



# **Targeted Surveys on application of core labour standards Cape Verde**

**Written by Ergon Associates  
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**EUROPEAN COMMISSION**

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Directorate-General for Employment, Social Affairs and Inclusion  
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# Targeted Surveys on application of core labour standards, Cape Verde

This report has been developed to provide a picture of the application of core labour standards in Cape Verde. The report is based on a combination of desk research and stakeholder interviews. The assessments of the issues covered in the report are based on the views of credible international organisations, national governments, employer organisations, trade unions, experts and other stakeholders.

## Progress

- Legislation and enforcement against human trafficking
- Legislation and protection against worst forms of child labour
- Labour inspectorate capacity on islands of Sal and Boa Vista

## Challenges

- Tripartite dialogue relating to right to strike (establishing minimum services and grounds for civil requisitioning)
- Uncertainty surrounding right to strike in practice
- Non-discrimination legislation
- Limited information and data on CLS issues

## Key context

A sound multi-party democracy since 1991, Cape Verde is a young and rapidly developing republic. Among its West African neighbours, the archipelago distinguishes itself through its political and economic stability. Cape Verde has enjoyed middle-income status since 2008, largely based on income generated by tourism, which continues to be the backbone of the economy. This has brought about notable social development gains, with significant declines in poverty.

Nevertheless, the labour market does face challenges, with a significant proportion of informality and self-employment. Employment is also declining in a key export sector - aquaculture. Furthermore, with most of the population under the age of 25, creating decent work opportunities for youth is an increasingly pressing challenge. Following a 'modernization' of the Labour Code in late 2016, workers' representatives have also voiced concerns about an increase in 'flexible' forms of employment.

Its history of migration is central to understanding Cape Verde, which has a recognised diaspora, primarily in the US, Portugal and other Western European countries. With a relatively small domestic labour force, in more recent years the archipelago has itself become a destination country for economic migrants. Migrant workers are primarily from member countries from the Economic Community of West African States (ECOWAS), through which full labour mobility is permitted. Between 17,000 and 20,000 migrants are thought to be currently working in Cape Verde, principally in construction and services, in both formal and informal employment.

Cape Verde has made some considerable advancements on core labour standards (CLS) issues in recent years, as detailed below. There are, however, some cross-cutting issues that are constraints to progress. These include the limited capacity of the labour inspectorate (Inspecção Geral do Trabalho - IGT), inadequate technical knowledge of CLS issues among some relevant authorities and national stakeholders, and a paucity of data and information on CLS issues in practice. Nevertheless, some efforts to remedy these issues have been observed, with government increasing the number of labour inspectors on the islands of Sal and Boa Vista during 2018.

## **Freedom of association and collective bargaining**

Freedom of association and the right to collective bargaining are broadly respected in Cape Verde, in both law and practice. Trade unions carry out their activities without interference and there are no recent reports of violence, threats, or other abuses against trade union members or leaders. Collective bargaining is reportedly limited, however. In 2017, it was agreed that the National Committee for the Promotion of Collective Bargaining would be re-launched. Also, the ILO is providing technical assistance to establish collective agreements in the hotel and banking sector. However, little has yet to change in practice.

Legislative issues persist in relation to the list of minimum essential services to be maintained during strike action and the imposition of civil requisitioning, or “back to work orders”, during strikes. Through the reform of the Labour Code in 2016, it was provided that an independent tripartite commission was to be established and that this commission would decide on amendments in these two areas. Nevertheless, the commission has yet to be established, with various reasons cited for the delay. This situation has thus left law reform in this area in a state of uncertainty. In this context, government classified a police strike in late 2017 as illegal for reasons including failure to comply with civil requisition and failure to maintain minimum essential services. Trade unions have since lodged a complaint with the ILO in relation to this.

## **Forced labour**

National legislation is broadly in line with international standards. Previous gaps were rectified by the 2015 amendment of the Penal Code, which criminalised trafficking. Indeed, Cape Verde is considered to have made positive advancements against trafficking, approving its first anti-trafficking national action plan in May 2018 and prosecuting perpetrators under the new Penal Code provisions. In practice, recent cases identified by authorities have been related to sex trafficking.

Contrastingly, non-sexual forms of forced labour are not widely reported in Cape Verde. However, some stakeholders acknowledge that indicators of forced labour may well be present yet may go unrecognised as such. Migrant workers are thought to be at an increased risk. Relevant authorities in Cape Verde may also conflate the concepts of forced labour and trafficking, and they note that there is limited data and reporting on this issue in practice.

