

2018 ITUC GLOBAL RIGHTS INDEX

The World's Worst
Countries for Workers

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Foreword

Shrinking democratic space for working people and unchecked corporate influence are on the rise. The 2018 Global Rights Index saw restrictions on free speech and protests and increasingly violent attacks on the defenders of workers' rights. Decent work and democratic rights grew weaker in almost all countries, while inequality continued to grow.

Repressive regimes are on the rise, with a deterioration of rights and freedoms in **Algeria, Belarus** and **Egypt**. **Turkey's** descent into autocracy showed the fragility of peace and democracy, and the unjust imprisonment of former President Luiz Inácio Lula da Silva in **Brazil** is a dark message for working people.



“Food, accommodation and transport costs more than we earn – it doesn't add up to cover these on the wages we earn.”

Marselina and Luminka

Semiconductor workers, Indonesia

Democracy is under attack in countries that failed to guarantee people's rights to organise, speak out and take action. Governments in three of the world's most populated countries – **China, Indonesia** and **Brazil** – passed laws that denied workers freedom of association, restricted free speech and used the military to suppress labour disputes. **The number of countries that deny or constrain freedom of speech increased from 50 in 2017 to 54 in 2018.**

Business interests led by the American Chamber of Commerce heavily influenced governments in a number of countries including **Moldova** and **Romania**, undermining collective bargaining. The anti-union practices of **Samsung** with tactics to deny workers freedom of association and collective bargaining rights were uncovered in documents seized from their offices in **Korea**. **Eighty-one per cent of countries have violated the right to collective bargaining.**

The power of democracy to change the rules was shown with newly elected governments in **Iceland, Canada** and **New Zealand** acting in the interests of working people, with laws to close the gender pay gap, provide paid domestic violence leave, increase wages for care workers and the repeal of repressive labour laws.

The fifth edition of the ITUC Global Rights Index ranks 142 countries on the degree of respect for workers' rights.

The ten worst countries for workers in 2018 are: **Algeria, Bangladesh, Cambodia, Colombia, Egypt, Guatemala, Kazakhstan, the Philippines, Saudi Arabia** and **Turkey**.

Haiti, Kenya, Mauritania, Macedonia and **Spain** have all seen their rankings worsen in 2018 with a rise in attacks on workers' rights in law and practice.

Ireland's ranking improved in 2018 after freelance workers including journalists, actors and musicians were given the right to collectively bargain and be represented by a union.

The Middle East and North Africa (MENA) remains the **world's worst region** when it comes to fundamental rights at work. Millions of migrant workers in **Saudi Arabia** are trapped in modern slavery under the kafala system.

Trade union members were killed in nine countries in 2018: **Brazil, China, Colombia, Guatemala, Guinea, Mexico, Niger, Nigeria** and **Tanzania**; and **the number of countries where workers were exposed to murders, physical violence, death threats and intimidation significantly rose from 59 in 2017 to 65 in 2018.** In **Colombia** alone, 19 trade union members were murdered during the year.

Despite the collective efforts to achieve better wages and working conditions, there was a rise in repression, intimidation and discrimination faced by working people. In the **Philippines, India** and **Bangladesh**, workers still struggled to assert their basic right to associate freely and faced the violent opposition of employers.

State repression of the independent labour movement intensified in **Turkey, Kazakhstan** and **Belarus**. **The number of countries with arbitrary arrests and detention of workers increased from 44 in 2017 to 59 in 2018.**

Even in countries with strong democratic traditions like **Spain**, authorities cracked down on peaceful strike actions and prosecuted union leaders using Franco-era legal provisions. **Eighty-seven per cent of countries have violated the right to strike.**

Collective action was systematically repressed in several African countries, including **Kenya** and **Nigeria**, where the authorities banned demonstrations in the education sector and sent in the army to attack protesters, killing one worker.

Global shifts are underway in working conditions for people. **Sixty-five per cent of countries exclude workers from the right to establish or join a trade union, an increase from 60 per cent in 2017.** More and more workers in the global workforce are excluded from any protection under labour laws: 2.5 billion people in the informal economy, millions of migrant workers, those in precarious work and those working for platform businesses.

Amazon, an e-commerce platform, has been accused of intolerable working conditions in low-paid, insecure jobs in their warehouses in the **UK** and the **USA**. Strikes at their logistics centres in **Italy, Germany** and **Spain** took place for better pay and conditions.

Workers and their unions are the defenders of rights and freedoms, organising to build the power of working people, to stop the violations and end corporate greed. It's time to change the rules.

Sharan Burrow

General Secretary,
International Trade Union Confederation

Highlights

This is the fifth edition of the ITUC Global Rights Index.

It documents violations of internationally recognised collective labour rights by governments and employers.

Worst Region for Working People

Middle East and North Africa

10 Worst Countries for Working People

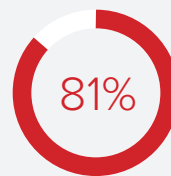
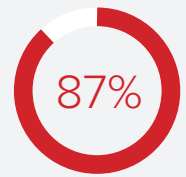
Algeria	Guatemala
Bangladesh	Kazakhstan
Cambodia	Philippines
Colombia	Saudi Arabia
Egypt	Turkey

Violations of Workers' Rights



65% of countries **exclude workers from the right to establish or join a trade union**

87% of countries have **violated the right to strike**



81% of countries have **violated the right to collective bargaining**

Countries where workers are **arrested and detained** increased from **44 in 2017 to 59 countries in 2018**



The number of countries where workers experienced **violence increased from 59 in 2017 to 65 in 2018**

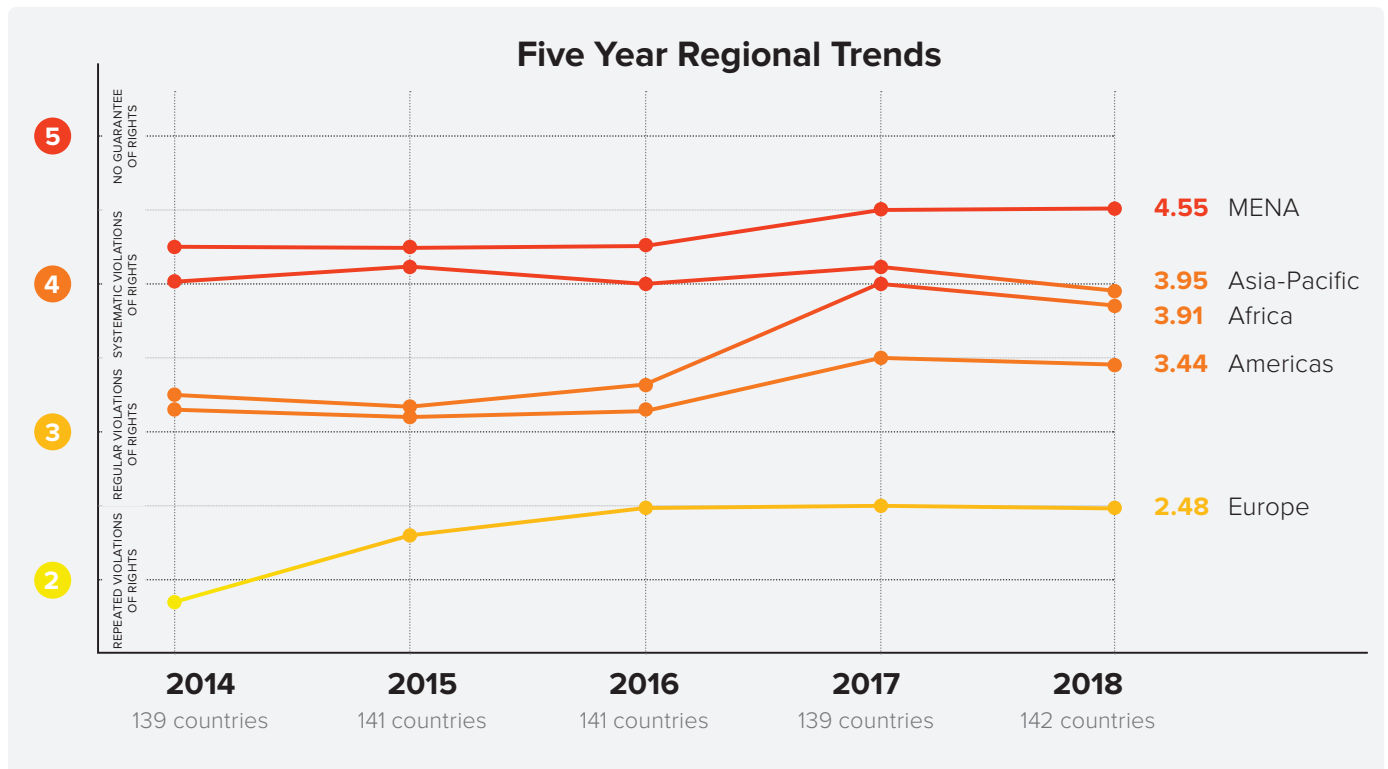
Trade unionists **murdered** in 9 countries



The number of countries that **deny or constrain freedom of speech** increased from **50 in 2017 to 54 in 2018**

