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NEWS

Nyheter • Noticias • 情報
Nachrichten • Informations

#8/December 1994

INSIDE

Inter-American regional news (4)
European news (5)
ITF Centenary (7)

PEOPLE (8)

OBITUARIES (8)

FORTHCOMING MEETINGS (8)

INLAND TRANSPORT
UK driver safety (9)
Indian road transport seminar (10)

DOCKERS (11)

SEAFARERS
Derbyshire (12)
Brazil (13)
Foc campaign news (14)

CIVIL AVIATION
PALEA dispute (15)

TOURISM SERVICES (15)

2 2776

ILO condemns Burmese junta

The ITF complaint to the International Labour Organisation (ILO) concerning the infringement of trade union rights by the government of Myanmar (Burma) — specifically its treatment of seafarers — has been upheld by the ILO. The ILO's Committee on Freedom of Association recommendations were endorsed by the November meeting of the ILO Governing Body. The recommendations of the Committee are as follows:

- a) the Committee urges the Burmese government to withdraw the requirement by the Seamen Employment Control Division (SECD) that Burmese seafarers must sign an affidavit before leaving the country that restricts their right to affiliate with or contact the ITF for assistance.
- b) Recalls the importance of Article 2 of ILO Convention no. 87 (Freedom of Association and Protection of the Right to Organise, 1948) — which the government of Burma has ratified. The Committee on Freedom of Association urges the government to "guarantee and respect the rights of seafarers to form an independent trade union".
- c) The Committee calls upon the government to refrain from acts of anti-union discrimination against Burmese seafarers who pursue their legitimate grievances through the ITF and/or its affiliated trade unions.

These recommendations are completely in line with what the ITF and its Burmese affiliate (the Seafarers' Union of Burma) have called for in their original complaint submitted to the ILO in December 1993 (see ITF News/no. 1, January-February 1994).

The ITF complaint was based upon the long experience of abuse and intimidation of Burmese seafarers who had accepted assistance from the ITF. ITF General Secretary David Cockroft said at the time: "the information that the ITF submitted to the ILO catalogues a series of abuses of trade union rights which are indicative of a much wider oppression. It is, we suggest, clear that trade union activity by Burmese seafarers leads to retaliation by the Burmese government."

The Burmese government replied to the ITF's allegations on 6 of June this year by contending that the complaint "was groundless". They claimed that the allegation that seafarers serving on foreign flag ships were oppressed was "utterly baseless and has no foundation whatsoever". And yet the government, in their attempt to contradict the ITF's complaints, actually admitted to a violation of basic trade union rights. The government claimed that the ITF-affiliated Seafarers' Union of Burma does not represent seafarers, that the

...ILO backs ITF on Burma's violations

Continued from page 1

organisation is a handful of seafarers who have violated the laws, rules and regulations of the country. The government actually stated that the Seafarers' Union of Burma is not recognised by the government of the "Union of Myanmar".

On the question of signing an affidavit promising not to contact the ITF (a fact demonstrated to the ILO by the ITF's provision of a copy of one such affidavit), the Committee notes that the government does not dispute that such an undertaking is signed, but claims that it only requires seafarers to conduct themselves as "good citizens". The Committee concludes that it is clear from the information provided by the ITF that seafarers are "in fact required to sign a contract restricting their rights to accept any assistance from the complainant (the ITF) or affiliated parties".

The Committee states that it attaches great importance "to the fact that no obstacles should be placed in the way of affiliation of workers' organisations, in full freedom, with any international organisations of workers of their own

New Zealand...

The ILO has clearly condemned the New Zealand Employment Contracts Act (ECA), which undermines the right to collective bargaining, as a breach of international conventions.

Following an interim report in March this year, the Organisation's Committee on Freedom of Association has finally and strongly concluded that New Zealand's formal introduction of the ECA in 1993 did not conform with ILO Convention 98 on Freedom of Association and Collective Bargaining.

The ECA's prohibition of multi-employer strikes also had to be removed, the ILO said.

But New Zealand's far-right government reacted strongly to the decision, on the one hand admitting publicly that it would not be responding to the ILO recommendations on multi-employer collective contracts (which are currently illegal) while trying to justify the ILO's position as a vindication of the ECA.

The ILO employers' group supported the findings of the ILO, and called upon the New Zealand government to consider the recommendations and enter into discussion with the trade unions. "After the government's initial tempestuous statement it will be time to consider these recommendations and talk to the social partners involved," a spokesperson said.

The New Zealand Council of Trade Unions lodged the complaint against the ECA last year.

choosing". The Committee notes that the ITF affiliated Seafarers' Union of Burma is not recognised by the government. The Committee reminds the government that under ILO Convention 87 workers have the right to establish organisations of their own choosing in full freedom to protect their interests. The Committee considers "that it is not for the government to decide which organisation would best represent the workers' interests." The Committee urges the government to withdraw the SECD requirement that seafarers sign an affidavit which in their opinion "violates freedom of association". Furthermore, the Committee reminds the government that workers have the freedom to join organisations of their own choosing and therefore the government should "guarantee and respect the rights of seafarers to form an independent trade union in Myanmar for the defence of their basic rights and interests if they so wish".

The Committee further strongly condemns the practice of double book-keeping which is a requirement of the affidavit Burmese seafarers are required to sign.

The Committee notes with "serious concern" the incident described by the ITF and "deeply regrets" that the government has merely stated in response to the complaint that various seafarers were not registered or carrying fake passports or that the responsibility in the specific case lay with the owners of the vessels, or the manning agents.

"It is amply clear to the Committee that in most of the incidents, the Myanmar authorities, either directly or indirectly, have exerted various types of pressures on Myanmar citizens once an ITF settlement concerning them was reached ... It therefore calls on the government to refrain in future from having recourse to acts of anti-union discrimination against Myanmar seafarers who pursue their legitimate grievances through the complainant and/or its affiliated trade unions."

The Committee's three recommendations coincide exactly with the request made in the original ITF complaint and so the ITF and SUB have been completely vindicated in their ILO complaint. Unfortunately, this will not be the first time that the Burmese government has been criticised for its violation of the rights of workers to free association — nor, so long as the present military regime remains in power, will this probably be the last. While the ITF and its affiliates have no illusions about the power of the ILO to change the behaviour of the Burmese government, this ruling will provide additional ammunition for the growing international campaign for the restoration of democracy, human and trade union rights in Burma.

