

Freedom at Work

2012



Democracy and an Economy for All



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July, 2012



Dear Friends of Labor Rights,

In 2011, many more Americans became aware of how workers' rights to freedom of association and collective bargaining are being undermined, particularly as initiatives in Ohio and Wisconsin threatened public workers' collective bargaining rights. Workers from Egypt to Mexico to the Philippines expressed solidarity with the struggle of US public sector workers, quickly connecting their rights to the rights of US workers. For many of these workers abroad it was genuine solidarity in its truest form; but it was also an intuitive understanding that threats to the rights of US workers have a ripple effect around the world.

This ripple effect is felt when Ikea, which is 80% unionized in Sweden, comes to the US and learns to use new union busting tactics at its Swedwood plant in Danville, Virginia.¹ The effect is apparent when electronics firms fail to comply with Chinese limits on overtime because we have no limits here; thus Apple openly announced it'll take 15 months to have its Chinese suppliers come into compliance with national law.² And this ripple effect becomes a flood when companies like Wal-Mart continue to do business with suppliers in Bangladesh, despite those suppliers pressing unsubstantiated charges against worker organizers for nearly two years and one of those worker organizers- Aminul Islam- being found dead, his body showing signs of having been tortured.³ This publication is a sequel to ILRF's 2010 Freedom at Work Toolkit, which laid out the fundamental rights to freedom of association and collective bargaining and outlined cases and examples of the ten "universal ways companies bust a union." In this second installment, we unpack why these rights are essential to democracy and economic prosperity for all—both in the US and abroad.

We start by looking at why the right to organize is a corner stone to democratic participation and enabling workers to share in the benefits of global trade. We examine four cases in the US, China, and Honduras where trade unions and worker rights advocates are pursuing new strategies to support hard-to-reach workers, many of whom are migrants or contract workers too poor to organize or claim their rights at work. We then look at the right to bargain collectively, which often gets second billing as the 'also-ran' partner right to freedom of association. We look at the critical role the right to collective bargaining plays in political transitions and in enabling workers to exercise their civil and political rights as well as their economic rights. Cases here are diverse, from Tunisia where trade unions with a seat at the bargaining table were able to support a peaceful transition to democracy- to Bangladesh where workers with no access to bargaining often find riots to be their only recourse and where repression of organizers has now turned deadly. Meanwhile, in the Philippines and the US, where workers' collective bargaining rights were trampled, organizers have turned these cases into galvanizing campaigns – helping to spur a coming together within the Philippine trade union movement and resulting in massive petition drives in Ohio and Wisconsin to turn back collective bargaining restrictions. Although this inspiring grassroots movement was defeated at the polls in Wisconsin after Governor Walker's campaign outspent his challenger seven to one, supporters continue to organize for future elections and future change through We Are Wisconsin, Inc., which is reaching out to increase voter participation everywhere.

We hope you will find the data points and cases in this report useful in your own worker rights advocacy and that you will continue to work with us to build transnational solidarity campaigns between workers in the US and workers abroad.

In Solidarity,

Judy Gearhart

Executive Director

I. An Introduction to Freedom At Work



A Force for Democracy and Economic Prosperity

In many parts of the world, freedom of association in the workplace has come under increasingly hostile attacks. In 2011, 75 labor activists were murdered and thousands more were harassed, fired, arrested or abducted for defending workers' rights.⁴

Yet beyond these heinous acts, workers face deep-rooted barriers to realizing the right to freely associate and bargain collectively in the workplace. The increasing mobility of capital, the rise of precarious work,⁵ and the growing power of multinational companies all threaten workers' ability to organize and collectively bargain. Aggravating matters further, many governments are pursuing policies to undermine these fundamental rights.

Why should anyone care that the right to organize and bargain collectively at work is one of the most widely violated human rights? Because our partners around

the world have shown us that these rights are a positive force for creating responsive democracies and economic prosperity.

If you care about democracy, economic inequality, and sustainable economic prosperity, you need to care about the fundamental right to freedom of association at work! Please share the stories in this report about brave organizers, who persist despite great personal risks, in pushing forward new strategies for organizing and protecting the rights of workers and the interests of their families.

What is Freedom of Association?

Freedom of association is the right of workers and employers to freely form or join organizations that promote and defend their interests at work, without interference from one another or the State. Based on Conventions 87 and 98 of the International Labour Organization, these fundamental rights guarantee that workers can:

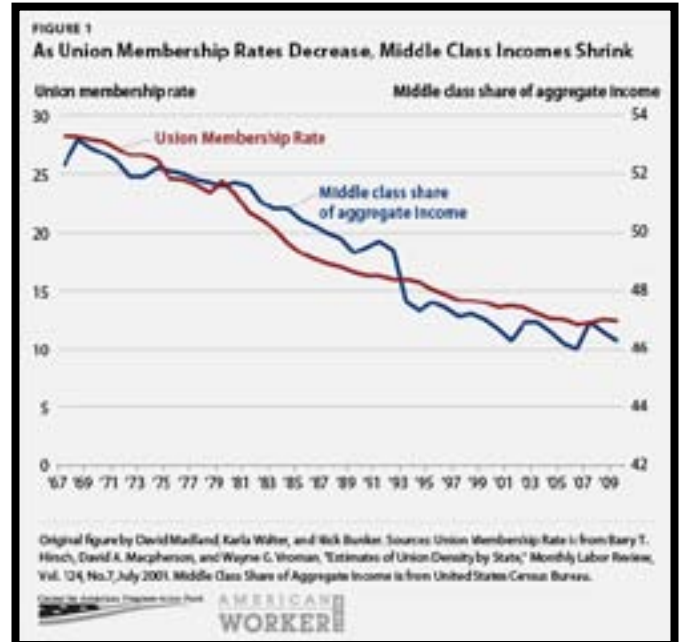
- Organize without interference or undue influence from management;
- Participate in union activities without suffering any discrimination; and
- Access trade union representatives without risk of reprimand.

