



**MEMORANDUM OF UNDERSTANDING BETWEEN CENTRAL
ORGANISATION OF TRADE UNIONS KENYA (COTU-K) and NATIONAL
FEDERATION of WORKERS and EMPLOYEE TRADE UNIONS IN LEBANON
(FENASOL)**

Date: 28th October, 2022

Place: Nairobi, Kenya

Memorandum of understanding between Central Organisation of Trade Unions Kenya (COTU-K) and NATIONAL FEDERATION of WORKERS and EMPLOYEE TRADE UNIONS IN LEBANON (FENASOL)

Date

This Agreement is dated the 28th day of October 2022.

Parties

This Agreement is made between the following parties:

1. The Central Organisation of Trade Unions Kenya (COTU-K) as represented by the Secretary General of (COTU-K)

And

2. The National Federation of Worker and Employee Trade Unions (FENASOL) as represented by the President of FENASOL

Preamble

The parties to this Memorandum of understanding, the Central Organisation of Trade Unions Kenya (COTU-K) and the National Federation of Worker and Employee Trade Unions (FENASOL);

Recognizing the importance of migration for employment between Kenya and Lebanon and their positive contribution to the economies of both the country of origin of migrant workers and the country of destination;

Convinced that the benefits of labour migration for Kenya and Lebanon, their national workers, and the migrant workers themselves, can best be maximized through the effective promotion and respect of workers' rights, including basic human



rights, and fundamental principles and rights at work enshrined in UN and ILO Conventions, and through the promotion of decent work for all;

Equally convinced that the situation of migrant workers should be addressed through the principles of international trade union solidarity, social justice, equal treatment, equal opportunity, and gender equity;

Reaffirming that freedom of association is a central and non-negotiable principle and that the participation of migrant workers in trade unions contributes to their realization of decent working conditions and integration into the society of the countries of destination.

Have agreed as follows:

1. General Provisions

- 1.1 The parties to this agreement are committed to strengthening the relationship between the two trade union organizations, their affiliates, and workers of their countries on the basis of trade union solidarity.
- 1.2 The two parties shall have high-level bilateral meetings once in two years that will be held on a mutually agreed agenda, date, and venue.
- 1.3 They shall strengthen the relationship between their affiliated trade unions and sectoral federations. Accordingly, affiliated trade unions and federations are encouraged to cooperate and have an exchange of delegations around all issues related to their respective sectoral industrial federations and trade unions.
- 1.4 The delegate of each of the signatory trade union organizations shall attend and address the Congress of the other trade union organization based on an invitation letter that shall be extended in due course.
- 1.5 They shall work together to take a common stance with regard to issues that are of common concern and interest for migrant workers and both organizations.



2. Key Principles

Central Organisation of Trade Unions Kenya (COTU-K) and the National Federation of Worker and Employee Trade Unions (FENASOL) agree on the following key principles in addressing issues related to the rights of migrant workers:

- 2.1 An important principle of the ILO International Labour Standards System is that "All international labour standards apply to migrant workers, unless otherwise stated. National laws and regulations concerning labour migration and the protection of migrant workers should be guided by relevant international labour standards and other relevant international and regional instruments" as very well stated under the provisions of the ILO Multilateral Framework on Labour Migration. This means that all ILO ILS, unless stated otherwise, apply equally to migrant workers, regardless of their status; and provide basic principles and practical guidelines and best practices for a rights-based approach to labour migration.
- 2.2 Provisions of ILO Conventions on Fundamental principles and rights at work (C87, C98 on freedom of association and the effective recognition of the right to collective bargaining, C100, C111 on the elimination of discrimination in respect of employment and occupation, C29, C105, P 29 on the elimination of all forms of forced or compulsory labour, C138, C182 on the effective abolition of child labour, C155, p155, and C187 on occupational safety and health), in addition to conventions No.97 on Migration for Employment, and No.143 on Migrant Workers (Supplementary Provisions), No. 102 on social security, No.90 on violence and harassment at work, No. 189 on Domestic Workers, No.118 on Equality of Treatment, No. 181 on private employment agencies, and their related Recommendations (R 86, R 151, R206...), as well as the ILO 2008 Social Justice Declaration, the ILO 2019 Centenary Declaration for the Future of Work and the ILO Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient.
- 2.3 Provisions of the UN Global Compact for Safe, Orderly and Regular Migration (GCM), the 2030 Agenda for Sustainable Development (SDGs),



the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990, and other related human rights treaties with particular reference to the right of universal access to healthcare.

- 2.4 Provisions of national and international laws and jurisprudences to the effect that once an employment relationship has been established, all workers should enjoy the full panoply of labour rights included in internationally recognized human rights and labour standards, the country's legislation, and applicable collective bargaining agreements.
- 2.5 Provisions of the international trade union movement principles and guidelines.
- 2.6 Social Dialogue mechanisms, as per the ILO, are key for the effective implementation, monitoring and evaluation of the entire migration cycle, if well used; they can equally benefit both national and migrant workers and their families, as well as countries of origin and destination. Both COTU-K and FENASOL will promote good practices on social dialogue and profit the established mechanisms in their countries to support each other's efforts to influence the development, implementation, and evaluation of bilateral agreements between their respective governments and the adoption of national policies on labour migration in line with the ILS.

