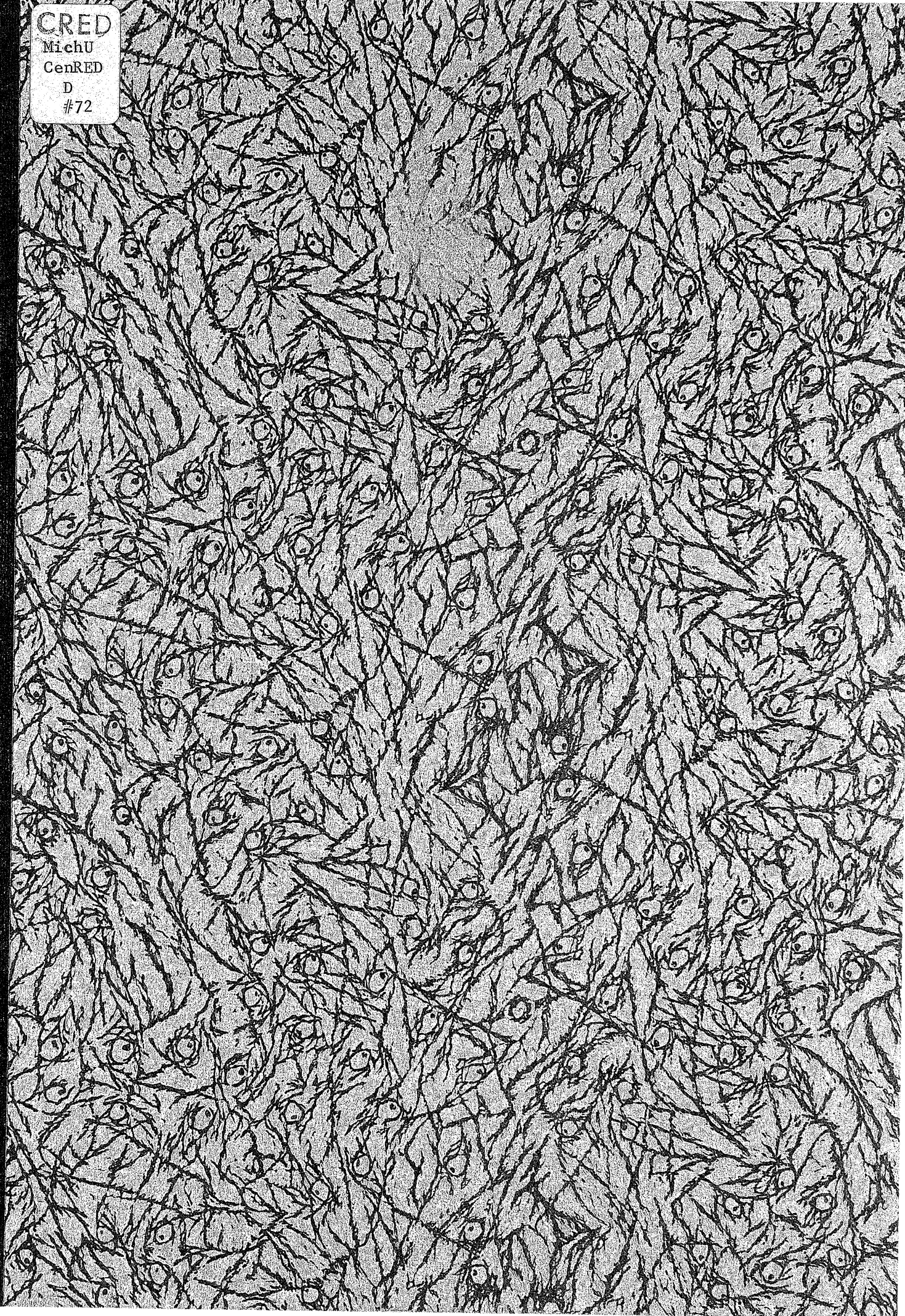
CRED
MichU
CenRED
D
#72



Labor Relations in Senegal
History, Institutions and Perspectives

Peter C. Bloch

CENTER FOR RESEARCH ON ECONOMIC DEVELOPMENT
The University of Michigan
Ann Arbor, Michigan 48108

Discussion Paper No. 72 January 1978

ABSTRACT

Labor Relations in Senegal
History, Institutions and Perspectives

Peter C. Bloch

This paper reviews the system of labor law in Senegal up to the present, including the provisions of the Labor Code under French rule and the development of trade unionism. The structure and government of the trade unions, trade union law, and the trade union role in the political system are discussed in some detail. The structure and function of employers' organizations and the government role in labor relations are also presented. The French heritage in Senegalese labor relations is emphasized, especially as it applies to the establishment of standards and procedures. The details of these standards and procedures, including wages, child labor laws, workers compensation, social security, fringe benefits, etc., are presented. The effects of changes in labor law on the economy (productivity, prices, demand, etc.) are discussed in the final section.

LABOR RELATIONS IN SENEGAL - HISTORY, INSTITUTIONS AND PERSPECTIVES

I. Introduction

The Early System

Until 1937, there was no labor law in French West Africa (AOF). The binding law was the French Penal Code which forbade the formation of an organization of more than twenty members without express administrative authorization and considered any action of a worker against his employer a possible criminal offense. In practice, this meant that workers were not able to form any sort of professional organization, and were subject to ' the rule of the employer.'[1] Employers' associations were not legally authorized either, but in a totally unorganized labor market, employers (at that time mainly the trading houses, their industrial dependencies such as groundnut processing, and the railway, which required European office workers and African laborers, chauffeurs, and servants) had little need of formal organization.

Labor was at a particular disadvantage because supply elasticities were apparently quite high. For European white-collar and skilled workers, the colonies provided adventure or an escape from metropolitan unemployment or low wages; adequate numbers were always available to obviate the need for expensive recruiting campaigns in France.

The French solution to the general unwillingness of African farmers to leave the land and work for wages was the system of forced labor whereby all able-bodied males were compelled to contribute about fifteen days of labor per year to public works projects for which they were paid in cash. The definition of 'public works' was left very vague such that private enterprise was often able to obtain labor to ease a shortage. More importantly, a substantial proportion of the traditional labor force was exposed to wage labor. Berg suggests that traditional society was strongly affected by the cash: the demonstration effect of consumer goods led to an increased voluntary offer of wage-labor services (Berg, 1959, p. 195). Coupled with a small tax (not nearly as large as in British Africa where taxation was the principal tool to elicit the supply of wage labor) and a longstanding penchant on the part of West Africans for seasonal migration, the forced-labor system first compelled, then inspired, a supply of unskilled labor wholly adequate to the needs of industry and commerce.

The Popular Front government, elected in 1936, was to inaugurate the modern era of labor relations in AOF as in France. Two important decrees of March 1937 defined the new situation, which, as will be clearly seen, remained a fair distance from total freedom of action for workers. The first decree, of 11 March, established the right of workers to organize themselves into trade unions. Who could join,

however, was sharply restricted: members were required to be able to read, write, and speak fluent French, and to have the minimum of a primary school certificate. As these conditions were met by very few Africans, the unions formed were primarily composed of white Frenchmen. Even for this select group, however, freedom was not total. Unions were subject to financial control by the colonial administration and, thus, were unlikely to be very militant in a situation where the administration was a major employer.

The Popular Front issued one other decree which had by far the greater impact on labor relations. The decree of 20 March 1937 granted the right of association to workers not qualified for union membership. The major difference between a professional association and a labor union in the 1937 legislations is that the former is forbidden any activity - political, religious, etc., not strictly professional in nature, whereas the latter is under no restrictions other than the aforementioned financial accountability.[2]

The decree of 20 March also introduced collective bargaining to AOF, eighteen years after its introduction in France. The collective agreement was to be negotiated by representatives of a grouping (union or professional association) of employees on one hand and on the other by one or several employers or a union or association of employers. It is to be noted that unions, of workers or employers, were not given exclusive rights to negotiate collective agreements, a fact that generally attenuated the stringency of the 11 March decree on union membership.

The geographical coverage of the collective agreement was left entirely up to the parties, but was required by the decree to include provisions on: the appointment of shop delegates (who would choose the negotiating team and determine bargaining positions); union freedom; minimum wages (a poorly enforced minimum wage law had been in effect since 1925); paid vacations; apprenticeship programs; procedures for settlement of collective disputes and for revision of the agreement. Any provision above and beyond the minimum standards was permitted.

Once signed, the collective agreement was administered by the competent government authority, the territorial governor or the governor-general of AOF. The government did not, however, take part in the negotiating process, nor did it have the authority to change the completed agreement, but simply took upon itself the enforcement of the contract.

One problem with this system was its liberality. The signatories were bound by the agreement for its entire duration, but the members of the professional groupings were not. They could avoid with ease the provisions of the agreement by resigning from their grouping. The position of the employer was therefore quite uncertain: he could never be sure that his workers would not disaffiliate and increase their demands (Gonidec, 1955, p. 8). There was no time for this

problem to develop to any great extent, however, because the war of 1939-45 effectively stopped the development of worker solidarity by superimposing the need for national solidarity.

The 1937 decrees effectively defined the legal boundaries of labor relations until the passage of the French Overseas Labor Code in 1952. In fact, there was no incompatibility between the 1937 and 1952 legislations, and three collective agreements signed under the aegis of the Popular Front decrees are still in effect today.

The real spur to worker organization came towards the end of the war. A decree of 7 August 1944 abolished the literacy and educational restrictions on union membership (although retaining them for union leadership). The following lyrical passage describes the impact of the new decree and of the end of the war:

> The most educated elements among the Africans - the clerks and civil servants - spearheaded the movement. The Administration was agreeable, and Europeans from France were eager to help the Africans get under way. These were the halcyon days of Liberation, of the war's end, of bright enthusiasm, and of a sweet political unity rare in France or among Frenchmen. The prestige that the French labour movement was enjoying because of its impressive role in the war time resistance flowed over into the colonies and helped further to create an atmosphere friendly to unionism. It was an auspicious environment for aspiring African trade unionists, and they took good advantage of it. Labor organizations flourished in all parts of the country; by the end of 1946, the Labor Inspectorate of AOF was able to register 175 trade unions. (Berg, 1959, p. 205).

Senegal was the most active territory in terms of union participation, containing as it did the most important administrative and economic centre of AOF. By 1948, 152 collective agreements had been signed in AOF; many of these were country-wide and, of the rest, Senegal had by far the largest number with twenty-six. These impressive accomplishments were achieved by a union movement which was never important numerically: in 1951, after the initial rapid growth had subsided, AOF unions claimed only 65,000 members in a wage-earning labor force of about 370,000 (Brun, 1964, p. 198).

