



An Assessment of Employment Conditions for Logging Company Workers in Three Forest Management Contracts in Liberia

December 2019

Key messages

- Researchers from the National Union of Community Forestry Development Committees and the EU-funded Non-State Actor project examined employment contracts, health and safety issues, housing, and collective bargaining in the three FMCs currently operating in Liberia.
- The Decent Work Act, Voluntary Partnership Agreement, FMC contracts, and Social Agreements were analyzed, along with interviews with workers, managers, and officials.
- Issues identified include inconsistent wording in Social Agreements around the preference for workers from local communities (and monitoring of this stated preference); lack of appropriate or adequate employment contracts – and implications for compliance with minimum wage laws; and obstacles to organized labor and the formation of trades unions.
- The main recommendations include regular performance audits to be conducted by the Ministry of Labor and the Forestry Development Authority; proper application of minimum wage laws; much greater gender equity in employment in the sector; and improved investment in and fair treatment of worker by logging companies.

1 Background

The 2015 Decent Work Act of Liberia provides the means by which all workers within the Republic of Liberia should be treated.¹ Within the forest sector, the Code of Forest Harvesting Practices (CFHP) also provides a detailed welfare plan for workers' safety and protection.²

The standard Forest Management Contract (FMC) under which each logging company in this assessment operates includes specific clauses on employment practices, most of which refer back to the legislation. But on the subject of preference for local labor they go further:

“In the selection of employees to conduct its operations under this contract, holder shall give preference to competent and qualified individuals living in or near the contract area, and particularly to individuals from communities benefiting from the holder’s Social Agreements. Holder shall not import unskilled labor from

outside Liberia. Holder shall comply with all training and employment obligations required by law or regulation.” — FMC Clause B3.23³

The Voluntary Partnership Agreement (VPA) between Liberia and the European Union (EU) also has a specific principle emphasizing that employment conditions have to be complied with for any harvested timber to be legal (see Box 1).⁴ Furthermore, Social Agreements signed between the communities affected by these logging concessions and the concession holders state their purpose, in part, is to “establish non-financial benefits (employment and benefits in kind)” for the affected communities.⁵

Despite the enactment of these laws, regulations and agreements to improve forest governance, there have been incessant complaints from workers and communities about how workers' rights have been violated by logging

companies. Nonetheless, since the signing of these laws, regulations and agreements over a decade ago, there has been no clear assessment report to our knowledge that shows how these legal provisions have been effectuated in Liberia by the logging companies. The lack of information on the terms and conditions of these logging companies' contracts and how workers are treated limits the possibility for evidence-based deliberations on the issues and how best to resolve them. To address this lack of information, the EU NSA project commissioned this assessment.

In this assessment, a particular emphasis is placed on the employment or contracting procedures detailed in the 2015 Decent Work Act, the key elements of which have been reiterated in the VPA legality matrix (see Box 1).⁶ The VPA requires an annual inspection of each logging operation, conducted by the FDA but requiring support and input from the Environmental Protection Agency and the Ministry of Labor.⁷

Box 1: VPA Principle 8

What does Liberia's VPA say about employment conditions?

Principle 8: "the contract/ permit holder or timber processor meets its obligation under the Labor Law and any collective bargaining agreements of the timber industry".

Indicator 8.1: "Liberian nationals are given preference by contract/permit holders and timber processors in the employment of skilled and unskilled workers in keeping with Liberian Labor Law".

Indicator 8.2: "The contract/permit holder or timber processor pays to all its employees no less than the minimum wage established by law".

Indicator 8.3: "The contractor/permit holder or timber processor complies with the maximum hours of work, leave and rest periods laid out in law".

Indicator 8.4: "The contract/permit holder or timber processor has neither employed anyone under the age of sixteen nor engaged in the practice of forced labor".

Indicator 8.5: "The contract/permit holder or processor pays its (employer's) contributions to the employee pension and social security funds established by Liberian Law".

1.1 The concessions chosen for this assessment

The study focused on three of the seven logging companies that hold FMCs in Liberia. These three are actively operating concessions across six counties (see Table 1). Each company, in each county, has a Social Agreement with the affected communities, who are represented by their Community Forestry Development Committee (CFDC). Social Agreements are, by law, to be renegotiated every five years.⁸

Table 1: Logging contracts covered by this assessment (see text for sources)

Company	Contract	Counties	Area (ha)	Social Agreements
Alpha	FMC A (2008)	Lofa	74,186	2009 & 2015
		Gbarpolu	45,054	2015
Geblo	FMC I (2009)	Sinoe	53,411	2009 & 2016
		Grand Gedeh	78,055	2009 & 2016
ICC	FMC K (2009)	Rivercess	40,887	2010 & 2016
		Nimba	127,842	2010 & 2016
		Grand Gedeh	98,181	2010 & 2016

