



NEPAL: TRADE UNION RIGHTS

in the present political context

Conflict, democracy and human rights have been the most relevant issues in Nepal. All democratic activities have been suspended following the royal measures in February 1. The country is running without people elected government. In the absence of parliament, the major body to enact laws and legislations, the ordinance culture has been rampant through which all the laws and Acts enacted by the democratic parliament have been amended and provisioned to curb the trade union rights.

The State of Emergency imposed wilfully by the monarch is relaxed. Nevertheless, decrees curbing people's rights and systematic assaults on trade union organisations are in place. The government strategy to form fictitious unions and send the representatives even to the ILO is enough to gauge how the government is strategically going to defunct the activities of trade unions.

The government seems wild to do anything to limit the power of unions through ordinance. In the recent days, the government is systematically indulged to restrain the collective bargaining of the labourers and is paving the way to split the professional organisations.

The story of Dharma Nanda Panta

Dharma Nanda Pant, newly elected Mahakali Zonal Chairman of GEFONT was arrested by the security personnel on March 26. Only after two days of his arrest, he was handed over with an arrest warrant for 90 days which stated that he was "vehemently indulged in encroaching the friendly relationship between two countries (Nepal and India) putting his views against the royal move."

Mr. Pant filed a habeas corpus writ in the Appallet Court. The court issued a verdict in the name of the state to immediately release the detainee. However, he was rearrested immediately after his release. Unable to bear the pressure of international trade union movement against the arbitrary arrest of Nepali trade union leaders, the authority finally released him on the same day.

Talking to the media and other persons after his release, Pant said, "About 25 security personnel came to my house at night and arrested me without arrest warrant. They handcuffed me as if I were a criminal. I strongly opposed, but they were turning deaf to me. I was kept in police custody for three days. Though they did not assault me physically, I was under a severe mental torture. On the fourth day, I was transferred to jail with a detention order for 90 days."



The story of Mr Pant does not end here. He further quoted the state authority as saying, "You are a leader of mass based organisation. If you hail the royal move, you will be highly acknowledged by the state and awarded too. If opposed, you have to serve indefinite days in the jail." But I instantly opposed them saying "if you have gutt, dare to put me for lifelong imprisonment."

Happy with his release, Mr Pant thanked all those helped for his release. Following the release, GEFONT issued a press statement thanking the international community who fervently pressurised the autocratic rulers for the immediate release of the detainee.

It is to be noted that a sad incident again took place in his life; his son as one of the college students was sharing his views with his comrades regarding future of the student movement suddenly rounded up by the RNA personals. They severely beat young boys and fired indiscriminately. Luckily his son sustained bullet in the legs only. Ironically the RNA issued its bulletin terming injured boys as "Maoists". Following the spontaneous protest by local resident and pressure from the centre, the RNA "corrected" it setting a court-enquiry on incident and publicly apologised. They offered medical treatment as well to the injured students.

Arrests and surveillance of union leaders

Following the Royal takeover on February 1, more than 500 trade union leaders were arrested and detained. Among those include Member of National Assembly and Vice President of GEFONT Lalit Basnet, Mahakali Zonal Chairman Dharma Nanda Panta, leaders of the various unions such as NTUC, FNJ, NBA, NUTA etc. Majority of the leaders were released only after the verdict on habeas corpus plea by the Supreme Court. It was not all that the royal move did. GEFONT Chairman Mukunda Neupane along with Vice-chairman Bishnu Rimal, Secretary General Binod Shrestha and the President of NTUC were among those who kept under tight surveillance of the security personnel.

GEFONT HQs locked by police and activities under undeclared ban

More than five dozens of security personnel surrounded the GEFONT HQs on the democracy day on February 18 and unabashedly entered in the office. They searched each room and when they could not get anything to blame, they asked all unionists immediately leave the office. They then locked the office for the whole day.

After the royal takeover, many activities have been curtailed. People's right to freedom of expression, right to freedom of assembly and association have been muzzled. Those who supported the move are free to do any thing; those opposed it were systematically restricted. Many regular activities vis-à-vis conventions/conferences, development activities of the unions were not allowed to accomplish. Even the administration imposed restriction to observe the International Women's Day on 8 March despite the approval from the authority.

ILO & the Government

The Director General (DG) of International Labour Organisation (ILO), expressing his concern over the political development in Nepal, wrote a letter in the name of King stating, "I fully hope that his majesty of Nepal will take appropriate action to guarantee the security of the Trade Union leaders and members who are highly engaged in their activities." But the government turned a deaf ear to the call of the DG and engaged in terrorising the trade union leaders. The DG again wrote another letter March 16 concerning over the health of detained leaders and asked the government to furnish its view upon the activities of trade unions. In response to it, Minister of Foreign Affairs wrote a letter on March 23 stating that the government was fully committed to respect the provisions of ILO convention and the government has no ill motive against trade unions as they have a major role to guarantee the labourers' right. He also said the DG to be fully assured of it.

But shortly after the government wrote to the DG, it started striking the union activities. Enough is enough!

