

INTERNATIONAL

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INTERNATIONAL CENTRE
FOR TRADE UNION RIGHTS



Focus on the Aviation Industry



**IUR investigates labour rights in the
aviation industry and challenges for unions**



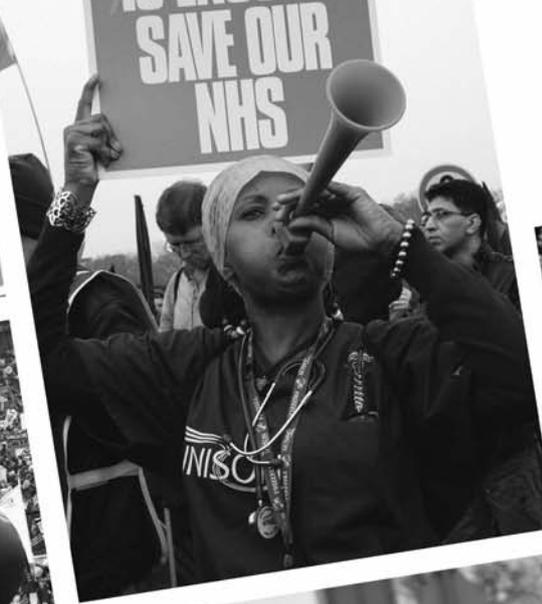
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ICTUR International

UCATT House
177 Abbeville Road
London SW4 9RL
020 7498 4700
Fax 020 7498 0611
e-mail mail@ictur.org
web site www.ictur.org

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Editorial

This edition of IUR brings together a collection of reports that detail the ways in which aviation has been changing in recent years and the effects it is having on aviation workers across the globe. We start with an overview of the issues by Head of the Aviation Section at the International Transport Workers' Federation (ITF), Gabriel Mocho Rodriguez. The author introduces some of the key areas for concern for labour within the industry. He stresses the ways that liberalisation and deregulation of airlines have left the industry more vulnerable to shocks and low-cost airlines are driving down standards across the board. Union organisation has been hampered by an increasingly fragmented industry and stress and fatigue among airline staff have become ubiquitous. Increased instances of social dumping are also emerging, presenting new challenges for unions. The author gives readers an account of the recommendations of two recent meetings affecting the industry – the ILO Global Dialogue Forum on the Effects of the Global Economic Crisis on the Civil Aviation Industry held at the end of February in Geneva and the ICAO Air Transport Conference in Montreal in March this year.

The challenges faced by aviation workers are illustrated in the reports of industrial action at four major legacy airlines and an aerospace manufacturer. Nicky Marcus from Unite the Union in the UK gives a vivid account of her experience at the forefront of the disputes with British Airways in the UK and Iberia in Spain. The author joined 20,000 striking cabin crew at Iberia last month and explains how restructuring measures by the air-

line have resulted in cuts in pay and increased exploitation for staff. In Japan, contributors Hiroya Yamaguchi, Taeko Uchida and Keisuko Fuse from Zenronren union, recount events at Japan Airlines (JAL) where 165 crew and pilots lost their jobs in December 2010. The authors outline the number of international labour violations that have been committed by JAL's management, including denial of the right to freedom of association, to collective bargaining, discrimination on the grounds of age and unfair dismissal. From Australia, labour lawyer Aron Neilson describes the ways in which Qantas, the country's 'national icon', has been transformed in recent years, adopting an aggressive stance towards workers and their right to take industrial action. In the Philippines, Gerry Rivera, President of PALEA and Benjamin Velasco of the Labour Party of Philippines, give a vivid account of the dispute between the management of Philippine Airlines (PAL) and the union PALEA, over outsourcing and precarious working conditions. More than 2500 regular employees of the airline are destined to see their employment status become precarious. PALEA has garnered international support for their struggle through innovative as well as traditional approaches to organising.

Bill Dugovich of the Society of Professional Engineering Employees in Aerospace (SPEEA), IFPTE Local 2001, reports on the recent disputes at Boeing Company. After negotiations with the company ended in a two-tier system of rights for existing workers and new recruits, the author observes "that negotiating good contracts for existing workers is only part of the work. Protecting wages and benefits for tomorrow's workers is the other part. To do both may require workers to be ready, willing, and able to withhold labour – strike – for extended periods of time". His comments have resonance for all those engaged in similar struggles across the sector and beyond. Finally, Francois Ballestero, Political Secretary for Civil Aviation at the European Transport Workers' Federation (ETF), provides some further context at the European level, with an insight into the new rules governing flight time for cabin crew and pilots issued by the European Aviation Safety Agency (EASA). The author raises a number of concerns about the rules for failing to take stock of the impact of staff fatigue on flight safety that ultimately also puts passengers at risk.

This edition also includes a special focus on Bangladeshi workers, with two articles by Nandita Farhad, a researcher at Linköping University. In her first article, the author discusses the abuse of migrant Bangladeshi (and other) workers engaged in the infrastructure work for the Qatar World Cup 2022. In the second article, she analyses the regulatory and other CSR failures exposed by the recent tragic clothing factory fire in Bangladesh in which over 112 workers were killed.

Elizabeth Molinari, *Acting editor*

Next issue of IUR

Articles between 850 and 1,900 words should be sent by email (mail@ictur.org) and accompanied by a photograph and short biographical note of the author. Photographs illustrating the theme of articles are always welcome. All items must be with us by 12 June 2013 if they are to be considered for publication in the next issue of IUR.

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Aviation and challenges for labour

Over the course of the last 60 years, scientific and technological progress made civil air transport a crucial part of the transport mix. Technological progress brought positive changes but also many challenges for aviation employees, and had a profound impact on our working conditions.

The real problem however came with deregulation, starting at the end of the 1970s and eventually leading to the disappearance of thousands of high quality jobs along with many of the 'legacy airlines' that provided them. Neo-liberal dogma dictated that the best course for the industry was to privatise and to outsource as many of its operations as possible.

Unfortunately there has been no let up in the liberalisation and deregulation agenda in the intervening decades. International competition, mergers, alliances, and cost-efficiency strategies are still being pursued relentlessly, increasing the already intense pressure in an industry that is not only characterised by cut-throat competition but which is also painfully exposed to external factors such as security concerns and economic crises. All this of course has had a direct impact on jobs and the working conditions of those employed in the industry.

Under the 'wider' International Labour Organisation (ILO) point of view, its' Workers' Group expressed in 2012,

'the world is now facing its most serious jobs crisis since the Great Depression with devastating consequences for workers and their families. Millions of workers have lost their jobs, income inequalities are widening, precarious and informal work is rising and trade union and labour rights are under growing attack.

The role of social dialogue in addressing the economic crisis, recovery and economic and social issues in general, is undermined. In the case of developing countries the crisis is additional to other crises, such as speculations on food, fuel and other raw materials, and has exacerbated the imbalances of an unsustainable development model. A sentiment of injustice and insecurity is growing among workers as they are made to pay for a crisis which was not of their making while its root causes have yet to be addressed. The world is also confronted with the urgency of addressing the challenge of climate change and its related social and employment effects'.

In this context, the mandate of the ILO to promote social justice is as important today as it was in 1919 when the world was coming out of its first world conflict. In the lead up to its 100th Anniversary, the ILO has a crucial role to play in ensuring that the labour and social dimensions of the crisis are addressed. In so doing it can rely on

its constitution, the Social Justice Declaration (2008) and the Global Jobs Pact (2009) that all contain rich and relevant guidance to promote a more equitable growth model."

In the aviation industry, workers need to enhance the ILO's contribution towards the development of a growth model that delivers decent jobs and benefits workers in our industry.

After three decades, deregulation and liberalisation have failed to deliver on many of their promises: service standards continue to fall and many airlines are financially sick so they cannot cover their capital costs required to renew their fleets.

There is growing consolidation in all parts of the aviation industry. In some countries, the industry has assumed a deregulated oligopolistic structure. Deregulation and liberalisation have also made the industry more vulnerable to external shocks and the cyclical and unexpected downturns have become more ruinous.

In this scenario, some low-cost carriers push yet further the boundaries of what their workers, and even what passengers will put up with. And they don't stop there. Local airports and service providers are also forced to lower their charges and to provide 'flexible' and cheap labour or face the threat of abandonment of the only flights left by those carriers.

Some of these companies use their workers to the limit in their quest to lower running costs and to advertise the lowest fare. Sadly, many passengers are still taken in by the creative fare structures that obscure the true cost of many flights. And the drive to infinitely lower fares continues, despite concerns about its implications for both passenger and crew safety raised by trade unions.

The development of the so-called 'low cost carrier' model has further destabilised the industry and impacted significantly and detrimentally on all workers within the industry. In a deregulated environment, the 'low cost' model promotes a race to the bottom, particularly when such a model often 'frustrates' union organisation, representation and collective bargaining.

Air transport workers have been used repeatedly and increasingly since 2000 as the primary shock absorbers for managing the effects of deregulation, liberalisation, the periodic business cycles and external shocks in the industry. Many ground staff, engineers, air traffic management staff, technicians, catering staff, pilots and cabin crew have seen their jobs eliminated. For those workers who remain, they have experienced wage cuts, cutbacks in pensions, rising workloads, deterioration in working conditions, and they live under the constant threat of spectacular company collapses, bankruptcies or mergers.

The ITF Civil Aviation Section undertook a global study through all of its affiliated trade

In a deregulated environment, the 'low cost' model promotes a race to the bottom, particularly when such a model often 'frustrates' union organisation

GABRIEL MOCHO RODRIGUEZ,
ITF Civil Aviation Secretary

Stress and fatigue among civil aviation workers became global in nature between 2000 and 2007

unions in 116 countries in all regions around the globe to examine stress and fatigue for cabin crew, ground staff workers, and air traffic service workers. The findings of this investigation were disturbing: a steady decline in conditions faced by these three occupational groups in all regions of the world between 2000 and 2007. Stress and fatigue among civil aviation workers became global in nature between 2000 and 2007, and has worsened progressively since 2000.

Employers have expressed their concern about the difficulties to attract the 'new generation' of aviation workers. Worsening the working conditions will not help and will bring more problems to the sustainability of the industry.

We can also witness the proliferation of offshore registries in aviation promoted by sub regional multinational agreements taking care of the safety oversight but without even considering the social implications of these practices and the effect on safety and security. There is growing evidence that airlines under liberalisation are increasingly re-structuring their operations to reflect classic maritime 'flags of convenience' scenarios.

The ITF, as a multi-modal organisation, has intimate experience with the consequences of 'flagging out' in the maritime sector. In fact, the ITF invented the term 'flags of convenience' back in 1958. In that sector, the 'unbundling' of ownership, nationality and safety oversight and standards have allowed some ship-owners to impose the lowest possible employment standards and conditions for their workers and the most relaxed safety standards and oversight for their operations.

In the maritime sector, ships and fleets can be "flagged out" to countries (including land-locked nations with no maritime tradition, like Mongolia) that offer tax avoidance, lower-cost safety and labour standards and conditions, and inadequate safety supervisory and inspection structures. 'Flagging out' is generally driven by the desire to save costs (including paying lower taxes) or to escape effective regulatory control by the State in which the vessel or fleet is beneficially owned. It is the ultimate privatisation of regulation. If a ship-owner doesn't like what the regulator is doing, they quit the flag and find a more convenient or compliant one.

The ITF has played a key role in reducing the negative effects of the system on seafarers, including the fact that over 11,500 ships are now covered by internationally negotiated collective agreements.

The growing number of parallels in today's civil aviation to traditional maritime 'flagging out' scenarios is striking. Offshore registries for civil aviation aircraft exist and are growing in Aruba, Bermuda, Ireland, Malta, Georgia and Lithuania.

Offshore registries for private aircraft also exist in the Cayman Islands, the Isle of Man, and San Marino. The rationale for such offshore registration is related to lower direct and indirect taxes (e.g. Europe VAT is 20.5 per cent compared to none in some registries), lower insurance costs and less bureaucracy.

Airlines are using 'open skies' agreements to choose creatively whether to be regulated and supervised by local or home-based regulation, opening the civil aviation sector to the risk of social dumping, safety dumping, and reduced oversight as regulators shouldn't be "competing" for registering aircraft.

As a result, the sustainability of the air transport industry is now in jeopardy with increasing turmoil and worker resistance to such employer tactics.

Years of appropriate tripartite dialogue in the maritime industry, resulted in the Maritime Labour Convention, adopted by the International Labour Conference in 2006, setting out the conditions for decent work to protect more than one million seafarers represented by the ITF, the very same organisation that represents aviation workers.

We urge governments, regulators and employers to learn from these lessons and engage in productive social dialogue that could help us to provide tools to achieve a more sustainable aviation industry to the benefit of all of us.

The last few decades are a testament of the pressing need to bring stability to our industry and as partners what we need is an informed debate at a global level to work out common objectives. Then we can decide what mechanisms are required to achieve these objectives. Needless to say, only the International Labour Organization can lead all social partners in doing that. We have a joint responsibility of bringing stability to our industry.

For the reasons outlined above, the ILO called for a Global Dialogue Forum on the Effects of the Global Economic Crisis on the Civil Aviation Industry to discuss how to promote sustainability and decent work in the civil aviation industry. It was held from 20-22 February 2013 in Geneva.

In its conclusions, the meeting noted that "to achieve that goal, the industry needs a sustainable workforce, sustainable enterprises and a balanced value chain".

