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Working conditions of subnational government workers in selected African countries (Cameroon, Ghana, Kenya, Morocco, Mozambique, and South Africa)

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► Working conditions of subnational government workers in selected African countries

(Cameroon, Ghana, Kenya, Morocco, Mozambique, and South Africa)

Authors / Zweli Julian Ndevu, Mary S. Mangai, Carlos Carrión-Crespo, David Kapya





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Abstract

This report provides a comprehensive evaluation of the institutional and labour relations regimes in six African countries: Cameroon, Ghana, Kenya, Morocco, Mozambique, and South Africa with a special emphasis on promoting decent working conditions for Local and Regional Government (LRG) workers. It investigates the existing institutional and labour relations regimes by focusing specifically on their impacts on the working conditions of Local and Regional Government (LRG) workers and providing an analysis of each country's unique labour landscape shaped by historical, socio-economic, and political contexts.

The report reveals that the effectiveness and scope of institutional and labour relations regimes vary significantly across these countries as they are influenced by historical, socio-economic, and political factors. Notwithstanding these differences, some shared challenges and promising practices emerge that provide useful insights for policymaking.

South Africa's legal framework and institutionalized mechanisms for collective bargaining have led to significant advancements in working conditions for LRG workers. Nonetheless, gaps exist in implementation due to capacity constraints and resource limitations. Kenya and Mozambique have made some strides in establishing formal structures to negotiate wages and working conditions, although implementation remains uneven due to weak enforcement mechanisms. In Morocco, a recent shift towards a more participatory approach in local governance has begun to benefit LRG workers, but labour rights need to be fully embedded in this process to ensure widespread improvements in working conditions. Cameroon and Ghana, despite some legal provisions for collective bargaining, face substantial hurdles due to weak enforcement, low union density, and public sector restrictions on collective bargaining.

In all six countries, issues such as low wages, poor employment conditions, and limited access to social protection remain prevalent. These challenges are often exacerbated for women LRG workers, who are under-represented in decision-making processes and face additional barriers related to gender discrimination.

Despite these challenges, the report identifies several promising practices. These include capacity-building initiatives for labour unions, efforts to strengthen labour inspection systems, and innovative mechanisms to increase worker participation in decision-making processes. The report concludes that promoting decent working conditions for LRG workers in these countries requires a multi-pronged approach. This involves strengthening institutional and legal frameworks, enhancing the capacity of labour unions and other workers' representatives, improving enforcement mechanisms, promoting gender equality, and fostering a culture of social dialogue and worker participation. The findings of this report underline the need for continued efforts by governments, trade unions, employers, and other stakeholders to ensure that LRG workers have decent and dignified working conditions.

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Table of contents

Abstract	01
About the authors	01
Acronyms	08
Executive Summary	11
<hr/>	
► Introduction	12
1. Definitions	12
2. The politics of personnel management in LRGs	14
3. Job structure of subnational governments	14
4. Local governments and Sustainable Development Goals (SDGs)	15
<hr/>	
► 1 Cameroon	17
1.1. Institutional framework	17
1.2. Staff structures and career development	20
1.3. Pay structures	21
1.4. Social security	21
1.5. Gender equality and non-discrimination	22
1.6. Labour relations, freedom of association and collective bargaining	22
1.7. LRG/municipal workers and the localization of the SDGs	23
1.8. LRG/municipal workers and inclusive local economic development	23
<hr/>	
► 2 Ghana	24
2.1. Institutional framework	24
2.2. Staff structures	28
2.3. Pay structures	28
2.4. Career development	29
2.5. Social security	29
2.6. Gender equality and non-discrimination	30
2.7. Labour relations, freedom of association and collective bargaining	31
2.8. Impact of decentralization on municipal services	32
2.9. LRG/municipal workers and inclusive local economic development	33
<hr/>	
► 3 Kenya	34
3.1. Institutional framework	34
3.2. Staff structures	37
3.3. Pay structures	37

3.4. Career development	37
3.5. Social security	38
3.6. Gender equality and non-discrimination	38
3.7. Labour relations, freedom of association and collective bargaining	39
3.8. Impact of decentralization on municipal services	41
3.9. LRG/municipal workers and the localization of the SDGs	41
3.10. LRG/municipal workers and inclusive local economic development	41
<hr/>	
► 4 Morocco	42
4.1. Institutional framework	42
4.2. Staff structures	45
4.3. Pay structures	45
4.3. Career development	46
4.5. Dismissals	46
4.6. Social security	47
4.7. Gender equality and non-discrimination	47
4.8. Labour relations, freedom of association and collective bargaining	47
4.9. Impact of decentralization on municipal services	48
4.10. LRG/municipal workers and the localization of the SDGs	49
4.11. LRG/municipal workers and inclusive local economic development	49
<hr/>	
► 5 Mozambique	50
5.1. Institutional framework	50
5.2. Staff structures	53
5.3. Pay structures	53
5.4. Career development	53
5.5. Social security	53
5.6. Gender equality and non-discrimination	54
5.7. Labour relations, freedom of association and collective bargaining	54
5.8. Labour practices	55
5.9. LRG/municipal workers and the localization of the SDGs	56
5.10. LRG/municipal workers and inclusive local economic development	56
<hr/>	
► 6 South Africa	57
6.1. Institutional framework	57
6.2. Staff structures	62
6.3. Pay structures	63
6.4. Career development	64

6.5. Dismissals	65
6.6. Social security	65
6.7. Gender equality and non-discrimination	66
6.8. Labour relations, freedom of association and collective bargaining	67
6.9. Impact of decentralization on municipal services	69
6.10. LRG/municipal workers and the localization of the SDGs	69
6.11. LRG/municipal workers and inclusive local economic development	70

► Comparative summary	71
Institutional frameworks	71
Staffing practices	71
Local administrative dynamics	72
Gender equality and non-discrimination	72

References	74
Acknowledgements	79

List of Figures

Figure 1: Distribution of council staff, 2019	20
Figure 2: Metropolitan, municipal, and district assemblies' management structure	25
Figure 3: Kenyan County government structure	34
Figure 4: Morocco's political and administrative system	42

List of Tables

Table 1: Dimensions and characteristics of decentralization	12
Table 2: Services provided by different spheres of government in Cameroon	18
Table 3: Services provided by various spheres of government in Ghana.	25
Table 4: Categories of workers working in LR government and disciplinary authority	28
Table 5: Services provided by various spheres of government in Kenya.	35
Table 6: Services provided by various spheres of government in Morocco.	43
Table 7: Services provided by various spheres of government in Mozambique.	50
Table 8: Distribution of councils and population	58
Table 9: Services provided by South Africa's spheres of government	59
Table 10: Number of municipalities in each province that provide services: 2020	61
Table 11: Employment positions, excluding managerial positions, by department: 2018/2019	62
Table 12: Average municipal wage level per annum by professional category	63
Table 13: Managerial positions by province according to Organogram, including Section 56 of Local Government Municipal System Act, 2000 (Act No.32 of 2000)	66
Table 14: Summary of structures responsible for working conditions of local government employees by country	73

Acronyms

AMALGUN	African Municipal and Local Government Union Network
ANAMM	Mozambique National Association of Municipalities
CBA	Collective Bargaining Agreement
CCT	Labour Advisory Commission
CEDAW	United Nations Convention on All Forms of Discrimination against Women
CEFAM	Local Government Training Centre
CLGF	Commonwealth Local Government Forum
CLOSSAG	Local Government Staff Association of Ghana
CNPS	Caisse Nationale de Prévoyance Sociale
CoG	Council of Governors
CoGTA	Communication by Cooperative Governance & Traditional Affairs Department
CPSB	County Public Service Board
CSPLE	Conseil supérieur pour la promotion de l'emploi
DDCs	District Development Committees
DFCAT	The Directorate for the Training of Senior Administrative and Technical Staff
DFRD	District Focus for Rural Development
ECEs	Early childhood educators
FEICOM	Inter-Municipality Special Equipment and Intervention Fund
FWSC	Fair Wages and Salaries Commission
GDP	Gross Domestic Product
GIZ	German Society for International Development
HROM	The Human Resource Operational Manual
IDP	Integrated Development Plan
IMATU	Independent Municipal and Allied Trade Union

INFF	Integrated National Financing Framework
IUDF	Integrated Urban Development Framework
LATF	Local Authority Transfer Fund
LGA	Local Government Act
LGSC	Local Government Service Council
LGSETA	Local Government SETA
LGSS	Local Government Service Secretariat
LRGs	Local and Regional Governments
MINATD	Ministry of Territorial Administration and Decentralization
MMDA	Metropolitan, Municipal, and District Assembly
MMDCD	Metropolitan, Municipal, District Co-ordinating Director
MTSF	Medium-Term Strategic Framework
NALAG	National Association of Local Authorities of Ghana
NASLA	National School of Local Administration
NDPC	National Development Planning Commission
NFMW	National Fund for Municipal Workers
NGOs	Non-Governmental Organizations
NHIA	National Health Insurance
NLRF	National Labour Relations Forum Authority
NSSF	National Social Security Fund
OTM	Workers' Organization of Mozambique
PSC	Public Service Commission
PSCBC	Public Service Coordination Bargaining Council
PSWU	Public Services Workers' Union
RCC	Regional Co-ordinating Council
RML	Road Maintenance Levy

SALGA	South African Local Government Association
SALGBC	South African Local Government Bargaining Council
SAMWU	South African Municipal Workers' Union
SDGs	Sustainable Development Goals
SETA	Sector Education and Training Authority
SRC	Salaries and Remuneration Commission
SSNIT	Social Security and National Insurance Trust
UCLG	United Cities and Local Governments
UMT	Moroccan Workers' Union
UNDP	United Nations Development Programme

Executive Summary

This report provides a comprehensive evaluation of the institutional and labour relations regimes in six African countries: Cameroon, Ghana, Kenya, Morocco, Mozambique, and South Africa with a special emphasis on promoting decent working conditions for Local and Regional Government (LRG) workers. It investigates the existing institutional and labour relations regimes by focusing specifically on their impacts on the working conditions of Local and Regional Government (LRG) workers and providing an analysis of each country's unique labour landscape shaped by historical, socio-economic, and political contexts.

The report reveals that the effectiveness and scope of institutional and labour relations regimes vary significantly across these countries as they are influenced by historical, socio-economic, and political factors. Notwithstanding these differences, some shared challenges and promising practices emerge that provide useful insights for policymaking.

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In all six countries, issues such as low wages, poor employment conditions, and limited access to social protection remain prevalent. These challenges are often exacerbated for women LRG workers, who are under-represented in decision-making processes and face additional barriers related to gender discrimination.

Despite these challenges, the report identifies several promising practices. These include capacity-building initiatives for labour unions, efforts to strengthen labour inspection systems, and innovative mechanisms to increase worker participation in decision-making processes. The report concludes that promoting decent working conditions for LRG workers in these countries requires a multi-pronged approach. This involves strengthening institutional and legal frameworks, enhancing the capacity of labour unions and other workers' representatives, improving enforcement mechanisms, promoting gender equality, and fostering a culture of social dialogue and worker participation. The findings of this report underline the need for continued efforts by governments, trade unions, employers, and other stakeholders to ensure that LRG workers have decent and dignified working conditions.

► Introduction

1. Definitions

Most countries have three layers of government: central, regional/state/provincial, and local/municipal. Collectively, the non-central layers of government are referred to as subnational governments, local governments, or local and regional governments (LRGs). Various terms are used to define a unit of local government. Certain countries use the term “district”, while others prefer “county”, “rural district”, “village”, “town” or “city”. Organically, subnational governments refer to any existing form of government below the national or central government. Workers in subnational governments are referred to by various names, such as council, local government, and subnational workers. In this study, the term “subnational workers” is used to refer to workers in local and regional governments.

The role of subnational workers in the delivery of public services has become increasingly crucial, especially in the wake of climate change, global pandemics, and the need for sustainable development. These workers are at the front line of public service delivery and the implementation of the Sustainable Development Goals (SDGs). However, depending on the level and form of decentralization, the structure of subnational workers and the depth of the services they provide differ substantially from one country to the next.

Decentralization is three-pronged: political, fiscal, and administrative. Political decentralization or devolution refers to the transfer of political authority to local governments, providing local communities with an opportunity to vote for their local representatives (Sujit Choudhry et al. 2015, 23), while fiscal decentralization involves the shifting of responsibility for revenues and expenditure to local governments and administrative units (USAID 2009, 13).

► **Table 1: Dimensions and characteristics of decentralization**

	Political	Fiscal	Administrative
Authority	Subnational officials are authorised to govern through elections instead of via appointment by the national government.	Subnational officials have the authority to levy taxes and make spending decisions.	Subnational officials have the authority to plan and manage the provision of an expanded range of services.
Autonomy	Subnational officials gain autonomy from national governments because they hold distinct electoral mandates, and certain autonomies have been defined by law or institutionalized in long-accepted practice.	Subnational officials can act autonomously (subject to national legislation and regulation) from the national government to the degree that they can make decisions relating to revenues and expenditures.	Subnational officials can hire and fire subnational government employees (subject to civil-service rules), giving officials some degree of autonomy from the national government.
Accountability	Subnational officials are accountable to local constituents via elections and civil society forums. However, they remain accountable to the national government through national legislation and standards.	Subnational officials are held accountable by subnational voters and civil society groups for the fiscal resources under their control.	Subnational officials hold subnational bureaucrats accountable for the quality of service provision.

	Political	Fiscal	Administrative
Capacity	Subnational officials face electoral incentives to build subnational governments' capacity to provide valued services.	Subnational officials understand the likely economic consequences of tax and expenditure decisions.	Subnational officials can perform their assigned roles because they occupy top structures with adequate institutional capacity.

Source: USAID, 2009.

Administrative decentralization, on the other hand, is the transfer of administrative responsibilities for the planning and management of public functions from the central to subnational governments and administrative units (USAID 2009, 14). Administrative decentralization also includes planning, monitoring and evaluation of service arrangements, along with human resource requirements and management systems such as recruitment, promotion, transfers, payment of salaries, and training. Decentralization has four mutually reinforcing characteristics: authority, autonomy, accountability, and capacity.

The form and character of decentralization have a serious effect on the working conditions of subnational workers. For example, administrative decentralization with full autonomy to local government units tends to shorten the hearing process in terms of workplace accidents and compensation, unfair dismissals, and disciplinary matters, thereby allowing victimized workers to return to work ahead of schedule with minimum disruption to service delivery when cases are resolved at the local level. In Punjab, Pakistan, for instance, where administrative decentralization was lacking, it was found that the investigation of serious cases involving healthcare workers was often lengthy, highly bureaucratic, and prone to political interference by elected officials (Callen et al. 2018, 9).

2. The politics of personnel management in LRGs

Like the national government, subnational governments have two mutually exclusive power structures with competing interests, namely political and administrative. Politicians are inclined to deliver services for their constituencies to enhance their chances of re-election, while subnational employees or bureaucrats are concerned about job security and career progression (Resnick et al. 2019, 6). Bureaucrats also seek autonomy from political interference to implement policy directives irrespective of vested political interests. Politicians play an oversight role, presiding over council meetings, overseeing the implementation of council decisions or resolutions, attending to civic and ceremonial functions, and promoting public engagement and participation related to local governance issues.

In practice, both national and local politicians tend to overstep their oversight boundaries and interfere in the administrative operations of local government employees, on the pretext that bureaucrats are not accountable to the electorate for the implementation of politically unpopular policies (Resnick et al. 2019, 7). Studies have shown that politically connected workers are generally protected against being transferred, suspended, or otherwise sanctioned for under-performance (Callen et al. 2018, 21). Promotions tend not to be granted on merit, but along partisan lines – the politically connected are rewarded at the expense of more deserving workers.

Political interference has the potential to undermine policy effectiveness and derail service delivery. It also undermines the bureaucrat's capacity to exercise authority over their subordinates, for fear of losing their jobs. Policy distortions become the norm rather than the exception as subnational employees become loyal to elected officials and the political party in government to ensure job security (Rogger 2018, 4). This has the potential to negatively impact the attractiveness of the public service especially among the youth who may not possess the necessary political networks. Also, rural and remote districts are disadvantaged in terms of human resource allocations.

3. Job structure of subnational governments

The functions of a local authority are varied and may include general administration, regulation of street advertisements, agriculture, street and road maintenance, community development, establishment and maintenance of public amenities, public health, public order, registration (such as births, marriages, clubs or property), and water and sanitation. They also provide housing, tourism, leisure and cultural services, as well as digital services but also environmental protection services. A subnational government job structure largely depends on the sectors it oversees, and the depth of services those sectors provide. There is also the question of fiscal and human resource capacity. A subnational government may have a wide range of responsibilities assigned to it in law, but lack the capacity to perform them, resulting in a lot of unfilled vacancies or a narrow job structure.

In many jurisdictions, local services are being devolved, including job structures and descriptions, which are constantly restructured to respond to the reforms and fiscal challenges that local governments face (UN-Habitat 2015). Worker categories are not limited to plumbers, sanitation workers, community police officers, firefighters, extension officers, midwives and nurses, early childhood teachers, and district or city planners, but also include administrative roles, such as accountants, secretaries, stenographers, and drivers. Other roles such as communication officers are emerging with a wide range of responsibilities. Advancements in technologies are also shifting the job profiles of local government workers and increasing the demand for soft and digital skills as well as the need for lifelong learning and reskilling of the workforce.

4. Local governments and Sustainable Development Goals (SDGs)

Local government, being the closest to the people, is a key stakeholder in achieving Agenda 2030. LRGs are inextricably embedded in the structure and formulation of the SDGs and their targets. The SDG bottom-up approach places LRGs at the centre of the agenda. From ending hunger and poverty in all its forms to protecting, restoring and promoting the sustainable utilization of terrestrial ecosystems, LRGs remain key to the localization, adaptation and implementation of the SDGs at the community level. It is worth noting that several indicators designed to monitor progress towards SDGs are also disaggregated at the local level, depending on statistical capacity.

Development is ultimately local, and there cannot be inclusive and sustainable development without the full participation of LRGs, whether directly or indirectly. LRGs play a direct role in achieving the following SDGs:

- **SDG 3:** Ensure healthy lives and promote well-being for all ages. In most countries, primary healthcare workers and health protection services have been decentralized to LRGs. This places LRGs at the centre of the implementation process of SDG 3, which seeks to, among others, strengthen the prevention and treatment of substance abuse, halve the number of global deaths and injuries from road traffic accidents, and end preventable deaths of newborns and children below the age of 5.
- **SDG 4:** Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Early childhood educators (ECEs) and pre-primary and primary school teachers all fall within the ambit of LRGs. With adequate resources, the local government's capacity to deliver quality education to children in communities would help increase the number of youth and young adults with relevant skills, champion the elimination of gender disparities in education, ensure equal access for vulnerable groups, and provide adequate educational facilities that are child, disability and gender sensitive.
- **SDG 6:** Ensure availability and sustainable management of water and sanitation for all. Sanitation workers are at the front line of water and solid waste management systems. LRG-employed sanitation workers are critical to meeting the targets relating to the provision and adequate management of water supply and sanitation in communities and cities.
- **SDG 8:** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Inclusive development implies local communities' participation in development, while simultaneously guaranteeing decent work for all. LRGs are better placed to localize "development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage formalization and growth of micro-, small and medium-sized enterprises including through access to financial services".¹
- **SDG 9:** Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation. LRGs build and maintain local infrastructure such as roads, office spaces, etc. They are well-positioned to conduct environmental assessments and make decisions on which type of industries to set up, taking into consideration both sustainability and environmental impact.
- **SDG 11:** Make cities and human settlements inclusive, safe, resilient, and sustainable. LRGs operate in cities, towns and communities and, therefore, are better placed with support from the central government to advance this goal.
- **SDG 13:** Take urgent action to combat climate change and its impact. LRGs are responsible for preserving and nurturing the environment through the maintenance of forests, sensitizing communities against deforestation, and the prudent management of water resources.

