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COLLECTIVE BARGAINING, COLLECTIVE VOICES



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As part of the ITUC survey, we speak to workers, employers and government representatives to hear their experiences of collective bargaining

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INVESTING IN FAIRNESS AT WORK

BY SHARAN BURROW, ITUC GENERAL SECRETARY



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A mechanic at work in Bahrain

The collective voice of workers against the dominance of global corporations and their supply chains is under threat of being muted.

Attacks against the right to collective bargaining have led to a decrease in the share of workers covered by collective agreements in some countries and have prevented the strengthening of collective bargaining institutions in some countries in the Global South.

These trends have been attributed to open economies, financial market deregulation, tax competition, the erosion of the state and the growth of the service sector. In the workplace, the explosion of precarious forms of work, increased cross-border labour mobility and declining trade union density have all weakened the bargaining strength of workers.

Moreover, international financial institutions have forced labour market ‘reforms’ through their loan conditionalities effectively leading to the weakening of collective bargaining structures in Europe (see the ITUC Frontlines report for more detailed analysis).

However, workers continue to fight for fair and decent labour standards and have secured critical victories under the most difficult circumstances. This publication is dedicated to their struggle.

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Collective bargaining is at the core of shared prosperity and the foundation of sustainable and just societies

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“Collective bargaining is at the core of shared prosperity and the foundation of sustainable and just societies.”

Trade unionists, workers, employers and government representatives explain how they improved not only working conditions but also workplace relations and productivity through fair and effective dialogue.

- Female migrant workers employed in Jordan have escaped exploitation by negotiating equal and fair treatment for more than 40,000 workers in the garment sector.
- In India, female workers in the informal economy have come together as an almost one million-strong bargaining force under the umbrella of the Self Employed Women’s Association (SEWA).
- Around 70 per cent of formal wage earners are covered by collective agreements in Ghana. The Ghana Trade Union Congress (GTUC) is now systematically fighting for the rights of informal workers, including their right to social security and to bargain collectively.
- In Uruguay, the first ever bargaining round between domestic workers and employers took place on 19 August, 2008, the national day of the domestic worker. In 2013, the negotiations are moving from wages to other rights such as trade union leave and job classification.
- Russian unions have developed successful bargaining strategies at all levels in order to defend the rights and interests of workers.

Their testimonies demonstrate that collective bargaining is a fundamental mechanism for improving terms and conditions of employment and protecting workers, while at the same time facilitating stable and productive employment relations for employers.

Collective bargaining provides a counterbalance to the inherent asymmetry between the powerful employer and the individual worker.

Participatory decision-making in industrial relations means that information sharing, transparency and team work can be facilitated. This leads to well-informed decisions and increased productivity.

It also builds trust between the different stakeholders which is crucial in resolving differences and avoiding conflicts of interests that can provoke costly implementation delays.

Furthermore, collective bargaining reduces wage inequality, including the gender pay gap without any negative impact on employment or economic efficiency.

The International Trade Union Confederation (ITUC) represents the rights and interests of more than 175 million members in 156 countries. For over than 30 years, we have monitored violations against the right to collective bargaining of all working people.

We demand that governments put the interests of people before markets by giving a central role to rights and equality. This means that attacks on collective bargaining and workers’ rights must stop.

GHANA: THE MUSICIANS WHO ARE FIGHTING TO BE HEARD



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Press conference of MUSIGA

Reintroducing effective democratic institutions after military rule between 1981 and 1996 has helped Ghana to maintain economic growth and peace. The country has carried out five consecutive free and fair elections with peaceful power transfers and negligible ethnic tensions.

The economy is one of the best-performing in Africa and has shown considerable progress towards poverty reduction through redistributive policies, including greater access to education, health services, and land ownership. The latest estimates from the 2006 Ghana Living Standards Survey indicate that the poverty headcount declined from 39.5 per cent in 1998 to 28.5 per cent in 2006. Laws and institutions protecting the right to collective bargaining have been both a catalyst and result of this process.

COLLECTIVE BARGAINING PROCESS IN GHANA

Unions have the right to enter into negotiations with employers after receiving a Collective Bargaining Certificate (CBC) from the Labour Department. Parties must negotiate in good faith implying the obligation to disclose all information relevant to the subject matter. The Labour Act also provides for the establishment of institutions to support and facilitate collective bargaining, namely the Joint Negotiating Committee (JNC) which is a bipartite body.

A notice for negotiations given by the JNC has to be complied with within 14 days. If JNC fails to reach an agreement, the law specifies a process of mediation and arbitration under the auspices of the National Labour Commission (NLC). In case a provision of a collective agreement conflicts with the legislation or another collective agreement, the provision that is more favourable to the worker prevails.

The Chief Labour Officer has the power to extend collective agreements to all workers in the sector or enterprise based on the representation of, and consultation with, social partners. This means that wage earners as well as workers in disguised employment in the informal economy can potentially benefit from the same conditions of work.

WAGE BARGAINING

In 2006, it was estimated by the International Labour Organization (ILO) that around 70 per cent of formal wage earners are covered by collective agreements. Even though collective bargaining is largely decentralised and takes place at enterprise level, minimum wages set by the National Tripartite Committee at national level and have a strong influence on wage bargaining at sectorial and enterprise level.

BICE OSEI KUFFOUR (AKA OBOUR), MUSIGA PRESIDENT

What is the main challenge MUSIGA is currently facing?

Our difficulty for the past three years has been the inability of the Labour Office to assist us [in getting a Collective Bargaining Certificate, or CBC] despite all efforts made. The last time we followed-up we were told that the Labour Office couldn't locate all the documents submitted by the union towards this subject.

We are still struggling with the process. We are currently being assisted by the Ghana Trades

Union Congress (GTUC) which has arranged for a meeting to be held with the Minister for Employment and Labour Relations to discuss a way forward.

What would you bargain for if you had the licence?

A minimum wage for performers, both live artists and recorded; royalty rates for users (if this is not taken care of by the Ghana Music Rights Organisation);



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profession as a trade, makes our work difficult. Plus, as performers, although we spend a long time preparing for a performance, the actual show could be as short as a few minutes or an hour. However, there are many costs involved. Even if a performance only lasts for five minutes it is not a free gift.

