

The Global State of Workers' Rights: Free Labor in a Hostile World

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The Global State of Workers' Rights: Free Labor in a Hostile World

By Arch Puddington

Some 30 years ago, in August 1980, workers in communist Poland formed the independent Solidarity trade union movement, thereby challenging one of the totalitarian system's fundamental principles: control of labor organizations by the party-state. The strike that led to Solidarity's establishment was launched at the Lenin shipyards in Gdansk. It quickly spread throughout Poland, and its program escalated from workplace issues to a sweeping demand for freedom to create the institutions that undergird a democratic society. After a decade of tumult and repression, Solidarity emerged triumphant, compelling the country's communist authorities to allow competitive elections that resulted in a landmark victory for the democratic opposition. This in turn led to the domino-like collapse of communist rule throughout Central and Eastern Europe and, two years later, the breakup of the Soviet Union.

The question some are asking today is whether a phenomenon similar to Solidarity might be possible in what is now the world's most powerful authoritarian country, China. In recent years, evidence of worker unrest there has steadily mounted. Strikes and other forms of labor protest occur regularly; just in the last few months, workers have called high-profile strikes at installations operated by some of the world's largest multinational corporations. As was the case in Poland, the official labor umbrella group, the All-China Federation of Trade Unions (ACFTU), has played an obstructive role by trying to force striking workers back into their enterprises and in some instances acting as strikebreakers. There are also signs that some within the ACFTU, unlike in the official Polish union, see a need for change that seems to be lost on the leadership.

The burgeoning workers' resistance in China has drawn supporters and participants from many segments of the economy, including cab drivers, teachers, and factory workers. Despite their lack of experience as union activists, they have embraced the tried-and-true tactics of labor protest—sit-down strikes and roadblocks, for example—and have eschewed violence. These youthful workers have also used mobile telephones and the internet to draw attention to their causes. The stories they tell about conditions at the workplace are eerily familiar to anyone who is acquainted with the history of the trade union struggle in Europe and North America: low pay within the context of rapidly expanding inequality, punishing hours, harsh supervisors, and a consuming work routine that discourages family life.

The most recent strike wave has taken many observers outside China by surprise. The growth of the Chinese industrial juggernaut gave rise to myths about Chinese workers, who were widely regarded as docile, willing to work remarkably long hours without complaint, uninterested in unions or collective action, inspired by patriotic love for the Communist Party leadership, and unwilling to challenge authority. Among those caught unaware were the owners and managers of multinational corporations whose investments in China have been predicated on the assumption of cheap, compliant Chinese labor. Indeed, the American Chamber of Commerce in China was sharply critical of changes to Chinese labor laws that were adopted in 2008, issuing a thinly

veiled warning that enhanced protections for workers would lead multinationals to look elsewhere for new installations.

Unlike the state-owned enterprises in communist Poland, the strike targets in modern China are foreign-owned, private firms. Accordingly, the strikers do not confront the state directly, and the strikes are thus not regarded as overtly political. Still, the increasing willingness of Chinese workers to risk arrest and jail to defend workplace rights is a potent signal to the government of the power of independent worker action.

The Chinese case is a cogent reminder of the central role played by the struggle for worker rights in the past century's broader movement toward democratic freedom. From South Africa to South Korea, Chile to the Czech Republic, the democracy and workers' rights movements have been closely linked. This relationship was well understood by fascist, communist, and authoritarian dictators who feared the strength of democratic trade unionists.

A number of important qualities distinguish free trade unions from other nongovernmental organizations (NGOs) that promote democratic reform. First, unlike most NGOs, they have a mass membership. Second, if they are run democratically, they can act as a training ground for democracy activists, who learn how to campaign on issues, muster support, and get themselves elected to union offices. And third, trade unions are one of the few NGOs that operate simultaneously in the social, economic, and political spheres, making them a potential counterweight to the concentrated power of economic and political elites.

It is no surprise, then, that a principal goal of totalitarians and dictators of both the right and the left has been to secure absolute control over organized labor and transform unions into pliant instruments of the party-state. Communist movements of the past, which claimed to draw legitimacy from the working classes, were particularly eager to capture and destroy independent labor organizations.

Today, repressive regimes are still wary of the power of organized workers. In a number of societies, unions and workers remain in the forefront of movements that seek human rights, fair elections, a free press, and laws to stem rampant corruption. Unions have played a crucial role, for example, in the effort to bring reforms to Zimbabwe in the face of murderous reprisals by the regime of President Robert Mugabe. In South Africa, it was the labor movement that prevented the transshipment of Chinese weapons to Zimbabwe at a time when the government of President Thabo Mbeke went out of its way to befriend Mugabe. In Iran, bus drivers and other workers have been important forces in the struggle for democracy; threatening statements issued in recent months by the country's supreme leader, Ayatollah Ali Khamenei, have paid special attention to the role of workers in the opposition. In Guinea, unions were a critical force in demonstrations that sought democratic change, and union members were prominent among those massacred by the country's military junta in September 2009. And in Venezuela, unions have strongly resisted attempts by President Hugo Chavez to bring the entire labor movement under his personal control.

The political leaderships of many authoritarian countries—such as Russia, China, Iran, and Egypt—are acutely aware of the Solidarity example and are determined to forestall a repetition

on their territory. However, only the most oppressive regimes—North Korea and Cuba, for example—exert the degree of tight control that marked previous eras, and relatively few countries respond to trade union activism with the sort of thuggery employed by Mugabe. Just as they have developed sophisticated mechanisms to muzzle independent voices in the media, control the activities of civil society organizations, and marginalize opposition political parties, modern authoritarian regimes have devised more nuanced strategies to keep organized labor under control. Thus the Communist Party leadership in China has developed an approach that combines concessions to striking workers with efforts to restrict press attention to labor unrest, prevent labor complaints from reaching higher authorities in the state or party, and above all block the formation of a nationwide workers' movement that could become an autonomous source of power like Solidarity.

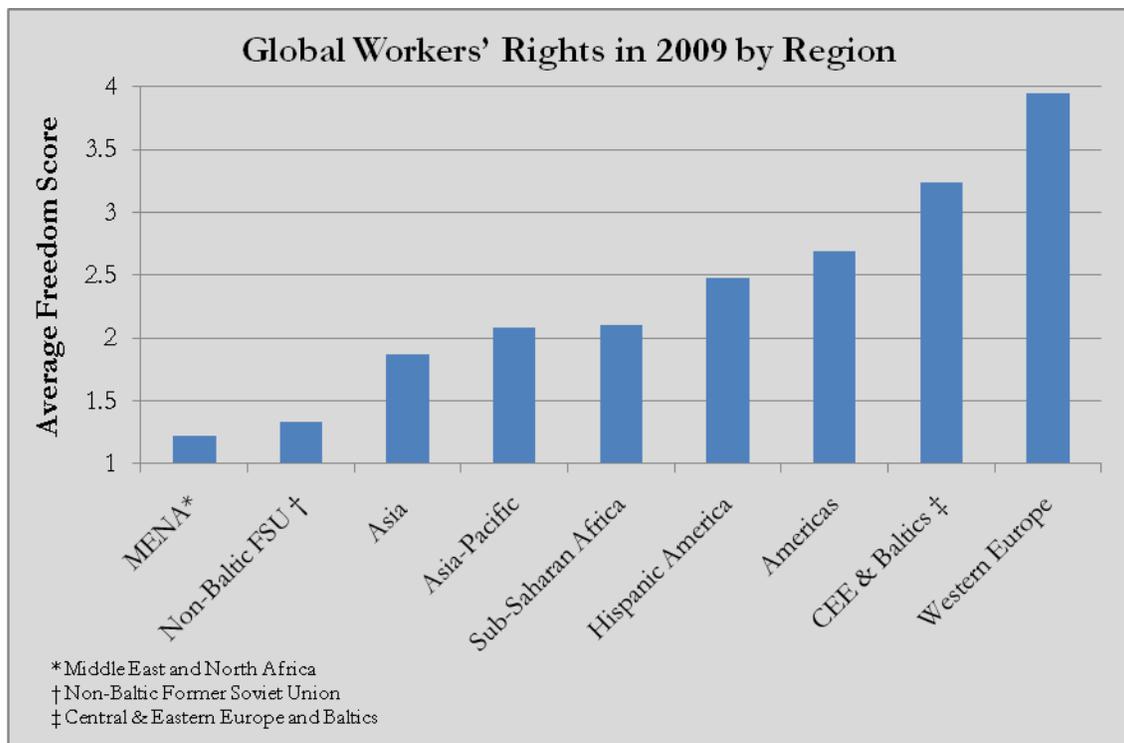


The problems of workers are not restricted to countries with authoritarian political environments. Societies that otherwise observe a wide array of democratic freedoms—those that tolerate robust debate in the media, are sensitive to the rights of minorities, and have adopted a series of policies to achieve gender equality—may still take steps to limit the power of trade unions as agents of collective bargaining and sources of independent political power. The most glaring example of this phenomenon is the United States. While the country has adopted laws that in principle guarantee the rights of workers to form unions, engage in collective bargaining, and conduct strikes and other forms of workplace protest, these rights have been circumscribed in practice over the past three decades through a combination of court decisions, political initiatives, and government policies.

The status of workers' rights must also be viewed within the context of a global decline in freedom of association. Authoritarian governments have singled out the institutions of civil

society for special attention in recent years. Targets include democratic political parties, human rights organizations, women's advocates, groups that investigate corruption or monitor abuse by security services, organizations that seek legal reform, and groups that champion minority rights or religious freedom—organizations, in other words, that aim to provide ordinary people with a voice or influence on public policy.

The result has been a noticeable setback for freedom of association on a global scale, and increased pressure on the rights of working people. This study, *The Global State of Workers' Rights: Free Labor in a Hostile World*, shows that the rights of workers are in jeopardy in much of the world, with trade unions facing serious obstacles in every region except that of the European Union. Workers and their unions are confronted by particularly severe challenges in the Middle East, the former Soviet Union, and Asia. Given these countervailing forces, the future success of promising labor activism in countries like China is still very much in doubt.



Workers' Rights as Fundamental Freedoms

The right of workers to organize is identified as a fundamental democratic value in a number of documents that set forth the core principles of free societies. Article 23 of the Universal Declaration of Human Rights declares, "Everyone has the right to form and to join trade unions for the protection of his interest." The right to participate in trade unions is further buttressed by Article 20's guarantee of the rights to free assembly and association. Indeed, because traditional political parties have been suppressed or have lost their connection with the public in many societies, freedom of assembly and association for unions is especially important as a means of channeling popular sentiment into organized democratic opposition.

The first international agreement on workers' rights was probably an 1817 treaty signed by Britain, Spain, Portugal, and the Netherlands to ban the slave trade, with violators subject to the judgment of an international "mixed court." The internationalization of workers' rights was solidified immediately after World War I, when the world's leading proponents of democratic liberties took note of the central role that labor unions played in securing freedom for ordinary people. One of the first and most enduring global institutions for the protection of human rights was the International Labour Organization (ILO), formed shortly after the Great War as part of the League of Nations system.

The ILO ultimately outlived the League itself and was given formal recognition as an agency of the United Nations system after World War II. It is organized along tripartite lines, with each signatory country represented by delegates from business, labor, and government. The ILO member states have adopted a series of agreements, or conventions, that provide the basis for international labor standards. The core conventions guarantee the rights to join and form trade unions, engage in collective bargaining, and participate in strikes and other forms of protest action. Labor rights are also included in the human rights documents of regional bodies like the Organization of American States (OAS) and the Organization for Security and Cooperation in Europe (OSCE).

Methodological Overview

This study assesses the state of workers' rights both globally and on a regional basis, examining conditions under authoritarian regimes, in developing countries that have embraced democracy to varying degrees, and in wealthy and well-established liberal democracies. Data for the analysis are drawn from *Freedom in the World 2010*, the latest edition of Freedom House's annual report on political rights and civil liberties, covering developments in 2009. A total of 165 countries are included, constituting all those with modern economies and significant trade union movements; narrative reports are provided for 50 of these countries. The possible numerical scores range from 0 to 4, with status designations as follows:

- 4 **Free.** Labor laws are in basic conformity with ILO standards and effectively enforced. Independent unions and authentic collective-bargaining contracts exist and have reached sufficient size and number to give workers a significant degree of bargaining power. Unions have broad freedom to participate in electoral politics and advocate for the adoption of laws and policies.
- 3 **Mostly Free.** Labor laws are in basic conformity with ILO standards and are reluctantly enforced amid outside scrutiny and international pressure. Bargaining is discouraged in subtle ways, for instance through legal delays and firings. Independent unions exist, as do authentic collective-bargaining contracts, but the number of such contracts is small. Unions are permitted to participate in civic affairs, including electoral politics, and to advocate for laws and policies.
- 2 **Partly Free.** Labor laws are largely in conformity with ILO standards but are selectively enforced. Independent unions are allowed to form, but bargaining is inhibited by selective firings and retaliation. Few authentic collective-bargaining contracts exist in the private

sector, and major changes are needed in enforcement. There are some restrictions on unions' ability to participate in civil affairs and political campaigns.

- 1 Repressive.** Labor laws are in partial conformity with ILO standards but are not enforced, or are selectively enforced to favor government-approved unions. Some independent unions may exist, but they are kept small or not allowed to bargain. No authentic collective-bargaining contracts exist. There are significant restrictions on unions' ability to participate in electoral politics. Some revisions of law are necessary, as is more rigorous enforcement of existing laws.
- 0 Very Repressive.** Labor laws do not allow independent unions or free collective bargaining, conflicting with ILO Conventions 87 to 98. No free unions exist. Labor organizations are prevented from participating in electoral politics, and fundamental labor law reforms are needed.

The scores for worker and trade union rights, based on those from *Freedom in the World*, are determined through an assessment that addresses the following questions:

- Are trade unions allowed to be established without government interference, and are they free from control by the government or a dominant political party?
- Are workers pressured by the government or employers to join or not to join certain trade unions, and do they face harassment, violence, or dismissal from their jobs if they fail to comply?
- Are workers permitted to engage in strikes, and do members of unions face reprisals for engaging in peaceful strikes? (Note: This question may not apply to workers in essential government services or public safety jobs.)
- Are unions able to bargain collectively with employers and negotiate collective-bargaining agreements that are honored in practice?
- For states with very small populations or primarily agricultural economies that do not necessarily support the formation of trade unions, does the government allow for the establishment of peasant organizations or their equivalents? Is there legislation expressly forbidding the formation of trade unions?
- Are unions and other organizations that represent workers or professional employees able to participate fully in civic affairs, including electoral politics and political campaigns?

Major Findings

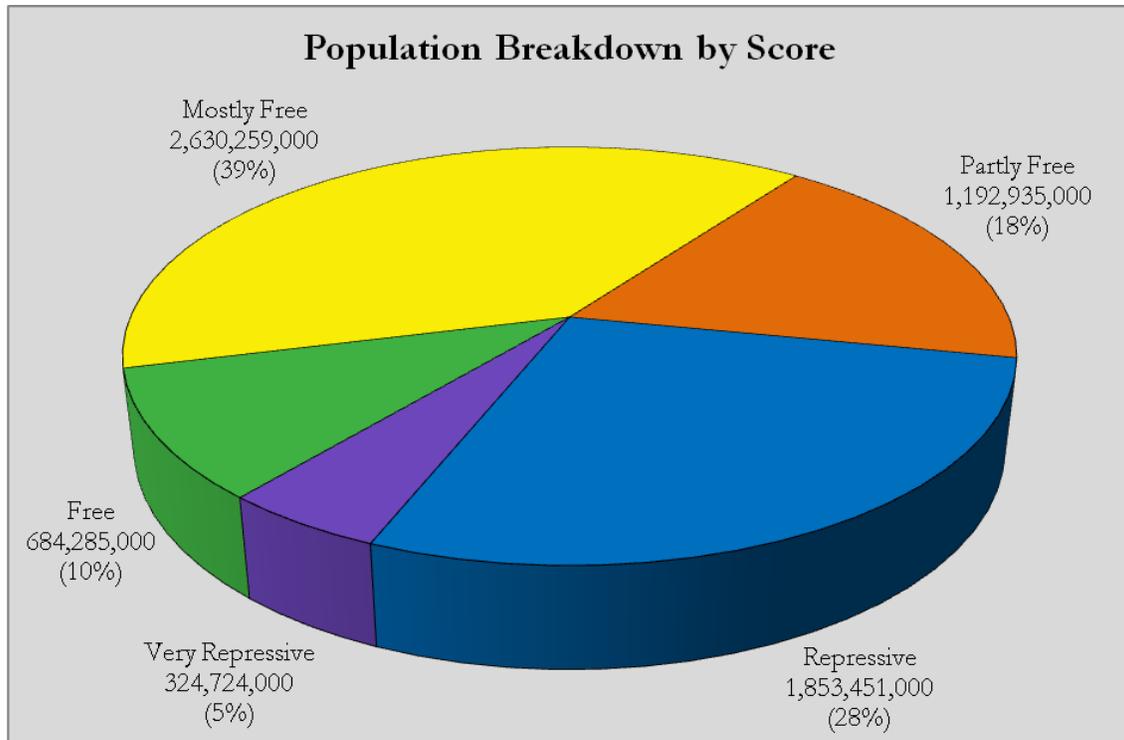
Among the more disturbing findings of the report is that 40 countries, or nearly one-quarter of those assessed, were judged to have either Repressive or Very Repressive labor rights environments. At the other end of the spectrum, 41 countries, or almost one-quarter, were found

to have Free labor rights environments. Of these, 26 were European Union member states, and three others were also stable democracies.

