

Opinion

Permanent struggle over 'minimum wage'

By Edwin Madunagu

THE struggle for "minimum wage" in Nigeria, as elsewhere, is essentially a political struggle. It is not simply a struggle of Nigerian wage-workers against their employers. It is the struggle of all the country's popular classes, the masses, the common people, the workers and the toilers against *capital*. It is their struggle against the dominant classes, on the one hand, and the Nigerian state which represents them and serves their interests, in addition to being an employer of labour – perhaps the largest single employer – on the other. This struggle is *historical* in the sense that it has no history different from the history of capitalism in Nigeria; and it is *permanent* in the sense that it cannot end until capitalist oppression and exploitation – in all their ramifications – have come to an end.

Every high tide of the (permanent) struggle for "minimum wage" in Nigeria usually takes the form of "general strike". And there has been at least one such high tide every decade since the general strike of 1945 – fifteen years before independence. I have witnessed all the high tides since the general strike of 1964, and have actively observed each one that had taken place since the end of the Civil War. It is from the premises embedded in what I have said so far – premises which, I admit, also require demonstrations – that I now attempt to look at the current high tide and, in particular, answer some of the objections and reservations that are currently being raised against the way the popular classes, organized in the Nigeria Labour Movement, in collaboration with other popular democratic and civic society organisations, are waging the current struggle for "minimum wage".

We may, for now, focus on the front page report of *The Guardian* of Tuesday, July 19, 2011 titled *Government, Labour talks on new pay deadlocked*. The report summarized the reactions of the various "stakeholders" to the "deadlock". *The Guardian* report said: "In his submission at the opening session of the parley, Secretary to the Government of the Federation (SGF), Pius Anyim, said government understood the Minimum Wage Law to mean that no worker should earn below the N18,000

However, having paid our dues to the governor, we return to the fact that his argument is an over-used blackmail by segments of the rich and powerful, not compassion for the poor and powerless. It is, of course, true that in every struggle of the poor and the popular classes to reduce the burdens put on their shoulders by exploiters and the state, they are the ones that suffer more. But they are also the prime victims of unprovoked state attacks on the people.

mark and not that the figure would reflect on the pay packet of all workers irrespective of cadres". This position of the Federal Government, not just that of its Secretary, is not simply a question of legal interpretation. It is a political statement, and that is why no one is talking – at least not yet – about going to court for legal interpretation.

No provision of any law – whether ordinary or basic – can be exhaustive enough, can say everything. Unless certain things are assumed, including the "ordinary" and "non-ordinary" meanings of some words, the drafting of even the simplest of legislations will take eternity. We should not, however, forget that ambiguities and evasions are sometimes deliberately built into laws and legal documents in order to create the grounds, in future, for disputation and, hence, the need for legal interpretation and arbitration. In that case, the powers-that-be have simply run away to prepare for another fight which they know will come – during their tenure in office, or after. Look into the records of our courts and see the number of requests for "interpretation" and for decisions on what could have been in, or on, the minds of those who drafted particular laws.

The Guardian report continued: "Anyim disclosed that the 2011 federal budget was predicated on the payment of a minimum of N18,000 to workers who were hitherto earning below the figure. Explaining that government might be unable to effect the payment to cover all categories of workers due to budgetary constraints, Anyim pleaded with Labour to allow for shift of implementation date to next January. The Federal Government scribe said the National Assembly has to make provision for the hike in the salaries of workers in the budget and that acting without a recourse to the budgetary provision would be run-

ning foul of the laws guiding government spending".

The labour leaders must have laughed at the preceding argument. Peter Esele, President of the Trade Union Congress (TUC) gave an adequate response. He said that "money to pay the workers could be found if government was willing to do it." Otherwise, he continued, "it would be taken that the government believes that Nigerian workers are not important". Illustrating his contention, Esele argued: "When we were preparing for the 2011 general elections, money was found for INEC to prepare for the polls. So, the manner in which INEC got money for the elections should be used for this. We reject any attempt at postponing the implementation of the minimum wage law beyond this year". Well said, Comrade Esele.

The Chair of the Governor's Forum, on behalf of this group of rulers, "appealed to the organized Labour to shelve the strike for protection of the poor". He continued: "If it (that is, the strike) goes ahead, it is the poor that will suffer because the rich will be able to afford whatever they need but the same cannot be said of the poor people who are in the majority". This is an old and tired argument. But the governor should be commended for the particular formulation he adopted in this instance: highlighting the difference in the situations of the "poor" and the "rich" and conceding that the "poor" are in the majority – in fact, overwhelming majority.