¹ See SDG 8, target 8.3.

- SDG 14: Conserve and utilize oceans, seas and marine resources responsibly to ensure sustainable development. LRGs have a key role to play in the prevention and elimination of marine pollution, especially from land-based sources such as plastics. Maintenance of the coastlines, beaches and solid waste management fall within the LRGs' mandate.
- SDG 15: Protect, restore and promote sustainable utilization of terrestrial ecosystems, manage forests sustainably, combat desertification, as well as halt and reverse land degradation and terminate the loss of biodiversity. Operating in communities, LRGs understand and appreciate the material conditions of local people who may be engaged in deforestation. They are better placed to lead sensitization programmes and design alternative sources of energy for local communities.
- SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

The next sections of this report are country cases that provide insights into the institutional frameworks governing subnational government structures, human resource practices, social security provisions, labour relations, freedom of association and collective bargaining rights. They address employee opportunities and career development which include training and capacity building, gender equity and inclusive employment, and notable good labour practices, wherever available.

The last chapter presents overarching observations and comparisons across the studied countries, synthesizing key findings and insights from the individual chapters. It provides a summary that sheds light on the implications of decentralization on employment conditions of subnational government workers in Africa.

► 1 Cameroon

1.1. Institutional framework

Cameroon is a decentralised unitary State with a bicameral parliament – the National Assembly and the Senate – and two levels of government – central and local (regions and councils) governments.² The Constitution provides for regional and local authorities to have administrative and financial (not legislative) autonomy in the management of regional and local interests while Article 55(3) mandates the State to retain the “exercise [of] supervisory powers over regional and local authorities”. In 2018, the government launched a decentralization initiative to appease the English-speaking community, some of which had taken up arms in demand of autonomy.³ The supervisory powers of the State are delegated to a Government Delegate at the regional and local level who, under the authority of the government is responsible for national interests, administrative control, ensuring compliance with laws and regulations, as well as maintaining law and order.⁴

Cameroon is divided into ten administrative regions. The regions, in turn, comprise divisions, which are further divided into subdivisions corresponding with the 374 local government councils.⁵ The secretary-general and other administrative and technical council officials are appointed either from among the council local staff or seconded from relevant ministries, in consultation with national authorities.

Cameroonian local authorities raise revenue from taxes and fees and receive transfers from the national government. The regions and councils are primarily financed with funds generated by the central decentralization fund FEICOM. Local councils are empowered to levy taxes and charges, including direct council taxes, cattle tax and licences, business levies, market trading licences and public transport licences. The primary sources of local government tax revenue in Cameroon are shared or concurrent. Twenty per cent of six collected local taxes and one local fee goes to FEICOM for redistribution to the rural or urban local governments, or the special inter-communal purpose districts (World Bank 2012).

² See Article 1 (1) and Part X of the [Constitution](#) of the Republic of Cameroon

³ Teresa Nogueira Pinto, “In Cameroon, centralization leads to strife”, *GLS*, 14 August 2023; Ngam Confidence Chia, Kaze Tindo Narcisse Saturnin, and Young Chantal Nkenneh, “The Cameroon Decentralization Project: Tool of Conflict Resolution or Seed of Discrepancies in the Governance of a Heterogeneous State?”, *EAS Journal of Humanities and Cultural Studies* 2, Issue 3 (2020): 105-115; “Cameroon’s Anglophone Crisis: How to Get to Talks?”, *International Crisis Group*, 2 May 2019.

⁴ See Article 58 of the [Constitution](#) of the Republic of Cameroon.

⁵ CLGF, [The Local Government System in Cameroon](#), 2019a

► Table 2: Services provided by different spheres of government in Cameroon

Services by sector	Responsible authority		
	National government	Regional government	District government
General administration			
Police	SR		
Fire protection	SR		
Civil protection	SR		
Criminal justice	SR		
Civil status register		SRP	SRP
Statistical office	SRP	SRP	SRP
Electoral register	SRP		SRP
Education			
Pre-school	SR		
Primary	SR		
Secondary	SR		
Vocational and technical	SR		
Higher education	SR		
Adult education	SR		
Social welfare			
Family welfare services	SR		
Welfare homes	SR		
Social security	SR		
Public health			
Primary care	SR		
Hospitals	SR		
Health protection	SR		
Housing and town planning			
Housing		SRP	SRP
Town planning			SRP
Regional planning			
Transport			
Roads	SR		
Transport			
Urban roads			
Urban rail	SR		
Ports	SR		
Airports	SR		
Environment and public sanitation			
Water and sanitation	SRP	SRP	SRP

Services by sector	Responsible authority		
	National government	Regional government	District government
Refuse collection & disposal	SRP	SRP	SRP
Cemeteries and crematoria	SRP		SRP
Slaughterhouses	SRP		SRP
Environmental protection	SRP	SRP	SRP
Consumer protection	SR		
Culture, leisure and sports			
Theatres and concerts	SRP	SRP	SRP
Museums and libraries	SRP	SRP	SRP
Parks and open spaces		SRP	SRP
Sports and leisure facilities	SRP	SRP	SRP
Religious facilities	SR		
Utilities			
Gas services			
District heating			
Water supply			SR
Electricity	SR		
Economic			
Agriculture, forestry, and fisheries	SRP	SRP	SRP
Local economic development & promotion	SRP	SRP	SRP
Trade and industry	SRP	SRP	SRP
Tourism	SRP	SRP	SRP

SR - Sole responsibility / SRP - Shared Responsibility / D - Discretionary

Source: [Commonwealth Local Government Forum](#), 2020a

The executive organ of a council or local authority comprises the mayor – elected by the Council Board and his [her] deputies. The Council Board is a deliberative organ of the regional or local government made up of elected councillors. Law No.2019/024 mandates the mayor to “recruit, suspend and dismiss staff governed by the labour laws and collective agreements” as well as to “assign and manage staff under his [her] authority”.⁶ Therefore, the mayor is both a political and executive authority and this exercise of power tends to result in numerous cases of power overlap. For example, the mayor, who is a political authority and chairs Council meetings, is also the head of the Council Executive responsible for recruitment, suspension, or dismissal of “workers governed by labour laws and collective agreements”.⁷

⁶ See Section 209 of “[Law No 2019/024 of 24 December 2019 bill to institute the general code of regional and local authorities](#)”, 2019; see Article 58 of “[Law No.2004-18 of 22 July 2004 to lay down rules applicable to Councils](#)”, 2004

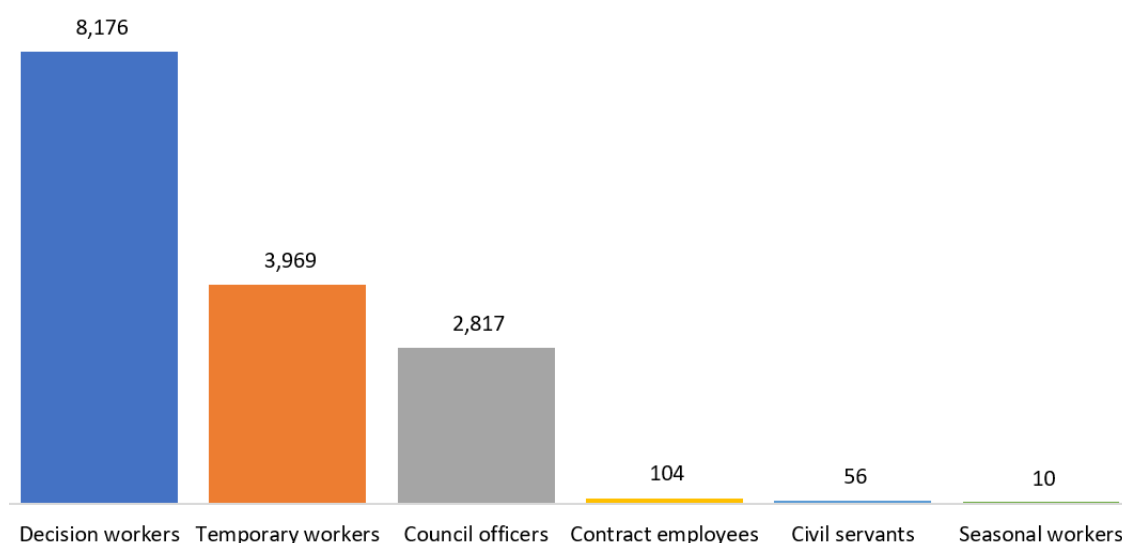
⁷ See Article 74 of [Law No.2004-18 of 22 July 2004 to lay down rules applicable to Councils](#), 2004

1.2. Staff structures and career development

Staff structures in City Councils, Sub-divisional Councils and Councils are organised according to the general directives defined in Order No.00136.⁸ The structures defined in the Order can be adjusted to respond to the specific realities in City Councils, Subdivisional Councils and Councils without compromising service delivery. There are 12 categories of job profiles which are defined by academic qualification and skills level with Category 1 requiring “no qualification and no elementary skills”. The Council or the Municipal Council authorises the recruitment of personnel in categories 1 – 6; recruitment of personnel from category 7 is subject to the approval of the Minister in charge of Regional and Local Authorities. In other words, Order No. 00136/A/MINATD/DCTD of 24 August 2009 designed to legally enforce the standard list of council jobs requires that council staff be recruited either by Decision (from the 1st to the 7th category) or by Contract (from the 7th to the 12th category). In addition, the General Public Service Regulations allow for the movement of personnel from the central government to regional and local governments, usually through transfers or secondment.

Recruitment by Decision requires the Council Board to deliberate and take a decision on the request to recruit. The decision of the Council Board empowers the mayor to recruit while the recruitment of personnel by contract is subject to the approval of the Minister in charge of Regional and Local Authorities. The latest available data shows the over-recruitment of decision and temporary staff with low qualifications as the figure below shows.

► **Figure 1: Distribution of council staff, 2019**



Source: Ministry of Decentralization and Local Development

The national framework for local government staff duties, qualifications and the strengthening of the capacity of local administrations was implemented by the Local Government Training Centre (CEFAM) until 2020 when it was replaced by the National School of Local Administration (NASLA). The NASLA is funded by state subsidies, contributions from the municipalities, and the Inter-Municipality Special Equipment and Intervention Fund (FEICOM, *Fonds Spécial d'Équipement et d'Intervention Intercommunale*). The Ministry of Territorial Administration and Decentralization (MINATD), replaced by the Ministry of Decentralisation and Local Development (MINDDEVEL) in 2018, adopted a register that prioritizes skills needed at the local government level. Local government accounts are audited occasionally.

⁸ Cameroon, Ministry of Territorial Administration and Decentralisation, [Order No.00136/A/MINATD/DCTD OF 24 AUGUST 2009 to legally enforce the standard list of council jobs](#), August 2019

The local authorities' regulatory agencies conduct training for the local government personnel. The training body for all local government officials is NASLA, based in Buéa in the southwest region. NASLA trains both current council personnel and new recruits through a two (2) diploma course accessible by competitive examination in three distinct cycles. Continuous training of up to six (6) months is also offered with specific training sessions of up to three (3) months for the staff of local authorities and decentralised services of the State and organizations.

To date, no statutory instrument regulates the individual status and career structure of local government personnel in Cameroon. This often leads to a lack of local competence, including in large urban councils. Also, the approximate control of staff recruitment, which is often left to the mayor who, at times, may not take into account the real needs and capacity of the local authority when recruiting has motivated the government of Cameroon to consider establishing the Local Public Service to be responsible for the recruitment of all permanent jobs and staff of regional and local authorities.⁹

1.3. Pay structures

Like most French-speaking African countries, wages are fixed by mutual agreement between the State and the local authorities: the remuneration system is governed by the provisions of Decree No. 2000/211 of 27 July 2000, fixing the remuneration of State employees covered by the Labour Code (Zarrouk 2018). Civil servants are paid according to the civil service grade and salary scale stipulated by national law. Workers employed by local governments are not covered by the civil service statute. After consulting the tripartite National Labour Consultative Commission (CNCT), the Minister of Labour determines the interprofessional minimum wage by decree, including the wage of public employees. The decree issued on 21 March 2023 set the monthly minimum wage for public employees at 41,875 Central African CFA Franc (68 United States Dollars).

Both the [Decree No. 78-484](#) of 9 November 1978 which lays down common provisions relating to State agents and the Labour Code apply to the staff of the Territorial Communities and set out the twelve categories of jobs with their respective wage levels. Article 44 of the Law establishing the rules applicable to municipalities, No. 2004/018 of July 22, 2004, and Article 185 of the General Code of Regional and Local Authorities, Law N° 2019/024 of 24 December 2019, make it illegal for the Municipal Council to grant municipal staff salaries, wages, or allowances more advantageous than those provided in the regulations. Article 417 of the latter, in turn, limits city personnel costs to 35 per cent of the operating expenses and those of regions to 30 per cent.

1.4. Social security

The current social protection system comprises two pillars: a scheme for civil servants, and the National Social Insurance Fund (*Caisse Nationale de Prévoyance Sociale*, or CNPS) for workers under the Labour Code. The CNPS covers 10 per cent of the population and provides most of the benefits prescribed by the ILO's Social Security (Minimum Standards) Convention 102, not ratified by Cameroon, except for unemployment and sickness benefits. Workers outside the formal labour market (estimated at 7.3 million) are largely uncovered, although a contributory pension regime was recently extended and currently covers 250,000 own-account workers, most of whom are in the informal economy (2020).

⁹ NASLA, "Capacity building seminar of some local players in administrative, financial and human resources management in Cameroon decentralization", August 2020

1.5. Gender equality and non-discrimination

The women empowerment movement in Cameroon, and the improvement of their political, social, economic and health status, has come a long way but is still far from achieving its objectives. The preamble to the Cameroonian Constitution includes several provisions that enshrine gender equality. Cameroon has also made key strides towards gender equality and women empowerment through major international commitments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Declaration and Platform for Action, the Declaration of Heads of State and Government of the African Union on Equality Between Women and Men, and the SDGs.

However, although these international and regional commitments take precedence over Cameroon's national laws, customs and traditions, the preference for customary laws remains. Consequently, discrimination against women persists, especially in rural areas. As a result, only 20.74 per cent of the 10,626 Municipal Councillors in 2013 were women, distributed by region as follows: Adamawa, 10.99 per cent; Centre, 28.53 per cent; East, 17.38 per cent; Extreme North and Littoral, 24.94 per cent each; North, 7.38 per cent; Northwest, 21.26 per cent; West, 17.97 per cent; South, 27.02 per cent; and Southwest, 27.63 per cent.¹⁰

1.6. Labour relations, freedom of association and collective bargaining

Cameroon has ratified 9 of the 10 ILO fundamental Conventions, 3 of the 4 Governance Conventions, and 39 Technical Conventions. The country has yet to ratify the Labour Relations (Public Service) Convention, 1978 (No. 151) but has domesticated most of the labour clauses related to freedom of association and collective bargaining in the Labour Code.¹¹

For example, Section 3 of the Labour Code recognises the right of all workers and employers to freely establish, without prior authorization, associations for the study, defence, promotion and protection of their interests, particularly those of an economic, industrial, commercial or agricultural nature, and for the social, economic, cultural and moral advancement of their members. Article 3 of Decree No. 78-484 extends this right to public workers. The National Labour Consultative Commission (CNCT) establishes the rules for registration of trade unions, under Article 9 of the Labour Code. However, this law is often violated by the executive government. Subnational government workers are governed by the General State Civil Service Code.

Subnational government workers can affiliate with the Fédération nationale des syndicats des travailleurs des collectivités territoriales décentralisées du Cameroun (FENTEDCAM), registered in 2003. There is a relative disparity in bargaining power stemming from the high rate of unemployment and excessive domination by the executive (Asanga 2020). Under Decree No. 78-484, subnational government workers enjoy freedom of association with specific protection for staff representatives as dictated by the Labour Code. However, Cameroon still has obstacles that need to be overcome, especially as it relates to the enforcement of guarantees to the representatives of workers and employers including their organisations. In 2021, Cameroon ranked four out of five (five+ being the worst) on the ITUC's Global Rights Index and has not improved since 2018.

¹⁰ Cameroon, Ministry of Economy, Planning and Regional Development, [Strategie Nationale de Gouvernance](#) (Projet), November 2015, 26.

¹¹ Cameroon, [Labour Code: Law No. 92/007 of 14 August 1992](#)

1.7. LRG/municipal workers and the localization of the SDGs

The localisation of SDGs in Cameroon is hampered not only by systemic political and structural challenges but also by the limited capacity of local governments to mobilise domestic resources. For example, despite the progress made towards the realisation of SDG 4, Cameroon was still grappling with limited and poor-quality school infrastructure and high levels of pupil-teacher ratio.¹² In 2017, Cameroon's Ministry of Economy, Planning and Regional Development approved a national plan for the contextualization and prioritization of the SDGs. The plan, supported by the United Nations Development Programme (UNDP), identified 152 SDG targets as relevant to Cameroon. Furthermore, the Cameroon Civil Society Engagement Charter for the SDGs committed Cameroonian civil society to work with, among others, local governments in efforts to achieve the SDGs. Also, the recently developed [National Development Strategy 2020-2030 \(NDS30\)](#) which aims to put Cameroon on a development path of Newly Industrialised Countries is fully aligned to the SDGs. To address the financing question, the NDS30 is complemented by the Integrated National Financing Framework (INFF) which is aimed at mobilizing adequate resources to promote the implementation of the SDG accelerators in Cameroon.¹³ The budgeting process is also aligned with the SDGs.¹⁴

1.8. LRG/municipal workers and inclusive local economic development

The government has pledged to deepen the decentralisation process and make regional and local authorities "poles of growth and development at the regional and local level".¹⁵ Thus, the Government has continued to progressively transfer competencies to regional and local authorities and in 2018, 63 competencies were transferred by 21 ministries.¹⁶

¹² Cameroon, "Voluntary National Review", 2019

¹³ JOINTSDGFUND, "Cameroon", accessed April 2022

¹⁴ Cameroon, "Voluntary National Review", 2019

¹⁵ Cameroon, "National Development Strategy 2020-2030 (NDS)", 12

¹⁶ Cameroon, "National Development Strategy 2020-2030 (NDS)", 31

► 2 Ghana

2.1. Institutional framework

Since 1992, Ghana has had two spheres of government – national and local – as per the country's Constitution.¹⁷ The Local Government Act (LGA) of 2016 (Act 936)¹⁸ confirms the decentralization of the local government. The ten Ghanaian administrative regions are headed by a regional minister, who is appointed by the President. Local government comprises metropolitan, municipal and district assemblies. Substructures exist but do not hold any legislative powers, hence their activities are delegated by the assemblies. The district assemblies can set and collect local revenue, although the national government provides grants to the local government – often referred to as the District Assemblies Common Fund, which is less than 5 per cent of the total annual government revenue.

Article 12 (1)(a) of the LGA gives District Assemblies the mandate to “exercise [both] political and administrative authority in the district”. Administratively, a District Assembly provides “guidance, give[s] direction to and supervise other administrative authorities in the district” and is responsible for the “overall development of the district”.¹⁹ According to the LGA, the executive and co-ordinating functions of the District Assembly are executed by the Executive Committee of the District Assembly headed by the District Chief Executive. The District Chief Executive is appointed by the President with prior approval of the District Assembly and is the chief representative of the Central Government in the district.

However, all issues related to personnel management are handled by the Local Government Service (LGS), a body corporate established under part 2 of the Local Government Act of 2016 and decentralised at the regional, district, and sub-district levels with authority to, among other functions:

- i) conduct organisational and job analysis for the District Assemblies;
- ii) conduct management audits for the District Assemblies to improve the overall management of the Service;
- iii) develop and coordinate the personnel plans and assess the personnel needs of the District Assemblies in consultation with the District Assemblies;
- iv) develop and coordinate the training implementation plans of the District Assemblies in consultation with the respective District Assemblies;
- v) develop professional standards and guidelines for the various categories of staff who are members of the Service.