Of the 14 countries ranked as Very Repressive, three—Belarus, Turkmenistan, and Uzbekistan—are in the former Soviet Union; four—Burma, Laos, North Korea, and Vietnam—are in Asia; three—Libya, Saudi Arabia, and Syria—are in the Middle East; three—Equatorial Guinea, Eritrea, and Sudan—are in sub-Saharan Africa; and one—Cuba—is in the Americas. Among the countries designated as Repressive were Azerbaijan, China, Egypt, Iran, Kazakhstan, Singapore, Venezuela, and Zimbabwe. The Middle East region had the poorest performance, and Asia also scored poorly. By contrast, only one country in the Western Europe region, Turkey, failed to rank as Free. Among the 12 countries of the non-Baltic former Soviet Union, half were ranked as either Repressive or Very Repressive, and only one, Ukraine, earned a score as high as Mostly Free.

Among the more significant findings of the report are the following:

- In Middle Eastern countries that previously adhered to “Arab socialist” development models, the tradition of dominant party control over the labor movement endures. In Egypt, for example, unions must be affiliated with a federation that functions as an appendage of the ruling party and controls union elections.
- Some governments have adopted laws barring local unions from accepting foreign financial assistance, a potentially significant restriction given the long history of European and especially American union support for workers’ struggles in developing countries and authoritarian settings.
- The absence of genuine unions almost certainly contributes to job-site deaths and injuries. In China, where toothless state-controlled unions prevail, thousands of workers die each year in factory and mining accidents.
- Forced or coerced labor is a matter of government policy in a number of the world’s more repressive societies, including Burma, Eritrea, and China.
- In a positive development, labor activism is on the rise in several countries where official unions are under the control of the government. Both Egypt and China have seen an increase in strikes and protests in recent years. And unlike in the past, when the authorities would likely have responded with repressive tactics, the regimes have more recently tended to respond with at least partial concessions.
- In maintaining control over organized labor, former communist countries and those, like China, that retain a Leninist system of political control have a built-in advantage due to their legacy of total state-party domination of the trade union movement. Thus while unions in the countries of the former Soviet Union in theory have the right to independent action, laws and regulations discourage the existence of unions outside the national, government-linked labor federation that carried over from Soviet times.



The Changing Authoritarian Model

In the old totalitarian model, any initiative outside the realm of the state or dominant party, including independent labor activism, was impermissible. As the narrative reports in this study indicate, modern authoritarians have developed methods of workplace control that are more nuanced and flexible.

China is a prime example of a country that has made the transition from Marxist orthodoxy to a system of dominance that is less comprehensive and more sophisticated. By law, all unions must belong to the ACFTU, which functions more as an arm of the Communist Party designed to control workers than as a genuine vehicle for representing their interests. ACFTU officials often hold senior management positions in state-owned enterprises. Workers who attempt to form independent unions are usually harassed or arrested; at the same time, the government is often pragmatic in its response to the growing instances of labor unrest. In some cases the government has intervened on workers' behalf, but it always ensures that no cohesive, durable, or widespread movement of workers emerges to challenge the ACFTU.

In Russia, state control over unions is less pervasive and direct than in China, but still effective. Policies implemented under former president and current prime minister Vladimir Putin enable the tax police to conduct repeated investigations of trade union finances and place legal and bureaucratic hurdles in the way of collective bargaining, strikes, and cooperation with foreign labor organizations.

A somewhat different situation exists in Venezuela, where President Hugo Chavez has set out to destroy existing unions and replace them with new labor entities controlled by the regime. This

effort has met with limited success, as the new state-sponsored unions have demonstrated a degree of independence and at times have defied Chavez's goals.

Migrant Workers and Special Economic Zones

As this study makes clear, migrant workers face pervasive discrimination and mistreatment in a number of societies, especially in the Gulf states of the Middle East and in Southeast Asia. Countries like Kuwait, the United Arab Emirates, Malaysia, and Indonesia rely on migrants from South and Southeast Asia to fill a variety of positions, including as household workers. These workers are often subject to serious exploitation. They are seldom allowed union representation, are often denied legal rights, and are sometimes the victims of physical and sexual abuse. Immigrant workers also suffer from discrimination in societies that boast strong rule of law traditions and vibrant labor movements. Indeed, treatment of undocumented foreign workers in North America and the European Union has worsened in recent years, as citizens have become alarmed at a sudden influx of migrants from the developing world and a rise in joblessness among local workers.

Another vulnerable class of workers consists of those employed in the special economic zones that have sprung up in a number of developing countries. The zones are established through agreements with the United States or other wealthy countries, which typically permit the products manufactured at the sites to enter their markets without the normal tax restrictions. Labor violations are common in the special zones, and in some countries they primarily employ migrant workers. The workers are often forced to work extended hours without overtime pay, to sign contracts that differ from promises made by recruiters, and even to work without being paid at all.

Workers' Rights in the United States

The condition of workers' rights in the United States, which receives only a Mostly Free rating in this survey, is unique. On one hand, federal law guarantees workers the core rights enshrined in ILO conventions. The country also has a rich history of labor activism marked by strong unions in the private sector, and a labor leadership that exerts significant influence over social and political affairs. Organized labor remains one of the most important constituencies in the Democratic Party coalition. On the other hand, the United States today has one of the weakest labor movements among advanced economies, has suffered a precipitous decline in private-sector union membership, and—unlike most European countries—features an overall political environment that is distinctly hostile to unions, collective bargaining, and labor protest.

In recent years, unions have been confronted with mounting resistance by employers. Management has used a variety of tactics to forestall unionization, and has shown a willingness to violate labor law if it would result in the defeat of a union campaign to gain bargaining recognition. When found guilty of violations by the courts or the National Labor Relations Board (NLRB), companies are often given slap-on-the-wrist penalties that fail to discourage management from summarily firing union supporters. Another new development in labor-management relations has been the permanent replacement of striking workers by nonunion

workers. Striker replacement, though legal, had seldom been seen in the postwar era. Its reappearance has had the effect of nullifying the strike as a significant weapon in labor relations.

As the narratives in this study indicate, the United States is not the only country to sustain a large decline in private-sector unionism over the past three decades. Union membership declines have taken place in almost every developed country, and in some cases—such as Australia, Britain, Germany, and New Zealand, all of which are rated Free—the decline has been substantial. One possible factor in this deterioration is the array of rights and protections that were provided by unions in the past but are now guaranteed by the state. Like other established democracies, the United States has a complex network of laws, policies, and enforcement agencies designed to monitor the employment sector for evidence of discrimination based on race, gender, ethnicity, or age. Antidiscrimination laws are fortified by a series of court decisions that bolster the power of government to prosecute cases of workplace bias. And there are laws that make it possible for employees to sue corporations or government agencies in cases of “wrongful dismissal.” Federal and state laws also provide mechanisms to enforce job-site health and safety protections.

Conclusion

The past several decades have brought challenges to workers’ rights in both authoritarian and democratic societies. The problems faced by workers and democratic trade unions have intensified since the recent economic downturn, but the pressure on labor clearly predates that crisis. There is little reason to believe that workers’ rights will undergo a major improvement if the global economy recovers in the near future. At the same time, developments in China remind us that workers and unions still carry the potential to propel the struggle for freedom in dictatorships and authoritarian settings.

How then should those who cherish freedom and appreciate the essential democratizing role of independent trade unions respond? While it is not the primary purpose of this report to advance a list of policy recommendations, the findings do suggest a number of appropriate responses to the problems faced by workers and their unions around the world:

1. It is critical to identify and report on those responsible for violations of workers’ rights in the democratic world as well as in dictatorial and totalitarian states. The media should pay the same level of attention to workers and their causes as they do to rigged elections and violations of press freedom or freedom of religion.
2. Trade unions in Europe and the United States should play a more vigorous role in supporting foreign unions that are under duress and publicizing instances of abuse overseas. The American labor movement has a long and worthy history of involvement in helping beleaguered unions in developing societies. The current threats to global trade union rights calls for a renewal of that tradition.
3. Democratic governments should tirelessly raise the issue of suppression of workers’ rights at all the relevant international forums, including the UN Human Rights Council and regional entities like the OSCE and OAS.

4. Attention and support should be given to projects that shine a spotlight on sweatshop conditions affecting workers in developing countries. These projects, which focus attention on well-known purveyors of designer clothes or athletic gear, have scored some modest victories in revealing that these goods are the product of exploitation and abuse.
5. Trade and economic agreements should include clauses that deal with the exploitation of workers. These clauses should specifically apply to special economic zones, where denial of workers' rights and antiunion policies are common.
6. Special focus should be placed on conditions endured by migrant workers. While the most serious exploitation of migrants occurs in the Middle East and parts of Southeast Asia, considerable problems exist in Europe and North America as well.

Country Reports

Argentina

Mostly Free

Labor unions have played a major role in Argentine society since the 1930s. While their influence has diminished in recent years due to internal divisions, unions remain robust and active, representing approximately 40 percent of the formal workforce. The General Labor Confederation is Argentina's largest union umbrella group and one of the largest in the world. Unions continue to be dominated by the Peronist party and are not immune to the country's pervasive corruption.

Argentina's trade unions are free from direct government control. All workers, with the exception of military personnel, are legally free to join trade unions. The rights to organize, engage in collective bargaining, and strike are all recognized by law. The rights to freedom of assembly and association are generally respected in practice. However, there are some restrictions. For example, unions representing civil servants and workers in essential services must ensure that "minimum services" are maintained, and the term is not defined by law. These workers can only strike after a mandatory conciliation process and notification period, which can limit the impact of strikes.

The Ministry of Labor must ratify collective-bargaining agreements for them to be binding. Such agreements cover approximately 75 percent of the formal workforce. While it is aimed at protecting workers' rights, the International Labour Organization asserts that the ratification process impedes free collective bargaining, noting the ministry's power to determine whether an agreement complies with productivity and investment criteria. In recent years there have been cases of employers who did not respect collective agreements or fired union members. Instances of direct government retaliation against workers are rare in Argentina, but union members are at times subject to violence. A prominent union leader was abducted in 2009 by a group of armed individuals who demanded that he end his union activities, and hundreds of teachers from Argentina's two education unions were attacked by security forces while attempting to hold a vigil to demand higher wages.

Australia

Free

Workers can organize and bargain collectively. Strikes are legal only during the period when a contract is being negotiated, and strikes in essential services—such as law enforcement, air-traffic control, and sanitation—are regulated by federal and state laws. Almost all unions are affiliated with the Australian Council of Trade Unions.

Australia is a founding member of the International Labour Organization (ILO) and has a long history of trade unionism. However, union membership is declining. Today, only about 20 percent of all workers are union members, down from more than 40 percent two decades ago. Experts attribute this decline to changes in the structure of the economy and the adoption of laws that provide a certain level of protection for rights in the workplace regardless of union membership.

The WorkChoices Act (WCA) of 2006, an initiative of Prime Minister John Howard's Liberal Party-led coalition government, was unpopular not only with the labor movement, but also with religious and community groups. They contended that the WCA made it more difficult for workers to strike and easier for employers to force employees into enterprise-level workplace agreements, as opposed to engaging in collective bargaining with unions. After coming to power in the December 2007 elections, Prime Minister Kevin Rudd's Labor Party government moved to repeal the WCA, and Parliament voted to do so in March 2009. In July, lawmakers passed the Fair Work Act (FWA), which recognizes legal roles for unions and employer organizations, protects workers from dismissal based on union membership (or nonmembership), and sets guidelines for industrial action. However, critics argued that the law did not comply with ILO standards on the right to strike.

Australia is a commonwealth of six states and two territories, and the federal government has limited authority to enact labor laws or measures that define employment relationships. The constitution largely confines its purview to "conciliation and arbitration for the prevention and settlement of individual disputes extending beyond the limits of any one state." The states and territories are responsible for labor issues including occupational health and safety, job security, and wage rates. As a result, labor laws vary across the country. Furthermore, Australia is a common-law country, and courts at all levels can interpret labor statutes and render decisions that influence labor-related matters.

Belarus

Very Repressive

While the constitution theoretically protects the right of workers to form and join trade unions, the Trade Union Law of January 2000 and subsequent presidential decrees create an atmosphere in which independent trade unions face harassment, and their leaders are frequently arrested and prosecuted for peaceful protests and dismissed from employment. All trade unions must register with the authorities, and failure to comply leads to their closure. Since unions typically must register at their place of work, they are dependent on management's support and therefore have little ability to protect workers' rights. New unions must overcome high barriers to register, such as a requirement that they have 500 members from a majority of Belarus's regions, making it almost impossible for them to comply with the law. Registrars can dissolve unions for minor violations without a court ruling.

In Belarus's repressive political environment, the authorities favor the Belarus Federation of Trade Unions, with which they maintain close ties, and pressure workers not to join independent labor unions, such as the Belarusian Congress of Democratic Trade Unions. Since over 90 percent of workers have fixed-term contracts, the government can end their employment for any reason when the contract expires, making them extremely vulnerable to pressure. Nevertheless, trade union leaders have often been involved in protest rallies against the policies of Belarus's longtime authoritarian ruler, President Alyaksandr Lukashenka. Rallies held shortly before the disputed 2008 presidential election, for example, led to the arrest of eight union leaders.

The January 2000 labor law greatly restricts the right to strike. Workers can strike only in the three months following complicated conciliation procedures. The duration of the strike must be set in advance, and workers must ensure a minimum of service. The government has criminalized the receipt of international aid.

Meaningful collective bargaining is not a realistic option, and Belarus's court system does not provide relief for the independent unions, as prosecutors either dismiss or ignore their complaints.

Despite these problems, there are some signs that Belarus may improve conditions for unions in the future. In 2008 and 2009, the government sought better ties with the European Union (EU) and has therefore slightly eased some restrictions on civil society. However, the EU had excluded Belarus from the general system of trade preferences in 2006 because of its violation of union rights, and representatives of independent unions say it is not yet time to restore economic ties. At a June 2009 meeting, the International Labour Organization declared that Belarus had made no significant progress.

Brazil

Mostly Free

The Brazilian trade union movement has enjoyed something of a political revival since the electoral victory of the Workers' Party in 2002. Industrial unions are well established, and 20 to 25 percent of the formal workforce is unionized. While most unions are aligned with one or another political party, they tend to have more freedom from party control than those in most other Latin American countries.

Brazilian law recognizes the right of all workers—except members of the military, firefighters, and uniformed police—to unionize and strike. However, an “unicidade” or one-city restriction prohibits the formation of more than one union in a particular employment category within a given geographical area. Moreover, public workers' right to strike is subject to a set of poorly defined restrictions, limiting their ability to strike in practice. Collective bargaining is legally guaranteed in the formal sector, but it is effectively banned for public employees. Legislation to address that problem was still pending at the end of 2009. The government is legally empowered to reject clauses of labor agreements if they conflict with its economic or financial policy, drawing criticism from the International Labour Organization.

