



REGIONAL FORUM - SOCIAL DIALOGUE IN EAST AFRICA

FOUR POINTS BY SHERATON, ARUSHA NOVEMBER 15TH -16TH 2018

Opening Remarks

Ms. Caroline Khamati, the Executive Secretary of EATUC welcomed everyone to Arusha and to the Regional Forum. Ms. Khamati welcomed Brother Mr. Khamis Mohammed the Secretary General of ZATUC, to give his opening remarks.

Brother Khamis started welcoming everyone to Arusha and wished all to feel free to participate in the forum. He stated that this forum is meant for evaluations of the project and to look forward to 2019 and achievements.

Mr. Salahi Salahi, the Executive Director of ZANEMA recognised everyone in the room and thanked DI and LO/FTF Council for the continued support to this project. He stated that the Social Dialogue project is very crucial and has brought together social partners in East Africa.

Mr. Jesper Friis representing DI started with appreciating to everyone for coming to Arusha. Mr. Friis stressed the progress made until now and that discussions during the forum should form the way forward for next year's activities.

Mr. Philip Nordentoft from the LO/FTF Council started by thanking Ms. Khamati for a good job. Mr. Nordentoft described how he in 2012 had the idea of inviting employer's organizations to discuss with national trade union centres. This became the foundation of the project we are now all implementing together. Lastly he expressed his excitement to hear from everyone about success stories as well as challenges.

The forum was opened with blessings and the expectations of two fruitful and progressive days together. Dan Okanya from EAEO and Stephen Mwaiko from EATUC went on to facilitate the forum.

EATUC presented the activities and progress on the regional level.

Activities at the regional level

- ✓ Conducted a study on portability of social security benefits in EAC
- ✓ Baseline survey on social dialogue
- ✓ Study on Rwanda Burundi and DRC portability
- ✓ Dissemination workshops with a view to raise awareness levels on portability of social security benefits undertaken in all partner countries
- ✓ Supported national partners in advancing their social dialogue agendas
- ✓ Conducted one regional forum and one technical regional meeting
- ✓ Bipartite technical workshops

Key achievements at the regional level

- ✓ Strengthened cooperation between employers and workers
- ✓ Revision of labour laws in Burundi
- ✓ EAEO and EATUC have developed a position paper on portability of social security benefits in the EAC and the study on the portability arrangement in Burundi-Rwanda and DRC
- ✓ Development of training manuals on collective bargaining
- ✓ Resuscitating the Ministry of Labour and Employment Forum
- ✓ Strengthened the organisations as regional bodies

Challenges

- ✓ Slow negotiation pace
- ✓ Slow implementation of agreements
- ✓ Involvement of key stakeholders a bit challenging

Future areas of focus

- ✓ Building tripartite mechanism at the regional level
- ✓ Continue lobbying for free movement of workers and social protection for migrant workers
- ✓ Promoting skills development in the EAC to increase productivity and job creation
- ✓ Advance the agenda of youth employment
- ✓ Capacity building of social partners

Recommendations

- ✓ Continued awareness raising in areas of free movement of workers and social protection
- ✓ Capacity building of social partners in communication, lobbying and resource mobilization
- ✓ Influence decision makers
- ✓ Implement sectoral activities during the no-cost extension period

Discussion

Following EATUC's presentation, questions were raised regarding the status on regional integration. It was highlighted that the political situation is changing positively and that there is currently a high degree of commitment to integration within the EAC. Harmonised procedures have been adopted, and work is currently underway to introduce electronic (biometric) passports – Tanzania is at the final stage. Work is also underway to develop a regional policy on labour migration within the East African Community. Likewise, the social security scheme process is under revision. Overall, the situation is conducive for our lobbying efforts.

Another participant raised a question on how to overcome the challenge of slow implementation? EATUC suggested continuing the engagement with the EAC Secretariat; in particular, engaging senior officials at the Ministries of Labour in all partner countries. It was proposed to try to push for a tripartite framework at the regional level; trying to replicate the successes of SADC.

