

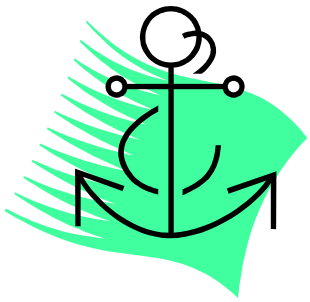
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Port Labour Reform and Related Social Issues

Brasilia, 03 April 2008

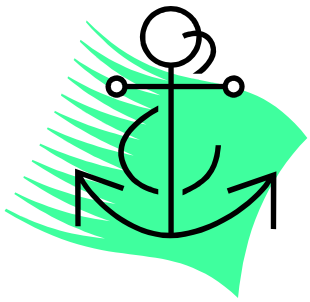
Rodrigo Garcia Bernal
Maritime Consultant



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Contents

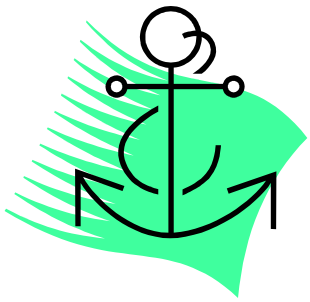
- Context of Port and Labour Reforms;
 - Key labour issues to be addressed;
 - Organizing to address labour reform : a task force approach;
 - The institutional framework for port reform;
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 - International support for labour adjustment;
 - Post-reform labour-management relations;
 - Comments.
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Port Sector Trends

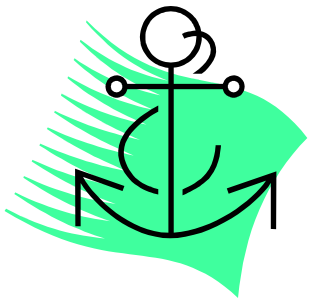
- Increase of Information Technologies;
- Tendency to cooperation and economic integration within the region and other economic blocks;
- Integration of transport services at regional level and concept of “coastal trade”;
- High pressure on total costs reduction (increase of vertical and horizontal business integration);



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Port Sector Trends

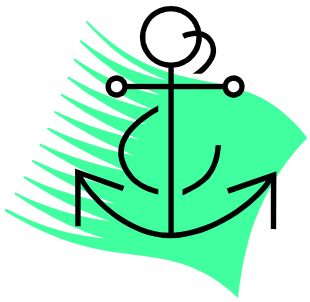
- **Port sector pressure for more efficient public services and commerce facilitation;**
 - **High level of services competitiveness;**
 - **Increase of port marketing concept;**
 - **High pressure for quality of services;**
 - **High level of economic agent negotiations;**
 - **Increase of Quality Management and Quality Assurance schemes;**
-



Port Sector Trends

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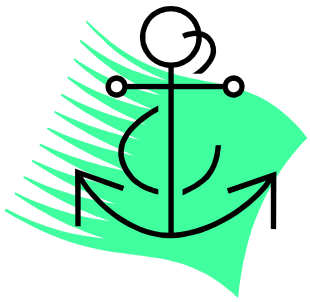
- Increased interest for Hub/Pivot Ports in the region;
 - Improvement of port, road, and railway infrastructure, within the countries and the region;
 - Increased interest of use of Landbridging concept;
 - Business sector more oriented to strategic planning;
-
- Pressure on companies social responsibilities



Port Sector Trends

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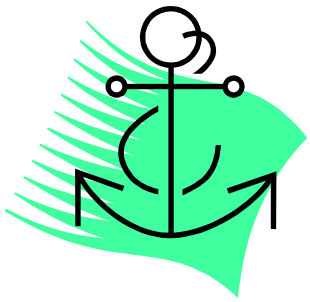
- Increase of human factor importance;
 - Increase of environmental awareness;
 - Strengthening of port communities/councils ;
 - Globalization of technical performance of public servants;
 - Increased awareness and conscience on ethic phenomena;
 - Reappearance of some State subsidies;
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Port Sector Trends

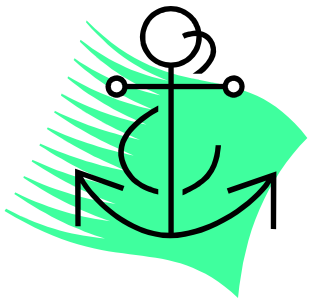
- From “Strategic Alliances” to “Mega Alliances”;
 - More exigent behaviour of port users on public services efficiency;
 - Pressure on governments to assume and keep their role or “new role”;
 - Evaluation of external trade processes and procedures, and identification of dysfunctions;
-



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Port Sector Trends

- **Public services with more responsibilities, same resources, with more exigency on their professionalism;**
- **More awareness on port security, occupational health and safety, and environment protection;**
- **Keep facilitation and trade flow within an environment more efficient, competitive, secure, safe and less costly (difficult balance).**



Integrated Management in a Port

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Quality of Services

Efficiency of port operations

Port Environmental Management

Environmental Management Plan

**Master Plan
Development Plan**

Quality Management

Solid Waste Management

**Risk Management
Contingency and
Emergency Plan**

Environmental and safety Norms

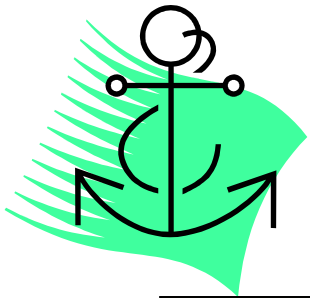
**Security
Occupational Safety
and Health**

