

Union rights

the African situation

Repression of trade union rights is nothing new. In Africa, political transformation has not always translated into freedom for workers to organise themselves.

While the International Confederation of Free Trade Unions' (ICFTU) 1998 Survey of Violations of Trade Union Rights covers the whole world, it notes that 'far too many countries in Africa continue to regard their union movements with suspicion and hostility'. Governments throughout Africa 'use or misuse the law' to suppress union rights. Others use more brutal methods.

Some of the SADC countries have extremely bad records when it comes to labour issues:

Angola

The Angolan federation, CGSILA, alleges that its members were subject to intimidation and victimisation by the authorities during a strike in March. The CGSILA's general secretary's passport was withdrawn in the same month, in order to prevent him from attending a sub-regional union conference in Zimbabwe.

Benin

A draft labour code that the unions participated in drafting has still not been adopted by the national assembly. The extremely broad definition of 'essential services' effectively bans the right to strike.

An ICFTU report on trade union rights paints a dismal picture of the situation in Africa. Alfred Mafuleka provides the details.

Botswana

Elected union officials are not permitted to work full-time for their union. Public servants, including teachers, cannot form or join unions. Agricultural and domestic workers are not covered by the Trade Union Act. There has never been a legal strike in Botswana, because of the lengthy and complex pre-strike procedures that have to be followed. The Minister of Labour has to approve union affiliation to international confederations.

Cameroon

Trade unions and professional associations have to register with the Minister of Territorial Administration. The government has refused to register the National Union of Teachers in Higher Education (SYNES) since 1991.

In 1997 the bank account of the CCTU national centre was blocked by the government. State-owned companies are obstructing the payment of stop-order dues to the CCTU. Trade unions are denied access to companies operating in the EPZs.

Democratic Republic of Congo

The military ruler, Laurent Kabila, has ignored labour rules and regulations. A demonstration by civil servants demanding unpaid wages was brutally put down by police in January 1998.

Egypt

Strikes are against the law. Strikers face a prison sentence of up to two years. A state of emergency has been in force since 1981. The state sets wages and terms of employment in the public sector after 'consultation with unions, no negotiations take place.

Ethiopia

In 1997 a leader of the Ethiopian Teachers' Association (ETA) was shot dead by police. Its president remains in custody. Members of the ETA who have been taken into custody allege that they have been tortured in an attempt to get them to make incriminatory statements against their president.

Harassment of the ETA began in 1993. The government helped a breakaway group to register. It closed the ETA's bank account, collected union subscriptions and handed them over to the new group. A judge who ruled in favour of the ETA was dismissed by the government.

The vice-president of the Commercial and Technical Union, Mamo Bazasen Bahiru, fled the country after four attempts had been made on his life:

Workers in the public service are prohibited from joining trade unions.

Gambia

The general secretary of the Gambian Workers' Confederation was arrested by the National Investigation Agency (NIA) on 10 April 1997 as he was about to board a flight abroad.



Laurent Kabila in Zimbabwe, August 1998.

Gambian civil servants may not join a union or go on strike.

Ghana

A 1985 law which banned collective bargaining at the National Cocoa Board is still in force.

Lengthy pre-strike procedures have ensured that there has been no legal strike in Gambia since independence.

Kenya

Public service employees may not join trade unions. The Kenyan Civil Servants' Union and the University Staff Union were deregistered by the government in 1980.

According to a 1965 law, the president of the country is empowered to remove from office the top three leaders of any union.

There are many reports of the violation of workers' rights in the EPZs.

Lesotho

Civil servants cannot form or join a trade union. Strike procedures are so complicated that there has been no legal strike in the country since independence in 1966. While labour laws apply in the EPZs (known as 'industrial zones' in Lesotho) police stations placed at their entrance deny access to union organisers.

Police have used violence against workers on several occasions. In September 1996, 15 construction workers were killed and scores wounded at the Butha Butha site of the Highlands Water Project.

Liberia

There is no law to protect workers against discrimination and harassment by employers. When workers from the Japanese-owned Firestone company went on strike, the government called in security forces from the West African peacekeeping force. Six workers were shot and wounded.

Public service and agricultural workers may not form or join unions, or bargain collectively. The election of trade union officials is supervised by the government authorities.

Libya

Independent trade unions are banned. The official trade union federation is controlled by the government and administered by the Peoples' Committees.

Public servants, agricultural workers and seafarers are not allowed to bargain collectively. The government must approve all other collective agreements.