Presentation of country progress reports

Kenya

- ✓ ADR guidelines developed
- ✓ TVET: Stakeholder meeting held; skills mismatch survey conducted
- ✓ Challenges: financial constraints; transportation

Future focus

- ✓ Escalate policy issues that are pending through relevant institutions.
- ✓ Lobby for development and approval of the Skills Development Policy.
- ✓ Establishment of engagement forums at national and sectoral levels.
- ✓ Draft ADR guidelines adopted by partners and put into law
- ✓ The two organisations to issue joint positions on the Government's Big Four Agenda (universal healthcare, affordable housing, manufacturing and food security)
- ✓ In 2019 FKE and COTU plan to implement social dialogue forums to address specific issues in agro-processing and renewable energy

Discussion

- ✓ A participant asked how the Kenyan partners engage with government to achieve their objectives?
 - There is an agreement with government that a system is needed to reach a solution to conflict before it reaches the court system.

- TVET – launch of new curriculum for basic education. Recognised skills certificate has been set up. All key government players are on board.
- Social dialogue – the work is more collaborative than it used to be; there is a common understanding of the need to have a joint position
- ✓ The discussion moved on to the issue of ADR – it was questioned how Kenya engage with Government to ensure that there is an ADR mechanism within the court? Or whether it takes place outside the court system (mediation before arbitration)?
 - Social dialogue to help to resolve conflict outside the court system to start with. Possibly supplemented by an ADR system within the courts
 - Strikes used to be the best way to get the employers to listen according to a COTU representative, now the unions adhere more to negotiating, which has significantly reduced the issue of strikes this year.

Zanzibar

ADR

- ✓ Prior to the project, there was a sense of mistrust between the two partners. A belief that employers and workers cannot sit together; no bipartite agreements between the two partners.
- ✓ DHU and industrial court were the key mediators and arbitrators

Achievements

- ✓ MoU between ZATUC and ZANEMA on establishment of Dispute Resolution Committees have been signed
- ✓ Dispute resolution committees have been established

Challenges

- ✓ Delayed disbursement of funds
- ✓ Delayed implementation of the key training on dispute settlement

TVET

- ✓ Selection criteria for TVET not clear
- ✓ Students do not get exposure to vocational and tech skills
- ✓ Pre-vocational and vocational education does not conform to national goals
- ✓ Sub-sector is under-funded and the TVET sector is considered “low status”
- ✓ Activities conducted;
 - Consultative stakeholders workshop to develop joint position paper on improved TVET system
 - Ideas on improving TVET system have been generated

Discussion

- ✓ It was questioned what the Zanzibarians plan to do to help the students who fail/drop out?
 - The partners continue to push the government to make the system more attractive

Tanzania

Achievements

- ✓ The two parties have come together to discuss skills development
- ✓ Finalized draft CBA guideline and subject to approval by the board of TUCTA and ATE
- ✓ ATE / TUCTA sit together and plan how to influence government on education policy to promote vocational skills. Convened a tripartite meeting; presented position paper in order to influence government.

Future plan

- ✓ Refine position paper and present it in a tripartite forum and make our demands
- ✓ Conduct separate study on institutional arrangements in 2019
- ✓ Most CBAs that exist are at company/workplace levels
- ✓ Agree to look at how we can make our CBAs move from workplace to sector level

Activities

- ✓ 1. Capacity gap between employers and employees on negotiation. Develop framework / guidelines on CBAs that will guide both partners
- ✓ 2. Internal consultations. Develop MoU

Challenges

- ✓ Supply instead of demand driven of the labour market. Current structure does not provide the right possibilities for young people to pursue a technical education. Quality of vocational institutions is too low. Inadequate funds
- ✓ Desk study conducted on the educational system in Tanzania
- ✓ Findings were presented at a stakeholder's workshop

Discussion

- ✓ Funding mechanisms: who's responsible for funding?
- ✓ Highlights of the findings of the study?
- ✓ Position paper – how was the paper developed?

