

Organisational Requirements

Side by side with the struggle to get required changes introduced in the existing laws, it is necessary to form industry-wise and general unions in specific sectors and strive for their legal recognition. Besides, -

- ☆☆ Concrete steps should be taken immediately to improve the financial condition of the unions.
- ☆☆ Every organisation should, according to its resources, draw up comprehensive educational programmes and motivate its membership to further extend and expand them.
- ☆☆ In pursuance of above objectives, first priority be given to initiating the process of mutual discussions with industrialists so as to convince them of the advantages of industry-wise and general unions.
- ☆☆ Through public debates and discussions on different issues and topics, the intellectuals of the country be motivated in favour of workers' rights.
- ☆☆ And most important of all, existing union leaderships should democratise their attitudes to the maximum and launch a campaign without delay to give institutions preference over individuals.



5

STRATEGIES FOR SECURING RIGHTS

STRATEGIES FOR SECURING RIGHTS : ORGANISATIONAL, EDUCATIONAL, LOBBYING, NETWORKING - SOME EXPERIENCES

G. Balan Nair

"No cause is more worthy than the cause of human rights. Human rights are more than legal concepts; they are the essence of man. They are what make man human. That is why they are called human rights; deny them and you deny man's humanity".

The preamble to the Universal Declaration of Human Rights states clearly : ".....recognition of the inherent dignity of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ".

Trade union rights such as the right of self-organisation; the right to bargaining collectively and right to strike constitute a vital and integral part of human rights. Nevertheless, we cannot yet take for granted the individual and collective rights of workers. As these freedoms constitute the life-blood of trade union, we have to do our utmost to assert and safeguard them.

We in the building, wood and forestry sectors are experiencing a shocking increase of violations of workers' rights and internationally accepted labour standards which amount to nothing less than a systematic international campaign by international corporate sectors and the " new right governments " to undermine, undercut and ultimately, if they can, destroy organised labour and the living and working conditions won by trade unions over successive years.

The direct and blatant legislative assaults in New Zealand, following the introduction of the Employment

Contracts Act have virtually destroyed organised labour's possibility to represent workers collectively.

In Korea, the biggest Federation in the construction industry, the Korean Federation of Construction Trade Unions (KFCU), an affiliate of IFBWW, is not recognised by the government, is considered an illegal organisation according to Korean trade union laws, is restrained from defending its members' rights and not allowed to engage in collective bargaining on behalf of its members, despite its democratic nature and membership. Besides, in Korea today, there are more than 200 trade unionists in prison for no other crime than defending the right of workers and for simply having undertaken their day-to-day trade union work. In the Philippines, there exists a Presidential Decree Known as Policy Instruction No.20 which prohibits the organisation of casual and contract labour in the construction industry. This piece of legislation which was enacted during Marcos dictatorship is still in force.

In Malaysia, the government, for the last 20 years, has refused to register a National Union for the electronics workers, which is a direct and blatant violation of the country's Constitution and the ILO Convention Nos. 87, 98 and 151.

In Pakistan, the government, in order to woo foreign investors, have compromised the Constitution in respect of fundamental rights, freedom of association and the right to organise and bargain collectively. The restrictions already imposed in the Industrial Relations Ordinance 1969 are violative of the Constitution and the international treaties particularly ILO Convention Nos. 87 and 98.

In Paraguay, Lesotho and South Africa, governments use the security forces to shoot or imprison trade union leaders for merely having undertaken their day-to-day trade union work.

I could go on giving you more cases of violations but all of them are directed towards, as I have mentioned earlier, destroying organised labour.

Under these circumstances, what are the options available to trade unions to defend themselves against such violations?

Organise

Trade unions are not without options to defend themselves against violations of human and trade union rights. Though we do not possess armies like national governments, through peaceful means of persuasion and collective action, we can exert tremendous pressure on governments and employers. To do this, trade unions must organise themselves and be a force to reckon with in society.

But, regretfully, in Asian and the Pacific region, with the exception of one or two countries, trade unions are a minority organisation representing between 5% to 10% of the working population. Even this 5% to 10% organised workers are again fragmented and divided and often view each other as rivals. They are also politically divided in many cases and are exploited by politicians. Though trade unions have to accept some of the blame for these problems, governments in these countries, fearing the trade union movement, have always designed and enacted policies to keep trade unions weak, divided and ineffective. We ought to break this stranglehold, which of course is not an easy task.

If we are well organised, we can exert political pressure on the government to change the labour legislations and policies. The International Trade Union Organisations particularly the ICFTU and ITSS, having this in mind, have assisted and will continue to assist trade unions in the Asian and

Pacific countries, particularly in trade union education and training of trade union leaders. The purpose of this assistance in trade union education is to create awareness among working people of their inherent rights and how to stand up and demand their rights. An enlightened worker will be a strong member of a trade union. This is essential for building a strong trade union movement.