A system of special labor courts is charged with resolving workplace disputes on issues including retaliatory discharge, working conditions, salary disputes, and other grievances. Authorities do not consistently enforce laws protecting union members from discrimination. Furthermore, the labor court trials are slow and unwieldy, with cases lasting an average of six years. Employers are prohibited by law from firing workers for strike-related activity or hiring substitute workers during a legal strike. In practice, however, strike organizers are often fired with relative impunity due to the slow and ineffective legal system.

There has been an increase in union membership in recent years. However, intimidation and killings of rural union leaders continue, as does violent dispersal of demonstrations by the authorities.

Burma

Very Repressive

Burma's military junta regularly violates workers' rights and represses union activity. Independent trade unions, collective bargaining, and strikes are illegal, and labor activists are routinely arrested. Several labor activists are serving decades-long prison terms. Some public-sector workers and ordinary citizens are compelled to join the Union Solidarity and Development Association (USDA), a government-controlled mass organization.

Membership in domestic and international unions is effectively prohibited. The junta designated the Federation of Trade Unions–Burma (FTUB) as a terrorist organization in 2006 and continues to criminalize contact with the group. The government has also outlawed the Seafarers' Union of Burma (SUB), an affiliate of the FTUB, and prevents seafaring workers from joining the International Transport Workers' Federation.

While Burmese labor law forbids strikes, local protests by employees at large factories do occur. They are usually resolved without government involvement and sometimes result in higher wages.

Despite the ban on collective bargaining, some worker-management negotiations take place through Workers' Supervision Committees (WSC) in government-designated industrial zones. Composed of four workers and chaired by the factory owner, WSCs meet monthly to discuss grievances. The worker representatives are usually chosen by management. If a dispute cannot be settled at the factory level, township-level labor authorities and possibly the Ministry of Labor will intervene.

International observers have confirmed that the government and military still use forced labor, despite having banned the practice in 2000. The junta typically targets ethnic minorities for work on roads or military infrastructure projects. The International Labour Organization attempts to eliminate forced labor through monitoring and the investigation of complaints, which it carries out in conjunction with the government through a Supplementary Understanding Agreement (extended in 2009).

The minimum age for the employment of children is set at 13 in Burma, though in practice this is not enforced and child labor is prevalent and visible. Children are also subject to forced labor and military service.

Cambodia

Repressive

The 1993 constitution guarantees freedoms of association and assembly and allows demonstrations and strikes. The labor code promulgated in 1997, which was written with assistance from the International Labour Organization and the American Federation of Labor–Congress of Industrial Organizations (AFL-CIO), upholds workers' right to establish and join unions as well as the right to strike and lockout, and bars discrimination in employment. There are more than 20 national labor organizations in Cambodia. Unions can freely associate themselves with the government or opposition groups. However, labor laws do not apply to public employees, including teachers.

Despite the fairly robust legal framework, enforcement of labor laws is weak. The government respects some worker rights because of pressure from and scrutiny by international donors, which it depends on to fund public services. Antiunion harassment, dismissal of union leaders and supporters, and violence by vigilantes are common. At least three leading officials in the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC)—the largest union organization—have been murdered since 2004, and their cases remain unresolved. The heads of the Independent Teachers' Association, the Independent Civil Service Association, and the FTUWKC have all been arrested for defamation in recent years. While the right to demonstrate is provided in the constitution, groups must obtain prior government approval, and protests are limited to a maximum of 200 participants.

The government has enjoyed increasing success in attractive private investment to Cambodia, and appears to favor the interests of investors and employers over workers' rights.

For example, the government is seeking to amend labor laws to allow more permanent use of short-term contracts, which critics say would allow employers to deny workers maternity and annual leave, among other benefits. Increased use of short-term contracts might also discourage workers from joining or supporting trade unions for fear of dismissal. The government has yet to set a minimum wage as mandated by the 1997 labor code. Although Cambodian workers such as those in the garment industry, the leading manufacturing sector, are paid well compared with their peers in the region, high inflation and lack of job security have caused considerable economic hardship and spurred a number of demonstrations, strikes, and lockouts in recent years.

Chile

Free

Labor unions have been a force in Chilean society since the 1930s, and large increases in unionization occurred through the 1960s. Organized labor was suppressed during the dictatorship of Augusto Pinochet (1973–90). After Chile's return to democracy, mining, industrial, and professional unions gained ground, supported by Chile's moderate-left political parties. Mining is the most organized sector, and agricultural workers have become more organized in recent years. Chilean law allows workers to join and form unions without prior authorization, and this right is observed in practice. Unions operate without government interference. Approximately 13 percent of the formal workforce is unionized.

The right to assemble peacefully is largely respected, and the constitution guarantees the right of association and collective bargaining, which the government has also upheld. Collective-bargaining rights are only guaranteed if they are "voluntary," meaning the employer agrees to negotiate with the unions. Both public and private employers have been criticized for failing to respect trade union rights. Antiunion practices—including violence against union leaders, unfair dismissal of these leaders, and replacement of striking workers—continue to occur. It is not specifically illegal to fire strikers; instead, the law aims to make it prohibitively expensive to do so. Legal protection of collective-bargaining rights remains inadequate.

Public-sector employees do not have the right to strike, and police and military personnel do not have the right to unionize. However, a massive strike in November 2008 that included government-employed teachers and health workers affected 70 percent of public-sector workers. The strike was deemed successful, resulting in negotiation of salary increases. There are limitations on the right of private-sector workers to strike. Agricultural workers may not strike during harvest season, and employees of private-sector providers of water and electricity are prohibited from striking. The law mandates compulsory arbitration to resolve disputes in these companies.

China

Repressive

Independent trade unions are illegal, and enforcement of labor laws is poor. Nevertheless, labor unrest has grown in recent years, and workers have used increasingly sophisticated tactics to force concessions from employers and local authorities.

By law, all unions must belong to the state-controlled All-China Federation of Trade Unions (ACFTU), which functions more as a means for the ruling Chinese Communist Party (CCP) to control workers than as a genuine vehicle for representing their interests. ACFTU officials often hold senior management positions in state-owned enterprises, and in recent years

its unions have attempted to expand into private companies, including multinationals such as Wal-Mart and McDonald's. Collective bargaining is legal in all industries but does not occur in practice.

Advocates of independent unions are harassed, detained, and jailed. Although workers lack the legal right to strike, they have increasingly asserted themselves against employers. From 1995 to 2006, the number of labor disputes rose by 13.5 percent, with most involving layoffs, dangerous conditions, or unpaid wages, benefits, or unemployment stipends. According to a 2009 study by the China Labor Bulletin, workers have organized informally in recent years via collective petitioning, self-selection of negotiating representatives, and strikes. Such tactics have repeatedly yielded concessions from employers or government intervention on behalf of workers. Nevertheless, in many cases labor leaders continue to be arrested.

Three new labor laws took effect in 2008. They were designed to protect workers, counter discrimination, and facilitate complaints against employers while also empowering CCP-controlled unions. Initial promising signs on implementation—including a sharp rise in the number of labor-dispute cases filed by workers—were overshadowed by the global economic downturn, a lack of independent arbitration bodies, and a growing backlog of complaints.

Due to poor enforcement of labor laws, employers frequently ignore minimum-wage requirements and fail to comply with health and safety standards, leading to dangerous work environments. Factory and coal-mining accidents kill tens of thousands of Chinese workers annually. In recent years, official figures have reported a decrease in the number of workplace accidents. Nevertheless, the death toll remains high by global standards, reported at 91,172 in 2008 and 18,501 in the first quarter of 2009. In addition, forced labor, including child labor through government-sanctioned “work-study” programs and in hundreds of “reeducation through labor” camps, remains a serious problem.

Though the days of peasant associations have passed, other sectors of society remain under CCP control through “mass organizations” similar to the ACFTU. These include the All-China Lawyers' Association (ACLA), which in recent years has taken steps to rein in reform-minded members' engagement with human rights cases and suppressed initiatives by members to increase management accountability. In July 2007, the Beijing Lawyers' Association (BLA) dissolved its Committee on Constitutional and Human Rights Affairs after members repeatedly undertook sensitive rights cases and exerted increasing domestic influence. In September 2008, several lawyers in Beijing called for democratic elections and other reforms to increase members' influence over the BLA's management. The group's leadership categorically rejected the calls and warned that organizing such an initiative was illegal. After the lawyers continued to push for reform, several were forced to resign from their firms, and in 2009 others were pushed out of the profession through the nonrenewal of their licenses to practice law. In March 2009, the authorities shut down Yitong Law Firm, which was closely associated with the reform initiative. Although the closure was intended to last six months, the firm remained shuttered at year's end.

Colombia

Repressive

Unions in Colombia are legal but operate under severe constraints. Less than 5 percent of the workforce is unionized, and 60 percent of the labor pool works in the informal sector. The technical process of establishing a union is relatively straightforward under Colombian law. In 2008, the Constitutional Court ruled that filing union registration documents with the Ministry of Social Protection is sufficient to establish a union's legal status. Collective bargaining is

permitted but has declined in recent years, for two main reasons. The first is that public-sector workers, who represent an ever-increasing share of the unionized workforce, are barred from negotiating collective-bargaining agreements. The second is the proliferation of subcontractors, cooperatives, and other business structures that provide greater labor flexibility and are seldom if ever unionized. The right to strike is ensured by law, but strikes are increasingly ineffective due to the government's ability to refer disputes to arbitration after 60 days. Vocal labor activists, especially organizers and strike leaders, commonly face retaliation, including dismissal.

The most fundamental limitation on worker rights is violence. More trade unionists are murdered in Colombia than in any other country. Since 1986, over 2,500 union members have been killed, although the figure of 39 (or 28 according to government statistics) for 2009 was significantly lower than the annual totals during the peak of violence in the 1990s. Impunity remains the norm for these killings, with 95 percent of documented cases left unsolved.

The rise in killings of trade unionists coincided with the rise of right-wing paramilitary groups in the 1980s and 1990s, and these groups are considered responsible for over 60 percent of the murders. Another 30 percent are blamed on the country's leftist guerrillas, who assassinate union members as part of their struggles for ideological and economic domination. The remaining killings are perpetrated by a variety of culprits, including members of the security forces. The government has at times described many of the murders as the result of either common crime or guerrilla infiltration of unions. However, unions claim that a majority of murders and threats occur in the context of labor strife and note that many of those killed are union leaders, not rank-and-file members. Unions and human rights groups also assert that spurious legal charges and rhetorical attacks against unionists by state officials have contributed to an environment that is conducive to violence.

In 2006, the government formed a special unit within the prosecutor's office to focus on union slayings. It had obtained 189 convictions by the end of 2009. Still, a backlog of over 1,300 cases remains to be prosecuted. In addition to murders, many union activists have faced death threats, displacement, kidnapping, and torture. Teachers were the unionized workers most likely to suffer violent attacks; 15 of the union members murdered during 2009 were teachers.

Although the law permits collective bargaining, it is limited in practice by the country's low union membership. In addition to antilabor violence, union strength is weakened by the large informal sector, high unemployment, and antiunion attitudes among employers and some sectors of the state. In 2008, less than 1 percent of the workforce was covered by a collective-bargaining contract.

Cuba

Very Repressive

The Cuban Workers' Confederation (CTC) consists of 19 individual member unions and is the only trade union federation that has been recognized by the Cuban government since the 1959 revolution. Workers are not permitted to organize outside of the CTC, which remains under strict government control. Cuban law recognizes the right to organize. However, according to Article 16 of the labor code, unions must support national development and the Cuban socialist model. The government claims that there is no legal requirement to join the CTC. However, membership is implicit in employment contracts.

Cuban law does not grant workers the rights to strike. Since the state controls the labor market, it determines pay and working conditions in the public sector. In the private sector, foreign investors are required to contract workers through state employment agencies, which

pocket up to 95 percent of worker salaries. The minimum wage in 2008 was approximately 225 pesos (\$9) per month. Dissatisfied workers are allowed to refuse to work only when infrastructure or machinery poses a risk to their health and well-being. The labor code states that “a trade union inspection of work can order the shutdown of machinery, equipment and tasks and propose that the workplace be closed down, if the conditions are such that an imminent workplace accident is foreseen.” However, there is little evidence that this provision is ever implemented.

Independent trade unions face severe restrictions, and members are subject to physical abuse, loss of employment, confiscation of property, and imprisonment. According to the International Trade Union Confederation (ITUC), “anyone who engages in independent trade union activity runs the risk of being persecuted and losing their job. Workers are required to keep an eye on their colleagues and report any ‘dissident’ activity.” In March 2003, 75 Cubans were jailed as political prisoners, including seven leaders of independent trade unions. Several were later released into exile. In February 2009, a number of trade union members, including the president of the Confederation of Independent Workers of Cuba, were detained and threatened.

Czech Republic

Free

The country’s Charter of Fundamental Rights and Freedoms was accepted as part of Czechoslovakia’s 1992 constitutional order and remains in force in the Czech Republic, guaranteeing labor rights as well as economic, cultural, and social freedoms. Worker rights are regulated by a labor code adopted in 1965. While the code has been amended since its enactment, particularly to bring it into conformity with European Union (EU) regulations before the country joined in 2004, its basic framework has not been altered significantly.

Workers can freely form and join trade unions in the Czech Republic. Trade unions are the sole representatives of employees and have the authority to conduct collective bargaining. Under the labor code and accompanying legislation, trade unions are entitled to significant rights regarding access to information and co-determination, decision making, and consultation with employers. However, labor inspectors are rarely effective in investigating violations of worker rights, including employers’ failure to comply with collective-bargaining agreements or meet their obligations to consult and share information with union officers.

Activities undertaken by trade unions cannot be restricted by law unless they threaten the security of the state or restrict the freedoms of other citizens. Employers are not permitted to obstruct employees from joining unions or favor one union over another. Antiunion discrimination is illegal, but workers at times face threats of contract termination or wage reductions for union activities, and pressure to renounce labor union membership has been reported. For example, in 2008 the Trade Union of Catering, Hotel, and Tourism Workers alleged that CPI Hotels was only employing workers in its new hotel chain if they gave up their union membership.

The state may not involve itself in the constitution of trade unions, nor is it permitted to interfere in their management or operations. The Ministry of the Interior is responsible for ensuring that trade unions are not involved in political or business activities, and the unions are required to declare their independence from political relationships.

Czechs may assemble peacefully. Workers, including foreign and migrant workers, have the right to strike, but only after mediation efforts have failed. Unions must provide employers with the names of strikers one day before a scheduled strike. While a 40-hour workweek, two

days of rest per week, and a 30-minute break in each eight-hour day are required by law, these standards are not always applied to foreign workers, who have complained of biased treatment. Judges, prosecutors, policemen, soldiers, and other security force personnel cannot strike. Employees working in strategic industries—such as nuclear power, health care, and air-traffic control—have access to mediation but face limitations on their right to strike.

A new labor law that took effect in January 2007 eliminated several restrictions on freedom of association. However, trade unions within each company are now required to act together in collective bargaining.

The Czech-Moravian Trade Union Confederation (CMKOS) is the main confederation of unions in the Czech Republic. Only 17 percent of the workforce was unionized as of mid-2009, signaling a continued decline in trade union density. In March 2009, the CMKOS criticized draft amendments to the labor code put forward by the Ministry of Labor and Social Affairs, claiming the changes would negatively affect worker rights and collective-bargaining procedures. The CMKOS also denounced President Vaclav Klaus's insistence on a provision in the EU's Lisbon Treaty that would allow the country to opt out of the bloc's Charter of Fundamental Rights, arguing that the loophole could lead to the denial of workers' rights.

A recent Survey of International Labor Law published by Deloitte found that Czech labor laws are among the strictest in Europe. Termination provisions were not revised in the 2007 labor law and date back to 1965. Workers whose performance is under review must be given time to improve, followed by two months' notice before termination. In order to dismiss a worker, employers must find a legally approved reason and provide severance payments of up to three months' salary.