Burundi

Activities

- ✓ Advocacy – revision of the 25-year-old Labour Law
- ✓ Bilateral cooperation – implementation of the Agreement of Cooperation
- ✓ Bipartite negotiation meetings
- ✓ Internal consultations for the establishment of social dialogue framework at company level
- ✓ Launching of social dialogue at company level

Challenges

- ✓ Delays in convening meetings
- ✓ Hard to reach consensus

Conclusion

- ✓ EAB and COSYBU have not managed to implement all planned activities so far due to the priority given to labour law revision related activities

Future plans

- ✓ Implementing MoU
- ✓ Build capacity
- ✓ Raise awareness on workplace conflicts

Discussion:

- ✓ In the work to revise the Labour Law, has there been any harmonisation to other EAC countries?
 - Regional integration is the core. The partners are guided by the EAC common market protocol to harmonise the labour laws and policies.

Rwanda

Key achievements

- ✓ Thus far, the project has established a modality of collaboration between CESTRAR and PSF. The main focus is on social dialogue and collective bargaining
- ✓ Task force developed
- ✓ First sectoral CBA is in process
- ✓ CBA between Rwanda Mining Association and Rwanda Extractive Workers Union on minimum wage for workers
- ✓ Social Dialogue practices have significantly improved
- ✓ Code of conduct for social dialogue and collective bargaining signed
- ✓ More collective bargaining agreements have been revised and signed
- ✓ Labour disputes have decreased

Challenges

- ✓ Some employers are still ignorant about social dialogue

Discussion:

- ✓ A question was raised on what the Rwandan partners mean by *social dialogue* and how has it contributed to a decrease in labour disputes?
 - The partners have put up committees at companies so that they can resolve conflicts internally before coming to us

Uganda

Achievements

- ✓ Joint position paper on minimum wage has been developed

- ✓ Wider MoU draft in place
- ✓ Joint research on free movement of persons
- ✓ Work permit and residence fees waived
- ✓ Joint Bipartite committee for industrial relations management in place
- ✓ Joint research programmes on minimum wages, labour market information systems
- ✓ Signing wider MoU planned for later this year

Challenges

- ✓ Bipartite committee not yet operationalized and ToR not yet signed
- ✓ Parties still taking cases to Labour office / Industrial Court
- ✓ Negative perception of some employers concerning social dialogue

Plan for 2019

- ✓ Joint training for 30 HR managers and GSs on ADR
- ✓ Meeting between labour officers, FUE, NOTU leaders and Industrial Court panellists
- ✓ Create two regional bipartite committees in eastern and northern training committees
- ✓ Joint board meeting

Discussion

- ✓ During the discussions, the issue of decentralization was raised - whether Uganda is planning on decentralizing social dialogue committees?
- ✓ The presenter replied that they will be looking into that in 2019. The plan in 2019 is to establish more committees at the different regions starting with the eastern and northern regions in order not to rely solely on one committee for all the ADR functions
- ✓ Another participant raised the issue of resistance among some employers – what do you do as a federation?
 - Convincing employers that social dialogue is better than the industrial court

Work plans and budget for 2019 no-cost extension

The LO/FTF briefly presented the no-cost extension and the plan for the continuation of the project in 2019. A no-cost extension has been granted by the Ministry of Foreign Affairs, in order to give more time to national and regional partners to carry out unimplemented activities and push forward political agendas.

This means that there is a budget for activities in 2019 and all partners are urged to develop a work plan and budget based on what they wish to continue working with. Partners should focus on implementing planned activities from 2018 and to continue with their current political agendas.

The budget is limited and the funds will be distributed according to needs and level of strategic focus and planning. The admin fees will be changed and will now be activity based consisting of 15% of a given activity budget. The challenge fund has been cancelled and these funds has now been absorbed into the total budget for activities.

Partners were urged to finalize their work plans and budgets as soon as possible, with realistic goals and strategic political planning in mind. The work plans and budget should be shared with the PMT after finalization.

