

The 2015 ITUC Global Rights Index

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

The 2015 ITUC Global Rights Index

The International Trade Union Confederation (ITUC) is a confederation of national trade union centres, each of which links trade unions of that particular country. It was established on 1 November 2006, bringing together the organisations which were formerly affiliated to the ICFTU and WCL (both now dissolved) as well as a number of national trade union centres which had no international affiliation at the time. The new Confederation has 328 affiliated organisation in 162 countries and territories on all five continents, with a membership of 176 million, 40 per cent of whom are women. It is also a partner in "Global Unions" together with the Trade Union Advisory Committee to the OECD and the Global Union Federations (GUFs) which link together national unions from a particular trade or industry at international level. The ITUC has specialised offices in a number of countries around the world, and has General Consultative Status with the Economic and Social Council of the United Nations.

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Foreword

Inequality in our countries and in our workplaces is rising and more than 1.2 billion people are living in extreme poverty. Democracy and democratic workers' rights are at risk and corporate power must be tamed.

The 2015 ITUC Global Rights Index demonstrates the worst countries and regions in the world for working people, with the erosion of rights and increases in insecure, unsafe and informal work. The protection of fundamental rights of working people has become more critical than ever.

The right to associate freely and to collectively bargain for fair wages and working conditions are internationally recognised human rights¹ constituting the bedrock of democratic societies. They provide an essential means through which workers are able to balance the otherwise unequal bargaining power in employment relations and to negotiate a fair share of the wealth they create².

Employers continue to undermine labour market institutions, creating precarious work for millions of people. International institutions are failing as geo-political economic interests dominate over peace, democracy, human rights and social justice. There is a weak democratic voice against slavery and in favour of rights-based societies.

The global economy, and in particular the global model of trade, is failing to create secure jobs on which families can live. The slump in the wage share, attacks on collective bargaining and inadequate or no social protection are leaving their mark on a generation of working people.

The 2015 ITUC Global Rights Index of the world's worst countries for working people has introduced a regional analysis, with the Middle East and North Africa identified as the worst region when it comes to fundamental rights at work. The vast majority of workers in the Gulf States are excluded from protection under labour laws and systematically exposed to forced labour under the notorious kafala system.

The effectiveness of fundamental rights and institutions in improving the lives of workers and their families has been proven over and over again³. In Cambodia workers succeeded in negotiating a minimum wage with the garment industry above the national poverty line in November 2014. Yet, governments are failing at guaranteeing labour rights and companies are fighting workers' demands through threats and discrimination and sometimes even through globally coordinated attacks.

Workers have faced brutal violence, even murder, with impunity in several parts of the world, including in countries such as Guatemala, Bangladesh, Peru, Philippines and Colombia, just for standing up to their employers. Police crushed marches and demonstrations where workers demanded minimum wages and jobs security. Governments pursued criminal prosecution for peaceful and legitimate activities in countries such as Hong Kong, Korea, Spain and Turkey. Workers in Qatar and the UAE were arrested and deported simply because they demanded payment of wages they were owed. Employers used wide-ranging tactics, among others dismissals, non-renewal of contracts, wage and bonus cuts, against workers trying to engage them in dialogue about their working conditions.

Even in countries where the legislation seems to provide for strong rights, the lack of labour inspection and grievance mechanisms have rendered those rights futile in practice and exposed workers to abuses by companies and government authorities. In Malaysia, the Industrial Court was left vacant in August 2014 when four judges retired at the same time, further restricting the already limited access to justice for workers.

Last year, the US Chamber of Commerce pressured the Serbian government to reduce collective bargaining rights, increase the maximum duration of temporary employment contracts, reduce severance pay and holiday allowances and re-define equal pay rules by sidelining existing consultative institutions. This is part of a pattern of interference by the Chamber in many countries where it is actively undermining workers' rights.

Governments have also targeted workers for their leading role in movements for democratic change and accountability. Swaziland, one of the world's last remaining absolute monarchies, banned trade union federations in retaliation for their support for multi-party democracy. Police attacked and arrested workers who joined the student protests in support of democratic reform in Hong Kong last September.

It is therefore unsurprising that there is an erosion of confidence towards governments, even democratically elected ones. Across the world, a majority of the population believed that economic policies were not fair to most people. In fact, four out of five people believe the economic system favours the wealthy⁴. This lack of trust has driven large-scale social unrest which has now also spread to middle-income countries such as Brazil and Turkey which are governed as electoral democracies⁵.

The ITUC stands with working people to defend their fundamental rights through strong labour laws and effective democratic institutions. Governments must put the interests of people before markets and rebuild trust by giving a central role to rights and equality.

We continue to collect evidence of violations against workers' rights and to demand accountability from abusive governments and employers. The 2015 ITUC Global Rights Index covers an additional two nations with coverage reaching 141 countries. The first part of this publication 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. The second part of the publication will provide a regional overview, including country examples.

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

Sharan Burrow, General Secretary

The 2015 ITUC Global Rights Index

PART I

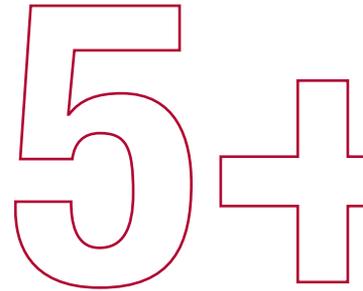
The ITUC Global Rights Index depicts the world's worst countries for workers by rating 141 countries on a scale from 1-5 based on the degree of respect for workers' rights. As the global voice of working people, the ITUC has been documenting and exposing violations of workers' rights for three decades. 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 2015 RESULTS

Rating 5+

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

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



Rating 5

No guarantee of rights.

	Algeria	5
	Bangladesh	5
	Belarus	5
	Cambodia	5
	China	5
	Colombia	5
	Egypt	5
	Fiji	5
	Greece	5
	Guatemala	5
	Hong Kong	5
	India	5
	Iran	5
	Korea, Republic of	5
	Laos	5

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

Rating 4

Systematic violation of rights.

Bahrain	4
Benin	4
Burundi	4
Cameroon	4
Côte d'Ivoire	4
Georgia	4
Honduras	4
Indonesia	4
Jordan	4
Kenya	4
Kuwait	4
Lebanon	4
Mali	4
Mauritania	4
Mexico	4
Myanmar	4
Nepal	4
Oman	4
Peru	4
Poland	4
Romania	4
Sierra Leone	4
Thailand	4
Trinidad and Tobago	4



Tunisia	4
Unites States of America	4
Yemen	4

Rating 3

Regular violation of rights.



Albania	3
Argentina	3
Australia	3
Bahamas	3
Bolivia	3
Botswana	3
Canada	3
Chad	3
Chile	3
Congo	3
Congo, Democratic Republic	3
Djibouti	3
Dominican Republic	3
Ecuador	3
El Salvador	3
Ethiopia	3
Haiti	3
Hungary	3
Israel	3
Jamaica	3
Kazakhstan	3
Madagascar	3
Morocco	3
Namibia	3
Panama	3
Paraguay	3
Portugal	3
Russia	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.



Angola	2
Barbados	2
Belize	2
Bosnia and Herzegovina	2
Brazil	2
Bulgaria	2
Burkina Faso	2
Costa Rica	2
Czech Republic	2
Croatia	2
Ghana	2
Ireland	2
Japan	2
Latvia	2
Lesotho	2
Macedonia	2
Malawi	2
Moldova	2
Mozambique	2
New Zealand	2
Rwanda	2
South Africa	2
Senegal	2
Serbia	2
Switzerland	2
Togo	2

Rating 1

Irregular violation of right.



Austria	1
Belgium	1
Denmark	1
Estonia	1
Finland	1
France	1
Germany	1
Iceland	1
Italy	1
Lithuania	1
Montenegro	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 328 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 violation of rights

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

2

// Repeated violation 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 violation 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

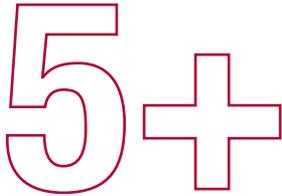
// Systematic violation of rights

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.



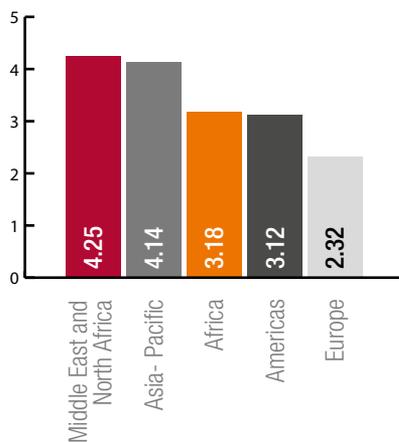
// No guarantee of rights due to the breakdown of the rule of law

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 consisting of migrant workers in the Gulf countries are excluded from protection under the labour laws systematically exposing them forced labour. In other countries, such as Egypt, workers struggle for decent work and face serious repercussions for raising their voices repression against autocratic rule.

While European countries are by far the best in the world at guaranteeing rights effectively, this is also the region that experienced the starkest deterioration within the last year. The average rating increased from 1.84 to 2.32 reflecting a clear erosion of laws and institutions which previously guaranteed rights and democracy workplaces. Labour rights continue to be under attack under the guise of austerity measures in countries such as Greece and Portugal. At the same time, many governments have increasingly been targeting workers with criminal sanctions and detentions for opposing these policies through strikes and protests, including in Spain and Russia.





THE TEN WORST COUNTRIES IN THE WORLD FOR WORKERS

Countries

Key Problems

Belarus

Discrimination-Forced Labour-Repression of Protests

China

Discrimination-Arrests-Precarious Work-Lack of Due Process

Colombia

Murders-Collective Bargaining Undermined-Discrimination

Egypt

Police Brutality-Mass Arrests-Abductions

Guatemala

Armed attacks-Murders-Lack of Due Process

Pakistan

Large Scale Exclusions of Workers from Labour Law-Arrests-Violence

Qatar

Migrants Excluded from Labour Law-Forced Labour

Saudi Arabia

Migrants Excluded from Labour Law-Forced Labour

Swaziland

Trade Unions Banned-Police Violence-Imprisonment

United Arab Emirates

Migrants Excluded from Labour Law-Forced Labour



MOST VIOLATED COLLECTIVE LABOUR RIGHTS

Large-scale exclusion of workers

International labour standards prohibit discrimination against workers and establish that all workers must have access to fundamental rights. However, 82 out of 141 countries exclude certain types of workers from labour rights. In 99 out of 141 countries several categories of workers are excluded from the right to strike. While restrictions with respect to certain rights could be regarded as legitimate in some cases, the exclusion of workers, in law or in practice, can lead to massive abuses and victimisation. 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.

The right to collective bargaining

Collective bargaining is essential for making collective representation effective and improving the living and working conditions of workers through genuine and constructive negotiations. It provides a counterbalance to the inherent asymmetry between the powerful employer and the individual worker. Yet, employers and governments have adopted illegal strategies by completely refusing to bargain with representative trade unions or by delaying negotiations to such an extent that they become almost meaningless in at least 84 out of 141 countries.

Protection from Anti-union Discrimination

Workers who are subjected to discriminatory measures on account of their trade union membership or activities cannot exercise their right to freedom of association. To have a real choice, workers have to be sufficiently protected against employer interference and discrimination. Anti-union discriminatory measures include prejudice in employment because of trade union membership or activities, such as dismissal or other aspects of employment.

Workers in 73 out of 141 have faced some form discrimination such as dismissals and suspension or pay cuts and demotions for peacefully exercising their collective labour rights guaranteed by international law. In about 77% of these countries, workers who have faced discrimination did not have access to effective legal remedies due to legal restrictions or problems in practice.

Arbitrary arrests and detentions

An immense increase in the number of arbitrary arrests and detentions of workers for exercising their rights in a legitimate and peaceful manner was noted in the 2014/2015 reporting period. The number of countries where such violations were reported rose from 35 in 2013/2014 to 44 in 2014/2015 and now even includes countries such as Spain and Brazil. Such arrests and detentions are not only grave violations of fundamental rights of the individuals concerned but also create an atmosphere of intimidation silencing independent voices.

COUNTRIES WITH CLEAR NEGATIVE TRENDS

For several countries the number of violations reported to the ITUC increased in the 2014/2015 reporting period. Even though ratings did not change in all of cases, the reported violations seem to develop into a clear pattern putting workers at risk in the countries listed below.

Country	Trend
Burundi	The country received the rating 3 last year but violence in the pre-election period in 2015 also had a negative impact on workers and trade unions which became targets of police violence. Burundi received the rating 4 noting systematic violations of rights.
Dominican Republic	Thousands of Haitian workers were threatened with deportation this year and one Haitian was lynched; Dominican workers were arrested and faced discrimination at their workplaces for legitimate activities.
Hong Kong	Workers joined the democracy protests in 2014 as part of the umbrella movement and were arrested in masses for disorderly conduct in public places and unlawful assembly.

Iran At least 65 workers were arrested and received heavy prison sentences including corporal punishment. Three cases of torture in prison were reported.

Georgia The new labour code adopted in 2013 addressed improved workers' rights to some extent. However, due to the lack of labour inspection violations have increased again in practice.

Russia Workers have faced criminal charges for their legitimate trade union activities in a number of instances. Employers have also threatened and intimidated workers who spoke on workplace issues. Russia received the rating 3 indicating regular violations but was very close to receiving the rating 4.

United Kingdom Effective legislation prohibiting blacklisting of trade union members is still not in place. At the same time, the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 now gives public authorities wide access to membership registers which could potentially expose union members to blacklisting.

Spain 81 criminal and administrative cases on-going affecting more than 300 workers who participated in strikes.



COUNTRIES WITH PERFECT SCORES

Violations of labour rights occur in virtually all countries, even where labour laws and institutions are strong and there is a genuine effort to give effect to them by governments and employers. According to reports received by the ITUC, there have been a number of countries in which these violations were addressed peacefully through negotiations without any form of retaliation and abuse against workers raising these violations.



NOTABLE IMPROVEMENTS

The analysis of the 2015 ITUC Global Rights Index has also revealed that there have been a number of notable improvements in some countries with respect to certain problems.

Mozambique

Parliament recognised for the first time that public servants have the right to establish and join trade unions in order to negotiate better working conditions. However, restrictions on their right to strike remain which has a significant impact on their ability to bargain with their employer.

Lesotho

According to the ILO Better Work programme, violations of core labour standards were only reported in one out of 13 surveyed garment companies. Working conditions have steadily improved in Lesotho's garment factories, particularly since the introduction of the ILO's Better Work programme in 2010.



SIGNIFICANT EVENTS

DURING THE REPORTING PERIOD
APRIL 2014- MARCH 2015

April 2014

Nigeria: Retaliation for strike action

Electricity companies in Ibadan and Jos threatened to dismiss 5357 workers for participating in strike actions against the outsourcing of jobs and inadequate working conditions.

May 2014

Cambodia: Police crushes May Day celebrations

At least five people were injured during May Day celebrations outside Freedom Park. Hundreds of police officers were deployed and the park was surrounded with barbed wire to bar protesters. Police and security forces intervened violently when more 1,500 people voiced demands for better working conditions and wages.

June 2014

Ukraine: Attack trade union conference in Kiev

A trade union conference was violently attacked by neo-Nazi thugs on 26 June 2014 in Kiev. The Federation of Trade Unions of Ukraine was holding its congress and was due to elect its leadership when it was faced an attack burning flags, breaking doors and windows and setting several fires.

July 2014

Turkey: Army interferes in strike action

The army interfered in a strike held by workers at the dairy producer Süttaş plant in Bursa Karacabey. Previously, management had tried to break the strike by pouring 13 tons of liquid manure on the sit-in area.

August 2014

Paraguay: Repression against education unionists

On 28 August, education workers were holding a demonstration calling for better pay and the allocation of 7% of GDP to education under the nation's general expenditure budget. Even though, the demonstration was peaceful, police interfered violently injuring several trade union leaders.

September 2014

Belarus: Anti-union discrimination

Tractor-company Babrujsk refuses to renew the fixed-term employment contract of active unionists. Alyaksandr Varankin and Alyaksandr Hramyka of the Free Trade Union of Belarus lost their jobs by the end of September 2014.

October 2014

Costa Rica: Workers arrested following Puerto Limon strike

Hundreds of police officers stormed Puerto Limon's Moin and Limon terminals on 23 October 2014, violently attacking workers and arresting 68 men and women who were peacefully striking. The port re-opened the following day with strikebreakers, some of them from nearby countries, replacing the union members.

November 2014

Qatar: Around 100 striking migrant workers arrested

Around 800 construction workers went on strike in protest against breaches of employment contracts and against poverty wages. The workers had signed contracts before leaving their home countries for Qatar; on arrival in Doha their passports were confiscated and contracts torn up. They were then forced to work for wages one-third lower than promised. Police arrested workers and sent them to the notorious Doha Detention Centre where migrant workers are often held incommunicado for long periods before eventual deportation.

December 2014

Russia: Criminal prosecution of trade union activist

Leonid Tikhonov, chairman of the Dockers Union of Russia was sentenced to 3 years and 6 months imprisonment based on false accusations after having campaigned for improved safety and social guarantees at the workplace.

January 2015

India: NVH India employees detained for strike

On 3 January 2015, more than 90 employees were detained for staying a sit-in-strike at NVH India Auto, a component supplier to Hyundai. The striking workers were demanding the reinstatement of 17 workers who were dismissed after an earlier strike. They were also demanding recognition of their union.

February 2015

Mauritania: Bad faith bargaining at mining company

Workers at the National Industrial and Mining Company went on strike on 28 January 2015 to demand that the company honour pay rises agreed on 3 May 2014. Ahmed Vall Cheibani, the leader of one of the workers' unions at SNIM, affiliated to the National Confederation of Mauritanian Workers, (CNTM), was sacked on 12 February 2015, supposedly for lack of respect to a superior, without being able to defend himself against the charges. The CNTM protested at the dismissal, which was a blatant retaliation for his role in the strike.

March 2015

Philippines: Murder

Florencio "Bong" Romano, a long-time union organiser at the RFM firm in Laguna and provincial coordinator of the National Coalition for the Protection of Workers' Rights in Southern Tagalog, was found dead on a sidewalk of Barangay Soro-soro, Batangas City. This was the 18th case of extra-judicial killings in the labour sector since President Noyoy Aquino came into power in 2010.

