



2016

ITUC GLOBAL RIGHTS INDEX

THE WORLD'S WORST COUNTRIES
FOR WORKERS



ITUC CSI IGB

INTERNATIONAL TRADE UNION CONFEDERATION

The 2016 ITUC Global Rights Index

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WORLD'S
WORST
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FOR
WORKERS**

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The International Trade Union Confederation (ITUC) is a confederation of national trade union centres, each of which links trade unions of that particular country. It was established on 1 November 2006, bringing together the organisations which were formerly affiliated to the ICFTU and WCL (both now dissolved) as well as a number of national trade union centres which had no international affiliation at the time. The new Confederation has 333 affiliated organisation in 162 countries and territories on all five continents, with a membership of 180 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 2016 ITUC Global Rights Index shows workers' rights were weakened in almost all regions of the world, including through severe crackdowns on the right to free speech and assembly.

The Middle East and North Africa was again the worst region for workers. The complete lack of freedom of association and the kafala system, which subjects millions of migrant workers to the risk of forced labour, continued to be pervasive throughout the Gulf states. While the continued denial of or threats to democracy and rights in the Middle East has escalated violence, oppression and denial of freedom of association.

Countries in Europe and Central Asia continue to offer the best protection of trade union rights to workers but at the same time experience the starkest deterioration of those rights - a continuation of a trend.

Even in countries with strong democratic traditions, governments tabled proposals attempting to establish legal barriers curtailing workers' voices in negotiating collective agreements and with regard to government policies. Unions in the United Kingdom, France and Finland are fighting back against regressive legal legislative changes.

The ten worst countries for working people this year are Belarus, Cambodia, China, Colombia, Guatemala, India, Iran, Qatar, Turkey and the UAE. Additionally, other countries have seen their ranking fall this year, including Indonesia (from 4 to 5), Paraguay (from 3 to 4) and Belgium (from 1 to 2).

While there was one less country in which workers were killed for their trade union activity, the number of countries where workers were exposed to violence increased from 36 in 2015 to 52 countries in 2016.

The countries where workers have faced the worst forms of violence, including murders, killings, threats, kidnappings and physical violence include Colombia, Egypt, Guatemala, Indonesia and the Ukraine. Working collectively for better wages, rights and conditions makes workers targets of both state security forces and thugs hired by companies.

Another trend is the dramatic increase in the interference and restriction of free speech and peaceful assembly. Threats of terrorist activity are being used by governments in order to push for security agendas that undermine the right to freedom of assembly and expression which not only form the pillars of democratic societies but also enable workers and citizens to have a say in decision-making.

In 50 countries, that is 9 countries more than last year, demonstrations were halted and workers suffered retaliation for expressing their views.

Certain categories of workers are excluded from the right to freedom association in 58 per cent of all countries and workers do not have the right to strike in 68 per cent of countries. Workers are denied the right to bargain collectively for better working conditions in 57 per cent of countries.

The findings are derived from the ITUC Global Rights Index. Throughout 2015 and 2016, the ITUC has investigated and documented repression and abuses faced by workers who stood up for democratic rights and freedoms, equality and social justice. Based on the evidence collected, we have produced the third Global Rights Index rating 141 countries on the degree of respect demonstrated for workers' rights.

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

These rights are protected in international human rights instruments, including the Universal Declaration of Human Rights and have been recognised as constituting the prerequisites for the realisation of decent work.

The ability of workers to organise allows them to use their collective power to achieve improved labour rights, health and safety at the workplace, the right not to be discriminated against and freedom from forced labour and child labour. The Global Rights Index therefore focuses on collective labour rights "as a benchmark" for the realisation of decent work.

Part I of this publication provides a more detailed analysis of the 2016 ITUC Global Rights Index as well as a short overview of the methodology. Part II of the publication presents illustrative examples from the evidence we collected throughout the year. Further information can be found on the website of the ITUC Survey (survey.ituc-csi.org).

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

Sharan Burrow, General Secretary

The 2016 ITUC Global Rights Index

PART I

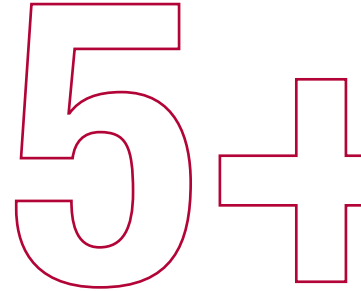
The ITUC Global Rights Index depicts the world's worst countries for workers by rating 141 countries on a scale from 1-5 based on the degree of respect for workers' rights. As the global voice of working people, the ITUC has been documenting and exposing violations of workers' rights for three decades. This has been done through narrative information published in the ITUC Survey. In 2014, the ITUC Global Rights Index was developed for the first time in order to increase the visibility and transparency of each country's record on workers' rights. In addition, the ITUC Global Rights Index serves as a tool to track trends across the world every time changes in policies or legislation take place.

THE 2016 RESULTS

Rating 5+

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

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



Rating 5

No guarantee of rights.

	Algeria	5
	Bangladesh	5
	Belarus	5
	Cambodia	5
	China	5
	Colombia	5
	Egypt	5
	Greece	5
	Guatemala	5
	Hong Kong	5
	India	5
	Indonesia	5
	Iran	5
	Korea	5

Pakistan	5
Philippines	5
Qatar	5
Saudi Arabia	5
Swaziland	5
Turkey	5
United Arab Emirates	5
Ukraine	5
Vietnam	5
Zambia	5
Zimbabwe	5

Rating 4

Systematic violation of rights.

Bahrain	4
Benin	4
Cameroon	4
Cote D'Ivoire	4
Djibouti	4
Fiji	4
Haiti	4
Honduras	4
Jordan	4
Kenya	4
Kuwait	4
Lebanon	4
Malaysia	4
Mali	4
Mauritania	4
Mauritius	4
Mexico	4
Nigeria	4
Oman	4
Panama	4
Paraguay	4
Poland	4
Romania	4
Serbia	4
Sierra Leone	4



Thailand	4
Trinidad and Tobago	4
Tunisia	4
United States	4
Yemen	4

Rating 3

Regular violation of rights.



Albania	3
Angola	3
Argentina	3
Australia	3
Bahamas	3
Belize	3
Bolivia	3
Bosnia	3
Botswana	3
Bulgaria	3
Burkina	3
Chad	3
Chile	3
Croatia	3
Democratic Republic of Congo	3
Ecuador	3
El Salvador	3
Ethiopia	3
Georgia	3
Hungary	3
Israel	3
Jamaica	3
Kazakhstan	3
Lesotho	3
Madagascar	3
Montenegro	3
Morocco	3
Myanmar	3
Nepal	3
Peru	3
Russia	3

Rwanda	3
Senegal	3
Singapore	3
Spain	3
Sri Lanka	3
Taiwan	3
Tanzania	3
Uganda	3
United Kingdom	3
Venezuela	3

Rating 2

Repeated violation of rights.



Barbados	2
Belgium	2
Brazil	2
Canada	2
Congo	2
Costa Rica	2
Czech Republic	2
Dominican Republic	2
Ghana	2
Ireland	2
Japan	2
Latvia	2
Lithuania	2
Macedonia	2
Moldova	2
Mozambique	2
Namibi	2
New Zealand	2
Portugal	2
South Africa	2
Switzerland	2
Togo	2

Rating 1

Irregular violation of right.



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

THE ITUC GLOBAL RIGHTS INDEX EXPLAINED IN 4 STEPS¹

1. Documenting Violations

The ITUC documents violations of internationally recognised collective labour rights by governments and employers. We send out a questionnaire to 333 national unions in 162 countries asking them to report violations of workers' rights by indicating relevant details.

Regional meetings with human and trade union rights experts are held where the questionnaire is disseminated, explained and then filled out.

The ITUC contacts unions directly by phone and email when it becomes aware of violations to confirm relevant facts.

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

2. Publication of violations in the ITUC Survey

Documented information is summarised and consolidated by ITUC staff in the form of text. This information is publicly accessible on the website of the ITUC Survey.

3. Coding of text

The text under each country in the ITUC Survey is read against a list of 97 indicators (See Annex) which is derived from ILO Conventions and jurisprudence and represents violations of workers' rights in law and in practice. A country receives a point for each time textual information corresponds to an indicator. Each point has the value of 1. After coding the text for a country the number of points is added up to arrive at a total score.

4. Rating countries

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

DESCRIPTION OF THE RATINGS

1

// Irregular violations of rights

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

2

// Repeated violations of rights

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

3

// Regular violations of rights

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

4

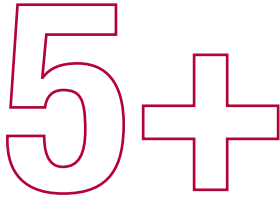
// Systematic violations of rights

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



// No guarantee of rights

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



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

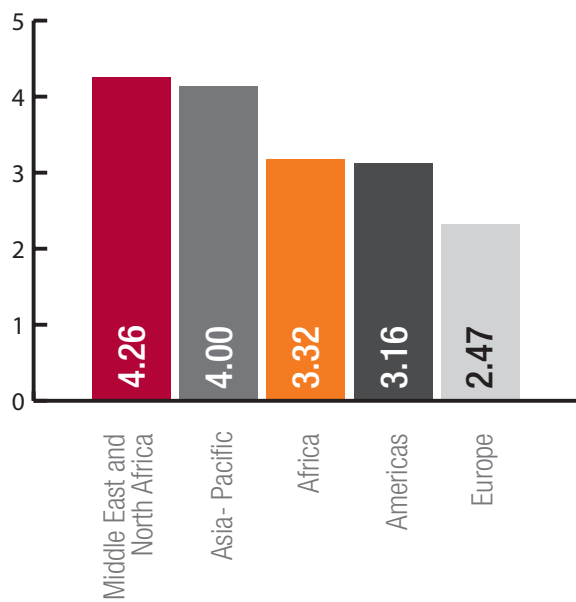
Workers in countries with the rating 5+ have equally limited rights as countries with the rating 5. However, in countries with the rating 5+ this is linked to dysfunctional institutions as a result of internal conflict and/or military occupation. In such cases, the country is assigned the rating of 5+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

WORST REGION IN THE WORLD

The Middle East and North Africa remains the world's worst region when it comes to fundamental rights at work. The vast majority of workers, namely migrant workers, in the Gulf countries are excluded from basic protections under the labour laws, including the right to freedom of association and to bargain collectively. This, in tandem with repressive sponsorship laws, systematically exposes these workers to forced labour. In other countries, such as Egypt, workers face serious repercussions for raising their voices for decent work and against autocratic rule. In Algeria, the government has still refused to register independent trade unions or ensure the reinstatement of sacked union activists.

Countries in Europe and Central Asia continue to offer the best protection of trade union rights to workers but at the same time experience the starkest deterioration of those rights - a continuation of a trend. The average rating increased from 2.32 to 2.47 from 2015 to 2016. In 2014, the average rating was 1.84 reflecting a clear erosion of laws and institutions which previously guaranteed rights and democratic workplaces.

Labour rights continue to be under attack under the guise of austerity measures in countries such as Greece. Several governments have announced significant changes to labour laws that would violate international standards without consulting trade unions, including countries such as Bosnia, Serbia and the Ukraine. Furthermore, terrorism threats and the increased importance given to the security agenda have been used as justifications in order to limit fundamental rights, in particular in Turkey but also in Western European countries such as Belgium.



THE WORLD'S 10 WORST COUNTRIES FOR WORKERS

Belarus

With President Alexander Lukashenko, often referred to as Europe's last dictator, in power workers are extremely restricted in exercising their fundamental rights.



The United Nations special rapporteur on the situation of human rights in Belarus, Miklos Haraszti, has confirmed again that the “systematic violation of human rights, in particular civil and political rights, continues” and that independent labour unions are suppressed. In addition, to serious infringements of the right to freedom of association through imprisonments and dismissals of workers for engaging with independent unions, the government is now promoting forced labour. Decree No. 9 signed into law in December 2012 stipulates that workers employed in wood processing enterprises cannot terminate their employment contracts without the consent of their employer. This year the government also adopted Decree No. 3 “on the prevention of social parasitism.” Accordingly, every resident who has been unemployed for over six months must pay a penalty to the state.



Cambodia

In recent years, Cambodian workers have been exposed to retaliation, violence and imprisonment, in particular when they campaigned for a minimum wage that would allow them to cover their basic needs. However, with the approval of the new Trade Union Law this year, the government has further limited workers' ability to negotiate over their working conditions and pay. Despite relentless opposition from unions, the ILO and several global garment brands, the govern-

ment approved the law which will among other things impose new limits on the right to strike, facilitate government intervention in internal union affairs and permit third parties to seek the dissolution of trade unions — while at the same time imposing only miniscule penalties on employers for unfair labour practices. The government has also continued to violently crackdown on protests by unions through its security forces. Workers demonstrating peacefully and chanting slogans near the National Assembly against the new law were beaten and a union leader was punched in the face drawing blood.



China

In 2015, workers conducted over 2,700 strikes over violations of basic labour rights, including the non-payment of wages and social security. In most such cases, employers threatened workers for having broken company rules, government officers harassed workers, and police engaged in physical attacks on workers citing the need to maintain public security. This is the result of the absence of a right to strike, allowing provincial, municipal and township governments to impose their own guidelines to handle mass incidents. Several advocates who supported trade union activity were jailed in late 2015, leading the ITUC to file a lengthy complaint to the ILO Committee on Freedom of Association.

Colombia

Trade unionists have been murdered with impunity for decades in Colombia. In 2015, 20 murders of trade unionists were recorded in Colombia- the highest number in any country. For example, Oswaldo Hernández Gutiérrez, president of the San Sebastián de Buenavista branch of the Sindicato Nacional de la Salud y Seguridad Social (SINDESS) was shot several times in his head and neck when he was returning home. Seriously wounded, he was taken to a hospital in the city of Valledupar, where he received surgery but subsequently died from his injuries. In addition, it is extremely difficult for workers to engage in collective bargaining due to the prevalence of so-called collective pacts, which employers use to undermine genuine collective bargaining over working conditions and pay. These pacts are negotiated with non-unionised workers who are not able to put their demands forward collectively. Instead, conditions are unilaterally imposed by employers. Workers continue to be hired under sham employment schemes which deprive them of their ability to exercise their fundamental labour rights.



Guatemala

Guatemala has been one of the most violent countries for workers for many years. The ILO, the UN and other international organizations have detailed extremely serious and systematic violations of the right to freedom of association, up to and including death threats and murder. Yet, despite repeated promises by government, workers have been exposed to physical violence, intimidation, murder, kidnappings and death threats. On 24 September 2015, trade unionist Mynor Rolando Ramos Castillo, a member of the Sindicato de Trabajadores de la Municipalidad de Jalapa (SITRAMJ), was murdered. The municipal worker had been dismissed on account of his trade union activities and took part in the mobilisations to press the Mayor of Jalapa, Elmer Leónidas Guerra, to comply with the labour court ruling ordering the reinstatement of unfairly dismissed workers. Given the brutal anti-union violence and unchecked violations of workers' rights, it is unsurprising that current union membership stands at 1.6 per cent of the working population.



India

Police has used disproportionate violence against workers protesting to call for the payment of due wages and workers were detained for exercising their rights guaranteed in national laws. Private security guards hired by companies also use violence against workers picketing to demand the payment of their wages. The situation is likely to get worse as the government has proposed to make changes to the labour laws which would undermine fundamental rights. The draft law stipulates that at least ten per cent of the total employees or 100 workers would be needed to form a trade union. Another provision would allow companies employing up to 300 workers to lay off staff without government permission, as against 100 workers previously. In India 85 per cent of manufacturing firms employ less than 50 workers, and around half of these workers are kept on short-term contracts and earn just USD 5 or USD 6 per day. The government's proposals would deprive them of vital legal protections leaving them in even more precarious circumstances.



Iran

Independent trade unions are prohibited in Iran. The only authorised organisations which may represent workers are the Workers' Houses, an entity set up and backed by authorities and employers. The government uses heavy prison sentences against workers for peaceful activities. For example, Mahmoud Salehi, a founding member of the Bakery Workers' Union in the city of Saqez (Kurdistan Province) who has been in and out of prison for the past 20 years, was sentenced to another nine years last year. He had lost his kidney during his previous imprisonment. In the private sector, workers are frequently dismissed for demanding basic rights such as payment of wages.

Twenty workers at the Khatoonabad Copper Mine Complex in Kerman were arrested on 26 January 2016 for taking part in protests. The workers were arrested after they gathered to protest against unpaid wages and the dismissal of 130 contract workers, after a series of tests announced back in September 2015.



Qatar

The entire migrant workforce (94 per cent of all workers) is excluded from the right to freedom of association and to bargain collectively, and even Qatari workers face substantial obstacles. As a result, they are unable to form trade unions and are forced to accept inhumane working and living conditions which can result in modern day slavery. Though “reformed” in 2015, the kafala system continues to give employers and the government near total control over the employment relationship, and prevents workers from changing jobs under most circumstances.

The number of migrant workers is expected to increase with the preparations for the World Cup in 2022. An expert group led by Professor John Ruggie recently developed a report making it clear that FIFA and its corporate sponsors have a responsibility to ensure that human rights are respected independently of the government's responsibility to guarantee such rights in law. In addition, the ILO undertook a tripartite mission to Qatar in 2016 and warned the government that a Commission of Inquiry will be established within one year if no improvements are achieved by then.





Turkey

Turkey ranks in Category 5 in the 2016 Global Rights Index. However, attacks on workers have intensified since last year, putting the country among the 10 worst in the world. Currently, at least 1,390 public sector workers, members of the trade union KESK, are under investigation for engaging in peaceful union activities. Some 284 have been transferred, 403 have been forced to retire, 102 have been detained and arrested and 97 have been charged with “insulting the President”. More than 100 people died during a terrorist attack targeted at a mass rally under the banner “Work, Peace and Democracy” organised by trade unions and professional associations in Ankara on 10 October 2015. Private sector employers continue to discriminate against workers making collective demands through their unions. The end of February 2016 saw violent clashes between the police and dismissed workers, peacefully demonstrating to get their jobs back and for the right to organise at car manufacturer Renault’s Turkish plant Oyak in the city of Bursa. Over 60 people lost their jobs, and a further 54 were asked to leave with severance packages when they demanded the right to elect their representatives.

United Arab Emirates

All workers, including migrant workers, are deprived of their rights to freedom of association and to bargain collectively. In the United Arab Emirates (UAE), migrant workers constitute around 88.5 per cent of the workforce. Recent reforms have made improvements to the kafala system, though workers continue to face abusive working conditions in practice. In March 2016, an ILO tripartite committee confirmed serious and widespread problems regarding exorbitant recruitment fees paid by migrants, passport retentions increasing migrant workers’ vulnerability to abuse and non-payment of wages contributing to the prevalence of forced labour.





TINJAU BERKUALITI
TANAH KAMI
PRESIDEN TUNJUK
KAMI MASRAHATI
RUMAH BOGOT
TANGKAP SAHABAT
RAMPAJ DAN SIBAT
TINJAU

POLIS

POLIS
KAWASAN
POLIS

131

MOST VIOLATED RIGHTS

Large-scale exclusion of workers

All workers without distinction have the right to freedom of association. However, 82 out of 141 countries exclude certain types of workers from this right. Exclusion can be linked to the employment status of workers thus leaving precarious and informal workers outside the scope of the labour. This has a devastating impact for workers in countries where this type of work is increasing. For example, in sub-Saharan Africa, the majority of the labour force is in the informal economy. It is estimated that as many as nine in ten rural and urban workers have informal jobs. In 96 out of 141 countries, several categories of workers are excluded from the right to strike.

The right to collective bargaining

Good faith collective bargaining is essential for improving the living and working conditions of workers and establish mature industrial relations. Yet, employers and governments have completely refused to bargain with representative trade unions or delayed negotiations to such an extent that they become almost meaningless in at least 89 out of 141 countries.