**Social
accountability**

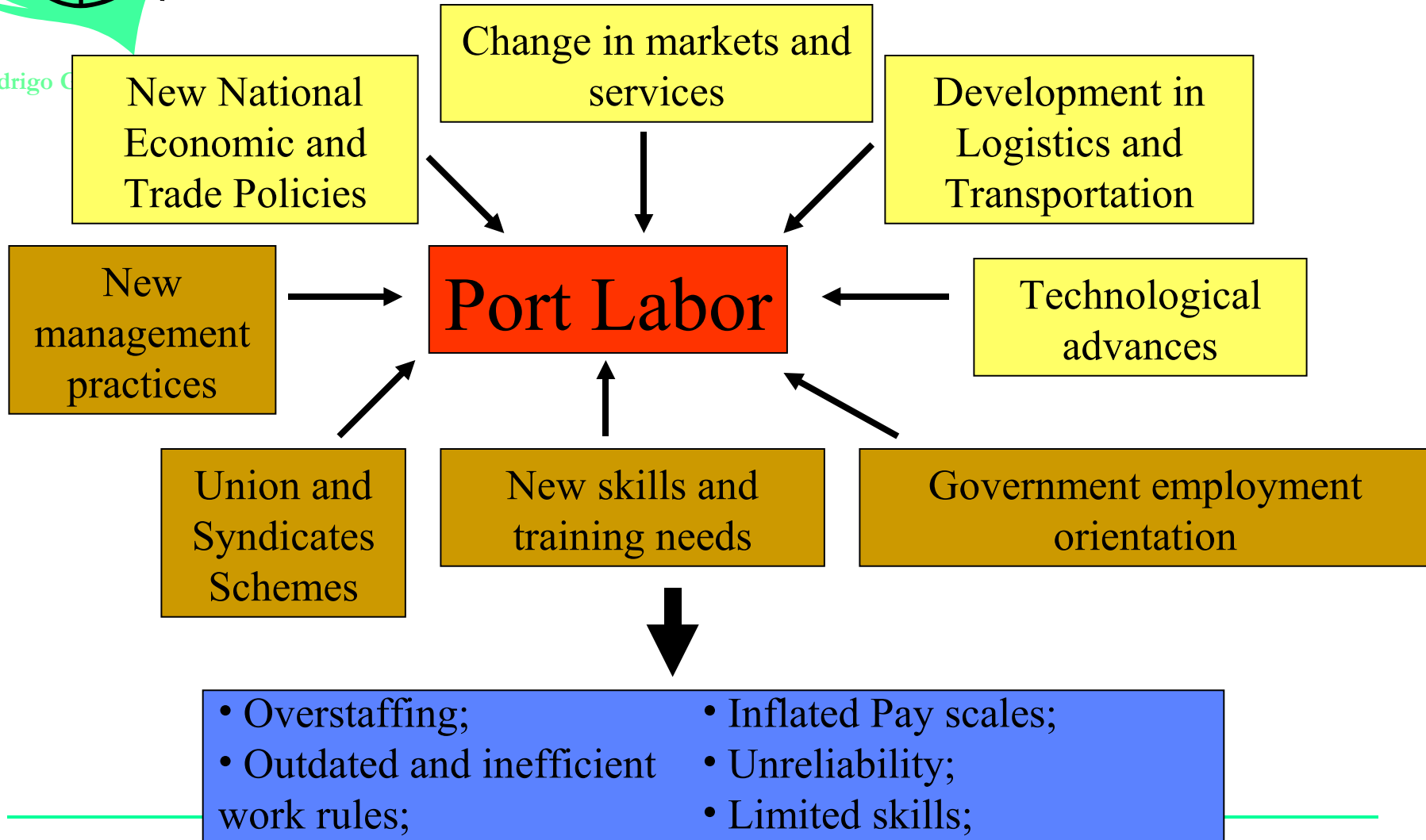
**Secure
working
conditions**

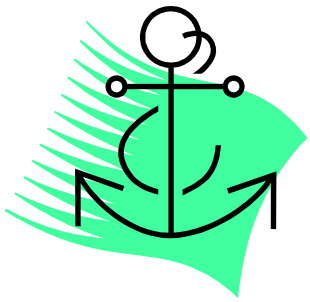


Port Labor Environment



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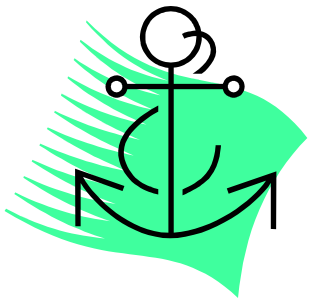
Labour Force in LAC Chilean Case

Chilean Public Port Labour:

- 1960 Emporchi 3,034
- 1978 Reform 5,117
- 1981 1st Year 1,396
- 1991 10th.Year 1,750
- 1998 10 Ports 654
- 2003 10 Ports 446

Chilean Private Port Labour:

- 1981: Total of 9,427
- 1998: Total of 2,025 of which 850 are contracted permanently.
- Salary of \$ 42 per shift;
- Salary for permanent labour from \$ 600 to \$1600



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Labour Force in LAC Argentinean Case

Buenos Aires Public Port

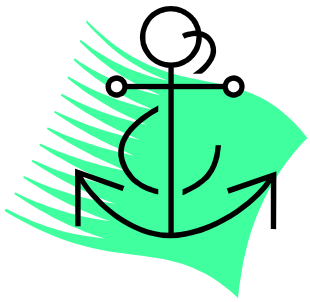
Labour:

- 1983: AGP 3,220
- 1989: AGP 2,210
- 1993: 1st Year 1,061
- 1998: 5th.Year 400
- 2003: 10Th Year 40
- 2007; 14 Year 0

Buenos Aires Private Port

Labour:

- 1983: Total of 5,403
- 1993: Reform 1,200
- 1998: Total of 1,400
- Salary of \$ 65 per shift;
- Salary for permanent labour from \$ 550 to \$ 2.000



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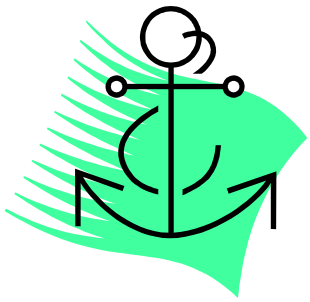
Labour Force in LAC Colombian Case

4 th Colombian Main Public Port Labour:

- 1980: Colport 2,300
- 1986: Colport 1,427
- 1991: 1 th .Year 2.230
- 2001: 10Th Year 0

4 th Colombian Private Port Labour:

- 1980: Total of 240
- 1991: Reform 660
- 2001: Total of 850
- Salary of \$ 50 per shift;
- Salary for permanent labour from \$ 650 to\$ 1700



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Labour Force in LAC Peruvian Case

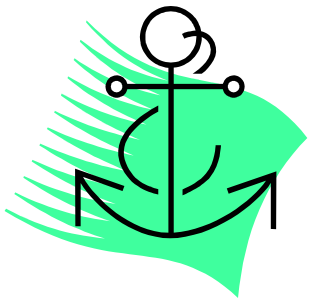
Callao Public Port Labour:

- 1960 ENAPU 5,034
- 1993 1^h.Year 1,750
- 2003 1 Year of second reforms step 1,143
- 2007 1 year of private sector Callao 980

Peruvian Private Port

Labour: (Callao)

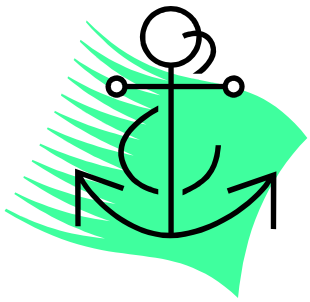
- 1980: Total of 240
- 1993: Reform 580
- 2003: Total 640
- Salary of \$ 35 per shift;
- Salary for permanent labour from \$ 200 to \$ 950



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Labour Situation Before Port Reforms

- **Over-staffing;**
 - **Labour force with poor skills and training;**
 - **Port administration with inadequate recruitment policy and procedures;**
 - **High salaries and low mobility;**
 - **Reliability and labour availability;**
 - **Working rules according to unions and not to job requirements and performance;**
-

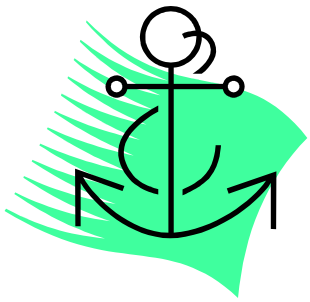


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Labour Situation Before Port Reforms

Prior results, lead us to:

- Inefficient port productivity;
 - Low service quality;
 - Inefficient operations;
 - Low safety, security and environment protection indicators;
 - High costs of services.
 - Rendering of services are not oriented to users/clients needs satisfaction.
-

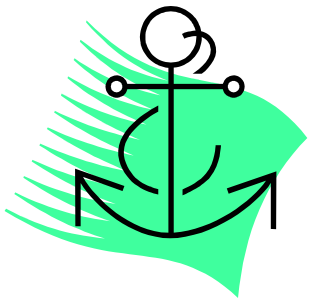


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Labour Situation Before Port Reforms

Public Port Administration, could lead us to:

- Services rendered are not business and market oriented according to users and clients needs;
 - Use of public administration principles and not business management practices;
 - Human resources policy not always according to technical requirements;
 - Port decisions could be political and not technically oriented;
-

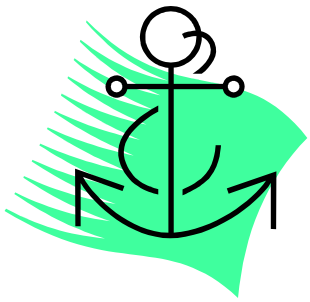


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Labour Situation Before Port Reforms

Public Port Administration, could lead us to:

- **Public services procedures are not always in accordance to facilitation of international trade requirements;**
 - **Regulatory framework requires to be in compass with facilitation of external trade and globalization requirements;**
 - **Port Tariffs scheme tends not to be oriented to real costs of port services;**
-

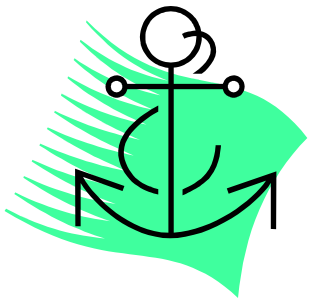


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Labour Situation Before Port Reforms

Public Port Administration, could lead us to:

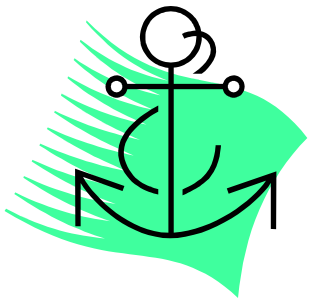
- Port incomes pass directly to Government Budget and are not necessarily invested on new port developments and needs;
- Master planning oriented to infrastructure, engineering projects or socio-political state requirements and not to port users needs and future requirements;
- More oriented to budget planning than to business planning.



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Objective of Port Reforms

- **Wealth redistribution;**
- **Increase port efficiency;**
- **Attract new cargoes and port businesses;**
- **Share commercial, economic, technological and management risk between public and private sector;**
- **Promote private investment and entrepreneurial management;**
- **Inclusion of port technologies (BAT's).**

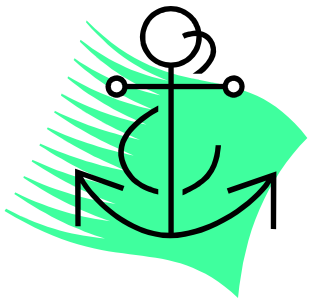


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What we are looking for ?

Port Competitiveness:

- Increase Intra and Interport competition;
- Improve port productivity;
- Cost reduction;
- Lower prices and tariffs;
- Terminal specialization and economy of scale;
- Implementation of State Subsidiary Role.

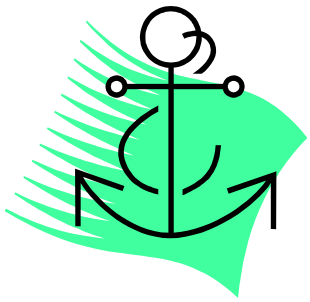


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What we are looking for ?

Agile, Expedite and Trade Facilitator Ports:

- To the external trade;
- To strengthen the supply chain and transport logistics;
- Better IT systems for cargo, services and user information;
- To increase services to cargoes and users;
- To reduce dwell time of cargo at terminals;
- To establish a user problem solution approach.



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Flow and Origin of Reforms

■ As Government Initiative:

- Need to reduce public expenditure;
- Public budget restrictions;
- State management is inefficient.

