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global worker

SPECIAL REPORT

Shell's hidden shame

FEATURE

**Supply chain justice through
binding global agreements**

INTERVIEW

**Luisa María Alcalde – Mexico's
new labour minister**


industri
global union **all**

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The crisis is only half the story: the other half is the workers confronting it, and learning that together, we are stronger. We need each other, now more than ever.

Valter Sanches
General Secretary



Welcome to **global** worker

2018 has been a year of bleak headlines, as democracy crumbles and rightwing authoritarian populists advance across the world. The human rights and global governance victories that we won are eroding; racists, xenophobes and warmongers feel the wind of opportunity at their backs.

But instead of succumbing to despair, we focus on building strong unions to defend workers' rights, and to stand up for our progressive values.

This issue of Global Worker brings a diverse collection of stories that show how our movement is doing just that. While we have terrible news from Brazil, with the election of the fascist Jair Bolsonaro as President after the coup and the jailing of Lula, we have much better news from Mexico: a new left wing political movement, the National Regeneration Movement (Morena) won the election this year.

After 12 years in exile for denouncing the killings in the Pasta de Conchos coal mine, IndustriALL executive committee member Napoleón Gómez Urrutia returned to Mexico and was sworn in as senator. The country ratified ILO Convention 98 on the right to organize, creating space to get rid of harmful protection contracts and establish a genuine independent trade union movement, such as the new federation created in the auto sector. Mexico now has a gender balanced cabinet. Read **our interview with new labour minister Luisa María Alcalde** on pages 10-11, as she explains her vision for a new social contract for Mexico's workers.

Corporate power is growing, and can no longer be constrained by national governments, even where the will exists. So how do we achieve justice for workers across increasingly complex supply chains? On pages 12-15, assistant general secretary **Jenny Holdcroft argues that IndustriALL leads the way in establishing global industrial relations** that hold corporations accountable – but we need global mechanisms to resolve disputes, such as a binding UN treaty and an ILO Convention on supply chains.

Blockchain technology has been promoted as a possible solution to opaque and complex supply chains. Our exploration on pages 5-8 shows that there is no technological quick fix for a social and economic problem. While blockchain has interesting potential, it is only as reliable as the data entered into it.

Continuing our theme of confronting the power of multinational corporations is our **exposé of the exploitation of contract workers in Nigeria by Shell**, on pages 18-21. Shell is responsible for decades of environmental degradation and complicity in political repression in Nigeria, and has paid out tens of millions in compensation.

But Shell's exploitative business model extends to its workers, most of whom are contractors on low wages. Long term Shell employees barely subsist on the poverty line, and face being fired if they speak up. Now their unions are fighting back.

On page 4, read about the women leaders smashing myths and stereotypes in male dominated sectors.

Finally, meet some of the affiliates at the coal face of defending workers' rights: on pages 22-23, Belarusian union REP has just endured a punitive politically-motivated court case designed to crush it. On page 9, read about the tremendous progress being made by NUTEAIW in Malaysia as IndustriALL moves its office to that country. And on pages 16-17, read how our affiliates in Peru have formed a national council to fight back together.

The crisis is only half the story: the other half is the workers confronting it, and learning that together, we are stronger. We need each other, now more than ever.

Valter Sanches
General Secretary



@ValterSanches

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GENDER EQUALITY: NOT JUST AN ISSUE FOR WOMEN

It's time to make gender equality a priority for the whole trade union movement.

One by one, myths about women working in male dominated industries were addressed and torn apart at a conference held in Cape Town, South Africa in October 2018, attended by women and men from IndustriALL affiliates across the world.

Each of the myths had been told to women at the conference in the course of their working and trade union lives. **“Women are too weak to do physical work,”** said the statement on the sheet of paper. Vida Brewu of the Ghana Mine Workers’ Union stepped up and neatly tore it in half (1).

“Women are too emotional to be union leaders.” Rose Omamo, general secretary of the Amalgamated Union of Kenyan Metal Workers, took care of that one (2).

“Women should stay at home with the children.”

“Women’s brains can’t understand technical issues.”

“Women don’t have the coordination to operate machinery.”

“Women bring bad luck to miners.”

“It is too expensive to provide facilities for women.”

“Women are less flexible, and won’t travel for work.”

“Women don’t want to do these jobs.”

All these myths must be confronted and challenged for women to be treated equally at work and in their unions.

“We have to be twice as good as men to be taken seriously,” said Lena Yuliana of Indonesian cement workers’ union FSP ISI (3). She shared her experience of doing emission monitoring at heights that terrify many men.

Other women shared similar experiences: Rose Omamo was one of the best mechanics in her company before becoming a union leader. Claudia Blanco, branch president at Sintracarbón in Colombia, drives a train to a coal terminal. Many women operate mining trucks, or work underground, or maintain equipment at utility companies.

The mining, base metals, materials and energy sectors provide skilled, well-paid and prestigious work, but the best jobs are dominated by men. Women working in these sectors tend to only have access to the most menial and precarious

work, with the lowest wages and status. Unions have very few women in leadership positions, despite their presence in the sector, and consequently have difficulty to recruit women as members.

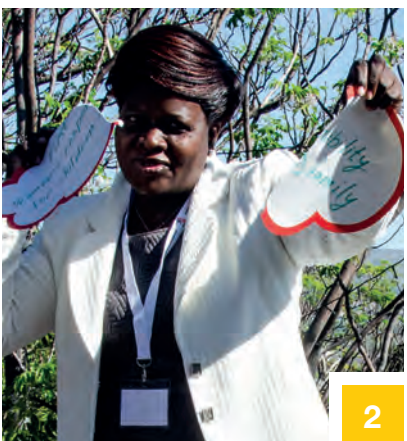
“Women’s committees have been discussing gender equality in employment and trade unions for decades,” said IndustriALL assistant general secretary Jenny Holdcroft.

“We won’t achieve it until men also get involved in working to remove the barriers to women’s equal participation and representation.”

“Instead of expecting women to fit into existing structures, we need to change the way that work is organized, as well as how we look at leadership in our unions, so that women can take their place alongside men. This will benefit everyone, leading to better jobs and stronger unions.”



1



2



3

report

Text:
Brian Kohler and
Glen Mpufane

**WILL BLOCKCHAINS
VERIFY VIRTUE IN THE
VALUE CHAIN?**

THE CASE OF COBALT



The lure of the QUICK TECHNOLOGICAL FIX

We live in a time when new technologies seem to promise new solutions to old problems. IndustriALL has studied the digitalization of industry and the rise of an assortment of advanced and disruptive production technologies: Industry 4.0.

An example of digitalization is blockchain technology. Blockchains are promising everything from the protection of privacy to its final destruction, from a new intrusion of artificially intelligent machines to the salvation of humanity.

What is a blockchain?

Fundamentally, **blockchain is an information security strategy. It provides a deeper level of security than defending a database held on a computer server.** Blockchain encrypts specific records or “blocks” of data, structured in what are called linked lists to form a “chain”. Each item on each list has identifying data and a link to the previous and the next item. Each new block of data must authenticate itself at particular points by some kind of proof, for example performing a mathematical operation, in order to be added to the chain. This proof must be difficult to falsify but easy to verify, to discourage spammers and hackers.

This creates a data chain where one can be reasonably certain that each item was added in chronological order and not manipulated. It works fairly well with Bitcoin, for example. It is this property that makes blockchain seem attractive for the task of verifying the cobalt supply chain.

As discussed in IndustriALL’s research paper, “The challenge of Industry 4.0 and the demand for new answers”, mining falls into the low immediate impact category of Industry 4.0. However, blockchain technology ranks high among pathways proposed to address and tackle labour abuses and other unsustainable practices in mineral supply chains.



View “The challenge of Industry 4.0 and the demand for new answers”.



