

The World's Worst Countries for Workers:

How Commonwealth countries performed in the 2021 ITUC Global Rights Index

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The GRI assesses violations in law and practice by countries in respect to nine key points:

- (1) Right to strike
- (2) Right to collective bargaining
- (3) Right to establish and join a trade union
- (4) Right to justice
- (5) Right to trade union activities
- (6) Right to civil liberties
- (7) Violent attacks on workers
- (8) Right to free speech and assembly
- (9) Murders

For the first time, the 2021 ITUC Global Rights Index has an interactive www.globalrightsindex.org where cases of violated rights and national ratings can be viewed by country and region, as well as a separate focus on 32 Commonwealth countries¹.

This report was written for the Commonwealth Trade Union Group (representing over 70 million trade union members in 41 Commonwealth countries) by Clare Santry.

¹ <https://www.globalrightsindex.org/en/2021/groupings/commonwealth>

Foreword

The ITUC Global Rights Index is a well-established, widely cited and well-respected assessment of the state of workers' and trade union rights around the world. It is developed on the basis of evidence of abuses (drawn from our 331 affiliates in 164 countries and territories around the world, as well as other, published sources) of a range of international human rights instruments as explained in the annex at the end of the report – using 97 different indicators to derive a simple five-point categorisation from the best to the worst performing nations.

This report covers the record of 32 countries in the Commonwealth as well as Zimbabwe. Some of the smaller Commonwealth countries are not covered because no reports were received, but, taking the countries covered into consideration, the overall rating of the Commonwealth is 3.41, uncomfortably at the higher end of the scale for the world as a whole.

Commonwealth countries performed worse than the global average on the right to establish or join a trade union. 87% of Commonwealth nations denied workers this right, compared to 74% globally.

Workers in Commonwealth countries experience more violations of the right to collective bargaining than the global average – 87% of Commonwealth nations compared to 79% globally.

In 2021, a large proportion of Commonwealth countries violated the right to trade union activities, significantly more than the global average – 87% of Commonwealth nations compared to 73% globally.

Workers in 62% of Commonwealth countries had either no access or restricted access to justice, only marginally better than the global average of 65%.

In 2021, 84% of Commonwealth countries violated the right to take industrial action, just lower than the 87% for the world as a whole – but this is small comfort given the generally high level.

The 2021 GRI found that workers were detained and arrested in more than half of Commonwealth countries covered – 17 member states.

Nearly a third of Commonwealth countries – 31% – restricted workers' right to free speech and assembly, compared with 43% globally.

The 2021 GRI reports that workers experienced violence in six Commonwealth countries – Bangladesh, Belize, India, Malaysia, Nigeria, and South Africa. Nigeria was the one Commonwealth country where a trade union activist was murdered (out of six globally.)

The Commonwealth is supposed to be a Commonwealth of values, including the right to join a trade union and exercise rights at work. Our 2021 survey suggests this happens too rarely for comfort in today's Commonwealth.

Overview

The 2021 Global Rights Index (GRI) shows that the rights of workers in Commonwealth countries continue to be violated, ignored and threatened. Five Commonwealth countries – Bangladesh, eSwatini, India, Malaysia, and Pakistan – received the worst index rating. Moreover, Bangladesh ranked as one of the ten worst countries in the world for working people. Two Commonwealth countries – Canada and Malaysia – saw their 2021 ratings deteriorate from the 2020 index.

The eighth edition of the ITUC index ranks 149 countries around the world, through documenting violations of internationally recognised labour rights by governments and employers. The index rates countries on a scale from 1 to 5+ – with 1 being the best compliance with collective labour rights, and 5+ being the worst. The 32 Commonwealth countries covered have an average rating of 3.41. The majority of member states are responsible for regular and systematic violations of rights.

The Worst Commonwealth Countries for Working People

Bangladesh
eSwatini
India
Malaysia
Pakistan

Nine countries in the world received the top rating of 1, none of which are in the Commonwealth. However, seven members – Barbados, Ghana, Jamaica, Malawi, Namibia, New Zealand, and Singapore – achieved the next best rating of 2.

