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Draft trade union position paper/advocacy paper

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Key trade union demands:

- **The JAES should address the systemic challenges impeding decent work to flourish: informal and precarious work, weak industrialization, climate change, gender inequality, unharnessed private sector, diversion of ODA for purposes unrelated to poverty eradication, tax evasion and illicit financial flows, etc.**
- **Decent work and social dialogue should be high in the JAES agenda, to ensure sustainable and inclusive growth and development, in coherence with the 2030 Agenda for Sustainable Development, the new European Consensus on Development, the EU Global Strategy for Foreign and Security Policy, and the African Union 2063 Vision.**
- **Freedom of association and the right to collective bargaining are enabling rights to achieve decent work, universal social protection and sustainable socio-economic development. The JAES should effectively ensure an enabling environment that allows for social and civic dialogue, and for the participation of social partners in socio-economic governance.**

1. Decent work and universal social protection as key for sustainable and inclusive development

Decent work is at the core of inclusive and sustainable development. It allows for a livelihood for workers and their families, it reduces poverty and inequalities and ensures inclusive growth that leaves no one behind. Decent work is defined by its four pillars: job creation, rights at work, social protection and social dialogue. Decent work is recognised as a stand-alone Sustainable Development Goal (SDG) and throughout the 2030 Agenda for Sustainable Development,¹ as well as a driver for sustainable development according to the new European Consensus on Development.

Through job creation, strong social protections systems and quality public services, better working conditions and access to democratic decision-making, people, communities and countries can lift themselves out of poverty, improve livelihoods, engage in local development and live together in peace. This happens only when work is decent, environmentally sound and productive, provides living wages and is underpinned by labour rights and accessible to all men and women workers alike, regardless of their migration status.

Decent work should be placed at the heart of the Joint Africa-EU Strategy (JAES) and become the cornerstone of just, democratic and participatory societies in Africa and Europe. Only the creation of decent jobs will enable to overcome poverty in a sustainable way. Most African women, men and young people are in informal, precarious, unproductive and poorly paid employment that is neither recognised nor protected by law. They are not able to enjoy their workers' rights and generally have no access to social protection.

¹ Decent work and the 2030 Agenda for sustainable development, ILO (2016): <http://ilo.org/global/topics/sdg-2030/lang-en/index.htm>



Ending poverty requires that people have access to decent livelihoods and that social protection systems are comprehensive and foster inclusion through adequate income support and quality public services. Working poverty remains a major challenge across the African continent. Implementing and enforcing a statutory minimum wage – with the close involvement of social partners (workers and employers organisations) – is not only essential to reducing poverty, but is also pivotal to restoring the dignity of people living in poverty. Thus, guaranteeing living wages in all forms of employment can help tackle in-work poverty. Moreover, governments should put in place universal social protection schemes in line with ILO Recommendation 202 on National Social Protection Floors, to combat poverty and promote inclusive growth. Social protection systems should be comprehensive. In line with the principle of universality, they should go beyond providing simple ‘safety nets’ for the most vulnerable or ‘social insurance’ for those in formal employment.

Achieving gender equality will not be possible without concerted action to transform labour markets for women’s paid and unpaid work. Closing the gender pay gap requires a policy of ‘equal pay for work of equal value’. Minimum living wages and measures to promote women’s equal access to social protection can also help to address gender disparities in income and reduce poverty. The pursuit of gender equality requires measures to facilitate the reconciliation of work and family life, and breaking down the rigid occupational segregation that has trapped millions of women workers worldwide in insecure, poorly paid and often-dangerous work.

Climate impacts hit working people first, and with extreme weather events, changing seasons and rising sea levels, whole communities stand on the frontlines. In order to stabilise the climate, profound changes need to be made to energy systems – and therefore to all economic sectors. Leaving no one behind means working for a just transition, and the JAES should also work for this endeavour. Social dialogue can play a pivotal role in assisting workers and communities whose livelihoods depend on sectors that must reduce carbon emissions, and to explore the incentives, regulations and finance needed to assist the industrial transformation and community renewal through facilitating new opportunities.

A just transition should invest in decent work opportunities in sectors which reduce emissions and help communities adapt to climate change; respect the contribution that workers in fossil-fuel industries have made to today’s prosperity; guarantee social protection and human rights; invest in community renewal to gain the hope and trust of regions and townships at the forefront of industrial transformation or climate impacts; support innovation and technology sharing; formalise jobs associated with rescue, restoring communities’ and building resilience to climate disasters; and be based on social dialogue with all relevant parties, collective bargaining with workers and their unions for workplace change.

