

METAL WORLD



THE QUARTERLY MAGAZINE OF THE INTERNATIONAL METALWORKERS' FEDERATION

AUSTRALIA: WorkChoices or No Choices?

PAGE 12



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2006

Australia going backwards

Australian workers are going through something nobody would think possible after years of progressive and worker-friendly politics.

The Australian government and its leader, John Howard, are not just making minor changes to labour laws. They are changing the very foundations of the state by dismantling the legislative system that governs labour relations; a system that Australians were so proud of and that many other countries regarded as a reference point.

The fundamental principle of labour legislation is to guarantee the weaker party in the labour market protection and basic rights in order to be in a fair position when negotiating salary and working conditions.

It is obvious that the weaker party is the worker.

It seems that Mr Howard and the government have forgotten this and prefer to give all the power to the party in the labour market that already holds most of it; the employer.

In this issue of Metal World you will find stories about how employers are using the new legislation to fire people without any, I repeat ANY, objective reasons.

At the Australian Manufacturing Workers' Union (AMWU) national conference in Sydney a few weeks ago, the stories I heard from delegates, without exception, were just unbelievable and definitely not what you would expect to hear in a civilized society.

One day before the conference, I was sitting at one of the many small cafés in Victoria Street in Sydney where one can have a good Italian espresso or cappuccino and talk with other customers in a convivial manner. I sat with my cousin, who migrated to Sydney more than 30 years ago, and a young woman talking about the new labour laws.

The woman told me she had never been interested in trade unions, even in her job as a clerk, until a few days ago when her father, a building worker, returned home depressed and not knowing what to do. His boss had just proposed he sign an individual contract instead of continuing with the

collectively bargained contract that his trade union had negotiated and signed on the behalf of all the workers.

Obviously the proposed individual contract did not include some of the more important clauses such as vacation allowances and other benefits.

For the first time, this woman realized how important it is to stick together.

Her reaction is not unique. According to the latest reports in Australia, trade unions have recruited 70,000 new members since mobilizing against the new laws.

However, as AMWU national secretary Doug Cameron reports, more than 400,000 metalworkers are not members of any trade union and we must make sure they also understand the importance of sticking together. This is a difficult and long-term job, but one that must be undertaken if we are to succeed in protecting workers' rights and decent working conditions.

The lesson we must learn from the Australian experience is that we must always be alert and prepared to mobilize people to defend our rights. And having achieved our goals we must defend them.

Australian workers are determined to fight and the international support trade unions in Australia have received shows that workers around the world are concerned and can mobilize to help them restore their rights.

I urge every worker to support the Australian workers at this particularly difficult time.



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The future of IFAs

In this issue of *Metal World*, the special report on International Framework Agreements (IFAs), pages 18 to 22, summarises a paper prepared for the IMF's IFA World Conference taking place in September.

IFAs enable affiliates to use the strength of a union in the home country of a transnational company to assist other unions to organise workers throughout the company and its supply chain and to protect core labour rights.

The conference will provide affiliates with an opportunity to review what has been achieved so far with IFAs and consider the future direction of this work.

The need for international solidarity is not limited to transnational companies. The feature on pages 12 to 17 provides an account of the situation in Australia since the introduction of new labour laws earlier this year. Many workers, faced with the terrible choice of losing conditions or their job, are supporting the national trade union campaign to reverse the new laws.

Once again *Metal World* reports on the continuing violation of rights of workers in the Philippines, see page 5, and in Mexico, see page 7. To show support, the IMF calls on affiliates to take action on September 12 for Toyota Philippines workers and on December 11 for the Mexican miners' union.

More information about all of these issues can be found at the IMF website: www.imfmetal.org



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ILO CONFERENCE

Ban on asbestos moves forward

GLOBAL The International Labour Organisation (ILO) is to pursue a global ban on asbestos. The move comes after the ILO Committee on Health and Safety adopted a resolution on asbestos during the 95th International Labour Conference in June.

The resolution calls on the ILO to promote the elimination of future use of all forms of asbestos and asbestos containing materials.

This groundbreaking decision was achieved despite employers' representatives and representatives of the Canadian and Zimbabwe governments – two major asbestos exporters – speaking against the resolution.

The resolution also expressly prevents the pro-asbestos lobby from claiming that the ILO supports its claims that asbestos can be used safely, a tactic frequently used by the asbestos industry in the developing world.

"This is an important step in winning the fight to ban one of the world's leading killers of workers responsible for 100,000 deaths each year," said IMF general secretary Marcello Malentacchi. "We applaud the ILO decision and look forward to the day that asbestos production and its deadly effects are a thing of the past."

While the resolution does not bind ILO Member States to stop production of asbestos, it does carry moral weight. The resolution is now part of formal ILO policy encouraging Member States to develop national policy and internal programs to ban the use of asbestos in their countries.

A copy of the resolution is published on the IMF website. **AI**



ILO adopts Employment Relationship Recommendation

GENEVA A new standard adopted by the International Labour Organisation (ILO) proposes that governments adopt policies establishing the existence of an employment relationship to ensure protection of workers' rights while also recognising contractual responsibilities. The international labour Recommendation was approved by a vote of 329 for and 94 against, with 40 abstentions at the 95th conference of the ILO in June.

The question of whether an employment relationship exists is important as most legal systems link workers' rights and access to social security to the existence of such a relationship.

At the ILO conference the workers' group emphasized the need to establish a legal basis for the determination of an employment relationship in the same context as the need for minimum wages, maximum hours of work and collective bargaining.

The new ILO standard proposes that governments formulate and adopt national policies that effectively establish the existence of an employment relationship, distinguishing between employed and self-employed workers and combating disguised employment relationships. The standards set by national policies should apply to all forms of contractual arrangements. **RB**

AFFILIATES

DAY of ACTION September 12

GLOBAL IMF affiliates will be demonstrating at Japanese embassies and consulates demanding justice for Toyota Philippines workers on September 12. The International Metalworkers' Federation has coordinated this DAY of ACTION and calls on all affiliates to urge the Japanese government to use its influence in bringing a just resolution to the troubling situation at Toyota Motor Philippines Corporation.

The IMF Executive Committee in May 2006 supported the launch of a campaign for the reinstatement of workers unjustly dismissed at Toyota Philippines. The company has repeatedly refused to reinstate 136 illegally dismissed workers or recognise the Toyota Motor Philippine Corporation Workers Association (TMPCWA) as the sole bargaining agent.

Last month, IMF affiliates representing Toyota workers conducted solidarity actions at Toyota sites in South Africa, Brazil, the UK, Australia and Thailand. Other affiliates have collected funds for the TMPCWA and sent letters of protest to Toyota management.



NUMSA and IMF representatives meet local Toyota management in South Africa PHOTO: NUMSA

On a broader scale, the International Confederation of Free Trade Unions (ICFTU) which represents 155 million workers in 156 countries, has released a damaging report on labour rights abuses in the Philippines. In their 2006 Annual Survey of Violations of Trade Union Rights, the report specifically refers to the Toyota Motor Philippines dispute as an example of foreign companies exploiting Philippine labour laws to break unions and trample workers' rights.

For more information and other materials about the situation at Toyota Philippines go to the IMF website at: www.imfmetal.org/toyotaphilippines KP

Toyota Philippines workers detained

PHILIPPINES Twenty-one members of the Toyota Motor Philippines Corporation Workers' Association (TMPCWA) were arrested and eventually released without charge following a demonstration in front of the Department of Labour and Employment (DOLE).

