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American Federation of Labor and Congress of Industrial Organizations

EXECUTIVE COUNCIL

several countries



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9 countries

and

4 countries to be warned

*Chile 155 (9871)
KN
RW yes
OUT Suspd (7)*

*Haiti
4/1/9871
KN
REV 1
OUT 4 (TS)*

June 1, 1987

original

Mr. David P. Shark
Chairman
GSP Subcommittee
Office of the United States Trade Representative
600 17th Street, N.W.
Room 517
Washington, D.C. 20506

Dear Mr. Shark:

I enclose the arguments of the AFL-CIO with regard to a number of countries whose violations of worker rights and labor standards should be considered in the annual review of benefits granted under the Generalized System of Preferences.

In our view any fair reading of the worker rights provisions of Title V of the Trade and Tariff Act of 1984 would require that Chile, Indonesia, Republic of Korea, Paraguay, Singapore, Suriname, Taiwan, Thailand, and Turkey be denied GSP benefits. Other countries are serious labor rights violators whose practices need review, but, because of changes in government or other special circumstances, require special consideration. These countries -- Guatemala, Haiti, the Central African Republic, and Zambia -- should be issued a warning that GSP benefits could well cease unless improvements are made.

9 countries

4 countries for warning

The AFL-CIO recognizes the reluctance of your office to consider cases involving countries that have so recently been examined. Nonetheless, we feel that the evidence and arguments herein presented warrant your review of all cases, both old and new.

The AFL-CIO will cooperate with you fully during the course of the next review. I strongly urge you to include all the enclosed cases in its scope.

Sincerely,

Tom Kahn

Tom Kahn
Director
International Affairs Department

In presenting cases for this year's annual review we would like to clarify a number of positions having to do with such issues as: 1) the balanced use of worker rights criteria; 2) international worker rights standards and relative levels of development; 3) law and practice; and 4) the process of case selection.

Balanced Use of Criteria

The AFL-CIO considers infringement in any one of the five rights categories designated in the law to be deserving of serious attention. No fair interpretation of the law would weigh some criteria more heavily than others, granting beneficiary status on the basis of acceptable performance in just one area when other practices stand in continuing violation of minimal internationally recognized standards. The right of association, for example, is the underpinning of all collective economic and political trade union action and as such forms the bedrock of workers rights. Without the right to organize and bargain collectively, independent of state or employer control, union functions, whether economic or political, have no meaning. Thus, wage improvements in a country where unions have no political freedoms or where workers cannot form unions should not count as sufficient evidence that it is "taking steps" and thus deserving of the GSP privilege. Nor does the relative freedom of association in a country like Thailand absolve that government of its responsibilities to observe and enforce minimal standards with regard to child labor.

Each of the five criteria has been included in the law, and due consideration should be given by USTR to all five basic rights categories. Some involve political freedoms, others economic conditions. There can be no trade-off between them since both combine to define the condition of worker rights.

International Worker Rights Standards and Levels of Economic Development

The AFL-CIO has never advocated that the economic standards contained in the worker rights provisions be applied to GSP beneficiaries according to the standards familiar to the industrialized world. AFL-CIO President Lane Kirkland has said, for example, that "in order for the concept of 'internationally recognized workers rights' to be applied in a meaningful fashion . . ." the USTR should "specifically reference appropriate ILO Conventions as a means of defining criteria". These ILO Conventions are general guidelines that take into account differing levels of economic development. In presenting these cases the AFL-CIO has taken care to consider the relative level of economic development of the countries concerned. There can be no double standard on the other hand, when it comes to the right

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"Worker Rights Violations Abroad"

A Submission by the AFL-CIO
regarding the Generalized System of Preferences

June 1, 1987

Submitted to:
David P. Shark
Chairman, GSP Subcommittee
Office of the United States
Trade Representative
600 17th Street, N.W.
Washington, D.C. 20506

CHILE

The AFL-CIO petition to deny Chile the rights and privileges of GSP benefits because of its denial of worker rights continues under "review" by the USTR. We continue to feel as we did two full years ago when the first review was initiated that worker rights systematically and effectively are abrogated by the Government of Chile. Notwithstanding notations made by the USTR with regard to formal modifications in Chile's labor policies, the AFL-CIO argues that Chile be stricken from the ranks of GSP beneficiaries.

