

Dear Comrades, sisters and brothers,

In Africa, trade unions have played an important role both in organising resistance to neoliberal economic reforms and promoting transitions to multi-party democracy on the continent. Across the continent, in the early 1990s, trade unions were at the forefront of civil society protests and strikes demanding political pluralism.

This transition to democratic pluralism has however some produced tensions within the trade union movement. The challenges of single union monopolies have in some countries been substituted with the proliferation of workers' unions, and the processes of transition have often been exploited to weaken and divide the labour movement.

The high level of workforce participation in Africa belies varied and often highly disadvantageous conditions of work. The vast majority of African workers are employed in the informal economy and do not enjoy adequate labour rights protection. Disadvantageous terms of trade deepen the problems of working poor.

The levels of trade union membership in Africa, are in a few cases, quite high as a proportion of formal (waged and salaried) workers, for example, in the case of Ghana, Sierra Leone, and also South Africa, with Kenya, Mauritius and Egypt also showing at least moderate levels of unionisation.

Switching to an analysis of unionisation as a proportion of overall employment, however, gives a completely different picture, with levels everywhere dropping, in most cases to very low levels indeed with only 1 percent levels of unionisation.

In particular, the high incidence of informal and precarious employment prevalent in African states and a unionised workforce concentrated in the public sector, presents a significant challenge for the organisation of workers. As a result, even where collective bargaining rights are respected and bargaining is extensive in the formal economy, the proportion of workers covered sometimes represents only a fraction of the workforce.

Since the 1980s, IFI-led policy reforms have resulted in massive privatisations and loss of public sector jobs across the continent. The concentration of the unionised workforce in the public sector means that trade union membership has been particularly adversely affected by these changes. Despite their catastrophic impact (in particular on

healthcare), IFIs continue to hold significant sway over African governments, with debt relief contingent on policy reforms.

Full enjoyment of trade union rights continues to be denied workers in most countries. This is sometimes pursuant to the relevant law, which restricts trade union rights to particular categories of workers (ie. essential services, public sector, EPZs). Public sector workers face a particularly wide range of restrictions, on freedom of association, collective bargaining and the right to strike.

Where the law does provide a framework for trade union rights, the authorities often undermine their exercise in practice, for example through undue delay, interference or, in extreme cases, violent repression.

Some workers are wholly excluded from collective bargaining arrangements, or their bargaining power is limited by factors including requirements for government approval and lack of lack of training.

The exclusion of workers from legal protection of trade union rights potentially negatively impacts on the incentives for excluded workers to unionise. The inability of even those workers protected by adequate legislation to exercise these rights in practice is likely to negatively impact even on the incentives for all workers to unionise.

Lengthy legal requirements (eg. conciliation procedures) and undue delay (eg. trade union registration) forces workers organise outside of the law. Trade unionists may face a variety of sanctions for such activity. Moreover, in many countries, trade unionists are exposed to intimidation, violence and state repression even for legitimate trade union activities undertaken fully in accordance with the relevant laws.

Other restrictions also hinder the freedom of association of foreign workers, their membership to unions and barring them from taking up roles in those unions, which contributes to the rife exploitation of migrant workers.

Collective bargaining regimes vary widely across the African continent and across public-private sector divisions. Where there is limited bargaining and union organisation, wages are determined through sectoral determinations implemented by the Governments. Often no legal mechanisms for compelling employers to enter into negotiations are in place. Specific restrictions on public sector workers are in place to prohibit collective bargaining on wages in many countries.

Government involvement in collective bargaining arrangements often hinders workers' bargaining power. Commonly, there are legal

requirements to register CBAs with the authorities, who have discretion to approve them.

Even when agreements are established, it is widely reported in many countries that employers in practice often do not honour agreements.

In municipal services such as waste collection that work is sometimes rendered by a mixture of both government employees and external contractors, which negatively impacts on the maintenance of labour standards, as workers "doing equivalent work are not being treated alike".

Compulsory conciliation procedures or dispute requirements strongly hinder exercise of the right to strike in a high number of countries, to the extent that "unlawful" strikes are sometimes the norm.

Explicit restrictions on certain categories of workers are widespread, particularly for public sector workers. In a number of countries, the right to strike is restricted in "essential services", which often comprise an excessive proportion of workplaces or are determined by ministerial discretion.

Criminal charges for participation in "unlawful" strike action are alarmingly common in African countries. In Nigeria, the Trade Union (Amendment) Act 2005 sets out penal sanctions including fines or up to six months imprisonment for participating in strike action deemed illegal. Strikes concerning government social or economic policy are unlawful under the Act. In 2014 the leadership of Jordan Electricity union were arrested while supporting a sit-in in the sector. This strike was held against privatization of electricity in Jordan.

In practice, whether with or without the protection of the law, striking workers in Africa often are faced with the deployment of (excessive and sometimes lethal) force by private or state security services. In Benin in December 2013, hundreds of workers demonstrating for minimum wage increases in the private sector and state-owned companies were attacked by police leaving several people injured, including union leaders.

To conclude – allow me to make two closing remarks:

During the crisis at the ILO on the right to strike, African governments played a very ambiguous role. We need you to continue to campaign for the right to strike for all workers in Africa and around the world.

The challenges we face are great, but united in action we can overcome.