

Statement by Mr. Ulf Edström (Sweden) on behalf of the Workers Group on the 332nd Report of the Committee on Freedom of Association (CFA), 19.11.03



Mr. Chairman!

The Workers Group supports the statement by the Rapporteur and asks for the adoption by the Governing Body of the conclusions and recommendations of the Committee.

At the last three meetings of the Governing Body the Workers Group have expressed its extreme worry about the situation in **Belarus (case 2090)**. Now for the 4th time this is mentioned as an especially serious and urgent case - as the Government has taken control over the free and independent trade union movement and arrested trade unionists trying to exercise their fundamental trade union rights. As could be seen in paragraph 350 the Committee deplores the involvement of the President of Belarus in these violations of freedom of association. There is no response at all by the Government on the requests made to it by the Committee and the GB (including requests to amend the legislation - which instead according to paragraph 357 rather seem to have been worsened), despite our clear message and warnings to this government member of the GB. The excellent Report of the ILO mission confirms the total absence of political will by the Government. This deplorable attitude is further confirmed by the rejection by the Government a couple of days ago to allow the ILO to implement technical assistance projects aiming at promoting protection of workers rights, democracy and economic reforms within the framework of a tripartite dialogue and emergency assistance to trade unions. This is why the WG strongly endorses the recommendation by the Committee to refer this case to a Commission of Inquiry!

Zimbabwe (case no 2038) was mentioned as a specially serious and urgent case and shows the continued interference and harassment including arrests and detention of trade unionists. As also could be seen in **case no. 2081** the Committee again strongly requests the amendment of the legislation that gives excessive wide power of the authorities to enter and search trade union premises including its financial records at any time and without any reason. In addition, in **cases no. 1937 and 2027**, the Committee again requests the amendment of the new Labour Amendment Bill, so that the trade unions should be able to take industrial action in questions of economic and social policy, without any sanctions imposed. Apparently there is no political will at all by the Government to follow the recommendations made by the Committee and the GB and to respect freedom of association! We just learned that yesterday (November 18) 350 people were arrested in Zimbabwe. They belong to the Zimbabwe Congress of Trade Unions (ZCTU) and other civil society organizations. ZCTU President, Vice-President and General Secretary are among them.

As mentioned by the Rapporteur also **Cuba (case no 2258)** has been mentioned as a serious and urgent case. The WG fully supports the requests made to the Government to allow workers to organize freely in trade unions and to ensure the effective recognition of the right to strike. We cannot but deeply deplore the extreme long sentences against trade union officials of CUTC and CTDC and we expect the immediate release of those imprisoned. The Committee also underscored that when the national legislation designates a particular trade union (or employers' organization) it violates the provisions of conventions 87 and 98. We do hope that the Government will change its current attitude of non-cooperation with the ILO in this respect and that it will accept a direct contact mission as recommended by the Committee.

The **case no. 2227 on United States** deals with the fundamental question of whether around 8 million undocumented workers are effectively protected against violations of their freedom of association. The WG agree with the Committee in its conclusion that the remedial measures now available in cases of anti-union discrimination are inadequate and that the legislation needs to be amended. I assume that such precarious situations of undocumented workers will be further revealed during next year's discussion on migrant workers at the Labour Conference.

Case no 2201 on Ecuador, involving extreme violence and intimidation against workers on strike at Los Alamos ranch, was dealt with in November last year. This case is worth reading as it shows the shortcomings in a country despite having ratified C. 87 and 98. The Committee appeals to the Government to promote collective bargaining for workers employed at the ranch. It requests the Government to amend its legislation so that workers dismissed due to anti-union discrimination could be reinstated. The Government is also requested to prevent violence against workers in collective disputes. Like the Committee the WG stresses the importance of the introduction by the Government of stronger penalties for such violence against workers - penalties which are sufficiently dissuasive against such crimes.

For us in the WG the **case no. 2252 on the Philippines** is an illustrating example of how a MNE - apparently with little regard for corporate social responsibility - has done everything in its power during a number of years to prevent the recognition and certification of the Toyota Motor Philippines Corporation Workers' Association (TMPCWA). Here the Government is being obliged to introduce in the legislation procedures for a fair, independent and speedy certification process. Likewise the Committee request the Government to amend the Labour Code as it has allowed the Secretary of Labor and Employment to submit this dispute (and any dispute likely to cause a strike) to compulsory arbitration with the argument that the Toyota Motor Company represents "an industry indispensable to the national interest" - which totally contradicts the provisions of C. 87 and 98 ratified by the Philippines. In addition, the legislation has disproportionate sanctions for participating in an illegal strike. The WG urges the Government to reinstate the 227 workers dismissed as well as the 15 trade union officers that lost their employment

status.

The WG is worried about the situation at various textile companies in **Cambodia (case no 2262)** where numerous trade unionists have been dismissed and who should be reinstated. We are in doubt whether the Government is taking violations of freedom of association seriously!

The WG is also concerned, in relation to **case no. 2086 (Paraguay)**, of the unacceptably long judicial proceedings and the retroactive application of criminal law against trade unionists. Like the Committee we expect an immediate release of the trade union leaders concerned in this case.

I also need to draw the attention to **case no. 2132 (Madagascar)** which deals with suspension of existing collective agreements in enterprises awaiting privatization and where the Committee once again emphasizes that it is a violation of Art. 4 in C. 98, if a government unilaterally and against the will of the parties concerned, suspends the collective agreement in force and imposes renegotiation - a deplorable behaviour which sometimes could be observed both in developed and developing countries.

Let me finally remind the Government of **India** in relation to **case no. 2228** (dealing with dismissals, arrests and detentions of hundreds of striking workers at Worldwide Diamonds Manufacturers Ltd. in an EPZ in the state of Andhra Pradesh) that it is the responsibility of the Government of India towards the ILO to secure respect for the principles of freedom of association in its whole territory without exceptions.

Thank You!