



SENEGAL²⁸

El affiliates

SYPROS	Syndicat des Professeurs du Sénégal
SNEEL-CNTS	Syndicat National de l'Enseignement Élémentaire
SUDES	Syndicat unitaire et démocratique des enseignants du Sénégal
UDEN	Union Démocratique des Enseignantes et des Enseignants du Sénégal
SAES	Syndicat Autonome de l'Enseignement Supérieur

ILO Conventions Ratifications

- C. 87 Freedom of Association and the Protection of the Right to Organise (1948) ratified 1960
- C. 98 Right to Organise and Collective Bargaining (1949) ratified 1961
- C. 100 Equal Remuneration (1951) ratified 1962
- C. 111 Discrimination (Employment and Occupation) (1958) ratified 1967
- C. 144 Tripartite Consultations (1976) ratified 2004

Introduction

There is a large informal economy in Senegal, with around two-thirds of the workforce either self-employed or in subsistence agriculture. 95% of the workforce has no social protection. According to the UNDP Human Development Index, Senegal is placed 157th out of 177 countries with a GDP per capita of USD 634 in 2005. Education has a key role to play to promote national development.

Given the high percentage of workers in agriculture and the informal economy, union density is low. The industrial workforce represents only some 4% of the economy. It is estimated 40% of the formal workforce are trade union members.²⁹

Education in Senegal

Education is compulsory for ages 7 to 12. Primary school begins at age 7 and continues for 6 years. At this level, 11% of education is private. The Net Enrolment Rate (NER) is 66% (48% female). Of students who enrol in Grade 1, 72% continue to the last grade of primary school. 13% of students repeat grades. 32,005 teachers (24% female) work at this level, but only 51% of them are trained. The average class size is 43 pupils.³⁰

²⁸ Grateful acknowledgement for the written report from Marieme Sakho-Dansokho, General Secretary of the Teachers Trade Union of Senegal (Syndicat des Professeurs du Sénégal –SYPROS)

²⁹ Dioh, Adien « Relations professionnelles et négociation collective au Sénégal » Document du travail no 26 ILO Geneva. September 2011 p.49

³⁰ El Barometer, Senegal accessed 10.04.2013

Since 1996, there has been a decentralisation of administrative structures and responsibility for health and education were gradually transferred to the regional and local authorities.³¹

Freedom of Association

Freedom of association is recognised by the Constitution and the 1997 Labour Code, with the exception of the Armed Forces, police, customs officers and magistrates and judges and senior civil servants and managers.

However, the Ministry of Interior has discretionary powers to grant or refuse registration of a union, which has been the subject of long-standing request from the ILO to amend the Labour Code.³² Furthermore, unions report that the registration procedures are often very long.

The right to strike is heavily restricted, most notably due to a provision in the 2001 Constitution which stipulates that strike action must not infringe upon the freedom to work or jeopardise the enterprise. The authorities also have broad powers to replace workers who are on strike.³³ SYPROS notes frequent interference on the part of the authorities in the internal affairs of trade unions, violations of the principle of free choice of trade unions, and the lack of application of the check-off system so that membership payments depend on voluntary contributions.

Collective Bargaining

In the private sector, there exists one national inter-professional collective agreement (CCIN82), negotiated in 1982 and revised in 1999 between employers and workers, which covers all branches of economic activity in the formal sector and is of unlimited duration. This collective contract replaced over 20 pre-Independence sectoral collective agreements, which date back to the 1950's and 1960's and which were in force until then.³⁴ The national inter-professional collective agreement was intended as a framework agreement to facilitate new sectoral agreements. However, in practice this has not happened.³⁵

Collective bargaining has been seriously impeded because until recently, there were no agreed mechanisms to determine the representativity of the trade unions and to carry out trade union elections. The ILO CEACR has repeatedly noted the absence of new collective agreements in Senegal.³⁶

³¹ Gernigon . p. 69

³² Observation (CEACR) - adopted 2012, published 102nd ILC session (2013) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - C087

³³ ITUC Annual Survey on Trade Union Rights 2012 Country Profile Senegal

³⁴ Dioh, *ibid* p. 8

³⁵ Dio, *ibid* p.10

³⁶ Observation (CEACR) - adopted 2012, published 102nd ILC session (2013) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - C087



In order to achieve greater social cohesion and strengthen collective bargaining in both the public and private sector, and in the informal economy, in November 2002, the government, trade union centres, employers' association and informal sector representatives signed a National Charter on Social Dialogue (*Charte Nationale sur le Dialogue Sociale*). This Charter is intended to strengthen social dialogue machinery (collective bargaining, conciliation and consultations in a bipartite or tripartite context) and also set up a permanent National Social Dialogue Committee in order to promote economic growth, employment opportunities, social protection and solidarity. It was a visionary attempt to establish a sound basis for social dialogue in the country. Unfortunately, for various reasons, including the fragmentation of the trade union movement and inadequate resourcing of the different mechanisms it established, its implementation has not fulfilled initial expectations.

