Mission Report
ITUC Fact-finding Mission on Chinese Investment in Africa
4-13 July 2018

Executive summary

Between 4-13 July, a delegation from the International Trade Union Confederation (ITUC) undertook a fact-finding mission across Africa to investigate the impact of Chinese investments on workers’ rights on the continent.

Through meetings with unions, employers, government representatives, and workers’ themselves in Nigeria, Zambia and Ethiopia, the ITUC investigated the nature of Chinese investments in Africa and examined how Chinese investments have impacted jobs, workers’ rights to organise and collectively bargain, and working conditions. It also explored how labour rights are safeguarded within countries’ trade, investment and industrial development policies.

The mission shed light on numerous examples of rights violations within Chinese firms: ranging from prohibition of unionization, dismal wages below the minimum wage level, and flagrant violations of occupational health and safety regulations. That being said, the practices of Chinese firms were not always distinct from the practices of local employers or other international firms. It also revealed that governments often turn a blind eye to labour rights violations, or in some cases even facilitate such violations, as a strategy of attracting and maintaining foreign investment and sustaining employment.

The ITUC delegation has recommended a series of follow up actions to respond to these challenges. These include strengthened support for union organizing and collective bargaining within Chinese firms, strengthened pressure on African governments to enforce labour rights in their countries and on the Chinese government for respecting international labour standards in their investment agreements, and greater participation of social partners in the processes around such investments.

Further work at international level could also be considered, such as strengthened coordination with the African Union on trade and investment policies, making use of ILO supervisory mechanisms when rights are systematically violated within Chinese firms, cross-border social dialogue processes and the development of global framework agreements and communications campaigns to give greater international visibility to workers’ rights violations.

Finally, the delegation has acknowledged that China’s ‘One Belt, One Road’ initiative is a major investment project spanning across Africa, Asia and Europe, with major potential to impact workers’ jobs and working conditions across all of these continents. The delegation therefore recommends further research across more regions on the impact of Chinese investment on workers’ rights, as well as dialogue between unions in regions affected in order to develop a coordinated strategy for ensuring workers’ rights under such investments.

Overview of the mission and general findings

On 4-13 July, the International Trade Union Confederation (ITUC) undertook a fact-finding mission to investigate
the impact of Chinese investment in Africa, visiting three countries across the continent: Nigeria, Zambia and Ethiopia. The mission took place in view of extensive Chinese investment in these countries and other African countries among recent years, and concerns raised by African trade unions on the working conditions within Chinese firms, subsidiaries and suppliers operating within the region. The ITUC delegation was led by Mamadou Diallo, Deputy General Secretary of ITUC along with Evelyn Astor, ITUC Economic and Social Policy Officer; Hilma Mote, Executive Director of the Africa Labour Research Network; and Lee Cheuk Yan, General Secretary of the Hong Kong Confederation of Trade Unions.

The mission investigated the nature and scale of Chinese investments in the countries covered, the impact on job creation, and the consequences on workers’ fundamental rights and their working conditions. It also explored how labour considerations are taken into account within countries’ trade, investment and industrial development policies.

The mission consisted in a series of meetings and field visits with union representatives at both national and sectoral level, government officials, African Union officials, employers and workers themselves. Specific focus was given to the construction and mining sectors in Nigeria; mining, construction and hotel sectors in Zambia; and the emerging textile, leather and construction sectors in Ethiopia.

The ITUC delegation overall found that:

- **Foreign Direct Investments (FDIs) have grown substantially in Africa over recent years – with Chinese investments dominating some industries, such as construction and mining.** Chinese investments have often focussed on major infrastructure projects such as roads, railways, airport renovations, and energy projects, as part of China’s ‘One Belt, One Road’ initiative to boost the infrastructure needed to facilitate trade with China. From 2000 to 2017, the Chinese government, banks and contractors extended US $143 billion in loans to African governments and their state-owned enterprises (SOEs)\(^1\).

- **Chinese Investments are essentially part of a state-led investment strategy, with the government negotiating trade and investment agreements, the Bank of China providing necessary financing for these investments, and Chinese state-owned enterprises largely responsible for implementing the projects.** The Chinese government does not appear to consider labour standards criteria as part of its investment agreements.