Free speech and public protests

There has been a clear increase in the number of instances where the right to free speech and public protests was repressed through police and security services. In 2016, 50 countries imposed practical restrictions on these rights- 9 more countries than last year. For example, teachers in Algeria were violently dispersed during a sit-in held in front of the Education Ministry on 21 March 2016. In Zimbabwe, police cracked down on workers demanding the payment of their salaries. On 8 August 2015, police besieged the Zimbabwe Congress Trade Union (ZCTU) offices in Harare, arresting the leaders of the trade union in order to stop an announced demonstration. Workers calling for an investigation into the death of a worker in the shipbreaking industry were beaten by police in early 2016. The Korean government banned a mass rally planned for 14 November 2015, arrested participants and raided the trade union office. Workers in certain parts of Russia were prevented from holding 1 May procession under the pretext that demonstrations would disrupt traffic. The right to freedom of expression and assembly are not only critical to democratic governance but are also fundamental in allowing workers to freely discuss, define and express their collective interests. With the numerous restrictions on the right to strike, public protests are often the only means for workers to be heard.

Increase in violence

Threats and violence in retaliation for the exercise of freedom of association deprives workers of their rights and creates a climate of fear that chills the exercise of that right by others. Yet, there is a large number of countries where workers risk their life for engaging in trade union activity. There were 11 countries where workers were murdered or killed, one less than last year. However, there was a distinct surge in the number of countries where workers faced physical violence, kidnappings, threats and intimidation - from 36 countries in 2015 to 52 countries in 2016.

The examples are numerous. However, Colombia, Egypt, Guatemala, Honduras, Indonesia and the Ukraine stood out last year in terms of the types and number of instances of violence documented. With 20 murders in 2015 Colombia is again the country with the highest number of murders in any country. Over 2,500 unionists have been murdered in the past 20 years, more than in the rest of the world combined. Violence against independent trade union activism was also recorded in Egypt. The disappearance and cruel torture and killing of Giulio Regeni is an exemplary case. In June 2015, soldiers opened fire on workers, who gathered in front of management's office after a worker was seriously wounded in a workplace accident, killing one and wounding three others. On 24 September 2015, trade unionist Mynor Rolando Ramos Castillo, a member of the Sindicato de Trabajadores de la Municipalidad de Jalapa (SITRAMJ), was murdered in Guatemala. On 17 June 2015, Héctor Orlando Martínez, president of Branch 6 of the Sindicato de Trabajadores de la Universidad Autónoma de Honduras (SITRAUNAH) at the Pacific Coast Regional University Centre (CURLP-UNAH) in the city of Choluteca, was killed. Anatolyi Mukhamedzhanov, the head of the Primary Trade Union at the Novovolynska mine in the Ukraine was beaten up in the office of the mining company's director, on 3 February 2016. Workers in Indonesia were violently attacked in all parts of the country in October 2015, including in North Sumatra where seven activists were hospitalised as a result.



WHERE ARE
OUR
2.2 MILLION
JOBS?

NOTEWORTHY DEVELOPMENTS



Indonesia

The number of violations of fundamental rights of workers has drastically increased since last year thus placing the country in category 5 as opposed to category 4 last year. This is primarily linked to the harsh crackdown on minimum wage protests. For several decades Indonesia operated a comprehensive system of minimum wage fixing that proved to be compatible with strong economic growth, increased employment, high levels of investment and declining poverty. However, in October 2015, changes to the minimum wage fixing system were announced diminishing the participation of workers in consultations over minimum wages. Unions campaigned against these changes but were met with a brutal repression. Trade unions organised a lawful and peaceful protest in front of the Presidential Palace, which was attended by more than 35,000 workers. Despite its peaceful nature, police used water cannons and tear gas to disperse the protesters. Police also arrested 23 workers and detained them for 30 hours, accusing them of having provoked the demonstration. Shortly after the demonstrations, the branch office of KPBI (Komite Politik Buruh Indonesia) in North Jakarta was occupied by police, the central KSPI Office and all branch offices of the metalworkers' federation Federasi Serikat Pekerja Metal Indonesia (FSPMI) were guarded by police and other authorities, and a trade unionist in East Java was beaten by police. Several union leaders also reported that their private cars had been damaged.



Paraguay

The government has consistently refused to register trade unions or at best has engaged in lengthy delays well in excess of the time limits established in its legislation – which has allowed employers ample opportunity to dismiss trade union leaders and activists. The effect has been to limit the growth of the trade union movement and to deprive workers a choice in their representative at work and in society. Union leaders and activists are frequent targets of anti-union discrimination, with little effective recourse in law. And, when trade unionists have protested these violations, they have been subject to violent retaliation by agents of the

state – including being beaten and shot. In 2015, workers at the La Limpeña SRL bus company, Line 49m engaged in a lengthy campaign for recognition and to reinstate 37 fired union activists. Workers had worked on informal contracts for years and suffered extremely long hours and low wages. Some workers suffered serious injuries, including beatings and gunshots, inflicted by the police during a strike for union recognition. Union leaders still have not been reinstated. At least three workers were severely injured after anti-riot police attacked airport workers in Asuncion protesting for improvement in working conditions.

Thousands of workers are excluded from collective bargaining, either due to the legal restrictions on trade union rights, such as the minimum membership number, or because a large section of the workforce is involved in subcontracted or informal employment.



Belgium

Belgium has strong laws institutions at all levels enabling workers to influence both national policies and workplace conditions. Collective bargaining takes place at inter-professional, sector and enterprise level and consultations with trade unions on economic policy, social policy and occupational safety and health take place regularly. Last year the country was placed in category 1 and could be considered as one of the best countries for workers. However, recently these safeguards have come under attack by certain government officials proposing changes to the National Labour Council which would undermine and weaken the foundations of the current labour relations system. There is an increased use of undercover police agents during trade union manifestations, dressed as trade union militants and in some cases performing arrests of the protesters. Several trade union demonstrations were cancelled or prohibited in the weeks after the Paris attacks of 13 November 2015. Authorities claimed the need for “national unity”. During manifestations the police often fails to minimise the use of force while dealing with disorderly minority and infringes on the rights of peaceful protesters. Employers are still free to get rid of trade union representatives by paying compensation for dismissal and refusal of reinstatement. In 2015, at least 64 ABVV-FGTB union representatives were fired. Estimated number of all union representatives fired in 2015 is above 100. Trade unions witness as well a rising number of legal constructions allowing dismissal of trade unionists without having to pay the legal compensation.



Serbia

Serbia has been placed in category 4 this year from category 2 last year. There has been a dramatic increase in the number of violations recorded in the country. This could be related to the fact that workers' capacity to report cases of violations has improved. This year we found that workers are unable to effectively access judicial remedies when their rights are violated. High court and legal fees imposed by the Act on Court Fees and the Law on the Bar tariff, in combination with the lack of possibility for a worker to be represented by a representative other than a lawyer, such as a trade union representative, makes it very difficult for individuals to raise grievances. Court proceedings concerning labour issues can take up to 8 years. Trade unions have called for the establishment of specialised labour courts in order to improve access to justice with no avail so far. Collective bargaining negotiations are often protracted without a reason at the sectoral or company level, leading in practice to the impossibility to conclude an agreement. In addition, trade unions in Serbia are not sufficiently protected against interference in their activities. For example, in the public enterprise Skjalista Srbije, founded and owned by the State, the employer continuously tried to declare null the last trade union elections and to appoint representatives of the management as elected trade union representatives. This interference dates from February 2015.



Montenegro

Montenegro's bankruptcy laws have been interpreted to mean that labour law is suspended in companies under receivership, and giving the Bankruptcy Trustee jurisdiction to make decisions that are properly questions for the Labour Ministry. Workers are paid the minimum wage instead of the salary agreed upon in valid collective agreements and are not allowed to exercise their trade union rights. The issue has become one of compelling importance during the last five years, considering that 2,363 Montenegrin enterprises have started bankruptcy proceedings. The ILO Committee on Freedom of Association, in response to a complaint from the ITUC concerning the dismissal of a trade union leader in an aluminum company under receivership urged the government "to ensure that bankruptcy proceedings do not lead to a situation where allegations of anti-union dismissal cannot be addressed". The company has yet to reinstate the union leader. When workers employed at the bankrupt Bauxite Mines Company in Niksic staged a protest in order to demand the payment of their due wages, police interfered violently. Three protestors were sentenced to three-month imprisonment and two to 184-hour community service. The country's rating has gone from 1 to 3 this year.



Ireland

Ireland amended the Industrial Relations Act introducing a number of important safeguards for workers. Prior to the amendments, there was no specific prohibition against employers discriminating against union organisers. Now the legislation, provides strong protections including a facility to seek court injunctions to prevent dismissal, transfer, harassment or intimidation. While employers continue not to be legally required to recognize and negotiate with unions, the amendments now allow unions to seek a legally enforceable Labour Court ruling when the totality of terms and conditions in a non-union employment are out of line with the sectoral norm. Despite these critical reforms, the country is placed in category 2, in particular given the denial of the right to collective bargaining to self-employed workers. According to the Competition Authority, any self-employed person who combines with other self-employed persons to set wages or other remuneration is guilty of an anti-competitive practice. In practical terms this means that a large section of the workforce, including actors, freelance journalists, writers, photographers, musicians, dancers, performers, models, bricklayers and other skilled trades in the construction industry are excluded from the right to collective bargaining.



Canada

Canada's rating improved from 3 in the last year to 2 this year. This is partly related to the fact that the new federal government repealed three anti-union laws drawn up by the previous executive at the beginning of 2016: Bill C-377 forcing unions to publish sensitive information exposing workers to possible discrimination by employers; Bill C-525: facilitated demands to have a union revoked; and Bill C-59 allowing the government to unilaterally depart from the collective bargaining process. In addition, the right to strike of public sector workers was recognised by the Supreme Court of Canada in January 2015. The court invalidated the province of Saskatchewan's 2008 Public Service Essential Services Act (PSESA) finding that it infringed the constitutionally protected right of public sector workers to strike by granting the employer the power to unilaterally deem which individuals and what work were deemed "essential" and therefore ineligible to strike. The PSESA also did not provide arbitration or another meaningful alternative to a strike.



TAMU
HARAP LAPOR

SUDARNO

POLISI



List of Composite Indicators²

I. CIVIL LIBERTIES

A. Violations in Law

1. Arrest, detention, imprisonment, charging and fining of trade unionists
ILO Digest³ paras. 61-95
General Survey⁴ 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)

Excerpts from the Survey

PART II

Complete country
information can be
found under:
survey.ituc-csi.org



Contract teachers' protest violently suppressed: On 21 March 2016, in Algiers, a sit-in being held by contract teachers in front of the Education Ministry was violently dispersed by the police. The teachers were responding to the call of the Comité des Enseignants Contractuels et Vacataires (Committee of Contractual and Replacement Teachers). The teachers, some of whom have been in their jobs for 10 to 15 years, have been demanding permanent posts for several years. The demonstrators who refused to move were beaten. According to Human Rights Watch, two women teachers were kicked by police officers. The ITUC, which lent its support to the demonstrators, reported that one of them, Fullah Jalal, had suffered a fracture to her leg. Around thirty teachers who had taken refuge at the Maison des Syndicats and spent the night there were arrested on 22 March, at dawn, and taken to the police station in Mohammedia. They were released at the end of the day.

The protest movement spread. In the Kabylie region, hundreds of contract teachers rallied in Bejaia, from where they began a march to Algiers on 27 March. Many others joined them on route. After over 200km, there were between a thousand and two thousand marchers. But on 4 April, in Boudouaou, on the outskirts of Algiers, the police forced the teachers to end their march. A number of them subsequently embarked on a hunger strike.

These actions were strongly supported by the most active teachers' unions.

NO GUARANTEE OF RIGHTS	5
SYSTEMATIC VIOLATIONS OF RIGHTS	4
REGULAR VIOLATIONS OF RIGHTS	3
REPEATED VIOLATION OF RIGHTS	2
IRREGULAR VIOLATION OF RIGHTS	1

Several trade unionists and human rights activists arrested at the Maison des Syndicats: On 6 February 2016, at around 10.30 a.m., on the orders of the Wali (governor) of Algiers, several hundred police officers surrounded the Maison des Syndicats in Bab Ezzouar, to the east of Algiers, to prevent the holding of a meeting to discuss the country's social, economic and political situation. Several people were arrested, including Lofti Allam, president of the Syndicat National du Transport (SNATT), and human rights activists, Salah Dabouz, president of the Algerian human rights defence league, LADDH, and Hacène Ferhati of SOS Disparus (SOS Disappeared).

Relentless repression of social protest in industrial sector: During a strike at the end of April at ArcelorMittal Pipes and Tubes Algeria (AMPTA), two trade union representatives were suspended and then dismissed for "incitement to violence

and illegal strike action". The management's refusal to reinstate Lofti Farah, general secretary of the UGTA-affiliated union, and Abdelghani Atil, president of the participation committee, led to a deadlock in the dispute that continued unresolved at the end of 2015.

During a strike initiated on May Day in Oran, two trade unionists (UGTA) were dismissed by the management of the tramway company SETRAM, linked to the French transport group RATP. The strike subsequently spread to Algiers and Constantine and led to the dismissal of a third trade unionist in the capital. The Algerian League for the Defence of Human Rights (LADDH) and the International Transport Federation denounced these practices violating the labour law and trade union rights.

In June, six workers on strike at the national gold mining company, ENOR, in Tamanrasset, were dismissed.

During the first half of 2015, workers' representatives at Peugeot-Algeria reported the many tactics used by the management to obstruct the exercise of trade union rights. The local UGTA branch, after receiving no response to two requests to hold a general meeting of workers, finally held the meeting outside the company's premises on 14 March, the day prior to the election of a "participation committee" supported by the management. Acting in breach of the national legislation on labour rights as well as the provisions of the PSA group's global framework agreement on social responsibility, it also dismissed one of the workers' representatives.

In October, the management at transport company ETUSA suspended nine workers, including four trade unionists (UGTA), during a protest.

On 1 December, during a protest at the industrial vehicles company SNVI in the Rouiba industrial zone, anti-riot police repressed demonstrators, injuring several of them and detaining 12 workers, including one trade union representative, for several hours.

Following the establishment of a union (UGTA) in mid-November at SNC BAPIVA, the company in charge of the Tizi-Ouzou cable car project, the management sacked three trade union representatives.



ARGENTINA

| 3

Workers repressed on International Women's Day: On 8 March 2016, a demonstration by the Minority and Education Labourers and Employees Union, composed mainly of school cafeteria cooks and porters, was violently repressed outside the General Directorate of Schools in La Plata. The union was demanding a pay rise of a minimum of 10,000 pesos, by not performing certain tasks and through peaceful demonstrations.

Repression of teachers' march in Santiago del Estero: On 7 March 2016, teachers from Santiago del Estero, affiliated to the Santiago Circle of Middle and High School Teachers (Cisadems) took part in a march to demand an increase in their basic salary, the lowest in the country. When the march was nearing its end, it met with fierce repression that left several wounded, and two people were arrested.

The General Secretary of Cisadems, Ana Blanco, explained that there had been a huge police operation to try to prevent the Santiago teachers' march, which began early in the day. Several union members from outside the town were intercepted and their vehicles impounded en route by the police to prevent them reaching the march.

Leader of CTA Autónoma arrested: On 26 January 2015, Rodolfo Aguiar, general secretary of the public workers' union Asociación Trabajadores del Estado (ATE) and the Río Negro branch of CTA Autónoma, was arrested for taking part in the protest action against the dismissal of 12 subcontracted workers from the University of Comahue in Fisque Menuco (General Roca). The Federal Court of Río Negro had already prosecuted Aguiar in October 2015 for roadblocks that had been set up in August and December 2013.

Police brutality against workers in La Plata: On 8 January 2016, CTA Autónoma denounced the police brutality against striking municipal employees in La Plata, which left six workers seriously injured. The strike had been called following the mayors' decision to dismiss 4500 workers.

Repression of Cresta Roja workers' protest: On 22 December 2015, the public workers' association Asociación Trabajadores del Estado (ATE) denounced the police repression of the protest being staged by employees of the Cresta Roja

poultry company to demand the payment of their wages and the preservation of their jobs.

The ATE questioned the action taken by members of the Gendarmerie, on the orders of the National Security Secretary, Eugenio Burzaco, to forcibly remove the employees who were staging a partial roadblock on the highway leading to Ezeiza airport. The workers were dislodged despite having already come to an agreement with the National Security Secretary that vehicles would be allowed to circulate freely.



BANGLADESH

| 5

Mobile phone company union denied recognition:

Employees at Grameenphone, owned by Norwegian company Telenor, have spent over two years struggling for the recognition of their union. The Grameenphone Employees Union was formed in June 2012 after over 200 employees lost their jobs. The government has repeatedly turned down their application for registration over technicalities. After prolonged court proceedings, the Labour Appellate court ordered the Director of Labour to register the union. The government refused to issue formal recognition of the union and the company filed a writ with the High Court, to stay the decision of the appellate court, which was granted. The government then issued new rules broadening the definition of "supervisory officer" to render workers with any supervisory function ineligible to join union. Furthermore, the new rules would declare mobile phones an essential public service, which would enable the government to intervene to limit or ban strikes and demonstrations.

Union leaders attacked and dismissed for raising safety concerns:

On 2 April 2015 management at the D&D garment factory ordered anti-union workers to physically attack several union leaders, including the president. The attack was in retaliation for a complaint submitted by the union on 16 March to the Accord on Fire and Building Safety in Bangladesh alleging that the company had failed to maintain building safety practices. An Accord inspection on 19 March confirmed that the factory was not in compliance.

The factory union, affiliated with the Bangladesh Garment and Industrial Workers' Federation (BGIWF), received its registration in December 2014 and on 14 January 2015 submitted

a charter of demands for collective bargaining. Over the next three months, management continually relocated union leaders, threatened rank-and-file workers with retaliatory increases in production targets if they talked to any of the union leaders, formed a bogus management-controlled union at the factory, and forced many workers to sign a petition denouncing the union's demands. Union leaders also received anonymous phone calls threatening violence.

After the 2 April attacks management demanded that nine union leaders resign from D&D. When they refused, management called the police, who threatened to arrest those who did not agree to resign. Most did, except the union president, who was forcibly removed from the factory and threatened with violence. Complaints and demands for reinstatement to the Bangladesh Garment Manufacturers and Exporters Association (BGMA) were to no avail. It took months of pressure from buyers, urged by the accord, to convince D&D management to reinstate the union leaders, which they finally did on 15 December 2015.

Chevron sacks union organisers: In May 2015 US-based oil and gas giant Chevron responded to its workers' decision to create a union by sacking the organisers.

Chevron Bangladesh employed 463 workers but only 37 of them had permanent contracts, with the rest remaining on rolling temporary contracts, in some cases for 20 years. This is against the Bangladeshi labour law that limits temporary employment to three months. The management ignored repeated verbal and written requests from the workers over many years, calling for changes to their unacceptable conditions of employment. After years of intimidation, the workers decided to form a workplace union, following the legal process. The new Chevron workers' union filed for official registration with the labour authorities on 14 April 2015. Out of the workforce of 463, 218 workers joined. On 20 May 75 employees filed cases at the Labour Court claiming their right permanent employment status.

Management reacted to the workers' union registration aggressively. On 26 May management mobilised police and security forces to blockade the union office. Workers defied the police and demonstrated in front of the office. The following day, 27 May 2015, Chevron dismissed 17 workers, posting a list of their names outside its office. The list included all the newly elected leaders of the new union, notably president Saiful Islam, Kamaluddin, General Secretary, and Hasanur Rahman Manik, Organising Secretary.