2. Freedom of Association and the right to collective bargaining as enabling rights to promote decent work and sustainable development

Freedom of association and the right to collective bargaining are enabling rights that underpin decent work and sustainable development. Unions and collective bargaining reduce inequality by raising wage floors, contributing to poverty reduction and to build sustainable economies. Collective representation democratises workplaces, allowing workers to gain a fair share of the income their work produces and to negotiate decent working conditions. However, governments in European and African countries are intensifying efforts to close democratic spaces and putting legal and institutional barriers in order to limit active public influence, freedom of association, assembly and expression.



Moreover, the persistence of human and trade union rights violations is a source of great concern and needs to be taken into consideration as part of the JAES. In several European and African Countries, independent trade unions are regarded as opponents to the government and trade union leaders and activists are victims of anti-union discrimination, dismissal, police violence, death threats and murders. All governments must take action to end those violations. Women trade unionists are not spared either, since they are also repressed, especially in the export sectors and in the export processing zones, where they are trying to organise themselves to improve their working conditions.

The JAES should promote the ratification and effective implementation of ILO Core labour standards, as a key prerequisite for the sustainable development of African and European countries. The JAES needs to provide instruments, programmes and actions enabling the effective application of the fundamental labour rights and monitoring. These standards are still flouted too frequently on the African continent where forced labour, slavery, the worst forms of child labour and serious forms of discrimination in the labour market persist. As part of this, social dialogue should be at the heart of the JAES. The full involvement of the social partners in the economic and social life of a country is not just a requirement of participatory democracies but also a source of social development, social peace and inclusive economic growth. Social dialogue is key to securing the socioeconomic consensus that enable development, and it should be specifically recognised in the EU-Africa Partnership.

3. Mandated due diligence and corporate respect for international labour standards

There is increased interest by donors and the international community to invest in Africa, in light of its economic potential, demographics and resources. This is matched by increasing interest in the private sector as a development actor, given the finance shortage necessary to achieve the SDGs. As half of EU Member States are increasing ODA allocations to the private sector, commercial sector investment with public money remains largely non-transparent and unmonitored². Trade unions and civil society organisations should be supported and allowed to monitor public spending on development, including funds earmarked for the private sector. They should be meaningfully involved in the formulation, implementation, monitoring and evaluation of development programmes so that they respond to the genuine needs of the widest range of people.

The private sector role in the JAES should be evaluated based on its capacity to contribute to the achievement of the development goals for the beneficiary countries and based on the development effectiveness principles. While new funding instruments involving private actors can be an effective tool for generating economic development, employment and public budget revenues, it is important that these instruments submit themselves to the same transparency and evaluation conditions as public funding. The EU and its Member States should fund transparent, independent evaluations enabling stakeholders, including at local level, to assess the cost-effectiveness and impact of private-sector, commercial, development financing activities. The EU and its Member States should agree on a coherent narrative on the role of the private sector in development to make sure that no regions or countries in need are left behind. New development finance mechanisms such as public-private partnerships (PPPs) and blending should be assessed against development and cost effectiveness principles to prevent tied aid and to ensure a regulatory environment that allows governments to organise public services.³

² AidWatch Report, Concord (2016): https://concordeurope.org/wp-content/uploads/2016/10/CONCORD_AidWatch_Report_2016_web.pdf

³ The development effectiveness of supporting the private sector with ODA funds, TUDCN (2016): http://www.ituc-csi.org/IMG/pdf/tudcn-dfi_study_web_en.pdf



In light of the EU External Investment Plan (EIP), CSOs should be involved along the project cycles, which should ensure the respect of social, labour and environmental standards.⁴ European companies investing in Africa should ensure mandated due diligence in national legislation and respect the international standards of social and environmental responsibility, such as those contained in the OECD Guidelines for Multinational Enterprises and the ILO's Declaration of Principles concerning Multinational Enterprises and Social Policy. Due diligence requires identifying the risks of violating human rights. Most importantly, they should ensure that workers' rights to freedom of association and collective bargaining are respected throughout their supply chains.

A lot of European capital is being invested in Africa, particularly in extractive industries, and it is precisely in those sectors that very serious violations of national and international labour law are occurring and that, with armed conflicts and civil war as background. Existing instruments for responsible business conduct should assume additional importance. Adherence and implementation of internationally recognised guidelines and principles concerning business behaviour and their accountability instruments should become a key condition to granting private sector support in development cooperation. Compliance should be linked to eligibility and an adequate monitoring system should lead to re-evaluation of financial support in case of violations.

⁴ CSOs concerns regarding the EU External Investment Plan and recommendations to ensure a pro-poor instrument (November 2016):

https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/joint_csos_recommendations_on_the_european_external_investment_plan_0.pdf