



LABOUR UNREST IN ZAMBIA: AN EXAMINATION OF WHY WORKERS
RESORT TO ILLEGAL STRIKES

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DEDICATION

To Mum and Dad
(for their love and encouragement)

To A. B. Munyama
(for His UNCONDITIONAL Support)

To JOHN PARSONS
and
ESNART MANDA
(for THEIR INSPIRATION)

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INTRODUCTION

Since Zambia's independence in 1964, the industrial labour relations scene has been one characterised by illegal strikes. However, the political leadership has always insisted that workers should follow the procedure provided by the law in their settlement of collective disputes.

Despite the existence of the law, workers have from time to time elected to go on strikes without paying regard to the laid procedures by the law.

These illegal strikes have had far reaching consequences both on the economy of the country and in terms of relationship between the government and the labour movement.

In view of the foregoing, it is now a matter of public notriety that there is urgent need for us to redress the on going unsound industrial relations scene in this country. This study therefore was designed to investigate the Real causes of industrial unrest in this country. Our investigation showed that the political leadership and their beauracrats, are merely addressing themselves to the effects and not causes of the strikes, by insisting that the problems of industrial unrest would be resolved if

workers were to follow the procedure provided by the law.

The main evidence on which this study was based was obtained from interviews with the Zambia National Union of Teachers (ZNUT) executive and the Zambia Federation of Employers Association Senior Training Officer. We also addressed ourselves to various scholarly works and other relevant documents which have all been acknowledged herein.

In order to facilitate a thorough and consistent discussion, this study has been arranged in three chapters including a conclusion.

Chapter 1 gives us a historical appraisal of the development of African Trade Unionism. It looks at the nature of the colonial labour laws and to what extent they affected the workers' right to strike. It also examines why Africans used to ignore the colonial labour laws.

Chapter 2 looks at the post-independence era. This Chapter acknowledges the fact that Zambia inherited the colonial labour law.

We are also showing how the Zambian government created the legal framework including the enactment of appropriate legislation such as the Industrial Relations Act for purposes of controlling and directing the activities of the workers on the Industrial scene. The Chapter also deals with the enforcement measures which are available to the government in the event of "delinquency" on the part of the workers.

Chapter 3 which we consider to be the centre piece of this discussion deals with an examination of why workers ignore the law whenever they decide to go on strike. It is in this chapter where the practical solution to the problem of industrial unrest has been considered.

Our conclusion is simply an appraisal of the entire discussion.

CHAPTER ONE

THE HISTORICAL BACKGROUND

The advent of the 20th Century saw with it the advent of Industrialisation in Zambia (at the time Northern Rhodesia). The Railway Industry from Capetown to Cairo was being constructed; and the Copper mines on the Copper-belt were opened. In all these industries, African labour was being recruited, either by coercion or inducement of the money economy. For instance, the government introduced the payment of poll and hut tax in the villages; this was to be paid in currency. Those villagers who could not pay were intimidated and brutally beaten. Mwendapole says:

"... as villagers had no money, villages were burned out, thousands of inhabitants fled for their lives while hundreds were arrested and imprisoned"1

Thus, an African had no alternative but to look to the new industries particularly the Mines for purpose of acquiring this tax-money.

Generally, African workers under their new environment were subjected to a lot of harsh conditions such as poor housing, and poor wages. They were also subjected to a lot of racial strife; for instance, the Europeans had a lot more privileges than the Africans. In essence, this industrial colour bar which the colonialists had enforced properly summarises the class cleavages which had set in. However, for purposes of our discussion, we shall only address ourselves

to the Mining Industry. The Reader should however bear in mind that the colonial attitude of the employers towards the Africans was almost ubiquitous in the rest of the industries.

When we look at the development of the Mining Industry and the process under which the Africans were later to be transformed into wage earners, we certainly have to end up conceding with Kanduza's remarks that "class consciousness among African Workers developed as Imperialist Industrial activity created wage-earners".² Thus, as the conditions of employment deteriorated on the part of the Africans, they began to meet in secret as an oppressed class, to discuss ways and means of overcoming that kind of treatment. Of course they had no trade union and the colonialists could not sanction the formation of one.

The climax of the Africans' sense of organised unity was reached at in 1935 when the legislative council passed an ordinance to increase the poll tax on every native.³

In fact this tax had to be paid in arrears considering that it had been passed in May 1935 and yet was "deemed to have had effect from the 1st day of January 1935".⁴

The poll tax system was one of the many measures the colonial government had tried to invoke as a means of thwarting the economic doldrums which had obtained as a result of the 1930 Great Depression.

Notwithstanding the rationale behind the poll tax, the African worker was severely hit owing to his very low income. Consequently, the black miners went on strike rejecting the poll tax system and demanding Inter-alia for better wages and conditions of work. Indeed it was the first political strike in the country. The strike was brutally crushed by the colonialists resulting into the death of six men shot by the police.

One of the arguments by the Government for crashing the strike was that it was illegal because the Employment of Natives Ordinance made it a criminal offence to break contracts with their White Employers. Thus section 74 of the ordinance⁵ reads:

"Any servant may be punished with a fine not exceeding half the amount of the monthly wages payable to such servant and in default of payment of such fine with Imprisonment with or without hard labour for a term not exceeding one month in case he should be convicted of any of the following acts:

- 1) If he shall, after having entered into a contract, fail or refuse without lawful cause to commence the service at the stipulated time;
- 2) If he shall, without leave or other lawful cause, absent himself from his employer's premises or other place proper and appointed for the performance of his work."

One striking feature about the Act was that it had prescribed a new phenomenon in the contract of employment; that,

instead of discharging either of the parties in the event of the contract being breached, it had now made it criminal for one to breach the same . In essence it was stipulating that the Natives could not freely engage their labour without suffering the consequences of such legal imple~~ments~~ .

However, notwithstanding the fact that there was law in Motion, the Africans still went on strike: this importa~~nts~~ a Jurisprudential question as to what stage people are bound to follow the law. For the Africans, that law was not to the best of their interests because it only meant the continuation of the status quo: poor wages and poor conditions of service.

Following the strikes a commission was appointed to inquire into the Disturbances on the Copperbelt; it was chaired by Sir William Russel⁶. Mwendapole properly summarises the work of the commission when he says;

"The most lamentable failure of the commission was its assessment of the causes of the strike. The Commission made no mention among its recommendations of the extremely bad conditions under which miners worked and lived, as a consequence of the very low wages paid to them. Most Important, the Commission failed to recognise the obvious desire on the part of Africans for a new form of Expression and recognition."⁷

However, one lesson regarding the strike was that the African miners were capable of organising themselves notwithstanding the fact that they did not have the benefit of a trade

union to direct their actions.

Thus, the African grievances had not been resolved, and in fact, linked with the grievance over low wages was the African resentment of the industrial colour-bar which refused him opportunities for job advancement and never recognised his ability to hold positions held or reserved for White workers. Whilst Africans could not be allowed to form their own trade union, white miners were allowed to form the Northern Rhodesia Mines Workers' Union, and in 1936 and 1937, a "gentleman's agreement" with the mines management was made to the effect that there would be no further substitution of Africans for European labour. Thus the formation of the N.R.M.W.U should be seen as a further infringement on the African's advancement in the Mines management because he could not be allowed to do the jobs which had now become exclusive for the whites.

