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## Decent work, the ILO agenda and African unions

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### ► The 2019 “ILO Debate” and the concept of decent work

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Tripartism is the *modus operandi* and the principal essence of the ILO. Tripartism implies a structure based on consensus and dialogue between national governments, employers and workers.<sup>91</sup> The representatives of the employers and workers are their private associations, unions and business associations.<sup>92</sup> In recent decades many scholars have claimed that trade

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<sup>91</sup> For a discussion of tripartism, see: Daniel Maul, *The International Labour Organization: 100 Years of Global Social Policy* (Berlin: De Gruyter, 2019), 42–48.

<sup>92</sup> See William Simpson, “The ILO and tripartism: some reflections”, *Monthly Labor Review* 117, No. 9 (1994): 40–5.

unions have been losing grounds globally, and some even predict a future without trade unions in industrial relations.<sup>93</sup>

What it is more likely is that the role of unions is transforming. Unions are generally aware of the decline of their position within industries, politics and society, especially in industrialized economies.<sup>94</sup> The decline of unions is very much welcomed by radical right-wing free marketers, who oppose the organization of workers into trade unions and disagree with the tripartite praxis. But tripartism, the way we know it and as enshrined in the ILO and its structure, is impossible without worker representation, which trade unions guarantee.

On the occasion of the ILO Centenary, a debate arose not just over the organization's history and legacy but also over its future. Within that debate, Marcel van der Linden called for a deep transformation of the ILO, from an institution of dialogue and corporatist tripartism, to a specialized regulatory agency like others that exist within the UN system; an agency dealing with work – such as, for example, for food, health and aviation.<sup>95</sup> The position was criticized by Gerry Rodgers, a former director of the International Institute of Labour Studies in Geneva.<sup>96</sup> He rejected the view that the ILO, in its current shape, can do very little to change workers' conditions, and pointed to its track record in advancing workers' conditions throughout the world.

From the adoption of the ILO World Employment Programme in the 1970s to the debate on a social clause in international trade agreements in the 1980s and 1990s, a generalized increased "respect for core labour standards" (freedom of association, and freedom from discrimination, forced labour

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<sup>93</sup> See David Blanchflower and Alex Bryson, "The Wage Impact of Trade Unions in the UK Public and Private Sectors", *Economica* 77, No. 305(2010): 92-109; Jake Rosenfeld, *What Unions No Longer Do*, (Cambridge MA: Harvard University Press, 2014); Sue Fernie and David Metcalf, eds., *Trade Unions: Resurgence or Demise?* (Abingdon and New York: Routledge, 2005).

<sup>94</sup> This was generally debated at various editions of the ITUC Africa's New Year School that takes place yearly in Lomé, Togo.

<sup>95</sup> M. van der Linden, "The International Labour Organization, 1919–2019: An Appraisal", *Labor* 16, No. 2 (2019): 11–41.

<sup>96</sup> G. Rodgers, "The ILO at 100: Reflections on Marcel van der Linden's Critique", *Labor* 16, No. 2 (2019): 65–70.

and child labour) has been introduced and guaranteed at a global level.<sup>97</sup> This is provided, Rodgers claimed, by the Declaration on Fundamental Principles and Rights at Work in 1998.

In 1999, the Decent Work Agenda (DWA) came out of such process as a sort of integrated approach to further pursue and improve labour standards globally. It was pioneered by the then ILO Director-General, Juan Somavía.<sup>98</sup> The idea was to build “an agenda that connected rights at work, employment, social protection and social dialogue in a mutually reinforcing way. It was about coherence within the ILO, but also coherence between economic and social action at the international level in the face of the adverse effects of globalization.”<sup>99</sup>

Since its proclamation, the DWA has been embraced by a host of civil society coalitions, national States and multinational organizations, and has the pride of place as one of the UN’s 2030 Sustainable Development Goals. In 2008, decent work was included in the Millennium Development Goals, and later as part of the 2030 Agenda for Sustainable Development and the accompanying Sustainable Development Goals, where it is specifically included in SDG 8: “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”.<sup>100</sup>

The G20, G7, EU and the African Union have endorsed decent work. Today, various aid donors and international development agencies include decent work in their cooperation programmes with Africa. Decent work as a narrative appears to be an international success. Does this success correspond to the betterment of conditions of workers on the continent?