Privatisation protest



Trade unions in Turkey staged a huge demonstration in Ankara, on November 26, with a march towards the National Assembly, in protest at the government's privatisation policies. The demonstration which attracted around 100,000 trade unionists forced the government to remove or amend many of the provisions from the 1995 Budget Bill which were opposed by the unions, before it (the Bill) was voted on in the Budget Commission of Parliament.

The Bill contained provisions which would result in the loss of many jobs, certain social facilities, de-unionisation of workers by changing their status to that of civil servants and a decline in wages.

Turkish civil servants are denied basic trade union rights in spite of the ratification of ILO

Conventions 98 in 1951 and Conventions 87 and 151 in 1993.

In a separate nationwide action, the ITF-affiliated United Transport Workers' Union (BTS) and civil servants' associations have been involved in stoppages in protest at privatisation, non-payment of overtime salaries, increase in meal prices and company house charges, closure of cafeterias and the denial of the right to bargain collectively and to strike. These actions have resulted in the cancellation of 500 urban and intercity trains and the non delivery of 2,800.000 tons of cargo.

The 37th ITF Congress, held in Geneva in August, adopted three motions in support of Turkish trade union rights.

Unionists jailed by Indonesia

Repressive measures against trade union rights in Indonesia have been stepped up with the sentencing of Muchtar Pakpahan, leader of the independent Indonesian trade union (SBSI), to 3 years imprisonment on November seventh..

Pakpahan was found guilty for his alleged involvement in strike actions in Medan, in April of this year, which paralysed the city for days.

The trial, which is seen as a farce internationally, was conducted in a manner which resulted in the defence lawyers resigning in protest.

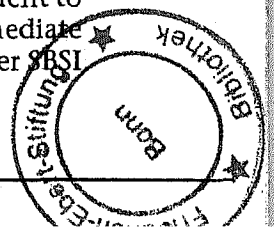
Important court documents were withheld from the defence for several days and expert witnesses called by the defence were rejected by the judge.

Medan courts had earlier sentenced three leaders of the Medan branch of the SBSI to jail on similar charges: Amosi Telaumbanua, Chairman,

SBSI Medan branch, to 15 months, Ms. Hayati, Treasurer, to 7 months and Riswan Lubie, Secretary, to 8 months in jail.

Prior to Pakpahan's trial, eleven workers, including six women, were sentenced to one year each for taking part in strike actions at the Sumatra Tobacco Trading Company and three other cigarette factories in the city of Pematang Siantar, in June.

ITF General Secretary, David Cockroft, in a letter of protest to the Indonesian President, General Suharto, expressed his concerns about the blatant disregard for Pakpahan's rights throughout the trial and urged the President to use his good offices to obtain the immediate release of Muchtar Pakpahan and all other SBSI activists.



US swings to the right in midterm elections

The November 8 midterm elections in the United States brought the country's legislature under full Republican (conservative) control for the first time in over 40 years. (President Clinton, a Democrat, remains in office for at least two more years.) The shift to the right in the Congress will mean some yet uncertain changes for the transport industries, and their workers. Traditionally, transport issues are bipartisan, so pushing through changes in the industry will become more difficult during these next two years.

The previous Congress neglected to consider an important maritime reform bill, that would have been financed through increased tonnage fees, and would have aided US-flagged shipping companies, which now threaten, that without government support, they will be forced to flag out a number of their vessels.

Industry and union officials alike fear few positive changes regarding transport issues, stating the importance of bipartisan work.

"We have always worked with elected officials in both parties," said a member of the ITF-affiliated Seafarers' International Union.

The director of the Railway Labor Executives Association noted bipartisan support for programmes such as revising railroad unemployment insurance programmes and cooperation on safety issues, such as operating employee fatigue. But that view disregards some historically controversial rail issues, such as revising injury compensation laws, separation payments for displaced workers, and greater questions, such as how a conservative Congress would deal with future rail contracts, in the event of unsuccessful contract talks.

The leadership of the Public Works and Transportation Committee, as well as all of its subcommittees, which oversee the various areas of transport (aviation, surface transport, etc.) will change hands, to the right, a shift which will certainly mean greater deregulation of the US transportation industries.

The House Ways and Means Committee, which determines US tax policies, will in the future be headed by Mr. Bill Archer (R-Texas), a strong free trade advocate, who led the effort this year to block President Clinton's efforts to link future trade negotiations to labour and environmental standards abroad.

NAFTA's "SIDE AGREEMENTS" FAIL

The first case to test the so-called NAFTA side agreements on labour, as regards their ability to protect the rights and security of workers, demonstrated the inherent weakness of such ill conceived after thoughts. Under the said agreement, each of the pact's three trading partners — the US, Canada and Mexico — agree to uphold their own labour laws. Should governments fail to do so, private parties have the right to file

complaints with a NAFTA review office in each country's Labor Department. (In extreme cases, such as violations of child labour laws, minimum wage standards or serious safety violations, a three-nation commission may hear charges, and consider trade sanctions.)

The case in question concerns forty workers fired — allegedly for union organising — from two US companies operating in Mexico. US unions brought the charges before a US Labor Department review board, which ultimately decided that Mexico had violated none of its labour laws.

PRIVATISATION THREATENS CANADIAN RAILWAY

The Canadian government decided in October to appoint a task force to study the possible "commercialisation of the state-owned rail company, CN North America". Originally, "commercialisation" covered a range of options, from federal agencies, to non-profit corporations, public-private sector partnerships, employee-run companies, and privatisation.

"In my opinion, (employee ownership) would be an excellent way to build a more solid partnership with our employees," said Paul Tellier, President of CN North America.

But he also said — in light of a recent US\$1.1 billion offer to buy sections of the CN Rail network, proffered by Canadian Pacific Ltd. (a parent company of CP Rail System) — that "among all the options available to us, privatisation is the best solution for CN, its employees and its customers."

In actuality, the methods of privatisation seem already to have affected the rail company. Profits for the first nine months of this year were up, and Tellier admits that: "In the final analysis, CN's employees are the reason for the progress that we are making in turning the company around." The fact remains, however, again according to Tellier, that the railway is "on target" in a three-year programme announced in 1993 to eliminate 11,000 jobs, with 70 percent of the job cuts to be made by the end of 1994.

CANADA TO OFFER CHILE AGREEMENT

The Chilean Finance Minister, Eduardo Aninat, was in the Canadian capital in early November, and the Canadian Trade Minister, Roy MacLaren, made it clear that Canada was willing to negotiate a separate bilateral free trade agreement with Chile in the face of continued uncertainty regarding a NAFTA expansion.