The formation of the union for whites should also be seen as a prelude to the 1940 strike by the Africans; and similarly it should be seen as an impetus towards their increased demand for a union. One clear illustration was that, in spite of an agreement not to strike in order to keep the war effort going, the European workers struck for higher wages and better conditions of work in March, 1940 and they won acceptance of almost all their demands.⁸

The success of the European strike propted the Africans to follow suit, claiming Inter-alia for increased wages and an end to ill-treatment by European **supervisors**.

This time, the Africans were even much more organised when they went on strike as compared to the 1935 strike. The Africans did not care what the law stipulated; their only goal was aimed at attaining better conditions irrespective of the price. Since the African worker had no political power, he had to rely on negotiation backed by the threat to strike, and Gertzel states that, "often only by making the threat a reality were they able to gain consciousness"⁹. This aspect is particularly crucial to our discussion because the trend was later to be used after Zambia's independence, irregardless of the law which obtained.

The 1940 strike was followed by the Foster Commission of Inquiry¹⁰. This Commission took a comparatively much more progressive stance than the 1935 Russel Commission. The Commission recommended that the Mine Management should consider with representatives of the government and the Northern Rhodesia Mine Workers Union "to what positions not now open to him, the African worker should be encouraged to advance".

However, the Commission recommended that the Africans were not ready for a trade union.

The report stated:

"All the weight of the evidence produced before us was to the effect that the African mine employees do not demand Trade Union organisation, and are not ripe for it. Some alternative is, however required and upon this matter we express our view"¹¹

The Commission therefore recommended the setting up of works committee and tribal representatives on a formalised basis to provide the men with channels of expressing their grievances to the employers. What the Commission failed to comprehend was the fact that the African on the Copperbelt had become a fully-fledged industrial worker whose common ground with the rest of his workmates was based on class identity and not tribal affiliation. Consequently the Tribal-elder system failed because the workers preferred to choose their own representatives.

The African workers had become much more organised and united in their persisted demands. Thus in 1941, the Delgleish Commission¹² was set up to inquire into their grievances. The Commission found "that African Mine Workers were capable of doing twenty-eight different jobs hitherto confined to Europeans and recommended that these jobs be transferred to Africans as early and unprovocatively as possible"¹³ Further, after a protracted struggle and particularly with the help of William Comrie a trade unionist from London, the Northern Rhodesia African Mine

Workers union was formed in 1949. Thus, this union was now going to be subject to the Trade Union and Trade Disputes ordinance¹⁴. By implication this meant that all unionised African Workers were no longer bound by the Employment of Natives Ordinance which had made it a criminal offence for the African workers to break contracts with their white employers. Part four of the Trade Union and Trades Ordinance being read with the Industrial Conciliation ordinance¹⁵ provided a mechanism for collective bargaining or solving of trade disputes. Infact the right to strike especially picketing was expressly stated in the ordinance¹⁶.

The ordinance however made it an offence for people with the duty of supplying any area with electricity, water or sewerage and sanitary services, to go on strike because such services were considered essential to the community at large.¹⁷

But the real question is whether the two ordinances in question were conducive to the African Workers? Our contention is that the procedure followed in the settling of the labour disputes was quite cumbersome. The Governor-in-Council was empowered to appoint a person or conciliation board to inquire into the working conditions of any industry, trade or district, and he could also appoint a board of inquiries into the causes of an industrial dispute. With the consent of the parties involved, he

could then refer the dispute to an arbitration tribunal mutually agreed upon, or, in the absence of such agreement, to a sole arbitrator or an arbitrator assisted by one or more assessors. Alternatively, a board of Inquiry could be appointed, headed by a Chairman.¹⁸ This was a big challenge to the newly established African trade unions for as Meebelo comments:

"all these legal requirements made the administration of trade unions a very demanding and expensive affair, both in terms of money, of which African unions were generally short, and in terms of skilled Manpower, which these unions lacked and for which training the colonial authorities made little provision" 19

However, events proved that these unions commendably rose to the new challenge. For instance, the country's first African trade union, the African Shop Assistant's Trade Union, in 1948, hardly a year after its formation, signed an agreement with the Associated Chambers of Commerce and Industry on the Copperbelt, as a result of which several categories of the workers it represented won substantial pay increases and all got higher ration allowances. Infact as per annual Report of the labour Department, " The first wage increase was amongst the African Railway Employees, where both the minimum starting rate was increased and the ceiling for the various grades. The Copper mining companies gave their concession too."²⁰

In support of the foregoing legal machinery for settling

industrial disputes, the labour department in one of its annual report stated that:²¹

"Experience has so far shown that African Unions, when they have been prepared to follow recognised negotiating Machinery for the furtherance of their claims, have achieved considerable success. Unions which have raised unrealistic claims and forced the issue to strike action have received severe blows not only to their cause, because no major strike has brought any betterment of conditions, to their membership"

Whilst, the above labour report might hold substance, we do not conclusively support it in toto. Our contention is that the process for negotiation has in most cases been necessitated by strike threats. For instance, in 1954, in the Cardwood industry, a dispute affecting some Africans was referred to formal conciliation. No agreement was reached at first, but when a strike appeared to be imminent, conciliation was resumed and only then was an agreement reached.²²

The Political Environment

The question of advancement for African workers had permeated practically all employer organisations and African Trade Unions. In essence, Africans were now becoming aware that they could effectively utilise their labour power for political ends. Thus the relationship between the Africans and their employers; and with the colonial government; and with the African National Political parties should be construed from the perspectives of the

African labour power. We now wish to analyse these relationships respectively.

The Africans and the Employer Vis-a-Vis The Government

The employers were always interested at seeing that there was always industrial harmony within their industries, the reason being that they always wanted to maximise production for purposes of realising profits. The major strikes of 1935 and 1940 on the Mines made the companies to realise the importance of collective bargaining with the Africans. But the relationship between the Africans and the employers was not very cordial, the reasons being that everything was based on industrial colour bar. For instance, the companies in the Mines had reserved certain jobs exclusively for the European Workers who had belonged to the Northern Rhodesia Mine Workers' Union. We have already stated that, following the 1940 strike, the Dalgleish Commission was established and recommended that Africans could take up certain posts originally enjoyed by the European workers. But a general survey of the Labour Department reports reveals that Africans continued to pursue the same problems up to until the country's political independence in 1964.