## Child labour

The legislative framework on child labour is partially in line with international standards. Some notable legislative gaps persist in relation to minimum age for unpaid work, regulations on light work, and protections for working children outside formal employment relationships. The latter is particularly important considering that child labour, including in its worst forms, is overwhelmingly found in informal contexts in agriculture, domestic work and to a lesser extent street work. Sexual exploitation of minors is also an identified risk issue.

Of the four core labour standards areas, the strongest commitment and enforcement efforts appear to have been made in relation to child labour. Legislative amendments were passed, such as the adoption of a list of defined hazardous work in 2016, and a variety of well-regarded protection efforts by the Cape Verdean Institute for Children and Adolescents (ICCA) are ongoing. These actions include an awareness campaign, a child labour reporting hotline and emergency centres for at-risk children. Contrastingly, international observers and national stakeholders largely report that enforcement remains inadequate, particularly in high-risk contexts. Again, there is limited data and reporting on inspections or prosecutions related to child labour, and this impedes effective monitoring of the situation.

## Discrimination

In practice, women and migrant workers are most likely to experience employment discrimination in direct and indirect forms. The legislative framework is broadly adequate, despite some notable gaps, which were not amended in the Labour Code reform in 2016 – this was considered a missed opportunity by many. Legislative gaps persist in relation to equal remuneration for work of equal value, protections against sexual harassment by fellow employees, and non-discrimination on grounds of national extraction. Employers' representatives stress that legislation must be amended as a priority, before any tangible improvements in practice can be expected.

Although cultural barriers remain, some efforts to tackle gender discrimination and poor conditions of migrant workers have been observed under relevant national plans and strategies adopted in recent years. Furthermore, the Institute for Gender Inequality (ICIEG) reportedly established a working group in August 2017 to identify gaps in legislation concerning gender equality in employment. The online Gender Observatory of Cape Verde was also launched in 2016 to provide better statistics and visibility on gender equality issues. However, international observers continue to highlight a lack of data and reporting on these issues, which means progress is difficult to monitor.

## Status of ratification and reporting

Cape Verde has ratified all eight ILO fundamental (core) conventions and one of the four governance (priority) conventions – C81 (Labour Inspection). During 2016 and 2017, Cape Verde did not fulfil all its reporting requirements to the ILO supervisory machinery. This has triggered some out-of-cycle requests from ILO supervisory bodies. The ILO is currently implementing an EU-funded project, which seeks to improve Cape Verde's reporting capacity, among other aims.

		<b>direct requests on core conventions</b>
<b>Freedom of association &amp; collective bargaining</b>	C87	(2018): Requested efforts to determine the minimum services in the event of a strike, and thus exceptional cases where civil requisition would be applicable. These must be agreed through tripartite dialogue, as dictated under the Labour Code reform.
	C98	(2018): Requested reports on progress made to promote collective bargaining and re-establish of the National Committee for the Promotion of Collective Bargaining. Welcomed case specific advancements.
<b>Forced labour</b>	C29	(2016): Requested govt revise the Penal Code to criminalize trafficking in persons for sexual and labour exploitation. This issue was reportedly resolved through an amendment to the Penal Code.
	C105	<i>No recent comments</i>
<b>Child Labour</b>	C138	(2018): Repeated 2015 comments. Requested that measures be taken to ensure that legislation protects children in informal working relationships; sets a minimum age for unpaid work; provides regulation of light-work activities; and regulates artistic work of children.
	C182	(2016): Requested that measures be taken to define 'minor' in the Penal Code; ensure that hazardous work legislation protects children in informal working relationships; and that the Penal Code improves protections against prostitution of under 18s.
<b>Discrimination</b>	C100	(2017): Noted that current legislation provides no system for objective job evaluation.  (2017): Noted that provisions in the Constitution and the Labour Code on equal pay are more restrictive than the principle of equal remuneration for work of equal value provided for in the Convention.
	C111	(2017): Noted that the Labour Code does not protect against discrimination on the grounds of national extraction or sexual harassment by other workers and requested amendments. Requested govt take measures to train labour inspectors on provisions.

## References

ILO CEACR, [Observations and Direct Requests for Cape Verde](#)