

CAPITALISING OF GOOD PRACTICES





PREFACE

In the frame of the BIS-MSI partnership program 2017-2021, co-financed by the Belgium Ministry of Development cooperation and the ACLVB-CGSLB, the focus was placed on obtaining decent work through social dialogue for vulnerable workers.

The ILO centenary Declaration as adopted in June 2019 stated that social dialogue contributes to the overall cohesion of societies and is crucial for a well-functioning and productive economy.

BIS-MSI and her partner organisations, in South-Africa (COSATU, SACCWU) Burundi (COSYBU/FNTT-SI) and Senegal (CNTS), worked tirelessly the past 5 years to contribute to better working conditions for the workers in their various countries. Despite the fact that COVID-19 impacted the program on a number of areas, the partners organisation achieved a number of excellent results!

As trade unions we can learn from each other, and others can learn from us, but if we do not capitalize the successes we booked, and the pathway(s) we took to reach them, we run the risk that valuable knowledge, resources and skills could get lost. Through this publication, we not only answer to the recommendations we have received from the mid-term evaluation in 2019, it also contributes to the work we have done in synergy with the various actors from the Joint Strategic Frame for Decent Work.

Through our joint efforts on capacity building, networking and advocacy & lobby work the BIS-MSI partner organisations could put forward a number of good practice examples to share with the broader trade union movement. These good practices will range, among others, from implementing a national minimum wage, gender and sexual harassment policies for trade unions, just transition and climate policies for trade unions and protecting vulnerable workers during time of pandemics.

By sharing these good practices among trade union partners and other organizations, this publication aims to serve as a source of inspiration and in doing so, highlight the relevance of trade unions and further advance their role they play in promoting social dialogue as key driver and governance instrument for sustainable development. In 2015 we all set our commitment to help achieve the Sustainable Development Goals (SDG) from the United Nations Agenda 2030, paying special attention to SDG 8, concerning decent work. I am proud to say that through this 5-year program, BIS-MSI and our partners have lived up to this commitment. By fighting for decent work we have contributed to income equality, protect our members from unsafe working environments, access to social protection and transforming the informal economy to the formal, as put out in the ILO recommendation 204.

I would like to express my gratitude for the work that was delivered by our various partner organisations in our joint effort to ensure that we leave no-one behind when it comes to decent work for all!

Olivier Valentin
President BIS-MSI
National Secretary CGSLB-ACLVB



SOUTH AFRICA

SOCIAL DIALOGUE AS DRIVER FOR DECENT WORK

CAPITALISING OF GOOD PRACTICES IN TRADE UNION DEVELOPMENT COOPERATION



COSATU

Congress of South African Trade Unions,
Congrès des syndicats sud-africains

SOCIAL DIALOGUE AS KEY DRIVER

Key driver to implementation of a National Minimum Wage, making sure monitoring mechanisms is in place!

The South-African trade unions (COSATU, FEDUSA & NACTU) have fought for many years for the implementation of a national minimum wage in South-Africa.

https://thewestrand.co.za/wp-content/uploads/2018/03/Joint_Organised_Labour_NMW_BCE_LRA_Bills_Submission_16_03_2018_final.pdf Through the social dialogue structures of NEDLAC and the technical help of the ILO, research institutions and solidarity support from the global trade union world, the National Minimum Wage Act came into force on January 1, 2019. To be able to reach this a comprehensive report by the social partners of NEDLAC was published: <http://new.nedlac.org.za/wp-content/uploads/2016/11/NMW-Report-Draft-CoP-FINAL1.pdf>

The minimum wage is set at R20 an hour for most workers (resulting in a wage of R3500), but R18 for farm workers, R15 for domestic workers and R11 for public works programme employees. After two years after its implementation, farm workers, domestic workers and public works programme employees will receive the same minimum wage as all other workers.

Through the NEDLAC social dialogue commissions, COSATU stressed the fact to the Department of Labour that a **good follow-up mechanism** are needed for workers to be able to place grievances if the employers does not comply with the legislation. Initial steps were taken, giving a role to the CCMA, Labour inspectors and the NMW Commission for the introduction of the hotline, free of charge, where worker can launch a complaint at the Dept. of Labour.