Domestic Workers Union
اتحادية عاملات المنازل

Handwritten notes on a card:

- Olga and Thomas and
- bjane family business
- 1983
- Cameron
- Domestic worker
- 11-1-2015

Stamp: 324

Stamp: olga and

Stamp: [Red circular stamp]



Domestic Workers
اتحادية عاملات المنازل

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
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43. Dismissal and suspension of trade unionists
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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

AFRICA
AMERICAS
ASIA AND
THE PACIFIC
EUROPE
MIDDLE EAST AND
NORTH AFRICA

PART II

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

PART II //

AFRICA

Despite steady economic growth of close to 5 per cent annually, more than 70 per cent of youth in Africa live on less than US\$ 2 per day.¹ Precarious working conditions and the persistence of underemployment, i.e. the inability to derive a decent income from labour, because of either low wages or limited working hours, are key obstacles to reducing poverty in sub-Saharan Africa. While unemployment levels are not exceptionally high, the vast majority of workers, 82 per cent, are engaged in jobs characterised by inadequate earnings and difficult conditions of work that undermine fundamental workers' rights.

It is estimated that as many as nine in ten rural and urban workers have informal jobs; this is especially the case for women and young people.² Facing underdeveloped or non-existent social protection systems, a large number of workers have no other option than to work for extremely low wages in the informal economy in order to provide a living to their families. These workers are either excluded by law from labour protection or are unable to enjoy their rights in practice because of inadequate monitoring of workplaces by labour ministries.

The lack of labour law enforcement in the informal economy has been further exacerbated by structural reforms in the public sector which is perceived as a hindrance to the operation of free markets and considered as inefficient, rigid and highly costly. The number of labour inspectors was drastically reduced as a result of these policies throughout the whole region. Between 20-40 per cent of labour inspector positions were cut through retrenchments and freezes on the

recruitment of new inspectors. For example, the number of general inspectors in Kenya was reduced by 30 per cent, from 175 to 124, while the occupational safety and health inspectors were reduced by about 15 per cent.³

Since March 2014, more than 10,000 people, mainly in Guinea, Sierra Leone and Liberia, lost their lives as a result of the deadly Ebola Virus Disease (EVD).⁴ Health workers who had direct contact with Ebola patients worked under a particularly high risk and often did not even have access to equipment to protect themselves and their patients which led to a number of strikes in Liberia and in Sierra Leone.⁵ Beyond the horrible human toll and suffering, the crisis also had a profound impact on employment in the affected countries. For example, the urban employment rate in Sierra Leone decreased from 75 percent to 67 percent.⁶

Even though, African workers face enormous socio-economic challenges as well as weak government structures, they are increasingly getting organised in order to improve working conditions and lives on the continent. They struggle for a minimum living wage, safe working conditions, secure jobs, transparent government institutions and social security, despite retaliation and repression by governments and employers. Governments have arbitrarily arrested workers for collective action in countries such as Niger, Djibouti, Kenya and Cameroon. Employers have discriminated against workers who participated in strike action through mass dismissals or pay cuts in countries such as Kenya, Gabon, Benin and Nigeria. In other countries, employers have refused to negotiate with workers over working conditions and pay despite existing collective bargaining laws, including in Lesotho and Mali.

The Ten Worst Countries

NO GUARANTEE
OF RIGHTS
| 5

SYSTEMATIC VIOLATIONS
OF RIGHTS
| 4



BENIN

| 4

General strike: Despite intimidation and threats to deduct wages, trade unions in Benin, including the CSTB, CSA-BENIN, CGTB, COSI-BENIN and CSPIB called for a general strike in January 2014 to protest against the repression of a peaceful and legal protest action on 27 December 2013. Government representatives, in particular the Chief of staff of the Minister of elementary and primary school education, Albert ADAGBE, and the Secretary General of the Government, Eugène DOSSOUMON, threatened workers through statements in the media. Workers marching in a protest organised by unions to call for an increase in the minimum wage in the private sector and state-owned companies, had been attacked by police leaving several people injured, including union leaders. Police had used tear gas to disperse hundreds of workers who were protesting peacefully. Trade unions demanded respect for democratic freedoms and trade union rights as well as safety for civil society organisations and political parties with opposing views.

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 was 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.

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'Education 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.



BURUNDI

| 4

Restrictions on the right to elect representatives and self-administer in full freedom: Private sector workers may not be members of the administration and management of a trade union unless they: 1) are aged at least 25 years; 2) are able to read and write; 3) have not incurred a prison sentence without private final suspension of freedom exceeding six months' imprisonment; and 4) have practiced in the relevant trade for at least one year (art. 275, Labour Code). Public sector workers are only eligible for election to the leadership team of a trade union if they have worked in the public sector for at least 3 years (section 10, Act No. 1/015). Section 7 of Act 1/015 further provides that, in the event of a leadership conflict, the Minister of the Public Service may refer the matter to the Administrative Chamber of the Supreme Court.

Arbitrary imprisonment of journalist: Authorities ordered the closure of the leading station Radio Publique Africaine (RPA) in Bujumbura, accusing the station of "incitement" for covering the protests in the capital ahead of the controversial general elections. Moreover, Bob Rugurika, a journalist employed with RDA and a member of the Union Burundaise des Journalistes, was arrested for broadcasting a murder confession implicating the security services. Three Roman Catholic nuns, aged between 75 and 83, were murdered at a convent north of Bujumbura in September 2014.

government's slowness to deliver on promised improvements in working conditions.

Plantation workers arrested for going on strike: Workers at the Hevecam plantation went on strike on 14 December during a dispute over pay. The workers were seeking a 100 per cent pay rise and a thirteenth month annual bonus. The company offered between 50 and 55 per cent, depending on their salary grade, and no annual bonus. By 20 December there was still no solution in sight, and gendarmes were patrolling the plantations to keep an eye on the strikers. 127 workers were arrested by the gendarmes and held in custody in Kribi for two days. They were released on 25 December. Further to negotiations an agreement was reached, meeting most but not all of the workers' demands.

Three transport union leaders arrested for calling strike; one sentenced to prison: Jean Collins Ndefossokeng, president of the National Union of Land Transport Sector Employees (SYNESTER), and Joseph Deudie, president of the National Union of Professional Drivers and Transport Workers of Cameroon (SYNACPROTCAM) were arrested on 16 January 2015. They were detained by the Mobile Intervention Group of Yaoundé, the security forces, for 'advocating crime, sedition and terrorist activity' after distributing leaflets promoting a planned strike.

Cameroon's new terrorist law, N° 2014/028 of 23 December 2014, was introduced largely in response to the activities of Boko Haram. The union leaders warned that the authorities were trying to assimilate union activities with terrorist action.

The two unions had planned a strike on 19 January, postponed from 5 January, to protest against changes imposed by state-approved insurance companies, and against fuel price rises. In organising the strike, the unions had followed all Cameroon's legal procedures.

On 19 January, Fioko Patrice, from the National Union of Land Transport Sector Employees (SYNESTER) union, was arrested, tried and sentenced to six months in prison in Cameroon on the same charges after distributing leaflets promoting the strike.

Jean Collins Ndefossokeng and Joseph Deudie were released on 30 January, having been held for 15 days under the provisions of the new anti-terrorist law. Fioko Patrice was released on 27 February, having served six weeks of his six-month sentence, after widespread union protests, including an international trade union campaign. In early March it was announced that all charges against the three trade unionists had been dropped.



CAMEROON

| 4

Government seeks to undermine education unions:

Roger Kaffo Fokou, General Secretary of the Syndicat national autonome de l'enseignement secondaire (SNAES), the independent union for secondary education workers, reported that in July 2014 the education unions were facing sanctions. He warned that grass roots unions were being dismantled, and that the government was favouring unions that had government authorisation, giving them financial support. Earlier in the year the unions had been involved in a series of strikes over the

Anti-union harassment at bank: The Free Trade Union Confederation of Cameroon (Union des Syndicats Libres du Cameroon – USLC) reported that members of the financial workers' union FESYLTEFCAM at the multinational ATTIJARIWAFABANK regularly suffer verbal harassment by management, and that there had been several cases in which the union representative was 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.

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.



CÔTE D'IVOIRE

| 4

Ministries turn their backs on negotiations: Months of negotiation with the Finance and Budget Ministry over living and working conditions, begun in 2013, amounted to nothing when the Ministry was divided in two and the Treasury Workers Union of Côte d'Ivoire OSATI had to start again. By September 2014 no progress had been made, the ministries acted as though the previous negotiations had never existed, and the Budget and Finance Ministers sent their heads of cabinet along rather than attending the negotiations themselves. In frustration the General Secretary of OSATI, Benjamin Gbogbeu Yaoue, called a 72 hour strike to begin on 9 September. The strike forced the Ministers back to the negotiating table. Despite seeming to agree on most of the negotiating points however, the Finance Minister kept delaying finalising an agreement, and by November 2014 the unions reported they had still not had their demands satisfied. The situation dragged on, with the unions accusing the government of bargaining in bad faith.

Workers employed by the Construction Ministry had experienced similar frustrations when the government failed to come up with any proposals in response to their pay demands. The General Secretary of the construction workers' union Syndicat libre des agents de la Construction (SYLAC) announced a strike on 21 August 2014 in an attempt to force progress, but advised members to simply stay at home, because nine of their members had been arrested in March that year for taking part in a demonstration in support of their demands.

Arrest: Jean Pierre Tchotche is a union representative at the company Aggreko in Côte d'Ivoire. He was arrested by police in January 2015 when management alleged that he had been sending complaints about low wages to the company's headquarters in Europe. The company also dismissed him based on this allegation.

Occupation of union offices: The head office of FESACI has been occupied by armed forces since June 2011. The government has failed to respond to multiple complaints made by the union.

Anti-union discrimination: There is an enormous amount of cases of anti-union discrimination. For example, in November 2014, members of the Syndicat Libre des Agents du Port Autonome d'Abidjan conducted their congress under serious pressure. The management of the port threatened workers participating in the congress or having contact with the national centre with dismissal.



KENYA

| 4

Intimidation: In April 2014, Cabinet Secretary for Labour, Social Security and Services, Samuel Kambi Kazungu, publicly intimidated unions by stating that he would "reduce COTU to nothing". Moreover, government officials declared that they would storm the National Labour Day Celebrations scheduled to be held at Uhuru Park in Nairobi if the union did not call off the May Day celebrations.

Union officials sacked by flower farm: Seven union officials were sacked in July 2014 by the Karuturi Flower Farm in Naivasha, accused of inciting their colleagues. They

had been involved in a long-running dispute over wages, including a strike in February 2014 to demand the payment of four months' unpaid wages. The flower farm, the world's leading producer of roses, had gone into receivership, and had changed its name to Twigia Roses. Ferdinand Juma of the Kenya Plantation and Agricultural Workers Union (KPAWU) said the latest incident stemmed from a meeting in which the union officers had asked the new management to increase wages. Employees went on a go-slow to protest against the sacking.

Union members face pay discrimination at Telkom

Kenya: The Communication Workers Union (COWU) Secretary General Bensom Okwaro reported in September that there was discrimination in the payment of staff performance bonuses at Telkom Kenya. He said that non-union staff had each been paid between 50 per cent and 75 per cent of their salaries, amounting to between Sh30,000 to Sh1,000,000, while union members have only been given Sh2,000. COWU warned that more than 1000 Telkom workers would down tools on 8 October if the bonuses were not paid fairly. The union also accused the management of harassment and intimidation. The strike went ahead after Telkom countered that the claim was unfounded, and that the differences were related to the type of contract workers had, not their union membership. The strike was called off on 16 October after the union and Telkom signed a back-to-work agreement in the presence of Labour Ministry officials. Pay was deducted from the workers' salary slips for the seven days of their strike however, which the union said was against the terms of the agreement. The union filed a case in court against the company for deducting pay for the duration of the strike.

Teachers' leader faces police summons over strike: The Secretary General of the Kenya National Union of Teachers, Wilson Sossion, was issued a summons in January 2015 by the Criminal Investigation Department after allegedly advising teachers in Northeastern Kenya not to return to work after a strike due to security concerns. The teachers expressed their support for Wilson Sossion and the Law Society of Kenya said on 2 February that the summons was illegal and that it amounted to intimidation against the union leader. The KNUT and the Kenya Union of Post Primary Education Teachers (KUPPET) had called a nationwide strike on 5 January 2015 after the Teachers' Service Commission (TSC) failed to meet its demands on pay and conditions. The January 2015 strike was called off after two weeks when the Industrial Court intervened and asked all parties involved in the dispute – the Kenya National Union of Teachers (KNUT), the Kenya Union of Post Primary Teachers (KUPPET), the Salaries and Remuneration Commission (SRC) and the Teachers Service Commission (TSC) – to submit proposals on the 300 per cent pay increase

that teachers were seeking. As part of the agreement the TSC undertook not to victimise any teacher, union official or the unions who may have participated in the strike. Several teachers were arrested during the strike, but under the terms of the agreement no further action was to be taken against them.

Attempts to harass and undermine the unions: COTU reported that the state had investigated its accounts in late 2014 and early 2015 on allegations of corruption in the unions. COTU believes these allegations are mere propaganda by the Labour Ministry owing to its differences with the General Secretary of COTU. At the time of writing the matter was still before the courts. In September 2014 the Governor of Kakamega Country, the Hon. Wycliffee Ambetsa Oparanya reportedly warned county workers against joining trade unions and described trade unionists as individuals "fighting for their own survival".



MALI

| 4

Government tries to avoid collective bargaining with national centre: The national workers' union of Mali, the UNTM, called a general strike on 21 August 2014 over its frustration that the government was not taking negotiations seriously. The union had tabled its demands in May, yet had to wait until August to sit down at the negotiating table. After four days, agreement was reached on some of their demands, but not on five key demands such as the level of the minimum wage and income tax. The strike was so widely followed in both Bamako and around the country that it was extended for a second day. The strike did have the effect of forcing the government back to the negotiating table and they eventually reached an agreement at the end of October.

Minister tries to avoid collective bargaining with miners' union: Contract workers in the mining industry also went on strike, on 3 and 4 November 2014, over the government's attitude to collective bargaining. Many of the workers in the sector are hired as contract labour, and were seeking better social protection. Their demands also included the payment of salary arrears, as they had not been paid for five months by the time of the strike. In April the trade union committee for mining and industry (SECNAMI) sent a list of demands to the Minister

for Mines, Boubou Cissé, but instead of meeting them himself he sent his head of cabinet, said the union's General Secretary, Cheich Tidiani Fofana. Three months later, the workers had not been paid, no solution had been found, and although the Minister did finally meet with the union he said he could not do anything, he would have to write to the Finance Ministry for financial support. By November the workers' demands had still not been met, and they decided to call the strike. According to Mr. Fofana the Finance Minister, Mrs. Bouaré Fily Sissoko, threatened to cut the contract workers' salaries by 50% and if the situation persisted to sack them and replace them by other workers.

Hotel staff dismissed for going on strike to protest at management's failure to engage in collective bargaining:

The staff union at the Laïco El Farouk hotel spent years trying to negotiate a set of basic demands with the management. To simplify matters they reduced their demands to five key points, medical visits, filling empty posts through internal promotions, bonuses for night work, a permanent contract for one of their colleagues, and new rules of procedure. The assistant general manager claimed he could not do anything because he had "no power". The general manager had returned home to Tunisia during the events of 2012 and had not been replaced. The hotel management did however decide it had the power to impose new rules of procedure, applying the initial draft as a definitive text, without consulting the staff union, and ignoring all its requests for changes to the draft. Finally the union lost patience and called a three day strike from 18 to 20 February 2015. The hotel retaliated by not renewing fixed term contracts.

Union dues withheld at milk company following strike over arrest of union official:

The National Workers' Union of Mali, the UNTM, reported that following a strike at Mali Lait in September, the company withheld the payment of union dues, despite a check-off agreement. The strike that began on 5 September had been held to demand the release from custody of three colleagues, including a trade union official, Dramane Diallo. The General Secretary of the Mali Lait s.a. workers' union, Karamoko Kané, believed the three workers had been arrested on trumped up charges of theft. The supposed theft had occurred at night, but Mr. Diallo was working a day shift. Mr. Diallo had been one of the few people to face up to management when it failed to respond to demands, dating back to 2013, for a pay rise and overtime pay, and an end to unfair dismissals.



NIGERIA

| 5

Volkswagen Nigeria dismissed 25 workers: According to the Joint Action Front, Volkswagen Nigeria dismissed 25 workers after they went on a strike over poor working conditions and the new company policy manual that does not guarantee workers' rights as laid out in the labour law in May 2014. According to the company policy manual, workers must give six months' prior notice when they want to resign as opposed to one month pursuant to the labour law. Workers also complained about not having received their medical allowances and gratuity pay.

Management at electricity distribution companies threatened to dismiss 5357 workers

In April 2014, new management at electricity distribution companies threatened to dismiss 5357 workers for participating in strike actions against the outsourcing of jobs and inadequate working conditions. Ibadan and Jos electricity companies argued that the companies needed to be restructured and insisted that they would not tolerate union presence. The NLC called on the government to intervene in order to bring an end to the victimisation of union leaders and members in accordance with the tripartite agreement reached on 13 January 2014.

400 hotel workers sacked for trying to join a union: Over 400 members of staff at the Radisson Blu Hotel were sacked on Tuesday 27 January 2015 by the Chairman of the Hotel, Oba Otudeko following their attempts to join the Trade Union Congress (TUC) and the Nigerian Labour Congress (NLC). According to the spokesperson of the sacked hotel staff, Abe Makojuola Daramola, a housekeeping supervisor, they had informed the hotel the week before of their intention of joining trade unions, but management objected. The staff went ahead and invited officials from the TUC and NLC to visit the staff in Lagos on 27 January to affiliate them to their unions. Management promptly sacked the staff concerned before the meeting could take place and on the night of Monday 26 January, on the orders of Mr. Otudeko, called in a technician to tamper with the power, plunging the entire hotel into darkness. Guests staying at the hotel were checked into other hotels, thereby paving the way for the over 400 members of staff to be issued termination letters, while the hotel premises were locked up and all activities suspended.