Recap of day one

EATUC made a recap of the first day of the Regional Forum and participants were asked to reflect on day one. Many participants expressed satisfaction with the group session and the many important discussions it led to. It was fruitful to share experiences and to know more about a specific theme in another country. Furthermore, was it good to have time to finalize 2019 work plans with supervision from DI and LO/FTF.

Presentation on progress status in Regional Integration Process

The overall objective of EAC integration is to develop policies and programmes aimed at deepening and widening cooperation among Partner States in political, economic, social, cultural, research, technology, defence, security and legal and judicial affairs for their mutual benefit.

Agreed themes of collaboration by East African countries

- ✓ Customs union
- ✓ Common market
- ✓ Monetary union
- ✓ Political federation

Main achievements

- ✓ Issuing of e-passports by 31st of August 2019
- ✓ Establishment of exclusive traveller clearing booths at all for East Africans
- ✓ Issuance of student passes/exemptions certificates issues gratis to stay in other EAC countries
- ✓ Common regime of travel documents
- ✓ Remove immigration restrictions from the right of establishment
- ✓ Issuance of work permits to the citizens of the EAC Partner States; removal and progress made in the reduction of work permit fees
- ✓ Harmonization of the classification and procedures for issuance of entry/work/residence permit

- ✓ Waiver of payment of work permit fees and efforts to harmonise fees for those Partner States which still charge

Challenges

- ✓ Still limitation of free movement as a renewal is only possible twice which is equivalent to five years
- ✓ Increasing donor dependence
- ✓ The institutional capacity of the community is inadequate to accommodate the integration stages
- ✓ Lack of awareness by the EAC countries on the EAC integration agenda, the benefits, the provisions of the Common Market Protocol and their obligations in support of the regional integration agenda
- ✓ The decision-making process in the community takes a long time
- ✓ Delayed harmonization of national laws that impact on the implementation of the EAC Common Market Protocol
- ✓ Inadequate reliable data to inform the process of monitoring the freedoms and rights embedded in the EAC Common Market Protocol

Discussion

- ✓ What is the role of trade unions in the EAC?
 - It was stated, that it is difficult to promote free movement of labour, when the people in the different countries do not even have jobs themselves. This is the main obstacle in the integration process
 - More education is needed to inform people of why this regional integration is good

Presentation by regional Apex Bodies on progress in regional integration and their advocacy efforts

East African Civil Society Organisations Forum (EACSOFF)

- ✓ For more information: <http://eacsof.net/>

EACSOFF is an umbrella organization for NGOs and CSOs in the East African Community, with the primary objective of building a critical mass of knowledgeable and empower civil society in the region, in order to foster their confidence and capacity in articulating grassroots needs and interests to the EAC, and its various organs, institutions and agencies.

EACSOFF membership is over 60 organizations of which some are umbrella CSOs with an active membership of more than 400 CSOs and is working with department of political affairs on implementation of charters on elections, a youth protocol, HIV, declaration on gender equality, one stop border and human rights.

Member capacity building is done by training member organizations on human rights, good governance and policy engagement, including civil society participation in trade negotiations. EACSOE developed a sensitization manual for CSOs on EAC structures and processes and how CSOs can engage with the EAC.

East African Health Platform (EAHP)

- ✓ For more information: <http://eahponline.net/what-we-do>

East African Health Platform (EAHP) is an advocacy forum for private sector organizations, civil society organizations, faith based organizations and other interest groups working on health in East Africa. It was founded in 2012 under the East African Community (EAC).

Its mandate is to provide the space, be the voice, and represent private sector organizations, civil society organizations, faith based organizations and other interest groups of East Africa to effectively drive sustainable health, development and growth in the region.

