



**Report
of
EAEO/EATUC launch conference on Joint Social Dialogue Project (2015-2018)
8th and 9th of February 2016
Mount Meru hotel in Arusha Tanzania**



Group Photo of Participants during the Conference Launch of EAEO/EATUC Joint Social Dialogue Project (2015-2018), Arusha Tanzania

Introduction

The East African Employers Organization (EAEO), The East African Trade Union Confederation (EATUC), in collaboration with their international partners namely the

Confederation of Danish Industry (DI) and the LO/FTF Council organized a two day Conference Launch of the Joint three year Social Dialogue Project (2015-2018) which took place on 8th – 9th February 2016 at Mount Meru Hotel Arusha Tanzania

The overall objective of the Conference was to launch the EAEO/EATUC Joint Social Dialogue Project including the signing of the memorandum of understanding between East African Employers Organization (EAEO), East African Trade Union Confederation (EATUC), DI and LO-FTF Council.

The Conference was attended by EATUC Chairman Bro.Francis Atwoli, Chairperson of EAEO Madam Rosemary Ssenabulya , Secretary Generals from all six EATUC affiliates, CEOs from all six Employers Organizations and National Project Coordinators from Employers Organizations and Trade Unions namely; COSYBU & AEB (**Burundi**), COTU & FKE (**Kenya**), CESTRAR & PSF (**Rwanda**) TUCTA & ATE (**Tanzania**), NOTU & FUE (**Uganda**) and ZATUC & ZANEMA (**Zanzibar**), Representatives from cooperating partners, LO/FTF Council, DI, APAK, ILO and EAC. More than forty participants attended the Conference.

The list of participants is attached on this report as annex 1

Specific Objectives of the Conference

- To find out the current status of the harmonization of work permit regimes across the EAC and how bipartite and tripartite mechanism can support its implementation.
- To find out the current status of social dialogue between social partners in the EAC countries and the impact of lobby/advocacy efforts by social partners on promotion of free movement of labour (work permit) in EAC
- To discuss how best social partners in the EAC can anticipate for the portability of social security benefits in EAC in order to further promote the free movement of labour
- To discuss and plan for social partners regional activities (EAC regional integration issues) in the first year of the project.
- To brain storm on national issues and agendas to be taken up jointly by social partners at national level and plan for the activities of the project in the first year.

Adoption of the agenda

The agenda of Conference was adopted. The agenda is attached as annex 2.

Opening of the Conference

Opening remarks - Mrs. Rosemary Ssenabulya (EAEO Chairperson)

Madam Ssenabulya Rosemary welcomed all members for having turned up for this very important Conference. She extended to them greetings from east central and South African

employers' organization that had their meeting on 4th and 5th of Feb 2016 in Arusha. Vote of appreciation was extended to the DI and LO/FTF for the support given during the pilot social dialogue project in East African Community.

She said during the pilot project, we managed to come up with the joint position paper on free movement of labour within the EAC (work permits) which was presented to the EALA and several achievements registered. Thanks to the coordinators who ensured we achieved the desired goals. It was these achievements which made DI and LO/FTF to secure more funds for the full project which will run for more three years and we thank them for the continued support.

The new project will continue the focus on free movement of labour within the EAC by giving special attention to portability of social security benefits but also following up on the issue of work permits. . We are challenged to present a working document explaining the challenges our people face to move to other countries.

Opening remarks – Philip Nordentoft (LO-FTF Council)

He recognized the presence of members from EAEO/EATUC, secretary generals, EDs, national coordinators and all members present.

During his opening remarks, Bro Philip said DI and LO/FTF have been working in collaboration with EAEO and EATUC in Pilot Project and they have managed to secure more funds from DANIDA to ensure the collaboration continues.

He added that looking at the past collaboration between EAEO/EATUC, they have gain recognition and peace which has enabled them register several achievements.

The financial and the technical support which has been approved for the next three years will enable them continue with the collaboration which will potentially enable them get more support not only from DI and LO/FTF but also from other donors and partners to continue.

Opening remarks- Peter Helk (DI)

Mr. Peter from DI welcomed participants to the conference. He informed participants that social dialogue is no longer a project but an opportunity for employers to continue working together with workers in doing business. EAEO and EATUC should continue working together to ensure they reach EAC and have business moving on well.

Opening remarks - Francis Atwoli (EATUC Chairman)

During his opening remarks EATUC Chairman Bro Francis Atwoli said, evidence elsewhere has shown that at the regional level social dialogue plays an essential role in advancing regional social model, delivering benefits for workers and employers, to the economy and society as a whole and I am glad that the EAC together with workers and employers are leading by example. The next three years, the project will help us build strong ties between workers and employers with involvement of management and labour in shaping and implementing EAC employment and social policies.

Chairman said building a single market through strengthening Social Dialogue both at EAC and the national level is achievable if we are to prevent divisions between capital and labour. More than ever, EAC needs a cross-industry and sectoral dialogue as well as dialogue with individual enterprises. EATUC and EAEO have an important responsibility to address the key structural challenges facing EAC today and in the future for our regional posterity.

Chairman urged to always appreciate our rallying call that Social Dialogue remains the most fundamental component towards an integrated social dimension into regional integration.

