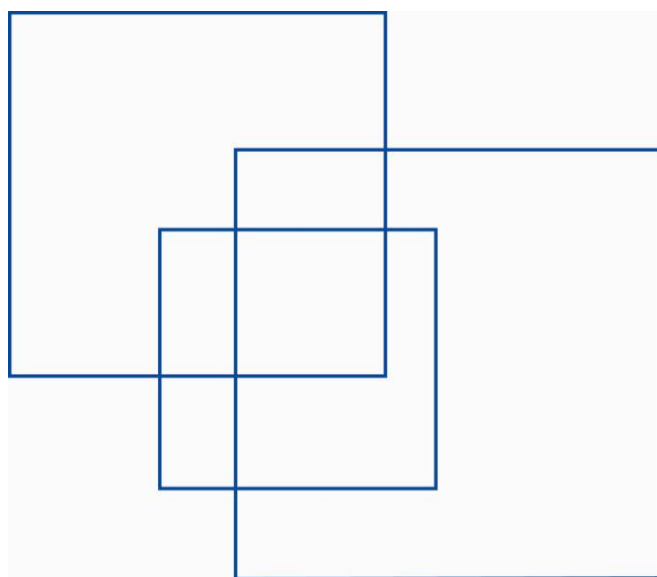




International
Labour
Office

WORKSHOP REPORT
ILO Action Programme:
Strengthening Social Dialogue in the Utilities Sector
Abuja, Nigeria
15-16 September 2009



About the Report

The Conclusions adopted by the ILO Tripartite Meeting on Challenges and Opportunities Facing Public Utilities (Geneva, 19-23 May 2003) note that “the best way of addressing the issues in the utilities sector would be through national and regional activities.” Furthermore, the Resolution adopted by the Meeting requests the ILO to “facilitate national, regional and sub-regional meetings of the social partners to promote social dialogue in responding to the current challenges to public utilities in order to meet basic human needs in water and energy, and implement the UN Millenium Declaration” and, also, to “facilitate social dialogue by including municipal utility operators and local authorities in appropriate forums and by facilitating the dissemination of best practices and guidelines on the restructuring of utilities.” The workshop that this report summarizes advances these goals. The workshop and this report were made possible through the support of the ILO Office in Abuja for Nigeria, Ghana, Liberia and Sierra Leone, and the help of Chinedu Moghalu, Programme Officer.

This report is designed to allow the participants of the workshop to communicate the message of social dialogue to their constituents— union members, employers and government officials—with ease. This purpose follows the assertion in one of the presentations, that after attending the workshop each of the participants is a resource, and that the ILO views people not so much as “human resources” but as *resourceful humans*.

We invite you, the readers, to review the presentations contained in this report and speak to your colleagues about them, discuss the ideas and use the checklists. Particular attention should be paid to the presentation on Social Dialogue in Organizational Change and the information on Gender Mainstreaming, since they address the main purposes of Social Dialogue: to empower the human component of the utility companies to make reforms successful, for the sake of water and electricity users.

I hope that you will find this report to be a useful tool.

Carlos Carrión-Crespo
Utilities specialist
Sectoral Activities Department, International Labour Office

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GLOSSARY OF TERMS USED

AUPCCSTRE	Amalgamated Union of Public Corporations Civil Service Technical and Recreation Employees
BOO	Build, Own and Operate
BOOT	Build, Own, Operate and Transfer
BOT	Build, Own and Transfer
BPE:	Bureau for Public Enterprises
DBO	Design, Build and Operate
EC	European Commission
IFC	International Finance Corporation
ILO	International Labour Organisation
LAWMA	Lagos State Waste Management Authority
MYTO	Multi-Year Tariff Order
NEPA	National Electric Power Authority
NERC	Nigeria Electricity Regulatory Commission
NIPP	National Integrated Power Project
NLC	Nigeria Labour Congress
NUEE	National Union of Electricity Employees
PHCN	Power Holding Company of Nigeria
PSP	Private Sector Participation
RE:	Regional Electricity
ROI	Return On Investment
SSAEAC	Senior Staff Association of Electricity and Allied Companies,
SSASCGOC	Senior Staff Association of Statutory Corporations and Government Owned Companies
SSASTRAC	Senior Staff of Statutory and Allied Corporations
TUC	Trade Union Congress of Nigeria
UN	United Nations
UNICEF	United Nations Children and Education Fund
UNIDO	United Nations Industrial Development Organization
USAID	United States Agency for International Development
WB	World Bank

Background

The first meeting of the National Steering Group for this programme was held on 8 May 2008. The participants approved terms of reference for a study on the state of social dialogue in water and sanitation utilities, and another study on the state of social dialogue in the electric utilities in Nigeria. They also agreed that Professor Sola Fajana would perform the studies. They also agreed to hold a second meeting after the report was delivered to provide feedback. Under the agreed action plan, the ILO was expected to hold a workshop with wider participation from social partners to validate the reports, adopt its own conclusions and recommendations, and plan on how to implement those recommendations.

Purpose: The objective of the mission was to facilitate the second meeting of the National Steering Group, for a total of two days. The objective was to enable the social partners to devise plans of action for future activities to strengthen social dialogue in the utilities sector.

Attendees: The meeting and the workshop were attended by 37 persons representing the Federal Ministries of Labour, Power, and Water, as well as the National Electricity Regulatory Council (NERC), Power Holding Company of Nigeria (PHCN), FCT Water Board, and the unions and employers in both water and electricity sectors. Ten of the workshop delegates were women, despite the fact that the Governing Body has approved a resolution instructing member States to include greater numbers of women in the delegations to ILO meetings. Half of the worker representatives and two of the government representatives were women, but none of the three employer representatives were.

Mr. Joseph Ngu, Officer in Charge of the ILO Abuja office, represented the Director of the office Ms Sina Chuma-Mkandawire.

Opening

The Director of Policy Analysis, Immanuel Izuegbu, Research and Statistics from the Ministry of Labour and Productivity introduced the NSG meeting and requested a volunteer to open the day with a prayer.

Mr. Ngu delivered the opening speech on behalf of Ms. Chuma-Mkandawire, welcoming the participants and pledging the ILO's support for the activity.

Representatives of the Trade Union Congress and Nigeria Employer Consultative Association delivered messages of goodwill.

Agenda

- 1. Introduction to the ILO**
- 2. Principles of Social Dialogue**
- 3. Brainstorming on worker needs**
- 4. Planning for social dialogue**
- 5. Discussion on issues prior to social dialogue**
- 6. Presentation of reports on social dialogue in the utilities**
- 7. Suggestions by participants**
- 8. Discussion of agenda for social dialogue**
- 9. Implementing Social Dialogue**
- 10. Discussion on proposal for social dialogue**
- 11. Monitoring/Evaluating social dialogue**

Discussion

Mr. Carrión-Crespo delivered an introduction to the ILO and informed the participants about the status of the project.

INTRODUCTION TO THE ILO

The ILO was founded in 1919 at the end of the war, and joined the UN system in 1946 as its first specialized agency. The ILO has 183 member states. The ILO promotes social justice and internationally recognized human and labour rights. The ILO formulates and promotes international labour standards in the form of Conventions and Recommendations setting minimum standards of basic labour rights. It also develops and promotes the implementation of codes of practice, guidelines, manuals and training materials and provides relevant technical assistance.

In 1969, the ILO was awarded the Nobel Prize for Peace in recognition of the fifty years of work for social justice as the best deterrent for wars.

The ILO has a tripartite structure, unique within the UN system, in which workers and employers participating as equal partners with governments in the work of its governing organs.



The three keys used for the inauguration of the ILO offices in 1926, which symbolize the tripartite character of the ILO

The International Labour Conference gathers representatives of all groups in all countries once a year to consider labour standards and reports from the countries and committees, including the Committee on Freedom of Association. Participants also elect the members of the tripartite Governing Body, which will run the affairs of the ILO for the following year. The Governing Body is composed of 28 government representatives, 14 employer representatives and 14 worker representatives and meets three times a year to design the activities of the ILO. Every five years, it also elects the Director-General. The Director-General, in turn, supervises the work of the International Labour *Office*, which is composed of the staff who perform the day-to-day work of the ILO.

The ILO'S "Decent Work for All" agenda seeks to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. The ILO formulates and promotes international labour standards in the form of Conventions and Recommendations setting minimum standards of basic labour rights. There are four fundamental principles that the ILO promotes through eight fundamental conventions:

1. Freedom of association and effective recognition of the right to collective bargaining (Convention Nos. 87 and 98);
2. The elimination of all forms of forced or compulsory labour (Convention Nos. 29 and 105);
3. The effective abolition of child labour (Convention Nos. 138 and 182); and
4. The elimination of discrimination in respect of employment and occupation (Convention Nos. 100 and 111).

Nigeria has ratified 34 ILO Conventions, including all 8 fundamental Conventions.

The ILO also develops and promotes the implementation of codes of practice, guidelines, manuals and training materials and provides relevant technical assistance.

The Sectoral Activities Department carries out activities in 22 economic sectors. This approach enables the ILO:

- ✓ To get close to constituents: those who work, and their employers
- ✓ To address targeted, practical issues
- ✓ It reflects growing importance of sectoral social dialogue, and encourages it
- ✓ To promote and implement many Conventions that are sector-specific
- ✓ To promote Decent Work at the sectoral level
- ✓ To get messages from the “real world”



Mr. Carrión-Crespo informed that the reports that were commissioned had been delivered and approved, and would be validated during the workshop.

He also informed that that the Governing Body of the ILO had authorised follow-up activities during the 2010-11 biennium.

