

Workers Mobilization for Policy Interventions

CONTEXT:

Nepal is passing through a transitional politics since a decade. Drafting new constitution is a prime concern for all political parties whereas major trade unions are playing a role of watchdog for including fundamental rights of workers into it. Apart from the constitution, another important step for protecting labour rights is to draft labour friendly laws in line with international norms and standards. ILO-social partners are in the process of social dialogue for drafting new package of labour laws in Nepal since a decade but the transitional politics have overshadowed it, although a foundation has been created through intensive ground works (workshops, interactions, consultations). Workers' Bureau has been instrumental in capacitating unions in Nepal for giving their inputs in the dialogue process.

Major trade unions (ANTUF, GEFONT and NTUC) in close collaboration with ILO/ACTRAV are playing key roles in advocating for workers' friendly constitution, labour laws commensurate to international obligations that Nepal Government is a part of. They have prioritized C87, C189 and C102 as key conventions in Nepal and are demanding for immediate ratifications of these conventions. Some preliminary works for introducing social security system are completed. A Social Security Fund (SSF) has been created where the government is collecting 1% of social security contribution from the workers, although the application and operation of the contribution is still unclear. A bill called Social Security Organization Act is drafted. There has been a high level national agreement between major trade unions (ANTUF, GEFONT and NTUC) and the apex body of the employer (FNCCI) for contributing 11% and 20% of monthly wages respectively from the workers' and employers' side. However, in lack of proper initiation and will power of the government and frequent changes of government, concrete progress are yet not achieved.

In this context, follow-up activities for drawing attention of the government and employers have been inevitable. The election of 2nd Constituent Assembly (CA), formation of Legislature and a stable government have created a relatively favorable condition for coining positive results which requires joint actions from all unions. Mobilizing young leaders including women from both sectors (formal and informal) can keep the momentum going so that Nepal can progress towards ensuring labour rights.

RATIONALE:

The newly elected second CA is supposed to draft a new constitution of the country. The same CA members also take the responsibility of parliamentarians for passing laws in the country. There are 5 active leaders (3 from GEFONT and 2 from CONEP) from the unions in the CA. Although all major political parties have expressed their commitment on including the fundamental rights of workers in the constitution, the unions strongly feel that the orientation, interaction and lobby through the labour leaders in the CA and also through the focal persons of labour section of each party is highly essential for establishing these rights in the new constitution. Orientation to the newly elected CA members on Nepal Government's commitment on international labour standards through the ratified ILO conventions and about the on-going progress on drafting of new labour laws (Labour Act, Freedom of Association Act, Social Security Organization Act, National Labour Commission Act and Unemployment Insurance Act) is also another important strategic option for the unions in protecting worker's fundamental rights. The three unions have prioritized and demanded for immediate ratification of C87, C189 and C102. The unions want to lobby with the newly elected CA members of major political parties for pushing the ratification campaigns and also draw attention of the

government on application of all fundamental ILO conventions. The half-day interaction programme organized by the three unions (ANTUF, GEFONT and NTUC) in collaboration with other trade unions associated with JTUCC and in technical and financial support with ILO/ACTRAV is supposed to meet these challenging tasks. The unions will form a core group of CA members that can lobby with each party for protecting workers' rights issues in the CA and/or legislature parliament.

Majority of workers in Nepal are engaged in informal economy that includes the sectors like agriculture, domestic work, construction and other several self-employed occupations. These workers, are demanding laws and policies that can bring them under the legal framework in Nepal. Promulgating new labour law and introducing social security system for all workers (formal and informal) in Nepal are two key demands that the unions put forward while negotiating with the government and the employers. Voices of workers from these two broader sectors are key in formulating the laws and introducing way outs of social security schemes vis-à-vis their contributions. There is variations on social security benefits within formal sector workers. Government employees, public sector employees and other private sector workers differ in terms of social security benefits. Keeping their benefits intact, introducing the schemes to all informal economy workers is a contentious issue in Nepal. The view-points of major trade union leaders from formal and informal sectors through separate workshops will be fruitful to make a common position of all unions. The views so collected from the two workshops, can be a basis for lobby and advocacy with the legislatures and other concerned stakeholders in an interaction programme.

Considering these needs, the three unions (ANTUF, GEFONT and NTUC), in collaboration with ILO/ACTRAV intend to sensitize their leaders and mobilize youth and women with an intention of educating them on the one hand; and advocate and lobby for completion of labour market reform process, immediate ratification of C87 and active ground work towards ratifying C189 and C102 on the other. The three unions will also engage other influential partner trade unions affiliated with the umbrella body, JTUCC at appropriate level. The activities will include:

1. A strategic meeting of high level union leaders for preparing a common position paper on – Labour Laws, Social Security Issues & Promotion of ILS
2. Conference of plant level union leaders from all sectors to discuss and interact on the three issues Labour Laws, Social Security Issues and Promoting ILS
3. Interaction with CA members on ILS, Labour Law, Social Security Law

OBJECTIVES:

The objectives of these trade union actions are:

- a) Sensitize union leaders of both (formal and informal) sectors about the progress and status of drafting new labour laws
- b) Discuss possible way outs for introducing social security systems and benefits
- c) Lobby with policy makers (CA members) for completing the labour market reform process and ratification and implementation of ILO conventions 87, 189 and 102

OUTPUTS:

- a) Common positions of all trade unions on labour laws, social security benefits developed
- b) Mobilized plant level union leaders for protecting workers' rights
- c) Formed a Trade Union Support Group of CA members
- d) Sensitized the CA members about the ILS and their linkages with new labour laws and social security systems

ACTIVITIES:

1. **Strategic meeting of high level union leaders:** A 2-day workshop of senior leaders of the three unions will discuss about the present context of labour issues. They will particularly discuss about the three key issues:
 - a. **Labour Laws:** What is going on with regards to the new labour law package? What are the differences between the unions themselves and the difference with the employers? What will be a common minimum position of trade unions about the new labour law in Nepal? The meeting will also prepare a common understanding and position of the unions that can be discussed with the plant level union leaders and validated/endorsed by them through a national conference.
 - b. **Social Security Systems:** The strategic meeting will also discuss about the progress and problems on introducing social security system in Nepal. Including all workers (formal and informal) under the coverage of social security benefits is what the unions are advocating for. Some concrete recommendations are needed to introduce social security for all in Nepal. The three unions will discuss on these issues and prepare a common position paper through a strategic meeting. The position paper will then be discussed and validated or endorsed by a national conference of workers
 - c. **Promoting Labour Standards:** The union leaders will also discuss on the ways of promoting overall workers' rights through promoting labour standards. Ratification of C87 is long standing despite a heavy homework on it. Unions want an immediate ratification of this convention. Similarly, they will discuss about the situation of ratifying C189 and C102 (linked with Social Security System in Nepal). In addition to this, Nepal need to prioritize other conventions which can play crucial roles in protecting the rights of Nepalese workers in both formal and informal economy. These conventions will include – C181, C177, C81, C122, C143 etc. The unions will discuss about including conventions as well in the ratification priority list in Nepal.
2. **National Conference of Plant Level Union Leaders:** A two-day conference of plant level union leaders from all sectors and geography will be organized and the conference will discuss on the issues and concerns of workers vis-à-vis on-going labour market reform process. The sectors will include – Civil Servants, Public Sector Workers, Manufacturing and Service sector workers, Teachers from formal economy and - Agriculture, Construction, Domestic, Home-based, Casual workers (porters, rikshaw pullers, loaders, cleaners etc.) and Self-employed occupations (barber, beautician, street vendors etc,) from the informal economy. A total of at least 300 leaders (at least 33% women) from the above sector will take part in the intensive discussions, group work and interactions. The common position papers of the unions on Labour Laws, Social Security System and Promoting Labour Standards will be presented in the conference and including their views these position papers will be endorsed. In the end, the conference will pass a declaration on protecting the rights of the workers and will also recommend possible way outs for introducing major social security schemes for all workers in Nepal. The conference will take place in Kathmandu.
3. **Interaction with Constituent Assembly Members on ILS, Labour Laws and Social Security:** Based on the declarations and recommendations received from the national conference, the three unions will organize a half-day high level interaction meeting with the CA members, Government Officials including the Employers representatives. Some key leaders of key

political parties and media representatives will also be invited to highlight the importance of protecting workers' rights. There will be a gathering of about 80 personalities from the above bodies (20 senior leaders from major trade unions, 30 CA members, 10 leaders of political parties, 10 Journalists and 10 other stakeholders). A presentation about the ILS, will be made by ILO experts (Workers and/or Standard Specialist) and union representatives will present their position papers in the interaction. The conference will take place in Kathmandu.

IMPLEMENTATION MODALITY AND PLAN:

The activities will be implemented by the three major trade unions (NTUC, GEFONT and ANTUF) in close coordination and consultation with the ILO/ACTRAV Norway Project. Senior Workers' Specialist and Standard Specialist will also be invited in the conference and high-level interaction programme with the CA members. In the conference, the representatives from Social Security Fund and Ministry of Labour will also be invited to make their presentations about present status on SSF and the new Labour Laws. A rapporteur will be hired to take notes of the three activities. The activities will be completed by the end of December, 2014.

a. Dates and Places:

Strategic Meeting of High Level Union Leaders : September 3, 2014, Kathmandu
National Conference of Plant Level Union Leaders : October 27 - 28, 2014, Kathmandu
High Level Interaction with CA members : November 2, 2014, Kathmandu

b. Breakdown of Participation:

There will be at least 300 (100 each from NTUC, GEFONT and ANTUF and at least 33%women) plant level union leaders mostly representing the collective bargaining unions of the plants throughout Nepal. The three unions will also include the representation of JTUCC partner trade unions as appropriate.

c. Conference Outlines:

The conference will have a small opening sessions in the beginning and a grand closing session in the end. Senior leaders (Presidents or General Secretaries) of the three unions and a representative of Ministry of Labour and Management will be invited in the closing session. In each conferences, a representative from Social Security Fund (SSF) will be invited to make a presentation as resource person to highlight the present status of social security fund and its development in Nepal. There will be three thematic sessions (Labour Laws, Social Security and International Labour Standards) followed by group work or interaction as appropriate. The group work will be conducted making separate groups of formal and informal sector workers or will be divided based on the sectors that align with the Global Union Federations. In the last day, the unions will prepare action plans and also pass a resolutions/declarations for protecting workers' rights in Nepal.

d. Organizing and Logistics:

The three unions will form a 3-member team to organize these three events in close coordination and collaboration with ILO/ACTRAV. The banner will have logos of the three unions and ILO/ACTRAV. ILO/ACTRAV Norway Project team will support the organizing committees in terms of logistic and financial matters as per ILO rules and approved budget.