



2014

# ITUC GLOBAL RIGHTS INDEX

THE WORLD'S WORST COUNTRIES FOR WORKERS



ITUC CSI IGB

INTERNATIONAL TRADE UNION CONFEDERATION

# ITUC Global Rights Index

## The world's worst countries for workers

The International Trade Union Confederation (ITUC) is a confederation of national trade union centres, each of which links the trade unions of that particular country. It was established on 1 November 2006, bringing together the organisations which were formerly affiliated to the ICFTU and WCL (both now dissolved) as well as a number of national trade union centres which had no international affiliation at the time. The new Confederation has 325 affiliated organisations in 161 countries and territories on all five continents, with a membership of 176 million, 40 per cent of whom are women. It is also a partner in "Global Unions" together with the Trade Union Advisory Committee to the OECD and the Global Union Federations (GUFs) which link together national unions from a particular trade or industry at international level. The ITUC has specialised offices in a number of countries around the world, and has General Consultative Status with the Economic and Social Council of the United Nations.

# Foreword

The guarantee of the free exercise of workers' rights is also a guarantee of a more equal and a more prosperous society. When workers enjoy the freedom of a collective voice, can bargain for safe workplaces and fair wages and conditions and are free from discrimination then productivity and economic growth can flourish.

Yet, workers are struggling everywhere for their right to collective representation and decent work deficits exist in varying degrees in most countries. Abuses of rights are getting worse not better and too many countries take no responsibility for protecting workers rights in a national context or through corporate supply chains.

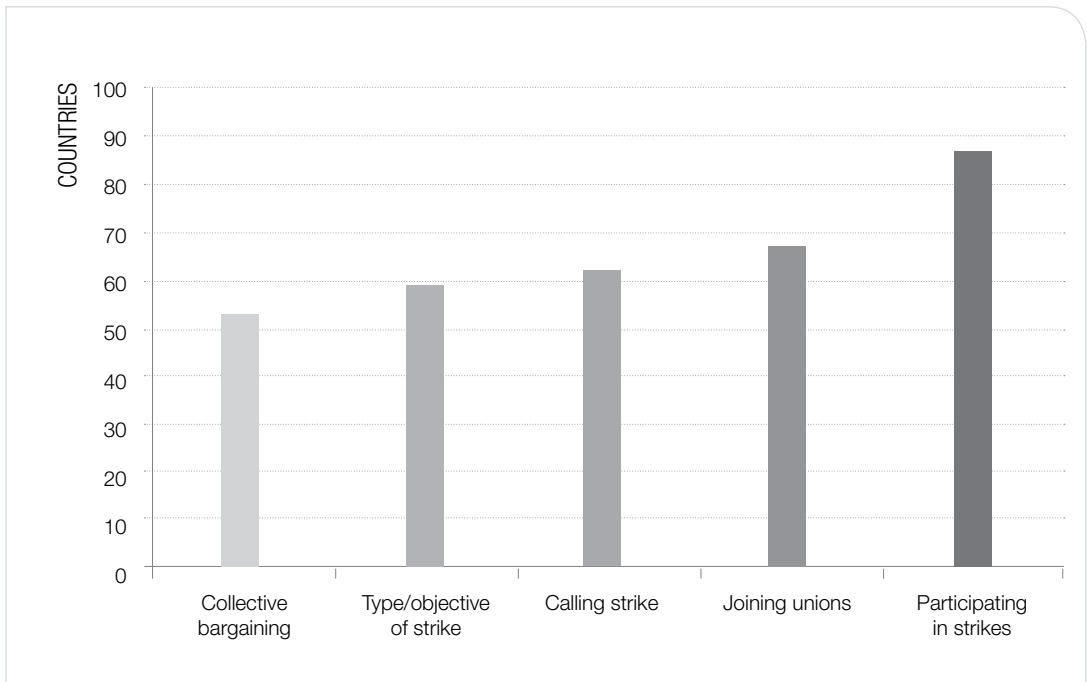
Based on reports from affiliates, workers in at least 53 countries have either been dismissed or suspended from their jobs for attempting to negotiate better working conditions. In the vast majority of these cases the national legislation offered either no protection or did not provide dissuasive sanctions in order to hold abusive employers accountable. Indeed, employers and governments are complicit in silencing workers' voices against exploitation.

The increase in precarious employment relationships has further deepened the vulnerability of workers to discrimination at the workplace. Governments in the vast majority of countries have been convinced to alter their labour legislation to encourage various forms of precarious work. In virtually all countries, temporary work, agency work, subcontracting and other types of informal work are expanding rapidly. Given their unstable employment situation and the high risk of dismissal, precarious workers are discouraged from joining unions and being covered by collective bargaining. This means that workers in precarious forms of employment do not have the necessary support to improve their work situation<sup>1</sup>.

While the right to strike is recognised in most countries, laws and practices in at least 87 countries exclude certain type of workers from this right. At least 37 countries impose fines or even imprisonment for legitimate and peaceful strikes. In countries such as Qatar or Saudi Arabia, the exclusion of migrant workers from collective labour rights means that effectively more than 90 per cent of the workforce is unable to have access to their rights leading to forced labour practices in both countries supported by archaic sponsorship laws.

In the past 12 months alone, governments of at least 35 countries have arrested or imprisoned workers as a tactic to resist demands for democratic rights, decent wages, safer working conditions and secure jobs. In at least 9 countries murder and disappearance of workers were used as a common practice in order to intimidate workers.

**Most frequent violations of rights (April 2013-March 2014)**

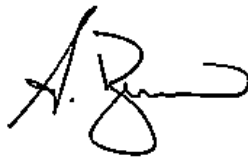


The International Trade Union Confederation has built the world's most comprehensive data base of violations of workers' rights ([survey.ituc-csi.org](http://survey.ituc-csi.org)). Descriptive texts detailing facts on real-world violations faced by workers have been published in the Survey since 1983. In 2014, qualitative surveyed information is supplemented by numerical ratings for each country revealing the varying degree of collective labour rights enjoyed by workers across the world, the ITUC Global Rights Index.

The ITUC Global Rights Index puts abusive governments and companies on notice that the international trade union movement stands in solidarity with workers who are denied fundamental rights. The worst places in the world for

workers to work will be exposed and the ITUC will demand change, demand decent jobs. Global solidarity in support of countries where there are no rights, inadequate laws or effective labour market institutions will garner the support of trade unions around the world to rectify this situation. Governments and business that allow or perpetrate oppression of workers cannot hide.

Part I of this publication explains the methodology for establishing the ITUC Global Rights Index in more detail and demonstrates each of the five ratings with a country example. Part II is an excerpt from the online database survey. [ituc-csi.org](http://ituc-csi.org) and gives brief examples of violations that have occurred in various parts of the world.

A handwritten signature in black ink, appearing to read 'A. Burrow', with a stylized, flowing script.