Notably, the DWA has four pillars: employment creation, rights at work, social protection and social dialogue. As such, since a few years after its

<sup>97</sup> G. Rodgers, “The ILO at 100”, 67–68.

<sup>98</sup> ILO, “Address by Juan Somavía, Director-General of the International Labour Conference”, International Labour Conference 87th Session, 1999; ILO, “Decent Work : Report of the Director-General”, International Labour Conference 87th Session, 1999; ILO, “Reply by the Director-General to the discussion of his Report”, Provisional records, International Labour Conference 89th Session, 2001.

<sup>99</sup> G. Rodgers, “The ILO at 100”, 98.

<sup>100</sup> See United Nations, “Goal 8: Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All – SDG Indicators,” [unstats.un.org](https://unstats.un.org), accessed May 19, 2022, <https://unstats.un.org/sdgs/report/2016/goal-08/>.

articulation, “decent work levels” have been measured across countries,<sup>101</sup> and it is quoted in policy, development interventions, conferences and publications. According to the ILO, decent work is “work which is productive and delivers a fair income, security in the workplace, social protection, good prospects for personal development and social integration, freedom to express one’s concerns, freedom to organize and participate in decisions that affect one’s life, as well as equality of opportunity and treatment for all women and men”.<sup>102</sup>

As noted by Dharam Ghai, a former director of the United Nations Research Institute for Social Development who also worked for the ILO,<sup>103</sup> decent work embraces various and different aspects of labour. The “decency” of work here is intended in both quantitative and qualitative forms. More recently, Andrea Casavecchia pointed out that decent work is an abstract notion that implies a series of rules and regulations defining not only under what conditions human beings ought to work but also what work means and is in society. Deregulation of the labour market presupposes the deficits in the decency of work, hence underemployment and decreased remuneration.<sup>104</sup>

Decent work therefore is a means of dignifying labour and an important objective of union action. After all, workers’ struggle is also about normative discourse and counter-discourse and the construction of an hegemonic thinking whereby labour attains a high status not only in the economy (with higher wages and shorter labour times) but also in the social discourse (with the protection of rights).

In Africa, labour conditions and labour rights are frequently not well-protected. Partly due to colonial heritages of exploitation of both resources and the labour force, and, because of neoliberal impositions within structural adjustment programmes, African workers today often find themselves entrenched in a degraded situation. African unions are,

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<sup>101</sup> See, for example, the ILO Decent Work Results dashboard: <https://www.ilo.org/IRDashboard/>.

<sup>102</sup> ILO, “Decent Work,” accessed May 19, 2022, <http://www.ilo.org/global/topics/decent-work/lang--en/index.htm>.

<sup>103</sup> D. Ghai, «Travail décent : concept et indicateurs», *Revue internationale du Travail* 42, No. 2 (2003): 121–157.

<sup>104</sup> A. Casavecchia, “Lavoro Dignitoso (Decent Work)”, Bene Comune, 11 April 2014, <https://www.benecomune.net/rivista/rubriche/parole/lavoro-dignitoso-decent-work/>.

among other things, instruments in the hands of workers in confronting and altering the situation. As explained below, African trade unions and unionists have a long history of successful social action in order to attain dignity of labour. With the coming of the DWA, African unions saw it as a useful lever. However, whereas African unions have embraced and promoted the DWA, they have also become objects of the agenda.

## ► Trade unions and the Decent Work Agenda in Africa

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With the DWA, the ILO's primary goal became to secure decent work for women and men everywhere. Decent work, Somavía proclaimed, "means productive work in which rights are protected, which generates an adequate income, with adequate social protection". As such, it took the place of the converging focus of the four strategic objectives of the ILO: the promotion of rights at work; job creation; social protection and social dialogue.

The DWA implied a broadening of the scope of the ILO's activities, so as to encompass all workers everywhere. Whereas the organization had tended to focus on the standard employment relationship – meaning stable waged full-time work for one employer in the formal sector – it recognized that such employment opportunities had failed to materialize on the scale required, and that a substantial part of the working people of the world were not covered by the social protections that came with it. Hence, the ILO would need to expand its focus to cover women, men and youth working in irregular and precarious forms of employment, in the informal economy, domestic activities and unemployed.