There are no strikes in Libya. Public servants can be imprisoned or sent to forced-labour camps if they go on strike.

Malawi

In April 1997 police unleashed dogs on

striking public servants. Strikers were beaten and tear gas was used to break up peaceful gatherings. Union leaders were arrested on false charges. The CSTU (the national union centre) general secretary and treasurer were arrested. Employers continue to resist unionisation.

Mauritius

The police commissioner has the power to outlaw union gatherings. The government has the sole power to set wages in the state sector. Binding arbitration procedures and onerous pre-strike requirements make it impossible to have a legal strike. While labour laws apply in the EPZs, this is only on paper. Access to these zones is restricted. In the EPZs overtime and work on public holidays is compulsory.

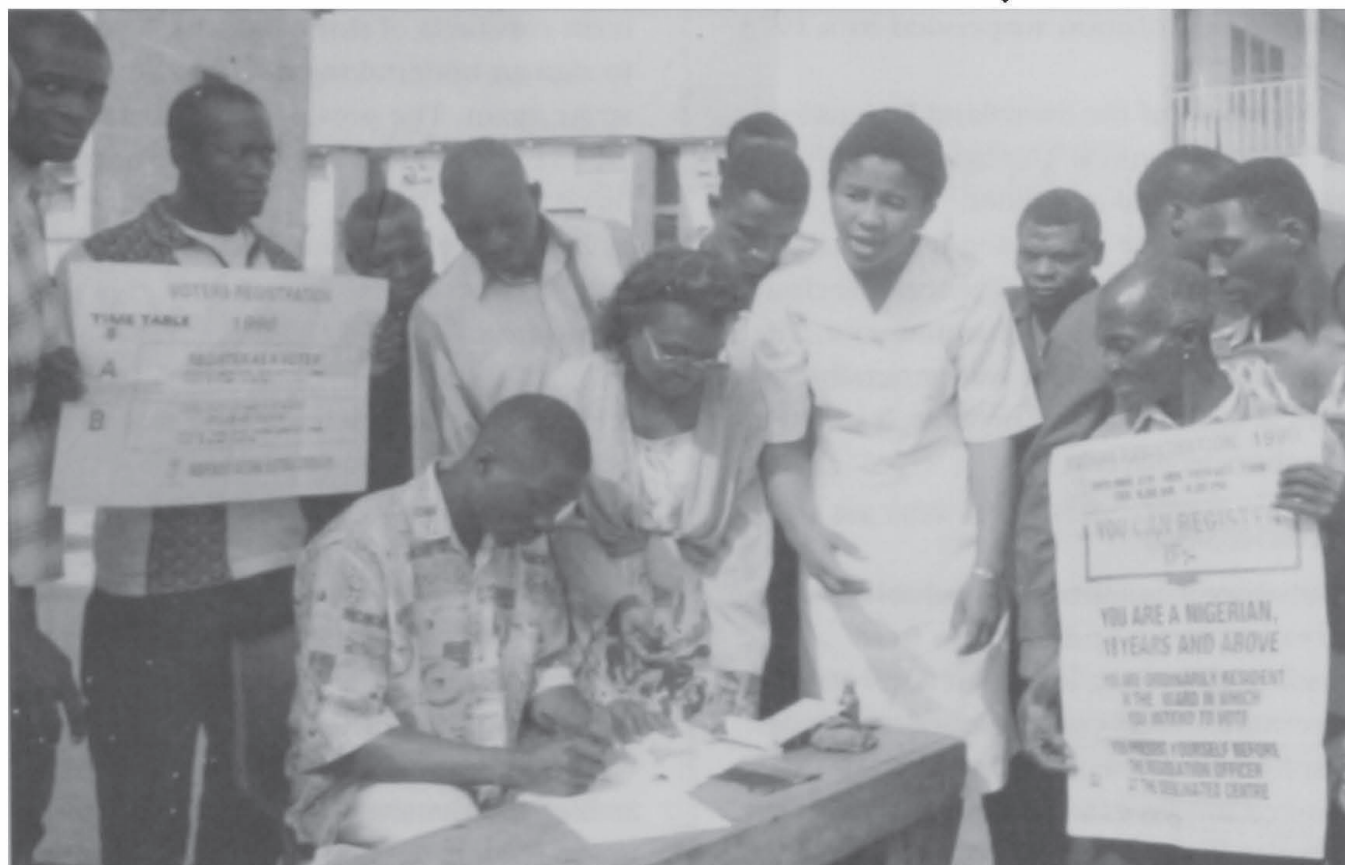
Morocco

Employers are free to interfere with trade union rights, particularly through their promotion of sweetheart unions. They have the power to dismiss strikers at will and employ scabs. The police actively assist the employers by using violence against strikers. Trade unionists have been abducted and died at the hands of government agents. It is alleged that the government has a 'secret detention centre' where two trade unionists are being held. The one disappeared more than 34 years ago, the other in 1972.

