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*Economic, social and cultural rights
and the internet*



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Economic, social and cultural rights and the internet

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SEYCHELLES

USING THE INTERNET TO BOOST THE ROLE AND RELEVANCE OF THE SEYCHELLES FEDERATION OF WORKERS' UNIONS



KEYWORDS: **labour**

Janick Brû

Introduction

The organisation currently known as the Seychelles Federation of Workers' Unions (SFWU) has been in existence since 1964. It was first set up as the National Workers' Union (NWU) as the means for the newly established Seychelles People's United Party (SPUP) "to mobilise, organise and direct mass organizations of workers, of women and of youth to serve as a channel between the Party and the masses."¹ According to the SFWU, a process that started as far back as 1967 with the emergence of trade unions "gradually evolved under more progressive leadership to pressure the British government [Seychelles was then a British colony] to implement significant changes in salaries and other working conditions. The most significant of changes however happened in 1977 with the establishment of a workers' government..."²

This clearly implies that the workers' union was a vigorous and popular organisation and that it played a significant role in establishing the SPUP as the ruling party in Seychelles.³ And yet, 50-odd years later, the offspring of this organisation, the SFWU, seems to be struggling for its continued existence. The motto of the organisation, which was "Unity in Strength", has recently been amended to "Unity in Strength. Championing the Rights and Responsibilities of Workers" – reflecting broader, and possibly more diffuse, objectives.

During initial research for this report, the author was unable to access much information about the organisation from internet sources. It only appears on the websites of some international organisations such as the International Labour Organization (ILO)

or is briefly mentioned in newspaper articles in the local press or on the websites of Parti Lepep and the Ministry of Labour. On third-party websites, it is present essentially through a very basic profile – a clear indication of the level of current visibility of the organisation on the web. This report considers the role that the internet could play in strengthening the impact of the SFWU in the Seychelles.

Workers' rights in the constitution and other laws in Seychelles

The Seychelles Third Republic, which came into existence after the introduction of multiparty politics in the early 1990s, has a comprehensive constitution that protects citizens' fundamental human rights. The country acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 5 August 1992.⁴ The stipulations of the covenant are in force in the country and were domesticated through incorporation in the country's new constitution which was written in 1993.

The rights and freedoms which concern workers are covered in Articles 17, 30, 31 and 35 of the Seychelles constitution. Article 35 refers directly to the contents of Articles 7 and 8 of the ICESCR on workers' rights and the right to form trade unions, and includes provisions for the establishment of measures to "maintain a high and stable level of employment", to "protect effectively the right to earn a dignified living in a freely chosen occupation", to "promote vocational guidance and training", to "make and enforce statutory provisions for safe, healthy and fair conditions of work", to "promote machinery for voluntary negotiations between employers and workers or their organisations... by means of collective agreements", to "promote the establishment and use of appropriate machinery for conciliation, and voluntary arbitrations for the settlement of labour disputes", and "subject to such restrictions as are necessary in a democratic society, and necessary for safeguarding public order..., to ensure the right of workers to organise trade unions and to guarantee the right to strike."⁵

1 www.partilepep.com/our-history/history-of-the-spup-sppf-parti-lepep

2 SFWU. (2010, 29 April). A Seychelles Federation Workers' Union perspective-Post 70s: Evolution of conditions of work in Seychelles. *Seychelles Nation*. www.nation.sc/article.html?id=226559

3 It is to be noted that the SPUP, which was re-organised and renamed the SPPF in 1978, then Parti Lepep in 2009 (as indicated in the name of its website), has won at every election since 1977 and is still the ruling party in Seychelles. See www.partilepep.com/our-history/history-of-the-spup-sppf-parti-lepep

4 Rosalie, M. 2008. *Levels of Awareness and Understanding of Human Rights in Seychelles – Report*. UNDP/EU Project.

5 Republic of Seychelles. (1994). *Constitution of the Republic of Seychelles*, Revised Edition. The Government Printer.

In 1994, the Industrial Relations Act (IRA) – a new piece of legislation regulating the functioning of trade unions – was adopted. This law requires that for any trade union to be recognised by an employer, there has to be a formal agreement between the workers’ union and the employing organisation. For the agreement to be possible, at least 10 existing workers of the employing organisation need to be members of the union.

The IRA also stipulates that a registered trade union is the only entity that can call for industrial action; but even if such an industrial action is authorised, the minister for labour, under the IRA, can declare the action illegal after it has started, if it is the minister’s opinion that such a decision is justified.⁶ Additionally, the Act makes provision for the establishment of an Industrial Relations Tribunal – a role which was discharged by the Industrial Relations Section of the Ministry of Social Affairs and Employment prior to the establishment of a Tribunal in November 2008.⁷ It should be noted that this tribunal is known as the Employment Tribunal rather than the Industrial Relations Tribunal – as proposed in the Act.

