

# **An Overview of the Conditions of Workers and Unions in South Africa and Nigeria**

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## **Abstract**

Comparative studies on African trade unions are rare. However, as will be shown in this article, unions on the continent, specifically in Nigeria and South Africa, face similar obstacles and challenges. Although in different contexts, trade unions in Nigeria and South Africa both had to contend with the expression of colonialism and neo-colonial oppression in the workplaces. Post-independence, Nigerian unions had to mobilise against neoliberal policies, leading to confrontation with the dictatorship of the state. Similarly, in South Africa unions had to contend with workplace restructuring imposed by employees and the state in post-apartheid South Africa. Neoliberal attacks on workers and working conditions have also led to changes in the social composition of workers and the rise of precarious forms of work in both countries. Beyond that, union federations are also faced with fragmentation and division, weakening their position to challenge attacks on workers.

## **Introduction**

Both South Africa and Nigeria are products of colonialism, capitalism, and British imperialism. Nigeria became a British protectorate in 1901, and formal colonisation was ended in 1960. Comparably, South Africa was first colonised by the Netherlands in 1652, but British imperialism took over the administration of the country in 1806. However, formal apartheid was only ended in 1994, with the election of the African National Congress (ANC), a former liberation movement, in 1994 (Beckman, Buhlungu & Sachikonye, 2010). According to figures of the International Monetary Fund (IMF), in 2017 Nigeria's Gross Domestic Product (GPD) was \$376.3 billion, making it Africa's largest economy, and South Africa's was second at \$349.3 billion (BusinessTech, 2020). Due to their relatively strong economic and industrial bases, both countries are dominant economically and politically in their regional economic and political blocs and in Africa as a whole.

With few exceptions, comparative studies on labour movements in South Africa and Nigeria do not comprise an area of research that attracts much scholarly interest; and yet, as will be shown in

the article, both labour movements have faced similar challenges in different contexts. Although operating in contradictory and often restrictive economic and political terrains, trade unions in Nigeria and South Africa have tended to act as a democratising force, not only representing the interests of their members but also those of the marginalised sections in these countries (Beckman, Buhlungu & Sachikonye, 2010). There is a general agreement that the South African labour movement led by the Congress of South African Trade Unions (COSATU), the biggest union federation in South Africa, played a major role in the democratic transition and the subsequent emergence of state-labour-business institutions of social dialogue like the National Economic Development and Labour Council (NEDLAC). On the other hand, labour formations in Nigeria have had to respond to five stretches of military rule since 1966 (Barchiesi, 1997; Beckman, 2009). Both unions at different times have had to contend with neoliberal policies, like the Economic Structural Adjustment Programmes (ESAPs) in Nigeria in the 1980s. Although the South African labour organisations are commended for having established institutions of social dialogue (Beckman, 2009), the country's "self-imposed" ESAPs in the form of the Growth, Employment and Redistribution (GEAR) strategy was announced by the state in 1996 without any form of consultation with organised labour, which was, in large part, in an alliance with the ruling ANC (Lee 2009). Barchiesi (1997) and Beckman (2009) conducted comparative studies on unions in Nigeria and South Africa, and these provide invaluable contributions to understanding organised labour in both countries and how formations navigate complex terrains of politics and economics in the age of neoliberalism. However, the two studies were conducted in the previous two decades, and since then there have been many new developments, such as the deepening precariousness of work and a further fragmentation of organised labour in both countries. Therefore, this contribution concretely examines the conditions of workers in both countries in the context of what Buhlungu (2010) calls "economic liberalisation" or neoliberalism, which seeks to weaken the economic and political position of workers and the unions in both countries, in an age characterised by the fragmentation of organised labour and the rising precariousness of work.

### **The emergence of the labour movement in South Africa**

The discovery of gold in what is now the Witwatersrand and the surrounding areas in 1886 accelerated the development of capitalism in South Africa. The mining of gold was based on the

migrant labour system: black male workers were recruited from distant rural areas known as reserves. Land in the reserves was allocated to blacks as a result of the colonial conquest of the indigenous population by British imperialists. The migrant black mine workers earned low wages, and worked and lived under slave-like conditions. They could only visit their families in the reserves once a year, causing deep geographic and social divisions within families. White workers performed skilled and supervisory jobs on the mines and later in factories, earning higher wages and living in decent housing with their families. Their living conditions generally compared favourably with those of workers in the Global North. In response to racially despotic regimes on the mines, black workers utilised covert strategies for resistance, as well as overt tactics like strikes to fight for improved living and working conditions (Bezuidenhout & Buhlungu, 2011; Hlatshwayo, 2003).

The early phases of capitalism were characterised by the dominance of agriculture and mining, but this was to change during and after the Second World War. Formed in 1919, the first significant predominantly black trade union in South Africa was the Industrial and Commercial Union (ICU). The ICU had what can be regarded as unskilled and skilled workers, and had 150 000 members in 1927–1928, overshadowing the ANC at the time (Labour and Community Committee [LACOM], 1989).

With the assistance of the state, manufacturing became “the greatest contributor to overall gross domestic product, and overall economic growth in the 1960s rivalled that of Japan – averaging 5.9 percent per year in real terms (compared with the 4 percent annual average growth of the 1950s)” (United States Library of Congress, 2019: 1). The contribution of the manufacturing sector to the GDP increased from 21.3% of the total in 1962 to 23.4% in 1970. Manufacturing involved the building of factories and use of machinery that required a huge number of workers to operate. As a result, the size of the workforce increased. According to Innes, the number of workers employed in manufacturing increased by 63% between 1960 and 1970 (Innes, 1984). The number of black workers employed in all industries increased during the 1960s. For example, in 1960 about 4.8 million blacks were employed, and this number increased to 6 million in 1970 – an increase of over a million (Bell, 1984).