The issue here is not what Chilean labor law permits or proscribes but rather how these laws and accompanying regulations actually apply to labor's right to organize and bargain collectively. In that context, the AFL-CIO fundamentally disagrees with USTR's disposition to accept Chilean government statements as reflecting the realities faced by Chilean labor today. As one of our respondents stated in reference to the Chilean government's September 1986 "Response to the 'Labor Rights Document'," presented by the Chilean Embassy in Washington:

"With this document drafted by the Ministry of Labor in Chile, the Government attempts, once again, to engage in disinformation regarding real conditions which severely restrict both the right to organize unions and their freedom of action in defending worker interests. Through the use of partial citations of legal norms in effect, and hiding the restrictive context in which they are applied, together with the use of false historical antecedents that are easily disproved, (the Government) attempts to justify the illegitimate and violent rupture of the democratic order in place before the 1973 coup d'etat..."

More specifically, the supposed steps taken by the Government of Chile to remove restrictions on labor, as cited by Clayton Yeutter in his April 15 letter to AFL-CIO President Kirkland, do not at all accord with real practice. FDA

The trade union situation in Chile continues to be tense. There is little indication that the Chilean Government is prepared to respond to the legitimate demands of the democratic labor movement. Statements by the Government that it would remove restrictions on trade union activities have not been followed up with action. The implication is clear that the dictatorship of Augusto Pinochet has no intention of easing the pressure on democratic labor. The result is continuing trade union complaints of violations of the fundamental rights of freedom of association, organizing and collective bargaining. FDA

The Labor Plan implemented by the Pinochet regime in 1979 continues to fragment and weaken the labor movement. While modified in 1984, 1985 and again in 1986, the provisions of this plan inhibit collective bargaining and other legitimate forms of union civic activity and forbid the establishment of union federations and confederations.

Dues checkoff, by which independent trade unionism survives, is so circumscribed as to be a dead letter. The Government's claims that it has eliminated the requirements on unions for biennial renewal of dues check-off authorization and the depositing of these funds with the official Central Bank, as well as the requirement to obtain advance government approval for expenditure of the funds, are also not true, according to our sources. They report that in the public utility services and other government enterprises, a system is maintained to restrict both union organization and the collection of union dues. In the private sector the union dues of the members are subject to the arbitrary will of the employer; although labor legislation provides for a mandatory payroll check-off of union dues, private sector employers ignore such provisions and government authorities simply are not available to correct the anomaly.

"Limiting the potential for use of audits for harassment purposes" is scant assurance that this practice will not continue as before. In any case, the unions have not as yet had enough experience with the Chilean government's "reforms" in this respect to form authoritative judgments.

The International Confederation of Free Trade Unions (ICFTU) continues to find Chilean labor law to be in specific violation of the International Labor Organization's labor rights conventions. In a recent ICFTU mission report, the posture of the Pinochet regime with regard to human and trade union rights was termed "disgusting" and the following provisions of the labor code intolerable:

a) Restrictions preventing union organizing activity, including (1) the government's power to interfere in union elections, to deny union recognition, to restrict the number of trade union officers, and to inspect national union records, including finances (2) prohibitions against the unionization of civil servants and (3) prevention of collective bargaining in state agencies, in some privately managed public utilities, and in other companies financed in part by the state.

b) Restriction on establishment of federations and confederations for multi-plant collective bargaining and representational purposes.

c) Prohibitions against trade union participation in political activity.

INDONESIA

Major violations of internationally-accepted worker rights occur in Indonesia in the following areas: 1) the right of association in both the public and private sectors; 2) the right to bargain collectively in both the public and private sectors; 3) standards regarding child labor.

Democratic rights are greatly restricted in Indonesia; the freedom of speech and the right to voice an independent political philosophy are among the rights that suffer most. The State Department's 1986 Report on Human Rights summarizes these infringements. Abridgement of these rights undermines the ability of trade unions to represent their members. All organizations, including trade unions, are required to adhere to the state ideology of Pancasila whose sole interpreter is the government. Government officials have stated publicly that while Indonesia is a party to ILO conventions on the right to organize and bargain collectively and on forced labor, these conventions will not be allowed to override Pancasila labor principles. Similarly, a lack of press freedom means that trade unions cannot effectively communicate with their members and that in the vast majority of cases violations of trade union and other human rights generally go unreported. For example, Indonesian unions have even been prevented from printing data which show that the rising cost of living has reduced the real income of workers.