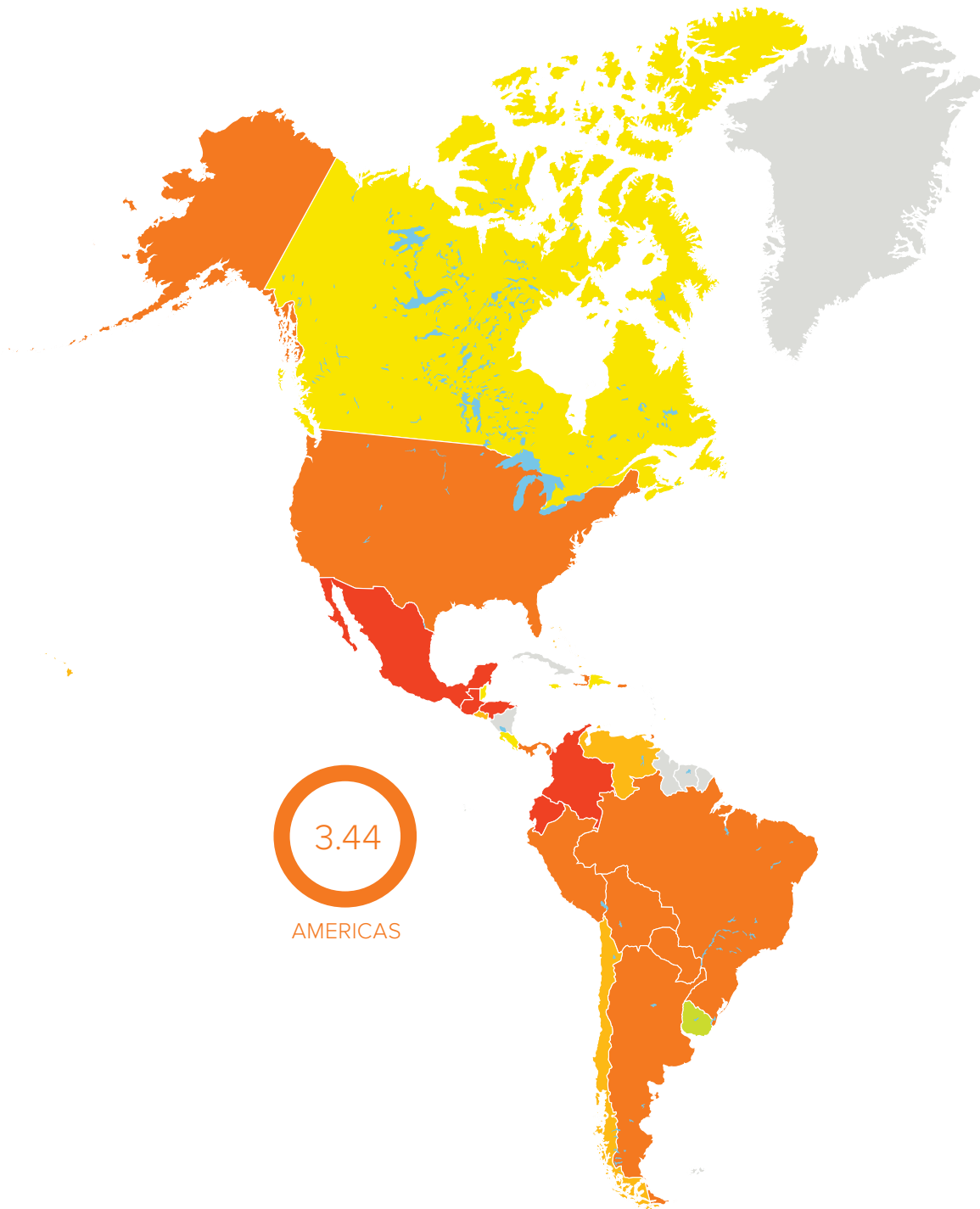
Companies Violating Workers' Rights

- Sonelgaz Group, **Algeria**
- Orchid Sweater Factory, **Bangladesh**
- Haesong Corporation Ltd, **Bangladesh**
- Deliveroo, **Belgium**
- Cambrew, **Cambodia**
- Southland Garment Factory, **Cambodia**
- Gawon Apparel Factory, **Cambodia**
- Capital Bus, **Cambodia**
- Brodosplit Shipyard, **Croatia**
- Authority of Real Estate Taxes, **Egypt**
- Tourah Cement Company, **Egypt**
- Aswan Cement Factory, **Egypt**
- Grasberg Mine, **Indonesia**
- PT Freeport, **Indonesia**
- Gawon Apparel Factory, **Indonesia**
- Samsung, **Korea**
- New World First Bus Company, **Hong Kong (China)**
- Vitasoy, **Hong Kong (China)**
- General Motors, **Korea**
- Amertron Incorporated, **Philippines**
- Shin Sun Tropical Fruit Corp, **Philippines**
- Sumitomo Fruit Company, **Philippines**
- Amazon, **Spain**
- BinLadin Group, **Saudi Arabia**
- Al-Hajry Overseas Company, **Saudi Arabia**
- Sibanye's Cooke mine, **South Africa**

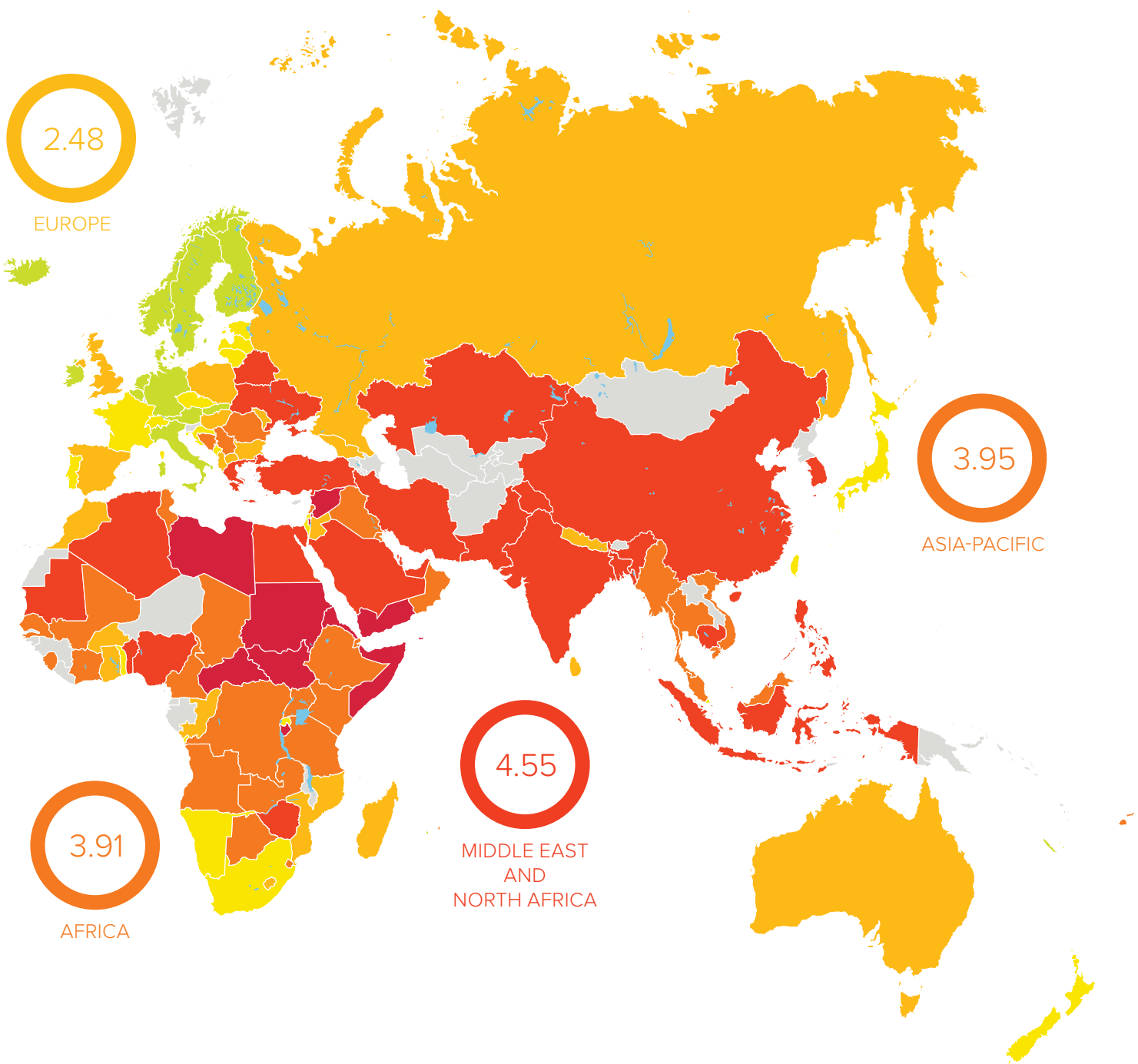


The ITUC Global Rights Index depicts the world's worst countries for workers by rating 142 countries on a scale from 1-5 based on the degree of respect for workers' rights. Violations are recorded each year from April to March. This year marks the fifth anniversary of the ITUC Global Rights Index. Detailed information exposing violations of workers' rights in each country is published in the ITUC Survey found at survey.ituc-csi.org.

The 2018 Rankings



- 5+** No guarantee of rights due to the breakdown of the law
- 5** No guarantee of rights
- 4** Systematic violations of rights
- 3** Regular violations of rights
- 2** Repeated violations of rights
- 1** Sporadic violations of rights
- No data



The 2018 Country Rankings

Rating 5+

No guarantee of rights due to the breakdown of the law

Burundi	•	Palestine	•	Syria	•
Central African Republic	•	Somalia	•	Yemen	•
Eritrea	•	South Sudan	•		
Libya	•	Sudan	•		

Rating 5

No guarantee of rights

Algeria	•	Guatemala	•	Mexico	•
Bahrain	•	Honduras	•	Nigeria	•
Bangladesh	•	Hong-Kong (CHINA)	•	Pakistan	•
Belarus	•	India	•	Philippines	•
Benin	•	Indonesia	•	Qatar	•
Cambodia	•	Iran	•	Saudi Arabia	•
China	•	Kazakhstan	•	Turkey	•
Colombia	•	Korea (REPUBLIC OF)	•	Ukraine	•
Ecuador	•	Kuwait	•	United Arab Emirates	•
Egypt	•	Laos	•	Zimbabwe	•
Greece	•	Mauritania	↗		

Rating 4

Systematic violations of rights

Angola	•	Kenya	↗	Tanzania	•
Argentina	•	Lebanon	•	Thailand	•
Bolivia	•	Malaysia	•	Trinidad and Tobago	•
Bosnia and Herzegovina	•	Mali	↗	Tunisia	•
Botswana	•	Mauritius	↗	Uganda	•
Brazil	•	Myanmar	↘	United States of America	•
Cameroon	•	Oman	↗	Vietnam	↘
Chad	•	Panama	•	Zambia	•
Congo (DEMOCRATIC REPUBLIC OF)	•	Paraguay	•		
Côte d'Ivoire	•	Peru	•		
Djibouti	•	Romania	•		
Ethiopia	•	Senegal	•		
Fiji	↘	Serbia	•		
Haiti	↗	Sierra Leone	•		
Iraq	↘	Swaziland	↘		

Rating 3

Regular violations of rights

Albania	•	Ghana	•	Mozambique	↗
Australia	•	Hungary	•	Nepal	•
Bahamas	•	Jordan	↘	Poland	↘
Bulgaria	•	Lesotho	↘	Russian Federation	•
Burkina Faso	↘	Liberia	•	Spain	↗
Chile	•	Macedonia	↗	Sri Lanka	•
Congo (Republic of)	•	Madagascar	↘	United Kingdom	↘
El Salvador	•	Moldova	•	Venezuela	•
Georgia	•	Morocco	•		

Rating 2

Repeated violations of rights

Barbados	•	Israel	↘	Portugal	•
Belize	↘	Jamaica	↘	Rwanda	•
Canada	•	Japan	•	Singapore	↘
Costa Rica	•	Latvia	•	South Africa	•
Croatia	•	Lithuania	•	Switzerland	•
Czech Republic	•	Malawi	•	Taiwan (CHINA)	•
Dominican Republic	•	Montenegro	•	Togo	•
Estonia	↗	Namibia	↘		
France	↗	New Zealand	•		

Rating 1






Sporadic violations of rights

Austria	•	Iceland	•	Slovakia	•
Belgium	↘	Ireland	↘	Sweden	•
Denmark	•	Italy	•	Uruguay	•
Finland	•	Netherlands	•		
Germany	•	Norway	•		

Comparison with 2017 score:

No change or new in 2018	•
Worse rating	↗
Improved rating	↘

Worst Region in the World

REGION		2018	SCALE	
MENA	18 COUNTRIES	4.55	(4) Systematic violations of rights to (5) No Guarantee of rights	
Asia-Pacific	22 COUNTRIES	3.95	(3) Regular violations of rights to (4) Systematic violations	
Africa	37 COUNTRIES	3.91	(3) Regular violations of rights to (4) Systematic violations	
Americas	25 COUNTRIES	3.44	(3) Regular violations of rights to (4) Systematic violations	
Europe	40 COUNTRIES	2.48	(2) Repeated violations of rights to (3) Regular violations	

Middle East and North Africa

In 2018 the Middle East and North Africa (MENA) continued to be the world's worst region for workers' rights with an average score of 4.55. The scourge of war was still ravaging **Libya, Palestine, Syria** and **Yemen**, depriving millions of basic protection and stripping them of their liberties and rights.

Syria
6.1 million people internally displaced.
4.6 million people have fled the country

Yemen
7 million people at risk of famine.
 Nearly **3/4 of the population** need humanitarian assistance

Arrest, detention and imprisonment

In **Algeria** and **Egypt**, attempts at forming an independent labour movement were systematically crushed by the authorities. In Algeria, the government still refused to register the CGATA and continued its methodical dismantling of its affiliate SNATEG through arbitrary dissolution, massive dismissals and sentencing of leaders. In Egypt, workers were unable to exercise their right to strike as police forces immediately cracked down on any peaceful protests, preventively arrested union leaders and intimidated their families. In **Aswan Cement Factory**, the police brutally broke up a sit-in organised by the workers demanding better safety measures after the spilling of dangerous chemicals which had severely injured five workers and killed one. All striking workers were arrested on charges of instigating strike and obstructing work.

Exclusion of workers from labour protection

In the **Gulf countries**, the vast majority of workers, namely migrant workers, were still excluded from labour laws under the kafala system. Migrant workers were systematically exposed to exploitation and severe physical and psychological abuses akin to forced labour and slavery.

In **Saudi Arabia**, 49 former workers of the **BinLadin Group** were sentenced in January 2017 to 300 lashes and up to four months in prison for demanding unpaid wages.