Sharan Burrow, General Secretary

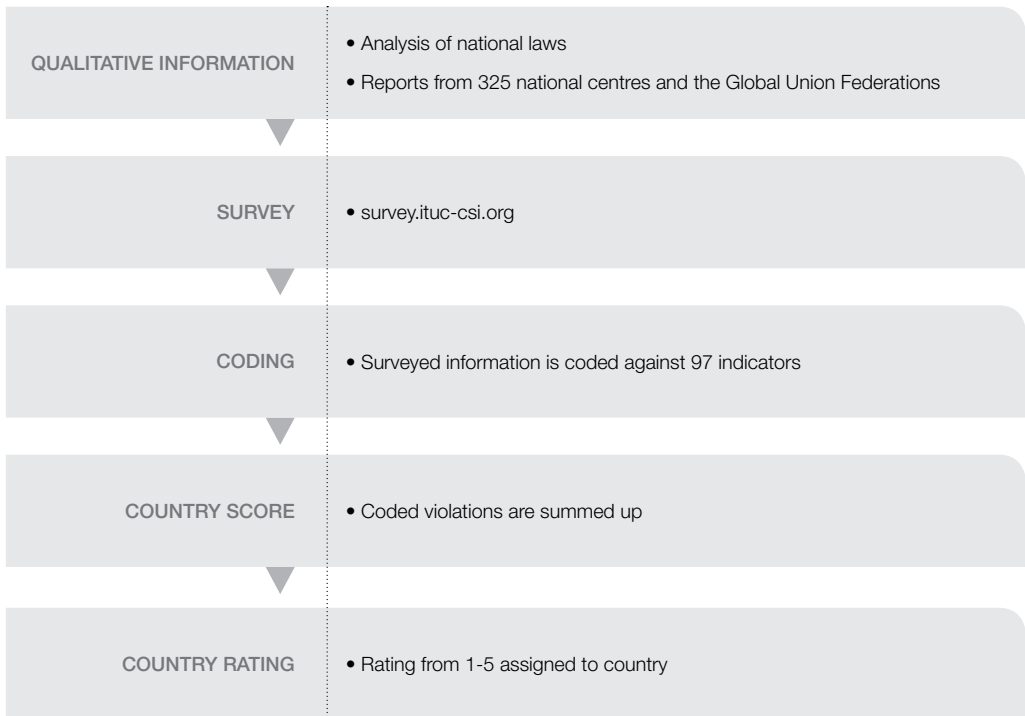
## Background

The ITUC Global Rights Index covers violations in 139 countries recorded over the past 12 months (April 2013- March 2014). The methodology is grounded in standards of fundamental rights at work, in particular the right to freedom of association, the right to collective bargaining and the right to strike.<sup>2</sup> These rights are based on international human rights law<sup>3</sup> which we have spelled out in the form of 97 indicators in order to translate narrative text into numerical ratings. Countries are then rated in clusters from 1-5 depending on their compliance with collective labour rights. The level of economic development, size or location of the country is not taken into account given that fundamental rights are universal and workers in all parts of the world must have access to them.<sup>4</sup> A high rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights.

Compiling indicators is not only an efficient and systematic way of recording violations but can also serve as an important tool to establish cross-country benchmark data on the degree of compliance. These benchmarks will allow the ITUC to classify recurring types of violations and to map patterns of abuses over time and geography. Ultimately, the ITUC's ability to draw on best practices and to formulate and intensify campaigns and advocacy where rights are seriously threatened is improved. Clustering multi-dimensional textual information in the form of country ratings also increases the visibility of a country record and fosters a culture of transparency and accountability which is indispensable for achieving fundamental rights for all workers.

Finally, we believe the ITUC Global Rights Index will serve as a useful monitoring tool for policy makers and socially responsible investors. It will redress the misconception championed by the World Bank's "Doing Business" report that driving down labour standards is good for business. "The Employing Workers Index" is one of the ten components of that report and compares countries to the degree to which they regulate the labour market. Essentially, countries not abiding by fundamental rights score well as long as labour regulation is limited. After much criticism the World Bank suspended the employing workers indicators, however the data is still published as an annex to the report and is widely used by the World Bank,<sup>5</sup> which is unacceptable for an organisation that claims to be committed to poverty reduction.

## The ITUC Global Rights Index in five steps:



## METHODOLOGICAL FRAMEWORK

**Qualitative information:** The basis and source for the ITUC Global Rights Index is qualitative information compiled and published in the Survey ([survey.ituc-csi.org](http://survey.ituc-csi.org)).

The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87<sup>6</sup> and 98,<sup>7</sup> as well as jurisprudence developed by the ILO supervisory mechanisms.<sup>8</sup> It assesses compliance of national legislation with international standards and exposes practices by giving specific case examples of violations of collective labour rights which have occurred in a particular country.

Legal researchers analyse the most recent legislation for each country in order to identify sections that are in violation of trade union rights. First, legislation regulating the rights to freedom of association, collective bargaining and the right to strike is identified, including sector specific laws where relevant. Sections which are in violation of collective labour rights are extracted and documented with the references. While in some cases there might be brief clarifications as to why the relevant section is considered to constitute a violation, the analysis is purely factual and based on existing international labour standards.

Violations in practice are identified through questionnaires sent to the 325 ITUC affiliates in 161 countries and territories representing 176 million workers as well as the Global Union Federations. The questionnaire aims to cover as many aspects of the right to freedom of association, the right to collective bargaining and the right to strike as possible. At the same time, it was important that the questions were streamlined to ensure they are straightforward and accessible for workers. After three pilot stages, we decided on 34 questions which were translated into three languages (English, French and Spanish) and including brief guidelines where needed.

The ITUC sends the questionnaire in an electronic and word format to its affiliates asking them to share it broadly with their membership. Furthermore, five regional meetings are conducted with regional human and trade union rights coordinators where the questionnaire is disseminated, explained and then filled out. In addition, the ITUC contacts unions directly by phone and email when it becomes aware of violations to confirm relevant facts. Whenever a violation is reported, affiliates are requested to indicate the date, victim/union, description of the events and complaints lodged at national and international level. Violations are only recorded if unions can provide relevant facts. Anecdotal references and mere statement of opinions are avoided thereby increasing the reliability and comparability of the information. All information is consolidated, summarised and documented.

The legal analysis and the case reports on violations in practice are published on the website of the Survey. Moreover, the ITUC launches a print publication annually highlighting serious violations and trends based on the evidence in the Survey. This means that the sources of information on which the country ratings are based are clear and highly transparent.

### **Country scores**

The first step in assigning a country rating is to translate the qualitative surveyed information on violations into country scores through a coding process.

Qualitative information is coded against 97 indicators which are derived from ILO Conventions and jurisprudence and are grouped into five categories: Fundamental civil liberties; the right to establish or join unions; trade union activities; the right to collective bargaining; and the right to strike. The large number of indicators was chosen in order to accurately reflect complex and multifaceted types of violation that can occur at country level.



The indicators address violations in law and in practice. Legal guarantees are essential for the protection of workers' rights. The fact that there are no reports on violations in practice with respect to a particular country does not mean that rights are fully protected and guaranteed. Workers might have shied away from even attempting to exercise certain rights because the legislation does not protect them against victimisation or even imposes sanctions for exercising their rights. At the same time, comprehensive legislative frameworks do not automatically result in effective real-world enforcement. Thus, compliance with core labour standards is crucial when it comes to law and practice- in fact the two are interdependent.