What has been your biggest achievement as a union?

Our biggest achievement has been that we are the official mouthpiece of the music profession in Ghana,

collective agreements with employers such as hotels, record labels, bands, orchestras and cultural troupes; and rates for things like studio charges and instrument hire.

What makes things more difficult for musicians compared with other workers?

The informal nature of our work, plus the fact that some employers and even some artists do not consider the music

linking the government, policy makers and other stakeholders. We have also been able to conduct a comprehensive study on the music industry to identify its potential, and actual, contribution to Ghana's Gross Domestic Product (GDP).

The GTUC coordinates and provides guidance to trade unions and uses national and sectorial trends and practices to inform the bargaining processes. According to the 2006 Ghana Living Standards Survey, the informal sector takes 82 per cent of the employment share of the economy.

It is estimated that about 98 per cent of youth who cannot find employment in the formal economy find themselves in the informal economy. The majority of people in the informal economy are self-employed workers and traders. About 88.3 per cent of workers in the informal sector are not covered by collective agreements. In their case, employment conditions are determined either exclusively by the employer or through informal bargaining.

STRATEGIES

Although informal workers are often unable to pay union fees and improvements in their employment only seem to follow after a long struggle, the GTUC has not hesitated to develop strategies in order to allow informal workers to have a voice.

In 1996, the GTUC adopted a policy on the informal economy and subsequently established an Informal Economy Desk. The GTUC used its position within the tripartite

BESSA SIMONS, MUSICIAN

What advantages do you hope to gain through collective bargaining?

For me it is obvious that the CBC is a strong tool for addressing socio-economic challenges such as job insecurity. My wellbeing as a musician hangs on better remuneration and better working conditions. With a CBC my wellbeing can be assured.

How would you describe what MUSIGA has achieved towards the welfare of its members?

The MUSIGA welfare scheme has been quite impressive, especially the musicians' fund which was launched to cater for the welfare of musicians – especially those who are ageing and incapacitated.

Do you have a pension scheme in place? If not, how will you manage your retirement?

Yes. MUSIGA is putting a good pension system in place to help us musicians manage our retirement.



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What issues still need to be addressed?

Apart from the various socio-economic challenges, the issue of music piracy

must be tackled. Until we confront this, we cannot get the true value for our services.

board of the Social Security and National Insurance Trust to promote the right of informal workers to social security.

As a result, self-employed persons and previously insured persons who are unemployed can now contribute to the Social Security and National Insurance Trust voluntarily. Also, they are now covered by the National Health Insurance Act which introduced a compulsory social health insurance scheme based on residency rather than employment status.

The Ghana Union of Traders' Associations was established as early as 1989 as a federation of 15 national and regional associations of self-employed traders in the informal economy.

The Ghana Private Road Sector Transport Union and General Agricultural Workers Union have also successfully converted social welfare clubs of these workers into organisations that are concerned with economic and political issues.

Currently, the GTUC is fighting together with MUSIGA for the right of musicians to negotiate fair working conditions. MUSIGA represents 4,200 musicians. Membership is open to any person who plays a musical instrument, sings or composes, arranges or conducts, directs musical performances, teaches music, is a copyist of sheets music or provides services in profession requiring musical skills. Yet, for more than three years, the Chief Labour Officer has denied a CBC to MUSIGA.

With special thanks to Alberta Laryea-Djan and Paapa Kwasi Danquah from the Ghana Trades Union Congress for their contributions.

EUGENE KORLETEY, DEPUTY CHIEF LABOUR OFFICER AT THE LABOUR DEPARTMENT

How can informal workers negotiate collective agreements?

The law is very liberal. It says that two or more people can form a union. Once you form a union, you can apply for a bargaining certificate. This depends on whether an existing union has an industry license. In the case of the informal sector, it has been difficult compared to other organised forms of labour which are more structured.

What progress has been made so far with regards to the welfare of informal workers in Ghana?

As I said, some of the informal sectors are difficult to deal with since there is no organised association or union to work with. The progress made here is that most of the informal sector workers have seen that if they can organise themselves, things can work better for them. I see this as encouraging.

How is the government addressing challenges with respect to informal workers?

The challenges are enormous. The first is that the sector is big as well as unstructured. Secondly, the educational level of most of the workers at an informal level is low. Thirdly, the Labour Office is not well-resourced; we are not present in all districts. Finally, we can also talk about the diminished collaboration between stakeholders in the labour field. However, we expect that once the new employment policy becomes operational, most of these problems will be ironed out.

What would you consider to be progress in the coming decade?

Now that awareness is high, we will work to sustain it. We will do our best to meet the expectation of stakeholders.

INDIA: THIS IS HOW YOU ORGANISE ONE MILLION WOMEN IN THE INFORMAL SECTOR



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SEWA meeting

With 486.6 million, India has the largest labour force in the world after China. Yet more than 90 per cent of workforce and about 50 per cent of the national product are in the informal economy.

Unions have understood that the only way to expand their organisational activities was to include workers in the informal economy.

Established in 1972 in the city of Ahmedabad in Gujarat State, the Self Employed Women's Association (SEWA) is one of the best

examples of turning theory into practice. Starting as a union of self-employed women, it spread quickly to various rural and urban parts of the country.

Today, SEWA has organised nearly 1.7 million workers in 14 states across India, and in 2009, it was recognised as a national trade union.

The organisation represents women workers who earn a living through their own labour or small businesses. Most of them are hawkers, vendors, small business owners, home-based and manual workers in various sectors such as agriculture, construction and domestic work.

Given that its members are engaged in different types of activities, the union adopts multiple strategies to improve their conditions, including education, training, scholarships, pensions, ID cards, maternity benefits, financial services and campaigning for better work environments and wage increases.

In India, several structural obstacles contribute to the lack of legal protection and decent working conditions when it comes to the informal economy. This is because, in practice, the legislation protects only a small section of the labour force.

