

# Employer- Employee Obligations in the Work Place

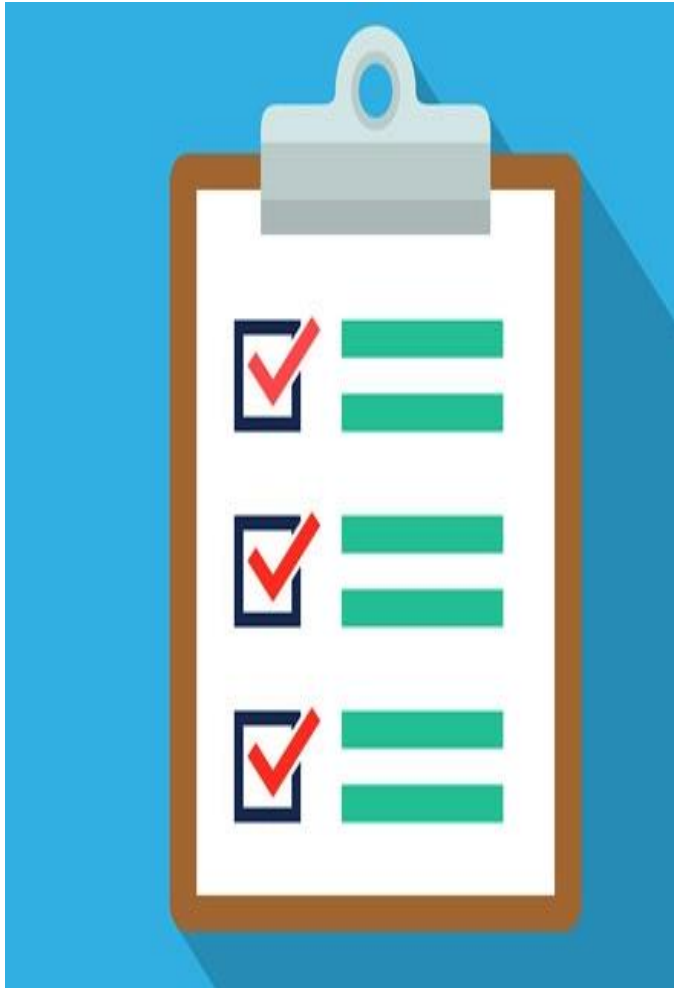
GCRPS Webinar

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19<sup>th</sup> April 2023



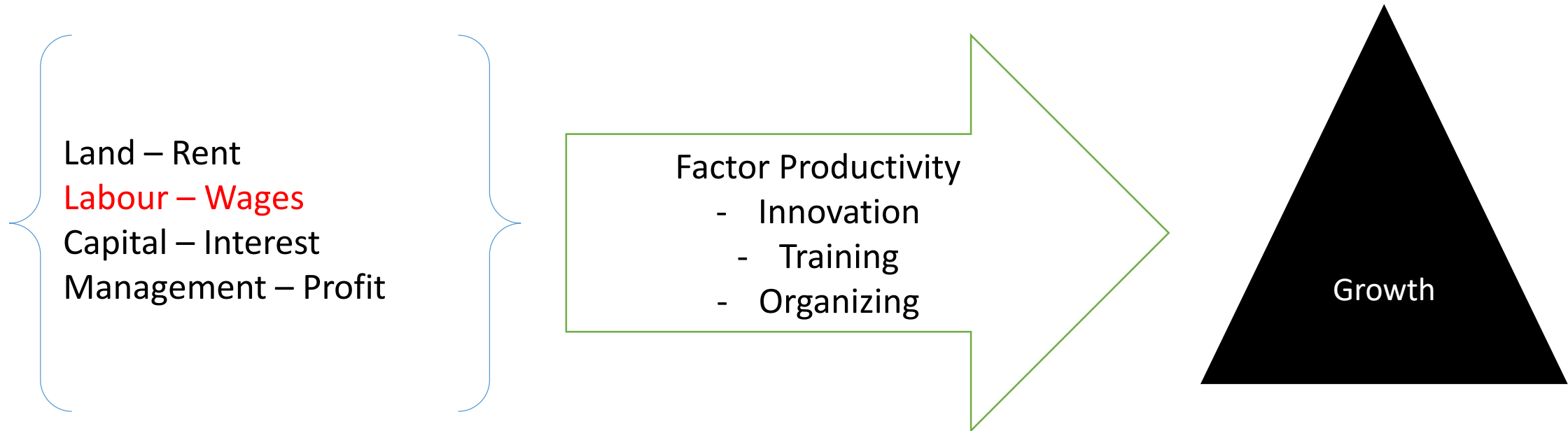
# Why discuss Employee- Employer relationships



