NEPAL

Trade Unions in Critical Situation

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Trade Union Rights 2002

NEPAL: Trade Unions in Critical Situation

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Acknowledgement

This publication is a continuation of our annual publication "Trade Union Rights". This report presents the situation of Trade Unions registered in Registrar office in the fiscal year 2001/02. Keeping in view present days political, social and economical crisis in Nepal, further, it has carried out a comparison of the 'active' trade unions, their federations and the National Centres with the year 1993 when the unions were first ever started to register.

Thus, the name of this report is mentioned as "Nepal: Trade Unions in Critical Situation". This publication prepared by GEFONT Secretary General Bishnu Rimal and Ramesh Badal is a result of teamwork. The name of the contributing team has been acknowledged in the press line.

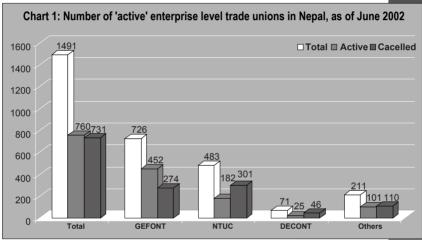
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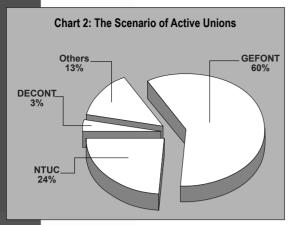
Trade Unions in **Critical Situation**



Source: Record of the HMG/N Labour Offices

After the declaration of the state of emergency in November 2001, the law and order situation of the country sharply deteriorated causing the shut down of industries and business and, consequently, accelerating the process of job layoffs. This process has badly affected enterprise level trade unions.

Trade Union Act requires compulsory renewal of all the enterprise level registered trade unions in every two years. Those duly renewed registered ones are mentioned here as "active unions." Until March 1999 there were 1,795 active unions at enterprise levels. Now, the number of such unions stands 760 only. Based on the data provided by 10 Labor Offices of the country until June 2002, the Chart: 1 explains the situation of trade unions in Nepal.



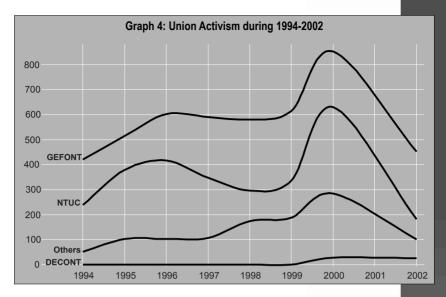
Owing to a lack of systematic record keeping system about the renewal and registration system in the Labor Department, it is very difficult to present the accurate picture. Official records show that there were 1,491 enterprise level registered and renewed trade unions until June 2002. Out of those the

registration of 731 unions have been abrogated. Out of 760 "active" unions the share of GEFONT is 452, NTUC 182 and DECONT 25. In terms of percentage GEFONT occupies 60 percent, NTUC 24 percent and DECONT 3 percent. The number of those "not affiliated" to any trade union confederation is 101, which is 13 percent of the total.

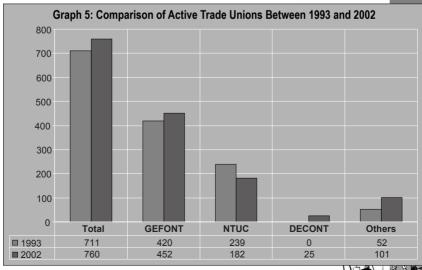
NTUC is the most affected in terms of cancellation of the registration of unions. Out of its total 483 "active" unions last year the registration of 301 unions was cancelled. Now it has only 182 active unions. Percentage wise, of the total unions of NTUC, 62 percent of them suffered from cancellation of registration. Likewise, out of 71 unions affiliated to DECONT the registration of 46 them were cancelled. This is 65 percent. Among 211 unions unaffiliated to any confederation, 52 percent (110) of them suffered from the cancellation of registration. GEFONT could not remain unaffected from this problem either. Out of its 726 active unions last year, 34 percent or 274 of them were cancelled from registration.