The increase in the number of black workers, the economic crisis of the 1970s, and the systematic repression in the workplace and in black communities led to mass strikes in the port city of Durban, on the east coast. From mid-January to the end of February 1973, 60 000 black workers came out on strike (Boulanger, 1974). The Durban strikes are historically significant because they led to the formation of the black trade unions that played a major role in the struggle against apartheid in the workplace and later, especially in the mid-1980s, in black residential areas. According to Friedman (1987, 87):

Although the years immediately after 1973 were harsh, they were not wasted. The unions won few new factories which would remain organised or improvements for their members, but they did gain two weapons which were to prove even more valuable: a strategy – tight factory organisation – and a tool to implement it – the formal recognition agreement.

The Durban strikes and worker militancy in other parts of South Africa paved the way for the formation of trade unions and the building of a shop-steward movement, which was central in the spilling over of workplace issues into community struggles in the 1980s. Following the proposals of the Wiehahn Commission, which was established by the apartheid state as a response to the strikes and released its report in 1979, the state was willing to recognise and register black trade unions. Subsequently, some trade unions applied to be registered and others did not, citing a reluctance to being associated with institutions of the apartheid state (Morris, 1981).

Many black trade unions used the legal spaces to extend their influence and to organise workers in all parts of the country. After intense debates about their political role, by the mid-1980s the unions had managed to play a significant role in the struggle against apartheid, both within communities and nationally. The unions became a crucial resource in the struggle for liberation. Shop-floor structures that were established in factories were replicated in black townships like Alexandra, near Johannesburg (Forrest, 2011). Apart from those working in the areas of retail, farming, seasonal and domestic work, in the 1970s and 1980s, through shop-floor and national organising, trade unions were able to win rights for permanent workers such as better wages and some benefits (Barchiesi, 2011; Kenny, 2018).

These advances in the workplace were accompanied by the launch of a national federation, the Congress of South Africa Trade Unions (COSATU) in 1985. This organisation was to become one of the main players in politics and industrial relations in the future. One of the main features of COSATU at its inception was that workers from the mining and manufacturing sectors dominated it numerically.

### **The emergence of the labour movement in Nigeria**

Trade unions in are the creation of four necessary conditions associated with capitalism (Otobo, 1987) as follows: widespread wage employment, legal and physical freedom of workers and potential workers to move around in the search of employment, basic if not sole dependence of workers on their wages or salaries as their means of sustenance or survival and widespread grievances. With workers having been brought together in cities and factories where they were being paid miserable and unregulated wages, under severely poor and dehumanizing working conditions, dissatisfaction among them became widespread. The grievances led to various forms of resistance which ultimately culminated in trade union organisation.

In the case of Nigeria, the aforementioned four conditions implicit in the capitalist mode of production were fulfilled with the introduction, rise and development of Western capitalist enterprise, which led to colonial occupation and the growth of industrial capitalism and wage employment. The colonial administration with its infrastructural activities targeted at the construction of residential and office accommodation, roads bridges, ports etc for capitalist enterprises greatly accelerated the emergence of an African wage labour force. Hence, the first industrial action of coal miners in Nigeria was recorded in 1897 (Hopkins, 1966). The trade union movement in the country emerged out of this early resistance. These may account for the origin and growth of trade unions in the country, and may explain the fact that trade unions in Nigeria first emerged in the public service with the formation of the Southern Nigeria Civil Service Union on 19<sup>th</sup> of August, 1912, which changed its name to the Nigeria Civil Service Union in 1914, following the amalgamation of the Northern and Southern Nigeria.

The trade union leaders of the time were mainly petition writers - protesting such issues as racism - discriminatory treatment and conditions of service between African and European workers in the civil service. Moreover, the union leaders were mainly white-collar bureaucrats with a conservative

approach to grievance processing - underpinned by a no-strike orientation as they struggled to conform to the colonial expectation of cultured gentlemen. This posture of the trade union leaders led to dissatisfaction among some sections of the membership and resulted in the breakaway and formation of the Nigerian Union of Teachers and the Railway Workers Union in 1931. This is often viewed as the beginning of active trade unionism in Nigeria.

In Nigeria there have been conflicts relating to the scope of trade union activity. In terms of the Nigerian Trade Union Act (Section 1 of the Trade Union Act of 1973, as amended in 2005), the major aim and purpose of a union is the representation of workers in the regulation of wages and working conditions within industry. While the government prefers to limit trade unions to “workplace issues” typical of business unionism, the trade unions prefer to define their role more broadly as embracing political engagement, sometimes pursued through civil society alliances - social movement unionism. This has often brought the Government in loggerhead with trade unions, especially during general strikes. The government’s position is based on Section 15 of the Trade Union Act that forbids trade unions from using union funds for political purposes or the furtherance of political objectives.

