



2014

ITUC GLOBAL RIGHTS INDEX

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

ITUC Global Rights Index

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The International Trade Union Confederation (ITUC) is a confederation of national trade union centres, each of which links the 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 325 affiliated organisations in 161 countries and territories on all five continents, with a membership of 176 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 guarantee of the free exercise of workers' rights is also a guarantee of a more equal and a more prosperous society. When workers enjoy the freedom of a collective voice, can bargain for safe workplaces and fair wages and conditions and are free from discrimination then productivity and economic growth can flourish.

Yet, workers are struggling everywhere for their right to collective representation and decent work deficits exist in varying degrees in most countries. Abuses of rights are getting worse not better and too many countries take no responsibility for protecting workers rights in a national context or through corporate supply chains.

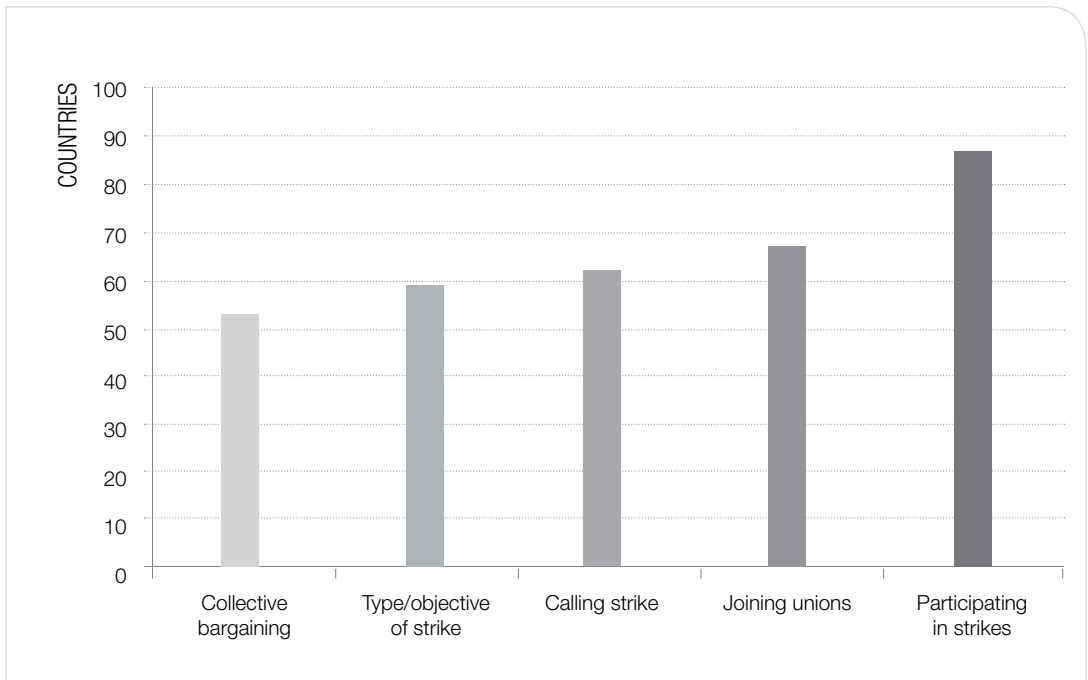
Based on reports from affiliates, workers in at least 53 countries have either been dismissed or suspended from their jobs for attempting to negotiate better working conditions. In the vast majority of these cases the national legislation offered either no protection or did not provide dissuasive sanctions in order to hold abusive employers accountable. Indeed, employers and governments are complicit in silencing workers' voices against exploitation.

The increase in precarious employment relationships has further deepened the vulnerability of workers to discrimination at the workplace. Governments in the vast majority of countries have been convinced to alter their labour legislation to encourage various forms of precarious work. In virtually all countries, temporary work, agency work, subcontracting and other types of informal work are expanding rapidly. Given their unstable employment situation and the high risk of dismissal, precarious workers are discouraged from joining unions and being covered by collective bargaining. This means that workers in precarious forms of employment do not have the necessary support to improve their work situation¹.

While the right to strike is recognised in most countries, laws and practices in at least 87 countries exclude certain type of workers from this right. At least 37 countries impose fines or even imprisonment for legitimate and peaceful strikes. In countries such as Qatar or Saudi Arabia, the exclusion of migrant workers from collective labour rights means that effectively more than 90 per cent of the workforce is unable to have access to their rights leading to forced labour practices in both countries supported by archaic sponsorship laws.

In the past 12 months alone, governments of at least 35 countries have arrested or imprisoned workers as a tactic to resist demands for democratic rights, decent wages, safer working conditions and secure jobs. In at least 9 countries murder and disappearance of workers were used as a common practice in order to intimidate workers.

Most frequent violations of rights (April 2013-March 2014)



The International Trade Union Confederation has built the world's most comprehensive data base of violations of workers' rights (survey.ituc-csi.org). Descriptive texts detailing facts on real-world violations faced by workers have been published in the Survey since 1983. In 2014, qualitative surveyed information is supplemented by numerical ratings for each country revealing the varying degree of collective labour rights enjoyed by workers across the world, the ITUC Global Rights Index.

The ITUC Global Rights Index puts abusive governments and companies on notice that the international trade union movement stands in solidarity with workers who are denied fundamental rights. The worst places in the world for

workers to work will be exposed and the ITUC will demand change, demand decent jobs. Global solidarity in support of countries where there are no rights, inadequate laws or effective labour market institutions will garner the support of trade unions around the world to rectify this situation. Governments and business that allow or perpetrate oppression of workers cannot hide.

Part I of this publication explains the methodology for establishing the ITUC Global Rights Index in more detail and demonstrates each of the five ratings with a country example. Part II is an excerpt from the online database survey. ituc-csi.org and gives brief examples of violations that have occurred in various parts of the world.

A handwritten signature in black ink, appearing to read 'A. Burrow', with a stylized, flowing script.

Sharan Burrow, General Secretary

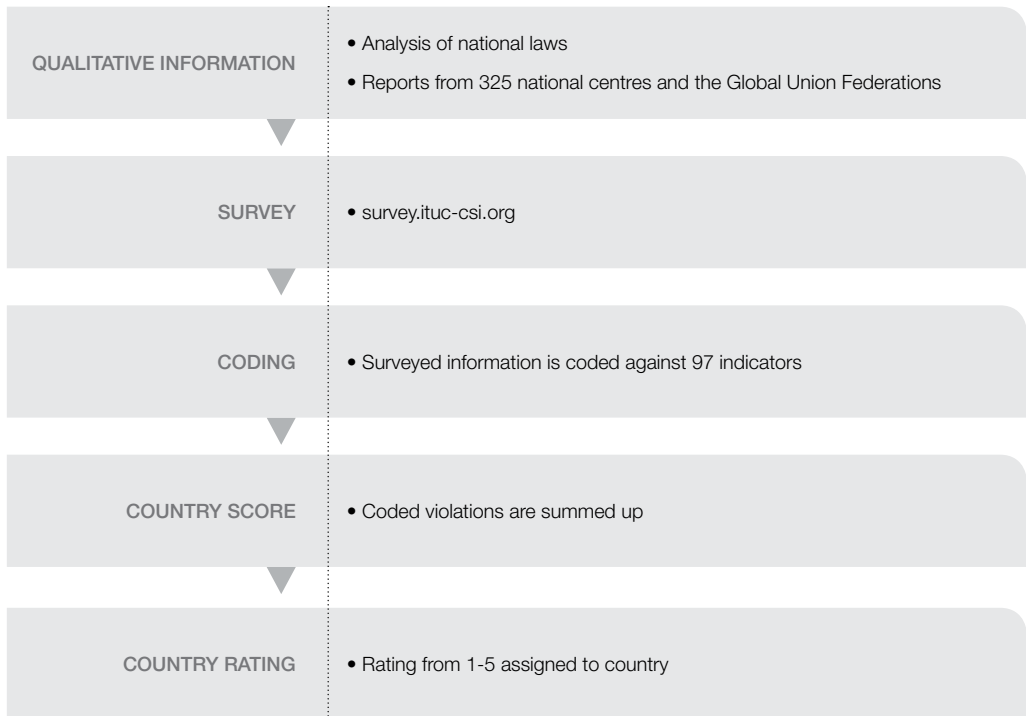
Background

The ITUC Global Rights Index covers violations in 139 countries recorded over the past 12 months (April 2013- March 2014). The methodology is grounded in standards of fundamental rights at work, in particular the right to freedom of association, the right to collective bargaining and the right to strike.² These rights are based on international human rights law³ which we have spelled out in the form of 97 indicators in order to translate narrative text into numerical ratings. Countries are then rated in clusters from 1-5 depending on their compliance with collective labour rights. The level of economic development, size or location of the country is not taken into account given that fundamental rights are universal and workers in all parts of the world must have access to them.⁴ A high rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights.

Compiling indicators is not only an efficient and systematic way of recording violations but can also serve as an important tool to establish cross-country benchmark data on the degree of compliance. These benchmarks will allow the ITUC to classify recurring types of violations and to map patterns of abuses over time and geography. Ultimately, the ITUC's ability to draw on best practices and to formulate and intensify campaigns and advocacy where rights are seriously threatened is improved. Clustering multi-dimensional textual information in the form of country ratings also increases the visibility of a country record and fosters a culture of transparency and accountability which is indispensable for achieving fundamental rights for all workers.

Finally, we believe the ITUC Global Rights Index will serve as a useful monitoring tool for policy makers and socially responsible investors. It will redress the misconception championed by the World Bank's "Doing Business" report that driving down labour standards is good for business. "The Employing Workers Index" is one of the ten components of that report and compares countries to the degree to which they regulate the labour market. Essentially, countries not abiding by fundamental rights score well as long as labour regulation is limited. After much criticism the World Bank suspended the employing workers indicators, however the data is still published as an annex to the report and is widely used by the World Bank,⁵ which is unacceptable for an organisation that claims to be committed to poverty reduction.

The ITUC Global Rights Index in five steps:



METHODOLOGICAL FRAMEWORK

Qualitative information: The basis and source for the ITUC Global Rights Index is qualitative information compiled and published in the Survey (survey.ituc-csi.org).

The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87⁶ and 98,⁷ as well as jurisprudence developed by the ILO supervisory mechanisms.⁸ It assesses compliance of national legislation with international standards and exposes practices by giving specific case examples of violations of collective labour rights which have occurred in a particular country.

Legal researchers analyse the most recent legislation for each country in order to identify sections that are in violation of trade union rights. First, legislation regulating the rights to freedom of association, collective bargaining and the right to strike is identified, including sector specific laws where relevant. Sections which are in violation of collective labour rights are extracted and documented with the references. While in some cases there might be brief clarifications as to why the relevant section is considered to constitute a violation, the analysis is purely factual and based on existing international labour standards.

Violations in practice are identified through questionnaires sent to the 325 ITUC affiliates in 161 countries and territories representing 176 million workers as well as the Global Union Federations. The questionnaire aims to cover as many aspects of the right to freedom of association, the right to collective bargaining and the right to strike as possible. At the same time, it was important that the questions were streamlined to ensure they are straightforward and accessible for workers. After three pilot stages, we decided on 34 questions which were translated into three languages (English, French and Spanish) and including brief guidelines where needed.

The ITUC sends the questionnaire in an electronic and word format to its affiliates asking them to share it broadly with their membership. Furthermore, five regional meetings are conducted with regional human and trade union rights coordinators where the questionnaire is disseminated, explained and then filled out. In addition, the ITUC contacts unions directly by phone and email when it becomes aware of violations to confirm relevant facts. Whenever a violation is reported, affiliates are requested to indicate the date, victim/union, description of the events and complaints lodged at national and international level. Violations are only recorded if unions can provide relevant facts. Anecdotal references and mere statement of opinions are avoided thereby increasing the reliability and comparability of the information. All information is consolidated, summarised and documented.

The legal analysis and the case reports on violations in practice are published on the website of the Survey. Moreover, the ITUC launches a print publication annually highlighting serious violations and trends based on the evidence in the Survey. This means that the sources of information on which the country ratings are based are clear and highly transparent.

Country scores

The first step in assigning a country rating is to translate the qualitative surveyed information on violations into country scores through a coding process.

Qualitative information is coded against 97 indicators which are derived from ILO Conventions and jurisprudence and are grouped into five categories: Fundamental civil liberties; the right to establish or join unions; trade union activities; the right to collective bargaining; and the right to strike. The large number of indicators was chosen in order to accurately reflect complex and multifaceted types of violation that can occur at country level.

The indicators address violations in law and in practice. Legal guarantees are essential for the protection of workers' rights. The fact that there are no reports on violations in practice with respect to a particular country does not mean that rights are fully protected and guaranteed. Workers might have shied away from even attempting to exercise certain rights because the legislation does not protect them against victimisation or even imposes sanctions for exercising their rights. At the same time, comprehensive legislative frameworks do not automatically result in effective real-world enforcement. Thus, compliance with core labour standards is crucial when it comes to law and practice- in fact the two are interdependent.

All 97 indicators take an equally weighed binary form (YES/NO). This means that the qualitative information for each country is read against the list of 97 indicators and whenever the information corresponds to an indicator it is coded as "YES" and assigned a score of 1. One of the main advantages of equally weighed indicators is that this method reduces the normative subjectivity of the analyst who carries out the coding.⁹ Gradations are difficult to apply since disentangling concepts proves to be imprecise and leaves wide discretion to the analysts which could lead to serious biases. Moreover, each indicator refers to universally binding obligations, meaning that companies and governments must comply with each indicator fully and equally. As a result, each indicator must be of equal conceptual significance with any other indicator.

The fact that international labour standards highlight the importance of protecting union leaders and representatives¹⁰ and point at the danger of widespread and systematic violations¹¹ was incorporated in the definition of the list of indicators. As a result, certain indicators are of gradational nature even though they are binary-coded. For example, indicator (4) on the murder and/or disappearance is followed by indicator (5) which addresses whether the murder and/or disappearance concerned a trade union leader. Indicator (6) addresses whether murders and/or disappearances are widespread and/or systematic.

Moreover, ILO jurisprudence has repeatedly made clear that excessively restrictive legislation or legislation that does not sufficiently protect workers can render rights inoperative in practice.¹² This is particularly the case if the legislation is prohibitive and even imposes heavy sanctions for exercising legitimate rights, or if the legislation is too prescriptive and thereby excessively restricts the space in which workers can exercise their rights. For the coding rules, it means that if a violation of a right in law is coded for the above mentioned reason this leads to automatic coding of the same right under a violation in practice. However, if the cause of the violation in law is the fact that the legislation gives too wide discretionary powers to the government and/or employers, the issue is only coded as violation in law. The violation of the respective right is then only coded as a violation in practice if

this there is evidence that the government and/or companies have availed themselves of this legislation in practice.

The worst possible score is assigned to a country by default, if the vast majority of workers effectively do not have access to any rights.¹³

Conversion into country rating

After the coding of information that is available on a country is completed the number of indicators for which violations have been coded is added up in order to arrive at a final country score. The rating of a country then depends on which cluster the final score falls under. Upon completion of the pilot phase of the project which included five stages based on 20 countries from various parts of the world, we established 5 clusters in total with ratings from 1 to 5. A country is assigned the rating 5+ by default, if the rule of law has completely broken down.¹⁴ It is impossible for workers to enjoy collective labour rights when violations of human rights and humanitarian law are systematic and the government/authority lacks institutional capacities to protect their rights. The assignment of the rating 5+ is grounded in qualitative language adopted in resolutions of the UN Security Council pointing at the seriousness of these attacks and the lack of accountability posing a threat to peace and security.

The objective was to construct meaningful ratings each representing a distinct and relevant normative scale concerning compliance with collective labour rights. The highest possible score a country could potentially get is 97. As pointed above, the list of indicators was defined on the basis that every possible type of violations could be accounted for and not on the suitability as a scale for the final ratings. It is highly unlikely a country would commit all possible types of violations. Therefore, the cut-off points for the tabulation of the ratings are data-driven, i.e. the country score of the worst performing country is used as the highest data point and the best performing country is used as the lowest data point in order to determine the cut-off points for each rating cluster. The highest score reached by any country was 43 and the lowest score reached was 0 so each rating has to represent a scale of 9 in order to rate all countries. The chart below demonstrates the tabulation of scores into ratings.

The Country ratings

1

- Irregular Violation of Rights
- Score: 0-8
- 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 violation of rights
- Score: 9-17
- Countries with a rating 2 have slightly weaker collective labour rights than those with the rating 1. Certain rights have come under the repeated attack by governments and/or companies and have undermined the struggle for better working conditions.

3

- Regular violation of rights
- Score: 18-26
- Government 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 violation of rights
- Score: 27-35
- 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 continuous threat.

5

- No guarantee of rights
- Score: 36+
- 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.

5⁺

- No guarantee of rights due to the breakdown of the rule of law
- Workers in countries with the rating 5+ have equally limited rights as workers with the rating 5. However, in countries with the rating 5+ this is linked to dysfunctional institutions as a result of internal conflict and/or military occupation. In such cases countries are assigned the rating 5+.

CENTRAL AFRICAN REPUBLIC



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In March 2013, the Seleka rebel alliance captured the capital ousting President Francois Bozize. The country has subsequently descended into ethno-religious violence. Thousands have been brutally murdered, and more recently Muslims have been targeted by militias in revenge for the rebels' seizure of power. The UN has warned that there was a high risk of genocide. The Security Council expressed concern at the collapse of the administration.¹⁵ The country has therefore received the default worst rating 5+.

5+

- No guarantee of rights due to the breakdown of the rule of law.
- Workers in countries with the rating 5+ have equally limited rights as workers in countries with the rating 5. However, in countries with the rating 5+ this is linked to dysfunctional institutions as a result of internal conflict and/or military occupation. In such cases, countries are assigned the rating 5+ by default.

CAMBODIA



The Cambodian government responded with lethal force to demonstrations to express legitimate collective demands by workers paid a low wage exposed to precarious and hazardous working conditions. Cambodian workers who collectively demand better working conditions are systematically exposed to unfair dismissals, intimidation, arrests and violence often leading to serious injuries and death. A Trade Union Law compliant with international standards has still not been adopted and the Labour Law continues to be deficient in offering protection to the rights of workers. The analysis of information provided to the ITUC has resulted in a rating of 5 for Cambodia in 2014.

THE LEGISLATIVE FRAMEWORK

The Trade Union Act has still not been adopted so industrial relations continue to be regulated by the labour law which has serious shortcomings with respect to collective labour rights. Judges as well as other categories of civil servants, including teachers, are excluded from the scope of the labour law and do not enjoy

5

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the right to form and join organisations under other legislation. Civil servants do not have the right to collective bargaining.

Moreover, the ILO repeatedly pointed out serious deficiencies in the labour law. In particular, there are restrictions on the right to elect representatives and self-administer in full freedom: Article 269 of the Labour Code provides that union leaders must have been engaged in the occupation their union represents for at least one year. The law also requires that the leaders be at least 25 years of age, be able to read and write, and have no criminal record.

In addition, a ministerial regulation promulgated in 2004 (section 1 of Prakas No. 13) provides that the authorities may refuse to grant most representative status to a trade union when the Labour Advisory Committee, the employers, institutions or concerned third parties object to the union's petition. A minimum service is imposed in all enterprises, regardless of whether they are public utilities or not, and regardless of whether the minimum service exceeds the need to comply with statutory safety requirements. Workers who are required to provide a minimum service but stay out on strike are considered guilty of serious misconduct (Art. 326 (1) Labour Law). Furthermore, the labour law prohibits anti-union discrimination but does not provide adequate protection against it.

No specific legal disposition requires employers to enter into a collective bargaining agreement. In the absence of a collective agreement, the Ministry of Labor can unilaterally issue a decree to lay the working conditions for a particular occupation.

VIOLATIONS IN THE GARMENT SECTOR

The inadequate protection of workers' rights manifests itself in violations in practice, in particular in the garment sector. More than half a million workers in the garment sector generate \$5 billion USD per year to the Cambodian economy. But recent demands for an increase in the minimum wage to \$160 USD per month have led to excessive violence against workers by police.

Garment workers in Cambodia work under sweatshop conditions. The vast majority of workers perform overtime work beyond the legal limitations. More than half of the garment factories do not comply with health and sanitation requirements with respect to access to drinking water and the availability of soap and water near toilets. In 2012, 1,686 fainted at the workplace due to the perilous conditions that are prevailing. About 90 per cent of the workers do not work under a permanent contract and are instead employed under fixed duration contracts.¹⁶ Insecure employment contracts increase their vulnerability to anti-union discrimination as workers have to fear their employers would not renew their contracts if they demanded better working conditions.