Chairman concluded his opening remarks by thanked LOFTF Council and Danish Industry for securing the full project funding from DANIDA and promised to carefully utilize the support for the intended purpose. After his remarks, he officially opened the Conference at 9:20am.

Signing of Memorandum of Understanding

The social partners in East Africa and collaborating international partners signed a Memorandum of Understanding to confirm the commitment to work together. The Signed MoU is attached as annex 3.



The signing of Memorandum of Understanding between EATUC, EAEO, DI and LOFTF Council

Presentations

- 1. EAC, how far have we gone, and where are we heading?** (Mr. Stephen Niyonzima - Principal Labour and Employment Officer at EAC Secretariat)

The first presentation according to the program of the Conference was from Bro. Stephen Niyonzima from EAC Secretariat but the EAC cancelled participation in last minute.

After EAEO/EATUC regretting and protesting the EAC Secretariat agreed to attend the conference and make presentation in spite of a busy meeting schedule with the Council of Ministers held on 8th – 12th February.

Bro. Stephen Niyonzima gave a presentation of progress vis-à-vis the provisions in the common market protocol and pointed to challenges and recommendations in the way forward:

Progress made in implementing the common market protocol

- **Review of labour policies and laws.** In compliance with the Articles 12 and 47 of the Protocol on the Establishment of the EAC Common Market, Partner States are in process of harmonising their labour policies and laws to facilitate free movement of labour within the Community.
- **Harmonized Entry/Work/Residence Permits Fees, Forms and Procedures within the EAC Common Market framework.** The EAC Secretariat convened a meeting of Immigration and Labour experts from 4th to 6th November 2015 to finalise the process of harmonisation. The EATUC and EAEO attended the meeting as the key stakeholders in this process of harmonization of Entry/Work/Residence permits fees, forms and procedures in order to facilitate the free movement of labour within the EAC . The report of the meeting on harmonization of Work/ Resident Fees, Forms and Procedures Permits was considered by the 23rd Sectoral Council of Ministers Responsible for EAC Affairs and Planning which took place from 8th to 12th February 2016. The 23rd Council of Ministers directed the Secretariat to convene a meeting of Chiefs of Immigration to finalize the work in year 2016

- **Man Power Surveys.**

For effective monitoring the labour market as required in Regulation 14 of the EAC Common Market (Free Movement of Workers) Regulations Annex II, the EAC Secretariat in collaboration with the Partner States will undertake Man Power Surveys to determine skills gap in the labour market. The rest of the Partner States have completed their manpower surveys except the Republic of Uganda and the United Republic of Tanzania who completed pilot surveys and are yet to conduct the main surveys.

- **Framework on the exchange of young workers amongst the Partner States.**

The EAC Secretariat in June 2015, convened a meeting of the Directors of Labour, Directors Responsible for Youth Affairs and Representatives of the National Youth Councils from Partner States to make proposals on how to implement article 10(8) of the Protocol. The meeting developed a draft Memorandum of Understanding (MoU) on the establishment of a framework on cooperation in the exchange of young workers amongst Partner States and is still undergoing consultations.

- **Social security benefits.**

The EAC Secretariat in collaboration with the ILO convened a regional stakeholder's workshop on October 30th – 31st 2014; entitled "Social Security benefits within the EAC Common Market". The meeting noted the need for each Partner State to develop a comprehensive social security policy at the national level

In considering the report, the 19th Council of Ministers, among others-

- I. Urged Partner States to develop a national policy on social security in line with social security (Minimum Standards) Convention (No. 102, 1952) of the ILO;
- II. Urged Partner States to ensure that the social security concept addresses the extension of coverage, type and adequacy of the benefits, portability of benefits within States and across borders, affordability of the social security schemes, financing, management and supervision, regulatory framework for the sector, co-ordination and consideration of social security as a constitutional right and a responsibility of the State;
- III. The Council adopted the Model Draft Annex on Social Security in order to expedite the development of the necessary regulations and schedules for the coordination of social security benefits in an EAC Common in line with the agreed upon post-negotiation activities of the EAC Common Market.

Challenges

- (i) **Slow pace of harmonization of laws in Partner States.**

Although, there is a strong political will and firm commitment by all EAC stakeholders in deepening and widening integration, the pace at which Protocols are implemented is too slow especially in terms of harmonizing laws.

- (iii) **Limited awareness on EAC integration;-**

The Studies conducted in Partner States, have found out that there are perceptions, fears, concerns and other challenges among the people of East Africa are as a result of limited awareness on EAC integration process.

Recommendations

Strengthen the existing Sanctions. The Community should develop a mechanism for sanctions against defaulting Partner States on the implementation of their obligations under the treaty by the Council of Ministers and approved by the Summit in line with article 143 of the Treaty.

Empower the Secretariat. The ongoing institutional review process should be expedited and should grant powers to the Secretariat to enforce directives made by the Council and Summit.

After his presentation, the meeting made the following observation;

There is lack of monitoring and enforcement to fasten the implementation process of the common market protocol.

There is limited political will in implementing the common market protocol most especially with Tanzania and Burundi.

There is communication gap between the EAC and the citizens which brings confusion and hinders the implementation process of the common market protocol.

The EAC has not openly come out to do something on the ongoing insurgency in Burundi which is a member of EAC. This does not show the spirit of togetherness.

