

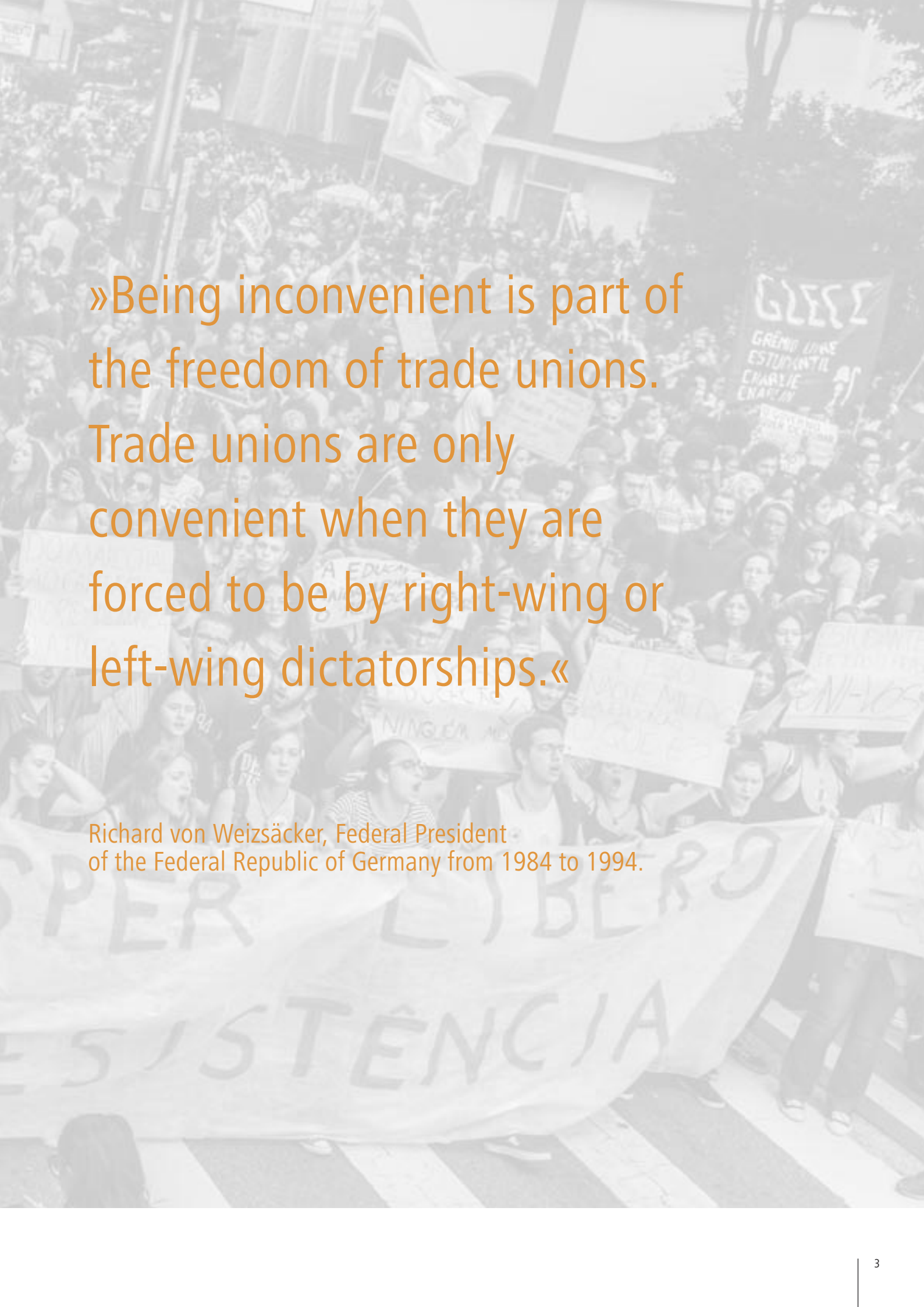
# Trade Union Rights Worldwide

Why now is the time to fight for social justice and democracy









»Being inconvenient is part of the freedom of trade unions. Trade unions are only convenient when they are forced to be by right-wing or left-wing dictatorships.«

Richard von Weizsäcker, Federal President of the Federal Republic of Germany from 1984 to 1994.

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# Contents:

## Trade union rights worldwide

Preface	6	
<b>Introduction</b>	<b>8</b>	<b>Countries and regions</b> <b>42</b>
The state of affairs <b>Loredana Carta, IGB-ITUC</b> TRADE UNION RIGHTS UNDER ATTACK	10	Brazil <b>Antonio Lisboa, CUT Brazil</b> BRAZIL'S GOVERNMENT AGENDA: ULTRALIBERAL AND RIGHT-WING EXTREMIST AT ONCE 44
The international human rights protection system <b>Folke Kayser, German Institute for Human Rights</b> UNION RIGHTS AS HUMAN RIGHTS: PROTECTION AND IMPLEMENTATION	14	Sub-Saharan Africa <b>Crecentia Mofokeng, BWI</b> SUB-SAHARAN AFRICA: CHINA IS A MAJOR CHALLENGE 48
International Labour Organization <b>Carolyn Vollmann, DGB</b> GUARDIAN OF TRADE UNION RIGHTS: 100 YEARS OF ILO	20	South and South East Asia <b>Simiran Lalvani</b> ON THE OFFENSIVE WITH FOUR POINTS: STRATEGIES OF SOUTH AND SOUTH EAST ASIAN TRADE UNIONS 51
<b>Globalized economy</b>	<b>24</b>	Selection of freely available sources and information 55
Value and supply chains <b>Uwe Wötzel, ver.di</b> RANA PLAZA: NEVER AGAIN! BUT HOW? FROM THE UN GUIDING PRINCIPLES TO THE GERMAN SUPPLY CHAIN LAW INITIATIVE LIEFERKETTENGESETZ.DE	26	Index of infoboxes 58
Trade agreements <b>Valerie Franze, DGB Bildungswerk BUND</b> AGAINST ITS OWN PRINCIPLES: THE EU TRADE POLICY	30	Index of figures 58
Free trade and peace in Colombia? <b>Alberto Orgulloso, ENS</b> YES TO MORE TRADE – BUT WITH STRONGER WORKERS' RIGHTS AND IN PEACE	35	
Global framework agreements <b>Christina Hajagos-Clausen, IndustriALL</b> A RESPONSE TO CORPORATE GLOBALIZATION	38	

# Preface

Attacks on trade union rights are increasing worldwide. In many countries, governments do not sufficiently fulfil their duty to protect human rights and thus trade union rights. Quite the contrary, the applicable laws and legislative changes often undermine the right to assembly and association. For instance, anti-terror laws were passed in more than 140 countries in order to guarantee public security. In practice, this often serves as a justification for clamping down on protests and strikes and often results in their brutal suppression.

Workers are often entirely at the mercy of company practices. Companies have little to fear if they disregard regulations on occupational safety and health or dismiss workers due to their trade union activities. The reason is that the rule of law and its institutions are too weak in many countries of the Global South. Years pass before a decision is reached. Most workers cannot afford this.

In order to attract investments, governments create special economic zones in which labour laws are curtailed and the right to strike is sometimes completely nullified.

In a globalized economy that is insufficiently regulated at present, global production and supply chains are relocated to where production is cheapest – at the expense of the workers' human rights. The political framework conditions currently do not prevent precarious work from increasing due to technological progress in the area of digitalization but also due to global migration. Women are disproportionately represented in precarious employment, and migrant workers are often excluded from trade union rights.

On top of inhumane working conditions, physical violence has increased, to the point of trade unionists being murdered. The Philippines and Columbia have top ranks in these sad statistics. Environmental and human rights activists are also affected. The attacks on trade union rights go hand in hand with decreasing scope of action for civil society in general. Over the

past ten years, this trend has been discussed under the term »shrinking spaces« in the development policy discourse. Numerous indexes which measure the state of democracy and freedom (Freedomhouse), of civil society spaces (CIVICUS) and of trade union rights (Global Rights Index) in most countries of the world show a worrisome downward trend.

The restriction of civil society's scope of action is often justified by emphasizing national sovereignty against »Western« interference. In the Global South, this is a historical result of anticolonial struggles and was fueled by Western military interventions such as in Iraq and Afghanistan. In these parts, the argument that progressive democratic actors from civil society are financed and thus controlled by foreign money is perhaps particularly associated with Russia. But in many countries worldwide, money transfers to national civil society for promoting democracy are increasingly viewed with a critical eye. Even democratic states such as India, Canada and Australia complained about external interference when local activists engaged in transnational networking. Emphasizing national sovereignty often goes hand in hand with national resentment. On the other hand, it is precisely a strong civil society and social and ecological movements that trigger the counter-reaction by governments. When they resist and protest against the exploitation of nature and people, large infrastructure projects, abuse of authority and corruption, governments try to defend the existing systems, economic models and projects by restricting civil society's scope of action.

In numerous countries, nationalists, populists and right-wing extremists have come to power (Brazil, Poland, the Philippines, USA, etc.). In Europe, too, nationalist forces are gaining strength and populist parties with seemingly simple solutions for the current economic and social challenges are growing in popularity. In Germany, we are also witnessing how skillfully populists spread their propaganda via the (social) media and

garner attention. Those who disagree or voice criticism are declared political enemies and enemies of freedom of speech. Spreading fake news and vilifying the free press destroys the trust in well-researched and verifiable news and reports and thus a foundation of our democracy – the possibility of engaging in factual arguments.

While there may be specific reasons for these developments in different countries, all cases also have common causes. These are the preservation of power and the protection of the economic interests of a majority of the elites. An increase in inequality within society and the lack of prospects for upward social mobility, the fear of social decline and feelings of cultural threats. These factors are being instrumentalized politically in order to incite against ethnic, social or sexual minorities. Moreover, support for democracy is dwindling. Perhaps the perception that the political leadership is not capable or not willing to govern an increasingly complex world makes autocratic alternatives seem attractive to some people.

Democracies are gradually disintegrating, and we see a lot of red lights flashing also in Germany. Thus, now is the time to fight for social justice and democracy! Trade unions have a key role to play in this, as evidenced by scientific studies and theories of democracy.

This brochure will first deal with the state of trade union rights worldwide and will try to answer the following questions:

What do we mean by trade union rights, how are they anchored in the international human rights protection system, and how are they enforced? What role does the International Labour Organization play, in which workers' representatives also participate and have a say at the level of the United Nations? Which challenges does the ILO face in view of a crisis of multilateralism?

After this introduction, the brochure will address potential instruments for enforcing trade union rights in a globalized economy. What are the UN Guiding Principles for Business and Human Rights, and how is the recently launched campaign for a supply chain law in Germany related to them? Can trade agreements be an instrument for enforcing human rights? What about global framework agreements, an approach that was developed by trade unions?

Lastly, we will take a look at the specific situation of trade unions in the Global South. There is a contribution from Brazil, where there is a merger of an ultra right-wing and a free-market liberal project which significantly undermines trade union and workers' rights as well as democracy. Possible answers to the challenge of Chinese involvement in Sub-Saharan-Africa construction sector are outlined, and trade union strategies against attacks on democratic values and rights in South and South East Asia are presented.

We thank the authors for their contributions and all those involved for their collaboration!

**Enjoy the read, Valerie Franze**

# Introduction







— Photo: Nosyrevy / 123RF

# Trade union rights under attack

The International Trade Union Confederation (ITUC) speaks of an outright crisis of democracy: Around the world, the democratic scope of action of workers is shrinking while the influence of businesses increases. This fits into the general political landscape, in which nationalism and the extreme right are gaining strength almost everywhere and economic inequality is growing. This prompted the ITUC General Council to decide in October to focus its work on peace, defending democracy and a new social contract. Loredana Carta reports on the state of workers' rights worldwide.

Tuti Tursilawati was working as a migrant worker in a Saudi Arabian household when she allegedly killed her employer in 2011. The criminal prosecution took place in secret, as did the Sharia proceedings, in which the then 27-year-old Indonesian is said to have stated that she acted in self-defence when the man raped her. The Indonesian authorities only learned of the case after Tuti Tursilawati had been executed in October 2018.

Concrete cases like this one drastically demonstrate how totally fundamental rights are denied to workers in many countries. The situation is worst in the so-called MENA region – the Middle East and North Africa. In some of the countries, nearly 90 per cent of the employees are from abroad. The kafala system, which is meant to regulate and control migration, excludes migrant workers from any occupational safety and health measures and from all labour rights. They are not allowed to organize, to leave the workplace or to travel freely.

## Government practices are worrisome

Worldwide, labour migrants are most often affected by exploitation, forced labour and daily physical and psychological abuse. But in many countries political rights are quite generally not safeguarded. Especially in autocratic regimes like Belarus,

Egypt and the Philippines, workers' rights such as freedom of assembly and political freedoms such as freedom of speech are not protected – to the contrary: The brutal suppression of the workers' and people's protests in Zimbabwe and Hong Kong reveals the fragility of peace and democracy.

Further trends are the systematic dismantling and the arbitrary dissolution of independent trade union movements in repressive states like Egypt and Algeria. Many trade unions even find it difficult just to register with the authorities, which

Three quarters of the countries  
of the Asia-Pacific region  
arrested and detained workers  
during the protests.

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[www.ituc-csi.org/rights-index-2019?lang=en](http://www.ituc-csi.org/rights-index-2019?lang=en)

is essential for being able to claim the right to freedom of association. For this reason, official recognition is always the first step for workers' organizations if they want to function efficiently and represent their members adequately. From April 2018 to March 2019, authorities impeded the registration of trade unions, aggressively deregistered trade unions with long-standing registration or arbitrarily dissolved them in 86 countries, for instance in Argentina, Belarus, Burkina Faso, Guatemala and Honduras.

Many governments are also increasing the pressure on workers asserting their rights and unions supporting them. They deploy the police and the military, which take violent action against protests and strikes, and they target prominent trade



Brickyard in Egypt. Work under adverse conditions and without any protective clothing. — Photo: Well-Bred Kannan (CC BY-NC-ND 2.0)

union leaders. In 2019, workers were arrested and detained in 64 of the countries surveyed by the ITUC. Three quarters of the countries of the Asia-Pacific region arrested and detained workers during the protests; in Europe, this occurred in every fourth country.

And arbitrary arrests and detentions are not the end of it. There is a worrisome development towards more physical violence against trade union leaders, especially by repressive regimes. This creates a climate of intimidation and fear. The message: If you stand up for trade unions, you risk your life. In 2018 and 2019, trade unionists were murdered in at least ten countries: in Bangladesh, Brazil, Colombia, Guatemala, Honduras, Italy, Pakistan, the Philippines, Turkey and Zimbabwe. In Colombia alone, 34 union members were killed, and ten cases of attempted murder and 172 cases of death threats were documented. Most of these crimes are still unsolved. The government is failing to provide the necessary funding for the prompt investigation and prosecution of these cases. The suppression of the labour movement and the independent trade unions is weakening decent work and democratic rights in almost all countries.