In response to demands by the Bangladesh Chemical, Energy and Allied Workers' Federation (BCEAWF) to reinstate the work-

ers, make their jobs permanent and allow them to form a trade union, Chevron argued that they were not responsible for the workers' mistreatment, saying a third party labour broker was their employer.

40 workers hurt in clash with police: At least 40 workers from an Otobi furniture factory were injured during a clash with police on the outskirts of the capital on 5 May 2015. The workers were demonstrating in front of their factory to demand the payment of two months' salary arrears. Repeated calls for payment had been in vain. As the workers grew more agitated, reportedly throwing projectiles, the police responded with force, firing rubber bullets and releasing tear gas canister. At least 40 of the workers required treatment at local hospitals.



BELARUS

| 5

Independent trade union activity suppressed: The authorities desire to prevent any independent trade union activity was underlined by the United Nations special rapporteur on the situation of human rights in Belarus, Miklos Haraszti. Speaking during the presentation of his latest report to the UN Human Rights Council in Geneva on 24 June 2015, Haraszti warned that the "systematic violation of human rights, in particular civil and political rights, continues." He confirmed that labour rights continued to be denied, and independent labour unions were suppressed.

These views were echoed at a sub-regional meeting of IndustriALL's affiliates in the CIS region in Moldova on 3 – 4 September. Union leaders from Belarus emphasised the urgent need for the Belorussian unions to get recognition of trade union rights and freedom of association. For several years, unions in Belarus were not allowed to organise events to celebrate 7 October, the World Day for Decent Work, since the state authorities had never approved their requests. (Unions were allowed to mark World Day for Decent Work Day in 2015, however). Union organising as it works in other countries in the region is not possible in Belarus, the leaders emphasised. They also spoke about the vicious system of short-term employment contracts affecting the majority of workers, and about the recent legal reduction of notification of dismissal from one month to one week, making it easier to remove independent trade unionists.

Bobruisk Tractor Plant and Components Company dismisses striking worker and deputy chairperson of SPB union:

On 30 June 2015 the management of Bobruisk Tractor Plant and Components Company dismissed Sergey Pichugov, a young professional instrument worker. His contract was terminated with only one-day notice rather than the one month required by legislation. In March 2014 he was among the SPB members who went on hunger strike at their workplace: this gives reasonable ground to think that his dismissal was of a discriminatory nature because of his affiliation to the SPB trade union and because of the strike action he became involved in. The same company is not new to anti-union behaviour: only two months after Mr. Pichugov's contract termination, the same fate happened to the deputy chairperson of the SPB company union, Mrs Oksana Kernozhitskaya. On 21 August Mrs Kernozhitskaya was dismissed despite local authorities' and Members of Parliament's attempts to persuade the company. No explanation of the grounds justifying the dismissal was provided by the enterprise, making it clear once again that the reasons behind her dismissal laid in her affiliation to an independent union and her active position in advocating for workers' rights and interests. This was a new wave of anti-union dismissal in the company that followed the one of 2014.

Authorities seek to impose official unions in private enterprises:

In late May 2015, at the Congress of the pro-government Federation of Trade Unions of Belarus (FTUB) held in Minsk, President Lukashenko ordered that (official) trade unions be established at all enterprises by mid-2016. At the beginning of June, he signed Decree No 4, which introduced amendments to Decree No 2 of 26 January 1999 regulating the activities of political parties, trade unions and other public associations. The decree aims to simplify the creation of trade unions at all enterprises, regardless of ownership.

According to an article that appeared in Belarus Infocus on 9 June 2015, "The main role of the FTUB is to control employees, ensure their integration and freeze protest activity among workers. De facto, official trade unions do not respond to significant deterioration of workers' situation, including delays of wage payments, underemployment, reduced working hours and mass layoffs." The FTUB represents about 90 per cent of the economically active population in Belarus – about four million people. However, the share of workers employed in the private sector has increased recently; hence, the authorities want to create official trade unions in private companies in order to have additional control mechanisms over the private sector, and stifle dissent.



BENIN

| 4

Teachers complain of harassment over pay protest: On 17 March teachers represented by the national federation of education unions, the Fédération des Syndicats de l'Éducation Nationale (FESEN), went on strike to demand the payment of the 25 per cent index rise granted to other civil servants, rather than the monthly bonus of 10,000 Cfa francs offered by the government. Their demands also included the lifting of threats against teachers and unfair transfers for their part in the protests. During an earlier strike that ended in May 2014, the union had also complained of threats against teachers' union leaders.

Teachers' protest march and strike action repressed: On the morning of 12 February 2015, police and gendarmes in the town of Abomey prevented a march by unions representing primary school teachers from going ahead. The march had been organised by the umbrella group "Forum des travailleurs et des peuples" (the Peoples' and Workers' Forum) to demand, amongst other things, the payment of six years' worth of social security benefits. As soon as the march began, the protesters found themselves surrounded by uniformed police officers and gendarmes, who were there on the orders of the head of the local administration, the "Prefet", Armand Maurice, who claimed their action was illegal. Faced with the intimidating presence of so many uniformed officers, the protestors turned their march into a sit-in.



CAMEROON

| 4

Chinese employer's contempt for workers' demands at major construction site: On 11 and 12 July, police brutally suppressed a strike launched by employees at the Merve'le dam building site. According to the strikers, police fired teargas and live ammunition at the crowd. Ten strikers were reportedly hospitalised, including two women, and several arrests were made. On 17 July, the press covered renewed violence. The striking workers, backed by the Confédération Camerounaise

du Travail (CCT), denounced the abuses suffered at the hands of the employer, the Chinese company Sinohydro, including sexual harassment, corruption, unfair dismissals, poor working conditions, etc. According to the employer, only a minority of the 1,448 workers were at the root of the dispute. This show of force nonetheless prompted the Labour and Social Security Minister to intervene personally to secure a pledge from the employer to establish social dialogue and better working conditions.

Anti-union repression in education and health sectors: Health and education sector trade unions denounced the authorities' use of threats, intimidation and repression. In Yaoundé, for example, strike action initiated at two hospitals in June was suppressed by the police. In July, Education International (EI) condemned the attacks orchestrated by the government against its affiliated organisations. According to the Syndicat National Autonome de l'Enseignement Secondaire (SNAES), the authorities are dismantling education trade unions with strong foundations in order to replace them with more malleable organisations.

Delays in transferring dues to union: The Free Trade Union Confederation of Cameroon, USLC, says employers often delay transferring unions dues, deducted through the check-off system, to the unions, thereby starving them of funds. It also says there has been interference and manipulation in union elections by employers, affecting most recently health workers in Mfoundi, and construction workers employed by Chinese companies.

Anti-union harassment at bank: The USLC reported that members of the financial workers' union FESYLTEFCAM at the multinational ATTIJARIWafa bank regularly suffer verbal harassment by management, and that there had been several cases in which the union representative had been moved to a different post, without informing the labour inspector. The harassment has been so persistent that the union is thinking of withdrawing from the next union representation elections due to be held in January 2016.

The USLC also reports that there is blatant discrimination in the banking sector in general, with employers usually preferring to deal with only one union and ignoring the rest.



CHILE

| 3

Police repression against striking miners: On 24 July 2015, worker Nelson Quichillao López died as a result of shots fired by the Special Forces on the outskirts of the city of El Salvador. Another worker, Rodrigo Vásquez Salazar, was seriously injured.

According to the copper workers' confederation Confederación de Trabajadores del Cobre (CTC), the Special Forces were sent in to repress, neutralise and disperse the peaceful mobilisation of striking miners.

The nationwide strike was called following Coldeco's refusal to negotiate a framework agreement seeking to improve the working conditions of the contract and subcontract staff organised within the CTC.

Restrictions on the principle of free and voluntary bargaining: Under the Labour Code, the right to collective bargaining is only guaranteed at the company level. The Code provides for 'voluntary' collective bargaining at inter-company level. Article 334 bis provides that collective bargaining with the inter-company union shall be voluntary for the employer and in the event that the employer refuses to negotiate, employees not belonging to this union shall be entitled to present draft collective contracts.

The Labour Code prohibits collective bargaining in state enterprises working for the Ministry of Defence, in those in which laws prohibit it, and in public or private companies or institutions that have had 50 per cent or more of their budget funded by the State during any of the last two years. In addition, officials working for the Parliament and the judiciary, employees of State-run enterprises or institutions or those in which the State makes a contribution, is involved or is represented, wherever the officials or workers have a special legal status, do not have the right to bargain collectively (Labour Code, Art. 1, 304).

The Labour Code establishes that workers with apprenticeship contracts and those employed solely for specific tasks, such as temporary workers, those working in agriculture, construction, ports or the arts and entertainment sector, can only engage in collective bargaining if the employer is willing (Labour Code, Art. 305.1).



CHINA

| 5

Unfair dismissal and police arrests: In December 2014, workers at Shenzhen Artigas Clothing and Leatherware factory staged a strike to demand the mandatory social insurance and housing insurance and overtime compensation in arrears as the employer was planning to relocate to a new site. Lately, senior workers above 50 years old were pressured to quit their jobs. They were insured only from 2003 onward and would not be qualified to pension entitlements which require 15 years of continuous contribution by law. On 4 December 2014, workers complained to the labour bureau about arrears in social and housing insurance payments and requested a response from management. Not having gotten a reply, workers decided to go on strike on 10 December in order to compel management to negotiate. However, before any negotiations could start between workers and management, police stormed the workplace and arrested 23 workers, including elected workers' representatives. Other workers were barred from leaving the workplace and were asked to return to work.

In May 2015, management attempted to reemploy workers in a newly registered company under a different employment contract. A third of the workers did not agree to the changes and demanded negotiations over this issue. The negotiation meeting was rejected by the management, and on 9 June 2015 Wu Weihua, a workers' representative who previously refused bribes, was dismissed and barred from entering the workplace. When she tried to enter the workplace, management called police, who arrested her. Workers who went to the police station to demand Wu's release were also detained by the police. The local government intervened and set up a negotiation meeting between management and workers on 11 June 2015. However, police were also present intimidating workers who then refused to attend the meeting.

Management tried to undermine collective demands by attempting to negotiate with workers individually, but no agreements could be reached.

Six workers' representatives at New An Lun Lamp (SZ) were sacked for leading a strike and detained by police:

From early 2015, New An Lun Lamp started outsourcing its production and paying workers not more than the statutory minimum wage. On 13 April 2015, the whole workforce went on strike. They elected 53 representatives and demanded a

negotiation with the management before 25 April. Workers demanded compensation for their unpaid overtime and incentives, social and housing insurances and paid leave. They also protested against high production quotas and unfair penalties as well as harsh factory rules such as toilet break restrictions. The management postponed the negotiation meeting until 28 April. During the negotiation meeting, the management posted a notice threatening to dismiss all workers who participated in strike action.

When negotiations broke down, workers went on strike organising a sit-in in front of the warehouse. On 13 May, six elected workers' representatives were sacked for leading the strike. On the same day, public security came to the factory and took away nine striking workers including three elected representatives for administrative detention. The sacked representatives are appealing to the intermediate court regarding their unfair dismissal and arrest.

Workers at Wuyang Iron and Steel sacked for provoking a strike and re-election: Two workers from the state-owned Wuyang Iron and Steel Co. Ltd in Henan province – ZHAO Xiaoming and WANG Shangyau – were sacked by the company on 13 March 2015 for instigating a strike and provoking workers to establish a new enterprise union. Workers were warned by management and had to sign letter stating they would not join the new union and would refrain from criticising the company in order to keep their jobs.

On 2 February 2016, almost ten thousand workers put down their tools and took to the street to demand a wage increase. Zhao and Wang, amongst others, were arrested and charged for obstructing traffic and disturbing the public order.



COLOMBIA

| 5

Health sector trade unionist murdered: On 12 April 2016, the Central Unitaria de Trabajadores (CUT) denounced the killing of Oswaldo Hernández Gutiérrez, president of the San Sebastián de Buenavista branch of the Sindicato Nacional de la Salud y Seguridad Social (SINDESS), in the department of Magdalena.

The attack took place on the night of Thursday 7 April when the trade unionist was about to enter his home. He was shot several times in the head and neck. Seriously wounded, he was taken to a hospital in the city of Valledupar, where he received surgery but subsequently died from his injuries in the early hours of Sunday 10 April.

The trade unionist worked as a sanitation technician at the E.S.E. Hospital Rafael Paba Manjarrez in the municipality of San Sebastián. He worked relentlessly, in his capacity as a trade union leader, to defend the rights and interests of the health sector workers in Magdalena.

Violent repression of court workers' protests:

On 1 February 2016, about 300 men from the Mobile Anti-riot Squad (Esmad) violently attacked judicial workers who were protesting outside the the civil and family courts in central Bogotá.

The civil servants were protesting against Agreement 10445 of the Higher Council of the Judiciary (CSJ) which created Service Centres for for civil and family courts.

During Esmad's attack, blows were struck and electric pistols were used, leaving several people injured, including a pregnant woman.

Murder of ADES trade union leader: On 20 November 2015, the Colombian trade union centre Central Unitaria de Trabajadores (CUT) denounced the murder of Marceli Méndez Bertel, president of the Sincelajo branch of the teachers' union Asociación de Educadores de Sucre (ADES). The incident took place in the afternoon of 17 November when the union leader was entering her home in the municipality of Sincelajo. She was attacked by armed individuals, who shot her several times.

SEATECH violates right to strike: On 30 October 2015, the tuna fish company Seatech International halted production and closed its plant in Cartagena, Colombia, for two weeks, leaving its staff of over a 1000 people, mostly women breadwinners, without work or income during that time.

In protest at the situation, a group of 125 women, members of the food industry union Unión Sindical de Trabajadores de la Industria Alimenticia (USTRIAL) decided to stage a peaceful sit-in at the factory. Three days later, the Mobile Anti-Riot Squad, called in by the management, forcibly ousted the workers, using tear gas.

Threats against USO trade union leader: On August 2015, the ITUC was informed of the continual threats and harassment

faced by Héctor Sánchez Gómez, vice president of the Community Action Board in Rubiales (municipality of Puerto Gaitán, department of Meta) and trade union leader affiliated to the Unión Sindical Obrera (USO).

According to the reports received, on 1 June 2015, at 17.30, whilst Mr Sánchez was visiting the offices of the “José Alvear Restrepo” Lawyers’ Collective (CAJAR), he received a call from a member of the Santa Helena community in Puerto Gaitán, warning him that he had been offered nine million pesos to kill him. The same man advised Mr Sánchez not to go back to his home region given the risks he faced.

In addition, on several occasions during the months of April and May 2015, Mr Sánchez was followed and photographed, while carrying out his trade union work, by individuals recognised by the community as plainclothes officers of the Criminal Investigation Branch of the National Police (SIJIN).



EGYPT

| 5

Major manoeuvres against independent trade unions:

Although the 2015 report of the ILO Committee on Freedom of Association requests that “the draft labour law be adopted as a matter of priority, giving clear legislative protection to the numerous newly formed independent trade unions and ensuring full respect for freedom of association rights”, the attacks against these organisations have since been stepped up.

At the end of 2015, the Centre for Trade Unions and Workers’ Services (CTUWS) denounced a renewed attempt to muzzle independent trade unions. In an official document, the Presidency recommended that his ministers hold monthly meetings with ETUF representatives, in the presence of the media, to highlight the government’s supposed resolve to defend workers’ rights.

As part of the surge to quash trade unionism, on 1 March, a government directive gave all state institutions instructions not to recognise independent trade unions nor to deal with them, and to invalidate any seals appearing on their documents.

These organisations are also fighting for their survival in the courts. A critical verdict is awaited in 2016 in the court case pitting an official trade union against an independent union in the finance sector.

Finally, at political level, during a cabinet reshuffle on March 2016, the post of Manpower Minister was given to Mohamed Saafan, who was formerly vice-president of the ETUF and who has never concealed his hostility towards independent trade unions. The appointment of a leading figure from the official trade union centre marks the return of a long tradition that had been left behind for five years.

On 8 April, the ILO, through its director-general, Guy Ryder, expressed its grave concern over the threats against human and trade union rights in a country that has ratified Conventions 87 and 98. A few days earlier, the ILO Workers’ Group had already issued a declaration in this respect. It denounced the “systematic attacks” led by the Labour Ministry against independent trade unions. The ETUF reacted by describing these criticisms as “unwarranted interference in Egyptian affairs”.

Murder of Giulio Regeni: On 3 February, the body of this young Italian PhD student, who was researching the independent trade union movement in Egypt, was found in a ditch on the outskirts of Cairo. He had disappeared on 25 January, the anniversary of the “Egyptian revolution”. He has just published an article on the Nena News site on strike action in Egypt and the search for trade union unity. His murder sparked international outrage. In a protest letter, the ITUC underlined, “It is clear from the intensification of measures hostile to freedom and the freedoms of trade unions in particular, that Giulio was considered a threat to the Egyptian government.” At the end of March, the authorities announced that police had shot down five men identified as the perpetrators of the crime, but, for many, the murder bears the hallmark of the Egyptian security services. According to human rights organisations, hundreds of Egyptians were the victims of forced disappearances during the last few months of 2015 alone. In the best of cases, they reappear days or weeks later. Many, however, do not have this good fortune and are left to rot or die in high security prisons.

Doctors’ union activist imprisoned: On 14 January 2016, in the run-up to the fifth anniversary of the “25 January revolution”, Dr Taher Mokhtar, a member of the Egyptian doctors’ union, and two of his friends were arrested in their home in Cairo for possession of subversive documents. They were, in fact, leaflets denouncing the health conditions in prisons, an issue the trade unionist had been actively working on at the request of his organisation. On 2 March, despite an international campaign, the three men were detained for a further 45 days.

It should be noted that the trade union had defied the ban on demonstrations, on 12 February, when several thousand doctors gathered in front of their union head office to protest

against police violence and, more particularly, the assault by two police officers on two doctors in a hospital.

Public sector unionists threatened and virtually muted: On 10 August, in Cairo, thousands of workers challenged the authorities and the very harsh restrictions on freedom of assembly by gathering in front of the headquarters of Egypt's Press Syndicate, historically a focal point of social protest as, by definition, it implies that the protests it hosts will be given press coverage. The demonstrators, public sector workers (finance, social insurance, railways, etc.) affiliated to independent trade unions were protesting against the new Civil Service Law that came into force in late July without any labour consultation and that, as many feared, was set to push down wage levels. The new law also places the six to seven million public sector workers in a weaker position relative to their employers. A ban was imposed on a similar demonstration planned for 17 August. September 5 was therefore set as the new date for the public protest against this law.

The context surrounding the 5 September protest speaks volumes about the state of freedom of expression and assembly in Egypt in 2015. The organisers were denied authorisation to carry out their action on Tahrir Square or in front of the offices of the Press Syndicate. They were forced to fall back on Fustat Park, one of only two locations authorised by Cairo's governor, both quite isolated, difficult to access and well out of public view. According to eyewitnesses, busloads of protestors, some of whom came from the provinces, were blocked and turned away by the police. At the location itself, security forces denied access to demonstrators under the pretext that maintenance works were underway. This was later denied. After negotiating for an hour, they were finally granted access through a secondary entrance. In the days leading up to the protest, countless attempts were made by the authorities, the official trade union centre and pro-government media to intimidate the organisers and anyone planning to take part in the demonstration.



FIJI | 4

Employment Relations Amendment Act approved: After the approval of the new Employment Relations Amendment Act (ERP) 2016, an act of retaliation happened in Nadi: a worker was suspended for handing out forms to his fellow workers to

join a trade union. The company concerned, Tolls Construction Fiji Ltd, stated that the worker, Manueli Yawayawa, had breached company policy by not informing management of his intention to form a trade union. Manager Luke Mataika said Mr Yawayawa had also interfered with work being carried out on the Vunabaka project on Malolo Island in the Mamanuca Group. According to the enterprise those were the actions that led to Mr Yawayawa's expulsion from the island.