The poor relationship between the Mining Companies and the Northern Rhodesia African Mine Workers Union can also be inferred from the fact that the Mining companies in 1953

initiated the formation of the Mines African Staff Association (MASA) which they were to recognise as the Negotiating Union for the African Staff. N.R.A.M.W.U objected strongly to the formation of MASA asserting that it was sponsored by the companies in order to weaken the bargaining power of the African Workers' Union. This can be substantiated by the fact that the strike which had been organised by N.R.A.M.W.U collapsed because MASA did not support it, and that consequently, the workers retained their pre-strike pay.²²

Further, the employers were not interested at seeing the Africans advancing politically. The most plausible theory to this is that political power for the Africans, in the eyes of the companies, meant attainment of economic power by the Africans thereby reducing the companies' profits. Therefore, as a measure of trying to thwart this threat, most companies in their collective agreements with the workers insisted that Trade Unions should not have any political orientation. A good illustration is with regards to the approved amendment agreement between the Mining companies and the N.R.A.M.W.U. in September 1959. The company made it conditional that they could only deduct the union subscription fee of 4s. If, "officials and employees of the union should not instigate or counsel any strike, withdraw of labour or similar action in support of any political party or the political aims of any society or organisation.

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To the African worker, the colonial government simply complemented the efforts of the employers or the companies, because whenever there was industrial unrest, the employers would always look to the government for a solution; hence the shooting of some of the strikers on the mines in 1935 by the government troops! Therefore, the colonial government should be seen as a total embodiment of the political-economic system under which the African Workers suffered the consequences of being subjected to the industrial colour bar.

Where as it may be conceded at common law that the government would have had no role to play let alone intervening over the contract between the employer and employee, a situation arose where the government abdicated the role of a mere spectator by assigning itself with the role of settling disputes between the parties involved. Hence the Trade Union and Trade Disputes and the Industrial Conciliation Ordinances.²⁵

The rationale behind this involvement was simple; Most of the government revenue came from companies, particularly the Mines and as such it was in its interest that there had to be industrial harmony if that goal had to be achieved.

The government also believed that the disruption of certain essential services such as Electricity, water, sewerage would cause great inconvenience to the community at large, and as

such pieces of legislation were enacted barring workers employed in such services from going on strike.²⁶ This aspect of essential service workers is of great importance, because, as we shall discuss under the post-independence perspectives, the list was phenomenally expanded thereby rendering the workers' right to strike a "nightmare".

Apart from the ordinances which overtly dealt with the employer - employee relationship, the government had at its disposal other legal mechanisms for containing industrial unrest in the country. For instance, on 11th September, 1956, the colonial government declared a state of emergency on the Copperbelt following the great unrest which had stretched from May to September 1956.²⁷ Section 6(1) stated that:

"The governor may make such regulations as appear to him to be necessary or expedient for seeing the public safety, the defence of the territory, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community"

And Section 2(a) of the same, empowered the governor to detain any persons who were in breach of the same. As a consequence thirty-two Africans were arrested, among them the General Secretary of the N.R.A.M.W.U and twenty-five members of the Supreme Council.

The state of emergency and the subsequent detention of the Union leaders simply accelerated the political consciousness of the workers for as Mwendapole states:

"The Imperialistic Colonialist plan to destroy the trade union leadership gave birth to an unleashing of political activities which later led to the achievement of Independence. 28

In relation to this, we now wish to analyse the relationship between the labour movement and the African Nationalist Parties.

The Relationship with the African Nationalist Parties

We have already noted that the African Workers had been in the vanguard of the fierce struggle against Monopoly Capitalism. We have noted further, that this economic form of class struggle found expression in strikes and in the fight for higher wages and for better working conditions. The aspects or features of these antagonistic production relations forced the workers either, individually or as unions to join the liberation struggle with the view to ousting the obnoxious socio-political sub-systems of colonial rule.

However, as Meebelo points out,

"The colonial authorities by subterfuge tried to hem Zambian workers in with rigs of political taboos: with the sophisticated rhetoric public

servants should be above politics, and with workers in the private sector with equally false argument that Trade Unionism was incompatible with politics"²⁹

Therefore, with the kind of colonial orientation such as the foregoing most of the African trade unions official view was to the extent that Trade Unionism had to be incompatible with Politics. For instance, when the African National Congress (ANC) called for a strike in April 1953 as a protest against the federation, the African Mine Workers Union through their President Katilungu refused to acquiesce, arguing that they could not be embroiled in political controversy. This view was equally predominant at the level of the mother body, the Northern Rhodesia Trade Union Congress (N.R.T.U.C) which was headed by the "Indomitable" Katilungu. It will suffice to state here that the leadership in the N.R.T.U.C. was divided over the question of subjecting union activities to politics. This then should explain why the mother body had to undergo some change almost three times by 1961. However, it is not the intention of this paper to delve into great details as with regards this conflict except to state that the three unions³⁰ agreed to combine to form the United Trades Union Congress, Northern Rhodesia (U.T.U.C). U.T.U.C. made it clear that they were going to be siamese twins with the Nationalist parties; and hence their overt support for the United National Independence Party (UNIP).

One of their press statements was:

"..... The freedom struggle of the African people here is not a party issue. And workers form an integral part of this population we must combine all our forces and move forward together to crush the forces of repression and Imperialism It has kept the wages of 95% of the African Workers to a level which makes the African Worker(s) no better than slaves ..."³¹

The foregoing statement therefore summarises the great expectations the individuals and Trade Unions had upon the attainment of independence. And Indeed the African politicians were also promising the same "bread and butter" after independence.

It should also be mentioned that the African National Congress used to command a lot of loyalty from the Trade Unions particularly the African Mine Workers' Union. Katilungu had even urged the ANC to transfer its headquarters from Lusaka to the Copperbelt, where he believed, the miners would give the party greater impetus in the struggle for self government. Katilungu who seemed to have abandoned his earlier stand not to "mix politics with trade unionism" suggested further for ANC that, "only strike action would bring about independence and the break up of the federation"³²

Conclusion: Labour relations at the dawn of Independence

The historical development of the labour movement has almost been devoted to the Mining Companies, not because there were no active Trade Unions in other Industries, but

simply because, the African Mine Workers Union was the most powerful both in human resources and wealth.. The other reason is that, the Copper Mines were the cornerstone for the country's mono-economic system.

We have however observed that the employers or companies in liaison with the colonial government made repressive rules and laws which had severely restricted the Africans from freely selling their labour. Thus the prevailing socio-economic conditions coupled with the desire for political freedom and independence galvanised the Trade Unions into the dream for political independence.

We have also observed that despite the stance by some trade unions that "union activities should not be mixed with politics," trade unions were the true partners with the Nationalists in the struggle for independence. One of the major questions which was being asked at the dawn of independence was: Would Trade Unions be crippled by political control after independence? This is the question we shall tackle in the next chapter; but it will suffice to state that the Trade Unions were determined to remain autonomous as a "vanguard" of the working class for as Iwendapole was to state:

"One of the most important effects of predominantly African government would be the emergency of an African capitalist class. And, as in any other country, the

tendency on the part of this class would be to exploit their own people.