The Local Government Service Council (LGSC) is the governing body of the LGS whose members are all appointed by the President. Other structures of the local government include the Local Government Service Secretariat (LGSS), the Regional Coordinating Council (RCC), and the Metropolitan, Municipal, District Coordinating Director (MMDCD). Among other functions, the LGSC:

- i) approves a Scheme of Service, on the advice of the Public Services Commission, that prescribes the terms and conditions of service of the employees of the Service;

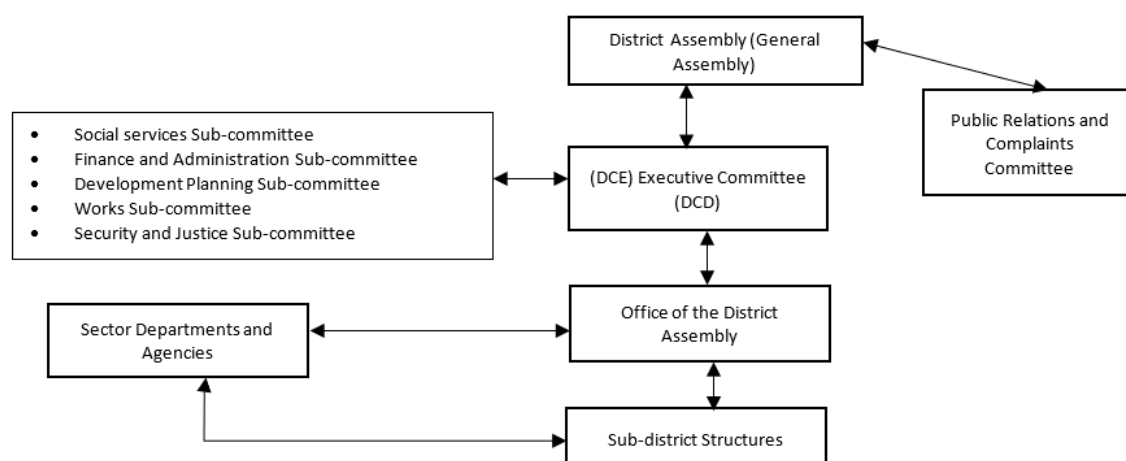
¹⁷ Ghana, “Ghana's Constitution of 1992 with Amendments through 1996”

¹⁸ Ghana, “Local Government Act”

¹⁹ See Article 12 (1)(c) and Article 12(3)(a) of the [Local Government Act of 2016](#)

- ii) recommends the remuneration of the employees of the Service to the Fair Wages and Salaries Commission;
- iii) develops policy guidelines to handle matters related to the recruitment, training, promotion, discipline, arbitration and petition within the Service;
- iv) ensures the development and coordination of the personnel plans and assessment of the personnel needs of the District Assemblies; and
- v) ensure the development and coordination of the training implementation plans of District Assemblies.

► **Figure 2: Metropolitan, municipal, and district assemblies' management structure**



Source: [Management and leadership in MMDAs](#)

The table below summarises the responsibilities of the LRG in Ghana which include fire protection, early childhood education, primary care and health protection, as well as the protection of the environment. They also have shared responsibilities which include social security, housing and town planning, tourism, local economic development and promotion, as well as the “maintenance of security and public safety in the district”.²⁰

► **Table 3: Services provided by various spheres of government in Ghana.**

Services by sector	Responsible authority		
	National government	Regional government	District government
General administration			
Police	SRP		SRP
Fire protection			SR
Civil protection			
Criminal justice	SR		
Civil status register			SR
Statistical office			SR
Electoral register	SR		

²⁰ See Article 12 (3)(g) of the [Local Governance Act of 2016](#)

Services by sector	Responsible authority		
	National govern- ment	Regional govern- ment	District govern- ment
Education			
Preschool			SR
Primary			SR
Secondary			SR
Vocational and technical	SR		
Higher education	SR		
Adult education			
Social welfare			
Family welfare services			SR
Welfare homes			SR
Social security	SRP	SRP	SRP
Public health			
Primary care			SR
Hospitals	SR		
Health protection			SR
Housing and town planning			
Housing		SRP	SRP
Town planning		SRP	SRP
Regional planning		SRP	SRP
Transport			
Roads	SRP	SRP	SRP
Transport		SRP	SRP
Urban roads			
Urban rail			
Ports	SR		
Airports	SR		
Environment and public sanitation			
Water and sanitation			SR
Refuse collection & disposal			SR
Cemeteries and crematoria			SR
Slaughterhouses			SR
Environmental protection	SRP	SRP	SRP
Consumer protection	SR		
Culture, leisure and sports			
Theatres and concerts			D
Museums and libraries	SR		D
Parks and open spaces			SR

Services by sector	Responsible authority		
	National government	Regional government	District government
Sports and leisure facilities			SR
Religious facilities			
Utilities			
Gas services			
District heating			
Water supply			SR
Electricity	SR		
Economic			
Agriculture, forestry and fisheries	SRP	SRP	SRP
Local economic development & promotion	SRP	SRP	SRP
Trade and industry	SRP	SRP	SRP
Tourism	SRP	SRP	SRP

SR - Sole responsibility / **SRP** - Shared Responsibility / **D** - Discretionary

Source: [Commonwealth Local Government Forum, 2019b](#)

2.2. Staff structures

The local government workers are grouped into seven main categories as shown in the table below. The first two categories (A1 and A2) of local government workers are equivalent to the A and B categories of the Public Service Commission and are appointed by the president acting on the advice of the LGS Council in consultation with the Public Service Commission (PSC). As for categories B to F, the LGS is the appointing authority in consultation with the PSC (Ghana, Local Government Service 2010).

► **Table 4: Categories of workers working in LR government and disciplinary authority**

Categories	Grade of staff	Disciplinary Authority
A1	Head of Service, Regional Co-ordinating Directors/ Chief Directors	Local Government Service Council
A2	National Directors, Regional Directors, District Co-ordinating Directors, District Departmental Directors	
B	Deputy Directors and analogous grades at the National Headquarters, Regional and District levels	Head of Service, Regional Co-ordinating Director (for categories A, B, C, D, & E in the Local Government Service Secretariat or the Regional Co-ordinating Council) The Metropolitan, Municipal, District Co-ordinating Director (for categories B, C, D, E and F in Metropolitan, Municipal, District Assembly)

Source: [Ghana, Local Government Service 2010](#)

The framework defining staff qualifications and responsibilities is based on the Scheme of Service – a local management tool developed to provide and facilitate a coherent framework of recruitment, development, and career progression of the local government workers.²¹ Civil society organizations have long worked with local governments, notably in the areas of public resource utilization and the provision of local public services. Ghana is also one of the few countries in Africa where local finances are audited annually by the supervisory authorities. The legislation provides for the assessment of local government performance, but a 2013 paper concluded that it “will remain ineffective until local government councils genuinely serve local communities and their citizens by achieving goals and objectives that are consistent with the needs and aspirations of the latter rather than relying on annual performance assessments designed to ignore the opinions of citizens” (Zakaria 2013).

2.3. Pay structures

Pay structures for the whole public service are developed by the Fair Wages and Salaries Commission (FWSC) – a body corporate established by law.²² The Fair Wages and Salaries Commission implements public service pay policy; develops salary structures for the public service and monitors allowances and benefits of public servants and the consolidation of salaries of public servants; coordinates, manages and monitors collective bargaining processes in which the Government is the direct or indirect employer.²³ The Ghanaian civil-service salary structure depends on ranking and job class as provided for in the Scheme of Service. To harmonise salaries and pay structures, the LGSC only recommends to the FWSC for approval of the salary scale of the local government

²¹ See Section 2.1.1 of the [Conditions of service for staff](#)

²² Ghana, “[Fair Wages and Salaries Commission Act](#)”, 2007

²³ See Article 3 of the [Fair Wages and Salaries Commission Act](#), 2007

workers. The Ghanaian civil service operates according to a complex set of job descriptions and responsibilities, which determine salaries. The salaries must align with the Single Spine Salary Structure (SSSS) in place for the public service.

2.4. Career development

Opportunities for career development exist as a result of vacancies in the organisational structure of the local government. The Human Resource Operational Manual (HROM) (Ghana, Local Government Service 2015) provides for basic personnel policies, practices and procedures to support managerial employees in the efficient and effective management of the local government service. Among others, the manual covers recruitment, selection and retention of employees, training and capacity-building, promotion, human resource planning, posting and transfers, performance management, compensation, diversity and gender mainstreaming, codes of ethics/discipline, and leaving the local government service.

In filling the vacancies, priority is given to supporting workers through promotion from within. Lateral and vertical mobility of workers within the local government and from local government to central government and vice-versa is also possible. For example, in March 2010, the government transferred over 30,000 staff from the Civil Service to the Local Government Service. The transfer and posting of staff from one region to another is managed by the Local Government Service Secretariat (LGSS) in consultation with the concerned Regional Co-ordinating Council (RCC) while intra-regional postings are managed by the RCC in consultation with the LGSS. The intra-Metropolitan, Municipal, and District Assembly (MMDA) postings are executed by the Metropolitan, Municipal, District Co-ordinating Director (MMDCD) while the vertical mobility of labour between the central and local governments is managed by the LGSS and the Public Service Commission.

The local government service recognizes that foundational learning is required to ensure that the citizenry is served by a skilled and well-trained professional workforce. Article 52 (f) of the Local Government Act, 2016 places responsibility on the LGS to “develop and coordinate the training implementation plans of the District Assemblies in consultation with the respective District Assemblies”. To this end, the local government service is committed to creating a lifelong learning environment for its employees. The Institute of Local Government Studies (ILGS), a training centre for municipal administration, was established with the support of the Dutch government to build local government staff capacity, particularly personnel in charge of planning, heads of financial offices, town clerks, etc. The ILGS also trains central ministry agents at the national and regional levels who work in conjunction with local governments. The LRG also offers educational sponsorships to local government workers, to pursue academic programmes at the University of Cape Coast.

2.5. Social security

The National Pensions Act, 2008²⁴ establishes a three-tier contributory pension scheme consisting of a mandatory basic national social security scheme; a mandatory fully funded and privately managed occupational pension scheme, and a voluntary fully funded and privately managed provident fund and personal pension scheme. Article 32 of the National Pensions Act provides for the establishment of the Social Security and National Insurance Trust (SSNIT) which is mandated to manage and operate the first-tier basic national social security pension scheme and other schemes. It is mandatory for all workers in formal employment and optional for self-employed workers. Local government workers also have access to the second-tier mandatory occupational pension scheme which is managed by Hedge Pensions Trust (Ghana, Local Government Service 2017).

²⁴ Ghana, [National Pensions Act](#), December 2008

Contributions to both mandatory schemes are capped at 5.5 per cent for workers deducted from the worker's basic salary and 13 per cent of the worker's basic salary for employers totalling 18.5 per cent which is then spread between the two schemes.²⁵ The contributions are such that employers remit 13.5 per cent to SSNIT and 5 per cent goes to the second-tier mandatory occupational scheme. From the 13.5 per cent, SSNIT also contributes 2.5 per cent to the National Health Insurance Authority (NHIA) for the member's Health Insurance and retains 11 per cent for the administration of the first tier.

Ghana is attempting to implement an end-of-service benefits package for LRG members, which would broaden the incentives offered to employees upon retirement. In addition, local government employees experiencing financial difficulty are granted repayable loans, which helps boost collective confidence.

2.6. Gender equality and non-discrimination

Article 35(6)(b) of the Constitution provides that the State shall take appropriate measures to achieve reasonable regional and gender balance in recruitment and appointment to public offices. The Labour Act of 2003²⁶ lists discrimination on the grounds of race, place of origin, political opinion, colour, religion, creed, gender, or disability among the unfair labour practices. Further, it prohibits restrictive conditions of employment including discrimination against the person on the grounds of gender, race, colour, ethnic origin, religion, creed, social or economic status, disability, or politics. Sexual harassment, physical assault, or fighting on premises are considered major offences. The Labour Act requires the employer to act against harassment in the workplace.

The Local Government Act of 2006 specifically mandates District Assemblies to protect "marginalised groups from discrimination of any kind, including discrimination based on language, religion, culture, national or social origin, gender, birth, descent or other status". If a worker terminates their employment contract because the employer did not act against sexual harassment in the workplace, such termination would amount to unfair dismissal.

The CEACR requested the Government in 2005 to provide information on the specific measures taken or envisaged to ensure effective equality of opportunity and treatment of women with respect to recruitment in the public service. Since the adoption of the SSSS, the CEACR has observed that the information the government provided "does not contain information on the types of jobs that fall within each level of pay and thus does not allow the Committee to assess whether the method of evaluation of jobs used is effectively free from gender bias." Therefore, it asked the government "to provide information on the progress made in covering all public service employees by the Single Spine Salary Structure, and how this has impacted on the relative pay of women and men in the public service; [. . .] on the number of men and women at each level of the pay structure; [and] on the practical application of this Single Spine Salary Structure, including on the issues dealt with by the Fair Wages and Salaries Commission and the steps taken by this Commission to ensure the full application of the principle of the Convention in the public service."²⁷ The [Local Government Service Human Resource Operational Manual for Metropolitan, Municipal and District Assemblies](#) (2013) directs local governments to mainstream gender in their recruitment practices, including affirmative action and monitoring.

²⁵ Ghana, Social Security and National Insurance Trust, "About Us"

²⁶ Ghana, "Labour Act", 2003

²⁷ ILO, [Observation \(CEACR\) - adopted 2020, published 109th ILC session \(2021\)](#) on the *Equal Remuneration Convention, 1951 (No. 100)*.

2.7. Labour relations, freedom of association and collective bargaining

Ghana has ratified 8 of the 10 fundamental conventions of the ILO, 2 of the 4 governance conventions and 41 technical conventions including the Labour Relations (Public Service) Convention, 1978 (No. 151) which guarantees public servants' organisations adequate protections against acts of anti-union interference. These conventions have been domesticated in various pieces of legislation including the Labour Act²⁸ which also covers subnational government employees and has established mechanisms for collective bargaining and dispute resolution. The Labour Act allows for collective bargaining in all enterprises. Agreements may include provisions relating to specific worker classes or categories, conditions of work (including hours of work, rest periods, meal breaks, annual leave, occupational health and safety measures), remuneration and its calculation, probation and its conditions, notice of termination of employment, transfer and discipline, procedures for the avoidance and settlement of disputes arising from the interpretation, application and administration of the agreement, and the principle of matching remuneration with productivity.

The Public Services (Negotiating Committee) Act (No. 309 of 1992) recognized the bargaining rights of public service workers, through the Public Services Joint Standing Negotiating Committee (PSJSNC), which is now regulated under the Labour Act (Gockel and Vormawor 2004, 26). The Public Services Commission Act of 1994²⁹ created a body to advise the government on a broad array of work-related issues, including those under the purview of the PSJSNC. In his address at the 2023 May Day celebrations, the President reported that the PSJSNC had negotiated an increase of the base pay on the SSSS by 30 per cent, effective 1st January 2023.³⁰ Public servants were represented by the CLOSSAG (CLOGSAG, n.d.).

The Local Government Service Act, 2003 (Act 656) created the Local Government Service Council consisting of representatives from all social partners including a representative of the LGWU. In 2011, the Ministry of Local Government and Rural Development established Conditions of Service for Local Government staff in consultation with the Local Government Workers' Union (LGWU) "and other stakeholders of the Local Government Service (LGS)". The [Local Governance Act](#), 2016, No. 936, repealed Act 656 but retained the Council with 15 members, only 1 of whom will represent local government workers, rather than the LGWU. The Council makes recommendations to the Minister on "a scheme of service prescribing the terms and conditions of service as well as the remuneration of the employees of the Service": however, the current [Scheme of Service](#), adopted in 2014 and revised in 2022, only contains titles and descriptions of posts. In 2022, the worker representative was the President of the Association of District Coordinating Directors (ASDCOD) (Ghana, Local Government Service 2021).

The freedom of association is recognised and protected in Article 21(1)(e) of the Constitution as a fundamental human right. Between 2018 and 2021, the ITUC has recognized that Ghana has improved its record, from having "regular violations" of labour rights to "repeated violations". Ghana is ranked three out of five (five+ is the worst) on the ITUC's Global Rights Index but has since improved to two out of five.

In 1977, the membership of the LGWU was around 36,000 but by 2021, the number had declined to 8,000 (Rosa Luxemburg Stiftung Foundation 2012; Danish Trade Union Development Agency 2023). The LGWU competes for membership with the rival Civil and Local Government Staff Association of Ghana (CLOGSAG), founded in 1918, which had a membership of 45,000 in 2012. The CLOSSAG holds the Collective Bargaining Certificate for the staff of Civil Service and the Local Government Service (CLOGSAG, n.d.). Despite several conflicts (for example EFUA

²⁸ Ghana, [Labour Act](#), October 2003

²⁹ Ghana, [Public Services Commission Act](#), August 1994

³⁰ Presidency of Ghana, ["Address By President Akufo-Addo At The 2023 May Day Celebration"](#), 1 May 2023.

2016; Kunateh 2013), the CLOGSAG, the LGWU, and the PSWU joined a National Coordinating Committee (NCC) of Public Sector Unions in Ghana with the Public Utility Workers' Union (PUWU), the Ghana Registered Nurses and Midwives Association (GRNMA), the Health Services Workers Union (HSWU), the Union of Industry, Commerce and Finance Workers (UNICOF), and the Teachers and Educational Workers' Union (TEWU) (NCC 2022). The Public Services Workers' Union (PSWU) also represents local government workers. Between 2012 and 2018, membership declined by 65 per cent (PUWU), 52 per cent (LGWU), and 43 per cent (PSWU) (Danish Trade Union Development Agency 2021). The decline in membership could be traced back to the structural adjustment programmes implemented in the 1980s.

2.8. Impact of decentralization on municipal services

The SDGs were a focus at both the 2018 regional conference and the 2019 national conference of the National Association of Local Authorities of Ghana (NALAG). NALAG undertook to create awareness of the SDGs in the training of staff and its national executive council. It also organized nationwide SDG sensitization workshops in all ten regions in 2017 to educate its members and local authorities on SDG goals and targets and the need to carry everyone along as well as the benefits this would have for district assemblies. In collaboration with United Cities and Local Governments (UCLG) Africa and the Ghana Institute of Management and Public Administration, NALAG organized a train-the-trainers workshop in April 2019 to build the capacity of local government officers to localize the SDGs and adopt strategic planning at the local level. In addition, NALAG has been working with the CSO Platform as well as with development partners such as the German Society for International Development (GIZ) and Commonwealth Local Government Forum (CLGF) on SDG localization.

Ghana's decentralized planning system assigns planning functions to ministries, departments and agencies at the national level, and to local authorities in the form of metropolitan, municipal and district assemblies at the subnational level. Coordination is vested in the National Development Planning Commission (NDPC) at the apex, supported by 16 Regional Coordinating Councils (RCCs). The Ministry of Planning provides policy coordination and monitoring support. The Voluntary National Review cited the "strengthening [of] local government capacity" as an important action required to accelerate progress and increase efficiency to achieve the SDGs.³¹ Reform to ensure that elected executive bodies head up subnational tiers of government is also currently being debated.

³¹ Ghana, National Development Planning Commission, [Voluntary National Review Report on the Implementation of the 2030 Agenda for Sustainable Development](#), June 2019

2.9. LRG/municipal workers and inclusive local economic development

The local government is at the core of inclusive economic development in Ghana. The District Assemblies promote local economic development as part of their responsibility for the overall development of the district, and the law requires them to formulate and execute plans, programmes, and strategies to mobilise resources for the overall development of the district.³² Ghana has launched several projects to improve the capacity of local, provincial and district governments in driving inclusive local economic development. For example, the Government and the ILO implemented a Decent Work Pilot Programme which included guidance for the development of the Local Economic Development (LED) policy of 2011. LED is:

► *a participatory development process that encourages partnership arrangements between the private and public stakeholders of a defined territory that enable the joint design and implementation of a common development strategy by making use of the local resources and competitive advantage, with the final objective of creating decent jobs and sustainable economic growth for all (ILO 2011).*

Azunu et al (2019) found that the LED project had “led to the creation of jobs, enabled participants to improve their businesses, improve their economic situation and meet their health needs and also adopt strategies to pull themselves out of poverty.”