### Companies deny social contract

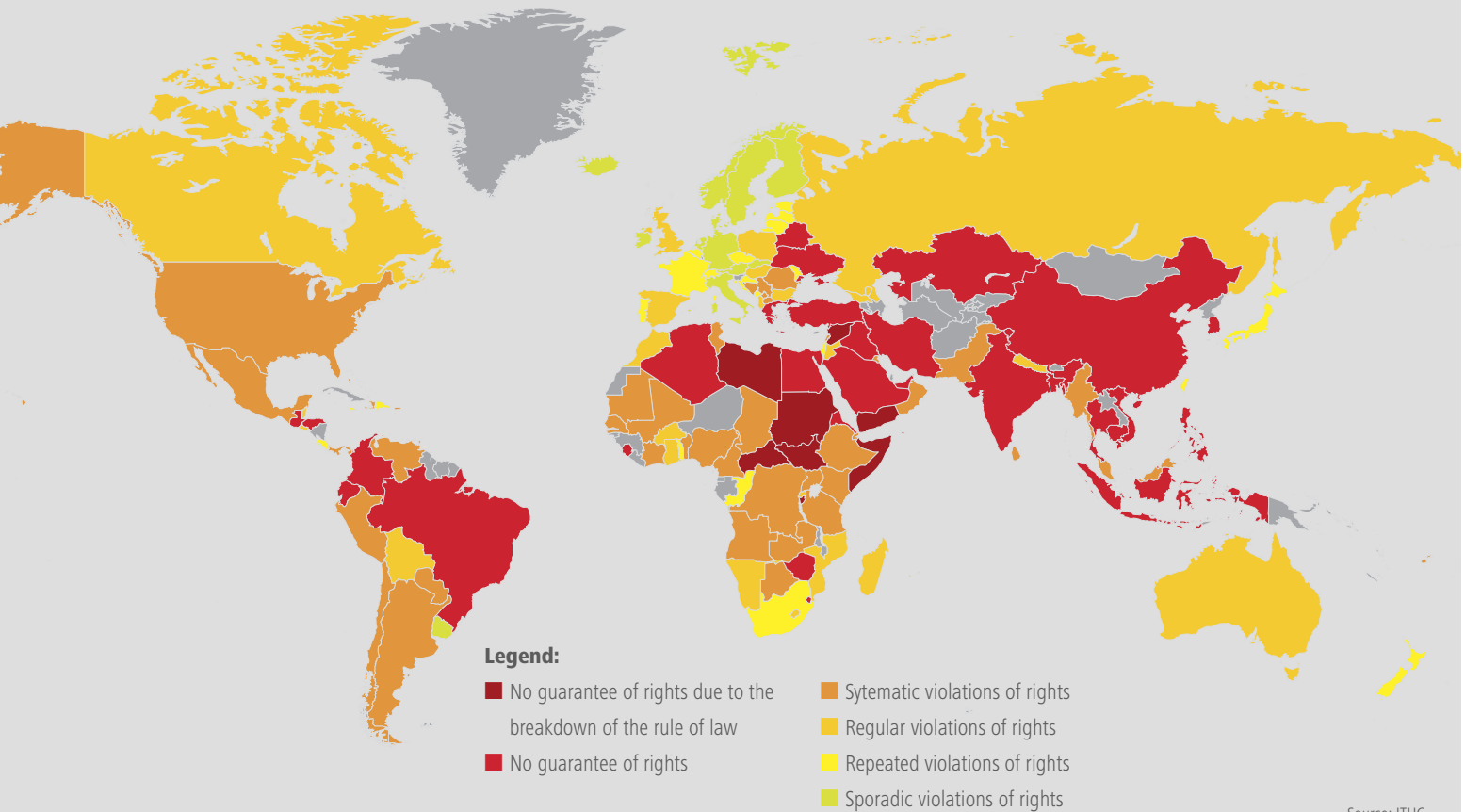
The current business model is characterized by growing inequality. An essential cause for this lies in the breakdown of

## The kafala system

Kafala is a special system of sponsorship which is common in but not limited to the Arab Gulf states. People looking for work can only enter the country if their employers sponsor them. Migrant workers may not change jobs or leave the country without the so-called sponsor's consent. By contrast, employers can terminate the employment at any time and thus withdraw the residence permit. If the migrant workers leave Qatar, they may not return for two years, not even with a new sponsor. This makes them extremely vulnerable to forced labour. Moreover, the asymmetric power relationship allows the employers to pay the workers too little, too late or not at all.

The system became more widely known when trade unions revealed that workers on the building sites for the football World Cup 2022 in Qatar had to live in slavelike conditions. In October 2019, Qatar announced labour reforms to end the kafala system of modern slavery: They mandate a minimum wage and stipulate that workers no longer need an exit visa or consent from employers to change jobs. Contracts are to become more transparent and enforceable in labour courts. The reform programme is part of an agreement on technical cooperation between Qatar and the International Labour Organization.

## ITUC Global Rights Index: The world's worst countries for workers



the social contract, which leads to more workers than ever facing unacceptable working conditions and exploitation, wage stagnation and limited power over their own life decisions. At the same time, a growing number of employees is excluded from labour rights protection: 2.5 billion people in the informal economy, millions of migrant workers, even more people in precarious working conditions, for instance in the platform economy. In total, in 107 countries surveyed by the ITUC certain categories of workers for instance do not have the right to organize.

Companies proactively use the changes in the world of work to circumvent labour laws and regulations and thus make higher profits. This phenomenon is particularly pronounced in Europe. So-called non-standard forms of employment disrupt the organizational capacities of trade unions, as they usually physically or psychologically isolate employees from the permanently employed. They include temporary work, part-time work, on-call work, contracts with zero or variable working hours, temporary agency work and disguised and dependent self-employment, in which many of the workers are found in platform, gig or digital work.

Moreover, companies actively pursue anti-union strategies to prevent workers from organizing. Together with Korean trade unions, the ITUC exposed a particularly egregious case at Samsung in 2017. The electronics giant had established an entire system of bribes on the one hand and threats, bullying, arbitrary dismissals and even kidnapping on the other hand in order to systematically intimidate and completely control the workers.

The influence of companies and foreign investors is also becoming increasingly apparent in legislation. In many countries, including Moldova and Romania, business lobbies have pushed the governments strongly in the direction of reforms to the detriment of the trilateral social dialogue and workers' rights. In other countries, the governments passed laws that threaten the rule of law and undermine the ability of workers and their trade unions to safeguard and enforce their rights in the workplace. Specifically, in recent years the governments in three of the most populous countries in the world – China, Indonesia and Brazil – passed laws that deny freedom of association to workers and restrict their freedom of expression. At the same time, they allowed the military to be deployed to prevent industrial action.



## Struggle for democracy

It is obvious where all this is coming from: Trade unions play a key role in defending democratic rights and freedoms and in redistributing power and wealth. They are at the forefront of all struggles to curb the greed for profit, corporate power and governments entangled in it. That makes them key targets for political retaliation. And the close nexus between workers' rights and democracy explains why governments that have reason to fear free and fair democratic processes are particularly interested in suppressing the voice of workers.

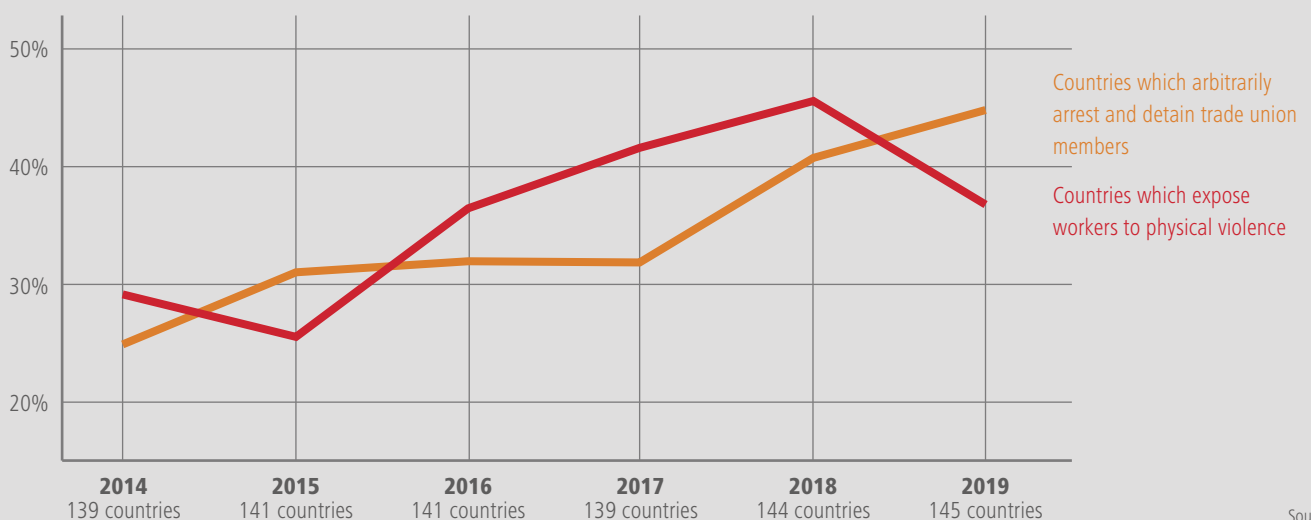
That trade unions have also been key in initiating and promoting a number of positive changes is evidenced in Iceland by a law on eliminating the gender pay gap, in Canada by the adoption of paid leave in cases of domestic violence and in New Zealand by the repeal of repressive labour laws. In Ireland, the parliament adopted the Employment Act in March 2019, according to which zero-hours contracts are banned except in genuine cases of casual work. This legislative act is a significant step in improving the working conditions for workers with precarious contracts or variable working hours. It is the result of a long struggle of workers and trade union activists of Dunnes Stores, who campaigned for the abolition of zero-hours contracts over the past four years. Thanks to this legislation, thousands of employees can now seek a new contract with secure working hours from their employers after 12 months.

It is high time to change the rules, as people are losing trust in democracy. We need a new social contract between workers, governments and companies. —

## Global Rights Index

Based on 97 internationally recognized indicators – from violations of the right to strike to restrictions of the freedom of assembly to murders of trade unionists – the ITUC annually surveys the state of workers' rights in various countries. This includes issues both – law and practice. The results are compiled in the Global Rights Index. In 2019, the ITUC rated 145 countries. The 10 worst countries for workers were Algeria, Bangladesh, Brazil, Colombia, Guatemala, Kazakhstan, the Philippines, Saudi Arabia, Turkey and Zimbabwe. For Brazil and Zimbabwe, the poor ranking was a first.

### Six-year global trends: Increasing use of violence, arrest and detention



# Trade union rights as human rights: Protection and implementation

In the globalized economy, trade union rights are subject to many pressures. Which fundamental rights do trade unions and workers actually have – and how is their observance monitored? Folke Kayser answers the most important questions.

**What are human rights?** Human rights are fundamental rights that protect the dignity of individuals and are meant to allow them to lead a free, self-determined life in community with others. They include civil, political, economic, social and cultural rights. Human rights are universal, inalienable and indivisible. Universality refers to the applicability, not to the realization of human rights, which are of course implemented very differently by the individual states.

**To whom do human rights apply?** The right holders of human rights are all human beings.

**Who is responsible for human rights?** The duty bearers of human rights are all state institutions. They have a duty to respect human rights, to protect them against impairment by third parties (e.g. companies) and to safeguard them. Companies also bear responsibility: They must act with due diligence for human rights in order to prevent or reduce potential negative impacts on human rights. In case human rights are impaired, the victims are entitled to compensation. Ultimately, all societal actors such as NGOs, media, churches and trade unions bear responsibility for human rights.

**Where are human rights codified?** In 1948, the United Nations (UN) adopted the Universal Declaration of Human Rights, which is an important political instrument but is not legally binding. That is why the UN adopted two human rights covenants in 1966 which specify human rights in a form that is legally binding for all signatory states: the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

**How do human rights treaties come about at the UN level?** Human rights treaties are negotiated intergovernmentally and adopted by the member states in the United Nations General Assembly.

**What is the role of trade unions in realizing human rights?**

By joining forces, workers gain influence and a position at eye level in negotiations with employers. This allows workers to assert their rights and interests. Trade unions are also very important for the functioning of a democratic economic and social order. They cause a redistribution of power and wealth across the breadth of society.

**What are trade union rights?** Trade union rights are the core of the rights of workers because they enable the struggle for all other workers' rights. They include, firstly, everyone's right to form unions and to join a union of their choice and, secondly, the right of unions to act freely and to found and join national and international federations. Furthermore, they include the right to collective bargaining and the right to strike, insofar as it is exercised in accordance with the domestic legal order.

**Where are these union rights codified?** The most important legal basis for trade union rights, the Convention of the International Labour Organization (ILO) on Freedom of Association and Protection of the Right to Organize (Convention No. 87), was adopted in 1948. All other sources of law refer to it and must be construed in conformity with it. Another fundamental ILO convention is Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively. Moreover, the trade union rights are codified in the ICESCR (Article 8) and in the ICCPR (Article 22).

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**How do ILO conventions come about?** All conventions of the ILO are negotiated with representatives from governments, workers and employers in a subcommittee of the International Labour Conference. The members of the likewise tripartite Labour Conference then adopt it and call upon the member states to ratify it.

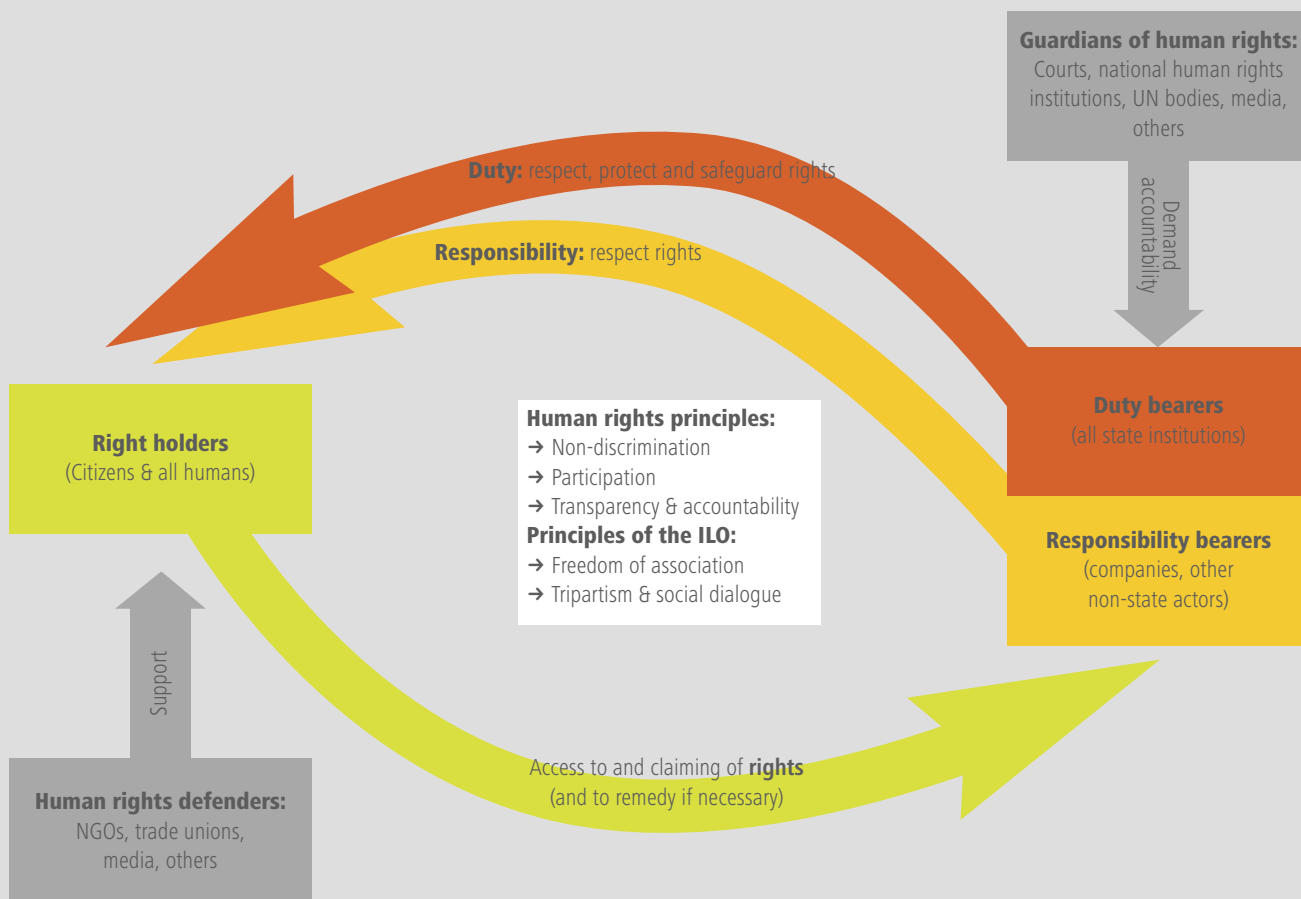
**What can international law and its bodies accomplish?** International law and international standards form the frame of reference for national law and policies. Social movements can invoke them and thus legitimate their demands. The key is that employees continue their legal and political struggle for and defence of union and workers' rights at the national level. In case of grievances, international organizations can exert political pressure, but they have no means to enforce international law in sovereign states. They can, however, determine what does and what does not conform with the standards, and can thus contribute to legal clarity. The accountability of states to the international bodies creates transparency about grievances and human rights violations. Civil society actors can in turn refer to the reports when they present demands to the national government.

