



TEXTILE-CLOTHING-LEATHER INDUSTRY Survey

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**FRIEDRICH
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TEXTILE-CLOTHING-LEATHER INDUSTRY

Survey

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LIST OF ABBREVIATIONS

ACT	Association for Contract Textile
BSCI	Business Social Compliance Initiative
CDD	Contrat à Durée Déterminée
CDI	Contrat à Durée Indéterminé
CNaPS	Caisse Nationale de Prévoyance Sociale
CODIS	Conseil de Discipline
COVID-19	Corona Virus Disease 19
EDBM	Economic Development Board of Madagascar
ETI	Ethical Trading Initiative
FES	Friedrich-Ebert-Stiftung
FISEMA/SEMPIZOF	Firaisan'ny Sendikan'ny Mpiasa eto Madagasikara/ Sendikan'ny Mpiasan'ny Zone Franche
GFA	Global Framework Agreement
GOTS	Global Organic Textile Standard
GSV	Global Security Verification
ICS	Initiative for Compliance and Sustainability
INSTAT	Institut National des Statistiques
SEKRIMA	Sendika Krisitianina Malgasy
SEREMA	Sendika Revolisionera Malagasy
SMETA	Sedex Members Ethical Trade Audit
SRMM	Sendika Reharehan'ny Mpiasa Malagasy
SVS	Syndicalisme et Vie des Sociétés Madagascar
TM	Tolon'ny Mpiasa
UGTM	Union des Groupements des Travailleurs de Madagascar
WRAP	Worldwide Responsible Accredited Production

EXECUTIVE SUMMARY

This survey aims to enhance social dialogue in factories producing for brands with GFA as well as ACT members, by allowing unions to define strategies to strengthen their presence and capacity for this purpose. It is conducted in a context of acute socio-economic difficulties stemming from a combination of both domestic and international factors. In such a context, the textile, garment, shoes and leather sector, plays a significant role because of its ability to offer employment, which remains relatively important, particularly in two cities: Antananarivo and Antsirabe.

Therefore, in these companies covered by the survey, it is important to carefully examine, on the one hand, certain crucial aspects of workers' lives, such as general working conditions, including occupational safety and health, social security, respect for basic human rights at work and, on the other hand, the most significant conditions in which existing trade unions and shop-stewards endeavor to accomplish the missions vested to them by international standards and current legislation. Indeed, workers in a position of inferiority on the labor market feel for the most part left behind and need, much more than in normal times, enhanced support from the trade unions to face up to their day-to-day difficulties and address what they perceive to be situations of abuse.

From the above, the survey has three main parts: (1) a notice on the methodological approach, (2) the report on findings from the investigations carried out; (3) some recommendations from the key issues that these investigations brought to light.

I. METHODOLOGICAL APPROACH

This survey is based on data collection from ten free enterprises, 6 in Antananarivo and 4 in Antsirabe. The survey was carried out by a team made up of one social and environmental lead auditor and two assistants.

In addition to the desk review, the main data used result from interviews with representatives of each company's management (mainly directors and HR managers), shop-stewards and a sample of workers who are union members or not. The total number of people interviewed is 70, made up of 33 workers who are union members (including shop-stewards), 28 workers who are not union members and 9 management representatives.

With regard to the objective, the approach is much more qualitative than quantitative. No clear-cut separation was made between information from employer's representatives and that from workers, shop-stewards and union

representatives. Equal importance was given to objectively verifiable information, personal perceptions and interviewees' opinions.

II. GENERAL WORKING CONDITIONS

- Pay:

Although most companies seem to comply with the regulatory minimum salary, at least on paper, cases have been noted where, in reality, workers do not get this minimum. In particular, workers paid based on performance complain either of not receiving the minimum because of failure to reach the target, or of having to work beyond the legal working hours to reach the said target. In addition, the workers interviewed point out that the salary does not cover daily expenses, namely children's school fees, to which are added debts with banks or CNaPS. The issue of workers' difficulties in calculating their earnings and understanding the payslip is also raised.

- Working hours:

While the working hours communicated by most companies imply a working time of 40 to 42 hours per week, in practice there are stretches of hours depending on the customer's requirements in terms of deadline for delivery. This results in very large overruns of the legal working time, sometimes going beyond the regulatory overtime limit.

- Overtime:

Some companies have a very positive practice of seeking workers' written consent to work overtime. However, other companies exceed the ceiling of 20 overtime hours per week authorized by the regulations. This situation probably results from the information already mentioned above on the obligation to reach the target and the stretching of schedules dictated by the delivery time. Workers say they need overtime whereby compensation can significantly improve their income. But it is true that overtime payment issues are also raised.

- Internal regulations and application of disciplinary sanctions:

All the companies surveyed have internal regulations which, in most cases, contain a procedure for implementing sanctions. However, it is reported that in a large part of these companies covered by the survey, workers feel victimized by abusive sanctions linked to failure to reach goals or absences for medical reasons. Cases of sanctions imposed by workshop managers without respecting the right to defense are also reported.

- **CNaPS registration and payment of contributions:**

The majority of the companies covered by the survey have registered all of their workers to the CNaPS. However, in several of them, the contribution is deducted from the salary, while workers do not enjoy their rights from CNaPS, in particular family benefits. This situation seems to be the result of failures by the employer regarding the payment of these CNaPS contributions.

- **Occupational medical services:**

Workers raised issues of non-subscription or suspension of access to medical services following non-payment of contributions.

- **Workers' gender profile:**

Like most free enterprises operating in the same branch, female workers predominate in the workforce of the enterprises surveyed. However, inequalities are reported as to the position held, where women hold low-skilled positions while men hold mostly those requiring higher qualifications. In addition, there are reported cases where pregnant or breastfeeding women are given the same target as other workers, thus risking lower salaries due to reduced production capacity during the period of pregnancy and breastfeeding.

- **Employment contract:**

The main problems raised relate, on the one hand, to signing contracts without being able to fully understand its content, and on the other hand, to the increasing number of temporary workers hired and, finally, the abuse of temporary commitment, resulting in prolonged precarious situations.

- **Layoff:**

Three cases of mass layoff of workers were reported, including one linked to economic difficulties resulting from the COVID-19 pandemic and two others resulting from collective disputes. In addition to these cases of worker layoff by the dozens, even by the hundreds, a frequently mentioned issue relates to the large gap between the contract expiry date and the settlement of the final payment.

- **Protection of pregnancy and maternity:**

The key issues raised are about the difficulty of enjoying maternity leave, as well as the direct and indirect forms of rest restriction for breastfeeding.

- **Respect for workers' dignity:**

Cases are reported where female workers would be forced to accept sexual intercourse demanded directly or indirectly by some company executives, in order to avoid harassment in the workplace. In addition, cases of verbal abuse (demeaning words usually addressed to workers) or even physical ones (a manager attacking a worker) were reported in two different companies.

- **COVID-19 cases in the workplace, preventive health measures, impacts on employment and workers' income:**

Workers in the companies surveyed have not been spared from COVID-19. Serious and even fatal cases have been recorded. But the health measures taken have had a significant impact on income and working conditions: layoffs, work disruption resulting from confinement lockdown, reduced salaries resulting from a drop in clients orders, non-existence of means of transportation.

- **Social assistance to employees:**

To cope with the difficulties resulting from the pandemic, some companies have taken financial or food aid measures for the benefit of their workers, in particular those facing the worst hardships.

III. UNION LIFE, SHOP-STEWARD AND COLLECTIVE BARGAINING

- All companies have at least one trade union, a local section of a national one. Most of them even have two to four unions. The predominant members would be female workers, aged between 30 and 45.
- However, forms of right restriction to create and join trade unions by the employer are observed, as well as cases of sometimes systematic refusal to follow up on union proposals and demands as well as requests for meetings expressed by unions.
- Perceptions concerning the effectiveness of trade union action are divided. They relate to the organization of training for union members or shop-stewards, the capacity for collective bargaining, the ability to protect its members and shop-stewards against violations of sensitive rights, layoffs perceived as unfair, quality of relationship with the employer.
- Workers in seven companies reported positive perceptions of union action.
- Some of the workers who are union members are motivated by the aspiration to better know their rights, be able to dialogue with the employer

for better living and working conditions. This fosters willingness for sustainable unionization. On the other hand, we observed a phenomenon of casual unionization dictated by the concern to have trade union support in order to win in contentious cases.

- Those who have not joined or who have left their unions mention reasons such as lack of interest due to the unions' inability to really protect workers' interests, unions' lack of visibility, lack of time for meetings due to work pressure, fear of possible reprisals from the employer, inability to pay arrears of contributions.
- Most companies have shop-stewards, except a few that have none either because previous delegates have been laid off or have resigned, or because the employer failed to hold election.
- The difficulties encountered by shop-stewards in fulfilling their missions are linked to multiple factors such as employers' refusal to accept their obligations towards worker representation, lack of follow-up to workers' grievances, lack of solidarity among shop-stewards due to rivalries between unions, poor knowledge in the field of labor legislation, weak capacity to make proposals in a collective bargaining situation, as well as allegations of corruption.
- The means of action available to shop-stewards are varied: dialogue, steps involving workers (collection of signatures), collective dispute, and referral to the Labor Inspector's office. We should note that in order to keep their jobs, some shop-stewards choose to remain passive or even side with management.

IV. RECOMMENDATIONS

Despite the difficulties encountered during its implementation, the study carried out in the ten selected companies has made it possible to establish that the general situation of labour relations, working conditions, the exercise of trade union rights and the right to employee representation calls for the strengthening of social dialogue. This requires a greater involvement of IndustriAll affiliated unions in the sector concerned, in particular in companies producing for brands with GFA and for ACT members.

The realities that emerged from the survey, as well as consultations with trade union officials in the two study cities, led to the following recommendations.

