

## **Editorial:**

Present issue of Rights is coming up after a long gap. I am pleased to present this issue with a hope that this initiative would not only be appreciated but also supported by sending reports news- articles and feed back. With support of all network members, I look forward to regularize publication of Rights.

WTO ministerial met in December at Hong Kong. This gave an opportunity to voluntary organizations, trade unions and other labor groups and pro-people organizations & individuals to express their sentiments.

It was also an occasion for these organizers to pass on information to the masses on potential impact of WTO treaties on life of masses. This was ably done by the gathering at Hong Kong. Korean farmers did it with great commitment. Their meticulous planning & programs stole the show. Korean representatives put in honest efforts to break police barricades. As usual, police was brutal enough to stall these efforts. Public pressure successfully derailed the negotiations completely. Organizers were compelled had to save face. Frustrated Hong Kong administration arrested Korean and other protesters. People will have to come forward with different ideas to stop WTO treaties.

Occupational H & S is one of the important labor rights. It is a question of existence or life & death in simple terms. At international events progressive & humanitarian groups, worker's groups, labor group should raise their voice for this right also. Some how this was largely missing at Victoria park programs.

AMRC organized two day meeting of labor groups in Asia on this occasion on labor rights. ANROAV also participated in this meeting besides several other groups. We present a brief report of the meeting in this issue.

During this period, Chinese Gems & Jewellery workers affected by Silicosis, (supported by Hong Kong based labor group Labor Action China) organized protests before Hong Kong office of the employer who failed to pay adequate compensation to the victims. Chinese news papers carried this news story effectively. The news story is reproduced in this issue.

ANROAV played catalytic role in bringing the groups struggling to get justice for silicosis affected workers in Gems & Jewellery industry in India & China together to discuss plans to organize joint campaign.

-Jagdish Patel

# UN Commission on OSH in offing

Setting up of a functional, authoritative top level specialized commission on OSH by United Nations is being considered. IVME Management Consultancy Training & Trade Ltd, Istanbul, Turkey & International Dialogue, Berlin are investigating this initiative.

The objectives of setting up the commission are :

- \* to gain measurable improvements in OSH related damages and losses;

- \* to develop, improve and revise applicable standards and codes of practice and encourage (also enforce) the establishment of national contemporary OSH legislation.

## **A concise description of the initiative :**

The deficiencies in the field of OSH result in pecuniary and non-pecuniary damages and losses in labor life; like fatality, injury, occupational disease, damage, lost workdays and negative impact on workers' motivation. The other consequences are generally less productivity and product quality that lead to huge economic losses.

In order to find an appropriate solution for this worldwide problem, governments, NGOs and enterprises have to cooperate effectively by implementing the CSR principles. It is a duty of these organizations to provide adequate conditions of OSH as part of their responsibility in a global context. Therefore, the mission of the proposed UN commission is to promote the CSR principles and the idea of working under healthy and safe conditions as a human right by acting as a research, steering and auditing body in effective collaboration with governments, NGOs and world business.

Further information: <http://www.idb-net.org> or <http://www.ivmeconsulting.com>

## **Permanent International Commission on OH:**

There already exists Permanent International Commission on Occupational Health (ICOH). The permanent International Commission was founded on 13 June 1906 on the occasion of the first international congress on occupational disease with the purpose of ensuring regular holding of the congress. In 1929, this commission was renamed as Permanent International Commission on Occupational Health. This is a non-Govt organization associated with the United Nations, ILO & WHO. It is an scientific association formed with an aim to foster scientific progress, knowledge and development of occupational health in all its aspects on an international basis. It organizes international congresses on OHS, promotes special meetings, establishes scientific committees for specific subjects.<sup>1</sup> It has 2000 active members from 93 countries.<sup>2</sup>

Question here is not how effective the international bodies have been to reduce worker's miseries but, whether the labor groups have utilized these agencies for achieving their own goals ? How can this be done & what to expect out of it would be a matter of discussion. Multilateral activities & programs may help to get better results. Labor groups in Asia have yet not fully exploited the tripartite international organization like ILO or WHO. These organizations will have to make room for labor NGOs to achieve the goals. Asian countries are yet to form strong cross county OSH labor groups in respective countries. Countries where people do not enjoy democratic rights, it is a distant dream. Still, in some Asian countries, there are OSH labor groups which take up this noble cause at various forums. This network needs to be strengthened further by various activities. Let us promote national networks & sub-regional networks for a strong Asian network.

