning among the workers;
5. running special skill development institutes for skill development of workers;
6. promote investment on skill development among the employers;
7. Facilitate improving status of VET trained graduates.

7.5. National framework for TVET

At the apex level, a National Skill Development Agency (NSDA), an autonomous body, has been constituted in May 2013⁵⁰, by subsuming the Prime Minister's National Council on Skill Development (PMNCSD), the National Skill Development Coordination Board (NSDCB) and the Office of the Adviser to the PM on Skill Development – a much needed single window.

⁴⁷ Twelfth Five year plan vol 3. Employment & skill development

⁴⁸ FICCI -*The Skill Development Landscape in India and Implementing Quality Skills Training*

⁴⁹ National Policy on Skills Development, Ministry of Labour and Employment

⁵⁰ Press Information Bureau, Government of India, <http://pib.nic.in/newsite/erelease.aspx?relid=95883>

The mandate of NSDA⁵¹ is to coordinate and harmonize the skill development efforts of the Central ministries/departments, state governments, the National Skills Development Corporation and the private sector; anchor and operationalize National Skills Qualifications Framework and facilitate the setting up of professional certifying bodies in addition to the existing ones; develop a dynamic labour market information system; take affirmative action for advocacy; ensure that the skilling needs of the disadvantaged and marginalized groups like SCs, STs, OBCs, minorities, women & differently-abled persons are taken care of, amongst others.

With an aim to foster private sector and industry participation in skill training and development in Public Private Partnership mode, National Skill Development Corporation (NSDC), a non-profit company, has been set up by the Ministry of Finance. It supports skill development efforts, especially in the unorganized sector by funding skill training and development programmes. It provides services for 21 priority sectors⁵² and has been a catalyst in setting up Sector Skill Councils (SSCs).

Sector Skill Councils' are mandated to research labour market information to provide industry with skills gaps/needs of the industry, upgrade skills to international standards through significant industry involvement and develop necessary frameworks for standards, curriculum and quality assurance, develop delivery mechanisms for industry relevant training, and incorporate learning from global best practices.

In addition to these key major national agencies, 21 Central Ministries/departments⁵³ including NSDC, are imparting skill development initiatives mandated through their respective sectors. The two largest providers are:

1. The Ministry of Labour and Employment (MoLE) (Directorate General of Employment and Training - DGE&T) – is responsible for developing training schemes, evolution of policy, laying training standards, norms, conducting of examinations, certification etc. while the implementation of the training schemes largely rests with the State Governments/Union Territory Administrators. It imparts vocational training through a) its Industrial Training Institutes (ITI) and Industrial Training Centres (ITC) under Private partnership for Craftsmen Training Scheme for 8-12 class pass students; and b) Vocational Training Providers (VTP) for Skills Development Initiative Scheme/Modular Employable Skills Scheme mainly for school dropouts, semi skilled/skilled workers in the unorganized sector above 15 years of age. The National Council for Vocational Training (NCVT), with councils at State levels, is responsible for conducting the All India Trade Tests (AITTs) for certification and has academic control of the ITIs and ITCs. MoLE has a target of providing skill training to 100 million people by 2022.

⁵¹ <http://www.skillsdevelopment.gov.in>

⁵² 1. Automobile / autocomponents, 2. Electronics hardware, 3. Textiles and garments, 4. Leather and leather goods, 5. Chemicals and pharmaceuticals, 6. Gems and jewellery, 7. Building and construction, 8. Food processing, 9. Handlooms and handicrafts, 10. Building hardware and home furnishings, 11. IT or software, 12. ITES-BPO, 13. Tourism, hospitality and travel, 14. Transportation/ logistics/ warehousing and packaging, 15. Organised retail, 16. Real estate, 17. Media, entertainment, broadcasting, content creation, animation, 18. Healthcare, 19. Banking/ insurance and finance, 20. Education/ skill development, 21. Unorganised sector

⁵³ Ministries of Labour and Employment, Rural Development, Micro, Small & Medium Enterprises, Human Resource Development (Deptt. of Higher Education), Electronics & Information Technology, Housing & Urban Poverty Alleviation, Women & Child Development, Textiles (also looks after handicrafts), Social Justice & Empowerment, Tourism, Tribal Affairs, Home Affairs, Road Transport & Highways, Chemical & Fertilizers, Commerce & Industry, Development of North Eastern Region, Food Processing Industries

2. The Ministry of Human Resource Development (MoHRD)/Department of Higher Education through its All India Council for Technical Education (AICTE) prepares curriculum and imparts vocational higher education through polytechnics. The National Council for Education Research and Training (NCERT) prepares curriculum and imparts vocational education at school level through open schools.