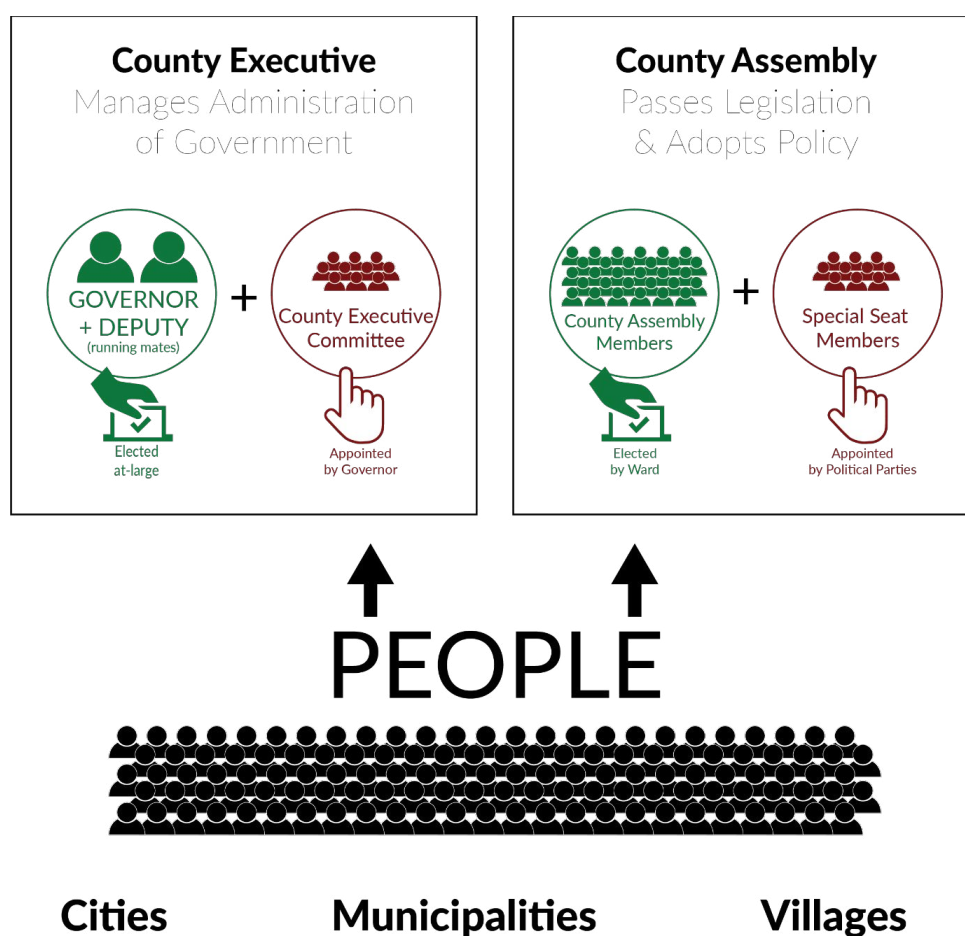
³² See Article 12 of the [Local Government Act of 2016](#)

► 3 Kenya

3.1. Institutional framework

The national executive, the parliament, and the judiciary make up the Kenyan national government. The parliament is a bicameral legislature with two houses, namely the National Assembly and Senate (Kenya, Public Service Commission 2013). County governments comprise the county executive and county assembly which is the legislative arm.

► Figure 3: Kenyan County government structure



Source: Nyambura, Joyce & Jason Grant (2022)

The county executive committee consists of the governor, who is the chief executive officer, and the county executive committee members (CECMs) appointed by the governor. According to Article 180 of the Constitution,³³ the county governor is directly elected by the “voters registered in the county” and then appoints members of the Executive Committee. Among other functions conferred on it in Article 183 of the Constitution, the Executive Committee is responsible for the management and coordination of the “functions of the county administration and its departments”. Kenya has eight provinces.

There are three types of devolved functions in Kenya, namely exclusive, concurrent and residual. The new Kenyan Constitution³⁴ abolished the 175 urban and rural local governments. Article 186 clarifies the functions and powers of county governments, shows where county functions are situated (Fourth Schedule), and explains counties’ concurrent functions. It also designates as a national government function any other function not assigned to the counties by the Constitution or any other written law.

► **Table 5: Services provided by various spheres of government in Kenya.**

Services by sector	Responsible authority		Remark
	Central government	County government	
General administration			
Police	SR		
Fire protection		SR	
Civil protection	SR		
Criminal justice	SR		
Civil status register	SR		
Statistical office	SRP	SRP	
Electoral register	SR		
Education			
Preschool		SR	
Primary	SR		
Secondary	SR		
Vocational and technical	SR		
Higher education	SR		
Adult education		SR	
Social welfare			
Family welfare services		SR	
Welfare homes		SR	
Social security	SRP	SRP	
Public health			
Primary care		SR	

³³ Kenya, [Constitution of Kenya](#), 1963, as amended in 1999.

³⁴ Kenya, [Constitution of Kenya](#)

Services by sector	Responsible authority		Remark
	Central government	County government	
Hospitals		SR	
Health protection		SR	
Housing and town planning			
Housing		SR	
Town planning		SR	
Regional planning		SR	
Transport			
Roads		SR	
Transport		SR	
Urban roads		SR	
Urban rail	SR		
Ports		SR	
Airports	SR		
Environment and public sanitation			
Water and sanitation		SR	
Refuse collection & disposal		SR	
Cemeteries and crematoria		SR	
Slaughterhouses		SR	
Consumer protection			
Culture, leisure and sports			
Theatres and concerts			
Museums and libraries		SR	
Parks and open spaces		SR	
Sports and leisure facilities		SR	
Religious facilities			
Utilities			
Gas services		SR	
District heating			
Water supply		SR	
Electricity		SR	
Economic			
Agriculture, forestry and fisheries		SR	
Local economic development & promotion		SR	
Trade and industry		SR	
Tourism		SR	

SR - Sole responsibility / SRP - Shared Responsibility / D - Discretionary

Source: CLGF 2019

3.2. Staff structures

Part 2 of the Constitution establishes the Public Service Commission (PSC) which is mandated to oversee the affairs of public service workers including in county governments. Article 234 of the Constitution mandates the PSC to among other things:

- i) establish and abolish offices in the public service;
- ii) appoint persons to hold or act in those offices, and to confirm appointments;
- iii) exercise disciplinary control over and remove persons holding or acting in those offices;
- iv) develop human resources in the public service;
- v) hear and determine appeals in respect of county governments' public service; and to
- vi) investigate, monitor and evaluate the organisation, administration and personnel practices of the public service.

The County Public Service Board (CPSB) has the same functions as the Public Service Commission (PSC) which are established in Article 59 of the County Governments Act No.17 of 2012.³⁵ Each CPSB is responsible for the establishment of staff structures at the county level which are later taken to the county assembly for approval as provided for in Article 59 of the County Governments Act and the County Public Service Human Resource Manual (Kenya, Public Service Commission 2013). The CPSB is headed by a chairperson who is nominated and appointed by the Governor with the approval of the County Assembly.³⁶ Initially, the PSC was responsible for the hiring of executive staff at the local government level, but the County Governments Act empowers each county to recruit its own staff members. The County Governments Act also empowers the CPSB to "regulate the engagement of persons on contract, volunteer and casual workers, staff of joint ventures and attachment of interns in its public bodies and offices".³⁷

3.3. Pay structures

The CPSB makes recommendations on wages and salaries to the Salaries and Remuneration Commission (SRC) as provided for in the Act³⁸ so that, based on the recommendations, the SRC can "advise and regularly review the salary and allowances applicable to officers in the county public service, amongst other public officers."³⁹ However, the limited implementation of the devolution policy has weakened local county governments. The SRC has been marginalized by the central government, and large numbers of workers are either chronically underpaid or suffer wage arrears (The Standard 2019; Irene 2016). There is a lack of public negotiating machinery, and the funds meant for local government are often diverted for other recurrent expenditures at the expense of workers. The fragmented trade unions make it hard to establish an authoritative voice for workers.

3.4. Career development

According to the County Public Service Human Resource Manual (Kenya, Public Service Commission 2013), appointments at the county level are divided into (i) permanent and pensionable; (ii) medium-term (one to five-year renewable contract); and (iii) short-term (casual, paid hourly, or paid daily). The County Public Service Board appoints and promotes city/municipal managers, sub-county administrators and other county public service staff.

³⁵ Kenya, National Council for Law Reporting, [County Governments Act No.17 of 2012](#), July 2012

³⁶ See Article 58

³⁷ See Article 74

³⁸ Kenya, National Council for Law Reporting, [Salaries and Remuneration Act](#), July 2011

³⁹ See section B.4 of the [County Public Service Resource Manual](#), May 2013

The Human Resource Manual also provides for County governments to conduct a “Training Needs Assessment” once every two years to guide training committees in identifying and nominating workers for training. The training programmes are financed locally by County governments (Kenya, Public Service Commission 2013). However, the CPSB is allowed to impose a “training levy” on workers participating in a course lasting three months or more at a rate determined by the CPSB. Exceptions to the training levy are given to workers on part-time or on full-time but are self-sponsored.

The County Government Act of 2012 stipulates the procedures and regulations for appointing persons into the county government, as well as for the transfer, promotion, dismissal and probation of county staff. Both horizontal and vertical mobility of labour between counties and national governments is possible as provided for in the Act and is coordinated by the County Service Board in consultation with the Public Service Commission and line ministries to facilitate redeployment, transfers and secondment.⁴⁰

3.5. Social security

The National Social Security Fund Act⁴¹ of 2013 establishes a National Social Security Fund (NSSF) and allows not only permanent and pensionable workers in local authorities but also self-employed persons and their dependants to access social security. Every employer and employee must register with NSSF as provided for in Article 19 (5) and failure to do so attracts a fine. The Pensions Act⁴² governs Kenyan public service pensions including pensions for county government workers.

In 2005, the Kenya Local Government Officers Superannuation Fund was replaced by the Local Authorities Pension Trust (Laptrust). The latter stopped accepting new members in 2012 and was replaced by a Defined Contribution Scheme, the Laptrust (Umbrella) Retirement Fund.⁴³

3.6. Gender equality and non-discrimination

Efforts have been made in laws and practice to promote gender equality and non-discrimination in the overall public sector. Employees who are physically challenged and have registered with the National Council for Persons with Disabilities are exempted from tax on “all income accruing from his employment”.⁴⁴ They also receive equal opportunities for training, appointment and advancement. However, despite the laws, policies and frameworks to protect workers, discrimination is rampant. In addition, cases of discrimination are rarely reported.

Article 197 of the Constitution mandates that “(1) Not more than two-thirds of the members of any county assembly or county executive committee shall be of the same gender. (2) Parliament shall enact legislation to (a) ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee; and (b) prescribe mechanisms to protect minorities within counties.” In 2017, only 33.5 per cent of the members of county assemblies, 36.2 per cent of county commissioners and 14.9 per cent of sub-county commissioners were women.⁴⁵ In April 2023, the National Gender and Equality Commission (NGEC) reported that “no county has complied with the two-thirds (2/3) gender rule in appointing [CECMs] and Chief Officers (CO)” (Kenya, Parliament 2023).

⁴⁰ See Article 138(3) of the [County Governments Act No.17 of 2012](#), July 2012

⁴¹ Kenya, National Council for Law Reporting, [National Social Security Fund Act](#), December 2013

⁴² Kenya, National Council for Law Reporting, [The Pensions Act](#), 2009

⁴³ Laptrust, [“All You Need to Know About Laptrust”](#)

⁴⁴ See Article 12 (3) of the [Persons with Disabilities Act No.14 of 2003](#), January 2004

⁴⁵ Kenya, Ministry of Public Service, Youth and Gender Affairs State Department For Gender Affairs, [Strategic Plan 2018-2022](#), 13.

For example, 7 of the 10 CECMs in the Baring County government were men in 2017, as were 10 out of the 15 Chief Officers. In addition, it had 15 male and 4 female Directors; 22 male and 2 female County Assembly Committee Chairpersons; 15 male and 9 female Vice County Assembly Committee Chairpersons; 7 male and 2 female CPSB Members; and 85 male and 61 female County Assembly Service Board Members. Among health professionals, the picture was also highly gendered although some job families showed a higher balance, as it employed 32 female and 29 male doctors; 58 female and 62 male clinical officers; and 351 female and 134 male nurses (UN-Women 2019, 2). In 2019, the NGEC published the second edition of the [Guide for County Government Leadership](#) on Integration of Gender Equality, Inclusion in County Development, with detailed guidance on gender-sensitive recruitment and treatment of staff.

3.7. Labour relations, freedom of association and collective bargaining

Kenya has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Labour Relations (Public Service) Convention, 1978 (No. 151), nor the Collective Bargaining Convention, 1981 (No. 154). To promote social dialogue, five laws were enacted in 2007:

- i) Labour Relations Act (LRA)
- ii) Employment Act
- iii) Labour Institutions Act
- iv) Work Injury Benefits Act
- v) Occupation, Safety and Health Act

The Labour Relations Act includes provisions on dispute management mechanisms, the reaffirmation of the role of the Industrial Relations Court to register and approve collective bargaining agreements, speedy resolution of disputes (within 30 days), and the duties to (a) engage in good faith and (b) to disclose information required by the other party in the negotiation process.

The tripartite National Labour Board established under the Labour Institutions Act monitors and provides advice to the government on the application and effectiveness of the labour relations regimes, including codes of good practice. It is also mandated to advise the government on “any issue arising from the International Labour Organisation and [its] Conventions”.⁴⁶ Article 61 of the LRA regulates the terms and conditions of work in the public sector where there is no collective bargaining, establishing that:

► *[T]he Ministry of Labour may, prior consultations with the tripartite National Labour Board, establish the machinery for determining terms and conditions of employment for any category of employees in the public sector. These terms and conditions of employment shall have the same effect as a registered collective agreement and may be enforced as such. The Minister may determine different terms and conditions for different categories of public employees or decide not to exercise these powers when there is a trade union entitled to bargain collectively in such bargaining unit (Canessa-Montejo 2019, 45).*

The Labour Institutions Act also provides for the establishment of wages council which is mandated to “investigate the remuneration and conditions of employment in any sector”.⁴⁷ While

⁴⁶ See Article 7 (1)(d) of the [Labour Institutions Act of 2007](#), October 2007

⁴⁷ See Article 7 of the [Labour Institutions Act of 2007](#), October 2007

well defined in the Labour Relations Act, labour relations regimes are not fully implemented. Consequently, workers are on the losing end in the event of industrial action.

Freedom of association is enshrined in Article 36 of the Constitution. The Labour Relations Act⁴⁸ expands on this right and makes provisions for necessary protections to both workers and employers as well as their respective organisations and representatives. The law allows county employees to join any recognized and registered trade union of their choice.

In 1968, the Association of Local Government Employers and the Kenya Local Government Workers Union signed an agreement which established a National Joint Negotiating Council with ten representatives from each party and a non-voting observer from the Ministry of Local Government. In 2012, a [memorandum of agreement](#) granted the Council the authority to negotiate the rates of pay and overtime, hours of work, method of wage payment, paid leave, duration of employment, collection of union dues, medical benefits, principles of redundancy, and training, insurance schemes and other terms and conditions of service. It submits its negotiated decisions to the Minister of Local Government.

In 2013, the Public Service Commission established County consultative committees, each consisting of up to three members from the County Government and three members from employees' unions (Kenya, Public Service Commission 2013, 60). The Committee provides a platform for negotiation and secures cooperation between the parties. In 2017, a 25-day-long strike by the Kenya Union of Clinical Officers ended when the 47 County Governments signed Recognition Agreements that would lead to collective bargaining (Kenya, Council of Governors 2017a). Earlier that year, County Governments and the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) signed Collective Bargaining Agreements (Kenya, Council of Governors 2017b). In 2019 the Kenya Local Government Workers Union (KLGWU) signed a collective bargaining agreement with the Nairobi County government.⁴⁹ In 2022, the KLGWU and the Kiambu and Baringo County Governments signed separate Recognition Agreements.⁵⁰ Before that, the union had signed such an agreement with the Kwale County government.

However, the collective agreement signed in 2019 between the union and the Nairobi County government was amended by the Salaries and Remuneration Commission, which moved the union to call a strike demanding that the agreement be enforced as signed. Although there have been harmonious working relations with the employers under the Collective Bargaining Agreement (CBA), there have also been instances of conflictual labour practices, such as the arrest of union officials during industrial action. At times, county governments have also allegedly disregarded the CBA signed between the national government and health workers, causing rifts and an increase in strike action, as well as threats against or the dismissal of trade union leaders by the various county governors. For example, the Nairobi County Government suspended 500 workers in September 2013, including union officials, for allegedly taking part in an unlawful strike. Police used tear gas to disperse a protest calling for the implementation of the collective agreement (ITUC 2014). The County Secretary engaged private contractors and youth groups as replacement workers. In 2015, the Employment and Labour Relations Court issued a decision in *Kenya County Government Workers Union versus the County Government of Nyeri*,⁵¹ which prohibited the county government from replacing casual employees on strike.

⁴⁸ Kenya, National Council for Law Reporting, [Labour Relations Act](#), October 2007

⁴⁹ Kenya, Nairobi City County, ["City Hall reaches agreement with workers union"](#), 5 February 2019.

⁵⁰ ["Kiambu County Recognition Agreement"](#) Kenya County Government Workers Union Blog, 13 January 2022;

["Baringo County Recognition Agreement"](#) Kenya County Government Workers Union Blog, 4 March 2022.

⁵¹ Employment and Labour Relations Court, [Kenya County Government Workers' Union v County Government of Nyeri & another](#), Petition no. 10, 11th December 2015

3.8. Impact of decentralization on municipal services

Kenya adopted a system that created seven semi-autonomous regional governments and a central government with its headquarters in Nairobi. The regional governments adopted a district system, which is utilized to deconcentrate central government ministries' services to the local level. District Development Committees (DDCs) chaired by the district commissioners were formed and mandated to facilitate participatory planning of services at the local level. All key stakeholders, including members of Parliament and local authority officials, in a specific district, had to join the DDCs. This came at a time when the role of local authorities was systematically being eroded. The key central government ministries, departments and parastatal offices are located at the district level. The District Focus for Rural Development (DFRD) Policy has largely failed due to what Chitere and Ireri call "lack of separation of development and control functions; too many 'layers' in the system which reduced transparency and increased bureaucracy; failure to allocate funds to communities for their projects; and, lack of transparency and accountability in relation to allocation and use of resources".⁵²

3.9. LRG/municipal workers and the localization of the SDGs

The Council of Governors (CoG) established an SDG unit to coordinate the implementation of the SDGs and support county governments to mainstream the goals in their projects, programmes, strategies and plans. The CoG also takes advantage of social media to raise public awareness of the SDGs. Regarding monitoring activities, CoG members are working with the National Monitoring and Evaluation Department to develop county monitoring and evaluation handbooks that incorporate the SDG indicators. Handbooks have already been produced for the counties of Kericho, Nakuru, Taita Taveta and Kilifi. Furthermore, the CoG has established the Maarifa Centre as Kenya's premier knowledge-sharing and learning platform, where counties can share their experiences relating to the SDGs to promote effective governance and service delivery.