Recent efforts were made in **Qatar** and **Kuwait** to provide minimum guarantees to migrant workers, including the possibility to break off their contract unilaterally. In general, Gulf countries remained reluctant to expand basic labour rights to migrant workers.

Labour Law Reforms in Qatar

Commitments made by the government of Qatar to the International Labour Organisation in November 2017 set a new standard for Gulf countries. A technical cooperation programme between the ILO and Qatar will support the transition to a modern industrial relations system, with the UN agency establishing an office in the country for the first time.

The commitments made by the government of Qatar to dismantle the kafala system include abolishing the system of exit permits, establishing a national minimum wage for all workers, and the start of building freedom of association rights for migrant workers who will now be able to elect representatives on workplace committees. A new grievance procedure will enable migrant workers to submit complaints to the national disputes mechanisms with assistance from the ILO.

Violations of workers' rights



17 out of 18 countries have violated collective bargaining and the right to strike



All 18 countries exclude workers from the labour law



“I was in Saudi Arabia for three years. There were nine members of the family. **I had no leave, no day off**, and was always working apart from when I got to sleep for a few hours. **I worked for at least twenty hours a day.**”

Selante

Domestic Worker, Saudi Arabia

This year, Asia and the Pacific region again followed the MENA region as the second worst region in the world for workers' rights.

Increase in violence

Physical violence and intimidation of workers were common practices to prevent the establishment of unions. In **India** and **Bangladesh**, countless reports of threats to the physical integrity of workers and their families were recorded this year. Police did not hesitate to resort to brutality to suppress protests, leaving many injured.

Criminalisation of the right to strike

There were numerous cases where workers exercising their right to strike were summarily dismissed: in **Indonesia**, where 4,200 mineworkers at **Grasberg mine** were laid off for taking strike action; in **Myanmar**, where 184 union activists were made redundant due to alleged "drops in order"; and in **Cambodia**, where 588 workers were fired after a strike in the garment sector.



"Samsung use Mafia, they use police. They buy soldiers, they buy police, they buy government."

Ismail

Factory worker, Indonesia

Arrest, detention and imprisonment

In 2018, a number of labour activists and trade union leaders remained in jail for their activism. In **Korea**, after international calls for his release, **Han Sang-gyun**, leader of the Korean Confederation of Trade Unions (KCTU), was granted parole on 21 May 2018 from his three-year jail term for organising the People's Mass Mobilisation on 14 November 2015 against the repressive labour reforms of the former government of President Park Geun-hye. However, **Lee Young-joo**, former KCTU general secretary, was arrested and moved to the Seoul detention centre on 27 December 2017 as she left the headquarters of the ruling Democratic Party where she had been staging a hunger strike for ten-days in protest at the amendments to the Labour Standards Act. Lee had previously been staying at the KCTU office for two years, after an arrest warrant was issued for her activities as general secretary of the organisation, and particularly her role in organising the People's Mass Mobilisation. In **China**, many rights and labour activists were arbitrarily arrested and sentenced in 2018. Labour activist and founder of Volunteers for Workers' Rights **Liu Shaoming** was sentenced to four and a half years' imprisonment for "inciting subversion of state power" on 7 July 2017. Following the nationwide crackdown of 2015, several rights and labour lawyers remained arbitrarily detained in secret prison facilities. Three of them, **Li Chunfu**, **Jiang Tianyong** and **Xie Yang**, reported acts of physical and psychological torture while in detention.

"I warn the government, even if you carry out the heretofore unheard of repression against the KCTU and imprison its president, your regressive labour policies cannot succeed."

Han Sang-gyun

President KCTU, 10 December 2015

Violations of workers' rights



86% of countries exclude workers from the labour law



All 22 countries have violated collective bargaining and the right to strike

With ever more deteriorating humanitarian situations and deeply entrenched conflicts, **Burundi, Central African Republic, Eritrea, Somalia** and **South Sudan** struggled to uphold the rule of law in their territories.

65% of countries in the Africa region expose workers to physical violence

Increase in violence

In other African countries, many workers were still denied collective labour rights and, in some cases, protests to assert these rights escalated in violent repression. In **Nigeria**, the government banned the activities of education sector unions. Protests against this arbitrary decision were violently repressed by the army, and one worker was killed by unknown gunmen during a strike. Similarly in **Zimbabwe** the government banned strikes in the banking sector. In **South Africa**, 1,500 workers were summarily dismissed after staging a strike at **Sibanye's Cooke mine**. In many countries, trade union leaders were arrested on dubious grounds to instil a climate of fear and intimidation in the labour movement, as was the case in **Cameroon, Niger** and **the Democratic Republic of Congo**.

Violations of workers' rights



84% of countries exclude workers from the labour law



36 out of 37 countries violated the right to strike



All 37 countries violated collective bargaining rights

Exclusion of workers from labour protection

In sub-Saharan Africa, an overwhelming majority of workers were employed in the informal economy. In 2015, the agricultural sector, mainly based on small-scale and subsistence farming, represented 65 per cent of the total employment in the region, while the proportion of workers in the informal economy reached 66 per cent of the total non-agricultural employment. Employment in the informal economy rose to 82.7 per cent in **Mali**, 70.7 per cent in **Lesotho** and 60 per cent in **Ethiopia**. While these workers are extremely vulnerable to abuses, many workers' rights violations went unreported. The situation was further compounded by the weak ability of labour inspection services to intervene in these sectors. Widespread underreporting of workers' rights violations in the region also impeded the full assessment of the situation of workers' rights in several countries, for example **Togo**.



“With an extra 1200 birr (USD 40) a month
I would buy food and clothes for my family.”

Aman

Orange seller, Ethiopia

The Americas remained plagued by the pervasive climate of extreme violence and repression against workers and union members.

19 trade unionists were **murdered** in Colombia in 2017

Increase in violence

In **Colombia** alone, 19 trade unionists were murdered in 2017 and countless more were physically assaulted and received death threats. This year the death toll in **Guatemala** rose to 87 trade unionists assassinated since 2004 and whose murders remained unprosecuted. In **Brazil**, three trade union leaders were murdered in a context of growing tensions in industrial relations.



“In those places where there is no union, they cannot defend their rights.”

Aurelian

Banana worker, Guatemala

Violations of workers' rights



Erosion of collective bargaining

Anti-union practices were still widespread in many Latin American countries. Unions faced repeated denial of registration and severe undermining of collective bargaining rights with the prevalence of protection contracts and the creation of yellow unions to prevent genuine workers' representation. In **Mexico**, for example, Cone Denim Yecapixtla, a garment union, was denied registration three times while in the meantime the company registered its own yellow union. Likewise, the registration of SNTEPE-PEMEX, in the oil and gas industry, has been deliberately slowed down by the ministry since 2014 on unjustified grounds. Dismissals and other anti-union discriminatory measures were also common practice.

In Europe, workers still suffered from the long-lasting negative effects of austerity-related measures which all but dismantled existing collective bargaining frameworks, especially in countries affected by policies of the Troika (European Commission, European Central Bank and the International Monetary Fund), such as **Portugal, Spain and Greece**.

Violations of workers' rights



58% of countries violated collective bargaining rights



Three quarters of countries violated the right to strike



20% of countries exclude workers from the labour law

Erosion of collective bargaining

In 2017-18, European countries were also characterised by a decline in respect for tripartite social dialogue – a decline which undermined labour governance. In **France**, a year after the polemical “El Khomri” bill reforming the Labour Code was forced into law without parliamentary debate, the newly elected government circumvented democratic debates and adopted equally controversial ordinances which further undercut the hierarchy of standards and severely weakened workers’ protection. In **Macedonia**, the government stubbornly refused to renegotiate the General Collective Agreement for the public sector dismissing all KSS’ requests. In **Poland**, tripartite social dialogue on legislative reforms was undermined by the lack of genuine consultation of the government with unions. The government often used the wrong legal basis for the consultation process, deliberately set short deadlines for response, did not provide the necessary documentation and included in the consultations unlawful clauses whereby failure of unions to reply implied their approval of the draft law.

Arrest, detention and imprisonment

State repression of independent trade unions strengthened in **Belarus** where the leaders of the Belarusian Radio and Electronic Industry Workers' Union (REP) are under mass-scale criminal investigations for alleged large-scale tax evasion for donor aid received as part of trade union cooperation. In **Kazakhstan**, the former leader of the liquidated CNTUK, **Larisa Kharkova**, was sentenced to four years of restrictions on her freedom of movement, a ban on holding public office for five years and 100 hours of forced labour on false charges of embezzlement. In **Turkey**, the state purge continued with a string of arrests of union leaders, including most recently **Elif Cuhadar**, KESK Executive Committee member, arrested for statements she had made during a panel discussion in 2014. Serious acts of interference in trade union activities were recorded in **Russia**, where the Interregional Trade Union Workers' Association of Automobile Industry (ITUWA) was dissolved by a court decision in January 2018 for its cooperation programmes with IndustriALL international union.

In **Croatia**, anti-union discriminatory measures were frequent, and workers attempting to form a union were often threatened with non-renewal of their fixed-term contracts, which represented 90 per cent of employment contracts in the country. Union members at **Brodosplit Shipyard**, notorious for its aggressive union-busting methods, received thinly veiled threats while workers were pressured into leaving the union.

Ukraine

94 mine workers were sued for striking to demand a wage rise

There was also an increasing trend to prosecute union members in order to suppress protests in **Spain**, where the government revived a Franco-era legal provision to criminalise strikes and in the **Ukraine** where 94 mine-workers were sued for staging a strike underground to demand a wage raise.



“We have too many accidents. A friend lost two fingers, another lost a hand. **We want job safety and better wages.**”

Adnan

Electronics, Turkey

The World's Ten Worst Countries for Workers

Algeria



- State repression
- Mass arrests and dismissals
- Suppression of protests

In recent years, repression against independent trade unions has intensified with a systematic pattern of dismissals or suspension of union leaders and the brutal suppression of peaceful protests. In 2018, the authorities continued to deny recognition to the *Confédération Générale Autonome des Travailleurs en Algérie* (CGATA). Despite its undeniable representativeness in the public service, CGATA was still excluded from national social dialogue processes. Arbitrary dismissals of trade unionists occurred in public services, postal services, media and higher education.

Cases of state repression

SNATEG (National Autonomous Union of Sonelgaz Gas and Electricity Workers), one of CGATA's affiliates, still faced relentless government persecution. In May 2017, the authorities ordered the administrative dissolution of SNATEG, despite ITUC calls to repeal the order. Furthermore, the SNATEG president, **Raouf Mellal**, was dismissed and sentenced to two months in prison for "defamation against **Sonelgaz** CEO". Mellal had already been sentenced in 2016 to a six-month jail term for denouncing corruption. In May and October 2017, 48 SNATEG members were summarily dismissed, while 250 other members were demoted or suspended. In October 2017, the whole Tizi Ouzou SNATEG branch union was forced to resign after being threatened.

Bangladesh



- Violence
- Mass arrests
- Discrimination

For years, Bangladeshi workers have been exposed to severe state repression, including violent crackdowns on peaceful protests through Bangladesh's notorious "industrial police" and intimidation, aimed at preventing the formation of unions.

Cases of violence

In the Ashulia garment production district, where a week-long strike had been violently repressed in December 2016, persecution of workers and union leaders continued. Union offices were ransacked and vandalised and union documents and equipment stolen. Nine members of the Bangladesh Independent Garment Workers Union Federation were briefly detained by the authorities.

At the **Orchid Sweater factory**, local thugs threatened and physically attacked workers seeking the registration of their newly formed union. Attackers went to union leaders' homes and threatened their families, even kidnapping one leader's brother before releasing him.

On 16 August 2017, at **Haesong Corporation Ltd**, a garment factory, more than 50 workers, many of them women, were injured after being attacked by hired thugs as they took part in a peaceful protest against the sweater manufacturer. An organiser of the National Garment Workers Federation present at the sit-in was kidnapped by thugs and released in the evening. The local police refused to file workers' complaints about the kidnapping or the attacks. The protest was about an ongoing dispute with Haesong, which suspended

218 workers on 4 April 2017. The workers had been demanding payment for their unused leave for the year 2016.