The power of the unions during this period was substantial, although unbalanced. The best illustration of this is the railway strike of October 1947 to March 1948, over the demand of African workers for a uniform set of working conditions for themselves and for Europeans. Solidarity was incredibly strong; on 1 November, thirty-eight of 15,000 African workers employed before the strike had returned to work; by 31 December only 838 had resumed work. Unfortunately for the union, however, the railway administration had been able to hire 2,500 scabs, who along with 500 Europeans

managed to keep the line functioning at a reduced level. By the end of the strike, in March 1948, the vast majority of the Africans were still holding out, without strike funds and most likely with no other employment prospects at what was the height of the dry season. The results of the strike was that the union was not granted its main demand, and probably damaged the workers' cause, for the railway administration realized that the railroad could operate with a substantially smaller work force.[3]

Unions had, it is clear, little economic power. Their ability to sustain a strike was not complemented by the ability to cause economic damage to the employers, given the easy availability of substitute workers. On the other hand, their political influence, especially on French legislators, was substantial. Aided by their parent French confederation and what has been called the 'equality lever,' the African unions pressured the French Parliament into passage of two pieces of landmark legislation: the 'Lamine-Guèye Law' of 1950, covering conditions of employment in the civil service, and the omnibus Labour Code of 1952.

The Labour Code

On 15 December 1952, French Law #53-1322 was passed, instituting the Overseas Labour Code. The debate lasted sixty-two months, from October 1947, with two previous finished versions and seven substantial changes having been rejected in the interim. The Code was 'a legislative edifice built for a long future.'[4]

On the face of it, the Overseas Labour Code had a very short future. Guinea (Conakry) and Madagascar replaced it with national codes in 1960, and the others followed suit shortly thereafter; Senegal's code was enacted in June 1961. The supplanting of the Code was in most countries little more than a changing of title, however; the main provisions of the colonial Code remain intact. Senegal is no exception: a 'table of similitude' listing comparable articles in the old and new codes shows few blanks, and the somewhat larger number of articles in the new code (258 versus 241) is partly explained by the division of long articles into several shorter ones.[5] The major change, to be discussed below, deals with the regulation of strikes.

The Code was notable for its liberalism with respect to social matters, and at the same time for its paternalistic concern for workers' rights. The social policy was determined by the wish of France to create a true multiracial French Union; this implied liberty and equality. As was soon noticed, fraternity could not be legislated. There was no legal distinction between African and French workers, and all workers were to be favored over French employers.

The Code covered all aspects of labor relations, and left little freedom to the collective bargaining process or to the nature of individual work contract. In the matter of wages, fringe benefits, working conditions and stability of employment, the Code set forth minimum standards at a level high enough to ensure that they would be normal standards as well.[6] This was obviously of great benefit to the employee as it guaranteed him a minimum standard whatever the monetary economic situation.

II. The Institutions

Trade Union Development

Although the history of Senegalese trade unionism is complicated, with new organizations rising and falling with great rapidity, the general trend of its structures and activities parallels the political situation very closely. As the following account will show, the two major themes of the postwar period have been the attempts to achieve union unification and the difficulties unions have encountered in maintaining political and economic influence without being absorbed by political parties. The conflict between these two themes, coupled with the realization that the urban working class is a relatively privileged minority in Senegal, has restrained the development of a strong, independent and self-confident trade union movement.

After World War II, French West African trade unionism developed rapidly. The three major French labor confederations of the postwar period, the CGT (Confédération Générale du Travail), CGT-FO (Force Ouvriére) and the CFTC (Confédération Française des Travailleurs Chrétiens), all participated actively in the organization and encouragement of West African trade unionism. In the mid-'fifties, estimates of membership range widely, from 70,000 to 170,000.[7] As in France, the leftist CGT was by far the largest. Berg is skeptical of the larger 'official' figures reported by the unions themselves, who 'have many reasons to exaggerate their figures and none to restrict them' (Berg, 1959, p. 206). Furthermore, union membership in AOF was unrelated to dues-paying; few workers paid regularly, and most, even the national members, never did.[8]

The schism which took place in the CGT in 1956 reflected the influence of the Internal Autonomy Law of that year and of the moves towards Africanization of institutions. Total membership was left undiminished, with the new CGTA (Confédération Générale des Travailleurs de l'Afrique) recouping one-half of the CGT workers. The two halves reconciled their differences at the Cotonou Conference of early 1957, organizing what they hoped would be a durable interterritorial central, the UGTAN (Union Générale des Travailleurs d'Afrique Noire), which declared total independence from the French confederations.

While the local affiliates of the CGT-FO joined UGTAN later in 1957, the CFTC preferred to transform itself into the CATC (Confédération Africaine des Travailleurs Chrétiens), declaring its independence of the French Christian central but remaining independent from UGTAN as well.

At the elections for shop delegates held after Cotonou, UGTAN showed its strength. In Senegal, it gathered eighty-five per cent of elected delegates, the CATC only one per cent, the CGT-FO six per cent, and the remaining eight per cent went to independents (including railway workers).[9] In no other territory was UGTAN as strong; even in Guinea, which was the only country where it survived Independence and through its local leader, Sékou Toure, became the government, UGTAN managed to elect only seventy per cent of the delegates.

UGTAN lasted no more than a year, a creature of the move towards independence and a victim of the same movement's redirection towards territorial nationalism. Its biggest mistake, particularly in its Senegalese bastion, was to oppose the political parties over the 1958 referendum on the De Gaulle constitution. The overwhelming 'yes' vote everywhere but in Guinea discredited the Union, and in Senegal soon led to a new schism. Three years of confusion follows; during the entire period of the move to independence, the Mali Federation, and finally, the birth of the Republic of Senegal, Senegalese unionism had no clear voice and therefore little influence on events. Finally, in 1961, with the encouragement of Senghor and the UPS, most factions were reunited in the UGTS (Union Generale des Travailleurs du Sénégal), which formed the basis for all future union development.

The reunification of unionists was too rapid and too artificial. The central was riven with internal strife and clan differences[10] and seemed certain to disintegrate once more. Before this happened, however, the CNTCS (Confédération Nationale des Travailleurs Croyants du Sénégal), the now-independent off-shoot of the CATC, was persuaded to merge with the UGTS to constitute the first monolithic union central, the UNTS (Union Nationale des Travailleurs du Sénégal).

The fusion made among leaders did not trickle down to the regional or local levels where rival leaders were unable to reconcile their long-standing differences.[11] By the May 1963 Congress of the UNTS, the split was obvious and the adjournment of the Congress found Senegal with four national unions, representing the entire political spectrum as well as the religious workers.

It is clear that this turmoil on the labor front directly reflected the political difficulties of the UPS at the time.[12] The ruling party was nearly destroyed in late 1962 when Mamadou Dia, the progressive Prime Minister, attempted to gain a larger share of power. Senghor controlled the situation, had Dia arrested, and became the

undisputed leader. The elections of 1963, although contested, saw a total vindication of Senghor's actions. Riots protesting alleged electoral fraud were quelled with only a few deaths,[13] and the first serious crisis of independent Senegal faded.

Similarly, the concurrent split in the union movement healed fairly quickly. The two closest centrals reconciled their differences by December 1963, aided by Senghor in his role as Secretary-General of the UPS, and a third merged with the UNTS in October 1964.[14] Only the Religious Workers remained outside the newly reconstituted central; this small minority, while having few political differences with the secular unions, apparently could not bring itself to give up its long-standing separate identity.

The UNTS was the first stable union central since independence, and it remained intact during a period of increasing economic difficulties. There was no change in the minimum wage for seven years, 1961-68, and consequently real base wages fell by at least ten per cent.[15] The most serious problem, however, was the stagnation of employment: Amin estimates that visible and disguised unemployment rose from eleven per cent of the urban labor force in 1959 to thirty-eight per cent in 1969 (Africa South of the Sahara, 1973, p. 711).

The first popular explosion of discontent that Senegal had experienced occurred, typically enough, simultaneously with the abortive French 'revolution' of May 1968. As in France, a student uprising at the University of Dakar was followed by a general strike called by the UNTS. Troops were deployed, but not called into action, and negotiations with the union led to government concessions including a fifteen per cent increase in the minimum wage. The Union emerged from the crisis as a full partner in a sort of 'social contract', with the government promising it prior consultation on all issues of socio-economic importance.[16]

After years of being on the sidelines, watching the government take all the initiative for social policy, the union movement had apparently succeeded in obtaining a good measure of national responsibility. The first test of the union's new position came the following year:[17] a dispute over the interpretation of the collective agreement in the banking sector led to the sector's union's call for a twenty-four hour strike, requesting the union to show solidarity with a general strike. At a hurriedly-called meeting of the national leadership, the union found itself badly split: was its social responsibility more important than working-class solidarity? The majority of high officials, unwilling to authorize the strike, but unable to persuade the minority who threatened to call out their federations anyway, walked out of the meeting. The strike failed, and the schismatics immediately organized an extraordinary congress of the union, decreed the union's dissolution, and constituted the new CNTS (Confédération Nationale des Travailleurs du Sénégal). The remaining UNTS loyalists contested this action, but the courts ruled that the extraordinary congress had been legally constituted and upheld the CNTS' claim to existence.

Recognizing the inevitability of the change given the government's full support for the CNTS, the loyalists gradually went over to the new organization and the split was healed. In addition, the CNTCS has slowly ceased to exist. More and more of its leaders have been persuaded to join the CNTS and its offices closed down in early 1974. There appears still to be worker support for its religious principles, however: fifteen per cent of the shop delegates elected in 1973 were representatives of the CNTCS.[18]

The new political party, the PDS (Parti Democratique Sénégalais, a "liberal-democratic" party), formed in 1974 in response to what it considered the ossification of the UPS, announced in 1975 that it was creating a trade union central to compete with the National Confederation. It claimed that the existing union leadership had no concern for the rank and file, enjoying its perquisites as an integral part of the ruling class. The PDS further stated that it was opposed to the alliance of trade unions with political parties, but since the National Confederation was already tied to the UPS, it had no choice but to sponsor its own union.

The time for a new union seemed to be at hand, because CNTS was experiencing a great deal of difficulty in presenting a united front in preparation for its Congress in June 1975. The old division over 'responsible participation,' the name for the collaboration of labor with government that had led to the breakup of the National Union in 1969, began to resurface. A group of younger leaders and older, left-wing unionists pressed for a greater degree of trade union independence and, in certain sectors, notably Food Processing and Transportation, gained strong support among delegates to the Congress. By the end of the Congress, however, the CNTS appeared to have healed its split. The reason was typical: as has often been the case in Senegalese politics and trade unionism, the divisions were as much personal as philosophical, and therefore the dissident leaders could be bought off by giving them more power within the union movement. The rank and file has not reacted very well to what they consider another sellout by leaders they had trusted, and there is a certain malaise within the union movement.

In spite of this, the PDS union has not succeeded in recruiting a large number of dissidents from the CNTS, partly because the PDS is a party whose major support comes from the middle class. Workers would probably prefer a union whose concerns are more material than political, but it is unlikely that even the leftist party's union, when created, will fulfill their requirements. Therefore the CNTS will probably continue to represent the great majority of the workers.