Table 3: The position of Various Federations from past to Present

Unions/ Year	1994	1995	1996	1997	1998	1999	2000	2002
GEFONT	420	515	602	591	580	614	853	452
NTUC	239	378	416	348	297	336	630	182
DECONT	_	-	-	-	-	-	28	25
Others	52	102	102	106	174	187	284	101
Total	711	995	1120	1045	1051	1137	1795	760



Registration of trade unions started in 1993. Trade Union Act of 1992 makes the registration and renewal of trade unions in every two years mandatory. The period between 1993 to 1999 can be called a conducive period while the period between 2000-2002 can be regarded as a bad period for trade union activism. Violent Maoist conflicts, the closing of many establishments, the antitrade union attitude of the employers, and the declaration of the state of emergency have contributed for the decline of trade union movement in Nepal.



The year 1999 can be regarded as the most positive period for union registration. The year 2000 marks a declining trend owing to the growth of Maoist attacks on industries and closing of many factories. This brings the union registration trend back to 1993, pointing a disturbing trend in Nepal's labor market.

Regional Position of Unions

The cancellation of registration and activism of trade union differ from one geographic region to another. In Biratnagar, for example, out of 124 existing unions last year the registration of only 11 unions was cancelled. In Kathmandu, out of 1069 unions, the registration of 602 of them was cancelled. This indicates that the state of emergency badly affected unions in Kathmandu. The main reason for the decline of unions in Kathmandu is the predominance of export-oriented and tourist industries. No union could maintain its existence in Nepalguni. All the unions reaistered until 2001 in Dhangari (3 unions), Butwal (24 unions) and Pokhara (35 unions) are still active and kicking. After Kathmandu, the unions of Birguni suffered heavy decline. For example, out of 120 registered unions, the registration of 83 unions is cancelled. And at the moment, only 37 unions are existing. In Hetaunda 7 out of 41 and in Jhapa 9 out of 42 unions suffered from the cancellation of registration.

Table 6: Region-wise Distribution of Registration, Cancellation and Active Unions

	(-	Т		NTUC		DECONT			Others			
Labour Offices	Total	Active	Registration Cancelled	Total	Active	Registration Cancelled	Total	Active	Registration Cancelled	Total	Active	Registration Cancelled
Jhapa	25	22	3	15	11	4	0	0	0	2	0	2
Biratnagar	50	50	0	61	51	10	6	5	1	7	7	0
Janakpur	6	6	0	6	6	0	0	0	0	2	2	0
Birjung	64	21	43	53	14	39	2	1	1	1	1	0
Hetauda	33	27	6	6	5	1	1	1	0	1	1	0
Kathmandu	497	284	213	321	83	238	60	16	44	191	84	107
Pokhara	28	28	0	4	4	0	2	2	0	1	1	0
Butwal	13	13	0	6	6	0	0	0	0	5	5	0
Nepalgunj	9	0	9	9	0	9	0	0	0	1	0	1
Dhangari	1	1	0	2	2	0	0	0	0	0	0	0
Total	726	452	274	483	182	301	71	25	46	211	101	110

Source: Labour Offices, HMG/N

Registration and activity of Trade Unions' Federations

Trade Union Act of 1992 has underlined four criteria for the registration of trade unions' Federations.

- 1. At least 50 Enterprise Level Trade Unions can form a Trade Union Association (Federation) by Mutual Agreement (Clause 4(1) of Trade Union Act).
- 2. 5,000 individual workers from similar nature of Enterprise can also form a trade union federation (Clause 4 (1) of Trade Union Act).
- 3. In the case of agriculture sector, 5,000 workers can form a Federation by mutual agreement but the union must have a representation from at least 20 districts and a minimum of 100 workers' representation from one district (Clause 4 (1) of Trade Union Act).
- 4. Those working in informal sector and self-employed can also form a union if they have at least five hundred members working in the same nature of occupation (Clause 4 (2) of Trade Union Act).