Therefore, There is a dire need to organise the unorganised. For instance, let us look into the construction industry. In Pakistan, it is second after agriculture. Yet, with the exception of a few established government undertakings, by and large, the construction workers remain unorganised. They suffered the highest rate of occupational accidents. They are the most exploited, with no permanent employment and they work under adverse working conditions. Yet, there is no trade union to speak for them.

I am not in any way saying that because the trade union movement is weak and fragmented, the government has the right to deny them human and trade union rights or even restrict these rights. What I am saying is that our weaknesses only give the government and employers the opportunity and strength to exploit the situation to their advantage. Weak and fragmented though we may be, we have other recourses in the form of international covenants and treaties.

International Standards

A number of internationally accepted standards, regulations, accords and declarations exist, which are globally used to defend human and trade union rights in all countries. Countries denying such rights face condemnation by world opinion and exclusion or possible isolation from the global community in terms of participation in the United Nations system of economic and political fora. But you need someone

to initiate such actions. At the international level, the international free trade union movement, namely the ICFTU and ITSS, are the global watchdogs initiating international action against governments or employers infringing internationally accepted trade union rights.

Universal Declaration of Human Rights

Article 23 of the Declaration, inter alia, guarantees to everyone the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and to form and to join trade unions for the protection of his interests.

International Labour Organisation, - Preamble to Constitution declares " recognition of the principle of freedom of association to be a means of improving conditions of labour and of establishing peace."

Declaration of Philadelphia reaffirms that " freedom of expression and of association are essential to sustained progress."

ILO Convention No.87 and No.98

While Articles 2,3, 4 and 5 of Convention No.87 guarantee to workers and employers freedom of association and protection of the right to organise without any interference whatsoever, Convention No.98 guarantees adequate protection against acts of anti-union discrimination in respect of employment and against acts of interference in the establishment, functioning and administration of their organisations.

In the last two years, the IFBWW submitted complaints on behalf of their affiliated organisations against the governments of Lesotho, Philippines and Korea for violations of

ILO Conventions 87 and 98. Of the three complaints, two interim conclusions reached by the ILO Freedom of Association Committee ruled decisively in favour of the IFBWW and gave firm instructions to the Governments of Lesotho and Philippines to take action to rectify violations of trade union rights in line with the demand of the IFBWW affiliates in both these countries. The complaints submitted on behalf of IFBWW affiliates in Korea will be heard by the ILO Freedom of Association Committee in November 1992.

The interim ruling of the ILO Freedom of Association Committee calling for action on the part of the government of Lesotho to examine its labour laws and report back to ILO on provisions of existing laws which protect workers against dismissal for strike action is a firm victory for the IFBWW and the building workers of Lesotho. Similarly, the confirmation of the IFBWW charges against Philippines by the ILO Freedom of Association Committee is a major victory of the workers of Philippines who have been struggling for the repeal of repressive labour legislation for many years.

Social Clause

In recent years, much emphasis has been placed on social clauses in trade agreements. The social clause is a proposed provision for inclusion in international trade agreements. As a result of this social clause the government will have to agree to take steps to ensure the observance of minimum labour standards. The standards would be those specified by an agreed advisory committee or some other appropriate mechanism.

In the United States, the GSP programme, originally enacted in 1974, provides duty-free entry to eligible products from beneficiary developing countries. Section 502(b)(7) of the GSP law (Title V of the Trade Act of 1974, as amended)

states that eligibility for GSP benefits depends, among other things, on whether a country " has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally-recognised workers' rights". These rights include: the right of association, the right to organise and bargain collectively, prohibition against any form of forced or compulsory labour, a minimum wage for the employment of children and acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.

I believe that the ICFTU and the ITSs could play a major role in this area. They have made very little use of the GSP programme in the United States. In the past, only the AFL-CIO and some non-governmental organisations (NGOs) in the USA have filed complaints against various governments on violations of trade union rights and they have had some successes.

The struggle for the social clause has been an important area of work both for the ICFTU and the ITSs. One of the main institutions upon which this struggle has been focussed is the GATT-General Agreement on Tariffs and Trade. The essence of the GATT and the focus of currently stalled Uruguay Round is based upon the objective of liberalising world trade, by reducing trade barriers in order to stimulate growth.

The ITSs and ICFTU, which have frequently used their consultative status to present the workers' position, has always pressed that while supporting the need for a liberalisation of trade, a social clause - in essence, a stipulation that governments, party to the agreement, should accept and support human and trade union rights - needs to be included in the final agreement in order to protect living standards.