The Canadian trade minister has not only stated that he wishes to expand NAFTA to Latin America, and beyond, but that Canada certainly would prefer to have trade relationships with Chile within the NAFTA framework, rather than less encompassing, bilateral agreements.

Norway says no to EU

Norway's rejection of European Union membership on 28 November this year, despite the recent approval of membership by Austria, Finland and Sweden, means that the Union will expand from 12 to 15 members next year, and not 16 as planned.

The "No" campaigners were jubilant, claiming: "we said yes to Europe, yes to international solidarity, but we said no to the Union".

EU expansion means the creation of new European Commission briefs and a change in the composition and voting system of the powerful Council of Ministers.

The Norwegian "No" vote, then, affects the European Commission appointments announced last month, which had foreseen the allocation to Norway of a new fisheries brief.

The list of new Commissioners meant good news for transport trade unions — Neil Kinnock, the former British Labour party leader, is to become transport commissioner from January, whilst Monika Wulf-Mathies, leader of the German ITF-affiliated ÖTV, will take on the regional aid brief.

But social affairs commissioner Pádraig Flynn (of the Irish party Fianna Fáil) whose term in office has been marked by slow progress on social matters, will stay on.

He is reputedly worried about the allocation of training and education (together with science and technology) to France's former socialist prime minister, Edith Cresson.

DIRECTIVES ADOPTED

European transport ministers meeting in Brussels on November 22nd adopted directives on segregated ballast tanks on board tankers, on the regulation of classification societies, and on minimum training requirements for seafarers.

TRANSPORT MINISTERS STRESS FERRY SAFETY

They called for the most stringent safety rules to cover ro-ro passenger ferries in European waters, following the *Estonia* disaster.

The Council of transport ministers asked the European Commission to prepare proposals on mandatory logging of passengers on vessels travelling between European ports. This information should be recorded onshore before departure of the ship, the meeting decided.

An expanded survey programme to include inspections of ro-ro ferries before and during the creation of new services and at regular intervals afterwards, was agreed.

The Council called for fast-track application of the International Maritime Organization's Safety Management Code by mid-1996.

The European Commission will submit proposals on working hours and conditions for crew on board ro-ro passenger vessels, common

equipment and safety rules, the application of IMO resolutions and safety rules for domestic trade ferries.

It is to investigate the effects of competition on the safe operation of these vessels, and communication arrangements for passengers under the new directive on minimum training for seafarers, and ensure that requirements for guidelines for the transport of road vehicles on board ro-ro ferries are correctly implemented by operators.

Classification societies should assess and tighten rules governing the structural elements of ro-ro ferries and special consideration should be given to the construction and securing of ferry doors, ministers said.

TRANS-EUROPEAN NETWORKS DISCUSSED

The Council also discussed developing trans-European networks through the implementation of infrastructure projects and the interchangeability of highspeed trains, and decided to limit the scope of a proposed directive on the designation of, and qualifications required for, supervisors responsible for the transport of dangerous goods in transport companies, to road, rail and inland navigation transport.

LINER PACT DECLARED ILLEGAL

In mid-October the Commission formally prohibited the Trans-Atlantic Agreement (TAA) liner conference on the ground that it contravened competition rules.

Commissioner Van Miert's Competition Directorate, DG4, said the TAA did not meet the requirements of the block exemption for liner conferences, nor did it qualify for individual exemption because it did not offer adequate benefits for shippers.

The 15 shipping lines in the TAA dominate 70 per cent of the market for container shipping services between Europe and the United States. Following complaints from other shipowners and firms exporting to the United States, the Commission decided that various TAA practices infringed competition rules. A two-tier tariff structure that differentiated between former conference members and independents, the artificial freezing of part of the capacity available on ships, and an agreement on prices for inland haulage in combined transport, were cited.

Although the TAA members have notified the Commission of a new agreement, the Trans-Atlantic Conference Agreement (TACA), to which they intend to make substantial changes, the Commission has insisted that such changes must be formalised and examined before it can take a decision.

The wider issue of inter-modal rate fixing still had to be worked out, DG4 said.

International solidarity needed more than ever

1994 has been a year of mixed fortunes for the ITF and its affiliates. Too many of our unions have faced still further attacks on their members' jobs, working conditions and trade union rights from employers and governments bent on replacing well run public transport services with a system based on what George Bush once described (before he became President) as "Voodoo Economics". Again and again the ITF has been asked to intervene to support its affiliates, fight, not for improvements in living standards, but for the very survival of the union itself or even, sometimes, of the industry in which it operates.

On the positive side, there is a growing realisation amongst some governments of the damage to the environment and to the quality of life for transport users which the application of uncon-

changes which have taken place, free trade unions are still savagely repressed. A separate article in this ITF News refers to our successful complaint to the ILO's Freedom of Association Committee about the evil military regime in Burma. Yet we know very well that the ILO's condemnation will, like that of the United Nations, fall on deaf ears in Rangoon. This year has seen an intensification of attacks on independent trade union activities by the government of the "People's" Republic of China, something clearly documented by leading Chinese dissident Han Don Fang who visited the ITF Secretariat in July. Even in Eastern Europe and the former republics of the USSR there is a long way to go before the bureaucratic structures inherited from the Communist system are truly transformed into self governing workers' organisations governed from the grass roots level upwards rather than from the top down.

In these new but exciting times, the ITF continues both to defend its own members' interests and to play a constructive role in the wider international trade union movement. The need to do this was clearly underlined by the Geneva Congress when it adopted the Action Programme 'Transport Workers Beyond 2000 — Building Solidarity'. The ITF is now engaged on a comprehensive review of its sectional, regional and general structure and activities, designed to make the organisation ever more responsive to the needs of its members. The Flag of Convenience Campaign — the single most effective example of international trade union solidarity in the world — is being intensified and strengthened. More and better trained ship inspectors are enforcing ITF standards in port and new and more sophisticated industrial and legal tactics are being employed against substandard flag of convenience shipowners.

At the same time the tactics and methods developed in the Foc campaign are having to be used also in other branches of transport for the first time. Whether it be reflagging of inland navigation vessels, Foc airlines taking advantage of liberal "open skies" policies, or "plates of convenience" on road haulage vehicles, our members are seeing every day in their own industries the effects of the globalisation of the world economy. Even in the railways, private multinational companies are buying national railway undertakings and public sector railways are being edged, step by step, towards a more competitive and ultimately private destiny.

Little wonder then that as it approaches its 100th anniversary Congress in 1996, the ITF's international solidarity is needed more than ever before.