The treaty does not provide clear sanctions to the member who fails to comply with the common market protocol. This makes enforcement difficult leading to delays in implementing the CMP

EAC has not done enough in coming up with bipartite and tripartite arrangements where social partners can be represented in important discussions regarding the integration process. The EAEO/EATUC not being invited to attend the Council of Ministers Meetings is evidence that there is still some way to go before tri-partism has been made the normal procedure

2. Presentation on social dialogue in EAC and status on work permit by EAEO/EATUC

The presentation done by Bro. Opio focused on the following key points

- Where are we on Work Permits?
- Challenges
- Social Dialogue in EAC
- Emerging Issues

- Final Thought

Article 2 (4) establishes 8 freedoms and rights for East Africans Incl;(1)the Free Movement of Goods; (2) the Free Movement of Persons;(3)the Free Movement of Labour; (4) the Right of Establishment; (5) the Right of Residence;(6) the Free Movement of Services; (7) and (8) the Free Movement of Capital.

Where are we on work permit?

- ▶ Work/residence permit fees have been removed by Kenya, Rwanda and Uganda
- ▶ Residence permit fees have been removed by Burundi
- ▶ Work permit fees have been retained by the United Republic of Tanzania
- ▶ Reviewed the EAC 2006 harmonized classification of entry/ work/ residence permits and procedures

Challenges

- ▶ Non fee based restrictions to free movement of workers
- ▶ Delayed harmonization of work permit fees and procedures
- ▶ Delayed harmonization of classification of work permits
- ▶ Limited portability of social security benefits within the EAC
- ▶ Lack of prioritization of labour and employment matters within EAC

Social dialogue in EAC

- ▶ No established tripartite mechanism within EAC
- ▶ Employers do not have observer status at EAC
- ▶ EAC engagement with social partners is still weak
- ▶ Strong engagement between EAEO and EATUC

Emerging issues

- ▶ Partner States should define the terms Entry Permit, Work Permit, Residence Permit and further harmonize the use of the said terms in the National laws /regulations
- ▶ Partner States need to expedite the review of national immigration and labour laws in line with the provisions of the EAC CMP; and The Republics of Kenya, Rwanda and Uganda urge the Republic of Burundi and The United Republic of Tanzania to consider a review of the work/residence permit fees or introduce preferential treatment for Citizens of EAC Partner States in their National Legal Framework
- ▶ Work permit fees should be completely removed

- ▶ Non fee based restrictions should be removed by Partner States
- ▶ The EAC Secretariat persuaded to convene meetings of Immigration Chiefs and the Council of Ministers to fast track the finalization of harmonizing the classification, procedures, forms and fees for issuance of Entry/Work/Residence permit by September 2015.

Final thought

- ▶ Social dialogue needs to be mainstreamed into EAC operations
- ▶ Employers and workers need to be consistent in their engagement with EAC and be prepared for the long journey ahead

After the presentation, the following observations were made

Burundi has never waved off the work permit fees they instead reduce on the residence fees

3. Country presentations on work permit and social dialogue

Country presentations were done by social partners on Social Dialogue in the EAC and status on Work Permits in their respective countries and covered such issues as lessons learned from pilot Social Dialogue project national activities, other issues jointly dealt with by social partners in formal and informal bi- and tri-partite forums at national level, social partners participation in national forums on harmonization of work permits and collaboration with other stakeholders at national level .

All national partners agreed that the Social Dialogue pilot project (, starting from September 2013 till end of June 2015, after being extended for six months) has contributed to strengthen working relations between national trade union centers and employers organizations as well as relations with relevant government institutions.

The following are status for each country regarding the work permit and social dialogue

Kenya

How FKE and COTU-K are working

- Joint Social Dialogue forums by FKE and COTU-K at the country level.
- Partners Consultative forums.
- Issuing joint positions to the government & lobbying for policy change.
- Giving technical guidance to Employers and workers on the process of WPs

What have done to put work permits on the agenda?

- Organized partner's forums to seek buy in and common understanding of the agenda.
- Lobbying the government and key partners especially those who represented Kenya during the Regional forum in Tanzania to put into action some of the

recommendations they committed themselves to especially on the joint position paper

The position of Kenya government

- Abolished Work permit fee
- Put in place a check list of all required documents.
- Calling on partners to work in partnership with the Government of Kenya.
- Acknowledge the need to create awareness among the public especially on the non tariff barriers (NTBs).
- Ministry of Labour and East Africa Affairs

Tanzania Mainland

Work Permits in Tanzania

- The legislation: Non-Citizens Employment (Regulations) Act, 2015.
 - Aid the Government's efforts to increase the employment of Tanzanians.
 - It regulates the employment/engagement of non-citizens.
 - Employers (Investors) and employees who are non-citizens are affected.
 - The legislation is still unpopular among employers in Tanzania.

Employees Permits - Non Citizens

- 24 months from date of issue,
- May be renewed,
- Total validity of first grant & renewals not to exceed 5 years.

Investors Permits – Non Citizens

- 10 years may be extended if proved the investor is contributing to the economy and wellbeing of Tanzanians.
- The work permit doesn't guarantee a residence permit.
- Non-citizen employees will not be issued permits after 5 years of being in the country.
- The provision is not favorable to foreign investors into the country

Work Permits – Recent Development

The Non-Citizens employment act has been adopted. Work permits will be issued only if the labour commissioner is satisfied that no Tanzanian national can undertake the position. TUCTA agree to give priority to job creation and to focus on nationals in order to protect local Tanzanians in the job market.