The basis used for distinguishing informal jobs is that they are outside the framework of regulations. This can happen when enterprises are too small or not properly registered.

Sometimes, labour laws do not even cover or are not applied to atypical occupations, such as casual, part-time, temporary, home-based jobs or supply chain outsourced staff. Thus some jobs are simply left unprotected. For example, the health and safety regulations only apply to enterprises with at least 10 workers and provisions for child care take effect in companies with 30 or more women workers.

ANEESHA IQBAL SHEIKH, AN INCENSE-STICK ROLLER AND SEWA MEMBER



© Tamara Gausi

How do you feel about it?

I am proud and happy because I was personally involved in the process. Our strength is that we are part of a big organisation – SEWA.

Do you think your situation has improved following the collective bargaining agreement?

Yes. It has changed our life tremendously. Our wages increased and so has our standard of living. We eat better food, stay in better houses and have started sending our children to

school. Besides, we have begun to save money.

Now, employers and contractors are scared to pay us less, make us work more or even retrench us because of SEWA. They are sure: SEWA members will approach them immediately. We are not afraid of our employers any more.

Is there any other issue you think that should have been addressed?

Yes, the loss of livelihood due to mechanisation was not discussed. If machines are installed, employers and contractors should train us on how to operate those machines.

How would you describe what SEWA has achieved towards the welfare of its member?

We are getting identity cards from the Gujarat Urban Informal Economy Welfare Board. Through the board we also get tool kits, 'skill-up' training and medical benefits of up to Rs 1,200 (US\$19.24).

Do you have a pension in place? If not, how will you manage your retirement?

To manage our retirement we save and deposit a part of our earnings. Secondly we invest in a pension scheme run by SEWA. SEWA is also negotiating with the government at both central and state level for a pension scheme for the informal sector.

What are the benefits you got out of collective bargaining?

The successful negotiated settlement for agarbatti (incense stick) workers resulted in a substantial increase in our wages. Our wages are fixed at Rs 7 (US\$ 0.11) for water-based incense sticks and Rs 7.50 (US\$ 0.12) for oil-based incense sticks. We were told that after two years, the wages shall be revised again. At present the wages have increased to Rs 16 (US\$ 0.26) per 1000 incense sticks rolled.

A number of other laws – Employees Provident and Miscellaneous Provisions Act, Maternity Benefit Act and Payment of Gratuity Act – apply to establishments with 10 or more workers. Another example, the Employees State Insurance Act, applies to establishments with 20 or more workers. Finally, the Industrial Disputes Act excludes enterprises employing less than 50 workers from employment protection within the framework of industrial disputes.

Furthermore, the number of inspections, prosecutions and convictions under various labour laws has shown a steep decline. Workers in informal employment enjoy little or no employment security. Therefore investment in union activity might seem economically ineffective to them.

When workers are directly employed for a long period by a single employer, it is easier to protect their interests collectively. But, as they move across sectors from one job to another, sectoral representation and solidarity become more complex.

The erosion of the direct employment relationship results in the fragmentation of collective bargaining. This is why organising the informal economy is beset with challenges.

However, there's nothing that cannot be overcome by a clear set of objectives and a high dose of activism. SEWA has committed itself to organise women workers in order to collectively achieve improvements in their lives, ranging from working conditions to income to food and social security.

In 2011, the union negotiated with the police, Ahmedabad Municipal Corporation and local residential shopkeepers and agreed on the reinstatement of 2,824 street vendors. That same year, 2,272 small enterprise members and 11,200 domestic workers in Gujarat benefited from wage increases reached through bargaining.

The successes of SEWA are innumerable and demonstrate how even vulnerable workers can collectively defend their rights and interests in a country where collective bargaining coverage is below five per cent.

DEVIJIBHAI PATEL, PRESIDENT OF THE EMPLOYERS ASSOCIATION OF THE INCENSE STICK TRADE

What are the advantages you have gained through the process of collective bargaining and this agreement?

There is a mutual trust developed between employers/contractors, workers and SEWA. I feel, any future issues could be solved mutually.

Are you satisfied with the negotiation settlement?

Yes, we are satisfied since it was a tripartite negotiation and settlement. The rates of incense stick rolling were mutually decided which was beneficial to both parties. It was a win-win situation for both sides. The settlement is implemented in all parts of the city. Every two years there will be a revision.

Do you think that SEWA was better positioned in the argument?

Yes. They had organised a majority of the incense stick rollers and so had an upper hand. Since SEWA was sensitive to our issues as well, there wasn't much of a problem. This made the process of settlement smooth.

What are the legal and administrative hurdles in the implementation?

Here in Gujarat, minimum wages are linked to the cost of living index. The government wants to link the minimum wages of the incense stick rollers with the cost of living index. In Gujarat, the cost of living index is too high. The employers/contractors cannot afford to pay the high rates of minimum wages as the selling price of the product is low.

MANALI SHAH, NATIONAL SECRETARY OF SEWA



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of minimum wages because the selling price of the product would become too high and would incur further costs.

Our arguments were that the members should get enough for a decent livelihood which covers nutritious food, the education of children, housing and other basic facilities.

The second point we raised was that minimum wages should be such that they can be implemented for all workers, in all areas, without discrimination.

Was it possible to overcome the difficulties?

We held many rounds of discussions and referred to many acts like the Constitution of India and the Minimum Wages Act. The Labour Department carried out a study on how many incense sticks a worker can make in a hour. A medical examination was conducted to study the occupational health hazards suffered by these women workers. As a result, we negotiated minimum wage rates fixed at Rs 6 (US\$0.10) for 1000 water-based incense sticks and Rs 7.50 (US\$0.12) for 1000 oil-based incense sticks. Each worker can roll around 5000 incense sticks per day.

After the agreement, do you think that you got justice and that your members are protected?

Yes, home-based workers got voice, visibility and validation. The government recognised incense stick rolling as a trade and the incense stick rollers as workers. Moreover the workers started to get the same

minimum wages across the city. Wages are no longer determined according to the whims of the employers/contractors. There was the stipulation that the minimum wages would be revised every two years in tripartite manner.