The Structure and Government of Trade Unions

The CNTS is, and has been since 1969, the only important union organization in Senegal. As its title indicates, it is a confederation, differing in structure from the early national unions, and marks a return to the structure prevalent during the colonial era.

The Confederation leadership is elected annually by the Confederation Congress, which is composed of delegates elected by nationwide industrial federations comprised of regional federations; in principle one for each of the seven regions of the country, but in fact usually fewer; there must be a minimum of four to form a national federation. The regional federations group together local federations; the smallest units are the plant syndicates, equivalent to Anglo-Saxon locals or branches.

This vertical structure contrasts with the more horizontal structure of the UNTS and its predecessors. There, the national union leadership was chosen by an assembly of seven regional unions, which in turn grouped all the industrial federations of each region. The only real difference is in the second level of the hierarchy; the organizers of the Confederation thought the confederal structure more attuned to Senegalese reality.[19] The UNTS national Congress discussed only regional issues whereas the real problems to be solved were inter-industrial. The Cap-Vert Regional Congress, representing at least eighty-five per cent of the modern-sector employees, was the place where important decisions were made, and the national Congress had little of importance to do.

In the Confederation, the central has assumed the lion's share of the power formerly held by the regional unions. Decisions on everything but minor plant grievances are made at the confederation level. Each national federation has an office in the central headquarters building and is in constant contact with its neighbors and with the confederation leadership. A potential strike situation, be it at the plant or industrial level, is quickly referred to the central office, whose support or non-support usually determines whether the strike will be called or continued. The banking strike of 1969 would probably not have occurred at all if the Confederation had been in existence at the time. Quite important officials deal frequently and willingly with individual worker's problems: on one of my visits, the President of the National Federation of Chemical Workers, ranking in the top five of the CNTS hierarchy, was discussing an individual work contract with a semi-skilled worker. He said that he never refuses to see a worker and spends much of his time on individuals' problems.

This centralization of union activity is, it is true, a heritage of metropolitan French concepts of trade unionism. It is also, however, necessitated by the objective reality of sub-Saharan Africa. First of all, the union movement is financially poor; the members are poor which implies that dues cannot be high, nor can they be mandatory. Dues are 600 CFA francs (225 CFA = $1.00 U.S.) per year, of which the national and regional federations take about half. An individual local is rarely able to afford the full-time staff necessary for day-to-day business, not to mention preparation of long-range strategy, even though employers are required to accord office space and time off from regular work to shop delegates.

A second, more important explanation for the Confederation's centralization is the lack of education and broad experience of the labor force, and therefore of the union activists. Shop delegates "do not necessarily differ from the rest of the workers by their education, skill, or income and usually do not have any special training in trade unionism and labor legislation." Union officials are usually "petty clerks,..., few attended secondary school; their knowledge of labor problems derives from reading the Labor Code and from daily contacts with the Labor Administration" (Pfeffermann 1968, p. 84). The national leaders, who are very few in number, are also unlikely to be educated (not that formal education has ever been a prerequisite for able, successful direction of unions), but compensate for this by their deep involvement in official national political life.

The three levels of leaders are distinct; there is virtually no upward mobility from shop delegate to union official. The former are recruited from the ranks of manual workers, and the latter are nearly always office workers. The national leaders have historically come from the government sector, and under the post-independence system of accomodation with the UPS many of them have been given important government posts. Outstanding examples of this practice are Doudou N'Gom, the President of the CNTS and concurrently the Minister of National Education, and Mohamed Ly, the CNTS Secretary-General and also the Chairman of the National Assembly's Committee on Labor Affairs and the Vice-President of the Retirement Fund. This illustrates a major union activity peculiar to non-European countries: the incorporation of trade unionists into official policy-making positions. Since there are few sectors where semi-permanent collective agreements have not been established, the major issues facing unions are either purely macroeconomic such as changes in the minimum wage and in price policy, or purely microeconomic, such as plant-level grievances. The most important task of national unionism, therefore, is to influence government decisions on global social strategy. The dual concerns of the government for a measure of distributive justice and for social control are well-served by the official participation of union leaders. The government hopes to assist Senegalese workers in their attempts to improve their position vis-à-vis (overwhelmingly foreign) employers.[20] On the other hand, the government's abhorrence of strikes and other social unrest leads it to put the union leaders into positions of responsibility wherein they will be less likely to maintain totally unionist attitudes towards national problems. As we have seen above, the events of 1969 and trends since then demonstrate the success of this policy, although the situation depends heavily upon the current leaders in both the government and the trade union central.

Trade Union Law

The Senegalese Labor Code of 1961 devotes its first substantive chapters to trade unions. In Title II, the Code defines, organizes, and regulates every aspect of unionism. It is interesting to note that of all the titles of the Code, none was modified from its form in the French overseas Labor Code,[21] and none of Title II's articles have been changed by legislation subsequent to independence.

Freedom from control by the government, freedom from sanction by employers, and freedom of choice constitute the principal pillars of union legislation. Freedom from government control is virtually total; unions are required to be registered with the proper authority (the Labor Inspectorate), but this is a formality which does not have the same potential for government interference as did the financial control exercised by the government under the 1937 decree.[22]

Freedom from employer sanction is guaranteed: penalties are imposed on an employer if he permits "membership in a union or union activity to affect his decisions, notably those concerning hiring, the conduct and division of labor, professional training, promotion, remuneration, the granting of social benefits, discipline, and firing." This provision works both ways, however, as the next paragraph of the Code states: "The head of an enterprise or his representative shall not use any means of pressure in favour of or against any union organisation". The worker and his union are thus protected from the employer, but they are also prevented from making "sweetheart"-type agreements with him that discriminate against non-members or members of other unions.

Freedom of choice in membership is specified as follows: "Any worker or employer may freely join a union in the context of his profession." The operative word is "may"; there is no requirement for union membership. Nor is there any legal restriction on a worker's resigning his membership and the resignee may continue to belong to any union mutual-aid or retirement organizations to which he has contributed while a union member.

Once it has been established and duly registered, a union is a legal person, with rights of property and recourse to the regular judicial system. It may organize and support any social or professional activity.[23] A union is authorized to negotiate collective agreements for its members, as well as to represent them in other procedures, such as before Labor Courts. It may join with other unions "in any manner whatsoever" to form federations or other alliances in the mutual defence of professional rights.

There is no requirement that a given industry have a union. In practice, however, unions are the organizations which are chosen by the government to participate in all aspects of labor relations, collective negotiations, government advisory bodies, etc., such that the incentive for the formation of unions is strong. Once a union is

formed, the law adds further pressure for union unification: it is the "most representative" union organizations, i.e., the most powerful, which are accorded places of honor at labor-management and labor-management-government consultations. A sign that the Senegalese wished to encourage union solidarity is that the prohibition of dues check-offs, in force during the colonial period, was deliberately omitted in the 1961 Code. The checkoff is a device well-suited for reinforcing stronger, or monolithic, unions.[24]

Employers' Organizations and Trade Associations

Employers' associations were authorized by the same decree which allowed workers' unions, and there has never been any legal distinction between the two. Employers have formed associations in all but a few sectors;[25] the Senegalese system has thus come to resemble that of France, where collective bargaining usually takes place between a trade union and a parallel employers' organization.

The two major confederations of employers' associations in Senegal have existed since before World War II. UNISYNDI (Intersyndical Union of Enterprises and Industries of West Africa) is the modern version of the colonial organization of the same name. It is still associated with the National Council of French Employers (CNPF), if for no other reason than that many of its member industries are subsidiaries of French firms. Based in Dakar, UNISYNDI continues to coordinate the industrial employers in all the ex-AOF, for many firms active in Senegal have establishments in other West African countries. The international role of UNISYNDI is diminishing, however, as countries such as the Ivory Coast develop important industrial sectors in their own right.

SCIMPEX (Union of Import-Export Commerce of West Africa) is the analogous organization in commerce. It groups the post-colonial remnants of the great French trading houses which have moved into retailing since independence to compensate for their loss of internal marketing of groundnuts and other staples. SCIMPEX is more closely controlled by the French Employers' Council than is UNISYNDI, and continues to look after French commercial interests in all of West Africa.

It appears that SCIMPEX was less able than UNISYNDI to adapt to independence because the size of its member firms was larger, more important to the French and more multinational in scope (Pfeffermann, 1968, p. 258); UNISYNDI was better able to negotiate collective agreements claiming a shared interest with workers and government in the rapid economic development of each country.

The structure of the Senegalese branches of UNISYNDI and SCIMPEX is similar. Both are composed of national industrial federations of employers, and thus parallel to that of the trade union. UNISYNDI groups sixteen federations, each of which is responsible for a single

sector in manufacturing or mining. Its officers, elected by federation representatives, are always managers of enterprises in their own right; none are on full-time leave from their business duties to manage the association. The small permanent secretariat manages the small amount to day-to-day business; UNISYNDI (like SCIMPEX) practically ceases to exist as an organization during the intervals between collective negotiations or government consultations.[26]

Government; Ministry of Labor Organization and Function

The Ministry of Civil Service, Labor, and Employment is the governmental department charged with all labor matters. Directly beneath the Minister, there is a Labor, Employment, and Social Security Directorate and a parallel Civil Service Directorate. The first is responsible for all workers subject to the Labor Code (including non-tenured employees in the government and in semi-public enterprises), and the second, for civil servants only.[27] Their duties being similar in the area of our interest, this section deals only with the Labor Directorate.

There are seven divisions in this service, four actively involved in labor relations, and three providing general services and statistical analysis. The Labor Division is the most active service, concerned with the majority of the political and social aspects of labor relations. It is responsible for drafting the essentials of labor law. For this purpose, the Division employs a small number of experienced technical counsellors notably Charles Brun, who has left his imprint on Senegalese labor legislation since well before independence.[28] The Labor Division is also charged with the sociopolitical analysis of all aspects of professional relations: interpretation of the Code, determination of the representativeness of the unions, negotiations between labor and management, and collective disputes.

The second "active" section of the Labor Directorate is the Employment Division. Aside from preparing legislative proposals in the area of employment, manpower policy, and human resources planning, it controls the Manpower Service, Senegal's national employment bureau. A 1965 amendment to the Labor Code abolished private employment agencies. Since then, all employers with job openings must report their needs to the Service (even newspaper advertisements are not allowed unless the Service has been previously notified), and all the unemployed must register themselves. The Service's placement is not mandatory, but neither party can decline without informing the Manpower Service, in writing, of their "duly motivated" reasons. The success of this national hiring hall is uncertain: the great majority of modern-sector enterprises comply with the law, but salaried jobs in the "informal sector," ranging from domestic servants to sales clerks in petty commerce, are usually filled by word-of-mouth, the equivalent of the old-boy network.[29]

The Social Security Division is responsible for drafting legislation and defining government policy in matters of social welfare. Its most important task is the direction of the Social Security Fund (Caisse de la Sécurité Sociale),[30] which is responsible for the payment of family allowances and workmen's compensation (the role of the Fund is discussed below, p 17 ff.). In line with this authority, the Social Security Division encourages, and then supervises, bilateral and multilateral agreements on social security, job hygiene, and job safety, and sponsors research on the prevention of work-related accidents. Finally, the Division oversees the operations of the national retirement-pension institution. All workers covered by collective agreements automatically come under this latter fund, which assures them a pension based on their contributions during their working life.[31]

The last of the "active" divisions of the Labor Directorate are the seven regional Labor Inspectorates. These serve as the Ministry's agents in the field, verifying whether collective agreements, work contracts, and working conditions are being observed by workers and employers. The inspectors also administer the regional operations of the Social Security and Manpower Divisions. The area in which the Labor Inspectorates could contribute the most, inspection of job-sites to determine the extent of compliance with labor law, is the area in which they accomplish the least.[32] The Inspectorates are severely understaffed, so that they are unable to take the initiative in making unannounced inspection tours, and have resigned themselves to responding to complaints of workers or employers.

