

Secretariat report of the ITUC mission to Uzbekistan 28/02 – 02/03/2017

Background

The Federation of Trade Unions of Uzbekistan applied for ITUC membership in 2014. It was granted associated status in October 2015 in recognition of its efforts to eliminate child labour in the country. On that basis a memorandum of understanding was developed between ITUC and FTUU that outline areas of cooperation, particularly, on freedom of association, elimination of slavery, promotion of decent work conditions. The associated status is given for the two years period and have to be reviewed by the next meeting of the General Council in December 2017. The mission aim was to analyse structures and activities of the FTUU. The General Council also requested the mission to meet with human rights defenders, including those who provide alternative – to the ILO report - picture about cotton harvest collection.

The mission was led by ITUC DGS Jaap Wienen and included representatives of the PERC, the GTUC-Georgia, AFL-CIO, KTR and FNPR from Russia, AHIK-Azerbaijan and DGB. It took place on 28 February, 1 and 2 of March. By coincidence at the same time the ILO representatives were in the country to sign continuation of the Decent Work Country Programme. On one hand that allowed access to the high level officials, including Vice-Prime Minister and previous FTUU Chair Tanzila Narbaeva, on the other it distracted the present leadership of the FTUU, who had to deal with both visits at one time.

The programme of the mission included visits to the enterprises in Tashkent and Samarkand, meetings with the FTUU leadership and activists, meeting with activists in Samarkand, visit to the FTUU legal Clinique and a meeting with the human rights defenders. The last meeting was not coordinated with the FTUU and was organised directly, on the basis of the contact information the ILO local office had.

Content

Meeting (lunch) with head of secretariat and organisational department. Big problem is in small and medium enterprise sector. Unions are almost not present there, but 77% of workforce works there. Last year FTUU got 200000 new members (netto increase of 91000), each year there are 500000 newcomers on labour market. They signed 95 sectoral agreements, 120000 collective agreements at enterprise level. Special economic zones, development of the textile industry, new workplaces created. Minimal salary is c.a. 150000 som (c.a. 44 euro).

General Motors Powertrain company (the visit was guided by the management¹, shop steward and his deputy was present and open to discuss problems). The factory was opened in 2012. There are 650 employees, 450 work in production. Transport, meals provided by the company. Prestigious company, many young people. Regular trainings, more than 100 annually. Attention to health and safety. No serious accidents for 5 years. There is no salary scale, but grade-based remuneration. There is a trade union place. 210 members of the union (lost dozens of members last year, when factory faced economic difficulties and some workers left it). There is a collective agreement signed. Disputed issues – the management does not want additional social clauses, only accepted 20 monthly salaries for mortal accidents. 10% salary compensation for hazardous conditions. Legal paid leave is 15 days, under collective agreement – 7 additional days for everyone plus 2 for those in hazardous conditions. The contracts have a permanent character. Termination can be with notice of 2 months and severance pay. There is a commission on labour disputes. Parity based (3 union + 3 management). Remuneration consists of the basic salary, bonus for individual performance and bonus related to economic outcomes of the enterprise. Average salary in machine building sector 1258000 som (370 euro), in metallurgy – 1800000

¹ The report does not cover information related to the organisation of production presented by the management, only relevant to employment and union relation

som (529 euro). There is a sectoral agreement under which the first grade minimal salary is 274000 som (80 euro). Union meets with managements once a month.

Meeting with the Federation of Trade Unions: leadership of the federation, members of the board, heads of departments. The meeting was led by FTUU President Rafikov Kudratilla. It was organised in a very formal “protocol” manner. The FTUU has 14 sectoral unions, 14 regional structures. Overall membership is 6.3 mln. workers. There are 38000 primary groups. There is a legal basis for freedom of association. Issues on agenda: small and medium enterprises, collective bargaining agreements, social protection, private sector. 200000 new members. Defended rights of 1600 workers last year (those who requested support). There are 95 sectoral agreements, 123 collective agreements. FTUU has Women and youth structures. It also provides social support to more than 120000 families. Memorandum of understanding with ITUC is of general nature, FTUU wants to work on cooperation plan. Chemical workers union is part of IndustryAll, but many others are not in GUFs, there is a request for help. Implement monitoring on child and forced labour. Inflexible manner of the FTUU leadership and time constraints did not facilitate open discussion. The meeting was not concluded and was extended.

MAN (Samarkand) (the visit was guided by the management², shop steward present and open to discuss problems). 51% shares belong to state. The factory was opened in 2011. There are 350 workers, 210 are members of the union (almost all from the production line). Good salary, up to 8 monthly salaries in different bonuses. 60% of workers are young, from colleges. Mortgage programme without % for young families (34 workers got it). In production only men work. Canteen, cleaning is outsourced. Wage is c.a. 400 USD, last year increased on 30%. 20 days of holiday by collective agreement. There is a trade union office in a training centre. Shop steward is OSH specialist and has obvious respect as a “father” to mostly younger workers. Collective agreement covers mostly working time, OSH, social benefits conditions.

