

# The 2017 ITUC Global Rights Index

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**THE  
WORLD'S  
WORST  
COUNTRIES  
FOR  
WORKERS**

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# The 2017 ITUC Global Rights Index

The International Trade Union Confederation (ITUC) is a confederation of national trade union centres, each of which links trade unions of that particular country. It was established on 1 November 2006, bringing together the organisations which were formerly affiliated to the ICFTU and WCL (both now dissolved) as well as a number of national trade union centres which had no international affiliation at the time. The new Confederation has 340 affiliated organisations in 163 countries and territories on all five continents, with a membership of 181 million, 40 per cent of whom are women. It is also a partner in "Global Unions" together with the Trade Union Advisory Committee to the OECD and the Global Union Federations (GUFs) which link together national unions from a particular trade or industry at international level. The ITUC has specialised offices in a number of countries around the world, and has General Consultative Status with the Economic and Social Council of the United Nations.



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# Foreword

The 2017 ITUC Global Rights Index provides an insight into workers' rights violations around the world, which continue to be significant with arrests and violence against trade unionists a particular cause for concern. We know that the greater the level of respect for trade union rights by states and employers, the greater the levels of equality and justice there will be in any society. Therefore, it is important that violations of workers' rights are recorded, analysed and publicised in pursuit of this goal.

The Middle East and North Africa remains a dangerous place for trade unionists in terms of violence, arbitrary arrests and unjustified detention. It was once again the worst region in the world for workers. The very fact of being a trade unionist in many of the countries in the region often makes the exercise of freedom of association impossible in practice. Indeed, in our list of category 5+ countries where there is no guarantee of rights due to the breakdown of the rule of law, we have Palestine, Syria, Iraq, Yemen and Libya. Other countries that are rated in category 5, because there is no guarantee of rights due to the mass exclusion of millions of migrant workers under the kafala system, include Qatar, the UAE, Saudi Arabia and Kuwait.

In Africa, the category 5+ countries are Central African Republic, Eritrea, Somalia, Burundi, South Sudan and Sudan. Trends in Africa included the non-recognition of trade unions for collective bargaining and violent repression of street protests over violations of workers' rights such as the non-payment of wages. Workers are frequently arrested and imprisoned as a tactic to resist demands for higher wages, decent and secure employment and safe working conditions. Zimbabwe, Benin and Nigeria were the worst performing countries in this region where unions are often demonised as being against the state or the nation's economic development for the justified exercise of international labour rights.

In Europe, trade unions have greater respect and support in society, benefiting from a strong culture and tradition of industrial relations, especially within the member states of the European Union. This is reflected in the lower level of violations in law and practice in the Index. European unions have often been wrongly categorised by the elite and right wing opponents as obstacles to economic competition and progress, especially since the onset of the economic crisis. Too often in recent years, this lobbying has resulted in restrictions in the

capacity of trade unions being weakened in practice despite legal safeguards. In the UK, the worst anti-union legislation in a generation passed through Parliament, but some of the worst excesses of the bill placed before parliament were defeated by effective union campaigning by the TUC.

The ten worst countries for workers are Qatar, the UAE, Egypt, the Philippines, Colombia, Kazakhstan, Republic of Korea, Guatemala, Turkey and Bangladesh. In addition, other countries have seen their ranking rise this year, including Ecuador and Myanmar (from category 3 to 5), Argentina (from category 3 to 4) and Brazil (from category 2 to 4).

The number of countries in which workers were killed for their trade union activity rose from 10 to 11 (Italy, Bangladesh, the Philippines, Brazil, Colombia, Guatemala, Honduras, Mexico, Peru, Venezuela and Mauritania) and the number of countries where workers were exposed to violence increased from 52 countries in 2016 to 59 countries in 2017. This violence included threats, kidnappings and physical violence from state security forces and gangs working on behalf of companies.

Rights to freedom of expression and freedom of assembly were violated in 50 countries in 2017. This is concerning as they are important enabling rights for workers. It is particularly important in the internet age for a message of equality, human rights and solidarity to be heard by the public and disseminated as widely as possible in order to influence policy and increase membership.

The findings are derived from the ITUC Global Rights Index. Throughout 2016 and 2017, the ITUC has investigated and documented repression and abuses faced by workers who stood up for democratic rights and freedoms, equality and social justice. Based on the evidence collected, we have produced the fourth Global Rights Index rating 139 countries on the degree of respect demonstrated for workers' rights.

The Global Rights Index covers internationally recognised core labour standards, specifically civil rights, the right to bargain collectively, the right to strike, the right to associate freely and access to due process rights.

The ability of workers to organise allows them to use their collective power to achieve improved labour rights, health and safety at the workplace, the right not to be discriminated against and freedom from forced labour and child labour.

Part I of this publication provides a more detailed analysis of the 2017 ITUC Global Rights Index as well as a short overview of the methodology. Part II of the publication presents illustrative examples from the evidence we collected throughout the year. Further information can be found on the website of the ITUC Survey ([survey.ituc-csi.org](http://survey.ituc-csi.org)).

A handwritten signature in black ink, appearing to read 'A. Burrow', with a stylized flourish at the end.

Sharan Burrow, General Secretary



# The 2017 ITUC Global Rights Index

## PART I

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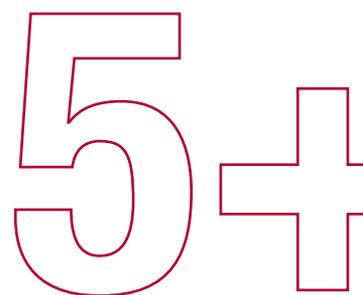
The ITUC Global Rights Index depicts the world's worst countries for workers by rating 139 countries on a scale from 1-5 based on the degree of respect for workers' rights. As the global voice of working people, the ITUC has been documenting and exposing violations of workers' rights for three decades. This has been done through narrative information published in the ITUC Survey. In 2014, the ITUC Global Rights Index was developed for the first time in order to increase the visibility and transparency of each country's record on workers' rights. In addition, the ITUC Global Rights Index serves as a tool to track trends across the world every time changes in policies or legislation take place.

# THE 2017 RESULTS

## Rating 5+

No guarantee of rights due to the breakdown of the rule of law.

Burundi	5+
Central African Republic	5+
Eritrea	5+
Iraq	5+
Libya	5+
Palestine	5+
Somalia	5+
South Sudan	5+
Sudan	5+
Syria	5+
Yemen	5+



## Rating 5

No guarantee of rights.

	Algeria	5
	Bahrain	5
	Bangladesh	5
	Belarus	5
	Benin	5
	Cambodia	5
	China	5
	Colombia	5
	Ecuador	5
	Egypt	5
	Fiji	5
	Greece	5
	Guatemala	5

Honduras	5
Hong Kong	5
India	5
Indonesia	5
Iran	5
Kazakhstan	5
Korea (Republic of)	5
Kuwait	5
Laos	5
Mexico	5
Myanmar	5
Nigeria	5
Pakistan	5
Philippines	5
Qatar	5
Saudi Arabia	5
Swaziland	5
Turkey	5
Ukraine	5
United Arab Emirates	5
Vietnam	5
Zimbabwe	5

### Rating 4

Systematic violation of rights.

Argentina	4
Angola	4
Bolivia	4
Bosnia and Herzegovina	4
Botswana	4
Brazil	4
Burkina Faso	4
Cameroon	4
Chad	4
Congo (Democratic Republic of)	4
Djibouti	4
Ethiopia	4
Jordan	4
Lebanon	4



Lesotho	4
Madagascar	4
Malaysia	4
Mauritania	4
Panama	4
Paraguay	4
Peru	4
Romania	4
Senegal	4
Serbia	4
Sierra Leone	4
Tanzania	4
Thailand	4
Trinidad and Tobago	4
Tunisia	4
Uganda	4
United Kingdom	4
USA	4
Zambia	4

### Rating 3

Regular violation of rights.



Albania	3
Australia	3
Bahamas	3
Belize	3
Bulgaria	3
Chile	3
Congo (Republic of)	3
El Salvador	3
Georgia	3
Ghana	3
Haiti	3
Hungary	3
Israel	3
Jamaica	3
Kenya	3
Mali	3
Mauritius	3

Moldova	3
Morocco	3
Namibia	3
Nepal	3
Oman	3
Poland	3
Russian Federation	3
Singapore	3
Sri Lanka	3
Venezuela	3

## Rating 2

Repeated violations of rights.

Barbados	2
Belgium	2
Canada	2
Costa Rica	2
Croatia	2
Czech Republic	2
Dominican Republic	2
Estonia	2
Ireland	2
Japan	2
Latvia	2
Lithuania	2
Macedonia	2
Montenegro	2
New Zealand	2
Portugal	2
Rwanda	2
South Africa	2
Spain	2
Switzerland	2
Taiwan	2



## Rating 1

Not regular violations of rights.

Austria	1
Denmark	1
Finland	1
France	1
Germany	1
Iceland	1
Italy	1
Netherlands	1
Norway	1
Slovakia	1
Sweden	1
Uruguay	1



# THE ITUC GLOBAL RIGHTS INDEX EXPLAINED IN 4 STEPS<sup>1</sup>

## 1. Documenting Violations

The ITUC documents violations of internationally recognised collective labour rights by governments and employers. We send out a questionnaire to 340 national unions in 163 countries asking them 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 then filled out.

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 which are not adequately protecting internationally recognised collective labour rights.

## 2. Publication of violations in the ITUC Survey

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.

### **3. Coding of text**

The text under each country in the ITUC Survey is read against a list of 97 indicators (see below) which is 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. Rating countries**

The final country score determines which rating a country will get. There are 5 ratings with 1 being the best rating and 5 being the worst rating a country could get. A high score effectively means that a large number of violations were committed which in turn results in a poor rating.

# DESCRIPTION OF THE RATINGS

1

## // Not regular violations of rights

Collective labour rights are generally guaranteed. Workers can freely associate and defend their rights collectively with the government and/or companies and can improve their working conditions through collective bargaining. Violations against workers are not absent but do not occur on a regular basis.

2

## // Repeated violations of rights

Countries with a rating of 2 have slightly weaker collective labour rights than those with the rating of 1. Certain rights have come under repeated attacks by governments and/or companies and have undermined the struggle for better working conditions.

3

## // Regular violations of rights

Governments and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.

4

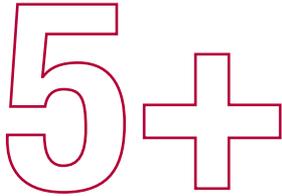
## // Systematic violations of rights

Workers in countries with the rating of 4 have reported systematic violations. The government and/or companies are engaged in serious efforts to crush the collective voice of workers putting fundamental rights under threat.



### // No guarantee of rights

Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices.



### // No guarantee of rights due to the breakdown of the rule of law

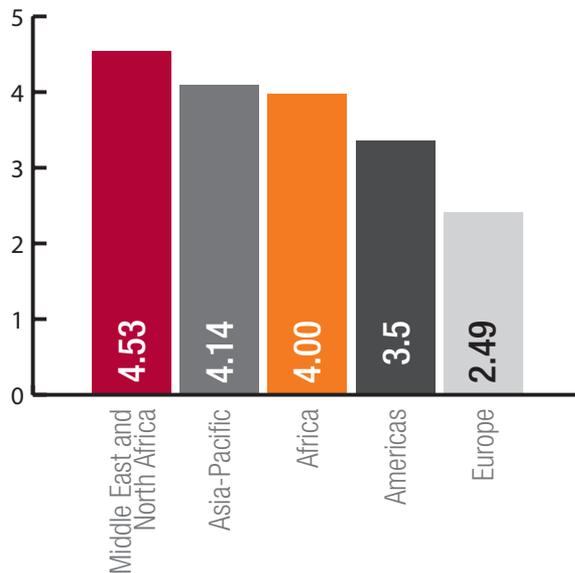
Workers in countries with the rating of 5+ have equally limited rights as countries with the rating of 5. However, in countries with the rating of 5+ this is linked to dysfunctional institutions as a result of internal conflict and/or military occupation. In such cases, the country is assigned the rating of 5+ by default.

# WORST REGION IN THE WORLD

The Middle East and North Africa continues to be the world's worst region regarding workers' rights with the average rating (4.53) becoming worse from last year (4.26). The region is beset with conflict and a breakdown of the rule of law so that no guarantee of fundamental labour rights is possible in countries such as Palestine, Syria, Iraq and Libya. The Gulf countries maintain the exclusion of migrants, the vast majority of their workforce, from the rights to freedom of association and collective bargaining in the context of a repressive setting for civil liberties generally. Qatar continues to shock the world with its treatment of migrant workers as construction work progresses on the 2022 World Cup.

Egypt remains a dangerous place for trade unionists and, indeed, any independent voice challenging the policies of the government of President AbdelFattah al-Sisi. In addition, in Algeria, the authorities repeatedly sought to intimidate independent trade unions and their supporters during the social protests at the end of 2016. The independent union of public administration staff Syndicat National Autonome des Personnels de l'Administration Publique (SNAPAP) denounced the measures deployed by the authorities to put pressure on the most active trade union members: filing of complaints, wage deductions, dismissals and abusive transfers. Protest actions were repressed by the police. The average rating for Africa (4.00) has worsened this year and increased from 3.32 last year. The average rating for Asia Pacific (4.14) has also slightly worsened from last year with the rating increasing from 4.00. There are real concerns for the rights of workers in Myanmar and Cambodia as their countries' leaders and business communities continue the race to the bottom to expand their garment sectors to compete with and undercut the terrible conditions in Bangladesh and India. The President of the Philippines has made clear his disregard for the lives of his population in his statements endorsing extra-judicial killings.

In Europe, years of austerity-related measures have accumulated to effectively reduce the exercise of the right to collective bargaining in practice. For example, the scope for collective bargaining has been reduced and decentralisation of bargaining levels to company level has had a negative impact on the exercise of collective bargaining, especially in countries affected by policies of the Troika (European Commission, European Central Bank and the International Monetary Fund), such as Greece, Portugal and Ireland. These negative effects have been accentuated by the ongoing fiscal squeeze on public wages and pensions as a result of the European economic governance measures implemented at national level but coordinated by the Commission through the Europe 2020 Strategy. The average rating for the Americas has increased from 3.16 to 3.5, which reflects a continuing repression of workers as they stand up for their rights in the deteriorating economic climate in the region. In the USA, the \$4 billion per year union busting industry continues to undermine the rights to freedom of association and collective bargaining with employers prepared to go to extraordinary lengths to prevent unions from organising on their premises. In Central and South America, the situation remains perilous as trade unionists continue to have to fear for their lives as they go about the work of improving the working conditions of their fellow workers.



# THE WORLD'S 10 WORST COUNTRIES FOR WORKERS

## Qatar

Despite increasing international exposure and pressure from the ITUC and others, the kafala system persists in Qatar and has not been materially affected by cosmetic changes in the law in December 2016. This means that the entire migrant workforce of more than 2 million workers is still excluded from



the right to freedom of association and to collective bargaining, with unions still banned. The new law retains the exit permit system which allows employers to keep workers in Qatar against their will for up to five years, and to stop workers from changing jobs during their contract. It also now allows employers to keep workers' passports, which was previously illegal although rarely if ever enforced. In the absence of a minimum

wage, foreign workers are paid according to their country of origin rather than the actual job they do. If workers leave an abusive employer without permission they face criminal charges for "absconding" which can lead to their arrest, detention and deportation.

Injuries and deaths on the 2022 World Cup construction projects continued into 2017 without the safeguarding presence that trade unions would undoubtedly provide. Conditions for workers from India, Nepal and Bangladesh powering the \$200 billion infrastructure upgrade for the 2022 World Cup have come under scrutiny from rights groups who say migrants live in squalor and work without proper access to water and shelter. In a recent report three workers said they had worked for 148 consecutive days, nearly five months, without a rest, while more than three-quarters of the 253 workers interviewed said they paid recruitment fees to agents in their home countries.

In March 2017, the ILO's Governing Body asked Qatar for details on reforms related to the law on migrant workers, domestic workers and the status of committees to resolve workers' disputes by its next meeting in November 2017 when it will decide whether to appoint a Commission of Inquiry to probe abuses.

## UAE

Rights to freedom of association and to collective bargaining continue to be denied to all workers in the UAE but this particularly affects migrant workers, who constitute approximately 90 per cent of the workforce. The UAE is clearly in breach of the ILO Forced Labour Convention, 1930 (No. 29). Therefore, there is increasing pressure on the UAE Government to reform violations regarding recruitment fees paid by migrants and contract substitution issues; passport confiscation; the kafala sponsorship system; the non-payment of wages; abuse of migrant domestic workers; poor labour inspection and ineffective penalties; and the lack of access to justice and protection of victims.



Whilst trade unions remained banned, migrant workers who may attempt to engage in strike action face deportation and a one-year ban on returning to the UAE. In January 2017, ministerial decrees came into effect, which the government said would address some abuses against migrant workers, including the longstanding practice of contract substitution whereby employers require migrant workers to sign new contracts with reduced wages when they arrive in the UAE. However, the decrees did not apply to domestic workers, mostly women from Asia and Africa, who remained explicitly excluded from labour law protections and particularly vulnerable to exploitation and serious abuses, including forced labour and human trafficking.

## Egypt

Trade unionists continue to suffer severe discrimination and state repression in Egypt. Twenty-six workers at the Alexandria Shipyard Company in Alexandria were held in detention centres prior to sentencing by a military judge in September 2016 on charges of refusing to work and incitement to strike. Their trial lacked many rights that civil courts enjoy in Egypt. The actions which led to their detention were peaceful protests including a strike demanding a raise in their salaries, calling for the development and improvement of production in the shipyard and work safety measures including protection from occupational injuries such as burns. The Alexandria Shipyard Company is not a military facility and its workers are not members of the military so they should have been subject to labour regulation under civil law.



Leaders of the Cairo bus workers' union were arrested in September 2016 and several are appealing a two-year prison sentence for 'incitement to strike'. Furthermore, dozens of worker activists were arrested after Egyptian security forces stormed the IFFCO oils and soap factory in Suez to break up a strike over cuts to bonuses. The violent attack on the IFFCO workers is the latest in a spate of arrests aimed at breaking Egyptian workers' resistance to the economic crisis. Prices have spiralled out of control since the devaluation of the Egyptian pound in November 2016, while the regime is pushing through more austerity measures attacking public sector jobs, subsidies and welfare.



### The Philippines

Union leaders are particularly at risk of violence, intimidation and murder in the Philippines, with two leaders murdered within the space of one week in September 2016. Orlando Abangan, an organiser for the trade union Sentro, was shot at close range by a lone gunman. He was a dedicated human and labour rights activist and had recently begun organising informal sector workers for Sentro. Edilberto Miralles, a former president of the R&E Taxi Transport union, was also murdered in a drive-by shooting in front of the National Labour Relations Commission where he was scheduled to attend a hearing.

Other trade unionists narrowly escaped death in April 2016 when gunmen opened fire on a protest camp set up by banana workers in Pantukan, Compostela Valley, narrowly missing three members of the Musahamat (Farm 2) Workers Labour Union. The camp was set up by the workers after they voted to go on strike to demand the reinstatement of 52 colleagues. The shooting followed an attempt to burn down the camp. Furthermore, union busting and other anti-union discrimination, such as dismissals and the formation of yellow unions, was particularly prominent in the Philippines in 2016. For example, the Japanese-owned company NT Philippines, based in the Cavite Economic Zone, responded to the formation of a workers' union with intimidation and harassment. Since the NT Phils. Inc Workers' Union was formed, the almost 900 workers at NT Philippines have struggled for regularisation within the company, which had created a bogus in-house agency.





## Colombia

Although the successful developments in the peace process in Colombia have drawn positive international reaction in 2017, the struggle continues for Colombian trade unionists in their workplaces and on the street. Therefore, it should not be forgotten that Colombia remains one of the worst violators of trade union rights with a horrendous record for impunity regarding the murders of trade unionists. Threats, violence and intimidation against trade unionists have a deep-rooted culture in Colombia and have continued apace in 2017. A recent example is the death threat made against Eric Amador Toro, the National Treasurer of the Union of Colombian Health Workers, SINTRASALUDCO.

Furthermore, there is an aggressive anti-union policy being run by Postobon, which belongs to the conglomerate Organización Ardila Lülle, which deserves global attention. In association with multinational PepsiCo, Postobon is operating a policy aimed at eradicating trade unions in Colombia. By August 2016, the company had dismissed over three thousand unionised workers from 27 production centres across the country. After having eliminated the collective agreements and done away with the trade unions, the company restructured, establishing four large “inter-companies”, enabling it to continue with its operations, employing workers through employment agencies, without social protection and under poor health and safety conditions.

## Kazakhstan

Trade unions in Kazakhstan are facing an orchestrated state policy to weaken solidarity, which includes arrest of leaders and failure to register (or re-register) unions following the 2014 Law on Trade Unions. These provisions have repeatedly been criticised by the ILO Committee of Experts and the ILO Committee on the Application of Standards, which have urged the Kazakhstan government to amend the legislation and to ensure that no excessive limitations on the structure of trade unions are imposed in practice. Contrary to the commitments made by the government to the ILO, it seems that there are no legislative initiatives to amend the legislation. Instead, Kazakhstan continues to apply this legislation in practice and continues the harassment, intimidation and persecution of trade unionists in the country. Indeed, trade unionists have been targeted for police interrogation, surveillance and arrest in retaliation for their trade union activity.