Therefore, rather than remove the necessity for Trade Unions, government under African leadership would only stimulate the need for intensive trade union organisation...."³³

FOOTNOTES

CHAPTER 1

1. Mwendapole, A History of the Trade Union Movement in Zambia (Lusaka, University of Zambia, Institute for African Studies, Communication No. 13, 1977) p. 1
2. A. M. Kanduza, Teachers Strike, 1970: A Chapter in Zambia's labour history - In Histoire Sociale-Social History Vol. xiv (No. 28) Nov. 1981
3. Ordinance No. 9 of 1935 - S.4
4. Ibid S.5
5. Cap. 62 of the Laws of Northern Rhodesia (1930)
6. Great Britain: Commission of Inquiry appointed to Inquire into disturbances in the Copperbelt, (Lusaka, Govt. Printer, 1935)
7. Mwendapole, op.cit p.4; Italics supplied by the author
8. Ibid, p.6
9. Getzel, labour and the state in Zambia ed. E. R. Kalula, 1, 1 (Lusaka, UNZA, 1975) p.10
10. Government Notice No. 65 of 1940
11. Ibid p.10
12. Dalglish Report (Lusaka, govt. Printers, 1948)
13. Ibid, p. 37
14. No. 23 of 1949
15. No. 24 of 1949
16. S. 25 of No. 23 of 1949
17. Ibid S. 27. It is important to note that essential services were greatly expanded in Zambia after independence.

18. S. 4-6 and 11 of the Industrial Ordinance, 1949
19. Meebelo, African Proletarians and Colonial Capitalism (Lusaka, Kenneth Kaunda Foundation, 1986) . p.194
20. Labour Annual Report, (Lusaka, Government Printers 1948) p.4
21. Labour Annual Report, 1954, p. 16
22. Labour Annual Report, 1954 p. 17-18
23. Labour Annual Report, 1959, p.15
24. Ibid, p.15
25. No. 23 of 1949 and No. 24 of 1956 respectively
26. S. 27 of the Trade and Trade Disputes Ordinance 1949
27. Government Notice No. 224 of 1956 made pursuant to the emergency powers in council, 1939 & 1956
28. Mwendapole, op.cit, p. 57
29. Meebelo, op.cit p. 423
30. Namely, International Confederation of free Trade Union, The Reformed Trades Union Congress, and the Northern Rhodesia Trade Union Congress.
31. U.T.U.C Press statement, 11th September, 1962, reported in Meebelo, op.cit p. 444. Italics supplied by the author .
32. Meebelo, op.cit p. 435
33. Mwendapole, in a letter to the Editor, Northern News, 2 July, 1960.

CHAPTER 2

LABOUR RELATIONS AFTER INDEPENDENCE: A COLONIAL HERITAGE

When Zambia achieved her Political Independence in 1964, the Economic super-structure was still capitalist oriented and correspondingly most of the laws still remained as a reflection of that base. Thus, for purposes of this discussion, it will suffice to state that the New Nation had to inherit the colonial labour laws, some of which have been discussed in the preceding chapter. Therefore, this meant that the conditions of the African Workers was still going to remain unresolved. However, independence had created high expectations amongst the African Workers. We are told that:

"The workers in particular anticipated, and had indeed been promised, improved wages and conditions. They also wanted to see an end to the huge gap, between African and European labour"¹

Consequently, because the New Government could not immediately satisfy the African Workers' expectations, the period immediately after independence was characterised by frequent unofficial strikes and some major national strikes.

However, there was concern on the part of the government regarding those unofficial strikes. There was concern

regarding the adverse effect the labour unrest had on the economy of the country in the sense that the withdrawal of labour ultimately affected productivity and thereby hampering economic development. Therefore, the government had to initiate a number of public discussions and seminars with the Trade Unions for purposes of enhancing Industrial harmony. For instance, at the Livingstone Tripartite labour conference of 1967 the workers and employers agreed to two codes of conduct relating to discipline and productivity. Further, they agreed to formally support the four-year National development plan.²

However, the government could not effectively achieve its intended goals in the midst of a labour movement which (as we have already observed) had for a long time been a spot for internal quarrels and splits. Ultimately this resulted into the formation of splinter unions. Thus Mr. Justin Chimba remarked in parliament that:

"It is very clear that the quarrels and stoppages of work, often brought about by the jealousy of one Trade Union official or another, are not only hindering the economy of the country, but are beginning to make investors and Industrialists outside the country have Second thoughts about the wisdom of coming here with their capital and know-how"³

Therefore, against the foregoing background the Trade Unions and Trade Disputes Ordinance (amendment) Act 1964 was passed. This Act was designed in such a way that the government was going to have an overwhelming controlling interest in the activities of the Trade Unions as compared to the period before. For instance, it pushed up the minimum number of members required to form a trade union from seven to one hundred in order to make it more difficult for splinter unions to be formed.⁴ Further the United Trade Union Congress was dissolved on the 31st October, 1965 and replaced by the Zambia Congress of Trade Unions which was established in accordance with the provisions of the new Trade Union and Trade Disputes ordinance (amendment) Act.

The Act made Z.C.T.U. as the sole National Federation of Employee organisations in the country and made it mandatory for all unions to be affiliated to the Z.C.T.U. The Act provided further, that all decisions on matters relating to strike-ballots, strikes, dissolution, amalgamation or affiliation to another body needed the approval of Z.C.T.U.⁵ It is important to remark here that this process was intended for purposes of thwarting the activities of affiliated unions, and thereby reducing the occurrence of illegal strikes. It is also, important to mention, that the provisions of the Trade Unions and Trade Disputes

ordinance Act vis-a-vis the regulation and protection of Trade Unions were to be incorporated virtually unchanged in the new Industrial Relations Act, which we shall discuss during the course of this chapter.

Apart from Trade Union activities being regulated by the E.C.T.U, the government through the minister would determine the process of registration of the Trade Unions and that similarly, he would cancel the certificate of registration if in his opinion the Trade Union's activities had become incompatible with the statutory or main objects of the Trade Union.⁶ Through this process, the government gave itself the position of scrutinising the activities of unions which included inter alia strike action.

However, the Trade Union and Trade Disputes Ordinance (amendment) Act failed to harmonise the Industrial Labour Relations scene because workers still went on wild-cat strikes (without due regard to the procedure provided by the Act). As the 1970 Labour report remarks,

"A disturbing feature of the Industrial relations scene was the apparent unwillingness of the workers to use the normal channels of Examination of grievance and settlements of disputes and their apparent disregard of statutory regulations prohibiting strikes in certain sectors of the economy. All stoppages occurred spontaneously without the knowledge or support of Trade Unions..."⁷

Thus it became imperative on the part of the government to have a complete re-examination of the labour laws. Consequently, against this background, the Industrial Relations Act was enacted.⁸

The Act was designed to provide the legal framework for a new approach to industrial relations based on participatory democracy as derived from the philosophy of humanism.⁹ It provided for the registration of Trade Unions, the Employer's Association, the Zambia Federation of employers and the Establishment of the works council. Further, the Act provided for the settlement of collective disputes and the establishment of an Industrial Relations court.

