

INTERNATIONAL

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# union rights



**FOCUS ON**

# Impacts of Covid-19 on Work

**and the Challenge for Union Rights**



- a world which was already in deep trouble
- the failures of labour law

# Trade Unions of the World



## 8th edition now published

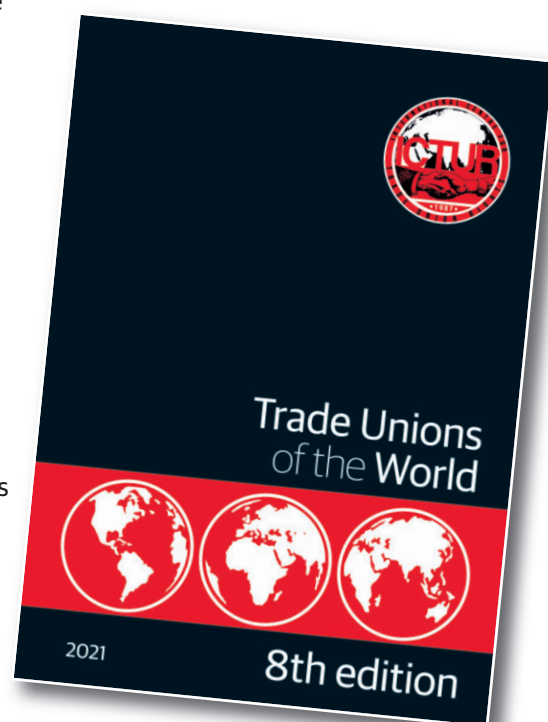
Trade Unions of the World is the essential guide to trade unions and trade unionism in more than 200 countries and territories around the world, examining the social, political and economic contexts they inhabit. Each country profile includes an overview of the political and economic history of the country or territory and an outline of the development of trade unionism locally and the situation for trade unions and trade union rights today.

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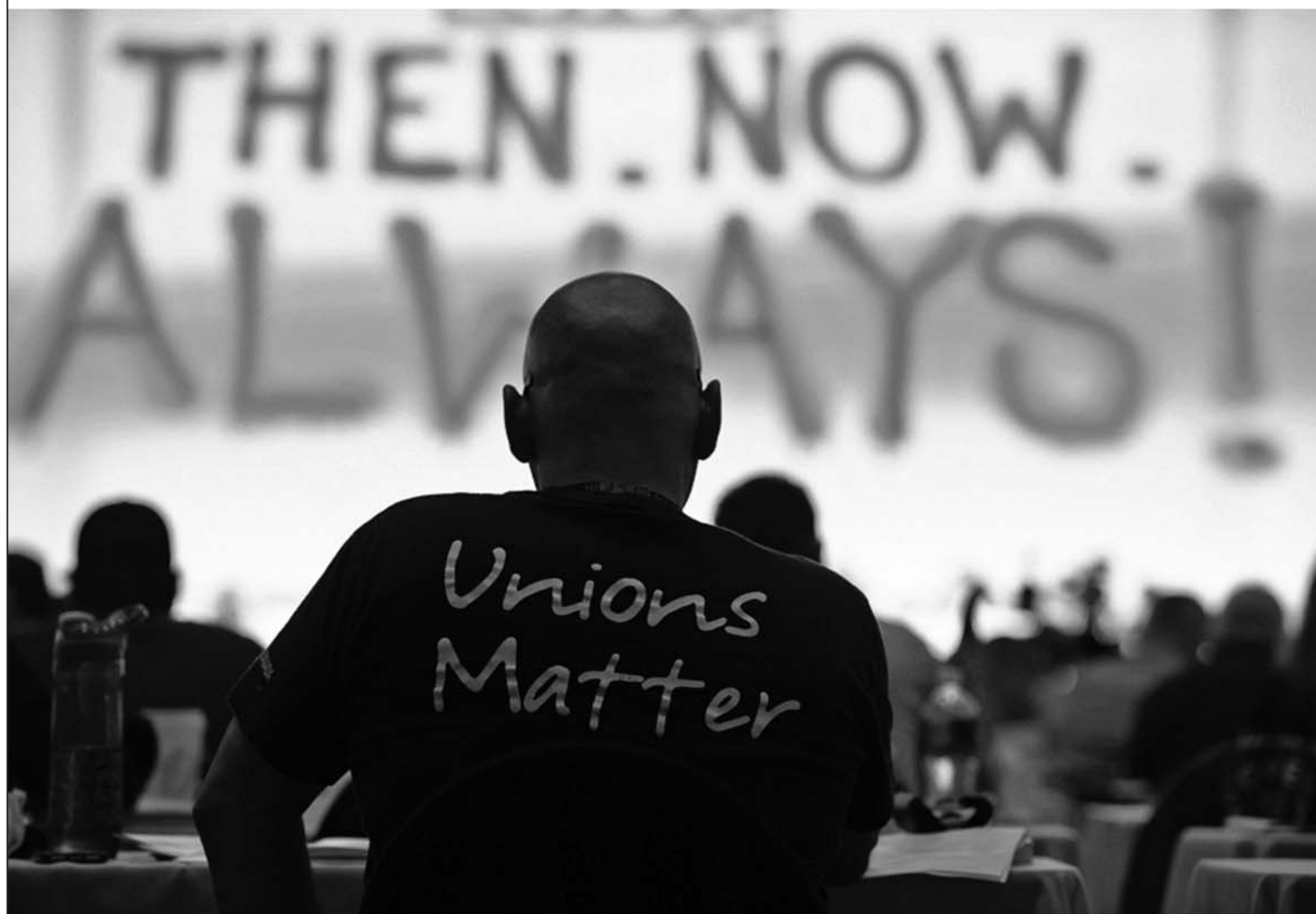
international context. No other publication holds the wealth of well-researched information and insight to inform national and international union activities and build solidarity. It's both unique and indispensable'

*Amanda Brown, Deputy General Secretary, National Education Union (UK), and member of ILO Governing Body and Committee on Freedom of Association*

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# union rights

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# Editorial: Impacts of Covid-19 on Work and the Challenge for Union Rights

In the course of just a few months, the global health crisis has had profound impacts around the globe, causing devastating job losses, instability, poverty, and social and economic turmoil. Sharan Burrow sets out a stark assessment of the condition we are in: not only are people suffering the direct impacts of poverty, instability and health, but also anxiety about work and 'a lack of trust in government'; many of them 'are feeling powerless', and we are witnessing 'the widespread breakdown of the social contract'. Burrow acknowledges the tremendous challenge: 'hundreds of millions of jobs have been destroyed by the pandemic, and hundreds of millions of new jobs are required to ensure recovery' and that this 'requires investment on a scale which is unprecedented'. It is, however, she asserts 'achievable', but will require 'a transformative agenda' and the constructive, on a global scale, of a new social contract, to build a world able not only to recover from this crisis, but to resist what she calls the 'inevitable' challenges of the future.

Prof. Keith Ewing and Lord Hendy QC observe that the British 'post war consensus' was destroyed by the advent of neo-liberalism, under which labour law has 'failed', and collective bargaining and industrial democracy are almost completely absent. The situation in Sweden is, according to Claes-Mikael Ståhl, completely different: there 'social capital, trust and responsibility' remain intact, and this framework of mutual trust explains why a different path was possible in Sweden. And at the

opposite end of this scale, in a situation in which trust and social cooperation has broken even further than in the UK, Fabio Tibiriça Bon tells us that Brazil is 'an international pariah, insensitive to minorities, a persistent violator of human rights, constantly flirting with neo-fascist movements'. In a context so radically different to the 'mountain plateau' of Sweden, Bolsonaro's 'irresponsible, unscientific, denialist' approach to the virus is, Bon argues, literally criminal.

Liz Blackshaw expands on and continues ideas - discussed in IUR 271/272- concerning global transport and distribution workers, asking how these workers rights can be protected under the pandemic, and also how can their unions continue to function - even globally - with lockdowns and social distancing measures restricting union meetings; Prof. Phil Taylor looks at how unions are seeking to protect call centre workers, not only those who return to workplaces but also looking at ways to protect, organise and represent unprecedented number of homeworkers in the industry; and a team of researchers with the Fair.Work group discuss how couriers in Latin America have been asserting their labour rights, and Prof. Anthony Forsyth discusses the 'legal barriers' between gig economy workers and labour rights. While some 'gig' companies have been willing to negotiate with unions, and some couriers have formed their own unique models of organisation, Forsyth argues that the 'legal fantasy' that gig workers are independent contractors has had 'brutal effects' under the pandemic.

Finally, we turn our attention to a concept that has been mooted around social protection, labour rights and trade union circles for some time, that was already gaining considerable traction in the years leading up to the pandemic, and which has found renewed appeal under the pandemic as a possible solution to racing global unemployment trends: Universal Basic Income. Ralf Krämer acknowledges the superficial charm of the idea which 'sounds intriguing', but which many unions believe is not well understood, may drive-up inflation, and is actually not as widely supported as it sometimes appears to be: even among UBI advocates a majority agree on an asset limit and an off-set against other income (which positions Krämer suggests rather undermine the central concept). More intriguing is his concern that UBI might even 'put into question the existing system of monetary economy and capitalist production'. IUR might have to return to that suggestion in a future edition.

Daniel Blackburn, *Editor*

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# The Pandemic Has Hit a World Which Was Already in Deep Trouble

The emergence of the SARS-CoV-2 virus and the onset of the Covid-19 pandemic revealed gross failures in national and global governance, with governments failing to heed the warnings from scientists over many years about pandemic risk, and when the virus began to spread, the lack of preparedness in most governments was staggering. Many businesses lacking financial reserves, including global brands in the textiles and other sectors, simply cancelled contracts leaving millions of workers destitute.

The impact of the pandemic across so many economic sectors is destroying jobs in the hundreds of millions and wrecking the livelihoods of more than 1.5 billion people who rely on informal economic activity for survival. Its economic impacts are falling disproportionately on women, and a whole generation of young people are experiencing disruption of their education and training, and the likelihood of a struggle to find a decent job as they enter the workforce.

The pandemic has hit a world where social, climate and economic fault lines were already evident, and these fault lines tell us much about the severity of the impacts, particularly on the poorest and most marginalised.

The most recent ITUC Global Poll<sup>1</sup>, covering 16 countries with more than half the world's population and conducted in the weeks prior to the WHO declaring a pandemic, reveals the extent of the fractures in the international economy. Most alarmingly, it shows the extent of the global wages slump, with 75 percent of people saying that their income had stagnated or fallen behind.

The Poll gives a stark insight into a precarious world filled with anxiety about work and a lack of trust in government. More than two-thirds of people say they are worried about climate change (69 percent), rising inequality (69 percent), the misuse of personal data online (69 percent) and people losing their jobs (67 percent). These worries come at a time in 2020 when one in two people (52 percent) rate their own country's economic situation as bad.

People are feeling powerless, with two out of three (66 percent) people across the countries surveyed saying that people like them do not have enough influence on the global economy. Almost as many (63 percent) believe working people have too little influence. In contrast, the majority of people believe that the richest 1 percent (65 percent) and corporate interests (57 percent) have too much influence.

These opinions culminate in the view held by almost three-quarters (71 percent) of people that

their country's economic system favours the wealthy. This view is held by the majority of people in every country surveyed and shows the widespread breakdown of the social contract.

The poll shows deep levels of uncertainty about family income and job security and people's feelings of a loss of control over their work and pay:

- Almost half (42 percent) of people think it is unlikely the next generation will find a decent job.
- Over one-third (39 percent) have directly experienced unemployment or reduced working hours in the last two years, or someone in their household has experienced this.
- Three quarters (76 percent) say the minimum wage is not enough to live on.
- A third (33 percent) of people have experienced less control over their choice of decent work.
- More than one in four (28 percent) have less control over the hours they work.

## Violations of Workers' Rights at a 7-Year High and Getting Worse

The despair people feel is spilling over and resulting in a massive loss of trust in democracy as an institution. One out of every three people are angry or despairing when asked about how they felt about their government listening to them and the needs of their family.

While nationalist sentiment, racism, malicious use of social media and various other factors contribute to the feelings of insecurity, for an understanding of the root causes of people's pessimism and growing disconnection, it is instructive to look at the results of the Annual Global Rights Index of the ITUC published in June<sup>2</sup>.

The Index documents a seven-year trend of increasing violations of workers' rights.

This trend, by governments and employers, to restrict the rights of workers through limiting collective bargaining, disrupting the right to strike, and excluding workers from unions, has been made worse by a rise in the number of countries that impede the registration of unions.

An increase in the number of countries that deny or constrain freedom of speech shows the fragility of democracies while the number of countries restricting access to justice has remained unacceptably high at last year's levels. Some countries are taking things further, using the cover of the pandemic to advance anti-workers' rights agendas.

Hundreds of millions of jobs have been destroyed by the pandemic, and hundreds of millions of new jobs are required to ensure recovery

**Sharan Burrow** is General Secretary of the International Trade Union Confederation in Brussels



The pandemic has hit a world where social, climate and economic fault lines were already evident

A new trend identified in 2020 shows a number of scandals over government surveillance of trade union leaders in an attempt to instill fear and put pressure on independent unions and their members. These threats to workers, economies and democracy were endemic in workplaces and countries before the Covid-19 pandemic disrupted lives and livelihoods. In many countries, the existing repression of unions and the refusal of governments to respect rights and engage in social dialogue has exposed workers to illness and death and left countries unable to fight the pandemic effectively.

The Middle East and North Africa is the worst region in the world for working people, for seven years running, due to the ongoing insecurity and conflict in Palestine, Syria, Yemen and Libya, coupled with the most regressive region for workers' representation and union rights.

The ten worst countries for working people in 2020 are Bangladesh, Brazil, Colombia, Egypt, Honduras, India, Kazakhstan, the Philippines, Turkey and Zimbabwe.

The Index ranks 144 countries on the degree of respect for workers' rights. Key findings include:

- 85 per cent of countries violated the right to strike.
- 80 per cent of countries violated the right to collectively bargain.
- The number of countries that impeded the registration of unions has increased.
- Three new countries entered the list of ten worst countries for workers (Egypt, Honduras, India)
- The number of countries that denied or constrained freedom of speech increased from 54 in 2019 to 56 in 2020.
- Workers were exposed to violence in 51 countries.
- Workers had no or restricted access to justice in 72 per cent of countries.
- Workers experienced arbitrary arrests and detention in 61 countries.

## Impacts of the pandemic

The figures showing the health impacts of the SARS-Cov-2 virus are staggering. Worldwide, more than 30 million positive tests for the virus and over a million deaths, predominantly of older people. These numbers are underestimates, with some epidemiologists saying that the real infection rate is five or more times higher, and many deaths including in aged care facilities not attributed to Covid-19. While it is clear that women are significantly less, and younger people are far less, likely to die from infection, the longer-term health implications are not yet well understood. At the same time, the economic impacts are falling much more heavily on women and millions of young people face a bleak future unless the necessary

action is taken in education, training and job creation.