The DWA rests on corporatist assumptions. It assumes the plausibility of a positive-sum-game between business, States and workers – and that genuine "consensus and agreement between the participating individuals and groups" can be expected to exist.<sup>105</sup> According to this assumption, better working conditions and wages are thought to make industrial peace more

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<sup>105</sup> W. Sengenberger, "Decent Work: The International Labour Organization Agenda", *Dialogue and Cooperation*, Friedrich Ebert Stiftung, No. 2 (2001), p. 41.

viable, improve productivity and aggregate demand, and thus increase profits, whereas increased productivity and industrial peace in turn equally enable better working conditions and wages – a virtuous cycle, of sorts. The tripartite social partners, in other words, have tangible reasons to want to cooperate to establish a social contract based on achieving the DWA.

Whereas the DWA is based on the notion of inalienable rights, these rights are not considered to be reflected in any absolute standards. “Everybody – regardless of where they live – needs a minimum level of social protection and income security”, Somavía declared, only to add that this minimum level is “defined according to their society’s capacity and level of development”.<sup>106</sup>

By embracing the DWA, “the ILO is by no means demanding the harmonization of minimum wages world-wide ... but rather a base for the remuneration of work that is *appropriate* [emphasis added] for national conditions”.<sup>107</sup> In other words, the DWA did not establish universal standardized rights to, for example, remuneration. No minimum wage was set, and the DWA has therefore been criticized for being relativist.<sup>108</sup>

In the 1990s, the neoliberal offensive implied a decline of corporatism. This entailed a potential marginalization of the role and relevance of the ILO.<sup>109</sup> Despite being outpaced by international organizations that advanced the neoliberal agenda, such as the World Bank and the IMF, the ILO had to offer some form of counter-strategy. As mentioned above, the DWA was its response.<sup>110</sup>

Within international trade and World Trade Organization (WTO) negotiations in the mid-1990s, the idea of introducing social clauses to global trade agreements was advocated by many, including trade unions. Social clauses would bring the sanctioning systems of international trade regimes to bear on States that violated international labour standards. This idea, however, was vociferously opposed by States in the Global South, who believed it would likely be used by industrial economies as a tool for protectionism.

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<sup>106</sup> ILO, “Decent Work : Report of the Director-General”.

<sup>107</sup> W. Sengenberger, “Decent Work”, 47.

<sup>108</sup> L. Vosko, “Decent Work: The Shifting Role of the ILO and the Struggle for Social Justice”, *Global Social Policy* 2, No. 1 (2002): 19–46.

<sup>109</sup> L. van der Walt, *Beyond Decent Work: Fighting for Unions and Equality in Africa* (Friedrich Ebert Stiftung, 2019).

<sup>110</sup> L. Vosko, “Decent Work”.

Moreover, the constituent role of the employers in the ILO meant that not only the interests between participating States had to be balanced, but so had the interests of organizations representing workers with the conflicting interests of opposing social classes. When the WTO discussions stalled, the ILO sought a way out of the impasse by means of an independent declaration.<sup>111</sup>

The document that emerged out of the discussions was the ILO Declaration of Fundamental Principles and Rights of Work. The Declaration was adopted at the 1998 International Labour Conference, one year before the DWA was issued. The Declaration included four categories of fundamental freedoms: the freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

Since the rights conferred are considered fundamental, they are held to be legally binding on all ILO Member States. In this way they differ from rights conferred by ILO Conventions, which generally apply only to State signatories that have ratified them. But like other ILO Conventions, they nevertheless come without an enforcement mechanism based on the possibility of sanctions being applied to States that are in breach of the rights conferred.

African unions have used DWA concepts such as the fundamental freedoms both to secure their place within social dialogue structures and to press for the implementation of international labour standards.

There are many cases in which African unions have been using the DWA concepts, rights and standards to campaign for betterment in the conditions of workers. One such example is the Central Organisation of Trade Unions campaign against precarious working conditions in Kenya, in which it has sought to identify legal loopholes and find ways of addressing them through social dialogue.<sup>112</sup>

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<sup>111</sup> L. Vosko, "Decent Work".

<sup>112</sup> [Union to Union, A changing world of work – what does it mean for international development cooperation?, 2020.](#)

Efforts to ensure social protection for formal and informal economy workers in a range of African countries is another example.<sup>113</sup> In addition to this, trade unions also play important roles in designing and jointly implementing Decent Work Country Programmes, they benefit from the implementation of development cooperation projects and participate in monitoring and reporting on the implementing of DWA standards.<sup>114</sup>

If implemented, moreover, international labour standards could assist African trade unions in increasing their leverage further. An example of this is the 2011 Domestic Workers Convention which includes the stipulation that each Member State shall take measures to “respect, promote and realize... [the] freedom of association and the effective recognition of the right to collective bargaining”<sup>115</sup> of domestic workers. Given the size of this category of workers in Africa, respect for their freedom of association could boost trade union ranks considerably. However, what possibilities unions have to impose those standards tend to originate in the specific balance of forces between employers, the State and workers in each context, rather than any measures that the ILO could take.

