



ITC-ILO Course A1-52114

**Trade Union Training on Labour administration and Inspection
for trade unions of the East Africa Community**

(TMLC, Kisumu 4 to 8 April 2011)

Inspection of Working Conditions

Objectives of the Session

To try and understand:

- Definition of working conditions
- Basic facts about working conditions in Africa
- Factors affecting working conditions
- What is sexual harassment?
- Key functions of labour inspection
- Role of trade unions in inspection of working conditions.

Inspection of Working Conditions

- “ . . . Whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week... the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury... recognition of the principle of equal remuneration for work of equal value...”
- *The ILO Declaration on Social Justice for a Fair Globalization supports the need for “policies in regard to wages and earnings, hours and other conditions of work, designed to ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of such protection.”*

Definition of Working Conditions

- **Working Condition** refers to the conditions under which employees have to work including:
 - Wages and incomes
 - Working time
 - Maternity and family related working conditions
 - Work organisation
 - Violence, sexual harassment and mobbing
 - Inspection of working conditions

Basic Facts about Working Conditions in Africa

- Many workers:
 - Work in dangerous and under risky conditions
 - Lack protection on their jobs
 - Work for low pay and long hours
 - Do not have the right to request improved working conditions, negotiate wages and hours of work
 - Could not afford good housing
 - If they complain about their jobs, they will be fired

Basic Facts about Working Conditions in Africa

- **Exploited workers** are mostly women, children and migrants who work in the informal economy and EPZs – they get fired if they complain about their jobs.
- **Many enterprises** in Africa pay their workers far below the national minimum wage.
- **Most national labour legislation** are not adequate and comprehensive as they deny many workers protection.

Factors Affecting Working Conditions

Labour market flexibility:

- **External numerical flexibility** i.e. changes in working time (temporary work, part-time work, stand-by work, casual work, etc.)
- **Internal numerical flexibility** i.e. changes in contracts of employment
- **Functional flexibility** or changes in work organisation:
 - The discretionary learning forms
 - The lean production forms
 - The Taylorist forms
 - The traditional or simple structure forms

Factors Affecting Working Conditions

- **Wage flexibility:**
 - Performance related pay and firms' financial performance (profit-sharing schemes) pay systems
 - Productivity bargaining – gain sharing plans
 - Employer's insolvency
- **Minimum wages standards and enforcement mechanisms:**
 - National minimum wage fixation and enforcement
 - Minimum age for admission into employment (child labour)
 - Minimum hours of work per day and per week
 - Minimum regulation on leave

Factors Affecting Working Conditions

- **Conditions for wages:**
 - Methods of wages determination
 - Conditions applicable to the payment of wages
 - Notification about wages
 - Deductions from wages
- **Work intensity:**
 - Hours of work
 - Involuntary overtime
 - Night work
 - Shift work

Factors Affecting Working Conditions

- Other conditions of service:
 - Inadequacy or lack of leave
 - Inadequacy or lack of maternity and paternity protection
 - Discriminating against women workers during job applications, e.g. placing impositions on them regarding possible future pregnancy, or often subjecting them to illegal pregnancy test prior to recruitment.
- Legislation and compliance:
 - Investor or business friendly laws and policies
 - Ill-resourced labour inspectorate
 - Ridiculous penalties and sanctions
 - Corruption

Factors Affecting Working Conditions

- Violence at the workplace:

- Physical
- Verbal
- Mobbing
- Sexual harassment

Those at risk of violence include:

- lone workers
- those handling cash and other valuables
- those working with people in distress
- those working in surveillance and security, etc.

What is Sexual Harassment?

- **Sexual harassment** is considered to be:
 - A violation of human rights
 - A discrimination
 - A safety and health issue
- **Sexual Harassment** offends the dignity and personal integrity of workers and involves one or more of the following:
 - Insults, remarks, jokes and insinuations of a sexual nature

What is Sexual Harassment?

- Inappropriate comments on a person's physique, age and family situation.
- Undesired and unnecessary physical contacts such as touching, caresses, pinching or assault.
- Embarrassing remarks and other verbal harassments.
- Lascivious looks and gestures associated with sexuality.
- Compromising invitations and request for sexual favour

Key Functions of Labour Inspection

- Promote compliance with relevant national legislation
- Give advice and information
- Enforcement when necessary

All these functions are particularly relevant for the inspection of working conditions.

Key Functions of Labour Inspection

Information and Awareness Raising Campaigns

- Information campaigns
- TV and radio talk shows and other forms of media campaigns on the importance of decent working conditions
- Training, in different forms and modalities, can play a key role for building awareness, knowledge and competences for promoting better working conditions.

Key Functions of Labour Inspection

Compliance

- Ensure compliance with the national labour legislation is an effective way of achieving decent working conditions.
- Ensure revision of national minimum wage on a periodic basis, in order to protect the lowest paid workers and to ensure decent standards of living to workers and their families.
- Ensure full compliance with the 8-hour day and 48-hour week working time, recognizing the right to a certain amount of weekly rest and annual holidays with pay.
- Guarantee in law and practice protection of the health and well-being of the child and prevention of discrimination and dismissal of the mother during her maternity leave.

Key Functions of Labour Inspection

- Provide information, guidance and support to social partners
- Organise awareness-raising campaigns
- Prevent poor working conditions by identifying abuses and ensuring compliance with labour legislation, and taking enforcement action where needed.

Role of Trade Unions in Inspection of Working Conditions

- Trade unions should negotiate decent working conditions for their members in term of work that is:
 - Productive and delivers on a fair income
 - Secured and dignified
 - Premised on social protection for families
 - Based on better prospects for personal development and social integration

Role of Trade Unions in Inspection of Working Conditions

- Founded on the fundamental principles and rights at work
- Accords equal opportunities and treatment to working women and men
- Premised on a right-based agenda for development
- Expected to confer rights that are denied and to provide the framework for solidarity in the face of disease, disability and old age
- Ensures that economic growth and social progress advance together

Role of Trade Unions in Inspection of Working Conditions

- Disseminate information about collective bargaining agreements to all union members.
- Educate shop-floor union leaders about labour legislation, CBAs, Codes of practice and support their actions in ensuring members' & employers' compliance.
- Advocate for the creation of functional bipartite and tripartite labour inspection committees and play constructive roles in these bodies.

Role of Trade Unions in Inspection of Working Conditions

- Take active part in the formulation of sound labour inspection legislation and policies and monitor and evaluate their implementation
- Identify, expose and report abuses of workers' working conditions
- Organize awareness raising campaigns through multifaceted channels to educate members, employers, public authorities and the population at large about the importance of improved working conditions and effective labour inspection.

Thank you!



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