ATE is concerned that closing the job-market will not help in creating new jobs. TUCTA want to work for preferential treatment of EAC-citizens as compared to foreigners. TUCTA want foreigners to come and work in positions where literally no nationals can do the job due to lack of qualifications.

- The general feeling is that:
 - Employers in EA are still facing challenges when recruiting talents from other Partner States within EAC.
 - High fees the employers have to pay to secure and even renew working permits for their foreign employee.
 - It increased the cost of doing business.
 - Delayed process of harmonization of work permits in the EAC regions.

Business Visa

- Business Visa to be issued to all foreigners.
- Not directly employed in Tanzania, Consultants, Meetings, Conferences, Workshops, etc.
- Issued at the entry point: Airport, Tanzania Embassies abroad, Immigration HQ at Kurasini in DAR.
 - The fee of USD 250.
 - Validity for 90 days and cannot be extended
- **Business Pass**
 - All countries having no visa arrangement with Tanzania such as EAC and SADC.
 - This Pass is issued at the entry point as per business visa.
 - » Validity for 90 days and cannot be extended.
 - » The Fees is USD 200.
 - » The fee is currently under review for the EAC countries

A Short Term Permit (STP)

- is being issued by the Labour Commissioner to all foreigners directly employed in Tanzania for short time
- Validity at 6 months and not renewable,
- The fee is USD 500.

ATE's Agenda

- Work permit is in ATE's Business Agenda in the next 5 years.
 - ATE is lobbying and advocating for improvement in the controversial Act e.g. the new Act of the non-citizens.
 - ATE's is concerned with the high fees of work permits for the non-citizens.
 - To advocate the reduction of work permit fees or to wave out.
 - Due to challenges faced by employers in processing work permits:
 - » ATE has introduced a service of processing work and residence permits for employers.

Zanzibar

Social Dialogue in Zanzibar

In Zanzibar, Social dialogue is stipulated in Labor Relation act, Employment act and Public Service Act. To facilitate social dialogue special mechanisms have been established in both public and private sectors.

Some of them are:

- Labor Advisory Board
- Wage Advisory Board
- National OSH Committee
- National DHU Committee
- National Negotiation Committee

How do ZANEMA and ZATUC work together in the quest of Work Permit?

ZANEMA and ZATUC cooperate in several fronts. For instance, they have jointly organized several forums and workshops on EA CMP. The workshops incl;

- a) The EA Common Market and the Right to Free Movement of Workers held at Zanzibar beach resort in March 29, 2014
- b) The employer - Worker East African Common Market Protocol Joint Position Paper Symposium conducted at Eacrotanal Auditorium in August 6 – 7, 2014
- c) The EA Common Market and the Right to Free Movement of Workers held at Zanzibar beach resort April 9, 2015
- d) A workshop on the EA Common Market And The Right To Free Movement Of Workers conducted at Marumaru Hotel August 18, 2015

Government position

Generally the Zanzibar Government is willing to treat the EAC employees differently from foreign employees. However, on the question of work permits and resident's permits they are still treated equally as other employees.

The big issue in Zanzibar is work permits are under the Ministry of Labor while Resident's permits are under the United Republic of Tanzania government

Uganda

How (employers and workers) working together in Uganda

- a) Organizing joint activities e.g. seeking support for IC, organizing meetings with key stake holders e.g.; NSSF, UIA, MOE, MIA, MGLSD seeking their views on work permits in Uganda
- b) Lobbying and advocating together at National level on issues of interest
- c) Conducting a joint survey on minimum wage
- d) Negotiating CBA's at workplaces
- e) Partnership has led to new developments of FUE and NOTU developing an MOU with MGLSD to cooperate in operations of the industrial court

What FUE & NOTU have done to put work permits on the agenda?

- a) They have organized stakeholders meetings and workshops to sensitize them about challenges of work permits acquisition in Uganda, and the need for EAC to harmonize the whole process of acquiring one for all East Africans
- b) They have held meetings with MIA and MEACA and other stakeholders seeking the views on work permits and portability of social security
- c) They have printed brochures and disseminated to our members

Position of Uganda on Work Permits

- Uganda abolished work permits fees for professionals within East Africa

Burundi

Joint activities carried out by AEB and COSYBU to put the work permit on their agenda

- Organisation of 4 national tripartite meetings discussing the issue of free movement of workers within EAC partners states
- Dissemination of the joint position paper of EAO and EATUC on removing barriers on free movement of workers within EAC partners' states;
- Setting up of multipartite commission to help the government to follow the recommendations addressed to it regarding taking necessary measures to facilitate free movement of workers by providing all useful information and technical assistance in need be

Position of Government on the issue of work permit

- All the times AEB and COSYBU have recommended the government to revise the Ministerial Ordinance governing employment of foreign workers to insure preferential treatment to workers from EAC partners states, the government of Burundi has agreed in principle but to give it effect has become challenging.
- A Bill of Law obliging employers to declare to the Burundi Authority of Employment and Man Power all available employments, which contains also provisions concerning the employment of foreign workers was developed but not yet discussed by the National Labour Council

Rwanda

How employers and workers working together in Rwanda

According to the Art 121 of the labor code of 27th May 2009, Social Dialogue is provided by the law governing labour.