Is there any major element, which you think got missed out in the settlement?

The issue of working conditions was left out. Incense sticks are made in the homes of the workers which are 10ft by 10ft in dimension without adequate lighting and ventilation where they cook, greet their guests and educate their children. Their homes often turn black due to the use of coal. We demand that work sheds should be created in the areas where workers can bring their raw material and work. SEWA is now lobbying the government on this issue.

From SEWA's perspective, what are the merits and drawbacks of collective bargaining?

Most of the collective bargaining agreements in the informal economy are not in writing so they are not enforceable under law. The merit is that the collective agreement is based on the mutual trust between the employers and workers and union which create a long-term relationship and the creation of a forum. The challenge is to formalise these collective bargaining forums.

What difficulties did SEWA face to achieve collective bargaining?

The main challenge is usually to identify the bargaining partners and the forum. For example, there are approximately 30 million home-based workers in India. They remain invisible as they are scattered. No statistics or data are available and most of their trade is not covered by the Schedule of Minimum Wages.

Recently, we have addressed minimum wages of home-based incense stick rollers. Their wages varied between 10 paise to 25 paise. Workers were not getting similar wages for the same kind of work. Employers wanted to manipulate wages, and therefore strongly resisted fixing a minimum wage.

We faced a lot of difficulties since the incense stick trade was not considered an industry because the whole process is done at the homes of the workers. It was difficult to convince the government to constitute the committee of the informal economy and to get employers and workers negotiate rates in the incense stick trade.

What was the main argument of the employers?

The employers argued that it was not possible for them to pay high rates

JORDAN: MIGRANT WORKERS SCORE HUGE UNION WIN

The one million or so migrant workers who come to Jordan in hope of a better life make a significant contribution to the country's economy. Yet, at the same time, they face institutional discrimination which places the balance of power in the hands of the employers and recruitment agencies.

But the long struggle fought by trade unions to achieve equal rights for migrant workers has finally paid off. As of 25 May, 2013, workers in the garment sector are now covered by a collective agreement concluded between the General Trade Union of Workers in Textile, Garment and Clothing Industries, the Jordan Garments, Accessories & Textiles Exporters' Association (J-GATE) and the Association of Owners of Factories, Workshops and Garments (AOFWG).

More than 16 per cent of Jordan's total exports are generated by the garment sector. Exports, destined mostly for the United States, have contributed around US \$1.05 billion (or 0.75 billion Jordanian dinars) to the economy, thanks to around 40,000 garment workers.

Seventy-one per cent of workers in the garment sector are female and 79 per cent are migrants, from countries such as Sri Lanka, Bangladesh, Myanmar, China, India and Madagascar. They work in the more than 80 factories, many of them operating within the 13 Qualifying Industrial Zones.



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Garment workers in Jordan

Given their enormous contribution to the economy one would expect that migrant workers would at least get to enjoy decent working conditions. However, both the governance of the recruitment schemes as well as the legal and institutional framework regulating working conditions for migrant workers exposes them to exploitation by recruitment agencies and employers.

Migrant workers often come to Jordan via recruitment agencies which demand agency fees of up to US \$2,500. The sponsorship system requires that employers renew work and residence permits with the Labour Ministry limiting the control workers have over their own migration to and residence in Jordan. According to the ILO's Better Work Jordan Baseline Report only 19.5 per cent of migrant workers are in possession of their passports and only 16.4 per cent of workers have residence permits.

Many migrant workers are employed in sectors other than those they have been granted permits to work in and without valid residence permits, workers live in constant fear leading to self-imposed restrictions on their movement.

MINIMUM WAGE AND RESTRICTIONS ON MIGRANTS

In February 2012, the Jordanian minimum wage was raised by more than 25 per cent from 150 JD (US \$212) to 190 JD (US \$268). However, migrant workers were excluded from this increase. Indeed, the monthly minimum wage for migrant workers in the garment industry remains at 110 JD (approximately US \$55). Minimum wages are determined by the Tripartite Committee either generally or for a particular area, occupation or age category.

Decisions are either taken unanimously or otherwise referred to the Council of Ministers. The law determines that cost of living indices issues by competent authori-

FATEHALLAH AL EMERANI, PRESIDENT OF THE GENERAL TRADE UNION OF WORKERS IN TEXTILE, GARMENTS AND CLOTHING INDUSTRIES



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This is the first sectoral collective agreement to be signed in Jordan; how do you view this achievement?

We have signed a lot of collective agreements before but we feel the necessity to do sectoral work. This agreement will serve the interests of all parties, including workers from different nationalities. This was achieved with the participation of the union, the employers, and with many foreign experts from the ILO after a year of constructive dialogue. Our ambitions [for the future] are bigger, but for the time being the economic situation in the country can't support anything more than what we have.

The majority of workers in the textile and garment sector in Jordan are migrants – how can they benefit from this agreement?

Seventy per cent of the content of this agreement is for the benefit of migrant workers. If you look at the agreement you will notice that the articles focus on issues such as accommodation, working hours, health, food, transport...

How about the implementation of the sectoral collective agreement?

We are worried about this. The implementation of this collective agreement needs to be controlled by the Ministry of Labour and international organisations like the ILO as partners.

FARHAN AFDAM, VICE PRESIDENT OF J-GATE, JORDAN GARMENTS, ACCESSORIES & TEXTILES EXPORTERS' ASSOCIATION



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What does the sectorial collective agreement mean for the textile business in Jordan?

This collective agreement is the first one in any Arab country. It reflects a kind of harmony and understanding among employers and workers to organise working conditions in the sector.

The textile business will now be more stable –we can count on our business plan without surprises.

The agreement talks about workers' rights, but how do you evaluate that?

It is a win-win situation for both of us. We need a stable labour market in this sector in order to run our businesses.

From your point of view, what is not covered by the collective agreement?

Everything is there, except the introduction of unified employment contracts for all migrant workers in Jordan. We have workers with 11 different nationalities covered under this agreement. Soon they will have the same employment contract.

