

Committee on the Application of Standards

Date: 6 June 2023

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Liberia (ratification: 1962)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Government has provided the following information.

The Government of Liberia has requested and has been offered technical assistance by the ILO that would offer a road map for the resolution of the issues most recently raised by the Committee on the Application of Standards. The ongoing work of technical assistance (which began towards the end of May) includes a review of existing decisions by the Ministry with the goal of advising as to what actions in line with the Committee's recommendations can be done now, without violation of the current law, and proposing amendments to fully effect unrealized rights.

One possibility that would not require amendment is to modify the procedure of crafting the Standing Orders for the Civil Service such that public sector employees experience a process more closely resembling that of collective bargaining as enshrined in the Decent Work Act. The Government remains engaged in preventing workers from being arrested in pursuit of their rights and no custody of a labour leader is currently known. Existing national law does not allow the dissolution of a trade union by an employer or employers' organization. This is only permitted upon application by the union itself, its member(s) or the Minister to a court of competent jurisdiction (Chapter 35.3.a of the Decent Work Act). Any decision is also subject to appeal. No Minister has either entertained or instituted any process for the dissolution of a union. The Government is aware though that a voluntary shift of workers in a bargaining unit, consistent with their rights, from one union to another has been described by the union losing members as "dissolving" the union at that plant, although the term is not being used in its correct legal sense.

To properly protect workers, the State Party remains committed to robustly intervening in any case where an employer's action is intended to undermine organization in the workplace. The Government continues to be protective of the safety of leadership of the

National Health Workers' Union of Liberia (NAHWUL), although it has not been able to receive information from its leadership that will enable investigation of the alleged threat. The Government indicates that amendment of laws is an exercise outside the remit of the executive branch of Government, where the Ministry is situated, and the NAHWUL's continued claim of the desire to strike as the key reason why it should be formally considered a union by the Ministry of Labour means that no lawmaker is interested in casting a vote that could lead to deaths in their district, even their family or themselves. That part of the NAHWUL's claims would have to be omitted and further forgotten if it would like the debate of its status to gain traction in the national legislature.

Existing labour organizations in Liberia remain open to foreign workers and the Ministry is yet to receive a single complaint by a foreign national of being refused membership by a national union operating in the plant. The rules for the formation of representative organizations are the same for all workers covered by the Decent Work Act. The Ministry makes available the services of its staff in the event that some foreign workers prefer to organize unions exclusively for themselves. The Government notes, moreover that, unlike in other countries, where foreign workers are in domestic or artisanal work, foreign salary-earners in Liberia tend to be overwhelmingly at managerial grades, leading to them being more represented in the employers' organization, where the First Vice-Chairperson and a member of the three-person arbitration panel are non-Liberian. Additionally, national groups, like the World Lebanese Cultural Union and the Indian Business Union, articulate the interests of their members, who may not be currently employed.

The Government notes that a rift between two factions of the Labour Congress, which went as high as the nation's highest court, left it with no counterpart with whom to discuss this matter. At the request of the court, it has set up a Committee headed by a former Chief Justice, joined by a former Deputy Labour Minister and having a former Senator as adviser, that is working with the factions in the Liberia Labour Congress to resolve the workers' movement's ongoing leadership crisis.

The Government denies these allegations and is confused as to how reinstating an employee who had been summarily dismissed for several years, favouring the employee with opportunities and the assignment to a more prestigious role could be seen as a threat on the employee's life. The Government's confusion is even more pronounced by the absence of any particular evidence or trail by the distinguished Secretary-General on the alleged threats. The Ministry notes that efforts to harmonize the Decent Work Act and the Standing Orders are still at the embryonic stage due to the fact that civil servants have some advantages over workers covered by the Decent Work Act that the ministries and the civil service are unwilling to see their workers lose. These include: (1) shorter working hours; (2) the right to more consecutive absences from work before the loss of employment is enforced (14 compared to 10); (3) the permanence of jobs (redundancy almost never occurs); and (4) opportunities for advancement, the right to leave their post to run for political office and return to the job if the electoral run is unsuccessful. Additionally, the legislature is yet to see any particular interest in the general body of civil servants sacrificing these rights in the hope of obtaining bargaining rights that would essentially be null, as the International Monetary Fund has already capped public sector wages in Liberia.

Much of the advocacy for inclusion in the Decent Work Act is being pursued by a small group of leaders who are willing to endanger the benefits of their colleagues in order to obtain leadership in the Labour Congress, something that is likely to happen as the civil service is not just the largest employer, but is ten times larger than the next one (Firestone), which makes the leaders almost automatic winners at any Convention. Meanwhile, discussion with the

lawmakers who were involved in the passage of the Decent Work Act reveals a strong concern at the possibility of the unwarranted promotion of the interests of any government in Labour Congress activities, when persons serving in the Government chain of command can become leaders of the Labour Congress. Article 81 of the Liberian Constitution prohibits labour unions from canvassing for political parties, although their members can freely affiliate and contest as individuals.