Examples of the problems faced in such industries as electronics and textiles or even furniture spell out our case, following that in countries where workers' rights are not respected, goods produced in often slave-like conditions can flood world markets, undercutting such industries in countries where unions are able to organise workers and establish decent standards of living, while workers producing such goods, often in export processing zones, are exploited.

This is the essence of organised labour demands for a social clause in trade liberalisation agreements and an important example of "solidarity networking" by the international trade union movement using its influence in international institutions in order to protect trade union rights worldwide.

We in the IFBWW strongly believe in networking and what we mean by networking is establishing a system of rapid contacts among affiliated and fraternal organisations to coordinate specific actions i.e. solidarity pressures or research on specific companies for example. Networking also means establishing trade union contacts with a range of other organisations that can be used to press our points in times when we need to take actions, i.e. supportive actions among ITSs and the ICFTU, and also action and information to agencies such as Amnesty International, SOS Torture, the ILO, World Bank, IMF, Development Agencies etc. In all of these organisations, in a time of crisis, representations and pressure through a coordinated network of contacts can assist in bringing pressure in support of the objective we are trying to attain, i.e. defence of trade union rights.

For example, there exists a relatively small number of major international construction companies around the world, probably less than one hundred major contractors, but an infinite number of sub-contractors. The IFBWW maintains that key responsibil-

ity rests with the main contractor; recording the labour relations practices of these companies. Also all major disputes are recorded whenever we launch international solidarity actions. Such records are slowly creating patterns around the world, basically of which companies are "bad". When we have problems with "bad" companies, we use the network of our affiliates to protest or make representations. We also use our networks of contacts with other international organisations to publicise and bring pressure on these companies. But, an important new venue for action which we are now exploring is using our research and listing bad companies, with international development agencies, the World Bank and the IMF which often give grants for development projects around the world. The IFBWW is exploring its own social clause campaign to look into the possibility of international development agencies stipulating that companies contracted to do work on a development project should respect trade union rights.

Finally, I want to stress that such networking depends upon affiliates responding to questionnaires and providing information on major companies working in the country in order for the network to work for viable data banks to be created.

Conclusion

After highlighting a number of examples of actions to defend human and trade union rights, it may, in conclusion, be interesting for participants to consider a few questions in order to work towards improving networking.

For example, when affiliates ask the international for solidarity assistance during a dispute, what is the sort of information the international requires in order to launch action?

..... basic information, dates, number of workers involved, type of dispute, name, address and fax number of company and government involved, indications of the likely duration, - to name a few.

..... do we all know how to properly compile information in order to create an ILO complaint, i.e. reference to the Standards or Conventions violated, important dates and names on issue involved, supplementary information required, time frames that have to be respected, what constitutes a new development etc.

..... when is it most appropriate to escalate a dispute into an international issue i.e. do we have information on the companies' operation around the world, labour tactics and corporate weak points or pressure points; - do we have affiliates in countries where there may be possibilities to bring pressure?

In conclusion, some of these issues and many more are the basis to building solidarity action and creating networks. The main issue is that a network can only exist if its functioning and requirements are well understood among all of its component parts, i.e. affiliates, and are well-coordinated at the international level.



6

GROUP REPORTS

GROUP REPORTS

First Day 22.8.92

Question : In prevailing conditions in Pakistan, how can trade union rights be protected and promoted and what concrete steps should be taken?

Group 1

Members of Group :

Choudhry Muhammed Ibrahim- Chairman

Mr. Iqbal Majeedi, Mr. Aitbar Gul, Mr. Agha Ali Haider,

Mr. Tariq Mansoor, Syed Fayyaz Ahmed Jawwad, Choudhry

Khushi Muhammed Yamin - Members

Assessment :

The Government's present policy which is aimed at eliminating trade unions is fraught with serious consequences.

Prime Minister's offer to foreign entrepreneurs to invest in industries in Pakistan would be beneficial for the country because investment leads to progress and development. However, the Government has simultaneously launched an anti-worker anti-trade union programme. Formation of trade unions is forbidden in foreign-owned industries. This policy gives a free licence to such industries to hire and fire at will. There is genuine fear that this concession presently given to foreign-owned industries will later on be extended to locally-owned industries as well. This process will end up in the elimination of trade unionism in Pakistan. The reason behind this policy is that the Government is headed by a big capitalist.

Besides, industries exporting over 70% of their products have been exempted from labour laws.

Any society which has no strong democratic trade union

movement cannot be called a democratic society. In a democratic society every citizen should have the right to defend his rights by democratic means.