The example of cobalt in the DRC

A traceable and verifiable digital record of cobalt from its origin in mines in the Democratic Republic of Congo (DRC) through to its installation in the battery of a Tesla car would, proponents argue, enable anyone to know exactly when and in which mine – and potentially even by which miners – the particular cobalt in a particular battery was produced. This could provide assurance that environmental and social abuses, such as child labour, or abuse of trade union rights – were not used in the production of the cobalt, or if they were, enable tracing and tackling the abuses for remedy or punishment. Access to remedy is fundamental, and represents the litmus test for blockchain technology’s utility in bridging the divide between abuse and remedy.

Technological limitations

Even though we use terms like blockchain, in reality there is no abstract entity called a blockchain. **It is just a network of physical computers, owned by a variety of people, using an agreed-upon authentication protocol.** Where are these physical computers, and what are their characteristics? Are they vulnerable to failure or compromise?

The application of blockchain to the cobalt supply chain raises the problem of capacity. It can be assumed that most small-scale producers, particularly so-called artisanal miners, will not have the resources or capacity to participate as a link in the chain. Artisanal mining, even though it is legal in the DRC and forms a large part of the country’s mining landscape, presents a huge challenge for the supply chain of cobalt. The industry is forced to sell through bigger operators, creating new opportunities for corruption

and the input of questionable data. Technology does not ensure trust in the human sense.

There are geopolitical boundaries within the internet, therefore public blockchains may be difficult to implement in some regions, as could possibly be the case with the DRC. Furthermore, there are developing countries to whom rich countries or multinational corporations will try to sell specific implementations of data infrastructure. This may lock a developing country into one standard that is incompatible with others. Intercommunication and standardization between potentially thousands of actors in different regions in a value chain may be a problem.

Immutability is one of the words frequently used to describe blockchain, and it is this characteristic that makes it suitable for cryptocurrencies. However, it remains

vulnerable to fraudulent or misidentified data, particularly at the beginning of the chain. Given the lengths that some employers have gone to avoid or falsify social audits, and the resources that some corporate and government actors have to undermine any system that restricts their behaviour, it would be naive to assume that this will never be attempted. Recent reports involving a major player in the diamond industry point to this as a real possibility. Serious allegations by a major international diamond trader, the Rapaport Group, have emerged against De Beers, accusing it of obscuring the source of origin of the diamonds it markets across its extended shareholder network. It is important to note that these allegations have been made against the backdrop of De Beers’ ground-breaking announcement about blockchain

technology being implemented to track the origins of its diamonds and as proof of its ethical sourcing practice.

It all comes down to ensuring the integrity of not just the technology, but also the data that is input to the technology. The current players in the DRC cobalt mining industry do not, at least for now, inspire confidence towards ensuring that integrity. **With the emergence of the supply chain sustainability standards, could blockchain technology be the bridge between abuse and remedy?**

That possibility will remain only aspirational unless this technology can be fully adapted to the non-mathematical characteristics of sustainability’s social dimension – and the quality of input data is assured. Blockchain technology does not alter the principle of “garbage in; garbage out”.

Potential pitfalls and unintended consequences

The traceability and verifiability of blockchain raises concerns about personal privacy. Granted, privacy is not an objective of its application to a value chain such as cobalt. However, it could be problematic if someone identified in the chain were to invoke the EU’s “right to be forgotten” legislation, for example. Removing one piece of data could potentially damage the entire chain. Businesses, too, have privacy concerns. How will these be addressed?

Is the proposal for a public blockchain, or a private one? If the former, who will set the rules and standards that govern it, and can they be enforced on a network of independently controlled nodes? If the latter, who would own it? There are at present different proprietary systems. Who will own the data?

Blockchain encrypts specific records or “blocks” of data, structured in what are called linked lists to form a “chain”.



Suppose that a particular lot of cobalt is identified as having child labour in its production or violations of the rights of workers, what then? Will blockchain help law enforcement? Will the cobalt itself be forever tainted, or it will be used nonetheless? A complication is that the metal can be melted and added to any other, becoming physically and chemically untraceable at that point – emphasizing the importance of chain-of-custody in sustainability reporting.

The proposal to use blockchain technology to trace a problematic raw material like cobalt emphasizes the difficulty that blockchain experts are data specialists, computer scientists, and cryptographers. Cryptocurrencies can be viewed as products of pure mathematics. However, the environmental and especially social dimensions of sustainability are not so neat and tidy. Social scientists, human rights lawyers, and ecologists are not typically experts in the technology. This gap would need to be bridged.

Credibility of the blockchain solution

Past attempts to solve complex social problems with a technological quick fix have often failed. Information technologies that were supposed to democratize the gathering and distribution of news have instead isolated, alienated and fragmented society. **Blockchain is a technology. The problems in the cobalt supply chain**

are social, cultural, environmental, political and economic, and we must always be wary of unintended and unforeseen consequences, for example an explosion in energy consumption to support the blockchain, confounding of certification with truth, or corruption. If evidence of human rights abuses arise after the initiation of a blockchain, will its immutability become a liability rather than an asset?

Much of present knowledge of blockchains arises from cryptocurrencies. In contrast, performance in the social dimension of sustainability is notoriously difficult to evaluate. Typically, the data will be qualitative rather than quantitative, and to a degree subjective rather than objective. This does not make these social indicators less important than economic or environmental ones that are easier to measure and track. However, the attempt to apply blockchain to this problem is to try to apply a solution worked out for an easily quantifiable item – a unit of currency – to a social problem. There are at least two concerns here. One is the assumption that something that has social value can be assigned a monetary value that everyone would agree on. This is rarely, if ever, the case. Furthermore, even if we pretend that we are only assigning a numeric rating with no implied financial value, it becomes a hard number that falsely suggests a degree of scientific certainty.

The real state of virtue of a particular commodity, e.g. cadmium, can only be

established by audit. There is an entire industry of people and organizations who specialize in social and environmental auditing, some connected to the traditional financial auditing houses, many independent of them. Blockchain will not change that. It is the output of such audits that will become part of the digital signature of a particular lot of cadmium, an electronic tag on that lot. Unfortunately, it will prove easier to verify the authenticity of the tag, than the real-world conditions under which the commodity was produced.

Alternative solutions

In the case of cobalt, managing the value-chain data could also be accomplished with a database, or a distributed ledger, without blockchain. One question to ask is, what value does a blockchain add that these other approaches lack? Are blockchains the best solution to the problem of verifying behaviour in the cobalt value chain?

Although there is promise in the use of protocols such as blockchain to verify or certify the value chain for cobalt, we should be cautious. **It may not add very much benefit versus other, less complicated technologies. Finally, we should not confuse traceability or certifiability with virtue – a dimension of sustainability that will remain complex and difficult to quantify.**

1 Garment factory, Yangon, Myanmar, March 2018. *IndustriALL*





profile

Union:
**National Union of Transport
Equipment and Allied workers in
Malaysia (NUTEAIW)**

Country:
Malaysia

Text:
Petra Brännmark

THE MALAYSIAN MANUFACTURING UNION FIGHTING TO CHANGE LABOUR LAW TO MAKE ORGANIZING MORE EFFECTIVE

Gopal Kishnam is general secretary of the National Union of Transport Equipment and Allied workers in Malaysia (NUTEAIW). He says that organizing and changing the country's labour laws are among the priorities for the union.

Membership is growing and NUTEAIW, which organizes workers in the automotive sectors, is present in more than 40 workplaces.

"Workers want a union and it is our obligation to be there," says Gopal. "Where we can organize, more than 95 per cent of the eligible workers are members."

Gopal says that organizing workers is not difficult from an ideological standpoint, but that the recognition process is complicated. First, the union needs to certify that the workplace falls under their scope. Then, there is a lengthy legal process, which includes a secret ballot.

Under current provisions, the Industrial Relations Act, a union must obtain a simple majority in a secret ballot process conducted by the Human Resource Ministry to represent workers at any workplace.

However, the real challenge in obtaining majority is the formula used by the ministry to ascertain majority. If a worker is not present in the workplace to cast his or her vote at the time of the secret ballot, it is counted as a vote against the union.

"A simple majority should suffice," says Gopal.

In May this year, Malaysia saw a change to a more union-friendly government. The human resource minister, M Kulasegaran, has announced his intention to review all labour related laws, including the recognition process.