1. It is important that all actors pay particular attention to the employment and working conditions to which workers are highly sensitive, including:
 - Stability of employment
 - Working hours
 - Wages and income
 - Access to social security
 - Protection of pregnancy and maternity
 - Equality between men and women
 - Respect for the worker dignity.
2. The trade union organizations will benefit from adopting a concerted strategy for approaching the capacity for dialogue, focusing on the following priority actions:
 - strengthening capacity for dialogue and negotiation of union representatives and shop-stewards in terms of texts and procedures, communication and negotiation, as well as business economics;
 - revitalizing and developing loyalty of active members with the use of modern tools offered by technology;
 - improving the image of trade unions in terms of ethics and performance.
3. The involvement of companies is also recommended, particularly in social dialogue and collective bargaining through the institution of works council and company collective agreements, inspired by an approach at branch level.
4. The practice of regular audits commissioned by clients deserves rethinking so that the values conveyed continue to be respected in the companies concerned.
5. With regard to labor inspection, it is recommended that priority be given to companies in the textile sector because of the high density of the workforce employed there.

1. INTRODUCTION

The chronic economic difficulties that Madagascar is experiencing for decades are characterized, among other things, by the catastrophic employment situation and the precarious condition of workers. Indeed, the entrenchment of structural unemployment barely masked by the widespread recourse to underemployment in the informal economy is observed, due to the successive failures of the various policies and programs tested in the country. The problem is exacerbated by frequent cyclical employment crises, resulting both from upheavals in domestic political life and repeated natural disasters, and external factors such as the 2008 financial crisis or the COVID-19 pandemic, from which Madagascar, like many other countries, is still struggling to recover ¹.

In such a context, it is difficult to look away from the textile, garment, shoes and leather sector which, with 265 free enterprises operating in 2020², with their 200,000 jobs created³ is considered one of the main job providers, namely for workers with low employability, even if the development of this sector is also hampered by the bottlenecks mentioned above.

Particularly because of the imbalance in the labor market, it is important to pay attention to certain crucial aspects of workers' lives, such as general working conditions, including occupational safety and health, social security, respect for basic human rights at work. Thus, the role of trade unions is central, given that workers who often lose their bearings need enhanced support, while for employers, having an interlocutor up to the task proves to be essential in a context where a good quality social dialogue is increasingly becoming a vital necessity.

However, it is clear that the presence and action of trade unions are weakened by poverty and the huge increase in the demand for employment combined with decreasing supply.

Since the pandemic started, a large number of people have lost their jobs, both spouses in some households, one of them in others⁴. Although up-to-date data on the exact extent of COVID-19 related job loss is apparently not available yet while drafting this report, it is safe to say that this situation limits unions' ability to act and puts the employer in a position to unilaterally dictate its rules vis-à-vis workers.

¹ <https://www.banquemondiale.org/fr/country/madagascar/overview#1>

² <https://edbm.mg/liste-des-zones-et-entreprises-franches-operationnelles-septembre-2020/>

³ <https://edbm.mg/wp-content/uploads/2018/01/Newsletter-EDBM-n°2.pdf>

⁴ https://www.instat.mg/documents/upload/main/INSTAT_Emploi%20et%20Covid19_aout%202020.pdf

The latter, for fear of losing their job, willingly give in to what they consider as violations of their rights and often abnormal pressure at work, up to attacks on their dignity and harassment. This is true for union officials and shop-stewards as well as ordinary workers and employees.

The general objective of this survey is thus to contribute to an increased presence of IndustriAll affiliates in the factories producing for brands with GFA and ACT members, and to allow unions to define strategies aimed at establishing a social dialogue at workplace and industry level, namely on issues of FoA (Right of Association and Freedom of Association), salaries, benefits and combating violence against women. To do this, the survey strives to give an overview of the companies surveyed, regarding essential information for trade unions' missions.

Therefore, after having presented the methodological approach adopted, the survey will immediately report on the findings, relating first to general data on the companies surveyed, then to the general working conditions and, last, on trade union life. A few recommendations are made following the various analyses.

2. METHODOLOGICAL APPROACH

This survey is based on data collection from 10 free enterprises, 6 in Antananarivo and 4 in Antsirabe. The survey was carried out by a team made up of one lead social and environmental auditor and two assistants.

The first stage of the work consisted in finding the contacts of the target companies on the internet or through relations and comrades in the companies concerned. The second was interviews with the management of each company. The third stage consisted of conducting interviews with shop-stewards, and the fourth and final stage was to interview workers in general.

As the objective is more about giving an overview of the work that awaits unions than to exhaustively identify cases of illegalities or grievances of the workers, the presentation of the findings follows a much more qualitative than quantitative approach. For the same purpose, no clear-cut distinction was made between information from employers' representatives and from workers, shop-stewards and trade unions. In addition, the survey gives equal importance to objectively verifiable information, perceptions and interviewees' individual opinions.

The table below gives the number of people approached by title and by company:

Table No. 1: Number of people interviewed during the survey

COMPANY	UNION					TOTAL BY COMPANY
	SEKRIMA	FISEMA /SEMPIZOF	OTHER UNIONS	NOT AFFILIATED	HR	
ABE4	1	2	2	3	1	9
ABE3	2	1	0	3	1	7
ABE2	0	1	4	3	1	9
ABE1	0	2	2	3	1	8
ANTA6	0	2	1	3	1	7
ANTA5	0	0	2	3	1	6
ANTA4	0	2	2	3	1	8
ANTA3	1	1	1	3	1	7
ANTA2	2	0	1	3	1	7
ANTA1	1	0	0	1	0	2
TOTAL BY UNION	7	11	15	28	9	70

A number of difficulties have limited access to information. One of the companies contacted backtracked at the last minute, refusing any communication on the agreed date.

Furthermore, in some companies, management has visibly “briefed” shop-stewards before the interview, so they give positive answers to questions. It took an average of 15 minutes of preliminary explanations to gain their trust and explain the objectives and topics of the interview. In addition, the fact that they are accustomed to talking with client-commissioned auditors as part of the process for obtaining

the certificate skewed the course of the interviews. As a result, other off-site meetings had to be organized, where they could express themselves more freely.

As for the workers, while some were happy to be able to express themselves, others were clearly afraid of reprisals.

3. TEXTILE INDUSTRY SURVEY RESULTS

3.1. GENERAL DATA

3.1.1. Legal and normative framework

The survey focused on the implementation of labor and social security legislation, as well as the affiliation of companies to the various standards and certifications.

3.1.1.1. Legal framework

The legal framework used as a reference in the survey are mainly the following:

- International labor standards ratified by Madagascar;
- Law No. 2003-044 of July 28, 2004, on the labor code and its implementing texts, namely regulations on trade union rights, staff representation, collective bargaining, social dialogue in general;
- Law No. 2007-037 of January 14, 2008, on Free Zones and Enterprises in Madagascar;
- Law No. 94-026 of November 17, 1994, on the social protection code;
- The social security code and subsequent texts;
- Instruction note No. 027-MTEFPLS of March 26, 2020, prescribing health prevention measures in the workplace in the face of COVID-19.

a. Compliance with codes of conduct and certifications

The table below gives the situation of the social certification of the companies covered by the survey.

The figures illustrate companies' performance according to the results of social and environmental audits. The certifications also show the attention that customers pay to their suppliers in terms of workers' rights and the environment.

Table No. 2: situation of social certifications per company

	BSCI	WRAP	ETI/SMETA	GOTS	ICS	GSV
ABE4	1	1	1	0	0	0
ABE3	1	1	1	1	1	0
ABE2	1	1	0	0	0	0
ABE1	1	1	0	0	0	0
ANTA6	1	1	1	0	0	0
ANTA5	N.A	N.A	N.A	N.A	N.A	N.A
ANTA4	0	1	0	0	0	1
ANTA3	1	1	1	0	0	0
ANTA2	N.A	N.A	N.A	0	N.A	N.A
ANTA1	N.A	N.A	N.A	N.A	N.A	N.A

1 : Certification available

0 : Not certified

N.A : Not Available

Each client offers their own code of conduct. It is a document that sets out a set of principles and values reflecting the beliefs of customers and their expectations of their business partners.

The code of conduct refers to international instruments such as the Universal Declaration of Human Rights. Companies that adhere to the code of conduct undertake to respect the principles set out in this document and to assume, within their sphere of influence, their responsibility with regard to respect for human rights in general and social rights in particular.

The validity of the certificates is limited in time. Monitoring mechanisms, entrusted to local and foreign auditors, are implemented to make sure companies comply with customer requirements as stated in the code of conduct.

3.1.2. The determinants and obstacles to investments

The main elements that encourage foreign and domestic businesses to set up free enterprises in Madagascar are the low cost of labor and its relatively proficient level of qualification, the availability of raw materials, as well as favorable legislative and regulatory provisions.

On the other hand, a number of obstacles are raised, namely high factor costs (electricity, communication, industrial rent, etc.), political instability, corruption, insecurity.

3.2. PANORAMIC VIEW OF GENERAL WORKING CONDITIONS

3.2.1. Positive and negative perceptions of some key aspects of working conditions

The following analysis focuses on seven essential aspects of working conditions where the workers and shop-stewards surveyed were able to deliver perceptions from the point of view of the positive/negative couple. The workers spoke on issues related to the pay, the working time, the overtime, the internal regulations and the application of sanctions, the protection of pregnancy and maternity, the enjoyment of the CnaPS benefits, and the gender profile of workers.