All 97 indicators take an equally weighed binary form (YES/NO). This means that the qualitative information for each country is read against the list of 97 indicators and whenever the information corresponds to an indicator it is coded as "YES" and assigned a score of 1. One of the main advantages of equally weighed indicators is that this method reduces the normative subjectivity of the analyst who carries out the coding.<sup>9</sup> Gradations are difficult to apply since disentangling concepts proves to be imprecise and leaves wide discretion to the analysts which could lead to serious biases. Moreover, each indicator refers to universally binding obligations, meaning that companies and governments must comply with each indicator fully and equally. As a result, each indicator must be of equal conceptual significance with any other indicator.

The fact that international labour standards highlight the importance of protecting union leaders and representatives<sup>10</sup> and point at the danger of widespread and systematic violations<sup>11</sup> was incorporated in the definition of the list of indicators. As a result, certain indicators are of gradational nature even though they are binary-coded. For example, indicator (4) on the murder and/or disappearance is followed by indicator (5) which addresses whether the murder and/or disappearance concerned a trade union leader. Indicator (6) addresses whether murders and/or disappearances are widespread and/or systematic.

Moreover, ILO jurisprudence has repeatedly made clear that excessively restrictive legislation or legislation that does not sufficiently protect workers can render rights inoperative in practice.<sup>12</sup> This is particularly the case if the legislation is prohibitive and even imposes heavy sanctions for exercising legitimate rights, or if the legislation is too prescriptive and thereby excessively restricts the space in which workers can exercise their rights. For the coding rules, it means that if a violation of a right in law is coded for the above mentioned reason this leads to automatic coding of the same right under a violation in practice. However, if the cause of the violation in law is the fact that the legislation gives too wide discretionary powers to the government and/or employers, the issue is only coded as violation in law. The violation of the respective right is then only coded as a violation in practice if

this there is evidence that the government and/or companies have availed themselves of this legislation in practice.

The worst possible score is assigned to a country by default, if the vast majority of workers effectively do not have access to any rights.<sup>13</sup>

### **Conversion into country rating**

After the coding of information that is available on a country is completed the number of indicators for which violations have been coded is added up in order to arrive at a final country score. The rating of a country then depends on which cluster the final score falls under. Upon completion of the pilot phase of the project which included five stages based on 20 countries from various parts of the world, we established 5 clusters in total with ratings from 1 to 5. A country is assigned the rating 5+ by default, if the rule of law has completely broken down.<sup>14</sup> It is impossible for workers to enjoy collective labour rights when violations of human rights and humanitarian law are systematic and the government/authority lacks institutional capacities to protect their rights. The assignment of the rating 5+ is grounded in qualitative language adopted in resolutions of the UN Security Council pointing at the seriousness of these attacks and the lack of accountability posing a threat to peace and security.

The objective was to construct meaningful ratings each representing a distinct and relevant normative scale concerning compliance with collective labour rights. The highest possible score a country could potentially get is 97. As pointed above, the list of indicators was defined on the basis that every possible type of violations could be accounted for and not on the suitability as a scale for the final ratings. It is highly unlikely a country would commit all possible types of violations. Therefore, the cut-off points for the tabulation of the ratings are data-driven, i.e. the country score of the worst performing country is used as the highest data point and the best performing country is used as the lowest data point in order to determine the cut-off points for each rating cluster. The highest score reached by any country was 43 and the lowest score reached was 0 so each rating has to represent a scale of 9 in order to rate all countries. The chart below demonstrates the tabulation of scores into ratings.

# The Country ratings

1

- Irregular Violation of Rights
- Score: 0-8
- Collective labour rights are generally guaranteed. Workers can freely associate and defend their rights collectively with the government and/or companies and can improve their working conditions through collective bargaining. Violations against workers are not absent but do not occur on a regular basis.

2

- Repeated violation of rights
- Score: 9-17
- Countries with a rating 2 have slightly weaker collective labour rights than those with the rating 1. Certain rights have come under the repeated attack by governments and/or companies and have undermined the struggle for better working conditions.

3

- Regular violation of rights
- Score: 18-26
- Government and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.

4

- Systematic violation of rights
- Score: 27-35
- Workers in countries with the rating of 4 have reported systematic violations. The government and/or companies are engaged in serious efforts to crush the collective voice of workers putting fundamental rights under continuous threat.

5

- No guarantee of rights
- Score: 36+
- Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices.

5<sup>+</sup>

- No guarantee of rights due to the breakdown of the rule of law
- Workers in countries with the rating 5+ have equally limited rights as workers with the rating 5. However, in countries with the rating 5+ this is linked to dysfunctional institutions as a result of internal conflict and/or military occupation. In such cases countries are assigned the rating 5+.

# CENTRAL AFRICAN REPUBLIC



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In March 2013, the Seleka rebel alliance captured the capital ousting President Francois Bozize. The country has subsequently descended into ethno-religious violence. Thousands have been brutally murdered, and more recently Muslims have been targeted by militias in revenge for the rebels' seizure of power. The UN has warned that there was a high risk of genocide. The Security Council expressed concern at the collapse of the administration.<sup>15</sup> The country has therefore received the default worst rating 5+.

## 5+

- No guarantee of rights due to the breakdown of the rule of law.
- Workers in countries with the rating 5+ have equally limited rights as workers in countries with the rating 5. However, in countries with the rating 5+ this is linked to dysfunctional institutions as a result of internal conflict and/or military occupation. In such cases, countries are assigned the rating 5+ by default.

# CAMBODIA



**The Cambodian government responded with lethal force to demonstrations to express legitimate collective demands by workers paid a low wage exposed to precarious and hazardous working conditions. Cambodian workers who collectively demand better working conditions are systematically exposed to unfair dismissals, intimidation, arrests and violence often leading to serious injuries and death. A Trade Union Law compliant with international standards has still not been adopted and the Labour Law continues to be deficient in offering protection to the rights of workers. The analysis of information provided to the ITUC has resulted in a rating of 5 for Cambodia in 2014.**

## THE LEGISLATIVE FRAMEWORK

The Trade Union Act has still not been adopted so industrial relations continue to be regulated by the labour law which has serious shortcomings with respect to collective labour rights. Judges as well as other categories of civil servants, including teachers, are excluded from the scope of the labour law and do not enjoy

# 5

- No guarantee of rights.
- Countries with a rating of 5 are the worst countries in the world for workers to work in. While the legislation may spell out some rights, workers have effectively no rights and are therefore exposed to autocratic regimes and unfair and abusive practices.

the right to form and join organisations under other legislation. Civil servants do not have the right to collective bargaining.

Moreover, the ILO repeatedly pointed out serious deficiencies in the labour law. In particular, there are restrictions on the right to elect representatives and self-administer in full freedom: Article 269 of the Labour Code provides that union leaders must have been engaged in the occupation their union represents for at least one year. The law also requires that the leaders be at least 25 years of age, be able to read and write, and have no criminal record.