- ▶ Social dialogue is negotiated within a joint commission set up by the Minister in charge of labour or his/her representative to agree on working relations between employers and employees of one or more categories of activities at national level.
- ▶ The commission is made up of an equal number of employers' and workers' organizations. These meet on a quarterly basis in a given year
- ▶ Representatives of the Labour Administration participate in these meetings in a consultative capacity.
- ▶ Operating rules for the tripartite are determined by internal rules and regulations worked out and adopted by the parties
- ▶ Rwanda's government has also promoted the principle of tri-partism in all structures. This involves bringing all the actors to internalize the new vision of economic development to be achieved by the development of cooperation between social partners through promotion of social dialogue and a climate of trustworthy

What has Rwanda done to put work permits on the agenda?

- ▶ The presence of the EAC Common Market Protocol under which it found necessary to harmonize EAC Partner states cross border policies;
- ▶ Hence, Rwanda partners found necessary to establish a Technical committee, composed of the Government institutions, Trade unions, Private Sector organizations and civil society, which gathers quarterly to discuss issues related free movement of workers (work permit/Residence, Occupations on demand List –ODL-)
- ▶ Rwanda has waived work permits for all EAC nationals and granted 14, 935 work permits from January 2009 to March 2015 to East Africans–Burundi (2,499), Kenya (5,038), Tanzania (833) and Uganda (6,565
- ▶ The use of ID cards as travel documents and the removal of visa and work permit fees for East Africans. This has facilitated enterprises to source competent professionals from EAC partner states to fill the shortage of skilled technicians. These measures have yielded impressive results
- ▶ 1,163,321 Rwandans used their ID or student card to travel to Kenya and Uganda between 2014- March 2015.

Position of the Government of Rwanda

The government of Rwanda support fully the social dialogue process and the implementation of the EAC Common Market Protocol.

Laws have been drafted and rectified to support the implementation of these initiatives

- Work-Residence permits as stipulate the following laws:

- ▶ Law No 04/2011 of 21/03/2011 on Immigration and Emigration in Rwanda; **Here, the law makes clear about all kind of migration to Rwanda.**
- ▶ Ministerial order No 03/01 of 31/05/2011 determining the fees charged on travel documents, residence permit, Visa and other services delivered by the DG I&E; **Free of charge for EAC Citizens and delivered within 3 days.**

Ministerial instruction No 003/19.18 of 04/04/2013 determining occupation on demand list (ODL

4. Current situation for Portability of Social Security Benefits (Mr. Munu Martin Luther, Consultant)

His presentation reviewed the current situation for portability of Social Security Benefits for each country within the EAC and the features of Social Security Schemes within the EAC. The draft reports has specified the barriers to portability of Social Security benefits including Slow pace in harmonization of national laws, limited coverage of social security at national levels, Low levels of awareness increasing casualization of labour in the region, the preoccupation with economic considerations

as opposed to social security in the region and inadequate representation in the Tripartite dialogue mechanism.

From his presentation we have seen efforts championed by EAEO and EATUC towards promoting the Portability of Social Security Benefits within the EAC through engagements with EAC Secretariat in pushing the agenda.

Consultant has come up with recommendations which should be put into consideration by partner states in order to facilitate the portability of Social Security Portability as follows:-

- Need to agree on a roadmap for engagement.
- Enhance media engagements through capacity building initiatives as well as utilisation of both print and electronic media.
- The tripartite dialogue mechanism should be strengthened at both national and regional levels.
- Push for the ratification of ILO Convention 102 on Social Security (Minimum Standards).
- Lessons from reciprocal arrangements for the EAC

The Consultant is going to interview partners about the portability of Social Security benefits within the EAC and come up with the final study report which will inform the EAEO and EATUC drafting of a joint position paper to be used by social partners for sensitization and policy advocacy at national level to regional level

5. The EAC labour market and Portability of Social Security Benefits (Mr. Kagisanyo Kelobang,-ILO DWA-Team, Pretoria, South Africa)

His presentation focused on the following key issues:-

- Social security throughout the life cycle
- ILO / WB international social security concepts
- SP Migration Facts and figures
- Role of Regional Economic Communities(RECs) in Integration
- International Human Rights Instruments: a legal framework for protecting migrants
- ILO international standards
- Integration Barriers and Constraints
- Towards a common EAC Social Security Standard
- ILO intervention themes 2016/17

Finally Mr Kelobang's presentation we have seen how bilateral or multilateral social security agreements/Treaties intended to coordinate the social security schemes of two or more countries in order to overcome the barriers that might otherwise prevent migrant workers from receiving benefits under the systems of any of the countries in which they have worked.

- They can include any of the nine branches of social security referred to in the Social Security (Minimum Standards) Convention, 1952 (No. 102).

