

An attack on the right to strike?

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Tensions are mounting on the eve of Namibia's first national teachers' strike. Arguments for and against the strike have been traded publicly and those against the strike have argued that government debt has increased manifold in the past few years and thus government was unable to offer more than a 5% increase. Government pointed out that a teachers strike would have far-reaching social, economic and financial consequences. On its part, the union negotiating on behalf of teachers, the Namibia National Teachers Union (NANTU), argued that politicians have increased their own incomes and benefits substantially over the years and that the inflation rate has reached around 7%. Thus teachers feels that the demand for an 8% increase is reasonable and constitutes little more than an inflation adjustment.

As NANTU and government could not reach a mutually acceptable agreement, they followed a lengthy conciliation period facilitated by the Office of the Labour Commissioner and when this failed NANTU reverted back to its membership and held a strike ballot amongst all teachers. The overwhelming majority voted in favour of a strike. In response, government resorted to various strategies to delay and undermine the pending strike. These included attempts to recruit "volunteers" from inside and outside Namibia to replace the striking teachers as well as drawn out arguments about the strike rules. Government went as far approaching the Labour Court to obtain an interdict against the strike but lost the case.

No matter if we support the teachers' demands or not, it is important to remember that it was a long and truly bitter struggle for workers in Namibia and around the world to finally win the right to strike. The crude labour exploitation and oppression of workers' rights during colonial rule provides a reminder of just how important the right to strike is. Even after independence several employers attempted to undermine this critical tool of workers' struggles. After the first Labour Act of 1992 was implemented, several employers still resorted to "scab labour", i.e. new workers to do the job of striking ones. This effectively undermined the strike as a workers' tool and increased tensions and conflicts at workplaces. The Labour Act of 2007 therefore stated very clearly that employers must not ask anybody to do the work of employees who are on a protected strike.

Attempts to undermine the right to strike are neither new nor unique to Namibia. In a just released report covering more than 100 countries, Edlira Xhafa pointed out that almost all of them "have implemented legal measures and practices which violate the right to strike". The report stated that the right to strike is coming under increasing pressure at the international level and this "reached a new peak at the 2012 International Labour Conference (ILC), at which the Employers' Group challenged the existence of an internationally recognised right to strike protected by ILO Convention No. 87 and questioned the most authoritative international mechanism for bringing violations of the right to strike to the attention of a global audience". During the past 5 years, the two most common areas of violations were acts of interference during strikes and "excessive sanctions in the case of legitimate strikes".

In the Namibian case, it is important to remember that since independence government has been advocating for a “social partnership” and tripartite consultations between business, government and trade unions to address the challenges facing labour relations. There is an obvious power imbalance between these 3 parties as business has a huge advantage in terms of economic power while government holds political power. Workers and their trade unions on the other hand, can only rely on their strength in numbers with the right to withhold their labour being the most important tool at their disposal.

This very tool, the right to strike, is now being undermined by the very government which is supposed to spearhead improved labour relations and be an exemplary employer. There is no doubt that all parties involved (including the teachers) share the concerns about the impact of a strike on our children and their education, but the current dispute of interests between teachers and their employer must not be used to set a dangerous precedent that will undermine the right to strike. This would have far reaching consequences for all Namibian workers in the years to come. The only solution regarding the pending teachers strike is for government to return to the negotiation table and to reach an acceptable solution through negotiations in good faith. Undermining the right to strike is not the way to go.

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