As the pandemic, and associated lockdowns, workplace closures and other public health restrictions spread, the ITUC and its affiliates monitored the initial responses of governments through income support, furlough systems, the right to sick leave with pay, and importantly the preparedness of governments to ensure social dialogue involving unions and employers. Five surveys were conducted up to June, with responses from ITUC affiliates in 95 countries.

The initial surveys showed that unions in most countries had a relatively favourable view of their government's response to the pandemic. At the end of May, around two-thirds said that governments were responding well. Employers were viewed unfavourably, with 60 per cent of respondents saying that employers were responding badly. The surveys also revealed considerable unease around pandemic-related surveillance, contract tracing and privacy.

Over half of countries (56 per cent or 53) in the final survey<sup>3</sup> reported that over the past few months their government had brought in restrictions to human and labour rights under the cover of their response to the Covid-19 pandemic.

While the majority of countries (81 per cent or 77) said that their government is preparing an economic recovery plan as part of its response to the Covid-19 pandemic, 42 per cent of countries believe that their government is responding badly to the needs of workers affected by the virus, and 60 per cent of countries who responded to this survey believe employers are responding badly to the needs of workers.

Since the final survey was conducted, unions in many countries have been critical of governments for winding back income-support and other measures, as well as failure to ensure paid sick leave for workers who have contracted the virus or are in quarantine. The failure leads to further spread of the disease as at-risk workers face the choice of going to work or facing financial ruin.

## Jobs Destroyed

According to the ILO, 'estimates of labour income losses (before taking into account income support measures) suggest a global decline of 10.7 per cent during the first three quarters of 2020 (compared with the corresponding period in 2019), which amounts to US\$3.5 trillion, or 5.5 per cent of global gross domestic product (GDP) for the first three quarters of 2019'<sup>4</sup>.

The ILO also says that 94 per cent of workers live in countries where there is some form of lockdown, while 32 per cent are in countries with the most stringent lockdowns of various types of workplaces. Almost 500 million jobs (expressed as lost working hours) have been destroyed. It further notes a fiscal

stimulus gap of nearly \$1 trillion in low-income and lower-middle-income countries. The estimated stimulus gap for low-income countries is less than 1 per cent of the total value of the fiscal stimulus packages announced by high-income countries.

While workers have lost jobs and incomes on an epic scale, it is a different story for the ultra-rich, including the world's 25 richest billionaires whose wealth increased by \$255 billion in April and May alone<sup>5</sup>.

## Changing Work Patterns

The pandemic has seen an explosion of telework, as measures to suppress it have emptied office buildings and other workplaces around the world. Even countries that did not introduce lockdown measures have encouraged employers to allow working from home as a means to further physical distancing. Moreover, telework has been present as a new form of work arrangement prior to the pandemic, particularly for workers whose jobs are already enabled by the use of ICTs, driven by the digitalisation of the workplace and the promise of more work-life balance. Many employers are seeking to lock in telework to cut costs, often with no consultation or bargaining with the affected workers. While a digital divide between developing and developed countries remains, the rapid growth in both imported low-cost devices and their deployment in developing countries has accelerated the global impact of technology on the lives of workers. Nevertheless, more than 40 percent of the world's population still does not have internet access, locking them out of the digital economy. While the rate of increase in connectivity globally has been slowing, there are signs that it may pick up pace, albeit largely through profit-seeking initiatives by technology billionaires.

Internet-mediated employment has spread rapidly, with many companies using app-based systems to evade responsibilities under employment law and social security obligations. The rise of remote working, driven by the pandemic, is exacerbating that trend although the effects are uneven across different sectors. Not all app-based companies are making profits however. One of the poster children of the 'gig economy', Uber, lost \$2.9 billion in the first quarter of 2020, on top of an \$8.5 billion loss in 2019. In the words of Masayoshi Son, one of Uber's biggest financial backers and a major investor in technology stocks, 'our unicorns have fallen into this sudden coronavirus ravine. But some of them will use this crisis to grow wings'.

In effect, companies like Uber are placing huge bets on resisting employment regulation and establishing market dominance. This has ramifications well beyond their specific businesses and coupled with the economic and political power of companies like Amazon, with their fiercely anti-

union business models, the employment relationship is under unprecedented threat. Employers campaigning against California's Assembly Bill 5, which would allow drivers in app-based businesses to be defined as employees, have spent \$181 million on a public campaign to deprive drivers of employee status. Internationally, campaigns for the rights of app-based workers are underway in many countries with unions in every region pressing for regulatory reform and supporting organising of the workers, however powerful vested interests stand in the way. In most countries, the balance is still very much in favour of employers, which is one of the reasons why the ITUC wants a global standard to be set at the ILO.

Unions are also taking on Amazon over its employment model and the way it has treated its workers during the pandemic<sup>6</sup>. Amazon boss Jeff Bezos has captured a further \$73.2 billion since the start of the pandemic, while failing to safeguard the health of its employees.

The rapid expansion of internet-mediated work is also associated with an alarming increase in surveillance by employers of workers and violations of their privacy rights. While the EU's GDPR is a major step in the right direction, it is not a global standard and may not relieve all the concerns that workers and their unions have. These concerns are likely to grow, as demands for workers and the public to be able to 'prove their Covid-19 status' emerge. Regulations and policy settings urgently need to be developed to ensure maximum access to the positive benefits of new technology while also ensuring that the privacy, safety and other negative effects are countered.

## A New Social Contract for Recovery and Resilience

The social contract was born in 1919, with visionary leaders creating the ILO in an effort to set the social and economic conditions that would ensure that the world would never face the destruction of a repeat of WWI. That vision was fractured by WWII, leading to the next iteration of the social contract with the Declaration of Philadelphia in 1944. Throughout its 100-year history, the ILO has stood tall in the multilateral system as a guarantor of rights and a vehicle for fairness and equity in the world of work. But the odds are stacked heavily against it, with the International Financial Institutions and the WTO in particular fuelling the corporate globalisation which has left the world fractured and vulnerable. Reform of these institutions is vital and well overdue. So too of tax systems that allow trillions of dollars to be smuggled into tax havens while governments lack the resources needed for public services, job creation, climate action and other vital areas. The world does not lack financial resources to fund the

The despair people feel is spilling over and resulting in a massive loss of trust in democracy as an institution



All workers must have an adequate minimum wage, maximum limits on hours of work, and work must be safe and healthy

multi-trillion-dollar investments needed for recovery and resilience, but governments need to courage to undo the redistribution of vast wealth to the richest few.

The foundations for the new social contract lie in the ILO Centenary Declaration, adopted in 2019. The Declaration promises that the fundamental rights at work apply to all workers, that they must have an adequate minimum wage, maximum limits on hours of work and that work must be safe and healthy. These guarantees coupled with the Declaration's commitment to social protection comprise the Labour Protection Floor on which the new social contract must be based.

The Centenary Declaration also pledges action on other core elements of the new social contract, in particular a transformative agenda to achieve gender equality, formalisation of informal work, jobs for young people, life-long learning, decent work in supply chains and social dialogue.

While the ILO Declaration sets out the framework for what needs to be done, unions will need to fight to retain what has already been achieved, and to bring about changes in other areas. One such fight is about health and safety at work. Today, occupational health and safety is not considered as a fundamental workers' right by the ILO, due to resistance by employers and prevarication or resistance from governments. The ITUC is mobilising to have health and safety at work recognised as a fundamental ILO standard and, especially in light of the impacts of the pandemic on health, care and other frontline services, to have Covid-19 classified in national frameworks as an occupational disease. The ITUC is also committed to ensuring that treatments and eventual vaccines are available to all – Covid nationalism would only prolong and deepen the impacts of the pandemic.

All these elements are required for a resilient economy that serves the interests of people rather than profit, and can withstand the inevitable shocks from climate events, new pandemics and other phenomena that can cause large-scale disruption.

Fundamental to this is the financial resilience of people and households, derived from having a decent job with organising and collective bargaining and universal social protection, with Just Transition for climate action and for deployment of new technology.

Hundreds of millions of jobs have been destroyed by the pandemic, and hundreds of millions of new jobs are required to ensure recovery. This requires investment on a scale which is unprecedented, but which is achievable. Investment is needed in health and care, in education and other public services, in achieving a zero-carbon zero-poverty future and in meeting the huge and growing global infrastructure gap.

The world is facing intersecting crises from the pandemic, climate change, inequality, the breakdown of multilateralism and the loss of trust. These crises must be addressed together and in a coherent way. The new social contract is the cornerstone for recovery and resilience and for the restoration of trust. Unions will campaign for it, some employers may resist it, and governments must find the political will to put it in place.

## Notes

- 1 ITUC Global Poll 2020, at: <https://www.ituc-csi.org/global-poll-2020-social-contract>
- 2 Global Rights Index, at: <https://www.ituc-csi.org/ituc-global-rights-index-2020>
- 3 ITUC Global Covid-19 Survey, at: <https://www.ituc-csi.org/ituc-global-covid-19-survey-22june-findings>
- 4 ILO Monitor: Covid-19 and the world of work (Sixth edition), at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms\\_755910.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_755910.pdf)
- 5 'The Changing Fortunes of the World's Richest', by Jonathan Ponciano (Forbes), at: <https://www.forbes.com/sites/jonathanponciano/2020/05/22/billionaires-zuckerberg-bezos/#2bd455c57ed6>
- 6 Global alliance of unions demands Amazon take urgent measures to address COVID-19, at: <https://uniglobalunion.org/news/global-alliance-unions-demands-amazon-take-urgent-measures-address-covid-19>

# Responding to the Failures of Labour Law Exposed by Covid-19

The Covid-19 crisis has demonstrated that labour law in the UK has dismally failed in its ostensible primary purpose of protecting and empowering workers. It has not protected workers' jobs, incomes and their health and safety. In particular, it has failed to ensure that workers have the right to participate in the decisions about their jobs, incomes or safety. Workers in the UK now face the worst recession in Europe with the likelihood of the highest rate of job losses.

Well before the pandemic, the delicate and unsteady 'post war consensus' of most of the twentieth century was destroyed by the advent of neo-liberalism that was given free reign by the Thatcher government. Rights were diminished, enforcement authorities defunded, managerial prerogative reinforced, trade unions excluded from any role in the State, and the collective power to bargain collectively and to strike subjected to systematic destruction. The process was not reversed in the 13 years of Labour government and, in the decade since 2010, the attack, under the flag of austerity, has been ruthlessly pursued. Collective bargaining coverage steadily declined from 82 percent in 1976 to less than 25 percent before the pandemic. Union membership numbers followed.

The consequence of the removal of legal and collective protections for the vast majority of workers was that, before the crisis, their job security, pay, hours, terms and conditions of work were almost exclusively in the hands of the employer on a take it or leave it basis.

The pandemic illuminated the point. It revealed the remarkable and hidden irony that some 7 million 'key' workers, essential to maintain the fabric of society, are (doctors excepted) amongst the worst paid and least legally protected of the entire workforce. The contrast between their critical role and the terms and conditions under which they work reveals the irrational and unjustifiable nature of fixing terms and conditions of work through an artificial 'labour market' in which working people are no more than disposable commodities, mere 'human resources'.

The economic crisis now unfolding shows the extent of workers' powerlessness. Workers are dumped and wages slashed even in workplaces such as British Airways with a strong trade union presence. The failure of labour law has never been so starkly visible.

## II

A striking feature of UK labour law is the almost lack of industrial democracy. The law since 1980 has

been stripped of the supports for collective bargaining as Conservative governments reversed what had been the policy of the State from (at least) 1909 to 1979. The many restrictions on the right to strike successively imposed since 1979 also undermined collective bargaining. A statutory recognition procedure has been singularly ineffective in reversing the slide. Even where collective bargaining continues, it has been widely undermined. In the public sector, where collective bargaining has most coverage, government has refused to bargain over pay, instead imposing pay caps or Pay Review Bodies to determine wages. In the private sector, firms that would follow national sectoral agreements now set their own terms and conditions; collective bargaining coverage in non-publicly owned business is around 13 percent.

As a result, collective bargaining has largely collapsed and young people have lost even the folk memory of it. There is no industrial democracy outside the few remaining islands of collective bargaining. There is no legislation requiring workers on boards. There are few co-operatives. The request of the TUC for the formation of a National Recovery Council with unions, employers and government working together has been ignored<sup>1</sup>.

## III

The abject failure of the law to protect the health, safety and lives of workers in the pandemic is evident to all. Scores of essential workers have lost their lives to Covid-19 and thousands of others have become infected. Yet it remains the statutory duty of employers to ensure adequate protection for the life and health of workers in all occupations, and the duty of the State to ensure that this obligation is met. The obligations to provide adequate personal protective equipment, a safe place of work, risk assessments and to report illness and injury caused by work are not merely statutory duties but are backed by criminal liability. The problem is that, through the crisis, employers and government have treated what are legal duties as no more than matters of good practice which can be ignored with impunity. The powers of the Health and Safety Inspectorate and Local Authority Environmental Health Officers in their respective spheres are well established yet their resources have been so cut that they are unable to enforce the law.

For those urged to work from home, health and safety law has also been largely abandoned. The ergonomic requirements of seating, keyboards,

Well before the pandemic, the 'post war consensus' was destroyed by the advent of neo-liberalism

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screens, rest-breaks and so on has been left to the worker perched at the kitchen table. Home workers in manufacturing, in particular in garment-making, will never see an inspector to check the safety of their machines or air quality.

#### IV

Research by the TUC found that, before the crisis, 3.7 million people – one in nine of UK workers – were in insecure work. These included people on zero-hours or short-term contracts, agency workers and temporary casuals, those in low-paid, often bogus, self-employment, and those obliged to employ themselves through personal service companies. The number of workers on zero hours contracts alone increased from 168,000 in 2010 to 900,000 in 2019. The growth of casual work has reinforced existing social inequalities, since casual workers are more likely to be young, female, to identify as non-white and to be on low pay.

To achieve this level of insecurity employers have exploited the gaping cracks in the law on employment status in the UK so as to avoid the obligations to their workforce which follow from permanent employment. The law has spectacularly failed to keep pace. Employer's costs are kept down by paying the worker only for the hours (or even minutes) when she is actually working whilst avoiding all liabilities when the worker is not required.

The exploitation of these lesser forms of engagement has been highlighted by the Covid-19 crisis in which casual workers have been the first to be disposed of in the tsunami of redundancies – without being furloughed and without redress.

Now that furlough is about to end and the announcement of an ill-designed subsidy for employers which reduce workers hours of work (but which make it cheaper to dismiss all but full-time workers) was announced in September, the axe of job insecurity will fall: 3 million are estimated to be unemployed before 2021.

#### V

Pay levels are left to the tender mercies of the contract of employment with little legal intervention. The prime means of achieving a decent level of income is, of course, collective bargaining. Yet, as noted, collective bargaining coverage has massively contracted. In the public sector, where collective bargaining still persists, it has been largely gutted removing pay as a collective bargaining issue.

