



SEVENTIETH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abidjan, 20 – 21 June 2013

REGULATION C/REG.13/06/13 ON THE FUNCTIONING AND OPERATION OF THE ECOWAS TRIPARTITE SOCIAL DIALOGUE FORUM

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers and defining its composition and functions

RECALLING the Decision of the African Union Executive Council on the Social Dialogue framework and Productivity Agenda adopted in January 2010;

MINDFUL of Chapter XI of the said Treaty which amongst other important provisions, provides for the co-operation of Member States for the full development and utilisation of human resources in the region and for the mobilisation of the various sections of our population to ensure their effective integration and involvement in the social development of the region;

MINDFUL Article 61 (2)(b) of the Treaty that provides for the harmonisation of Labour laws and social security Legislations of member States in the region;

MINDFUL of the Supplementary Act A/SA.2/09 of the ECOWAS Authority of Heads of States and Government adopting an ECOWAS Labour and Employment Policy and five-year Action Plan for its implementation;

MINDFUL the Supplementary Act A/SA.1/07/10 on the creation of a Tripartite Social Dialogue Forum within ECOWAS;

MINDFUL of the Regulation C/REG.6/05/09 of the ECOWAS Council of Ministers authorizing the convening of tripartite meetings on labour and employment matters;

CONSIDERING that by the adoption of this policy, the Authority of Heads of States and Government amongst other issues, enjoined Member States to promote social dialogue and tripartism as an efficient means of maintaining social harmony at national and regional levels since it would provide a forum for co-operation and consultation amongst stakeholders in the labour and employment market;

CONSIDERING that Social Dialogue, a vital tool for maintaining stability and social harmony in the Member States, must be consistently promoted at the levels of enterprises, and in the State;

AWARE that the implementation of the development strategies aimed at creating wealth to help provide each citizen of the ECOWAS Member States with welfare and social protection, shall be facilitated by the establishment of sustainable and quality Social Dialogue with the social partners;

ACKNOWLEDGING the need for establishing an efficient framework and a mechanism that promotes dialogue amongst relevant stakeholders in the labour sector not only at the regional level but also at the national levels;

DESIROUS therefore of further defining the operational framework and principles for the functioning of the ECOWAS Tripartite Social Dialogue Forum.

ENACTS

Article 1: Definitions

For the purpose of this Regulation, the following definitions are provided:

Community: means the Economic Community of West African (ECOWAS) States referred to under Article 2 of the 1993 ECOWAS Treaty;

Authority: means the Authority of Heads of State and Government of ECOWAS whose establishment was reaffirmed under Article 7 of the 1993 ECOWAS Treaty;

Council of Ministers: means the Council of Ministers whose establishment was reaffirmed under Article 9 of the 1993 ECOWAS Treaty;

President: means the President of the ECOWAS Commission as defined under Article 1 of the Supplementary Protocol a/sp.1/06/06 amending the 1993 ECOWAS Treaty;

ECOWAS Commission: means the Institution of ECOWAS established by Article 17 of the 1993 ECOWAS Treaty and renamed under Article 1 of the Supplementary Protocol A/SP.1/06.06 amending the 1993 ECOWAS Treaty;

Socio-Economic Actors: mean Groups referring to social partners, as defined below, including the Civil Society and representatives of economic interests;

Social Dialogue: means all types of consultations, negotiations, or simple exchange of information between the representatives of government, workers and employers' organisations on issues of common interest relating to economic and social policy;

Most Representative Employers' Organization: means the employers' organization nominated by the network of employers organizations in each Member State;

The most Representative Workers Organization: means workers organization nominated by the network of workers organization in each Member State;

Social Partners: mean Groups made up of Employers and Workers' organisations created on a regular basis;

Civil Society: means a group drawn from non profit making and non state organisations (with the exception of social partners), with the inclination to influence decision-making and react in a collective and organised manner to issues of common interest.

Regional and National Tripartite Social Dialogue Forums: means Tripartite consultative bodies at the regional and national levels (States, Employers' Organisations, Workers' organisations) that provide the framework for the harmonization of socio-economic policies, particularly with regards to work ethics, employment, professional training and other social issues necessary for social stability and development.