Ban on strike through outdated Essential Services Act- 1957

Various 14 services have been put under Essential services and all forms of legal strikes have been banned. Previously when the Act was imposed and unions filed the case, ILO committee for Freedom of Association has given its decision that declaration of hotel tourism services as essential service would be against international conventions and norms. But this time, ignoring the norms and ratifications, the government put following services in essential ones – hotel, tourism, communication, electricity, petroleum import and distribution, medicines manufacturing & distribution, post and telephone, water-air-railway-road transport, airport maintenance, government storage, defense related, government printing press, hospitals-health posts and garbage management. The collective bargaining rights of the workers in these services have been put to an end.

Tightening control on press and media

Immediately after the royal proclamation, the Royal Nepal Army (RNA) controlled the FM radio and TV stations, Internet services and newspaper offices. The telephone lines were disconnected and mobile phone services banned. Still to date, the post paid mobile service is disallowed out of the Kathmandu valley where the ban on prepaid mobile service is continue. The press censorship prevails throughout the country and restriction on news broadcast through FM radios continues. Because of the ban on FM radios to broadcast news, more than a thousand journalists have been jobless.

Recently, the government has amended some communication laws with some provisions of strong punishment to the press if contravened. This is a clear indication that the government wants to muzzle the press. The government has controlled the advertisement which has badly affected the media business. With all these, the market of media is limited and after all the right to information of the people is infringed.

Attack on Union: Civil Service Gets First Blow

The Civil Service Act is amended through ordinance; it has banned the existing legal & representative unions-- Nepal Government Employees Organization (NEGEO). The amendment has ill-intention to divide Government employees under number of peaces- posts wise & group-wise "guided associations". The ordinance has massively axed the facility of social security being provided to the government employees by removing provision of existing Pension system by introducing a provision of Lump sum amount at retirement. It is being designed to terminate 10,000 government employees in the name of administrative reform.

FM Radios start news cast; FNJ facing yellows

Along with the declaration of State of Emergency, all of the FM Radio stations which were airing popular News cast barred to do so. After lifting up of the "Emergency" the FM stations united under Save Independent Radio Movement (SIRM) tried to negotiate with the regime in order to continue news based educational popular programmes. GEFONT along with various other organisations extended their solidarity with SIRM. The regime however rejected their request, thus one of the station Nepal FM 91.8 disobeyed Government directives and aired news programme. It generates a new wave in the SIRM agitation.

Furiously the government issued directives seeking clarification with FM station aiming to deregister their licence. The case reached to the Apex court. Surprisingly on August 10 the bench of the apex court dismissed government argument and gave verdict in favour of FM station stating that "it is connected to peoples right to information, thus not to cancel registration."

Now all FM has resumed their news broadcast, the FM station stanchd their right by the authoritarian regime!

Meanwhile the regime has created a Royalist "Journalists Federation". It is an aim to challenge struggling FNJ, which is demanding complete press freedom post February 1st period.

DAO seizes NEGEO assets

The District Administration Office (DAO), Bajura, has seized all the assets of the Government Employees' Association (NEGEO) on August 1, stating that the office was acting as per the orders of higher authorities. Following the move, the DAO employees, with the help of police, took control of the NEGEO office and seized all its furniture. The DAO has also frozen NEGEO bank accounts too.

Government in homework against teachers; tightening grips on PEs Union

The directives issued under State of Emergency on February 7 clearly mentions that there should be no union formed in the Public Enterprises. The Minister for Education and Sports has publicly hailed that the government is planning to form a government controlled teachers union instead of existing teachers' unions. This way the government is imposing restriction to form unions and voice for the rights and justice.

Civil servants hit the street

On July 22, amidst police intervention, hundreds of government employees took out a rally in the capital on Friday to protest the promulgation of the Civil Service Ordinance, which, they claim, denies them their right to association and makes employees fully unsecured.

The ordinance has attacked the civil servants' right to organization," a leaflet handed out by protestors said. A large number of riot police monitored the march and confiscated the posters they were carrying.

Police manhandled civil servants and snatched away their placards as soon as they converged near Sundhara to stage a silent protest rally organized by Nepal Government Employees' Organizations (NEGEO). Infuriated by the police intervention, the employees then marched through the inner parts of the city in areas chanting slogans against the government's repressive measures.

They held a mass meeting, where employee leaders said they would not relent until the government withdraws its "draconian" law and ensures employees' right to join a trade union of their choice.



AFP quotes an organizer as saying "The NEGEO and the 38 professional organisations have more than 300,000 members across the country and all were ready to fight for their rights granted under the ILO convention."

"We have chalked out a month long protest programme against the government's decision to ban all professional organizations to protect our civil and human rights," NEGEO chairman Murari Bhattarai said.

"The NEGEO and other professional organizations have decided to mark July 14 as the Black Day because it

was the day when the government deprived the employees and other professionals their rights to form unions," Bhattarai said.

On July 20, GEFONT issued a press statement and condemned the government. "The government step to ban Nepal Government Employees Organization is the clear indication of Totalitarianism by violating the freedom of association provided by The Constitution of Kingdom of Nepal 1990. Moreover, banning an organisation registered under National Directives Act by amending Civil Service Act through ordinance is totally unjustifiable."

Along with national trade union centres, 38 professional organisations have also extended their solidarity in favour of NEGEO movement demanding immediate repeal of the amended Civil Service Ordinance.

It is known that management has started to harass unionists of various PEs by demanding clarification with union leaders who had joined NEGEO street protest of July 22.

