Public Sector Employees and the Right to Strike
(A SADC Perspective)

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Proposition

Public Sector Unions are a critical factor in bringing about political change in SADC member states
CONTEXT

SADC Member States

SADC Ruling Parties

SADC Opposition Parties

SADC Labour Movements

Figure 1 - SADC Countries
<table>
<thead>
<tr>
<th>Country</th>
<th>Ruling Party/Aligned Union</th>
<th>Opposition Parties/ Aligned Union</th>
<th>Public Sector Unions</th>
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</thead>
<tbody>
<tr>
<td>Botswana</td>
<td>BFTU</td>
<td>BOFEPUSU</td>
<td>BOFEPUSU</td>
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<td>Malawi</td>
<td>TUC</td>
<td>TUCM ECAM LICTU</td>
<td>CSTU</td>
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<td>Swaziland</td>
<td>EXECUTIVE MONARCH</td>
<td>SFTU / SFL PUDEMO/TUCOSWA SWADEPA/NAPSAWU</td>
<td>NAPSAWU SNAT SNA</td>
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<td>Lesotho</td>
<td>BNP</td>
<td>BCP/COLETU</td>
<td>UPE</td>
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<td>South Africa</td>
<td>ANC/SACP?COSATU, NUMSA</td>
<td>DA EFF/AMCU</td>
<td>PSA, PAWUSA, NEHAWU; SADTU</td>
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<td>Namibia</td>
<td>SWAPO/NUNW</td>
<td>TUCNA</td>
<td>PSUN TUN LAUN</td>
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<td>Zambia</td>
<td>UNIP</td>
<td>MMD/ZCTU</td>
<td>CSUZ</td>
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<td>Zimbabwe</td>
<td>ZANU-PF/ZFTU</td>
<td>MDC/ZCTU MDC-T MDC-M</td>
<td>ZIMTA, PSA</td>
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<tr>
<td>Mozambique</td>
<td>FRELIMO/CONSLIMO</td>
<td>RENAMO/OTM</td>
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• Question Addressed

– Whether SADC Public Sector Unions use the Right to Strike as a tool for political transformation.
**Objectives:**

1. To determine the relationship between Labour Movements and Political Institutions in SADC.

2. To determine the impact of political maneuvers on trade unionism.

3. To determine the political effects of Public Sector Strikes – Are unions able to intervene politically to influence the direction of public policy? (Beckman and Sachikonye)

4. To confirm whether the most dominant approach to SADC trade unionism is the Marxist approach.
• **The Right to Strike is:**


  – Constitutional – (Bill of Rights)

  – Statutory – Public Service Legislation and regulations

  – Jurisprudential - Entrusted upon the Committee of Experts on application of Conventions and Recommendations as a special procedure *(Gernigon et al 1998)*
• **Workers Right to Strike should be Respected.**
  – Cumbersome procedural requirements must not be erected to undermine worker’s right to strike as the Right to Strike is the only **ultimate weapon** that workers have at their disposal when dealing with **intransigent employers** (Delgado and Jauch 2014)
- Trade Unions and Party Politics in Africa
  - Unions in Africa have, over the year, appealed to conventions produced by the ILO, often ratified by African Governments in order to uphold their right to organize in the face of repressive governments (Beckman and Sachikonye)
Will Collective Agreements eliminate Strikes in SADC?

- In the New Deal and post war eras, in response to America popular worker struggles to minimize and democratize work, the United States introduced liberal, progressive labour laws to improve workers’ rights. But workers’ freedoms, including the freedom to strike, have paradoxically been restricted by the very collective bargaining agreements intended to protect their rights. (Werber 2014)

- In post-colonial Africa, unions are affected by the policies of the Bretton Woods Institutions (IMF, World Bank) which are factored into national development plans.
• Zambia (Beckman and Sachikonye)

  – Zambian unions were instrumental in the alliance that facilitated the post-Kaunda transition.
  – They however failed to ensure any significant influence on government
  – They failed to reform the labour regime
• Zimbabwe (Beckman and Sachikonye)
  – Union numbers have declined due to structural adjustment, wage freezes and brain drain
  – Unions have however provided the core of political opposition.
  – The ZCTU decision to promote the formation of political party opposition sprang out of dissatisfaction with the political order in that country
"...the development of the trade union movement of South Africa was "closely linked to the political dispensation...COSATU, as the largest trade union movement, had played a decisive role in mobilizing support for the ANC" (Bendix 2000:56-60)"

"South African unions are often the public eye" (Armstrong 2008)
1. The result of the 2008 and 2013 SA elections as depicted by the relationship between the Association of Mineworkers and Construction Union (AMCU) and the EFF and the love-hate relationship between the ANC and COSATU are clear examples that labour movements have the potential to influence political opinion and political movements have the power to influence labour movements.