3.2.1.1. Pay

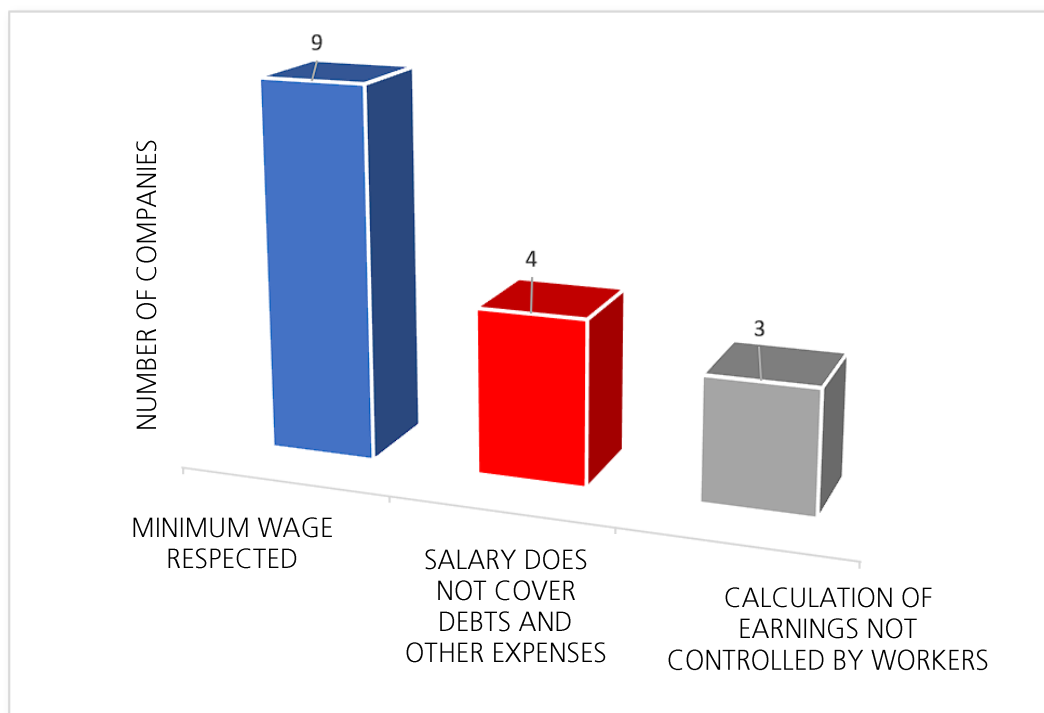
Table No. 3: Information and perceptions concerning salary

INFORMATION	RELATED COMPANY	
	Nb	LIST
Minimum salary respected	9	ABE1 - AB2 - ABE3 - ABE4 - ANTA1 - ANTA2 - ANTA3 - ANTA5 - ANTA6
Information on the minimum salary not obtained	1	ANTA 4
Calculation of earnings not controlled by workers	3	ABE1 - AB2 - ANTA4
Salary does not cover debts and other charges	4	ABE1 - ABE4 - ABE3 - ANTA3
Delinquent payment of salary	1	ANTA5
Insufficient time off allowed to go to the bank	1	ABE2
Payment beyond working hours	1	ANTA4

The table and the chart above show that nine of the ten companies surveyed (the information could not be obtained from one company) comply with minimum salary. Note that according to a 2019 decree, this minimum salary is 200,000 Ariary upon hiring for professional categories M1-1A⁵.

However, in four companies, the workers surveyed point out that the salary does not cover daily expenses, namely children's school fees, to which are added debts from banks⁶ or the CNaPS⁷.

Chart No. 1: Salary and charges to be covered



⁵ This year 2022, the procedures for bargaining and regulating the increase of minimum salary beyond 200.000 Ariary and for the other professional categories are in progress.

⁶ Workers are inclined to take loans from the bank.

⁷ The social security fund (CNaPS) also lent to workers that were in difficulties due to total or partial unemployment linked to the COVID-19 pandemic.

In addition, the people surveyed could not clarify whether the company has its own salary schedule taking into account this regulatory minimum salary, nor how this schedule applies to the performance-based pay system in effect in most free companies in the textile and clothing sector.

In one company, it is reported that workers are obliged to work “for free” until 9 pm as well as on Sundays when they cannot reach the target during normal working hours.

Finally, a certain number of issues are raised: difficulties for workers to calculate their earnings and to understand the payslip, insufficient time off granted by the employer to cash salary at the bank, payment of overtime, etc

3.2.1.2. Working time

Table No. 4: Working time declared by the company

COMPANY	WORKING HOURS	WORKING HOURS/WEEK
ABE1	(7H x 5) + (5Hx1)	40 H
ABE2	(7H x 5) + (5Hx1)	40 H
ABE3	8H30 x 5	42H30
ABE4	8H30 x 5	42H30
ANTA3	8H30 x 5	42H30
ANTA5	(7H x 5) + (5Hx1)	40 H
ANTA 6	(7H x 5) + (5Hx1)	40 H

Normal working hours are known in seven companies. In four of them, normal working time is 7 hours a day from Monday to Friday and 5 hours on Saturday, i.e. a total of 40 hours per week. The remaining three have a normal working time of 8.5 hours from Monday to Friday, or 42.5 hours per week.

3.2.1.3. Exceeding the legal working time

The table below states the information and perceptions provided by the workers and shop-stewards interviewed, on exceeding the legal working hours. Information and perceptions are reported per company, in an almost raw way, to try to reflect the general feeling concerning this question of overtime which is undoubtedly among the most sensitive problems analyzed in this report.

Table No. 5: Exceeding the legal working time – declarations by workers and shop-stewards

STATEMENTS	COMPANY AFFECTED
Overtime often exceeds 20 hours per week, especially at the finish - work of more than 60 hours without clear explanations of payment - sometimes until 9 p.m. or even until dawn	ABE1
Overtime is calculated from 3 p.m., and Saturdays from noon – overtime excesses of 60 hours are hidden and previous overtimes have not been paid.	ABE2
Overtime is calculated from 3 p.m., and Saturdays from noon - There was no overtime during the lockdowns.	ABE3
Overtime is calculated from 3 p.m., and Saturdays from noon - There was no overtime during the lockdowns.	ABE4
Workers are forced to work overtime.	ANTA1
Overtime is calculated from the end of normal hours - There was no overtime during the lockdowns.	ANTA2
Overtime is calculated from 3 p.m., and Saturdays from noon - very little overtime - There was no overtime during the confinement lockdowns.	ANTA3
Employees sign sheets agreeing to overtime work.	ANTA4
There was no overtime during the lockdowns.	ANTA6

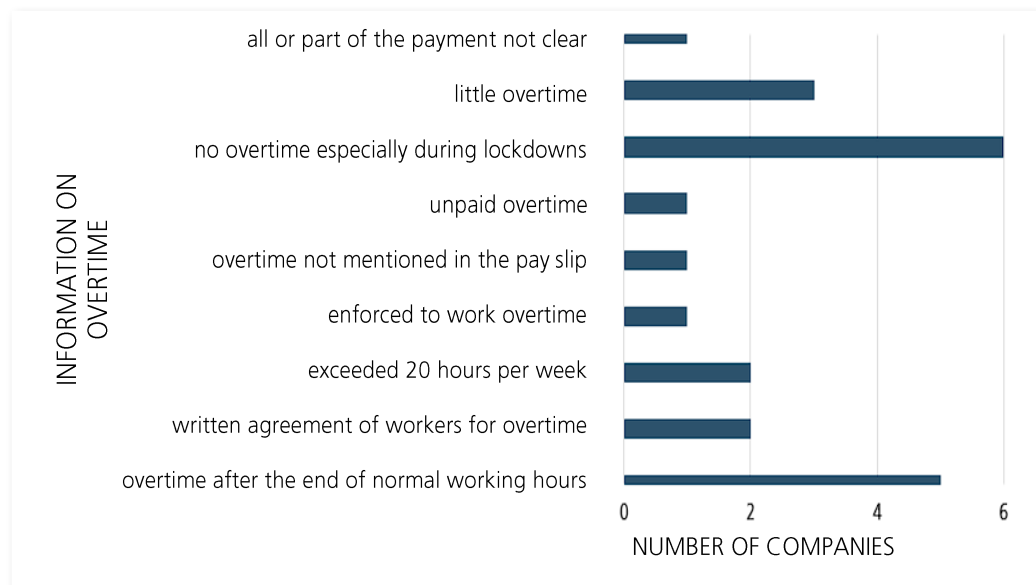
Comments:

The information reported in Table 5 above relates to six companies and deals with various dimensions: the more or less permanent existence of the practice, its non-existence due or not to the context of the COVID-19 pandemic, situations related to perceptions of abuse or illegality or even practices that could be perceived as positive.

The Labor Code defines overtime as hours worked beyond the legal working time. For the non-agricultural sectors, the same labor code provides that this legal working time is 173.33 hours per month.

However, the regulatory texts which predate the current Labor Code, but which remain applicable, stipulate that overtime and increased compensation are calculated within the framework of the week. The regulation allows a ceiling of 20 hours of overtime per week. While common law conditions the use of overtime by the prior authorization by the local labor inspector, the law on free enterprises provides that, for the latter, 5 hours of overtime per week are exempt from this authorization.

Chart No. 2: Information on overtime



Comments:

Five of the companies covered by this survey (ABE2- ABE3 - ABE4 - ANTA2 - ANTA3) consider as overtime the hours worked each day beyond normal working hours, which, compared to the rule of weekly calculations, may lead to nuances of counting if the worker misses work on some days.

Workers at ANTA1 claim to be “forced” to work overtime. Such a statement should be taken with caution because of the public order nature of the rules governing overtime: overtime authorized by law or by the labor inspector is compulsory for the workers concerned, whereas without the said authorization, the use of overtime is prohibited, even with the consent of the workers. However, in the absence of accurate information on the authorizations, the statement has nevertheless been reported here because it is the only indication making it possible to report the existence of recourse to overtime in the company ANTA1.