Tripartite agreement between the Government, Fiji Commerce and Employers Federation and the Fiji Trades Union Congress:

Following the ILO mission, the Fiji Government, Fiji Commerce and Employers Federation and the Fiji Trades Union Congress signed an agreement to sign off on a Joint Implementation Report to the International Labour Organisation (ILO). Agreements signed provided among other things: the restoration of the Check-Off facilities; the reduction of the notice period for strike from 28 days to 14 days; invitation to the ILO to provide technical assistance and expertise to determine the list of essential services and industries; removal of all references to bargaining units in the ERP (as amended by the Act); and allowing workers to freely join or form a trade union (including an enterprise trade union).



FRANCE | 1

Illegal use of temporary staff during strike, trade union representative dismissed:

In February 2016, Frédéric Willemain, CGT trade union representative at temporary employment agency Start People, was suspended. The company has initiated the procedure to dismiss him on grounds of gross misconduct. He is accused of having prevented temporary employees from entering the Post Office of Rivesaltes (Pyrénées-Orientales), on 16 December 2015, and of having assaulted the director of the Post Office, which the trade unionist firmly denies. The CGT had sent him there to support the Post Office workers on strike and to inform the temporary employees, illegally hired to replace them, of their rights. A labour inspectorate inquiry had, moreover, acknowledged the illegal use of temporary workers to replace strikers.

Discrimination and anti-union repression: In 2015, following legal proceedings lasting several years, the justice system condemned the national rail company SNCF and the Air Liquide

group to pay heavy fines for discriminating against trade union members, be it in terms of pay or promotion. Agence France Presse (AFP) was also found guilty of discriminating against a member of the Syndicat National des Journalistes (SNJ-CGT), whose applications for promotion were repeatedly turned down without any explanation or objective cause. The case reflects a negative trend in France: trade union representatives are less likely to be promoted than their work colleagues and are paid ten per cent less, on average, than colleagues with the same characteristics (age, qualifications, years in service, etc. In addition, 40 per cent of trade union representatives say their role has affected their career. Many employees, moreover, avoid joining a union for fear of reprisals. It should be noted that the new law on social dialogue passed in 2015 includes provisions to prevent workers' representatives from being "penalised in their careers".

In August, Mediapart, an online media site, revealed that a human resources director at IT services giant Atos sent instructions to managers of the group regarding the filling of posts, asking them not to select trade union representatives, people aged over 55 and people with disabilities.

In its latest report, France's Trade Union Discrimination and Repression Observatory covers the other facets of trade union repression: blackmail, intimidation, disciplinary action, harassment and dismissal. To quote a just a few examples, in September, McDonald's was condemned, on appeal, for having dismissed a CGT representative who had taken part in trade union training during working hours. His request for leave had not been accepted. McDonald's had dismissed him for arriving "two hours and 13 minutes" late. On 22 September, Julien Sanchez, mayor of Beaucaire (Gard), a member of the extreme-right party Front National, was condemned for hate speech targeting a trade unionist from the CGT. In mid-December, 18 delivery drivers employed at the central canteen of Sodexo in Marseille were dismissed for abandoning their posts on 25 November, whilst they were striking for the second day in a row.

Right to strike violated at Sodexo and ID Logistics: On 25 November 2015, the management at the central canteen of Sodexo in Marseille suspended 23 delivery drivers, who were on strike at the time, for "abandoning their posts" and "gross misconduct". After two days of strike action, an agreement ending the strike was concluded between the management and the majority of the workplace representatives. These 23 employers had, however, denounced the agreement, considering the wage concessions they had been granted to be totally inadequate. Despite having been informed that the 23 workers were continuing with the strike, Sodexo's regional director did not hesitate to sack them. By mid-December, 19 of them

had received their letter of dismissal, and the other four had been rehired on the condition that they withdraw support for the strike. In January 2016, amid the media uproar and the announcement of renewed protest actions, the management of Sodexo France negotiated an agreement directly with the CGT to end the dispute and to reinstate 11 of the 19 strikers.

On 17 December 2015, police broke up a picket line organised by the inter-union grouping CFDT, CGT, FO and CFTC in protest at the undermining of the bonus scheme at ID Logistics in Lisse in the department of Essonne. Meanwhile, the employer initiated the procedure to dismiss 35 of the strikers, including 11 trade union representatives.



GEORGIA

| 3

Anti-union discrimination continues at RMG Gold: Anti-union discrimination and intimidation continued at RMG Gold in Kazreti, following the company's attempts to destroy the union by forcing nearly 1,000 individuals to leave, as reported in the Survey in March 2015.

On 30 September 2015 representatives of the Georgian Trade Unions Confederation (GTUC), along with leaders of the Metallurgy, Mining and Chemical Industry Workers' Trade Union, visited Kazreti to meet with local employees, to investigate reports of continued intimidation and to try to rebuild the union. The town itself is virtually controlled by RMG Gold, with most of the population employed by the company.

On an earlier visit to the town by two GTUC staff members, RMG Gold security guards followed them around taking pictures. The residents were scared to speak to them in case the company decided to retaliate by firing them or their family members. During the second trip on 30 September, the union representatives spoke to many people in the town, who talked of problems ranging from low wages to serious health hazards. On the first night of their visit, an RMG director tried to intimidate the union volunteers who were talking to workers at a bus stop. He also denied any health hazards or environmental pollution, claiming the cyanide used in mining gold is not the kind of cyanide that is harmful.

The second day of the visit was marred by serious interference. A public meeting had been organised to address the major problems faced by the workers and to correct the false stories spread about the union by RMG Gold. A representative from RMG Gold management, Lia Ajiashvili, disrupted proceedings before the meeting even began, honking a small horn outside the meeting venue. Later, inside the meeting, she shouted every time the union representatives tried to speak, effectively preventing them from conducting the meeting. Many of those who had come to take part left the meeting. On the previous day the workers and townspeople had aired their grievances against the company, and said they wanted to organise to improve their working conditions, but faced with the aggressive stand by the RMG representative, they no longer dared air those views to a wider audience.

Attempt to undermine independent union: Georgia Railway has been giving bonuses to workers who join the employer-supported yellow union. For example, Zurab Nasaria received a much higher bonus than other workers in April 2014. Managers openly encourage workers to revoke their membership from the Railway Workers New Trade Union (RWNTUG). Due to the pressure by management, many workers have left the union. Management has also sought to undermine the union by delaying or overcomplicating the remittance of union dues.



GUATEMALA

| 5

Anti-union dismissals in Purulhá: On 17 February 2016, following the arrival of the new mayor, Sebastián Castro García, the municipal authorities of Purulhá, in the Baja Verpaz department, proceeded to unfairly dismiss 106 workers, including members of the union and its Executive Board, ignoring the legal protection covering union leaders.

Anti-union dismissals in San Rafael: On 12 February 2016, following the arrival of the new mayor, Carlos Alfonso Mazariegos Ramírez, the municipal authorities of San Rafael Pie de la Cuesta in the San Marcos department unfairly dismissed 15 workers, including the union's Social Welfare Secretary.

Anti-union dismissals at Palo Gordo sugar mill: The Palo Gordo sugar mill in Guatemala has launched a series of selective dismissals targeting unionised workers, undermin-

ing the trade union organisation and the collective bargaining agreement. The dismissals were staged as follows: 10 workers were dismissed on 28 February 2015, 10 more on 15 October 2015, another five on 6 November 2015 and 10 more on 20 November 2015. Membership of the trade union at the company, the Sindicato de Trabajadores del Ingenio Palo Gordo, fell from 283 to just 203 in November 2015. The company is waging a campaign to stop workers from joining the union and has set up a subdivision to block trade union action.

Trade unionist from Jalapa assassinated: On 24 September 2015, trade unionist Mynor Rolando Ramos Castillo, a member of the Sindicato de Trabajadores de la Municipalidad de Jalapa (SITRAMJ), was murdered. The municipal worker had been dismissed on account of his trade union activities and took part in the mobilisations to press the Mayor of Jalapa, Elmer Leónidas Guerra, to comply with the labour court ruling ordering the reinstatement of unfairly dismissed workers.



HAITI

| 4

Creation of a union close to the government, works councils in export processing zone, unions discriminated against and crushed:

In 2016, the Confédération des Travailleurs des Secteurs Public et Privé (CTSP) sent a report to the ITUC denouncing the collusion between the government and the Front Syndical Haïtien (FSH). According to Jean Bonald Golinsky, head of the CTSP, the authorities orchestrated the formation of the so-called Front, in a bid to prevent other unions from making their voice heard. During the transport strike in February 2015, Joseph Montes, the coordinator of the FSH, strongly criticised the action being led by a platform of trade unions from the transport sector, maintaining that the strike was politically motivated. Joseph Montes is also a director of the state transport company Service Plus, from which he reportedly dismissed a large number of workers in the past, including all the trade union representatives. The head of the CTSP also reported that the nine members of the Post Office trade union committee dismissed in 2012 had not yet been reinstated despite the demand of the Citizen Protection Office (OPC), an independent institution, although set up by the state. He points out that anti-union discrimination is the rule in Haiti, particularly in private sector companies, such as the BRANA brewery, in the banking sector and in the export processing

zones, where works councils have been set up – often by the employers – despite the presence of trade unions.

Continued repression at BRANA brewery: Leaders of the Syndicat des Travailleurs et Travailleuses de BRANA (SYTBRA-NA) were threatened and two members were dismissed in August 2015. On 1 September, another employee, Wilson Celiné, suffered the same fate. At the beginning of 2015, he had been given permission to take part in a trade union workshop organised by the Canadian union Teamsters, but also received barely-disguised threats from a manager that his safety was at risk. Not long after, he narrowly escaped serious injury when one of his superiors restarted a bottle washing machine while he was conducting maintenance work on it. On 1 September, Wilson Celiné was dismissed. Two managers deigned to justify the decision by telling him that his profile no longer met the company's needs (although he had been working there for ten years) and that, no doubt, the complaint he had filed against his superior following the accident at the plant had not helped. At international level, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) sent a mission to investigate the situation at the brewery. The Canadian union Teamsters and a number of other unions put pressure on the brewing giant Heineken to ensure respect for trade union rights at its Haitian subsidiary BRANA.

the new Executive were abducted, threatened and held incommunicado for a day until they renounced their membership.

University trade union leader killed: On 17 June 2015, Héctor Orlando Martínez, president of Branch 6 of the Sindicato de Trabajadores de la Universidad Autónoma de Honduras (SITRAUNAH) at the Pacific Coast Regional University Centre (CURLP-UNAH) in the city of Choluteca, was killed.

The trade unionist was killed on his way home from work at the university. According to the reports, he was attacked by two individuals on a motorbike who fired at his vehicle and shot him 12 times. The incident reportedly took place after a human rights commission had begun investigating the complaints filed by Héctor Orlando Martínez.

On 19 May 2015, the Inter-American Commission on Human Rights (IACHR) had requested that precautionary measures be taken to protect Héctor Orlando Martínez and his family in light of the threats and acts of intimidation he was being subjected to as a direct result of his activities as a SITRAUNAH representative.

Forced disappearance of university trade union leader: Donatilo Jiménez Euceda, former president of branch three of the Sindicato de Trabajadores de la Universidad Nacional Autónoma de Honduras (SITRAUNAH) disappeared on 8 April 2015 whilst working at the CURLA University (Centro Universitario Regional Litoral Atlántico) in La Ceiba. The trade unionist was in charge of organising the coming union elections to be held by SITRAUNAH.



HONDURAS

| 4

Fyffes workers abducted for forming a union: Fourteen women workers of SURAGROH, a Fyffes subsidiary melon plantation in Honduras, were hospitalised in December 2015 after being poisoned by the noxious chemicals they were forced to handle without any personal protective equipment.

Workers report that the company does not fulfil its legal obligations with regard to minimum wage, overtime payments, public holidays or Sunday double time. Social security quotas are deducted from pay but not passed on to the government departments, thus depriving employees from accessing the health system or being paid benefits to which they are entitled.

The company also illegally charges workers for transport to the fields, and when they formed a branch of the STAS agricultural workers' union at the end of January 2016, four members of



INDIA

| 5

200 childcare workers arrested following protest over unpaid wages: Up to 200 hundred Anganwadi (childcare) workers were taken into custody in December 2015 for taking part in protests to urge the government to implement the pay rise they were supposed to have received. Many reported that they had not been paid their low wages for over four months. The Centre of Indian Trade Unions (CITU), which helped organise the protests, condemned the arrests, saying the women were fighting for their legitimate rights. The workers were also helping pay for the upkeep of the childcare centres out of their

own pockets. The government did subsequently meet some of the workers' demands, including one month's paid medical leave, and the release of funds to build new centres.

Protestors detained in long-running pay dispute: On 31 December 2015 police detained union activists employed as contract workers under Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) schemes. They were protesting outside the secretariat of the state government to express their frustration over low pay. They had had many meetings with the Rural Development Minister and other senior officials over the past seven years, but their situation had not been resolved. Furthermore, there had been advertisements for vacant posts at higher salaries, yet the contract workers who had been employed for years had not been offered regular contracts. Police tried to move the protesters on to the children's park – out of the way of the Ministry and irrelevant to their protest. When the protestors refused, they were taken to the local police station and detained until reports had been filed.

Government's labour reforms set to undermine workers' protection and trade union rights: In April 2015, the National Democratic Alliance government proposed integrating three labour laws – the Trade Unions Act 1926, the Industrial Disputes Act 1947 and the Industrial Employment (Standing Orders) Act 1946 – into a single code for industrial relations. The unions protested that they had not had sufficient involvement in the preparation of the laws, which would undermine trade union rights and workers' protection.

The draft code significantly altered how trade unions can be formed in factories and registered with the government. Under existing laws, seven members of a union could apply for registration irrespective of the establishment's size. The draft bill proposed that at least ten per cent of the total employees or 100 workers would be needed to form a trade union.

The new draft also modified the definition of a strike to include "casual leave on a given day by the 50 per cent or more workers employed in an industry".

The new law contained no provisions to promote collective bargaining, putting the emphasis instead on arbitration. Several provisions of the bill referred to either recognised or certified negotiating agents without providing for procedures for the recognition of such agents. Furthermore, the bill provided that all office bearers of a registered trade union would have to be actually engaged or employed in the establishments or industry with which the trade unions is concerned, restricting a union's freedom to choose its own officers.

Another provision would allow companies employing up to 300 workers to lay off staff without government permission, as against 100 workers previously. In India 85 per cent of manufacturing firms employ less than 50 workers, and around half of these workers are kept on short-term contracts and earn just USD 5 or USD 6 per day. The government's proposals would deprive them of vital legal protections leaving them in even more precarious circumstances.

In September India's central trade unions, INTUC, AITUC, HMS, CITU, AIUTUC, TUCC, SEWA, AICCTU, UTUC and LPF, called a nationwide strike in protest at the proposed reforms. Tens of millions took part in the strike. The trade unions had presented a charter of 12 demands, which in addition to opposing the labour law amendments included a new minimum wage, the end to contract labour in permanent perennial work and payment of the same wages and benefits for contract workers as for regular workers for similar work, strict enforcement of all basic labour laws, universal social security cover for all workers, compulsory registration of trade unions within a period of 45 days from the date of submitting applications, as well as immediate ratification of ILO Conventions 87 and 98.

In response to the protests, the government constituted an Inter-Ministerial Committee and assured the unions that reforms will be based on consultations. No reforms had been passed by the end of 2015.



INDONESIA

| 5

Assaulted and injured workers have to face legal action:

Twenty-three workers – including the general secretary of the Confederation of Indonesian Trade Unions (KSPI) Muhammad Rusdi, a student and two Jakarta Legal Aid Institute (LBH) officials – have been named suspects in relation to the 30 October 2015 demonstration. This collective action took place against Government Regulation Number 78/2015 on wages and ended up with police attacking workers. Despite being the ones assaulted and injured, the demonstrators are now qualified as provocateurs by the Metro Jaya regional police and for such reason are facing criminal charge under Article 216 of the Criminal Code (KUHP) for allegedly disobeying police orders during the rally. This raises big questions about why the workers, who were the ones that suffered aggression, having their

command vehicle damaged and fired on with tear gas and then being injured and arrested, are the ones named suspects while no action has been taken against the police who committed the assaults. LBH Jakarta public defender Maruli Tua believes that the naming of the activists is a form of criminalisation by police adding itself to the long list of earlier cases that befell various leaders of civil society organisations in order to discourage freedom of speech.

American Phillips Seafood Company in Lampung dismisses unfairly and creates fake trade union to obstruct free trade unionism: US-based company Phillips Seafood – with a chain of seafood restaurants on the East Coast, outlets in airports and casinos and which markets processed seafood products – has its largest centre of production in Lampung, Indonesia. During 2015 the Company showed anti-union behaviour on more than one occasion: 205 workers were fired with a text message in order to outsource most of the jobs to isolated private homes working for half the price of regular workers. Out of the 205 fired workers, only 50 were allowed to come back – as casual workers contracted on a daily basis – on condition that they were not trade union members.

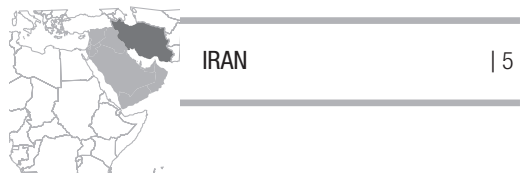
In order to further discourage and impede trade unionism inside the enterprise, Phillips Seafood created a fake union and then threatened and harassed workers to join it if they wanted to be called to work. Phillips Seafood then conducted a “union vote”, instructing workers to choose between the real union and the newly created management union. Two local labour department officers were brought in to make the proceedings look official. Deliberately misleading workers into believing the verification was legitimate, while making threats about job security, management forced workers to vote on November 25 and 26. A final vote was planned for December 16 and 17, but with the support of the Federation of Lampung Workers’ Unions (FSBL), workers refused to vote. The provincial labour department confirmed that the verification was unlawful because a private company cannot conduct a union vote without oversight. The role of the two labour department officials, and that of Phillips Seafood in the arrangement, is now under investigation.

Harassment and intimidation of union leaders: Further to the 30 October arrests during the minimum wage protests, several trade union leaders found themselves the target of harassment and intimidation. Muhamad Rusdi, General Secretary of the Indonesian trade union confederation *Konfederasi Serikat Pekerja Indonesia (KSPI)*, was summonsed for questioning. Shortly after the demonstrations, the branch office of *KPBI (Komite Politik Buruh Indonesia)* in North Jakarta was occupied by police, the central *KSPI* Office and all branch offices of the metalworkers’ federation *Federasi Serikat Pekerja Metal*

Indonesia (FSPMI) were guarded by police and other authorities, and a trade unionist in East Java was beaten by police. Several union leaders also reported that their private cars had been damaged.

Violence and arrests at minimum wage demonstration: When three national trade union centres – the Indonesian Trade Union Confederation (*Konfederasi Serikat Pekerja Indonesia - KSPI*), the Confederation of All Indonesian Workers’ Unions (*Konfederasi Serikat Pekerja Seluruh Indonesia - KSPSI*) and the Confederation of Indonesia Prosperity Trade Unions (*Konfederasi Serikat Buruh Sejahtera Indonesia KSBISI*) - organised a second round of peaceful demonstrations against the minimum wage reforms from 24 to 27 November; the demonstrations were declared illegal by the government. The Ministry of Labour, employers and the police threatened sanctions and penalties.

When the demonstrations went ahead, the police used tear gas and water cannons against the demonstrators. A number of trade union activists were detained but later released by the police.



Union leader dies from ill-treatment in prison: Shahrokh Zamani, a member of the Founding Board of the Syndicate of Paint Workers of Tehran and the Committee to Pursue the Establishment of Workers Organisations, was found dead on 13 September 2015 in Gohardasht (Rajai Shahr) Prison in Karaj.