"Where there is a union, there is a CBA"

The NUTEAIW have collective agreements in all their workplaces, normally negotiated for a period of not less than three years.

"In the last two years we have managed to extend the CBA at some companies to include the employee's family as well.

"We have managed to include family medical assistance to immediate family members like spouses and children. Around 80 per cent of the CBAs gave this provision.

"The Employment Act provides sixty days maternity leave. At car manufacturer Volvo we managed to secure ninety days and are now using this breakthrough to push others to extend the same benefit," says Gopal.

Aiming for 40 per cent women

NUTEAIW currently has less than 20 per cent women in their leadership structures but are working to achieve IndustriALL's quota of 40 per cent women representation.

Currently, only three of the 17 members of NUTEAIW's executive council are women, but 40 per cent of the shop stewards are women.

Gopal says that the union is pushing for a change – in a factory where women are in majority among the workers, the union leaders should be women.

International solidarity

IndustriALL Global Union is in the process of moving its regional office from Singapore to Malaysia's capital Kuala Lumpur, something Gopal says will have an impact on trade union's status in the country.

"We are in the process of registering the IndustriALL Malaysian Council as an official body, which will give recognition to the council," says Kishnam. "We are expecting more unions to affiliate after this, increasing the current number of seven."

Being part of a global union is important for the NUTEAIW, who have been able to call for solidarity support from unions in other parts of the world on issues at multinational companies.

"We had difficulties at Robot Bosch, but after the works council from Germany intervened and contacted management we were able to get the union recognition we were seeking.

"I strongly believe that a close link with international unions is important to learn from each other, and for assistance and solidarity. **We know how to fight, and harnessing the collective power of workers in solidarity really shows how strong we are when we stand up together.**"

1 Gopal Kishnam at IndustriALL's regional conference, Kuala Lumpur, July 2018.
IndustriALL



interview

Minister of labour and social welfare

Country:
Mexico


Text:
Kimber Meyer

1

LUISA MARÍA ALCALDE

“People are buzzing with enthusiasm – you can feel it in the air,” says Luisa María Alcalde cheerfully. It is truly the start of a new era for the people of Mexico: Andrés Manuel López Obrador was recently elected president, bringing hopes of democracy, gender equality, youth inclusion and the end of poverty and corruption.

It is also the first time a Mexican cabinet has achieved gender parity, with eight men and eight women of varying ages. Luisa María Alcalde is the perfect illustration of this new era. The 31-year-old is getting ready to head up one of the key ministries in the fight to protect workers’ rights – the ministry of labour and social welfare.

 @LuisaAlcalde

1+2 Luisa María Alcalde. *Luis Gabriel Urquieta*

How did you get into politics?

I started to get much more involved in politics in 2006. The elections that year were quite controversial, and I began to take more of an interest in what was happening in public life.

When I left law school at the age of 23, the National Regeneration Movement (Morena) party was starting out as a grassroots association and I was named national youth and student coordinator. We began working in youth circles, getting young people to take part in the movement, which had been around for several years but was developing into more of a formal organization at that point.

Then in 2012, I was elected to the LXII Legislature of the Mexican Congress as a deputy of the Citizens’ Movement party, serving as a federal congresswoman until 2015.

Do you think gender parity is important in the new cabinet and Congress?

I think it’s really important. The fact that the cabinet is made up of the same number of men and women sends out a strong message that should encourage more women to get involved in political life, and public life in general. I think it’s great that the female cabinet members have been given a range of responsibilities. Not only will there be women in various ministries, but they have been given important, high-level positions too.

Our team is gender-diverse and includes people of all ages as well, so we really represent the different visions of our society.

In the past, you've often said how important it is to eradicate the discrimination and harassment that women experience in the workplace. How will you do that?

We want to work on several fronts, through the attorney generals, public prosecutors and the welfare ministry. We will seek to integrate women into the workforce and set up childcare facilities at work. We will also team up with the workers' ombudsman to tackle the discrimination and harassment that women face in the workplace. The problem is that such incidents often go unreported. We want to make sure women feel they can report violence to the authorities.

The "young people building the future" initiative has been billed as one of the government's key programmes for enhancing the skills of young people.

Do you think the government is going to be able to resolve the issue of youth unemployment in Mexico?

The programme seeks to help young people who want to work but lack the opportunities. They will be given training and support in entering the workforce, and that will help us to ease tensions across the country. The aim is to ensure that young people have the tools and experience they need to increase their employability, and the programme includes one year of on-the-job training. Among the entities involved in the programme, 70 per cent are private, 20 per cent are state-run and 10 per cent are involved in outreach work.

We're building a network of mentors, and so far the response has been good. Each one of them has something to bring to the table.

On numerous occasions you've said that one of your priorities will be to promote fair, high-quality jobs. How do you plan to do that?

We'll do this in various ways. First of all, we want to foster a labour-related dialogue. We want to bring back genuine collective bargaining to pave the way for democracy and transparency. That will help us create a more balanced system and improve wages.

At the same time, we're going to change how we ensure that employees' rights are respected. We will work with the employment ministries in different states and run campaigns with clear objectives to raise workers' awareness of their rights.

We will campaign against abusive subcontracting practices and incentivize more formal work arrangements. Many people don't sign up for social security, which can adversely affect them when they reach retirement or want to find a home, so we're going to address that as well. We will call on civil society organizations to promote compliance with the law. Instead of having inspectors, we're going to set out clear priorities, with campaigns that always involve the other side.

Finally, at the centre of it all is the national welfare plan, based on the premise that higher wages will bring stability. If we manage to cut unnecessary costs – such as excessively high salaries, expensive travel arrangements and other avoidable expenses – and eradicate corruption, we will be able to boost development and improve education and health care.

One of your proposals is to end the country's low minimum wage, which currently stands at 88 pesos (US\$4.6) a day. How do you plan to increase the minimum wage?

The policy used to be to keep wages low to generate investment. This model encouraging precarious work has failed. We want workers to recover their sense of worth, so that they can live well and with dignity. We are a long way from that at the moment.

We have been working closely with analytical experts who use objective information. We've been speaking with the new minister of finance and the Bank

of Mexico to find ways to gradually raise the minimum wage. They've told us that it's possible to increase wages without prompting a rise in inflation.

Do you think that major constitutional reform to employment law is needed to prevent violations of workers' rights?

Yes, it is fundamental. The constitution is a paradigm changer. We intend to use secondary legislation to ensure that justice exists in the workplace, since impartial judges will now be the ones to resolve employment-related disputes. There'll also be a new, independent institute for registering trade unions and collective agreements. And to bring an end to employer protection contracts, it will become compulsory for free and secret ballots when electing union leaders in charge of signing collective agreements. We will also ensure that there is genuine representation and dialogue.

Do you think that the employment provisions of the new trade deal reached between the governments of Mexico, Canada and the United States are compatible with Mexico's Constitution?

The labour provisions in the new USMCA trade deal, the ratification of ILO Convention No. 98, the constitutional reform of employment law, the legislation on transparency and the resulting secondary legislation are all pieces of the same puzzle. They all have the same aim and are compatible with the policy put forward by AMLO's new government, which is to promote democracy, freedom and transparency in Mexico.





SUPPLY CHAIN JUSTICE THROUGH BINDING GLOBAL AGREEMENTS

Global corporate power is beyond anything we have ever seen. Some are calling it the triumph of the multinational companies. The limits on the power and will of national governments to call corporations to account for their adverse impacts are clear for all to see. Global corporations are tearing up the social contract, the understanding that in order to operate in a society, companies abide by certain rules in the interests of their workers and the broader public.

Even the notion of who their workers are has broken down, lost in the maze of multiple layers of global supply chain subcontracting, outsourcing and agencies, and all designed to allow corporations to evade responsibility for the workers who contribute to their profits.

It is no wonder that calls for more control and regulation of multinational corporations (MNCs) are growing stronger. Self-regulation, supported by company auditing on human rights performance, has lost all credibility, while the plethora of voluntary reporting mechanisms that support it are unable to convince that worker rights are respected.