Workers were hopeful when the government commissioned a study for the purpose of informing the Labour Advisory Committee on establishing an appropriate minimum rate for garment workers wage based on expenditures for basic necessities in August 2013. The labour law stipulates that the minimum wage is set by the Ministry of Labour and Vocational Training (MoLVT) on recommendations from the Labour Advisory Committee,

a tripartite body (Article 107 Labour Law). According to the Labour Law, a number of factors are taken into consideration when determining the minimum wage. This includes an assessment of the needs of workers (the cost of living, salary levels and comparative standards of living) as well as consideration

About 90 per cent of workers in the garment sector do not have secure employment contracts.

of economic factors (economic development, productivity and employment). As a result of these considerations, the study found that the minimum wage should be set between 157 and 177 USD a month. The unions reached agreement on a proposal recommending a raise to 160 USD per month and have been supported by international brands who have stated that they will remain committed to sourcing from Cambodia if the wage is increased.

However, despite all expectations, the government instead set the minimum wage rate at 95 USD per month on 24 December (later 100 USD). Given that this amount is way below the recommendations of the Labour Advisory Council and extremely insufficient to cover the most basic needs of workers, unions decided to withhold their labour on 24 December 2013, as is their fundamental right under international law and the labour law, to agitate for a higher minimum wage. Instead of negotiating with workers, the government decided to resort to violence and intimidation.

On 2-3 January 2014, the government resorted to violence and intimidation to quash the protests over the minimum wage announcement. Heavily armed police and soldiers mobilized, leading to violent and bloody clashes. In the end 23 people were arrested, including Mr Vorn Pao, President of the Independent Democracy of Informal Economy Association, and Mr Theng Savoeun, Coordinator of the Coalition of Cambodian Farmer Communities as well as workers from those associations. Mr Pao was seriously injured by police during his arrest, and suffers from pre-existing medical conditions requiring urgent medical treatment. On 3 January, four workers were killed by the police in violent clashes and many others were seriously injured. Another worker subsequently died of his injuries. This use of force was extremely excessive.

For police to kill, beat and arrest workers in brazen violation of the fundamental right to freedom of association is extremely troubling and must be condemned. There is still no independent investigation into the killings, as called for by the UN High Commission for Human Rights. No one killed or injured has been compensated by the government.

KUWAIT



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Kuwaiti laws exclude migrant workers forming 60 per cent of its population entirely from collective labour rights and thereby take away their means to fight against sponsorship laws allowing the exaction of forced labour. Even workers of Kuwaiti nationality are facing intimidation, threats, imprisonment and fines for holding legal and legitimate strike action. Workers who are taking leadership are particularly targeted by the government. Industrial relations are very weak and the information available to the ITUC has resulted in a rating of 4 for Kuwait in 2014.

LEGAL FRAMEWORK

The legal framework of Kuwait excludes a large number of categories of workers from its application thereby denying them legal protection of their rights. Article 99 of the Law No. 6/2010 concerning Labour in the Private Sector stipulates that all Kuwaitis have the right to freedom of association and excludes

4

- Systematic violation of rights.
- Unions in countries with the rating of 4 have reported systematic violations against workers. The government and/or companies are engaged in a serious effort to crush the collective voice of workers putting fundamental rights under continuous threat.

non-Kuwaitis from this right. Civil servants are still excluded from the coverage of the labour code and there is no specific regulations providing for their right to defend their rights and interests collectively through a union. Domestic workers are explicitly excluded from the scope of the labour law (Article 5).

The law neither prohibits anti-union discrimination against workers nor does it provide any sanctions for employers who discriminate against workers on this basis. In fact, workers

are not permitted to collectively engage in political, religious or sectarian issues. The government has control over how unions may invest their funds and over who may donate funds to unions. Moreover, article 108 provides that authorities have the power to unilaterally dissolve a union as soon as it violates any provision of the law or if it is considered to be a threat to public order and morality.

Furthermore, Kuwaiti laws are imposing compulsory arbitration when it comes to a collective labour dispute. The parties to the conflict must resort to the Reconciliation Committee and the Arbitration Panel which takes binding decisions. The Ministry also has the right to intervene to settle disputes. The right to strike is suspended during these procedures which can take up to two months. Ultimately, these measures are undermining the workers right to call a strike and do not promote voluntary collective bargaining.

The Ministry also has the right to object to conditions freely agreed upon between the social partners in a collective agreement (section II, Chapter IV) violating the principle of free and voluntary collective bargaining established in Article 4 of Convention No.98.

Confederation. After exhausting all remedies of negotiating higher wages, more than 1,000 workers decided to take strike action. The company attempted to break the strike by sending individual letters to workers and threatening them with forced transfers, salary deductions and dismissal. Nevertheless, the strike continued for four days and management acceded to the demands of the workers. In February 2014, the Minister of Oil, State Minister of Parliamentary Affairs Dr Ali Al-Omair intimidated workers who had gone on strike by citing article No. 14 of Law 1/1993 concerning the protection of public funds. Pursuant to this regulation, civil servants who commit a mistake at the workplace that leads to financial losses may be sentenced to two years imprisonment and/or fined to huge fines. Authorities targeted the chairman of the Petroleum and Petrochemical Workers Union Abdulaziz Al-Sharthan for supporting the strike and threatened him with emergency measures as the oil sector was considered a vital sector.

VIOLATIONS IN PRACTICE

The fact that migrant workers are excluded by law from collective labour rights has an immense impact on the ability of workers in Kuwait to defend their occupational rights and interests. About 60 per cent of the population consists of migrant workers even though the government is reducing the number of its migrant population by 100,000 every year.¹⁷

The Ministry of Social Affairs and Labour has claimed for years that it is going to abolish the sponsorship system for the private sector labour force. Accordingly, migrant workers can only obtain a work permit under the sponsorship of a Kuwaiti employer and can only be released from their employment relationship with the consent of their Kuwaiti sponsor (Article 10). Thus, workers are completely dependent on their employer and are often forced to work under unacceptable working conditions.

However, it is not only migrant workers who are subjected to exploitative employers. Workers in the oil sector are intimidated or sanctioned for trying to engage in a dialogue with management over their conditions at work. In May 2013, around 80 per cent of the workers employed at the Oil Sector Services Co, owned by Kuwait Petroleum Corporation participated in a strike led by the Kuwait, the Oil & Petrochemical Industries Workers

GHANA



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Even though collective labour rights are guaranteed in the legislation in principle, there are restrictions with regard to strike action and there is a lack of protection against discriminatory measures by employers. These gaps in the legislation make regular violations possible in practice. Workers in the export processing zones are not organised and often receive wages below the minimum wage. While workers' interests are represented through the Ghana Federation of Labour (GFL) and the Ghana Trades Union Congress (GTUC), the information on violations in law and practice have resulted in a rating of 3 for Ghana in 2014.

THE RIGHT TO FREEDOM OF ASSOCIATION

Collective labour rights are guaranteed in the Constitution (Article 21, 24) and regulated by the Labour Act 2003. Prison workers are excluded from the right to join unions. Workers in export processing zones (EPZ) are within the scope of the

3

- Regular violation of rights.
- The government and/or companies are regularly interfering in collective labour rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.

Free Zone Act which stipulates the right to collective bargaining. However, laws do not explicitly protect workers against discriminatory measures by employers. The National Labour Commission can prohibit anti-union discrimination on a case by case basis. Where it finds that a person has engaged in an unfair labour practice, the Commission may, if it considers fit, make an order forbidding the person to engage or continue to engage in such activities as it may specify (article 133(1) Labour Act 2003). If it finds that a person has engaged in an unfair labour practice involving the termination of employment

or alteration of the conditions of employment, the Commission may also make an order reinstating and compensating the worker. No penalties are imposed by the Labour Act for acts of anti-union discrimination.

COLLECTIVE BARGAINING RIGHTS

Collective bargaining is regulated by Part XII of the Labour Act 2003. Section 96 of the Labour Act 2003 provides that a collective agreement may be concluded between one or more trade unions and representatives of one or more employers or employers' organisations on the other hand. Article 97 establishes a duty to negotiate in good faith and make every reasonable effort to reach an agreement. Where a trade union has been appointed as the appropriate bargaining representative in a collective bargaining certificate, it may initiate collective bargaining by giving notice to the relevant employer (Articles 99-103, Labour Act). If the employer fails to enter into negotiations within 14 days of service of such notice, the Commission shall direct the party to enter into negotiations immediately (Article 104, Labour Act).

Only two out of 240 factories in the free zone are unionised.

But, the legislation does not establish clear criteria for determining representatives for collective bargaining. It is the Chief Labour Officer who has the power to determine which union in a collective bargaining unit may have the right to engage in collective bargaining (Article 99 Labour Act 2003, Article 10 (1) Labour Regulations 2007).

THE RIGHT TO STRIKE

The right to strike is regulated by Parts XVIII and XIX of the Labour Act 2003. Strike action may be taken in relation to any matter that relates to the social and economic interests of the workers, except matters concerning the interpretation of the Labour Act, a collective agreement or a contract of employment, or any matter which the parties have agreed does not give cause for industrial action (Article 175, Labour Act 2003). A party intending to take strike or lockout action is to give 7 days' written notice of the intended action and must first attempt to negotiate the dispute and submit to mediation of the dispute. However, where the strike is a sympathy strike,

the action must not disrupt the operational activities of the enterprise whose workers are sympathizers (Article 168(3), Labour Act 2003). Pickets are unlawful if conducted within 10 metres from the workplace or place of business of the worker (Article 171(2), Labour Act 2003). Moreover, the legislation does not prohibit discrimination against workers who have gone on strike.

The list of essential services where strike action is prohibited or severely restricted is excessively long and includes meteorological services, fire services, air transport services, supply and distribution of fuel, petrol, power and light, telecommunications services, public transport services, ports and harbour services and the Bank of Ghana.

VIOLATIONS IN PRACTICE

EPZ workers are not unionised: By March 2014, workers in only two companies out of 240 in the free zones had been unionised since the establishment of the Free Zones Board in 1995 to promote export processing and manufacturing. In total, 15,000 workers in the free zones are not collectively represented. These facts are part of a research conducted by the Labour Research and Policy Institute (LRPI) of the Ghana Trades Union Congress (TUC). About 60 per cent of the companies are either Ghanaian-owned or joint-ventures. Some companies paid their workers below the national daily minimum wage (NDMW), while a number of them did not pay social security on behalf of their workers. Also some female workers in the enclave had no access to toilet facilities, while evidence showed a "comparatively high level of industrial tension."

Lack of good faith bargaining: In January 2014, more than 50 workers of Schlumberger, an oil service firm in the Western Region, demonstrated against the management for poor working conditions and the refusal of management to enter into collective bargaining for more than two years. In January 2012, the General Transport and Petroleum and Chemical Workers Union (GTPCWU) had written to the company in order to request starting negotiating a collective agreement. The union is now planning to take the issue to the National Labour Commission (NLC).

SWITZERLAND



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Swiss laws generally respect collective labour rights with some restrictions regarding the right to strike. However, in practice violations continue to undermine the right of workers to collective representation. Unions are often denied access to the workplace and are hindered in informing workers and monitoring the implementation of collective agreements. Companies refuse to bargain in good faith and dismissal for union activities is not an uncommon practice resulting in the rating of 2 for Switzerland in 2014.

LEGAL LIMITATIONS

Strikes are only legal, if they are connected to industrial relations meaning that strikes related to economic and social

2

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

issues, political, sympathy and solidarity reasons are illegal. If a strike is declared illegal, a participating worker may be summarily dismissed and liable to pay compensation amounting to one quarter of his/her monthly salary, as well as any damages incurred.

Moreover, the Government can limit or prohibit strikes if they affect state security, external relations or the provision of vital goods and services. However, there are no compensatory mechanisms, such as conciliation and arbitration procedures, for resolving industrial disputes in such situations. The semi-canton of Nidwald and the canton of Fribourg have introduced laws banning strikes for the cantons' staff. Certain communes in Fribourg have referred to these canton-level provisions in their own regulations.

Access to workplaces: The fragmentation of the labour market through precarious forms of work makes it increasingly more important for unions to be present at the workplace at various times during the day as many workers are working part-time. At the same time, there is a serious resistance by employers to give access to unions to the workplace.

"This criminalisation of trade unions is a scandal: it spurns internationally and nationally guaranteed trade union freedoms and makes social partnership impossible."

Vania Alleva (Co-President, UNIA)

In October 2009, celebrity chef Philippe Chevrier filed a complaint accusing the UNIA trade union of trespassing onto his restaurant Domaine de Châteauevieux in Satigny, Geneva canton. He also called on the police to "hunt trade unions down", and threatened union representatives who came to inform the staff and the patrons about the salaries and working conditions applicable under a new collective agreement. The union has previously intervened in other Chevrier establishments to denounce violations of collective agreements and the labour law. The Federal Court sided with company and argued there was no legal right to access to workplaces. An appeal to the European Court of Human Rights in 2013 in this regard has been dismissed for lack of admissibility.

In the construction industry, unions are denied access to the sites as companies invoke residence rights which they believe is transferred to the companies during construction works. This makes it difficult for unions to monitor the implementation of collective agreements. For example, after unions planned to take action against the site manager at Losinger Marazzi in mid-September 2013 for violating minimum standards concerning working conditions, they were simply refused access to the workplace. In the manufacturing sector, unions are forced

to get permission from management to be able to access factories. Otherwise they are restricted to distribute informative material outside of the company gates when workers leave the premises.

Refusal to bargain in good faith by employers: Unions do not receive information on the financial situation of the company when it comes to the negotiation of clauses in collective agreements regarding redundancy. Employment relations have been governed through a collective agreement at Gate Gourmet, Geneva Airport since 1997. However, despite improving profits, the company proposed salary and benefit cuts during collective bargaining negotiations in 2013. SSP, the Public Service Workers Union, suggested starting an arbitration procedure to overcome the deadlock during the negotiations. But Gate Gourmet decided to bypass the union and to negotiate individually with the workers, thereby undermining the collective bargaining process. When 86 workers refused to sign the proposed contract, the company decided to give a termination notice to workers with the possibility of rehiring on worse conditions. A strike was called on 14 September 2013 with the participation of 20 workers. On 2 October, six workers (including three union representatives) were dismissed with immediate effect for participation in a strike action on 28 September at the Gate Gourmet office organised by the Support Committee.

Anti-union discrimination at Spar: In 2013, management at Spar in Dättwil only started negotiations with workers after a seven day strike. However, management left the bargaining table immediately after without justification and stopped responding to any demands made by the union UNIA. The union engaged again in a strike to protest against the refusal to bargain resulting in the dismissal of eleven workers who participated in the strike.

URUGUAY



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The rights to freedom of association, collective bargaining and strike are guaranteed in the legislation of Uruguay and mostly respected in practice. Unions have not reported regular or recurrent violations of rights resulting in the rating of 1 for Uruguay in 2014.

The legislative framework was considerably improved in 2009 when the Government introduced the Law on Collective Bargaining 18566. The new legislation reorganised bargaining units and added rural workers and domestic workers as a new sector in order to decrease informality and improve the working conditions in these sectors through collective bargaining processes. Moreover, the exclusive prerogative of the government to open a negotiation round was eliminated. Previously, the law of 1943 vested the government with this power which led to the suspension of negotiation rounds in 1968 during the

1

- Irregular violation 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.

Pacheco administration (for the period 1968-1985) and again in 1991 during the Lacalle administration (for the period 1991-2005). In 2005, President Vázquez reinstated sectorial-level collective bargaining by calling a Wage Council.

Currently, the social partners can ask the government to call a Wage Council if they failed to reach an agreement on a bi-partite basis. The government must then act within 15 days. According to official statistics, 89 per cent of wage earners are covered by collective agreements.¹⁸ Employers' associations strongly opposed these reforms concerning the mandatory character of collective bargaining, and the sector-level centralisation and filed a complaint with the ILO Committee on Freedom of Association.¹⁹

This does not mean that the country is free of labour conflicts. In May 2013, PIT-CNT demonstrated outside the government offices demanding hikes in the education budget and minimum wages. The Secondary School Teachers Union (Asociación de Docentes de Educación Secundaria; ADES) announced strikes

89 per cent of wage earners are covered by collective agreements.

in the education sector beginning on 20 June 2013 demanding salary increases. Workers occupied secondary schools around the country, and then expanded their occupation to include colleges and universities. In February 2014, toll workers opened the gates along motorways to protest the lack of progress in salary negotiations. The striking workers handed out fliers to drivers as they passed through. Union representatives stated the decision to intensify actions was due to three unsuccessful meetings.

List of indicators

I. CIVIL LIBERTIES

A. Violations in Law

1. Arrest, detention, imprisonment, charging and fining of trade unionists
ILO Digest paras. 61-95
General Survey 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. 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)

List of country ratings

Central African Republic	5+	Iran	4
Libya	5+	Iraq	4
Palestine	5+	Jordan	4
Somalia	5+	Kenya	4
South Sudan	5+	Kuwait	4
Sudan	5+	Lebanon	4
Syria	5+	Mali	4
Ukraine	5+	Mauritania	4
Algeria	5	Mauritius	4
Bangladesh	5	Mexico	4
Belarus	5	Morocco	4
Cambodia	5	Myanmar	4
China	5	Nepal	4
Colombia	5	Oman	4
Cote d'Ivoire	5	Pakistan	4
Egypt	5	Panama	4
Fiji	5	Peru	4
Greece	5	Sierra Leone	4
Guatemala	5	Thailand	4
India	5	United States of America	4
Laos	5	Yemen	4
Malaysia	5	Australia	3
Nigeria	5	Bahamas	3
Philippines	5	Benin	3
Qatar	5	Bolivia	3
Republic of Korea	5	Brazil	3
Saudi Arabia	5	Bulgaria	3
Swaziland	5	Burundi	3
Turkey	5	Canada	3
United Arab Emirates	5	Chad	3
Zambia	5	Chile	3
Zimbabwe	5	Costa Rica	3
Argentina	4	Djibouti	3
Bahrain	4	Ecuador	3
Botswana	4	Ethiopia	3
Democratic Republic of Congo	4	Georgia	3
El Salvador	4	Ghana	3
Haiti	4	Israel	3
Honduras	4	Lesotho	3
Hong Kong	4	Madagascar	3
Indonesia	4	Mozambique	3

Namibia _____	3	Denmark _____	1
Paraguay _____	3	Estonia _____	1
Poland _____	3	Finland _____	1
Portugal _____	3	France _____	1
Republic of Congo _____	3	Germany _____	1
Romania _____	3	Iceland _____	1
Singapore _____	3	Italy _____	1
Sri Lanka _____	3	Lithuania _____	1
Taiwan _____	3	Montenegro _____	1
Tanzania _____	3	Netherlands _____	1
Uganda _____	3	Norway _____	1
United Kingdom _____	3	Slovakia _____	1
Venezuela _____	3	South Africa _____	1
Albania _____	2	Sweden _____	1
Angola _____	2	Togo _____	1
Belize _____	2	Uruguay _____	1
Bosnia and Herzegovina _____	2		
Burkina Faso _____	2		
Cameroon _____	2		
Croatia _____	2		
Czech Republic _____	2		
Dominican Republic _____	2		
Hungary _____	2		
Ireland _____	2		
Jamaica _____	2		
Japan _____	2		
Latvia _____	2		
Macedonia _____	2		
Malawi _____	2		
Moldova _____	2		
New Zealand _____	2		
Russian Federation _____	2		
Rwanda _____	2		
Senegal _____	2		
Serbia _____	2		
Spain _____	2		
Switzerland _____	2		
Trinidad and Tobago _____	2		
Tunisia _____	2		
Barbados _____	1		
Belgium _____	1		

Part II

EXCERPTS FROM THE SURVEY

Complete country information
can be found under:

SURVEY.ITUC-CSI.ORG

Africa

High unemployment rates, informality and poverty are persistent in a large number of countries in sub-Saharan Africa. Unions are fighting to organise the workforce in order to engage in a dialogue with employers and the government on improving livelihoods and achieving human and trade union rights. However, workers joining unions or taking leadership positions in unions have been targeted by the government through police violence and arrests. Employers have continued to refuse to bargain over working conditions or have failed to implement collective agreement and have instead subjected workers to anti-union discriminatory measures.

Police violence against workers

Police is violently attacking workers who, after failing to engage in a dialogue with the government and companies, are forced to demand their rights by protesting or striking. Workers employed in mines in Zimbabwe did not receive their salaries for over five months and were unable to provide for themselves and their families. The wives of mine workers protested on 7 October 2013 in a peaceful manner by marching to the manager's office. Police interfered violently in this legitimate demand to the payment of salaries. In Swaziland, police raided the office of the Trade Union Congress of Swaziland and put union leaders under house arrest in order to prevent May Day celebrations in 2013. Police also intimidated workers and prohibited shouting union slogans and displaying banners.

