

Global attack on labour rights does labour have a future?

INTERNATIONAL

Is there an answer to the current attack on worker rights globally? **Rob Lambert** reflects on the deliberations at the 7th Congress of Southern Initiative on Globalisation and Trade Union Rights (Sigtur), which explored this issue, as well as the attack on labour laws by a number of countries.



Thatcher's dictum, 'There is no alternative', still resonates decades after the iron lady confidently asserted this position. Union leaders and their members across the globe, who have been subjected to restructuring in its many forms, have felt the bite of these words.

When a factory closes in one country and heads to a cheap labour haven in another, or when a workforce is downsized, or when work contracts are casualised, various forms of protests occur. However, does our leadership believe there is an alternative to restructuring? The problem is that unless we forge a way of resisting restructuring and unless we begin to develop an alternative to

the neo-liberal market model, workers are doomed to a life of intensified exploitation and oppression and their unions will decline into eventual oblivion.

The vice president of the Korean Confederation of Trade Unions (KCTU) had this in mind when he gave the opening address at the congress held in Bangkok Thailand at the end of June. He stated 'Trade unions must review their direction and their strategy. We can no longer rely on traditional methods of struggle. We need a more fundamental transformation of ourselves.

Restructuring in the name of labour flexibility has eroded trade union power. If

we fail in this endeavour to fundamentally transform ourselves, we have no future.

We need a new kind of labour movement that is designed to fight neo-liberalism. We have to experiment if we are to regain our power.

Sigtur itself is an experiment at developing a new labour internationalism in the south that will stimulate a global unionism that has the power to fight and defeat the neo-liberal market logic. Apart from Sigtur's moves in this direction, other key initiatives are emerging. In the US, the Service Employees International Union (SEIU) is involved in a number of initiatives to develop global unions. In May, mining, construction



Governments in the South have moved in a radically different direction by introducing a range of measures that severely restrict collective bargaining rights and a range of penalties against unionists who might engage in collective action.

and maritime unions from South Africa, the US and Australia met in Los Angeles to explore new linkages that will empower unions.

A key focus of the SigTUR congress was the way in which governments are 'reforming' labour laws to marginalise and repress unionism in the name of flexible labour markets that are claimed to be essential to national competitive efficiency.

LABOUR LAW ATTACK

The social democratic post-war compromise in Europe established a particular labour law model based on the recognition of trade unionism and the right to collective bargaining. These rights were enshrined in International Labour Organisation (ILO) Conventions 87 and 98 and deemed central to the democratic state.

Governments in the South have moved in a radically different direction by introducing a range of measures that severely restrict collective bargaining rights and a range of penalties against unionists who might engage in collective action. What is so remarkable in these changes is the fact that the new measures introduced across all countries are similar, suggesting that governments must be using the same international consultants. The following examples illustrate the nature of the changes

In India, the government has introduced a 'second generation of neo-liberal reforms' that 'completely overhaul labour laws and are aimed at casualisation and the contractualisation of labour'. A Centre of Indian Trade Union (CITU) document goes on to show how new laws such as the Industrial Disputes Act and the Contract Labour Act introduce a 'hire and fire' regime and contractualise the entire workforce in India, where workers on contracts are now paid only 10% of the wage of unionised, full-time workers. Unions and workers who attempt to

resist this 'restructure' are 'beaten by the police, placed in jail and dismissed from their workplace for merely acting collectively. This is the real face of neo-liberalism'. The Judiciary is now playing a key role in favour of this 'labour market de-regulation, prohibiting the right to strike and upholding the right of employers to dismiss workers'.

There is a similar pattern of change in South Korea where the Noh Moo-Hyun government submitted changes to the national assembly in 2004, which aimed at facilitating the casualisation of the labour market and limiting collective bargaining rights. The KCTU notes: 'The government, in line with the neo-liberal stance, views full-time union officials and the union's autonomy in collective bargaining as regulations that go against the interests of business'. In a particularly vicious measure, labour law in South Korea allows the government to claim damages from unions and unionists that includes the seizure of property. In recent years these claims have been massive running into hundreds of millions of won, crippling unions as well as leaving union leaders destitute with their personal bank accounts frozen and apartments confiscated. One claim by a Japanese company was a staggering 1.2 billion won for a mere 'personnel issue - for failing to follow orders to transfer jobs'. In the tradition of heroic opposition to oppression, worker leaders have 'immolated themselves by setting themselves on fire in protest against the inhumanity of lawsuits to claim for damages and seize property. They had chosen to die under the burden of astronomical claims for damages'.

Congress discovered that the pattern of labour law change across all countries is similar. In a powerful address to Congress, CITU general secretary Chittabrata Majumdar linked these changes to de-regulated capitalism and the role of multi-national corporations, who are given immense new

powers by these changes.