In addition, a ministerial regulation promulgated in 2004 (section 1 of Prakas No. 13) provides that the authorities may refuse to grant most representative status to a trade union when the Labour Advisory Committee, the employers, institutions or concerned third parties object to the union's petition. A minimum service is imposed in all enterprises, regardless of whether they are public utilities or not, and regardless of whether the minimum service exceeds the need to comply with statutory safety requirements. Workers who are required to provide a minimum service but stay out on strike are considered guilty of serious misconduct (Art. 326 (1) Labour Law). Furthermore, the labour law prohibits anti-union discrimination but does not provide adequate protection against it.

No specific legal disposition requires employers to enter into a collective bargaining agreement. In the absence of a collective agreement, the Ministry of Labor can unilaterally issue a decree to lay the working conditions for a particular occupation.

## VIOLATIONS IN THE GARMENT SECTOR

The inadequate protection of workers' rights manifests itself in violations in practice, in particular in the garment sector. More than half a million workers in the garment sector generate \$5 billion USD per year to the Cambodian economy. But recent demands for an increase in the minimum wage to \$160 USD per month have led to excessive violence against workers by police.

Garment workers in Cambodia work under sweatshop conditions. The vast majority of workers perform overtime work beyond the legal limitations. More than half of the garment factories do not comply with health and sanitation requirements with respect to access to drinking water and the availability of soap and water near toilets. In 2012, 1,686 fainted at the workplace due to the perilous conditions that are prevailing. About 90 per cent of the workers do not work under a permanent contract and are instead employed under fixed duration contracts.<sup>16</sup> Insecure employment contracts increase their vulnerability to anti-union discrimination as workers have to fear their employers would not renew their contracts if they demanded better working conditions.

Workers were hopeful when the government commissioned a study for the purpose of informing the Labour Advisory Committee on establishing an appropriate minimum rate for garment workers wage based on expenditures for basic necessities in August 2013. The labour law stipulates that the minimum wage is set by the Ministry of Labour and Vocational Training (MoLVT) on recommendations from the Labour Advisory Committee,

a tripartite body (Article 107 Labour Law). According to the Labour Law, a number of factors are taken into consideration when determining the minimum wage. This includes an assessment of the needs of workers (the cost of living, salary levels and comparative standards of living) as well as consideration

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*About 90 per cent of workers in the garment sector do not have secure employment contracts.*

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of economic factors (economic development, productivity and employment). As a result of these considerations, the study found that the minimum wage should be set between 157 and 177 USD a month. The unions reached agreement on a proposal recommending a raise to 160 USD per month and have been supported by international brands who have stated that they will remain committed to sourcing from Cambodia if the wage is increased.

However, despite all expectations, the government instead set the minimum wage rate at 95 USD per month on 24 December (later 100 USD). Given that this amount is way below the recommendations of the Labour Advisory Council and extremely insufficient to cover the most basic needs of workers, unions decided to withhold their labour on 24 December 2013, as is their fundamental right under international law and the labour law, to agitate for a higher minimum wage. Instead of negotiating with workers, the government decided to resort to violence and intimidation.

On 2-3 January 2014, the government resorted to violence and intimidation to quash the protests over the minimum wage announcement. Heavily armed police and soldiers mobilized, leading to violent and bloody clashes. In the end 23 people were arrested, including Mr Vorn Pao, President of the Independent Democracy of Informal Economy Association, and Mr Theng Savoeun, Coordinator of the Coalition of Cambodian Farmer Communities as well as workers from those associations. Mr Pao was seriously injured by police during his arrest, and suffers from pre-existing medical conditions requiring urgent medical treatment. On 3 January, four workers were killed by the police in violent clashes and many others were seriously injured. Another worker subsequently died of his injuries. This use of force was extremely excessive.

For police to kill, beat and arrest workers in brazen violation of the fundamental right to freedom of association is extremely troubling and must be condemned. There is still no independent investigation into the killings, as called for by the UN High Commission for Human Rights. No one killed or injured has been compensated by the government.

# KUWAIT



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**Kuwaiti laws exclude migrant workers forming 60 per cent of its population entirely from collective labour rights and thereby take away their means to fight against sponsorship laws allowing the exaction of forced labour. Even workers of Kuwaiti nationality are facing intimidation, threats, imprisonment and fines for holding legal and legitimate strike action. Workers who are taking leadership are particularly targeted by the government. Industrial relations are very weak and the information available to the ITUC has resulted in a rating of 4 for Kuwait in 2014.**

## LEGAL FRAMEWORK

The legal framework of Kuwait excludes a large number of categories of workers from its application thereby denying them legal protection of their rights. Article 99 of the Law No. 6/2010 concerning Labour in the Private Sector stipulates that all Kuwaitis have the right to freedom of association and excludes

# 4

- Systematic violation of rights.
- Unions in countries with the rating of 4 have reported systematic violations against workers. The government and/or companies are engaged in a serious effort to crush the collective voice of workers putting fundamental rights under continuous threat.

non-Kuwaitis from this right. Civil servants are still excluded from the coverage of the labour code and there is no specific regulations providing for their right to defend their rights and interests collectively through a union. Domestic workers are explicitly excluded from the scope of the labour law (Article 5).

The law neither prohibits anti-union discrimination against workers nor does it provide any sanctions for employers who discriminate against workers on this basis. In fact, workers

are not permitted to collectively engage in political, religious or sectarian issues. The government has control over how unions may invest their funds and over who may donate funds to unions. Moreover, article 108 provides that authorities have the power to unilaterally dissolve a union as soon as it violates any provision of the law or if it is considered to be a threat to public order and morality.

Furthermore, Kuwaiti laws are imposing compulsory arbitration when it comes to a collective labour dispute. The parties to the conflict must resort to the Reconciliation Committee and the Arbitration Panel which takes binding decisions. The Ministry also has the right to intervene to settle disputes. The right to strike is suspended during these procedures which can take up to two months. Ultimately, these measures are undermining the workers right to call a strike and do not promote voluntary collective bargaining.

The Ministry also has the right to object to conditions freely agreed upon between the social partners in a collective agreement (section II, Chapter IV) violating the principle of free and voluntary collective bargaining established in Article 4 of Convention No.98.

Confederation. After exhausting all remedies of negotiating higher wages, more than 1,000 workers decided to take strike action. The company attempted to break the strike by sending individual letters to workers and threatening them with forced transfers, salary deductions and dismissal. Nevertheless, the strike continued for four days and management acceded to the demands of the workers. In February 2014, the Minister of Oil, State Minister of Parliamentary Affairs Dr Ali Al-Omair intimidated workers who had gone on strike by citing article No. 14 of Law 1/1993 concerning the protection of public funds. Pursuant to this regulation, civil servants who commit a mistake at the workplace that leads to financial losses may be sentenced to two years imprisonment and/or fined to huge fines. Authorities targeted the chairman of the Petroleum and Petrochemical Workers Union Abdulaziz Al-Sharthan for supporting the strike and threatened him with emergency measures as the oil sector was considered a vital sector.