1. The Right of Association in Both the Public and Private Sectors

Public Sector:

Presidential Decree 82, which regulates the officially-sanctioned government employees organization called Korps Pegawai Republik Indonesia (KOPRI), is in direct violation of article 5 of ILO convention 151. The article states that public employees organizations shall enjoy (among other protections) complete independence from public authorities. Decree 82 directly contravenes this principle by establishing an organization that runs parallel to that of the government employees hierarchy. The central board is chaired by the Minister of Internal Affairs and its members are the general secretaries of the various government departments. This set-up is mirrored at the provincial and regency levels. Furthermore, no process has been established in Indonesia which allows public servants to negotiate with the government about conditions of work or benefits.

KOPRI's guiding principles, also outlined by the decree, are to maintain political stability, improve the quality of members' work, maintain a feeling of unity, promote cooperation, and increase allegiance to the Government and State. KOPRI's duty to represent workers is given low priority.

confederation's leaders who sought to save the federations by consolidating their numbers.

According to high-level sources, the Minister also directly influenced the election of the confederation's new chairman by sitting in on meetings during which the choice was discussed and by laying out criteria for the selection. Lastly, the Minister was the main force behind the move to have the confederation eliminate the word "labor" from its name. In his view "labor" implied that conflict between workers and their employers was acceptable. This government-directed censorship was nothing new. Earlier, the Ministry mandated that any vocabulary that might legitimize an "adversarial" approach to labor relations be eliminated from use.

c. The government forces senior SPSI officials to be members of its political party--GOLKAR--and requires GOLKAR candidates to be appointed to key SPSI provincial positions. Similarly union rank-and-file members have no hopes of rising within their organizations to these leadership positions.

d. The government prohibits the SPSI from organizing workers in industries that it has declared vital, such as air transportation and oil.

e. Legal requirements mandate that unions need prior government approval before holding regional or national meetings. If approved, these meetings are usually attended by government security personnel.

As mentioned above, the designation as civil servants of workers who have the loosest connection to the government or its work under Presidential Decree #4 (apparently only in order to preclude their unionization) is a pervasive problem in Indonesia. The prohibition on unionization in the past extended to civil servants and employees of state-owned corporations, such as the state oil company, Pertamina. During 1983, the government effectively ended unionization in the petroleum industry when contractual changes were implemented with a number of major foreign oil concerns. The effective and representative unions in place were dissolved and their members have been required to join KORPRI (the civil servants organization).

During 1984, a further trend in this direction was observed, called by some Indonesians the "creeping cancer of KORPRI." Businesses with even a minority government equity have had unions dissolved. In one case, a private American company, on contract with another private American oil company, which in turn is on contract with the State Oil Company, Pertamina, has been excluded from unionization by the Minister of Manpower. In other cases,

According to reports appearing in the Indonesia press, there are over 2 million children between the ages of seven and fourteen employed in both the formal and informal sectors of the Indonesian economy. The employment of these children is against the law in Indonesia and is contrary to ILO conventions 59 and 138. One of the worst examples of the Indonesian government's failure to enforce its own laws is the large numbers of children who begin work in cigarette and battery factories when they are only six years old.

Conclusion

The Indonesian government shows that it does not take international recognized worker rights seriously. Government involvement at all levels of the central federation proscribe true worker representation in institutional policy-making. For these reasons and those discussed above, Indonesia should be denied the privileges of GSP.

SINGAPORE

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In Singapore, unions function as an extension of the government. While they provide a variety of effective social services to their members, they do not serve as an independent voice which represents members' interests. Simply put, they are a tool which a paternalistic Singaporean government uses to mobilize workers to achieve its development goals. By limiting trade union autonomy, the Government of Singapore has violated international standards that guarantee freedom of association and the right to bargain collectively.