What started as a peaceful action turned bloody as DOLE security attacked TMPCWA demonstrators. In the morning of August 16, a group of 21 went to the DOLE to update their TMPCWA case. Armed DOLE security attempted to keep the group from entering, but some TMPCWA members pushed through to the inside of the buildings.

"Five gunshots echoed while the securities of the buildings tried to hold us back. Some of the members suffered serious injuries from the bat of the security guards," said a TMPCWA member.

After a night in jail, the workers were released without charge. KP

KMWF moves to industrial unionism

SOUTH KOREA Enterprise metalworker unions affiliated to the Korean Metal Workers' Federation (KMWF) have voted to increase their leverage in negotiations with government and management by forming a national industrial union.

Twenty enterprise-level unions undertook simultaneous ballots from June 26 to 30, 2006 on the transformation to industrial unionism. The ballot has resulted in 13 enterprise-level unions representing 86,985 workers, including the unions at the big

three auto companies Hyundai Motors, Kia Motors and Daewoo Motors, voting to dissolve the existing enterprise-level union and join the Korean Metal Workers' Union (KMWU). The ballot failed to pass at seven enterprise-level unions, encompassing 13,465 workers.

The successful ballot has created a new wave of confidence throughout unions in Korea, who believe this landmark event signifies the beginning of broader changes and new possibilities for workers. AG



PHOTO: KMWU

METALS & MINING

Agreement with Gerdau in Canada

CANADA After just two weeks of negotiations, members of United Steelworkers (USW) at Gerdau Ameristeel's Manitoba Metals in St. Andrews ratified a new five-year labour contract covering 87 workers in the scrap prep facility that serves as a feeder for the company's Selkirk mill.

Worker gains under the St. Andrews agreement includes:

- A US\$650 signing bonus,
- Annual wage increases totalling US\$1.90 to \$3.15 an hour,
- A 30 per cent pension increase,
- The creation of new maintenance positions that are likely to create new hiring, and
- A new arbitration process to improve grievance handling.

The relatively quick settlement with Canadian management comes in stark contrast to Gerdau's business practices in the U.S. where seven labour agreements with the company have expired and a recent ruling in favour of USW members found Gerdau to be in violation of its labour agreement.

This and other issues relating to Gerdau will be discussed at an IMF Gerdau meeting in Brazil in November. **KP**

USW and Alcoa reach agreement

USA A new four-year agreement between the United Steelworkers (USW) and Alcoa was ratified by a majority of union members in a ballot at all 15 Alcoa master agreement locations in June.

The contract covers 9,000 workers at the world's largest aluminum company. The new union contract contains average 2.6 per cent annual wage increases and each worker will receive a US\$1,500 ratification bonus.

Other key provisions of the new agreement include:

- Continued health care insurance for retirees,
- A single family health care insurance plan for all workers,
- Pension increases, and
- Greater protection against contracting out jobs and layoffs.

The contract was settled just two hours before it was due to expire, averting the possibility of a strike or lockout.

In addition, 800 workers at the recently-organized Alcoa plant in Pennsylvania ratified a four-year agreement, which included wage increases, improved health care insurance, vacations, personal days and a lump sum payment of US\$750. This contract also expires in four years. **AG**

Ensuring workers' rights at Arcelor-Mittal

ROMANIA Trade unions representing Mittal's metalworkers in Central and Eastern Europe declared they will work with trade unions at Arcelor to ensure the newly merged company respects workers' rights.

IMF affiliates from Bosnia-Herzegovina, Bulgaria, Czech Republic, Kazakhstan, Macedonia, Poland, Romania, Ukraine and Russia joined by Canada, Germany, the UK and the U.S. met in June to discuss developments at Mittal and trade union strategies in response.

At the conclusion of the meeting, delegates resolved to work together with their trade union colleagues at Arcelor to create a culture of respect for workers' rights in the new steel giant, setting the standard for all other steel companies to follow.

The merger of Mittal Steel and Arcelor, yet to be formally approved by shareholders, will create a steel company three times larger than its nearest rival. According to Reuters, the combined company will produce about 10 per cent of the world's steel, with a turnover of 55 billion euros and employ a total of 334,000 staff. **KP**



PHOTO: P-F. Grosjean/Arcelor

Workers strike at copper mine

CHILE Workers at the Escondida mine, the majority owned by BHP Billiton, began an indefinite strike on August 8 in support of their demands for improved wages. The move was due to the current price of copper, which has quadrupled the company's real income.

Workers are demanding a pay rise of approximately 13 per cent, an increase in health and education benefits for their families, professional development and

a bonus of approximately US\$ 27,000, while the company is offering only a 1.5 per cent pay rise and a US\$ 4,900 bonus.

The dispute has put the copper markets and other mining companies operating in Chile on alert. As some of the country's analysts have indicated, events in Escondida will have a major impact on the forthcoming negotiations at CODELCO Norte, Andina, Cerro Colorado and the Falconbridge Altonorte foundry. **JC**

AFFILIATES

International fact-finding mission visits Mexico

MEXICO The IMF sent a delegation to Mexico to investigate the tragic mine accident that left 65 miners dead and the subsequent government takeover of the National Miners' and Metalworkers' Union (SNTMMSRM).

The fact-finding mission took place from June 25 to July 1, 2006. A number of meetings were held with key officials in the Mexican government as well as union members and leadership.

The delegation also visited the region where the Pasta de Conchos mine, which is owned by Grupo México, is located. In February 2006, an explosion occurred in the Pasta de Conchos mine in which 65 miners lost their lives. Members of the delegation documented testimony from miners and family members of the dead regarding the safety of the mine and the company's response to the accident.

The decision to send a delegation to Mexico was taken after discussions with representatives of the miners' union at the meeting of the IMF Executive Committee in May.

The IMF will release official recommendations based on the fact-finding mission in September. The mission report and information about the delegation will be posted at: www.imfmetal.org/mexico **KP**



Prior to the explosion, miners working in the Pasta de Conchos mine complained about the smell of methane. An altar at a mine entrance highlights the dangers of the job.

Call for international solidarity on December 11

MEXICO The IMF has vowed to support Napoleón Gómez Urrutia and the Mexican miners' union in their fight against government interference in union affairs and are backing it up by calling on affiliates to take action on December 11, in solidarity with the Mexican union.

Napoleón Gómez Urrutia, the democratically elected general secretary of the National Miners' and Metalworkers' Union (SNTMMSRM) was forcefully removed from his position in March 2006 after speaking out against the Mexican government and Grupo Mexico mining company in response to a tragic mine accident in Pasta de Conchos that left 65 miners dead.

The government imposed a new general secretary and seized all assets of the SNTMMSRM and Gómez.

The IMF has launched a complaint with the ILO against the Mexican government citing violations of ILO convention 87. The illegal removal of Gómez also violates Mexican labour law and the Mexican constitution.

Furthermore, the Mexican government has yet to properly investigate the circumstances surrounding the devastating mine explosion that left 65 workers dead.

For more information about the IMF's work on Mexico and December 11 events visit: www.imfmetal.org/mexico **KP**

Strike at Mexico's Sicartsa plant ends

MEXICO The 146 day strike has been lifted at the Sicartsa steel plant in Lazaro Cardenas, where two union members were killed last April and 50 injured when police opened fire on workers occupying the plant.

Workers went on strike following the government's illegal removal of Napoleón Gómez Urrutia, general secretary of the Sindicato Nacional de Trabajadores Mineros, Metalúrgicos y Similares de la República Mexicana (SNTMMSRM).