Some of the requirements of the IRA seem to have made things rather difficult for existing unions and potential new trade unions.⁸ A new independent union, the Seychelles National Trade Union, was launched after the adoption of the IRA but ceased operating in 2007,⁹ possibly because it could not reach enough members to be viable.¹⁰

Some think that the IRA is overdue for a general overhaul, as a rapid rate of development has meant that current circumstances in Seychelles are vastly different from what they were 20-odd years ago.

Context and present situation

It should be noted that from the late 1970s through the early 1990s, NWU membership of all workers (local and expatriate) in Seychelles was automatic. The organisation was financed through the Social Security Fund, which collected all social security salary deductions including trade union membership dues from workers’ salaries. In the early 1990s

and as a result of the introduction of multiparty politics, the NWU, which was part of government, had to make way for independent workers unions. In March 1994, six unions were formed from the original workers groups that were part of the NWU. These were: the Teachers, Medical and Other Public Service Employees Union (TMPU); the Trade and Commerce Workers Union; the Hotel and Catering Workers Union; the Transport, Communication and Public Utilities Workers Union; the Stevedores, Dockers and Other Port and Marine Workers Union; and the Construction and Civil Engineering Workers Union.¹¹

Government funding being no longer available, the independent unions had to find ways to survive financially, and one approach was to try to recruit more members and collect membership fees. This did not work as well as expected and the unions were soon in financial difficulties. With the exception of the Teachers, Medical and Other Public Service Employees Union (TMPU), the other five unions decided to amalgamate to form the Seychelles Transport and General Workers Union (SGWU). By the end of 1994, there were only two registered trade unions in Seychelles: the TMPU and the SGWU. A year later they decided to federate and this led to the creation of the Seychelles Federation of Workers’ Unions.¹² The SFWU is currently subsidised by a few “generous organisations” – in the words of the current secretary general.¹³

A request was made by the author for the number of cases of labour disputes in which the SFWU is involved, but the information was unfortunately not made available, although it was stated that “sometimes there are three or four cases in one day.”¹⁴ Information on the level of membership was also not available, although it was pointed out by the representative of the union that many employing organisations – a number of them multinational companies operating in tourism or construction – were uncomfortable with having to deal with the SFWU.¹⁵

The SFWU is involved essentially in representation, mediation and negotiation between workers with grievances and their employers. If mediation does not succeed, then the case usually goes to the Employment Tribunal. This closely parallels the roles and functions of the Industrial Relations

6 Republic of Seychelles. (1994). Laws of Seychelles: Chapter 96A – Act 7 of 1993, Act 17 of 1994, Part 6, 52(4) - Industrial Relations Act. www.seyllii.org/sc/legislation/consolidated-act/96a

7 Telephone conversation with M. Valentin, Seychelles Employment Tribunal, 18 July 2016.

8 www.seyllii.org/sc/legislation/consolidated-act/96a

9 Freedom House. (2011). *Freedom in the World 2011: Seychelles*. <https://freedomhouse.org/report/freedom-world/2011/seychelles>

10 Deegan, H. (2003). *Post-Election Bulletin: Seychelles 2002*. Royal Institute of International Affairs. https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/seychelles_bp_proof.pdf

11 Interview with B. Adonis, former secretary general of the NWU, 2016.

12 Ibid.

13 Interview with A. Robinson, current secretary general of the SFWU, 2016.

14 Ibid.

15 Ibid.

Section of the current Ministry of Labour and Human Resource Development, which ensures “the protection of workers’ fundamental rights in accordance with national legislation and ratified international conventions” in addition to providing advice, conciliation and mediation, or where this does not work, “prosecution of defaulters... by filing new cases before the Employment Tribunal.”¹⁶

At first glance, it would seem that the SFWU is almost a redundancy. Nonetheless, some existing legislation, such as the Pension Fund Act of 2005 Part III(6), for example, requires that at least two members of the Board of Governors be from workers’ organisations. In view of the fact that the SFWU represents the only two trade unions in existence in Seychelles, it still has a non-negligible role to play.

In 2010, the following was posted on the Seychelles Hungarian consulate’s website: “New ways of thinking and doing things at both government and party level have been stressed in a series of strong recommendations at the end of the ruling Parti Lepep’s general conference... the workers’ group stressed the need for the party and government to review the competence of the Seychelles Federation of Workers’ Unions and encourage party members to become members of the workers’ union.”¹⁷

It would be appropriate to ask how – in view of its current rather limited resources¹⁸ – the SFWU can use modern communication methods, such as the internet, to broaden its sphere of influence and usefully engage with workers to help build a better-informed workforce, help reduce the number of labour disputes, and generally become more attractive and relevant to the younger working generation which may be somewhat unfamiliar with trade unions and the role that they can play.