Arrests

Governments also use arrests and detention of union members active in key campaigns for workers' rights in order to silence the collective voice of labour. Union leaders Daniel Ngami and Luc Mba Monga from the Republic of the Congo were detained by the National Security Services in April 2013 without being charged for five days before being released. Hilaire Eyima, head of the French department at the school Lycée de la Révolution, was arrested by plain-clothes police officers at his home on 18 April 2013 because of this use of SMS to spread information about the strike. He was held at the headquarters of the General Directorate for the Surveillance of the Territory (DGST). Claude Nzingoula,

a teacher at the medical school in the capital Brazzaville was arrested on April 19th at his school and was also taken to the GDST headquarters. Members of the Fédération des Syndicats Autonomes de Côte d'Ivoire (FESACI) are also facing arrests and detentions for their legitimate activities on a regular basis. The union leader Basile Mahan Gahe was arrested in April 2011 for legitimate strike action was detained and tortured and died as a result in September 2013. Swazi union leader Wander Mkhonza was arrested on allegations that he was in possession of seditious pamphlets belonging to a political organisation in April 2013. He is charged of sedition and may face up to 20 years of imprisonment. On 26 May 2013, President of the Associação Médica de Moçambique, Dr. Jorge Arroz, was arrested by police and accused of sedition for having instigated strike action.

Lack of good faith bargaining

Employers are using various tactics in order to avoid genuine collective bargaining or refuse to implement existing collective agreement undermining the efforts of unions to negotiate fair labour standards. Companies in Kenya's export processing zones such as "New Wide Garments" stopped deducting union dues in violation of a valid collective agreement. Even though the court ordered the company to comply with the collective agreement, the union did not receive dues for the month of December. After negotiations between the First National Bank (FNB) and the Namibia Bank and Allied Workers Union (NBWU) failed, management stated that it would negotiate wage increases with individual workers. The Zambia National Teachers Union (ZNUT) stated that the government is not implementing a concluded collective agreement which stipulates improved working conditions. While the agreement should have been implemented in June 2013, it is still not clear when it will be effective.



BURKINA FASO

| 2

Categories of workers prohibited or limited from forming or joining a union: The existence of occupational groups of soldiers of a trade union nature as well as the participation of military personnel in groups created to support demands of an occupational or political nature is banned (Article 37 of Decree n° 2008-700/PRES/PM/DEF of 14 November 2008 establishing the regulations on general discipline in the National Armed Forces).

Limitations or ban on strikes in certain sectors: Any strike that does not concern the defence of professional or collective interests may be banned by order of the President of the Council of Ministers (Article 5 of Law n° 45-60 /AN of 25 July 1960, regulating the right to strike of civil servants and State employees). Any concerted action liable to stop or hinder the functioning of the courts is banned. Magistrates are banned from exercising the right to strike (Article 36 of Organic Law n° 036-2001/AN of 13 December 2001 governing the status of the judiciary). The exercise of the right to strike must not under any circumstances be accompanied by occupation of the work place or its immediate surroundings, on pain of criminal sanctions (Article 386 of the Labour Code).

In order to ensure the continuity of the Administration, the security of persons and property, civil servants and state employees may be required to fill their posts". Such requisitions are in principle announced "by individual order" and "if the circumstances so require, there may be a collective requisition of civil servants and state employees from one or several State administrations, services, establishments or enterprises (Article 6 of Law 45-60).



BURUNDI

| 3

Journalists and informal workers are prevented from establishing unions: Journalists have been trying to register their union for more than one year but were refused by the

Ministry. Five informal sector unions are waiting for their registration.

The law prohibits anti-union discrimination, but does not provide adequate means of protection against it.

Law No. 1/015 of 29 November 2002, which regulates the right to organise and the right to strike, stipulates that for civil servants' unions to be recognised, they must be registered with the Civil Service Ministry, which is their employer.



COTE D'IVOIRE

| 5

The Fédération des Syndicats Autonomes de Côte d'Ivoire (FESACI) reports lengthy judicial processes in various cases often not leading to effective redress against unfair dismissal of union members or leaders. In particular, following a strike of Methodist Teachers, organised by the SYNESEM (Syndicat des Enseignants du Secondaire Méthodiste) in November 2003, the General Secretary of SYNESEM, Jean-Claude Rabet, and three other leaders were dismissed. The case has been referred to the Supreme Court and is still pending, leaving these teachers in the unknown.

FESACI reports more than thirty cases of arrests of union members. On 4 February 2013, during the strike, 12 teachers have been arrested among them: LIDA Jean-François, SIE ESSIAGNE Simon, KOUASSI KANGAH C. Teachers were claiming better working conditions. From 4 March to 6 March 2014, civil servants at the Ministère de la Construction went on strike. It was organised by FESACI along with other unions, to demand higher wages. Police intervened in the strike and arrested 21 workers who were detained at the police station and released when the union stepped in.

Disciplinary measures were taken by the Ministry against these leaders. The union leader Basile Mahan Gahe was arrested in April 2011 for legitimate strike action was detained and tortured and died as a result in September 2013.

Marcel Ette, FESACI former Secretary General, Boka Atte, President of the Congress Organizational Committee and Felix Kouame, the newly elected FESACI Secretary General,

were questioned by police for four hours on 29 October 2013 regarding the union elections.

Moreover, public authorities fail to remit union dues to the Syndicat autonome de l'enseignement primaire public de Côte d'Ivoire (SAEPPCI), the Syndicat libre des enseignants du secondaire général (SYLEG), and to the affiliates of ISEF (Intersyndical du Secteur Education-Formation) despite a valid collective agreement.



DEMOCRATIC REPUBLIC OF CONGO

| 4

The Confédération Démocratique du Travail (CDT) argues that the National Labour Council does not consult unions on the meeting agenda and thereby limits their leverage to participate and influence socio-economic matters. Moreover, anti-union discrimination is a widespread problem, in particular in foreign owned companies. Management has intervened in union elections in order to get their preferred candidate elected. The company Khalico refuses requests by unions to open collective bargaining negotiations. Instead, management negotiates individually with workers undermining the efforts of the union. The company Tenke Fungurume Mining has not shied away from replacing workers who went on strike with contract workers in order to intimidate the workers and to break the strike.



GABON

Not rated

Lack of good faith bargaining: Rain Forest Management, a Malaysian owned wood processing company, refused to negotiate with the Entente Syndicale des Travailleurs du Gabon (EN.SY.TG). Union leadership visited the company between 25-30 September 2013. However, workers who were planning to take part in the trade union meetings were threatened and intimidated. EN.SY.TG was informed that about 50 union members were summoned by the human resources management

and threatened to be dismissed if they continued to stay in the union. On 10 October 2013, the union leader at the enterprise was falsely accused with theft and arrested.



KENYA

| 4

Nairobi County Government suspends 500 workers: In September 2013, the Nairobi County Government suspended 500 workers, including union officials, for allegedly taking part in an unlawful strike. Police used teargas canisters to disperse a protest calling for the implementation of a collective agreement concluded with the Nairobi County Government on 1 September 2012. The Interim County Secretary Lillian Ndegwa engaged private contractors and youth groups as replacement workers.

Violations in EPZ: In January 2014, the company "New Wide Garments" which operates in the EPZ and employs more than 6,000 workers stopped deducting union dues in violation of a valid collective agreement. Even though the court ordered the company to comply with the collective agreement, the union did not receive dues for the month of December. Furthermore, management stopped paying workers during sick leave and failed to compensate workers for employment injuries and overtime work. As a result, workers decided to call a strike action.

Government withholds salaries after teachers' strike ends: The Kenya National Union of Teachers (KNUT) signed a return-to-work agreement was signed on 18 July 2013 with the Government. The parties agreed that there would be no victimisation of any union member in relation to the strike and that teachers would be paid their June 2013 salaries. As a result KNUT urged teacher to report back to work. However, the Government did not comply with its commitments and did not pay salaries for the month of June.



LESOTHO

| 3

Replacement workers: When the National Union of Commerce Catering and Allied Workers instigated strike action against Sun International South Africa company with respect to the payment of higher wages and the use of casual labour, the company secured working permits for replacement workers from Business Units in Kimberley, Bloemfontein and Thaba Nchu in South Africa.

to recognise the CSTM for bargaining purposes (February-March 2014).

Mining companies responded to strikes regarding salaries and working conditions over the years 2012 and 2013 with unjustified mass dismissal of workers. About 700 workers employed at LTA Mali SA and SEMOS SA were dismissed during strike action and replaced with other workers.



MAURITIUS

| 4

Anti-union discrimination: In August 2013, the employment contracts of 37 female workers at the La Colombe Centre were amended after they joined a union. The amendments included the withdrawal of the right to paid annual leave, overtime pay and work schedule changes.



MALAWI

| 2

Anti-union discrimination: The Mimosa Court Hotel owned by the Minister of Agriculture, Peter Mwanza, dismissed 21 workers for having demanded a wage increase. Moreover, workers complained that the hotel does not pay overtime even though many workers work 11 hour shifts per day. The workers had made their demands known to management in writing on 25 May 2013 and threatened to use strike action, if their demands were not met. The law prohibits anti-union discrimination.

The Public Order Act prohibits demonstrations during the sittings of the Parliamentary Assembly, thus seriously restricting the right to strike. Even where a strike has been organised legally, the Employment Relations Act empowers the Prime Minister to request the Supreme Court to prohibit it and refer the dispute to arbitration, if the strike entails the likelihood of an industry or service being seriously affected or if employment is threatened.



MALI

| 4

The Confédération Syndicale des Travailleurs du Mali (CSTM) reports that Youssof FOFANA, Interim Secretary General of the National Police Union has been threatened and suspended for his membership to Confédération Syndicale Des Travailleurs Du Mali (CSTM) in 2013 and 2014. Members of the CSTM committee were transferred to other positions because of their union activism. Security company (Securicom) not only prevented the union to hold a general meeting but also refused



MOZAMBIQUE

| 3

President of Associação Médica de Moçambique arrested: Health workers went on strike for ten days in May 2013 and halted operations in health institutions demanding wage increases, standardisation and the readjustment of emergency room prices. On 26 May 2013, President of the Associação Médica de Moçambique, Dr. Jorge Arroiz, was arrested by police and accused of sedition for having instigated strike action. He was released a few hours later.

Undue interference by authorities or employers during the course of a strike: The Labour Act allows a strike to be ended by a decision of the mediation and arbitration body.

Excessive civil or penal sanctions for workers and unions involved in non-authorized strike actions: The Labour Act makes any violation of the articles on the right to work of non-strikers and on minimum services a disciplinary offence, making the striking workers liable to civil and penal sanctions. Also, the preliminary draft of the general law for public officials provides prison terms and fines for cases where a strike picket disrupts the normal operation of services.



NAMIBIA

| 3

First National Bank by-passes union: After negotiations between the First National Bank (FNB) and the Namibia Bank and Allied Workers Union (NBWU) failed, management stated that it would negotiate wage increases with individual workers. The union made clear that this statement was in violation of the recognition agreement between FNB and the union. Furthermore, the bank engaged in unfair labour practices during the negotiations by threatening and intimidating unionised workers.

Administrative authorities' power to unilaterally dissolve, suspend or de-register trade union organisations: The Labour Commissioner may cancel the registration of a trade union if the union fails to comply with its obligations under the law. However, any decision of the Labour Commissioner may be appealed to the Labour Court.



NIGERIA

| 5

Barriers to the establishment of organisations: 50 members are required for the registration of a trade union (s 3(1), Trade Unions Act). All applications for registration must be approved by the Minister (section 3(2), Trade Unions Act). The

Minister's approval is to be based on 'his being satisfied that it is expedient to register the union' (section 3(2), Trade Unions Act). Further, the Registrar has the power to refuse registration on the basis that a proper objection has been raised or that a purpose of the trade union is unlawful (section 5(3), Trade Union Act). The Act does not explain what might constitute a proper objection or unlawful purpose. Any unregistered trade union, and any official or member thereof that is involved in an act of organising is guilty of an offence (section 2(3), Trade Unions Act). A three month notice period must elapse before a trade union can be registered. The notice period starts only on the date the Registrar publishes notice of an application for registration in the Gazette. Following the 3 months, the Registrar has an indefinite period during which to determine whether the prerequisites to registration (i.e. no proper objection raised, no unlawful purpose, compliance with the requirements of the Act and Regulations) have been met (section 5, Trade Unions Act).

Right to collective bargaining: Although the Trade Disputes Act contemplates the existence of collective agreements for the settlement of a trade dispute, it does not establish any mechanisms to encourage or promote collective bargaining. All collective agreements must be deposited with the Minister, who has discretionary power to order that an agreement or any part thereof shall be binding on the employers and workers to whom it relates (section 3, Trade Disputes Act). Further, the Minister has broad powers to apprehend any dispute arising the course of collective negotiations (sections 5, 17 Trade Disputes Act). Wages are not excluded from the scope of bargaining, but the Minister's approval must be obtained before a wage increase is granted by an employer or awarded by a tribunal or court (section 19, Trade Disputes Act). Upon the deposit of a new collective agreement, the Minister may order that only some of the provisions of the collective agreement shall be binding (section 3, Trade Disputes Act).

Right to strike: Although the Trade Unions Act and the Trade Disputes Act contemplate strike action being taken, it is only permitted in relation to certain types of disputes, following approval by a majority of union members and at certain times (i.e. after mediation, but before conciliation and arbitration). Penal penalties apply in the event that a worker engages in unlawful strike action. Further, the Minister may refer a dispute for compulsory arbitration at any time. A party to a dispute may not take strike action unless the parties to the dispute have complied with any agreed dispute resolution procedures and/or tried to settle the matter through mediation. Further, it is an offence to participate in strike action where: a conciliator has been appointed; a dispute has been referred to the Industrial Arbitration Panel for settlement; an arbitration award made by a tribunal has been made binding by the Minister; the

dispute has been referred to the National Industrial Court; or the Court has issued an award (section 18, Trade Disputes Act).



REPUBLIC OF CONGO | 3

Arrests and harassment of members of a coalition of teachers' union: In April 2013, Daniel Ngami, co-chairman of the coalition called CPRE (Concertation pour la Revalorisation de la Profession d'Enseignant / Coalition for improving the teaching profession), was arrested by National Security office agents on 1st of April and Luc Mba Monga, also a CPRE member, was arrested the following day. They were both held without charge and released five days later.

Before being released, Ngami was forced to read a statement on national media calling on teachers to return work.

Other CPRE members have been harassed and intimidated and some have gone into hiding after their houses were searched without a warrant.

Two union members arrested after peaceful strike:

The teachers' strike begun on 25 February, after negotiations stalled between the Congolese authorities and trade unions over teacher's status in the public sector.

Hilaire Eyima, head of the French department at the school Lycée de la Révolution, was arrested by plainclothes police officers at his home on April 18th because of this use of SMS to spread information about the strike. He was held at the headquarters of the General Directorate for the Surveillance of the Territory (DGST).

Claude Nzingoula, a teacher at the medical school in the capital Brazzaville was arrested on April 19th at his school and was also taken to the GDST headquarters.

They have reportedly been denied access to a lawyer of their choice and have been held for a week without any charge.



SIERRA LEONE | 4

The Sierra Leone Seamen's Union (SLSU) reports intensive threats against trade unionists by the management of the company "ShipManagement." Workers were told they would be dismissed and blacklisted if they continued to demand the negotiation of a collective agreement.

Employer refusal to deduct union dues: In August 2013, African Minerals Limited refuses to deduct union dues from workers' salaries in violation of national labour laws. The Ministry of Employment, Labour and Social Security has not reacted to this violation.



SOUTH AFRICA | 1

Freedom of association is protected by Articles 18 and 23 of the Constitution of the Republic of South Africa 1996 (as amended) and by Chapter II of the Labour Relations Act 1995 (as amended). Section 5 of the Labour Relations Act prohibits discrimination against an employee for exercising his or her right to freedom of association, or against a person seeking employment because of their past, present or anticipated membership of or participation in a trade union, a federation of trade unions or the lawful activities of a trade union or federation.

The right to collective bargaining is guaranteed for every trade union, employers' organisation and employer by Article 23(5) of the Constitution of the Republic of South Africa 1996 (as amended). Collective bargaining is regulated by Chapter III of the Labour Relations Act 1995, which anticipates that bargaining councils will be established with a view to concluding and enforcing collective agreements. Collective agreements are binding on the parties and their members and, if the members of the trade union party constitute a majority of the employees in the workplace, employees who are not members of the trade union party to the agreement.

The right to strike is expressly protected by Article 23(2) of the Constitution and section 64 of the Labour Relations Act. However, restrictions on the right to strike apply where a relevant collective agreement exists, or where the matter in dispute does not concern trade union organisational rights and is required (by a collective agreement) or permitted (by law) to be referred for arbitration or to the Labour Court (section 65, Labour Relations Act).

Marikana massacre: On 16 August 2012, police opened fire on striking miners killing 34 people at the Lonmin Mine. In the preceding week, 10 people, including two police officers and two security guards were killed during confrontations. The Marikana Commission of Inquiry, appointed by the Government to investigate the violence, is due to complete its work on 31 July 2014.



SWAZILAND

| 5

Repression of trade union activities during the Global

Week of Action: Vincent Ncongwane, General Secretary of the Trade Union Congress of Swaziland, was arrested and put under house arrest for attempting to stage an illegal protest on 5 September 2013. TUCOSWA fully complied with Swazi laws by announcing a protest march for the Global Week of Action on 15 August 2013 to both police and the Commissioner of Labour. The Commissioner of Labour claimed not to have received the notice and argued that TUCOSWA may not organise any protests because it is not a registered trade union federation.

Jay Naidoo, Alec Muchadehama, Paul Verryn who were invited as international experts to act as panellists during the Global Inquiry Panel Swaziland as well as Paliani Chinguwo from the Southern African Trade Union Coordination Council (SATUCC) were questioned at the police station upon arrival in Manzini on 5 September 2013.

On 4 and 5 September police followed staff from the ITUC, COSATU, FES/DGB and Industrial around the clock. A few hours before the Global Inquiry Panel Swaziland was scheduled to begin, police and military entered the venue and blocked the meeting room. Senior police officers stated they

had verbal instructions to prevent the inquiry but were not able to produce a court order.

Police raided the head offices of TUCOSWA: Police raided the head offices of TUCOSWA at 8 am on 1 May 2013, arresting the President of TUCOSWA, Barnes Dlamini, and the 1st Deputy Secretary General, Mduzuzi Gina. Their arrests followed that of Vincent Ncongwane, Secretary General of TUCOSWA, Muzi Mhlanga, 2nd Deputy Secretary General, and Jabulile Shiba, the Deputy Treasurer General, who were all placed under house arrest that morning. May Day celebrations organised by TUCOSWA at the Salesian Sports Ground in Manzini were forced to be called off, as police prohibited workers from shouting TUCOSWA slogans or from displaying TUCOSWA banners.

Arrests of trade unionists: On 12 April 2013, Wander Mkhonza was again arrested in Lavumisa Border Gate on allegations that he was in possession of seditious pamphlets belonging to a political organisation.

Prime Minister Sibusiso Barnabas Dlamini, when addressing heads of government parastatal companies, warned that management should only negotiate with unions that are "recognised by and working within the Swazi legal system". This implies that the government encourages managers not to negotiate with TUCOSWA.



TANZANIA

| 3

When workers at the Tanzania-Zambia Railway Authority went on strike to demand the payment of salary arrears for the months of May, June, July and August, management dismissed 826 workers in Tanzania Cost and Profit Centre, 120 in Dar es Salaam, 53 in Mbeya, 63 at Kongolo Quarry and five at the rail's construction unit. On 29 August 2013, the Tazara Board of Directors reversed the management decision to sack 1,067 the workers. However, the company refuses to pay the salary arrears which is why the Tazara Railway Workers Union (TRAWU) decided to continue the strike.



UGANDA

| 3

Arrests of trade unionists are not uncommon. Ezra Kanyana from the artists union and Basra Stephen from the horticulture unions have been arrested when they were demanding the introduction of a minimum wage. Demonstrations are often prohibited. For examples, on 1 May 2013 the leadership of the Central organization of Free Trade Unions (COFTU) and the National Organisation of Trade Unions (NOTU) were arrested during the May Day celebration when they were demanding a minimum wage. They were detained at Kampala Police Station for two days before being released on bail.