SAG (Samarkand) (the visit was guided by the management³, 3 members of trade union committee present, but were not invited to the table for discussion; shop steward was on a sick leave). It is a growing carpet production company. 700 workers, but management wants to increase to 1000. All profit goes to development. That also allows the company to keep tax preferences established by the state. Annually anonymous survey about quality of work. Training of 200 employees annually. Grade system of payment, attestation, loyalty bonus, health checking (own Clinique), transportation, meals, sport. On 17 march there will be signing of a new collective agreement. Minimal salary is 300000 som. 5 persons are in trade union committee. Regular consultation with union committee on: financing of OSH, training, touristic vouchers, medical assistance. Once in 3 years trade union elections. 1 time in a quarter meeting of the collective which is used by union committee to explain new legislation etc.

Meeting with Samarkand activists (led by the FTUU regional representative). There are 639000 members in the region, 4500 union organisations, 25563 collective agreements. Regional general agreement is signed. The FTUU structure received 205 complaints, 50 of them were satisfied, 142 were clarified. Last year a legal clinique was opened. That increased number of those who contacted regional structure in 2 times - 1432 persons only from May to December. 1034 were efficiently dealt with.

Activists mentioned: touristic vouchers work, possibility to find solutions without disputes, prioritisation of collective bargaining work, dismissal of members only with trade union consent, OSH, legal support to members, migration from the country, priorities of teachers’ unions in other countries. The discussion was quite energetic: even if with some different – or inherited from the USSR - views on trade union priorities, it was clear that these people were in daily contact with rank and file workers.

The second meeting with the Federation of Trade Unions: led by the President Rafikov. He declared democratic, transparent and voluntary character, no control from the authorities. Elections at all levels of the trade union structure, there are no appointments. Priority is given to protection of interests of all the workers. Legal Clinique works for all workers. This year is announced by the President of the country as

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a year of dialog with citizens. People's contact offices were opened everywhere. The FTUU has 3 main tasks: employment, wages, health and safety. Social partnership exists at all the levels. Long-term process of social dialog, not always unions agree with other partners. For example, FTUU insisted on different figures related to unemployment prognosis.

Trade union of healthcare workers: there are many disputes on wages. Working time is limited 36 hours a week in the sector, but work on duty for doctors leads to violations of norms. It is not fair and union works to change that. The union represents a bit more than 1000000 members, there are 1079 primary groups. It operates mainly in state sector, but there is also growing private sector, so organising in private medical facilities is a priority. Last year increase of 15000 members due to private sector. While state sector almost fully organised, only 50% in private. There are three sectoral agreements, 1079 collective agreements, 100% coverage of agreements where unions are present. In contacts with PSI. There is a lack of qualified personnel, particularly in the regions. Problems with overtime payment in state sector due to budgetary restrictions for remuneration. Night duty shift is not regulated by the law, and the union submitted its proposals to the government.

Aviation workers union. No unified wage system in the state company and its affiliates. Uzbekair did not have wage increase for 2 years, really lagging behind others. Employer not always implements medical check offs, attestation of working places. Insurance coverage is not full. When an issue is not connected with finances, in 90% cases trade union gets what it demands. There are 26 primary groups, 25499 members. Minimal wage was a problem, need to appeal to the Ministry of Finance to resolve that. Managed to get increase of 35% last year for the national carrier Uzbekair.

Social and economic department director. There are many issues where expertise is needed. MNEs, there is a list of problematic MNEs. Special economic zones are not fully regulated. Interested in supply chains dimension. FTUU introduced "reputational risks" concept in collective agreements – actually that obliges employers to check labour conditions compliance of suppliers. Corporate social responsibility is discussed, global framework agreements. There are 95 sectoral agreements, but only 16 of them are on tariffs. In oil and gas sector there is a flexible collective agreement: social and other benefits are linked with the economic performance. Need to further build capacities of the legal Clinique, trainings for negotiators and labour inspectors.

Oil and gas union. Priority – decent work promotion. There are 200 primary groups, more than 150000 members. Priorities are wages, employment, health. There is functional social dialog. Sectoral agreements are signed with state gas company and with geodesy agency. Wages are regulated through flexible collective agreements by lining the final benefits workers receive with economic performance. Minimal wage was increased 6 times in the last 10 years. Minimal wage in the sector is 5 times higher than legal. Through collective bargaining each member gets return of 135% of what s/he pays as dues. Methods used: analysis, negotiations, consensus. When union is not able to negotiate, FTUU is requested to intervene on higher level.

FTUU President: no need to search for issues. FTUU is democratic and independent organisation. There is no control from the state. Bilateral cooperation, education are priorities. Need to improve work, there are many issues for work. Exchange of delegations would be helpful. FTUU is ready for openness and specific content based work. It will be waiting for recommendations. On cotton sector: one should not only listen to human rights defenders. There are elements and risks and there is a work to deal with it. Child labour was eliminated. Trade unions were the main engine in that process. The FTUU wants to organise conference with unionists from 150 countries and will approach ITUC for that. It wants to meet ITUC standards and asks support to correct certain shortages.

