

Belarus: trade union repression worse than ever

Under the regime of President Alexander Lukashenko, Belarus has become a virtual pariah state, synonymous with steep economic decline, severe repression and violation of trade and human rights on a massive scale. With the events of 2002 appearing to seal the fate of free trade unions, Belarus has also become the focus of a major international effort to protect workers' rights in the country.

Following the fall of the Soviet Union in 1991, Belarus became an independent state. Sharp economic decline, prompted by the break-up of the unified Soviet economy in which it had been one of the more prosperous regions, combined with a lack of political preparedness for independence, laid the foundations for a period of political instability. This came to an end in 1994, when Alexander Lukashenko was elected president on the back of a populist campaign to clear up corruption. Soon after, he undertook to widen his pow-

ers, at the expense of parliament, also imposing his authority over all players of civil society. In 1996, a referendum was organised, on the basis of which a new Constitution was adopted transferring all powers to the president of Belarus, giving him the right to enact decrees which carry the weight of law, a right which Alexander Lukashenko has used unsparingly.

Political opposition to the president is fragmented and it is under permanent repressive measures resorted to by Lukashenko in the face of criticism. The authorities show little concern for criticism of human and trade union rights



Alexander Lukashenko. (Photo: Gamma)

Recourse to the European GSP on Belarus

In a letter on 31 January to the European Commissioner for Trade, Pascal Lamy, the international trade union movement has requested the European Commission to carry out an enquiry into violations of trade union rights, through the procedures of the Generalised System of Preferences (GSP).

The letter from the ICFTU, the European Trade Union Confederation (ETUC) and the World Confederation of Labour (WCL) states that "we consider that it is the responsibility of the international community to use all the instruments it has at its disposal to underline to the President and to the Government of Belarus that fundamental principles and values, which include human and trade union rights, have to be respected. That is why we believe the European Commission needs to initiate an official investigation into freedom of association in Belarus, and, on the basis of this investigation, if necessary to implement the procedures for temporary withdrawal of GSP foreseen by the GSP Regulation".

(link to the letter): <http://www.icftu.org/displaydocument.asp?Index=991217051>

abuses. Even less concern is shown for opposition candidates: one of the several disappearances of recent years is opposition leader Viktor Gonchar whose abduction in September 1999 has still not been explained or even investigated to any serious extent.

Despite, and indeed because of the repressive policies, in the presidential elections of September 2001, Alexandre Lukashenko won a further term in office with 75% of the vote. Allegations of fraude, however have tainted his victory.

A DIRE ECONOMIC SITUATION

Since his re-election, the socio-econ-

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economic situation in Belarus has worsened. Lukashenko's strategy of 'market socialism' appears to be driving the country into an economic abyss. While the government claims that the earnings of the population in the first quarter of 2002 increased by 20-30%, and the GDP by 4 percent, this refers only to a nominal growth; the real earnings of the population are in fact decreasing.

On February 28, 2002 wage arrears were estimated at 59.8 billion roubles (with approximate currency rate 1 US dollars= 1710 BRbl). A large part of the salaries was paid in kind. Per capita income nationwide was approximately 56 US dollars per month in the last quarter of 2001. The earnings of nearly 60% of the population are below this level, while the earnings of approximately 32% of citizens are below the subsistence level of 38 US dollars.

Even according to Belarus' own Ministry of Statistics, by March 2002, 1098 enterprises, accounting for nearly half of the total number enterprises functioning, were unprofitable. Losses in the national economy amounted to 87.7 billion roubles. At the same time company managers are under constant threat: if their enterprise becomes profitable, they risk being arrested for "abusive financial practices"; but should they be unprofitable – the same risk applies equally, this time under the charge of "ineffective handling of funds". Several hundreds of managers have already been arrested or fired. According to the independent press, which is also under a lot of pressure, a lot of them were punished for supporting opposition candidates during the Presidential election campaign. The state proclaims growth in production, but this is connected with overstocking and not with a growth in real sales, nor in real earnings.

By the end of February 2002 the total work force amounted to 4.5 million people, or 45% of the total population of the country. 116,000 unemployed were registered by June 1, which amounts to 2.6% of the country's work force. In February 2002, a further 98,000 people were on forced holidays instigated at the employer's initiative.

WITH DEPRESSION COMES REPRESSION

"The weaker Lukashenko's position is, the harder it will become for those around him and the more repressive the country will become," stated Aleksandr Strykevich, ex-editor in chief of the trade union and opposition newspaper, Belaruskii Chas, in a recent interview with the ICFTU. And this is proving to be very much the case.