What is the next step?

Now, we are waiting for the implementation of the agreement. Then we will see how it will look like.

ties shall be taken into account when fixing minimum wages. But even the Jordanian minimum wage of 190 JD is far below the absolute poverty level. Moreover, several reports point at the lack of compliance with minimum wage regulations.

The right of migrant workers to collectively fight for the improvement of working conditions has been severely restricted. Until 2010, migrant workers were completely excluded from the right to join or establish trade unions. Only workers with Jordanian citizenship had the right to form and join unions.

The latest amendments to the Labour Code in 2010 not only withdrew this requirement, but for the first time, they also explicitly recognised the right to collective bargaining. Article 44 of the Labour Code now provides that:

“Employers and workers and their unions and association may engage in collective bargaining concerning any matters related to the improvement of terms and conditions of employment and enhancement of workers' productivity.”

While the ILO Committee of Experts welcomes the fact that the Labour Code no longer requires Jordanian nationality for membership in trade unions, it has been pointed out that the right of foreign workers to organise does not seem fully guaranteed as they are not authorised to participate in the establishment of a trade union or an employers' association as founding members or even as leaders.

■ FREEDOM OF ASSOCIATION

Despite the hostile environment towards migrant workers and trade unions workers have succeeded in negotiating equal treatment and better working conditions in the garment sector. Jordan's 40,000-odd garment workers are now covered by a collective agreement. Negotiations on the drafting of the collective agreement began

following disputes between workers and their employers in the apparel industry over wages, working conditions and dormitory standards.

Among other important improvements to the work conditions of migrants, the agreement determines that enterprises may not discriminate against workers based on race, creed, religion, colour, national origin, sex, age, citizenship status, disability, or membership in or activities on behalf of unions. No worker can be involuntarily laid off as a direct result of the use of a third-party contractor. And in fact, third-party subcontractors automatically become party to the collective agreement.

The agreement also commits social partners to establish a unified contract of employment for all migrant workers and to ensure that no workers is charged any fees arising from their employment –this includes employment agency fees or charges made by brokers or “middle men”. This collective agreement once more proves the power workers have, even in situations where all conditions are stacked against them.

The unions’ struggle for social justice in Jordan, however, doesn’t end here given the fact that only one per cent of collective agreements are concluded at a sectorial level and that only 231,473 workers were covered by collective agreements between 2006 and 2010. Unions must continue to challenge employers in order to strengthen collective bargaining institutions that will allow workers to be treated with dignity.

KADRI IHAB, ADMINISTRATIVE BOARD MEMBER OF THE ASSOCIATION OF OWNERS OF FACTORIES, WORKSHOPS AND GARMENTS (AOFWG)

What does the recent sectoral collective agreement mean for the association of the textile and garment factories owner?

For us it means stability within the sector because rights are now clearer, and as employers we have the feeling of safety to run the business without perturbations for the next two years.

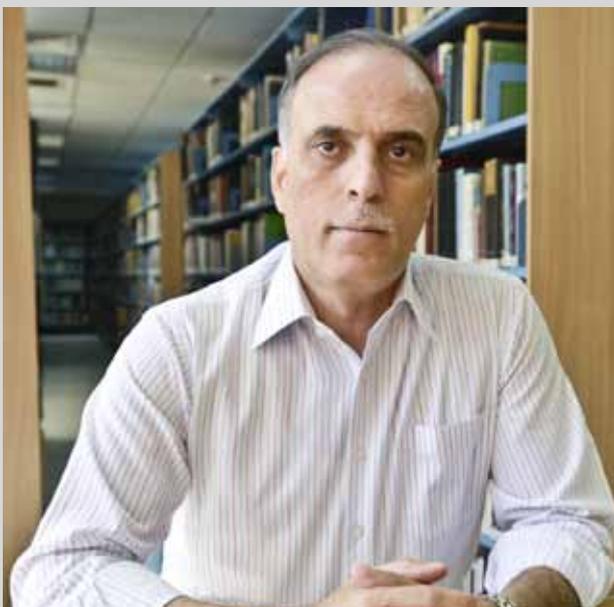
Do you have an overview of best practices by textile multinational enterprises in terms of collective bargaining?

No, we need to know about other agreements and unfortunately we don’t have other Arab experiences.

What are the subjects you feel are not covered by the collective agreement?

I think the agreement doesn’t cover the duties of the workers.

KHALIL HEYASSAT, FORMER SECRETARY GENERAL FOR INTERNATIONAL RELATIONS AT THE GENERAL FEDERATION OF JORDANIAN TRADE UNIONS (GFJTU)



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The textile sector has just signed a national sectoral collective agreement; what does this represent for you?

I consider this agreement a big step, but for me it does not have the technical form of a sectoral collective agreement. From an international angle, it is closer to a protocol than a collective agreement. But it is still a big achievement in protecting workers’ rights.

Do you think we will see another sectoral collective agreement in other trade unions?

I don’t think so, because not all Jordanian trade unions have the qualifications to do it. They are not prepared. We also need a national decision to organise the labour market in Jordan. We also need training for the trade unions on collective bargaining, as well as technical training at enterprise, sector and national level.

URUGUAY: DOMESTIC WORKERS BLAZE A TRAIL FOR GLOBAL EQUALITY



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Uruguay has taken important steps to realise the rights of domestic workers

On 25 April 2012, Uruguay made headlines all around the world.

It became the first country to ratify the Convention on Decent Work for Domestic Workers – C189 of the International Labour Organization (ILO) – ten months after its adoption.

The landmark Convention ensures the provision of the same basic labour rights to workers who care for families and households as those available to other workers.

This includes a minimum wage, clear terms and conditions of employment, daily and weekly (at least 24-hours) rest time, restrictions on in-kind payments, and respect for the right to freedom of association and collective bargaining.

The decision of the Uruguayan government was by no means fortuitous.

NELSON LOUSTAUNAU, UNDER SECRETARY FOR LABOUR AND SOCIAL SECURITY

What has changed for domestic workers since 2005?