A report was presented about the results of the Nigerian Employment Summit held in Lagos in April 2009, and how they relate to the Electric Power Industry, which was identified as one of the main engines of employment generation.

Mr. Carrión-Crespo delivered presentations on the principles and planning for social dialogue, as follows.

PRINCIPLES OF SOCIAL DIALOGUE

Mr. Carrión-Crespo outlined the ILO's requirements for an effective social dialogue; communicated the need to determine each partner's interests, authority and willingness to compromise before engaging in social dialogue. The materials used had been developed by Mr. Youcef Ghellab, of the Industrial and Employment Relations Department of the ILO.



Social Dialogue is a strategic objective and a key value of the ILO. It includes the exchange of information, consultation, and negotiations among the social partners and government. It is a distinctive feature of ILO structure and functioning, as well as a tool of delivery for decent work at national level.

The Prerequisites for an effective social dialogue are:

- Independent, representative and strong social partners enjoying Freedom of Association in law and in practice
- Will to recognise and deal with each other
- Political will of the government to reach out to social partners and support them in the effort
- Effective Social Dialogue institutions
- Effective rules and procedures
- Practice and experience

The Basic Enabling Conditions for Social Dialogue are:

- Freedom of association
- Democratic foundations
- Legitimacy
- Political will and commitment
- Social acceptance
- Technical competence
- Capacity to deliver

The promotional work of the ILO seeks to enable tripartite social dialogue on an Equal footing, encouraging broad consultations at the national, regional, and sectoral levels. Mr. Carrión-Crespo provided participants a series of questions to study the state of social dialogue regarding government, social partners and other stakeholders:

- What interest organizations exist to represent the social partners?
- How inclusive, comprehensive and representative are these interest organizations?
- How are any differences resolved within and between the different interest organizations?
- What mechanisms exist for the ratification and enforcement of agreements reached between the social partners?
- Who are the other stakeholders with an interest in the utilities?
- What mechanisms exist to involve other stakeholders in dialogue with the social partners?

To end the presentation, the participants held discussions on these questions, as they relate to their workplaces.

Some of the possible benefits of Social Dialogue

- *Democratization of economic and social policy-making*

Social dialogue is an inclusive and democratic way of decision-making. More recently, social dialogue in its explicit or implicit form has become part of the approach to dealing with economic growth and development. This has worked, not just in more industrialized countries, but in quite difficult situations such as Panama and South Africa.

- *It adds legitimacy and ownership*

In a democratic society, any unilateral action by the state without the consent of workers' and employers' organizations is often met by their resistance.

- *It reduces social conflicts by facilitating partnership and a problem-solving approach*

Dialogue can minimize adversarial relationships through collaboration and partnership. It can develop a shared understanding of problems; can facilitate discussion of policy alternatives and their implications; and the finding of compromises to achieve common responses.

- *It eases social tensions during economic hardship and transition periods*

Social dialogue can be a very effective means to ease economic and social tensions during economic crisis or transition. But to truly work during the difficult times, social dialogue must also be used during times of prosperity.

- *Sustainable economic and labour market reform*

Social dialogue can facilitate the sustainability of economic and labour market reforms. Having reached consensus, stakeholders' opinions are reflected in reform agreements and they have an incentive and peer pressure to support what they have already accepted by agreement.

Source: ILO, *Promoting National Social Dialogue: an ILO Training Manual* (2004)

Mr. Carrión-Crespo delivered a presentation on Social Dialogue in Organizational Development.

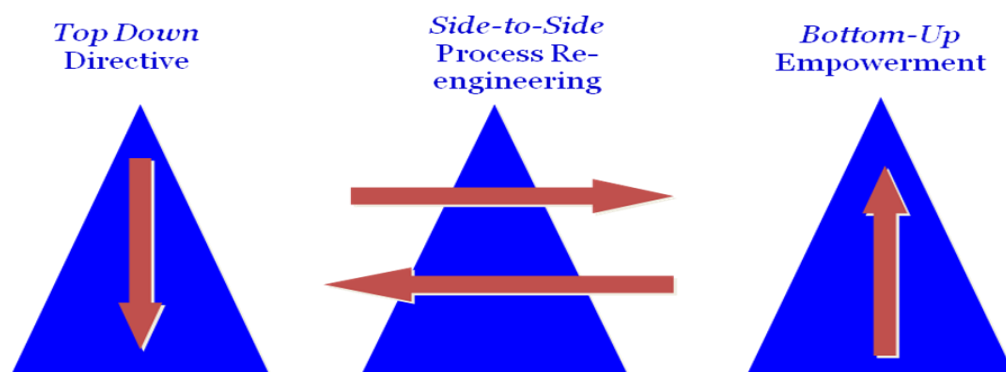
SOCIAL DIALOGUE IN SITUATIONS OF STRUCTURAL REFORM

Mr. Carrión-Crespo outlined the different approaches to instituting changes in an organization, particularly in the context of private-sector participation schemes in water and electricity sectors, and effective approaches to conflict management. He delivered the message that effective change should be based on empowerment of the workforce and cultural change rather than mere behaviour imposed from the top or attitude changes developed through process reengineering; also, that effective dispute management is achieved mainly through seeking consensus, as opposed to exercising power, asserting rights or avoiding conflict.

Organizational Development is defined as an attempt to improve organizational effectiveness by revitalizing and renewing the organization's technical and human resources. Normally, it will focus on the whole organization. It will also use problem-solving and group process approaches, and rely heavily on feedback to participants. It will also provide experiential learning for participants to accomplish their aims, and use outside experts or "change agents" to facilitate change.



There are three forms of implementing change in an organisation. First are the directive measures, which are directed from the top, will have the likely and desired effect of changing the behaviour of employees, because they tend to do as management says because of its coercive capacity. The second form is process reengineering, which seeks to change the way the components of the organisation interact: this is seen as side-to-side change. It is likely to change both the behaviour of employees and their attitude as well, because they tend to see how their work affects other employees. The third form of implementing change is through empowerment of the employees, which is driven from the employees themselves. This participative approach is likely to change the culture of the organisation, not only the conduct and the attitudes of the employees.



Mr. Carrión-Crespo defined organizational culture in the terms that Schein (1985) indicated, as “the pattern of basic assumptions that a given group has invented, discovered or developed, in learning to cope with its problems of external adaptation and internal integration. These have worked well enough to be considered valid and are therefore taught to new members as the correct way to perceive, think and feel in relation to these problems.”

Asking if it is possible for organizations to change their culture, Mr. Carrion-Crespo quoted from Legge (1995): “Managing culture can be likened to ‘riding a wave’ – the best a surfer can do is understand the pattern of currents and winds that shape and direct the waves, then use these to stay afloat and steer the desired path. Clearly, this is not the same as changing the basic rhythms of the ocean.” In the same way, an organisation can seek to identify what forces influence its culture, and harness them in favour of priority goals, for example productivity, job creation or efficiency. He used the example of a culture of corruption, which can be fuelled by prevalent attitudes of individualism that may come from the communities in which employees reside: They cannot be changed but channelled towards a stronger sense of identity with the organisation, which may counter dishonest tendencies. For this, an empowering approach may allow employees themselves to present solutions.

However, attempts at change fail very often because:

- It is not integrated to a strategy
- It is seen as a “fad” or “quick fix”
- A short-term perspective
- Political realities undermine initiatives
- Grandiose expectations
- Inflexible strategy/policies
- Absence of leadership
- Lack of measurable/tangible results
- Fear of the unknown
- It is unable to mobilize commitment to sustain change

To make change happen, therefore, it is necessary to:

- Have leaders committed to the change
- Create a feeling of shared need among all members
- Shape a vision that will move the change
- Mobilize commitment to the process
- Modify systems and structures that may impede the change
- Monitor the progress of the change
- Make change last through investment by members of the organisation

The participants held discussions on these issues, as they relate to their workplaces.



ADDRESSING GENDER ISSUES: A PRIORITY

It is obviously much more effective to initially develop project proposals using a 'gender lens' rather than add gender components after project proposal completion or at the project implementation stage. The first stage in developing a gender sensitive project is to ensure that both women and men's needs are articulated at the problem identification stage.

A systematic socio-economic and gender analysis of each target group is one way forward to identify needs.

All target groups should be disaggregated. For example if the context is workers education, workers would have to be disaggregated into men or women workers, and further into older women workers, workers with family responsibilities, male trade union leaders, women's section of trade unions etc. Care should be taken with seemingly gender-neutral terms such as youth, elderly, workers, stakeholders as they tend to hide gender implications and can be misleading in gender analysis.

A very useful method for gender sensitive participatory needs assessment processes is to form focus groups, where different groups can identify needs and priority problems. With gender analysis, we can obtain information about the gender needs of men and women in the given community. Such an analysis frames questions related to who does or uses what, how and why. The objective is to better understand what women and men do, what resources and constraints they have, and what their needs and priorities are so that concrete measures for the promotion of equality of opportunity and treatment between men and women workers can be implemented.

In social dialogue, the constraints of women and men in collective bargaining may be different. A gender analysis

would help ensure that both women's and men's perspective would be included, and would perhaps investigate the reasons why women's participation at the bargaining table is often less than men's. It may reveal that many women believe that workers organizations are still a bastion of male chauvinism and therefore unable to respond to their needs.