The Rationale behind the Act

The rationale behind the Act can best be summarised by stating what Mr. . Chakulya said during the second reading of the bill,

"This bill has acknowledged and accepted the inevitability of strike action and, consequently no provision has been made to ban it altogether and in all its forms. However, strikes and lock-outs have been specifically banned where these are not in contemplation or furtherance of a trade dispute or have not been sanctioned by a strike ballot or while the matter in dispute is under conciliation or has

been referred to the Industrial Relations court."⁹

Thus from the foregoing, it is most conceivable that the rationale behind the enactment of the Act was calculated to curtail to the minimum or even avoid completely, if possible the withdrawal of labour which was partly responsible for the low productivity in several sectors of the economy.

Inevitably the process for the settlement of workers' grievances is much more cumbersome as compared to the repealed Trade Union and Trade Disputes ordinance and the Industrial conciliation ordinance. For instance, under the latter, the labour commissioner was given powers to bring together the parties in a dispute and to act as mediators in the first instance. In the event of failure to agree the minister of labour could then appoint a conciliator to hold a more formal hearing. However, all these levels of arbitration were voluntary because the consent of either of the parties was a condition precedent. Consequently, the partners were not bound by the conciliator's decision.¹¹ However, under the Industrial Relations Act the process of arbitration was made compulsory in the form of the Industrial Relations court.

The Settlement of Collective Disputes Under the Industrial Relations Act

This is provided for under Part IX of the Act. First a collective dispute does not arise unless and until one party to the dispute presents in writing to the other party all its claims and demands and that the other party:

- (a) has within fourteen days of receipt of the claims failed to answer such claims or demands or
- (b) such other party has formally rejected such claims or demands and has made no counter-offer or
- (c) both parties to the dispute have at least held one meeting with a view to negotiating the settlement of the dispute, but have failed to reach settlement on all or some of the matters in issue between them.¹²

Secondly, where a collective dispute arises, all the parties thereto shall inform the proper officer regarding the dispute.¹³ The proper offices shall in turn inform the labour commissioner who shall in turn inform the minister about it.¹⁴ Thus, if the dispute has been settled, section 92 provides the formalities on how copies of the settlement ought to be forwarded to the Industrial Relations court for purposes of enforcement.

Thirdly, in the event that there is failure to reach settlement of a collective dispute, the proper officer shall inform the commissioner who in turn shall inform the minister about the same. Therefore, within fourteen days of being in receipt of the report the minister can either appoint a conciliator or a Board of conciliation.¹⁶ It is important to note that this procedural aspect is mandatory on the part of the parties to the dispute to appear before the conciliator or Board of conciliation.¹⁷

Thus, within ten days of being appointed as conciliator or Board of conciliation, the parties to the collective dispute ought to be summoned.

Fourthly, in the event of a failure to reach a settlement by way of conciliation, the conciliator or the Chairman of the Conciliation Board, as the case may be, shall forthwith communicate to the minister in writing. Thereupon, the minister shall refer the matter to the Industrial Relations court.¹⁸ Thereupon, the Industrial Relations court shall pronounce a decision thereon and its decision shall be final and binding on all the parties for such period as the court may specify in its decision.

Thus the Act prohibits strike action whenever the foregoing procedure is in process. Section 116 of the Act says:

2. "No employee, trade union or other person shall take part in a strike which
- a) has not been authorised by a strike ballot taken in a manner provided by the constitution or a trade union
 - b) is not in contemplation or furtherance of a collective dispute in which conciliation is in progress or which has been referred to the Industrial Relations court for its decision".

Sub-section (4) goes on to say that;

"An employee, trade union or other person who does any act or incites any person to do any act in contravention of sub-section (2) shall be guilty of an offence and liable upon conviction;

- a) in the case of a trade union, to a fine and not exceeding K100.
- b) In the case of such employee or other person to a fine not exceeding K100 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment."

A general overview of Part IX of the Act, entails that the extended procedures demand greater need of discipline and restraint on the part of the workers with a view to minimising strike action.

OTHER LEGAL MEANS FOR THWARTING STRIKE ACTION

(a) Essential Services

Section 3 of the Industrial Relations Act provides for

"essential services" and that the President may under the preservation of public security regulations or any other regulation declare a service or facility as "essential". Consequently, section 117 of the same prohibits persons engaged into such services from going on strike (as workers) or lock-out (as employers)¹⁸.

The Act provides further, that any employee, trade union or other person engaged in such services shall be guilty of an offence and liable on conviction in the event of contravening the provisions of section 117¹⁹.

The government has from time to time declared certain services and industries as "essential" so that workers should not go on strikes. But what is the rationale? These declarations are placed on economic strikes which are judged to cause serious interruptions to the flow of production and distribution or to be gravely injurious to third parties or to be harmful to essential services and the political order. Restrictions have also been placed in the public sector or services under the guise of essential services. For instance, statutory instrument number 241 of 1970 was an order declaring the Teaching Service as an "essential service". In an interview with the writer, Mr. Chibale, the general secretary of ZNUT had this to say,

"essential workers in real industrial life are found where the lives of people would be endangered in the event of workers withholding their labour. But as for teachers, the life of school going children can not be endangered when teachers go on strike"20

We wish to concede with Mr. Chibale in the sense that from the consumer's point of view, the opening of a particular ministry or dangers posed to school children by strike action by teachers, may be far less essential than the continued operation of a public corporation (like the railways or postal).

However, far from deterring strikes, these declarations have not served any significant purpose; in the next chapter we shall come across "essential services", but this time with a view to try and show why workers are not bothered by the law at all.

(b) The "Check-Off System

Section 20 of the Industrial Relations Act empowers the Minister by statutory instrument to authorise employers to deduct from the wages of their employees subscription fees on behalf of their Trade Unions. These subscription fees are very important for the effective day to day administration of the Trade Unions. However, following

a number of unprecedented illegal strikes in 1985 and the period prior, the government decided to withhold section 20, by issuing statutory instrument number 6 of 1985 which stipulated that the "check-off" system would be discontinued by the employers where union members went on illegal strikes. Thus, because of a number of illegal strikes, a lot of trade unions fell victim, but as Mr. Banda stated, "the system did not work. It was only within that period that industrial strikes went down, but after unions devised other means for collecting their dues, the figure of strikes doubled"²¹

(c) The Preservation of Public Security: Detentions

The government has at its disposal the means of invoking the preservation of public security Act so that the interests of the National Economy and Political Order could be safeguarded. For instance, following persistent industrial unrest on the Copperbelt in July, 1981, President Kaunda ordered the detention of certain top leaders of ZCTU and MWUZ. In all detention cases, there is always an assertion of ~~undermining~~ the security of the country by the labour leaders. For instance, when the President detained the union leaders in ZNUT following the country wide teachers' strike, He justified the move by asserting that, "the leaders had misused the responsibilities entrusted to them and had sought to turn the union into an Instrument for furthering the interests of

organisations whose objectives are subversive."²²

Similarly in Re Chiluba,²⁵ the ground upon which the applicant was detained was that he addressed meetings at named places at which he desired a change of government. It will suffice to state that, in the 1981 case all the detainees successfully petitioned the High Court for their release. As Moody J, was to state in Re Chiluba,

"This court upon inquiry finds that there were in fact no reasonable grounds for the detaining authority to suspect the applicant of the alleged activities and there was in fact no reasonable basis for such suspicion"²⁴

From the foregoing judgement, we can reasonably conclude that the detentions were calculated at intimidating the labour leaders whom the government had suspected of fueling the strikes. Thus, the aspect of intimidation vis-a-vis detentions should also be seen as a psychological manouver on the part of the government to thwart further or future strike action.