However, having paid our dues to the governor, we return to the fact that his argument is an over-used blackmail by segments of the rich and powerful, not compassion for the poor and powerless. It is, of course, true that in every struggle of the poor and the popular classes to reduce the burdens put on their shoulders by exploiters and the state, they are the ones

that suffer more. But they are also the prime victims of unprovoked state attacks on the people. The common people, the poor, are also the main victims of rivalries between factions of the ruling classes or between the state and fractions of the ruling classes, such as the post-April 2011 election violence. Who are the victims when segments of the disaffected – poor or rich – institute a reign of mass murder and anarchy (like the *Boko Haram*)? It is still the poor and the powerless.

So, dear governor, the poor are always the prime victims in every situation: in peace and in war. They, therefore, cannot be persuaded against going on strike on the grounds that they would suffer. Indeed, they have reasons to go on strike even when they are aware they would suffer: At least there is the hope that this particular struggle (and suffering) may result in some amelioration of the harsh conditions under which they are forced to live and reproduce their lives.

The Federal Minister of Labour and Productivity was reported to have said: "We find it extremely difficult to understand why a Labour issue in one sector of the economy should be turned into national strike that will affect other sectors of the economy. The TUC/NLC are respected institutions and we are in no doubt that the economy of Nigeria is bigger than the public sector... if at all Organised Labour considered it necessary to deploy strike to achieve its objectives one would want it to limit its action to the erring party rather than plunge the entire economy into crisis".

What President Goodluck Jonathan's minister was saying may be put like this: "Nigeria's economy divides into several sectors, including, in particular, the public sector and the private sector. The labour leaders should check the sectors and identify which ones are reluctant, or not agreeing, to pay the minimum wage. They should then apply the strike weapon on the erring sectors. As for us, the captains of the public sector, we are ready to pay, and have indeed started to pay. Do not plunge the entire economy into crisis because of the "sins" of some sectors". *I shall respond to the Minister's "admonition" in the second part of this series, and then proceed.*

• To be continued next Thursday.

Opinion

Permanent struggle over 'minimum wage'(2)

By Edwin Madunagu

LAST Thursday, in the first part of this series, I started responding to the reservations and objections of some organized "stakeholders" to the current high tide of what I have called the *permanent struggle over National Minimum Wage* in the country. I wish to doubly underscore the qualifier, *national*, because I think all the factions of Nigeria's ruling class and both power blocs will agree to "decentralize" the concept of minimum wage and push the question to individual states. Thereafter, they will attempt, not for the first time, to liquidate the central formation of the country's labour movement and force Nigerian workers to re-organise strictly along the lines of Nigeria's constituent states.

This will be only a step before an assault on the very notion of trade union beyond individual enterprises. And this will be in perfect consonance with some vulgar interpretations of "true and fiscal federalism" as practised, perhaps, in America, our model federal democracy! This design must be fought even more vigorously than the fight for minimum wage. For, if Nigeria is to remain *one country* in whatever form - between the two extremes of confederalism and unitarism - this "union" must have some content. There must be certain things that define the union. The concepts of *national labour movement* and *national minimum wage* are two of the necessary attributes of any union that may emerge from any geopolitical restructuring of Nigeria. The Nigerian Labour Movement, the foremost "stakeholder" in the *Nigerian project*, cannot be broken by any executive or legislative fiat, or even judicial pronouncement.

We may now continue from where we stopped last Thursday. The Federal Minister of Labour was arguing that since the Nigerian economy divides into the public and private sectors (I don't know where he puts the public-private partnership enterprises), the labour unions ought to be sector-specific in their agitations and strikes. He pleaded that since the government was "minimum wage compli-

ant", workers should face only the private sector. Then followed an "appeal" to workers to reflect deeply and "demonstrate restraint and responsibility in the way they use strike to pursue their objectives". (*The Guardian*, July 19, 2011.)

Thank you very much, Labour Minister. You may even go further to argue that since the public sector can be subdivided into Federal Government Sector, State Government Sector and Local Government Sector, the Federal Government may, in fact, abandon the states and local councils and defend its own "compliance". This would be logical. But it would be wrong on two counts. First, in spite of attempts at media propaganda, the Federal Government sub-sector is not complying, and not nearly complying. In the second place, and more crucially, the distinction the Minister is trying to draw between the public and private sectors of the Nigerian economy is imaginary. The distinction does not exist.

The public sector (aggregating the federal, state and local council sub-sectors, together with the private-public sub-sector) is not only an employer of labour, perhaps the largest employer (as I said earlier), its owner, the Nigerian state, is the *guarantor, provider and protector* of the private sector. This has been abundantly demonstrated nationally and globally in the economic crisis and "meltdown" of the last four years. "So therefore", as one of my grassroots friends would say, "all na de same": in other words, in this struggle between *capital*, on the one hand, and sellers of labour power, on the other, there is no practical distinction between the public sector and the private sector. Beyond that, at this particular level of class contradiction, there is also no distinction in real theory.

