

Statement by Mr. Ulf Edström (Sweden)
on behalf of the Workers Group on the 352nd Report of the
Committee on Freedom of Association (CFA), 25.03.09



Chairperson,

The Workers group endorses the statement made by the Rapporteur and asks for the adoption by the Governing Body of the conclusions and recommendations made by the Committee.

Case 1787 (Colombia) has for a number of years been the most serious case in the CFA, as it involves a number of murders of trade unionists that is incomprehensible for most of us. Like the Committee, we in the Workers Group recognize the considerable progress that has taken place in respect to the reduction in the violence against trade unionists. But it is indeed with mixed feelings that we agree to such a conclusion, as 25 new murders are reported since our last examination of this case. I trust that we in the ILO never will get accustomed to a certain degree of killings or violence against trade unionists – but will continue to convey the strong message that any violence against workers trying to exercise their fundamental human rights will constitute a major concern of this Organization. Of the reported 2.669 murders between 1986 and 2008 we note that 1.302 are now under investigation. The Government reports 171 convictions involving 199 persons of which 100 belonged to the “United Self Defence Groups” and 22 the guerrillas. The situation in general is of course still totally unacceptable. We also are concerned that the Government has not given the requested information both in relation to the so-called Operation Dragon and on the alleged close link between the DAS - the Administrative Security Department responsible for the protection of trade unionists - and the paramilitaries.

The Workers Group are likewise deeply concerned of the serious and urgent **case 1865 on the Republic of Korea**. Although some progress can be recorded after more than 10 years of ILO interventions, the developments during last years suggests that the Government is no longer taking the recommendations made by the Committee seriously. The Rapporteur dealt with the serious deficiencies that are evident in the case with respect both to violence exercised even in cases of peaceful protests by workers and the neglectance shown on the numerous requests for amending the anti-union legislation. The cooperative attitude shown by the Government in the past seem to be nonexistent today – maybe because the Government do not feel such pressure as existed in the past also in other organizations. The Workers Group indeed expects the Government to respond positively on the recommendations made by the CFA, including recognizing the trade union rights of daily workers in the construction sector.

Another serious and urgent longstanding case concern **Ethiopia (case 2516)**. The Workers Group fully shares the anger over the totally unacceptable treatment including torture of teachers trying to exercise their trade union rights. The government was successful in taking control of the trade union (ETA). And now we see that the teachers attempt to create another independent trade union called the NTA failed so far because the Government will not allow it to be legally registered. The lack of any visible sign of any intention by the Government to respect freedom of association constitutes a serious concern for the Workers Group.

The Workers Group also expect the **Government of the Bolivarian Republic of Venezuela** to respect the recommendations made in the serious and urgent **case 2254**. The acts of violence exercised against the FEDECAMERAS needs to be effectively redressed and the requests for genuine social dialogue to be acted upon urgently.

The Committee noted with deep regret that the Government of **Bahrein (case 2552)** had taken no action in respect to amending the Trade Union Law and to modify the list of essential services to include only those in the strict sense of the term. The Committee also noted with deep regret the similar attitude of neglectance of **Sweden in the case 2171**, where the Government simply stated that it did not want to provide any further response to the requests made by the Committee. And of course the Committee again strongly urged the Government to take the necessary action it had requested since 2003 and not, through legislation, interfere in collective agreements signed on retirement age and pension matters. The Committee regrettably also had to repeat its request to the Government of **Colombia (case 2434)** to amend its legislation, which limits the right to sign complementary collective agreements on retirement and pension schemes. Chairperson, let me make it totally clear, that the Workers Group – in any future discussion on demographic change - will not accept any policies in this regard that would imply a restriction of our right to bargain collectively – as evident in the Swedish and Colombian cases.

The Committee, in **case 2242 (Pakistan)**, noted with satisfaction that after 7 years the trade union rights have been restored at the Pakistan International Airlines Corporation (PIAC). But the Workers Group indeed expect the Government to merit their obligations also in relation to the cases 2399 and 2520 and that the amended Industrial Relations Ordinance truly will reflect the provision of C. 87 and 98. In addition, the Committee noted with interest, in **case 2470 (Brazil)**, both the fact that a court ordered remedial measures to stop acts of anti-union discrimination and the agreement concluded between the Government and the Unilever group (and approved by the courts) concerning respect for freedom of association and the right to collective bargaining in future. The Committee noted also with interest, in **case 2635 on Brazil**, the legislative action initiated by the Government to better identify acts of anti-union discrimination and provide for sanctions to be imposed on offenders. As could be seen in this case (paras 435 – 451) the Government is aiming at ratifying C. 158 on Termination of Employment as this will prevent the numerous wrongful dismissals taking place today. The Workers Group strongly welcomes this intention and remain convinced that if Member states would ratify and implement C. 158, the number of cases to the CFA would be reduced, since many acts of anti-union discrimination occur in relation to measures taken on restructuring and reorganization. Among the cases of progress also **Canada (case 2430)** should be mentioned. Here the Committee expressed the hope that the Government in the near future will be able to report that part-time academic and support staff in colleges of applied arts and technology on Ontario will enjoy full rights to organize and bargain collectively. But the recent obstruction by the colleges not to allow the ballot boxes to be opened after the vote that ended last month is indeed very deplorable, and the Government should of course not allow such serious obstruction of the workers legitimate trade union rights. The Committee also noted with interest in **case 2326 (Australia)** that the new Government has introduced extensive consultations with the social partners concerning the revision of the regulations in the building and construction industry.