Comment by General Secretary David Cockroft



trolled market forces to transport can wreak. In shipping, the world's most deregulated industry, the huge and tragic loss of life on the *Estonia* has brought transport safety to the forefront of public attention in a way which any number of resolutions or press statements from the ITF could never do.

Despite the many difficulties faced by its affiliates, this year has been one in which the ITF has grown stronger. The 37th Congress in Geneva, the biggest in the Federation's history, showed clearly the ITF's determination both to rededicate itself to the fundamental principles which led to its foundation in 1896 and to use the most modern and efficient methods to deliver international solidarity to its affiliates.

The end of the Cold War means that, as far as transport unions are concerned, the ITF really is the only show in town. This is demonstrated not only in the huge number of new affiliates from Central and Eastern Europe represented in Geneva but also in the number of unions from various ideological backgrounds which are continuing to establish contact. Let it be quite clear that any democratic transport workers' trade union, controlled by its members, is welcome into the ITF's family.

Yet in many countries, despite the dramatic

100 years old

The ITF will be 100 years old in July 1996. In planning for the commemoration of this important event, the Executive Board and the Geneva Congress decided to begin a historical project, to include an exhibition and published work.

The ITF Communications' Department is coordinating the project, and has established a special mailing for this. Anyone interested in receiving regular report on the progress of the project should let us know.

Both the Congress and the Executive Board have emphasised the importance of the Centenary being celebrated in a way which is relevant and interesting to transport workers and ITF affiliates. This requires the active participation and input of affiliated unions in the preparation and celebrations of the Centenary. The Executive Board will, in line with the resolution passed by the Geneva Congress, consider the possibility of a special ITF Congress in 1996 to celebrate the anniversary.

Affiliates are invited to consider how they can contribute to the anniversary, both in providing historical material and suggestions to the Secretariat and in planning to incorporate ITF historical material into their own activities in 1996. There will certainly be some form of exhibition material that the ITF will provide to affiliates for exhibitions in their own countries. Unions planning to hold Congresses that year, or those interested in organising their own exhibitions, should contact the ITF with details. Affiliates and national Co-ordinating Committees are invited to discuss the project and consider ways of integrating the Centenary into their own work.

The ITF has established a special "Centenary Fund" which will be used to finance the project. The ITF has agreed to contribute £60,000 to this Fund, and more will be needed to finance potential activities. The final shape of the project will be determined by the amount of money raised. The ITF Executive Board is therefore requesting all affiliated organisations or outside organisations connected with the labour movement to consider making a special contribution to the "ITF Centenary Fund". Please clearly mark any contributions you may make as being for the Fund.



PEOPLE

Sidsel Bauck, the first woman to head the Norwegian Commercial and Clerical Employees' Union (HK), retired at the beginning of July. A well known figure in Norway, Sidsel has been closely involved with the work of the national trade union centre LO and has played an active role in political life for many years. In the wider international sphere, she has been prominent in the clerical workers' international FIET, serving on its World Executive Committee. **Sture Arntzen**, formerly first Vice President, is the HK's new President, having been elected to succeed Sidsel at the union's 28th Ordinary Congress in the autumn of 1992.

Erik Bratvold was elected President of the Norwegian Seamen's Union in September to succeed **Olav Bjørklund**, who is retiring. **Tormod Storås** was also elected as the new Vice President. Bratvold, who has worked for the union since 1977, has held a number of positions including those of Education Secretary and Head

of Negotiations. He is currently a member of the Committee of the ITF Seafarers' Section and of its Maritime Safety Committee.

Martin Byrne has been elected to the new post of Assistant Federal Secretary of the Australian Institute of Marine and Power Engineers (AIMPE).

We send warmest congratulations to former ITF staff member **Dr. Chris Pate**, who was elected as the new General Secretary of the International Graphical Federation (IGF) at its 16th Congress held in Budapest from 6 to 8 November. Chris, who worked in our Research and Publications Department, left the ITF in 1991 to become the IGF's Education Officer. **René van Tilborg** of the Dutch printing workers' union is the IGF's new President.

Giuseppe Querenghi has been appointed as the new Director of the ILO Bureau for Workers' Activities.

OBITUARIES

Calvert W Bean, Education Officer of the Bermuda Industrial Union (BIU), died on 3 November. Bean had been in charge of the union's educational activities for the past twelve years, helping train rank and file union members, as well as aspiring shop stewards and divisional officers. He also organised and led many groups of BIU members on overseas seminars to the

United States and other Caribbean islands. A ship fitter by trade, he was a former President of the BIU Marine and Ports Division. In a tribute BIU President **Ottiwel Simmons** singled out the enormous contribution made by Bean over the years to the work of the BIU and especially in the field of international workers' education.



FORTHCOMING MEETINGS

<i>December</i>		
African Railwaymen's Seminar	Nairobi	5-7 December
ITF/FES Seminar on Structural Adjustment in Civil Aviation	Bombay	15-17 December
<i>January</i>		
ITF Seafarers' Trust	London	6 January
ITF/UWCC Conference on Maritime Safety & Health	Cardiff	9-10 January
Caribbean Dockworkers' Evaluation Seminar	Barbados	9-12 January
Caribbean Consultation Meeting	Barbados	13 January
FPC Campaign Steering Group	London	18-20 January
Asia/Pacific Civil Aviation Committee	Fiji	25-26 January



INLAND TRANSPORT

UK driver survey reveals serious safety problems

"Safety in the road transport industry is everyone's concern," say those involved. "Oh no, it isn't," says Steven Norris, British Minister for Road Safety whose response to growing public concern is a cut in the numbers at the Vehicle Inspectorate.

A recent BBC2 television 'Close Up North' programme revealed that more than 50 per cent of trucks stopped at a police and Vehicle Inspectorate check in West Yorkshire had serious faults. Similar levels of failure have been reported from other parts of the country. Those reports also reveal that there are numerous and substantial breaches of drivers' hours and tachograph regulations.

Those findings are confirmed by the results of a nationwide survey among drivers carried out by the ITF-affiliated United Road Transport Union (URTU). 54 per cent of those questioned who were members of URTU felt under pressure to exceed the limits of the working day. Among members of other transport unions, the figure was 57 per cent and among non-unionised drivers, a staggering 69 per cent. When asked whether they felt under pressure to exceed speed limits, 55 per cent of URTU members said yes, as did 54 per cent of members of other unions and 65 per cent of non-unionised drivers.