There are a number of examples of how unions can benefit from the internet. A 2002 paper on British trade unions points out that unions which are in decline can choose to “change and evolve or face political irrelevance”; it also refers to “the possible role of new ICTs within and across union structures”. One of the approaches covered is that of the “modernisation” of trade unions – by “harnessing some of the opportunities provided by new communications technology to update... traditional functions”.

Examples given are: i) having websites that can be used as information storehouses for “organisational, personnel, policy documents and regular news releases”; ii) recruiting members; and iii) improving the image of the organisation and becoming more appealing to younger workers.¹⁹

A more recent thematic article in the GISWatch report of 2011 presents a number of examples as to how workers can, either as a collective or as individuals, use the internet to spread information and gather support to tackle unfair, unethical or illegal practices in organisations.²⁰ One of the earliest examples was the development of an international web page for education and solidarity for Liverpool dockworkers in 1995. This served to break an “information blockade” in a situation where workers had to stand not only against what they felt were unfair government laws but also “acceptance of these laws by their national union”.²¹ Another example highlights the use of mobile phones to organise workers and notes that “the use of mobile phones has become a historic vehicle for workers’ and peoples’ struggles... but also the use of social media sites like YouTube to get their actions plans out.”²²

These specific examples may point the way to the SFWU. The union is currently thinking of having a page on Facebook, a much used social media platform in the country. This could be seen as a starting point for the development of an online information hub which workers could access to get information, participate in discussions or share information about problems. Nonetheless, it needs to be remembered that the use of social media by unions has many implications. These can be both positive, for example, as a means to engage with the workforce, or negative, as reflected in a comment by a representative of the Trades Union Congress (TUC) of the UK to the effect that Facebook was “3.5 million HR accidents waiting to happen”.²³

The country also has a range of mobile phone post-paid packages, commonly known here as “unlimited”, that are extremely popular among the

16 www.employment.gov.sc/about-us/section-and-units/labour-relation-division/industrial-relations

17 www.seychelles.hu/node/377

18 The impression gathered during the author’s visit to the offices of the SFWU was that this was an organisation that was struggling rather than thriving. This subjective assessment was confirmed by one of the interviewees who commented that while the SFWU did get some funding, this was only sufficient for survival.

19 Ward, S., & Lusoli, W. (2002). *Dinosaurs in Cyberspace? British Trade Unions and the Internet*. citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.454.6135&rep=rep1&type=pdf

20 Zeltzer, S. (2011). Workers’ rights and the internet. In A. Finlay (Ed.), *Global Information Society Watch 2011: Internet rights and democratisation*. <https://www.giswatch.org/en/freedom-association/workers-rights-and-internet>

21 *Ibid.*

22 *Ibid.*

23 Smith, S., & Harwood, P. (2011). *Social media and its impact on employers and trade unions*. Advisory, Conciliation and Arbitration Service (ACAS). www.acas.org.uk/media/pdf/a/i/social_media_FINAL_3108111.pdf

working-age population because they are low-cost and available in various “sizes”. They offer talk time and text messages while mobile internet data is accessible at an additional rate. These packages are essentially for socialising or for work-related calls when purchased by organisations, but their use to create awareness and support workers’ rights could be encouraged, for example, through a helpline mobile number operated by the union or by volunteers.

Another strategy would be to reach out to and establish working links with international unions through the internet. The UNI Global Union, based in Nyon, Switzerland, for example, states that it “represents more than 20 million workers from over 900 trade unions in the fastest growing sectors in the world – skills and services”²⁴ – areas of economic activity that are of particular relevance to the Seychelles workforce.

Action steps

It is clear that the SFWU will continue to exist in the foreseeable future: it is the only active workers’ organisation in the country and its presence fulfils a number of existing legal requirements. To increase its relevance and visibility, the SFWU should:

- Negotiate with a well-funded appropriate local organisation to support development of and host its website in order to offer comprehensive information to workers, as developing and maintaining a website of its own may be beyond its current means. This would include public

information on workers’ rights and privileges as found in various national instruments such as the constitution, the Industrial Relations Act, the Employment Act, etc., as well as practical information on steps to be taken for reporting and dealing with situations of perceived unethical or illegal practices by employers. The website could also offer secure content that would be accessible only to members and which could include, among other things, legal guidance and access to advice from local/international lawyers specialising in labour issues and willing to be part of this effort, or the possibility to contribute suggestions to any ongoing discussions with employers/government bodies on decisions that affect workers (such as changes in tax rates on earnings).

- Reach out to existing members to discuss what they could jointly do to become more visible on the internet and more appealing to younger workers; some members (organisational or individual) may be willing to volunteer time or skills or their knowledge of workers’ rights to push the SFWU’s agenda forward. This might also generate greater engagement.
- Design a simple web-based information, education and communication programme that aims at connecting with workers in Seychelles – especially the younger ones – to inform them about their rights and responsibilities, and how best to deal with perceived infringements of these rights.

²⁴ www.uniglobalunion.org/about-us

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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