

American Federation of Labor and Congress of Industrial Organizations
001-CP-97
BELARUS



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February 28, 1997

Mr. H. Jon Rosenbaum, Ph.D.
Assistant U.S. Trade Representative
GSP Subcommittee
Office of the U.S. Trade Representative
600 17th Street, N.W.
Room 518
Washington, D.C. 20506

Dear Jon:

The AFL-CIO hereby submits a petition to the USTR on the basis of worker rights violations in accordance with the Trade Act of 1974, as amended. The petition includes information on worker rights violations in Belarus and Swaziland, and updates on the existing Indonesia and Thailand cases. This petition is submitted as required by the notice printed in the Federal Register.

Sincerely,

Barbara Shailor, Director
International Affairs Department

**WORKER RIGHTS
AND THE
GENERALIZED SYSTEM OF
PREFERENCES**

BELARUS

**The AFL-CIO Petition to the
Office of the United States Trade
Representative**

February 28, 1997

BELARUS

The Government of the Republic of Belarus violates the fundamental right of workers to free association in independent trade unions of their own choosing. The AFL-CIO believes that this is part of a consistent policy and concerted effort on the part of the Government of the Republic of Belarus to suppress internationally-recognized worker rights.

Freedom of Association

According to the U.S. Department of State's Belarus Country Report on Human Rights Practices for 1996:

“The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of workers rights, including the right to strike. However, these rights are generally not recognized in practice. The Government suspended the activities of the Free Trade Union of Belarus (SPB) in conjunction with a 1995 Minsk metro strike. International labor organizations including the International Confederation of Free Trade Unions, joined Belarusian independent trade unions in presenting a case to the International Labor Organization, alleging violations of the right to strike, arrests of trade union leaders, and restrictive legislation on freedom of association.”

The ongoing suppression of trade union rights and harassment of free trade union leaders continued in 1996. According to the Department of State's Country Report on Human Rights Practices, “the independent trade union movement is still in its infancy, and the Government is hindering its activities.” The Government of Belarus is obstructing legitimate trade union activity and harassing trade union leaders and activists, as shown in the following examples:

The Free Trade Union of Belarus (SPB) has not been allowed to function freely. A presidential order after the 1995 labor strike by the Minsk Metro Workers Union (Attachment A) “suspended the activities” of the SPB. This presidential decree has been used by the government to delegitimize the SPB and undermine its activities. The Ministry of Justice has written to enterprises where workers are represented by the SPB that the labor confederation “does not have the right to act”.

In October 1996, members of the Independent Trade Union of Belarus (BNP), which is affiliated with the Belarus Congress of Trade Unions (BKDP), were “repeatedly detained” while attempting to walk from Soligorsk to Minsk to attend an opposition congress on October 18-19, 1996, in protest of government policies.

Polish Solidarity Chairman Marian Krzaklewski traveled to Belarus in May 1996 to meet with leaders of the BKDP. Krzaklewski met with workers near the Minsk automated lines plant

after being refused entry to the factory. Later that day the Solidarity president and two other Solidarity leaders were detained, prevented from meeting with Polish Embassy officials for a number of hours, and forcibly expelled from Belarus late at night for “conducting an unauthorized meeting”.

In addition, last fall documents to legally register the BKDP as a trade union confederation were prepared and submitted to the Belarus Ministry of Justice. After waiting several months for a reply from the Justice Ministry, the BKDP filed a formal complaint.

In a letter dated February 11, 1997, the government response was to deny the BKDP legal registration, hinging its decision on the earlier suspension of one of the BKDP’s founding members, the SPB, an action which itself constituted a blatant violation of internationally accepted worker rights.

Conditions of Work

In addition to consistently violating standards of freedom of association, Belarus ignored the standard for acceptable conditions of work in the occupational safety and health area. According to the U.S. Department of State’s Belarus Country Report on Human Rights practices for 1996:

“The law establishes minimum conditions of workplace safety and worker health; however, these standards are often ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists but does not have the authority to enforce compliance, and violations are often ignored. There is no provision in law allowing workers to remove themselves from dangerous work situations without risking their jobs.”

Conclusion

The Government of the Republic of Belarus consistently denies workers freedom of association and other worker rights. Therefore, the Republic of Belarus should be removed from the list of eligible beneficiaries for the General System of Preferences.

ICFTU
INTERNATIONAL
CONFEDERATION
OF FREE
TRADE UNIONS

CISL
CONFEDERATION
INTERNATIONALE
DES SYNDICATS
LIBRES

IBFGE
INTERNATIONALE
BLIND FEDER
GEWERKSCHAFTEN

CIOSEL
CONFEDERACIÓN
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DE ORGANIZACIONES
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TO THE MEMBERS OF THE COORDINATING
COMMITTEE FOR CENTRAL AND EASTERN
EUROPE

(French, German and Spanish
translation will shortly be sent
out.)

19 January 1996

Dear Friends,

JAN 21

2004

Belarus

Further to our letter of 15 January, we are now sending you enclosed a translation of the Information Bulletin No. 36 of the Free Trade Union of Belarus (SPB), giving the text of a resolution issued by the President of the Republic which confirms Decree 366 of 21 August 1995.

We have been informed that on Friday 12 January the local union of the Minsk Metro organised a meeting which was disrupted by the police called in by the management. It appears that the meeting was considered illegal in terms of the above-mentioned resolution. The SPB which was not informed about the resolution directly - and indeed this does not seem a publicised document - found a copy of the enclosed text on the wall of one of the management offices in the Minsk Metro.

With kind regards,

Yours sincerely,

Bill Jordan
General Secretary

Encls.

TELEFAX

To: Anna Oulatar
From: Sasha Denisov
Re: Translation of an SPB Info Bulletin
Date: 17 January 1996

Dear Anna:

I am sending a translation of an SPB Info Bulletin. We were contacted today by the SPB Office in Minsk with a request to do a translation of the Bulletin for the ICFTU and the WCL. Can I also ask you to forward this translation to brother Nelissen, since we do not have WCL's fax numbers in our office.

Sincerely,
Sasha

Translation. Original in Russian.
Free Trade Union of Belarus
220 600 Minsk, Svaboda Square 23
tel. (0117) 27-57-78, fax: 27-13-16
16 January 1996, Info Bulletin No 36

On 29 December 1995 the President of the Republic of Belarus issued a Resolution titled "On Observation of the Norms of Decrees of the President of the Republic of Belarus".

"In order to secure political and economic stability and to protect the rights and freedoms of citizens of the Republic of Belarus the Cabinet of Ministers and other state bodies, before the introduction of changes into the corresponding legislative acts of the Republic of Belarus, must secure the unconditional observation of the norms of Decrees of the President of the Republic of Belarus".

The enclosed list of presidential decrees mentions the notorious Decree No 336 of 21 August 1995 "On Certain Measures on Securing Stability and Law and Order in the Republic of Belarus" which deals with the activity of the Free Trade Union of Belarus.

The Resolution is now being implemented by the management of certain enterprises and institutions, despite of the fact that some previous actions and Decrees of the Head of the State were judged incompatible with the Constitution and the Laws of the Republic of Belarus by the Constitutional Court.

Press-attache,
Anna Silchenko

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| REG. N° | REC. ON |
| 000622 | 18-1-96 |

Free Trade Union of Belarus