Two companies (ABE1 and ANTA4) seek workers' written consent to work overtime. This practice can positively influence the social climate. Unfortunately, concerning ABE1, such a positive effect seems to be voided by irregularities denounced by the workers, concerning the excessive volume of overtime worked and their compensation.

Indeed, ABE1 and ABE2 are the two companies where workers have reported large exceeding of legal working hours: the regulatory ceiling of 20 overtime hours per week is even largely exceeded, whereas, according to the labor code, the violation of this ceiling constitutes a criminal offence. Such a problem is particularly reported in ABE2 company where workers, including pregnant women, claim to be frequently forced to work continuously, without even a lunch break, to reach the target.

Overtime payment problems are reported in two companies. They particularly related to the hours worked in excess of the 20 overtime hours per week allowed by the regulations. For ABE1, workers claim that the way these hours are calculated and compensated is not clear. ABE2 workers state that, not only do not these illegal overtime hours appear in the payslip, but, in addition, there are months where the employer failed to pay them.

However, such grievances do not mean that workers are against the use of overtime, which contributes to a significant increase in income. They even sometimes regretted the non-existence or scarcity of overtime, especially during periods of lockdown as significant drop in income and the resulting debt put them in a particularly precarious situation.

3.2.1.4. Internal regulation and application of disciplinary sanctions

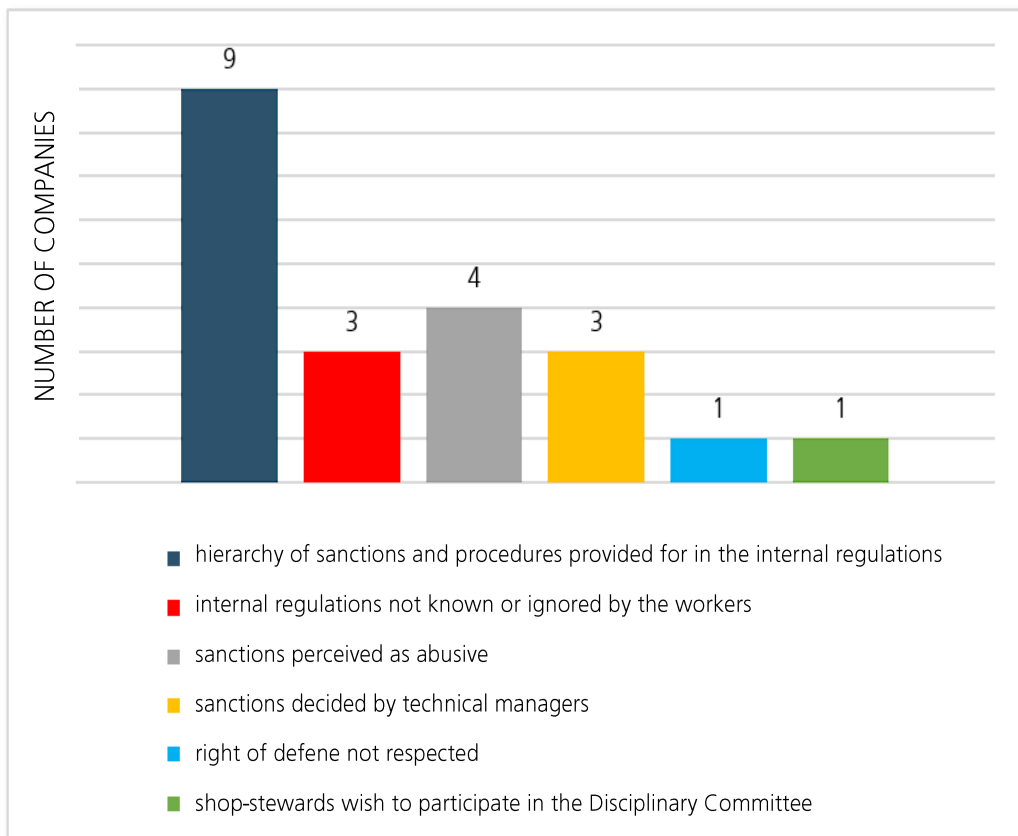
All the companies surveyed have internal regulations.

Except for ANTA4 for which information could not be obtained, it was communicated that the rules of procedure contain provisions on the hierarchy of sanctions and the disciplinary procedure. It is reported in one of these companies that shop-stewards could intervene with the employer if the worker involved disputes the sanction imposed on him.

However, the existence of internal regulations does not necessarily seem to guarantee good disciplinary organization or protection against abusive sanctions, insofar as:

- in a large part of the companies covered by the survey, the lack of knowledge of the disciplinary rules is reported among workers, including among shop-stewards; the mere fact for the company to display the internal regulations as mandated by the regulation is not enough for workers to have a good knowledge of them;
- disputes are reported on the application of the sanctions that workers perceive as abusive. For instance:
 - The main reasons for sanctions are failure to reach the "target" (ABE2, ANTA4) and unjustified absences (ANTA4). However, the target is set unilaterally by the employer, while absences for medical rest prescribed by private doctors are not validated by the occupational medical offices and are considered as unjustified absences.
 - Workers deplore the routine instituted with the sanctioning mechanisms: the sanctions requested by workshop managers would be systematically imposed on the affected workers, who would have practically no possibility of defending themselves (ABE1, ABE2, ANTA1, ANTA4).

Chart No. 3: Internal regulations and procedure for applying sanctions

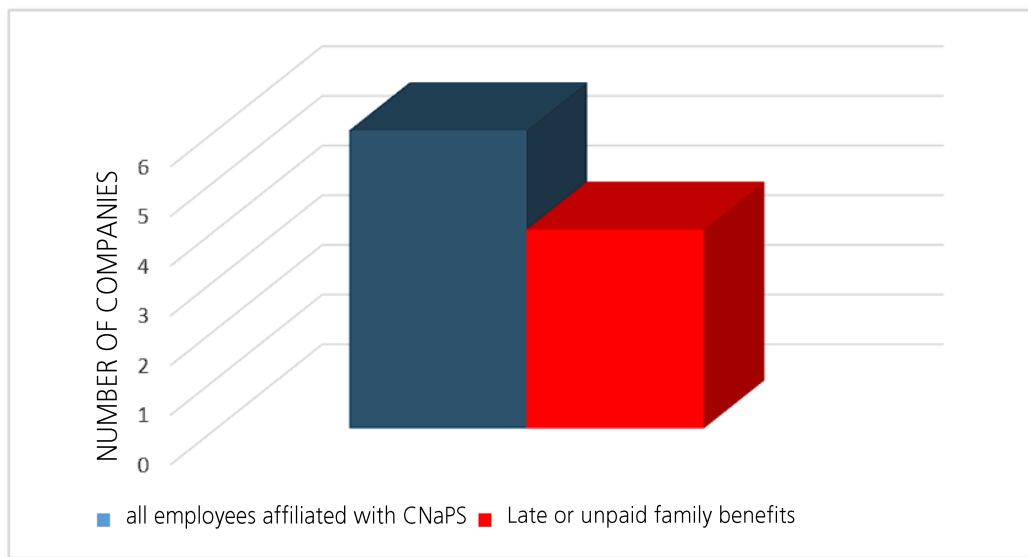


3.2.1.5. Registration with the CNaPS and payment of contributions

The survey established that in six companies (ABE1, ABE2, ABE3, ABE4, ANTA3, ANTA6) all workers are registered with the CNaPS.

However, in three companies (ABE1, ANTA4, ANTA5), CNaPS contribution is reportedly deducted from workers' salary at the end of each month, while family benefits are received late or not at all. This problem could be linked to shortcomings in the effective payment of contributions. On this topic, at the time of the survey, CNaPS confirmed two quarters of past due payment for one of these companies.

Chart No. 4: Registration with the CNaPS and payment of contributions



3.2.1.6. Occupational medical services

Workers reported issues related to failure to register (ANTA3) and suspension of access to the service, following non-payment of contributions (ANTA5).

3.2.1.7. Gender profile of workers

In four companies (ABE1, ABE2, ABE and ABE4), the workers interviewed declared that female workers outnumbered male ones.

In fact, out of the 15,110 workers employed by nine companies (for the record, the data on one of the 10 companies could not be obtained), 9,169.69, or 69.60%, are women and 5,939.83, or 39.31% are men.

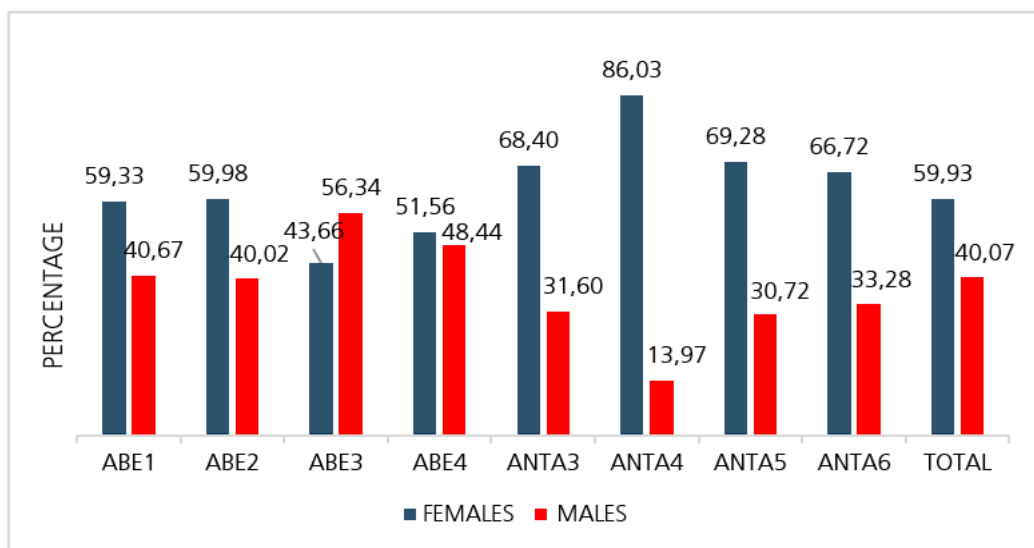
The chart below reports, for eight companies, the women-to-men ratio of workers on permanent and fixed-term contracts. Information on gender could not be obtained per company for other types of hiring such as temporary workers, but the figures below can be considered to be representative of all workers in the companies affected.

