



The Global State of Workers' Rights: Free Labor in a Hostile World

By Arch Puddington

Some 30 years ago, in August 1980, workers in communist Poland formed the independent Solidarity trade union movement, thereby challenging one of the totalitarian system's fundamental principles: control of labor organizations by the party-state. The strike that led to Solidarity's establishment was launched at the Lenin shipyards in Gdansk. It quickly spread throughout Poland, and its program escalated from workplace issues to a sweeping demand for freedom to create the institutions that undergird a democratic society. After a decade of tumult and repression, Solidarity emerged triumphant, compelling the country's communist authorities to allow competitive elections that resulted in a landmark victory for the democratic opposition. This in turn led to the domino-like collapse of communist rule throughout Central and Eastern Europe and, two years later, the breakup of the Soviet Union.

The question some are asking today is whether a phenomenon similar to Solidarity might be possible in what is now the world's most powerful authoritarian country, China. In recent years, evidence of worker unrest there has steadily mounted. Strikes and other forms of labor protest occur regularly; just in the last few months, workers have called high-profile strikes at installations operated by some of the world's largest multinational corporations. As was the case in Poland, the official labor umbrella group, the All-China Federation of Trade Unions (ACFTU), has played an obstructive role by trying to force striking workers back into their enterprises and in some instances acting as strikebreakers. There are also signs that some within the ACFTU, unlike in the official Polish union, see a need for change that seems to be lost on the leadership.

The burgeoning workers' resistance in China has drawn supporters and participants from many segments of the economy, including cab drivers, teachers, and factory workers. Despite their lack of experience as union activists, they have embraced the tried-and-true tactics of labor protest—sit-down strikes and roadblocks, for example—and have eschewed violence. These youthful workers have also used mobile telephones and the internet to draw attention to their causes. The stories they tell about conditions at the workplace are eerily familiar to anyone who is acquainted with the history of the trade union struggle in Europe and North America: low pay within the context of rapidly expanding inequality, punishing hours, harsh supervisors, and a consuming work routine that discourages family life.

The most recent strike wave has taken many observers outside China by surprise. The growth of the Chinese industrial juggernaut gave rise to myths about Chinese workers, who were widely regarded as docile, willing to work remarkably long hours without complaint, uninterested in unions or collective action, inspired by patriotic love for the Communist Party leadership, and unwilling to challenge authority. Among those caught unaware were the owners and managers of multinational corporations whose investments in China have been predicated on the assumption of cheap, compliant Chinese labor. Indeed, the American Chamber of Commerce in China was sharply critical of changes to Chinese labor laws that were adopted in 2008, issuing a thinly

veiled warning that enhanced protections for workers would lead multinationals to look elsewhere for new installations.

Unlike the state-owned enterprises in communist Poland, the strike targets in modern China are foreign-owned, private firms. Accordingly, the strikers do not confront the state directly, and the strikes are thus not regarded as overtly political. Still, the increasing willingness of Chinese workers to risk arrest and jail to defend workplace rights is a potent signal to the government of the power of independent worker action.

The Chinese case is a cogent reminder of the central role played by the struggle for worker rights in the past century's broader movement toward democratic freedom. From South Africa to South Korea, Chile to the Czech Republic, the democracy and workers' rights movements have been closely linked. This relationship was well understood by fascist, communist, and authoritarian dictators who feared the strength of democratic trade unionists.

A number of important qualities distinguish free trade unions from other nongovernmental organizations (NGOs) that promote democratic reform. First, unlike most NGOs, they have a mass membership. Second, if they are run democratically, they can act as a training ground for democracy activists, who learn how to campaign on issues, muster support, and get themselves elected to union offices. And third, trade unions are one of the few NGOs that operate simultaneously in the social, economic, and political spheres, making them a potential counterweight to the concentrated power of economic and political elites.

It is no surprise, then, that a principal goal of totalitarians and dictators of both the right and the left has been to secure absolute control over organized labor and transform unions into pliant instruments of the party-state. Communist movements of the past, which claimed to draw legitimacy from the working classes, were particularly eager to capture and destroy independent labor organizations.