Nepal Telecom Unions in agitation!

The Nepal Telecom (NT) management had declared to resume around 173,000 pre-paid and 30,000 post-paid mobile lines shortly. The decision came in public when both the largest unions of Nepal Telecom handed-over hundreds of thousands public signature collected by them as the part of their ongoing protest programme. This happened after month long protest programme continued by the unions.



In July 11, authentic union of NT, Telecom Employees Association of Nepal (TEAN) and Nepal Telecom Workers Union (NTCWU) had commenced first phase protest programs in a bid to create pressure on Nepal Telecom management to resume stalled pre-paid and post-paid mobile services. The unions handed over a memorandum to the management demanding early resumption of stalled post and pre-paid mobile services and permission to distribute new post and pre-paid cell phone lines. The unions have stated in the memorandum addressed to the management that they have been forced to initiate the protest after the management failed to fulfil the workers' demands within the deadline.

The two workers' unions of NT had initiated the protest programme earlier on June 14 and had issued an ultimatum of seven days to the management requesting the management to resume services and start distribution of new cell phone lines. However, on June 21 the unions had postponed their strike till July 10 after the management pledged to comply with their demands as soon as possible.

Tanka Lal Shrestha, president of authentic union-TEAN said that the unions have also informed the management that they will be forced to adopt more strict measures if the demands are not fulfilled in time. "We have also warned that the management and the government will be held fully responsible for any untoward incident that might take place in the course of the protest programs," he said.

The two unions have long been demanding the management to resume operation of stalled cell phone services stating that the company has already incurred losses close to Rs 1.2 billion and cannot bear any more losses. They have also been stating that they cannot sit idle and watch NT do nothing at a time when other competitors are making preparations to penetrate the sector.

The government had interrupted services of pre and post-paid mobile phone services four months ago on February 1 citing security reasons. Although it had allowed NT to resume services of about 43,000 post-paid cell phones registered in Kathmandu Valley on May 2 and some major cities after wards.

Employers in aggressive mood based on government backing

Employers and management in local level have become aggressive against workers after formation of autocratic government as an outcome of February event. However the central level business leadership is trying to pose itself in neutrality. Following is the glimpse of unfair examples of Employers side:

- [] Nikon Plastic has ousted 20 workers who were eligible for permanent appointment
- [] Aman Plastic has ousted 2 workers
- [] Jyoti Spinning has terminated the enterprise union leader and even after the restoration order of the court, ousted him again
- [] MyShop has harassed three union leaders by changes in duty hours and abuses and then ousted from the job
- [] Nepal Lever denied to dialogue on submitted charter of demand
- [] Owner of Hotel Ratna, the former Superintendent of Police has frequently harassed & terrorised workers & union leaders by arrests, termination and revolver
- [] Compelling workers to resign from union committees in Bhudev Khadya udyog, National soap, Nepal Pasma, Kathmandu Metropolis etc

A glimpse of workplace examples of the ill-intention of Government

- Direct denial of union registration by labour offices in various places and a number of enterprises – in Kamalamai Iron Rolling Mills of Biratnagar, Abdul Haphiz biri Udyog of Sarlahi, garbage cleaners union in Janakpur Municipality etc
- Direct order to stop CBA election in enterprises – Surya Nepal, Krishna Oil, Indian Airlines
- Order of local authority to remove union board from Rastriya Baniya Bank and Electricity Authority in Udayapur
- Order of local authority against the submission of charter of demand in Udayapur cement factory
- Threatening by Local Authority to the workers not to involve in union activity in Janakpur Cigarette factory
- Leaves are denied while activists go for union work
- Police and Security force is victimizing transport workers – seizing of licences everywhere, compelled a number of drivers in Banke district to sleep in the highway after putting off clothes in hot season. A case of driver Gupta inhumanely forced by security men to wash face by urine
- Barracks in various schools which caused more than 300 students and teachers injured, 2 dozens have lost life in school premise encounters of Maoists and security force
- Armed force travelling frequently by public buses & frequently exploded by Maoists and more than 70 general people including women & children have lost their lives this year

Regime is encouraging Fake unions to sideline legally recognise unions

Aiming to isolate recognised national centres of trade unions, the regime is encouraging to create fake unions. An exercise is already on and they have declared a fake union on the occasion of Royal Birth Day. Following is the glimpses of ill-exercises:

- A total of 12 fake unions were formed to register in the Department of Labour and Employment Promotion transgressing the legal provisions. After knowing that the recognised three Confederations submitted a memorandum to the Labour Secretary in March to abide the legal mandate.
- After an appeal to the Labour Secretary and the Director General of Labour Department, the department published a series of notice in the Government controlled National Daily (Gorkhapatra) on 27, 28, 29 and 30 April stating that the government is receiving a number of applications for a registration of trade union federation in different names, if any objections are against the trade unions seeking registrations any one could oppose it with obvious proves. Following the notice, the GEFONT along with other unions filed an application on April 29 in the department asking for a set of copied documents submitted to the department by the so-called unions.