Key areas

- ✓ Advocacy for an enabling health policy and legislative environment
- ✓ Institutional strengthening and development

Discussion

- ✓ It was questioned by the LOFTF Council what the best approach to lobby of the EAC in their view was
- ✓ Having a greater goal, collaborating with different stakeholders and other regional stakeholders were highlighted in order to push your agenda to the EAC

Presentations of progress status on free movements of workers in each partner state

Tanzania

- ✓ Non-citizen employment act states that every non-citizen needs a work permit
- ✓ The recent progress is that immigration regulation 2016 has reducing fees for EAC citizens working and residing in Tanzania. New passes have been initiated and the fee has now been reduced to 500 USD
- ✓ The Prime Minister called for scarce skills to enter Tanzania and people entering Tanzania should possess scarce skills in order to get a work permit

Challenges

- ✓ The fees are very high, tedious process of first residence permit, then work permit. There are geographical restrictions and delays in processing since the offices are in Dodoma
- ✓ Tanzania is protective of its economy because it is both a part of SADC and the EAC

- ✓ The Tanzanian strategy has been to educate Tanzanians to do the same jobs as foreigners instead of letting foreigners into the country. They want to protect the work of Tanzanians and all expats having a job in Tanzania should make a plan for how to hand their work over to a local Tanzanian

Kenya

- ✓ The current president of Kenya Uhuru Kenyatta is committed to make Kenya open and all East Africans and other Africans should be able to settle in Kenya
- ✓ In Kenya you can do an online application for visa and work permit
- ✓ The fees for work permit have been removed and no work permit is needed for under 6 months' stay
- ✓ A National Coordination Committee exists where the social partners are present
- ✓ Skills movement – in Kenya a program on recognition of skills has been initiated
- ✓ National skills development authority will provide tests for claimed skills by any person and provide certification

Zanzibar

- ✓ In Zanzibar there are not many workers from the EAC, but recently more has decided to go
- ✓ Residence permit costs 500 USD like in Tanzania
- ✓ There are severe delays in processing the work permits for Zanzibar
- ✓ Regarding social security there is no significant process, but workers can move out of Zanzibar without their benefits
- ✓ It is still increasingly important for worker's unions to push this agenda
- ✓ Within the hospitality industry on Zanzibar there are many foreigners, especially Kenyan and Rwandan investments
- ✓ Within the Zanzibarian political sphere there is a fear of destabilising the economy
- ✓ The work permit and the residence permit are issued in different institutions – residence permit in Tanzania and work permit in Zanzibar

Rwanda

- ✓ Instated a committee to oversee progress, which is including CESTRAR and PSF
- ✓ Work permit is free of charge for East Africans and processed within 15 days but consultation is needed before committee
- ✓ The rates of rejections in Rwanda is quite high but will be fought by easing the access of information by being online, gender equality observed and updates on OHS, SS, TVET

Burundi

- ✓ Categories of employees is enforced
- ✓ Free for independent workers, but there are fees for other workers
- ✓ A tri-partite committee within the Ministry of Labour is processing the work permit.
- ✓ Currently a labour law revision is on-going in Burundi, so the social partners are influencing this, but will also await the outcome
- ✓ In Burundi the processing fees for the residence/work permit are charged as 3% of the annual salary revenue of the worker but this measure has been somehow abolished for

EAC citizens are most of them work free of work permit/residence permit fees as they country has introduced one stop authority to make Burundi a more business friendly country

- ✓ The work/resident permits range from work permit for 2 years: Granted to workers with very rare skills down to the work Permit for 5 years granted to refugee or stateless workers living in Burundi for over 20 years for unfixed terms granted to workers that were born in Burundi, married to a Burundian or investors/their representatives. EAC citizens are granted 6 months' initial stay without resident permit
- ✓ EAC applications processed unconditionally

Uganda

- ✓ Everyone will need a work permit to work, but it is free of charge
- ✓ National identity cards have been introduced and no passport or visa will be needed
- ✓ In Uganda they are using the same form for visa applications as Tanzania
- ✓ The East African visas are acknowledged
- ✓ The labour export companies are advising on skills needed