## Use Human Rights Instruments for Protection of OHS Rights:

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the international Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families recognize that economic and social rights must accompany civil and political liberties for full protection of human rights. These United Nations international instruments establish the following worker rights, which apply to all workers in a country, including non-citizens with or without governmental permission to work :

- \* a safe and healthful workplace,
- \* compensation for workplace injuries and illnesses,
- \* Freedom of association and the right to form trade unions and bargain collectively,
- \* Equality of conditions and rights for immigrant workers.

OSH groups in Asia may use these instruments to further their goals.

Report published in South China Morning Post Dt. 14-12-05

### Mainlanders lash out at HK firms

Celine Sun

Two groups of mainland workers, who say they are suffering from work-related diseases, protested in Hong Kong against their employers yesterday, accusing them of being irresponsible.

They demonstrated outside the offices of Hong Kong-invested jeweler Ko Ngar Gems in Hunghom and battery maker Gold Peak industries in Kwai chung.

The jewellery workers are demanding compensation for the lung disease silicosis while the others say they have not had proper medical testes after high levels of the cancer-causing heavy metal cadmium were found in their bodies.

About 20 activists and two mainland workers at the Ko Ngar offices said they had demanded that a local and an international trade association suspend the company if it does not pay up.

Feng Xingzhong, 32, said he had not received compensation since he was diagnosed with silicosis in 2000. He said he contracted the disease while working at the company's factory in Huidong, Guangdong. A staff member from Ko Ngar Gems met the protesters and urged them to return to the mainland to settle the issue.

"We plan to talk to the Chairman of the



International Colored Gemstone Association, asking it to ban the company from taking part in global jewellery exhibitions," said Chung Su-ki, a department director with Labor Action China.

The group has also called on the Honk Kong Jewellery Manufactures' Association to cancel the company's membership.

About 50 people, including workers and human right activists, joined the protest outside the Gold Peak office in Kwai Chung.

A spokesman for the group said more than 10 workers at the company's battery factory in Huizhou, Guangdong, had been found to have excessive amounts of cadmium in their bodies last year.

Gold Peak last night said repeated accusations against the company were unfounded. Ko Ngar Gems had no comment.

# WTO and Labor Rights

Dae-oup (AMRC), in his address, giving background for this meeting, said that if we consider WTO as merely 'trade' organization, then we believe that production & labor is secondary to trade. In this situation labor becomes unimportant since trade can not be singled out from production, WTO is not merely 'trade' organization but it is an organization which reorganizes labor, marked by mobilization of labor.

Since process of globalization, though the numbers of workers are growing informalization of labor is also increasing. Large numbers of workers loss their means of production & are pushed to informal work. Here, the role of labor movement is very important. Anti-WTO movement is the responsibility of labor movement, he added. He called on workers of trans-national corporations (TNCs) to build alternatives to this emerging global factory.

Suharto, President of Victoria Garment Union, Indonesia presented the labor situation in Indonesia. Suharto, in particular, talked about the workers struggle against unlawful dismissal of 875 workers by Victoria garment. The factory is situated in Export Promotion Zone, where workers have limited labor rights. In December 2003 factory was closed down without any prior notice. Outraged workers occupied the factory. It took 2 months of intense agitation to bring back the management from Hong Kong, it was for the first time that the workers in EPZ got organized and initiated such a struggle.

Kong Athit, Gen Secretary, Coalition for Cambodia Apparel Democratic Workers Union (CCADWU) Cambodia, presented situation in Garment industry in Cambodia. He informed about the non existence of any social security system for worker. Government has not fixed any minimum wages for workers in industry other than garment. There is no real freedom of expression. When workers try to get organized, gangsters or military attack them to prevent such acts.. They also force demonstrators to negotiate with them rather than management. Garment is largest industrial sector in Cambodia. Women workers comprise 90% of workers in garment but only 20% are organized.

Mishu informed that there are 2 million workers engaged in Garment industry in Bangladesh out of which 95% are women workers. Problems of these workers include- no holidays, no identity cards, no wage slips, no minimum wages, no maternity benefit, sexual harassment.