The COVID-19 pandemic is a recent example that has demonstrated how trade unions in Africa, using DWA categories, can seek to protect the interest of workers. African trade unions, such as the Confederation of Ethiopian Trade Unions (CETU), have rallied to prevent retrenchment of workers and “precarization” of working conditions in the wake of the pandemic. They have also engaged in social dialogue to make sure that workplaces have protective measures in place, and a crucial role in reporting outbreaks at an early stage. Where retrenchments nevertheless have taken place, the importance that the DWA places on social protection has been a helpful instrument in protecting the livelihoods of workers.<sup>116</sup> This has also been evident in the discussions within the 109th Session of the International Labour Conference through 2021.

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<sup>113</sup> ILO, *COVID-19 and the garment and textile sector in Ethiopia: Workers' perspective on COVID-19 response*, 2020.

<sup>114</sup> See ILO, “Programmes by Country/Subregion: Africa,” 27 June 2017, [https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/WCMS\\_560734/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/WCMS_560734/lang--en/index.htm).

<sup>115</sup> See ILO, *Domestic Workers Convention*, C189.

<sup>116</sup> ILO, *The role of social dialogue in formulating social protection responses to the COVID-19 crisis*, 2020.

The Director-General's report to the conference stated that in the wake of the pandemic "the ILO had documented no less than 1,622 newly introduced measures for social protection benefiting hundreds of millions of people [which have] involved extending or adjusting existing programmes or introducing new ones, including direct cash transfers and emergency relief". Moreover, the report stressed the importance of social dialogue "to identify and implement the most appropriate responses to the social and economic impact of COVID-19".<sup>117</sup> The conference also adopted a Global Call to Action for a human-centred recovery from the COVID-19 crisis in which the creation of decent work occupied a central place.<sup>118</sup>

African unions have welcomed the DWA and have sought to acquire gains from it. The brief sketch so far has shown that their view of the DWA has been more nuanced than celebratory declarations alone would indicate and entanglements are far more diverse. The next section addresses how African trade unions have contributed to the DWA both in action and in debate.

## ► The position of African unions on the Decent Work Agenda

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There is not much academic literature on the role of African trade unions in the debate on the DWA and its implementation. In many respects, until recently the ILO treated African trade unions as objects of its decent works programmes rather than as subjects – i.e. a partnership role in the improvement of working conditions in Africa. This, however, is changing, partly due to the agency of African trade unions themselves.

Some critics of the DWA have pointed to its top-down character and its focus on soft interventions. This is because those who are called to implement the DWA are governments, corporations and workers' organizations, which are

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<sup>117</sup> ILO, "Work in the time of COVID: Report of the Director-General", International Labour Conference 109th Session, 2021.

<sup>118</sup> ILO, *Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient*, 2021.

actors that are not guided by the same interests and beliefs. In this section, we will briefly discuss the position of trade unions vis-à-vis the DWA and associated ILO programmes, and how trade unions shaped the agenda in Africa. Two aspects will be looked at: the debate and the implementation.

African trade unions did not fully engage or position themselves in the debate on the DWA at its gestation. Looking at African trade unions' contribution to the debate on DWA, it can merely be noted that they embraced the DWA fully and unconditionally after its formulation. This could indicate two things: either that they are servile organizations with a tendency to follow whatever is proposed by the ILO; or that they actually found that the main tenants of the agenda converged with the interest they represented – popular and corporate. It seems that the second proposition is most likely representing the real situation.

Although they did not contribute in any meaningful way to the formulation of the DWA, African unions did find that the agenda norms and principles coincided with their interests. In large parts of Africa, real wages had stagnated and overall growth had failed to translate into a comparable growth in decent, stable employment opportunities. Meanwhile, African unions had lost some of the traction that came with their close association with liberation movements, and risked a relative decline of leverage. The DWA presented an opportunity and a lever to address these problems.