In the Department of Labor 85 trade Unions' Federations are registered. Out of them only 56 are legally recognised. In this figure, the share of GEFONT is 15, NTUC 17, DECONT 13 and those unaffiliated to any federation is 11. Out of 15 Federations affiliated to GEFONT 7 trade unions' federation are registered under the Clause 4 (1) of Trade Union Act having more than 50 enterprise level unions, 2 Federations have been registered under the category of having more than five thousand individual membership, 1 agricultural workers' federation and 5 Federations are registered under Clause 4 (2) of Trade Union Act.

Table 7: Unions formed under the Clause 4 (1) of Trade Union Act

SN	GEFONT	Active Unions	SN	NTUC	Active Unions
1.	NIWU	46	1.	NFWC	92
2.	ITGWUN	71	2.	NCWA	15
3.	NICWU	70	3.	NT&HWU	47
4.	NIHWU	72			
5.	UNITRAV	52			
6.	NIFBWU	43			
7.	NICIWU	64			

Table 8: Unions Affiliated with the Federations Registered on the Basis of Individual Membership

SN	GEFONT	Active	SN	NTUC	Active	SN	DECONT	Active
1.	CUPPEC	2	1.	NEWU	10	1.	NAWA	1
2.	IGCUN	5	2.	NTPWA	10	2.	NFHWU	4
3.	IPWUN	3	3.	NTWA	1	3.	NGWA	4
4.	ITPWUN	19	4.	Non Associated	7	4.	NR&CPU	1
5.	ITWAN	1		Unions		5.	Non Associated	15
6.	Non Associated	4					Unions	
	Unions							
	Total	34		Total	28		Total	25

Out of 17 Federations affiliated with NTUC 3 Federations are registered under the Clause of 4 (1) having more than 50 unions at enterprise level, 4 Federations are registered under Clause of Trade Union Act with five thousand individual membership and ten Federations are registered under Clause 4 (2) of Trade Union Act; whose membership strength would be 500 plus only.

None of DECONT affiliated Federations are registered with 50 or more enterprise level unions. Its 4 Federations are registered with 5000 members each, 1 agricultural workers' union with 5000 members and the rest of its unions are registered under Clause 4 (2) of the Trade Union Act having each union 500+ individual members.

Though the legal status of the central level unions formed on individual membership basis is equal to the central federation of enterprise level unions but at the local level they are not effective in collective bargaining, do not participate in labour

Table 9: Federations Registered with 5, 000+ individual membership under Clause 4 (1) of Trade Union Act

	()											
GEFONT		NTUC		DECO	NT	Others						
Trade Uni	on Reg. No.	Trade Union	Reg. No.	Trade Union	Reg. No.	Trade Union	Reg. No.					
ITWAN	3	NTWA	22	NCWU	39	IBEF	33					
ITPWUN	7	FIEUN	24	NHWA	66	ICEA	34					
FAWN	70	NTPWA	25	CAWUN	67							
		NICEA	28	NBA	71							
				NAWA	68							

Table 10: Federations Registered with 5, 00+ individual membership Under Clause 4 (2) of Trade Union Act

GEFO	NT	NTUC		DECO	NT	Others	
Trade Union	Reg. No.						
IPWUN	8	NPU	27	NBCWU	17	ANCWU	61
NATU	9	NEWU	45	NE&AEA	36	ANRPU	62
CUPPEC	10	NWWU	46	NFHWU	37	ANTPWU	64
IGCUN	11	NNBA	47	NTWA	63	NTDU	69
NRPU	40	NT&SWU	48	NGWA	65	NWWU	72
		NSWA	49	CSWA	81	NNIRPU	74
		NSHWU	50	NR&CPA	82	NIPU	80
		NBCWU	51	NR&SHWA	83	NM&SRA	84
		NRPA	52			NCAA	85
		NEWU	56				

Source: De

relations committee, become authentic through election, run plant-level welfare fund and engage in day to day problems of workers. Such unions are also irrelevant in an enterprise where industrial relations are formally regulated. The above analysis reveals that in Nepal's labor market out of existing 56 recognised trade unions' federations, it is only GEFONT's 7 and NTUC's 3 Federations organized at the enterprise level have the real capacity to empower the unions. Unaffiliated unions have their own independent role. In informal sector, larger Federations such as ITWAN, CUUPEC-Nepal and FAWN of GEFONT have real potentiality shape policy programmes & to deliver service to the grass-root workers.