Cambodia



- Intimidation and reprisals
- Repressive laws
- Police violence

Workers in Cambodia have long suffered from retaliation and violence for attempting to assert their rights. Employers at large still conducted an aggressive anti-union policy, including through the formation of yellow unions which left Cambodian workers without genuine representation and at the mercy of the employers' will. Of further concern is the draft Wage Law, which would undermine and potentially criminalise the work of unions, labour rights activists and civil society groups by barring peaceful demonstrations and sidelining independent unions.



“247 workers were fired for signing a petition demanding that the factory pay them the legal minimum wage. The union was able to get them all reinstated.”

Try Soknim
Knitter, Cambodia

Cases of intimidation and reprisals

At **Cambrew**, Cambodia's largest brewery, union busting practices continued. In April 2017, union members were offered up to USD 10,000 to resign.

On 7 June 2017, the **Southland garment factory** suspended ten union leaders of the independent Collective Union Movement of Workers (CUMW) for seven months, following a strike by 1,500 workers over working time. According to CUMW, the majority of workers were pressured into joining the Cambodian Union Federation (CUF), a government-aligned union which had been deducting membership fees from the workers without their agreement while refusing to support workers' demands. Strike action was also severely restricted by the authorities and employers took reprisals against striking workers. On May Day, the Phnom Penh authorities banned a coalition of independent trade unions representing many of the garment sector's 700,000 workers from holding a march.

At **Gawon Apparel factory**, 588 workers were fired after a strike, while Cambrew filed a USD 60,000 claim against the Cambodian Food and Service Workers Federation (CFSWF) for exercising their right to strike.

Colombia



- Murders
- Collective bargaining undermined
- Discrimination

In 2017, 19 Colombian trade union leaders were murdered, the highest number in any country. In this deep-rooted culture of violence and impunity, Colombia remained the deadliest country for union members.

Cases of murder

In the night of 21 June 2017, **Mauricio Vélez López**, national vice president of Sintraunal in the municipality of Buenos Aires, Cauca, was kidnapped at his home by ten hooded individuals. His lifeless body was found in the early morning of the next day.

On 1 July 2017, **Alberto Román Acosta González**, president of the SINTRAGO Guacarí branch in Valle del Cauca (the National Union of Agricultural Workers), was fatally shot by gunmen on a motorcycle while watching his son play soccer. The Guacarí branch, which represents sugar workers in the region, has been engaged for ten years in coordinated efforts to formalise workers' jobs and secure basic labour rights. Violence, including physical assault, death threats and intimidation, was still rampant in the country, creating a climate of fear that effectively prevented workers from exercising their rights.

Egypt



- State repression
- Discrimination
- Mass arrests

In 2018, state repression against independent trade unions intensified with crackdowns on peaceful strikes and arbitrary arrests.

Cases of state repression

On 15 September 2017, the authorities interrogated and detained for a month nine union leaders working for the **Authority of Real Estate Taxes** for inciting a strike, misusing social media and being affiliated to a group banned by law. Police forces also raided their houses in an intensive campaign to instil fear among union leaders and their families. The day before, the union had announced a peaceful sit-in on 19 September.

In June 2017, 32 employees of the **Tourah Cement Company** were sentenced to three years in prison on charges of "illegal protest". The term was reduced to two months on appeal. In April, Tourah Cement Company workers had started a sit-in to protest the company's refusal to implement a court ruling recognising that these workers, who had been employed for 10 to 15 years as casual workers by the company, should be granted permanent contracts. After a 55-day sit-in, the company still refused to abide by the court ruling and called instead 70 private security agents to disperse the sit-in, forcibly removing striking workers.

Guatemala



- Violence and murder
- Discrimination
- Lack of due process

Guatemala remained one of the worst violators of workers' rights with widespread and systemic violence against workers and trade unionists. The pervasive climate of repression, physical violence and intimidation was compounded by the government's failure to provide timely and adequate protection to trade unionists who received death threats and to pursue the many historic cases of murders of trade unionists.



"If you buy a box of a bananas from a non unionised plantation you know the worker has endured exploitation."

Germán

Banana worker, Guatemala

Cases of violence and murder

In 2017 two trade unionists were murdered. **Tomas Francisco Ochoa Salazar**, secretary of disputes at the *Sindicato de Trabajadores de la Empresa de Carnes Procesadas Sociedad Anónima* (SITRABREMEN), was shot dead on 1 September 2017 as he was leaving the meat processing factory where he worked. Another member of the union, **Andy Noel Godinez**, was injured in the shooting.

Ochoa Salazar had held a key role in obtaining recognition for the company union established in early

2017. This criminal act occurred in a context of labour unrest and harassing of union members to coerce them to leave the union. The murder of Ochoa Salazar was the 87th murder of a union leader in Guatemala since 2004. His murder highlighted once again the high price paid by workers and union organisers in the country.

Kazakhstan



- Arrest of union leaders
- State repression
- Discrimination

Independent trade unions in Kazakhstan still faced continued attacks against freedom of association and basic trade union rights. Despite strong criticisms of the ILO, Kazakhstan still failed to reform its regressive Law on Trade Unions, which required all existent unions to be re-registered. Repression in the oil sector intensified as union leaders in the sector were systematically sued and sentenced to jail time.

Cases of arrests of union leaders

Following the arbitrary dissolution of the Confederation Independent Trade Unions of Kazakhstan (CNTUK) and the arrest of **Nurbek Kushakbayev**, deputy chair of the CNTUK, and **Amin Yeleusinov**, chair of CNTUK's affiliate (the Trade Union of the Oil Construction Company) in January 2017, both union leaders were sentenced to two-and-a-half years in prison and a temporary ban on public activities after their jail term.

In a mockery of justice based on trumped-up charges of embezzlement, **Larisa Kharkova**, former leader of the CNTUK, was sentenced to four years of restrictions on her freedom of movement, a ban on holding public office for five years and 100 hours of forced labour.

The Philippines



- Intimidation and dismissals
- Violence
- Repressive laws

In a context of extreme state violence and suppression of civil liberties, workers and trade unionists in the Philippines faced threats and intimidation. In December 2017, the Congress extended the martial law on Mindanao for another year raising fears of further human rights abuses. Employers frequently used intimidation tactics and dismissals to prevent workers establishing unions.



“From the moment you punch in **the company owns you**. By keeping us on month by month contracts, we’re easier to replace if we can’t work overtime.”

Melvin
Sewer, Philippines

Cases of intimidation and dismissals

On December 1st 2017, **George San Mateo**, leader of the PISTON transport workers' union, was arrested for organising a strike to protest the government's plans to phase out old jeepneys. The arrest warrant came just before transport workers' leaders were due to meet with the chair of the Senate's committee on public services. San Mateo was released five days later, but the stand-off with the government continued, with President Duterte warning that protestors should be prepared to face rubber bullets and truncheons.

In January 2017, workers of **Amertron Incorporated Philippines** formed a union in response to the persistent problem of low wages. After filing a recognition request with the authorities in August, the company began harassing union officers and members, threatening them with blacklisting and losing their severance pay. Union officers were offered bribes to leave the union, and two officers were suspended for distributing union leaflets. The union filed a complaint with the authorities for unfair labour practice and union busting. The company responded with the mass layoffs of union members, dismissing 532 workers.

In a blatant attempt at union busting, **Shin Sun Tropical Fruit Corp** fired 80 fixed-term contract workers in March 2017, including 53 union members, right after the authorities ordered that they should be made permanent employees. Workers staged a strike to demand their reinstatement and regularisation. By the end of May, military forces brutally broke up the picket line, injuring and arresting 12 strikers, including **Vicente Barrios**, leader of the **Sumitomo Fruit Company Union (SUMIFRU)**, who was beaten and interrogated by the police.

Saudi Arabia



- Migrant worker abuse
- State repression
- Forced labour

Basic civil liberties remained blatantly denied, and all workers were still deprived of their rights to freedom of association and to bargain collectively. Protests were brutally repressed and sanctioned. In this oppressive climate, the 8.3 million migrant workers in the country (over 90 per cent of the private sector workforce) remained particularly affected by the kafala system. They were often tricked into accepting lucrative jobs in Saudi Arabia, only to have their passports confiscated upon arrival and to be forced to work in job positions they have not agreed to. Meanwhile, the authorities continued to crack down on migrant workers with irregular status, arresting, detaining and deporting thousands. In March 2017, the Ministry of Interior launched a

campaign called “A Nation without Violations”, giving migrant workers 90 days to regularise their status or leave the country without penalties.



“When we arrived at the airport, they took our passports. If I say to her that I don’t want to work, she forces me to work. **Even if I am ill, she forces me to work.**”

Mariam

Domestic Worker, Saudi Arabia

Cases of migrant worker abuse

In January 2017, 49 former **BinLadin Group** workers were sentenced to 300 lashes and up to four months in prison for staging a protest over unpaid wages.

In March 2017, 29 Indian workers were held captive in dire conditions by the **Al-Hajry Overseas company** at Al-Hassa for filing a complaint demanding their outstanding leave. According to an NGO report, many migrant workers tried to escape, but they were met with an escalation of violence and abuse. Many foreign countries increased their efforts to rescue their own citizens.

Turkey



- Arrest of union leaders
- Discrimination and dismissals

In the aftermath of the attempted coup in July 2016, civil liberties have been severely down-trodden in Turkey and trade unions and their members have been systematically targeted under the guise of the state of emergency. In April 2017 alone, more than 2,125 persons were detained and 3,974 workers were dismissed from public services. During the year, the government banned numerous strikes organised in the glass and the metal sectors because it deemed them “prejudicial to national security”.



“Even if you don’t pay people good wages, at least respect and treat people with dignity”

Saban

Textiles, Turkey

In August 2017, 682 teachers in the southeastern provinces, all members of *Eğitim-Sen* (Union of Education Workers), were subject to compulsory reassignment in other provinces for “participating in marches contrary to the Turkish Republic’s fight against terrorism”.

In February 2018, **Elif Cuhadar**, a KESK Executive Committee member, was arrested for statements she had made during a panel discussion in 2014.

Three other public service trade union members, **Cagdas Yazici**, **Recep Temel** and **Idil Ugurlu**, were detained without due process in March 2018.

Cases of arrests of union leaders

In April 2017, 14 TUMTIS officials, including Ankara branch president **Nurettin Kılıçdoğan**, received heavy prison sentences ranging from 1.5 years to 6.5 years for recruiting new members and obstructing the freedom of conducting business, while **Zeynep Çelik**, a nurse and former DISK Executive Committee member, was arrested in May 2017.

Most Violated Rights in the World

1. Attacks on civil liberties

Workers were exposed to physical violence in nearly half of all countries in the 2018 Rights Index. Murders of trade unionists occurred in nine countries: **Brazil, China, Colombia, Guatemala, Guinea, Mexico, Niger, Nigeria and Tanzania.**



The number of countries where workers experienced violence increased from **59 in 2017 to 65 in 2018**

Murder in Latin America

The situation in Latin America is deeply worrying, as widespread and systemic violence is combined with years-long impunity regarding these murders. As of 2018, at least 87 murders of trade unionists remain unresolved in **Guatemala**. With 19 murders in 2017, **Colombia** holds again the shameful record for the number of murders of trade unionists in a deeply rooted and pervasive culture of violence and intimidation.

Colombia, Mauricio Fernando Vélez López and Alberto Acosta

On the night of 21 June 2017, **Mauricio Fernando Vélez López**, vice president of the Mixed Union of Workers of the National Public Universities (SINTRAUNAL), was kidnapped at his home by several masked men. Velez's body was found the next day with a bullet in the head and marks of torture. On 1 July 2017, two hit men on motorcycles shot **Alberto Acosta**, president of the Guacarí sub-directorate of SINTRAINAGRO at Ingenio Pichichi, while he was with his son at a football match in Cerrito, Valle del Cauca. Physical assaults and death threats against trade union leaders were countless in 2018. The authorities failed to provide, and in some cases even withdrew, adequate police protection, leading to several unionists fearing for their lives or going into exile.