More than 2,300 workers will return to work after hard won gains including:

- A 6 per cent increase in pay, plus 2 per cent increase in benefits retroactive to May 1,
- Full pay for the time they have been on strike,
- A 7,500 pesos (US\$700) bonus payment per worker,
- The lifting of all of the legal action against the striking workers, and
- Recognition of Napoleón Gómez as leader of the SNTMMSRM.

The Sicartsa plant, owned by Grupo Villacero, is one of Mexico's largest steel exporters. **KP**

AFFILIATES

Indian unions mobilize

INDIA A national convention of workers held in New Delhi in July adopted a declaration protesting the government's neo-liberal economic programmes and outlining a 16-point Charter of Demands to be backed by a scheduled general strike in December.

Around 1,200 delegates from national trade union centres, federations and associations of employees and workers, including the Hind Mazdoor Sabha (HMS), participated in the convention. A resolution strongly opposing the government's move to modify labour laws was also passed by the convention.

Specific issues the declaration addressed included:

- Economic policies that have resulted in increased prices of essential goods,
- Privatisation of the public sector,
- Increasing unemployment and underemployment, particularly with India's youth,
- Labour law reform that favours employers and threatens the rights of workers, and
- Outsourcing and downsizing the workforce in all sectors. **KP**

Cadmium poisoning at Chinese factory

CHINA When Gold Peak Industries opened its Huizhou factories in 1994, Chinese workers were not warned of the dangers of handling cadmium and were initially refused masks. Years later, these workers suffer from cadmium poisoning, are going into debt from medical bills and are unable to find new employment.

At least 400 have been exposed to varying degrees of exposure to cadmium, a poisonous chemical used in the manufacturing of batteries.

The company has refused workers' demands for improved compensation from the company, sickness insurance and

better provision of medical check-ups.

To be able to receive compensation, affected workers have to be fired. In addition to illness and unemployment, Gold Peaks workers campaigning for decent compensation have been threatened with criminal charges by local Chinese management.

The IMF has written to GP Batteries' worldwide headquarters in Hong Kong and its European headquarters in the Netherlands in support of the workers. IMF calls on affiliates to also press Gold Peak's management in their countries to address the dire situation for Chinese workers in Huizho. **KP**

Victory at shipyards in Turkey

TURKEY After months of struggle, including violent clashes with police and the imprisonment and release of two trade union leaders, 55 dock workers in Tuzla, Istanbul have finally received payment of wages owed from a shipbuilding company.

The workers' contracts were terminated in March 2006 by Motesan, one of a group of companies owned by the Turkish company Desan. After waiting for more than two months to be paid, the workers began to protest at the shipyard gates on May 23 with the support of their union Limter Is.

On May 31 the police attacked the workers, seriously injuring six and arresting 16, including Limter Is president Cem Dinç and union official Kamber Saygılı, who remained in jail for 40 days. The protests continued at the shipyard, with solidarity support from other workers, unions and the IMF, until Cem and Kamber were released and the workers were paid. **AG**



Protesting in Tuzla shipyards
PHOTO: LIMTER-IS

Australians protest labour laws

AUSTRALIA Thousands of workers took to the streets in June to protest the loss of job security and cuts to wages and conditions due to new labour laws introduced by the national government three months earlier. Mass rallies took place in capital cities and regional centres across Australia.

Speaking on the new laws, Australian Council of Trade Unions president Sha-

ran Burrow described how workers are losing as every new individual contract registered since the laws came into effect has removed at least one pre-existing condition and in some cases all previously protected conditions of employment.

Australian unions are also fighting a second wave of government attacks on workers' rights in the form of a proposed new 'independent contractor' laws intro-



PHOTO:AWU

duced into parliament in June. The proposed law seeks to sever the employment relationship for contract workers. See feature on page 12. **AG**

AUTO

VW Brazil workers protest threatened dismissals

BRAZIL Metalworkers at five plants of Volkswagen Brazil staged mass protests in May and early June against the company's announced intentions to dismiss thousands of workers and cut wages and social benefits. VW has said it would dismiss 5,773 workers at three facilities located in Sao Bernardo do Campo, Taubate and Sao Jose dos Pinhais. Workers at the three affected operations staged a 24-hour strike and informational meetings at two other plants caused production delays.

VW's restructuring plans would eliminate the jobs of 3,672 workers at Sao Bernardo do Campo, 681 at Taubate

and 1,420 in Sao Jose dos Pinhais. VW Brazil, which employs nearly 22,000 workers, has threatened those workers that remain with wage cuts of up to 35 per cent, price increases for health plans of up to 200 per cent and ceasing of some overtime payments.

National Metalworkers' Confederations CNM/CUT and CNTM/FS say they will continue their mobilization until the company backs away from socially destructive demands and negotiates a mutually acceptable agreement with unions. Job security is provided to VW workers in Brazil until October 2006 under a previous agreement. **RB**



PHOTO: CNM/CUT

Renault-Nissan

USA/FRANCE Trade unions in North America and Europe have reacted publicly to the possibility of an alliance between General Motors, Renault and Nissan. Reactions have ranged from outright rejection of such a move, seen as another management attempt to eliminate jobs, to concern, doubt and deep scepticism about how such a tie-up could benefit workers at GM,

Renault and Nissan.

Meetings have occurred between GM CEO Rick Wagoner, and Carlos Ghosn, chief executive of Renault and Nissan. General Motors CFO, Fritz Henderson, is leading a 90-day project to examine the existing Renault-Nissan alliance to assess the potential benefits for GM if it joined. Management reportedly is looking at several

areas of potential cooperation including parts procurement.

Metalworkers have experienced how alliances between transnational companies that aim at boosting "shareholder value" often do so by consolidating supply chains, cutting jobs and closing plants. Trade unions stand ready to defend the interests of workers at GM, Renault and Nissan. **RB**



PHOTO: KMWU

Settlement reached at Hyundai

SOUTH KOREA Union members voted to accept a new wage agreement at Hyundai on July 28 having staged a partial strike since June 26 in support of their demands for increased wages.

The new wage package includes a 5.1 per cent increase in monthly base pay and a 1 million won (US \$1,040) bonus. It was agreed that a monthly wage system for production workers will begin on January 1, 2009 in conjunction with the elimination of night shift work, which was negotiated in the last round of collective bargaining.

The settlement also included the implementation of a single grade system for production and after-service workers.

The new wage package was ratified by members, with 54 per cent accepting the provisional settlement, thereby concluding collective bargaining in 2006.

The Hyundai Motors Workers' Union, which is now part of the new industrial union the Korean Metal Workers' Union, stopped work for several hours a day for a month before settling on this wage agreement with management. **AG**

IMF INITIATIVES

Belarus on G8 agenda

BELARUS The IMF called on the President of Russia and the current chair of the G8 to put human rights in Belarus on the agenda for the G8 Summit in St Petersburg in July.

In a letter to President Putin, the IMF asked Russia not to ignore violations committed by the Lukashenko regime in Belarus. The letter reminded Putin of Lukashenko's continuing violations of human and trade union rights in Belarus, despite repeated calls for change.

The IMF also demanded Russia and other nations trading with Belarus use their sizeable influence to stop subsidising the last dictatorship in Europe. Recent events have revealed a rising tide of Belarusian people prepared to fight for change, to remove the dictatorship and restore democracy. IMF argued that the continued economic and political support from its trading partners, particularly Russia, is the only support left for the Lukashenko regime. **AI**



PHOTO: Photo.ByMedia.Net

Rights in Indonesian SEZs under threat

INDONESIA According to press reports, the Indonesian government is considering restricting the right to unionise in Special Economic Zones (SEZs), including the Batam and Bintan Islands. The announcement was made after a framework agreement was signed between Singapore and Indonesia on economic cooperation to transform Batam, Bintan and Karimun Islands into SEZs to draw investment from Singapore, which is running out of space for manufacturing.