No surprise that the share of national income going to workers has been relentlessly declining for forty years, as company profits and dividends to shareholders increase at the expense of wages and salaries. In 1976 65.1 percent of GDP went to wage earners; by 2019 wage share had slumped to 49.2 percent. This is a stark marker of the rising tide of inequality which blights the UK (and many other countries).

The last decade has seen the biggest squeeze on wages since the Napoleonic Wars, with pay for the average worker immediately before the Covid-19 crisis still lower, in real terms, than it was ten years earlier. OECD data shows that UK performance on pay since the 2008 crisis is one of the worst of all OECD countries.

Though the right of men and women workers to equal pay for work of equal value has been established for fifty years in the UK, the gender pay gap stands at 17.3 percent. The national minimum wage legislation, whilst benefitting the lowest paid, is so low that it breaks international law. Many who are entitled to the national minimum wage are paid less than the law requires.

Low pay, of course, is the prime driver of poverty. Before lockdown, 9 million of those below the poverty line (including 3 million children) were living in households with at least one person in work. Lockdown has, of course, made a bad situation worse. A survey reported that almost a fifth of households with children had been unable to access enough food during lockdown, with meals being skipped and children not getting enough to eat.

#### VI

For the future, the starting point is to learn the lessons of the past. It is true that there are some who apparently see Covid-19 as an inconvenience, and an interruption of the neo-liberal project of open markets, globalisation, and commodified labour. To this end we have a former British finance minister at the beginning of the pandemic warning that the free market will be the only way to revive the economy post-pandemic, and that once the pandemic has passed, the left cannot be allowed to win the argument on wealth creation. But as the pandemic spreads this is a position that is becoming increasingly untenable: if the free market did not cause the pandemic, it certainly intensified its impact, and offers no solution for going forward.

What is striking is that that understanding has got through to unexpected sources, with Kristalina Georgieva of the IMF invoking the memory of Sir William Beveridge in her address to the World Economic Forum in June 2020<sup>2</sup>. There she acknowledged that the famous Beveridge Report of 1942 – said by others to be the foundation of the modern welfare state not only in the United Kingdom but throughout Europe – had created a better country after the Second World War. These benefits included the creation of the NHS which was 'saving so many lives today'. The NHS was not a neo-liberal bequest.

The enlisting of Beveridge was salutary<sup>3</sup>. The author of one of the greatest texts of the twentieth century (people queued at government bookshops to buy it) was no radical. He was an establishment figure, who in other writings nevertheless made clear that subject to the need to preserve essential liberties (such as freedom of association), 'we ought to be

The abject failure of the law to protect the health, safety and lives of workers in the pandemic is evident to all

Lord Hendy QC



prepared to use the power of the State so far as may be necessary without any limit whatever in order to abolish' what he referred to as the five giant evils of the day<sup>4</sup>. These were respectively Want, Disease, Squalor, Ignorance and Idleness.

Kristalina Georgieva's resurrection of the Beveridge Report was perhaps surprising in light of yet other writings of Beveridge where he wrote that 'private control of the means of production, with the right to employ others at a wage in using those means, whatever may be said for it or against it on other grounds, cannot be described as an essential liberty'<sup>5</sup>. It is surprising also because of his claim that the question of how to respond to the post war crisis (admittedly much greater than the Covid-19 crisis we face today) was thus 'not a question of the essential liberties of business but of machinery'<sup>6</sup>.

## VII

The Beveridge Report, recovered so persuasively by Georgieva, was the product of a particular epoch, and a response to a particular crisis. It was a national response with international implications. However, it was only one part of a huge epochal change which saw massive State intervention in the economy (including setting working conditions) and not just in the provision and delivery of public services. It continued the massively expanded role of the State during the war effort into peacetime. It rebuilt and expanded what was referred to by the ILO Commission on the Future of Work as the '20th century Social Contract', latterly, 'post-war consensus'<sup>7</sup>.

That Social Contract finds expression in the ILO Declaration of Philadelphia (1944), the enduring relevance of which has been brutally exposed by the Pandemic. At least four core provisions of the Declaration of Philadelphia now need urgently to be revisited, to underpin international and national responses to the Pandemic. These begin with the commitment to full employment as the number of redundancies increase and the failings of governments are exposed. Nowhere is this more visible than in the United Kingdom, following the government's September announcement of a wage subsidy plan for working reduced hours.

Although supported by the TUC as 'a win for unions'<sup>8</sup>, the plan is deeply disappointing and is devised in such a way as to doom millions to needless redundancy and probably long-term joblessness (as the Labour Party Shadow Chancellor has hinted)<sup>9</sup>. But this is not the only concern, with millions of others already imperiled because of the precarious nature of contemporary employment, with workers employed as and when needed in violation of the first principle of the Declaration of Philadelphia that labour is not a commodity. If that is not a platitude, it means abandoning talk of labour markets and ensuring that workers have secure and stable jobs<sup>10</sup>.

Reflecting a third principle in the Declaration of Philadelphia, these jobs must be on terms and conditions that ensure a 'just share of the fruits of

progress to all'. With its plans for an EU-wide obligation for a mandatory minimum wage<sup>11</sup>, the European Commission needs to take note<sup>12</sup>. Although the Declaration of Philadelphia refers confusingly to 'a minimum living wage', this would not be enough to meet the expectation of a 'just share of the fruits of progress', which we would expect to yield a much higher wage. This is an obligation that points to intervention to ensure that the burdens for the many and the profits for the few arising from the pandemic's impact are shared fairly.

## VIII

Underpinning all of this, however, must be a role for trade unions in reconstruction after the crisis, following the examples of the reconstruction after the First World War (when the ILO was created), the Great Depression (when collective bargaining procedures in Britain and across the world were greatly expanded), and the Second World War (when the ILO was re-invigorated, and collective bargaining procedures in many countries enriched). The Declaration of Philadelphia is unequivocal in its call to the nations of the world in its call for programmes that will achieve 'the effective recognition of the right of collective bargaining'.

By a curious twist of fate many of the answers to the problems that we now face are to be found in the recommendations of the ILO Commission on the Future of Work in 2019, with its proposals for a universal labour guarantee, greater time sovereignty, and the revitalisation of collective representation. Developed before the pandemic in response to austerity and globalisation, the report seems to have been ignored by the ILO Centenary Declaration. But the report now looks to have been hauntingly prescient and the case for its wholesale adoption now utterly compelling.

- 1 TUC, *A Better Recovery*, 20 May 2020, and subsequently.
- 2 K Georgieva, 'The Great Reset', Remarks to World Economic Forum, 3 June 2020.
- 3 See Sir William Beveridge, *Social Insurance and Allied Services*, Cmnd 6404, 1942.
- 4 W H Beveridge, *The Pillars of Security* (London, 1943), p 90.
- 5 Ibid, p 49.
- 6 Ibid.
- 7 ILO, *Commission on the Future of Work* (Geneva, 2019).
- 8 The TUC does acknowledge, however, that more needs to be done to protect a create decent jobs.
- 9 *The Observer*, 27 September 2020 ('Sunak's job's plan "harks back to the worst of Thatcher", says Dodds').
- 10 K D Ewing and Lord Hendy, 'The Myth of the Labour Market', *Morning Star*, 1 September 2020.
- 11 U von der Leyen, 'State of the Union Address', 16 September 2020.
- 12 A Europe-wide minimum wage would be the symptom of a problem not its solution.

There must be a role for trade unions in reconstruction after the crisis, following the examples of earlier post-global crisis reconstruction efforts

This article is based on presentations given independently by both authors at meetings on the occasions of the TUC and Labour Party conferences respectively by the Institute of Employment Rights and the Campaign for Trade Union Freedom



# The Swedish model and the pandemic: trust, trade union rights and collective self-regulation

The foundations that underpin the Swedish collective self-regulatory labour market model have been conducive to the Swedish Covid-19 strategy

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'Normality' in a society takes place on a narrow mountain plateau supported by democracy and trade union rights. On one side of the peak, the slope downwards into the dark valley of technocracy is steep. The other side falls away into the crevasse of populism. Both form the pit of authoritarianism, where democracy and trade union rights are but lofty dreams.

Life on the mountain plateau can seem safe. But the security of 'normality' is deceptive. When Covid-19 rocks the foundations, life on the plateau sways. The democratic state suddenly does not feel so secure.

Some argue that a pandemic was expected; that our western capitalist economies were bound to enter a crisis. So it might be, but Covid-19 has also proven to be an unpredictable threat not only to human lives and our post WW2 political and economic system, but also to democracy and trade union rights.

How can Covid-19 be fought back? Each country has had its different strategies. Some countries have experimented with curfews, lock downs and closed borders. The consequences for the wellbeing of citizens and the economy have been severe.

Other countries have trusted their citizens to take on more personal responsibility. Everyday life and economic activities, albeit somewhat slower, have been able to continue. The latter approach, the Swedish way, has caught international attention.

This article argues that much of the foundations that underpin the Swedish collective self-regulatory labour market model have also been conducive to the Swedish Covid-19 strategy. Conditions vary between countries. One must do the best with the conditions where one finds oneself.

Social capital, trust and responsibility are some of the key ingredients. The collective self-regulatory labour market can be used as tool to understand why a different path was possible in Sweden, but also to illustrate the importance of appropriate national solutions.

## Trust and self-regulation as a legislative strategy

Trade unions and employers in Sweden are well organised and enjoy a large autonomy to regulate matters between them. There is no legislative minimum wage or system to declare generally binding collective agreements. The Swedish collective self-regulatory system, as professor Otto Kahn-Freund, the father of collective labour law, would have put it, is a laissez-faire system.

The Swedish legislator trusts employers and trade unions. But the social partners generally also trust the legislator. Autonomous collective agreements cover all economic activity on the labour market in practice – and also establish norms for non-organised employers and workers.

Collective self-regulation also makes matters easier for the legislator. Most conflicts and problems generated by technological, organisational development and changed conditions in general on the labour market can be solved by the social partners. The legislator's attention can then be elsewhere.

Trust often grows out of actions. Trade unions and employers in Sweden have largely been acting responsibly since the 1930s. Many national crises have been solved, partly or fully, through the adaptability that collective agreements provide. Some recent examples are the economic crisis in the 1990s, when the wage-formation system was transformed, but also in 2008 when special collective agreements provided solutions to the liquidity problems caused by the financial crisis.

The strong self-regulatory Swedish labour market model has many advantages. It gives the buyers and sellers of work power to regulate the price and conditions of labour. Agreements can win legitimacy, but they can also balance and change local power relations. Self-regulatory models often make a difference for people. They engage people in conditions at their workplace and often make real change.

## An authoritarian dynamic is never far away in society

In country after country, authoritarian traits are becoming more prominent. The framework of populism falsely posits the 'proper people' against the 'corrupt establishment'.

It is an authoritarian tradition that tends to restrict democratic freedoms and rights, especially the right of expression and association – the same fundamental rights that form the basis for trade unionism. Populist politicians tend to ignore the experts and pretend to be interpreters of a 'true will' of the people. Closed borders, curfews and the announcement of a state of emergency may follow – sometimes justified, but not merely to show action.

Technocracy, on the other hand, rests on an authoritarian regime of experts freed from the task of democracy to anchor, explain and legitimise decision-making. The experts independently assess what needs

to be done and are also responsible for the ethical and moral considerations that need to be made.

Technocrats do not have to negotiate, compromise or deal with dissenters. Freed from the demands of democracy, the expert has the last word. Technocrats pose a serious threat to fundamental democratic and trade union rights, in practice this tends to be just as dangerous as populists.

## **Sweden – no authoritarian experiments**

In a world that is experimenting with closed borders, curfews and a state of emergency, Swedish ‘normality’ appears to be an anomaly. Authoritarian forces, both populists and technocrats, are provoked by the Swedish line – much like conservative forces were provoked by mass democracy when it broke through on a broad front more than a hundred years ago. Trust in people, democracy and self-regulation of the labour market through trade unions and employers were often described as ‘irresponsible’.

Sweden has not experimented with authoritarian measures during the pandemic. It does not mean that it has been ‘business as usual’ in Sweden. Libertarians, including Donald Trump, have severely misinterpreted the Swedish strategy. Trust, self-regulation and personal responsibility, the very same ideas that are the foundation of the Swedish labour market model, have guided the measures. Our lives here in Sweden have been interrupted, but not as fundamentally as in many other countries.

The American political scientist Sheri Berman has written that the Swedish handling of the crisis is based on the special conditions that exist here. The degree of trust is very high in Sweden – both between people and in relation to the State. How different countries handle the crisis reflects the inherent strength of democracy – and it varies greatly.

Berman’s understanding is correct. Sweden has grown with the task. In the midst of a pandemic and collective bargaining round, the social partners have entered into special crisis agreements to protect employees and companies. Political adversaries have jointly contributed to the establishment of massive aid packages for companies and employees.

The Swedish legislature and public authorities have trusted people to follow the guidelines from the Public Health Agency. The Swedish Prime Minister Stefan Löfven gave voice to these ideas in a rare televised speech to the nation in March when he, in a grave voice, said:

*“There come a few moments in life where you must make sacrifices, not only for yourself, but also in order to take responsibility for your fellow citizens and our nation. That moment is now. That day is here. And that obligation applies to all of us”*

Of course, there is much that could have been better handled in Sweden. The death rate in aged care has been troublingly high, but critics usually make some serious mistakes. They assess Sweden’s management of the crisis against a theoretical and

utopian situation. Crisis management, just like collective bargaining, is about dealing with the situation as it really is – not as you wish or think it should be. It is also important to analyse death rates in longer time spans. We must wait a couple of years to assess which national strategies have been successful.

## **A democratic way**

A politician must weigh together different expert opinions and a wide span of people’s expectations – but also long-term and short-term perspectives – and everything else that may affect the decisions that must be made.

‘Normality’ – upholding a democratic society – is about effectively combining the will of the people and objectivity. It is important to avoid ‘expert rule’ as well as ‘mob rule’. Only so can we stay on the mountain plateau.

The democratic path, which is the same for basic trade union work, presupposes that the goals of the measures can be described, but also that trade-offs can be made. It is about negotiating and compromising, but also about creating legitimacy for decisions that have to be made – just as the social partners must act within a collective self-regulatory system.

Combining democracy’s demands for clarity and legitimation with decision-making that is both fast and resolute is not easy. It is always tempting for the political opposition to prevent efficient decision-making. Acting with common public interest, and avoiding self-interest, is not a given. For a government, on the other hand, the strengthening of executive power must not be an end in itself – at least not if democracy is to be preserved.

The public debate must be characterised by a humble, searching, and mutually respectful tone. No one has all solutions. No one knows what will happen to our communities in the future. Standing up for, and safeguarding, fundamental democratic and trade union rights will be the only clear answer.

## **After the corona crisis – a collapse of utopias?**

Martial laws have been adopted in country after country. The German jurist Carl Schmitt has written that it is in the state of exception that the real sovereign appears. In the pandemic, it has become clear that the world consists of nation states.

