

REGIONAL MEETING ON DECENT WORK REGULATION IN AFRICA

FINDINGS AND RECOMMENDATIONS



Decent Work Regulation in Africa



INTRODUCTION

The Project on Decent Work Regulation in Africa (DWR-Africa) responds to UN Sustainable Development Goal 8: to promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all.

To achieve this objective, effective labour regulation is crucial. Strong regulatory frameworks are a vital component of development policies, capable of supporting inclusive growth, sustainable prosperity, and the wellbeing of workers and their families. Yet the regulatory strategies that can effectively achieve decent work – especially in Low and Middle Income Countries (LMICs) – have yet to be designed.

DWR-Africa is a collaboration between Durham University (UK), the University of Cape Town (South Africa) and York University (Canada). Funded by Durham University through the UK Global Challenges Research Fund (GCRF), it has established a Regional Network of researchers and policy-makers.

On 18th June 2018, the Network held a Regional Meeting at the University of Cape Town Graduate School of Business. The Meeting brought together stakeholders from countries across sub-Saharan Africa, including from government Ministries, labour inspectorates, trade unions, employers' associations, auditors, and retailers.

The Meeting provided the opportunity for a regional dialogue on regulatory strategies that can achieve decent work in the African context. The focus was on the enforcement of labour laws in the garment sector. In particular, participants considered whether involving a range of stakeholders in enforcement - multi-stakeholders models - can extend the reach of labour standards

This document outlines the Meeting's findings and recommendations. We hope that it will prove a useful contribution to the lively debates on effective labour standards, and on decent work in the garment sector, both in Africa and in countries across the world.

Professor Deirdre McCann
Durham Law School, UK
6 July 2018

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FINDINGS

PRESSURES ON THE GARMENT SECTOR

The African garment sector faces accelerating pressures...

- There are rapid changes in the trading environment and industrial relations in Africa, including frequent shifts of the garment industry into low-wage environments. These trends are impacting on the industry, on trade, and on bargaining relations.

...yet compliance with labour standards is profitable.

- One of biggest challenges to effective enforcement is to demonstrate to investors and employers that compliance is profitable and that the social costs of non-compliance are unacceptable.
- The relationship dimension is key in industrial relations and makes a substantial difference to productivity.

CONDITIONS OF WORK

Longstanding concerns remain....

- Long and unpredictable working hours, job security, sexual harassment and bullying remain challenges in the garment sector.

... but the conditions of most concern to workers are often work/life issues.

- Work-family and gender equality are crucial elements of decent working conditions.
- Broader responses are needed to challenges that are not conventionally treated by labour regulation such as worker protection outside of the workplace (e.g. against gender-based violence) and secure and reliable transport.

FINDINGS

The formal and informal economies intersect

- Informality and work/family impediments can be inter-related: inflexibility in the formal sector, long/unpredictable hours, and long commutes often discourage workers with family responsibilities from taking up formal jobs.
- There are reports of workers increasingly being engaged on a casual/daily basis to work in the garment sector.

CHALLENGES TO EFFECTIVE REGULATION

Deficiencies in regulatory frameworks are becoming more apparent...

- Limitations in labour standards and their implementation are increasingly a matter of concern for stakeholders.
- Examples include inappropriate legal standards (e.g. that impose unduly burdensome requirements or lack key standards, such as a minimum wage); fragmented regulatory frameworks; the use of cooperative structures to circumvent laws; and the failure to cover certain working relationships and arrangements.
- There can also be discrepancies between what interventions are intended to achieve and the practical outcomes.

...including multiple standards, which cause complexity.

- Multiple (sometimes conflicting) labour standards – public and private – cause great complexity.
- There is often a degree of uncertainty on the role of – and relationships between – stakeholders in public and private enforcement.
- Multiple auditing agencies/actors (sometimes with coordination problems) can also cause confusion.

FINDINGS

- There are insufficient incentives to achieve compliance (at the same time as multiple compliance mechanisms).
- Fragmentation of legal frameworks and local institutions causes:
 - a lack of data and policy coordination;
 - a failure to find new approaches.

MULTI-STAKEHOLDER ENFORCEMENT MODELS

Multi-stakeholder enforcement models are attracting interest in the region....

- Interest in multi-stakeholder models is growing in Sub-Saharan Africa, albeit at different rates in different countries.
- The reasons for this growing interest include:
 - Politically-deadlocked institutional environments;
 - Internationalisation of the regional economy;
 - Uneven bargaining power between workers and employers;
 - A set of challenges to effective regulation (see above).

... although they are subject to certain limitations.

- Public and private stakeholders are often subject to constraints:
 - Public agencies: a lack of coordination within and between states in the region; under-resourcing of labour administrations; limited capacity; poor management; ethical concerns that breed a lack of trust.
 - Private initiatives: unbalanced focus on auditing; lack of remediation; and 'audit fatigue' when factories are subject to Codes adopted by multiple firms/buyers.