A quarter, 25 per cent, of URTU members questioned felt that they were under pressure from either employers or customers to exceed the load capacity of their vehicle, the same percentage as for members of other unions. But 33 per cent of non-unionised drivers saw it as a problem. Even more worrying is the fact that a significant proportion of all drivers felt under pressure to use a vehicle with known defects: 34 per cent of URTU members, 30 per cent of other unions' members and 41 per cent of non-unionised drivers.

Those findings demonstrate the consequences of a highly fragmented and poorly regulated industry operating within an over-competitive free market environment. The result is gross overcapacity, insufficient control over entry to the industry and inadequate sanctions against those who knowingly choose to breach existing regulations.

One consequence is the failure of haulage rates to reflect the true cost of operating vehicles. This in turn leads to downward pressure on wages, a desire to maximise productivity regardless of the

law, and a temptation to neglect regular maintenance even at the cost of huge risks to drivers and to public safety. Finally, such conditions bring the whole industry into disrepute and public confidence is lost.

In the face of all the evidence, including clear illustrations that the breaches are fewer where trade unions are active in monitoring conditions, the Government persists in cutting enforcement and control resources: in effect, a 'Cowboys' Charter'.

So what is to be done about it? Those of us who are involved have a common interest and we must devise a common strategy. Customers, hauliers and their representatives, drivers and their unions, must all combine to convince the general public, and through them the politicians, not only that the driving force of the economy can provide a high quality service, but that it must if the economy is to survive and prosper.

We must root out the cowboys and share the rewards equitably among those who contribute to worthwhile economic activity, impound the vehicles of unlicensed operators and those who are guilty of persistent and serious lawbreaking. And we must force the Government to stop turning our industry into a national lottery where there are no winners and your life and mine are at stake.

*by David Higginbottom,
General Secretary United Road Transport Union*

Hungarian rail strikes

Hungarian railway workers from the ITF-affiliated Free Trade Union of Railway Workers are planning a series of warning strikes to pressurise the government in the present collective agreement negotiations.

Negotiations are presently stalled on the issues of wages and redundancies and the union demands that the railways be considered by the government as part of an overall development in transport policy. The union wants wage increases in line with Hungarian inflation, the return of the present collective agreement and no compulsory redundancies. These demands are accepted by the other two unions that organise railway workers in Hungary. Warning strikes are planned for the 8th and 12th of December as part of the process of pressurising the government.

Working on Indian roads

A coordinated union programme to deal with bus privatisation was designed by thirty-one delegates during an ITF Seminar on Structural Adjustment Programmes and its consequences for passenger road transport workers in India, held in Pune, from the 19th to the 21st September, and supported by the Friedrich Ebert Stiftung.



The ITF-affiliated Swiss Railway Workers' Union (SEV), which also organises public transport employees in the bus industry, has been vigorously pursuing the ITF's campaign concerning the safety and working conditions in European long distance road transport.

As part of the union's commemoration of their 75th anniversary, the union set up an information stand in Lausanne consisting of two buses with information and a leaflet about the long distance bus passenger industry. According to the union, this stand was "fantastically successful" — more than 6,000 people visited the two buses, providing the trade union representatives with an opportunity to significantly communicate the union concerns about the long distance passenger bus industry. A leaflet was distributed to visitors which called upon road transport passengers to pay specific attention to buses and bus companies that operate in contravention of international regulations concerning driving hours of workers. The leaflet called upon potential passengers, booking a bus journey, to demand the name of the bus transport company which will be transporting them. If this company has been convicted of violations, passengers are urged to demand that the company book them with another enterprise which has not broken the rules.

"Don't forget that when they accept your money," says the leaflet, "the travel agent is guaranteeing that your journey will conform to the present regulations. If these regulations are not respected, your life may be placed in danger."

Structural changes in road transport, participants agreed, in fact meant privatisation; and privatisation in India's political climate was "a means of extending patronage to party men and favourites" — making it a political rather than an economic issue.

Selected sectors in some states in India are being privatised whilst in others the trend is towards the liberal issuing of permits to private 'bus operators.

Such fragmented private ownership not only has severe effects in India's rural areas, where private operators cannot or will not provide affordable and efficient services, but also increases the opportunities for tax evasion, destructive competition and the exploitation of workers.

The delegates agreed that for the existing State Transport Undertakings to be successful, they must be completely autonomous bodies.

A series of conditions to ensure fares are agreed and fixed on the basis of operational costs as opposed to political considerations were laid out, together with measures to ensure fully transparent accounting.

The participants decided that permits to operate as private companies should be issued only to fleet owners or cooperatives registered as transport companies, with at least 50 vehicles. Taxation rates for both types of undertaking should be uniform, they insisted.

Rules governing working conditions, working time and job security, and the resolution of industrial disputes must be drawn up and implemented, whilst the practice of running so-called "tourist buses" on parallel schedules to regular services, must be stopped, it was decided.

Improving trade union expertise at national and international level in order to be able to deal with structural change, were priorities, as were services to members to ensure a high level of confidence and solidarity amongst road transport workers. The programme should include unions:

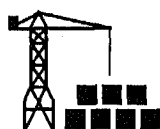
- starting their own schools for retraining, equipping existing workers with new skills required for jobs arising out of technological advances and restructuring,
- making efforts to better involve workers in the development of the state enterprises, improving both trade unionists' own ideas and the public image of the companies,
- demanding full worker participation at policy-making level and the daily functioning of state companies, with the aim of making services safer and more efficient,
- enlisting public support and coordinating with relevant voluntary organisations by organising around a "passengers' charter".

Croatian rail strike called for December

The ITF-affiliated Autonomous Trade Union of Communication Transport Workers of Croatian Railways and the Trade Union of Railway Workers of Croatia, along with two other non-affiliated unions who represent together 80 per cent of workers on Croatian railways, issued a strike notice on the 28th of November.

According to the Autonomous Trade Union of Communication Transport Workers of Croatian Railways, the grounds for the strike are the very

bad state of Croatian railways; the extremely bad working conditions; the wage policy of the Croatian government which is 100 per cent owner of the company; the failure to fulfil obligations arising from an agreement signed on 28th of November 1993 between the government and the unions (which resulted in a strike at the time); and a number of decisions taken by the Management Board of Croatian railways that are at the expense of railway workers.



DOCKERS

Keep politics out of the ports warn Asia-Pacific dockers

Government politics should not interfere in the daily operation of the ports industry, and port authorities should be staffed by accountable and professional managers, while unions themselves should adopt a more professional approach to industrial relations.

