

CHALLENGES OF EMPLOYMENT STANDARDS WITHIN COMMONWEALTH NATIONS: A CRITICAL EXAMINATION.

BEING A PAPER PRESENTED ON THE 7TH OF APRIL, 2025, AT THE COMMONWEALTH LAWYERS ASSOCIATION CONFERENCE HELD IN MALTA, BY ADESINA ADEGBITE, FICMC, MCIARB (SECRETARY GENERAL, WEST AFRICAN BAR ASSOCIATION).

INTRODUCTION:

I must state from the outset that the topic being examined at this session is not just an issue of disparity in standards of employment in the Commonwealth countries, it is indeed more critical, as it goes to the issue of humanity. This paper, therefore, will examine the effect of the imbalances in the employment standards in the Commonwealth Nations, the consequence of the attendance prejudice in the employment standards on the shared humanity that ought to prevail in the Commonwealth. The Commonwealth Nations is a diverse group of 56 member countries, spanning continents and comprising countries with varying economic, social, and political landscapes. Despite their shared history, particularly the legacy of British colonialism, the nations within the Commonwealth exhibit significant differences in their employment standards. As the world grapples with economic disparities, globalization, and shifting labour market dynamics, ensuring fair and equitable employment standards across Commonwealth nations remains a complex challenge. According to the Session's Description, *"this panel is structured to discuss issues affecting employment practices and standards affecting companies within commonwealth and how these can be improved to promote the mutual benefits of the companies and employees."* This paper thus critically examines the challenges relating to employment standards within the Commonwealth. Essentially, this paper highlights the need for collaborative efforts among Commonwealth nations to harmonize and elevate employment standards, fostering an inclusive, just and sustainable global labour force.

FUNDAMENTAL FACTORS AFFECTING STANDARDS OF EMPLOYMENT IN THE COMMONWEALTH NATIONS

The challenges of employment standards in the Commonwealth countries can be pinned to a number of factors. Some of these factors are hereunder highlighted and examined. The factors are as follows; (1) **Unequal Labour Laws**, (2) **Wage Disparities**, (3) **Informal Labour Markets**, (4) **Gender Inequality**, (5) **Education Qualification/Training Standard**, (6), **Impact of Globalization on Employment Standards**, (7) **Language and Communication Barrier**, (8) **Technological Advancements and Job Displacement**, and (9) **Discrimination and Workplace Integration**.

1. Unequal Labour Laws and Regulations:

One of the fundamental challenges that affect employment standards within the Commonwealth is the disparity in labour laws and regulations across member countries. While some Commonwealth countries, such as Australia, Canada, and the United Kingdom, have comprehensive labour laws that protect workers' rights, many developing nations within the Commonwealth struggle with insufficient labour protections. In some countries, labour laws are outdated, poorly enforced, or non-existent, leaving workers vulnerable to exploitation, unsafe working conditions, and unfair treatment.

For example, in several low-income Commonwealth countries, such as parts of Africa and South Asia, workers are often subjected to long hours of work, low wages, and lack of job security. These challenges are actually violations of the rights of the workers in those countries and this is caused by any or all of the following factors:

- a. **Weak or Absence of Comprehensive Labour Rights Frameworks:**
In most countries in the Commonwealth where rights of the workers are violated indiscriminately, it is mostly due to weak or non-existent labour laws and regulations. In a situation where there is absence of a strong or comprehensive labour rights framework, the proclivity for disregard for the rights of the employees is open ended.
- b. **The Failure to Implement Existing Laws or Regulations:** In most African countries and South Asia, with specific focus on those who are Commonwealth member countries, it is often a dilemma for

workers to get justice in cases or petitions against employers due to the reluctance of the relevant authorities to enforce or implement the laws even in very glaring situations.

The above highlighted challenges often result in precarious working conditions, particularly for informal sector workers. To resolve this challenge, there must be a deliberate effort to ensure the creation of labour regulations and laws, while also putting in place a mechanism geared towards guaranteeing the effective enforcement of the laws and regulations across all Commonwealth member states.

2. Wage Disparities:

Wage disparities remain a significant issue across the Commonwealth nations. While countries like the UK, Canada and Australia have relatively high minimum wages and well-established systems for regulating worker's remuneration, many countries in the Commonwealth still struggle to ensure that wages are reflective of the cost of living. In lower-income countries, wages are often insufficient to meet basic needs, leading to widespread poverty among working populations.