### **The 1976 Labour Policy: Guided Democracy**

In 1976, the government introduced labour reform which it termed “guided democracy”, with the essential feature as limited intervention in the industrial relations. This led to the restructure of about 1000 house unions into 70 industrial unions in 1976 - comprising of 42 workers unions, 19 senior staff unions and 9 employers association – (later amended in 1996 and 1990 and 2005). Some identifiable features of the New Labour Policy that may have implications for this discussion are as follows:

- i) automatic check off system (compulsory payment of union dues by members – eg. deductible from source) with a provision for "contracting out" by junior workers;
- ii) creation of industrial (rather than house) unions;
- iii) obligatory recognition of registered trade unions by employers;
- iv) Explicit grievance resolution machinery as provided in the Trade Dispute Act,
- v) the introduction of a third party intervention in grievance processing in industry;

- vi) the technical outlaw of strikes by trade unions in the Act (and the insertion of a bottleneck in the 2005 amendment requiring unions to obtain a majority vote by all registered members through a strike ballot as a prerequisite for a strike);
- vii) the recognition of a central labour organization - the Nigeria Labour Congress (NLC) to the exclusion of any other labour centre;
- viii) the prohibition of employers and employees from joining the same union;
- ix) compulsory affiliation of the industrial unions to the central labour organization;
- x) recognition of senior staff associations as trade unions.

Some elements of the policy (i and ix above, for instance) were largely motivated by an effort to veil the unions from foreign influence and socialist ideology and related funding overtures. Following the era of neoliberal democracy that commenced in May 1999, the trade union movement in Nigeria became more vocal and militant. Between 1999 and 2005 the NLC organised several general strikes each of which shut down the Nigerian economy as affiliate trade unions mobilised their workers to join the strikes. The strikes also covered the inform sector workers who were not members of the unions affiliated to the NLC. This was very challenging to the Obasanjo Administration which took steps from 2002 to curb the militancy of the NLC. Two major streams of action in this regard are noteworthy. First, the government instituted legal actions against the NLC and the strikes. After two failed attempts by the Federal Government to get the courts declare the strikes illegal in January and February 2004 respectively, Justice Roseline Ukeje of the Abuja High Court gave a ruling favourable to the Government in June 8, 2004 by among others declaring the NLC strike illegal and that the NLC lacked legal power to call a general strike over government policies. Based on this, subsequent strikes by the NLC were faced with state brutality (Okafor, 2010).

Second, the government embarked on labour reform which was woven around the Trade Union Act and the Trade Dispute Act. An Executive Bill for the amendment of the Trade Union Act was sent to the National Assembly in 2004. The stated intent of the Bill was:

“... To Amend The Trade Unions Act, as amended to provide for among other things the democratization of the labour Movement through the expansion of opportunities for the

registration of Federation of Trade Unions as well as the granting of freedom to employees to decide which they wish to belong”

However, the underlying but unstated objective of the Bill was to curtail the militancy of the NLC in reaction to the strikes. According to the Report of the proceedings on the Bill, further arguments by government representatives were made,

“against the crippling effects of frequent strikes and the enormity of the losses, which the economy suffers. This situation was blamed on the fact that the Nigeria Labour Congress (NLC) operates like a monopoly being the only legally recognized central labour organization. Thus the NLC sometimes become and tended to hold the entire country to ransom. Therefore, the amendments sought were to create opportunity for other central labour organizations to exist and to reduce the frequency of strikes and the attendant negative effects on the nation” (Salim, 2005).

The Bill was passed into law by the House of Representatives on the 9<sup>th</sup> March, 2005 and the Senate on the 15<sup>th</sup> March, 2005. The Trade Dispute Act was similarly amended. Sections 4, 18 and 42 of the *Trade Disputes Act LFN 2004* (as amended), and Section 31(6) of the *Trade Unions Act LFN 2005* (discussed in the preceding section) provide for noteworthy conditions under which a strike (or lock out) can be contemplated or carried out as follows:

- (a) The workers and their union must not be engaged in the provision of *essential services*;
- (b) The strike must be in contemplation or furtherance of a labour dispute that constitutes a *dispute of right*;
- (c) The strike must be about a dispute arising from a collective and fundamental breach of contract of employment or collective agreement on the part of the employee, trade union or employer;
- (d) The provisions for *arbitration* in the *Trade Disputes Act, Cap T8, LFN 2004* must be complied with;
- (e) The union must have conducted a *ballot* at which a simple majority of all registered members voted to go on strike (This condition was modified to reflect simple majority of members present, as a result of the public hearing).



The above which translates to a technical outlaw of strikes in Nigeria, may constitute a threat to the ILO Convention 87 (Nwokpoku et al., 2018; Okene, 2007b; Opara, 2014; Otuturu, 2014). It has therefore, been noted in the light of the foregoing that the real intention of government in Nigeria is to structurally control Labour unions. This has been a major source of conflict between labour unions and government (Anyim, Ideh & Danesi, 2017; Onah, Ayogu & Paul, 2016).

### **Changes in the social composition of trade unions in South Africa**

COSATU became a strong force in the liberation struggle during apartheid and contributed through efforts in the workplace and communities to the dismantling of formal apartheid. Initially, blue-collar workers employed in the mining industry dominated it and later manufacturing sectors during the period of economic expansion in the 1960s. However, the 1990s saw changes in the social composition of COSATU. According to Southall (2015: 165):

Much of the growth in trade unions is explained by the speed of unionisation in the public sector. By late 2011, trade union membership in the public sector had climbed to 36 per cent of the total union membership in the country. Correlatively, the proportion of public to private sector membership within COSATU increased from 7 per cent in 1991 to 39 per cent in 2012.