Concerned by the reports, the IMF wrote to the President of Indonesia calling upon him to set aside any plans to restrict the rights of workers to union representation in the SEZs of Batam, Bintan and Karimun.

IMF affiliates SPMI and Lomenik-SBSI organise 45,000 workers in the zones and have negotiated various collective agreements with employers and minimum wage provisions with the government. **JH**

IMF affiliates on WTO Doha Round

GLOBAL With the breakdown of the Doha Round of trade negotiations at the World Trade Organisation on July 1, trade unions and sister organisations continued to call for a renewed focus on development strategies.

Prior to July 1, a number of IMF affiliates called on their respective governments to stop pursuing the conclusion of the WTO Doha Round of trade negotiations at all costs, particularly at the cost of jobs in developing countries.

Among the demands from affiliates is the call for non-agricultural market access (NAMA) proposals to provide space for developing countries to pursue development strategies based on the domestic market and active industrial policies.

Affiliates also argued that the Doha Round should be replaced by a new set of rules to foster a policy of promoting human and workers' rights and development centred on people and environmental sustainability.

In April and July, affiliates in Latin America and Africa participated in IMF regional seminars aimed at developing common strategies and building union capacity to engage with governments, employers and other institutions on trade, employment and development policies. The next seminar in this series will take place with north and south American affiliates in October. **AG**

WORKERS RIGHTS

Electronics workers abused in Mexico

MEXICO Widespread discrimination, sexual harassment, low wages, employment instability and lack of trade union freedom experienced by electronics workers in Mexico is the subject of a new report released in July.

According to the study from the Centre for Reflection and Action on Labour Issues (CEREAL), there are still huge gaps between companies' stated policies and the day-to-day experience of workers. The report states that while some improvements have been made in the electronics industry in Mexico there is still a long way to go.

CEREAL investigated 78 cases of electronics workers, including those working for Jabil, Solectron, Foxconn, Sanmina SCI, Flextronics and Celestica - companies which provide manufacturing and assembly services to brands such as Hewlett Packard, IBM, Dell, Nokia and Motorola.

The employment practices of these companies will be discussed at the IMF meeting on women working in global electronics supply chains in Singapore, October 18 - 19. **AG**



PHOTO: Marcella Haddad/CAFOD

Master programmes on global labour issues

GLOBAL The Global Labour University is offering two special master programmes on labour and globalisation for trade unionists. The programmes are targeting (potential) trade union experts and seek to strengthen the analytical, research and policy development capacity of trade unions.

The Labour and Development programme starts in January 2007 and is offered by the University of Witwatersrand in South Africa. The University of Kassel and the Berlin School of Economics in Germany are offering in September 2007 a course on Labour Policies and Globalisation.

Interested trade unionists should

apply now. The deadline for submission is October 1, 2006 for South Africa and March 1, 2007 for Germany.

The courses are taught in English. Women are strongly encouraged to participate. Applicants should, as a rule, not be older than 40 years of age. A limited number of scholarships to applicants from developing and transition economies are available. Scholarship applicants need to have the endorsement of a trade union and the grant is conditional on a contribution of 1,500 Euros from the supporting trade union or another donor.

For more information go to: www.global-labour-university.org **AG**

10,000 workers fired for union activities

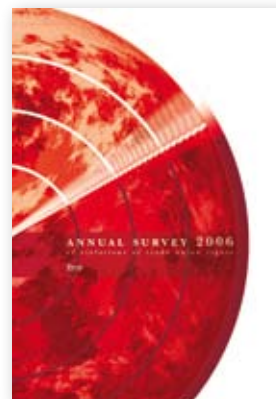
GLOBAL In the past year almost 10,000 workers were fired for their trade union involvement, and nearly 1,700 detained. More than 1,600 were violently assaulted, 9,000 arrested, and 115 trade unionists were murdered for defending workers' rights in 2005, reports the International Confederation of Free Trade Union's Annual Survey of Trade Union Rights Violations.

The most dangerous part of the world to be a trade unionist is Latin America, where Colombia once again is the leader in the number of killings, intimidations and death threats against trade unionists. In 2005, 70 union activists were murdered in Colombia, while 260 received death threats.

"This year's report reveals deeply disturbing trends, especially for women, migrant workers and those who work

in the public sector," said ICFTU general secretary Guy Ryder. "The death toll was slightly lower in 2005 than the previous year, but we are witnessing increasingly severe violence and hostility against working people who stand up for their rights," he added.

A full copy of the report in English, French, Spanish and German can be accessed from the ICFTU website at www.icftu.org/survey/ **KP**





SPAL

WorkChoices or No Choices?

In Australia new labour laws were introduced on March 27, stripping back the rights of workers and unions. Already workers are feeling the effects. Harry, Vince and Karen, previously protected by unfair dismissal laws, all lost their jobs in recent months. They, along with hundreds of thousands of workers in Australia, are participating in a huge trade union campaign against the labour laws.

TEXT: JEANA VITHOULKAS



Harry Rai (left) and Vince Pascuzzi were sacked one week after the laws came into effect

PHOTO: STEVE PAM



WORKCHOICES OR NO CHOICES?

Barely a week had passed since Australia's new industrial laws, called WorkChoices – a misnomer if there ever was one – had come into operation when Australian Manufacturing Workers Union (AMWU) delegates Vince Pascuzzi and Harry Rai were called into a meeting with their boss.

Along with the rest of the workers at Finlay Engineering in the northern Melbourne suburb of Heidelberg, they listened to their boss Jim Sutton tell them that the new laws meant things were going to change.

Sutton told the workers that he had unprecedented powers that he could now do whatever he wanted and anyone who didn't agree or tow the line would be sacked.

Harry was stunned. Although their boss was not always cooperative, he didn't expect such a forceful declaration of the fact that he had all the power and the workers had none.

Harry shook his head in disappointment and smirked at the knowledge that any hopes of working together with management to see through the new industrial laws were now dead and buried.

But the boss took exception to the expression on Harry's face.

"He became angry with me," recalls Harry. "He told me to take that smirk off my face or I could be sacked."

At that moment, Harry's workmate, Vince Pascuzzi stepped in. He asked the boss to show some respect to Harry and reminded him that there wasn't any need for "this kind of talk".

The boss then sacked Vince immediately and when Harry and another worker intervened to calm things down, they were sacked as well. Vince, a father of three young children, said he was devastated. He had been with the company for 11 years and had never had "a single warning".

"The first thing I thought was how am I going to pay the bills?"

It might have been an impetuous act on the boss's part, but under Australia's new industrial regime, which came into effect on March 27, he was acting within his rights.

UNFAIR DISMISSAL

Finlay Engineering is a workplace of less than 100 employees and in Australia today if you are sacked in such a workplace, you are no longer protected from unfair dismissal.

Employers of companies of less than 100 are taking advantage of the new laws. Older workers, workers who have been injured on the job, workers who have refused to sign individual contracts, workers who have taken sick leave, and workers who have questioned a roster have been sacked.

But even companies of more than 100 workers have been kindly given a little loophole from the government. They too are legally able to sack workers if they can cite "operational reasons".

AMWU president Julius Roe said that while workers were

sacked unfairly before the new laws, now there's no recourse.

"Workers who have been with companies for years, with no prior warnings about their performance are being sacked and there's little that can be done."

One such worker is sixty-year-old Karen Palmer. Despite serving 14 years with Greer Industries as a machine operator without a single reprimand, she was sacked the day she returned to work after recovering from a workplace injury to her shoulder. Her employer told her she was "a liability".