Therefore, workers should launch a powerful movement and, through their collective struggle, stop the undemocratic activities of the government. Workers should eliminate divisions in their ranks and foster the sense of unity. Only through unity can they become powerful enough to smash the hostile forces and thwart the designs of the government. If they fail to do so, the forces of exploitation will unite and deprive the workers of their rights for all time.

In Pakistan the institutions of law are also subservient to government directives. We can change the laws through our unity.

Recommendations:

1. All existing Federations must unite into a Confederation as then only the government can be forced to improve and implement the existing laws and also the ILO Conventions.
2. Each trade union representative present in this Conference should go back to his home base and strive to unite the workers in favour of one Federation or Confederation.
3. The Government be pressed to enlist the cooperation of inter-national organisations to provide educational facilities to workers and their children. It is also the responsibility of trade unions to press the Government in this respect.
4. We should press the Government to concede the right to form industrial unions and bar the formation of more than two unions in one establishment.
5. Workers must be given representation in National and Provincial Assemblies and Senate, to enable them to work more effectively for promotion of their interests.

Group 2

Members of Group :

Haji Abdul Latif Khan-Chairman

Mr. Muhammad Aslam Wafa, Haji Abdul Jabbar, Mr. Khuda Bakhsh, Ch. Muhammad Sulaiman, Mr. Ahmed ali Rana, Mr. Farid Ahmed, Mr. Habib-ur-Rahman Hamdan, Mr. Muhammad Yunus Choudhry, Haji Muhammad Ashraf, Mr. Zamir Ahmed Shad, Mr. Muhammad Mehrullah, Mr. Ejaz Baig, Mr. Muhammad Hashim - Members.

Assessment :

If trade unions continue to be fragmented and the present labour laws continue to be in force, workers will neither be able to defend their rights nor promote their interests. The need of the hour is to unite on one platform at the national level under a single leadership, reduce the number of unions and federations and fight unitedly for abolition of outmoded labour laws and improvement of defective laws.

All big trade union organisations should agree on a minimum programme and form a Confederation and then launch a movement from a single platform. At the same time, unless and until we put an end to all political entanglements we cannot apply our minds and energies to the struggle for the rights of workers and achieve results. We must also rise above self-interest.

Recommendations :

1. All leading trade union representatives of the country be pressed to gather at one place. They should be made to realise the plight of the workers and unite in order to solve the problems of workers in industrial and commercial organisations and achieve the right of collective bargaining and the unconditional right to organise trade unions.

2. At a fixed moment we should demonstrate our collective strength in an impressive manner. If we succeed in uniting ourselves and demonstrating our unity in concrete shape, it will sound the death-knell of the present oppressive system which will be forced to give way to a system in which the workers, middle classes and oppressed masses will be the dominant force. In this way, we will gain access to National and Provincial Assemblies and will be able to free ourselves from the clutches of feudals and capitalists.
3. All labour organisations must lodge as many grievances as possible with the ILO so that ILO may be equipped to exert pressure on the Government of Pakistan to correct its policies.

Group 3

Recommendations :

1. Multiplicity of unions must be curbed and we must unite at least at federation level under a single umbrella on a platform covering industrial policy, investment policy, education policy, labour policy, development policy etc. In unity lies our strength and the solution of our problems. PILER being a non-controversial organisation is ideally placed to call a Convention for this purpose.
2. The manner in which the policy of "golden handshake" is being applied in denationalised units be closely checked and steps be taken to protect the rights of workers in such industrial units and financial institutions and to secure the jobs of workers newly appointed in these units.
3. Statutory agreements be concluded between the managements of denationalised units and their unions and such agreements be given legal protection.
4. It must be ensured that introduction of new technology does

- not undermine workers' interests and does not result in unemployment. To that end, steps be taken to raise workers' skill. Wage structure in Essential Services be made more meaningful.
5. General education and literacy rate be enhanced and pressure be exerted on the Government to take concrete steps in this direction. Trade union education be made more effective through education cess and other means. NGOs, trade unions and federations are working for the protection of workers' rights. However, there is need to popularise adult education at plant level and federation level.
 6. Rights of women workers be protected by giving them equal status along with equal pay. With introduction of new technology the number of women workers in industrial units will increase; therefore, they should have better pay scales.
 7. Wage Council should be set up. Certification of labour should be introduced.
 8. Child labour demands special attention. In view of existing realities, full implementation of related laws should be ensured. Working environments of child workers like in hotels, carpet factories etc be paid special attention. Certification of technical skill of child labour engaged in jobs of technical nature be institutionalised and done through technical boards.

Group 4

Members of Group:

Nasim Gul Khan Khattak-Chairman
 Mr. Alamgir, Choudhry Muhammad Yusuf, Mr. Navraj Uprety, Mr. Jahan Zeb, Mr. Muhammad Aslam Adil, Mr. Rana, M.Khan - Members.