**Are the union rights in the framework of the UN and the ILO legally binding?** In Germany, international agreements signed by the government – both human rights treaties and ILO conventions – need to be presented to parliament for ratification. Only ratified agreements are legally binding. National law has to be harmonized with the content of the agreement.

**How do states know how to construe union rights?** The ILO has adopted a recommendation for nearly every convention on how to interpret and implement it. The UN expert committees on the individual human rights treaties adopt so-called General Comments on the interpretation of individual human rights. The General Comments on the ICESCR on the right to work (No. 18), on the right to just and favourable conditions of work (No. 23) and on the obligations of the states signatory to the ICESCR in the context of business activities (No. 24) are relevant to trade union work. The rights are also construed through the feedback from the UN bodies that monitor implementation by the states, as well as through the national constitutional courts and regional human rights courts.

**Can union rights be restricted in the course of the transposition of the standards into national law?** Restrictions by law

## International human rights and ILO conventions





The European Court of Human Rights in Strasbourg. Cases on labour and trade union rights have been heard here on several occasions.

— Photo: Tim Reckmann (CC BY 2.0)

are theoretically only allowed if they are necessary in the interest of national security or the public order or for the protection of the rights and freedoms of others. Trade union rights can principally be restricted for armed forces and the police, and in the case of the right to strike for civil servants who exercise sovereign authority.

**How do things stand in practice?** The alleged threat to national security and the public order as a justification for exceptions is a slippery slope that invites abuse: For instance, there are now anti-terror laws in more than 140 countries. Authoritarian governments use them to suppress protest, strikes and opposition, including by trade unions, and to preserve their own power.

**How does the ILO monitor union rights?** As a specialized agency of the United Nations for all issues surrounding work and employment, the ILO is the most important international authority for the protection of workers' and trade union rights. The ILO system for supervising the application of standards is viewed as relatively effective compared to other UN procedures. The formula for success is the close involvement of trade unions and employer organizations in all bodies and procedures of the ILO. There are two basic procedures for monitoring the imple-

mentation of the ILO conventions: the regular system of supervision and the special procedure for protecting freedom of association.

**How do these procedures work in detail?** In the framework of the regular system of supervision, the member states of the

**The formula for success is the close involvement of trade unions and employer organizations.**

ILO have to submit regular reports on the state of implementation of the conventions ratified by them. The independent Committee of Experts on the Application of Conventions and Recommendations of the ILO publishes an annual report on compliance with the ILO standards. Furthermore, it sends direct requests to the governments of the member state concerned.

Due to the significance of freedom of association and the right to collective bargaining, violations of the core labour standards 87 and 98 are discussed separately by the ILO's tripartite Committee on Freedom of Association. It presents a report with



recommendations to the government concerned and requests it to respond. Certain cases are conveyed to the Committee of Experts.

**Which violations of union rights does the ILO criticize in Germany?** For decades, Germany has repeatedly been reprimanded both by the Committee of Experts and by the Committee on Freedom of Association for the fact that all German civil servants are denied the right to strike, even if, as in the case of teachers, none of their work involves a genuine exercise of sovereign authority.

**How does the UN human rights system monitor union rights?** As trade union rights are human rights, the human rights protection system of the UN is also relevant to their protection. There are procedures linked to individual human rights treaties, and others under the direct control of the Human Rights Council, a subsidiary organ of the UN General Assembly. They include the state reporting procedure for individual treaties, the Universal Periodic Review and special procedures.

**Again in more detail: What is the state reporting procedure for individual treaties?** States that have acceded to a treaty must submit regular reports about the state of implementation in their country. Civil society organizations can submit additional so-called parallel reports. Every human rights treaty has an expert committee as a treaty body that monitors its implementation. The UN expert committees assess the state reports and parallel reports, ask follow-up questions and formulate so-called Concluding Observations, in which they demand high-priority measures by governments to fully implement the treaty.

**Are there current examples where union rights play a role?** Trade union rights are addressed in very many Concluding Observations on the ICESCR and the ICCPR. For instance, Nigeria is admonished to take more effective action against the threatening and murdering of trade unionists. Mauritius is called upon to better protect trade union rights in free trade zones, and it is recommended that South Africa take back changes to its trade union law that restrict the right to strike.

**How does the Universal Periodic Review of the UN Human Rights Council work?** The UN Human Rights Council established a Universal Periodic Review (UPR) in 2007, which all member states are subjected to every four or five years. It considers the human rights from all ratified UN human rights treaties. Other states review the respective state report, reports from civil society organizations and information from the UN system, including the ILO. At the end of the procedure, they formulate recommendations to the reviewed state, which it can accept or reject.

**Is there a current example of this as well?** In 2018, Panama introduced the recommendation that Azerbaijan should promote collective bargaining between trade unions and employer organizations. The Azerbaijani government accepted.

**That leaves the special procedures of the UN Human Rights Council. What about those?** The UN Human Rights Council can additionally appoint special rapporteurs or working groups on critical topics or problematic countries. These special procedures analyze the current challenges and make recommendations for overcoming them. Two of them are particularly relevant to trade union rights. The Special Rapporteur on the rights to freedom of peaceful assembly and of association addresses the state of trade union rights in each of his reports. He sees a global trend towards shrinking spaces for civil society organizations, which also affects trade unions.

**What is the second special procedure that is currently particularly relevant for union rights?** A working group is addressing the implementation of the UN Guiding Principles on Busi-

## Where are trade union rights enshrined internationally?

### International agreements

- ILO Convention on Freedom of Association and Protection of the Right to Organize (C87)
- ILO Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (C98)
- International Covenant on Economic, Social and Cultural Rights Article 8
- International Covenant on Civil and Political Rights Article 22
- Convention on the Rights of Persons with Disabilities Article 27.1.c
- Universal Declaration of Human Rights Article 23.4

### Regional human rights agreements

- European Convention on Human Rights (of the Council of Europe) Article 11
- European Social Charter (of the Council of Europe) Articles 5 and 6
- Charter of Fundamental Rights of the European Union Articles 12, 27 and 28
- American Convention on Human Rights Article 16
- African Charter on Human and Peoples' Rights Article 10
- Arab Charter on Human Rights Article 29
- ASEAN Human Rights Declaration Article 27.2

ness and Human Rights. Recently, it has mainly considered how victims of rights violations in global supply chains can get better access to remedy. The process of reaching a binding treaty in this regard has been going on since 2014, but it is not really making progress because important states and associations are not taking part in the negotiations. This includes the US and Germany.

**What is the role of regional human rights protection systems?** For Europe, this is on the one hand the Council of Europe with its 47 members. Associated with it is the European Court of Human Rights, which oversees the implementation of the European Convention on Human Rights. Individuals or groups of people can petition it when they see their rights violated. The European Court of Human Rights can sentence states to pay compensation to the victim (so-called just satisfaction), but it cannot reverse decisions of national courts.

**How relevant is this European Court of Human Rights?** The procedure is relatively effective, as it is often utilized and has dispensed justice in thousands of cases. The court has also heard several cases on labour and trade union rights – in particular many on the freedom of civil servants in Turkey to unionize. Another example is afforded by the case of a German plaintiff: The geriatric nurse's contract had been terminated without notice because she had filed a criminal complaint

against her employer on the grounds that due to staff shortages care recipients and their relatives were not receiving adequate services in return for the costs they carried. The court decided in her favour.

**What distinguishes the Court of Justice of the European Union from the European Court of Human Rights?** The Court of Justice of the European Union (CJEU) is the supreme judicial organ of the EU. It is responsible for safeguarding EU law in the interpretation and application of European treaties and re-

**In order to protect human rights and open spaces, it is important that trade unions form alliances.**

gulations. Its jurisdiction comprises all legal fields, including constitutional, administrative, labour and social law. Member states, organs of the EU as well as directly and individually affected natural and legal persons can appeal to the CJEU. Its judgments and preliminary rulings on the interpretation of EU law in proceedings before national courts are directly legally binding. The CJEU has heard and decided cases involving trade union rights on several occasions.

## The »binding treaty« process

»Global corporate power is beyond anything we have ever seen«, writes Jenny Holdcroft, Assistant General Secretary of the global union federation IndustriALL. And this is at the expense of employees and the environment. The Human Rights Council of the United Nations shares this assessment. The UN Guiding Principles on Business and Human Rights have existed since 2011, but they do not imply any legal obligation for companies. In 2014, the UN Human Rights Council therefore appointed an open interregional working group. It is to develop a legally binding international instrument on corporations and other businesses with respect to human rights. This initiative for a »binding treaty« was launched by Ecuador and South Africa, against the votes of Germany, the US and other industrialized countries. The binding treaty is to close global loopholes and to ensure that companies are held fully responsible for human rights violations and environmental crimes. NGOs and trade unions view this as a »historic opportunity«.

Since then, the working group has been meeting annually in Geneva. However, by far not all countries actually send representatives entitled to speak. Germany, for instance, is usually only represented by so-called observers and hides be-

hind its EU membership, saying that the EU can »only speak with one voice«. But the European Commission does not in fact have a mandate to do so.

The Ecuadorian presidency presented a first draft in 2018 and revised it in 2019. In contrast to earlier conceptions, due diligence obligations are to apply not only to transnational companies, but principally to all businesses. However, the draft contains neither a priority of human rights over trade and investment agreements, nor the proposed International Court on Transnational Corporations and Human Rights. Trade unions are also criticizing that it is unclear how the obligations of corporations are to be monitored and enforced; all the more so as labour rights are anyhow not being implemented in many countries. They also maintain that the issue of liability in the supply chain is left too open, as the definition leaves too many opportunities to shirk responsibility.

### Editors' note

The complete documents:

Revised draft: [www.business-humanrights.org/en/revised-draft-of-proposed-binding-treaty-on-business-human-rights](http://www.business-humanrights.org/en/revised-draft-of-proposed-binding-treaty-on-business-human-rights)

Trade union position paper: [www.ituc-csi.org/IMG/pdf/joint\\_trade\\_union\\_un\\_treaty\\_statement.pdf](http://www.ituc-csi.org/IMG/pdf/joint_trade_union_un_treaty_statement.pdf)

### An example of a decision of the CJEU on union rights?

Upon petition of a Finnish trade union, the CJEU decided that workers being posted from a country of origin within the EU are entitled to the minimum wage in the destination state and that the sectoral union in the destination state is responsible for those workers for purposes of collective bargaining.

**Are there comparable institutions on other continents that monitor the observance of human rights?** The Inter-American Commission on Human Rights, a special organ of the Organization of American States, is responsible for monitoring the American Convention on Human Rights. The Inter-American Court of Human Rights also hears cases brought by individuals. This has included several cases on trade union rights. The analogous institutions of the African Union for monitoring the African Charter on Human and Peoples' Rights are the African Commission and the African Court on Human and Peoples' Rights, which also hears cases brought by individuals. Asia does not have a regional protection mechanism for human rights yet.

**How can unions take action themselves to contribute to further establishing their rights and those of workers?** In order to protect trade union rights, human rights and the open spaces of civil society, it is important that trade unions form national and global alliances with other civil society actors. Examples in

Germany include the participation of trade unions in the #unteilbar («indivisible») demonstrations for equality and social rights and the recently launched campaign for a binding supply chain law in Germany. A well-known example of international networking is the World Social Forum, a global alliance and annual meeting of critics of globalization. International human rights and the documents of the human rights protection system are often the common point of reference and the link between such alliances and movements. —



Together for equality and social rights: Trade unions and other parts of civil society at the #unteilbar demonstration in 2019 in Dresden — Photo: Dehmel/DGB

# Guardian of trade union rights: 100 years of ILO

It has the mandate to set international labour standards and thus contribute to shielding the protection and rights of workers from international competition and market forces. For this reason, the International Labour Organization in Geneva is the most important organization of the United Nations for the trade union movement. Its core labour standards are recognized as human rights. Carolin Vollmann explains why and how the ILO is now again struggling for influence.

The centenary in 2019 saw a success of the International Labour Organization (ILO). In June, the participants of the International Labour Conference adopted two new labour standards: the convention (C190) and the recommendation (R206) on violence and harassment against women and men in the world of work. These were the most recent standards since the adoption of the ILO convention on domestic workers in 2011.

The negotiation of international labour standards is one of the main tasks of the ILO, which is a specialized agency of the United Nations (UN) and has a distinctive tripartite administrative structure: In no other UN organization do trade unions and employer representatives jointly hold half of all votes and work with government representatives on equal terms. However, the successful adoption of C190 and R206 cannot hide the fact that the ILO, like many other international organizations, is in crisis. Currently, it is facing two major challenges in particular:

On the one hand, there is still no solution for the disagreement that has been simmering since 2012 on the existence of an international right to strike. And this is just one example of how governments and especially the Employers' Group make cooperation more and more difficult by increasingly calling consensus as a working basis into question. This is hap-

pening at a time when trade union rights are increasingly being violated and when the work of the ILO is therefore even more important.

On the other hand, the reform of the UN system also poses new challenges for the work of the ILO. Critics see the access and influence of the social partners wane at the local level and in the decision-making bodies. There is also reason to fear that the priorities of the ILO work will shift.

## Setting and monitoring international standards

The ILO is of paramount importance for trade union work. Once labour and social standards are negotiated within its framework, they can be ratified by governments. This obliges them to then transpose those standards into national law. Up to now, a total of 190 such conventions, 206 recommendations and six protocols have been negotiated.

The so-called core labour standards, which are also recognized as human rights, are especially important. Two of the eight core labour standards in particular are of paramount importance for trade union work: conventions 87 on freedom of association and 98 on collective bargaining. They are the basis for the work of free and independent trade unions and are often termed »enabling rights«. The other core labour standards concern prohibiting discrimination in employment and occupation and eliminating child and slave labour.