Shahrokh Zamani was originally arrested in June 2011 and sentenced to 11 years imprisonment for the crime of “spreading propaganda against the regime and forming socialist groups” and “endangering national security”. He was an active trade union leader, organising workers and defending their rights.

Shahrokh’s cellmate found his body, with blood in his mouth and nose, when he tried to wake him up in the morning. The authorities claimed his death was from natural causes.

Mr. Zamani had no health problems before entering prison, according to his daughter, but became increasingly unwell as a result of his treatment in prison. One year into his sentence, Shahrokh Zamani wrote a letter to labour and human rights

organisations, describing the physical and mental torture he was subjected to. He also expressed concerns that his and other political prisoners' lives were in danger. He staged hunger strikes in protest at his ill-treatment. Despite suffering occasional loss of consciousness due to his ill-treatment and torture, he was denied medication and had to wait a year to be sent for an MRI scan. He was also denied visitors, and suffered from the knowledge that his family faced endless harassment from the government.

More prison sentences handed down to teachers:

Esmail Abdi, General Secretary of the Iranian Teachers' Trade Association (ITTA-Tehran) was sentenced to six years in prison by branch 15 of the Islamic Revolutionary Court, presided over by the notorious Judge Salavati. The verdict was announced on 22 February 2016, following a trial which began on 31 January. The charges against Esmail Abdi included "gathering and colluding with intent to harm public order" and "propaganda against the system". The real reasons for his arrest and imprisonment, said his union, were his trade union activism as the general secretary of the ITTA (Tehran) and his leading role the teachers' protests.

Mahmoud Beheshti Langroodi, a spokesperson for the ITTA, Mohammad Reza Niknejad and Mehdi Bohlooli, both former board members of the ITTA (Tehran), were sentenced on 7 March 2016 by the Islamic Revolutionary court in Tehran. Each was sentenced to five years in prison by the trial court which is subject to review in the appeals court. Mahmoud Beheshti Langroodi was already serving a nine year prison sentence, which was ordered by Judge Salavati in a trial that last only a few minutes. Mohammad Reza Niknejad and Mehdi Bohlooli had been released on a three hundred million toman bail on 29 September 2015, following their arrest on 31 August.

Mine workers arrested for protesting at layoffs: Twenty workers at the Khatoonabad Copper Mine Complex in Kerman were arrested on 26 January 2016 for taking part in protests. The workers were arrested after they gathered to protest against unpaid wages and the dismissal of 130 contract workers, after a series of tests announced back in September 2015. On 13 February 2016, 23 of those arrested were released on bail.



Teachers negotiating rights denied, strikers threatened with sack:

Kenya's Supreme Court ruled in August 2015 that state teachers should get a pay rise of between 50 to 60 per cent, in line with the demands made by the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post-Primary Education Teachers (KUPPET). The government, however, argued that it did not have money to fund the pay rise, and refused to pay. The unions had been struggling for over 18 years to get a pay rise, facing repeated broken promises by governments, and decided to call their members out on strike if they did not get their salary increase by the beginning of the school year on 31 August. There was no pay rise and the strike went ahead, with over 280,000 teachers taking part.

On 4 September a Nairobi court declared that the strike, which officially began on 1 September, was "unprotected", meaning that any teacher boycotting work was not shielded from disciplinary action. It stopped short of declaring the strike illegal.

On 14 September the striking teachers were given an ultimatum to report to work by Friday or face the sack. Their employer, the Teachers Service Commission (TSC), also said the striking teachers would not to be paid for the days they had not worked. The teachers were not sacked, but 245,000 out of 288,060 teachers missed their September salaries. The TSC paid only 42,973 of them, mostly principals, their deputies and heads of departments, who are not eligible to join the unions and who stayed in school during the strike.

Finally, on 25 September the Employment and Labour Relations Court Judge Nelson Abuodha directed the teachers' unions to suspend the strike for 90 days. Conciliation and arbitration would take place during that time, at the end of which either party would be at liberty to declare a trade dispute if the conciliation failed. The judge also declined to declare the strike illegal. Teachers resumed work at the beginning of October.

In November a Kenyan appeals court rejected the pay rise of up to 60 per cent previously awarded to the country's teachers by an industrial court. The court found that the labour and employment court lacked jurisdiction to rule on the matter. The Central Organisation of Trade Unions (COTU) took the case to the ILO in November, explaining that "The Kenya government blatantly said it won't pay and never will it honour nor negotiate

with Kenya National Union of Teachers and Kenya Union of Post Primary Education Teachers.”

The TSC had still not begun pay talks by the beginning of January 2016 and had not deducted union dues for October, November or December, starving the union of funds.

Striking dockers sacked: On 4 July 2015 East Africa’s biggest port in the Kenyan city of Mombasa summarily dismissed 28 workers for organising a strike that paralysed operations for two days. Over 2,000 workers went on strike on 1 and 2 July in protest against higher deductions for the government’s national health insurance scheme, the National Hospital Insurance Fund (NHIF), without an increase in wages. The port’s management promptly threatened to fire them, and advertised their positions. On 3 July the government obtained a court order blocking the strikes.

At a nearby college owned and run by the port, at least ten people were injured in a stampede on the morning of Saturday 4 July, as thousands turned up for the advertised interviews to replace the striking workers.

Acting Transport Minister James Macharia then reversed the dismissals. Despite this decision, however, the Kenya Ports Authority went ahead with the sackings, and on Sunday 5 July port security guards and the police forcibly evicted the 28 sacked employees from KPA houses. Those sacked include shop stewards and members of Dock Workers’ Union (DWU) executive board.

The following day the Employment and Labour Relations Court in Mombasa ordered Kenya Ports Authority to allow the 28 sacked workers to return to their staff houses pending the hearing of their case. Justice James Rika said the workers were illegally evicted from the houses for participating in the countrywide strike over NHIF deductions.

Striking health workers sacked: The Busia County Government sacked over 1,000 health workers on 23 November after they had been on strike for a week. The strike was called by the Kenya National Union of Nurses (KNUN) and the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPPDU) after talks with county officials broke down. The health workers’ grievances included delays in payment of salaries, lack of promotions and the shortage of drugs.

After issuing the dismissal letters, the county government went to court to have the strike declared illegal.

Finally, the strike ended with a 7-point negotiated agreement signed on 3 December, and all the strikers were allowed to return to work with a promise that nobody would be victimised for taking part in the strike.



KOREA, REPUBLIC OF

| 5

KCTU leader arrested in wave of repression as many more trade unionists faced possible charges: A warrant was issued in November for the arrest of Han Sang-kyun, the leader of the Korean Confederation of Trade Unions (KCTU), for organising marches and rallies to call for justice for the victims of the ferry disaster and to protest against proposed labour reforms.

The police tried to arrest him as he addressed a meeting shortly before the 14 November rally, but union members blocked their way and Han Sang-kyun got away. Nine people were taken into custody for helping prevent the arrest, 126 faced charges of aiding the KCTU leaders escape or taking part in the “illegal” protests, and a further 450 people were warned they faced police questioning over the same issues.

Two days after the 14 November rally, Han Sang-kyun took refuge in the Jogye Buddhist temple, explaining that he owed it to the country’s workers to resolve the issue of the pending labour reforms first. He finally left the temple on 10 December after the police launched an operation to remove him, clashing with temple officials. Han-Sang-kyun decided he did not want the people at the temple to suffer any further disruption. He called for a further protest against the government’s reforms to be held on 16 December, and said he would expose the authorities’ fierce repression of labour.

Han was held at the Namdaemun Police station in Seoul, awaiting trial. When Noriuki Suzuki of the ITUC-Asia Pacific asked for a meeting with him, the police turned down his request, citing concerns he might “destroy evidence”.

In addition to charges of organising “illegal” rallies, the police asked for the KCTU leader to be charged with sedition, the first time in 29 years that such a charge had been brought.

Tower crane union members in custody: Five officials from the tower crane branch of the construction union KCWU found themselves in custody, awaiting trial, at the end of the year. Kim Myung-uk, President of the Seoul-Gyeonggi Tower Crane Operators' Branch of the KCWU, was arrested with four other members on 27 November 2015 accused of blackmailing a tower crane rental company (Junkeyung Tower Crane). The other four were Jeong Min-ho, Vice President, Tower Crane Operators' Division; Lee U-seong, President, Busan-Ulsan-South Gyeongsang Tower Crane Operators' Branch; Ko Beom-seok, Organising Manager, Seoul-Gyeonggi Tower Crane Operators' Branch; Hwang Seong-yong, Organising Manager, Seoul-Gyeonggi Tower Crane Operators' Branch. They were actually seeking a collective agreement.

Government bans mass rally, arrests participants and raids trade union offices: When plans for a mass rally on 14 November were announced, the government declared it was illegal and issued stern warnings against taking part. The rally was called to protest against the controversial labour market reforms, the state-authored history textbooks, the falling price of rice, and youth unemployment. "We will track down and bring to justice those who incite illegal protests and engage in violent acts," said Justice Minister Kim Hyun-woong.

When the rally went ahead, with an estimated 100,000 participants, the authorities' responded with tear gas and water cannon. They also set up a police bus blockade to prevent protesters marching to the president's office, even though the use of police buses as a barricade was ruled illegal by the Constitutional Court in 2011. The police made 51 arrests and the KCTU estimated that some 500 people had been injured as a result of what it described as excessive police violence. Twenty-nine people required hospital treatment. The police said it had mobilised about 22,000 police officers, 700 police buses and water cannons to shut Gwanghwamun Square from the protesters.

The following day the Justice Minister vowed that stern action would be taken against protestors who led what he called "violent, illegal" rallies.

The following Saturday, 21 November, the Seoul Metropolitan Police Agency raided 12 offices of eight unions, including the Korean Confederation of Trade Unions (KCTU), looking for evidence of participation in the rallies. The police confiscated union documents and digital forensic agents copied files from their computers.



LEBANON

| 4

The trade union of domestic workers is not recognised by the Ministry of Labour: On 25 January 2015, six Lebanese workers submitted a request to the Labour Ministry to form a union for domestic workers, who are currently excluded from the protection of the Lebanese labour code. The proposed union would include domestic workers and others who provide care in homes for the elderly and those with disabilities, those who provide cleaning services in homes and offices, and some other similar categories.

On 25 January 2015, with the support of the International Labour Organization (ILO), the International Trade Union Confederation (ITUC), and the Federation of Trade Unions of Workers and Employees (FENASOL) in Lebanon, approximately 350 domestic workers of various nationalities gathered for the union's founding congress. But union members said they had received no response to their request, and the Labour Minister Sejaan Azzi denounced the union as illegal, media reports said.

The 1946 Lebanese Labour Code specifically excludes domestic workers, both Lebanese and migrants, denying them protections afforded other workers. Families in Lebanon employ an estimated 250,000 migrant domestic workers, primarily from Sri Lanka, Ethiopia, the Philippines, and Nepal. Under article 92 of the Labour Code, all foreign workers are also explicitly denied the right to elect or be elected as representatives of a union.

As a result, thousands of workers have been denied the right to freedom of association and collective bargaining, and there are inadequate legal safeguards for migrant workers and some Lebanese labourers, leaving them vulnerable to abuse and exploitation.

The most common complaints documented by the embassies of labour-sending countries and nongovernmental groups include mistreatment by recruiters, non-payment or delayed payment of wages, forced confinement to the workplace, a refusal to provide any time off, forced labour, and verbal and physical abuse. Despite repeated public announcements by Lebanese officials that they would improve conditions for migrant domestic workers, reforms have been insignificant.

**Dismissal of two trade union leaders at Rio Tinto**

subsidiary: On 5 November, after a three-week strike, over 100 Rio Tinto security guards won the dispute with their employer ProTech Security. The workers were calling for the reinstatement of two of their representatives, also leaders of the Confédération Générale des Syndicats des Travailleurs de Madagascar (FISEMA). Eugène Chrétien, general secretary of the FISEMA, underlined the power of solidarity. He also paid tribute to the management at ProTech Security for correcting its attitude to dialogue and negotiations. IndustriALL, which supported its affiliate, underlined the urgency of campaigning at global level against Rio Tinto's excessive use of subcontractors and the ill-treatment suffered as a result.

Canadian giant Sherrit's contempt for its workers and their representatives:

On 3 June, the mining group Sherrit International, which employs 3,000 direct workers and 6,000 others via subcontractors, suspended 900 workers from its Ambatovy extraction site (nickel and cobalt) for six months. Fifteen trade union representatives were among them, despite the protection conferred on them by the posts. The decision was taken suddenly and without consulting the works council. Many of the workers laid off without pay heard the news on 5 June, in the morning when they turned away at the entrance of the mine. Distressed, one of the workers committed suicide. Aside from the fall in the price of nickel, the management also referred to the two-week strike that had been staged earlier that year and had supposedly led to a fall in profits. Assisted by the Global Union IndustriALL, the trade unions soon showed these pretexts to be false. The financial results for 2014 and the first quarter of 2015 had been deemed excellent. Just months earlier, moreover, Sherry had made a donation of a million dollars to the Defence Ministry, a gesture considered unethical by IndustriALL. The unions affiliated to IndustriALL (FESATI, FSTEM, SVS and SEKRIMA) saw the mass layoff as a way for Sherrit to crush the unions, with the complicity of the government, given that the mining group subsequently refused to furnish proof that the layoffs were financial justified. The employer was suspected of having infiltrated the unions, provoking international disputes, divisions and a climate of suspicion, weakening the unions. This strategy also led to tensions, fear and resentment among the workers and the local population. In December, IndustriALL condemned the mining group's "total arrogance", following its refusal to mediate with the trade union

leaders on the invitation of the authorities and the suspension of the works council. Sherry, it should be noted, has continued to hire expatriate employees, migrant and local contract workers. At the end of the year, the group announced that only 10 per cent of the workers laid off could resume work.

Right to strike hampered at national water and electricity company:

On 18 September, in the capital, the authorities arrested and imprisoned Oliva Andrianalimanana, president of the Union des Syndicats Autonomes de Madagascar (USAM), affiliated to the ITUC and president of the Intersyndicale del la Compagnie Nationale d'Eau et d'Electricité (JIRAMA). A portion of the 5,800 employers at JIRAMA had been on strike since 10 August. They received support from ITUC-Africa and IndustriALL Global Union.

The trade union leader was accused of forgery and the use of forgeries in an old and rather tenuous case with no relation to the labour dispute. For the strikers, the unions and many observers, the digging up of an old file was above all a way for the authorities to muzzle the trade union leader and to break the strike. The management at JIRAMA forbid demonstrations on the company's sites, on the pretext that a handmade explosive device had been found a few weeks earlier at its headquarters in Ambohitovo Avaratra. On 23 September, the Intersyndicale, substantially weakened, was forced to bring the strike to an end. On 11 November, Oliva Andrianalimanana and another striker accused as part of the same case were given a 14 month suspended sentence. They were also dismissed.

Criminalisation of trade union action, arrest and dismissal of four activists:

Labour grievances at Air Madagascar over the company's poor management, wage discrimination (nationals/foreigners) and the surplus of non-agreed leave came to a head at the beginning of June when the employer initiated disciplinary proceedings against trade union activists guilty of having publicly expressed their grievances. The trade unions, gathered within an inter-union grouping, launched a strike on 15 June, in compliance with the labour law. Rather than listening to the workers' grievances, the management reacted by declaring the strike illicit and demanding the requisitioning of the staff, which only served to reinforce the strike action. On 27 June, seven strikers were called in by the economic police following at complaint at the Ministry of Tourism for "economic sabotage, destabilisation of the state and criminal association". Briefly held in detention whilst the police searched his home, Rado Rabarilala, the trade unionist leading the strike action, then learnt that he had been dismissed, along with three other workers' representatives. A breakthrough was finally made following the director's resignation and government's appointment of a new board of directors. On 17 July,

the strike was called off following a pledge to reinstate the four trade union activists. At the end of 2015, however, they had not yet been reinstated.



MALAYSIA

| 4

Timber company continues to deny workers union recognition:

Sabah Forest Industries (SFI) filed a judicial review on 14 May 2015 seeking to quash a ministerial order on the eligibility of its employees to vote in a secret ballot on whether they wanted to be represented by the Sabah Timber Industry Employees Union (STIEU). SFI workers had been battling for 24 years for union recognition, but had been thwarted at every turn by the company's legal manoeuvres. Two previous attempts to file for recognition, in 2003 under the now defunct Sabah Forest Industries Employees Union and in 2010 as STIEU, had ended with SFI management successfully filing for judicial review. Yet STIEU's 2010 secret ballot results following its claim for recognition revealed it had the support of 85.9 per cent of SFI workers.

Sadly, a stark reminder of the need for a union to protect workers' welfare came on 12 July 2015 when Yiki Janing, aged 51, died at the chip mill division at the SFI's plant in Sipitang while operating machinery. SFI was accused of failing to install a fence on the conveyor machine, which caused the death of Mr. Yaning. In December 2015 the company was formally charged with failing to ensure its workers' safety, health and welfare.

By the end of 2015 STIEU had still not achieved recognition. In the meantime, STIEU reported that SFI was trying to revive the defunct in-house union, and to urge some employees to file cases against STIEU leaders before the Trade Union Activities Department, in an effort to divide members and harass leaders.

Meanwhile, further to complaints filed by the Building and Wood Workers International (BWI), the company is under investigation by the Forest Stewardship Council (FSC) and Compliance Advisory Ombudsman of the World Bank for its anti-union practices and failure to comply with ILO Conventions 87 and 98 as required in certification systems and Performance Standards.

Suspected union-busting tactics at Malaysian Airlines:

In June 2015 Malaysian Airlines Systems Berhad (MAS Bhd)

transferred their assets and airline business to a newly created separate legal entity, Malaysian Airlines Berhad (MAB). The 20,000 MAS Bhd employees lost their jobs, and only 14,000 were taken on by MAB, the new company that took over the Malaysian Airlines, leaving 6,000 out of work. At the same time, the in-house trade unions that existed in MAS Bhd effectively ceased to exist, leaving MAB free of trade unions. Both the former MAS and the new MAB are government owned.

The National Union of Flight Attendants Malaysia (NUFAM) duly applied to the new employer MAB for recognition in a letter dated 11 September 2015. However, MAB did not respond to that application within the 21 days stipulated by law, to either grant recognition or notify it of the grounds for refusing recognition.

NUFAM then reported the matter in writing to the Director General for Industrial Relations on 6 October 2015, again as required by law, in order that the authorities take such steps or make such enquiries to ascertain the "... the competence of the trade union of workmen concerned to represent any workmen or class of workmen..." in MAB. Over 40 days later, the DG for Industrial Relations had not responded to NUFAM.

NUFAM feared that the government-owned airline was mimicking the union-busting behaviour of private-sector companies. Companies have been known to in the past form a new separate legal entity, and then transfer assets and business from the existing company to the new entity, thereby killing off existing unions – forcing workers to start all over again to form, register and get recognition of their unions in the new entity. This strategy has also been used to get rid of workers' leaders and union activists who stood up against exploitation.

Proposed legislative changes will weaken unions: The Secretary General of the Malaysian Trades Union Congress (MTUC) N. Gopal Kishnam warned that the legislative changes proposed under the "11th Malaysia Plan" announced in June 2015 would weaken industrial workers' ability to collectively bargain with their employers.

The text of the 11th Plan states that amendments will be made to the Employment Act 1955, Trades Union Act 1959 and Industrial Relations Act 1967. Those amendments would "address the rigidity of existing dismissal processes" and "increase flexibility in working hours and registration of trade union membership".

The Human Resources Ministry, tasked with amending the laws, had not yet announced what these specific amendments

would be, but the Malaysian Employers Federation (MEF) set out its proposals for what they should contain.