**Table 1: Private- and public-sector union membership 1997–2016**

<b>Year</b>	<b>Private sector number of union members</b>	<b>Private sector union members as % of workers</b>	<b>Public sector number of union members</b>	<b>Public sector union members as % of workers</b>
1997	1 813,217	35.6	835,795	55.2
2001	1 748,807	30.6	1 070,248	70.1
2005	1 925,248	30.1	1 087,772	68.4
2010	1 888,293	26.3	1 324,964	74.6
2013	1 868,711	24.4	1 393,189	69.2
2016	2 596,084	18.2	1 192,447	66.1

Source: Borhat and Khan (2018: 28)

Table 1 presents a fundamental narrative about the transformation of unions, from being dominated numerically by private sector or mining and manufacturing unions in the 1990s to an increased

representation in public sector unions. Private sector union members as a percentage of workers was 35.6% in 1997, but this declined to 18.2%. Public sector union members as a percentage of workers increased from 55.2% in 1997 to 66.1% in 2016 (Bezuidenhout, Bischoff & Nthejane, 2017; Bezuidenhout & Tshoedi, 2017).

Changes in the social composition of unionised workers and the dominance of unions by public sector workers have had far-reaching implications for workers in South Africa. Public sector workers tend to hold higher formal educational qualifications compared to blue-collar workers. In 1994, only 3% of COSATU's membership had technical diplomas and no one surveyed had a university degree. However, in 2014, 20% of union members had technical diplomas and 17% had university degrees. In 1994, 30% of the membership comprised unskilled workers, but this percentage declined to 8% in 2014. During the same period, the percentage of members with skills increased from 21% to 37%. Unlike manufacturing and mine workers, who face retrenchment on an almost daily basis, public sector workers only faced some retrenchments in 1996 (cited in Zwane, 2014). Unlike the situation under apartheid, the social composition of COSATU membership changed from blue-collar to public sector workers, who were more likely to be highly skilled and have higher qualifications and who were likely to be considered part of the middle class.

Some scholars and commentators argue that this change in the social composition of unionised workers may have contributed to the reduction in militancy within COSATU, as public sector workers tend to enjoy legal and social protection (Buhlungu, 2010; Lehulere, 2005). Nurses, police and other foot soldiers of the state's bureaucracy have a stake in the system in the form of bonded houses and higher salaries than precarious workers. Unions dominated by public sector employees tend to be insulated from the harshness of the market in which manufacturing and mining workers are located.

Unlike manufacturing workers, public sector workers do not have to deal with racist management that still treat blacks as inferior beings, as management in the public sector is overwhelmingly black. It appears that manufacturing workers are concerned that the new social composition has impacted on the union's ability to defend and advance their interests (cited in Zwane, 2014).

Dinga Sikwebu, a unionist representing metal workers, had this to say about the relationship between public manufacturing and private sector workers: “When our members go to a COSATU conference and say, ‘listen guys, the policy of trade liberalisation and the lowering of tariffs are hurting us’, that’s Greek to a teacher ... chrome and ore aren’t here but are being sent to China and therefore we need export taxes’, that’s all Greek to a NEHAWU [National Education, Health and Allied Workers’ Union] member who works in a hospital” (cited in Zwane, 2014).

### **Changes in the social composition of trade unions in Nigeria**

In the case of Nigeria, the social composition of organised labour on the part of the government has been an issue of anxiety and tension. The Nigerian government has had issues with recognising senior staff associations as trade union. This is evidenced in the refusal of the government to register the senior staff association even when they had fulfilled the requirement for registering an umbrella union (Otobo, 1992a) documented the intrigues displayed by the government to evade the registration of the senior staff association.

Although senior staff associations emerged in reasonable numbers in both public and private sectors of Nigeria in the 1930s and 1940s the associations were however, not involved in active unionism. They were more involved in petition writing, fight against discrimination in remuneration on racial grounds and the improvement of the number of Nigerians in senior positions. Given the recognition of senior staff and professional associations by the Trade Union Act, 1978, the economic crisis of the 1980s and the prohibition of the senior staffers from joining the NLC by the Act, it became germane that they would form their own central body. Hence, after several bottlenecks place on the emergent Association by Government’s registering body, the Senior Staff Consultative Association (SESCAN) became registered on December 12, 1986 with 18 affiliate members. (Otobo, 1992a). As the name implied, the body was ‘consultative’ - the name defined its role. By the provisions of the Trade Union Act (as amended in 2005), however, the outfit became registered as a labour centre on the 8<sup>th</sup> of August 2005 as Trade Union Congress (TUC) arguably, more appropriate to trade unionism.

It would seem that at the initial stage government was jittery about the affiliation of the SESCOAN with the NLC would radicalise the hitherto ‘managerial’ SESCOAN and in the alternative proceeded

in providing a central body for them partly as a means of moderating the militancy of the labour movement and possibly using them for the purpose of divide and rule. This in particular played out in the 2019 minimum wage struggles. The NLC declared a general strike as part of the struggles against the increase of the pump price of petroleum products. The TUC was part of the struggle from the onset but withdrew midway. According to Akosa (2005), when the TUC president withdrew from the strikes midway, what was most significant was the wave of denouncements from TUC affiliated unions that greeted the withdrawal. Many of the affiliates of TUC condemned the action of the leadership and were more determined to continue to fight on. A sizeable number of the affiliate unions continued with the struggle until the NLC called off the strike. This is an example of how the ambivalent position of the senior staffers and their association could be instrumental to the weakening of working class struggles.

