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Parallel thematic discussion

Theme 5: Social dialogue as a key governance mechanism to realize the Decent Work Agenda in Africa

Social dialogue contributes to good governance and is an essential tool for realizing decent work in Africa. The building blocks for effective social dialogue include well-resourced institutions for tripartite social dialogue, mechanisms and processes that promote sound labour relations and a solid legislative foundation for labour relations.

Tripartite social dialogue fundamental to good governance

Tripartism has a central role to play in promoting poverty-reducing growth (ILO, 2011a). It helps to build consensus on development priorities and promote inclusive development. Tripartite social dialogue on economic and social policies helps to improve their effectiveness and facilitate their implementation. It also strengthens democratic governance, promotes smooth political and economic transition and facilitates social stability.

There have been significant developments in this regard in the last few decades in Africa. For example, the National Economic Development and Labour Council of South Africa (NEDLAC), founded in 1994, played a central role in the elaboration of policies after the political transition to democracy. More recently, NEDLAC served as a key institution in facilitating a tripartite “Framework agreement for South Africa’s response to the economic crisis”. This guided and supported the response of the social partners at sectoral and enterprise levels (Gravitzky, forthcoming). Since 2007, many countries have established tripartite national institutions for social dialogue which are beginning to play important roles in the development of Decent Work Country Programmes and national development strategies.

In Niger, the National Committee for Social Dialogue which was established in 2000 contributed to the Poverty Reduction Strategy Policies (PRSPs) and to policies in the health and education sectors (ILO, 2010). It has also played a role in the prevention and resolution of a number of labour disputes. In Algeria, the signing of a National Economic and Social Covenant in 2006 in order to promote the diversification of economy, create employment and facilitate peaceful and stable social environment conducive to development (ILO, 2011). The Government of the Democratic Republic of the Congo has established a high-level Social Dialogue Framework (*Cadre permanent du dialogue social, CPDS*), which provides the needed national space for tripartism, and is chaired by the

Prime Minister. In 2010, Mauritius initiated the creation of the tripartite national forum to build a prosperous environment for social dialogue (ILO, 2011b).

Tripartism also plays an important role in improved governance at the subregional level, enhancing the participation of employers' and workers' organizations in policy discussions. Notably, subregional tripartite social dialogue mechanisms have been established in the EAC, SADC and UMEOA. ECOWAS has recently agreed to a social charter and declaration for the establishment of a tripartite forum (ILO, 2011).

While much progress has been made in promoting tripartism, the conditions for effective social dialogue are lacking in some countries. Given the economic and political transition under way in a number of countries, particularly in countries of northern Africa, this is a priority. There is a need to establish functioning and well-resourced institutions for tripartite social dialogue within which the representatives of governments and social partners can deliberate in order to build national consensus on the main policies needed to address the huge economic and social challenges facing them. At the same time, there is a need to build the capacity of the social partners and ensure their ability to function independently so that they can contribute effectively to policy-making. The ratification and application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), is an important support to the development of tripartism.

Sound labour relations for decent work

The promotion of sound labour relations is central to decent work. There have been significant developments in the legislative and institutional framework for industrial and employment relations in a number of countries in Africa. Some countries strengthened organizational rights and ended state sponsored union monopolies (e.g. Ghana, the United Republic of Tanzania, Ethiopia and Nigeria). Others have strengthened mechanisms and procedures for collective bargaining which has in turn contributed to improvements in wages and working conditions (e.g. Kenya and South Africa). A number of countries have taken steps to promote sound labour relations through the establishment and effective functioning of institutions and services for dispute resolution.¹

Despite these developments mechanisms and processes remain underdeveloped in many countries. Some of the evidence for this can be seen from the numbers of workers belonging to trade unions and who have their wages determined by collective agreements remains very low – particularly when considering this as a proportion of total employment, including self-employed workers in the informal economy (table 1).