During the recent economic recession, employers have been seeking ways to reduce costs while adhering to the labor code. In 2009, trade unions, employers, and the Ministry of Labor and Social Affairs worked together on a proposal to avoid massive layoffs by shortening the workweek. Employers have also asked employees to take unpaid leaves of absence, or altered hours and working schedules. The strict labor laws have forced many employers to seek legal counsel during the economic crisis to negotiate with employees. In some cases, employers have negotiated with unions to cut wages by up to 20 percent. However, employers have generally been criticized for their failure to follow through on agreements made with unions.

In 2008, a nationwide strike was undertaken by more than a million workers to protest government plans to reform the tax, health care, and pension systems. Faced with increasing unemployment rates, both employers and union members seem to agree that the labor code must be revised.

Denmark

Free

Article 78 of the Danish constitution affords all citizens the right to form associations for any lawful purpose. Freedom of assembly and freedom of association are both guaranteed. The right to form trade unions was first secured in the September Compromise of 1899, also known as the Danish Labor Market Constitution, which set the foundation for the Danish labor model. The core concept of the Danish model is that legislation and government interference should be kept to a minimum. Collective bargaining is rigidly structured. At the national level, there is a Basic Agreement between the Danish Confederation of Trade Unions (LO) and the Danish Employers' Federation (DA) that provides for the right to organize. There are also collective agreements at the industrial level to resolve disputes.

The LO, with approximately 1.2 million members, is the largest of the three main trade union federations in Denmark, followed by the Confederation of Professionals in Denmark (FTF) with 358,000 members and the Danish Confederation of Professional Associations (AC) with 133,000 members. There is generally little competition between unions, though in 2006 the LO and FTF reached a cooperation agreement to resolve membership disputes through arbitration. Approximately 70 percent of Danish workers in the public and private sectors belong to a union. Workers are free from government coercion to join specific unions, but nonunion workers lack the protections afforded to union members.

The government generally does not interfere in union activity or in strikes. The LO was historically linked with the Social Democratic Party, but in 2003 it ceased giving financial support to the party. In 2009 there were several strikes, including actions by trash collectors and daycare workers. The largest involved approximately 100,000 health workers demanding a pay increase over the next three years. The strikes were not subject to government interference.

Egypt

Repressive

Although Article 56 of the constitution guarantees the right to unionize, labor rights in Egypt are heavily restricted. Workers are not required to join a union. However, all unions must join one of the country's 23 official industrial federations. Those federations in turn are required to join the Egyptian Trade Union Federation (ETUF), which is affiliated with the ruling National Democratic Party and controls elections for trade union leaders. Unions cannot organize in firms with fewer than 50 employees. Union membership is not strong in Egypt. There are approximately 4.5 million unionized workers, with heavy concentrations in state-owned enterprises. Former state enterprises that have been privatized account for the largest share of union members in the private sector. Government intervention in unions' administrative and financial matters is common. However, the 2003 Unified Labor Law does provide for collective bargaining, and negotiations may be started by any of the concerned parties.

Theoretically, the right to strike is also protected by the law, but strikes are not permitted in practice. To gain approval for a strike, trade union leaders are required to give 10 days' notice and secure approval from two-thirds of the ETUF's board of directors. Strikes are prohibited during mediation and while collective-bargaining agreements are still valid, and sectors that are deemed vital to national security or service provision are barred from striking altogether. These include the transportation sector and bakeries, even though they fall outside the International Labour Organization's definition of essential services.

Although authorized strikes are rare, unauthorized strikes have been common in recent years, since most workers have yet to benefit from the growth fueled by economic liberalization. The strikes have been generally peaceful, with the most notable stoppages occurring in the textile industry. The government does not ordinarily interfere in strikes. The exceptions are in cases of violence or where worker demands are not focused on economic issues.

Trade unions, like other socioeconomic institutions, have been influenced by Egypt's seemingly permanent state of emergency. Under emergency law, the government has the right to make arrests without warrants, hold prisoners without charges, and deny prisoners the right to trial by independent judges. By invoking these powers, the government has through the years engaged in massive violations of worker rights and oppressed labor activists with impunity. Emergency law powers have enabled the government to transform the labor federation into an arm of the ruling party. At the same time, Egyptian labor activists have exhibited increasing

signs of independence in recent years. Since 2004, over 3,000 collective labor actions have taken place, involving some two million workers. Whereas in the past the government would likely have responded with violence, today it is more likely to engage in negotiations.

Eritrea

Very Repressive

The government of Eritrea has ratified the main International Labour Organization (ILO) conventions guaranteeing freedom of association and the rights to organize and bargain collectively. Under Eritrea's Labor Proclamation No. 118, workers have the legal right to form unions. However, there are severe restrictions in practice. The civil service, military, police, and other professions defined as "essential service" providers are precluded from union activity. Groups of 20 or more persons seeking to form a union require special approval from the Ministry of Labor and Human Welfare. The National Confederation of Eritrean Workers (NCEW) is the country's main union body and has affiliated unions for women, teachers, young people, and general workers. The government controls all the unions, as it does all other elements of society in Eritrea. Workers whose profession has an NCEW-affiliated union are required to join it.

The law allows strikes, but because all unions are closely tied to the government, this right is not exercised in practice. Similarly, collective bargaining is allowed, but in reality the government sets wages and working conditions for public-sector employees. Under Proclamation 118, a board consisting of workers, employers, and officials from the Ministry of Labor and Human Welfare arbitrates disputes. Complainants can contest its decisions in the courts.

The government imposes a harsh system of forced labor and national service on its citizens, in violation of ILO Convention 29. This system effectively renders meaningless the country's legal protections for workers. Citizens between the ages of 18 and 50 are liable to be called upon to perform compulsory labor in any given year. The same age group is also required to undertake national service of indefinite length, either in the military or in civilian work programs. Such obligations take people far from their homes and families and deprive them of a living wage. The families of those who evade national service face imprisonment or heavy fines. The government justifies its repressive policies by arguing that potential aggression by Eritrea's neighbor and former ruler, Ethiopia, compels the country to remain in a perpetual state of readiness for war.

Ethiopia

Repressive

Most workers in Ethiopia have the legal right to form and join unions, and approximately 300,000 people have union membership. Ethiopia has ratified the two key International Labour Organization (ILO) conventions that guarantee freedom of association and the rights to organize and bargain collectively. However, under the 2003 Labor Proclamation, teachers, civil servants, the military, and the police are denied these rights. Approximately two-thirds of union members belong to organizations affiliated with the Confederation of Ethiopian Trade Unions (CETU), which is under the influence of the government. Non-CETU-affiliated organizations face harassment. In 2008, after a 15-year legal fight, the independent Ethiopian Teachers' Association (ETA) was forced to close and give up its name and assets to a government-sanctioned union of the same name. Former ETA members tried to set up a new organization, the National Teachers' Association, but the government refused to register it. The ILO Committee on the Application of

Standards criticized this decision and demanded a detailed response from the government about persistent allegations that trade union activists had been mistreated.

The right to strike is protected by law, but rigid and complicated procedures make it difficult for workers to engage in strike actions in practice. Strikes by workers who provide “essential services” are banned. There has not been a legal strike since 1993.

Collective bargaining is permitted in theory and in practice for most workers. However, a 2006 regulation effectively places a three-month time limit on amending a collective agreement. The law protects union members from harassment, but unions claim that their activists are routinely fired by their employers. Some companies promote the creation of unions that are favorable to their interests. Lawsuits over unlawful dismissals take many years to work their way through the court system.

There is no minimum wage, and working conditions are poor, particularly in rural communities. The recent practice of leasing land to foreign governments for agricultural development has created a new class of farm workers whose rights are poorly defined and who are vulnerable to abuse. The law prohibits forced labor, but in reality the courts use it as a sentencing option. Forced child labor is a significant problem, particularly in the agricultural sector. Children are exploited to work as prostitutes or domestic servants in some urban areas.

France

Free

Workers' right to organize in unions is protected, and trade unions remain strong, although membership has declined over the past two decades. Trade unions can operate without interference or control by the government and political parties, but union federations are often aligned with parties of the left. Workers do not face pressure by the government or employers to join or not to join certain trade unions. Strikes are a constitutional right with minimal regulation, and they occur frequently. Nevertheless, some employers attempt to weaken trade union activity through tactics such as dividing enterprises into smaller units or outsourcing. Antiunion propaganda in large enterprises can be a problem. A 2007 law on ground-based public transit imposes strike restrictions that have been criticized by the International Labour Organization.

Employers are legally obliged to engage in collective bargaining on a range of issues if the enterprise is unionized, and collective-bargaining agreements are honored in practice. However, 2004 amendments to the labor code allow an enterprise-level agreement to remove rights that had been granted under a sector-level agreement, a change that was condemned by unions. Employers also use various techniques to avoid collective bargaining, such as negotiations with unrepresentative trade unions. Trade union leaders have reported discrimination and generally bring the cases to court. Professional organizations, including business associations, are allowed to operate freely and without government interference.

The country's eight major unions participated in a general strike in Paris in March 2009 to protest layoffs, tax cuts for the rich, and the current minimum wage. In Martinique and Guadeloupe, which are French departments equal in status to those in mainland France, major protests took place in early 2009. Local unions led a month-long general strike over the cost of living, although the grievances also included tensions between the black majority and the white elite. French riot police were sent in after armed youths killed one union leader. Ultimately the unions struck a deal with the government.

Germany

Free

The system of protections for workers' rights and workplace conditions in Germany ranks among the strongest in the world. Freedom of association is protected in law and in practice, the majority of employees are covered by collective-bargaining agreements, and unions play an important role in the country's democracy.

Freedom of association is guaranteed by the Basic Law, the postwar constitution adopted in May 1949. The most important sources of labor rules are federal legislation, collective-bargaining agreements, works agreements, and case law. Well over half of German employees are covered by collective-bargaining agreements, and some 22 percent still belong to unions despite a steady decline in recent decades. While collective bargaining remains robust, the difficult economic environment has led unions to make concessions on pay and benefits in return for guarantees against mass layoffs.

German law strongly regulates conditions of employment, working hours, and similar workplace issues. Workers have legal protection from dismissal for reasons other than the economic needs of the employer. German laws are also among Europe's most generous in mandating holidays, maternity leave, and other benefits.

Strikes and lockouts are allowed in law and in practice. There are prohibitions against strikes during the term of a collective-bargaining agreement as well as strikes for political reasons. Although German law does not mandate arbitration procedures prior to a strike, unions and employers usually agree to arbitration before an industrial action takes place. Civil servants are prohibited from striking.

In large enterprises, workers are able to participate in decision-making through works councils, which are responsible for implementing the terms of collective-bargaining agreements. Through Germany's unique co-determination system, workers are given a say on overall company policy through representation on supervisory boards. In practice, worker influence on corporate policy is limited, as the majority of board members come from management.

Greece

Free

The constitution and national legislation provide workers with the right to join and form unions with little or no government interference. Freedom to form trade unions is established under Articles 12 and 23 of the constitution and in accordance with International Labour Organization (ILO) Convention No. 87, which Greece has ratified. Members of the military are not allowed to form a union. Members of the police are permitted to organize and hold public demonstrations but not to strike. There are some legal restrictions on strikes, such as requirements for four days' notice before strikes affecting public utilities and 24 hours' notice before private-sector strikes. In addition, workers must maintain minimum staff levels during strikes in the public sector.

There is generally no pressure by the government or employers to join or not join certain trade unions. However, during 2008 there was evidence of violence against union activists. In late December, an unknown assailant threw acid on the face of an outspoken trade union leader. The victim was known to advocate for basic rights for workers, often immigrants, in the cleaning industry.

Workers are permitted to engage in strikes and frequently do so. There was an increase in strike activity in 2008. Massive strikes by civil servants in March 2008 caused serious disruptions to public transportation and closed down schools and other public offices. The courts can declare a strike illegal after hearing from both labor and management. According to the International Trade Union Confederation (ITUC), a new law passed in 2008 allows judges more leeway to deem a strike illegal.

Unions are allowed by law to bargain collectively with employers and negotiate agreements. These agreements are honored in practice. In 1999 civil servants won the right to organize and bargain on education and training, health and safety, mobility, and union rights, but not on wages.

Guinea

Repressive

The labor code gives workers the right to form and join trade unions, and on paper they enjoy significant legal protections. In recent years, however, workers have been in the vanguard of the movement for democratic political reform. As a result they have been the target of repressive acts by successive military-dominated governments.

The two main trade union entities are the National Confederation of Guinean Workers and the Union of Guinean Workers. They comprise approximately 80 percent of the public- and private-sector workforce. Smaller unions include the National Organization of Free Trade Unions and the Democratic Union of Guinean Workers. These groups cooperate in an umbrella grouping, the Inter-Union Organization, which includes workers from the public sector, state-owned enterprises, and the private informal sector, as well as retirees. The organization has been deeply involved in the prodemocracy movement.

The National Council for Democracy and Development (CNDD), a military junta that took power in a 2008 coup, restricts freedoms of association and assembly, and the law allows authorities to ban any gathering that “threatens national unity.” After the coup, the CNDD briefly banned union activity, but union leaders continued to make public statements on behalf of political reform.

In principle workers have the right to strike, but they must give 10 days’ notice. Strikes are prohibited in essential services, a term broadly defined to include not only hospitals, police, and the army but also the transportation, radio and television, and communications sectors.

In practice, the right to strike is often disregarded. There has been widespread evidence in recent years that union members face reprisals for engaging in peaceful strikes. A general strike in 2008 was forcibly repressed, resulting in 129 deaths and at least 1,700 injuries. In September 2009, security forces massacred over 150 people and injured roughly 1,000 others at a union-supported antigovernment demonstration. Dozens of trade union members have been killed in acts of military repression, and union leaders have frequently been the targets of death threats.

The right to collective bargaining is legally recognized. There are no protections from antiunion discrimination, nor are trade unions protected against interference from employers. Unions can and do organize in the workplace and negotiate with employers or employer organizations. By law, arbitration is administered by consensus and implemented through the Ministry of Labor. In reality, however, employers can impose binding arbitration.

While there is little direct evidence that workers have been pressured by the government or employers to join or not join certain trade unions, the government has made efforts, with limited success, to establish docile “yellow” trade unions.

India

Mostly Free

Trade unions can be established in India without significant government interference. The Indian Trade Unions Act of 1926 provides for the registration of unions in different states. Under the 2001 Trade Unions Act, a registered union must represent at least 100 workers, or 10 percent of the enterprise's workforce, whichever is less. Labor advocates have noted that this threshold is high by international standards. According to statistics released by the Ministry of Labor in 2002, there are about 24.6 million trade union members in India. While there is some union activity in the informal sector, the vast majority of union members work in the formal sector.

Most major trade unions are affiliated with political parties. These strong links provide unions with spokespeople in positions of power, but they have led to a fragmentation of the labor movement and often to strong competition between unions. Unions' relationships with political parties also allow extensive political influence on trade union activities.

Workers in the formal economy generally exercise their rights to bargain collectively and strike without fear of reprisal. The Trade Unions Act prohibits discrimination against employees based on union activity. However, the Essential Services Maintenance Act enables the government to ban strikes in specified industries when it is "satisfied that in the public interest it is necessary or expedient" to do so. The act also limits the right of public servants to strike. States may place additional restrictions on union activity. In Kerala, for example, a 2002 law forbids any strike that causes a total shutdown of the workplace.

Individual cases of harassment against union members in the formal sector are frequently reported. In April 2008, five members of the Delhi State Electricity Workers' Union were dismissed after allegedly shouting slogans criticizing their employer, the Indraprastha Power Generation Company. In June 2009, a labor group reported that union members at the Madras Rubber Factory in Tamil Nadu had been harassed and discriminated against for several years.

In the informal sector, which employs 90 percent of Indian workers, union membership is far lower, and legal protections are more difficult to enforce. Employers in the informal sector frequently ignore laws against dismissal based on union activities. While there are penalties for employers who violate the law, pursuing cases in the legal system is both time-consuming and costly.