Today, repressive regimes are still wary of the power of organized workers. In a number of societies, unions and workers remain in the forefront of movements that seek human rights, fair elections, a free press, and laws to stem rampant corruption. Unions have played a crucial role, for example, in the effort to bring reforms to Zimbabwe in the face of murderous reprisals by the regime of President Robert Mugabe. In South Africa, it was the labor movement that prevented the transshipment of Chinese weapons to Zimbabwe at a time when the government of President Thabo Mbeke went out of its way to befriend Mugabe. In Iran, bus drivers and other workers have been important forces in the struggle for democracy; threatening statements issued in recent months by the country's supreme leader, Ayatollah Ali Khamenei, have paid special attention to the role of workers in the opposition. In Guinea, unions were a critical force in demonstrations that sought democratic change, and union members were prominent among those massacred by the country's military junta in September 2009. And in Venezuela, unions have strongly resisted attempts by President Hugo Chavez to bring the entire labor movement under his personal control.

The political leaderships of many authoritarian countries—such as Russia, China, Iran, and Egypt—are acutely aware of the Solidarity example and are determined to forestall a repetition

on their territory. However, only the most oppressive regimes—North Korea and Cuba, for example—exert the degree of tight control that marked previous eras, and relatively few countries respond to trade union activism with the sort of thuggery employed by Mugabe. Just as they have developed sophisticated mechanisms to muzzle independent voices in the media, control the activities of civil society organizations, and marginalize opposition political parties, modern authoritarian regimes have devised more nuanced strategies to keep organized labor under control. Thus the Communist Party leadership in China has developed an approach that combines concessions to striking workers with efforts to restrict press attention to labor unrest, prevent labor complaints from reaching higher authorities in the state or party, and above all block the formation of a nationwide workers' movement that could become an autonomous source of power like Solidarity.

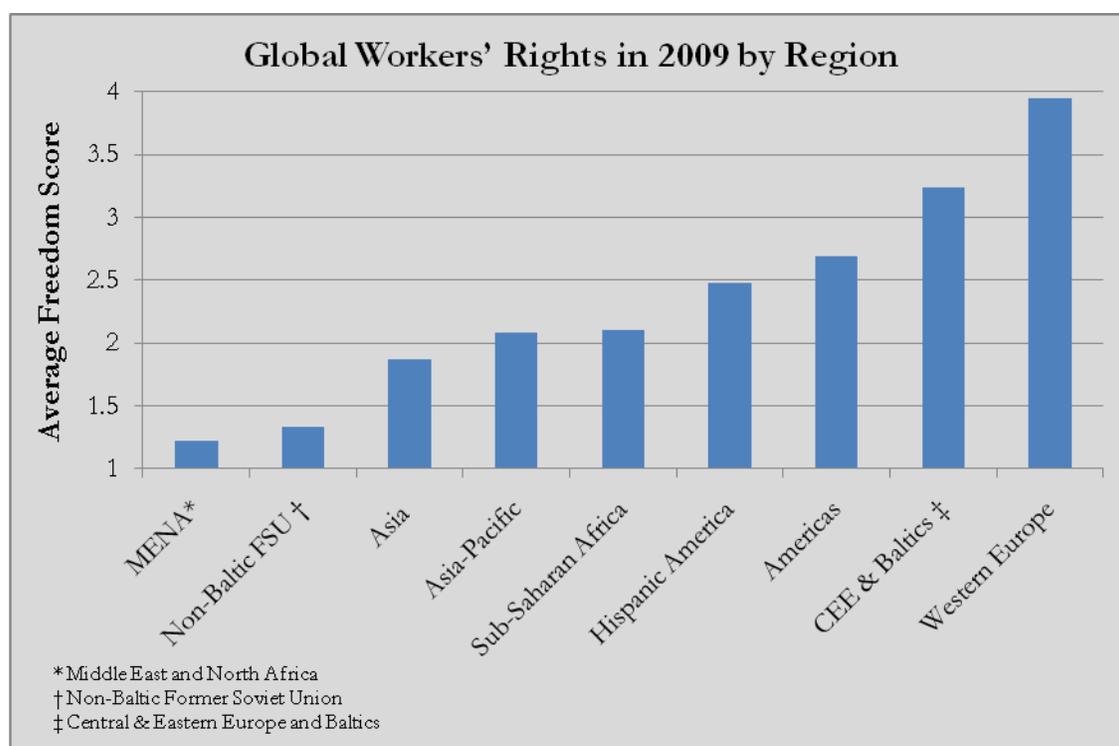


The problems of workers are not restricted to countries with authoritarian political environments. Societies that otherwise observe a wide array of democratic freedoms—those that tolerate robust debate in the media, are sensitive to the rights of minorities, and have adopted a series of policies to achieve gender equality—may still take steps to limit the power of trade unions as agents of collective bargaining and sources of independent political power. The most glaring example of this phenomenon is the United States. While the country has adopted laws that in principle guarantee the rights of workers to form unions, engage in collective bargaining, and conduct strikes and other forms of workplace protest, these rights have been circumscribed in practice over the past three decades through a combination of court decisions, political initiatives, and government policies.

