

«[We will] Put the creation of employment, the reduction of unemployment and the promotion of appropriately and adequately remunerated employment at the centre of strategies and policies of Governments, with full respect for workers' rights and with the participation of employers, workers and their respective organizations...»

*Copenhagen Declaration and Programme of Action, Commitment 3 (a).*

*Region by region, however, this is the situation regarding the violations of these rights.*

## AFRICA

In Zambia public sector workers faced a wage freeze and plans to lay-off tens of thousands of workers. When the ZCTU demanded talks, the government threatened to de-register it. In Niger the government responded to public sector strikes over unpaid wages by saying that it had to follow a tough structural adjustment programme and it would be cowardice for the government to back down on reforms for reasons of short term expediency. Never mind that the workers needed to eat.

Single, government-controlled trade unions seem to be a thing of the past, although independent trade unions are still banned in Libya, Sudan, Egypt and Equatorial Guinea. Elsewhere unions are still treated with suspicion, such as Malawi where the government claimed they were being used by other organisations to cause civil unrest.

In Zimbabwe respect for trade union rights and civil liberties deteriorated. The ZCTU was accused of being puppets of the white community, and at the end of the year there were reports that the security forces were investigating suspicions that it was receiving foreign funding. In Ethiopia, the teachers' union is still subject to

## VIOLATIONS OF TRADE UNION RIGHTS<sup>1</sup>

repeated harassment and its leader, Taye Woldesmiate, was in prison for the third year running. Harassment of trade union leaders continued unabated in Swaziland.

Governments still impose legal limitations on many trade union rights. Swaziland's repressive Industrial Relations Act remained in force despite the fact that amendments were drawn up with ILO assistance. In many countries, the right to organise is limited in the public sector. In Lesotho, for example, civil servants are banned from forming unions, as are all public service workers in Ethiopia. Collective bargaining is also undermined in the public sector, in some cases by governments unilaterally setting wages. The right to strike is often banned in the public services, and obstructed in general by heavy a cumbersome procedures.

In the export processing zones, the governments are still all too keen to attract foreign investors, and either exempt the zones from labour legislation, such as in Zimbabwe, or simply do not provide the necessary human resources to enforce it. This is the case notably in Lesotho, Kenya, Madagascar, Malawi, and to a lesser extent, in Mauritius.

It is unfortunately still commonplace in Africa that when trade unions finally decide to take action, to protest at lay-offs, wage freezes or unpaid wages, the typical response is repression, even violence. In Kenya armed police were used to disperse 400 protesting nurses, striking bank workers were beaten, and teargas was used to break up a teachers' demonstration. Police were also sent in to attack strikers Burundi, Djibouti and Egypt. In Zimbabwe national strikes were declared illegal for six months.

Deaths were also recorded. During a wage dispute in Lesotho a woman worker was shot dead by police, while in Zambia two workers suffered the same fate when a demonstration turned violent. All they wanted was the payment of their salaries. In Zimbabwe too a youth was shot dead during a protest. In Swaziland the wheelchair-bound former treasurer of the SFTU, Mxolisi Mbata, died from injuries sustained when beaten by the police in 1997. In Morocco, an official report was published showing that trade unionists had died in prison.

<sup>1</sup> Summary of the Annual Survey of Violations of Trade Union Rights – 1999, published by ICFTU (International Confederation of Free Trade Unions) and written by Kathryn Hodder.

It was not all bad news however. Things were looking up in Nigeria when, following the death of General Abacha in June, trade unions leaders, including the NUPENG and PENGASSAN leaders, Frank Kokori and Milton Dabibi, were released from prison, unions were freed from government control and harsh anti-union laws were amended or repealed. In Tanzania the single trade union system was ended, and in Namibia a tripartite agreement was reached on improving its labour laws. Although South Africa appears to the first time in the Survey since its democratic elections, the overall framework for industrial relations and trade union rights continues to be satisfactory.

Despite these small glimmers of hope, however, there is still a very long way to go towards the real respect of trade union rights in Africa.

The unions are looking forward to the day when the government sends in the negotiators, not the riot police.

## AMERICAS

Nowhere is a workers' rights clause in trade agreements more urgently needed than in the Americas, where the most appalling abuses still take place. Regrettably, negotiations for the Free Trade Area of the Americas have steadfastly ignored that need.

Deregulation, privatisation and austerity measures continue to be the order of the day, leading to job losses, price rises and wage ceilings. Workers protests against the deteriorating situation are often met with violence, even death. A general strike in Bolivia sparked by price rises and job cuts led to violent clashes with police, in which several were killed and many injured. In Ecuador at least three people were killed in protests against the government's economic policies. There were also signs of a resurgence of death squad activity in the country, when the tortured body of trade union leader Saúl Canar Pauta, was discovered in December.