ZAMBIA

| 5

Workers are dismissed for striking: On 14 October 2013, about 3,000 workers employed at Shoprite Holdings went on a strike over pay and working conditions. The National Union of Commercial and Industrial Workers was informed by management that all the workers who had gone on strike were dismissed. The company stated that workers would have to re-apply for their jobs.

Anti-union discrimination: The Kitwe City Council has engaged in disciplinary action against trade union leaders and members who had participated in a prolonged work stoppage over delayed salaries. Two trade union leaders from the Zambia United Local Authority Workers Union (ZULAWU) who were linked to the strike action, were suspended. Furthermore, ZULAWU Kitwe branch deputy secretary Stephen Kamponge and Joshua Phiri were transferred to different positions in order to prevent future union activities.

Violation of collective agreement: The Zambia National Teachers Union (ZNTU) stated that the government is not implementing a concluded collective agreement which stipulates improved working conditions. While the agreement should have been implemented in June 2013, it is still not clear when it will be effective. The union has threatened to

take strike action if the government continues to disregard the agreement.



ZIMBABWE

| 5

Suspension of Farai Katsande: Farai Katsande, President of the Zimbabwe Banks and Allied Workers' Union, who was suspended from his position in the Infrastructure Development Bank of Zimbabwe on 15 October 2013 for allegedly absenting himself from work while he was attending a union activity in Kenya. Previously bank management attempted to prevent Farai Katsande from engaging in trade union activities by promoting him to a supervisory position which would have disqualified him from his union membership.

21 union leaders dismissed for leading a strike: 21 labour union leaders were dismissed in January 2013 for allegedly spearheading 12 days of industrial action at Falcon Gold Dalny Mine in Kadoma. Two of them were reinstated in unclear circumstances in a move described by the appellants as a "divide and rule" tactic. On 15 May 2013, 19 of the workers have taken the matter to the Labour Court contesting their dismissal. According to the National Mine Workers' Union of Zimbabwe (NMWUZ), Falcon Gold Dalny Mine threatens the existence of a registered trade union. After the strike in January, the company dismissed the entire branch of the union.

Police brutality towards the striking Hwange Mine

Workers wives: On 7 October 2013, the Zimbabwe Republic Police fired teargas and beat up over 100 women, accompanied by their children, who were protesting against the Hwange Colliery Company Limited. The women walked for 20 km to the General Managers' office demanding their husbands' salaries owed over five months. Two women sustained serious injuries and were admitted to hospital. In April 2013, the company suspended 520 workers over salary disputes and alleged breach of the company's code of conduct. The workers had gone on strike over outstanding employee share option schemes which Hwange Colliery Company failed to provide.

Americas

Taking the path of workers' rights

One of the main challenges facing the labour movement in the Americas is the struggle for respect and implementation of trade union rights. Even though many countries have adopted appropriate labour legislation, in practice workers still cannot exercise their rights to form a union or bargain collectively.

To make matters worse, throughout the region serious violations on freedom of association walk hand in hand with unrestrained impunity for its perpetrators.

As a result, the Trade Union Confederation of the Americas (TUCA) has placed the rights to freedom of association and collective bargaining at the top of the union agenda.

To promote the organising and mobilizing capacity of workers in the Americas, we are currently carrying out the campaign "Freedom of Association, Collective Bargaining and Trade Union Self-Reform."

The backbone of our work plan is the demand for labour legislation reform as to discourage forms of job insecurity and remove restrictions on unionisation and collective bargaining of several categories of workers.

Our fight against all forms of precarious work is sustained by a comprehensive approach in organising workers in the informal economy. This is used as a platform to start off processes of legitimate collective bargaining and social dialogue.

The trade union movement of the Americas has learned that economic growth does not bring equality on its own.

Today, there is a global recognition of the disastrous results of privatisations and other neoliberal policies in Latin America. It was indeed an excellent deal for the very few, but one that disregarded the interests of the vast majority of our people.

Recently, we have seen countries such as Peru or Paraguay achieving staggering economic growth and yet, keeping the same rates of 70 to 80 percent of workers in the informal sector. It is a recipe for stagnant inequality.

A living minimum wage policy, coupled with the promotion freedom of association, collective bargaining and universal social security is the most formidable tool any country has at its disposal to fight poverty.

Unfortunately, not many governments are willing to understand this clear concept. The result is a very heterogeneous picture in the Americas.

While in countries such as Uruguay, Argentina and Brazil, between 60 and 90% of workers are covered by collective bargaining, in many other countries these rights are recognised only in law, not in practice.

Take, for example, the case of Paraguay where employers and successive governments have been for several decades waging an aggressive attack on workers and its unions. This agenda reached its height during the illegitimate government of Federico Franco (2012-2013) when unions were simply unregistered at the employer's request.

The lack of guarantee of the right to collective bargaining is reflected in the almost total absence of collective bargaining and the paltry 2 percent of the population who is lucky enough to be covered by a collective agreement.

In Guatemala, crimes against trade unionists are still frequently carried out and at least 73 unionists were murdered since 2007.

This climate of violence led the ITUC to consider this small Central American nation as the most dangerous place in the world for the exercise of trade union activities. Anti-union terror is made worse by unmitigated impunity for material and intellectual authors of such crimes.

Finally, in Colombia despite the government's announcement that measures were taken to guarantee the free exercise of trade union rights, the violence against trade unionists and the impunity enjoyed by its perpetrators remains unchecked.

As the ITUC has recently described, workers around the world are in the frontlines in a war to protect their human rights. As in any battle, in order to fight back, union members and leaders must have a clear understanding of the current picture as well as future trends.

This is why the Survey of Violations of Trade Union Rights has become such an indispensable tool in our trade union arsenal.



ARGENTINA

| 4

Anti-trade union discrimination at nuclear energy company NASA:

In August 2013, employees of the Argentinian nuclear energy company (NASA), members of the Asociación de Trabajadores del Estado (ATE), asked to be present as a trade union at the negotiating table. They also accused the company of discrimination, as by excluding the ATE from the negotiations, it is depriving the workers of various job benefits.

Pharmaceutical industry initiates criminal proceedings against trade unionists:

The Central de los Trabajadores de la Argentina (CTA) reported, in November 2013, that the pharmaceutical industry has launched an intimidation campaign against various leaders of the Asociación de Agentes de Propaganda Médica (AAPM-CTA), including its General Secretary, Ricardo Peidro, who is also a member of the TUCA Executive Committee.

According to the CTA, employers from the pharmaceutical industry, grouped in the Cámara Argentina de Especialidades Medicinales (CAEMe), Cámara Industrial de Laboratorios Farmacéuticos Argentinos (CILFA) and the Cámara Empresaria de Laboratorios Farmacéuticos (COOPERALA), decided to initiate criminal proceedings against workers and their representatives, in response to protests staged by the AAPM following the employers' refusal to negotiate in good faith within the framework of national collective bargaining with medical sales representatives.

According to the information provided by the CTA, the pharmaceutical industry, through the ROEMMERS Group, decided to initiate criminal proceedings against workers involved in the protests, including leaders of the AAPM who also hold positions in the CTA.

Repression in Tierra del Fuego: In August 2013, in Tierra del Fuego province, the provincial government responded to trade union protests by doggedly pursuing social activists and criminalising social protest by bringing prosecutions against education workers and truck drivers. The conflict stems from the provincial government's non-compliance with the collective agreements, through the absence and delaying tactics of its representatives as well as harassment in the form of sanctions and salary deductions imposed on workers taking affirmative action in defence of the national social security system.

Anti-trade union persecution in Buenos Aires: In June 2013, the Governor of the province of Buenos Aires, Daniel Scioli, threatened to bring a criminal prosecution for extortion and coercion against the General Secretary of the Sindicato Único de Trabajadores de la Educación de Buenos Aires (SUTEBA), Roberto Baradel, simply because he had tried to defend quality public education in the province of Buenos Aires.

Anti-trade union dismissals at Telefónica: On 7 May 2013, workers affiliated to the Unión de Empleados y Técnicos de las Telecomunicaciones (UETTEL) staged a demonstration in front of the headquarters of Elecnor Argentina S.A., a subcontractor of Telefónica, in protest at the "employer's decision to dismiss 300 workers". The trade unionists stated that the measure was an attack on trade union freedom as the workers dismissed were trade union members.

Following pressure and demonstrations by the union, Telefónica Argentina forced Elecnor to renegotiate their contract and to reinstate the workers who had been dismissed.



BOLIVIA

| 3

Clash between Bolivian police and union protesters: At least seven people were injured on 6 May 2013, in a clash between groups of demonstrators and Bolivian police, who used tear gas to clear one of the highways cut off by workers affiliated with the Central Obrera Boliviana (COB). The Deputy Interior Minister, Jorge Perez, said at a press conference that three of the injured were police and four were demonstrators who were participating in the protest the union staged near the central city of Cochabamba. Police arrested 37 people in the confrontation, but they were released a few hours later after being identified and processed. The COB led the blockades on Monday and staged a hunger strike in state-run hospitals to demand that President Evo Morales implement changes in the pension law to improve the income of retirees.



BRAZIL

| 3

Anti-trade union practices at SABESP: In August 2013, the state-owned Saneamento Básico del Estado de Sao Paulo (SABESP) made staff cuts, including the dismissal of 31 trade union leaders.

Anti-trade union stance at TV Paraiba: In July 2013, after the setting up of the Sindicato dos Trabalhadores em Empresas de Radiodifusão e Televisão de Campina Grande, Televisão Paraiba began a campaign to crush the union, dismissing and harassing trade union leaders.

Banco Santander's anti-trade union practices: On 11 April 2013, Brazilian workers at the Santander Group delayed the opening of branches in protest against dismissals, job rotations, excessive targets and harassment and to press for better health, security and working conditions, as well as equal opportunities and the acknowledgement of retired workers.

This action was part of the National Day of Action during which a series of protests took place throughout the country, condemning certain banking practices that are damaging to banking workers and have repercussions on the levels of customer service.

In response, Santander brought a case claiming moral damages against the Sindicato dos Bancários e Financieiros de São Paulo, Osasco e Região, the Federação dos Trabalhadores em Empresas de Crédito de São Paulo (FETEC/SP) and the Confederação Nacional dos Trabalhadores no Ramo Financeiro (CONTRAF), alleging that the actions of these organisations had caused "irreparable damage to Santander's image (...) bordering on barbarity", to quote the terms used in the legal action.

The bank employed the strategy of bringing an issue before the courts that should be addressed in the workplace. CONTRAF commented that this type of anti-trade union practice had been used by the financial institution in 2011 in an attempt to intimidate workers' representatives.

Dispute in hospitality sector in Curitiba: On 30 November 2013, hospitality sector workers in Curitiba took strike action in support of their demand for better pay and working conditions. According to the Confederação Nacional dos Trabalhadores em Turismo e Hospitalidade (CONTRATUH), employers responded

with an injunction prohibiting the strikers from holding noisy demonstrations in the vicinity of the hotels or restaurants involved in the dispute.

Public servants in Roraima do not have the right to

strike: In July 2013, a strike by police officers in Roraima state was declared illegal by a labour court ruling. The judge ruled that the trade union had complied with all the criteria to call a strike, but that the sector was considered an "essential service". In 2012, public servants working in education in Roraima were hit by a state court ruling that the strike must cease, failing which daily fines of R\$100,000 (US\$43,000) for the trade union, R\$2,000 (US\$860) for each trade union leader and R\$200 (US\$86) for each participant in the strike would be payable.



CANADA

| 3

Crown Holdings uses strikebreakers: Even though Crown Holdings doubled its profits in 2012, the company demanded major concessions from workers employed at its Toronto plant, including two-tier wage rates and pension freezes. Workers protested against this decision with a strike on 6 September 2013. However, on 8 October 2013 the company tried to break the strike with replacement workers from a non-union plant in Calgary.

The Public Sector Services Continuation Act (Bill 45) in Alberta places further restrictions on some 200,000 unionised public sector workers in the province who already are denied their right to strike. It denies individuals the fundamental right to freedom of expression by introducing for the first time in Canada, a vague legal concept of "strike threat" which makes it illegal to canvass the opinion of "employees to determine whether they wish to strike," or for an individual to freely express a view which calls for or supports strike action. The legislation also imposes huge punitive financial penalties on unions, their members and even unrelated citizens who encourage or support an "illegal strike" or "strike threat."

In Nova Scotia, the Essential Home-support Services (2014) Act (Bill 30, March) ended a two-day strike of some 500 home care workers and forced the workers' unions and their employers to negotiate an essential services agreement prior to the

commencement of a strike or lock-out. In Alberta, the Public Service Salary Restraint Act (Bill 46) retroactively eliminated a scheduled arbitration process, giving government employees and their union no real input in determining their wages, benefits and working conditions for this round of bargaining. The only “choices” they have been given under Bill 46 are, to either accept the employer’s last offer, or have that offer legislated on them.

Bill 86 averted a pending strike by ambulance workers taking away their right to strike and forcing the dispute to final selection offer arbitration.



CHILE

| 3

Walmart in Chile opposed to collective bargaining:

Walmart was confronted in July 2013 with an official collective bargaining agreement and in order not to give in to workers’ demands, used the threat of dismissals. The only concession the company agreed to offer was a wage adjustment of a mere 159 Chilean pesos, which equates to 31.8 US cent.

Starbucks don’t negotiate in good faith with union: In October 2013, as it announced record profits, the company rejected all Starbucks Workers’ Union demands, included in a draft collective agreement. Alleging damage to its competitiveness, the company has said it cannot cover basic benefits to workers such as meals and commuting expenses, as well as sick pay rights. The majority of workers are young people under 25, ironically referred to by its internal regulations as “partners”. Starbucks’s view is that “unions are unnecessary” and that organising is “a betrayal and distrust of management”. The company is using all its resources to derail the process of collective bargaining and, through intimidation and direct retaliation, discourages workers from joining the union. The company was sentenced four times for violation of trade union rights in 2012, and the Chilean Supreme Court has recently upheld an appeal court ordering it to pay a \$50,000 fine and to negotiate a collective agreement with the union.



COLOMBIA

| 5

Prosecur brings criminal charges against trade unionists:

In August 2013, the multinational Prosecur brought criminal charges against eight trade unionists and demanded that they pay 500,000 USD in compensation. The workers charged were Fidel Alfonso, President of Sintravalores and seven leaders of the organisation’s branch in Medellín, who have been accused of slander by two Prosecur executives following some expressions used during a protest meeting. Two of them have also been accused of causing damage to third-party property, for allegedly painting slogans on the walls.

Anti-trade union harassment of sugar cane cutters:

In July 2013, the Risaralda company, which belongs to the same group as Incauca and Providencia, began a campaign of anti-trade harassment against over 400 sugar cane cutters, threatening them with dismissals. Making use of its dominant position, the company incited its subcontractors PROCAÑA SAS, MATECAÑA SAS and the trade union organisation SINTRAIDUBAL to oblige their workers to join this trade union and warned that if they failed to do so their contracts would not be renewed.

Peasant leader killed in Galapa: Narciso Beltrán, a member of the Asociación de Trabajadores del Campo (ASOTRACAMPO), a farm workers’ organisation affiliated to the Federación Agraria Nacional (FANAL), which is a CGT affiliate, was murdered on 12 April 2013 in the municipality of Galapa, in Atlántico.

Narciso Beltrán had been forcibly displaced and his work was partly focused on the fight for land restitution. He was allegedly killed by the Anti Land Restitution Army (Ejército Anti Restitución de Tierras), an illegal armed group made up of land owners linked to drug trafficking and paramilitarism. His father is the vice president of ASOTRACAMPO.

The association’s work includes the representation of over 130 families that have been occupying a section of El Tamarindo farm since 2001 and the defence of land rights through fair restitution.

According to Amnesty International, the peasant farmers occupying El Tamarindo have been receiving repeated threats from paramilitary groups. It reports that on 9 April a peasant farmer

was told: "You are going to leave this place one way or another, this land has an owner".



COSTA RICA | 3

Pressure from Del Monte to break a strike: A banana workers' strike against a subsidiary of the U.S. multinational Del Monte ended on 29 June 2013 when the company agreed to immediately reinstate 21 workers who had been dismissed. The reinstatement of the workers was the principal demand of the strikers at the Banana Development Company (Bandeco). Several attempts by the banana company to put an end to the strike were unsuccessful including, for example, the hiring of strike-breakers, the aerial spraying of toxic chemicals and measures to stop the strikers and their families from buying food from local merchants.

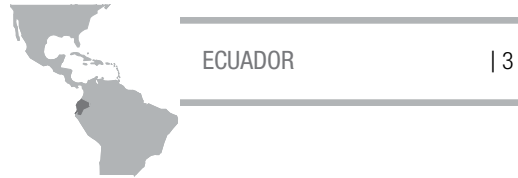


DOMINICAN REPUBLIC | 2

Unfair dismissals at Coca Cola: On 3 December, the Sindicato Nacional de Trabajadores de Bepensa Dominicana S.A. (SINATRABEDSA-Coca Cola) staged a demonstration in protest at the unfair dismissal of two trade union members from the Coca Cola distribution centre in Barahona, in the southwest of the country.

Anti-trade union dismissal at CIGT: As soon as the company was notified about the setting up of the union, the Ingeniería, Gestión y Tecnología (CIGT) company launched a campaign against the main leaders, dismissing the Secretary for Demands and Disputes, Heriberto Altigracia Adames.

Anti-trade union dismissals at Kola Real: In July 2013, a few months after its legal constitution, the Sindicato de Trabajadores de Industrias San Miguel Kola Real (SINTRAKORE) came under attack from the management, which fired practically all the members of the union's executive.



ECUADOR | 3

Nestlé is harassing workers who are concerned with safety at their Guayaquil factory. In July 2013, the trade union's health and safety secretary, Carlos Velastegui, was dismissed after he asked the company for a copy of the workplace accident and ailments reports.

Unfair dismissals at Dole: In December 2013, Dole unfairly dismissed around 25 workers at its María José 1 and 2 and Banaloli 1 and 2 plantations in the province of Los Ríos. They were all members of the Comité de Empresa de Trabajadores de la Compañía Megabananas, a trade union affiliated to the Federación Nacional de Trabajadores Agroindustriales, Campesinos e Indígenas Libres del Ecuador (FENACLE).



EL SALVADOR | 4

Anti-union dismissals in Apopa and San Martín: On 28 February 2014, the Central Autónoma de Trabajadores Salvadoreños (CATS) denounced a series of anti-union dismissals by the municipal authorities in Apopa and San Martín.

According to the CATS, the municipal government of Apopa violated national laws by unfairly dismissing trade union leaders or transferring them to other posts with poorer pay and conditions.

In San Martín, the municipal authority dismissed the General Secretary and the Education and Culture Secretary of the Sindicato de Empleados y Trabajadores de la Alcaldía Municipal de San Martín (SETRAMUSAM). It also transferred the First Disputes Secretary, the Treasurer, the Social Welfare and Assistance Secretary and the Minutes and Agreements Secretary, reducing their pay and conditions.

Anti-union onslaught by Lido: In June 2013, almost two years after having requested the start of negotiations on a new collective bargaining agreement, the Sindicato de Empresa LIDO SA (SELISA) has had to deal with an anti-union onslaught

by the company and the dismissive attitude of the labour authorities. The trade union denounced the fact that the company had created a climate of psychological harassment against staff, to make them leave the union, attacking and smearing the SELSA leaders as well as lowering salaries and even dismissing workers no longer protected by trade union immunity.



GUATEMALA

| 5

Union busting at Malacatán Municipal Council: On 3 December 2013, the Confederación de Unidad Sindical de Guatemala (CUSG) reported that the Municipal Authority of Malacatán in San Marcos was demanding an authorisation from any municipal worker wishing to join a union. According to the CUSG, the mayor, Juan Raul Fuentes Montes, publicly stated that he “does not want trade unionists in the municipality”.

Directorate General for Labour is not registering trade unions: On 12 June 2013, the Movimiento Sindical y Popular Autónomo Guatemalteco denounced that the Directorate General for Labour had not registered or authorised the statutes of several organisations, including the Sindicato de la Municipalidad de San José El Rodeo, the Sindicato de Trabajadores de la Dirección General de Aeronáutica Civil, the Sindicato de Trabajadores de la Educación de Sololá, the Sindicato de Trabajadores del Zoológico La Aurora and the Sindicato de Trabajadores de Purulá.

Unfair dismissals by Guatemalan Olympic Committee: On 31 January 2014, just ten days after taking office, the Guatemalan Olympic Committee (GOC) authorities dismissed twenty GOC workers (seven men and 13 women) without any justification. All of them were trade union members and among those fired were the union’s entire Executive Committee and Consultative Council.