Collective bargaining stalled for ten years in the oil

industry: On 30 May 2014 the Nigeria Union of Petroleum and Natural Gas Workers (NUPENG) urged the Federal Government to intervene in the protracted leadership crisis within the Independent Petroleum Marketers Association of Nigeria (IPMAN). NUPENG President, Igwe Achese, noted that the collective bargaining agreement signed with IPMAN and Independent Marketers Branch ten years earlier was yet to be implemented due to the leadership crisis in IPMAN. The previous leadership of IPMAN had frustrated the union's efforts to unionise workers in IPMAN depots.

The union had written several letters to the federal government, the Nigerian National Petroleum Corporation (NNPC) and the State Security Services asking them to intervene, without any positive results. It accused the Minister of Petroleum, Mrs. Diezian Allison-Madueke of failing to take the issue seriously. The Department of State Security Services had intervened and the federal High court in Port Harcourt had declared Chief Obasi Lawson as the IPMAN President, but opposing factions with IPMAN had refused to recognise the court ruling.

The Petrol Station Workers (PSW) Branch of NUPENG added its voice to the protest, pointing out that it had not been able to negotiate conditions of service for its members as a result of the protracted crisis in IPMAN.

Although the IPMAN leadership crisis was resolved numerous problems remained, leading to strike action in September and December 2014 over many issues, including unsafe working conditions, casualisation and unfair labour practices, notably the transfer and dismissal of union leaders.

Hospital workers leaders arrested for organising strike:

Two representatives of the Medical and Health Workers' Union of Nigeria (MHWUN) at the Abia State University Teaching Hospital (ABSUTH), Aba, were arrested in October 2014 for organising a strike. The workers had been on strike because they had not been paid since May and were going hungry. The union had written to the government and made several protests on paper. Nothing was done to resolve their situation however and so they applied to the police to be given permission to organise a demonstration. Instead of being given permission the Chairman and Secretary of the union were arrested.



SWAZILAND

| 5

Heavily armed police intimidate striking workers at

ANC-owned mine: Some 250 workers went on strike on 24 November, after the mine management refused to negotiate over a US\$ 72 housing allowance with the Amalgamated Trade Unions of Swaziland (ATUSWA). All legal requirements were observed by the striking workers, and even though the strike was peaceful, the workers were surrounded by police equipped with riot shields, protective headgear, guns and teargas. During the strike, management refused the workers access to water, toilets and medical facilities. Chancellor House, the investment arm of the ANC, owns 75% of the Maloma mine, with the remaining 25% owned by the Tibiyi Taka Ngwane, a fund controlled by King Mswati III, who is one of the world's last remaining absolute monarchs. The Swazi government announced an immediate ban on all trade union and employer federations, in violation of international labour standards.

Prime minister threatens trade unionists: In August 2014, the Prime Minister of Swaziland, Sibusiso Barnabas Dlamini, publicly threatened Siphon Gumedze from the Lawyers for Human Rights and TUCOSWA General Secretary Vincent Ncongwane because of their participation in the US Africa Leaders' Summit in Washington DC. Prime Minister Dlamini made the following statement during a speech in Parliament: "They leave your constituencies and do not even inform you where they are going and once they come back and you find out that they are from your constituency you must strangle them."

Suppression of Terrorism Act used to stop trade union

activities: Police use the Suppression of Terrorism Act to legitimise interference in trade union activities. For example, the Act was used in May 2014 to arrest and charge activists who spoke at TUCOSWA's May Day celebration, including student leaders Maxwell Dlamini and Mario Masuku. Both activists remain in jail and have been refused bail. Amendments were submitted for the consideration of Parliament in February 2014 but have not yet been considered. The Suppression of Terrorism Act defines terrorism extremely broadly as an act that "involves prejudice to national security or public safety... and is intended, or by its nature and context, may reasonably be regarded as being intended to intimidate the public or a section of the public; or compel the Government... to do, or refrain from doing, any act." The terms "national security" and

“public safety” are not themselves defined, leaving them open to wide and potentially subjective interpretation. Not only are these concepts capable of broad, subjective interpretation but, in addition, the element of intention is not required. Moreover, the act affords the Minister absolute discretion over the classification of organisations as “terrorist” without making this decision subject to judicial review.

Thulani Maseko and Bheki Makhubu imprisoned:

Human rights lawyer Thulani Maseko and the Nation Magazine editor Bheki Makhubu were arrested on 17 March 2014 and 18 March 2014 respectively for writing articles about the circumstances surrounding the arrest of government vehicle inspector Bhantshana Gwebu and the integrity, impartiality and independence of the Swaziland judiciary. The legality of the arrest, detention and charges was successfully challenged before the High Court, resulting in their release from custody for two days. However, they were rearrested and detained when the State appealed the ruling and are therefore again in custody. While Thulani Maseko and Bheki Makhubu were charged with “contempt of court”, the judge convicted them to two years imprisonment instead of the ordinary 30-day sentence on 25 July 2014. Judge Mpendulo Simelane argued that “seriousness of their crimes, their moral blameworthiness and their lack of remorse or regret justify lengthy sentences of imprisonment”.

Police interfered in a peaceful protest: Police interfered in a peaceful protest march organised by TUCOSWA and attended by broader civil society groups against the King’s Proclamation of 1973 and its impact on freedom of association and civil liberties. The King’s Proclamation was decreed on 12 April 1973 and vested the King Sobhuza II with absolute powers and at the same time criminalised political parties and similar bodies.

“I, Sobhuza II, king of Swaziland hereby declare that, in collaboration with my cabinet ministers and supported by the whole nation I have assumed supreme power in the kingdom of Swaziland and that all legislative, executive and judicial power is vested in myself and shall, for the meantime, be exercised in collaboration with a council constituted by my cabinet ministers. I further declare that, to ensure the continued maintenance of peace, order and good government, my armed forces in conjunction with the Swaziland royal police have been posted to all strategic places and have taken charge of all government and all public services [...] Political parties and similar bodies that cultivate and bring about disturbances and ill-feelings within the nation are prohibited.”

TUCOSWA requested permission to hold a march but on 4 April 2014 the Manzini Municipal Council denied the federation permission by stating that “April 12 is one most contentious date on which peace and stability in the country is threatened.” The march was intended to proceed from Jubilee Park to St Theresa Hall in Manzini on 12 April 2014. Vincent V. Ncongwane, TUCOSWA General Secretary, and Siphon Kunene, TUCOSWA Deputy President, were arrested at a security roadblock mounted at Mhlaleni in Manzini on 12 April. They were detained at the Manzini police headquarters and were denied access to legal representation. Vincent Ncongwane was transferred to the Mafutseni police station 20 kilometers from Manzini. The police further arrested other groups of workers at all the various security checkpoints mounted on the roadblocks leading to Manzini, detained and later dropped them off in remote places with some having to travel long distances on foot at night to get to the nearest public road. Amongst them were the President of the National Public Services and Allied Workers Union, Quinton Dlamini, and the General Secretary of the Private and Public, Transport Workers Union, Bheki Dlodlu.

Imprisonment: Mario Masuku, President of PUDEMO, and Maxwell Dlamini, Secretary General of the Swaziland Youth Congress were arrested and charged under the Suppression of Terrorism Act (2008) after delivering a speech during the 2014 May Day celebrations organised by TUCOSWA. In their speeches, Mr Masuku and Mr Dlamini addressed questions with respect to the socio-economic governance of the country and chanted the slogans “Viva PUDEMO” and “We don’t want this system, we don’t want this system.” Now, they may be facing up to 15 years of hard labour in prison, if they are found guilty. More than one year has passed since their arrest but a verdict has still not been delivered. Their application for bail was denied twice even though Mr Masuku is 65 years old, suffers from diabetes and caught pneumonia during his time in detention. Mr Dlamini, who is a student at the University of Swaziland, has been deprived from his right to education as a result of the prolonged detention.



ZAMBIA

| 5

Hotels refusing to allow workers to join unions: On 14 May 2014 the Zambia Congress of Trade Unions (ZCTU) held a meeting with the management of the New Fairmount

Hotel, Livingstone, warning them that they must allow their workers to form or join trade unions. The hotel had hitherto refused to allow its workers to join trade unions. The ZCTU gave it a five-day ultimatum to allow workers to sign up to unions. Trade unions often used the hotel for workshops and conferences, but the ZCTU would instruct unions not to use the hotel any more if it continued its anti-union stance. The warning appears to have worked. ZCTU General Secretary Roy Mwaba also warned that there were other hospitality entities in the country that were violating their workers' rights by refusing to allow them to belong to a trade union, and that they would also apply sanctions to them if they failed to allow workers to exercise their freedom of association.

Sugar company fired five union officials for organising a strike: Management at the Nanga Sugar Company in Mazabuka dismissed five National Union of Plantation and Allied Workers (NUPAW) officials in mid-June 2014 for allegedly inciting fellow workers to go on an illegal strike. The five officials were handed summary dismissal letters following the strike that took place at the company in April to demand fair working conditions. Eight other members were handed final warning letters by management.

Those dismissed were the union chairman, Comment Siamanenga, his vice-chair Joseph Lungu, administrative secretary Kebby Muchelemba, Kalaluka Mutukwa, a financial secretary, and Alfred Kwale, a union trustee. Comment Siamanenga described the action as intimidation of a legally recognised union and accused management at the company of failing to follow the established procedure in handling their dismissal.

International Drug Company (IDC) fires workers for demanding decent wages: The International Drug Company in Kabwe fired over 40 workers at the end of October 2014 for demanding decent wages from the pharmaceutical company which has been accused of paying slave wages and of allowing managers to verbally abuse workers.

Some of the dismissed workers reported that they had worked as casual workers for over four years and were getting between K59 and K187 per week. They accused the company of creating a huge pool of casual workers as a way of avoiding permanent job creation.

In 2013 the company banned union membership and threatened to dismiss all workers who were affiliated to the Zambia Union of Technical and Allied Workers (ZUTAW). Sources from the Labour Ministry in Kabwe confirmed having received the complaints from the workers and promised to

undertake a fact finding mission to the plant located in the industrial area.

First Quantum Minerals dismiss workers for striking over healthcare access: Six members of the Mineworkers Union of Zambia (MUZ) were fired at the end of January 2015 on grounds of inciting and participating in an unprotected strike at a mine owned by First Quantum Minerals (FQM) after the company gave assurance that no workers would be dismissed for their role in the strike. In early January, workers downed tools at Kalumbila mine at the refusal of FQM to transport a deceased worker to a mortuary. The mine is located in a remote area and workers were angered at the lack of compassion. They demanded that the mine provide transport to a health facility for those that are ill or injured. They also called for a reduction in the exorbitant housing rental costs charged by the mine.

A delegation including the Labour Commissioner and trade unionists visited the mine following the strike. The company assured the Minister that no workers would be disciplined after the strike and that a report would be prepared on the issues raised by workers. However on 29 January, 14 workers were dismissed for allegedly inciting the strike. The MUZ challenged the dismissals in light of the assurance given by the company and was notified on 10 February that the company had reinstated eight of the dismissed workers. Amongst the six workers that remained dismissed were the branch chairman of MUZ, Precious Masaba.



ZIMBABWE

| 5

March blocked by police: On 18 February 2015, the Progressive Teachers' Union of Zimbabwe (PTUZ) was not permitted to hold a march on the Global Day of Action for the Right to Strike called by the ITUC. Police blocked the march demanding the PTUZ to produce a clearance letter from the Public Service Commission, provide details of the marchers and registration numbers of vehicles to be used. The union had notified police about the march seven days in advance.

ZANU-PF interference in demonstration: On 11 April 2015, members of Robert Mugabe's ZANU-PF attempted to intimidate ZCTU members during the nation-wide demonstration in

Bulawayo and Gweru and distributed flyers which claimed that the protests had been cancelled with false signatures. Some ZCTU members had to lock themselves inside the union building as ZANU-PF besieged the regional offices in Bulawayo. The demonstrations aimed to highlight a range of issues affecting workers, including the decision to freeze and cut salaries, introduce labour market flexibility, the non or late payment of workers' salaries, and the failure to pass on membership subscriptions to the unions – all contrary to existing collective agreements.

Union registration: In 2012, 850 workers at Bata Shoe Company based in Gweru withdrew their membership from the Zimbabwe Leather Shoe and Allied Workers Union and formed a new union centre, the Zimbabwe Footwear Tanners and Allied Workers' Union (ZFTAWU). On 2 August 2013, the notice of application for registration was published in the government Gazette General Notice 379/2013. The Zimbabwe Leather Shoe and Allied Workers Union opposed the registration of the new union but ZFTAWU never received the opposing papers. On 9 January 2015, the registrar made a decision denying registration on the grounds that the union only represented a minority of workers. On 19 February 2015, ZFTAWU filed a complaint with the Labour Court.

PART II //

AMERICAS

The Americas continues to be one of the most dangerous regions for the exercise of trade union rights.

The vast majority of the countries on the continent are the scene of repeated murders, threats and attacks on the lives and physical integrity of trade unionists, as well as anti-union transfers and dismissals, legal actions against trade unionists and legislative reforms impeding the exercise of freedom of association and collective bargaining rights.

In some countries, like Colombia, Guatemala and Honduras, there is systematic and widespread impunity for crimes against trade unionists, including killings, attempted murders and physical attacks. Governments are blatantly neglecting their duty to ensure that workers are able to carry out their trade union activities in a safe environment.

Several countries in the region are also witnessing a worrying rise in the criminalisation of trade union action, in the form of administrative and criminal proceedings against workers taking part in strike action.

The political, economic and social challenges facing the countries of the Americas are directly linked to trade union rights.

The region's structural defect lies in the high level of socio-economic inequality and the exceedingly high level of informal employment. There are still around 130 million workers in informal employment in the region (Thematic Labour Overview: Transition to

Formality in Latin America and the Caribbean. ILO, 2014). They are exposed to a range of vulnerabilities due to the limitations on both their access to quality health and education and their inability to effectively exercise their right to organise and collective bargaining.

There is a clear governance crisis and, consequently, a serious crisis of political legitimacy in most of the states on the continent, with state authorities failing to respond adequately to the various demands of their societies.

The governments pursuing neoliberal policies, limiting the role of the state and reducing or eliminating state protection for workers, are those providing the least guarantees for the exercise of trade union rights and freedoms. It is, indeed, these governments that are permitting the rise in inequalities and social exclusion.

By contrast, the governments adopting “post-neoliberal policies” geared towards reducing inequalities are showing particular concern for strengthening the position of workers, promoting respect for freedom of association and, above all, ensuring a safe climate for workers to be able to carry out their trade union activities.

A clear reflection of this situation can be found in the violent attack by neoliberal globalism on the ILO and on the right to strike as a human right enjoyed by all the workers of the world, and the response, under pressure from the workers and the TUCA, of the Latin American and Caribbean Group (GRULAC), which adopted a position in favour of the right to strike and the ILO system of standards – a position it intends to continue defending in upcoming discussions.

The offensive waged by neoliberal forces is a crucial issue that transcends all territorial boundaries. The profound economic, social and political crisis affecting countries across the globe since 2008 has presented the peoples and nations of peripheral and dependent regions with a major challenge: that of ensuring that the

cost of overcoming this new crisis is not borne by the workers and ordinary citizens, as has been happening under immense pressure from governments and corporate interests.

The trade union movement of the Americas acknowledges the fundamental role it needs to play in this context to tackle the causes behind the structural imbalances in the region. It is with this aim in mind that the Trade Union Confederation of the Americas (TUCA) has been promoting the **Development Platform for the Americas (PLADA)** as a policy instrument for building real democracies with social justice and full respect for the right to freedom of association, with environmentally and economically sustainable, socially inclusive development.

The vision of development that the TUCA is building from a trade union perspective reaffirms the principles of decent work, the distribution of wealth, participatory democracy, gender equality and regional integration, giving priority to combining forces in international negotiations, social protection and inclusion for all, intergenerational equity and environmental protection. It is a vision that integrates economic, social, environmental and political dimensions. The PLADA seeks to consolidate mechanisms guaranteeing that the people, not the corporations or multinationals, determine the social and political direction taken on the continent.

The Ten Worst Countries

NO GUARANTEE
OF RIGHTS
| 5

SYSTEMATIC VIOLATIONS
OF RIGHTS
| 4

REGULAR VIOLATIONS
OF RIGHTS
| 3



COLOMBIA

| 5

Arrests: Rafael Rodríguez, branch treasurer of the Unión Sindical Obrera (USO) and the union's representative in the negotiations being held with the oil company Ecopetrol, was arrested on 21 July 2014, at Yariguíes airport in the city of Barrancabermeja. Rafael Rodríguez explained that when going through airport security before taking the plane to Bogota, where he was going to take part in negotiations, a hand grenade was found in his hand luggage. He had no idea how the device found its way into his luggage. He claimed that it was placed in his luggage to frame him. Rafael Rodríguez had been the victim of an attack by hired assassins in 2013. Having failed to meet their objective on that occasion, this criminal ploy is another attempt to harm him and his reputation by trying to make him look like a criminal, to delegitimise his trade union work and to obstruct the progress of the collective bargaining process underway.

Violations of freedom of association: anti-union dismissals

In December 2014, William de Jesús Muñoz Zea and Lina Marcela González López, members of the trade union ASOTRAEMTELCO, representing workers at Emtelco S.A., applied for protection under the constitution after being dismissed by the company without due process. Protection was not granted and the union had to appeal against the dismissals through the ordinary channels.

On 29 June 2014, the SINTRATABLEMAC trade union was formed and on 1 July its president and several of its founding members were unfairly dismissed. The company, Tablemac MDF S.A.S., claimed it was unaware that a union had been formed. It was ruled that the dismissed workers were entitled to constitutional protection and should be reinstated.

In June 2014, an application for protection was filed against Sodimac Colombia S.A., on grounds of anti-union persecution, following the pressure placed on Juliana Ramírez after she joined the trade union SINTRASODIMAC.