Their special status goes back to the »Declaration on Fundamental Principles and Rights at Work« from 1998, which declares them to be universally applicable and binding for all ILO

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## International Labour Organization: Main bodies

Int. Labour Conference (ILC) Legislative branch	Governing Body Executive branch	Int. Labour Office Operative branch
<ul style="list-style-type: none"> <li>→ Conventions and Recommendations</li> <li>→ Resolutions</li> <li>→ Programme of work</li> <li>→ Budget</li> </ul>	<ul style="list-style-type: none"> <li>→ Coordination of ILO activities</li> <li>→ Implementation of the resolutions of the ILC</li> <li>→ Complaints procedure</li> </ul>	<ul style="list-style-type: none"> <li>→ Technical cooperation</li> <li>→ Assistance for members</li> <li>→ Documentation</li> <li>→ Research</li> <li>→ Preparation of the conferences, conventions and budget</li> </ul>

Source: ILO

member states. On average, the core labour standards have been ratified by 172 countries out of a total of 187 members. That is already very good. Regrettably, it is the convention on freedom of association that is the least widely recognized, with only 155 ratifications. Important industrialized and newly industrialized countries such as Brazil, China, India and the US have not ratified this convention.

The ILO monitors the application of the conventions. Every government is obliged to submit regular reports to the organization in Geneva. The social partners can subsequently comment on the reports and report violations. The ILO Committee of Experts, which is composed of 20 independent legal experts, produces its annual report on this basis. The tripartite Committee on the Application of Standards convenes during the International Labour Conference in Geneva. The social partners first negotiate a country list of 24 cases. These are subsequently discussed in the full committee. Again, it is the social partners who then negotiate the measures through which the violations are to be ended. Such a measure may be that the government must submit further reports. It may also be decided that the ILO provides technical assistance e.g. when it comes to drafting legislation. But it may also be agreed to establish a commission of inquiry which travels to the country in order to get an impression on the ground.

However, the Committee on the Application of Standards does not provide for any sanctioning. First and foremost, it aims to name and shame the respective government internationally. Thus, there is a limit to the pressure it can exert.

However, there are also successes, such as recently in Qatar, where the kafala system was abolished (at least partly) due to international pressure and with the support of the Committee on the Application of Standards. This system keeps foreign workers in working conditions similar to slavery (see box on page 22).

However, fundamental trade union rights are currently being less and less respected and observed around the world. At the same time, the negotiation process of the Committee on the Application of Standards has come under attack. In 2019, the Brazilian government representative demanded that government representatives be included in determining the country list and in negotiating the conclusions. A government in question would then have the opportunity to influence the selection of cases and follow-up measures through international pressure on other governments involved. It could thus avoid public accountability and inconvenient follow-up measures.

### The core labour standards and »enabling rights«

The ILO core labour standards, which are also recognized as human rights, govern the freedom of association, the right to collective bargaining, the prohibition of forced labour, equal pay and the general principle of non-discrimination, the minimum age and the elimination of the worst forms of child labour. The two conventions on freedom of association (No. 87) and the right to collective bargaining (No. 98) in particular are crucial for trade union work, as they enable trade unions to form independently of government influence and to fulfill their trade union duties without having to fear violence or repression. The right to organize and to bargain collectively is an essential foundation of a democracy, of a functioning social dialogue and of realizing decent work.

[www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312232:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312232:NO)

[www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312243](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312243)

## A brief history of the ILO



### The employers' attack on the right to strike

In open conflict in 2012, employer representatives called the content of the essential core labour standards (87 and 98) into question in order to weaken them. The main reason was that the ILO core labour standards were increasingly being referred to.

In the past two decades, European and other institutions have increasingly been referring to these eight essential ILO standards as a concept for fundamental rights of workers and trade unions, for example within trade agreements.

For this reason, the employer representatives tried to weaken the core labour standards. There were driving forces from Germany and the United Kingdom. In 2012, the Employers' Group declared that the conventions on freedom of association and collective bargaining did not include an interna-

tional right to strike. They no longer wanted to discuss violations against the right to strike in the Committee on the Application of Standards and suspended their participation in the Committee. The Committee of Experts, which derives the right to strike from the conventions as an inalienable component, was also called into question by the Employers' Group.

In 2015, worker and employer representatives negotiated an agreement in order to allow the Committee on the Application of Standards to resume its work. In this agreement, the workers' representation agreed to the so-called Standards Initiative – with great reservations, as this initiative includes provisions for reviewing all conventions to check whether they are up to date. The Workers' Group feared that older conventions, which principally contain more progressive formulations and have been more widely ratified, could be classified as outdated.

However, neither the 2015 agreement nor the follow-up

## Partial successes of the ILO in Qatar

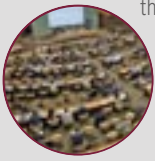
78 weekly working hours, \$1.50 hourly pay. Moreover, accommodation without sanitary facilities or running water, almost no occupational safety and health measures, hence accidents and deaths – the International Trade Union Confederation (ITUC) calculated that 7000 foreign workers would lose their lives in the construction of the stadiums until 2022. The reports of the ITUC and the Building and Wood Workers' International about the working conditions on the building sites in Qatar for the football World Cup in 2022 caused a global stir in 2015 and raised awareness of the kafala system. In this system, the employers recruit foreign workers. These are then completely dependent on them. The workers have neither a right to freedom of association, nor to collective bargaining, their passports are confiscated, they can neither quit, nor change companies or leave the country.

In 2017, the Qatari government entered into a coopera-

tion agreement with the ILO after prolonged opposition. The goals included far-reaching labour reforms, improved occupational safety and health measures, increased controls and the introduction of a universal minimum wage. By October 2019, important measures had already been initiated in many areas. For instance, new inspectors were trained, and the kafala system was partly abolished. However, it remains to be seen how the implementation of the statutory changes plays out and how much of this lasts beyond the World Cup in 2022. Moreover, the situation for the weakest of the foreign employees, the domestic workers, remains precarious. While interest groups have occasionally been allowed, unrestricted freedom of association and thus independent trade unions still do not exist. Yet, it is they that create the sustainability needed to ensure that the small positive steps will not fizzle out immediately once international attention subsides.

**2015**

The 2030 Agenda for Sustainable Development puts the demand for decent work for all at the core of policies for sustainable and inclusive growth.

**2019**

The ILO celebrates its centenary and launches a series of key initiatives that allow it to successfully meet the challenges of its mandate in the future.



Source: ILO

agreement from 2017 offers an approach for solving the question of how to interpret the conventions 98 and 87 with respect to the right to strike.

### **The UN must not be reformed at the expense of the ILO**

Within the UN system, the ILO is also facing new challenges. The UN Secretary-General, António Guterres, has set himself the goal of increasing the UN's efficiency and cutting costs, as the withdrawal of individual governments from the multilateral system is financially tangible. Voluntary financial contributions of governments are diminishing noticeably. Since their trust in the work of the UN is dwindling, many governments only fund specific programmes. This results in a lack of clarity and thus in inefficiency, because different UN agencies carry out similar projects in parallel.

Guterres wants to foster not only cooperation between the agencies, but also acquisition of private funding through so-called innovative development financing. The reform plans also include downsizing the UN presence on the ground and aligning content more closely with governmental priorities. For the ILO, this may mean that it will not be present in as many places as before. This could impede access for the social partners. If the priorities are then also increasingly oriented towards (partly anti-union) governments and if cooperation and private funding have a stronger influence on the work, there is reason to fear that the focus areas of the work of the ILO will become blurred. The core activities of the ILO – i.e. the implementation of fundamental workers' and trade union rights – could make way for politically less controversial areas. The organization threatens to become »depoliticized«. —

## **Origins and history of the ILO**

### **Fearing the dominance of socialist policies**

1919, the founding year of the ILO, was marked by great upheavals. The destruction of the First World War, the October Revolution and the civil war in Russia, the end of the Austro-Hungarian dual monarchy and not least the revolts and uprisings in the German Empire, which led to the November Revolution, contributed to economic and political insecurity. One answer to these upheavals and the increasing impoverishment and inequality was the founding of the International Labour Organization (ILO) in the context of the Versailles peace negotiations.

The central idea was to create globally applicable labour and social standards and social justice. At the same time, the founding of the ILO was seen as countering the rise of communism and the threat of expropriations and revolutions.

### **Merits for German trade union interests**

After the trade union movement in Germany was crushed in early May 1933, the chairman of the General German Trade Union Federation (Allgemeiner Deutscher Gewerkschaftsbund, ADGB, the DGB's predecessor), Wilhelm Leuschner, was arrested and abused. However, the National Socialists were trying to remain respectable in the eyes of the ILO, and Leuschner was held in high esteem in the Workers' Group of the ILO. The trade union chairman was thus released a few days later in order to promote the Nationalist Socialist »German Labour Front« (Deutsche Arbeitsfront) at the International Labour Conference as the successor organization of the ADGB and as Germany's legitimate workers' representation.

Leuschner, however, remained silent during the conference. The Workers' Group consequently questioned the legitimacy of the delegate of the German Labour Front and got him excluded. The German government delegation withdrew from the conference prematurely, and the German Reich left the ILO in the same year. Leuschner himself was arrested again after his return from Geneva and was released from the concentration camp only in 1934, due to massive international protests. He was subsequently active in trade union resistance groups. After the assassination attempt on Hitler on July 20, 1944, he was again arrested and was executed on September 29, 1944.



# Globalized Economy







The Brazilian rainforest is being destroyed to obtain arable land. The soy harvest mainly serves as fodder for the meat industry. — Photo: Alf Ribeiro / 123RF



# Rana Plaza: Never again! But how?

From the UN Guiding Principles  
to the German Supply Chain  
Law Initiative



1,135 people were killed and 2,438 were injured when the Rana Plaza factory building in Sabhar collapsed on April 24, 2013.

— Photo: Institute for Global Labour and Human Rights

How can we prevent factory buildings from collapsing or burning down and claiming thousands of lives due to a lack of controls, 148 people from dying of pesticide poisoning in Brazil every year, or 2 million children from being exploited on cocoa plantations in West Africa? Declarations and recommendations on respecting human rights and labour standards worldwide, such as the OECD Guidelines and the ILO Declaration of Principles, have been around for a long time, as have voluntary commitments by multinational corporations. Uwe Wötzel explains why a law is needed nonetheless.

People have basic needs. They want to lead a good life and thus need an income that secures their livelihood. »It is not at all uncommon (...) to find 15 to 20 children huddled together in a small room, of, perhaps, not more than 12 square feet, and employed for 15 hours out of the 24, at work that of itself is exhausting, from its weariness and monotony, and is besides carried on under every possible unwholesome condition«: This description of working conditions is not from contemporary South Asia. Karl Marx quotes these lines in »Capital« from the report of a British labour inspector from 1864 about the situation in Nottingham. In Western Europe, trade unions were able to push back against the exploitative misery in their long struggles. Step by step, they established better conditions and higher social standards through legislation and good collective agreements.

### **Relations of property and power that multiply wealth**

But for billions of people, in particular in our planet's South, basic needs are still not secured even today. Many go hungry despite work. They work under inhumane conditions. Since the 1960s, investors have relocated the production of consumer goods to the Global South. A few hundred super-rich financial investors and their capital power hold sway over what happens in transnational corporations and in global supply chains. Transnational corporations control 80 per cent of world trade. They play a decisive role in determining not only the working conditions, which are marked by extremely predatory exploitation, but also, through their influence in the media and their cultural hegemony, the consumption habits of many millions of people.

While the rights of investors are heavily protected through legislation and trade agreements, employees and millions of unemployed have structurally considerably weaker rights. Often, they are completely without political, legal or economic protection. The reports of the International Labour Organization and of the International Trade Union Confederation have shown this for years: Globally, precarious and informal work prevails and is growing. Unemployment increases the pressure on

salaries; more than 200 million people worldwide are registered as unemployed. Worldwide, 40 million people are living in modern slavery and 152 million children have to work. 70 per cent of all people lack sufficient social protection, and every year, more than two million people die from accidents at work. There are millions of violations of labour rights through violence, discrimination and intimidation in almost all countries. In more than a hundred countries, there are serious violations of trade union rights, the formation of trade unions is suppressed or obstructed, and union members are discriminated against through dismissals, wage loss or other measures. The right to collective bargaining is violated.

Since their formation, trade unions have been fighting for good working and living conditions, for effective statutory protection of collective and individual labour rights with the goal of curbing competitive undercutting. In fact, trade unions do not yet have this right everywhere; in many countries, they have won it in hard-fought battles against capital and often have to defend it on a daily basis.

Trade union rights are still the key for better working and living conditions.

The progressive liberalization of international markets for capital, goods and services has tremendously shifted the weight of the actors in the political arena, in particular the global power relations between companies and trade unions. Never before has the internationalization of trade union activities been so pervasively and the cooperation with other human rights organizations so urgently needed as today. The protec-

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tion of political and social rights for trade unions determines whether brutal exploitation and extreme poverty exist and escalate into violent uprisings or whether social conflicts are resolved peacefully.

Not only since the catastrophe in the textile factories of Rana Plaza in 2013 have trade unions increased their cooperation in better global networks for the effective protection of labour rights. The struggle for global social regulations has existed for one hundred years and led to the establishment of the International Labour Organization (ILO) in 1919. The regulation of global supply chains has been placed on the agenda of political summits and of the International Labour Conference of the ILO following a trade union initiative. A convention is to establish an international legal framework with effective mechanisms, with corporate accountability and with elements of labour inspections and of dispute settlement under ILO rules. As a first step, the ILO Declaration of Principles concerning Multinational Enterprises and Social Policy is to be strengthened. To date, this declaration has hardly had any effect against labour rights violations by employers at the international level. The declaration needs to be updated and must secure high standards and finally create an effective dispute settlement mechanism to the benefit of employees. At the level of national legislation, due diligence obligations for companies must be introduced with respect to labour rights in supply chains. Companies must be held liable for violations of rights under civil and criminal law.

### **Voluntary CSR declarations are ineffective washouts**

When asked for the best political joke, the courageous captain of the rescue ship »Seawatch 3«, Carola Rakete, answered: »The voluntary commitment to reduce emissions in the Paris Climate Agreement.« This puts the tragedy of all voluntary instruments for attaining social and ecological goals in a nutshell. In the 1990s, influential lobbyists for corporations and their investors succeeded in entrenching the instrument of voluntary commitments in policy-making. The fancy term »Corporate Social Responsibility« (CSR) was invented for this purpose. CSR stands for the social responsibility of companies based on voluntary commitments and has been used in the EU since 2001 to counter any demands for legally enforceable obligations. The DGB's critical assessment of CSR is to the point: »The debate on CSR is a reaction to the worldwide criticism of socially and ecologically irresponsible corporate action. Essentially, the DGB and the trade unions are concerned with the continued lack of binding intergovernmental regulations for implementing a social dimension of globalization. The current financial and economic crisis and climate change clearly show: We need a regulatory framework that puts social, ecological and economic goals on an equal footing. In doing so, it must expand the pro-

tection of workers, consumers and not least the environment from corporate abuse.«

However, the bogus claim of CSR has long since been exposed. Just as competitive undercutting at the national level can only be contained through laws and normative collective agreements, global dumping can only be prevented with enforceable binding standards. All employees experiences in their work life that claims derived from labour law and from collective agreements are the basis for obligations to perform and can be enforced by legal action. Voluntary offers usually do not establish actionable claims.

### **Policy-makers must close gaps in global regulations**

When at the onset of the 21st century the ILO »World Commission on the Social Dimension of Globalization« also demanded regulation, the United Nations appointed a UN Special Representative on business and human rights. John Ruggie took on this task and again confirmed the existence of regulatory gaps with a report in 2008. Ruggie put forward recommendations that were also deemed sensible, necessary first steps by trade unions. Based on Ruggie's report, the UN Human Rights Council adopted the Guiding Principles on Business and Human Rights in 2011. These guiding principles oblige all states to protect human rights and call on companies to respect human rights in their production and supply chains. These principles are meant to guide the member states towards better legislation and thus lead to the prevention and elimination of human rights violations in the context of business activity. The guiding principles are divided into three pillars:

#### **CSR or CA: Voluntary or binding**

Due to intense lobbying by business associations, the European discourse on corporate responsibility has for some years now been narrowed down almost exclusively to the (originally Anglo-American) concept of »Corporate Social Responsibility« (CSR). According to this, the responsibility of companies is exclusively about what they are willing to do on a voluntary basis, beyond legal requirements. However, experience so far, mainly with transnational corporations, indicates that this approach is clearly not sufficient to effectively prevent damage to humans and nature, as illustrated by various catastrophes (Rana Plaza, factory fires, dam failures). Civil society organizations have therefore developed the term »Corporate Accountability« (CA), which stands for binding regulations on corporate conduct.