Hotel Yak & Yeti Strolls against Union

The five star Hotel Yak and Yeti of Kathmandu suspended the facilities of workers after the royal move. It also removed the union's notice board and locked the union's office. Despite a repeated call from representatives of union for a negotiated settlement of the problem, the hotel owner, under the protection of senior Vice-chairman of Royal Government Dr. Tulsi Giri, threatened to deregister the union. As these activities of the hotel owner were against the union rights, Nepal Independent Hotel Workers Union (NIHWU-GEFONT) pressurised the owner to immediately heed the workers positively. As a result the hotel owner was compelled to unlock the notice board. However, the owner still dehumanises the workers. The case is continued and Government has compelled to form a tribunal.

- However, the department did not heed union's request. The department did not allow even to copy the documents. Instead they with the help of state protected gangsters systematically assaulted to the union leaders opposing misbehave of the state; the union federation filed a write in the Labour Court on 3 May. The Court issued a verdict in the name of opposition to furnish all the files in the court within three days of the verdict. But the department furnished only one file on the third. The most surprising fact was that the department also sent the state protected gangsters in the court and ordered them to systematically assault to those who asked for the copy of file.
- Unable to bear threaten by the state, the court returned the file to the department before completing the legal process. Based on these facts, the four GEFONT affiliates filed an application in the department opposing the registration of so-called unions. Again the state sponsored gangsters obstructed the process; they manhandled the members of the unions. The obstruction was so severe that they even threatened the life of union members in the presence of government officials.

All these state responses towards the trade unions were obvious that the so called trade unions were formed and registered under the state protection to institutionalise the autocracy. All the names and signatures collected in the names of unions were fictitious. The state has unabashedly indulged in forming parallel unions to sideline the recognised unions. Since this is the state conspiracy, all the confederations and the unions have slammed the state motive and sent a strong worded letter to the Labour department and the Ministry condemning the government's move.

The government's ill motive to undermine the recognised trade unions was unveiled when it shamelessly transgressed the tripartite agreement with the Confederations and nominated a "fake leader" as workers representative in the 93rd Session of International Labour Organisation. The fake representative who is a new-born royalist was over night "made" the Vice-chair of so-called Nepal Agricultural Labourers' Organisation and nominated for the ILC. The Government shamelessly states in nomination letter, "He was unanimously selected by Federation of Nepali Chamber of Commerce and Industries, GEFONT, NTUC and DECONT."

Opposing the government's ills, the three Confederations have filed a case in the ILO on May 20 demanding not to accept the nomination and disqualify Nepali delegation if this fake person is still continued as workers representatives. It is a victory of Nepali union movement, the royal government compelled to cancel the nomination and thus reaffirm earlier decision nominating one of the leader of three recognised confederation.


Conspiracy to Control the Right of Collective Bargaining

The authorised trade unions had declared the election of trade unions before February 1 for the collective bargaining on Surya Nepal, Krishna Oil Corporation and Indian Airlines. But the government denied holding the election owing the royal move. GEFONT repeatedly tried to convene the election but constantly failed as the government was reluctant towards its initiation.

Genuine unions protesting Fake Unions

Demonstrating against the government's decision to provide registration certificate without meeting legal obligation to the fake trade unions, three trade unions Confederations-GEFONT, NTUC and DECONT submitted a memorandum to publicise the fact of "registration" of the "fake unions". A delegation headed by the GEFONT chairman also warned the government to follow the legal provisions while registering the any trade unions, of else faces the consequences of labour dispute. After submitting the memorandum, General Secretaries of three national centres addressed the gathering organised in front of the main gate of the Department of Labour & Employment promotion which is the office of Registrar.





Meanwhile monitoring committee, formed by the government in the name of monitoring the services and facilities provided to the general people, ordered Trade Unions of Rastriya Banijya Bank (biggest commercial Bank of the country), Nepal Electricity Authority and Udayapur Cement Factory to remove their boards. Similarly, Chief District Officer of Udayapur threatens the trade union not to submit any collective demands nor involve in political activism. The administration of Janakpur Cigarette Factory threatened the workers not to participate in union activities, if else be reported the CDO.

Kathmandu Metropolis threatened to repeal the registration of Garbage Cleaners Unions if participate in the unions' activities. They are threatened to terminate from the job if denied the order of the Metropolis. Moreover, the administration pressurised the workers to support the royal move. Kathmandu Metropolis officials have started to pressurise street vendors to leave street vendors union.

Similarly, police atrocity is increasingly troubling the auto workshop workers in Nepalgunj. They unabashedly picked up the vehicles brought for repair in the workshop and charged the workers. The atrocity of traffic police is no less culpable. They have speeded up grabbing the licence of drivers for no reasons and also forced transportation workers to sleep on hot pitch road and wash their face with their own urine alleging them violating the rules.

Hurdle to collect dues

ITWAN, the affiliate of GEFONT in transport sector is collecting dues by each vehicle to support those members during any accident. This process has been disturbed throughout the country. The administration has imposed restriction to collect such dues in Hetauda, Rajbiraj, Pokhara and Biratnagar. Rickshaw pullers union in Nepalgunj is totally banned to collect such dues.

The Regime Seems Reluctant to Implement Law

The Management of the Blue Star Hotel in Kathmandu has not deposited any money in the provident fund of the employees for 64 months. Similar is the situation in Hotel Garden, Everest, Himalaya, Radisson and other reputed hotels in the capital. This way the hotel manager is turning the workers away from the guarantee of social security. But, the government looks reluctant to take action to the hotel managers for their illegal action.