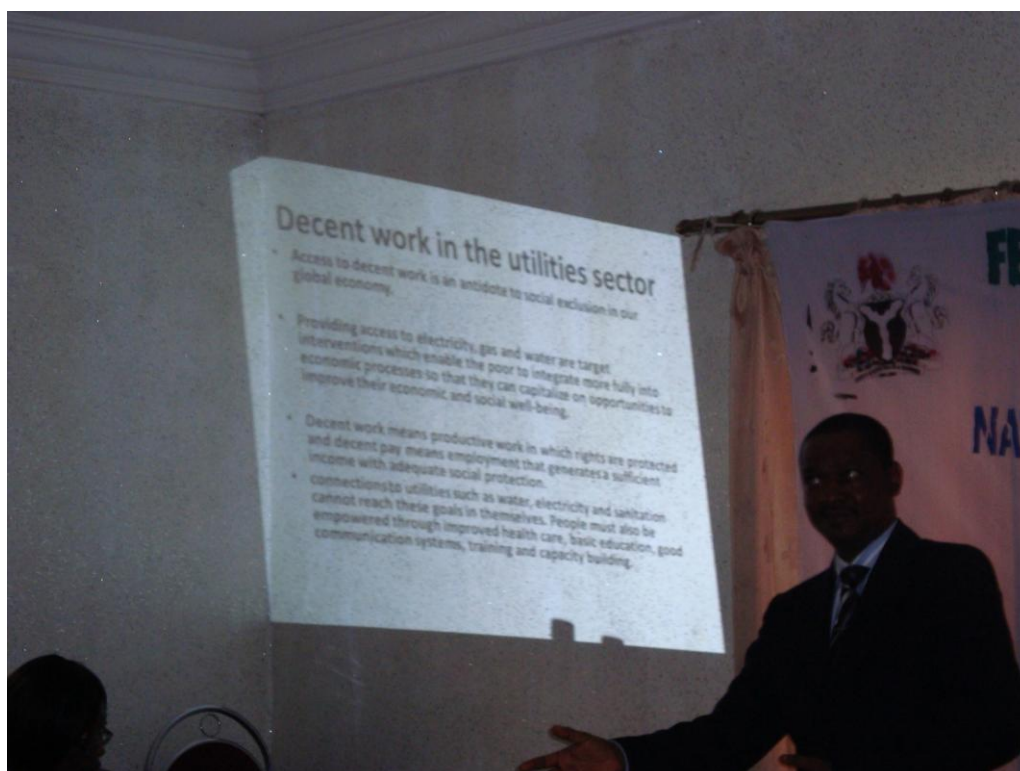
The ILO Gender Analysis Framework requires the identification of:

1. The division of labour between men and women
2. Access to and control over resources and benefits
3. The practical and strategic needs of women and men
4. Constraints and opportunities to achieve equality
5. The capacity of social partners to promote gender equality

It is expected that by applying the above analyses, users will be able to develop planning strategies that are gender sensitive\ with equality concerns integrated.

Source: International Training Centre ILO, Gender Mainstreaming Course materials

On the second day of the workshop, Dr. Sola Fajana, the external collaborator who performed the study for the ILO and the NSG regarding the state of social dialogue in the electricity and water and sanitation utilities, presented his findings and recommendations.



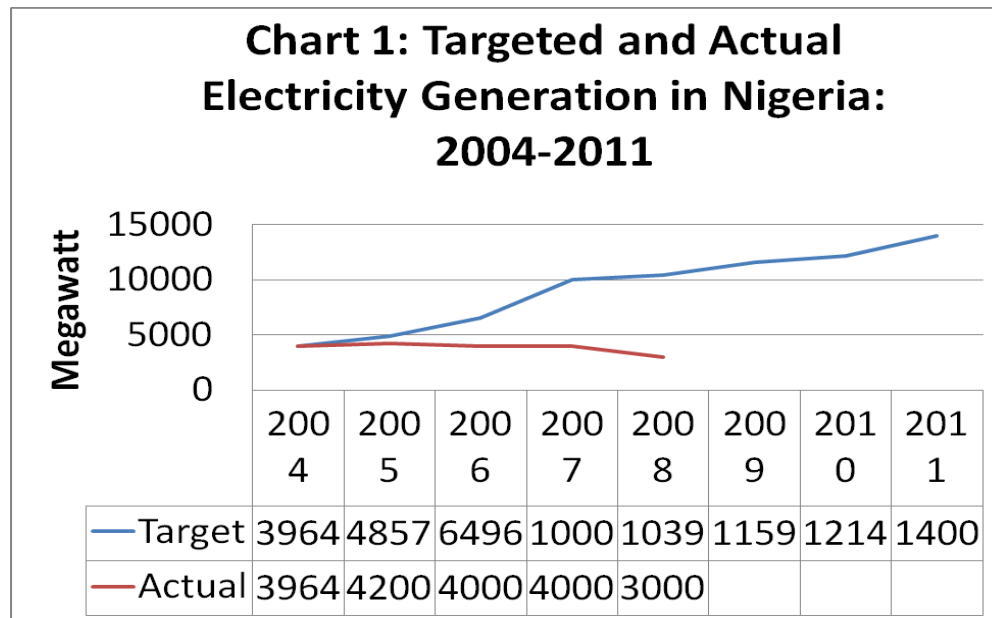
Dr. Sola Fajana presents his reports

AN ASSESSMENT OF NEPA/PHCN IN NIGERIA

Introduction: Current reforms which were informed by the apparent lack of capacity of the electricity sector to serve its development role have internally impacted significant stakeholders such that the ideals of decent work and pay are possibly at risk in the sector.

Situation of the energy sector: There is a general agreement that electricity, an important utility service in Nigeria, is failing to provide and

develop the services and the infrastructure required for social and technological development. The electricity supply systems are unreliable and under-developed.



Effects:

- Lower quality of life and well-being of Nigerians
- Massive change of jobs to activities that require less energy use.
- Provision of private supply of energy at exorbitant costs such as diesel generators.
- Increase in general price levels across the nation.
- Proposals for increased private participation seem a plausible and possible solution

National Integrated Power Project: Conglomeration of experts borrowed to form a unit funded by the three tiers of government. The NIPPs are independent power projects initiated by former President Olusegun Obasanjo, to meet the 10,000 mega watts target by the end of 2007, and to douse the restiveness in the Niger Delta. The generation target could not be met at the expiration of the tenure of Obasanjo, as the IPPs could not be

delivered on schedule due to a number of factors, including lack of funding and unseriousness on the part of some contractors (Nwachukwu 2008).

The NIPP was conscripted by the Obasanjo administration which awarded contracts amounting to \$16billion and €224,600.24 million, with letters of credits opened for the various contractors handling failed projects all over the country. The NIPP is at the centre of the 2008 power probe in Nigeria. The outcome of the probes is still awaited at the time of writing.

Despite the amendment to the Energy Act in 1998, the sector was still characterised by a number of flaws that made it nearly impossible for private sector investments to flow in. The utility was highly ineffective and inefficient. Some of the shortcomings were:

- the lack of effective regulation, lack of market and industry structure,
- opaque policy and objectives,
- lack of clarity and focus of roles and responsibilities,
- lack of a commercial orientation,
- inefficient allocation of resources,
- inadequate production and supply capacities,
- obsolete transmission and distribution facilities ,
- high system losses, and
- poor billing and collection regime.

The Reform comprises of two main components:

1. Restructuring

- a. Changing of the industry structure to stimulate competition and choice as well as promote financial accountability;
- b. Unbundling power utilities into the constituent functions; and

- c. Putting in place a new commercial trading arrangement.
- 2. **Privatization** is a future possibility. It is currently in limbo as the government has continued to invest massively in the sector.

Electric Power Sector Reform Act:

- 1. Creates a holding company to absorb NEPA assets & liabilities
- 2. Unbundled NEPA into distinct business units.
 - a. Distribution had been 11 semi-autonomous business units (profit centres) in Jan 2004 to improve billing and collection.
 - b. Generation sector was unbundled in December 2004.
 - c. Preparations are on-going to incorporate the unbundled units into separate legal entities.
- 3. Establishes an independent regulatory body for the electricity industry
- 4. Establishes a rural electrification agency and setting up of a fund to increase rural access to electricity
- 5. Provide a lifeline tariff to low income electricity consumers
- 6. Privatised business units that will emerge from unbundling of NEPA
- 7. Implement a Multi-Year Tariff Order (MYTO) that will enable tariffs to cover cost of production, pass - through uncontrollable costs and guarantee adequate return on investment (ROI)

The National Union of Electricity Employees (NUEE) argues that reform of NEPA could include:

[To] appoint an autonomous board of competent people, people of proven ability and integrity that will bring their background to bear in managing NEPA more efficiently.....Eliminate unplanned capital cost, ensure that public and private sector subscribers pay their tariffs, all revenue leakages should be apprehended, grid

loads must be scientifically established, consumer waste of energy or electricity should be curbed through proper enlightenment campaigns, transmission efficiency index, accurate customer/consumer census and accurate billing and collection index, should be established. The number of subscribers to NEPA must be established, tougher penalty for illegal power users and their NEPA staff collaborators would also assist. There are so many things that can be done if only the BPE and government will listen and agree to a dialogue and the advice of those who know better....”

Basic impacts of the reforms:

1. Major improvements in labour productivity and service quality in electric distribution systems.
2. Losses and thefts have been greatly reduced.
3. Distribution and transmission network outages have declined.
4. The performance of existing generating plants has improved dramatically.
5. Costly political preferences have generally been ignored as private generating companies may have to reduce costs to compete successfully.
6. Substantial amounts of capital have been mobilised to support construction of new efficient generating capacity. The activities of independent power producers are particularly noted.
7. Reduction in electricity tariffs.

Some potential areas of failures

1. Poorly designed reforms are prone to failures.
2. Macroeconomic problems are undermining investments in generally well designed systems

3. Ongoing political interferences that undermine private sector investments.
4. The power sector reforms in Nigeria seem to be suffering from corruptions and failed contracts.
5. Political pricing and investment decisions: Keeping electricity “affordable for all” usually means keeping prices at unsustainably low levels, causing significant harm to this important industry and to the economy as a whole.