These were some of the conclusions of thirty port workers' representatives, gathered at the ITF's Seminar on Structural Adjustment Programmes and its consequences for port and dock workers, held in Bangalore, India, for two days from November ninth.

The Seminar was supported by the German organisation, Friedrich Ebert Stiftung (FES).

The trade unionists focused on the expansion of privatisation initiatives in the region to areas outside stevedoring, clearing and forwarding, transport and handling activities — which are already undertaken by private concerns in many of the region's ports.

Now, the trend is towards privatisation of port infrastructure. The long-term leasing of berths and of dry docks and ship repair facilities, together with the private operation of container terminals, of supply, operation and maintenance of cargo handling equipment, of construction and operation of warehouses and cold storage, and of dredging, were highlighted by delegates.

This trend was being matched by an increasing level of casual employment, they stressed, and in addition, many of the structural changes were being introduced without consultation or reference to port and dock workers' unions.

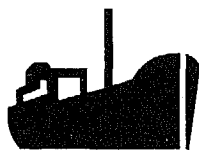
All too often, hasty privatisation did not result in improved efficiency and productivity. No changes should be made in existing structures, the participants concluded, unless trade unions were consulted beforehand and an agreement obtained, the port in question benefited directly, and costs and wasteful practices were reduced.

Australian tug crews

Members of the ITF-affiliated Maritime Union of Australia, employed by port company *Fewicks* as tug crews, went on strike for three days from October 28th as the result of a pay award dispute.

Anti-privatisation in Peru

Thousands of state workers went on strike in Peru from October 17th to October 19th to protest against government plans to privatise the state-owned oil, electricity and port industries. Two thousand port workers, employees of the Empresa Nacional de Puertos, paralysed the ports in defence of their jobs.



SEAFARERS

Derbyshire family ships examined

The latest saga in the long running campaign by the ITF to get the UK Maritime Safety Authorities to reopen the investigation into the loss of the *MV Derbyshire* took another twist this month when the last remaining sistership, the 21 year old Cypriot registered *Nafsika M*, turned up in Rotterdam.

The ITF had been keeping a watch out for the remaining 'Derbyshire' class of ships (six such ships were built in the UK during the 1970's) ever since it returned triumphant from the June 1994 expedition to locate and map the wreckage of the *Derbyshire* — a British oil-bulk-ore carrier which sank in mysterious circumstances in 1980 in the Philippine Sea with the loss of 44 lives (see ITF News #6, September/October 1994).

In July 1994 the Taiwanese registered *Ocean Mandarin* (formerly the *Sir Alexander Glen*) was tracked down to Samchonpo in Korea. Thanks to swift action by the ITF-affiliated Federation of Korean Seafarers' Unions, the port state control authorities in Korea inspected the vessel, which had lost its rudder en route from Canada to Korea with a cargo of coal, and found 18 faults. The Korean authorities detained the vessel and recommended that all longitudinal parts be thoroughly inspected and strengthened as necessary. The vessel has subsequently been reported as having sailed from Samchonpo bound for Xinghua in China for demolition according to Lloyd's Casualty Returns.

Following intervention by the ITF the *Nafsika M* was inspected on the mooring buoys in the Calland Channel in Rotterdam on November 13 by the Dutch port state authorities and again on

14 November by representatives from the classification society Bureau Veritas. The vessel was subsequently detained due to irregularities in the ship's certificates and concerns over the vessel's seaworthiness. The vessel's owners, Good Faith Shipping, had refused to allow the ITF inspector Gert-jan Harmsen access to the ship.

In a bizarre turn of events the vessel was unexpectedly released and sailed in the early hours of the morning on 17 November after Bureau Veritas had given the vessel a temporary certificate of seaworthiness and the port state authorities had allowed the vessel to sail to Gdansk for repairs. It is understood that 400 tonnes of steel plating will be replaced on the vessel. Prior to arrival in Rotterdam the vessel had been crewed by 50 seafarers including 12 Bulgarian fitter/welders. Repairs to cracks in the vessel's hull were evident and signs of welding activity on deck could be seen from the shore. The ITF's Polish affiliate Solidarnosc have been asked to follow-up the case.

The ITF is particularly interested in the *Nafsika M* since it might hold clues as to the causes of the loss of the *MV Derbyshire*. The ITF believes that the *Derbyshire* sank due to massive structural failure in the way of Frame 65 — a bulkhead just forward of the accommodation. All the ships in the class have a history of cracking in the vicinity of Frame 65.

Over 700 seafarers have lost their lives at sea in bulk carrier losses since 1988, 120 so far this year alone. Structural failure is considered by many experts to be the reason the majority of the bulk carriers are being lost.

Seafarers stress service set up

A pilot stress counselling service has been launched, with the support of the ITF, by the British marine officers' affiliate, NUMAST.

NUMAST has been campaigning over the last few years to focus attention on the pressures suffered by seafarers, and a union report entitled "Conditions for Change", produced following a survey of members, showed that seafarers felt that stress levels were increasing and becoming a problem not only for individuals but also for their immediate families.

NUMAST felt that a counselling service to address these problems should be funded by employers, but the union's approach to national employers was to no avail.

But the ITF's agreement to fund the pilot project

means that a counselling service will now be provided to 2,200 NUMAST members for an initial period of two years.

The service, entitled NUMASTCare, consists of a 24-hour telephone line run by "Psychology at Work", part of the Department of Psychology at the Maudsley Hospital in London. From November first, the hospital has been providing this professional and confidential counselling service which is available to members and their families.

Callers can discuss a wide range of problems such as those related to stress, workplace reorganisation, alcohol and drug misuse, loss of confidence, marital or relationship difficulties, bereavement and debt. The number of calls users can make is unlimited and the user may remain anonymous.

Slovenian seafarers held in Brazil

Basic legal principles are being openly violated by Brazilian police and Courts, according to the ITF-affiliated Union of Maritime Employees of Slovenia: a Court in Curitiba sentenced six seafarers of Slovenian line Splosna Plovba merely on the basis of statements given by two stowaways and by the police who interrogated our seamen without an interpreter.

On July 28, 1994 the court in Curitiba sentenced six seafarers from the vessel *Cielo d'Istria* of the Slovenian shipowner Splosna Plovba to several months' prison terms. The seafarers, who were accused of physically assaulting two stowaways from Morocco, deny the accusations as completely false. They claimed that the court had only taken into account the statements given by the police and pointed out that they had no possibility to defend themselves, for during the police interrogation they had no interpreter and no defence attorney. They learnt about the court ruling two months after their arrest and imprisonment when they received a translation from Slovenia. At the end of September two of them were released, however, without permission to leave Brazil until the appeal has been heard by the Brazilian higher court. So all of them are still waiting for the matter to be resolved, in which it has turned out that the Brazilian authorities are blatantly violating basic legal principles.