The three divisions with a backup role are the Division of Studies and International Relations, the Labor Statistics Division, and the Management Office. The latter is simply the secretariat. The Division of Studies sponsors research on all aspects of labor relations and forms a central repository for studies done by other divisions of the Ministry, in addition to coordinating Senegalese participation in international labor conferences and organizations. Its effectiveness in both areas appears to be small.

The Labor Statistics Division collects data, collates the annual statistical reports of the other divisions, and analyzes the labor situation for the policymakers. Its main task is an annual employment survey, which requires all establishments in the modern sector to report on their salaried staff. While this survey has been conducted since 1964, its results have never been published in full, with tables on the amount of employment in Cap Vert for 1970 and in all of Senegal for 1971-72 being the only fruits of this division's work.[33]

On paper, the Senegalese Ministry of Labor is satisfactorily organized and responds to the needs of the country for strict surveillance of employment and working conditions. In reality, however, few of the divisions come close to fulfilling their mandated role,

due primarily to a serious lack of trained personnel as well as a low budgetary priority.[34] The decisions required of the Minister are thus often based on less-than-adequate background information. It is difficult not to be cynical about this situation, however; it is unclear whether satisfactory technical support would have an influence on the decision-making, given the intensely political nature of Senegalese labor relations.

III. Procedures and Standards

Senegalese labor and management have very little freedom in the scope of collective bargaining. The State has imposed a broad set of standards which have changed but little since the colonial era. The French heritage is pervasive; any industrial relations system born under the Popular Front was bound to be both centralist and socially conscious. To these factors was added the particular paternalism of the French colonial administration of the post-war period. With some moderation, centralism, social consciousness, and paternalism are all maintained by the independent Senegalese government.

Unilateral Standards

The Labor and Social Security Codes are very specific about minimum standards. This section discusses the major aspects of government floor-setting: security, provisions on hours of work, vacations, and special working conditions.

French West Africa was subjected to a minimum-wage law as early as 1925, and its basic conception has not changed since then. The guaranteed minimum wage is theoretically set by the Ministry of Labor on the basis of a minimum adequate standard budget for an unmarried worker. Before independence, there were several zones in AOF with minima differentiated according to living costs.[35] Senegal had two zones, roughly corresponding to urban and rural areas, and Dakar had the highest minimum in AOF. After independence, the urban-rural distinction was modified: a separate, lower minimum wage in agriculture was created, and the zones were abolished.

In the 1940s and 1950s, the minimum wage was quite flexible in response to the strong inflation that AOF shared with metropolitan France. In the 1960s it became stickier, changing only twice, in 1961 and 1968, between independence and 1973 (ten and fifteen per cent, respectively). Then, within fifteen months, there were three changes in the minimum wage, fifteen per cent each in August 1973 and February 1974, and sixty per cent in November 1974. All these increases in the minimum, including the most recent one, were amply justified by the rate of inflation experienced by the country since 1968.

The retail price of rice, the most important staple food, tripled in a year; the government was forced to remove the substantial subsidies of rice, cooking oil, and sugar prices in order to meet the huge expenses caused by the Sahel drought.

The government's setting of private-sector wages is legally limited to the minimum wage. Still, changes in the minimum are required by the Labor Code to be reflected in the changes in all other wages. Each industry's collective agreement must include provisions for bilateral renegotiation of the hierarchical wage structure. The freedom of these negotiations is limited, however, because the government sets guidelines for other wages in determining the wage hierarchy for civil servants and sectors not having collective agreements.[36] In major adjustments of November 1974, for example, the minimum wage rose by sixty per cent to 18,556 francs per month. Higher salaries increased progressively less, the top wage grades (i.e., over 150,000 francs per month) by only three per cent.[37] This action substantially reduced wage differentials; the differential between highest and lowest categories fell by fifty per cent. It is too early to tell, however, whether wage differentials actually observed will decline by as large an amount.[38]

Senegal has a modest system of social wages, primarily family allowances. The Social Security Fund set up in 1955 by the AOF administration, has as its main task the allocation of family allowances to all eligible wage-earners. An employee is entitled to 650 francs per month per declared child; this figure has not changed since the organization of the Fund. A child is given support from the moment of conception: from minus nine months to birth there is a "prenatal allowance;"[39] for the first year of life, the "maternity allowance;" thereafter until the child is fourteen years old (eighteen for apprentices, twenty-one for students), the "family allowance" itself. All three are 650 francs per month. In addition to the monthly allowance, there is a lump-sum payment of 7,800 francs, the equivalent of one year's family allowance, at the birth of the first three children of the worker's first wife.[40]

There is no limit on the number of eligible children per worker, a very important provision in a polygamous society like Senegal. In 1969-70, average family size was 4.3 children.[41] Such a family would be entitled to an allowance of 2,800 francs per month. This sum represents approximately fifteen per cent of the current minimum wage, a proportion that has decreased considerably from 1958 when the same worker had his income increased by over forty per cent by family allowances.[42]

The Civil Service has its own highly complicated system of family allowances which in most cases are more generous than that of the private sector. A government employee receives 1,721 francs per month for each child after the first, plus a sum which varies with the employee's wage from 172 to 530 francs per month per child, plus 200 to 604 francs per month for families with only one wage-earner, plus a raise of 260 francs per month when the second child

attains ten years of age.[43] To compare the relative generosity of the family allowance for civil servants with that of other workers, one must create an artificial "typical" employee. For example, a middle-level clerk who has three children, with lower-secondary education and a few years of experience, earning a salary of 35,175 francs per month, would receive 6,844 francs per month in social wages if he were in the government (nearly twenty per cent of his earnings) as compared with 1,950 francs (less than six per cent) for his private-sector counterpart earning the same wage. The government sector's family allowances have decreased as a proportion of earnings just as have those of the private sector, however.

After the increase in the minimum wage of November 1974, the Confederation called for an upward revision of family allowances as well. This was refused on the argument that the Social Security Fund could not afford it. It is difficult to believe, however, that the deterioration of the real value of family allowances has not been deliberate government policy. In a country such as Senegal, where less than ten per cent of the active population are wage-earners, the justice of a system of generous family allowances may well be questioned; a person must work for wages before he is eligible for family allowances, and the ten per cent who do so have much higher incomes than the other ninety. If it is the case that the government has allowed the real social wage to decline for the cause of social justice, the policy may be based on a misconception of the true urban-rural difference in per capita incomes. As Brun (1965, p. 66) points out, the number of people supported by one worker is much higher in urban areas, and thus the usual statement that the urban worker has eight times the income of a peasant is a serious distortion (ibid). While there are no data which permit a rigorous examination of this problem, it would be highly surprising to find that the per capita income of the families of urban unskilled workers is significantly higher than that of a typical village farm family.[44] This government policy, if it is such, may have the effect of eliminating any existing differences in individual welfare between the cities and the villages. Given Senegal's problem of too-rapid urbanization, however, the decline in the importance of family allowances may eventually aid in reducing the financial attractiveness of urban living.

The Social Security Fund is also in charge of paying compensation for work-related accidents and illnesses. In a normal year, these are relatively minor; in 1969-70, two-thirds were cuts, bruises, burns, and contusions, and only 200 to 400 cases annually are considered "serious."[46] A disabling accident or illness, or death, leads to a permanent disability benefit and a monthly allowance given to the totally disabled worker or his survivors. If an accident or illness prohibits a worker from resuming his normal job, but he is capable of a less arduous occupation, the employer is responsible for retaining him, and his wage is guaranteed at the old level.

Most accidents are minor, and a worker incurring one is eligible for a temporary disability benefit which includes the payment of medical and hospital expenses as well as payment in lieu of wages during the period of incapacity.[47]

The Social Security Fund is self-financing to a great extent. It receives its funds directly from employers, currently at a rate of six per cent of salaries for family allowances and one, three, or five per cent for workmen's compensation (depending on the inherent risk of a firm's principal activity). Each contribution is subject to a wage ceiling of 60,000 francs per month, three times the current minimum wage and about the wage for a highly-skilled manual worker, this ceiling is certain to be raised in the event of an increase in family allowances. In addition, there are taxes of two per cent on employers and workers, and an additional tax of one per cent on employers, paid to the Treasury and returned to the Fund if needed to cover any deficit from direct contributions.

The Labor Code goes into great detail about specific working conditions and fringe benefits. The first item in the Code's Title V is the legal length of the work week, which is set at forty hours, except in agriculture, where it is forty-eight. This remarkably short work week was substituted for a forty-eight hour week as long ago as 1953. Since then overtime hours have been compensated by wage premiums.[48] The forty-hour week must include at least a twenty-four hour rest period, usually Sunday. Overtime work at the higher Sunday rates is, of course, permitted. Legal holidays include most important Muslim and Christian feast days, plus Independence Day and May first; work on these days is also subject to Sunday wage rates.

Women and children are given special guarantees as well as special restrictions. Neither may work at night; their mandatory eleven-hour rest period between two work days must include the legally defined night-time hours of ten p.m. to five a.m. Children under the age of fourteen are not allowed to work at all, even as apprentices.[49] There are no explicit restrictions in the Code with regard to work unfit for women and children, but either has the right to request a medical examination to determine whether the job content is too arduous.

The most important special provision for women workers concerns childbirth. Women are allowed maternity leave of fourteen weeks, six before birth, and eight after the birth, during which the labor contract is suspended (not broken) such that the employer may not fire her. During this period, she is paid an allowance equal to one-half her current salary by the Social Security Fund, in addition to the prenatal allowance she had been receiving since the child's conception. In France, the employer must pay full salary to the childbearing woman during a similar fourteen-week period; in addition, French social security provides full payment of hospital and medical expenses.[50] Although not as fortunate as

their French sisters, Senegalese women workers are still much better provided-for than their counterparts in other developing countries; as well as those in developed countries like the United States. Due to the small number of employed women, the maternity benefit is not very expensive for Senegal: in 1969-70, only 33 million francs ($147,000) was disbursed by the Social Security Fund for this purpose, about three percent of the Fund's expenses on family allowances.[51]

The famous French paid holidays were adopted in AOF with the institution of the 1952 Labor Code. A Senegalese worker must be allowed at least one and one-half working days of holidays for each month of effective service (three weeks per year), and is paid his full wage for the period in advance. More generous terms are accorded to youths under 18 (two days per month, four weeks per year) and to expatriates whose contracts include an overseas living allowance[52] (five calendar days per month or two months per year). These are minima, and may be raised for individuals or by collective agreement (Article 143 of the 1961 Code); generally, workers with long service to the firm receive extra vacation as do recipients of the Labor Medal of Honor. Women are also accorded one extra day of holidays per year for each dependent child under fourteen.