In Uruguay, these workers, together with agricultural workers, were excluded from the collective bargaining system. They were expressly excluded from the Wage Councils. There were no limits on their working day. Their rights in terms of breaks were not clear. They didn't have access to unemployment or health cover. There were only cons, no pros. As of 2005, we realised that an effort had to be made to bring them into line with the rest of the workers. A critical mass started to form at national and international level and the invisibility of domestic workers started to become a topic of discussion. Uruguay has 120,000 domestic workers. At that point in time, only 20 per cent were declared; that figure has now increased to 55 per cent, one of the highest percentages in the world. The law passed at the end of 2006 put us in an exceptional position and the issue started to be placed on international agendas, including that of the ILO, which was considering a new international convention on the matter. Uruguay, which took part in the International Labour Conferences of 2009 and 2010, played a leading role in this respect. Convention 189 took on many elements of the Uruguayan law and we were the first country to ratify the convention.

An issue that remains pending for the SUTD (Domestic Workers' Trade Union) is job classification. How is that progressing?

In the last collective agreement, in 2013, it was agreed that a commission would work during this three year period to resolve the issue in the next CBA. You have three things: cleaning, cooking and care for family members,



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children or elderly relatives. These are the foundations for building the categories and the description of the tasks, which is the most difficult.

How have the negotiations between the LAC (Housewives' League) and the union been progressing?

When I started with this issue, I thought it was going to be very difficult, because they are people with no trade union experience. How do you go about making a cleaner understand trade union culture? But both parties have demonstrated a higher level of maturity than the average sector and the negotiations have been exceedingly frank.

Aside from job classification, what else needs to be addressed?

Trade union leave. It's complicated because for the employer of a domestic worker, giving time off to the person who works in your home for trade union activities - a right they have like any other worker - is not the same as it is for a company. Sometimes middle-class families need a domestic worker so that they can go out to work

but giving trade union leave means doubling their costs. One option is that this cost could be covered by the community, with a transfer. It could be covered by the social security department, but this hasn't been decided on yet. There is no history to draw on in this case, so we will have to innovate, taking into account the peculiarities of the sector.

What is the procedure in the case of migrants?

If the migrant is documented the situation is the same as for any worker, there is no difference, they have the same rights. What often happens is that Bolivians, Peruvians or Paraguayans come for a period and bring their employees with them but on a tourist visa. If they are found to be in breach of the law, the employer may be accused of person trafficking. They face court proceedings for this crime.

For the past seven years, this small South American nation had taken important steps to equalise the rights of domestic workers with other wage earners in the formal sector.

This was the result of a major battle undertaken by the trade union movement for gender equality.

Since the left-leaning coalition, Frente Amplio (Broad Front), took power in 2005, after decades of conservative administrations – including a 12-year long military dictatorship – it became clear to workers that the struggle would finally yield fruits.

From the outset, the new government, through the Ministry of Labour and Social Security, vowed to include the gender perspective in all its public policies.

Between 2005 and 2009, the Congress passed several important legislation promoting equal opportunities, access to social security and punishing sexual harassment.

But the most important of all was Bill 18.065 on domestic workers.

The pioneering law regulates labour rights and extends social protection coverage to domestic workers.

Furthermore, it limits working time to 44 hours a week, establishes weekly rest time on 36 consecutive hours, assures unemployment benefits and institutes compensation for dismissal – which is even higher in case of pregnant women.

Most importantly, domestic workers were incorporated into the sectorial wage-setting system which, in practice, allowed them to bargain collectively in the tripartite “Wage Council”.

The first ever bargaining round took place on 19 August, 2008, on the National Day of the Domestic Worker.

On each side of the table, workers were represented by the Sindicato Único de Trabajadoras Domésticas (SUTD) and, employers, by the Liga de Amas de Casa (Housewives' League - LAC).

Both parties had no bargaining experience and had to build their skills year after year.

Proving that the process is now starting to mature, in 2013 negotiations will move from only salary matters and start to touch other rights such as trade union leave and job classification.

The government has also taken an active role by promoting a high-profile campaign in the national media for the regularisa-

tion of domestic workers and their inclusion in the social security system.

The latest figures have confirmed the success of the experience.

Uruguay has 120,000 domestic workers, 99.3 per cent of whom are women.

At the moment, 73 per cent of them are covered by social security – twice as many as in 2005.

Average monthly salaries have nearly tripled in the last six years, from US \$134 (2,887 Uruguayan pesos) to US \$397 (8,534 Uruguayan pesos).

Domestic workers became the vanguard of what has become an international movement to advance the rights of what used to be an invisible workforce.

However, as trade unionists in Uruguay admit, “there’s still a lot to do”, so the fight continues.

Continue to next page

GRACIELA ESPINOSA, DOMESTIC WORKER AND MEMBER OF THE DOMESTIC WORKERS' UNION SINDICATO ÚNICO DE TRABAJADORAS DOMÉSTICAS (SUTD) AND THE WOMEN'S COMMITTEE OF THE PIT-CNT TRADE UNION CENTRE.

When did domestic workers start to organise in Uruguay?

The first attempts were made between 1965 and 1966, with the CNT trade union centre. Most of the women were immigrants and Afro-descendants who used to meet in a church in the Punta Carretas district of Montevideo, but they never managed to form a union. Nothing happened during the dictatorship and then in 1985 the first attempts were made to draft a bill for the sector, which was shelved until the Frente Amplio (Broad Front) came to power. Under the new government, the Gender Department of the PIT-CNT requested a tripartite dialogue at the Labour Ministry and we formed the SUTD, with members from the needle workers' union Sindicato Único de la Aguja (SUA) and Frente Amplio members who were working as domestic workers.

How do the members assess Act 18065?

It's not the law we would have liked it to be, but it is a step forward. It helped us in our fight at the sector's Wage Councils, which started to operate in late 2007, early 2008.

What was the LAC's initial reaction?