An examination of the Commonwealth's long-term progress regarding labour rights reveals both positive and negative changes since 2014. Seven countries – Fiji, Ghana, Mauritius, Namibia, Nigeria, Singapore, and Zambia – have improved upon their 2014 rating. However, nine countries – Barbados, Belize, Cameroon, Pakistan, Rwanda, Sri Lanka, Tanzania, Trinidad and Tobago, and Uganda – saw their rating get worse during the eight years of the Global Rights Index.

Bangladesh: freedom of association not respected

Workers in Bangladesh have long had their rights curtailed. It has been virtually impossible for workers in the garment sector, the country's largest industry, to form or join trade unions. Their attempts were regularly met with employer threats, physical violence and mass dismissals. The authorities also frustrated the establishment of unions by imposing an extremely burdensome registration process. Even where workers succeeded in forming a union, registration could still be arbitrarily denied by the authorities. Between 2010 and 2021, more than 1,100 union registration applications were submitted to the authorities. The Department of Labour rejected 46% of them – an extraordinarily high rejection rate.

The 2021 GRI reported that workers in Bangladesh were subject to mass dismissals, arrests, violence, and state repression against peaceful protests. The police often met strikes in the garment sector with extreme brutality.

Right to strike

Authorities across the world violate the right to strike through repression of industrial action. In addition, the criminal prosecution and summary dismissal of workers creates a climate of fear, preventing people from exercising their right to take strike action. In 2021, 84% of Commonwealth countries violated the right to take industrial action. Globally, the number of countries violating the right of workers to strike has increased from 63% in 2014 to 87% in 2021. The GRI groups violations into two categories – prosecution of union leaders for participating in strikes, and cases of dismissal for taking part in strike action.

The treatment of the Amalgamated Trade Unions of Swaziland (ATUSWA) in eSwatini in September 2020 is an example of prosecution for participation in strike action. Following a strike picket, the Taiwanese-owned FTM Garments took ATUSWA to court, alleging four days of lost production and damage to property. This legal action appeared to be an act of revenge, as it came just one week after the union took the company to court over its refusal to recognise ATUSWA – despite a ruling by the Conciliation, Mediation and Arbitration Commission in January 2020. ATUSWA has long fought for a

living wage for textile workers in eSwatini, who are paid 1800 lilangeni per month (US\$108). The union is campaigning for a minimum living wage of 3500 lilangeni (US\$210).

In Lesotho, an example of dismissals for participating in strike action was at the Bull Clothing garment factory. 253 workers were fired in August 2020 after being accused of taking wildcat strike action. The company then rehired them on new contracts, at lower salaries and subject to a three-month trial period.

Volkswagen South Africa (VWSA) fired fourteen shop stewards of the National Union of Metalworkers of South Africa (NUMSA) in January 2021. They were accused of “inciting” workers to stop work on 17 July 2020 – after an internal VWSA newsletter revealed that 120 workers had tested positive for COVID-19 and a further 60 were in quarantine while awaiting their test results. Despite mobilisation by the South African Federation of Trade Unions (SAFTU), VWSA refused to reinstate the shop stewards. A complaint was filed with the Commission for Conciliation, Mediation and Arbitration.

Right to Collective Bargaining

Workers in Commonwealth countries experience more violations of the right to collective bargaining than the global average – 87% of Commonwealth nations compared to 79% globally. The lack of good faith bargaining in workplaces illustrates the broken social contract; with numerous examples of agreements being torn up and mass lay offs.

In Mauritius, a number of companies summarily dismissed workers’ representatives during the renegotiation of collective agreements. On 18 June 2020, Luximun Badal was dismissed by Mauritius Post Ltd for alleged refusal of a transfer. His dismissal followed disputes over the negotiation of a new collective bargaining agreement for postal

workers. Mr Badal had an agreement brokered by the Ministry of Labour that protected him from being transferred as long as he was the president of the union. This did not prevent Mauritius Post Ltd from firing the union leader. Moreover, Mauritius Post Ltd defied an Employment Tribunal ruling from 18 October 2020 that ordered the company to disclose information relevant to collective bargaining.