Assessment :

The present situation in Pakistan is of serious concern to workers because the industrial class is in power today. It is a class which does not let go any opportunity to crush the workers. The Group, therefore, makes the following recommendations:

Recommendations :

1. About 50 workers' organisations are represented in this Conference. They should hold an emergency press conference and highlight workers' problems so that the government may take notice. Of special urgency is: application of labour laws in the EPZ and speedy announcement of labour policy.
2. Unions which are not yet affiliated to any federation should do so without delay so that they are able to play their due role in launching a full-fledged workers' movement.
3. After returning to their home bases, the participants should issue press releases and hold press conferences to spread the message of this Conference.
4. Labour organisations having links with political parties should sever such links at once and struggle for workers' rights under the trade union banner.
5. There should be only one registered union in any one industrial unit.
6. Trade Union leaders should give trade union education to workers in their respective establishments.
7. All trade union federations should unite on one platform and consider formation of a political party which could represent the workers in the Parliament and fight for their rights. Only by so uniting can the workers wrest their rights from the Government.

8. Labour leaders must maintain close regular contact with the workers.
9. Education centres be set up for workers and their children.
10. A public meeting be organised with the collaboration of all trade unions in the country in order to demonstrate workers' collective power.



Question : In the light of the views expressed by the Conference participants, what should be the next step?

Group 1

Members of the Group: same as on 22.8.92

Recommendations :

1. Workshops should be organised by trade unions on their own to enlighten workers on trade union education.
2. Unions be formed in industrial units and other establishments where there are no unions at present.
3. Peasants be fully supported and helped to gain the right to form peasant unions.
4. Steps be taken to abolish the requirement of getting management's consent for forming unions.
5. Federations be formed at all levels as per the consensus of this Conference, and a Coordination Committee be constituted of this purpose.
6. Pressure be exerted on Government of Pakistan to ensure strict implementation of labour laws by employers.
7. Pressure be exerted on the government to ratify all ILO Conventions and implement the already ratified ones.
8. Pressure be exerted to ensure the mandatory application of labour laws in industrial units being exempted from these laws by the Government. If the Government fails to solve our problems, grievances be lodged with the ILO. May be, we are compelled to bring the situation to the notice of World Bank also.

9. ILO be requested to assist in creating facilities for trade union and health education for workers because this country severely lacks education facilities.

10. A sustained struggle be waged for the abolition of contract labour system and the law which permits it in any form. If it is not abolished, there will soon be no regular employee left in any industrial unit or establishment.

Group 2

Members of Group : Same as on 22.8.92

Assessment :

Labour leaders from all over Pakistan have expressed their very valuable views. Mr. Nabi Ahmed gave an enlightening account of the difficult phases through which Pakistan's trade union movement has passed. The message is: Workers of the World, Unite. But the painful truth is that our leaders cannot unite. If the leaders do not unite now, the workers will have no option but to forge unity in their own ranks and force the leaders to do the same or else they will be pushed aside. Our salvation lies in our unity.

Recommendations :

1. All large federations must unite or at least form a Committee consisting of some of their leading office bearers and that Committee should fight for the restoration of the usurped rights of all categories of workers in all types of government, non-government and private establishments, including the right to form unions, strike and collective bargaining and for the repeal or appropriate amendment of all obsolete and anti-worker labour laws. The Committee should

draw up a Labour Policy and press for its passage by the Parliament and implementation by the government. The committee should not hesitate even to besiege the legislators to put pressure on them to pass laws in accordance with that labour policy.

2. The Committee should initiate arrangements for promotion of workers' education with the assistance of ITSS and other organisations.
3. A country-wide movement be launched for the achievement of above objectives through handbills, pamphlets, posters, demonstrations and other means.
4. The committee should ask the Federations and Unions attached to it to lodge, through their respective ITSS, as many grievances as possible with ICFTU or ILO.
5. ILO should send a representative every six months to assess the performance of this Committee. If its performance is found satisfactory, then ITSS should encourage it otherwise action should be taken against it.

Group 3

Members of the Group : same as on 22.8.92

Recommendations :

1. Pressure be exerted on the Government to implement all the ILO Conventions, particularly No. 87 and 98.
2. Necessary steps be taken to have the following definition of "Worker" accepted: " Any employee who does not have the power to appoint is a worker ".
3. The national level federations should draw up a Code of Ethics embodying the principle of non-interference in each other's affairs.