FMC A: Alpha Logging and Wood Processing Incorporated

FMC A has a total area of 119,240 hectares and was originally awarded to Alpha Logging and Wood Processing Incorporated (Alpha).⁹ From the time of the allocation to date, there have been a number of reports highlighting possible failures by Alpha to follow the law.¹⁰ The company started operating in Lofa County, where the larger proportion of the contract area lies (62%). Company representatives state that it subcontracted to a group called Hopeful, and that the level of activity has ebbed and flowed, especially when affected by the Ebola outbreak in 2014.

In 2016, a report noted that Alpha "did not agree a Social Agreement with the affected communities of Gbarpolu County because of the company disagreement on the cost to construct a standard bridge over the St. Paul River between Gbarpolu and Bong County which is the shortest route until July 2015, after three re-negotiations over a seven year period".¹¹

By law, logging cannot start until a Social Agreement is signed, so Alpha has not been able to operate in Gbarpolu County until the Social Agreement was signed.¹² A corollary of this rule is that in any FMC, the affected community does not enjoy any of the benefits in a Social Agreement (including any agreed preferential treatment for employment) unless the company is operating in that county. Thus, as logging operations rotate through a concession area, different communities come into, and leave, the focus of benefit sharing.

FMC I: Geblo Logging Incorporated

FMC I has a total area of 131,466 hectares and was originally awarded to Geblo Logging Incorporated (Geblo).¹³ According to VPA reports, Geblo owed US\$1.3 million in area and contract fees as of the end of 2018.¹⁴ CFDC representatives state that the operations are currently in

both two counties – Sinoe and Grand Gedeh, and that the concession has had several operators since the award of the contract. They, and company representatives add that since December 2018 the operator has been Liberia Ruby Light Forestry Investment Incorporated.

FMC K: International Consultant Capital Incorporated

FMC K is the largest logging concession in Liberia, at 266,910 hectares (15% in Rivercess County, 48% in Nimba County and 37% Grand Gedeh County), and was originally awarded to International Consultant Capital Incorporated (ICC).¹⁵ From the time of the allocation to date, there have been a number of reports highlighting possible failures by ICC to follow the law.¹⁶ According to VPA reports, ICC owed US\$1.4 million in area and contract fees as of the end of 2018.¹⁷ Company officials and CFDC representatives from the three counties describe that the company started operations started in Rivercess County and is currently concentrated in Nimba County with just a little work ongoing in Rivercess, while the proportion in Grand Gedeh County – and thus benefits accruing to the affected community in that county – remain untouched. The concession is mainly operated by Forest Venture with a small portion operated by ICC itself.

1.2 Field assessment approach

The examination of key legal and contractual documents was accompanied by participatory research in the locales of

the three contracts, led by a representative from the NUCFDC as this organization is familiar with the study participants, the topics and the locations under investigation. Key discussion topics were agreed and an interview guide was then used with group discussions with community members, and key informant interviews with lower level employees and top managers. In all, during March 2019, 111 people contributed: 30 were ordinary workers (10 from each contract area), 15 supervisors (5 each), 60 community members (20 each) and 6 senior managers (2 each). Due to the discursive nature of the research approach, most of the information gathered in by nature anecdotal, and it proved near-impossible to gather hard documentary quantitative evidence.

1.3 Challenges in information gathering

In the three areas studied, workers and community members were generally more forthcoming than supervisors and production managers. Top management at the company head offices in Monrovia were the least responsive, and the researchers identified suspicion, and the fear of disclosure of sensitive information as the main reasons. In addition, some lower-skilled workers such as machine operators were not fluent in English, and nor did the research team have all the appropriate local languages. It was also felt that workers were reluctant to speak their minds fully for fear of reprisal from top management.



2 Findings

Summary findings are presented in Table 2. The findings under five topics – employment, health and safety, housing, food rations, and trade unions – are discussed in detail below. The section ends with some findings regarding the monitoring and reporting of labor conditions.

2.1 Employment contracts

At the time of the assessment, Alpha reported 75 workers, and Ruby Light 184. The assessment failed to get an estimated number of people working with ICC.