## VIOLATIONS IN PRACTICE

The fact that migrant workers are excluded by law from collective labour rights has an immense impact on the ability of workers in Kuwait to defend their occupational rights and interests. About 60 per cent of the population consists of migrant workers even though the government is reducing the number of its migrant population by 100,000 every year.<sup>17</sup>

The Ministry of Social Affairs and Labour has claimed for years that it is going to abolish the sponsorship system for the private sector labour force. Accordingly, migrant workers can only obtain a work permit under the sponsorship of a Kuwaiti employer and can only be released from their employment relationship with the consent of their Kuwaiti sponsor (Article 10). Thus, workers are completely dependent on their employer and are often forced to work under unacceptable working conditions.

However, it is not only migrant workers who are subjected to exploitative employers. Workers in the oil sector are intimidated or sanctioned for trying to engage in a dialogue with management over their conditions at work. In May 2013, around 80 per cent of the workers employed at the Oil Sector Services Co, owned by Kuwait Petroleum Corporation participated in a strike led by the Kuwait, the Oil & Petrochemical Industries Workers



# GHANA



**Even though collective labour rights are guaranteed in the legislation in principle, there are restrictions with regard to strike action and there is a lack of protection against discriminatory measures by employers. These gaps in the legislation make regular violations possible in practice. Workers in the export processing zones are not organised and often receive wages below the minimum wage. While workers' interests are represented through the Ghana Federation of Labour (GFL) and the Ghana Trades Union Congress (GTUC), the information on violations in law and practice have resulted in a rating of 3 for Ghana in 2014.**

## THE RIGHT TO FREEDOM OF ASSOCIATION

Collective labour rights are guaranteed in the Constitution (Article 21, 24) and regulated by the Labour Act 2003. Prison workers are excluded from the right to join unions. Workers in export processing zones (EPZ) are within the scope of the

# 3

- Regular violation of rights.
- The government and/or companies are regularly interfering in collective labour rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.

Free Zone Act which stipulates the right to collective bargaining. However, laws do not explicitly protect workers against discriminatory measures by employers. The National Labour Commission can prohibit anti-union discrimination on a case by case basis. Where it finds that a person has engaged in an unfair labour practice, the Commission may, if it considers fit, make an order forbidding the person to engage or continue to engage in such activities as it may specify (article 133(1) Labour Act 2003). If it finds that a person has engaged in an unfair labour practice involving the termination of employment

or alteration of the conditions of employment, the Commission may also make an order reinstating and compensating the worker. No penalties are imposed by the Labour Act for acts of anti-union discrimination.

## COLLECTIVE BARGAINING RIGHTS

Collective bargaining is regulated by Part XII of the Labour Act 2003. Section 96 of the Labour Act 2003 provides that a collective agreement may be concluded between one or more trade unions and representatives of one or more employers or employers' organisations on the other hand. Article 97 establishes a duty to negotiate in good faith and make every reasonable effort to reach an agreement. Where a trade union has been appointed as the appropriate bargaining representative in a collective bargaining certificate, it may initiate collective bargaining by giving notice to the relevant employer (Articles 99-103, Labour Act). If the employer fails to enter into negotiations within 14 days of service of such notice, the Commission shall direct the party to enter into negotiations immediately (Article 104, Labour Act).

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*Only two out of 240 factories in the free zone are unionised.*

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But, the legislation does not establish clear criteria for determining representatives for collective bargaining. It is the Chief Labour Officer who has the power to determine which union in a collective bargaining unit may have the right to engage in collective bargaining (Article 99 Labour Act 2003, Article 10 (1) Labour Regulations 2007).

## THE RIGHT TO STRIKE

The right to strike is regulated by Parts XVIII and XIX of the Labour Act 2003. Strike action may be taken in relation to any matter that relates to the social and economic interests of the workers, except matters concerning the interpretation of the Labour Act, a collective agreement or a contract of employment, or any matter which the parties have agreed does not give cause for industrial action (Article 175, Labour Act 2003). A party intending to take strike or lockout action is to give 7 days' written notice of the intended action and must first attempt to negotiate the dispute and submit to mediation of the dispute. However, where the strike is a sympathy strike,

the action must not disrupt the operational activities of the enterprise whose workers are sympathizers (Article 168(3), Labour Act 2003). Pickets are unlawful if conducted within 10 metres from the workplace or place of business of the worker (Article 171(2), Labour Act 2003). Moreover, the legislation does not prohibit discrimination against workers who have gone on strike.

The list of essential services where strike action is prohibited or severely restricted is excessively long and includes meteorological services, fire services, air transport services, supply and distribution of fuel, petrol, power and light, telecommunications services, public transport services, ports and harbour services and the Bank of Ghana.

## VIOLATIONS IN PRACTICE

EPZ workers are not unionised: By March 2014, workers in only two companies out of 240 in the free zones had been unionised since the establishment of the Free Zones Board in 1995 to promote export processing and manufacturing. In total, 15,000 workers in the free zones are not collectively represented. These facts are part of a research conducted by the Labour Research and Policy Institute (LRPI) of the Ghana Trades Union Congress (TUC). About 60 per cent of the companies are either Ghanaian-owned or joint-ventures. Some companies paid their workers below the national daily minimum wage (NDMW), while a number of them did not pay social security on behalf of their workers. Also some female workers in the enclave had no access to toilet facilities, while evidence showed a "comparatively high level of industrial tension."

Lack of good faith bargaining: In January 2014, more than 50 workers of Schlumberger, an oil service firm in the Western Region, demonstrated against the management for poor working conditions and the refusal of management to enter into collective bargaining for more than two years. In January 2012, the General Transport and Petroleum and Chemical Workers Union (GTPCWU) had written to the company in order to request starting negotiating a collective agreement. The union is now planning to take the issue to the National Labour Commission (NLC).

# SWITZERLAND



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**Swiss laws generally respect collective labour rights with some restrictions regarding the right to strike. However, in practice violations continue to undermine the right of workers to collective representation. Unions are often denied access to the workplace and are hindered in informing workers and monitoring the implementation of collective agreements. Companies refuse to bargain in good faith and dismissal for union activities is not an uncommon practice resulting in the rating of 2 for Switzerland in 2014.**

## LEGAL LIMITATIONS

Strikes are only legal, if they are connected to industrial relations meaning that strikes related to economic and social

# 2

- Repeated violation of rights.
- Countries with a rating 2 have slightly weaker collective labour rights than those with the rating 1. Certain rights have come under the repeated attack by governments and/or companies and have undermined the struggle for better working conditions.

issues, political, sympathy and solidarity reasons are illegal. If a strike is declared illegal, a participating worker may be summarily dismissed and liable to pay compensation amounting to one quarter of his/her monthly salary, as well as any damages incurred.

Moreover, the Government can limit or prohibit strikes if they affect state security, external relations or the provision of vital goods and services. However, there are no compensatory mechanisms, such as conciliation and arbitration procedures, for resolving industrial disputes in such situations. The semi-canton of Nidwald and the canton of Fribourg have introduced laws banning strikes for the cantons' staff. Certain communes in Fribourg have referred to these canton-level provisions in their own regulations.