Independent trade unionism has borne the brunt of the increasing authoritarianism of Lukashenko. During 2001,



Aleksandr Strykevich, ex-editor in chief of the trade union and opposition newspaper, Belaruskii Chas, in a recent interview with the ICFTU. (Photo ICFTU).

trade union repression intensified to such an extent that it became almost impossible for trade unions to function.

In the run-up to the September Presidential elections a new presidential decree was introduced declaring trade union meetings illegal.

Anti-union attitudes of the regime hardened when Vladimir Gontcharik (former President of the Federation of Trade Unions of Belarus (FPB)) ran as the opposition candidate in the September 2001 Presidential elections.

Having attempted to stymie trade union independence through the application of pressure to conform, Lukashenko began to use more severe methods when this proved insufficient. Social dialogue was suspended de facto, and at the end of 2001 in December a governmental decree entitled "Measures to Protect the Rights of Trade Union Members," in violation of Belarussian labour law and in contradiction of an earlier constitutional court ruling, the check-off system for trade union dues was outlawed, this virtually cut off the life-blood of free trade unions and seriously undermined their financial inde-

pendence.

In December 2001, having failed to win the presidency, Vladimir Gontcharik resigned from his post as head of the FPB, stating that he may represent an obstacle to the renewal of genuine dialogue with the public authorities. His vice-President Frantz Vitko stepped into the fray to replace him.

Problems for the FPB were heightened by the emergence of an increasing number of government-friendly company unions - essentially "yellow" unions - which enjoy a privileged position in relation to their bona-fide counterparts.

On June 11, 2002, coupled with a systematic drive to convince trade union leaders to withdraw their members from its ranks, the Ideological Section of the Presidential Administration proposed to liquidate the Federation of Trade Unions, and to undertake to set up an association of "independent" unions.

In mid-July, only a few months after his election, under increasing pressure from the government, the FPB Presidium expressed a lack of confidence in Vitko and he duly resigned: a resignation which cleared the way for the crowning moment of Lukashenko's drive against the FPB- the election of a governmental stooge to the most senior post in the trade union movement in Belarus. The name of this particular "stooge" was Leonid Kozik, no less than the ex-Secretary of the Presidential Administration.

THE CURTAIN FALLS

The ICFTU was highly critical of the election, fearing that it might herald the first step in a process of recovery of direct control of the union by the government. This proved to be well founded. Shortly after the election the decree banning the check-off system was annulled, and only three weeks later, Aleksandr Strykevich, editor in chief of the FPB opposition - orientated newspaper, Belaruskii Chas, was sacked by L. Kozik against the wishes of the Presidium.

The final page of the chapter on free trade unionism in Belarus was turned when at the September 10 executive meeting of the Agro-Industrial Workers Union, union president Aleksander Yaroshuk, one of the few remaining opponents of Lukashenko, was removed from office to be replaced by the candidate of the Minister of Agriculture and Food Industry: deputy minister Vladimir Samosyuk. In the farcical election which was organised, the outcome was easy to predict. According to the International Union of Food-workers (IUF), to which the Agro-Industrial union was affiliated, there was no registration procedure for delegates and voting cards were distributed to anyone who asked, including a journalist who happened to be present.

On September 19-20, the Congress of the FPB was organised, showing clearly

Trade unions

There are two trade union confederations in Belarus, the Federation of Trade Unions of Belarus (FPB) with a membership of around 4.000.000 and the Congress of Democratic Trade Unions of Belarus (KDPB) (20 000 members).

that the organisation in the future will mainly serve to organise state control and discipline at work. An election of the president of the FPB was not even considered necessary: Kozik simply asked the compliant delegates to confirm his authority while the final remaining voices of discontent were purged from the FPB ranks. Lukashenko himself addressed the congress, openly stating his belief that trade unions must be "incorporated into the government authorities". Soon after, the check-off system was restored and material facilities were offered to the FPB to provide them with the resources necessary for the new role they are expected to play in Belarussian society.

In the beginning of December 2002 a meeting of the National Council on Labour and Social Problems was held. In spite of the fact that there are two officially registered confederations in Belarus – the FPB and the Congress of Democratic Trade Unions of Belarus (KDPB) – the FPB was the only organisation invited to participate in this meeting. According to Alexander Yaroshuk, President of the KDPB, the aim of the public authorities is simply to restore to one organisation, the "new look" FPB, a monopoly on workers' representation, as it was the case under the old soviet regime.

"Trade unions are an army of idlers."