In Brazil, clashes between landowners and landless rural peasants worsened and in March another two members of the MST rural worker's union were killed. In Mexico a teachers' union activist was shot dead.

The death toll fell in Colombia, but the total of over 90 workers assassinated during the year is still a grim reminder of the level of hostility towards the unions. And the fact that the government allows it to happen.

Governments still turn a blind eye to abuses. In Costa Rica the Labour Ministry ignored union complaints of harassment and violations of labour law. Recommendations made by the ILO in respect to the fertiliser company, FERTICA, were ignored by authorities and management alike, and the violations continued. In Guatemala, labour inspectors colluded with employers to destroy unions.

Behind the headlines about the banana trade war between the US and the European Union, another battle was being fought, for the rights of workers on the plantations. They are still forced to work long hours in dangerous conditions, exposed to toxic substances that have caused ill-health and the birth of genetically deformed babies. In Honduras, a union leader was shot death. He

had been calling on a US company to compensate the workers affected by pesticides.

The export processing zones remain a union black spot. International exposure of bad working practices and commercial pressure did lead some companies to draw up codes of conduct, but this was largely a cosmetic exercise. Inhuman working condition, long hours and low pay still prevail, and the authorities do nothing to change that.

On a positive note, in Brazil there are plans to put an end to its single trade union structure, which is already ignored in practice, while in Argentina, the government agreed on labour law reforms with the trade unions. Chile ratified ILO conventions No. 87 y 98, although it still needs to amend its labour legislation. In Venezuela, a tripartite agreement was reached in May to bring its restrictive labour legislation into line with ILO standards.

North America is doing little to set a good example. In the United States the legal protection of union rights is still inadequate, and there is a trend towards bad faith bargaining among employers. In Canada, despite some legislative changes, there is still interference in the collective bargaining of public sector employees.

The overall picture in the Americas is of the growing power of multinationals, at the expense of workers' rights. It need not be the case. It is time they used their power positively, and they could start by agreeing, together with governments, to abide by the ILO's core conventions.

## ASIA

Asia was still reeling from the effects of the financial crisis in 1998. A rapid rise in bankruptcies and mass redundancies led to a massive increase in unemployment and poverty. Hundreds of thousands lost their jobs in Thailand, unemployment doubled to 8% in the Philippines, tripled to 9% in the Republic of Korea, and reached an all time high of 16% in Indonesia. In Hong Kong too workers were laid off, without compensation.

Millions of workers were also laid off in China, in state-owned factories. There were many protests over lay-offs, which led to confrontations with the police. Workers have little means of defending themselves, as the All China Federation of Trade Unions (ACFTU) is part of the ruling party's apparatus and exists to carry out its policy. Independent trade unions are still banned in the country, and more independent labour activists were imprisoned during the year. Many remained in prison or labour camps from previous years, and were frequently singled out for harsh treatment, including physical violence.

In Burma the FTUB maintains underground structures, its activists under constant surveillance and in permanent fear of arrests and torture. The ban on independent trade unions also remains in force in the Dem. People's Rep. of Korea.

The biggest improvement during the year was in Indonesia, following the resignation of President Suharto. ILO Convention 87 was ratified, independent trade unions were recognised and trade union activists, including Muchtar Pakpahan, were released

from prison. Attitudes do not change overnight however. The army and the police still intervene in strikes and protests.

In the Republic of Korea the unions had a turbulent year. While agreements were made about changing the law to give some trade union rights to public sector workers and teachers, almost 500 trade unionists were arrested or wanted for arrest. In Turkey, violations of trade union rights continued and the question of bargaining for public sector workers had still not been resolved.

In Thailand, no state employees can belong to unions. It was believed that the government deliberately frustrated the passage of a state enterprise reform bill, which would have restored trade union rights. In Bangladesh too, many public sector workers are banned from joining unions.

In Pakistan the government declared that Ghazi Barotha Hydro Power Project and essential service, severely restricting trade union rights at the project. At the end of the year it installed the army to run the state-owned water and power supply company, WAPDA, and suspended the trade union there.

Organising and bargaining rights are most limited in the export processing zones (EPZs). In Bangladesh unions are banned in law, in the Philippines the zones are virtually union free, in Sri Lanka labour law is not enforced in EPZs.

In Fiji's tax free zones, where one garment manufacturer compelled workers to work 36 hours at a stretch, it is virtually impossible to organise because of employer hostility. In Cambodia an employer introduced a rule compelling workers to work all night to meet export orders.

One of the biggest attacks on union rights was in Australia, where there was a major assault on the maritime union. Attempts to break the union and introduce non-union labour in the docks continued. Patrick Stevedores sacked all 2,000 dock workers, and security guards with dogs moved in to forcibly remove workers. The Minister of Workplace Relations welcomed the sackings. The workers were later reinstated, after the federal court upheld an injunction brought by the MUA, with the backing of international trade union solidarity. The 1996 Workplace Relations Act violates basic trade union rights, including by undermining the right to collective bargaining.