Guatemalan Olympic Committee fails to respect freedom of association: On 31 January 2014, the Guatemalan Olympic Committee (COG) unfairly dismissed 20 workers, all union members. Since then, the employers have been threatening and coercing the other members, telling them to leave the union or face dismissal.

Attack by Koa Modas on trade unionists: Since the trade union was set up in June 2012, the clothing company Koa Modas has been campaigning to discredit the members of the Executive Committee. In October 2012, the trade union leader Mariela Miranda was assaulted and received a death threat. In April 2013, 13 workers who were members of the trade union were dismissed.

Japala municipality dismisses workers: The mayor of Jalapa, Elmer Leónidas Guerra Calderón, has since his arrival in the municipality undertaken a campaign of anti-union practices that has left in its wake 260 dismissals since April 2012. Despite a court order to reinstate the workers, the mayor refused to comply. The situation was resolved in December 2012 as a result of strong pressure and measures implemented by the ITUC and the TUCA.

Coca Cola puts pressures on workers not to join a union: Only a few weeks after setting up the Sindicato de Trabajadores de Alimentos y Bebidas Atlántida SA (SITRAABASA) in the Tukulután bottling plant recently acquired by Coca Cola, union members came under attack from the management. On 12 February Arthur Goossens, President of the Board of Directors and the firm’s legal representative, held a seven-hour long meeting with all the staff and put pressure on workers to stop them from joining the union.

Young trade unionist murdered: The ITUC denounced the murder of young trade unionist Marlon Dagoberto Vásquez López, aged just 19. Marlon was a member of the Sindicato Nacional de Trabajadores de la Construcción y Servicios de Guatemala (SINCSG), a student and an active member of the young trade unionists network in Quetzaltenango. His body was found on 6 January 2014 in the municipality of Concepción Chiquirichapa.



HAITI

| 4

Union leaders fired over wage protests: Six workers at the One World Apparel S.A. garment assembly plant in the north of Port-au-Prince, the Haitian capital, were given notices of dismissal on 8 January 2014, four weeks after workers shut down production in the city’s apparel sector with 10 and 11 December protests demanding a daily minimum wage of 500

gourdes (about US\$ 12.08). The fired workers –Jude Pierre, Luckner Louis, Dero Jean Baptiste, Paul René Pierre, Jean Luvard Exavier and Rubin Mucial – are all on the executive committee of the Textile and Garment Workers Union (SOTA), a member union in the Collective of Textile Union Organizations (KOSIT), the labour alliance that led the December protests.

Dismissal of 7 trade union members from the WILLBES company: On 9 September 2013, the ITUC protested about the dismissals of 10 trade union members and leaders from the SYNOTRA-GWH/CATH trade union that were working at the WILLBES company. The entire trade union management committee and 2 trade union members were dismissed.

The Office National d'Assurance-Vieillesse (ONA), the national agency in charge of managing private sector pensions, has been in turmoil since Tuesday 25 March 2014. After being unfairly dismissed by the director general, ONA employees held a strike to demand his removal. The director general responded by closing the doors of the institution and has not reopened it to date. Special police forces have taken over the premises and surrounded the institution. This police presence has no other mission but to arrest employees demanding their rights.



HONDURAS

| 4

Mass dismissals at Operadora Portuaria Centroamericana: On 14 March 2014, the Sindicato de Trabajadores de la Empresa Nacional Portuaria (SITRAENP) reported that, against the background of the privatisation of port operations in Honduras, the multinational port management company ICTSI and its subsidiary in Honduras Operadora Portuaria Centroamericana (OPC) began a process of mass dismissals, reportedly affecting some 80 workers, all members or former leaders of the SITRAENP.

The company claims that the dismissals were made in accordance with Honduran law, supposedly because the workers had reached the end of their 60-day trial period.

Father of threatened dockers' leader murdered: On 28 January 2014, the International Transport Workers' Federation (ITF) announced that the father of Victor Crespo – the Honduran trade union leader threatened with death for his work in Puerto Cortés

– died following an attack on him and other family members by an armed assailant who ran them down in a stolen car.

Following a murder attempt in September 2013 Victor Crespo was evacuated to a third country to allow him to continue his work as president of the ITF-affiliated Sindicato Gremial de Trabajadores del Muelle (SGTM). It appears that the same forces that wanted him dead then have now targeted his father, Victor Manuel Crespo Puerto, who was declared brain-dead following the attack. His life support was switched off this afternoon.

Death threats have also begun again against Crespo's colleagues in the SGTM leadership. The ITF and SGTM believe these are connected to the union's lawful request for a collective bargaining agreement (CBA) at the port and the recognition that benefits have not been paid, despite the law requiring them. The port operating concession has recently been taken over by ICTSI, which has hired a single stevedoring company. When the SGTM presented legal cases to press for its members' rights the death threats immediately resumed.

Union busting at National Agrarian Institute: In a report dated 30 October 2013, the Central Executive Board of the Sindicato de Trabajadores del Instituto Nacional Agrario (SITRAINA) denounced the strategy being deployed by the management to "divide the peasant movement and eradicate the trade union".

The trade union organisation reiterated its denunciation of the delaying tactics being used by the management to prevent the negotiation of the new collective agreement, together with its illegal withholding of trade union dues and its refusal to grant paid trade union leave.

It also underlined that the INA is several months in arrears with the contributions payable to the National Institute of Public Employee Retirement Benefits and Pensions (INJUPEMP) and the Honduran Social Security Institute (IHSS), which is causing great insecurity and uncertainty among its employees and their families.



MEXICO

| 4

Union busting action by Operadora Gasoil: In November 2013, gasoline attendants at two Mexico City gas stations initiated a strike against the owner, Operadora Gasoil S.A.

de C.V. The union, the Sindicato de Trabajadores de Casas Comerciales, Oficinas y Expendios, Similares y Conexos del Distrito Federal (STRACC), explained that the strike followed the failure to reach an agreement with the company. The company had refused to recognise the union at a gas station, firing seven workers and engaging in a variety of other practices that violate labour rights and freedom of association, according to the union.

Abuses at PKC Mexico: An independent investigation of the Finnish auto parts company PKC in Mexico released in June 2013 found that PKC imposed a company union without the knowledge of its workers, harassed and threatened workers who attempted to join the independent Mexican Mine and Metalworkers' union, manipulated an election to defeat the Mineworkers, and fired independent union supporters.

Reprisals and Dismissals at Honda Mexico: On 7 May 2013, Honda Mexico breached a workplace agreement and dismissed five workers in a complicit campaign by the company and local protection union, SETEAMI, to intimidate the workforce. All of them were members of the committee that negotiated a settlement after 90 per cent of the workers showed their dissatisfaction with the company's refusal to share its profits in a work-stoppage on 16-18 April.

Peasant leaders assassinated in Guerrero: Two peasant leaders, Juan Lucena Rios and José Luis Sotelo Martínez, from the community of Paraíso, a town of 6,000, were assassinated on November 16 in downtown Atoyac de Álvarez in the Costa Grande region of Guerrero as they were leading a protest by coffee workers. This came a day after they had announced that they were creating a community policing organisation in the town.



PANAMA

| 4

Violation of collective agreement: In violation of a collective agreement, the banana producer, Grupo San Bosco closed down two large plantations, falsely claiming bankruptcy, leaving more than 70 workers affiliated to the Sindicato Industrial de Trabajadores de Productores Bananeros Independientes (SITRAPBI) out of work.



PERU

| 4

Glencore Xstrata acts true to form in Peru: In December 2013, IndustriAll denounced that Glencore Xstrata was using unfair dismissals, coercion and interference in union affairs to prevent technicians at the Antapaccay copper company in the Cuzco region of Peru from unionising.

On 24 March 2014, workers at the Antapaccay company, a Glencore Xstrata subsidiary, began a two-day stoppage in protest of the failure to pay legally-mandated profit sharing; the violation of the collective bargaining agreement; the use of fixed-term contracts, and the illegal dismissal of employees for forming a union of technicians and administrative staff.

Anti-union reprisals at Corporación Lindley: On 16 October 2013, Corporación Lindley unfairly dismissed 32 workers affiliated to the Sindicato de Trabajadores de la Corporación Lindley S.A. (SITRACORLINSA), ignoring the Labour Ministry's order to provide them with permanent employment contracts, denounced the General Secretary of SITRACORLINSA, Pedro Huapaya.

Huapaya explained that the union had requested an inspection into the misuse of fixed-term contracts on grounds of technological innovation, affecting 35 workers who, having worked on short-term contracts for over two years, were entitled to permanent employment.

The inspection concluded that 294 workers were not employed under the appropriate contracts.

To defend their rights, 127 workers decided to join the union. The company, angered by the decision, retaliated by dismissing 32 of the workers on 16 October.

Anti-union harassment in Saga Falabella: On 29 July 2013, workers at Saga Falabella, Peru, demonstrated in front of the shop in the Plaza San Miguel, Lima, in defence of their labour rights and freedom of association. The trade union called for an end to the harassment by executives and bosses of workers and leaders of the Sindicato Único Trabajadores de Saga Falabella (SUTRASAF).

Bargaining in the public sector under threat: Seeking to reach a collective bargaining agreement with the Peruvian gov-

ernment, three public-sector union confederations presented a joint petition to government officials in February 2014. The bargaining proposal includes the freedom for workers to form unions, and stresses that worker rights should not be negated even though civil service is a “vocation and calling.”

The industry-wide bargaining proposal “is an opportunity to advance respect for freedom of association and collective bargaining in the public sector, which are currently under threat,” said Jorge Villa García, Deputy Secretary General of the Federación Nacional de Trabajadores Administrativos del Sector Educación (FENTASE). “It’s a chance for us to negotiate fair wages and establish agreements that will prevent conflict and help us build a better Peruvian civil service.” Villa García is also Public Services International (PSI) coordinator for Peru.



TRINIDAD AND TOBAGO | 2

Anti-union discrimination: On 22 October 2013, the National Petroleum Marketing Company Limited (NP) dismissed 68 employees including 12 union officers alleging that the workers participated in an “illegal work stoppage” at the head offices in Sea Lots, Port-of-Spain, in August. Indeed, the workers had used their right to refuse to work under unsafe conditions as stipulated under article 15 of the Occupational Safety and Health Act (2004) from 13-15 August 2013. First, the workers were suspended and subsequently dismissed. The company has been engaging in out sourcing jobs of permanent workers to contractors which created unsafe work environment and would have resulted in job losses. The union staged a large protest on NP’s compound on 30 October 2013 demanding the immediate reinstatement of the 68 workers.

The Southern branch of the company TSTT withheld workers’ salaries for the month of June after workers employed at the Ciperó Rd. Work Centre and other work locations in the Southern District, took legitimate strike action to protect their health and safety. Workers had instigated a legal strike after repeatedly reminding management of its obligation to rectify serious health and safety infractions in accordance with the collective agreement.



UNITED STATES OF AMERICA | 4

The American Federation of Labour and Congress of Industrial Organizations (AFL-CIO) pointed at the exclusion of certain categories of workers from collective bargaining. For example, in Michigan graduate assistants, child care workers and home health care workers are excluded from the right to collective bargaining.

The dissemination of information within workplaces remains a serious problem. Moreover, the AFL-CIO reports numerous and recurrent cases of discrimination against union members resulting in 1,200 cases of illegal dismissals in 2012. This trend has not changed. For example, when workers at Cablevision started to join unions in April 2013, management started to undermine these efforts by offering a substantial pay raise to all workers but those joining Communication Workers of America (CWA).

Strategies used to prevent union formation include individual meetings where workers are threatened with discriminatory measures and the surveillance of workers who are suspected to engaging in union activities.

On 12 February 2014, Senator Bob Corker intimidated workers who wanted to join the United Auto Workers (UAW) at the Volkswagen plant in Chattanooga, Tennessee. Senator Bo Watson warned that the formation of the union could lead to end to state funding to Volkswagen. The UAW filed a complaint with the National Labour Relations Board.

Collective bargaining is further weakened by the fact that access to financial reports of companies is almost impossible as employers can avoid responding to requests by invoking their interests for competitiveness.



VENEZUELA

| 3

Interference in trade union organisations: In October 2013, the UNETE trade union denounced that the National Electoral Council (CNE) and the Labour Ministry were continuing their practice of interfering in trade union organisations, particularly in their election processes and through the practice by the Ministry and public services bodies of refusing to deal with organisations whose leaders they deemed elected due to electoral default. Although CNE intervention in elections is now optional according to the regulations, it remains a significant obstacle to collective bargaining.

Trade unionists attacked by the Polar Group: In October 2013, the UNETE trade union denounced the harassment of trade union leaders by the Polar Group and its subcontractors. The company brought actions before state bodies requesting dismissals, criminal prosecutions and the filing of police complaints.

Militarisation of state-owned oil factory: On 30 July 2013, leaders of the unions at the state-owned companies Pescaalba and La Gaviota denounced the militarisation of the state-owned edible oil factory “Diana”, located in the state of Carabobo. The factory was militarised when the workers rejected the appointment by the Minister of Food of a new manager.

PDVSA violates collective bargaining agreement: In October 2013, the Unión Nacional de Trabajadores de Venezuela (UNETE) denounced that the government is breaching the agreements in force. This is the case with in excess of 80% of the clauses of the collective bargaining agreement with Petróleos de Venezuela S.A. (PDVSA), including the payment of social benefits.

Collective bargaining in the pharmaceutical industry: In the case of the chemical-pharmaceutical industry, pharmaceutical laboratories and companies SM Pharma C.A. and SM Esamar C.A. have breached their obligation to pay the benefits established in the three most recent collective bargaining agreements: 2005-2007, 2008-2010 and 2010-2012.

Labour disputes in EFE Company: The dispute procedure had to be initiated at the EFE manufacturing company because of the delay in negotiating a new collective agreement and fol-

lowing an almost three-week long strike. In October 2013, the union expressed concern that the arbitration process seemed to be moving towards deterioration in the labour conditions.

Strike at Ferrominera del Orinoco: In June 2013, workers at the state iron ore company Ferrominera del Orinoco, in the state of Bolívar, staged a strike for over 10 days to demand the payment of the monies owed to employees and the reinstatement of workers dismissed. The national government responded to the workers’ action by sending the military to occupy the site. The protesters condemned the government’s action, which they labelled as a move to criminalise the constitutional right to strike. Following pressure from the workers, the government ordered that the troops be withdrawn and that dialogue and negotiations be initiated to resolve the dispute, which was settled following a number of agreements between the authorities and the trade union leaders.

Asia and the Pacific

Workers throughout the Asia Pacific region confronted serious violations of trade union rights in 2013-14, including murder, arrests and imprisonments. Much of the conflict in the region has been over shockingly low minimum wages paid to workers. In many countries, minimum wages are set far below what is necessary to cover basic needs, and even then the minimum wage is frequently not respected. Though garment brands could easily pay for higher wages, and some have made commitments to do so, wages remain extremely low. Trade unions are responding to the challenge, however, and are in the streets making their demands for a dignified wage heard.

Violence Against Trade Unionists:

In the Asia-Pacific region, several workers have lost their lives and many more have been wounded in the context of trade union activity. In Cambodia, on 2-3 January 2014, government forces resorted to violence and intimidation to quash the protests over the minimum wage – now a mere \$100 a month. Heavily armed police and soldiers mobilised, leading to violent and bloody clashes. In the end, 5 were killed and dozens wounded by gunfire. Assassinations in the Philippines are again on the rise, with trade unionists killed in 2013. On 2 July 2013, Dodong Petalcorin was shot three times in the chest by an assassin as he was leaving his home. Earlier that year, Romy Almacin, a transport leader was shot to death in broad daylight in May, and Emilio Rivera, former chairman of a transportation workers' organisation, was killed in January. In Indonesia, workers were attacked and severely injured by paramilitary thugs on 31 October 2013 when they participated in a peaceful national strike to demand an increase to the minimum wage, among other demands. And on 24 February 2014, Noor Khan, head of the Helmand Chapter of the National Union of Afghanistan's Workers and Employees (NUAWE), was the first trade unionist assassinated in Afghanistan since the fall of the Taliban government in 2001. He was found decapitated in Lashkargah, the provincial capital.

Imprisonment:

Trade unionists have repeatedly faced imprisonment for their activity. In Korea, over a dozen labour leaders and activists are imprisoned, often for engaging in industrial action that would be legal elsewhere in the world. The government

does so despite repeated and clear direction from the ILO to bring the law, particularly the “obstruction of business” clause of the Penal Code, into line immediately with principles of freedom of association. The arrests and imprisonments are often compounded by strike compensation lawsuits against unions and individuals with no purpose other than to bankrupt them. In Fiji, On 9 January 2014, union president Daniel Urai was arrested for allegedly instigating an “unlawful” strike at a Sheraton Hotel. Charges were later dropped, but the regime continues to use arrests to harass union leaders. The police also entered the union office and seized computers and mobile phones. And in Cambodia, 23 workers were arrested in relation to the wage strikes and demonstration in January, 21 of which remain in prison. One of them, Vorn Pao, a trade union leader, was seriously injured and suffered from pre-existing medical conditions but, as with the others, was repeatedly refused bail. Wu Guijun, a migrant worker employed at the Diweixin Product Factory in Shenzhen, has been in prison for almost a year for defending the rights of his co-workers. Since his arrest, Wu has been denied contact with his family. A second hearing in his case was held in April 2014.

Rights Eliminated:

In Fiji, trade unionists continue to see their rights eroded in law. On 18 December 2013, the military regime issued an amendment to the Essential National Industries (ENI) Decree, legislation harshly criticised by the ILO. The Decree essentially eliminates existing trade unions, abrogates collective bargaining agreements and makes the right to strike almost impossible to exercise. The regime extended the scope of the decree to the forestry sector in the middle of a union’s commencement of a secret ballot for industrial action. The Attorney General himself stated that the purpose of the decree was to eliminate the union, stating, “We hope now that employees are given more control over their own work environment by being able to negotiate directly with the employers rather than having some outside trade unions coming in and making unreasonable claims things would improve.”

Union Registration Revoked, Refused:

In Korea, the attack on trade unions has been particularly alarming. The Ministry of Employment and Labour cancelled the registration of the Korean Teachers and Education Work-

ers Union (KTU) on 24 October 2013 and again refused to register the Korean Government Employees Union (KGEU). The decision in both cases was due to the unions allowing dismissed workers to remain members, which is their right under international law through prohibited under Korean law. The ILO repeatedly intervened with the authorities but to no avail.

The Rana Plaza Disaster and Its Aftermath:

In Bangladesh, a horrific industrial disaster took the lives of over 1000 workers in April 2013. In the aftermath, trade unions and over 100 global brands, mostly European, signed onto a legally-binding accord to substantially improve fire and building safety. The Accord is now undertaking factory inspections and reporting on the internet their findings and remediation plans. And, after years of simply refusing to register trade unions in the garment sector, the government has now registered 96 new unions in the RMG sector. However, union registration certificates are of little value if there is no possibility to bargain collectively over wages and conditions of work. There has been no movement by RMG employers to bargain collectively when approached by trade unions with demands. Further, workers have faced brutal acts of anti-union discrimination. For example, right after workers at the Taratex BD Ltd. garment factory filed for union registration in February 2014, they endured a fierce anti-union campaign by management. A reported 86 union supporters at the factory were fired, including 12 members of the union’s factory-level executive committee. On February 22, the union vice president and two union supporters were detained and physically assaulted as they attempted to enter the factory.



BANGLADESH

| 5

Police brutality: In November 2013, the Minimum Wage Board announced a 77 per cent increase in minimum wages. This would result in a monthly salary of 5,300 taka (USD 68) for workers. However, employers argued they would not be able to implement this decision. On 11 November 2013, workers protested against employers' refusal to pay higher minimum wages and the rate announced by Minimum Wage Board, still the lowest in the world for textile workers. Police fired water cannon and rubber bullets to break protests injuring more than 50 people. About 250 factories were shut down in the Ashulia industrial zone on the outskirts of the capital Dhaka.

Police violence at Rana Plaza factory: Police opened fire on workers who protested near the former Rana Plaza factory for fairer wages and outstanding salary payments which had been promised previously by the government and the Bangladesh Garments Manufacturers and Exporters Association (BGMEA). Local media reported that 50 people were injured by police. The death toll from the Rana Plaza disaster reportedly now stands at 1,130.



CHINA

| 5

60 million agency workers excluded: All the local wage negotiation legislation excludes agency workers. The only exception is Wuxi city in Jiangsu province, which allows the agency workers to take part in the collective negotiation with the company where they work. Although there is no provision barring agency workers from joining a trade union in Chinese law, they are allowed to join the trade union only in the agency company as stated in the ACFTU Directive passed in 2009.