### **Fragmentation in the context of deepening poverty and inequality in South Africa**

COSATU, which contributed to the dismantling of formal apartheid in 1994, is a shadow of its former self. The unions in general are on the back foot, partly because, over the past two decades, the number of unionised workers has declined by 25%, which means that one in four workers is unionised today. Low unionisation rates are not good for unions or for workers, who are supposed to use their collective strength to fight retrenchments and violations of the rights of workers. It can also be argued that the inability of the unions to struggle for redistributive justice may have contributed to the extreme inequality in South Africa (Marrian, 2019). In 2015, South Africa was regarded as the most unequal society, with a Gini coefficient of 0.63. The World Bank indicated that over 75% of South Africans became part of those regarded as poverty-stricken at least once between 2008 and 2015, with those in rural areas the most severely affected. On the other hand, the top 10% of households account for 55% of household incomes, 69% of total household asset values and 71% of household net wealth (Feketha, 2018; World Bank, 2018).

Besides the change in the social composition of trade unions that was socially engineered through retrenchments and massive unemployment, which is now close to 40% (when using an expanded definition), COSATU faces fragmentation and divisions that have further weakened trade unions (Webster, 2019). In 2014, COSATU expelled NUMSA, a manufacturing union with more than 300,000 members, making COSATU almost an exclusively public sector trade union federation.

The expulsion, as reported by NUMSA, was because NUMSA believed that COSATU was no longer challenging attacks on labour and retrenchments, and was not willing to challenge the ANC, which is an ally of COSATU (Satgar & Southall, 2015; Bezuidenhout & Tshoaedi, 2017). Subsequently, a new union federation called the South African Federation of Trade Unions (SAFTU) was launched in 2017. With its membership drawn mainly from NUMSA, the new federation claims to be representing 700,000 workers (Forrest, 2017).

A number of unions affiliated to COSATU have had intra-union rivalry, further dividing and weakening workers who are supposed to be represented by the unions. The South African Municipal and Allied Workers' Union (SAMWU), which ran a very smooth internal administration, had huge financial reserves and was staffed by competent leadership and officials, split twice over the past five years. They were caused by dissent over the control of the union's finances and there were allegations of corruption within the union. The union investment companies are another source of division and corruption within the unions. Leaders of unions have access to the resources and monies of investment companies. As the electoral dominance of the ANC declines, the party becomes a space for upward social mobility for union leaders, and union investment companies and union funds become a new avenue for personal financial advancement of union leaders (Marrian, 2019).

Corruption Watch, an organisation associated with COSATU that monitors corruption in South Africa, commented on corruption in SAMWU:

The union has yet to find the R178-million which went missing months ago, and it faced a revolt from members, who were later expelled after its leaders were accused of the theft. Some of the expelled members have since established a new union, the Democratic Municipal and Allied Workers Union of South Africa, or Demawusa. (Corruption Watch, 2015: 1)

While these internal battles were taking place within the unions, workers were jeopardised. For example, precarious forms of work continued within municipalities and the state in general and the lowering of labour standards further disadvantaged black women workers who were employed

as vulnerable workers in municipalities and other state entities (Hlatshwayo, 2017). According to a World Bank (2018: 39) report: “Precarious forms of work, including casual employment and employment without a permanent contract, constitute the largest share of all jobs among the poor and the vulnerable, whereas among the middle class and elite, 80 percent of all household heads who work as employees have a permanent contract.”

The South African Society of Bank Officials (SASBO) is a finance union affiliated to COSATU, which has had to respond directly to the Fourth Industrial Revolution (a data and information revolution driven by the use of artificial intelligence, nanotechnology, and 3D printing to improve production). South African banks have been using new technologies to improve their services since the 1990s, leading to a decline in jobs within the sector. At the beginning of 2019, Standard Bank, one of the leading banks in South Africa, announced that it would be closing 91 branches, largely because of the automation of services. As one of the responses to this decline in jobs, SASBO, with the support of COSATU, planned to strike on 27 September 2019, but the strike was cancelled after the court declared that the union had not followed legal processes. The South African unions, COSATU in particular, have adopted a rearguard approach to technological changes, despite the fact that such changes have led to job losses in the manufacturing sector. Like SASBO, unions tend to focus on bargaining over wages to the exclusion of discussions about the implications of new technology. This strategy is contrary to that of German unions, which tend to combine bargaining over wages, working conditions and technologies, helping the unions to defend jobs long before the introduction of new technologies (Hlatshwayo & Buhlungu, 2017; Mugadze, 2019).

### **Fragmentation of the trade unions in Nigeria in the context of deepening poverty and inequality**

The labour movement in Nigeria has experienced several levels of tensions leading to fragmentations (Bingel, 1997; Lakemfa, 1997). The 2015 factionalisation of the Nigeria Labour Congress is attributable to internal power struggle between public and private sector led unions. Tension was created by the claimed violation of a gentleman agreement on inclusiveness reached during the Presidency of Comrade Abdulwahed Ibrahim Omar – that the Presidency of the labour Centre would be rotated between unions in the public sector and organised private sector. Prior to

the 2015 election impasse, Comrade Omar, from the Nigeria Union of Teachers (NUT) (a public sector union) succeeded Adams Oshiomhole of the Textile Workers Union (a private sector union). In the 2015 elections, Comrade Ayuba Wabba – the then President of the Health Workers Union of Nigeria (which is a public sector union) contested with his rivalry Comrade Ajaero from of the National Union of Electricity Employees (NUEE) – a private sector Union. The election of February 2015 was deemed inconclusive as accusations and counter accusations of electoral malpractices were rife. On the intervention of some labour veterans led by Comrade Hassan Sunmonu , another election was held in March 2015 in which Comrade Wabba was declared the winner. The Ajaero’s faction, however, rejected the outcome. The aftermath was that the NLC paraded two factional presidents.