- **The process for negotiating investments and implementing projects lacks transparency and consultation with trade unions and other major economic actors** despite the implications of these investments on job creation, job quality and the overall economy.

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• **Chinese companies tend to dominate public procurement contracts for infrastructure projects, without consideration for whether the firms selected have a history in respecting labour rights.** There is little to no communication between the ministry of labour and the bodies responsible for overseeing public procurement, let alone unions’ involvement.

• **Labour rights are sometimes foregone as a means of attracting foreign direct investment, in addition to exemptions from taxes and royalty payments as well as financial subsidies.** For example, in Nigeria, export processing zones enjoy a ten year ‘holiday’ on freedom of association and collective bargaining, despite the fact that freedom of association is enshrined within the country’s constitution, and that Nigeria has ratified ILO conventions protecting this right.

• Unions and government officials have acknowledged a **general reluctance of Chinese owned/operated firms, including those that are state-owned, to respect freedom of association and collective bargaining**. Unions in all countries under investigation have nevertheless managed to some degree to organize and conclude collective agreements within firms across different sectors— with varying degrees of success.

• **Non-compliance of national labour laws tends to be a major problem in all countries**— for both Chinese firms, local firms, and firms from other countries. Across different industries, there have been multiple reports of workers without written employment contracts, wages below the national minimum wage level, excessively long working hours with no overtime payment, and major occupational health and safety risks. In general, governments have acknowledged that they have very low capacity to enforce their labour laws, as labour inspectorates tend to be far too few and ministries are under-resourced. Sanctions and penalties for non-compliance tend to be weak or non-existent in all countries observed.

• **Chinese firms tend to bring many of their own workers under the justification that local skills cannot be found.** Governments often agree to the temporary use of high-skilled Chinese workers as part of a policy of ‘skills transfer’ whereby Chinese workers train and transfer their skills on to local workers. In practice, however, some firms recruit Chinese workers in lower-skilled jobs (cooks, drivers, secretaries, day laborers) that local workers would be able to do, and employ them for long periods of time (10 years or more).

• **The working conditions of Chinese workers in Africa remain relatively unknown.** Within Zambia, there have been anecdotal reports of poor working and living conditions for Chinese workers, however there were no documented cases of grievances by Chinese workers within the countries visited. There was also no evidence of their efforts to organize or engage in collective bargaining. Language differences, unfamiliarity of local labour laws, and the physical isolation of Chinese workers from locals (i.e., living in separate compounds) may all contribute to this.

• Until now, **the African Union has not considered labour criteria in its strategies to boost investments and trade**, although it appears open to further exchanges and coordination with unions at both national levels and with the ITUC. It would in particular be open to involving unions in a forthcoming Africa Investment Code under development to incorporate some policy recommendations on wages and labour rights into the policy recommendations. It could also consider involving unions in special technical committees for Ministries of Trade and Industry.

Overall, trade unions recognised that foreign investments, such as Chinese investment, can present important
opportunities to create jobs, improve infrastructure and support economic development. Nevertheless, unions are strongly opposed to the creation of jobs at the expense of rights and decent work or the risk of long-term government indebtedness. Freedom of association, collective bargaining, safe and healthy working conditions, living wages and social protection must all be ensured.

In this regard, the ITUC delegation recommended that further follow-up work at national and international level be undertaken. This work would include:

- **Strengthened support for union organizing and collective bargaining** within Chinese-owned/managed firms;

- **Strengthened demand on African governments to enforce labour rights** in their countries and effectively carry out labour inspections, as well as on the Chinese government for respecting international labour standards within investment agreements;

- **Use of ILO supervisory mechanisms**— bringing attention both to African states that do not adequately apply international labour standards as well as the Chinese government in cases where its investment activities clearly violate international labour standards;

- **Greater participation of social partners** in the processes around investment decisions, industrial policies and public procurement, such as participation on national investment boards, industrial development boards and public procurement bodies;

- Exploring possibilities for **cross border social dialogue/global framework agreements** in the case of multi-national enterprises;

