

# **INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN SIERRA LEONE**

## **REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE POLICIES OF SIERRA LEONE**

**(Geneva, 9 and 11 February 2005)**

### **EXECUTIVE SUMMARY**

**Sierra Leone has ratified six out of eight core ILO labour Conventions, as detailed below. In view of restrictions on trade union rights, discrimination, child labour and forced labour, determined measures are needed to comply with the commitments Sierra Leone accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001, and in the ILO Declaration on Fundamental Principles and Rights at Work.**

**Sierra Leone has ratified the ILO Convention on collective bargaining and the Convention on freedom of association. Some legal restrictions and limitations exist with regard to freedom of association, collective bargaining and the right to strike.**

**Sierra Leone has ratified the core ILO Convention on Equal Remuneration as well as the Convention on Discrimination. Discrimination in employment and remuneration is a serious problem in Sierra Leone and participation of women in the formal economy is low.**

**Sierra Leone has not ratified the ILO core Convention on the Worst Forms of Child Labour or the Convention on Minimum Age. Child labour is widespread in Sierra Leone, both in rural and in urban areas, and school attendance is low. Child labour includes the worst forms of child labour such as child prostitution, mining, domestic work and begging.**

**Sierra Leone has ratified both Conventions on Forced Labour. Forced labour is prohibited, but there are serious problems with forced labour in Sierra Leone. Many women and children are engaged in forced labour in the mining sector, and forced labour exists in rural areas under customary law. Trafficking of women and children for forced labour and forced prostitution also occurs.**

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## **INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN SIERRA LEONE**

### **Introduction**

This report on the respect of internationally recognised core labour standards in Sierra Leone is one of the series the ICFTU is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "We renew our commitment to the observance of internationally recognised core labour standards." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

The ICFTU affiliate in Sierra Leone is the Sierra Leone Labour Congress (SLLC). In urban areas around 60% of the workers are organised.

Sierra Leone is one of the world's poorest countries, and some 70% of its people live below the poverty level. For over a decade the country was ravaged by a civil war. Around two-third of the population is engaged in agriculture, mainly subsistence farming. Cash crops include coffee, cocoa, groundnuts and palm kernels. Main exports are diamonds, bauxite and rutile.

In 2003, agriculture accounted for 52.5% of GDP, industry for 30.6% (of which manufacturing was 5.2%), and services accounted for 16.9%. Total exports of goods accounted for US\$ 141 million in 2003. Rutile accounted for US\$ 42 million and diamonds for US\$ 45 million. Total imports in 2003 accounted for US\$ 300 million of which food accounted for US\$ 61 million, fuel and energy US\$ 40 million and capital goods US\$ 29 million. Total exports of goods and services accounted for US\$ 157 million in 2003. Total imports of goods and services accounted for US\$ 427 million. Total debt service in 2003 was US\$ 25 million.

Sierra Leone is a member of ECOWAS, the Economic Community of West African States. Sierra Leone is also part of the ACP West African (which consists of all ECOWAS members) regional grouping that is currently negotiating an Economic Partnership Agreement with the European Union as part of the Cotonou agreement. Furthermore, Sierra Leone is part of the African Growth and Opportunity Act, which provides preferential access to the US market.

## **I. Freedom of Association and the Right to Collective Bargaining**

Sierra Leone has ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organise and Convention No. 98 on the Right to Organise and Collective Bargaining, both in 1961.

Workers have the right to organise and form trade unions. The Trade Union Act allows for five workers to form a trade union, following an application that has to be made to the registrar of trade unions. Refusal is possible, for example due to a lack of enough members, or if another trade union already exists in the industry. Police and members of the army are not allowed to organise.

Union membership in urban areas is widespread. However, in rural areas and mining union membership remains very low. A decline in manufacturing has decreased union membership.

Anti-union discrimination is not prohibited by law. But workers can file a complaint and ask for reinstatement in the case of dismissal for trade union activities.

Workers have the right to collective bargaining, which is provided for in the Regulation of Wages and Industrial Relations Act. Collective bargaining has to take place in trade group negotiating councils. Collective bargaining is widespread in the formal economy.

Workers have the right to strike, although retaliation against strikers is not prohibited.. However, the government can request a three week notice.

Strikes do occur, mainly in the public sector. A general strike took place in early January 2005, with demands for an increase in the minimum wage, a reduction in income tax, reduced fuel prices and a review of the existing labour laws with a view to modernising them.