- Social security agreements address the lack of coordination of schemes through their numerous provisions implementing the principles of equality of treatment etc.
The Annex of the *Maintenance of Social Security Rights* Recommendation, 1983 (No. 167) can be used as a *model Agreement*

6. Portability of Social Security Benefits— a key stakeholder perspective (Margaret Osure- Secretary General Association of Pensions Administrators of Kenya APAK and Former Secretary General East and Central Africa Social Security Association(ECASSA))

Her presentation began by showing the Social Security landscape within the EAC can contribute the barriers of portability of Social Security, among others she mentioned about the existence of both pension funds and provident funds thus exportability of benefits uneven and rates of contributions have no uniformity. These are among factors which affects the Social Security Portability within EAC

Sis. Osure has mentioned regional efforts which have been done by region bodies eg. ECASSA on Social Security Portability as follows:-

- Provision of a forum and dialogue on matters of Social Security affecting the region
- Conducting joint and self-initiated research in matters of Social Security
- Promoting Social Security awareness through training
- Promoting application of best practices in the management & administration of Social Security schemes
- Advocacy to individual funds to enhance coverage
- Advocacy to the individual public funds to design legislation that enable portability
- Advocacy to engage parent ministries to have country Social Protection policies in place that enable portability
- Networking with regional institutions eg EATUC in various workshops to support portability

7. Presentation of social dialogue project (Philip Nordentoft and Jesper Friis)

The presentation focused on the Social Dialogue Project in period of 1/12/2015 to 30/11/2018. The presenters highlighted on the following key issues as follows

- Achievement in Pilot Project where we witnessed historical collaborations between social partners work together at national level to regional level
- Lesson learned and challenges observed during the Pilot Project

- how the governments in EAC surprised and impressed to see workers and employers working together
 - Lack of political will by the governments of EAC and budget for convening relevant meetings – insufficient recognition of tri-partism are some of challenges highlighted by presenters
- Best Practices during the Pilot Project;
 - Regional Forums Meetings conducted during the Pilot Project where by political leaders and technical people were involved
 - Targeted National Activities aligned by Regional Activities
- Danish Social Dialogue Experiences more than 100 years, the presenters highlighted the achievements of Social Dialogue “Danish Model”
- Project elements from Regional – National – Sectors
- National Activities
 - Advocacy
 - Tripartite Forums
 - Regional Topics
- Sectors, three countries will be involved into sectors activities:- Tanzania, Uganda and Kenya. The activities will focus on sector or Company level ie training in collective bargain, work place organization and dispute resolution
- Project Challenge Fund
 - The objective of the Project Challenge Fund is to give financial support for running of addition bi-or tri partite activities
 - Funds granted twice during project period based on bi- or tri partite applications to the Project Management Team (PMT), deadline 1st November 2016 for activities in year 2017 and deadline 1st November 2018 for activities in year 2018
- Project Set- Up
 - The Project will have Steering Committee and Project Management Team
 - The LO-FTF Council Sub-Regional Office in Arusha will be responsible for financial admin and accountability for regional activities, national activities and sectoral activities
- Progress Reporting
 - Social Partners jointly will be responsible for submission of annual narrative reports and project completion reports
 - Developments, trends and challenges in national social dialogue situation
 - Progress in terms of project delivery on stated outputs, out-comes and objectives.
 - Achievements, challenges and lessons learned.
 - Recommendations to PMT (change of strategy / need for future support
- Reporting periods: 1st December – 30th November
- Deadlines:
 - Annual report 2016 due on 15th December 2016
 - Annual report 2017 due on 15th December 2017
 - Project Completion report due on 28th February 2019
- Guidelines Developed

- National Activities Guidelines
- Challenge Fund

8. Regional advocacy effort (Jesper Friis - DI)

Jesper Friis facilitated an exercise whereby participants grouped into three groups the first group to discuss about work permits and the second group to discuss about Social Security Portability within the EAC Partner States and the third group discuss about EAC tripartite mechanism. The groups were tasked to identify main stakeholders at national and regional levels for engaging national governments and the EAC to adopt a (tri-partite) framework and how to influence the stakeholders.

The group about Work Permits identified key stakeholders at national level and regional level (Employers Organizations, Trade Unions, Governments, EAC Secretariat, , EABC, Private sector foundations, Law societies, NGO forums, Members of Parliament and Other interest groups). How will influence stakeholders, the group mentioned different approaches that will be used to influence stakeholders in order to facilitate free movement of labour within the EAC. At National Level group mentioned; Lobby and advocacy, national activities (Stakeholders conferences, round table meetings with stakeholders), Conducting feasibility study, Creating the dialogue between the key stakeholders, Sensitization at national level will be done to influence stakeholders. While at Regional Level the group mentioned; Stakeholders Meetings, Prepare and presenting position papers to EAC, Sharing best practices with others will be used.

The second group about the Social Security Portability identified key stakeholders at national level and regional level (Employers Organizations Employers Organizations Workers Organizations, Social Security Schemes, Government, EAC, ECASSA, and EABC). How will influence stakeholders, the group mentioned different approaches that will be used to influence stakeholders in order to facilitate the Social Security Portability within the EAC. At National Level group mentioned; Lobby and advocacy, national activities (Stakeholders conferences, round table meetings with stakeholders), Conducting feasibility study, Creating the dialogue between the key stakeholders, Sensitization at national level will be done to influence stakeholders advocacy for portability of Social Security at national level . While at Regional Level the group mentioned; Stakeholders Meetings, Prepare and presenting position papers to EAC, Sharing best practices with others will be used.