Brazil - Wallace Fernaziari and George Neto

Wallace Fernaziari, leader of the public transport union in Guarapari, was found dead in his vehicle on 9 February 2017. No suspect has been identified yet, but the killing took place after several transport union leaders in a neighbouring town received threats from people who identified themselves as members of vigilante groups and who had warned that they would burn the buses which continued to operate. On 12 December 2017, **George Neto**, leader of the Road Workers Union of Pará, was killed after a strike of Belém-Rio workers. Neto was returning home when he was approached by men in a car who fired three times. He succumbed to his injuries in hospital. The union was demanding better wages and working conditions for the workers.

Worldwide increase in violence

In 2017-2018, strikes were often brutally repressed by the authorities, leaving many injured. Workers peacefully protesting for their rights were met with violent responses from the police.

Americas

In **Haiti**, police, called by employers, violently charged and brutalised garment workers taking part in the strike movements in May 2017. At least 16 women were beaten by the police inside a factory for refusing to return to work. Some of them were undressed and filmed by police officers.

Asia-Pacific

In **Sri Lanka**, a trade unionist was abducted to force him to stop a strike action. He was released, blindfolded, and dumped by the roadside three days later.

Protestors were met with violence by police in **Bangladesh**.

In **China**, the whereabouts of several labour rights activists, arbitrarily arrested during the “709 Crackdown” of 2015, remain unknown.

Middle East and North Africa

Workers peacefully protesting for their rights were met with brutality by the police in **Egypt**.

Africa

In **Nigeria**, demonstrations in the education sector over the prolonged non-payment of wages were repressed with extreme violence by the army. In June 2017, **Adewunmi Olorunfemi**, welfare officer of the Academic Staff Union of Polytechnics (ASUP), had his wrist broken while his wife was horsewhipped during a protest at the Lagos State Polytechnic (LASPOTECH) in Ikorodu. Protesters reported that many people were injured by the soldiers while running for safety. In November 2017, **Abdulmumuni Yakubu**, branch chairman of Non-Academic Staff Union (NASU) at Kogi State, was assassinated by unknown gunmen at his home. The killing took place during negotiations with the Kogi government on the ongoing strike action of non-academic university staff unions.

2. Arbitrary arrest, detention and imprisonment

As in 2017, there was a significant trend, particularly in repressive regimes, to target trade union leaders in an attempt to undermine the organising capacity of trade unions and to instil a climate of intimidation and fear among unions and workers. In 2018, repressive regimes continued to persecute independent trade unions, prosecuting their leaders on trumped-up charges.



The number of countries with arbitrary **arrests and detention of workers** increased from **44** in 2017 to **59** in 2018

China - Lawyers locked up, Li Chunfu, Jiang Tianyong & Xie Yang

Following the nationwide crackdown of 2015, several lawyers remained arbitrarily detained in secret prison facilities. Lawyer **Li Chunfu**, arrested for “subversion of state power”, emerged emaciated from detention in January 2017 suffering from violent bouts of paranoia and with a diagnosis of schizophrenia. **Jiang Tianyong** and **Xie Yang**, two other lawyers, also reported acts of physical and psychological torture during their detention.

Iran - Released from prison, Reza Shahabi

Reza Shahabi treasurer of the Syndicate of Workers of Tehran and Suburban Bus Company (Vahed Syndicate) who had been serving cumulative prison sentences since June 2010 for his peaceful defence of workers’ rights, was finally released from jail in early March 2018. However, many labour activists remain arbitrarily imprisoned and in dire detention conditions.

Iran - Died in prison, Mohammad Jarrahi

On 5 October 2017, labour activist **Mohammad Jarrahi** died from thyroid cancer that was left untreated while he was serving a five-year sentence in Tabriz Prison.

Iran - Remains imprisoned, Mahmoud Salehi

On 28 October 2017, **Mahmoud Salehi**, one of the founders of the Coordinating Committee of Labour Organization who had been in and out of jail for the past 30 years, was imprisoned again. On 3 November Salehi, who already suffered from severe renal failure, had a heart attack. He was hospitalised but transferred back to prison on 11 November against medical advice.

Repressive regimes persecute independent trade unions

Belarus - Belarusian Radio and Electronic Industry Workers' Union (REP)

Gennady Fedynich, chairman of the Belarusian Radio and Electronic Industry Workers' Union (REP), was prosecuted for participating in a march against Decree no. 3 "on the prevention of parasitism" in March 2017. The authorities also started mass-scale criminal investigations against **Fedynich** and **Ihar Komlik**, REP chief accountant, for alleged large-scale tax evasion for donor aid received as part of trade union cooperation. Both leaders risk up to seven-years' imprisonment with confiscation of their private property. REP leaders were also forced to sign a statement by which they agreed not to leave their place of residence "as a preventive measure" and their passports were confiscated.

Algeria - National Autonomous Union of Sonelgaz Gas and Electricity Workers (SNATEG)

Raouf Mellal, General Secretary of the National Autonomous Union of Sonelgaz Gas and Electricity Workers (SNATEG), was dismissed and sentenced to two months in prison for "defamation against Sonelgaz CEO". In 2016, Raouf had already been condemned to six months in prison and a heavy fine for denouncing corruption in the **Sonelgaz Group**. This sentencing comes in a context of persistent and harsh repression against SNATEG members across Algeria with mass dismissals and the administrative dissolution of the union in May 2017.

Iran - Iranian Teachers' Trade Association (ITTA)

In 2018, **Esmail Abdi**, former secretary general of the Iranian Teachers' Trade Association (ITTA), and **Mahmoud Beheshti-Langroudi**, former ITTA spokesman, were still serving long-term sentences despite their request for review in a public trial. Both announced that they would go on a hunger strike to protest the lack of independence of the judiciary.

3. Exclusion of workers from labour protection

Under international labour standards, all workers without distinction have the right to freedom of association. However, in 2018, 92 out of 142 countries surveyed excluded certain categories of workers from this right, often on the basis of their employment status. In a number of countries, certain categories of public employees are still denied the right to freedom of association, like firefighters and prison staff in **Japan**. Migrant workers, domestic workers, temporary workers, those in the informal economy and workers in the platform economy usually fall outside of the scope of labour legislation.



65% of countries **exclude workers from the right to establish or join a trade union**

Migrant workers in the Middle East

Kafala is a sponsorship system applied across the Middle East whereby a migrant worker's immigration and legal residency status is tied to an individual sponsor throughout the contract period, in such a way that the migrant worker cannot typically enter the country, resign from a job, transfer employment, nor – in some cases – leave the country without first obtaining explicit permission from the employer. It affects 23 million migrant workers in the Middle East.

Saudi Arabia, Al-Hajry Overseas company

In March 2017, 29 Indian workers were held captive by the Al-Hajry Overseas company at Al-Hassa for asking to take leave. The company not only demanded USD 13,333 (50,000 riyal) from each worker but also refused to provide their travel expenses. Seeking justice, the workers approached the Labour Court in Saudi Arabia and subsequently petitioned the “Amir Court”. The latter directed the employers to bear expenses of travel and return them to their home country within three days. Meanwhile, the company had taken the 29 employees into their custody and held them captive in a building at Alsafania Kouqt. Via social media, the workers managed to report on their conditions of detention indicating that they were being harassed and starved.

United Arab Emirates

Migrant workers, who accounted for more than 88.5 per cent of the population, were still denied basic labour rights and faced deportation and a one-year ban on returning to the UAE for strike action. In September 2017, Federal Law no. 10 came into effect, limiting working hours and providing for weekly leave and 30 days paid annual leave as well as the right to retain personal documents. It also provided for the right of employees to end their contract of employment if the employer violated any of its terms. However, workers remained vulnerable to employers accusing them of overly broad and vague crimes such as “failing to protect their employer’s secrets”, which carried a six-month prison sentence or a fine of up to USD 27,225.

UN Global Compact on Migration

The adoption of the UN Global Compact on Migration, which will be discussed by the General Assembly in 2018, offers an opportunity to provide a framework for labour migration that safeguards human and labour rights, and to coordinate action by governments to ensure that migrants and refugees are treated with dignity and have full access to decent employment and protection under the law.

The ITUC is calling for the Compact to ensure that all migrants and refugees have the right to organise in unions and bargain collectively, and to guarantee equal treatment and non-discrimination. Other core demands include an end to “tied” residence or “sponsorship” systems for employment of migrants, action in countries of origin and destination for decent work and sustainable development, attention to the rights of women migrants, access to justice and social protection, pathways to regularisation and regulation of the recruitment industry.

Domestic workers in Middle East and North Africa

There are 11.5 million migrant domestic workers worldwide, 70 per cent of whom are women. In the Middle East, 2.1 million migrant workers are employed in domestic work. Migrant domestic workers are often excluded from labour protection.

Lebanon

250,000 migrant domestic workers are not covered by the national labour law, while in practice, they regularly face non-payment of wages, forced confinement, employers’ refusal to provide time off, and verbal, physical and sexual abuse. According to several reports, migrant domestic workers in Lebanon are dying at a rate of two per week. Many of the deaths are suicides or escape attempts in which migrant women choose to jump off buildings rather than continue working in abusive and exploitative situations. Migrant domestic workers also face deportation when they have children. Since 2016, Lebanese authorities have deported at least 21 domestic workers with children.

Kuwait

A couple were arrested on 6 March 2017 for torturing their domestic worker. They had imprisoned her in their home and deprived her of food. She managed to escape and seek help. Despite the adoption of a new law on the employment of domestic workers in 2015, migrant domestic workers continued to face exploitation and abuse under the kafala sponsorship system.

Precarious workers worldwide

Temporary agency work was on the rise with 40 million workers worldwide, predominantly in the **United States of America, China, Europe** and **Japan**.

Workers in precarious forms of employment, such as part-time work or workers in temporary employment, were frequently excluded from the enjoyment of collective labour rights. The use of these forms of contract has grown globally in recent years.

The growing workforce

Temporary workers represented 12.3 per cent of all employees in **Europe**, 25 per cent in **Mongolia** and 60 per cent in **Ethiopia** and **Tanzania**. In **Australia**, one in four employees was casually employed (workers are not entitled to paid annual or sick leave but hourly pay is boosted by an additional compensation, known as “casual loading”). In **Kenya, Zimbabwe** and **Mali**, casual workers represented a third of all employees. In the **United Kingdom**, 2.5 per cent of all employees were on zero-hours contracts, 40 per cent of which working less than 16 hours per week.

Korea – General Motors

6.54 million workers in 2017 were non-regular workers, part-timers and outsourced labourers, accounting for 32.9 per cent of the country’s salaried employees. These workers did not benefit from the same rights as regular employees, as was the case in the automobile industry where **General Motors** temporary workers were paid 40 to 50 per cent less. Despite Korean President Moon Jae-in’s pledge to encourage companies to change the status of temporary workers to full-time employees, companies were reluctant to convert these contracts, partly due to the additional conversion costs.

Workers in the informal economy

2.5 billion people in the world are employed in the informal economy. In South Asia, informal work represents 82 per cent of total employment.

Workers in the informal economy are particularly vulnerable to abuses, as they are excluded from labour laws in many countries: they are exposed to inadequate and unsafe working conditions, earning less certain, less regular and lower incomes, enduring longer working hours, deprived of the right to collective bargaining or representation and often under-employed or in ambiguous employment status.

Zimbabwe

Only 15.5 per cent of all working people had formal employment and permanent contracts in 2017. In the absence of government policies for job creation and the formalisation of the economy, workers resorted to other occupations to provide for themselves and their families, like street vending. However, Zimbabwean authorities have declared war on street vending. In October 2017, street vendors were forcibly removed from the central business district of Harare, depriving them of their only means of subsistence. In January 2018, vendors were again threatened by the government with the use of the army to clear them.