3.10. LRG/municipal workers and inclusive local economic development

In Kenya, the approach to the transfer of revenue at the local government level is spearheaded by the Local Authority Transfer Fund (LATF) and the Road Maintenance Levy. The central government manages the distribution of funds equitably and transparently. Importantly, however, the two transfers are conditional. The LATF has been at the forefront of assisting local governments with funds for administrative and infrastructure services. In the past, executive and senior management staff in local governments were appointed by the PSC, but the new regime affords each county the power to hire its staff. Institutional capacity-building for local governments lacks a national capacity-building strategy and a harmonized framework to define staff qualifications and responsibilities.

⁵² Preston Chitere and Onesmus Ireri, "District Focus for Rural Development as a Decentralized Planning Strategy: An Assessment of its implementation in Kenya", in Thomas N. Kibua and Germano Mwabu (eds.), *Decentralization and devolution in Kenya: new approaches*, University of Nairobi Press 2008, 39, citing N. Schall, "District Focus for Rural Development, Blue Book", Social Policy Advisory Services SPAS – Kenya, Usingen (Germany), GTZ, 1998, 48.

► 4 Morocco

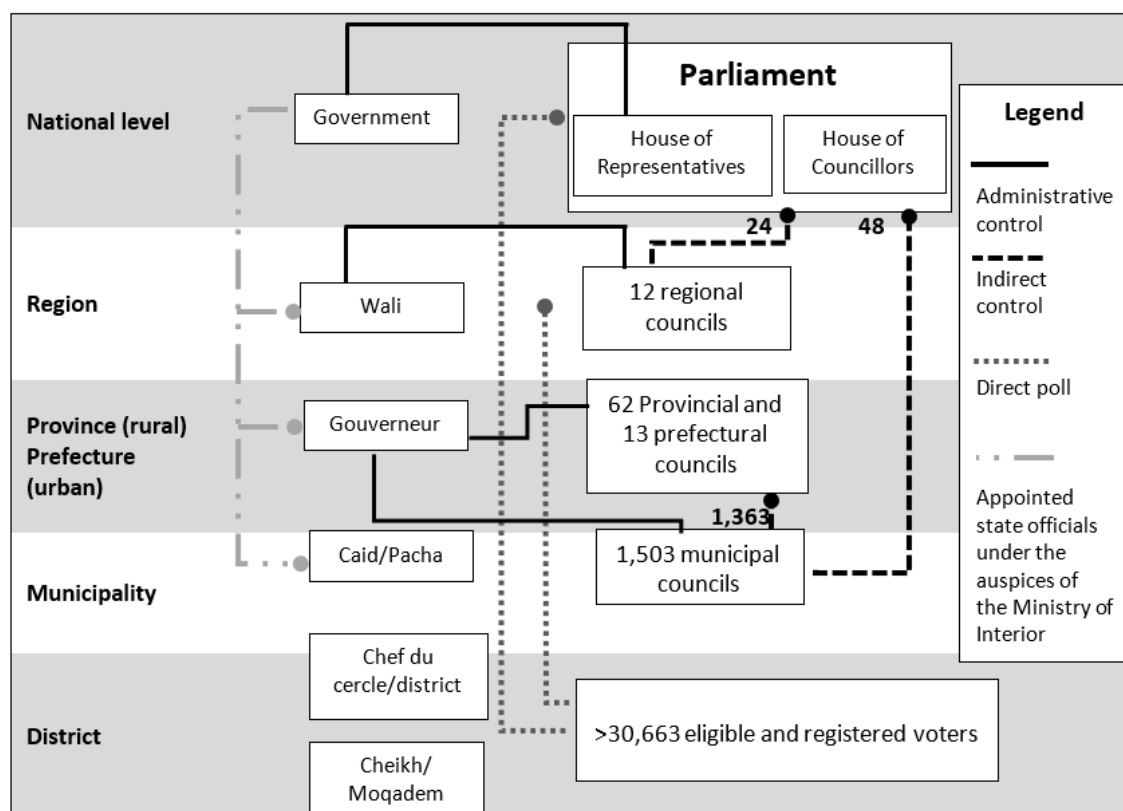
4.1. Institutional framework

Article 1 of [Morocco's Constitution](#), promulgated in 2011, states that:

►► “[T]he territorial organization of the Kingdom is decentralized and is founded on an advanced regionalization”.

Since its administrative division in 2015, Morocco comprises 12 regions and 41 District Councils that are in 6 major cities. In total, Morocco has 75 Prefectures (administrative jurisdictions governed by appointed prefects) and Provinces, and 1,503 Communes. Each of the 12 regions is headed by a regional council president elected in parallel with the governor. Each province is also headed by a council president elected in the same way. The Moroccan Communes are classified in Articles 135 to 146 of the Constitution as one of the three levels of local administration in the country. A Commune is managed by an elected collective council, which comprises the president and a group of advisers from both the majority and the opposition. Elections are held every six years.

► Figure 4: Morocco's political and administrative system



Source: Houdret, Annabelle & Astrid Harnisch (2018)

While describing it as a response to the unrest that affected some Arab countries starting in 2011 (including Morocco's Rif region), some authors have criticized Morocco's decentralization process for the persistence of the double-headed political-administrative system of elected and appointed

institutions supported by the *Makhzen* system (Houdret and Harnisch 2018, 938 & 945).⁵³ For example, Article 145 of the Constitution explicitly states that in the “territorial collectivities, the Walis of regions and the governors of provinces and prefectures represent the central power” whose roles include the application of the “laws, implement the government regulations and decisions and exercise the administrative control”.⁵⁴ There is evidence to suggest that the *Makhzen* system has been able to control local elites in regions by appointing local governors, supporting rural notables and “accepting the duplication of offices to allow candidates to be elected members of regional councils and the national parliament at the same time” (Garcia and Collado 2015).

Moroccan Communes are based on the principle of free management, providing for democratic deliberations and the authority to implement their own decisions. Within their respective regions, Communes are entrusted with the provision of services to the citizens, including organizing, coordinating and implementing services. However, the level of decentralisation in Morocco can be characterised to be low with a limited role of the LRGs in the provision of public services and investments. In fact, Morocco remains one of the most centralised countries of the OECD in terms of spending (OECD 2016; Boujema 2018).

► **Table 6: Services provided by various spheres of government in Morocco.**

Services by sector	Responsible authority		Communes	Circle
	Central government	Governorate		
General administration				
Police	SR			
Fire protection	SR			
Civil protection	SR			
Criminal justice	SR			
Civil status register			SRP	
Statistical office	SR			
Electoral register	SR			
Education				
Preschool	SR			
Primary	SR			
Secondary	SR			
Vocational and technical	SR			
Higher education	SR			
Adult education	SR			
Social welfare				
Family welfare services	SR			
Welfare homes	SR			
Social security	SR			

⁵³ The Makhzen is defined as the “informal governing alliance between the monarch, his advisers, selected businessmen, high-ranking bureaucrats and tribal chiefs operating as the unelected and unaccountable decision-makers in the country beyond the control of the elected government” (see Cavatorta & Durac 2010)

⁵⁴ Morocco, [Morocco's Constitution](#), 2011

Services by sector	Responsible authority			
	Central govern- ment	Governorate	Communes	Circle
Public health				
First aid			SRP	
Hospitals			SRP	
Health protection			SRP	
Housing and town planning				
Housing			SRP	
Town planning			SRP	
Regional planning	SR			
Transport				
Roads	SR			
Transport	SR			
Urban roads			SRP	
Urban rail	SR			
Ports	SR			
Airports	SR			
Environment and public sanitation				
Water and sanitation			SR	
Refuse collection & disposal			SR	
Cemeteries and crematoria			SR	
Slaughterhouses			SR	
Environmental protection	SR			
Consumer protection			SRP	
Culture, leisure and sports				
Theatres and concerts			SRP	
Museums and libraries			SRP	
Parks and open spaces			SR	
Sports and leisure facilities			SRP	
Religious facilities	SR			
Utilities				
Gas services				
District heating				
Water supply			SRP	
Electricity			SRP	
Economic				
Agriculture, forestry and fisheries	SR			

Services by sector	Responsible authority			
	Central government	Governorate	Communes	Circle
Local economic development & promotion	SR			
Trade and industry	SR			
Tourism	SR			

SR - Sole responsibility / **SRP** - Shared Responsibility / **D** - Discretionary

Source: Field research 2021.

4.2. Staff structures

There are over 80,000 employees in the provinces, spread over 1,503 Communes, 12 regions and 75 Prefectures and Provinces. There is no data available on their distribution by gender. Articles 135 to 146 of the Constitution⁵⁵ provide for provinces, second-level administrative subdivisions as well as Communes. The law provides for the President of the Council of a municipality to appoint staff to all positions in the administration of a municipality by issuing an order.⁵⁶ Regular municipal workers are subject to the General Status of the Public Service⁵⁷ and Articles 135 to 146 of the Constitution. Seasonal and daily workers are not subject to the Civil Service Act because of the specific and time-limited nature of their work.

The Civil Service Act sets the conditions and procedures for recruitment. The Communes advertise vacancies and follow appropriate recruitment procedures. The General Civil Service Regulations stipulate different categories of employees – including the executive, the employees and the contract workers who are all subjected to the Labour Code. The Moroccan government is currently working to introduce temporary contracts in the public service sector. However, in response to the introduction of temporary contracts in the education sector, certain professors established a national committee against this measure. The government is currently working to expand the temporary contract scheme to other public-service sectors as well, including Communes, through a set of draft laws and decrees for implementation. However, this may threaten the stability of work in the public service sector and Communes, which could perpetuate vulnerability in the country.

4.3. Pay structures

Recruitment and pay structures are developed at the local level subject to budgetary allocations from the central government. According to Article 26 of the General Status of the Public Service,⁵⁸ the average wage in the public service sector in Morocco, including for municipal workers, is set by legislative or regulatory provisions. Salaries and allowances of workers depend largely on the grade level and the position that is held by an employee. Some employees could be entitled to social security, official vehicles, housing, telephone, fuel, etc.

⁵⁵ Morocco, [Morocco's Constitution](#)

⁵⁶ See Article 127 of the [Dahir n°1-15-85 du 20 ramadan 1436 \(7juillet 2015\) portant promulgation de la loi organique n°113-14 relative aux communes](#), 7 July 2015

⁵⁷ Morocco, [Dahir n° 1-58-008 of 4 chaabane 1377 \(February 24, 1958\) on the general status of the public service \(BO n° 2372 of April 11, 1958\)](#), 1958

⁵⁸ Morocco, [Dahir n° 1-58-008](#)

4.3. Career development

The General Directorate of Territorial Communities of the Ministry of the Interior is responsible for developing and implementing a national training strategy that involves all the local governments in the country. The Directorate for the Training of Senior Administrative and Technical Staff (DFCAT) is responsible for the training and capacity and would usually have a yearly budget from the Parliament to train local elected officials and the LRG staff.

The National Agency for the Promotion of Employment and Skills (ANAPPEC) – a public administrative establishment under the supervision of the State contributes to the organisation and implementation of active employment promotion programmes decided upon by public authorities. Local authorities such as the Rabat-Salé-Zemmour-Zaër Region have signed with ANAPPEC to promote job placement and integration in the public and private sectors (Ibourk 2012).

4.5. Dismissals

The Labour Code⁵⁹ lays out instances in which an employee can be dismissed. The dismissal of municipal workers depends on the legislation in force in the public service sector. This, however, excludes employees who are bound by a fixed-term contract as provided for in Article 33 of the Labour Code.⁶⁰ Article 33 also provides for damages in cases where the termination of the fixed-term contract is caused by either of the parties and if the termination of the contract is not motivated by gross negligence or force majeure. Further, Article 36 of the Labour Code protects workers from both disciplinary sanctions and dismissals on account of:

- i) union membership or the exercise of a mandate as a union representative;
- ii) participating in union activities outside working hours or, with the consent of the employer or in accordance with the collective labour agreement or internal regulations, during working hours;
- iii) being a candidate for the position of employee delegate, of exercising it or having exercised it;
- iv) having lodged a complaint or participated in legal proceedings against the employer within the framework of the provisions of this law;
- v) race, colour, sex, marital status, family responsibilities, religion, political opinion, national extraction or social origin;
- vi) disability insofar as it does not prevent the disabled employee from performing an appropriate function within the company.

The General Status of the Public Service⁶¹ in Chapter V lays out the disciplinary procedures for all public service workers and gives power to the Joint Administrative Commissions to act as Disciplinary Councils. Half of their members are elected workers' representatives. The disciplinary sanctions include warning, blame, removal from the promotional board, downgrading, demotion, revocation without suspension of pension rights, dismissal with suspension of pension rights, and temporary exclusion from all remuneration except family benefits for a period not exceeding six months.

⁵⁹ Morocco, [Loi n° 65-99 relative au Code du travail](#)

⁶⁰ Morocco, [Loi n° 65-99](#), Article 33

⁶¹ Morocco, [Dahir n° 1-58-008](#)

4.6. Social security

The Moroccan Pension Fund, established under Law No.43-95,⁶² is the only pension scheme for civil servants including local government workers. Article 3 of Law No.43-95 lays down the functions of the pension fund which include the management of the civil service pension scheme and civil service invalidity pensions as provided for under Law No. 011-71⁶³ establishing a civil pension scheme. According to Articles 19 and 24 (a) of Law No. 011-71, workers contribute 10 per cent of their basic salary to the scheme and 10 per cent to local authorities – as the employer. Morocco provides compulsory health coverage to public servants. In section 2 of Law No. 65-00,⁶⁴ the basic health coverage includes “civil servants and agents of the State, local authorities, public establishments and legal persons governed by public law”.

4.7. Gender equality and non-discrimination

The Moroccan labour movement, led by the UMT, has demanded gender equality. Article 19 of the Constitution prioritised women's involvement in all sectors of the economy. In the Parliament, there is more than 39 per cent representation by women. In the House of Representatives, women account for 24 per cent and 12.5 per cent in the House of Councillors.⁶⁵ Women are also senior executives in local governance. They are presidents of Prefectures, District Councils and Regions. A Gender Commission has been constituted by law to handle all affairs related to gender equality. Further, Articles 36, 346, and 478 of the Labour Code prohibit gender discrimination in recruitment, disciplinary sanctions and dismissals, and pay for work of equal value.

4.8. Labour relations, freedom of association and collective bargaining

Morocco has established tripartite bodies like the National Tripartite Commission, the Economic, Social and Environmental Council (mandated by the Constitution), and the Higher Council for the Promotion of Employment (CSPLE) as established by the Labour Code. However, labour legislation, whether national or subnational and especially those ratified by the Moroccan authorities, is often disregarded.

Despite ratifying eight of the ten ILO fundamental Conventions, including the Right to Organise and Collective Bargaining Convention, 1949 (No. 98),⁶⁶ Morocco still continues to experience “anti-union acts, including dismissals of trade union leaders” as well as a lack of effective “measures taken by the authorities to promote collective bargaining”⁶⁷ which have the potential to undermine the possibility of engaging in effective collective bargaining. Morocco has also ratified the Labour Relations (Public Service) Convention, 1978 (No.151) and the Collective Bargaining Convention, 1981 (No. 154).

Article 8 (3) of the Moroccan Constitution states that “public authorities shall be open to promoting collective bargaining and encouraging the signing of collective labour agreements under the conditions provided for by law”, including for subnational workers. In Article 29, the “freedoms of assembly, peaceful demonstration and association, and freedoms of trade union membership and political affiliation” are guaranteed including the right to strike. The formation of associations in Morocco is subject to the law on the exercise of trade union rights by civil servants,⁶⁸

⁶² Morocco, [Law No. 43-95 on the reorganization of the Moroccan Pension Fund](#), August 1996

⁶³ Morocco, [Law No. 011-71 establishing a civil pension scheme](#), December 1971

⁶⁴ Morocco, [Law No. 65-00 relating to the basic health coverage code](#), October 2002

⁶⁵ IPU, [“Morocco: Data on women”](#), accessed September 2023

⁶⁶ ILO, Information System on International Labour Standards, [“Ratifications for Morocco”](#), accessed September 2023

⁶⁷ CEACR, [Direct Request](#) - adopted 2017, published 107th ILC session (2018)

⁶⁸ Morocco, [Décret no 2-57-1465 relatif à l'exercice du droit syndical par les fonctionnaires](#), February 1958

which is enforced at the national level. The Trade Union Bill (draft law 15-97), which is undergoing consultations with the social partners, sets out basic rules and principles for exercising the right to strike. However, the bill has been criticised for the lack of consultation with social partners when it was first drafted and attempting to restrict the right to strike (Danish Trade Union Development Agency 2020).

Decree No.2-59-0200 establishes joint administrative committees, with an equal number of representatives of the administration and representatives of the staff. Under Article 10, “[t]he election of titular representatives and alternates of civil servants within the joint administrative committees takes place by secret list ballot with proportional representation following the rule of the highest average without diversity or preferential voting.” Art. 10 of the [public service statute](#), Dahir n° 1-58-008 of 24 February 1958, which applies to local governments, also establishes a Civil Service Council with representatives of the administration, local authorities, and civil servants. The latter are elected by and from among an electoral college made up of representatives of civil servants within the joint administrative committees. Neither regulation refers to public servant organizations. Under the same Article, the Council advises the government on proposals regarding the statute and on continuous education for public service workers, proposes improvements to human resource management, and “ensures compliance with the fundamental guarantees granted to civil servants. It is chaired by the Prime Minister or by the government authority responsible for the public service”. Article 14 of the statute protects union rights for subnational workers.

The National Federation of Local Government Officials is affiliated with the National Union of Labour in Morocco (UNTM), while the National Federation of Local Government and Delegated Management Civil Servants (FNFCTGD) and the National Federation of Local Government Workers and Civil Servants (FNOFCL) are affiliated with the UMT. In 2015, the Joint Administrative Commission elections showed the relative strength of the unions in the local communities as follows: Unaffiliated, 42 per cent; UMT, 23.7 per cent; Confederation of Moroccan Workers (CDT), 11 per cent; and UNTM, 6.4 per cent (De Koster et al. 2015, 27).

In December 2019, the most representative trade unions in the sector and the Ministry of the Interior signed a memorandum of understanding to institutionalize sectoral social dialogue, but the FNFCTGD declared strikes in June, July and September 2023 to demand the restart of this dialogue (Mokhliss 2023). In June, they also demanded, “the creation and activation of provincial commissions responsible for resolving disputes related to the human resources of local authorities, . . . [and] to integrate, with retroactive effect on the administrative and financial level, all holders of diplomas and higher diplomas not integrated into the appropriate scales of the sector”. In September, they added a demand for the reinstatement of workers who had been dismissed for their previous actions (Amrani 2023).

4.9. Impact of decentralization on municipal services

Since 2016, Morocco spent 3.4 per cent of its gross domestic product (GDP) or 11.8 per cent of total government expenditure on subnational governments. Despite the increased responsibilities of subnational governments, Morocco’s subnational governments accounted for only 9.7 per cent of public staff expenditure which was comparable to the 2002 public staff expenditure of 9.4 per cent (Shalaby et al. 2018) when only an estimated quarter of all state employees worked at the local level (Bohn et al. 2018).

4.10. LRG/municipal workers and the localization of the SDGs

Notwithstanding the limited authority and autonomy of local governments in Morocco, there have been cases where local authorities have localised SDGs and incorporated them into the local development and strategic plans. For example, the city of Chefchaouen in the north-west of Morocco mapped the 63 projects under the Communal Action Plan 2016–2022 and the municipal budget for the SDG framework. This exercise allowed the city to set priorities and identify the social, economic, environmental, cultural and human development actions and municipal investment required for the years ahead. A similar trend is practised in all Moroccan cities where the integration of SDGs into their long-term plan is visible. However, the level of decentralisation could be a limiting factor to the local authority's ability to localise the SDGs and monitor their implementation.