Indonesia

Partly Free

Since Indonesia ratified all core labor conventions of the International Labour Organization (ILO) in 1998, the number and penetration of labor unions has increased significantly. Approximately 90 national unions, 20 local unions, and 2,000 company-level unions are currently registered, though many exist in name only. The labor community remains fragmented and poorly organized with little bargaining power, and laws are weakly enforced. The roughly 2.6 million household workers and 4.5 million migrant workers in Indonesia are excluded from the labor laws altogether. A new law on household workers that was supposed to be presented to the parliament in 2008 had not been completed by the end of 2009. The government signed the International Convention on Migrant Workers in 2004, but has announced that it will not ratify the convention until 2011. The ILO notes that provisions outlined in Conventions 87 and 98 concerning the right to organize and freedom of association are still not fully implemented in Indonesian labor laws.

Workers can join independent unions, bargain collectively, and, except for civil servants, engage in strikes, provided that employers are informed in advance of an intention to strike. Civil servants are able to organize but are more closely regulated. Unions may be local or national, and may organize across sectors. The principles of labor unions may not conflict with the 1945 constitution or the *pancasila* national ideology. Unions are required only to register with the Ministry of Manpower and Transmigration in order to represent members and bargain collectively, according to the 2000 Trade Union Act. However, it is estimated that 80 percent of union workers face discrimination. In addition, the right to organize is sometimes violated by private companies.

Worker rights are outlined in the Manpower Law of 2003. The law attempts to provide extra unemployment protection to workers by requiring large termination payouts from employers. As a result, many companies rely on contract labor, which now accounts for approximately 60 percent of formal-sector employment. Contract workers do not receive the benefits that come with full employment. In addition, the formal sector comprises only 38 percent of the national labor force of over 111 million people. According to the Friedrich Ebert Stiftung, only 10 percent of formal-sector workers are organized into real unions.

Decentralization in 2001 transferred responsibility for setting minimum wages to local authorities, who often collude with employers. However, the arrangement also allows unions to wage local campaigns to establish new minimum wages.

Iran

Repressive

No independent unions are permitted in Iran, even though Article 26 of the constitution protects the right to freedom of association. Iran is a member of the International Labour Organization (ILO) but has not ratified ILO Convention 87, which calls for freedom of association and the right to organize.

Under the 1990 labor code, each workplace may establish an Islamic Labor Council (ILC) or a workers' guild. However, no other form of representation is permitted where an ILC has been established, a rule that has the practical effect of promoting ILCs over independent guilds.

ILCs are overseen by the Workers' House, the only authorized national labor organization. Consequently, the Workers' House maintains control over nearly all labor disputes. In addition, government entities draft ILC constitutions, election procedures, and operational rules. Workers have no right to collective bargaining, although in practice ILCs often back workers' demands. All unions and labor groups, including the Workers' House, are closely monitored by the state, and the current administration has increased surveillance of unions and become involved in their elections. The labor law theoretically permits independent forms of representation, allowing workers to dismiss their ILC by collecting signatures. However, the government has suppressed most attempts to do so.

Workers in the public sector are barred from striking. Those in the private sector are permitted to engage in "go slow" protests or lay down their tools while remaining on the job. Even demonstrations by the Workers' House are controlled. Despite this ban, strikes and work stoppages—most notably by transport workers, teachers, and factory employees—are common. Workers who engage in peaceful strikes and demonstrations are often subject to harassment, imprisonment, torture, and other mistreatment during detention.

Members of the Tehran and Suburbs Bus Company Trade Union (*Sherkat-e Vahed*) are particularly vulnerable to such abuses. The union was established in June 2005 despite repeated government attempts to prevent its creation. Repression continued after the union's establishment, and 29 members were imprisoned. All but Mansour Osanloo, the union's president, were released following a bus drivers' strike. A second strike protesting Osanloo's continued detention was planned for January 2006. However, the government sought to prevent the strike by arresting eight members of the union's executive board and bringing in bus drivers from other cities. An additional 700 to 1,000 workers and their family members were arrested; many were severely beaten, including one union member's 12-year-old daughter. Union leaders were arrested in their homes, and drivers who refused to take the wheel were beaten.

Osanloo was finally released in August 2006 amid growing domestic and international outrage at the treatment of the workers, but he was arrested several more times that year. In 2007 he was sentenced to five years in prison for "threatening national security" and "propaganda against the state," having rallied support for independent unions in Iran during a trip to Europe. Osanloo remains in Evin prison. Ebrahim Maddadi, the union's vice president, is serving a three-year prison sentence that was also handed down in 2007.

Rallies held in recognition of International Labor Day are regularly suppressed and their participants jailed. In February 2009, labor activists Sussan Razani and Shiva Kheirabadi were flogged for their participation in May Day events in 2008. On May 1, 2009, rallies in Tehran, Sanandaj, and Tabriz were brutally dispersed by authorities, who arrested 100 to 150 people. Of those detained, 25 men and two women were released the next day; all others were transferred to Evin prison, where they remained at year's end.

Teachers' unions have organized strikes and rallies to protest low wages for years. Although teachers' associations have been banned since 2007, they were never formally dissolved, and many teachers continue to participate in unions despite ongoing harassment. On May 4, 2009, authorities broke up a gathering organized by the Tehran Teachers' Association (TTA) to celebrate National Teachers' Day and arrested several attendees. TTA member Sajad Khaksari, the son of prominent TTA leaders, faced double jeopardy in 2009. In June he was acquitted of all charges stemming from one arrest in 2006 and two earlier in 2009; however, during the government's crackdown on civic activists following the flawed June 12 presidential election, a different court convicted him of the same charges. On appeal, Khaksari was again acquitted of two charges, while a third charge was pending final judgment at year's end.

In October 2009, five leaders of the Haft Tapeh Sugar Cane Company Workers' Syndicate were sentenced to several months in prison on charges of "spreading propaganda against the regime." They began serving their sentences in November. Also in October, workers at a pipe manufacturing plant in Ahwaz went on strike to protest 10 months of unpaid wages. Security forces intervened and ended the strike on its fourth day, arresting about 50 people and injuring many.

Professional associations are not able to operate freely. After the Association of Iranian Journalists (AIJ) reported in 2007 that journalism had suffered in quality and investment due to government interference, the organization faced harassment. Its offices were raided and closed by the Tehran prosecutor in August 2009, and authorities arrested its spokesman in December.

Iraq

Repressive

The constitution provides for the right to form and join professional associations and unions, but the government has not yet passed a new labor law, meaning the 1987 law remains in place. It prohibits unionization in the public sector, and does not conform to International Labour Organization (ILO) guidelines. There are no guaranteed social benefits and few protections for unions. In the absence of a new labor law, it is unclear whether individual unions will ultimately be recognized or compelled to join a centralized labor federation.

While workers have generally been able to organize since 2003 and strikes have not been uncommon, unions face periodic obstacles. In 2005, the Iraqi Transitional Government promulgated Decree 8750, which gave authorities the power to seize all union funds and prevent their disbursement.

In March 2009, the Iraqi government attempted to take control of the Iraqi Teachers' Union (ITU) by demanding new leadership elections and asking union leaders to turn over their membership lists and the keys to their offices. An Iraqi court ruled in the ITU's favor in May.

Union leaders tried to stage a demonstration in 2009 on behalf of food workers in Baghdad, but the government denied them permission to demonstrate. Management threatened to fire employees participating in union activities.

Like other civil society actors, labor organizers have been targets of the violence and intimidation that has plagued Iraq since 2003. In November 2009, Majid Karim, a member of the General Federation of Iraqi Workers' executive committee, was killed in a car bombing.

Italy

Free

Italians are free to form trade unions with little interference from the government. About 35 percent of the workforce is unionized. The constitution recognizes the right to strike, and legal changes in 1990 clarified what essential services must be maintained during a work stoppage. The law takes a broad view of the right to strike, though the essential-services category was expanded in 2000 to include certain self-employed professionals, such as lawyers, doctors, and truck drivers. Workers in a variety of sectors frequently engage in strikes in practice.

There are laws in place to protect workers from dismissal in retaliation for joining unions or engaging in strikes and other labor actions. Actions that are considered illegal antiunion behavior in Italy include dismissing workers who are on strike, hiring replacement workers, bypassing unions and bargaining directly with workers, and interfering with a union's efforts to organize and promote its views. There are no government-sponsored unions in the country.

Unions are free to bargain collectively with employers, and the agreements are honored in practice. According to the International Labour Organization, collective agreements in the workplace are deemed to be of "considerable importance," and almost all employees except those employed in very small businesses are covered by such agreements.

Jamaica

Mostly Free

Jamaica's trade unions emerged in the 1930s, and their leaders and members played significant roles in forming the two main political parties once the country gained independence

from Britain in 1962. Today, trade unions are generally able to function without government interference. Approximately 20 percent of the 1.2 million Jamaicans in the workforce are unionized. The Labor Relations and Industrial Disputes Act of 2006 states that workers have the right to create and join trade unions. The law prohibits antiunion discrimination and prevents employers from firing workers solely because of their union membership. Individuals face large fines if they are found to have dismissed, penalized, or discriminated against a worker who exercises his rights to participate in union activity.

The right to strike is not explicitly guaranteed or denied by law. Strikes do occur, however, and labor activism increased in 2008 and 2009 as workers protested wage cuts, salary freezes, and layoffs. Workers who strike do not face criminal liability but risk losing their jobs. The Ministry of Labor can intervene directly in labor disputes to end strikes. When management and labor fail to reach an agreement, the case is referred to an independent Industrial Disputes Tribunal (IDT), and unresolved cases then move to the civil courts. On average, the IDT handles 35 to 40 cases each year.

The right to collective bargaining can be denied in cases where unions fail to meet set targets for worker representation. And while domestic labor laws apply to export-processing zones, there are no unionized companies in any of the country's three publicly owned zones. According to the International Trade Union Confederation, foreign-owned companies often establish employer-controlled workers' councils to handle grievances, but these lack the ability to negotiate wages and working conditions.

Jordan

Repressive

Workers have the right to organize and bargain collectively. Labor groups must be associated with professions and sectors where unions already exist, and all unions belong to the General Federation of Jordanian Trade Unions (GFJTU), which receives government subsidies. Given the pervasiveness of state influence in labor affairs, unions' views tend to be homogeneous. More than 30 percent of the workforce is organized into 17 recognized unions.

Workers must receive government permission to strike, which is granted only after a mediation and arbitration process and with 14 days' notice. The Wage Authority and the judiciary are responsible for arbitration but are slow in settling labor disputes.

The 1996 labor law limits workers' weekly hours and monthly overtime hours. It also guarantees workers paid leave, social benefits, and protection from certain kinds of dismissal, but it excludes non-Jordanians as well as agricultural and household workers. A 2002 amendment to the law extended coverage to some agricultural workers, and a 2008 amendment extended protection to household workers, although ministerial regulations for implementing that change were still under consideration in 2009. A separate labor law governs public-sector employees, most of whom do not have the right to strike.

As many as 25 percent of Jordanian workers are employed in the informal sector and lack the legal protections and benefits of their formal-sector counterparts. Labor unions do not exist in the informal sector.

Through an agreement with the United States, Jordan operates 13 Qualified Industrial Zones (QIZs) with over 50 factories. QIZ products enter the United States duty and quota free, and the zones are exempt from income and social-service taxes. Labor violations are common in the QIZs; many of the workers are foreign and therefore outside the coverage of the labor law. They are often forced to work extended hours without pay, sign contracts that differ from

promises made at the time of employment, and go for long periods without being paid. While workers sometimes strike illegally, foreign workers do so at the risk of deportation.

In early 2009, a foreign QIZ factory owner left the country without paying his Jordanian and foreign workers their wages or compensating them for past vacation days. While the government and the Ministry of Labor attempted to resolve their grievances, little could be done since the owner had fled Jordan. Another set of workers struck in July, claiming that their supervisor had abused them and that conditions in their dormitories were poor. The government ruled their strike illegal.

Kenya

Partly Free

Kenya has a long history of trade union activity. Unions are largely free from direct governmental control, although some institutional impediments exist. There are approximately 40 trade unions in the country, representing about 500,000 workers. Most unions are affiliated with the sole approved national federation, the Central Organization of Trade Unions.

All workers other than police officers are legally free to join unions. Both the Trade Disputes Act and the Industrial Relations Charter authorize collective bargaining. The 2007 Labor Relations Act (LRA) explicitly establishes broad criteria for trade union registration; authorities have only limited grounds to suspend or refuse to register a union. Some unions have complained that employers resist efforts to establish unions in their factories, and that the relevant government bodies have been ineffective in enforcing the law. Historically the trade union movement has been subservient to the authorities, though there has been a trend toward militancy in recent years.

The LRA authorizes collective bargaining, and a union must be recognized if it represents a majority of employees. This provision extends to public-sector employers. Collective agreements must be submitted to the industrial court and become binding upon registration by the court. Civil servants not involved in state administration are allowed to bargain collectively and go on strike, but this right is denied to workers in the military, prisons, the National Youth Service, and teachers under the Teachers' Service Commission. The LRA provides that the labor minister may, after consultations with the National Labor Board, issue regulations that impose terms and conditions of employment in the public sector.

There are restrictions on the right to strike. During a 10-day notice period, the labor minister may intervene and propose a mediator for the dispute. If the negotiations break down, the government usually refers the matter to an industrial court. The definition of "essential services" under the LRA is very broad, and the labor minister may declare any service essential, thereby prohibiting the right to strike.

Some union leaders and members have been threatened with job loss or actually dismissed for participating in trade union activities. Employers have increasingly cut their permanent staff and replaced them with day workers or subcontractors, thereby reducing workers' chances of representation by trade unions. Workers are allowed to join unions in export-processing zones, but with a number of restrictions.

Lebanon

Partly Free

Lebanese workers have the right to unionize and to strike. Labor laws require that the number of strike participants be declared in advance, and that 5 percent of union members be responsible for their comrades' orderly conduct during the strike. Organizers legally accept responsibility for damages that occur during labor demonstrations.

There are over 160 unions in Lebanon, and 22 of them are grouped in the General Confederation of Lebanese Workers. Unions may engage in collective-bargaining processes with the support of 60 percent of the membership. Because of high unemployment and the minor importance of heavy industry to the Lebanese economy, organized labor does not have a large presence in the country. The Ministry of Labor is required to approve the establishment of new unions and controls union elections. Labor laws do not currently offer sufficient protection for workers who belong to unions.

Lebanese labor laws exclude public-sector employees, some agricultural workers, and household workers. They also exclude non-Lebanese from most professional occupations, such as medicine, law, pharmacy, accounting, and engineering. In order to practice these professions, foreigners must obtain permission from the Ministry of Labor and then pay annual membership fees to the appropriate professional syndicate. Annual dues range between \$600 and \$1,100. In practice, these regulations disproportionately affect Palestinian refugees in Lebanon.

Foreign household workers often face difficult working conditions and lack the legal authority to pursue their rights. Reports of suicides among these workers are common. In 2009, the Ministry of Labor introduced a uniform contract for household workers that guarantees weekly time off, paid sick days, and maximum hours.

Legal protections for workers are often ignored in practice. While unions are nominally independent and legally prohibited from engaging in political activity, most unions are linked to one of Lebanon's political parties or movements.

Liberia

Partly Free

The administration of President Ellen Johnson-Sirleaf has indicated its intention to reform outdated labor laws. Liberia's previous record on labor rights was marred by antiunion activity and police repression. The National Tripartite Committee (NTC) was established in 2008 as a framework for dialogue between government, workers, and employers. Due to the global economic crisis and a drop in rubber prices, numerous strikes occurred at rubber plantations throughout Liberia in 2009.

Trade unions can be freely established without government interference. Following the merger of two labor organizations, the Liberia Labor Congress (LLC) was established in 2008 as a national umbrella group for unions. Civil servants and employees of state-run enterprises cannot form trade unions, and the LLC has called on the government to recognize the right of such workers to unionize and bargain collectively. The Labor Ministry's Labor Practices Review Board supervises union elections, attests to collective-bargaining agreements, reviews union financial records, and assists in cases of strike action.

In late 2006, the government repealed Decree 12 of 1980, which had banned all strikes. Throughout 2006 and 2007, strikes at rubber plantations often turned violent, with looting and

destruction of property that triggered the intervention of police and UN peacekeepers. In March 2009, following a drastic drop in rubber prices, 200 employees at the Guthrie rubber plantation protested layoffs and the nonpayment of wages, burned down a police station, and took hostage a senator who had intervened to negotiate a return to calm. An Emergency Response Committee was established in November to address the concerns of aggrieved workers.