### **Conclusions**

*Workers have the right to organise, although restrictions exist. Workers have the right to collective bargaining and the right to strike but again limitations have been set.*

## **II Discrimination and Equal Remuneration**

Sierra Leone ratified Convention No. 100 on Equal Remuneration in 1968 and Convention No. 111 on Discrimination (Employment and Occupation) in 1966.

The 1991 constitution grants equal rights to men and women. However, section 27 of the constitution allows discrimination under laws dealing with issues such as marriage, divorce or devolution of property as well as under customary law. This means that there is no protection from discrimination under customary law, which in practice applies to the majority of women, and which is discriminatory in many cases.

Discrimination based on ethnicity is reported to be common, particularly in government related employment, military commissions, as well as promotions.

Sexual harassment is common.

Most women are employed in subsistence farming (comprising 80% of agriculture workers), often receiving no cash remuneration. They have unequal access to land and technology compared to men.

Very few women are employed in professional or managerial jobs. In the formal economy, women constitute 40% of clerical staff and 8% of the administrative and managerial staff.

Government action towards equality between men and women in employment and remuneration has been insufficient. No information has been received by the ILO CEACR on the application in practice of the Equal Remuneration Convention. In addition the CEACR notes that no national policy has been formulated yet by the government which would promote equality of opportunity and treatment in employment and occupation, and that no national legal instrument exists which provides effective protection against discrimination.

Within the Beijing +10 Platform for Action some government measures have been taken such as the inclusion of gender and children's affairs into the Ministry of Social Welfare, and the development of a new education act.

### **Conclusions**

*Discrimination in employment and remuneration is widespread in Sierra Leone. Women are mainly employed in agriculture and relatively few women are employed in the formal economy, where they mainly occupy clerical and administrative jobs. Sexual harassment is a problem and female literacy rates and school attendance rates are low.*

### **III. Child Labour**

Sierra Leone has not ratified Convention No. 138, the Minimum Age Convention, or Convention No. 182, on the Worst Forms of Child Labour.

The minimum age for employment is 18 years, but children between the ages of 12 and 18 are allowed to work in non-hazardous employment with parental consent. However, the law is not enforced adequately and child labour is widespread, in particular in family businesses and petty vending in urban areas and on family farms in rural areas.

Some children are employed as domestic servants overseas by foreign employers. Some street children are employed as street vendors or beggars.

Many children work in diamond mining, of which thousands of children between 7 and 16 years are estimated to work in the minefields of Koidu Town in the Kono district. In 2003 the NGO World Vision released a report of a survey amongst 1,000 children involved in mining, of whom 90% were boys and 10% girls, in situations close to slave labour. Payments are irregular or in kind.

The Child Soldiers Global Report for 2004 estimates the number of former child soldiers working in mines at 2,000-3,000, some as young as ten years, in extremely harsh conditions and employed in virtually all aspects of mining. According to the BBC, children between 7 and 16 work ten hours a day, in activities such as digging in soil and gravel, sifting with a pan, and shifting heavy mud.

Child prostitution and the use of child soldiers were widespread during the conflict. Although many children have been reunited with their families since the conflict, many girls have continued to be kept in slavery for sexual exploitation, and many boys in forced mining activities.

UNICEF statistics in 2000 for Sierra Leone showed that in the age group of 5-14 years, 71.6% of the children were working, either paid or unpaid (more than 4 hours a day). This rose to 65.6% for the 5-9 age group and 80.1% for the 10-14 age group. Most of the children were engaged in unpaid work. The share of children carrying out household chores for less than four hours a day was 74.2%, whereas 9.9% worked more than 4 hours a day in the household.

Education is obligatory through primary school; however, school enrolment is low, and there is a lack of schools, which were destroyed during the civil war, as well as a lack of teachers. Net primary school attendance for girls was 39% in the period 1996-2003, whereas this percentage was 43% for boys. Gross secondary school enrolment was 31% for boys and 22% for girls over the period 1998-2002. The female literacy rate was 23% and the male literacy rate was 51% in 2000 (Unicef).