2.1.1 Type of contract

Interviewees reported that logging companies typically award short term (up to six-month) contracts. This is not unexpected in a sector that is seasonal by nature, with access by heavy machinery to many forest areas almost impossible in the rainy season, and company representatives said this is the best way to handle these

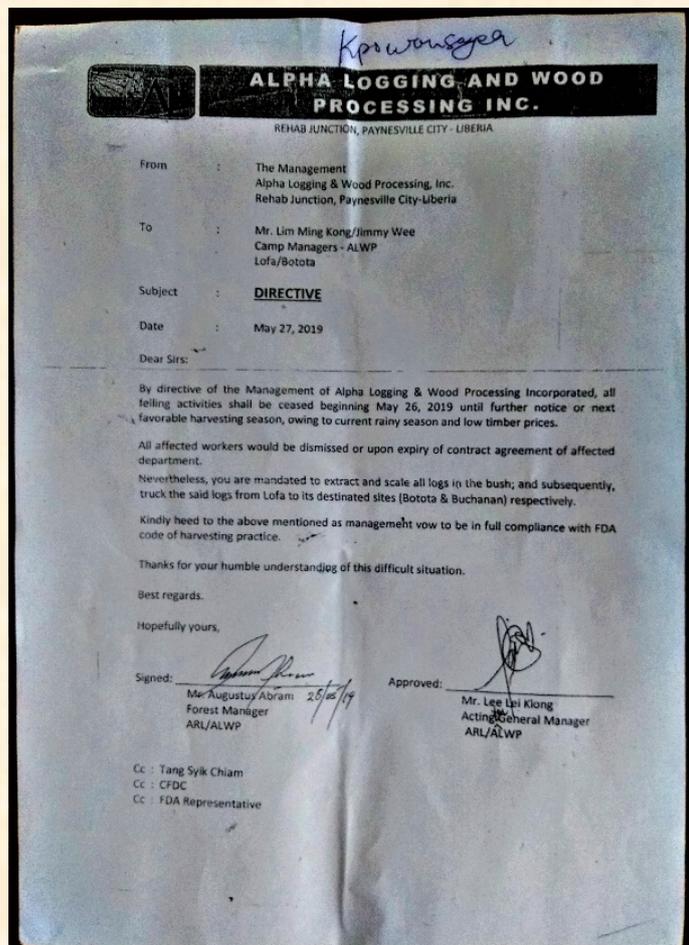
contracts because the work is seasonal and depends on production period, which is mainly during the dry season. Some representatives cited clauses in the Decent Work Act that provide for fixed-term contracts.¹⁸ However, some workers reported that the company used this non-production period to lay off staff who had demanded certain rights from the company. Furthermore, no company representative noted the adjacent clause in the Decent Work Act, providing the right for a casual employee to convert to a regular contract if they are engaged on a “regular and systematic basis for a sequence of periods of employment during a period of six months”.¹⁹

“Management has decided to issue all of the workers written contracts. But it should be noted that the contract will mainly be short-term because we operate only in the dry season period. Even us as workers know that we don’t work throughout the year.” — Male Worker ‘A’

Table 2: Summary of information provided by interviewees in each of the three concession areas.

Key Questions	Alpha	ICC	Ruby Light (Geblo)
Number of male employees	73	No information	179
Number of female employees	2	No information	5
Employment contract	Majority have formal contract, but irregular	Majority have no formal contract	No written contracts
Contract duration	Short term (1-6 months)	Short term (1-6 months)	Daily
Category of contract:			
Full time	15%	14%	0%
Part time/casual	85%	84%	100%
Minimum daily wage	\$3.50	\$3.50	\$3.50
Maximum daily wage	\$8.00	\$8.00	\$7.50
Gender consideration	Low	Low	Low
Health conditions:			
Frequency of safety equipment supply	Annually	Annually	No information
First Aid Team	None	Yes	None
First Aid facilities	None	Yes	None
Emergency vehicle for the workers	None	None	None
Received full benefit for injury on job	1 person	No information	No information
Received some benefits for injury on job	60%	50%	70%
Staff living on the camp	40%	10%	30%
Staff receiving food rations	80%	No information	No information
Food ration reliability	Regular	Irregular	Irregular
Food ration quantity	25kg per person	25kg per person	25kg per person
Workers’ or trade union	No union	No union	No union

However, it was also noticed that renewal of contracts after they lapse is often delayed, meaning staff continue to work without effective contracts before renewal. Many of the workers for Ruby Light said they do not have formal contracts and the company has not issued contracts to many of its staffs whether full time, part time or casual laborers. Attempts to verify this information with the company's senior managers failed, but some field supervisors reported that the management has decided to work on providing workers written contracts from April 2019, implying they didn't have them at the time of this assessment.