This information is *a priori* perceived as positive in the sense that free textile enterprises constitute a real employment opportunity for women.

They are also in line with the general profile of workers in export processing enterprises, which tend to hire mostly women.

However, the workers interviewed reported that women most hold unskilled positions such as small hands, packers, folders. On the other hand, men generally hold positions requiring more skills, such as machinists, supervisors, maintenance workers. This phenomenon of feminization of low-skilled jobs, common in the industrial sector, can be considered as a form of gender-based discrimination.

Chart No. 5: Women and men on contracts (permanent and fixed-term)



3.2.2. Other elements of the general working conditions reported

3.2.2.1. Employment contract

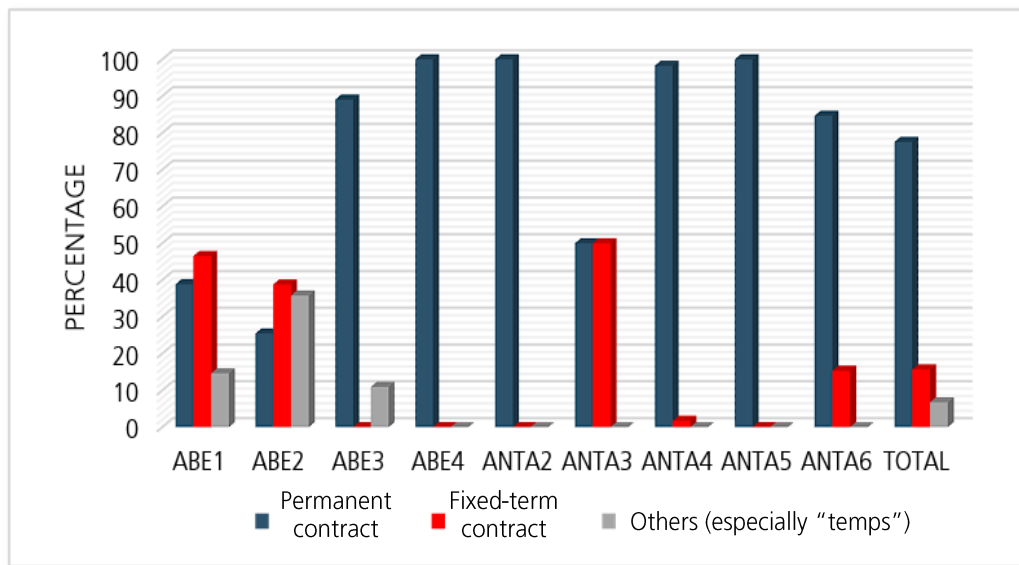
Problems of various kinds have been reported concerning the employment contract, such as the fact that many newly hired workers sign the contract without fully understanding its content, increased number of temporary workers hired (ABE2 where there seem to be more temporary workers than those on permanent

contracts (see table No. 6 and chart No. 6 below) or the abuse of temporary hiring which can last several months or even several years (ANTA3).

Table No. 6: Distribution of workers by type of contract

COMPANY	COMPANY WORKFORCE		PERMANENT CONTRACT		FIXED-TERM CONTRACT		OTHERS	
	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%
ABE1	1500	100	583	38,87	698	46,53	219	14,6
ABE2	1980	100	504	25,45	768	38,79	708	35,76
ABE3	859	100	765	89,06	0	0	94	10,94
ABE4	4882	100	4882	100	0	0	0	0
ANTA2	1724	100	1724	100	0	0	0	0
ANTA3	1364	100	682	50	682	50	0	0
ANTA4	1160	100	1140	98,28	20	1,72	0	0
ANTA5	306	100	306	100	0	0	0	0
ANTA6	1376	100	1165	84,67	211	15,33	0	0
TOTAL	15151	100	11751	77,56	2379	15,70	1021	6,74

Chart No. 6: Distribution of workers by type of contract



3.2.2.2. Layoff

- In three companies, the layoff of numerous workers during health emergency periods was reported: a dozen workers dismissed for one of them, hundreds for the other two. It should be noted that:
 - ABE1: The abolition of knitting positions which led to the layoff of 350 workers is a case of collective layoff for economic reasons. It is therefore important to consider the issue of compliance with the rules of substance and form governing this type of measures taken by the employer. The shop-stewards declare that they have not been consulted (see 3.3.8.2 below).
 - ANTA5: it is reported that in 2019, more than 500 workers including shop-stewards were dismissed at once following a collective dispute over claims on CnaPS registration. It was not specified whether the layoff was justified (example: motivated by a spontaneous strike), nor whether the workers' dues were paid at the time of their departure.

- Other cases are reported where workers whose employment contract was terminated do not receive the final payment on the date of their departure as required by the labor code, but several months later (ANTA5).

3.2.2.3. Protection of pregnancy and maternity

In two companies, the workers interviewed report that women are forced to work at night, in excess of legal working hours. The likely issue raised by this information is not night work for women in general, the latter having the right to work at night just like men, but rather the compliance with international standards on the protection of pregnancy and maternity, which prohibit night work for pregnant or breastfeeding women, conducted in conditions constituting a risk to the health of pregnant women and newborns.

Concerning maternity leave, problems are raised by the workers of the company ANTA1, who stated that pregnant women are asked to suspend work only ten days at the earliest before the probable date of delivery.

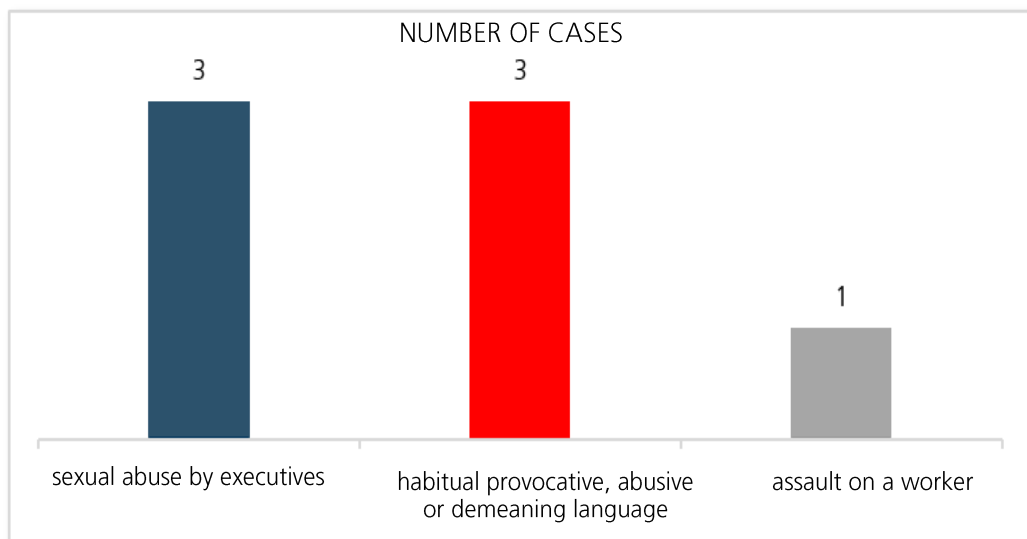
Furthermore, it was reported in one company (ABE2) that breastfeeding women and pregnant women have the same "target" as other workers. It follows from this practice that, due to her reduced production capacity, a pregnant woman inevitably receives a lower salary than other workers. Furthermore, even if the practice does not seem to aim at directly preventing a woman with a newborn from enjoying the right to breastfeeding for one hour a day as provided by the labor code, she is nevertheless forced to give it up if it wants to reach the "target" (see chart No. 6 above).

In another company (ANTA5), workers report that the right to breastfeed is granted on site, but the time is reduced to 30 minutes, while breastfeeding women have the same working hours as the rest of the workers.

3.2.2.4. Respect for workers' dignity

The chart above reports cases reported by workers, which would constitute violations of human dignity.

Chart No. 7: Cases of violation of human dignity reported by workers



Comments:

Workers from three companies report cases of female workers being in situations of sexual abuse by some company executives. In the first case (ABE2), the workers would be victims of sexual blackmail by some supervisors, by the workers questioned could not state its object. In the other two cases, the women in question reportedly chose to have sex with their superiors to avoid issues with their jobs.

In ABE1, ANTA3 and ANTA4, foreign and national executives, some of whom are named by the workers, reportedly usually make provocative, abusive or humiliating remarks towards workers, including towards shop-stewards during monthly bipartite meetings. While no evidence supports the existence of moral harassment, which depends primarily on personal perception, we noted that workers considered these cases serious enough to report them.

ABE4 workers reported a case of physical assault on a worker, committed by a company executive. The shop-stewards state that they filed a complaint on this subject to the labor inspector's office, but the latter reportedly refused to receive them arguing it was an individual and not a collective issue. On the other hand, we received no information on the follow-up given by the employer or even any complaints brought before the courts.

3.2.2.5. Cases of COVID-19 in the workplace, preventive health measures, impacts on employment and workers' income

Six serious cases of COVID-19 were reported in a company, of which three claimed lives (ABE3).

Seven companies are known to have provided workers with preventive health measures against COVID-19: social distancing, installation of disinfectant gel dispensers, free distribution of masks.