- **Communications campaigns** exposing the poor business practices of certain Chinese companies within African supply chains. Such campaigns could possibly focus in on some specific Chinese companies with known rights violations in multiple companies, and could be coordinated between national unions, relevant global union federations and the ITUC;

- **Effective dialogue between trade unions and the African Union** to ensure that labour considerations are effectively considered within regional strategies for trade and industrial policy; and

- **Further research on the impact of workers’ rights and financial risks along ‘One belt, one road’ countries**— spanning beyond Africa to other regions where Chinese investment is prevalent, such as Asia and Eastern Europe—as well as **support exchanges between unions** on effective responses to improve workers’ rights under Chinese investments.

A more detailed background and analysis of the situation within the individual countries covered, along with country-specific recommendations, can be found in the sections below.

**Chinese Investment in Nigeria**

The ITUC delegation visited Nigeria between Wednesday 4 July and Friday 6 July. A series of meetings took place with the unions at national and sectoral level, which included the Nigeria Labour Congress; the National Union of Civil Engineering Construction, Furniture & Wood Workers; and the National Union of Chemical Footwear, Rubber, Leather and Non-Metallic Products Employees. The ITUC delegation also met with
representatives of the Ministry of Labour, along with both managers and workers from the Chinese Civil Engineering Construction Corporation, which is among the largest Chinese-owned firms in Nigeria (CCECC).

As a general background, China has invested billions of dollars in the Nigerian energy, chemicals and construction sectors over the past few years – as well as made massive infrastructure investments in the country. Such investments include a US$8.3 billion project to modernise Nigeria’s railway line from Lagos to Kano, a US$65 billion project to build a major hydropower plant. A licence to operate and generate power using coal was also given to two Chinese firms worth US$80 billion including the establishment of and controlling share in the Kaduna Petrochemical Refinery Company (KPRC). A major renovation of Abuja international airport is currently underway, led by CCECC.

**Chinese businesses in Nigeria are facilitated largely by the state through state-state relations** using diplomats and state officials and once the agreements have been made, Chinese business managers are brought in to play supporting roles for implementation. Most of the funds for major investments are Chinese public funds. In other words, while there are more private Chinese investors/investments in Nigeria, the bulk of the funding for major projects come from the Chinese government or associated financial institutions such as the Bank of China. **The memoranda of understanding governing these investments in Nigeria tend to lack transparency.** Ministry of Labour officials confirmed that their ministry is not involved in this process, nor are social partners or other stakeholders – despite the widespread implications of such agreements on jobs and working conditions. The memoranda are not made public, and there is no possibility for citizens or even stakeholders to read the provisions within them.

As part of the drive to attract foreign direct investment, **the Nigerian government has offered a range of tax concessions and other incentives – including related to labour rights.** Tax concessions of 6% are afforded to companies hiring more than 100 workers, 7% for those with more than 200 workers, and 15% for those with 1,000 workers or more. Tax concessions are also granted for firms that establish in-plant training facilities. **Within Economic Processing Zones, a 10-year moratorium on Freedom of Association and Collective Bargaining applies as a means of incentivising foreign firms** – despite the fact that such a provision contradicts the country’s labour code and the rights enshrined in the constitution. There is a lack of coherence between the right to freedom of association enshrined in the country’s labour code and in its constitution and the application of such moratoria for companies within Economic Processing Zones. In cases of conflict between these provisions, the Ministry of Labour assured the ITUC delegation that the Constitution should take precedence. Nevertheless, **a lack of coherence on existing legal provisions around freedom of association can lead to confusion among firms and can lead to lower levels of compliance** – especially when combined with weak labour inspectorates.

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3 Ibid
Unions in Nigeria have succeeded to a large degree in organising workers in large Chinese firms and negotiating collective bargaining agreements. Construction unions in Nigeria in particular have managed to organise over 80,000 workers in Chinese-owned firms, including the China Civil Engineering Construction Cooperation (CCECC) and the China Railway Construction Corporation (CRCC). Serious challenges remain around organising in small establishments, those in the chemical sector, as well as those situated in economic processing zones. The sectoral unions in the chemicals sectors also reported widespread violation of workers’ rights in Chinese firms, and reported complicity of the State in such violations. The chemical unions specifically referenced the use of police to break up strikes and intimidate workers organising within Chinese firms.