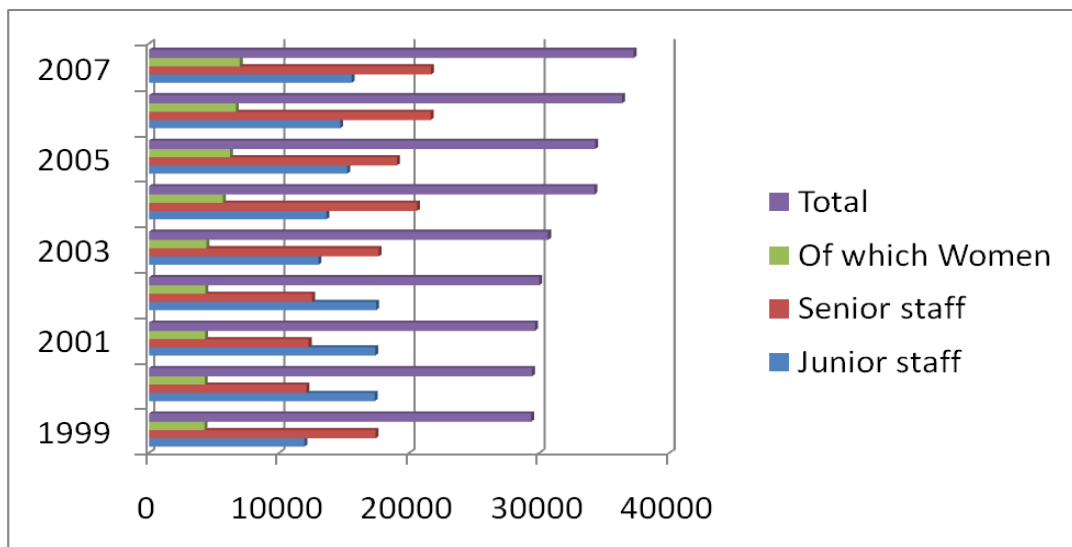
The social impacts of electricity reforms:

1. In developing countries, most of the impact of change in the electricity industry will be through electricity prices that reflect the costs of production. In the Nigerian experience, most of the complaints from electricity consumers are on its non-availability rather than the rates per unit of consumption.
2. Reforms often bring about an initial price increase as previously regulated levels are usually below those that can sustain the necessary investment and maintenance needed for a reliable system.

IMPACT ON EMPLOYMENT LEVELS AND CONDITIONS

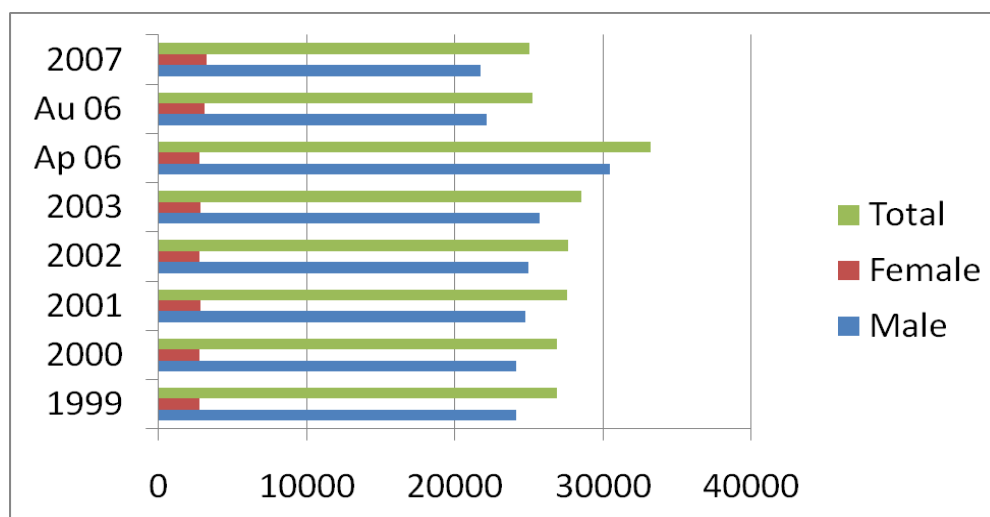
There was a general upward trend in the staff strength of the company between 1999 and 2007. The visible drop in the number of junior staff vis-à-vis the senior staffers during 2003 and 2004 is attributable to a reform-driven professionalisation policy of the electricity sector. Furthermore, there has been a steady upward trend in the size of women. In 2008, there were 11,000 casual workers especially at the junior level.

Employment Trends In NEPA/PHCN



Between 1999 and 2007, the union membership trend has been a mixed grill. Initially, there were more of the lower class of workers and a few senior ones. By 2008, the union is more of a professional and highly educated body. Out of about 25,000 union memberships, about 21,000 of these are in senior category. In addition, there is also the Senior Staff Association of Electricity and Allied Companies, formerly Senior Staff Association of Statutory Corporations and Government Owned Companies (SSASCGOC) NEPA Branch.

NUEE Membership Trends, 1999-2007



The Electric Power Sector Bill 2005 creates companies to take over the functions, assets, liabilities and staff of the National Electric Power Authority among others. The Power Sector Reform Act attempts to create an impression that transfer of employees from NEPA or the PHCN to the successor companies shall be on the same terms of employment as when working for NEPA, but in fact they may lose some of the advantages they enjoy over their private sector workers.

1. They would no longer be public servants within the meaning of section 38 of the constitution.
2. Where their employment is protected by statute or statutory flavour, their employment can be terminated as one of master-servant on any flimsy excuse.

NUEE states that the BPE has only minimal expertise or understanding of the issues faced by the parastatals in Nigeria, but is only concerned to privatise them. The Nigerian private sector is just as corrupt and inefficient and more exploitative than the public sector. El-Rufai, Director-General of BPE, has publicly boasted that 20,000 out of 30,000 NEPA employees will be sacked as a result of privatisation.

Social dialogue: The number of job losses during the ongoing reforms, as in the case of NEPA, suggests that quality dialogue was not sought. The decision on the issue of privatization, especially of the electricity sector was done without any discussion with the workers and their representatives (Union), who are the major stakeholders in this business. Major decisions were taken on the various aspects of electricity privatization, and the conditions of the workers after the exercises were either not discussed at all, or were discussed without the involvement of the workers or rather,

discussed to rob workers of their legitimate rights and privileges by taking them back to zero level. Even where provisions are made, there was no effective political and regulatory action, and was not forthcoming. In practice, companies were permitted to downsize as much as they wanted. In 1999, the new government decided to investigate corruption in the reform process, but not the damage done to the workers. National, state and local government assemblies have not taken proposals or bills to the people for proper debates.

The initial action plan provides for regular meetings to be held between BPE, PHCN, SSA and NURE so as to bridge any information gap on the mode of implementation of the Power Sector Reform Agenda, especially those items in the agenda that affect staff. Regrettably, no meeting took place and the BPE went about implementation of the reform agenda without carrying along critical stake holders and the union. The union, who was not privy to some vital decisions, protested vehemently against the contrived sales of the nation's strategic power stations and proceeded to mobilize and influence public sentiments in this regard. Even the role of Nigeria Electricity Regulatory Commission (NERC), according to Ajaero, is also questionable and possibly below expectation.

One plausible explanation for this development is that at the beginning, organised labour had continued to vehemently oppose the idea of privatisation of most state enterprises, and consequently could not maximise its opportunity to participate in the authoring of the BPE document / guidelines on privatisation of state enterprises.

No collective agreements covering the whole of the electricity sector have been signed since the reforms. Whenever privatization finally arrives and with the possible outsourcing of certain operations, the practice of

industry-wide bargaining is likely going to be replaced by fragmented or separated negotiations with each company. Union membership would become divided, reduced and vulnerable as a result.

Conclusion

- All reforms to improve the performance of the electricity sector must include the views of the relevant and significant stakeholders in the sector.
- A situation in which decisions that would invariably affect the lives, jobs, pay and continued employment of employees were taken without reference to these workers constrains the attainment of decent work and pay in the sector.



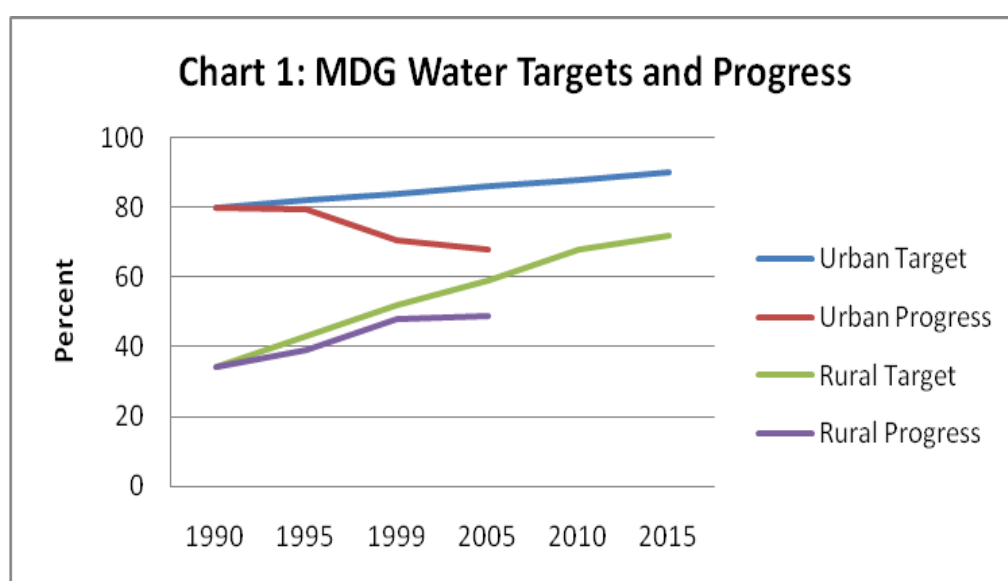
Discussion

The participants addressed questions to Dr. Fajana and exchanged ideas.