Workers in the platform economy

EU crowd employment platforms represented around USD 5.7 billion (EUR 4.5 billion) in gross revenue and 12.8 million active workers in 2016.

With the growth of online marketplaces, new forms of employment have emerged such as crowd work and work on demand via apps. While the proportion of jobs in platform businesses is still small, legal gaps have already emerged in high-profile labour disputes. Some governments, including **Malaysia** and **Nigeria**, have already adopted strategies to encourage their workers to engage in digital labour. As this type of employment expands, more job insecurity is expected, as labour legislation generally excludes these workers from any protection.

Europe & the USA - Amazon

Amazon, an e-commerce platform, has been accused of intolerable working conditions in low paid, insecure jobs in their warehouses in the **UK** and **USA**. Strikes at their logistics centres in **Italy**, **Germany** and **Spain** took place for better pay and conditions. CGT Spain condemned the dismissal of 100 temporary workers and called it a reprisal action by the company after the workers had supported strike action.

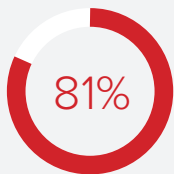
Belgium - Deliveroo

SMart, a Belgian workers' cooperative, and **Deliveroo**, a delivery platform, concluded a partnership in 2016 whereby couriers had two options: opt for self-employment or sign an employment contract with SMart. As SMart employees working via the Deliveroo app, couriers paid SMart 6.5 per cent of their income and received safety training, accident insurance, liability insurance, reimbursement for biking gear and cellular usage and a minimum shift duration, among other benefits. As of February 2017, around 90 per cent of Deliveroo's couriers in Belgium were employed through SMart. However, in October 2017, Deliveroo terminated its partnership with SMart. The 3,828 Deliveroo couriers registered with SMart were forced to return to self-employment and lost all their SMart benefits.

4. Erosion of collective bargaining

In 2018, 86 countries excluded some categories of workers from the right to collective bargaining, while in 115 countries, serious restrictions to collective bargaining were recorded, such as employers' or authorities' refusal to bargain, restrictions of the scope of bargaining or interference in the process which restricted or rendered meaningless industrial relations.

Over the past decade, there has been a dramatic weakening of collective bargaining and an erosion of bargaining coverage globally. It is estimated that from 2008 to 2013, there was an average drop of 4.6 per cent in bargaining coverage, compared with an average decline in union density in the same period of 2.3 per cent. In a number of countries, certain groups of workers, especially public sector employees, were still denied collective bargaining rights in 2018.



81% of countries have violated the right to collective bargaining

Denial of collective bargaining rights

In **Hong Kong** the labour legislation does not mandate collective bargaining or any form of consultation with trade unions. As a result, less than one per cent of employees in Hong Kong were protected by a collective agreement and employers usually refused to engage in collective bargaining with unions. At the **New World First Bus Company**, the management rejected all talks on increasing the basic salary and shortening working hours, while at **Vitasoy**, a beverage company, the CEO dismissed all union proposals to engage in dialogue and arranged instead for a quarterly “exchange meeting” with the employees.

Samsung's anti-union practices

Company tactics to deny workers freedom of association and collective bargaining rights, were uncovered in documents seized from their offices in **Korea**. Prosecutors have launched an investigation after information was found which appears to confirm the companies “no union” management approach.



“If you have money, you can buy law. That’s what Samsung do.”

Herfin

Semiconductor worker, Indonesia

The impact of austerity on collective bargaining

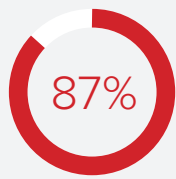
The adoption of austerity measures to counter the effects of the global financial and economic crisis have had long-lasting and devastating effects on industrial relations, particularly in European countries.

In **Greece**, the austerity regime introduced in 2010 targeted the full decentralisation of collective bargaining, the dismantling of the “hierarchical” relationship between the bargaining levels, the abolition of the extension mechanism and the prevalence of business-level collective bargaining agreements over sector-level ones. Between 2010 and 2013, the number of industry-level or occupational-level agreements covering the whole country fell from 65 to 14. Between 2009 and 2013, the number of workers entitled to collective bargaining dropped from 83 per cent to 40 per cent. The results of almost a decade of reforms of collective bargaining and the abolition of social dialogue were a great reduction in wages across the board and a dramatic increase in the share of employees enduring in-work poverty. In 2015, 35.7 per cent of the population was at risk of poverty or social exclusion in Greece, the third highest in Europe. 22.2 per cent of the population was severely materially deprived. These reforms also played a crucial role in amplifying wage inequalities from 2012 onwards.

In **Romania**, the Social Dialogue Act of 2011, unilaterally introduced by the government, totally dismantled collective bargaining by abolishing collective bargaining at the national level and increasing the importance of the collective agreements at the company level. In 2010, there were 47 sectoral agreements. As of 2011, negotiations at the sectoral level were put to a halt due to restrictive legal provisions on the designation of workers’ and employers’ representatives entitled to engage in collective bargaining, and no agreement could be concluded at this level since then. In 2017, only five per cent of the employees in the private sector were covered by a collective agreement. Between 2008 and 2013, the collective agreement coverage dropped from almost 100 per cent in 2010 to approximately 35 per cent in 2013. The in-work poverty rate reached 19 per cent in 2016.

5. Increasing criminalisation of the right to strike

Strikes have been severely restricted or banned in 123 out of 142 countries, a significant increase from 116 out of 139 countries in 2017. In a majority of these countries, workers exercising their right to strike often faced summary dismissal and other retaliatory measures.



87% of countries have violated the right to strike

Arrests and dismissals

The number of dismissals reached unprecedented levels in **Indonesia**, where 4,200 workers of **PT Freeport** were laid off for staging a strike at the Grasberg mine in Papua between May and August 2017. In Cambodia, 588 workers were fired after a strike at **Gawon Apparel factory**.

Particularly troubling is the scale of arrests during peaceful protests. In **India**, in 2017, over 2,200 Madras public employees were arrested during a picket to demand wage revision and better social security. In other incidents, the Haryana police forces charged at peaceful protesters marching to show solidarity with dismissed workers at an automotive manufacturing plant. Over 400 workers, including 35 women, were detained.



“I am supposed to sew about 150 whole pieces of clothing per hour. **Supervisors often yell at me and say I am lazy and a bad worker.**”

Ms Theary

Sewer, Cambodia

Prison sentences for strike action

In **India**, thirteen workers, twelve of them union officials, were sentenced to life in prison following violent clashes at a car plant in 2012. While their presence at the plant premises during the events was not demonstrated, they were arrested and charged on the basis of a list of names supplied by the management.

Spain - UGT

Two representatives of the Union General de Trabajadores (UGT) faced prison terms of up to seven years for their participation in the general strike of 2012. They were tried under section 315.3 of the Spanish criminal code, a legislative vestige of the Franco era which the current government revived to curb public protests.

In **Kazakhstan**, **Nurbek Kushakbayev**, vice-President of the Confederation of Independent Trade Unions of the Republic of Kazakhstan (CNTUK), was sentenced to two-and-a-half years in prison for organizing an illegal hunger strike in the oil sector. In addition, he was ordered to pay USD92,985 (€75,000) in compensation and banned from any “public activities” for two years after his sentence is served. Dozens of workers in the oil sector also faced trial for the same strike, while another CNTUK leader, **Amin Yeleusinov**, was sentenced to a two-year prison term on politically motivated embezzlement charges.

In **Ukraine**, 94 mineworkers faced charges for staging a strike underground to demand a wage raise, while in **Cambodia**, **Cambrew**, the country’s largest brewer, notorious for its years-long attacks on unions, filed a USD 60,000 claim against the Cambodian Food and Service Workers Federation (CFSWF) for exercising their right to strike. The claim was later dismissed by the courts.

In October 2017, in a context of increasing state repression, the **Egyptian** Prime Minister issued an order to refer cases of protest, strike and sit-in to State Security Courts after they have been tried by the general courts.

Three Global Trends for Workers' Rights in 2018

1. Shrinking democratic space

Civic space continued to close around the world and decent work and democratic rights grew weaker in almost all countries, while inequality continued to grow.



Repressive regimes on the rise

There was a continuing deterioration of respect for civil freedoms in repressive regimes like **Algeria, Belarus** and **Egypt**. **Turkey's** descent into autocracy showed the fragility of peace and democracy.

Armed conflict continues

Many countries, including **Burundi, the Central African Republic, Eritrea, Libya, Palestine, Somalia, South Sudan, Syria** and **Yemen**, faced armed conflict and struggled to uphold the rule of law.

Democracy under attack

A number of democratic countries failed to guarantee people's rights to organise, speak out and take action. In **Brazil**, protests against anti-union law no. 13.467 were brutally repressed by the authorities. On 24 May 2017, the police shot several protesters at a rally in Rio de Janeiro and São Paulo, injuring 29 of them. Similarly, in **Argentina**, 60 protesters were arrested and 162 others had to receive medical attention after the police broke up a protest held on 18 December 2017 against the pension reform. In **Spain**, two UGT representatives were prosecuted under a legislative vestige of the Franco-era, which criminalises protests, for their participation in a 2012 general strike.

As in 2017, a significant number of public protests have been either banned or severely repressed by the authorities with systematic arrests of workers and trade unionists and massive waves of dismissals as retaliatory measures.

Democracy defenders

2018 was also marked by the increasing use of defamation claims by employers targeting trade union leaders for exercising their right to free speech, creating a climate of fear and intimidation which stops people from voicing opinions.

Indonesia

Eduard Marpaung, general secretary of the Confederation of Indonesia Prosperity Trade Union (KSBSI), was charged under Law no. 11 on Information and Electronic Transactions (ITE) and Article 311 of the Criminal Code on defamation, following a complaint filed by Gusmawati Anwar regarding comments posted on the KSBSI Facebook page. Marpaung has been summoned for interrogation on a systematic basis but he was repeatedly denied access to the content of the complaint. In November 2017, Marpaung was sentenced to two years in prison and a fine of USD 7,345 (100,000,000 rupiah).

Cambodia

Van Narong and **Pel Voeun**, two members of the Cambodian Labour Confederation (CLC), were charged with defamation and imprisoned in October 2017 by the court. They took part in a protest in February 2016 against **Capitol Bus** to demand the reinstatement of drivers who had been dismissed for joining the union. They had also filed a complaint against two workers from a yellow union for beating up protesters. The court dismissed the case claiming that there was no evidence, while the two members of the yellow union lodged a counter-complaint for defamation against Van Narong and Pel Voeun. The court sentenced the two CLC members to six months in prison and a fine of USD 4,985 (20 million riel).

Djibouti

Ahmed Khadar Nour and **Omar Ali Ewado**, respectively SEP General Secretary and Deputy General Secretary (*Syndicat des Enseignants du Premier Degré de Djibouti*) were arrested by intelligence services in March 2017 for defamation and offensive conduct after sending a letter to the Turkish president through the Turkish embassy in Djibouti. The letter, drawn up by Education International (EI), was part of a global solidarity campaign with the Turkish education union *Eğitim-Sen*, and in protest at the dismissals and arrests of Turkish teachers since the failed coup of July 2016. Thanks to the large-scale mobilisation of the international education community, the two union leaders were finally released after spending eight days behind bars.

2. Unchecked corporate influence

The influence of business and foreign investors in the adoption of regressive changes to labour laws was ever more visible in 2018. In many countries, tripartite social dialogue was undercut and workers' rights were severely undermined.



The US Chamber of Commerce spent **USD 82 million on lobbying** in 2017

The American Chamber of Commerce – disrupting democracy

Moldova

The Parliament adopted on 21 September 2017 Law no. 188 amending and supplementing the Labour Code. This law contained only proposals of representatives of business associations and foreign investors, despite efforts of trade unions to expose their anti-worker proposals. Amendments to the Labour Code included new grounds for dismissal, repeal of the need to obtain trade union's approval before dismissing a union representative and reducing the length of unpaid leave for childcare. Business efforts to further dismantle workers' guarantees and protection continued in 2018 with **AmCham Moldova**, the **European Business Association** and the **Foreign Investors' Association** lobbying through the **Economic Council** for the development of a new Labour Code which would reduce employees' rights and protection at work.

