

# TRADE UNIONISM IN KENYA

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As in most other parts of Africa, trade unions in Kenya are young and in their first stages of development. To understand our problems it is necessary for one to have a background of the labour population and its problems; our system of government and its impact on trade union development; and our society, including its political life and social structure. These are factors which influence the course of trade union development and the pattern and structure of the unions.

Kenya has a mixed population of Europeans (settlers and civil servants), Asians and Africans. Of the three, Africans form the largest unit with a population of  $5\frac{3}{4}$  millions, as against the Europeans with 45,000 and the Asians with 160,000. The African, though the native of the country, is the poorest of the three. He occupies the lowest economic and social status. He provides the unskilled labour which keeps the European's coffee, tea and sisal plantations going. He provides the manual labour for the Asian's commercial concerns and the houseboy for both. He is paid starvation wages and is housed either in camps of mud and wattle huts or in unplastered ceilingless rooms in African locations in the urban areas. Here the principle of housing on a bed-space basis is universally accepted and practised. He lives in two worlds: the urban or plantation area where he works and the native reserve where he must return when he is old and worn out and no longer of any use to his employers. For him there is no security and the coming of old age means a one-way ticket back into the reserves or a life in the towns in grim poverty. Despite the many changes that are now taking place, the white settlers still enjoy a privileged position in the social, economic and political life of the country. By their superior numbers in the legislative council, the Europeans have ensured their security at the expense of the African. The policies of land distribution, education, medical services and trade are generally discriminatory to the advantage of the white settlers. Labour laws, including minimum wages and conditions of employment, are decided directly or indirectly by the legislative council, hence the close identification of the white settler representatives with the European employers, who constitute the largest employing class.

My critics might say the above analysis of Kenya is out of date. They will refer to the changes that have taken place since the war and they may even say that there is a growing European liberal opinion that aims at improving the social and economic position of the African. One thing is certain: that none will challenge my facts but all will appeal to me to look into the future. As things stand, the future is both dark and uncertain. Today fear and suspicion reign in Kenya and the country is engaged in fierce racial politics. The Europeans defend privileges under the guise of security, the Africans seek their rights as individual citizens.

Kenya's trade union movement is predominantly African. The European workers are mainly employed in executive, professional and supervisory jobs. The Asians are employed in such skilled jobs as artisans, masons, etc. Clerical jobs are shared among Africans and Asians, with a few Europeans occupying secretarial jobs.

Until January 1955, wages in the Civil Service and in industry generally were paid on a racial basis. Thus, Europeans occupied Scale A, Asians Scale B and Africans Scale C, with the European at the top and the African at the bottom. This system applied even where the workers concerned were in possession of similar qualifications and did the same job. Today, the principle of equal pay for equal work is accepted and enforced in the Civil Service and High Commission services. Industry is also following suit. For the first time, therefore, a small number of professional Africans are entitled to the same salary for the same job. The application of this principle will, however, only affect a very small number of African workers, for the bulk of the African working population is unskilled and as such their wages are based on a minimum wage operated in various specified areas. The Asians, however, will move from their old buffer position upwards or downwards, according to the decision of the grading terms.

In Kenya, due partly to the lack of a genuine European working population and the fact that most skilled jobs have been performed by Asians, the problem of reserving jobs for whites has been almost non-existent. So far, the only problem has been to get Asian craftsmen to agree to teach Africans.

It can therefore be said that the Kenya trade union movement has been forced to take on a racial structure in its membership because of the structure that existed in industry, as outlined above.

The employing class is predominantly European, with a relatively large Asian employer class in commerce. This, I think, is another reason why unions have developed in racial compartments. Lastly,

I think that the political atmosphere and social structure that exists in Kenya has played a great part in marking these racial boundaries among workers.

Today we have in the main African trade unions in Kenya, with a few Asian unions, the oldest and most important of which is the Asian Railway Union. In the Civil Service there are three workers' associations, one for Europeans, Asians and Africans respectively. These, however, negotiate with the Government through one Central Whitley Council. Since the introduction of unified terms and conditions of service, the three racial organisations of High Commission employees have merged together in one body. There still exist three separate racial unions in the railway service, among post office workers and local government workers.

The history of the trade union movement in Kenya dates as far back as the 'thirties. For the purpose of this article we shall confine ourselves to the post-war years. Kenya did not become trade union conscious until 1947. During that year there was a big strike in the port of Mombasa. The strike was costly both in the working days lost and the chaos caused by the riots which accompanied it. Following this, a Commission was appointed to enquire into the causes of the strike, and in its findings the Commission pointed out, among other things, that the lack of channels of contact between workers and employers was the main cause. The findings of the Commission led to an awakening in Government circles of the need to encourage the setting up of joint consultative bodies with direct Government assistance or participation.

