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A word with... Tayo Fashoyin

Former Director of the Industrial and Employment Relations Department, ILO



Tayo Fashoyin is currently Professor of Labour and Employment Relations in the department of Industrial Relations and Personnel Management, at the University of Lagos, Nigeria. He was Director in the ILO, Sub-Regional Office for Southern Africa, in Harare, Zimbabwe for a number of years and until December 2010 served as Director of the Industrial and Employment Relations Department at the ILO. Recently, he retired as secretary of the International Labour and Employment Relations Association (ILERA). He began his career as a Research Fellow in the Human Resource Research Unit at the University of Lagos, Nigeria in 1976 and completed a D.Phil degree in Labour Economics from the University of Sussex, Brighton, England in 1981. From then, he has also served as advisor to the Minister of Employment, Labour and Productivity, Federal Government of Nigeria during 1990-1994. Within the academic world, he has held positions of Senior Fullbright Research Fellow at the Wharton School, University

of Pennsylvania, USA and Visiting Professor of Comparative Industrial Relations at the University of British Columbia, Vancouver, Canada. Prof. Fashoyin has written and published widely on comparative labour and industrial relations, in Africa and the developing world.

Prof. Fashoyin, have there been any notable changes in employment relations across the globe, and if so, can you give any examples?

Certainly, there have been enormous changes in several aspects of employment relations across countries during the past decade or more. In the past several years, while public policy frameworks have generally favoured the notion of freedom of association and the right to collective bargaining, several governments have only laid out the legal framework and have left to the parties to work out their relationship themselves. While one might argue that this has always been the case, the fact is that employers have either been reluctant to engage in negotiations or have defined the scope of bargaining. In some cases, there has been a reluctance to allow certain categories of workers to be in the

union. Also, the use of the strike weapon has been with considerable restrictions in several cases. In some cases, the government, as an employer, has led in this restrictive approach to employment relations. One might argue that these are not necessarily new developments, but have become common during the past several years. The collective bargaining process, which is clearly the most important institution of employment relations, it continues to play a significant role in regulating employment relations across countries. What is particularly significant is the fact that in several cases, collective bargaining is taking on new issues that are not necessarily of 'bread and butter', but those that deal with issues that illustrates the depth of the institution. One significant area is that collective bargaining is increasingly playing an important role at transnational level, as demonstrated in the growing framework agreements between global unions and multinationals whose operations cut across countries and regions. This process of setting minimum standards for operations across national boundaries is likely to make significant effect on employment standards in countries. I must admit that the role or effect of international framework agreements is still concentrated in Europe, but it is slowly entering into other countries, including the developing economies. Another significant development is that employment relations, often through the collective bargaining process have in recent years been focussed on bipartite or tripartite efforts to save jobs. This has become highly noticeable in this period of global economic crisis. In various countries, whether developed or developing, the parties have put their heads together to develop win-win solutions in response to contractions caused by the global crisis. This kind of perspective is creating a sort of 'social partnership' – at bipartite or tripartite level – where the goal is the survival of the business and/or to save jobs with minimal effect on workers' wellbeing. It is particularly noteworthy that in many cases during the last couple of years, tripartitism has acquired a significant role in helping to address the global crisis at the enterprise and national levels. A

somewhat related aspect of this development is that in a number of cases, institutions are being used beyond traditional collective bargaining, to address issues such as, on one hand, enterprise sustainability and, on the other issues such as retraining and employability, life-long learning and work-life balance. These are significant shifts that demonstrate adaptability of the institutions of employment relations. On the other hand, there are important challenges for employment relations. Undoubtedly, the most significant challenge is globalization which has changed several aspects of employment relations. We have seen that in many of the advanced market economies, there appears a lack of enthusiasm or in some cases a reluctance to use the collective bargaining machinery. My prediction, though, is that this key institution might take on a more significant role outside the traditional bargaining tool, and to areas where both sides can be comfortable and find it as beneficial to both sides.

In your opinion, what is the role of an institution such as the ILO in a more globalized working place?

The role of the ILO in the present global context is, in my view, critical and relevant today as it was at the time the organization was founded. Clearly, in the nearly a century of its existence, the ILO has created a robust international legal framework, through international labour standards that have played an enormous role in removing or reducing the abuses and inadequacies that led to its founding at the turn of the 20th century. Specifically, the Organization was created to address the emerging global issues in the world of work, including abuses and exploitation of workers, their lack of rights and voice in shaping the conditions under which they worked. Today, economic globalization operates in a much broader context, and while it leads to exploitation and abuse of rights, it is also understood that the transformative powers of globalization benefits society, by such means as opening new opportunities for economic growth, investments and trade. This means that for globalization

