



RUMPHI DISTRICT LABOUR OFFICE

Statement

By

District Labour Officer for Rumphi - Kalani Malema - delivered during the visit by Honourable Minister of Labour - Yunnus Mussa - MP at Rumphi District Labour Office on 16th March 2010.

**Produced by the office of the District labour officer,
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The Honourable Minister of Labour, Yunnus Mussa, MP,

The Deputy Labour Commissioner, Michael Mwasikakata,

The Director of Occupational Safety, Health and Welfare, HKK. Nyangulu,

The Workers Compensation Commissioner, John Mawango.

The Regional Labour officer for the north, Madam Grace Kamlomo and her accompanied officials,

The District Commissioner for Rumphi district council, Rodrick Mateuma, and all council secretariate officials present here,

My fellow heads of Government departments,

All staff members of Rumphi district labour office,

Members of the press, if any,

Ladies and Gentlemen.

1. Hon. Minister, on behalf of all staff members and indeed on my own behalf, I welcome you to Rumphi district labour office where you are today meeting us members of staff as part of your familiarization tour in the north. This is your field office in Rumphi. Feel free to advise us on whatever is to help us discharge our duties effectively as required.
2. Hon. Minister, as a District Labour officer and in this era of Decentralization and Devolution, I am also the key Government technical Advisor to the District Commissioner on all matters of labour issues in the district. Therefore I feel greatly honoured this morning to have been visited and interacted with you because I shall be left well equipped with what can further prove me to be a good and off course a competent Advisor to my District Commissioner.
3. Hon. Minister, before I say anything pertaining to our core business, let me first mention here that Rumphi labour office is to be manned by a team of eight staff members including support staff, that is, if it were fully staffed according to the office established posts for Rumphi labour office. However, it is meantime steered by seven officers out of the total required number of 8. A position of one more Labour Assistant at Grade M is vacant and it is my hope that it shall be filled in the near future.

LABOUR COMPLAINTS AND OTHER DISPUTES

4. Hon. Minister, it is the tobacco growing industry that originates most of our labour complaints reported for settlement at Rumphi labour office. Within this industry, there are more Tenants employed by the Tobacco Landlord Employers from within Rumphi district as well as from other districts in the country. Hon. Minister, you

may wish to know that Rumphi is one of the receiving districts for those seeking for employment in the agricultural sector in the North. Some common complaints reported and processed at Rumphi labour office involving Tenants include those of: **1.** non payment of wages; **2.** alleged unfair dismissals; **3.** underpayments of wages; **4.** child labour cases; **5.** complaints of Tenants being stolen by other Landlord Employers; **6.** complaints of food deprivation by some Landlord Employers; and **7.** the repatriation claims, just to mention a few.

- 5.** Hon. Minister, for two months of January and February 2010, my office received and registered a total of **93** labour complaint cases. **60** of these 93 cases were tenancy cases representing 65 percent. Against these reported cases, a total sum of Mk69, 919.16 was claimed and paid out to various complainants in respect to cases that were settled. And six routine labour inspections have been conducted during this period whereas a total number of 15 other field visits have been undertaken.
- 6.** Another sector that comes the second in originating complaints is that of the wholesale and retail trade sector involving the Chinese shop Employers; the Mwenyes` shops as well as those of other traders of Asian origin trading in Rumphi district. There are also some cases from within this sector that originate from Malawian owned shops only that they are relatively fewer compared to those of the Asian category. The rest labour complaints processed at our office come from other sectors like those of the construction industry where Contractors are mainly involved as Employers.
- 7.** Hon. Minister, under this section of labour complaints, my office, experiences some two challenges that I have outlined below for your attention and action. *Firstly*, it is lack of reliable transport at my office since the two office Motor bikes are in most cases off and on the road. The office ORT fund allocations on the items of fuel and of maintenance of Motor vehicles are not enough to carry out full maintenance of the two Motor bikes and to procure enough fuel. I have already factored this into our 2010 / 2011 budget estimates but the problem could be that of ceilings control by Treasury. The *second* challenge Hon. Minister, is lack / absence of the repatriation legal provisions in our current employment Act No. 6 of 2000. Indeed this is further compounded by the absence of any labour tenancy Act that would be of much help for us during handling tenancy complaints involving repatriation claims.
- 8.** Hon. Minister, my office has plans to conduct more sensitizations and field visits to Landlord Employers and their Tenant employees. A number of such sensitizations were conducted last year from August to December and have proved to be working positively and thus shall continue this year. During these meetings, we sensitize both employers and employees for them to be made aware on what labour laws expect them to do to each other as employers and employees. It is my hope Hon. Minister that if my office can be favoured with an increase in the budgetary allocations

especially on the two mentioned items of fuel and of Motor vehicle maintenance, I am sure the challenge that I have mentioned regarding transport issue shall have been addressed accordingly. I hope my District Commissioner or his representative present here will take note of my plea.