The launch of the NMW Impimpa hotline with one of the country's leading cellular providers provide a messaging interaction mechanism for end-users (workers) to allow them to report cases of non-compliance with the national minimum wage without any cost.

It allows to monitor the response time of the labour inspectors and this will be public so the unions, among others, will be able to hold government to account. The Minister indicated that «I hope I am not being presumptuous if I say that unions need to use this as an opportunity to conscientise their members and potential membership as to their basic labour rights,» NMW "hotline":

<https://www.sanews.gov.za/south-africa/government-launch-minimum-wage-compliance-hotline>.

Le Ministre a déclaré que cette hotline allait « changer la donne » en matière d'inspection du travail :

<http://www.labour.gov.za/departement-of-employment-and-labour-launches-a-game-changer-in-inspection-and-enforcement-of-nmw>

COSATU responded on the initiative:

<https://mediadon.co.za/2020/03/05/cosatu-welcomes-the-long-overdue-launch-of-minimum-wage-hotline/>

CONCRETE RESULTS

“The National Minimum Wage is an historic victory for workers and their families. For the first time in South Africa all workers will be covered by a NMW. Currently, only 30% are covered. We will see an increase in the wages of 6.4 million workers, or 47% of the workforce. This will benefit half the nation directly. It will mean more food on the tables for their families. The fact that this could be achieved shows the value of social dialogue through Nedlac between labour, business and government. It also shows the power of workers when they are united as seen by the united front in this case between the three major country’s union federations of COSATU, FEDUSA and NACTU.”

Bheki Ntshalintshali (GS, COSATU),
representative Labour Constituency NEDLAC

The hotline was introduced in march 2020, and already received 178.000 inquiries and complaints!

<https://www.southafricanlabour.co.za/national-minimum-wage-hotline-inundated-with-complaints/>

Used and shared as a good practice:

- presented by COSATU during the side event of the 3 Belgium Trade Unions at the ITUC-Africa 4th Congress in Nigeria from 20-21 Nov. 2019.

<https://www.ituc-csi.org/social-protection-and-living-wage-two-pillars-of-decent-work>

https://twitter.com/ituc_africa/status/1197544283747835911

• via The Global Deal :

<https://www.theglobaldeal.com/good-practices/south-africa-social-dialogue/>

LESSONS LEARNED AND/OR RECOMMENDATIONS

- Trade unions must strengthen their knowledge and capacity to calculate a living wage. This skill is essential to negotiate an increase in the minimum income that matches the reality of the employees.
- The national minimum is sadly still not for all workers a living wage, COSATU call’s that the NMW be brought in line with inflation. The fight for a living wage continue. In 2021 the **NMW was index** at 21.69 ZAR an hour (increase by 7.8 % since the legislation came to play in 2019 at 20 ZAR an hour.
- Strong institutions for social dialogue
- Strong labour inspection or monitor mechanism needed
- Budget availability: The Dept. of Labour earmark 21 million ZAR to the hotline!
- Cooperation with private sector (in the case of South-Africa = Vodacom) to implement a hotline

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SOCIAL DIALOGUE AS DRIVER FOR DECENT WORK

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COSATU

Congress of South African Trade Unions,
Congrès des syndicats sud-africains

In close cooperation with their sector affiliate



SACCAWU

South African Commercial Catering and Allied Workers Union,
Syndicat sud-africain des travailleurs des services de restauration et métiers connexes

MAKING GENDER BASED VIOLENCE A TRADE UNION PRIORITY:

Building organisational capacity to actively take on the fight against GBV and carry out the ILO C.190 and R.206

To implement the recent ILO Convention 190 (C.190) and Recommendation 206 (R.206), as adopted during the International Labour Conference of June 2019, COSATU invested in the development of a number of instruments to strengthen their own organisational capacity in the fight against Gender Based Violence (GBV); they:

- **adopted** a «Cosatu policy and Procedure for handling, prevention and elimination of sexual harassment»
- **developed** a COSATU Manual on Combating Sexual Harassment, giving practical cases <https://www.youtube.com/watch?v=wLN7ovTywgE>, in supporting shop-stewards to act against GBV on the work floor
- rolled out a «Male gender champions dialogue» roll-out, to build a commitment among all COSATU affiliates for male trade unionist to support GBV

Gertrude Mtsweni, National Gender Coordinator at COSATU, explained what is needed to make the protections in ILO Convention (C190) on gender based violence (GBV) and harassment a reality for working women in South-Africa.