The United Nations Guiding Principles on Business and Human Rights (UNGPs), endorsed by the UN Human Rights Council in 2011, provide the first UN backed framework for the responsibilities of MNCs. There is wide support for the UNGPs since they synthesize society's expectations of MNCs, however they fall short of imposing any actual obligations on companies, regardless of whether they adopt or reject the UNGPs.

In response, 84 governments, supported by many civil society organisations, are proposing a binding legal instrument to protect people from human rights abuses by MNCs. In June 2014, the UN Human Rights Council agreed to set up an Intergovernmental Working Group to produce a draft treaty. The first draft of a 'Legally binding instrument to regulate, in international human rights law, the activities of transnational corporations

feature

Text:
Jenny Holdcroft

and other business enterprises' was released in July 2018. It focuses less on the obligations of MNCs and more on access to remedy and justice by victims of corporate abuse. It does not aim to create or recognize any direct human rights obligations for MNCs under international law, but it would create obligations for states to legislate or otherwise hold businesses legally accountable for abuses committed in their operations¹. It contains some mandatory due diligence measures that would entail governments requiring MNCs to identify, prevent, mitigate and account for how they address their human rights impacts, but it is not clear how these obligations would be monitored and enforced by governments, particularly given the current weak enforcement of labour rights in many countries. Another potential pitfall is how companies will be held accountable for abuses in their supply chains. The language in the draft uses a broad definition of liability, including where a company 'controls' operations or



1 In May 2018, global unions IndustriALL and PSI signed a global responsibility agreement with French electricity company EDF at the ILO in Geneva. The agreement covers all of EDF's activities in 24 countries, combining compliance with international labour conventions. *IndustriALL*

has a 'close relation' with the entity in its supply chain, giving a strong incentive for MNCs to deny or avoid such connections². We can expect strong opposition from MNCs to such a binding treaty, and the process has a long way yet to go.

In 2016, the International Labour Conference held a tripartite discussion on decent work in global supply chains. The resolution that emerged called on the ILO Governing Body to convene a tripartite or experts meeting to assess the failures that lead to decent work deficits in global supply chains, and to consider what guidance, programmes, measures, initiatives or standards are needed to address this. This meeting will take place in February 2019. Unions will continue to use this process to push for an ILO Convention on global supply chains, though support from employers and governments for a standard that requires binding regulation on MNCs will be difficult to achieve.

In the continuing absence of binding regulation, MNCs are nonetheless sensitive to issues that impact on their reputation. The outpouring of global outrage at the 2013 collapse of the Rana Plaza building in Bangladesh, which took the lives of more than 1,100 workers and injured many more, was felt throughout the textile and garment industry, and most acutely by those brands that were found to have been buying clothing made in the building. In the direct aftermath, sensitivity to having their brand

associated with death and maiming drove more than 200 MNCs to sign a legally-binding agreement with IndustriALL and UNI Global Unions – the Accord on Fire and Building Safety in Bangladesh.

Association with major human rights violations can have a real impact on company sales and share value. Pressure is strongest on those companies that directly face consumers, but this is by no means a guarantee that they will respond to calls for change. In 2010, Apple was confronted with multiple suicides of workers making its iPhone at Foxconn in China, but despite the negative media and campaigning, its reputation among its consumers did not suffer (nor its sales) and it succeeded in riding out the storm of criticism. For the many MNCs in IndustriALL's sectors that have lower brand recognition, there are fewer opportunities for public pressure to drive behavioural change. The demands of the market, investors and shareholders for increased profits will always win out if there is no countervailing pressure.

CONFRONTING GLOBAL CAPITAL

Collective bargaining has long been recognized as an essential tool for workers to use their collective strength to negotiate agreements with employers on their wages and working conditions, to regulate the employment relationship at national, sectoral or company level. These agreements work because they are enforceable.

ILO Convention 98 makes access to collective bargaining a right for all workers and protection of this right is a major priority of the global union movement. But this right does not extend to the global level. Despite clear evidence of centralized control over MNC employment policies in many countries, the primary tool used by unions to temper corporate power, through demands for a fair share for workers, cannot be used to deal with MNC global operations.

For many years now, global unions have been establishing relationships with MNCs at a global level, most effectively through the signing of Global Framework Agreements (GFAs). While the companies that IndustriALL works with are perfectly able to deal with enforceable collective agreements at national level in the countries where they operate, they are much more reluctant to enter into such agreements for their global operations. One notable exception is the Bangladesh Accord.

In the direct aftermath of the Rana Plaza collapse, companies were prepared to sign a legally-binding agreement. Once a number of companies had done so, this made it easier for more companies to accept the same terms. Eventually more than 220 MNCs signed up to being legally bound to their commitments. Clearly, resistance to legally binding global agreements can be overcome once they become more widespread and familiar to companies, in the same way

2 <http://opiniojuris.org/2018/07/23/towards-an-international-convention-on-business-and-human-rights-part-ii/>

that national agreements already are. As one company representative said during the negotiations for the 2018 Bangladesh Accord, ‘If we make an agreement, we intend to stick to it, so why would we worry about it being legally binding?’

The original 2013 Accord contained a dispute settling process with various stages for resolving issues between the global unions and the corporate signatories. It provided that if a resolution could not be reached, the parties may appeal to a final and binding arbitration process, under a process governed by the UNICTRAL Rules on International Commercial Arbitration. This was the first time that this system had been used to govern labour disputes, and the experience of taking cases under it has provided IndustriALL and UNI with some valuable lessons on its more general suitability as a mechanism for arbitrating global labour agreements.

ILO Convention 98 makes access to collective bargaining a right for all workers and protection of this right is a major priority of the global union movement.

LESSONS LEARNED

In July and October 2016, the two global unions filed arbitration cases against two Accord brand signatory companies with the Permanent Court of Arbitration (PCA) in The Hague. The cases were subsequently joined and heard together. Both hinged on whether the global brands involved met the Accord requirements to require their suppliers to remediate facilities within the mandatory deadlines imposed by the Accord, and to negotiate commercial terms to make it financially feasible for their suppliers to cover the costs of remediation.

Since this was the first such arbitration, initial arguments centred on admissibility (whether the cases could be heard), choice of law (which country’s law should govern the dispute) and procedural matters such as document production. This turned out to be a very heavy and costly process. As no agreement could be reached on a single arbitrator to



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hear the cases, under the UNCITRAL Rules they went before a panel of three arbitrators, one chosen by the plaintiffs (the global unions), one chosen by the brands and a chair appointed by the PCA. The global unions were required to deposit €150,000 with the PCA to cover the fees and travel of the three arbitrators and the administrative costs of the PCA. For an enforcement mechanism for global agreements to be accessible to trade unions, a better system will need to be found for keeping the costs down.

In order to take these cases forward to arbitration, IndustriALL and UNI needed to find legal representation. This would have been prohibitively expensive and the cases could not have gone ahead without the pro bono representation provided by Covington & Burling. A huge amount of work went into preparing the cases and gathering witness and expert testimonies.

A first procedural hearing took place in March 2017 and established a timetable for the cases to be considered. It envisaged document exchange in October and November 2017, submissions in December 2017 and February 2018 and an oral hearing in March 2018, nearly two years after the original filing.

In September 2017 the Tribunal issued its order that the cases were admissible and could proceed.

In the end, both cases were settled before the oral hearing, which would no doubt have entailed significant additional costs for both the global unions and the companies.

Each of the two brands agreed to pay significant amounts towards the renovation of the garment factories for which they were responsible under the Accord. Confidentiality provisions prevent the brands being identified and the terms of one of the settlements being

made public. In the other settlement, the company agreed to pay \$2 million towards remediation of more than 150 factories and to contribute a further US\$300,000 into IndustriALL and UNI’s joint Supply Chain Worker Support Fund, established to support the work of the global unions to improve pay and conditions for workers in global supply chains. Speaking after the settlements, IndustriALL General Secretary, Valter Sanchez, said ‘This settlement shows that the Bangladesh Accord works. It is proof that legally-binding mechanisms can hold multinational companies to account.’