A Global Economy that Works for Everyone

Freedom at work provides a foundation for sustainable economic growth. Research from around the world suggests when workers can freely organize in the workplace and bargain collectively with their employer, income inequalities decline and wages along with benefits increase for union and nonunion workers.⁶ Studies show that in industries with unionization rates of 25%, the wages of nonunion workers are 7.5% higher because of that unionization.⁷ Furthermore, studies by the International Labor Organization and others indicate that workplace freedom of association in democracies can enhance export competitiveness, industrial productivity and innovation.⁸

On the other hand, when freedom of association in the workplace comes under attack, income inequality tends to increase and workers' wages tend to stagnate or decline. In the United States, workers' share of net income has consistently declined alongside union membership. In 1968, working families⁹ received 53.2 percent of net income, when 28 percent of all workers were union members.¹⁰ But in 2010, working families only received 46.5 percent of net income and union membership dropped to less than 12 percent of workers.¹¹

Economic growth and economic stability depend on workers having sufficient purchasing power to spur consumer demand. Freedom of association helps achieve



this goal because wages and benefits for ordinary workers rise and income inequality declines when workers can freely organize and bargain collectively. In short, freedom of association helps create a working class capable of sustaining economic growth.

Democracy for Working Families

Most research on freedom of association focuses on how the right to organize and bargain collectively improves wages, but it less often discusses the important role these rights play in promoting democracy. Research by the Center for American Progress (CAP) indicates when workers are free to organize, political participation increases among union and nonunion workers and government policies are more responsive to the needs of working families.¹²

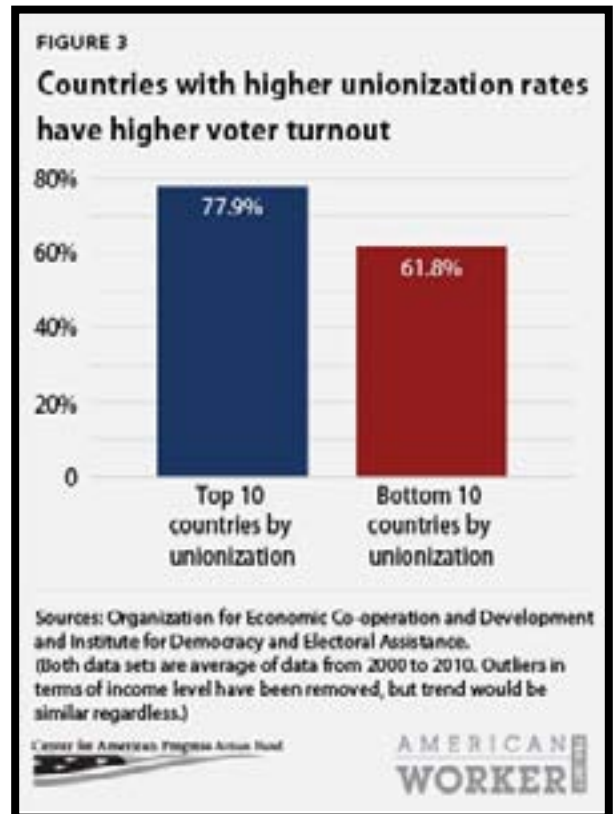
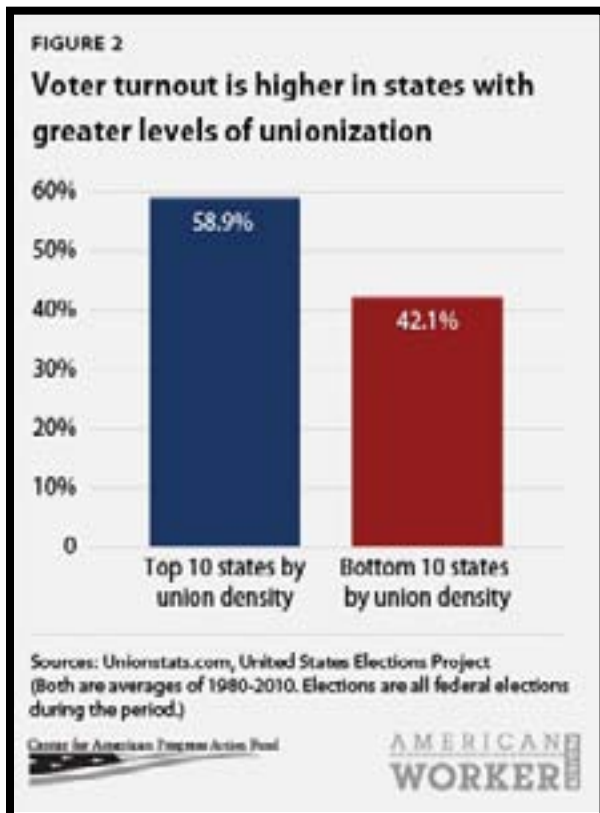


Gerry Rivera, President of Philippine Airlines Employees Association, and union members protest PAL outsourcing plan

According to CAP trade unions have a significant impact on voter turnout:

- A one percentage point increase in union density in the United States would increase voter turnout rates by .2 to .25 percentage points. Thus, if union membership were 10 percentage points higher during the 2008 presidential election, somewhere between 2.6 million and 3.2 million more Americans would have voted.
- The same holds true around the world. The average voter turnout rate for the ten countries with the highest rate of union membership is 16.1 percent higher than the ten countries with the lowest rate of union membership.¹³

insurance programs, higher minimum wage standards, and progressive tax systems.¹⁴ Without strong freedom of association protections in the workplace, governments tend to be dominated by powerful elites. When workers have the ability to organize and advocate for themselves, they can ensure that the interests of working families are at least considered.



The ability of workers to organize at work also plays a critical role in ensuring that government policies and services reflect the needs of working families. For example, states with higher unionization rates are more likely to have a strong social safety net, better health

II. Just Jobs

Guestworkers trafficked to United States to work for Signal International protest working conditions.