Criminal charges against union leaders: Workers at the Diweixin Product Factory in Shenzhen (southern China) sought negotiations earlier this year in response to concerns about production cutbacks and apparent preparations for relocation to another site in the Chinese interior. However, management refused to disclose any information and to enter into negotia-

tions. On 7 May 2013, workers downed tools and petitioned the local government to intervene. Police responded by arresting and detaining 20 workers on 23 May 2013. Wu Guijun, one of the representatives during the negotiations, was charged for "assembling a crowd to disturb social order".

Twelve security workers were prosecuted on charges of illegal assembly and disruption of the public order after a protest at the First Hospital of Chinese Medical University of Guangzhou city on 20 August 2013. Workers were demanding social security protection for agency workers. The hearing for the case was delayed for more than seven months.

About 160 self-employed taxi drivers from Shuangliu county announced a strike on 28 January 2013. Workers wanted to protest against irregular licence renewal fees and the restructuring of the self-employed taxi drivers into taxi companies. However, about 100 workers were stopped by force from reaching Beijing and sent back to Shuangliu by force. They were blocked by the county government officials before arriving Beijing and brought back to the county under administrative detention. The workers petitioned to the Transportation Ministry in Beijing in April 2013. Three workers are still in custody and are charged for illegal assembly. Their application for bail was denied and hearings have been postponed without justification. The case is still pending before the courts.

Thousands of workers, who have been retrenched by the China Construction Bank and other commercial banks ten years ago, were protesting their situation in May and July 2013. On 22 July, the protest was violently repressed and a hundred of protesters were sent to Majialou and Jiujingzhuang blackjails, from which they were released after having staged a hunger strike. However, workers have continued to seek their rights through protests in October 2013, even though the government tries to silence workers through various forms of abuses such as forced labour and illegal detentions in disguised camps.

Five workers at the US-owned company "International Paper" were dismissed after they had taken part in a two-day strike on 19-20 February 2013 against unequal remuneration and bonuses. The company argued workers did not observe their obligations when they returned to work on 21 February 2013. While the arbitration court ruled that their dismissal was illegal, the company was not condemned to any penalty and was not ordered to reinstate workers. This case is emblematic of how the lack of effective legal remedies against anti-union discrimination is exposing workers to abuses by employers.

In the Yntai Dongxing Pipeline case, management, together with the ACFTU (All-China Federation of Trade Unions), by-passed

the decision of union members concerning wage increases and the election of a local union chairperson. The strikes that were about to follow as a reaction were undermined when workers were threatened to be dismissed on 5 August 2013.



FIJI

| 5

The Fiji Sugar Corporation (FSC): The state-owned FSC continues to refuse to negotiate with workers over wages and working conditions – the last wage increase being over 7 years ago. Despite FSC management threats, and the presence of police and military during the strike vote, workers voted overwhelmingly to authorise a strike.

Even with the intervention by the International Labour Organization, urging respect for the workers' right to freedom of association, the regime has only ratcheted up the pressure. Management is now warning workers that they would not be allowed to return to work if they go on strike and that they would be dealt with by the military. To back up these threats, two truckloads of military officers drove into Lautoka mill on August 21 to "inspect" the mill. The Attorney General himself has also warned the union that he would break the strike by bringing in replacement workers to keep the mills running.

On March 20, 2013, the Prime Minister issued a new draft constitution (after having rejected a draft prepared by an independent expert commission which had received input from thousands of organisations and individuals). Articles 19 and 20 of the draft, while providing that all persons have the right to associate, to join a union, to bargain collectively and to strike, also includes broad exceptions that could be invoked to vitiate those fundamental rights by new laws or decrees or to justify existing harmful decrees. Article 55 also elevates to constitutional law the political parties decree of 2013, including its language regarding trade unions. In January 2013, the government promulgated the Fiji Political Parties Decree which excludes elected or appointed trade union officers from applying for, being a member of, or holding office in a political party. Article 14.2(d) defines as "public officer" any elected or appointed trade union officer, or of any federation, congress, council or affiliation of trade unions. A subsequent amendment to that decree broadened the scope of unionists barred from the political process. Under Art 14.1(c), a trade union official

cannot even express support for a political party. If a trade unionist does become an applicant, member or officer, they will be deemed as having resigned from their trade union office under Art 14.5. Anyone defying this decree faces a \$50,000 fine, 5 years imprisonment or both. There are continuing restrictions to freedom of assembly and expression. Many of the powers found in the recently repealed Public Emergency Regulations (PER) of 2009 are included and expanded in the 2012 Public Order (Amendment) Decree (POAD). In particular, the broad definition of "act of terrorism" that could be used for charging trade unions, the increased prison sentence of up to five years for holding a meeting without permission and the circumstances in which the police may refuse a permit. The wording of this provision could be used in such a way as to make it difficult for trade unions to hold public meetings.



INDIA

| 5

Union busting at PepsiCo: In 2013, 162 workers employed at PepsiCo in West Bengal organised a union. Instead of negotiating with the newly established union, the company systematically harassed and subsequently dismissed union members. In May 2013, the workers were offered reinstatement on the condition that they would never again join a union. They were asked to sign false statements and to cut up their union cards and to step on them as they walked into the warehouses. Moreover, the company threatened that all local employers would blacklist the workers who refused to comply with their demands. However, 28 workers refused to accept these conditions and formed the PepsiCo (Frito-Lays) Workers' Action Committee in August 2013. The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) filed a formal complaint against the company for violation of the OECD Guidelines with the US government's National Contact Point.

Replacement workers: GVKEMRI regional manager Hemanta Kumar Bhattu announced that he was hiring new drivers and emergency medical technicians to replace 108 workers who are on strike. Workers are demanding a salary of Rs 15,000 and their work hours be reduced to eight hours per day.



INDONESIA

| 4

Accor hotel attacks union members: Workers employed at Ibis Tamarin in Jakarta established a union in August 2012 and subsequently requested recognition and collective bargaining negotiations.

In July and November 2013, the union made demands to management concerning unpaid overtime, unfair distribution of service charges and the conversion of contract workers' jobs to permanent positions. The company responded with discriminatory tactics towards union members. Contract workers were told their contracts would not be renewed because of their union membership on 26 and 28 November.

In December, workers in the housekeeping department were told to resign from the union. Two union members were coerced to sign false statements stating they were forced to join the union and regretted this. The union president remains unjustly suspended from work.

Violence against Indonesian workers during the 2013

national strike: The Confederation of Indonesian Trade Unions (KSPI/CITU) reported violence by paramilitary organisations against workers participating in the peaceful strike to demand an increase in the minimum wage, implementation of social security and against precarious work at industrial areas including UIP, Delta Silicon and Hyundai in Cikarang, Bekasi, West Java on 31 October 2013.

An investigation team from ITUC-AP came to the Bekasi Industrial area on 4 November 2013 to gather information about the police officers in Bekasi District who were deployed around the site during the national strike but did not take any measures to stop the attack, letting the acts of violence continue. Twenty-eight workers (seventeen are KSPI/CITU members) were injured by the thugs armed with machetes, knives and iron rods, and seventeen workers were severely injured and admitted to the hospital. The team visited the hospital where three workers remain in a critical condition as a result of the physical attack.



JAPAN

| 2

The Japan Confederation of Railway Workers' Unions (JCRWU) reports being harassed by the Police and the Government on grounds of its alleged relations with the political group Kakumaru.

The Japanese Trade Union Confederation (JTUC-RENGO) reports having witnessed many cases of discrimination against union members or activists. Companies are frequently refusing to bargain in good faith. In several cases management delayed negotiations with a view to block the bargaining process. Financial information about the companies that is essential for the bargaining process is only delivered after unions exert pressure. Concluded collective agreements are rarely extended and only apply to union members. Moreover, strikes in the public sector are forbidden, and incitation to strike by public employees is illegal and punished with up to three years imprisonment.



KOREA (REPUBLIC OF)

| 5

Korea Teacher Union de-registered: Because it allows dismissed and retired workers in its membership, the Korea Teacher Union (KTU) was informed by the Minister of Employment and Labour to amend its by-laws until 23 October 2013. The union was threatened to be de-registered, if it failed to make the amendments. On 26 September, teachers in Seoul protested against this threat. On 23 October the KTU was de-registered by the government and 76 teachers who were working as full-time union representatives were ordered to return to their schools on 24 October.

Infringement of the right to establish unions: The Korean Government Employees Union (KGEU) is still not recognised as a legal trade union organisation. The government has refused to register the union three times. Since its founding, 137 union members have been dismissed for their trade union activity. In January 2013, KGEU President Kim, Jung-nam conducted a 16-day hunger strike before being hospitalised. The KGEU is

now continuing a sit-it strike in front of the National Assembly. The KGEU President and Secretary General were recently dismissed on the grounds that they were leaders of an illegal organisation.

Mass dismissal of striking workers: The Korean Railway Workers' Union (KRWU) called a strike at the Korea Railroad Corporation (KORAIL) against privatisation. The union made five specific demands: revocation of the decision to establish the Suseo KTX corporation; stopping the issuance of corporate licenses by the Ministry of Land, Infrastructure and Transport; establishment of a railroad development subcommittee in the National Assembly Land, Infrastructure and Transport Committee; establishment of an organisation for stakeholder discussions; and putting an end to anti-union discrimination.

KORAIL responded by dismissing about 6,748 workers who participated in the strike. This means that almost all the workers who went on strike lost their jobs. The KRWU filed an injunction with the Daejeon District Court to prevent the establishment of the Suseo KTX Corporation. Solidarity actions were held throughout the country together with civil society organisations against privatisation at central train stations in Cheonan, Jeonju, Suncheon, and Mokpo.

Prohibition of demonstration: In April 2013, police banned a protest rally by union workers of the Jinju Medical Centre against the closure of the hospital. It was argued that union members had previously used violence to deter members of the South Gyeongsang Provincial Council from entering the building.

The Labour Organization Law was adopted by the Parliament on 16 September 2011 and signed and enacted by the President on 11 October 2011. The new law provides for the repeal of the 1926 Trade Union Act and contains provisions on the establishment of labour organisations, their functions and duties, rights and responsibilities, including the right to strike. However, other legislation hindering the right to freedom of association is still in force. (2) Act No. 15 on the right to peaceful assembly and peaceful procession, which sets out the requirements for requesting a permit to carry out a peaceful procession, was adopted. The Act appears to leave the granting of permission up to the discretionary decision of the authority responsible, does not refer to a right to peaceful demonstration and does not allow appeal to the courts against a denial. In this regard, to the extent to which this Act would cover demonstrations called by workers' or employers' organisations with respect to general economic and social policy of the Government, the restrictions should not be unreasonable nor barred from appeal to an independent judiciary. In addition, certain provisions of the Act restrict in a broad manner the speech or actions of demonstrators, which could give rise to an application in practice that is contrary to the Convention 87.

The Labour Organization Law of 2011 (Art. 44) provides that the employer shall not dismiss a worker for his membership in a labour organisation for the exercise of organisational activities or participating in a strike in accord with this Law. However, it says nothing on transfers, blacklisting, downgrading, harassment etc.

The 1988 Order 6/88, known as the Law on the Formation of Associations and Organisations, states that all "organisations shall apply for permission to exist to the Ministry of Home and Religious Affairs". The definition of "organisation" in the Order is extremely detailed and sweeping. Penalties provided in the Order for punishing violations are particularly harsh and may entail imprisonment of up to five years. The Government stated that currently this law does not apply to workers' organisations.



 MYANMAR

| 4

The Myanmar Maritime Trade Unions (MMTU) has not been registered for more than one year by the Labour Department. Other unions in the same sector have been registered suggesting that the government favours certain unions over others. MMTU reports the lack of accessibility to information concerning collective agreements and working contracts for seafarers. Violations of the right to collective representation have led to abusive precarious relationships enforced by recruitment agencies on workers.



 PAKISTAN

| 4

Anti-Union discrimination: The law does not specifically protect workers from anti-union discrimination. The law does not protect workers in export processing zones from anti-

union discrimination. Furthermore, section 2-A of the Service Tribunals Act bars workers engaged in autonomous bodies and corporations such as WAPDA, railway, telecommunication, gas, banks, and PASSCO from seeking redress for their grievances in the Labour Courts, Labour Appellate Tribunals and National Industrial Relations Commission in the case of unfair labour practices committed by the employer.

Administrative authorities' power to unilaterally dissolve, suspend or de-register trade union organisations:

The registration of a trade union can be cancelled for the following reasons: following a complaint made by the registrar that the trade union has contravened the provisions of the Act or its constitution, or failed to submit its annual returns to the registrar (IRA), or obtained less than 10 per cent (IRA) or 15 per cent (BIRA, KPIRA and PIRA – the latter specifying “during two consecutive referendums”) of total votes polled in an election for determination of a collective bargaining agent (sections 11(1)(a), (d), (e) and (f) of the IRA, 12(1)(a) and (b), and 12(3)(d) of the BIRA, KPIRA and PIRA, and 12(1)(a) and (b) of the SIRA); if the statement of expenditure of a union is found incorrect following an audit of the annual returns (section 16(5) of the IRA); if a person who is disqualified under section 18 for having been convicted and sentenced to imprisonment for two years or more for committing an offence involving moral turpitude under the Pakistan Penal Code is elected to be an officer of a registered trade union (section 11(5) of the IRA); if a person convicted of the offence of embezzlement or misappropriation of funds (BIRA and PIRA), or of contraventions to the Act (KPIRA and SIRA), or heinous offence under the Pakistan Penal Code, is elected to be an officer of a registered trade union (section 12(2) and (7) of the BIRA, KPIRA, PIRA and SIRA). Furthermore, the Commission’s decision directing the registrar to cancel the registration of a union cannot be appealed in court (IRA, section 59).

Undermining of the recourse to strike actions or their effectiveness:

Under sections 45 of the IRA and KPIRA, 49 of the BIRA, 41 of the PIRA, and 49 of the SIRA, the Government can prohibit a strike related to an industrial dispute “of national importance” (this precision is not in the KPIRA or the PIRA), or in respect of any public utility services, at any time before or after its commencement. According to the schedules of the IRA, KPIRA, PIRA and SIRA setting out the list of public utility services, these include services such as oil production, postal services, railways and airways.



Murder of trade unionist: At about 8:00am on 2 July 2013, Dodong Petalcorin, President of the Davao City-based Network of Transport Organisations (NETO), an affiliate of the National Confederation of Transport Workers’ Union (NCTU) - Alliance of Progressive Labour (APL) was shot three times in the chest by an assassin as he was leaving his home for the Land Transportation Franchising and Regulatory Board (LTFRB). Two other APL leaders were also murdered earlier this year. Following the May 2013 elections, Romy Almacin, a Municipal Councillor and transport leader was shot to death in broad daylight. His murder is believed to be related to his campaign against graft and corruption and illegal logging in that municipality. Emilio Rivera, former Chairman of an independent transport workers’ organisation, Matina Aplaya Transport Cooperative (MATRANSCO), was murdered on 25 January 2013 near the offices of the LTFRB. It is believed his murder was linked to his campaign to expose corruption at the LTFRB and to oust its director. In neither case has the state arrested or prosecuted those responsible for these crimes.

Murder of trade unionist: Kagi Alimudin P. Lucman, President of the Notre Dame Village Operators and Drivers Association (NDVODA), which was established in 2009 and affiliated to the NCTU-APL in 2010, was killed on 18 July 2013 by a lone gunman.

Refusal to implement collective agreement: The Clark Development Corporation has been refusing to implement a collective agreement concluded with the supervisors’ union in March 2012. In April 2013, the Court of Appeal dismissed the company’s appeal to issue a temporary restraining order against the implementation of their collective bargaining agreement with the workers. The workers announced that they would instigate a strike after the legal cooling-off period.



to various schools directing the school principals to ask teachers to sign the attendance register three times over the course of the day to ensure they do not participate in the strike.

Ansell Lanka is engaging in union busting: Ansell Lanka Pvt. Located in the Biyagama Export Promotion Zone (BEPZ) refuses to recognise the Free Trade Zones and General Services Employees Union as a bargaining agent. Trade unionists face anti-union discrimination by management since early 2013. On 22 March 2013, management deducted half a day's wage of workers who had complained about the fact that they were not provided with meals. On 10 April 2013, the union branch president Athula Kamal was attacked by two unknown motorcycle riders in Kiribathgoda. Six months later, on 10 October 2013, management suspended Athula Kamal for having complained to police about the assault. Workers protested against this decision by going on strike 14 October 2013, the Assistant Commissioner of Labour of Colombo Central mediated a meeting between the two parties and asked management to reinstate Athula Kamal. However, management decided to dismiss him and ten union leaders and two union members who had gone on strike. When management refused to attend mediation meetings, the Labour Ministry called for compulsory arbitration on 29 November 2013. Workers were obliged to return to work, however Ansell Lanka refused to allow them to report back to work. Instead workers were asked to apply for employment.

On 2 May 2013, Ansell Lanka dismissed 2 committee members of the branch union and another active union member without giving them the opportunity to respond to the disciplinary charges which had been laid against them. A female committee member was also suspended from work on 9 April 2013. On 29 May 2013, workers were coerced to sign a letter of consent accepting an increased production target without being able to consult with the union. After protests and a written complaint to the Minister of Labour, management finally permitted inspectors to the company on 16 July 2013.

Government attempts to prevent strike action: It has been reported that the Government is using various tactics to prevent workers from staging a strike demanding the withdrawal of the increased electricity tariff. For example, several state departments and statutory bodies have received letters from ministry secretaries asking them to cancel employee leave and to ensure that they are present at work on the day the strike is planned. The government has also sent circulars

Europe and Central Asia

Europe between rhetoric and practice

Two very different stories are being told in Europe today. On one side we have the mainstream success stories of countries following diligently the austerity agenda. For them we hear tales of improved financial indicators and access to money markets suggesting the region is on track to exit the crisis.

In contrast, we have witnessed a wave of protests and strikes organised by trade unions and civil society groups. Several spontaneous initiatives also took place driven by the effects of austerity, namely, mass unemployment, rising inequality, material deprivation and social exclusion.

The unrest was amplified by the erosion of the European Social Model, particularly the mechanisms of social dialogue. Most governments continue to take unilateral policy decisions, ignoring or simply excluding trade unions from the process.

In the Balkans and Poland, for example, unions were left with no other choice but to resort to national protest action and withdraw from national bodies of tripartite dialogue.

Disabling or blocking channels for dialogue and consensus will inevitably lead to direct actions. Even more frightening, the lack of legitimacy of political systems results in growing support for right-wing extremists.

The ultimate case could be that of Greece where the logic of fiscal consolidation and its potential end game was summarised by the Financial Times associate editor, Wolfgang Münchau: "The Greek economy is not in recession. Nor is it recovering. It has collapsed." (FT - 14.04.2014)

The developments in Ukraine will be another important test for the relevance of the recognition of the need to counter inequality as a major impediment to development.

Recently, even the International Monetary Fund (IMF) had to recognise that growing inequality in Europe has hindered economic growth and sustainable development. So far however there is not much evidence that these concerns have had any impact in their lending programmes.

The EU institutions and leaders have engaged in similar rhetoric on the need to strengthen the social dimension

of EU policies and respect for labour and social rights. But these can hardly match the reality of policy decisions or guidance provided for countries aspiring EU membership.

But it is not all bad news. Georgia has carried out a significant reorientation of policies towards compliance with the International Labour Organization (ILO) standards. The amendments in the legislation are positive steps towards a functional system of labour relations and genuine social dialogue.

The Russian Constitutional Court has also made an important contribution to strengthening freedom of association by upholding the trade union claims to freely choose their organisational structures against prescribed requirements – a pattern that persists in a number of the Newly Independent States (NIS) such as Kazakhstan.

The European Union (EU) institutions carried out important initiatives and consultations on issues such as “undeclared work” and Occupational Safety and Health (OSH). In addition, the EU social clauses were strengthened in the case of public procurement, by countering discrimination at work, social dumping and the abuse of formal rules to hide informal practices.

By contrast, in December 2013 the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council failed to deliver improvements that would secure fair and equal conditions for all workers in the EU. In fact, these decisions could lead to constraints on states to undertake measures to improve the situation.

Therefore, policy content and rhetoric are often accompanied by implementation that actually violates ILO or EU standards. This ambiguity provides fertile ground for regimes such as Turkey and Belarus that prefer to ignore human and trade union rights.