Vinod Tiwari of Honda Scooter Union, India presented how the management, in connivance with local & central Government, harassed workers. A Japanese manager used to abuse workers and even dared physical coercion. Due to extreme harassment, workers got organized in February, 2005. Soon, management suspended 100 activists and then declared illegal closure on 27 June 2005, pushing out 3000 workers. Union organized several protest programs. On 25th July rally was organized which was joined by 6000 workers. 8-9,000 police attacked the rally and baton charged. Hundreds were seriously injured and had to be hospitalized. He appealed participants to put their best efforts to organize the unorganized to be able to give united struggle against anti-labor elements. Mr. M. Sundaram of CITU Bangalore, informed about the struggle of Toyota Kirloskar Union, Bangalore. He said that in automobile industry, large numbers of workers suffer from back pain & respiratory problem. Though workers have organized themselves in trade union, management does not want any genuine trade union. He talked of the role of TU in raising class consciousness. All TUs should have political agenda, he added. TU should have different strategies to deal with different types of industries like small & big, local & MNC etc.

Ed Cubelo, representative of the Toyota union, Philippines screened a film on the struggle against the company. Noel of Nesle Union in Philippines also presented their struggle against the oppressive Nestle management. 700 workers are on strike since last 3 years. On 22nd September, 2005 president of the Union was brutally murdered. He added that WTO is an organization to develop & protect the interests of such MNCs, He appealed all to join boycott Nestle products. It is estimated that Nestle has suffered 10% loss in business due to this boycott.

# China Report

Accidents at work in China has been a great matter of concern. Each year hundreds of thousands workers meet premature death by way of accidents or occupational diseases. The trend seems to be declining, as per official reports. Normally Governments in Asia are also interested in showing pink picture, which is very convenient of industry also. In absence of any other parallel authentic report, this one can not be rejected out rightly. In year 2005, 727,945 industrial work place accidents and 26,700 fatal accidents were reported in China. As reported by official announcement, accidents & fatalities both have gone down by 9.4% and 7.3% respectively than in year 2004. These figures have been published in its Work Safety Annual Report, 2005 (Collated by Stephen Frost)

## The breakdown is as under:

Industrial and commercial enterprises: 12,826 accidents and 15,396 deaths, which is 1,878 accidents and 1,101 deaths less than 2004 (a decrease of 12.8% and 6.7% respectively). Accidents and deaths in these sectors include :

1. Coal mines: 3,341 accidents and 5,986 deaths, which is 300 accidents and 41 deaths less than 2004 ( a decrease of 8.2% and 0.7% respectively)
2. Metal and other mines: 1,857 accidents and 2,235 deaths, which is 391 accidents and 464 deaths less than 2004 (a decrease of 17.4% and 17.2% respectively).
3. Construction: 2,251 accidents and 2,587 deaths, which is 331 accidents and 202 deaths less than 2004 (a decrease of 12.8% and 7.2% respectively).
4. Hazardous chemicals: 164 accidents and 229 deaths, which is 29 cases and 23 deaths less than 2004 (a decrease of 15.2% and 32.7% respectively).
5. Fireworks: 110 accidents and 217 deaths, which is 28 accidents and 105 deaths less than 2004 (a decrease of 20.2% and 32.7% respectively)

**Fires:** 242,308 accidents and 2,309 deaths, which is 10,393 accidents and 248 deaths less than 2004 ( a decrease of 4.1% and 9.7 % respectively).

**Traffic accidents:** 456,162 accidents and 99,080 deaths, which is 61,272 accidents and 7,989 deaths less than 2004 (a decrease of 12.0% and 7.5% respectively).

**Sea accidents:** 520 accidents and 454 deaths, which is 42 accidents and 35 deaths less than 2004 (a decrease of 7.4% and 7.1% respectively).

**Train accidents:** 11,254 accidents and 7,433 deaths, which is 667 accidents and 559 deaths less than 2004 ( a decrease of 5.6% and 7.0% respectively).

**Civil aviation accidents:** 2 accidents and 3 deaths, which is 2 accidents and 58 deaths less than 2004 ( a decrease of 45.5% and 94.6% respectively).

**Fishing vessel accidents:** 711 accidents and 616 deaths, which is 29 accidents and 46 deaths less than 2004 (a decrease of of 4.3% and 8.1% respectively).

**Farm machinery accidents:** 4,068 accidents and 1,237 deaths, which is 979 accidents and 194 deaths less than 2004 (a decrease of 19.4% and 13.6% respectively).