Some 150 delegates representing governments, the aviation industry and labour unions agreed on the need to continue to promote decent work in the civil aviation industry through the effective implementation and use of all relevant ILO standards and instruments.

Furthermore there was consensus among governments, employers and workers that the ILO has a key role to play in facilitating social dialogue in the civil aviation industry, while govern-

ments are required as regulators of the industry.

“Civil aviation is a sector characterised by a high level of social dialogue and governed by strict safety regulations. The continuous change, especially technological, and evolving market demand, will require continuous active policies and a level playing field that will motivate workers and especially young people to join the various sectors that compose the industry”, Mr Manfred Merz, Executive Vice President of the Airline Personnel Directors’ Council (APDC) said.

“The aviation industry has gone through a series of crisis and faced major changes which have seriously impacted its ability to attract and retain highly skilled workers. The latter are crucial to the safety of passengers and workers which is our number one priority. During this meeting we reached a series of remarkable consensus points and we are all determined to see them transformed into major changes in the industry. One key decision was to convene employers, unions and governments regularly to develop the process of social dialogue and to monitor that the results of the Forum are applied in practice. “The first opportunity to do this will be at the ICAO Air Transport Conference in Montreal in March to which the key consensus points will be transmitted.”, David Cockroft, General Secretary of the ITF, said.

The meeting made the following recommendations:

- The ILO should address the needs of the industry for agility and decent and productive work by creating a level-playing field for all actors, and further strengthen social dialogue and workplace cooperation in the sector;
- Ways of strengthening cooperation between the ICAO and the ILO on matters of common interest should be discussed;
- The ILO should promote within the ICAO, and other safety regulators, a “human factors approach” in the security domain;
- The ILO should convey the Points of consensus from the Global Dialogue Forum to the Sixth Worldwide Air Transport Conference of the ICAO.

“Contrary to other industries, there is an incredible convergence of interest between employers, workers and governments – so they should be able to put together a dynamic and innovative report based on this meeting”, the chair of the meeting, H.E. Mr Roderick van Schreven, Ambassador, Permanent Mission of the Kingdom of the Netherlands concluded.

Social dialogue should not be a process that ends when a meeting is held “successfully.” The fight against global warming and gender inequal-



SPEEA member Dave Ringer, a technical worker at the Boeing plant in Renton, Washington, participates in a noon rally outside the factory

ity, protection of migrant workers and avoiding social and safety dumping also requires genuine, continuous and result-oriented social dialogue.

The ILO defines social dialogue as all types of negotiation, consultations or simply exchange of information between representatives of governments, employers and workers on issues of common interest relating to economic and social policy, whether at the enterprise, sectoral, national or international level. However, we should always keep in mind that among those levels, the international level has a special importance as it will set a strong precedent to social dialogue at all other levels.

Aviation workers want to create an aviation infrastructure that meets the economic, social and cultural needs of all nations, that is responsive to all stakeholders and that operates competitively in a market, where measured and economically, environmentally and socially sustainable growth is promoted by regulatory authorities.

The unions in the ITF Civil Aviation section are working hard in order to secure these objectives for the future of aviation workers.



Iberia Strike Supporters

Airlines are using “open skies” agreements to choose creatively whether to be regulated and supervised by local or home-based regulation

Disputes at British Airways and Iberia

Whilst it would have been unlawful for BASSA to request secondary action, BA also used - and paid accordingly - rival airlines to carry their passengers on strike days

Whilst the origins of the bitter and protracted British Airways cabin crew industrial dispute of 2010/11 lay ostensibly in an alleged urgent need for cost cutting through fewer crew members and a two tier workforce with new entrants on vastly inferior terms and conditions, British Airways management subsequently privately conceded that the greater objective was to smash the powerful union, BASSA (the cabin crew branch of Unite), once and for all.

Although it is not unusual for management to take a particularly unitary approach to industrial relations, Willie Walsh - CEO of BA at the time and later of IAG (International Airlines Group) following the £4.5 million merger with the Spanish carrier Iberia - seems to have a very personal quest for complete control combined with a notably aggressive approach to any reaction of workers who balk against that control. Whilst the managerial prerogative is constrained by statutory obligations along with the reactions of organised labour, the scope of such constraints is dependent on the freedom and opportunities workers have to seek redress. In the BA dispute Walsh and his management team sought specifically to eradicate all such constraints.

In pursuit of that objective and having consulted The Burke Group (a specialised labour relations management consultancy that boasts a 96 percent record of thwarting union certification campaigns in the US), Walsh and select members of the BA hierarchy embarked on a comprehensive union-busting programme planned from a blacked out, secure room in BA's corporate headquarters, Waterside.

They withdrew facilities' time from BASSA reps to prevent them operating as an effective union team and to render them ineffectual in the eyes of the membership, embarking at the same time on the creation of a climate of fear amongst the membership. Instigating a planned and covert initiative called 'Leiden' to create a Stazi-like atmosphere, managers began disciplining striking cabin crew for talking about the strike, 'not being friendly enough to non striking crew' or using a BASSA pen on board the aircraft - all of which constituted acts of bullying, harassment and intimidation. They bypassed normal policies and procedures, dismissed mitigating factors and ignored irrefutable evidence to apply particularly harsh sanctions that were not similarly applied to non striking crew or pilots. Under 'Leiden', BA suspended almost 100 BASSA members and reps, sacking 20, including two of the highest profile and most popular reps and the Branch Secretary in a clear attempt to decapitate the leadership and undermine the solidarity of the membership.

They set up and funded a new union - 'Professional Cabin Crew': membership and rep-

resentatives unknown - as a voice of BASSA opposition in the press where the dispute was portrayed as a fight for the very survival of the company with the cabin crew cast as villain.

A campaign was rolled out internally to intimidate or entice other sections of the workforce to train as cabin crew in order to undermine the strike. All staff were either "backing BA" or against them. A huge board was mounted in the lobby of the corporate headquarters. "I'm backing BA because....." was printed across it and staff were invited to leave comments. "Cabin Crew are scum" was left in pride of place. Hundreds of staff and most notably pilots, trained as cabin crew to undermine the strike. Whilst it would have been unlawful for BASSA to request secondary action, BA also used - and paid accordingly - rival airlines to carry their passengers on strike days.

In order to frustrate the statutory rights the crew had to take industrial action, and indeed to drain the resources of the union, Walsh used anti union legislation introduced by the Thatcher and Major governments. This led to the union being caught up in costly High Court injunctions and stopped the strike on spurious technical grounds, removing, in practical terms, the very right to strike. Victories on appeal for BASSA and later for Aslef and the RMT - both of which had similar injunctions overturned - subsequently established in law the duty of the courts to uphold the right to strike.

Given the fact that BASSA came to within £7 million of the cost savings originally requested of them and the strike cost BA over £300 million, it is clear Walsh did all he could to prevent the strike from ever happening and once it did to break it. He attempted to break the collective strength of 10,000 cabin crew who had won relatively decent terms and conditions for themselves over many years. Cabin crew, not known for their political militancy, who are scattered all over the world, of different nationalities, who don't have a shop floor, who have no historic or geographic industrial base, who don't even know each other and largely meet each other for the first time when they get on an aircraft together.

Crucially, Walsh underestimated the solidarity of the cabin crew bolstered by the unerring support of Unite under the leadership of Len McCuskey.

In the very first strike ballot, 92 percent of cabin crew voted to strike. That figure only ever dipped throughout three further strike ballots to 87.5 percent and eighteen months on, 92 percent voted to accept the deal offered to them.

Under the terms of the settlement agreement, all pay, terms and conditions remain intact. BA succeeded in introducing a two tier workforce but stringent protections were put in place for all



NICKY MARCUS,
Regional Industrial Officer,
Unite the Union



Outside Parliament

existing cabin crew restricting the rate of the transferral of flights to “Mixed Fleet” and ensuring that existing crew are paid regardless. Variable pay (the extra money crew are paid for flying which can amount to a third of their salary) can never diminish and indeed rises in line with inflation. Crucially, if BA has to pay crew regardless, there exists a clear incentive to keep them flying, undermining the desire to move flights across to the new, cheaper fleet.

A resolution was reached for all dismissed crew the terms of which are confidential, involving those that wanted their jobs back being reinstated.

Whilst the settlement of the dispute cannot be said to be an all out victory for BASSA and Unite, it must be seen as a significant, hard fought victory, nonetheless; a decent, honourable effective settlement against all odds. Crucially, Walsh failed entirely in his primary objective: the dismantling of the union. BASSA’s membership continues to grow, particularly boosted recently by the TUPE transfer of ex British Midland crew. Mixed Fleet now has 1000 Unite members, is soon to be given recognition and is meeting with and being advised by BASSA.

Whilst pay deals are on the table for both BA fleets, the same cannot be said of the sister IAG airline, Iberia. When Iberia cabin crew, ground staff, engineers and pilots made the announcement in February 2013 of three lots of strike dates totalling 15 days - in response to a markedly similar dispute with Walsh as head of IAG - BASSA representatives led an international delegation to Madrid to offer the benefit of their experience. When they arrived for the second lot of strike dates on 4 March, 20,000 Iberia staff were involved in their first all out strike.

Unions had, in January, all but shaken on a deal with Iberia and the Spanish state that involved them accepting a 14 percent wage cut, a four year pay and increment freeze and the application of Spanish ERE system which avoids compulsory redundancies through the payment of 80 percent of employees’ salaries - half by the state and half by the company until ‘redundant’ workers find another job or until their date of retirement. Citing new laws passed by the Conservative Spanish government that downgrade employment rights, make dismissal easier and offer straight redundancy as an alternative to the implementation of ERE, Walsh blocked the deal. He demanded, rather, a 23 percent pay cut, two fewer days off a month, a fully flexible roster for two months of the year and a week a month and a number of other downgraded terms and conditions. Crucially, he further sought to re-

structure the route network towards the low-cost wing of Iberia as well as making 3,800 compulsory redundancies.

Familiar to the BASSA reps was the Iberia reps’ story of the negotiations leading up to the strike: the ever changing goal posts, the scare stories of dire economic straits and the necessity for steep cuts. Further, Walsh branded the industrial dispute as a battle for survival only to see the April 2011 accounts following the BA dispute showing a revenue of £9,987 million, up 17.0 percent over the previous year.

Where Walsh had threatened to sack the entire BA cabin crew and re-engage them with 90 days notice on inferior terms and conditions if they went on strike, in Spain, he threatened that the 3,800 proposed redundancies would become 6000 were the strike were to go ahead.

Familiar too is the dismissal of all advice in opposition to his own rhetoric, “I can recall very significant interventions by certain politicians during the British Airways dispute with cabin crew. It didn’t change anything,” he says in reference to Spanish state intervention.

Although Spanish workers are not constrained by the state in the same way as British workers are - unions do not have to ballot members to strike let alone meet the extraordinary, exacting and absurd requirements of the UK balloting system - they are similarly constrained by alternative forms of legislation. Iberia is forced in law to fly ‘essential services’ to be determined by the company and the state. In this Iberia strike, essential services were deemed to be all US destinations, all islands, all international destinations not served by another international airline and various other seemingly random cities. In practice, ‘essential’ services amounted to 70 percent of the flying schedule, undermining the power of any strike, all out or otherwise.

Following the second lot of strike dates, Iberia and the Spanish state who still own 12 percent of Iberia through the state controlled bank, Bankia, intervened in negotiations to mitigate Walsh’s bullishness, reverting in large part to the deal already reluctantly proffered by the unions. Crew and pilots are to take a 14 percent pay cut with seven percent for ground staff. There are to be 3150 redundancies but redundancy pay has been enhanced from the statutory minimum to 35 days per year of service. 650 jobs have been saved. Whether all unions involved in this dispute sign up to this settlement remains to be seen.

In total Mr Walsh received a remuneration package worth €1.49m last year, including taxable benefits, deferred share awards and pension.

Familiar to the BASSA reps was the Iberia reps’ story of the negotiations leading up to the strike: the ever changing goal posts, the scare stories of dire economic straits and the necessity for steep cuts



Workers' rights at stake during the mass dismissal by JAL

Though direct mention of dismissal is small, it clearly points out that the case is of significant concern due to the violation of ILO Conventions 87 and 98

Introduction

Japan Airlines terminated 165 pilots and cabin crew on 31 December 2010. The candidates for dismissal were selected by the criteria of past sickness/absence records (more than 41 days) during the designated period set by the company, and their age (over 55 years old for captain, 48 years for co-pilot and 53 years for cabin crew). The 81 dismissed pilots include 12 trade union and professional organisation officials and 22 former officials. The 84 dismissed cabin crew include 24 union officials and 23 former officials. These unions and its federation were severely damaged.

These dismissals intend to debilitate trade unions at the time of JAL's bankruptcy. While the criteria adopted an appearance of objectivity, it was made to include key persons in union activities, who the management wished to eliminate. Candidates for dismissal had been assigned no work for three months before the dismissal and the management intimidated them to voluntarily resign or otherwise to be dismissed. Although negotiations occurred before dismissal, the management had repeated its opinion without providing substantial reasons for the necessity to dismiss the workers. We believe it is not meaningful negotiation in good faith.