These outcomes show how important it is for global unions to be able to make binding agreements with MNCs that they can subsequently enforce. But the experience also demonstrated the limitations of using existing mechanisms of international arbitration which are neither designed nor suitable for the settlement of industrial disputes.

The new 2018 Accord demonstrates that it is possible to sign binding global agreements with MNCs.

WHERE TO FROM HERE?

IndustriALL, together with UNI, is committed to pursuing genuine global industrial relations through binding agreements with multinational corporations with effective enforcement mechanisms.

While a growing number of agreements are being signed between MNCs and global unions, no mechanism yet exists through which disputes under the agreements can be resolved through conciliation and binding arbitration at global level. Some of these agreements refer to the ILO as a potential arbitrator in disputes, but the ILO has made clear that it is not able to take on this role. If the trade union movement is to achieve its ambition of signing binding global agreements, we must have access to a mechanism for enforcement that avoids the drawbacks of the UNCITRAL Rules process.

This mechanism needs to move much faster: workers cannot wait nearly two years for their case to be heard. It needs to be cheaper: paying for three arbitrators to hear the case is unnecessary. It should not require excessive amounts of documents to be produced: in the Accord cases, huge numbers of documents were exchanged which then needed to be read and analysed. Confidentiality provisions should not prevent global unions from being able to report to their executive bodies and the affected workers on the case. Finally, the mechanism must be directly accessible to trade unions. Global unions must be able to enforce their own agreements without having to depend on their ability to secure pro bono legal representation.

In other words, an enforcement mechanism for global labour agreements needs to be accessible, efficient and

effective. For example, there could be one arbitrator chosen from a pre-selected panel; timely conciliation could be encouraged and facilitated to avoid arbitration; document submissions prior to hearing need not be required; timelines could be set that expedite finalisation of the case.

IndustriALL and UNI's experience with enforcing the binding Bangladesh Accord has underlined the urgent need for the development of a mechanism that is specifically designed for the speedy and affordable resolution of labour disputes at global level, and that can be used to enforce not only the Accord, but any other binding agreements between global unions and MNCs.

The two global unions are using their joint Supply Chain Worker Support Fund to support the development of an international labour conciliation and arbitration mechanism for settling disputes between global unions and MNCs. This will involve analysing existing models of conciliation and arbitration currently used by unions, as well as other models of international arbitration, and extensive consultation with expert persons and organizations in the field.

The new 2018 Accord demonstrates that it is possible to sign binding global agreements with MNCs. The 192 companies which have so far signed the new Accord were not motivated into

signing by a recent headline-grabbing disaster as they were after Rana Plaza. They also had five years of experience of a binding agreement. Beyond the two cases that ended up in arbitration, UNI and IndustriALL had taken action to enforce the Accord towards many more brands. Most tellingly, the two companies that found themselves in the arbitration process both signed the new Accord, complete with its legally binding provisions. Work is underway to streamline the Accord dispute settlement and arbitration mechanism to make it cheaper, quicker and more accessible. These changes could point the way towards a potential process that could be used in other agreements.

IndustriALL will continue to push for a binding UN treaty and an ILO Convention on supply chains, while at the same time working towards the development of a specific mechanism to enforce global labour agreements, designed to meet the needs of the global union movement in the pursuit of justice for supply chain workers.

- 2 Unions demanding a GFA with Swiss cement giant LafargeHolcim. *IndustriALL*
- 3 Ted Southall, LC Waikiki, Jenny Holdcroft, IndustriALL Global Union, Aleix Gonzalez, C&A and Christy Hoffman, Uni Global Union, at the Accord launch at the OECD in 2017. *IndustriALL*





PERU MANUFACTURING UNIONS FACING UP TO THE CHALLENGE

profile

Unions:
FETRIMAP and FNTP

Country:
Peru

Text:
Laura Carter

Peru is a bastion of orthodox neoliberalism, where institutions are weak and economic growth is all that matters. But IndustriALL Global Union affiliates (FENAIP, FETRIMAP and FNTP) are fighting back. They recently agreed to form a national council in order to work closely together, and have planned a series of joint activities as part of a project funded by Union to Union. The two unions in the manufacturing industry are making gains for workers' rights.

FETRIMAP – a young and rapidly growing organization

IndustriALL's newest affiliate in Peru is the federation of industrial manufacturing unions FETRIMAP. FETRIMAP has grown rapidly from two workplace unions in 2015 to 22 today. The federation brings together unions in various manufacturing and related sectors, including glass, paper, writing instruments, food and monitoring and inspection services.

"We have focused on providing our members with support in collective bargaining and in legal defence," says general secretary Gilmer Ibañez Melendrez.

In addition, many member unions are increasingly mobilizing in defence of their right to organize and bargain collectively, which is helping to strengthen FETRIMAP's presence.

"Our vision is to promote social dialogue through strong unions and solid industrial relations. One of our major problems is the widespread use of short-term contracts, which denies employment stability and undermines all other rights, including the right to form a union. We focus on legal recourse for workers who have been unfairly dismissed as well as switching workers from temporary contracts to permanent ones. We've achieved this for hundreds of workers, and this success is helping drive our growth."

"With the support of global union networks organized by IndustriALL and Building Workers International,

FETRIMAP is making some progress in dealing with multinationals," says organizing secretary Daniel Albuquerque. "National employers, however, are more recalcitrant."

FNTP – developing new strategies and forging alliances with civil society

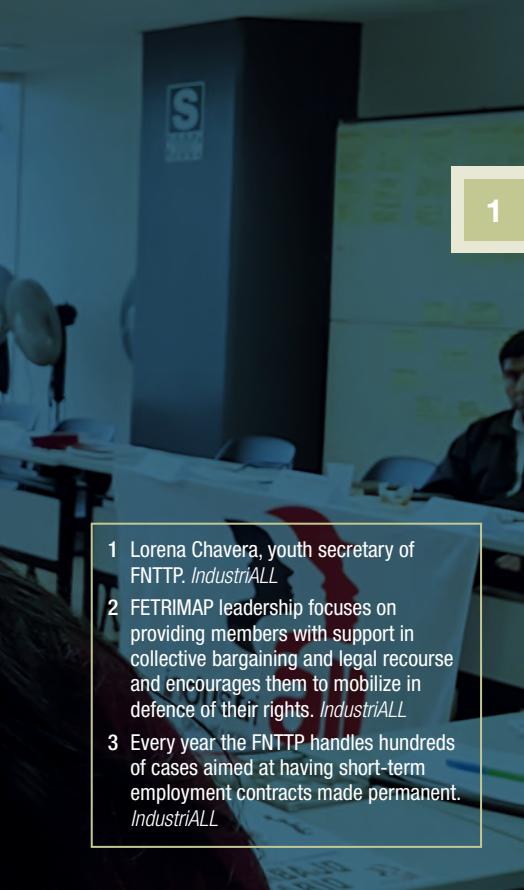
A union that knows all about the retrograde attitude of Peruvian employers is the textile workers federation of Peru, FNTP.

A 1978 law governing non-traditional exports, permits the unlimited use of short-term contracts in the garment export industry. Contracts can be anywhere from two weeks to six months, which means that a worker can work for the same company for thirty years and sign hundreds of employment contracts during that time.

Given this situation, it is not surprising that IndustriALL's textile affiliate, the FNTP, remains a relatively small organization of 2,500 members. Yet in many ways the organization punches above its weight.

"We've developed a plan to grow our membership base, but we've also developed other strategies to support organizing," says Amed Albuja, FNTP general secretary.

"We are using trade mechanisms to try to force change."