The status of workers' rights must also be viewed within the context of a global decline in freedom of association. Authoritarian governments have singled out the institutions of civil

society for special attention in recent years. Targets include democratic political parties, human rights organizations, women's advocates, groups that investigate corruption or monitor abuse by security services, organizations that seek legal reform, and groups that champion minority rights or religious freedom—organizations, in other words, that aim to provide ordinary people with a voice or influence on public policy.

The result has been a noticeable setback for freedom of association on a global scale, and increased pressure on the rights of working people. This study, *The Global State of Workers' Rights: Free Labor in a Hostile World*, shows that the rights of workers are in jeopardy in much of the world, with trade unions facing serious obstacles in every region except that of the European Union. Workers and their unions are confronted by particularly severe challenges in the Middle East, the former Soviet Union, and Asia. Given these countervailing forces, the future success of promising labor activism in countries like China is still very much in doubt.



Workers' Rights as Fundamental Freedoms

The right of workers to organize is identified as a fundamental democratic value in a number of documents that set forth the core principles of free societies. Article 23 of the Universal Declaration of Human Rights declares, "Everyone has the right to form and to join trade unions for the protection of his interest." The right to participate in trade unions is further buttressed by Article 20's guarantee of the rights to free assembly and association. Indeed, because traditional political parties have been suppressed or have lost their connection with the public in many societies, freedom of assembly and association for unions is especially important as a means of channeling popular sentiment into organized democratic opposition.

The first international agreement on workers' rights was probably an 1817 treaty signed by Britain, Spain, Portugal, and the Netherlands to ban the slave trade, with violators subject to the judgment of an international "mixed court." The internationalization of workers' rights was solidified immediately after World War I, when the world's leading proponents of democratic liberties took note of the central role that labor unions played in securing freedom for ordinary people. One of the first and most enduring global institutions for the protection of human rights was the International Labour Organization (ILO), formed shortly after the Great War as part of the League of Nations system.

The ILO ultimately outlived the League itself and was given formal recognition as an agency of the United Nations system after World War II. It is organized along tripartite lines, with each signatory country represented by delegates from business, labor, and government. The ILO member states have adopted a series of agreements, or conventions, that provide the basis for international labor standards. The core conventions guarantee the rights to join and form trade unions, engage in collective bargaining, and participate in strikes and other forms of protest action. Labor rights are also included in the human rights documents of regional bodies like the Organization of American States (OAS) and the Organization for Security and Cooperation in Europe (OSCE).

Methodological Overview

This study assesses the state of workers' rights both globally and on a regional basis, examining conditions under authoritarian regimes, in developing countries that have embraced democracy to varying degrees, and in wealthy and well-established liberal democracies. Data for the analysis are drawn from *Freedom in the World 2010*, the latest edition of Freedom House's annual report on political rights and civil liberties, covering developments in 2009. A total of 165 countries are included, constituting all those with modern economies and significant trade union movements; narrative reports are provided for 50 of these countries. The possible numerical scores range from 0 to 4, with status designations as follows:

- 4 **Free.** Labor laws are in basic conformity with ILO standards and effectively enforced. Independent unions and authentic collective-bargaining contracts exist and have reached sufficient size and number to give workers a significant degree of bargaining power. Unions have broad freedom to participate in electoral politics and advocate for the adoption of laws and policies.
- 3 **Mostly Free.** Labor laws are in basic conformity with ILO standards and are reluctantly enforced amid outside scrutiny and international pressure. Bargaining is discouraged in subtle ways, for instance through legal delays and firings. Independent unions exist, as do authentic collective-bargaining contracts, but the number of such contracts is small. Unions are permitted to participate in civic affairs, including electoral politics, and to advocate for laws and policies.
- 2 **Partly Free.** Labor laws are largely in conformity with ILO standards but are selectively enforced. Independent unions are allowed to form, but bargaining is inhibited by selective firings and retaliation. Few authentic collective-bargaining contracts exist in the private

sector, and major changes are needed in enforcement. There are some restrictions on unions' ability to participate in civil affairs and political campaigns.

