



ITUC International Trade Union Confederation  
CSI Confédération syndicale internationale  
CSI Confederación Sindical Internacional  
IGB Internationaler Gewerkschaftsbund

**Ayuba Wabba**

President  
Président  
Präsident  
Presidente

**Sharan Burrow**

General Secretary  
Secrétaire générale  
Generalsekretärin  
Secretaria General

**Dr Lazarus McCarthy Chakwera**

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HTUR/ZM

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**The ITUC and ITUC-Africa denounce the Labour Relations (Amendment) Bill 2021 and the Employment (Amendment) Bill 2021**

Dear Mr President,

We are writing on behalf of the International Trade Union Confederation (ITUC), representing 200 million workers in 163 countries, and on behalf of the African Region of the International Trade Union Confederation (ITUC-Africa), to denounce the passing of the Labour Relations (Amendment) Bill 2021 and the Employment (Amendment) Bill 2021 by the parliament of Malawi without consulting the nation's Tripartite Labour Advisory Council (TLAC).

The ITUC is reliably informed by its affiliate union, the Malawi Congress of Trade Unions (MCTU), that the Labour Relations Amendment Bill was last discussed by tripartite partners in 2018 and was shelved. It then came as a surprise that your government, without meaningful and genuine tripartite consultation, went on to present the bill to Parliament, where it was fast-tracked and adopted on 7 July 2021, despite strong rejection by the opposition political parties and days of widespread protests against the adoption of the bills by the trade unions – protests led by the Malawi Congress of Trade Unions (MCTU) and civil society at large.

Mr President, our brief analysis of the bills raises serious concerns in relation to their compliance with the International Labour Organization (ILO) Convention on Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), ratified by Malawi in November 1999, and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Malawi in 1965, the same year that Malawi became a member of the ILO. Your government's disingenuous intention to limit the right to strike and to punish workers who exercise this right goes against the principles enshrined in these conventions.

In addition, we have serious concerns with the provisions that grant an employer the right to withhold wages as well as the provision in the Labour Relations Amendment Bill that arrogates exclusive power to the Minister to determine essential services without due process and excludes the Tripartite Labour Advisory Council; we also have serious concerns about the amendments to the provisions of the Industrial Relations Court.

Mr President, your country is a party to the ILO Convention on Tripartite Consultations (International Labour Standards), 1976 (No. 144), which requires consultations to be undertaken between the tripartite

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partners. The passing of the Labour Relations (Amendment) Bill 2021 and the Employment (Amendment) Bill 2021 without consultations is an abrogation by your government of its international obligation. We find it incomprehensible and unacceptable that a government that ascended to power through popular participatory resistance would engineer a paternalistic legislative process in such a brazen manner.

in your inauguration speech on 6 July 2020, Mr President, you gave credit to the workers and employers for supporting your campaign. And you promised the Tonse philosophy of collective responsibility that when “we have differences, we will still have to listen to each other and accommodate each other, for we have no other compatriots in all the world than each other.” Unfortunately, just one year into office, we already see this commitment fading, and we are worried by this development of not listening to the workers’ concerns.

We, therefore, urge your person and office to abide by Malawi’s obligations under Conventions 87, 98 and 144 of the ILO; and we advise your government to seek the technical assistance of the ILO to ensure that the draft bills comply with international labour standards outlined in the conventions that Malawi voluntarily ratified.

Mr President, we call on you not to assent to the bill and to refer it back to the Tripartite Labour Advisory Council for meaningful and thorough consultation, taking into account the technical advice of the ILO.

Yours sincerely,



Kwasi Adu-Amankwah  
General Secretary, ITUC-Africa



Sharan Burrow  
General Secretary, ITUC

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