The leadership crisis in the NLC got to a climax on December 17, 2016 when the Ajaero-led faction announced the formation of a new labour Centre – the United Labour Congress (ULC). Affiliates of the new Centre include some unions in critical sectors of the economy namely National Union of Petroleum and Natural Gas Workers (NUPENG), National Union of Electricity Employees (NUEE), National Union of Banks, Insurance and Financial Institutions Employees (NUBIFIE), and National Association of Aircraft, Pilots and Engineers (NAAPE). Underlying the succession tussle and its aftermath is a more fundamental character of the leadership of the trade union movement in Nigeria – located in the quest for materialist ascendancy through a parasitic engagement with trade unionism. This tendency makes them materially disconnected from shopfloor workers and hence, socially aloof of the membership. This life style is a derivative of the Nigerian brand of neoliberal politics.

A second factor that is related to the first was the issue of political interference by the two major political parties in Nigeria – the All Progressive Congress (APC) – the ruling party to which Comrade Adams Oshiomhole belonged and the People’s Democratic Party (PDP) which was then the major opposition party. Influential members of the two parties were found to be at the 2015 NLC Delegates Conference allegedly bankrolling some events and processes at the Conference as part of soliciting for support for their respective political parties in the 2015 national elections. This denigrated the integrity of the Conference and the NLC elections that followed.

Nigerian workers were worse off for it as the Federal Government took advantage of the crisis to withdraw a percentage of the subsidy in Premium Motor Spirit (PMS) otherwise known as petrol. This caused an increase in the pump price of the product from N86.50 to N145.00 representing an increase of 67.6% increase. The factionalisation in the NLC leadership resulted in the failure of the organised labour to collectively mobilise Nigerian workers to protest the withdrawal of the subsidy. Ajaero led his faction to collaborate with the government in finding solution to the issue while the Wabba-led faction opted for a nationwide strike, which was haphazardly complied with<sup>1</sup>.

Also one of the strongest unions in the country namely Academic Staff Union of Universities (ASUU) has also suffered fragmentation in October 2019 as a result of internal conflict in its ranks at the Obafemi Awolowo University. A rival union that emerged with the name Congress of University Academics (CONUA). The Union (meanwhile awaiting registration) claims to be more consensual and more progressive than that of ASUU.

### **The rise of precarious forms of work in South Africa**

The weakening of the unions has been accompanied by an increase in the use of precarious forms of work, which is a sign that workers and the unions are on the back foot.

**Table 2: Core, non-core, and periphery 2004–2017 (millions)**

		2004		2017		Variation	
		Millions	% of total	Millions	% of total	%	Millions
<b>Core</b>		6,6	33%	8,4	34%	+27%	+1,8
<b>Non-core</b>		3,1	15%	5,3	22%	+71%	+2,2
<b>Periphery</b>	Informal	2,2	11%	2,8	11%	+27%	+0,6
	Unemployed	8,4	41%	8,1	33%	-4%	-0,3
<b>Total economically active population</b>		20,3	100%	24,6	100%	+21%	+4,3

Source: Englert (2017)



Table 2 shows an increase in what can be regarded as non-core or precarious forms of work. These types of work increased by 71% between 2004 and 2017 (Englert, 2017). This is in line with the findings of Cassim and Casale (2018) who used South African Revenue Services data and concluded that more than 80% of labour-brokered workers are doing permanent work. Precarious forms of work, including casual employment and employment without a permanent contract, constitute the largest share of all jobs among the poor and the vulnerable (World Bank, 2018). Labour law reforms, which sought to minimise labour brokerage, have been circumvented by employers by using service providers, enabling employers to rehire the same workers under similarly poor working conditions.

Underscoring the feminisation of work or the increased involvement of women in the economy as workers, Statistics South Africa (Stats SA) says the following:

Between 2012 and 2017, the working-age population increased by 3,1 million. However, the share of women in the working-age population was higher than that of men in all years. Women recorded the highest number of people aged 15–64 (working-age population) years compared to men. There were 18,9 million women compared to 18,4 million men in the working-age population during the same period. (Stats SA, 2017: 30)

The increased entry of women into the economy coincides with black women being employed as precarious workers, and the process is characterised by gross violations of workers' rights and by very low levels of organisation among the women workers (Mabilo, 2018). Further highlighting the precarious position of women in the labour market, Stats SA (2017) confirms that the South African labour market tends to discriminate against women, especially black women. Based on its evaluation of the statistics, Stats SA concludes: "The labour market position of women hasn't changed much over the last decade; in fact, it has deteriorated in some respects." Nine occupational categories were identified in the National Income Dynamics Study (NIDS) of 2008. The NIDS dataset comprised 28,255 individuals and 7,305 households. The study found that about 30.55% of working women are employed in elementary occupations as compared to only 12.19% of men, demonstrating an over-representation of women in low-paying, precarious occupations.

Precarious workers are beginning to organise for improved working conditions, albeit in nascent forms. Despite no or very limited support from the mainstream unions, precarious workers, together with non-governmental organisations (NGOs), have used strikes, protests and courts to challenge their conditions. Led largely by women, outsourced workers in universities have compelled university management to stop outsourcing at many South African universities. In some instances, community healthcare workers who provide essential health services in communities are now employees of the state, although they do not yet receive full benefits or fair pay (Hlatshwayo, 2017).