At this time too the Colonial Office (Labour Government) decided on a general policy of encouraging the development of trade unions in British Territories. Mr. James Patrick, a Scottish trade unionist, was sent to Kenya to become its first trade union adviser in the Labour Department. The title was later changed to that of Industrial Relations Officer. The settlers objected to this move by the Government, and at a meeting held in Thika in 1948 they told Mr. Patrick to go back to England (Scotland) and return in 500 years when Africans would be ready for trade unionism. In 1952, the Kenya Government passed a Bill through the Legislative Council. Thus the Kenya Trade Union Ordinance was enacted. Under this law, all unions in Kenya must be registered. They must submit their books of accounts to the Registrar of Trade Unions once every year and at any other time as the Registrar may demand. The Registrar has wide powers to refuse registration or to cancel registration of a union if, in his opinion, the union does not act

within its constitution.

Kenya has a total African labour force of 450,000. This labour force is equally divided between agriculture or plantation employment and urban employment. The trade unions are organised among the urban workers. There being no properly developed industries the unions are organised among the following groups of workers:

Railway African Workers' Union

Kenya Local Government (African) Workers' Union

Domestic and Hotel Workers' Union

Distributive and Commercial Workers' Union

Tailors' and Garment Workers' Union

Building and Construction Workers' Union

Dock Workers' Union

Typographical Union of Kenya (all African workers in the printing trade)

Transport and Allied Workers' Union.

The above unions are entirely African and are all affiliated to the Kenya Federation of Labour, which is the only central organisation of trade unions in Kenya. In addition to the above, there are:

The Kenya African Civil Servants' Association

The African Medical Staff Association

The African Postal & Telegraphs Employees' Association.

The non-African workers' organisations include the:

Asian Railway Workers' Union

Nairobi European Local Government Servants' Association

Nairobi Asian Local Government Servants' Association

Asian Civil Servants' Association

European Civil Servants' Association, and the

E.A. High Commission Staff Association, which includes workers of all races.

Our trade union movement can therefore be traced back to Mombasa where, under the leadership of Chege Kebachia, African workers formed a General Union under the name of the African Workers' Federation. This organisation was involved in the 1947 Mombasa strike, following which Chege Kebachia was arrested and deported to the Northern Province of Kenya, and the Mombasa African Workers' Federation collapsed.

The next attempt at unionism was in Nairobi. Most of the unions now affiliated to the Federation were formed as early as 1949. The first real attempt to form a central organisation was made by an Indian, Markham Singh, and Fred Kubai. They formed the East

African Trade Union Congress. This body was banned before even registration. Following this, Markham Singh was deported.

The Kenya Federation of Labour came into being in 1952, then under the name of Kenya Federation of Registered Trade Unions. As a Federation it did not have to register under the Trade Union Ordinance, but last year, after much settler agitation, the Government called upon the Federation to register under the Societies Ordinance.

Prior to the declaration of the Emergency, the unions were financially strong and numerically the total number of organised workers was 60,000. This excluded agricultural workers who have not so far been organised. During the Emergency, however, many trade union leaders have been arrested and detained on allegations of being associates of the Mau Mau movement, although they have never been convicted before a court of law. Many workers in Nairobi in particular, and in all other towns of Kenya in general, have been suspect when found in possession of union cards or literature. Cases have been known where possession of union cards have resulted in some workers being beaten up by members of security forces. Trade union offices have been subject to searches by police and documents seized in some cases.

In one case during one of the large sweeps in Nairobi (Operation Anvil) two European officers, carrying out a search of premises, entered the Federation offices and while one of them was asking the people found in the office to show their identity cards the other went out in the corridor to continue the search. A few minutes later a shot was heard. In the office one of the trade unionists collapsed in his chair. The officer out in the corridor had fired through the dividing cardboard wall and shot the trade unionist through the hips. The Federation made a complaint to the authorities. An identification parade was held and the officer duly identified. He admitted having fired the shot. He was never committed for trial despite repeated demands by the Federation. It took twelve months' pressure, both by the Federation, the British Trades Union Congress and the International Confederation of Free Trade Unions, to get the Kenya Government to pay compensation to the trade unionist.

There were other instances of apparent lack of discipline among members of the security forces which even when not directly aimed against trade unionists had effects on unions all the same.