We achieved a great deal in the first collective agreement; they had no experience either of this kind of negotiations. Little by little, they built up their skills, and by the third round the negotiations were much tougher. They were always conducted with respect and dignity, but they were tougher, because they had prepared for them. The fourth round (which hasn't started yet) will probably be even more testing. It has been hard, because they will only



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categories and employment contracts now. We want to get rid of the wage bands in the next agreement and switch to categories. That's why we're working with the Cuesta Duarte Institute, with social assistants and lawyers; we are already preparing for negotiations with the LAC.

How has the formalisation of the sector progressed since the law was passed?

The progress has been constant. In the beginning, 20 per cent of the workers were registered with the Social Security Bank (BPS) and now 55 per cent of Uruguay's 120,000 domestic workers are registered. It has been a massive step forward and our numbers have increased with each CBA.

What are the most common irregularities?

Harassment and abuse of different kinds: insults, humiliations. There are also anti-union practices. It's difficult when these things happen because we are completely unprotected, because there are no witnesses, and it ends up being one person's word against another's. It's not like in a factory, where there are trade union representatives.

How many members does the SUTD have?

About 3000 throughout the country. It's hard work recruiting domestic workers because of the fears and insecurities. Because there are many young women, who are the heads of their families with four or five children to feed, and they are afraid of losing their jobs.

talk about pay. They refused to address other issues. They didn't want to discuss trade union leave, for example, or job classification.

Are these the most crucial issues?

The issue of classification is fundamental for us, because it means that we have something on paper when we start working in a house. For the moment, all we have is the employer's word, and words are carried away by the wind. But if you sign an employment contract, you have a record of the terms agreed on, that you're going to earn a specific wage for a specific job. As things stand, you may be working as a cleaner, but you end up also being a nanny, a carer, a dog walker and yard cleaner. There are women, for example, who have to bring in the firewood or do gardening jobs despite being paid as cleaners.

What is the LAC's position on this?

We've been working on this issue since 2008. During the latest round, we discussed setting up commissions to establish categories. But it didn't happen. They even wanted to postpone it for the 2016 agreement. We said no, and that the SUTD wants to discuss

UNIONS BRING 10 PER CENT WAGE ADVANTAGE IN RUSSIA

The enormous political and economic changes since the late 1980s in Russia had a profound influence on trade unions, and led to substantial losses in membership. The unions had to reorganise their activities or start from scratch to force the government and employers to listen to workers' demands. Numerous protests and demonstrations during the 1990s gave rise to today's system of social dialogue and collective bargaining.

The Federation of Independent Trade Unions of Russia (FNPR) remains the largest union in Europe with 22.3 million members and the Confederation of Labour of Russia (KTR) was founded in 1995 and has 2.1 million members. Russian unions have made significant progress in channelling the voice of workers for negotiating workers' rights, wages and other conditions at work at all levels: national, sectoral, regional and enterprise.

The national tripartite body advises on relevant legislation and concludes General Agreements which have wide scope. At the sectoral level, national unions and employers negotiate wage agreements, while in each region or oblast, the social partners also con-

clude tripartite agreements tailored to the specific social and economic situation. At the enterprise level, unions and employers negotiate collective agreements which define wages, health and safety issues, job security, support to specific categories of workers, and other work-related issues.

Various studies have revealed that overall, Russian workers covered by collective agreements earn on average 10 per cent more than other workers in similar jobs.

Yet, as the examples below show, success in bargaining depends on unions mobilising their members and activists in support of union positions and negotiating teams.

National level negotiations: Unions pushed successfully for the establishment



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Protestors from the All-Russian Electro Union carry banners which say "We demand a real increase of wages"

of the Russian Tripartite Commission on Regulation of Social and Economic Relations (RTC) in the 1990s as a forum to resolve national-level labour issues at the bargaining table. Each of the three constituents - unions employers and government - determines its own representatives on the Commission. It debates draft legislation and policy proposals, and puts forward resolutions which are referred to directly to the Duma (Parliament), precluding the possibility of intervention or amendment by the President.

Sectoral level negotiations: The All-Russian Electro Union (AREU) and the employers' association RaEl reached a Sectoral Tariff Agreement (STA) on 18 March, 2013 after nine months of talks over wage increases.

Negotiations between the AREU and the employers' association RaEl started in June 2012 and had to be resumed 15 times. They managed to agree on practically all provisions of the STA - except wage levels. The union demanded to raise the base monthly rate of pay level for the economically active population, which corresponds to RUR 6,827 (US\$210). The RaEl proposed an average monthly pay of RUR 6,827 and a base monthly rate of half that amount. This would have meant an average wage cut of some 20 per cent. As a result, AREU pulled out of the negotiations.

"It is clear that the wages section is the main part of the STA. And if we fail to come to understanding with regard to the base rate, or the rate of pay for the 1st grade worker who has worked a full month and completed all assignments, then it turns out we have nothing further to discuss", stated Valery Vakhrushkin, President of AREU. "Without this section the tariff agreement lacks its main component, remains without meaningful substance."

Moreover, the RaEl instantly found itself a more compliant 'social partner', the newly-minted "Interregional Union of Urban Utility, Construction and Related Workers". On 2 November, 2012, the employers' association had a working meeting with that group to sign a new STA, bypassing the largest workers' union in the sector. It emerged later that an STA was indeed signed in late December 2012 and sent to the Ministry of Labour for registration.



© Natalya Kochemina

Valery Vakhrushkin

The union decided to move to protest actions. The first picket of AREU was organised at Novopushkinskaya Square on 15 November and was joined by union members from various regions of Russia. FNPR President Mikhail Shmakov warned RaEl that electricity workers would run pinpoint blackouts throughout the country, if the employers' association ceased continued to bypass AREU in negotiations. On 20 February, 2013, AREU held a rally in Moscow and sent a resolution to government ministries and the employers' association reiterating their intention to run a blackout.

The confrontation ended with a compromise on a gradual wage increase on 18 March, 2013, when a protocol was signed. The first-grade pay rate for workers in the sector increases by 13.5 per cent to reach RUR 5,400 (US\$ 166). The next year the July increase will bring the first grade pay rate to RUR 6,000 (US\$ 185).