The Brazilian media (Folha Parana, Gazeta de Povo, TV) gave a lot of attention to this matter. The *Cielo d'Istria* which is sailing under the flag of St. Vincent and the Grenadines, left the Moroccan port Nador in mid-May. Her destination was Rio de Janeiro. After five days at sea the crew found two stowaways who were hiding in the funnel. They had no identification documents and maintained that they were Moroccan citizens Hichan Albuhtui and Abdurahman Alnacha. The Master, Koloman Hirs, provided for them in accordance with the international convention on stowaways and current practices: he gave them a cabin, provided them with meals and on May 31, upon arrival at the first port, Rio de Janeiro, he reported their presence to the authorities. He requested that the stowaways who were safe and sound be taken over by the authorities and repatriated.

The Brazilian authorities denied the Master's request and threatened to jail him in case the stowaways escaped from the ship. When the stowaways realised that they would not be able to escape, they cut themselves with razor blades on their bodies and were taken to hospital where they told the doctor that their injuries were self-inflicted. They were treated and returned to the ship. On police request, the Master had them locked up again in the cabin which was — at the shipowner's expense — guarded by armed Bra-

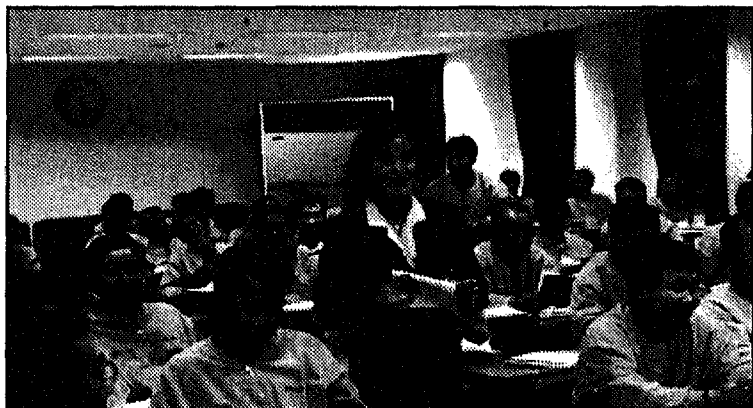
zilian guards for 19 days. The guards remained on board until June 21 when the ship left Rio.

During the 20 hour journey from Rio to Paranagua, the Moroccans went completely mad because they did not manage to get ashore. They wrecked the cabin, tried to set it on fire and threatened the crew. For safety reasons, the Master had them tied and locked up in separate cabins. Upon arrival at Paranagua on June 22, he reported the matter to the police and handed them the stowaways. The police took them away, and returned within an hour to arrest 5 crew members. At the time the Master was ashore. When he called at the police station he was also arrested.

All six seafarers were interrogated without the presence of an interpreter and defence attorney. Lightly dressed at the time when Brazil has winter, they were pushed into a cell measuring 2 times 2.5m, where they lay freezing during the night. Upon being alerted, the shipowner reacted immediately by calling upon his P & I representative in Brazil. The following day the P & I attorney managed to arrange their transfer to the prison in Curitiba.

On July 28, the court sentenced the Master and three seafarers to five months' imprisonment and the remaining two to three months' imprisonment. The seamen appealed, as did the Public Prosecutor who requested higher jail sentences (according to Brazilian law it is possible to sentence them to up to two years' imprisonment). At the end of September the two seafarers who had been sentenced to three months' jail were released, however, without permission to leave the country until the appeals are heard by the higher court.

The Union of Maritime Employees of Slovenia advised its Brazilian ITF counterpart, the ITF in London and other organisations of what has been going on in Brazil. The London P & I has sent a letter of protest to the Brazilian Federal Public Prosecutor in Brasilia.



Participants at the ITF-affiliated Federation of Korean Seafarers' Unions' 1994 unit union leaders' membership training course, held on October 28 - 29, at the Central Education Institute, find time to share a joke during one of the workshops.

Danish dockers pledge solidarity

Danish dockers showed their full support for the ITF's Flag of convenience campaign in a statement adopted at their national conference (of the Dockers' Section of the ITF-affiliated SID General Workers' Union) held in Silkeborg, on September 18.

The statement supported the ITF in its efforts:

- To visit ships under Flags of convenience which are not covered by agreements acceptable to the ITF and to attempt to negotiate acceptable agreements with the owner or the master.

- To establish contacts with dockers' unions which could take action against ships without acceptable agreements whenever possible.

- To talk to seafarers about their problems and give advice and assistance whenever possible.

- To negotiate with owners' representatives on crews' legitimate complaints.

Regular readers of ITF News will recall many stories of successful boycott actions in Denmark over the last year — none of these actions would have been possible without the practical solidarity given every time by the SID Dockers. This latest resolution reaffirms the dockers' willingness to help whenever required, and the ITF Campaign and the seafarers of the world owe them their eternal gratitude.

TAXIARCHIS

The Greek cargo ship *Taxiarchis* was arrested in the Newport, USA on June 27 after its engines failed at sea.

The ship, crewed by Pakistanis, Filipinos, Hondurans, Romanians and Greeks, was detained by the US Coast Guard because of defects to the engine and navigation systems.

The ship left Puerto Rico on June 8 to deliver a cargo of sugar to Canada. It arrived in Newport after drifting off course for over a week.

The crew had not been paid wages for five months and conditions on board were appalling. The food supply had run out and the water supply had turned green. The owners had refused to pay the bill for more water.

The International Seamen's Friend House in Newport supplied the crew with warm clothing, food and places for them to have showers.

NO PAY — BUT COCKROACHES

The Romanian freighter *Dumbraveni* which collided with the freighter *Venlo*, was detained by Port State Control, in the port of Hamburg on September 29. The master, who was drunk at the time of the accident, had been fighting with two of his officers and is now on remand awaiting

trial.

The crew who had not been paid for several months had been working and living in terrible conditions. Cockroaches were all over the kitchen and the fridge contained rotten meat. The paint was falling from the walls and the cabins consisted of wooden beds. One of the crew members had fallen ill with malaria whilst on board. Defects were also detected in the machine area and the hatches were weak and fire extinguishers amongst others were missing. Cost of repairs was estimated at \$US150,000.

