

56th Executive Board meeting, September-December 2020

EXECUTIVE BOARD RESOLUTION ON THE ATTACK ON TRADE UNION RIGHTS IN KENYA AND THE KNUT

Considering that:

1. The survival of the Kenya National Union of Teachers (KNUT) is threatened by a systematic assault by the Teachers Service Commission (TSC). The TSC has discriminated against KNUT members, denied coverage of the Collective Bargaining Agreement to members, and deprived the union of member fees. This attack has crippled the capacity of the KNUT to provide services to members and caused considerable hardship for union representatives.
2. The KNUT fought to establish the Teachers Service Commission, including calling for its creation in a national strike in 1966 as a national counterpart for negotiations and cooperation on education and teacher professional issues. After action by Parliament, the TSC became operational in July of 1967.
3. There were periodic tensions in the past, but the TSC's destructive campaign against the union escalated in 2019. It included establishing two parallel payrolls in the Public Teaching Service. Under this double payroll system non-KNUT members were paid enhanced salaries and allowances.
4. Members have also suffered discrimination on promotions and upgrades through TSC changes made without legislative approval. Such discrimination was not in line with national law, court orders or Kenya's international treaty obligations under ILO labour standards.
5. In May 2019, while KNUT was negotiating with the TSC concerning implementation of the five - year Collective Bargaining Agreement (CBA) signed in 2017, the TSC unilaterally suspended the CBA and illegally introduced a digital validation of union members which resulted in a membership loss for KNUT.
6. The TSC campaigned to induce teachers to quit KNUT in order to benefit from the 2017-2021 collective bargaining agreement. In September 2019, over 86,000 primary and post primary teachers were unlawfully stripped of their KNUT membership. Among those were elected KNUT officials.
7. After the massive TSC offensive to decimate KNUT union membership, the TSC sought to revoke a recognition agreement signed in 1968. That action was suspended by a judge, but legal proceedings will continue.



8. In the summer of 2020, the Education Committee of Parliament held hearings and, in August, adopted resolutions that were supported by all the education unions. The Committee's proposal was aimed at reversing several of the measures taken by the TSC and resolving remaining issues through negotiations.
9. In the months following the action of Parliament, KNUT has had productive discussions with the Education Committee of Parliament as well as with the Ministry of Labour. However, the TSC campaign has continued. It has ignored the action of Parliament as well as national laws and regulations.

Seriously Concerned About:

10. The TSC's blatant disregard of international labour standards, national laws, courts, and Parliamentary decisions.
11. The TSC incessant and targeted onslaught on KNUT leadership and membership, as well as interference in the internal affairs of the union.

The EI Executive Board:

12. Calls on the Government of Kenya to intervene and ensure that the TSC reverses its anti-union actions against KNUT and engages in serious dialogue and in good faith to restore healthy industrial relations and a good environment for quality education.
13. Demands that the TSC restore KNUT's membership to that of June 2019, desist from discriminating against KNUT members concerning their remuneration, promotion and working conditions, revert to implementing the 2017-2021 collective bargaining agreement and implement all the court orders and Parliamentary decisions.
14. Reaffirms Education International's unequivocal support for KNUT in their fight for the full respect of trade union rights and the interests of their members.
15. Declares that the struggle of the KNUT to preserve and defend their trade union is our fight and that of the global trade union movement.
16. Commits to mobilise solidarity to defend the rights and progress of teachers in Kenya.