Source: National Guestworker Alliance



Strategies for Addressing Precarious Work

Perhaps the most devastating development in the fight to promote freedom of association in the workplace over the past decade is the growth of precarious work. Worldwide, millions of workers are exposed to precarious work that is poorly paid, insecure, and unprotected. According to the International Labour Organization, "Although a precarious job can have many faces, it is usually defined by uncertainty as to the duration of employment, multiple possible employers or a disguised or ambiguous employment relationship, a lack of access to social protection and benefits usually associated with employment, low pay, and substantial legal and practical obstacles to joining a trade union and bargaining collectively."¹⁵

The dramatic growth of precarious work is due to such factors as: the mobility of capital, the global drive to lower labor costs, shifts in the manufacturing sector, the rise of the service sector, and the spread of information technology. These factors have created an economy in which the demand for flexibility in the workplace and hypercompetitive cost cutting are breaking traditional employment relationships and moving workers toward precarious work.

The four cases in this section bring together some of the most innovative efforts to empower and protect precarious workers in the United States and around the world.

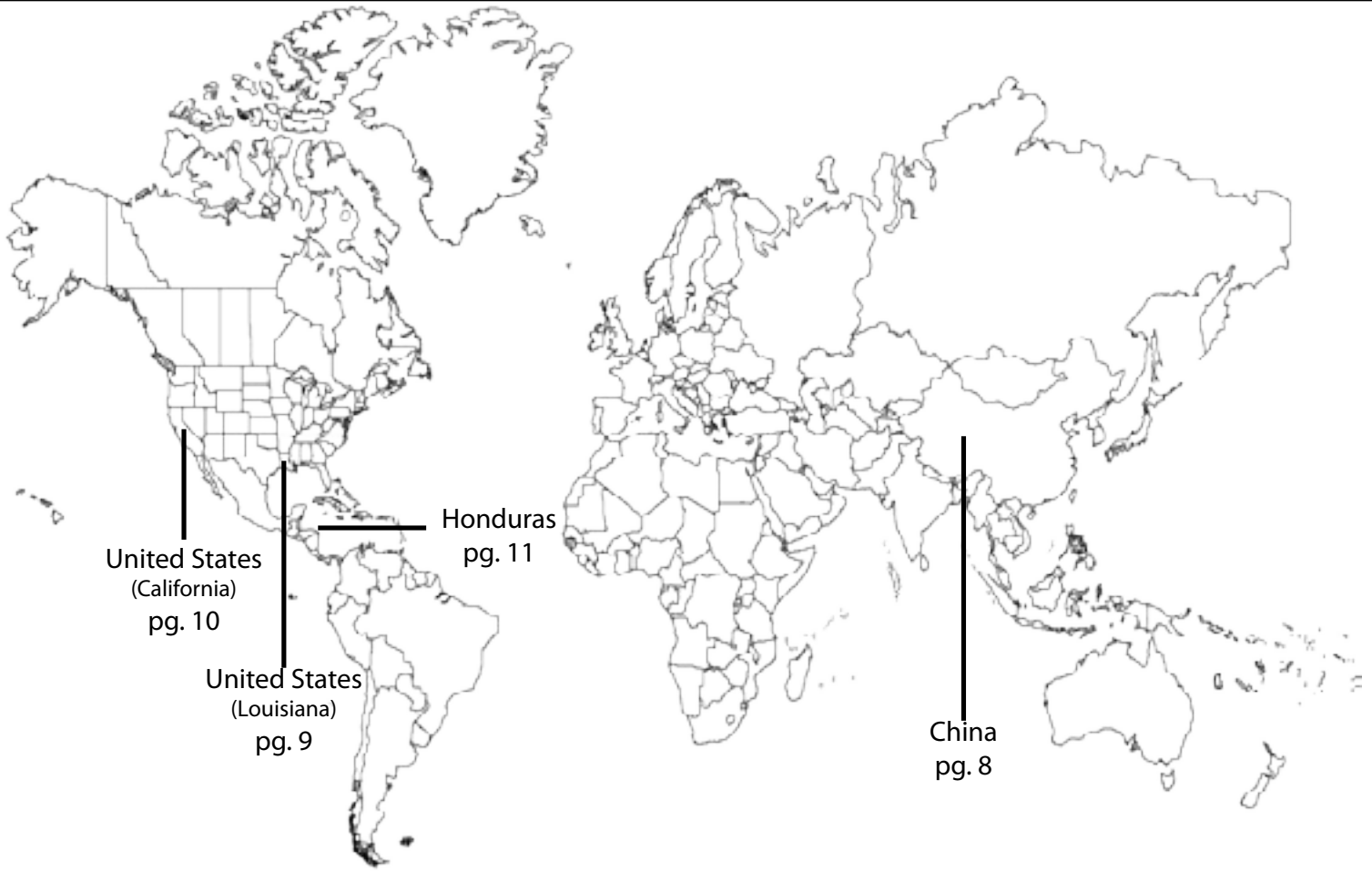
Rule of Law: Protecting Migrant Worker Rights in China discusses the International Labor Rights Forum's effort to educate the next generation of workers' rights advocates in China.

U.S. Guest Worker Programs: Immersion in Misery highlights the National Guestworker Alliance's fight to protect guest workers in the United States.

Teamsters Tackle Misclassification: Freedom of Association at America's Ports examines Change to Win and the Teamsters' multi-year campaign to create clean and safe ports by empowering port truck drivers.

Honduran Melon Workers: Defending Contract Workers discusses the Coordinating body of Banana and Agro-industrial Workers' Unions in Honduras' (COSIBAH) work to educate and protect exploited workers in the Honduran melon industry.

Precarious Work Cases



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Strengthening Rule of Law

Construction workers in China



Protecting Migrant Worker Rights in China

Chinese migrant workers have fueled the country's economy, making China the "workshop of the world." Yet the transition to an export economy has also created opportunities for exploitation. On one level, China's focus on economic growth has created close ties between government and businesses at the expense of workers. Even diligent regulators however, have had trouble keeping up with the pace of economic change, creating additional opportunities for labor exploitation by the private sector.

Two types of labor relationships, those involving labor contractors and labor dispatch services, provide examples of this challenge. Labor contractors, acting as third parties between workers and companies, are common in industries requiring temporary labor. Limited protections for temporary migrant workers, and little if any formal relationship between workers and the companies for whom they work, means that migrants are often exploited. Despite laws prohibiting the practice, many companies continue to pay wages directly to contractors. Should contractors not receive payment or cut and run before pay day, workers are left in a difficult position, having no formal relationship with the parent company.