STRENGTHENING SOCIAL DIALOGUE IN WATER AND SANITATION

Nigeria is likely to meet the target on access to water supply, but not the target on sanitation. The main obstacles are:

- Lack of co-ordination and maintenance culture, quality control, and monitoring of water projects, inadequate project preparation, leading to project abandonment and failure, corruption and economic mismanagement.
- High Leakage rates are around 50% and rising due to wastage and illegal connections (GWR, 2002).
- Lack of financial resources creates difficulties for meeting the existing demand for safe water and sanitation in the far north
- water pollution and serious damage to the ecology arising from oil activities (Hall, 2006).
- demographic and economic rate of development, - the demand for water.



The Reforms

2.5 billion US Dollars are needed to meet the demand for water in Lagos. Such a large amount of money requires private sector involvement. The options for the PSP (Private Sector Participation) are as follows:

1. Concession. This has four options
 - a. BOT (Build, Own and Transfer)
 - b. BOOT (Build, Own, Operate and Transfer)
 - c. BOO (Build, Own and Operate)
 - d. DBO (Design, Build and Operate)
2. Leases
3. Management Contracts
4. Service Contracts
5. Full Divestiture (Outright Sale).

The Lagos State government signed an agreement with the IFC which “required the state government to seek **private sector operators** for the operation of its water utility.” “IFC’s involvement is expected to lend credibility and transparency to the sale of the two assets. The work was expected to include independent assessments, recommendations of market strategies, preparation of documents, and making sure that proper bidding processes are used to choose ultimate winners” (IFC, 2001).

Ownership of existing LSWC assets will remain with the Lagos State government, to which end an 'asset company', will be constituted as the custodian of those assets”. Specifically, it will have the following responsibilities:

1. Accounting of public assets.
2. Monitoring contracts.

3. Managing public finances, including loans
4. Making decisions on asset creation and sector expansion.
5. Delegating water supply functions to the operators.

Privatisation of Lagos Water was expected to reduce the cost of water, enable investment, and improve public health and economic growth. A new law was passed in 2004 which created a holding company with a number of subsidiaries. Current aim is to sell the LSWC itself on the stock market, through an IPO, and retain the power to borrow further money from the markets, to target domestic Nigerian investors, and seek partnership with international water sector operators.

In order to encourage greater local participation in the privatization of Lagos Water, LSWC has decided to unbundle part of its operations initially into ten different sections, each of which will be leased to interested private operators. LSWC will still be responsible for delivering water from the Adiyin and Iju waterworks to each of the ten sections, and in turn will supply the consumer. In time, it is envisaged that some of the operators will merge their operations in order to achieve the economies of scale that will help to keep tariffs down.

This unbundling of a major utility, the first of its kind in Africa - indeed; anywhere in the world will ensure that foreign participation in the delivery of water to the citizens of Lagos State is kept at a minimum.

Reforms in Sanitation:

1. Commencement of Household Waste Collection Billing (December, 2004)
2. Inauguration of Sanitation Enforcement Division under the Kick-Against- Indiscipline KAI Project. (November, 2003)

3. Commencement of State-wide Monthly Sanitation Exercise (November, 2003)
4. Commencement of the Private Sector Participation (PSP) in Waste Collection. (October, 2004)
5. Restructuring of the Lagos State Waste Management Authority (LAWMA) (May, 2005) with respect to waste collection on the highways, markets, hospitals, industrial/ commercial areas in conjunction with the registered PSP under the agency

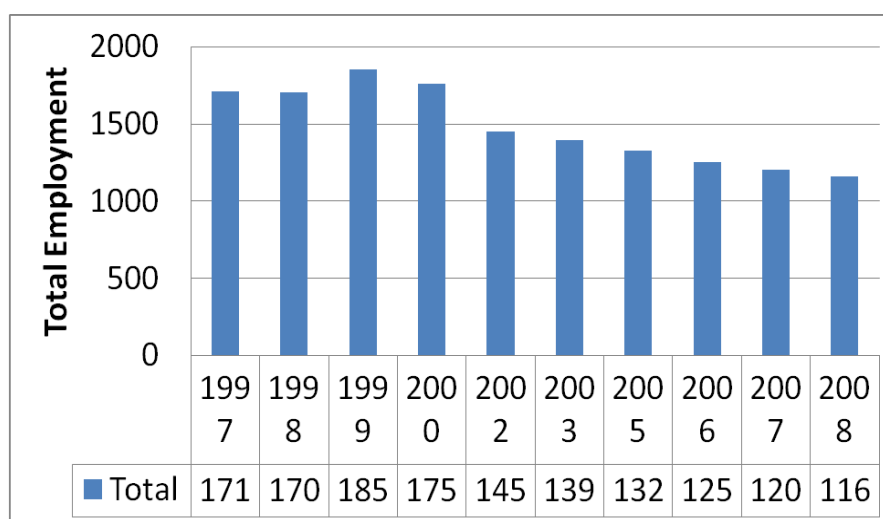
ESTIMATED EMPLOYMENT AND GENDER ISSUES

The employers in this sector are water and sanitation boards at the federal, state and local governments in their various jurisdictions. Since water supply is the responsibility of the state, federal and state governments are expected to play some roles. Only the coming of private sector operators gives hope to the registration of employers association in this sector.

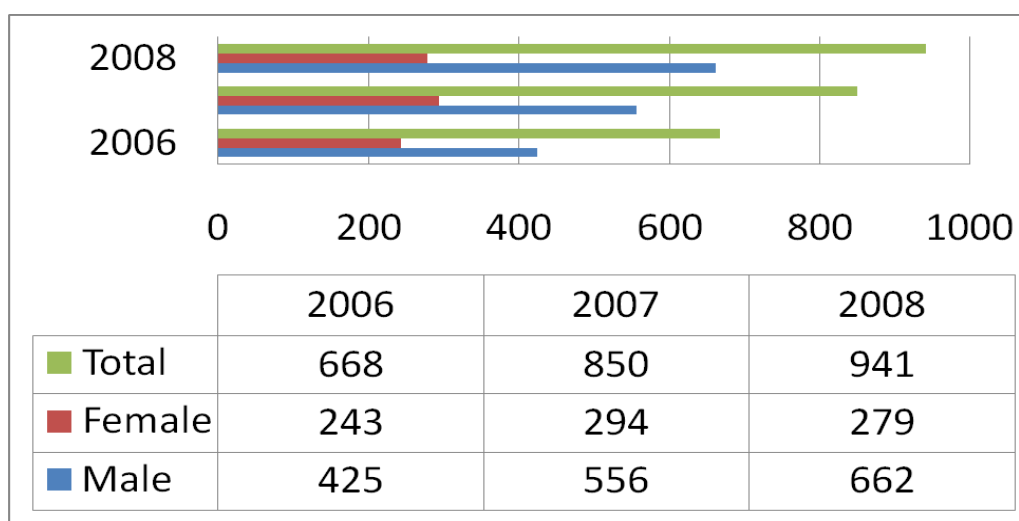
Total employment in LSWC was reduced from a high of 1852 employees in 1999 to 1160 in 2008. The available information is not disaggregated into gender. Thus, it would not be very clear the extent to which this drop in employment affects the sexes.

In the case of LAWMA, the available figures are only for the last three years. An upward trend in employment is revealed for both male and female workers, although women workers recorded a slight drop in 2008. LAWMA's low employment figure is due to the private sector participation with other service providers.

Employment Trends in Lagos State Water Company



Employment Trends in Lagos State Waste Management Authority



There are two trade unions in the sector. The Amalgamated Union of Public Corporations, Civil Service Technical and Recreation Employees (AUPCCSTRE), an affiliate of the Nigeria Labour Congress, organises all junior workers in this sector and has a Union density of almost 100 per cent. The Senior Staff of Statutory and Allied Corporations (SSASTRAC) represents senior staffers. Both unions are sufficiently experienced to competently represent utility workers and senior staff, respectively, in collective negotiations and other forums for social dialogue.

Impact of Reforms on Employment and Working Conditions

Staffing cuts: In the case of Lagos State, the new company (LWSC) management embarked upon staffing cuts as early as 1999, by 25% from 1,852 in 1999 to 1,450 in 2002 and 1,393 in 2003 (Ariyo and Afeikhena, 2004; CEO, 2008). There are a number of possible explanations for these low figures (2.8 employees per 1000 connections):

1. the company does not employ enough staff to maintain a water supply service
2. the company uses subcontractors for most of its operations (not only for construction) or
3. the company is exceptionally efficient in its use of labour.

The first explanation seems the most likely.

Wage increases over time: The reported improvement in conditions of employment is not easily traceable to activities or decisions of the PSPs, because they do not exist in a number large enough to have caused a significant shift in the wage trends.

Lagos State Waste Management Authority (LAWMA): The organisation's staff size is about 3000, aside from their private sector participating firms. It has engaged in purposeful training, has health facilities, pension payments, and kindred best professional HR practices. It works with professionalism and efficiency, and training has been brought to the forefront – centre of excellence and for internships, consultancy. It has an averagely equipped clinic. Pension payment is professionally organized and staffed in LAWMA. There are a large number of retirees as a result of slimming/trimming.