ILO complaint

The JFU and the CCU lodged a complaint with the ILO's Committee on Freedom of Association in March 2011. It was supported by the National Confederation of Trade Unions (ZENROREN), the National Trade Union Council (ZENROKYO) as well as by the International Federation of Air Line Pilots' Association (IFALPA) and the International Transport Workers' Federation (ITF). The complaints clearly pointed out violations of ILO Conventions No.87 and No.98, by showing the non-disclosure of information on the bankruptcy and the rehabilitation process, and the absence of negotiation in good faith, lack of meaningful negotiations to avoid dismissal, unfair labour practices by the Enterprise Turnaround Initiative Corporation (ETIC) and the dismissal of union officials. The Committee issued a report on this case to its 346 session which was adopted by the ILO GB in June 2012 at its 315th session, which made the following recommendations:

(a) *The Committee requests the Government to ensure that during the process of workforce reduction, measures are taken in consultation with the parties concerned, for the functioning of the union and the continuing representation of the workers.*

(b) *Noting that 148 workers dismissed by the company filed a lawsuit against the company before the Tokyo District Court, in January 2011, to request confirmation by the court of the existence of legally binding contracts between themselves and the company, the Committee requests the Government to provide information on the outcome of the pending cases in court.*

(c) *The Committee stresses the importance of engaging in full and frank consultation with trade unions when elaborating restructuring programmes, since they have a fundamental role to play in ensuring that programmes of this nature have the least possible negative impact on workers. The Committee hopes that the Government will ensure full respect for this principle.*

(d) *With regard to the order of remedies rendered on 3 August 2011 by the Tokyo Metropolitan Labour Relations Commission on "unfair labour practices by the Enterprise Turnaround Initiative Corporation (ETIC)", the Committee requests the Government to provide information on the outcome of the appeal lodged by the company on 1 September 2011 to the Tokyo District Court requesting the remedies be set aside.*

Labour violations

Though direct mention of dismissal is small, it clearly points out that the case is of significant concern due to the violation of ILO Conventions 87 and 98, by the following elements; the necessary attention for employment of union officials to secure meaningful consultations, whether meaningful negotiations was done to minimise impacts by restructuring process and intervention by ETIC.

We believe this case also violates ILO Convention 111 (Discrimination in Employment and Occupation, not ratified by Japan) with regards to dismissal because of age, and contains serious concerns in relation to other international labour standards, such as the ILO Convention 122 (Employment Policy, not ratified by Japan) and 158 (Termination of Employment, not ratified by Japan).

With the recommendations, both unions and the plaintiffs and their supporters have urged the Japanese government to play its role in setting up a negotiating table with JAL's management. However, the government has done nothing in practice to implement the recommendations.

A total of 146 (increased to 148 later) out of the 165 dismissed workers filed a lawsuit in January 2011 in the Tokyo District Court to seek their reinstatement. In March 2012 however, the dis-



HORIYA YAMAGUCHI is the chief plaintiff of dismissed captains and crew.



TAEKO UCHIDA is chief plaintiff of dismissed cabin crew.

strict court issued the unfair ruling which, unbelievably, justified the dismissal even though the then-CEO (Mr. Kazuo Inamori) had testified at the court that the compulsory redundancy was unnecessary and the company had almost achieved the target number of voluntary retirement scheme. The ruling ignores the sincere efforts by the trade unions to avoid the dismissals through work-sharing, for example, and does not mention the real reason and responsibility for the bankruptcy. It is serious that the Japanese judiciary made such a ruling which is so divorced not only from the Japanese Constitution but also from ILO standards and international human rights jurisprudence.

Consequences

Faced with fierce competition from low-cost carriers (LCCs), the dismissals affect workplaces, where the management has been conducting a rugged downsizing of workers. The dismissal of many union officials has damaged an open and free atmosphere, and most importantly, undermined safety by a series of rudimentary but serious incidents. In January last year, a captain who had broken his ribs by falling on ice and snow outside the aircraft during his pre-departure inspection continued to work on board for his next flight without notifying to the authorities.

After the dismissals, more than 100 pilots and 700 cabin crew resigned. While JAL hired 940 new cabin crew, however, the management has not shown any indication to rehire the dismissed workers. In recent months, a brand new Boeing 787 Dreamliner was grounded due to serious troubles. This creates a shortage of pilots in a moment for other aircrafts. It exposes inappropriate JAL management decision to excessively reduce workforce and conduct mass dismissal.

Conclusion

This case shows that securing fundamental labour standards such as the ILO Conventions on civil aviation is vital for labour rights and safety, in a context of harsh global competition. Not only JAL but other major companies conduct large downsizing of workers by terminating contracts whether permanent or precarious, without any due consideration of labour or human rights. We are working for our reinstatement and cancellation of the dismissal in solidarity with other struggles to restore and protect workers and union rights and for decent work and working condition both in globally and in Japan.



Picket line in front of JAL HQ

We are working for our reinstatement and cancellation of the dismissal in solidarity with other struggles to restore and protect workers and union rights



Rally to support JAL dismissed workers

Article written with coordination of Keisuke FUSE of Zenroren International Bureau

The shutdown of a national icon

Qantas claimed in excess of 2.5 million dollars from the TWU for the simple action of talking to union members about job security and their future

Qantas is an icon of Australia. The 'Flying Kangaroo' as it is known has been in operation since 1919 and has grown into a well-respected international airline. It has a special place in the hearts and minds of the Australian population. That image of an airline that respects its workers and customers alike has been tarnished in recent times by the actions of a management which seems hell bent on destroying a national icon. This article will highlight two of the recent examples in which Qantas through its management have attacked workers and their unions and in doing so tarnished a national icon forever.

The 2009 stoppage

On 30 March 2009, Qantas alleged that a number of persons, who were members of the Transport Workers Union of Australia (TWU) unlawfully stopped work for a period of a few hours. The employees were meeting to discuss significant concerns they had about proposals for the outsourcing of their jobs and the failure of Qantas to adequately take into account their needs and concerns.

In Australia, the taking of industrial action during the 'life' of an enterprise agreement is known as unprotected action. It is illegal. The stoppage on 30 March 2009 occurred during the life of an enterprise agreement. According to Qantas it was illegal.

Under Australian law, if a union engages in industrial action during the life of an enterprise agreement they can be subject to penalties imposed by a Court. Qantas applied for those penalties. However, it took it one step further and sued the TWU for the damages it said it incurred as a result of the stoppage.

TWU members are generally engaged in baggage and ground handling. Qantas alleged that as a result of the stoppage it was unable to process bags at various domestic airports. It also alleged that flights in international ports were delayed and this led to Qantas having to pay compensation to passengers who were affected by the delays.

Qantas sued the TWU for things like the meal vouchers it gave to passengers in Bangkok and other international ports, fuel costs, overtime payments it had to make to non-striking staff, and a variety of other payments. In scenes similar to that which applied in the British Taff Vale case 1901, Qantas claimed in excess of 2.5 million dollars from the TWU for the simple action of talking to union members about job security and their future. The TWU was simply exercising its international and ILO protected rights. Those familiar with British Labour history may recall that the Taft Vale case was one of the reasons for

the creation of the British Labour Pact as outrage spread that a union could be liable for the loss of profits of employers where strike action was taken. Similar outrage spread in Australia.

The TWU had a number of legitimate defences to the action of Qantas but ultimately the Court ordered the TWU to pay Qantas an amount of \$707,345 plus statutory penalties. Unlike Taft Vale, Qantas failed in its tort action against the TWU but was able to get statutory compensation under the Workplace Relations Act (which has since been repealed by the Labor Government).

The actions of Qantas in this dispute created significant concern and alarm amongst its workforce. Instead of sitting down and talking to the union about their legitimate concerns, Qantas decided to take the hard nose litigious route and in doing so trashed its brand and iconic status with both its workforce and the wider community.

Not satisfied with the damage it had already done, Qantas then went one step further.

The shutdown of a national airline

During the course of 2011, Qantas and three of the unions representing its workforce were engaged in industrial action in support of a new enterprise agreement with Qantas. During bargaining for a new agreement, employees under the Australian system are entitled to take what is known as protected industrial action. Basically it means that an employer cannot take action against a union or union member for engaging in the action.

Not recognised in international law but recognised in Australia is the right for an employer to lock out its employees during bargaining.

Throughout the bargaining for the agreement, the Qantas unions had always made it clear that job security and outsourcing were significant concerns. Qantas refused to budge. Each of the unions began a series of low level instances of industrial action. The baggage handlers stopped work for an hour or two at a time, the engineers worked only with their left hand for a short period, and the pilots took the radical step of wearing red ties (instead of the Qantas issued black) whilst flying the planes. This was not a daily occurrence. It would happen sporadically. Hardly revolutionary stuff!

What did Qantas do in response?

It shut the entire airline down until all industrial action ceased. The reason they gave for doing this: allegedly pilots were being distracted by the ongoing industrial action hence there was a risk of an accident. Seriously, that was the reason put forward.



ARON NEILSON,
Associate, Maurice Blackburn
Lawyers, Sydney.



The result was that employees exercising their international rights to take industrial action and protect their terms and conditions were denied access to this fundamental right

By shutting down the airline, Qantas stranded its passengers both in Australia and overseas. Planes which were on the tarmac were ordered to go back to the terminal and passengers were left stranded and clueless. Staff who were not involved in the action, and who were represented by other unions, were told they would be kept out of work for an indefinite period. For what end?

It was palpably clear that what Qantas really wanted was to terminate the industrial action of the unions. It could have made an application itself that the industrial action was harming its business; however it chose a different route. Under the Fair Work Act in Australia, protected industrial action can be terminated if it threatens the national economy. By shutting down the airline, Qantas forced the Federal Government to do its dirty work by requesting that the national workplace relations umpire terminate all industrial action (including that of Qantas). Predictably, Qantas argued strongly that the industrial action and the grounding of the planes would harm the national economy. To this end, it had expensive economist give evidence (on a Sunday) in support of this proposition. Qantas got what it wanted. The tribunal terminated all industrial action,

forced the employees back to work and got them locked into an arbitration process that was weighted against them.

The result was that employees exercising their international rights to take industrial action and protect their terms and conditions were denied access to this fundamental right.

Luckily for these employees, they were protected by their union and through leaders such as Tony Sheldon of the TWU, the employees were able to achieve an outcome through arbitration which protected some of their rights. They did not get everything they wanted but in the skirmishes between the TWU and Qantas it was the workers who came out in front in the eyes of the public. As for Qantas, it was seemingly prepared to again trash its own iconic image to deny employees their international rights!

What do these cases say about the law in Australia? It is clear that the internationally protected right to strike is still not fully recognised or respected in Australian law. The Courts will not recognise it and it is up to Government intervention to recognise and protect Australian employees from the excesses of employers like Qantas when they engaged in the internationally protected right to strike. Australia still has some way to go.

We need changes to make EASA FTL rules safe(r)!

The EASA Opinion fails to meet the EU's legal mandate, disregards scientific evidence, runs counter to the precautionary principle, and allows duty schedules that are dangerous

On 1 October 2012, the European Aviation Safety Agency (EASA) issued its Opinion on Flight Time Limitations (FTL) for cabin crew and pilots. It contains a revised set of rules which ignores the impact of staff fatigue on flight safety. The European Transport Workers' Federation (ETF) is highly concerned about passengers' safety since EASA has clearly disregarded scientific evidence when drafting its rules on FTL.

The ETF, representing more than 100,000 cabin crews and pilots, is of the opinion that EASA's set of rules on FTL was drafted in view of the airlines' commercial interests, disregarding scientific and medical evidence on a number of key issues. EASA does not put passengers' safety at the centre of their proposal.

The EASA Opinion fails to meet the EU's legal mandate, disregards scientific evidence (incl. four reports commissioned by the Agency itself), runs counter to the precautionary principle, and allows duty schedules that are dangerous.

Since October 2012 and to date, we have pushed the Commission and EASA to improve the EASA Opinion in order for the Commission to present an acceptable draft Regulation. We noticed a will to improve this Opinion and to clarify some points. So far, we haven't seen any final text on which we can have an ETF position.

We think that to provide passengers with rules that guarantee their safety, concrete changes are required:

- Enshrine the 'Non-regression principle': as under today's 'EU-OPS' Regulation, this will allow Member States to maintain and introduce stricter safety standards at national level, if they wish so, whilst EU rules provide a minimum safety level only. EASA proposes to abolish this principle. This would force several countries to 'regress' their standards to the lower EU level.
- Make Standby provisions safe:
 - a) an 18 hour 'Cap' for Standby + Flight Duty: put an upper cap on the combination of (home/ airport hotel) standby followed by a flight (in the US = 16 hrs). Otherwise, landings will be possible at the end of very long duty days (up to 20-22 hrs) and even more hours awake.
 - b) Protect sleep during "Reserve" standby: EASA allows crews to be put on "Reserve" for many consecutive days, to be called at any moment day or night for a later flight duty. To prevent sleep disruption and fatigue, introduce a 'contactable' mechanism (like in UK) to allow crews to plan their sleep before a flight. And provide a notice period of at least 12 hrs for flights touching the 'deep-sleep' "WOCL" period



Giving the petition to Brian Simpson

(02:00-05:59). 'Reserve' should formally be treated as standby in all respects.

c) Limit duration of 'delayed reporting' standby: to prevent excessively long 'on-call' periods during delayed starts followed by a full flight duty, set a maximum delay of 4 hours (as in EASA's previous CRD text), after which the flight duty 'clock' starts ticking.

