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Kwame Simpe

Ofori is an Associate Professor at the School of Business and Social Sciences, International University of Grand-Bassam

Hod Anyigba,

Ph.D. is the Chief Economist at ITUC-Africa and the Executive Director of the Africa Labour Research and Education institute (ALREI) of the Africa Regional Organization of the International Trade Union Confederation (ITUC-Africa)

Human Rights-Based Approach to Trade in Africa: A Trade Union Perspective

By Kwame Simpe Ofori & Hod Anyigba

This policy brief examines the integration of human rights principles into African trade policies, focusing on the role of trade unions in advocating for equitable and inclusive trade practices. Africa's trade landscape, particularly under the African Continental Free Trade Area (AfCFTA), presents immense opportunities for economic growth but also significant risks of labour exploitation and rights violations. This brief provides a critical analysis of the current trade environment, emphasising the need for robust labour protections, gender equity, and the inclusion of informal workers. Drawing on case studies from *Ghana's cocoa sector and South Africa's mining industry*, the document highlights successful trade union interventions and outlines actionable recommendations for aligning trade policies with international human rights standards. Key recommendations include mandating human rights impact assessments for all trade policies, integrating binding labour protections into AfCFTA protocols, expanding social protections for informal workers, and promoting gender equity through targeted policies. Collaboration among governments, the African Union, trade unions, civil society, international organisations, and the private sector is essential to achieving a trade framework that upholds human and trade union rights while fostering sustainable development across Africa.

Key Points

1. Africa's economic potential through trade, particularly under the AfCFTA, is immense but is threatened by systemic labour exploitation, gender inequity, and weak protections for informal workers.
2. A human rights-based approach to trade integrates international human rights law into trade policymaking to address these issues.
3. Trade unions are instrumental in advocating for worker rights, yet their participation in policy formulation remains limited.
4. Institutional weaknesses, including the lack of enforcement mechanisms, further exacerbate human rights challenges in trade agreements.
5. Case studies from Ghana and South Africa highlight both challenges and successes in integrating human rights into trade practices.
6. Achieving a rights-based trade framework requires coordinated efforts to strengthen labour protections, ensure gender equity, and empower trade unions as key stakeholders.

AfCFTA's Promise to African workers

Trade has been a cornerstone of economic growth and development globally, and Africa is no exception. With a combined GDP exceeding \$3.4 trillion and a population surpassing 1.4 billion, Africa's trade potential is immense. However, systemic challenges persist, including income inequality, labour exploitation, and weak social protections. The International Labour Organization (ILO) reports that over 85% of workers in sub-Saharan Africa are employed in the informal sector, where labour rights abuses such as unsafe working conditions and wage theft are prevalent (ILO, 2023). The African Continental Free Trade Area (AfCFTA), established in 2021, aims to boost intra-African trade by 52% and lift 30 million people out of poverty by 2035 (UNECA, 2022). Despite these promises, the absence of explicit labour protections in AfCFTA protocols raises concerns about the potential for exploitation and exclusion of vulnerable workers. The ILO's Multinational Enterprises (MNE) Declaration and the United Nations Guiding Principles on Business and Human Rights (UNGPs) stress the importance of embedding human rights in trade practices. However, national-level action plans in many African countries remain underdeveloped, with limited enforcement mechanisms. For instance, Ghana's National Action Plan on Business and Human Rights (2021-2025) highlights corporate responsibility but lacks the tools for effective implementation (Government of Ghana, 2021). Similarly, South Africa's progressive labour laws often fail in enforcement, leaving low-wage workers, particularly in agriculture and mining, vulnerable to exploitation (Bhorat et al., 2020). Trade unions are uniquely positioned to address these gaps, advocating for policies that prioritise equity and social justice.