1. Freedom of Association

For all practical purposes, the Government of Singapore runs the trade union movement. Its control is most clearly illustrated by the fact that the General Secretary of the National Trade Union Congress (NTUC) is a deputy prime minister and by the fact that a number of members of Parliament serve on the NTUC Board of Directors. Few of these individuals have extensive experience in trade union work; they were government officials before they became officers in the NTUC. In addition, a review of key officials of the NTUC shows that an increasing number of government technocrats are being substituted for rank and file leaders who have in the past enjoyed a measure of legitimacy among rank-and-file workers. For example, when NTUC officials recently traveled to the Philippines to attend a regional trade union conference, they requested that they be reimbursed for business class travel instead of coach class since, as "government employees", they were normally entitled to fly this way.

Finally, the government has implemented a series of plans that have led to a restructuring of the trade union movement. This has further destroyed the unions' potential to oppose government policies which workers think are inconsistent with workers' interests. One union leader who represented a potential source of opposition simply disappeared from sight in 1979. The unions he led were broken up into smaller units more subservient to government policy.

Violations also include a system of union registration that all but forecloses the formation of unions without the blessing of the government-controlled NTUC. Out of the approximately 190,000 trade union members in Singapore, all save 1,000 belong to NTUC affiliates. The government agency responsible for certifying new unions--the Registrar of Companies--all but refuses to certify unions that may have linkages to groups other than the ruling People's Action Party. In 1985, for example, when seven retrenched workers approached the sole opposition Member of Parliament to represent them, they were accused of bringing politics into the labor movement.

SURINAME

In response to the AFL-CIO's petition, Suriname was considered previously by the USTR in its annual review of GSP beneficiaries. The AFL-CIO feels that harsh circumstances warrant continuation of the examination for another year.

The case against Suriname is based on practices within the country which 1) prevent workers from freely associating into unions of their own choosing; and 2) deny workers the right to organize and bargain collectively.

1. Freedom of Association

The political climate within Suriname is clearly designed to intimidate workers and discourage them from joining together to form independent, representative unions. Memories of the barbaric, cold-blooded murder of union leader Cyril Daal continue to discourage workers from speaking or acting out beyond the established parameters of behavior. When a country's government perpetrates such a crime and subsequently claims that its policies are not anti-labor, the onus of responsibility for convincing a wary public is on the perpetrators of the crime. Official Suriname is clearly satisfied with the chilling and daunting effect the murder has had. We believe that USTR underestimates the calculated machinations that the Government of Suriname constructed to assure itself virtual free rein over its labor unions in the wake of the murder. That fear and that intimidation are alive and well today. It behooves the USTR to require that the Government of Suriname show good faith by engaging in positive efforts to change the atmosphere created by its previous actions.

2. Right to Organize and Bargain Collectively

The USTR's annual review with regard to Suriname concludes that "labor unions appear relatively free to undertake activities including collective bargaining and, if necessary, strikes." What this observation fails to take note of is that the last vestige of independent trade unionism in Suriname, the Moederbond federation, has been co-opted by the dictatorship and now functions as an integral part of the government. Because Moederbond's systemic collaboration with the regime had made it something other than a genuine trade union, the International Confederation of Free Trade Unions suspended Moederbond in late 1986.

CONCLUSION

Suriname should be removed from the list of GSP beneficiaries until such time as the government adheres to

TAIWAN

In Taiwan, there continue to occur systematic violations of internationally-accepted labor rights standards in the following areas: 1.) freedom of association (including the right to organize and bargain collectively) and 2.) acceptable standards of work with respect to minimum wages, hours of work and occupational safety and health.

1. Freedom of Association (including the right to organize and bargain collectively)

The U.S. Trade Representative's General Review of the Generalized System of Preferences Worker Rights has found that Taiwan's "announced plans to remove martial law are likely to have a widespread and profound effect of the freedoms of trade unions and workers". This may be true, although it is doubtful whether the enthusiasm reflected in the USTR's assessment is warranted, but it has certainly not happened yet.