**Access to workplaces:** The fragmentation of the labour market through precarious forms of work makes it increasingly more important for unions to be present at the workplace at various times during the day as many workers are working part-time. At the same time, there is a serious resistance by employers to give access to unions to the workplace.

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*"This criminalisation of trade unions is a scandal: it spurns internationally and nationally guaranteed trade union freedoms and makes social partnership impossible."*

*Wania Alleva (Co-President, UNIA)*

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In October 2009, celebrity chef Philippe Chevrier filed a complaint accusing the UNIA trade union of trespassing onto his restaurant Domaine de Châteauevieux in Satigny, Geneva canton. He also called on the police to "hunt trade unions down", and threatened union representatives who came to inform the staff and the patrons about the salaries and working conditions applicable under a new collective agreement. The union has previously intervened in other Chevrier establishments to denounce violations of collective agreements and the labour law. The Federal Court sided with company and argued there was no legal right to access to workplaces. An appeal to the European Court of Human Rights in 2013 in this regard has been dismissed for lack of admissibility.

In the construction industry, unions are denied access to the sites as companies invoke residence rights which they believe is transferred to the companies during construction works. This makes it difficult for unions to monitor the implementation of collective agreements. For example, after unions planned to take action against the site manager at Losinger Marazzi in mid-September 2013 for violating minimum standards concerning working conditions, they were simply refused access to the workplace. In the manufacturing sector, unions are forced

to get permission from management to be able to access factories. Otherwise they are restricted to distribute informative material outside of the company gates when workers leave the premises.

**Refusal to bargain in good faith by employers:** Unions do not receive information on the financial situation of the company when it comes to the negotiation of clauses in collective agreements regarding redundancy. Employment relations have been governed through a collective agreement at Gate Gourmet, Geneva Airport since 1997. However, despite improving profits, the company proposed salary and benefit cuts during collective bargaining negotiations in 2013. SSP, the Public Service Workers Union, suggested starting an arbitration procedure to overcome the deadlock during the negotiations. But Gate Gourmet decided to bypass the union and to negotiate individually with the workers, thereby undermining the collective bargaining process. When 86 workers refused to sign the proposed contract, the company decided to give a termination notice to workers with the possibility of rehiring on worse conditions. A strike was called on 14 September 2013 with the participation of 20 workers. On 2 October, six workers (including three union representatives) were dismissed with immediate effect for participation in a strike action on 28 September at the Gate Gourmet office organised by the Support Committee.

**Anti-union discrimination at Spar:** In 2013, management at Spar in Dättwil only started negotiations with workers after a seven day strike. However, management left the bargaining table immediately after without justification and stopped responding to any demands made by the union UNIA. The union engaged again in a strike to protest against the refusal to bargain resulting in the dismissal of eleven workers who participated in the strike.

# URUGUAY



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**The rights to freedom of association, collective bargaining and strike are guaranteed in the legislation of Uruguay and mostly respected in practice. Unions have not reported regular or recurrent violations of rights resulting in the rating of 1 for Uruguay in 2014.**

The legislative framework was considerably improved in 2009 when the Government introduced the Law on Collective Bargaining 18566. The new legislation reorganised bargaining units and added rural workers and domestic workers as a new sector in order to decrease informality and improve the working conditions in these sectors through collective bargaining processes. Moreover, the exclusive prerogative of the government to open a negotiation round was eliminated. Previously, the law of 1943 vested the government with this power which led to the suspension of negotiation rounds in 1968 during the

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- Irregular violation of rights.
- Collective labour rights are generally guaranteed. Workers can freely associate and defend their rights collectively with the government and/or companies and can improve their working conditions through collective bargaining. Violations against workers are not absent but do not occur on a regular basis.

Pacheco administration (for the period 1968-1985) and again in 1991 during the Lacalle administration (for the period 1991-2005). In 2005, President Vázquez reinstated sectorial-level collective bargaining by calling a Wage Council.

Currently, the social partners can ask the government to call a Wage Council if they failed to reach an agreement on a bi-partite basis. The government must then act within 15 days. According to official statistics, 89 per cent of wage earners are covered by collective agreements.<sup>18</sup> Employers' associations strongly opposed these reforms concerning the mandatory character of collective bargaining, and the sector-level centralisation and filed a complaint with the ILO Committee on Freedom of Association.<sup>19</sup>

This does not mean that the country is free of labour conflicts. In May 2013, PIT-CNT demonstrated outside the government offices demanding hikes in the education budget and minimum wages. The Secondary School Teachers Union (Asociación de Docentes de Educación Secundaria; ADES) announced strikes

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*89 per cent of wage earners are covered by collective agreements.*

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in the education sector beginning on 20 June 2013 demanding salary increases. Workers occupied secondary schools around the country, and then expanded their occupation to include colleges and universities. In February 2014, toll workers opened the gates along motorways to protest the lack of progress in salary negotiations. The striking workers handed out fliers to drivers as they passed through. Union representatives stated the decision to intensify actions was due to three unsuccessful meetings.

# List of indicators

## I. CIVIL LIBERTIES

### A. Violations in Law

1. Arrest, detention, imprisonment, charging and fining of trade unionists  
ILO Digest paras. 61-95  
General Survey paras. 31-32
2. Violation of the right to freedom of expression and assembly  
ILO Digest paras. 130-174  
General Survey paras. 35-39
3. Lack of guarantee of due process of law  
ILO Digest paras. 48-57, 75-83, 89-90, 96-120  
General Survey paras. 29, 31-32

### B. Violations in Practice

4. Murder or disappearance of trade unionist  
ILO Digest paras. 42-60  
General Survey paras. 28-30
5. Committed against trade union leaders  
Violation of (4) is committed against a union leader
6. Severity  
Widespread and/or systematic violation of (4)
7. Other types of physical violence  
ILO Digest paras. 42-60  
General Survey paras. 28-30, 33
8. Committed against trade union leaders  
Violation of (7) is committed against a union leader
9. Severity  
Widespread and/or systematic violation of (7)
10. Threats and intimidation  
ILO Digest paras. 35, 44, 58, 60
11. Committed against trade union leaders  
Violation of (10) is committed against a union leader
12. Severity  
Widespread and/or systematic violation of (10)
13. Arrest, detention, imprisonment, charging and fining of trade unionists  
ILO Digest paras. 61-95  
General Survey paras. 31-32
14. Committed against trade union leaders  
Violation of (13) is committed against a union leader
15. Severity  
Widespread and/or systematic violation of (13)

- 16. Infringement of the right to freedom of movement  
ILO Digest paras. 122-124  
General Survey para. 34
- 17. Committed against trade union leaders  
Violation of (16) is committed against a union leader
- 18. Severity  
Widespread and/or systematic violation of (16)
- 19. Infringement of the right to freedom of expression and assembly  
ILO Digest paras. 130-174  
General Survey paras. 35-39
- 20. Committed against trade union leaders  
Violation of (19) is committed against a union leader
- 21. Severity  
Widespread and/or systematic violation of (19)
- 22. Lack of guarantee of due process of law  
ILO Digest paras. 48-57, 75-83, 89-90, 96-120  
General Survey paras. 29, 31-32