The third group about the EAC tripartite mechanism identified key stakeholders at national level and regional level (Secretariat EALA Committee on General Purpose Council of Ministers, ILO, and Ministries responsible for EAC affairs. How will influence stakeholders, the group mentioned different approaches that will be used to influence stakeholders (Signing MoUs with EAC Secretariat and EALA, following up on the implementation of EAC Decent Work Programme reactivating the ILO-EAC Memorandum of Understanding, engaging ILO on how to support the establishment of a

tripartite structure at EAC level and articulating issues of tripartite mechanism in a paper). At national level and regional level the group mentioned the activities which will be carried out (Meetings with EALA Secretary General EAC, ILO Regional Director, networking, publicity, engagement with the regional monitoring and evaluation committee, Reviewing the activity calendar of EAC and strategizing).

Group work - Country Brain storm and Presentation of National Activities for 2016 the first year of the project implementation

Countries presented their ideas for issues to be addressed as part of planned activities in the first year of the social dialogue collaboration supported by the project as follows

Tanzania mainland

Tanzania mainland identified social security scheme, abolition of worker and resident permit fees for EAC workers and worker ethics as issues to be dealt with in the first year of the project.

Activities such as merging of social security schemes, Portability (transfer of benefits), Extension of service to informal sector, Amendment of employment and regulation of non-citizen Act, 2015, Amendment of immigration regulations, Effective and efficient systems for work permit issuance, Promote work motivation and Promote productivity will be undertaken to resolve identified issues. The stakeholders for this will be ATE, TUCTA, SSRA, MoF, LGAs (PMO), BOT, ILO, Research Institutions (REPOA, ESRF), Ministry of home affairs, Ministry of EA, Tanzania Investment Centre, MPs and ministry of labour.

On Integration of regional issue, Tanzania mainland will handle Portability of social security benefits, harmonization of social security laws; waive out work/residence fees for EA partner states.

On Tentative Areas for Collective Bargaining Agreements (CBAs), Tanzania mainland identified Provision of social security for casual/temporary workers, Workers welfare e.g. health issues, repatriation and Non-discrimination of workers.

Uganda

Uganda identified Minimum wage, Work permits, Social security, Alternative conflict resolutions and strengthening social dialogue (CBA) as the key issues to deal with in the first year of the project implementation.

The target groups for the identified issues were Government, Employers and Workers in the selected sectors, Labour unions and sectoral associations, Media, Research Institutions, PSFU, MIA, MEACA, MFPED, MOH, MGLSD, MOPS, MOLG, Police, Parliament, UBRA, NSSF, Occupational Schemes (NEMA, Uganda Clays, Makerere University), Industrial Court, Uganda Law Society, Ministry of Justice, Commercial court, JILOS and Workers MPs on social service committee

Uganda identified Portability, Practices of minimum wage in the partner states, Share reports on national progress of the work permits, Lobby and Advocacy, Social Dialogue (experience sharing and sharing reports) as some of the areas for regional integration.

Agriculture (Tea and Fish) and Manufacturing (Cement) were identified as tentative areas for Collective Bargaining Agreement (CBA). To achieve this, the following activities will be undertaken;

- One tripartite meeting to be held in March 2016
- Lobby workshop on minimum wage to be organized in May 2016
- 2 Bi-partite training on social dialogue and CBA (dates to be identified).

Burundi

Burundi identified enhancing social dialogue mechanism, Revision of Labour Code and Pension contributions proportionality (removing of pensions contribution limit) as issues for national advocacy in the first year of the project. The target group for these issues will include; Government, Employers, Workers and Parliament.

Work permit(fee, classification and procedure), Portability of Social Security Benefits, Establishment of one stop center for work and residence permit issuing, Involvement of workers and employers in National Implementation Committee of CMP were identified as issues for regional integration. While minimum wage was identified as a tentative area for CBAs

Rwanda

Rwanda discovered Work permit awareness and advocating for removal of non-tariff barriers and Portability of Social Security benefit as the key areas for national advocacy. They intend to engage Employers and Union leaders, RRA, Immigration, MINEAC, MIFOTRA, Ministry of Finance, RSSB, MINEAC/MINAFET, MIFOTRA, RRA, Parliament, and NGO as their target groups.

Construction, mining and tea sector were identified as tentative areas for Collective Bargaining Agreement.

Kenya

Kenya identified age limit issue for permit issuance, Fast Tracking issuance of work permits to fall under the stipulated time frame.(NTBs), Awareness programs on Work permit harmonization procedures, Social Security Portability, Strengthen Social Dialogue in Kenya, Establishment of database to monitor implementation of CMP as the most pressing issues for national advocacy in the first year of the project. They will engage the Trade Unions and Employers Associations, National Social Security Fund, Media and non state actors, the County Assemblies in Kenya especially those at boarder points, Kenya National Assembly and relevant Government ministries e.g Labour, Interior and Coordination and AG as their target group on those issues.

Strengthening EAC tri-partism mechanisms at country level, Create awareness on Labour mobility in the region at country level, establish a Bipartite Technical working group to steer

the processes and networking with other regional organizations on CMP progress was identified as the areas for integration at regional level.

While Social Dialogue among social partners, Labour mobility i.e. Nakumatt supermarkets, Commercial food manufacturing, Social Security/Gratuity payments and work permits issuance were identified as the tentative areas for Collective Bargaining Agreements (CBAs) for this year.