Under martial law, the island garrison commander may suspend the right of association which is guaranteed by Article 14 of the constitution. He may also ban strikes, which are nominally permitted under the Constitution. As of this writing, martial law continues in effect on Taiwan as it has since 1949 and, according to the government, it will remain in effect until the Legislative Yuan approves new laws to take its place. Contrary to the assertions of the USTR, there is no evidence that a new national security law will improve the worker rights situation. In fact, the draft document approved by the cabinet contains requirements couched in language that is so broad and sweeping that, arguably, trade unions could be worse off under the revisions than they currently are under martial law.

Specifically, Article 2 of the proposed law states that:

"The people's right of assembly and association must not contravene the Constitution or the national anti-communist policy and must not advocate separatism.

"The assembly and association of people mentioned above is to be governed by laws to be enacted separately."

As noted by the Taiwan Association for Labor Rights and other human rights groups, the Government of Taiwan has frequently and conveniently labeled dissenters as communist sympathizers or advocates of independence. Furthermore, the National Security Law, if approved, will be implemented by legislation that must be approved separately. The substance of this all-important implementing legislation has yet to be

enforcement of the law, which covers only half the workforce, is minimal due to inadequate staffing. Furthermore, because workers usually must take the risk of filing a formal complaint with the proper authorities before action is taken, such complaints are rare.

Conclusion

One might argue that Taiwan's promises to repeal martial law and enact more progressive trade union laws represent progress of a sort. However, at least in the case of the proposed legislation that may replace martial law, the treatment may be worse than the disease. Even if a statute with acceptable language is adopted, the true test of progress in the field of worker rights must begin and end in clear and pervasive practice in the workplace. One thing is clear: the current labor postures of Taiwan fall short of the standards expected in nations at its rather advanced stage of industrial development. On this basis it should be stricken from the list of beneficiaries of the Generalized System of Preferences.

not in GSP

Under the circumstances, the right to strike, permitted in the private sector under legally established procedures (but not for civil servants or in state-owned enterprises), is a feeble weapon. Furthermore, the government has available a powerful weapon against strikes: it may, under the law and at its own discretion, order an end to any strike that "may affect the economy of the country or cause hardship to the public or endanger the security of the country or be against public order." Although this legal weapon is not frequently used, its existence does have an inhibiting effect on collective actions.

3. Forced or Compulsory Labor

Compulsory labor by children in commercial enterprises is widespread enough to arouse the concern of the daily press and child welfare organizations. The practice of child labor warrants consideration both as forced labor and as willful refusal to implement child labor standards.

4. Child Labor

Legal prohibitions against child labor are scant, and even these minimum standards are often flagrantly ignored, to the extent that thousands of children are bound to a near-slave status in commercial enterprises.

A summary of the loose laws and looser practices follows:

a. No child under 12 years old may be employed, but they often are, especially in the informal sector.

b. Children aged 12 to 15 are legally permitted to work in stores, in other "light work" (defined as carrying no more than 22 pounds), and elsewhere at the discretion of the Labor Department. According to one estimate (considered low by some demographic experts), 100,000 children from ages 12 through 15 work in factory occupations in the Bangkok area alone, some in hazardous jobs such as the manufacture of firecrackers.

c. Children from 16 through 18 may work anywhere, with the exception of dangerous occupations, but, like 12 to 15-year-olds, they too, are frequently found in such jobs.

Children, including those under 15, do repetitive manual work in hundreds of factories in the textile, garment, plastic, leather, toy, candy, and other industries, including those engaged in export. Most come from rural areas, "leased" by their parents for two or three years, in return for 3,000 to 6,000 Baht (\$118 to \$236) in payments to parents. No payment is given to the children except for small irregular allowances. Children live on the work site 24 hours a day, seven days a week, working on one floor and sleeping on another or on an elevated platform,

Not only is Labor Department inspection inadequate, but employers have loopholes through which they can escape enforcement by explaining that part of the wages are paid in kind, e.g., by free meals for employees.

6. Hours of Work

The maximum hours of work--48 hours a week in industry--are often exceeded, and without payment of the legally established premiums of 50% to 200% for overtime. This is particularly the case in small business firms.