BELARUS

| 5

Intervention in trade union activities: SPB members are deprived of the possibility of using the company medical rehabilitation centre or receiving bonuses and additional payments envisaged by the collective agreement. The employer, having asked the union to present confirmation of its representativeness, has practically excluded the SPB company union from the collective bargaining process and from signing the collective agreement. Moreover, the employer is actively blackmailing SPB members with threats of dismissal after the termination of their contracts if they remain members of the SPB union. So, for example, on 31 July, 2013 Dmitri Kurmaz – SPB member and a setup operator of the 5th category – was dismissed. The management of Bobruisk Tractor Parts and Components Company openly declared that the contract with the young worker will not be prolonged due to his affiliation to the independent union.

De-registration of trade union and anti-union discrimination: The Borisov district executive council by its decision N°942 dated 29 July 2013 has illegally removed from the register the Borisov town primary-level union organisation affiliated to the Belarusian Radio-&Electronic Industry Worker's Union (REP) thus depriving the union of its official status and the possibility to carry out its activities. Borisov town council has justified its decision by making a reference to paragraph 24 of the Instructions N°48 adopted by the Ministry of Justice and dated 30 August, 2005.

The leaders of the regional structures of the Free Metalworkers' Union (SPM) also are subjected to discrimination on the grounds of union affiliation. The pressure is imposed on them by KGB personnel. Not only are trade union activists threatened and persecuted but their relatives too. Such cases took place in May-June in Mogilev.

Intervention in trade union activities: On 16 May 2013, the Director of JSC "Polotsk-Steklovolochno" prevented Viktor Stukov, Chairman of the local trade union, from entering company premises. In violation of the law on trade unions the management has been refusing to issue a pass for the trade union leader for 2 months.

BKDP & REP prevented from holding May Day demonstrations in Minsk: On 1 May 2013, the Minsk City Executive

Committee did not authorise the independent trade unions to hold demonstrations in Minsk on May 1. The authorities rejected the requests of the BKDP and the Radio and Electronics Workers Union (REP) under the pretext of that the squares in Minsk would be occupied by other public events on May 1.

Arbitrary reasons against Viktor Stukov: In 2012 disciplinary actions have been taken on arbitrary reasons against Viktor Stukov, the chairperson of the SPB primary union at "Polotsk-Steklovolochno" Company. On 11 March, 2013 Viktor Stukov was dismissed allegedly for systematic and repeated failure to perform his employment duties despite his 29 years of employment service. Viktor Stukov was denied any claims (including reinstatement, payment of compensations and etc.) by the Polotsk district and town court decision dated 16 April 2013. The Vitebsk regional court has also failed to adequately address the complaint of Viktor Stukov.

Workers not permitted to picket: The Minsk City Executive Committee rejected the application of Belarusian Independent Trade Union (BNP) to hold a picket in Minsk on 20 July 2013. The event was planned in order to raise awareness around the amendments to the Law "On Professional Pension Insurance", as well as amendments to the Labour Code adopted in the first reading by the National Assembly.



BOSNIA
AND HERZEGOVINA

| 2

Company interference: The company Global Ispat Koksana Inustrija Lukavac, employer of about 1,000 workers, not only failed to pay wages on time but also unilaterally decreased wages below the national minimum wage. Moreover, management regularly attempts to intimidate the local Independent trade union of chemistry and non-metals workers of the FBIH. On 21 June 2013, management asked about 60 senior workers to leave the union and set an example to other workers. The law prohibits anti-union discrimination, but does not provide adequate means of protection against it.

Administrative authorities' power to unilaterally dissolve, suspend or de-register trade union organisations: The Ministry of Justice or the Court of Bosnia and Herzegovina can effectively dissolve a trade union. The grounds for ad-

ministrative dissolution include situations where a trade union has not convened its assembly for a period exceeding what is prescribed by the union's constitution. Trade union activities can also be prohibited by a court decision if the union's activities are not in line with the goals in its constitution.



BULGARIA

| 3

Workers at the company Remotex-Radnevo EAD protested against salary arrears which had pushed many workers into poverty in October 2013. During the protest action 5 workers were arrested on the accusation that they blocked a road leading to the company. They were released but condemned to pay fines.

The Confederation of Independent Trade Unions of Bulgaria (CITUB) reported that employers refuse to engage in wage bargaining and prolong negotiation in bad faith. Wage negotiations are often excluded from recognition agreement and employers push unions to fix wages through internal pay rules instead. In the chemical industry, employers have delayed the conclusion of a collective agreement for years and workers are still not covered by a collective agreement.

arguing that companies without union presence were more successful. These intimidating statements have led to a sharp fall in trade union membership. After about eight months of anti-union campaigning, trade union membership fell from 2,700 to 200.

In May 2013, the company decided to conduct a peer review based on a questionnaire prepared by management. The questionnaire included questions asking workers to judge how bad they think unions are for the company. Results were then used to determine the employment relationship of workers. In total, 20 workers lost their jobs because of their allegiance to the union movement. Almost all shop stewards lost their employment.

In November 2013, workers organised peaceful strike actions to protest wage arrears. Police were present during the protests and reported there was no violence or disruption. Nevertheless, the company suspended the employment contracts of 254 workers on 18 November 2013. Up until today, 20 workers have not been reinstated. Tomislav Debeljak continues to intimidate workers by calling trade unionists hooligans and terrorists.



CZECH REPUBLIC

| 2

The Czech-Moravian Confederation of Trade Unions (CMKOS) reports that laws and policies, including a new Civil Code have been adopted without the consultation of trade unions, contrary to past practice. The lack of social cohesion regarding the policy direction of the government has had a negative impact on employment and poverty. Austerity measures which have been undertaken since 2011 concern cuts in unemployment benefits, pensions and birth grants.

The Business Corporations Act (Act No. 90/2012) and the new Civil Code abolished the obligation to include union representatives in the boards of joint-stock companies. Unions have protested against arguments that companies with union representatives on their boards were less competitive by pointing at relevant studies conducted by the EU. These changes will strengthen the interests of the shareholders at the expense of workers and workplace democracy.



CROATIA

| 2

New owner of Brodosplit Shipyard is attacking unions:

Brodosplit Shipyard has been engaging in serious anti-union activities ever since it was bought by Tomislav Debeljak.

In March 2013, management posted declarations on its Facebook page indicating attempts to expel trade unions from the company and to relocate them to other premises. Moreover, the company stated that it had hired private investigators who were following trade unionists in the shipyard. It was also explained that salary deductions were made from trade union members for charity purposes. Management justified these actions by

Amendments to the Labour Code which were introduced in 2013 strengthen the role of work councils as opposed to unions by putting them at equal footing with unions when it comes to the consultations. Collective agreement can now be cancelled with six month prior notice and workers in micro-companies are excluded from the right to join unions. This amendment modified conditions for trade union activities in an undertaking in the following way: it is required that at least three members are in employment relation with the employer and the statutes of the trade union organisation include an authorisation to act in its own name; in the case of small undertakings with one or two employees the amendment means that the trade union protection will not be possible anymore.



GEORGIA

| 3

Merab Targamadze (deputy president of Georgian Railway Workers New Trade Union, GRWNTU) and Davit Vashakidze (member of the board of GRWNTU) were threatened by high rank representatives of the Georgian Railway Management on 14 November 2014.

Zaza Mchedlidze, President of the Trade Union office at GTM Group was threatened by the GTM General Director Avtandil Kochadze and finally dismissed on 27 July 2013. Management was opposed to establishment of a union in the company and was dismissing union leaders in an effort to crush the movement. Two other members of the union committee, Manuchar Liluashvili and Zurab Khvedelidze, were dismissed on 25 July 2013.

The law prohibits anti-union discrimination, but does not provide adequate means of protection against it. The employment relationship is suspended when a worker is participating in a strike (Art.2 (a) Labour Code).

Categories of workers prohibited or limited from forming or joining a union: Art.3 Labour Code (2013) defines employees as persons working on the basis of an employment contract which has to be in written form after three months of employment. This implies that informal and precarious workers are not within the scope of the labour law.

Barriers to lawful strike actions: In case of a dispute over collective employment relations, the right to strike or lockout

is acquired 21 calendar days from the moment of sending the written notification to the Minister (Art.49 Labour Code). Art.49 (1) Labour Code defines a strike as the "voluntary refusal of the employee in case of a dispute to perform fully or partially the obligations imposed by the employment contract." This implies that sympathy strikes are not permitted.



GREECE

| 5

Interference in strike action: In January 2013, the government forced an end to a nine day transport strike. The union representing the Athens' metro workers called the strike in opposition to wage reductions which were demanded by the Troika (European Commission, IMF, European Central Bank).

Other transport workers joined the strike before the government used the threat of mass arrests and police units to force people back to work. The metro workers began the strike in opposition to plans to bring them under a civil service wage structure.

In February 2013, the government invoked emergency laws to force striking seamen back to work. Seamen were demanding more than six months' worth of pay arrears and the signing of collective agreements with the ferry companies. Thousands of demonstrators converged on the country's largest port to protest against the order, while the country's two main unions declared a day-long regional strike in the greater Athens area in solidarity with the seamen.

For the third time in 2013, the Greek government threatened to invoke emergency law to force strikers back to work. The trade union representing teachers, OLME, called a strike on 17 May 2013 to protest against the new government plan which allows the transfer of 4,000 high school teachers to remote parts of Greece and the dismissal of about 10,000 part-time teachers once their temporary contracts expire.

The General Confederation of Greek Workers (GSEE) believe that the conditions set out in the Troika's Memoranda have been aimed at abolishing the system of minimum standard-setting through collective agreements, a system that has served Greece by maintaining social stability and promoting development for over 20 years. Furthermore, the recent significant interventions in the system of collective bargaining have been

aimed at reducing wages in the private sector and essentially replacing collective bargaining not simply with enterprise agreements but with individual contracts.

Discussions between the government and the Troika to effectively eliminate the extension of sectoral collective agreements have taken place despite the support expressed for them by both trade unions and employers' organisations. The introduction of the special enterprise collective agreements by Act No. 3899/2010 was a first step in the direction of weakening sectoral agreements so as to reduce wages without providing guarantees for workers.

According to the GSEE, the intention of the government and the Troika to eliminate the role of trade unions in the collective bargaining process was reflected in the possibility of allowing atypical "associations of persons" that were not trade unions to conclude special enterprise collective agreements. The role of trade unions in concluding collective agreements on working time arrangements had already been undermined and an "association of persons" entitled to conclude such collective agreements. The government began preparing to build on this measure by allowing for the conclusion of enterprise collective agreements without the presence of a trade union so as to facilitate the negotiation of such agreements in medium, small and very small enterprises, which constitute 99% of Greek enterprises and had been covered until then by sectoral collective agreements. The law did not allow for the creation of trade unions in enterprises with less than 50 employees, hence the intention to allow collective agreements to be negotiated with informal "associations of persons" created on an ad hoc basis, i.e., with individuals that the employer would essentially invite for discussion without any guarantees of independence.



ITALY | 1

Unilateral abrogation of collective agreement: In September 2013, the Italian Banking Association (ABI) unilaterally annulled a sectoral collective agreement covering 300,000 workers nine months before its expiry date. In October 2013, workers announced to go on strike for the first time in 13 years. Moreover, employers' associations in the restaurant and catering sector announced withdrawal from the sectoral agreement

causing pickets in Rome and Milan in front of the employer associations' headquarters in October 2013.



LATVIA | 2

Employers have attempted to undermine democratic unions by threatening union members with dismissal and by supporting yellow unions. On 16 March 2012, Ausra Straume, Latvian Air Traffic Controllers' Trade Union (LGSVDA) leader, has been suspended and dismissed from her duties as an air traffic controller at SJCS Latvijas Gaisa Satiksme (LGS), after she had sent a complaint to the Ministry of Transport regarding poor working conditions and the need for social dialogue on 2 March 2012. She filed a complaint to demand reinstatement. On 14 March 2014, the Supreme Court ruled that Ausra Straume did not have the right to complain about working conditions. The unions have now taken this issue to the President as the right to freedom of association has clearly been overlooked by the court.



POLAND | 3

The Niezależny Samorządny Związek Zawodowy "Solidarnosc" (NSZZ SOLIDARNOSC) reported the dismissal of a shop steward at ADO factory located in the special economic zone of Legnica in March 2013 for having hung a union flag at the factory's gate. The Polish National Forest company also sent a letter to a Solidarnosc to prohibit displaying flags during protests.

There have been numerous reports on discriminatory dismissal of trade unionists. In December 2013, Adam Guzy was dismissed from Fakos Ltd due to his trade union activities. A complaint asking for reinstatement and compensation has been filed with the courts. Trade unionist Robert Kluga who works for CCP "PREMA" SA in Kielce was dismissed during the negotiations of a collective agreement in March 2014 with a view to undermine the collective bargaining process. LG Electronics

Wroclaw targeted union members in the company in order to crush the existence of the union by not renewing employment contracts of union activists and leaders. In November 2013, Leszek Rudzinski, a shop steward at Lubelskich Liniach Autobusowych and a union chairman, was dismissed during a collective dispute. Both the National Labour Inspection and the Court have deemed the dismissal unlawful, and M. Rudzinski has been reinstated and compensated.



ROMANIA

| 3

Priests do not have the right to freedom of association:

In *Sindicatul 'Pastorul Cel Bun' v. Romania* [2013] ECHR 646 the European Court of Human Rights overruled an earlier decision of the Third Section in favour of the Romanian government with respect to the refusal to register a trade union established by priests. The Archdiocese is opposed to registration arguing the union's constitution was incompatible with the duties accepted by priests. The Grand Chamber recognised there was interference in the right to freedom of association but considered this interference necessary and proportionate with respect to the protection of Article 9. It was held that in refusing to register the union, "the State was simply declining to become involved in the organisation and operation of the Romanian Orthodox Church, thereby observing its duty of neutrality under Article 9 of the Convention".

Metrotex refuses to bargain: In April 2013, Metrotex management refused to negotiate a new collective agreement with the Free Trade Union of Metro and Aviation Workers (USLMA). The existing collective agreement expired in March 2013.

SC Erdemir Romania dismissed 10 workers who took part in the protest organised to ask for better working conditions within the framework of collective negotiation between 5 and 7 February 2013. The court ruled in favour of the employees and ordered the reinstatement of the workers which has been appealed by the employer. SC Energy Complex Oltenia decided to stop collecting and remitting union dues to the National Federation of Mine and Energy despite an existing collective agreement on 5 July 2013. The Trial Court of Gorj ruled that this illegal and ordered the remittance of union dues. However, the company has refused to implement this ruling. The SC Nitroporos SRL (Fagaras) has not paid union dues to the Free Union "Nitramonia - Rompiro" for the period April 2011 to March 2013. The Brasov Court ruled in favour of the union on 14 February and ordered the company to pay RON205.091.

Moreover, Cartel ALFA reports the refusal of SC CARREFOUR ROMANIA SA to disclose the relevant and necessary information to the Unions in the framework of the collective bargaining during the period May 2013 to July 2013.



PORTUGAL

| 3

The adjustment program promulgated by the European Commission, the European Central Bank, and the International Monetary Fund led to end of automatic extension of sectoral collective agreements. Now an agreement can only be extended if the negotiating union represents at least 50 per cent of workers in the bargaining unit. This has led to a shift to enterprise level bargaining by work councils instead of union representatives. Collective bargaining coverage has shrunk.

Moreover, the União Geral de Trabalhadores (UGT-P) and its affiliate Sindicato dos Bancários do Sul e Ilhas (SBSI) denounced the adoption of Decree-Law 19/2013 issued on 6 February 2013 without prior consultation with the social partners. The regulation has been imposed on workers in the banking sector suspending collective agreement that were in force. The SBSI has filed a complaint with the ILO Committee on Freedom of Association in this regard.

The REFER (Rede Ferroviária Nacional, EP) issued a minimum service requirement to the SINAPE (Sindicato Nacional Ferroviários do Movimento e Afins) only the day before the general strike of 27 June 2013 in order to undermine the strike action. Workers who are members of the Sindicato dos Técnicos, Administrativos e Auxiliares de Educação (STAAE) have been threatened that their union membership would impact their performance evaluation and thus promotions negatively.

In addition, the UGT believes that Airports of Portugal, SA (ANA) acted in bad faith when it negotiated minimum services during the general strike of 27 June 2013. Management refused to allow SINDAV members to participate in the minimum service.



RUSSIA

| 2

Constitutional Court rules in favour of union: On 24 October 2013, the Constitutional Court ruled in favour of the All-Russian Oil, Gas, and Construction Workers' Union and the All-Russian Public Institutions and Public Services Workers' Union regarding their right to freedom of choice of trade union structure. In 2010, trade unions introduced a number of amendments to their statutes ensuring their right to create inter-regional, territorial (municipal, inter-municipal, and city), amalgamated, sector-based, district and other trade union organisations. However, the Prosecutor's Office decided that this was not in conformity with the Federal Law "On Trade Unions, Their Rights and Guarantees of their Activity". The Constitutional Court overruled this decision by declaring that Article 3 of the Federal Law "On Trade Unions, Their Rights and Guarantees of their Activity" was unconstitutional.



SWEDEN

| 1

The Swedish Trade Union Confederation (LO), the Swedish Confederation for Professional Employees (TCO) and the Swedish Confederation of Professional Associations (SACO) report only incidental physical attacks on union members, and rare discrimination against union members. Other impediments to union activities, union members or workers are deemed incidental and rare.

LO observes the decreasing ratio of Labour inspectors to workers, which has risen to 16991 workers per inspector. LO also observes the substantial increase in work accidents among young workers (17 per cent), relatively to the increase for all workers (2 per cent).



SERBIA

| 2

Denial of the right to strike to workers at Zastava Arms:

Both the Ministry of Defence and the manager of the Zastava Arms, Rade Gromovic, denied the right to strike and representation of the Zastava Arms and Trade Union in the supervising board of the company. It was argued that pursuant to the Law on Companies, an employee of the company does not have the right to be appointed as a member of the Supervising Board.

Barriers to lawful strike actions: Strike action cannot be undertaken if parties to a collective agreement do not reach an agreement, as the dispute is then subject to compulsory arbitration. The law on strikes states that participation in a strike can lead to suspension not only of wages, but also of social security rights.



TURKEY

| 5

Interference in May Day celebrations: The public prosecutor initiated an investigation into the involvement of the Confederation of Progressive Trade Unions of Turkey (DISK) Chairman Kani Beko and General Secretary Arzu Çerkezoğlu in the 2013 May Day celebrations. The Governor of Istanbul prohibited May Day demonstrations on Taksim Square arguing a construction site would put demonstrators in danger. Police used violence to stop hundreds of protesters trying to reach Taksim Square.

Anti-union discrimination: Petrol-Is organised a considerable number of workers at TransAtlantic Petroleum Ltd company and Viking Services BS company, a company operating in the Middle East, North Africa and Eastern Europe in the fields of petroleum and gas exploration and production. As soon as management became aware of the organising efforts 24 trade unionists were dismissed and six trade unionists were transferred to oilfields in Northern Iraq. Moreover, the company uses intimidation, assaults and threats to deter trade unionists. Petrol-Is has brought the case to court and stages pickets outside the plant.

The company Pakpen dismissed eleven Petrol-Is members when it learned about the organising campaign of the union. Petrol-Is has filed a case at the labour court and is negotiating with management.

Arobus dismissed 19 workers: The company Arobus dismissed 19 workers in response to their trade union activities as members of the union Birleşik. When the union achieved the representativity requirements for bargaining, the company summoned workers at its Bursa plant to the management's office and offered the choice between dismissal and relinquishing their Birleşik membership in favour of another union. Arobus also called a public notary to the company to pressure workers to change their union membership.

8 trade unionists were released: On 5 August 2013, 8 trade unionists were released. As of 15 August 2013, 66 executives and members of KESK, including 40 members of the teachers' union Egitim Sen, are still languishing in jail in connection with various court cases.

Turkish Airline undermines strike: An Istanbul Labour Court ordered Turkish Airlines to stop hiring workers to replace workers who were on strike. The airline had hired 700 workers and had made arrangements with its SunExpress joint venture to replace 1,600 striking cabin crew workers. Hava-Is went on strike on 15 May 2013.

The state holds 48 per cent of the shares in Turkish Airlines. The Minister of Finance, Transportation, Maritime Affairs and Communications Minister and the Minister of Labour explicitly threatened Turkish Airlines workers with dismissal in their public statements.



UKRAINE

| 5+

In February 2014, demonstrators occupied key buildings in Kiev to protest the government of then President Yanukovich. Street battles between protestors and security forces ensued, leaving scores dead. The Parliament subsequently used constitutional powers to install a transition government and set an election for 25 May. Since then, the territorial integrity of Ukraine has been threatened. In March, Russia seized the Crimea and is now through proxies contesting key cities in Eastern Ukraine.