The president of Nigeria Employers' Consultative Association (NECA), the umbrella organisation of private sector employers, used the same argument as the Minister of Labour. But, as expected, he moved from the opposite direction. He was reported to have argued that "if the impending strike must go on, it should be sector-specific and not national in

outlook", adding that "since the private sector employers have started implementing the new wage ahead of the federal and state governments, their businesses should not be made to suffer from the looming strike, stressing that the action should be restricted to the public sector". My response to the NECA president is the same as the answer I have just given to the Labour Minister.

In the first place, the private sector is not complying. But, even if it is complying, there is no distinction, in this particular struggle between the private sector, the public sector, the private-public sector and the Nigerian State. In the second place, the NECA president's long "disquisition" on the political economy and distribution of labour power in Nigeria is not helpful. First, he was reported to have argued that the National Minimum Wage "specifically stated that only employers with staff strength of 50 and above should comply with the law, there is no basis for Labour to capture the informal sector in the net". Having thus established his basis, he delivered his first blow: "A review of our labour market would reveal that less than two per cent of the workforce in this economy operates in the formal sector, where the minimum wage is most likely to have broad application".

Combining his premise and his first blow the NECA president delivered the second blow: "In effect, the bulk of Nigeria's workforce, which is the micro-and small-scale businesses are not affected by the National Minimum Wage Act 2011". Then, his main blow: "One could further deduce from this that Organised Labour represents less than two per cent of the workforce in our economy. If these statistics are anything to go by, it then means that organised Labour, in view of this strike, would want to sacrifice the interest of the majority, whose employers are still prepared to cater for by implementing the Minimum Wage Act".

Unsure that his "disquisition" would be able to sway either the agitating workers or their leaders, or indeed the various Nigerian governments, the NECA president advised his members, the private employers, not to be "jit-

tery" over the proposed strike. Rather, they should direct their workers "through their internal communication channels", as a matter of necessity, to report for work in spite of the NLC/TUC's strike. They should "make it abundantly clear to their employees that failure to report for work would attract sanctions based on their terms and conditions of employment".

Ignoring the threat, which Nigerian workers are used to, I am sure that NLC and TUC are capable of taking on Nigerian employers and the various governments in structured and unstructured debates over Nigeria's political economy and economic statistics and indicators. But this is besides the point now. What the Labour unions are saying is that employers of labour, both in the public and private sectors, should comply strictly with the National Minimum Wage Act. That is Labour's basic demand because the employers are currently not doing so. This is, however, not all that Organised Labour is saying. It is also saying that the NLC and TUC represent not only unionised workers, but also un-unionised workers and, indeed, all the "common people", the "wretched of the earth", that are impoverished in, and by, the current social order in Nigeria.

The claim above is self-evident. When the Organised Labour agitates or goes on strike over increases in the prices of petroleum products, are they doing this only for the benefit of their members? When it scores some victories are their members the only beneficiaries? When students demonstrate over increases in school fees, are they not demonstrating on behalf of their parents and patrons? The point is that any segment of the exploited and the oppressed can, and do, struggle for, and in the name, of all the exploited and the oppressed, and seek to draw their compatriots into the struggle. Put differently, in any historical conjuncture, the segments and organisations of the popular classes that are in strategic positions to lead the struggle of the exploited and the oppressed can do so. This is, of course, *political*; but it is also *legitimate*.

• To be continued next Thursday.

Opinion

Permanent struggle over 'minimum wage' (3)

By Edwin Madunagu

THIS discussion opened with the assertion that the struggle over National Minimum Wage in Nigeria, as elsewhere in the world, is a permanent struggle. Several governments, outside Nigeria, recognized this by setting up mechanisms for adjusting the minimum wage continually, or reviewing it periodically. But not so in Nigeria. This third segment continues with my responses to objections and reservations to the current wage-related workers' demand in Nigeria. Please, do not believe that the minimum wage issue has been settled, that all employers of labour – private and public – are now complying. It is not so. My research reveals that Nigeria's ruling classes, their governments and their publicists have used almost the same set of arguments and tactics since the general strike of 1964.

Several state governors pleaded that they would not be able to pay the minimum wage, that is, without running their governments into bankruptcy. To be able to pay, they asked to be allowed to reduce the strength of their workforce, that is, retrench many of their workers, mainly civil servants. In the alternative, the revenue allocation formula should be changed to enhance the fraction coming to states in relation to the Federal Government and also, perhaps, in relation to the local governments. If these two suggestions fail, then each governor should be allowed to re-negotiate the National Minimum Wage Law with his workers (it is a male affair!). The governors are also asking the Federal Government to stop saving any federally-collected revenues (from oil sales or any other source) on their behalf. Their argument is that this forceful saving, in addition to being "unconstitutional", does not make sense. How do you save when you cannot cover your current bills? They seem to be asking.