7. Occupational Safety and Health

Occupational safety and health laws contain large gaps in protection, and even minimal explicit standards are often ignored. The daily press frequently reports on factory fires in which workers die because they are trapped by locked doors and barred windows. On February 7, 1987, for instance, the Bangkok press reported the death of 19 persons, including a family of four, who could not escape from a burning leather goods factory because they were locked inside the building. The employees had worked from 8:30 a.m. to 1 a.m., and were asleep in the factory when the fire broke out. Police said the victims died from inhaling lethal sulphur dioxide gas from the burning of paint thinner stored in the factory.

8. Women Workers

Well-educated women have made some highly visible gains in the professions and in government service, but their status is not typical of women in this country. That same progress is not matched among unskilled and semi-skilled women workers.

Some cases of discrimination have received wide publicity. Women flight attendants of Thai Airways until recently were transferred to other positions upon getting pregnant or reaching the age of 30, but now are edged out of all employment altogether with the company. One flight attendant is challenging this policy in court, with the outcome still undetermined.

Conclusion

Thailand's social policies and practices, individually and collectively, have seriously lagged behind the pace of its economic growth. The lag is so serious that Thailand does not merit privileges of GSP. Continuing GSP for Thailand is to subsidize its backward policies and practices, especially the exploitation of children.

The government's most extraordinary intervention into labor affairs has been its five-year-long trial, which ended in December 1986, against leaders of the Confederation of Revolutionary Trade Unions (DISK). The military tribunal of Istanbul ordered the permanent disbandment of DISK and confiscated all its assets on the basis of illegal activities involving "organizing in order to establish the supremacy of one social class over another." DISK leaders, 265 of them, including six top officers, were sentenced to up to 10 years in prison, with time off for time already served. While the sentences are being appealed, a procedure that may take up to two years, the convicted leaders are at liberty.

In a statement on the military court's decision, the ICFTU said: "The outcome of this unjust trial, in which normal trade union activities have been considered as crimes, is a flagrant violation of basic trade union rights."

Although the government justifies its crackdown on DISK on the grounds that it advocated change through revolutionary means, the police authorities also closely monitor the more centrist Turkish Confederation of Labor (Turk-Is). The police sit in, uninvited, at union conventions and sometimes tape record them. They make reports that cause union leaders to be summoned to the public prosecutor's office to "explain" this or that action, such as inviting an opposition political leader to sit on the platform at a union conference.

When an AAFLI representative from Washington met privately with a small group of union officials in an Istanbul union office recently, three policemen waited outside and afterward quizzed the interpreter about the discussion. For many, such police intrusion has a chilling effect on behavior.

On March 24, 1987, police forces intervened and broke up a peaceful demonstration during which Turk-Is leaders sought to present a petition for labor reforms to Parliament. The government had for many months completely ignored the case made for reforms made by Turk-Is, and the demonstration was planned as a way of dramatizing the issues. The Turk-Is petition remains ignored.

Another example of the hold that the bureaucracy has on labor is that unions can affiliate to international organizations only with government approval.

The labor code bans "political involvement" by labor unions. Specifically, unions cannot directly support political parties or candidates, a restriction that severely limits their ability to defend their members' interests through political action. One important reform that Turk-Is seeks is to change public policy

Minimal safety and health standards are established by law, but observance of those standards is lax. Unions, on the defensive on many fronts, have a hard time being heard when they seek remedial measures. One union leader recently told us it may take as long as two years to force an employer to comply with even minimal contract requirements, such as the provision of safety shoes to those working in hazardous areas.

5. Women Workers

Participation of women in the work force is low. According to Turk-Is, only 10% of its membership is female. Women who do work in industry are largely confined to "female" jobs with lower pay scales than those of males. Cultural and religious norms, unchallenged by public policy, have a heavy influence on restricting the role of women in paid employment.

Conclusion

In its evolution toward democracy, Turkey must pay more attention to the basic rights of its working men and women. Until the government of Turkey does so--until it begins to listen and act upon Turk-Is appeals for reform--Turkey should be disqualified from receiving the benefits of GSP.

CENTRAL AFRICAN REPUBLIC

The Central African Republic (CAR) is a poor, landlocked country located in the heart of Africa with a subsistence agricultural economy and a national legacy of political instability and economic setbacks. Since the bloodless coup which overthrew the Bokassa government on September 1, 1981, President Andre Kolingba has made tentative steps to restore constitutional rule to the people of the CAR. The AFL-CIO welcomes the continued improvement in the human rights record of the CAR and urges the Kolingba government to hasten the restoration of democratic institutions and processes for workers in that country.