Collective bargaining violations: In 2012, workers at Dimantec and Trateccol, companies subcontracted by Gecolsa, which is, in turn, a contractor for the mining multinational Drummond, formed a branch of the SINTRAIMEM union in Valledupar, as show in the registration filed with the Labour

Ministry on 28 March 2012. On reaching the deadline set for the first collective bargaining agreement (2012 – 2013), the union presented its list of demands, in November 2013. Negotiations were initiated but no agreement was reached. The union decided in a general meeting that arbitration would not take place and consequently decided to convene its members to vote on strike action. The list of demands had been presented to Trateccol and Dimantec, which were working for Gecolsa as subcontractors. Gecolsa went on to absorb Trateccol, prompting the union to withdraw its initial list of demands and to present it to Dimantec alone, so that the negotiations would be held with a single company. Dimantec responded by saying that the union's action was "an abuse of the right" and used this argument to delay the start of collective bargaining throughout 2013. These incidents took place during 2013, and at the beginning of 2014 Dimantec arbitrarily decided that since no collective agreement was in place, the pay rise for the 2014/2015 period would not be the same for unionised and non-unionised workers. The pay rise for the former was set at 3.6% while the non-unionised employees would receive the 4.5% rise stipulated by the national government. This clear and open act of discrimination against unionised workers is a blatant violation of the most basic trade union and labour rights, as well as the right to "equal pay for work of equal value".

Assassination attempt against general secretary of CUT

Bolivar: Trade union leader Luis Alberto Plazas Vélez was injured in an assassination attempt, thanks to the timely reaction of his bodyguard.

Plazas Vélez is a teacher, a member of the Sindicato Único de Educadores de Bolívar, and has been the general secretary of CUT Bolívar for six years. He is also known for heading the drive to organise and mobilise Cartagena's informal economy workers, grouped within UGTI Bolívar.

The incident took place on 16 May 2014 in Cartagena. One of the hit men, who carried out the attack from a motorbike, was killed in the return fire, reportedly hit in the chest by a bullet fired by the bodyguard defending the trade union leader.

Assassination attempt against Sinaltrainal leader: José Onofre Esquivel, vice president the Bugalagrande branch of Sinaltrainal, was the target of an attack by hit men on motorbikes on 17 June 2014 in Medellín. He was unharmed.

The bodyguard assigned to protect the trade union leader returned fire, killing one of the attackers and injuring another one, who was detained. Two others managed to flee. A bus driver who happened to be passing by was shot in the leg.



EL SALVADOR

| 3

During 2014 and 2015, the municipal authorities of Apopa and San Martín prohibited the distribution of trade union bulletins at work, obliging workers to do so outside of working hours. Trade union representatives were also sanctioned for wearing the trade union shirt in the Municipality of San Martín. Both local authorities refused to continue with collective bargaining negotiations and to give trade union leave.

The self-employed and informal workers' unions Sindicato de Trabajadores Vendedores Independientes de Sonsonate and the Sindicato de Trabajadores y Vendedores Independientes de El Salvador came under systematic attack. Young people, adults and the elderly had their goods confiscated by the metropolitan police on the orders of the Municipal Councils of Sonsonate and Ahuachapan. The unions are not protected by the Labour Ministry or any other state body; complaints through such channels are not therefore taken on board. The rulings of the Human Rights Ombudsman are not binding. As a result, the municipalities do not give self-employed and informal workers the importance they deserve, and the Public Prosecution Service of the Republic does not apply the law. In addition, the National Civil Police often supports the evictions and the confiscation of goods.

During 2014 and 2015, the use of criminal gangs to stop labour and trade union disputes was intensified. Employers who are, in principle, intimidated by the gangs to extort money from them, are creating alliances to threaten and attack trade union leaders and to force trade unionists to renounce their legitimate aspirations. This practice is particularly widespread in the manufacturing sector.



GUATEMALA

| 5

Violations of the right to life and integrity: In August 2014, workers were physically assaulted and threatened by their employers within the context of a dispute over the failure

to settle outstanding payments and the unfair dismissal of a number of workers at Plantaciones de Café el Ferrol, la Florida y Santa Elena (FEFLOSA S.A.). The General Labour Inspectorate subsequently accused the workers of trying to extort money from the company. On 7 August 2014, the workers filed a complaint with the Public Prosecutor's Office. By March 2015, they had still not received any notification regarding the investigations.

On 30 September 2014, the company's legal representative signed a document drawn up by the Labour Ministry, whereby it committed to settling the outstanding payments. At the end of October, only a portion of the amounts owed had been paid. This desperate situation led one of the workers to exercise his right "to resistance for the protection and defence of constitutional rights and guarantees", occupying a shed on the plantation. The employer responded by refusing to pay the sums still owed to the workers as a whole and tried to forcefully remove the worker and his family. Whilst doing so, he ran over the workers' wife, leaving her seriously injured.

Three members of the Jalapa municipal workers' union Sindicato de Trabajadores Municipales de Jalapa were shot dead between 25 March and 8 April 2014. They had been campaigning to press the municipal authority to pay the seven months' wages owed to them after being reinstated to their posts.

On 11 May 2014, transport union leader Luis Arnoldo López Esteban, from the Sindicato de Trabajadores del Transporte en Servicio Público de Ciudad Pedro de Alvarado (SITRASEPUCPA), in Jutiapa, was murdered. Two individuals requested a ride and then carried out the killing on reaching a secluded area.

Gabriel Enrique Ciramagua Ruiz, organising secretary of the Zacapa municipal workers' union Sindicato de Trabajadores de la Municipalidad de Zacapa (SITRAMUZAC), was killed on 7 July 2014.

Joaquín Chiroy y Chiroy, founder and deputy general secretary of the market workers' union Sindicato Gremial de Vendedores y Similares del Mercado Municipal de Sololá was murdered by unknown assailants two hundred metres away from his home, at 4.30 a.m. on 28 June 2014. On 21 July, a request was made to the District Public Prosecution Service of the Public Prosecutor's Office of the department of Sololá to investigate the incident. The file is currently in the hands of the Public Prosecution Service, under case number MP086-2014-1528. There have been no results from the investigation to date.

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

The banana plantation areas in the north and south of Guatemala have been the scene of serious labour and trade union rights violations as well as attacks on the physical integrity of their workers for several years. In 2013 and 2014, Guatemala was the world's second largest banana exporter, generating huge profits for the companies in the sector. The workers, however, earn around US\$ 12.9 for a 12 hour working day, without health or social security coverage. It has proved impossible to form trade union organisations in the southern region owing to the violence and the threats received. In the north, the workers formed SITRABI. This union has managed to survive in spite of the violence suffered by its members and families and the companies' constant violations of collective bargaining rights.

Coca Cola suspends unionised workers: In April 2014, Coca Cola launched a strong media campaign to discredit the Sindicato de Trabajadores de Alimentos y Bebidas Atlántida S.A. (SITRAABASA), announcing that there are two groups of workers at the company, those who, regardless of their post, are considered "trustworthy" and those that are union members. The company gave pay rises to the former while the unionised workers are being made to wait until the collective agreement is signed. In response to this discrimination, a number of workers decided to refuse to do overtime. The company retaliated by suspending them from their posts on 24 April.



HONDURAS

| 4

Teachers suspended for attending a meeting: The Education Secretary suspended five teachers, for two months, in the department of Cortés, for abandoning their classrooms to attend an informative meeting called on 4 July 2014 by the

Honduran teachers' federation Federación de Organizaciones Magisteriales de Honduras (FOMH).

The teachers suspended are José Carballo, director of the Instituto José Trinidad Reyes, José Alas, director of the Instituto Técnico en Administración de Empresas (INTAE), Wilson Mejía, director of the Instituto Unión y Esfuerzo, Reinaldo Inestroza of the Escuela Leopoldo Aguilar, and the director of the Centro Básico Eusebio Fiallos.

Collective agreements frozen by decree: In June 2014, the ITUC was notified that the collective agreements of SITRAINCHSA, SITRAIHNFA, SITRAEPSOTRAVI and SITRAHONDUCOR had been frozen by decree.

Persecution of trade union organisations: In June 2014, the ITUC requested the ILO Office to urgently intervene with the Honduran government over the intensification of the persecution of trade union organisations.

The ITUC had been alerted to the following measures taken by the Honduran government:

- Intervention in several trade union organisations, such as the Sindicato Municipal de San Pedro Sula, SIDEYTMP, SITRADEI, SITRAUNAH, SIEHPE, PRICMA, SINPRODO and COLPROSUMA.
- The special measures protecting trade union representatives (fuero sindical) were withdrawn from several trade union leaders, including Araceli Granados Sosa, Marco Antonio Saravia and Jorge Topilzhin Aguilar.

Harassment of trade unionists at DEI: In June 2014, the trade union at the Executive Directorate of Revenue Collections, Sindicato de Trabajadores de la Dirección Ejecutiva de Ingresos (SITRADEI), which has 1,300 members nationwide, denounced that the management was refusing to allow union members time off to attend medical appointments and has reprimanded and suspended employees for holding two-hour information meetings. In addition, the legal proceedings disqualifying the union's executive members are still underway.

Jorge Chavarría, the SITRADEI human rights secretary, stated that the acts of harassment are rooted in the union's opposition to the creation of the Commission for the Promotion of Public-Private Partnerships, which it sees as a possible move towards privatising the institution.

Eradication of trade union at IHNFA: On September 2014, employees of the Honduran Institute for Children and Families

(IHNFA) denounced the institution's closure and its replacement by the National Directorate of Children and Families (DINAF).

According to the Sindicato de Trabajadores del IHNFA (SITRAIHFA), the main aim of the government measure was to eradicate the union, as 1,100 employees were dismissed; 70% of them were the main earner in the family with between three and five children.



MEXICO

| 4

Steel company dismisses striking workers: CB&I Matamoros carried out mass dismissals in Mexico after 350 workers went on strike on 3 June 2014 for better working conditions. The workers' main demand is for the company to comply with ILO Convention 87 and respect their decision to join the Mexican Miners' and Metalworkers' Union (SNTMMSRM).

InBev violates workers' rights in Mexico: Thirty three workers continue to insist on reinstatement to their former jobs and their rights fully restored. These 33 workers who have been fighting for justice since 2008 won reinstatement at Industria Vidriera del Potosí (a subsidiary of Grupo Modelo-AB InBev) as a result of the ruling of the Conciliation and Arbitration Board at the beginning of April 2014.

On 26 January 2008, Vidriera sacked 220 workers including the entire executive committee of the IndustriALL-affiliated glass workers' union (SUTEIVP). They did so following the negotiated agreement of a 19% wage increase by this independent union.

Workers currently face huge hardship as a result of the company's actions including "company blacklisting" and complicit local labour authorities making it practically impossible for dismissed workers and their families to find work locally and in other regions of Mexico.

Teksid workers ambushed and beaten up: Workers at Teksid Hierro in Monclova, Ciudad Frontera, Coahuila, Mexico, part of the Fiat Chrysler Group, are fighting back against abusive reprisals for organising. Three workers, Marisol Ruiz Moreno, Orlando Mendoza Guardiola and Oscar Arturo

Rodríguez Ponce, were sacked on 18 April and 11 more were beaten by 80-100 hired thugs, while coming out of a meeting with management and labour authorities on 21 April 2014.



PANAMA

| 3

On 25 July 2014, the Labour Minister withdrew the charges against nine trade union leaders. The charges had been brought by the previous Labour Minister in 2012 for alleged misappropriation of funds granted by the state for trade union capacity building. As of March 2015, the legal proceedings have been halted but the restrictive and precautionary measures placed on the union leaders remain in force.

On 22 December 2014, the Panama Canal Authority (ACP) decided to appeal the decision by the Panama Canal Labour Relations Board to recognise the Unión de Capitanes and Oficiales de Cubierta (UCOC) as a trade union organisation. The ACP appealed to the Supreme Court to immediately suspend the trade union's recognition, and to confiscate and freeze all of its assets. This action was taken in the context of a collective bargaining process initiated by the union. In 2008, the Supreme Court had denied the trade union's registration, obliging it to negotiate as an independent entity through one of the existing unions.

The Panama Canal workers are demanding better working conditions but cannot exercise the right to strike given that the Constitutional Court denied them this right in 2010, leaving them with virtually no trade union and labour rights in practice.

In the Colon free trade zone, there has been a marked increase in the practices of hiring through employment agencies and subcontracting, which prevent workers from organising due to the lack of job security or their status as self-employed workers.



PARAGUAY

| 3

During 2013 and 2014, the Labour Ministry refused to register at least 13 trade union organisations and federations in Paraguay. In March 2015, the situation remained unchanged. The organisations affected are:

- Organización de Trabajadores de Educadores del Paraguay Auténtica (OTEP-AUTENTICO)
- Sindicato de Profesionales y Técnicos de la Dirección Nacional de Aeronáutica Civil (SIPROTEC)
- Sindicato de Trabajadores de la Administración Nacional de Electricidad (SITRANDE)
- Federación de Trabajadores Bancarios y Afines del Paraguay (FETRABAN)
- Sindicato de Trabajadores de la Industria de la Construcción Civil e Hidroeléctrica del Alto Paraná (STICCAP)
- Sindicato de Funcionarios Graduados Universitarios de la Contraloría General de la República (SINGRUCOG)
- Sindicato de Arte y Cultura del Paraguay
- Sindicato de Funcionarios de Seguridad de la Entidad Binacional YASYRETA (SIFUSEBY)
- Sindicato de Funcionarios y Empleados del Fondo Ganadero (SINTRAFOG)
- Sindicato Nacional de Trabajadores de la Prensa (SITRAPREN)
- Sindicato de Trabajadores de la Azucarera Iturbe (SITRAAISA)
- Sindicato Auténtico de Trabajadores Municipales (SINATRAM)
- Sindicato Auténtico de Seguridad y Vigilancia de la Administración Nacional de Navegación y Puertos (SINASEVIG-ANNP)

On 8 July 2014, teachers' trade unions held a day of peaceful protest against the campaign of anti-union persecution being

waged by the government of President Horacio Cartes. The trade unionists were protesting against the elimination of trade union leave, which obstructs trade union work, the refusal to improve teachers' pensions, the violence used to suppress social protest, the pay deductions affecting those who took part in the general strike of 26 March 2014, and for the urgent need for greater investment in education.

Workers have to appeal to the courts individually as collective legal action is not allowed. The courts are independent in theory, but appointments are linked to the dominant political parties. Justice is slow, costly and unpredictable.

On 13 August 2014, three days of protest, led by trade unions, campesino organisations, land rights defenders and political parties, were held in opposition to the Public-Private Partnership Act, which foresees the privatisation of health, education and public services, as well as to condemn the violence used by the state and the criminalisation of social protest. The protestors were also calling for agrarian reform to resolve the serious problem of the concentration of land in the hands of a few. Further protests were held in November 2014 and February 2015.

Acepar violates collective agreement: Between 22 May and 3 August 2014, Hugo Gonzales Chirico, union leader at steel company Acepar, began a hunger strike in protest against a dispute over a collective bargaining agreement that started in 2001.

Between April and November 2010, the Sindicato de Trabajadores de Acepar (SITRAC) went on strike in protest at the company's failure to comply with the collective agreement in force, failure to respect workers' human rights and its dismissal of 325 workers, which exacerbated the dispute.

The Supreme Court ruled in favour of SITRAC in July 2009, recognising the validity of the collective agreement in force. However, the company's management did not comply with the agreement.



PERU

| 4

Union leader hospitalised after being beaten:

In September 2014, Luis Cardenas, a trade union leader at security firm Prosegur, became the victim of a brutal and violent assault near his home in Peru. Cardenas, an off-duty worker, was left hospitalised by the attack after an anonymous criminal smashed him across the head with a rock.

The attacker took none of Cardenas' personal property, suggesting he was targeted simply for being a trade union leader. Just one month earlier, pamphlets were circulated to Prosegur staff identifying Cardenas as a union leader and falsely accusing him of stealing union funds.

Intimidation against LAN-TAM airlines union official:

On 21 June 2014, Juan Carlos Talavera Flores, the press secretary of the SITALANPE union of Peru, reported that he was detained. Leader in the international solidarity campaign to protect aviation standards in South America, his detention was made while he was distributing information in the Jorge Chavez Airport in Lima and answering questions from passengers about the upcoming industrial actions and strikes in LAN and TAM airlines.

Attacks on Risk Control workers: In April 2014, the union representing workers at Risk Control, Sindicato de Trabajadores de la Empresa Risk Control, in the oil sector, denounced physical assaults and attempts on the lives and health of its members. The incidents took place whilst they were providing security services at the pipelines of oil company Savia Perú.

The union also denounced the absence of labour inspectors in the city of Talara and the company's refusal to submit its responses to the collective bargaining proposals of 2012 and 2013.

According to the union, the company's managers did not comply with the legal procedures established, failing to report the incidents to the National Police and other relevant authorities.

Regional government officials, for their part, refused to give orders to request the presence of labour inspectors.

Petrex not negotiating in good faith with oil workers:

In October 2013, the union representing PETREX employees, Sindicato de Trabajadores de la Empresa PETREX S.A. (SIGETRAPETREX), affiliated to the Central Autónoma de Trabajadores del Perú (CATP), entered into the direct negotiations phase of the collective bargaining process and requested the accounting documents needed to know the situation in terms of profits and losses. By April 2014, however, the Administrative Labour Authority had still not issued the relevant report.

At a meeting held in April 2014 between SIGETRAPETREX and the company, the latter refused to accept the clauses presented by the workers. The managers knew that the union did not have access to the financial statements and other accounts during the negotiation. PETREX is part of the SAIPEM Group, made up of PETREX S.A. and the Italian ENI Group.



 TRINIDAD AND TOBAGO | 4

Anti-union discrimination: On 19 November 2014, the Industrial Court ordered National Petroleum Marketing Company to reinstate 68 workers belonging to the Oilfields Workers' Trade Union (OWTU) who were unfairly dismissed and to pay them a total of \$2.72 million in damages, salaries and full benefits. The workers were fired in October 2013, two months after going on a three-day strike against occupational safety and health violations, corruption and the decision of the company to outsource labour. The company appealed the decision and the workers are awaiting a final outcome.



 UNITED STATES | 4

Barriers to the establishment of organisations: Even where a majority of workers have voted for the union in a secret ballot election, employers can refuse to recognise the

union and delay bargaining by filing multiple appeals with administrative agencies and courts.