**Alexander Lukashenko,
February, 2002**

On December 19, 2002, the leadership of the FPB took the initiative to organise a plenary meeting of the Union of the Agricultural Machinery Workers Union (ASM). The objective was to remove Alexander Bukhvostov, the ASM President, and to replace him by someone loyal to Leonid Kozik, and to the Belarus public authorities. Kozik's efforts however failed as a majority of the delegates expressed their support for Bukhvostov and retained him as the president of the union. Later in December 2002, Gennadii Fedynich, the President of the Radio Electronic Workers Union (REP) also succeeded in getting the support of a majority of the plenary delegates of his union in spite of strong pressure exercised on them. Although in these two unions, the FPB leadership has failed to gain control, it probably will not tolerate it for long. The current proposal of Kozik is to accelerate the setting up of "Associations of Industrial Unions". Industrial unions will be asked to reorganise and to merge, which could offer new opportunities for the FPB to get rid of the "independent-minded" and "trouble-maker" leaders.

At the end of December 2002, Kozik asked the KDPB to renegotiate the contract between themselves and the FPB – the KDPB rents premises in the FPB building. A 10 time increase in the rent

was requested, which the KDPB will hardly be able to pay. For the KDPB, moving to another building, which may be difficult in itself, will also entail losing its' legally recognised address. The Ministry of Justice may then refuse to register the KDPB in its new address and in a month time the organisation, according to the Belarus legislation, could be denounced as an illegal organisation. For this reason, the leadership of the KDPB fears that the FPB request to increase the premises' rent is just a manoeuvre orchestrated by the public authorities to try to get rid of them.

CONTINUOUS HARASSMENT OF THE KDPB

While engineering personal control over the FPB, President Lukashenko has stepped up attacks on other independent trade unions and systematically interfered in their activities. Union members are dismissed, arrested and face constant threats.

From the outset, the Congress of De-

mocratic Trade Unions of Belarus (KDPB) has witnessed continuous harassment of their members and activists. The repression continued as strong as ever in 2001 and in 2002. On November 9, 2001, for example, five people were arrested by police for taking part in a picket. All were released the same day. Four were fined 20 times the minimum wage (\$ 100) while the organiser of the picket, Mr. Markartchuk, was fined 200 times the minimum wage (\$ 1,000). The union had applied in advance for permission to hold the picket and did not receive a reply until they began their action, when they were shown a letter indicating that they had the right to conduct their action in Bangor Square, on the outskirts of the city, but not close to the presidential administration.

Aleksandre Gensh, the chairman of the union of the KDPB, at the Smorgon Aggregate plant, had been appointed to head the strike committee after 600 workers had voted to take industrial ac-

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tion on July 26, 2001. The decision was taken after repeated appeals to the management and the district authorities concerning a three-month delay in the payment of wages had failed to produce any satisfactory result. When the strike call was announced, Vladimir Svachenko, Chairman of the Grodno Regional Executive authority, gave orders that Aleksandre Gensh was not to be allowed on the factory site.

'The best place for people like him is a cell of steel,' he reportedly stated. The day after the strike the director of the plant called the union chairman to his office, told him that his presence was no longer acceptable in meetings and that membership dues would no longer be transferred by the accounts department.

WHAT THE INTERNATIONAL TRADE UNION MOVEMENT IS DOING

The International Trade union movement has been cooperating very closely with the Belarussian unions for many years but repression and the banning of unapproved foreign grants has made this an increasingly difficult task. Technical assistance programmes and training sem-

inars run by the ILO, the Global Union Federations (GUFs), the ICFTU and its affiliates have provided concrete support to the different components of the Belarussian trade union movement. Among other objectives, these programmes aim at promoting trade union rights and fundamental workers rights, strengthening the capacities of the Belarussian trade union organisations and assisting the trade union leaders in acquiring the necessary skills to represent their members and to negotiate on their behalf.

In February 2002, the ILO launched a four year project supported by the German Government to defend labour rights and boost the unions' own capacity to promote democracy and socially responsible economic transition. The ICFTU has included the FPP and the KDPB in a three year programme, sponsored by the European Commission, aiming at setting up a "trade union rights network in Central and, Eastern Europe and in the New Independent States".

Solidarity campaigns have also regularly been organized by the ICFTU, in cooperation with the GUFs, to protest against the different trade union rights violations perpetrated by the Belarussian authorities. The ICFTU has set up a special

solidarity fund with its affiliates to provide material support to the organisations, and to the trade union activists who are victims of the repression.

The ILO is trying to facilitate a productive dialogue and keep the door open for the Belarussian authorities, and offered its assistance to the Belarussian government to bring its labour laws and regulations into line with international standards.