Hence, the DWA was embraced by African unions as an objective and as an instrument of advocacy vis-à-vis both employers and governments. The respect of the provisions contained in the DWA is the legal ground upon which African unions petition and denounce detrimental actions by employers and governments, especially when their claim of treating work decently is not matched by their practice. Already in 2002, the Nigeria Labour Congress (NLC) addressed President Olusegun Obasanjo and the National Assembly with a communiqué protesting in terms of “defend[ing] the decent work agenda, especially the rights to fair terms of employment, decent compensation package and unionisation”.<sup>119</sup> The NLC also urged the New Partnership for Africa's Development (NEPAD) programme to directly address the DWA in order to tackle the problem of the working poor by

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<sup>119</sup> “Nigeria: Impeachment Move Won't Yield Positive Fruits, Says Labour Congress *Vanguard* (Lagos), 16 September 2002.

not only guaranteeing jobs but also by making work “meaningful”.<sup>120</sup> In South Africa, COSATU accused the ANC Government of failing to advance a radical economic shift and to continue to favour big business, against the backdrop of progressive policies such as its Industrial Policy Action Plan and the National Growth Path which had pledged “the creation of decent work for all”. COSATU saw the category of decent work as a tool of redistribution, and combating economic inequality and poverty, and held the Government to the standards established by the narrative of the DWA. Decent work is not synonymous with the DWA, but slowly and steadily COSATU has started to refer to the DWA in terms of principles and standards to be promoted, albeit critically. The criticism of the narrative consists of an understanding that labour is not a mere commodity, or at least not a commodity like any other. COSATU’s critique of the DWA is consistently based on this aspect. In the manner understood by COSATU, promoting labour rights, as the DWA does, means promoting human dignity and quality of life in the struggle against opposing interest. It is instructive to read the way in which COSATU discussed the DWA during the 10th National Congress in 2018:

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 *Class war continues all the time unabated – sometimes you see it in the streets and sometimes you don’t see it ... This we know because daily we are involved in bitter battles to defend and to advance our gains. The battle is about which class interests will be imposed as the national interest by the State. Is it going to be the Decent Work Agenda or unfettered private accumulation?*<sup>121</sup>

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<sup>120</sup> Yusuf Ozi-Usman, “Labour Congress Condemns Sale of National Airline”, Daily Trust (Abuja), 18 September 2002.

<sup>121</sup> COSATU 10th Congress. See: <http://mediadon.co.za/10th-national-congress/> In the same website, it is possible to read more on the COSATU’s position on the DWA and the meaning of “decent work” for COSATU.

The DWA includes the right of workers to unionize and bargain. During countless conflicts between African workers and employers to assert the rights to unionize and bargain, there are accounts of how African unionists have been prevented from doing so, even at the threat of violence. The freedom of association – the right to unionize – has thus been put under serious strain – and a continuous attack on unions has been perhaps a leitmotif of contemporary African labour history. The right to unionize affects working conditions. Unionization remains one of the few antidotes against dehumanizing working conditions that companies subject their workers to. Female workers tend to be affected disproportionately in this respect. Responding to prevailing and gendered conditions of work in the Nigerian service sector as an example<sup>122</sup>, the NLC has referred to the Nigerian Government’s rhetorical support to the DWA as a way forward: to not only give workers the right to unionize but also to enhance the role of unions in the collective determination of working conditions and human dignity.

In the first years after the formulation of the DWA, unions embraced the Agenda provisions and utilized them to promote and legitimize their struggles for dignity of labour. In November 2006, in Nairobi, an important step forward in this respect occurred. African labour officials such as Andrew Kailembo of the International Confederation of Free Trade Unions in Africa (ICFTU-Afro), Andrien Akoute of the Democratic Organisation of African Workers and Trade Unions (DOAWTU) and Hassan Sunmonu of the Organisation of African Trade Union Unity (OATUU) took the initiative of convening discussions among Africa workers on the DWA.<sup>123</sup> A follow-up meeting occurred in the same city in January 2007, in the context of the World Social Forum. During this occasion, Solidar, ITUC, ETUC, World Solidarity and the Global Progressive Forum launched the “Decent Work, Decent Life” campaign, aiming to promote the DWA and place it at the centre of global development discourse.<sup>124</sup> The creation of the African

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<sup>122</sup> Funmi Komolafe, “Banks: Workers Defend Right to Unionize”, *Vanguard* (Lagos), 4 March 2004.