■ As a Private Sector Initiative:

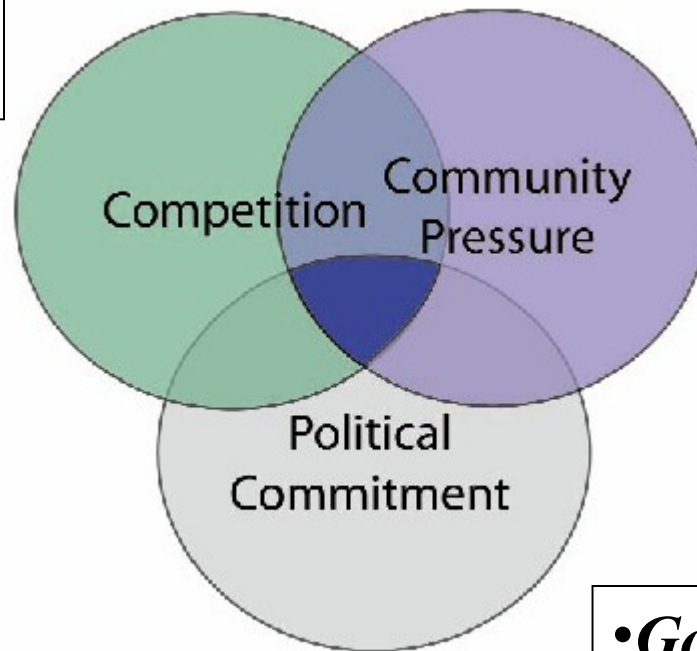
- Opportunities for private investment;
- More financial efficiency of investments.
- Market demand requirement approach;

-
- Believe private management is more efficient;

Factors Prompting Port Labor Reform

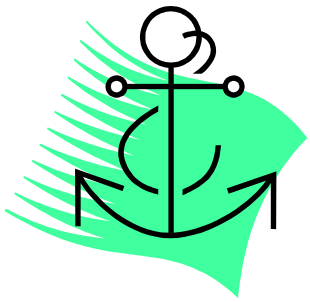
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*Inter or Intra
Port*



- *Manufacturers*
- *Exporters*
- *Importers*
- *Carriers*

- *Government support*
- *Need to reduce government subsidies*

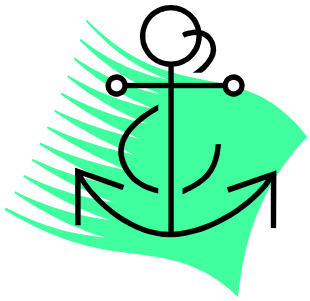


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Public Role

Functions :

- Landlord/Tool/Service Port;
 - National Port Planning;
 - General Supervision;
 - Regulator on Social Security, Occupational Health and Safety, and Environmental issues;
 - Regulator and control of Concession Contracts;
-

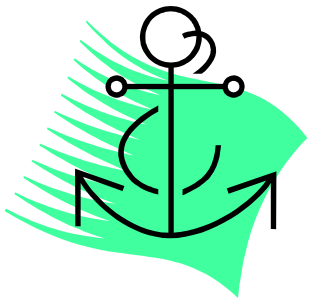


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Public Role

Functions :

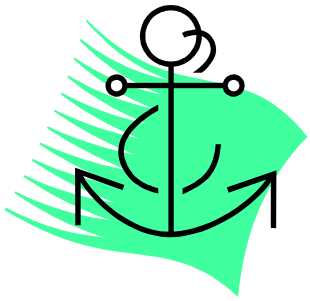
- Strategic Marketing;
- Studies and planning of new business;
- Market Studies, alliances, new investments and investors;
- General policy (level playing field), facilitation and authorities coordination;
- Maritime and Port Training.



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Private participation

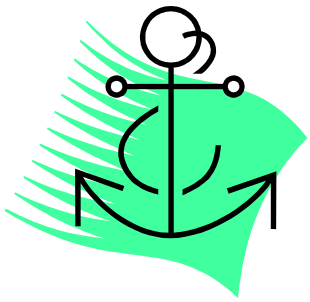
- **Terminal Operation;**
 - **Services to Cargoes;**
 - **Services to Ships:**
 - **Ship chandelling, Bunkering, Watering.**
 - **Towage Services (harbour and oceanic);**
 - **Pilotage Services;**
 - **Maintenance Dredging Services;**
-



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Private participation

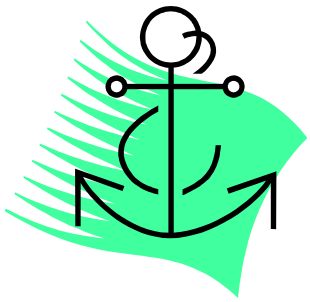
- VTS, communication, navigational aids, buoys and lights;
- Maintenance Engineering;
- R&D Studies and Planning;
- Equipment Maintenance;
- IT Services;
- Ship Maintenance and Repairs.



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Private participation

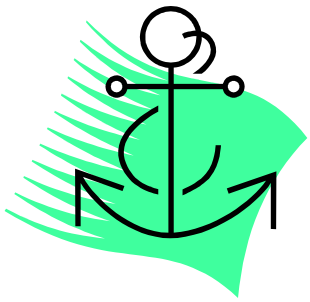
- **Environmental Services:**
 - ❑ Waste Management and port cleaning;
 - ❑ Spill Response;
 - ❑ Fire fighting Services;
 - **Security Services:**
 - ❑ Maritime Security (coast, ships holds);
 - ❑ Port Security (gates, terminal, warehouses, cargoes, etc.)
-



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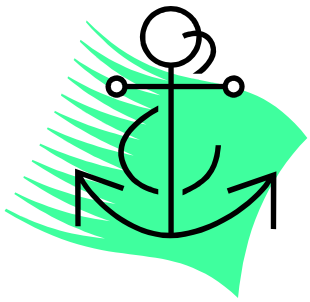


Changes in Economic Policy and Effect on Port Labour

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Semi Autonomous Economic Policies (Before 1980):

- **Characteristics:**
 - ❑ Freedom on the selection of labour from local provider (unions);
 - ❑ National market reserved to national producers;
 - ❑ Barriers to entries;
 - ❑ Not export oriented.

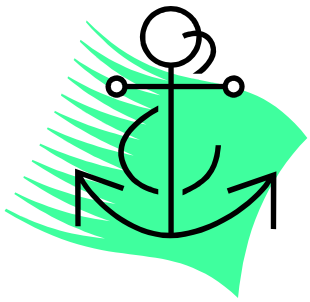


Changes in Economic Policy and Effect on Port Labour

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■ Result-Labour Intensive Technologies:

- ❑ Limited specialization;
- ❑ Cargo handling monopolies;
- ❑ Direct and cross subsidies;
- ❑ Increasing salaries with low productivity;
- ❑ Political influence on decisions;
- ❑ Capital intensive cargo handling system not viewed as socially acceptable;
- ❑ Expansion of labour force with demand;
- ❑ Fragmentation of jobs and national control registration (15% licensed; 5% supplemental and 80% of unofficial established labour pool).