- Labour is the main asset of the poor.... poverty reduction programmes can be illusive if the poor are not targeted
- Making the labour market a more effective pathway out of poverty is a major policy challenge that remains poorly understood and sorely neglected in policy making” (World Bank, 2008, p. 202).
- When the poor are only regarded as people living in the rural areas, working as subsistence (self-employed work) often excludes the increasing urbanized skilled and unskilled labour force in urban and growth centers
- 56% of The Gambia’s population is living in urban areas – mostly seeking employment

# Managing Labour is key !!!.....

- Factors of Production – Land, Labour, Capital and Management



- “Poor labour standards hamper productivity and affect the rights of workers” (DFID, 2005, p. 9),

# Public Policy Connection

- The Bible – Everyone should earn a living
- God given talents that must be utilized for the greater good of society

Employee- providing a service for a wage – temporary or fixed

Employer – Hiring for the provision of a service or a good

Employment relationship  
Contracts

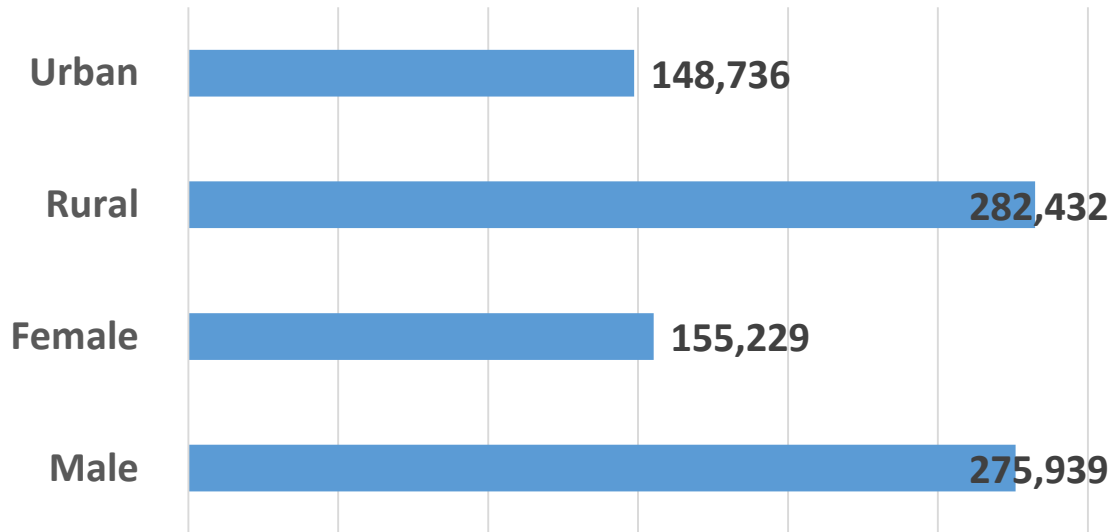
Rules, the Law

Efficient Public Services and Private sectors

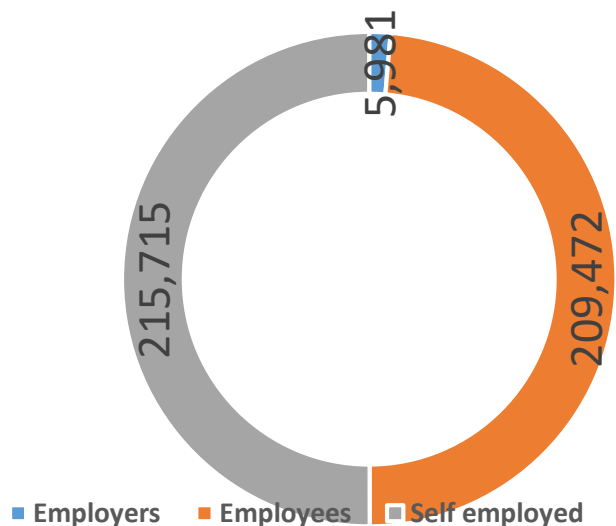
Social Protection  
Stability, full employment  
Equity and fairness  
Growth, Taxes etc