Case 2620 (Republic of Korea) dealt with the question of workers that had been illegally in the country ranging between 7 to 16 years – but only due to the fact that they tried to exercise their freedom of association and establish a trade union and was elected as trade union leaders they were arrested and deported. The Committee had to recall that all migrant workers, regardless of status, enjoyed the right to organize and bargain collectively – which had also been confirmed by the High Court. The Committee nevertheless decided to await the decision of the Supreme Court on whether the Migrant Workers Union should get its legal recognition or not, before dealing specifically with this aspect of the case. The

Committee also repeated its request to the **United States (case 2227)** to secure effective protection for undocumented workers against anti-union dismissals.

Malaysia (case 2637) illustrates the wisdom of the Governing Body in selecting the standard setting item on Domestic Workers for the ILC next year, as these workers are left vulnerable to violence and abuse. As could be seen, the Government is requested to ensure the right to freedom of association to domestic workers (whether foreign or local) and that they should be able to have their trade union registered. The Government for its part instead makes a somewhat odd suggestion, namely that foreign embassies should transform itself into trade unions for such workers!

In too many countries the practice of delayed judicial proceedings is prevalent, which of course results in a denial of justice for the workers and trade unions concerned. This can be seen for instance in **case 2236 on Indonesia**, where 4 trade union officers at Bridgestone Tyre Indonesia Company were dismissed and the case is still pending at courts after 6 years. The Committee also had to reaffirm the principle that dismissals should not be allowed before any court proceedings on alleged anti-union discrimination has been finalized. But even worse is the old **case 1914 on the Philippines**, where 1500 leaders and members of the Telefunken Semiconductors Employees' Union were dismissed after a strike in 1995 and still have their rights denied after almost 13 years of court proceedings. Finally, as could be seen in **case 2301 on Malaysia**, the Committee has commented upon extremely serious matters due to anti-union legislation for more that 17 years! The Government amended its legislation one year ago – but regrettably failed to address the concerns by the ILO. So the Committee again suggests technical assistance, which the Government apparently is in great need of.

Costa Rica (case 2518) has also been a concern in this respect, but the Committee notes the moves taken by the Government to remedy the slowness and inefficiency in administrative and judicial proceedings in cases of anti-union discrimination and expects legislation to be adopted in the near future. The Workers Group also welcomes the fact that the Government accepts an ILO mission to make an independent inquiry into the allegations that blacklists are kept in the banana sector.

A serious lack of progress is illustrated in **case 2589 on Indonesia** (paras 124 – 127) where the Government apparently is of the view that it is natural that workers that go on strike (in this case 481 workers at the PT Cigading Habeam Centre Company) can be dismissed and replaced by workers from a cooperative owned by the military and with armed military personnel giving “a helping hand” to striking workers to sign resignation cards from their trade union. Let me here express the serious concern of the Workers Group of the deplorable attitude shown by the Government and our expectation that the Office draw the attention to such unacceptable behaviour in the development of the Decent Work Country Programme.

Case 2629 (El Salvador) deals with the denial of the right to organize of judiciary employees. But the absurd situation has arisen that the Supreme Court apparently is of the view that ratification of C. 87 on freedom of association is against the Constitution of El Salvador. Like the Committee, we in the Workers Group strongly request the Government to urgently take the legislative measures that seems necessary and ensure that the provisions of C.87 ratified by El Salvador are respected. The Workers Group notes the absence of reply by the Government in **cases 2557, 2615 and 2630** and expects that the Government in future will give the information requested by the Committee as a matter of urgency.

We have a disturbing pattern of anti-union discrimination occurring in a number of enterprises in **Peru**, as could be seen in the numerous cases covering more than 200 paras in the Report. The Workers Group expects the Government to take action urgently to stop such acts and to introduce effective

measures to secure in practice workers fundamental rights as provided for in the provisions of Conventions no. 87 and 98, ratified by Peru.

Chairperson,

Governments, including among others **Bolivia** and **Comoros**, have to be effectively reminded by the Office that the responsibility to declare a strike illegal should not lie with the Government, but with an independent body which has the confidence of the parties concerned. As seen in case of **Comoros (2619)** the Committee also condemns the use of contract workers to replace striking teachers and port workers.

Let me end by saying that many CFA cases concern restrictions on freedom of association for workers in the public sector. The Workers Group would like to stress the necessity of the Office to engage in activities raising the awareness among Member States of the rights of these workers.

The fact that we are celebrating the 60th anniversaries of C. 87 and 98 might give rise to certain optimism with an increased respect of the principles of freedom of association. But the fear in the Workers Group, on the contrary, is that the economic crises will be taken as an excuse to make the situation of trade union representatives more risky than ever. In this regard we are totally dependent on the protection that the ILO and its Governing Body can provide!