Labor dispatch services provide another example of rapid changes creating opportunities for exploitation. While labor dispatch companies are increasingly common, laws governing the relationship between the dispatch service, workers, and companies remain largely undefined. Legal and regulatory confusion has allowed dispatchers and

employers to claim that workers' compensation is the responsibility of the other party. Because Chinese legal institutions lack the tools to manage these relationships, decisions regarding responsibility often stall at workers' expense.

Working inside the existing Chinese legal framework, the International Labor Rights Forum is helping address the exploitation of migrant workers by partnering with local universities to train the next generation of labor lawyers through its University Clinic Programs.

With partner universities in five separate cities throughout China, these labor law clinics provide law school students with important experience handling labor law cases, while giving free legal representation to workers; thus pressuring local Chinese courts to implement the laws as they were written. Through these programs, the ILRF has helped support the training of hundreds of new labor lawyers, resolved hundreds of new cases, provided advice and consulting on thousands of additional cases, and empowered workers to retrieve millions of Chinese Renminbi in owed back wages and legal compensation.

ILRF believes that the first step towards improving working conditions must be to empower workers to claim their legal entitlements; this contrasts sharply with all the funds brands are investing in factory monitoring and manager training.

U.S. Guest Worker Programs

Exchange students and supporters protest outside of Hershey's flagship store in New York.

Credit: National Guestworker Alliance



Immersion in Misery

Hundreds of thousands of guest workers enter the U.S. every year to work in industries like construction, education, healthcare and hospitality. They come seeking a better life and an immersion in the American experience.

Unfortunately, once they arrive, many guest workers find the American Dream is only a distant hope. Instead of decent work and fair pay, guest workers often find themselves deeply in debt, working long hours in poor conditions. Legally bound to one company, guest workers are vulnerable to exploitation; living and working under an employer's complete control. If guest workers leave their employer for any reason – even to escape abuse and forced labor – they lose legal status and risk deportation. When guest workers organize for better conditions, employers frequently terminate and deport workers, subjecting them to virtual debt servitude in their home countries.

The National Guestworker Alliance (NGA) was formed after Hurricane Katrina, to organize thousands of guest workers who were forced into labor camps across the Gulf Coast. Today, NGA fights for better working conditions, sensible migration policy, and new protections for all workers. The use of guest workers is symptomatic of industries where brands and retailers are seeking to drive down costs by outsourcing jobs and shedding their responsibilities as direct employers. Such was the case that embroiled Hershey last year when their search for cheaper packing services had them maligned for human rights abuses at a nearby subcontractor.

"In August 2011, 400 students occupied the Hershey's factory to expose how the chocolate giant hijacked a cultural exchange program to turn hundreds of permanent, local, living-wage jobs into sub-minimum wage, temporary jobs. Secretary Clinton has vindicated the student guestworkers by pushing back against Hershey's and hundreds of corporations like it."

Saket Soni, Executive Director, National Guestworker Alliance

In response, NGA launched the "Justice at Hershey's" campaign with 400 students who came to the U.S. for a cultural exchange and found themselves captive workers at a Hershey packaging facility. With NGA's support, students staged a walkout, the first labor protest in the 50-year history of the State Department's J-1 visa program.¹⁶ The State Department subsequently banned the recruiting agency in the Hershey's case from participating in the program¹⁷ and OSHA fined Hershey's subcontractor \$283,000 for workplace safety violations.¹⁸ NGA continues to demand that Hershey end guest worker exploitation and create living wage jobs for local residents.

The NGA has also joined with ILRF to press Hershey for broader accountability to all workers in their supply chain—especially children working in the West African cocoa fields that continue to supply the majority of Hershey's cocoa.

Teamsters Tackle Misclassification

Seattle Port Drivers on Strike

Credit: Coalition for Clean & Safe Ports



Freedom of Association in America's Ports

Misclassification of employees as 'independent contractors' is one of the most powerful tactics companies exploit to deny workers the right to freedom of association and collective bargaining. In the U.S., employers misclassify millions of workers to cut costs, avoid taxes, and stop workers from organizing.

"We are mostly immigrants and mostly blacks," said Burhan Abdi, a Seattle port truck driver, during a press interview. "I come from Somalia. Nobody even knows the word discrimination back there. But over here, I see discrimination when something wrong is happening. And everything wrong is happening in the Port of Seattle. We may come from countries far away, but we still have rights."¹⁹

Eighty two percent of America's 110,000 port truck drivers are considered 'independent contractors.'²⁰ But instead of bringing independence, misclassification often entails working for less than minimum wage, onerous financial burdens, and strict control by employers. Independent status means port drivers are required to: buy or lease trucks from their employers; pay for maintenance costs, inspections and fines; and wait for wages to be paid upon delivery, which means drivers are forced to idle for hours without pay.

After clocking a 59 hour average workweek, port drivers earn about \$10 an hour or \$28,783 annually, but many make as little as \$15,000 a year.²¹

As part of the "Clean Ports, Safe Ports" campaign, the Teamsters and Change to Win are challenging the 'independent contractor' lie. For two weeks in February, 400 port drivers in Seattle and Tacoma launched a work stoppage to demand better conditions and a change in their independent status. And in the same month, Los Angeles port drivers, who happen to be directly employed by Toll, an \$8.3 billion logistics company that serves many well-known apparel companies, filed to join the Teamsters.

With more aggressive action and further efforts to undo misclassification, port drivers may be able to regain their right to freedom at work.

Honduran Melon Workers

COLSIBAH (Coordinating Body of Banana and Agroindustrial Workers Unions of Honduras) calls for support for collective bargaining.

Source: COLSIBAH



Defending Contract Workers

In 2011, the Honduran melon industry captivated consumer attention with one of the worst foodborne illness outbreaks in decades. Recent industry reforms have created higher product quality standards, but have failed to improve working conditions on melon plantations.

Although melon workers overwhelmingly want to improve working conditions, companies use short-term contracts to undermine organizing efforts and government agencies frequently fail to enforce existing laws. In addition, the sheer poverty in the Honduran melon growing region – one of the poorest pockets inside the 4th poorest country in the Americas – has resulted in workers often too afraid to organize despite the terrible working conditions.