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- 1 Lorena Chavera, youth secretary of FNTTP. *IndustriALL*
- 2 FETRIMAP leadership focuses on providing members with support in collective bargaining and legal recourse and encourages them to mobilize in defence of their rights. *IndustriALL*
- 3 Every year the FNTTP handles hundreds of cases aimed at having short-term employment contracts made permanent. *IndustriALL*



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3

▶ THE PULPÍN LAW

The FNTTP were part of a series of youth mobilizations that profoundly influenced the country in 2015. In the space of five weeks, tens of thousands of young people participated in five massive protests to force the government to revoke a youth employment law, popularly known as the ‘Pulpín Law’ (named after a kid-sized juice box), which would have slashed the rights and benefits of young workers between 18 and 24.

What is less well known is the role played by the textile federation. Lorena Chavera Caceres, FNTTP youth secretary, explains:

“When the bill was first proposed in November 2014, the textile federation was among the first to react. This new law would have made our situation much worse so we started to organize. Our members would come straight from the night shift, and together with our national centre the CGTP we would stage pickets outside the Congress, with 20 or 30 people at a time. On 9 December, somewhere between the first and the second vote, we organized a demonstration together with other unions and with several youth collectives. About 500 people turned up. Although this first demonstration was overlooked by the media, it was the start of something much bigger.

“When the bill was adopted, our group had a lively confrontation with one of the key members of Congress, and the exchange was picked up by the media and got a lot of coverage. We started organizing another demonstration, and the meetings just kept growing. Still, nothing prepared me for the size of the turnout: over 20,000 people in the Plaza San Martin on 18 December! There was a police crackdown and the demonstration turned a bit chaotic, after which we started to organize ourselves better.

“After 18 December came 22 December, 29 December 29, and 15 January, each time with 10,000 to 25,000 protesters on the streets in Lima alone. There was so much energy, and we were determined to make ourselves heard. When the police prevented us from marching to the nearby parliament building, we instead undertook a series of marches, walking nearly ten kilometres to the business district – and back again – sitting down at major crossroads as we went.

“On 26 January, Congress reconvened and overturned the law. Imagine! A bill pushed through with the support of big business and the collusion of the mainstream media was overturned in less than six weeks thanks to the power of youth mobilization.”

The FNTTP was a signatory to the complaint filed with the US Department of Labor against the government of Peru for violating the labour rights provisions of the US-Peru Trade Promotion Agreement, which has led to several improvements in the implementation of labour rights. It is also a signatory to the complaint against the government for failing to fulfil its labour and environmental commitments under the trade agreement between Peru and the European Union.

Like FETRIMAP, FNTTP has become adept at using the courts and pushing the boundaries of jurisprudence in order to defend the rights of textile workers

“Courts are of course an uneven playing field, but we still have a success rate of about 90 per cent. We combine legal action with worker protest, often mobilizing our members to picket in front of the law courts or labour ministry,” Amed says.

The FNTTP is also demanding a return to sectoral collective bargaining. A first step is asserting itself as bargaining partner on behalf of members who have joined the federation through direct affiliation, a strategy which is minimizing the impact of anti-union measures at the workplace. It is also taking legal action to prevent employers from unilaterally extending the benefits of collective bargaining to non-unionized workers as a means of undermining the role of unions.

Several years ago, the FNTTP joined together with other youth organizations and helped spark a massive wave of protests, which in less than six weeks succeeded in overturning the ‘Pulpín Law’ aimed at slashing the labour rights of young workers. That experience helped build lasting relationships with youth and women’s groups who today continue to support the FNTTP in its struggles.

The federation has also been actively involved in popular movements such as Keiko No Va (in protest at Keiko Fujimori’s run for president), Ni Una Menos (in protest at violence against women), and most recently a coalition to tackle state corruption.

The federation has become a well-known meeting point and is referred to as ‘The Bunker’, a reference to Batman’s centre of operations. The first meeting of the Ni Una Menos movement at the federation headquarters was so packed they had to move to a nearby public square.




FNTTP: www.facebook.com/FederacionTextil/
 FETRIMAP: www.facebook.com/Federacion.Industria.Manufacturera.del.Peru/



UNION TO UNION – a Swedish donor organization: www.uniontounion.org/en/about

SHELL'S HIDDEN SHAME

Contract workers on the poverty line in Nigeria



Oscar Tamuno*, a driver for major Shell contractor, Plantgeria, has not had a wage increase in eight years. After paying taxes, pension contributions and union dues, he takes home 94,000 naira a month (US\$258) working a 12-hour day, six days a week. And yet, Oscar is better off than many of his co-workers.

Poverty wages are typical for thousands of contract workers in the oil and gas industry in Nigeria. In September 2018, IndustriALL Global Union carried out a mission to Port Harcourt to meet contract workers as part of its global campaign to stop precarious work at Shell.

Despite 28 years of service as a contract worker at Shell, Oscar Tamuno, has little to show for it. He, his wife and four children live in a tiny two-room, one-storey dwelling in the Nigerian city of Port Harcourt. Out the back is a small courtyard where he and four other families share basic toilet and washing facilities. Cooking is done outside on an open stove.

Precarious work has become the focus of IndustriALL's campaign, which also urges Shell to engage in global dialogue with IndustriALL and its affiliates. Contract workers outnumber permanent workers two to one at Shell and do the most dangerous jobs.

In May 2018, IndustriALL's affiliates from five countries, including Nigeria, raised their grievances to the Shell at the company's annual general meeting in the Hague. Further, IndustriALL highlighted issues of union busting and violations of freedom of association of contract workers at Shell in Nigeria at the International Labour Conference of the ILO in Geneva in June. Shell has however repeatedly refused to enter into meaningful dialogue with IndustriALL to address these concerns.

* Not his real name.

special report

Country:
Nigeria
Text:
Léonie Guguen

SHELL IN NIGERIA

Shell's history in Nigeria is blighted by corruption, environmental destruction and human rights atrocities. It is the biggest multinational oil company in the country and pioneered oil exploration in Nigeria in 1936, producing its first shipment of oil in 1958. Nigeria has since become Africa's largest producer of crude oil with the world's biggest oil companies including Total, Eni and Chevron operating there.

Thirteen years after Nigerian independence from British colonial rule in 1960, the Nigerian government took a stake in Shell's operations in the country. In 1979, the Shell Petroleum Development Company (SPDC) was established, which is now owned by the Nigerian National Petroleum Corporation, which has a 55 per cent stake; Shell with 30 per cent; Total with 10 per cent, and Eni with 5 per cent. Shell, however, remains the operator.

In 1990, frustrated by oil companies' exploitation of natural resources and environmental damage, the Movement for the Survival of the Ogoni People (MOSOP) led by activist and playwright, Ken Saro-Wiwa, demanded an end to oil pollution and a fairer share of profits.

SHELL BUSINESSES IN NIGERIA

- ▶ Shell Petroleum Development Company of Nigeria (SPDC)
- ▶ Shell Nigeria Exploration and Production Company (SNEPCo)
- ▶ Shell Nigeria Gas (SNG)
- ▶ Nigeria Liquefied Natural Gas (NLNG)

Despite oil being extracted from their lands in the Niger Delta since 1958, they had seen nothing in return.

In January 1993, MOSOP mobilized around 300,000 people to protest against pollution and Shell, which was the largest operator in Ogoniland. It prompted the Nigerian military to move in. Saro-Wiwa and eight other MOSOP activists were hanged in 1995 by Sani-Abacha's military government causing international outrage. Shell Royal Dutch Petroleum was sued by the US Center for Constitutional Rights for complicity in the repression of the Ogoni people and the executions of the Ogoni Nine. In 2006, on the eve of the trial, Shell settled out of court, resulting in payouts of US\$15.5 million to the Ogoni people.



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Although Shell moved out of Ogoniland in 1993, its myriad network of pipelines in the Niger Delta remained. In 2008 and 2009 two massive oil spills from its pipelines struck the Bodo community in Ogoniland. They caused catastrophic damage to the environment and devastated the community's livelihood, which had been heavily dependent on fishing and agriculture.

In 2015, Shell admitted liability for the Bodo spills, which the UN described as an 'ecological disaster', and agreed to pay US\$83 million for the clean-up that is expected to take decades to fix.

