



# General Assembly

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Europe – Third World Centre (CETIM), a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

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\* Issued as received, in the language(s) of submission only.



## Violations of workers' human rights by Shell in Nigeria<sup>1</sup>

### Introduction

1. The Europe-Third World Centre (CETIM) is alarmed by the increase of human rights violations committed by transnational corporations (TNCs) around the world. This declaration is intended to highlight violations committed by *Shell Petroleum Development Company of Nigeria Limited* au Nigéria (Shell Nigeria hereafter).

2. Shell is one of the largest energy companies in the world. Headquartered in the Netherlands, it is publicly traded on stock exchanges. Civil society organizations have long criticized this transnational corporation for its impact on local communities and the environment, and unions around the world criticize Shell for workers' rights violations. This transnational corporation is facing increased scrutiny by regulators in several countries regarding its business dealings and corporate governance practices, as well as a global campaign led by unions in order to press the company to respect labour rights. Shell's history in Nigeria is blighted by reports of corruption, environmental destruction and association with human rights atrocities<sup>2</sup>.

### Violations of Workers' human rights

3. The following is a brief illustration of some of Shell's recent violations of human rights of Workers hired by Shell Nigeria as reported to IndustriALL Global Union<sup>3</sup> by Shell's workers and their unions in Nigeria. The information was mainly collected during a mission led by IndustriALL to Nigeria in September 2018 to investigate allegations stated of poor working conditions and violations of the rights of workers, workers recruited by third enterprises on behalf of Shell<sup>4</sup> and accusations of union-busting in the context of Shell's activities in the country.

4. The Mission individually met the workers and in meetings on the outskirts of Port Harcourt, where Shell Nigeria<sup>5</sup> owns and operates a flow station. In its Code of conduct, Shell states: "We seek to work with contractors and suppliers who contribute to sustainable development and are economically, environmentally and socially responsible"<sup>6</sup> however workers working on behalf Shell Nigeria claim the opposite.

### Poverty wages

5. The workers working on behalf of Shell Nigeria complain of living in poverty and with stagnant wages. Some have reported unpaid wages for many months. The workers' salaries ranged from US\$137 to US\$257 per month, based on a 72-hour working week (i.e. working 12 hours a day, six days a week). The Workers report that this amount doesn't allow them to cover basic family expenses such as children's school fees and adequate food. "Our salary at Plantgeria (one of the recruitment companies) is about 95,000 naira (US\$257)" said a worker working on behalf of Shell Nigeria. "In Nigeria today you can't do anything on that.

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<sup>1</sup> This Declaration was developed in collaboration with IndustriALL Global Union.

<sup>2</sup> <https://www.amnesty.org/en/latest/news/2017/11/investigate-shell-for-complicity-in-murder-rape-and-torture/>

<sup>3</sup> See <http://www.industriall-union.org/>

<sup>4</sup> They are contracted workers, recruited by third parties (suppliers, subcontractors or other economic entities) on behalf of Shell Nigeria. These third parties are under the economic control of the parent or main company (in this case Shell and/or Shell Nigeria).

<sup>5</sup> Shell has a 30 percent stake in the Shell Petroleum Development Company and is the operator of the company.

<sup>6</sup> Code of conduct of Shell, page 11 : [https://coc.shell.com/fr\\_fr/shared/code-of-conduct/\\_jcr\\_content/par/textimage\\_c0e4.stream/1454357566689/de86dc2e07ada85f4317fcb9bf2dfd e29f25a7abdd8924c436b236f813b26fe5/code-of-conduct-french-2016-coloured.pdf](https://coc.shell.com/fr_fr/shared/code-of-conduct/_jcr_content/par/textimage_c0e4.stream/1454357566689/de86dc2e07ada85f4317fcb9bf2dfd e29f25a7abdd8924c436b236f813b26fe5/code-of-conduct-french-2016-coloured.pdf)

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."

6. All the workers refer to the recruitment companies as their "paymasters" but they consider themselves to be Shell's workers, as these companies directly report to Shell Nigeria's management. According to these workers, it is Shell Nigeria that determines what they get paid by contractors. However, their appeals to Shell for better wages are ignored.

### **Precarization of working conditions**

7. While many of Shell Nigeria's blue-collar workers previously were direct employees of Shell, since 2013 virtually all of them have become contracted workers of recruitment enterprises on behalf of Shell Nigeria. This casualization leaves these workers without an adequate standard of living, security of a permanent contract, adequate pension and health insurance and, in practice, the right to form or join trade unions.

8. The workers working on behalf of Shell report that they are not free to organize with a union and face anti-union discrimination and retaliation. While some of the workers are members of the *National Union of Petroleum And Natural Gas Workers* (NUPENG), Shell has contracted with an estimated 3,000 companies, fragmenting the work in a way that, according to NUPENG, is a major impediment to unionization of the workers. A worker said "If you open your mouth and want to say something, they [the recruitment companies] will sack you. The next day Shell Nigeria calls the recruitment company and this one fires you, hiring another person in your place." According to another worker, "If you ask for a pay increase, you are escorted out of the company by the police. And then your work is ended. No more access to the workplace until you sign something saying that you're not going to join a union or ask for a pay raise"

9. Shell Nigeria maintains it is not financially viable to give workers under contract with recruitment companies permanent jobs, as it doesn't need them all the time. However, the workers pointed out that in reality, their work for Shell Nigeria is permanent in nature, and that some workers have been working in precarious working conditions for about 20 years. Workers say that initially they are given a contract for two years, but after that, the recruitment company extends it by three or six months for years.