« Most African countries does not have national legislation dealing with GBV. So we call on all African countries to ratify the ILO Convention! »

« Sexual harassment and gender-based violence at work is a reality and we've got lots of cases in South Africa that we can prove, » says Gertrude.

« Tackling gender-based violence in the world of work, should be part of our collective bargaining agreements (CBA's). In each and every workplace there should a GBV policy! »

To achieve this COSATU and her affiliates launched a national campaign and capacity building activities on GBV.

CONCRETE RESULTS

- All developed material are being shared online via de COSATU Website:

<http://mediadon.co.za/wp-content/uploads/2019/11/COSATU-Sexual-Harassment-Booklet.pdf>

<http://mediadon.co.za/wp-content/uploads/2019/11/COSATU-Manual-on-Combating-Sexual-Harassment.pdf>

- **Negotiating amendment of the Code of Good practice on harassment at NEDLAC to align with C190, resulting in;**
 - > Adjustment of labour legislation: Bringing gender elements through social dialogue via NEDLAC structures to be adopted into labour legislation - Cosatu parliamentary co-ordinator Matthew Parks said “These three progressive bills (Sexual Offences; Domestic Violence; and Criminal and Related Matters Amendment Bills) are part of the package of interventions committed to by the president in 2019. They are a welcome

step in the right direction to capacitate the state to tackle the violence affecting women, children, the elderly and persons with disabilities, in particular sexual offences,” said Parks.

<https://www.politicsweb.co.za/politics/adoption-of-three-gbv-bills-to-parliament-welcomed>

- **COSATU welcomes Cabinet’s approval of ILO Convention 190:** Cabinet’s approval (29 November 2021) for the submission of ILO Convention No 190 to Parliament is an important firm step in the process towards South Africa’s full ratification of ILO Convention 190.

<https://www.gov.za/speeches/minister-thulas-nxesi-submits-international-labour-organization-convention-deal-violence>

LESSONS LEARNED AND /OR RECOMMENDATIONS

- OSATU did not wait for the adoption of the ILO C.190 to start taking action, they build out a parallel, capacity building process with material/training to underline their campaign
- Not only focusing on women but also men: COSATU Male Gender Champions dialogue and workshops:
<https://www.youtube.com/watch?v=mbAcHuAONno>
- Gather online testimony: <https://mediadon.co.za/2019/09/12/cosatu-men-lead-by-example-during-the-gender-based-violence-protest-at-cosatu-house/>
- Good lobby work together with various stakeholders like the advocacy programme on GBV in collaboration with RISE Up

- Strong focus on training of COSATU gender coordinators on the Sexual Harassment policy (using the training manual) in collaboration with various allies NALEDI, LRS, CCMA and Sonke Gender Justice, with attention to Young Women leadership development training
- Built a strong team of negotiators and advocates in COSATU including young women workers
- COSATU Gender Review includes a focus on reviewing COSATU work on GBV and Harassment to require a participatory research process engaging various structures.

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SUR LES DROITS ET L'ORGANISATION DU DIALOGUE SOCIAL
BIJUMBURA, REMHOTEL DU 16 AU 19 OCTOBRE 2019



BURUNDI

SOCIAL DIALOGUE AS DRIVER FOR DECENT WORK

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FNTT-SI
*National Federation
of transport, social
and informal workers*

FNTMI
*National federation
of workers in the informal
manufacturing industry)*

FNTD
*National domestic
workers federation*

FNTAA
*National federation
of agri-food workers*

DIGITALISATION OF (CENTRAL) MONITORING OF PROVINCIAL DEMANDS

Following the digitalisation of the management of the FNTT-SI and its three sister federations of informal workers, which includes the digital management of members, subscriptions and activities, a reporting and monitoring system has been introduced for the demands of provincial offices.