In six companies (ABE2, ABE3, ABE4, ANTA3, ANTA4, ANTA6), a mandatory test has been implemented for all employees. Employees who tested positive could not come to work until the test results were negative. These measures, which were inevitable during periods of health emergency, disrupted the organization of companies and workers' living conditions, whose days of absence were deducted from their annual leave or from their pay.

Cases of temporary layoff occurred in three companies, resulting either from lockdown or reduced production, or the absence of means of transport for workers residing far from the workplace.

The workers deplore the significant reductions in their income resulting from these various measures. This decrease in income resulted in a sharp reduction in the monthly basic salary (examples: MGA 165,000 at ABE3 and MGA 100,000 at ABE4) and by the non-existence of overtime (ABE1, ABE2, ABE3, ABE4, ANTA1, ANTA3, ANTA6).

In addition, in four companies that have continued to operate (ABE2, ANTA, ANTA4, ANTA5), workers complain of having been forced to go to work without means of transportation.

3.2.2.6. Social assistance to employees

Two companies have been identified as having taken social measures to help workers cope with difficulties related or not to the COVID-19 pandemic. ANTA4 distributed food (eggs and yogurt) during periods of lockdown. ANTA6 granted a loan of MGA 200,000 to employees who did not obtain one from CNaPS. It has also set up a social fund to help workers who are hospitalized or find themselves in particularly difficult financial situations, by granting them sums of money ranging from MGA 50,000 to 100,000.

3.3. UNION LIFE, SHOPSTEWARD AND COLLECTIVE BARGAINING

3.3.1. Presence of trade unions in companies

Seven companies reported the presence of several union organizations (from 2 to 4 union sections). To a certain extent, this can be considered as forming a favorable basis for strengthening workers' unionization and social dialogue, even if there is, as we will see later, a difference to be made between tolerance towards the establishment of trade unions and the desire to establish a real partnership with them.

The unions considered to be the most present in the companies covered by the survey are those belonging to the CTM platform: FISEMA/SEMPIZOF, FISEMARE, SEKRIMA, SRMM, TM, SEREMA. Two non-CTM unions, namely the UGTEM and the SVS are each reported in a company.

Table No. 7: Trade unions present in companies

COMPANY	UNION	
	LIST	NUMBERNUMBER
ABE1	TM - FISEMA/SEMPIZOF - SEREMA - SRMM	4
ABE2	SRMM - TM - FISEMA/SEMPIZOF - SEKRIMA	4
ABE4	FISEMA/SEMPIZOF - SRMM - TM - SEKRIMA	4
ANTA2	SEKRIMA - FISEMA/SEMPIZOF - SVS - FISEMARE	4
ABE3	SEKRIMA - TM - FISEMA/SEMPIZOF	3
ANTA3	FISEMA/SEMPIZOF - UGTEM - SEKRIMA	3
ABE5	FISEMARE - FISEMA FOREVER – FISEMA/SEMPIZOF	3
ANTA4	SVS - FISEMA/SEMPIZOF	2
ANTA1	SEKRIMA	1
ANTA5	FISEMA/SEMPIZOF	1

ABE = ANTSIRABE

ANTA = ANTANANARIVO

The table above show the situation of trade union presence in the companies surveyed.

3.3.2. Presence in terms of number of shop-stewards per union

The table below shows the number of elected shop-stewards available to each union (criterion highlighted in the regulations as being the most decisive for identifying representative unions).

Table No. 8: Shop-stewards elected per union and per company

COMPANY	FISEMA /SEMPZOIF	SEKRIMA	FISEMARE	SVS	SRMM	TM	UGTEM	PER COMPANY
ABE 1	3	0	0	0	1	2	0	6
ABE 2	2	0	0	0	2	2	0	6
ABE3	0	3	0	0	0	2	0	5
ABE4	5	1	0	0	2	4	0	12
ABE5	1	0	5	0	0	0	0	6
ANTA1	0	0	0	0	0	0	0	0
ANTA2	0	0	0	0	0	0	0	0
ANTA3	2	1	0	0	0	0	3	6
ANTA4	2	0	0	4	0	0	0	6
ANTA5	0	0	0	0	0	0	0	0
PER UNION	15	5	5	4	5	10	3	47

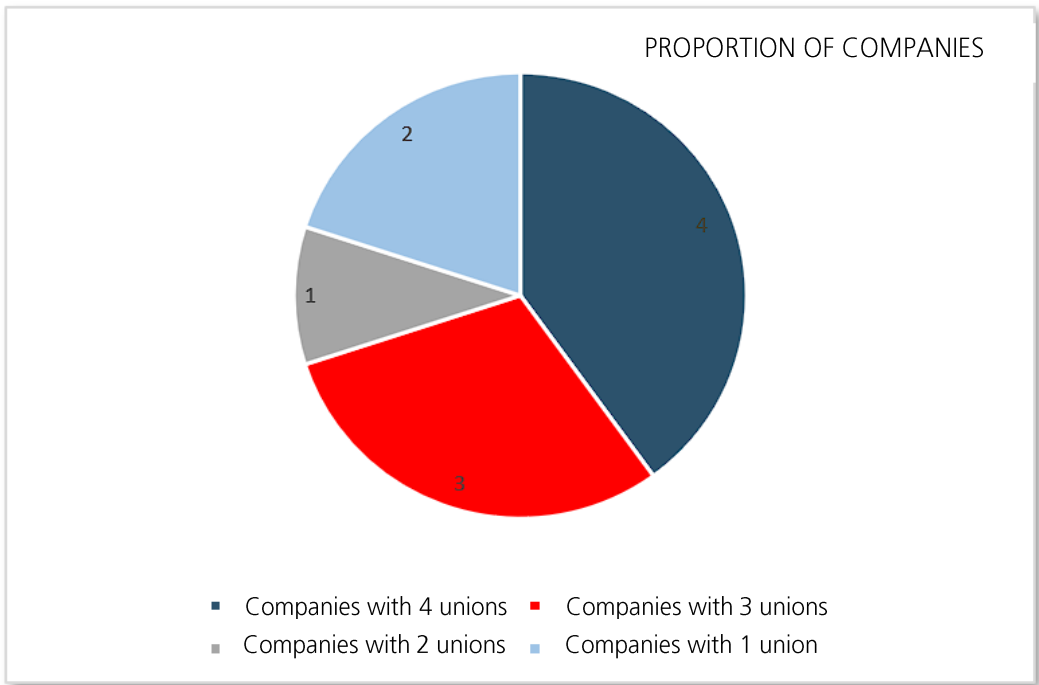
3.3.3. Profile of members

According to shop-stewards, workers who unionize the most are female ones, who are generally aged between 30 and 45, which seems more or less in line with the general profile of workers enterprises, mostly made up of female workers on average around 30 years old. For reasons that could not be clarified, these unionized workers in the companies covered by the survey would be found for the most part in the remeshing, make-up, weaving and finishing sections.

3.3.4. Freedom to exercise trade union rights

The chart below shows the number of trade unions in the companies surveyed.

Chart No. 8: Number of trade unions in the companies



Comments:

3.3.4.1. It is interesting to note that:

- Each company has at least one trade union organization established within it.
- The trade unions present are all sections of a national confederation, which, combined with the data on shop-stewards developed below and subject to the possibility of projection to the level of the city or the region, may be of significant importance from the point of view of representativeness.

3.3.4.2. However, workers have mentioned cases where the right to organize is not recognized or is subject to significant restrictions by the employer. These restrictions are manifested:

- either by the recognition granted to a single union (ANTA1);
- by allowing to join one union only (ANTA1, ANTA5);
- or by rejecting trade union requests for meetings (ABE2);
- by preventing trade unions from communicating with workers through legal means such as bulletin boards (ABE4).

With the shortage of jobs, these restrictions contribute to affecting the motivation of many workers to join a trade union, who then consider that being a trade union member or a shop-steward puts them at high risk of losing their job.

Table No. 9: Reported forms of restrictions on freedom of association

FORM OF RESTRICTION	SOURCE OF INFORMATION	COMPANY CONCERNED
Only one union recognized by the Management	Worker member	ANTA 1
Membership prohibited by the Management, except one union only	Worker member	ANTA 1
Refusal to meet the union executive committee for years	Shop-steward	ANTA 3

3.3.5. Positive appraisals of trade union action

Positive perceptions on the action of the trade unions were delivered by the workers in seven companies: ABE1, ABE2, ABE3, ABE4, ANTA3, ANTA5, ANTA6.

Table No. 10: Positive perceptions of trade union action

POSITIVE	COMPANIES
Effective defense of workers' interests	ABE1 - ANTA3 – ANTA5 - ANTA6
Solution input	ANTA5
Collaboration between trade unions	ABE1 - ABE3
Increasing power of union since COVID-19	ABE3 - ABE4
Good relationship with the Management	ABE2
Trade unions' experience	ABE4

Comments:

In five companies, the workers interviewed believe that the unions act effectively to defend the interests of the workers with the Management and provide solutions to the workers' problems, even if it is recognized (ABE1, ANTA3) that they are not listened to.

It is true that the visibility of trade union action is largely linked to the achievement of results and, as such, depends on the employer's response to the grievances and proposals that are conveyed to him, often through the shop-stewards. This is particularly the case in ANTA6.

But the action of the union organizations is also perceived through the effort they make to train their members and shop-stewards (ABE1, ABE2, ANTA2, ANTA4, ANTA6), even if some delegates have difficulty in perceiving the practical effectiveness of these training sessions, insofar as the claims of rights often remain ignored. The topics covered include labor legislation, trade union life, social dialogue and fight against corruption.

The workers believe that collaboration between the unions can be a strength in dealing with the employer, regardless of the results obtained (ABE1) or the many grievances they have against the same unions (ABE3).

