

INTERNATIONAL

# union rights

Volume 22 Issue 4 2015

INTERNATIONAL CENTRE  
FOR TRADE UNION RIGHTS

**ICTUR**

Focus on

# Labour situation in China



- ACFTU and independent activists pursue collective bargaining
- Labour NGO staff arrested

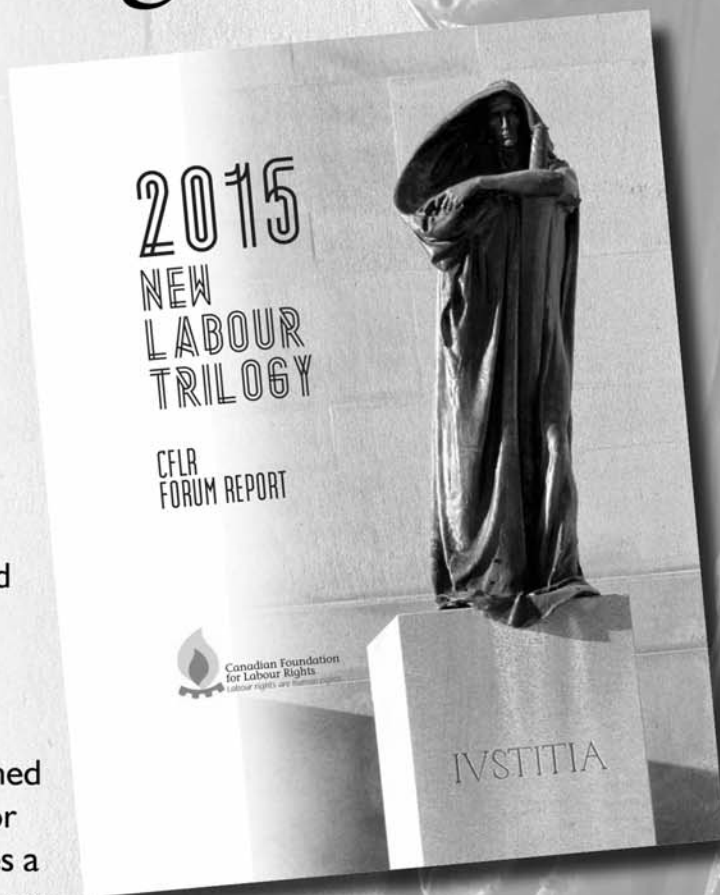
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● Centro Internacional para los Derechos Sindicales  
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# union rights

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# Editorial: Labour situation in China

**T**rade union rights in China was last discussed as a 'focus' topic in this journal more than 10 years ago, in 2004. We return to the theme 11 years later curious (about the potential which the ACFTU seems to believe is offered by the implementation of a vast collective bargaining programme) and concerned (by a sweeping crackdown on labour NGOs in the Guangdong province). Opening this edition, Tim Pringle reports on collective bargaining in Guangdong, and laments the implications of the crackdown for China's human rights situation, while emphasising the important assistance that these NGOs have provided to workers. Pringle also notes that the regional ACFTU, at least at provincial and city levels, has announced a willingness to experiment with various reforms with the potential to facilitate limited forms of collective bargaining, but the results of this, he says, have been 'mixed'.

Anita Chan examines the economic grievances that are fueling worker discontent, indicating that in large part it is the rapid closure of huge private companies and their failure to meet wages and social security payments that is generating widespread labour discontent. Anita looks specifically at the emergence of these NGO labour service organisations, suggesting that they are modern day 'barefoot lawyers' providing a much needed and useful service to the workers concerned. Giving us a more personal insight into the situa-

tion the China Labour Bulletin profile for us one of the NGO staff members, arrested in the crackdown, who, at the time of writing, has been separated from her one-year old nursing baby and is being refused bail.

While such a shocking story drives us to view the NGO crackdown as a thuggish assertion of power over the population it is helpful to inquire into the thinking behind the crack down: why is it taking place? Although giving the idea little credibility in her piece, Chan hints at what may be the nub of these concerns, a fear that NGOs might be the vehicle for a 'colour revolution' in China. And these seem to be the same fears that are behind a planned Foreign NGO Management Law, which legislation indicates that the authorities have been spooked by a fear of the potentially unchecked influence of foreign donors in politically sensitive areas.

But, whatever their motivations, there are essentially two major flaws with the way that the authorities have responded to these concerns. Firstly, the harassment and arrest of NGO staff on vague charges is of itself deeply problematic: there is both a lack of clarity with regard to alleged conduct and a strong tide of informed opinion indicating that these activists were involved in legitimate labour rights work. Secondly, despite the professed ambitions of the ACFTU to massively roll out collective bargaining coverage (also discussed in this edition), huge numbers of workers remain without any effective trade union support and are reliant entirely on the support of these NGOs when their employers disregard their rights. Where the ACFTU has not yet provided effective bargaining and representation the Government may actually be shutting down a vital safety valve for cooling down overheated disputes.

Cathy Walker offers a more obviously optimistic piece, noting the grave health and safety problems still present in China but taking the view that ongoing reforms are improving the situation. What progress is taking place, Walker reminds us, is happening at a breathtaking pace compared to industrialisation in Europe.

Also in this edition of IUR we welcome reports on migrant worker organising in Lebanon, we hear an update on the UK blacklisting scandal, we talk with a union organiser in Guatemala's banana sector, and we commemorate the life and struggle of labour organiser Joe Hill, executed by firing squad in November a century ago.

*Daniel Blackburn is Editor of IUR*

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# Labour under threat: The rise and (possible) fall of 'collective bargaining' in South China

On 3 December 2015, police began raiding the homes and offices of labour rights activists across the city of Guangzhou and the Pearl River Delta in China's southernmost province of Guangdong. At least 21 people were taken in for questioning. Six have since been charged with gathering crowds to disrupt public order and one with embezzlement. They are facing prison sentences. Worse, there are rumours of the accusations being 'upgraded' to the much more serious charge of 'threatening state security'. It carries a sentence of up to fifteen years in prison.

In response, trade unionists, labour organisations, activists and academics have written articles and signed petitions calling for the release of the detainees. National union federations, Global Union Federations and the ITUC have contacted the party-led All China Federation of Trade Unions (ACFTU) expressing concern and calling for the organisation to intervene on behalf of the labour activists. Given the absence of transparency in China's judiciary, the denial of regular access to lawyers and general climate of fear that this and previous crackdowns on lawyers and human rights defenders has created, on-going international solidarity is going to be a key resource for both detained activists and operational labour NGOs (LNGOs) in coming months.

The coordinated police 'sweep' has ominous implications for the on-going decline in the China's human rights situation. But the story behind the sweep is equally important to the future of labour relations in the country not least because of all of the detained have been involved in promoting forms of collective bargaining. While genuine collective bargaining is premised on the protection of the right to strike and freedom of association that do not exist in China, strikes in Guangdong in particular have generated direct collective negotiations between labour, capital and on occasion the state. The key factor



'Where has my money gone?', banner displayed at the QLT dispute.

in this phenomenon has been on-going labour militancy and its role as a driver of state policy.

Consequently, state policy has not been static in recent years. After at least three years of delay, the *Guangdong Regulation on Collective Consultation and Collective Contract* came into force in 1 January 2015. The ILO described the new regulation as heralding a 'good year for business in Guangdong' and argued that the new regulations provided a framework for collective bargaining. After years of lobbying aimed at reducing the impact of the regulations on Hong Kong business interests in Guangdong, The Hong Kong General Chamber of Commerce congratulated itself on getting all references to sector- and industry-level bargaining removed from the Regulations and raising the trigger threshold for demands for collective bargaining from a third to a half of all workers in an enterprise. The ACFTU has also been under pressure to react to labour unrest. Following the watershed 2010 strike by auto-parts workers employed in a Honda factory in Foshan, provincial and city levels of the organisation in Guangdong announced a willingness to experiment with various reforms with the potential to facilitate limited forms of collective bargaining. The two most important were pilots in the election of enterprise trade union committees that are largely appointed by management or higher trade unions; and the cautious emergence of annual collective bargaining in key industries, notably the auto industry and to a lesser extent at port terminals.

Results to date have been mixed. In October 2013, university student researchers working undercover in factories wrote an open letter to the Shenzhen Federation of Trade Unions (SFTU) claiming that only two out of the five factories they had worked in had effective elected union branches. Annual collective bargaining in Guangdong's auto sector has been more interesting. Former chairman of the Guangzhou Federation of Trade Unions Chen Weiguang reported that the median negotiated pay rise in six Guangzhou-based wholly-owned auto parts factories was 15 percent for the period 2011-2012 and an average wage of RMB 3256 for frontline shop floor workers – excluding deputy supervisors and above – in 2013. In larger, more capital-intensive joint venture auto assembly plants, the median wage increase over the same period was 19 percent – but with higher differentials – and an average wage of RMB 5834.

However, something of a stalemate has emerged over the last two years as state policy has swung back towards prioritising stability in the face of a generalised economic slowdown. On the one hand, the more repressive organs of the state have launched campaigns of intimidation and arrests against civil society actors such as the

After at least three years of delay, the *Guangdong Regulation on Collective Consultation and Collective Contract* came into force in 1 January 2015



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**Workers have gradually discovered that strike action and collective negotiation have proved more effective than long drawn out judicial forms of dispute resolution**

anti-discrimination NGO Yirenping, human rights lawyers and labour NGOs. On the other hand, the strike-related activity over the last decade has produced a layer of LNGO-supported workers' representatives with experience in accountable collective bargaining and the capacity to pass this knowledge on to other workers. It is these people and the nascent labour movement they are part of that the Guangdong authorities are targeting in the most recent clampdown.

### **Industrial Upgrading and 'Relocation Bargaining'**

The isolated cases of forms of annual collective bargaining over pay and conditions Guangdong have been confined, unsurprisingly, to sectors where workers possess high levels of structural power. However, a more common form of collective negotiation has occurred in relation to the closure or relocation of factories. Disputes often arise over the terms of closure and workers have been anxious to ensure that employers do not leave owing wages, social insurance premiums or contributions to the statutory housing provident fund. As Guangdong's upgrading has deepened, increasing numbers of workers have contacted LNGO centres for advice either prior to, or during strikes. On occasion, LNGOs have taken the initiative and visited picket lines and protests publicised by workers on social media.

The strategy of the more effective LNGOs towards collective disputes has changed as workers have gradually discovered that strike action and collective negotiation have proved more effective than long drawn out judicial forms of dispute resolution. Indeed, registering a grievance with the local Labour Dispute and Arbitration Committee followed by legal action in the courts is of little use when an employer has either shut a factory or relocated to another site in China or beyond. The challenge for LNGOs and workers has been in the successful prosecution of collective bargaining in the absence of either a legal framework or representative primary trade unions. Something of a pattern has emerged in how workers and LNGOs cooperate to bring employers to the bargaining table. First, demands are re-organised into a coordinated package that has the support of as many workers as possible in a given workplace. Second is building solidarity between workers across different sections, shops and departments in the workplace. While many workers have direct experience of short strikes, most are less cognisant of collective bargaining procedures and the extended solidarity that drawn out negotiations require. Third, the election of workers' representatives prepared to act as negotiators with employers. This can be a risky business as employers will often attempt to bribe or threaten elected reps into making concessions without seeking agreement from the workforce.

Fourth, LNGOs increasingly organise training sessions in collective bargaining skills as a precursor to negotiation.

This pattern is by no means linear or universal and of course the development and outcomes of strikes and collective negotiations are inherently unpredictable, especially in the absence of a tradition of collective bargaining. This can render negotiations more dependent on external factors that may – at the risk of appearing naive – seem unfamiliar to trade unionists where collective bargaining is established. For example, if a factory has a trade union, the relationship between the union and workers' reps must reach some sort of arrangement that at least prevents the union from constraining worker participation in the negotiations and ideally provides some of sort of positive input for workers. Furthermore, experience has demonstrated that employers are more likely to agree to negotiations when the local government is aware of the dispute. It may be willing to discipline employers into agreeing to negotiations in order to reduce the possibility of a dispute spreading beyond a single factory. Third, in the case of factory closures, the likelihood of workers taking more direct forms of action such as blocking a public highway is significant and this in turn will provoke the authorities into making arrests. There is also the ever-present threat of the relationship between employers and the local government being close enough to precipitate the detention or dismissal of workers representatives.

Over the past five years the intervention of an LNGO has often been crucial to the outcome of collective negotiations. For example, striking workers at the Taiwan-owned QLT Golf Supplies Factory in Shenzhen returned to work on 22 July 2014 following a successful collective bargaining session with their employer. The latter had initially refused to negotiate with 200 striking employees but the threat of the strike spreading to the rest of the 2000-strong workforce and pressure from the local government persuaded QLT management to negotiate. The bargaining covered included issues such as wages, high-temperature subsidies, trade union representation as well as housing provident scheme payments and social insurance premiums. Underlying these demands – especially arrears in social insurance payments – was the strong suspicion that QLT management planned to relocate to Jiangxi province following the workers' discovery that the factory had already set up a new production line there. Assisted by a Shenzhen-based LNGO, the workers elected their own representatives to form a workers' committee at the factory. During the bargaining, management eventually agreed to formalise this into factory-wide elections for a trade union committee. In the context of a threatened relocation, the workers' key demand was for the company to pay arrears in social insurance premiums.