As a means of safeguarding jobs for Nigerian workers, the Nigerian government has made use of expatriate quotas¹ whereby foreign workers may be allowed to temporarily come and work where there are serious skills deficits, and where they are expected to train Nigerian workers before leaving the country. In practice, these expatriate quotas have become subject to some abuse, with Chinese workers in low and medium-skilled professions (e.g., drivers, cooks, secretaries) arrive in Nigeria and occupy posts that Nigerians would be able to do. The working conditions of Chinese workers is not known, neither by the Ministry of Labour nor to Nigerian unions. The Ministry of Labour insisted that the labour law applies to all workers regardless of nationality, including Chinese workers. No complaint had ever been registered by Chinese workers. There is no evidence of Chinese workers’ attempts to organize themselves, nor join Nigerian unions.

Based on the mission findings, the ITUC delegation made several recommendations for follow-up work:

- **Unions should continue their efforts to organize workers within Chinese firms** – particularly within small firms and within the chemical sector, where egregious violations of freedom of association and dismal working conditions have been reported.

- **Both the Ministry of Labour and social partners should seek to gain space in the process around negotiating memoranda of understanding on Chinese investments**, as well as the measures to implement these agreements – given the implications of these agreements on job creation and job quality.

- **Unions should continue to apply pressure on the government to enforce the law.** Labour inspectorates should be more active in investigating labour violations; it seems only to be done upon complaints filed by unions. Unions also should seek to be systematically involved when labour inspectors investigate violations.
• Serious violations of freedom of association, including within economic processing zones, could be given greater international visibility and reported to the International Labour Organization as part of the process around supervisory mechanism, given that Nigeria has ratified ILO Conventions 87 and 98.

Chinese Investment in Zambia

The ITUC delegation visited Zambia between Saturday 7 July and Wednesday 11 July. Meetings took place with the unions at national and sectoral level – which included the Zambian Congress of Trade Unions; Gemstone and Allied Workers Union; Hotel, Catering, Tourism and Allied Workers Union of Zambia; National Union for Building, Engineering and General Workers; and National Union of Commercial and Industrial Workers. The ITUC delegation also met with representatives of the Ministry of Labour and Social Security and the Ministry of Commerce, Trade and Industry, along with employers representatives at the Zambian Federation of Employers. Site visits with interviews for both managers and employers were organised in the Chinese-owned Best Western Hotel in Lusaka, as well as in the Chinese-owned steel company, Good Time Steel.

In Zambia, Chinese construction enterprises are the largest employers, undertaking numerous large-scale infrastructure projects in key sectors such as telecommunications, transport, construction, power plants, waste disposal, and stadia. In addition to construction, the Chinese state has also made significant investments within the mining industry over the last ten years, with over US$1 billion reported to have been invested in copper mining projects. Today, the China Nonferrous Metal Mining company (CNMC) is the biggest Chinese investor in Zambia.

Many of these investments take the form of State-to-State bilateral cooperation agreements, which are then implemented by the Zambian Development Agency (ZDA), who select appropriate firms for undertaking these projects. The agreements governing these investments and the processes for implementing these agreements are largely done without consultation with social partners or key stakeholders. While the Zambian Development Agency does have a steering board, in which the Ministry of Labour is part, neither unions nor employer representatives are part of this board, despite the implications such investments have on the job market as well as on working conditions. Zambia’s national industrial policy, adopted in 2018 setting out the country’s industrial priorities including in the area of infrastructure, had not consulted trade unions, although they did consult the employer’s federation.

Violation of labour laws by Chinese firms has been acknowledged as a major challenge by both trade unions and

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5 Business Insider (2017) China says Zambia let go 31 Chinese held for illegal mining
6 According to the website of Zambia-China Economic and Trade Cooperation Zone (ZCCZ)
Humphrey and Burton, workers at Good Time Steel, a Chinese steel factory in Zambia that has been unionised

“Thank god there is a union now. They used to pay us below the minimum wage but now they know they can’t get away with it anymore.”