At the local level, the third Confederation DECONT does not have effective role. It is not clear whether there is a decline of members in unions formed by individuals. Large numbers of lockout & liquidation of enterprises throughout the nation indicates that there is decline in the number of such unions. Table 7 indicates that the survival of Nepal Carpet Workers' Association of NTUC is in danger. In the days ahead Nepal Independent Workers' Union and Nepal Independent Food and Beverage Worker's Union of GEFONT and Nepal Tourism & Hotel Workers' Union of NTUC might suffer the same fate if they do not have fifty affiliated unions. This indicates that the unions affiliated with GEFONT have important role in collective

bargaining. Technically, other unions may have equal representation as that of GEFONT but, in substance, NTUC's influence is declining and DECONT's influence is already miniscule.

Evidently, no matter how many numbers they have in the trade union federation registered under Clause 4(2) of Trade Union Act they are counted only as four unions.

Cancellation of the Registration of Fake Trade Unions by the Labour Court

The labour Court has announced the cancellation of registration of five trade unions' federation, which were registered with fake names and signatures. GEFONT had lodged protest against the illegal registration of such unions by then Director General of Labor Department. Later GEFONT affiliated Unions submitted their petition in labor courts seeking the cancellation of such fake trade unions. As the court discovered fake stamps and signatures of municipal officials, they declared the cancellation of the registration of such unions.

Table 11: Trade Unions who's Registration have been cancelled by the Labour Court

S.N.	Federations	Reg. No.
1	Nepal National Independent Shopkeepers Union	73
2	Nepal National Independent Grill Workers' Union	75
3	Nepal Electric, Electronics Technicians' Union	76
4	Nepal Independent Trekking Workers' Association	77
5	Nepal Independent Construction Workers' Organization	78



Table 12: Other trade Unions Whose Registration Have Been Cancelled due to Non-Renewal

S.N.	Federations	Reg. No.	Remarks
1.	Nepal Independent Painters' Union	12	Merged with CUPPEC
2.	Nepal Tourism and Hotel Workers Union	15	
3.	Nepal Brick Factory Workers Association	16	
4.	Nepal Wood Workers Association	18	
5.	Nepal Barbers Association	19	
6.	Nepal Restaurant and Small Hotel Workers Association	20	
7.	Nepal Shop Workers Association	21	
8.	Nepal Garment Workers' Association	23	
9.	Nepal Health Workers' Association	26	
10.	Nepal Plumber Independent Workers' Union	29	Merged with CUPPEC
11.	Nepal Auto-mechanics Workers Union	30	Merged with NATU
12.	Nepal Medical and Sales Representative Association	31	
13.	Nepal Leather Workers' Association	32	
14.	Nepal Commercial Artists' Association	35	
15.	Nepal Workshop Workers' Association	38	
16.	Nepal Cycle Workers' Association	41	
17.	Nepal Meter Tempo-Drivers' Association	44	
18.	Nepal Shop Workers' Association	53	
19.	Nepal Tourism and Hotel Workers' Union	54	
20.	Nepal Construction Workers' Association	55	
21.	All Nepal Carpet Workers' Association	57	
22.	All Nepal Progressive Magazine Sales Association	58	
23.	All Nepal Thanka painting Workers' Association	59	

Source: De

National Trade Union Centres

The registration of trade union Confederation is based on its legitimate membership patterns of member unions under Trade Union Act. The recognition of all three Confederations will remain until 2003. But, the strength of unions very much rests on their membership at enterprise level.