Indeed, the workers strung up a banner on which missing payments was graphically tabulated on a monthly basis. In bold characters next to the table was the question: 'where has my money gone?'

During the QLT dispute, workers' militancy informed by LNGO experience in collective bargaining was crucial to the outcome. The LNGO recognised that the militancy of the workers was confined to the polishing department of the factory. As a consequence, the original formulation of the strikers' demands focussed on the situation of polishers and did not adequately reflect the direct interests of all the workers. By holding training sessions in collective bargaining for over 60 QLT workers, the LNGO was able to facilitate the building up of solidarity between a divided but angry workforce and assist in the re-organisation of the demands into a package that formed the material basis for a stronger solidarity. While it still took a short strike to persuade management to recognise the workers representatives and negotiate, the seeds of collective negotiation were put in place with the potential to negotiate the terms of relocation – if it is to go ahead – or improve pay and conditions incrementally.

The capacity of workers and LNGOs to influence the terms of relocation were dramatically illustrated by a long-running series of strikes and negotiations at the Lide Shoe Factory. The initial dispute was triggered in April 2014 by concerns over the factory's planned relocation and subsequent attempts by management to force workers into signing new contracts in order to avoid social insurance arrears dating back to 1995. During the following six months, increasing numbers of Lide's 2,500 workers took part in three strikes with the third strike involving just over 1,000 workers in December 2014. By working with a local LNGO from the summer of 2014 onwards, the workers organised the election and recall of their representatives and had access to training in collective bargaining. They also found the space to discuss strategy and tactics throughout the dispute. During the third strike, workers representatives established a solidarity fund, a social media blog and appointed picket marshals and media coordinators. Despite temporary detentions of strikers, issues with accountability of reps and frequent bargaining manifestations of bad faith by management, workers were able to overcome splits and maintain solidarity throughout a five-night and six-day picket of the factory gates by 300 workers and their representatives in April 2015. This last action was mounted to prevent management from moving equipment and goods to another location. Following 20 rounds of collective bargaining over three strikes over a one-year period, the local Party Committee intervened to discipline Lide management in making an offer acceptable to the workers. Lide management and workers agreed on a timescale to pay all out-

standing social insurance payments as well as relocation compensation in accordance with the legal stipulations on length of employment.

### **Where next?**

While the levels of organisation of Lide workers were exceptional, the case nevertheless fits into a broader pattern of closure or relocation bargaining that has been repeated many times across Guangdong over the last five years. It has generated considerable debate over the 'state of labour' in China. Activists and labour scholars alike have argued that a labour movement is emerging in the province although this view is contested. Advocates of the labour movement hypothesis – including the present author – point to labour militancy, labour shortages, cautious trade union reform, the emergence of a layer of 'battle-hardened' workers representatives and the presence of sophisticated LNGOs. Forms of collective bargaining are presented as evidence of a nascent collective labour movement. The sceptics generally acknowledge these advances but have highlighted the absence of an independent trade union and workers' general focus on economic rather than political demands to argue that there is no recognisable labour movement. Both sides agree that forms of collective bargaining have emerged as an outcome of increasingly collective and organised forms of labour militancy and most welcome this a positive development.

This progress is looking increasingly shaky in the light of the recent repressive measures. While strikes have been an integral part of the process of both unifying workers and bringing employers to the negotiating table, the role of LNGOs has been to channel the anger of workers fearing for their livelihoods into accountable collective bargaining. It is therefore somewhat ironic that the current charges against LNGO activists focus on 'gathering a crowd to disrupt public order'. In fact, the forms of collective bargaining that have emerged recently have led to the precise opposite. To be sure, the results of these interventions hardly replicate the collective bargaining envisioned by the ILO's Convention 98 on the Right to Organise and Collective Bargaining. But the collective agreements sometimes reached are nevertheless distinguishable from the classic Hobsbawm characterisation of 'collective bargaining by riot' deployed by some commentators to summarise extra-judicial dispute resolution between 2002-2010 in Guangdong and elsewhere in China. If the state continues to move against activists and militants with the skills to develop forms of accountable collective bargaining, the anger and frustration of workers who have taken the courageous step to challenge their employers may well be redirected towards the state itself. Such a situation is unlikely to be resolved by collective bargaining of any sort.

**If the State continues to move against activists who challenge their employers, their anger and frustration of workers may be re-directed against the State**

# China's Migrant Workers' Legal Rights Awareness on the Rise

Guangdong's industrial cities are undergoing deindustrialisation, leaving workers stranded with unpaid wages and years of entitlements

**M**ass protests of all types have been increasing in China. Labour protests take up about a third, and the number of these protest actions has been rising sharply, but they have all been isolated plant-level incidents. Most of these are staged by workers from China's countryside or small towns who have migrated to cities in search of work. They make up about 60 percent of China's non-agricultural workforce, providing almost all the workers in the export industries that fill our shops with goods. Guangdong Province, just north of Hong Kong, has the largest number of migrant factory workers and has witnessed the largest number of protests.

## Protests over bread and butter issues

During the past two decades, these protests have been sporadic and comparatively peaceful—until recently. The vast majority of their demands have been over management violations of China's labour laws—unpaid wages, under-paid wages, or poor and unsafe work conditions. Workers usually first try to reason with management; and when stone-walled, they send representative to local government authorities to seek help. Only when they are still ignored do they take to the streets, blocking highways, because traffic disruption is one sure strategy to force the authorities to pay attention. Often the police get mobilised, and scuffles and arrests follow.

Compared to workers in other Asian countries such as Cambodia, Indonesia and Bangladesh, Chinese workers have been comparatively compliant. They have not targeted the government for an increase in the legal minimum wage. They have not asked to eliminate China's household registration system that consigns migrant workers to temporary residence in cities and denies them access to public services. They have not demanded a right to set up alternative unions to replace the inactive government-run trade union staffed mainly by management personnel. Few of the workers know what trade unions are supposed to do, and until recently practically none have heard of collective bargaining.

Since 2010, however, the labour scene has begun to undergo a transformation. Some workers collectively have started demanding that management increase their wages way above the legal minimum wage. Some have agitated for representation, and an increasing number of labour protests now tag on a new demand to hold democratic union elections in the workplace to replace the management-controlled union.

## Protests over social insurance and housing funds

In April 2014, another new type of demand erupted—protests over unpaid or underpaid social insurance and housing fund contributions by employers. More than 40,000 workers went on strike at a huge factory complex in Guangdong Province owned by the Yue Yuen company. This is the world's largest footwear manufacturer, which makes running shoes for most of the big brands. It was the largest strike action recorded in Guangdong in the last three decades since China opened its door to foreign investors. The strike lasted for seventeen days, after a worker discovered that the company had not been contributing enough toward her retirement. The Chinese law is quite generous to employees: employers' contribution to a retirement fund should range from 12 percent to 18 percent of the employees' total wage depending on the locality. The local government, the official trade union and the police joined forces to suppress the strikers. The police brought police dogs into the factory and dormitories to force workers back to the assembly lines.

A year after the Yue Yuen strike, 5000 workers at another shoe factory demanded a different type of management contribution worth 5 percent of salary – toward a housing fund mandated by law. Together these two types of accumulated debts owed to thousands of workers run into many millions of dollars, and have serious implications for a company's finances. For many years the workers have not paid much attention to these two funds, but as the workers age (until a dozen years ago almost all of them were in their 20s), they increasingly are concerned about being short-changed.

## Deindustrialisation

The strikes in Guangdong have been exacerbated by the troubled economy of Guangdong's industrial cities, which are undergoing deindustrialisation, with empty factory and commercial buildings marring some cities. The soaring cost of living in this southern province necessitates a minimum wage higher than in the rest of China, and foreign companies that rely on cheap labour have been relocating to less expensive inland provinces or have moved their factory operations overseas to South and Southeast Asia. Vietnam, for instance has overtaken China as the number one exporter of garments to the US market. As investors in Guangdong move their factory production elsewhere, some simply refuse to honour their obligations, leaving workers stranded with unpaid wages and years of entitlements. The workers' only solution is to take to street action before the companies leave.



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The workers' new demands are also products of a change in the demographic composition of the migrant workforce. The popular image of young, inexperienced, poorly-educated, unmarried, submissive young women no longer applies to today's migrant workers. Young women used to make up some 80 percent of the manufacturing workforce in the labour-intensive industries and in the growing service sector. Up till the mid-2000s employers avoided hiring men because they were regarded as less dextrous and less obedient. Men were hired mostly to do heavy physical labour, loading, stamping, welding and construction. But a shortage of young women workers became evident in the mid-2000s, and employers had to drop their discriminatory hiring policy and began hiring men.

Until a decade ago, the great majority of the migrant workers went back to their villages when they were no longer in their physical prime, but more recently some have managed to stay and continue working. These forty year olds, experienced and urban savvy, want their fair share of social insurance and housing subsidies before retirement. They, not the young better educated workers, are the main drivers behind the current strike wave. Having spent their youth in sweated labour, they are determined to get what they are owed. As retirement or unemployment looms large, there is little to lose by going on strike to salvage something for old age. Thus many of the recent protests, such as the strike at Yue Yuen, have been led by these older workers.

### Labour NGOs and labour activism

Another reason why Guangdong's labour activism is the most vibrant in the country is Guangdong's proximity to Hong Kong. Twenty-some years ago Hong Kong labour NGOs quietly crossed the border into Guangdong and set up Chinese labour NGOs. They tried to remain under the authorities' radar while advising workers about the illegality of companies' labour practices. Since then, indigenous Chinese-run labour NGOs, workers centres and pro bono advisors on labour law have sprung up in large numbers in the province. They teach workers how to read their payslips and how to calculate their overtime pay and help them seek redress of their grievances through the legal system.

Many of the NGO staff today are in their thirties and forties. Quite a number are men who had previously worked in jobs susceptible to industrial accidents. After losing fingers, hands or arms they had battled through the court system for workers compensation. The protracted legal process has turned them into legal experts, and hardened them to fight back. Among them are hundreds of 'barefoot lawyers' spread throughout the province, helping workers to fight for compensation and unpaid wages. Today, the work of most of the labour NGOs is entirely law-abiding. But they have become more outspoken, and the government has begun to crack down on the NGOs. In interviews, staff members do not hide their fear about the pressure. Those who cannot bear the tension have left. Those who persist discuss contingency plans in case of arrests.

### Increasing suppression

To local government authorities and the state security bureau, these NGOs are instigators of labour instability, bearers of a 'colour revolution'.

The local authorities constantly harass the NGOs, inviting them to 'drink tea', a way of letting them know they are under surveillance, barging into their offices at odd hours, ransack their office and interrogate them about their activities and contacts. The phones and computers of NGO staffers are tapped and their movements are monitored. Landlords who rent out office space to NGOs are being ordered to drive them out. Some NGOs have had to move office numerous times, making it difficult for them to maintain stable grassroots contact with workers.

Harassment during the past two years has escalated into violence. Masked thugs in vehicles with covered-up licence plates have been deployed to beat up workers and NGO staff. As just one example among many, in early April 2015, violence erupted outside of a Japanese-owned factory, and when an NGO staff member paid a hospital visit to one of the injured workers, he was manhandled by a group of thugs outside the hospital, then detained and beaten by police, and when released, was attacked again outside the door of the police station by masked men who emerged from a vehicle with a covered licence plate. A number of friends from other NGOs came to pay him a visit in hospital, and they posted a blog with the names of all the visitors listed. This amounts to an open challenge to the authorities to come to get them. The labour movement in China is entering a new stage. Tensions and anger are running high.

### Cross-workplace collective action

For the time being, almost all strikes and protests are still confined to individual factories. Workers do not yet have the awareness, the wherewithal or experience to begin organising beyond their own place of work. But there has been an indication that this is beginning to change.

A prime example involves a group of migrant workers that I have focusing on for some years: those who work in the Walmart megastores spread across China. Several Walmart store workers in different cities of China last year set up a website calling itself the 'Walmart Workers Social Association' as a platform for fellow Walmart workers to exchange information and air grievances. Many of these stores' union committees were set up in 2006/2007 under an ACFTU initiated top-down campaign, and are due for re-election. These union branches today are all monopolised by management staff, which is condoned by the official local union. A few worker activists in a store in Shenzhen city, Guangdong began planning to run as a slate a few months before the union branch election is due. Management has been trying all means available to disqualify them from registering as candidates. But these activists insist they have the right to run as representatives. They emailed the ACFTU, the provincial trade union and the city union, but these different levels of unions argue that no election procedure has been breached. They also emailed to the AFL-CIO for international solidarity support but have not heard. At the time of writing the odds are stacked against them. Management can fire them at the slightest excuse available. Their project is likely to fail, but the very fact that they are Walmart workers and that there is an international workers movement targeting this biggest corporation in the world are significant—for the first time Chinese workers are taking the initiative to join the international trade union movement without ACFTU representation nor labour NGO assistance.