The MTUC expressed concern about several of the MEF's proposals, especially on the reclassification of dismissals. In the case of in so-called voluntary separation schemes (VSS), for example, workers have to choose between two unpalatable options. Gopal cited a case where workers at a factory were given two choices: either sign up to a new employment agreement where they will no longer be union members or take the company's VSS. "Staying on with the company is even worse because there will be no union to protect their interests and their welfare will not be covered by a collective bargaining agreement."

The MTUC suspects that companies are resorting to more and more coercive VSS and Mutual Separation Schemes (MSS) in order to shed workers or bring down salary costs. "Unlike a retrenchment scheme, you don't have to inform and justify your reasons to the ministry with a VSS and MSS scheme." "The end result with such practices is that more and more workers are forced to give up their rights to unionise", said Gopal. "It's union-busting."



MALI

| 4

Harassment of two union leaders: Two trade union leaders, Dr Loseni Bengali, a member of the Syndicat National de la Santé, de l'Action Sociale et de la Promotion de la Femme (SNS-AS-PF, affiliated to the UNTM) and general secretary of the branch union at the Gabriel Touré hospital, and Youssouf Fofana, former general secretary of the Syndicat de la Police Nationale (SNP, affiliated to the CSTM), were targeted by their employers throughout 2015. Dr Bengali had been transferred in 2013, arbitrarily, according to his union, which staged several strikes during the year to press for his reappointment to his former post. Fofana, who was unfairly suspended in 2013 on account of his trade union activities, was the object of unrelenting harassment.

Former strikers still awaiting justice in mining sector:

The Malian justice system's excessive slowness in dealing with cases involving trade union rights violations, some dating back several years, contributed to poisoning relations between

trade union organisations and the authorities, which, evoking the separation of powers, shirk all responsibility, repeatedly responding that the judicial proceedings must follow their course. The mining sector is the worst affected. The trade unions once again denounced mining companies, recruitment agencies, the National Directorate of Geology and Mines and the Chamber of Mines for the failure to reinstate unfairly dismissed workers, many of whom are trade union activists, and for the non-payment of monies owed to them.

In some cases, verdicts have been pronounced but the employers refuse to implement the court decisions, with total impunity. In 1999, Analabs-Morila, for example, had been ordered to pay a wage increase but still has not done so. Nor has it respected the agreement on overtime signed between workers' representatives and the company.

The trade union rights violations at the LTA-Mali mining company, where workers have been on strike since 2011, have already been documented by the ITUC. The authorities in Kayes had validated the dismissal of 27 trade unionists on grounds of their abusive exercise of the right to strike and clear resolve to damage the company. The support provided to the strikers by the Fédération Nationale des Mines and de l'Energie (FENAME) failed to prevent the dismissal of 30 additional strikers. On 25 October 2015, the 57 workers still awaiting justice launched a sit-in in the courtyard of the Confédération Syndicale des Travailleurs du Mali (CSTM). The sit-in was still underway at the end of the year.



MAURITANIA

| 4

Dock workers' strike repressed: In early April 2016, the police in Nouakchott repressed a rally and a march held by striking dock workers. Two trade union representatives, including the secretary of the local branch of the CGTM, Seyedna Ould Mohamed, were arrested and held in police custody. The dock workers at the Port of Nouakchott launched a strike on 4 April. They also managed to thwart the port management's attempts to impose a trade union they did not support and that was opposed to the strike as a negotiating partner.

Anti-slavery activism severely repressed: On 27 January 2016, the local authorities of Dar Naim prohibited the holding

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

Negotiations abandoned at SNIM, police repression at union meeting: On 6 November, in Zouérat, the authorities tried to stop SNIM workers from holding a general meeting. As the workers made their way to the place where the meeting was due to take place, the police stood in their path. According to the Confédération Générale des Travailleurs de Mauritanie (CGTM), the police barricade was not able to stop the workers from reaching the trade union office. The police, however, continued with their acts of provocation, using teargas bombs in the room where the meeting was being held. At the beginning of 2015, the SNIM had seen the longest strike in its history. It had ended on 3 April with a commitment from the management to hold negotiations on the workers’ demands, but at the beginning of November it had still not honoured its pledge. The general meeting had been organised to enable the workers’ representatives to report on their frustrated attempts to move forward with the negotiations and to decide what action to take.



MEXICO

| 4

Mexican workers strike against Arcelor Mittal: Industri-ALL Global Union affiliate, Sindicato Nacional de Trabajadores

Mineros, Metalúrgicos y Similares (SNTMMSRM), also known as ‘Los Mineros’, has launched a strike against Arcelor Mittal at its steel plant in Lázaro Cárdenas, Michoacán in western Mexico.

IndustriALL extends its total support to some 3,500 workers who began the strike on 4 March 2016 in response to dismissals and violations of their collective agreement by the company.

The workers scheduled the strike to begin at midday on 4 March. However, one hour before midday, the Federal Conciliation and Arbitration Board (JFCA) informed them it had ruled the strike to be inadmissible. This opened up the possibility that the JFCA might declare the strike to be null and void.

The workers organised a march along the city’s main street to the offices of Arcelor Mittal to denounce more than 300 unfair dismissals since 2015 and violations of the collective agreement.

Freedom of association denied to workers in Juárez: In November 2015 in Ciudad Juárez across the border from El Paso, Texas, maquiladora workers in several factories began a series of protests that continued into the new year. Juárez has 330 maquiladoras employing some 225,000 workers, about 13 percent of the national maquiladora industry workforce. Just 17 of the largest factories owned by U.S., Japanese, and European capital employ 69,000 workers.

Workers at Foxconn, Lexmark, ADC/Commscope, and Eaton demanded better pay, improved working conditions and freedom of association. The workers handed out leaflets, marched in the streets, picketed in front of industrial parks, participated in hunger strikes. Workers’ base pay was typically about USD 50 per week plus another USD 40 in bonuses in a high cost of living border city.

The protests in December focused on Lexmark, a multinational company that produces printer cartridges, paying workers 70.10 pesos or USD 4.03 per day. Workers are demanding an increase to 120 pesos or USD 7.00 per day. On December 8, some 700 employees stopped work to raise that demand, as well as insisting on the annual holiday bonus, required under Mexican law, which the company had withheld.

On December 28, the Local Labor Board (JLCA) denied the Lexmark workers’ petition to create and register a labour union. As 2016 began, workers at Lexmark and some other workplaces continued their sit-ins while working to organise and win recognition for independent labour unions.

Violent police attack on teachers: The National Gendarmerie and the Mexican army violently attacked education workers, trainee teachers and citizens taking part in a protest held in the municipality of Ocozocoautla, Chiapas, on 8 December 2015, against the punitive assessment of teachers in Chiapas. David Gemayel Ruiz Estudillo, a member of Section 40 of the Sindicato Nacional de Trabajadores de la Educación (SNTE), was killed in the attack, during which various activists were injured and arrested.

Police clashes at a strike of bankrupt mine workers:

Workers of bankrupt Bauxite Mines Company in Niksic protested for their unpaid wages. Workers, worn-out by three unsuccessful tenders, manifested their disapproval with respect to management's decision to reject an offer of EUR 4.4 million from the local Neksan Company because it was considered insufficient for the buy-out of the enterprise. In response to this umpteenth standby to sale procedure that could have finally granted workers their salaries, about 200 employees decided to take to the streets heading towards Niksic. Policemen clashed in the demonstration and stopped them, but miners succeeded in blocking the streets. They declared – through the voice of union leader Borisav Bojanovic – that they would remove blockades if the meeting with the government were successful and if the Commercial Court that declared the mine's bankruptcy in 2013 approved the sale of the company.



MONTENEGRO | 3

Union of Free Trade Unions of Montenegro calls international support against the Bankruptcy Law allowing limitations of workers' rights:

The Union of Free Trade Unions of Montenegro (UFTUM) called attention to the Montenegrin Law on Bankruptcy. According to the current law, in fact when a receivership procedure begins in the enterprise, employees can be subject to a series of serious limitations of their individual and collective rights. The issue has become one of compelling importance during the last five years, considering that in such a short amount of time 2,363 Montenegrin enterprises started bankruptcy proceedings.

Workers strike in Shipyard Bijela for unpaid wages:

On the 30 June 2015, 126 workers out of the total 392 employed by Adriatic Shipyard Bijela were dismissed, following a Commercial Court's decision to launch bankruptcy proceedings after the failure of four tenders. Workers responded through a strike, demanding a five-year service gap and unpaid salaries due from March to June. A meeting between representatives of the Shipyard and the Government was organised; workers announced that if the meeting didn't produce a successful outcome, they would radicalise their protest preventing ships from leaving or entering the shipyard. This strike was only one of a series declared by Montenegrin Workers in 2015 against unpaid wages and undermined rights following the opening bankruptcy procedures. Other strikes occurred, amongst others, at Metalac, at Kolasin local self-government as well as at Podgorica Tobacco Company.

Workers of these companies see their rights undermined despite the express recognition they have in Labour Law and other regulations. Employees of bankrupt companies seem to have no choice but to bear discriminatory conditions in comparison with the ones applied to the rest of their Montenegrin colleagues. In particular, with respect to what concerns individual rights, they do not enjoy the right to annual leave; the right to paid absence due to temporary inability to work; the right to paid overtime; the right to occupational health and safety; the right to a 40-hour working week; and the right to days-off during weekend. Furthermore, they are discriminated against on a salary-base: in accordance with the Law on Bankruptcy, trustees can pay the minimum wage for full-time work, thus not having to enforce collective agreements' and laws' provisions regulating salary in the sector. In addition to individual rights' limitations, when in bankruptcy, the enterprise can also limit collective rights: a trade union cannot organise nor can it act in such companies and the workers do not enjoy the right to freedom of association.



MOROCCO | 3

Social dialogue trampled underfoot in energy sector:

The government has repeatedly shown contempt for social dialogue regarding the process of privatising the National Electricity and Water Company, ONEE. Around 9000 workers from the Fédération Nationale des Travailleurs de l'Energie (FNTE, affiliated to the UMT) held a nationwide strike to denounce the authorities' breach of the framework agreement secured after long and painstaking negotiations with the Federation. IndustriALL supported its Moroccan affiliate and expressed deep concern over

“the escalation and the lack of social dialogue and negotiation with workers’ representatives”.

Trade union victory in call centres: After years of fighting, victimisation and dismissals (see 2014 article on Total Call), a few dozen trade unionists, many of them women, were successfully elected during the trade union elections in the call centre sector in June. It marked a great victory for the UMT, which led the campaign. Eleven companies were unionised and almost 20,000 workers out of the 70,000 in the sector are now covered by collective bargaining. By definition, however, working conditions continue to be precarious in these offshore outfits. On 11 June, the employees of SFR subcontractors staged a strike in protest at rumours that the French telephone operator was planning to move the Moroccan hotline to Madagascar.

Two new unions harshly repressed in August: The formation of UMT-affiliated unions in at least two companies sparked very hostile reactions from the employers. In August, the management at Maghreb Steel, near Casablanca, suppressed industrial action by suspending 13 strikers. Also in August, the employer at Med Paper near Tangier, after having fired the leaders of the new union, dismissed every single worker that had taken part in the strike held in support of the trade union representatives. A delegation from Union Network International (UNI), which was on a mission to Morocco at the time, was able to bear witness to the suffering of the workers dismissed from Med Paper. In December, when workers renewed strike action at Maghreb Steel, the management called in the security forces to evacuate the strikers occupying the plant. In both instances, the employers tried to justify their actions by claiming that the strikers were a potential threat to the other workers, and that they had damaged and sabotaged the production unit. The management at Maghreb Steel announced, in a press release, its intention to punish “these criminal acts”, and also spoke of “manipulation by outside forces”.

In July, the Organisation Démocratique du Travail (ODT) reported the repression faced by an affiliated organisation at Honda-Seat in Rabat. The union’s general secretary was dismissed and two other leaders were threatened.



NEPAL

| 3

Court restrictions trade union activities to collective bargaining only: On Friday 10 April 2015 the Supreme Court of Nepal barred trade unions from being involved in political activities, and ruled that trade unions would have to limit their activities to collective bargaining.

The court’s ruling on the role and activities of trade unions was a response to a petition filed by advocate Arjun Kumar Aryal on 8 April 2015, demanding that all trade unions affiliated to political parties be declared illegal and a single authoritative trade union be formed. Aryal had claimed that political activities by trade unions had tarnished the image of government offices.

Nepal’s Interim Constitution of 2007 allows civil servants and industry-based workers to form trade unions to protect their collective rights. The 1993 Civil Service Act also allows civil servants to form trade unions.

Limitations or ban on strikes in certain sectors: Legislation denies the right to strike to employees providing essential services. In recent years, the government has used that legislation to ban strikes in many sectors, including banking, telecommunications, electricity, water supply, road, air and sea transport, the print industry, the government, press, and hotels and restaurants.



NEW ZEALAND

| 2

Legislative barriers to promotion of collective bargaining: Changes to the Employment Relations Act 2000 which came into effect in 2015 create several new barriers to collective bargaining including the right of employers to opt out from bargaining for multi-employer collective agreements when sent a notice of initiation (s 44A-44C of the Employment Relations Act 2000). Employers need not to give a reason for doing so. Effectively, this change blocks the ability of unions to bargain at any level above the enterprise.

Exclusion of film industry workers from the right to bargain collectively: Changes to the Employment Law introduced as a result of the dispute between the Actors Equity and the Film industry backed by the film giant Warner Brothers removed the right of workers in the film industry to challenge their employment status. As a result, film workers are now deemed contractors and miss out on collective bargaining rights: they have no right to take industrial action in pursuit of a collective agreement or access to various mechanisms intended to help the parties to come to an agreement. Individually, contractors are denied protections against unfair disadvantage and unjustified dismissal, minimum statutory terms and conditions (such as minimum wage rates) and several protections implied into employment contracts such as good faith and fair dealing.

Refusals to negotiate: A national chain of hardware stores – Bunnings – unilaterally changed working hours and introduced the obligation of on-call work with no guarantee of stable hours. The changes were unjustified in the view of the company's recorded profits. In addition, the changes have been introduced regardless of the ongoing Parliamentary legislative debate to outlaw the zero-hour contracts. The company refused to negotiate changes with the unions.

AFFCO introduced several unfavourable changes to employment terms and conditions (including no obligation for the company to re-hire workers after seasonal lay-offs, cuts in wages, etc.) and either refused to meet with unions or proposed impossible-to-agree-to new clauses, with an apparent lack of intention to conclude an agreement.

The Talley's Rangiora Plan refused to negotiate planned lay-offs despite an obligation under the collective agreement and despite several requests for discussion from the part of the trade union. As a result, around 100 workers were laid off, all of them trade union members with security rights over workers with much shorter service.

Fresh Max company (fresh food supplier) had persistently refused to negotiate a collective agreement aimed at protecting workers, despite ongoing serious violations of fundamental rights, such as sexual harassment and assault and the use of child labour. The issue was finally solved only when the FIRST trade union went to the Countdown, the source company for Fresh Max, and demanded to put pressure on the basis of the Countdown's ethical supply chain obligations and policies.

There were also cases of refusal to bargain amounting to anti-union discrimination. The employer in the private education sector, when faced with an invitation to bargain from the part of the union covering teachers in the private sector, threatened workers with the immediate reduction of salary rates if the union insisted on bargaining. As a

result, the threatened workers left the union and the bargaining collapsed.



PAKISTAN

| 5

Power loom workers denied right to negotiate: Two and a half months after an agreement was signed assuring power loom workers in Faisalabad that negotiations on wages and workers' rights would begin, not a single meeting had been held. The Labour Qaumi Movement (LQM) staged a long march on 18 September 2015 to highlight their grievances, and called it off after assurances had been given that their issues would be addressed. By December, the factory owners had still not consented to a meeting. The only penalties imposed on the employers by the district authorities were small fines.

Workers jailed for protesting against illegal terminations at Philip Morris: Thirty-five workers were arrested in the city of Mardan on 6 January 2016 for peacefully protesting against the sudden dismissal of 141 employees at the Pakistan subsidiary of tobacco giant Philip Morris International. Workers were informed of the mass terminations on 21 November 2015 when they arrived at work.

With the support of the local union, whose president Abrar Ullah was among those arrested, workers launched a continuous round of protests at the factory gate after management refused to discuss the terminations and began pressuring workers to accept the illegal dismissals. To add to the pressure, police were called to the factory gate when the protest began.

On 6 January workers gathered with their union officers to present a Charter of Demands to management. The police arrived and arrested 35 protestors under the Maintenance of Public Order law, which allows for up to 90 days detention without charges.

A solidarity delegation from the Pakistan Food Workers Federation (PFWF) demonstrated outside the police station following the mass arrests. The arrested workers were then shifted to Bannu Jail, some 250 kilometers from Mardan and notorious as a prison for incarcerating Taliban activists.

Thanks to an urgent action campaign coordinated by the International Union of Food and Allied Workers' Associations (IUF) the 35 workers were released on 10 January.

Workers' representatives dismissed for demanding rights: Eighty-eight workers of the Denim Clothing Company (DCC) — a factory that manufactures clothes for international brands such as H&M and Primark — were sacked in the last week of November 2015 for demanding their rights.

The workers had no social security, no insurance, no medical facilities and low salaries that came on no specific date, and decided to take up their concerns before the management. On 26 November, the workers held a meeting at which they chose five representatives to hold talks with the management. At noon, the team went to the manager's chamber. They never returned to their stations. They had been fired on the spot.

In solidarity, 83 of their colleagues went to management to demand the reinstatement of their five representatives. They were also dismissed on the spot.



Anti-union measures at DINAC: In June 2015 a strike organised by the National Civil Aviation Authority's (Dirección Nacional de Aeronáutica Civil - DINAC) Trade Union Organisation led to retaliatory measures by the Paraguayan government and the airport authorities.

The president of DINAC, Luis Aguirre, dismissed three of the trade union leaders, who have protected status because of their trade union role, and ordered the transfer of over 20 civil servants for taking part in the strike.

Furthermore, one of the trade union leaders, Justo Alfonso, was charged with "obstructing air traffic" and another ten workers were charged with "disturbing public peace".

Finally, a labour judge declared the strike illegal, violating due process and authorising the presentation of proof beyond what was initially required. The ruling was riddled with irregularities, which led the workers' defence team to request that it be declared null and void.

Drivers dismissed for forming a union: In June 2015, the transport company La Limpeña SRL, Line 49, dismissed 51 drivers who formed a union to improve working conditions for all the workers. Some days later, the dismissed drivers crucified themselves with nails and staged a hunger strike in front of the company's workshops to demand a response to their labour grievances.

Anti-union persecution at Citibank: In July 2015, the Trade Union Confederation of the Americas (TUCA) denounced the abuses perpetrated by Citibank against Oscar Ricardo Paredes Dürrling, an ex-employee of Citibank N.A. in Paraguay and former Executive Committee member of the Citibank employees' union Sindicato de Empleados del Citibank Paraguay.

According to the TUCA, Citibank did everything in its power, over a number of years, to force Paredes Dürrling to resign, deploying a range of illegal and unconstitutional strategies. As a result, the trade unionist is now receiving no pay and no retirement pension, after 34 years of service, and is currently fighting a legal battle to assert his rights through the labour courts.



Camposol refuses to honor collective agreement: Camposol, Peru's largest agro-export company, hires the vast majority of its workforce of over 13,000 on various forms of temporary contracts. Company management routinely retaliates against workers who join a union or lodge complaints by placing them on "temporary leave" or refusing to renew their short-term contracts. In 2013, the company refused to honour an existing collective bargaining agreement and even filed frivolous legal charges against union leaders for exercising their right to strike.