In 2008 the ITUC reported the blocking of bargaining by the authorities in certain sectors, including education, and unilateral changes in the provisions of the National Charter on Social Dialogue of 2002.

Senegal's first union representation elections were finally held in 2010 with the participation of 18 trade union centres. President Wade declared himself in favour of strong unions, calling on the least representative organisations to join the more powerful ones in the interests of social dialogue. Unionists considered the holding of these elections to be crucial, as the fragmentation of the trade union movement on account of personal or political interests has led to many trade union rights' violations.

The Status of Teachers

Teachers are public employees and their terms and conditions of appointment are largely determined by the 1961 General Statute of Public Service (*Statut General de la Fonction Publique*) and the 1977 Decree Statute on Teaching Staff (*Statut Particulier du Cadre des Fonctionnaires de l'Enseignement*). The government has also recruited a large number of voluntary teachers, given the shortage of teaching staff in rural areas. Following a protracted dispute with the teachers' unions, a new category of teachers, known as contract teachers (*maître contractuels*) was created for volunteer teachers who had completed 4 years of service.

Collective Bargaining in Education

There is a collective agreement for private education schools but there is no collective agreement for public education. Conditions of employment are determined in principle by the terms of the 1977 Statute. Public employees' organisations may appeal against regulations affecting the conditions of service of staff and against individual decisions that are prejudicial to the collective interests.³⁷

However, the unions argue that the government has “trampled” on the Statute and the system of recruitment, career advancement and teacher certification, by recruiting large numbers of volunteers, temporary replacements and contract teachers.

As part of the mechanisms of the National Dialogue, sectoral social dialogue committees were formed, which were required to meet at least twice a year and to produce an annual report. It was also envisaged that there should be local level committees. However, the National Social Dialogue for the Education and Training Sector (CDS/SEF) has only met intermittently and not made progress. It is only convened in times of crisis and not to anticipate or prevent conflicts.

Teachers in Senegal are notoriously underpaid. One report indicates that since Independence in 1982 until 2000, wages had only increased by 20%.³⁸ In 2005, a coalition of education unions was able to negotiate additional payments for secondary school teachers, for research and documentation work, and a housing allowance. The agreement was concluded between the Ministers of Education, the Public Service, Labour, Employment and Occupational Organisations, and the Ministry of Finance and a coalition of 14 teachers’ unions. Salary increases were also agreed for the period 2005-2009. However, there have been many delays and difficulties in implementing these agreements.

In 2011, another agreement was signed with the education unions but the agreement has not been respected either. The main issues agreed included:

- limitation of the use of contract teachers;
- end to the practice of recruiting untrained teachers;
- revisions of Decree 61-052 on the bi-partite administrative commissions and disciplinary council;
- improved IT provisions and implementation of agreements on housing provisions.

Sypros states “the conflict prevention and mediation systems do not function nor do the mechanisms to follow-up on the implementation of any agreements reached. There is a lack of political will on the part of the authorities and misunderstanding about the importance, place and role of trade unions in the functioning of the education system.”

Key demands

The unions’ key demands include:

- implementation of existing agreements;
- strengthening of social dialogue through the relaunch of the social dialogue committee in the education and training sector;
- strengthening of the trade union movement through its unification and reorganisation;
- Improvements in the conditions of employment and quality of professional training.

³⁸ *Dioh, Adrien op.cit p. 35*



In Higher Education, SAES had to call for strike action in order to pressure the President, Ministry of Education and Ministry of State into signing an agreement. This agreement covered a range of issues, including improved conditions of employment, access to new technology, housing projects for university staff, and improvements to the physical infrastructure of the university buildings, new research facilities and new student accommodation.³⁹

Education expenditure and GDP growth

% of government expenditure on education	% GDP spent on education	GDP % Growth
2008: 19.0%	5.0%	4.8%
2009: 24.0%	5.6%	1.8%
2010:	5.6%	4.2%
2011:		2.6%

Source World Bank /Index Mundi

³⁹ *Accord entre le Gouvernement et le Syndicat Autonome de l'Enseignement Supérieur (SAES), 6 April 2006, as reproduced in Dioh, Adrien op.cit. p. 47*