Workers obtain the right to such paid holidays at the end of twelve months of work (twenty for expatriates), and may accumulate them for three years, subject to the requirement that they take a minimum of one week per year. Most collective agreements specify that the dates of the vacation are to be set, not by the employer alone, but by an agreement between him and the worker.

Workers are forbidden to work elsewhere during their paid holidays; the legal responsibility rests on both the workers and his new employer. This prohibition, part of that for "moonlighting" in general, is intended to increase the number of employed persons by enforcing a sort of social work-sharing; no person has the right to two jobs as long as some persons have none. The Labor Inspectorate is charged with the enforcement of the anti-moonlighting provisions; its limited staff unfortunately ensures that the worthy objectives of the legislation are unattained.

The minimum standards of employment, set forth by law in Senegal, are very high. The worker, once employed, benefits from a substantial array of advantages, few of which his unions could have obtained for him by free collective bargaining. The French colonial legislature, influenced by the idealistic early years of the French Union, was reluctant to allow metropolitan workers legal advantages considerably better than those of the overseas territories. To their credit, the French took it upon themselves to help finance the territories' social legislation.[53] Upon receiving their independence, Senegal and the other ex-colonies lost some of this support, and quickly found themselves in a precarious financial state. The impact of the Labor Code must have been clear, but in Senegalizing the Code the government evidently chose to maintain workers' advantages,

believing that the Code's advantages for socio-political harmony would be less expensive in the long run than a freer, hence more explosive, labor market.

Bilateral Procedures and Standards

Relations between Employers and Individual Workers

The only labor contract admissible under the Labor Code is one between an employer and a single worker. An employer may not hire a team on one contract, although he may deal with a labor contractor under strictly limited circumstances. The individual contract must meet the minimum provisions of the collective agreement applying to the worker's profession, but may exceed them in any fashion. The contract may be for a fixed period of time (for a single piece of work) or, more commonly, for an undetermined duration, subject to the needs of the two signatories.

The most interesting aspect of the labor contract is its effect on the stability of employment (Pfeffermann, 1968, p. 95). The important provisions are those concerning the contract's suspension and termination. The contract is suspended (remains in abeyance) during: military service of the worker or of the employer (the latter only, of course, if the firm shuts down); worker's recuperation from an accident or illness, job-related or not;[54] maternity leave for the female worker; a legal strike or lockout; paid holidays; the time a worker is in preventive detention, awaiting trial for a crime; the immediate aftermath of shop delegate elections; and the work-related absences of the worker. All of these situations in which the labor contract is automatically suspended are considered as time of effective service to the firm, a concept used in calculating seniority and the worker's right to paid vacations.[55]

In other words, a large number of situations, which would constitute grounds for an employer to fire a worker in many countries, are not acceptable grounds for dismissal under the Senegalese Code. This aspect of the Code therefore acts as a force for job security, and supports the government's expressed desire for stability of employment.

When the contract is not in a state of suspension, it "may terminate at any time by the wish of one of the two parties" if the initiating party gives written notice in advance.[56] This notice must include a justification for the termination; otherwise the other party has grounds for legal action. The most common case is when an employer lays off the worker as part of a group. In this case, he must be able to justify his action on grounds such as a drop in demand for the firm's output or internal reorganization, the only "legitimate" reasons for layoffs.[57] If the worker contests and the courts rule that the dismissal was illegitimate, the employer is forced to pay compensation to the worker for breach of contract in an amount determined by the worker's job, experience, age, etc.

The payment for breach of contract is only one of those a fired worker may receive. All workers, laid off legitimately or not, who have been employed for at least one year, are entitled to a pure layoff payment. This compensation is fixed by the relevant collective agreement, and generally varies from twenty to thirty percent of the worker's monthly wage per year of service.[58] Finally, the worker may receive a payment equal to his current wage during the notice period (from one to four weeks according to the worker's professional category). This sum is only paid if the employer does not keep the worker on the job between notification and the actual date of layoff.

The employer's freedom to dismiss workers is restricted by the Code in yet another way: he must follow a modified "last in, first out" policy. The employees "presenting the least professional aptitude for the job they hold" are to be fired first and in case of equality,... the least senior employees, seniority being augmented by one year for the married employee, and one year for each dependent child eligible for family allowances. Laid-off workers, even those with the "least professional aptitude" have priority for rehiring over a twelve-month period. While it is obviously not the intention of the Code to force employers to rehire workers previously proven incompetent (or at least the least competent), this is evidently the law's effect if taken literally. Employers who manage to fire workers for inefficiency (not by itself a legitimate ground) by justifying it in another way,[59] must think twice before doing any hiring for a full year thereafter. On the other hand, the fact that the Code does permit employers to cull out the least-apt workers first when demand falls is sure to boost average productivity and hence to limit the possibility of further layoffs.

Between Employers and Workers Collectively

Senegal inherited from France the concept of a collective agreement covering all aspects of labor relations, designed to last indefinitely. Several agreements negotiated before or immediately after World War II are still in effect; few new agreements have been concluded since the early days of Independence. An industry or profession therefore makes a large bargaining effort at one time in the hope that the agreement will endure. Continued collective bargaining operates on a reduced scale and essentially is devoted to wage adjustments in response to changes in the minimum wage.

By 1946, nearly all workers in the secondary and tertiary sectors were covered by one of three collective agreements: one for all white-collar employees; one for European workers in industry; and another for African industrial workers. Soon, it became clear that there were enough substantive differences among industries that the catch-all agreements were inadequate and, in the nineteen-fifties, there was a proliferation of new collective agreements. By 1965, there were thirty-two collective agreements in effect in Senegal, and there has been little change since.[60]

The Senegalese Labor Code envisages three types of collective agreements: the ordinary agreement, the extendible agreement and the plant agreement.

The ordinary agreement is concluded between the representatives of one or several unions or professional groupings of workers on one side, and on the other side, either one or several union organizations; any other groupings of employers; or one or several individual employers. Unions thus do not have the exclusive right to represent either side. For workers, the point is moot because no professional organizations other than unions exist and all agreements signed since 1956 were negotiated by unions. For employers, on the other hand, the provision has more practical importance, and there are several areas (bakeries, Chambers of Commerce, private education) where formal employers' unions do not exist. There are also two sectors where natural monopolies make the formation of a union superfluous; water distribution and electricity. The ordinary agreement is applicable only to the signatory groups and their members; other firms or workers may join, but with no right to participate in subsequent negotiations. The content of the ordinary agreement is not specified by law; the only essential provision being the specification of machinery for its abrogation, renewal, or revision. There is, therefore, an apparent total freedom for the bargaining parties, a curious exception to the rest of the Labor Code. In reality, few sectors, all relatively minor, have chosen ordinary agreements, and these agreements do not differ substantially from those of other sectors.[61]

The most common type of collective agreement is the "extendible" one. Here, an agreement must be made between the "most representative" unions of employers and workers in a specific branch of economic activity. It may, by decision of the government, be "extended" to cover all workers and employers in the sector, whether they participated in its negotiation or not. The lawmakers apparently felt that since some members of a profession could determine working conditions for all, the provisions of the agreement should be more minutely spelled out.

The close regulation of an extendible agreement begins with the definition of the "most representative" unions. The Ministry of Labor, which convokes the bipartite committee responsible for negotiations, must select the union bargaining team on the basis of the union's size, experience, independence, recent elections for shop delegates, and the amount of dues collected. In the nineteen-fifties, this provision was interpreted to include all significant unions. (The 1957 mechanical industries' agreement was signed by affiliates of all the important unions.) After independence, only the dominant union was represented.

The content of the extendible collective agreement is minutely specified. There must be provisions on: union freedom; the wage hierarchy in relation to the minimum wage; overtime pay; the length of the trial period before permanent hiring; shop delegate selection and privileges; "equal pay for equal work" for women and children;

paid holidays; moving expenses for the worker transferred; overseas living allowance for expatriates; and travel and baggage allowance for expatriates or long-distance commuters. There may be provisions on: seniority and productivity premiums; premiums for difficult, dangerous, dirty, or unhealthy work; and a long list of other special working conditions.[62]

With such a long list of required and permitted contents, the law foresees some difficulty for the bilateral committee in reaching a complete agreement. If such is the case, either side may request the Labor Inspectorate to conciliate. If the latter is unable to persuade the parties to agree to a compromise, the procedure becomes the same as for any collective dispute (treated below).

The signed agreement is extended by a decree of the Minister of Labor, after he consults with all parties concerned and after the agreement is published in the Journal Officiel. The extension may slightly modify the terms of the original agreement; for example, extending a regional agreement to have national coverage, as was done for bakeries and cinemas, but "it must, insofar as is possible, respect the wishes of the contracting parties as expressed in the agreement" (Lô, 1970, p. 194).

The bilateral committee which signed the agreement does not go out of existence. It is convoked whenever there is a dispute over interpretation of the provisions of the agreement or when the government changes the minimum wage and thus an adjustment of other wages is required. In the section on trilateral procedures and standards, we shall see that, in the case of wage adjustments, the committee is little more than a rubber stamp for wage increases determined at the national level.

The final type of bilateral procedure is the plant agreement. This may take the place of a collective agreement, as is the case of the local Shell Oil affiliate, or, more commonly, act as an amendment to the ruling agreement to reflect different working conditions in the firm than in the rest of the industry. If there is a formalized check-off of union dues, it is made through a plant agreement and never through a collective agreement.[63]

Trilateral Procedures and Standards

When disagreement arises between management and labor over the application of unilateral or bilateral standards, the method of conflict resolution is invariably trilateral. The government is the keystone in the settlement of virtually all individual and all collective disputes. Also, through its power over adjustments in the level and structure of wages, it determines the general shape of the urban-sector income distribution.

A dispute between an individual worker and his employer may arise over the breaking of a labor contract or over some aspect of the worker's professional classification (wage grade). The procedure for settlement of the dispute is covered in Articles 200 to 230 of the Senegalese Labor Code.

"Any worker or employer may[64] request in writing that the Inspector of Labor and Social Security settle the dispute amicably". The Inspectorate of the Cap Vert Region handled 1,400 such cases in 1973, of which over two-thirds were settled without recourse to formal judicial procedure.[65] If this step fails to bring agreement, the Inspector refers the case to the system of labor courts, which thereafter have full responsibility.