Basic democratic and trade union rights are restricted around the world. In countries already far down the dark valley of populism, the situation has become even more serious. In Hungary, Viktor Orbán has curtailed parliamentary power and restricted the right to speak. In Russia, Vladimir Putin has used the corona crisis to help make himself a permanent president. What really happens in the dictatorship of China is difficult to understand. And the American presidential election

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It is important to avoid ‘expert rule’ as well as ‘mob rule’. Only so can we stay on the mountain plateau

# The surreal real Brazil

Unions and social movements filed a case in the International Criminal Court against the Brazilian president

There is a popular Brazilian saying that sums up the last years of our policy: 'Brazil is not for amateurs'. Even though this construction is generic enough to apply to any nation-state, and perhaps it is not even an exclusive peculiarity of Brazil, for our conversation there would be no better way of introducing the problems we will address.

In a very short period of time, 4 years, Brazil has gone from a possible model of inclusive and democratic socio-economic development to an international pariah, insensitive to minorities, a persistent violator of human rights, constantly flirting with neo-fascist movements and opinions.

The social and economic roots that allowed this phenomenon escapes the analytical and synthesis skills of this author. Some emphasise the persecution process of the Workers' Party, the culmination of which was the coup suffered by President Dilma in 2016, disguised as impeachment, and the incessant and illegal search for the arrest of the former president Lula. Others will highlight the lack of real commitment by our economic elite to democracy and human rights, for whom the important thing is capital gains regardless of who is in governing, even if this is a belligerent defender of military dictatorships, torture, and executions of political rivals. Surely there will be no shortage of material for historians, political scientists, and sociologists.

From the perspective of law, this period was also one of profound changes. In 2016, an amendment to the Constitution was approved that froze public spending for 20 years, which will make it impossible for the Brazilian State to play an active role in the economy or make investments in health and education. The Labour Reform of 2017, denounced by CUT in the international arena, has dismantled the organisational and political power of the unions, made labour relations even more flexible and opened the way for an intense process of withdrawing workers' rights.

Following this intense and extremely complex political-social process from 2016 to 2017, in 2018 President Jair Messias Bolsonaro was elected, an unimpressive extreme right politician from Rio de Janeiro, whose great banner was the defence of the police and of the army. His campaign was based on the construction of an image of a non-traditional politician, defender of traditions and the 'typical Brazilian family', anti-corruption, and the only one capable of defeating the true evil of the nation, the Workers Party. His campaign motto was 'Brazil above everything, God above everyone'.

Even though then Federal Deputy Jair Bolsonaro was the opposite of the image built in the electoral

campaign, even though he had publicly defended the Civil Military Dictatorship that prevailed from 1964 to 1985 in our country, claiming that it killed few citizens, which should have killed much more, besides having paid homage, during the 2016 impeachment process, to the military man who tortured ex-president Dilma, he was elected president of the republic with a 1/3 of the total voters.

Our president's contempt for human rights and the most basic principles of democracy is a public and notorious fact and his election was received by a large part of society as a great announced tragedy.

However, no one could have expected that the tragedy would be so great that it would characterise a crime against humanity, and genocide.

The way President Jair Bolsonaro treated, and has been treating, the Corona Virus pandemic is irresponsible, unscientific, denialist and has directly contributed to the death and infection of thousands of Brazilians.

As a result of this conduct, on 27 July, UNI Global and several other unions and social movements filed a case in the International Criminal Court against the Brazilian president for crimes against humanity, with the Brazilian people being victims. In summary, Bolsonaro's actions, and omissions, since the beginning of the Pandemic, are:

- Minimise the severity of the disease by referring to it constantly as 'petty flu'.
- Promote intentionally agglomerations by visiting commercial establishments and public places.
- Participate and call for public acts that openly defended a Military Coup in Brazil.
- Defend indiscriminately and without planning the reopening of schools, restaurants, and other businesses.
- Promoted official campaigns against social isolation.
- Ceased to send respirators to the states that integrate the federation and used only 7 percent of the R\$ 11.74 billion reais earmarked for immediate use to combat the pandemic.
- Has made it harder for citizens to access pandemic-related data and statistics.
- A WHO statement was used in bad faith to defend the full return of commercial activities.
- Refrained from wearing a mask in public places and on interviews.
- Attempted to prevent Congress from passing a law requiring masks to be used in shopping malls, shops, schools, and other closed places.

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- Defended and encouraged the use of chloroquine in an indiscriminate way, as if the drug were to prevent contagion or even mitigate its consequences, contrary to all scientific studies.
- Even though he was infected, he did not perform any form of social isolation, actively contributing to the spread of the virus.

Since we are not dealing with an ordinary citizen, but with a Head of State who has obligations to the entire Brazilian population, the president's conduct directly violates the Rome Statute, especially its Article 6 and 7K.

When a Head of State abuses his prerogatives and credibility to disseminate information and conducts that directly result in the death of thousands of citizens, we can only understand this practice as a form of systematic attack against the civilian population of Brazil.

If we look at the consequences of the president's actions in relation to social minorities, such as low-income and indigenous communities, the result is even worse. Given the social vulnerability of these layers of society, the mortality rate almost doubles, reaching 9.6 percent of those infected.

Another spectrum of Brazilian society that has been severely affected are the workers, especially health workers, who did not even have enough protective equipment. Numerous public hospitals lacked masks and cleaning materials.

In our view, there is no doubt that President Bolsonaro's actions and omissions constitute a crime against humanity, and genocide, as they have resulted in thousands of deaths and contamination that could have been avoided.

After this historic moment, it may be necessary to reconstruct or reformulate the popular saying. Brazil is not for amateurs, nor for those who fail to consider the surreal as a possibility.


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this autumn is extremely disturbing. What if Donald Trump refuses to concede?

Many think of the future – what will come? What ideas will be killed by the coronavirus? What will change? No one knows. We are living through an interregnum. Successful ideas will most likely form our societies for generations. I hope that some ideas will win the battle, for example:

That the neoliberal notion of the self-regulating market is buried. The balance between market and state must be renegotiated – and improved.

That economic austerity policies are abandoned. Budget balance and surplus policy has long been overplayed. Life is here and now.



## Stands for Solidarity

[www.uniglobalunion.org](http://www.uniglobalunion.org)

Over 60 million jobs have been lost since the beginning of the financial crisis in 2008. With the addition of new labour market entrants over the next five years, 280 million more jobs need to be created by 2019. Half the world's workforce are employed in precarious work and one and three jobs pay less than \$1.25 per day. To just maintain the status quo 1.8 billion jobs must be created by 2030.

We are seeing levels of inequality in income distribution back to the scale of the 1920s. We are living through a boom period but only for the one percent.

There is a word missing in the world of tomorrow debate – 'solidarity'. UNI Global Union and its 20 million members stands for solidarity in action.

Join with us: [www.uniglobalunion.org](http://www.uniglobalunion.org)  
 UNI global union, 8-10 Av. Reverdil,  
 1260 NYON, Switzerland

That working-class professions get a boost. Covid-19 shows that it is the workers in healthcare, preschools, buses, shops and in many other undervalued occupations that uphold society.

That the utopian federal ideas within the European Union sobers. Drop all ideas of a European minimum wage directive. Help Member States re-regulate labour markets instead.

Finally, my hope is that, after staring into the abyss, the European Union gets serious with Member States, in particular Hungary and Poland, where fundamental democratic and trade union rights are at stake.



## Belarus

Following the 2020 elections, in which an opposition candidate received an unprecedented 588,600 votes (more than doubling the opposition result from previous elections, and amounting to 10.1% of the vote), protests were held in the capital against the sitting President Lukashenko, amid allegations of vote-rigging. Members of the BKDP union have been active in rallies and protests and have suffered significant harassment, with numerous arrests, including the arrest of 20 miners for participating in a sit-in strike that attempted to close one of the seven State-owned Belaruskali mines that extract potash (the fertiliser ingredient is a major foreign currency earner for Belarus) and which employ around 16,000 people. The strike was declared illegal by a court and the strikers were given 15-day prison terms. A number of journalists were also reported arrested, and according to the ITUC up to 40 trade unionists have been arrested overall. The country's largest trade union confederation, with a membership of 4 million, welcomed the re-election of Lukashenko, but has been largely silent on the demonstrations.

*ICTUR has written to the Belarusian authorities calling for the authorities to exercise restraint in the policing of political demonstrations, expressing grave concern at the reports of violent clashes causing injuries and the death of at least one or more demonstrators, and protesting at the arrest of trade unionists for participation in strike action. While strikes 'of a purely political nature' are not normally regarded as protected under freedom of association principles (Freedom of Association: Compilation of decisions of the Committee on Freedom of Association, ILO. 6th Edition, 2018. para. 760-762), ICTUR notes that trade unionists*

*'should be able to have recourse to protest strikes' (Freedom of Association, para 763), and notes that – even if the strike were not legally protected – it remains the case that 'no-one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organising or participating in a peaceful strike, public meetings or processions' (Freedom of Association, para 156). ICTUR called on the Government to take immediate action to ensure that its policing of demonstrations complies, at a minimum, with the standards required under the 1990 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement.*

## Cambodia

On 31 July, Rong Chhun former president of the Cambodian Independent Teachers' Association (CITA) was arrested and taken into detention after criticising government policies in response to the Covid-19 health crisis and calling for the release of four members of the CITA (Peat Mab, Sun Thun, Chhum Chan and Keo Thay) who were also detained for comments they made in relation to school closures. On 1 July Chhun had written to the Prime Minister urging the government to respond to allegations put by the European Union and to implement steps on human rights and democracy in advance of pending withdrawal of 'Everything But Arms' preferential trade terms, which the EU subsequently withdrew on 12 August.

On 2 April another trade unionist was arrested: Soy Sros, a local union president of the Collective Union of Movement of Workers (CUMW) at Superl Holdings Ltd, was arrested after posting a message on Facebook commenting on dismissals at the company. In June, following international trade union protests, Sros was released.

*ICTUR has written to the authorities to express concern at continuing interference in the activities of Cambodia's minority trade unions and the arrest of union leaders. ICTUR recalls that Cambodia was one of the first countries in the region to ratify ILO Conventions No.87 (Freedom of Association and Protection of the Right to Organise, 1948) and No. 98 (Right to Organise and Collective Bargaining, 1949). ICTUR recalls that the arrest of trade unionists 'for exercising legitimate activities in relation with their right of association constitutes a violation of the principles of freedom of association' (Freedom of Association, para. 121).*

## Guatemala

On 7 September, Odilia Caal Có, branch leader of the FESTRAS union was seriously physically assaulted and forced to tender her resignation by members of a rival union (described as a 'pro-management' organisation by the international IUF foodworkers). The attack took place as the union leader welcomed the return to work by colleagues who had just been reinstated by court order, following their dismissal two years previously. Management had reportedly told workers that the costs of the reinstatement would lead to the closure of the factory. As IUF has reported, Caal had previously been assaulted at the workplace in March. Guatemala is an extremely dangerous country for trade unionists, with many serious attacks in recent years, including murders of union activists.

*ICTUR has written to the authorities calling for this case to be investigated and for action to be taken to ensure that trade unionists are protected both from physical threats or harm and from retaliatory dismissal (including forced resignation). ICTUR recalls that ILO Convention 98 expressly requires 'adequate protection*

*against acts of anti-union discrimination in respect of their employment' specifically in respect of acts calculated to cause the dismissal of or otherwise prejudice workers because of union membership or participation in union activities' (Art. 1), and that 'the rights of workers' and employers' organisations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organisations, and it is for governments to ensure that this principle is respected' (Freedom of Association, para. 84).*

## Jordan

On 25 July, police raided and forced the closure of the Jordan Teachers Syndicate headquarters in Amman and 11 of its branches across the country. 13 members of the unions' Executive Committee were arrested and the union was ordered to cease operations. The union had earlier criticised the Government for its handling of the Covid-19 health crisis, under which emergency laws had been passed to limit civil and political rights, and demanding that the Government honour a previously agreed 50 percent payrise, which the Government claimed was no longer affordable due to the health crisis. Union leaders were further accused of posting criminal material on social media. On 27 July a 'temporary committee' was purportedly installed by the Ministry of Education to lead the union.

*ICTUR has written to the authorities to express concern at the coordinated raid of trade union premises and at the dismissal and purported imposed replacement of the union's Executive Committee. ICTUR notes that '... the inviolability of trade union premises is a civil liberty which is essential to the exercise of trade union rights' (Freedom of Association, para. 50) and further observes that 'it is the prerogative*

of workers' and employers' organisations to determine the conditions for electing their leaders and the authorities should refrain from any undue interference in the exercise of the right of workers' and employers' organisations freely to elect their representatives' (Freedom of Association, para. 588). While recognising the difficulties imposed on all governments and public budgets by the global health emergency, ICTUR calls for the authorities to respect agreements previously entered into, and to take steps to ensure that the union's legitimately elected leadership are restored to their positions and charges against them are reviewed, noting that 'the arrest, even if only briefly, of trade union leaders and trade unionists, and of the leaders of employers' organisations, for exercising legitimate activities in relation with their right of association constitutes a violation of the principles of freedom of association' (Freedom of Association, para. 121).

## Kyrgyzstan

During 2020 there have been further reports of ongoing state interference in the organisation and activities of the Kyrgyzstan Federation of Trade Unions (FPK). In Feb 2020 Asanakov was dismissed by the FPK Council and replaced by Ryskul Babayeva from the textile workers' union as an 'interim' leader. Following this step, members of the FPK Council have complained of numerous 'false accusations' against them, both in national media and in the form of criminal proceedings, specifically: on 3 June, Babayeva was arrested; and on 10 June Kanatbek Osmonov, deputy president of the FPK and president of the forestry workers' union, was placed under house arrest. Previous State interference allegedly involving attempts to manipulate the organisation's leadership has been complained of in 2005, in

2008, and again in 2017 (when Zhanadii Abdrakhmanov was replaced mid-way through his term by Mirbek Asankunov).

ICTUR has written to the authorities to express concern at what appears to be repeated State interference, and observes that 'any interference by the authorities and the political party in power concerning the presidency of the central trade union organisation in a country is incompatible with the principle that organisations shall have the right to elect their representatives in full freedom' (Freedom of Association, para. 638). ICTUR recalls that Kyrgyzstan ratified ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organise, 1948) and No. 98 (Right to Organise and Collective Bargaining, 1949) in 1992, and expresses concern at the reported arrest of the FPK's leadership. ICTUR notes that 'the arrest, even if only briefly, of trade union leaders and trade unionists, and of the leaders of employers' organisations, for exercising legitimate activities in relation with their right of association constitutes a violation of the principles of freedom of association' (Freedom of Association, para. 121).

## Philippines

On 17 August, Zara Alvarez, Coordinator for the Bacolod City section of the teaching union, the Alliance of Concerned Teachers, was shot dead in the street. A well as working with the teaching union, Alvarez was a paralegal and had worked with several NGOs on human rights cases and investigations into political violence. Prior to the murder, she had complained of 'red-tagging', in which she had been called a 'terrorist' and publicly identified as a Communist Party activist.