Redundancies

LSWC's strategy for avoiding labour issues is to shed labour through natural wastage and dialoguing with unions at every stage of the

implementation of its reform. It has made a concerted effort to communicate with and inform its staff of every aspect of the reform process. In the instances of lay-offs, staffs have been awarded their full retirement packages, while staffs left on board have been given extensive training and capacity building to improve their efficiency and commitment to the work at hand. Staff compensation is also one of the highest amongst the public sector and comparable to the private sector that the corporation aims to emulate” (Coker, 2006).

In the case of LAWMA, staff profile seems to have become more qualitative, as more professionals are brought on board, and private participants employ more of the manual labour.

State of social dialogue

There have been varied assessments of the quality of dialogue in the water sector. For instance, one management representative claims the reforms were inclusive in the planning stages, policy and documentation. In the case of LSWB, the World Bank assisted with several workshops. Serious objections were raised by various civil society organizations based on the fear that state investments in water infrastructure were much too much to be sold to private operators. The principle of commercialization was consequently favoured.

One critique is that projects failed because they were never people driven or people centred; contractorisation of the execution led to wastage; and there was no popular debate. It is believed that “there are no clear evidences that the private sector will serve the purpose of the poor more than the public sector; it is feared that private sector involvement will lead to prohibitive water bills beyond the reach of the average Nigerians.

Trade unions and civil societies have been sidelined in reform processes in the utilities sector in Nigeria. Consequently, reforms are opposed and resisted.

Collective Bargaining: Governments should promote good industrial relations by assuring the right to organize, bargain collectively or strike – regardless of whether or not these rights are statutory.

In the water and sanitation subsector, collective negotiation of privatization evolved along the lines of initial outright opposition by unions and civil society organizations; then as governments went ahead with hurried schemes including sourcing for legal backing, workers silently continued their ineffective objections, and this later shifted to an acceptance with the hope that future deals with employers will be more favourable and acceptable.

Publication of Annual Reports: Innovative forms of communication are becoming desirable and inevitable for furthering social dialogue and good industrial relations. This policy would seem to increase the domain of the other significant stakeholders in industrial relations for access to information critical to mutual understanding, evaluation and peaceful co-existence. Contrary to the claims of the CEO of LWSC, the only report available online at the time of writing was the report for the year 2000.

Decent work in the utilities sector

Access to decent work is an antidote to social exclusion in our global economy. *Decent work means productive work in which rights are protected and decent pay means employment that generates a sufficient income with adequate social protection.* Connections to utilities such as water, electricity and sanitation cannot reach these goals in themselves. *People must also be empowered through improved health care, basic education, good communication systems, training and capacity building.*

Labour-Management Relations in the PSP

The quality of industrial relations in the private sector participating firms in the sanitation sector is yet to be evaluated. The PSP operators largely function in what may be regarded as the informal economy where the size of the workforce is small and trade union activity may not be visibly encouraged. With a better re-engineered labour administration, it is expected that the state will be able to play a more significantly effective role in the protection of organisation and bargaining rights of the employees in this category.

Current Threats to Social Dialogue

1. Lack of transparency
2. Problems could have been prevented if the reform process were inclusive.
3. Participation occurred only through protests

4. Roles of the federal or state legislative assemblies in workplace reforms in Nigeria have been below expectation.

Recommendations

- **Reforms in this sector must include all relevant interests in the formulation, implementation and review periods.**
- **Social dialogue should be adopted compulsively to minimise the tension associated with reforms and ensure the dignity of human life by assuring of work environments that promote decent work and pay.**

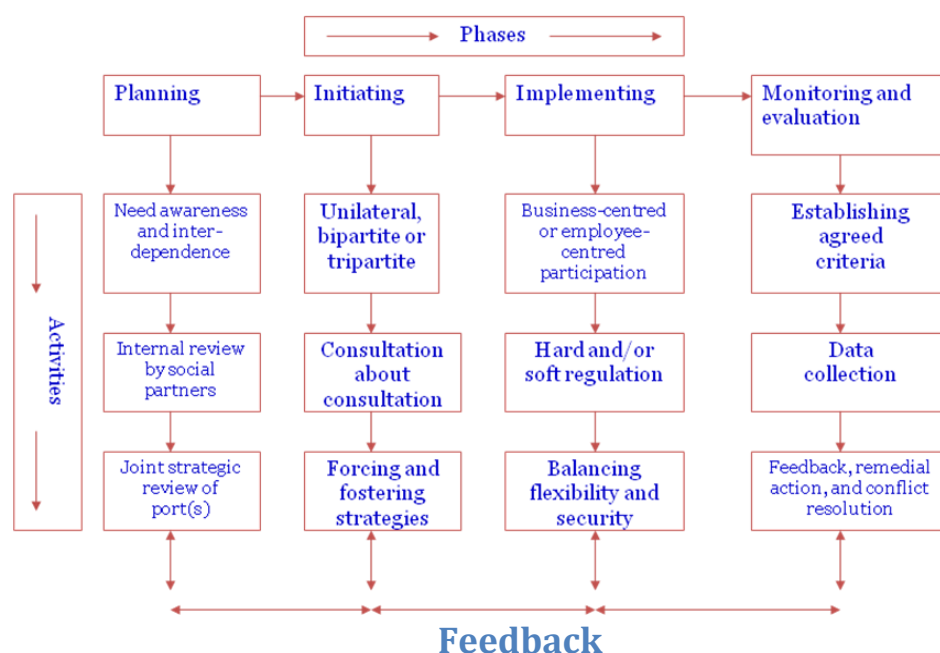
Disussion

Participants addressed questions to Prof. Fajana, and submitted in writing recommendations for improving the reports. Dr. Fajana has submitted a revised report which incorporates them.

PLANNING FOR SOCIAL DIALOGUE

Mr. Carrión-Crespo delivered a presentation, with the main message that social dialogue is a complex enterprise that requires much preparation and a participatory approach, and advised participants that they should take necessary measures to ensure needs awareness, cohesion and preparedness for engaging in social dialogue. Only with the necessary preparation will the efforts at dialogue accomplish improvements and reduce conflict in the implementation of structural change, such as in private sector participation schemes.

The following picture depicts the four phases of social dialogue, how the phases relate to each other, and the activities that constitute each phase:



The diagram shows how Social Dialogue begins with planning activities, which is followed by initiating measures, implementing activities, and monitoring and evaluating results. The latter activities provide feedback which is used for further planning.

There are three activities involved in planning for social dialogue: Needs Awareness & Interdependencies, Internal Review by the Social Partners, and Joint Strategic Review of Utilities.

A. **Introduction-** the social partners should:

- Acknowledge and define the problem
- Develop appropriate conditions, perceptions and attitudes
- Understand the problem solving process (diagnosis, prescription and action)
- Agree ground-rules, including: not interrupting one another, respect one another, indicate by hand desire to speak, maintain order of speakers

B. **Diagnosis-** the social partners should:

- Give each party the opportunity to present their arguments regarding the problem
- Identify all current symptoms of the problem
- Establish all the causes of the problem
- Explore all the needs of the parties
- Extract all the issues that need attention
- Group the issues in themes
- Prioritise the themes

C. **Prescription-** the social partners should:

- Generalise all possible solutions to each issue without evaluating them (using brainstorming, surveys, experts, etc)
- Identify objective criteria to evaluate each possible solution (e.g. in relation to costs/benefits, consequences, practicality, meeting of needs, addressing causes, dis/advantages, eliminating symptoms)

- Evaluate each possible solution using the agreed criteria
- Narrow the range of solutions
- Decide on the preferred solution or combination of solutions

D. **Action**- the social partners should:

- Determine acceptable action steps for the implementation of each solution
- Determine acceptable responsibilities and deadlines
- Determine acceptable monitoring and feedback steps
- Determine a review process
- Legitimacy and authority

Each party must be confident that the other parties:

- Are truly representative of their constituents or members,
- That they have a mandate and speak with authority, and
- That their commitments will be honoured
- Co-operation with other stakeholders
- Identification of stakeholders in the service other than workers and employers
- Are there organisations that can speak for them?
- Define a role for these organisations in the process

The social partners should also devise mechanisms to reconcile conflicting interests, be it through high-level dialogue or the intervention of third parties, like a specialized entity, mediators, arbitrators, court, etc.

If these questions are not addressed at the planning stage it will likely undermine subsequent phases of social dialogue.

Trade Unions should engage in their own Internal Review, to evaluate:

- Their commitment to make compromises
- Their strategy to develop the necessary expertise
- How representative are their own structures
- How they will protect workers' interests
- How they will accommodate to new management practices

(Source: International Transport Workers' Federation (ITF))

E. **Joint Strategic Review** of the proposed changes- The social partners may incorporate expert advice, but should not take as a blueprint, but rather build on their advice. Creating their own plan builds ownership of the process and outcomes by the social partners. They should also agree to a timetable.