Relevant Annexes

Table: 13, Total Enterprises and average workers/establishment

	•	_	
Year	No of Establishment	No of workers	Average Workers/enterprise
1992	2,575	347,164	134.82
1993	2,598	346,659	133.43
1994	3,113	355,058	114.06
1995	3,582	370,316	103.38
1996	4,014	374,860	93.39
1997	4,195	382,845	91.26
1998	4,292	385,960	89.93
1999	4,282	387,200	90.43
2000	4,274	392,421	91.82
2001	4,296	394,541	91.84
2002	3,617	359,323	99.34

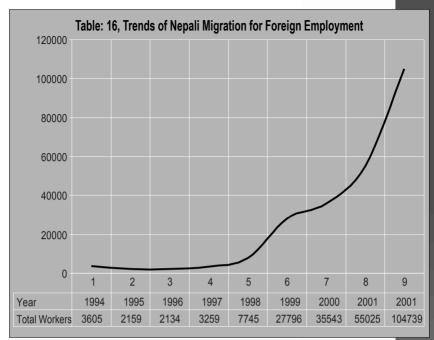
Table:14 Total Mandays Lost (1995-2002)

Year	1995	1996	1997	1998	1999	2000	2001	2002
Total mandays lost	43188	67661	262154	156476	148520	229319	30656	60658
Due to Strike	33944	26696	68764	24573	98691	174526	7206	12355
Due to LockoutL	1814	9535	25132	52921	14666	42061	22385	31908
Due to Lay-off	7430	31430	168276	78982	35163	12732	1065	16495

Table-15, Nepali in Foreign Employment(by Country)

Country	Number	Country	Number	Country	Number
Australia	11	Jordan	153	Russia	2
Bahrain	3171	Kosovo	82	Saudi Arab	83459
Beirut	2	Kuwait	2973	Singapore	17
Bermuda	1	Laos	1	South Korea	3119
Brunei	183	Macao	353	Spain	2
Cyphan	246	Malaysia	64643	Sweden	1
Cyprus	9	Maldives	194	Tanzania	5
Finland	14	Mauritius	1	Thailand	1
France	13	New Zealand	5	The Netherlands	2
Germany	3	Nicosia	3	U.A.E.	25672
Greek	1	Norway	3	U.K.	61
Hong Kong	1753	Oman	336	Uganda	25
Indonesia	29	Pakistan	2	USA	59
Ireland	7	Palau	15	Zimbabwe	12
Israel	26	Papuanewguinea	10		
Italy	2	Portugal	1	Total	242005
Japan	100	Qatar	55222		