- 1 Repressive.** Labor laws are in partial conformity with ILO standards but are not enforced, or are selectively enforced to favor government-approved unions. Some independent unions may exist, but they are kept small or not allowed to bargain. No authentic collective-bargaining contracts exist. There are significant restrictions on unions' ability to participate in electoral politics. Some revisions of law are necessary, as is more rigorous enforcement of existing laws.
- 0 Very Repressive.** Labor laws do not allow independent unions or free collective bargaining, conflicting with ILO Conventions 87 to 98. No free unions exist. Labor organizations are prevented from participating in electoral politics, and fundamental labor law reforms are needed.

The scores for worker and trade union rights, based on those from *Freedom in the World*, are determined through an assessment that addresses the following questions:

- Are trade unions allowed to be established without government interference, and are they free from control by the government or a dominant political party?
- Are workers pressured by the government or employers to join or not to join certain trade unions, and do they face harassment, violence, or dismissal from their jobs if they fail to comply?
- Are workers permitted to engage in strikes, and do members of unions face reprisals for engaging in peaceful strikes? (Note: This question may not apply to workers in essential government services or public safety jobs.)
- Are unions able to bargain collectively with employers and negotiate collective-bargaining agreements that are honored in practice?
- For states with very small populations or primarily agricultural economies that do not necessarily support the formation of trade unions, does the government allow for the establishment of peasant organizations or their equivalents? Is there legislation expressly forbidding the formation of trade unions?
- Are unions and other organizations that represent workers or professional employees able to participate fully in civic affairs, including electoral politics and political campaigns?

Major Findings

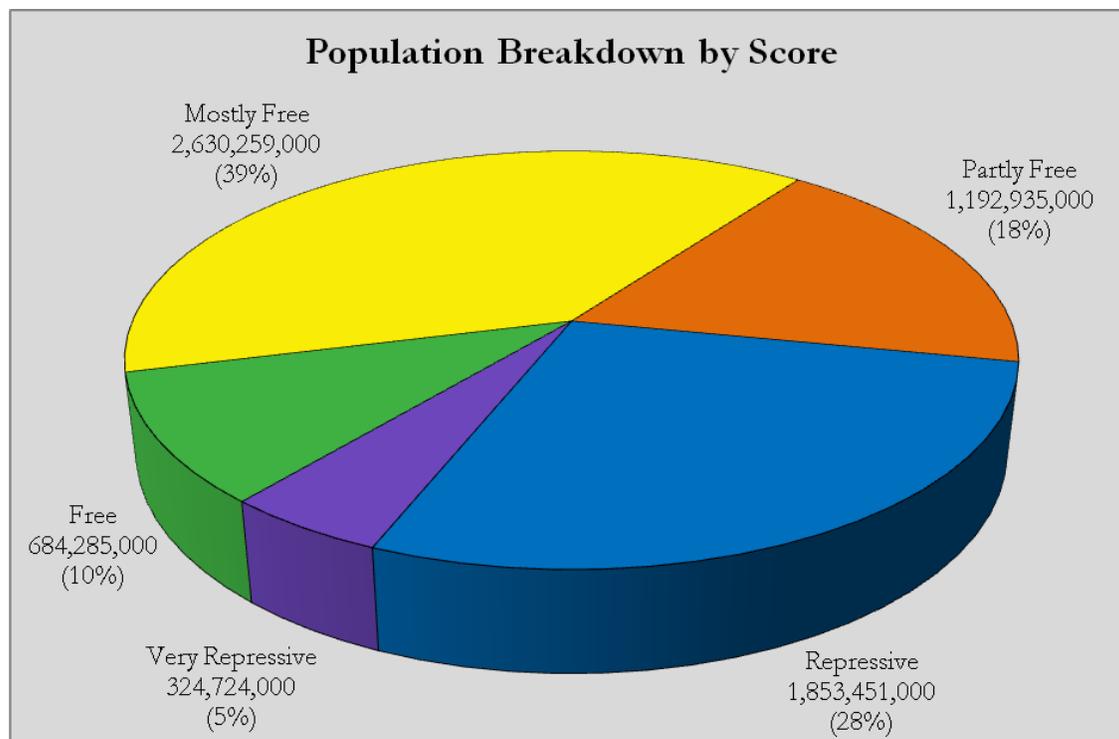
Among the more disturbing findings of the report is that 40 countries, or nearly one-quarter of those assessed, were judged to have either Repressive or Very Repressive labor rights environments. At the other end of the spectrum, 41 countries, or almost one-quarter, were found

to have Free labor rights environments. Of these, 26 were European Union member states, and three others were also stable democracies.