When asked what the first changes that Melon workers would like their employers to make, the workers responded with the following:

1. Pay the legal minimum wage
2. Increase workers' salaries
3. Improve supervisor treatment of workers
4. Comply with IHSS social security requirements

In March, ILRF jointly released a study with the well-established Honduran Banana unions (COSIBAH), which has been working for several years to reach out to workers

in the melon sector, to document working and living conditions and build workers' ability to claim their rights at work. The systematic survey of conditions in the Honduran melon industry (available at: laborrights.org/melons2012) is based on several years of outreach by COSIBAH to some of the most vulnerable workers in their country. In reality, COSIBAH has played more of a labor rights watch dog role, with little to no hope of organizing affiliates in the sector any time soon.

Honduras is the fourth largest exporter of melons to the U.S., employing more than 25,000 workers. This predominantly female workforce typically faces twelve to fourteen hour work days, seven days a week; salaries below minimum wage; exposure to dangerous chemicals; inhumane working conditions; and employers that disregard legal requirements to pay into Social Security.²²



Interview with Melon Worker



Iris Munguia

Last year marked a major milestone for the role of women in the international labor movement: Iris Munguia was elected Secretary General of COLSIBA (the Coordinating Body of the Latin American Banana and Agricultural Unions), the largest private sector union in Latin America with 70,000 members in 8 countries. She is the first woman to be elected to lead COLSIBA since its founding in 1993. Born on a Chiquita plantation, Iris began as a rank-and-file banana packing plant worker at age 18. She joined the union immediately and became widely known for her ability to communicate with workers across the plantation and her zealous defense of their rights on the job. At first she held posts such as secretary or treasurer – “the jobs that often go to women” she said – but in 1994 she became the first woman ever to lead her local union. As Secretary General of COLSIBA, Iris has adopted innovative strategies such as encouraging national affiliates to reach out to other sectors and regions (like Honduras’ melon sector); building women’s leadership programs; and coordinating with labor rights NGOs and consumer advocates in the United States and Europe.

Specifically, 85 percent of female melon workers reported receiving less than minimum wage.²³ Sixty nine percent work overtime hours for which nearly half are not paid.²⁴ Only 30 percent are provided with potable water, restrooms, or cafeterias.²⁵ And most workers are frequently exposed to dangerous chemicals, for lack of protective equipment and appropriate safety training.²⁶ As a result, many workers suffer from work-related illnesses and injuries.



Melon farm in Southern Honduras

As melon production in Southern Honduras has grown up, the banana sector has increasingly struggled. Faced with competition from Africa and Ecuador, the price paid for bananas has declined steadily and so have working

conditions, wages and the ranks of the once strong banana unions of Honduras.

The big three banana companies – Dole, Del Monte and Chiquita – have sold off many of their fields as they compete with logistics giants like Wal Mart, which can now buy directly from farmers almost anywhere in the world. In response, the Coordinating Body of Latin-American Banana and Agroindustrial Workers’ Unions (COLSIBA) – which coordinates unions in eight countries and supports 70,000 agricultural workers – has pursued innovative strategies, such as encouraging national affiliates to reach out to other sectors and regions; building women’s leadership programs; and networking with consumer advocates.



Consultation with Melon Workers

III. Broken Democracy

Ohioans protest anti-worker legislation.

Credit: Ohio AFL-CIO



Responding to the Global Attack on Collective Bargaining Rights

From Wisconsin to Tunisia, Egypt to Wall Street, 2011 was the year of the protester; the year that the 99% made their collective voice heard. Trade unions and labor activists in the United States and around the world played a central role in supporting the calls of the 99% for more meaningful democratic participation and a global economy that works for everyone.

At the same time, workers in the United States and abroad face increasingly hostile attacks on freedom of association in the workplace, undermining the ability of unions to promote participatory democracy and sustainable economic growth. Some of the most damaging attacks of the last year involve the right to collective bargaining. Collective bargaining is a process through which employers and trade unions negotiate terms and conditions of work, such as pay, hours, and benefits. When workers are denied the right to bargain collectively with their employer, freedom of association is largely rendered ineffective and the ability of workers to participate in and help build a strong democratic society is harmed.

The four cases in this section highlight the role unions have played in recent prodemocracy movements and discuss some of the worst attacks on collective bargaining rights over the last year.