# Employment rate is 64.8%

## Employment



Agriculture, forestry and fishing	9.2
Manufacturing	2.3
Construction	8.3
Wholesale, retail, vehicles repairs	11.2
Transportation and storage	6.6
Accommodation and food services	6.6
Security	5
Education	7.4
Arts, entertainment and recreation	3.5
Others	39.9



64% of households in the urban areas were engaged in informal activities

Source: GLFS 2018

# Labour Act 2019

Employees		Employers	
Rights	Obligations	Rights	Obligations
<p>(a) work under satisfactory, safe and healthy conditions;</p> <p>(b) receive equal pay for equal work without distinction of any kind;</p> <p>(c) have rest, leisure and reasonable limitation of working hours and period of holidays with pay as well as remuneration for public holidays;</p> <p>(d) form or join a trade union;</p>	<p>(a) work conscientiously in the lawfully chosen occupation;</p> <p>(b) report for work regularly and punctually;</p> <p>(c) enhance productivity;</p> <p>(d) exercise due care in the execution of assigned work;</p> <p>(e) obey lawful instructions regarding the organisation and execution of his or her work;</p>	<p>(a) employ an employee, discipline, transfer, promote and terminate the employment of the employee;</p>	<p>(a) provide work and appropriate raw materials, machinery, equipment and tools;</p> <p>(b) pay the agreed remuneration at the time and place agreed on in the contact of employment or collective bargaining agreement or by law or agreed between the employer and the employee;</p> <p>(c) take all practicable steps to ensure that the employee is free from risk of personal injury or damage to his or her health during and in the course of the employee's employment or while lawfully on the employer's</p>

# Labour Act 2019

Employees		Employers	
Rights	Obligations	Rights	Obligations
<p>(e) be trained and retained for the development of his or her skills; and</p> <p>(f) receive information relevant to his or her work.</p>	<p>(f) take all reasonable care for the safety and health of fellow employees;</p>	<p>b) formulate policies, execute and programmes to set targets;</p> <p>(c) modify, extend or cease operations;</p>	<p>(d) develop the human resources by way of training and retaining of the employees;</p> <p>(e) provide and ensure the operation of an adequate procedure for discipline of the employees;</p>
	<p>(g) protect the interests of the employer; and</p> <p>(h) take proper care of the property of the employer entrusted to the employee or under the immediate control of the employee.</p>	<p>(d) determine the type of products to make or sell and the prices of its goods and services</p>	<p>(f) furnish the employees with a copy of the employee's contract of employment;</p> <p>(g) keep open the channels of communication with the employees</p> <p>(h) protect the interests of the employees.</p>

# Challenges



Limited knowledge and application of the Labour laws

The increasing reliance of the poor on casual labour due to urbanization ...weak bargaining power, poor wages, no continuity

- Increasing Informality especially of short term contracts – no social security, no taxes etc
- Large influx of Foreign nationals  
\*Serra Leone, Liberians, Guineans in the construction subsector

- Mandate creep – TDA and Duplicate roles – Two PSs –
- No Performance- based targets
- High Taxes – expenditures not connected to taxes (Maximum Social advantage)
- Corruption and Nepotism inconsistencies in application of laws
- Weak Implementation/enforcement of Labour Act,- Capacity, political will eg. On Expatriate Quota – applied where capacity does not exist in-country
  - Expatriate tax of D30,000 – D40,000 per head



# Recommendations



- Inculcate cultures and morality seminars in work places (but not religious dogma)
  - Promote virtues of honesty, hardwork, truth etc – Quarterly Cultural Seminars
- Performance-based contracts (institutional and individual)
  - Focus on both Outcomes and Outputs
  - Reward successes
- Revision of labour laws and resources to popularize and implement the laws ...this is timely ...*“In developed economies, it is estimated that wage earners represent around 90% of total employment. By contrast, in developing and emerging economies employees can represent as little as 30% of total employment – sometimes even less” ....ilo*
- Recent Policy Developments
  - Update the current Labour market and migration information system
    - **Formalization strategy**
    - Decent Work Country Programme (minimum wages)
- Fight Corruption, abuse of authority, support grievance mechanisms
  - (Ombudsman, Tribunal etc)

Thank you