- Limit night flights to 10 hrs, as scientists unanimously recommend, to prevent dangerous fatigue levels. In the meantime start research on night operations to determine conditions for safely exceeding 10 hrs in future. EASA's Opinion allows 11 hours (down from an excessive current limit of 11:45) and even up to 12:30hrs at night for late afternoon starts.
- Inflight-rest for cabin crew: against scientific advice EASA adds one hour – for cabin crew – to the flight duty time after extension due to 'inflight-rest'. Cabin crew must have the same maximum limits as pilots in any combination of different circumstances. The periods of extension must reflect scientific advice and not add an extra 30 minutes.
- No Opt-out mechanism on 'disruptive schedules' which allows evading restrictions on schedules which disrupt sleep patterns. This should be done by replacing 'early type'/'late type' definitions by a single definition e.g. for 'early starts', as recommended by the scientists (05:00-06:59). It should also require three local nights (instead of only two) within an 'extended recovery rest period' after four or more consecutive early starts (late finishes and/or night duties), as scientists recommend.
- Airport Duty for safety tasks only: the ETF doesn't agree with the introduction of "other duty" in the new definition of 'airport duty' in order to prevent that operators make air crew work for several hours on non-safety-related



FRANÇOIS BALLESTERO,
ETF Political Secretary

tasks before they embark on their flight. Mixing ground and flight duties can significantly affect the crew's alertness levels during the flight.

- Protect against the fatiguing effect of long work days with multiple take-offs and landings: follow the scientists' advice to
 - a) limit the twice-weekly 1-hour flight extension to flight duties starting between 08:00-12:00 (instead of 06:15-19:00);
 - b) to reduce the flight duty as of the 2nd take-off (instead of 3rd) and
 - c) reduce it by 45 minutes as of 4th take-off (instead of 30 min.).

Together with ECA (European Cockpit Association), we have fought to oppose the current EASA Opinion and improve it to have good safety rules at EU level. We organised 'Walkout for Safety' actions in the airports of 18 European countries on 22 January 2013 against the newly-proposed European flight duty time rules.

By organising this action day by their affiliated members, the ETF and the ECA aimed to denounce the potential threat to passenger safety.

This widespread action has shown those air crews are ready to say 'no' when their and their passengers' safety is compromised. Policy-makers need to take political responsibility and set rules to effectively prevent fatigue-related accidents. We will keep up the pressure across Europe on EASA and the European Commission to stop ignoring the scientific evidence and to put safety ahead of airline cost-cutting.

In Brussels, a safety petition with more than 100,000 signatures was handed over to the Cabinet expert Siim Kallas, Vice-President of the European Commission in charge of transport, and Brian Simpson, Chair of the European Parliament transport committee. Flyers were distributed in front of the European Commission and the European Parliament, calling on politicians to put passenger safety before the commercial interests of the airlines. Afterwards, the ECA and ETF held a joint press conference.

Other actions, including mass lie-downs, marches and handing out leaflets, took place in Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Finland, France, Germany, Iceland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain, Sweden and the UK.

So far, EASA's recommendations are under review by the European Commission, which is expected to adopt into law in autumn 2013 revisions to the 2008 aviation safety regulations. The new rules should be implemented in 2015.

The ETF will use all the means at its disposal to make heard the voice of the cabin crew and the pilots!



Demonstration in Strasbourg



We organised 'Walkout for Safety' actions in the airports of 18 European countries against the newly-proposed European flight duty time rules

Algeria

In February, a trade union meeting was disrupted and a number of delegates were deported. ICTUR understands that police raided the hotel where trade unionists were staying while attending the first North African Forum to Fight Unemployment and Precarious Work. We are informed that five Moroccans, three Tunisians and three Mauritians were arrested, were then driven directly to the airport and deported from the country, without being able to inform anyone by telephone.

The trade unionists detained were due to take part in a meeting at the Maison des Syndicats, hired by the SNA-PAP trade union in Dar El Beïda. We are informed that police surrounded the trade union premises early in the morning and prohibited any attempt to access or vacate the building. The police also went on to arrest Abdelkader Kherba, a member of the Algerian League for the Defence of Human Rights, LADDH, and the National Committee to Defend the Rights of the Unemployed, CNDDC, along with three members of the SNAPAP National Executive.

ICTUR has written to the authorities to recognise that this action is a violation of international laws protecting freedom of association and trade union rights. ICTUR further calls for the speedy release of all those arrested. ICTUR urged the authorities to ensure that they consider Algeria's obligations under ILO Convention 87, which protects trade union rights. ICTUR reminded the authorities that the ILO's Committee on Freedom of Association considers the arrest and detention of a trade unionist – even briefly – to be a grave threat to respect for freedom of association, and that protections exist for trade unionists engaged in international trade union activities.

Chile

On 21 February, Juan Pablo Jiménez, President of N°1

union at the electrical engineering company Azeta, and President of the Chilectra Federation of Subcontractors, was shot dead as he was walking to his office at the company.

According to the police who investigated the crime, Jiménez was killed by a bullet fired from the residential areas close to the company premises. The following day he had been due to attend a hearing to continue denunciations of the company's anti-trade union practices.

ICTUR has written to the authorities to heed the call of local organisations that have spoken out against the killing and to ensure that the case is fully and rigorously investigated. ICTUR drew attention to the fact that the murder of a trade union leader is a rare and particularly grave violation of numerous instruments of international human rights law, including the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, the International Covenant of Social and Economic Rights, ILO Convention 87, and the Declaration of Fundamental Principles of the ILO.

Colombia

On 28 January, ICTUR understands that unknown assailants attacked Carlos Pérez Muñoz, a local leader with the SINTRAINAGRO union representing sugar workers at the La Carbaña sugar mill in Valle Del Cauca.

ICTUR has written to the authorities to express its concern about the serious problems surrounding labour rights in the sugar sector in Colombia, that have attracted international attention in recent years, and the likelihood that this attack may have been 'retaliation' for Muñoz's work to defend trade union rights.

ICTUR has also written to the Colombian authorities about the recent threats against two leaders of the SINTRACAR-

BON union. ICTUR understands that on 6, 7, 8, and 10 January, Sintracarbon negotiators Igor Díaz López and Aldo Raúl Amaya Daza and their families received telephone death threats, and an armed man was seen outside Amaya Daza's family home. Amnesty International's assessment of the risk was: 'their lives are in danger'. These threats occurred at the peak of negotiations and just prior to the calling of a major strike at the mining company Carbonnes de Cerrejón, which is part owned by the multinationals Anglo American and BHP Billiton.

ICTUR emphasised its awareness of serious problems surrounding labour rights in the mining sector in Colombia and its concern that this attack may have been 'retaliation' for SINTRACARBON's work to defend social and community rights and to further trade union rights for sub-contracted workers.

ICTUR condemned the ongoing climate of threats, violence, and harassment that surrounds trade union activities in Colombia, such as the threatening phone calls that were received by Carlos Humberto Velásquez, President of the Bucura-

manga branch of the oil workers' union USO. ICTUR called upon the government to act decisively to protect the lives and freedoms of trade unionists, of human rights defenders, and of their families.

Greece

ICTUR has written to the Greek authorities to express its concern by the intervention of the authorities into a labour dispute, by the forceful break-up of a workers' protest, and by the issuing of requisition orders during the recent metropolitan transport workers' strike.

ICTUR emphasised that the use of civil mobilisation such as requisitioning is unusual, even in a global context, and that this matter constitutes a clear escalation by the authorities of the ongoing and serious level of violations of trade union rights taking place throughout Greece.

ICTUR stressed that the use of requisitioning orders to force an end to a strike, and the use of force to break up a trade union protest, both constitute serious violations of the fundamental principles of ILO Convention 87



and of the European Convention on Human Rights, both of which have been ratified by Greece. ICTUR called upon the authorities to ensure that trade union rights in Greece are protected and to ensure that workers can exercise these rights without fear of dismissal or of civil or criminal sanction or recriminations by the employer or the State.

Honduras

ICTUR has written to the management of the plantation company Tres Hermanas about its anti-union actions, including the dismissal of workers attempting to exercise their right to organise. According to the union federation COLSIBA, after the recognition of the plantation workers' union SITRAINBA on 15 August 2012, Tres Hermanas' management responded by harassing and firing union members. ICTUR expressed its concern by the dismissals of: Elizabeth Hernández, fired 23 October 2012; Antonio Reyes fired 28 December 20; and María de la Cruz, fired 29 January 2013

Last year, the AFL-CIO and Honduran unions also alleged that the company failed to pay overtime and discriminated against unions. Of further concern to ICTUR is that we understand the plantations to be Rainforest Alliance certified.

ICTUR has called on the company to respect the principles established under ILO Conventions 87 and 98, which have been ratified by Honduras, and which oblige the State to provide legal protection for trade unionists against acts of anti-union dismissal or detriment by employers. ICTUR further emphasised that Tres Hermanas is a supplier for the Chiquita multinational company, and drew attention to the specific actions that may be required of Chiquita under the OECD Guidelines for Multinational Enterprises, in order to comply with due diligence obligations for corporate social responsibility.

Indonesia

On 28 November 2012, trade union organiser Djody Soegiharto, Chair of the paper workers' union SPKL, was dismissed from his employment at the Probolinggo plant of PT Kertas Lece. The company allegedly accused Soegiharto of 'defamation'.

ICTUR has written to the authorities to ensure that trade unions and labour support organisations must be protected against retaliatory dismissals and from attempts to silence their work to defend labour and trade union rights.

ICTUR reminded the authorities that freedom of expression and freedom of association are protected under the Universal Declaration of Human Rights. ICTUR further noted that Indonesia accepted an obligation to protect trade union rights under the terms of ILO Conventions 87 and 98 and that dismissal of a trade unionist in retaliation for their activities is contrary to the rights protected by Convention 98, and trade union rights in principle must be protected under the terms of Convention 87.

Morocco

On 20 February, Said Elhairech, General Secretary of the UMT-affiliated port workers' union, was handed a one-year sentence by the Criminal Court of First Instance in Rabat. Elhairech had been detained and charged in June 2012 following his work for the international transport workers' federation ITF on behalf of crews stranded by the cessation of operations of the Comarit-Comanav ferry company. He was released in October, when most of the charges against him were dropped.

The same court has also sentenced Mohamed Chamchati, General Secretary of the Moroccan merchant seafarers' union, to two and a half years' imprisonment. Chamchati was also arrested

in June 2012 but was released without charge in November.

On 12 January, police violently attacked a demonstration held by the CDT trade union federation, injuring a number of workers and Omar Ouboho, General Secretary of the local union. The demonstration was in protest against unfair dismissals of 300 workers from the Beler Palace and Iminish Karak hotels and the Ozagar mine.

ICTUR has called upon the authorities to ensure that these charges and sentences are reviewed appropriately and that an appeal process is made available promptly as required by the trade unionists and their lawyers. ICTUR urged the authorities to ensure that they consider Morocco's obligations under ILO Convention 87, which protects trade union rights. ICTUR further reminded the Moroccan government that the ILO's Committee on Freedom of Association considers the arrest and detention of a trade unionist to be a grave threat to respect for freedom of association.

Thailand

On 14 February 2013 Natural Fruit Co Ltd., a Thai pineapple canning company, filed a civil legal action for defamation against researcher Andy Hall following the publication by Finnwatch, a Finnish corporate responsibility NGO, of a report that Mr Hall had co-authored. The company is claiming damages of more than seven million euros. The company also complained to prosecutors, who subsequently laid criminal defamation charges against Mr Hall, raising the threat of a further fine and a prison sentence of up to two years if convicted of the offence.

'Cheap has a high price' was published in January 2013. It is based on worker interviews on conditions at three factories employing mostly migrant workers. A wide range of problems are identified in the report, which is

available in full only in Finnish but which appears from an official English language summary to be on the whole a restrained and balanced piece of research. Two tuna-packing companies engaged positively with the report, and their responses are summarized within it. Both acknowledged a number of the problems raised, and indicated a commitment to improving standards in these areas. According to the authors National Fruit Company did not respond to invitations for clarification and did not engage with the report prior to commencing the legal action.

ICTUR has written to the authorities to express its concern that the criminal process is being used in what ought clearly to be a civil matter. With regard to the civil case, ICTUR expressed its hope that the authorities would ensure that their obligations under international law are respected and that Mr Hall's status as a human rights defender would be given due account. In its letter ICTUR drew attention to the UN Declaration on Human Rights Defenders, recalled that freedom of expression and freedom of association are protected under the Universal Declaration of Human Rights, and noted that Thailand is required to respect trade union rights under the terms of the International Labour Organisation's Declaration of Fundamental Principles.

ICTUR Administrative Council 2013: the right to strike is a human right

In the cold war era Governments, Workers and Employers alike agreed that the right to strike was a vital human right necessary for workers to mobilise in defence of political freedoms and civil rights. For more than 40 years all sides respected this position. In the post cold war period Employers lost their appetite for the protection of this right and in 2012 claimed that strikes were not protected by freedom of association, boycotting discussion of cases at the ILO.

The 2013 annual session of ICTUR's Administrative Council is scheduled to take place on the morning of Saturday 15th June. The event will be held as usual in Geneva, Switzerland, with full details to be confirmed, but with a strong expectation that the venue will, as usual, be in the ILO building. At the ICTUR meeting speakers will address the central topics of the right to strike and the mandate of the ILO's supervisory bodies. A discussion will follow examining the employer action and associated legal issues.