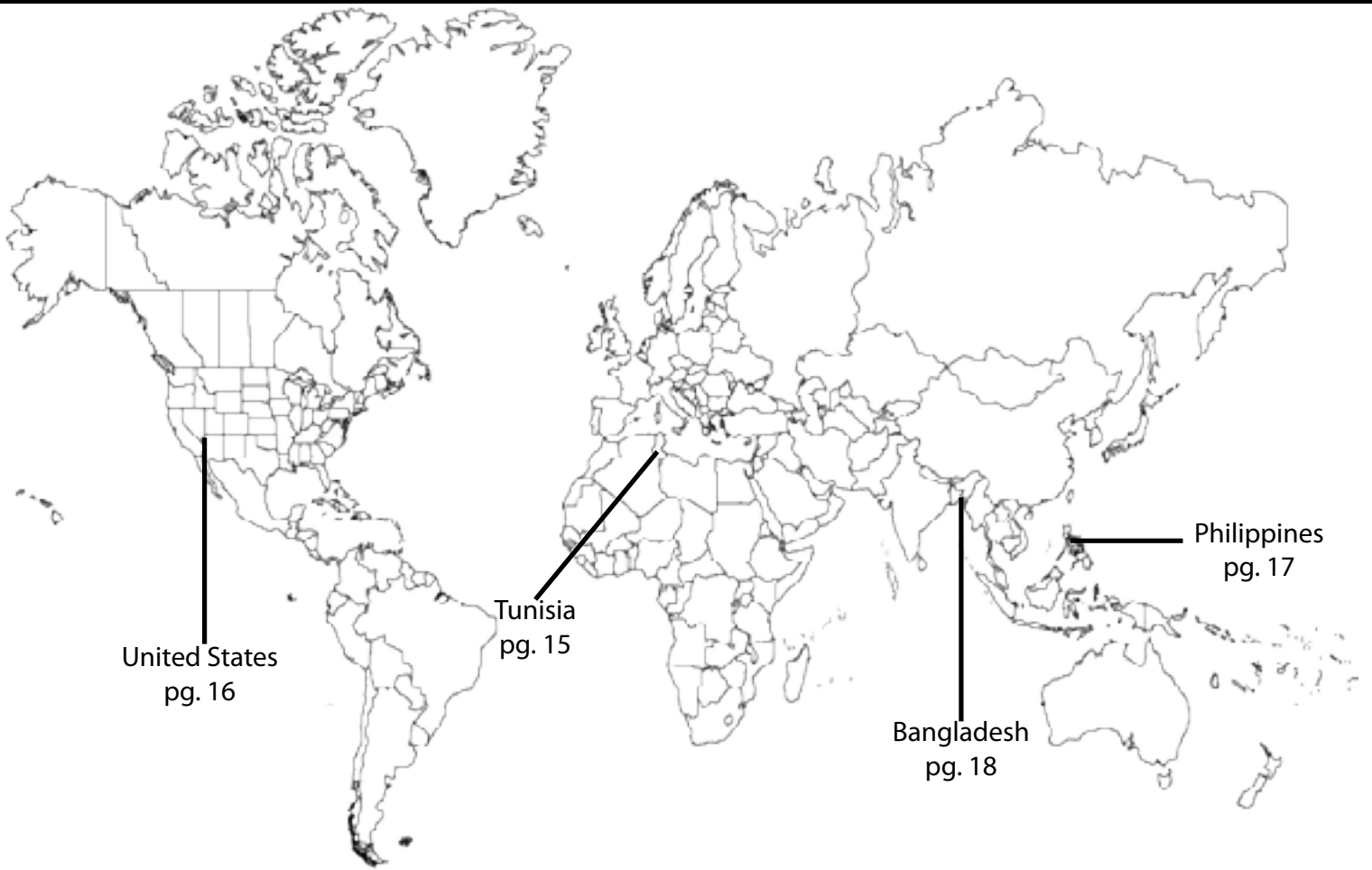
Tunisia's Arab Spring: Public Sector Unions and the Opportunity for Democracy discusses the role Tunisia's largest union played in the downfall of Tunisia's dictator and the subsequent democratic transition.

Denying Bargaining Rights: Assault on Freedom of Association in the Public Sector debunks the ongoing attacks on public-sector workers' bargaining rights in the United States.

Philippine Airlines: An Aerial Attack on Freedom at Work highlights the extent to which governments and corporations are colluding to deny workers the right to bargain.

Garment Workers: Intimidation, Torture, and Murder to Destroy a Movement examines the recent torture and murder of Bangladeshi labor activist Aminul Islam as an attempt to undermine garment workers ability to gain bargaining rights in the country's garment industry.

Collective Bargaining Cases



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Tunisia's Arab Spring

Protesters in Tunis

Credit: Nasser Nouri



Public Sector Unions and the Opportunity for Democracy

Although some commentators attribute the demise of Tunisia's despot to social networking, calling the downfall of Ben Ali's regime the first 'Twitter revolution', the revolution in large part succeeded because Tunisia's largest union embraced the popular uprising and the desire for a democratic transition.²⁷

After decades of balancing confrontation with the need to work under a stifling authoritarian regime, the leadership of the General Tunisian Workers' Union (UGTT) – Tunisia's largest union with 517,000 public sector workers – was moved to action by grassroots union activists and young Tunisians outraged by the endemic lack of economic opportunity and the self-immolation of Mohamed Bouazizi in response to government oppression.

In spite of Ali's totalitarian rule, local and regional UGTT branches managed to mobilize their members to support the revolt and urged union leaders to follow them. UGTT's facilities turned into war rooms and staging areas, where activists issued calls to action and demonstrators gathered for marches.

Driven by the demands of its grassroots activists, the UGTT declared general strikes in three regions that helped force Ben Ali to resign.²⁸ Not only did UGTT play a critical role in overthrowing Ali, the union also played an important role during the democratic transition. For example, UGTT helped oust the first transitional government because it was filled with Ali supporters.

Although Tunisia's economic and political transformation remains a work in progress, Tunisian labor activists continue to play a major role in advocating for democracy and an economy that works for everyone. In March, the AFL-CIO decided to honor UGTT with the 2012 George Meany-Lane Kirkland Human Rights Award for the role it played during the revolution and the subsequent transition.²⁹

"The UGTT and the new government face many challenges —political, social, and economic. But we have strong hope that we can meet them."³⁰

Sami Aouadi, Secretary General of the Federation of University Professors and Teachers of Tunisia

The Tunisian revolution presents unions in a rare and dramatic point in history, but it also reveals that unions, even under an authoritarian regime, have the ability to advance the interests of society-at-large and create democratic institutions.

Denying Bargaining Rights



Assault on Public Sector Unions

In contrast with Tunisia, U.S. public-sector workers have become a convenient scapegoat for redirecting blame from the role corporate excess played in the recent economic crisis.

Beginning in Wisconsin, governors and legislators around the country have passed a series of laws to weaken workers' rights to freedom of association and collective bargaining in the public sector. During last year's legislative season, the National Conference of State Legislatures tracked over 700 bills targeting public-sector unions, introduced in virtually every state.³¹

Guided by corporate backed groups, like the American Legislative Exchange Council (ALEC), anti-worker pundits have argued that public employees earn far more than private-sector workers. "Liberal big government interests are fighting efforts to rein in out-of-control public employee pay and benefits in Wisconsin," said the Republican presidential candidate, Mitt Romney. Adding, "It is critical that we stand with the Wisconsin GOP as it stands up for the rights of the taxpayer."³²

However, a comparison of workers by educational level shows that public-sector workers actually earn 11 to 12 percent less than their private-sector counterparts.³³ Furthermore, anti-worker pundits argue that bargaining rights for public employees have caused state deficits to balloon. "In fact there's no relationship between states whose employees have bargaining rights and states with

big deficits," writes former Secretary of Labor, Robert Reich.³⁴

"Some states that deny their employees bargaining rights -- Nevada, North Carolina, and Arizona, for example, are running giant deficits of over 30 percent of spending. Many that give employees bargaining rights -- Massachusetts, New Mexico, and Montana -- have small deficits of less than 10 percent."³⁵

The consequences of the misplaced attacks on public-sector workers' right to bargain and organize has yet to play out, but lessons from around the globe suggest gutting workers' rights has negative consequences for democracies and economies. If the body of research on the subject is correct, the ongoing attacks on public-sector workers' right to bargain collectively may lead to a drop in voter participation rates and a decline in government policies that benefit working families.

