

# Kenya's anti-union highway

Agility Logistics workers demand decent work and a voice at work

**T**ruck drivers, warehouse and clerical workers in Kenya are demanding a voice at work and safe and fair working conditions. They are all employees at Agility Logistics, one of the world's largest logistics companies, headquartered in Kuwait. Together they facilitate the flow of goods on Kenya's Northern Corridor, a key route linking land-locked Uganda, Rwanda and Burundi with Kenya's maritime port of Mombasa. Agility joins a list of companies operating in this region that are notoriously anti-union. In March this year a group of Agility truckers began a peaceful protest against excessive working hours, intimidation and denial of union recognition. Police responded with violence and intimidation. Four months later, following a call for international solidarity and many broken promises from Agility, the workers and their union, the Kenya Long Distance Truck Drivers and Allied Workers Union (KLDTDWU) remain determined and are standing firm in their fight for rights along the anti-union highway.

## The trigger

On 3 March, drivers parked their trucks on the main highway between Mombasa and Nairobi in a peaceful protest against excessive working hours, intimidation and denial of union recognition by Agility Logistics. A second group of drivers gathered near to Mai Mahui, on the road between Nairobi and the border with Uganda. On 15 March armed police entered the drivers' cabs, beat them and forced them to drive at gunpoint to a company workshop. "After abducting me inside my cabin at around 12.15 am, the policeman pointed his gun at me and ordered me to drive non-stop at not less than 80kph in full lights and with hazard lights on all along the highway to Gigiri Police station in Nairobi. This made me feel that road safety was not their concern, but their wealth...I knew they wanted us dead", reported one driver.

The following day armed police attempted to attack a second group of drivers. The local community rallied to their defence, and refused to allow the police to drive the trucks away. Two days later Agility Logistics signed a return to work agreement with the union. Under that agreement was a guarantee that no worker would be dismissed or victimised for joining the strike and that drivers would receive pay for the time they were on strike. Yet the following week reports were received of worker harassment at one worksite; 28 membership forms were snatched and the workers' names copied down by management at the Agility warehouse in Broadway, Nairobi. Management summoned the lead organiser at the site.

## International support

The day after the police violence in Mai Mahui

the KLDTDWU called on the ITF family for international solidarity support. The ITF immediately launched a campaign calling for an end to the violence and for the company to negotiate with the union. The first step was to raise the flag and stop the police aggression. The ITF's General Secretary, acting on behalf of 4.5 million transport workers, contacted the CEO of Agility Logistics and urged the company to negotiate with workers. Meanwhile, the ITF set about spreading the word amongst the union family about the shocking violence Agility workers faced for demanding their rights. A LabourStart campaign was launched and within two days more than five thousand people sent a message to CEO Tarek Abdul Aziz Sultan calling for respect and union recognition. At the end of March an ITF monitoring team, accompanied by an official from the Britain's UNITE the Union, arrived in Kenya to meet with the Agility CEO in Kenya, Kola Saibaba. The team gathered evidence and workers' stories needed for a strategic campaign.

In Nairobi, the team met with truck drivers and mechanics at Agility's Gilgil Road depot and the Agility warehouse at Broadway. The ITF team also travelled to meet with workers at the Agility branch in Mombasa. At the Gilgil Road depot, workers told the ITF about their unsafe and unfair working conditions. "We are working 24/7. When it comes to accidents we just take care of ourselves. When it comes to payment, it's very little. We have families and we can't make it with this salary", explained Ronald, an Agility Logistics trucker based in Nairobi. At the Broadway warehouse, workers told the ITF that their jobs were to be outsourced with only a few days notice and that their new employer was trying to force them to sign a new contract, which failed to give any information about their new terms and conditions. Workers feared that they could be forced to work in different locations far away from their homes. Workers also reported that management had required them to work an extra three hours, apparently in an attempt to prevent them meeting the ITF team.

Then, in Mombasa, four Agility workers, who were active members of the union, told the ITF that they had recently received notice that they would be transferred to new workplaces. The workers reported that they were given only nine days' transfer notice.

Truck drivers involved in the recent strike also complained that they were facing reprisals from management. They reported that they had been sent on journeys without enough fuel, leading to some of them becoming stranded. Agility told its workers that their salaries would be delayed, a move which workers regarded as retaliation for the recent strike. Drivers who had been involved



ISABEL CORTES,  
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in accidents were dismissed without any investigation into the incident, they explained, and the company failed to cover medical expenses for drivers injured at work. Workshop mechanics told the ITF team that Agility was failing to provide proper safety equipment, such as overalls and safety boots. Workers in Mombasa reported that their manager has instructed them to sign a 'loyalty declaration' pledging to withdraw from, or not join the union – a violation of workers' rights under the Kenyan Constitution. At a meeting with Kenya Agility management at the multinational's Nairobi office, the ITF team raised concerns about intimidation of union members and urged the company to recognise the union and implement a zero tolerance approach to harassment and intimidation. Joe Katende, ITF Africa Regional Secretary noted: "Agility's Kenya CEO, Ali Saibaba Kola, told the ITF team that he would not voluntarily recognise the long distance truckers' union".