INTERNATIONAL PRESSURE

The authoritarian rule of Lukashenko is increasingly leading Belarussian into the international wilderness. 2002 alone has seen travel bans by the European Union and the USA imposed on Belarussian government ministers as well as the president himself. Then, undermining his case for international support, Lukashenko first expelled an OSCE mission from the country and then threatened to stop policing his borders and let drug traffickers and illegal immigrants into the EU if he did not get a visa to attend a November NATO summit in Prague. The Czech Government, however, refused to invite him to attend this summit, and rejected his visa request.

The legislation

The 1996 Constitution technically recognises the right of workers to form and join trade unions, but both the Trade Union Law of January 2000 and several Presidential Decrees contain serious violations of trade union rights.

Compulsory registration.

Presidential Decree no. 2 of January 1999 required all previously registered trade unions at national, branch and enterprise level to re-register. If a trade union is not registered, its activities are banned and the organisation is dissolved. The long and complicated procedures include an obligation on the trade unions to provide the official address of their headquarters. This is often their workplace or the premises of the enterprise. A letter from the management confirming the address is usually required, making trade unions completely dependent on the good will of management.

High minimum membership.

requirements. The same Decree sets forth minimum membership requirements at the national, branch and enterprise level that are so high it makes it almost impossible to create new unions, while undermining the position of existing ones. At the national level there must be a minimum of 500 founding members representing the majority of the regions of Belarussian. A list of names must be sent to the Ministry of Justice.

Heavy limitations on the right to strike.

The January 2000 Labour Code imposes severe limitations on the right to strike. Firstly, it imposes very complicated conciliation procedures of at least two months. Second, the strike must be held in the three months following the failure of the conciliation procedures. Third, the President may suspend a strike for a period of up to three months or even cancel one, in the

interests of national security, public order, public health, or when the rights and freedoms of others are threatened. Moreover, the duration of the strike must be specified in advance and a minimum service must be ensured.

New Decrees. Several new anti-union decrees were adopted in 2001. Perhaps most seriously, Presidential Decree n° 8 lays down stringent conditions for the receipt of foreign grants for activities in the country. Foreign funds must be registered with the Human Resources Department, which is directly under the responsibility of the Presidency. The decree prohibits the use of foreign grants in activities related to elections, referenda, meetings, rallies, demonstrations, pickets and strikes as well as for carrying out seminars or propaganda activity. Decree No.11 makes it practically impossible to carry out protest action. Organisations violating these decrees are liable to dissolution.

COMPLAINT TO THE ILO

There is currently one pending complaint against the government of Belarus. It was lodged concerning the refusal to register trade union organisations, as well as government interference in union activities and the dismissal of union representatives in June 2000. This was a joint complaint submitted to the ILO's Committee on Freedom of Association (CFA) by the CDPB, the Federation of workers in the automobile and agricultural machinery industries (ASM-FPB), the Federation of Agricultural Workers, the Federation of workers in the electronics industry (REI-FPB); it was supported by the IUF and the ICFTU. The FPB later added its name to this complaint. The complaint had led, in 2001, to an initial report by the CFA, which recognised the seriousness of the allegations and instructed the government of Belarus to take all necessary measures to stop its interference in union activities, to ensure respect for the right of workers to organise and to restore the rights of workers sacked as a result of their union activities.

ICFTU policy-in brief

- Information and solidarity campaign
- Close cooperation with the International Labour Organisation (ILO) and other international institutions to impose full respect of union rights in Belarus
- Setting up of monitoring and exchange networks with Global Union Federations (GUF)
- Support and strengthening of the Congress of Democratic Trade Unions of Belarus and other free trade unions in the country
- Suspension of all cooperation with the Federation of Trade Unions of Belarus (FPB) until it is in a position to reassert its full independence towards the government, the public authorities and the company managers of the country.
- Support GUF's' policy of supporting and strengthening sectoral structures within the FPB that might still be appropriate partners



SPECIAL PARAGRAPH

At the 89th International Labour Conference in 2001, Belarus was singled out in a special paragraph of the report of the Committee on the Application of Standards. This is a procedure reserved for consistent and serious violations of labour rights. The paragraph cited violations ranging from arbitrary freezing of trade union assets and bank accounts to the firing of trade unionists for carrying out their work.

On June 19, 2002, following complaints from the ICFTU and the Belarus independent trade unions about extensive government interference in trade union activities, the credentials of the Belarus workers' delegates to this year's International Labour Conference were rejected. As the ICFTU made clear, despite the existence, at this time, of two internationally-recognized national trade union centres, the FPB and the KDPB, the government chose to appoint representatives from two local factories (the Minsk Automobile Plant and the Minsk Refrigerator plant) in the delegation to the ILO. The Credentials Committee reminded the Belarus Government that they have to consult their country's most representative trade union organizations before nominating

the workers' delegates.

