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CONSTRUCTION CONFERENCE
“DECENT WORK IN THE CONSTRUCTION SECTOR
TOWARDS & BEYOND 2010”

21-22 JANUARY 2007
NAIROBI, KENYA

Objectives

- Highlight “importance of the construction sector to economic development” theme 1
 - Contribution of the sector to world GDP
 - Contribution of sector employment creation
 - (Global overview and detailed highlights on the sector's role in preparing 2010 infrastructure, (stadiums, roads, Gau-train etc)
 - Details on what is being built where, budget spending for 2010, value- addition of these projects to the economic development of Republic of South Africa)
- Highlight the “plight of construction workers in Africa and globally” theme 2
 - Working conditions
 - Occupational, health and safety
 - Employment patterns
- What is the ideal situation that we want to showcase during preparations for 2010 and beyond? theme 3
 - Decent quality, skilled and sustainable jobs.
 - Fair wages for all workers (migrants, women, youth, casuals)
 - Occupational, health & safety given high priority in tender and procurement documents

Day One

Time	Presentation	Speakers
0900- 1000	Opening Remarks:	Wafula, Wa Musamia, BWI Vice president for Africa Crecentia Mofokeng, Regional Rep: Africa, Middle East & Arab Region
1100- 1:00	<p>Theme 1: Keynote document: LRS research findings on the status role of the construction sector in South Africa and related preparations for the 2010 WC</p> <p>Panel Discussions by South African Trade Unions outlining the opportunities, threats, challenges face construction unions in preparation for 1020 in the area of organising, Collective Bargaining and negotiating, working conditions, improvement of skills, creation of sustainable jobs</p> <p>Discussions</p>	<p>Trenton Elsley: Labour Research Services</p> <p>-NUM: Crosby Moni -BCAWU: Albert Masuku -SABAWO: George Tiyake</p>
LUNCH	LUNCH	LUNCH
1400- 1600	<p>Theme 2: Slide show, Panel and short paper presentations, testimonials by workers on working conditions in construction globally and in Africa to draw examples of similarities in the plight of workers in this sector panel:</p> <p>Theme 3: BWI and Decent Work Agenda and related campaigns, BWI work with WB on inclusion of ILO CLS in procurement guidelines and discussion on inclusion of ILO Core Standards in 2010 Procurement documents</p>	<p>Examples from:</p> <ul style="list-style-type: none">• Africa: Joe Macharia, Kenya• Pepe Robles: Latin America• Ernesto Arellano & Balan Nair: Asia & Pacific• Jan Voets: Europe <p>Inviolata Chinyangarara, BWI</p>

Day Two

0900- 1100	Presentation of the Proposed 2010 Campaign Strategy:	Sarah Ryklief, Labour Research Services
1100- 1300	Planning session for unions/countries involved in construction projects	Countries involved: RSA, Zimbabwe, Zambia, Lesotho & Botswana with LO/TCO SSO for this project - Construction unions from other projects can join in: SASK, LO/N, FNV Facilitator: Crecentia
LUNCH	LUNCH	LUNCH
1400- 1800	IT as a tool for campaigning, networking	Toni Mast: BWI IT Global Co-ordinator
1700	Visit to the WSF site	(Option)

NUM/BCAWU HIGHLIGHTS ON MAJOR ISSUES TO BE INCLUDED IN 2019 TENDER DOCUMENTS & CONTRACTS.

The 2010 World Cup is upon us, an event of great socio economic import to South Africa and indeed the African Continent. Not only is South Africa on the pedestal, but so is the African Continent. It is all systems go, so says major role players involved in delivering the 2010 FIFA World Cup to the World. However, we wonder if the same holds true for labour, that we can say it is all systems go, when, on the eve of the infrastructure roll out, we are grappling with issues of how we can stake a claim on behalf of the millions of construction workers that we represent.

I would imagine that an event of such great magnitude would present us with an opportunity to ensure that, at the very least, construction workers become beneficiaries of this massive project and as such contribute to the noble goal of poverty alleviation. The goal of poverty alleviation can be achieved if only the provision of the decent work agenda can be included in the procurement and tender processes and the question of skills acquisition is addressed as an integral component of the procurement and tender processes. However, this is complicated by the nature of the construction industry which, according to the 91st ILO Conference, flexible labour practices are widespread. Many workers are employed through sub-contractors and intermediaries on temporary or casual terms. Sub-contractors and labour contractors who are now the main employers of the construction workforce are often small or very small companies where decent work deficits are frequent. Forms of employment, which do not respect fundamental standards, national legislation or applicable collective agreements, create unfair competition with those in the industry that comply with the law.

According to the labour research service, the South African Government is poised to invest R327 billion in infrastructure development over the next four years and this investment is to be further bolstered by investment in construction required by the 2010 World Cup. The question of labour clauses in public contracts gains significant prominence in the struggle for social justice, labour and human rights because of the employment potential associated with the construction industry. The public spend by the South African Government carries with it a huge social dividend if it can go with ensuring the implementation of ILO CLS in procurement and tender

documents. Besides, the ILO Convention 94 on labour clauses in Public Contracts seeks to address working conditions in the construction industry through procurement tender contracts.