While talking about the Emergency it is appropriate to mention a few aspects of the Emergency which created untold problems to

workers generally. The mass arrests and detentions created numerous social problems. To African families the arrest of men meant the removal of the breadwinner, leaving his wife, children, and in some cases other dependants, without means of subsistence. The arrested person himself lost his job and wages for the period of detention. Some lost all privileges earned including seniority of service, when they came back after screening. In the course of these mass arrests, property was often lost or suffered damage.

It is difficult here to go into the whole question of the Emergency, including, of course, the atrocities committed by Mau Mau, which in themselves made it necessary for the Government to take such measures as would restore law and order. I cannot however help saying that it is highly questionable whether all the measures taken were justifiable.

The conditions of the Emergency resulted in the reduction of Trade Union members and a general weakening of the movement.

Miraculously, the trade union movement has survived the repressive Emergency regulations, but more than this, the movement's influence has increased considerably during the Emergency. The stronghold of the movement is still to be found in Nairobi and Mombasa. The dominant position of the Central Province has, however, been considerably reduced and today there is a majority of members from the non-Kikuyu tribes—although tribalism has never been a problem in Union organisation.

Apart from the Emergency, the major problem in trade union development has been the high mobility rate among African workers. Most African workers are migratory and return to the African reserves every so often, hence it becomes very difficult to organise them. The main reason for the presence of this migratory labour force is the lack of security at the place of employment and the terribly low wages, poor housing arrangements and inefficient social services. The only security an African has for his old age is the small piece of land in the African reserve. To maintain his claim over this piece of land he has to renew his contact with the reserves regularly. Another problem is, of course, that of recognition by both the Government and the employers. Today it is Government policy to encourage the growth of trade unions. Because of this, the Federation is represented on such bodies as the Colony's Labour and Wages Advisory Boards. But the sincerity of the Government is still questioned when it comes to appointing trade unionists to various *ad hoc* committees set up from time to time to examine labour problems. There have also been cases

where the Council of Ministers has turned down decisions of Wage Councils to increase African wages.

The employers (mostly European) have been and still are hostile to the trade unions. Direct voluntary negotiation has been made impossible, except in one or two cases. Even a responsible body like the Nairobi City Council have refused to recognise the trade unions until forced to do so by a recommendation of a Board of Enquiry.

The following two resolutions passed by the Association of Municipalities of East Africa, on 7th January and 23rd March, 1955, respectively, help to illustrate the attitude held by some would-be responsible employers:

“... that no direct representation on to any such committee (Joint Staff Committee) be accorded the Kenya Local Government Workers' Union or any other local union.” 7-1-55.

“... that each local authority be asked to arrange its relations with its African staff so that the Trade Union movement, as now embodied in African staff matters, is not recognised.”

But despite this, relations with the Kenya Government have improved to some extent, except for the attempt recently to ban the Federation. This is dealt with later. One problem, however, that remains to be settled is the question of the functions of the labour department in the light of trade union development. Before the development of unions, the Government, through legislation and administrative arrangements, played the part of both conciliator in industrial disputes and protector of the workers generally. So long as there were no unions, this function was justified and, indeed, necessary. The development and establishment of unions in various industries means, however, that there must be friction between the Labour Officers of the Government and the Unions on the question of who should perform what function. It is particularly necessary that a Government declaration be made on this point, in view of the fact that many employers and even some workers, having got used to the old relationship, regard trade unions as intruders.

Strikes have not been prevalent in Kenya during the Emergency. So far the only major strike was the seven-day strike at Mombasa in April 1955. It is, however, difficult to see how strikes will be avoided after the Emergency is over, unless the employers become more co-operative and agree to recognise and negotiate directly with the unions.

The white settlers have shown themselves terrified of the trade unions in most statements they have made over the last few years. The Government's policy of encouraging the growth of trade unions has been attacked violently at settler public meetings and by settler representatives in the legislative council.

Since 1954, the question of distinction between trade union and political activity has been raised several times in the Kenya Legislative Council. The European settler members of the Council have accused the Kenya Federation of Labour of engaging in political activity, and have consequently urged the Government to legislate against trade unions taking an interest in politics or even making statements or commenting on political problems.

The accusation against the Federation arises out of the fact that several times during the Emergency it has condemned Government handling of the Emergency, and also condemned European political actions. Since the banning of the Kenya African Union it has been the desire of Europeans to silence completely any form of African political expression. The Federation further sent resolutions to the 1955 Vienna Conference of the I.C.F.T.U. drawing attention to the existence of what the Federation believes constitutes forced labour in Kenya and also pointing out steps that are necessary to bring an end to the Emergency and establish permanent political stability and good race relations.