Extra-legal factors behind the manner of reaction by the Government to illegal strikes

Our contention is that the government is usually actuated by some political factors whenever they are enacting some

legislation. Thus, from a jurisprudential point of view, a political party in any given political system seeks to gain political power, and that once power is gained, it seeks to have a dominant role in deciding what law shall be. For instance, the Teachers strike of 1970 could be analysed from this perspective. First, the strike took place at a time when UNIP as the ruling party in Zambia was facing growing opposition from ANC and the United Party which had been formed in 1966 by Nalumino Mundia, a previous UNIP Lieutenant. Further, Kapwepwe a leading National Politician resigned from UNIP late in 1970, and later he formed the United Progressive Party (U.P.P.) in 1971. Thus, as Kanduza points out, "Kapwepwe's resignation and speculation that he was forming a new party in 1969 and 1970 influenced government's reaction to the strike, because Kapwepwe was thought to have a good following in Copperbelt and Northern Provinces".²⁵ Therefore in our view, hence the declaration of the teaching service as 'essential' and the detention of ZNUT executive members.

The position did not change after 1972 when Zambia was to become a one party state. In the absence of an opposition party this time, pressure groups which include inter alia Trade Unions and the church have from time to time been critical of government policies.

Consequently, government reaction tends to be too sensitive to such remarks; the detentions of Chiluba and his colleagues could also be understood from this premise. It became common to identify the growing militancy among workers with the growing political opposition to UNIP.

The other extra-legal factor is with reference to the fact that Zambia pursues a mixed kind of economy which is nonetheless capitalist oriented and ultimately this has to be reflected by the laws whose main objective is to minimise or completely ban strike action so that high productivity is maintained for purposes of high profits.

A discussion under this chapter was an attempt to show how the government has tried to deal with the problem of Industrial unrest by way of instituting all the legal machinery at its disposal. On the other hand, workers have continued to go on strike without paying regard to the established laws. For instance, the 1981 labour report concedes that:

"concern was expressed that inspite of the elaborate dispute settlement machinery that has been established and which if religiously followed should ensure amicable resolution of all disputes, some workers found it necessary to resort to wild strikes"²⁶

In the next chapter therefore, we shall attempt to analyse the factors responsible for the workers' general disregard ~~for~~ the law. Further, we shall attempt to give solutions to the problems of labour unrest in this country.

FOOTNOTES

1. Robin Finchan and Grace Zulu, "Labour Participation in Zambia" in Development in Zambia, Ben Turok (ed) [London, ZED PRESS, 1981] p. 215
2. Labour Reports, 1967
3. Daily Hansard, 17th November, 1964 pp. 5-6 italics provided by the writer
4. S. 7(1) However the minimum is now seven under the present industrial relations Act. S. 7(1)
5. ZCTU Constitution - Rule 3(9)
6. See S.9 of the Industrial Relations Act
7. Labour Report, 1970
8. No. 36 of 1971
9. Parts 1 and 2
10. Hansard, 30th November, 1971 p. 237
11. Cap. 25, S.40 B.2
12. Industrial Relations Act, 1971 S. 89
13. S. 91(1)
14. S. 91(2)
15. S. 93(2)
16. S. 93(2)
17. As compared to under the old ordinance
18. S. 95(1)
19. S. 117(8)
20. Interview with ZNUT Executive 03/06/88
21. Interview with Mr. Banda of ZFE on 31/05/88
22. Zambia News, 31st July, 1976

23. Reported in Civil liberties cases ed. Ndulo and Turner (Oxford, Africa Law Reports, 1984) p. 304
24. Ibid
25. Kanduza, Teachers' strike, 1970; A Chapter in Zambia's labour History, in Social History vol. xiv (No. 28 November 1981, p. 502)
26. Labour Report, 1981 *Notes supplied by author.*

CHAPTER 3

WHY WORKERS IGNORE THE LAW: AND WHAT WOULD BE THE POSSIBLE SOLUTION TO LABOUR UNREST IN ZAMBIA

The law is very explicit on the course of action which ought to be taken in the event of workers going on strike. As President Kaunda ambly summarised the situation in April 1987 at a Press Conference that,

"Essential workers who went on strike in future would be arrested and prosecuted while non-essential workers would be sacked and made to re-apply for their jobs"¹

However, notwithstanding the legal Impidements and declarations such as the foregoing by the President, teachers went on strike in the first half of 1988 demanding inter-alia for improved salaries and conditions of service. After the strike, the minister of labour Mr. Basil Kabwe issued a statement that all those teachers who had participated in the strike were going to be prosecuted . And Indeed the Police had started interrogating the teachers with a view to prosecuting them. The Minister supported the move by saying,

"the ministry will have no sympathy for teachers convicted of organising the illegal strikes

As far as I am concerned, the law must take its course and the fact that classes will suffer should not be an excuse for the discontinuation of Police investigations"²

We however, find Kabwe's remarks to be superflous in the sense that the sympathy would have no legal backing once the teachers were convicted. Strictu sensu teachers will have been convicted for breaching the law. However, at the time of writing this paper, no single teacher had been prosecuted as yet. Infact the threats simply gave rise to further indignation and a resolute to continue the strike. But why have teachers ignored the law let alone the threats of arrests?

It is our considered view that the government is certainly apprehensive of the possible repurcations from the teachers; there is no doubt that the Militant teachers would go on a National strike in sympathy with those who would be prosecuted. Consequently, this would not reflect well on the ability of the political leadership in containing the situation. Thus, it is this sense of awareness on the part of the workers vis-a-vis the government's ability and limitations to prosecute, that the former are quite complacent and that they can easily go on an illegal strike without fear of reprisals.

Perhaps our advise to the government is that, it should always exercise a firm or resolute stance vis-a-vis the law. Here we are not suggesting that it should not be sensitive to the plight of the workers; we are simply contending that it should make its authority felt without giving allowance to workers to unnecessarily take advantage of any given situation.

We now wish to analyse in detail why workers go on strikes without regard for the law. Engels said,

"The workers naturally regards the law in quite a different way. He knows from long and bitter experience that the law is a rod which the bourgeoisie has in readiness for him. The worker has no confidence in the law and if all possible, he avoids."3

Here Engels was referring to the working class of England, but it is quite evident that the foregoing has universal characteristics which ultimately reflect on the Zambian perspectives. It must however be stated, in as much as Engels himself conceded that, when workers are not strong enough to avoid the law, it becomes natural on their part to put forward proposals for new laws. The Zambian worker has adopted a "mixed grill" approach. First, he has pursued the procedure established by the law in trying

to resolve his industrial problems. Secondly, he has also elected not to follow the law whenever he finds it most expedient.