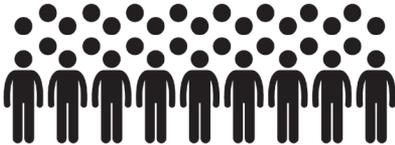
In January 2017, two trade union leaders – Mr. Nurbek Kushakbaev, deputy chair of the Confederation of Independent Trade Unions of Kazakhstan (CNTUK), and Mr. Amin Yeleusinov, chair of CNTUK’s affiliate (the Trade Union of the Oil Construction Company) – were arrested because they merely called for strike action. In a related development, a court in western Kazakhstan ordered oil



workers who went on a hunger strike in solidarity to pay 3.4 million tenge (\$10,000) in compensation for damages purportedly incurred by their refusal to eat, despite the fact that they continued to work for the duration of their protest. These cases follow a policy of state authorities intervening in the internal affairs of trade unions and intentionally targeting union leaders in order to suppress activity by the independent trade union movement.

## Korea (Republic of)

Trade unions in South Korea face a toxic mix of antipathy from the government and big business, whose corrupt dealings have finally led to the collapse of the Park Geun-hye administration following massive popular protests in the autumn of 2016, which brought millions to the streets. The power of big business conglomerates in South Korea runs deep in Korean society and unions have been particular targets for abuse of that power. For example, in September 2016, the Asia Monitor Resource Centre (AMRC) publicised a leaked PowerPoint presentation by the powerful South Korean multinational Samsung, intended for the eyes of corporate bosses only. It outlined the extent of its no-union policy, ordering specific “countermeasures” to be used to “dominate employees”. The leaked material instructs managers to “isolate employees”, “punish leaders” and “induce internal conflicts.” Clearly the policy had been complied with, as the AMRC also reported instances of grave abuse, where Samsung “tapped workers’ phones, followed them, and approached their families with threats”. In October 2016 the ITUC and IndustriALL Global Union published a joint report entitled “Samsung – Modern Tech, Medieval Conditions”, describing the global reach of its ruthless practices. It exposes the appalling unsafe working conditions, and explains how the company uses its power and leverage to prohibit the formation of unions by threatening to cancel contracts wherever workers organise.



Unions have long been a target of state repression. The South Korean government responded to a strike by members of the Korean Public Services and Transport Workers’ Union - Cargo Truckers’ Solidarity Division (KPTU-TruckSol) with intimidation, violence and arrests. Over 7,000 cargo truck drivers took part in the strike in October 2016 in protest at the government’s plan for the deregulation of the trucking transport market. The government deployed 4,000 police to surround rallying strikers and supporters, resulting in over 50 arrests of TruckSol members and injuries in the subsequent clashes. In addition, the state-run Korea Railroad Corporation (Korail) announced in October 2016 that it was prosecuting 19 union leaders for organising a strike. The company suspended 218 strikers and began taking steps to punish those responsible for the walkout. It also announced it was hiring 500 additional workers.

## Turkey

Following the attempted coup in Turkey in July 2016, trade unions and their members have been made public enemies. Over 100,000 public sector workers have lost their jobs in systematic purges by the Erdogan government, whilst others have been transferred or suspended. However, even before the attempted coup, union leaders were targeted: the secretary general of DİSK,



Arzu Çerkezoğlu, was briefly detained in June 2016 in Istanbul for allegedly insulting President Erdoğan in a 2015 speech.

Furthermore, trade union leaders and members have been attacked, arrested and jailed, whilst marches and protests have been banned or subjected to repressive policing in the aftermath of the coup. Similarly, freedom of movement for trade unionists in

Turkey has also suffered in 2017. Mr. Deniz Akil, the Ankara branch manager of the Public Sector Trade Union (BES), was banned from travelling outside the Ankara province and an order was issued to place electronic bracelets on him. Furthermore, the secretary of the Women's Confederation, Ms. Gülistan Atasoy, and the General Secretary of Education and Science Workers' Union (EĞİTİM SEN), Mesut Firat, are among the dismissed civil servants whose passports have been confiscated and thus they are banned from travelling abroad.

## Bangladesh

Trade unionists in Bangladesh have long suffered at the hands of the state, especially its notorious 'industrial police', and employers, which continued in 2017. The state authorities were swift to take reprisals against garment workers who took part in a week-long strike in the Ashulia garment production district of the Bangladeshi capital Dhaka in December 2016. The Prime Minister issued a directive ordering the strikers back to work, while the Labour Minister



warned that stern action would be taken against the instigators.

At least 35 union leaders and workers' rights advocates were detained in the weeks following the strike and criminal complaints were filed against over 1,000 workers. By early January 2017, more than 1,600 workers had been suspended.

At a more subtle level of anti-union discrimination, systematic obstacles remain to the registration of trade unions in Bangladesh, especially in the garment sector. A high-level tripartite ILO mission to the country in mid-April 2016 expressed concern about the rate of trade union registration. Indeed, only about 10 per cent of Bangladesh's more than 4,500 garment factories have registered unions, as the labour law requires an unreasonably high 30 per cent of workers to agree to form a union and

mandates excessive registration procedures, while the government has vaguely-defined powers to cancel a union's registration. Factory managers also threaten and attack unions and their members with impunity.

## Guatemala

Guatemala retains its notorious reputation for violence against workers with further evidence in June 2016 of trade unionists being targeted through the murder of a union leader, Brenda Marleni Estrada Tambiento. The atmosphere of repression continues to be pervasive with workers vulnerable to systematic physical violence, intimidation, kidnapping and death threats, which severely undermines freedom of association. The government has failed to address the culture of impunity and the justice systems remains dysfunctional and under-resourced. Not only has the government failed to provide prompt and adequate protection to trade unionists who have received death threats but the public prosecutor has failed to effectively pursue the many historic cases of murders of trade unionists.





# MOST VIOLATED RIGHTS

### Large-scale exclusion of workers

The ILO supervisory bodies have repeatedly emphasised that all workers have the right to freedom of association. However, in 2017, 84 out of 139 countries surveyed excluded certain types of workers from this right. In addition, 116 countries violated the right to strike in practice in various forms, including exclusion/restriction based on the objective and type of the strike, the imposition of compulsory arbitration and interference in strike action.

Furthermore, there is a worldwide trend, which is particularly evident in more advanced economies but spreading globally, to seek to exclude workers from employment rights through non-standard forms of employment, which reduces the organisational capacity of unions, as many workers are physically or psychologically isolated from permanent or standard workers. Exclusion may be linked to the employment status of workers, thus leaving precarious and informal workers outside the scope of the labour law. This has a devastating impact for workers in countries where this type of work is increasing, such as in sub-Saharan Africa, where the majority of the labour force is in the informal economy. It is estimated that as many as nine in ten rural and urban workers have informal jobs. When excluded workers stand up for their rights, they can face dismissal as occurred in Pakistan on 22 November 2016 when 17 workers at Schneider Electric were dismissed when they demanded a wage increase. All were precarious workers, in direct violation of national law, as they had worked for Schneider for between three and 12 years without becoming permanent employees. Of course, in the Gulf states, such as Qatar, Kuwait and the United Arab Emirates, the kafala system unfortunately persists and the millions of migrant workers upon which their economies depend are systematically excluded from the right to freedom of association, as well as being subject to forced labour violations.

## The right to collective bargaining

Collective bargaining has been under attack in Europe through the policies of the European Union in the last decade under the pretext of addressing the economic crisis with Greece, Portugal and Ireland having suffered a contraction in the scope of coverage and greater decentralisation as part of the conditions for financial assistance. Good faith collective bargaining is essential for improving income equality, boosting the living and working conditions of workers, and establishing mature industrial relations everywhere. However, employers and governments have completely refused to bargain with representative trade unions, restricted the subjects for bargaining, delayed negotiations or interfered in the process to such an extent that industrial relations have been restricted or rendered meaningless in 114 out of 139 countries, a significant increase from 89 out of 141 countries last year. For example, in December 2016, workers at PepsiCo's Frito-Lay plant in Lahore in Pakistan continued fighting for their rights and for their union against a management that refuses to recognise their organisation and their demands. Hundreds of union members, backed by the Pakistan Food Workers' Federation and community supporters, rallied at the factory gate in November 2016 to highlight their demand for an end to the harassment of union members and officers, negotiation on their charter of demands and an end to the massive abuse of casual employment.

## Free speech and public protests

There has been a slight decrease in the number of recorded instances where the rights to free speech and public protest were repressed through the police and security services. In 2017, 50 countries imposed practical restrictions on these rights – one less country than last year. However, there has been a significant trend developing where, when public protests actually occur, they are used as the grounds for the arrest and detention of trade unionists (see below). In February 2017, Chair of the Belarusian Radio and Electronic Industry Workers' Union, Gennady Fedynich, was found guilty of participating in an “unlawful mass event” after joining protests against the presidential decree on social dependency and fined US\$ 640.

## Increase in violence

Threats and violence in retaliation for the exercise of freedom of association deprive workers of their rights and create a climate of fear that chills the exercise of that right by others. However, there is a large number of countries where workers risk their life for engaging in trade union activity. There were 11 countries where workers were murdered, one more than last year. However, there was also a significant number of countries (59) where workers faced physical violence, kidnappings, threats and intimidation – an increase from 52 countries last year.

Murders of trade unionists occurred in Italy, Bangladesh, the Philippines, Brazil, Colombia, Guatemala, Honduras, Mexico, Peru, Venezuela and Mauritania. The ITUC condemned the assassination of trade unionist Brenda Marleni Estrada Tambiento, which took place on 19 June 2016. She was the deputy coordinator of the Legal Advice Commission of the Unión Sindical de Trabajadores de Guatemala. The trade unionist was followed on the way back from a bus station, where she had left her father, trade union leader Jorge Estrada y Estrada, who was assisting with the negotiation of collective agreements in one of the banana plantations in the department of Izabal.

In September 2016, transport workers in Dhaka, Bangladesh, went on strike throughout the Dhaka district protesting the death of one of their leaders in an attack by a gang of assailants. The gang hacked Md Haidar Ali, 40, an executive member of Barguna Road Transport Labourers Union, to death. Witnesses said the assailants attacked after he came out of his residence.

## Arrest and detention

There were 44 countries where the arrests and detentions of trade unionists were recorded. There is a trend that this tactic is being used as a method seeking to control the activism of trade unionists, particularly in repressive regimes. In 31 of these countries, trade union leaders were targeted, suggesting that governments (often in collaboration with employers) are attempting to undermine the organising capacity of trade unions. This practice of arresting trade unionists was particularly evident in Bangladesh, Turkey, Cambodia and Colombia. It often arose in response to the exercise of freedom of assembly with some arrests occurring under the pretext of a breach of the peace or for traffic violations but in Turkey it could even happen for insulting the President. In Cambodia, there was a spike in protests, and thus arrests, as a result of the implementation of a new (anti) trade union law. The president of the Korean Confederation of Trade Unions (KCTU) was sentenced to three years

imprisonment by the Seoul High Court for "leading a violent protest" as one of the organisers of a People's Rally for democracy and against anti-labour legislation.

### **Dismissal and other anti-union discrimination**

There are many forms of anti-union discrimination. Dismissal and suspension of workers, especially union leaders, is one of the most effective practices used by employers and was recorded in 70 countries surveyed in 2017. Violations of the right to freedom from other types of anti-union discrimination were recorded in 63 countries, though they can often be difficult to record and prove. These violations included the formation of yellow unions, blacklisting, union-busting techniques, workplace intimidation, withdrawal of bonuses, non-payment of wages and the threat of dismissal. For example, in Bangladesh, government information from August 2016 showed that only 23 factories in the Ashulia garment zone had registered unions. In the UK, a widespread blacklisting practice in the construction industry was proven to have been in operation for decades through a conspiracy between multinational companies that subscribed to and managed a firm called The Consulting Association, which led to a multi-million pound court settlement in May 2016. The documentary evidence of the blacklisting practice was overwhelming, forcing the employers involved to apologise in court and settle proceedings with hundreds of trade unionists after years of denying liability.





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Recognition of the  
Domestic Workers  
Union in Lebanon.

ALLO MARHABA  
MOBILISATION DE RECHERCHES

WE ARE WORKERS  
WE ARE NOT  
SLAVES

TRADE UNION  
RIGHT IS  
HUMAN RIGHT

FENASOL

# NOTEWORTHY DEVELOPMENTS

## Ecuador



Ecuador moved from a rating of category 3 to category 5 in 2017. Events that precipitated this finding include Rosana Palacios, President of the National Union of Educators (UNE), being threatened with criminal prosecution and prohibited from speaking in the name of her union in November 2016. UNE offices in the provinces were ransacked and occupied and the Ecuadorian government even rented some out some for profit. Union bank accounts were shut down and teachers were at risk if they had contact with UNE union officials in the campaign of repression against the union.

## Argentina



Argentina is rated in category 4 this year whereas last year it was rated in category 3, mainly due to a spike in incidents of violent repression by the state and private security forces. For example, on 15 July 2016, in the province of Jujuy, sugar workers belonging to the Sindicato de Obreros y Empleados del Azúcar del Ingenio Ledesma (SOEAIL-CTA) were brutally attacked by members of the National Gendarmerie and private security guards whilst taking part in a march within the framework of an indefinite stoppage called to press for better pay and working conditions. Over 80 workers were injured by rubber bullets and several were arrested. Furthermore, on 24 August 2016, during a dispute that had brought El Tabacal sugar mill in the province of Salta to a standstill, police used rubber bullets to put an end to a roadblock, under orders of the governor, Juan Manuel Urtubey. With harvesting at a standstill, renewed negotiations had been scheduled to take place the day before between representatives of the management and the workers. Representatives from the company failed to show, causing uproar among the sugar workers, who decided to set up a complete roadblock. Moments later, riot police decided to disperse the protesting workers. The force used was so disproportionate that 30 workers were injured in the operation.

## Ghana



Ghana has moved from a rating of category 2 to a rating of category 3 in 2017 but it is not yet clear whether the worsening treatment of trade unionists in the country observed this year is part of a trend or reflects sporadic events. For example, 180 Ghanaians working with a Chinese construction company, Goodwill Ceramics Company, in the Sekondi-Takoradi Metropolis were dismissed on May Day in 2016 for protesting against unfair treatment by the management. The workers had been working with the company since December 2015 but their engagement had been characterised by maltreatment and disregard for the country's labour laws, including a lack of basic protective equipment such as gloves and helmets. In addition, 45 workers of the Ghana National Gas Company at Atuabo in the Western Region were sacked in September 2016 for protesting against poor conditions of service. The workers, who are part of the local union of the General Transport, Petroleum and Chemical Workers' Union (GTPCWU), called on the management of Ghana Gas to provide them with better conditions because of the risk involved in their job.

## Brazil



Brazil has moved from a rating of category 2 to a rating of category 4 in a year in which there was significant labour exploitation in the build up to the 2016 Olympic games. Brazil's labour ministry cited organisers of the Olympics over labour conditions for about 600 temporary workers brought in to repair housing for athletes. In addition, eleven people died while working on Olympic facilities or Games-related projects between January 2013 and March 2016, according to a report released by Rio de Janeiro's Regional Labour and Employment Office. The new administration in Brazil, since August 2016, has started to carry out legislative changes which will have a severe impact on workers' rights. A bill was approved allowing for broader use of outsourced workers by private companies and government agencies. Amendments are also planned for capping pension benefits and raising the retirement age. In addition, a major shake-up of the Consolidated Labour Laws is being discussed by the administration, which could be detrimental to fundamental rights such as freedom of association and collective bargaining.

## Australia



Australia remained in category 3 this year. However, there has been a spike in violations with a worsening of industrial relations in 2017. The Federal government targeted the Construction, Forestry, Mining and Energy Union (CFMEU). The CFMEU has faced 118 separate legal proceedings in various courts around Australia in the last year in relation to industrial action. In addition, in July 2016, Carlton & United Breweries (CUB) sacked 55 union machine maintenance workers at its Melbourne brewery, ahead of the acquisition of CUB's parent company SABMiller by AB InBev. The 55 workers were all members of the Australian Manufacturing Workers' Union (AMWU) and the Electrical Trades Union (ETU). They were told their jobs would be outsourced to a new contractor but they could return to work as workers of the subcontractor – with a 65 per cent pay cut. The workers refused, sparking a long-running dispute and a boycott of the company's products.

## Chile



There were some noteworthy improvements in the law regarding freedom of association in Chile, though it retains a category 3 rating in the Index. The Labour Code now recognises that officials of the judiciary are guaranteed freedom of association, removes obstacles regarding the payment of standard monthly union dues, removes restrictions for procedures regarding trade union negotiating committees, and introduces a prohibition on replacing striking workers, as well as sanctions in the event of such a replacement. There were also improvements in the law on collective bargaining regarding the previously excluded category of apprentices, in procedures for recognition, the broadening of the right to information, the simplification of the collective bargaining procedure and the broadening of the issues that may be covered by negotiation.

## Costa Rica



A series of provisions were introduced in Costa Rica intended to increase the effectiveness of protection against anti-union discrimination. The new Act establishes a new system of evidence involving special burdens of proof for the employer when there is no agreement on certain aspects, such as the reasons for the termination of a contract. The objective is to make judicial procedures relating to acts of anti-union discrimination more expeditious and effective. Accordingly, Costa Rica has maintained a rating of category 2 in the Index.

## Myanmar



Myanmar has moved from category 3 to category 5 in this year's ratings. After decades of dictatorship, Myanmar's new democracy has a long way to go to ensure the full respect of fundamental rights, including trade union rights. Serious problems persist in the garment sector with long working hours, low pay, poor working conditions, including health and safety standards, and sexual harassment, among others. It is difficult for workers to organise, owing to serious flaws in labour legislation that restrict the freedom to join and form trade unions, making it especially difficult for unions to register. Many workers are deterred by the threat of dismissal from joining a union. For example, ten members of the Myanmar Industries, Crafts and Services (MICS) trade union federation were dismissed over the course of a week in early October 2016 from the Sein Kabar textile factory. A spokesperson for MICS said there had been no grounds for their dismissal and that the real reason was to undermine the union.



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**NO**  
return to  
**SLAVERY**



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**Domestic**  
**Workers**



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**TO SLA**



WHERE ARE  
OUR  
2.2 MILLION  
JOBS?

# List of Composite Indicators<sup>2</sup>

## I. CIVIL LIBERTIES

### A. Violations in Law

1. Arrest, detention, imprisonment, charging and fining of trade unionists  
ILO Digest<sup>3</sup> paras. 61-95  
General Survey<sup>4</sup> paras. 31-32
2. Violation of the right to freedom of expression and assembly  
ILO Digest paras. 130-174  
General Survey paras. 35-39
3. Lack of guarantee of due process of law  
ILO Digest paras. 48-57, 75-83, 89-90, 96-120  
General Survey paras. 29, 31-32

### B. Violations in Practice

4. Murder or disappearance of trade unionist  
ILO Digest paras. 42-60  
General Survey paras. 28-30
5. Committed against trade union leaders  
Violation of (4) is committed against a union leader
6. Severity  
Widespread and/or systematic violation of (4)
7. Other types of physical violence  
ILO Digest paras. 42-60  
General Survey paras. 28-30, 33
8. Committed against trade union leaders  
Violation of (7) is committed against a union leader
9. Severity  
Widespread and/or systematic violation of (7)
10. Threats and intimidation  
ILO Digest paras. 35, 44, 58, 60
11. Committed against trade union leaders  
Violation of (10) is committed against a union leader
12. Severity  
Widespread and/or systematic violation of (10)
13. Arrest, detention, imprisonment, charging and fining of trade unionists  
ILO Digest paras. 61-95  
General Survey paras. 31-32
14. Committed against trade union leaders  
Violation of (13) is committed against a union leader
15. Severity  
Widespread and/or systematic violation of (13)

16. Infringement of the right to freedom of movement  
ILO Digest paras. 122-124  
General Survey para. 34
17. Committed against trade union leaders  
Violation of (16) is committed against a union leader
18. Severity  
Widespread and/or systematic violation of (16)
19. Infringement of the right to freedom of expression and assembly  
ILO Digest paras. 130-174  
General Survey paras. 35-39
20. Committed against trade union leaders  
Violation of (19) is committed against a union leader
21. Severity  
Widespread and/or systematic violation of (19)
22. Lack of guarantee of due process of law  
ILO Digest paras. 48-57, 75-83, 89-90, 96-120  
General Survey paras. 29, 31-32

## II. RIGHT TO ESTABLISH OR JOIN UNIONS

### A. Violations in Law

23. Exclusion from the right to establish and join unions  
ILO Digest paras. 210-271  
General Survey paras. 45-67
24. Conditions of union registration  
ILO Digest paras. 272, 275-293  
General Survey paras. 68-70
25. Union registration  
ILO Digest paras. 273, 294-308  
General Survey para. 71
26. Restrictions on the freedom of choice of union structure and composition  
ILO Digest paras. 333-337, 360-362  
General Survey paras. 79-90
27. Union monopoly  
ILO Digest paras. 311-332  
General Survey para. 91
28. Favouritism/discrimination between unions  
ILO Digest paras. 339-345  
General Survey para. 104
29. Dissolution/suspension of legally functioning union  
ILO Digest paras. 677-709  
General Survey paras. 180-188

30. Dismissal and suspension of trade unionists  
ILO Digest paras. 769-781, 789-798, 799-802, 804-812, 658-666, 674  
General Survey paras. 199-210, 213
31. Other anti-union discrimination  
ILO Digest paras. 769-781, 782-788, 799-803, 654-657, 658, 660, 675  
General Survey paras. 199-212
32. Effective legal guarantees against anti-union discriminatory measures  
ILO Digest paras. 813-836  
General Survey paras. 214-224
33. Right to establish and join federations  
ILO Digest paras. 710-768  
General Survey paras. 189-198
34. Law of guarantee of due process of law  
Lack of due process regarding violations (23)- (33)