Letter posted in FMC A laying off seasonal workers

"Since I started working with this logging company, they have not given me contract. They only mark us for the number of days we worked for. At the end of the month, or sometime in the next month, they can pay us for what we work for. Again, they can owe us for long without paying our money. But when we ask for our pay, they say we told you to wait for us. No money yea. We will pay you when we get money. And the problem is we don't know what really to do. My brother, you people have to help us with some information please." — Male Worker 'B'

The companies categorize work force into skilled and unskilled laborers. Estimates by respondents indicate that

skilled laborers – mainly administrative staff and some supervisors – receive full time employment contracts while the unskilled laborers may not receive written contracts at all, as they are mainly casual or daily hire laborers.

2.1.2 Preference of employment: citizens and non-citizens

The current (2016) Social Agreement between Alpha and the affected communities in Lofa County states "That Alpha Logging Company agrees to grant first preference to all skilled and unskilled job opportunities and a representation at middle manager job opportunities which shall be done through the CFDC and a list of all community members employed or contracted by the company shall be made available to the CFDC in the second month upon the signing of this agreement with an update made semi-annually".²⁰ It also contains clauses about the quality of worker's housing,

"We the community people employed to do logging work are more. From my experience, the company consult the CFDC on the recruitment of workers to give chance to community members who have the requisite skills to work. Most of the times, the CFDC makes recommendation for employment." — Male Worker 'C'

The Social Agreement between Alpha and the affected communities in Gbarpolu County provides the following commitment to local labor: "Alpha Logging agrees to provide first preference for employment for skilled and unskilled citizens of the affected communities in Gou-nwolaila and Bokomu Districts. Alpha Logging agrees to provide on the job training for local employees".²¹

In 2016 ICC signed three revised Social Agreements with communities in the counties including in the FMC K area, all of which commit to compliance with the labor laws. Those for River Cess and Nimba Counties, state "ICC agrees to provide first preference for employment for skilled and unskilled locals from the affected communities".^{22, 23} That for Grand Gedeh County has the same clause, with the additional phrase "...upon the commencement of ICC operations".²⁴ The current (2016) Social Agreements between Geblo and the affected communities in Sinoe and Grand Gedeh have the same provisions as for ICC, namely respect for employees rights consistent with the labor law, and agreement to give "first preference for employment for skilled and unskilled locals from the affected communities."^{25, 26}

These clauses comply with basic standard in the official guidance (see below) but don't fully cover aspects of collaboration with the community's representative body, regular review, or public disclosure.

“Suggested standard provision on non-financial benefits including employment and benefits in kind: [fill in name of company] agrees to give first preference for employment for unskilled job opportunities and a representation in middle management to locals from the affected communities. Hiring for those positions shall be done in collaboration with the CFDC. A list of all community members employed or contracted by the company shall be made available to the CFDC in the second month of this agreement and will be updated every six months’.” — Social Agreement Negotiations Guide²⁷

The assessment was unable to establish the total number of community members working with the companies, but most of the respondents declared majority as Liberian citizens predominately citizens of the affected communities. A three-country study in 2012 also noted that most of local employees are in the unskilled working categories, including casual workers, security, mates, etc.²⁸

2.1.3 Wages of employees

Section 16 of the Decent Work Act, states that in the formal sector (concessions, industry, business, companies, etc.) workers are entitled to a minimum wage of US\$5.50 per day, and domestic and/or casual workers employed in the informal sector are entitled to a minimum wage of US\$3.50 per day.²⁹

Workers interviewed each told us what they earned on a monthly basis and the lowest and highest figures, converted to a daily rate, are presented in Table 1. The three concessionaires do respect the minimum wage in that no one was paid below US\$3.50 per day. A maximum rate of the equivalent of US\$8.50 per day was paid to senior staff. However, key informants at the Ministry of Labor indicated that companies paying employees at US\$3.50 for jobs that would meet the definition of the formal sector are in violation of the law. Further investigation is warranted to determine if this is the case in logging concessions.

In several interviews, workers reported irregular payment of salaries and benefits – in some cases two or three months after work is performed. They also reported variances in wages for staff doing similar work, declaring that companies did not take into consideration any ‘equal work-equal pay’ policy. They said this was not clearly explained or justified by managers, and some went as far as to say the payment systems were biased and in violation of best labor practices.

“There is no best practice here for workers. The company pay us whatever amount they choose. We sometimes argue that our pay is less than the days we have worked for, but they don’t listen to us.” — Male Worker ‘A’

2.1.4 Gender

Gender mainstreaming remains a major challenge in the labor force of logging companies. Respondents suggested that the types of work available for women include cooking, caretaking, log marking and security or safety officers. Company managements declared that most women are not willing to take on heavy physical and risky tasks.