Categories of workers prohibited or limited from forming or joining a union, or from holding a union office:

Managerial and supervisory staff are excluded from the NLRA. Supervisors and managers may be required, on pain of termination, to campaign against the union regardless of their personal feelings about unionisation. Agricultural workers are excluded from the NLRA. Domestic workers are excluded from the NLRA.

Others restrictions: Unions have no right of access to employers' property for purposes of organising or communicating with workers regarding unionisation and no right of reply to employer claims about the union or unionisation.

Excessive requirements in respect to trade unions' representativity or minimum number of members required to bargaining collectively:

Employers have no legal obligation to recognise and bargain with a union unless a majority of workers in an "appropriate bargaining unit" have authorised the union to represent them. Employers can choose to recognise a union on the basis of signed authorisation cards from a majority of the workers, but alternatively can insist that the union prove its majority support in a secret ballot election.

Limitations or ban on collective bargaining in certain sectors:

The Federal Labor Relations Act gives limited collective bargaining rights to most federal sector workers, and about half the states have statutes or other rules establishing collective bargaining rights for state and local government workers. The rest of the states provide either no collective bargaining rights for public sectors or provide such rights for only limited categories of workers. Altogether, only about 75% of public sector workers have a right to collectively bargain. The ongoing "War on Terrorism" has been used as a pretext to significantly roll back labour rights for employees of the U.S. government. Under the 2004 National Defense Authorization Act, the Department of Defense was authorised to curtail collective bargaining rights until 2009 for its civilian employees. A panel of the U.S. Court of Appeals for the District of Columbia also struck down portions of the rules applying to employees of the Department of Homeland Security that abrogated certain collective bargaining agreements and limited the scope of collective bargaining. In North Carolina, for example, all public employees are denied collective bargaining rights.

Restrictions with respect to type of strike action: The NLRA and judicial decisions interpreting the law prohibit

workers from engaging in sitdown strikes, partial strikes and secondary boycotts, and impose other restrictions on organisational or recognitional strikes. Workers at certain health care institutions must provide 10 days' advance notice before engaging in a strike or picketing such as intermittent strikes, secondary boycotts and other forms of mutual aid and protection.

Possibility to replace workers during lawful strike

actions: The NLRA allows employers to replace striking workers permanently. Permanent replacement workers can vote in a decertification election to eliminate union representation.

PART II //

ASIA AND THE PACIFIC

In many countries in the Asia and Pacific region, labour laws remain weak and implementation weaker. During the reporting period, workers and unions have faced anti-union actions both from private employers and governments. Lawful strikes are difficult to call in many countries and strike repression often leads to violence. Labour laws tend to grant employers a great deal of flexibility. The widespread use of short-term contracts and subcontracting are the strategies companies have used to undermine organising and bargaining in countries such as Cambodia, Korea and the Philippines. In some cases, governments facilitate these practices by failing to properly enforce laws or amending laws to facilitate the expansion of precarious work.

In other countries, export processing zone (EPZs) continue to pose a serious challenge to unions; employers often harass workers who try to join a union and refuse to recognise unions once established. In Indonesia, demonstrations and strikes are prohibited in the EPZs. Military and the police as public authority can directly take action to guard companies and industrial location when workers go on strike. In Bangladesh, unions are prohibited by law, allowing only for the establishment of worker welfare associations - which do not have the same rights as unions. In most EPZs, labour inspection is rare to non-existent, or under the purview of a special EPZ inspection which does little to enforce the law. Serious violations of trade union rights occur in EPZs in countries throughout Asia, including Sri Lanka, Malaysia, Cambodia and the Philippines.

In Hong Kong, in support of democratic reform, 32 participants of the movement were arrested by appointment, including the HKCTU General Secretary, Lee Cheuk Yan and Chief Executive, Mung Siu Tat. Both were charged with participating, organising or inciting illegal assembly.

In many countries, the right to strike is under attack. In Fiji, the Essential National Industries (ENI) eliminated the right to strike in designated industries. In Japan, the National Public Service Law provides that public employees which take strike action can be fined, sentenced to up to three years imprisonment, dismissed, reprimanded with a pay cut or disciplined. In Cambodia, a new draft trade union law would allow the government to suspend a union's registration if they authorise a strike that the government does not approve of, which would chill activity in the garment sector – where unions engaged in a sector-wide strike to raise the minimum wage. In Korea, labour leaders and activists are in imprisoned for engaging in industrial action that would be legal elsewhere in the world. Criminal charges against 4 union leaders in the rail industry were finally dropped in December 2014 when the court found that they had not engaged in “obstruction of business”, but the prosecution appealed insisting that the strike was unjustified. The ILO has found a similar strike in the rail industry legal.

In spite of their contribution to both sending and receiving countries, migrant workers continue to remain vulnerable with exploitation and absence of protection and are victims of gross victimisation. Migrant workers are deprived of fundamental workers right to organise and collective bargaining and most are not even covered by the labour laws. Although laws in most host countries forbid retaining passports and other identity documents, employers often retain workers' passports to prevent them from leaving the country. Total or partial deduction of the monthly salary by the employer for a period ranging between 3 and 6 months is mandatory in some

countries in order to reimburse the employer and the employment offices for the travel expenses they had paid for bringing the worker from his country. Migration can also be deadly, not only in the Gulf, where migrant workers are dying on construction sites in blistering heat. At least 30 bodies were found at an abandoned camp in near the Thai-Malaysian border. Ethnic Rohingya Muslims from Myanmar and Bangladesh were buried in shallow graves or left in the open, apparently having starved to death while held by traffickers.

The Ten Worst Countries

NO GUARANTEE
OF RIGHTS
| 5



BANGLADESH

| 5

Unionists attacked and threatened: Physical force, sexual intimidation and threats of physical assault and dismissal are often used to stop workers from organising. This has been particularly widely reported in the ready-made garment (RMG) industry. Workers involved in establishing unions in RMG factories in Gazipur, Ashulia and Tongi in Dhaka, and in Potanga and Nasirabad in Chittagong have been beaten, intimidated, threatened (including threats of death), sacked and forced to resign by factory managers and floor supervisors. Some factory owners have also used local gangsters to threaten or attack workers, including in their own homes, and many female workers have reported receiving threats and insults of a sexual nature.

One worker reported that when workers in her factory presented their union registration forms to the company owner, he threw it in the rubbish bin and then threatened them, saying that he would never allow union membership. Unidentified assailants (including one with cutting shears) later attacked two of her fellow organisers. Two weeks later, a group of men, including a known gangster and the factory owner's brother, visited her home and threatened her. She agreed to resign.

At another factory, a supervisor said any woman joining the union would be stripped of her clothes and thrown onto the street. Elsewhere, a manager said a female union organiser had been "polluting" his factory and that she should go and work in a brothel. A union organiser at a different factory said he had received a phone call asking him not to come to work again and also threatening to kill him if he did so. When he went there the next day, he was surrounded by a group of men who beat him and slashed him with blades.

On 22 February 2014, one garment worker leader and four organisers of the Bangladesh Federation for Workers Solidarity, two of whom were women, were attacked by a group of approximately 2 dozen men while speaking to employees of Chunji Knit Ltd, a garment manufacturing company. All five of the union representatives were beaten, kicked and thrown to the ground. One organiser was taken from the scene, beaten severely and dumped, unconscious, nearby. A female organiser was beaten, had her clothes torn off her and threatened with rape. The garment worker leader went missing.

On 26 August 2014, a female union president was beaten in the head with an iron rod just outside a factory owned by the Azim Group, requiring her to get more than 20 stitches. On 10 November 2014, at another of the Azim Group's factories, a female union organiser was swarmed by people, pushed to the ground and assaulted, and a male union organiser was chased away and punched. Another female union organiser entered the factory before being pushed out the door and then shoved out of camera range.

On 18 September 2014, workers of Lifestyle Fashions Maker Ltd reported being clobbered with iron rods and bamboo sticks by 20-25 officials following a feud over the formation of a trade union. The attack left at least 30 people injured.

Trade unions and human rights groups have reported that the police response to attacks on trade unionists, including the abduction, torture and murder of labour activist Aminul Islam in April 2012, has been very poor. As at April 2014, no one had been arrested or tried for his murder.

Transport union leader hacked to death: On 5 May 2014, the body of General Secretary of Jhenaidah bus minibuses transport workers' union Abdul Gaffar Biswas was found in the Arappur Baro-bridge area. He had been hacked to death the day before by a group described in the press as 'unidentified miscreants'.

The leaders of Jhenaidah bus minibuses transport workers' union called a strike in response to his murder.



CAMBODIA

| 5

Bus company fires 17 employees for forming union, rejects court order to reinstate 15: Sorya Transportation, a bus company based in Phnom Penh, fired 17 employees for trying to form a bus drivers' union at the company in April 2014. More than 60 people went on strike following the sackings, demanding reinstatements, a salary rise and several other points. Most drivers later returned to work, leaving only those who had been terminated to continue protesting. The vice president of the bus driver union, Yem Kuyba, filed a lawsuit with Phnom Penh Municipal Court in April, which was forwarded to the Arbitration Council. On 4 July 2014, the

Arbitration Council ruled that the bus company must rehire 15 workers and pay benefits according to the law to the other two. Sorya Transportation general manager Chan Sophanna said he would only rehire the workers if the council helped him pay their salaries.

May Day event not sanctioned; Ministry threatens - and uses - force to disperse gathering:

Around 20 unions requested permission from the Phnom Penh City Hall to stage a gathering at Freedom Park on 1 May 2014. The request was denied. A spokesperson from the City Hall indicated that the authorities did not authorise the gathering because they were still investigating the January violence at the venue. On 2 May 2014, the Phnom Penh Post reported that police and security forces injured at least 5 people at a Labour Day rally next to Freedom Park. The injuries occurred when the police and security forces (some in civilian dress) violently broke up the rally using batons and cattle prods. More than 1,500 people had gathered around Naga Bridge on Norodom Boulevard at about 9am to voice demands for better working conditions and wages, and to greet the arrival of opposition leaders Sam Rainsy, Kem Sokha and Mu Sochua. At about 10am, after the Cambodia National Rescue Party leaders had left, more than 100 helmeted Daun Penh district security guards, along with municipal police and plain-clothed men wielding wooden batons, metal poles and cattle prods, were deployed to disperse the thinning crowd. On Street 108, security guards were seen beating people over the head with batons at random. One man was dragged off his motorbike and beaten by a crowd of district security guards in front of journalists and NGO workers.

Force used to end Veng Sreng strike: On 2 May 2014, paramilitary forces from Brigade 70 broke up a strike of 100 employees at Pemir Garment Factory on Veng Sreng Boulevard. The workers were demanding a lunch bonus and an end to forced overtime. Worker representative Chan Saban, 21, said: "We protested without any brute force, so using soldiers to crack down is not right."

Six union representatives charged over protest to scare others from organising:

On 6 May 2014, the Kompong Speu Provincial Court charged six union representatives with incitement over a protest near the Wing Star Shoes factory that day, in a move unions say was unjustified and meant to intimidate.

Court prosecutor Keo Sothea said all six were charged with threatening to commit a crime and inciting a felony for allegedly encouraging the factory workers to block a road during their protest for back pay and more benefits.

The men were arrested while setting up loudspeakers for the protest.

Sath Chheang Hour, president of the Cambodia National Confederation for Labor Protection, said all seven were officers in two partner unions. Four of the arrested men belonged to the Khmer Worker Power Federation Union, and two belonged to the Cambodia Solidarity Union Federation. The unions said the arrests were clearly meant to scare them out of organising legitimate strikes.



CHINA

| 5

Physical attacks and threats: Workers participating in strikes and pickets faced threats and harassment by both employers and government officials throughout the country. Wide-scale abuses can be explained by the fact that there is no explicit recognition of the right to strike. Therefore, protests and strike actions are often treated as public security issues.

Criminalisation of workers at Guangzhou Chinese medicine hospital: In February 2013, nearly 200 health workers and security guards employed at the First Hospital of Guangzhou University of Chinese Medicine through employment agency were dismissed without prior notice and severance pay. In June 2013, the workers organised a picket at the hospital demanding severance pay. As a result, health workers were offered RMB 20,000 compensation. However, the agency that employed the security guards continued to refuse to pay severance. During the protest, workers clashed with police and were arrested. Twelve security workers were prosecuted after 4 months' detention for "assembling a crowd to disturb public order" under Article 290 of the Criminal Law. In April 2014, the district court found all workers guilty and sentenced three workers to a 9-month imprisonment and six workers to 8-month imprisonment. Charges against the remaining three workers were dropped and they were released.



FJI

| 5

Tripartite agreement signed addressing breaches of ILO Convention 87:

On 25 March 2015, the Minister for Employment, Productivity & Industrial Relations, Jioji K. Konrote, the Chief Executive of Fiji's Commerce & Employers Federation, Nesbitt D. F. Hazelman, and General-Secretary of Fiji's Trade Union Congress, Felix Anthony signed an agreement to use the Employment Relations Promulgation (ERP) as the primary basis for labour management relations in the country.

The agreement followed an ILO Direct Mission to Fiji in November 2014 and a recommendation that a Commission of Inquiry be established to look into a complaint made by Workers' delegates relating to Fiji non-compliance with its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

As well as affirming the central role of the ERP in labour relations, the agreement also acknowledges the review of the labour law conducted under the Employment Relations Advisory Board (ERAB) mechanism to ensure compliance with ILO core Conventions. It also provides that any further issues and recommendations identified by the parties shall be raised and negotiated through the ERAB mechanism and commits the Government to restoring check-off facilities for union dues.

Trade unionists banned from politics: The Electoral Decree 2014, assented to by the President of Fiji on 28 March 2014, prevents trade union officials from joining or holding office in a political party and from nominating for election to Parliament.

Article 113 of the Electoral Decree explicitly prohibits trade unionists (wrongly deemed public officers) from even conducting political campaign activities. It is also unlawful under the decree to conduct campaign activities or to post or distribute any campaign material inside a trade union office. Any person who violates these provisions may be subject to a \$50,000 fine, 10 years imprisonment or both.

Article 115 cuts an even wider swath, making it unlawful for any organisation which receives foreign funding or assistance "to engage in, participate in or conduct any campaign (including organising debates, public forum, meetings, interviews, panel discussions, or publishing any material) that is related to the election or any election issue or matter." As any civil

society organisations within Fiji receive funding or assistance from overseas sources (i.e., foreign governments, the UN, and international NGOs), this provision will have the effect of muzzling nearly all critical voices in the country. Again, any person brave enough to hold a debate on the issues facing the electorate faces a \$50,000 fine, 10 years imprisonment or both. Article 115(2) also appears to bar anyone from conducting any voter education or voter registration drive, unless specifically authorised. It is doubtful that any person or organisation will receive such permission.

The Final Report of the Multinational Observer Group (MOG) on the 2014 Fijian Elections, published in April 2015, expressed concerns about the restrictions placed on trade union officials, as 'public officers', participating in national politics. It notes that while these restrictions do not apply to the Prime Minister, Ministers and Leader of the Opposition, large numbers of Fijians are effectively excluded from the political process. It makes particular reference to the exclusion of trade union officials, stating that "[t]he prohibition on trade union officials being members of political parties is a limitation on political freedom". The MOG's Final Report recommends that this aspect of the Electoral Decree be repealed.



HONG KONG

| 5

Police repression: Police interfered violently in protests demanding free elections of the Hong Kong Chief Executive. Workers, students and ordinary citizens assembled outside government buildings from 26 September 2014 onwards. On 28 September, the Hong Kong government deployed anti-riot police and fired tear gas at tens of thousands of peaceful demonstrators. Even though, many people were injured protests continued blocking main roads in Hong Kong.

Arrests: The names of HKCTU officials Lee Cheuk-yan (General Secretary) and Mung Siu-tat (Executive Director) were included on a list of persons who are to be summoned to police stations where they will be arrested. Commissioner of Police Andy Tsang announced that the police would arrest the "key organisers" of the Umbrella Movement within three months. Several other members of the HKCTU were arrested during the clearance of the peaceful assembly in the Admiralty area of Hong Kong.



INDIA

| 5

Aurobindo Pharma suspends 31 union supporters, harasses workers seeking collective agreement: In 2014, Aurobindo Pharma's Pydibhimavaram plant in Srikakulam district suspended five union leaders and 26 workers, and prejudiced the employment of many others through unlawful transfers and unsubstantiated legal claims. The company management also harassed workers when they asked for a wage agreement and denied the workers entry to the plant on 26 October 2014.

This discrimination and harassment followed the company's delay of the union's registration in 2013, for which the workers had to protest for almost 83 days.

In response to the harassment of union leaders and members, the Indian Federation of Trade Unions (IFTU) staged protests at a number of the company's district collectorates on 24 November 2014.

IFTU leader Mr Venkateswarlu called on the government to direct the company to roll back the illegal transfers, suspensions, dismissals of workers and take back illegal cases against the leaders unconditionally. "The Aurobindo Pharma management should allow workers for duties without asking for any undertakings or putting pressure on them. The only crime of the workers is forming a union one-and-a-half years ago," he said.

Organisation for Protection of Democratic Rights (OPDR) state secretary C Bhaskara Rao alleged that the Aurobindo management denied workers their right to form a union. "The workers formed a union to secure their jobs and rights but the company management has been continuously harassing the workers. It also refused to accept the charter of demands put forth by the workers. It neither discussed the demands of the workers nor denied them and instead prolonged the issue while harassing the workers," he alleged.

Report reveals widespread abuse of workers' rights in South Indian textile industry: The Centre for Research on Multinational Corporations (SOMO) and The India Committee of the Netherlands (ICN) published a report titled Flawed Fabrics: The abuse of girls and women workers in the South Indian textile industry in October 2014. Among a wide range of labour

rights abuses, the report made the following observations with respect to the ability of workers in the industry to exercise their right to freedom of association:

- The level of unionisation in the Indian garment industry is very low. There were no unions active in any of the 5 textile mills investigated for the report, and not one of the interviewed workers were trade union members.
- Trade unions face widely prevalent prejudice and restrictions at the stages of formation, registration and operation. The report states: "Criminalisation, threats against labour activists or striking workers, violence against union members, as well as against NGOs, is common practice".
- The report describes the notion of freedom of association as "a dead letter" for women in the industry: "In fact, none of the interviewed workers know what a trade union is, nor are they aware that they have the right to join one."
- The workers in the industry, many of whom are migrant workers, have little to interaction with the outside world, let alone with trade unions or labour advocates. One worker interviewed said: "we have no outside contact so how could we ever join a trade union?"
- Several workers interviewed expressed the understanding that women could not join trade unions.
- Others indicated that workers who expressed a desire to join a union were likely to be dismissed.