Protest action to launch the campaign: Make transnational corporations responsible for their supply chains! — Photo: Valere Schramm / Brot für die Welt

- the obligation of the state to protect human rights,
- the responsibility of companies to respect these rights and
- the necessary access to judicial and extrajudicial remedies against human rights violations.

The EU and the German government have committed to implementing the Guiding Principles.

In December 2016, the German government adopted a National Action Plan (NAP) for business and human rights. Yet, with the NAP itself, the German government has not shown the courage to take binding measures in implementing the UN Guiding Principles for Business and Human Rights, as the DGB rightly criticizes. Now, it is also showing a lack of resolve in implementing this weak NAP. In central areas of the state's duty to protect – foreign trade promotion, public procurement, trade agreements – only tiny steps have so far been taken towards making human rights obligations visible. More far-reaching measures have so far foundered on the opposition or the inactivity of the ministries involved, in particular the Federal Ministry for Economic Affairs. Even after two years, improvements in legal access have not even been discussed. The monitoring to what extent large companies in Germany fulfil their human rights due diligence obligations is to be carried out in complete anonymity, is limited to formal procedures and fails to address the question of how effective these are.

In other member states of the EU, governments displayed more courage. Since then, the British Parliament has adopted the »Modern Slavery Act« in 2015, which obliges all companies to take measures against modern forms of slavery in their supply chains. Dutch companies have to preclude child labour, and French companies have been obliged to preclude human rights violations since 2016.

In Germany, a broad alliance of NGOs and trade unions is demanding a supply chain law. After many thousands of deaths in the textile industry, on oil plantations and in mines, this has been long overdue. The only thing left to protect human rights, social and environmental standards against profits without conscience is a legal framework. For this purpose, the German United Services Union ver.di (»Vereinigte Dienstleistungsgewerkschaft«) and the DGB, together with many other civil society organizations, have joined the German Supply Chain Law Initiative. The initiative calls upon the German government to finally pave the way for a good law. We want to increase pressure for this demand with broad support from the public. —



# Against its own principles: The EU trade policy

Trade agreements could be an effective tool for enforcing human rights, social and labour standards. In practice, however, too little or no use is made of the sanctioning powers. Thus, they rather protect the rights of investors.

Half a century after gaining national independence, Europe's former colonies still serve as resource providers. The colonial trade structures have become manifest. Much of the wealth in the North is based on the exploitation of people and nature in the South. The EU trade policy has long been subject to fierce criticism for this reason. In the debate on development policy, this is referred to as a lack of coherence. This means that the efforts for economic and social development in countries of the Global South are being undermined by trade policy. A famous example is the destruction of the Ghanaian poultry sector by swamping the domestic market with foreign meat at dumping prices. In turn, rules of origin for instance prevent added value from being created in the countries of the Global South. If even just one part of a product does not originate from within the country, it cannot be imported to the EU free of duty.

Besides, in the past 15 years, the EU pressured most countries of the Global South to conclude bilateral agreements that force them to open their markets. Customs revenues will be

**The EU is obliged to  
promote democracy  
in trade agreements.**

lost, industrial policy becomes difficult. However, the European Commission argues that, years of unilateral market access for developing countries not having resulted in the desired development, a comprehensive trade and market liberalization would now unleash economic dynamism. The European Commission is convinced that the European model of economic integration, the opening of markets and competition are conducive to development. European societies seem to have forgotten how their own rise once benefitted from protecting their domestic economies. When the EU Trade Commissioner, refer-

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ring to the negotiations with African countries, promises in 2005 that »we on the European side do not pursue any economic advantages«, it does not require expertise to expose this as false rhetoric. The real objective is to entrench neoliberal norms and to further one's own material economic interests. The trade agreements are not only supposed to reduce custom duties in the trade in goods, but sometimes include services, investments, public competition rules and intellectual property rights. The goal is to conquer world markets to this extent and to impose one's own standards and rules, e.g. against the competition from China and other economic centres.

## **The EU relies on a system of incentives**

After the end of the Cold War, the conditioning of development aid and trade benefits on good governance and democratic progress was added to the existing interference in economic policy. In the Lisbon Treaty, the EU committed itself to respecting human rights in its trade policy. Likewise, there are international obligations, e.g. through ILO conventions and environmental agreements. The EU is therefore obliged to maintain the promotion of democracy, human rights and environmental sustainability in trade agreements.

For instance, over the past 30 years, the EU has included human rights clauses, social and environmental standards and, most recently, chapters on sustainability in its trade agreements. The pressure from trade unions and other civil society actors was key in this respect. Yet, the prevailing principle was and is a system of incentives; there are rarely any sanctions if human rights are violated regardless. For example, the signing and implementation of the ILO conventions 87 and 98 and,

since 2001, the recognition of the ILO core labour standards gave reason to expect further benefits. Nowadays, the Generalized Scheme of Preferences, which grants unilateral benefits to countries with low average income, provides for the possibility of suspension in case of violations of the core labour standards, the International Covenant on Political and Civil Rights, the International Covenant on Economic, Social and Cultural Rights or the conventions against genocide, racism, discrimination, torture and for children's rights.

The motivation of the European Commission seems to be justifying its trade policy, rather than enforcing human rights. This can be inferred from the practical implementation of the human rights clause and the chapters on sustainability that was analyzed by the expert Thomas Fritz: The sanctioning powers have so far not been used in order to exert pressure in case of systematic violations of human and trade union rights. Although consultations were held with numerous African states and e.g. development aid was suspended, there were no trade sanctions. The political background was usually a coup d'état. A general deterioration of the human rights situation rarely played a role. Myanmar was one of only three cases in which trade benefits were actually withdrawn. The reason was the

widespread use of forced labour during the military dictatorship in 1997. However, the EU did not act of its own accord, but reacted to complaints by the International and European Trade Union Confederation.

Under the Generalized Scheme of Preferences, which has been in force since 1971, there are uniform rules regarding human rights. In the bilateral agreements that are being negotiated with increasing frequency, however, we are dealing with a multitude of different clauses and procedures in case they are violated (suspension clauses and dispute settlement procedures). This application of different standards by the EU is met with criticism. In some cases, the agreements are in force entirely without any human rights clause, such as the agreement with Central American countries since 2013. This will only change once all EU member states ratify the agreement.

### **Are chapters on sustainability the solution or the problem?**

It is good that some treaties, such as the framework cooperation agreement between South Korea and the EU, now refer to »other relevant international human rights instruments« in the



Opening African countries, e.g. for subsidized EU products, destroys domestic markets. — Photo: hiroo yamagata (CC BY-SA 2.0)





International networking among business representatives and policy-makers at the annual World Economic Forum in Davos. — Photo: Paul Kagame

human rights clause. This includes the ILO core labour standards, which are considered human rights. With the introduction of chapters on sustainability, this could again be called into question, since they mention the labour standards separately. As a consequence, the violation of labour rights might not even constitute grounds for suspending trade benefits under the agreements anymore. While the European Commission officially acknowledges that the human rights clauses also include the ILO core labour standards, as a member of the troika, the Commission forced the Greek government to seriously interfere with the autonomy of collective bargaining. This restriction of the right to collective bargaining was also criticized by the ILO Committee on Freedom of Association.

From the point of view of human rights organizations and trade unions, there are further flaws, since states usually do not enter into new commitments by virtue of the chapters on sustainability, but only affirm the existing ones, such as on climate protection. The non-regression clause and the precautionary principle are also insufficiently enshrined. The non-regression clause is so important because it serves to prevent labour and environmental standards from being lowered. The precau-

tionary principle could be invalidated by the Comprehensive Economic and Trade Agreement with Canada (CETA). Proving that a product does no harm would then no longer be required before it is introduced into the market. As is the case in Canada and the US, a product would be approved until its harmfulness is scientifically proven.

### Civil society participation in monitoring

A benefit from the chapters on sustainability could be the so-called Domestic Advisory Groups (DAG), a civil society forum that is to take part in monitoring the implementation. But even here, results have been mixed so far. What is taxing is that the monitoring of numerous agreements and the participation in these forums places great demands on the capacities of civil society. This is particularly relevant in those partner countries of the EU in which the organizations have lower capacities. For instance, representatives from Peru were unable to take part in meetings in Colombia, and vice versa, even though the two countries are in a joint agreement with the EU.

But there are also instances when trade unions can suc-

cessfully exert their influence through the forum. For example, when the South Korean government refused to include the trade union confederation KCTU in the DAG. Seoul relented due to pressure from the European trade unions in the corresponding forum on the EU side. With regard to violations of the core labour standards in South Korea, however, demands by the European Trade Union Confederation and the EU-DAG were unsuccessful, despite support by the European Parliament. The European Commission repeatedly refused to engage in formal consultations with South Korea. This means that while trade unions and NGOs monitor whether the rights of workers are respected, unfortunately their results do not have a binding effect, and no proceedings are initiated. To be sure, a government has to balance economic and diplomatic issues as well, but if the clauses are not applied, they remain a farce.

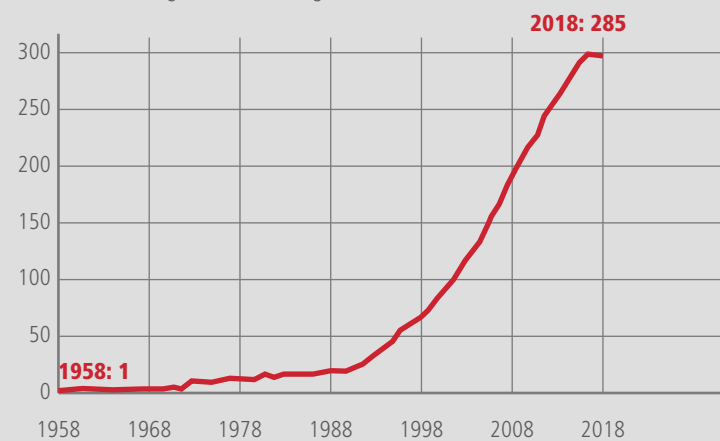
It is true that the prospect of a trade agreement and the obligations it entails can trigger reforms. The plans to allow free and independent trade unions in Vietnam and the ratification of the ILO convention 98 exemplify this. The negotiations on trade agreements with both the US and the EU played a role here. However, this should not hide the fact that the human rights clause so far cannot be considered an effective instrument for enforcing trade union and labour rights.

### Agreements protect the corporate right to bring claims

For this reason, trade unions, consumer and environmental advocates rightly criticize that trade agreements do not protect their rights, but rather those of the investors. If states enact environmental regulations, for instance, there is a threat of legal actions brought by corporations. This limits the scope for political action. A study from 2016 shows that the biggest corporations are the most successful in their legal actions. 40 of the disputes studied concerned very large and large corporations; they won 7.5 billion US dollars in litigation. Protests have recently achieved that the proceedings are at least carried out in a more transparent way, i. e. not hidden from the public gaze. For instance in the agreement between the EU and Canada, which now provides for an investment court system. However, the principle remains unchanged. Even from the point of view of the Association of German Chambers of Industry and Commerce (Deutscher Industrie- und Handelskammertag, DIHK), no investment protection is needed if the legal systems of the states involved are developed and effective. The provision in the agreement with Canada can then rather be considered as a step on the way to a permanent Multilateral Investment Court (MIC), which is espoused by the European Commission. According to the German Association of Judges, it would practically create its own jurisprudence. The basis for judicial decisions would consist in vague treaties and not democratically enacted

### The world of trade agreements

Number of trade agreements existing worldwide since 1958\*



As of March 2018 | \*under the aegis of the WTO; if a trade agreement covers goods and services, it is not counted twice | Source: WTO

legislation. Contrary to its recommendation, Germany approved the mandate for the European Commission to lead the negotiations on establishing an MIC.

All governments of the EU member states have to agree on negotiation mandates for the European Commission. This often results in the lowest common denominator and thus in much leeway for the Commission. In this case, the influence of individual European governments, which, in contrast to the Commission, have been democratically elected, and also of the European Parliament is limited. Public pressure through the critical work of trade unions, NGOs and social movements is all the more important. At the World Economic Summit in Davos in early 2019, they started the campaign »Rights for people, rules for corporations«.

## Migration policy: A risk for human rights

Worldwide, a quarter of a billion people are on the move or are refugees because their human rights are violated. For this reason, the United Nations adopted the Global Compact for Safe, Orderly and Regular Migration in late 2018. It states 23 goals through which the international coordination of migration is to be improved and the framework conditions for migration are to be rendered more humane. Moreover, it is about specifically addressing the root causes of migration. The Compact for Migration draws upon international agreements such as the goals and principles of the UN Charter and the Universal Declaration of Human Rights.

The actual migration policy of the EU, however, often looks quite different. This is due to the fact that its primary goal is to prevent immigration. This is exemplified by the controversial agreement with Turkey.

The EU's so-called migration partnerships with African countries are of particular interest in development cooperation: If these countries successfully prevent migration towards Europe, they receive money, whereas if they do not cooperate, the EU can impose sanctions, potentially including trade restrictions. Cooperation agreements on migration between the EU or its member states and African states have existed since the beginning of the century; however, they have gained in importance in recent years and have primarily been oriented towards reducing migration to Europe since 2015. This concerns development cooperation and the Common Foreign and Security Policy.

By now, the EU is cooperating with almost all countries in North, West and East Africa. But human rights organisations such as Amnesty International qualify some of them as problematic with respect to human rights. After all, this means that the EU also negotiates with the governments of countries such as Eritrea or Sudan, which have committed serious and systematic human rights violations and which are often themselves the reason for people fleeing. In those and other countries, such as Chad, Niger, Egypt, Tunisia or Libya, the EU assists the national security forces through training, equipment or funding.

There is a risk that precisely this assistance will also be used to violate human rights – and that the EU will become

complicit. Again and again, Amnesty International has documented human rights violations such as abuse, torture and arbitrary detention of refugees and migrants by the Libyan coastguard, which receives training and equipment from the EU for border management.

In Sudan, the Rapid Support Forces (RSF) take part in managing the borders and are accused of serious human rights violations in the Darfur conflict. As recently as June 2019, members of the RSF committed a massacre of demonstrators in Khartoum, killing at least a hundred people and injuring hundreds more. Although the German government explicitly excludes this group from the cooperation, it is difficult to monitor whether the equipment or funding provided does not actually go to the RSF, given Sudan's non-transparent security architecture.

Moreover, from a human rights perspective, a cooperation is problematic if the intensified border management and the migration control amount to a border closure that prevents people from seeking asylum in a country, or if the cooperation leads to blanket detention of refugees and migrants, without examination of individual cases. Sometimes, refugees and migrants are prevented from leaving transit countries due to migration cooperation agreements or are even imprisoned there and thus exposed to potential armed conflicts in the respective regions without protection. For instance, an air strike against the Tajoura detention centre in the Libyan capital Tripoli in the early hours of July 3, 2019, killed 53 people and injured at least 130, many of whom were refugees and migrants.