Book chapters



Daniel Blackburn

Daniel Blackburn and Miguel Puerto, ICTUR's former Colombia Coordinator, have contributed a chapter for the forthcoming book 'Global anti-unionism – nature, dynamics, trajectories and outcomes', edited by Professor Gregor Gall and Dr Tony Dundon and scheduled to be published this summer by Palgrave Macmillan. Daniel and Miguel outline the scale of anti-unionism in Colombia, looking at contested claims about targeting of violence, the role of State and various private actors in

anti-unionism, and the impact of labour law and industrial reforms on trade union organisation. Daniel Blackburn has also contributed a chapter on Unions and Workers' Rights for the forthcoming Global Social Issues Encyclopedia, edited by James Ciment and scheduled for publication this summer by M.E. Sharpe. Daniel's chapter examines the current state and global history of trade unionism taking rights and rights violations as a central theme.



Miguel Puerto

Ireland

On 10 May ICTUR Director Daniel Blackburn will be speaking at the IMPACT conference in Portlaoise on the subject of austerity and attacks on trade union rights

in Europe. Daniel was invited to return to this theme after speaking on the same issue to the global solidarity committee of the ICTU in Dublin in 2012.

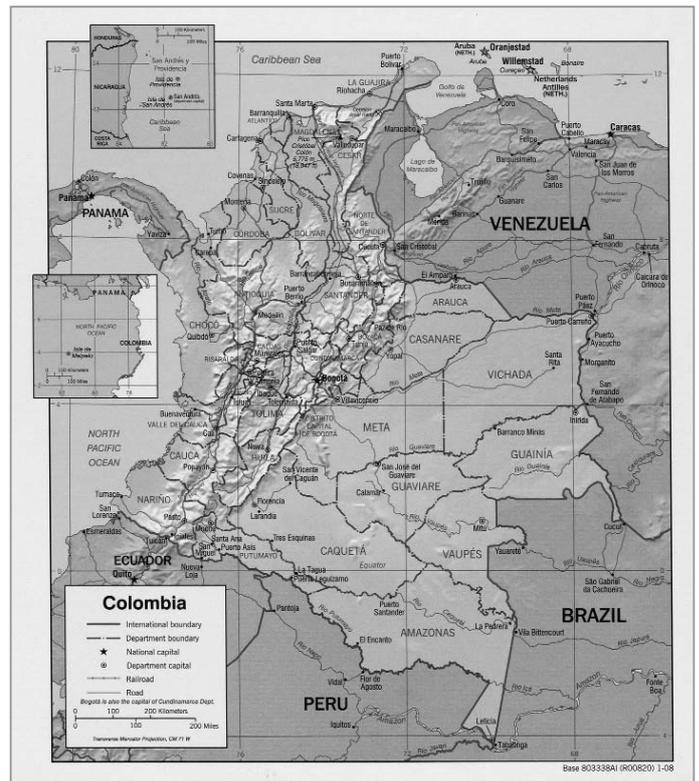


Mineworkers, South Africa

Colombia: British multinationals

ICTUR's research project on the labour and human rights impacts of British multinationals operating in and sourcing from Colombia is nearing completion. About half of the companies surveyed have now responded

to a draft report and their responses have been worked into the main document. The research, supported by British trade union UNISON, is scheduled for publication this summer.



PALEA's trailblazer fight against outsourcing

The ongoing labour dispute at Philippine Airlines (PAL) has been a protracted fight against outsourcing and precarious work. The ground crew union of PAL, the Philippine Airlines Employees' Association (PALEA), has been resisting outsourcing since it was announced in 2009 but the fight came to a head in 2011 when management finally implemented the scheme.

A few days before the planned mass retrenchment, on 27 September 2011, PALEA carried out a workplace protest against outsourcing that paralysed the operations of the Philippine flag carrier. The response of management and government was to forcibly evict the protesting PALEA members out of Manila international airport and other PAL offices. Since then PALEA has maintained protest camps outside the airports of Manila and Cebu, the two biggest metropolises in the Philippines.

More than a year after the suppression of the historic September protest, PAL has not been able to normalise its operations and turn a profit. PALEA's solid defiance and widespread solidarity have proved instrumental in the failure of the outsourcing scheme.

PALEA's 13-year sacrifice

From 1998 up to the present time, PAL's ground staff have endured the suspension of their collective bargaining negotiations.

The sacrifice imposed on PALEA by management and legitimised by the courts enabled PAL to rehabilitate earlier than scheduled. But in 2009, at a time when contract negotiations should have started, PAL announced its outsourcing plan. Retrenchment and contractualisation was PAL's reward to its workers' sacrifice.

PAL argued that outsourcing was necessary for it to survive. It was able to blackmail the government so that the Department of Labour and Employment and the Office of the President supported the outsourcing plan.

PAL's alibi is unsupported by facts though. In 2010, PAL's net income was US\$72.5 million or more than PhP3 billion. This is besides the US\$46.5 million or PhP2 billion that the company paid for its loans the previous year. Hence, it is not true that PAL was not earning before outsourcing. Evidently the company simply wants to elude contract bargaining and bust the union.

An alternative set of union leaders led a rank-and-file rebellion campaign against the outsourcing plan when it was first revealed. In early 2010, these new leaders won the union elections on a platform of opposition to outsourcing.

Outsourcing scam

The outsourcing scheme is actually a fire-then-rehire scam. Some 2,600 PAL regular employees involved in passenger, baggage and cargo handling, ramp services, in-flight catering and call center reservations will be turned into contract labour for so-called 'service' providers—Sky Logistics, Sky Kitchen and SPI Global. In this way, workers' wages will be cut, benefits reduced, and job security lost and the union will be crushed.

As an example, a PAL senior reservations agent formerly receiving PhP22,400 in salaries and allowances, will only get PhP10,000 once transferred to SPI Global. A master mechanic of PAL receiving a salary of PhP28,000, upon transfer to Sky Logistics will be given only PhP11,111.50.

As contract labour, workers will be paid lower salaries but will be working longer hours. With the service provider, they will be working 8 hours per day for 6 days a week compared to 7.5 hours per day for 5 days a week at PAL.

PAL employees with 20 or 30 years of work experience will be turned into probationary employees for six months when they transfer to the service provider. Since the status is contractual, there is no assurance that they will be kept on.

No worker can live decently with the wages, benefits and working conditions of a contract worker. Salaries will not be able to cope with the price of commodities. Workers will not be able to send children to school. They will have nowhere to go if a family member gets sick. Workers do not have a future because there is no dignity in contractual work.

That is why PALEA steadfastly held its ground against retrenchment and contractualisation. A small minority of members became scabs and accepted contract work. In the course of more than a year of unemployment and hardship, a lot more took the separation offer but moved on to other jobs in deference to PALEA's fight. But almost a thousand PALEA members remain defiant and man the picket lines. The protest camp has survived several typhoons and two dispersal attempts, and has stood as a "people's camp for dignity of labour."

Trailblazer campaign against contractualisation

PALEA's courageous fight against outsourcing and contractualisation has earned the support of organised labour and community groups in the Philippines. From the very start, PALEA's leaders intended the fight to be a broad-based and inclusive campaign that would earn the support of labour and community associations in order to strengthen the hand of the union in a high-stakes

Some 2,600 PAL regular employees involved in passenger, baggage and cargo handling, ramp services, in-flight catering and call center reservations will become contract labour for 'service' providers



GERRY RIVERA, President of PALEA and Benjamin Velasco, Public Information Officer of Partido ng Manggagawa (Labour Party-Philippines)

**PALEA's
campaign
combined
traditional
methods of
labour struggle
and modern
methods of
organising
solidarity**

labour dispute. The broad-based campaign was encapsulated in the slogan “Ang laban ng PALEA ay laban ng lahat” (PALEA’s fight is everyone’s fight) which struck a sympathetic chord amongst workers and unions alike.

Forging workers unity in the Philippines is an extreme challenge in the face of the fragmentation of organised labour into a dozen labour centers and scores of federations divided by political, ideological and historical differences. Yet, inspired by PALEA’s resistance, its high profile advocacy against contractualisation, and its inclusive handling of the campaign, the fractious Philippine labour groups came together in solidarity.

At first the labour unity in support of PALEA was informal but it became formal on May Day of 2012 with the establishment of the broad workers coalition Nagkaisa! (United!) which embraced some 40 labour organisations and institutions. Among the demands highlighted by the extraordinary 20,000-strong May Day rally was the reinstatement of PALEA members and opposition to contractualisation. In response to the presentation of demands by Nagkaisa! leaders that day, Philippine President Benigno Aquino III was forced to admit that government decisions are imperfect in reference to the PAL-PALEA dispute.

PALEA was also able to garner the support of the politically influential Roman Catholic Church in the Philippines. The head of the Catholic bishops’ social action arm and auxiliary bishop of Manila, Bishop Broderick Pabillo, was a regular visitor to the PALEA picketline to hold masses and attend protests. Through Pabillo, the Church issued statements criticising the government’s decision on the PAL-PALEA dispute. Pabillo also proved instrumental in lobbying the new investor in PAL, the San Miguel Corporation conglomerate, to finally open negotiations with PALEA in October 2012.

The participation of migrant, student and political organisations further bolstered PALEA’s campaign. Together with the Church institutions engaged with labour advocacy, they formed a wide network that called for a consumer boycott of PAL and its sister low-cost carrier Air Philippines, until PALEA members are reinstated to their regular jobs. The campaign was arguably a factor in the failure of PAL to consistently make a profit since September 2011 and the slump in the flag carrier’s passenger load despite continuously offering discounts and promotions.

Another major plank of PALEA’s campaign was international solidarity. As an affiliate of the International Transport Workers’ Federation (ITF), PALEA enjoyed its continuous support. Still the international solidarity reaped by PALEA went beyond the ITF and its affiliates. Labour unions and organisations from not just from the airlines and transport industry but also hotels, manufacturing and services initiated and joined solidarity actions in Philippine embassies and airports around the world. Japanese, Indian and Hong Kong workers actively participated. The UNITE-HERE and the International Association of Machinists (IAM) in the United States also played a crucial role.

The international solidarity went beyond messages and donations—although such moral and financial support significantly fortified the resolve of PALEA members in the face of severe deprivation in the course of more than a year of joblessness. The initial surge of protest rallies abroad in late 2011 was followed by two global days of actions on 27 September 2012 and again on 12

December 2012 that spanned four continents.

The support of the Australian labour movement was crucial in organising the global actions. The various ITF affiliates in Qantas, Transport Workers Union of Australia, the Australian wharfies, the Australia Asia Worker Links group and other political organisations were at the core of the solid support down under for PALEA.

At the root of the extensive international support for PALEA—unprecedented in the Philippine labour movement—was the worldwide epidemic of precarious work. Everywhere, workers are suffering and unions are weakening due to the displacement of regular work by different forms of contingent, contractual, temporary and casual labour.

But aside from that, PALEA also took pains to reach out to its brothers and sisters abroad. Even at the height of its own labour row, PALEA initiated solidarity actions for the embattled Qantas workers, Auckland wharfies and Hyatt hotel workers. For PALEA, solidarity was a two-way street that toughened all who partook.

Old school tactics, new forms of struggle

PALEA’s campaign combined traditional methods of labour struggle and modern methods of organising solidarity. PALEA’s experience challenges the view of some that old school tactics do not work in the age of globalisation. Action at the point of production, the traditional picket line and labour solidarity were crucial in developing PALEA’s fight despite being disparaged as an impossible battle against the global trend of outsourcing.

Still PALEA pioneered new forms of organising in its campaign. Social media was used extensively. PALEA members used Facebook to maintain contact, exchange ideas, call for action and solicit support. In the face of the corporate media’s biased coverage and later blackout, social media served as a vital communication tool to reach out to members, supporters and the public. New communication tools like Skype proved invaluable in coordinating the global days of action. PALEA leaders had never had face to face contact with the Canadian CAW-TCA airline union and the Turkish Hava-is civil aviation union but both were staunch supporters that led protests in airports and leafleted PAL flights abroad.

Negotiations over the demand for reinstatement

By October 2012, in the face of sustained defiance by PALEA, domestic and international solidarity and a consumer boycott campaign, the San Miguel group which bought roughly half of PAL’s shares and took over management control in mid-2012, was at last forced to begin talks with PALEA.

In reply to a delegation of PALEA members who attended the annual stockholders meeting in September 2012, the new PAL President Ramon Ang from the San Miguel conglomerate declared that they are committed to a “humane resolution of the dispute.”

PALEA and its supporters kept the protests going even as the talks continued. This proved necessary given the slow pace of negotiations and the various stumbling blocks along the way. As of this time, there is still no breakthrough but talks are progressing which gives PALEA members and leaders the confidence that its sacrifice and struggle will end in victory.



International Human Rights Day mobilisation.



PAL mobilisation.

SPEEA engineers and technicians lose pension for future employees

Initially, the outlook for negotiations between the Society of Professional Engineering Employees in Aerospace (SPEEA), IFPTE Local 2001, and The Boeing Company looked promising. It was the fall of 2011, a year before two major SPEEA bargaining units' contracts expired, and the company was reaping record profits. Boeing was building an order backlog that would keep aeroplanes rolling out of assembly plants for more than a decade. There was even talk of an early deal with SPEEA that would do away with the need for the lengthy, costly and awkwardly formal Main Table negotiations traditionally used to negotiate new contracts for its 23,000 represented engineers and technical workers at Boeing.

After years of sacrifice to bring the company back from the brink of disaster caused by rampant and misguided 787 outsourcing, engineers and technical workers expected a contract that recognised and rewarded them for their work. The expectation was reasonable. Boeing had rewarded senior managers with double-digit raises and bonuses equal to one year's salary. Shareholders watched their dividend cheques rise as company performance exceeded analysts' expectations for five straight quarters. And, there was the early contract settlement with the International Association of Machinists (IAM), which avoided a strike, provided a sizable bonus and ensured the new 737MAX aircraft will be built in Renton, Washington, by IAM members, where Boeing produced thousands of 737 airplanes for decades.