Since the repeal of Decree 12, there have been no specific guidelines for collective bargaining. In 2008, a historic three-year collective-bargaining agreement was reached between the Firestone Agricultural Workers' Union of Liberia and company management. The agreement covers wage increases and living conditions.

Positive developments under the Johnson-Sirleaf administration include the establishment of a National Minimum Wage Board and a National Commission on Child Labor, a labor-sensitive review of major concession agreements, and capacity-building initiatives for the Labor Ministry. The Decent Work Bill, which was expected to be passed in the 2010 legislative session, covers collective bargaining as well as job discrimination.

Malaysia

Partly Free

Workers in Malaysia are protected by the Employment Act of 1955, the Workmen's Compensation Act of 1952, and the Weekly Holidays Act of 1950. These measures deal with protection against unlawful termination, withholding of wages, and mandatory days off. Trade unions and labor disputes are covered by the Trade Unions Act of 1959 and the Industrial Relations Act of 1967.

Trade unions are weak in Malaysia, with about 800,000 members representing 7 percent of the workforce. The Malaysian Trade Union Congress (MTUC), the country's union umbrella body, is officially recognized, but it has been unsuccessful in pushing the government to improve conditions for unions and workers. Both the Trade Unions Act and the Industrial Relations Act give the director general for industrial relations considerable power and weaken the MTUC.

Strikes can be called after permission from the government is sought through a cumbersome procedure that includes a two-thirds vote in a secret ballot by the union membership. The process can be further delayed if the director general for industrial relations decides to present the case to the Industrial Court. Unsanctioned strikes, even if peaceful, are considered illegal.

Malaysia relies heavily on foreign workers; 20 percent of the country's roughly 10 million workers are documented foreigners. Such migrant workers have very few rights. The MTUC estimates that there are another one to two million undocumented migrant workers in the country who have no protection against unfair treatment by employers. In 2008, a news program exposed the deplorable living conditions of migrant workers whose squalid lodgings were provided by sporting goods manufacturer Nike and its local partner Hytex.

An estimated 300,000 migrant workers are employed as servants in Malaysian households, with almost 90 percent coming from Indonesia. Reports of abuse of these workers are common, ranging from verbal abuse to beatings, scalding with boiling water or hot irons, rape, and even murder. According to a local newspaper report, nearly 1,000 household workers flee from abusive employers each year.

New Zealand

Free

There is no distinct labor code in New Zealand. Instead, worker rights are governed by a series of federal laws. Among the most important are the Bill of Rights Act of 1990, the Employment Relations Act (ERA) of 2001, the Minimum Wage Act of 1983, the Equal Pay Act of 1972, the Health and Safety in Employment Act of 1908, the Holiday Act of 1981, and the Privacy Act of 1993. These and other relevant statutes set out the minimum rights for workers. The Employment Relations Authority, the Employment Court, and the New Zealand Court of Appeal oversee interpretation and application of the ERA. The courts and tribunals have considerable room to apply and develop common-law principles.

While unions must be registered with the government, the process is fairly simple. Unions are independent of both government and employers.

The laws permit strikes and collective bargaining. In fact, the ERA promotes collective bargaining as a stated objective, and allows unions to charge fees to nonunion workers who benefit from union-negotiated wages and conditions. However, strikes and lockouts are not permitted when a collective agreement is in effect. The only exceptions are for health or safety reasons. Advanced notification of a strike to both the employer and the chief executive of the Department of Labor is required if the strike affects the public interest.

The Council of Trade Unions is the largest trade union federation in New Zealand, representing about 350,000 union members and 40 affiliated unions. The Public Service Association is the largest public-sector trade union. There are also unions representing Maori workers nationwide. Union membership has continued to decline even as the number of labor unions has grown. Today, only about 18 percent of the total employed labor force is unionized, compared with more than 33 percent about two decades ago. The greatest losses have been in the agricultural, fishing, hunting, and forestry sectors.

Pakistan

Partly Free

Workers' rights are broadly protected in several articles of the constitution, including Article 17, which covers the right to form trade unions. The constitution also grants unions the right to collective bargaining and the right to strike. An interim Industrial Relations Act (IRA), passed in 2008 to replace the Industrial Relations Ordinance of 2002 and scheduled to lapse in April 2010, allows workers to form and join trade unions of their choice, but it also places some restrictions on union membership, the right to strike, and collective bargaining, particularly for workers in industries deemed essential. Groups excluded from the right to organize altogether include those associated with the armed forces; state employees other than those working for the railways and the postal service; the security staff of airlines and energy companies; public-sector health workers; managerial staff; workers in export-processing zones; and agricultural workers. Likewise, workers in export-processing zones and public employees of nearly all types are not allowed to bargain collectively. The Pakistan Institute of Legislative Development and Transparency estimates that these excluded groups represent more than 60 percent of the country's labor force. The IRA lays out at least a month of procedures before a strike can be legally declared, and the federal government is empowered to end strikes lasting more than 30 days if they cause "serious hardship to the community" or are "prejudicial to the national

interest.” According to the International Trade Union Confederation, in the case of public utilities, strikes may be prohibited at any time before or after it commences. Although the registrar of trade unions is empowered to inspect union accounts and records, the official can no longer cancel a union’s registration.

Other laws can and have been used to restrict freedom of association. The 1952 Essential Services (Maintenance) Act is often used to bar strikes and industrial action by public-sector workers. Under the 1999 Anti-Terrorist Ordinance, which is still in effect, illegal strikes, “go slow” actions, and picketing are considered forms of “civil commotion” that can be punished with fines or seven years to life in prison. In addition, Section 144 of the criminal procedure code makes any gathering of more than four people subject to police approval.

Approximately 70 percent of the workforce of 50 million is employed in the informal sector and is not represented by unions. Unionized workers comprise about 4 percent of the total workforce. Unions are generally independent of the government and are not controlled by a particular political party, although some do have party affiliations. Strikes and other forms of industrial action take place occasionally, but they are usually illegal, short-lived, and ultimately ineffective. Authorities regularly crack down on strikes and other union activities. For example, in June 2009, two members of the Pakistan Trade Union Defence Campaign were arrested and allegedly tortured by security personnel for handing out pamphlets to striking steelworkers. In September, workers at Pakistan Telecommunications Corporation were violently suppressed by the state and management while protesting outside the company’s headquarters over its failure to fulfill promises of higher pay.

Despite legislation outlawing bonded labor and canceling enslaving debts, illegal forced or bonded labor is widespread, with an estimated two million bonded laborers living primarily in Sindh province. In 2006, the National Coalition against Bonded Labor was formed to combat the ongoing problem. According to news reports, there is a growing trend in which bonded laborers sell organs, particularly kidneys, to repay debts or escape their servitude. The enforcement of child labor laws remains inadequate. Recent surveys have indicated that there are at least 10 million child workers in Pakistan, and those found to be employing children often avoid punishment. Pakistan is a largely agrarian society, much of which remains organized along feudal lines, and there are a number of organizations representing farmers and peasants, such as the Kissan Rabita Committee, an alliance of 22 peasant organizations. However, given the close ties between landowners and politicians, such groups have limited influence or ability to protect the rights of those they represent.

Philippines

Mostly Free

The Philippines ratified the International Labour Organization’s Convention 87 in 1953, legally guaranteeing freedom of association and the right to organize. Trade unions are independent, and they may align with international labor groups. To achieve formal registration, a union must represent at least 20 percent of a given bargaining unit. In recent years, large firms have stepped up the use of contract workers, who are prohibited from joining unions. Only about 5 percent of the labor force is unionized, including some 20 percent of public employees.

Collective bargaining is common, and strikes are legal, though unions must provide notice and obtain majority approval from their members. The Labor Department reportedly often invokes an “assumption of jurisdiction” clause during strikes, citing the national interest, which can lead to a strike being declared illegal.

There is some dispute over the observance of labor rights in the country's 41 privately owned and four government-owned special economic zones (SECs). Legally, the rights to organize and bargain collectively apply in these zones, yet workers complain about an unwritten "no union, no strike" policy that the government upholds.

Violence against labor leaders has increased as part of a spike in extrajudicial killings of leftists in recent years, and military threats against union leaders continue to be documented. Various labor and farmers' organizations dedicated to ending extrajudicial killings and helping families of the disappeared face significant threats in the course of their work. In the fall of 2009, members of the military were believed to have raided the Cebu offices of the Center for Trade Union and Human Rights (CTUHR). Another left-wing labor group, the Kilusang Mayo Uno (May First Movement), claimed that its officials and members were subject to government attacks.

In response to the rise in violence and after two years of stalled invitations, the International Labour Organization (ILO) sent a high-level team to the Philippines in September 2009 to investigate cases of worker abductions, harassment, killings, and threats. In October, the ILO urged the government to further investigate the disappearances and killings of union leaders and to quickly establish a high-level interagency body to monitor conditions. Workers' groups count nearly 90 abductions or killings since President Gloria Macapagal Arroyo took office in 2001, whereas government statistics put the number at 35. The ILO has also called on the government to ensure that workers' rights are equally applied and enjoyed in the SECs.

Poland

Free

Labor relations are governed by a 1974 labor code. All workers, including security personnel, are permitted to organize and join trade unions, with the exception of those who are self-employed or working under individual contracts. However, union members are allegedly harassed, threatened, and intimidated by employers, and union officials do not have sufficient protection against dismissal and other forms of antiunion discrimination. In recent years, employers have fired workers, closed workplaces, and terminated contracts to counter union activity. There have also been reports of employers penalizing those trying to organize unions and awarding raises to those who refuse to participate in strikes.

Polish citizens can petition the government, assemble freely, and engage in collective bargaining. Workers have the right to strike after mediation efforts have failed, except those working in essential services such as law enforcement. Public demonstrations require permits from local authorities. The legal process for calling strikes is complicated, and the labor courts are often slow in determining the legality of strikes. Unions have charged that courts are ineffective in dealing with employers who punish strikers, as the applicable fines are inadequate. Police reportedly used force against workers during an antigovernment protest in April 2009, injuring 50 people.

As of January 2009, some 16 percent of all workers were unionized. The three main trade unions are the Independent and Self-Governing Trade Union Solidarity, the All-Poland Alliance of Trade Unions (OPZZ), and the Forum of Trade Unions (FZZ). Solidarity and the OPZZ are members of the International Labour Organization, and Solidarity is also a member of the European Trade Union Confederation. Political alignments are still visible in Polish trade unions; the OPZZ is generally aligned with the left-leaning social democratic parties, while Solidarity is oriented toward the right and openly supports the conservative Law and Justice (PiS) party. The

major trade unions' political leanings and activities have been blamed for their low membership. Between 25 and 33 percent of unionized workers belong to smaller unions that are not affiliated with the three large federations.

A minimum of 10 workers is necessary to start a local trade union within a company. A single company can have several unions, which sometimes compete and sign agreements with employers without consulting one another, hindering the success of collective bargaining. In 2009, the government attempted to increase the membership threshold for a trade union to be eligible for collective bargaining within a company from 10 percent to between 25 and 33 percent. The Trilateral Committee for Social and Economic Affairs handles negotiations between workers, employers, and the government, as well as discussion of minimum wages and benefits. The law provides for independent union activity, but the courts have failed to protect small- to medium-sized unions from interference.

Polish trade unions have been criticized for their inability to adapt to an increasingly globalized market economy. Reforms have been limited, and unions continue to be organized to match the state-controlled economy of the early 1980s.

Romania

Mostly Free

Workers in Romania have the legal right to establish and join trade unions, and at least five countrywide union confederations operate largely without government interference. Some categories of state employees are not permitted to join unions, including prison and law enforcement personnel, defense ministry and intelligence workers, judges, prosecutors, and high-ranking government officials. Antiunion discrimination is illegal, but some employers have formed management-friendly unions, used intimidation and misinformation, or required new hires to agree not to join a union in order to prevent worker organization. Penalties for antiunion activities by private employers are weak and poorly enforced.

While less than half of the workforce is unionized, nearly all workers are covered by collective-bargaining contracts, whether at the unit level or through four-year national agreements negotiated by the government, employers' associations, and trade unions. However, contracts are often violated by employers, and enforcement and penalties are not robust. Low official wage levels, which have attracted foreign companies in recent years, are frequently supplemented by bonuses and informal payments, but these have reportedly receded amid the current economic downturn, leaving the affected workers with little recourse.

The right to strike is protected by law, though the same categories of workers that may not form unions are generally barred from striking, and workers in essential services like transportation, utilities, and education are obliged to maintain one-third of normal operations during strikes. Moreover, would-be strikers must exhaust all means of conciliation and provide 48 hours' notice before a walkout, which cannot be launched for political reasons. A majority of workers at the relevant enterprise must support the strike, and strikes lasting more than 20 days may be subject to binding arbitration. Unions responsible for strikes that are deemed illegal can be forced to pay financial damages.

Despite these legal restrictions, state employees vigorously protested planned cuts to public-sector jobs and salaries in 2009, as the government sought to meet the conditions of a financial aid package from international donors. Strikes and street protests were mounted during the year by subway and railroad workers, teachers, police, health care staff, prison guards, and even judges. One strike action in October reportedly involved about half of the country's 1.4

million public-sector employees. In many cases the workers were demanding pay increases in addition to the retention of their jobs, as inflation and the weakening national currency were threatening their standard of living.

Russia

Partly Free

While trade union rights are legally protected, they are limited in practice. Given Russia's Soviet legacy, the state exercises the most control over labor affairs, followed by employers, leaving unions in a considerably weaker position. Formally, Russia compares well with other countries in terms of trade union presence; there is a relatively high density of union membership, and collective agreements are successfully implemented at many enterprises. However, unions have almost no influence when it comes to defending worker rights. Instead, they often serve the interests of the authorities. Enterprise managers and owners feel essentially no constraints in determining wages and working conditions.

The 2002 labor code sought to stifle independent unions, which face great difficulty in organizing. The largest Soviet-legacy labor organization is the Federation of Independent Trade Unions (FNPR), which brings together 90 percent of union members and maintains close relations with the authorities and the governing United Russia party. The authorities also have close relations with the Sotsprof confederation. Alternative trade unions have grown more active in recent years. Though the Russian union movement remains divided, it is building interregional organizations such as the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT). Nevertheless, FNPR retains its monopolistic position as the only officially accepted voice for the interests of Russian employees within the labor regulation system, especially at the regional and local levels.

Leaders of the alternative trade unions have faced physical assaults and investigations by the tax police, and companies like Ford have sued them following strikes. For example, unknown assailants beat Yevgeny Ivanov, president of the labor union at a General Motors plant near St. Petersburg, in early 2009, just weeks after he helped establish the union there. In late 2008, attackers assaulted Aleksei Etmanov, a union activist at the nearby Ford plant. The General Motors–Avtovaz plant in Togliatti has fired union activists, leading to protests against the management.

Russian legislation has set up many bureaucratic hurdles that make it difficult for unions to strike legally. Worker collectives, rather than unions, have the right to call strikes, which are banned outright in many sectors of the economy. Strikes must focus on collective labor issues and are not allowed to address state policy. Workers cannot engage in sympathy strikes. In line with the labor code, the courts typically support employers' efforts to declare a strike illegal. Strikes and worker protests, usually initiated by the alternative trade unions, have occurred in prominent sectors including the auto industry, food processing, and domestic-appliance manufacturing. Moreover, they seem to be increasing in the wake of the global economic slowdown. Antiunion discrimination and reprisals for strikes are not uncommon. However, there are also positive trends, as the unions are seeking institutional methods of resolving conflicts, appealing to the courts more frequently, and securing decisions in their favor in some cases.

Russian unions have trouble engaging in collective bargaining because their structure often does not include the primary union at the enterprise level as envisioned by Russian law. Moreover, Russian law does not place a deadline on agreements, so disputes on key issues can be postponed indefinitely without resolution. The Russian media often describe trade unions with

foreign links—meaning the alternative trade unions—as “suspicious,” making it difficult for them to seek foreign expertise and support.