ICTUR has written to the President of the Philippines to raise – yet again – our profound concern for the condition of trade union rights in the country, and to express

grave concern at the government's failure to protect the safety of trade unionists, and at the continued practice of 'red-labelling'. ICTUR recalls that this strategy of disparaging and intimidating trade unionists exposes them to high levels of risk. During the Presidency of Rodrigo Duterte, the highest offices of State have contributed to the stigmatisation of trade unions (in particular the KMU and its affiliated unions) by alleging links between their lawful activities and those of illegal armed groups. Vigilante groups are taking their lead from such labelling, which fact is now well known to the authorities, who have nonetheless failed to prevent – and even engaged in – the practice of red-labelling. ICTUR called for an urgent investigation into the killing of Zara Alvarez, and called upon the government to hold perpetrators to account and to guarantee the protection of workers' representatives.

## Zimbabwe

In mid-2020 as many as 15,000 members of the ZINA nurses' union took part in strike action to demand improved pay (the union has been demanding action on this issue for years, and reports that monthly salaries are now worth less than 30 euros), and complaining about the high incidence of Covid-19 infection among nursing staff, which they say is due to a lack of provision of Personal Protective Equipment (PPE) on coronavirus wards. On 6 July a demonstration was broken up by riot police, who arrested 13 nurses, 11 of whom were charged with criminal offences relating to Covid-19 lockdown rules. The strike was ultimately called off when the Health Minister agreed to concessions regarding pay and conditions for nursing staff.

Other trade unionists in Zimbabwe have faced continuing problems. On 12 July, armed officers broke in to

the house of ZCTU President Peter Mutasa (the union leader was not at home and evaded their attempts to detain him). On 17 July a similar incident occurred at the home of the ARTUZ rural teachers' union leader Obert Masaraure. On 27 July a government representative Patrick Chinamasa, labelled the ZCTU a 'terrorist organisation' and stated that the ZCTU's President was 'a wanted man', as were two leaders of the ARTUZ union. Just one year ago (5 June 2019), six masked men stormed the home of the ARTUZ leader Obert Masaraure and abducted, stripped, and tortured him before abandoning him 15km from his home.

ICTUR has written to the authorities, recognising the critical role played by frontline health workers during the pandemic, welcoming the decision by the authorities to reach agreement with the nurses' union, and urging the authorities to ensure that the commitments entered into are implemented and respected. Concerning the raids on union leaders' homes and the description of ZCTU as a 'terrorist' organisation, ICTUR recalls that incidents of harassment against trade unionists in Zimbabwe have reached a critical level in recent years. ICTUR recalled the 2019 attack against Obert Masaraure and expressed profound concern that individuals who are apparently state agents have raided his home at night. ICTUR urged the Government to immediately cease its harassment of ZCTU officials and members, to drop all charges against them, and release any individuals still in detention. ICTUR further calls on the authorities to initiate an independent investigation into the raids of trade union leaders' private residences, and calls for those responsible to be held to account and for an adequate remedy to be made available to the victims. ICTUR further expresses profound concern at the labeling of a legitimate trade union as a 'terrorist' group.

# Covid-19 - Call Centre Workers and Health-Safety, Union Challenges and Organisation

Working in call centres in the weeks following WHO declaring Covid-19 a pandemic (11 March 2020) generated an extraordinary depth and breadth of anxiety

In spring 2020, every Thursday at 8pm, communities across the UK celebrated the dedication of those fighting to save lives from Covid-19. The focus was those working on a visible front line, the nurses, doctors, paramedics, cleaners in the National Health Service and on the shockingly underpaid and vulnerable care home workers coping with the most extreme human tragedy. Recognition was also given to shopworkers, pharmacists, delivery drivers, postal workers and others, who keep people supplied, fed and protected. Yet, other workers perform active service on an *invisible* front line, namely call / contact centre workers, even saving lives through their skills on emergency or help lines. With face-to-face service prohibited, phone, email, internet and other contact become vital. Vulnerable people, shielding, may rely on telecom call-handlers for connectivity, or financial service agents responding to urgent money queries or civil servants processing state benefits or furlough payments<sup>1</sup>.

Trade unions have long campaigned (e.g. UNI's Call Centre Action Month) against often harsh and unhealthy working conditions - repetitive, pressurised, highly-targeted, emotionally exhausting work. Low status and poor pay contrast starkly with the social value of call-handlers' labour, revealed by the Covid-19 crisis. The impact of the virus on call centre workers is hugely significant, not least because of the size of the global workforce (Taylor, 2015); around 4 million workers in the US, 1 million in the UK, 600,000 in Germany and, in the global South, almost 1 million in the Philippines and perhaps 600,000 in India.

This article reports on a study of UK / Scottish call-handlers (April-June 2020), based on an online survey [https://phil.onlinesurveys.ac.uk/covid19-call-centre-back-office-workers\\_savelives](https://phil.onlinesurveys.ac.uk/covid19-call-centre-back-office-workers_savelives) which elicited 3,000 responses (Taylor, 2020a). The self-completed questionnaires and 200,000 words of written testimony constitute 'lay worker epidemiology', a methodological approach privileging worker experience as a diagnostic resource. The study followed the STUC (Scottish Trades Union Congress) and UK unions, notably CWU, Unite the Union and USDAW, receiving anecdotal accounts of hazards, inadequate safety measures and worker infection. Robust evidence was urgently needed that could inform union interventions to make workers safe, particularly homeworking. Incoming data revealed sector-wide hazards, so an ancillary objective became the publication of reports that could impact public policy and strengthen regulation.

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## Contact Centres and Covid-19

Crucially, the technologies integral to call centres facilitate the centralisation of remote servicing and sales activities. The cost-minimisation imperative driving efficiencies has created high-density, maximum occupancy office floors in, mostly, large workplaces, with workers tightly clustered in closely adjacent workstations in open-plan offices in sealed buildings. Hazards from Heating, Ventilation and Air Conditioning (HVAC) systems have been identified. Re-circulated air was widely reported in previous studies as causing illness: 'air conditioning—it's an incubator of germs' (Taylor et al, 2003:446). In this typical workspace configuration, call-handlers are potentially vulnerable.

For Covid-19, two transmission routes are dominant (REHVA, 2020), via droplets (particles emitted when sneezing, coughing, shouting, talking<sup>2</sup>) and surface (fomite) contact (hand-to-hand, hard surfaces). A third is the faecal-oral route, with safety implications from toilet use. Airborne transmission has two exposure mechanisms (Guan *et al*, 2020). Close contact transmission, through large droplets >10 microns, which are released and fall to surfaces not further than 1-2m from an infected person. Yet, experts maintain, many airborne particles can travel long distances, including through HVAC ductwork. The second airborne transmission is through small particles (<5microns) which may stay airborne for 3 hours indoors, be transported longer distances and remain for 2-3 days on surfaces at common indoor conditions, implying that 'keeping 1-2m distance from infected persons might not be enough' (REHVA, 2020:2).

Given duration of exposure (long periods of sedentary work), workers' close proximity, the effects of HVACs and no fresh air, aerial bacterial dissemination may be far more problematic than hitherto recognised.

## 'Call centres are like petri dishes'

Working in call centres in the weeks following WHO declaring Covid-19 a pandemic (11 March 2020) generated an extraordinary depth and breadth of anxiety. Almost four-in-five either 'strongly agreed' or 'agreed' with the statement, '*I think it is likely I will catch Covid-19*', while more than nine-in-ten were worried they would 'give Covid-19 to family or friends'. More than two-thirds said they were 'much more worried', or 'terrified', if compelled to attend their workplace in two weeks' time. While increasing tolls of mortality and illness at societal level intensified fears, specific workplace experiences



exacerbated them. Three-quarters knew colleagues who had developed symptoms and been forced to leave work and self-isolate. The following are typical: 'Nearly 75 percent of the centre', '14 out of 17 in my team' or 'two-thirds of my floor. Accounts of serious illness abounded: '2/3 in ICU', or '1 in critical condition countless others self-isolating'. Most harrowing are the reports of deaths, seven by survey respondents.

Almost one-in-two reported sitting at least two metres distant from their closest colleague, most frequently at workstations in banks, with non-occupied desks between occupied workstations. However, this spatial separation did not guarantee social distancing. Almost four-in-ten sat less than the required 2 metres, and one-in-six reported 1.5 metres or less.

Almost three-quarters believed that moving through the building was 'very hazardous' or 'hazardous'. While most organisations made serious efforts to install one-way systems with strategically-placed signage, walking the floors where corridors are often narrow, exacerbated difficulties.

Compounding inadequate social distancing were continued supervisory practices involving face-to-face contact. More than one-in-three reported still having physical team meetings, huddles in close proximity to colleagues or 1-1 meetings with team leaders.

Significant concerns emerged from call-handlers' experiences of sanitisation and cleanliness. Less than four-in-ten believed management was 'effective' at sanitising toilets and three-quarters regarded management as 'ineffective' or 'very ineffective' in providing personal sanitisers.

Magnifying concerns is hot-desking. Almost 1-in-2 thought management were 'very ineffective' in enabling call-handlers to use their own workstation. Covid-19 brings a festering sore among call centre workers to a very visible surface.

For many years, workers in open-plan, high-density offices have complained about extreme temperature, dry atmosphere and sealed buildings and the circulation of germs and viruses. More than nine-in-ten agreed this was so; 57.6 percent were 'very worried' and 30.7 percent 'quite worried' that HVAC would circulate Covid-19.

## Union Interventions

Scrutinising incoming completed surveys identified centres where workers were facing acute risks. Since the author included contact details on the letter accompanying the survey many respondents emailed or telephoned with, often harrowing, information confirming conditions of widespread infection, serious illness and even death. Collating survey data and combining it with the intelligence provided directly by workers enabled the author to write targeted reports, communicated to national union officers who then intervened. Two cases stand out.

In a financial services centre in north-west England, one worker had died, others were in intensive care and Covid-19 was widespread, yet

management had implemented only selective homeworking, leaving many vulnerable to the reported hazard of a malfunctioning HVAC. Urgent communication by a Unite national officer with senior management, bolstered by participation of on-site union reps, prompted the company to homework or furlough the affected workforce. In a telecoms centre in Yorkshire, conditions were similar in that a death and widespread illness were reported, but the major problem revealed by completed surveys was the absence of social distancing. Although the industrial relations contexts differed<sup>3</sup>, the CWU was similarly able to ensure that management effected homeworking.

## Impact on Policy

Two reports based on the survey findings (Taylor, 2020a;b) influenced the Scottish Government into establishing a Working Group to provide sectoral guidelines. The Scottish Report (2020b) concluded with recommendations which informed the author's and union officers' interventions in the Group. Over several meetings, agreement was achieved on specific guidelines on important protections, including hot-desking and worker involvement in risk assessments. <https://www.gov.scot/publications/coronavirus-covid-19-guidance-for-call-centres-and-customer-contact-centre-environments/>.

## Call Centre Collective

An appropriate conclusion is consideration, unavoidably brief, of the *Call Centre Collective* (CCC) <https://www.betterthanzero.scot/callcentrecollective/>. Prompted by the serious risks faced by call-handlers from Covid-19, the CWU, STUC and its organisation campaigning against Zero Hours Contracts established the CCC as a worker-led initiative organising call-handlers across industries. Clearly, protecting workers from Covid-19, giving unorganised workers a voice and challenging bad management practice are immediate priorities. However, given long-standing representation deficits in, particularly, outsourced centres, CCC's longer-term objective is fighting for workers to be rewarded and to gain improved working conditions, justified by the real social value workers create.

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Robust evidence was urgently needed that could inform union interventions to make workers safe, particularly homeworking

## Notes

- 1 Molloy (2020). Farcically, the UK government designated many call-handlers, though performing non-essential activities, key workers, compelling them to attend their workplaces.
- 2 Germane to call centres where talking is a sine qua non.
- 3 In the financial centre Unite utilised established collective bargaining arrangements, while the telecoms centre, following acquisition, had only relatively recently become subject to collective bargaining so that industrial relations practices reflected its non-union past.



# Collectivising the Gig Economy in Australia

A landmark Australian inquiry calls out the gig economy's rotten core, and unions are starting to building worker power in the platform economy

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In July 2020, the Report of the Inquiry into the Victorian On-Demand Workforce was released<sup>1</sup>. This was the first full-scale government inquiry into platform work in Australia, possibly even globally. Inquiry Chair, Natalie James, tackled head-on the problem at the core of the gig economy: work status, and therefore access to protective employment regulation, is generally controlled by the platforms.

The Inquiry found that platforms exercise significant levels of discretion and control over how gig work is organised, with no independent oversight. This presents challenges to Australia's system of labour regulation, and uncertainty about which laws apply to gig workers.

Arguably one of the most striking features of the Report is its public calling-out of what we know platforms like Uber, Uber Eats, Deliveroo and Foodora have been doing around the world for years:

*While there are a small number of notable exceptions, the arrangements established by the platforms with the workers are usually consciously framed to avoid an employment relationship arising between the worker and the platform.*

The Report also exploded the myth, propagated by the platforms, that gig workers are (universally) flexibility-seeking entrepreneurs who do not wish to be stifled by conventional employment arrangements:

*While certain platforms may characterise their workers as 'entrepreneurs', some platform workers do not fit the typical epitome of self-determined, self-employed small businesses or 'non-employee' workers. Further, some platforms are highly controlling in how they organise elements of the work including, in some cases, setting prices for end users.*

A significant consequence of these arrangements, the Inquiry found, is that many gig workers are paid less than the Australian minimum wage (once the various costs and payment structures applicable to non-employee platform workers are calculated).

Further, many platforms design contracts and control systems which are imposed on workers on a 'take it or leave it' basis, including work allocation through algorithms. This level of control, the Inquiry concluded, does not sit comfortably with the platforms' entrepreneurship narrative.

Noting that a person's work status is 'pivotal', the Report went on to observe that the determination of that status 'is rarely the subject of formal or regulatory scrutiny at the outset' of a platform work relationship. The question of the worker's true legal status is only tested if they challenge the presumption that they are not an employee and fall outside applicable employment law rules. However

the putative contractor status of gig workers has been successfully contested in only one Australian case to date<sup>2</sup>. The Inquiry found, further, that:

*Platforms are unapologetic that they have chosen to operate outside the employment regulatory framework. ... Platforms claim to be inhibited from extending more beneficial arrangements to workers by the risk that the relationship might then be characterised as employment, making their model untenable. The arrangements they have put in place are designed to mitigate this 'reclassification risk'.*

The Inquiry made a series of recommendations for reform of Victorian and federal law to provide more choice, fairness and certainty for gig workers – in other words, to counter the platforms' deliberate structuring of contractual and work arrangements in their favour.

