

CAS 2017
Kazakhstan, c.87
Worker Delegate – AFL-CIO United States

Thank you. The CLC of Canada joins us in these remarks.

In 2011, thousands of workers in Kazakhstan's oil and gas industry went on strike to protest unsafe work conditions and low pay. In December of that year, the country's law enforcement brutally repressed the strikes by opening fire on unarmed protesters and criminally prosecuting strikers. Six years later, exercising the right to strike in Kazakhstan, a right guaranteed by the country's Constitution, remains extremely dangerous.

Kazakhstan's new labor code, adopted in 2014 and 2015, also recognizes the right to strike. However, this labor code, along with civil and criminal law, sharply circumscribes that right. Workers in a number of industries are prohibited from striking, and a recent Human Rights Watch report found that Kazakhstan courts routinely declare strikes illegal. The same report found that it is extremely difficult, if not impossible, for workers to meet the onerous requirements in order to legally strike. For example, before striking, workers must engage in cumbersome mediation procedures with their employer. In at least one instance, a company unilaterally terminated the mediation process and faced no liability, despite the union's complaints to the Department of Labor and the prosecutor's office.

Workers and union leaders, on the other hand, face serious liability for engaging in an illegal strike. The new criminal code, adopted in 2014, criminalizes "calls to continue a strike that has been ruled illegal by a court." This offense carries a maximum prison sentence of three years. Courts have also subjected strikers to significant administrative fines of up to 33% of an average worker's annual salary. In addition, Kazakhstan's labor code allows employers to discipline workers who participate in an illegal strike, even *before* a court has declared the strike illegal.

In January of this year, about 300 employees of an oil company began a hunger strike to protest the court-mandated liquidation of the Confederation of Independent Trade Unions of Kazakhstan. The workers notified municipal authorities in advance and continued to perform their jobs. Still, the Company petitioned a court to declare the strike illegal. The court took advantage of recent amendments to the Civil Procedural Code which establish extremely short time frames for the consideration of illegal strike cases. In just two days, the court declared the hunger strike illegal, concluding first, that the strike violated internal rules of the company; and second, that the strikers failed to obtain permission to hold a public event. Law enforcement detained strikers, and courts ordered them to pay significant administrative fines. The court subsequently found that the strikers must reimburse the company for supposed losses from the strike, resulting in additional hefty fines. Union leaders were also arrested, convicted, and imprisoned in connection with the strike. These leaders remain in prison today.

I work for the United Steelworkers, a union which also represents workers in the oil industry. In 2015, our union's oil workers went on strike to protest health and safety issues. The oil sector is incredibly dangerous; oil workers should not be subjected to additional repression and violence for protesting the conditions of their employment. Kazakhstan's current limitation on strikes and criminalization of participation in strikes is in clear violation of Convention 87, and must be remedied. Thank you.