Serbia

The labour legislation is primarily dictated by the interests of employers. Eighty per cent of the recommendations by the **Foreign Investors' Council** (FIC) to the government, which included more flexibility in the use of fixed-term contracts and overtime and a review of the rules applying to employed pregnant women in the context of redundancy, were accepted. The influence of FIC was made apparent when the Serbian government decided to establish a working group on the implementation of FIC's White Book, an annual proclamation by the private sector on the business climate in the country.

Montenegro

The ongoing labour law reform was heavily influenced by the **American Chamber of Commerce** (AmCham) and local business leaders. AmCham's sway over issues regarding labour and economic policies is considerable; it was estimated that AmCham members accounted for up to 40 per cent of the country's GDP. According to a Memorandum of Understanding, employers sought to eliminate the alleged barriers to competitiveness through the following changes: possibility to conclude an unlimited number of fixed-term contracts; repeal of legal provisions allowing workers to reclaim unpaid dues without time limit; abolition of the current model determining wages; and simplified termination procedures.

AmCham members account for up to 40% of **Montenegro's** GDP

Corporate capture of industrial relations

Romania

At the instigation of the IMF, the EU and foreign investors, in 2011 drastic structural reforms were undertaken to “increase flexibility of employment and wages”. The Law on Social Dialogue, which entered into force without consultation with unions, abolished the National Collective Labour Agreement and established unreasonable representativeness and extension criteria for collective bargaining at the sectoral level. At the company level, representativeness was raised to an unattainable threshold of “50+1” (50 per cent plus one of all employees) and criteria to form a union were fixed at a minimum of 15 founding members of the same company. Small and medium-sized enterprises (SMEs) in Romania represented a large part of the economy. In the retail sector alone, 600,000 out of the 800,000 workers were employed in SMEs. As a result of these reforms, over one million employees in SMEs were effectively denied freedom of association.

IMF advice denied one million workers freedom of association in **Romania**

Financial institutions control policy-making

Portugal

Measures adopted during the Troika years led to a major decline in collective bargaining and collective bargaining coverage. In 2013, the number of workers covered by a collective agreement was one-eighth of those covered in 2008, leaving around 1.6 million workers without coverage. While there was a slow recovery in collective bargaining after 2014, with the repeal of several regressive austerity measures, Portuguese unions have denounced the pressure from the IMF and the European Commission to maintain the “Troika era” measures in order to “further enhance labour market flexibility”, including rules on employment termination.

Troika measures left 1.6 million workers in **Portugal** without collective bargaining coverage

Greece

The Expert Group set up to review the labour market frameworks pleaded, in its 2016 report, in favour of re-establishing a system of industrywide generally binding collective agreements and of a statutory minimum wage settled through social dialogue. However, in 2017 the IMF continued pushing for the status quo on any changes to the package of reforms introduced since 2010, considering that these “best practices” made the Troika-dictated policy sustainable.

Corporate conflicts of interest

Bangladesh

Workers at the **Orchid Sweater factory** have made several attempts to register their union since February 2016, but their requests were repeatedly denied by the Joint Director of Labour (JDL) on unjustified grounds. Workers suspected the influence of **Mohammad Fa-zlul Azim**, an influential garment factory owner and former member of the Parliament, who thwarted their attempts.

Liberia

Members of Parliament were themselves owners of farms, which seriously hampered decision-making in the interest of workers, as was the case with the Decent Work Act of 2015. The adoption of the Act, which set out fundamental rights at work, was made difficult, as some MPs put all sorts of obstacles to slow down the process and undermine its content. Unions also suspected that the Parliament failed so far to set up a Minimum Wage Board for the same reasons.

3. Legislative power

Law-making is an effective and powerful instrument for social transformation and the protection of labour rights. In 2018, several countries adopted progressive laws which further advanced workers' rights and social progress. However, in other countries, governments passed regressive laws that seriously impaired the rule of law and the ability of workers and their unions to secure and assert their basic rights at work.

Repression under the law – Brazil, China, Indonesia

Brazil – Denial of freedom of association for workers

On 13 July 2017, the Brazilian Parliament adopted Act No. 13,467 to reform the Consolidation of Labour Laws (CLT). Its provisions constitute a serious attack on collective bargaining and severely undermines the rights and protection afforded to workers. The revised CLT establishes as a general principle that collective agreements prevail over the legislation, and that it is therefore possible through collective bargaining not to give effect to the protective provisions of the legislation, with the sole limit of labour rights set out in the Constitution. In addition, the CLT permits individual derogations from the provisions of the law and of collective agreements for workers with a higher education diploma and who receive a salary that is at least two times higher than the ceiling for benefits from the general social security scheme – USD 1,505 per month (BRL 5,645). The CLT also broadens the definition of autonomous worker, allowing the status of dependent worker to be excluded even when the autonomous worker is engaged exclusively and permanently for an enterprise. This provision effectively denies this category of workers the rights of freedom of association and collective bargaining, recognised by the labour legislation.

China – Restriction of free speech and opinion

On 6 December 2017, the State Council issued the Implementation Rules for the Law on counter-espionage which came into force in 2014. Under the Rules, state security can investigate acts of subversion that are not necessarily related to espionage, but which could further restrict freedom of speech and opinion, including situations involving “fabricating or distorting facts, publishing or disseminating text or information that endangers national security, or creating, transmitting, or publishing products or other publications that endanger national security”. The Rules also expanded the concept of “funding” espionage to include the provision of funding to those who engage in espionage even if the money is not used for that aim and the funder is not aware of the illegal conduct. This will significantly reinforce the hand of the state security in dealing with activists. Over the past years, Chinese authorities have ushered in a string of new state security laws to defend China from perceived threats both inside and outside its borders.

Indonesia – Military suppression of labour disputes

In Indonesia, the role of the army in suppressing labour disputes and demonstrations was made official by the Memorandum of Understanding (MoU) between the National Army of Indonesia (TNI) and the Indonesian Police (POLRI) signed on 23 January 2018. Under the MoU, the scope of cooperation between the two forces included “handling protests, labour strikes, unrest, social conflict, securing citizens and/or government activities that had conflict potential, and other situations that needed assistance”. This reinforced cooperation agreement comes ahead of elections at the regional (June 2018) and general (2019) levels and renewed crackdown on organised labour. In recent years, unions have been a key player in Indonesian politics, winning important fights and getting labour union leaders elected to parliament. Since Reformasi, the wave of reform that followed the end of Suharto’s dictatorship in 1998, a wave of strikes took place across Indonesia, intensifying between 2011 and 2013. They involved millions of workers, forcing the government to implement huge minimum wage increases – by an average of 27 per cent per year – and increase healthcare provision. But workers mobilisation, including general strikes in 2012 and 2013 as well as legal action, scared companies and led the government to restrict the power of unions by designating many industrial estates as “national vital objects”, de facto banning industrial action, and eliminating the recurring annual negotiations over minimum wage increases.



“It’s not fair that women get excluded from permanent jobs which give us maternity rights.”

Diah

Semiconductor worker, Indonesia

Positive legislative developments – Iceland, Canada, New Zealand

Iceland – Closing the gender pay gap

Since the creation of the ITUC Index, Iceland has always registered a perfect score for its respect for freedom of association and collective bargaining. This constructive and collaborative attitude has had positive consequences for workers overall. On 1 January 2018, Iceland became the first country in the world to take a concrete step to enforce equal pay for women and men. Under the new legal provisions, every firm with 25 or more staff must have a certificate showing they pay everyone in the same roles equally, regardless of their gender, sexuality or ethnicity. Those failing to demonstrate pay equality will face fines. While in 2017, women still earned around 14 per cent less than men, the government pledged to eradicate the gender pay gap by 2022.

Canada – Paid domestic violence leave

On 14 June 2017, Canada finally ratified ILO Convention 98 on the right to organise and collective bargaining. Furthermore, in March 2018, the federal government announced its plan to amend the Canada Labour Code to include five days of paid domestic violence leave for workers in federally regulated workplaces. This new announcement expanded on its 2017 promise of ten days of unpaid leave for workers experiencing domestic violence. These pledges represented a victory for Canadian unions, which have been advocating for paid domestic violence leave for years. In 2016, Manitoba had already introduced paid five-day domestic violence leave. Momentum for an international response to violence in the world of work has been building in recent years, as studies have highlighted the threat posed by violence to the dignity, security, health and well-being of everyone and its great impact on workers, employers and society as a whole. The ILO International Labour Conference will launch in June 2018 a standard-setting process to adopt an international instrument that will constitute the baseline for taking action to eradicate violence and harassment in the world of work.

New Zealand – Pay rises for care workers & Repeal of repressive labour laws

On 18 April 2017, the New Zealand government announced that a settlement had been reached with workers in the government-funded service sectors of aged and disability residential care and home and community support services that would result in pay increases of between 15 and 50 per cent for those workers. The settlement followed court decisions in a case involving a pay equity claim brought against a rest home operator by the Service and Food Workers Union (now E tū) on behalf of a care worker and several other union members. The union essentially argued that pay rates in the aged care sector were less than what would be offered if the employees worked in a male-dominated industry. Both the Employment Court, in 2013, and the Court of Appeal, a year later, agreed that the low hourly pay rate of care workers was a result of gender discrimination and that the Equal Pay Act 1972 was applicable. The government subsequently established a joint working group on pay equity, involving representatives of unions and employers, that was tasked with recommending “agreed principles on pay equity that could be applied in all sectors of the economy.” In 2016, the working group’s recommendations were accepted and supplemented by the government with a view to clarifying job comparison regarding pay equity. Changes to the Employment Relations Act 2000 and the Equal Pay Act 1972 should follow shortly.

Repressive changes made in employment legislation in 2010 and 2013 were addressed by the new coalition government as they engaged in consultations with national unions with a view to repealing the laws. On 29 January 2018, the government introduced a Bill to amend the Employment Relations Act 2000 aimed at reinstating fundamental workers’ and unions’ rights, including the following: the restoration of statutory rest and meal breaks; the restoration of the duty to conclude bargaining unless there is a good reason not to; the repeal of partial strike pay deductions for low-level industrial action; and the restoration of union access without prior employer’s consent. Consultations with unions also encompassed talks over the restoration of film workers’ employment rights and their ability to bargain collectively stolen by the greed of American film production during the making of *The Lord of the Rings*.



“This is a huge victory, not just for me but for thousands of care workers – not just today but for many years to come.”

Kristine Bartlett

Aged care worker, New Zealand

The ITUC Global Rights Index Explained

1. Documenting violations

The ITUC documents violations of internationally recognised collective labour rights by governments and employers. The methodology is grounded in standards of fundamental rights at work, in particular the right to freedom of association, the right to collective bargaining and the right to strike.

Questionnaires are sent to 331 national unions in 163 countries to report violations of workers' rights by indicating relevant details.

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

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

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

2. Publication of violations in the ITUC Survey

Documented information is summarised and consolidated by ITUC staff in the form of text. This information is publicly accessible on the website of the ITUC Survey at survey.ituc-csi.org.

3. Coding of text

The text under each country in the ITUC Survey is read against a list of 97 indicators which is derived from ILO Conventions and jurisprudence and represents violations of workers' rights in law and in practice.

A country receives a point for each time textual information corresponds to an indicator. Each point has the value of 1. After coding the text for a country, the number of points is added up to arrive at a total score.

4. Rating countries

Countries are rated in clusters from 1-5 depending on their compliance with collective labour rights. There are five ratings with 1 being the best rating and 5 the worst rating a country could get. The level of economic development, size or location of the country is not taken into account given that fundamental rights are universal and workers in all parts of the world must have access to them. A high-rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights.