Of the 14 countries ranked as Very Repressive, three—Belarus, Turkmenistan, and Uzbekistan—are in the former Soviet Union; four—Burma, Laos, North Korea, and Vietnam—are in Asia; three—Libya, Saudi Arabia, and Syria—are in the Middle East; three—Equatorial Guinea, Eritrea, and Sudan—are in sub-Saharan Africa; and one—Cuba—is in the Americas. Among the countries designated as Repressive were Azerbaijan, China, Egypt, Iran, Kazakhstan, Singapore, Venezuela, and Zimbabwe. The Middle East region had the poorest performance, and Asia also scored poorly. By contrast, only one country in the Western Europe region, Turkey, failed to rank as Free. Among the 12 countries of the non-Baltic former Soviet Union, half were ranked as either Repressive or Very Repressive, and only one, Ukraine, earned a score as high as Mostly Free.

Among the more significant findings of the report are the following:

- In Middle Eastern countries that previously adhered to “Arab socialist” development models, the tradition of dominant party control over the labor movement endures. In Egypt, for example, unions must be affiliated with a federation that functions as an appendage of the ruling party and controls union elections.
- Some governments have adopted laws barring local unions from accepting foreign financial assistance, a potentially significant restriction given the long history of European and especially American union support for workers’ struggles in developing countries and authoritarian settings.
- The absence of genuine unions almost certainly contributes to job-site deaths and injuries. In China, where toothless state-controlled unions prevail, thousands of workers die each year in factory and mining accidents.
- Forced or coerced labor is a matter of government policy in a number of the world’s more repressive societies, including Burma, Eritrea, and China.
- In a positive development, labor activism is on the rise in several countries where official unions are under the control of the government. Both Egypt and China have seen an increase in strikes and protests in recent years. And unlike in the past, when the authorities would likely have responded with repressive tactics, the regimes have more recently tended to respond with at least partial concessions.
- In maintaining control over organized labor, former communist countries and those, like China, that retain a Leninist system of political control have a built-in advantage due to their legacy of total state-party domination of the trade union movement. Thus while unions in the countries of the former Soviet Union in theory have the right to independent action, laws and regulations discourage the existence of unions outside the national, government-linked labor federation that carried over from Soviet times.



The Changing Authoritarian Model

In the old totalitarian model, any initiative outside the realm of the state or dominant party, including independent labor activism, was impermissible. As the narrative reports in this study indicate, modern authoritarians have developed methods of workplace control that are more nuanced and flexible.

China is a prime example of a country that has made the transition from Marxist orthodoxy to a system of dominance that is less comprehensive and more sophisticated. By law, all unions must belong to the ACFTU, which functions more as an arm of the Communist Party designed to control workers than as a genuine vehicle for representing their interests. ACFTU officials often hold senior management positions in state-owned enterprises. Workers who attempt to form independent unions are usually harassed or arrested; at the same time, the government is often pragmatic in its response to the growing instances of labor unrest. In some cases the government has intervened on workers' behalf, but it always ensures that no cohesive, durable, or widespread movement of workers emerges to challenge the ACFTU.

In Russia, state control over unions is less pervasive and direct than in China, but still effective. Policies implemented under former president and current prime minister Vladimir Putin enable the tax police to conduct repeated investigations of trade union finances and place legal and bureaucratic hurdles in the way of collective bargaining, strikes, and cooperation with foreign labor organizations.

A somewhat different situation exists in Venezuela, where President Hugo Chavez has set out to destroy existing unions and replace them with new labor entities controlled by the regime. This

effort has met with limited success, as the new state-sponsored unions have demonstrated a degree of independence and at times have defied Chavez's goals.

Migrant Workers and Special Economic Zones

As this study makes clear, migrant workers face pervasive discrimination and mistreatment in a number of societies, especially in the Gulf states of the Middle East and in Southeast Asia. Countries like Kuwait, the United Arab Emirates, Malaysia, and Indonesia rely on migrants from South and Southeast Asia to fill a variety of positions, including as household workers. These workers are often subject to serious exploitation. They are seldom allowed union representation, are often denied legal rights, and are sometimes the victims of physical and sexual abuse. Immigrant workers also suffer from discrimination in societies that boast strong rule of law traditions and vibrant labor movements. Indeed, treatment of undocumented foreign workers in North America and the European Union has worsened in recent years, as citizens have become alarmed at a sudden influx of migrants from the developing world and a rise in joblessness among local workers.