2. A split within COSATU would have serious implications on the future of the ANC. (Delgado and Jauch 2014)
MARIKANA

- The Lonmin strike illustrated many of the realities of South Africa’s 19 years into its democracy, some being the monopolisation of social issues by politics, growing inequality as well as the increase in the use of violence by protestors, but likewise, perhaps the harsh reality that the use of violence is the only route seen as being effective. (Connolly 2013)
1. In 1994 the Swaziland Government sought High Court restraining orders against strikes led by the Swaziland Federation of Trade Unions (SFTU).

2. In 1996 when the *Industrial Relations Act 1996* sought to outlaw strikes (Solidarity Centre 2006:8). The civil liability in legal strikes continues to be a highly contested issue in Swaziland.

3. The adoption of a Code of Good Practice for Protest and Industrial Action remains in abeyance as Government sought to get a court ruling for the de-registration of the Trade Union Congress of Swaziland (TUCOSWA) in 2013 after a call for elections boycott and regime change.
- **Government Clampdown on Swazi Public Sector Strike**

  - A very powerful strike of the Swaziland National Union of Teachers was diffused when the contracts of the union members were terminated by Government. The contracts were reinstated when the leadership of the public sector union played the political game of appealing for reinstatement to His Majesty, the King Mswati III and sealing the deal by giving cows to the King.

  - The 1994 strike clampdown however produced politicians in support of the system who are political leaders directly or indirectly frustrate the agenda of the labour movement.
Botswana Government Alliance and Relations with Trade Unions

- BFTU was formed in 1977 with governmental assistance, and government has historically had an ex-officio seat in all union meetings.

- In 2008 Public Sector Unions amalgamated to form the Botswana Federation of Public Sector Unions (BOFEPUSU). This enhanced the political weight of the Botswana Labour Movement. The latter is independent of BFTU.
In 2011, the Botswana Federation of Public Sector Unions launched a 10-day strike to demand a 16 percent wage increase. About 93,000 workers joined the strike, forcing schools, clinics and public offices to operate on skeleton staff. Realizing the political threat of regime change, the Government conceded to a demand worth more that P6Billion (Motsegwa 2012:7)
Public Sector Trade Union Alliance with Namibian Political Parties

- In Namibia, the right to strike is enshrined in Article 22 of the Constitution, is subject to a Code of Good Practice on Industrial Action and Picketing, excludes Essential Services and, contrary to ILO standards, requires absolute majority at the balloting stage.

- Namibian Civil servants are united under the Public Service Union of Namibia, the Teachers’ Union of Namibia and the Local Authority Union of Namibia.

- In both the National Union of Namibian Workers (NUNW) formed by SWAPO) and the Trade Union Congress of Namibia (TUCNA) which does not believe in political alliances; public sector unions are the largest and dominant. (Delgado and Jauch 2014)

- In Namibia, unions have been subordinated to the one party state (Beckman and Sachikonye)
• Lesotho Unions and Democratization
  – The two prominent figures that were actively involved in the democratization of Lesotho were the Lesotho Council of Non-governmental Organizations (LCN) and the Lesotho Congress of Trade Unions (COLETU) (Selinyane 1998:97)
Malawi Trade Union Role in Politics

“Before independence, Unions were a major force in the fight against colonialism and later on, labour movements were seen as a danger and threat to national security and a deterrent to investment. In order to regulate the operations of the unions, like in most independent African States, the unions were incorporated as wings of the ruling party” (Manda 2000)
**Conclusion**

- There is a strong linkage between labour movements and political parties in SADC.
- Strikes have been at the top of the agenda of both the political parties and the labour movements.
- Strikes are a powerful tool for regime change and improvement of the socio-economic life of workers.
- Public sector unions are a major player in national labour movements because of their numerical and financial strength.
- Public Sector Unions are a strong and dominant force in National Strikes that lead to Regime Change.
- Some of the SADC Governments that are under ILO investigation have major issues with democracy, political parties and labour parties.