Former DSP and the proprietor of Hotel Ratna of Biratnagar terminated some workers from job, threatened to resign from the unions, imprisoned some those who opposed his order and also threatened to death pointing a gun at their head. The victim workers filed a case demanding an action against the proprietor. But the government never heeded the appeal of the workers.

Drivers forced to wash their face with own urine

There are grudges and complaints from drivers and conductors that the policemen deny to pay the travel fare pretending that they are transportation staff. 'If they are asked for a fare, they manhandle the workers and threaten them to take action. The police atrocity in Banke has crossed the limit.

After February 1, the police of Rajha Security Post of Banke have turned brutal torturing the bus drivers. The police severely beat the drivers, put them in muddy pond like buffalos, threatened to sleep on hot road and stand upside down. One inhumane action by the police is to force a diver to wash his face by his own urine. GEFONT and its affiliate demanded the police officer for an apology publicly.

Protesting against such inhumane atrocity of the police, the transportation unions organised a chakka jam (transport strike) on May 23. The DIG of Armed Police apologised with the members of transportation union.

Workers on Cross Fire and Beating

Western Nepal always witness horrible situation. One of the common phenomenons is using school by the security forces and the rebels. The rebel organises its activities in the school frequently. Following that the security forces often visit the venue and harass and even threatened the poor teachers.

Maoists Atrocities are As of Government

Maoists are the one of the key players to destabilise the democratic process in Nepal. The workers are equally victimised by the "new state" of Maoists. The atrocities of Maoists are bears no less magnitude of the atrocities of the government. Because of the Maoists threat, a number of industries have been closed. In 2004 alone, a total of 35 industries were closed due to the Maoist threat. The tourism sector is completely stagnant there is no supportive environment for the investment in this sector. The close down of industries and the collapse of tourism has highly contributed raising unemployment.

Such story is not over yet. Tea estates and factories—both state-owned and the private ones—have been forced to shut down by Maoists in Ilam and Jhapa districts from July 25 till to August 8, 2005. The closure of tea estates and factories has rendered 45, 000 workers jobless and there was a daily loss of around 4 million rupees. Tons of green tea leaves are turning into waste as it could not be supplied to tea manufacturing companies for processing, added reports. The closure comes at a time when tea leaves plucking season has just started. The period between mid-July to mid-November is considered the peak-plucking season in tea estates.

Since August 15 the Maoists again forced to closed down some off the MNCs such as Uni leaver, Nepal which pushed some 2000 plus workers in the street.

Every year the Maoists have threatened to close the private and public schools. If the schools are closed, more than 150 thousand teachers will turn to be jobless. In the recent days, the Maoists have intentionally indulged to desert the leadership of trade unions. This way they are determined to uproot the democratic unions at any cost.



GEFONT activist protesting against the Maoists blockade

There is another side of the coin with regards to Maoists extremism. Adopting the 19th century's bourgeois tactics, they are active in using NTUC against GEFONT and vice versa. They are compelling the trade union leaders and members to support the Maoists or pay levy to them. If the leaders and the workers decline to obey them, they threaten them to face any consequences. The Maoists have started this campaign widely from Ilam to Hetauda.

Maoists not less than government against workers & trade unions

- □ Forcing industries, schools, colleges, transport and market to close frequently
- □ Hotel tourism industry damaged by Maoists causing heavy job loss
- □ Factory closures in considerable number aggravating unemployment
- □ Explosion in public places including schools, hotels, enterprises and offices
- □ Kidnap, abuses, tortures and murders
- □ Forced donations
- □ Compel to resign from union
- □ Effort to de-unionise the workplaces
- □ Trying to smash the only remaining democratic institutions the trade unions in grass root level

Workers of Shree Ram Sugar Mill of Rautahat are asked for levy by the Maoists. Santa Rai the President of IPWUN-GEFONT has been threatened to resign from the post, or else face the action. Similarly the Maoists have compelled the workers of Tokla Tea Estate to resign from their job. These are the just examples, there are many more incidents regularly taking place.

Bomb Blast Affects Workers' Employment

The Maoists hurled bombs at Hotel Soaltee, Fishtail, Gaida Wildlife, Hayat Regency, Nepal Lever, Colgate. Coca Cola, Gorkha Brewery and Sangahai Plastic and Everest Paper Mill this year. This has adversely affected the workers with the threat of being the hotel and other industries closed and thus losing their jobs.