FINDINGS

- o In some contexts, if trade unions demand compliance (and thereby become the enforcer of labour standards) there is a risk of job losses (where the employer responds by closing the business). Trade unions need to have the capacity to deal with this scenario, since it undermines their role.
- The experience of a hybrid model in Lesotho - the ILO/World Bank's Better Work programme - achieved improvements, for example in occupational health and safety and in the work of Performance Improvement Consultative Committees (PICCs). Improvements in supervisory relationships, however, have not since been maintained.

RECOMMENDATIONS

GUIDING OBJECTIVES

- It is crucial that the market price of products should reflect the decent work dimension.
- Technological developments are rapidly impacting the sector and need to be considered by all stakeholders. It must be recognised that technology generates both threats and opportunities, including for compliance with labour standards.

PUBLIC AND PRIVATE ENFORCEMENT MECHANISMS

- Capacity-building should be more strongly integrated into private initiatives, including of monitoring bodies.
- Labour inspectorates should be independent and work in an autonomous way. Inspectors should be recruited professionally and transparently. Strengthening ethics and skills is essential.
- Public and private standards should complement each other.

MULTI-STAKEHOLDER MODELS

- A more nuanced approach is needed towards multi-stakeholder models, which have the potential to strengthen enforcement by public agencies.
- Public coordination of compliance agencies and standards is needed.
- Frameworks are needed to:
 - Promote communication in factories by sensitising employers and by demonstrating the benefits of the multi-stakeholder model; and
 - Incentivise the consumer to act responsibly.

RECOMMENDATIONS

FURTHER RESEARCH

- Further research is needed on:
 - casualization in the garment sector; and
 - the intersection of formal and informal labour markets.

NEW IDEAS

- More sophisticated regulation of piecework is needed so that production targets are not associated with unacceptable work. Modern methodologies should be used and expectations on productivity and working hours should be designed and communicated in a fair and transparent manner.
- Workplace committees could be facilitated by law.
- Legislation in other legal fields can help to strengthen labour protections, e.g. by borrowing the notion of buyer-responsibility from consumer protection law.
- Trade unions, buyers, and investors should play a stronger role in pressuring for social compliance.
- Private actors interacting/transacting with employers (e.g. banks) should play a role in labour enforcement and regulation.

LIST OF PARTICIPANTS

Hassan Abdullahi
Former Organiser, Tailors and Textiles Workers Union
Nairobi, Kenya

Natasja Ambrosio
Mr. Price Group
Cape Town, South Africa

Terry Bell
News 24
Cape Town, South Africa

Mark Bennett
Textile and Apparel Trade, Industry and Labour Market Specialist
Durban, South Africa

Derick Blaauw
North-West University
Potchefstroom, South Africa

Debbie Collier
University of Cape Town
South Africa

Arely Cruz-Santiago
Durham University
United Kingdom

Ithabeleng Duma
Independent Consultant
Maseru, Lesotho

Belinda Edmonds
African Cotton & Textile Industries Federation (ACTIF)
Nairobi, Kenya

Simon Eppel
South Africa Clothing and Textile Workers' Union (SACTWU)
Cape Town, South Africa

Emma Fergus
University of Cape Town
South Africa

Michelle Goddard
Mr. Price Group
Durban, South Africa

Shane Godfrey
University of Cape Town
South Africa

Tendai Makanza
IndustriALL Global Union
Durban, South Africa

Limphe Mandoro
International Labour Organization (ILO)
Pretoria, South Africa

Daniel Maraisane
United Textile Employees (UNITE)
Maseru, Lesotho

Mamohale Matsoso
Labour Commissioner, Ministry of Labour and Employment, Lesotho
Maseru, Lesotho

Deirdre McCann
Durham University
United Kingdom

Wonder Mkhonza
Amalgamated Trade Union of Swaziland
Manzini, Swaziland

Tsireletso Mojela
Ministry of Trade and Industry, Cooperatives and Marketing, Lesotho
Maseru, Lesotho

Mamphaphathi Molapo
Lesotho National Development Corporation (LNDC)
Maseru, Lesotho

Nthabeleng Molise
ReMmoho Compliance Solutions
Maseru, Lesotho

Abigail Osiki
University of Cape Town
South Africa

Karina Patricio Ferreira Lima
Durham University
United Kingdom

Kelly Pike
York University
Toronto, Canada

May Rathakane
Independent Democratic Union of Lesotho (IDUL)
Maseru, Lesotho

Roger Ronnie
University of Western Cape
Potchefstroom, South Africa

Andrew Salm
Gatsby Africa Textile Development Unit
Dar es Salaam, Tanzania

Margaret Alison Shapiro
Social Capital Consulting
Durban, South Africa

Girma Tafere Kebede
Ethiopian Textile Industry Development Institute (ETIDI)
Addis Ababa, Ethiopia

Paul L. Theron
Apparel Manufacturers of South Africa (AMSA)
Durban, South Africa