In another example of companies targeting workers' representatives, the Airports of Mauritius Ltd dismissed the trade union leader, Shavindra Dinoo Sundassee, on 25 July 2020. This dismissal followed attempts by management to unilaterally vary the terms of a collective bargaining agreement. The proposal had been rejected by the trade union, under Mr Sundassee, as an erosion of workplace rights.

In Kenya, the national authority in the education sector – the Teachers Service Commission (TSC) – engaged in an anti-union campaign against the Kenya National Union of Teachers (KNUT). The TSC discriminated against KNUT members, denied them the application of the collective agreement and also refused to collect union fees. In addition, the TSC attempted to revoke KNUT's trade union recognition agreement, signed in 1968. These systematic attacks on the KNUT have decimated union membership in the education sector and hindered the trade union's capacity to represent its members.

Right to collective bargaining

In Namibia, nine union leaders at Rössing Uranium mine were unfairly dismissed in January 2021. The dismissals came after they refused the proposal of the mine owner – China National Nuclear Corporation (CNNC) Rössing Uranium – to amend the existing collective bargaining agreement. CNNC wanted changes in the agreement, including on leave, medical aid, wages and retrenchment provisions. After facing resistance from the union and being notified of an impending strike action, the company instead targeted the union leadership and fired the nine workers, claiming “gross negligence”, “bringing the company into disrepute” and “breaching confidentiality”.

Malaysia Airlines has long refused to extend collective bargaining to crew supervisors, arguing that as management they are ineligible for union representation. The National Union of Flight Attendants of Malaysia (NUFAM), which represents cabin crew at Malaysia Airlines, filed a case with the Federal court. The court decided in July 2020 that crew supervisors had the right to union membership and collective bargaining. The Malaysian Trades Union Congress called on the airline to immediately recognise NUFAM as the legitimate representative of supervisors for collective bargaining purposes, which the company refused to do.

Right to Establish and Join a Trade Union

Commonwealth countries also performed worse than the global average on the right to establish or join a trade union. 87% of Commonwealth nations denied workers this right, compared to 74% globally. International labour standards stipulate that all workers should have the right to freedom of association. Excluding groups of workers from trade union membership, and preventing trade unions from forming are two ways in which companies and governments deny workers the right to join a trade union.

In many cases, migrant workers, domestic workers and temporary workers are routinely excluded from labour protection. Within the Commonwealth, in both Malawi and Uganda, prison officers are prohibited from forming or joining a trade union. In the Bahamas, neither the prison service nor the fire brigade have the right to organise or to collective bargaining. In Trinidad and Tobago there are a number of categories of workers who are not allowed to join a union, including university and higher education teachers, domestic workers, and managerial and supervisory staff in any business.

There is also the unscrupulous practice of union-busting, whereby employers hinder the functioning of unions and prevent their formation. For example, 3,000 Bangladeshi garment workers were dismissed as part of a union-busting exercise, in June 2020, from three factories – Saybolt Tex, Tanaz Fashion and Windy Wet & Dry Process – in Gazipur and Dhaka, Bangladesh. The Windy Group owns the three unionised factories, and a further five non-unionised factories. 1,600 workers were fired from Saybolt Tex, 1,200 from Tanaz Fashion and 200 from Windy Wet & Dry Process.

The dismissed workers have been staging hunger strikes and other protests at Windy Group factory premises to call for reinstatement.

Union-busting

On 27 April 2020, food delivery service Foodora Canada announced that it would be leaving the Canadian market effective 11 May and filed for bankruptcy, stating its “inability to turn a profit and the saturation of the Canadian food delivery market” as the reasons for its departure. However, the timing was suspect, as the announcement came in the context of an ongoing application for certification by the Canadian Union of Postal Workers (CUPW) before the Ontario Labour Relations Board. On 25 February 2020, the Board handed down a decision recognising that Foodora couriers were dependent contractors and therefore entitled to collectively bargain. That decision allowed the union certification votes, sealed since August 2019, to be counted. In June 2020, the results were announced: almost 90% of Foodora couriers voted in favour of unionising, with CUPW becoming the first app-based workers in Canada to successfully unionise. In August 2020, CUPW and Foodora couriers celebrated a win as CUPW and Delivery Hero, the parent company for Foodora Canada, reached a settlement of Can\$3.46 million to compensate the couriers.