4.11. LRG/municipal workers and inclusive local economic development

A third of all revenue collected by the central Moroccan government through various levies and taxes is distributed to the local government. This ratio is justified by a transparent formula, which enhances the predictability of financial transfers and allows local governments to manage local spending strategically. Resource distribution is governed by the established Law No. 30-89. The local government decides on the assessment base, modalities for collection, and the rates of certain taxes and fees. The assets overseen by neighbourhood governments represent 49 per cent of incomes, against the 42 per cent overseen by local taxpayer-driven organizations for the benefit of neighbourhood governments. More income adds up to only 9 per cent of all neighbourhood government assets. Other government faculties are shielded by an extraordinary rule dependent on a word-related system of reference.

► 5 Mozambique

5.1. Institutional framework

Mozambique is a democratic republic that operates under a presidential, single parliamentary system. The Mozambican Constitution stipulates that municipalities shall pursue the interests of the local population, without prejudice to national interests and the role of the state. The Constitution defines two types of local authority, namely municipalities in the cities and towns, and village councils in rural areas based on the principle of gradualism – which entails the gradual decentralisation and transfer of functions to municipalities over time (Salimo 2020). This means that only part of the country is decentralised.

In fact, decentralisation began in 1997 when 33 municipalities, representing 25 per cent of the country, were established and later increased to 43 in 2008 and currently the total stands at 53 municipalities (Salimo 2020; World Bank 2009). The 53 municipalities include 33 cities as well as 20 of the 154 towns in the districts as enshrined in Law No. 9/96. The central government still retains control over municipalities with regards to power and resource allocation which falls under the Minister of State Administration and Public Service who is also responsible for administering the laws governing local governments. In fact, Article 277 (1) of the Constitution states that the local authorities “shall be subject to the administrative supervision of the State”.

Municipalities have two separate arms of government: the legislative (municipal assembly) arm and the executive (municipal council) arm. The executive arm is headed by the mayor, also referred to as the president of the council, who is directly elected by the people for a five-year term (CLGF 2020c, 143). The table below provides an overview of the distribution of responsibilities in the different spheres of government in Mozambique.

► **Table 7: Services provided by various spheres of government in Mozambique.**

Services by sector	Responsible authority			
	National government	Provinces	Districts	Municipalities
General administration				
Police	SR			
Fire protection	SRP	SRP		
Civil protection	SRP	SRP		
Criminal justice	SR			
Civil status register				
Statistical office				
Electoral register	SR			
Education				
Preschool ¹		SR		
Primary	SR			
Secondary	SR			
Vocational and technical	SRP	SRP		

Services by sector	Responsible authority			
	National government	Provinces	Districts	Municipalities
Higher education	SR			
Adult education	SRP	SRP		
Social welfare				
Family welfare services	SR			
Welfare homes	SR			
Social security	SR			
Public health				
Primary care	SRP	SRP		
Hospitals	SRP	SRP		
Health protection	SR			
Housing and town planning				
Housing	SRP			SRP
Town planning	SRP	SRP	SRP	SRP
Regional planning	SRP	SRP		
Transport				
Roads	SRP	SRP	SRP	SRP
Transport	SRP	SRP		
Urban roads	SRP		SRP	SRP
Urban rail				
Ports	SRP	SRP	SRP	SRP
Airports	SRP	SRP		SRP
Environment and public sanitation				
Water and sanitation	SRP		SRP	SRP
Refuse collection and disposal	SRP		SRP	SRP
Cemeteries and crematoria	SRP		SRP	SRP
Slaughterhouses	SR			
Environmental protection	SRP	SRP		
Consumer protection	SRP	SRP		
Culture, leisure and sports				
Theatres and concerts	SRP	SRP		
Museums and libraries	SRP	SRP		
Parks and open spaces	SRP		SRP	SRP
Sports and leisure facilities	SRP		SRP	SRP
Religious facilities	SRP	SRP		
Utilities				
Gas services	SRP	SRP		

Services by sector	Responsible authority			
	National government	Provinces	Districts	Municipalities
District heating				
Water supply	SRP	SRP	SRP	SRP
Electricity	SRP	SRP		SRP
Economic				
Agriculture, forestry and fisheries	SR			
Local economic development and promotion	SRP			SRP
Trade and industry	SRP	SRP		SRP
Tourism	SRP	SRP		SRP

¹ Kindergarten and nursery schools.

SR - Sole responsibility / **SRP** - Shared Responsibility / **D** - Discretionary

Source: CLGF 2020c.

In 2018, the constitutional changes introduced as part of the peace process that ended the civil war included a second round of decentralization. In this context, the government enacted seven laws to define the new decentralization framework.⁶⁹ The package was implemented in the 2019 local elections, with the election of the 11 provincial governors, who had previously been appointed by the central government. These governors are accountable to the respective provincial assemblies, which in turn can dismiss the governor in certain circumstances. The package of laws also replaced the phrase "provincial governments" with "provincial executive councils", which no longer represent the central government but have administrative, financial and patrimonial autonomy. In addition, it created the position of Secretary of State in each province, appointed by the President of the Republic, with exclusive powers to perform state functions and supervise state services at the provincial level.

On 22 August 2023, the Government **repealed** Law No. 13/2018 to strengthen the unitarian state and the control of the central government over the municipalities, giving the Council of Ministers the power to administer the municipalities in the transition between outgoing and incoming authorities. In addition, in case of death, resignation, suspension or incapacity of a mayor, the next candidate in the electoral list with the most votes in the election will act as mayor. It allows the Council of Ministers to dissolve local governments in case of social unrest, poor economic performance, alterations in the country's administrative organization or of the national or local order, and financial unsustainability to carry out the tasks entrusted to the local authorities. Under the 2018 law, such an act could be caused only by "reasons of public interest, based on serious illegal actions or omissions, provided for and under the terms established by law", and "proposed by the Ministry that oversees the area of local administration", rather than the Council of Ministers. Local assemblies, in turn, can be dissolved when they have infringed the Constitution; attacked national unity or state unitarianism; have neglected their responsibilities; surpassed the legal limits of indebtedness; or surpassed the legal limits on staff costs. In such cases, the Council of

⁶⁹ Law No. 13/2018 of 17 December deals with the Legal Framework for the Implementation of Local Authorities; Law No. 14/2018 of 18 December provides a framework for the Election of the members of the Bodies of Local Authorities; Law No. 3/2019 of 31 May provides a Legal Framework for the Election of Members of the Provincial Assembly and the Governor of Province; Law No. 4/2019 of 31 May establishes the Executive Bodies of Decentralised Provincial Governance; Law No. 5/2019 of 31 May provides the Legal Framework of State Oversight to Provincial Decentralised Bodies and Local Authorities; Law No. 6/2019 of 31 May establishes the Legal Framework on the Organisation, Composition and the Functioning of the Provincial Assembly; and Law No. 7/2019 of 31 May establishes a Legal Framework on the Organisation and Functioning of the Representative Bodies of the State in the Province.

Ministers will name an Administrative Commission to take its place until new elections are held no more than 120 days after the dissolution; but no elections will be held if the Assembly's term ends less than 12 months after the dissolution.

The law also subjects local authorities to administrative and financial supervision by the central government and allows the latter to intervene in cases of proven incapacity of the local governments. Representatives of the supervisory organ will participate in the meetings of the municipal assemblies and will be allowed to present information on the items on the agenda.

5.2. Staff structures

The responsibility to recruit staff lies with respective municipalities which, in most cases, have a simple staffing structure generally comprised of the finance and urban services departments (CLGF 2020c). It is provided for in Article 280 of the Constitution that the form of organisation of the local authority shall be guaranteed by law. Despite the lack of expansion of the staff structures, economic activity and local resource mobilisation through taxes, municipalities have continued to experience a growing mandate for local service delivery starting from basic services like maintenance of parks and public lighting to more complex services such as health and education (World Bank 2009). A small number of senior officials supervise the manual workers. Most municipalities own primary schools as well as dispensaries and other health facilities. All the staff members mentioned here are paid directly by the national government.

5.3. Pay structures

Pay structures are established at the local level. The executive council develops the staff establishments and the associated pay structures within the framework of the national budget which are then approved by the municipal assemblies (CLGF 2020c). The latter set their own members' salary and expense payments, including those of the president of the municipal council and the officers, adhering to strict legal limits. The total bill for wages and expenses for the assembly and the council members may not exceed 40 per cent of the municipality's income, and there is a ceiling on salaries for both the officers and the president of the council (CLGF 2020c). Members of the assembly are paid for the days they attend. The remuneration of the president and members of the assembly respectively may not exceed 10 per cent and 3 per cent of the salary of the president of the council.

5.4. Career development

The local drafting and implementation of career development strategies are constrained by low levels of qualifications among local staff, as well as inadequate transfer of staff from the central government to the local authorities.

The municipality is responsible for staff recruitment and dismissal. The president of the municipal council acts as the chief executive officer. The municipalities established the Mozambique National Association of Municipalities (ANAMM) in 2006 to promote cooperation and solidarity among all municipalities and contribute to municipal staff training and professionalisation.

5.5. Social security

The legal framework for basic social security in Mozambique is governed by Law 4/2007 on social protection system, Decree 85/2009 regulating the basic social security subsystem, and the

National Basic Social Security Strategy 2010-2014.⁷⁰ Article 20 of Law 4/2007 on the social protection system provides for a mandatory employer and employee contribution towards social security. Employers are required to pay four per cent of the total gross remuneration as a contribution to social security and 3 per cent for the employee (Martins et al. 2021). The National Institute of Social Action manages the mandatory social security.

5.6. Gender equality and non-discrimination

The Mozambican Constitution guarantees gender equality, and the government has ratified the United Nations Convention on All Forms of Discrimination against Women (CEDAW). However, in practice, Mozambique generally remains a patriarchal society. For example, in 2019, the proportion of women in the National Assembly was only 37.6 per cent, and approximately 43 per cent in Cabinet.

It was difficult to quantify the rate of violence and harassment without conducting a proper study. However, it is important to highlight that since there are no worker representatives in the Mozambican public service, it is very likely that numerous instances of harassment go unreported. The country is also yet to ratify the ILO's Violence and Harassment Convention, 2019 (No. 190).

5.7. Labour relations, freedom of association and collective bargaining

Mozambique has ratified eight of the ten fundamental conventions of the ILO and three of the four governance conventions which include the Labour Inspection Convention, 1947 (No. 81); the Employment Policy Convention, 1964 (No. 122); and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Mozambique is yet to ratify Convention No. 151, despite being a member state of the Southern African Development Community, which has adopted a policy of promoting its ratification since 2013. Article 52 of the Constitution guarantees freedom of association and collective bargaining and the government passed the [Civil Service Act](#) (No.18/2014) on unionisation in the public sector which among other issues excludes prison services, migration services, public relief services, magistrates and various categories of public servants exercising managerial functions or in positions of trust⁷¹ from the right to establish and join organisations of their choosing without prior authorization. This is contrary to Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In addition, Mozambique has established the Labour Advisory Commission (CCT) under Act No. 7/94 – a tripartite body established to foster dialogue and consultation among social partners and promote sound labour relations in the country.⁷²

Further, Act No.18/2014 provides, in section 17(c), for the dissolution of trade unions by a judicial decision when it is established that the true objectives of the organisation were either unlawful, contrary to public morals, or very different from the aims set out in its statutes. The Act also contains clauses that make it very difficult for public-sector unions (and local government workers) to get registered. For example, Article 37.1 of the Act requires that a public servant organization submit evidence of support of at least 5 per cent of all public servants. This was discussed by the ILO's Committee on Freedom of Association in 2018 regarding a complaint filed by the National Association of Public Servants, where the government announced that it would review the Act.⁷³ The Workers' Organization of Mozambique (OTM) – the largest trade union with 16 affiliate unions and 1 association – struggled for years to meet the requirements for registration. When it

⁷⁰ Mozambique, Ministry of Women and Social Action, [Legal framework for basic social security in Mozambique](#), April 2012

⁷¹ ILO, [Committee on Freedom of Association: Case No. 3296](#), GB. .335/INS/13, 2019, paras 426-441

⁷² Mozambique, Ministry of Labour, "Mozambique Decent Work Country Programme 2011-2015", 2011, 4

⁷³ ILO, CEACR, [Direct Request](#) - adopted 2021, published 110th ILC session (2022)

finally applied, the Ministry of State Administration and Public Service accepted the documents but failed to acknowledge receipt of the application.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) made a Direct Request in 2021 pointing out the need to recognize freedom of association for the public services and to allow retired public employees to be elected as union officers; provide full information on the adoption and application of legislation on the exercise of the right to strike by public servants and employees; amend the last two grounds enumerated in section 17(c) because they were vague and could lead to decisions that impair the guarantees set out in Convention No. 87. When examining the application of the Collective Bargaining Convention, 1949 (No. 98) to the public service, the Committee requested the Government to indicate the machinery and sanctions applicable in the event of acts of anti-union discrimination or interference by a public employer, and the legislative texts referring to such procedures and sanctions.

The CEACR also urged the government to take the necessary measures, in consultation with the trade union organizations concerned, to facilitate collective bargaining by public officials and employees who are not engaged in the administration of the State, which include subnational government workers, either by significantly reducing the threshold of representativity required for the establishment of provincial federations, national federations or confederations or by recognizing the possibility for various trade union organizations to group provisionally to be able to participate jointly in the bargaining process concerning public servants and employees who are not engaged in the administration of the State. In addition, the Committee requested the Government to provide information on the various institutions and bodies covered by section 3 of the Act and to specify the institutions considered as indirect administration of the State.⁷⁴

Thus, the low trade union density could partly be due to breaches of labour and trade union rights which could be attributed, in part, to weak institutional intervention capacity, low wages, informality, precarious contracts and delays in the process of legalization of the Sindicato Nacional de Função Pública (SINAFP) (Bazima and Jakobsen 2016, 4). The central government's control over local governments suggests that local governments depend on the central government and may be under political interference (Hankla and Manning 2017, 71 & 72). Compounded by weak social dialogue platforms and collective bargaining mechanisms, labour relations are primarily left to employers, locally referred to as *Chefe*.⁷⁵ Unfortunately, subordinates are frequently treated unfairly, and the public service regulations may be manipulated.

5.8. Labour practices

Labour practices in Mozambique have been evolving steadily over the years, with a greater focus on promoting decent work, workers' rights, and social dialogue. The Labour Law of Mozambique provides a legal framework that protects workers' rights, such as a minimum wage, maximum working hours, overtime compensation, and annual leave. The law also provides for equal treatment and non-discrimination, including gender equality, thereby creating a foundation for good labour practices.

Moreover, Mozambique has ratified numerous international labour conventions, reflecting its commitment to align with international standards. These conventions cover areas such as freedom of association, collective bargaining, forced labour, child labour, and discrimination. Social dialogue is actively encouraged in Mozambique. Tripartite consultation mechanisms involving government, employers, and workers' organizations exist and play a crucial role in formulating labour policies, fostering mutual understanding, and promoting consensus building. The labour

⁷⁴ ILO, CEACR, [Direct Request](#)

⁷⁵ See Lars Buur and Helene Maria Kyed, "[State Recognition of Traditional Authority in Mozambique: The Nexus of Community Representation and State Assistance](#)", Discussion Paper No. 28, Nordiska Afrikainstitutet (Uppsala, 2005).

inspectorate has been restructured and strengthened, including capacity-building for labour inspectors. The government has also implemented policies and regulations to promote safe and healthy working environments and has launched initiatives to raise awareness about OSH.

While there are still challenges and room for improvement, these efforts signify Mozambique's commitment to establishing good labour practices and promoting decent work. However, continuous efforts are needed to fully enforce the laws, address informal employment and precarious work, and ensure that good labour practices reach all sectors and regions of the country.

5.9. LRG/municipal workers and the localization of the SDGs

The local authorities have been working on the localization of the SDGs since 2016 with the support of the National Association of Municipalities of Mozambique (ANAMM).⁷⁶ The localization of SDGs included the municipal focal areas of water supply and sanitation, gender equality and urban resilience. However, challenges remain in aligning the SDGs with the municipal annual and multi-annual plans. Furthermore, SDG localization efforts, such as development planning alignment, data mapping, baseline studies and the development of a Voluntary National Review, have largely been led and supported by United Nations agencies. For the implementation of initiatives and activities that contribute towards achieving the SDGs, municipalities rely on partnerships with national and international non-governmental organizations (NGOs) and international cooperation agencies. Private-sector participation has been fairly modest. Academic institutions have supported the localization of the SDGs, although collaboration with these institutions should be strengthened. Funding for the implementation of the SDGs is provided by the municipal budgets and collaborators, including international financial institutions.

5.10. LRG/municipal workers and inclusive local economic development

According to UN-Habitat (2012, 13), the primary target of local economic development is to improve employment, especially for youth and women. Local economic development is a complex subject involving issues related to the “cost of labour, the skills of the labour force, employment policy, as well as a significant overlay of cultural restraints/opportunities” (UN-Habitat 2012). In contrast with macroeconomic development, which in northern Mozambique is based primarily on resource extraction, local economic development centres on job creation. Within the demographic and socio-economic framework of Mozambique, the demand for urban housing continues to grow – specifically in the Nampula–Nacala corridor. This demand provides opportunities for employment and income generation for local authorities as well as for households, primarily in poor communities. The challenge is not so much to retain the job and income opportunities in the community, but to enable poor households to leverage these opportunities to access improved housing. The idea is to generate income in such a way that the construction and maintenance of buildings, infrastructure and facilities becomes feasible.

⁷⁶ See ANAMM, *Relatório Local Voluntário: Avanços e Desafios de 16 Municípios de Moçambique*, 2020.

► 6 South Africa

6.1. Institutional framework

South Africa follows a cooperative system of governance constituted in accordance with Chapter 3 of the 1996 Constitution⁷⁷ of the Republic. It involves three autonomous spheres of government – national, provincial, and local – which are distinct, interdependent and interrelated, and operate according to the principles of cooperative government and intergovernmental relations as provided for in the constitution. Chapter 7 of the constitution, supported by Chapters 3 and 13, establishes local governments which focus on local government finance. Other legislative texts include the Organised Local Government Act of 1997; Municipal Structures Act of 1998; Municipal Demarcation Act 27 of 1998; Municipal Systems Act of 2000; Municipal Finance Management Act of 2003; Municipal Property Rates Act of 2004; and Municipal Fiscal Powers and Functions Act 12 of 2007. Advisory bodies drawn from South Africa's traditional leaders operate at both the national and provincial government levels. After Apartheid, the Senate was replaced by the National Council of Provinces (NCOP) to ensure that provincial interests were considered by the national government.

South Africa is divided into nine provinces, which, in turn, comprise metropolitan and district municipalities. The local government sphere is organised around the municipal system. There are three categories of municipalities in South Africa, namely: category A: Metropolitan municipalities; category B: Local municipalities; and category C: District municipalities which are classified based on conurbation (city areas containing large numbers of people, formed by various towns growing and joining together) are created on the basis of population density, multiple business districts and industrial areas, movement of people, and level of development as well as economic activity.⁷⁸ The lowest local government unit in South Africa is a Ward.

Each province has its legislature, and the members are elected in terms of proportional representation. The executive council of a province comprises a premier as the head of the Council, who is appointed by the President of South Africa. The premier appoints between five to ten council members from the provincial legislature. Decisions are taken by consensus, as is the case in Cabinet at the national level. A provincial legislature, which can formulate provincial legislation, may adopt a constitution for its province if two-thirds of its members agree thereto, which must correspond with the national Constitution.