An early contract settlement was not to be for SPEEA members. Despite initial efforts to streamline the process, the resulting negotiations dragged into the longest and one of the most contentious negotiations in the union's 69-year history. By the end, it was clear members were fighting for more than just their own wages and benefits. They were fighting not only for the wages and benefits of the next generation of aerospace employees, but also against the inertia of the corporate world determined to hold down employees' wages and reduce the power of collective bargaining.

The new SPEEA contracts are far from a loss for existing employees. Engineers and technical workers negotiated solid, five percent raise pools for each of the next four years. But most of the terms are not gains, but rather extensions of previous contracts – with one big exception. The defined benefit pension, the centerpiece of the Boeing retirement benefit for generations of workers, is no longer available to employees hired into a SPEEA bargaining unit after 1 March 2013. Despite making record profits, having \$20 billion of cash on hand and being the custodian of one of the most well-funded and secure employee pensions in the United States, Boeing succeeded in following the path set by General

Electric, 3M, United Space Alliance, Northrop Grumman, Vought, and scores of other corporations that have eliminated defined benefit pension plans and shifted responsibility and the risk of retirement onto employees.

Negotiations start early

Negotiations started in November 2011, when Boeing proposed meeting to discuss the SPEEA contracts.

Acting as an "interim" negotiation team, the SPEEA Executive Board met with Boeing nearly four months before the union was scheduled to elect members to serve on the negotiation teams. At this November meeting, SPEEA leaders proposed a fast-track solution to negotiations – extend the two existing collective bargaining agreements for another four years. The company rejected the proposal, and the path was set to follow the traditional path of full, Main Table negotiations.

The union's Bargaining Unit Councils elected negotiation team members in February 2012. Formal talks, taking place one day each week, started in mid-April.

Reasonable expectations

On SPEEA's side sat our two elected five-member negotiation teams - the Professional Team representing 15,550 engineers and the Technical Team representing 7,380 Technical workers. SPEEA's staff, headed by Executive Director Ray Goforth, assisted the teams with expertise in contract language, benefits and communications. Boeing's team included a top-level corporate negotiator from the company's Chicago headquarters, along with vice presidents from engineering at Boeing Commercial Airplanes and Defense and a bevy of human resource specialists.

After two months of weekly meetings, the SPEEA teams presented full, comprehensive proposals to Boeing that were designed to address Boeing's issues and meet the needs of union members.

In mid-June, SPEEA presented Boeing a proposal designed to protect current benefits and nudge salaries from the 50th percentile of the aerospace market to the 75th percentile. Other items in the proposal were either no cost to the company or designed to provide employee incentives that could actually save Boeing money during the life of the contract.

Weekly negotiation sessions dragged on through the summer. Meetings, with upwards of 40 people attending, alternated between SPEEA headquarters and Boeing's Commercial headquarters in Renton. Each week, Boeing negotiators brought a slightly revised PowerPoint presentation aimed at convincing SPEEA teams that Boeing was struggling and

Boeing had rewarded senior managers with double-digit raises and bonuses equal to one year's salary



BILL DUGOVICH,
Communications Director,
SPEEA-IFPTE Local 2001

The defined benefit pension, the centerpiece of the Boeing retirement benefit for generations of workers, is no longer available to employees hired into a SPEEA bargaining unit after 1 March 2013

needed its engineers and technical workers to accept cuts to help the company “remain competitive” and ensure the company is “sustainable in the future.” When union negotiation teams asked for supporting data, Boeing refused. One of the pitches came just days after the Farnborough Air Show where the company secured orders for 396 aircraft valued at \$37 billion.

Boeing initial contract offer

Boeing finally presented its first contract offers to SPEEA’s Professional and Technical Negotiation Teams on 13 September. Union negotiators quickly realised the offers (which were nearly identical) were filled with take aways, cuts and contract language aimed at stripping power from the union. Each was “unsalvageable.” No amount of additional negotiating could produce something palatable. In a move that seemed to shock Boeing, SPEEA decided to send the offers to members for a vote.

From wage pools that barely keep pace with inflation, increased out-of-pocket costs for medical benefits and drastically changing retiree benefits, Boeing’s offer attacked employees. SPEEA Negotiation Team members’ careful readings of the offer revealed language the company was trying to slip in unnoticed that would allow the cancelling of medical coverage for retirees, strip disability and life insurance from those on military leave and allow the layoff of experienced employees so they could be replaced by new hires. The offer was an evisceration of the collective bargaining agreements, with language that would have nullified whole sections of our contracts.

Both union negotiation teams and SPEEA’s elected workplace representatives advised members to reject the offers.

Negotiation team members fanned out across worksites, holding lunchtime meetings to inform members about the offers, answer questions and reinforce their recommendation for members to strongly reject the company’s offers. Members started holding regular workplace solidarity actions. More than 5,000 SPEEA members took part in meetings, marches or rallies in the week before the 1 October vote count. Events were held at multiple sites at the Everett and Renton factory, Auburn, Kent, Bellevue, Thompson Site, Developmental Center and Frederickson in the Puget Sound of Washington state and Portland, Oregon.

When the votes were counted on 1 October, SPEEA members had overwhelmingly rejected the Boeing offers, with 95.5 percent of the engineers rejecting and a stunning 97 percent of the technical workers rejecting.

Back to negotiations

Armed with the resounding rejections of the company’s offers, union negotiators had reason to believe Boeing would change and improve its offer. However, while Boeing made marginal improvements to its offer, there was no substantive movement.

Union members were stepping up workplace actions. At Boeing factories and offices from Everett to Portland, members were holding solidarity marches that ranged from dozens to thousands of SPEEA members. When company security personnel confiscated members’ cameras and

deleted photos, SPEEA filed Unfair Labor Practice charges against Boeing with the National Labor Relations Board (NLRB).

Addressing the need to be prepared for the worst, union leaders and members started making strike plans. SPEEA had only waged one sustained strike, for 40 days in 2000. Federal mediators joined the talks in early December 2012. With negotiations clearly headed for a breakdown, the mediators suspended talks.

Little had changed when efforts resumed after the holidays on 9 January. Then a lithium ion battery in one, then two, 787s caught fire. Recognising the need to wrap-up negotiations so members could concentrate on fixing the problems, on 16 January, SPEEA gave Boeing its own “best and final offer”: extend the existing contracts for four years. Boeing reacted with a new offer that accepted those terms with one very big change – the defined benefit pension would be eliminated for all future engineers and technical workers in the bargaining units.

In calling for a vote of members, the teams also called for a vote on strike authorisation. Negotiation teams again recommended rejection of the contracts and a yes for strike authorisation because current employees’ pensions were at risk as the newer hires began to outnumber them in future negotiations. Votes on the second offer were counted Feb. 19. The results showed engineers had narrowly accepted the contract (54%) while the smaller technical unit narrowly rejected the offer (52.8%). A 50% plus one majority was all it took to pass or reject. The split vote was the worst of the possible scenarios. With the engineers accepting their contract, the technical unit, (about half the size) was on its own at the negotiation table when talks resumed.

When talks resumed through federal mediators, Boeing dug in hard, rejecting every union proposal, even those proposals that came at no cost to the company. With little recourse, the Tech Negotiation Team sent the offer back to members to revote the same offer they had previously rejected. While issuing no recommendation on the vote, the letter sent to members with their ballots clearly stated that the only way to move the company off its hard line stance was to strike. The team said in the letter such a strike would probably be long.

The mood within the ranks of Tech employees changed from militancy to reluctant acceptance. When the votes were counted on 18 March, technical workers accepted the contract by a vote of 4,244 to 654, or 86.6 percent acceptance. Asked about the vote, one member said: “I didn’t vote the way I wanted, but I voted.”

While the implications of the pension loss are hard to draw, less than a week after the engineers in the Professional Unit accepted their contract, a bill was proposed in the Washington state legislature to eliminate the pension for new state employees. The proposal tries to reach even further than Boeing – not only eliminating the defined benefit for new employees but also ending it for current employees age 45 or younger.

The next negotiations for SPEEA and the 23,000 engineers and technical workers take place in less than four years. Among the lessons learned from these negotiations is that negotiating good contracts for existing workers is only part of the work. Protecting wages and benefits for tomorrow’s workers is the other part. To do both may require workers to be ready, willing, and able to withhold labour – strike – for extended periods of time.



Boeing Engineer and SPEEA member Dave Mathews during one of the many solidarity lunch time walks to show support for union negotiations.

Behind the mask of the FIFA World Cup 2022

Qatar is going to host the 2022 FIFA World Cup and it is expected that they will spend over \$100 billion on building stadiums and other World Cup projects over the next nine years. Therefore, they are recruiting hundreds of thousands of workers to complete these tasks. However, these workers, who mainly come from South Asian countries, are poorly paid and often mistreated. In a country where the Gross National Income per capita is above US\$ 80,000, the migrant worker on an average wage earns around US\$300 a month. Migrants live in filthy surroundings and have limited access to health and safety protection, which cause accidents at work, some of them are fatal.

Migrants in Qatar are prohibited by law from creating or joining trade unions and cannot raise their voice to demand for better conditions. This is a complete violation of the right to freedom of association and collective bargaining. However, some of the multinational corporations involved in the 2022 FIFA World Cup projects in Qatar, claim to be committed to Corporate Social Responsibility (CSR). In spite of claiming their commitment to CSR, these corporations, in reality, do very little to protect and ensure human and labour rights for migrant workers, particularly when it comes to the supply chain issue.

Contradiction between CSR strategy and practice

A German based global construction company - Hochtief AG for example - is currently working on one of the Qatar's biggest construction projects to develop a brand-new coastal city by 2020 called Lusail, which is designed for 200,000 inhabitants and will host the opening and final matches of the 2022 World Cup. According to data from the Financial Times, the Hochtief AG has over 81,000 employees and revenues of about US\$ 34 billion. This company has committed, through the UN Global Compact principles, to follow ILO labour standards to ensure the human and labour rights of migrant workers throughout the supply chain process. The company website mentions that 'The Hochtief Code of Conduct provides guidance on responsibility for our employees, bringing together in binding form the key rules on conduct applicable at Hochtief. The Code of Conduct applies both for internal dealings with each other and for external relations with business partners, subcontractors, and public authorities'. The company's 'Code of Conduct for Suppliers and Subcontractors' provides a very detailed and comprehensive description of the way they ensure rights.

However, the legal framework of the country of operation determines the necessity to actually

comply with such obligations. Thus, Hochtief can make arbitrary choices while operating in Qatar, where labour rights regulations are not strongly enforced by law, about how to ensure human and labour rights for migrant workers. Moreover, in terms of the 'conditions to subcontract' Hochtief takes responsibility only for employees working with subcontractors when the latter fail to comply with local laws, hence revealing a significant contradiction between CSR strategy and CSR practice. Hochtief's construction projects in Doha have about 5,000 workers, where only 100 workers are employed directly by Hochtief, and rest of them belong to the other sub-constructing firms.

If a country's legislation does not oblige companies to follow the law, even when the said company has a well-defined CSR strategy for labour rights, protection of migrant workers is unlikely to be ensured voluntarily.

In addition to Hochtief, a few more companies are working in Qatar, which more or less ignore such issues. AS&P is one of the leading consulting firms working on the building of stadiums for the 2022 World Cup. Construction to expand three existing stadiums and build nine new stadiums is in progress, which will accommodate 45,000 to 85,000 people for group matches and for the final.

These stadiums are portrayed as providing 'optimal conditions for players, match officials, spectators and media representatives' by architecture magazines as 'they are equipped with ultra-modern, eco-friendly cooling technology providing excellent outdoor comfort'. However, not much is mentioned about the 'optimal conditions' for the workers who are building these stadiums.

Deutsche Bahn (DB) International, another big German-based company, is constructing a rail system in Doha in time for 2022 World Cup, in collaboration with Qatar Rail. Though DB management is concerned about codes of conduct, they label their responsibilities as 'within the sphere of their influence', which practically excludes their contractors and sub-contractors from any allegation of violating labour rights. Furthermore, they assure to abide by the legislation of the country where they operate, which results in the exploitation of migrant workers in a country like Qatar.

Exploitation and discrimination of Bangladeshi workers

All these factors indicate that the absence of comprehensive legal labour protections generates the exploitation and discrimination of migrant workers. The labour receiving countries and the multinational companies are not the only players in this dilemma, the governments of labour sending countries often overlook the labour rights issues. The

If a country's legislation does not oblige companies to follow the law, protection of migrant workers is unlikely to be ensured voluntarily



NANDITA FARHAD,
Program Assistant, SMIO,
Linköping University

The labour receiving countries and the MNCs are not the only players: the governments of labour sending countries often overlook labour rights issues

governments of labour sending countries are more concerned with meeting 'development needs'.

Bangladesh is a big supplier of the labour force to Qatar. Recent data indicate the number of Bangladeshi workers in Qatar is approximately 168,000, which is even expected to grow. Dipu Moni, Bangladeshi Foreign Minister, recently expressed that the Bangladesh government targets to send more workers and professionals to Qatar in the lead up to the 2022 World Cup.

A \$1.22 billion remittance was recorded in January this year, sent by Bangladeshi migrant workers, contributing to over 10 percent of the total national income. Migrant workers are an indispensable resource for the country, however, existing regulations and the labour market system unfortunately does not shield migrants against exploitation and abuses of their rights.