**The workers' new confidence to raise their demands is a product of the change in the demographic composition of the migrant workforce**

# Occupational health and safety in China

The industrial revolution that took Europe centuries to develop, took only decades in China, but at what price?

China's 'economic miracle', which began in 1979 with the ascension of Deng Xiaoping as head of the country, has been achieved with great cost to China's workers. The industrial revolution that began in Britain with the Enclosure Acts forcing peasants to the cities to become the new industrial proletariat was at a snail's pace by comparison. What took Europe centuries to develop, China took only decades. But what a terrible price to pay for the more than 250 million Chinese peasants who migrated to the cities in search of work after the end of the commune system in the countryside in 1980.

We have all heard how many Chinese workers are killed at one time in coal mine explosions, factory fires and the like. The statistics mirror the early days of industrial development in Europe and North America. According to SAWS (State Administration of Work Safety), in 2013 there were more than 270,000 accidents in which 2,549 people died. SAWS also reports that the death rate for every million metric ton of coal produced in 2013 was 0.288, 10 times higher than the death rate in developed countries. The death rate from catastrophic incidents is dwarfed by deaths from occupational disease, especially from coal miners' pneumoconiosis (black lung). According to China's Ministry of Health, between 2005 and 2010 there were 750,000 cases of occupational disease. And occupational disease is notoriously under-reported in China as it is in every country.

## New OHS Laws and Amendments

It is therefore heartening to see that there have been significant achievements in OHS laws, though not as fast or as comprehensive as is needed. The Prevention of Occupational Diseases Law was promulgated in 2001 and amended with improvements in 2011. The Work Safety Law was passed in 2002 and strengthened with amendments which took effect December 1, 2014.

Input from the All-China Federation of Trade Unions (ACFTU) helps to ensure such laws are introduced and strengthened. The final push for the recent Work Safety Law amendments was secured by public outcry in China about the June 2013 Jilin poultry factory fire in which 121 workers perished and the August 2014 Kunshan disaster in which 75 workers were killed in an explosion in an automotive components plant.

The new amendments to the Work Safety Law strengthen requirements for employer responsibilities, provision for and protection of safety personnel, state enforcement powers and penalties, and education and training requirements for workers.

## Workers' Rights

The 2002 Work Safety Law provided for significant worker rights including the right to know about hazards and to suggest remedies, the right to inform against, criticise and accuse, the right to refuse unsafe work, to stop dangerous work and leave the workplace, the right of protection from discipline, the right to compensation, and the right to education and training.

The Work Safety Law specifies that all labour contracts must clearly identify and cover work safety issues, including references to measures to prevent occupational hazards and details of any statutorily required insurance program relating to workplace injuries. Expanded requirements for worker education and training are in the amendments. This education and training must be conducted and logged (content, time, attendees and evaluation) by the safety supervisor so government supervisors can evaluate compliance. Employers are required to ensure dispatched workers and interns receive education and training.

## Role of Trade Union

Article 7 of the Work Safety Law stipulates the trade union's role in safeguarding the legitimate rights and interests of workers in work safety and in supervising work safety by making arrangements for employees to participate in the democratic management of and supervision over work safety in their workplace. Employers must solicit opinions from their trade unions in formulating or revising rules and systems related to work safety.

Article 52 of the statute gives extensive rights to the union to participate in and have input into the design, construction and commissioning of safety facilities and construction projects. When unions discover life-threatening situations they have the right to put forward suggestions for remedies and the employer must respond in a timely manner. They have the right to demand employers set right their violations of work safety laws and regulations and infringements of workers' rights. The union has the right to advise the employer to rectify dangerous situations, rectify orders or directions that violate safety rules or regulations or create risk and rectify hidden dangers that may lead to accidents. The employer must give a timely reply to the union's advice. If workers' lives are threatened, the union has the right to suggest organised evacuation of the workplace and the employer must deal with such situations immediately.

The new amendments expand the union's role to participate in accident investigations and to suggest the authorities investigate the people involved.



**CATHY WALKER**, retired Occupational Health and Safety (OHS) Director, Canadian Auto Workers Union (now Unifor)

## Safety Supervisors

Employers with more than 100 staff members (was 300) are now compelled to have a full-time safety supervisor or a dedicated work safety department. The number of employees now includes dispatched workers. Companies engaged in mining and construction must meet these requirements, regardless of size and metal smelting, road transport and hazardous substances facilities have been newly added to this requirement. Companies engaged in mining, smelting or manufacturing or storage of hazardous substances must employ certified safety engineers to conduct the work safety management. Other smaller workplaces must have a part-time safety department.

The safety supervisor creates the work safety rules, which must be posted. The safety supervisor must be present at any company meetings that involve safety and the safety supervisor must develop an emergency evacuation plan. Local government safety officers may attend safety related meetings as well.

The law now prohibits companies from retaliating against safety supervisors for performing their duties, including prohibitions from firing, reducing the salary or benefits of the safety supervisor. Companies engaged in mining, metal smelting and the production, selling or storage of hazardous substances are required to inform the authorities of any appointment or dismissal of the company's safety supervisors.

## Workplace Safety Funds

The amendments require companies to set aside special funds to be used exclusively for improving workplace safety and working conditions. Expended funds must be included as costs in the company's accounting system. SAWS and the State Council's Finance Department will set requirements for assigning, using, monitoring and managing the funds. In the case of insufficient funds being provided to meet the requirements, managers and decision-makers can be held accountable and liable.

## Construction Companies

Construction companies that take on projects in the area of mining, smelting, or the manufacture, storage and transport of dangerous goods must carry out construction according to safe design which must be approved by the government authorities before proceeding, and will be held responsible for the structural quality of the building.

## Enforcement

Enforcing the Work Safety Law presents the same problems as elsewhere. Lack of government inspectors, lack of the will to prosecute and modest penalties for offenders all contribute to non-compliance. Amendments to the law improve penalties both in magnitude and in scope.

## Increased Powers to SAWS

The new law expands regulatory power. SAWS and other relevant government agencies have expanded powers.

During an inspection, the regulator may enter the production facilities' premises for inspection, receive access and view relevant materials and

interview staff. If a violation of work safety rules is discovered, the inspector may rectify the situation or demand rectification with a certain time frame. The inspector may impose administrative penalties. The inspector may eliminate latent dangers encountered and if it is especially serious evacuate staff from the dangerous area and temporarily halt production. If there is evidence to believe they do not meet national and industry safety standards, they may close facilities and seize equipment, tools and goods. If the production enterprise refuses to cease operations, the regulator may order other entities to cease the provision of electricity and other utilities or the delivery of dangerous goods to the enterprise.

Additional improvements include increased fines for failing to provide safety training for employees and not abating hazards after being notified of them. The government will prepare annual supervision and inspection plans for different categories of industries and conduct supervision and inspection in accordance with the plan. The government will also set up a database of violations and disclose serious violations to the public and other relevant authorities.

Government regulators now may blacklist large companies that may not be deterred by fines. By publicising the blacklist, it is hoped that such large companies will be shamed into compliance.

## Significantly Harsher Penalties on Offenders

The amended law imposes significantly harsher penalties for violations than the 2002 law. Under the 2002 law, fines were capped at RMB 100,000 (currently there are 6.9 RMB to the Euro) or five times the income earned from operations in violation of the law. Under the amended law, enterprises responsible for any serious workplace safety accidents will be subjected to fines ranging from RMB 200,000 to RMB 20,000,000. For both companies and individuals, fines vary according to the number of deaths and severe injuries and economic losses.

The penalties significantly increase the previous levels of managers between RMB 20,000-200,000. Moreover, if the person in charge is found to have failed in his or her duty to ensure workplace safety, thereby causing a workplace accident, that person will be fined between 30 and 80 percent of his or her annual income. The new requirements call for managers responsible for 'serious' and 'extremely serious' accidents to be banned from comparable positions within the same industry.

Serious accidents are those causing 10 to 30 deaths, 50 to 100 serious injuries, or direct economic losses of between RMB 50 and RMB 100 million. Extremely serious accidents are those that cause the deaths of more than 30 people, seriously injure 100 or more people, or result in over RMB 100 million in direct economic losses.

The head of the SAWS, Yang Dongliang, said in a statement, 'the Work Safety Law, which took effect in 2002, has helped reduce malpractice, but many problems still need to be addressed'. Specifically, government regulations and standards are not being implemented at the local level, he said. SAWS investigated 44 serious workplace accidents and prosecuted about 300 people for violating workplace safety laws in 2013. Light punishment and lack of supervision are believed to be among the major reasons for

**China has unacceptable rates of death, injury and occupational disease in its workplaces, but amendments to the Work Safety Law provide for significant improvements**

*continued on page 13 ...*



# The ACFTU's collective bargaining agenda

The ACFTU reports 'inadequate participation', 'emphasis on formalities', 'lack of specific content', and 'unsatisfactory outcomes' – given this, what is the future for collective bargaining in China?

Over the past decade or so, the international labour movement has stepped up its engagement with the Chinese State-backed monopoly trade union federation, the All China Federation of Trade Unions (ACFTU). While the current wave of labour NGO arrests discussed elsewhere in this edition will likely temper that engagement, at least for a while, it is unlikely permanently to set aside what has been a clearly developing policy with significant momentum over a number of years. Ultimately, greater engagement between the international labour movement and the ACFTU seems the likely outcome of at least three complimentary trajectories: the increasing interest of unions worldwide in the situation in China; the huge role Chinese industry now plays in the global economy; and the 'big tent' approach to organising that the ITUC seems to be pursuing, which is bringing an ever greater share of the global labour movement together.

And so IUR extended an invitation to contribute to this edition to the ACFTU. Unfortunately, given the current climate neither the ACFTU nor indeed any of the NGO workers or academics we contacted working in China felt that this was a good time for them to contribute to an international journal. And so, unfortunately, this edition of IUR, focussed on China, is lacking the perspective of the national trade union organisation, which also happens to be the largest union on earth. Whether one supports or opposes engagement with that organisation, it seems at the very least worthwhile to do what we can to examine that organisation's current thinking, and to try to gain some sense of what it believes are the major challenges for the Chinese working class, and how it sees the evolving dynamics of labour in China.

A reading of ACFTU's official documentation and promotional material yields helpful insights into the organisation's thinking. Over the past several years, the ACFTU has emphatically stuck to a single core topic which appears to have an overriding agenda above all others, at least if the frequency with which the topic is discussed is any indication. And that topic is collective bargaining. The 2014-2018 ACFTU Plan on Further Promoting Collective Bargaining, gives a clear indication of the continuing focus on this agenda:

## 2014-2018 ACFTU Plan on Further Promoting Collective Bargaining

The All-China Federation of Trade Unions (ACFTU) has formulated its plan to further promote collective bargaining with a view to protecting the legitimate rights and interests of workers and facilitating harmonious and stable labour relations.

## Guiding philosophy

The plan is inspired by the spirit of the 18th National Congress of the Communist Party of China (CPC), the 3rd Plenary Session of the 18th CPC Central Committee, and the important speeches of President Xi Jinping. It is based on the decision of the 16th National Congress of the ACFTU to 'continue to promote collective bargaining for wider coverage and better effect'. The aim is threefold:

- to give full play to the fundamental role of collective bargaining in adjusting labour relations,
- to enhance the quality of collective bargaining and the effectiveness of collective agreements,
- to further strengthen confidence, build consensus and overcome difficulties in collective bargaining work.

The 2011-2013 ACFTU Plan on Promoting Collective Bargaining (ACFTU [2011] No. 4) had expanded the coverage of collective bargaining. However, there are still problems in the collective bargaining process: inadequate participation of workers, emphasis on formalities rather than actual effects, lack of specific content, unsatisfactory outcome of collective agreements and so on. It is therefore necessary to form a support system and efficient mechanism for collective bargaining which, with the full participation of workers, can yield real benefits for them. In this way, more and more workers will be able to feel satisfied with the results of collective bargaining; while trade unions can integrate the promotion of enterprise development with safeguarding workers' rights, thus helping workers to achieve decent and enjoyable work as well as comprehensive development (continued...)

(source: <http://en.acftu.org>)

This, then, tells us what the ACFTU sees has been the trajectory of its plan to roll out collective bargaining. Significant expansion has occurred, but there remain significant problems, which the union identifies as 'inadequate participation of workers, emphasis on formalities rather than actual effects, lack of specific content, [and] unsatisfactory outcome of collective agreements'. Interestingly the union is quite upfront about the problems it faces and the difficulties that it believes need to be addressed. The statement continues:

(...continued)

## Objectives

Maintain and expand the coverage of collective bargaining to cover over 80 percent of unionised enterprises and over 90 percent of unionised companies with more than 100 employees.