Zambian Labour Commissioner for violations among Chinese firms, however the response tends to be very slow and ineffective. One specific example was given of Zambian mine workers who sought intervention from the Labour Commissioner for union recognition, however their complaints had been dismissed.

Workers’ rights violations by Chinese firms within the mining sector in the Copperbelt region appear to be particularly problematic, with unions reporting poor health and safety conditions, hostility to trade unions and irregular working hours of 12 and even 18 hours per work shift. Unions have reported that violations within mines have gone largely unenforced by the government. One particularly case is the case of the Chinese Collum Coal Mine, where in 2010 employers shot and injured several striking workers. While supervisors had initially been charged for their crimes, the matter was later dropped in court. Nevertheless, the Ministry of Labour has maintained that they have followed up on such egregious violations – and cited the example of several Chinese nationals who had been recently deported from Zambia due to illegal mining practices.

Workers often fear organising and joining/establishing a trade union, and Chinese firms tend not to have established mechanisms for consulting workers. That being said, workers within some Chinese enterprises have managed to organise and effectively bargain for better working conditions. The ITUC delegation’s site visits took place within two Chinese firms that had been organised: the Best Western Lusaka and Good Time Steel. Despite being very different industries, in both sites workers reported that prior to being organised, they had been paid below the minimum wage level prior to the minimum wage level. In the case of metal workers in Good Time Steel, occupational health and safety conditions had also been considerably worse prior to the establishment of the union.

The working conditions of Chinese workers within Chinese firms remained relatively unknown. The minimum wage in Zambia does not apply to ‘expatriates’, however the law does require that wages paid to foreign workers are disclosed to the ministry. The ministry was nevertheless not in a position to disclose information about their wages to the ITUC delegation. In terms of the skills profile of Chinese workers, the Zambian government has a policy of allowing foreign workers to come to Zambia on the condition of ‘skills transfer’ - i.e., that they possess
skills that local workers lack, and that they come temporarily in view of transferring their skills to local workers. Moreover, exceptions can be made to this policy, where work permits are provided to ordinary workers in the cases of very large-scale projects. Overall, Chinese workers tend to represent a significant share of employment within Chinese firms in Zambia. In the case of the company 15 Metallurgical Construction Group (15MCC), 500 Chinese workers work on their premises in the copper belt province of Zambia compared to 1756 local workers.

The ITUC delegation recommended the following points for follow-up:

- **Unions should seek to get involved in the processes around the formulation industrial policy and the negotiation and implementation of investment agreements**, and in particular seek for a seat on the board of the Zambian Development Agency.

- **Unions should continue to apply pressure on the enforcement of labour law**, particularly with regard to freedom of association and collective bargaining and payment of the minimum wage. Specific attention could be given to ensuring labour inspectorates are present in all regions of Zambia and the Labour Commissioner responds quickly and effectively to complaints submitted by unions.

- **Systematic violations of labour rights, especially freedom of association and collective bargaining, and lack of effective response by the Government could be reported to the ILO as part of the supervisory mechanisms.** Non-compliance of the minimum wage could also be reported, given that Zambia has ratified relevant ILO Conventions on Minimum Wage Fixing and Labour Inspection.

### Chinese Investment in Ethiopia

The ITUC delegation visited Ethiopia between Wednesday 11 July and Friday 13 July. Meetings took place with the unions at national and sectoral level – which included the Confederation of Ethiopian Trade Unions (CETU); the Industrial Federation of Ethiopian Textile, Leather and Garment Worker Trade Unions; and the Ethiopian Industrial Federation of Construction, Wood, Metal, Cement and Other Trade Unions. The ITUC delegation also meet with representatives of the Ethiopian Employers Federation. Site visits with interviews for both managers and employers were organised in two Chinese-owned tanneries: East African Tannery and Friendship Tannery.