Human Rights-Based Approach and Trade

A human rights-based approach, as defined by the Office of the United Nations High Commissioner for Human Rights (OHCHR), integrates the norms, standards, and principles of international human rights law into planning and policymaking. It emphasises participation, accountability, non-discrimination, and empowerment, ensuring that human rights are central to development initiatives (OHCHR, 2006). In the context of trade, this approach demands that trade policies and agreements respect, protect, and fulfil the human rights of all stakeholders, particularly workers, women, and marginalised groups. The concept of human and trade union rights is critical in this framework. Human rights in trade focus on ensuring that economic activities do not lead to exploitation or rights violations, while trade union rights emphasise the freedom to organise, collective bargaining, and the protection of workers from unfair labour practices. Together, these rights form the foundation for equitable trade practices that prioritise social justice and worker welfare. The application of a human rights-based approach in trade involves assessing the human rights implications of trade agreements, embedding rights-based provisions in trade protocols, and establishing mechanisms to monitor compliance. For example, integrating labour rights standards, such as those outlined in ILO conventions, into trade agreements ensures protections for workers. Similarly, provisions addressing gender equity and social protections create a more inclusive trade environment. The AfCFTA provides a platform to operationalise these principles by embedding human rights considerations in its protocols and implementation mechanisms. This would involve conducting human rights impact assessments of trade policies, creating

safeguards to prevent exploitation, and ensuring inclusive participation in decision-making processes. Such measures align trade practices with international standards, fostering equitable and sustainable development.

Box 1

Case Study: Kenya's Floriculture Sector – A Success Story in Human Rights Integration

Kenya's floriculture industry, one of the country's leading export sectors, offers a noteworthy example of how a human rights-based approach can be adopted in business and trade practices. Traditionally, floriculture workers—many of whom are women—have grappled with low wages, precarious contracts, and limited bargaining power. However, concerted efforts by trade unions, civil society organisations, and ethical certification bodies have led to significant improvements in labour conditions, demonstrating that economic competitiveness and human rights can coexist.

Key Interventions and Outcomes

1. **Living Wage Initiatives** – In 2015, *The Guardian* reported on a landmark agreement between Kenyan flower farms and Fairtrade International to pay a living wage to workers. This initiative came about through sustained advocacy by local trade unions and NGOs, aiming to ensure that workers' income could cover basic needs such as food, housing, and healthcare (*The Guardian*, 2015).
2. **Strengthened Collective Bargaining** – Trade unions, like the Kenya Plantation and Agricultural Workers Union (KPAWU), have increasingly secured collective bargaining agreements that include provisions on overtime pay, safe working conditions, and maternity benefits. These agreements are enforced through regular audits by Fairtrade and other certification bodies.
3. **Gender Equity Measures** – Recognising that women comprise a large percentage of the floriculture workforce, many farms have introduced targeted policies to address workplace sexual harassment and gender-based discrimination. Independent worker committees have been established to monitor and report violations confidentially.
4. **Improved Monitoring and Certification** – Certification schemes such as Fairtrade, Rainforest Alliance, and GlobalG.A.P. require regular social compliance audits, which assess wages, working conditions, and overall respect for human rights. Farms failing to meet standards risk losing access to premium export markets, creating a strong incentive to uphold labour rights.

Lessons for a Human Rights-Based Approach

- **Multi-Stakeholder Collaboration** – The convergence of government bodies, trade unions, civil society, and ethical certifiers has proven pivotal. Their shared commitment to protecting workers has reinforced accountability mechanisms and ensured that labour rights are not sidelined in pursuit of profit.
- **Legal and Policy Backing** – While Kenya's labour laws provide a regulatory framework, active enforcement and transparent monitoring have been essential. Trade unions leveraged legal provisions to formalise worker protections, underscoring the need for robust national labour legislation.

- Economic Viability and Rights – Kenya’s floriculture exports continue to flourish, indicating that improving labour rights need not undermine competitiveness. By positioning compliance with human rights standards as a market advantage, Kenyan flower farms have maintained strong trade ties, especially in European markets.

Implications for AfCFTA Implementation

Kenya’s floriculture sector demonstrates how embedding human rights principles within trade practices can yield both social and economic benefits. Under the African Continental Free Trade Area (AfCFTA), adopting similar frameworks—such as mandatory human rights impact assessments, strong collective bargaining structures, and credible certification schemes—could enhance working conditions across the continent. This case underscores the importance of trade unions as vital partners in policymaking and implementation, ensuring that the African trade agenda aligns with international human rights standards.