## II. RIGHT TO ESTABLISH OR JOIN UNIONS

### A. Violations in Law

- 23. Exclusion from the right to establish and join unions  
ILO Digest paras. 210-271  
General Survey paras. 45-67
- 24. Conditions of union registration  
ILO Digest paras. 272, 275-293  
General Survey paras. 68-70
- 25. Union registration  
ILO Digest paras. 273, 294-308  
General Survey para. 71
- 26. Restrictions on the freedom of choice of union structure and composition  
ILO Digest paras. 333-337, 360-362  
General Survey paras. 79-90
- 27. Union monopoly  
ILO Digest paras. 311-332  
General Survey para. 91
- 28. Favouritism/discrimination between unions  
ILO Digest paras. 339-345  
General Survey para. 104



- 29. Dissolution/suspension of legally functioning union  
 ILO Digest paras. 677-709  
 General Survey paras. 180-188
- 30. Dismissal and suspension of trade unionists  
 ILO Digest paras. 769-781, 789-798, 799-802, 804-812, 658-666, 674  
 General Survey paras. 199-210, 213
- 31. Other anti-union discrimination  
 ILO Digest paras. 769-781, 782-788, 799-803, 654-657, 658, 660, 675  
 General Survey paras. 199-212
- 32. Effective legal guarantees against anti-union discriminatory measures  
 ILO Digest paras. 813-836  
 General Survey paras. 214-224
- 33. Right to establish and join federations  
 ILO Digest paras. 710-768  
 General Survey paras. 189-198
- 34. Law of guarantee of due process of law  
 Lack of due process regarding violations (23)- (33)

**B. Violations in Practice**

- 35. Serious obstacle to exercise the right in practice  
 Vast majority of population is excluded from this right in practice
- 36. Exclusion from the right to establish and join unions  
 ILO Digest paras. 210-271  
 General Survey paras. 45-67
- 37. Conditions of union registration  
 ILO Digest paras. 272, 275-293  
 General Survey paras. 68-70
- 38. Union registration  
 ILO Digest paras. 273, 294-308  
 General Survey para. 71
- 39. Restrictions on the freedom of choice of union structure and composition  
 ILO Digest paras. 333-337, 360-362  
 General Survey paras. 79-90
- 40. Union monopoly  
 ILO Digest paras. 311-332  
 General Survey para. 91
- 41. Favouritism/discrimination between unions  
 ILO Digest paras. 339-345  
 General Survey para. 104

- 42. Dissolution/suspension of legally functioning union  
ILO Digest paras. 677-709  
General Survey paras. 180-188
- 43. Dismissal and suspension of trade unionists  
ILO Digest paras. 769-781, 789-798, 799-802, 804-812, 658-666, 674  
General Survey paras. 199-210, 213
- 44. Other anti-union discrimination  
ILO Digest paras. 769-781, 782-788, 799-803, 654-657, 658, 660, 675  
General Survey paras. 199-212
- 45. Committed against trade union leaders  
Violation of (43) and/or (44) is committed against a union leader
- 46. Severity  
Widespread and/or systematic violation of (43) and/or (44)
- 47. Effective legal guarantees against anti-union discriminatory measures  
ILO Digest paras. 813-836  
General Survey paras. 214-224
- 48. Right to establish and join federations  
ILO Digest paras. 710-768  
General Survey paras. 189-198
- 49. Law of guarantee of due process of law  
Lack of due process regarding violations (23)- (33)

### III. TRADE UNION ACTIVITIES

#### A. Violations in Law

- 50. Exclusion from the right to carry out union activities  
ILO Digest paras. 210-271  
General Survey paras. 45-67
- 51. Right to freely administer a union  
ILO Digest paras. 369-387, 454-494  
General Survey paras. 108, 109-112, 124-127
- 52. Eligibility conditions for representative  
ILO Digest paras. 405-426  
General Survey para. 121
- 53. Interference in electoral process  
ILO Digest 392-404, 427-453
- 54. Right to organise activities and programmes  
ILO Digest paras. 495-519;  
General Survey paras. 108, 128-135
- 55. Law of guarantee of due process of law  
Lack of due process regarding violations (50)-(54)

## **B. Violations in Practice**

- 56. Exclusion from the right to carry out union activities  
ILO Digest paras. 210-271  
General Survey paras. 45-67
- 57. Right to freely administer a union  
ILO Digest paras. 369-387, 454-494  
General Survey paras. 108, 109-112, 124-127
- 58. Eligibility conditions for representative  
ILO Digest paras. 405-426  
General Survey para. 121
- 59. Interference in electoral process  
ILO Digest 392-404, 427-453
- 60. Right to organise activities and programmes  
ILO Digest paras. 495-519  
General Survey paras. 108, 128-135
- 61. Law of guarantee of due process of law  
Lack of due process regarding violations (56)-(60)

## **IV. RIGHT TO COLLECTIVE BARGAINING**

### **A. Violations in Law**

- 62. Exclusion from the right to collective bargaining  
ILO Digest paras. 885-911  
General Survey paras. 261-264
- 63. Exclusion/restriction of subjects covered by collective bargaining  
ILO Digest paras. 912-924  
General Survey para. 250
- 64. Compulsory arbitration accorded to collective bargaining  
ILO Digest paras. 925-928, 992-997, 566-567  
General Survey paras. 254-259
- 65. Recognition for collective bargaining  
ILO Digest paras. 944-983  
General Survey paras. 238-243
- 66. Undermining and/or insufficient promotion of collective bargaining  
ILO Digest paras. 925-943, 988-991, 998-1000, 924-1043, 1058  
General Survey paras. 244-249
- 67. Interference into to collective agreements  
ILO Digest paras. 940-943, 1001-1023, 1047-1053  
General Survey paras. 251-253
- 68. Law of guarantee of due process of law  
Lack of due process regarding violations (62)-(67)

## **B. Violations in Practice**

- 69. Serious obstacle to exercise the right in practice  
Vast majority of population is excluded from this right in practice
- 70. Exclusion from the right to collective bargaining  
ILO Digest paras. 885-911  
General Survey paras. 261-264
- 71. Exclusion/restriction of subjects covered by collective bargaining  
ILO Digest paras. 912-924  
General Survey para. 250
- 72. Compulsory arbitration accorded to collective bargaining  
ILO Digest paras. 925-928, 992-997, 566-567  
General Survey paras. 254-259
- 73. Recognition for collective bargaining  
ILO Digest paras. 944-983  
General Survey paras. 238-243
- 74. Undermining and/or insufficient promotion of collective bargaining  
ILO Digest paras. 925-943, 988-991, 998-1000, 924-1043, 1058  
General Survey paras. 244-249
- 75. Interference into collective agreements  
ILO Digest paras. 940-943, 1001-1023, 1047-1053  
General Survey paras. 251-253
- 76. Lack of guarantee of due process of law  
Lack of due process regarding violations (69)-(75)