If they wish, the parties to the dispute may disregard the opportunity of the Inspectorate intervention and bring the case directly before the labor courts. In either eventuality, these courts are the only organism with the power to pass binding judgement on individual disputes.

The labor courts were introduced into AOF by the 1952 Labor Code and are distinct from the regular judicial system. They eliminated the injustice toward workers prevalent in the pre-Code era. During that time, the mandatory arbitration procedure did not guarantee impartiality and, in fact, was consistently biased in favor of employers.[66]The labor courts were, and still are under the 1961 Code, tripartite bodies, composed of a magistrate and representatives of labor and management. The latter are chosen by the Minister of Labor, upon nomination by the "most representative" labor and management unions. Their tenure is for one year, renewable without limit, and they are not paid, other than compensation for salaries foregone at their regular job.

There are six regional labor courts with the same jurisdictions as the regional civil courts. Each labor court is, in principle, divided into twelve sections, each individually responsible for cases arising from a single sector of the economy: agriculture, mining, manufacturing, etc., plus a special section for disputes over workmen's compensation. The section has five members: one magistrate, two labor and two management members, ideally chosen from the sector concerned. Each of the six courts must therefore find twelve judges, twenty-four employers, and twenty-four workers' representatives. In practice, it has been difficult to staff the courts, and those of two regions have reduced the number of sections.

The great advantage of the courts is that they are totally free of cost to the parties seeking relief, and the procedure is designed to be efficient and rapid. Within forty-eight hours of receiving a request, the court convokes the parties to appear at a fixed time within two weeks. The parties may have the help of union leaders, lawyers or others to aid their presentation. The first step at the hearing is a closed-door attempt at conciliation in front of the court. If this fails entirely or partially, the court must immediately proceed to a hearing of the case. After secret deliberation by the court, the judgement is reached by a majority vote and must be handed down within two weeks of the preliminary hearing date, thus one month after the beginning of the procedure. The decision is immediately binding on the

parties for minor settlements, defined currently as having a value of less than 80,000 francs, and may only be appealed if the judgement is greater.

Even the appeals mechanism is rapid: the (regular) Court of Appeals is notified within two weeks of the labor court's judgement and must have heard the case and render its verdict within three more months. The system of labor courts apparently works as well as it is supposed to and even manages to keep to its schedule. Workers have no constraints about having recourse to the courts; they are free of charge and rapid, and there is a sense of fairness due to the cooperation between labor, management, and the judicial system which appears to make workers accept even unfavorable rulings. Labor lawyers at the University of Dakar suggest that the courts tend to side with employers on all issues except those involving shop delegates, but not so much that they are ever accused of bias by worker representatives.

The Settlement of Collective Disputes

The Senegalese legal and judicial system is very wary of open collective disputes, i.e., strikes and lockouts. "The strike," says the authoritative discussion of the labor codes of ex-French colonies,

> is the equivalent in labor law of war in international law. Just as, in the area of international relations, war can be avoided by recourse to peaceful means of conflict resolution among nations, by dialogue and negotiation, conciliation and arbitration, the State has the duty, in a developing country even more than elsewhere, to institute jurisdictional paths to the regulation of collective labor conflicts to avoid recourse to that extreme means, the strike.[67]

In developed countries, the strike is either an attempt to modify the factor distribution of income or, worse, a political manifestation. Both of these are seen as unacceptable by Senegalese leaders: the latter because the unions, representing at best ten per cent of the active population, have no right to confront the State and its ruling party, which represent the unified will of the people;[68] the former, because the income distribution that is considered important in Senegal is that between rural and urban areas. The average Senegalese worker is not considered the downtrodden proletarian that he is (or was) in Europe, but rather a member of an elite. The strike is on both counts an unacceptable breach of the social order so necessary to rapid economic development.

The Senegalese Constitution, in Article 20, states, "The right to strike is recognized. It is exercised in the context of the laws which regulate it. It may not in any case threaten the freedom of work." The laws which regulate the strike ensure that it is the exception, rather than the rule, as a means of conflict resolution.

The procedure for collective dispute settlement is as well-defined and almost as rapid as that for individual disputes, and is based on the same principles. The first step is mandatory conciliation; the parties notify the regional Inspectorate or the Ministry of Labor, if the conflict is national in scope, who must convoke the parties to a meeting within forty-eight hours. If agreement is reached, it is immediately binding; if not, the conciliator reports his findings to the Ministry within twenty-four hours.[69] The most important step is the next one: the Minister must decide whether a strike (or lockout) in that sector is against the public interest or jeopardizes public order. Only if he determines that it is not can the strike or lockout be legal. The Minister usually decides that the strike is unacceptable.

There have in fact been very few strikes since Independence. No published data exist, as the Labor Inspectorates and Labor Ministry have not been under pressure from the policymaking arms of the government to collect or report them. The fact that there are so few strikes may well explain this lack of interest to some extent, but retrospective research obviously suffers. One can, however, make several qualitative observations. An average year sees less than half-a-dozen job actions that can properly be called strikes. These are very short (usually one or two days), very localized and end because of a lack of support from the national federation or the central. They often involve generalized disputes over wage-grades that the Inspectorate failed to resolve and are little more than short-term outbursts of temper by the workers.

The only major strike of the mid-seventies was a special case, the culmination of a long-standing inability to negotiate a collective agreement in the fishing industry. This sector had never had its own agreement, in spite of the unusual nature of the work and its remuneration, based on the size of the catch from each trip. The workers wanted standard monthly salaries with bonuses for especially good catches, whereas employers (including a government-owned fleet) wanted to retain the old system and formalize it in the new collective agreement. There was an added difficulty at the time: a sharp decline in the world price of fish, which put the heavily export oriented industry in a very poor financial position. In early 1976, the fishermen struck, insisting on rapid conclusion of the collective agreement, and the National Confederation Central supported them. The Minister of Labor did not intervene immediately, and it was several weeks before the workers were persuaded to return to their jobs. Arbitration, the procedure of which is described below, is under way at this writing, and the details of the agreement are as yet unknown. One result of the strike was the bankruptcy of the large state-owned fishing fleet. Although mismanagement also played a large role in the firm's failure, the strike made it inevitable.

The other branch of the fishing sector, freezing and canning, had also experienced labor unrest and a short strike a year earlier, but for different reasons. This will be discussed in the Conclusion, below. Finally, the only other sector with serious labor problems is the rapidly-growing agribusiness industry. Here again, the lack of a collective agreement and the prevalence of piece rates played a role in the series of wildcat strikes that occurred at the major vegetable firm during the 1975-1976 growing season. With these few exceptions, however, labor relations have been calm. Top union leaders have been given every personal incentive to minimize tensions, and the rank and file have rarely attempted to take action on their own or to push their leaders to do so. Strikes are rare, therefore, because no one in a position to lead them is willing to do so.

If a strike is threatened, and the Minister of Labor decides that it is against the national interest, the conflict is submitted to arbitration. There are two steps in the arbitration process. The first involves the naming, within two days, of a single arbiter, either a civil servant or a non-governmental labor expert, who reaches a decision after a full hearing of both sides to the dispute. His decision may be appealed by the unsatisfied party to an arbitration council, composed of the chief judge and another judge from the Court of Appeals, one civil servant, and two outside experts. This panel's ruling is immediately binding even if it is appealed. Appeals are only permissable on constitutional questions and then only to the Supreme Court. If the issue is considered of general interest, the Ministry may "extend" the decision of the arbiters to the entire economy. This possibility makes the arbitration procedure a "powerful economic instrument," whereby working conditions or wages may be improved for all workers (Pfeffermann, 1968, pp. 99-100).

The most significant trilateral aspect of labor relations is the means by which labor and management are brought into the government policy-making process. This is done formally, first of all, through two national consultative councils: the Social and Economic Council, and the National Consultative Council on Labor and Social Security. The former is almost a fourth branch of government, whose role is to analyze and give advisory opinions on all policies and proposed legislation in the economic and social area. Its forty-five members include nine each from labor and management unions as well as representatives from all other national social and economic groups. All proposed laws on labor questions submitted to the National Assembly must be accompanied by the advisory opinion of the Council. This council is also the organ with official responsibility for the study of the impact of economic conditions on labor with a view towards changes in wages. The membership of the council, nominated by the Minister annually, is balanced between labor and management groups, with government representatives from the interested ministries and departments also participating.[70]

The formal organisms for trilateral consultation are merely for public display. Decisions are in fact made backstage, as can be seen from a recent example, the wage and price increases of November 1974.[71] While changes in the minimum wage are really a unilateral procedure, in recent years the government has negotiated with labor and management before making the final decision on its own. The Senegalese government has long controlled the prices of essential commodities, notably rice, sugar, and cooking oil. The first two have traditionally been imported, and the government has subsidized retail prices. During 1974, the government found itself in increasing financial difficulties due to the devastating drought and world inflation. Its policy had always been to maintain low consumer prices for essential commodities. Since 1973 especially, this necessitated substantial subsidies of the retail price of these basic foods, which drained the treasury of funds needed for investment purposes. As of mid-1974, the world prices of rice, cooking oil, and sugar had risen to such an extent that the government was subsidizing consumers at an annual rate of twenty-seven billion francs annually in public investment during the Fourth Plan, and a total 1972-73 budget of forty-four billion francs (Le Soleil, 1 November 1974). Clearly, this burden had become unacceptable. At the UPS party congress in July, the Minister of Finance spoke of the necessity for price realism and hence an elimination of food subsidies. This speech created a huge outcry at the congress, and the government appeared to back off from its threat in later statements made by the Minister of Information. Behind the scenes, however, the decision had already been taken to drastically reduce the budgetary burden of food subsidies and concurrently increase wages in compensation.

The consultation procedure was not precisely trilateral. The government met first with the trade union, proposing a set of price increases and a corresponding increase in the minimum wage. The price of rice was to rise from 60 to 100 francs per kilogram, sugar from 150 to 250 francs, and oil from 150 to 240 francs per liter; the minimum wage was to be raised by fifty per cent. The union came to the meeting prepared. They agreed that fifty per cent was an adequate increase in the minimum wage according to the standard minimum adequate budget (their calculations in fact showed the net effect on prices would be an increase of forty-seven and one-half per cent), but claimed that this budget, based on a 1961 budget survey, was outdated. A new index, which they had calculated, showed that prices would in fact increase by seventy-seven and one-half per cent and therefore demanded that much of an increase in the minimum. Within one negotiation session, government and union agreed that the minimum should increase by sixty per cent.[72]

Armed with this agreement, the government met separately with the management groups and did little more than tell the employers of the agreement reached with the union. Management agreed surprisingly rapidly.