#### **B. Violations in Practice**

35. Serious obstacle to exercise the right in practice  
Vast majority of population is excluded from this right in practice
36. Exclusion from the right to establish and join unions  
ILO Digest paras. 210-271  
General Survey paras. 45-67
37. Conditions of union registration  
ILO Digest paras. 272, 275-293  
General Survey paras. 68-70
38. Union registration  
ILO Digest paras. 273, 294-308  
General Survey para. 71
39. Restrictions on the freedom of choice of union structure and composition  
ILO Digest paras. 333-337, 360-362  
General Survey paras. 79-90
40. Union monopoly  
ILO Digest paras. 311-332  
General Survey para. 91
41. Favouritism/discrimination between unions  
ILO Digest paras. 339-345  
General Survey para. 104
42. Dissolution/suspension of legally functioning union  
ILO Digest paras. 677-709  
General Survey paras. 180-188
43. Dismissal and suspension of trade unionists  
ILO Digest paras. 769-781, 789-798, 799-802, 804-812, 658-666, 674  
General Survey paras. 199-210, 213

- 44. Other anti-union discrimination  
ILO Digest paras. 769-781, 782-788, 799-803, 654-657, 658, 660, 675  
General Survey paras. 199-212
- 45. Committed against trade union leaders  
Violation of (43) and/or (44) is committed against a union leader
- 46. Severity  
Widespread and/or systematic violation of (43) and/or (44)
- 47. Effective legal guarantees against anti-union discriminatory measures  
ILO Digest paras. 813-836  
General Survey paras. 214-224
- 48. Right to establish and join federations  
ILO Digest paras. 710-768  
General Survey paras. 189-198
- 49. Law of guarantee of due process of law  
Lack of due process regarding violations (23)- (33)

### III. TRADE UNION ACTIVITIES

#### A. Violations in Law

- 50. Exclusion from the right to carry out union activities  
ILO Digest paras. 210-271  
General Survey paras. 45-67
- 51. Right to freely administer a union  
ILO Digest paras. 369-387, 454-494  
General Survey paras. 108, 109-112, 124-127
- 52. Eligibility conditions for representative  
ILO Digest paras. 405-426  
General Survey para. 121
- 53. Interference in electoral process  
ILO Digest 392-404, 427-453
- 54. Right to organise activities and programmes  
ILO Digest paras. 495-519;  
General Survey paras. 108, 128-135
- 55. Law of guarantee of due process of law  
Lack of due process regarding violations (50)-(54)

#### B. Violations in Practice

- 56. Exclusion from the right to carry out union activities  
ILO Digest paras. 210-271  
General Survey paras. 45-67
- 57. Right to freely administer a union  
ILO Digest paras. 369-387, 454-494  
General Survey paras. 108, 109-112, 124-127

- 58. Eligibility conditions for representative  
ILO Digest paras. 405-426  
General Survey para. 121
- 59. Interference in electoral process  
ILO Digest 392-404, 427-453
- 60. Right to organise activities and programmes  
ILO Digest paras. 495-519  
General Survey paras. 108, 128-135
- 61. Law of guarantee of due process of law  
Lack of due process regarding violations (56)-(60)

#### IV. RIGHT TO COLLECTIVE BARGAINING

##### A. Violations in Law

- 62. Exclusion from the right to collective bargaining  
ILO Digest paras. 885-911  
General Survey paras. 261-264
- 63. Exclusion/restriction of subjects covered by collective bargaining  
ILO Digest paras. 912-924  
General Survey para. 250
- 64. Compulsory arbitration accorded to collective bargaining  
ILO Digest paras. 925-928, 992-997, 566-567  
General Survey paras. 254-259
- 65. Recognition for collective bargaining  
ILO Digest paras. 944-983  
General Survey paras. 238-243
- 66. Undermining and/or insufficient promotion of collective bargaining  
ILO Digest paras. 925-943, 988-991, 998-1000, 924-1043, 1058  
General Survey paras. 244-249
- 67. Interference into to collective agreements  
ILO Digest paras. 940-943, 1001-1023, 1047-1053  
General Survey paras. 251-253
- 68. Law of guarantee of due process of law  
Lack of due process regarding violations (62)-(67)

##### B. Violations in Practice

- 69. Serious obstacle to exercise the right in practice  
Vast majority of population is excluded from this right in practice
- 70. Exclusion from the right to collective bargaining  
ILO Digest paras. 885-911  
General Survey paras. 261-264

- 71. Exclusion/restriction of subjects covered by collective bargaining  
ILO Digest paras. 912-924  
General Survey para. 250
- 72. Compulsory arbitration accorded to collective bargaining  
ILO Digest paras. 925-928, 992-997, 566-567  
General Survey paras. 254-259
- 73. Recognition for collective bargaining  
ILO Digest paras. 944-983  
General Survey paras. 238-243
- 74. Undermining and/or insufficient promotion of collective bargaining  
ILO Digest paras. 925-943, 988-991, 998-1000, 924-1043, 1058  
General Survey paras. 244-249
- 75. Interference into collective agreements  
ILO Digest paras. 940-943, 1001-1023, 1047-1053  
General Survey paras. 251-253
- 76. Lack of guarantee of due process of law  
Lack of due process regarding violations (69)-(75)

## V. RIGHT TO STRIKE

### A. Violations in Law

- 77. Exclusion from the right to strike  
ILO Digest paras. 572-594  
General Survey paras. 154-160, 169
- 78. Exclusion/restriction based on the objective and type of the strike  
ILO Digest paras. 526-544, 545-546  
General Survey paras. 165-168, 173
- 79. Compensatory guarantees for lawful restrictions  
ILO Digest paras. 595-627  
General Survey paras. 161-162, 164
- 80. Compulsory arbitration  
ILO Digest paras. 564- 569  
General Survey para. 153
- 81. Prerequisites for strikes  
ILO Digest paras. 547-563  
General Survey paras. 170-172
- 82. Interference in strike action  
ILO Digest paras. 628-653  
General Survey paras. 174-175
- 83. Sanctions for legitimate strike action  
ILO Digest paras. 667-674  
General Survey paras. 176-179

- 84. Lack of guarantee of due process of law  
Lack of due process regarding violations (77)-(83)

#### **B. Violations in Practice**

- 85. Serious obstacle to exercise the right in practice  
Vast majority of population is excluded from this right in practice
- 86. Exclusion from the right to strike  
ILO Digest paras. 572-594  
General Survey paras. 154-160, 169
- 87. Exclusion/restriction based on the objective and type of the strike  
ILO Digest paras. 526-544, 545-546  
General Survey paras. 165-168, 173
- 88. Compensatory guarantees for lawful restrictions  
ILO Digest paras. 595-627  
General Survey paras. 161-162, 164
- 89. Compulsory arbitration  
ILO Digest paras. 564- 569  
General Survey para. 153
- 90. Prerequisites for strikes  
ILO Digest paras. 547-563  
General Survey paras. 170-172
- 91. Interference in strike action  
ILO Digest paras. 628-653  
General Survey paras. 174-175
- 92. Committed against trade union leaders  
Violation under (91) is committed against a union leader
- 93. Severity  
Widespread and/or systematic violation of (91)
- 94. Sanctions for legitimate strike action  
ILO Digest paras. 667-674  
General Survey paras. 176-179
- 95. Committed against trade union leaders  
Violation under (94) is committed against a union leader
- 96. Severity  
Widespread and/or systematic violation of (94)
- 97. Lack of guarantee of due process of law  
Lack of due process regarding violations (85)-(96)



# Excerpts from the Survey

## PART II

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Complete country  
information can be  
found under:  
[survey.ituc-csi.org](http://survey.ituc-csi.org)

# AFRICA

BENIN

BOTSWANA

BURUNDI

MADAGASCAR

MAURITANIA

NIGERIA

SENEGAL

SWAZILAND

ZAMBIA

ZIMBABWE



NO GUARANTEE  
OF RIGHTS  
| 5

SYSTEMATIC VIOLATIONS  
OF RIGHTS  
| 4

REGULAR VIOLATIONS  
OF RIGHTS  
| 3

REPEATED VIOLATIONS  
OF RIGHTS  
| 2

NOT REGULAR VIOLATIONS  
OF RIGHTS  
| 1

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## BENIN // 5

### **Restrictions on workers' right to form and join organisations of their own choosing**

Article 3 of Decree No. 2006-132 of 29 March 2006 on defining the different forms of trade unions and the criteria of representativity establishes the enterprise-level trade union as the primary form of worker organisation. These must be limited to a single enterprise, service or corporation.

### **Categories of workers prohibited or limited from forming or joining a union**

Act No. 2010-11 issuing the Maritime Code of the Republic of Benin only affords seafarers limited trade union rights, specifically in relation to representation within the framework of collective bargaining (section 224, Maritime Code). However, it does not grant seafarers the right to organise, the right to strike or other aspects of freedom of association. Also, only persons aged over 15 years are permitted to join trade unions (section 79, Labour Code).

Persons named in the permanent employment of a public administration are excluded from the scope of application of the Labour Code (section 2, Labour Code).

### **Discretionary determination or excessively long list of "essential services" in which the right to strike is prohibited or severely restricted**

Article 14 of the Act No. 2001-09 of 21 June 2002 on exercise of the right to strike provides that essential services are those relevant to health, safety, energy, water, air transport and telecommunications (with the exception of private radio and television).

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## BOTSWANA // 4

### **Court decides against anti-union discrimination at Botswana University of Agriculture**

The Manual Workers Union successfully litigated against the decision of the Botswana University of Agriculture and Natural Resources (BUAN) not to extend a 3 per cent inflation adjustment to union members. The University argued that the unions had advocated against the adjustment back in 2016 when it was offered to all public workers, and should therefore be excluded from its application. The court ruled in favour of the workers ordering the university to pay the adjustment to all public sector workers from 1 April 2016.

### **Government fails to negotiate with unions prior to the planned liquidation of BCL Limited endangering 6,000 jobs**

More than six thousand mine workers in Botswana will lose their jobs following the decision to put the state-owned mining company BCL Limited into a liquidation process. This decision will affect an estimated 5,500 workers employed at the BCL copper mine in Selebi Phikwe and 700 workers at the Tati Nickel Mine in Francistown. In addition, another 1,000 contract workers will lose their jobs at BCL.

The Government announced that it was closing BCL Limited on 7 October. The company was placed into liquidation on 9 October. All jobs were terminated by the end of that month. The decision about liquidation came without any warning or attempt to negotiate with the Botswana Mine Workers Union (BMWU). The liquidation procedure does not include any provisions for workers, many of whom live in company houses, obtain child school allowance or follow medical treatment provided by the company healthcare programme, including HIV medication. The appointed liquidator has already refused to recognise the company's retrenchment plan as a basis for the conditions of retrenchment.

### **Public sector union leaders under attack**

Several public sector union leaders experienced dismissal, termination of secondment or abusive transfer resulting in serious impediments to trade union activity. The Secretary General of Botswana Land Board & Local Authorities & Health Workers Union (BLLAHWU), Ketlhalefile Motshegwa, was dismissed after being charged with being absent from duty, contrary to his authorised secondment to the trade union office in accordance with the previous agreement with the Government. The President of the Botswana Federation of Public & Private Sector Unions (BOFEPUSU) Johannes Tshukudu was transferred to another ministerial department with the effect of becoming neither eligible for his function nor for the upcoming elections for the presidency of the Botswana Teachers Union (BTU). The former president of BTU, Japhta Radibe, was compelled into early retirement. According to BOFEPUSU, these actions were deliberately aimed at blocking the trade union movement in the country.

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## BURUNDI // 5+

### **President of COSYBU arrested**

On 28 December 2016, Tharcisse Gahungu, president of the Confédération syndicale du Burundi (COSYBU), affiliated to the ITUC, was arrested together with three other trade unionists by national intelligence officers, in Ijenda, around thirty kilometres from Bujumbura. Tharcisse Gahungu was due to take part in a meeting the following day to set up a trade union in the tea sector. The director of the Burundi Tea Office (OTB) had alerted the authorities in a letter, requesting them to “take every step necessary to stop the meeting from going ahead”, adding that “a trade union would create disarray and chaos in the tea industry”. Media outlets close to the authorities were quick to claim that the trade union leader was being manipulated by Westerners wanting to damage the OTB. The four trade unionists were released on 31 December, after three nights in jail.

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## MADAGASCAR // 4

### **Persistent anti-unionism in mining sector**

Multinationals Sherritt and Rio Tinto persisted with their attacks on trade union rights in 2016. The unions nonetheless remained steadfast, as demonstrated by IndustriALL affiliate SVS (Syndicalisme et Vie des Sociétés), which secured a legal victory over mining giant Sherritt. After a long court battle, the State Council (Supreme Court) ruled in favour of one of the union’s leaders, Barson Rakotomanga, who was also a member of the works council at the Ambatovy nickel mine. The trade unionist had been dismissed in June 2015, along with 900 other workers, on the grounds that he had tarnished the mining group’s reputation both in the country and abroad. By ruling in his favour, the State Council has given hope to fifteen other elected trade unionists who have also been dismissed. In May 2016, two miners who denounced their intolerable working conditions at the Rio Tinto QMM mining site in Fort-Dauphin were threatened with dismissal.

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## MAURITANIA // 4

### **Trade unionist killed and protests repressed at Nouakchott port**

On 6 April 2016, during a dockworkers’ strike at the port of Nouakchott, trade unionist Moctar Ould Oueineni was fatally injured when police fired teargas to suppress a protest. On 7 November 2016, the police once again used force to repress strike action at the port. Thirty dockers were arrested. In both instances, the dockworkers, backed by the CGTM and the CLTM (both affiliated to the ITUC) were protesting against a decision by import companies to transfer containers directly to their own storage facilities where the unloading is done by migrants with even poorer pay conditions than theirs.

### **Anti-slavery activism severely repressed**

On 27 January 2016, the local authorities of Dar Naim prohibited the holding of a rally organised by the Confédération Libre des Travailleurs de Mauritanie (CLTM) with the support of the Spanish agency for international development cooperation, AECID. They claimed that the decision had been taken due to the “political” nature of the rally, although it was simply intended to mark the launch of an awareness-raising campaign on slavery. The country continues to be severely affected by this scourge, both in its traditional and its contemporary forms. During 2015, the trade union centres received daily complaints from Mauritanian women returning from Saudi Arabia, where they had been the victims of human trafficking. The trade unions also alerted the ITUC and other international trade union organisations that hundreds of Mauritanian women continue to be trapped in forced labour in Saudi Arabia. A vigorous trade union campaign was therefore launched. Although Mauritania has continued to strengthen its legal arsenal designed to fight slavery - it was among the first countries to ratify the ILO Protocol of 2014 against forced labour – in practice the exploiters are rarely troubled. By contrast, three well-known anti-slavery activists were arrested in November 2014 and condemned, in 2015, to two years in prison.

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## NIGERIA // 5

### **Federal University of Technology suspends 23 striking workers, including 3 union leaders**

At the beginning of December 2016, the unions at the Federal University of Technology (FUTA) in Akure, the Senior Staff Association of Nigerian Universities (SSANU), National Association of Academic Technologists (NAAT), and Non Academic Staff Union of Universities (NASU), organised a strike in order to call on the University to dismiss its Vice Chancellor, following allegations of his involvement in financial misappropriation of the school treasury. The unions had filed a petition with the Economic and Financial Crimes Commission (EFCC), alleging fraud in the management of the university. The university responded by suspending 23 of the striking union members, including three union leaders, for allegedly disturbing academic activities on the campus. The suspension was revoked on 6 December when the FUTA Governing Council announced the reinstatement of all suspended workers and a plan to set-up a joint committee, with the involvement of representatives of the unions concerned, tasked to address the situation at FUTA in depth.

### **Government of Ogun State dismissed 16 union leaders, including state chairmen of NLC and NUT**

On 31 October, eleven days after the Ogun State workers embarked on an indefinite protest against the non-remittance of salary arrears over the past 12 months. The state government decided to dismiss 16 union leaders, including the state chairman of the Nigeria Labour Congress (NLC) and the state chairman of Nigeria Union of Teachers (NUT). The leaders were accused of misconduct during the 2016 World Teachers Day celebration held on 5 October, in particular for having expressed support for certain politicians. The government denied any links to the ongoing strikes and reinstated the leaders after one week.

### **Union leaders in hideouts for fear of attack by security agents**

Several attacks on trade union leaders were reported during the ongoing National Labour Congress (NLC) industrial action in the Ogun State. The dispute arose out of number of grievances caused by delays in salary, bonus and pension payments for up to three years. The NLC of the Ogun State reported several attacks by government agents, including on the NLC secretariat in Abeokuta, as well as public threats against trade union leaders, attacks and beatings of trade union leaders and union members, both by the police and unidentified attackers. These acts have already forced a number of union leaders to hide in undisclosed locations.

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## SENEGAL // 4

### **Declarations of intent on social dialogue but many violations on the ground**

During the first few months of the year, education trade unions strongly criticised the government for failing to respect an agreement signed in February 2014. The Grand Cadres des Syndicats d'Enseignants, grouping around thirty teachers' trade unions, led a strike lasting several weeks. Constructive negotiations were resumed in April bringing the protest to an end.

During the May Day celebrations, the five ITUC affiliates, also gathered within a coalition of trade union centres, welcomed the progress made in the national-level tripartite dialogue and the imminent signing of the National Social Stability and Economic Emergence Pact. In November, however, one of these centres, the Confédération Nationale des Travailleurs du Senegal (CNTS), expressed its regret that most employers had not implemented the pact, underlining the "persistent crises in several sectors of activity and the state's astonishing passivity".

The sectors still in difficulty include the health sector, where the Syndicat Autonome des Médecins du Sénégal (SAMÉS) protested, in July, against the dismissal of two of its members, including the former general secretary of the SAMÉS, Dr Mbaye Paye, and the security sector, where, at the beginning of December, around 30 workers affiliated to the Syndicat Autonome des Gardiens et Agents de Sécurité (SAGAS) who were demonstrating in front of the headquarters of the Sociétés Générales de Banques du Sénégal (SGBS) were dispersed by security forces then dismissed and replaced by other workers. Finally, several trade union organisations from the transport sector and the International Transport Workers' Federation (ITF) denounced the contempt shown by the management of Aviation Handling Services (AHS) towards its employees and particularly the workers' representatives. The employer responded to a protest held in November by the Syndicat Unique des Travailleurs des Transports Aériens et des Activités Annexes du Senegal (SUTTAAAS) by transferring staff, confiscating airport access badges and dismissing several workers, including trade union representatives. At the end of January, the management was obliged to lift these punitive measures following state mediation, an order to comply from the Labour Inspectorate and trade union mobilisation, which was supported by the International Transport Workers' Federation (ITF).

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## SWAZILAND // 5

### **Fashion International continues to deny workers union recognition**

Management at Fashion International continue to deny recognition to the company's union affiliated to the Amalgamated Trade Unions of Swaziland (ATUSWA) even though more than 84 per cent (1,600 of the 1,900) workers in the company signed trade union membership forms in March. Also, in a ballot vote conducted by the Conciliation, Mediation and Arbitration Commission, all but one of the workers voted in favour of the union. Instead, the company threatened on numerous occasions to close down the factory if workers kept asking for the recognition of the union.

The need for a union to protect workers' welfare is reflected in the company's poor labour and employment rights record. Workers employed at Fashion International are forced to come to work when sick, as the company refuses to pay sick leave of more than two days' duration and visits to the doctor during working time are restricted to only four hours of absence. Under the threat of disciplinary measures, including dismissals, the company forces workers to work overtime on Saturdays.

### **Limkokwing University of Creative Technology imposes wage deductions for days of strike**

About 100 workers at Limkokwing University of Creative Technology took part in a strike organised on 9 September by the Swaziland Union of Non-Academic Staff for Higher Institutions (SUNASHI). Workers were protesting against the systematic use of short-term employment contracts after the university's management and staff failed to reach a consensus on the topic. The University was set up in September 2016 after King Mswati III took over the chair of the Southern African Development Community (SADC). It has been announced that the institution would initially offer scholarships to 300 students drawn from all 15 SADC countries. However, the staff was offered as little as a one-year contract and at a maximum a two-year contract.

The management of the university failed to negotiate with the workers following the strike notice. Instead, it issued a statement in the media in which it warned that wages in respect of the days of strike would not be paid and that striking workers would not be allowed to enter the campus.

### **ITUC Report: Workers' rights in the sugar sector in Swaziland**

The Report, published by the ITUC, "King Mswati's Gold: Workers' rights and land confiscation in Swaziland's sugar sector", highlights numerous examples of barriers to the exercise of trade union rights in the sector and blatant anti-union discrimination. This includes the case of Enock Dlamini, a worker of 25 years with the Ubombo Sugar Company who has suffered numerous discriminatory acts by the company for specious offences whenever he stood up to defend the rights of returning seasonal workers in his capacity as a shop steward. At the end of the 2015/2016 season, the company ended his contract and announced the closure of his whole department.

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## ZAMBIA // 4

### **Striking workers suspended by Luanshya Copper Mines**

On 9 January, hundreds of Luanshya Copper Mines (LCM) workers organised a strike demanding a 25 per cent salary increment across the board, claiming that they had not received an incremental increase in the previous three years. The issue was subject to negotiations between LCM and both the Mine Workers Union of Zambia (MUZ) and the National Union of Miners and Allied Workers (NUMAW). The management of LCM called the strike illegal and suspended seven of the striking workers on 10 January. The matter was subject to immediate intervention by the Copper-belt Minister who called on the management to lift the suspension. The management of LCM agreed to reinstate the suspended workers but at the same time appealed to the government to also safeguard the interest of investors claiming that the work stoppage had adversely affected the operations of the mine.