In Canada, the average minimum income is \$15.50 per hour it could be as much as \$19 in a province like Nunavut for instance. The new national minimum wage in the United Kingdom is £12.21 per hour for anyone aged 21 and above, £10 for 18-20years olds and £7.55 for those under 18 and apprentices. Australia's minimum wage is \$24.10 per hour or \$915.90 per week (for a 38-hour work week). In South Africa, the minimum wage was increased from R25.42 to R27.58 per hour on 1st March 2024; it has now been further increased R28.79 per hour with effect from 1st March, 2025. Notwithstanding this consistent upward review, the minimum wage in South Africa currently stands at approximately \$1.50 per hour, which is approximately equivalent to \$240 USD per month. Gabon which has one of the highest minimum wages in the African countries in the Commonwealth has a monthly minimum wage of 150, 000 CFA francs, which is approximately equivalent to \$225 USD. Ironically, Nigeria which is the biggest economy in Africa and the largest black country in the Commonwealth ranks amongst the lowest and indeed the worst minimum wage countries in the Commonwealth with the sum of N70, 000 (approximately \$45 USD) monthly minimum

wage. In India which is the largest country in the commonwealth by population and size, the national-level minimum wage is approximately INR 178 per day (approximately \$2.13USD) or INR 5,340 per month (approximately \$63 USD). Also ironical is the fact that India proud itself as offering the most competitive wages in Asia, yet the minimum wage per month is \$63 USD.

It must however be stated that while the minimum wage may be applicable to variety of persons irrespective of their qualification in most developed countries, this is not the case in Africa. For instance, in Nigeria, the minimum wage is applicable only to the least educated person in public and private employment. An average university degree or higher education certificate holder earns much more as minimum wage.

The very wide disparities in wages in the Commonwealth is therefore a serious challenge to workers For instance, workers in some Commonwealth countries are paid below the poverty line, despite working full-time jobs. This disparity is particularly pronounced in the agricultural, construction, and manufacturing sectors, where low wages are prevalent

Moreover, the rise of global supply chains and multinational corporations has led to further exploitation of cheap labour in developing Commonwealth countries. These multinational companies, often based in wealthier Commonwealth nations, frequently relocate their production to countries with lower wages, exacerbating wage inequality across the Commonwealth.

3. Informal Labour Markets:

The prevalence of informal labour market is a significant challenge in many Commonwealth nations, especially in developing economies. In countries like India, Nigeria, Kenya, and Bangladesh, a large portion of the workforce is engaged in informal employment, which often lacks job security, social benefits, and protection under labour laws. As many workers are employed in the informal economy, they are excluded from wage regulations, which makes it even more difficult to address income inequality and improve living standards. Informal workers are typically

not entitled to health benefits, paid leave, or retirement pensions, which makes them more vulnerable to economic shocks.

The informal sector also tends to have lower productivity and wages compared to formal employment, further perpetuating inequality. Workers in the informal economy are often subject to exploitation, working in unsafe conditions without any legal recourse. Addressing the informal labour market requires both creating more formal job opportunities and reforming existing labour laws to include protections for informal workers, especially in the context of emerging economies.

4. Gender Inequality in Employment:

Gender inequality remains one of the most significant barriers to improving employment standards within the Commonwealth. Women, particularly in developing Commonwealth countries, are often paid less than men for the same work, face discrimination in hiring, and are underrepresented in high-level decision-making roles. This gender wage gap is a persistent issue, and women in many Commonwealth countries are disproportionately represented in low-wage, informal, and part-time jobs.

In addition to unequal pay, women face significant barriers to career advancement due to cultural norms, lack of access to education and training, and limited support for work-life balance. In countries like India, Pakistan, and several African Commonwealth nations, women often face institutionalized barriers that prevent them from achieving economic independence and prosperity.

The COVID-19 pandemic exacerbated these challenges, with women disproportionately affected by job losses in sectors such as retail, hospitality, and healthcare. Addressing gender inequality requires not only the enforcement of equal pay and anti-discrimination laws but also the creation of supportive workplace environments that allow women to thrive.

5. Education Qualification/Training Standard: Citizens of developing countries are facing widespread employment discrimination in the

developed countries in the Commonwealth, particularly the United Kingdom, Canada and Australia. For instance, in the UK, some professions require UK-specific qualifications (e.g., law, medicine and teaching). UK employers may not recognize degrees or certifications obtained abroad. This is a serious challenge to an immigrant who will have to re-qualify in the UK before he/she can successfully secure a job. The legal profession in the Commonwealth is predominantly based on common law systems. It is therefore concerning that most countries in the Commonwealth, especially those who practice similar legal system are not receptive to the idea of transnational practice. There is an ongoing advocacy to change the narrative in this regard, but I will not delve into the details to avoid deviating from the focus of this paper. The same practice is what is obtainable in other developed Commonwealth countries like Canada and Australia. Most emigrants often have to start from a low-level position before advancing after undertaking further training through re-qualification or certifications. However, licensing processes for regulated professions like law, medicine and engineering can be lengthy and costly. This constitutes a great challenge to the job seekers from developing countries who often experience these prejudices.