## V. RIGHT TO STRIKE

### **A. Violations in Law**

- 77. Exclusion from the right to strike  
ILO Digest paras. 572-594  
General Survey paras. 154-160, 169
- 78. Exclusion/restriction based on the objective and type of the strike  
ILO Digest paras. 526-544, 545-546  
General Survey paras. 165-168, 173
- 79. Compensatory guarantees for lawful restrictions  
ILO Digest paras. 595-627  
General Survey paras. 161-162, 164
- 80. Compulsory arbitration  
ILO Digest paras. 564- 569  
General Survey para. 153

81. Prerequisites for strikes  
ILO Digest paras. 547-563  
General Survey paras. 170-172
82. Interference in strike action  
ILO Digest paras. 628-653  
General Survey paras. 174-175
83. Sanctions for legitimate strike action  
ILO Digest paras. 667-674  
General Survey paras. 176-179
84. Lack of guarantee of due process of law  
Lack of due process regarding violations (77)-(83)

#### **B. Violations in Practice**

85. Serious obstacle to exercise the right in practice  
Vast majority of population is excluded from this right in practice
86. Exclusion from the right to strike  
ILO Digest paras. 572-594  
General Survey paras. 154-160, 169
87. Exclusion/restriction based on the objective and type of the strike  
ILO Digest paras. 526-544, 545-546  
General Survey paras. 165-168, 173
88. Compensatory guarantees for lawful restrictions  
ILO Digest paras. 595-627  
General Survey paras. 161-162, 164
89. 89. Compulsory arbitration  
ILO Digest paras. 564- 569  
General Survey para. 153
90. Prerequisites for strikes  
ILO Digest paras. 547-563  
General Survey paras. 170-172
91. Interference in strike action  
ILO Digest paras. 628-653  
General Survey paras. 174-175
92. Committed against trade union leaders  
Violation under (91) is committed against a union leader
93. Severity  
Widespread and/or systematic violation of (91)
94. Sanctions for legitimate strike action  
ILO Digest paras. 667-674  
General Survey paras. 176-179

- 95. Committed against trade union leaders
  - Violation under (94) is committed against a union leader
- 96. Severity
  - Widespread and/or systematic violation of (94)
- 97. Lack of guarantee of due process of law
  - Lack of due process regarding violations (85)-(96)

# List of country ratings

Central African Republic	5+	Iran	4
Libya	5+	Iraq	4
Palestine	5+	Jordan	4
Somalia	5+	Kenya	4
South Sudan	5+	Kuwait	4
Sudan	5+	Lebanon	4
Syria	5+	Mali	4
Ukraine	5+	Mauritania	4
Algeria	5	Mauritius	4
Bangladesh	5	Mexico	4
Belarus	5	Morocco	4
Cambodia	5	Myanmar	4
China	5	Nepal	4
Colombia	5	Oman	4
Cote d'Ivoire	5	Pakistan	4
Egypt	5	Panama	4
Fiji	5	Peru	4
Greece	5	Sierra Leone	4
Guatemala	5	Thailand	4
India	5	United States of America	4
Laos	5	Yemen	4
Malaysia	5	Australia	3
Nigeria	5	Bahamas	3
Philippines	5	Benin	3
Qatar	5	Bolivia	3
Republic of Korea	5	Brazil	3
Saudi Arabia	5	Bulgaria	3
Swaziland	5	Burundi	3
Turkey	5	Canada	3
United Arab Emirates	5	Chad	3
Zambia	5	Chile	3
Zimbabwe	5	Costa Rica	3
Argentina	4	Djibouti	3
Bahrain	4	Ecuador	3
Botswana	4	Ethiopia	3
Democratic Republic of Congo	4	Georgia	3
El Salvador	4	Ghana	3
Haiti	4	Israel	3
Honduras	4	Lesotho	3
Hong Kong	4	Madagascar	3
Indonesia	4	Mozambique	3

Namibia _____	3	Belgium _____	1
Paraguay _____	3	Denmark _____	1
Poland _____	3	Estonia _____	1
Portugal _____	3	Finland _____	1
Republic of Congo _____	3	France _____	1
Romania _____	3	Germany _____	1
Singapore _____	3	Iceland _____	1
Sri Lanka _____	3	Italy _____	1
Taiwan _____	3	Lithuania _____	1
Tanzania _____	3	Montenegro _____	1
Uganda _____	3	Netherlands _____	1
United Kingdom _____	3	Norway _____	1
Venezuela _____	3	Slovakia _____	1
Albania _____	2	South Africa _____	1
Angola _____	2	Sweden _____	1
Belize _____	2	Togo _____	1
Bosnia and Herzegovina _____	2	Uruguay _____	1
Burkina Faso _____	2		
Cameroon _____	2		
Croatia _____	2		
Czech Republic _____	2		
Dominican Republic _____	2		
Hungary _____	2		
Ireland _____	2		
Jamaica _____	2		
Japan _____	2		
Latvia _____	2		
Macedonia _____	2		
Malawi _____	2		
Moldova _____	2		
New Zealand _____	2		
Portugal _____	3		
Russian Federation _____	2		
Rwanda _____	2		
Senegal _____	2		
Serbia _____	2		
Spain _____	2		
Switzerland _____	2		
Trinidad and Tobago _____	2		
Tunisia _____	2		
Barbados _____	1		



# Endnotes

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3. Universal Declaration of Human Rights (1948): Everyone has the right to form and to join trade unions for the protection of his interests (Art.23 (4)).  
International Covenant on Economic, Social and Cultural Rights (1966): The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his economic and social interests; the right to establish national federations or confederations and the right of the latter to form or join international trade-union organisations; the right to function freely; and the right to strike (Art. 8).  
International Covenant on Civil and Political Rights: Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests (Art. 22).  
ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).  
ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
4. ILO Digest on Freedom of Association: Trade union rights, like other basic human rights, should be respected no matter what the level of development of the country concerned (para. 19)
5. The World Bank Doing Business Report, Employing Workers Methodology (<http://www.doingbusiness.org/methodology/employing-workers>); J. Berg and S. Cazes (2007): "The Doing Business indicators: Measurement issues and political implications", ILO Economic and Labour Market Paper 2007/6 (<http://www.ilo.org/public/english/employment/download/elm/elm07-6.pdf>).
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9. See for other indexes which have used this strategy: J. Botero, S. Djankov, R. La Porta, F. Lopez-de Silanes and A. Shleifer (2004), the Regulation of Labour, Quarterly Journal of Economics, Vol. 199, pp. 1340-1382; S. Deakin and P. Sankar, Assessing the Long-Run Economic Impact of Labour Law Systems: A theoretical reappraisal and analysis of New Time Series Data, Industrial Relations Journal, Vol. 39, pp. 453-487
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11. ILO Digest on Freedom of Association: paras. 68; 173; 459; 528; 825; 1044.
12. ILO Digest on Freedom of Association: paras. 149; 272; 370; 501; 549; 791; 861.
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15. UN Security Council Resolution 2149 (2014): [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2149%282014%29](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2149%282014%29)
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