The Bangladeshi labour supply chain includes various actors, especially for the 2022 World Cup projects in Qatar. Bangladeshi middlemen, who work as expatriates in Qatar, are one of the actors; others include sub-agents of private recruitment agencies who recruit workers directly from Bangladeshi villages. The Bangladeshi middle-men in Qatar are in constant contact with employers and companies in Qatar. These middle-men collect information about available vacancies or temporary jobs in Qatar. They also maintain regular contact with the private recruitment agencies in Bangladesh, and sometimes they use their personal network like family and friends to recruit workers from Bangladesh.

These middle-men buy the work permits from the Qatari employers, or 'sponsors' who get work permits from the Qatar Ministry of Labour (MOL). Then, these work permits are sold by the middle-men mainly to private recruitment agencies, and sometimes directly to the workers in Bangladesh. Now and then, the Qatari sponsors delegate the authority to the middle-men to recruit workers on their behalf.

The selling price of the work permits, which ranges from \$700-\$3600, is regulated by the middle-men and the Bangladeshi private recruiting agencies. Consequently, the workers end up paying an inflated cost for migration.

A middle-man, who works as an executive in a private manufacturing firm in Qatar, confirms that

"It is the Bangladeshi recruiting agents who take an unbelievable amount of money from the migrant workers". According to him, the Bangladeshi government is responsible for this practice and for "the bad situation of workers, since they do not monitor the private recruiting agencies' activities and do not regulate the fees agencies' charge for the migration procedure".

On the other hand, a Bangladeshi private recruiting agent blames the middle-men and said: "The middle-men are bidding the best price for the visa and agree on a sliding salary scale for the workers. As a result, Bangladeshi recruiting agencies are compromising lower and lower salaries for migrant workers and offering a higher and higher price for sponsor visas".

Apart from, who blames whom, the fact is the 'sponsor visas' and the visa trade increase the cost of migration. Thus, Bangladeshi migrant workers pay a large amount of money as a cost of migration and Bangladesh becomes one of the cheapest labour supplier countries in the world.

Irregular trade of labourers is created by the

'sponsor visa' or 'kafala' system as it creates loopholes in the migrant recruiting system. Under the 'kafala' system, the agents retain the passports of workers, which is one of the most malicious aspects of it.

In 2008, the Qatari government stopped issuing 'fixed work permit visas' for low-skilled migrant workers in Bangladesh, without showing any valid official reason. However, they issue 'fixed work permits' for high-skilled 'expatriate migrants' who mainly work for multinational corporations (MNCs). Under the 'fixed work permit visa' system, employees can know all the necessary information regarding type of job, work conditions, wages and other particulars. As this type of visa is no longer issued to low-skilled/semi-skilled migrant workers, they are now restricted to apply only for the unregulated and highly expensive 'sponsor visa'.

Ways to protect workers

One of the possible solutions to prevent the exploitation of Bangladeshi migrants workers could be the direct recruitment by MNCs, the subcontracting companies or employers. Employers and contractors can recruit workers in collaboration with the Bangladeshi Ministry of Expatriate Welfare & Overseas Employment while posting job adverts online and in newspapers. As a result, the cost of migration for workers will be reduced substantially.

Workers need to pay more as there are more intermediaries involved in the existing system, "because portions of the money go in the pockets of each party involved in the process", explains a labour agent from Bangladesh.

"In the official document [agreement paper], it is written that the recruiting agents have to pay the plane fares of the migrant workers to go to the country of destination, and the employers have to pay the return plane fares. In reality, the workers have to pay both of the fares by themselves", said a Bangladeshi private recruitment agent. The end-employer is the one who is responsible to pay any service charges to the official recruitment agencies in Bangladesh. However, it does not exist in reality as it stands; workers are open to exploitation from all sides.

Unofficial parties like middle-men dominate the recruitment process since the Qatari 'sponsors' or employers and MNCs are not intended to take liability for the recruitment and they do not want to pay recruitment fees as well.

On the other hand, recruiting agencies sometimes offer bribes to employers/sponsors in order to get the 'sponsorship visas', instead of getting paid by them as recruiting agencies can make more money later selling these visas to workers desperately looking for work abroad. Employers/sponsors and recruiting agencies take the advantage of the availability of abundant numbers of workers in a developing country such as Bangladesh, where most of the workers are semi-skilled or unskilled.

Banning 'sponsor visas' and re-establishing 'fixed work permit visa' through the direct involvement of the employers, MNCs, and the Bangladesh government in the labour recruitment process could solve all of these exploitations.

Why are workers dying to make our clothes?

Literally, apparel is not a dangerous industry; no one should die in working in this sector. Unfortunately, more than 700 garments workers have lost their lives in industrial fires in Bangladesh since 2006, said Paul Murphy, a member of European United Left/Nordic Green Left (GUE/NGL), in a European Parliament discussion on 18 January 2013. Bangladesh is the second largest exporter of clothing in the world after China, about 4,500 garment factories employ over 3.6 million people. According to the Bangladesh Export Promotion Bureau (EPB), the country annually earns \$24 billion from exports of garment products mainly to USA and Europe, which is 80 percent of the country's total export earnings.

Tazreen Fashions' Deadly Blaze

The fire at Tazreen Fashions Limited on 24 November 2012 is the latest in a series of deadly blazes at garment factories in the country. According to the Bangladesh government and Bangladesh Garment Manufacturers & Exporters Association (BGMEA), 112 workers were killed and over 150 injured in this tragedy. However, the 'Activist Nribiggani', a platform of the country's anthropologists, disclosed a list of 26 missing workers through an intensive research, which clearly indicates that the death toll in the fire incident is more than what is claimed by the government. Since its inception in 2009, Tazreen Fashions Limited, part of Tuba group, recruited about 1700 workers. Tazreen factory owners claimed that they do not know the actual number of deaths, as the workers list is burned in the fire incident. The head office of Tuba group is used to allocate the wages for the workers of Tazreen factory, so it is obvious that they could have the complete list of employees; however, they also claimed that they do not have the list of workers. The 'Activist Nribiggani' thinks that the owners are trying to hide the truth as they do not want to disclose the actual number of deaths.

It has been more than four months since the workers died in this horrific fire at Tazreen factory on 24 November 2012. The Home Ministry's investigation report has recommended to take legal action against Tazreen's owner, however, until now, no action has been taken. Extreme irregularities have been going on to compensate affected families. A worker is entitled to get compensation of more than Tk 600,000 (approximately \$7700), according to 'special accident law' of Bangladesh. Many family members of the victims have not yet received that amount. Even the deceased workers families were not given the wages for the month of November 2012, when these workers were burned to death while work-

ing in the factory. The workers who managed to escape the blaze but were injured and are suffering from long term injuries, did not get any help or treatment from the government, BGMEA or other organizations. Abundant costs of medical treatment, the loss of the income provided by these workers, the stress and grief from losing a family member have left them devastated. This compensation will not bring back their loved one, but it will enable them to start rebuilding their lives. "Munni was my only child and the only income earner for the five members of our family", Munni's mother said after her daughter's death in the fire of Tazreen factory. These people who were burned to death have their family, friends and close relations. Can a life be compensated by any means? "Why these garment factories are becoming a 'death trap' for these young girls?"

International labour standards ignored

The circumstances of fire incidents in the garments factories of Bangladesh are more or less similar in nature, said Kalpona Akter, the director of the Bangladesh Centre for Workers Solidarity. First of all, factory buildings are built with no emergency exists and no fire extinguisher are kept, moreover most of the time the exit doors are locked to prevent theft. Some other reasons for fire in the garments factories are large quantities of flammable materials stocked poorly in the factory building and insecure electrical systems. Reports show that similar incidents happened at the Tazreen factory, where the exit doors were locked to get out of seven-storey factory building and some workers were injured when they jumped from top floors to escape. Scott Nova, the Executive Director of the Worker Rights Consortium said,

"the fire was the most deadly in the history of the Bangladesh apparel industry", and "one of the worst in any country".

The value of industry-led monitoring and certification schemes are seriously questioned by this type of blaze, which allowed industry codes or international labour standards to be repeatedly ignored. A serious rethink is needed urgently to create monitoring mechanisms to prevent these horrific incidents and ensure labour rights for the multibillion dollar ready-made garments industry.

Poor conditions ignored by global industry

Multinationals like C&A, Kik, Walmart, LiFung, Enyce, Edinborough Woollen Mills, Disney, Dickies and Sears/Kma are outsourced from Tazreen Fashion Limited. As a subsidiary of Tuba

A serious rethink is needed urgently to create monitoring mechanisms to prevent these horrific incidents and ensure labour rights for the multibillion dollar ready-made garments industry



NANDITA FARHAD,
Program Assistant, SMIO,
Linköping University

Allowing trade unions to freely operate in workplaces will also play an important role in fire prevention by giving workers a voice in their workplaces

group, Tazreen is audited by a third party auditor. An audit conducted by an 'ethical sourcing' assessor for Walmart, in May 2011, rated Tazreen's work environment as 'high risk' in terms of safety. Evidence shows that the importers, including Tazreen's major buyer Walmart, were unsatisfied with the factory's atmosphere. Moreover, the factory was not compliant and categorised as 'Orange' rating meaning that there were 'higher-risk violations'. When a factory is evaluated as 'Orange' in three assessments then the business deal will be cancelled for two years. Walmart alone buys over a billion dollars' worth of ready-made garments from Bangladesh in a year. They sell the garments at \$10-15, which they purchase from Bangladesh at a very little price. A report by BGMEA mentions that the production cost of a T-shirt or a sweater made in Bangladesh is 50 percent less than the production cost in China. The production cost of Bangladeshi ready-made garments is 17 percent lower than Vietnam. Importers come to Bangladesh as they find a better price here. The minimum wage in Bangladesh was raised to about \$40 per month in 2010, still it is only 0.21 cent per hour, which is the cheapest in the world. In comparison, the minimum wage in China is 0.93 cent per hour, 0.52 percent in Vietnam and 0.68 cent per hour in India.

The workers in the Bangladesh garment industry are not only poorly paid, also the industry has failed to guarantee the minimum safety of the workers in the workplace. The factory owners are not only responsible here, but the foreign companies importing ready-made garments from Bangladesh are also not interested to pay extra money to make workplace healthy, environmentally-friendly and safe. The garments manufacturers and foreign importers discussed this issue in a meeting held in April 2011 in Dhaka. Wal-Mart, the number one retail business in the world, clearly mentioned, if the additional cost is added to the production cost for the sake of safety protection, they will not bear the extra cost. The minutes of the meeting published in 'The New York Times', where Sridevi Kalavakolanu, a Wal-Mart director of 'ethical sourcing' noted that the proposed improvements in electrical and fire safety for 4,500 Bangladeshi factories would be "in most cases" a "very extensive and costly modification" and "it is not financially feasible for the brands to make such investments". The Worker Rights Consortium (WRC), a US based labour rights monitoring organisation, investigates working conditions in clothing factories around the world and claims that ensuring world class health and safety conditions in the Bangladeshi ready-made garments factories requires only \$30 billion to be invested in five years. It means \$6 billion a year. The international buyers may have to pay only 10 percent extra for each garment to obtain this money. Bangladesh earned \$1.9 billion in the fiscal year of 2011-2012 from exporting the ready-made garments. WRC also mentions that the annual expenditure to ensure the safety of the labour in the 4,500 garment factories of Bangladesh would be just three percent of the total annual earnings from ready-made garments exports.

Due to the criticism by national and international media, organisations like Walmart and Sears are under pressure. Walmart said for safety issues they were forced to cancel the contract of importing clothes with the 49 garments manufacturers in Bangladesh. Therefore, they are planning

to reduce business with Bangladesh, or imposing more solid conditions on suppliers. If these conditions are not maintained, retailers will think to stop importing from Bangladesh. This incident led to the re-evaluation of the contract between many Bangladeshi garment manufacturers and the United States. If the safety situation does not change, importing garments from Bangladesh may be suspended temporarily, which will put the economy of Bangladesh in danger. Millions of workers will lose their jobs, particularly women, who represent the 80 percent of the total labour force in the garment industry.

Root causes

Researcher Garrett D. Brown is a volunteer coordinator and author of major reports issued by the Maquiladora Health and Safety Support Network (MHSSN) states:

"the root cause of these fires is a supply chain that places priority on the brands "iron triangle" of the lowest price, the highest quality, the fastest delivery from contractors",

thus ignoring health and safety of the workers. Moreover, the Bangladesh government is not well-organised to regulate labour law in an effective manner. What makes the situation worse is the huge supply of labour in Bangladesh. Even knowing about the dangerous working conditions, they can not refuse to work in this sector due to poverty and unemployment. In the 21st century, if international brands' top-down management systems fail to focus on 'corporate social responsibility' (CSR) strategy and are unable to prevent workers from suffocating to death over and over again, these situations can create crises of brand reputation. As the customers are becoming more conscious and empowered by the development of social media, CSR window dressing will not work any more in the global garment industry. What is essential to protect garment workers' rights is: acknowledging responsibility, transparent investigation of fire incidents, publicly disclosed suppliers' list and all audit reports available to the public, ensuring the right to labour unions for the garments worker as well as the freedom of association and collective bargaining rights.