BELARUS GOVERNMENT ELECTED AS A DEPUTY MEMBER OF THE ILO GOVERNING BODY

At the same session of the International Labour Conference, the government of Belarus was elected as deputy member of the ILO Governing Body for a period of three years (The Governing Body is the ILO's executive body that makes decisions on ILO policy, decides the agenda of the International Labour Conference, adopts the draft Program and Budget of the Organization for submission to the Conference, and elects the Director-General. It is composed of 56 titular members and 66 deputy members).

In a June 13 statement, the Belarusian Ministry of Foreign Affairs hailed the election of Belarus as "evidence of the high international reputation of our country." The ICFTU did not welcome this election, although it pointed out that, if the Belarus Government wants to keep a minimum of credibility, it has to make it its duty to respond to the ILO Freedom of Association recommendations as closely and as positively as possible. Although it has impact failed to do

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so over the last few years

THE ILO COMMITTEE OF FREEDOM OF ASSOCIATION: "A SERIOUS DETERIORATION OF TRADE UNION RIGHTS".

Once again, in November 2002, the ILO's Committee of Freedom of Association discussed the situation in Belarus, taking into consideration in particular the developments of the last months. The conclusions of this Committee, and its recommendations which were subsequently endorsed by the ILO Governing Body, are particularly severe for the Belarus Government. The Committee noted the "serious deterioration of trade union rights in the country", condemned the "manipulation of the trade union movement apparently intended

by the issuance of Decree No. 1804 terminating check-off facilities". This was made clear by the fact that these facilities were restored once the leadership of the FPB had been changed. It also noted "the continuing pressure by government authorities aimed at bringing the overall trade union movement under state control, in particular through the virtual appointment of the former deputy head of the Presidential Administration to the post of president of the Federation of Trade Unions of Belarus (FPB) and other pressure brought to bear to replace regional and industrial union leaders". It therefore urged the government "to institute an independent investigation immediately into the allegations relating to government interference in trade union elections with the aim of rectifying any effects of this interference, including, if

necessary, the holding of new elections in circumstances where an independent body with the confidence of the workers concerned can ensure that there will be no interference, pressure or intimidation by the public authorities". Finally, the Committee noted "with deep alarm that since the submission of this complaint in 2000 it has not been able to note any progress towards the implementation of its recommendations. To the contrary, it would appear that a serious deterioration in the respect of trade union rights has occurred in the country. It therefore urges the Government to take all necessary measures to bring national law and practice into conformity with freedom of association principles as a matter of urgency" ●.

ICFTU

ICFTU main recommendations:

Against this background, the ICFTU Executive Board - during its 118th meeting, in November 2002 - adopted a set of recommendations aiming at strengthening the pressure against the Belarus public authorities to force a full respect of the trade union rights. The main recommendations are the followings:

(1) The ICFTU considers that the election of Leonid Kozic represents a blatant violation of fundamental trade union rights, and is therefore unable to recognise the current leadership of the FPB as legitimate.

(2) The ICFTU calls on its affiliates and sister organisations to support and strengthen the existing free trade union movement in Belarus, by encouraging all trade unionists who cannot accept "state-controlled" trade unionism to cooperate and work together.

(3) The ICFTU will continue its efforts to obtain full respect of union rights and the union rights of workers in Belarus and will make full use of the available international instruments to that end. It intends more particularly to:

- (3.1.) pass on all available information to the CFA of the ILO, so as to ensure that members of that committee are fully aware of the increasing deterioration of trade union rights in Belarus;

- (3.2.) lodge a complaint, at an appropriate juncture, under Article 26 of the ILO Constitution with a view to obtaining the establishment of a committee of enquiry on trade union rights violations in Belarus;

- (3.3.) ask the European Commission to hold an enquiry under the procedure provided for in the EU's Generalised Scheme of Preferences.

(4) The ICFTU intends to pursue its action in close cooperation with the ETUC - specifically on all matters involving relations with the European Union, the Commission and the European Council - and with its affiliates, the GUFs and the ILO.

(5) The ICFTU will send a mission to Belarus with a view to strengthening its cooperation with the KDPB, and to prepare recommendations about the affiliation request of this organisation to the ICFTU, recommendations which, exceptionally, will be submitted to its Steering Committee, which will meet in June 2003.

(6) Based on the positions expressed, the ICFTU will organise an information and solidarity campaign aimed in particular at the affiliates and other organisations with which the ICFTU has regular cooperation in the CIS and CEE countries.