In order to link education to employability, MoHRD is piloting a project to integrate vocational courses at the Class 9th and 11th levels in 40 schools covering 4,000 children in Haryana, in four sectors - automotive, IT, retail and security – linked to SSCs. This pilot attempts to roll out National Vocational Education Qualification Framework (NVEQF) integrated into the School system at select state run schools in Haryana.⁵⁴

The Apprentice Training Scheme, being implemented by the MOLE (for 15-18yrs old) and MOHRD (19-22 yr olds) under the Apprentices Act, 1961, has a limited approach in the formal sector. The Act is currently under review to introduce new provisions that respond to industry needs and increase participation.

Through partnering with the private sector, the ITI/ITCs, Polytechnics have achieved significant growth in training infrastructure, seating capacity as well as imparting demand-driven courses besides conventional subjects. Support provided by international agencies such as on policy, technical and infrastructure development has also provided a fillip to the overall skills arena.

7.6. Social dialogue and Social partnership in TVET

Social dialogue is encouraged by the government. Though there are many tripartite fora (over 44) established on various issues; the Indian Labour Conference (ILC) convened by the Ministry of Labour and Employment at the national level is an important forum for the social partners to voice, debate and generate consensus on labour policy, (new/existing) legislative proposals, socio-economic and industrial issues as well as to set-up committees for in-depth analysis. The ILC is convened by the Government. However, there no automatic implementation of the proposals discussed. Skills development has been an important part of the discussions in the ILC.

Another tripartite forum directly involved with TVET is National Council for Vocational Training (NCVT)⁵⁵. NCVT advises MoLE on vocational training, prescribes standards in respect of syllabi, equipment, and scale of accommodation, duration of courses and methods of training; lays down standards for certification etc. The sub-committee of NCVT meets 3 to 4 times in a year to deal with affiliation and other issues of craftsmen training. Approval/comments from members of NCVT on syllabi and other urgent issues are sought through circulation of documents before implementation.

⁵⁴ http://mhrd.gov.in/sites/upload_files/mhrd/files/2013-Sept-16%20MHRD%20Review%20Meeting.pdf

⁵⁵ <http://dget.nic.in/schemes/cts/nvts.pdf>

7.7. Trade Union involvement in TVET

There is growing acknowledgement from all sides that trade unions need to be actively engaged in the evolving skills scenario in India. Most of the CTUs say their involvement in the skills development arena is only limited to discussions in meetings. CTUs feel NSDC is mentoring SSCs with only employers' participation and not workers. CTUs espouse keen interest in skill development and would like to be part of the SSCs. Most of the CTUs or their affiliates have membership in the priority sectors identified by NSDC and could be a great asset for the SSCs with grassroots level penetration and hands on experience in the industry. NSDC is yet to invite CTUs to the SSC meetings though the NPSD denotes the importance of consciously promoting partnerships between government, industry, trade unions and other stakeholders.

The TUs are one of the key stakeholders in skills development. Some of the CTUs feel they have come a long way from resisting technology and change to favouring it, as needed, for the benefit of workers.

CTUs also feel they need training on TVET for effective participation and as lead players in the skills arena. They candidly acknowledge that not much information on TVET has been shared in their cadres as also on government schemes on skills development. Though the CTUs had been involved in meetings leading to the adoption of NPSD, many seem unaware of the NPSD or their role in it.

The TUs can play a key role in mobilizing and awareness raising of workers through their extensive network of channels on the benefits of training, skills upgradation, certification, lifelong learning, helping workers in making informed choices as well as running special skill development training centres for workers. Equipped with information, TUs can confidently take a lead role as a partner in the activities of SSCs.

There is all-round agreement that TUs currently have a limited involvement in the emerging skills system, and this situation needs to change, including through wide dissemination of some examples where trade unions are involved in making a contribution to take the skills development agenda forward in India. While there are others, the following case study captures one sectoral example facilitated by the ILO.

Box 11

Case study: Trade union's involvement in skills development: Moradabad Brass ware experience

Hind Mazdoor Sabha (HMS), a central trade union (TU) affiliate of the International Trade Union Confederation (ITUC), through its local arm in Moradabad, has been actively taking the lead in Moradabad brassware cluster using MOLE's Skills Development Initiative (SDI)/Modular Employable Skills (MES). This centuries old cluster, with predominantly informal/on the job skill training, is presently moving towards making more informed choices on skills acquisition/enhancement/up-gradation/certification.