Today, high levels of poverty, unemployment and the abject failure of oil revenues to benefit local people, has led to increased insurgency and Shell is plagued by militant attacks, oil spills and sabotage. In 2017, SPDC reported oil losses of 9,000 barrels per day (bpd) through theft, costing around US\$180 million a year. This was up from 6,000 bpd in 2016.

▶ **US\$4 BILLION** – amount earned by Shell from oil and gas production in Nigeria in 2017. Source: Reuters

As the company seeks to move away from dependence on crude oil, it is focusing on Nigeria's vast untapped reserves of gas, which is regarded by Shell as a cleaner alternative to oil as it seeks to meet greenhouse gas emissions targets.

PRECARIOUS WORK

NUPENG president, Williams Akporeha, calls Nigeria the "headquarters of precarious work". Shell has, over time, contracted out almost its entire production workforce, who have low pay, minimal benefits and no job security. The predominance of contract workers is not unique to Shell, but indicative of the situation at most, if not all, of the international oil companies in Nigeria.

INDUSTRIALL AFFILIATES IN THE OIL AND GAS SECTOR IN NIGERIA:

The National Union of Petroleum & Natural Gas Workers (NUPENG), which represents blue collar workers, and the Petroleum & Natural Gas Senior Staff Association of Nigeria (PENGASSAN) representing white collar workers.

1 The dilapidated kitchen in a Shell worker's home. *IndustriALL*

2 Shell workers at the Umuebulu-Etche Flow station. *IndustriALL*

“

We have no promotion. We have been on the same salary scale for the past ten years. We have agitated for a pay increment but it has not been forthcoming.



MEETING CONTRACT WORKERS AT SHELL

NUPENG guided the IndustriALL mission on a visit to Shell’s Umuebulu Flow Station at Etche in the outskirts of Port Harcourt. Contract workers in Shell uniforms were eager to tell their stories. Many said they worked under a community contract, which is a contract organized between an oil company and the local community leader, in this case, the local king or chief. Workers under this contract seemed to have the worse deal. Following the death of the king, and then of his son, workers said they weren’t paid for several months. While Shell did intervene to cover some of the wage losses, many workers said they were still owed salaries.

A community contract worker at the plant told the mission:

“My contractor doesn’t pay when due. I haven’t been paid for six months. My salary is just 50,000 naira (US\$137) a month. I will go home and beg my neighbour for food. For six months my children can’t go to school. I’ve been working for eleven years at Shell but I don’t have carpet in my house. I don’t have a radio in my house.

“If you open your mouth and you want to say something, they will sack you. The next day they (Shell) will call that contractor and they will sack you and they will bring in another person. That’s what we’re facing at this particular Shell (operation).”

“Our salary at Plantgeria is about 95,000 naira (US\$260),” said another worker contracted to Shell. “In Nigeria today you can’t do anything on that. You can’t pay your children’s school fees. You can’t

eat well. You can’t do anything better for yourself. We do the dirty jobs. **We work like an elephant and eat like an ant.**”

“

If you open your mouth and you want to say something, they will sack you.

All the workers referred to the contractors as their ‘paymasters’ and considered they worked at Shell, as they report directly to Shell management. They said Shell determines what they get paid by contractors. However, their appeals to Shell for better wages are ignored:

“If you ask for a pay rise, you will be escorted out by police. And then your job is finished. No more access to the yard until you sign something saying you will not join a union and you will not ask for a pay rise,” said one worker.

Shell maintains it is not financially viable to give contract workers permanent jobs, as they are not needed all the time. But this belies what workers told IndustriALL:

“They keep on classing us as ad-hoc workers but we have been working continuously for as long as 20 years, while being paid less than US\$150 a month,” a worker lamented. “I have a letter that says I am not entitled to any benefits at all. **In the last two months, we gathered ourselves to join NUPENG. Now, if they threaten us, we will just say ‘sack us’.**”

Workers said they are initially given a contract for two years, but after that the contractor will keep adding an extension for three or six months, for years at a

time. “That’s why we have stagnant wages. There is no variation in the extension of the contract. Sometimes they even reduce the salary,” said one worker.

Prospects for contract workers at Shell are zero: “We have no promotion. We have been on the same salary scale for the past ten years. We have agitated for a pay increment but it has not been forthcoming.”

Vassey Lartson who works as a lab technician for Shell in Houston, USA, joined the mission to Nigeria as a member of IndustriALL’s affiliate the United Steelworkers. He was shocked by the workers’ living conditions.

“I am ashamed that we work with the same Shell sign on our back. No way should there be that level of disparity between me and those workers. I take it personally that my brothers and sisters are being exploited in the way that they are. If a company is global, then why can’t behave global and pay global?”

There is a stark contrast to expatriate workers at Shell, who can earn up to US\$20,000 a month. Nigerian white-collar workers at Shell are paid around US\$2,000 a month. Shell has a 224 hectare high-security compound in Port Harcourt where Shell’s local and expatriate staff dependents live and socialize.



INADEQUATE HEALTHCARE

Many contract workers complained that their healthcare insurance provider (HMO) was inadequate:

“We are exposed to all the hazards. We work in the field. Even with our HMO we are not doing well. **We are just working to die.** When we are sick and go to the clinic, they don’t treat you well because the money they (the contractor) give to the HMOs is too meagre, so we don’t

get the right treatment. They just give you some tablets. Then the doctor will say we can't go further than that with the level you're on. So, you use your meagre money to pay again."

One worker, who has four children, said he could only claim up to 40,000 naira (US\$100) a year for his family. Some workers said they didn't have any health insurance at all, depending on the contract they had.

The mission visited the bereaved children of Mr Kalu Ngozi, a contract electrician who had worked at Shell for over 20 years. Mr Ngozi had died three days previously leaving his four sons as orphans. Their mother died two years ago, and another brother passed away two months before. His children, aged between 12 and 22, are now alone living in a one room place in a Port Harcourt slum. Mr Ngozi who suffered from a stomach ulcer could not afford the medical attention he needed, and the hospital said that typhoid was a contributor to his death.

DANGERS

Port Harcourt and the Niger Delta have seen increasing levels of violence over the years with kidnapping and armed robbery not unusual. "One of our colleagues, a driver, was recently shot dead in the field. In the end Shell didn't do anything. The most they will do is one minute's silence. No one cares about you and your family. If anything was to happen to you today, (Shell) don't know you, it's up to the contractor."

Workers also revealed they faced hazards such as chemicals, carbon pollution, militancy and snakes in the field.

The workers also said they felt ill equipped to handle dangerous situations:

"Shell is good at the health and safety paperwork but it's different when it comes to implementation. They will send you to training, saying 'this is what you need to do', but sometimes when you get to the field (the equipment) is not there."

A Shell contract driver was recently shot dead during an attempted kidnapping of an expatriate in the Umuebulu area, resulting in immense suffering for his family.



USING GLOBAL FRAMEWORK AGREEMENTS TO RAISE STANDARDS

▶ While Shell refuses to engage in global dialogue with unions, French energy giant Total has signed a global framework agreement with IndustriALL since 2015. The agreement has helped to resolve health and safety issues in Nigeria by connecting workers on the ground to global management in Paris. As a result of the agreement, Total is also demanding that all its contractors meet international standards on labour rights. In addition, IndustriALL also has a global framework agreement with Italian company Eni, which also operates in Nigeria.

▶ GAS FLARING AND EFFECTS ON WORKERS

Gas flaring is caused by burning of natural gas that comes to the surface during the extraction of crude oil. According to the Global Gas Flaring Reduction Partnership, not enough is being done by oil companies in Nigeria, particularly the Niger Delta, to capture the leaking gas, which is one of the biggest contributors to greenhouse gas emissions in the world. It is cheaper to burn the gas off rather than find expensive ways of capturing it.

Most recent figures from the government show that while gas flaring has dropped from two billion cubic feet per day ten years ago, it still stands at 700 million cubic feet per day – enough to generate 3,000 megawatts of power. But this reduction does not help workers and communities who remain badly affected by the flaring.