The Metropolitan municipalities (Category A) are single-tier municipalities located in cities and urban areas characterised by high population density, extensive development, strong interdependent, social and economic linkages between its constituent units, and intense movement of people, goods, and services while the rest of the municipalities outside of the metropolitans are two-tier municipalities comprising first-tier District municipalities (Category C) and the second-tier Local municipalities (Category B). There are eight metropolitan cities, 44 districts and 226 local municipalities.⁷⁹

According to Article 151 (2) of the Constitution, both the executive and legislative authority of a municipality are vested in one entity – the Municipal Council. This conflation of powers has been a source of concern in several scholarly literatures for many reasons including functional overlap, subjugation of authority by either structure, as well as compromising accountability and

⁷⁷ South Africa, Department of Justice, [The Constitution of the Republic of South Africa, 1996](#), May 1996

⁷⁸ See Chapter 1 (1) of the [Local Government: Municipal Structures Act No.117, 1998](#)

⁷⁹ South Africa, South African Government, [Government system: Local Government](#), n.d.

oversight of one over the other structure (Christmas et al, 2009; Pieterse, 2020). The three categories of municipalities either follow a “Collective Executive” system – where an elected committee of a Municipal Council collectively exercises executive authority; “Mayoral Executive” system – in which the exercise of the executive authority is vested in the executive mayor supported by a mayoral committee (i.e., a committee appointed by the Executive Mayor from among elected members of the Council); or “Plenary Executive” system – which limits the exercise of authority to the Municipal Council itself.⁸⁰

The local government system is neither a function nor an administrative arm of the national or provincial government. Article 151(3) of the constitution stipulates that a “municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution”. Article 151 (4) prohibits undue influence from both national and provincial governments in municipal affairs by specifically stating that the “national or a provincial government may not compromise or impede a municipality’s ability or right to exercise its powers or perform its functions”.

Table 8 presents an overview of the distribution of various types of councils across the nine provinces of South Africa, alongside their respective population estimates for the year 2017. The types of councils include Metropolitan (unitary), District (first tier), Local (second tier), and Traditional councils. For each province, the table provides a numerical breakdown of these four council categories, with a total tally given at the end. The table also includes population estimates for each province, culminating in a total estimated population for South Africa. In addition, the table provides an overall percentage of the rural population from 2010.

► **Table 8: Distribution of councils and population**

Province	Metropolitan (unitary)	District (first tier)	Local (sec- ond tier)	Traditional	Population estimates, (2017 estimate)	% rural (2010)
Western Cape	1	5	24	0	6,510,300	n/a
Eastern Cape	2	6	37	37	6,498,700	n/a
Northern Cape	0	5	27	27	1,214,000	n/a
Free State	1	4	19	0	2,866,700	n/a
KwaZulu-Natal	1	10	50	22	11,074,800	n/a
Northwest	0	4	19	19	3,856,200	n/a
Gauteng	3	2	7	7	14,278,700	n/a
Mpumalanga	0	3	18	18	4,444,200	n/a
Limpopo	0	5	25	25	5,778,400	n/a

Source: Communication by Cooperative Governance and Traditional Affairs Department (CoGTA) to Commonwealth Local Government Forum (CLGF); [Mid-Year population estimates](#), 2017.

Most services are shared among the different spheres of government except for social welfare services and Police, criminal justice, civil status register, statistical office, as well as electoral register which are solely provided by the national government. The Metropolitan and District municipalities have the sole responsibility of providing and maintaining urban roads while local municipalities (Category B) only have shared jurisdiction over local trading regulation. In principle, local municipalities could be characterised as political and administrative arms of District municipalities responsible for the delivery of services at the local level. Superior structures at the district level are responsible for district-wide planning and capacity-building involving all devolved functions of local government from public health and childcare services to environmental

⁸⁰ See sections 7 & 10 of the [Local Government: Municipal Structures Act](#) No. 117, 1998

protection services such as water and sanitation, refuse collection, slaughterhouses, and cemeteries and crematoria.

Table 9 provides a comprehensive overview of the distribution of responsibilities across South Africa's different spheres of government – National Government, Provinces, Metropolitan, District, and Local – for various services under distinct sectors. The sectors range from general administration, education, and social welfare to public health, housing and town planning, and utilities, among others. The table categorizes these responsibilities into three distinct types: Sole Responsibility (SR), Shared Responsibility with Provinces (SRP), and Discretionary (D). It specifies which authority is responsible for each service within the sectors. For instance, the National Government holds the Sole Responsibility (SR) for services such as Police and Civil status register, while there are Shared Responsibilities (SRP) across different governmental spheres for services like Fire protection, Civil protection, and Education at various levels. It provides a detailed, sector-specific illustration of how service provision is divided and shared across different governmental authorities in South Africa.

► **Table 9: Services provided by South Africa's spheres of government**

Services by sector	Responsible Authority				
	National government	Provinces	Metropolitan	District	Local
General administration					
Police	SR		D		
Fire protection			SRP	SRP	
Civil protection		SRP	SRP	SRP	
Criminal justice	SR				
Civil status register	SR				
Statistical office	SR				
Electoral register	SR				
Education					
Preschool ¹		SRP	SRP	SRP	
Primary	SRP	SRP			
Secondary	SRP	SRP			
Vocational and technical	SRP				
Higher education	SRP				
Adult education	SRP				
Social welfare					
Family welfare services	SR				
Welfare homes	SR				
Social security	SR				
Public health					
Primary care	SRP	SRP	SRP	SRP	
Hospitals	SRP	SRP			
Health protection	SRP	SRP	SRP	SRP	

Services by sector	Responsible Authority				
	National government	Provinces	Metropolitan	District	Local
Housing and town planning					
Housing	SRP	SRP	SRP	SRP	
Town planning			SRP	SRP	
Regional planning		SRP			
Transport					
Roads	SRP	SRP			
Transport	SRP	SRP	SRP	SRP	
Urban roads			SR	SR	
Urban rail	SRP				
Ports	SRP				
Airports	SRP		SRP	SRP	
Environment and public sanitation					
Water and sanitation			SRP	SRP	
Refuse collection and disposal			SRP	SRP	
Cemeteries and crematoria			SRP	SRP	
Slaughterhouses			SRP	SRP	
Environmental protection	SRP	SRP	SRP	SRP	
Consumer protection	SRP	SRP	SRP	SRP	
Culture, leisure and sports					
Theatres and concerts	SRP	SRP			
Museums and libraries	SRP	SRP	D		
Parks and open spaces			SRP		
Sports and leisure facilities	SRP	SRP	SRP		
Religious facilities					
Utilities					
Gas services	SRP		SRP	SRP	
District heating					
Water supply	SRP				
Electricity	SRP		SRP	SRP	
Economic					
Agriculture, forestry and fisheries	SRP				
Local economic development and promotion	SRP	SRP	SRP	SRP	

Services by sector	Responsible Authority				
	National government	Provinces	Metropolitan	District	Local
Trade and industry	SRP				SRP
Tourism	SRP	SRP	SRP	SRP	

¹ Kindergarten and nursery schools.

SR - Sole responsibility / **SRP** - Shared Responsibility / **D** - Discretionary

Source: CLGF 2020c

However, not all municipalities can provide these services for several reasons, including fiscal capacity. In 2020, 60 per cent (154 out of 257 municipalities) of municipalities provided water, sewerage, and sanitation services; 68 per cent (175 out of 257 municipalities) provided electricity services and 82 per cent (211 out of 257 municipalities) provided solid waste management services. The number of municipalities providing services in the respective provinces is not uniform. For example, in the Eastern Cape province which has 39 municipalities, 33 municipalities were providing solid waste management services; 24 municipalities were providing electricity services; and only 14 municipalities were providing water, sewerage and sanitation services in 2020.

► **Table 10: Number of municipalities in each province that provide services: 2020**

Province	Number of municipalities	Water	Electricity	Sewerage and sanitation	Solid waste management
Western Cape	30	26	26	26	26
Eastern Cape	39	14	24	14	33
Northern Cape	31	26	25	26	26
Free State	23	19	18	19	19
KwaZulu-Natal	54	15	26	15	43
Northwest	22	18	14	18	16
Gauteng	11	9	9	9	9
Mpumalanga	20	17	17	17	17
Limpopo	27	10	16	10	22
South Africa	257	154	175	154	211

* Some figures have been revised

Source: Statistics South Africa, [Non-financial census of municipalities](#), 2020.

South Africa is one of the countries with the most outsourced functions of local authorities, particularly catering services (99 per cent outsourced), laundry services (86 per cent outsourced), security services (80 per cent outsourced), cleaning services (75 per cent outsourced), and gardening services (67 per cent outsourced) (PSCBC n.d). In 2020, 6 municipalities outsourced water provision; 3 outsourced water, sewerage and sanitation; 9 outsourced solid waste management; and 190 outsourced electricity (South Africa, Statistics South Africa 2022). Municipal staff are hired through public advertisements. Theron (2014) identified municipal governments as the main employers of non-standard workers in South Africa.

6.2. Staff structures

South Africa does not have a unified body to facilitate and coordinate the recruitment and deployment of municipal workers in the local government. The Municipal Systems Act No. 32 of 2000⁸¹ provides a unified framework for local public administration and human resource development in municipalities. According to the Act, the accounting officer, and head of administration of a municipality is a municipal manager, employed by the municipal council. Article 55 (1) sub-sections (e), (f), and (g) give municipal managers authority to recruit, manage, ensure effective utilisation and training, and maintain discipline of municipal staff. It is also the responsibility of municipal managers to promote sound labour relations and compliance with applicable labour legislations. As stated above, municipal managers are hired by respective Municipal Councils on a fixed-term contract not exceeding two years. The job contract is always accompanied by a performance agreement stipulating performance objectives, targets to meet, standards and procedures of performance evaluation, evaluation intervals, and consequences for substandard performance.⁸²

Each municipality is responsible for all aspects of staffing, structuring, recruitment, selection, interviewing, and appointment of municipal workers in line with the provisions of the Employment Equity Act No.55, 1998,⁸³ aimed at eliminating unfair discrimination in employment; Basic Conditions of Employment Act No.75, 1997,⁸⁴ which provides for the regulation of basic conditions of employment; Labour Relations Act No.66, 1995,⁸⁵ which seeks to advance economic development, social justice, labour peace and the democratisation of the workplace; and the Public Administration Management Act, 2014,⁸⁶ which promotes the basic values and principles governing the public administration. The size and structure of the staff establishment depend not only on the human resource needs of a particular municipality but also on its financial capacity. The recruitment and contracting practices at the municipal level are hybrid (in other words, a combination of permanent, fixed-term, temporary and outsourced).

Table 11 provides a detailed overview of the distribution of employment positions, excluding managerial roles, across various departments in South Africa for the years 2018 and 2019. These positions are broken down into full-time and part-time roles, vacant posts, and total posts (including vacancies). For each department, such as Community and Social Services, Finance and Administration, Electricity, Environmental Protection, and so forth, the table provides year-on-year data for full-time, part-time, and vacant positions. The last column tallies the total posts, including vacancies, for both years. Key insights that can be drawn from the table include shifts in full-time and part-time employment across departments, as well as variations in the number of vacant posts. The total count of employment positions in each department can give a sense of the size and scope of these departments, as well as changes in staffing levels over time.

► **Table 11: Employment positions, excluding managerial positions, by department: 2018/2019**

Employment section	Full-time		Part-time		Vacant posts		Total posts (including vacancies)	
	2018	2019	2018	2019	2018	2019	2018	2019
Community and social services	27,556	21,355	992	1,941	4,915	5,521	33,463	26,817
Finance and administration	48,047	48,501	884	1,678	8,289	9,914	57,220	60,093
Electricity	14,958	15,276	46	114	3,025	2,898	18,029	18,288
Environmental protection	5,694	7,447	1,500	137	1,552	1,845	8,746	9,429
Health	8,385	7,388	25	261	850	1,197	9,260	8,846

⁸¹ South Africa, Government Gazette, [Local Government: Municipal Systems Act No.32](#), November 2000

⁸² See Article 57 (4)

⁸³ South Africa, Government Gazette, [Employment Equity Act No.55](#), October 1998

⁸⁴ South Africa, Government Gazette, [Basic Conditions of Employment Act No.75](#), December 1997

⁸⁵ South Africa, Government Gazette, [Labour Relations Act No.66](#), December 1995

⁸⁶ South Africa, Government Gazette, [Public Administration Management Act No.11](#), December 2014

Employment section	Full-time		Part-time		Vacant posts		Total posts (including vacancies)	
	2018	2019	2018	2019	2018	2019	2018	2019
Public safety	36,563	40,160	843	1,686	5,103	8,125	42,509	49,971
Road transport	20,094	21,452	257	451	4,952	5,580	25,303	27,483
Sport and recreation	9,249	10,508	85	185	1,987	1,838	11,321	12,531
Waste management	25,644	30,928	867	922	4,015	3,761	30,526	35,611
Wastewater management	11,490	13,997	117	104	2,540	3,516	14,147	17,617
Water	23,784	21,068	347	870	3,687	4,064	27,818	26,002
Other	17,497	15,989	4,208	5,406	3,298	3,157	25,003	24,552
Total	248,961	254,069	10,171	13,755	44,213	51,416	303,345	319,240

Source: Statistics South Africa 2019.

6.3. Pay structures

Pay structures are established by individual municipalities. The municipal manager approves the staff establishment, attaches a job description to each of the posts, and determines the remuneration and other conditions of service for each of the posts within the broad policy framework of the municipality as determined by the municipal council.⁸⁷ As a result, there is no unified grading system for municipal workers resulting in differences in pay structures across municipalities due to differences in economic activities and fiscal capacity. However, unionised municipal workers (i.e., approximately 255,000 workers) have negotiated for a minimum wage, which in 2020, stood at 8,329.70 South African Rand (≈508.94 United States Dollars).⁸⁸ Article 35 of the Basic Conditions of Employment Act No.75, 1997 Acts as a guide for municipal managers when setting up pay structures – it sets out basic principles to follow in calculating remuneration and wages for all public service workers who work for 45 hours per week or 9 hours per day including the pay for work done on Sundays and public holidays, night work, annual leave, and sick leave.

The national revenue share allocated to local authorities has been on the increase since 2006/7. In that year, local authorities were allocated 6.3 per cent of national revenue. This grew to 7.9 per cent and 8.8 per cent in 2010/11 and 2012/13 respectively.⁸⁹ Nevertheless, the share is smaller than national departments' 48.5 per cent and provinces' 43.6 per cent. The rate of appreciation in transfers to local authorities exceeds the rate at which total government expenditure has increased. Therefore, for instance, while total government expenses might have gone up by 0.5 per cent, transfers to local authorities went up by 1 per cent. Every sphere of government has the discretion to decide its budget and must adhere to it. Municipalities carry the responsibility to remunerate their councillors and personnel. Personnel remuneration is aggregated at approximately 30 per cent of the entire municipal recurrent budget. The table below contains the average municipal wage levels by professional category, both in South African rand and US dollar.

► **Table 12: Average municipal wage level per annum by professional category⁹⁰**

Professional	Average wage (ZAR)	Equivalent (US\$)
Firefighter	223,656	14,719.50
Environmental health practitioner	353,217	23,263.33
Town planner	399,000	26,275.78
Finance manager	308,512	20,303.18

⁸⁷ South Africa, Government Gazette, *Local Government: Municipal Systems Act No.32*, Art. 66 (1), November 2000

⁸⁸ "Salary increase for municipal workers in July—but unions also want Covid-19 danger pay", *BusinessTech*, 20 May 2020

⁸⁹ South Africa, "Estimates of National Expenditure", 2012

⁹⁰ The average municipal base salary per year was R258,000.

Professional	Average wage (ZAR)	Equivalent (US\$)
Internal auditor	240,000	15,809.96
Administrative assistant	206,604	13,610.01
General/operations manager	1,464,300	96,456.68
Support technician, information technology (IT)	85,543	5,635.17
Software engineer	570,000	37,548.38
Financial accountant	173,000	11,396.26
Engineering technician	451,750	29,757.77
Marketing director	1,000,050	65,890.64
Professional land surveyor	600,000	39,527.61
Pharmacist	680,000	44,797.96
Procurement officer	147,660	9,727.74
Physiotherapist	251,868	16,594.68
Staff nurse	169,000	11,134.81
Community health worker	30,000	1,976.38
Political scientist	500,000	32,939.70
Police or sheriff's patrol officer	200,000	13,175.14

Source: [Payscale](#), 2022

On 31 March 2023, the South African Local Government Bargaining Council (SALGBC) [adopted](#) a salary and wage increase of 5.4 per cent that will apply until 30 June 2024.

6.4. Career development

Career development systems are developed by the respective municipalities. Article 67 (1) sub-sections (e) and (f) of the Municipal Systems Act No.32 of 2000 empowers municipalities to establish career development systems and procedures aimed at ensuring fair, efficient, effective, and transparent promotion and demotion of staff as well as staff transfers. To promote career progression among the existing municipal workforce, it is general practice that job vacancies are first advertised internally. Only when it has been established that no internal employees are suitable for the position is the job advertised externally.⁹¹ Municipalities are not restricted to the local labour market but are free to tap into the national labour market and job adverts are so advertised as to reach the entire pool of potential applicants.

Personnel transfers across the three spheres of government are also possible. Chapter 3 of the Public Administration Management Act No.11 of 2014 sets out conditions under which transfers, and secondments are to be conducted in the public sector. There is no unified institution to coordinate the vertical or lateral movement of municipal workers across municipalities – this responsibility is left to the executive authorities of the transferring and receiving municipalities. Article 5(4)(a) read together with Article 6(4)(a) states that if an employee is transferred or seconded “between a national or provincial institution and a municipal institution or from one provincial or municipal institution to another provincial or municipal institution, the remuneration and conditions of service of the employee upon the transfer are as agreed between the executive authorities of the transferring and recipient institutions.” However, both national and provincial

⁹¹ See the Recruitment and selection policies for [Overstrand](#) municipality and [Sol Plaatje](#) municipality

governments have service commissions⁹² which are responsible for regulating employment conditions, terms of office, discipline, retirement, and discharge of staff in public service.

Municipalities are also required to develop capacity-building and training programmes for their staff. Article 68 of the Municipal Systems Act No.32 of 2000 requires that a municipality develop sufficient human resource capacity that would enable it to perform its functions and exercise powers in an “economical, effective, efficient and accountable way”. South Africa has a “Skills Levy” for training purposes which every employer, including municipalities, is required to pay to the Sector Education and Training Authority (SETA) – a sector-specific authority responsible for developing and implementing sector-specific skills plans.⁹³ The Municipal Systems Act mandates municipalities to supplement the funds from the “Skills Levy” by making budgetary allocations for the development and implementation of training programmes. Municipalities that do not have the financial capacity to provide funds for training programmes are required to apply to the Local Government Sector Education and Training Authority (LGSETA) for such funds.

The Local Government Sector Education and Training Authority (LGSETA) creates and implements several innovative skills development interventions that focus on assisting local government personnel and others who work within local government structures, including ward councillors and traditional leaders, to develop their competencies. LGSETA partners with other organizations, such as the Department of Cooperative Governance and Traditional Affairs (CoGTA), the South African Local Government Association (SALGA), the Independent Municipal and Allied Trade Union (IMATU) and the South African Municipal Workers’ Union (SAMWU), to provide and enhance local government employee training, retention and education.

6.5. Dismissals⁹⁴

Human resource management systems around dismissals and retrenchment of staff, grievances, and disciplinary procedures, as well as investigation of misconduct are developed by respective municipalities in accordance with the provisions of the Labour Relations Act No. 66, 1995 and the Basic Conditions of Employment Act No.75, 1997. The former specifies the different forms of dismissals and the remedies available to the workers for unfair dismissal while the latter provides for the procedures to follow the termination of contract and the associated compensations.

However, Article 49(1) of Act No. 66 states that “[a] collective agreement concluded in a bargaining council may alter, replace or exclude any basic condition of employment if the collective agreement is consistent with the purpose of this Act and the collective agreement does not. . . reduce the protection afforded to employees” by specific legal provisions. To that effect, the Disciplinary Procedure and Code Collective Agreement signed by the SALGBC parties in 2018 establishes a grievance procedure for cases of dismissal, including the right to union representation and to choose between submitting the appeal to the SALGBC under the LRA or to a mutually agreed arbitrator. It also covers collective dismissals in cases of unprotected strikes.