### **Salaries of unionised workers delayed at the University of Zambia**

Three staff unions at the University of Zambia announced that they would go on strike unless the university paid out outstanding salaries for the month of August. The University of Zambia Lecturers and Researchers Union, the University of Zambia Professional Staff Union and the University of Zambia and Allied Workers Union argued that the workers of the University were supposed to receive their salaries by the 18th-20th of every month but, over the previous months, salaries for unionised staff were systematically delayed.

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## ZIMBABWE // 5

### **Government threatens to fire striking doctors**

The Zimbabwean government threatened to fire doctors striking to demand better salaries and working conditions during a two-day strike action between 15-16 February 2017. The management of Parirenyatwa Group of Hospitals issued a memo announcing that any doctor who joined the strike would be removed from the duty register and pay roll. These tactics have been followed in a number of other central hospitals. The Ministry of Health was instructed by the government to compile names of doctors who joined the strike.

### **50 workers dismissed after strike in Vubachikwe Mine**

The Associated Mine Workers Union of Zimbabwe engaged in a legal battle against the company Duration Gold, largely owned by Clarity Capital, for dismissing 50 workers for engaging in a strike at Vubachikwe Mine in December 2016. The workers engaged in the strike after learning through their retired colleagues that there was no pension for them, as Vubachikwe had not been honouring its obligations to remit workers' pension deductions to the Mining Industry Pension Fund. The company stopped payments in 2013 meaning that the company owes workers almost \$3 million in unpaid contributions.

### **Revenue authority seizes trade union education funds**

The Zimbabwe Revenue Authority (ZIMRA) has seized over US\$50,000 belonging to the Zimbabwe Congress of Trade Union (ZCTU) Education Fund because of alleged fiscal arrears. Even though the union tried to reverse the seizing order, arguing that the funds were purely for the implementation of education activities, ZIMRA transferred the funds to the Ministry of Finance. The government ignored the fact that the ZCTU is structurally affected by the behaviour of companies which are not remitting trade union dues and not paying their employees.

# AMERICAS

- ARGENTINA
- BRAZIL
- COLOMBIA
- ECUADOR
- GUATEMALA
- HONDURAS
- MEXICO
- PANAMA
- PARAGUAY
- UNITED STATES



- NO GUARANTEE OF RIGHTS | 5
- SYSTEMATIC VIOLATIONS OF RIGHTS | 4
- REGULAR VIOLATIONS OF RIGHTS | 3
- REPEATED VIOLATIONS OF RIGHTS | 2
- NOT REGULAR VIOLATIONS OF RIGHTS | 1

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## ARGENTINA // 4

### **Teachers taking part in strikes face wage deductions and substitution**

Within the framework of collective negotiations on pay in the education sector, the Education Minister for the province of Buenos Aires, Alejandro Finocchiaro, warned that those taking part in the strike on 6 and 7 March would have their pay docked. This practice penalises the right to strike and is deployed despite a 2016 ruling by Administrative Court No. 4 of La Plata ordering the government of Buenos Aires province to return the amounts deducted to teachers for days not worked during the strike held on 1 and 2 August 2016.

In addition, the government of Buenos Aires province, led by María Eugenia Vidal, pushed the idea that striking teachers should be substituted by “volunteers” offering their services on social media under the hashtag “#VoluntarioDocenteNoAlParo” (Teaching Volunteer Against the Strike). The proposal was launched under the heading “My Bit for Education”, and the idea was that citizens wishing to provide school support would substitute the teachers. The proposal ultimately led to nothing and the teachers’ strike was held without substitute teachers being hired.

### **Delays in recognition of transport union**

The pre-metro and underground transport workers’ union, Asociación Gremial de Trabajadores del Subte y el Premetro (AGTSyP), which represents 60 per cent of the workers in the City of Buenos Aires, has seen delays in the procedures for acquiring legal recognition (required to represent workers in collective negotiations, etc.), hindering the exercise of its trade union rights.

The trade union was registered in 2010 and applied for Personería Gremial, the legal recognition required to represent workers, in 2013. The administrative procedure confirmed that the union complied with the provisions of Art. 25 of Law 23,551 (representation of over 20 per cent of all trade union members). Three hearings were held to determine whether the pre-existing union, Unión Tranviarios Automotor (UTA) had a higher level of representation. This is the result of the state only granting legal recognition to the “most representative” trade unions.

Given the UTA’s failure to attend any of the hearings, the administrative authority granted the AGTSyP the legal capacity to represent pre-metro and underground transport workers, whilst the UTA maintained its right to represent workers in the rest of the sector. The UTA appealed against the decision and, in March 2017, Chamber II of the National Labour

Appeal Court quashed the ruling and the AGTSyP was left without legal recognition.

The court deemed the decision to grant it legal status was invalid because the UTA was not present at the hearings. Prerequisites of this kind render it impossible to ensure the right to legal recognition, given that pre-existing unions can simply not attend to avoid any change in their status.

### **Death threats against education union leader**

During the first few months of 2017, Roberto Baradel, general secretary of the Sindicato Unificado de Trabajadores de la Educación de la Provincia de Buenos Aires (SUTEBA), a member of the National Executive Board of the Confederación Trabajadores de la Educación de la República Argentina, affiliated to CTA de los Trabajadores (CTA-T), in the Province of Buenos Aires, and the international relations secretary of this trade union centre, was the target of serious death threats against himself and his family. The threats were made in the context of collective pay negotiations between the Buenos Aires provincial government authorities and the six trade unions representing the entire teaching staff working under this authority.

The situation was reported to the justice system and the Head of the Ministerial Cabinet of the National Executive, but no progress has been made in the investigations. Although the government is not being accused of the threats, the union organisations are denouncing the authorities’ failure to take action and the fact that the government is publically refuting and trivialising the facts, leaving the trade union leader totally unprotected.

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## BRAZIL // 4

### **Murder of woman trade unionist and rural workers’ activist**

Twenty seven farm workers’ federations and more than 4,000 rural workers’ unions in Brazil demonstrated to express their anger at the brutal murder of Francisca das Chagas Silva, 34 years old, a rural social worker from the Miranda do Norte union, who was killed with extreme cruelty and sexual violence in the early morning of 1 February 2016, in Miranda do Norte, Maranhão. Francisca had played an active part in the Trade Union Study Group (GES Women) and other activities organised by the Rural Workers Trade Union Movement (MSTTR) in 2015. In August 2015 she

took part in the “margarita march”, a feminist campaigning march held every four years in Brasilia to commemorate the murder of Margarida Maria Alves, a workers’ rights activist in Paraíba. The 2015 march was attended by over 100,000 women demanding a Brazil and a world based on sustainable development, democracy, justice, autonomy, equality and freedom.

### **Legal action against demonstrators**

In October 2015 the Brazilian Senate approved a bill that classifies terrorism as a specific crime in the Penal Code. Trade union organisations and social movements warned that this law should not be interpreted and used to penalise demonstrations and stigmatise those who protest as terrorists. At the end of 2015 the bill was still awaiting final approval by the Chamber of Representatives.

### **Violent police intervention against iron and steel workers**

A protest against the possible dismissal of 4,000 workers at an Usiminas iron and steel plant in the city of Cubatao ended in a clash with the police who fired tear gas to disperse the participants. The protest was organised by several unions and was supported by a number of political leaders in Cubatao, a coastal town in São Paulo State, to oppose the temporary closure of part of the factory by Usiminas, a major iron and steel company whose shareholders include the Argentinian group Techint.

The company called on the police to intervene claiming that the demonstrators were preventing freedom of movement. The police used tear gas and rubber bullets to disperse some 300 people gathered in front of the factory. After the clash, one person required medical attention and another was arrested by the police.

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## **COLOMBIA // 5**

### **Illegal use of protective contracts to weaken unions**

Colombian legislation sets out a framework for negotiations between employers and non-unionised workers through collective agreements (article 481, Substantive Labour Code). In practice, however, when such agreements are used in companies where trade unions are present, they become an anti-union strategy that undermines the concept of collective bargaining.

A typical approach is to go through the motions of negotiating with non-unionised workers (or simply not to hold negotiations at all), who are then awarded benefits greater than or equal to those on offer within the collective agreement. To benefit from these advantages, the worker must not be a union member. Thus, where collective agreements are imposed, unions often see a decrease in or stagnation of their membership and sometimes even disappear altogether.

In 2016, the following 37 unions had open cases that had been submitted to the Ministry of Labour regarding the illegal use of collective agreements:

1. Sinaltrainbec vs. Cervecería del Valle S.A.
2. SINALTRACEBA vs. BAVARIA
3. SINTHOL vs. Club Campestre el Rodeo
4. Sindicato de trabajadores de cajas de compensación familiar (SINALTRACAF) vs. Comfenalco Cartagena
5. Sinaltradihitexco vs. Tejidos de punto Linda Lana
6. SINALTRAINBEC subdirectiva Cartagena vs. Maltería Tropical S.A.
7. SINALTRAINBEC subdirectiva Tocancipá vs. Bavaria S.A.
8. SINTRACORPAUL vs. Corporación de Fomento Asistencial del Hospital Universitario San Vicente de Paul (Corpaul)
9. Sindicato de trabajadores de empresas de servicios públicos domiciliarios de Norte de Santander (SINTRAEM-SPDNS) vs. Aguas Kpital Cúcuta S.A. E.S.P.
10. Sindicato Nacional de la Industria Lechera (SINTRAIN-DULECHE) vs. Proleche S.A.
11. Sindicato Nacional de Trabajadores del Sistema Alimentario (SINTRALIMENTICIA) vs. Comercial Nutresa S.A.S.
12. SINTRALIMENTICIA vs. Industrias de alimentos ZENÚ S.A.S.
13. SINTRANUTRESA vs. Comercial Nutresa S.A.
14. Sindicato Nacional de Trabajadores de la Promotora Turística del Caribe S.A. (SINTRAPROTUCARIBE) vs. Promotora Turística del Caribe S.A. (PROTUCARIBE)

15. Sindicato Nacional de la Industria Química y/o Farmacéutica de Colombia (SINTRAQUIM), Cartagena branch vs. Abocol S.A.
16. Sindicato de Trabajadores de la industria textil (SINTRA-TEXTIL) Medellín branch vs. Leonisa S.A.
17. ASEFINCO vs. Bancamía
18. SINPRISA vs. Caracol
19. SINPROSEG vs. Seguridad Atlas
20. SINTRALPLA vs. Alpla
21. SINTRABRINKS vs. Brinks
22. SINTRAIMAGRA vs. Sociedad Mejía
23. SINTRAPULCAR vs. Protisa
24. UNTRAEMIS vs. Grupo Emi
25. SINTRAOSI vs. Medisanitas
26. UNITRAPELPAK vs. Pelpak S.A.
27. UNISINTRAGAL vs. Gaseosas Lux
28. SINTRABRINSA vs. Brinsa S.A.
29. SNTT vs. Sociedad Portuaria Regional de Buenaventura S.A.
30. SNTT vs. DHL
31. USTI vs. ALPLA S.A.
32. USTI vs. Simens
33. USTI vs. Fiberglass
34. SINALTRABIMBO vs. Bimbo de Colombia S.A.
35. SINTRAIME vs. Dimantec Ltda.
36. SINTRAPROF vs. Profamilia
37. UTIBAC vs. AJE de Colombia

### **Violations of the life, liberty and integrity of union members in Colombia**

Between 1 January and 31 December 2016, there were at least 266 cases of violations of the life, liberty and integrity of union members in Colombia, including 19 murders, 17 attacks (with or without injuries) and 186 threats. Despite measures to prevent violence against them, unions continue to be affected by this issue. Indeed, despite a downward trend in anti-union violence over the last few years, 2016 saw a 31 per cent increase in reported incidents from the previous year, and there are still many worrying cases that have been documented. An initial analysis of these cases shows that some of the threats occur in contexts where unions were leading educational processes for peace and campaigns to support the agreement between the Government of Colombia and the FARC–EP.

### **Anti-union activities at the food company Ramo**

In 2016, there was a branch of the Colombian baking industry union SINALTRABIMBO at the factory of Ramo, a food company operating in Mosquera in the department of Cundinamarca. The company undertook various anti-union activities in an attempt to break up the branch. Its president was subject to continuous harassment, affecting his mental health and forcing him to leave the company and, as such, the union. After weakening the union, the company undertook legal proceedings to dissolve the legal status of SINALTRABIMBO Mosquera. Although the judge permitted the legal status of the branch to remain valid, the company's actions already had the desired effect. Almost all workers had left the union, meaning that it had effectively ceased to exist. This is in addition to the company's actions in 2015 when it feigned bankruptcy in an attempt to eliminate unionised workers.

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## **ECUADOR // 5**

### **Restrictions on organising in public sector**

The public sector was a key target of major reforms affecting trade union and labour rights. The government, disregarding the workers' voice, launched a campaign of persecution and took steps to progressively eradicate associations, taking a particularly aggressive approach during 2015 and 2016.

Although the rights to organise and to strike exist in law, exercising these rights is impracticable, given the complete

ban on stoppages in all public services, without regard for ILO regulations concerning the definition of essential services where the right to strike could be restricted. Public employees staging strikes and bringing their services to a standstill face investigation and prosecution on charges of sabotage, terrorism, trespassing public buildings and threatening national security.

In 2016, the ability to exercise the right to collective bargaining was suppressed. The result is a decline in union membership and trade unions, as the suppression of collective agreements undermines the very essence of these organisations, the purpose of which is to defend their members' individual and collective rights.

Various public sector institutions are refusing to apply the check-off system for the payment of union dues and others, such as the state oil company Petroecuador, are illegally withholding these dues. The systematic violations of freedom of association have led to the proliferation of pro-government parastatal workers' organisations. Examples are the Central Unitaria de Trabajadores (CUT), which supports the government's positions and neutralises the Frente Unitario de Trabajadores (FUT) and the Red de Maestros, set up to counteract the Unión Nacional de Educadores (UNE).

#### **Obstacles to registering civil society organisations: CUCOMITAE complaint**

Civil society organisations, such as the Confederación Unitaria Comerciantes Minoristas y Trabajadores Autónomos del Ecuador (CUCOMITAE), denounced the excessive red tape and prerequisites hampering the registration of organisations, which amount, in practice, to a violation of the right to freedom of association.

By December 2016, the Ministry of Economic and Social Inclusion (MIES) had not yet assigned the organisations to the respective ministries, in accordance with their areas of responsibility, leaving many associations unregistered. In the case of the CUCOMITAE, by agreement with the MIES, the organisation was to be reassigned to the Superintendency of the People's and Solidarity Economy, but this procedure had not yet been completed by the close of this report.

The policy of the Labour Ministry is to only register recently established self-employed workers' organisations. Older organisations are left unregistered, which limits their activities. Similar barriers are encountered in the registration of national confederations as well as provincial and local federations that do not have the statutory quorum requiring

the affiliation of at least five organisations. As a result, the organisations wishing to register are left defenceless.

In accordance with Decree 16 (now Decree 739), organisations not regularised under the Single Register of Social Organisations (RUOS) lose their legal status within a year. The complications involved in registering are likely to result in the disappearance of many organisations.

#### **Arrest of indigenous leader Agustin Wachapá**

In December 2016, dozens of police arrived without an arrest warrant to the headquarters of the Shuar Federation (FISCH) located in the Ecuadorian Amazon and arbitrarily beat, tortured and detained its president, Agustin Wachapa. Then, the police razed the FISCH's office, turning over furniture and carrying away computers. Wachupá is being kept in a maximum-security prison near Quito, despite a call from Amnesty International to respect his legal rights.

Agustin Wachapá was accused of publicly calling for the mobilisation and violent resistance of the Shuar communities against state security forces in San Juan Bosco. The conflict started because the indigenous community in Nankints was evicted and had their homes demolished against their will to make way for the Chinese Explorcobres S.A. (EXSA) open-cut copper mine. They tried twice to retake their land. On 14 December, the second attempt resulted in the death of a police officer and seven other members of the state security forces were wounded.

After this, more than 8,000 soldiers entered the zone and the government declared a State of Emergency and suspended basic rights such as freedom of assembly, freedom of movement, and due process under law, as well as granted the military the exceptional power to enter private residences and arbitrarily detain people without warrants or evidence. The leaders of the Shuar called upon the United Nations and other international human rights organisations to monitor the militarisation of these lands.

In addition to this persecution against Wachapá, other three leaders of the Shuar, Jose Isidro Tendetza Antun (2014), Bosco Wisum (2009) and Freddy Taish (2013) were violently murdered for opposing the mining industry. In some of the cases the witnesses pointed out that the perpetrators were employees of the Chinese mine. This means that these violations are part of a systematic campaign against the organisation.

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## GUATEMALA // 5

### **Dismissals for forming union at Bimbo de Centro América S.A.**

On 30 June 2016, a group of 13 workers at Bimbo de Centro América S.A. decided to organise. Less than four hours later the company dismissed them all. The company then went on to dismiss another 22 workers, on 2 and 6 July, on the pretext of “staff restructuring”. In spite of these anti-union reprisals, over 100 workers decided to relaunch the initiative and, 20 days later, presented the Labour Ministry with all the paperwork required to establish the Sindicato de Trabajadores y Trabajadoras de Bimbo de Centro América S.A. (Sitrabimbo). They also submitted a copy of the list of demands for future collective bargaining at the seven branches across the country. The company responded by firing dozens of workers on the spot at its various plants in Guatemala. On 8 September, the Second Labour and Social Security Court ordered Bimbo to reinstate 75 unfairly dismissed workers, but the company refused to comply with the decision and continued to brandish the threat of dismissals and factory closures.

On 26 December 2016, following publication in the Official Gazette that Sitrabimbo had been listed in the Public Register of Trade Unions, Bimbo de Centro América S.A. issued a communiqué in which it recognised the trade union organisation and committed to respect the workers’ right to organise.

On 17 January 2017, however, the Second Chamber of the Labour and Social Security Appeal Court gave notice of a decision made on 25 December 2016 quashing this decision and lifting the protection decreed by the Labour Court against Bimbo de Centro América S.A., leaving over 250 workers dismissed for having formed the union.

### **Judge agrees to withdraw immunity from mayor of Tiquisate and to launch investigation into persecution of trade unionists**

On 14 November 2016, the Mixed Regional Chamber of the Appeal Court of Antigua, Guatemala, upheld the validity of the pre-trial proceedings to withdraw immunity from Héctor Portillo Coronado, the mayor of Tiquisate, in the department of Escuintla, who was accused of abuse of authority, coercion, threats and violence against workers belonging to the municipal employees’ union Sindicato de Empleados Municipales Organizados de Tiquisate del Departamento de Escuintla (SEMOT–MSICG). The mayor had responded to the workers’ refusal to leave the union by indefinitely suspending their pay, and subsequently carried out mass

dismissals by declaring the employment contracts to be against the public interest, with the acquiescence of the Labour and Social Security Court of the First Instance in the department of Escuintla.

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## HONDURAS // 5

### **Fyffes Union Leader Escapes Murder Attempt**

On 15 April 2017, Moises Sanchez, a trade union leader for STAS, representing workers of melon plantations in Honduras, was kidnapped, beaten and threatened with death if he continued the union work. Sanchez has been demanding improvement of labour conditions for workers employed by Fyffes, a fruit multinational.

### **Trade union rights violations by multinational Fyffes**

The Sindicato de Trabajadores de la Agroindustria y Similares (STAS) denounced the persistence, throughout 2016, of anti-union dismissals, blacklisting and death threats at the hands of the multinational Fyffes. A new case was registered on 16 February 2017 when unionised security guards were dismissed from its plantations.

In addition, the branch leaders of the union were attacked and threatened by members of the company’s private security force, in an attempt to make them leave the union. Its leaders, Nelson Núñez and Patricia Riera, received anonymous death threats. Several organisations, including Britain’s general union, GMB, have been pressing the multinational to improve working conditions at the plantations and to put an end to the systematic persecution of trade unionists.

### **Peasant farmers systematically persecuted by agribusiness corporation Dinant**

Peasant farmers in Valle del Bajo Aguán denounced attacks, killings and abuses at the hands of the private security forces employed by the Dinant Corporation, the owner of large-scale palm oil plantations in the north of the country. The corporation is receiving financing from the International Finance Corporation (IFC) of the World Bank, which has prompted the farmers to sue the international organisation.

The plaintiffs are seeking compensation for the murders, torture, assaults, beatings, trespassing, unjust enrichment and other acts of aggression committed by the company as part of a systematic campaign of persecution to intimidate

the small farmers and force them to sign over rights to the land that Dinant wants to control.

The farmers have lodged complaints with international human rights organisations and have filed proceedings with courts in Honduras. The owner of the Dinant Corporation, Miguel Facussé Barjum, has, in addition, been accused of having links with drug trafficking organisations and allowing his property to be used as a transit point for planes carrying drugs.

### **Parallel trade unions, discriminatory treatment and anti-union dismissals at Azucarera del Norte S.A. (AZUNOSA)**

In June 2016, the sugar producing company Azucarera del Norte S.A. (AZUNOSA), a subsidiary of the British multinational SABMiller, launched a campaign of discrimination, through its subcontractors, SURCO, ARAME and SODEMEM, against members of the Sindicato de Trabajadores de la Agroindustria y Similares (STAS).

In 2016, the company withdrew benefits from STAS members, such as bonuses and holidays, whilst leaving them in place for the workers belonging to a parallel union serving the company's interests. Although SURCO and ARAME both signed collective agreements, neither of them have complied with the terms set out therein. The workers have reported that the companies deploy the same discriminatory strategy when providing protective gear.

On 30 November 2016, SURCO unfairly dismissed several members and leaders of the STAS, including Jorge Luis Alas, secretary of agricultural and campesino affairs on the Central Executive Board of the STAS, despite him being legally protected against dismissal as a trade union leader. According to the workers, the dismissals were made in retaliation for their membership of the union.