While on one hand, HMS, campaigned as well as sensitized workers on relevance of skill development/upgradation and certification and on the other hand, it held dialogue with employers on the advantages of employing skilled workers. It was not easy for HMS to break into the cluster dynamics as it was initially looked at with suspicion – on the one side, exporters/employers for, obvious reasons, were not supportive of the entry of TU in their work domain and workers, on the other side, were apprehensive about not understanding the TU's role in their precarious work environment. Slowly perceptions did change as HMS was seen working as an active development partner. It is now viewed by all stakeholders as a 'dependable'

partner.

Moradabad is characterized by a huge divide between workers and employers. As it is an export cluster, the work orders are seasonal. As such to decrease liability, the exporters/employers prefer to outsource the work through karkhanedars (contractors) who, in turn, distribute the work to artisans. The exporters prefer to assemble and finish the product themselves for quality control as well as for fear of plagiarism.

HMS is in the forefront of activities towards streamlining the skills development initiative at the District level. The TU assisted in

- a) setting up an Implementation Committee (locally known as Kaushal Vikas Samiti-KVS) under the chair of District Magistrate/Collector, comprising of local key stakeholders with representation from the government, civil society organizations, esp. employers and workers organizations; academic, technical and training institutions;
- b) social mobilization/sensitization of cluster actors on skills development/upgradation;
- c) networking amongst stakeholders;
- d) conducting skills mapping and needs assessment along with other workers organizations in collaboration with the District Industries Centre, Moradabad;
- e) identifying market driven trades/processes and prioritizing for imparting skills training;
- f) developing curriculum/modules and related competency standards for identified processes (engraving, etching, electroplating, lacquering) in brassware, step by step with the institutional memory of master crafts person/artisans together with workers/technical institutions/industry as no formal training curriculum/material were available. (Engraving level 1 and Etching have been approved by the National Council for Vocational Training (NCVT) and integrated into the GOIs Modular Employable Skills (MES) programme. Based on this, trainers guides have been prepared);
- g) identifying trainers from amongst the master crafts persons based on a selection criteria;
- h) identifying vocational training providers and assessment centres;
- i) motivating youth to undertake trainings and master crafts persons/artisans to apply for assessment and certification;
- j) continuing dialogue with employers on taking apprentices.

The above work is in progress as the TU is committed to take the agenda of skills development forward in a coordinated manner with all other committed partners.

The TU has been able to increase its membership base through organizing the brass workers into a registered union known as Peetal Mazdoor Karkhanedar Sangathan (Brass Workers' Association). It has also formed producers groups (through self-help group mode) which have been federated for collective actions. Through skill training, participation in campaigns, interaction with stakeholders, the members, especially women, have been able to build capacity and confidence to interact with buyers and market their products. The increasing recognition of HMS as a development partner also provides it with opportunities to factor inputs into policy debate at the local level. The trade union is sought after for conflict resolution amongst workers and also between employers and workers.

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9. Annexe: International labour standards on TVET

TVET policy should be firmly based on ILO standards, which include:

1. Human Resources Development Convention, 142 (1975);
2. Human Resources Development: Education, Training and Lifelong Learning Recommendation 195 (2004)
3. Paid Educational Leave Convention, 140 (1974)
4. Employment Policy (Supplementary Provisions) Recommendation, 169 (1984)
5. Employment Policy Convention, 122 (1964);

The most up to date international labour standard is the Human Resources Development: Education, Training and Lifelong Learning Recommendation 195 (2004) which proposes that

Members should identify human resources development, education, training and lifelong learning policies which:

1. facilitate lifelong learning and employability as part of a range of policy measures designed to create decent jobs, as well as to achieve sustainable economic and social development;
2. give equal consideration to economic and social objectives, emphasize sustainable economic development in the context of the globalizing economy and the knowledge- and skills-based society, as well as the development of competencies, promotion of decent work, job retention, social development, social inclusion and poverty reduction;
3. stress the importance of innovation, competitiveness, productivity, growth of the economy, the creation of decent jobs and the employability of people, considering that innovation creates new employment opportunities and also requires new approaches to education and training to meet the demand for new skills;
4. address the challenge of transforming activities in the informal economy into decent work fully integrated into mainstream economic life; policies and programmes should be developed with the aim of creating decent jobs and opportunities for education and training, as well as validating prior learning and skills gained to assist workers and employers to move into the formal economy;
5. promote and sustain public and private investment in the infrastructure needed for the use of information and communication technology in education and training, as well as in the training of teachers and trainers, using local, national and international collaborative networks;
6. reduce inequality in the participation in education and training.

Another recent, and detailed, policy framework can also be found in the *Training Strategy* prepared by the ILO for the G-20 group of countries meeting in 2012.