4. Political parties be urged not to form labour wings of their parties so that the trade union movement may develop and gain strength without hindrances.
5. ITSS should give preference to industry-wise Federations in the matter of affiliation.
6. A day be fixed as Solidarity Day to demonstrate workers unity and collective strength.
7. All labour organisations should highlight their common stand on agreed points through all available media and means.
8. Workers' education be spread to grass-root levels so that unorganised workers may get organised and are informed of their rights and obligations.
9. Sustained efforts be made for the repeal of all labour laws which militate against human and democratic rights.
10. At the international level, keeping in view the Social Clause and other provisions of GATT, concrete steps be taken to bar investment in the projects in which international aid (World Bank etc) is involved, and /or which are awarded to foreign investors, until and unless all rights of workers are conceded.

Group 4

Members of the Group : Same as on 22.8.92

Recommendations :

1. First and foremost, we should go back and report to the members of our respective unions the discussions which took place here and the decisions arrived at, to enable them to understand better the various devices employed by the capitalists to deny workers' rights and what is to be done to counter them.

2. United efforts be made to form a Confederation out of provincial and national unions, as one Confederation is the need of the hour.
3. Pressure be exerted on the government, through workers' collective power, to allow the establishment of offices of ITSS in Pakistan.
4. A struggle be launched against the exemption given by the Government to industries in Export Processing Zones and also to industries exporting 70% of their products from the application of labour laws, to ensure the implementation of labour laws in these industries and to foil the government plan to transfer railways to Defence Ministry obviously to exclude it from the application of IRO and thus deprive lakhs of workers of their legal and democratic rights.
5. Trade union education be further activated and spread throughout the country and one day be fixed exclusively for educating workers on unionisation.
6. We must make a pledge to eliminate multiplicity of unions and ensure that there is only one union in one establishment; also to form unions where there are no unions and to exert the pressure of workers' collective power on the government to lift all restrictions on union formation wherever such restrictions exist.
7. There should be no politics in trade unions; unions must keep themselves away from political parties.
8. Pressure be exerted on the government to implement all the ILO Conventions. ILO should also pressurise the Government in this regard.
9. It is necessary to translate the decisions of this Conference into concrete practical actions; if we fail to do so, the future is going to be bleaker than the present.

7

OPEN DISCUSSION TRANSCRIPTS

OPEN DISCUSSION

23.8.1992

Mr. Khurshid Alam : After returning to our own areas, we must convey to our members the knowledge we have gained here.

There is no political party of the workers. Railway workers' leader Mirza Ibrahim contested election from railway workers' area but got only 240 votes against Dr. Mubashir Hasan who won it.

Unions are financially weak. Election system is such that one has to spend tens of millions of rupees to contest an election. How can trade unions form a political party? There should be one Confederation in the country. Union cannot be a substitute for political party. There is a union in every factory but they cannot forge unity. First and foremost, unions should be strengthened.

Mr. Zamir Ahmed, (WAPADA- Hyderabad): There are about 2.5 lakhs (250,000) workers in the Bangles industry of Hyderabad, of whom 1.5 lakhs (150,000) are women and child workers. There is urgent need to do something for them.

Affiliation of individuals with one or other political party is nothing unusual but there should not be any affiliation with political parties from the trade union platform. There should be a single Federation of workers.

Choudhry Muhammad Ibrahim (Bank Employees-PNFTU)

A Writ should be filed in the Court against the Contract Labour system under the Articles in the Constitution relating to Fundamental Rights. It has not been challenged until now. A Legal Aid Fund should be created.

Mr. Saeed Malik: For the sake of unity, a code of ethics

should be drawn up. In one establishment there should not be unions affiliated to different Federations.

Mr. Iftikhar Sheikh: I Agree with the views expressed here against exemption of industries in EPZ from application of labour laws. We should not interfere in the work of the Trade Union Coordination Committee in respect of July 18 announcements. In any case, these concessions are inadequate.

Mr. Rana Muhammad (PNTL & G): We must create awareness among the workers and establish unity. If we sincerely work for unity, we are sure to succeed.

Mr. Khuda Dad: It is difficult to form Confederation. Each Federation will have to obtain the consent of its Working Committee. However, a Coordination Council can be constituted straightaway, consisting of the President and General Secretary of each Federation.

As regards formation of a Party, the Labour party was formed in 1965. But workers had no financial resources; so it failed. We should strive to have at least one representative from each Federation in the National Assembly and Provincial Assemblies.

Mr. Naseer Khattak : Workers are not included in the process of decision-making; therefore, it lacks their trust. The union usually remains confined to the factory premises.

Workers ought to be made conscious that only trade union leaders can represent them and not political parties.

We should stop running after offices and instead be ready to serve as workers.

Mr. Muhammad Aslam Wafa: Prime Minister announced certain benefits for workers on 18th July. Actually, representatives of Chambers of Commerce and the employers influence the preparation of government notifications and as a result, the

benefits offered to workers are reduced to the minimum.