10. The prospects for workers working on behalf of Shell Nigeria are zero: "We have no promotion. We have been on the same salary scale for 10 years. We have fought for a pay increment, but it hasn't happened," said one of the workers. Another worker working on behalf of Shell Nigeria said: "My recruiter doesn't pay on time. I haven't been paid for six months. My wage is only 50,000 naira (US\$137) per month. I'm going to go home and beg my neighbour for food. For six months, my children can't go to school. I've been working at Shell for 11 years, but I don't have a carpet in my house. I don't have a radio at home."

### **Access to health care**

11. Many workers working on behalf of Shell Nigeria complained that their healthcare insurance provider (HMO) was not adequate: "We are exposed to all dangers. We work on the ground. Even with our HMO we are not doing well. We just work to die. When we are sick and go to the clinic, they don't treat us well because the money he [the recruiter] gives to the HMOs is too meager, so we don't get the right treatment. They just give us some tablets. Then, the doctor will say that you can no longer be cared for. So, you use your meagre income to pay for treatments gain."

12. One Worker stated that his healthcare benefits were insufficient and that the clinics did not provide the necessary treatment: "But if I have to borrow money, I borrow money. No matter what it costs me, I pay because I don't want my children to die." Some Workers said they had no health insurance, depending on the contract they had.

13. The IndustriALL mission visited the bereaved children of a contract electrician who had worked at Shell for more than 20 years, and who died three days earlier leaving his four orphaned sons. He had a stomach ulcer, he could not afford the medical care he needed, and

the hospital told his eldest son that typhoid had contributed to his death. His children, aged from 12 to 22, are now living alone in a single room in a slum in Port Harcourt.

14. The workers with whom IndustriALL spoke complained about the side effects of gas flaring<sup>7</sup> at the facility: “There is a lot of gas flaring. If you park a white vehicle at night, the yellow crude oil and soot will cover it by morning. You wake up and your nose is blocked with soot. It also affects your eyes. Note the Shell facility IndustriALL visited is only a stone’s throw from many schools.”

### **Occupational health and safety**

15. The workers working on behalf of Shell Nigeria complained that recruitment companies did not provide protective clothing as regularly as required by Shell Nigeria’s policy, which requires the annual delivery of protective equipment.

16. The workers also revealed they faced dangers such as chemicals, carbon pollution, banditry and snakes in the field. Workers have died due to pipeline explosions resulting from sabotage, and drivers carrying foreign nationals have been kidnapped or shot dead. Indeed, Port Harcourt and the Niger Delta have experienced increasing levels of violence over the years, with kidnappings and armed robberies not unusual. A worker working on behalf of Shell Nigeria said: “One of our colleagues, a driver, was recently shot dead in the field. In the end, Shell did nothing. The most they will do is to have a minute’s silence. No one cares about you and your family. If something happens to you today, (Shell) doesn’t know you, it’s up to the recruitment company to decide.”

17. The workers also said they felt ill-equipped to deal with dangerous situations: “Shell is good at paperwork in health and safety, but it’s different when it comes to implementation. It will send you to training, telling you: ‘That’s what you need to do,’ but sometimes when you get to the field (the equipment) is not there.”

### **Conclusion**

18. According to first-hand testimonies from trade unions and workers, labour rights in particular and the economic, social and cultural rights in general of workers working on behalf of Shell Nigeria are often violated. These include the rights to adequate food, housing, occupational health and safety, and basic trade union rights, which are guaranteed by international human rights law and ILO Conventions. Both Shell Nigeria and the authorities of Nigeria and the Netherlands are required to comply with them.

19. IndustriALL Global Union has made several attempts to engage Shell in a constructive dialogue on poverty wages, precariousness, problems in access to health care, poor occupational health and safety practices and general non-compliance with workers’ human rights with Shell Nigeria and other countries. IndustriALL wishes to establish with Shell a platform and a global social dialogue practice in order to help ensure the respect for the rights of Shell’s employees, as well as others who work on Shell’s behalf (recruited for this purpose by third companies). Shell has so far refused to engage in this dialogue with IndustriALL.

20. In view of the above, CETIM urges the authorities of Nigeria to honour its commitments to human rights and international labour standards by taking concrete measures to ensure that Shell Nigeria respects, in particular, the rights of Workers working on its behalf to safety, health, a decent income and freedom of peaceful assembly and association.

21. CETIM also urges the Dutch authorities, the headquarters of Shell, to honour their commitments to human rights and international labour standards by taking concrete steps to ensure that Shell Nigeria respects the rights of workers working on its behalf.

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<sup>7</sup> See in this regard the joint written statement of CETIM and Environmental Rights Action/Friends of the Earth Nigeria (ERA/FoEN), A/HRC/26/NGO/100, submitted to the 26th session of the Human Rights Council (June 2014) : <https://www.cetim.ch/cases-of-environmental-human-rights-violations-by-shell-in-nigeria%E2%80%99s-niger-delta/>

22. Shell's systematic practice of violating the human and labour rights of Nigerian Workers with impunity and its ability to circumvent labour and human rights standards highlights the urgent need for an international legally binding instrument allowing to regulate the activities of TNCs. This instrument would also be an essential tool to ensure the access to justice for the victims and the affected communities.

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