One critical recommendation was to 'codify work status' through a new statutory definition in the Fair Work Act, rather than relying on the present imprecise common law tests. This would involve placing the concept of entrepreneurship at the core of the employee/independent contractor distinction<sup>3</sup>. It would ensure that only genuinely self-employed, autonomous business people operate under commercial arrangements – and workers who operate as part of another's business or enterprise are covered by protective labour regulation.

## Union representation and collective bargaining for gig workers

The Victorian Inquiry noted that there are significant legal barriers to platform workers seeking to improve their pay and conditions by organising collectively. Their assigned contractor status excludes them from access to collective bargaining under the Fair Work Act, which is only available to employees. At the same time, as self-employed small business operators (unless they prove to the contrary in the courts), they are precluded from bargaining as a group by Australia's competition law regime.

The Inquiry's recommendation to allow collective negotiations by (so-called) independent businesses in the gig economy would only go so far. Any such negotiation process would be regarded by the platforms as voluntary, and most likely ignored. Further changes to competition legislation would be needed to enable gig workers to take collective action – equivalent to protected industrial action under the Fair Work Act – in pursuit of an agreement.

Despite these limitations, and the refusal of most platforms to engage in collective discussions, several

Australian unions have been at the forefront of organising and representing gig workers in recent years.

Unions NSW has fought to obtain improvements for workers engaged through the Airtasker platform. Airtasker facilitates the matching of home-based tasks created by 'job posters' with people to do the work, through an online bidding process. Unions NSW has highlighted concerns that this business model is actually based on the 'bidding down' of workers' pay rates, with the result that they are often paid below the minimum pay rates set down in awards (legally enforceable, industry-level instruments setting pay and conditions). Further, without proper safety checks in place, Airtasker workers go into private homes to do electrical or plumbing work, or asbestos removal, in some instances without the required trade qualifications.

In 2017, Unions NSW negotiated an agreement with Airtasker which was described as 'a world first for the gig economy'. Under the agreement, the company agreed to post recommended pay rates (based on legal minima) on its site; and to enter into further negotiations on safety guidelines and a personal injury insurance policy for workers obtaining jobs through the platform. Although this was not an industrial agreement made under legislation, and therefore was unenforceable, it provided a foothold or entry point for unions to build more effective forms of organising in the hostile terrain of the gig economy.

The Transport Workers Union has supported legal challenges to misclassification by Foodora, Deliveroo and Uber Eats delivery workers. The TWU has also worked with Victorian Trades Hall Council's Young Workers Centre to compile survey data highlighting the exploitative pay arrangements, intrusive surveillance and safety risks encountered by food delivery riders. Their joint work informed the *On-Demand Food Delivery Rider's Charter of Rights*, published in late 2019 as part of the 'Rights for Riders' campaign and seeking the following:

1. a fair minimum wage and pay for waiting times
2. transparency in how companies assign orders, and disclosure of the order distance and delivery fee before a rider accepts an order
3. penalty rates for weekends, nights and public holidays
4. bad weather allowance
5. workers' compensation insurance and other safety measures
6. collective voice and recognition of Delivery Riders Alliance unions.

This lobbying by the TWU and Young Workers Centre, along with similar campaigns by other unions, was influential in bringing about the Victorian Government's decision to establish the On-Demand Work Inquiry – and at the time of writing, these same representatives are providing data on gig workers' views and experiences to the

state government as it implements the Inquiry's proposals.

## A matter of life and death: gig workers, unions and Covid-19

Soon after the pandemic hit Australia's shores, it was clear that workers in the gig economy would be extremely vulnerable. Rideshare drivers and food delivery riders were directly exposed to coronavirus infection through daily contact with the public, and very minimal safety protections. Their designation as contractors meant they had no entitlement to sick leave or other forms of leave. This had the effect that many would simply work through, even if they developed symptoms, rather than being tested and self-isolating. It was this kind of dilemma which led Victorian Premier, Daniel Andrews, to describe the mounting Covid-19 infections in the state's 'second wave' as a phenomenon attributable in large part to insecure work.

In the early weeks of the crisis, the TWU pressed Uber and other platforms to provide workers with sick leave and suspend their customer ratings so drivers would not be penalised for wearing face-masks or taking other precautions. Then, Uber and Deliveroo allocated their drivers and riders up to 14 days' payment if they contracted the virus or were directed to quarantine. Several food delivery platforms introduced contactless delivery to customers and provided some personal protective equipment. The rideshare company Ola went further, installing transparent hygiene screens in vehicles and frequent driver temperature checks. However, this was only available to drivers who elected to join the 'Ola Pro Program' as part of a new service offered to customers wanting 'super sanitised' transportation.

In late July, the TWU and US food delivery platform DoorDash announced they had entered into an agreement which included their shared belief 'that open, honest, and constructive dialogue and engagement on issues of concern to workers will help improve the safety of food delivery workers during the Covid emergency'. Under the agreement, DoorDash committed to measures including free provision of PPE to drivers, and payment of two weeks' earnings to delivery workers who (a) have tested positive for Covid-19, (b) have been individually instructed to self-quarantine by a medical professional or public health official, (c) are at higher risk for severe illness due to Covid-19, or (d) have a housemate who fulfills [sic.] at least one of the above criteria'. These payments are based on a driver's average weekly earnings over the previous three months.

The agreement also included this rare concession from a platform company: 'DoorDash recognises that collective representation from workers through regular dialogue and engagement with the TWU is valuable to identify, discuss, and resolve issues of

...continues on page 28...

When Covid-19 struck, many gig workers had no choice but to keep working, even if they developed symptoms

1 See: <https://engage.vic.gov.au/inquiry-on-demand-workforce>

2 *Klooger v Foodora Australia Pty Ltd* [2018] FWC 6836; cf. the following decisions: *Kaseris v Rasier Pacific V.O.F.* [2017] FWC 6610, *Pallage v Rasier Pacific Pty Ltd* [2018] FWC 2579, *Suliman v Rasier Pacific Pty Ltd* [2019] FWC 4807, *Gupta v Portier Pacific Pty Ltd; Uber Australia Pty Ltd; Uber Eats* [2020] FWCFB 1698.

3 Based on the approach taken in decisions including *On Call Interpreters and Translators Agency Pty Ltd v Commissioner of Taxation* (No 3) [2011] FCA 366 and *Fair Work Ombudsman v Quest South Perth Holdings Ltd* [2015] FCAFC 37.

# 'Just because you don't see your boss, doesn't mean you don't have a boss': Covid-19 and Gig Worker Strikes across Latin America

'Platform' workers in the 'gig economy' have been concerned about low pay, job security, and working conditions

Latin America has been hit hard by Covid-19. On 22 September, the region had reported more than 8.8 million cases, and 325,000 deaths (Horton, 2020). As daily case numbers began to fall in Europe from May onwards, they continued to surge in Brazil, Argentina, Colombia, Mexico and across the region. So far, Brazil has recorded the third highest number of cases in the world, 4.5 million as at September, and more than 140,000 people have lost their lives.

Looking beyond the headline numbers, it is clear that the region's high levels of inequality have shaped the course and the outcomes of its pandemic experience. Latin America includes some of the most unequal countries in the world, and these existing inequalities inevitably put the greatest pressure on those on the margins of the labour market. 'Gig' (or 'platform') workers, who perform piece-rate on-demand tasks through apps, have been particularly hard hit. Many gig workers lost their incomes overnight as a result of lockdowns, while others risk heightened exposure to the virus in order to keep earning.

While the images of mass grave sites dominated news emanating from Latin America in May, weeks later another story of global significance was emerging - large, coordinated strikes by gig economy workers across the region. As early as April, workers had begun striking against dangerous working conditions and low pay during the pandemic. Protests intensified in July, with large-scale strikes on July 1 spanning ten Brazilian cities, alongside other countries, including Argentina, Ecuador, Chile and Mexico. Further international strikes occurred in August. The strikers were food delivery couriers, working for Uber Eats, Rappi, iFood, Glovo and other platforms.

These strikes are particularly historic, in that they represent the first real example of an international, sector-wide, strike movement in the gig economy. They have been catalysed by the conditions of the pandemic for a number of reasons. Covid-19 has further eroded gig workers' already tenuous financial and physical security, whilst also demonstrating the essential nature of the work they perform. These conditions highlight the core issue of the misclassification of platform workers as independent contractors without access to employment rights or benefits. As the struggle faced by gig workers in Latin America has only intensified, the pandemic has provided the impetus and platform for

thousands to raise their voices against underlying structural injustices.

In this article, we trace the courier strikes across Latin America, with evidence from Brazil, Chile and Ecuador from April to August. These case studies have been compiled by researchers in the Fairwork network, a multi-national collaborative research project that tracks labour conditions in the gig economy, and encourages labour platforms to meet defined standards of fair work in the absence of regulation (Graham et. al., 2020).

## Covid-19 and Worker Strikes Across Latin America

Histories of profound social inequality mean precarious working conditions are already normalised in many Latin American countries, however so are legacies of labour resistance. In Brazil, many have worked in insecure jobs, as couriers, cleaners and drivers, for a long time before the advent of digital labour platforms. Nevertheless recent years have witnessed the further erosion of public provision of social security, education, health, and labour rights, paving the way for the gig economy model of algorithmically-managed insecure work to become widespread. As President Jair Bolsonaro pronounced early in his term; 'workers will have to choose between more rights or more jobs' (in Araujo & Murakawa, 2020).

Covid-19 has further heightened the precarity faced by gig workers (Fairwork, 2020). In the gig economy, workers disproportionately bear both the risks, and the costs associated with the labour process (Fredman et. al., 2020). For delivery drivers, the risk of contracting the virus is now added to the ever-present risk of road accidents. Additionally, restaurant closures have increased the risk of non-payment, and deactivation. At the centre of this issue is the practice of classifying workers as independent contractors. Because gig workers are not classified as employees, platforms are not held responsible for the dangers they face in their work. This has seen platform workers largely barred from the safety net that formal employees have counted on during the pandemic. Ineligible for social protections and operating outside labour regulation, they seldom have the option of not logging in to work, even whilst others shelter at home (Bonhomme, Arriagada & Ibáñez, 2020).

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with FairWork  
(<https://fair.work>)



Platforms have failed to protect workers in this regulatory vacuum. Instead, they have presided over deteriorating working conditions, with some even profiteering from the crisis at workers' expense. A sharp rise in demand for food and grocery delivery has been documented in lockdowns across the world (Butler, 2020; Clark, 2020; Gladman, 2020). In Brazil, the number of food orders through platforms increased by 77 percent in March and April (Larghi, 2020). Research has revealed that food delivery couriers are working harder but earning less than they used to, as gig workers' ranks swell with the wave of newly unemployed (Abilio et. al., 2020). Moreover, costs associated with gig work have also increased, forcing workers to be online for longer hours. One union in Brazil recently estimated that drivers earned on average US\$ 1.15 to 1.91 per hour, and worked between 10 and 12 hours a day (Pskowski & Vilela, 2020). Strikers have strongly refuted platforms' claims that they are being provided with personal protective equipment (PPE).

Glovo and Rappi workers leading the strikes in Ecuador also cited a lack of PPE as one of their greatest concerns. However, their most pressing demand has been about decreasing pay. With justifications of social solidarity and doing their bit to support the Covid-19 response, platforms in Ecuador have reduced delivery commissions for riders.

In Chile it has been a similar story. Changes in payment have led to widespread discontent amongst workers. Here too, despite platforms' assurances, workers have battled to access PPE. One driver, Andres, reported that despite receiving numerous instructions on protecting consumers, (e.g. keeping a distance of two meters, and washing his hands with alcohol gel), none of the platforms he works for have given him masks or gloves, even though his work involves queuing in busy supermarkets (Bonhomme, Arriagada & Ibáñez, 2020). As part of the strike action in Chile, a group of 19 mostly migrant workers, filed two labour complaints against Pedidos Ya, demanding to be recognised as employees, and accusing the platform of having fired them without justification or due process. Workers have also encountered convoluted appeals processes, having to navigate limited options for communicating grievances with platform management.

Left with little or no ability to change their circumstances, workers have turned to social media as a ground-up tool to bring their struggle to the fore and solicit public and consumer support. At the centre of the strikes in Brazil was the 'Anti-Fascist Couriers' movement, led by food delivery driver Paulo Galo. Galo's social media messages became rallying cries, including through a viral video posted in March, in which he asked app users, 'do you know what torture it is to go hungry while I am carrying your food on my back?' (Pskowski & Vilela, 2020).

Disseminated through popular social media platforms such as Twitter, Facebook, Instagram, and WhatsApp, Galo's messages offered a powerful reference point for the aims of the collective action.

In defiance of the narrative propagated by platforms, that gig workers are independent contractors, Galo told fellow workers: 'we are not entrepreneurs', and 'just because you don't see your boss, doesn't mean you don't have a boss'. Through the hashtag #BrequeDosApps, or #StopTheApps, Brazilian strikers appealed to consumers to show solidarity by not ordering anything through the platforms during the action (Pskowski & Vilela, 2020). Workers in Chile were similarly able to organise via social media, in particular through the Twitter account 'Riders Unidos Ya', referring to the platform Pedidos Ya.

Organising via social media has allowed the strikes to occur across countries, targeting multiple companies in the sector. There has been a wide diversity of perspectives represented in the strikes and in digital spaces where workers organise. Despite some disagreements between workers' organisations, the common experience of the pandemic has spurred workers to unite behind common demands for improved conditions in the gig economy. This emphasises the possibilities for a fairer future of digital work; in which social media platforms can facilitate worker empowerment. In one example of the ground-up pursuit of a fairer platform economy, one group is building a workers' cooperative platform, Despatronados (meaning 'without boss'), already in beta version.

Organising via social media has allowed the coordination of strikes across countries, targeting multiple companies in the sector

## Discussion

The full extent of the devastation wrought by Covid-19 will not be known for some time. However, it is clear that it has placed immeasurable pressure on already precarious workers, and laid bare the contradictions and unsustainability of the current gig economy model. So far, this model has succeeded in suppressing collective worker action by misclassifying dependent workers as independent contractors, and therefore ensuring they are atomised, isolated, and face higher barriers to asserting their rights. However, the widespread disruption of Covid has pushed this situation to its extreme and made it more visible, in Latin America and elsewhere. The pressures of the pandemic have become an impetus for labour resistance.

Strikes have of course occurred with some regularity in the global gig economy, prior to and during the pandemic. However, the delivery drivers' uprising in Latin America is noteworthy for several reasons, the foremost being its scope and scale. These strikes have been coordinated across multiple countries, and coalesced around clearly articulated shared demands. They have targeted all the major operators in a sector simultaneously. These developments offer renewed hope for a sustained labour resistance and a fairer future of platform work. Cross-border action is all the more important in the gig economy context, as platforms have strategically positioned themselves as transnational and

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# Transport and logistics workers face new challenges and adapt new trade union strategies

Transport and logistics workers are keeping supply chains moving to provide food, medicines and medical equipment, PPE and other essential supplies

**Liz Blackshaw**  
is Director of Global Campaigns with the International Transport Workers Federation in London

During the early days of the crisis, before lock-down starts occurring and when globally there was uncertainty about the nature, duration and scale of Covid-19, it became clear that there were problems in supply chain resilience.