As per IRO, employees getting Rs. 800, 1100 and up to 1500 per month fall in the category of workers. But if a person is getting a salary of Rs. 1500, how will IRO be applied? Such a person will be out of the definition of worker if his salary is a few rupees above Rs. 1500. We have got to give serious thought to this point.

Mr. Muhammad Aslam Adil: What is the role of NIRC? By issuing Stay Order against lawful strikes, provisions of IRO are violated. APFOL has been registered a second time, now in the name of Durrani group. The position taken by NIRC is that there is no bar on registration of two federations with the same name. We have got to find a remedy to this situation.

Mr. Agha Ali Haider : Present government is carrying on the policies of 1980. Under the Civil Servants Act, workers unions are being dissolved like in Baluchistan.

We could have acquired shares in the factories but we have been indifferent on all counts. For instance, nothing has been done to challenge the present official definition of workman. We ought to fight for the right of unorganised workers to organise. Unions do not have professional personnel. White-Collar workers can provide leadership to our movement. We have no funds to pay lawyers' fees. If we are to form a Labour Party, we ought to forge unity first.

Most of the industrialisation is in the Textile sector but if textile mills export 70% of their products, they will be exempted from application of labour laws. Such laws should be challenged. We would expect ITSs to render assistance in this regard.

Mr. Azhar Jatoi (APFTU-WAPDA) : If we cannot even unite at the Federation level, how can we form a political party? There is no coordination between workers.

The ITS delegates should also visit small towns. We have failed to make effective use of the media. More attention should be paid to this area.

Mr. Ma Wei Pin (IUF) : ITSs cannot take upon themselves your responsibilities. They can only assist you. When you are yourselves doing something, others will come to your help.

Mr. Rashid Usman (Foreign Bank Employees union) : There is only one union in each foreign bank. There has never been a workers' representative as Labour Minister in Pakistan due to workers' own weakness.

Minimum monthly expenses of a family of 4 members come to Rs. 3,500 these days.

No labour policy could be introduced till now. We must fight for the solution of problems faced by unorganised workers also. We must be prepared to take practical steps to forge unity in our ranks.

Mr. Fayaz Jawwad (APFTU- WAPDA) : Formation of political party is a difficult task. We must exert pressure on the Government to guarantee the right of workers to send their representatives to the Parliament.

The results of this Conference should be translated into practice.

Mr. K. M. Khokhar : We must fight against the exemption of foreign controlled industries and industries exporting 70% of their products from the application of labour laws.

A demand signed by all the labour leaders to apply labour laws in Export Processing Zones (EPZS) be sent to the President and Prime Ministe.



CONCLUSIONS OF THE CONFERENCE

This Conference on Trade Union, Human and Democrat Rights has taken place at a time when conditions are becoming more and more unfavourable, both in the national and in the international context.

Nationally, the scenario is one of steadily deteriorating economic, social and political conditions. The economy which has been mired in a protracted state of stagnation is now on the verge of total collapse. It nevertheless seems to have only one direction- that of enriching a handful of individuals and families at the cost of overwhelming majority of the peoples, particularly the working people. The whole society is in an advanced stage of social breakdown because of deepening polarisation along ethnic, sectarian, regional and tribal lines. Fundamental workers' and human rights are under constant attack from the ruling elites. Through various laws and other devices the workers are constantly being deprived of their basic rights ; the result is that even the basic rights conceded under the Constitution cannot be availed of in practice. This is very much so with regard to the right of workers to organise themselves and struggle for their rights.

Internationally, an organised and systematic campaign is on to push ahead the reckless promotion of foreign investors' interests and help the multinational corporations to reap unlimited profits, regardless of the social costs and the interest of the people. This is leading to the increasing pauperisation of the workers and the undermining of their organisation which is their only means to defend themselves as workers. Attempts are being made to thwart the unity and solidarity of the working people in particular and the people of the world in general. The dominant theme of this campaign is to divide the nations and the peoples of the world and dominate them, in order to promote the interests of

an exclusive band of international profiteers. The brunt of this oppressive situation is thrust upon workers.

In such a situation, it becomes the responsibility of the organised workers not only to strive to strengthen and consolidate their organisations but also to work for the organisation and the betterment of the unorganised workers, particularly the disadvantaged sections; i.e. women and child workers.

The Conference took stock of the impediments and barriers encountered by workers and trade unions in Pakistan.