The decision was announced on 31 October, to go into effect the next day. Neither formal tripartite council was involved in the process. The bilateral commissions set up under each industry's collective agreement to adjust wage rates of other categories in response to the minimum increase, met on 31 October and conformed completely to the government's recommendations for a very progressive change in the wage structure. Essentially, all wages less than 60,000 francs per month were increased by 8,000 francs, with smaller absolute increases for higher wage groups.[73]

It was recognized that such an extreme wage change might lead to business difficulties, and the government made it known that it would not tolerate layoffs.[74] Effectively, this meant that, for an unspecified period, a profit squeeze brought on by the wage increase would not be considered a legitimate grounds for breaking labor contracts. The government therefore hoped, by administrative action, to counteract market forces which, if left to themselves, would surely have led to a large increase in unemployment and a generalized recession of modern sector activity.

IV. Conclusions and Perspectives

At this writing, there is every indication that the Senegalese economy has been able to absorb the qualitative change in the price and wage structure stemming from the decisions of November 1974. Inflation, which had run at a rate of at least thirty-five per cent per year during 1975, had by mid-1976 slowed considerably, and the government was even able to reduce the consumer price of rice and sugar due to lower world prices. This took the pressure off the standard of living of workers and thereby off the necessity for a new round of wage increases. Employment appears even to have increased in most sectors,[75] although this is primarily due to an astonishing improvement in agricultural production (groundnut output rose from 675 thousand tons in 1973-1974 to 993 thousand in 1974-1975 and 1,450 thousand, an all-time record, in 1975-1976). This led to a generalized increase in consumer demand as well as in the sectors directly involved in the processing of agricultural products. Overall, in other words, workers benefitted from the favorable domestic economic situation, which more than compensated for the effects of the unfavorable international economic situation of recession and inflation.

At the time of the adjustments, prospects were less certain. The 1974-1975 harvest was not yet fully known, the world recession was in full swing, and imported primary product prices showed no sign of decreasing. Employers, forbidden to cut employment, raised prices instead to maintain their solvency,[76] and the fears were great that this action would lead to a substantial drop in domestic demand. We have seen that circumstances belied these fears.

In some sectors, however, price increases were not enough. The major exception to favorable trends in world prices in 1974 and early 1975 was fishing, and Senegal is an important producer and exporter of fish.[77] The fish processing industry could not pass on its labor-cost increases to foreign consumers and was caught in a tight squeeze. Two firms took action which went against government intentions. The first, a tuna cannery, laid off ten workers; the second, a freezing plant, decided to reorganize its labor force significantly by eliminating its entire non-permanent staff (250 workers out of 500).[78]

The Food Workers' Federation of the CNTS brought complaints against both firms before the Labor Inspectorate for conciliation. This failed, and the Ministry was asked to intervene. Employers and the union were convoked to a meeting at which the Labor Director reiterated the government's determination not to permit a reduction in employment, and the companies were ordered to reinstate the laid-off workers. The cannery, whose case was more clearcut, conceded and rehired the ten workers. The freezing plant refused, claiming that since the eliminated workers were not permanent personnel, the law and the government's anti-layoff policy did not concern them. In reaction, the union local at the freezing plant struck on 26 December 1974 and succeeded in persuading the workers of other firms to go out in solidarity. The CNTS central reacted predictably given its concern for labor peace; it immediately sent out a call for the strike to end, warning that the employer was ready to lock the workers out. The strike had lasted only four hours, but it led to a favorable decision; the freezing plant made concessions by which 134 of the laidoff temporary workers were integrated into the permanent work force. The other 116 remained laif off, but in fact the total wage bill of the firm was not allowed to decrease, such that the government and the union could rightly claim a significant victory.

The first important test of the government's determination to maintain the level of employment had succeeded to an impressive degree. The economic upswing that began in early 1975 reduced the pressure of firms' profitability, such that further layoffs were unnecessary. But it is certain that the precedent established in the fish processing industry, the hardest-hit of all, ensured the success of the policy as well.

Cooperation among labor, management, and government has been possible as long as the interests of the three parties could be reconciled, or at least were not in open conflict. In Senegal, where capital is foreign and most labor is Senegalese, this has meant that firms were usually satisfied enough with their profits not to risk confrontations with the government. The unprecedented economic situation of the mid-1970's has modified the equation, but at least thus far Senegal has managed to adjust. Business has been served notice that employment must be maintained or increased,

and that profits are to be treated as a residual and not as a right, but the government and the union central will not carry this policy to an extreme that forces major shutdowns.[79]

If there is a major area of concern, it is in the relationship between the union leadership and the rank-and-file. Workers have always complained bitterly about their leadership, but have never begun an active revolt against it. As long as real incomes and employment are maintained or increased, as they have been since the beginning of the economic crisis, there is no reason to believe that workers will behave differently. Even the creation of new moderate and left-wing centrals is not likely to change the attitudes of workers; they have seen trade union splits before and have seen even the most ideological, idealistic leaders be co-opted into the ruling structure. Worker revolts will therefore continue to be the exception, and labor peace the rule.

To end this rather optimistic conclusion, a caveat is in order. President Senghor, without whom Senegal would doubtless have had a much less stable political history, is seventy years old. As long as he remains in charge, no change in our analysis is likely; thereafter the political and economic future and therefore the future of labor relations is completely unpredictable. Senghor's complete dominance of the UPS, and his nearly universal support by both rural and urban Senegalese, has concealed the relative strength of different parts of the political spectrum, and his eventual successors could be of any persuasion.

Footnotes

1. Le Code du Travail, 1964, p. 59. The French Labor Code of 1884 was meant to apply to the colonies, but was never promulgated.

2. The French work "profession" is used when English uses "profession," "industry," and "skill level." Since Senegalese trade unions are nearly always organized by industry, use of the work "profession" should be construed to mean "industry" unless otherwise stated.

3. Berg, 1959, p. 252, note 79. The same thing happened in Guinea during the 1953 strike over the forty-hour week provision of the Labor Code. One mining company found that it was able to produce almost its entire prestrike output with scarcely half its prestrike labor force.

4. This quotation comes from the original legal study of the Code (CTOM, 1953, p. 8). Later works, such as Gonidec 1954, are less grandiose on this subject.

5. See the table of similitude in Le Code du Travail, 1964, pp. 20-21.

6. Pfeffermann (1968, pp. 116-118) suggests that wages in the colonial era were below the basic needs of workers, and that the introduction of the labor code forced employers to "rely on wage determination by the government."

7. Commonly-cited estimates are:

	(1) 1953	(2) 1955	(3) 1956	(4) 1956
CGT	30,700	33,000	106,000	60,000
CGTA				55,000
CFTC	15,300	13,000	29,000	18,500
CGT-FO	6,750	7,500	10,000	14,500
Ind.	15,800	16,500	21,000	30,000

(1) ILO figures from Meynaud, 1963, p. 41
(2) "semiofficial" (government of AOF) from Berg, 1959, p. 247
(3) "official" (claimed by unions) from Berg, 1959, p. 247
(4) Meynaud, 1963, p. 74

8. This had not changed by the early sixties. Pfefferman, 1968, pp. 265-66 has collected some choice quotations on workers' attitudes towards unions, none of which suggest that workers believe that dues paying helps them. Still, 70 per cent of his sample of 188 workers did pay them.

9. Data from the AOF General Labor Inspectorate, quoted in Berg, 1959, p. 208.

10. On clans, see Pfeffermann, 1968, p. 85. The traditional caste system of many Senegalese tribes led to the formation of clans in urban areas, and within unions, with "clients" both obeying and benefiting from a "patron."

11. See Le Code du Travail, 1964, pp. 91-92.

12. Foltz (1966) has a detailed discussion of the political problems of the immediate post-independence period.

13. Africa South of the Sahara, 1973, p. 709. No more detail is given in this source, and none is readily available in Senegal.

14. See Le Code du Travail, 1964, pp. 92-99.

15. There are no data on the cost of living for the African population of Senegal until 1967. Inflation was low during this period, however; the published European price indices, which rose by 10.2 per cent between 1961 and 1968, are probably good indicators.

16. Author's interview with M. Abdourachmane Ba, President of the National Chemical Workers Union and also CNTS chief for the private sector. See also Africa South of the Sahara, 1973, p. 711.

17. The following is the oral history of M. Ba. There is no written chronicle of these events.

18. Unpublished figures furnished by M. Seck, Cap Vert Regional Labor Inspector.

19. This opinion is shared by M. Ba and M. Mohamed Ly, Secretary-General of the CNTS.

20. The author's interviews found total agreement on this point among labor (MM. Ba and Ly), management (M. Baudere, permanent secretary of UNISYNDI), and government (M. Mamadou Cisse, Directeur du Travail).

21. One article was modified (no. 29); its equivalent in the Overseas Code forbade checkoffs of union dues, whereas the Senegalese Code does not. Article 22 of the Overseas Code has been incorporated into Article 21 of the Senegalese Code.

22. This provision was dropped by the Overseas Code. Brun says (in Le Code du Travail, 1964, p. 89) that the decision to leave financial control out of the 1961 Code was deliberate, and argues for its reinstatement. In late 1975, the Code was amended to make it more difficult for a union to obtain official authorization (the PDS union was already formed).

The justification was that the government was worried about the creation of "phantom trade unions," vehicles for politicians, with no real worker participation.

23. Such activities as mutual aid societies, helping workers to pay hospital and medical bills for non-work-related accidents and illnesses, are common in union locals in the government sector and in large firms. Mutual insurance schemes for financial help for fires, thefts, baptisms, etc., are less common. Consumer cooperatives controlled by unions are quite widespread: by 1963 the Public Works Workers had organized one, and by 1965 most unions had. (Interview with M. Mohamed Ly)

24. The check-off is not instituted by law, nor is it mentioned in collective agreements. If it is formalized at all, it is done so through plant agreements; more commonly it is begun by consensus of the workers and management. In Public Works, M. Ly estimates that 2,150 of the 2,500 workers pay dues regularly, and that in the entire modern sector 100,000 to 120,000 workers are union members -- of whom 70,000 to 80,000 are fully paid-up -- out of 150,000 employees. There are no published or publishable data to verify these estimates; in spite of the requirement that unions report their membership annually to the Regional Labor Inspectorate, they have not done so. (Interviews with MM. Ly and Seck)

25. Interview with M. Baudere of UNISYNDI. Bakeries, private education, and Chambers of Commerce do not have employers unions.

26. Ibid.

27. The Ministry was reorganized several times since independence, most recently in 1971 (decree no. 71-1134, published in Journal Officiel du Senegal (JOS) no. 4192, 30 October 1971).

28. Brun is chiefly responsible for the preparation of Le Code du Travail (1964), for the publication and revision of editions of the Labor Code, and for analysis of the effects of legislation and practice such as Brun (1964) and Brun (1965).

29. In an interview with the author, M. Abdoul Nancy Kane, Associate Director of the Social Security Fund, estimated that less than fifteen per cent of domestic servants are hired through the Employment Service and registered with the Fund.

30. The Social Security Code was not enacted until 1973. Before then, the colonial legislation was in force, and the Fund was named the Caisse de Compensation.

31. The Retirement Fund is financed by a worker contribution of 3.2 per cent, deducted from the paycheck, and an employer contribution of 4.8 per cent. Non-civil servants in the public sector were covered after 1962.