Singapore

Repressive

Worker and union rights are governed mainly by the Employment Act, the Trade Unions Act, and the Industrial Relations Act. There are some restrictions on the right to establish trade unions. The National Trade Union Congress (NTUC) encompasses 63 unions—the vast majority of unions in Singapore—and nearly 470,000 workers. Since its founding, it has had a close symbiotic relationship with the ruling People’s Action Party (PAP). The NTUC provides legal protection, welfare assistance, and training to its members, and even operates a cooperative supermarket chain. The government encourages workers to be part of the NTUC structure, and indeed the International Labour Organization reports that Singapore is one of the few countries where the percentage of unionized workers has increased in recent years.

Because of its size and political influence, collective-bargaining power lies almost exclusively with the NTUC. Trade unions and nonmanagerial workers may technically participate in strikes if they obtain a majority secret-ballot vote in favor of the action. However, strikes are not common in Singapore; the last sanctioned strike took place in 1986. Unsanctioned strikes, even when peaceful, are considered illegal.

The treatment of migrant workers, especially those employed in households, has been problematic. Singapore hosts an estimated 160,000 migrant household workers, mostly from the Philippines, Indonesia, and Sri Lanka. Human Right Watch has noted that many of them face long working hours, no rest days, low wages, and effective confinement to the employer’s home. Cases of household workers being abused have been frequently reported. The law stipulates harsh punishment for employers who abuse their foreign workers. The Employment of Foreign Manpower Act requires the employer to ensure that the worker is not ill-treated, exploited, willfully neglected, or endangered. Nevertheless, migrant household workers do not enjoy the full protection of the law.

Spain

Free

The constitution provides for freedoms of assembly and association, and the government respects these rights in practice. People are free to demonstrate and speak publicly. With the exception of members of the military, workers may organize and join unions of their choice and enjoy the right to strike. A 2007 law provided members of the Civil Guard, the national police force, with the right to organize.

The law prohibits employers from discriminating against union members and organizers. However, employers have punished unions by refusing to renew the temporary contracts of workers engaged in organizing. According to the International Trade Union Confederation, Spain has the highest percentage of workers with temporary contracts, and this is especially true among immigrants, making them particularly vulnerable to substandard working conditions. As a result of a tripartite agreement signed in 2006, the number of temporary workers in Spain has been reduced since 2007.

About 15 percent of the workforce is unionized. Over the past several years the number of strikes and working days lost to strikes has decreased considerably. Strikes are generally

called to apply pressure during the bargaining process, rather than to influence the interpretation of agreements. In November 2009, a two-day strike by the cabin crews of the Spanish airline Iberia led to 184 flight cancellations. The workers were protesting the company's hiring plans and a wage freeze.

Collective bargaining is legally binding. Gender equality and life-long training have been given a stronger emphasis in collective-bargaining agreements in Spain over the past few years.

Sudan

Very Repressive

Workers' rights in Sudan are severely restricted. The 1992 Trade Union Act established a monopoly under the government-controlled Sudan Workers' Trade Union Federation (SWTUF), which is composed of 25 state unions and 22 industry unions. No other unions are allowed. The government determines all aspects of union activity, including their administrative structure and elections. Trade union funds are controlled by the auditor general, a member of the government. The current labor code, introduced in 2000, reinforces this system of control. It states that one of a union's core objectives should be to cooperate with the government to promote national independence and security. The current government of national unity has been discussing proposals for new trade union regulations, but the negotiations are stalled.

Sudan has not ratified the International Labour Organization convention that guarantees the right to organize and bargain collectively. Strikes require government approval, which is not granted. However, unofficial strike action in 2009 involved a wide range of professions, including teachers, railway workers, and even water carriers.

There is no collective bargaining. A government-appointed panel sets salaries for public-sector workers. Although there is a statutory minimum wage, it does not provide a worker with a decent standard of living. A lack of capacity in the autonomous government of Southern Sudan means that wages are often not paid on time, if at all, to civil servants in its jurisdiction.

Trade union activists who operate outside government-sanctioned organizations face intimidation and arrest. Workers in Sudan's oil industry are closely monitored by the intelligence service, and their movements are restricted. Sudan operates one export-processing zone, in Port Sudan, which is exempt from labor laws.

Forced or compulsory labor is technically illegal but common in Sudan. Conscription of men and boys into the country's armed forces and a multitude of other armed groups remains a serious problem. Women and children continue to face the threat of forced labor, domestic servitude, or sexual slavery.

Sweden

Free

The right to form trade unions and the right to strike are safeguarded under Article 17 of the Swedish constitution. Wide-ranging powers were afforded to unions by the 1976 Co-determination at Work Act, including collective-bargaining rights and "joint-regulation" rights that allow union members to negotiate on managerial decisions. Unlike in many other European Union states, worker representation in Sweden functions through local unions, and the law requires that employers negotiate with unions in the workplace before making major decisions about working conditions. The right to join unions is extended to both the public and private

sectors. The Medlingsinstitutet (National Mediation Office) was created in 2000 to oversee collective agreements.

There are three main trade unions in Sweden. The largest is the Swedish Trade Union Confederation (LO), with approximately 1.8 million members, followed by the Swedish Confederation of Professional Employees (TCO) with 1.3 million members and the Swedish Confederation of Professional Associations (SACO) with 590,000 members. There is little competition between unions, though some competition exists between the TCO and SACO because many employees in the sectors they cover can choose either confederation. Approximately 71 percent of Swedish workers belong to a union, down from a peak of 86 percent in 1995. A noticeable drop in membership occurred after the government increased mandatory contributions to unemployment-insurance funds in 2006.

The government generally does not interfere in union activity or strikes. The LO has close ties to the Social Democratic Party, which has caused some tension with the government since a center-right coalition took power in 2006. The government can fine unions for going on strike after an agreement has been reached or before an agreement expires. Although several strikes occurred in 2009, including actions by trash workers and alcohol distributors, they did not draw any fines or government interference. Since 2003, the International Labour Organization has requested that the Swedish government amend legislation that prohibits early retirement schemes. No other labor complaints have been filed by international organizations in recent years.

Syria

Very Repressive

All Syrian professional groups have been required to belong to the General Federation of Trade Unions (GFTU) since 1968. While the GFTU is a nominally independent organization, it is closely linked to the ruling Baath party, and its president is a senior party member. The Ministry of Labor determines the GFTU Congress's composition and regulates union funds. The GFTU in turn can dissolve unions' executive committees.

Strikes in nonagricultural sectors are legal, but they rarely occur, and workers often face serious disciplinary action if they strike illegally. If strikes in certain sectors involve more than 20 workers, or if a strike occurs in a public place or includes the occupation of a job site or area, the strikers face fines and prison terms.

While workers in Syria's seven free-trade zones (FTZs) have the right to organize, no unions currently exist in the zones. Non-Syrians do not have the same legal protections as Syrians. Though foreign workers can participate in unions, they cannot serve in leadership positions.

The GFTU rarely calls strikes or other public protests, but it does often act as a conduit between workers, management, and the political leadership. The GFTU has been involved in discussions on the minimum wage, hours and working conditions, and training programs to ease unemployment concerns.

Thailand

Partly Free

Thai law allows the establishment of private-sector trade unions, and workers can form and join such unions without prior authorization. However, the enforcement of legal protections

for workers' rights is ineffective, and the law does not protect workers from employer reprisals for union activities prior to the registration of the union. Workers in state-owned enterprises can also organize, but civil servants, including teachers, cannot. Less than 4 percent of the total workforce in Thailand is unionized, though 11 percent of industrial workers and over 50 percent of state-enterprise workers belong to unions.

The State Enterprises Labor Relations Act prevents formal relationships between state-enterprise unions and private-sector unions, effectively splitting the labor movement. Organized labor in general suffers from infighting, corruption, and a lack of effective leadership.

Thailand has not ratified International Labour Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize (1948) or Convention No. 98 on the Right to Organize and Collective Bargaining (1949). The Labor Congress of Thailand, a trade union federation, lobbied the government to ratify these conventions in 2009 and continued to argue that the current Labor Relations Acts does not conform to international standards.

The law allows strikes in the private sector, though all strikes must be approved by 50 percent of the union membership. Strikes are forbidden in "essential services," which are defined much more broadly than in the ILO criteria. Labor unions mounted a number of strikes in 2009, including a controversial strike by state railway workers.

The law allows private-sector workers to bargain collectively, but in practice there is little genuine collective bargaining. Negotiations on issues such as wage increases have stemmed from legislation raising the minimum wage as opposed to collective bargaining.

Migrant workers are largely unprotected by Thai labor laws. The Ministry of Labor requires foreign workers to renew their temporary work status annually. Almost two-thirds of employed workers operate informally and are not protected under labor laws. Most informal workers serve in the agricultural, hotel, restaurant, wholesale, retail, and construction sectors.

Turkey

Mostly Free

Trade union rights are not fully established and remain restricted by law and the constitution. Many draft reforms have yet to be passed, including a 2009 bill that would lift restrictions on forming unions and professional organizations. Several categories of public servants, comprising as many as 450,000 people, are denied the right to organize or strike. Official permission is required for union meetings and rallies, and police can attend events and record proceedings. In theory, police intervention should be limited to cases that present a threat to public order, but in practice police sometimes ignore this restriction. Use of languages other than Turkish in official union activities is banned. In 2009, as in past years, union members were arrested for alleged membership in the Kurdish Workers' Party (PKK), an armed separatist group that is widely considered a terrorist organization. Rights groups say the arrests are a form of antiunion harassment. A union that violates the law can be dissolved or have its activities suspended. The public-sector union has reported interference by public authorities in the drafting of its own and its affiliates' constitutions. Employers discriminate against union members, including through transfers to other work sites, often in other cities. Private-sector employers frequently dismiss large numbers of workers for involvement in union activities.

Solidarity strikes, general strikes, slowdowns, and workplace occupations are banned. When strikes are approved, there is a nearly three-month waiting period from the start of negotiations to the date when a strike can be initiated. Employers are not allowed to dismiss workers who encourage or take part in legal strikes, and some strike restrictions would be lifted

under draft legislation, though the draft Trade Unions Act still contains detailed restrictions on the right to strike. Unions may only engage in collective bargaining if they represent more than 50 percent of the workers within a particular factory and 10 percent of the workers in the relevant sector nationwide. Only the largest union in an enterprise may conduct collective bargaining. In practice, only 3 percent of workers are covered by collective agreements. Collective-bargaining limitations would be removed under a draft bill that is currently pending. Unions report that the government manipulates membership figures or cites alleged irregularities to deny the right to collective bargaining. Fines of employers who do not respect trade union rights are too small to have a deterrent effect.

In 2009 the government allowed May 1 demonstrations to take place in Istanbul's Taksim Square for the first time since 1977. Turkish unions led the marchers. Unapproved demonstrations in other parts of the city featured clashes between unionists and police, and violent confrontations with police were common at illegal May 1 demonstrations in previous years. The former leader of the Turkish Metal Workers' Union is among the 194 people indicted in the ongoing investigation of an alleged ultranationalist group called Ergenekon. The union has faced various accusations during the probe that have damaged its reputation, and its records have been seized by investigators. Ergenekon allegedly kept detailed data on union leaders and their political leanings to determine who its allies might be. Members of several other unions have been interrogated in the case.

Uganda

Partly Free

Ugandan trade unions were first established during the colonial period. In 1956, the Uganda Trades Union Congress was formed and became an affiliate of the International Confederation of Free Trade Unions (ICFTU). In 1973 the Idi Amin government suppressed organized labor, and it did not revive until 1987, when President Yoweri Museveni's government established the National Organization of Trade Unions (NOTU), which all private-sector unions were required to join, and Uganda was readmitted to the ICFTU.

NOTU is the largest national trade union group. The Ministry of Gender, Labor, and Social Development recognizes NOTU as the representative organization of employees and the Federation of Uganda Employers (FUE) as the representative organization for employers. Together with the government, these organizations form a tripartite negotiating structure. The 2006 Labor Unions Act recognized the Central Organization of Free Trade Unions (COFTU), a rival to NOTU, as a second national trade union group. Uganda has ratified all eight of the International Labour Organization's core conventions. Four labor reform laws passed in 2006 improved workers' rights and repealed the requirement that unions represent at least 1,000 employees and represent 51 percent of the relevant workforce.

Approximately 855,000 of the formal sector's two million workers belong to unions. By law, workers enjoy the right of association, except for those providing essential government services. There is no collective bargaining for public-sector workers, including teachers, whose salaries are fixed by the government.

In practice, the right to freedom of association is threatened. According to a 2008 report prepared by the Uganda African Peer Review Mechanism Commission, only one out of three companies complies with labor and employment laws. The number of clients represented by the Platform for Labor Action (PLA), a labor rights nongovernmental organization that advocates on behalf of workers with grievances, has been steadily increasing. In the past three years, there

have been a number of high-profile cases of companies firing, or threatening to fire, employees for strike action. For example, in 2007 a textile company, Southern Range Nyanza, threatened to sack 1,300 employees for striking. In 2008, the Kasese Cobalt Company fired 116 striking workers.

The national minimum wage has not been adjusted in over 20 years. The private-sector pension scheme, the National Social Security Fund (NSSF), to which employers contribute 10 percent of employees' monthly salaries, has been tarnished by investment scandals. The government appointed a new board in April 2009 that included five workers' representatives. Also in 2009, workers called for the establishment of an independent labor, employment, and industrial relations ministry to address worker issues.

Child workers are a vulnerable group in Uganda. There are approximately 2.7 million child workers, half of whom are between ages 10 and 14.

Ukraine

Mostly Free

The right to join and form trade unions is guaranteed by the constitution and the 1999 Act on Trade Unions. Despite Ukraine's progress on some aspects of democratization, unions still face limits on the freedom of assembly, the right to organize, and access to fair hearings in the courts. Unions must register with the state, a requirement that violates international norms, and they complain that the registration process is excessively complex. Employers frequently violate unions' right to organize, and government officials, who often have opaque ties to private-sector businesses, typically turn a blind eye to these practices.

The Federation of Trade Unions of Ukraine (FPU) dominates the organized labor scene, making it difficult for independent unions to operate. Drawing on its Soviet history, the FPU maintains close ties to employers. The Confederation of Free Trade Unions of Ukraine (CFTUU) is the country's largest and fastest-growing independent labor group, representing medical, education, mining, transportation, and other workers, though it is still relatively small. CFTUU president Mikhail Volynets is a member of the Ukrainian parliament affiliated with the Yulia Tymoshenko Bloc. In 2009, the FPU unsuccessfully sought to pass legislation that would have severely limited the powers of the CFTUU. Employers often act against unions with impunity, leading the unions to file numerous complaints with the International Labour Organization. Factory owners are still able to pressure their workers to vote according to the owners' preferences.

A strike can only be organized if two-thirds of the workers support it, a high threshold by international standards. Nevertheless, small-scale rallies are common in Ukraine's active civic life, and hundreds of professionals and workers have taken to the streets to protest various government actions. In 2009, workers struck the Kyiv public transit system for not providing wage increases after significantly raising fares for passengers. In Kherson, an agricultural machinery plant faced a strike over wage arrears.

Employers' unwillingness to engage in collective bargaining sometimes leads to worker discontent. According to the International Trade Union Confederation, some employers refuse to bargain collectively even after being served with a court order.

United Kingdom

Free

Workers' right to organize in unions is protected. The Trade Union and Labor Relations Consolidation Act sets out most trade union rights, and unions can be established without government interference. While unions are the largest financial contributors to the Labour Party, they are free from control by the government or the party. Labour's connection with the union movement has weakened since the party shifted to the political center during the 1990s. In 2007 the European Court of Human Rights (ECHR) ruled that British law breached the right of a union to choose its members in accordance with its values. A British court had ruled against a local union that expelled a member who was an activist for the far-right British National Party. In response to the ECHR ruling, the law was changed in 2008 to allow a trade union to exclude a person on the basis of his or her membership, or former membership, in a political party.

Workers do not face pressure from the government or employers to join or not join certain trade unions. There are some restrictions on strikes that are criticized by unions, including measures that outlaw sympathy strikes and limit strikes to employment-related matters. In most cases employees can be fired for participating in a lawful strike when there has been a lockout for more than 12 weeks. A 2007 survey found that 92 percent of union representatives believed their position could seriously damage their career prospects. Laws in effect since 2005 prohibit union-busting tactics by employers. Collective bargaining takes place, generally at the level of the enterprise. Although collective-bargaining agreements are honored in practice, in 2006 the International Labour Organization expressed concern that Britain does not grant unions the right to gain access to workplaces.