"I've been a very good employee and I was shocked when they sacked me. I was marched out the door without being able to say goodbye to my friends.

"That job was very important to me. I'm a widow with no other means of support. I'm pretty devastated by it."

The changes to the unfair dismissal laws are just one element of the new industrial laws in Australia that have done away with a one hundred year old award system. The award system ensured that workers with no industrial strength at least received minimum standards.

People are continually shocked by the new laws and the extent to which people's rights at work have been taken away.

Vince Pascuzzi and his family can't believe what's happening.

"My father migrated from Italy in the early 1960s for better opportunities. Obviously he wanted the same for his children, but he sees that these laws make it harder for us. We've gone backwards."

Vince the son of immigrants and Harry an immigrant from Britain are typical of the blue-collar workforce in Melbourne. People have come to Australia from all over the world looking for a better life.

"Australia was known for its strong unions and good laws to protect workers from exploitation," says Harry. "But the new laws do the opposite. They actually make it easier for bosses to exploit workers," said Harry.

INDIVIDUAL CONTRACTS

The promotion of individual contracts is at the centre of the Howard government's agenda. The government has used its own employees and government funded agencies to push individual contracts that have done away with working conditions that have been secured in law by unions for decades.

In June, research undertaken by the government showed that many of the minimum conditions that existed through the system of awards are being taken away from people.

The government body that coordinates registration of individual contracts conducted a review three months into the new laws and found that out of 250 contracts:

- 64% remove vacation allowances (leave loading),
- 63% remove allowances for work outside of normal



Karen Palmer in Canberra talking to Opposition Labor Leader Kim Beazley. The Labor Party said it will ditch individual contracts and tear up the laws if they're elected.

working hours (penalty rates),

- 52% remove allowances for working on shifts (shiftwork loading),
- 16% excluded all conditions established by the award system that are standard for that industry, and
- 100% excluded at least one of the conditions established by the award system that are standard for that industry.

Julius Roe said the figures prove the clear intention of laws is to drive down wages and conditions and to wipe out union organisation in the workplace.

“Unfortunately the attack is not just on one front. The laws have been painstakingly designed to undermine unions and workers’ ability to collectively bargain in order to lower minimum standards.”

The new laws curtail and undermine union organisation, because:

- Collective bargaining is extremely restricted,
- Industrial action is made very difficult as massive fines and penalties and regulations are imposed on unions and workers,
- Protection from unfair dismissal is removed,
- Contract and temporary work is encouraged,
- Almost all rights and protections for delegates and union

organisation are removed,

- Individual contracts can override any collective agreement,
- It is prohibited to include in any agreement anything regarding rights for union delegates,
- It is prohibited to include any process or remedy to deal with dismissing an employee, and
- No limitation can be applied to employers on contracting out work.

The Australian government is also instructing employers that receive any government funding to use the laws and “offer” individual contracts or forfeit future government funded work or assistance.

Ever since the Howard government announced its changes to the industrial relations system, unionists, lawyers, artists, religious leaders and academics have all spoken out against the laws that are an attack on the rights of working people.

Since the laws came into force, many workers have come forward telling of conditions being taken away, of their pay rates being cut, of being forced to sign individual contracts if they want to keep their jobs. One employer ripped an award in front of his workers and told them, “I don’t have to pay this shit any more.”

FIGHTING BACK

Australian workers are fighting back. Record numbers have attended rallies and protests all over the country. There have been three nationally coordinated actions in 12 months. The latest on June 28 saw 200,000 people attend in major capital cities, with the biggest attendance in Melbourne. Regional areas and small country towns are reporting the largest numbers ever recorded for any kind of political action.

The Australian Council of Trade Unions (ACTU) has coordinated a multifaceted campaign. While affiliates are coordinating individual workplace activities, the ACTU is for the first time taking out paid television advertisements to get the message across.

“When the Howard government won control of the Upper House of Australia’s federal parliament in the elections of October 2004, everyone in the union movement knew that Prime Minister Howard would move on industrial relations,” said Julius Roe. “But most ordinary workers knew nothing because industrial relations was not on the radar during the election campaign.”

The campaign is proving effective. People’s awareness of the issue has risen and they’re prepared to do something about it. Union members who have never previously participated in any campaign are committing to the fight to protect their rights. General union membership rose by 70,000 in the first six months of the campaign as some people obviously figured that union protection was better than no protection at all.

So far, that is true.

While there have been a few cases like that of Vince, Harry and Karen of union members feeling the impact of the new laws, most of the workers who are being affected are in the service, non unionised sector of the workforce.

Many retail workers have had penalty rates and other conditions taken away from them. National retailer Spotlight recently “offered” its employees a pay rise of 2 cents an hour if they gave up their penalty and weekend rates. Workers stood to lose up to AUS\$90 (US\$68) a week.

Employees who have dared to question individual contracts that they are presented with have also been sacked. Leigh

Vanroon from Queensland simply asked for the details of a new contract that was being offered by his employer when he was told, “if that is your attitude, you don’t fit in here.” He was later told that he was sacked for “operational reasons” and his job would cease to exist. The new conditions they were “proposing” would have meant an AUS\$160 (US\$120) pay cut a week.

Leigh Vanroon was not a union member and supported the Howard government. He said the experience has changed him. He has joined the AMWU and he won’t be voting for the Howard government at the next election.

CHANGE OF GOVERNMENT

The defeat of these laws is most likely to succeed with the defeat of the Howard government. No one is optimistic that John Howard will be swayed by the growing opposition to these laws, or moved to lessen their severity by the terrible cases of exploitation that are constantly coming to light. Not only has he gone on record saying that he knows the laws are unpopular, but he also says they are for the good of the country and there is more to come.

In June legislation was tabled in Parliament that will further disadvantage working people. The “Independent Contractors Act” is essentially about making it easier for business to replace workers with independent contractors. Employers will no longer have to pay retirement funds, workers compensation, sick leave or any other entitlements that people have as employees.

In April, communications company Optus sacked technicians with permanent jobs and then invited them to buy their vans from the company, register as a business with the tax office and re-apply for work with the company as independent contractors.

As contractors, the Optus workers would be up to AUS\$300 (US\$226) a week worse off by being required to pay for their own pension, health and safety insurance, public liability insurance and cover the costs of a van, and all materials and equipment. As well as facing a drop in pay and losing their job security, the workers will also lose entitlements to paid sick leave, public holidays and annual leave and be under pressure to meet performance targets and to work in unsafe situations.



AWU participates in the rally, June 28

PHOTO: AWU



CEPU participates in the rally, June 28

PHOTO: CEPU



AMWU participating in the rally, June 28

PHOTO: STEVEN PAM

FEATURE

WORKCHOICES OR NO CHOICES?



ACTU campaign logo, available at www.actu.asn.au

So unions are not holding their breath for any improvement to these laws and the instability they have wreaked on many workers' lives. They are also campaigning within the opposition Labor Party for support. Julius Roe said there has been a lot achieved in this regard.

"The campaign has resulted in the opposition Labor Party declaring that it will rip up the laws and will abolish individual contracts. The opposition party is wary of doing anything which is opposed by the employer interests and so this is a major achievement. I am confident that the campaign can be sustained and that it can lead to the defeat of the Government and the laws at the end of 2007," he said.

CAMPAIGN CONTINUES

In the meantime, the campaign against the labour laws continues to gather steam. Workers are fighting back individually and collectively.