Maoist Atrocities Cross the Limit

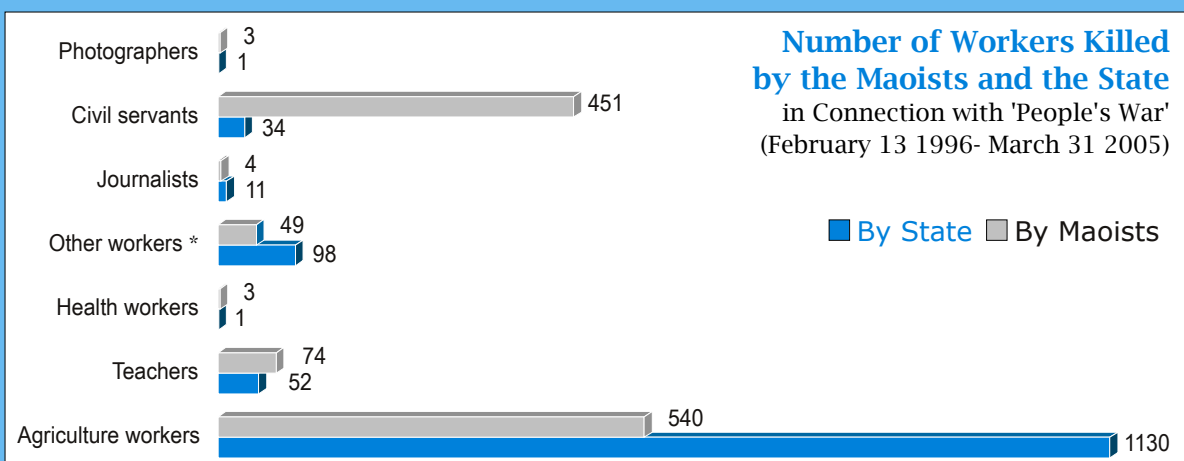
"If a question is asked to Nepal Teachers Association and Nepal National Teachers Association on the abduction of teachers, you have to face a counter-question, 'of how long?'. "I was taken in custody for seven months without any reason", said teacher Prem Singh Bohara, Asst. General Secretary of Nepal Trade Union Congress. He further added "My release would not be possible if there were no national and international pressures."

There are thousands of teachers who have been abducted. The incidence of abduction is more severe in the hill districts. There is no single teacher who has not been abducted at least few hours. After the Maoists started their notorious project- "the People's War", a total of 126 teachers have lost their lives since February 13, 1996. Of the total 126, Maoists alone have killed 74, as INSEC, a leading NGO reports. Babu Ram Adhikari, Secretary General of Nepal National Teachers Association, claims that the number of teachers being killed in the "People's War" has crossed 150.



Tulasi Chaudhary Central Member of Federation of Agricultural Workers (FAWN-GEFONT), was abducted by the Maoists on a night of October 6, 2004 from his home in Nawalparasi. He was found the next day close to his house in the state badly injured both of his hands and legs mutilated. He was rushed to the Butwal Hospital for a treatment, unable to treat him there, the hospital referred him to the Teaching Hospital Kathmandu.

Bir Bahadur Gurung spouse of Parbati Gurung, a worker of Butwal Spinning Mills, was shot by a group of 4 people on December 4, 2004 on the charge of not providing food and shelter. The victim was taken to the Butwal hospital but the hospital referred to Palpa Mission Hospital for his treatment. In course of his operation, 62 pieces of bullet were found in his body. He was brought to Kathmandu for his further treatment.



Source: INSEC, Human Right Year Book 2004

* It denotes all workers working in industries & transportation

On July 18 CPN (Maoist) detonated the Reliance Spinning Mills, which is the largest spinning mill of the country providing employment to thousands of workers. Similarly the rebel torched & detonated Jyoti Spinning Mill which destroyed about NRs. 15 million worth property and forcing 1,000 plus workers being jobless.

This act of Maoists is against humane values which have pushed more than 10 thousand peoples from families of workers to the street by explosion in the mill in a situation where country is in heavy unrest with fast declining employment opportunities.

They further forced to shutdown Unilever Nepal one of the subsidiary MNC of Hindustan lever, India just after the company made agreement in CBA with GEFONT affiliates- the only union in the company.

No One spare-off by the terror of extortion

The Maoists have claimed 25% of the wage from the teachers and levied war tax to other industries. In Dailekh the Maoists have demanded NRs. 63000 where in Rukum they have asked for 150000 as the 'war tax'. Not a single Industry outside the valley is spared from this terror.

Pyramid of Unemployment

Unemployment has been sharply increasing due to the closure of industries. Ten thousands of workers have been displaced in this year alone. As many as 37 garment industries where hundred of workers were being employed closed this year in the Kathmandu Valley alone. Due to the closure of industries, a total of 7,929 employees have been turned to be jobless. The regime announced liquidation of Lumbini Sugar Mill, one of the PEs aiming to privatise it has forced to 800 plus workers out of job.

Unions are responding through street programmes

The unions in Nepal are not mute observer of this situation. Besides, participating in protest programme for democracy called by the political parties and various civil societies' organisation, they are mobilisation workers in numbers of occasions.

March 8th Celebration

Trade Union Committee on Gender Equality and Promotion (TUC-GEP) on behalf of all trade unions in Nepal coordinated this year's 8th March event- the international working women's Day celebration.

Women Rights: Equality & decent employment the very theme was fixed for this year, where the ILO was also associated lending its support of solidarity. This year the unions organised a talk programme amidst the state of emergency. Women for union and Union for women the slogan promoted by the ICFTU is one of the key issues during the talk-show in the given theme. It is pity to note that local authority, which had given permission to the organisers to hold a 'silent procession', backtracked from its decision at the last stage.

"The office hour was over already, an official informed to the one of the confederations of the TUC-GEP not to hold procession. They didn't explain any reasons explicitly-however they spelled mild-threat saying-- the organisers would be sole responsible if any incident happens denying 'the order'."



Three General Secretaries of the National Centres issued a joint press communiqué^{e9} on intolerance character of Kathmandu Administration immediately.