Another vulnerable class of workers consists of those employed in the special economic zones that have sprung up in a number of developing countries. The zones are established through agreements with the United States or other wealthy countries, which typically permit the products manufactured at the sites to enter their markets without the normal tax restrictions. Labor violations are common in the special zones, and in some countries they primarily employ migrant workers. The workers are often forced to work extended hours without overtime pay, to sign contracts that differ from promises made by recruiters, and even to work without being paid at all.

Workers' Rights in the United States

The condition of workers' rights in the United States, which receives only a Mostly Free rating in this survey, is unique. On one hand, federal law guarantees workers the core rights enshrined in ILO conventions. The country also has a rich history of labor activism marked by strong unions in the private sector, and a labor leadership that exerts significant influence over social and political affairs. Organized labor remains one of the most important constituencies in the Democratic Party coalition. On the other hand, the United States today has one of the weakest labor movements among advanced economies, has suffered a precipitous decline in private-sector union membership, and—unlike most European countries—features an overall political environment that is distinctly hostile to unions, collective bargaining, and labor protest.

In recent years, unions have been confronted with mounting resistance by employers. Management has used a variety of tactics to forestall unionization, and has shown a willingness to violate labor law if it would result in the defeat of a union campaign to gain bargaining recognition. When found guilty of violations by the courts or the National Labor Relations Board (NLRB), companies are often given slap-on-the-wrist penalties that fail to discourage management from summarily firing union supporters. Another new development in labor-management relations has been the permanent replacement of striking workers by nonunion

workers. Striker replacement, though legal, had seldom been seen in the postwar era. Its reappearance has had the effect of nullifying the strike as a significant weapon in labor relations.

As the narratives in this study indicate, the United States is not the only country to sustain a large decline in private-sector unionism over the past three decades. Union membership declines have taken place in almost every developed country, and in some cases—such as Australia, Britain, Germany, and New Zealand, all of which are rated Free—the decline has been substantial. One possible factor in this deterioration is the array of rights and protections that were provided by unions in the past but are now guaranteed by the state. Like other established democracies, the United States has a complex network of laws, policies, and enforcement agencies designed to monitor the employment sector for evidence of discrimination based on race, gender, ethnicity, or age. Antidiscrimination laws are fortified by a series of court decisions that bolster the power of government to prosecute cases of workplace bias. And there are laws that make it possible for employees to sue corporations or government agencies in cases of “wrongful dismissal.” Federal and state laws also provide mechanisms to enforce job-site health and safety protections.

Conclusion

The past several decades have brought challenges to workers’ rights in both authoritarian and democratic societies. The problems faced by workers and democratic trade unions have intensified since the recent economic downturn, but the pressure on labor clearly predates that crisis. There is little reason to believe that workers’ rights will undergo a major improvement if the global economy recovers in the near future. At the same time, developments in China remind us that workers and unions still carry the potential to propel the struggle for freedom in dictatorships and authoritarian settings.

How then should those who cherish freedom and appreciate the essential democratizing role of independent trade unions respond? While it is not the primary purpose of this report to advance a list of policy recommendations, the findings do suggest a number of appropriate responses to the problems faced by workers and their unions around the world:

1. It is critical to identify and report on those responsible for violations of workers’ rights in the democratic world as well as in dictatorial and totalitarian states. The media should pay the same level of attention to workers and their causes as they do to rigged elections and violations of press freedom or freedom of religion.
2. Trade unions in Europe and the United States should play a more vigorous role in supporting foreign unions that are under duress and publicizing instances of abuse overseas. The American labor movement has a long and worthy history of involvement in helping beleaguered unions in developing societies. The current threats to global trade union rights calls for a renewal of that tradition.
3. Democratic governments should tirelessly raise the issue of suppression of workers’ rights at all the relevant international forums, including the UN Human Rights Council and regional entities like the OSCE and OAS.

4. Attention and support should be given to projects that shine a spotlight on sweatshop conditions affecting workers in developing countries. These projects, which focus attention on well-known purveyors of designer clothes or athletic gear, have scored some modest victories in revealing that these goods are the product of exploitation and abuse.
5. Trade and economic agreements should include clauses that deal with the exploitation of workers. These clauses should specifically apply to special economic zones, where denial of workers' rights and antiunion policies are common.
6. Special focus should be placed on conditions endured by migrant workers. While the most serious exploitation of migrants occurs in the Middle East and parts of Southeast Asia, considerable problems exist in Europe and North America as well.