Discussion on ways forward on free movement / regional integration agenda

Discussion

- ✓ What is being done to decrease the high rate of rejections in Rwanda?
 - There has been a lot of rejections of application of permits, but they now want to expand and are in the process of extending the list of needed skills
 - There is an extended interest in national committees, immigration and the social partners PSF, CESTRAR as representatives of workers and employers
- ✓ Other initiatives than the labour code revision in Burundi?
 - The main barriers are the complicated procedures for work permits and residence permit and the high fees
 - There is a governing committee overseeing administration of foreign workers as well as ministerial ordinance: Work permit fees removed, work permit and residence permit will be issued by same institution, ordinance adopted but awaiting the labour law revision
- ✓ Regarding the Tanzanian approach to protect citizens because of high unemployment – how is the issue of the Chinese workers approached? Why is Tanzania afraid of opening up?
 - The Tanzanian social partners highlighted that they are working on the issue of free movement of workers in Tanzania and the movement of workers is already happening

- The social partners furthermore play a big role in employment act and the contribution to list of scarce skills in Tanzania. It is not for the government to identify skills needed, it is essential that social partners have to be consulted and give input
 - Social partners are furthermore training Chinese workers and employers in Tanzanian labour and employment laws
 - It is not allowed to own land in Tanzania which can be seen as a challenge. Succession plans are necessary in Tanzania, to show you are training a Tanzanian to take on the foreigner's position and capacity building of Tanzanians
 - It is important to stress that regional integration does not happen overnight and that Tanzania opened up for free movement as the second country in the EAC
- ✓ How has this process been done in Europe?
 - The LO/FTF Council stressed that free movement of labour is also a big issue in the EU. People in East Africa are already moving, thus the discussion should be on how to handle the movement rather if it should be allowed
 - ✓ Lastly ECOSAF commented that on this matter the issue of unemployment is essential

Presentation of lobbying and advocacy strategy

The key elements of the lobbying and advocacy strategy is identification and stakeholder mapping. Furthermore, EATUC and EAEO want to set up internal coordination mechanisms in order to increase their influence and build technical capacity on how a given policy can be used best.

Other essential focus areas are collaboration with allies, increasing membership figures, small workshops to influence decision makers at national and regional level, befriending some of the decision makers even beyond their offices and side-line lobbying.

Discussion and finalization of lobbying and advocacy strategy

It was commented by DI that a timeline is missing and a clearer focus needs to be developed better. EATUC and EAEO should work more on their key messages from the joint position and their expectation for national partners should be clear.

FUE commented that something more comprehensive was expected. Which communication will be taking into account, what are the key messages, which materials are they going to produce,

what is the timeframe, how will they track progress and what tools will be given to national partner? EAEO and EATUC were urged to develop 5-pager on broader issues of their focus areas.

It was furthermore commented by FKE that the EAC policy for retirement benefit is already in place – how to push for finalisation? It was commented by EATUC, that they want the leadership inputs before finishing.

Discussion and approval of ToR for project evaluation

The ToR was presented by the LO/FTF Council. The ToR had already been discussed at the Bipartite Forum in Kampala in which several adjustments was taking into account. It attracted very few comments and there was a suggestion to merge some of the topics under “*Objectives of the Evaluation*”. Otherwise, there were no further comments and the ToR was approved by the forum. The final ToR will be shared with everyone, and regional as well as national partners are expected to start providing information for this evaluation in 2019.

Closing session

Closing remarks - Mr. Khamis Mohammed, ZATUC

Mr. Khamis Mohamed closed the meeting by appreciating the participants, the European partners and the stakeholders from the EAC for their participation. Appreciation was given to the lively debates on various themes and it was stressed that social dialogue should be promoted and is an essential way to create stable labour markets in East Africa.

Closing remarks - Mr. Salahi Salim Salahi, ZANEMA

Mr. Salahi Salahi recognised the important presence of Mr. Khamis Mohammed, EATUC, EAEO, EAC representative, national partners, DI and LO/FTF Council. Focus was given to the assessments, evaluations and perspectives on achievements and challenges of this forum. The importance of the continuation of social dialogue activities after project termination was stressed. ZANEMA and ZATUC insist on working together and secure continuation of social dialogue on Zanzibar – also after project termination.