The STAS has been trying to visit the company with an inspector for the last three years to look into the violations and systematic anti-union practices, but has been categorically denied access.

## **MEXICO // 5**

### **Anti-union dismissals at PKC Arneses y Accesorios and at Teksid**

On 12 August 2016, Mexico's mine and metal workers' union, the Sindicato Nacional de Trabajadores Mineros, Metalúrgicos, Siderúrgicos y Similares de la República Mexicana (SNTMMSSRM), known as Los Mineros, held a peaceful demonstration to demand the reinstatement of 500 workers dismissed from the PKC Arneses y Accesorios plant in Ciudad Acuña, Coahuila, and 100 dismissed from Teksid. The two companies had dismissed workers who supported the union's campaign to win the forthcoming election to represent workers in collective bargaining. Both PKC Arneses y Accesorios and Teksid are notorious for their anti-union practices against workers who wish to be represented by a democratic trade union. Both companies have resorted to threats, suspensions and dismissals to intimidate and punish those who express their support for Los Mineros.

### **Teachers' strike violently repressed**

Six people were killed and 50 injured in clashes between federal police officers and members of the Section 22 branch of the Coordinadora Nacional de Trabajadores de la Educación (CNTE), in Nochixtlán, north of Oaxaca City. The clashes broke out in the early hours of Sunday 19 June 2016, when members of the Federal Police embarked on the violent removal of a blockade set up by teachers.

Teachers, parents and civilians, confronted with arms, gunshots and teargas, used stones, sticks, barricades and burning vehicles to stop the advance of the federal forces. At the same time, protesters blocked traffic heading towards Etlá and the motorway linking the capital of Oaxaca with the states of Puebla, Veracruz and Mexico City.

The violence intensified by midday, when the police began shooting civilians, leaving six dead. Those killed were aged between 19 and 33 and were identified as: Anselmo Cruz Aquino, Jesús Cadena Sánchez Meza, Alvin Jiménez Santiago, Óscar Nicolás Santiago, Omar González Santiago and Andrés Aguilar Zanabria.

### **Persecution surrounding democratic trade union elections at the Meseta Central Services and Development Company SA de CV**

On 20 April 2016 workers at the Meseta Central Service and Development Company SA de CV, which supplies staff, as a sub-contractor, to the Boleo Mining and Metals company, itself controlled by Korea Resources Corporation

(KORES), went on strike to demand the withdrawal of the local leader of the national exploration and mining union the Sindicato Nacional de Trabajadores de la Exploración, Explotación y Beneficio de Minas en la República Mexicana (SNTEEBMRM) which had signed a protection contract with the company in 2007, preventing the organisation of free trade union elections.

On 23 April over 500 workers took part in an assembly at which they affiliated to the national mine and metal workers' union the Sindicato Nacional de Trabajadores Mineros, Metalúrgicos, Siderúrgicos y Similares de la República Mexicana (SNTMMSSRM). This union submitted a request to the Federal Labour Board to be their official collective bargaining representative. On 5 May, the strike was disrupted by a large police contingent, despite the fact that the labour authorities had agreed to hold an election soon to allow the workers to vote on which union they wanted to represent them. On 20 May a meeting was held at the Federal Labour Board, but the Board subsequently refused to set a date for the election.

On 5 June the company dismissed 130 SNTMMSSRM supporters and on 9 June the representative of the Federal Labour Department in Baja California Sur, José Ernesto Álvarez Gámez, visited the mine to persuade the dismissed workers to accept severance pay. Seventy eight workers nonetheless submitted a legal request for reinstatement, but the Federal Labour Board failed to take any action.

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## PANAMA // 4

### **Strike at Minera Panamá**

In October 2016, workers at the Donoso, Minera Panamá, copper mine, affiliated to the Sindicato Único de Trabajadores de la Construcción y Similares (Suntracs), staged a strike in protest at pressure from the company to alter their working conditions by increasing working hours and cutting wages and benefits. The company persisted with its refusal to allow access to the trade union leaders, who were supporting the protest. The company hired foreign workers in large numbers, establishing unequal pay and conditions, violating, in some instances, minimum levels of protection and, in others, providing them with more favourable terms than the unionised workers. The striking workers finally secured an agreement following the intervention of the Labour Ministry.

### **Binding arbitration award at Cervecería Nacional**

On 27 April 2016, an arbitration tribunal issued a decision putting an end to the labour dispute between Cervecería Nacional S.A. (CNSA), owned by SABMiller, and the two trade unions at the company – Sindicato Industrial de Trabajadores de la Fabricación y Comercialización de Refrescos, Bebidas, Gaseosas, Cervezas, Licores y Similares (Sitrafcobegascelis), and Sindicato de Trabajadores de la Industria Cervecera de Panamá (STICP). On 1 June 2015, the trade unions had initiated joint collective bargaining, uniting to sign a single collective agreement. The company rejected this alliance, reacting strongly to the trade unions' aspirations and refused to negotiate. Following an 18-day strike, the Labour Ministry ordered the establishment of an arbitration tribunal, which finally recognised the agreement covering the workers' main demands.

### **Union-busting by DHL in Panama and other countries**

DHL has, for years, been pursuing a policy of labour and trade union rights violations. A report published in March 2016 by the trade unions representing DHL workers in Panamá, Colombia and Chile, following the acceptance of a complaint filed by ITF and UNI Global Union with the OECD in 2013, revealed acts of intimidation, inadequate safety standards, recurrent accidents at work, a lack of training, arbitrary management, clientelism, non-respect for fundamental rights and labour rights, insults, frame-ups and aggressive and systematic union-busting.

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## PARAGUAY // 4

### **Social Security Institute (IPS) employees strike over non-compliance with collective agreement**

In December 2016, public health sector employees affiliated to TRASIPS (Trabajadores Sindicalizados del Instituto de Previsión Social) launched a strike in protest at the repeated failure to comply with the collective agreement on working conditions as well as the increasingly precarious health services and the lack of medical supplies, medication and diagnostic tests. The trade union organisation called on the Institute to provide decent working conditions and sufficient budgetary funds to meet the needs of the population, but no solution has been found to date.

### **Provisional registration of La Limpeña trade union revoked**

In May 2016, the Labour, Employment and Social Security Ministry revoked the provisional registration granted in November 2015 to the trade union representing La Limpeña bus company employees (Sindicato de Choferes y Empleados de la Empresa de Transporte La Limpeña SRL Línea 49), after 51 of its members were dismissed in June 2015 for forming the union. The workers had staged a hunger strike following the dismissals, to demand respect for their rights.

The drivers had been employed under appalling conditions for more than 10 years, working over 16-hour days without adequate pay or benefits. The Ministry refused to register the union based on current membership being lower than that required to form a union, which amounts to yet another breach of freedom of association given that membership had fallen below the required level as a result of the anti-union dismissals. The trade unionists initiated legal proceedings to contest the decision and the matter is currently in the hands of the Labour Appeal Court.

### **Trade union persecution at National Civil Aviation Authority**

From mid 2015 to early 2016, the nine trade unions within the national civil aviation authority, DINAC, were the targets of an intense stigmatisation and persecution campaign together with other violations of the right to freedom of association. The DINAC had launched a process to privatise the administration of the Silvio Pettirossi airport in the city of Luque, Central Department.

By May 2016, all the executive members of the trade unions had been dismissed as part of the management's all-

out campaign to crush the unions, to force them to dissolve and to hand over the administration of a union-free airport.

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## UNITED STATES // 4

### **No tripartite consultative body to address labour law and policy**

The U.S. government does not maintain a formal tripartite consultative body to address labour law and policy. There are some opportunities for consultation, as with the Labour Advisory Committee within the Office of the U.S. Trade Representative. Some government agencies seek input from interested parties by conducting notice-and-comment rulemaking prior to formulating new regulations or policies. Unions may also file amicus curiae briefs in court and agency adjudications to provide their views on disputed matters that will affect labour law or policy.

Far from consulting with unions regarding labour law and policy, some states and U.S. politicians have taken deliberate steps to roll back workers' collective bargaining rights.

### **Restrictions with respect to type of strike action**

The National Labour Relations Act (NLRA) and judicial decisions interpreting the law prohibit workers from engaging in sitdown strikes, partial strikes and secondary boycotts, and impose other restrictions on organisational or recognitional strikes. Workers at certain health care institutions must provide 10 days' advance notice before engaging in a strike or picketing, such as intermittent strikes, secondary boycotts and other forms of mutual aid and protection.



# ASIA

BANGLADESH

CAMBODIA

CHINA

FIJI

INDIA

INDONESIA

KOREA (REPUBLIC OF)

MYANMAR

PAKISTAN

PHILIPPINES



NO GUARANTEE  
OF RIGHTS  
| 5

SYSTEMATIC VIOLATIONS  
OF RIGHTS  
| 4

REGULAR VIOLATIONS  
OF RIGHTS  
| 3

REPEATED VIOLATIONS  
OF RIGHTS  
| 2

NOT REGULAR VIOLATIONS  
OF RIGHTS  
| 1

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## BANGLADESH // 5

### **Anti-union dismissals continue at Chevron**

In December 2016 IndustriALL Global Union reported that the Chevron oil company had dismissed 145 workers from its Bangladesh operations. Back in May 2015 the workers had sought to form a union, and called for permanent contracts. The great majority of the 500-strong workforce were on “temporary” contracts. The union organisers were promptly dismissed at the time – some by text message – and further dismissals followed. Throughout 2016 the company continued to ignore the workers’ collective demands for regularisation and union recognition.

### **Arrests, suspensions and threats of prosecution following garment workers’ strike**

The authorities were swift to take reprisals against garment workers who took part in a week-long strike in the Ashulia district of the Bangladeshi capital Dhaka on 12 December 2016. Ashulia is a vast garment production hub used by clothing companies around the world, including Western giants like Zara, Gap and H&M. The strike was called in support of the demand for an increase in the minimum wage from USD 68 to USD 190 per month.

The Prime Minister issued a directive ordering the strikers back to work, while the Labour Minister warned that stern action would be taken against the instigators. At least 11 union leaders and workers’ rights advocates were detained in the weeks following the strike under the Special Powers Act 1974, an emergency decree introduced in wartime. Most were members of the Bangladesh Garment and Industrial Workers’ Federation (BGIWF)’s, the Shadin Bangla Garments Workers Federation (SBGWF) and the Bangladesh Independent Garment Workers Union Federation (BIGUF).

In retaliation for the strikes, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) suspended production at 59 factories. Two factories affected by the strikes, Windy Apparels Ltd. and Fountain Garments Ltd., have filed criminal complaints against 239 workers, while the Hemeem Group was reported to be filing complaints against as many as 1,000 workers. By early January 2017 more than 1,600 workers had been suspended and police had filed cases against 600 workers and trade union leaders.

Many garment workers were too scared to go back to work and some even returned to the countryside to escape police persecution. Most local trade union offices in Ashulia were shut down or had been vandalised.

### **Union busting at garment factory**

Habib Fashions garment factory tried to block the formation of a union and then shut down. The Sommolito Garment Sramik Federation (SGSF) applied to register a union at the factory with the Joint Director of Labour (JDL) on 30 June 2016. They were seeking to improve working conditions, such as the unacceptably long hours. Workers were forced to work from 6 a.m. till 10 p.m. during Ramadan in June, for example, to fulfil orders on time.

The JDL wrote to SGSF raising certain objections concerning its application, which the union then began to address. While it was working on this, the factory management met SGSF leaders on 19 July 2016 and asked them to withdraw the application for union registration. When SGSF refused, the factory management began shifting machinery on the night of 27 July 2016 and declared a temporary closure to take effect as of August 2016, claiming it did not have any orders to fulfil. The Dhaka-based factory was a subcontractor to many factories producing for international brands, however, and still had plenty of orders on its books. The SGSF believed the closure was purely to prevent the formation of the union and to discourage any future attempts at organising.

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## CAMBODIA // 5

### **Sacked for forming a union**

Sinosky Hejun Garment Co Ltd sacked Kim Chetra for forming a union at the factory at the end of December 2016, according to Mom Seak, president of the Khmer Union Federation of Workers Spirit (KUFWS). Kim Chetra had been very active in supporting workers who had faced problems at work, and wanted to form a union to help improve conditions at the Chinese-owned garment factory, located in the capital’s Por Sen Chey district. Over 100 of his colleagues stopped work for four hours on 3 January 2017 to call for his reinstatement.

### **Labour Minister threatens unions**

Speaking at a workshop on the registration of trade unions and employer associations on 31 August 2016, Labour Minister Ith Samheng threatened any striking workers with arrest, claiming the ministry’s officials have to pay more attention to “the law” and stop the “impunity” with which unions operated. He said that officials in all units of his ministry across the country had to make more of an effort to take legal action against workers who strike or demonstrate.

"I would like to say that from now on, all units and institutions should know that in all cases of demonstrations and strikes, even though the announcement is being made today, they must continue to review the procedures of the law and whether it [protests] are done legally or illegally," he said.

Most of his speech revolved around his belief in the need for tougher legal measures to be used against striking workers or unions. Unions who strike without consulting all of the workers in their union will be punished through the courts, he said. Union leaders especially will be punished if their organisations violate any stipulations of the labour law, he warned.

He went on to claim that the harsh measures were for the good of the country, stressing the need for respect for the "rule of law."

### **Dismissed for asking for better working conditions**

At the end of July 2016 workers from the Dongdu Textile factory in Phnom Penh's Dangkor district sacked nearly 800 employees who had been protesting for over a month to demand better working conditions. The matter was taken to the Arbitration Council, which ordered the company to reinstate the workers, but Dongdu ignored those instructions. A new protest was staged, this time outside the Labour Ministry, in a bid to get their case taken seriously. Workers handed a petition to a Labour Ministry official who told them that their protest was illegal and ordered them to leave. Workers refused saying they had already been fired and did not fear arrest.

The Labour Ministry later said it would invite the company management, workers and representatives of the Collective Union of Movement of Workers (CUMW) to a meeting to resolve the issue.

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## **CHINA // 5**

### **8 migrant workers publicly sentenced to prison for demanding payment of arrears**

A judge of the Sichuan province of Langzhong sentenced eight migrant workers - three women and five men - to six and eight months of prison. Before the reading of the verdict, they were lined up in a public square behind placards identifying their individual villages of origin. Police guards

flanked each one of them, while rifle-toting sentries stood nearby. The workers were not provided with a legal counsel. The eight workers were found guilty of congregating on 16 March 2016 in front of the office of their employer in order to ask for salary arrears.

The "trial" took place in front of a huge crowd gathered together to witness what is commonly known in China as "an education in the law" consisting of the public condemnation of the indicted, serving as a lesson to citizens. However, despite the intention of the authorities, citizens reacted very differently from the past, actually blaming the delinquent employer, forcing the website of the Langzhong City People's Court to remove the photographs of the public trial following collective uproar and indignation. Chinese workers are well aware that wage arrears are a major problem for everyone and protests in this respect are frequent and widespread in the country. For example, earlier in March 2016, thousands of mining workers in the northeastern province of Heilongjiang took to the streets after the governor claimed that none of them were owed back pay, though he eventually admitted he was wrong.

Wages are supposed to be paid before workers travel home, that is the month before the Lunar New Year holiday, but many contractors still fail to do so, largely because local officials do not care about the inconvenience to workers and are also often in collaboration with the employers. The easiest and fastest way to eradicate the problem is therefore to suppress the conflict, often condemning workers to prison for demanding the payment of wages because of alleged obstruction of traffic or disturbance of public order.

### **Workers - including a pregnant woman - beaten up by police officers during simultaneous strike at three different Coca-Cola factories**

Simultaneous industrial action took place in three different Chinese cities - Chongqing, Chengdu and Jilin - hosting three different Coca-Cola factories. In an unprecedented coordinated action in Chinese activism, employees of the Coca-Cola Company in China demonstrated against the multinational giant's willingness to sell off its bottling operations in the country. In mid-November 2016, the company announced its plan to divest its bottling stakes in China between Swire Beverage Holdings Ltd. and China Foods Ltd., part of the state-owned COFCO.

Worried that COFCO would cut staff after it took over, workers called for a general coordinated strike on 21 November 2016. Temporary personnel hired by police entered the Chongqing factory area, turned off all the lights

and started beating and abducting protesters - including a pregnant woman - citing the need to maintain public order as justification. A bloody conflict ensued as unofficial police personnel broke down doors of washrooms that workers were using as shelters to hide themselves.

A Coca-Cola mid-level manager in China said that the company did not respond to the demands of staff, causing increased tension. On the workers' side, in fact, clear efforts were made to meet management half way. In an effort to try to legitimise a co-negotiated process of buy-out, employees tried to involve the All-China Federation of Trade Unions – the only union recognised by the Chinese government – despite the state-sponsored union's lack of expertise in advocating for workers' rights. Management did not address this proposal for joint negotiations, suppressing all collective actions with violence instead.

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## FIJI // 5

### **Forest Stewardship Council ignores denial of union rights in state-owned forestry companies**

On 29 August 2016, nearly two years after a complaint filed by the ITUC and the Building and Woodworkers International Union (BWI) about the suppression of trade union rights at three state-owned forestry companies, Fiji Pine, Tropik Wood Industries, and Tropik Wood Products, the Forest Stewardship Council (FSC) announced its decision to maintain its association with all three, thereby condoning their anti-union practices.

The complaint concerned the decision by the then Government of Fiji to extend the Essential National Industries (ENI) decree to cover the forestry industry, just as workers were about to go on strike. The decree replaced the existing trade unions in the sector with “non-union bargaining units”, and made strike action almost impossible to undertake legally. The complaint noted that the decision violated the workers' rights to freedom of association and collective bargaining. The ITUC and BWI also warned that there were serious procedural failures in reaching the decision from the outset. Since then, the FSC has made no demands of the forestry companies concerned to change their behaviour or bargain in good faith.

### **Authorities seek to undermine the firefighters' union**

The National Fire Authority (NFA), a government statutory body responsible for the fire services, sought to undermine the free and independent union representing firefighters and other public sector workers, the Fiji Public Service Association, by setting up an “in-house” union, whose members included managers and volunteer firefighters, the Fire Service Union (FSU).

When the FPSA tried to negotiate a 15 per cent pay rise for firefighters in October 2016, rather than enter into negotiations, the NFA coerced some firefighters into joining the FSU. Individual firefighters on temporary contracts said that they were offered higher wages and the promise of permanent employment if they signed over to the FSU. Those that were in acting positions were advised that they would only be confirmed in their appointments if they joined the in-house union.

It was also reported that the FSU was having “union” dues deducted from workers' pay, despite the leadership not being elected and the union not being registered. If true, that would be against the law, but although the Ministry of Employment, Productivity and Industrial Relations was informed, no action was taken.

This was in stark contrast to a decision earlier in 2016 by the NFA to withhold the check-off of union dues for members of the FPSA, at a time when all other statutory authorities and government entities restored check-off. Check-off was later reinstated following complaints and the intervention of the Minister of Local Government.

### **Employment Relations Amendment Act approved**

After the approval of the new Employment Relations Amendment Act (ERP) 2016, an act of retaliation happened in Nadi: a worker was suspended for handing out forms to his fellow workers to join a trade union. The company concerned, Tolls Construction Fiji Ltd, stated that the worker, Manuelli Yawayawa, had breached company policy by not informing management of his intention to form a trade union. Manager Luke Mataika said Mr Yawayawa had also interfered with work being carried out on the Vunabaka project on Malolo Island in the Mamanuca Group. According to the enterprise those were the actions that led to Mr Yawayawa's expulsion from the island.

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## INDIA // 5

### **Hydraulic press company refuses to recognise union**

Workers at the Suja Shoie company, which produces hydraulic presses, have been seeking recognition of their union as a collective bargaining unit since 2014. The response of management has been to intimidate workers and threaten to terminate their employment if they joined the union. All 400+ staff are employed as contract workers and have not been made permanent even though they have been working for the company for more than seven years. One of the union's principal demands is to regularise all staff. In a show of union unity, they came together to hoist their union flag outside their factory on 9 January 2017. The local police initially tried to bar them from holding their protest, but they were able to hoist the flag after the intervention of the Deputy Superintendent of Police.

### **Dismissals, arrests and police brutality against union founders in Special Economic Zone**

When workers in the Aequs Special Economic Zone formed a union on 5 September 2016, management responded by promptly dismissing all eight office bearers. A further four founding members were sacked shortly afterwards. Protests followed and workers continued to be harassed and victimised by management.

Matters reached a head on 17 December when 42 workers were confined to a workshop for objecting to management's order not to belong to the union. Other workers spontaneously joined them in protest, at which point management called the police. The police lathi-charged the workers and arrested 195 of them. A local court granted bail to 160 of them on 23 December 2016.

Following a tripartite meeting between the union's representatives, Aequs management and the Labour Ministry, the Minister directed management to revoke the dismissal of 15 workers and withdraw the cases filed against the workers.

### **Mass dismissals of workers seeking union recognition at Honda**

Workers seeking union recognition and regular contracts at the Honda Motorcycles and Scooters India plant at Tapukara faced severe repression.

A protest was sparked on 16 February 2016 after a supervisor attacked an already exhausted contract worker for refusing to work more overtime. When colleagues staged a sit-in protest, management called police to disperse them. The police lathi-charged the workers, causing serious inju-

ries. Hundreds of workers were arrested and 44 were kept in custody. A bail application was refused by a lower court, but later granted by the High Court.

Management suspended about 100 workers on charges of sabotage, and brought legal charges against several of them. Some 3,000 contract workers and over 500 permanent workers were dismissed. Over the next seven months, about 350 of those workers were reinstated, in the face of widespread protests and support, but the fate of around 200 permanent workers and the 3,000 contract workers remained undecided.