Source: Dept. of: Labour and Employment promotion



Source: Dept. of Labour & Employment Promotion

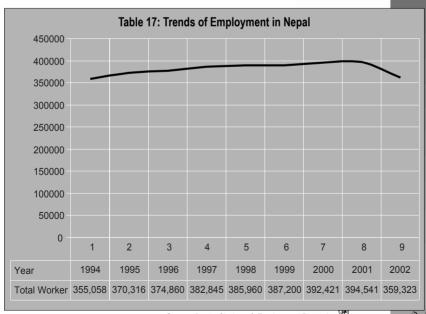


Table 18: Nepali in Foreign Employmenton fiscal year 2001/02

:	-		Γ	L		=	, [-		` -			-		ē	-
Saudi Kuwait Qatar UAE Bahrain Hong Arabia Kong	vait Qatar UAE Bahrain	UAE Bahrain	Bahrain		Hong Kong		Jordan	S.Korea	Kosovo	Kosovo Malaysia Maldives	Maldives	Israel	Macao	Others	Total
1720 8 1718 953 42 47	1718 953 42	953 42	42		47		20		_	5391				14	9914
1800 65 1508 573 29 44	1508 573 29	573 29	59		44		93			5377		7		30	9526
2135 15 1621 522 58 42	1621 522 58	522 58	28		42		_			5273	24			28	9719
847 24 1448 605 34 70	1448 605 34	605 34	34		20	_			9	3903	2		_	28	6971
1953 13 1656 690 66 60	1656 690 66	99 069	99		09			_	10	4248				47	8744
1075 42 948 536 53 22	948 536 53	536 53	23		22				16	2484			40	44	5260
1764 5 1599 765 73 10	1599 765 73	765 73	73		10			25		2909		_	_	49	9359
1734 11 1310 523 38 37	1310 523 38	523 38	38		37			26	_	4935				12	8627
2293 43 1734 893 60 36	1734 893 60	09 868	09		36					4186			2	18	9268
2016 81 1661 724 103 38	1661 724 103	724 103	103		38			35		2833	თ			19	7519
1791 58 2192 807 41 37	2192 807 41	807 41	41		37		35	27		3291		2		71	8355
1966 13 2500 820 98 39	2500 820 98	820 98	86		39		_	17		5938	_	က	က	78	11477
21094 378 19895 8411 695 482	19895 8411 695	8411 695	695		482		150	131	34	52926	39	16	20	438	104739

Table 19: Key Development Indicators

Indicators	Value	Year
Population size (m)	23.2	2002
Population Growth Rate%	2.27	2002
Population as % of labor force (aged between 15 to 64 years)	54	2002
Life Expectancy at Birth (yrs)	59.7	2002
GNP per capita (US \$)	249	2002
Human Development Index (value)	0.466	2000
Human Development Index (rank)	129.0	1999
Percentage of Population below national poverty line	38.0	2000
Total outstanding loans as % of GDP	64.6	1999
Prevalence of HIV/AIDS in Adult population aged 15-49 years (%)	0.29	1999
Population without access to drinking water supply	20.01	2001
Percentage of Underweight under-five children	48.3	2000
Adult Literacy Rate (%)	57.6	2000
Net Enrolment rate in primary education (%)	72.1	1999
Ratio of girls to boys in primary education (%)	74.0	1999
Under five mortality rate (per 1,000 live births)	91.0	2001
Material Mortality Rate (per 100,000 live births)	539.0	1996
Percentage of population relying on traditional fuel's for energy use	92.0	1995



Acronym and abbreviation used

Confederations (National Centres)

Reg.No.	Acronym	·
1	GEFONT	General Federation of Nepalese Trade Unions
2	NTUC	Nepal Trade Union Congress
3	DECONT	Democratic Confederation of Nepalese Trade Unions

Federations

Reg.N	No. Acronym	
1	NIWU	Nepal Independent Workers' Union
2	ITGWUN	Independent Textile Garment Workers' Union of Nepal
3	ITWAN	Independent Transport-Workers' Association of Nepal
4	NICWU	Nepal Independent Carpet Workers' Union
5	NIHWU	Nepal Independent Hotel Workers' Union
6	UNITRAV	Union of Trekking-Travel-Rafting Workers, Nepal
7	ITPWUN	Independent Tea plantation Workers' Union of Nepal
8	IPWUN	Independent Press Workers' Union of Nepal
9	NATU	Nepal Auto-mechanics Trade Union
10	CUPPEC	Central Union of Painters, Plumbers, Electro and Construction Workers-
		Nepal
11	IGCUN	Independent Garbage Cleaners' Union of Nepal
12	NIPU	Nepal Independent Painters Union
13	NFWC	Nepal Factory Workers' Congress
14	NCWA	Nepal Carpet Workers' Association
15	NT&HWU	Nepal Tourism & Hotel Workers' Union1
16	NBKWA	Nepal Brick Kiln Workers' Association
17	NBCWU	Nepal Building Construction Worker's Union
18	NWWU	Nepal Wood Workers' Union
19	NBA	Nepal Barber's Association1
20	NR&SHWU	Nepal Restaurant and Small Hotel Workers' Union
21	NSWU	Nepal Shop workers' Union
22	NTWA	Nepal Transportation Workers' association
23	NGWA	Nepal Garment Workers' Association
24	FIEUN	Financial Employees Union of Nepal
25	NTPWA	Nepal Tea Plantation Workers' Association
26	NHWA	Nepal Health Workers' Association
27	NPU	Nepal Press Union
28	NICEA	Nepal Inter-Corporation Employees Association
29	NIPU	Nepal Independent Plumbers' Union
30	NIAMU	Nepal Independent Auto-Mechanics Union
31	NMSRA	Nepal Medical & Sales Representatives Association1
32	NLWU	Nepal Leather Workers' Union
33	IBEF	Inter- Banking Employees Federation
34	ICEA	Inter-corporation Employees Association
35	NCAA	Nepal Commercial Artists' Association
36	NE & AEA	Nepal Emigration & Airport Employees Association
37	NFHWU	Nepal Film Hall Workers' Union
38	M NWWA	Nepal Workshop Worker's Association
1	11	