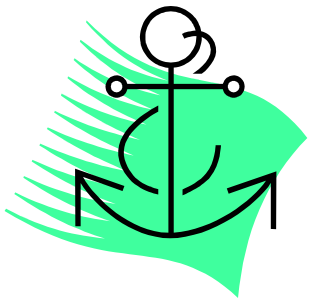


Changes in Economic Policy and Effect on Port Labour

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Export Oriented Economic Policies (After 1980):

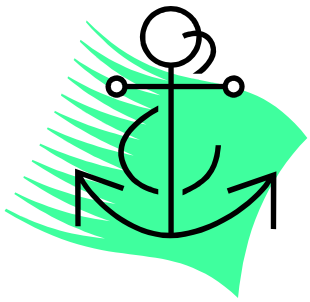
- **Characteristics:**
 - ❑ Economic activities restructured, competition increase, local producers look for international market demand;
 - ❑ Freedom of the selection of input worldwide;
 - ❑ High worldwide competition and port services require labour to meet users needs;
 - ❑ No barriers to entries;
 - ❑ Export oriented.
-



Changes in Economic Policy and Effect on Port Labour

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- Result: Capital Intensive Technologies:
 - ❑ Ports can provide competitive and commercially attractive services;
 - ❑ Increased productivity and reduced costs. (labour salaries and job conditions according to market mechanisms);
 - ❑ Labour force reduction, more cargo, training programmes (improve workers skills and OHS indexes);
 - ❑ New technologies and work organisation. (workers incentives because of participation on workplace decision and monetary incentives base on performance and good economic results).
-



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Possible Effects of Privatization on Employment

Employment Effects:

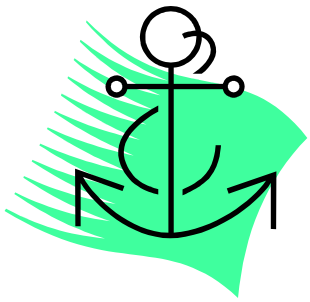
- New job classification;
- New job description;
- Reduction of labour;
- Medium and long term employment gains because new range of services and investments.

Employment conditions:

- Greater job mobility;
- Reduce guarantee of tenure and job security;
- Need for retraining and skill upgrading;
- 8 hours working shift and more work load;
- Payment basis on results and productivity;
- Loss of seniority and ranks;
- Wider salaries differentials form incentive component;
- Permanent v/s Part time job (effect on pension funds);
- Loss of some social benefits;

Management-Labour Relation:

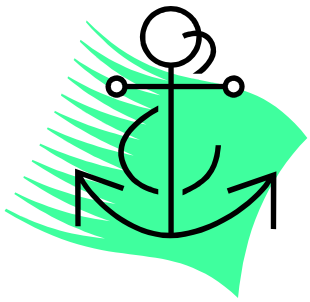
- Emphasis on technical abilities and professionalism;
- Discretion of Mngmt. to take decisions and Co. policies;
- Emphasis on implementation of these decisions;
- Exclude Co. decisions from labour and union power;
- Longer wage bargaining processes (individual rather than collective);
- Tougher attitude on worker performance an discipline;
- Efficiency and profit making gain over social objectives.



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Labour Aspects Affected by Reforms (1/2)

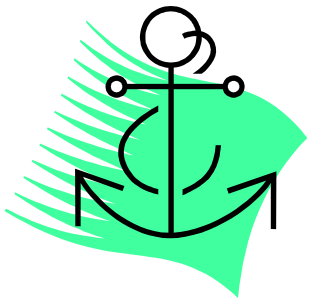
- Entities entitled to offer labour services to the port;
 - Reduction of port personnel (overstaffing);
 - Job descriptions and duties (obligations and rights);
 - Port working hours and days;
 - Adequate salary level and incentives allocation;
 - How labour force is organised (Labour Pools or Unions);
-



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Labour Aspects Affected by Reforms (2/2)

- **Restrictions on output;**
- **Unsettled and combative workplace culture;**
- **Insufficient training and retraining opportunities;**
- **Lack of clear and meaningful productivity objectives;**
- **Inadequate occupational health and safety procedures.**

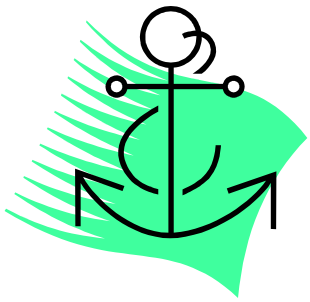


Securing Constructive Labour Participation on Port Reform(1/4)

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Principal areas of interest for port labour :

- Stable and fulfilling employment;
- Reasonable incomes;
- Decent working conditions;
- Social security and pension provisions;
- Education and vocational training;
- Health, safety and the environment;
- Workplace decision participation;
- Freedom from discrimination;

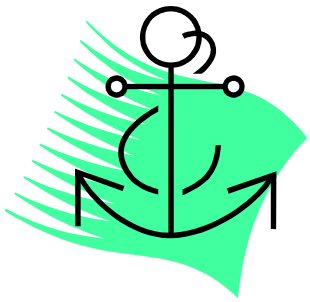


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Securing Constructive Labour Participation on Port Reform(2/4)

Involving labour in port reform allows:

- To avoid mistrust stemming from the recurring conflicts between capital-labour trade-offs;
 - To avoid inadequate and untimely preparation of port reform proposals;
 - Find solutions to problems thanks to a trained personnel, with practical experience in port operations;
 - To tap a source of ideas to add value to services to customers.
-

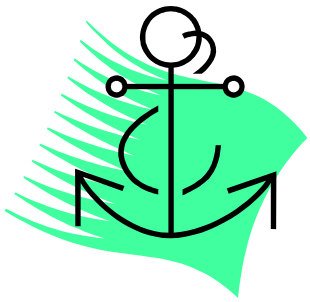


Securing Constructive Labour Participation on Port Reform(3/4)

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Main Challenges :

- **Commitment from trade union leadership;**
- **Ability to unify workers' short- and long-term interests;**
- **Need to improve expertise within the union;**
- **Introduction of new trade union structures;**
- **Finding solutions to social problems caused by privatization;**

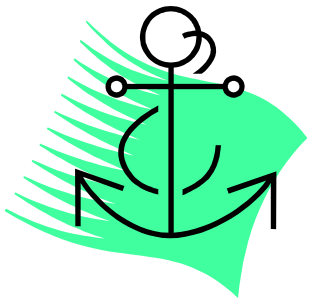


Securing Constructive Labour Participation on Port Reform(4/4)

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Main Challenges :

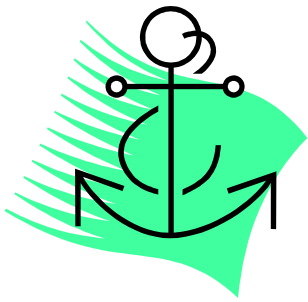
- Need to improve negotiation business capacities within the union;
- Acceptance of privatization;
- Dealing with the new culture of competition;
- Understanding the need for new labour relations.