All this occurred against a background of consistent refusal to recognise the union formed by the workers in August 2015, the Honda Motorcycle and Scooter 2f Kamgar Union Tapukara. One of its principal demands was the regularisation of the thousands of workers on precarious contracts. Following the February 2016 clash, management supported the formation of a union backed by the right-wing national trade union centre, Bharatiya Mazdoor Sangh (BMS), and would only negotiate with BMS.

In September 2016, management signed a collective agreement with the BMS supported union. However, none of the demands of the workers, including reinstatement of contract workers and withdrawal of police charges, were part of the settlement.

The workers' protests for justice continued, including hunger strikes beginning on 19 September. The company hired replacement labour, and at the time of writing, the dispute had still not been resolved.

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## INDONESIA // 5

### **Food workers dismissed for demanding their rights**

Champ Resto Indonesia, one of Indonesia's leading fast food chains, dismissed 83 workers in July 2016 for taking part in a protest demonstration over health insurance. The events leading up to the demonstration were particularly tragic. In November 2015, a Champ Resto worker's newborn baby died when the child was refused essential hospital care. It was then that the workers learned they were not registered in the government health insurance programme for employees and their families. The father of the newborn child, who

had worked at Champ Resto for fourteen years, was fired for taking five days off while the family mourned.

The company took no steps to join the programme following this tragic event. Finally, in July 2016 members of the national hotel and restaurant workers' federation, FSPM, held a demonstration in Bandung to demand that Champ Resto register all employees for family medical coverage in accordance with government regulations. The company immediately dismissed 83 workers. The union protested, management consistently refused to reinstate the workers and in response to continued union protests further pressured union members. Fourteen workers active in the union were transferred from Bandung to Jakarta – a distance of over 100 kilometres and three hours' travel. Without accommodation and separated from their families, 12 of the 14 resigned.

By early 2017 there was still no change. The union continued to hold weekly demonstrations to demand reinstatement of the dismissed workers, full respect for trade union rights and the inclusion of all company workers and their families in the government health insurance scheme.

### **Contract agency fires workers for joining a union – but port management then hires them permanently**

In May 2016, contract company West Point Security Agency fired eight workers for joining the Port Tarahan Lampung Union (SPTT TL), affiliated to the FSP2KI. A further four workers were transferred to different positions. The company supplies Tanjungenim Lestari with security workers in the Lampung port. According to West Point management, security workers had no right to join the SPTT TL, a union which organises both port and security workers.

There was good news, however. The FSP2KI launched a rally on 15 June 2016, calling for the reinstatement of the dismissed security workers. Following a meeting with the management of Kaliguma, which manages the Lampung port (for Tanjungenim Lestari), all 12 workers were reinstated and are now employed directly by PT. Kaliguma.

### **Workers' right to protest limited in face of investor pressure**

On 18 February 2016, the Minister for Political, Legal and Security Affairs, Luhut Binsar Pandjaitan, announced restrictions on the right of workers in Batam city to hold rallies, with the police chief warning that they would even use guns if they judged it necessary. A new regulation was to be introduced that would only allow rallies from 6 a.m. to 6 p.m., with locations limited to three venues, namely the

governor's office, the Batam city legislative council building and the office of the Batam mayor. "Demonstrations can no longer be held at factories," Luhut said during his visit to Batam on 18 February.

The move came amid fears that workers' protests to protect their rights were scaring off investors in the export processing zone. Instead of addressing workers' grievances and ensuring the respect of their rights, the government chose to restrict their protests. During a visit to Batam in June 2015, President Joko Widodo had ordered the National Intelligence Agency (BIN) to investigate alleged foreign involvement in labour rallies that had reportedly caused investors to leave the Batam Industrial Zone.

It was also announced in February 2016 that the police would increase their efforts to prevent workers from holding demonstrations that disturb production.

National Police chief General Badrodin Haiti, who accompanied the Minister on his visit, said the police had six levels of public demonstration response. At the highest level, he said, the police were justified in using guns to deal with rallies considered dangerous. "Rallies also cannot be conducted in front of a factory entrance, as that can disturb traffic. We will act if that happens," Badrodin warned.

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## **KOREA (REPUBLIC OF) // 5**

### **Union leader sentenced to five years in prison**

On 4 July 2016 a Seoul Central District Court handed down a five-year sentence to the president of the Korean Confederation of Trade Unions (KCTU), Han Sang-gyun. The charges that led to his trial were brought by government prosecutors on 5 January 2016, and included the "obstruction of public duty", "destruction of public goods", "obstruction of traffic" and "hosting an assembly at a banned location". The indictment specifically referred to activities organised by the KCTU, namely the rally to commemorate the Sewol Ferry Tragedy on 16 April 2014, a May Day demonstration, pension reform protest demonstrations on 6 and 28 May 2015 as well as protests against labour law reforms and the People's Mass Rally on 14 November 2015. The prosecutors had requested an eight-year sentence on the basis of Han's leadership of the KCTU.

Of all the events listed above, it was particularly the rally on 14 November 2015 protesting against the proposed labour reform of President Park Geun-hye that made him a government target. Tens of thousands of people took part in the rally, triggering a strong response from the authorities. Some 20,000 police were mobilised and tear gas and water cannon were used against the demonstrators. One protester died after being hit at close range by water cannon, dozens were injured, some seriously, and criminal procedures were launched against 585 KCTU leaders and members, 20 of whom were taken into custody. KCTU Secretary General Lee Young-joo went into self-imposed house arrest at the KCTU headquarters after receiving an arrest warrant in December 2015.

After an appeal, Han's sentence was commuted on 12 December 2016 from five years to three, with a fine of 500,000 Won (USD 430). The court dismissed charges related to the May Day rally.

### **Hundreds dismissed and 19 facing prosecution over railway strike**

The state-run Korea Railroad Corporation (Korail) announced in October 2016 that it was prosecuting 19 union leaders for organising a strike. The company also suspended 218 strikers and began taking steps to punish those responsible for the walkout. It also announced it was hiring 500 additional workers.

The strike by railway and subway workers began on 27 September 2016 in protest at plans to introduce a merit-based salary system. The merit system was one of the Park Geun-hye administration's key policies to boost labour "flexibility", supposedly to create more jobs. Unions opposed the scheme, warning that it could enable companies to fire employees more easily and worsen working conditions.

According to the Ministry of Employment and Labour, some 23,500 members of the Korean Public Services and Transport Workers' Union (KPTU) and ten public companies took part in the strike. They included 6,500 Korail employees, 1,760 Seoul Metro employees, 710 Seoul Metropolitan Rapid Transit (SMRT) employees, and roughly 1,200 Busan Transportation Corporation (BTC) employees.

The BTC suspended 841 of its workers on the second day of the strike for not responding to their demand to return to work. On 20 October, Korail issued an ultimatum, warning that those strikers who did not return to work the next day would face serious consequences. The vast majority of

strikers did not respond to the threat, and the strike held firm.

The subway drivers ended their participation in the strike after a few days, but the railway workers' strike continued into December. Finally, on 7 December the strike was called off. Korail said it had concluded a draft deal with the KPTU after two days of intensive negotiations, in which it was agreed to decide workers' wages within the guidelines provided by the government.

### **Striking truckers face arrest, injury and reprisals**

The South Korean government responded to a strike by members of the Korean Public Services and Transport Workers' Union - Cargo Truckers' Solidarity Division (KPTU-TruckSol) with intimidation, violence and arrests. Over 7,000 cargo truck drivers took part in the strike which began on 10 October 2016 in protest at the government's plan for the deregulation of the trucking transport market.

The government warned it would respond swiftly, and on 11 October deployed 4,000 police to surround rallying strikers and supporters in front of the Busan New Port, resulting in over 50 arrests of TruckSol members and injuries in the subsequent clashes. The government also threatened reprisals such as the suspension of fuel subsidies, the cancellation of licences and criminal charges for those who participated in or led the strike. On the ninth day of the strike, police arrested TruckSol President Won-ho Park in Busan for "blocking traffic".

The truck drivers' principal demand, in addition to dropping the deregulation plans, was for the introduction of a system of "standard rates", similar to the newly introduced "safe rates" system in Australia which links drivers' pay with road safety and makes the entire supply chain responsible for safety, passing the cost of higher salaries and contract costs throughout the supply chain. The Australian system had already been commended, notably by the ILO, for contributing to improved safety standards in the industry. The South Korean government had committed to implementing a standard rates system in 2009, but failed to live up to its promise. Around 1,200 people die in truck-related crashes in Korea each year.

The strike was called off on 19 October after the government agreed to discuss policies to better protect the workers' rights, and improve efforts to crack down on overloaded vehicles.

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## MYANMAR // 5

### **Textile company persistently refused to negotiate new collective agreement**

A dispute that began at Panda textiles in 2013 dragged on into 2017 as the employer repeatedly stalled negotiations. The dispute began after the private company took over operations from the Ministry of Industry, and workers complained that the change had led to an abuse of their rights.

A negotiating team formed by the Mandalay regional government to mediate between owners and workers assembled a list of 28 specific demands in November 2016, but a major sticking point was that Panda refused to re-hire four labour leaders fired during a protest in 2015 in which 600 labourers camped in front of the factory.

The two sides came close to signing a new labour contract in early January 2017, but the factory owners said they needed to take another look at planned incremental rises in workers' salaries, overtime earnings, and annual leave.

Factory owners continued to refuse to reinstate the four dismissed workers' leaders, and further negotiations were cancelled at the last minute.

### **Myanmar still a long way from respecting trade union rights**

After decades of dictatorship, Myanmar's new democracy has a long way to go to ensure the full respect of fundamental rights, including trade union rights.

A report published at the beginning of December 2016 entitled "Raising the Bottom: A Report on the Garment Industry in Myanmar", revealed the extent to which labour rights are abused in the country's garment industry. The report was based on interviews with 199 workers from 62 garment factories, as well as owners, trade unionists and other stakeholders, from late February to the end of April 2016.

It showed serious problems persist with long working hours, low pay, poor working conditions, including health and safety standards, and sexual harassment, among others. It was difficult for workers to organise, owing to serious flaws in labour legislation that restrict the freedom to join and form trade unions. Many workers were deterred by the threat of dismissal for joining a union. Pyi Paing Ko Ko, director of Let's Help Each Other, a labour rights NGO, said that factory owners sometimes ignore the decisions of the Arbitration Council when it comes to disputes, because the penalties were too low.

Coincidentally, IndustriALL global union organised a series of workshops from 2 to 5 December 2016 on union building, gender and precarious work, attended by the Industrial Workers Federation of Myanmar (IWFMM) and the Mining Workers Federation of Myanmar (MWFMM). It was noted that dismissals of trade unionists and union leaders are a wide-ranging problem. Employers are known to publish names of dismissed trade union leaders on their websites, in effect blacklisting them from future employment. It was also said that many of the problems faced by unions relate to the use of standard one-year contracts, which are frequently used to get rid of union leaders when their contract ends.

### **Arrests and prison sentences against workers marching to defend their rights**

On 18 May 2016, police arrested over 70 workers taking part in a protest march. The protesters had been marching for about three weeks from northern Sagaing Region, where around 100 workers had recently been fired from Myanmar Veneer and Plywood Private Ltd (MVPPL) for demanding overtime pay. They were appealing to the government to directly intervene to reinstate the unfairly dismissed workers and to recognise their newly formed union. They had hoped to take their demands directly to the government but they were told to halt at milepost 289 along the Yangon-Mandalay highway or else face police action. Determined to press ahead, the workers moved onward, but before they could reach Nay Pyi Taw's Tatkon township, they were blocked by about 200 police officers. After a stand-off that lasted several hours, the officers began their arrests. They claimed they tried not to use force, although reporters at the scene witnessed the demonstrators being forcefully grabbed, lifted up and carried into prison vans.

Fifty-one protesters were initially charged, but most were later released and charges were only retained against 15 of them. The 12 men and three women were facing charges of unlawful assembly and sedition. The court later dismissed the sedition charges against the three women.

On 24 October 2016, the court found the defendants guilty on all charges. The men were sentenced to five months imprisonment in total — two months each for the unlawful assembly charges, to be served concurrently, and three months for sedition. The three women were sentenced to two months under the two unlawful assembly charges. In view of the time already served in custody, the women were to be released immediately, and the men had three weeks left to serve.

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## PAKISTAN // 5

### **Union busting and mass arrest of hotel workers**

Sixty-three members and officers of the Quetta Serena Hotel Union were arrested on 30 November for peacefully gathering in front of the hotel after union members were denied entry and prevented from working.

The union had held a rally at the Quetta Press Club the previous day to protest at union busting by the hotel's management. Workers reporting to work the day after the rally were issued disciplinary notices ("show cause") and refused entry to the hotel. Union workers inside the hotel joined those forced to remain outside to ask management why they were not allowed to work. Management's response was to call the police, who made 63 arrests.

The union had been requesting negotiations on proposals for a new collective agreement since July 2015. Rather than negotiating with the workers' recognised bargaining representatives, management signed an illegal agreement with a group of individual workers in October 2015 and began harassing union members and officers.

The union received support from the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), which organised a campaign. At the beginning of January the IUF reported that the 63 workers were back at work. Management had not pressed charges or followed through with disciplinary proceedings, and the provincial High Court overturned an earlier labour court decision instigated by the hotel management banning union activity at the hotel. The union was pressing ahead with its demand for the negotiations on a collective agreement.

### **Education workers arrested during strike**

Police arrested eight teachers taking part in a protest outside the Federal Directorate of Education (FDE) in Islamabad on 25 October 2016. Over 100 daily-wage teachers along with non-teaching staff were protesting against non-payment of their salaries and for regular contracts.

Representatives of the teachers headed by Ahsan Bangash, Ahsan Sikandri, Nadeem Turi and Fahad Mairaj said government officers had used force against the teachers.

The teachers were later released after the Islamabad Metropolitan Corporation opposition leader Ali Awan intervened.

### **Sacked for asking for pay rise**

Schneider Electric sacked 17 workers in October 2016 for asking for a pay rise, and for permanent employment status. They were all contract workers, but they had worked for Schneider for between three and 12 years. According to the law they should have been made permanent, having the same employer for more than nine months. As temporary workers they missed out on various benefits, and were on salaries of between USD 113 and USD 151.

One of the sacked workers, Waqas Riaz, said he received a termination letter on 10 October at his home address. He had been working at the company for almost two years. For the past few months, he and his colleagues had been asking management to make them permanent employees and increase their pay. The management refused to do so, and when the workers resisted and started campaigning more vigorously, they were fired.

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## PHILIPPINES // 5

### **Suspended and sacked for involvement in union action**

Management at the 5-star Peninsula Manila hotel dismissed Jenny Marcos, a member of the Board of Directors of the Peninsula Employees Union, on 3 January 2017. It also suspended Francisco Aliansas, another member of the union's board of directors, and Cesar Pagaling, president of the union's supervisors' chapter, for 15 days. The dismissal and suspensions followed the union's participation in the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) Global Housekeepers Campaign.

The union had negotiated improvements in the collective agreement and better working conditions for housekeepers, and in 2015 secured unprecedented government inspections of working conditions at hotels. The Manila Peninsula was ordered to regularise 405 casual employees including 55 housekeepers at the hotel as a result.

Peninsula management resisted implementation of the order, and used the union's participation in the global housekeeper campaign as a pretext to sack Jenny Marcos and to suspend her two colleagues. Management also supported a yellow union to challenge the National Union of Workers in Hotels, Restaurants and Allied Industries (NU-

WHRAIN) unions' legal certification for collective bargaining. The company union was soundly defeated in an election on 30 January 2017, but management reneged on an agreement negotiated under government auspices which would have suspended rather than terminated Jenny Marcos and allowed NUWHRAIN to contest the disciplinary measures through the customary legal channels. The Department of Labour and Employment (DOLE) assumed final jurisdiction, and was due to impose a binding decision.

### **Another union leader murdered**

Edilberto Miralles, a former president of the R&E Taxi Transport union, was gunned down in a drive-by shooting on 23 September 2016 in front of the National Labour Relations Commission (NLRC) in Quezon City, where he was scheduled to attend a hearing. He was shot by two men on a motorcycle who sped off after the attack. The police did not know the motive for the killing, but some union members believed it could be related to a labour dispute.

### **Labour rights activist and community leader murdered**

Orlando Abangan, an organiser for the trade union Sentro and a community leader for the Partido Manggagawa (PM), was shot at close range by a lone gunman around 8:00 a.m. on 17 September 2016 while he was on his way home in Sitio Lawis, Barangay Maghaway in Talisay City. Orlando Abangan was a dedicated human and labour rights activist and had recently begun organising informal sector workers for Sentro. He was also an outspoken critic of the government's "war on drugs". His assailant seemed to have been lying in wait for him, and fired several shots. His murder came after a spate of extra-judicial killings.

# EUROPE

BELARUS

GREECE

HUNGARY

KAZAKHSTAN

ROMANIA

RUSSIA

SERBIA

TURKEY

UKRAINE



NO GUARANTEE  
OF RIGHTS  
| 5

SYSTEMATIC VIOLATIONS  
OF RIGHTS  
| 4

REGULAR VIOLATIONS  
OF RIGHTS  
| 3

REPEATED VIOLATIONS  
OF RIGHTS  
| 2

NOT REGULAR VIOLATIONS  
OF RIGHTS  
| 1

### **Decree No.3 suspended after more than two years of harsh repression of protests**

The Belarusian authorities have suspended the enforcement of the decree on 'social parasites' just before the traditional spring protests. Yet protests in the regions took place regardless of the President's decision to suspend the operation of the decree. The Belarusian authorities are likely to step up repression against activists if participation in protests increases.

The controversial Decree No.3 "On Preventing Social Dependency Burden and Parasitic Lifestyle", approved on 2 April 2015, stipulates a fine against citizens who fail to contribute to the state budget for less than 183 days a year.

Harsh protests followed the adoption of the decree and continued for almost two years until the first months of 2017. In order to squash the protests, Belarusian authorities used force against the opposition. Indeed, during one of the most recent demonstrations on 26 February 2017, Tatiana Seviarynets, one of the organisers, was detained and accused of violating a public order prohibiting the organisation of mass events. This happened immediately after she read a chapter from the Belarusian Constitution and then tore the sheets of the notepad and threw them into the crowd.

On 13 March 2017, the enforcement of Decree No.3 was suspended for a year, even though protesters were seeking the abrogation of the act.

### **Labour Code amendments based on two Presidential decrees will weaken workers' rights**

The amendments, to be discussed by the Parliament in April 2017, are mainly based on Presidential Decrees No.29 and No.5. While the former relates to "Supplementary measures to develop labour relations, to strengthen labour and executive discipline", the latter is entitled "Strengthening requirements to the executives and workers of organisations". Both decrees have been harshly criticised by the International Labour Organization because they are not in conformity with ILO conventions ratified by Belarus.

Presidential Decree No. 29, in its original wording, caused the casualisation of over 90 per cent of employees, as they were transferred from permanent to one-year contracts, and forced to withdraw from independent trade unions, because of the absence of anti-union discrimination protections.

The decree was eventually amended because of public pressure, and some categories of workers saw their fixed-term contracts increased from one to three (and in some cases five) years. However, the legal status of the contracts remains the same.

Furthermore, the amendments of the Labour Code based on Decree No.5 will shift even more power to the employers. Among other things, this amendment supersedes Chapter 38 of the Labour Code, granting compensation for disability as result of a trauma at work and reducing the number of holidays by an average of six days.

Despite the fact that Belarusian trade unions cannot propose legislative initiatives, they are trying to have their voices heard by repeatedly appealing to legislative bodies, and by demanding the abolition of Decree No.29 and the suspension of Decree No.5.

### **Authorities disrupt a trade union conference held on the anniversary of a women's union network of the Belarusian Independent Trade Union of Miners (BITU)**

On 27 August 2016, members of the Belarusian Independent Trade Union of Miners (BITU) organised a conference of their women's network.

Less than an hour after the beginning of the conference, the fire brigade, police and ambulance service arrived, requesting everyone to leave. The participants, standing outside the building, were informed only half an hour later that the meeting could not continue because of an alleged fire in the men's restroom. However, none of the participants noticed evidence of fire and smoke inside the conference center or in the hall.

Eventually, the activists managed to find a last minute solution and moved the meeting to an activist's private house.

The trade union also faced numerous obstacles in the organisational phase of the meeting. Several permits had to be obtained from the authorities who requested to see a very detailed programme and information about the international guests attending it.

According to the workers, the authorities are continuously trying to undermine the right to freedom of association through administrative barriers and harassment.

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## GREECE // 5

### **Collective bargaining mechanisms remain paralysed**

After the financial crisis in 2010, several laws that radically changed the Greek system of collective bargaining (enshrined in Law No. 1876/90) were enacted (Laws No. 3899/2010, No. 4024/2011, No. 4046/2012, No. 4093/2012 and No. 4172/2013). These reforms have been implemented as requested by the Troika (European Commission, European Central Bank and the International Monetary Fund) and led to a significant erosion of collective, as well as individual, labour rights. In fact, a new mechanism for the setting of minimum wages was implemented, delegating this competence exclusively to the government with no involvement of social partners; bargaining levels were derogated; intersectoral and sectoral bargaining was downgraded; company-based agreements were promoted and the extension mechanism was abolished, making collective agreements only binding for signing parties. These changes completely undermined collective bargaining institutions leading to a reduction in the collective bargaining coverage from 65 per cent before the crisis to the current 10 per cent.

After the election of the Syriza-Anel government in September 2015, the Minister of Labour, Panagiotis Skourletis, started an initiative for the re-establishment of collective bargaining in Greece. In order to create a wide platform of consent, he organised a tripartite meeting on the subject, following which a new draft law entitled, "Amendment of the provisions of Law 1876/1990 – Restoration and reform of the framework for collective bargaining, mediation and arbitration and other provisions" was created.