In Australia, the conservative Howard-led government is going down the same route. It plans to introduce new laws that strengthen a system of individual contracts and further restrict the rights of unions. Precedents already exist where employers are allowed to impose huge fines on individual workers for acting 'illegally'. The new laws will impose severe restrictions on unions and their right to bargain collectively.

DEMOCRATIC LABOUR RIGHTS

Collective global action against these changes is a key facet of SigTUR's action statement entitled 'A universal declaration on labour law and labour rights from the economic South'. This document asserts a different pathway of change.

Governments, captured by neo-liberalism and the global corporations, driving labour law change speak the market language of international competitiveness, efficiency and flexibility. Here markets (a theory that disguises the role of corporations) come first. Workers, their families and their communities (everything human and social) are not on the radar. Defined by the market, workers are just a 'factor of production' just like any other 'input' into the production process. In the language of the new managerialism, workers are just a human resource. In contrast to this language of the market, the SigTUR declaration advances the language of democracy in the workplace, the language of justice and social rights. Rather than negate all collective rights, the declaration asserts these rights and extends them into all spheres of industrial organisation, public and private.

The declaration asserts: 'We therefore publicly declare that our struggle against labour law and labour rights "reform" is based on our collective aspiration to achieve the following rights in our societies, consistent with ILO Conventions. In



particular, with the imposition of neoliberal restructuring based on labour flexibility, the reality is that many irregular/casual workers cannot exercise the following rights. We demand that governments must also guarantee the following rights to irregular/casual workers.

- Freedom of Association and the right to join a union of our own choice, without interference from corporations and governments.
- The right of collective bargaining that recognises the essential role of unions in the bargaining process.
- The right to bargain collectively on workplace issues and broader social and political concerns.
- Collective bargaining must include the right to bargain and negotiate corporate restructuring in all its dimensions.
- Right of entry with no restrictions so that the union can strengthen itself.
- The right to democratically elect union delegates (shop stewards) in every section of the organisation.
- The right of this workplace-based leadership to have time off work to freely and openly conduct union business without fear of victimisation. This includes the right to call stop work meetings in the workplace to discuss union issues.
- The right to strike and take industrial action without any threat to life or the threat of legal or financial sanctions against union members and their unions.
- The right of all workers and including public sector workers, who are often excluded in Asia, to these democratic

labour rights.

- The right of all workers to job security and social security.
- The right of all women to equal wages, security of tenure, and respect for - their trade union rights.

This universal declaration of union rights is our platform of struggle against labour law reform in the South.

This is a significant element of the freedom struggle. This is a struggle against corporate greed and repression. This is a struggle against governments who use labour law to weaken our movement.

We, the workers who produce the wealth of nations have an inalienable right to share in that wealth. We have the right to a democratic voice in the issues that affect our lives.

The congress decided to 'commit to an international day of action demanding the implementation of the rights contained in the Declaration'. This year the action is planned to coincide with the ILO Asia Pacific meeting being held in Pusan, South Korea on 13 - 15 October. Sigtur unions are currently preparing for this day of action, which also coincides with the introduction of anti-union labour laws in Australia.

BUILDING A NEW SOCIAL MOVEMENT IN THE SOUTH

A coalition of powerful government and corporate forces is introducing labour law change in a well-planned and coordinated manner. Protest notes are not going to halt this union repression. Well-planned, coordinated, collective action across

countries in the South is the first step in the long march to defeat this attack. Action will create a social movement. A social movement will develop the capacity to win over citizens to this basic struggle for justice.

In a very real sense, the Sigtur congress prefigured this movement. Democratic unionism is built through a culture of deeply committed leadership and the Sigtur congress is an opportunity for this leadership to generate a vibrant spirit of resistance that transcends national boundaries. This is the spirit that creates a social movement with the power to disrupt the neo-liberal strategy, forcing governments to change.

There were notable moments during the week-long congress. Young women delegates from the new democratic unions in Thailand were impressive - committed and politically sophisticated. There are experiences that will remain with all delegates

- a visit to a food factory where 500 workers were camped on a picket after being instantly dismissed for requesting a 10c a day increase to cover increased bus fares after the employer had changed the shift time;
 - the images of Korean construction workers demanding the right to a washroom to clean their bodies after a day's work, who in their protest action, forced the military police into retreat;
 - the tragedy of protesting Philippine peasants who were gunned down despite their peaceful and disciplined action;
 - the evening where all countries prepared protest banners and placards for a protest at the Australian Embassy over the proposed labour law changes in Australia.
- But above all, it was the experience of a week that energised all movements present and reignited the belief that we can fight and win, despite the powerful forces stacked against us. There is an alternative and a movement is emerging that will play a role, together with other new initiatives, in rolling back these repressive labour laws.

LB

Lambert is the co-ordinator of Sigtur based in Australia.