KOREA, REPUBLIC OF | 5

KTU legal status and leader under attack from

government authorities: In October 2013, the government outlawed the Korean Teachers and Education Workers' Union (KTU) due to its repeated refusal to deny membership to fired teachers.

In a ruling in June 2014, the Seoul Administrative Court approved the decision, depriving the KTU of its 14-year-old status as a legal trade union.

The court said the KTU could only retrieve its status by nullifying the membership of dismissed educational workers, who, according to Article 2 of the Labour Relations Act, cannot join unions.

The teachers' group took to the streets to protest the court's decision. In response, the Ministry of Education (MOE) ordered KTU members to return to their schools or otherwise face stern consequences.

On 27 June 2014, about 1500 of members of the KTU left work early to demonstrate against the government's decision. It also presented a petition signed by 12,000 of its members, calling for President Park Geunhye to step down.

On 15 July 2014, police seized KTU's website servers as part of an investigation into alleged illegal political activity by its members.

The education ministry said it had filed charges against some 107 KTU members who were in charge of organising the protests and petition, claiming that the action 'damaged the political neutrality of education'.

The ILO has urged the Korean government to repeal the provision from its legislation through its various committees.

In September 2014, Judge Min Joon-gi of the Seoul High Court granted the KTU an injunction allowing it to retain its legal status until an appeal was decided. His Honour also accepted a request that the Constitutional Court review whether Article 2 of Labour Relations Act was in accordance with the country's Constitution, observing: "The article possibly goes against the principle of excessive prohibition ensured under the Constitution and infringes upon teachers' rights to organisation and equality."

Days earlier, a Seoul district court rejected request by the state prosecutor to order the arrest of KTU chief Kim Jeong-hoon, who was being investigated for allegedly violating the nation's public servants law. The law prohibits civil servants, including public school teachers, from taking part in political activities, such as holding rallies or voicing their political opinions in public.

Kim allegedly wrote posts denouncing President Park Geun-hye on the website of the presidential office Cheong Wa Dae in breach of the National Public Service Law, prosecutors said.

The KTU head is also accused of infringing on the law by making online posts demanding the truth about April's ferry disaster and criticising the government for its poor response, they said.

The prosecution further alleges that the union leader led an early leave of absence by some 1,500 KTU members on June 27 in protest of a government decision to turn the KTU into an outsider union for accepting dismissed teachers as its members.

"There is not enough reason to detain (Kim) at the present stage after reviewing the evidence and investigation process," Yoon Gang-yeol, a judge from the Seoul Central District Court, said of the reasons for the court's decision.

Samsung Group executives cleared of anti-union schemes despite written evidence: In January 2015, Korean state prosecutors decided not to bring charges against Samsung Group executives, including Samsung Electronics Chairman Lee Kun-hee, who had been accused of blocking Samsung workers from establishing labour unions.

The Seoul Central Prosecutors' Office said Tuesday that it cleared Lee and the group's strategy office head Choi Gee-sung of allegations they had violated the country's labour law, citing a lack of evidence.

The accusations came to light in October 2013 when Rep. Sim Sang-jung of the minor opposition Justice Party disclosed a 150-page document detailing the group's anti-labour activities.

It read: "In case of attempts to establish labour unions, the group's labour-related departments and each affiliate's personnel affairs departments should cooperate to deter the moves as early as possible," adding, "If the early collapse fails, they should make the unions wither through a long-term strategy."

Samsung has long kept a stance not to support labour unions.

Following the disclosure, some civic groups and the Lawyers for a Democratic Society filed a complaint with the prosecution against Lee and Choi, claiming the group carried out systematic tactics to block any moves to form labour unions.

Prosecutors, however, said they could not find evidence showing that Samsung affiliates committed unfair labour practices. Prosecutors did, however, find unfair practices at one affiliate, Samsung Everland, which changed its name to Cheil Industries last

year. They subsequently asked a court to hand down between 5 million and 10 million won in fines to four executives there.



MALAYSIA

| 5

Sabah Forest Industries prevents unionisation: Sabah Forest Industries (SFI) has been using numerous tactics to prevent the formation of an independent union, the Sabah Timber Employees Union (STIEU). Workers have been struggling for trade union recognition since the early 2000s. The company publicly declared that it was committed to not opposing the formation of a union and that it was willing to facilitate this process. However, in reality it continues to deny workers the right to freedom of association. The Industrial Relations Department ordered SFI to submit the list of the employees eligible to vote in union elections by 21 August 2014. SFI is still delaying the submission of the list arguing the union must prove its competency first.

Backlog of cases: A serious backlog of cases is building up at the Industrial Courts in Penang and Kuala Lumpur after the contracts of four senior Industrial Court chairmen were not renewed. This is not the first time the Court has been left vacant, but the problem is more acute now because the contracts of all four expired around the same time in August 2014.

Union busting tactics in the electronics sector: On 1-2 October 2014, workers in Malaysia voted for union representation by the Electronic Industry Employees Union (EIEU) at electronics manufacturer Infineon Technologies, despite strong pressure and union busting tactics by management. Workers at the Kulim-based plant in northwest Malaysia initially asked the company management for recognition of their union in April 2014. However, Infineon rejected the union's demands and refused to enter a constructive dialogue with workers. EIEU was subsequently forced to pursue a long bureaucratic recognition procedure, while the company tried to destroy the workers' efforts at organising. In a bid to prevent union presence, the company tried to claim the factory was not producing electronic components. Eventually, Infineon agreed to a secret ballot of the entire workforce. In the run-up to the vote, the company regularly provided negative briefings against EIEU and threatened

workers. Nonetheless, more than half of the workers voted in favour of having the union at the plant.

Railway workers dismissed for picketing: A total of 97 leaders and activists of the Railwaymen's Union of Malaya (RUM) were dismissed by KTMB (Malayan Railways Ltd) for taking part in a picket on 9 May 2014 over safety concerns arising from the use of old locomotives. Both the RUM president, Abdul Razak Md Hasan, and deputy president, R. Subramanian, were among those dismissed. 88 KTMB members were issued with show cause notices (which require them to make a court appearance to explain why legal action should not be taken against them). In November it was reported that the sacked workers would be reinstated, further to lobbying by the Malaysian Trade Union Congress.



PAKISTAN

| 5

Protesting police baton charged: On 19 March 2015, dozens of under-training Assistant Sub-Inspectors (ASIs) and head constables of the Sindh Police were subjected to baton charge and arrests after they protested outside the Central Police Office on Il Chundrigar Road to demand payment of salaries pending for the past few months.

The officials, who had just completed seven-month-long training at the Police Training Centre (PTC) Saeedabad, claimed they had not been paid during this time and were now being ordered to report to the PTC Razzaqabad for elite courses. Irked at not being paid in more than half the year, the under-training ASIs and head constables resorted to demonstrating outside the Central Police Office causing a traffic jam on the city's busiest street.

"We have been in training for the past seven months without salaries and despite that, between three and four thousand rupees are extorted from us every month as canteen charges," said ASI Taufiq. "Now that we have completed the course, we are being asked to report to Razzaqabad for elite training where they will extort more money from us."

Other protesting police officials said they were being sent on pointless training sessions by higher officials to avoid paying their salaries.

As the demonstration progressed, four of the leading protesters were invited inside by the DIG Administration for negotiations. But when he failed to satisfy the representatives of protesting police officials, the demonstrators riled up and began chanting slogans.

When they failed to peacefully disperse the unpaid policemen, personnel of the city division police led by City SP Aftab Nizamani baton-charged them while around 20 of them were also taken into custody and shifted to different police stations. The city police personnel dragged the protesters into their vehicles, tearing their clothes, as the scuffle continued outside the main police office.

8 workers murdered: On 21 October 2014, the National Trade Union Federation (NTUF) protested outside the Karachi Press Club to condemn the murder of eight labourers in Balochistan and an attempt to harass veteran social worker Abdul Sattar Edhi.

The protest was attended by industrial workers, political and social activists as well as students.

NTUF Sindh President Gul Rahman said: "The brutal murder of the labourers was an unpardonable act. The working class always stood for the democratic rights of oppressed nationalities and they had always resisted state terrorism in all its forms."

Other speakers said attacks on labourers on the basis of race or sect had essentially been aimed at creating fissures in the working class movement and strengthening regressive forces. The speakers demanded security to be provided to political and nationalist forces of Balochistan and asked to quell attempts creating a ridge between the working class and nationalist forces in the province. They also demanded a compensation of Rs1 million to the families of the eight slain labourers and Rs500,000 for the injured.

Condemning the robbery at Edhi Home, the speakers said that Abdul sattar Edhi had served humanity irrespective of caste, creed, religion and ethnicity. If a personality like Edhi was not spared, then everybody else in the country was unsafe, they believed.



One worker murdered and hundreds harassed, threatened and detained: On 6 March 2015, the Centre for Trade Union and Human Rights (CTUHR) reported that at least one worker had been killed in 2014 and hundreds more had been harassed, threatened and detained.

Specifically, the Centre reported that in 2014 there had been:

- 1 trade unionist killed;
- 2 cases of physical assault, involving 5 victims;
- 5 incidents of threat, harassment and intimidation, involving 138 victims;
- 2 cases of grave threat to workers, involving 8 victims;
- 8 cases of arbitrary arrest or detention, involving 15 victims; and
- 10 cases of false criminal charges due to political acts or beliefs or labour disputes, involving 49 victims.

On 8 March 2015, Florencio “Bong” Romano, a long-time union organiser at the RFM firm in Laguna and provincial coordinator of the National Coalition for the Protection of Workers’ Rights in Southern Tagalog, was found dead on a sidewalk of Barangay Soro-soro, Batangas City. The chairman of the national labour centre Kilusang Mayo Uno, Elmer “Bong” Labog, said it was the 18th case of extra-judicial killings in the labour sector since President Noynoy Aquino came into power since 2010.

On 18 March 2014, a leader of the Toyota Moto Philippines Corporate Workers Association, Ed Cubelo, was visited at home by four armed men dressed in civilian clothes. They were asking whether anyone in the house worked for Toyota and behaving in a threatening manner, prompting Mr Cubelo to think they were going to shoot him. He believes that the incident was intended to stop him, TMPCWA and Defend Job Philippines in the continuing campaign for justice for the 237 illegally dismissed workers of Toyota, and to discourage other workers from organising.

In Davao, union leaders have been charged with trumped-up murder charges such as the Maragusan DOLE Stanfilco union leaders, Artemio Robilla and Danilo Delegencia. The secretary general of KMU Southern Mindanao, Romualdo Basilio, has reported that unionists are also “red-baited and maliciously linked” to the communist movement such as in the case of the RMN Davao Employees Union.

“There is increasing repression of trade unions nationwide, especially of unions who are steadfast in supporting workers and unwilling to bend their principles to submit to fake “industrial peace” where the welfare of capitalists are prioritise over that of the workers,” said Basilio.

EUROPE

The deterioration of trade union rights in the pan-European region has continued, in addition to expanding its geographic scope in the past year.

In the European Union, the policy of austerity and its result – historically high unemployment rates⁷ – have systematically undermined labour relations systems and thus social cohesion and democratic institutions in the region. The European Commission has recognised this stating that, “the economic crisis triggered an ongoing social crisis and the slow recovery is hampering efforts to reduce the high levels of unemployment.”⁸

Regrettably, employers and governments are taking advantage of the economic situation to attack labour and social rights under the pretext of fiscal consolidation measures during the European Semester, the EU's annual cycle of economic policy guidance and surveillance. Collective bargaining rights and systems have practically been dismantled in countries such as Greece and Romania. The focus has been to decentralise collective bargaining to the enterprise level as opposed to national or sectoral level in order to minimise its overall effect on wages and working conditions.

Governments, including Serbia and Hungary, have also pushed through legislation that restricted the issues that could be regulated through negotiations between workers and employers. In other countries, including the United Kingdom and Spain, various measures have been employed in order to hamper the exercise of the right to strike. Pension and unemployment rights have followed suit. Even countries such as Poland which previously experienced employment growth and increased invest-

ment after improving its institutional framework⁹ started to adopt similar policies targeted at weakening labour protections.

Trade unions responded with massive protest actions to reject proposed reforms in, e.g., Belgium and Italy. EU policies are an outright assault on labour and employment protection legislation eroding the meaning and relevance of European Social Model. While the new EU Commission declared departure from austerity orthodoxy, it is still to be seen how the damages could be repaired.¹⁰

At the same time, non-traditional actors such as the American Chamber of Commerce and Foreign Investors Councils crept into policy-making processes and are using their wide access to governments in order to push for laws and policies decreasing labour inspection and weakening collective bargaining in Georgia, Moldova, Romania and Serbia.

The European Union signed trade agreements with Georgia, Moldova and the Ukraine which include chapters on Employment, Social Policy and Equal Opportunities and a list of EU directives to be implemented according to a time-bound plan. While these plans provide a general framework for labour policies in the medium to long term perspective, social partners have largely been marginalised from this process raising doubt about its future effectiveness.

The conflict in eastern Ukraine has had a serious impact on the ability of trade unions to represent the interests of workers. Extensive military operations and violence led to the worst humanitarian crisis in Europe since the end of the Yugoslav wars. Trade union buildings in Kiev and Odessa were burned, leaders were kidnapped and beaten and union meetings were stopped. Meanwhile national authorities are also considering adopting painful reforms which would lead to redundancies in the public sector and increase in the pension age without consulting workers' representatives. The EU and the

US imposed economic sanctions against Russia for its alleged role in the conflict. Russia responded with a number of sanctions, including a total ban on food imports contributing to the ruble crisis¹¹ which also poses a major risk to other countries in the region whose economies rely on remittances from workers in Russia.¹²

Several cases of detention of trade union activists under forged accusations were recorded in Russia, with the most prominent case arising at the Aeroflot national carrier. Dozens of trade union activists are still in detention in Turkey, as Turkish unions continue being deprived of their right to strike and to undertake peaceful protest action. Further, the government has still failed to respond to the Soma mine disaster that killed 301 workers in 2014. In Belarus, the long time record of systematic workers' rights violations now also includes the lawful exaction of forced labour. Union busting, refusal to bargain collectively, creation of yellow unions, intimidation, discrimination and harassment of union activists are spreading and spilling over to the countries of the European Union.

Despite these worrisome setbacks, there have been some positive developments for workers. The European Court of Human Rights (ECHR) ruled in favour of the Confederation of Free Trade Unions of the Ukraine in a case concerning the right to strike of cabin crew members. The ECHR stated that the prohibition of the right to strike in civil aviation violated the international obligations of Ukraine. Uzbekistan has signed the Decent Work Country Programme with the International Labour Organisation that foresees comprehensive plans to eradicate child and forced labour, to promote health and safety standards and to achieve ratification of the ILO Convention 87 on freedom of association. In Georgia, following the changes in the labour code of 2013, Georgian unions were able to achieve improvements for workers after mobilising industrial actions in the mining, railway and transport sectors.

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BELARUS

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Hunger strike workers in Belarus face jail: Four metalworkers in Belarus, who went on a two-day hunger strike to bring public attention to their unfair dismissal, are now facing a fine or even jail. The desperate workers, who were employed by the Bobruisk Factory of Tractor Parts and Units (BZTDiA), were detained by police on 10 November 2014 while they were on hunger strike, and accused of unauthorised public protest. The workers, who are all members of the Free trade Union of Belarus (SPB), disagree with the accusation of an unauthorised protest and say they are in fact victims of arbitrary dismissal for being unionists. In a company response dated 14 November, the factory director said the dismissals were due to the optimisation of the factory workforce and were not linked to their SPB membership. However, BZTDiA has been advertising for new workers with the same skills as the people who were fired.

Workers wrote an open letter to the President of the Belarus last month, raising their concerns about how their factory is managed and the way in which the director was abusing the country's short-term contract system to dismiss highly skilled professionals for being unionists. The government response was simply to endorse the company's position.

The system of short-term contracts and its use in persecution of trade union activists in Belarus has been heavily criticised by the international labour movement. It formed part of the complaint against violations of Freedom of Association submitted to the International Labour Organization in 2000. Since then the ILO has regularly considered the Belarusian case, noting little or no progress in implementing recommendations made by an ILO Commission of Inquiry.



GEORGIA

| 4

Acts of interference at RMG Gold and RMG Copper: The companies RMG Gold and RMG Copper engaged in serious

acts of interference in order to undermine the Trade Union of Metallurgy, Mining and Chemistry Workers of Georgia (TUMMCWG). The companies coerced some 1,000 members of TUMMCWG to renounce their union membership. This began immediately after TUMMCWG urged management to fulfill its legal obligations under the collective bargaining agreement which was signed on 23 March 2014 following a 40-day strike. In response, management forced employees to sign pre-printed resignation letters.

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.

General Director of the Georgian Post violates collective agreement: After Levan Chikvaizde was appointed general director of the “Georgian Post”, he dismissed more than 120 workers and replaced them with friends and relatives. Workers with fixed-term contracts often had to accept one-month contracts instead of one-year or two-year contracts they had previously. This is a violation of a valid collective agreement. As a result, the Trade Union of the Workers of the Postal Service launched a complaint with the Tbilisi City Court. In retaliation for the court case, Levan Chikvaizde started to target union members by not renewing their fixed-term contracts.

Tbilisi City Hall refuses to bargain: On 24 January 2013, workers at the Agency of the extraordinary situations of the Tbilisi City Hall established a trade union. However, management refuses to recognise the union for collective bargaining purposes. The Director of the agency asked the head of divisions to examine the work performance of the union members. Moreover, union members are called to meet individually with managers who pressure them to leave the union. As a result, members expressed that they prefer paying dues directly to the union and keeping their membership secret from management because of fear of discrimination.