Description of the Ratings

1. Sporadic violations of rights

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

2. Repeated violations of rights

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

3. Regular violations of rights

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

4. Systematic violations of rights

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

5. No guarantee of rights

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

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

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

List of Composite Indicators⁽ⁱ⁾

I. Civil liberties

A. Violations in Law

1. Arrest, detention, imprisonment, charging and fining of trade unionists

ILO Digest paras. 61-95; General Survey paras. 31-32

2. Violation of the right to freedom of expression and assembly

ILO Digest paras. 130-174; General Survey paras. 35-39

3. Lack of guarantee of due process of law

ILO Digest paras. 48-57, 75-83, 89-90, 96-120; General Survey paras. 29, 31-32

B. Violations in Practice

4. Murder or disappearance of trade unionist

ILO Digest paras. 42-60; General Survey paras. 28-30

5. Committed against trade union leaders

Violation of (4) is committed against a union leader

6. Severity

Widespread and/or systematic violation of (4)

7. Other types of physical violence

ILO Digest paras. 42-60; General Survey paras. 28-30, 33

8. Committed against trade union leaders

Violation of (7) is committed against a union leader

9. Severity

Widespread and/or systematic violation of (7)

10. Threats and intimidation

ILO Digest paras. 35, 44, 58, 60

11. Committed against trade union leaders

Violation of (10) is committed against a union leader

12. Severity

Widespread and/or systematic violation of (10)

13. Arrest, detention, imprisonment, charging and fining of trade unionists

ILO Digest paras. 61-95; General Survey paras. 31-32

14. Committed against trade union leaders

Violation of (13) is committed against a union leader

15. Severity

Widespread and/or systematic violation of (13)

16. Infringement of the right to freedom of movement

ILO Digest paras. 122-124; General Survey para. 34

17. Committed against trade union leaders

Violation of (16) is committed against a union leader

18. Severity

Widespread and/or systematic violation of (16)

19. Infringement of the right to freedom of expression and assembly

ILO Digest paras. 130-174; General Survey paras. 35-39

20. Committed against trade union leaders

Violation of (19) is committed against a union leader

21. Severity

Widespread and/or systematic violation of (19)

22. Lack of guarantee of due process of law

ILO Digest paras. 48-57, 75-83, 89-90, 96-120; General Survey paras. 29, 31-32

II. Right to establish or join unions

A. Violations in Law

- 23. Exclusion from the right to establish and join unions
ILO Digest paras. 210-271; General Survey paras. 45-67
- 24. Conditions of union registration
ILO Digest paras. 272, 275-293; General Survey paras. 68-70
- 25. Union registration
ILO Digest paras. 273, 294-308; General Survey para. 71
- 26. Restrictions on the freedom of choice of union structure and composition
ILO Digest paras. 333-337, 360-362; General Survey paras. 79-90
- 27. Union monopoly
ILO Digest paras. 311-332; General Survey para. 91
- 28. Favouritism/discrimination between unions
ILO Digest paras. 339-345; General Survey para. 104
- 29. Dissolution/suspension of legally functioning union
ILO Digest paras. 677-709; General Survey paras. 180-188
- 30. Dismissal and suspension of trade unionists
ILO Digest paras. 769-781, 789-798, 799-802, 804-812, 658-666, 674; General Survey paras. 199-210, 213
- 31. Other anti-union discrimination
ILO Digest paras. 769-781, 782-788, 799-803, 654-657, 658, 660, 675; General Survey paras. 199-212
- 32. Effective legal guarantees against anti-union discriminatory measures
ILO Digest paras. 813-836; General Survey paras. 214-224
- 33. Right to establish and join federations
ILO Digest paras. 710-768; General Survey paras. 189-198
- 34. Law of guarantee of due process of law
Lack of due process regarding violations (23)- (33)

B. Violations in Practice

- 35. Serious obstacle to exercise the right in practice
Vast majority of population is excluded from this right in practice
- 36. Exclusion from the right to establish and join unions
ILO Digest paras. 210-271; General Survey paras. 45-67
- 37. Conditions of union registration
ILO Digest paras. 272, 275-293; General Survey paras. 68-70
- 38. Union registration
ILO Digest paras. 273, 294-308; General Survey para. 71
- 39. Restrictions on the freedom of choice of union structure and composition
ILO Digest paras. 333-337, 360-362; General Survey paras. 79-90
- 40. Union monopoly
ILO Digest paras. 311-332; General Survey para. 91
- 41. Favouritism/discrimination between unions
ILO Digest paras. 339-345; General Survey para. 104
- 42. Dissolution/suspension of legally functioning union
ILO Digest paras. 677-709; General Survey paras. 180-188
- 43. Dismissal and suspension of trade unionists
ILO Digest paras. 769-781, 789-798, 799-802, 804-812, 658-666, 674; General Survey paras. 199-210, 213
- 44. Other anti-union discrimination
ILO Digest paras. 769-781, 782-788, 799-803, 654-657, 658, 660, 675; General Survey paras. 199-212
- 45. Committed against trade union leaders
Violation of (43) and/or (44) is committed against a union leader
- 46. Severity
Widespread and/or systematic violation of (43) and/or (44)
- 47. Effective legal guarantees against anti-union discriminatory measures
ILO Digest paras. 813-836; General Survey paras. 214-224
- 48. Right to establish and join federations
ILO Digest paras. 710-768; General Survey paras. 189-198
- 49. Law of guarantee of due process of law
Lack of due process regarding violations (23)- (33)

III. Trade union activities

A. Violations in Law

50. Exclusion from the right to carry out union activities
ILO Digest paras. 210-271; General Survey paras. 45-67
51. Right to freely administer a union
ILO Digest paras. 369-387, 454-494; General Survey paras. 108, 109-112, 124-127
52. Eligibility conditions for representative
ILO Digest paras. 405-426; General Survey para. 121
53. Interference in electoral process
ILO Digest 392-404, 427-453
54. Right to organise activities and programmes
ILO Digest paras. 495-519; General Survey paras. 108, 128-135
55. Law of guarantee of due process of law
Lack of due process regarding violations (50)-(54)

B. Violations in Practice

56. Exclusion from the right to carry out union activities
ILO Digest paras. 210-271; General Survey paras. 45-67
57. Right to freely administer a union
ILO Digest paras. 369-387, 454-494; General Survey paras. 108, 109-112, 124-127
58. Eligibility conditions for representative
ILO Digest paras. 405-426; General Survey para. 121
59. Interference in electoral process
ILO Digest 392-404, 427-453
60. Right to organise activities and programmes
ILO Digest paras. 495-519; General Survey paras. 108, 128-135
61. Law of guarantee of due process of law
Lack of due process regarding violations (56)-(60)

IV. Right to collective bargaining

A. Violations in Law

62. Exclusion from the right to collective bargaining
ILO Digest paras. 885-911; General Survey paras. 261-264
63. Exclusion/restriction of subjects covered by collective bargaining
ILO Digest paras. 912-924; General Survey para. 250
64. Compulsory arbitration accorded to collective bargaining
ILO Digest paras. 925-928, 992-997, 566-567; General Survey paras. 254-259
65. Recognition for collective bargaining
ILO Digest paras. 944-983; General Survey paras. 238-243
66. Undermining and/or insufficient promotion of collective bargaining
ILO Digest paras. 925-943, 988-991, 998-1000, 924-1043, 1058; General Survey paras. 244-249
67. Interference into to collective agreements
ILO Digest paras. 940-943, 1001-1023, 1047-1053; General Survey paras. 251-253
68. Law of guarantee of due process of law
Lack of due process regarding violations (62)-(67)

B. Violations in Practice

69. Serious obstacle to exercise the right in practice
Vast majority of population is excluded from this right in practice
70. Exclusion from the right to collective bargaining
ILO Digest paras. 885-911; General Survey paras. 261-264
71. Exclusion/restriction of subjects covered by collective bargaining
ILO Digest paras. 912-924; General Survey para. 250
72. Compulsory arbitration accorded to collective bargaining
ILO Digest paras. 925-928, 992-997, 566-567; General Survey paras. 254-259
73. Recognition for collective bargaining
ILO Digest paras. 944-983; General Survey paras. 238-243
74. Undermining and/or insufficient promotion of collective bargaining
ILO Digest paras. 925-943, 988-991, 998-1000, 924-1043, 1058; General Survey paras. 244-249
75. Interference into collective agreements
ILO Digest paras. 940-943, 1001-1023, 1047-1053; General Survey paras. 251-253
76. Lack of guarantee of due process of law
Lack of due process regarding violations (69)-(75)

V. Right to strike

A. Violations in Law

- 77. Exclusion from the right to strike
ILO Digest paras. 572-594; General Survey paras. 154-160, 169
- 78. Exclusion/restriction based on the objective and type of the strike
ILO Digest paras. 526-544, 545-546; General Survey paras. 165-168, 173
- 79. Compensatory guarantees for lawful restrictions
ILO Digest paras. 595-627; General Survey paras. 161-162, 164
- 80. Compulsory arbitration
ILO Digest paras. 564- 569; General Survey para. 153
- 81. Prerequisites for strikes
ILO Digest paras. 547-563; General Survey paras. 170-172
- 82. Interference in strike action
ILO Digest paras. 628-653; General Survey paras. 174-175
- 83. Sanctions for legitimate strike action
ILO Digest paras. 667-674; General Survey paras. 176-179
- 84. Lack of guarantee of due process of law
Lack of due process regarding violations (77)-(83)

B. Violations in Practice

- 85. Serious obstacle to exercise the right in practice
Vast majority of population is excluded from this right in practice
- 86. Exclusion from the right to strike
ILO Digest paras. 572-594; General Survey paras. 154-160, 169
- 87. Exclusion/restriction based on the objective and type of the strike
ILO Digest paras. 526-544, 545-546; General Survey paras. 165-168, 173
- 88. Compensatory guarantees for lawful restrictions
ILO Digest paras. 595-627 ; General Survey paras. 161-162, 164
- 89. Compulsory arbitration
ILO Digest paras. 564- 569; General Survey para. 153
- 90. Prerequisites for strikes
ILO Digest paras. 547-563; General Survey paras. 170-172
- 91. Interference in strike action
ILO Digest paras. 628-653; General Survey paras. 174-175
- 92. Committed against trade union leaders
Violation under (91) is committed against a union leader
- 93. Severity
Widespread and/or systematic violation of (91)
- 94. Sanctions for legitimate strike action
ILO Digest paras. 667-674; General Survey paras. 176-179
- 95. Committed against trade union leaders
Violation under (94) is committed against a union leader
- 96. Severity
Widespread and/or systematic violation of (94)
- 97. Lack of guarantee of due process of law
Lack of due process regarding violations (85)-(96)

(i) The methodology is grounded in standards of fundamental rights at work, based on international human rights law, and in particular ILO Conventions Nos. 87 and 98, as well as the jurisprudence developed by the ILO supervisory mechanisms. See Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, 2006 (http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_090632.pdf) and ILO General Survey on Freedom of Association and Collective Bargaining, 1994 (<http://www.ilo.org/public/libdoc/ilo/P/09661/09661per cent281994-81-4Bper cent29.pdf>) The list of indicators is adapted from Sari and Kucera, ILO Working Paper 99, 2011 (http://natlex.ilo.ch/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_150702.pdf).

About the ITUC

The International Trade Union Confederation (ITUC) is a confederation of national trade union centres, each of which links trade unions of that particular country. It was established on 1 November 2006, bringing together the organisations which were formerly affiliated to the ICFTU and WCL (both now dissolved) as well as a number of national trade union centres which had no international affiliation at the time. The Confederation has 331 affiliated organisation in 163 countries and territories on all five continents, with a membership of 207 million, 40 per cent of whom are women. It is also a partner in “Global Unions” together with the Trade Union Advisory Committee to the OECD and the Global Union Federations (GUFs) which link together national unions from a particular trade or industry at international level. The ITUC has specialised offices in a number of countries around the world, and has General Consultative Status with the Economic and Social Council of the United Nations.

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