Although reporting itself is not new, this method (and the digital reporting table) has made it less onerous and more effective. The most innovative aspect of this good practice was the shift from oral or written reporting (transmitted during visits) to regular written reporting, sent digitally (using Word or Excel templates to be completed by the provincial offices of the four informal economy federations).

The provincial offices of the four federations send a quarterly report to the executive bureau which updates a central database. This makes it possible to see at a glance the number and content of demands and disputes addressed at the provincial level, to prioritise demands at the national level, and to compile annual reports on labour disputes in Burundi.



CONCRETE RESULTS

The digitalisation of reporting has been accompanied by a standardisation of provincial reports.

In 2019, this made it possible to conduct a general audit of labour dispute resolution in Burundi, on the basis of which social dialogue techniques can be enhanced.

Standardisation has had the welcome but unexpected effect of improving exchanges and sharing lessons learned across provincial offices.



LESSONS LEARNED AND/OR RECOMMENDATIONS

- As this example of reporting from provincial offices to the national level demonstrates, digitalisation allows more local information to be combined and compiled, leading to more insights. This particular instance has led to a better understanding of the demands and claims of members, an analysis of the disputes, and the establishment of national priorities. Moreover, (vertical) reporting from the provincial to the national level allows for (horizontal) exchanges and peer learning across provinces.
- Although it is (still) necessary to encourage some provincial officials to submit their reports, digitalisation has made it easier for them to do so. Regular discussion of these reports and the reduction of the administrative workload are no doubt a factor in this.

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BURUNDI

SOCIAL DIALOGUE AS DRIVER FOR DECENT WORK

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COSYBU
Burundi trade union confederation

INTEGRATION OF JUST TRANSITION IN TRADE UNION AND INTER-UNION ACTIVITIES & STRUCTURES



In addition to one-off actions with member organisations, climate and environmental awareness must be translated into action plans that combine awareness-raising, training and - above all - organisational alliances and adaptations, so that trade unions can participate fully in the social dialogue on the just transition.

PRACTICAL RESULTS

The COSYBU is better equipped to conduct social dialogue on environmental transition, at national, sectoral and local levels - with practical supporting arguments. Its climate commitment contributes to the expansion and consolidation of social dialogue in *all* areas.



LESSONS LEARNED AND RECOMMENDATIONS

Trade unions are increasingly aware of the importance of climate change, and the need for socially just mitigation and adaptation policies (see also: [Les syndicats burundais ont placé la transition juste contre le changement climatique au premier rang des priorités ! - International Trade Union Confederation article available in French only \(ituc-csi.org\)](#))

After taking part in a 2018 international seminar on just transition, co-organised in Cotonou by organisations including ITUC-Africa, the International Institute of Labour Education (IEOI, now CSC International) and BIS-MSI, COSYBU has permanently adopted the resulting **recommendations**.

In particular, COSYBU quickly developed an environmental and climate action plan - based on their experience in the management of Persistent Organic Pollutants (Stockholm Convention). The action plan included tangible environmental actions, internal and external training and awareness-raising (e.g. advocacy with employers) and, most importantly, internal learning and organisational capacity-building objectives, as well as structural adaptations to be made in order to make COSYBU more able to respond to the climate challenge. Most remarkably, this plan was adopted by COSYBU, but also on an inter-union basis with the other Burundian confederation CSB. COSYBU has therefore provided the common trade union front with an action plan, and from the outset created a climate alliance for Burundi.

Since then, the organisation has implemented the plan, providing a series of training sessions for its negotiators and members in each annual programme. At its 3rd Ordinary Congress, the union successfully adapted its statutes, gave itself a mandate to negotiate on environmental and climate issues, and created the internal position of 'environmental and climate

adviser'. In this way, the organisation has given substance to its commitment to expand the social dialogue to include «just transition» issues.

Because the action plan contains a direct support component for local officials, they are more likely to intervene spontaneously in environmental issues. Following a landslide, for example, local officials of the FNNT-SI affiliated union took the lead in reforesting the hill. These local interventions, which may seem insignificant but which make the union more visible and build trust between workers' representatives and local authorities, promote social dialogue at this level.