"The day before, on 7 March, Alexander Valentinovich Novak, the Federal Minister of Energy, signed a protocol with us," said Valery Vakhrushkin, "setting forth the gradual increase of the base pay rate starting from 1 July of this year and then in 2014. And now the Agreement's implementation will be supervised not only by the union and the employers but also by the branch Ministry."

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Everyone knows that Eurasruda, the mine's owner, intends to stop all production there and close the branch. For that reason, the employer has signed an agreement with the unions, undertaking to pay seven months' wages to the redundant workers

Oleg Isyanov, Chairman of the FPKK.

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Pressure from coordinated action between the national centre and the sectoral union was the key to the employers eventually accepting in a decent sector-wide agreement covering some 400,000 workers.

Regional level negotiations: In Krasnoyarsky, unions achieved a tripartite agreement determining that in the case of restructuring or redundancy, employers are obliged to sign an agreement concerning future employment, guarantees and compensation for the affected workers. The Trade Union Federation of the Krasnoyarsky Territory (FPKK) unites over 320,000 workers from 23 sector-based unions. Krasnoyarsky is a remote, heavy-industry region where companies are seriously affected by bankruptcy related redundancies and restructuring. Labour relations are mainly regulated by tripartite agreements signed between trade unions, employers' associations and the regional government.

“Everyone knows that Eurasruda, the mine's owner, intends to stop all production there and close the branch. For that reason, the employer has signed an agreement with the unions, undertaking to pay seven months' wages to the redundant workers. Besides, if a redundant worker chooses to relocate, all expenses associated with the move, along with a 'startup allowance', will also be paid by the employer. And, by the decision of the commission that brings together the three parties of the social partnership, the employer also pays back the loans taken by the workers and compensates them for the costs of their children's higher education,” says Oleg Isyanov, Chairman of the FPKK.

Furthermore, unions negotiated criteria for mass redundancies over and above the legal guarantees. If a redundancy exercise affects 10 per cent of the workers, unions and regional authorities must now be consulted.

“Such an agreement was signed at the low voltage equipment plant in Divnogorsk facing massive redundancies and closure of the plant,” says the FPKK Chair. “Next in line is the Krasnoyarsk combine harvester plant that is most likely to be closed and transferred to Cheboksary. In effect, workers of such plant have guarantees under two items of the Territorial Tripartite Agreement.”

Enterprise level negotiations:

The Russian Agro-Industrial Workers' Union achieved regular employment contracts for 160 agency workers employed at the Nestle-Perm factory which employs around 800 workers of whom 560 are union members.

The Perm branch of Nestle Russia, Ltd. employed, apart from the permanent staff, workers from the Kelly employment agency. The agency workers were not covered by the rights and guarantees in the collective agreement between the union and the company.

“Agency workers came to us seeking to become members and asking for help in tackling their numerous problems which included low wages, lack of social guarantees, etc.,” says Larisa Selivanova, Chairperson of the workplace union organisation at the Nestle Russia, Ltd. branch in Perm. “Our workplace union committee decided to accept them as members. Then we had a series of meetings with the new members in order to identify and formulate their issues and make those known directly to Nestle Russia, Ltd...”

This was the beginning of the union's struggle against the use of agency labour. As the factory's permanent workers had none of the problems faced by the agency workers, the workplace union committee decided to start by informing its members about the prob-



Larisa Selivanova

lems faced by agency workers. It also demanded the transfer of the 160 agency workers to permanent jobs which was rejected by management instantly.

Management responded instead by issuing statements to undermine the union's efforts. They argued that, "the agency guys will be taken in and you will be made redundant," and "if you prove to be too active, Nestle people in Switzerland will close the Perm factory".

Larisa Selivanova points out that bargaining was problematic mainly because management considered the negotiations as consultations and was not sincere about reaching an agreement.

"They would hear us out, of course, and then they would start dragging their feet about the meetings' minutes. Here's one vivid example which occurred not long before the picketing. It happened so that our union commission spent the whole night on the premises waiting for the employer's corrections to the meeting's minutes.

We had been told that we would get those "as a matter of minutes", but the minutes stretched out all the way till dawn, and many of us were working in the morning. So, there we were, waiting, while the employer representatives had simply gone home and never e-mailed any documents to us. And the trick was that during negotiations the union commission members were exempt from their main jobs, so, the factory security guards had been given the task of checking in on the people in the union office about every 10 minutes to make sure that they were there 'negotiating'. People just could not get up and go. Gives you an idea of the mockery and humiliation we experienced every now and then."

When the negotiations came to a dead end, the union decided to organise a picket in front of the factory entrance on 25 January.

"We had over 100 people registered for the picketing action. We were constantly in touch with the regional trade union bodies and our Union's Central Committee. IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association) representatives worked with us in close contact. During our struggle against the use of agency labour, two months before the pickets, our union was joined by over 160 people. Those were the ones whose vested interests we were trying to pro-

tect, including through that protest action. We had solidarity support from agricultural workers of the neighboring town of Krasnokamsk. We prepared the action, we ran it, and apparently it became quite a successful mark in our struggle. It is after the picketing that we saw some progress in transferring agency workers to permanent jobs."

Ultimately, on 14 March, 2013, the workplace union and the management of the Nestle Russia confectionary factory in Perm met

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Agency workers came to us seeking to become members and asking for help in tackling their numerous problems which included low wages, lack of social guarantees, etc.

Larisa Selivanova, Chairperson of the workplace union organisation at the Nestle Russia, Ltd. branch in Perm.

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at the negotiations table, which led to the signing of an agreement on transferring the agency workers who were union members to the factory personnel. Of the 160 former agency workers, 87 signed a permanent contract and 73 signed fixed-term contract, including a clause on priority claims with regard to new permanent positions.

While there are many more examples of unions bargaining successfully on behalf of their members, these cases provide an illustration of how Russian unions have developed successful bargaining strategies at all levels in order to defend the rights and interests of workers. They are overcoming the reluctance of employers to bargain through coordinated solidarity actions and resilience. For workers this has meant that they enjoy better pay and decent working conditions, and can influence their employment status and security.

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