Addressing Systemic Barriers to Inclusion

The AfCFTA, the world’s largest free trade area by member states, offers unprecedented opportunities for economic integration. However, without incorporating human rights principles, the agreement risks exacerbating existing inequalities. Women, who make up more than 70% of Africa’s cross-border traders, frequently encounter gender-based violence and limited access to resources, hindering their participation in trade (UNECA, 2022).

Institutional weaknesses further complicate the integration of human rights into trade policies. Many governments lack the capacity to monitor and enforce labour protections effectively. The dominance of informal employment—accounting for 85% of the workforce in sub-Saharan Africa—poses additional challenges in extending protections to workers outside formal structures. Civil society and trade unions often face limited access to policymaking processes, marginalising their influence in shaping equitable trade agreements.

Worker Rights and Social Justice

The AfCFTA provides an opportunity to embed strong labour protections into the fabric of Africa’s trade landscape. However, a review of existing policies reveals significant gaps in safeguarding workers’ rights. Informal workers, youth, and marginalised groups, including persons with disabilities, remain excluded from many protections.

Gender inequality is a pervasive issue. Women’s contributions to trade and the economy are undervalued, with limited access to social protections and resources. Youth unemployment, currently exceeding 12%, further underscores the precarious nature of employment opportunities for Africa’s burgeoning young population (ILO, 2023). Even where labour standards exist, enforcement remains weak, undermining their efficacy.

Addressing these challenges requires specific interventions. Binding labour provisions must be integrated into AfCFTA protocols to ensure accountability. Policies should focus on extending social protections and pathways for formalisation to workers in the informal economy. Additionally, targeted programmes are essential to promote gender equity and empower women in trade.

Role of Trade Unions in Promoting a Human Rights-Based Trade Approach

Trade unions have been at the forefront of advocating for workers' rights and influencing labour laws. However, their participation in trade governance remains constrained by resource limitations and exclusion from key policymaking platforms. Strengthening the role of trade unions is essential for advancing a human rights-based approach to trade. Capacity-building initiatives are critical to equipping union leaders with the skills needed to engage effectively in trade negotiations. Policymakers must establish platforms for unions to contribute meaningfully to trade policy formulation at national and regional levels. Empowering unions to monitor and report labour rights violations in trade agreements can enhance accountability and compliance, fostering equitable trade practices.

Box 2

Case Study: Ghana's Cocoa Sector –Strengthening Worker Rights Through Multi-Stakeholder Collaboration

Ghana's cocoa industry has long been a cornerstone of its economy, contributing significantly to export revenues and rural employment. However, persistent challenges – including child labour, low wages, and limited bargaining power for smallholder farmers – have spotlighted the need for a human rights-based approach. In recent years, collaborative initiatives involving trade unions, government bodies, and international organisations have aimed to create more equitable and transparent supply chains.

Key Interventions and Outcomes

1. Collective Bargaining and Union Advocacy
 - The General Agricultural Workers' Union (GAWU) has played an active role in advocating for higher wages and safer working conditions. Working in partnership with the Ghana Cocoa Board (COCOBOD) and local farmer cooperatives, GAWU has helped negotiate better minimum price guarantees for smallholders, thereby reducing income volatility.
 - According to *Reuters* (2021), several collective bargaining agreements spearheaded by GAWU included clauses that address overtime pay and safer working practices, laying the groundwork for improved labour standards.
2. Child Labour Monitoring Systems
 - Supported by the International Labour Organization (ILO) and UNICEF, Ghana has implemented community-based Child Labour Monitoring and Remediation Systems (CLMRS). These systems train local volunteers to identify at-risk children and refer them to education or social welfare services.
 - A 2021 *BBC News* report noted that the presence of these monitoring systems has led to an uptick in school enrollment in cocoa-growing regions, signalling a positive shift away from child labour dependency.
3. Certification and Fairtrade Partnerships