All too often, agreements and arrangements between the EU and African countries on readmission do not contain any guarantees for protecting human rights, either. In the cooperation with third countries on verifying identities, there are often no specific criteria for due process; frequently, secret or security services are involved and subject political opponents to systematic persecution in the country of origin.

(Sources: UN, European Commission, Amnesty International)



# Yes to more trade – but with stronger workers’ rights and in peace

The trade agreement between the European Union and Colombia and Peru has been in force since 2013. The opening of markets, ground rules for trade and guarantees for investors are meant to bring economic growth and diversification. Trade and cooperation with the EU were meant to promote the peace process. There is even a package of measures related to human and trade union rights. The bottom line so far: negative.

It is among the most controversial agreements of all. It was originally intended as an interregional association agreement with the three pillars political dialogue, development cooperation and free trade, but the negotiations soon focused on a pure trade agreement of the EU with Colombia and Peru. The talks were accompanied by an intensive campaign of civil society organizations in Colombia, Peru and the EU. They warned of human-rights, social and ecological risks of the trade treaty and called on the EU to wake up to its responsibility. The European and the International Trade Union Confederation advised

opportunities, improving working conditions and raising living standards» and provided a kind of instruction manual that specified which challenges were to be expected and how to tackle them.

From a legal perspective, the agreement is a so-called mixed agreement; in addition to Colombia, Peru and the EU bodies that signed it in 2012/13, the national parliaments of the EU member states also have to approve it. So far, the last country to ratify was Austria in July 2019. However, since Belgium is still missing, the treaty is still only »provisionally« in force.

## The protests led to the Colombian government committing to implementing human and trade union rights.

the European Parliament to vote against the treaty. They denounced the violation of human rights and workers’ rights, the continuing violence and especially the impunity with which all this was allowed to happen.

The protests led to the Colombian government committing to a package of measures intended to ensure that human and trade union rights as well as environmental standards are observed and protected. In 2012, the European Parliament adopted a resolution to highlight the human rights responsibility in the agreement. It declared that the agreement aimed »to promote [...] comprehensive economic development with the objective of reducing poverty, creating new employment

The background for the pressure to quickly overhaul the trade relations especially with Colombia was that Colombia had attained the status of an »upper-middle-income country« according to the World Bank definition and was no longer to enjoy the unilateral trade advantages under the EU’s Generalized Scheme of Preferences after 2014. However, average income is a very poor indicator, as Colombia is characterized by extreme inequality, poverty and war. The working conditions are worst in rural areas, where almost nine out of ten wage earners work in the informal sector. There is no social security, be it with respect to health, occupational safety or the right to a pension. Added to this was the conflict with the FARC, which has officially been resolved in the meantime.

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Port in Cartagena, Colombia. Agricultural exports to the EU are increasing. — Photo: galinast / 123RF

Thanks to pressure from trade unions and other civil society organizations, a human rights clause was incorporated into the trade agreement as an »essential component«. However, environmental and social standards are relegated to a chapter on sustainability that is not subject to the dispute settlement mechanism of the agreement. This is one of the reasons for the meagre results of the agreement. Although the amount of illegal employment has decreased, two million employees continue to be denied basic labour rights. The current government of Iván Duque pursues a policy of economic liberalism with tax cuts for companies and incentives for foreign capital. At the same time, the levies for workers are raised and reforms are carried out that lead to further precarization.

Christoph Saurenbach, the EU Trade Counselor to Colombia, explains that »the best way to diversify exports is to invest in the competitiveness of the economy. With roughly 50 million

Euros, the European Union is providing important assistance to microenterprises for creating jobs in former conflict areas as well as in communities at risk«. In reality, the trade volume has declined since 2013. The positive trade balance of the two Andean countries vis-à-vis the EU has melted away – diversification and creation of value did not come about.

### **Great danger for peace in Colombia**

The peace agreement concluded with the FARC guerrilla in 2016 has further exacerbated the situation instead of improving it. After more than 10,000 fighters had initially laid down their arms, the process is now faltering because the current government is not honouring its commitments. It has cut the budgets for the implementation. Moreover, it is preventing the transitional justice system formed by the truth commission, a special court for peace as well as the special unit for searching

for disappeared persons from taking up their work. All these are institutions that were meant to allow e.g. the trade union movement to submit reports on cases of anti-union violence in the context of the internal armed conflict. This disregard is rekindling the armed conflict – the former fighters are rearming and are now encountering a larger number of armed insurgent groups that had used the power vacuum after the conclusion of the peace agreement to take over former FARC territories that the state had abandoned. These groups include former paramilitaries that obtain their funding illegally, mainly through the drug trade.

In this time period from 2016 to 2018 alone, 73 trade unionists were murdered, and threats against leaders of the trade union movement and violent anti-union attacks increased. Trade unions in rural areas and in the sectors of education, mining and energy are particularly affected. According to a report of the institute Cinep, political violence also claimed the largest number of lives overall: From 2016 to 2018, there were 447 murders, 386 threats, 129 injured and 48 victims of assassination. Since Iván Duque came to power in September 2019, 268 prominent figures from society and the human rights scene as well as 150 former fighters reintegrated into civilian life have been murdered in Colombia.

The gravity of the situation led the European Union to launch the campaign »Let's defend life« (»Defendamos la vida«) in June 2019 to make the groups that are at particular risk visible and protect them. It called on the Colombian government to implement the specific measures of the peace agreement.

## From association agreement to trade agreement

At the start of negotiations in 2007, the plan was to conclude a comprehensive interregional association agreement between the EU and the four countries of the Andean Community (Bolivia, Ecuador, Colombia, Peru). But after Bolivia and Ecuador criticized the EU for failing to take the difference in development between the partners into account, Bolivia left the negotiations, and Ecuador followed suit soon after. However, in this way the EU sacrificed one of its declared development goals: promoting regional integration. Quite the contrary, it exacerbated the conflicts within the Andean Community by forming its »coalition of the willing«.

## Conclusion

There is a crucial link between trade and peace. Only a politically peaceful environment and fair trade offer good conditions for making better use of resources, improving the conditions of production of the country and its people, attracting foreign investment and creating high-skill jobs.

By standing in solidarity with the Colombian people and trade unions, the international community, the United Nations, the ILO and the worldwide trade union movement can do much more to help. They need to call on the Colombian government to provide guarantees for the protection of life, for human rights and the freedom to unionize, and to honour the international commitments entered into by Colombia with respect to labour law.

The cooperation with institutions in Germany and Europe is of fundamental importance at a time when Colombia is joining the OECD. The foreign, trade and investment policy of the European Union must not be lenient towards a partner country like Colombia that continues to violate human rights and the freedom to unionize, destroys the environment and jeopardizes regional peace in Latin America. —

# A response to corporate globalization

The more corporations act multinationally, the more trade unions need to act internationally and in solidarity. For this reason, global union federations have developed global framework agreements. They are increasingly concluding such agreements with transnational corporations in order to enforce the rights of workers and trade unions even where political conditions are difficult.

Global corporations seem to have triumphed. National governments hardly have the power to set boundaries for them. And often apparently not even the will to force them to take responsibility for the impacts of their business activities. This therefore needs to happen at the global level. There is already the UN Global Compact, an initiative for corporate social responsibility which companies and organizations can join if they want to tie their work to inclusive and sustainable criteria. There are also the UN Guiding Principles on Business and Human Rights and the core labour standards of the International Labour Organization.

Where political conditions are right, strong trade unions have enough scope for action and industrial relations are robust, these principles stand a good chance of being implemented for the benefit of workers. For instance through collective bargaining. However, where trade unions are weaker and have reason to fear state or corporate repression, there are no collective agreements that ensure living wages and decent working conditions.

This is the case mainly in the countries of Eastern Europe and of the Global South. And it affects the overwhelming majority of workers who depend on global corporations. In 2016, in the series »Frontline Report« the International Trade Union Confederation published the fact that the 50 leading multinational corporations employ only 6 per cent of the workers who

depend on them, while 94 per cent work for suppliers and sub-contractors. In absolute numbers, these are about 116 million women and men. Their wages and the conditions in which they work are considerably worse, and the most extensive violation of workers' and trade union rights occurs in the supply chain.

The global union federations such as IndustriALL, UNI Global Union, BWI and others have a crucial role to play here: Where corporations act across borders, trade unions, too, are refocusing on international solidarity and collective action and have tightened their bonds. They are thereby giving a voice to many millions of employees worldwide, including at relocated production sites and in supply chains. And more than that: In a federation, they wield more political influence – and have greater bargaining power.

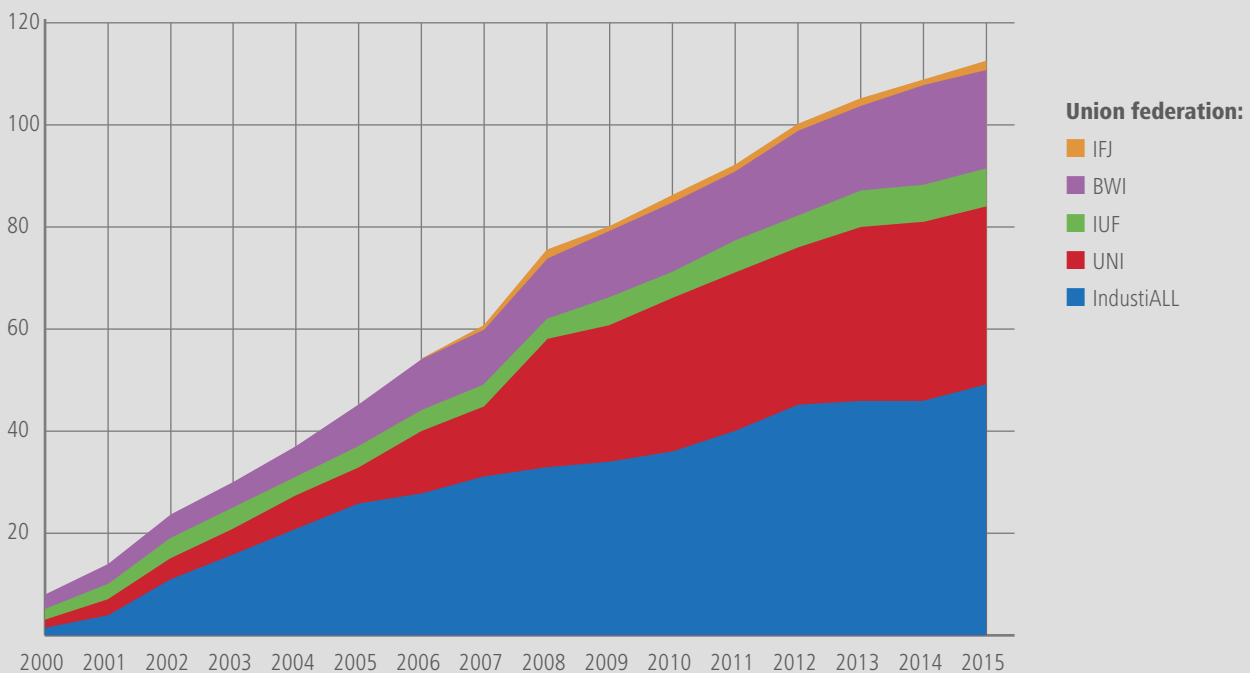
## Global framework agreements for good labour standards in supply chains

In order to promote compliance with international labour standards also for employees in outsourcing companies and suppliers, the union federations have developed an instrument of their own: so-called global framework agreements (GFAs). These are negotiated between corporate management on the one hand and the international trade union confederations and corresponding sector trade unions at the locations of the corporate headquarters on the other hand. In contrast to voluntary initiatives and instruments of so-called corporate social responsibility, these agreements are binding. This allows GFAs to establish and implement standards for trade union rights, health, safety and environmental standards as well as principles for

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## Development of global framework agreements, disaggregated according to global union federations



Source: International Labour Office

decent work across the world, regardless of whether these standards also exist in the respective country.

What GFAs should look like has been set forth by IndustriALL in the »Guidelines for Global Framework Agreements«. »A Global Framework Agreement must explicitly include references and recognition of the rights reflected by the ILO in its Conventions and jurisprudence«, according to the guidelines. In particular, the ILO conventions on freedom of association and the

**Overall, there are currently more than 120 Global Framework Agreements**

right to collective bargaining, on discrimination and forced and child labour must be recognized. Just recently, there has been discussion on how the latest ILO convention on violence and harassment in the world of work (C190) can also be included in the canon. The crucial content of the GFAs is that rights apply equally worldwide at all company locations and that they also compel suppliers to adopt the standards.

IndustriALL has so far concluded GFAs with nearly 50 multinational corporations, and they apply to more than 10

million employees. Altogether, there are currently slightly more than 120 such agreements.

However, the problem often lies in implementing the agreements on the ground. Theoretically, the GFAs have to »cover all company operations throughout the world without exception« and compel the multinationals to ensure that suppliers and subcontractors also adopt the standards for their employees. In practice, trade unions in the countries of production often do not have the power to do this because they are not strong enough or are subject to constant repression. Moreover, not all local trade unions are aware of the content of the GFAs – or they do not know how they can use them. Thus, there is a need for educational projects such as those supported by the DGB Bildungswerk.

### Implementation on the ground – the example of H&M

An example where these difficulties were taken into account in advance and implementation measures were already incorporated into the agreement is afforded by the GFA concluded by IndustriALL and the Swedish trade union IF Metall with H&M in 2015. It is intended to protect the interests of 1.6 million textile workers from the roughly 1,900 supplier factories.





Textile workers appeal to the responsibility of the countries of the Global North. — Photo: IndustriALL

The textile sector is generally a difficult sector. The multinational clothing companies operate on a procurement model that constantly demands more products at lower prices. For this purpose, they relocate production to countries where working conditions are particularly precarious. Poverty wages, excessive working hours and oppression are the everyday routine

of the millions of employees there, mostly women. If they want to defend their rights, they have to overcome great obstacles: The employers are themselves subject to pressure from the global corporations, and governments often attach more importance to foreign investment than to the conditions under which workers are employed.

## Global union federations

Global union federations are the international confederations of national sectoral trade unions. There are currently eight such global union federations that each represent several sectors under one umbrella. They represent trade union concerns on the international stage and thus give workers a voice at the global level. They coordinate projects and campaigns and in turn support the work of their members at the national level. One major task is to establish free trade union structures in countries of the Global South, sometimes through educational work. For trade unions in industrialized countries, their main significance lies in their information services and coordinating activities. In the long term, they aim to further strengthen the sector-specific capacity to act and to represent interests at the national and international levels. One example is the global union federation IndustriALL Global Union. It

unites national trade unions from different industry sectors and represents more than 50 million workers in 140 countries. The IG Metall and the IG BCE are members from Germany. Next in order of size are Education International (EI) and Uni Global Union for the service sector. The United Services Union ver.di (Vereinte Dienstleistungsgewerkschaft) is represented in the latter. The global union federations are in close cooperation with the International Trade Union Confederation (ITUC). The ITUC is the confederation of the national umbrella organizations of trade unions. The DGB is one of its 305 member organisations (as of 2007). The main task of the ITUC is to strengthen the rights and interests of workers through the international cooperation of trade unions, lobbying and campaign work at the global level.