The trade union leaders and community organizers in Wisconsin, Ohio, and other states are fighting to prevent this trend. After being outspent seven to one and defeated in Wisconsin, local leaders formed "We Are Wisconsin, Inc.," which is a coalitional effort promoting nonpartisan voter education and mobilization and empowering state residents to act on important public policy issues that are important to working families all across the state.

Philippine Airlines

Philippine Airlines workers protest PAL's outsourcing plan.

Credit: Philippine Airlines Employees Association



An Aerial Attack on Freedom at Work

Philippines Airlines (PAL) is the oldest commercial airline in Asia. Out of its hubs, the airline serves the Philippines and twenty-four destinations in Southeast Asia, the Middle East, East Asia, Oceania and North America.

Until recently, PAL and its union workforce, represented by the Philippine Airlines Employee Association (PALEA), maintained a collaborative relationship. In fact, after the 1997 Asian financial crisis, PALEA workers agreed to suspend their contract and accept across the board wage freezes for more than a decade to help the company.

However, after posting record sales of \$75.2 million in 2011, PAL unexpectedly decided to implement an illegal "fire and rehire" outsourcing scheme to cut compensation and rehire workers at significantly reduced rates. With the unprecedented blessing of the Philippine Department of Labor and the President of the Philippines,³⁶ PAL fired some 2,600 workers and outsourced their jobs to subcontractors in violation of the existing union contract.³⁷

Stunned by the collusion between government and corporate elites, which set the precedent that Philippine companies can violate collective bargaining agreements and Philippine law, the union filed suit in court. The case remains unresolved to this day.³⁸ Both the International Labour Organization and the US Government have raised questions about the legality of the government's efforts to support PAL.

In September, PAL workers held a protest action at their places of work including the Manila International

Airport in a bid to stop the impending loss of their jobs. For more than six months, over one thousand workers have continued to occupy the perimeter of PAL's In-Flight Center to protest PAL's outsourcing scheme and the company's unprecedented attack on freedom of association. The PAL case has united the labor movement in the Philippines around PALEA's fight to stop PAL management and its allies from commandeering the collective bargaining process and destroying the legitimacy of labor rule of law in the country.

PALEA's tent city has drawn connections with the 99% movement in the US and, like the Occupiers, has conducted teach-ins about the rights they are struggling to protect. PALEA's broader advocacy for their case and what it means for labor rights in the Philippines more broadly, has also inspired the US labor rights community, which has supported PALEA's struggle through donations and rallies during General Secretary, Gerry Rivera's tour of cities in May.

Garment Workers

Aminul Islam, Labor Rights Advocate 1973 to 2012



Intimidation, Torture and Murder to Destroy a Movement

In April, Aminul Islam left his office for evening prayers. He never returned home. His body was found a day later. According to police reports his body bore severe torture marks.

Aminul was a senior organizer at the Bangladesh Center for Worker Solidarity (BCWS) and a local leader for the Bangladesh Garment and Industrial Workers Federation (BGIWF). Labor rights groups believe Aminul's murder was related to his union work with apparel workers.

Bangladesh employs 3.4 million garment workers that produce \$12.59 billion in exports. While Bangladeshi garment exports continue to grow, garment workers still face meager wages and dangerous working conditions.

The minimum wage for Bangladeshi garment workers is 20 cents per hour, the lowest wage of any major garment producing country. Nutritional studies show that this wage is barely sufficient to buy the food necessary to feed a worker, let alone a family. The garment sector has also been ravaged by a series of fires and building collapses that have killed over 400 garment workers since 2006.

The BCWS and the BGIWF were borne out of these conditions. Since the early 1990s, BCWS has worked to advance workers' rights by documenting labor abuses and strengthening the capacity of workers to advocate for themselves. Most recently, Bangladeshi trade unions and labor rights organizations persuaded PVH to fund a groundbreaking national fire and building safety program. In response to Aminul's murder, BCWS and BGIWF have

launched a national campaign calling for a thorough investigation into his death and demanding that the government and apparel companies protect workers' right to freedom of association. Based on the kind of torture evidenced on Aminul's body and his own reports of previous arrests and torture interrogations, there is every indication that Aminul's death is related to his efforts to organize garment workers. The case has thus sent an ominous message to other organizers and the continued lack of closure on the case indicates the government is either complicit or tolerant of such actions, which fundamentally undermine workers' rights at the expense of democratic principles.

ILRF is pushing more brands to sign onto the MOU that PVH signed, because it is: a direct, binding agreement between brands and stakeholders; includes transparency requirements and dispute resolution mechanisms that can break through entrenched corruption inherent in Bangladesh building inspections; and it calls for the direct involvement of worker organizations in the training of workers in building safety monitoring. In a country where trade unions rights are so thoroughly repressed, brands cannot stand by and allow their suppliers to continue shutting trade unions out of factory-based solutions. Wal-mart stood by while their supplier, Envoy, continued to press unsubstantiated charges against Aminul Islam for nearly two years. Brands' tacit acceptance of this repression has to stop and we will increasingly call it what it is: complicity!

Take Action

What you can do?