Anti-union discrimination at Batumi Autotransport: The Batumi Autotransport is a company owned by the municipality of Batumi and has been involved in discriminatory practices against trade union members. Management threatens workers with dismissal if they do not sign statements of withdrawal.

Under such pressure the workers started to submit their withdrawals from the trade union. The head of security and maintenance regularly calls the union president to come to his office and receive withdrawal statements from union members. Moreover, management has been refusing to recognise the union for collective bargaining purposes. Managers attack union members verbally, such as in the case of the driver Felul Tsintsadze, whose managers accused him of being a bandit. Union President Emzar Gogitidze and his deputy Simon Sikharulidze were threatened with dismissal on several occasions. Union leaders met the mayor of Batumi in order to complain about the practices in the company.



GREECE

| 5

Court acquitted farmers who shot Bangladeshi strawberry pickers: In July 2014, a court acquitted farmers who admitted shooting 28 Bangladeshi strawberry pickers when they asked for months of back pay. Politicians, unions and anti-racist groups condemned the verdicts, describing them as a black day for justice in a case that had shone a light on the appalling conditions in which migrant workers are often kept in Greece. Two others, accused of aggravated assault and illegal firearms possession, were jailed for 14 years and seven months and eight years and seven months, but were freed pending appeal. The strawberry pickers were shot in April 2013 when they demanded to be paid for six months' work at a farm in Manolada in the southern Peloponnese. Four were badly injured in the attack. The migrants worked in subhuman conditions without access to proper hygiene or basic sanitation.

Trade unionists released: In May 2014, members of the Greek metalworkers' union were set free after a two-year struggle by the union for their release. Victims of severely deteriorating and precarious working conditions for over a year, the workers at the Hellenic Shipyard in Skaramanga went on strike on 4 October 2012. The shipyard workers' wages had not been paid for a whole year. Clashes with police forces occurred during a subsequent protest action at the Ministry of Defence that led to the arrest of workers. As a result of the attacks by the Police and the Ministry, charges against 12 trade unionists, including POEM's President, were filed and their struggle has been carried into the courts. The court

hearing took place on 1 October 2013, but the ruling was postponed to 5 May 2014.

Government invokes emergency laws to stop strikes:

In July 2014, electricity workers went on strike against the privatisation of the Public Power Corporation. The government referred to emergency laws in order to deem the strike illegal and force the workers to return back to work. Workers were threatened with arrests if they continued the strike action. Unions protested the use of authoritarian laws against workers defending public goods.

the representatives and to recognise the union. Instead, Paweł Bednarek, president of the enterprise union, was dismissed with immediate effect allegedly because he did not fulfill his responsibilities to the satisfaction of his employer. Furthermore, he was banned from entering the company.

Acts of interference: In September 2014, the management of the company Stako refused to recognise a newly formed trade union. Before accepting the notice of information about the formation of the trade union, management summoned the chairman of the union and informed him that there would be staff reductions unless the union was dissolved.



Physical attacks: On 9 February 2015, police interfered violently in a demonstration in front of the company Jastrzębska Spółka Węglowa. About 20 people were injured when police used water cannons and tear gas against workers who were protesting against austerity measures.

Anti-union discrimination: Anti-union discrimination is widespread in the country. For example, the fixed-term contracts of workers employed at Biedronka Jeronimo Martens Poland were not renewed due to their union membership. A cashier working in the Biedronka shops No. 1796 and 2091 in Malbork was receiving bonuses on a regular basis until she joined NSZZ Solidarność in March 2010. The company stopped renewing her fixed-term contract after that. Previously, district managers publicly urged workers to withdraw their union membership.

Workers at Trend Fashion went on a protest against low wages in mid-2014 and were supported by trade unionists from Nowa Huta Steelworks Arcelor Mittal Poland S.A. By the end of 2014, the company was liquidated, however the manufacturing structures were transferred to another company. The new management offered employment contracts to all workers, except those who were members of the management board of NSZZ Solidarność.

In February 2014, workers employed at a megastore Leroy Merlin in Białystok formed a trade union, initially with 20 members. The new union tried to inform the employer about these developments. However, management refused to meet

Wizz Air dismisses union members: Wizz Air is a low-cost airline based in Central and Eastern Europe. On their website, the company proudly says: “we believe that people make all the difference” and that they “believe in high ethical standards driven by an excellent team-player approach”. However, that “ethical” approach does not seem to include the acceptance of trade unions defending workers’ rights.

Earlier this year, a couple of courageous cabin crew members decided to set up a trade union at Wizz Air. One month after they formally announced the foundation of a trade union, its President, Mircea Constantin, was dismissed on false disciplinary grounds. The Vice-President and Secretary of the trade union, Claudiu Bită and Denisa Chelu, were suspended for 2 weeks on the ground that “their involvement in the trade union makes them a safety hazard during the flights”.

The management of Wizz Air visited the company’s hub in Bucharest and verbally confirmed that they will not accept any unions inside the company. The union was given one week to dissolve itself; otherwise, actions would be taken, namely the removal of one aircraft from Bucharest and consequently further lay-offs despite earlier growth announcements. After the deadline, the management sent a letter explaining that, given the situation, the company had decided to establish a new cabin crew employment company. That company would provide non-unionised workers for Wizz Air in Bucharest.

The pressure put forth by the company increased and many workers were afraid of losing their jobs. The management even contacted people during their days off to inquire about their position vis-à-vis the union. The situation reached a head on 4 November 2014 with the termination of 19 union members' contracts, mostly founding members, due to the "reorganisation and lower demand during the winter schedule".

Excessive requirements in respect to trade unions' representativity or minimum number of members required to bargaining collectively: To be representative at the national level, Art. 51 of Act No. 62 concerning Social Dialogue requires cumulative membership of at least 5 per cent of the labour force and territorial structures in more than half of the national municipalities. At enterprise level, the requirement is a membership of at least 50 per cent plus one of the workers of the enterprise.

Exclusion of certain matters from the scope of bargaining: In the public sector the following subjects are excluded from the scope of collective bargaining: base salaries, pay increases, allowances, bonuses and other staff entitlements which are fixed by law (Section 3(b), Act 284/2010). However, Art. 138(4) of Act No. 62 concerning Social Dialogue, allows that in cases where wage entitlements are established in special laws, the concrete wages are determined by collective bargaining, within the legal limits.



RUSSIA | 3

Metalworkers face union busting: Union representatives at Turbodetal tried to negotiate a collective agreement with the management concerning the problem of underpaid workers holding more than one position and the increase in the cost-of-living. Tired of fruitless talks, workers called for a general assembly on 17 October 2014 in which they demanded to be compensated for working more than one job and better pay to cover inflation. As a consequence the factory management set out to bust the union. According to the union committee, factory supervisors received instructions on how to force workers to withdraw from their trade union. The supervisors and team leaders themselves were threatened with having their bonuses cut or stopped if they failed to persuade workers to

leave the union. As a result of the union busting, around 200 workers withdrew from the union.

Criminal prosecution of trade union activist: On 15 December 2014, Nakhodka city court handed down a guilty verdict against Leonid Tikhonov, chairman of the Russian Trade Union of Dockers of East Port. He was sentenced to imprisonment in a penal colony for 3 years and 6 months for embezzling union funds. The Dockers' Union of Russia believes that the allegations against Tikhonov are false and that he is being victimised for his trade union activities.



SPAIN | 3

Crackdown on freedom of assembly and speech: A new public security law was adopted and is scheduled to take effect from July 2015. The law includes a number of controversial changes with a serious impact on the right to freedom of assembly and expression. The legislation includes fines of up to 600 euros for failing to notify authorities about demonstrations in public areas, even in the case of peaceful protests. Public authorities may impose fines of up to 30,000 Euros for protests resulting in "serious disturbances of public safety" near the parliament as well as regional government buildings. Moreover, unauthorised protests near key infrastructure can lead to fines of up to 600,000 Euros.

Criminalisation of strikes: Some 300 trade unionists are currently facing administrative and penal proceedings. When added together, the prison sentences demanded come to a total of over 120 years in jail. Over the last four years, the Public Prosecution Service has started to refer to Article 315.3 of the Penal Code that establishes penalties of between three and four and a half years in prison for workers. In July 2014, thousands of Spanish workers took part in a rally in Madrid to protest the arrest and possible imprisonment of several hundred workers for taking part in strike action.



Deva sacks workers for joining a union: Public authorities instructed the company Deva to recognise Petrol-İs and begin collective bargaining on 14 October 2014. Instead, the company sacked three more workers for supporting the union. Already in 2010 Deva used a range of union busting tactics to dismantle a 40-year industrial relations system at plants in the Çerkezköy, Kartepe and the Topkapı area of Istanbul. Deva Holdings sacked 74 employees at that stage in 2010 when they refused to replace their collective agreement with individual contracts. Deva then sacked eight more workers on 22 July 2014 for exercising their right to join Petrol-İs. A total of 24 sackings had occurred in this latest union organising process.

Despite the mass sackings and other illegal anti-union pressure, Deva employees managed to organise the required majority to then file for and receive the official “Certificate of Competence” from the Ministry of Labour. Yet, Deva management announced it would never recognise and bargain with any union.

Below are the details regarding these three latest workers to be sacked for supporting a union.

1) Ramazan Atasever: He had one-and-a-half-year seniority. He was told that the reason for his dismissal was his physiological problems.

2) Şenol Aygün: He had eleven years seniority. The apparent reason for his dismissal was that he does not possess a sufficient level of academic qualifications for the technological processes required in his job. However, with eleven years’ service in his position, it is a non-credible excuse for sacking someone for supporting a union.

3) Hasan Yiğit: He had seven years seniority. He was told that he was dismissed because of his earlier records inside the company. This once again sent a message to the workforce that they will be sacked for no valid reason if they support the union.

Government interferes in strike: In June 2014, the government issued a decree to suspend a strike in the glass industry for 60 days on the grounds that it posed a risk to “public health and national security”. The union Kristal-İs

launched a strike at ten factories of the company Sisecam on 20 June 2014. The decree is based on article 63 of the legislative act no. 6356, the Law on Trade Unions and Collective Agreements. The Turkish government uses the regressive law on a routine basis to stifle workers from exercising their right to strike. This was the ninth major strike stifled in this way by the government since the year 2000. The government has never indicated a reason why any of the suspended glassworker strikes would be harmful to public health and national security.

Anti-union discrimination: In April 2014, the company TÜVTÜRK dismissed eight union members at various vehicle inspection stations across Turkey for their organising campaign. Unions were able to sign collective agreements at certain plants of the company after successful organising campaigns despite the fact that the company continued to discriminate against trade unions.

In June 2014, members of the union Birlesik Metal-İs protested against union busting by advertising company M&T Reklam by holding several pickets. The company unlawfully dismissed 45 workers in total at its plants in Gebze and Duzce after the union conducted a successful organising campaign at both plants. Even though the union has been certified for collective bargaining by the Ministry of Labour, management chose to victimise workers instead of engaging in good faith bargaining.

Police Violence: In April 2014, police stormed the Greif plant in Istanbul Hadimkoy and arrested 91 workers who held a sit-in. After negotiations with management over higher wages and the use of sub-contractors at the company failed, workers resorted to the strike action.

In April 2014, the Governor of Istanbul stated that unions would not be permitted to hold May Day celebrations at Taksim Square. Unions were told to hold the celebrations in Yenikapi Square instead. On 21 April 2014, police detained several trade unionists in Taksim square when union members were about to issue a press statement regarding May Day celebrations. Police used tear gas against the activists in order to prevent them from reading out the statement. On May Day 2014, about 142 demonstrators were detained and several people were injured when police attacked unions and political activists. About 40,000 police officers were deployed to cut all roads connecting to Taksim square.



Violence and intimidation against trade unions: Ukrainian trade unions reported in June 2014 that they faced constant attacks against their leadership and members by nationalist radicals. A meeting of the Presidium of the FPU national trade union centre was interrupted by a crowd seeking to intervene in the meeting, while in the Verhovna Rada, the Ukrainian Parliament, a resolution was tabled seeking an investigation into the union's activities and especially the use of the properties of the union. For many years there have been attempts to confiscate buildings, holiday and health resorts to make the work of the unions more difficult and to seize on prime real estate. The resolution in the Rada accused the unions of having relations with the past government, now considered to have been criminal. The unions underlined that they have relations with governments and employers in order to defend workers' rights.

The most worrying developments however have been in Eastern Ukraine with continued interventions by armed groups in the internal affairs of the unions. This included, notably, attempts to bring the Federation of Trade Unions of Lugansk Oblast (FPLO) under the control of the self-proclaimed leaders of the "Lugansk People's Republic". FPLO officials were told, at gunpoint, to convene a meeting of the Federation to disaffiliate from the national trade union centre FPU and were threatened with reprisals if they took part in FPU meetings. The Confederation of Free Trade Unions of Ukraine (KVPU) national centre also reported violence and intimidation against its members and officials in the Luhansk and Donetsk regions.

Independent union leader victimised: In August, the KVPU reported that a representative of one of its new branch unions was being victimised. The Free Trade Union of Railway Workers of Ukraine (VPZU) was created after workers at the municipal authority-owned company Electrotrans in Khmelnytsky (central-west Ukraine) faced a three month delay in the payment of their salaries. Management responded to the creation of the union by trying to destroy it and victimising its representative Anastasia Podpruzhnikova. They threatened to sack her, and made her drive old, unsafe trolley buses during her shifts. The Director of the company was also a member of the city council and used his position to force a doctor to destroy Podpruzhnikova's sickness record and registered absences. The company imposed an illegal penalty on her for being a

member of the trade union committee, and local traffic police stopped Anastasia for no reason. An officer advised her "to resign from this work, because you are going to have big problems".

Miners' union leader murdered: Ivan Reznichenko, an activist in the Independent Trade Union of Coal Miners of Ukraine (NPGU), was found dead on 14 January 2015. Ivan was the head of the primary trade union at state enterprise "Artemsil" and a member of the Solidar Town Council (Donetsk oblast) from Batkivshina. Ivan disappeared 21 June 2014. His body was found in by a friend and fellow town councilor in a salt pit. He had been shot twice in the head and had his throat slashed. He is thought to have been killed by separatists

Unions banned by pro-Russian separatists: On 20 January 2015, the Minister of Justice of the self-proclaimed Luhansk Peoples Republic issued an order banning the registration of independent trade unions. The first union to feel the effect of the ban was the Independent Miners Union which applied on 16 January to register at the Barakov Coal Mine, but was denied registration under the terms of the new order. The territory under the control of the Russian para-military forces of the Donetsk Peoples Republic and the Luhansk Peoples Republic has an appalling trade union rights record. Both the Federation of Trade Unions of Ukraine and the Confederation of Free Trade Unions have recorded extensive human rights violations against their unions. Miners' wages and holidays have been cut, where wages are actually being paid. While existing trade unions are being banned, a number of yellow unions have been set up.



Part III of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 introduces new regulations on union membership registers. From 2015, unions will be required to provide the Certification Officer (CO), a statutory agency with responsibility for registering and regulating independent trade unions, with an annual membership audit certificate (MAC) alongside their annual membership returns. Unions with more than 10,000 members must appoint an independent assurer to complete the MAC. The assurer must report whether a union's systems are

adequate to ensure that -as far as is reasonably practicable - their membership register is accurate and up to date.

The Act provides the CO with new powers to access and retain registers of members' names and addresses when s/he 'thinks there is a good reason to do. The CO will also have the power to access other documents which s/he considers may be relevant, including correspondence between a member and the union.

The TUC is concerned that the new provisions may deter individuals from joining trade unions and exercising their rights to representation at work. Many individuals choose not to disclose their trade union membership to their employer or to the state. Some individuals will have a legitimate fear of blacklisting. Others may fear that they will be victimised by their current or future employer.

The legislation represents a serious interference with individuals' rights to privacy and trade unions' rights to freedom of association. The new legislation may also interfere with the ability of unions to organise industrial action. It is anticipated that employers will seek to rely on information provided on audit certificates in applications for interim injunctions in an attempt to prevent or delay industrial action.

PART II //

MIDDLE EAST AND NORTH AFRICA

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ALGERIA

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Autonomous unions still struggling for recognition: On 16 August the Algerian League for the Defence of Human Rights (LADDH) issued a press release warning that independent trade unions in Algeria were still facing repression. To be legally recognised as a trade union, a workers' organisation must hold a general assembly and submit its application to the Labour Ministry, which should respond within one month. However according to the League, 13 autonomous unions had applied to the Ministry over the last two years for recognition, and had not received acknowledgement from it. This leaves them in a vulnerable position where they are either ignored or even repressed by the employers.

According to the LADDH, unions facing repression included the SNAPAP (National Autonomous Union of Public Administration Personnel), the SNAP (National Autonomous Union of Postal Workers) and the SNATEG (National Autonomous Union of Sonelgaz Gas and Electricity Workers). The SNAP had been waiting for over two years for official recognition. Despite submitting its application on 2 July 2012, the organisation had not received an answer, neither recognition nor refusal, from the Ministry of Labour. Furthermore, its president, Mourad Nekkach, had been suspended from his post. Without official recognition the SNAP was very limited in what it was able to do to defend its members.

SNATEG was also facing difficulties, despite the fact that its union had received official recognition in December 2013, and had followed all legal procedures. The General Secretary of SNATEG, Bendief Boualem, said that Sonelgaz refused to negotiate with it, the union's president Abdella Boukhalfa, had been dismissed and all their founding members – 37 in total – were facing disciplinary procedures. They had been threatened with anything from pay deductions to dismissal, and more union members were also under threat, having already received verbal harassment.

Four postal workers sacked for going on strike: Four members of the Algeria Post Workers' Collective (CTAP) in Mostaganem in the west of the country were sacked after taking part in a strike on 10 January 2015. Their union had called the strike after waiting months for their employer to negotiate a list of demands. They were supported by the Autonomous Postal Workers Union (SNAP) which regretted that Algeria Post had

opted for repression rather than dialogue, and noted that one of the workers' collective's principal demands was the official recognition of their organisation as a trade union. The collective had submitted its application for recognition in July 2012.