A good model of how this can be achieved is illustrated in South Africa by the Expanded Public Works Programme (EPWP). Through a Ministerial Determination, the Department of labour has instituted a Code of Good Practice for employment and conditions of work for Special Public Works Programmes as provided under the Basic Conditions of Employment Act, 1997. Although the EPWP falls under the competency of the Department of Public Works, the working conditions and interests of workers is a department of labour competency. This code of good practice provides for the respect of an array of progressive legislation in South Africa by all employers across all industries.

These laws are:

- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Skills Development Act of 1998

If indeed, as the Chairman of the LOC, Dr Irvin Khoza has stated that the South African Government has declared the 2010 FIFA World Cup a "protected event" a Ministerial Determination would indeed be appropriate to ensuring that the delivery of the FIFA World Cup is "on budget and on time" is not at the expense and exploitation of labour.

If we want to ensure that the FIFA World Cup leaves a lasting legacy and footprint of a sustainable future for construction workers and the country as a whole is for us to mobilize efforts to ensuring that the South African Government makes a Ministerial Determination in respect of the World Cup and for labour to ensure that it is implemented.

A practical example in ensuring implementation is in so far as the Management of Occupational Health and Safety is concerned. An improved OHS environment would require an OHS Management System that will

ensure that the training of construction workers is improved to a point that workers on site will need accreditation passes to work on site. It will require an Occupational Health and Safety Management System that is data based taking into account training, continual inspections, audits and implementation of corrective actions, risk based investigations and analysis of incidents, OHS awareness campaigns etc.

All of the above should constitute minimum criteria and requirements for awarding of contracts and should form part of the contents of tender documents. This will ensure that the 2010 tender process conforms to ILO CLS as part of the decent work agenda.

CONCLUSION:

The jury is still out on whether these requirements do indeed form part of the contents of the procurement and tender documentation process. If they do, our battle is only beginning and if they do not, our battle is only beginning.

22 January 2007: Nairobi Kenya.

THE ROLE OF TRADE UNIONS IN AFRICA REGARDING BWI CAMPAIGN

CROSBY MONI: NUM

Consequent to a decision taken in Dakar, Senegal on 9th September 2006 to launch a 2010 World Cup at this World Social Forum, a key question that would arise is what the role of trade unions will be during the campaign leading to the FIFA World Cup. It has been said that the hosting of the World Cup is not a South African event, but an event that should be embraced by the continent. The 2010 FIFA World Cup logo captures the imagination of an African event hosted by South Africa.

It is appropriate that the slogan and logo of the BWI campaign is FAIR PLAY. This is consistent with and resonates with the ethos and spirit of FIFA of FAIR PLAY.

Are we as labour naïve to expect that, leading up to the FIFA World Cup, Employers will embrace the injunction of fair play as they undertake the mammoth task of infrastructure roll out in preparation for the World Cup, particularly when the country hosting the World Cup is a developing country in Africa. The imperative for Employers has never been FAIR PLAY but the pursuit of the profit motive and more often than not, profit at all costs. The social good hardly features as an imperative, but a mere license to operate

South African affiliates have captured the essence of the campaign when they met and deliberated on the campaign as mandated by the Dakar meeting of the Africa regional committee. The report from the evaluation and planning workshop on 2010 World Cup campaign identified the goals and priorities of the Campaign which goals and priorities are consistent with the decent work agenda. The decent work agenda provides a strategic and policy focus to prioritize work on occupational health and safety, strengthen trade union structures, ensure institutional participation, networking and organizing. We know that organizing is central to the existence of a trade union.

The goals and priorities identified are described as follows:

Goals

- Improve the living and working conditions of construction workers
- Promote stable and high level of employment in construction sector
- Increase Trade Union strength
- Increase more women employment in construction sector
- Promote and defend human & Trade Union rights in construction sector
- Fair play

Priorities

- Workers to be paid decent salaries/wages according to work they are doing
- Recruitment and organizing more members with particular focus on women and youth
- Skills training
- Implementation of labour standards
- Health and Safety to be prioritized in any project
- Sub-Contractors to comply with all standards of the main contractor
- Unions to be represented in the procurement process
- Casual workers be given social benefits
- Ratification of conventions affecting construction sector

The role that trade unions in Africa can play during the campaign is to support the campaign. It is through Unity of purpose and Solidarity action that advances are made in worker struggles for a just and fair order

Most of the major construction companies that would be bidding for contracts are multinational companies that have operations beyond the borders of South Africa. Some of these companies are Aveng Ltd; Basil Read; Concor; Group 5 Ltd; Murray and Roberts; Wilson Bayley Holmes; Grinaker Ltd etc. We can confirm that Murray and Roberts and Grinaker Ltd have been announced as preferred bidders for the two stadiums, Greenpoint in Cape Town and FNB in Johannesburg respectively.

Whilst the South African Government has consistently demonstrated a favorable predisposition to the protection of worker rights, the same cannot be said of the employers. Whilst the South African Trade Unions will be

engaging both Government and Employers, trade unions in Africa will have to be in a permanent state of readiness and mobilized to take action in solidarity with Workers in South Africa.

BWI will need to coordinate the establishment of networks of trade unions belonging to the same multinational. These network will establish communication networks, even via BWI, share information and facilitate rapid response to calls for solidarity action. These network may even develop to institutionalized global networks beyond the 2010 World Cup

Depending on the form of the campaign, trade unions in Africa can also participate in the campaign through displaying messages of support and solidarity with South African Workers through stickers, T - Shirts, Caps etc.