Most women interviewed agreed they have less capacity to perform functions such as log felling, log hauling, using trucks and other machines, scaling logs and tree identification or prospecting. However, they disagreed to the assertion that women are not willing to take on some of the roles play by men. According to them, even though the work is difficult, they expressed readiness to serve as truck and other machines operators or mates in fulfilment of a national campaign for ‘women behind wheels’.³⁰

“Who told you that we can’t do what the men are doing? Women can do all the work they are doing here. The only problem is, the company has less interest in employing women and training them to do work they want them do. But wait, women are not able to drive truck in the forest in building roads and hauling the logs and loading the trucks? Just say they don’t have interest in training women in becoming truck driver and serving as truck mates. Without training women, they can serve as mates to truck riders and machines operators. You don’t believe that?” — Female Administration Worker ‘D’

2.2 Health and safety

2.2.1 Working equipment/safety materials

The Decent Work Act provides for the establishment of a National Occupational Safety and Health Programme that will “contribute to the protection of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace” and lead to regulations that “prescribe the requirements with respect to the provision and use in specified circumstances of protective clothing or equipment and rescue equipment”.³¹

“We suffer serious cold because we are not protected at all. We spend the whole day under the rain. What can we do now? We just have to work to get small money for our self and family. My brother, it not easy with us in the bush. This people don’t care for us at all. By right they should give us materials to protect us from the rain and the tree.” — Male Worker ‘E’

Workers reported that companies do not regularly provide personal protection equipment (PPE) for their workers, which puts the workers at high risk.

While responding to questions on provision of safety materials, the management of Ruby Light reported that they have already ordered safety materials and these will be distributed to workers a few weeks after our field interview. According to senior staff at Alpha and ICC, safety equipment is distributed annually to workers, and that those workers who ‘carelessly’ mishandle their consignments are left without safety materials until new distribution. Some workers interviewed at Alpha and ICC concessions reported receiving safety materials annually, but established the materials cannot last for even three months, let alone a year.

“We are issued with safety materials annually, and are compelled to maintain them until the year ends. But the fact of the matter is, these materials cannot be maintained for a year giving the nature of work we do here. Even when you ask them, they will say to you the same thing. Again some workers have never been given PPE equipment.” — Male Worker ‘C’

2.2.2 First aid and compensation for injury

The assessment found two of the companies (Alpha and ICC) have first aid teams based in their operational camps and Ruby Light is making use of nearby community clinics. None of the companies have an emergency vehicle assigned to first aid needs. The management of Ruby Light reported putting in place mechanisms to establish a first aid team. Some workers expressed strong feelings about the lack of first aid at the camp site.

“Presently workers being injured on the job are treated at nearby clinics and sometimes at Greenville referral hospital. Under the current condition, workers are allowed to seek medical treatment at nearby clinics at their own expense. Foreign workers with major illnesses are either taken to referral hospitals or out of the country for better treatment.” — Male Worker ‘B’

According to many respondents, workers have been injured, or even lost their lives whilst at work. Interviewees reported that the companies seek to take responsibility of injured workers for as short a time as they can. In contrast, the Decent Work Act states that workers should receive 60% of their daily earnings during the period they are unable to work.³²

2.2.3 Compensation for loss of life

According to the Decent Work Act, “if the deceased employee leaves any dependents wholly dependent upon his or her earnings, the amount of compensation shall be a sum equal to 48 months’ earnings” and, in the case of

dependents partially dependent on the deceased, between 20 and 80% of this figure.³³ For a full time employee on the minimum wage of US\$5.50 per day could amount to nearly US\$8,000.

The assessment uncovered details of two incidents that ended in loss of life. In the first, a boy died in Kpayaquelleh (FMC A) after being injured by a tree. The burial was financed by Alpha but the company is yet to fully pay the compensation to the family, as prescribed by the law.

At ICC/Forest Venture’s area (FMC K), some workers died on the job and management reported taking responsibility for the burials. The families reported that the companies don’t often go beyond burial, which many people are frustrated about. Bereaved families registered that the death benefits provided are often not enough to support even the deceased children in school for one year.

Because of lack of knowledge of the law, many families do not demand companies to pay the benefits of deceased. This assessment found only one family of a logging company worker that followed up on the benefits of their injured or deceased relatives. According to records from the Ministry of Labor, in May 2018, a formal complaint filed by the family of one Benedict Kollie, who was permanently disabled on the job, was settled in court with the family receiving about US\$5,750 from Alpha. Section 31.4 of the Decent Work Act, Compensation for permanent partial disability, was used to rule in this case.