An activist labour leader was reported to have responded by asking those state governors that could not pay the Minimum Wage to vacate office and allow those who could pay to "enter". I found myself laughing, although it was hardly a

laughing matter. The labour leader must have argued from at least three premises. In the first place, the country's governors were involved in the negotiations that led to the agreement on Minimum Wage. In the second place, the agreement was put into the country's legislative process and was duly enacted into law. And in the third place, establishment economists have confirmed that all the governments of all the three tiers of governance in the land can pay the minimum wage. I think I also heard the labour leader say that the new governors actually fought hard to "enter" office – with the full knowledge of the minimum wage agreement. They were not conscripted into office.

The labour leader was accused of rudeness. I think "harsh language" would be a more appropriate charge. I remember he explained what he meant and the language matter was rested. However, the substance of the man's response remains valid. I would add to this response. First, what the governors were asking for, in relation to revenue allocation formula and revenue saving, was a redistribution of the national income. I don't think it would be fair to ask workers to contribute to this debate *at this time*, if at all, because what workers are saying is that the totality of what they are currently being paid as wages, even with full compliance with the "minimum wage" law, is grossly unjust and barely above starvation or poverty level. For workers to be interested in the revenue sharing debate, they would have to obtain assurances that the new minimum wage would be further reviewed upwards.

In the second place, the governors know that with the current level of unemployment, Labour would not accept retrenchment. And thirdly, what workers should now start to "re-negotiate" with individual governors is the quantum of state government allowances *on top* of the new minimum wage. We should not forget that what we are debating is *national minimum wage, not maximum national wage, or even adequate national wage.*

Long ago, the International Labour Organisa-

tion (ILO) defined Minimum Wage as the "level of pay designed to overcome poverty and to ensure the satisfaction of the basic needs of all workers and their families". This definition, I am sure, has not been revoked. About two decades ago, a radical patriotic group, the *Committee for Unity and Progress in Nigeria* (CUP), issued an eight-page pamphlet, *Battle for Minimum Wage*, addressed to workers in particular, but to the public in general. Signed by three representatives of the group, Femi Aborishade, Osagie Obayuwana and Dipo Fashina, the publication domesticated the ILO definition to mean that the minimum wage "should be sufficient for a worker to live a dignified life, not just bare miserable existence, living from hand to mouth, underfed, sick and very, very unhappy."

The group therefore demanded that the estimated minimum wage should be "adequate to finance a balanced and nutritious diet, to feed and sustain one's immediate family, provide clothing, education, housing, health, transportation, etc." At another point in the publication the CUP urged that "the struggle for minimum wage is for all the oppressed". I have made this point several times in this series. In an expanded argument which I completely endorsed then, and re-endorse now, the group said: "All the poor classes – farmers, petty traders, students, unemployed, artisans, etc; must be mobilized to support the struggle of the organized workers for a living wage. We should not allow the government to divide us".

This was the argument: The nurse who is retrenched in the town is the rural woman's child. The poorly paid worker in town is a child to farmers in the village who depend on him or her; the unemployed school leaver is the child to a mechanic or tailor; the retrenched worker is a customer to the market traders and the poverty-wages of the workers negatively affect the sales of the farmer and the trader. Thousands of threads bind us together." To the CPU, therefore, the struggle for Minimum Wage is, by what it said above, a struggle for the "collective survival" of the masses.

I wish to extend what the CPU was saying by proposing that the concept of Minimum Wage for Nigerian workers should now be organically and politically linked to the concept of poverty level which refers to the Nigerian population as a whole, or rather, its impoverished segments. The United Nations agencies now say that the poverty level is income or expenditure of two U.S. dollars per day per person. Using a conservative exchange rate of 150 naira to the dollar, this translates to N300 per person per day, as poverty level. Now, assume that in a family comprising a father and a mother (both workers) and four non-working children, the two working adults earn the minimum wage of N18,000 per month. This translates to N36,000 combined family income per month, or N6,000 per family member per month, or N200 per family member per day, a figure that falls below the UN poverty level of N300 per person per day by about 33 per cent.

The point in the preceding paragraph was broadly made in a letter to the Editor of *The Guardian*, published in the paper's edition of Sunday, September 4, 2011. Ethelbert Obi, writing from Lagos, said: "It is truism that the aim and objective of the Nigeria Labour Congress is to protect, defend and promote the rights, well-being and interests of all workers and pensioners and to promote and defend Nigerian nation that would be just, democratic, transparent and prosperous. Obviously, Nigerian workers deserve better deal from the government". From this premise, Obi advised that the agitation of NLC "should not always be limited to minimum wage and salary related matters. The body should accommodate the interests of the masses in their fight for better package." For Obi, the NLC should be able to go on strike over "the falling standard of education, inflation, corruption and bad governance in Nigeria" – in addition, of course, to its prolonged struggle over the prices of petroleum products. *The struggle should not only be permanent; it should be combined.*

• Concluded.