Freedom of Association: Trade Union



DANIEL BLACKBURN is Director of ICTUR

Improve the quality of collective bargaining with specific bargaining content, regulated bargaining procedures, adequate consultation, full compliance with collective agreements, and effective results; and steadily improve worker satisfaction with collective bargaining and collective agreements by ensuring that more than 70 percent of workers are able to participate and more than 90 percent of workers are well informed.

Expand the numbers of collective bargaining instructors. Trade unions should employ at least 180,000 of these, of whom 10,000 work full-time, so as to build a team of collective bargaining specialists.

Increase training on collective bargaining skills. Trade unions at all levels should organise training programmes for members involved in collective bargaining together with collective bargaining instructors, with 240,000 participants every year. These programmes should include ACFTU training of trainers, with 600 participants. Each provincial federation of trade unions (FTU) should train no fewer than 300 participants; each municipal FTU, no fewer than 200 participants; and each county FTU, no fewer than 60 participants. By expanding the scale and raising the level of training, we can enhance the capacity of the trade unionists involved in collective bargaining as well as the instructors concerned.

(source: <http://en.acftu.org>)

What we see here is the extraordinary ambition of the ACFTU's collective bargaining project. There is no question that the ACFTU believes gaps in collective bargaining coverage are a key problem, and that formalistic bargaining, devoid of real substance, is another. The union clearly acknowledges both of these issues. These are encouraging signs, indicating that the union believes it can continue to roll out collective bargaining on a massive scale and, at the same time, that it can greatly improve the quality of bargaining that is taking place. Whether it can achieve either of these goals (and both are necessary) remains to be seen. The following report posted by the ACFTU to its website indicates a need for more external input: the union here is clearly trying to challenge the production of formalistic empty bargaining but observers will be tempted to question whether a top-down formulaic imposition of eight procedures is really likely to cure - or may exacerbate - the problems.

#### Ningbo unions: Refining the management of collective bargaining

The Ningbo Municipal Federation of Trade Unions is working to refine the management of collective wage bargaining at the enterprise level, aiming to make it more pragmatic and targeted, together with a more standardised workers' congress system, more active and extensive participation by employees in corporate management and more tangible results.

Expand the scope of collective wage bargaining through the '1+x' model. '1' refers to the scope of bargaining based on the pay systems of enterprises as a whole, including pay levels, unit prices, etc., while 'x' refers to supplementary bargaining based on the specific conditions of individual business operations so as to ensure the practicality and distinctiveness of the collective contract.

Standardise the bargaining process by focusing on eight procedures. These comprise the appointment of representatives, formulation of demands, preparations, the bargaining itself, review of the outcome, signature, filing and adoption. With the pay system as the focus,

enterprises should make progress on such aspects as labour quotas, unit prices, pay levels and adjustment margins, so as to establish rational wage adjustment mechanisms.

Expand in a multidimensional manner and improve the quality of industrial bargaining. First, reach out to more industries, so that those with regional features and favourable conditions can be gradually brought on board based on current industrial collective bargaining practice. Second, achieve penetration at different levels, starting with industrial collective wage bargaining at rural township level, exploring the establishment of a multi-layered bargaining system encompassing municipal, district and rural township (urban neighbourhood community) levels and continuously refining the management of industrial collective wage bargaining. Third, integrate industrial collective wage bargaining with the industrial workers' congress, giving each the platform to promote the establishment and development of the other.

Strengthen training and guidance services by providing menu-based bargaining guidance. The aim is to improve the training services provided by the trade unions at the county, industrial park, industrial and rural township (urban neighbourhood community) levels. The union officials and part-time advisers in charge of collective bargaining work at the different levels should attend training at least once a year. The federations of trade unions at the rural township (urban neighbourhood community) level should provide training for the chief representatives on both sides in the enterprises within their jurisdiction, and press enterprises to offer training to employee representatives. In consideration of the specifics of enterprises, they should be provided with menu-based services and tailored guidance so as to ensure compliance with the requirement to refine the subject, process and contents of bargaining.

Set examples and promote them, emphasising their exemplary role. To refine the management of bargaining, efforts should be made to develop competent enterprises into role models. Work should go into identifying the enterprises that exemplify good bargaining practices and recognising them with municipal prizes for harmonious labour relationships, helping them continue to fine-tune their bargaining methods and collating and promoting best practice to highlight their exemplary role.

(source: <http://en.acftu.org>)

While those who oppose engagement with the ACFTU will of course remain sceptical, there is much here for international audiences to reflect upon. Some have suggested that for international labour movements to engage in skill sharing workshops with the ACFTU around collective bargaining is a futile exercise, given the scale of the challenges faced by workers in that country who remain outside the trade union movements formal structures. Others would suggest that if the ACFTU really does intend to extend collective bargaining coverage massively then the international labour movement ought to do all it can to make sure that the kind of bargaining that is rolled out on this scale is effective and avoids the pitfalls which ACFTU has itself identified as being flaws in some of its early experiments with bargaining.

#### Union Opens First Collective Bargaining Office

When enterprises and workers in Shanghai's Jing'an District have any questions about collective bargaining or seek help in this regard, they can make a phone call

*continued on page 13 ...*

**One encouraging sign is that the problem is acknowledged publicly (unlike the NGO crackdown), but can the ACFTU deliver real improvements?**

For anyone who wants to read more about the ACFTU's views on collective bargaining, the organisation's main current English language website is <http://en.acftu.org>. An older ACFTU website is still online at: <http://www.acftu.org.cn>, which also carries interesting earlier material.

# Sacked labour activist continues to push for workers' trade unions

Today we see the new generation of workers staging strikes, bargaining with management, and demanding trade union elections

Zhu was arrested in December (see note below)

Getting sacked was just the beginning for Zhu Xiaomei. For close to two years now, Zhu has used her own struggle and experience in standing up to her former employer to help drive China's workers' movement forward and emerge as one of most dynamic labour activists in the Pearl River Delta today.

Zhu was fired from her job at the Hitachi Metals factory in Guangzhou in January 2014 after she campaigned for the establishment of an enterprise trade union. But she refused to go quietly or meekly accept her fate and retreat to her hometown in Henan; instead she took the company to arbitration court in Guangzhou.

The labour dispute arbitration committee initially ruled against her in April 2014 but Zhu kept fighting and appealed the decision. Eventually, the district civil court ruled in her favour and Hitachi Metals agreed to an out-of-court settlement in which Zhu would get 230,000 yuan as compensation for illegal dismissal.

Signing the settlement deal was an emotional moment, Zhu said:

'It was never about the 230,000 yuan; it is about respect. It is about the respect employers in China have failed to show for so long. It is about the respect that I, and every worker who stands up for their rights, deserve'. Zhou added, 'I smiled at the managing director on my way out. He once yelled at me "if you hire a lawyer, we will hire ten!" Well, in the end, he hired two but he was the one left sitting on the bench with a grumpy look on his face having just lost the case'.

Not long after losing her job at Hitachi Metals, Zhu was hired by the nearby Panyu Workers' Service Centre, a non-governmental labour organisation that promotes collective bargaining and worker participation in enterprise trade union elections.

Working as a labour organiser and collective bargaining consultant, Zhu spent countless hours with workers and their representatives and played an essential role in many labour disputes, involving thousands of workers. For Zhu, there were three groups of workers in particular that stood out: The cleaners at a military hospital in Guangzhou who held democratic union elections and voted for their union president, the sanitation workers in Guangzhou University Town who elected representatives and twice bargained with management and the workers at Lide shoe factory who elected a new group of bargaining representatives when the old representatives failed to keep pushing the workers' agenda forward.

These struggles, Zhu said, demonstrated how far the workers' movement in China has devel-

oped and progressed in just a few short years:

'Since the time when I first started at Hitachi Metals as a teenager, I have witnessed first-hand how workers' activism has grown. Back then, most workers were from rural areas and we felt content just to earn more than our cotemporaries down on the farm. When our rights were violated, we didn't know what to do or who to turn to. But today we see the new generation of workers staging strikes, bargaining with management, and demanding trade union elections. On top of that, they are organising and spreading news on their smartphones all the time!'

One of Zhu's key roles at the Panyu Workers Centre is training the worker activists who emerged from the labour disputes the centre handled, and helping to turn them into the trade union leaders of tomorrow. She explained:

'China's workers are learning from the history of the trade union movement both at home and abroad. It is only a matter of time before we become part of the history of labour movement ourselves. I once told a representative of the Guangzhou sanitation workers who felt she was not educated enough and was not confident enough to join the trade union leaders' trainings: "arm yourself, so you can arm the others". Chinese workers have huge potential. Many are still unorganised but once we are given the right tools, such as collective bargaining and workplace union elections, we will bounce back with amazing force'.

Zhu Xiaomei is just one of a growing number of labour activists based in Guangdong who have come to the fore in recent years. Like Zhu, many played a leading role in labour disputes at their own workplace before being sacked or even arrested in retaliatory attacks by management and the local authorities:

- Meng Han spent nine months in jail after leading a protest by hospital security guards in Guangzhou. He now works with Zhu at the Panyu Centre.
- Yu Wucang was sacked after lobbying for a better deal for his fellow street cleaners in Guangzhou. Not only did he get his own job back, he has been instrumental in organising other sanitation workers in the city.
- Wu Guijun was detained for one year by the authorities in Shenzhen after representing his co-workers at a furniture factory in their dispute with management. He was released when all charges were dropped in June last year and has been active in helping other workers in Shenzhen ever since.

## CHINA LABOUR BULLETIN

### Editorial Notes:

Since this profile was submitted to IUR by the China Labour Bulletin Zhu Xiaomei has been arrested in the crackdown on Labour NGOs that is reported in the 'Interventions' section (p15). As IUR went to press CLB informed us that Zhu was denied bail even though she has a one year old baby she is nursing



... continued from page 9 ...

the negligence behind frequent accidents, according to SAWS. The new law also enhances the supervisory power of occupational safety watchdogs and local governments, especially those at the township level. Most of China's occupational accidents occur at small businesses in rural areas, according to SAWS.

## Conclusion

Amendments to the Work Safety Law provide for significant improvements in worker education and training, more stringent employer responsibilities and penalties for noncompliance, and increased state enforcement powers. They have been achieved with the input of the ACFTU and significant public outcry about workplace tragedies. The amendments provide an important impetus in reducing the unacceptable rates of death, injury and occupational disease in Chinese workplaces.

... continued from page 11 ...

or just visit Jia Hongxiang in his office to get professional guidance and assistance. On May 11, the Lao Jia Workroom, Shanghai's first office of collective bargaining, was inaugurated by the district's trade union federation. The office seeks to cater to the needs of grassroots workers, provide them with guidance on conducting collective bargaining and expand the coverage of collective bargaining.

Packed with business centers shopping malls and service facilities, Jing'an District sits at the center of the metropolis. With a growing myriad of private enterprises moving their operations to the area, the trade union federation has felt it necessary to explore a variety of ways of conducting collective wage bargaining. According to statistics, by the end of 2014, collective bargaining had covered more than 6,000 enterprises and 110,000 workers in the area.

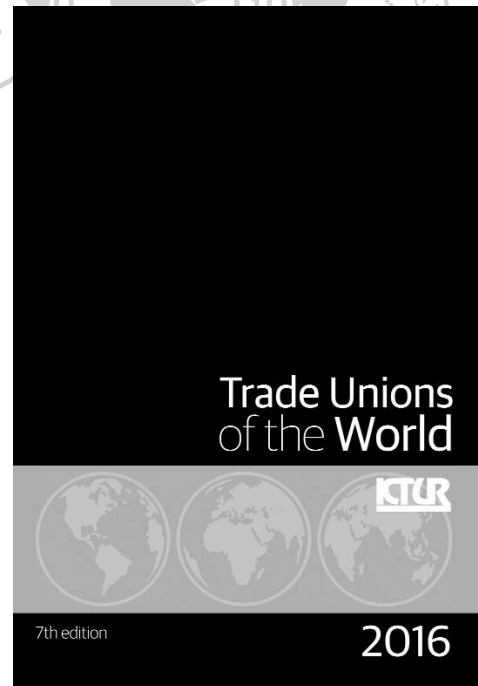
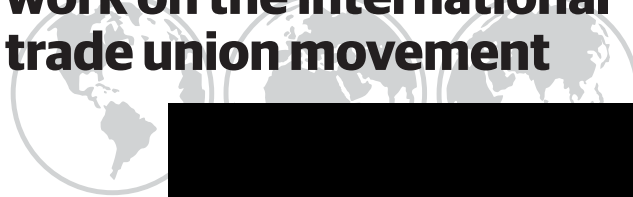
'The office is meant to keep track of the trends of collective bargaining so as to deal with problems arising thereof,' says Ye Jianhua, chair of the trade union federation.

Composed of labour lawyers and headed by Jia Hongxiang, an official in charge of collective bargaining with the Jing'an Trade Union Federation, the Lao Jia Workroom performs a variety of services, ranging from counseling, evaluation and on-the-spot guidance with the aim of enhancing the quality of collective bargaining and expanding its coverage. The office will soon open a hotline to provide guidance services for workers and enterprises.