39	NCWU	Nepal Carpet Workers' Union
40	NRPU	Nepal Rikshaw Puller's' Union
40	NCWO	Nepal Cycle Workers' Organisation
42	NIFBWU	Nepal Independent Food and Beverage Workers' Union
42	NICIWU	Nepal Independent Chemical- Iron Workers' Union
43 44	NMTDU	Nepal Meter-Tempo Drivers' Union
45	NEWU	•
45 46	NEWU	Nepal Electrical Workers' Union
46 47		Nepal Wood Workers' Union
4 <i>1</i> 48	NNBA	Nepal National Barber's Association
	NT & SWU	Nepal Tannery & Shoe Workers' Union
49 50	NSWA NSHWU	Nepal Shop Workers' Association
		Nepal Small Hotel Workers' Union
51	NBCWU	Nepal Building Construction Worker's Union
52	NRPA	Nepal Rikshaw Puller's' Association
53	NSWA	Nepal Shop Workers' Association
54	NT& HWU	Nepal Tourism & Hotel Workers' Union1
55	NCWU	Nepal Construction Workers' Union
56	NEWU	Nepal Embroidery Worker's Union
57	ANCWU	All Nepal Carpet Workers' Union
58	ANPMSA	All Nepal Progressive Magazine Sales Association
59	ANTPWA	All Nepal Thanka Painting Workers' Association
60	NPPWWA	Nepal Painter, Plumber & Wiring Workers' Association
61	ANCWU	All Nepal Construction Workers Union
62	ANRPU	All Nepal Rikshaw Puller's' Union
63	NTWA	Nepal Transport Workers' Association
64	ANTPWU	All Nepal Thanka Painting Worker's Union
65	NGWA	Nepal Garment Workers' Association
66	NHWA	Nepal Hotel Workers' Association
67	CAWUN	Construction & Allied Workers' Union of Nepal
68	NAWA	Nepal Agricultural Worker's Association
69	NTDU	Nepal Taxi Drivers' Union
70	FAWN	Federation of Agricultural Workers-Nepal
71	NBA	Nepal Barbers' Association1
72	NWWU	Nepal Wood Workers Union
73	NNISWU	Nepal National Independent Shopkeepers' Union
74	NIRPU	Nepal Independent Rikshaw Puller's' Union
75 70	NNIGWU	Nepal National Independent Grill Workers' Union
76	NEETU	Nepal Electric, Electronics Technicians' Union
77 70	NITWA	Nepal Independent Trekking Workers' Association
78	NICWO	Nepal Independent Construction Workers' Organization
79	NT&HWU	Nepal Tourism & Hotel Workers' Union1
80	NIPU	Nepal Independent Porters' Union
81	CSWA	Commercial Sector Workers' Association
82	NR &CPU	Nepal Rickshaw & Cart Puller's' Union
83	NR &SHWA	Nepal Restaurant & Small Hotel Workers' Association
84	NMSRA	Nepal Medical & Sales Representatives Association*
85	NCAA	Nepal Cultural Artists' Association

^{*} Repeatedly failed to maitain legal recongnition and re-registered