**Ethiopia is a partner of China's Belt and Road Initiative, a massive infrastructure spending push to facilitate new trading routes.** Ethiopia is considered to have a strategic location for Chinese trading, as it a neighbour of the port state of Djibouti. As part of this initiative, China has funded Ethiopia's Addis Ababa Rail project, which opened in 2015 at the of cost US$475m. The Chinese have also built in recent years dams, roads, and factories in Ethiopia, as well as gifted Addis Ababa with the African Union headquarters, the construction of is estimated to be around US$200m⁷. **Chinese companies are also largely involved in the country’s textile and leather industries**, in part due to cheap labour and high quality leather hide available in the country.

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⁷ *Al Jazeera (2015) China rides the rails of Ethiopia’s development*
The process of negotiating investments has been until now mainly negotiated by the Ministry of Trade, but the **new Prime Minister has set up a National Investment Board** – a form of dialogue between the Ministry of Trade, the Ministry of Labour, and technical experts to formulate and implement Ethiopia’s investment strategy. The Ministry of Labour also indicated that the business community will soon be invited to participate, and unions may also wish to request participation in order to strengthen consideration of labour rights in investment decisions.

Overall, wages within Chinese firms are extremely low – with some day workers in the East Africa Tannery factory earning as low as 40 ETB per day (US$1.44). Workers there reported that wages were largely insufficient for ensuring a decent life for them and their families, and they are forced to regularly work overtime in order to survive. It should be noted however that wages within Chinese firms are not necessarily lower than in other firms, especially as Ethiopia currently lacks a national minimum wage, and low pay is a widespread problem across the country.

Numerous occupational health and safety violations have been reported in Chinese enterprises. Union officials reported frequent injuries and deaths in the construction sector due to unstable scaffolding made from wood rather than steel – even in the case of major construction projects for major bank buildings and international hotels in Addis Ababa. Within the garment and leather sector, workers have been reported to have **lost limbs due to insufficient safety equipment and poor oversight in the operation of machinery.** During a workers’ hearing at East Africa Tannery, workers reported **light sensitivity in their vision due to exposure of chemicals** to process leather hides, adding that despite these concerns they had never been subject to a health check.

Some unions have managed to organise and establish collective bargaining within Ethiopian construction and leather firms, although the coverage of such agreements is extremely low. Both union confederations and the Ministry of Labour acknowledged that very often unions tend to exist ‘symbolically’ within these companies but they are not able to be functional. **Even after workers organise, employers often continue to apply constraints to their organising activities,** such as requiring that union members meeting exclusively outside of working hours. Moreover, given that sectoral bargaining is not permitted within the current labour code in Ethiopia, unions must negotiate their conditions individually within firms, though they sometimes lack the necessary training, expertise and time to effectively negotiate technical provisions in collective bargaining agreements, in particular on occupational health and safety and wages.

The Ministry of Labour is aware of many violations of Chinese firms but admittedly has low capacity to enforce compliance with its labour laws. Within the entire country, only 537 labour inspectors exist, and according to the Ministry many inspectors often lack experience and are poorly trained. Low attractiveness of these jobs and high-levels of staff turnover further complicate their effectiveness. As a response to these issues, the Ministry of Labour is planning to outsource parts of labour inspections to private companies – in particular parts of the inspections
that are extremely technical. The Ministry of Labour was also aware of the need to reinforce regulatory framework on minimum wages and health and safety in the country, and noted that a new labour law is currently being prepared, which foresees the introduction of a minimum wage.

As a response to the above challenges, the ITUC delegation suggested the following follow-up measures:

- **Support for the adoption of a national minimum wage** that would take into account the costs of living for Ethiopian workers, which could possibly be combined with sectoral wage floors where appropriate.

- **Encouragement of collective bargaining at sector level, as well as strengthened support for unions when they negotiate collective bargaining agreements at firm level** (i.e., a checklist of useful provisions to consider – especially in the area of occupational health and safety).

- **Continued pressure on the government to enforce the law and resource labour inspectorates.** As labour inspectorates have the capacity or order mandatory health checks within premises, unions should encourage inspectors to order this. Unions also should seek to be systematically involved when labour inspectors investigate violations.

- **Involvement in the processes guiding Ethiopia’s investment strategy, and in particular request participation on the National Investment Board.**