South Africa's population was estimated to stand at 57 million in July 2018. It is estimated that between 2016 and 2021 there will have been 1.02 million migrants in South Africa. Most migrants from other countries settle in Gauteng (47.5%) (Stats SA, 2018b). The “feminisation of migration” and the “feminisation of work” are exemplified by more women leaving Zimbabwe in search of precarious jobs in Johannesburg. The decline of industries that used to employ men in large numbers and the opening of precarious jobs for women mean that women are now occupying new social positions as breadwinners in households. In the workplace in South Africa, women from Zimbabwe tend to occupy precarious positions and they earn low wages and work longer working hours as domestic workers, cleaners, waitresses and service workers (Crush et al., 2018).

### **The rise of precarious forms of work in Nigeria**

Work precarity in Nigeria became an issue of concern from the 1980s when the Nigerian State began the implementation of economic globalisation of neoliberalism in the name of Structural Adjustment Programme (SAP) imposed on Nigeria by the Brettonwoods Institution – as part of the conditionalities for debt relief. Some of the major policies associated with this included the devaluation of the naira (local currency), removal of subsidies and privatisation of state-owned enterprises (Otobo, 1992b). In the absence of local bourgeois class with ready to shoulder the financial and managerial challenges posed by the emergent enterprise ownership transition, the manufacturing sector being nurtured by the import substitution policy experienced a shock wave of structural de-industrialisation (Bwala & Bashir, 2014; Onyeonoru, 2003). The Nigerian economy has rarely recovered from the shock.

The prevalence of precarious work and the near institutionalisation can be viewed as part of the neoliberal agenda for keeping wages low and for maintaining social control of workers and the workplace in the interest of the capital. Ironically, the practise of precarious work is more prevalent in the more economically viable sectors of the Nigerian economy namely, the banking, telecommunication and oil and gas sectors (Adewumi & Adenugba, 2010) for instance. Hence, it is not a survival strategy against recession but a management strategy for worker control and exploitation (Akinwale, 2014; Onyeonoru, 2016). The process which strips workers of much of their rights keeps them down cringing for the crumbs from the master's table.

Global capital is well known for being enmeshed in business innovativeness associated with deepening trade and heightening profits such as mergers and acquisition and flexibility of work underscored by ad-hoc staffing. The banking sector was one of the sectors affected by the trend. The Central Bank of Nigeria (CBN) as part of its regulatory functions directed banks in Nigeria to shove up their minimum capital base to N25 billion on or before 31st December, 2005. What followed was a stream of mergers and acquisitions that led to a fusion of the 89 banks in the country into 25 mega banks, while 14 banks were liquidated. Spurred by the innovations embedded in the global restructuring of work (Onyeonoru, 2002) and the globalisation of technology occasioned by digitalisation of banking processes (Okoye et al., 2020), Nigerian banks embarked on the process of the retrenchment of permanent staff and their replacement with various types of precarious workers: casual workers, contract staff, ad-hoc staff, human resource outsourcing and the likes.

A study by Umoren and Olokoyo (2007) indicates that, in terms of size, measured by total assets, banks on average grew considerable by 131% post-consolidation. The overall performance indicated that the merged banks were able to hedge against their credit risk and have a better post merger asset profile. The study further show that high deposit growth and increased profitability of banking operations characterized post-consolidation banks. The industry recorded N310 billion in profitability in 2018 – from 150 billion in 2017 representing a 106 percent in increase (Komolafe, 2019).

The CBN's economic review also noted that while on the overall the banking sector recorded improvement in capital adequacy ratio, liquidity ratio and asset quality (non-performing loans ratio), increase in banks' total qualifying capital. Maximum lending rates from Nigerian Banks

reached a 12-year high in February 2018 and available data indicates that maximum lending rate was about 31.4% in September 2018, the highest in 12 years (Obi-Chukwu, 2018).

In spite of the foregoing, the banking industry continues to perpetrate precarious forms of work and depriving the workers of decent work. Data from the banking sector shows a trend of job precarity. The average rate of ad-hoc staff was recorded to be about 79% of total staff, though some Banks such as Guarantee Trust Bank (GTB) have as much as 85.95 contract staff. The condition of casual workers was characterized the lack of job security, no formal contract letter of appointment, unending probation, low wages. Their salaries are paid to the contracting firms and the firms after various deductions, pay the workers grossly below the amount paid by the bank.

Similar trend exists in the telecommunications industry as well as oil and gas. A study in the telecommunication industry showed that workers in precarious employment in the organisations experienced low pay and inadequate fringe benefits and were denied wage increase over a period of time in spite of persistent inflation and high cost of living. The findings from the study also indicated that workers more caught in the web were females and first degree holders (Mutiat et al., 2013).

According to Fapohunda (2012), no less than 60% of employees in the oil industry are contract employees supplied by labour contractors and employment agencies. Okafor (2007) notes that in 2001, the number of casual workers within the oil industry in Nigeria were 14,559, which was about 38.7% of the workers in the industry. At organisational level the number is much higher with some organisations such as Mobil having over 90%. Employers have continuously adopted this type of employment relationship seeing it as an efficient way of cutting down labour costs.