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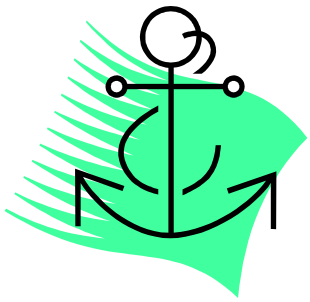


Labour Port Reform Committee

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Committee (Task Force) should include reps from:

- **Ministries of transport, labour, finance, economics, planning, etc.;**
- **Port Authorities and Maritime Authority;**
- **Main port customers and users (Chamber of Commerce, Port & Maritime Chamber, Ship-owners Association);**
- **Private investors, terminal operators, cargo-handling companies and stevedoring companies;**
- **Port labour.**

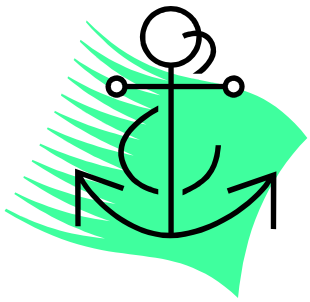


Labour Port Reform Committee

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Work to be performed by the Committee:

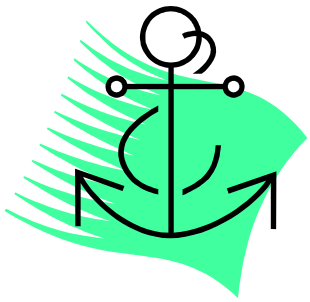
- Undertaking or commissioning studies;
- Organizing awareness seminars or workshops;
- Informing the community and consumers;
- Fostering the creation of joint working groups; between unions and private terminal operators;
- Defining government's role with respect to ports;
- Developing a workforce rationalization plan.



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 - International support for labour adjustment;
 - Post-reform labour-management relations;
 - Comments.
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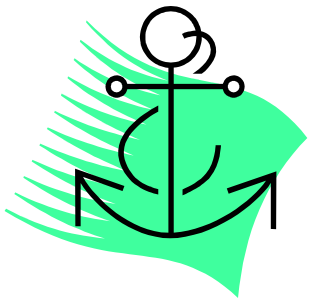


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Institutional Framework for Port Reform

Meeting Commercial Requirements

- Economic regulatory reform
- Decentralization
- Job education and experience requirements
- Training courses

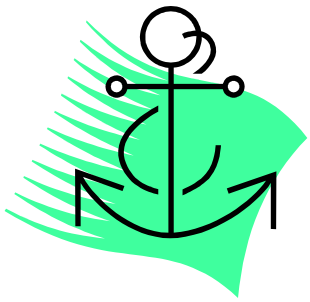


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Institutional Framework for Port Reform

Relationship between Government, Port and Labour

- No involvement of governments in port-labour relations;
- Collective negotiations;
- Informal dispute resolution.
- Negotiation;
- Suggestion of measures to improve productivity;
- Facilitate the work and reduce costs.

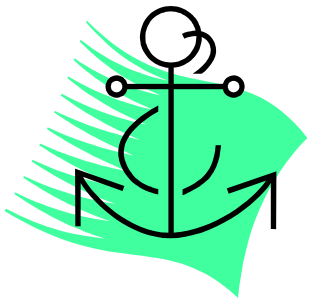


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Institutional Framework for Port Reform

Encourage Competition

- Application of antimonopoly law.
- Ensure fair use of market mechanisms and no abuse of port operators' market power.

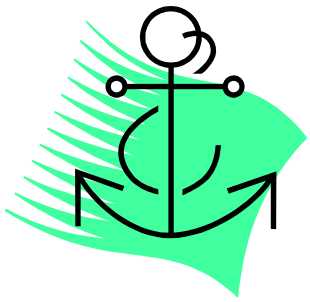


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Institutional Framework for Port Reform

Redefining the concept of social equity

- Commercial;
 - Business opportunity oriented approach.
 - Training programs;
 - Increase Occupational health and safety, and environment protection;
 - Collaborative process to select and introduce new equipment.
-

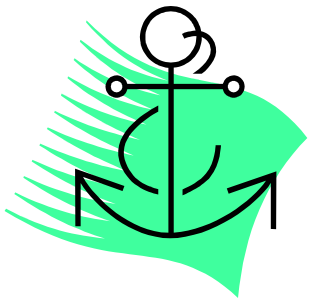


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Institutional Framework for Port Reform

Timeframe for Port Labour reform

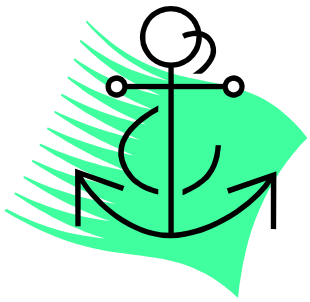
- **Within the term of a single public administration;**
- **Before concessions/investments are marketed and requests for bids tendered (Road Show, Data Show and Bidding Process).**



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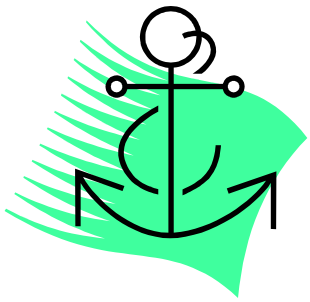


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Information gathering for the Action Plan

Sources of Information:

- Port Master Plan;
- Legal Framework;
- Government Economic Policy;
- State Port Policy, and Strategic Goals and Objectives;
- Port Infrastructure Requirements;
- Estimates of required activity levels;

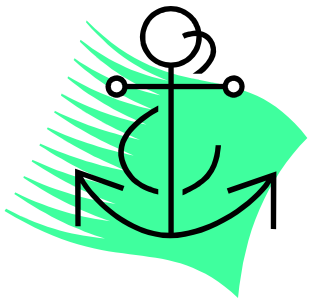


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Information gathering for the Action Plan

Sources of Information:

- Availability of current port workforce and staffing levels;
- Effective number of port workforce required according to plans;
- Estimates of minimum staffing levels (permanent and part time);
- Labour regulatory regime;

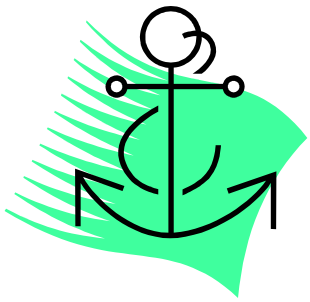


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Information gathering for the Action Plan

Sources of Information:

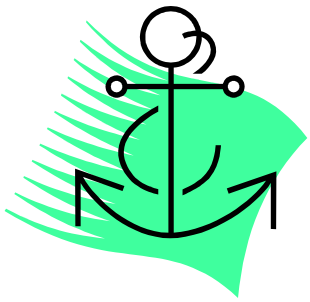
- National and local laws about labour rationalization;
- Current situation and regulatory power of unions;
- Current collective bargaining and employment agreements.



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Information gathering for the Action Plan

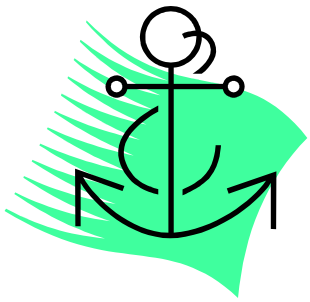
- Training needs analysis and skills of workers who will be seeking alternative employment;
- Existing government and private organizations capable of assisting with training, retraining and job searches;
- General information about the overall national and regional macroeconomic situation, existing employment patterns, labour absorption capacity, skills and experience of the workforce.



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Alternatives to Reduction of Workforce

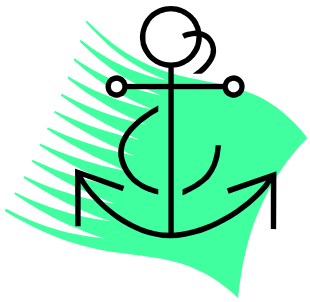
- **Natural reduction:**
 - Retirement schemes;
 - Resignations.
- **Part-time employment, flexible working hours, reduction in working hours, variable workweeks, job sharing, overtime restrictions;**
- **Sharing of reductions in hours of work and pay;**
- **Work rotation among other government entities.**



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Alternatives of other reduction schemes

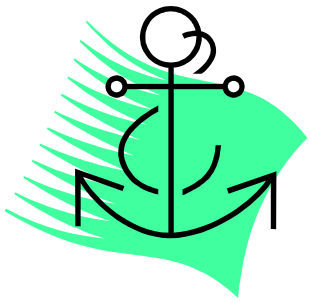
- **Compensation Scheme, with Incentives for Early Retirement** (personnel $>$ or $=$ to 60 years old=[Pension + Compensation of 24 months]);
- **Compensation, with Incentives for Voluntary Separation** ($<$ than 60 years old, compensation base on working years with maximum of 24 month);
- **Compensation for Involuntary Separation** (fixed compensation depending of working years with a maximum of an amount of 16month);
- **Training and Retraining Programmes for Out-Placement**;
- **Guidance and Assistance for Out-Placement**.



Common Problems in Reduction Schemes Implementation

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- **Paying too much;**
- **Best employees leave, the worst remain (adverse selection);**
- **Re-hiring of employees after the reform (revolving door).**



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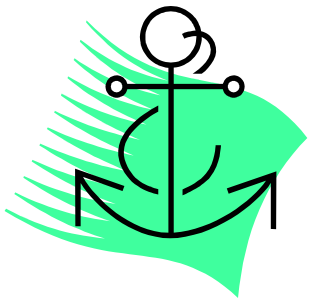
Ecuador:

- US\$ 72 millions for 9,000 port workers, paid with funds from maritime agencies, a % of tons of cargo throughput. (ship stevedores and AP workers)

Colombia:

- US\$ 124 millions for 15,000 workers, paid from Government Budget and Pensions Funds transferred to a Government Special Pension Fund (Colpuerto).

Examples of Reduction Schemes Costs in LA



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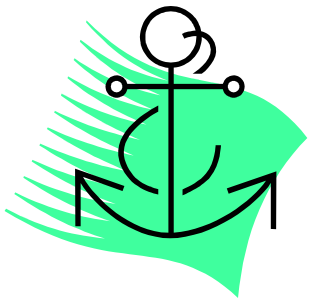
Examples of Reduction Schemes Costs in LA

Chile:

- US\$ 50 millions for 10,000 general maritime personnel, paid from the General State Budget.
- US\$ 84 millions for 1,400 Emporchi port workers, paid from the Emporchi Budget.

Peru:

- US\$ 78 millions for 14,000 workers, paid from cargo shippers and consignee with a % of tons of throughput (ship stevedores and Enapu).

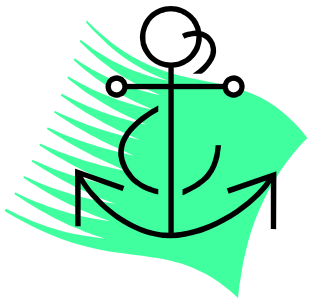


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Examples of Reduction Schemes Costs in LA

Venezuela:

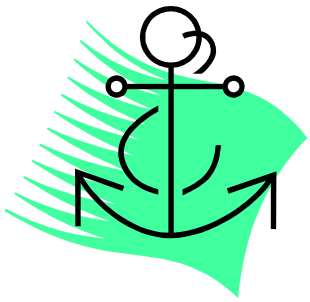
- **US\$ 90 millions for 12,000 INP workers, paid from the General State Budget.**



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Practical Recommendation for Reduction of Workforce

- Identification of unproductive or less added value port services;
 - Identification of services which can be eliminated;
 - Identification of overstaff and “ghost” personnel
 - Identification of redundant functions;
 - Offer a reduction option to those identified to leave;
 - Develop alternatives to the standard reduction options, to keep the best employees
-



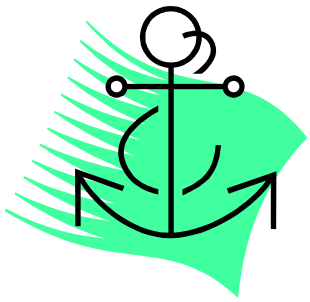
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Advantages:

- Reduction of uncertainties for private sector or concessionaires interested on a clean environment for port investments;
- Less disturbance to future port operations.