"In the evening of 7th March after closing time of offices at 18.00 hrs, the authorities have shown their authoritarian character by pressing to cancel the demonstration and they threatened the women leaders." The communiqué⁹ reads- "The prohibition order of the Administration against celebration of the glorious international festival of women workers definitely violates the Constitution of the Kingdom of Nepal, existing laws and international norms of trade union rights."

"We condemn this autocratic intervention on the programmes of women workers and on the exercise of simple trade union rights on behalf of Nepali workers as representative organizations."

However, the talk programme at Blue star has been concluded with no interference amidst participation of around 500 participants.

On the occasion various speakers representing trade unions, employer's organisations along with country director of ILO office in Nepal Ms. Leyla Tegmo-Reddy addressed the gathering. The international consultant of Danish Trade Union-3F Eva Tabor delivered her solidarity message.

Unions Celebrate May Day Collectively

Citing extreme position of violent conflict and aiming long term goal of trade union solidarity, workers of Nepal celebrated May Day 2005 collectively. With Theme; "Democracy for Peace & Development, Trade Union Rights for workers in all Profession" some 10,000 workers in Kathmandu Valley rally in major parts of the city. The May Day Joint Celebration Committee- 2005; which includes recognised National Centres- GEFONT, NTUC, DECONT (with their 59 plus affiliated national federations), a loose network of various professional - PAPAD (Professional Alliance for Peace and Democracy, which includes Federation of Nepalese Journalists, Nepal Bar Association, Nepal University Teachers Association, Teachers Union-Nepal, Nepal Engineers Association and Nepal Medical Association), Network of various employees associations- CoNEP (Confederation of Nepalese Professionals, which includes 2non-affiliated trade union federations; EI affiliated NNTA and government employees) and almost all Nepali Affiliates of GUFs (There are 37 Federation & unions) had led & coordinated the rally.



This year's May Day was widely supported by the international trade Union movement. The General Secretary of ICFTU-APRO N. Suzuki himself was one of the leading figures in the joint rally. The representatives from the Seven GUFs namely ICEM-HQ, (Elizabeth Cotton), TWARO-ITGLWF (Akiko Gono), IFBWW-South Asia (Rajeev Sharma), IMF-South Asia (T. Dyvadheenam), ITF-South Asia (Sangam Tripathi), PSI- South Asia (Kannan) and UNI (Andriana) were others international delegates in the rally.

The country director of ILO Ms. Leyla Tegmo- Reddy and senior workers specialist of ILO-SAAT Mr. Pong Sul Ahn were other participating dignitaries of the workers rally. Besides, two senior leaders from national trade union centres from India Bro. Guman Singh, the Organizing Secretary of INTUC and Dy General Secretary of HMS R A Mittal were also the participants.

major places in through out the country.

Global Call Action against Poverty (GCAP): Nepali workers observe it with White-band Rally

July 1st has marked by Nepali unionists under the global call action against poverty. Participating unions in Joint May Day Celebration Committee, instead of dissolving it, has initiated this programmes to integrate Nepali working masses with Global Action Day against poverty.

With involvement of almost 1000 plus Core leaders from central level of various organisations unionists organised a National workers Conference followed by a white band rally. Promoted by the three confederations of trade unions and the teachers' Union, professional's organisations like lawyers, university teachers, journalists, engineers and medical practitioners also joined the workers rally and the conference as solidarity groups.



It was somehow a preparatory programme for Wider National Workers Conference to be organised on September 10-12, 2005.

Wider National Workers Conference: Building Workers' Solidarity and Democracy

Nepal has 11.4 millions work-forces ranging from factory labour to the various knowledge workers. However, hardly 10% out of them are organised. Ironically those organised workers are also limited in various separate organisations from trade unions to professional associations, which ultimately checking to generate synergy effects.

Amidst the situation an inspiring event took place in May 1st 2005. Various workers organisations ranging from labour to professional collectively celebrated May Day demanding democracy & peace and aiming united trade union centres in remote future. However, the unionists in Nepal feel there is lot yet to be done collectively. In order to carry out spirit of May 1st 2005, a wider national workers conference is going to be organised.

In the absence of democracy no peace and unionism is imagined. Unless grassroots working population understand the democracy they are fighting for is not for any leaders neither the party nor the ideology but for them; it is almost not possible to track derail democracy. Unless working peoples wills and aspiration is reflected in our politics, no democracy would be sustainable and worker friendly. Thus, it is proposed to organise a wider national workers' conference to build workers' solidarity & democracy aiming to involve from manual labour to formal as well as informal economy to the knowledge workers ranging from medical, law, engineering profession to the teaching profession of school & university.

The conference will declare workers' road-map at the end. It will declare common mechanism among all workers to fight and safeguard workers rights and way to train grassroots representative at once on necessity of democracy for trade unions.

There will be some 1,500 representatives representing different trade and industries. They will converge in Kathmandu from east to west and hills to plain terai. Four organisations will be organiser of the conference.