INITIATING AND IMPLEMENTING SOCIAL DIALOGUE

Mr. Carrión-Crespo delivered a presentation on initiating and implementing social dialogue. The main message was that in order to do so effectively, the initiative must be tripartite and centred around the workers, as opposed to unilateral, enterprise-centred or used only in task-related issues or when the management of the enterprise seeks a specific benefit. Also, the environment must balance the flexibility of the enterprise and the diverse forms of worker security that the ILO promotes.

a. Source of Initiation

- Unilateral ⇒ state or employer(s)
- Bilateral ⇒ state and labour or management and labour
- Tripartite ⇒ specially created task force or established consultation

b. Consultation about Consultation

- Purpose of social dialogue
- Roles and responsibilities of the partners
- Accountability for actions and reactions
- Supporting each other
- Acceptable and unacceptable behaviour
- Level and form of social dialogue
- Conflict resolution

c. Typical Approaches to Dispute Resolution

- the exercise of power
- the assertion of rights
- the avoidance of conflict
- the search for consensus

As the social partners abandon the search for Consensus in favour of asserting their Rights or exercising their Power, they are more likely to lose:

- control of the outcome
- satisfaction with the outcome
- resolution of real causes
- compliance with the outcome
- trust between the parties

They are also more likely to increase the:

- alienation of the parties
- time and cost involved

Forcing vs. Fostering Strategies

	Forcing	Fostering
Bargaining	<i>Distributive</i>	<i>Integrative</i>
Inter-group attitudes	<i>Uncertainty</i>	<i>Positive affect</i>
Internal differences	<i>Own = solidarity</i> <i>Opponent = division</i>	<i>Consensus in</i> <i>own + partner</i>

IMPLEMENTATION

a. Business-Centred Implementation

- Dependent on Managerial largesse
- Conditioned on potential contribution of dialogue to the enterprise

- Participation limited to employee work Tasks

b. Employee-Centred Implementation

- Direct forms of involvement and employee participation are focused on
- “where it’s happening”,
- Issues most immediate to employees
- Most workers can make a direct contribution to the organization and their own conditions of employment
- Employee-Centred Implementation
- Indirect or representative forms of employee involvement:
- ensure “legitimacy”
- build employees’ confidence and trust in the process

c. Forms of Security to Ensure Decent Work

- *Work* security- – protection against accidents and illness at work, through safety and health regulations, regulated limits on working time, unsociable hours, and a reduction in stress at work
- *Job* security- niche designed as an occupation or “career”, the opportunity to develop a sense of occupation
- *Skill reproduction* security- opportunity to gain and retain skills, through means like apprenticeships and training
- *Income* security- providing adequate incomes
- *Representation* security – protection of collective voice through independent trade unions, employer associations and other bodies able to represent interests

MONITORING AND EVALUATING SOCIAL DIALOGUE

This is an ongoing process that informs and improves future social dialogue. A systematic review should follow the implementation phase, to measure success. However, there should be self-reflection by the social partners during every phase and an on-going review of agreements: E.g., joint strategic review in planning phase and ground rules in initiating phase.

Data collection should be a matter of routine. When major structural changes are in progress, specialists may be required to collect and analyse data and provide feedback. The key elements for successful monitoring are:

- feedback
- remedial action
- conflict resolution

The criteria to be used to measure success must be agreed between the participants. Both the process and the outcome should be evaluated.

- Possible criteria for evaluating the process: trust, reciprocity, credible commitments, democratic involvement, efficient bargaining.
- Possible criteria for measuring the outcomes: operators, users, public interests, employment-related

When evaluating the process, we must separate the “process” from the “outcomes.” If the “success” of the process is judged by the outcomes, as often happens, we miss elements necessary to monitor social dialogue. Many outcomes, however, may be good indicators of success: improvements to the efficiency of operations, a better service, economic growth, efficient use of public assets, or employment-related outcomes like health and safety or training, etc.



GROUP DISCUSSION

The participants separated into three groups which discussed proposals for social dialogue on each of the three priority themes selected previously. The reports were discussed and modified by the participants. These proposals would later be presented to the National Steering Group. The proposals are as follows:

I. WORKERS

A. PRIORITIES

1. No privatisation of the utilities sector
 - a. Public, public partnership
 - b. Public, private partnership
2. Occupational Health and Safety
 - a. Workers Compensation Act and other labour laws should be reviewed
 - b. Safety measures should be strictly put in place and monitored
3. Gender: Women's rights should be protected
 - a. Maternity protection
 - b. Decent work environment/pay
 - c. Equality at work/ Opportunity
 - d. Affirmative actions (Unions insist on having female representation)

B. NEXT STEPS

1. Workers summit to deepen the understanding of social dialogue
2. Campaigns establishing the process of social dialogue
3. Material development

C. ILO'S INVOLVEMENT

1. Capacity building (training of workers to have a better understanding of social dialogue)
2. Technical Assistance (reviewing of laws and policies of the labour law, e.g. workers welfare, safety and health and gender, etc.)
3. Development of material (manual), information

II. GOVERNMENT

A. PRIORITIES

1. Provision of potable water to the citizenry
2. Effective and quality service delivery
3. Employment generation
4. Improved conditions of employment and job security
5. Public enlightenment and awareness
6. Provision of adequate, safe, reliable and affordable electricity to the citizenry
 - a. Adequate: increased generation, distribution, capacity of electricity
 - b. Safety: Safe electricity supply and use for employees and consumers (provision of safe equipment, safety awareness)
 - c. Reliability: Reliable and stable supply through provision of adequate maintenance for existing structures.
 - d. Affordability: Good tariff structure, MYTO (subsidies), power consumer assistance fund, REA.

B. ILO Intervention

1. Sponsor a study reviewing existing labour legislation in the utilities
2. Capacity building and training program (exchange program, social dialogue)
3. Formulation of sponsorships of projects and programs for employment generation
4. Logistical support to the Minister of Labour (books, library materials, IT, research)
5. Technical cooperation and assistance

III.EMPLOYERS

A. PRIORITIES

1. Water:

- a. Source of supply
 - i. Dams- we can build more
 - ii. Bore holes- we can train on how or where to dig and treatment and general control with rules
 - iii. Wells
 - iv. Others not yet utilized
- b. Distribution: Old equipment-pipes- some pipes pass through compounds and if to be repaired and replaced, people need to be carried along.
- c. Quality: Government should enforce acceptable standards of quality. This would reduce medical bills. Cholera, dysentery, guinea worm, etc. would be reduced if not eradicated.
- d. Maintenance of facilities
- e. Ownership: It would not be left to government. Locals in different guises should be allowed to get involved because government may not have the funds and political will to meet our every need.

2. Sanitation:

- a. All Local governments should get interested in sanitation.
- b. Re-introduction of sanitary inspectors
- c. Waste-to-wealth programmes should be introduced, i.e., recycling, power generation, and for manure
- d. Proper waste disposal methods should be introduced, taught to people and maintained.

3. Power:

- a. Same problems as with water.
- b. The problems would be helped greatly by public participation and commercialization.
- c. Sources: Hydro, gas, thermal, solar action
- d. Use micro supply systems, train more hands and do without playing politics.

B. SOCIAL DIALOGUE:

1. Corruption could be said to be the bane of all the social ills and inadequacies affecting water, sanitation and power problems.
2. Money (funds) voted and allocated are never used for the purpose intended.
3. Culture of impunity has developed whereby public accountability of public policy formulation is almost non-existent.
4. The ruling class takes upon themselves to decide what is good for the people, without consultation.
5. Accountability and dialogue is not taken seriously and affects acceptability.
6. The government should get involved in Social dialogue with sincerity of purpose and the scope should include the community (NGOs, market, women, traditional rulers, etc.) and all stake holders.
7. We should also have planned dialogue and put in mind employment situation. If government has to take decisions which affect the people, workers, etc., social dialogue should be embraced. Not like in the past.

C. ILO INTERVENTION:

1. More public enlightenment of state as state and local government levels.
2. Should pursue the ratification and implementation of ILO conventions in Nigeria because the Constitution 1999 allows for neglect.
3. Follow up labour standards and mete out disciplinary

measures where the government does not measure up.

4. Introduce more discussion or sessions on the concept of social dialogue to bring enlightenment.
 5. ILO could also introduce pilot projects in the area of social dialogue.
-

The government representatives expressed the government's intention to utilize the mechanism of the National Labour Advisory Council to channel tripartite social dialogue. The workers group expressed scepticism. Mr. Carrión-Crespo explained that the Action Programme focuses on concerns related to the reform process, not on collective bargaining issues or political decision-making. He expressed his understanding that the concerns expressed by the social partners could be addressed through the National Labour Advisory Councils if they meet the requirements of social dialogue, and that social dialogue should begin by discussing effective labour inspection. The ILO has placed particular emphasis on labour inspection and could provide technical assistance.

FOLLOW-UP ACTIVITIES

The social partners expressed interest in ILO support in carrying out the following activities to advance social dialogue in the utilities sector:

- a. The workers group intends to hold a summit to define common interests and commitment to social dialogue.**
- b. The government representatives requested ILO support for an accelerated meeting of the National Labour Advisory Council which will focus on establishing ground rules for social dialogue regarding labour inspection, and for training on labour inspection as a means to enforce existing labour legislation.**

Mr. Carrión-Crespo expressed his interest in receiving concrete proposals from the social partners to implement the activities outlined by the social partners, in the context of the follow-up activities to be developed during the 2010-11 biennium.

Closing of the workshop

Mr. Carrión-Crespo thanked participants for attending the workshop and collaborating towards the development of concrete proposals.

A representative from the Ministry of Labour and Productivity thanked participants for their attendance and participation.

Activities closed with a prayer.