'By setting up such an office, we aim to cultivate a batch of negotiators under Jia Hongxiang's guidance' says Ye Jianhua. 'Jia and his team shuttle from one shopping mall to another to help grassroots unions to conduct collective bargaining, thus winning acclaim for their work.'

(source: <http://en.acftu.org>)

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## China

A number of leaders and staff members of labour rights NGOs were arrested in Guangzhou on 4 December, in what appears to be a coordinated crackdown on labour service NGOs operating in the city. Twenty or more people have been arrested. Among those reported to be in detention at the time of writing were four people associated with a single NGO and key individuals involved in a number of other NGOs, including:

- Zeng Feiyang and Zhu Xiaomei (profiled on p12), of Guangzhou's Panyu Da Gong Zu Service Centre, and Tang Jian and Meng Han, former staff members of that organisation
- He Xiaobo of Foshan's Nan Fei Yan Social Work Service Organization,
- Deng Xiaoming, from the Haige Workers' Services Centre
- Peng Jiayong, who runs the Panyu Labourer Mutual Aid Group.
- Chen Huihai of Guangzhou's Brother Hai Labour Service Centre

At the time of writing the China Labour Bulletin was reporting eight activists believed to be detained, either formally or under some kind of house arrest. The China Labour Bulletin further reports that the Guangzhou authorities are citing 'national security' concerns in order to prevent lawyers from seeing Zeng Feiyang and other detained labour activists, while as IUR went to press CLB informed us that Zhu Xiaomei was denied bail even though she has a one year old baby she is nursing.

*ICTUR wrote to the Chinese authorities to express its concern about the harassment and detention of these labour rights activists. ICTUR drew attention to the principles outlined in the UN Declaration on Human Rights Defenders and observed that labour rights NGOs can and do play a useful role in promoting work-*

*ers' rights in many countries. ICTUR noted an apparent disconnection between the formal industrial relations system and the ACFTU trade union centre and the growth of informal negotiations, strikes and protests in the country. ICTUR called for the authorities to respect the principles of freedom of association as an ILO member State and further emphasised that trade union rights – up to and including the right to strike – are protected also under Article 8 of the International Covenant on Economic, Social and Cultural Rights, which China has ratified.*

## Costa Rica

The SINTRAPEM trade union (*Sindicato Nacional de Trabajadores/as del Sector Privado Empresarial*) and the coordinating body for banana and pineapple workers (COSIBACR) concluded a collective agreement with the pineapple producer Ananas Export Company (ANEXCO) in March 2015. However, SINTRAPEM members report that they have suffered a campaign of anti-union harassment, persecution and discrimination from their employer. ANEXCO's parent company, the Dublin-based Fyffes, is a member of the UK-government sponsored Ethical Trading Initiative (ETI).

*ICTUR wrote to the government of Costa to remind them that Costa Rica has obligations to protect trade union rights under ILO Conventions 87 and 98. According to the ILO's Committee on Freedom of Association, governments are responsible for preventing acts of anti-union discrimination and for taking suitable measures to remedy any effects of anti-union discrimination brought to their attention. ICTUR also wrote to Fyffes to call on the company to implement necessary safeguards and policies to ensure that the commitments it has undertaken under the ETI and to ensure that in its global production and sourcing operations freedom of*

*association and the right to collective bargaining are fully respected.*

## Estonia

In October 2015, trade union shop steward Sergey Mastepan was sacked by Transiidikeskuse AS, a stevedoring services company based at Tallinn port. A union representative for Estonian Independent Seamen's Union (EISU), Mastepan was dismissed after delivering a picket line speech and raising awareness in the media about poor working conditions and anti-union discrimination at the company.

*ICTUR wrote to the authorities to complain at this instance of victimisation of a committed trade unionist. ICTUR urged the authorities to ensure that Mastepan should be promptly reinstated and protection against anti-union discrimination respected in Estonia. ICTUR urged the authorities to have regard to the obligations of the European Convention on Human Rights, Article 11, as well as to Convention 98 of the ILO. Accord*

## Greece

In several incidents in October and November 2015, striking workers at ZAVEL Food Industries and at ZOURAS Food Industries were arrested and intimidated by police. On 21 November, police arrested 28 strikers at the picket lines, including trade union leaders. These workers were members of the All-Workers Militant Front union (Panergatiko Agonistiko Metopo, PAME) and were protesting their employer's failure to pay wages.

*ICTUR has written to the Greek government to protest against the arrest of trade unionists for legitimate trade union activities. As a member of the ILO, Greece has ratified all eight ILO Fundamental Conventions. According to the ILO's Committee on Freedom of Association 'no one should be*

*deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike'. ICTUR called on the government of Greece to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests.*

## India

On 5 November 2015, Sheikh Sahabuddin, a leader of the SAIL Durgapur Steel Plant union, affiliated to the Indian National Trinamool Trade Union Congress (INT-TUC), was shot and injured by assailants in Amria village in Durgapur and admitted to hospital.

*ICTUR wrote to the Indian government calling upon the authorities to ensure that a full and adequate investigation is carried out into the circumstances around the attack on Sababuddin. ICTUR recalls that the targeting of leaders for reasons associated with their trade union activities is a serious violation of the principles of freedom of association, which India is bound to uphold as a member of the International Labour Organisation, as a signatory to the ILO's Declaration of Fundamental Principles of 1998, and under the core human rights treaties of the UN, the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights.*

## South Korea

During November and December clashes between the authoritarian Government of Park Geun-hye and the militant trade unions associated with the Korean Confederation of Trade Unions (KCTU) reached a critical level. A wave of arrests occurred in the run-up to a major rally on 14 November, which was repressed and in which violence flared between police and protestors. Since the

rally further arrests have been carried out and hundreds of arrest warrants have been issued against trade unionists. Among those threatened with arrest was Han Sang-gyun, the President of the KCTU, who took refuge in a Buddhist temple for 25 days before surrendering to police while urging the labour movement to call a general strike. Among the numerous acts of interference with trade union rights reported were:

- On 6 November, two hundred police raided the headquarters of the Korean Public Service and Transport Workers' Union (KPTU), following a strike. During the raid, documents and computers were reportedly confiscated.
- On 11 November, several KPTU members were arrested.
- On 14 November, police attacked demonstrators at a protest attended by an estimated 70,000 people against a range of measures, including proposed new labour legislation allowing for easier dismissals and rules requiring only state-approved history books to be permitted in schools
- On 17 November police raided eight union offices including those of the construction workers' union KFCITU. Members of the KFCITU and five trade union leaders of the Tower Crane Operators Division of the KFCITU have been arrested. These officers are also being sued by the tower crane rental company, which has argued that the union's request for collective bargaining is 'intimidation'.
- On 21 November, raids by police took place at eight offices of the Korean Confederation of Trade Unions.
- On 13 December, KCTU leader Han Sang-gyun was officially detained and held for questioning, charged with multiple

counts, among others with violating the Assembly and Demonstration Act and General Obstruction of Traffic (Article 185 of the Criminal Code). The charges are said to relate to violence that flared between the police and protestors at a rally on 14 November though KCTU have described the actions as an attempt to silence a leading critic of the government.

*ICTUR wrote to the government of South Korea to remind it of its obligations to comply with the rights enshrined in the ILO core conventions as stipulated by the 1998 ILO Declaration on Fundamental Principles and Rights at Work 1998. These obligations are reinforced in the 2011 EU-South Korea Free Trade Agreement (Article 13.4). ICTUR also urged the government to move toward ratification of ILO conventions 87 and 98, and to fulfil its commitment, made upon joining the OECD in 1996, 'to reform existing laws on industrial relations in line with internationally accepted standards, including those concerning basic rights such as freedom of association and collective bargaining'.*

## **United States**

A number of incidents of union-busting and anti-union discrimination have been reported in the past months.

In October 2015, the National Labor Relations Board (NLRB) charged the Asarco company with 'interfering with, restraining and coercing employees' who attempted to exercise their rights of collective bargaining after the United Steelworkers and other unions representing 2000 workers at Asarco's copper mining operations in Tucson complained of unfair labour practices.

- In November, UFCW members organising a campaign to gain union recognition at IKEA in

Massachusetts reported that workers had been subject to what they have described as intimidation to discourage from unionising.

- In December, the Teamsters Local 727 union in Chicago reported that union members were intimidated with baseball bats in the workplace and threatened with dismissals during an organising drive at two Coca Cola plants. The reports were confirmed by the Teamsters national union website.
- In a recent report published by Bloomberg Businessweek, based on documents obtained from the NLRB, it is alleged that Wal-Mart undertook a catalogue of surveillance operations in attempts to monitor trade unionists amid a campaign for higher wages in 2012, even engaging the support of Lockheed Martin and the FBI Joint Terrorism Task Force.

*ICTUR wrote to the United States government to call for a thorough investigation into the circumstances around these multiple reports of union-busting. ICTUR further urged the United States to move toward the ratification of all of the ILO Fundamental Conventions, noting that its continuing failure to do so constitutes a significant barrier to the full realisation of workers' rights, both domestically and internationally, and undermining the United States' purported efforts to strengthen workers' rights across the globe through multi- and bi-lateral trade agreements.*

## **Uzbekistan**

The Cotton Campaign - supported by, among others, the AFL-CIO and Anti-Slavery International - reports that the Uzbek government continues to force farmers to fulfil production quotas and to require thousands of citizens to fulfil cotton harvest quotas under threat of penalty

throughout the country in 2015. Police arrests, attacks on, and intimidation of citizens documenting forced labour have also been reported, undermining the ability of the international community to obtain all information concerning forced labour.

- On October 20, police opened charges against Dmitry Tihonov, and on the same day his home office was burned down, destroying his archive of evidence of forced labour.
- On November 16, police arrested Uktam Pardaev, confiscated materials documenting forced labour, and presented him with charges that carry a penalty of up to five years in prison.

*As a member of the ILO, Uzbekistan has ratified both the Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105). ICTUR wrote to the Uzbek government demanding that they secure the immediate and unconditional release of Uktam Pardaev and drop the charges against Dmitry Tihonov. The government must also address promptly and thoroughly all of the objections raised by the Cotton Campaign with regards to forced labour practices in order to ensure that the national cotton industry is in full compliance with Uzbekistan's international legal obligations to protect fundamental human rights and the freedom of workers from forced labour. ICTUR also wrote to the World Bank to express serious concerns about breaches of the Bank's own project agreements with Uzbekistan. The Cotton Campaign has called for the World Bank to suspend disbursement of payments in its lending operations to the Uzbek government until forced labour is abolished. ICTUR urged the Bank to conduct a thorough investigation of these allegations, with a view to ensuring that the Uzbek government ceases practices which use or encourage forced labour.*



# Trade Unions of the World

*Trade Unions of the World* - the comprehensive global reference directory of the world trade union movement - returns in its Seventh Edition after a break of 10 years

Now well established as the objective and comprehensive global reference directory of the world trade union movement, *Trade Unions of the World* returns in its Seventh Edition after a break of 10 years. Vast geo-political changes have taken place in this time within the global union movement. Two global union centres have merged, with the ICFTU and WCL not only marrying their own networks of affiliation, but also encouraging others into the fold. A new entity, the Council of Global Unions, was formed. Meanwhile the remaining international confederation WFTU continued to tread its own path and significantly increased its activities following a relocation to Greece. Across North Africa and the Middle East the Arab Spring had major implications for trade unionism in the region. In South Africa the mass shooting of striking mine workers shocked the world and exposed bitter divisions in labour's ranks. In the US the Change to Win federation broke away from the AFL-CIO. The Chinese ACFTU reported phenomenal membership growth while outside the union's control an explosion of wildcat strike activity was reported. Across Europe models of austerity were declared and long-cherished national and sectoral bargaining models were torn apart.

The Seventh Edition updates the highly-rated Sixth Edition (published in 2005, and co-edited by ICTUR working with the title's founder John Harper of John Harper Publishing). The new Edition is now produced and published by ICTUR. As well as updating each country profile we have radically expanded the book to provide much more detail for each country. This work will help to raise awareness about the contribution of unions to broader social and political movements, by disseminating these experiences and linking historical and current struggles from across the globe. It is also hoped that this resource will provide a starting point for new contact and cooperation, promoting solidarity within a highly diverse international trade union community.

*Trade Unions of the World* (TUW) is an indispensable guide to the complex structures of the international labour movement, providing the reader with a contemporary snapshot of the legal and social structures of trade unionism, as well as a detailed history of the political and economic contexts within which these organisations developed, and the roles they have played in social and political struggles. TUW is both an accessibly written reference guide, mapping and analysing the complex world of unions, and a unique global trade union directory, providing full contact details for more than five thousand trade unions, and setting out the relationships between these unions and their local and international partners,

in a country-by-country guide.

The Seventh Edition will be a valuable resource with specific appeal to trade unionists, academics, lawyers, and policy makers, and to students and specialists in the fields of: corporate social responsibility; industrial relations; human resource management; and international relations.