### A May Day rally in support of Agility workers

Trade union leader Nicholas Mbugua, general secretary of the Kenya Long Distance Truck Drivers and Allied Workers Union, stirred up an outpouring of public support for Agility workers when he addressed crowds at the May Day rally in Mombasa. Mbugua described the dangerous and violent tactics against workers and their choice of trade union being employed by managers of the logistics multinational's Kenya branch. The impact of his speech was immediate. The politicians – County Governor Hassan Joho, County Labour Officer Jeremiah Katana, leading members of the national parliament and a representative from the President's office – seemed shocked by what they heard about Agility and asked to see the evidence. Joho promised to convene an urgent meeting with the ITF and trade unions. Teachers' union KNUT vowed to support the Agility workers' struggle, while the general secretary of the private security union promised to mobilise security guards to join the campaign. The ITF's Joe Katende, who also addressed the rally, said: "May Day saw the greatest momentum in our campaign to win union recognition and protection for the Agility workers, with politicians being forced to take notice, public anger and union pledges of solidarity. This shows the huge potential for applying pressure on Agility and we will keep going".

### Agility and its customers

Whilst the international solidarity missions and lobbying of governmental representatives were taking place, ITF affiliates and others were raising concerns with key customers.

- The ITF-affiliated Unite union, whose members include workers at the British Ministry of Defence (MOD), expressed grave concern about the actions of Agility Logistics in Kenya. The MOD is a significant customer of Agility and union members at the MOD have been shocked to hear about the allegations of intimidation and violence at Agility Logistics in Kenya.
- Unite also delivered a personal message from Agility worker Ruth Mutahi to shareholders of British American Tobacco (BAT) at their annual general meeting. BAT is a major customer of Agility. Mutahi told shareholders

'last week in Kenya, Agility security guards manhandled me for turning up to work. They treated me as an intruder and pushed a desk out of the way to get at me. They grabbed my blouse and tore it. Agility was angry because I challenged a decision to transfer me thousands of miles away from home. I am an active union member and have been encouraging my fellow workers to join the union'.

- In the USA, workers at Domino's Pizza in New York showed their support for Agility workers in Kenya during an international day of action for fast food workers.
- In Sweden, ITF unions called on Swedish steel manufacturer, SSAB, to take workers' rights at Agility seriously, in line with their company values and corporate social responsibility.
- Just one month after the ITF mission, a Belgian labour solidarity delegation travelled to Kenya to lobby Kenyan government representatives. They discussed the government's role in dealing with Agility's victimisation of unionised workers, police brutality, freedom of association and collective bargaining.

### The situation now

Following the numerous attempts by Agility Kenya to dissuade Agility workers from joining the KLDTDWU, a legal battle has ensued. What's clear to the ITF and its affiliates is that logistics and transport companies that transport the 2.2 million tonnes of goods along the Northern Corridor cannot afford to ignore union rights – especially when they are multinationals like Agility Logistics. The governments that represent the signatories to the multilateral treaty governing transit transport operations between a group of countries over access to and from the sea cannot afford to ignore them either. There are compelling arguments about quality jobs and public safety that are emerging in the public arena. Responsible customers who own the goods won't want to be associated with exploitation or have their reputations tarnished when workers protest in solidarity.

### The anti-union highway

A northern transport corridor links the landlocked countries of Uganda, Rwanda and Burundi with Kenya's maritime port of Mombasa. The flow of goods across the countries is facilitated by multi-modal transport links and infrastructure: rail, road, inland waterways, inland container depots and an oil pipeline. According to the Northern Corridor Transit and Transportation Coordination Authority, (NCTTCA)<sup>1</sup> 'Combined transit and transhipment traffic through the Corridor exceeds 2.2 million tonnes every year, and has been growing at a rate of 20 percent annually. Transport costs account for about 30 percent of the value of goods within the corridor. However, the human cost of moving these goods is serious. Accident rates are high and conditions are poor. Agility Logistics' behaviour is not unusual along the anti-union highway. The KLDTDWU and its sister unions in bordering countries continue to struggle with a employers, who are determined to squeeze their profits to the maximum, which means ramping up drivers' hours whilst denying them decent work and basic rights.



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#### Note

- 1 NCTTCA brings together governmental representatives from signatories to the multilateral treaty governing transit transport operations between a group of countries over access to and from the sea.