Right to Justice

Access to justice and the right to due process are basic principles of the rule of law. In their absence, people are unable to have their voice heard and to assert their rights. Workers in 62% of Commonwealth countries had either no access or restricted access to justice. This is marginally better than the global average of 65%. However, trade union leaders around the world are regularly detained and prosecuted on fabricated charges, and legal trials frequently lack due process and impartiality.

In too many countries, governments have passed regressive legislation that seriously undermines workers' basic rights at work. India's continual dismantling of worker protections saw the Modi government pass three new pieces of legislation in September 2020, fundamentally rewriting Indian labour law. The legislation was passed in Parliament without debate, as opposition parties were boycotting the house.

A coalition of trade unions criticised various elements of India's new laws. For example, the Code on Social Security failed to make social security a universal right, leaving millions of people without clear social protection. The Occupational

Safety, Health and Working Conditions Code excluded huge areas of the economy – including agriculture, which employs 50% of the total working population of India. The Industrial Relations Code protected industry at the cost of working people, in what appears to be a clear violation of the Constitution, by restricting the definition of “worker”. The Industrial Relations Code also severely limits the right to strike and the ability of working people to participate in a collective bargaining process. On 23 September 2020, trade unions across India gathered millions of people in nationwide protests at the new legislation.

In 2014, the Government of Cameroon adopted the Suppression of Terrorism Act that severely curbs civil liberties in the country. The Act imposes the death penalty on anyone who “commits or threatens to commit any act that may cause death, endanger physical safety, result in bodily injury or property damage.” The Act makes specific reference to any intention to disrupt “the normal operation of public services or the delivery of essential public services, or creating a public crisis”. The broad scope of this Act could potentially be used to limit the legitimate exercise of trade union activities, including protests.

Right to Trade Union Activities

In 2021, a large proportion of Commonwealth countries violated the right to trade union activities, significantly more than the global average – 87% of Commonwealth nations compared to 73% globally. Impeding the registration of trade unions is a tactic used by employers to prevent trade

unions from operating effectively. The right to official recognition through legal registration is an essential facet of the right to organise. Registration is the first step that workers' organisations must take in order to be able to function efficiently and represent their members adequately.

In Canada, the province of Alberta introduced an omnibus bill making it more difficult to form unions. The bill eliminates timelines for certification votes and removes the option for the Labour Relations Board to automatically certify unions in the case of unfair labour practices by the employer. In addition, the bill requires unions to receive each member's consent to collect dues that are not related to core representational activities. The bill received royal assent on 29 July 2020. Meanwhile, in the province of Manitoba the government tabled substantive labour law amendments. Among other regressive changes, the legislation gives authorities more power to refuse to certify unions, to scrutinise unions' use of funds and to dissolve them.

In Botswana, the authorities have the power to unilaterally dissolve, suspend or de-register trade union organisations. If a registration is cancelled, the trade union is dissolved, its assets disposed

of and its officers prohibited from managing or organising on behalf of the trade union. Restricting the right of trade unions to organise their administration is another tactic used by Commonwealth governments to curtail trade union activities. For example, the government of Tanzania regulates the terms of office of trade unionists. In any given trade union, only one leader may be employed full-time to carry out trade union functions; while all others must work full-time in the enterprise or industrial sector in which they have been elected. Failure to comply with government requirements is subject to fines and imprisonment. Trade unions in Tanzania are also prohibited from using their funds, directly or indirectly, to pay any fines incurred by a trade union official in the discharge of their duties on behalf of the organisation.

Right to Civil Liberties

National police and security services undermine the civil liberties of trade union activists and workers through arbitrary arrests, indiscriminate and baseless attacks, harassment, and intimidation. The 2021 GRI found that workers were detained and arrested in more than half of Commonwealth countries covered – 17 member states.