Some relevant tables

1. Declining trend of formal employment: An example from Private sector

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002
No. of Workers	355,058	370,316	374,860	382,945	385,960	387,200	392,421	394,541	359,323
Average No. of workers per Enterprise	114.06	103.38	93.39	91.26	89.93	90.43	91.82	91.24	90.8

2. Formal and informal employment of persons aged 15 years and above (in '000)

Sector	Agriculture	Non-Agriculture	Non-Agri-informal
Male	3176 (67.1%)	509 (10.7%)	1052 (22.2%)
Female	4027 (85.2%)	94 (2.0%)	605 (12.8%)
Total	7203 (76.1%)	603 (6.4%)	1657 (17.5%)

3. Broad Categorization of Formal & Informal sector in Nepal (in '000)

Sector	Broad Formal	Broad informal
Male	655(13.8%)	4082(86.2%)
Female	224(4.7%)	4502(95.3%)
Total	879(9.3%)	8584(90.7%)

Source: Calculation based on Nat

4. Distribution of Active workforce: A Census-based comparison

S.N. Sectors	Population Census, 1991		Population Census, 2001	
	Active manpower	(%) of total population	Active manpower	(%) of total population
1 Agriculture, Fishery and Forestry	59,61,788	81	65,04,689	65.7
2 Mines	2,361	-	16,045	0.2
3 Production, Industry	1,50,051	2.0	8,72,253	8.8
4 Electricity, gas and Water	11,734	0.2	1,48,218	1.5
5 Construction	35,658	0.5	2,86,418	2.9
6 Commerce, Restaurant and Hotels	2,56,012	3.5	9,84,662	9.9
7 Transportation, Communication and Storage	50,808	0.7	1,61,638	1.6
8 Finance and Real Estate	20,847	0.3	76,687	0.8
9 Community and Social Services	7,52,019	10.2	7,68,916	7.8
10 Others	28,004	0.4	58,273	0.6
11 Unidentified	70,298	1.0	22,395	0.2
Grand Total	73,39,580	100.0	99,00,196	100.0

Acronym

APRO	Asia Pacific Regional Organization
CBA	Collective Bargaining Agreement
CBS	Central Bureau of Statistics
CDO	Chief District Officer
CoNEP	Confederation of Nepalese Professionals
CPN	Communist Party of Nepal
DG	Director General
DIG	Deputy Inspector General
DSP	Deputy Superintendent of Police
EI	Education International
FAWN	Federation of Agricultural Workers
FNCCI	Federation of Nepalese Chamber of Commerce and Industries
FNJ	Federation of Nepalese Journalists
GCAP	Global Call Action against Poverty
GEFONT	General Federation of Nepalese Trade Unions
GUFs	Global Union Federations
HMS	Hind Mazdoor Sabha
ICEM	International Federation of Chemical Energy, Mine & General Workers' Unions
ICFTU	International Confederation of Free Trade Unions
IFBWW	International Federation of Building and Woodworkers
ILC	International Labour Conference
ILO	International Labour Organisation
IMF	International Metalworkers' Federation
INSEC	Informal Sector Service Centre
INTUC	Indian National trade Union Congress
IPWUN	Independent Press workers Union of Nepal
ITF	International Transport Workers' Federation
ITGLWF	International Textile, Garment & Leather Workers' Federation
ITWAN	Independent Transport Workers' Association of Nepal
MNCs	Multi National Companies
NBA	Nepal Bar Associations
NEGEO	Nepal Government Employees Organisation
NGO	Non Governmental Organisation
NIHWU	Nepal Independent Hotel Workers Union
NT	Nepal Telecom
NTCWU	Nepal Telecom Workers Union
NTUC	Nepal Trade Union Congress
NUTA	Nepal University Teachers' Union
PAPAD	Professional Alliance for Peace and Democracy
PEs	Public Enterprises
PSI	Public Service International
RNA	"Royal Nepalese Army
SIRM	Save Independent Radio Movement
TEAN	Telecom Employees Association of Nepal
TUC-GEP	Trade Union Committee on Gender Equality and Promotion
TWARO	Textile Workers Regional Organisation
UNI	Union Network International

The Team

Bishnu Rimal
Shiva Gaunle
Kiran Mali

Umesh Upadhyaya
Buddhi Acharya
Kabindra S Rimal

Ramesh Badal
Mahendra Shrestha
Bal Krishna Kattel

What if we had ...



- ✓ **Sovereign people**
- ✓ **Sovereign parliament**
- ✓ **Inclusive-participatory Democracy**
- ✓ **No more abuse & violation of Human rights**
- ✓ **No more violence**
- ✓ **Sustainable peace**
- ✓ **End of conflict**
- ✓ **Harmonious relation in the society**
- ✓ **End of autocracy & authoritarian regime**
- ✓ **No more Political oppression**
- ✓ **No more economical exploitation**
- ✓ **No more socio-cultural suppression**
- ✓ **Better labour relation**
- ✓ **End of bickering in the political forces**
- ✓ **Democracy in track; end of anarchy**

Would you expect it happen now?

- **Let join in the democratic movement;**
- **Let call for broader unity among the democratic forces;**
- **Let isolate both left and right-wing extremists;**
- **Let rely on people's power!**



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Post Box: 10652, Man Mohan Labour Building, Putali Sadak, Kathmandu, Nepal

Tel: + 977- 1-42 48 0 72, Fax: + 977- 1-42 48 0 73

E-mail: dfa@gefont.org, URL: www.gefont.org