Anti-union tactics by Agrícola Virú: Agrícola Virú, one of the largest Peruvian agro-exporters, employs over 8,000 workers largely on temporary and seasonal contracts. According to a recent report, the company has used a wide range of anti-union tactics to deny workers their right to freedom of association, including the harassment of union members and leaders with the threat of layoffs and dismissals. In 2013, the company filed criminal defamation charges against a union leader for speaking on a local radio show about the poor working conditions in the agricultural sector.



One dead in Nazca iron mine strike: One worker was killed and some 200 reported injured when police fired on striking miners blocking a highway near the Shougang Hierro Perú iron mine at Marcona, Nazca province, in Peru's coastal region of Ica on May 25. At least one other worker suffered a bullet wound. Videos aired on media in Peru show workers chanting "no disparen, no disparen" (don't shoot, don't shoot) at the National Police troops. The strike was called by the FNTMMSP union federation to oppose the layoff of more than 80 workers by subcontractor Coopsol. Strikers were also pressing community demands for reduced electricity rates and a potable water project. All 963 workers at the mine took part in the strike, and the company has not brought contract workers to replace them while talks with the FNTMMSP are ongoing. The FNTMMSP on May 18 called a national strike to protest government decrees that allow greater use of subcontractors in the mining sector. The FNTMMSP called off the national strike on May 27. The Marcona complex, Peru's biggest iron mine, is owned by China's biggest iron producer, Shougang Group. The mine was also paralysed by strikes in 2009 and 2007.

Striking Peruvian workers attacked: Several thousand workers at Northern Peruvian asparagus and artichoke company, Sociedad Agrícola Viru (SAV), stopped work on April 22, 2015, in protest at what they believed was fraud by their employer.

For the third year running the company declared a financial loss to revenue authorities, but the union believes this was just accounting manipulation to prevent them from sharing profits with workers.

At least two workers were injured when police in riot gear were called by the company and responded to striking workers with rubber bullets.

General secretary of the SITESAV union, Genaro Quispe Ventura, said two workers were being treated at the local clinic for their injuries. He regretted that the company responded with repression rather than dialogue. Police, claiming they had only acted in legitimate defence, denied opening fire on protesting workers.

Union members laid off in bank merger: On 30 December, 11 messengers and janitors were dismissed by the Planters Development Bank, recently merged with China Bank Savings Inc., during negotiations for a new collective agreement. Their union, the Planters Development Bank Employees Association (PDBEA,) had sought security of tenure for the workers, most of whom were themselves union officials. The Ecumenical Institute for Labour Education and Research, Inc. (EILER) believed the reason behind the dismissals was to undermine the collective bargaining process and weaken the union. The aim was apparently to replace the dismissed workers with contract labour.

Banana company interferes in choice of union and stalls collective bargaining: The Association of Democratic Labour Organisation (ADLO), a federation of the national centre Kilusang Mayo Uno (KMU), was faced with what it described as a "vilification campaign" against the KMU at the hands of the Japanese banana exporting company Sumifru. The association was formed in October 2014 to represent its workers at the cold storage unit at the AJMR Sumifru Port in Davao City. The campaign against it appeared to be an attempt to still collective bargaining, and included calls to the union's individual members instructing them to withdraw their support for the union.

Sumifru favoured the "yellow" union, Southern Philippines Federation of Labour (SPFL), but workers turned their back on it and chose to disaffiliate on 6 August. A month later they formally affiliated to ALDO-KMU, from whom they had been seeking advice and support for the last three years.

On 14 September 2015 the union submitted its proposal for a collective agreement to Sumifru. By law the employer is supposed to send a counter-proposal within ten days. Instead it did nothing until 9 October, when it questioned ADLO-KMU's right to represent the workers in the negotiations.

It was clear management had no intention of bargaining and finally, on 16 October, the workers held a protest picket to demand that the company present its counter proposal and begin negotiations.

The union was also concerned because Sumifru had begun to hire new workers surpassing the operation's manning requirement. The move suggested a prelude to their replacement

at the workplace, bearing in mind Sumifru's history of rights violations and union busting.

Carlo Olalo, spokesperson of KMU Southern Mindanao, said that Sumifru has a long and notorious history as a union buster and workers' rights violator. By the end of the month there had still been no progress, leading to further protests.

Violent repression of striking distillery workers: Striking distillery workers faced violent repression when they set up a picket line. Contract workers at the Tanduy distillery organised under the banner *Tanggulan, Ugnayan, Daluyan ng Lakas ng Anakpawis ng Tanduy Distillers Inc. (TUDLA)* launched a strike on 18 May 2015 in protest at being effectively dismissed for organising. They set up a picket line outside the Tanduy compound at the gates of the Asia brewery complex.

On the first day, management attempted twice to disperse the workers using water cannon. This followed attacks on the picket line by a combined force of company security guards and the police hitting the strikers with truncheons, and throwing stones and bottles at them. The following day security guards threw bottles and rocks at the picket line, hitting and strikers in the process. The area became littered with shards of glass, and at least 50 strikers were injured.

The contract workers had asked to be placed on permanent contracts. On 22 June the regional office of the Department of Labour and Employment (DoLE) issued an order directing Tanduy Distillers Inc. to regularise the striking contractual workers. The company countered by filing an appeal. On 25 August, the DoLE national office issued a decision affirming its regional office's order.

The company failed to comply with the order, and on 22 September TUDLA organised another strike and protest demonstration. Management again responded with violence. When the marching strikers arrived at the brewery, they were greeted with rocks thrown by the company's security guards, while an Asia Brewery fire truck blasted them with water. A police vehicle at the rear of the march reportedly tried to run demonstrators over. A video released by the Ecumenical Institute for Labour Education and Research, Inc. (EILER) showed the police car arriving at the company gate in full throttle, turning around and getting dangerously close to the protesting workers. One of the police officers also fired two gunshots as warning on striking workers.



Strike on the 2018 World Cup Stadium in Nizhny

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

Kachkanar Mining and Ore-Processing Plant does not respect collective agreements excluding trade union from due consultation:

The Miners' and Metallurgical Workers' Union of Russia (MMWU), through the voice of its local leader Anatoly Pyankov, stated that the Kachkanar Mining and Ore-Processing Plant (EVRAZ KGOK) failed to respect the collective agreement provisions. With no consideration of what is stated in the collective agreement, providing the duty of enterprise management to consult social partners during phases of corporate restructuring, EVRAZ KGOK overlooked completely the trade union presence and decided unilaterally for reduction of headcount and payrolls.

Despite the fact the plant's production output and profit are rising, management claimed a necessary cut in expenses that had to affect primarily the cost of staff. Some 150 workers quit their jobs after compensation was offered on an individual-negotiation base, while some others were forced to take unpaid leave. Workers, nullified as a collective group, had no possibility but to accept the draconian conditions imposed by the enterprise that, being the major employer in Kachkanar, left them with no other option of employment in the mining sector in the region.

Trade union leader dismissed from a bridge building

company: N.M. Tarasenko, chair of the trade union organisation of the bridge construction crew No. 72 of the JSC Uralmoststroy of the Sverdlovsk Region, was dismissed on 7 December because of his trade union activism. The trade union went in front of a Court that ruled in favour of the trade unionist ordering his reinstatement.



SERBIA

| 4



SAUDI ARABIA

| 5

Exploitation of migrant workers: Approximately 8.3 million migrants are legally employed in Saudi Arabia. They make up 90 to 95 per cent of the private sector workforce. Many are victims of various forms of exploitation in conditions akin to slavery. In many cases migrant workers are abused by the recruitment agencies who promise them far more than they can actually earn in Saudi Arabia.

The kafala (sponsorship) system links the worker's work permit to the employer's goodwill. A migrant cannot change employer or leave the country without the written consent of their original employer or guarantor. The system lends itself to abuses such as the confiscation of passports by employers, forced labour, non-payment of wages etc. This sponsorship and the slowness of legal proceedings mean that a migrant who is in dispute with his/her employer is at an impasse: he/she cannot continue to work nor can he/she return home. Some run away despite having their passport confiscated and seek refuge at their embassy.

No collective bargaining: Wages are fixed by employers, based on the nature of the work and the nationality of the worker. Even in big multinational companies, Saudi and Western employees are paid at least 30 per cent to 50 per cent more than workers from other parts of the world.

Lack of access to judicial remedy: Access to judicial protection in case of labour rights violations is restricted by the high court and legal fees imposed by the Act on Court Fees and the Law on the Bar tariff, in combination with the lack of possibility for a worker to be represented by a representative other than a lawyer (such as a trade union representative). Court proceedings, especially on labour issues, are extensively long. First instance proceedings take on average four years, but in many cases the length exceeds to as long as eight years. Exhaustion of remedies at all instances takes on average around seven years. NEZAVISNOST has already appealed to the Government to establish separate labour courts and procedures in order to speed up access to justice but so far with no results. In addition, there are many concerns relating to the lack of an independent character of the judiciary and its links to the Government.

Negotiations in bad faith: There are frequent cases of the Government negotiating in bad faith, either at the national level or at the company level (in its capacity as the employer). This was the case during negotiations in the Republic Geodesy Institute following the strike action. The Government formed a Working Group to draft a Reform Programme for the Institute, which was supposed to determine the optimum number of jobs in this institution. The drafting was to take place within an agreed time frame. Information about the arrangement and solving the collective dispute has been spread by the Government through the media. In practice however, contrary to the Government communications, the Working Group was unable to fulfill its task, as its Government members refused to schedule a meeting and plan the work according to the time frame. Similar manipulation of public opinion through the state-controlled media took place during the dispute over the draft law on the salary system in the public services, deemed unacceptable by the unions. Two representative trade union confederations announced a strike alert. Contrary to the facts, several Ministers and the Prime Minister announced in the media that the Government accepted all trade union demands. The information created considerable confusion for the public and trade union members, while the Government continued with the legislative process.

Negotiations are often prolonged without a reason at the sectoral or company level, leading in practice to the impossibility to

conclude an agreement. This was the case during negotiations of the Sectorial Collective Agreement for kindergarten workers in Belgrade by the City of Belgrade (as employer) as well as during negotiations of the Sectorial Collective Agreement for preschools and employees in higher education institutions in the Republic of Serbia.

Interference in trade union organising in the military

sector: Although the law regulates the right to organise in the military sector, in practice it is very difficult for the unions to make use of this right. The decrees that deal with the right to organise in the army prescribe that trade union activities can take place at the level of a brigade and issues should be solved at the level of the brigade command. Unions with a different structure that is not compatible with the army organisation, such as NEZAVIS-NOST, face serious problems in their organising work. Visiting some units is possible only with the approval of the superiors and at the time when the command determined that organising will not interfere with military affairs. These discretionary criteria are often misused by the command. During the trade union organising campaign that took place in front of the Ministry of Defence, the Ministry intervened directly and prohibited the dissemination of the trade union leaflets, arguing that they revealed classified information (i.e., information about the material situation of employees in the Army of Serbia).

After vehement solidarity protests by Spanish trade unions and the international labour movement, the eight Airbus workers were acquitted for “lack of evidence” on 18 February 2016.

This positive ruling arrives after a season of harsh repression of trade union activities: among others five workers of the steel company ArcelorMittal, affiliated to MCA-UGT, were condemned to 31 years of detention in total for the trade-union activities carried out during a general strike in 2012.

Ryanair sues its Spanish staff for strike action: Workers of Ryanair’s baggage handling service at Madrid Airport went on strike against pay cuts and working conditions, interrupting the service for a few days.

At the beginning several unions took part in industrial action, namely CTA, UGT, CCCO and CGT. CTA was the only one that continued with the action because it could not reach an agreement with the enterprise. In response to such protracted industrial action, Ryanair sued its striking workers because, according to a spokeswoman for the company, “the unions failed to provide the legally required minimum service levels”. The company is well known all over Europe for its anti-union policies and has had several convictions from various European Labour Courts, including France and Denmark.



SPAIN

| 3

International Federation of Journalists (IFJ) and European Federation of Journalists (EFJ) oppose media restrictions in Spanish Public Security Law

The International Federation of Journalists (IFJ) and its regional organisation, the European Federation of Journalists (EFJ), joined their Spanish affiliates FAPE, FESP, FSC-CC.OO. and ELA-Gizalan in criticising the Public Security Law, also known as “Ley Mordaza” (gag law), which came into force on 1 July 2015. The law makes “any unauthorised use of images or personal as well as professional data concerning police officers which may put at risk the safety of the officers or their families” a criminal offence arbitrarily limiting the people’s right to assemble and exposing photojournalists to prosecution for taking pictures featuring law enforcement agents at public events. Journalists’ organisations in Spain denounced the motives for the new law, including the government’s effort to ban protests against budgets cuts. The approved text will affect mainly regional media and community media, thus severely undermining media diversity and pluralism in Spain.

Supreme Court acquitted Airbus 8 workers from criminal

charges: The eight trade unionists, members of the industrial branch of the national centre Confederación Sindical de Comisiones Obreras (CC.OO. de Industria) and the Metalworkers and Construction Industry branch of the Unión General de Trabajadores (MCA-UGT), faced a trial with the accusations of “acting with violence” and “attacking the right to work” during a general strike on 29 September 2010. The proposed and disproportionate punishment was of eight years and three months of imprisonment for having allegedly picketed in Getafe, Madrid. The eight workers, namely Tomás García, Enrique Gil, Rodolfo Malo, José Alcázar, Raúl Fernández, Armando Barco, Jerónimo Martín and Edgar Martín, were charged under article 315.3 of the Spanish Penal Code, a provision dating back to the Franco regime, stipulating prison sentences for engaging in picketing.



SWAZILAND

| 5

Union leaders arrested after march to demand pay review publication:

Mcolisi Ngcamphalala, a member of the Swaziland National Association of Teachers (SNAT) and Mbongwa Dlamini, Chairperson of the Manzini regional branch of SNAT were arrested on 4 February, after a march by civil servants to deliver a petition to the Prime Minister's office the previous day. Some 300 civil servants took part in the march, to demand the much delayed publication of the report of the public service pay review, which had been completed in October 2015.

Civil servants held pickets every Wednesday to protest at the secrecy surrounding the pay review. Civil servants in Swaziland are banned from organising protest demonstrations and therefore resorted to more flexible and small-scale ways of highlighting their demands, such as pickets. Finally they decided to go to the Prime Minister's office to deliver the petition.

Officers from Swaziland's serious crimes unit, also known as the Swazi anti-terrorism squad, raided Mcolisi Ngcamphalala and Mbongwa Dlamini's homes on 4 February 2016. The two were charged with contravening the Public Order Act for obstructing the road to the Cabinet offices and were held in custody before being granted bail of E1,000 (USD 60) each pending their trial.

Civil servants from the Swaziland National Association of Teachers (SNAT), Swaziland Democratic Nurses Union (SWADNU), National Association of Public Servants and Allied Workers (NAPSAW) and Swaziland National Association of Government Accounting Personnel (SNAGAP) tried again to deliver their petition, by marching to the official opening of parliament on 12 February, but were turned back by police.

Police block public service union representatives from attending court case:

The government made an urgent application to the High Court on 24 November to prevent the Public Sector Associations (PSA), composed of the Swaziland National Association of Teachers (SNAT), Swaziland National Association of Civil Servants (SNACS), Swaziland Nurses Association (SNA), and Swaziland National Association of Government Accounting Personnel (SNAGAP), from visiting Ministry premises. The PSA had planned to go to the offices of the Ministry of Public Service to demand the release of a salary review report. The

Ministry made the urgent application because it considered their planned visit to be a form of protest action.

When representatives of the four organisations – all cited as respondents in the case - arrived at the High Court for the application to be heard, however, they were prevented from entering by the police. The Judge issued an interim order in favour of the government restraining the public sector unions from proceeding with their protest action.

The PSA's action stemmed from frustration over repeated delays. A consultant had been engaged to conduct a salary review for civil servants at the beginning of September following commitments made by the Government Negotiations Team at the Joint Negotiations Forum with the PSA. Although the report was ready, and there had been a commitment to release it by 25 October, the government claimed the unions could not see it because it had not been submitted to Cabinet. The unions felt the government was treating them and the negotiating process with contempt.

Unions in the public sector are technically not allowed to join bargaining councils or conciliation and mediation boards, and therefore have to call themselves "associations". Civil servants are not permitted to engage full-time in trade union activities and are often denied the right to travel abroad for international trade union activities.



SWITZERLAND

| 2

Switzerland fails to amend its labour legislation in order to prevent anti-union dismissals:

Swiss labour law does not provide reinstatement in case of discriminatory dismissal of trade unionists, and the only legal remedy provided is compensation. In the case of unfair and discriminatory dismissal, Swiss law provides up to six months' wages compensation, although on the average it varies from around one to three months' wages. All things considered, the compensation due according to Swiss law is very likely to be considered by enterprises as a cost worth to be paid in order to get rid of troublesome individuals, being so low that it has no deterrent effect on discriminatory dismissal. For such reason SGB/USS trade union presented its complaints to the Government asking for an amendment in the law. In January 2011, in response to a trade

union request, the Swiss government drafted a bill for a partial review of the Code of Obligations, increasing from six to twelve months' wages the maximum penalty for anti-union termination of contract. Nevertheless, following attacks by employers, the Government suspended the bill, and Swiss workers have been stuck since more than ten years in this "limbo" of lack of protection against anti-union dismissal.



THAILAND

| 4

Airline tries to destroy union by suing for damages

over collective agreement: On 10 August 2015, four union leaders from Thai Airways International Union (TG Union) were ordered to pay over nine million US dollars in damages to Thai Airways, in a case involving peaceful protests in 2013 that resulted in a collective agreement.

The collective agreement was signed by the union and management in January 2013, after a two-day protest over salaries and job security. The agreement granted increased pay and benefits not only for the workers but also for management level workers – including the airline's then acting president. A year later, however, in January 2014, Thai Airways filed a damage suit of USD 9,281,349 against four of the union's leaders who had signed the collective agreement with its management. The courts found in the airline's favour in August 2015.

In January 2016 the TG union together with the State Enterprise Workers Relations Confederation (SERC) and the International Transport Workers' Federation lodged a complaint with the International Labour Organisation (ILO) about the government of Thailand's failure to protect workers' rights. Specifically, the complaint noted that the principle of freedom of association was not enshrined in law.

New law used to repress peaceful union protest and

intimidate leaders: On 6 January 2016, three police units backed up by military forces were used to break up a protest rally by 500 locked-out workers at Japanese-owned auto-part supplier Sanko Gosei outside the Ministry of Labour in Bangkok. The government invoked new powers under the Public Assembly Act 2015, which carries a penalty of up to ten years in prison for causing a disturbance or disruption of public services.

More than 600 Sanko Gosei workers, all union members, were locked out from their factory on 20 December 2015 after negotiations over a new collective bargaining agreement and bonuses broke down. The company claimed that it was unprofitable. In the meantime, however, casual workers were brought in to replace the locked out workers. The Sanko Gosei Workers Union accuses the company of using the dispute to bust the union and replace permanent workers with subcontractors.

After the rally was broken up, two union leaders, Chalee Loysoong, Vice President of the Thai Labour Solidarity Committee (TLSC) and Amorndech Srimuang, President of the Sanko Gosei Workers Union, were questioned by the authorities for about four hours. During this time their phones and ID cards were temporarily confiscated and they were escorted at all times, even to the bathroom. The union leaders had taken part in mediation negotiations with Sanko Gosei and the Ministry of Labour during the day, as the rally was taking place outside.

The intimidation continued the next day when Wilaiwan Saetia, the President of the TLSC, was followed from the factory to her house by four or five military officers both in uniform and plainclothes. Yongyut Mentapao, Vice President of the TLSC, also reported that he had been followed by military and police officers from unidentified units.