32. Interview with M. Seck, Cap Vert Regional Labor Inspector.

33. These are listed in the References as S.G. 1970 and S.G. 1972.

34. Interview with M. Cisse, Directeur du Travail.

35. It is difficult to say whether the SMIG was differentiated more according to living costs or to union activity; the two were nearly perfectly correlated. See Berg, 1959.

36. Collective agreements now cover all salaried workers except those in the government, in agriculture, and domestic servants. The government sets wages and working conditions for the latter two sectors by decree.

37. The published table of wage increases was the following:

Old Wage	Increase	Old Wage	Increase
Under 12,000/mo.	60%	35-40,000	20%
12-15,000	57	40-60,000	17
15-20,000	46	60-100,000	10
20-25,000	34	100-150,000	6
25-30,000	27	over 150,000	3
30-35,000	23		

These increases were immediately binding on the government, agriculture, and domestic service; pensions were increased as well, by from 13 to 82 per cent, not having been adjusted at either of the two previous increases of minimum wage.

38. Private sector wages fixed by the bilateral committees are minimum wages for each professional category. There is no restriction on paying a worker more than the relevant minimum, nor is there a restriction on promotion. If the old set of wage differentials were close to the "market equilibrium" set, one might predict that higher categories would receive increases above the minimum for their category. Future research by the author will hopefully shed some light on this point.

39. This allowance is, evidently, paid retroactively at the time of declaration.

40. The Social Security Fund reported that 32 per cent of families receiving allowances were polygamous in 1969-70. S.G. 1969-70, Table P.F.1.

41. Family size increased from 2.7 children in 1958 and 3.1 in 1962-63. Ibid., Table P.F.8.

42. There is talk, but no action in sight, about an upward adjustment of family allowances. Le Soleil, 12 November 1974.

43. See (Salaries 1969, pp. 113-117).

44. The average number of persons supported by Pfeffermann's sample of 188 workers was 9.63, a figure which did not regularly increase with income (Pfeffermann, 1968, p. 169). Compare this to the 1.3 million economically active in agriculture in 1970, supporting 2.7 million people.

45. See S.G. 1969-70, Table A.T.5.

46. Ibid, Table A.T.3.

47. This latter payment is full salary for a period of from one to four weeks, and part salary for a fixed time thereafter. See the Social Security Code in JOS no. 4308, 1973.

48. Overtime hours are compensated with a premium of ten per cent for the first eight hours and thirty-five per cent thereafter. Night hours (10 p.m. to 5 a.m.) bring a fifty per cent premium, as do Sunday and holiday daytime hours. Sunday and holiday nighttime work commands a 100 per cent raise.

49. Such a provision most likely implies that children work in the informal sector, where they are not protected by the labor code.

50. It is fortunate for Senegalese financial status that the French did not institute the same provisions in AOF.

51. S.G. 1969-70, Table P.F.10.

52. This allowance is accorded to Europeans who come to Senegal for a specific job. They are generally managers, technical assistants, and teachers.

53. Pfeffermann, 1968, p. 94 quotes from a document of the Assembly of the French Union: "It is the role of France to consent to the sacrifices necessary to restart ... the whole of the African economy."

54. Non-work-related accidents or illnesses suspend the contract for a maximum of six months. Article 57, point 3.

55. Military service of the worker does not enter into the calculation of job seniority; this plus preventive detention and vacation time do not enter into the calculation of the right to paid holidays. Article 57.

56. The notice period, established by collective agreement, generally varies from one week for laborers to one month for office workers, foremen, and technicians.

57. As we shall see below, a major problem arose when firms attempted to lay off workers following the wage increases of November 1974.

58. See, for example, the collective agreement of the machinery industry, of 8 October 1957, article 30. It fixes the layoff payment at 20 per cent of monthly salary during the first five years of service, 25 per cent for the next five, and 30 per cent thereafter.

59. Pfeffermann (1968, p. 97) suggests that employers generally have no trouble persuading the labor courts of their justification for layoffs. This may have changed; see our concluding section.

60. In 1973, a new agreement in journalism replaced the original one, of 1948, and the fishing industry has been negotiating its first one for the past two years.

61. Compare, say, the ordinary agreement of the Chambers of Commerce (JOS no. 3844, 22 February 1964) with the extendible one of Clothing (JOS no. 3598, 29 April 1963).

62. Article 85 says that this list is not necessarily complete; any other provisions are permissible, as long as they conform to the law.

63. See note 24, above.

64. 'Peut' in French, changed by amendment from 'pourra' (will be able) in 1971. The changed word doubtless reflects a recognition of actual practice, where the step of conciliation is not always taken.

65. Unpublished data furnished by the Cap Vert Labor Inspectorate.

66. For documentation of the pre-Code history of labor disputes, see Le Code du Travail, 1964, p. 607 ff.

67. From Gonidec, 1958, cited in Le Code du Travail, 1964, p. 664.

68. See, e.g. L.S. Senghor, Pour une Société Communautaire, 1960.

69. Of the eighty-one collective disputes reported to the Cap Vert Regional Labor Inspectorate in 1973, seventy-nine were settled in conciliation. Unpublished data from the Labor Inspectorate.

70. Eight representatives each of labor and management are chosen from industry, four each from commerce, and one each from agriculture and from the agricultural cooperatives. There are four members of the National Assembly to represent the legislative, plus one delegate from each ministry concerned with the agenda of a particular meeting.

71. The following discussion is based heavily on interviews with MM. Ly and Ba of the National Confederation.

72. The CNTS in fact established that the SMIG had lagged behind prices by 36.4 per cent before the November round of price rises. Le Soleil, 12 November 1974.

73. See note 37.

74. The official position was announced by the Minister of Labor, Amadou Ly, reported in Le Soleil, 26 November 1974.

75. The comparison of two not-quite-equivalent sources (S.G. 1976a and S.G. 1976b) suggests that employment in manufacturing and mining increased by about five per cent from December 1974 to December 1975.

76. Le Soleil, 22 November 1974, interview with M. Decomis, President of UNISYNDI.

77. Fish products comprised nine per cent of exports in 1973, and eight per cent in 1974, in third place behind phosphates and groundnuts. S.G. (1975), p. 29. Phosphate prices fell sharply later in 1975, as did groundnut prices, but these had less effect on local industry because in the former case, prices were still at historically high levels; in the latter case, because of the huge increases in volume of production.

78. Le Soleil, 24 January 1975 and interview with M. Ly.

79. Author's interview with M. Ly.

REFERENCES

Africa South of the Sahara (1973) Europa Publications, London.

Amin (1969) 'Le Monde des Affaires Sénégalaises' Minuit, Paris.

Berg (1959) 'French West Africa' in W. Galenson, ed., Labour and Economic Development, Wiley, New York.

Brun (1964) 'Vers l'Unité Syndicale au Sénégal' Afrique Documents, no. 75.

Brun (1965) 'La Question des Salaires au Sénégal' Afrique Documents, no. spécial 79.

Le Code du Travail (1964) Sénégal, Ministère de l'Information et du Tourisme 'Le Sénégal en Marche -- Le Code du Travail.'

CTOM (1953) Secrétariat Social d'Outre-Mer Code du Travail des Territoires d'Outre-Mer Société d'Editions Sociales, Paris.

Deschamps (1968) Le Sénégal et la Gambie Presses Universitaires Françaises, Paris, 2e. édition.

Foltz (1966) 'Senegal' in Coleman, J.S. and C.G. Rosburg, eds. Political Parties and National Integration in Tropical Africa University of California Press, Berkeley. 2nd. edition.

Gonidec (1955) 'La Convention Collective dans les T.O.M.' in Annales Africaines. Faculté des Sciences Juridiques et Economiques, Dakar.

IBRD (1973) 'The Economy of Senegal' Volume V., Washington, mimeo.

Labour Code (1974) 'Code du Travail du Sénégal' Clairafrique, Dakar.

Lo (1970) 'Le Droit des Conventions Collectives en Afrique de l'Ouest' Annales Africaines, Dakar.

Meynaud (1963) and Salah-Bey, Le Syndicalisme Africain -- Evolution et Perspectives Payot, Paris.

Pfeffermann (1968) Industrial Labour in the Republic of Senegal Praeger, New York.

Plan (1973) IV^{e} Plan Quadrennial du Développement Economique et Social 1973-1977 Nouvelles Editions Africaines, Dakar.

Salaires (1969) 'Salaires, Soldes et Traitements au Sénégal' Ed. Clairafrique, Dakar.

S.G. (1969-70) Sénégal, Caisse de Compensation 'Statistiques de l'Exercise Budgétaire 1969-1970' mimeo.

S.G. (1970) Sénégal, Ministère de la Fonction Publique et du Travail, Direction du Travail, de l'Emploi, et de la Sécurité Sociale, 'Structure de la Population Salariée des Secteurs Privé et Semi-Privé de la Région du Cap Vert en 1970' mimeo.

S.G. (1972)_____, 'Structure de la Population Salariée des Secteurs Privé et Semi-Privé en 1971-1972' mimeo.

S.G. (1973) Sénégal, Direction de la Statistique 'Situation Economique du Sénégal 1973' Dakar, 1974.

S.G. (1975) _____, Bulletin Statistique et Economique Mensuel, Dakar.

S.G. (1976a) Sénégal, Ministère du Plan; 'L'Emploi et les Salaires dans les secteurs privé et semi-privé du mois de Décembre 1975,' Dakar 1976.

S.G. (1976b) _____, 'Bulletin Semestriel d'Information sur l'Exécution du Plan' no. 3, August 1976.

Le Soleil, Senegal's Daily newspaper, edited by the UPS.

FURTHER READING

A critical analysis of current problems in Senegal and other West African countries is provided by Samir Amin, Neo-Colonialism in West Africa, Penguin African Library, 1973.

Studies by Senegalese economists and politicians of the West African economy at the time of independence include Mamadou Dia, "Réflexions sur l'Economie de l'Economie de l'Afrique Noire," Présence Africaine, Paris, 1960; and Abdoulaye Wade, "Economie de l'Ouest Africain," Présence Africaine, Paris, 1964.

On labor law, the best short work is P.F. Gonidec, Cours de Droit du Travail Africain et Malgache, Librairie Generale de Droit et de Jurisprudence, Paris, 1966.

Senegalese political institutions are summarized in P.S. Gonidec, La République du Sénégal, Institut International d'Administration Publique, Editions Berger-Lavrault, Paris, 1968.

Current magazines with frequent articles about the Senegalese economy and labor relations are:

Africa, monthly, published in Dakar.

Afrique Industrie -- Infrastructures, bimonthly, published in Paris.

Afrique Nouvelle, weekly, Dakar.

Bulletin de L'Afrique Noire, weekly, Paris.

Marches Tropicaux et Méditéranéens, weekly, Paris.

Le Moniteur Africain du Commerce et de l'Industrie, monthly, Dakar.


BRODART
MADE IN U.S.A.