<sup>123</sup> M. Mugwanga, “Unionists Set Agenda for Talks”, *The Nation*, 24 November 2006.

<sup>124</sup> ITUC, “Decent Work Decent Life,” [www.ituc-csi.org](http://www.ituc-csi.org), accessed 19 May 2022, <https://www.ituc-csi.org/decent-work-decent-life..>

Regional Organisation of the International Trade Union Confederation (ITUC) followed in November of the same year.<sup>125</sup>

These institutional developments are not disconnected from the development of the DWA. Since its inception, ITUC-Africa has strenuously promoted the DWA. This contributed to the adoption of the DWA as a key element of development in Africa at the European Union-Africa summit in February 2009.<sup>126</sup>

The DWA, as promoted by global and regional African unionism, has gone beyond workplace issues. The Agenda has been used to support African trade unions' campaigns in different sectors and social domains. The 11th ILO African Regional Meeting, held in Addis Ababa in April 2007, enshrined the connections between African unions and the DWA. The report of the Director-General at the meeting, entitled *The Decent Work Agenda in Africa: 2007-2015*,<sup>127</sup> was by no means a revolutionary manifesto, and contains many provisions that converge with neoliberalism.

However, the role of unions as positive actors in society was reiterated. The report recognized that decent work deficits prevailed: workers in Africa, it said, have still a long way to go before attaining dignified conditions, because of "violations of trade union rights ... intensification in the violent repression of workers ... failure of most governments to respect the rights of their own employees, the right to organize, to strike or bargain collectively".<sup>128</sup> Presenting these factual deficits as being in need of concrete action is an example of why the DWA was seen by many African unions as a way of reinforcing their leverage, but also their status in politics and society. A series of Decent Work Country Programmes followed in Africa, implemented by the ILO. Generally, national confederations embraced and were involved in such programmes, adding to their clout. National governments, too, have embraced the agenda. At the 14<sup>th</sup> regional meeting of the ILO in Abidjan, moreover, it was noted that "the majority of African

<sup>125</sup> The founding congress of ITUC Africa occurred in Accra and followed the dissolution congresses of AFRO and the DOAWTU, the regional organizations of the former ICFTU and WCL respectively.

<sup>126</sup> ITUC, "Putting Decent Work at the Heart of the Joint EU-Africa Strategy", Trade Union Declaration to the EU -Africa Summit, 2007.

<sup>127</sup> ILO, *The Decent Work Agenda in Africa: 2007-2015, Report of the Director-General*, 11th African Regional Meeting, 2007.

<sup>128</sup> ILO, *The Decent Work Agenda in Africa*, 61-62.

countries had prioritized youth employment in their national development policies and plans, and designed special programmes to promote decent work for young women and men<sup>129</sup>

Despite this, the discussion contained in the final report makes clear that decent work deficits and irregular compliance with core conventions remain problematic across the continent. The report from the meeting and the resultant Abidjan resolution that was adopted testified to the great popularity of the DWA within the mainstream of African developmental discourse, and among national and regional trade union organizations in the continent. Moreover, the implementation plan undertakes to develop the capacity of regional and subregional workers' organizations including ITUC-Africa and OATUU, and gives them a mandated role in the implementation of the Abidjan Declaration.<sup>130</sup>

Like other global and regional trade unions organizations, ITUC-Africa is part of the Trade Union Development Cooperation Network (TUDCN), a global union initiative. Within this framework, in 2017, it was declared that the promotion of the DWA has become "the main objective of trade unions' contribution to the development policy debate".<sup>131</sup> Apart from ITUC-Africa, OATUU, the other major pan-African union organization, has also lined up behind the agenda and sought to make use of it in promoting working people's overall conditions across the continent. In its 2017–20 Strategic Plan it identified support for the DWA as a "priority area".

However, despite the manner in which African unions have come to rally behind the DWA, it has not been adopted unproblematically and without dissent. In the next section, we turn our attention to the critiques and alternatives that have been articulated within the discussion.<sup>132</sup>

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<sup>129</sup> ILO, *Final report: 14th African Regional Meeting*, AFRM.14/D.5(Rev.1), 2019.

<sup>130</sup> ILO, *Implementation Plan supplementing the Abidjan Declaration adopted by the 14th African Regional Meeting*, GB.340/INS/8(Rev.1), 2019.