Nigeria

This country has been under military rule for a long time. Harsh laws are used to crush union organisation. Administrators appointed by the military rulers have been running the Nigerian Labour Congress (NLC) since 1994. There have been few changes after the death of Sani Abacha.

Strikes and the political situation which resulted in the cancellation of the 1993 election results saw union leaders banned



Registering voters in Nigeria, October 1998.

from their own premises and union bank accounts frozen. The government issued orders banning the courts' jurisdiction over labour matters. Union leaders were detained without trial, family visits were severely restricted and medical attention withheld.

In 1996 three unions organising in the universities were banned and their assets confiscated. This ban has been lifted by the new government. In 1996 a law was passed requiring all unions to affiliate to the NLC. The government has decreed which international organisations the federation and its affiliates may join."

As a sign of changes, two leading trade union officials were released in June 1998, after spending a total of six years in jail.

Rwanda

In the aftermath of the 1994 genocide in Rwanda, the trade union movement was able to engage in limited activities. Civil servants are not allowed to strike. The

ICFTU reports that the country has 'no institutional mechanisms to promote collective bargaining and there are no collective agreements'. Trade unions complain of wide scale harassment by employers and obstruction of union activities, with no resource.

Swaziland

Trade union officials can be fined or a severe prison term given if they call workers out on strike. The attorney-general has the power to suspend a strike.

The Minister of Labour has the sole right to define essential service and may ban strikes on the basis that they are against the 'national interest'. The Commissioner of Labour can suspend an organisation or a federation. Trade union officials may not hold office in a political party. Sympathy or secondary strikes and pickets are prohibited. Permission must be obtained for certain meetings and public gatherings. Political parties were banned

and the constitution suspended by a 1973 Decree.

Members of the Swaziland Federation of Trade Unions (SFTU) have been banned, arrested and killed.

As this article was being written, the results of the postponed general elections in Swaziland were being announced. The trade union movement was generally very critical of the election process. It urged its members to boycott it.

Zimbabwe

Zimbabwe's constitution prohibits public servants, nurses and teachers from forming or joining unions. It also determines their conditions of employment. The associations they are allowed to join cannot bargain collectively, or strike.

The 1985 Labour Relations Act created workers' committees to negotiate with management on a range of plant issues, excluding wages. Works Councils negotiate collective agreements. They can override industry-wide agreements reached between employers and trade unions.

The government reserves the right to veto any agreement it considers to be 'harmful to the economy'.

Foremen and managers are excluded from union membership.

The Minister of Labour can set the level of union subscriptions. Union money may not be used for political purposes.

A 1994 law exempted the EPZs from the normal labour regulations.

Major shortcomings in the law make it possible for employers to dismiss workers without giving reasons.

In August, 13 000 clothing workers went on strike after wage negotiations broke down. It is alleged that the government intervened and allowed employers to fire workers. About 1 000 were immediately taken back on short-

term contracts of three months. They had to sign an undertaking never to go on strike again. The president of the national clothing union was among those not re-hired.

Zimbabwe is the only SADC member that has not ratified a single ILO convention.

It is clear that Africa has a long way to go before worker rights, which are recognised all over the world, are applied.

In almost every country in Africa, governments are either regulating the internal affairs of the trade unions, appointing their officials, or collaborating with employers to suppress worker rights. Strikes and demonstrations are banned, union leaders detained without charge and others are killed.

Prohibiting public sector workers from joining unions is a common trend. The definition of essential services is used to deny these workers their right to strike.

The vulnerability of workers in the EPZs is another trend. The majority of these workers are women. They work long hours for very little pay.

Two countries in the sub-Saharan region have been omitted from the ICFTU survey - Mozambique and South Africa. South Africa has ratified most of the ILO conventions. The 1990 Mozambique constitution guarantees workers' rights, abolished forced labour and gives all employees the freedom to organise. While the right to strike is limited, lock-outs are outlawed.

Trade union rights are human rights. Without these rights, workers will never be able to claim their fair share of the fruits of their labour. ★

Alfred Mafuleka is a researcher at the Trade Union Research Project (TURP).