2.3 Housing

The assessment found that workers are typically provided temporary housing and this often lacks adequate hygiene facilities. Workers faced serious problems in accessing electricity and clean and safe drinking water. For example:

“We draw water from the well on the camp. But the problem we have here is, sometimes the water gets dirty when the water point is affected. Some workers stay on the camp and are given sleeping places but with manageable living condition and some of them live in the nearby villages and towns where they are transported every morning and evening to work and home. Some workers are provided seven pieces of zinc and US\$15.00 to construct their own dwelling places, while very few supervisors are provided accommodation at the main camp sites.” — Male Worker ‘F’

Workers also reported that living outside the logging camps incurs higher costs, such as for rent, but they are not provided any extra allowance for this despite the expectation from companies that a proportion of workers will not be provided for in camps, as it’s more convenient to make use of accommodation in local communities. At the

time of the assessment, ICC’s operational camp housed only skilled workers, and most of their workers were living in rented houses within the nearby communities. Also at Ruby Light, some workers are being provided housing at the camp site while others live within the nearby communities. In neither case was there any evidence of a higher level of accommodation allowance.

2.4 Food rations

Workers reported that they are receiving monthly food rations, especially those who signed contracts. Managers confirmed that food is not given to community workers such as security officers. Workers said that according to their contract they are to receive 25kg of food monthly, but this is done on an irregular basis. They reported food rations are often delayed but that overall the food is provided every month.

“The company give us food to keep us on the camp. But the food is not always available at the end of the month. When we ask them for the food at the end of the month, sometimes we do get ration every month but it is not regular.” — Male Worker ‘F’

2.5 Trade unions

The study did not find any presence of an organized trade union in the three FMCs studied. Most workers interviewed expressed an interest to organize into a trade union, to help them push their for their interests collectively, but said the company managements have never granted them permission to do so. However, there is no need for workers to obtain their employers permission prior to forming or joining a trade union, as the following legal texts indicate:

- The Constitution of the Republic of Liberia, states “all persons, at all times, in an orderly and peaceable manner, shall have the right to ... associate fully with others or refuse to associate in political parties, trade unions and other organizations”.³⁴
- The International Labor Organization Convention on Freedom of Association and Protection of the Right to Organize, which Liberia ratified in 1962, similarly includes “recognition of the principle of freedom of association to be a means of improving conditions of labor and of establishing peace.”³⁵
- The Decent Work Act gives the rights to register trade unions and employers’ organizations.³⁶

Some workers reported making this request to an Assistant Minister of Labor who in return requested them to make a formal application to the ministry before attempting to organize a union.

Interviewees from the Ministry of Labor encouraged companies and or employers to support the establishment of trade unions. According to them, this enables workers to collectively promote the protection of their interests and rights. They defined rights based issues as fundamental labor and human rights, and interest based issues as those necessary for negotiation between employers and employees.

Interviews with the staff of some companies, indicated that logging companies are not interested in seeing trade unions organized at the company operation areas. They expressed concern about workers collectively engaging them on rights-based issues and other bad labor practices that could stall logging operations.

“If we have trade union, we can sit with the company to discuss issues affecting us as workers. But the company don’t want to accept it. We facing different problems that all of us don’t really know about and no one to talk to the management.” — Male Worker ‘G’

More work is needed to share with the workers of logging companies the options for organizing themselves. For example, a new trades union at each location may not be sustainable and will be vulnerable to changes in logging company name, structure, or sub-contracted decisions. Furthermore, some logging companies are interconnected and/or operate in more than one locations, whereby collective bargaining would be more effective if conducted across all of a company’s sites.

2.6 Monitoring and reporting of labor issues

The staff of the Ministry of Labor who were interviewed said there are labor structures across the country, providing a decentralized service for labor issues, with labor commissioners assigned to each region of the country. These commissioners are required to look into both legal and labor matters and presided over a quasi-judicial system.

Interviewees at the ministry reported receiving complaints from employees and employers regarding violation of labor and human rights laws. They reported that most of the complaints brought to the attention of the ministry result in the parties being satisfied. However, in response to the question, why is the Ministry of Labor not aware of most of the complaints on labor matters reported to the NUCFDC or CSOs working in these forest communities, staff outlined a number of challenges facing the ministry. The main challenge was a lack of adequate manpower and logistics for monitoring of companies’ operations. The ministry’s operations were also said to be challenged by the appointment of political supporters to jobs that many of them have little or no expertise in.