In companies where the impact of COVID-19 is most felt on employment and working conditions, workers observe an ascending power of trade unions, due to the fact that they are more requested by workers to defend their interests. This phenomenon is perhaps seen as an opportunity, although it also confirms the impression that workers have only a passing interest in unions.

3.3.6. Negative appraisals of trade union action

In six companies, the workers expressed negative appreciations of union actions.

Table No. 11: Negative assessments of union activities

APPRECIATIONS	COMPANIES
Ineffectiveness, powerlessness, inaction, poor weak collective bargaining capacity	ABE1 - ABE2 - ABE3 - ABE4 - ANTA2 - ANTA3
Corruption	ABE2 - ABE3 - ABE4

Comments:

3.3.6.1. Ineffectiveness, powerlessness, inaction, poor rallying and collective bargaining capacity

The workers interviewed state that they do not see results from union action in situations where they feel they are victims of abuse and violations of rights. Thus, for example:

- In ABE1 company, workers feel that the unions talk a lot to the workers, but in reality they just obey the Management and remained powerless, for example, when the company laid off hundreds of workers in the knitting section when the latter introduced robots in the factory.
- In ABE4, the unions are accused of never achieving results on the workers' demands, and of failing to protect the shop-stewards against sanctions and unfair dismissals.
- AB3 workers simply believe that the unions do not do anything to help them solve their problems, especially regarding working conditions.
- The poor collective bargaining capacity of the unions is also raised. This is a sensitive issue as it relates to aspects that workers consider key, such as the problem of transport during lockdown periods (ANTA2), the issues of timing and target, long-hour and hard labor, the right to rest, catering allowance, etc.

- This problem of collective bargaining has a particular dimension with regard to the collective bargaining. This is the case for ANTA3 where the unions are considered to be poorly equipped to put forward proposals for revising the collective agreement. In the case of ANTA6, the existence of a collective bargaining is still desired by the workers, even though the good quality of social dialogue seems to allow for significant improvements in working conditions.

- Some workers put forward explanations for the sterility of trade union action: fear of reprisals, because "trade unionists who dare to speak out get fired" (ABE2), but also the trade union leaders' low level of labor legislation knowledge (ABE2).

3.3.6.2. Corruption

The suspicion of corruption of union officials is formulated by workers of ABE2, ABE3 and ABE4. Workers claim that union leaders have too good a relationship with the employer, are sometimes remote and not accessible to workers, are thirsty for money and power, and share special benefits within a small circle. Even without being specific in their allegations, workers claim that, combined with the lack of success in making demands, this problem of corruption is a major cause of the poor mobilization capacity reported by the unions.

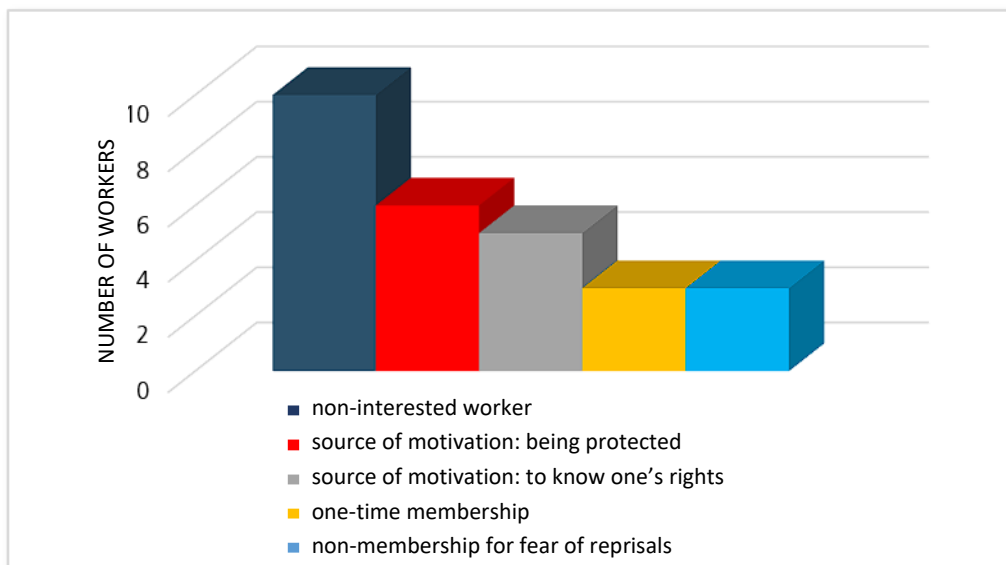
3.3.7. Motivation to join a trade union

Although the right to join a trade union is particularly protected by the labor code, the rate of unionization among Malagasy workers remains low according to the latest studies, even though workers in the free trade companies in the textile and clothing sector unionize a little more than in other companies. Moreover, the shop-stewards interviewed for this study admit that they do not know the number of members in their unions.

It is therefore important to identify the essentially personal and subjective reasons why a worker will decide or might decide to join a union, but also the reasons why he or she decides not to join or to stop being a member of a union.

The chart below gives an idea of the motivating factors for union membership or lack thereof.

Chart No. 9: Factors that motivate or discourage union membership



Comments:

- 3.3.7.1. Six workers believe that the advantage of joining a trade union is to be protected against violations of various rights, in particular against abusive sanctions and dismissals, and acts of moral harassment of which they feel they are victims. The extreme realization of this attitude is the ad hoc membership pointed out by three shop-stewards: the worker joins and pays the membership fee for the period necessary for his problems to be solved or his grievances dealt with. However, it is reported that some union officials encourage this phenomenon by offering their help to workers in exchange for their membership.
- 3.3.7.2. In fact, when active workers aspire to see their rights and interests protected in the long term, particularly with regard to job retention, this encourages lasting membership. In fact, this aspiration of the worker for sustainable protection generally goes with the desire to know his or her rights. Thus, seven workers mention the desire to receive training on rights as a source of motivation for union membership.

3.3.7.3. Those who are not interested in trade unions or who have left their former union of affiliation give a number of reasons, some of which are mentioned in section 3.3.5 above: disinterest due to unions incapacity to actually protect workers' interests, unions' lack of visibility, lack of time for meetings due to work pressure, fear of possible employer retaliation, inability to pay dues arrears.

3.3.8. Shop-stewards

3.3.8.1. Presence of shop-stewards in companies

Seven out of ten companies have shop-stewards (see table 8 above).

As regards the exercise of their functions of representation, it is interesting to note that:

- Monthly meetings between the employer and the shop-stewards (sometimes with the participation of the union representatives) seem to take place regularly in five of these companies (ABE3, ABE4, ANTA4, ANTA5, ANTA6). In one of them, the General Manager sometimes attends the meetings (ANTA6).
- The often sensitive issue of communicating the results of meetings to the workers is sometimes sorted out through dialogue. The shop-stewards can use the part of the bulletin board reserved for trade union communications, when it exists. Both parties sometimes agree that the shop-stewards wait for the minutes to be drawn up before communicating the results of the meetings.

3.3.8.2. Difficulties encountered

However, it should be pointed out that these shop-stewards encounter a number of difficulties in carrying out their tasks, the main ones being:

- refusal to consult the shop-stewards in some cases, such as collective dismissal (ABE1) or revision of the internal regulations (ABE4), where their opinion is required according to the law;
- lack of follow-up by the employer to the workers' grievances, even in cases where the monthly meetings provided for by the regulations take place on a regular basis (ABE2; ANTA3); shop-stewards complain that the employer

hardly listen to them , which is a source of loss of trust on the part of the workers (ABE1, ABE2, ABE3, ABE4, ANTA3);

- low level of knowledge of labor legislation (ABE1, ABE2);
- poor capacity to make proposals in collective bargaining situations, for example in the context of updating the collective agreement (ANTA3);
- lack of solidarity among shop-stewards due to rivalries between unions or even within the same union, which results in their lack of effectiveness in defending workers' interests (ABE2, ABE4);
- restrictions on communication with workers: prohibition on the use of the bulletin board (ABE2, ABE4), threats of sanctions for discussions with workers (ABE2, ANTA4);
- higher risk of losing their job for shop-stewards than for ordinary workers (ABE1, ABE2, ABE4, ANTA1, ANTA2, ANTA4, ANTA5);
- loss of worker trust due to allegations of corruption (ABE2, ABE4). In the case of ABE4, the shop-stewards were accused of receiving a monthly bonus from the employer and of no longer caring about the workers. The delegates explain that this is a telephone credit allowance of MGA 5,000. The sum is indeed modest, but it is enough to spoil the relationship between the shop-stewards and some of the workers.

3.3.8.3. Means of action used

The means of action used by the shop-stewards in the face of problematic situations vary according to the context of labor relations in which they carry out their missions:

- trying to exhaust the channels of dialogue: in this case, in principle, shop-stewards use their usual means of action, i.e. the use of the grievance book and monthly meetings with the employer;
- involve the workers in a signature gathering process (petition), as for example in the three cases referred to above where the employer would have obliged the workers to work beyond the statutory overtime limit;
- try to trigger the collective dispute resolution procedure: recourse to this solution is reported in two cases, in the context of salary claims which, in one of these cases, resulted in mass dismissal following a strike by the workers;

- referring to the Labor Inspectorate: ABE 2 shop-stewards who have chosen this route say they are dissatisfied with the solutions proposed by the Labor Inspectorate regarding many points of complaint;
- keeping quiet, for fear of losing their jobs: in the two cases of mass dismissal reported above (cf. 3.2.2.2), the shop-stewards were among the dismissed workers;
- siding with the Management: this attitude, reported by the ABE2 company workers, would now be adopted by the shop-stewards to avoid being dismissed.