Despite the universal consent for the Minister's initiative, the draft law did not go before parliament. This was because the new loan agreement between Greece and its creditors halted the legislative initiative, and stipulated that any changes must take place in agreement with the four institutions and that there cannot be a return to earlier legislation.

Collective bargaining has still not been restored in Greece. Some, small positive signs have started to come from Brussels: on 21 March 2017 the Eurogroup President, Mr. Jeroen Dijsselbloem, said that collective bargaining – being classified as a European "best practice" by a group of experts investigating Greece's labour market - should be restored in the country. However, on the same occasion he also stated that the implementation of reform programmes in Greece had been slow at the start of the crisis, that the Greek programme is far from being complete and that

this "will take many years". Indeed, a few days later, on 23 March 2017, an IMF spokesperson asked Greece for further "pension and labour reforms". This request sounded grotesque considering the dramatic cost already paid by Greek workers so far in terms of reductions in pensions, minimum wages, living standards and, of course, collective bargaining.

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## HUNGARY // 3

### **Trade union leaders dismissed during wage negotiation round**

The Fővárosi Közterület-fenntartó Nonprofit (FKF) Zrt (Capital Public Domain Maintenance Company) dismissed four union leaders during a wage negotiation round, clearly violating the most basic rights to freedom of association and collective bargaining enshrined in ILO Conventions 87 and 98, ratified by Hungary in 1957. One of the dismissed trade unionists, Mr. András Király, is also president of the Municipal Workers Union HVDSZ 2000, making the discriminatory nature of this unfair and sudden dismissal even clearer. The right to collective bargaining is already severely curtailed by the national legislation which limits the scope of negotiation to rights arising out of the employment relationship, and the conduct of the parties in relation to the conclusion, implementation and termination of the agreement and the exercise of their rights and obligations. Furthermore, employers have the power to unilaterally modify, annul or extend the scope and content of collective agreements, weakening and undermining every process of collective bargaining.

### **Registration of trade unions and trade union activities still being subjected to numerous legal and administrative barriers**

Trade union registration regulated by the Civil Organisation Registration Act is still being subjected to very strict requirements and numerous rules that operate in practice as a means to obstruct the registration of new trade unions. These include stringent requirements on trade union headquarters (unions need to prove that they have the right to use the property) and the verification of their legal usage. National prosecutors have the power to review general and ad-hoc decisions of trade unions and to conduct inspections directly or through other state bodies, effectively providing them with unlimited access to trade union offices. In the exercise of these broad capacities, prosecutors questioned several times the lawfulness of trade union operations and

requested all sorts of documents – including registration forms, membership records with original membership application forms, minutes of the meetings and their resolutions etc. Whenever they were not satisfied with the unions' financial reporting, the prosecutors ordered additional reports, overstepping the powers provided for by law. In many cases judges refused to register a union because of minor flaws in the application form and forced unions to include the enterprise name in their official names.

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## KAZAKHSTAN // 5

### **Two trade unionists arrested, while the creation and existence of trade unions is jeopardised in the country through the application of the 2014 trade union law**

On 20 January 2017, the leader and the deputy chairperson of the oil workers' branch of the Confederation of Independent Trade Unions of Kazakhstan (CNTUK) were arrested because they called for a strike action.

Mr. Amin Yeleusinov and Mr. Nurbek Kushakbaev decided to call for collective action in response to a decision of an economic court in the southern city of Shymkent that ordered the closure of the KNPk by 4 February 2017 for its failure to re-register provincial branches in at least nine of the country's 16 regions. Before the ruling, the court rejected the union's request to postpone the hearing to allow the defence to prepare, and denied all motions by the union, such as to question witnesses.

The harsh result was, therefore, the outcome of discriminatory behaviour in the application of procedural law, and the enforcement of a prohibitive trade union law adopted in 2014, broadly criticised for being in breach of international labour standards regarding freedom of association. Under the recently introduced trade union law, unions are obliged to register in at least half of the country's provinces within six months from their establishment at national level.

In the case of CNTUK, the registration process itself proved to be biased. Indeed, more than 25 trade unions were refused registration on arbitrary grounds.

The refusal to register trade unions and to de-register CNTUK was denounced by several international observers as an "egregious violation" of internationally guaranteed

workers' rights. On 5 January, around 90 workers started a hunger strike to protest these decisions. The hunger strike rapidly spread and, by 17 January, almost 400 workers had joined the hunger strike at the Manghystau's Qalamqas and Zhetybai oil fields.

Workers all over Kazakhstan are demanding that the ruling party - Nur Otan - registers CNTUK. However, Nur Otan's regional branch is ignoring the request and denies ever having received any petitions from oil workers.

### **Two trade unions dissolved by a Court ruling**

On 4 January 2017, a Court ruling ordered the dissolution of two trade unions, namely the National Healthcare Workers' Union and the National Domestic Workers' Union, both members of the Confederation of Independent Trade Union of Kazakhstan (CNTUK). Following the Court ruling, all CNTUK documents were confiscated and trade union activity at national level have been paralysed.

The Court ruling had its legal grounds in the 2014 trade union law with its restrictive prerequisites in order for trade unions to be registered at national level, as well as an extremely arbitrary and unclear process of registration at provincial level.

### **The ministry of Labour denied registration to the independent trade union of the Oil Construction Company on spurious grounds**

On 24 June 2015, the Oil Construction Company Trade Union started the process of re-registration in accordance with the new trade union law introduced in 2014, but their request was denied multiple times. In October 2015, the trade union contested the Ministry's denial in court, but the judge ruled in favour of the Ministry and confirmed the decision in its appeal judgement.

Being unable to re-register the existing trade union, the Oil Construction Company Trade Union tried to register a new union. However, the request has been denied for several spurious reasons on eight different occasions. Reasons given throughout the process included the use of the word "conference" instead of "council" or "congress" and the intention of the trade union to affiliate itself with an international trade union, which is neither explicitly allowed nor prohibited by the law. On 29 April, the Ministry refused registration because the trade union used the abbreviation "profsoyus," a short form for the Russian "professionalnii soyuz," (trade union). The Ministry repeatedly referred to the same reasons to refuse the registration of trade unions. This is what happened to a group of 10 miners in Zhezkazgan

when they tried in to register their newly formed union in late 2014. Their request for registration was denied on three occasions between February and March 2015, because the union indicated its intention to set up branch offices and because of the outstanding private debts of one of its members.

Thus, in most cases, registration was denied on arbitrary grounds undermining the right to freedom of association.

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## ROMANIA // 4

### **Collective bargaining at a standstill because of labour law reform**

Changes to the labour law have been implemented throughout 2016 in Romania. The new regulation stipulates that trade unions must represent at least 50+1 per cent of workers in the sector in order to be entitled to negotiate collective agreements. This high threshold makes the conclusion of a collective agreement practically impossible.

The prohibitive nature of the prerequisites enshrined in the new legislation becomes even more evident when taking into consideration that 42 per cent of employees in Romania work in small and medium sized companies which in 32 per cent of cases are so small (less than 21 employees and less than 15 workers per unit) that they do not even have the right to create a union that can engage in collective bargaining.

With the elimination of the collective agreement at national level and the new reform requiring such strict prerequisites for collective bargaining at sectoral level, it is clear that industrial relations will shift towards plant-level bargaining. However, from a total of 530,000 enterprises, only about 14,000 have a valid collective agreement signed. It needs to be noted, also, that of these 14,000 only a minor percentage have been signed by representative trade unions, while the vast majority of agreements have been signed by so-called “new representatives of employees” stipulated in the newly reformed Romanian labour law.

The representatives of employees who do not enjoy the resources and the “power” of trade unions are in a much weaker position to negotiate, thus the quality of the collective agreements is lower, failing to ensure adequate working conditions and fair wages.

The National Trade Union Confederation (NTUC) “Cartel ALFA”, together with the other confederations, has been trying to amend the laws for the past five years in order to restore collective bargaining, but all their efforts are being blocked mainly by the Council of Foreign Investors and the American Chamber of Commerce.

### **Turkish employer refuses to sign labour agreement**

The company Kablutronik successfully produced cables for fridges and washing machines over the years registering a 20 per cent rise in productivity. Industrial relations also tended to be constructive at the company resulting in a collective agreement stipulating a salary raise of 12 per cent for the workers as well as other benefits such as meal and holiday vouchers. However, at the end of the bargaining process the manager refused to finalise the conclusion of the agreement and instead signed addendums to each individual employment contract. Although the employer explained this refusal by citing “orders from Turkey”, the real reason seems to be the company’s plan to hire more workers. The individual negotiation of work contracts would make this a much less costly investment. The company therefore seems to have resorted to weakening collective bargaining. The trade union has brought the case to court, requesting the formal recognition of the result of the bargaining process and in the meantime has called for a strike to exercise pressure on the management.

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## RUSSIA // 3

### **Russian Police Shut Down Factory Workers' Online Community for Planning a Protest**

Workers at Sedin Machine-Tool Plant in Krasnodar were organising a protest through a community set up through the social network Vkontakte.

However, on 12 November 2016, they saw their access to the platform denied and the community blocked in application of an order issued by the General Prosecutor on 11 November. The social network Vkontakte publicly stated that it does not know the reasons behind the ban of the online community by Russian authorities and that it has officially asked for a formal explanation about what occurred.

According to the declarations made by a spokesperson of Roskomnadzor - the Russian Federal Agency for Censorship - the trigger that initiated the censorship was a post in the

community, issued on 9 November, calling for a “people’s gathering” which, according to the Russian authorities, is considered to be an “unauthorised mass event”. In spring, representatives of the ruling party promised workers that their wage arrears would be promptly paid and that new investors would be found to revitalise the region’s manufacturing industry. However, more than seven months later workers’ overdue salaries were not paid and many of them were forced to take unpaid leave and to accept a renegotiation (in reality, a worsening) of their labour contracts.

Russian authorities stopped a legitimate workers’ activity and, in response, workers have launched a new online community to replace the one banned by the government and are currently trying to organise a new protest.

### **Strike on the 2018 World Cup Stadium in Nizhniy Novgorod**

Workers at the 2018 World Cup Stadium in Nizhniy Novgorod went on strike denouncing unpaid work and the absence of employment contracts. Their employer, a Turkish subcontracting company, shifted all responsibilities to the main contractor. The latter refuted all accusations saying that payments were always made on time. During the World Cup preparatory works there were two cases of wage arrears regarding the stadiums, fatal accidents at the construction of the stadium in St. Petersburg and an occupational health and safety accident at the stadium in Volgograd. All these incidents led to huge mistrust among workers in relation to the organisation behind the World Cup. In this respect, Ambet Yuson, General Secretary of the Building and Wood Workers International (BWI), stated that trade unions had been excluded from the preparations for the World Cup with no opportunity to ensure protection of labour rights (on-time payment, decent conditions of work, employment contracts, etc.).

### **Kachkanar Mining and Ore-Processing Plant does not respect collective agreements**

The Miners’ and Metallurgical Workers’ Union of Russia (MMWU), through its local leader Anatoly Pyankov, stated that the Kachkanar Mining and Ore-Processing Plant (EVRAZ KGOK) failed to respect the collective agreement provisions. EVRAZ KGOK management completely disrespected the collective agreement, which provided for consultations during all stages of corporate restructuring, by unilaterally reducing the headcount and payrolls. Despite the fact the plant’s production output and profit are rising, management claimed that it was necessary to cut staff costs. Some 150 workers quit their jobs after compensation was offered on an individual-negotiation basis, while some

others were forced to take unpaid leave. Workers, had no choice but to accept the draconian conditions imposed by the enterprise which is the major employer in Kachkanar.

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## **SERBIA // 4**

### **Serbian Association of Employers refuses to engage in good faith bargaining**

On 20 October 2016 two representative trade unions, namely the Autonomous Trade Union (SSSS) and the Branch trade union of agriculture, hospitality and tourism at UGS Nezavisnost (PUT Nezavisnost) submitted an initiative to conclude a collective agreement for the specific sector of the catering and tourism industry. The Serbian Association of Employers (SAE) formally accepted the initiative. However, it has substantially boycotted the negotiation process, refusing to schedule a meeting of the parties involved in the collective bargaining.

### **Ministry of Education makes a list of unionised workers under the pretext of completing its database**

In October 2016, the Ministry of Education asked school principals to make a list of unionised employees under the pretext of completing the Ministry’s database. In reaction to such a request, the three biggest teachers’ trade unions of Serbia, led by the CATUS Teachers’ Union of Serbia (TUS), sent a letter to the Minister to denounce the violation of both the Law on Personal Data Protection and the national labour law. The information requested, in fact, exists in school databases but given the strict confidentiality of their content, they have to be used only within the strict regulatory framework set by the law and cannot be arbitrarily dealt with. The Serbian Commissioner for Information of Public Importance and Personal Data, Mladen Sabic, publicly stated his support for the trade unions’ campaign in consideration of the fact that the data demanded from school principals was “highly confidential and could only be handled with the consent of the people directly concerned”. Mr. Sabic pointed out that any contrary behavior would be in breach of Article 16 of the Penal Code and therefore subject to criminal prosecution.

### **Mala fide behavior of the Serbian Association of Employers (SAE) undermines validity of collective agreements in three sectors**

Recently signed collective agreements in the chemistry, construction and agricultural sector include a clause that makes their validity dependent on the Minister's decision to extend the agreements. In general, there are few instruments to monitor and enforce the implementation of collective agreements. Even after being signed, collective agreements may not be enforced. This is what happened for these three sectoral collective agreements whose request for extension was presented by the signing trade unions and the Serbian Association of Employers (SAE) refused to support their extension, which effectively undermined the validity of the signed agreements. The Ministry of Labour has remained silent and no announcement has been made in the Official Gazette.

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## **TURKEY // 5**

### **Massive dismissals, arrests and detentions of civil servants accused in coup charges**

A total of at least 237 people were arrested and 669 were detained within the first ten days of February 2017 and 4,464 civil servants were dismissed in application of the new State of Emergency Decree No. 687 issued on 7 February 2017.

Of those 4,464 dismissed civil servants, 2,585 were teachers and public servants from the Ministry of Education; 417 were police officers from the Security General Directorate; 893 others were from the Gendarmerie General Command; 80 were from the Turkish Radio and Television Corporation (TRT); 48 were from the Ministry of Foreign Affairs; 49 were from the Interior Ministry; and 16 were from the Ministry of Culture and Tourism.

During the whole month of February, acts of violence, arbitrary dismissal and detention took place in the country, aggravating the climate of tension and causing violence and uncertainty.

In particular:

- On 4 February, Turkish police used excessive force against members of the Confederation of Public Sector

Trade Unions (KESK) who gathered in Malatya to protest against mass dismissals;

- On 10 February, at least 11 people, including professors, were detained after police used pressurised water and pepper spray to disperse a group of protesters against the new Decree No.687 at Ankara University;
- On 11 February, nine teachers - who had earlier been dismissed from their posts - were arrested.

### **Interference in protest action against the dismissal of 50,000 civil servants and arbitrary detentions**

A series of unprecedented bans on rights to freedom of association and restrictions of basic civil liberties were enforced following the 15 July coup attempt.

Decree Law No. 672, which was proclaimed on 1 September 2016, stipulated the dismissal of more than 50,000 civil servants. Naturally, press releases, marches and protests were organised in response to such an arbitrary government decision. However, the police force interfered in peaceful demonstrations. For example:

- On 9 September, a press statement for a protest to be held in Diyarbakir was prevented from being read out and approximately 70 members of the Confederation of Public Workers' Unions (KESK) were detained and several of them were charged with violating Law 2911 on Demonstrations and Public Meetings;
- On 10 November, the Trade Union of the Employees of the Public Health and Social Services (SES) organised a collective action against the unjustified collective dismissals and the declared "state of emergency" (OHAL). The police intervened and many members, including the coleader of SES and members of the central executive committee, were detained;
- On 14 December, a press release was organised for a protest by the Public Sector Energy Workers' Trade Union in front of the Ministry of Energy. However, the gathering was prohibited by the police, and the president of ESM Ankara, Mr. Murat Çeşme, as well as other members (Ömer Faruk Kök, Özkan Boğan and Volkan Yaramış), were taken into custody;
- On 21 December, KESK organised a march called "I want my job and my bread back" which was supposed to proceed from Istanbul to Ankara. On the day of the gathering, police surrounded the starting point of the march, namely

Kadiköy Pier Square, and attacked participants with sticks, shields, pepper spray and plastic bullets.

### **Seven workers were dismissed after trying to form a union at Günsan Elektrik**

The Birleşik Metal-İs trade union, present in multiple Schneider factories in Turkey, tried to organise a union branch at the Günsan Elektrik plant, part of the Schneider group. Workers interested in unionising gathered and the union applied to the Turkish Ministry of Labour in order to obtain the so-called Majority Certificate, which is required to legally form a plant union branch.

However, when Günsan Elektrik's management found out that employees were about to create a union, it decided to dismiss seven of the workers leading the organising efforts. The anti-union practices did not stop there. The plant management continued to create a climate of threat and fear through one-on-one conversations with workers to investigate whether they had joined a union or not, undermining the creation of the union at plant level.

## **UKRAINE // 5**

### **Kurynivske trolleybus depot of Municipal Enterprise “Kyivpastrans” violates basic labour rights and refuses to recognise the creation of an independent union. Workers start a hunger strike in response.**

Since April 2016, workers at the Kurynivske trolleybus depot of Municipal Enterprise “Kyivpastrans” tried to create a local union affiliated with the Free Trade Union of Railway Workers of Ukraine (VPZU).

However, management refused to recognise the union and its legitimate activities, prohibiting it from exercising any function envisaged in the legislation to advocate for workers' rights. The acts of retaliation escalated: no membership dues were transferred to the trade union account and unionised workers experienced psychological pressure, for example they were denied shifts, their schedules were changed, their bonuses were cancelled, they received unjustified reprimands and those who were living in company dorms were threatened with eviction. Furthermore, the company fired three activists without valid legal grounds and denied workers access to the collective bargaining agreement.

In response to these violations of basic labour rights, four members of the VPZU trade union of Railway Workers of Ukraine started a hunger strike on 3 February 2017 demanding an end to basic rights violations and the reinstatement of the three illegally dismissed workers. The workers who undertook the hunger strike are Andrew Samko, the head of the independent trade union of Kurynivska trolleybus depot, KP Kyivpastrans, and trade union activists Tatyana Oleynik, Natalia Pristinaka and Andriy Troyan.

### **The Independent Trade Union of Medical Workers of Ukraine (VPMPU) excluded from collective bargaining process**

The Free Trade Union of Medical Workers of Ukraine (VPMPU), part of the territorial medical association "Kyiv Dentistry", was prevented from participating in the collective bargaining process. The registration of VPMPU is currently being reviewed by the National Mediation and Conciliation Process as part of the ongoing collective labour dispute.

Unionised workers were pressured by management into withdrawing their union membership and were also targeted for other acts of discrimination.

In September 2016, VPMPU members announced ongoing protests near the Ministry of Healthcare, setting up a tent city and starting a hunger strike carried out by the head of the union, Mr. Panasenko, and some activists. However, the camp was attacked by unknown persons, and all property and personal belongings (including documents) of the protesters were destroyed.

### **New legislation imposing stricter control over trade unions' finances and their “non-profit” status was implemented**

The Cabinet of the Ministers of Ukraine and the Ministry of Finance approved two executive orders, respectively Order No.440 and No.553. This new legislation provides stricter requirements for financial reporting and for the recognition of the non-profit status of trade unions. It requires unions to submit extensive reports on their activities to national tax authorities.

The Confederation of Free Trade Unions of Ukraine (KVPU/FTUU) believes that these orders violate the principles of trade unions' independence and freedom of association contained within ILO Convention No. 87, which was ratified by Ukraine in 1956. Through this intensive and intrusive power of control over trade unions' financial situation and legal status, it is possible for the Government to interfere in their legitimate activities, which erodes their independence.

# MENA

ALGERIA

BAHRAIN

EGYPT

KUWAIT

IRAN

LEBANON

QATAR

SAUDI ARABIA

TUNISIA

UNITED ARAB EMIRATES



NO GUARANTEE  
OF RIGHTS  
| 5

SYSTEMATIC VIOLATIONS  
OF RIGHTS  
| 4

REGULAR VIOLATIONS  
OF RIGHTS  
| 3

REPEATED VIOLATIONS  
OF RIGHTS  
| 2

NOT REGULAR VIOLATIONS  
OF RIGHTS  
| 1

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## ALGERIA // 5

### **Trade union leader and affiliates of the National Autonomous Union of Sonelgaz Gas and Electricity Workers (SNATEG) arbitrarily detained during a demonstration in Tizi Ouzou**

During the night of 21-22 March 2017, at around midnight, police officers entered a hotel in Tizi Ouzou, a city about 100 km east of Algiers. They arrested and detained leaders of the National Autonomous Union of Sonelgaz Gas and Electricity Workers (SNATEG), namely the president and member of the Algerian League for Human Rights, Mr. Mellal Raouf; the general secretary, Kouafi Abdelkader; the head of communication, Chaouki Fortas, and two members of the executive board, Mekki Mohammed and Baali Smail. The trade unionists were taken to the local police station where they had all their flags, banners and posters confiscated. They reunited in Tizi Ouzou in order to attend a peaceful march the following day. It was clear that the detention was an attempt to disrupt the march. This intention was evident when reaching Tizi Ouzou became impossible because police vehicles were blocking all the streets, preventing protesters arriving from other places from reaching the city and those inside the city from reaching the gathering point of the march. It is clear that the illegal arrest, abduction and detention of SNATEG leaders, as well as the hindrance to the gathering of peaceful protesters, is a violation of basic collective trade union and human rights, such as freedom of association and of expression.