As usual, Chinese accidents statistics are broken down into three categories, based on numbers of deaths: serious (3-9 deaths), very serious (10-29 deaths), and especially serious (30 or more deaths).

## ***Serious accidents (3-9 deaths):***

2,539 accidents, 9,690 deaths, which is 143 accidents and 727 deaths less than 2004 ( a decrease of 5.3 % and 7.0% respectively).Accidents and deaths in this category include :

Industrial and commercial enterprises: 500 accidents and 2,049 deaths, which is 38 accidents and 109 deaths less than 2004 (a decrease of 7.1% and 5.1% respectively). Accidents and deaths in these include :

1. **Coal mines:** 210 accidents and 886 deaths, which is 39 accidents and 204 deaths less than 2004 (a decrease of 15.7% and 18.7% respectively).

### **Very serious accidents (10-29 deaths):**

134 accidents and 3,049 deaths, which is 3 accidents and 443 deaths more than last year (an increase of 2.3% and 17.0% respectively). Accidents and deaths in this category include:



1. **Coal mines:** 58 accidents and 1,739 deaths, which is 15 accidents and 695 deaths more than last 2004 (an increase of 34.9% and 66.6% respectively).
2. **Metal And other mines:** 1 accident and 37 deaths, which is 3 accidents and 69 deaths less than 2004 (a decrease of 75.0% and 65.1% respectively).
3. **Construction :** 3 accidents and , which is 5 accidents and 53 deaths more than 2004 (an increase of 200% and 252.4% respectively).
4. **Fireworks :** 2 accidents and 39 deaths, which is 5 accidents and 73 deaths less than 2004 (a decrease of 71.4% and 65.2% respectively).
5. **Fires :** 5 accidents and 121 deaths, which is 1 accidents more (an increase of 25% and over 2004) and 2 deaths less ( a decrease of 1.6% over 2004).
6. **Traffic accidents :** 45 accidents and 773 deaths, which is 10 accidents and 79 deaths less than 2004 (a decrease of 18.2% and 9.3% respectively).
7. **Sea accidents :** 5 accidents and 70 deaths, which is 1 case more (an increase of 25% over 2004) and 58 deaths less (a decrease of 45.3% over 2004).
8. **Fishing vessel accidents :** 8 accidents and 100 deaths, which is 4 accidents and 57 deaths more than 2004 (an increase of 100% and 132.6% respectively).

### **Especially serious accidents (30 deaths or more) :**

17 accidents and 1,200 deaths, which is 1 accident and 264 deaths more than 2004 (an increase of 6.3% and 28.2% respectively). Accidents and deaths in this category include :

1. **Coal Mine :** 11 accidents and 961 deaths, which is accidents and 438 deaths more than 2004 (an increase of 37.5% and 83.7% respectively).
2. **Metal and other mines :** 1 accident and 37 deaths, which is the same number of accidents but 33 deaths less than 2004 ( a decrease of 47.1%)
3. **Construction :** 1 accident and 44 deaths, which is 1 accident and 44 deaths more than 2004.
4. **Fires :** 2 accidents and 71 deaths, which is the same amount of accidents but 23 deaths less than 2004 (a decrease of 24.5%)
5. **Traffic accidents :** 2 accidents and 87 deaths, which is 1 accidents and 38 deaths more than 2004 (an increase of 100% and 77.6% respectively).

# Cambodia

## Current situation of occupational health and Safety in the garment industry of Cambodia

Kong Athit

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(Presentation prepared by Kong Athit, General Secretary, CCADWU, Cambodia during visit to India with other TU leaders under ANROAV/AMRC exchange program)

Cambodia is one of the least developed countries in Asia. Agriculture sector was the major sector for the Cambodian economy in past time. Since 1996 Cambodian government started to open its economy by signing an agreement on garment and textile industries with US government in order to export the garments to US through a quota system.

That is why, we have so many garment and shoe factories established in Cambodia. More than 200 factories manufacturing garment and shoe providing employment to more than 200000 Cambodian workers.

But in process of this development, some workers suffered due to lack of good occupational health and safety standards at work. Women workers constitute 90% of the total workforce, They have been working in different sections but most of the women workers work in sewing section while rest of them work in sections like cutting section, packing, finishing, washing, cleaning, warehouse, sand washing etc.