REASONS FOR THE WITHDRAWAL OF LABOUR

We have already observed that since 1935 when the Black workers first went on strike, their major demand has been that of higher wages and improved conditions of employment. Unfortunately, Zambia has continued to face economic hardships resulting into inflation.. Thus, the inflation coupled with the diminishing purchasing power of the Kwacha after 1975 made demands for wage increases unavoidable and where these were not met, the workers almost invariably resorted to strike action against their employers.

Further, in relation to the foregoing, it is our contention that the world-wide recession has made the tenure of industrial workers precarious. Thus, the redundancies which have been carried out in a number of companies and widely reported in the National Press made the workers without any specific skills despondent and uncertain of their future. Whereas it might not be true of all workers (for example teachers), it is our

considered view that it has been this kind of affairs which has been partially responsible for the illegal strikes in the country.

We have already noticed that the procedure for the settlement of grievances as provided for by the Industrial Relations Act is cumbersome. To this effect, workers have complained that their problems and demands require immediate solution, and that, the procedure under the Act does not take into account the urgency of their grievances. It is also important to note that employers have often taken inordinately long periods to implement collective agreements either due to economic factors or otherwise. Consequently, workers become impatient, thereby forcing them to resort to strike action in order to force employers to implement their decisions. For example, in 1980, teachers went on strike in most of the primary schools and some secondary schools on the Copperbelt expressing their displeasure at the delay by the government in announcing the envisaged improvements in the conditions of service.⁴ Another example is that of the 1980 Nation-wide strike by employees in the financial institutions. The employees were protesting at what

had appeared to be deadlocked negotiations between management and the union over a new collective agreement. The workers went on strike contrary to section 89 of the Industrial Relations Act because no dispute had been declared and there was no contemplation of doing so at that particular stage.

In view of the long and cumbersome procedure for the settlement of disputes, workers have argued that it is almost impossible for one to go on a legal strike and that ultimately the only plausible alternative has been that of going on illegal strikes. It must also be submitted that workers have taken advantage of the weakness on the part of the government or employers in that experience has shown them that only strike action has yielded results in their favour. For instance, the 1980 financial institutions' strike was only called off after the employers acquiesced to the demands of the workers.

It has therefore been suggested that the solution to the foregoing would be by way of reducing the cumbersome procedure under part IX of the Industrial Relations Act. Thus, the Zambia Federation of Employers (ZFE) has suggested

that the law ought to be amended.⁵ Mr. Sumbwe the Executive Director of ZFE suggested further that "Employers should speed up negotiations on wages and conditions of service to ensure industrial peace and promote economic growth".⁶ Similarly, the Zambia National Union of Teachers (ZNUT) suggested that the law ought to be amended in "order to avoid industrial unrest in the country".⁷

Whilst we sincerely concur with the foregoing suggestions, we are however still left with reservations, our contention being that, there can be no legal mechanism which can eradicate the occurrence of economic strikes - wildcat or otherwise.

We are therefore to suggest that only positive changes in the Socio-economic conditions and the labour market may more readily and directly reduce the number of strikes than influences of legislation. Therefore, this entails that social legislation ought to be in conformity with some deep-going social change in society. It is our contention therefore that the Law Development Commission ought to address itself seriously to this issue. However, the Commission itself needs to be restructured so that it

can have a lot of competent manpower to look into the problems of law reform.

We also found out during the research that the other reason responsible for the unfavourable industrial relations in the country is based on the class character of our economic base. Workers have for instance argued that their remunerations are far below what they contribute in terms of production. As Mr. Chella put it,

The national cake is not equitably shared; thus, we feel exploited. It is therefore our duty to fight against this exploitation so that a teacher is elevated to his actual social status in society."8

First, we wish to acknowledge the fact that the teaching service being a non-productive sector might not be the most prudent example under political economy for purposes of class analysis; but we still believe that the position stated by Mr. Chella is quite representative of the view of the workers both in the productive and service sectors. Therefore, because the workers feel cheated or exploited, they tend to resort to strike action as a way of enlisting their plight . The Zambia Congress of Trade Unions (ZCTU)

has therefore called upon the political leadership and the employers to "prune their perks which they were enjoying at the expense of the workers".⁹ We believe that, that would be a pointer to the solution of solving industrial unrest in the country. But we wish to state that there would be need for democratic economic planning in that the use of the accumulations in the hands of the few propertied class ought to be used for national purposes, like financing agriculture, education, public health and social insurance.

This aspect calls for the equal sharing of the "National Cake" and thus, it entails a situation where workers would have to manage the affairs of their industries. Workers would therefore be expected to retain their remunerations in accordance with what they contribute towards the production. This follows suit with the Marxist Postulate that, "to each according to his contribution". Such a system would inculcate a sense of responsibility amongst the workers and ultimately they would have no one to blame, but themselves for any poor conditions of service. It is our contention that, under such circumstances, workers' chances of going on strike would be greatly reduced.

But it must be conceded that, such would be too radical a suggestion to a country like Zambia whose economic superstructure is capitalist oriented. We are therefore suggesting further, that the present companies Act¹⁰ ought to be amended so that workers could be incorporated into the Board of Directors. It is also our contention that Part VII of the Industrial Relations Act which provides for workers' participation through works councils is not very effective because workers are simply to be consulted on policy matters; whereas decision making still remains the exclusive "baby" of the Board of Directors as provided for by the companies Act. However, practice has shown that labour leaders of the Zambia Congress of Trade Union have sat on the Boards of ZIMCO group of companies. Infact President Kaunda has always insisted that workers should be allowed to sit on the Boards of their respective companies. However, whereas it may be prevalent as a matter of tradition for the parastatals to incorporate workers on the Board of Directors, the same is virtually non-existent in the private sector, for the obvious reason that it is not provided by law.

It is therefore our contention that the authorities should seriously consider enacting a new piece of legislation

which would incorporate workers on the Boards, thereby reflecting their aspirations.

Workers have also gone on strikes because of poor public relations on the part of the employers. They have protested against alleged bad attitude of their supervisors and managers. For instance, the closure of Jamas Milling Company Ltd in July 1988 on the Copperbelt was related to this aspect.¹¹ In that case, the workers went on a wild-cat strike because they did not want their expatriate manager whom they had accused of being wanting in public relations.

Further, the absence of public relations has often resulted into the improper flow of accurate information to the workers. For instance, in January 1983, the government announced increases in wages and salaries' up to ten percentum of the employers' total wages and salary bills. This policy was part of the IMF conditions, though it was still subject to negotiations between employers and employees. However, notwithstanding that, there was still a general misconception by a lot of workers thereby rendering the year to bedevilled by unprecedented wild-cat strikes as a consequence. For

example, at an iron and steel industry in Kabwe, the entire labour force went on strike on 27th December demanding a ten percentum increase alleging that it was a free gift from the IMF and therefore was not subject to negotiations¹²

In view of the foregoing, we find it most pertinent that there is greater need for improved public relations. The government, employers' associations, and employees' associations should step up the already existing tripitite consultative seminars on labour matters. There is need for employers to conform to acceptable working relationships with their employees. Further, workers ought to be fed with accurate information on matters which directly affect them.