United States

Mostly Free

The United States is almost alone among economically advanced democracies in its lack of a strong trade union movement in the private sector. While in the decade after World War II some 35 percent of workers in the nonagricultural private sector were represented by unions, by 2009 that figure had fallen below 8 percent.

Both federal and state governments have built a complex network of laws, policies, and enforcement agencies designed to combat discrimination based on factors including race, gender, ethnicity, and age. Antidiscrimination laws are fortified by a series of court decisions that confirm the government's power to prosecute cases of workplace bias. There are, in addition, laws that make it possible for employees to sue corporations or government agencies in cases of "wrongful dismissal." At the same time, the ability of workers to join trade unions and engage in collective bargaining has been gradually restricted through legislation, regulatory decisions, and court verdicts.

The basic legal framework for labor relations, the National Labor Relations Act, was adopted in 1935. It guaranteed workers the right to join unions and sets the guidelines that govern the recognition of unions as collective-bargaining entities. The law was enacted in the midst of a tumultuous, and at times violent, struggle by unions to organize workers in the auto, steel, and rubber industries, among others. Although the postwar political environment was increasingly turning against them, unions by the 1950s represented well over 30 percent of the private-sector workforce, with a much higher percentage in parts of the country that were hospitable to union organization.

The Southern states were more hostile to unions, however, and after Congress adopted the Taft-Hartley Act in 1947, giving states the authority to pass so-called right-to-work laws, the measures were quickly enacted in nearly all of the states in the South. The laws prohibit unions from making membership or payment of dues a condition of employment, either before or after a worker is hired; today, 22 states have some form of right-to-work provision in their labor codes. The laws have had a profound effect on the labor movement's ability to organize workers on a truly nationwide basis, restricting union growth across the South and the Sun Belt region.

Meanwhile, shifts in the national economy have reduced the number of industrial jobs that traditionally supplied the bulk of union membership. This trend has been magnified through a series of decisions by the courts and the National Labor Relations Board (NLRB) on the definitions of job categories that are exempted from normal labor-law coverage, namely those with supervisory duties. These rulings have continually expanded the exempted categories, rendering the affected workers ineligible for union protection and other benefits.

In addition to legal and regulatory barriers, unions have confronted mounting resistance from employers. Management has used a variety of tactics to block unionization, including the intimidation of union activists. At many corporations, antiunion arguments are presented to employees from the day they are hired, including at captive-audience meetings and in frequent one-on-one discussions with supervisors. Employers often resort to stalling when faced with a representation vote that is likely to favor the union, and they have been willing to violate labor laws in their efforts to defeat unionization campaigns. For example, they illegally threaten to close a plant or facility in the event of unionization, and ignore laws against harassing or dismissing union activists. Workers are typically unable to obtain timely justice for acts of reprisal by management; it takes an average of two years for a worker to win reinstatement or compensation after a finding of illegal dismissal for union activity. Furthermore, when found guilty by the courts or the NLRB, companies are often compelled to do nothing more than provide back pay, a slap-on-the-wrist penalty that has little deterrent effect. Even when unionization has occurred, employers frequently negotiate with labor representatives in bad faith, engaging in collective bargaining without any intention of reaching a contract.

Changes in the political climate in recent decades have spurred corporations to take a tougher line in negotiations with existing unions and to resist unionization even more forcefully. One new management tactic is the replacement of striking workers by nonunion workers on a permanent basis. Striker replacement, though legal, had seldom been seen in the postwar era. Its reappearance of late has had the effect of nullifying the strike as a significant weapon in labor relations. Although only a relatively small number of companies have taken this extreme step, the threat that other businesses might follow suit has discouraged workers from striking.

The impact of the corporate world's antiunion tactics can be observed in data from the Bureau of Labor Statistics, which indicated that among companies with over 1,000 workers, the average annual number of strikes during the 1980s was 80, falling to just 45 in 1990. By contrast, in the previous three decades, the lowest number of strikes in one year was 181, in 1963; the highest, 437, came in 1953.

Employers and their political allies contend that the phenomenon of union decline has less to do with government policy and corporate hostility than with shifts in the economy, technological advances, union corruption, worker contentment with job conditions, and changes in the workforce that favor part-time workers and the self-employed. Attitudinal surveys have generally found that Americans favor most of the benefits and protections that come with union

representation while at the same time harboring mixed or negative feelings about unions themselves.

Another problem facing unions stems from an increase in the role of government in the economy. Many workplace issues that might be dealt with by unions are increasingly the responsibility of the federal government, including job safety, discrimination, and sexual harassment. Moreover, in an era of global economic competition, the ability of unions to offer substantially higher rates of pay at levels that would protect members from inflation has dwindled. The one area that remains insulated from this and other private-sector concerns, the public sector, has seen its union ranks surge over the past several decades. Currently over 35 percent of public employees are represented by unions. However, even public-sector unions may suffer as governments are forced to cope with unsustainable budget deficits.

Over the past four decades, attempts to bolster unions' ability to organize workers and negotiate contracts have regularly failed. The latest bid to reform labor law is the proposed Employee Free Choice Act, now under consideration in Congress. Under the bill, once a union convinces a majority of workers at a given facility to sign cards expressing their desire to organize, that union is automatically certified as the bargaining representative of all the workers at the facility. If adopted, the legislation would represent a major change in labor-management relations, since unions have traditionally gained bargaining-representative status through secret-ballot votes by the workers involved. Although the administration of President Barack Obama supports the measure, it appears unlikely to pass in its original form.

Despite the membership decline, unions remain a significant force in U.S. political life. Most belong to one of the two large labor federations, the American Federation of Labor–Congress of Industrial Organizations (AFL-CIO) and Change to Win, which split from the former in 2005. Both federations play important roles within the Democratic Party and made substantial financial contributions to the electoral campaigns of Barack Obama and Democratic candidates for Congress. Unions have also put their lobbying power behind legislation to overhaul the U.S. health care system and other social policy measures.

Venezuela

Repressive

Historically, the trade union movement, under the umbrella of the Confederation of Venezuelan Workers (CTV), formed one of the pillars of Venezuela's elitist, consensus-based political system. However, the CTV lacked internal democracy, and current president Hugo Chavez's rise to power created pressure for elections within the confederation, with the government playing a critical role. The confederation's 2001 elections ended unsatisfactorily and led to cleavages both within the CTV and between it and the government. By 2002 the confederation had fully joined the political opposition movement, and the government began to encourage new unions to compete with CTV-linked groups at both the company and national levels. The National Workers' Union (UNT) was formed in 2003 for this purpose, and many unions joined the new umbrella group. However, the government does not enjoy absolute support from the UNT. On the contrary, autonomy has remained a divisive issue, with the leader of the UNT's main faction, Orlando Chirino, strongly in favor of maintaining independence from the government.

In 2007, Chavez explicitly stated that all unions should submit to his revolutionary project. This attempt to degrade union autonomy led Chirino to call for abstention from a controversial constitutional referendum that year. When the amendment package was narrowly

defeated, Chirino lost his job at PDVSA, the state-controlled oil firm, in a move that heralded further factionalism within the trade union movement. The government has since declared that it will not engage in collective bargaining with any union that does not support Chavez's socialist ideology. The minister for energy and oil has also ordered oil-sector employees to set up socialist committees, and declared that those not participating "will be considered suspect of conspiring against the revolution."

According to the constitution and labor legislation, workers have the right to form trade unions of their choice, conduct peaceful strikes, and engage in collective bargaining. In practice, these rights are limited either legally or, more often, by political considerations. The National Electoral Council is constitutionally tasked with monitoring the internal elections of unions, a practice that the International Labour Organization (ILO) has criticized as undue government interference. Sections of the constitution require trade unions to establish term limits for leadership positions, and the government has been criticized for stripping unions of their right to conduct collective bargaining if they do not conduct elections under state supervision. The ILO has also found fault with the fact that collective bargaining is only permitted for unions representing a majority of workers in an industry, even though some industries lack such a union. In addition, the emergence of several new modes of management, including cooperatives, co-managed enterprises, and proposed workers' councils, has led to overlapping functions and confusion regarding the role of unions.

New unions have proliferated under Chavez. To some degree this reflects new dynamism, but it also signals state-encouraged parallel unionism. One effect of the surge in new unions is a substantial increase in violence within certain sectors, particularly the construction industry. The rival unions compete for control of jobs, which they may then legally distribute to their members, often for a fee. Scores of union members have been killed in such disputes in recent years, and in August 2007 the government initiated a dialogue in an attempt to halt the battles. In a 2007 report, the Inter-American Commission on Human Rights requested that the government pay greater attention to the problem. In 2009, the commission expressed concern over the escalating number of attacks and threats on trade union leaders. According to the Human Rights Vicarage of Caracas, 34 labor leaders were assassinated in 2008 and 2009.

Unions are also used to transmit government directives on voting and political participation to the rank and file. During the 2006 presidential campaign, oil minister and PDVSA chief Rafael Ramirez suggested that all PDVSA employees who did not wish to vote for Chavez should leave the company.

The right to strike is embedded in the constitution, with a partial exception for public-sector workers. However, unions and human rights groups have expressed concern that the right to strike is limited in practice by 2005 amendments to the penal code. The changes significantly increased penalties for pot-banging and blocking transportation routes, both of which are traditional forms of protest in Venezuela. Strikes are also limited by policies that treat almost all public services as essential.

Vietnam

Very Repressive

The 1994 labor code introduced the first formal set of labor laws in Vietnam. It was an important component of the country's effort to open its economy, attract foreign investment, and expand trade with major overseas markets, such as the United States and the European Union. In 1992, Vietnam joined the International Labour Organization and has since ratified a number of

conventions, including those on child labor, discrimination, and equal remuneration. The labor code was amended in 2002 to provide for union recognition and collective bargaining. However, there is only one legal labor union federation in the country, the Vietnam General Conference of Labor (VGCL), and all unions are required to join it. The VGCL is closely tied to the ruling Vietnamese Communist Party (VCP), and all top leaders in federation must be VCP members. The U.S. State Department and international labor research groups estimate that the VGCL has about 5.2 million members, including some 95 percent of public-sector workers, 90 percent of state-enterprise workers, and the majority of private-sector workers. Union membership is high because workers are automatically members of trade or company unions at their workplace.

Strikes must be approved by the state and are legally permitted if they do not threaten national security. In reality, the process of obtaining approval is so complicated that not one of the more than 2,300 strikes since 2005 has been officially approved. Virtually all were wildcat strikes by workers who were dissatisfied by low wages and unfair or harsh working conditions, and who did not trust their union representatives to bargain in good faith. Labor experts say that the government allows these strikes—mainly against foreign-owned firms—because they give workers an opportunity to demand higher wages without forcing the government raise the minimum wage and potentially dissuade foreign investment. Enforcement of labor laws is weak. Labor activists are known to face harassment by the state, including house arrests and surveillance; some have been imprisoned for “inciting demonstrations” and distributing “distorted information.”

Zimbabwe

Repressive

Labor unions in Zimbabwe have been regular targets of organized repression and violence by the state in recent years. The Zimbabwe Congress of Trade Unions (ZCTU) was established in the early 1980s, bringing together six labor organizations and emerging as the country’s main labor umbrella group. Most white trade unions split up or joined African trade unions by the mid-1980s. Since the 1990s, the ZCTU has been a driving force behind the Movement for Democratic Change (MDC), the country’s leading opposition party. The MDC was founded by former ZCTU secretary general Morgan Tsvangirai and challenged what was effectively a one-party state ruled by President Robert Mugabe and his Zimbabwe African Nation Union–Patriotic Front (ZANU-PF) party. After Mugabe won reelection amid violence and vote-rigging in 2008, Tsvangirai became prime minister as part of a fragile power-sharing deal in early 2009.

The U.S. State Department estimates that in 2009, about three million people worked in the informal sector and 600,000 were employed in the formal sector, with 65 percent of industrial establishments unionized. The ZCTU has about 300,000 members. The Zimbabwean constitution guarantees the right to freedom of association, including the right to form and belong to trade unions. Zimbabwe joined the International Labour Organization in 1980 and has since ratified a number of labor rights conventions, including those on the rights to organize, collective bargaining, and freedom of association. However, the government does not respect these rights in practice, and trade unionists are not free to operate without government interference. The government created an alternative labor body, the Zimbabwe Federation of Trade Unions, which is not influential in practice but fosters confusion among workers. Public-sector employees do not have the right to collective bargaining or the right to strike. The Labor Relations Amendment Act explicitly recognizes a right to strike in the private sector, but

procedural obstacles, such as a rule requiring 14 days of advance notice, limits the effectiveness of strikes. The act also prohibits strikes by workers in “essential services,” a label that is defined expansively by the Ministry of Labor. Participants in strikes that are deemed illegal face sentences of up to five years in prison.

The state has repeatedly and systematically violated fundamental workers’ rights, according to a special commission of inquiry of the International Labour Organization. Trade unionists have been arrested, detained, and subjected to torture by security forces. A conspicuous case was the arrest of ZCTU president Lovemore Matombo and other union leaders, who were reportedly harassed and beaten after they attempted to hold labor meetings in November 2009. Both union leaders and rank-and-file members have been intimidated through detention or targeted violence on a regular basis under the Mugabe regime, which uses the Public Order and Security Act to mask antiunion action.

Appendix

The following tables show workers' rights scores based on data from *Freedom in the World 2010*.

Free	4
Mostly Free	3
Partly Free	2
Repressive	1
Very Repressive	0

The Americas

0	1	2	3	4
Cuba	Colombia Venezuela	El Salvador Guatemala Haiti Honduras Mexico Nicaragua Paraguay Peru	Argentina Bolivia Brazil Costa Rica Dominican Republic Ecuador Guyana Jamaica Panama Suriname Trinidad & Tobago United States of America	Bahamas Barbados Belize Canada Chile Uruguay

Asia-Pacific

0	1	2	3	4
Burma Laos North Korea Vietnam	Afghanistan Cambodia China (PRC) Singapore	East Timor Indonesia Malaysia Maldives Nepal Thailand Togo	Bangladesh Fiji India Japan Mongolia Philippines Sri Lanka Taiwan (ROC)	Australia New Zealand South Korea

Former Soviet Union/Central and Eastern Europe

0	1	2	3	4
Belarus	Azerbaijan	Albania	Bulgaria	Croatia
Turkmenistan	Kazakhstan	Armenia	Lithuania	Czech Republic
Uzbekistan	Tajikistan	Bosnia- Herzegovina	Montenegro	Estonia
		Georgia	Romania	Hungary
		Kosovo	Serbia	Latvia
		Kyrgyzstan	Ukraine	Poland
		Macedonia		Slovakia
		Moldova		Slovenia
		Russia		

Middle East and North Africa

0	1	2	3	4
Libya	Bahrain	Algeria		Israel
Saudi Arabia	Egypt	Lebanon		
Syria	Iran	Morocco		
	Iraq	Oman		
	Jordan			
	Kuwait			
	Qatar			
	Tunisia			
	United Arab Emirates			
	Yemen			

Sub-Saharan Africa

0	1	2	3	4	
Equatorial Guinea	Angola	Botswana	Liberia	Burkina Faso	Benin
Eritrea	Burundi	Central African Republic	Mauritania	Cape Verde	Namibia
Sudan	Cameroon	Chad	Mozambique	Congo (Brazzaville)	South Africa
	Congo (Kinshasa)	Cote d'Ivoire	Rwanda	Ghana	
	Ethiopia	Gabon	Sierra Leone	Madagascar	
	Guinea	The Gambia	Swaziland	Malawi	
	Zimbabwe	Guinea-Bissau	Tanzania	Mali	
		Kenya	Togo	Niger	
		Lesotho	Uganda	Nigeria	
				Senegal	
				Zambia	

Western Europe

0	1	2	3	4	
			Turkey	Austria	Luxembourg
				Belgium	Malta
				Cyprus	Netherlands
				Denmark	Norway
				Finland	Portugal
				France	Spain
				Germany	Sweden
				Greece	Switzerland
				Iceland	United Kingdom
				Ireland	
				Italy	



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