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**GABORONE, BOTSWANA**

**THE LABOUR SITUATION IN EAST AFRICAN  
COMMUNITY MEMBER COUNTRIES**

**BY BRO. ERNEST NAKENYA NADOME**

**THE GENERAL SECRETARY – KENYA ELECTRICAL  
TRADES & ALLIED WORKERS' UNION**

## **1.0. INTRODUCTION**

The East Africa Community (EAC) has a total population of 150M people comprising of 5 countries namely, Kenya, the United Republic of Tanzania, (Tanzania & Zanzibar) Uganda, Burundi and Rwanda. Application by Southern Sudan to join the regional block is awaiting consideration by the Summit (An apex organ of EAC comprising of Heads of States of members countries). Somalia has also indicated strong signs to join the community.

The representation of the labour movement in the five countries of E.A.C is as shown here below,

### **KENYA**

Name	Central Organisation of Trade Unions (COTU)
Membership	1,316,000 (2008)
Affiliation Unions	36
Union Density	9.2%

Name	Trade Union Congress (K)
Membership	400,000
Affiliation Unions	5
Union Density	3.5%

### **TANZANIA**

Name	Trade Unions Congress of Tanzania (TUCTA)
Membership	467,805
Affiliation Unions	14
Union Density	2.2%

### **UGANDA**

Name	National Organisation of Trade Unions (NOTU)
Membership	431,435
Affiliation Unions	20
Union Density	3.02%

### **BURUNDI**

Name	Confederation des Syndicates du Burundi (COSYBU)
Membership	55,611
Affiliation Unions	32
Union Density	1.3%

## **RWANDA**

Name	Centrale des Syndicates des Travailleurs du Rwanda (CESTRAR)
Membership	40,200
Affiliation Unions	20
Union Density	1.1%

## **ZANZIBAR**

Name	Zanzibar Trade Unions Congress (ZATUC)
Membership	17,150
Affiliation Unions	9
Union Density	1.5%

The six National centers are affiliated to East African Trade Union Confederation (EATUC). This is the body that articulates the interest of the trade union members, though it has observer status in the East African Community (EAC).

The EAC Governments have been working together with trade unions and international organizations i.e. ILO to improve working conditions of workers and promote decent work agenda in the region. A case in hand is the technical support that ILO extended to Kenya, Tanzania and Uganda in review of the archaic labour laws. They were all reviewed and are operational, mirroring the spirit and the intent of the ILO Conventions.

## **2.0. LABOUR SITUATION**

### **2.1. Employment**

The state of the labour force in EAC countries shows that the majority of the able-bodied population continues to be primarily under-employed. Labour market analysis has shown a persistent exclusion of the majority of the labour force from productive activities of a dynamic and sustainable form of the underdevelopment of rural and urban non-formal economies, and of the inability of the formal economies to generate adequate employment opportunities.

In East Africa, there is a high level of underemployment amongst the youth, with the total number of young workers living on less than US\$1 per day constantly rising to record levels in the past one and a half decades.

Recent research shows that approximately 60 percent of working youth in the EAC region live in extreme poverty and 90 percent are unable to earn enough to lift themselves and their families above the US\$2 per day poverty level. , the youth unemployment situation is precarious.

Economic development experiences in East Africa underscore the immensity of the overall problem of effecting economic transformation, pointing at the need to address the structural factors that impede employment growth generally as well as with particular reference to youth

employment. Recent unemployment suggests that job creation has been disappointing in recent years, despite strong GDP increases and output recovery.

The envisaged higher GDP growth rates may not necessarily be accompanied by increased job creation generally and also specifically for disadvantaged groups such as youth, if historical trends are used to predict the job creation situation. Increased economic growth, while necessary, is not a sufficient condition for increased employment generation, particularly for young people. There is therefore an urgent need for an extraordinary and comprehensive measure to tackle youth unemployment, within the overall development context.

## ***2.2. Labour inspection***

Labour inspection is the most important instrument of State presence and intervention to foster a culture of prevention covering all aspects potentially under its purview:

- Industrial relations
- Wages and general conditions of work
- Occupational Safety and Health
- Issues related to employment and social security

EAC region governments have been working together with trade unions and international organizations to improve the working conditions of workers and promote the decent work agenda in the region, but there are still challenges in labour inspection in the region.

- I. Changes in Economic situation & Social Structure
  - Economic crises
  - International migration
  - Ageing
  - Change in the gender profiles at work
- II. Changes in Industrial Structure
  - Switch from manufacturing to services
  - Privatisation
  - Downsizing
- III. Changes in labour organisation
  - Small Firms growth
  - Trade Union membership decline.
  - Changes in the working relationships:
- IV. Changes in working hazards
  - New and emerging health hazards
  - Ergonomics
  - HIV/AIDS
  - Stress

## ***2.3. Political & economic risks that threatens trade union activities***

The importance of unions in promoting and protecting the rights and interests of their members is under severe attack due to several reasons:

- Although EAC countries have signed up on several international legal instruments that are geared towards the protection and promotion of freedom of association and the right to collective bargaining, these instruments are not always enforced and applied consistently in many countries;
- The trade unions and their members are increasingly under attack and this leads to a decrease in membership attraction and retention and hence weakens the trade unions' ability to effectively promote and defend the interests of workers;
- EATUC has noted that there are violent cases against trade unions in countries such as Burundi and has condemned such violence;
- In some of the East African Countries, trade unions are no longer free from fear and threats and therefore operate in an atmosphere where fundamental human rights are not respected;
- Trade unions in East Africa are therefore faced by challenges such as the informalisation of work, the rise in the dominance of the informal economy, the increase in labour market insecurities has drastically changed the role of trade unions and their work;

This has been compounded by the inability and unwillingness of governments to address the matter of existing obstacles to the achievement of the decent work agenda and the lack of a serious political will to involve representation from labour movements in decision-making and policy formulation processes.