<sup>131</sup> ITUC-Africa, "2017 Edition of the General Meeting of the Trade Union Development Cooperation Network (TUDCN)," 2017, <https://www.ituc-africa.org/2017-edition-of-the-General-Meeting-of-the-Trade-Union-for-Development.html>.

<sup>132</sup> OATUU, "OATUU Strategic Plan for 2017-2020, Zero Draft," n.d., [Oatuu.org/wp-content/uploads/2020/01/OATUU-strategic-plan-for-2017-2020.docx](https://oatuu.org/wp-content/uploads/2020/01/OATUU-strategic-plan-for-2017-2020.docx)

## ► Which (African) alternatives?

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One form of doubt that surrounds the DWA relates to the likelihood of its implementation. One source of such doubt is whether the ILO possesses the resources and instruments required. The ILO establishes labour standards through conventions, which are typically voluntary and need to be ratified by Member States. As Sengenberger has described it, “when a member country ratifies an ILO Convention, it commits itself to the legally binding, international obligation of observing and implementing this standard”,<sup>133</sup> and subjects itself to submitting regular reports on the implementation. However, these conventions generally have a poor rate of ratification by Member States, with the average African Member State having ratified only 36 out of 196 ILO conventions and protocols. But even when ratification has occurred, implementation suffers from problems.

As van der Linden has pointed out, “the ILO has no independent labour inspectorate” to monitor that standards and conventions are implemented, and “must therefore rely on trade unions, international and local NGOs, and the national labour inspectorates – if these exist – pertaining to the official mechanisms controlled by the national governments”.<sup>134</sup> This is troubling in African contexts, where the capacities of such inspectorates typically remain weak. However, the ILO has put in place some mechanisms of sanctioning Member States that are in breach of conventions. The ILO Constitution has established various supervisory mechanisms to its international labour standards, including the International Labour Conference’s Committee for Application of Standards (CAS), the Governing Body’s Committee of Freedom of Association (CFA), and the Committee of Experts on the Application of Recommendations and Conventions (CEARC). In addition, the ILO can recommend that other actors impose sanctions, something which van der Linden considers “realistic only if a country commits very serious violations and moreover wields little economic or political power”, as in the case of Myanmar.<sup>135</sup> Studies are needed to concretely assess the results of these initiatives.

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<sup>133</sup> W. Sengenberger, “Decent Work”, 39.

<sup>134</sup> M. van der Linden, “The International Labour Organization”, 30.

<sup>135</sup> M. van der Linden, “The International Labour Organization”, 31.

Enforcement or supervisory mechanisms of the ILO are required also in connection with the realization of the DWA. This was an issue raised in the above-mentioned “ILO debate” of 2019. However, for the ILO to be granted hard enforcement mechanisms appears to be highly unrealistic in a world economy defined by great asymmetries. Indeed, Rodgers has conceded that “there has not been much progress toward decent work in the twenty years since the idea was introduced”.<sup>136</sup> But it is crucial to note that “the reality of today’s world, where we see the unilateral imposition of sanctions by powerful States for political aims, does not give any hope that they will cede any of that power to international organizations”.<sup>137</sup> Moreover, should that change it remains highly likely that the granting of such powers to international organizations would be strongly opposed by African States, who are always the most likely subjects to be at the receiving end of such sanctions – if only for reasons of power asymmetry.

Another source of doubt concerns the traction of the tripartite within a global neoliberal order. Lucien van der Walt has claimed that DWA programmes, in Africa, “fail to seriously appreciate how the neoliberal capitalist globalisation and the changing balance of forces have eroded the basis for sustained reform” and it is thus profoundly unrealistic.<sup>138</sup>

But the DWA has also been critiqued in terms of its content, independent of its viability. By abandoning ILO’s traditional insistence on promoting a standard employment relationship, it has expanded its quantitative scope to embrace workers in hitherto neglected sectors of work, but it has meanwhile entailed a qualitative retreat. Vosko has noted, that “the protections surrounding ‘decent work’ are significantly inferior to those typically associated with a standard employment relationship”,<sup>139</sup> One can question whether, in a world of growing inequalities, this lowering of the qualitative horizons – however pragmatic the reasons may be – can be justified on grounds of social justice. Moreover, as van der Walt has pointed out, abandoning this goal on grounds that it is no longer feasible suffers from an erroneous understanding of the direction of causality: the standard employment relationship has never been

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<sup>136</sup> G. Rodgers, “The ILO at 100”, 68.