*Trade Unions of the World* is the essential guide to central trade union confederations of each country and the varied social, political and economic contexts they inhabit. Each entry includes an overview of the history and development of trade unionism locally and an outline of the political and economic circumstances within which it operates. A wide range of data is provided on the history, structure, membership and political and industrial role of the unions, with a level of detail in each case broadly corresponding to the scale and level of economic and industrial development of the country concerned. A final section profiles the key actors at global and regional levels, including the International Trade Union Confederation and the Global Union Federations. Where available, each report provides:

- Political and economic background
- Population and GDP
- Overview of trade unionism locally
- Postal, email and website addresses
- Leadership details
- Membership levels
- History and character
- National and international affiliations

The new 2016 edition will prove an indispensable tool for understanding the current state of labour in the globalised economy, broken down into a country-by-country guide. Accessibly written and with a directory format, the book provides a contemporary snapshot of the legal and social structures of trade unionism, as well as a detailed history of the political and economic developments which produced these structures. Each country chapter contains a list of national trade union centres and all major trade union organisations (normally those with a membership of over 10,000 in the large industrialised nations, but much smaller thresholds are applied for smaller and non-industrialised countries). Each entry looks at the background of the most significant union organisations and discusses the roles they have played in social and political struggles.

## Pre-release advance orders

TUW will retail at £145 per copy. For a limited time we are offering ICTUR affiliates the opportunity to place pre-release advance orders at



**DANIEL BLACKBURN**  
is Director of ICTUR

heavily discounted prices. A smaller discount is also offered for IUR subscribers. To qualify for these discounts orders must be received by 15 February 2016. Orders received after that date will be invoiced at the full price.

**ICTUR affiliates – advance purchase price:**  
Single copy £75 / 5 copies £250.

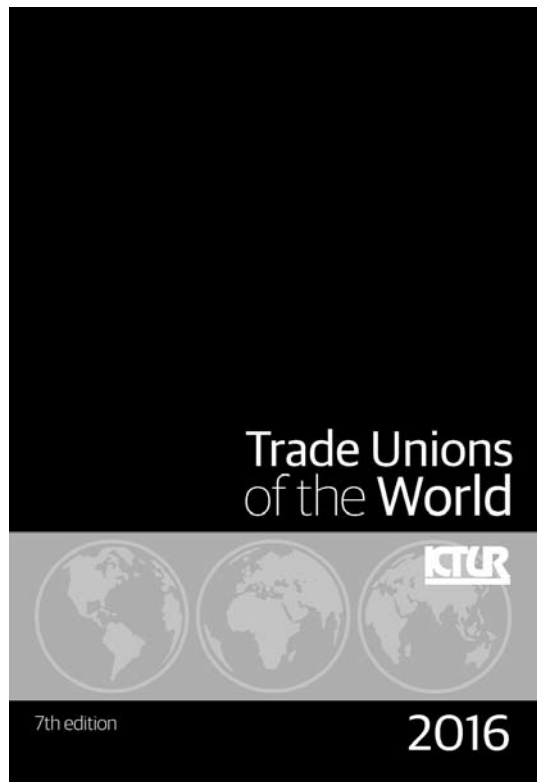
**IUR subscribers – advance purchase price:**  
Single copy £120 / 5 copies £350.

**All other purchasers – advance purchase price:**  
Single copy £145 / 5 copies £500.

A further £5 discount is available for all orders paid in advance placed online at: [www.ictur.org/TUW.html](http://www.ictur.org/TUW.html). Please send email orders to [ictur@ictur.org](mailto:ictur@ictur.org) or write to us at ICTUR, 177 Abbeville Road, London, SW4 9RL, UK.

Work began on this project in January 2015 and has been undertaken without external funding. ICTUR, a small, non-profit organisation operating on tiny budgets has invested what is, to our organisation, a huge amount in the production of this book. Updating the country profiles has proven a mammoth task and required significant time and commitment. We believe that the finished publication (which is currently being edited but which stands at a projected 800+ pages) will stand as a new benchmark for future updated editions.

While we fully understand that in the information age there is a growing expectation that information will be provided free to all we are simply not in a position to do that. Our organisation is wholly funded by subscriptions to this journal, by our commissioned work for national and international trade union organisations, and by the affiliation fees of supporting trade unions and lawyers associations. Over the year ahead sales of TUW will further assist and will help us to recover part, and perhaps the full amount, of the huge sum we have invested in producing this book.



The product of months and months of focused research by a dedicated and experienced team, Trade Unions of the World

The book has been updated but also radically expanded

# We have not abandoned our fight

Banana production has been moving from the unionised North to the violent, lawless and unorganised South of the country

Guatemala is one of the former 'banana republics' where the giant United Fruit Company once owned huge tracts of land and called the political tune. The industry has expanded rapidly over the last decade and now one in every three bananas eaten in the USA comes from Guatemala. Most production takes place in the Pacific South with the remainder being grown in the Caribbean coastal plain of Izabal. In Izabal nearly all 5000 - 6000 workers employed by Del Monte (Bandegua), Chiquita and a handful of nationally owned plantations are unionised. By contrast, the Pacific South represents the single biggest 'black hole' in the world as far as union and other labour rights are concerned. Some seven percent of the world's trade bananas are produced by 20,000 - 25,000 workers, most of whom suffer very harsh conditions.

The majority of banana plantation and pack-house workers in the Izabal province of North East Guatemala are members of SITRABI, COSIS-BA or smaller affiliated sister unions. These 5500 or so workers enjoy collective bargaining with their employers: Fresh Del Monte Produce (FDMP) subsidiary, Bandegua, Chiquita subsidiary, Cobigua, and Guatemalan-owned fruit companies under contract to FDMP.

Those working for Del Monte in particular enjoy decent wages, terms and conditions after 40 years of gradual improvements achieved through the negotiation of 3 year-long CBAs. Although workers in the other companies earn well above the minimum wage, they have not been able to secure the same level of benefits as their union brothers and sisters employed by the other companies. Nearly 1000 workers in the Izabal banana industry are still unorganised.

The unionised workers of the 'North' face, however, the very real risk of losing their jobs and livelihoods in the short- to medium-term, in a region with no other major employers. The costs of producing a box of bananas in Izabal is almost double the cost of producing the same box in the large extensions of recently planted export bananas in the provinces along the Pacific coastal plain in the South. Attempts to organise trade unions in this region have been violently repressed.

Guatemala now exports nearly four times as much from the completely unorganised plantations of the South as it does from Izabal. The rapid expansion has taken place on highly productive volcanic soils, using a very badly paid and exploited workforce and in a part of the country where government services are often absent and organised crime operates with total impunity. The critical challenge for SITRABI and the sister unions is to ensure that the 20-25,000 workers in the Pacific South have access to education and training that

enables them to organise without fear. This can only happen if there is serious and concerted international trade union solidarity, as has been shown in the project of TUC Aid and Unite.

## SITRABI leader report to British trade unionists

Noé Ramirez Portela, General Secretary of the Izabal Banana Workers' Union of Guatemala (SITRABI) visited the UK from 26 to 28 November 2015. During his visit, Noé met with UK trade unionists, government officials and other stakeholders and spoke at the Latin America 2015 Conference in London on Saturday 28 November.

SITRABI is the oldest private sector union in Guatemala and represents over 4000 members in Del Monte and Del Monte supplier farms on the Caribbean coast, and has good relations with other local unions in other multinational and national plantations. Noé was elected General Secretary of SITRABI in 2000, shortly after the union's Executive Committee was forced at gun-point to resign their posts and call off strike action over contract violations.

Speaking to British trade unionists at an event organised by the Bananalink NGO and supported by ASLEF, GMB, TUC Aid, UCU, UNISON and Unite, Noé described the situation for trade union organising:

"Guatemala is an extremely violent country. Trying to organise banana workers in this situation is like seeking death. I have been the recipient of death threats and I am currently under police protection.

The police themselves are not very trustworthy, they are involved in criminal acts, but I have to accept this.

We receive support from three international donors but we need also more help.

The Government is unreservedly right wing.

Since 2008 we have complained to the labour ministry that companies have been collecting workers subscriptions but have not been transferring them to the union. This complaint was ignored. We have also complained that there were companies that were collecting social security payments from the workers but were failing to transfer them into the social security system. This complaint was also ignored. This led to two complaints, to the Free Trade Agreement and to the ILO.

Just a month ago two plantations were closed because the company didn't want the involvement of the trade union that had been established there. They closed the plantations and took workers' social security payments.

**JAQUI MACKAY is National Co-ordinator/Director of Bananalink**



On the coast, following an attempt to organise workers there, a comrade of ours, the general secretary of the union, was assassinated. His daughter was raped by a company security guard who told her that the attack was because of her father's efforts to form a trade union.

We are fighting against employers, the Government, and above all the violence in the country. We have problems of gangs, narco-trafficking, and common violence and many issues which are making our work difficult in the south of the country. But we have not abandoned our fight. We have two trade union recruiters in the south and little by little we are progressing. We have been able to cooperate with the Catholic church and with an organisation they call the La Pastoral de la Tierra. We are now looking at capacity building aimed at community leaders who have been able to get in touch with a group of workers who have told us about their conditions. To improve their conditions we need to fight to form trade unions.

There are certifying authorities, such as the Rainforest Alliance, Global G.A.P. and SCS and others. How can they check that these plantations comply with environmental conditions if there is no one to check that they are complying with working conditions in this sector? So, these plantations are receiving certifications from these companies, but there is the same neo-liberal model in place on these plantations as in Costa Rica, known as *solidarismo* [workplace associations established by management as a barrier to independent unions]

When SITRABI organised a forum, and invited businessmen and the Labour Minister, the Labour Minister said, in this forum, that there is no need for workers in the south to unionise because the plantations already have *solidarismo*...!

Both the TUC and Bananalink have helped us but we also need political support from TUC members and other British organisations, and from other countries. Thank you very much, *Hasta La Victoria!*"

Guatemala was described as the most dangerous country in the world for trade unionists in 2013 by the International Trade Union Confederation. Between 2007 and 2014, a total of 68 trade union leaders and representatives have been murdered, and a high number of attempted murders, kidnappings, break-ins, and death threats have been reported, along with torture. SITRABI itself has been devastated by a series of assassinations. Since Noé's brother was killed in 2007, nine members of SITRABI have been mur-

dered. None of the murders have been properly investigated by the authorities.

Despite these attacks, SITRABI refuses to be beaten and has been able to improve the working conditions of many people in Guatemala, managing to maintain collective bargaining and workers have managed to secure many of the elements of 'decent work'. It is now turning its attention to the south of the country where workers on banana plantations face the harshest conditions including non-payment of the country's minimum wage.

### The TUC Aid / Unite project

The TUC Aid / Unite funded programme to provide training for members of Guatemala's banana unions and to support efforts to organise the lawless south of the country has ended on a positive note. In 2013 TUC Aid, strongly supported by Unite, funded SITRABI to lead a wide reaching project that would:

- Equip union negotiators with new knowledge and skills to maximise potential gains of collective bargaining in currently unionised plantations and to minimise dispute and confrontation
- Help establish Guatemala's first ever tripartite forum to act as the primary dispute resolution mechanism for workers and employers
- Encourage women members take more leadership positions within the union and
- Establish the basis of organising union activity in the dangerous, non-unionised south

40 union reps and leaders completed the training programme, 10 of them women. A dedicated one-day workshop to promote women's engagement in the unions recruited 100 participants. New young workers have been trained in tactics and strategies and some are joining the executives of the twelve unions.

Negotiators have begun the job of preparing a new collective bargaining agreement with Del Monte, seeking better social benefits, programmes for women, time off for training, improved health & safety and minimising sub-contracting. However, due to pressure on margins from supermarkets at the top of the supply chain, the unions expect negotiations to be very tough, with big rises in productivity likely to be demanded in return. Organising in the north has brought 150 new members under the auspices of the CBA and the unions negotiating with Chiquita are also bringing 200 new members under their CBA.

**SITRABI want to help 20,000 - 25,000 workers in the South access education and be free to organise without fear**

# Red November, black November

An immigrant, an itinerant worker, and an IWW member, Joe Hill was the perfect scapegoat. He was convicted of murder and sentenced to death by firing squad

*Red November, black November,  
Bleak November, black and red.  
Hallowed month of labour's martyrs,  
Labour's heroes, labour's dead.  
Labour's wrath and hope and sorrow,  
Red the promise, black the threat,  
Who are we not to remember?  
Who are we to dare forget?  
Black and red the colours blended,  
Black and red the pledge we made,  
Red until the fight is ended,  
Black until the debt is paid.*  
— By Ralph Chaplin

For Industrial Workers of the World (IWW) members and radical labour activists, November is a particularly sombre month. And this past November particularly so, as it marks the 100th anniversary of the 1915 execution of Joe Hill by the state of Utah.

*A pamphlet, no matter how good, is never read more than once, but a song is learned by heart and repeated over and over*  
— Joe Hill

Joe Hill, born Joel Hägglund, was an IWW organiser, songwriter, troubadour, and cartoonist. Immigrating from Sweden to the US around the turn of the century, Joe Hill travelled the land as an itinerant worker, hopping trains and picking up jobs across the country.