These suggestions were repeated by me in London on 9th January, 1955, and included: the need to provide effective African representation in the legislature; to extend adult suffrage to Africans as is already the case with Europeans and Asians; to introduce compulsory free education beginning with towns; to ban colour discrimination by law and to ban further immigration of European farmers and Asians. The Federation also demanded that the British Government should declare that it was its intention to establish a democratic government in Kenya.

The Government has, however, succumbed to settler pressure and so has introduced an Emergency law, making it illegal for the Federation or any other African body to make political statements on a national basis, thus restricting all activities to a regional level.

The Federation, however, believes this is a contravention of the democratic rights of freedom of association and freedom of expression.

This general survey of the development of trade unions in Kenya would show that trade unions have an important function to perform in the development of African society. Trade unions can be the

training ground for democratic practice and leadership. Our trade unions will not be satisfied until they can freely contribute to the social and economic development of the worker as a class. As such they constitute the greatest threat to the privileged position of the white settler. It is not surprising, therefore, that the settler is determined to undermine and, if possible, suppress the young movement. The foundation of a socialist political movement is bound to come out of this development and especially now that the Federation is not even allowed to make statements on such issues as representation in the legislative council, the franchise, and education. In the period of the Emergency there is ample room for the use of repressive or prohibitive measures under the pretext of security. The end of the Emergency will, however, necessitate a new thinking and a new attitude, for I believe that in Kenya permanent European domination is impossible. Kenya could never become another Southern Rhodesia or South Africa, and any attempt to try to suppress the growth of *bona fide* trade unions is bound to lead to serious troubles in industry and elsewhere.

The Kenya trade union movement maintains contact with trade unions in the free world through the affiliation of the Kenya Federation of Labour to the International Confederation of Free Trade Unions. At the request of the Federation, the I.C.F.T.U. opened an East Africa office in Nairobi in 1954. Prior to this, the I.C.F.T.U. has sent two delegations to Kenya. The I.C.F.T.U. office, in a joint effort with the Federation, organises trade union weekend courses and publishes a newsletter every fortnight. The courses are held in different centres, the aim being to train trade union leadership in office administration and collective bargaining procedure. The I.C.F.T.U. has also agreed to run a trade union paper in Kenya, starting with a monthly issue to be developed later to a weekly issue. Through the I.C.F.T.U. the Federation has been presented with a jeep by the American Automobile Workers' Union, to further trade union educational activities in Kenya.

The Federation further maintains good friendly relations with the British Trades Union Congress. The T.U.C. has given both moral and material support to the Federation and its affiliates. It donated a library set of trade union books and office equipment. During the Emergency, it has more than once intervened on behalf of the Federation by making representation to the Colonial Office, culminating in the visit to Kenya this year by Sir Vincent Tewson to discuss the threatened deregistration of the Federation.

The individual unions are affiliated to International Trade Secretariats who help by giving expert advice on problems concerning specific industries.

The road before us is rough and uncertain.

Poverty, ignorance and disease exist in our country and among our people. So long as this situation prevails, we cannot afford to fail. Despite the many odds that we have against us, I have faith and confidence in the future.

## EQUAL PAY FOR EQUAL WORK IN FRENCH WEST AFRICA

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FRENCH WEST AFRICA is one of the continent's "grey" areas; among its 17-18 million African inhabitants live some 63,000 Europeans—not only officials and traders, but businessmen, wage-earners, shopkeepers, planters. While few of them are settlers in the same sense as Europeans in Southern and Eastern Africa, there is a growing feeling of permanence among large sections of the European community, a permanence symbolized by the increasing number of small shopkeepers who have come to Dakar, Abidjan and other urban centres in recent years to serve the expanding European population. Even among the approximately 14,000 European wage-earners there are many who plan to spend their working lives in Africa (interrupted by long vacations in France). French West Africa thus has many of the characteristics of a plural or multiracial society, and the French Administration is faced with the general problem common to all such societies: working out the terms of a peaceful coexistence of the races.

In principle, the French have committed themselves to a policy of full equality of treatment for Europeans and Africans; the ideology of equality forms the doctrinal cornerstone of post-war French colonial policy. This post-war brand of colonialism is a peculiar arrangement. It is a colonialism on the defensive, sensitive to hostile world opinion, anxious to "maintain social peace", and aimed at keeping an equal and ultimately autonomous West Africa within the French Union. Under its reforms, the cruder features of the old colonialism have been planed away. Colour bar and other