Governments frequently put pressure on workers by targeting prominent trade union leaders. In Saskatchewan, Canada, the protracted conflict over the renewal of the collective agreement at the Co-op Refinery Complex escalated, and in December 2019 the employer served a lockout notice to Unifor Local 594. The union served a strike notice and began holding rallies and picketing. Soon after, the company sought an injunction from the court to impose restrictions on Unifor's ability to

picket, and over the next month, Co-op Refinery Complex accused union members of violating this order. Subsequently, several union members were arrested for picketing. On 21 January 2020, the Unifor president, Jerry Dias, was arrested alongside thirteen other union members. Two weeks later, four union members picketing outside the company premises were arrested and charged with mischief. On 5 May 2020, a further four union members were charged for picketing.

Unifor was also heavily penalised, with a first fine amounting to Can\$100,000 (US\$80,142) in January 2020 and another fine of Can\$250,000 (US\$200,356) in February 2020. Meanwhile, the company flew in replacement workers. Later in the year, union members stood trial. A collective agreement was finally signed in July 2020.

However, as union members returned to work, the management of Co-op Refinery Complex began questioning them about their role during the lockout. Unifor immediately filed an application with the authorities to bar the employer from asking such questions and from retaliating against striking workers.

In 2021, some governments continued their surveillance of prominent trade union leaders in an attempt to instil fear, and put pressure on, unions and their members. A number of scandals emerged over surveillance instigated by companies to track and frustrate trade union organising efforts and strike actions.

In the United Kingdom, Amazon warehouses were put under surveillance, as the company analysed “security risks” including “labour organisation and trade union presence”. Data collected included the number of attendees at each protest, how well strikes were followed and even whether leaflets were being handed out. Other intelligence activities included the creation of fake social media profiles to investigate the employees leading protests, and the infiltration of Facebook groups.

Zimbabwe

In 2018 Zimbabwe applied to rejoin the Commonwealth. With this request still pending, the performance of Zimbabwe in the 2021 Global Rights Index remains pertinent to the Commonwealth nations. This year, Zimbabwe ranked as one of the ten worst countries in the world for working people, and one of the most hostile countries in the world for trade unionists.

On 27 July 2020, the ruling party, ZANU-PF, labelled the Zimbabwe Congress of Trade Unions (ZCTU) a terrorist organisation. The police subsequently launched a manhunt for ZCTU president Peter Mutasa, Obert Masaraure and Robson Chere (the leaders of the Amalgamated Rural Teachers Union), and a dozen other political and union members. The police requested members of the public to supply information on the location of the activists, who were wanted in connection with the 31 July 2019 strike.

The treatment of the Footwear and Tanners Allied Workers Union of Zimbabwe (FTAWUZ) is an example of union-busting in the country. In early 2020, the FTAWUZ, a ZCTU affiliate, submitted to the shoemaking company Bata a list of over 500 workers they had organised into a union and requested that the company remit to the union the deductions of union subscription through the check-off system. Bata refused to proceed, claiming that the workers were also members of another union, and using the pretext that the check-off agreement was not applicable during the COVID-19 lockdown. To date, more than 200 of the unionised employees are still being denied recognition of their rights.

Contravening the right to free speech and assembly, the government of Zimbabwe banned protests against the deteriorating social and economic crisis in the country (planned for 31 July 2020). Labour activists, students, journalists and organisers of the demonstrations were arrested and charged with inciting violence and attempting to overthrow the government. On the day, a heavy police and army presence stifled any protest, and the few who took placards on to the streets were arrested.

Right to Free Speech and Assembly

Sustained suppression of free speech and assembly is leading to the systematic dismantling of the building blocks of freedom and democracy. In the past eight years, the Global Rights Index has recorded an unprecedented increase in attacks on free speech and assembly around the world, from 26% of countries in 2014 to 43% of countries in 2021. Nearly a third of Commonwealth countries – 31% – restricted workers’ right to free speech and assembly. In many countries, over the past 18 months, COVID-19 has been used as a pretext to curb free speech.

On 30 October 2020, workers from Truda Foods in South Africa gathered to protest at the firing of their colleagues for activity on social media. Truda had suspended several workers for “liking” posts made by their union’s general secretary. Olwethu Samente, Vuyiswa Gontsana, Luyanda Qumza, Yolisa Alam, Zethu Sopete and Lungiswa Solundwana received letters suspending them for committing “an action/conduct detrimental to the interest of the employer” and “indecent/inappropriate conduct”. After being suspended, the workers asked to see Truda’s social media policy. Instead, they were fired.