Incorrect Implementation:

- Not enough workforce reduction, because of political pressure;
- Under-optimized cutbacks, severance packages and lack of incentives to retain the best personnel



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Rationalization of Labour (After Reform)

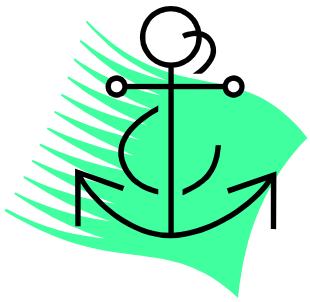
Advantages:

- Decision are well planned, studied and are profit oriented.

Incorrect Implementation:

- Uncertainty and risk for investors, less investors interested and lower concession price;
- Possibilities of industrial actions by port labour.

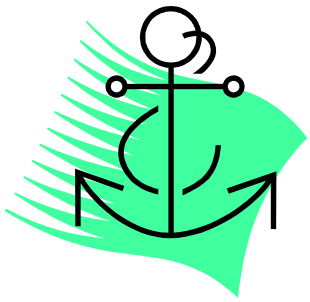
“Do not “tie up concessionaires hands” to choose their staff according to market requirements and possibilities”



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¿Who should pay?

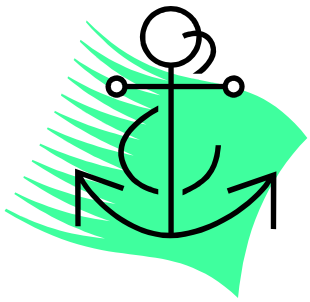
- **Government as a former employer;**
- **The private sector as a new employer;**
- **Users as beneficiaries.**



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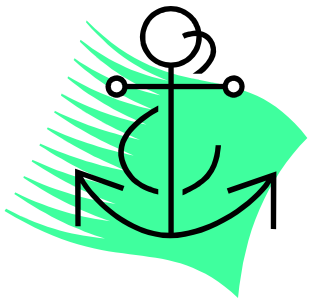
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International Organizations

Support

The World Bank:

- **Technical assistance;**
 - **Conditional direct financing for severance payment;**
 - **Poverty alleviation programs;**
 - **City Development Projects and Transport Sector Review and others;**
 - **Countries Modernization Programmes.**
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International Organizations

Support

On Awareness, Training and Retraining:

The World Bank:

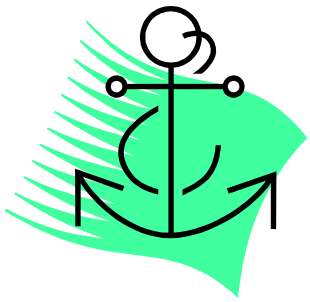
- **Privatization Awareness Programmes.**

International Labour Organization:

- **Port Workers Development Program (PDP).**

UNCTAD:

- **Training Need Assessments, Training and Courses Development and Delivery Methodology.**
-



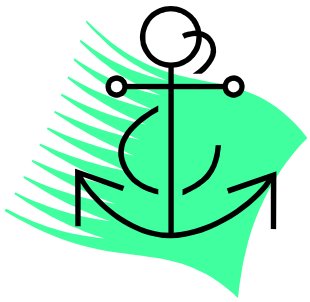
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International Organizations Support

On Awareness, Training and Retraining:

International Maritime Organization (IMO):

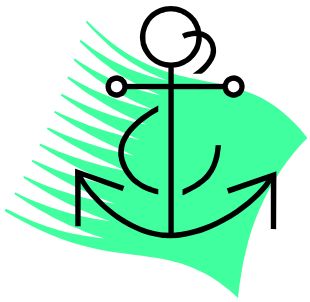
- **Maritime Security (ISPS Code);**
- **Maritime Safety (STCW 95);**
- **Environmental Protection (Marpol Implementation).**



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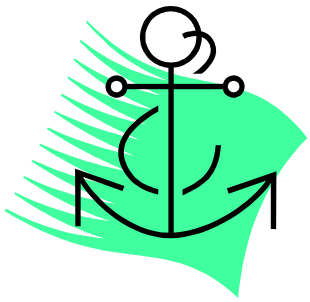
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Post Reform Labour Management Relations

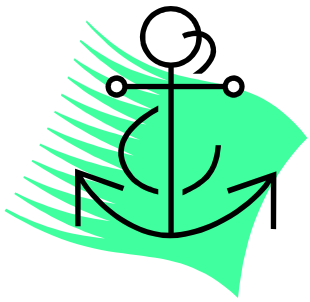
- **Cooperation and communication of labour and management (joint committees, participation of workers in workplace decisions);**
- **Balance of commercial goals of employers with social goals of their employees;**
- **Agreement of all stakeholders about the proposed changes in labour regimes, collective agreements and work practices.**



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General Comments

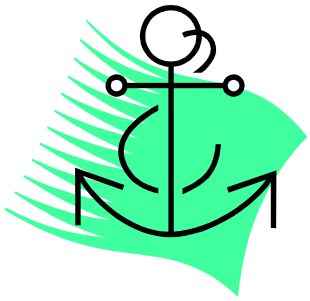
- To use during the planning process adequate scientific diagnosis and studies;
- To hire highly qualified professionals to deal with the labour reform process;
- To design clear selection and training procedures;
- To keep permanent and transparent communication channels;



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General Comments

- **The human resource of the port is a highly sensitive political and social issue;**
- **Port labour reform could be of paramount importance for complete port reforms;**
- **Port Reforms must be in consonance with the process of country modernization;**
- **An error could detain ports and the external trade of the country.**



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Thank You !!!!

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