9. Based on last year's experience, it has been shown that when the office has good transportation means during some months and when officers involve themselves to carry out field visits to investigate and settle complaints, most of the labour complaints reported at our office are settled easily while in the field. This strategy has proved to be very effective with Tenancy disputes involving individual Landlord employers and Tenants who usually disagree over the amount of tobacco crop in the field. Thus my office, records more output with little input attached (i.e. greater number of settled cases are achieved as compared to office costs incurred).
10. Hon. Minister, regarding the Chinese and Asian Employers at the Boma and at Bolero main trading centre, my office conducted in 2009 prior to December, Labour inspections in almost every trading shop including Bakeries to check compliance and non compliance of required legal conditions of employment. Some of the common infringements that were revealed across most shops of this sector included:
 1. under payments of wages;
 2. non provisions of annual leave pay;
 3. non observance of public holidays;
 4. non payments of overtime wages despite workers having worked for overtime hours and
 5. non payment of housing allowance where accommodation is not provided by the employer.
11. Hon. Minister, one workplace at the boma here that used to be problematic when it comes to compliance with labour laws, is the shop by the name B & H Investment owned by Mr G. Zheng. Zheng had to assign some workers to be doing some domestic duties within home compound where workers could be subjected to work in a health hazardous environment that would likely risk workers to easily contract some water-born diseases. The complaint was reported to my office and I immediately conducted a complaint labour inspection and found out that the complaint leveled allegations were all true after being cross checked with the employer. I then discussed with the employer and workers and thereafter the employer was advised accordingly. The employer Zheng promised to stop subjecting workers to such health hazardous working environment, an action that changed things for the better on part of workers. Zheng is the one who also operates some shops at Bolero. All the inspected shops including this one of B & H investment were served with a detailed copy outlining legal minimum standards of employment in Malawi for their references while complementing my piece of advice given.
12. It is within my office plans to conduct follow-ups inspections in all the Chinese shops this year where infringements were observed and employers advised so that

we check whether they complied or not. If not complied, my office shall take appropriate further action against them.

13. With regard to lack of repatriation provisions as a challenge, Hon. Minister, I hereby appeal to you that you will have helped us Labour officers here in Rumphi and probably elsewhere in the country if you ensure that Tenancy labour bill is presented and passed into law by parliament. This will really be our legal reference to handle complaints of repatriation which currently are being handled by us through persuasions and serious mediations but without any legal reference to back us.

WORKERS COMPENSATION

14. Hon. Minister, Mchenga Coal Mines Ltd, the establishment that you have just visited this morning, is the one that features high in the number of workers accidents being reported at Rumphi labour office. This is so Hon. Minister due to the nature of mining associated activities that are very much prone to injuries of various ranges.

15. The relationship Hon. Minister between my office and the management of Mchenga Coal Mines Ltd is very positive. The company always reports accidents to Labour office once they occur and their reported cases are processed timely in most cases and sent to workers Compensation office in Lilongwe for final processes.

16. Hon. Minister, there are some other small operational Coal minings in Rumphi district. These include Kaziwiziwi Coal Mine within the hills of Ntchenatchena, few km to Livingstonia plateau; the Mean Jalawe Coal Mine; the Chiweta Coal Mine and then the Phoka Coal Mine.

17. Hon. Minister, ESCOM comes the second in originating workers` compensation cases to our office followed by those reported accidents from the public sector.

18. The only setback or rather a challenge Hon. Minister, with the processing of compensation cases at our office is the long delay the injured workers or beneficiaries suffer before they actually get their compensation. I hope this is due to long processes that are done at workers compensation headquarters in Lilongwe before someone`s case claim is sent to the employers or before someone`s cheque is issued and sent to us for payment. However I am glad, Hon. Minister, that I carried some possible solutions to this challenge from the ministry`s annual review meeting that I attended last month in Liwonde.

EMPLOYMENT ISSUES

19. Hon. Minister, the work of facilitating public employment services at Rumphi labour office is progressing smoothly. A quiet remarkable number of individual employers in the agricultural sector have had their vacancies filled through labour office where we keep a register of job seekers ready for placement.

20.It is my hope Hon. Minister, that these employment exchange services at my office will improve in the near future with the coming of the Youth Enterprise Development Fund (YEDF) that is likely to benefit many competent Youths who may later turn to be employers thereby offering employment to some job seekers from our office. I am saying so Hon. Minister because some individual employers who have been employing our job seekers from Rumphi Labour office into their agricultural farms are actually Mardef loan beneficiaries.

21.Hon. Minister, my office is therefore currently looking into how best it can improve its services with regard to this section of employment exchange services so that the general public should be able to have their foreseen demand for our services get serviced timely and correctly.

FIGHT AGAINST CHILD LABOUR

22.I now turn to fight against child labour. Hon. Minister I know you know that the fight against child labour is one of the Government's lined up activities within the Malawi Growth and Development Strategy document and that it is indeed one of our Ministry's core activities.