However, the AFL-CIO regrets certain actions noted below taken by the Kolingba government with regard to the General Union of Central African Workers (UGTC). In spite of the CAR's ratification of ILO conventions on the freedom of association and the right to organize and bargaining collectively (Convention Nos. 87 and 98), the UGTC was dissolved by a Presidential Decree on May 16, 1981.

The CAR has also been formally cited by the ILO for imposing compulsory labor sentences on prisoners jailed for unauthorized political activity. The situation continues unchanged, and the Government of the Central African Republic has not seen fit to respond to the ILO citation.

In addition to the worker rights violations mentioned above, the CAR systematically fails to enforce its own laws and regulations regarding child labor.

1. Freedom of Association

In May of 1981, the UGTC was dissolved by the Government of the CAR by administrative fiat. No effective labor movement, save for the government-sponsored National Confederation of Central African Workers (CNTC), which exists mainly on paper, has been in existence since then. Along with the UGTC's dissolution, four senior trade union officials were dismissed from their jobs for their union involvement. The UGTC's assets were frozen, premises were occupied, and censorship was imposed on the organization. For all intents and purposes, the government wiped out the 15,000-member central federation. Today no vestige of union activity remains in the CAR.

2. Right to Strike and Bargain Collectively

On May 15, 1981, one day prior to its impending dissolution and following unsuccessful attempts at collective bargaining with the government and employers, the UGTC gave its required notice and called a general strike throughout the private sector. The

ZAMBIA

Zambia has had a long tradition of independent and effective labor union organizations. The country's eighteen national labor unions, which are organized by industry or profession, are all members of the Zambia Congress of Trade Unions (ZCTU). The AFL-CIO strongly endorses the Zambian government's past record of labor practices endorsing the right of Zambian workers to form free trade unions. Notwithstanding the laws enacted to protect the rights of workers, the AFL-CIO notes with increasing alarm the recent attempts by the government to: (1) abrogate freedom of association and the right to organize for Zambian workers; (2) restrict the right to bargain collectively; and (3) severely limit the right to strike.

1. Freedom of Association and the Right to Organize

During the 18th National Council of the United National Independence Party in 1982, a proposal was made to re-structure the ZCTU and its affiliates into a "mass organization", thereby attempting to undermine the independence and democratic practices of the Zambian trade union movement. To date, the proposal has not been acted upon.

The government has also attempted to introduce compulsory party membership as a requirement for holding office, and it has granted the Minister of Labor "unlimited powers" in dealing with trade unions. Vehemently rejecting all these proposals, the ZCTU remains at odds with the government over control of the central labor federation.

2. The Right to Bargain Collectively

Although the right to bargain collectively exists on paper, a ten percent ceiling on annual wage increases was declared by the President in June 1983. The ZCTU, while sympathetic to Zambia's worsening economic situation, argues that given the combination of low wages for workers, high inflation, and decontrol of prices means that the Zambian worker bears the brunt of Zambia's economic policies. It is not possible for workers to earn even a subsistence wage with the ten percent ceiling in place. Zambian workers are denied the right to bargain collectively for a fair wage.

3. The Right to Strike

Current legislation theoretically allows the right to strike, but limits it severely by restricting it to specifically defined situations and by requiring in advance a complicated and lengthy legal process, often lasting as long as one year. In practice, therefore, virtually all strikes are illegal.

If the President declares workers of a particular industry "essential", strike actions are specifically prohibited, and workers participating in such a strike are subject to arrest, trial and imprisonment. On March 31, 1985, the President enacted Statutory Instrument No. 35 declaring all workers in financial institutions and in almost every other industry "essential", therefore effectively abrogating almost all workers' right to strike.

Conclusion

In the past, Zambia has stood at the forefront of the international struggle for workers' rights. However, given the seriousness of steps taken by the government to compromise the independent and democratic nature of the Zambian trade union movement, the AFL-CIO recommends that Zambia be warned that it could lose its GSP benefits and that a comprehensive review be undertaken by USTR.