“Almost all of our labor commissioners and county officers were replaced with new staff with less knowledge on labor laws and practices. Sadly, some of those hired under this condition recruited their own local staffs outside of the ministry recruitment policy. Information gathered says that staffs hired by assigned commissioners were assigned by the assigned labor commissioner to monitor labor practices of companies. Because they lack knowledge of the labor law and layout procedures in handling labor matters, some imposed their own fines on companies for violation of certain provision of the labor law.” — A representative at the Ministry of Labor

3 Conclusion

Whilst there are no laws requiring first preference for employment to be offered to those living in affected communities, there are legal provisions for this in both the FMC logging contracts and the Social Agreements. In general, the assessment suggests these have been adhered to, although the labor force was extremely biased towards men, with very few women workers. Furthermore, workers tended to occupy unskilled roles.

Logging companies are one of the largest employers within their respective areas, yet most workers had no formal contracts, or short term contracts, and that contracts renewed and wages were received only irregularly. The wages for some of these workers was US\$3.50 per day, which does not meet the official minimum wage and there seemed to be little appreciation that this type of work meets the standard for the ‘formal sector’, where the minimum wage is US\$5.50 per day.

Whilst most employees interviewed felt they could manage with the general living conditions offered by the companies, compensation for injury or death while conducting their duties was an area of much concern. Relatives of some who lost their lives at work felt they were provided minimal financial support and only for the burial, leaving dependents of the deceased unsupported. The lack of enforcement of laws and policies on such compensation, together with the lack of clear information to workers and their families on their rights, leaves companies with discretionary power to offer anything to victims’ families.

The assessment found a strong desire to organize, through the establishment of a trade union as labor organization at the concession level could improve information sharing and decision making by companies’ managers and reduce conflict within concession areas, but more work is needed on the modalities for doing so.

4 Recommendations

Logging companies should:

1. Provide written contracts, in line with the law for employees in concessions and other formal work. Educate new workers on the seasonal production period and the contract terms and conditions to improve company-worker relationships. Then pay workers regularly, on time and in accordance with their contracts. Similarly, provide food rations on a regular basis and in line with the contracts, as this affects workers’ performance and health.
2. Continue to provide first preference to community members, but build workers’ skills by providing on the job training to increase the proportion of skilled and supervisory workers from the local community as well as enhance productivity and staff retention.
3. Target recruitment campaigns, such as those conducted through the CFDC, at potential women employees.
4. Work collaboratively with employees (possibly through their representatives) to build a consensus on what their basic housing, electricity, water and sanitation needs are at the company’s camp sites, and implement improvements in an agreed timeframe.
5. Work with the workers, communities and the Ministry of Labor to understand and determine a fair benefit for those who are injured or lost their lives while working for the company. This benefit should be enshrined in each worker’s written contract.
6. Distribute safety equipment at the beginning of every production period and provide first aid at all operational areas for workers sustaining injuries and those falling ill.
7. Encourage the establishment and formal recognition of trade union, to improve the efficiency of negotiations about wages and other conditions. In doing so, avoid intimidating or dismissing workers who try to provide feedback on their experiences at the company, but place suggestion boxes at the camp sites to allow workers and visitors to freely and anonymously express themselves on happenings at the company’s operations areas.
8. Ensure that all the labor criteria for the definition of legal timber, as laid out in the VPA legality matrix Principle 8, are met.

Communities, with the support of their CFDC and the NUCFDC should:

1. Demand written, signed employment contracts, in line with the law for employees in concessions and other formal work, for the full period of assignment. Before signing the contract, share with legal-minded people for their advice. Engage top managers of the company to provide food rations and pay salaries as stipulated in the contract.
2. Continue to demand compliance with all provision in the Social Agreement, in particular those on giving first preference for unskilled and middle-management employment to community members, and on providing the list of these employees to the CFDC every six months. Tell the company about those skill areas you would want to improve in order to enhance productivity, job opportunities and livelihoods.
3. Encourage women to express interest in and apply for available employment opportunities.
4. Engage logging company to prioritize and deliver improvements to housing, electricity, water and sanitation in logging camps.
5. Ensure proper maintenance of the company's safety equipment to prevent unfortunate situations and or injuries at work.
6. Seek greater understanding and support about the trade unions system and help develop a strategy for organizing labor and negotiating with the logging companies through a position of 'strength in numbers'. Avoid resorting to violence as a method for resolving grievances.

To government authorities:

1. The FDA, Environmental Protection Agency and Ministry of Labor should conduct annual performance audits of every logging operation, as specified in the VPA, and use this as the basis for driving continuous improvements in workers' safety and conditions. They should, under the Freedom of Information law, make these audits public.
2. The Ministry of Labor should harmonize the 2015 Decent Work Act with the 2012 VPA, as the latter currently references the previous Liberia Labor Law. It should then ensure logging companies comply with employment terms and conditions, including the provision of written contracts for workers and ensuring agreed, adequate living conditions for workers.
3. The Labor Inspectorate should determine which roles and contracts in the logging concessions meet the criteria of formal employment, and therefore should be

paid the minimum wage of US\$5.50 per day rather than the US\$3.50 that is currently more common.