When AMWU members heard about Vince Pascuzzi and Harry Rai's sackings, they rallied to help the workers and set up a protest outside Finlay Engineering. Management eventually caved in and reinstated the two workers, but during the delegates' absence the rest of the workers were pressured into signing individual contracts. Despite assurances to the workers that their conditions would not change, redundancy provisions from the existing union agreement were not included in the contracts. Seven weeks later the company folded and all the workers (except for Vince and

Harry) lost thousands of dollars in entitlements.

"The boss had been talking about individual contracts for a while," recalls Vince. "The day I was sacked I said to the workers, 'don't sign anything he puts in front of you.' I tried to warn them, but he intimidated them into signing. I know they did it because they were scared of getting the sack."

Understandably Vince and Harry feel very bitter about what has happened to them and to their workmates.

"There are workers who gave 30 years of their life to that company who stand to lose a lot of money because they were made to sign an individual contract," says Vince. "It's terrible that the government has made laws which mean bosses can really exploit workers like this. We have all suffered as a result."

And despite being distraught about her situation, Karen Palmer also decided to take action. She is taking her employer to the Australian Industrial Relations Commission, a national tribunal that deals with employment issues, with the help of her union. She went to Canberra with representatives of her union to meet with Opposition Labor Leader Kim Beazley to let him know how the laws are affecting ordinary people like her. She also addressed 150,000 people at the rally in Melbourne on June 28.

Just as she had finished telling her story to everyone assembled there, someone from the crowd called out to her.

"What do you think of John Howard's laws, Karen?"

Without missing a beat, she answered.

"I'll tell you where he can put them."

CHANGES TO AUSTRALIAN LABOUR LAWS

In Australia the new labour laws came into effect on March 27, stripping back the rights of workers and unions. The laws:

- *Make it easier for employers to push workers onto individual contracts that undercut take home pay and employment conditions,*
- *Make it easier for employers to cut overtime pay, holiday allowances, public holidays, redundancy pay and work allowances,*
- *Remove protection from unfair dismissal for millions of workers,*
- *Make many ordinary union activities illegal,*

- *Reduce the power of the Industrial Relations Commission, and*
- *Change the way minimum wages are set to make them lower.*

Speaking about the laws introduced by the conservative Howard government, Australian Workers' Union (AWU) national secretary Bill Shorten expressed his outrage. "I'm fundamentally just angry. I'm angry that these unfair laws have been pushed forward, the case hasn't been made for them and I do think that the senate and the government render a disservice to the Australian electorate in their sort of partisan crusade of laws which are really marginal to the future of Australia in terms of economic growth," he said.

International Framework Agreements: A Progress Report

BY JENNY HOLDCROFT

In September, IMF affiliates will meet in Germany to consider the future direction of negotiating, signing, implementing and enforcing International Framework Agreements (IFAs) with transnational companies. This IMF Special Report records the historical and political context in which IFAs have been negotiated and provides practical information on their usage to date.

The need to develop mechanisms to negotiate with multi-national corporations at the global level has long been recognised within the IMF. During the last ten years, International Framework Agreements have been actively debated at IMF Congresses, Central Committees and Executive Committee meetings.

At the 1997 IMF Congress in San Francisco, delegates endorsed an Action Programme which introduced the objective of negotiating corporate codes of conduct for the purpose of making workers' rights part of national labour-management dialogue. It was clear from the outset that such codes were to be negotiated and would become agreements between the IMF and transnational corporations (TNCs).

Following the Congress, a working group was set up to make recommendations for codes of conduct and decided to focus its work on drafting the Model Code of Conduct, subsequently adopted at the Executive Committee meeting in December 1998 (see box on page 20).

The 2001-2005 Action Programme adopted at the Sydney Congress committed IMF to continuing to campaign for the adoption of the Model Code of Conduct, now known as the Model IFA, in all corporations where affiliates have members.

By the time the IMF Executive Committee met in December 2002, enough agreements had been signed to enable the Executive to identify principles for negotiating IFAs:

- IMF should be involved from the start,
- An IMF officer or designee must sign the IFA,
- The agreement must cover all of a company's plants or facilities in the world,
- It should be negotiated by IMF and management at a global level,

- Home country unions and, where they exist, World Councils should play a leading role in negotiations,
- Host country unions should be consulted,
- The IFA must reference the ILO Core Labour Standards and include some engagement by the company to pressure suppliers to implement the principles of the IFA,
- Implementation must include trade unions, and
- Management must inform workers and unions throughout its operations of the IFA and the means for raising complaints under it.

Particular emphasis was given to the essential role of IMF in representing workers outside the home country in the process. Calls were also made at the meeting for a more campaigning approach, extending IFAs and targeting companies which are resistant to signing an IFA.



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INTERNATIONAL FRAMEWORK AGREEMENTS: A PROGRESS REPORT

International Framework Agreements signed by the IMF

Company Name	Date	Country	Industry
Merloni (Indesit)	2001	Italy	Domestic appliances
Volkswagen	2002	Germany	Auto
DaimlerChrysler	2002	Germany	Auto
LEONI	2002	Germany	Wires and cables
GEA	2003	Germany	Engineering
SKF	2003	Sweden	Roller bearings & seals
Rheinmetall	2003	Germany	Auto components, weapons equipment, electronics
Bosch	2004	Germany	Auto, industrial, consumer goods & building technologies
Prym	2004	Germany	Metal press buttons, electrical contact parts
Renault	2004	France	Auto
Röchling	2004	Germany	Engineering plastics, auto engineering, electrical engineering
EADS	2005	France	Aerospace, defence
BMW	2005	Germany	Auto
Arcelor	2005	Luxembourg	Steel
PSA Peugeot Citroën	2006	France	Auto

IFAs SIGNED BY THE IMF

The IMF has so far signed 15 IFAs, the first in 2001 with Merloni (Indesit) and most recently with PSA Peugeot Citroën (see table above). All IFAs so far are with European-based companies.

INITIATING & NEGOTIATING

There have been no standard procedures for initiating or negotiating the existing IFAs. Where IFAs have been initiated by a body such as the European Works Council (EWC) or the World Works Council (WWC), it has generally been this body that has continued to lead the negotiations. In Volkswagen it was the WWC that initiated negotiations with the company. When the negotiations reached an impasse, on issues of content as well as on the question of the IMF signing the agreement, the IMF President was brought in to break the impasse, ultimately signing the agreement on behalf of the IMF. In the case of Arcelor, the EWC initiated a proposal for an IFA, but it was the IMF that presented a draft IFA for discussion and led the negotiations.

The IFAs signed with Renault and PSA Peugeot Citroën were both initiated by management directly approaching the IMF. Interestingly, this led to IMF playing a clear leading role throughout the process and acting as coordinator. In both cases IMF organised meetings with the affiliates concerned or consulted with them via email or phone, thus contributing to a sense of ownership by unions outside the home country.

The prominent role taken by EWCs in initiating, negotiating, implementing and monitoring IFAs at a global level has been raised as a concern by several IMF affiliates, not all of them outside Europe. For example, UK affiliate Amicus states in its position paper on IFAs that, “EWCs do not currently have negotiating mandates, their composition can include non-union members whose views may not be supportive, and clearly they only represent those within Europe”. Amicus argues that while EWCs can play an important role, it must be the national trade unions and the Global Union Federations (GUFs) who drive the process.

In 2002 German affiliate IG Metall set itself the target of achieving 25 IFAs by 2010. With nine out of the 15 IMF agreements, IG Metall has taken a leading role in instigating IFAs. In 2004 IG Metall published a guide for EWCs on initiating, negotiating and implementing IFAs. This guide emphasises that, no matter what the negotiation process has been, the IMF must be informed and involved from the very beginning and must always sign the agreement.

