



**EUROPEAN TRADE UNION
CONFEDERATION - ETUC (CES)**



**INTERNATIONAL TRADE UNION
CONFEDERATION (ITUC)**

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JM/TJ/sw

Mr Peter Mandelson
Commissioner for Trade
European Commission
Berlaymont
1049 Brussels

Via e-mail: peter.mandelson@cec.eu.int

Dear Commissioner,

The ETUC and the ITUC are writing to you with regard to the continuing urgent need for the due execution of the EU Council Decision of December 2006 concerning the removal of GSP benefits from Belarus due to the violation of core labour standards in that country.

You will be well aware that the March 2007 session of the ILO Governing Body discussed the situation of trade union rights in Belarus, with regard to the implementation of the ILO Commission of Inquiry's recommendations. The Governing Body, referring to both the recommendations of the Committee on Freedom of Association as well as the Report of the Committee of Experts, strongly warned the Belarus Government "to ensure that all workers' and employers' organisations can function freely and without interference, and obtain registration" and "to abandon the present draft concept on the trade union law and review all its legislation in full consultation with all the social partners concerned in order to ensure fully the right to organise both in law and in practice, on accordance with Convention No. 87, so that free and independent trade unions may exercise their full rights".

Hereby, we would like to provide you with some further observations on the trade union rights situation in Belarus, reaffirming our call for the European Union – through the General System of Preferences (GSP) procedures – to give full effect to the GSP provisions that require the suspension of trade preferences in cases of persistent violation of trade union and other fundamental workers' rights, such as prevail in Belarus.

Regretfully, we must conclude that the few measures undertaken by the government before and since the ILO Governing Body in response to the recommendations of the ILO Commission of Inquiry are wholly insufficient to bring legislation and practice into compliance with international labour standards. The steps taken are clearly motivated by an attempt to prevent adverse economic

consequences of the GSP decision while continuing not to implement workers' and trade union rights. The draft legislation in Belarus maintains violations of workers' rights, while the combination of legislative restrictions with discrimination and interference in trade union affairs by managers and authorities in practice hampers activities of independent trade unions and, de facto, suppresses their existence.

Presidential Decree No 2, which requires a "legal address" to be provided by the enterprise for obtaining "legal personality", has been particularly repressive in its impact, providing enterprise managers with an effective mechanism to constrain independent trade unions and to harass their members. Having no opportunity to conduct their activities legally, many organisations of the Belarusian Congress of Democratic Trade Unions ceased to exist after the Decree was enforced. Recently, an independent trade union at "Polotsk-Steklovolokno" JSC was refused legal address. At "Belshina" JSC refusal of union recognition led to a lengthy hunger strike by union activists, and the union has still not been provided with a legal address. The abolition of the Republican Commission for Registration did not resolve the issue of trade union registration, as this measure only delegated the registration procedure to the Ministry of Justice and its local bodies, and did not tackle the legislative norms which do not correspond to international labour standards.

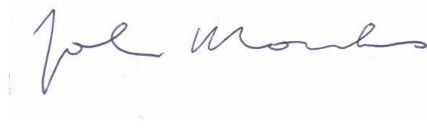
The organisations affiliated to the Federation of Trade Unions of Belarus continue enjoying unfair advantage over independent unions, in particular through the system of fixed short-term contracts imposed by the government. At the "Grodno-Azot" JSC, since the beginning of 2007 over 500 people have been forced to leave the trade union organisation of the Independent Trade Union of Belarus (BNP) under the threat of non-renewal of fixed-term employment contracts. Similarly, over 150 people have recently been forced to withdraw from the trade union local of the Free Trade Union of Belarus at the Bobruisk Tractor Parts and Components Plant. So far this year the organisation of the Independent Trade Union of Belarus (BNP) at the 'Belshina' JSC in the city of Bobruisk has lost 70 per cent of its membership as a result of constant pressure, blackmailing and threats and pay discrimination.

As stressed in the ILO Governing Body conclusions, the government's new concept of trade union law openly discriminates against free and democratic unions and contradicts the fundamental ILO Conventions #87 and #98. The new draft law thereby runs contrary to the ILO Commission of Inquiry recommendations, indicating a lack of readiness of the Government to react adequately such as to remove the threat of GSP withdrawal on 21 June 2007. The latest draft of the trade union law does not remedy in any serious way the problems identified, and it is difficult to see how it would promote the implementation of the recommendations of the 2004 ILO Commission of Inquiry. We know that the draft will be reviewed by the ILO and that a degree of consultations also involving the independent trade unions are taking place. But it is more than questionable that this draft could form the basis of a law which could be found acceptable by the supervisory bodies of the ILO, in particular the Committee of Experts on the Application of Conventions and Recommendations. Reviewing the application of the GSP decision on the basis of this draft - and for no other reason than this draft, given the absence of any serious measures to implement the Commission of Inquiry recommendations - would reward the government for "engagement" in a process without any tangible sign that it would be ready to accept any real change.

Finally, Decrees No 11 and the Law on mass actions, and Decrees No 8 and No 24 concerning restriction of the foreign support to trade union activities, have not been repealed or amended, violating the right of union members to take industrial actions or to receive support from the international trade union movement.

We must conclude, to our regret, that no meaningful signal to implement the Commission of Inquiry recommendations has been made by the government and that “real and tangible progress” is far from being achieved; moreover, the new steps undertaken by the government would further hamper and harass workers and independent trade unions in Belarus. The violation of trade union rights continues to be part of the nationally institutionalised system of labour relations, by law and in practice. We therefore believe it essential for the EU to withdraw trade preferences under the GSP on 21 June, with the withdrawal to remain in force until such time as the ILO Commission of Inquiry recommendations are fully and unequivocally implemented and trade union rights respected, and to explore further institutional steps, in the framework of the ILO and other UN agencies, to have these fundamental human rights respected in Belarus.

Yours sincerely,



John Monks
General Secretary
ETUC



Guy Ryder
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