It was noted that less than 5 percent of workers in Pakistan are unionised. Deep concern was expressed at the division of workers on ethnic, sectarian, linguistic and regional basis and its weakening effect of the trade union movement. Multiplicity of unions was regarded as another factor which seriously affects the unity of workers and their ability to fight for their rights. The Conference participants also noted the weak financial situation of the unions as another unfavourable factor holding back the progress of unions in forging an independent, united and democratic labour movement. They were also aware of the lack of workers' representation in the legislatures and other decision-making bodies of the State and the resultant inability of the labour movement to exert influence in these bodies in the overall interest of the working people.

Despite these adverse conditions, unions nevertheless have the resolve and determination to overcome these and forge unity, educate their members, eliminate multiplicity of unions and exert their unity to defend and promote workers' rights, to improve general working conditions and promote expanding levels of employment.

Most laws relating to the right to form unions, collective bargaining and strike are so designed as to deny this right in practice to a majority of workers. For example, Industrial

Relations Ordinance 1969 excludes all workers in the agricultural sector and workers in various categories of establishments. Specifically, Section 3, and the Section on the definition of "workmen" have been used to exclude and deny many the exercise of rights provided under the Ordinance. The Essential Services Act 1952 takes away from the workers in various industrial and commercial establishments the right to bargain collectively. Provisions of Civil Servants Act and WAPDA Act (Section 17A) operate towards same effect. All such laws are clearly in contravention of ILO Conventions 87 and 98 and are also inconsistent with the provisions of the Constitution of Pakistan. This fact has been noted by the ILO itself on various occasions.

It was noted by the Conference that large-scale introduction of contract labour system has added further to the already existing barriers faced by workers. Workers under contract labour system are no better than slaves.

These factors have contributed significantly to a situation where the vast majority of Pakistani workers are forced to work on starvation wages and their living standards have been consistently deteriorating over the last 15 years. It has been estimated by Pakistani unions that the minimum wage required for a family of 4 under present circumstances is not less than Rs.3,500. However, a vast majority of workers are forced to work at merely one-third of the required minimum wage. This situation cannot continue and to reverse the deterioration, unions will give top priority to recovering the full and effective right to organise, to bargain collectively and to strike.

It was also highlighted in the Conference that no labour policy has been announced by the government in the past 15 years. In the meantime, each successive government has sought to curtail workers' rights through various devices, latest being the exemption of Export Processing Zones from application of all

labour laws and the decision to exempt all industries exporting more than 70 percent of their products from all labour laws (Reference: FINANCE Act 1992). Such steps are designed to reduce further the abysmally low rate of unionisation now prevailing and leave workers defenceless at the mercy of employers, both local and foreign.

The international trade union movement, committed as it is to the full and effective right of workers to organise, to bargain collectively and to strike, views this situation with grave concern and affirms its solidarity with the workers and trade unions in Pakistan. The participants of the Conference were conscious of the fact that a successful struggle will have to be developed and launched by the Pakistani workers themselves; only then do they have the right to expect assistance from fellow workers and unions in the international labour movement.

With this view, the Conference has resolved to struggle for the achievement of following objectives:

1. Full and effective freedom of association, right to collective bargaining including the right to strike for all workers and employees in all sectors of employment including agriculture.

2. To work towards the unity of all trade union federations within a unified Confederation, and the elimination of multiplicity of trade unions at the plant level, with the cooperation of all the major trade union federations in Pakistan, in order to develop an independent, free, democratic and effective movement capable of defending and promoting the collective rights of workers.

3. To promote urgently country-wide workers' education programmes involving close cooperation amongst trade unions.

4. Abolition of the so-called contract labour system and to help the unorganised workers including women workers to organise in all sectors of the economy.

5. Repeal of laws and provisions infringing, curtailing or circumscribing the basic trade union rights. These include the Essential Services Maintenance Act 1952, Export-Processing Zone Ordinance 1980, Section 17 (A) of WAPDA Act, certain provisions of the Industrial Relations Ordinance 1969 and the Finance Act 1992, and Section 2-B of Civil Servants Act 1973.

6. A fresh definition of worker to include all employees except those having powers of hire and fire.

7. To lodge complaints with the ILO regarding violations of the ILO Conventions, especially Conventions 87, 98 and 111, with the cooperation of the international labour movement.

8. To work with the international labour movement to secure the inclusion of social clauses in international trade and aid agreements.

9. To strive for workers' representation in the Parliament.

10. The ITSs will promote affiliation of Industry-wise unions/ National federations.

11. The Organising Committee of the Conference has been entrusted with the task of carrying out the necessary follow-ups.

Issued by:

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4. Christopher Ng., Regional Secretary, International Federation of Commercial, Clerical, Professional & Technical Employees (APRO-FIET), represented by Mr. Iftikhar Shaikh of Pakistan Bank Employees Federation.

Karachi, 24 August 1992.



9

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