Most the workers have a low education. They decide to work in the factory before finishing secondary education because family condition compels them to earn. As a result they know little about occupational health and safety. Some times they don't care for safety and health because of poverty.

Type of accident depends on the type of work, i.e. section in which they work. Usually the OSH efforts are focused on accidental injury like cuts, burns etc. There is no system for diagnosis of occupational diseases to make sure that the illness is work related. Most employers always ignore occupational diseases and do not accept responsibility. Ministry of labor responsible to implement OSH standards at work, lack of resources and ability to inspect safety and health problems. The Cambodia law related with occupational health and safety is still not clear. Thus it is very hard for workers to get compensation from employer. Compensation is a serious issue not only for occupational diseases but also for accidental injuries.

Trade Unions still have limited knowledge and skill for taking up occupational health and safety issues and strength to negotiate with employer.

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Thai representative delivering their presentation at seminar organised by AMRC at Hong Kong during WTO Ministerial

## The Asian Network for the Rights of Occupational Accident Victims

### includes :

Asian Monitor Resource Center (Asia-Pacific)  
Association for the Rights of Industrial Accident Victims (Hong Kong)  
Bangladesh Occupational Safety, Health & Environment Foundation, Bangladesh  
Chongqing Zhong Xian Self Help Rehabilitation Centre, China  
Coalition for Cambodia Apparel Democratic Workers Union (CCADWU), Cambodia  
Council of Works & Environment Related Patients' Network of Thailand (WEPT)  
Friends of Women Foundation (Thailand)  
General Federation of Nepalese Trade Unions (GEFONT-Nepal)  
Hong Kong Christian Industrial Committee (HKCIC) (Hong Kong)  
Japan Occupational Safety and Health Resource Center (Japan)  
Kanagawa Occupational Safety and Health Center (Japan)  
LIPS-Sedane Labour Information Center (Indonesia)  
Labour Action China (LAC), (Hong Kong)  
Labour Health Centre, South Korea  
Macao Workers & Peoples Spirit Association (MWPSA), Macao  
National Institute of Labour Protection, Vietnam.  
Occupational Health and Safety Center (India)  
Peoples Training and Research Center (PTRC-India)  
Panyu Migrant Workers Centre, China  
The Institute for Occupational Health & Safety Development (IOHSD), Phillipines  
Taiwan Association for Victims of Occupational Injuries (TAVOI-Taiwan)  
Tokyo Occupational Safety and Health Center (Japan)  
Won-jin Foundation for occupational diseased (Korea)

The Network is an alliance formally established in 1997 to forge solidarity links among OSH concerned, pro-labour, non-governmental organizations in Asia. Its aim is to fight for workers' rights for occupational health and safety. **OSH Rights**, the network newsletter, is published four times a year. It is edited by the secretariat of the network.

Membership of the Network is opened to any NGOs concerned with OSH issues in Asia with a view to asserting worker's rights. OSH related information, ideas, comments and donations are welcome, Please send your support to the secretariat of the network.

Central Secretariat,

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## India

### Occupational & Environmental Health Network India

A network on Occupational & Environmental Health has been established by the grassroots organizations working on the issue in India. The decision was taken at a meeting held at New Delhi on 30-31 January, 2006, jointly organized by ANROAV, AMRC & Peoples Trg & Research Centre, India. 30 activists from 16 organizations attended 'National Consultation on OHS'. Groups from Gujarat, Maharashtra, Tamilnadu, Madhya Pradesh, Punjab & Delhi attended the meeting. There were individual activists from Kolkata, Delhi & other places also who attended the meeting. Representatives of International organizations like AMRC & FOCUS also attended the meeting. During the two days, representatives presented their work on specific issues, narrated the difficulties, prepared resource map and discussed strategies to help each other to achieve better results. Groups from Gujarat & Madhya Pradesh decided to work together to get justice for the silicosis sufferers of stone crushing units of Godhra. Strategies to promote victims groups and making social security scheme more pro-people were also discussed. Numbers of groups expressed strong need to have a network. As a result, it was resolved to form network named "Occupational & Environmental Health Network India" (OEHNI)

<sup>1</sup> ILO Encyclopedia of Occ. Health & Safety, 3rd edition

<sup>2</sup> Asia-Pacific News Letter on OHS, July, 2002, P.31