CONTENT

The content of the IFAs varies considerably, in some cases diverging significantly from the IMF Model IFA. The Model states that the ILO Core Labour Standards must be explicitly referenced by number, yet the Volkswagen and DaimlerChrysler IFAs do not reference them and do not mention collective bargaining at all. In the SKF agreement, only one

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What is an IFA?

International Framework Agreements (IFAs) are negotiated between a transnational company and the trade unions of its workforce at the global level. It is a global instrument with the purpose of ensuring fundamental workers' rights in all of the target company's locations as well as those of its suppliers.

The IMF Model Framework Agreement

The IMF Model Framework Agreement (Model IFA) was adopted by the IMF Executive Committee as a basis for negotiating International Framework Agreements (IFAs) with transnational corporations.

There are 3 key components to the Model IFA:

- The ILO Core Labor Standards – referenced as such,
- The requirement for contractors and suppliers to observe the standards of the IFA, and
- Union participation in implementation.

The ILO Core Labour Standards

In 1998 the International Labour Conference adopted a 'Declaration on Fundamental Principles and Rights at Work', considered to be an expression of commitment by governments, employers' and workers' organisations to uphold basic human values. The Declaration commits ILO Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions.

The four categories are:

- Freedom of association and the right to collective bargaining (ILO Conventions 87, 98, 135 and Recommendation 143)
- The elimination of forced and compulsory labour (ILO Conventions 29 and 105)
- The abolition of child labour (ILO Conventions 138 and 182)
- The elimination of discrimination in the workplace (ILO Conventions 100 and 111)

These 'core' Conventions are at the heart of the Model IFA which stipulates that they be explicitly referenced by number.

The supplier provision

In many cases, the worst abuses of labour rights do not occur in the company that signs the IFA, but in the companies that supply to it. For this reason, the Model IFA contains a clause stating that the company will require its contractors, their sub-contractors, principal suppliers and licensees (franchise-holders) to provide the conditions and observe the standards of the IFA when producing or distributing products or components for the company.

ILO Convention is referenced (pertaining to child labour).

The majority of the IFAs adopt the supplier provision using language similar to 'X company supports and encourages its suppliers to take into account these principles in their own corporate policy'. While the wording in a couple of IFAs is weaker than this, in others it is stronger, in some cases putting the supplier relationship at risk for failure to comply.

IMPLEMENTATION

Experience has shown that effective implementation requires significant resources to conduct meetings, maintain networks and coordinate activities. It is also clear that IMF does not have the resources to itself manage this level of implementation in all of the companies with which it has signed IFAs.

Implementation of existing IFAs has been somewhat patchy. In some cases, no action has been taken beyond ensuring that employees have a copy of the agreement in the appropriate language (and in some companies not even this has been done). In others, concrete steps have been taken to build international union networks and to develop action plans to use the IFA to extend union coverage within the company and its suppliers and to ensure that complaints are acted on.

In Volkswagen in 2003, a survey was sent to the workers' representatives as well as to the personnel managements of the different companies and plants asking what steps had been taken to make the agreement known in the workforce. A second survey was carried out in 2005 and the results were presented to the Global Works' Council in 2006.

The survey demonstrated that neither the management nor the workers' representatives in all companies and plants had fulfilled their obligations to inform the supplier companies of the existence and obligations of the IFA.

Proactive implementation of the LEONI IFA started in 2005 with a meeting in Germany of plant representatives and union officials, the primary focus of which was to assist unions to organise workers in unorganised plants.

As a result of the IFA, IMF affiliate Solidaritatea Metal has been able to organise two large LEONI plants in Romania



Romanian affiliate Solidaritatea Metal at a LEONI implementation meeting

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IFA implementation meeting in southern Africa, June 2006

PHOTO: NUMSA

and implement collective bargaining in one of them. Contact has also been made with workers in unorganised plants in Slovakia and Ukraine.

IMF's implementation work with LEONI has shown that:

- Despite management's assurances, workers (and even managers) in plants have an extremely limited awareness or understanding of the IFA,
- A lot more work needs to be done to identify suppliers and to ensure that they are aware of the IFA, and
- Union representatives within the company can make contact with workers in other countries through internal company networks and assist with unionisation.

In 2003, the World Employee Committee of DaimlerChrysler organised a Hearing of Experts in conjunction with the company, with the participation of the IMF, to gather ideas and perspectives on the IFA, its implementation and monitoring. Representatives attended from the ILO, the ICFTU, IG Metall and a range of NGOs active on labour issues. The message was that implementation should not exclude any stakeholders and that while unions are best placed to monitor IFAs, the assistance of recognised NGOs is welcomed, especially where unions are weak or non-existent.

In Latin America, a regional seminar on implementing and monitoring IFAs was held in Brazil in November 2005. The meeting brought together affiliated unions with plant representatives from IFA companies including Volkswagen, DaimlerChrysler, LEONI, SKF, Arcelor, Bosch and Renault.

The meeting approved a plan of action which includes:

- An information campaign on IFAs,
- Establishing communication networks between unions in the same company and between unions with IFAs in different companies,
- Implementation strategies including a regional map of suppliers, and
- Elaborating social monitoring projects together with NGOs.

In Southern Africa the IMF regional office regularly holds IFA workshops bringing together representatives from IFA companies as well as from suppliers to assist each other on implementation. Plant representatives bring lists of supplier companies to the meeting. These lists are used to decide which supplier companies to target for organising, with resources allocated accordingly.

ENFORCEMENT

It is important to recognise at the outset that no legal enforcement mechanisms exist at the global level. This means that any enforcement of IFA provisions relies almost exclusively on the capacity and strength of unions to compel companies to resolve complaints.

To date, there have been relatively few examples where complaints have been raised under an IFA, and even fewer where they have been resolved. Without doubt, the most experience with handling complaints under an IFA has been in DaimlerChrysler. Ten concrete cases of violations have been identified, seven of them relating to suppliers and three to dealers. Most of the complaints relate to breaches of the IFA provisions on freedom of association and the right to collectively bargain.

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Complaints made under the IFA are channelled to the DaimlerChrysler World Employee Committee (WEC), either via the IMF or directly. All cases so far have been settled by means of a procedure that involves:

- Indication of the alleged violations to DaimlerChrysler management,
- Examination by DaimlerChrysler management,
- Letter to the supplier, asking for examination and compliance with the IFA, and
- In some cases local solidarity actions.

An example of a case resolved under the DaimlerChrysler IFA that is often cited is that of Ditas, a Turkish supplier to DaimlerChrysler. In 2002, Ditas workers took industrial action because of the employer's refusal to respect trade union rights at the workplace and to bargain with the union, thus breaching ILO Conventions 87 on freedom of association and 98 on the right to organise and bargain collectively as well as the DaimlerChrysler IFA covering suppliers. A letter from the WEC to management about the breach played a significant role in a negotiated settlement being reached.

In Brazil, eight suppliers have been replaced because of pressure by unions on the company to enforce the IFA. IMF affiliate CNM-CUT has been able to successfully argue the legality of a stoppage at DaimlerChrysler over a breach by supplier Grob because of the supplier provision in the IFA

At the Bosch World Conference held in Germany in 2006, a number of complaints were raised about company actions, some of which breach the IFA provisions on freedom of association and the right to collectively bargain, discrimination and the right to equal pay. It became clear at the meeting that Bosch

management is not prepared to handle IFA complaints centrally, but maintains they should be handled at the local level.