After a massive protest in 2006, the Bangladeshi garment workers achieved an improved status in the trade union. Yet the garment workers' labour union needs to achieve the rights to access in all factories for educating workers about their rights and safety in the workplace, as well as informing them about the right to refuse forced and unsafe work. Allowing trade unions to freely operate in workplaces will also play an important role in fire prevention by giving workers a voice in their workplaces. To stop these fires, some brands sourcing from Bangladesh have already signed the *Bangladesh Fire and Building Safety Agreement*. The purpose of the Agreement is to prevent and correct the dangerous fire and safety risks that have now resulted in more than 700 worker deaths over the past decade. After all these, Bangladeshi apparel factory fires still continue to happen since the Tazreen fire. Recently, another 28 factory fires have been reported, injuring at least 591 more workers and killing another eight.

Renault, Turkey

The Oyak Renault factory in Bursa, Turkey, has fired 23 workers who are members of the Confederation of the Revolutionary Workers' Unions (DISK). The workers staged a walk-out during a night shift on 12 November 2012 after they were not given the opportunity to participate in a collective bargaining agreement. The French union CGT has voiced its support for the workers.

AcelorMittal, Belgium

Water cannons and pepper spray were deployed by police in Namur, Belgium against protesters who had gathered to oppose the loss of 1,300 jobs at ArcelorMittal, the world's largest steelmaker. The company will close a plant and six finishing lines in the Liege region. Dozens of riot police were called in to halt the protest on 29 January 2013, for which thousands of demonstrators had gathered. Six police officers were also reportedly injured in the protests. Protesters have called for the government to intervene to stop the loss of jobs.

Austerity reforms, Belgium

Unions in Belgium have reacted against government reforms to the benefits system that they believe will lead thousands of Belgians into poverty. In June 2012, 600 people took part in demonstrations jointly organised by three Belgian unions: the Confederation of Christian Trade Unions (ACV/CSV), the Belgian General Federation of Labour (ABVV/FGTB) and the Federation of Liberal Trade Unions of Belgium (ACLVB/CGSLB). The reforms will reduce the minimum levels of unemployment benefit and apply a tougher digressive system to the way the benefits are paid. The unions raised concerns about the impact of the reforms on young people and the labour market.

Union-busting at Bashneft, Russia

The management of Bashneft, one of Russia's largest oil companies, is refusing to negotiate collective agreements with the Russian Chemical Workers'

Union (RCWU), favouring instead a company-created Labour Council. After restructuring in October 2012, the company refused to negotiate with RCWU and has forced union members at its branches in Bashkirnefteproduct and Orenburgnefteproduct to leave the union under the threat of dismissal. Since October, hundreds of workers have left the RCWU under pressure from the management. IndustriALL has launched an international solidarity campaign in support of RCWU.

MST, Brazil

The Brazilian Landless Workers' Movement (MST) has launched an online petition to lobby the Ministry of Justice in Brazil to end the impunity for the violence against MST and landless workers. Two MST rural workers and activists were assassinated in January and February 2013 for their struggles for agrarian reform. Cicero Guedes, a cane-cutter and settler in the Zumbi dos Palmares settlement in Rio de Janeiro state, was assassinated on 25 January 2013 by gunmen in the township of Campos dos Palmares, Rio de Janeiro State. The body of Regina dos Santos Pinho, a rural farmer and MST leader, was found on 6 February 2013 in the settlement of Zumbi dos Palmares.

World Cup 2022, Qatar

Qatar is drafting a charter for migrant workers involved in the construction of infrastructure for the football tournament in 2022. The charter was announced by the Qatar 2022 Supreme Committee after pressure nationally and internationally from the media, labour and human rights groups. Up to one million migrant workers are expected to make their way to Qatar in the lead up to the world cup. Concerns have been raised by trade unions and human rights groups that the charter will not go far enough to ensure respect for workers' rights and address important issues such as the sponsorship system that restricts workers movements once in Qatar and their choice of employer, their right to form independent trade unions and engage in collective bargaining. Labour Minister Sultan bin

Hassan assured Sharan Burrow, General Secretary of the ITUC, that workers would not be penalised if they form or join trade unions, and the ITUC has threatened to establish an international boycott of the games if Qatar ignores international labour standards.

IMO and respect for workers' rights

The International Labour Rights Forum released a report in February 2013 that raises concerns about respect for workers' rights, including freedom of association, at Theo Chocolate, a company certified by the international certification body IMO (Institute for Market Ecology). The report describes how the IMO failed to uphold its commitment to workers' rights by ignoring reports by workers at the company of intimidation, the use of union-busting consultants, and discrimination against workers sympathetic to unions.

New book – John Ruggie

John Ruggie, the Harvard professor who developed the 'Protect, Respect and Remedy' framework (governments protect, businesses respect and courts remedy), has published a new book entitled *Just Business: Multinational Corporations and Human Rights* (Norton, March 2013). The book provides a history of Ruggie's work with the United Nations in establishing a framework to encourage 'responsible corporate practices that take a pragmatic yet rights-based approach' to controlling multinational corporate crime, violence and misbehaviour. While the UN has endorsed Ruggie's principles, they have been criticised by human rights groups such as Amnesty International and Human Rights Watch for not going far enough towards obliging companies to respect human rights.

Murder conviction, Colombia

On 25 January 2013, Jaime Blanco, a former contractor for US-based coal company Drummond Co., was convicted of the murders of two union leaders in 2001, and sentenced to nearly 38 years in prison. Blanco supplied food services

for Drummond's La Loma mine in the northern department of Cesar. He was found to have hired paramilitaries to kill Valmore Locarno and Victor Hugo Orcasita, leaders of the mine's union. Drummond's president and three former employees will also be investigated after allegations made by several witness and Blanco himself, that Drummond senior managers may have ordered the killings. Further, the judge will also investigate former assistant prosecutor Edgardo Maya – Jaime Blanco's half-brother - for allegedly failing to act to protect unionists in Cesar.

Correjon strike, Colombia

Workers at Colombia's largest coal exporter and the world's fourth largest coal exporter, decided to strike over a salary dispute. More than 97 percent of workers who are members of Sintraminergética voted to strike. The union is seeking a seven percent wage increase in the first year of contract, compared to five percent offered by the company. Correjon is a joint venture between BHP Billiton, Anglo American and Xstrata. It is reported to have

produced four percent more coal last year than expected and exported 2.5 percent above its targets.

World Bank

The World Bank has announced a number of consultations on social and environmental safeguards and national trade unions are encouraged to take part to encourage the Bank to adopt a comprehensive labour rights safeguard. The Bank began a process of consultations last year. The ITUC and GUFs have recommended that the policy review be used as an opportunity to introduce a comprehensive labour standards safeguard to ensure that all Bank-financed transactions comply with the ILO's core labour standards and other basic labour conditions. Unions should visit the World Bank Web page for further information and for registering their interest.

UK employment law review

In October 2012, a new government bill that allows employees to forgo some of their employment rights in

order to receive 'employee shareholder' status, was introduced. The bill was announced by the Conservative-Liberal coalition government in October 2012 and would establish a new type of employment status where employees would receive shares in their company worth at least GBP 2,000 (around 2,330Euros) but have fewer than normal statutory employment rights including the right to: request training and flexible working; claim unfair dismissal; receive redundancy pay. They would also have to provide longer notice of their intention to return to work after maternity, paternity or adoption leave. Despite a lukewarm reception from industry representatives such as the Confederation of British Industry, and more outspoken opposition from unions, the bill will become law in April 2013.

The UK government has also reduced the statutory minimum period for consultation on redundancies affecting 100 or more employees from 90 to 45 days. Employers' groups had called for an even greater reduction in the period to 30 days, in line with the consultation period allowed for redundancies of 20 to 99 employees.



British Airways strike, UK

Unions in the UK have opposed the reform and argue that the reduction in the consultation period will give less time for unions to work with employers to save jobs.

Greek industrial relations

A third package of austerity measures was approved by the Greek parliament as a condition for further aid from the IMF, EU and European Central Bank, that will deeply affect labour laws and national collective bargaining as well as wages and pensions. New laws include a new system whereby the minimum wage is defined by law rather than by collective agreement through the social partners. Changes have been made to working hours that eliminate regulations limiting commercial shop hours and obligatory rest (from 12 continuous hours to 11) and change the distribution of annual leave. Shorter periods of notice for terminating an employment contract have been established as well as limits on severance pay. Other measures include the raising of the retirement age and abolition of certain public sector holidays and leave benefits, as well as further reductions in pensions.

African Labour History

The ILO and the International Institute of Social History (IISH) have launched an initiative to promote a general labour history of Africa that will look at ways to set up a comprehensive, user-friendly, scientific multi-volume labour history of Africa. A meeting of international scholars from different disciplines and labour advocates took place in Addis Ababa in November 2012 to outline the project that will engage with research and debates around working conditions, labour relations and the everyday lives of working people and their families.

Marikana Massacre

Footage from a police mobile phone video taken during the massacre of miners at Marikana, South Africa, appears to reveal fresh evidence that the police were responsible for the majority of killings (18 protesters) during



Mineworkers march, South Africa

the clashes. The video, shown during a Channel 4 documentary in the UK, is also reported to provide incriminating evidence of a police officer boasting of his killing of Thobile Mpumza, a 26 year old miner shot 12 times at Small Koppie. The video raises serious questions about the police defence that they acted in self defence on the day of the massacre.

Turkey

The Turkish mining union Genel Maden-Is has condemned the poor safety conditions of Kozlu mine, in Zonguldak Province on the Black Sea, where eight workers lost their lives due to a methane gas leak and explosion. The union organised workers at Star, a subcontractor of the state-owned Turkish Hard Coal Enterprise (TTK), where the explosion happened, despite anti-union tactics by the management. Audit reports in the months prior to the explosion revealed numerous safety failings by the company. The union has argued that given the health and safety violations, the accident should be defined as 'murder'. A further methane gas explosion occurred three days later in the same region, killing one miner and injuring three. Turkey has the worst safety record in Europe and the third worst in the world.

Bangladesh, factory fire

On 26 January, seven female garment workers are reported to have died in a blaze at Smart Fashions in the capital of Bangladesh, Dhaka. The

factory allegedly supplies garments for a number of well-known brands that include Berksha and Lefties (Inditex), KIK and New Look. IndustriALL global union has been working with Inditex to agree on action to be taken, as part of their global framework agreement. News reports describe the conditions faced by workers at Smart Fashions to have been very similar to those at Tazreen Fashions, where at least 112 people lost their lives in November 2012: locked doors and gates preventing workers from escaping and a lack of adequate fire-safety measures.

PKC, Mexico

A subsidiary of the Finnish auto-parts supplier PKC, Arneses y Accesorios de Mexico, has signed a collective agreement with a company-created union, CTM, despite workers' request for the National Miners' and Metalworkers' Union (SNTMM-SRM) to represent them. The company fired more than 100 union supporters and the union committee in December 2012, for campaigning to elect an independent union at the plant in Ciudad Acuña, Mexico. The workers, who reportedly earn on average \$55 per week, have been trying to secure better wages, health and safety standards, an end to arbitrary treatment and sexual harassment.

Forced labour, Sweden

Swedish forestry companies SCA and Holmen have been employing workers from Cameroon under conditions of

forced labour, according to a Swedish documentary broadcast in January. Around 47 migrant workers from Cameroon, hired through recruitment agencies, were promised a monthly salary of 18,500 SEK (approx. 2200 Euros) but on arrival were instead offered piece rates of 0,22 SEK (0,03 Euros) and expected to work both day and night to come close to achieving the promised wage. A new labour immigration policy was introduced in Sweden in 2008 that allows employers to offer inferior contracts to migrant labour than those officially approved by the Migration Board or unions. According to the BWI, thousands of migrant workers from outside the EU have been affected in this way. If their contracts are terminated, the workers lose their residence status after three months. Fear of loss of income, residency and often debt bondage make migrant workers heavily dependent on their employer. The Swedish forestry workers' union GS has been in negotia-

tion with the The Federation of Swedish Forestry and Agricultural Employers (SLA) that has promised to pay the workers according to their contracts.

KGEU recognition, Korea

The President of the Korean Government Employees' Union (KGEU), Kim Jungnam, began a hunger strike on 15 January to protest the dismissal of 137 public sector workers for their union activities. The workers, that included the President and General Secretary of the union, were active union members engaged in a struggle to protect public services from privatisation, to improve working conditions and to achieve the recognition of trade union rights. The government does not recognise the union, declaring it instead to be an illegal organisation. Kim Jungnam was taken to hospital two weeks into the strike, whereupon the union vice-presidents commenced their own hunger strikes.

Trade union leader release, Russia

Valentin Urusov, a miner and trade union leader from Yakutia, in the north east of Russia, was released after four and a half years in a penal colony in Siberia. Urusov was detained in 2008 after establishing a trade union at the ore-processing mill where he worked as an electrical fitter. The mill is owned by Russia's state-owned Alrosa, one of the largest diamond mining companies in the world. The union, Profsvodoba, led a protest against low pay and unsafe working conditions. Urosov was arrested for alleged drug possession around the time he was engaged in preparations for a protest rally against the company. The Russian Confederation of Labour Unions established an international campaign to free Urusov, which gained the support of the ITUC, the global union federations, international NGOs and led to an ILO recommendation to the Russian Government to re-examine the case and release Urusov.



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Supporting textile workers
in Bangladesh



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■ **Bangladesh factory fires: analysis**

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Cover Images:

Main Image: British Airways Cabin Crew strike (courtesy of airstrikes.wordpress.com)

Inserts (left to right): British Airways strike; Rally to support JAL dismissed workers; PAL, International Human Rights Day mobilisation.