

The state and trade unions: a study in state control and regulation of union power in Kenya

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Abstract:

This study set out to investigate the legal and political machinery for the control and regulation of union power in Kenya as built, shaped, modified and reinforced since the emergence of trade-unionism in the 1930s and also to survey and record the manner in which trade unions and their rank-and-file have responded to the specific demands of that machinery. The state in Kenya - colonial and post-colonial - has from the onset of effective working class organization endeavoured to control and regulate the power of the emergent unions. In both instances the ruling class appealed to the myth of the 'public interest' to rationalise the necessity for the legal institutions erected to effectuate control and regulation. The manner in which this myth has been drummed up within the labouring classes - workers and peasants - propelled us to go beyond the facade of official rhetoric and see things really hang together. In the Introduction to this study we therefore endeavoured to underline those forces that have influenced the evolution of the control system with a view to expose the interests which control serves in Kenya. Subsequently the analysis revealed that control and regulation were imperative not so much to promote and protect the 'common good' as to safeguard class interests. For the effect of the legal and political regime of control was to emasculate trade unions in terms both of their effectiveness as economic power groups fighting to enhance the relative economic position of their members and also of their political credibility as organizations representing the interests of an exploited and subordinate class in society, the regime, as its examination in Chapter One reveals; was calculated not only to discourage trade unionism but also to circumscribe the extent to which trade unions could use 'their' economic power - derived from the members' collective exercise of the will to work or to strike - to wrest concessions from employers' and to regulate the substance of those concessions. The history of Union Officialdom and rank-and-file response to control, surveyed in Chapters Two and Three, show that repressive control of industrial conflict has its limitations. Limitations which arise out of the very nature of the relations of production in capitalist Society.