#### **2.4. Trade unions rights violation**

##### **a) Tanzania**

###### **i. 15-01-2015 Railway workers forced to end strike over unpaid wages**

##### **b) Uganda**

- i. Legal legislation
- ii. Freedom of association / Right to organize
- iii. Anti-Union discrimination -the law prohibits anti-union discrimination.
- iv. Barriers to the establishment of organizations:
- v. Restrictions on trade unions' right to organize their administration:
- vi. Categories of workers prohibited or limited from forming or joining a union, or from holding a union office:
- vii. Right to collective bargaining- Restrictions on the principle of free and voluntary bargaining:
- viii. Limitations or ban on collective bargaining in certain sectors:
- ix. Right to strike - Barriers to lawful strike actions:
- x. Undue interference by authorities or employers during the course of a strike:
- xi. Undermining of the recourse to strike actions or their effectiveness:
- xii. Limitations or ban on strikes in certain sectors:
- xiii. 31-12-2010 Collective agreement ignored, right to organize denied
- xiv. 31-12-2010 No collective bargaining in public sector

##### **c) Rwanda**

- i. 30-06-2014 Teachers illegally dismissed

- ii. June 2015 restructuring in the Water and Energy Sectors saw leaders of SYPELGAZ union dismissed. This is an act that seems to aim at weakening the union since members now fear engaging in union matters.

**d) Burundi**

- i. 30-06-2013 Retaliatory measures against strikers
- ii. 19-08-2013 Anti-union discrimination
- iii. 19-08-2013 Journalists and informal workers are prevented from establishing unions
- iv. 08-02-2013 Suspension of trade union activities

**e) Kenya**

- i. 30-04-2014 Intimidation
- ii. 18-07-2013 Government withholds salaries after teachers' strike ends
- iii. 30-09-2013 Nairobi County Government suspends 500 workers
- iv. 22-01-2014 Violations in EPZ
- v. 28-12-2012 Exclusion of nurses from the right to form a union
- vi. 31-10-2012 Arrest of trade union leader
- vii. 2015 On-going teachers strike

**f) Zanzibar**

- i. Lack of National Negotiating Machinery – the law allows but not in place
- ii. Lack of involvement of unions in government boards – the law states that unions must be represented in all boards and commissions.

Following the Industrial Court Award of 50-60% salary increase, the Teachers Service Commission (the employer), appealed against the Award in the Court of Appeal which was overruled and later went to Supreme Court for further appeal and they lost too.

Primary and secondary education is virtually paralyzed after 290,000 Kenyan teachers drawn from the two unions (Kenya National Union of Teachers & Kenya Union of Post Primary Education Teacher) downed their tools following the failure by the government to implement the Court Award. The Central Organization of Trade Unions (Kenya), one of the umbrella Trade Union together with its 42 affiliates, with the support of Trade Unions Congress (K) have issued a 7 day strike notice in solidarity with the teachers.

The failure by the government to honour the court award is a very dangerous precedent because other public and private institutions may similarly follow suit in dishonouring Court Orders.

## **2.5. Challenges**

Trade unions are the most important organized part of civil society and play a key role in influencing, implementing and enforcing rules to influence pro-poor socio-economic policy frameworks, a fair globalization and promote development on the continent. However, many trade unions largely suffer from:

- (i) Political interference and intimidation has been a feature of most of the EAC member countries industrial relation system.

- (ii) Weak formulation of alternative socio-economic development policies;
- (iii) Weak technical competencies to effectively engage in social dialogue with state institutions on socio-economic development policies;
- (iv) Poor human and financial resources to effectively advocate and influence socio-economic policy changes.

There are broad challenges of trade union disunity and low solidarity within and across nations. This is coupled with increasing informalisation of work and redefinition of a workplace from a factory floor to a home place.

Against this background, African trade unions are being charged to rise up to the challenge of playing a more pro-active role if they are to influence the socio-economic policies developed by governments at the national, regional and continental levels.

### **WAY FORWARD**

- Trade unions should enhance their membership through educative programmes, with emphasis on improvement of employee performance and team work.
- Government should facilitate the role of Trade Unions through stringent enforcement of labour legislation to harmonize the working relationship with employers.
- Trade Unions should discard focusing on traditional labour issues and instead broaden their scope of work.
- Enhancement of Trade Unions' capacities and competencies to influence socio-economic policies through
  - (i) Conducting informed quality research
  - (ii) The undertaking of effective education, advocacy, lobbying and engagement activities.

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