The following week, on Wednesday 13 January 2016, five military officers visited Wilaiwan Saetia at the office of the Om Noi/Om Yai Labour Union in Samut Sakhon Province at around 8.00 p.m. At the discussion, which lasted until about 11.00 p.m., the officers cited their authority under Section 44 of the Interim Charter, which gives officers absolute power to maintain security, and informed the TLSC leader that henceforward she had to inform the military first before making any political moves.

Organising prevented in both law and practice:

Thailand denies the majority of the country's 39 million workers their trade union rights. Restrictions on organising make it very difficult for temporary workers to join a union - and half of the workers in Thailand's industrial workforce are temporary. The use of contract labour is also rife, heavily limiting unionisation, while foreign migrant workers – about ten per cent of the workforce – are prohibited by law from organising or holding union office. This situation and a string of labour rights abuses led the global union Industrial to file a complaint with the ILO on 7 October 2015, World Day for Decent Work, for violations of freedom of association and the right to organise. Industrial points out that the law fails to provide the basic rights of freedom of association and collective bargaining to about 75 per cent of the workforce of 39 million people. As a result,

Thailand has the lowest unionisation rate in southeast Asia, at 1.5 per cent.

The complaint lists 18 cases of abuses of fundamental trade union rights, including many cases of workers being sacked simply for belonging to a trade union. In one case, the employer sacked 60 per cent of the workforce and replaced them with migrant labour to prevent the formation of a trade union. It is difficult for workers to seek redress. Even when the courts have declared worker dismissals illegal, little is done by authorities to enforce the rulings. Companies are allowed to carry on excluding and intimidating trade union leaders.



TUNISIA

| 4

Nobel Peace Prize against backdrop of severe social and economic crisis:

On 9 October, the Nobel Peace Prize was awarded to the Tunisian “Quartet”, which was set up on the initiative of the UGTT, alongside the Union Tunisienne de l’Industrie, du Commerce et de l’Artisanat (UTICA), the Ligue Tunisienne des Droits de l’Homme (LTDH) and the Ordre National des Avocats de Tunisie. Together, these four organisations were rewarded for negotiating the country’s transition to democracy and the adoption of a Constitution based on fundamental human rights, as well as for their role in preventing the bloody confrontations that befell other countries during the course of the Arab Spring. The country was in a deadlock in 2013 when the four organisations launched this celebrated “national dialogue”.

But the struggle is not over yet. A 2015 report on social dialogue in Tunisia sponsored by the Friedrich Ebert Foundation established an inventory of the obstacles to be overcome to allow for far reaching reform. In its conclusions, it stressed the need for education and training to be adapted to the existing productive system and for improved governance of public and private institutions.

The country is in the throes of a severe economic crisis.

Tourism, one of the pillars of the economy, is in shambles as a result of terrorism. Since the Revolution, purchasing power is reported to have fallen by 40 per cent in four years, and the number of people living in poverty is reported to have risen by 30 per cent. The unions are demanding increased wages, and

protests and strike actions are on the rise. A few days after the Nobel Peace Prize was awarded, an important meeting on the resumption of social dialogue was cancelled due to the absence of the employers’ organisation UTICA. The UGTT has been the target of violent attacks in the media. In response, it stressed the importance of uniting national efforts, each according to their abilities, while refusing that workers be made to bear the full brunt of the repercussions of the crisis.

Journalists faced with precarious employment and threats:

In addition to threats against the freedom of the press, the Syndicat National des Journalistes Tunisiens (SNJT) fought an uphill battle defending its members against their employers. Scores of journalists were arbitrarily dismissed in 2015. According to the SNJT, journalists are faced with high levels of job insecurity, not to mention the repression and other dangers they encounter. Nearly three quarters of journalists in the written press are not covered by collective agreements and do not have a clear employment contract

Oppressive antiterrorist decree:

Following the terrorist attack in Sousse, on 4 July, the Tunisian president imposed a state of emergency for one month. Human rights organisations and the UGTT feared that the decree could entail further restrictions on the freedoms of expression, assembly and association, as well as on trade union rights, as it would allow the executive to impose bans on strikes or protest actions considered a threat to public order and to prohibit any meeting likely to incite or harbour unrest. At the end of July, the state of emergency was extended by two months. In the meantime, the Parliament adopted a new antiterrorist law that has been criticised by civil society as it could lead to further curbs on freedoms.

In this context of heightened security, on 1st September in Tunis, security forces brutally attacked protestors, including at the UGTT headquarters. The demonstrators were violently dispersed. Some were beaten up, others arrested, including La-saad Yakoubi, general secretary of the secondary school teachers’ union Union des Ecoles Secondaires, and Nejib Sellami from the UGTT. Both leaders were released after being detained for an hour at a police station. The demonstrators were protesting against a bill on economic and financial reconciliation that would grant amnesty to business people who profited from Ben Ali’s regime. The draft legislation has been condemned by the UGTT. The worst incidences of police brutality took place in Sfax on 6 September. The state of emergency was lifted on 2 October and then re-established on 24 November following a new attack in Tunis in which 12 officers of the presidential guard were killed. In Tunis and the neighbouring areas, the measure was accompanied by a curfew between 9 p.m. and 5 a.m.

**Hugo Boss factory continues attacks on textile union:**

At the beginning of March 2015, the Turkish Union of Textile, Knitting and Clothing Industry Workers (TEKSIF) reported that management at the Hugo Boss factory in Izmir was continuing to sack union members and supporters. The attacks on the union began shortly after it started to organise workers three years earlier.

Long drawn-out court processes proved 20 trade union supporters sacked between 2011 and 2014 had been illegally dismissed. A further eight cases were still pending in court in early 2015. After the High Court of Appeals confirmed that those workers were dismissed by HUGO BOSS because of their union membership and ordered their reinstatement, however, management opted to pay them extra compensation instead.

The sackings didn't stop. Management dismissed three more key union supporters in February 2015. At no stage throughout the process did the Izmir management of HUGO BOSS accept offers from TEKSIF to resolve the issues through social dialogue, and there was no intervention from international management either. When Industriall, the global union to which TEKSIF is affiliated, contacted the HUGO BOSS CEO in August 2014 to request his intervention to ensure an end to the violations and the start of constructive social dialogue at the plant, the response was to threaten legal action and to deny all responsibility.

Leather workers who wanted to join union faced

intimidation and dismissal: The handbag manufacturer, SF Leather, which produces mainly for luxury handbag brand Mulberry, sacked fourteen workers for joining the Deriteks union in March 2015. Deriteks had just begun organising workers at the factory, located in the Aegean Free Zone in Izmir.

SF Leather then began suing workers and Deriteks, claiming that its "commercial interests" had been damaged by the union's organising tactics and the workers' protest rallies calling for the reinstatement of their sacked colleagues. The company also got a local court to impound a banner appealing to Mulberry to respect workers' rights, and to order a news blackout of the union protests on Turkish websites. In the meantime, it continued to exert pressure and intimidation over workers not to join the union.

Further to union pressure, including the support of the Industrial global union, SF Leather later announced it would reinstate the dismissed workers – but only on condition that they withdraw their trade union membership. When Deriteks refused this condition, SF Leather launched a smear campaign against the union with fabricated allegations.

Agreement was finally reached between the union and management on 14 October. SF Leather would not reinstate the dismissed workers, but it did agree to pay them compensation. It also agreed to allow the union to organise at the factory, and both sides agreed to drop their court cases (the union had also brought a court case into the rights violations at the factory).

Tear gas and arrests for May Day protesters: Turkish police used water cannon and tear gas on hundreds of protesters on May Day after the demonstrators attempted to march on Taksim Square in central Istanbul.

The Square has symbolic meaning for the Turkish left. Over 30 people were killed in 1977 when suspected nationalists opened fire on May Day participants, and it had become the traditional site for Labour Day celebrations. The Governor of Istanbul announced, however, that Taksim Square would be closed on 1 May, citing security reasons.

Istanbul police decided to deploy around 10,000 officers to enforce the ban, cancelling all leave and bringing in officers from outside the city. It also planned to have water cannon at the ready. All roads leading to the square were closed, as were public transport links surrounding the area.

The May Day Organising Committee, consisting of the Confederation of Progressive Trade Unions (DISK), the Confederation of Public Sector Trade Unions (KESK), the Union of Chambers of Turkish Engineers and Architects (TMMOB) and the Turkish Medical Association (TTB), protested at the decision to block access to the square and urged the authorities to lift the ban, to no avail. They called on union members and the public to go ahead with May Day rallies in the city centre.

The rallies turned into a protest, leading to the use of water cannon and tear gas. The Contemporary Lawyers' Association's (ÇHD) reported that 479 people were detained and 20 people were arrested and charged, some for violating the law on meetings and demonstrations and others for "making propaganda for a terror organisation". Lawyers who later went to the Court House to assist those arrested were beaten by riot police, and 16 of them were injured.

Police disrupt public sector workers march: The police disrupted a march on 3 August 2015 by the Confederation of Public Sector Trade Unions (KESK) members who were on their way to the Labour and Social Security Ministry. Collective bargaining had begun on public servants' wages, but the union wanted the process to be suspended until the interim government had been replaced by a permanent government. Police used teargas and shields to stop the march, but did eventually allow it to continue after it was agreed the demonstrators would remain on the pavement.

Bomb attack on peace march by unions and CSOs:

Around 100 people were killed and hundreds injured in two suicide bomb attacks on a rally called by trade unions and civil society organisations in Ankara on 10 October 2015.

A "Work, Peace and Democracy" rally and mass meeting had been organised by four organisations, DISK (Confederation of Progressive Trade Unions), KESK (Confederation of Public Employees), TMMOB (Union of Turkish Chambers of Engineers and Architects) and TTB (Union of Doctors of Turkey).

Two explosions, apparently from suicide bombers, took place in quick succession, as marchers sang and danced and held banners demanding an end to the violence between the Kurdish separatist PKK militants and the Turkish government. The protestors were also calling for the rights of the unemployed and the poor to be respected.

In the aftermath of the bombings, as the survivors rushed to the injured, the security forces blocked access to medical services for the victims, and used teargas to disperse the peaceful demonstration.

The authorities were equally heavy handed in dealing with a planned demonstration three days later to protest at the mass killing. KESK, DISK, TTB and TMMOB wanted to hold a march on 13 October to protest against the bombing and commemorate the victims of the massacre. Permission was refused, however, because the route went through "places citizens use frequently," and because of "the sensibility of the current period."

Police reportedly attacked people trying to reach the planned demonstration routes, and initially refused to allow people to board the Kadıköy-Eminönü ferry between the Asian and European side of the city on the morning of 13 October, on the grounds that the march was illegal. Plainclothes policemen were filmed violently pushing ferry users to the ground in an attempt to detain them. Elsewhere riot police and water cannon were used to deter people from joining the protest.

Protests against the massacre were also held in cities across the country. Police used teargas to attack a group of around 30 lawyers and another 150 people who came to support them in front of the courthouse in the Alanya district of Antalya.



UKRAINE

| 5

Draft law seriously weakens collective bargaining

rights: A draft law "About Collective Bargaining Agreements" considerably narrows the scope of collective bargaining agreements. A copy of the law, issued by the Ministry of Social Policy, was sent by the Ministry of Social Policy to the Joint Representative Body (JRB) to the Confederation of Free Trade Unions of Ukraine (KVPU) for approval. The KVPU was not consulted during the preparation of the draft Law.

If the new law is adopted, national and territorial collective agreements will be liquidated, which could result in less protection for workers. The new bill also states that collective bargaining agreements are not obligatory measures, enabling the employer to reduce obligations and guarantees. Furthermore, the draft gives the employer the right to suspend implementation of a collective agreement for an uncertain period of time. The bill does not contain measures to hold anyone to account in the event of violations of a collective agreement.

Furthermore, it introduces language to weaken existing laws. For example, part 7 Art 65 of the Industrial Code of Ukraine is to be changed from "must conclude the collective agreement" to "can conclude".

Assault on mine workers' leader: Anatoliy Mukhamedzh-anov, the head of the Primary Trade Union at the Novovolynska mine was beaten up in the office of the mining company's director, on 3 February 2016. The Independent Trade Union of Coal Miners of Ukraine (NPGU) believed the purpose of the attack was to intimidate the leader of the independent miners' union, following protests against planned closures and privatisation.

Striking miners sacked and facing possible treason

charges in Donetsk: Miners in Kremlin-backed militant-controlled Makiyivka were facing possible trial for 'treason' after going on strike on 13 January 2016 over unpaid wages.

According to a local newspaper, the ‘authorities’ of the self-styled ‘Donetsk People’s Republic’ [‘DNR’] had identified the organisers of what they called ‘sabotage’ and were carrying out a criminal investigation.

Some of the miners were paid a part of their outstanding wages, but reports on social networks said that 132 of the strikers had been sacked. In a similar incident at the Chaikino Mine miners who went on strike on 29 December 2015 were also paid part of their wages but many were reportedly sacked. According to social network reports, an order was issued to not take the striking miners on at other mines.

The city administration’s official website reported on 23 January 2016 that the so-called ‘DNR energy ministry’ had stated that: “a war is waging and no sabotage is therefore acceptable and can only be viewed as treason”. The Ministry acknowledged that there were problems with wage arrears but asserted that these were temporary.



UNITED KINGDOM | 3

Trade unionists bring a case against construction firm over illegal blacklisting in front of the High Court: A decades-long controversy between construction workers and the firms that blacklisted them was brought in front of the High Court. Eight major construction firms have been facing legal action for compensation from 700 people represented by GMB, Ucat and Unite unions. It was only last year that the firms admitted use of blacklisting tactics although the use of blacklisting in the construction industry was uncovered in 2009. It was at that time that offices of The Consulting Association (TCA) were raided by the Information Commissioner’s officers. They retrieved personal files on over 3,000 workers, activists and trade unionists blacklisted because considered “trouble-makers”. The target was often directed against those active in trade unions or political campaigns, or those who raised health and safety issues on site.

The eight leading construction firms had issued an apology at the High Court in London for their involvement in the blacklist scheme. In February this year construction companies were ordered to pay out millions of pounds in compensation to 71 workers who had been illegally blacklisted.

The Trade Union Bill: In March 2016, the Trade Union Bill was before the Parliament adding further requirements to the labyrinthine procedure that unionists must follow before taking a strike action. Its key provisions included the following: new ballot thresholds – a minimum 50 per cent turnout in all strikes and, in important public services, a requirement that at least 40 per cent of the members eligible to vote are in favour of the strike (clauses 2-3); detailed notice requirements about strikes (clause 4); a shorter period during which strikes can be held (clause 8); additional constraints on picketing, requiring a supervisor at every picket (clause 9); new rules restricting members’ contribution to union political funds (clauses 10 and 11); restrictions on unions’ facility time – the time union officials spend on union duties – in the public sector (clauses 12 and 13); a prohibition on the deduction of union subscriptions direct from wages, known as check-off, in the public sector (clause 14) and linked changes, in separate regulations, allowing employers to employ agency workers to replace striking workers. Despite harsh opposition from trade unions and different sides of the political arena (from Conservative backbenchers to Labour Party MPs) and critics from the ILO Committee of Experts, only minor amendments have been made to the Bill.

Lloyds Bank to “derecognise” its staff’s biggest union: Lloyds Bank “derecognised” its biggest trade union: “Lloyds Trade Union”. The union, born more than a century ago, represents more than 25,000 staff at Britain’s biggest retail bank. The decision of excluding the trade union from formal negotiations over pay and conditions at the bank was taken after the LTU strenuously opposed changes to the Lloyds pension scheme, calling an industrial ballot and after winning millions of pounds for 10,000 female staff following a lengthy legal battle. According to LTU general secretary Mark Brown, “Lloyds is paying us back for being a thorn in their side, but we are going to continue to be a thorn in their side”, qualifying the Bank’s decision as an act of retaliation against trade union activity.



ZAMBIA | 5

Judiciary unionist fired for claiming rights to the President of Zambia: On 13 January 2016, the Judicial Service Commission fired Chairman of Judiciary and Allied Workers Union of Zambia Copperbelt, Mr Paul Chilosha. Chilosha had declared that judiciary workers intended to make their voice

heard in 2016 and that the President Edgar Lungu would not have it easy if he refused to increase salaries by a reasonable amount. Following these statements Chiloshia received a letter of termination of his employment by the Judiciary Service Commission on behalf of the President Lungu.

Six Workers of the Zambia post service arrested while protesting: Police picked up six workers at Zambia post service, ZAMPOST, during a demonstration held at their post office in Lusaka. Workers, protesting for unilateral salary deductions and cuts at retrenchment packages, were taken in police vans by officers from Lusaka Central Police who called the protest illegal. “Illegal” was the definition of the protest given also by ZAMPOST’s Area Manager for Lusaka, Henry Zimba, who stated the legitimacy of police action to pick up workers, since “the Post Office is a public place and no one is entitled to protest anyhow”.

Hotel New Fairmount in Livingstone does not allow trade unionism: The General Secretary of Zambia Congress of Trade Unions (ZCTU), Cosmas Mukuka, spoke at the Quadrennial Conference of the Zambia Union of Nurses Organisation (ZUNO), held at the New Fairmount Hotel. In his speech he called attention to the fact that no future trade union meeting should be held in such a hotel because its management does not permit workers to belong to a labour movement of their choice and fired all but one member of staff interested in unionism. Mukuka appealed to ZUNO leadership to engage the hotel management in order to sensitise them towards the issue of free trade unionism at the workplace.

unnecessary meetings to Tavistock Farm without police permission or Tavistock’s consent”. Documents reveal that Zhagawu has been at loggerheads with Tavistock Farm over the welfare of workers and alleges that the white farmer is refusing to allow his labourers to join the union, a charge denied by the farm owner.

Police beat up protesters for demanding salaries: On 4 January police blocked a street march through central Harare by a handful of protesters demanding the immediate payment of outstanding salaries to civil servants.

The placard waving protesters, led by the Rural Teachers Union of Zimbabwe (RTUZ), managed to evade police attention from Harare’s busy Market Square bus terminus while heading for New Government Complex. This was the place where they intended to present their petition to the Finance and Public Service Ministries. Nevertheless, a group of anti-riot officers blocked them when they were nearing the legislative building: RTUZ secretary general Obert Masaraura and activists Robson Chere and Pride Mkonzo were beaten up by the police and then taken to Harare Central police where they were later released without any charges against them. Rutendo Kawadza, an activist with the Zimbabwe Activists Alliance (ZAA) who joined the march as well, was left hospitalised for injuries sustained during the ordeal.

Supreme Court authorises selective punishment of employees: In January 2016 the Supreme Court’s ruling authorised the selective punishment of employees. This means that the employer can arbitrarily decide who to charge if a group of employees commit an offence. It is clear that such ruling leaves space for selective punishment/firing of trade union leaders inside the enterprise who might be the victims of acts of retaliation to discourage trade union activity in the enterprise.



ZIMBABWE

| 5

Court bans agricultural workers’ union leader from farm: A High Court judge has barred leader of the Zimbabwe Horticulture Agro-industries and General Agricultural Workers’ Union (Zhagawu), Mr Raymond Sixpence, from holding labour meetings at Tavistock Estates in Beatrice. The court made the ruling after the farm owner, Christopher Hawgood, took Sixpence to court on allegations of interfering with the farm’s operations and accusing him of underpaying his employees.

Justice Maxwell Takuva granted the peace order at the end of February 2016 and barred Sixpence from visiting or “making

Endnotes

PART I

1. For more detail on the methodology see http://survey.ituc-csi.org/IMG/pdf/methodological_framework.pdf
2. List of indicators is adapted from Sari and Kucera, ILO Working Paper 99, 2011 (http://natlex.ilo.ch/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_150702.pdf)
3. Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, 2006 (http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_090632.pdf)
4. ILO General Survey on Freedom of Association and Collective Bargaining, 1994 (<http://www.ilo.org/public/libdoc/ilo/P/09661/09661per cent281994-81-4Bper cent29.pdf>)

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