ITF German Inspector, Ulf Christiansen who visited the ship, later said, "the ship is ready for the scrapyards, it is irresponsible that it was allowed to sail."

MACDONALD BACKPAY

The Cyprus bulk carrier *MacDonald* arrived in the port of Hamburg on August 24 in extremely bad condition with insufficient food on board. ITF German Inspector Ulf Christiansen visited the vessel and found that, although the vessel was covered by a Cyprus Collective Agreement, the seafarers were not being paid accordingly. He calculated backpay of US\$25,190 which was later paid by the Greek Captain to the crew. On the morning of August 26, the vessel was checked by port state control and found to be unseaworthy and it was recommended that the vessel remain in the port until all necessary repairs had been made. However, a representative of the German Classification Society German Lloyd Hamburg, on the request of the Greek owner, visited the vessel in the afternoon and illegally lifted the detention order. The vessel was then allowed to sail putting all the crews' lives at risk.

FLAMINGO AGAIN

The German owned Antigua flag *Flamingo* which was boycotted earlier this year in the first ever Copenhagen boycott by the ITF (see ITF News #2/March 1994) has, not surprisingly, come to the ITF's attention once again. The ship which changed owners on the same day ITF German Inspector Ulf Christiansen began negotiations for a settlement of backpay for the 8 Russian crew is now owned by a Russian shipowner.

The crew complained to Christiansen that they had not received wages from April and during discussions Christiansen was informed that there were no up to date employment contracts on board. Christiansen later secured backpay of DM13,360 for the crew.



CIVIL AVIATION

PALEA dispute remains unresolved

The dispute between the Philippine Airlines Employees' Association (PALEA) and Philippines Airlines remains unresolved, pending the issuing of an Order by the Philippines Department of Labour (DOLE) on the legality and status of the industrial action carried out last summer by the union in defence of its collective bargaining agreement.

Under a compromise deal worked out in August, 40 trade union leaders previously excluded from a DOLE re-employment order are now technically employed. However, they are not in receipt of salaries and have had to depend on local and international solidarity for financial assistance.

The ITF is pressing for a rapid decision from the DOLE in support of the legitimate right of PALEA to defend its collective agreement and freedom to bargain. The ITF has pressed the Philippines' Government to honour its obligations under the ILO Convention on Freedom of Association. The Philippines' Labour Secretary, Nieves Confesor, is the current Chairman of the Governing Body of the ILO.

Meanwhile, practical solidarity, through financial support, is continuing to be crucial for

the union and the individual members and activists affected. So far in excess of US\$20,000 has been raised and distributed to the union, but further funds continue to be needed as the issue reaches a critical stage.

Unions unite in response to possible Sabena-Swissair deal

Unions affiliated to the ITF have decided to act as rumours grow of a possible deal between Swissair and Sabena. At a meeting in Zürich in July, the Belgian civil aviation unions CMB and CGSP met with their Swiss counterparts in the SSP/VPOD to develop a common trade union strategy in response to the possible airline alliance. All alliances between airlines have been driven at least in part by a desire to adopt economies of scale, which usually means cuts in jobs and working conditions, asserted the trade union representatives at the meeting. In their statement on international trade union collaboration, the Belgian and Swiss unions stressed that they would not allow any alliance between the companies that would lead to a cut in jobs or working conditions in either of the countries.



TOURISM SERVICES

Portuguese union backs US hotel strike

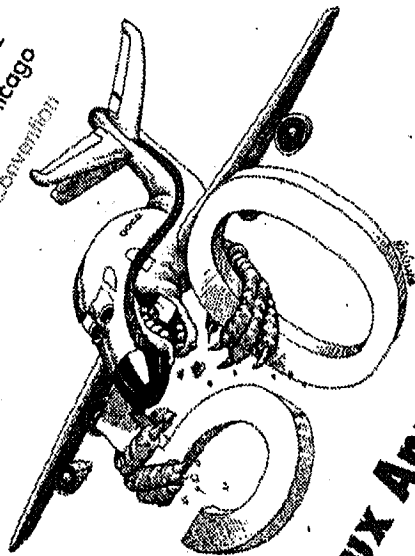
December 6 will be the second month mark for the strike against San Francisco's Mark Hopkins Inercontinental hotel by the ITF-affiliated Hotel Employees & Restaurant Employees Union (HERE), which is still going strong (see ITF News #7/November 1994).

Strikers held a Thanksgiving (important US holiday) banquet on the picket line, and donations of food and money continue to come in in support of the striking workers. Talks are scheduled to take place early in December, but the Inter-Continental management shows no sign of softening its position.

At the ITF's request, and in a true show of international solidarity, the ITF-affiliated

FESMAR (Portugal) lent a hand to the HERE Local 2 struggle when they handed out leaflets regarding the dispute at the World Travel Congress, a convention of 6,000 travel agents, sponsored by the American Society of Travel Agents, which was held in Lisbon, Portugal in early November. Inter-Continental were represented at the event, and sponsored a luncheon for top travel customers. A number of FESMAR members volunteered to hand out the HERE leaflets, and a few of them were even arrested for their protest action. HERE feels that the action was highly successful, and expressed gratitude to the Portuguese brothers and sisters for their efforts.

1944 ~ 1994
Convention de Chicago
Chicago Convention



Joyeux Anniversaire
Happy Birthday

ITF

Les Syndicats de l'

Trade Unions

Défier la déréglementation du ciel
Challenging deregulation of the skies

As we go to press the ITF is having a major impact amongst delegates to the Worldwide Air Transportation Conference being held in Montreal to coincide with the 50th anniversary of the Chicago Convention which regulates civil aviation globally. The ITF's intervention has visibly raised the trade union profile with the International Civil Aviation Organization, the conference organisers, and amongst member governments. Events around the world timed to coincide with the ITF's International Civil Aviation Trade Union Campaign Day, which has been fixed for December 2nd, are further reinforcing the ITF's commitment to challenge deregulation of the skies. A full report will appear in the next issue of the newsletter.

General Secretary: David Cockroft

Communications Secretary: Richard Flint

133-135 GREAT SUFFOLK STREET, LONDON, ENGLAND SE1 1PD

International Transport Workers' Federation * Federación Internacional de los Trabajadores del Transporte * Internationale Transportarbeiter-Föderation *
Fédération Internationale des Ouvriers du Transport *

Internationella Transportarbetarefederationen * 國際運輸勞連

Telephone: +44-71-403 2733

Fax: +44-71-357 7871

Telex: (051) 8811397 ITF LDN G

Internet: ITF@GEO2.GEONET.DE