3. Trade Union Campaigns

COTU-K and FENASOL agree to carry out joint trade union campaigns:

- 3.1 To raise awareness about the positive contribution of labour migration to the economies of both the countries of origin and the countries of destination of migrant workers, as well as their contribution to the promotion of cultural diversity and international cooperation; and to raise awareness of migrant workers about their rights and the general situation of the destination countries before departure through making information available in the languages of migrant workers.



- 3.2 To actively campaign against racism and xenophobia in society and thrive to combat all forms of discrimination and misleading propaganda in both the countries of origin and countries of destination of migrant workers.
- 3.3 Promote actively the ratification of ILO Conventions and Protocols, as both Lebanon and Kenya have not yet ratified C 87, P29, C 155, P155, and C187.
- 3.4 To actively promote the ratification of International Labour Conventions No. 97 and No. 143 as well as ILO Convention on private employment agencies (No. 181) and Convention on Public employment services (No. 88).
- 3.5 To actively promote the ratification of the Social Protection Convention (No. 102) Domestic Workers Convention, 2011 (No. 189) as well as the Violence and Harassment Convention (No. 190) and to fully engage and support the work undertaken by the ILO at the national, regional, and international levels to promote decent work for domestic workers.
- 3.6 To promote the ratification of the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- 3.7 To raise the specific concerns of migrant workers in their national tripartite labour committees and encourage affiliated trade unions to integrate them in collective bargaining with employers; and ensure that labour legislation and collective agreements fully protect all migrant workers, including those in an irregular situation and/or involved in temporary labour migration programmes.



- 3.8 To take specific measures to address occupational health and safety, violence at work, and housing concerns of migrant workers, particularly in sectors known for dangerous working conditions, as well as to promote special protection for particularly vulnerable workers, such as domestic and agricultural workers.

4. Other actions

COTU-K and FENASOL agree to commit themselves to undertake the following actions:

- 4.1 To develop regular communication channels and networking at the highest level between both organizations party to this agreement.
- 4.2 To support the holding of regular seminars, pre-departure union training, and orientation programmes on arrival in the destination countries to acquaint themselves with their new environment, as well as organizing conferences on issues related to labour migration and workers' rights, and to exchange information on the labour market situations of their respective countries.
- 4.3 To set up migrant workers' consultative bodies and special migrant workers' desks and/or focal persons, within their organizations, so as to reach out and organize migrant workers and ensure they may join the trade union in the country of destination, may participate in union activities and may obtain trade union protection in case of abuses and violations of their rights.
- 4.4 To establish information centres for migrant workers as part of their efforts aimed at offering protection for migrant workers during the different stages of their migration journey: in countries of origin before they consider migration, in the migration process to the countries of destination, and upon arrival, during their stay and in the process of returning home, with



special efforts to provide both potential migrants, and migrants with information material in their native languages.

- 4.5 To develop joint measures, including legal support, for immediate action to denounce abusive practices and to find solutions to them through legal remedies or other available alternative dispute-resolution mechanisms.
- 4.6 To support FENASOL's efforts to outreach, mobilize and organize the Kenyan migrant workers in Lebanon, through all possible means, including advice on the ways to extend trade union protection to migrant workers and enable them to enjoy decent working conditions equally to the national co-workers. To encourage affiliated unions in both countries to build up cooperation, particularly in sectors where migrant workers are present.
- 4.7 To undertake joint trade union activities to mark International Migrant Workers' Day on 18 December.
- 4.8 To organize regular cross-border meetings and joint evaluation of progress made in the implementation of bilateral agreements in order to propose possible measures for improvements as appropriate.
- 4.9 To engage with the ILO, ITUC including its regional structures in Asia, Africa and the Arab Region, and benefit from their extensive experience on migrant workers issues.

5. Other promotional efforts

The signatories to this bilateral trade union agreement commit themselves to jointly promote:

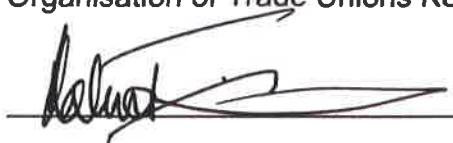
- 5.1. Cooperation between the governments of the countries of origin of migrant workers and their countries of destination to enhance governance of migration, in the fields of the establishment of legal avenues for labour migration, the strengthening of labour inspection, legal cooperation in the case of trafficking and abusive situations, and issues of maintenance of social security entitlements and the strict supervision and control of activities by recruitment and employment agencies (in conformity with ILO



Parties, by way of amendment pursuant to this Article, agreed to extend the term.

6.2^o This agreement may be modified by way of a document or Letter of Amendment signed by both parties.

In Witness Whereof, the duly authorized representatives of the parties, hereby subscribe to this agreement, in duplicate originals, at the Headquarter of Central Organisation of Trade Unions Kenya (COTU-K) this 28th October 2022.



Dr. Francis Atwoli NOM (DZA) CBS, EBS, MBS

Mr. Castro Abdallah

Secretary General of COTU-K

President of FENASOL

For Central Organisation of Trade Unions Kenya
Worker and
Unions

For National Federation of
Employee Trade

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