Reports in Nigerian media say villagers at a Polaku community in Bayelsa State, who are living near the SPDC's Gbaran Ubie Integrated Oil and Gas plant, say they can't sleep at night and their homes are coming apart due to the vibrations caused by gas flaring. The flaring causes acid rain which contaminates crops and water, and villagers say their children are getting ill. They say the flaring takes place at night to avoid public outcry.

Workers IndustriALL spoke to at Etche had similar experiences:

"There is a lot of gas flaring. If you park a white vehicle overnight the yellow crude oil and soot will cover it by morning. You wake up and your nose is blocked with soot. It affects your eyes too."

The Etche facility IndustriALL visited is just a stone's throw away from many schools in the area. "What is happening here affects the world. Shell asks us to not steam our motors for so long, but they are polluting the whole planet!" says one worker.

IndustriALL's director for energy, Diana Junquera Curiel, said:

"Our mission to Nigeria has allowed us to see and hear first-hand how contract workers are suffering at Shell. We will confront Shell with our findings. We will hold them to account. Shell says it wants to take responsibility for workers in its supply chain. It can start right here, in Nigeria."



- 3 The worker's home was so damp, it was hard to breathe. *IndustriALL*
- 4 The orphaned sons of Shell worker, Kalu Ngozi. *IndustriALL*
- 5 Oil wealth has failed to benefit most local people in Port Harcourt. *IndustriALL*
- 6 The Shell operated Umuebulu-Etche Flow station in Port Harcourt. *IndustriALL*



profile

Union:
Belarusian Radio and Electronic Industry Workers' Union (REP)

Country:
Belarus

Text:
Alexander Ivanou

1

BELARUSIAN ELECTRONICS UNION IS NO STRANGER TO STRUGGLE

The Belarusian Radio and Electronic Industry Workers' Union (REP) was formed in November 1990, at a time when countries that had been part of the Soviet Union became independent.

Belarus has traditionally had a strong radio and electronics sector with highly qualified staff. Nearly 30 years ago, many of them, union members by default in the past, chose to cast their votes in favour of creating their own new, independent union.

The union united some 275,000 members and became the largest union in industry in Belarus. The union also joined what was then only trade union centre, the Federation of Trade Unions of Belarus (FPB).

While the country transitioned from a planned economy to a market oriented one, many companies had to seek new markets and build up new distribution networks. A series of economic crises followed. Salaries plummeted, and in the absence of orders, factories reduced the number of staff, which led to a decline in union membership.

“These were very challenging times, but together with other unions, REP never stopped fighting for working people,” says Gennady Fedynich.

In the early 1990s, trade unions were directly involved in mass protests. Thousands of people were saying “No to the impoverishment of the people” in the central squares in Minsk. The protests forced the government to react and helped to stabilize the situation in industry, at the same time as new independent unions began to appear in Belarus. In 1993, the Belarusian Congress of Democratic Trade Unions was formed.

Restrictions on freedom

With the election of Lukashenko as President in 1994, many civil society institutions were put under increasingly firm state control; freedoms became even more limited than during Soviet times. For trade unions it became increasingly difficult to escape state control.

In 2000, REP was one of the initiators of a complaint to the International Labour



Gennady Fedynich, chairman of Belarusian union REP, says that protecting workers has always been the union's priority:

“The doors to our offices are always open for all citizens of Belarus. We provide protection, as well as the possibility to become a member of a big trade union family.”



Organization (ILO) on violations of trade union and workers' rights in Belarus (the country has since been under constant ILO scrutiny).

The response from the government was quick: instead of rectifying the situation, in 2003, Lukashenko's administration made the deputy head of the presidential administration the new leader of the union federation. Through manipulation and administrative pressure, the newcomer replaced the most challenging independent leaders in the national unions affiliated to the FPB.



REP withdrew from the FPB in protest. The authorities' response was to create an industrial union, fully controlled by the authorities. Through pressure from both the administration and factory directors, this so-called union absorbed most of REP's member unions. In a major blow, the REP was left with only 630 members.

“Organizing in conditions with such heavy pressure on workers is extremely difficult, but it is still the main focus of REP,” says Gennady Fedynich. **“And despite all the efforts of the authorities, our trade union has managed to grow to 2,500 members.”**

In 2009, REP joined the Belarusian Congress of Democratic Trade Unions. Currently, REP is present in 28 larger towns in all provinces of the country, as well as the capital Minsk. The union is building up its presence at production sites across the country.

Towards the end of the 1990s, President Lukashenko introduced a decree on fixed-term contracts. The entire workforce of the country was gradually put on one-year, or at most five-year, contracts. Once expired, workers could be out on the street without any severance pay or compensation.

The REP rushed to protect the workers and organized a number of legal advice centres where union lawyers would help workers to protect their interests. Although this made the union activists the targets of threats and abuse from employers, Fedynich says that providing this service to all workers gave the REP a good opportunity to organize more members.

Belarus does not attract a lot of foreign investment. In an attempt to raise income for the state, authorities introduced the infamous Decree no. 3, which effectively penalized the unemployed, making them subject to a high tax. The decree was immediately dubbed in public as the “Decree on social parasites,” in reference to similar legislation that had existed in the Soviet Union.

On REP's initiative, comprehensive work was launched to abolish the decree. At the beginning of 2017, union members were very active in mass protests against the decree. As usual, authorities replied with a wave of repression – 36 members of the REP were fined a total of BYN 8,027 (US\$4,292) and many were arrested. Union members spent a total of 225 days in jail, and were also subjected to an additional fine of BYN 2,600 (US\$1,380).

Fearing further protests, Belarusian authorities withdrew Decree no. 3, only to reintroduce a modified version under a different name a few months later. The new decree enforced the same principle of penalizing the unemployed for their inability to find a job in the country. The new version of the decree is heavily criticized both inside and outside of the country for elements of forced labour, but the government plans to bring it into force in 2019.

The active role of the union and fear of further mass protests are very likely what was behind another major attack on REP by the Belarusian authorities.

Early in the morning on 3 August 2017, the offices of several IndustriALL affiliates, REP and the Belarusian Independent Trade Union of Miners, Chemical workers, Oil-refiners, Energy, Transport, Construction and other workers, as well as their leaders' homes, were searched as part of a criminal investigation against Gennady Fedynich and Ihar Komlik, REP's chairperson and chief accountant, for alleged large-scale tax evasion.

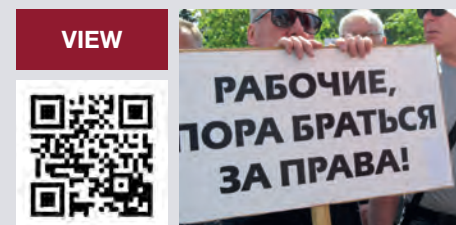
Ihar Komlik was arrested and spent two months in prison. The investigation lasted an entire year and investigators interrogated more than 800 union members as witnesses. According to reports, during the interrogations investigators were particularly interested to know more about the trade union and its activities, rather than about the accused leaders and their supposed crimes.

The trial finally took place in August 2018. It was closely followed by IndustriALL Global Union both through observers from affiliates in the region, as well as media.

IndustriALL assistant general secretary Kemal Özkan was present in the court as the verdict was announced.

“IndustriALL believes that even though the criminal case was brought against two individuals, it is clearly against the trade union itself and in a broader sense against the rights of independent unions,” Özkan said.

“Together with our affiliates, we will continue to support the REP, Gennady Fedynich and Ihar Komlik in their struggle to defend and advance workers' rights in Belarus.”



- 1 May Day rally 2018, in front line left to right: Sergey Antusevich, deputy-chair of the Congress of Democratic Trade Unions, Gennady Fedynich, chair of the union REP and Nikolay Zimin, chair of the Belarusian Independent Trade Union, BITU. *IndustriALL*
- 2 Joint ITUC-IndustriALL Mission to Belarus and Belarusian affiliates, April 2018. *IndustriALL*
- 3 May Day rally 2018, REP activists hold the banner “Freedom to people”. *IndustriALL*



GENDER EQUALITY
IS A TRADE UNION ISSUE

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