At some point, he found the IWW and soon became a prominent member, travelling widely, organising workers, and using his music to spread the word of the IWW. He contributed greatly to Wobbly culture, writing such songs as 'There is Power in a Union', 'The Rebel Girl', and 'The Preacher and the Slave' – in which he coined the phrase 'pie in the sky', referring to the illusory promises of street preachers who discouraged workers from organising for better conditions in this life.



Joe Hill memorial mural, by Heidi and Josh Belka of Salt Lake City.

BRIAN LATOUR is the Press Officer of the IWW and currently lives in Canada

Eventually, Joe Hill made his way to Utah where he was accused of the murder of a grocer. Despite the fact that the state had only circumstantial evidence, as an immigrant, an itinerant worker, and an IWW member, Joe Hill was the perfect scapegoat. He was convicted of murder and sentenced to death by firing squad. Many unionists fought for clemency for Joe Hill; resolutions were passed urging the state of Utah to free Hill by union bodies throughout North America, Europe, and Australia. Even President Woodrow Wilson urged the governor of Utah to grant Joe Hill clemency, but it was all to no avail.

Joe Hill was murdered by the state of Utah on 19 November 1915. His ashes were sent to IWW locals, members, and sympathisers around the world and were spread throughout the land.

### Red November,

Unfortunately, Joe Hill was not the first or the last union organiser to meet an untimely end. The month of November is one where too many unionists and IWW members became labour martyrs.

Albert Parsons, August Spies, George Engel, and Adolph Fischer, four Chicago anarchists were executed on 11 November 1887, for advocating for the eight-hour day and became known as the Haymarket martyrs. A fifth, Louis Lingg, committed suicide in his cell the day before. This was followed a few days later by the Thibodeaux massacre, in which anywhere from a few dozen to possibly 300 striking African-American sugar cane workers were murdered in Louisiana.

The Everett massacre took place on 5 November 1916, when a group of deputy sheriffs opened fire on a steamship carrying IWW members to Everett to participate in a free speech fight. 11 were killed and 27 wounded. On 11 November 1919, an IWW hall in Centralia was attacked by legionnaires. IWW members who fought back in self-defense were jailed and one, Wesley Everest, was kidnapped from his cell, castrated, lynched, and shot full of holes.

November 1919 was also the time of 'Bloody Bogalusa', where, in a show of solidarity in the face of the racism of the Deep South, four white trade unionists were killed while defending their black comrades. In November 1927, six unarmed striking miners were gunned down in Colorado in what became known as the Columbine Mine Massacre.

### Black November...

These are but a small sample of the many men and women who were killed by the state and company goons and who joined the ranks of labour martyrs. While we take some time every



Don't mourn,  
organise!

November to remember those who have come before us and who gave their lives to the cause of labour, we should also be reminded of the last words of Joe Hill.

### 'Don't mourn — organise!'

Joe Hill's legacy is carried on by the union which he was a member of, the Industrial Workers of the World. The IWW has gone through its ups and downs over the years, but has remained committed to revolutionary industrial unionism and the abolition of the wage system. The IWW has a long history of trying to organise workers considered unorganisable by the business unions, whether they are unskilled garment factory workers in the 1910s or baristas and fast food workers in the 2010s.

By building on the strong tradition of IWW culture and, most importantly, organising workers to fight their bosses, we continue the legacy of Joe Hill into the 21st Century.

### Joe Hill murals

Heidi and Josh have been commissioned to paint murals around the US. Their work can be seen on the Center for Progress and Justice building in Santa Fe. This particular mural, made of sheet metal, painted on a union building in Salt Lake at the direction of IATSE District 5, was unfortunately rejected by more conservative-minded members of the local concerned, and lasted just 8 days before it was painted over with an American flag. IUR thought it was wrong that this excellent piece of artwork should disappear forever, and so it appears here for the world to see, to complement our Joe Hill memorial article, penned by the IWW. In full colour Heidi and Josh's work looks even better. If your union wants a mural you can contact the artists as follows:

Heidi and Josh Belka  
PO BOX 3055  
Salt Lake City, UT 84110  
72morlock@gmail.com



# Organising Migrant Domestic Workers in Lebanon

The kafala is a 'system of control' through which the governments delegate responsibility for migrants to private citizens or companies

Almost a year ago, on the occasion of International Workers' Day, hundreds of domestic workers, predominantly migrants, and their allies in Lebanon, took to the streets that their union be formally recognised by the Lebanese government. The union has been denounced by the Labour Minister as 'illegal', arguing that it will only 'generate problems' instead of solving them. The Minister suggested that the 'protection' for domestic workers is best guaranteed through 'new laws', not through union organising. In other words, rights are unequivocally the 'governor's grant', not to be claimed for or bargained. He added: 'protection takes place through procedures, not through the introduction of the domestic workers into political and class games'. The Minister's last statement blatantly expresses the state of fear from workers organising, migrants in particular, who through their attempt are putting a foot out of the 'zone of exception' into the political and the social space of the nation.

Since the 1990, with the end of the civil war and the beginning of the so called 'reconstruction era', Lebanon has increasingly become a receiving country of both Arab and non-Arab migration. Palestinian refugees and migrants from different ethnic belongings from Syria and Iraq came to Lebanon long before 1990 and have settled in the country. Furthermore, there are large numbers of migrant workers from Asia and Africa employed as domestic workers. A 2011 World Bank report states that migrant workers represent 760 thousand of a total workforce in Lebanon of 1.2 million (for a population of around 4.2 million) who are predominantly condensed in the informal sector. That means that migrants constitute almost half of the workforce and 17.8 percent of the population. These figures preceded the large wave of Syrian refugees to Lebanon who fled the Syrian regime's war against the 2011 revolution. Various sources estimate the number of migrant domestic workers in Lebanon between 150 and 200 thousands in an overall workforce of 1.45 million. In a country where state provisions for childcare and care for the elderly are absent, the burden falls on the nuclear family, women in particular, to cope with the organisation of care and domestic work. Cheap and precarious migrant domestic labour represents a low cost alternative to the Lebanese care deficit.

## A new union

2015 marked a shift in the history of organising migrant workers in Lebanon. It witnessed the birth of the first trade union for domestic workers under the umbrella of the National Federation of Workers and Employees' Trade Unions in Lebanon (FENASOL). The Federation's initiative

to organise domestic workers was compelled and supported by the ILO Bureau of Workers' Activities (ACTRAV) in Beirut and in cooperation with other local NGOs.

FENASOL's involvement in assisting the organising of domestic workers involves standard trade-union concerns, such as collective bargaining to ensure the domestic workers' rights for a day off, formal recognition of domestic work under the labour law, minimum wage, and ending the kafala system. These are concerns that emanate from the socio-economic injustices that the migrant domestic worker faces.

## The kafala

The kafala, which is not limited to migrant domestic workers, but include all migrant workers, is a 'system of control', according to Motaparthy, through which the governments delegate responsibility for migrants to private citizens or companies. The system gives sponsors a set of legal abilities to control workers. 'Workers whose employers cancel their residency visas often have to leave the country through deportation proceedings, and many have to spend time behind bars' (Motaparthy, 2015). In addition to the precariousness created by the kafala system, the labour law explicitly excludes domestic workers from its protection and denies migrant workers the right to establish a trade union. The fragile conditions of migrant domestic workers are further exacerbated with the discrimination they face as poor migrant women who work in a profession that lacks social and formal recognition.

The union organisational process focused on livelihood and common experiences of exploitation, lack of social and formal recognition of the value of domestic work, and its exemption from legislation regulating workers in the formal sectors, which revealed a form of labour politics that seeks to forge an understanding of shared working experiences of domestic work. These concerns acted as a gravitational pull necessary to bring the domestic workers together from different nationalities.

However, prior to the union, Asian and African workers in Lebanon used to organise by forming migrant communities. These communities sought to forge solidarity among community members and to forge new modes of sociality and social interactions and being in a community. These community spaces were the first instances of politicisation for many migrant domestic workers who became later union militants. These communities also created, and continue, new avenues of access and mobilisation and definitely provide the ground for new political subjects to emerge.



**FARAH KOBAISSY**, is an activist and a researcher in gender, labour and migration. She is also a member of the Socialist Forum in Lebanon. She currently works as a researcher at the Asfari Institute for Civil Society and Citizenship at the American University in Beirut

However, when the workers' organisation took an open political turn of resistance and defiance to the authorities and the law, the Ministry of Labour, was quick to declare this form of organising illegal and illegitimate and threatened to use the security forces to break their congress in 2015, and he refused to grant their trade union a license. To fight the union, the Labour Minister armed himself with the labour law. However, in order to be consistent with the law which limits the establishing of the union to Lebanese citizens, the union for domestic workers, established as a committee under 'the General Union of Cleaning Workers and Social Care' included Lebanese citizens to submit a formal request to the Ministry of Labour to have its authorisation. Still the Minister objected granting the union the necessary license.

Within this context, the migrant domestic workers' organising efforts should be seen as a defiance of the exclusionary policies and racist discourses on migration and as a struggle against discrimination in the labour market based on gendered and racial lines. Their organising can also be understood as a struggle to transform the class processes that shape their labour as domestic workers and to challenge racial and gender association with such work. Their union aims to transform paid domestic labour, to displace negative stereotypes and to confront the dominant ideologies of race, class and gender.

### **A real change in the trade union approach**

However, this understanding of the complex construction of the experiences of domestic workers is not always recognised by labour unions in Lebanon who historically mobilised over a formal class model (the industrial/formal male worker), and are known for their nationalist and exclusionary practices toward migrants. Hence, the

domestic workers were not perceived by the unions historically as workers worth organising. On the contrary, they were invisible or at best considered marginal temporary workers in a devalued labour process and hence their labour dimension was side-lined. At this level, there's a need for the trade unions to adopt alternative discourse and strategies to deal with a growing feminised, internationalised and informalised labour force. This means that, besides organising domestic workers, labour unions should develop strategies to organise the informal Lebanese and migrant workers. This also means that the labour unions have to address and defend women workers' specific needs and rights whilst also addressing their concerns as migrant workers. However, women's issues particularly those related to violence are taking a secondary position, and the extent to which women workers would play a leadership role is doubtful under the current form of the Federation's male dominated bureaucracy. Despite the fact that the Federation has offered a space for domestic workers, to organise them is to grasp the different ways in which they are being exploited, not only as workers, but also as women and as migrants. Thus, women's domestic workers' demands for labour rights, rooted as they are in gendered and racialised analysis of work, continue to pose conceptual challenges for the labour unions which need to be addressed if we are to build a movement that does not seek to defend what was previously gained as rights, but that acts to deeply transform the relations of exploitation under capitalism.

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#### **Footnote**

Motaparthy, P. (2015). 'Understanding kafala: An archaic law at cross purposes with modern development' (available at [www.Migrants-Rights.org](http://www.Migrants-Rights.org))

**Migrant domestic worker organising can also be understood as a struggle to transform the class processes that shape their labour and to challenge racial and gender association**

# Blacklisting: admissions & an apology, but the fight goes on

After six years of denying everything the eight companies finally admitted their role in the blacklisting scandal

After six years of denying everything the eight companies being sued in a major High Court action for blacklisting revised their legal defence, finally admitting their role in the blacklisting scandal. The High Court claims brought by 571 blacklisted workers and scheduled for hearing in 2016 will now no longer need to hear arguments over the contractors' liability: it is admitted that the 571 have a proper claim and so the argument now revolves around causation and loss: proving the links between being blacklisted, subsequent employment experience, and financial loss. The companies' joint statement is reproduced below:

## A 'full and unreserved apology'

'On 7 October 2015 we, the eight companies that comprise the Macfarlanes Defendants\*, submitted a Re-Amended Generic Defence to the Court. In this document we lay out clearly a number of admissions; these admissions are also covered in the accompanying summary which, we hope, will provide interested parties with an easily accessible reference. Both documents contain a full and unreserved apology for our part in a vetting information system run in the construction industry first through the Economic League and subsequently through The Consulting Association; we recognise and regret the impact it had on employment opportunities for those workers affected and for any distress and anxiety it caused to them and their families.

We are making these admissions now as we believe it is the right thing to do; we are keen to be as transparent as possible and to do what we can to simplify the High Court hearing scheduled for mid-2016. We hope that the clarity this brings will be welcomed by the affected workers. Indeed, ever since the closure of The Consulting Association in 2009, we have been focused on trying to do the right thing by affected workers. This was why we set up The Construction Workers Compensation Scheme (TCWCS) in 2014 to provide those who felt they had been impacted by the existence of the vetting system with a fast and simple way of accessing compensation. Currently, we have paid compensation to 308 people who have contacted TCWCS and we are processing 39 ongoing eligible claims'.