One of the complaints raised at the meeting related to Bosch-owned plant Dobby in Wisconsin, USA. When members went on strike during a collective bargaining dispute, management coerced them back to work by threatening to bring in permanent replacement workers, a move that is allowable under US labour law, but arguably not under the IFA.

THE FUTURE OF IFAs

In September, delegates to the IMF IFA World Conference will be asked to consider questions such as:

- What standard of agreement should IMF agree to sign?
- How can we build international solidarity at the negotiation stage?
- Should IMF target particular companies for an IFA?
- What do we expect to gain from implementing IFAs?
- How can we ensure that companies comply with the terms of the IFA?

The conference will make recommendations to the IMF Executive Committee to help guide the IMF in its future work on negotiating, signing, implementing and enforcing IFAs.

This Special Report is a summary of a background paper prepared for the IFA World Conference, in Frankfurt, Germany, September 26 – 27, 2006. The full text of the background paper and additional information about the IFA World Conference is available on the IMF website at: www.imfmetal.org/ifa



CNM-CUT in Brazil successfully argue stoppage at Grob, a DaimlerChrysler supplier, 2005

This is the IMF

The International Metalworkers' Federation (IMF) represents workers in the metal industry. The IMF was founded in 1893 and has its head office in Geneva, Switzerland. Currently the IMF represents the interests of 25 million metalworkers in 200 affiliated unions in 100 countries.

The IMF endeavours to build a strong metalworkers' movement throughout the world. The Action Programme adopted by the last IMF Congress, in 2005, presents four major areas of activities: working for an alternative economic programme, organising the unorganised, promoting solidarity and fighting for human and trade union rights.

The highest decision-making body of the IMF is the Congress, which meets every four years. Between Congresses, the Central Committee, consisting of the delegates of all affiliated unions, meets every second year. The Executive Committee consists of 25 members elected by the Central Committee and usually meets twice a year.

The IMF head office, where the Secretariat is located, is in Geneva, Switzerland, where world-wide activities are coordinated with a network of regional and project offices:

- East and Southern Africa - Johannesburg, South Africa;
- South Asia - New Delhi, India;
- Southeast Asia and the Pacific - Kuala Lumpur, Malaysia;
- Latin America & Caribbean - Santiago, Chile and Mexico City, Mexico;
- CIS - in Moscow, Russia (project office).

The IMF has also developed regional and sub-regional structures for Africa, Asia and Latin America. In some countries, the IMF-affiliated unions have formed Country Councils.

To coordinate activities in specific industrial sectors, the IMF has industrial departments for the following sectors: aerospace, automotive, electrical and electronics, mechanical engineering, shipbuilding, and iron, steel and non-ferrous metals.



For the address of the IMF head office in Geneva, see page 2. The addresses for regional and project offices are:

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Calendar 2006

SEPTEMBER

- 06 - 07** IMFSouth-East Europe Sub-regional Committee meeting, Serbia & Montenegro
- 11 - 13** SKPWorld Union Committee, China
- 26 - 27** IMF World Conference on International Framework Agreements, Germany
- 28** BMWFA implementation meeting, Germany

OCTOBER

- 02 - 04** AB VolvoMeeting of European Works Council and Non-European IMF Affiliates, France
- 05 - 06** IMF Siemens Regional Conference for Latin America, Brazil
- 11 - 12** IMF Working Party on Trade, Finance and Development Policies, Canada
- 12 - 14** IMF regional seminar for North and South America: "Trade, Employment, and Development: a strategy for Trade Unions", Canada
- 18 - 19** Women working in global electronics supply chains, Singapore
- 24 - 25** IMF seminar on career development and life-long learning, France

NOVEMBER

- 01 - 03** Steering CommitteeAerospace Working Group Airbus-Boeing, Canada
- 13 - 16** IMF meeting on Gerdau, Brazil
- 13 - 14** GMAAsia-Pacific regional network meeting, Thailand
- 16 - 17** IMF regional project on organising non-manual workers, Argentina
- 28 - 29** IMF Executive Committee meeting, Switzerland

**For the latest updates, go to:
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Leading in exile

Napoleón Gómez Urrutia, general secretary of the Sindicato Nacional de Trabajadores Mineros, Metalúrgicos y Similares de la República Mexicana, and IMF Executive Committee member, is fighting the most aggressive attack on union autonomy and workers' rights ever seen in Mexico.

MEXICO Napoleón Gómez runs one of the most powerful and active unions in Mexico from a cell phone at an undisclosed location. Important messages, strategy and union business is transmitted daily to his staff based at a discrete office on the outskirts of Mexico City.

Regarded by some fellow labour leaders as a “natural enemy of the government”, Gómez and his union, known as Los Mineros, have paid a heavy price for standing up to the Mexican government and powerful business interests while asserting their union independence.

“They have killed us, they have jailed us, they have beaten us and threatened us. They have threatened our families,” Gómez said in a phone interview.

Gómez is referring to the recent government sanctioned violence against Los Mineros members and himself including: opening fire on and killing striking steelworkers at a Sicartas plant; covering up health and safety hazards that led to a tragic mine explosion which left 65 miners dead; jailing 21 strikers from a Nacozari copper mine; forcefully removing Gómez as union general secretary who has also received death threats aimed at himself and his family members.

The government claims Gómez was removed as leader because he stole US\$55 million from the union, a charge Gómez calls “a campaign to divert attention from the real problems in the country.”

“This is just a way to discredit me, they



NAPOLEÓN GÓMEZ URRUTIA

Country: Mexico

City: Monterrey

Position: General Secretary, SNTMMSRM

don't have any proof. They know where the money is because they have frozen all of our bank accounts.”

At 60 years old, having graduated from the National Autonomous University of Mexico and with a doctorate in economics from Oxford University, Gómez is neither your typical political refugee, nor union miner. His experience in Mexico's mines came at an early age watching his father, Napoleón Gómez Sada, who ran the miners' union for 40 years.

“As a boy I attended assemblies and union meetings. Often I accompanied my father to the mines. I was lowered into my first mine at the age of 16-900 meters in the San Francisco Gold mine in Chihuahua.”

Thirty-three years later Gómez officially joined the union heading a mining project in the state of Durango and later was appointed special delegate to the national committee for political and social programs.

After serving as assistant general secretary in 2000 he was unanimously elected general secretary of the Los Mineros in 2002, four days after the death

of his predecessor and father. He would again win the unanimous support of his membership in 2006 in the wake of gross government interference in union affairs, and strong opposition from some unions within the Mexican labour movement itself.

“The Labour Congress has had a strong tradition of institutionalised unions. We're promoting change during this difficult time in Mexico, they see me as a threat to their way of business. They prefer labour leaders who just take instructions from the government or companies, and we are different.”

Gómez and other labour leaders for change have founded the National Front for Defense of Unity and Autonomy of Unions, which represents 6 million workers.

When asked what is it like to be regarded as a Mexican revolutionary by some and an international fugitive by others, Gómez says he looks to his membership for resolve.

“It has been a very difficult time. But even today, after six months of the most aggressive attacks seen against a union, the miners still support me. This is what gives me strength: their friendship, their loyalty, their courage.”

Gómez, who has been overwhelmed by international solidarity, is quick to point out that what is happening in Mexico is a problem for all unions. “I call on all union leaders to actively protect union autonomy. If we allow the extreme right to do this in Mexico, allow companies to gain more political power, then it can happen anywhere.”

When asked if he is optimistic about the future of the Mexican labour movement, Gómez is quite matter of fact, “we will either get stronger after this crisis, or we will disappear.”

KRISTYNE PETER

For more information see p.7 and www.imfmetal.org/mexico