Take Action:

Justice At Hershey's

- Tell Hershey's chairman: Talk is cheap. Real responsibility means signing a pledge to end exploitation and create dignified, living wage jobs for local workers.
- http://salsa3.salsalabs.com/o/2121/p/dia/action/public/?action_KEY=7305

Coalition for Clean & Safe Ports: Support America's Port Truck Drivers

- An estimated 60,000 port drivers work extremely long hours with low pay, cannot afford health or retirement benefits, and many have one foot in bankruptcy court. They currently have no legal ability to improve their situation because they are usually and deliberately misclassified by their employers as independent contractors instead of as employees. The "sharecropper status" of port drivers affects everyone because of the troubling implications for national security, highway safety, and environmental pollution.
- Join America's port truck drivers on facebook: <http://www.facebook.com/pages/Coalition-For-Clean-Safe-Ports/88931646311>

Bangladesh: Investigate Aminul's Murder

- Aminul Islam was found murdered on April 5th. His body bore signs of brutal torture. All evidence points to the likelihood of action in retaliation for his support of garment workers' right to organize. Join us in supporting organizing for a thorough and impartial investigation.
- <http://laborrights.org/justiceforaminul>

Encourage Apparel Companies Producing Clothing in Bangladesh to Join Agreement for Fire and Building Safety

- PVH (owner of Calvin Klein, Tommy Hilfiger, and other brands) has agreed to fire and building safety in its Bangladesh supply chain. Now ask other apparel brands and retailers to join with PVH in protecting workers lives.
- <http://laborrights.org/firesmou>

Call for Justice for Women on Melon Plantations in Honduras

- Join COSIBAH, a Honduran agricultural trade union, by standing up for women workers in Honduras who are facing labor rights and human rights violations when growing melons for export. Send letters to the Honduran Ministry of Labor, the Honduran Social Security Institute, and to melon companies Suragro and Fyffes.
- <http://laborrights.org/melons>

Until Fired Workers Are Reinstated: Boycott Philippine Airlines and Air Philippines

- Once workers in Philippine Airlines ground crew protested the planned outsourcing of their work, they faced violent repression by police. 2,600 workers were locked-out and fired from their jobs. Call on Philippine Airlines and the Philippine Government to ensure that the workers are immediately reinstated.
- <http://laborrights.org/palpetition>

Shop with a Conscience

- Check out ILRF and SweatFree Communities' Shop with a Conscience Guide: <http://sweatfree.org/shoppingguide>
- Find company ratings on Free2Work, <http://free2work.org>
- Find unionized hotels to stay at here: www.hotelworkersrising.org/HotelGuide
- And find out how to plan an event serviced by union workers here: www.inmex.org

We Are Wisconsin

- "We Are Wisconsin" is a coalitional effort to educate and assist disconnected and underrepresented populations on voting and election participation in a nonpartisan manner. We Are Wisconsin also engages and empowers state residents to act on important public policy issues. We Are Wisconsin PAC and We Are Wisconsin Political Fund work to elect candidates who support progressive public policies important to working families all across Wisconsin.
- www.wearewisconsin.org

For More Information:

On ILRF's Freedom at Work Campaign:

www.laborrights.org/end-violence-against-trade-unions

On Trade Union Rights:

International Trade Union Confederation 2011 Survey:
www.survey09.ituc-csi.org

American Rights at Work:
www.americanrightsatwork.org

International Labour Organization
www.ilo.org

Human Rights Watch, Business & Human Rights Program:
www.hrw.org/en/category/topicbusiness

On Union Issues in Your Community:

Jobs With Justice:
www.jwj.org

Interfaith Worker Justice:
www.iwj.org

Global Labor News and Views:

AFL-CIO Blog:
www.blog.aflcio.org

AFL-CIO YouTube Channel:
www.youtube.com/AFLCIONow

American Federation of Government Employees:
www.afge.org

American Federation of Teachers:
www.aft.org

Business & Human Rights Resource Centre:
www.business-humanrights.org

Center for American Progress: <http://www.americanprogress.org/issues/economy/labor>

Center for Labor Renewal:
www.centerforlaborrenewal.org

Change to Win Blog:
www.changetowin.org/connect

Communication Workers of America:
<http://www.cwa-union.org/>

Global Labor Strategies:
www.laborstrategies.blogs.com

ILRF Blog:
laborrightsblog.typepad.com

International Association of Machinists:
www.goiam.org

International Brotherhood of Teamsters:
www.teamster.org

International Trade Union Confederation:
www.ituc-csi.org

ITUC YouTube Channel:
www.youtube.com/ITUCCSI

International Union, United Automobile, Aerospace and
Agricultural Implement Workers of America:
www.uaw.org

Laborer's International Union of North America:
www.liuna.org

Labor Notes:
www.labornotes.org

Labour Start:
www.labourstart.org

Labour Start News Videos:
www.labourstart.org/tv

Maquila Solidarity Network:
www.maquilasolidarity.org

SEIU Blog:
www.seiu.org/blog.php

Sheet Metal International Workers Association:
<http://www.smwia.org/>

Solidarity Center, AFL-CIO:
www.solidaritycenter.org

Union Review:
www.unionreview.com

United Food and Commercial Workers:
www.ufcw.org

Unite Here:
www.unitehere.org

USLEAP:
www.usleap.org

Human Rights and Development:

Amnesty International:
www.amnesty.org

Oxfam International:
www.oxfam.org

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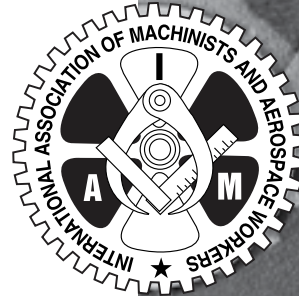
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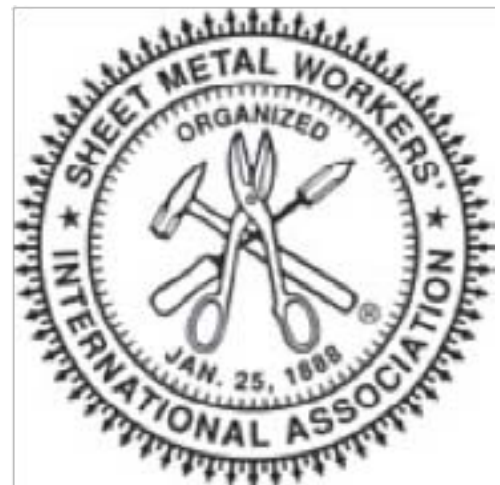
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