4. The Ministry of Labor should actively encourage the establishment of trade union representation for forest workers. This should include educating workers on how best to go about establishing a trade union, as well as supporting workers and employers to reach a recognition agreement.
5. The Ministry of Labor should work to pass the regulation on safety equipment, as anticipated in the Decent Work Act.

Appendix: Response from senior officials at the Ministry of Labor, October 2019

Is Liberia's labor law weak?

"In recent times, the public is being made to believe that the Decent Work Act of 2015 is weak and as such, does not provide the needed benefits and protections for workers, especially those working in the private sector. Well, I am not a lawyer, but from my many years of experience working within the Labor sector of Liberia, I can definitely say that neither the current Labor Law of Liberia (the Decent Work Act) or its regulators or enforcement arm (Ministry of Labor) is weak, as has been perceived by many including the Liberian media. The Decent Work Act has been described as the best alternative for dignifying and humanizing the labor sector of Liberia. It has been graded by the International Labor Organization (ILO) as one of the best Labor Laws in the African region and the first Labor Law to be named after its (ILO) Decent Work Agenda.

What are some benefits and protection the Decent Work Act provides for workers in Liberia?

"Liberia is the first country in the African region to name her Labor Law after the International Labor Organization's (ILO) Decent Work Agenda. The Decent Work Act provides protection mainly for workers who are said to be the more vulnerable member of the labor environment. The Decent Work Act guarantees several benefits and protections for working people within the boundaries of the Republic of Liberia. Under this law, the Minimum Wage of the formal sector's workers is increased to US\$143 per month as compared to US\$60 in the past.

Increasingly, several institutions in Liberia are paying above the current minimum wage, especially those with established Trade Unions. This is because workers through their respective Trade Unions or Bargaining Agents bargain for improved working conditions and benefits including increment in wages. This is why the Ministry of Labor, the ILO and stakeholders often encouraged the coming together

of workers for the purpose of establishing worker's unions/associations in the workplace. Because with union on the ground, both management and workers stand to benefit more. The management will be relieved of the difficulties of communicating to large group of workers, instead, they can now channel their policies and actions through a leadership of the workers/union. So, at Collective Bargaining Agreement, negotiation both workers and management have the opportunities to discuss and agree on things that promote a conducive working conditions and harmony relations between them.

The Decent Work Act prohibits the dismissal of workers with or without cause by employers and managements. Dismissal can only be carried out with cause in keeping with provisions of the law. It sets one hour lunch break inclusive of the normal eight hours per-day work instead of thirty minutes and forty-eight hours per-weekly work.

The Law clearly defines working hours, overtime, leaves, definite and indefinite contracts, redundancy, dismissal/terminations as well as extended maternity privileges. It also defines set penalties for would be violators and benefits for affected employee or employees. It encourages the formation of trade unions and associations in the workplace and gives workers the right to join union of their chose in line with ILO Fundamental Right Conventions 87 and 98 which call for Freedom of Association and the Right to Collective Bargaining Agreement between Managements and workers as a means of promoting industrial peace and harmony in the workplace.

Have workers started to benefit from provisions of this law?

"Since the coming enforce of the Decent Work Act on March 1, 2016, the Ministry of Labor which is charged with responsibilities to administer and regulate the Labor sector of Liberia has supervised and ensure full compliance to the law in the interest of industrial peace and national security. The Ministry has ensured that workers working in the private and public sectors (not civil servants) are paid in line with the minimum wage as set forth in Decent Work Act of 2015 as well as supervise the payment of benefits to workers by employers and managements for unfair labor practices meted against them.

Are there challenges in implementing the Decent Work Act?

"There are huge challenges associated with the implementation of the law. One key challenge in the implementation and enforcement of compliance to the Decent Work Act on the part of the Ministry of Labor is that, the Ministry has not been able to effectively popularized and provide the needed education and awareness on the Decent Work Act to workplaces across the country. It is now three

years since the enforcement of the law took effect. To date, the Ministry of Labor and her partners have not been able to conduct full awareness and to disseminate the law to workers and workplaces throughout the country because of capacity and logistical challenges. It was expected that more and more copies of the law would have been produced by now and distributed across all workplaces follow by education to workers to enable them understand and appreciate provisions therein for compliance."

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Thank you all.

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