New Zealand also failed to set a good example. The government ignored ILO recommendations to amend its brutal Employment Contracts Act, which dismantled the previous system of collective agreements, replacing them with individual employment contracts.

## EUROPE

Economic trends are making themselves felt in Europe too. Globalisation is a reality, and with it liberalisation which has had a devastating effect on the transition countries of Central and Eastern Europe. The results are more precarious employment, less collective bargaining and more individual contracts.

In the Russian Federation, some 20 million workers in the public and private sectors are affected. There were general strikes in April and October in which the main demands were for payment

of wage arrears, together with calls for wage increases and social reforms. In Croatia, 30,000 workers were affected, facing delays in payment of their wages of between 1 and 40 months. In Kazakhstan workers went on hunger strike in protest at two-year salary arrears and 200 were arrested.

The tendency towards individual fixed term contracts replacing collective agreements continued, as did mass dismissals resulting from reorganisation and bankruptcies. In Romania, trade unions held demonstrations protesting at the dire economic situation, unemployment and feared layoffs in light of plans to close loss-making state factories, affecting some 70,000 workers. In Belarus and in Serbia there was simply no rule of law, and trade union rights were violated systematically.

Trade union assets questions remained unresolved in Croatia and Lithuania. In Belarus and Estonia, laws forced trade unions to re-register themselves, or face dissolution.

In Azerbaijan, trade unions reported that foreign-owned companies obstructed trade union organising and sacked union leaders. In Bulgaria, where the economic situation continued to deteriorate, the KNSB and Podkrepa released a «black book» of the mainly foreign-owned companies, including multinationals, taking advantage of the economic crisis to exploit workers. In some cases, particularly the textile industry, workers had no contracts at all.

Social dialogue deteriorated in Hungary when the new government came in, while in Kazakhstan violations of trade union rights continued unabated.

In France meanwhile, workers in small and medium-sized enterprises experienced difficulties in setting up unions and carrying out union activities. Strikes are still banned in the oil industry in Norway, and Germany persisted in its long-standing strike ban for many categories of public servants, despite repeated ILO criticism.

On the positive side, since the change of government in the Czech Republic, social dialogue has resumed and a tripartite declaration was adopted.

In Western Europe, there were improvements in the United Kingdom where the government set out proposals to restore legal recognition for collective bargaining to representative trade unions. The proposals also went some way to restoring other basic rights removed in the 1980's and 1990's.

## MIDDLE EAST

Much of the Middle East is still a black spot as far as the trade unions are concerned, particularly the Gulf States.

In Qatar trade unions are illegal, in Saudi Arabia they are banned by royal decree. Similarly in the United Arab Emirates trade unions are illegal, the law does not recognise the right to bargain collectively or to strike. The ban on trade unions in Bahrain continues. In Iran, workers' representation exists mainly to promote a political, religious and welfare agenda. The rules for the functioning of the Islamic Labour Councils are drawn up by government Ministers.

Independent trade unions are banned in Iraq and Syria, where collective bargaining is very restricted. In Iraq there are no laws guaranteeing bargaining.

Lesser restrictions exist in countries such as Lebanon, although the authorities continue to interfere into trade union affairs. The labour code dates back to 1946, many government employees are not allowed to form or join unions and the Ministry of Labour enjoys broad powers. In Jordan public sector workers and non-nationals do not have the right to organise, bargain collectively or to strike. In Kuwait foreign workers, who make up 80% of the workforce, have to wait five years before they can join a union. Domestic servants and seafarers, as well as Indian and Pakistani workers in state or public sector jobs, or on fixed-term contracts, cannot join unions.

Many countries in the region still have a large migrant workforce, although the trend now is towards lessening dependence on migrant workers and give jobs to country nationals. In Qatar three quarters of the workforce are migrants and are dependent on their employers for residency rights. Domestic workers are particularly vulnerable to ill-treatment. In Bahrain two thirds of the workforce are expatriates, and are under-represented in the country's joint council system. Labour law does not apply

to domestic servants. Similarly in Saudi Arabia, about half the workforce are migrants, and are vulnerable to widespread abuse, particularly domestic servants. Their movements are restricted, they are often confined to the employers' home, underfed and subjected to physical and sexual abuse. It is a similar story in Kuwait and Oman. The United Arab Emirates has the largest migrant workforce, estimated at between 85 and 90%. They risk deportation for trying to organise unions or going on strike.

Israel and the West Bank and Gaza are perhaps a case apart. Israel respects basic trade union rights, although the situation is certainly not perfect. New proposals may give the Ministry of Finance more powers to interfere in pay bargaining. The West Bank and Gaza still have no labour code. A 1996 draft restricted trade union autonomy and did not allow public servants to join trade unions. The Palestinian Authority was working on a new draft in 1998, and asked the ILO for assistance.

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