Violent Attacks on Workers

The 2021 GRI reports that workers experienced violence in six Commonwealth countries – Bangladesh, Belize, India, Malaysia, Nigeria, and South Africa. Strikes and social protests in these nations were repressed with disproportionate force by the state. In many countries violence is used to silence workers from speaking out about working conditions. According to the index, workers were subject to violence in fewer countries in 2021 in comparison to previous years. However, this change is likely to be related to COVID-19, which led to restrictions on mass gatherings of people in countries across the globe.

In Belize City, several people were injured when police repressed a peaceful protest at the Port of Belize Limited on 22 July 2020. The demonstration was organised by unionised workers of the

Christian Workers’ Union (CWU) to protest at pay cuts and the dismissal of 36 employees. The national police deployed its Gang Suppression Unit, using tear gas and rubber bullets to disperse the crowd. Several people were injured, including one person who was shot in the head with a rubber bullet.

On 25 July 2020, the police in Dhaka, Bangladesh, violently attacked employees of the garment manufacturers, Viyellatex and Shofi Tex, during a protest over unpaid wages and allowances. Police brutally suppressed the demonstration, using batons, gunshots, tear gas and sound grenades against the workers. As a result of the attack, 12 workers were severely injured.

Murders

The 2021 GRI identified six countries around the world where trade union activists were murdered, as they represented workers' and their collective rights. Of these, Nigeria was the one Commonwealth country where a trade union activist was murdered. Often there is no justice for the individuals or their families, as governments and employers act with impunity.

On 5 April 2020, Chibuisi Chikezie Okameme, a member of the Nigeria Union of Petroleum Workers (NUPENG), was shot dead, while at work, by a police officer on COVID-19 enforcement

patrol in Abia State. Okameme was a petrol attendant employed by Greenmac Energy in Aba City. NUPENG has long denounced the heavy-handedness of the police in dealing with the coronavirus pandemic lockdown regulations and the use of disproportionate force by security forces during the lockdown. The National Human Rights Commission declared that the police and other security forces killed 11 people during the enforcement of the COVID-19 lockdown and violated human rights, including through unlawful arrests and torture.

Conclusion

The 2021 Global Rights Index highlights numerous examples of Commonwealth governments and companies harassing and mistreating workers. Urgent action is needed to stop attacks on the rights and freedoms of workers, who keep economies and communities functioning in these nations.

Although some Commonwealth countries fare better than others in the 2021 index, there are no Commonwealth nations in the top category. It is also highly concerning that more Commonwealth countries have seen their rating worsen since 2014, than those who have seen their rating improve. With workers' rights under threat more than ever, it is time for the Commonwealth to hold its members to account for their failings.

Appendix

The Global Rights Index explained:

- (1)** The ITUC documents violations of internationally recognised collective labour rights by governments and employers. The methodology is grounded in standards of fundamental rights at work, in particular the right to freedom of association, the right to collective bargaining and the right to strike.

Questionnaires are sent to 331 national unions in 163 countries to report violations of workers' rights by indicating relevant details. Regional meetings with human and trade union rights experts are held where the questionnaire is disseminated, explained and completed. The ITUC contacts unions directly by phone and email when it becomes aware of violations to confirm relevant facts.

Legal researchers analyse national legislation and identify sections that are not adequately protecting internationally recognised collective labour rights.

- (2)** Documented information is summarised and consolidated by ITUC staff in the form of text. This information is publicly accessible on the website of the ITUC Survey at www.survey.ituc-csi.org.
- (3)** The text under each country in the ITUC Survey is read against a list of 97 indicators derived from ILO Conventions and jurisprudence and represents violations of workers' rights in law and in practice. A country receives a point for each time textual information corresponds to an indicator. Each point has the value of 1. After coding the text for a country, the number of points is added up to arrive at a total score.
- (4)** Countries are rated in clusters from 1 to 5+ depending on their compliance with collective labour rights. There are five ratings, with 1 being the best rating and 5+ the worst rating a country could get. The level of economic development, size or location of the country is not taken into account given that fundamental rights are universal and workers in all parts of the world must have access to them. A high-rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights.

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