Zanzibar

- i. Zanzibar Presentation about the national activities bases into four key issues of discussion as follows:- Issues of national advocacy
 - Awareness raising on issues of regional integration for stakeholders
 - Meeting with line ministries (Min. resp for EA, Min. for labor, Min. of Finance)
 - Strengthening of social dialogue in Zanzibar
 - Meeting with tripartite bodies (LAB, WaB, DHU, OSH Committee, Nat. Neg. Com)
 - Removing long bureaucratic procedures and costs
 - Meeting with competent authorities (IMMIGRATION, ZIPA, Labor Commission)
- ii. Target group of activities
 - Ministry of state President's office planning and good governance (Ministry responsible for EAC integration)
 - Ministry of state PO labor and public service
 - Migration Dept.
 - Zanzibar Investment Promotion Authority (ZIPA)
 - Civil society orgs (ANGOZA)
 - Social security schemes (ZSSF)
 - Dept. of Social protection
- iii. Integration of regional issues
 - Standardization of labor laws
 - Portability of Social security benefits
 - Issuance of work permit
 - Issuance of residence permit
 - Standardized portability of Social Security benefits
- iv. Tentative areas for CBAs
 - Public sector
 - Tourism industry
 - Agricultural sector especially rubber and clove plantations
 - Transportation
 - Telecommunication
 - Industries

9. Introduction to Baseline Study on Social dialogue (Jesper Friis-DI)

Jesper's presentation provided an overview of the Baseline Study on Social Dialogue, the presenter mentioned two objectives of the study as follows:-

- Provide a baseline on the current situation
- Map relevant social dialogue forums for advocacy purposes

From presentation we have seen also the research objectives as follows

- 1 Baseline information about national social partners (partner organizations): Mandate, structure and leadership, key activities, membership (number and character), number of leadership members involved in social dialogue activities and social dialogue capacity (knowledge and skills) and challenges
- 2 To identify the current bi- and tri-partite social dialogue forums at national level in each EAC Member States and Zanzibar by description (one-by-one),
 - Mandate and legislative framework, Structure and composition (members), frequency of meetings (planned and actual), character and intensity of dialogue (information, consultation, negotiation),
- 3 To determine the nature and level of dialogue and activity in the forums (one-by-one)
 - Relevance to labour market parties of agendas presented, coordination between bi-partite social partners prior to meetings in the forum, number of position papers / recommendations developed and presented by social partners in the forum in the past year (own and joint positions)
- 4 To assess the effectiveness and outreach of the identified dialogue mechanisms (one-by-one)
 - How often does the forum take consequential decisions, major decisions of the forum in recent years (pacts, charters, codes of conduct, etc)
5. To identify and describe the bi- and tripartite industrial relations framework and agreements etc at national level in each EAC members state and Zanzibar
 - Number of bi-partite and/or tri-partite industrial relations framework and agreements between social partners (charters, codes of conduct, standard CBAs, guidelines etc)
 - Number of CBAs nationally and number of workers covered by CBAs
 - Number of grievances handled by bi-partite social partners
 - Number of court cases handled by social partners
 - Number of pending cases at industrial labour court
 - Number of joint initiatives to improve working conditions and/or to raise productivity

In Kenya, Tanzania, Uganda same type of information should be collected within the industrial sectors identified and selected for project support within the social dialogue project.

The data and information relevant for the baseline study is very much information known and accessible by social partners. (Some of the data and information has already been compiled into LO/FTF Council Labour Market Profiles and therefore only need up-dating and validation).

Therefore, in conclusion of his presentation he proposed that the national partners – based on the detailed listing in the draft Terms of Reference of data/information requested –

consider to what extent they can contribute the data and information needed for the baseline survey. The data collection will happen under the coordination and guidance (template etc) from EAEO and EATUC. The data needed from social partners should be compiled into a study report (country by country) which sections as indicated above:

- A document (partner profile) describing the social partner Employers organization and trade union national center, respectively..
- A number of documents (social dialogue forum profiles) describing the social dialogue forums (one-by-one) and their functioning
- A document compiling data/information on charters, codes of conduct (etc), CBA's, number of grievances, court cases etc.

Data and additional information not available or easily accessible for the survey can be collected by the use of researchers (local consultants) as the social dialogue project holds a small budget allocation for this purpose. National social partners might assist in identifying relevant consultants.

First step way forward is for national partners to inform EAEO/EATUC what the national partners can contribute in conducting the baseline study and to what extend a researcher is needed for collecting the information (please, specify type of information not ready assessable by social partners).

10. Conclusion

The EAEO/EATUC Joint Social Dialogue Project (2015-2018) reiterated the collaboration between trade unions and employers organizations both at national and regional levels where by trade unions and employers organizations will work together for another three years. During the Conference

- A Memorandum of Understanding between EAEO, EATUC and their Collaborating partners namely LO/FTF Council and DI was Signed, confirming the commitment to work together and outlining roles and responsibilities
- Regional activities and National Activities per country for 2016 were discussed and put into tentative plans by National Project Coordinators with collaboration of Secretary Generals and CEO's. Plans to be developed further by EAEO/EATUC and in first national activities (National round table meetings)