### **Conclusions**

*Child labour is widespread in Sierra Leone. Many children are engaged in unpaid work such as vending, agriculture work and domestic work, including the worst forms of child labour such as mining, child prostitution and begging.*

### **IV. Forced Labour**

Sierra Leone has ratified Convention No. 29, the Forced Labour Convention, and Convention No. 105, the Abolition of Forced Labour, both in 1961.

Forced labour is prohibited by law. However, forced labour does occur in Sierra Leone. In certain rural areas chiefs can impose forced labour. Section 8(h) of the Chiefdom Councils Act allows for compulsory cultivation to be imposed on natives.

Former rebels still use women in enforced sexual exploitation, and use children in forced mining. There are also reports of child soldiers being re-recruited for conflicts in neighbouring countries such as Liberia and Côte d'Ivoire.

Trafficking is not prohibited by law and occurs in Sierra Leone, both from the country and within it, for forced labour (mining) and forced prostitution, including child prostitution. Some people are trafficked to other West African countries, and to Lebanon, Europe and the US.

### ***Conclusions***

*Forced labour is a problem, in particular forced prostitution of both women and girls, and the use of children in forced mining and as soldiers in neighbouring countries.*

### ***Final Conclusions and Recommendations***

1. While the government of Sierra Leone is having to cope with major limitations on its resources as a result of the long civil war in the country, nonetheless there is more that can and must be done to improve respect for core labour standards in the country.
2. Legal restrictions and limitations on the right to organise, the right to collective bargaining and the right to strike should be brought in line with the Conventions No. 87 and No. 98. The trade union request for revision of labour legislation with a view to modernisation should be taken up.
3. The government should formulate a national policy on discrimination, in consultation with the tripartite Joint Consultative Committee. The government has to ensure that general law prevails effectively over discriminatory customary law.
4. Serious efforts have to be made to increase the literacy level of women and to increase school attendance of girls at all levels, including the secondary and tertiary level.
5. The government should ratify and implement Convention No. 138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour.
6. Continued efforts have to be made to eliminate child labour, particularly its worst forms including child prostitution, hazardous child labour, begging and mining.
7. The government should repeal or amend section 8(h) of the Chiefdom Councils Act, which allows for compulsory cultivation to be imposed on natives.
8. Determined efforts have to be made to end the trafficking of women and children for the purpose of sexual exploitation and forced mining, and to stop the recruitment of child soldiers for conflicts in neighbouring countries. An anti-trafficking law should be enacted and implemented and victims should receive assistance.
9. In line with the commitments accepted by Sierra Leone at the Singapore, Geneva, and Doha WTO Ministerial Conference and its obligations as a member of the ILO, the Government of Sierra Leone should therefore provide regular reports to the WTO and the ILO on its legislative changes and implementation of all the core labour standards.
10. The WTO should draw to the attention of the authorities of Sierra Leone the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the

ILO to intensify its work with the Government of Sierra Leone in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

## **References**

- BBC news, *Children working in Sierra Leone Mines*, 28-08-2003
- Child Soldiers, *Global Report*, 2004
- Human Rights Watch, Sierra Leone, January 2003:  
<http://hrw.org/reports/2003/sierraleone/sierleon0103.pdf>
- ICFTU-AFRO, letter to President Kabbah,  
<http://www.icftu.org/www/pdf/LettertoPresident.pdf>
- ILO, Ratification of Core Labour Standards
- ILO, CEACR reports
- UNICEF, website, Sierra Leone
- Interpress Service News Agency, *UN Envoy stunned by magnitude of child slavery*, 28 February 2003
- Report on progress made in the implementation of the Beijing Platform for Action in Africa (Beijing +10), Sierra Leone, [http://www.wildaf-ao.org/docs/word/press/Sierra\\_Leone\\_ENG.doc](http://www.wildaf-ao.org/docs/word/press/Sierra_Leone_ENG.doc)
- UNICEF, Understanding Children's Work (UCW) Project, *Country Statistics, Sierra Leone*, 2000
- UNICEF, *Statistics: Sierra Leone at a glance*
- UNIFEM, *Sierra Leone country profile*,  
[www.womenwarpeace.org/sierra\\_leone/sierra\\_leone.htm](http://www.womenwarpeace.org/sierra_leone/sierra_leone.htm)
- US Department of State, *human rights country report*, 2003
- US Department of State, *Trafficking in persons report*, June 2004
- World Bank, *Sierra Leone at a glance*
- World Bank, *Sierra Leone, Country Brief*, 2004

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