From the outset, consumer panic buying and millions of workers relocating to work from home changed the already vast scale of e-commerce and left huge gaps on shelves in shops and warehouses.

Throughout these supply chains are ITF affiliated members. From passenger services to air freight, from ships holding 10,000 containers of essential goods to the dockers unloading and moving to storage. The pickers in the warehouses who were getting consumers the essential goods that they needed. The vast road and rail networks that all these goods are transported along are all serviced by ITF affiliated members. Where transport workers usually are invisible except to a few, in these circumstances, they have arrived at the forefront of consciousness.

However, beneath the global glory that transport workers were able to see more visibly than ever before, remain systemic problems that our members faced pre-Covid. Fragmentation of contracting systems throughout supply chains, dependant workers not able to access their ultimate employer, the knowledge and ability to form and join unions to bargain in the most basic sense has compromised union density. Articles are written elsewhere about the seafarers' crisis, but with over 300,000 crew trapped at sea, even our most mature and exclusive model of global industrial relations is under strain.

Everyday complaints about lack of access to PPE, unpaid and excessive hours of work and unachievable performance targets remain a constant threat to health and wellbeing. With workers reporting a lack of access to appropriate PPE, warehouses continue to be closed for deep cleaning following reports of clusters of infection and in some of the worst cases, deaths of our members.

Some employers determined that it was more important to keep supply chains moving than take the time to perform proper risk assessments and check on access to toilets, handwashing facilities and sanitation stations to enable full compliance with WHO or governmental guidelines, in some cases avoiding their own corporate procedures.

Within the ITF family, the spiking increase of e-commerce and just in time delivery to support the

vast numbers of homeworkers, was exacerbated by the millions of workers furloughed by industries such as cruise and aviation, ITF affiliate members whose industries were decimated by travel restrictions and closed borders.

Furthermore, we have many reports of our members being unable to leave warehouses until picks were completed, or trucks until deliveries were completed, airplanes where passengers were not following regulations on face coverings or other provisions. This has left our members struggling to combine increased domestic responsibilities with their work, some having to self-isolate from their own families without employer pay or support. The associated high volumes of stress are also unsurprising.

ITF has had media coverage of the unacceptable conditions for our drivers hauling goods. We already had evidence of border crossing lorry drivers within the European Union identifying as victims of human trafficking. The inability of workers to be able to identify and negotiate with employers to achieve the life saving equipment needed, only contributed further to the detriment faced on the road by workers who were miles away from home for months on end, with no access to rest, toilet or sleeping facilities and receiving pay well below recognised minimums (see report on ITF website).

Some of our seafarers are unable to even talk to their families. In some extreme cases we have received reports of the ships' satellite being switched off to prevent them from accessing social media or other forms of contact with the outside world, and to stop them from complaining to their union or to the dedicated support systems within the ITF. The associated impact on mental health and wellbeing is real, including regularly receiving personal threats of suicide, leaving the ITF Inspectorate and unions representing our seafarers facing the worst time of their working life too.

Many transport workers have been unable to access employer or state funded income protection or job retention schemes and other provisions due to the prolific use of non-standard forms of employment such as sub-contracting and bogus self-employment. Joining the global lobby for income protection schemes for furloughed workers, it was not evident at that point how long the pandemic would go on for. At the time of writing, where many

countries around the globe are looking at the possibility of facing further forms of restricted movement locally, and in some nations a return to full lockdown, these issues remain.

One barrier causing these problems is the lack of true human rights due diligence in supply chains. The ability for lead firms to confidently assess, minimise and mitigate risk to our members throughout their logistics and supply chain management services is compromised by a lack of transparency and inadequate self-auditing or CSR policies that do not fully interrogate the full range of workers required to get product to marketplace and beyond. The pandemic has highlighted how fragile these systems are and how dependent they are on workers continuing to place themselves in harms' way.

Just weeks before the pandemic was announced by the World Health Organisation, talks at the ILO in Geneva over the possibility of a new convention on Supply Chains broke down. Yet there has never been a greater need for unions to be able to negotiate terms and conditions on all of the challenges outlined, both with lead firms and with those who control the contracting process and corresponding employment contract fragmentation occurring through the supply chain.

## Challenges for organising

Even before this year, traditional methods of union organising via workplaces and employer support systems were moving to digital platforms. Success stories already show that unions are communicating with members and potential members via apps and mobile technology. Workers' have been accessing union support in their millions and unions are working hard to advocate the necessary campaigning and representation required to win improvements in normal times, in these times life-saving equipment, employer or government supported time off.

Losing millions of workers to furlough and job retention schemes initially, and more recently to threats of redundancy and rehire, unions are fighting to save workers jobs and ability to care for themselves and their families.

The ability to represent large proportions of membership being threatened with redundancy, pay freezes, and other forms of mitigation against corporate financial loss presents a resourcing challenge to unions. Whilst some areas of the economy are contracting, albeit in some cases temporarily, other areas of the economy are growing. The ability to balance and achieve equal emphasis placed on those workers who need a union and those who were in service and have been threatened is a leadership struggle. There are great examples of unions who are extending services to members who are not in the workplace today or tomorrow so that they can remain union members through this difficult time.

This is even more difficult to contemplate where many unions are also having to deal with the impact

on their staff and organisers of working from home, with elected leaders grounded and being unable to carry out their business using usual methodologies like worksite meetings and in-person visits.

Increased use of video-conferencing has become the norm for conducting business in national and local environments.

Video messaging, live-meeting functions and other tools are being used to ensure that leaders are still speaking as directly as possible to their membership, in and out of the home. Opportunities for media reporting are being taken on a scale previously unheard of. Within the ITF family, we are seeing daily publication of stories about transport workers around the world fighting for their rights and opposing threats to livelihood and industry which enables others to raise their voice to the necessary employers and governments.

Our ability to conduct democratic business such as governance meetings and decision making has been challenged. Yet, as there was already success toward moving online, this is now accelerated. ITF is hosting full governance meetings online using translation technology and delegates globally participate directly in their own language. Voting and other demonstrable democratic endorsement methods have become emoticons available on the platform showing a thumbs up or down, a smiley face or a sad face, rather than a postal ballot or workplace vote.

This is new and different and will place challenges on observed processes for democratic participation. Some will see this as undermining democracy but there is a need to argue that holding shortened, more relevant and time bound topics for debating and decision making are more democratic. Think of the time taken to travel to a meeting, then the time taken to stay over-night(s) to observe the start and end times, think of the elongated breaks then think of those who do not participate because of the time requirements. A combination of these approaches will contribute towards more democratic participation from more people who may otherwise have been excluded from events and meetings.

## Regulatory reform is required

One challenge for transport workers is the nature of employment. For millions of transport workers on precarious forms of employment contracts, there are cases where it is difficult to establish legal employer identity or even applicable law. Transport workers who's very nature of employment is to cross borders and leave their national union environment, the need for continued improvements in their ability to form, participate in unions and bargain for improvements has never been more critical.

We have many sectors in our society who have formed co-operations across borders geographically and industrially, some going as far back as the 18th

Unions' ability to conduct governance meetings and decision-making has been challenged: the move to online union democracy is now accelerated

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# Universal Basic Income - not really an alternative

During the Covid 19 pandemic proposals were made to use a temporary basic income to cushion the economic consequences, but unions favour other approaches

The idea of a Universal Basic Income (UBI) sounds intriguing at first: everyone should be guaranteed an income which covers their basic needs. Who would argue with that? Taking a closer look, however, there is much uncertainty as to what exactly is meant and how a UBI should work and be financed. This was also evident during the Covid 19 pandemic, when proposals were made to use a temporary basic income to cushion the economic consequences for the population and especially its particularly vulnerable sections. For example a study for the United Nations Development Programme proposed this for the world's three billion poorest people. But this would be neither universal nor sufficient – in average US\$ 2.50 per person per day. In the paper there is also a positive reference to Spain, where a 'basic income' was introduced. There it concerns however an even worse Spanish variant of the German model of basic security for needy unemployed ('Hartz IV'), which is criticised by the trade unions as too low and too repressive.

## UBI as a rescue against the crisis?

For Germany this discussion makes little sense. This is a country with a highly developed social welfare system, which showed its performance in the ongoing crisis – despite of all problems and legitimate criticisms. This system is characterised by social insurance schemes, which involve the vast majority of the population – in particular, dependent employees and their families – which provide benefits on the basis of contributions paid. Especially, the short-time work allowance saved millions from falling into unemployment. But nevertheless many mini-jobbers, self-employed and small entrepreneurs are particularly hard hit. They often have low incomes anyway and need every euro, but do not receive short-time work benefits or unemployment benefits because they are not covered by unemployment insurance. If they are needy, they can apply for basic security, but this is below the German poverty line.

For the German UBI community this is rather a deterrent example, they see a 'real UBI' as the fundamental alternative to this means-tested basic provision. A UBI as they mean it is intended to be an income that the government pays unconditionally to each person, regardless of what income that person receives or what assets they possess. There is no means testing and each person receives the same amount (only children less). The UBI should be high enough to cover basic needs and guarantee social

participation. The search for gainful employment would not be required. As a response to the Covid 19 crisis more than 400,000 people supported a petition that demands the introduction of an unconditional basic income of 800-1200 euro per person and month in Germany for 6 months. This would cost about 500 billion euro, which would be 3 or 4 times the complete public expenditure on education.

But why should everyone receive such an unconditional basic income (BGE) as a measure against the crisis, although for many, fortunately the majority of employees, the income is not at all lost, but continues as before? For the majority of the employees hit by the crisis the short-time work allowance or even the unemployment benefit is better than such a UBI would be. On the other hand, such a UBI would not be a rescue for the many self-employed and small businesses that are on the verge of bankruptcy because their income is lost but they still have to pay various running costs, rents, etc. Targeted aid for those who need it would also make more economic sense so that they can get started again after the crisis. And this would be far less expensive because far fewer people than the entire population would receive it.

## Arguments against demands for a UBI

In principle, the various arguments that speak against a UBI also apply to a corona crisis UBI. Why should the vast majority of the population receive this money, although they do not need it at all? Why should everyone get the same amount, no matter how high their housing and other costs are? Why should a gigantic redistribution carousel be set in motion, in which the majority of people would be given a UBI in one pocket and at the same time it would be withdrawn from the other pocket via exorbitantly higher taxes? Because contrary to the assertions of UBI supporters, higher taxes on the rich and on capital and financial transactions would never be enough to raise the huge redistribution volumes that would be necessary for a social or emancipatory UBI that many dream of. This would require about 30 percent of GDP in additional public spending.

More realistic would be only neoliberal variants, which want to grind down the existing welfare state as far as possible and offset other incomes, including wages, against the UBI. This would, however, considerably worsen rather than improve the position of wage earners and those in need of social protection. This is also very unlikely, however, because the existing social insurance schemes cannot

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be abolished so easily, at least in Germany. We must also not forget that we live under capitalism and that it is a matter of class struggle and socio-political power relations. How realistic is the idea that the UBI movement can push through a social UBI, at least to a considerable extent at the expense of capital, if we do not even manage to push through broadly acceptable demands for improvements in health care and nursing or education and prevent further tax cuts for companies and the rich?

Socially, economically, and politically, nothing is 'unconditional' and these conditions can neither be ignored nor 'decided away' if you want to implement a UBI. Thinking economically about UBI you have to be clear: UBI does not provide additional income, but has to be financed by redistribution through taxes. In order to fund a UBI without gradually devaluing all incomes (including the UBI itself) through constantly increasing inflation, other incomes or their purchasing power would have to be reduced to a similar extent by increased levies.

A decoupling of gainful employment and income is possible only for some individuals, but not for everybody. All the goods and services that can be bought, even by UBI-money, are produced through gainful employment. At the same time, sales revenues are the primary income, divided between wages and profits and property income. All other incomes, including a UBI, are based on the redistribution of a portion of these incomes. Even if some production processes were fully automated, this would still hold true with regard to the economy as a whole. The work done in private households or on a voluntary basis is indispensable, but it cannot contribute to the financing of a UBI. Anyone who spends money to buy something sets employment in motion. He or she encourages others to work for pay, not because they enjoy it or because they find it particularly useful, but because they satisfy the needs of those who pay them. So like every cash payment, a UBI would be based entirely on commodity production through gainful employment. A UBI would therefore by no means put into question the existing system of monetary economy and capitalist production.

The idea that financing a UBI could be based on machine or robot taxes is misleading. Machines do not pay taxes. It would always be the owners who would have to pay the taxes. Even the argument that wealth today is based primarily on fixed assets, infrastructures, and knowledge that has been historically developed, doesn't stand up to scrutiny. New value added and income is only created if these are used by human labour for the production of new goods and services. To cover such a large part of the national income permanently by credit or helicopter money also would not work, but lead to hyperinflation. So UBI could also never be a rescue for problems caused by increased unemployment. The loss of gainful employment and economic performance would also further reduce the economic basis for a UBI.

## **Ambiguities, political risks and alternatives**

The MDR (Central German Broadcasting) in August 2020 published a survey according to which a majority of 53 percent against 43 percent consider an unconditional basic income (UBI) to be reasonable. But when you take a closer look, the results of the survey actually show that there is no political basis for a UBI. 81 percent support the statement that there should be an asset limit. This means that even among the supposed advocates of a UBI, a clear majority is in favour of an asset ceiling. 55 percent support the statement that the basic income should be offset against other income (e.g. from labour). In reality, therefore, the majority is not in favour of a UBI at all, but rather of an improved 'unconditional' basic security for people without sufficient other income and without large assets.

Secondly, the survey shows that 57 percent are not prepared to accept restrictions in return for a UBI. Only twelve percent of all respondents are prepared to forego social benefits such as Hartz IV or child benefit in return. And even only seven percent of all respondents are prepared to accept higher taxes in return. However, a UBI would only be possible if previous social benefits were to be abolished in return and if massively increased taxes or levies were to bring in the money that would be distributed as UBI on the other side.

Trade unions must have a realistic view of the world and assess what could actually emerge in social and political processes. Emancipatory UBI concepts prove to be illusory results of pure wishful thinking. The higher the UBI, the higher the necessary tax burden. Thus, it deepens economic and political problems and contradictions. From the point of view of political economy and the balance of power under capitalism, it is to be feared that capital could use a UBI to smash the existing welfare state, workers' rights and collective agreements, as well as to exacerbate wage pressures. The demand for a UBI thus turns out to be a misguidance, because in reality there is no social basis for it and it would be to the detriment of wage earners under capitalism.

At the 2019 Federal Congress, ver.di decided to reject demands for an unconditional basic income for all, regardless of need. The alternatives favoured by trade unions are clear: the primary objective must be to ensure the right to good and properly paid work for all. Existing social safeguards, especially minimum social security, must be improved. The primary task of distribution should still be to maintain or increase the wage share. The emancipatory alternative to poor employment and the unfair distribution of income and wealth is the humanisation, democratisation, shortening, and fair distribution of all socially-necessary paid and unpaid work, as well as a fairer distribution of income and wealth. This can only be enforced through collective and legal regulations and strong unions.