Unemployed workers facing arrest and imprisonment for peaceful protests:

In February 2015 Human Rights Watch reported that Algeria courts had sentenced nine labour rights activists to prison since late January 2015 for engaging in peaceful protests to support unemployed workers. One, Mohammed Rag, was sentenced to 18 months in prison for "unauthorised gathering." On 11 February, the Laghouat Court of First Instance sentenced eight members of the National Committee for the Defence of the Rights of Unemployed Workers (Comité National pour la Défense des Droits de Chômeurs, CNDDC) on the same charge to one-year prison terms, half of it suspended. The authorities had arrested all eight – Khencha Belkacem, Brahimi Belemli, Mazouzi Benallal, Azzouzi Boubakeur, Korini Belkacem, Bekouider Faouzi, Bensarkha Tahar, and Djaballah Abdelkader – on 28 January when they assembled outside the court to protest against the trial of Mohamed Rag.

The Laghouat police ordered their arrest to prevent "potential trouble to the public order." Following their sentencing, all nine CNDDC activists went on hunger strike and lodged appeals.

In April 2014, the Appeals Court of Ouargla had imposed a one-year suspended sentence on another member of the group Houari Djelouli, and fined him 50,000 dinars (about US\$530). He was convicted for distributing CNDDC leaflets calling for a peaceful sit-in protest to demand the right to work that the authorities deemed "likely to undermine national interest."

Nouredine Abdelaziz, the group's president, said that police in Laghouat arrested another CNDDC activist Tarek el Naoui at 6 a.m. on 11 February 2015, when he arrived at the city's train station from Algiers, 400 kilometers north, to attend the trial of the eight activists. He was released without charge six hours later.



EGYPT

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an attempt to intimidate them into ending their strike. Workers at the company had begun the strike one month earlier in protest at the liquidation of the company owned by the Al Kharafy Group. Negotiations between the company management and workers' representatives had broken down the previous day. Security forces went to the workers' homes in order to arrest Mohammed Saleh, Mohammed Abdel-Rahman, Ahmed Adel and Al Saied Al Semman. The company filed complaints against the protesting workers accusing them of inciting a strike and interrupting workflow. The prosecutor released all four that night.

Reprisals for strike action: Five workers were arbitrarily transferred to different production units by the Egyptian Coke Company on 27 April 2014 for their role in organising a strike. The five concerned were Ayman Sobhi, Ahmed Kassem, Ashraf Mohamed Hassan, Essam Mohamed Hassan and Tharwat Abo Amr. The Prime Minister has intervened on their behalf and the transferred workers were returned to their original positions. However they had five days salary deducted from their pay packet, and were denied the 7% pay rise.

Attempted assassination of union leader: Mohamed Omar, a union leader at the Iron and Steel Company, suffered serious injuries in an assassination attempt on 4 May 2014. At eight o'clock in the morning Mohammed Omar was on his way to the workshop where he worked when he was attacked by two masked men who struck him on the head with an iron bar and left on an unmarked motorcycle. Colleagues took him to hospital where he remained unconscious for several hours.

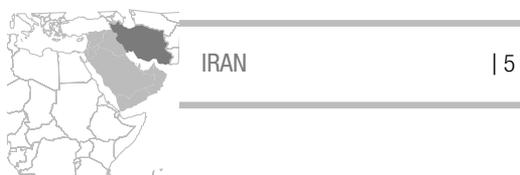
Mohamed Omar was in the company's sights after he had led a strike in December 2013. On 22 January he submitted a report to the General Prosecutor accusing Mohamed Saad Negeda, the company Chairman, of bad management and corruption, losing 92% of its capital. He also called on his colleagues to form an independent union.

Arrested for organising a strike for failure to implement collective agreement: Three workers from the Cristal Asfoor Company were detained on 19 May and interrogated at the Subra police station for inciting for a strike. Ahmed Gaber, Hassan Abdel Latif, and Al Sayed Zaki were arrested following a strike at the company's factories in Shubra Al Khema, and Bahteem. The strike was called to demand implementation of the collective agreement and protest at the termination of thousands employees. The company had lost a lot of money through bad management and corruption.

Four arrested for going on strike: On 10 April 2014, security forces arrested four Gas Company workers in Alexandria in

16 suspended over two-hour stoppage: On 3 June, the National Co of Steel of Port Said, a member of the Al Masren

Steel Group, suspended 16 workers. The company's 500 workers had demanded payment of their 2013 bonus, due in March 2014, but not yet paid. The workers went on strike for two hours to press for their demands, and in response management called in the police. The company then agreed to negotiate with worker's representatives. However, management then decided to suspend 16 workers including members of the Executive Council of the independent union, namely Mohamed Rashad Taha, President, Montaser Anwar, Secretary General, Mahmoud Moustafa, Treasurer, Mahmoud Gaber, Mohamed Ahmed and Moawad Ibraheem.



Arrests: At least 65 workers were arrested for peaceful and legitimate actions from April 2014 to March 2015 and sentenced to heavy prison sentences and corporal punishment.

Freedom of assembly and speech: Unions are not permitted to distribute newsletters at their workplace. The internet is fully controlled and social media is filtered by the government. Jamil Mohammadi and Jaffar Azimzadeh who collected 40,000 signatures for a petition were sentenced for 3 and 6 years imprisonment.

Mine workers arrested for strike action: On 19 August 2014, nine mine workers were arrested for participating in a strike action in Bafgh Iron Ore Mine in Yazd against the privatisation of the company, which was going to have an impact on the working conditions of the miners. The strike ended with a violent intervention by riot police and the arrest and detention of the nine workers. Over 5,000 miners have downed tools in support of the detained workers who were arrested for taking part in a 40-day strike at the mine in early 2014. Workers also demanded that 15 per cent of revenue from the mine should be invested in the Yazd region.

Kidnappings and arrests: On 30 April 2014, authorities detained Messrs Jafar Azimzadeh and Jamil Mohammadi. On May Day Parvin Mohammadi and Shapour Ehsanirad were arrested. All four are officials of the Free Union of Iranian Workers. In 2013, they organised a mass petition protesting the worsening conditions of workers and were among unionists who tried to organise a May Day demonstration. Parvin Mohammadi and

Shapour Ehsanirad were released, but the other two remain in ward 209 in Evin prison. A number of other unionists were summoned for interrogations and were warned not to go ahead with the May Day demonstrations in 2014 in a number of cities across the country including Kurdistan Province.

On May Day the authorities arrested 23 members of the Tehran bus workers' union the Syndicate of Workers of Tehran and Suburbs Bus Company, including Ibrahim Madadi, before they were transferred to the notorious Evin Prison, where they were released a few hours after.

On 2 May arrests targeted several workers, trade unionists and labour activists as well as their families and associates who were attempting to assemble for a social gathering on the first weekend after 1 May.

Twelve other unionists and labour activists are currently in prison in Iran and many others are facing long-term prison sentences merely for exercising their fundamental right to associate and to organise.

Behnam Ebrahimzadeh of the Committee to Pursue the Establishment of Labour Unions (CPELU) and a child rights activist is serving five years in prison.

At least three members of the Coordinating Committee to Help Form Workers' Organisations (CCHFOW), Messrs Yousef Ab-Kharabat, Mohammad Molanaei and Vahed Seyede, are serving prison terms in the Kurdistan province of Iran. Other members of the CCHFOW have been sentenced to prison terms from one to three and a half years and are appealing their sentences. They include Messrs Vafa Ghaderi, Ghaleb Hosseini Khaled Hosseini, Mohammad Karimi, Jamal Minashiri, Ghassem Mostafapour, Afshin Nadimi and Hadi Tanoumand.

At least five members of the Teachers' Association of Iran (TAI) are now serving long-term prison sentences, namely Mahmood Bagheri (four and a half years), Rassoul Bodaghi (six years), Mohammad Davari (six years) and Mehdi Farahi-Shandiz (3 years). Another member of the TAI, Abdolreza Ghabari, is serving a 15-year sentence after his death sentence for contacts with opposition groups abroad was commuted. Other leading TAI members, Messrs Ali-Akbar Baghani, Mahmoud Beheshti-Langaroudi, and Alireza Hashemi, have been sentenced to long-term imprisonment, which they have appealed.



KUWAIT

| 4

Migrant workers deported if they dare complain: Migrant workers in Kuwait still do not have the right to form trade unions, and are vulnerable to appalling exploitation. In November 2014 Mr. Abdulrahman al-Ghanim, former head of the Kuwait Trade Union Federation's expat office explained in an interview that he had resigned in condemnation of the Ministry of Labour and Social Affairs' consistent failure to deal fairly with labour disputes.

Government bodies do not allow workers to sue employers for their rights, he explained they simply deport everyone who was reported "absconding", without granting them the right to appeal or to tell their side of the story. Very few cases make it to court and the workers concerned are not allowed to stay in the country while their cases are being tried.

Restrictions on the right to freely organise activities and formulate programmes: Trade unions may not engage in political activity or activities involving religious or sectarian matters. Furthermore, trade unions are prohibited from investing in financial or real state speculations and from accepting gifts and donations without approval by the Ministry.

Categories of workers prohibited or limited from forming or joining a union, or from holding a union office: Government employees are seemingly denied the right to organise as they are excluded from the scope of the 2010 Labour Code, and as the special law governing their status does not contain any provision in this regard.

The 2010 Labour Code provides that only Kuwaiti workers enjoy the right to join a trade union and to participate in its activities. Domestic workers are excluded from the 2010 Labour Code.



LEBANON

| 4

Domestic workers still denied union representation: On 29 December 2014, 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 Organisation (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.

**National centre refused the right to hold anti-slavery rally; earlier protests repressed:**

The government refused the Free Confederation of Mauritanian Workers (CLTM) the right to hold a two rallies on 27 and 28 January 2015, in Kissal and Dar Naim, in collaboration with the Spanish Agency for International Development Cooperation (AECID), to draw public awareness to the issue of slavery and the laws surrounding it. The grounds for refusal were that trade unions should not involve themselves in politics, ignoring the fact that slavery, as a blatant violation of all labour rights, has long been a trade union issue. The proposal to hold the rallies followed the sentencing to two years' imprisonment of three prominent Mauritanian anti-slavery activists Biram Ould Dah Ould Abeid, president of the NGO Resurgence of the Abolitionist Movement (IRA), the IRA's vice-president Brahim Ould Bilal Ramdane, and Djiby Sow, president of the anti-slavery NGO Kawtal on 15 January 2015. The three had been held in custody since 11 November 2014 following their participation in a rally calling for the right of slave farmers to own the land they cultivate, a key feature in the country's own National Roadmap to End Slavery. Five others had been arrested with them but were acquitted at the trial. National trade union centres, including the General Workers' Confederation of Mauritania (CGTM) condemned the arrests at the time and many protests followed. The trial went ahead however, and was riddled with irregularities and violations of the defendants' rights. Dozens of supporters protested outside the courthouse and the prosecutor's office during the trial. The police used teargas and batons to disperse the crowd, reportedly leaving four injured. Mauritania did not criminalise slavery until 2007. There are an estimated 180,000 slaves in the country, yet there has only been one conviction for slavery in the last eight years.

Bad faith bargaining by mining company followed by harassment and intimidation of union delegates:

Workers at the National Industrial and Mining Company (SNIM) went on strike on 28 January 2015 to demand that the company honour pay rises agreed on 3 May 2014. Mohamed Abdallahi, General Secretary of the General Confederation of Mauritanian Workers (CGTM) explained that workers had negotiated and obtained increases from SNIM, the level to be determined by the board of directors, to take effect last October, at the same time as overtime and production bonuses. However the com-

pany constantly delayed the process, and the union became convinced it never seriously intended to honour its agreement.

When the union finally announced on 14 January there would be a stoppage on 28 January to press for the respect of their demands, the company was quick to intimidate the workers and exert pressure on their union leaders. The company distributed flyers in the workplace warning workers not to take part in the stoppage. The workers' delegates were given express orders not to use their offices on company premises to hold meetings with the workers, and the local police in Zouerate parked a police vehicle outside the union premises shortly before a rally was due to start. Then on the evening 22 January two union representatives, Kénémé Demba and Ahmed Ould Abeily, were summoned to appear before the local Prefect. On 27 January three union representatives, Ahmed Ould Abeily, Yaya Gaye and Mohamed Ould Mohamed Salem, were informed that they would be laid off from 28 January until 4 February 2015, in a very obvious attempt to make it difficult for them to communicate with their colleagues. The workers went ahead with their action, and what had been foreseen as a six-hour stoppage became an all-out strike.

Ahmed Vall Cheibani, the leader of one of the workers' unions at SNIM, affiliated to the National Confederation of Mauritanian Workers, (CNTM), was sacked on 12 February 2015, supposedly for lack of respect to a superior, without being able to defend himself against the charges. The CNTM protested at the dismissal, which was a blatant retaliation for his role in the strike.

The strike dragged on, and the CGTM announced a march in solidarity with the SNIM workers' strike at the end of February. They were refused permission by the authorities however, on the grounds that their march would disrupt the traffic, despite the fact that the planned route did not go through the area the authorities claimed would be affected.

The Free Confederation of Mauritanian Workers (CLTM) also reported that workers had been threatened with eviction from company housing and that the company was refusing to restock the on-site store for the duration of the strike. By late March 2015 the dispute had still not been resolved.



QATAR

| 5

Around 100 striking migrant workers arrested: Around 800 construction workers employed by two subcontracting companies – Qatar Freelance Trading and Contracting as well as Qatar Middle East Co. – went on strike in November 2014 in protest against breaches of employment contracts and against poverty wages. The workers had signed contracts before leaving their home countries for Qatar; on arrival in Doha their passports were confiscated and contracts torn up. They were then forced to work for wages one-third lower than promised. Witnesses have reported that a supervisor attacked workers with a plastic pipe when police arrived to start the arrests, and those arrested are believed to be heading for the notorious Doha Detention Centre where migrant workers are often held incommunicado for long periods before eventual deportation.

Exclusion of migrant workers: Today, migrant workers comprise roughly 94% of Qatar's workforce, equal to about 1.2 million workers. That figure continues to rise, as workers are recruited in vast numbers, largely from South Asia, to build infrastructure and stadia for the 2022 World Cup. Like many other migrant workers in the Gulf region, they face severe, discriminatory policies and practices that violate their fundamental human and labour rights, including the right to freedom of association. Even Qatari nationals have only limited rights in this regard. Numerous workers are precluded from forming or joining a union due to categorical exclusions in law. In practice, 90% of the total workforce is excluded from the right to form or join a union.



SAUDI ARABIA

| 5

Exploitation of migrant workers: Approximately 8.3 million migrants are legally employed in Saudi Arabia. They make up 90 to 95% 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.



TUNISIA

| 4

Bad faith bargaining - government fails to respect agreement with refuse collectors: On 29 May 2014 General Federation of Municipal Workers announced a two-day strike by refuse collectors if the government did not respect previous agreements that it had so far failed to honour. Naceur Salmi, the Secretary General of the union, explained that their demands included the payment of bonuses from 2011, the unfreezing of all promotions for municipal workers, and greater progress on legislation to protect the rights of municipal workers. Meetings with the Minister of Interior to resolve the issue were in vain. Finally the strike went ahead on 18 and 19 June. Yet more promises were made, that the government still failed to respect. Furthermore, the workers lost two days' pay as punishment for the strike.

Physical attack on national trade union leader: Houcine Abassi, the General Secretary of the Tunisian trade union confederation, the Union générale tunisienne du travail (UGTT), and also president of the Arab Trade Union Confederation (ATUC), was the target of a violent attack on the evening of 13 November 2014 as he was leaving his office by car, in Mohamed Ali square in the centre of Tunis. The car windows were broken as stones were thrown at them by external infiltrators. It was only thanks to the vigilance of the UGTT's security guards that Houcine Abassi managed to escape unharmed. The UGTT had played a leading role in the country's transition to

democracy, and plays a crucial role in ensuring social stability in the country.

Death threats against UGTT leader: An anonymous caller phoned the Tunisian trade union confederation, the Union générale tunisienne du travail (UGTT), on 15 January 2015 threatening to assassinate its General Secretary Houcine Abbasi. The caller also threatened to trigger a bomb in Mohamed Ali Square outside the UGTT headquarters. Security forces swept the area and implemented heavy security measures. On the morning of 16 January the UGTT received another threat to detonate a car bomb during the secretary general's motorcade.

The UGTT had seen a recent rise in attacks and threats against its organisation. The threats came just after it endorsed a transport strike that paralysed public transport in Tunis for 4 days.

Aeronautical company refuses to reinstate union leaders: SEA Latelec Fouchana, a French-owned company that manufactures cables for the aeronautical industry, continued to refuse to reinstate the leaders of the UGTT branch union formed at the factory in 2012. Ever since the union was formed at the beginning of 2012 the company set out to destroy it, threatening to close the factory, transferring part of its operations to France for several months, and refusing to renew the contracts of over 200 workers, mostly women, on fixed-term contracts. Ten workers were dismissed, including the two principal leaders of the union. In March 2014 six of the ten dismissed workers were reinstated further to a strong campaign of support, including protest demonstrations. No further progress was made for the remaining four, and on 19 June 2014 two of them resorted to going on hunger strike to demand their rights, including the UGTT delegate Sonia Jebali. On 6 July 2014 it was reported that Sonia Jebali's health was in serious danger. Their protest attracted widespread support in Tunisia and France, and in August it was reported on the Facebook page of the committee set up to support them that two of the four would be allowed to return to work on 18 August. The two that went on hunger strike would not be reinstated, but they would be paid the equivalent of seven years' salary.



Exploitation of migrant workers: Non-nationals account for over 88.5% of the population, and many of them are migrant workers. They are often prey to extreme exploitation: unpaid wages, excessively long working hours, passports confiscated by the employer, changes upon arrival to the contract they signed before leaving, etc. As domestic work is not covered by the labour legislation, domestic workers are even more vulnerable than migrants in other sectors. Many say they have suffered physical and sexual abuse, in addition to the exploitation migrants are usually exposed to. As migrant workers do not have the right to join a union or go on strike, they don't have the means to denounce the exploitation they suffer. Those who protest risk prison and deportation. The pay protection system that has progressively been set in place since 2009 obliges companies to pay their workers' wages via electronic bank transfer that the authorities are able to verify. This measure has not been enough to prevent delays in the payment of wages however, notably because the Labour Ministry's resources are far too meagre in face of the number of migrants.

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