List of Participants

GOVERNMENT

Nene Betty DIKE, Federal Ministry of Labour and Productivity, Chief Labour Officer
J.C. AGOHA , Federal Ministry of Labour and Productivity, Assistant Chief Labour Officer
S.A. AJIBOLA, Federal Ministry of Labour and Productivity, Assistant Director (L)
J.O. OKONRONKWO, Federal Ministry of Labour and Productivity, Chief Labour Officer
Eno A. ESSIET, Federal Ministry of Labour and Productivity, Deputy Director
A.I. UPAA (Mrs.), Federal Ministry of Labour and Productivity, Chief labour Officer
O. C. ILLOH, Federal Ministry of Labour and Productivity, Deputy Director
Theresa O. BRAIMAH, Federal Ministry of Labour and Productivity, Assistant Director
Fustina IMASUEN, Federal Ministry of Labour and Productivity, Confidential Secretary
E. Osaretin OGUNSUYI, Federal Ministry of Labour and Productivity, Youth Corp Member
ESSAH Aniefiok Etim, Federal Ministry of Labour and Productivity, Assistant Chief Labour Officer (ILR)
Uche OYEBUEKE, Federal Ministry of Labour and Productivity
David UDOH, Federal Ministry of Labour and Productivity

WORKERS

S.O.Z. EJIOFOR, Nigeria Labour Congress (NLC), Lagos
Johanson ADEKEYE, Nigeria Labour Congress (NLC), Abuja
Francesca NWEKE, Nigeria Labour Congress (NLC), Abuja
D. DECKER, Nigeria Labour Congress (NLC), Abuja
Tony OGHAGBON Esq., Nigeria Labour Congress (NLC), Benin City
Rita R. GOYIT, Nigeria Labour Congress (NLC), HOD, Women and Youth
Joe AJAERO, Nigeria Labour Congress (NLC), Lagos
Biodun OGUNADE, Trade Union Congress (TUC), Assistant Secretary General
Comrade Aliyu Musa ABDUL, Trade Union Congress (TUC), Chairperson
M.C. UDALOR , Trade Union Congress (TUC) SSAEAC, President
Esther WAKMAN OKORI (Mrs.), Trade Union Congress (TUC), Financial Secretary
T.O. AKINTOLA, Trade Union Congress (TUC) SSAEAC, General Secretary
IBRAHIM Aminat, Trade Union Congress (TUC)
Comrade S.O. OGEDAYE, Trade Union Congress (TUC) SSAEAC, 2nd Vice President
Johnson ADEKEYE, Trade Union Congress (TUC)

EMPLOYERS

E Paul OKOME, National Employer's Consultative Assoc.
Sunday ADELEGAN, Nigerian Cleaning Service Ltd, Personnel Manager
Othman MAHMUD, National Employer's Consultative Assoc., Consultant

OTHERS

Abdulasheed BUSARI, National Electricity Regulatory Council, Engr. Analyst
Boniface IGONOH, Federal Ministry of Power, CEO (ISD)
Anthony ESSIEN, National Electricity Regulatory Council, Consumer Affairs Analyst
C.E. ODUMODU, Power Holding Company of Nigeria, GM (IR)
I. USMAN, Power Holding Company of Nigeria, PM (HR)
Victor WENEGIEME, FCT Water Board

Appendix I

Checklist- Planning for Social Dialogue

I. Joint Problem Solving

Step 1. Introduction

- ☐ Acknowledge that a problem exists and then define the problem
- ☐ Develop appropriate conditions, perceptions and attitudes
- ☐ Understand the problem solving process (i.e. diagnosis, prescription and action)
- ☐ Agree ground-rules, including: not interrupting one another, respect one another, indicate by hand desire to speak, maintain order of speakers

Step 2. Diagnosis

- ☐ Give each party an opportunity to put their case
- ☐ Identify all the current symptoms of the problem(s)
- ☐ Establish all the causes of the problem(s)
- ☐ Explore all the needs of the parties
- ☐ Extract all the issues that need attention
- ☐ Theme the issues
- ☐ Prioritise the themes

Step 3. Prescription

- ☐ Generalise all possible solutions to each issue without evaluating them (using brainstorming, surveys, experts, etc)
- ☐ Identify objective criteria to evaluate each possible solution (e.g. in relation to costs/benefits, consequences, practicality, meeting of needs, addressing causes, dis/advantages, eliminating symptoms)
- ☐ Evaluate each possible solution using the agreed criteria
- ☐ Narrow the range of solutions

- ☐ Decide on the preferred solution or combination of solutions

Step 4. Action

- ☐ Determine acceptable action steps for the implementation of each solution
- ☐ Determine acceptable responsibilities and deadlines
- ☐ Determine acceptable monitoring and feedback steps
- ☐ Determine a review process

NOTE: it is vital that each party is confident that the other parties are truly representative of their constituents or members, that they have a mandate and speak with authority, their commitments will be honoured, etc. This may well demand an internal review by the social partners before the process becomes too far advanced.

II. Internal Review

- ☐ who will speak for the management of the utilities?
- ☐ What role will local and national political interests continue to play in the management of the utilities?
- ☐ How will the new management of the utilities interact with users and other stakeholders? On what basis will they co-operate with other stakeholders?
- ☐ How will conflicts of interest be reconciled?

III. Internal Review – Trade Unions

- ☐ Need for a commitment to compromise during negotiations (e.g. principle of exchanging concessions rather than demanding political or moral rights when faced with proposals for private sector participation) combined with a strong defence of any agreements concluded by the social partners (i.e. “principled” as opposed to “positional bargaining”)

- ❑ Need to improve expertise within the union through a combination of education and training and the utilization of outside expertise
- ❑ Possible introduction of new trade union structures, including more comprehensive or unified organizations with a commitment to internal democracy
- ❑ Protecting income and employment to allay workers' fear of change
- ❑ accommodating to new human resource management and industrial relations policies associated with private sector firms

IV. Joint Strategic Review

- ❑ Obtaining expert advice
- ❑ Joint review of recommendations
- ❑ Agreement on timeframe for implementation

APPENDIX II

Checklist: Initiating Social Dialogue

I. Labour reform task force, including:

- ☐ Ministries of transport, labour, finance, economics, and planning.
- ☐ Parastatal authorities.
- ☐ Utilities labour representatives.
- ☐ Main utilities customers and users, including exporters, importers, carriers and agents, freight forwarders, and multimodal transport operators.
- ☐ Private investors and utilities operators.

II. Main areas of activity:

- ☐ Commissioning or conducting studies
- ☐ Organizing seminars and workshops
- ☐ Informing the community and consumers
- ☐ Fostering the creation of joint committees
- ☐ Defining government's role regarding utilities
- ☐ Developing a workforce rationalization plan

III. Consultation about Consultation:

- ☐ What is the purpose of social dialogue, both in general and in the context of specific changes such as private sector participation (PSP)?
- ☐ What will be the roles and responsibilities of the social partners?
- ☐ How will the social partners be held accountable for their actions and reactions?
- ☐ How will the social partners support each other?

- ❑ What forms of behaviour are deemed acceptable and unacceptable (e.g. behaviour that demonstrates mutual trust and respect, or the opposite)?
- ❑ What is the preferred level(s) (e.g. workplace, company, port-wide or industry-wide, or some combination of these levels) and form(s) of social dialogue (i.e. what combination of information sharing, consultation and negotiation is preferred over particular issues)?
- ❑ How will future conflicts be resolved?

IV. Fostering strategy based on:

- ❑ Integrative techniques, such as open exchange of information
- ❑ Formation of positive inter-group attitudes, and
- ❑ Promotion of a broad consensus and a constructive use of differences within one's own and the other parties' organizations

APPENDIX III

Checklist for Needs Assessment on Gender Issues

- ❑ Define the objectives of the needs assessment. For example:
 - To find out about the capacity of a social partner;
 - To identify problems in a particular sector or area and the root causes of such problems;
 - To generate data on a specific topic that will be useful for project formulation;
 - To obtain information from the field on priorities for action
- ❑ Identify the necessary data or information that is required in the needs assessment, ensuring that it is sex disaggregated
- ❑ Choose a participatory method for gathering data and information, or use various combinations of different methods
- ❑ Collect the data using different methods and involve a broad range of stakeholders (all those who are directly or indirectly affected by the situation), taking care that marginalized groups in the utilities or area also participate
- ❑ Analyse and confirm the data in collaboration with partner institutions or intended project beneficiaries, cross check with a broad range of stakeholders ensuring that women and other potentially marginalized social groups are also included
- ❑ Prepare a final report that highlights the problems, as identified by stakeholders, and potential needs (both practical and strategic needs) for different categories of project beneficiaries that should be addressed in the project
- ❑ Include the report on the needs assessment in the project problem statement and detailed project proposal

APPENDIX IV

Proposed Operational plan

[illegible]

	of stakeholders for social dialogue and utilities reform	Identify gender issues in utilities reform and in social dialogue													
		Publish series of articles and interviews on priority issues of the utilities in Malawi													
		Organize study tours, conferences and meetings on utilities reform													
		Train three experts on social dialogue and consensus building													
		Work with international expert on social dialogue and consensus building													
	1.3 Initiate and materialize the mobilization of financial resources for implementation of the social dialogue process	Submit the Social dialogue/consensus strategy for reform of the Utilities, Memorandum of Understanding to respective donors													
		Organize donor consultative meeting													
		Obtain the endorsement of potential donors in support of the implementation of the Social dialogue/consensus strategy for reform of the utilities													
Strategy 2. Initiate and advance	2.1 Strengthen the steering roles for social	Set up working group to revise terms of references and membership of utilities social dialogue forum													

social dialogue/c onsensus building process for utilities reform	dialogue/conse nsus building process	Submit and approve the revised terms of reference and membership of utilities social dialogue forum													
		Conduct decision making meetings by steering body													
	2.2. Organize the Support unit to assist the implementation of social dialogue/ consensus building activities	Determine terms of references and structure for the support unit													
		Estimate financial resources and budget for setting up the support unit													
		Discuss and approve terms of references and structure for the support unit													
	2.3. Regularize activities of technical working groups on utilities reform	Establish technical working groups, develop their terms of references and working plan of the working groups and be approved by the government													
		Determine Utilities reform framework													