Sergiy Bizhko, head of the primary trade union of the NPGU "Production Unit - South Machinery Building Plant named after Makarov," reported that management refuses to provide premises for trade union activities. He stated that trade union leaders do not get time off for trade union activities. The union filed a case with the court.

Pavel Efimovich, the head of the primary trade union in Korosten reported that the administration of the locomotive depot discriminated and put pressure on him because of his trade union activities. The KVPU sent an official letter to the Minister of Infrastructure of Ukraine, requesting to investigate the situation and undertake appropriate measures.

In June 2013, the trade union leader of the primary trade union of the NPGU at "Interpipe NTZ" was dismissed without consultation with the union or any justification. An appeal was filed with the local administrative court.

In August 2013, Petro Garmash, leader of the Independent Trade Union of DonbassAero Company, reported that 724 employees at the company were dismissed from work without consultations with trade unions in violation of the law and an enterprise level collective agreement. Oleg Novikov, the General Director of DonbasAero refused to recognise the collective agreement as an effective document and did not consult the union with regard to staff reduction and dismissals. The union appealed to the General Prosecutor, the Ministry of Social Policy, the Labor Inspection, the Ministry of Internal Affairs, the Ministry of Dues and Taxes and the Ministry of Economy which has not led to any results so far.

In May 2013, Igor Pryzhylo reported to the Confederation of Free Trade Unions of Ukraine that management of Ordzhonikidzevugillia breached a collective agreement with the Independent Trade Union of Miners of Ukraine (NPGU) in Unokomunarivsk and Vuglegirsk. According to the collective agreement, the company owes the union 214.450,00 Hryvnas for cultural and health activities at the coal-mine Poltavska.



UNITED KINGDOM

| 3

Samaritans do not recognise unions: The charity organisation, the Samaritans, employer of 110 employees, has had a voluntary recognition agreement with Unite since 2005.

However, at a recent meeting management reneged on the agreement and refuses to discuss the issue. Unite now plans to initiate a statutory recognition process.

Barriers to lawful strike actions: The procedures for calling a legal strike are long and very technical. Unions must give notice to the employer of the intention to hold a ballot, of the results of the ballot, and of the intention to strike. An employer can seek an injunction against a union before a strike has even begun if the union fails to properly observe any of these steps.

Middle East and North Africa

Arab Spring and Trade unions in the Arab World: Opportunities and Risks!

The situation in the Arab countries continues to reflect a very instable political situation; some progress towards more respect for trade union rights and at the same time frequent new challenges for workers and their organisations.

Workers and civil society fought for a change towards a political system which would guarantee dignity, equality and social justice for youth and women in particular, and calling for a transition towards democracy and decent jobs for all.

More than three years on the picture is not clear everywhere and the situation in many countries remains critical. The 'Arab Spring' in countries like Tunisia, Egypt, Libya and Yemen did have a profound and ongoing political impact on the free exercise of freedom of expression as well as freedom of assembly and association, in some cases for the first time, independently from the control of the ruling authorities.

With the exception of Tunisia which recently ratified a democratic and progressive constitution (which establishes fundamental workers' rights including the right to strike) under the unquestioned and decisive leadership of the UGTT. However, progress has been slow and limited in other countries.

In Egypt, the presidential election will be held soon within an explosive social and economic context where a militant and independent growing trade union movement has not been able to unify its action. Drafts for a new ILO compliant labour code which would recognise workers' fundamental and union rights remain in abeyance pending an elusive political stability. In the meantime, Egypt witnesses an escalation of acts of terrorism which the government is fighting, in some cases by repressing public freedom.

In Bahrain, the government and the legitimate trade unions have finally settled the long-standing dispute in the ILO concerning the unfair dismissal of thousands of workers following the February and March events in 2011.

In Morocco, despite some constitutional changes in 2011, no real institutional changes have taken place and the social and economic situation has brought the trade unions recently into a unity of strong action in calling for more significant change and social justice.

In Algeria, often violent repression continues unabated against the emerging and growing new independent trade union movement. Social and political tensions remain high.

In Jordan, where constitutional change is at a standstill, the country is facing increasing economic and social challenges.

In Libya, where a new constitution and free elections have created the context for social progress based on oil revenues, the trade unions are slowly moving forward despite occasional disruptions caused by remnants of the earlier civil war.

In Yemen, internal armed strife continues, fed by geopolitical ambitions of both Iran and Saudi Arabia, which restricts the development of the trade unions.

In Syria, peaceful demonstrations for change which started in 2011 were responded to with state sponsored military intervention causing a civil war and humanitarian crisis, resulting in more than 150 thousand deaths and more than two million refugees.

In Palestine, more than 100 thousand workers continue to move daily from the West Bank to Israel to work in a hazardous environment. And the Palestinian people are still waiting for recognition of their natural right to build a state allowing economic development and a protective social policy with the guarantee of a secure and decent life for all.

Other countries such as Lebanon, Mauritania, Sudan and Iraq, despite their different history, culture and socio-economic structures, have seen the same aspirations by their youth, civil societies and women for social justice frustrated by religious, ethnic or tribal political power.

In the majority of the Gulf States, with the exception of Kuwait, Bahrain and Oman, freedom of association and union rights are not yet recognised. In the meantime, millions of migrant workers continue under the infamous Kafala system to face inhuman working conditions with little or no protection.

The growth and strengthening of a new, independent and militant trade unionism in the Arab countries has been accompanied and supported by the international trade union movement with the establishment of an Arab Democratic Trade Union Forum (ADTUF) along with an Arab Trade Union Rights Network and an Arab Women's Network, as well as initiatives to support the integration of youth into trade unions.

This process of strengthening the independent unions in Arab countries was consolidated in October 2013 by the

decision of the ITUC's General Council; endorsing a new sub-region structure for the Arab countries (ATUC).



ALGERIA

| 5

Anti-union discrimination: In March 2013, nine trade union members were dismissed from their positions according to SNAPAP when they started to call a series of strikes from January onwards. The latest strikes were scheduled for 25, 26 and 27 February but were declared illegal by the Court of Algiers.

Rachid Malaoui dismissed: In May 2013, Rachid Malaoui, President of SNAPAP, was removed from his post at the University of Continuous Education before he was about to take part in the International Labour Conference in June 2013. Several negotiations have taken place with the Ministry of Labour and other state institution. However, no concrete steps have been undertaken to reinstate Rachid Malaoui.

Travel bans against trade unionists: The Algerian authorities prevented a delegation of 96 trade unionists and civil society activists from crossing the border into Tunisia to attend the World Social Forum in March 2013. The only reason given by border police in Annaba was that the trade unionists were on a list of people banned from leaving Algeria because of "unrest".

Interference in trade union activities and harassment by police: North African trade unionists visiting Algeria to take part in the first North African Forum to Fight Unemployment and Precarious Work were harassed by police. Police raided the hotel where the trade unionists were staying and proceeded to arrest five Moroccans, three Tunisians and three Mauritians, including two women. They were then driven directly to the airport and deported from the country. The trade unionists detained were due to take part in a meeting at the Maison des syndicats. Police surrounded the trade union premises early in the morning and prohibited any attempt to access or vacate the building.



BAHRAIN

| 4

Art. 104 of the Labour Code of 2012 stipulates that dismissals on the basis of trade union membership or activity are unjustified. The law does not provide for dissuasive sanctions against anti-union discrimination. Art. 111 of the Labour Code of 2012 gives the employer the right to illegitimately dismiss workers, if s/he pay compensation based on seniority.

Barriers to the establishment of organisations: The legislation allows for the registration of multiple trade unions at enterprise level as long as the unions are not formed on the basis of sect, religion or race (Decree No.35 of 2011). Trade unions fear that since most Bahraini workers are Shia Muslims the law could be invoked to prevent registration or de-register trade unions claiming that they were established on sectarian or religious grounds.

External interference allowed by law: The Minister of Labour has the right to determine the most representative organisation of workers that will represent Bahraini workers in international fora and national level bargaining (Act on Trade Unions (as amended by Act No. 49); Art. 8.3 Legislative Decree No. 35 of 2011).

Categories of workers prohibited or limited from forming or joining a union, or from holding a union office: Workers covered by Civil Service Regulations may not establish trade unions. They can only join existing organisations which regroup workers having occupations or professions similar to theirs (Act on Trade Unions, Section 10; Circular No. 1 of 10 February 2003 on the right of civil service workers to join workers' unions). Temporary workers performing ancillary services of an employer for a duration of less than one year do not have the right to join or form a trade union (Labour Law in the Private Sector 2012, Art. 2). Agricultural workers do not have the right to join or form a trade union (Labour Law in the Private Sector 2012, Art. 2). Domestic servants and "persons regarded as such" are excluded from labour legislation and therefore have no rights to join and form trade unions (Labour Law in the Private Sector 2012, Art. 2).



EGYPT

| 5

Anti-union discrimination: In June 2013, Wael El-Maadawy, the Minister of Civil Aviation ordered the dismissal of 15 workers at Cairo Airport Company that participated in an earlier strike demanding better financial conditions. He accused them of instigation and disrupting work operations.

Qena strikers detained for four days: The detainees were part of a group of workers at Ganoub El Wadi Petroleum Company who have been on strike and camping out in front of the company since February, demanding fulltime contracts.

Strikers' families claim they were taken from their homes in the early morning.

Three of them were released on the 13th of April and the rest were held at the Qena Security Directorate until after midnight. The detainees were accused of resisting the authorities.

Security forces removed the strikers' tents near the petroleum company and forcefully opened the company headquarters on the 14th after remaining closed for almost two months on account of the sit-in.

Workers on strike attacked in a cement factory: On the 3rd of May, more than 350 workers from a cement factory in Aswan, Upper Egypt announced a strike after factory management refused to negotiate the demands put forth by workers. On the 5th of May, the factory's management decided to end the strike by force and the workers were attacked by security personnel from the factory who used live ammunition to intimidate the striking workers.



IRAN

| 4

Single trade union system imposed by law: The only authorised national workers' organisation is the Workers' House, which is an entity set up and backed by the authorities and em-

ployers. The 1990 Labour Law stipulates that an Islamic Labour Council (Shoraya Eslami) or a guild society can be established at any workplace, or alternatively a workers' representative can be appointed (Art.131 Labour Law).

Restrictions on workers' right to join the trade union of their choosing imposed by law: The Islamic Labour Councils are formed by the Ministry of Labour and Social Affairs pursuant to Article 15 of the law for the Formation of Islamic Labour Councils (1985) which states that the Ministry of Labour and Social Affairs is obliged to form the Islamic Labour Councils in units which have more than 35 permanent employees. Also, Article 1 of the By-Laws of the Islamic Labour Council's Election (1985) explicitly makes reference to the Islamic Labour Councils formed by the Ministry of Labour and Social Affairs.

Categories of workers prohibited or limited from forming or joining a union: Workers in export processing zones are excluded from rights guaranteed under the Labour Law. Art. 5 Law of the Administration of Commercial and Industrial Free Zones stipulates that export processing zones "do not come under the jurisdiction of laws and regulations applying to government companies, nor that of government regulations, and they shall strictly and exclusively abide by the rules of this specific law and its articles, and shall administer their organisation accordingly."

In the agricultural sector, activities related to growing and management of fruit trees, various plants, forests, pastures, parks, animal husbandry, raising and breeding of poultry and birds, the silkworm industry, breeding marine animals, beekeeping, cultivation, growing and harvesting and other agricultural activities are exempted from parts of this Code, at the proposal of the Supreme Labour Council, and subject to the approval of the Council of Ministers (Art.189 Labour Law, 1990).

Workers are defined as persons who work "in a capacity at the request of an employer in return for remuneration" (Art.2 Labour Law, 1990). This definition excludes informal workers from rights guaranteed in the Labour Law. Enterprises with less than ten workers may also be excluded "small-scale enterprises with fewer than ten workers may, as circumstances require, be temporarily excluded from some of the provisions of this Code. Determination as to such exceptional cases shall be in conformity with regulations to be proposed by the Supreme Labour Council and approved by the Council of Ministers." Workers employed in "family workplaces where work is performed exclusively by the employer, his wife and his blood relatives in the first degrees are not" protected by the Labour Law (Art. 188).



ISRAEL

| 3

Anti-union discrimination: In July 2013, the security company "Modi'in Ezrachi Ltd." threatened its security guards at the railway stations, through SMS text messages from their direct boss, that there is an absolute prohibition to organise in the framework of the Histadrut.

In September 2013, management at Electra announced in a letter sent by courier to approximately 30 workers that it is removing them from the work schedule until they sign a document committing them not to take any organisational measures. At the same time, management blocked the mobile phones and petrol allowance of the employees that held an information meeting about the organising. The management also placed guards at the entrance of the workplace to stop the employees entering.

The "One" news website's management fired Or Zilberman, one of the founders of the Journalists Committee, and cancelled the dismissal following an order of the Labour Court. In addition, employees who were identified as union members were given fewer shifts and they also were not invited to a social activities organised by management. Moreover, demands by unions to enter into collective bargaining negotiations are declined in violation of a court order of the Labour Court ruling that the Journalists Organisation is a representative organisation and that "One" news is obliged to hold negotiations.

Violation of collective agreement: In July 2013, management at Maariv tried to force the employees' committee to sign a statement cancelling a collective agreement concluded six months earlier. Moreover, an email was sent to the workers arguing that the employees' committee lost the right to represent workers in collective bargaining negotiations. Workers were asked individually to fill out an online questionnaire on cutbacks at the company.



JORDAN

| 4

Replacement workers: In July 2013, in a joint press conference with the Ministers of Interior and Finance it was announced that the government was taking measures to restore working conditions at the Jordan Customs Department where some workers had instigated a strike demanding pay raises and transport allowances. The Minister of Finance considered the strike as "not justified" and called on the workers to return to work and to put an immediate end to the strike. The Government has replaced the striking workers with police officers and is considering hiring retired workers as replacement.

Security forces prevent strike: Security forces prevented workers at the Justice Palace from entering the building where they had been demonstrating for 19 consecutive days calling for better work conditions and increased wages and bonuses. Specifically, workers asked for an inclusion in the bonus system, the restructuring of incentives regulations, the amendment of wages for third category employees and the amendment of the Social Security Fund regulations. The strike had caused delays in court proceedings in Amman but also in other cities where workers joined the strike, in particular in Irbid and Tafleeh.



LEBANON

| 4

Anti-union discrimination at Spinneys: It was reported that retail chain Spinneys, employer of 1,500 workers, dismissed three workers (Samir Tawk, Miled Barakat and Elie Abi Hanna) for being trade union members in breach of Article 329 of the Lebanese Criminal Code. The workers had asked management to comply with the increase of the minimum wage passed in February 2012. Spinneys responded by threatening workers with dismissals and dismissed Samir Tawk from the retailer's Achrafieh branch. CEO Michael Wright is now facing charges before the Criminal Court.

Hanna Gharib replaced during strike: Mar Elias Batina Private School in Beirut replaced Hanna Gharib, head of the Union Coordination Committee, who was leading the teacher's strike in March 2013. On 1 April 2013, school management decided Hanna Gharib could continue to teach at the school. Teachers had gone on a strike demanding pay increases in the public sector. The Lebanese Forces Department of Workers and Employees condemned the school's initial decision and stated this was an attack against the entire labour movement.



Oil guards strike: Oil guard workers went on strike calling for better wages and constitutional reform. The strike commenced in June 2013 and virtually stopped production and exports at key terminals in Ras Lanuf, Sedra, Brega and Zoueitina on the central coast. The Government responded by threatening to use military force to bring order to oil sector. The law prohibits anti-union discrimination, but does not provide adequate means of protection against it.

The Labour Code requires that clauses of collective agreements be in conformity with the national economic interest. That provision allows the government to preclude any demand it regards as incompatible with its economic and social preferences. According to section 150 of the Labour Code the exhaustion of all conciliation and arbitration procedures is the only condition for a lawful strike. Collective disputes must be referred to compulsory arbitration at the request of one of the parties or at the discretion of the public authorities, the outcome of which is binding on both parties. As the ILO has noted, this system makes it possible to prohibit virtually all strikes or end them quickly.



The General Confederation of Mauritanian Workers (CGTM) reports that arrests of unionists during demonstration are common, even though they are released soon after. Repression by force is reported in the case of the Nouakchott's Harbour Dockers, and in the Mining sector at large, where Mohamed Ould was killed during Police intervention in July 2012. Repeated cases of intimidation, threats and dismissals at Tasiast and Akjoujt Mines have occurred. Employers frequently hire replacement workers in order to break strikes.

Mass dismissal Kinross: The company Kinross-Tasiast, extracting and processing gold ore dismissed about 300 workers in 2013 for redundancy. The Confédération Libre des Travailleurs de Mauritanie (CLTM) argues that these dismissals are not justified as the economic situation of the company is stable. Workers have also reported that they are forced to do overtime work and are exposed to inadequate working conditions.

On 18 February 2014, workers demonstrated at the offices of the Prime Minister against these violations but were violently repressed by the security forces with tear gas. About 20 workers, including union representative Boubacar Ould Merzoug, were then detained at the police station of Ksar district in Nouakchott.

Interference in strikes: Capital Drilling dismissed workers who had participated in a strike and stated that it would reinstate the workers if they left the union and agreed to work under fixed term contracts rather their previous permanent contracts.



The Confédération Démocratique Du Travail (CDT) reports that the distribution of information material and the organisation of protests action by workers have been prohibited on frequent basis. The refinery company Samir has used discriminatory

measures against trade unionists such as transfers, suspensions and dismissals. State-controlled companies and local governments often try to falsify the results of union elections. Moreover, Danone refuses to bargain in good faith with workers delaying negotiations to prevent agreements to be concluded. The company also does not provide accurate and complete information about the financial situation of the country. The government and employers cooperate to break strikes. CDT pointed out that employers hire replacement workers and the government uses sanctions to discourage workers from participating in strikes.

Management of the call centre company "Total Call" refuses to recognise unions for collective bargaining purposes. Moreover, 13 union members were dismissed after having announced the establishment of a union in the company, including Mostafa Berrchid, El Mehdi Nasseur, and Kamal Souker.

Anti-union practices at City Bus company in Fes: Since City Bus was contracted to manage urban transport in Fes in September 2012, there have been anti-union activities at the company, including: refusal by the local authorities to recognise the union office; the use of workers outside the company to break a strike organised in 13 May 2013; and the use of police to remove workers who were taking part in protest action.



OMAN

| 4

Oman's main oil producer Petroleum Development Oman dismissed 400 workers who had gone on strike demanding pension contributions and health insurance. Workers were reinstated after negotiations under the auspices of the Shura Council. Art.110 Labour Code prohibits the dismissal on the basis of trade union activities. However this regulation does not come with dissuasive sanctions.

Methonal Holding violates collective agreement: Workers at Oman Methanol Holding Company (OMC) in Sohar and Dalma Energy in Muscat went on strike to protest against the company's failure to implement the annual salary increases stipulated in a decision by the Manpower Ministry. The ministerial decision No. 32/2012 which was adopted in January 2012 requires companies in the private sector to give a three per

cent salary increase annually. Management also refuses to implement a collective agreement reached with the trade union.



TUNISIA

| 2

Death threats against unionists: The Secretary General of the Union Générale Tunisienne du Travail (UGTT) has been the subject of death threats. The unions suspect that Salafists groups are behind the threats since they are constantly accusing the UGTT of hampering economic development.

Excessively complex or time-consuming formalities to call a strike: In order to strike unions must give ten days' advance notice to the UGTT, which should give its authorisation. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has repeatedly pointed out that subjecting the right to strike to approval by the main trade union confederation was restricting the right of grass roots unions to organise their activities and freely defend their members' interests. The government has never given a satisfactory answer to that criticism.



UNITED ARAB EMIRATES

| 5

Police ends strike and deports migrant workers:

Construction workers at the company Arabtec were striking to demand a 350 UAE dirham (92 US dollars) monthly food allowance to be paid with their salaries, rather than the three daily meals provided by the company. Workers earn 650 to 1,200 UAE dirham a month (from 177 to 327 US dollars). The company refused to negotiate with the workers and instead the Ministry of Labour sent the police to the labour camp to coerce workers to return to work. Even though management stated that all workers returned to work, several workers have reported that they received deportation orders.

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19. Case No 2699 (Uruguay) - Complaint date: 10-FEB-09 (http://www.ilo.org/dyn/normlex/en/f?p=1000:20060:0:FIND:NO:20060:P20060_COUNTRY_ID,P20060_COMPLAINT_STATU_ID:102876,1495811)

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