- Ghana’s cocoa farms increasingly participate in certification schemes such as Rainforest Alliance and Fairtrade, which mandate compliance with specific labour and environmental standards. These frameworks require periodic audits of farm operations and worker conditions, incentivising continued improvements.
 - Fairtrade premiums – additional funds paid to certified farmers – are often used for community projects, such as building schools and healthcare facilities. This direct community investment enhances social infrastructure while reducing pressures that can push families to rely on child labour.
4. Government and Policy Reforms
- The Government of Ghana has made efforts to integrate human rights norms into its National Action Plan on Business and Human Rights (2021–2025). Although critics argue that more robust enforcement is needed, the plan underscores official recognition of labour rights as central to economic development strategies.
 - COCOBOD has also introduced training programs that educate smallholder farmers on safety, agronomic best practices, and the legal prohibition of child labour. These initiatives align trade development with social welfare objectives, a hallmark of a human rights-based approach.

Lessons for a Human Rights-Based Approach

- Holistic Enforcement – While Ghana has enacted various anti-child-labour laws, the gap between policy and on-the-ground implementation remains a challenge. Streamlined monitoring and clear enforcement mechanisms are essential to ensure consistent adherence to labour standards.
- Empowerment Through Participation – Trade unions like GAWU provide an avenue for workers and smallholder farmers to voice their concerns collectively, illustrating the principle of participation central to human rights-based frameworks.
- Market Incentives Aligned With Rights – Certification schemes and premium pricing can make rights-compliant cocoa production financially viable. Stronger market incentives –backed by consumer demand for ethically sourced products – can drive more widespread adoption of best practices.

Implications for AfCFTA Implementation

The Ghanaian cocoa sector illustrates how multi-stakeholder collaboration, encompassing trade unions, government agencies, and international organisations, can tackle the root causes of labour rights abuses. By embedding child labour remediation systems, fair wage standards, and worker protections into trade policies, the African Continental Free Trade Area (AfCFTA) can reinforce a rights-focused trade regime. Moreover, aligning cocoa export strategies with human rights norms underscores that economic growth and equitable labour practices need not be mutually exclusive.

Recommendations and Way Forward

To align trade policies with human rights standards, all key stakeholders must adopt actionable strategies that prioritise equity, inclusivity, and worker protection.

1. For Governments – National governments should establish and enforce labour protections within trade agreements. Human rights impact assessments must be mandated for all trade policies, ensuring the identification and mitigation of potential violations. Governments should strengthen institutional capacities to monitor compliance and penalise non-adherence to labour standards. Gender-responsive policies must be developed to address barriers faced by women in trade, alongside expanded social protection programmes for informal and vulnerable workers.
2. For the African Union (AU) – The AU should integrate binding human rights and labour provisions into AfCFTA protocols. A monitoring framework should be created to evaluate member states' adherence to these provisions. The AU must convene periodic stakeholder forums to incorporate inputs from trade unions, civil society, and marginalised groups into trade policymaking.
3. For Trade Unions – Trade unions must enhance their advocacy capacities by participating actively in national and regional trade policymaking platforms. Unions should also strengthen grassroots mobilisation to address the needs of informal workers and marginalised communities. Capacity-building programmes should be developed to equip union leaders with skills for negotiation and compliance monitoring.
4. For Civil Society Organisations (CSOs) – CSOs should collaborate with trade unions to amplify calls for rights-based trade policies. They must also engage in public awareness campaigns to highlight the importance of human rights in trade agreements and advocate for the inclusion of marginalised voices in decision-making processes.
5. For International Organisations – Institutions such as the ILO and UN must provide technical assistance to African countries and unions to align trade practices with international labour standards. Funding programmes should be expanded to support capacity-building initiatives for trade unions and advocacy groups.
6. For Private Sector Actors – Multinational corporations and businesses operating in Africa must adopt and adhere to the UN Guiding Principles on Business and Human Rights. Corporate social responsibility initiatives should include investments in fair wages, workplace safety, and sustainable supply chains that respect worker rights.

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