Stakeholders: mean ECOWAS Member States, the most representative national organisation of employers and the most representative national organisation of workers.

Article 2: Composition

Membership to the Regional Tripartite Social Dialogue Forum shall be defined in the Rules of Procedure governing operations of the Regional Forum established after a consultative process amongst Stakeholders in the Labour and employment sector.

Article 3: Operation

1. The President of the Commission shall encourage the participation of socio-economic actors in the public sector, parastatals, local governments and the private sector in the work of the Forum.
2. The President of the Commission shall also undertake the necessary measures to facilitate the operationalization of the Regional Forum by its members.

Article 4: Functions

1. The functions of the Regional Forum shall include:-
 - a) promoting Social Dialogue to serve as a bedrock of the mechanisms for the prevention and resolution of social conflicts and support the establishment of tripartite partnership at the national level;
 - b) enhancing the democratic process, to contribute to social harmony and stability and to serve as a fulcrum for socio-economic development at the national and regional levels;

- c) fostering a better integration of the socio-economic situation and any change in the business and work environment affecting productivity of work at the national and regional levels;
- d) sustaining social equilibrium at the national and regional levels by harmonising, on the one hand, the enhancement of productivity and competitiveness of the enterprises, improving work conditions and the quality of life through a constructive Social Dialogue, on the other hand;
- e) promoting the establishment of social dialogue mechanisms and instruments at the national and regional levels on collective bargaining, dialogue, conciliation and consultation;
- f) building capacity at the national and community levels in social legislation, collective bargaining, and international labour norms ; and
- g) encouraging the dissemination of economic and social information with an impact on business and work environment.

Article 5: Basic Principles of the Regional Forum

1. The Regional Forum shall be guided in its work by the provisions of the ILO Convention on Trade Union freedom and collective bargaining.
2. It shall promote, within the framework of laws and Regulations in force in ECOWAS Member States, respect for principles relating to freedom in the work place and preservation of work tools.
3. Faith, ethics, transparency, accountability, social justice and mutual respect shall be the fundamental values of social dialogue at the national and regional levels.

Article 6: Member States' Obligations

Each Member State shall:

- a) Establish and support the effective functioning of a national tripartite social dialogue frameworks;

- b) Ensure compliance with undertakings and applications of decisions resulting from tripartite social dialogue at the national and regional levels.
- c) Ensure the application of the legislative, regulatory and conventional texts relating to Labour Laws in their respective countries.
- d) Create the enabling environment for the harmonisation of Community Labour Laws.
- e) Promote sustainable enterprise as the first step for the implementation of social dialogue.
- f) Each Member State may involve as Observers, relevant civil society groups as well as non-governmental and Inter-governmental organizations in the work of the national tripartite dialogue frameworks.

Article 7: Employers and Workers Obligations

Employers and Workers shall:

- a) Promote social dialogue at all levels.
- b) Shall comply with labour legislations at the national level

Article 8: Amendments

1. The Member States, the most representative national organisations of employers, the most representative national organisations of workers and the ECOWAS Commission may submit proposals for amendment of this Regulation.
2. The proposals for amendment shall be submitted to the President of the ECOWAS Commission who shall communicate them to the Member States, the most representative national organisations of employers, the most representative national organisations of workers and the General Assembly of the tripartite social dialogue forum not later than 30 days after receipt. On the expiration of three (3) months granted to Member States, to the most representative national

organisations of employers and to the most representative national organisations of workers to make their inputs, the General Assembly shall examine and make proposals **for the adoption by the Council of Ministers**

Article 9: Publication

This Regulation shall be published by the Commission in the official journal of the community within thirty (30) days of its signature by the President of the Council of Ministers. It shall equally be published by each member state in her official journal thirty (30) days after notification by the Commission.

DONE AT ABIDJAN THIS 21ST DAY OF JUNE 2013



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H.E. CHARLES KOFFI DIBY

CHAIRMAN

FOR COUNCIL