23.Rumphi district labour office has put in place planned activities that shall be undertaken under this activity of fight against child Labour in our 2010 office plans of work. Before I mention some of these planned activities, Hon. Minister, allow me to first give you the picture of Child labour in Rumphi district.

24.Hon. Minister, according to the 2006 Multiple Indicator Cluster Survey (MICS) by National Statistical office, there are 29 percent of children aged 5 to 14 who are involved in child labour with 16 percent of them engaged in domestic child labour and 12 percent of them working as child labourers in their family businesses leaving out a 72 percent of these 29 % children as children involved in other forms of child labour. 2 percent of these 72 % children are in paid child labour whereas 6 percent are in unpaid child labour.

25.Hon. Minister, by this survey findings, it simply means that for every 1000 children in Rumphi district, only 290 are child labourers. And that 46, of these 290 Child labourers, are domestic child labourers (i.e. 16 % of 290); 35 of these 290 child labourers, are family business child labourers (i.e. 12 % of 290) and the rest 209 (i.e. 72 % of 290) are those child labourers in other forms of child labour where 4 of them (i.e. 2 % of 209) are in paid child labour whereas 13 (i.e.6 % of 209) are in unpaid child labour.

26.Some economic activities where child labour is found in Rumphi district, Hon. Minister, include vendering for those around streets of Rumphi boma; fishing for those along the lake in Mlowe; Tobacco farming for those child labourers employed

in tobacco estates or by some scrupulous individual tobacco farmers (employers). Note that child labour in the tobacco industry here in Rumphu emanates mostly from the tenancy system where children are used as part of family labour by individual Tenant parents.

27. Having given out such a picture on child labour, I now proceed to state that Rumphu labour office has plans to **1.** conduct increased number of child labour inspections in various workplaces; **2.** intensify awareness and on-going sensitization campaign meetings. These shall be in addition to the Child labour open day functions that we started to implement in January this year with funds from National Aids Commission (NAC) on the component of Child labour open days for children in employment. Such funds are channeled to us from NAC through the office of District Commissioner; **3.** *Thirdly*, we have also planned to closely supervise and monitor periodically the child labour monitors who were trained and work to complement Rumphu labour office in the fight against child labour in the District. These Monitors work as volunteers and are situated in various parts of the district; **4.** My office has also planned to coordinate with other stakeholders at DEC level so that we can be tabling and generating solutions to end some worst forms of child labour spotted at Rumphu boma. I feel it is only the strategy of multisectoral approach that can help sweep out some worst forms of child labour spotted around Rumphu boma both during the day time and at night. Further, it is my hope that such coordination with other stakeholders, shall help to discuss and put in place the District Child labour committee or to make it functional.

28. Hon. Minister, it is high time we recognized that child labour is not just a labour issue alone but also a human right issue and therefore calls for the joint responsibility of many different sectors including religious institutions and other parts of the civil society, thus a multisectoral approach that I am advocating.

29. Hon. Minister, allow me again to drive you in memory back to what you advised us District labour officers meeting at Hippo View Lodge in Liwonde during the Ministry's Annual Child labour Review meeting that took place during the mid month of February 2010. You strongly urged or rather advised us to be patriotic and committed officers in the fight against child labour; to be Officers who can identify challenges and then explore possible solutions to align with the identified challenges. It is this piece of advice Hon. Minister that made me to revisit our office work plans soon after I came back in the office from such a meeting to re-plan some of the activities to align them with their associated challenges for which they will be providing responses once implemented. Your advice, Hon. Minister, was not only applied to planned activities of child labour but also to all other office planned activities.

- 30.** Hon. Minister, they are two challenges my office faces in our attempt to fight against child labour: **1.** During the sensitization meetings, most parents and guardians and indeed the Tenant parents even some employers do not know or really appreciate the differences between child work and child labour (i.e. they do not know which jobs constitute child labour and which ones constitute child work). Thus, Hon. Minister, the review of the labour laws that incorporates child labour issues (employment Act of 2000 amendment bill yet to be passed) could really provide a solution to this challenge as it will have a gazetted schedule of list of hazardous work for children, for people to differentiate and know what is child labour and what is child work. **2.** The second challenge is that of lack of sustainable alternatives for the withdrawn children. With this challenge, it is our plans to be advising employers, during our child labour inspections, to be providing light jobs to children of 14 to 17 years found employed and not necessarily withdrawing them.
- 31.** Finally, Hon. Minister, and Deputy Labour Commissioner, let me leave you with the assurance that Rumphi district labour office will continue to work tirelessly to ensure that an environment that is conducive to sustainable social and economic development that would improve the living standards of most workers in Rumphi district is attainable.
- 32.** I thank you for your attention and I wish you a nice journey as you proceed with your work tours in the north and thereafter a nice journey back to your high office in Lilongwe.

End of Statement on the Office work performance