### **Discussion and Conclusions**

Unions in both Nigeria and South Africa are a product of colonialism and capitalism, which brought workers together in a workplace under conditions of wage labour. To respond collectively to conditions of exploitation and racial oppression, workers and leaders from various labour centres and societies in South Africa formed the Industrial and Commercial Union (ICU), which was a general national union of dock workers, miners, farm workers, and other workers belonging to small production firms in 1919. Although the first recorded strike in Nigeria was by coal miners in 1897, trade unions first emerged in the public service in Nigeria in 1912 with the formation of the

Nigeria Civil Service Union (NCSU), which was largely constituted by skilled employees. NCSU used letters and petitions to raise their concerns with the colonial administration. Perhaps what might explain this difference in the social composition of formal unions in South Africa and Nigeria in the early phases of colonialism is the fact that South Africa has relatively high levels of industrialisation compared to Nigeria. South Africa was already developing a national infrastructure connecting different cities and towns after the First World War. In other words, South Africa had a relatively huge industrial proletariat, making it possible for manual workers in particular to form the ICU. The British imperialists made huge financial investments in mining in South Africa before and after the First World War. The South African rail network and infrastructure meant that South Africa had a relatively higher working-class base during the early phases of capitalism in Africa (Curtin et al., 1995). In Nigeria, the NCU (predominantly white-collar bureaucrats) were challenged by more radical workers, leading to the formation of the Nigerian Union of Teachers and the Railway Workers Union in 1931. Like the ICU of South Africa, which was formed in 1919, the two unions are seen as originators of radical unionism in Nigeria.

In Nigeria and South Africa, wage and working conditions struggles were also linked to a broader political struggle for liberation, as workers in both countries were exploited by British colonialists who managed and owned workplaces. After the Durban strikes of 1973, the apartheid state implemented labour law reforms, which led to the recognition of black trade unions after 1979. This recognition came with restrictions, including forbidding the black unions from being involved in politics (Maree, 1985). Similarly, although independent, unions in Nigeria clashed with government and politicians. Unions were radicalised, using general strikes as a tool to challenge the Nigerian government, causing the government to use the law to restrict union activities in national and regional politics. The Nigerian Trade Unions Act made it clear that the unions should concern themselves with workplace issues like wages and working conditions.

Between 1999 and 2005 the Nigeria Labour Congress (NLC) led militant action such as general strikes, challenging the social and economic attacks on workers and the unemployed. The Obasanjo government responded by curtailing union activities, including strikes. Subsequently, the government enacted a law that made it compulsory for unions to conduct a ballot before commencing a strike where a simple majority of members need to vote to go on strike.

Interestingly, in 2018, the democratic government of South Africa introduced similar measures in the law, compelling unions to conduct secret balloting of union members before going on a legal strike. In both the South African and Nigerian cases, unions are required to have a simple majority vote to carry out a legal, protected strike (Department of Labour, 2018).

In post-apartheid South Africa, labour commentators noticed changes in the social composition of the Congress of South African Trade Unions (COSATU), which was largely constituted by blue-collar workers in 1985. Today, the overwhelming majority of the members of COSATU unions are public service employees with higher levels of formal education. Retrenchments and deindustrialisation have contributed to the decline of membership among blue-collar workers in COSATU, causing a reduction in the influence of mine workers and manufacturing workers in the union federation. On the other hand, in Nigeria, senior staff occupying key positions in government and the private sector have their own union called the Trade Union Congress (TUC), which, unlike the blue-collar worker-led NLC, tends to be reluctant to engage in strikes over things like oil-price increases. It appears as if the affiliates of TUC are militant and prepared to challenge the neoliberal policies of the Nigerian government.

Divisions within and the fragmentation of organised labour have become key features of trade unions in post-apartheid South Africa and post-independence Nigeria. In Nigeria, divisions in the NLC have been brewing for a number of years, leading to the formation of a rival union federation called the United Labour Congress (ULC) in December 2016. A year later, a new federation, the South African Federation of Trade Unions (SAFTU), was formed in South Africa, led by the former COSATU General Secretary who had been expelled from COSATU over political and personal differences (Forrest, 2017).

Besides the change in the social composition of trade unions, socially engineered by retrenchments and massive unemployment – which is now close to 40% (when using an expanded definition) – COSATU faces fragmentation and divisions that have further weakened it (Webster, 2019). In 2014, COSATU expelled the National Union of Metalworkers of South Africa (NUMSA), a manufacturing union with more than 300,000 members, making COSATU almost an exclusively public sector trade union federation. The expulsion, as reported by NUMSA, was because NUMSA believed that COSATU was no longer challenging attacks on labour and retrenchments, and was

not willing to challenge the ANC, which is an ally of COSATU (Bezuidenhout & Tshoaedi, 2017; Satgar & Southall, 2015). Subsequently, SAFTU was launched in 2017. With its membership drawn mainly from NUMSA, the new federation claims to represent 700,000 workers (Forrest, 2017).

Both countries also experienced changes in the texture of the workforce. In Nigeria, this process began in the 1980s and was caused by the neoliberal trajectory of the country, which was imposed by the International Monetary Fund (IMF) and the World Bank as a condition for debt repayments. The banking sector was hard hit by precarity, taking the form of less secure work with low wages, fewer benefits, and poor working conditions. On the other hand, in the 1970s and the 1980s the labour movement in South Africa challenged precarity, which was in the form of the migrant labour system, resulting in better wages and improved working conditions. Precarious forms of work were regarded as “atypical forms of work” in the 1980s, generally related to retail and farm work. However, in the 2000s, precarious forms of work are becoming one of the dominant modes of work in South Africa, with these workers performing core functions in the production process.

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<sup>i</sup> There are on-going and negotiations by past NLC presidents and other labour veterans aimed at reconciling the two factions.