The emancipatory alternative is the humanisation, democratisation, shortening, and fair distribution of socially-necessary paid and unpaid work and a fairer distribution of income and wealth





## Amazon: trade union monitoring

Online shopping company Amazon posted – and then quickly withdrew – two job adverts seeking ‘intelligence analysts’ to work ‘on sensitive topics that are highly confidential, including labour organising threats’ and suggesting that appropriate experience might include ‘officer in the intelligence community, the military, law enforcement, or a related global security role in the private sector’. Following complaints from unions and media interest the company withdrew the adverts claiming they were posted in error and that the wording needed to be ‘corrected’. The BBC later observed that it ‘could not find new versions of the ads’. Christy Hoffman, the General Secretary of UNI Global Union said the episode ‘provides a glimpse’ into the company’s ideology and that ‘workers demanding union representation should not be considered a threat, grouped together with terrorists and hostile state actors’. Trade union leaders from across Europe have written to the European Commission, calling on it to open an investigation into the company’s practices.

## Georgia

A new labour law is expected to pass its third reading, introducing significant changes, welcomed by unions, across a range of issues. The legal changes have been described as ‘madness’ by the business lobby but are welcomed by the unions, though the final version is notably less ambitious than the original proposal. The new law comes after years of labour law deregulation and falling union membership have led to declining workplace safety standards (a recent Human Rights Watch report observed that ‘weak labour protections and limited government oversight have allowed mining practices that undermine safety to flourish’). The new law will limit working hours, require mandatory weekly rest, breaks between shifts, protection for atypical workers, and require equal pay for equal work. Unions have welcomed a reduction in the number of members required to organise a workplace (down from 50 to 25), but proposals for protection for solidarity strikes was dropped.

## ILO: pandemic

Excluding financial support provided by States, global labour income is estimated to have declined by 10.7 per cent, or

US\$ 3.5 trillion, in the first three quarters of 2020, compared with the same period in 2019, according to the Sixth Edition of the ILO’s Monitor: Covid-19 and the world of work. The Monitor includes analysis of workplace closures, working-hour losses and decreases in labour income, noting that ‘as at 26 August 2020, almost one third (32 per cent) of the world’s workers were living in countries with such lockdowns’, and assesses the effectiveness of fiscal stimulus in mitigating labour market disruptions

## India

From August four new labour codes were passed, completing the dramatic process which began in 2017 to augment, and largely replace, existing legislation in the areas of wages, industrial relations, health and safety and social security, affecting the rights of millions of workers. All four topics proved highly contentious with the trade unions, and all major confederations have opposed them, on various grounds. A new statutory recognition framework for unions replaces the current largely discretionary or voluntary framework, and has been opposed by unions concerned at high thresholds for recognition and new rules restricting ‘outsiders’ from union leadership positions at workplace level. There is also a raise to the threshold under which a company needs government permission to close a workplace employing more than 100 workers up to a new minimum of 300 workers. Unions argued the threshold should be reduced, not increased. The code further introduced restrictions on strike action, including 14 days prior notice (previously only for essential services) and banning strikes during a conciliation process, as well as increasing penalties for strike violations. Central trade unions, including the Bharatiya Mazdoor Sangh (BMS), which largely supports the ruling BJP party, have objected to the reforms and complain of a lack of meaningful consultation.

## ITUC

The ITUC has published the seventh edition of its annual Global Rights Index, documenting violations of labour rights around the world. The format remains decisively shifted away from the country-by-country documentation of events of the former Annual Survey and focuses instead on global trends – surveillance of

workers, arbitrary arrest, and criminalisation of the right to strike are just three of the topics covered. The approach reveals some shocking statistics, ‘in 2020, strikes have been severely restricted or banned in 123 out of 144 countries’, while in a similar timeframe ‘authorities impeded the registration of, de-registered or arbitrarily dissolved unions in 89 countries out of 144’. The Index’s compilation of regional overviews also remains a useful summary of trends in different parts of the world, although the overly formalistic methodology for ‘ranking’ countries still struggles to overcome impossible tensions (how many dismissals equate to a restrictive labour code, or a kidnapping, or a murder?). The full Index is published at: [https://www.ituc-csi.org/IMG/pdf/ituc\\_globalrightsindex\\_2020\\_en.pdf](https://www.ituc-csi.org/IMG/pdf/ituc_globalrightsindex_2020_en.pdf).

## New Zealand

In the build up to the general election the New Zealand CTU has sent a questionnaire to all political parties currently represented in parliament, inviting their responses on six key topics relevant to working life (the living wage, health and safety, sick leave, fair pay agreements, public services and redundancy). Based on a direct comparison of responses to identical questions, the NZCTU then awarded the parties ‘grades’, from A+ (Green) and A (Labour), through to E for the conservatives (National) and even a dismal F for the low-tax, small government libertarian party (ACT). The parties’ replies are published in full at: [https://www.together.org.nz/voting\\_for\\_working\\_people](https://www.together.org.nz/voting_for_working_people).

## Qatar

In September Qatar became the first country in the Arab Gulf region to introduce reforms that allow all migrant workers to change jobs before their contracts have ended and without a requirement for their employer’s consent. This tackles a problematic aspect of the kafala system that has been seen as linked to forced labour. The reforms to Qatar’s 2015 law on entry, exit, and residence apply to all migrant workers, including domestic workers and others outside the scope of the ordinary labour law. The reforms also introduce a minimum wage (again applicable to all workers), increase penalties for non-payment of wages, and establish more dispute resolution committees to handle

wage complaints. The reforms have been broadly welcomed, including by the ITUC leader Sharan Burrow, who said 'other Gulf countries should follow Qatar's lead in establishing minimum wages and in regularising their systems, including the dismantling of kafala'.

## South Korea: teachers union registration case

The Korean Teachers and Education Workers Union (KTU) welcomed a court ruling on 3 September this year when the Supreme Court ruled in the union's favour and called on the authorities to overturn a ban on the union imposed in October 2013, after more than 21 thousand members of the union participated in a protest against the imposition of a single State-issued Korean history textbook. The Labour Ministry subsequently revoked the KTU's registration, supposedly on technical grounds, citing the participation in the union of nine dismissed teachers, contrary to Article 2 of the Act on the Establishment, Operation, Etc. of Trade Unions for Teachers ('AEOTUT'). The long-running saga of the union's legal status is expected to be resolved finally after a further decision at the High Court.

## South Korea: ILO Conventions

In early 2020 a proposal for the ratification of ILO Conventions 87 and 98 on freedom of association and collective bargaining remained outstanding before South Korea's National Assembly and lapsed at the end of the parliament. After the Democratic Party won an increased majority in 2020 elections, the proposal has been re-submitted and is regarded as likely to win approval during this parliamentary term.

## UK: new Covid-19 tool maps school safety

The NEU teachers' union has launched a new tool to help parents, carers and school staff to support the union's efforts to improve safety around schools. Accessible at: <https://www.schoolcovidmap.org.uk/> the online searchable map provides information about the number of Covid-19 cases in the immediate vicinity of schools and clearly shows both the trend (are cases increasing or decreasing), the 'watchlist' status of the local authority area, and a link to any local restrictions that are in place. Areas are flagged variously as 'intervention',

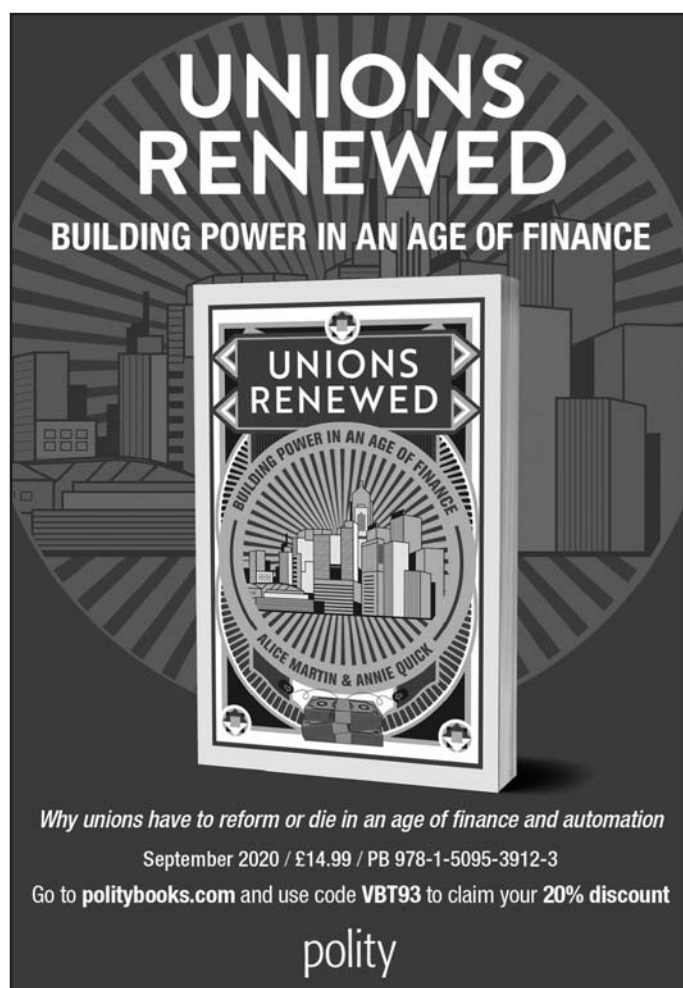
'enhanced support', 'concern', and 'no special measures'.

## US: teaching unions

The Florida Teachers Association (FEA) has lost its legal challenge to prevent schools in the State being forced to re-open to provide in-classroom education, having claimed that the Governor's re-open Order violated a Constitutional right to 'safe' and 'secure' public schools. The union had argued that school openings should be negotiated on a local level between school districts and the local community, and noted that 10,000 people in Florida had died from Covid-19, including eight children, while 600 children have been hospitalised because of the virus. The Union said 'public school classrooms are the best place for kids, but safety has to come first'. A District Court judge had ruled in the union's favour, but this has been overturned by the First District Court of Appeal. The union is expected to appeal the case to the Florida Supreme Court.

## US: unemployment 'survival'

Facing the extraordinary explosion in unemployment caused by the global health pandemic - from a record low of less than 4% (last seen in the 1970s) US unemployment spiralled to a 2020 peak of 14.7% (it has fallen since to 7.9%) - the AFL-CIO has released an updated version of its 'Survival Guide to Unemployment', listing resources, advice, and vital tips for workers facing sudden loss of employment. The Guide includes advice for union members on how to reduce the risk of Covid-19 exposure, how to manage finances while unemployed, and advice on beginning the search for employment. As well as setting out practical steps for reducing expenditure and planning financial change, the Guide lists online help and resources for benefits and advice services. 'When the Paycheck Stops' and other resources for union members are online at: <https://aflcio.org/covid-19>.



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general and specific concern and enhance food delivery work in the emerging gig economy.’ Time will tell whether the TWU is able to convert DoorDash’s apparent willingness to engage in collective dialogue into more substantial progress on countering the contracting model which subverts the rights of so many gig workers.

The COVID-19 pandemic has brought home the brutal effects of the gig economy’s legal fantasy – that all workers are independent contractors until

they prove otherwise. As a result, these workers have been locked out of income protection schemes with no access to sick leave entitlements, at the same time as working amidst heightened risk of infection. All of this hammers home the vital importance of an effective collective voice for gig workers. Australian unions have been taking on this formidable challenge. Although significant obstacles remain, they are starting to build worker power in the world of platform capitalism.

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disembedded, partly in an attempt to evade regulation and responsibility (Katta et. al., 2020; Cant, 2019).

The scale of this action has been facilitated by digital connectivity, even whilst aspects of digitalisation are what is being resisted. The movement has been propelled through social media, by powerful messaging from workers themselves. These messages have cut to the core of platforms’ sustaining narratives, especially that of workers as entrepreneurs. As the public has become increasingly aware of the essential nature of the tasks performed by gig workers - crucial to the pandemic response - workers have seized this moment to appeal to consumers for support in their struggle. Platforms continue to go to lengths to distance themselves from responsibility for working conditions, but the widespread strikes in Latin America represent an unprecedented challenge to this status quo.

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century such as our very own dockers and seafarers. Global unions winning framework agreements with lead firm covering workers from the relevant sector have established dialogue with multinational employers, some of which includes directly, or indirectly, sub-contractors and others in their supply chains. These can usefully apply to transport workers. The informality of some of these arrangements, which can be anything from a network through to a formal governance body, does not detract from their significance.

Multi-national companies have shown in this pandemic philanthropy, global citizenship and other commendable efforts. Equally, they have shown opportunism, lack of concern for their workforce, and in some extreme cases, lack of concern for human life. Using the global seafarer crisis as an example, hundreds if not thousands of companies

have goods sitting on ships that are being crewed by workers who have not set foot on dry land since 2019. Who are asked to voluntarily sign contracts to extend their voyage beyond international standards and who are limited in their ability to refuse due to retaliation, threats of blacklisting or worse. This is not restricted to maritime.

Yet the maritime industry is one where there are now decades of experience working in a tripartite system of representation, bargaining and enforcement. ITF and our partners are working together to alleviate the crisis and get seafarers home and will continue for months to come. Not only does the crisis still exist at a scale never witnessed, the crisis does not end here. As we approach the busiest consumer season for many parts of the globe, we are at risk of bringing a whole new level of strain to our already fragile supply chains.

# Trade Unions of the World



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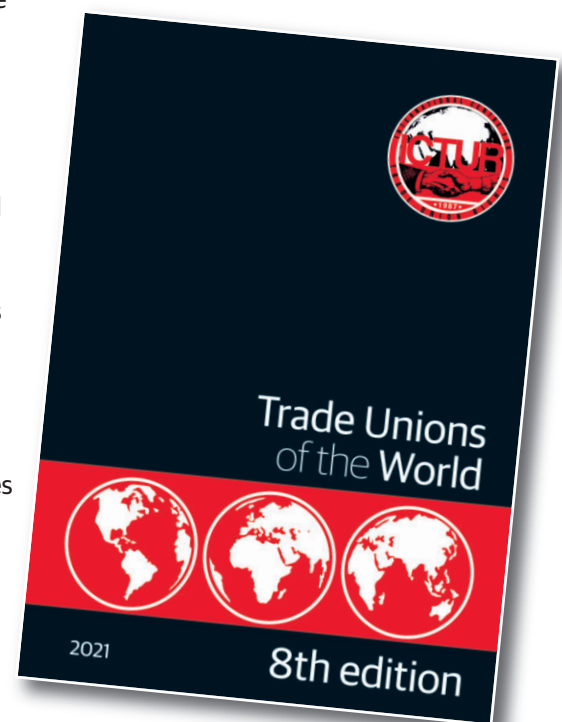
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