Chart No. 10: Action of shop-stewards in response to problems encountered by workers



3.3.8.4. Cases where there are no shop-stewards

In three companies (ANTA1, ANTA2, ANTA5) the absence of elected shop-stewards was reported, either because there was no election, or because the former delegates were not replaced following the termination of their employment contract by dismissal or resignation. This situation leads to a pure and simple lack of worker representation or, at best, to a de facto representation (ANTA1) which

implies a complication of the social dialogue, even if the Labor Inspectorate and the courts recognize de facto delegates as having the same protection as that granted by the law to elected shop-stewards.

3.3.9. Collective bargaining

The weakness or even absence of collective bargaining is reported on several occasions. This is reflected, on the one hand, in the virtual absence of a collective agreement (with the exception of the ANTA company mentioned above³) and, on the other hand, in the predominant failure of collective proposals or demands put forward by shop-stewards, very few of which seem to be acted upon by the employer.

This lack of action can be explained in three ways:

- Firstly, there is the employer's reluctance, whether or not it is expressed, to the idea either of sacrificing to dialogue a part of the management sovereign authority, or the idea of seeing the company's costs increase as a result of the introduction of negotiated rights.
- Then, on the side of the unions, one can mention reasons such as the poor technical negotiation capacity to which can be added the impossibility of access to essential information to put forward relevant proposals.
- Finally, some workers admit being too busy with the difficulties of work and daily life to take an interest in collective bargaining. Such passivity seriously contributes to handicapping the negotiating capacity of representatives.

The case of ANTA⁶ can be considered as exceptional insofar as the shop-stewards (supported by the unions (see 3.3. 5 above) report obtaining results following their interventions with the employer: stabilization of fixed-term contracts into permanent contracts, provision of transport as early as the beginning of COVID-19 pandemic, a significant increase in the catering allowance, measures to distance themselves socially from COVID-19, labor disruption without a cut in salary during the lockdown periods, a loan of MGA 200,000 granted to workers, etc. Anyway, this case confirms the fact that successful social dialogue is not possible without the joint involvement of the employer and the worker.

4. RECOMMENDATIONS

Despite the difficulties encountered during its implementation, the study carried out in the ten selected companies has made it possible to establish that the general situation of labor relations, of working conditions, of the exercise of union rights and the right to worker representation calls for the strengthening of social dialogue. This requires a stronger involvement of IndustriAll affiliated unions in the sector concerned, in particular in companies producing for brands with GFA and for ACT members.

The realities that have emerged from the survey, as well as consultations with trade union leaders in the two study cities, have led to the following recommendations.

4.1. Concerning employment and working conditions

It is important to pay particular attention to issues to which workers are highly sensitive, including:

- Stability of employment: the growing trend towards fixed-term or temporary types of employment is seriously undermining job stability, including for workers with permanent contracts, who feel threatened to be replaced by "temps";
- Working time: the most sensitive issues concern the authorization of overtime as well as extensions of working hours;
- Wages and income: even if the recent wage cuts are partly related to the reduction in business activity due to the health crisis, it is still important to ensure that workers' rights are respected, particularly with regard to performance-related pay and overtime pay;
- Access to social security: unpaid social security contributions are real impediments to workers' access to CNaPS benefits and occupational health services;
- Pregnancy and maternity protection: the issue of night work for pregnant or breastfeeding women should be addressed, as well as the enjoyment of the right to breastfeed;

- Equality between men and women, particularly with regard to access to skilled jobs, which seems to be limited as far as female workers are concerned;
- Respect for the dignity of workers: the reported cases of sexual harassment and abuse of which women seem to be victims, as well as the habitual verbal abuse which constitutes moral harassment, must be followed up.

4.2. Concerning social dialogue, trade union life and employee representation

The trade union organizations will benefit from adopting a joint strategy to enhance their capacity for dialogue, focusing on the following priority actions:

4.2.1. Strengthening the dialogue and negotiation capacity of union representatives and shop-stewards

This action should focus on their continued training, both basic and advanced, in the areas of labor law, in particular the trade union right and the employee representation right, basic labor principles and rights, social security right, communication and negotiation techniques, with an emphasis on collective bargaining, customer codes of conduct, and economic challenges that companies in the country face.

4.2.2. Revitalizing and retaining active members

Some former union members have become discouraged, while others say they continue union activity "out of habit," apparently without much conviction. It is therefore up to the leaders of the organizations to design and implement a program to revitalize and retain their members, particularly women and young people. Reorganization can be envisaged for increased accountability through a program of coaching and support: counseling, reinforcement of socio-cultural dimensions, team building ... prioritizing the use of modern communication tools, integrating technology.

4.2.3. Improving the image of unions

The image of trade unions has been damaged by both internal and external factors.

Internally, this image is undermined by rumors about the corruption of certain union officials, passivity or the inability to propose solutions to problems to which workers are sensitive, and rivalries between unions or even within the same organization.

Externally, faced with the judgments, which may or may not be well-founded, of non-unionized workers, employers and even, at times, public administration officials, it is high time for unions to take a range of actions focused on public communication and debate.

4.3. Concerning the involvement of companies

The main problems found in the study are related to the reasons why the employer does not show a real willingness to engage in social dialogue, this being revealed by the absence of a works council and a collective agreement: fear of an increase in social charges, particularly in a context of economic difficulties, the prospect of losing part of the power of management and control, institutional weaknesses, particularly in the field of human resources management and the application of social law. To overcome these obstacles, it seems more appropriate to study the approach at branch level: round table, bipartite action plan to promote social dialogue, revival of old projects such as the collective agreement of the textile branch, etc.

4.4. Concerning the control exercised by the clients

It is clear that human rights monitoring by clients can help to ensure that workers' rights are respected. However, the present study reveals that some companies may have found a way around auditing assignments that, over time, have become an almost mechanical habit. This audit thus deserves to be rethought so that the values conveyed by the clients continue to be respected in the free trade companies.

4.5. Concerning the role of the labor inspectorate

The various issues identified by the study highlight the weaknesses of the labor inspectorate's intervention in the sector studied, particularly in terms of control. Although the difficulties of this public service are well known, particularly in terms of financial and logistical resources, it is recommended that priority be given to companies in the textile sector because of the high density of the workforce employed there.

But there is also a lack of understanding of the missions and powers of the labor inspectorate, even among trade union leaders and shop-stewards, particularly with regard to conflict settlement. This reinforces the recommendations above (4.2.1 and 4.2.2), but also reveals a need for the labor inspectorate to enhance communication to make itself better known.

APPENDIX 1: QUESTIONNAIRE FOR DIRECTORS AND HUMAN RESOURCES MANAGERS

Company details and contacts
Date :
Name of the company:
Address of your company:
Name of person in charge of the company (Give contact):
Describe the type of work to be performed/services or goods to be provided:
List of clients from largest to smallest
Does the Company have documented policies that cover the following: <ul style="list-style-type: none"> • Health and Safety • Environmental issue
How did the company proceed during the height of the COVID-19 outbreak?
What actions did the company take with respect to COVID-19? What about now? How many workers were unemployed during the crisis?
Training
Did you receive any training or directions based on the labor codes and/or the company's internal regulations and/or the collective agreement in the company?
Have you received any other training? On what subject?
How are the promotions and salary increases done internally?
Working and social conditions of the workers
Working hours and overtime

Time off and leave
Salaries and bonuses
Sanctions
Gender-based violence and vulnerable persons

APPENDIX 2: QUESTIONNAIRE FOR SHOP-STEWARDS

1. Shop-stewards

1.1 Please list all the confederations (from the largest to the smallest) existing in your company.

1.2 How many shop-stewards are there in your company?

1.3. Are shop-stewards elected? When were they elected?

1.4. Do you have regular meetings between the management and the shop-stewards? How often?

1.5 How do you measure the effectiveness of the shop-stewards' interventions in your company?

2. Monitoring of members and management of the workforce

2.1 Have you noticed any cases that can influence the adherence or desertion of workers to/from the union? What are the main factors that contribute to the joining or leaving of members in the union?

2.2. In which categories (gender and age) do we have the largest number of members? What do you think accounts for this?

2.3. In what type of job are most of your members found?

2.4. In what type of job are most of your members employed?

3. Communication, Networking and Alliances

3.1 What difficulties do you face in communicating and sharing information with workers?

3.2 Do you have the opportunity to talk with workers freely?

3.3 Do you have good communication with workers? How often?

3.4 What successes have you been able to achieve in the area of social dialogue over the last 3-5 years?

3.5 What are the main issues that your affiliates are negotiating about? List in order of importance.

3.6. Do the confederation and the union have a plan to support you?

3.7. What benefits does the worker/trade unionist enjoy in the company? Specifically address violence (physical, verbal and psychological) and possibly violence against women.

3.8 Do you have information about the members motivation to pay the annual fees? Do you have information on what happens to the dues? Do members receive and understand the union's financial reports?

APPENDIX 3: QUESTIONNAIRE FOR NON-UNION WORKERS

Company:

Date of Interview:

Duration of Interview:

Contact :

Section 1: General Information

1.1 Name and given names:

1.2. Position:

Section 2 : Knowledge of unions in the company

2.1. In your opinion, what are the strengths and weaknesses of the union in your company?

2.2. Have you ever been asked to join the union? What was your response?

2.3. What did you expect from the shop-stewards during and after the COVID 19 crisis? Can you tell us the story?

APPENDIX 4: (CODED) LIST OF COMPANIES COVERED BY THE STUDY AND THE CITIES OF ESTABLISHMENT

- I. COMPANIES LOCATED IN ANTSIRABE:
ABE 1 - ABE 2 – ABE 3 – ABE 4
- II. COMPANIES LOCATED IN ANTANANARIVO :
ANTA 1 – ANTA 2 – ANTA 3 – ANTA 4 – ANTA 5 – ANTA 6



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