In our view, all these attributes would greatly boost the morale of the workers and ultimately increase their confidence in the employer thereby reducing chances of strike action.

During our research, we discovered further that, workers resort to illegal strikes because of disunity within the Trade Unions. This disunity has at times arisen

because a certain section of workers in a given industry feels that they are inadequately represented by their unions. Thus, we now have a situation where despite the rationale that one union in one industry¹³ was going to instil unity amongst workers, there have been incidents of disunity amongst workers. For example, secondary school teachers have from time to time advocated for a breakaway from ZNUT insisting that, because the latter is predominantly represented by primary school teachers, their interests tend to be overlooked. For instance, some secondary school teachers in Kitwe ~~accused~~ ZNUT executive of being treacherous stating inter alia that their "qualifications like diplomas, degrees, and other postgraduate achievements have been ignored."¹⁴ On the other hand, the ZNUT executive has argued that those who demonstrate against them are bad eggs¹⁵.

Mr. Chella said,

"most of the young graduates are frustrated when they realise in the field that their dreams are thwarted - we have no problems in Teachers training colleges because we have people who are old and mature"¹⁶

However, it is important to note that there is friction between the ZNUT executive and some secondary school teachers irrespective of whether the latter are "frustrated"

as per Mr. Chella. The executive ought to address itself to the cause of this friction instead of merely dismissing the demands as those of "frustrated ones".

Further, the position of the secondary school teachers is made much stronger when one takes into account that the "plea for the split" is almost nation-wide.

Another example where workers have advocated for a split is in the Mine Workers' Union of Zambia (MWUZ) where the graduates from higher institutions of learning have insisted that they are being led by non-graduates who do not understand their problems. A similar situation had arisen in the National Union of Building and General workers (NUBWEG).

In view of the foregoing, it is our considered view that the Industrial Relations Act ought to be amended so that it can allow for the creation of more than one union in one industry again. For example, the problems of the surface and underground workers in the mines would call for different solutions by the management. It is under such circumstances that the quest for more than one union in an industry would be justified. In our view this is very important because it would greatly help reducing the tension amongst some

workers thereby reducing the number of illegal strikes.

There are a lot of factors which have influenced workers to go on strike, except that it is not our intention to exhaust them all; we believe we have highlighted the major attributes.

CONSEQUENCES FOLLOWING THE WITHDRAWAL OF LABOUR BY WORKERS

It is quite clear from the entire discussion under this and the preceding chapters that all is not well in terms of Industrial Relations between the government or employers, and the labour movement, and surely between the workers themselves. This strained relationship has had far-reaching consequences on the political-economic climate of the country.

Naturally, because of the low level of morale on the workers by virtue of the fact that their standard of living has been diminishing continuously, the level of production in the industries has correspondingly gone down. In the service sector, the quality of service has also been affected.

It is our strong contention that the civil service is very inefficient because most of the workers do not seem to enjoy their work. For instance, it is a matter of public notriety

that the civil service is full of beauracratc procedures so that one can not conceivably have his problems attended to there and then. There is always a ready answer of "come tomorrow because we cannot trace your file".

We wish to concede that our reference to the civil service is quite general, but we still contend that improved conditions of service would greatly improve the morale of the workers thereby improving the quality of service.

Further, it is a matter of public notriety that the economy is not doing very well and yet at the same time, the government is paradoxically caught up in a situation where increased salaries have been awarded to the ever-demanding workers. Thus, where these demands have not been awarded in conformity with the real levels of the economy, inflationary tendencies have phenomenally risen to the detriment of the economy.

It is also true to state that whenever services are withdrawn on account of strike action, the consumers of the services or products ultimately suffer as a consequence. A case in point is with reference to the 1980 Doctors' strike and "go slow". We are told that some patients

died because there were no doctors to attend to them.¹⁷

We have already observed under chapter 2 that the government has at times reacted with suspicion to the strike action taken by workers and consequently has proceeded to detain some of the labour leaders. The point here is that, the mode of reaction by the government has seriously dented the sound labour relations in the country.

FOOTNOTES

CHAPTER 3

1. Economic Intelligence Unit
No. 3, 1987, p.6
2. Zambia Daily Mail, 24/06/88
3. Engels, Conditions of the Working Class in England
4. Annual Labour Report, 1980
5. Interview with Mr. Banda of ZFE on 31/05/88
6. Zambia Daily Mail, 11/01/88
7. Interview with ZNUT Executive on 03/06/88
8. Ibid
9. Zambia Daily Mail, 06/02/84
10. Cap. 686 of the Laws of Zambia
11. Zambia Daily Mail, 02/07/88
12. Annual Labour Report, 1983; Italics supplied
by the author.
13. S. 7(8)
14. Times of Zambia, 15/03/88
15. Interview with ZNUT Executive 03/06/88
16. Ibid
17. Annual Labour Report, 1980

CONCLUSION

We have observed in our first chapter that the workers and the peasants put up spirited resistance against colonial rule; thus the first massive strikes of 1935 and 1940 on the Copperbelt by the blackworkers ought to be construed as ones which were not only industrial, but that they were above everything else political in character. Those strikes taught the workers that the withdrawal of labour using strike action was an effective weapon for purpose of echoing their demands.

Political Independence in October 1964 created great expectations amongst the workers. First the workers were looking forward to improved conditions of service and that secondly, they were hoping the state would create a legal framework providing a broad opportunity for labour to build up a free Trade Union movement. When the government failed to give the promised "bread and butter" to the workers the immediate Post-Independence period was to be characterised by labour unrest. The failure on the part of the government and employers to "deliver the goods" to the workers can be attributed to a lot of factors. Under our discussion we noted that the basic factor had to do with the capitalist system of the Economy where wealth from production is unequally

distributed amongst the workers.

There has however, been attempts by the government to improve the labour relations in the country by way of legislation. To this effect the Industrial Relations Act was enacted. Workers however have more often than not, elected not to follow the procedure for the settlement of collective disputes as stipulated by the industrial relations Act. They have for instance complained that the procedure provided for under the same is inordinately long and cumbersome. We have already given the reasons why workers ignore the law in Chapter 3. The unilateral withdrawal of labour by the workers without paying regard to the law and the corresponding responsive coercive measures by the government has been responsible for the unsound labour relations in the country. The government has either detained the labour leaders as was the case in 1982, or has simply used intimidation. Intimidation has included inter alia the seizure of the labour leaders' passports in 1981 and the threats to prosecute the strikers such as those who participated in the teachers' strike of the first half of 1988.

But our finding has been that the solution to labour unrest does not depend on legislation. Workers will

continue to go on strikes irrespective of the law which obtains. Thus, for as long as the law continues to lag behind the real social economic context there will be industrial unrest in the country.

We respectfully submitted under Chapter 3 that the solution to the ongoing industrial unrest in the country will depend on how the government can put into force the democratic planning of the Economy vis-a-vis fully-fledged effective participation of the workers in the Management of their industries. In essence, we are calling for equitable sharing of the "National Cake". Therefore the government, including all the other parties concerned are being urged to respond to the challenge we have stated during the course of our discussion.