# GLOBAL FRAMEWORK AGREEMENT



GFAAs are intended to ensure labour rights in the entire production and supply chain. — Photo: IndustriALL

The cooperation between IndustriALL and H&M in the framework of the GFA aims for permanent improvements and fair living wages for all 1.6 million employees. It obliges H&M to »actively use all its possible leverage to ensure that its direct suppliers [...] respect human and trade union rights«. This means that workers' representatives have a voice and trade unions can bargain collectively. National Monitoring Commit-

tees supported by a central steering committee provide a framework for the cooperation. They comprise representatives of IndustriALL, of trade unions from the countries of production and of H&M. They were first established and trained in Bangladesh, Cambodia, Indonesia, Myanmar and Turkey, and meanwhile also in India. There they form national structures in which the social partners can peacefully resolve disputes in negotiations – primarily at the factory level, where they arise. This has proved successful in many cases. Even conflicts that had in part arisen due to misunderstandings and lack of communication and had at first led to strikes and dismissals were defused after negotiations initiated by IndustriALL and H&M. In one case in Myanmar, all dismissed employees were reemployed, and a trade union was founded. In addition to resolving disputes, the Monitoring Committees also offer a platform for cooperation and capacity building. —

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# Countries and regions







Protests of workers in the textile sector in Bangladesh. — Photo: Gordon Walters



# Brazil's government agenda: Ultraliberal and right-wing extremist at once

Violation of trade union rights, labour and pension reform, deforestation:  
Brazil's President Jair Bolsonaro is currently eroding democracy and robbing  
the country of its future. The trade unions are fighting for nothing less than  
the preservation of civilization.



The population is on the barricades: demonstrations for democracy and freedom. — Photo: CUT

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Since January 1, 2019, Brazil has fundamentally changed. Michel Temer had already made a start, and President Jair Bolsonaro is now in the process of actually completing the ultraliberal and right-wing extremist transformation that had been initiated by Temer's illegitimate interim government. To the detriment of democracy, labour rights and the environment.

In the middle of the last decade, Brazil finally seemed to have rediscovered its true potential: an expressive and vibrant cultural diversity, enormous biodiversity, vast natural resources, diverse energy sources and a relevant industrial park. And the country was in the process of using this basis for building the nation.

The governments of Luiz Inácio Lula da Silva and then Dilma Rousseff promoted important social reforms that alleviated poverty and inequality. 20 million jobs were created, 40 million Brazilians managed to climb up the social ladder.

This was facilitated by the implementation of a new model of social and economic development. It gave priority to strengthening the domestic market, without giving up Brazil's historical, political and economic ties to the most developed countries. It intensified the integration between the countries of Latin America and Africa and with the other so-called BRICS countries, i.e. Russia, India, China and South Africa. Full respect for multilateral organizations and human rights was at its core. In December 2009, Lula left office with an approval rating of 80 per cent of all Brazilians and was, according to the historian Perry Anderson, »the most successful politician of his time«. Rousseff becomes president and continues Lula's policies.

### **The protests are hijacked by conservatives**

But this important episode of social reforms only lasts a short time. In June 2013, a wave of protests spreads to hundreds of Brazilian cities and mobilizes millions of people to the largest street demonstrations since the pro-impeachment movement against President Fernando Collor in 1992. Initially, the demonstrators fight against increased bus fares, then for more and better public services, more public participation and democratic reforms. However, conservative groups and media then claim the prerogative of interpretation and gradually gain discursive hegemony. A variety of incoherent and often contradictory demands gains in strength and is largely at odds with Rousseff's government. The president loses more than half of her 60 per cent approval rating and enters a permanent crisis that will end

in a parliamentary coup in April 2016, despite a narrow reelection in October 2014.

This sequence of events can only be explained by cyclical and historical factors that can be regarded dialectically, at once as economic and political, institutional and cultural causes and effects and as tragedy and farce. Some of these factors are the effects of the 2008 global crisis and the speed of the economic and social changes made since 2003. They also include the fragility of the institutions of democratic rule of law and the insufficient commitment to democracy and human rights by Brazil's political right. The grave economic crisis, which has been worsening since 2014/2015, and also the so-called Operation Lava Jato and lawfare against former President Lula contribute to this. He received a long prison sentence for corruption but denies the accusations and points to a political conspiracy. What is clear is that Lula's imprisonment prevented his candidacy in the presidential election in 2018 and thus probably contributed to Bolsonaro's election. In addition, there are geopolitical interests, particularly after the discovery of the Pré-Sal oil fields, and the international rise of right-wing extremist movements.

### **Symbiosis of market and right-wing interests**

In any case, Bolsonaro's election is without doubt the most fatal chapter in this entire process. Jair Bolsonaro, President of the Republic, is a military apologist of the worst things in our history: three hundred centuries of slavery, structural authori-

## **Solidarity with Brazilian colleagues**

In an open letter to the boards of the IG Metall, ver.di and the German Trade Union Federation (DGB), numerous German trade union members call for solidarity with the Brazilian colleagues. Moreover, they object to German companies supporting the right-wing extremist government of President Jair Bolsonaro. The letter was signed by more than 100 members. The signatories are outraged that leading representatives of German companies such as VW, Mercedes and Deutsche Bank have declared their support for Bolsonaro's policies. German investments play a major role in Brazil; the 12,000 German companies account for up to 10 per cent of Brazil's economic output. The authors also express their fear that their Brazilian colleagues will fall prey to despotism and violence. In fact, Brazil has repeatedly been the scene of murders of political activists that stand up for human or labour rights, many of them from the indigenous population

tarianism, a long military dictatorship marked by torture and murder and a systematic disregard for human dignity. In a nutshell, Bolsonaro unites a drive for destruction and death which runs through the entire Brazilian society. In his nearly 28 years of parliamentary activity, he has made a name for himself by systematically attacking human rights and making an endless series of macho, misogynist, racist and LGBTphobic statements.

There is a clear line of continuity between the crisis starting in 2013 and Bolsonaro's election. In Brazil, there is a symbiosis between the extreme right and the interests of financial and capital markets. The so-called market supports Bolsonaro.

### The labour reform act

One example of this ultraliberal programme is the labour reform act 13.467/2017, which was passed by the Temer government in 2017. It promises to modernize industrial relations, create jobs, promote more and better collective bargaining and fight informality. None of these promises has been kept. Quite the contrary. This very reform is responsible for Brazil being placed on the list of countries with the most serious breaches of the conventions and recommendations of the International Labour Organization (ILO). Brazil is accused of violating conventions 98 and 154, the conventions on the right to assembly, the right to and the promotion of collective bargaining.

The accusations of the Inter-American Commission on Human Rights (IACHR), which condemns the labour reform in its »Preliminary observations of IACHR's in loco visit to Brazil«,

## Among the top 10 of the worst countries

According to the ITUC Global Rights Index 2019 (see page 13), Brazil is among the 10 worst countries in the world as regards violations of labour and trade union rights. On the dismantling of the collective bargaining system, the authors write: »Since the adoption of Act No. 13.467, the entire collective bargaining system has collapsed in Brazil. The revised Consolidation of Labour Laws (CLT) established as a general principle that collective agreements prevail over legislation, and that it was therefore possible through collective bargaining not to give effect to the protective legal provisions, with the sole limit of a few labour rights set out in the Constitution. Almost two years on, the Act has had dramatic effects on industrial relations with a drastic decline of 45 per cent in the number of collective agreements concluded in 2018. There is also a worrying trend of employers withdrawing labour rights and pressing for lower wages at company level.«

since it »favours work situations in conditions akin to slavery«, are just as serious.

According to the economic research institute Fundação Instituto de Pesquisas Econômicas, 2018 saw little more than half of the collective bargaining compared to 2017. In addition, individual workers find themselves forced to waive the rights guaranteed to them by collective agreements. A stipulation nullifies clauses of conventions that are advantageous for workers. There is an increasing number of precarious contracts and contracts that try to disguise the actual employment relationship.

The labour reform thus amounts to a return to the industrial relations of 100 years ago and represents a failure of the struggle for social justice. Currently, the National Congress is working on the so-called Provisional Measure 881/19, which is to deprive workers of further rights. Pensions are also under fire. The reform proposal of the Bolsonaro government provides for drastic restrictions on access.

### The pension reform

In 2019, the country's biggest trade union federation, the CUT Brazil, together with other trade union federations and social movements, made great efforts to inform parliamentarians and launched a series of initiatives that mobilize against the pension reform. This included the »united demonstrations of all trade union federations on May 1«, »the general strike against the pension reform« on June 14, when actions for the right to a pension were carried out in 375 cities, and the »national day of struggle against the pension reform« on August 13.

These mobilizations were partially successful, as some of the most grievous items in the bill were removed from the draft; however, the pension reform is still at the expense of the working class: It draconically extends the minimum age and provides for overly rapid transitional arrangements; it extends the minimum contribution period required to be eligible for pension benefits, and it reduces the pension value. Even those who manage to receive a pension mostly get so little that they live in precarious conditions.

### The right-wing extremist project

And Bolsonaro flanks this ultraliberal project with a right-wing extremist one: His short time in office has been characterized by permanent attacks on homosexuals and other minorities. His speeches and interviews are loaded with insults and attacks. Artists and the cultural sector are subject to censorship, in particular in the case of films with LGBTI themes. The public prosecutor's office and other supervisory bodies are too corrupt to hold out any prospect of support against the president. The opposition even has to deal with threats, and the chair of the Brazilian bar association with direct attacks. The memory of



those murdered by the military dictatorship is disturbed. Cronyism has spread. For instance, Bolsonaro tried to appoint one of his sons as Brazilian ambassador to the United States. Public funding for education was cut, the freedom of professors and the autonomy of the federal universities were called into question.

And environmental degradation has also gathered momentum: an unprecedented number of agrochemicals were approved and applied, environmental protection is being completely ignored. The huge increase in deforestation in the Amazon region has caused worldwide outrage. In July, 278 per cent more forest area was destroyed than in the corresponding month in 2018. This was shown by the monitoring of the National Institute for Space Research (INPE); it is the biggest increase since 2014. As a reaction to the publication of these indices, Bolsonaro dismissed the President of the INPE, Ricardo Galvão – a researcher appreciated around the world for his excellent scientific work.

Instead of assuming responsibility for the deforestation, Bolsonaro prefers to attack Germany and the German chancellor Angela Merkel as well as Norway. The reason is that in August 2019, Germany and Norway blocked new funds for the Amazon fund. The funds go to non-repayable investments in measures that are to prevent, monitor and combat deforestation and that aim at the protection and the sustainable use of the legal Amazon area.

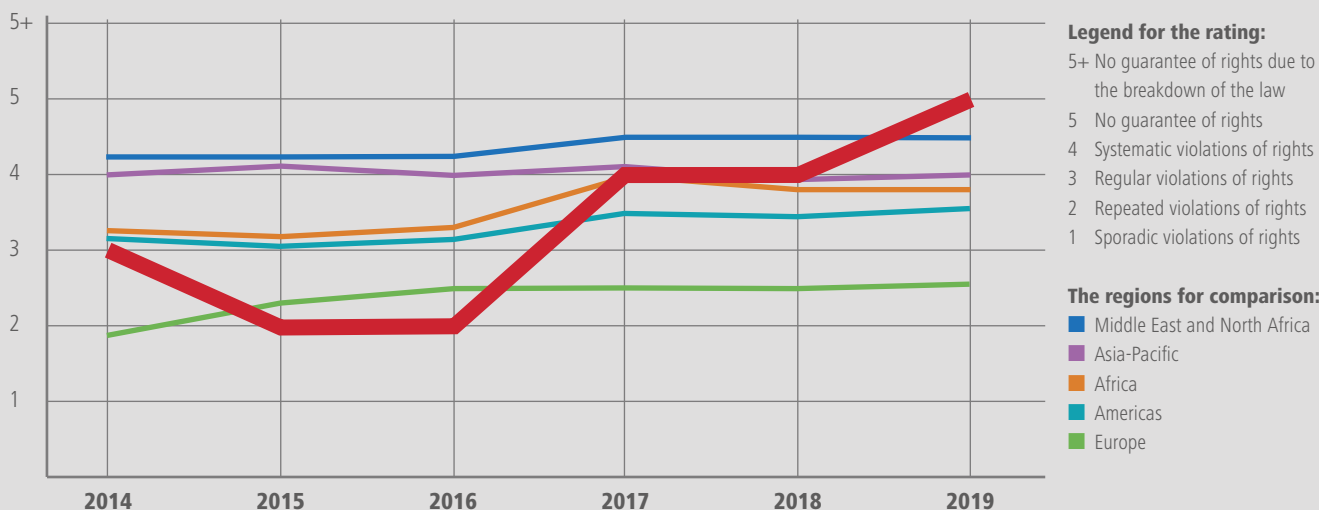
At the G7 summit in the French city of Biarritz in August 2019, Bolsonaro was severely criticized by world leaders. The French President Emmanuel Macron declared that Bolsonaro had »lied« regarding his obligations towards the environment and announced that, under these circumstances, France would oppose the free trade agreement between the European Union

and Mercosur. The German Chancellor Merkel, who also criticized the environmental policy of the Brazilian government, shared Macron's concern about the fires. But she said that stopping the trade agreement would not contribute to a decrease in deforestation, either.

### Conclusion: It is a fight for civilization

Bolsonaro represents the biggest threat to Brazil's democracy since the redemocratization of the country in the 1980s and is a final test for what remains of our institutions. His ultraliberal project – the dismantling of the state, privatizations and attacks on national sovereignty – and his authoritarian agenda of the extreme right and of disregard for civilization and human rights aim to destroy democratic rule of law as we know it. Brazilian workers and their organizations, such as the CUT, are not »only« fighting for democracy. They are fighting for civilization. —

ITUC Global Rights Index, six-year regional trend: **Brazil in comparison**



Source: ITUC



# Sub-Saharan Africa: China is a major challenge

Conflicts, climate change, population growth: The African countries will be facing gigantic tasks in the years ahead. Thus, Chinese investment is welcome. But it also brings new problems that trade unions will need to confront.

The optimistic expectations for economic growth in sub-Saharan Africa from the years 2010 to 2014 have long yielded to more realistic assumptions. Currently, economic output is growing by slightly more than 3 per cent annually. However, this growth is distributed very unevenly across the national economies and does not reach the large majority of the people who live here. To the contrary: One quarter lives in poverty; sub-Saharan Africa is the only region worldwide where the number of hungry people has not decreased in recent years. This is partly due to the region having the fastest population growth worldwide.

This rapidly growing workforce, which lacks a matching number of new jobs, is perhaps the greatest but not the only challenge. Falling resource prices that impede economic development are compounded by a combination of civil wars and the consequences of climate change becoming visible: In addition to increased droughts, the recent cyclones have been inflicting serious damage. »Idai« claimed more than 1,000 lives in Malawi, Mozambique and Zimbabwe; »Kenneth« caused 52 deaths in Mozambique. Factories, houses, bridges, sports facilities and other infrastructure need to be rebuilt.

Relations with China are highly significant in this challenging situation. Since the turn of the millennium, mainly Chinese companies, state and private, have been flocking to African countries. They seek resources, new markets and other business opportunities. China overtook the US as the largest bilateral trading partner of the continent already in 2009 and has been extending its lead ever since. But the new world power is not only the largest trading partner and the largest bilateral investor, it is also cementing its economic relations with sub-Saharan Africa through development aid, debt relief, academic

scholarships, training and provision of specialists. Chinese loans are often tied to Chinese companies profiting in turn. For instance, Chinese companies supply materials for local construction projects (see box on page 50).

But for the population and trade unions, China's growing influence also has a downside. The Chinese employers are driving a development towards insecure and precarious jobs; they outsource entire production sectors and work with subcontracts and temporary contracts. They pay low salaries that often lie below the minimum wages, withhold contributions to social security and have repeatedly used gender-specific violence to ensure the compliance of the employees. If an employer does get into trouble with the authorities or the courts, management pretends not to understand English or another official language and thus to have violated occupational safety and health laws inadvertently. Towards trade unions and organized workers they behave aggressively and like to hide behind their relationship with the respective governments.