6. Impact of Globalization on Employment Standards:

Globalization has had a profound impact on employment standards across the Commonwealth. On the one hand, globalization has led to economic growth, increased trade, and the creation of jobs, particularly in emerging economies. On the other hand, it has also contributed to a "race to the bottom" in labour standards, where companies and governments, in the quest for competitive advantage, lower labour standards to attract foreign investment.

This phenomenon is especially evident in countries like Bangladesh, Sri Lanka, and Kenya, where multinational companies set up factories to take advantage of low wages and lax labour regulations. In such environments, workers are often subjected to unsafe working conditions, long hours, and low wages, with little recourse for redress.

Moreover, the rapid global mobility of labour has led to a significant rise in migrant labour, where workers face exploitation, human trafficking,

and dangerous working conditions. Migrant workers, particularly in the Gulf states and certain African Commonwealth nations, often work in construction and domestic services and are vulnerable to abuse, lack of legal protection, and human rights violations.

7. Language and Communication Barriers

Another major factor that affects employment standard in the Commonwealth is language barrier. Some foreign workers have limited English proficiency thereby making it difficult to communicate effectively, especially in customer-facing or technical roles. This particular challenge rests with the employer who may struggle to accommodate an otherwise skilled worker who has challenges with fluency in English. In some instances, it may be the accent of the worker that will negatively impact the business of the corporation, hence, creating a serious challenge for the business growth. Even where the communication challenge is limited to internal communication effectiveness amongst the employees of the organization, the productivity of the business will ultimately be impacted.

8. Technological Advancements and Job Displacement

The rapid advancement of technology, particularly automation and artificial intelligence (AI), poses a new set of challenges for employment standards within the Commonwealth. As industries increasingly adopt technology to streamline operations, many low-skilled jobs, especially in manufacturing and agriculture, are being displaced by machines.

For instance, in countries such as India, Bangladesh, and South Africa, large portions of the workforce are employed in agriculture and manufacturing sector. The introduction of technology leading to the conversion of certain hitherto manually delivered job process to automation threatens to render these jobs obsolete, with workers lacking the skills needed to transition into more technology-driven industries. The challenge for Commonwealth nations is to create opportunities for reskilling and upskilling the workforce to adapt to the changing job landscape and ensure that technological advancements do not lead to widespread unemployment or inequality.

9. Discrimination and Workplace Integration

It is indeed saddening that there are instances where some emigrants face bias or mistreatment due to nationality or race. Racial discrimination for instance is prevalent in companies where there is over concentration of people of a particular race in control or management. The dominant race often prevents persons of other races to have easy work place experience thereby affecting integration. Lack of local experience may also cause integration challenge for a foreign worker. The workplace culture differences can easily affect integration and career progression.

STRENGTHENING EMPLOYMENT STANDARDS ACROSS THE COMMONWEALTH

Addressing the challenges identified in this paper requires concerted efforts by Commonwealth nations to work together to harmonize labour standards. This could involve the establishment of a Commonwealth-wide framework for employment rights that sets minimum standards for wages, working conditions, and labour rights. Furthermore, the Commonwealth can serve as a platform for sharing best practices and encouraging policy reforms to address the specific challenges faced by each nation.

International organizations such as the International Labour Organization (ILO) and Commonwealth Heads of Government meetings should continue to advocate for the protection of labour rights and promote the adoption of progressive labour policies. Furthermore, fostering regional cooperation and promoting fair trade agreements that prioritize labour rights can help raise employment standards across the Commonwealth.

CONCLUSION:

The primary objective of this paper was to outline the significant challenges in employment standards within the Commonwealth and advocates for a more inclusive and collaborative approach to improving labour conditions across member states. Through collective action and policy reforms, the Commonwealth can ensure better working conditions

and fairer wages for all workers. The challenges facing employment standards within the Commonwealth are multifaceted and interconnected. As examined in this paper, unequal labour laws, wage disparities, the prevalence of informal labour, gender inequality, education qualification and training standard, language and communication barrier, technological advancement and job displacement, discrimination and workplace integration, and the impact of globalization and technological change present significant obstacles to improving workers' rights and welfare. However, these challenges also offer an opportunity for Commonwealth nations to collaborate, share knowledge, and implement reforms that create a more equitable global labour market. The Commonwealth is a powerful body that is not taking advantage of its own resources. The Commonwealth is by far the largest trading block, if it exploits its own potential for trade and growth. To achieve this, the Commonwealth will definitely need to liberalize its policies to ensure easy movement and emigration within the block by citizens of member states and the promotion of fair employment standards within the block. By addressing these issues with a comprehensive and inclusive approach, the Commonwealth can foster a labour environment that is fair, secure, and sustainable for all its citizens.

Thank you for listening.

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