\*Balfour Beatty, Carillion, Costain, Kier, Laing O'Rourke, Sir Robert McAlpine, Skanska UK and VINCI PLC

After making this admission the firms then sent out a revised set of compensation offers to workers in an attempt to settle the cases before reaching trial. The BSG position remains 100 percent in favour of a full trial. A few pounds compensation is not justice: we want to see the directors of

the multinational firms who orchestrated the human rights scandal forced to give evidence under oath. BSG want full public disclosure of the documentary evidence that the companies have kept hidden for decades.

At a 2-day hearing from 7-8 December, the Court heard legal argument over the use of expert witnesses for calculating loss of earnings. John Hendy QC told the court that the estimated total damages for the 600 claimants is in the region of £60-70million, made up of £40m in loss of earnings and £20-30m in general damages (defamation, human rights, hurt to feelings etc.). Lawyers on behalf of blacklisted workers had applied to use the expertise of Dr Victoria Wass from Cardiff Business School, one of the leading labour market economists in the UK who has acted as an expert witness in numerous high profile cases in the past.

The firms argued against the use of Dr. Wass, arguing that the 'regression analysis' that she was using was 'too complicated' and could not be fully understood by the court (even though virtually every university student in the world is taught regression analysis as a standard statistical tool nowadays). Dr Wass is able to provide a high level of precision in her estimates of loss because she has restricted access to micro data from the Office of National Statistics labour market database. Without an ounce of irony, lawyers for the blacklisting companies, told the court that having access to the ONS personal sensitive information could potentially be a breach of human rights and data protection!

In the end, Lord Supperstone and Master Leslie refused the claimants submission - once again we find judges making findings in favour of big business and against the interests of the blacklisted workers. This may be a minor setback in a small skirmish but we are still going to win the war. The next provisional hearing date is 1 February 2016, and then the full trial is set to start in May 2016 and will last 10 weeks. The Blacklist Support Group would like to publicly thank the various legal teams for all the hard work they have carried out on our behalf over many years - its very much appreciated.

John McDonnell, Shadow Chancellor was the keynote speaker at a packed Blacklist Support Group parliamentary meeting in Westminster on Monday 7th. McDonnell described blacklisting as "a deliberate attempt to undermine trade unions by victimising a layer of activists they could not buy off". He said that "Tony Benn, Jeremy Corbyn and myself put in amendments to legislation on the issue of blacklisting over a period of decades" but lamented that "no government took any notice". He added "we are currently drawing up advice for Labour councils over public procurement regard-

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## Cambodia

A new trade union law was submitted to the Council of Ministers 13 November 2015 but unions have complained that they have not been invited to any consultation since October 2014 and that a revised draft was only seen by unions when the media released it. Parliament will debate the law but unions are concerned about content and lack of consultation. ITUC says that they draft 'hinders the process of forming a union, allows whole unions to be dissolved if individual officials act illegally, and imposes onerous restrictions on the right to strike. Other provisions include financial penalties for any union found to have breached the law which are so high that they could bankrupt the union, intrusive government controls on union finances and unacceptable restrictions on who can be elected as a union office-bearer. While the law purports to stop employer interference in unions, there are no such restrictions on government and political parties interfering in unions, which is a substantial problem in Cambodia'. Unions also complain that the government has ignored calls to set up a labour court. Sharan Burrow, ITUC General Secretary, called the draft law 'a step backwards'. Human Rights Watch agreed that the draft should be withdrawn and a full and inclusive consultation process should be held.

## Climate

Responding to the Paris Climate Summit Conclusions in December 2015 the ITUC Has indicated that the Paris deal 'recognises the reality of the climate threat, but only takes us part of the way'. Climate change, ITUC observed, 'is already destroying lives and livelihoods with more than 2.6 million people displaced by extreme weather events and changing seasons'. 'This', the organisation insisted 'will only get worse'. Of ITUC's three 'top lines' laid out in its message to the Summit the first was 'missing', the second 'weak', and the third 'a first step on which to build'. ITUC General Secretary Sharan Burrow said 'the race to stabilise the climate has begun but tragically, too many governments still lack ambition for the survival of their people'.

## Courts: ILO standards

The ILO training centre (ITCI-LO) has launched an on-line database of judicial decisions in which domestic and international courts have relied on international labour standards and comments by ILO supervisory bodies. The decisions are presented in the form of summaries. At the end of each summary the full text of the decision is available in the original language. The database is available in English, French and Spanish at: <http://compendium.itcilo.org>. The ILO has urged lawyers and trade unionists who are aware of suitable cases for inclusion in the database to send them to: [compendium@itcilo.org](mailto:compendium@itcilo.org)

## Essays: do unions matter?

For more than a year now LabourRights.ca, set up by the NUPGE union in partnership with the UFCW and a number of lawyers linked to the Canadian Association of Labour Lawyers, has been collecting essays from Canadian trade unionists on the theme of 'do trade unions matter?'. It's a bold question, and one that has yielded an entertaining and varied set of responses, from the autobiographical to the philosophical and from the legal to the poetic. A great set of essays from union members: <http://nupge.ca/content/11147/tell-us-why-unions-matter-and-you-could-win-1000>

## Finland

The proposed merger of the Finnish trade union centres to create a new peak-level trade union has accelerated in late 2015, with a total of 49 unions now having decided to join the project so far. As part of the process a website - <http://uusikeskusjarjesto.fi> - has been launched to provide continuous information on the developments. The new organisation is expected to be up and running by 2017. The Central Organisation of Finnish Trade Unions (SAK) and the Finnish Confederation of Salaried Employees (STTK) are committed to the project, while the Confederation of Unions for Academic Professionals in Finland (AKAVA), which initially

signed a letter of intent regarding the creation of the new organisation, has since said that it believes there is a need for a dedicated white-collar employees' union centre. Despite AKAKVA's distancing itself from the project at least two of its member unions have indicated they will join, as will around ten unions currently without affiliation to any of the three centres. The unions signed up to the project represent around 1.7 million workers. The new confederation will be a powerful lobbying force but will be politically non-aligned.

## ILO

The International Labour Organisation has published two new reports on collective bargaining in the public services. Collective Bargaining in the Public Service in the European Union is a 37-page compilation of practices in collective agreements in the public service throughout the EU showing how the principles of Convention 151 have been implemented through legislation and/or collective bargaining. The other publication, Manual on collective bargaining and dispute resolution in the public service, is a 169-page manual showcasing diverse successful mechanisms to prevent and resolve labour disputes in the public service. Both can be accessed at [www.ilo.org](http://www.ilo.org).

## Ireland

The Industrial Relations (Amendment) Act 2015 came into force on 1 August 2015 and breathes modest but welcome new life back into Ireland's sector level industrial relations framework, which had suffered significant set backs in 2013 when a system for registering sector-wide agreements was struck down as unconstitutional by the Supreme Court. The new Act sets out a revised framework for Registered Employment Agreements (REAs), binding on those employers and unions who are party to them and a regime of Sectoral Employment Orders (SEOs), under which the Minister for Jobs, Enterprise and Innovation may, subject to Labour Court and Parliamentary oversight, may set minimum rates of pay, pensions, etc for workers in a particular sector, which orders will be binding

across the sector (ie – more broadly than REOs). The Act also grants the Labour Court new powers in cases where employers refuse to engage in collective bargaining with trade unions.

## Labour rights are human rights

2016 marks the 50th anniversary of two landmarks in the history of human rights: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. On International Human Rights Day, 10 December 2015, the ILO joined UN institutions to launch a year-long campaign Our Rights. Our Freedoms. Always celebrating human rights and emphasising freedom of speech and worship, and freedom from want and fear. The ILO is highlighting the fundamental connection between human rights and labour rights and decent work in conditions of freedom, equity, security and human dignity.

## Migrant rights are human rights

On International Migrants Day 2015, the ITUC affirmed that it was celebrating the anniversaries of what it described as ‘two key human rights instruments’: the UN Convention on the Protection of Migrant Workers, now in its 25th anniversary year and the ILO Migrant Workers Convention 143, now in its 40th anniversary year. The instruments provide a broad framework for the protection of the human and labour rights of migrant workers and provide guidance to States on how to respect the rights of migrants while developing and implementing labour migration policies.

ITUC noted that the celebration of these instruments was tempered by the contemporary problems of hostility towards refugees, asylum seekers and migrants, but added that ‘while many governments fail the test of humanity and solidarity, and xenophobia is prevalent in many places, ordinary people are opening their homes to refugees, providing food, shelter and clothing to the displaced, and joining public

protests against the intolerance of some politicians and sections of the media’. ‘Trade unions’, the ITUC has said, ‘are at the forefront of this solidarity, calling for the right to work and social protection for refugees, equal treatment for migrant workers, opening up of regular migration channels, an end to abusive recruitment practices, fair representation of the multiple dimensions of migration in the media; and denouncing expressions of racism, xenophobia and intolerance’.

## Nobel Prize

The Tunisian national trade union centre UGTT, as a member of the Tunisian National Dialogue Quartet, alongside the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA), the Tunisian Human Rights League (LTDH), and the Tunisian Order of Lawyers, has been awarded the Nobel Prize for the role that Quartet members played in upholding national dialogue during the period of crisis around and following the so-called Arab Spring uprisings.

## Qatar

The ITUC has published a new report Qatar: Profit and Loss claiming that \$15 billion profit will be made by companies working in Qatar on infrastructure for the controversial 2022 FIFA World Cup using up to 1.8 million migrant workers who are modern day slaves. The report released on International Migrants Day is critical of Qatar for failing to deliver changes to labour rights or compliance, and warns construction companies, hotels, retail chains and UK and US Universities the cost of doing business in a slave state.

The ITUC estimates 7000 workers will die before a ball is kicked in the 2022 World Cup, complaining that Qatar ‘still refuses to make public the actual death toll of migrant workers or the real causes of death’. But by analysing Qatar’s own statistics and health reports over the past three years, ITUC has calculated that projections that assume 4000 workers would die by 2022 are ‘a woeful underestimate’. Estimates for spending on infrastructure for the 2022 World Cup are as high as \$220 billion. The report profiles the major

international construction companies involved in the project, from Australia, Europe and the USA including ACS (Spain), Bechtel (USA), Besix (Belgium), Bouygues (France), Carillion (UK), CCC (Greece), Ch2M Hill (USA), CIMIC (Australia), Hochtief (Germany), Porr (Austria) and QDVC (France). The report outlines a series of actions for the Qatar authorities to implement to reform the situation and to repair labour laws that the ITUC calls ‘ruinous for workers’.

## South Africa

In November the COSATU national conference confirmed the expulsion of its former President Zvelinzima Vavi and of its largest affiliate, the metalworkers’ union NUMSA. Within COSATU metalworkers are now represented by a new organisation, the Liberated Metalworkers Union of South Africa (LIMUSA). In a press statement NUMSA described 2015 as ‘a difficult year for the workers’ movement’, but while COSATU president Sdumo Dlamini used the same expression in his description of 2015 his organisation insisted that it had ‘defied all doomsayers by taking decisive steps to protect its unity and cohesion’. NUMSA and Vavi both said that it was impossible to envisage re-uniting the organisations and NUMSA is now pressing ahead with plans for what they called a ‘Workers’ Summit’, to be held in early 2016, with a view to setting up a new federation.

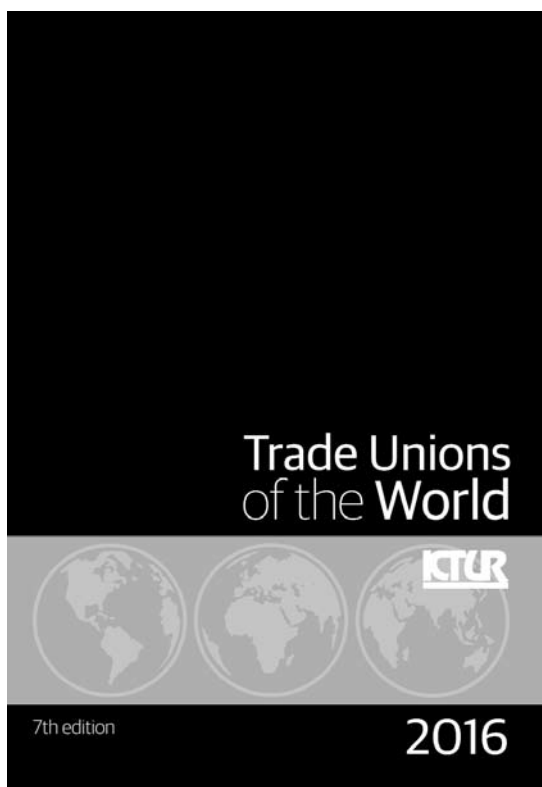
## UK

Three British human rights organisations have criticised the Conservative Government’s 2015 Trade Union Bill. Amnesty International UK, Liberty and the British Institute for Human Rights have raised concerns, arguing that ‘if the Bill were passed in its current form the totality of the restrictions placed on working people’s rights to assembly and speak out over unfair treatment would be disproportionately restricted’, according to a statement from the BIHR. The British TUC and its member unions have already submitted a complaint to the ILO arguing that the draft law will place the UK in further breach of its international legal obligations.



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