There are a number of reasons for this. First, wage employment accounts for a relatively small proportion of employment in most countries and the majority of workers work in the informal economy or in unpaid work in the rural sector. In addition, there are a growing number of contingent workers. Collective agreements seldom encompass these workers. Second, labour administration is often weak and the capacity to implement and monitor labour relations legislation limited in some instances. For example, despite the creation of new institutions for dispute resolution in a number of countries in the southern African region, their effective funding remains a key challenge. Third, the capacity of trade unions and employers' organizations needs to be strengthened. Fourth, trade unions face a

¹ Examples of new dispute resolution agencies include the *Commissao de Mediacao e Arbitragem Laboral* (Commission for the Mediation and Arbitration of Labour Issues) in Mozambique, the Committee for Dispute Prevention and Resolution in Namibia, the National Labour Board in Kenya, the National Labour Commission in Ghana and the Commission for Mediation and Arbitration in the United Republic of Tanzania.

number of challenges in respect of their membership and strength. Structural adjustment programmes have had a profound impact on the labour market and on trade union membership. The transition to multi-party democracy has been accompanied by a proliferation in the number of trade unions in some of countries and poses challenges for the effectiveness of collective representation. There are some countries where the realization of freedom of association and the effective realization of the right to collective bargaining is an ongoing concern.

Table 1. Social dialogue indicators

Countries	Trade union density		Collective bargaining coverage	
	Proportion of wage earners	Proportion of total employment	Proportion of wage earners	Proportion of total employment
Cameroon	3.5	n.a.	n.a.	n.a.
Egypt	26.1	16.1	3.4	2.1
Ethiopia	12.9	1	22.7	8.3
Ghana	70	n.a.	70	n.a.
Kenya	35.5	4.1	3.7 *	0.4
Malawi	20.6	2.7	20.8	2.7
Mauritius	28.2	14.8	16.5	9.9
Niger	n.a.	1.1	n.a.	0.2#
Sierra Leone	46.8	3.6	46.8	3.5
South Africa	39.8	24.9	27.3	17.1
Tanzania, United Republic of	18.7	2.2	n.a.	n.a.
Uganda	n.a.	1.1	n.a.	n.a.

* Private sector coverage only. # Public sector coverage only.
n.a.: not available.
Source: Hayter, S.; Stoevska, V. (2010).

Laying the foundations for sound labour relations

A clearly constituted employment relationship is the foundation of sound labour relations. The growth of temporary labour services, alongside long-standing informal employment relationships in many countries excludes disproportionately large number of workers from protection by labour law due to the difficulty in establishing whether or not an employment relationship exists and with whom. Some countries are addressing this along the lines suggested by the Employment Relationship Recommendation, 2006 (No. 198), and seeking to clarify national policy in this regard and finding solutions to questions related to the scope of the employment relationship through a process of social dialogue. For example, the South African *Code of Good Practice: Who is an Employee* (2006) issued by NEDLAC seeks to promote clarity concerning the employment relationship for the purposes of interpretation and regulation by labour legislation. In Senegal, the National Committee of Social Dialogue (CNDS in French) has adopted in 2004 a priority plan of action to extend, in particular, social security coverage to transport workers. Such action was needed because of the increase, in a context of a rapidly expanding offer of transport services, in both precarious employment situations and impoverishment of drivers.

In the absence of a clearly defined national policy or of any social dialogue initiative to assess the need of protection of those categories of workers falling out of the scope

and/or out of the protection of labour legislation, guidance on the determination of the existence of an employment relationship and effective protection of the most vulnerable workers rests in most African countries with the under-resourced labour courts.

Suggested questions for discussion

1. What can be done to strengthen the role of tripartite social dialogue in facilitating smooth economic and political transition in some countries? How can regional and subregional structures contribute to and strengthen tripartism at the national level and promote cooperation between the countries?
2. How can governments and the social partners support sound labour relations, including the promotion of collective bargaining between employers and their organizations and workers' organizations as a means for regulating and governing work?
3. What can be done to strengthen the role of the social partners in the process of labour law reform under way in a number of countries? And, what examples are there of the contribution of this to effective policies that clarify the employment relationship?

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