6.6. Social security

South Africa does not have a mandatory pension scheme.⁹⁵ Several pension agencies provide a range of benefits to both South African employees and employers. For the past 24 years, the National Fund for Municipal Workers (NFMW) has advanced to be the largest retirement fund in the local government sector. It has more than 53,000 active members employed at 214 municipalities throughout South Africa. The NFMW recently came under scrutiny after losing 60 million

⁹² South Africa, Government Gazette, [Public Service Act](#), June 1994

⁹³ South Africa, Government Gazette, [Skills Development Act](#), November 1998

⁹⁴ There was no available data on dismissals.

⁹⁵ OECD, [OECD Economic Surveys: South Africa 2020](#), 2021

rands in municipal workers' retirement funds to an investment in Namibia's SME Bank, which subsequently entered liquidation (Skiti 2020). SAMWU also operated a medical scheme and a cooperative loan service for members. Members contributed to the SAMWUMED Scheme and are entitled to medical care in designated hospitals when required.

6.7. Gender equality and non-discrimination

The Local Government: Municipal Structures Act of 1998 provides for a system that permits the semi-proportional representation of women. According to the Act, category A and B municipalities, which have wards, should appoint ward committees, which are required to enhance participatory democracy and consider the needs of women at the local government level. It is also noteworthy that South Africa has a Women Empowerment and Gender Equality Bill⁹⁶ in effect since 2014, which gives effect to section 9 of the 1996 Constitution and applies to all public and private bodies.

Despite marked progress in legislation and policies promoting gender equality, South Africa continues to grapple with deeply entrenched gender disparities across multiple dimensions of society. For example, in 2020, 32 per cent of mayors were women, down from 42 per cent in 2011, and 41.3 per cent of councillors were women.⁹⁷ The number of women appointed to managerial positions in the provinces showed a similar challenge. The number of women in managerial positions across the provinces was below 50 per cent, the highest proportion being in Gauteng province with 42 per cent of women in managerial positions with the least proportion being in the Free State province at 31 per cent.

► **Table 13: Managerial positions by province according to Organogram, including Section 56 of Local Government Municipal System Act, 2000 (Act No.32 of 2000)**

Province	Men	Women	Per cent women (%)
Western Cape	1,255	596	32.2
Eastern Cape	822	544	39.8
Northern Cape	314	153	32.8
Free State	464	210	31.2
KwaZulu-Natal	1,218	790	39.3
North West	262	129	33.0
Gauteng	2,523	1,838	42.1
Mpumalanga	524	245	31.9
Limpopo	520	254	32.8
South Africa	8,562	4,859	36.2

Source: Statistics South Africa, 2020

Systemic, cultural, and structural factors have perpetuated gender inequalities, resulting in disproportionate rates of poverty, violence, and discrimination against women and girls. Discriminatory practices, unconscious biases, and stereotyped social norms still persist, inhibiting women's access to opportunities and resources in education, health, and the labour market.

⁹⁶ South Africa, "Women empowerment and gender equality Bill", 2013

⁹⁷ Calculated by the authors based on Tables 1.3 and 1.4 of the 2020 [Non-financial census of municipalities](#) and Table 1.4 of the 2012 [Non-financial census of municipalities](#), 2012

6.8. Labour relations, freedom of association and collective bargaining

Over the years, South Africa has institutionalised the democratisation of the workplace. Historically, local government was racially divided before the dawn of democracy in 1994. The vast and differentiated political dispensation in the local government sphere also created disparate conditions of service for local government employees. The Industrial Councils for the Local Government Undertaking/s were responsible for industrial relations but were fragmented along provincial demarcations in the erstwhile Free State, Natal and Cape provinces. These industrial councils were not fully representative of all stakeholders. In 1994, an interim structure, the National Labour Relations Forum (NLRF), was established to ensure that all trade unions and employer organizations participate in a single institution. Approximately nine trade unions and three employer organizations participated in the NLRF. The larger city councils were independent employers and did not belong to any such organization. The NLRF was responsible for transforming labour relations in the local government sector and negotiated and concluded the founding constitution of the South African Local Government Bargaining Council (SALGBC).

In addition to the 1996 Constitution, South Africa has a strong legal and institutional framework that aims to guarantee and protect the rights and freedoms of workers and employers alike. South Africa has ratified nine of the ten ILO's fundamental conventions, as well as two of the four governance conventions, and has adopted a roadmap to ratify Convention No. 151. The Labour Relations Act, 1995⁹⁸ guarantees the rights and freedoms of workers and employers and the associated protections to organise and collective bargaining, even at sectoral level and for non-standard workers. The Labour Relations Act established the Public Service Coordination Bargaining Council (PSCBC) to oversee all matters related to bargaining in the whole public service but also provides for the establishment of bargaining councils in sectors of the public service such as the SALGBC.

On 2 September 1997, an establishment agreement was signed which resulted in the formation of the interim SALGBC. The agreement provided for the disestablishment of the old industrial councils and the registration of the SALGBC as an umbrella body responsible for all matters related to bargaining in the local governments. The signatories to the establishment agreement were the South African Local Government Association (SALGA) as the employer organization on the one hand, and the South African Municipal Workers' Union (SAMWU) and the Independent Municipal and Allied Trade Union (IMATU) as the trade union parties on the other. The number of trade union parties was reduced from nine in 1994 to two (SAMWU and IMATU) in 1997, while the number of employer organizations was reduced from three to one (SALGA) over the same period. The threshold for trade union membership of the SALGBC and the exercise of organisational rights was set at 15 per cent of the total number of employees within the scope of the council respectively.⁹⁹

In 2007, the Constitution of the SALGBC was adopted, defining local government as an "undertaking" involving "the institution, continuance or finalization of any act, scheme or activity undertaken by a Municipality and any municipal entities..." (Art. 2). On 15 August 2018, the parties covered by the SALGBC signed a general collective agreement, which was extended until 30 June 2024. They also signed collective agreements on disciplinary procedures and other areas. The parties have also negotiated several regional collective agreements. These agreements are extended to municipalities that do not belong to SALGA, for a total of 257 municipalities, and to municipal entities established in terms of the Municipal Systems Act. In the Main Collective Agreement, each of the 2 recognized trade unions was allowed 1 full-time shop steward per 1,000 employees in a

⁹⁸ South Africa, Office of the President, [Labour Relations Act](#), December 1995

⁹⁹ See Section 4.2 of the [SALGBC Constitution](#) and Section 11.1 of the [SALGBC Main Collective Agreement – 2015 to 2020](#).

municipality.¹⁰⁰ In addition, the President of each of these trade unions was accorded “full-time status”, and his or her salary was paid by the employer. In most cases, full-time shop stewards are accommodated in offices provided by the department concerned, but in the case of education, they are based at the offices of one of the recognised trade unions.¹⁰¹

Under Section 33 of the Labour Relations Act, the SALGBC appoints officials to promote, monitor and enforce compliance with collective agreements. The SALGBC may refer any unresolved dispute concerning compliance with a collective agreement to arbitration by an arbitrator appointed by the SALGBC or, if the dispute concerns a non-party, to the Commission for Conciliation, Mediation and Arbitration (CCMA). On 14 March 2023, the parties agreed that collective agreements prevail over municipal regulations in case of conflict.¹⁰² However, in February 2023 the High Court in Pretoria¹⁰³ set aside a SALGBC collective agreement on retirement funds, ruling that the latter are distinct from the employer and its employees, as well as bargaining councils.

- i) In the Main Collective Agreement, the following substantive matters fall within the exclusive purview of the SALGBC: Wages and salaries
- ii) Maternity leave
- iii) Medical aid
- iv) Retrenchment policy
- v) Annual leave
- vi) Hours of work
- vii) Severance pay
- viii) Family responsibility leave
- ix) Home-owners’ allowance
- x) Sick leave
- xi) Retirement funds

Procedural matters subject to collective bargaining at the divisional level include emergency work, acting allowances, additional paid sick leave, long-service bonuses, special leave, shift allowances, night work allowances and legal indemnification.

Section 11.8.2 of the Main Collective Agreement mandates each employer to establish a Local Labour Forum with equal representation from the parties, where union representation should be distributed in proportion to their membership. The functions of the Local Labour Forum include discussions on non-negotiable matters “of mutual concern pertaining to the workplace” or which the SALGBC or the respective regional Council refers to them.

South Africa has established institutions such as the National Economic Development and Labour Council (NEDLAC) which includes members from the government, employers and trade unions, as well as members who represent organised community and business interests to, among other things, consider “all proposed labour legislation relating to labour market policy before it is introduced in Parliament”.¹⁰⁴ However, there are still challenges to fully realize labour rights in South African municipalities. For instance, there is an increasing prevalence of precarious work

¹⁰⁰ Section 11.5.2.1 of the [SALGBC Main Collective Agreement](#) establishes the maximum number of full-time shop stewards a trade union may have at a “workplace” to be six. The “workplace” is defined in section 23 to mean “an employer(s)” which, within the scope of the council, could be, for example, a municipality. In addition to the President having full-time status, the recognized trade unions also have the option of according a full-time status to three more national office-bearers, subsidized by the SALGBC itself.

¹⁰¹ Education Labour Relations Council (ELRC), “[Collective Agreement No.2 of 2007](#)”, July 2007.

¹⁰² SALGBC, “Circular 4/2023: Conflict between SALGBC Collective Agreements and Municipal Staff Regulations”, 4 May 2023.

¹⁰³ North Gauteng High Court, [Municipal Workers Retirement Fund v South African Local Government Bargaining Council and Others and Other Related Matters](#), Case No: 2905/2022, 20 February 2023

¹⁰⁴ South Africa, [National Economic Development and Labour Council Act No.35](#), November 1994

arrangements, such as casualization and outsourcing, which often leave workers in a position of vulnerability and limit their ability to organize and bargain collectively. Moreover, enforcement of labour laws is inconsistent, and violations are frequently met with inadequate penalties, failing to deter infringements. Workers in certain sectors, particularly the local public sector also face restrictions on their right to strike, a crucial component of collective bargaining. For example, the South African Municipal Workers Union (SAMWU), has negotiated, but not collectively bargained, on behalf of non-standard workers (Theron 2014, 17).

6.9. Impact of decentralization on municipal services

The South African local government model is decentralized in character, combining various constitutional, policy and statutory instruments to enable municipalities to achieve their constitutionally mandated developmental objectives. In the same vein, local government is widely viewed as being in a state of crisis. Most municipalities in South Africa are dysfunctional and unable to meet the service delivery needs of local communities (Mkhize 2018). Since local government occupies the lowest level in terms of hierarchy, this implies that it is in close contact with the community, and often represents the only form of government communities will ever experience directly. The relationships established between local government and the citizenry are the least abstract and, in a sense, the most intimate of relationships at any government level. Moreover, local government is expected to perform complex tasks. According to Atkinson (2002), local government is intrinsically multisectoral, being the only sphere of government that is mandated to bring together a variety of sectoral issues in one development policy, programme or project. Expectations of local government's ability to meet these multi-sectoral demands are often high, and occasionally unrealistic. Decentralized local government in South Africa has enjoyed a long period of respectability as the preferred vehicle to promote a model of inclusive, responsive, effective and efficient governance. However, as a concept, it clearly faces many challenges, some of which have only recently been brought to the fore. Those challenges notwithstanding, decentralization is embraced as a key element in the South African local government framework because it promotes democratic values, public participation, demand and supply efficiency, competition and improved communication.

6.10. LRG/municipal workers and the localization of the SDGs

Each local government must develop an Integrated Development Plan (IDP) as a tool to put in place five-year plans that are aligned with the SDGs, and to enhance coordination with provincial and national government. The national government, in turn, has developed an Integrated Urban Development Framework (IUDF)¹⁰⁵ to facilitate the coherent implementation of SDG 11 and the New Urban Agenda. Internally, SALGA has also sought to align its activities with specific SDGs. South Africa's main strategic objectives have been to enhance coordination and coherence between its global, regional, national and subnational development plans. The implementation and coordination of the SDGs have been facilitated through the National Development Plan (NDP), the Medium-Term Strategic Framework (MTSF), the Provincial Growth and Development Strategies (PGDSs), and the Integrated Development Plans (IDPs) at the local level. For example, the metros of eThekweni (Durban) and Cape Town are local frontrunners in the localization of the SDGs. eThekweni has been actively involved in the localization of SDGs through its advocacy work and alignment with its IDP. For the past two fiscal years, eThekweni has, in its IDP, aligned the SDG targets and indicators with its local government responsibilities and municipal budget. This alignment has focused on four primary pillars: human rights, people, the planet, and prosperity.

¹⁰⁵ South Africa, Department of Cooperative Governance and Traditional Affairs, [Integrated urban development framework: A new deal for South African cities and towns](#), 2016

This exercise has allowed the metro to introduce a benchmarking system that permits more robust monitoring and provides a better reporting framework. eThekweni has also developed tool-kits and training actions to raise awareness of the SDGs and promote their localization. A similar effort has been undertaken by the City of Cape Town, which has linked the SDGs to its 2019 Resilience Strategy¹⁰⁶ developed under its Resilience Strategy Framework.

6.11. LRG/municipal workers and inclusive local economic development

Achieving inclusive economic growth and broader participation in the mainstream economy requires strategic responses at a municipal level. Research conducted in several municipalities has revealed that inclusive economic development is often not clearly articulated at the local level. According to Hofisi et al (2013), the focus of local economic development in the majority of the municipalities appears to be almost exclusively on the pro-poor, and not private-sector-oriented, nature of economic development. Types of support include access to preferential procurement based on municipal policy guidelines for local procurement, direct collaboration with municipal interventions, and linkages with small and larger enterprises (such as Rustenburg, which links waste pickers with formal enterprises in the recycling industry). A link is created between economic development and municipal revenues.

¹⁰⁶ South Africa, City of Cape Town, [Cape Town Resilience Strategy](#), August 2019

► Comparative summary

Most countries are adopting decentralization as a development model while in other countries, decentralisation was a consequence of civil unrest. The latter was the case in Cameroon, Morocco, Mozambique, and South Africa. Decentralisation has also placed additional roles and responsibilities on SNG workers, but this has not translated into additional or adequate funding from the federal or central governments. The lack of funding and limited revenue collection avenues granted to SNGs often result in unfilled staff structures, unpaid wages, industrial actions, and lack of service delivery which often leads to service delivery protests in some countries. The climate crisis and population growth are compounding the roles and functions of SNGs while privatisation of public services and outsourcing are failing to provide adequate and decent working conditions in most countries.

Institutional frameworks

The Public administration personnel are governed by public-service career systems. In most instances, civil servants are appointed through a general application. Cameroon, Ghana, Mozambique and South Africa all follow this route. A selective application is applied for local or subnational government (LSG) officials who fall under the central government's public service. These are central government civil servants seconded to LSGs. Often, these are the senior executives of the territorial administration, such as general secretaries/directors of services, directors or administrators of financial and accounting, and services administrative assistants. This is particularly the case in Cameroon, Ghana and Mozambique, where the Secretary-General is appointed by the minister in charge of LSGs. In Morocco, the 2015 LSG Constitution provide for the adoption of specific statutes for local government officials at the regional, prefecture/provincial and commune level. Morocco, for example, established special statutes for local government staff, which are generally applicable to communal staff.

In many African countries, the status of local staff is determined by the local government legislation complemented by other legal instruments. In Ghana, for instance, the Human Resources Management Policy Framework for the Ghana Public Services was adapted for local government (municipal, metropolitan and district assembly), while in Kenya, decentralization legislation encourages each county to set up its local public service.

Almost all African governments, whether central or local, employ contract staff primarily to execute core business (refuse collection, street maintenance, postal services, etc.), governed by clear statutory provisions. The contract allows the employing local authority and the employee to agree on the objectives, conditions, performance and termination of employment. To avoid employer abuse and provide workers with better protection, central governments have established labour codes to regulate employment contracts. In most countries that have not adopted a local public service, local government staff are subject to the contract system, as is the practice in the private sector as well. Cameroon is a case in point. However, in general, while the use of contracted agents is possible, it remains limited for more senior positions.

Outsourcing involves entrusting some administrative services to specialized (public or private) external service providers. This mostly occurs in the areas of security services, computer science, communication, catering, maintenance of administrative premises, as well as human resource management, including recruitment, payroll and staff transportation.

Staffing practices

In the countries analysed, the local authorities employ subnational workers. By law, local authorities are responsible for the welfare of council employees, including the payment of salaries.

Payrolls are managed and funded by local authorities, with varying degrees of budgetary support from the central/federal government in the form of grants. However, all local authorities face significant fiscal challenges, which distort staff structures and recruitment patterns. Certain local government unions have been able to represent the interests of their members, although often in resourceful ways.

One of the successes has been the establishment of the African Municipal and Local Government Union Network (AMALGUN). Although it has had its vicissitudes, the unions on the continent are committed to seeing this network play a more meaningful role in the years ahead. Sharing experiences will be important in understanding the complexities associated with maintaining and developing local government in a period of economic and political uncertainty. In this regard, AMALGUN provides a good platform for best practices to be tabled and shared and serves as a vital intellectual resource for the development of an alternative to austerity and neo-liberalism.

Local administrative dynamics

Multiple inefficiencies appear to hamper service delivery. These include personnel management, which appears to be particularly challenging given the nature of a local government, being both a political and administrative institution. The fading line between political and administrative powers makes it difficult for local government employees to remain independent in the decision-making processes.

It is evident from the country cases presented here that political parties have influenced local government administration to such an extent that employees are left with no option but to toe the party line. In this respect, Morocco differs somewhat due to its monarchical leadership.

In summary, the challenges facing local government authorities in the countries analysed include the following:

- i) Inadequate service delivery.
- ii) Limited data and research.
- iii) Limited financial and human capacity and high personnel turnover.
- iv) Partial decentralization and weak horizontal and vertical government coordination.
- v) Weak governance and accountability structures.
- vi) Weak decentralization and constitutional protection.
- vii) High levels of corruption.
- viii) Lack of capacity and institutional frameworks.

Gender equality and non-discrimination

Gender equality and non-discrimination in the labour market and place of work are fundamental issues in all countries analysed which are enshrined in the respective Constitutions. However, incidences of harassment and gender-based violence exist especially in rural-based local authorities where most of these issues go unreported. Furthermore, women are mostly under-represented in positions of leadership, and they are paid less than men in most countries.

► **Table 14: Summary of structures responsible for working conditions of local government employees by country**

Key features	South Africa	Mozambique	Morocco	Kenya	Ghana	Cameroon
Employer	Local government units	Local government units	Local government units	County government units	Local government units	Local government units
Reporting relationship	To locally elected bodies	To locally elected bodies	To locally elected bodies	To locally elected bodies	To locally elected bodies	To locally elected bodies
Ability to recruit, dismiss, promote and transfer	The Local Government Service Commission (LGSC) has an overall responsibility for unified workers	The LGSC has an overall responsibility	Authority rests with local government units	Authority rests with district service commissions	Authority rests with local government units	Authority rests with the LGSC
Performance assessment	Authority rests with local government units	Authority rests with local government units	Authority rests with local government units	Authority rests with district service commissions	Authority rests with local government units	Authority rests with local government units
LGSC	The LGSC exists at the national level and is responsible for all staff matters, including policies and standards	The LGSC exists in each of the federal states and is responsible for all staff matters	Does not exist at any level	District service commissions exist in each district, appointed by the district council	The Local Government Service decentralised at the regional, district, and sub-district level	LGSC exists at the national level and is responsible for all staff matters
Pay scales	Determined by the municipal government through the Ministry of Finance & Public Service	Set by the LGSC	Local government units subject to nationally fixed scales of civil-service pay and benefits	Mostly set by the central government	Determined by local government units	Determined by central government. Results in local authorities without adequate funding to hire qualified workers.
Setting staff ceilings, staffing norms	Set by the LGSC	Set by the LGSC	Local government units, subject to the budget allocated for emolument	Controlled by the central government	Local government units, subject to the total percentage of budget that may be spent on personnel	Determined by the central government

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