<sup>137</sup> G. Rodgers, “The ILO at 100”, 69.

<sup>138</sup> L. van der Walt, *Beyond Decent Work*, 2.

<sup>139</sup> L. Vosko, “Decent Work”, 26.

a default standard, but rather “wherever it has existed, it has been mainly *imposed* – by unions”.<sup>140</sup>

In other words, the standard employment relationship ought not merely be protected in situations where it exists, but improved upon and advanced to new context and sectors of workers. The determination of “decency” of work is relative. For example, the DWA poses the problematic question of the viability of measuring diverging appropriate levels of remuneration. How can such levels be calculated? With reference to productivity, Samir Amin has pointed out this is likely to become a ruse given the way international trade is structured and productivity is calculated, and a tautology since the price of labour is decisive for the price of a commodity in the first place: “we cannot deduct comparative productivities from the comparison of incomes (salaries plus profits) ... We must do the reverse, that is, begin with a comparative analysis of working conditions which define the comparative productivities and the rates of extraction of surplus labour”.<sup>141</sup>

Another question pertains to the corporatist assumptions the DWA – and in fact the ILO in general – has been premised on. It is highly questionable that class relations can be conceived of as a positive-sum-game in the first place, since one class exists on the labour of another. But this is even more so in a context of increasingly harsh exploitation and a race to the bottom of wages. It is also questionable how a labour market marked by extreme asymmetry of powers between employers, States and employees can be considered to be “based on consensus and agreement between the participating individuals and groups”.<sup>142</sup> It is difficult to establish, in such a context, in what manner individual workers can withhold consent – and if there is no way of demonstrating lack of consent, it is equally impossible to establish that consensus prevails

Rather, it has been claimed, the likelihood of positive change has historically been – in Africa and beyond – pressure from below that alters the class balance of forces. But such pressure has taken place outside of the structures of the State. As an alternative, van der Walt has suggested that instead of adopting the DWA wholesale, African unions “should learn from past successes and failings and promote change from below, [because

<sup>140</sup> L. van der Walt, *Beyond Decent Work*, 16.

<sup>141</sup> Samir Amin, *Class and Nation, Historically and in the Current Crisis* (London: Heinemann, 1980), 157.

<sup>142</sup> W. Sengenberger, “Decent Work”, 41.

while the DWA] has some positive elements that unions could perhaps appropriate, it also has serious problems".<sup>143</sup> Instead of placing their faith in States and international organizations, African trade unions should thus be cognizant that "the single most important factor in achieving major reforms has been massive struggle from below".<sup>144</sup> Moreover, it has been suggested that, because there is historical evidence of how entanglement with the State has compromised the integrity and capacity of African unions in the past, such struggles ought to take place at some distance from the State, and outside of corporatist bodies which tend to generate the conditions for co-optation.<sup>145</sup>

There are certainly points from the DWA that would constitute major improvements in the working conditions of millions of African workers, and which are rightly to be supported by trade unions. However, for the likelihood that the aspects of the DWA that are most advantageous to African workers are implemented, the class balance of forces must be taken into consideration. Only active pressure from trade unions can guarantee ratification, implementation, monitoring and adherence over time.

## ► Conclusions

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Although the DWA is and has been considered useful in the efforts of African unions to increase the leverage, clout and conditions of African labour, there are reservations about how far-going the agenda is. If the DWA constitutes a floor of working conditions worldwide, it is a sliding floor that stops short of the type of universalism that has animated the international workers' movement since its inception. The relativism of the DWA constitutes a significant problem in Africa, where it can be used to legitimize working conditions that would be considered decisively indecent

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<sup>143</sup> L. van der Walt, *Beyond Decent Work*, 2.

<sup>144</sup> L. van der Walt, *Beyond Decent Work*, 6.

<sup>145</sup> See L. van der Walt, "What are we Fighting For? Possibilities for Decent Work, Unions and Rights in Africa," Keynote Address, Conference on Trade Union Transformation in Sub-Saharan Africa, 2018.

elsewhere. Perhaps this is why it needs to be envisaged as a floor, rather than an ultimate goal. In order for workers to acquire rights to universalized decent conditions, further struggles are required. Similarly, social dialogue and tripartism constitutes a platform, out of many, on which to build leverage on for further advancement towards making work more decent, and in so doing reducing injustice and inequalities.

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