While internal capacity-building needs to be continued - after becoming aware of the issues, it became apparent that it is difficult to find the relevant information for social dialogue in this new area - local negotiators have already approached their governmental and management partners on issues of workplace adaptation to climate change, and national officials have approached the relevant minister with a view to setting up a structural negotiation framework on climate change. The climate commitment is incorporated into the cooperation programme between this organisation and BIS-MSI for the period 2022-2026, which makes social dialogue on climate policies a priority area of intervention. In this way, the institutional embedding provided for in the 2018 action plan has guaranteed the continuity of climate actions and an increasing trade union involvement in Burundi's environmental and climate policies.

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SENEGAL

SOCIAL DIALOGUE AS DRIVER FOR DECENT WORK

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CNTS
National Confederation of Senegalese Workers

COVID-19 PANDEMIC:

the social partners set key milestones

To contain the spread of Covid-19, the Senegalese State took far-reaching measures, from banning gatherings to closing some businesses, closing borders and restricting individual and collective freedoms as a result of the state of emergency. In addition, there has been a general slowdown in the activity of the majority of the country's businesses, with worrying economic consequences, especially in sectors such as the hotel industry, transport, and tourism and its formal and informal supply chains, which could lead to cumulative redundancies in the absence of decisions to lay off workers, with a drastic reduction or even total loss of wages and incomes. Similarly, workers in the informal economy have been heavily impacted by the measures put in place which include a total ban on «Jakarta» (motorcycle taxi) drivers.

The trade union federations of the Senegalese coalition, led by the CNTS, have organised multiple meetings with the Head of State and the Labour Ministry to protect the workers hard hit by the pandemic. In view of the real threat to employment, on 8 April 2020 the President of the Republic of Senegal issued a decree introducing derogatory measures on dismissals and lay-offs during the Covid-19 pandemic. These measures guaranteed the worker's remuneration during lay-offs and prevented the persisting health crisis from leading to a cycle of economically-motivated mass redundancies which would increase job insecurity and threaten social stability.

At the same time, the national union of 2-wheelers affiliated to the CNTS made a strong plea at the youth employment forum, where it decried their harsh working conditions, the lack of recognition of their status as workers and the impact of government measures taken to curb the pandemic on their lives. This appeal resulted in the granting of 450 million (approximately €686,000) from the COVID Force support funds and the recognition of this sector.



CONCRETE RESULTS

This reflects the stated intention to establish equality of treatment between workers made redundant for economic reasons or laid-off without pay before the adoption of the order and those who benefit from its immediate application.

Any employer who had already taken dismissal measures other than for gross misconduct, as of 14 March 2020, is not only obliged to reinstate the workers concerned but also to pay them their wages for the period.

This is the first time in Senegalese labour law that a new law has been given retrospective effect.

It also means that Jakarta motorcycle drivers are now recognised by the State. Registrations with the chambers of trade were used to establish statistics to determine an amount to help them cope with COVID-19.

LESSONS LEARNED AND/OR RECOMMENDATIONS

- Social dialogue appears to be an essential factor in building consensus between the various stakeholders in times of crisis. The health crisis demands urgent organisational changes that can have a significant impact on working conditions. The need to address this quickly has proved beneficial to social dialogue. It is therefore contributing to economic performance by improving the organisation of work and the working conditions of employees.
- Furthermore, the value of the CNTS strategy for implementing R204 through the sectoral trade union organisation of the informal economy and its registration with the chambers of trade is demonstrated by the Jakarta motorcycle union. This is because they had received training focused on social dialogue, negotiations and representation, which enabled them

to make an inclusive plea to the Head of State. This advocacy eventually led to effective recognition of their status as workers, even obtaining a share of the COVID resilience fund.

- Social dialogue and collective bargaining have a fundamental role to play in rebuilding a more sustainable economy in which the fruits of growth are redistributed across society. That said, it is regrettable that workers' organisations were not consulted on how to distribute these COVID funds. Unions will also need to demand a role in the decisions, including financial decisions, that affect workers in a crisis so that they are inclusive.

CONTRIBUTING TO THE SUSTAINABLE DEVELOPMENT GOALS (SDG's)



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SENEGAL

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National Confederation of Senegalese Workers

ACCESS TO VOCATIONAL TRAINING IN THE INFORMAL SECTOR

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