This is just one example of numerous incidents of violence suffered by SNATEG trade unionists and SONELGAZ workers. Only a few months before, in December 2016, Raouf Mellal was sentenced in absentia to six months in jail because he denounced Sonelgaz's illegal practices of over-estimating clients' electricity bills over a ten-year period.

### **Protesters beaten and arrested during a SNATEG demonstration in Bejaia**

On 22 March 2017, a peaceful march was organised by the National Autonomous Union of Sonelgaz Gas and Electricity Workers (SNATEG) in the city of Bejaia. Thousands of precarious workers participated in the protest to demand decent wages and respect for the right to freedom of association. Despite the peaceful nature of the demonstration, police forces charged protesters (arresting 240 workers of whom 30 were female) who were detained and brought to different police stations in the city. The unjustified use of force by the police was of such severity that several workers were badly injured and transferred to the city hospital to receive treatment. In an attempt to hide the significant

consequences that the police interference had, police officers confiscated medical certificates from hospitalised protesters.

### **SONELGAZ workers arbitrarily arrested and detained in Algiers**

A peaceful protest was organised by workers of the national company for electricity and gas, SONELGAZ, in front of the Ministry of Labour in Algiers. Throughout the night of 22-23 March, the Trade Union House in Algiers was surrounded by police. At 6.00 a.m., four trade unionists approaching the Trade Union House were arrested and detained in Bab Ezzouar police station. All buses approaching Algiers were intercepted and blocked, as were all the streets of the city centre leading to the bus station. Furthermore, workers in the headquarters of SONELGAZ, who wanted to attend the protest, were prevented from leaving the building by police officers blocking all the emergency exits. Those workers who, despite all the checkpoints, managed to reach the Ministry of Labour to demonstrate, were harshly beaten, detained and brought to the bus station by police officers stationed in front of the Ministry.

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## BAHRAIN // 5

### **Indian worker dies in Bahrain during protest**

On 15 January 2017, approximately 200 Indian migrant workers staged a protest demanding the payment of wage arrears. Protesting workers were violently beaten by police officers, with numerous workers injured and one killed. Following the incident, Bahrain and India held urgent consultations to defuse the situation. However, the Government of Bahrain refused to acknowledge that the death was caused by police intervention, stating that the Indian national died of natural causes. This horrible incident was one in a long line of violations of human and labour rights in the Gulf Country, which caused, prolonged unrest among Indian workers. Furthermore, it occurred at a particularly delicate time, one week after the celebration in India of the Pravasi Bharatiya Divas festival, which honours Indians living abroad.

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## EGYPT // 5

### **Three workers of Al-Basel Palace sugar factory were arrested and detained for engaging in a trade union activity**

Three workers of the Al-Basel Palace sugar factory were arrested and detained for four days following an order imposed by the prosecutor. An investigation took place and the three workers were charged with disruption of production and with threatening the free exercise of industrial activity. This prosecution took place because the three workers were trying to organise a strike action in the enterprise, demanding an increase in wages.

### **Six trade unionists of the Independent Trade Union of Public Transport Workers abducted by police and disappeared**

On 23 September, six workers of the General Transport Authority and members of the Independent Trade Union of Public Transport were arrested by security forces who picked them up from their homes. On the day they were arrested, a strike of General Transport Authority workers was supposed to start in order to demand an increase of profit sharing from 13 to 17 per cent and the return of control over the General Transport Authority to the Ministry of Transport rather than the governor of Cairo. Six workers (Tariq Mohammed Youssef Mustafa, Tareq Mohammed Iacustrine, Ayman Abdel Tawab Salem Mahmoud, Mohammad Hashim Farghali Suleiman, Mohammed Abdul Khaliq Awad Allah and Ahmad Mahmoud Ahmed Mahmoud) disappeared for one week and neither their families nor their colleagues were informed about their location. On 29 September, they were found in Tora prison while the media was spreading false news regarding a Muslim Brotherhood cell at the National Security Agency's headquarters where the six arrested workers were allegedly being held. The six workers were kept in detention by the prosecutor for belonging to the banned Muslim Brotherhood. On 17 November, the wives of the six detained workers went to the National Council for Human Rights to raise awareness about the arbitrary detention of their husbands. Unfortunately, this is not the first incident under the Al-Sisi government where public transport workers have made demands regarding their working conditions and were then accused of conspiring against the government.

### **The Treasurer of Exxon Mobil Independent Union fired for denouncing corruption**

In an unprecedented incident, the treasurer of the union of workers in Exxon Mobil, Mr. Yasser Mahmoud Al Sayed, was fired because he denounced the company's corruption

and facilitated the prosecution of the crime by the attorney general.

With the help of Mr. Al Sayed, the attorney general of Western Alexandria filed a case against the CEO, head of the governing board of the Abou Al Hol company for oils and cleaners, the manager of the warehouse of Exxon Mobile, Mr. Ahmed Maher, and the CEO and head of the governing board of the Ezz Al Dekhila company for Iron and Steel. This fraud occurred in violation of law No. 95 of 1945 as amended by law No. 92 of 2012.

Furthermore, Exxon Mobil engaged in anti-union behavior on more than one occasion. As declared by the head of the independent trade union, Mr. Shokry Ahmed Kishta, Exxon Mobil unilaterally withdrew from the collective agreement which had put an end to the abusive practice of subcontracting. The dismissal of Yasser Mahmoud Al Said is only one example of the illicit behavior of the Alexandrian Company. In fact, Mr. Al Said was illegally dismissed via a phone call without receiving any previous warning or justification. Being a trade unionist, Mr. Al Said fell under the scope of a special anti-union discrimination procedure that was not respected. According to Egyptian law, in order for such a dismissal to be legal, it needs to be preceded by investigations to be conducted in the presence of a representative of the trade union board.

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## KUWAIT // 5

### **A domestic worker falls off the 7th floor while her employer films the scene and does not intervene to help her**

Despite the introduction of a new law on 24 June 2015, the right to form or join a union is still denied, workers keep being employed under the kafala system and abuses continue to occur in the Gulf country. Despite the recently approved law banning passport confiscation, this practice continues in practice. Moreover, the kafala system continues to be intact and workers still cannot change jobs without the consent of their employer. Under this system, domestic workers who leave their jobs before the end of their contract without their sponsor's consent are considered to have "absconded," a crime under Kuwaiti law. They can be arbitrarily detained, fined or sentenced to imprisonment.

In this respect, the situation of exploitation and denial of the most basic human and working rights of Kuwait's domestic workers is more relevant than ever. On 31 March 2017, newspapers worldwide reported the case of an Ethiopian domestic worker who fell from the 7th floor while her employer filmed the whole scene without intervening to help. The Kuwaiti employer filmed the domestic worker who landed on a metal awning and survived, then posted the incident on social media and declared to police that the lady was attempting suicide. However, the domestic worker stated that she was trying to save herself from the employer who was attempting to kill her and that she fell out of the window while trying to escape. This is only one of numerous cases registered in the recent past. Another example occurred on 6 March 2017 when a couple was arrested for torturing their domestic worker, imprisoning her in their home and depriving her of food until she managed to escape and to seek help. This situation is so common that the Government has set up shelters for them while some seek help from their embassies.

### **Strike breaking tactics used**

The Oil and Petrochemical Industries Workers Confederation (OPIWC), representing workers at state-owned oil, gas and petrochemical companies, began negotiations with the KPC and the acting oil minister to prevent the implementation of the Strategic Alternative Pay Scale. The union also sought the establishment of a joint committee to ensure full consultation over any changes to legislation and to seek assurances that the oil sector would be exempt from the Strategic Alternative bill. Negotiations broke down, however, and the oil workers' unions announced they would go on strike from 17 April. The strike affected five state-owned companies, the Kuwait National Petroleum Company (KNPC), a subsidiary of KPC, Kuwait Oil Company, Kuwait Oil Tanker Company, Equate Petrochemical Industries Company and Kuwait Gulf Oil Company. The National Guard was brought in to "protect" the oil plants and to ensure they kept functioning, and KNPC appealed to Egypt and India to provide technical staff to keep production at its plants going during the strike. Meanwhile, the government asked the relevant authorities to take legal action against the strike, which it considered illegal, and to bring those involved to account. The strike was suspended after three days when OPIWC met the Prime Minister to ask for a mechanism to discuss the workers' demands. A tripartite committee composed of the cabinet, the state-owned Kuwait Petroleum Corporation (KPC) and OPIWC was formed, negotiations with the unions on their demands were assured and guarantees were given that no striking workers would be sanctioned. Negotiations

were successfully concluded on 24 May 2016 with a 7.5 per cent pay rise for oil workers.

### **No consultation with oil unions over new pay scales**

The unions representing Kuwait's oil workers were not consulted when a new pay scale was introduced. In the first quarter of 2016 the Government of Kuwait prepared a new draft law for public sector jobs called the Strategic Alternative Salary Scale. The law included measures to reduce government costs by "harmonising" pay. Oil workers are covered by separate labour legislation and should have been exempt from the new plan. The state-owned Kuwait Petroleum Corporation (KPC) decided however to unilaterally impose the new plan and issued new regulations without consultation with the unions. The new regulations entailed cuts in oil workers' wages and an end to longstanding benefits. The oil workers' unions urged the company and the government to withdraw the plan, and threatened to strike if it did not do so. The response of KPC was to announce that it would continue with its 'rationalisation' programme, including the reduction in salaries, benefits and other incentives to staff, and that it had a strategic plan ready to face any strikes. It said that the National Guard and oil facilities security staff would be used to run operations in the event of a strike, specialist workers would be brought in from other countries, and striking employees would be penalised.

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## **IRAN // 5**

### **Independent trade union movement still faces regular acts of repression, executions and extra-judicial murder**

The Iranian free and independent union movement fights for fundamental labour rights, despite repression, imprisonment, executions, and extrajudicial murder.

The legal framework existing in Iran enormously limits independent trade union activity within and outside enterprises. The Iranian free and independent trade union movements still fights for fundamental labour rights while facing acts of repression, imprisonment, execution and extrajudicial murder. Despite the theoretical recognition of freedom of association, independent trade unions are not allowed to be created or operate within the employers' premises, where only the government sponsored union of the Workers' House of the Islamic Republic of Iran is allowed. This is in a socio-political context where workers who are suspected

of being affiliated to independent unions are regularly dismissed and arrested. Any sort of collective action is repressed with violence and strikes are impeded by security forces, riot police and the militia. The government sponsors pro-regime Islamic Labour Councils, tripartite organisations containing worker and employer representatives and government appointees. These Councils manage centrally the system of industrial relations, practically operating as instruments of the state at the workplace. Therefore, they are hugely unpopular in the Iranian labour movement and vigorously opposed by independent trade unions.

Furthermore, the signing of the Joint Comprehensive Plan of Action – also known Iranian Nuclear Deal in July 2015 brought a new challenge for Iranian workers: in order to attract foreign capital, the labour market has been further liberalised, weakening labour law protections and guarantees.

### **Several arbitrary detentions of trade unionists occurred in the month of October**

Several trade unionists were imprisoned in the month of October 2016 in Iran. Among others:

- on 7 October, Mr. Esmail Abdi, the secretary general of the Iranian Teachers' Trade Union received a six-year prison sentence for "assembling and colluding against national security".
- on 15 October, Mr. Jafar Azimzadeh, chairman of the Free Trade Union of Iranian Workers and Mr. Shapour Ehsanirad were sentenced to 11 years of imprisonment each for "establishing unions and carrying out propaganda against the government".

Mr. Azimzadeh had already been sentenced to six years of prison and to a two-year ban on any media and cyberspace activity in 2014.

### **Protesting mineworkers publicly flogged**

The anti-union repression in Iran has become increasingly harsh in the last few years. In May 2016, 16 mineworkers of the Agh Dareh gold mine in the northwestern city of Tikkaab were publicly flogged because they protested against the firing of 350 of their colleagues. Each miner received between 30 and 99 lashes after their employer filed a complaint against the collective action and the security services carried out the sentence.

Unfortunately, the practice of flogging protesting workers seems to be rather common in the country, another case occurring at the Bafgh iron mine for workers taking part in a protest back in 2014.

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## **LEBANON // 4**

### **Unionised migrant workers arrested**

Two Nepalese migrant domestic workers, namely Sujana Rana (known as Zogana Rana) and Roja Linmbu (known as Rosie Limbaugh), have been detained by Lebanese authorities because of their direct involvement in a campaign demanding decent working conditions for foreign domestic workers in the middle-eastern country.

The two domestic workers, both members and militants of Lebanon's domestic workers union, were deprived of their personal freedom within five days in late November and early December.

Overall, the discriminatory and retaliatory nature of the arrest of the two women is clear. They were fighting for recognition of better working conditions for the 250,000 migrant domestic workers present in the country, coming mainly from Ethiopia, the Philippines, Nepal and Sri Lanka and often suffering from physical and psychological abuse at the hands of their employers.

### **Strike of Syrian refugee workers forbidden in Deir Al-Ahmar**

The mayor of the Lebanese village of Deir Al-Ahmar prohibited a strike called by Syrian displaced workers and threatened to repatriate those workers who were planning to participate in it. The collective action was organised to denounce the inhumane, degrading and discriminatory conditions applied to Syrian workers together with discriminatory treatment perpetrated against them by the municipality itself, the security forces and some of the town residents.

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## QATAR // 5

### **New Qatari law is not changing the substantial situation of migrant workers**

Qatar has denied many immigrant workers from India, Nepal and Bangladesh the ability to return home, despite a new law that was approved in December 2016.

Trade unions have denounced the fact that the law has not abolished the kafala system. Workers continue to be dependent on their employer in order to obtain an exit permit. According to the data reported by the State-run Qatar News Agency, the newly established Exit Permit Grievances Committee rejected 213 of 760 exit requests made up until 15 February 2017, but no reason was provided for the denial of the requests.

A further confirmation of the unchanged nature of working conditions in the Gulf State is the recent incident of a Nepali migrant worker found dead by his brother. Mr Ram Sharan Mandal, aged 40, was ill and asked for permission to leave Qatar in order to go back to his home country to receive adequate treatment and assistance. However, the permission was not granted and on 16 April he was overcome by his illness and died.

### **Bangladesh unions join lawsuit against FIFA**

In October 2016, a law suit was commenced by a Bangladeshi man – the 21 year old Nadim Shariful - against FIFA for allegedly failing to use its influence to ensure basic workers' rights in the construction sites for the 2022 World Cup. The suit, launched in FIFA's home city of Zurich, was backed by the largest labour union in the Netherlands, the Dutch Federation of Trade Union (FNV). Mr. Shariful demanded compensation of \$11,500 for the \$4,000 he paid to a recruiter for a job in Qatar where he then had his passport confiscated and worked for 18 months under unbearably hard conditions.

Unfortunately, Mr. Shariful's case was not isolated, as international organisations, such as Amnesty International, have denounced the practices of confiscating passports, non-payment of salaries as well as threats at the workplace, which are the rule in the Gulf country getting ready for the World Cup at the expense of exploited migrant workers. Some of them are so desperate that they commit suicide – such as the young Indian worker who hanged himself in the basement of the Convention and Exhibition Center in Doha on 29 September 2016 – whilst some others die of illness, tiredness and malnutrition.

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## SAUDI ARABIA // 5

### **24 Indian workers stranded in Riyadh**

24 Indian workers from the States of Andhra Pradesh, Telangana and Odisha, recruited through a job agency and hired by the Amal al-Muqauril company in Riyadh, were reportedly tortured by their employers and did not have access to food or water for 10 days. The workers obtained their visas through a company called Voltech in the Indian city of Chennai and flew to Riyadh in December 2016. The Indian workers declared that they had been victims of physical and psychological torture from the very first day they joined the company. They finally found a way to publicise their situation via WhatsApp messages sent to Indian local media, asking the Indian Government to rescue them. While the Indian Embassy secured passports for the workers, their employer refused to allow them to leave the country. In April 2017, Indian officials pledged to rescue the workers.

### **Binladin Group dismissed 77,000 workers without paying arrears**

The construction company of the Binladin Group has terminated the jobs of 77,000 expatriate workers and issued final exit visas for them to leave the country. However, workers refused to leave Saudi Arabia without receiving their overdue salaries, which ranged from four-six months of arrears, forcing the majority of them to borrow money in order to be capable of paying rent and surviving in the country. The company, which did not disclose the number and nationalities of affected workers, said it would honour its commitments "in case further manpower is released."

Binladin is not entitled to take on new projects in the kingdom because of a pending investigation about the collapse of a crane operated by the group at the Grand Mosque in Mecca in September 2015, which killed more than 100 people.

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## TUNISIA // 4

### **Police trade union leader jailed for alleged “defamation”**

Walid Zarrouk, a prison officer and member of the Union for Republican Police, was arbitrarily imprisoned and sentenced multiple times for denouncing the retaliatory practices of the Tunisian police forces against those that dare to criticise them. Mr. Zarrouk was sentenced by two different courts in relation to three different incidents to a total of two years and eight months in prison. On 23 November 2016, a Tunis Court condemned him to one year in prison under Article 128 of the penal code for a television interview he gave during which he stated that Tunisian authorities bring trumped up charges against those that criticise them. The same day another chamber of the same court sentenced him to eight months in prison because he criticised the former Interior Minister in a daily newspaper, accusing his political party of involvement in a terrorist network.

On 7 February 2017, after being indicted by the counter-terrorism judicial unit, he was sentenced to one year in prison by another Tunis court because of a post he wrote on Facebook criticising the head of the National Guard counter-terrorism unit as well as the prosecutor and the judge of the unit. These are only the latest in a long series of trials that Mr. Zarrouk faced. On 9 September 2013, an investigative judge ordered his detention for four days because of a Facebook post in which he criticised the politicisation of prosecutions and in October 2015 he was sentenced to three months imprisonment for a Facebook post against a public prosecutor.

In 2011, Tunisia’s transitional authorities liberalised the press code and the law pertaining to the broadcast media, eliminating most of the criminal penalties for speech offenses. However, prosecutions and convictions for non-violent speech continued because of repressive articles in various legal codes that Tunisia’s interim legislative bodies did not modify, causing the prosecution of at least 16 people since December 2011 for speeches deemed defamatory towards individuals or state institutions.

### **President of National Union of Tunisian Journalists (SNJT) denounces violations against press freedom**

On World Press Freedom Day, 3 March 2016, the president of the National Union of Tunisian Journalists (SNJT), Mr. Naji Al Gauri, denounced the violations against freedom of the press in Tunisia. Gauri presented the annual SNJT report of press freedom highlighting violations against press freedom perpetrated in the country by the Parliament, the

Government and some officials who called for the prosecution of journalists and common citizens. The annual report also documented acts of physical violence perpetrated by members of the security forces and the military against journalists performing their duties and called on the authorities to provide more protection for journalists.

### **Police fire tear gas and attack hundreds of young protesting Tunisians marching against unemployment**

Political and social unrest followed the suicide of a young Tunisian unemployed man. Young Tunisians took to the streets demanding employment policies and a political response to what has become a plague in the country with the unemployment rate reaching 31.2 per cent for university graduates and 31.8 per cent for youth.

The protests started in Kasserine - where the suicide occurred – and, in response, the Interior Ministry announced a nighttime curfew in the city as a preventive measure. Protests continued during the night and spread during the following days in different cities, including Tahla, Fernana and Meknasi. In response to youth protests, on 19 January, police fired tear gas and violently clashed with hundreds of protesters.

Following this first protest, the unrest spread in the whole country and enlarged its base from unemployed youth to other categories of workers. On 25 January, several thousand policemen marched to the presidential palace in Carthage demanding improvement in working conditions and salaries. Tunisia’s police forces have been of crucial importance and were at the forefront of the war against Islamist militants who in 2015 attacked several army checkpoints. However, their salaries remained unchanged and incredibly low (around \$300 a month) and their conditions of employment are extremely poor unlike those of their sister force, the military.

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## UNITED ARAB EMIRATES // 5

### **Construction project pulls out of talks to improve working conditions**

On 17 April 2016, the Director of the Guggenheim Museum announced it was breaking off negotiations with the Gulf Labour Coalition (GLC), a group of international artists, which has been working to ensure that migrant worker rights are protected during the construction of museums on Saadiyat Island in Abu Dhabi. The island is being developed by the Tourism Development & Investment Company (TDIC) to serve as a regional arts hub featuring world-class branches of the Louvre, the British Museum, and the Guggenheim. More than five years after Human Rights Watch (HRW) first revealed systematic human rights violations of migrant workers there, serious concerns remain about the violations of workers' rights on the island. An updated report published in February 2015 found that some employers continue to withhold wages and benefits from workers, fail to reimburse recruiting fees, confiscate worker passports, and house workers in substandard accommodation. Similar findings emerged in a recent labour audit by Pricewaterhouse Coopers. The government has also "summarily deported Saadiyat workers who have gone on strike in protest at low pay after their employers contacted the police" according to HRW. Workers rights are not protected in law for migrant workers and strikes are prohibited. The Guggenheim objected to the very high profile protests organised by the GLC, which it felt exerted unfair pressure, saying the coalition had not reciprocated the museum's cooperative efforts. Further pressure was added when the GLC urged the Museum and TDIC to negotiate with other rights organisations, including HRW, the ILO, the ITUC and the Building and Woodworkers' International (BWI). However, the GLC stated, "Guggenheim did not respond positively to any of these invitations."



# Endnotes

## PART I

1. For more detail on the methodology see [http://survey.ituc-csi.org/IMG/pdf/methodological\\_framework.pdf](http://survey.ituc-csi.org/IMG/pdf/methodological_framework.pdf)
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