## Trade unions as key actors

Even though workers organized in trade unions are rarely more than a small minority of the population in this region, trade unions did and do play a significant political role. In many African economies they occupy strategic positions, particularly in the traffic infrastructure sector. They have a spatially concentrated organizational basis as well as a certain symbolic power, which derives from their historical participation in the struggles against colonialism, apartheid and authoritarianism.

In order to understand how this came about, we should take a look back. In the decade after the end of formal colonization, there were at first fierce debates over how much autonomy from the new government parties should be granted to the trade unions. In the last years of colonial rule, the relationship had repeatedly changed, leaving the employees uncertain about what they could rely on. Ultimately, in the 1970s, politically independent trade unions were usually not allowed,

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Chinese investments have been flowing into the country already since the turn of the millennium. Construction work on a roundabout in Nairobi, Kenya in 1999. — Photo: Khalil Sense / AP / picture alliance

and attempts at forming them were suppressed. But at least since the structural adjustment processes imposed on African countries for the resolution of their debt crisis, trade unions regained importance and played a key role in protests against neoliberal reforms. In some countries, they then also contributed to a political transformation towards democracy.

Currently, trade unions are facing the major task of also taking into account the nonorganized employees and especially the growing informal sector. This is the only way to prevent companies from using the precarious employment in that sector to lower the level of wages and working conditions.

The Building and Wood Workers' International has a par-

ticular role to play in this regard. Since 2018, the BWI region Africa & Middle East has mobilized thousands of workers and called for support for industrial action in various countries. BWI member organizations in Africa have organized the workforce

**A major task is to reach the nonorganized employees.**

in various multinational companies – including Chinese ones: In October 2018, 22 trade unions from 17 countries had a total of 71,378 members who were employed in 170 Chinese multinational corporations. There were 56 collective agreements at the company and national levels.

However, implementing existing laws and collective agreements is still a major task. For instance, lawsuits that trade unions brought in Kenya to clarify issues are still winding their way through the courts. In Zimbabwe, trade unions have repeatedly called for strikes to force employers to respect collective agreements. In Ghana, the Chinese ambassador was successfully involved.

## Sub-Saharan Africa

The region of Africa south of the Sahara (sub-Saharan Africa) includes 49 of the 54 African states, namely all except the five Arab countries on the Mediterranean. In 2016, more than one billion people lived in this region. Because the region has the most rapid population growth in the world, the German Foundation for World Population (Deutsche Stiftung Weltbevölkerung) estimates that this number will double by 2050.

## Tied aid in development projects

Tying aid to contracts for companies of the donor country used to be standard practice in development cooperation and was heavily criticized. In 2001, the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD-DAC) recommended ending this practice. Most Western donors are OECD members and have now mostly untied aid; only 12 per cent of aid is now tied. Nevertheless, more than two thirds of all contracts are awarded to companies whose seat is in the donor country. There is not enough transparency to determine whether the aid is indeed untied in practice.

- taking trade union measures to organize workers, supporting trade union measures for employment of workers and for collective bargaining and improving the protection of all workers independent of their contractual status
- active support for signing global framework agreements on labour rights and occupational safety and health – through participation in trade union and company networks
- implementing and supporting campaigns against selected multinational corporations if they do not comply with regulations on health, safety or working hours
- collecting empirical data on trends and developments in the area of supply and outsourcing in the cement industry
- improving the monitoring of labour standards in outsourcing companies —

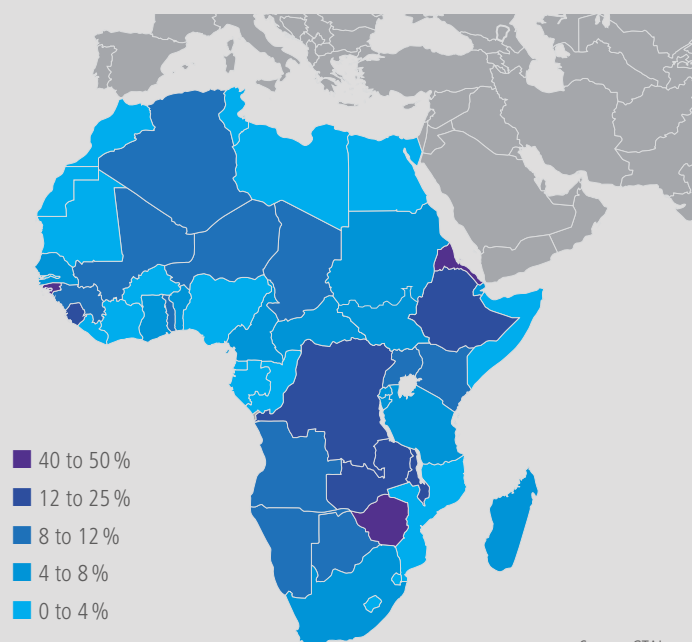
### Strategic Plan 2018-2021

In order to allow national trade unions to improve their positions, BWI has developed strategic goals. The implementation is to be aided by networks for employee representatives and organizers that offer trainings on innovative forms of organization, occupational safety and health and collective bargaining in Chinese companies. The participants are also to learn how to gather evidence when workers' and trade union rights are violated. Exchange programmes between African and Chinese workers are also being encouraged. Furthermore, there is to be an organizing academy for imparting knowledge and background information on the activities of multinational companies and international financial institutions in Africa to trade unionists and researchers.

In parallel with the work on the ground, the Building and Wood Workers' International and its member organizations directly address the headquarters of the multinational corporations that are active in sub-Saharan Africa to make them assume their responsibilities. Their activities include

- further discussions and joint activities with these interest groups
- mapping important construction projects, including China's ambitious global project, the Belt and Road Initiative
- trainings on organizing and occupational safety and health
- a campaign on compliance with the ILO conventions, in particular freedom of association, right to collective bargaining and health and safety at work in cement companies

### China's share of foreign direct investment in Africa end of 2019



Source: GTAI

# On the offensive with four points

## Strategies of South and South East Asian trade unions

In India, Bangladesh, Cambodia, Indonesia, Malaysia and Myanmar, neoliberal measures of the international financial institutions and the governments have worsened the situation of the working population. With the help of global union federations such as the Building and Wood Workers' International and the Public Services International, the trade unions have developed a self-empowerment strategy against the fragmentation of industrial relations and exclusionary xenophobic tendencies.

The current economic system has exacerbated misery and migration. The fragmentation of production processes, which are sometimes spread over the entire globe, results in the informalization and invisibility of work and workers. At the same time, right-wing forces are gaining strength, and with them the idea of a pure nation, of races and castes. The link between capitalist exploitation and xenophobia goes far back in human history. The degradation, sometimes demonization of e.g. women, certain castes and ethnic minorities fulfils a function. This became especially clear during colonialism. Enslaving and exploiting human beings was also justified by arguing that they belonged to a lower race. The appreciation of the universality of

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The women's trade union LEARN Mahila Kamgaar Sanghatana (LKMS) organizes home-based workers in India. — Photo: privat



## Cooperation between media and trade unions in Malaysia

The cooperation between trade unions and media in Malaysia is bearing fruit. In 2018 and 2019, two spectacular reports on the violation of workers' rights caused a stir – and forced the judiciary and policy-makers into action.

In the first case, journalists and trade unionists exposed the inadequacy of occupational safety and health measures on building sites that employ Nepalese migrants. When two workers who were working high up without protective gear fell down and died, the employer tried to portray it as an accident for which he had no responsibility. Like many other companies in similar cases, he did not want to pay any compensation. According to estimates, there is one death per day on Malaysian building sites. Based on the report, criminal proceedings were initiated, and the relatives won their case.

In another case, there was a veritable system with which companies in the construction or maintenance sector lured Bangladeshis willing to work to Malaysia with a legal work contract. Upon arrival, however, they had to work for other companies, often in supermarkets or smaller businesses that immediately confiscated their passports. This turned them into illegal migrants and made them entirely dependent on the companies, which threatened to report them to the police in case of complaints. The original contracting companies received money from the businesses to which they passed on the workers. When the system was exposed, the companies first claimed to have business ties and argued that this justified the ad hoc agreement.

human rights has to be fought for and protected again and again. Nowadays, however, right-wing ideologies and an economic system that promotes individualism are an obstacle to solidarity and collective action.

Moreover, in order to reduce the influence of trade unions, governments have tried to restrict their rights through labour reforms. Due to the outsourcing of production processes, working conditions in many places anyway elude public and trade union control. However, trade unions are not sitting back and tolerating the attacks on democratic values and rights. In the following, the examples of India, Bangladesh, Cambodia, Indonesia, Malaysia and Myanmar will illustrate what counterstrategies trade unions are developing.

What the five countries have in common is high growth rates and a strong influence of right-wing xenophobic forces. Yet, they are in very different stages of development, with the economic output per capita fluctuating between 1,326 US dollars in Myanmar, 2,000 in India, 3,830 in Indonesia and 11,239 US dollars in Malaysia. But all of them are pursuing neoliberal policies in line with the international mainstream, represented by the World Bank and the International Monetary Fund, for example, which see the labour standards and trade union rights as obstacles to the growth of the private sector.

### The counterstrategy of the trade unions

The trade unions in India, Bangladesh, Cambodia, Indonesia, Malaysia and Myanmar are confronting the neoliberal and right-wing forces. Their strategy is, firstly, to attempt to organize more people, especially those who are considered difficult to organize; secondly, to look for allies in media and politics; thirdly, to revive democratic ideals and strengthen democratic institutions and practices; and fourthly, to seize the opportunities of digital technology and media.

#### 1 Involving those who are informally employed or seemingly cannot be organized

In Asia, informal work makes up a large part of the existing work. Some of it even takes place within the formal sector. For instance, in South Asia female health professionals work for state-run programmes but are considered »volunteers« or »health visitors«, not staff.

The Public Services International (PSI) has recognized that union statutes which restrict the participation of informally employed workers are problematic. For this reason, it is trying to change those rules and create opportunities for participation on the one hand and to strengthen the organization of informally employed workers on the other hand, with the experience of the workers playing a decisive role.

In Pakistan, for instance, the PSI member organizations have made sure that »female health workers« now count as workers. In India, too, the PSI is fighting for such a recognition of purportedly voluntary health workers in the wealthiest local authority in India, the Brihanmumbai Municipal Corporation. Other informal workers also observe and welcome such legal steps, for example informally employed court clerks who do not enjoy the same privileges as higher-ranking judicial employees.

Further approaches by trade unions include the establishment of welfare committees for domestic workers and support for apprenticeships e.g. in masonry or painting in Bangladesh. This allows women to gain formal recognition, which will help them in future negotiations with employers.

## ITUC Global Rights Index: South and South East Asia



Many young people work in the IT industry and in retail and often have long working hours, work overtime and are highly controlled by management. This situation makes it difficult for workers to organize. Nevertheless, there are some attempts in India. The traditional trade unions also realize the grievances but have similar difficulties in collectivizing workers.

In order to reach these young people, the Bangladesh Institute of Labour Studies (BILS) has created an internship programme with a scholarship for students. It aims to raise aware-

**Long working hours, overtime and monitoring make it difficult for workers to organize.**

ness for and interest in working conditions and labour law among students. In addition, the Asia Pacific Youth Network was formed in 2006. The goal is to win young workers over to trade unions and to formally involve them in trade union structures in order to guarantee the continuity of workers' struggles. This approach also attempts to broaden the imagination of a

generation which has perhaps only experienced the individualizing and alienating effects of privatization, globalization and liberalization.

## 2 Looking for allies

The structural adjustment programmes imposed by the World Bank and the International Monetary Fund in the 1980s were accompanied by neoliberal spin. As a result, trade unions lost public esteem. They were denounced as obstacles to economic growth. The scientific work of BILS researchers turned out to be helpful. They improved the public image of trade unions again by systematically shedding light on working conditions and the role of workers' representatives in negotiation processes.

At the same time, the trade unions tried to establish links with the media. They invoked their historical role in the struggle for an 8-hour working day and other fundamental workers' rights. In Bangladesh, there are now several media houses that report on working conditions and also breaches of labour law. They thus help create public awareness of the problems of workers and shame employers. These media reports may also support the negotiations of the workers (see box on page 52).

In general, the trade unions endeavour to point out alternatives to neoliberal policies to the public. An example is afforded by remunicipalization as an alternative to privatizing public utilities such as water. They also aim to educate global policy-makers, managers, but also ordinary workers in the companies concerned about the consequences of business practices. Last but not least, their aim is to make negotiations e.g. of trade agreements such as the Regional Comprehensive Economic Partnership (RCEP) public. Critics argue that these negotiations take place in secret and without proper involvement of the parliament.

### 3 Protecting democratic institutions

Active participation in the public discourse and critical monitoring of government policies are essential elements for building and protecting democratic structures and institutions. But the trade union strategies also include defending an independent judiciary and supporting the indigenous population in their struggle for their rights, for instance in the climate crisis.

The Building and Wood Workers' International (BWI) connects the rights of workers and of indigenous communities in a stewardship council and in a programme for certifying forests for the purpose of promoting sustainable forest management. Concretely, BWI advocates involving local communities. They should be informed and asked if their traditional land is to be released for economic use. In Myanmar, the trade unions support the communities in their struggle against a dam project that is being promoted by the Chinese authorities.

### 4 Dealing with digitalization

Members of the Hong Kong Federation of Trade Union Movements have participated in the recent »leaderless« struggles in Hong Kong against the changes in the extradition bill. The participants relate that they spread their slogans and protest actions via social media platforms such as Telegram and also discuss them and vote on them there.

In general, trade unions can use social media and visuals to make public opinion visible and to influence it. At the last Asia-Pacific Regional Conference of PSI in 2019, which took place in Indonesia, trade unionists went »live« to support the global climate strike, which prompted international media to report on it.

In addition, these technologies can also serve as a platform for reaching out to workers and working with them. BWI Connect is a text message hotline for migrant workers who report violations of labour law and need advice. This is not just a way of reaching out to workers who are particularly affected by hatred and discrimination. The exchange and the networking are also an opportunity for strengthening the trade unions.

However, employers use new technologies also for surveillance, control and management of workers in the context of fragmented production processes. The so-called gig economy, for instance, provides opportunities for employers to shirk their responsibility by claiming that they do not employ IT workers, for example, but consider them entrepreneurial business partners.

While in this form technologies are repressive and detrimental to workers, experience shows that trade unions also use them successfully – to organize workers, create alliances, protect democracy and enforce trade union rights. —

# Trade union rights worldwide

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## Index of infoboxes

The kafala system	11
Global Rights Index	13
Where are trade union rights enshrined internationally?	17
The »binding treaty« process	18
The core labour standards and »enabling rights«	21
Partial successes of the ILO in Qatar	22
Origins and history of the ILO	23
CSR or CA: Voluntary or binding	28
Migration policy: A risk for human rights	34
From association agreement to trade agreement	37
Global union federations	40
Solidarity with Brazilian colleagues	45
Among the top 10 of the worst countries	46
Sub-Saharan Africa	49
Tied aid in development projects	50
Cooperation between media and trade unions in Malaysia	52

## Index of figures

ITUC Global Rights Index:	
The world's worst countries for workers	12
Six-year global trends:	
Increasing use of violence, arrest and detention	13
International human rights and ILO conventions	15
International Labour Organisation: Structure	21
A brief history of the ILO	22
The world of trade agreements	33
Development of global framework agreements, disaggregated according to global union federations	39
ITUC Global Rights Index, six-year regional trend:	
Brazil in comparison	47
China's share of foreign direct investment in Africa end of 2019	50
ITUC Global Rights Index: South and South East Asia	53







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