to serve this purpose effectively and fairly, it has to be pursued with the goal of achieving social justice in the world of work. ILO instruments have created international jurisprudence that seeks to make globalization work for the benefits of society to achieve social justice. As one who has seen these developments, both in the making of these treaties and their application across countries, I can say that the ILO has made a huge difference in creating rights and good governance in the world of work. There is certainly much work to be done, not necessarily in creating more labour standards, but particularly in ensuring that the nearly 200 Conventions, and Declarations, Recommendations and Resolutions are not only domesticated or reflected in national laws, but are faithfully and consistently enforced throughout member States. As I speak, there are cases across countries of abuse of rights, or violation of labour rights, such as denial of infringements on freedom of association, and the right to collective bargaining. There are cases of abuse of children's rights, such as forced labour, or their use in dangerous occupations, when such children should be in school. There are inequalities across various areas, in pay, occupations and opportunities. Sometime ago, I read a story in an advanced economy, where women constituted nearly half of the lawyers in the particular country, but they accounted for less than 20% of law partners! Across countries, but particularly in the developing countries, the right of workers to organized and enjoy the fruits of collective bargaining remains elusive in some of these countries, while labour leaders and their members are constantly subject to abuses. Infringements on labour rights, such as those mentioned are among the areas in which the ILO will in the foreseeable future continue to engage its member States, to ensure that labour laws based on International Labour Standards are faithful implemented and enforced. Also, there has been a phenomenal change in the labour force, such that a growing group of workers, or wage earners are not the traditional employees of the enterprise, but are in one form of non-standard employment or the other. Often, they are not employees of the enter-

prise in which they work, but of labour contractors, brokers or in some kind of triangular employment relationship. This development poses considerable challenge for the field of employment relations, and indeed the ILO itself as well as public policy makers.

What contributions can or does the developing world bring in terms of social dialogue and labour relations?

I believe that one significant contribution of the developing countries is in showing that the world of work is so diverse and complex, such that the nature and context of the labour market is varied such that in setting international labour standards and their application at the national level cannot be done without an understanding of the diversity among its member States. It is a case of 'one size does not fit all'. Even among the so-called developing countries, there are wide differences – in the level of development, the major challenges, the commitment of the state to international regulation and the capacity to apply international labour standards. The ILO provides the forum for the articulation of these different conditions, perspectives and approaches. By bringing their development challenges to the international forum of the ILO, the developing countries not only learn of international best practice, they also enrich the quality of international regulation and labour market governance, which makes considerable contribution to the goal of social justice. In the same manner, the presence of the developing countries in the ILO helps the Organization to identify the critical technical expertise it needs to effectively achieve its mission in the development context, and by so doing accelerate its global goal of achieving social justice in the world of work. This diversity has, in my view, been advantageous to the International Labour Office, because several of its technical experts come also from diverse environments, knowledge and experience and are able to learn about the labour and development issues and priorities in the various member States.

If you were to speculate on the development of future employment relations, what in your view can we expect to see in the world of work?

I think that the changes we are witnessing are profound in their effects on the nature and practice of employment relations across countries, whether in the advanced market economies or developing economies. The developments that I earlier outlined certainly will impact on the conduct and status of employment relations at the enterprise, industry and national levels. There is also a global element. At the same time, it will, one way or another, affect the capacity of the union to represent workers, even when such workers fall within the organizing domain of the unions. The irony is that union members will work side by side workers in a non-standard category. Both the union leaders and the workers in this form of employment might, for various reasons, not find unionization operationally cost effective. On the other hand, the union may find it as a challenge and therefore develop specific recruitment and service delivery strategy that suits this category of workers. I suppose, the key issue, first and foremost, is the commitment and speed with which governments are willing to focus on this issue for policy consideration. In other words, whether in the context of public policy or practice, employment relations will continue to present critical challenges for the tripartite partners. I do see a role for policy makers, the ILO and also scholars in the universities. For example, it is useful to know whether the evolving developments in the world of work fit into existing perspectives and policies. In this regard, I would emphasize the importance of research on this subject. In the areas of research, the ILO has launched an international study, which is designed to throw more light on the nature and implications of non-standard work. Some countries, such as South Africa, have started to examine policy options in dealing with this issue. The role of the academics could be, for example, to explore whether or not this development was envisaged or covered in existing models or perspectives, such as Dunlop's *Industrial Relations System* or the work

of Kerr and his associates on *Industrialism and Industrial Man*.

With your exit from the ILO, do your future plans include a continued focus on employment relations research?

Well, my plans are to spend more time with my family, and use whatever time left to continue in this field that has defined my career, both at the academic and international levels. In other words, I shall be sharing my knowledge and experience through research, consultation and advisory services with those who might need it, across Africa and maybe in other regions as well.