Legal Clinique. It provides free of charge legal support to people (except on criminal law). Volunteers and interns from University are involved. Labour law is not that popular discipline. But students can get necessary practice. Hotline, sms mailing led to increase of appeals number. Only from 1 January – 1424. Appeals can be anonymous; the further actions re law enforcement agencies and courts only with consent. First step is representation to employer, if that does not work – then to the court. In 2016 there were 134 court processes, **88 of them resolved to worker's satisfaction**. There is no institute for collective disputes resolution. Only via court or commission on collective disputes if such commission exists at

enterprise. Together with employers the FTUU introduced proposal to develop law on mediation. 85 appeals were related to cotton harvest last year. There were cases of child and forced labour registered, e.g. in Karakalpak region. Problems exist in SMEs enterprises. Labour inspection do not have access to them, unions can have access only if there are members. There is no legislative regulation of the seasonal work. There is a need to specify different categories of workers. FTUU developed recommendations for improvement of the recruitment process and model contracts for different categories. But budget sector employees can not have labour contracts for cotton picking. They can only have civil contracts. In 2016 state price for cotton was 260 soms for kilo, but there were cases when workers agreed on more with farmers. Risks exist where there is a lack of workforce. In principle, a chef of brigade can sign agreement with a farmer on several workers behalf. There were cases, when chefs manipulated and did not agree that workers who did not want to continue working could quit. 5 such cases were resolved.

Human rights defenders. Trade union federation is not reformed, it is not visible in the regions. Particular problem in private sector, hotel and restaurants. Workers there are not visible, unions are not present. Some positive signals from the new leadership of the country, hope for openness. Unfortunately, unions do not follow, when they can be the lead. Top down approach in the Federation. ILO is misled, but its role is positive. It brings attention to the issue. World Bank role is also positive, its programme change technologies and also bring attention to problematic areas. Actually, they should be directed also on areas where problems exist, and then they can be tackled. Forced mobilisation exists, many people can not refuse as they are afraid of social consequences. There is awareness raising by the FTUU and the Ministry of Labour, but obviously what is happening on top does not materialise in a change on local level. Activists were stopped by the police when they disseminated Ministry of Labour leaflets about non acceptance of the forced labour. High level of corruption is the main obstacle. State investments to modernise the sector are mostly stolen. Law on public associations makes practically impossible registration of independent civil society organisations. It gives all the power to the registrator. It has to be amended to ensure freedom of association. The remuneration for collected cotton is low. 2000 families went to Kazakhstan as the payment is higher. Increase remuneration in two times and there will be no forced labour.

Meeting with the ILO. There is a political change that gives unions opportunity to start dialog with population. ILO can go further with monitoring. There is a need to stop harassment of human rights defenders and cooperate with them. FTUU can include them in its work and the ILO can facilitate that. Under previous FTUU President it was possible to get progress, today's leadership is different. The government now recognises that there are elements of forced labour, so today people speaking about prevention. Each year the monitoring mechanisms are improved, based on analysis. It is important to build trust. But if people do not have an access to it, it will not fulfil its purpose. FTUU hosts this mechanism, invested in it and want it to work. There is social pressure, people think about repercussions if they refuse to go to the fields. But more people report that they refused to go than before. It signals that less people are afraid. The FTUU works on raising awareness, but there is detachment from the local level. And officials on local level want to show that everything is perfect. There is a need to tickle down good cooperative practices to operational level. There are competing messages: the government calls for no forced labour, but at the same time to fulfilment of quotas. The FTUU needs to bring message down. Wage determination for cotton is done by the ministry of finance. FTUU is not involved, but should get into.

Conclusions:

- the FTUU is not an independent organisation. The actual leadership is rather conservative (compared with previous), but there are more promising people at different lower levels. Cooperation with the FTUU gives an access to them;
- the government makes more progress, and has today more open attitudes, the unions are now behind, with leadership being very formal, and is lost in discussions;
- need to promote bilateral relations, arrange specific content based activities, and less formal settings;
- the FTUU should find a way to work with human rights defenders, there is a need to send a signal both to FTUU and to human rights groups. ILO could be a platform;

- the FTUU colleagues to be involved in different thematic activities, but on a basis of merit. No trade union tourists, only those who can facilitate changes.
- no full status in coming years; association review will be based on the recommendations the mission would communicate to the Federation and their implementation.

Recommendations:

- To engage in dialog and involve in its legal Clinique activities human rights defenders, including independent ones, particularly, when it is coming to the cotton harvesting;
 - To request amendment of the law on public associations so that registration becomes a formality to ensure freedom of association in practice;
 - To define several areas where ITUC expertise is needed and schedule a number of respective activities (MNEs, CSO, supply chain, OSH, freedom of association as example).
 - To continue developing initiatives to reduce risks of forced mobilisation: on harvest quota placement, on recruitment practices, on increase of remuneration for collected cotton (etc.), and to submit those proposals to the government and to the ITUC.
 - To engage in bilateral exchanges and cooperation with the ITUC affiliates, particularly, from the region.
 - To bring ITUC messages down, on local level.
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