

# FASTER HIGHER STRONGER

Lessons for the next  
BWI Global Sports Campaigns



Building and Wood Workers' International





# NO MORE DEATHS IN THE NAME OF SPORTS



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# Preface

The Global Sports Campaign has succeeded in improving the living and working conditions of hundreds and thousands of workers across four continents. It has brought onto the global agenda the exploitation and abuse of construction workers, many of whom are migrant workers, during the preparations for mega-sports events. It has meant trade unions are now recognised partners in a multi-stakeholder alliance to integrate human rights into every aspect of mega-sports events.

BWI and its affiliates have accumulated a wealth of experience and strategic expertise on how to organise and promote the rights of construction workers on infrastructure sites for mega-sports events. This report explores the main elements of the 2018 campaigns around the Olympic Winter Games in PyeongChang, South Korea and the World Cup in Russia in order to understand what was effective and where there were challenges. It highlights the extraordinary commitment and impressive achievements of the BWI affiliates during these campaigns: the Russian Building Workers' Union (RBWU) and the Korean Federation of Construction Industry Trade Unions (KFCITU).

Each host nation has its specific political, economic and trade union characteristics requiring different approaches and strategies. Moreover, the level of engagement of the international sporting bodies, the International Olympic Committee (IOC) and the *Fédération Internationale de Football Association* (FIFA) has been very different. Nonetheless, there are many tools and lessons from both campaigns that can be useful to take into account in the future.

BWI is committed to providing its full support to the next generation of campaign champions in Tokyo, Qatar, Beijing, Germany and beyond. RBWU has now handed the ball to representatives of BWI affiliates from Ghana, Kenya, Nepal, India and the Philippines, who are working to organise and protect migrant workers building the stadiums for the 2022 World Cup in Qatar. KFCITU has handed the headband of struggle to the Construction General Workers Union of Hong Kong, in representation of the construction workers on the Winter Olympics 2022 in China, as well as to Byggnads representing workers in the bidding country of Sweden for 2026 Winter Olympics. Indeed, the lessons and achievements from the earlier campaigns will surely mean that, as the Olympic motto states, together we will move forward 'faster, higher, stronger!'

**Ambet Yuson**  
BWI General Secretary  
December 2018

## Contents

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Preface . . . . .	i
Introduction . . . . .	1
2018 FIFA World Cup Russia . . . . .	2
PyeongChang 2018 Winter Olympics . . . . .	8
Lessons and Guide Posts . . . . .	14
Moving Forward: Faster, Higher, Stronger!. . . . .	17
The Lasting Legacy of BWI's Global Sports Campaigns . . . . .	22

BWI is the Global Union Federation grouping free and democratic unions with members in the Building, Building Materials, Wood, Forestry and Allied sectors.

BWI brings together around 334 trade unions representing around 12 million members in 130 countries. The Headquarters is in Geneva, Switzerland while the Regional Offices are in Panama, Malaysia, and South Africa.

Our mission is to defend and advance workers' rights, and to improve working and living conditions in our sectors. The BWI, above all, has a rights-based approach. We believe that trade union rights are human rights and are based on equality, solidarity and democracy, and that trade unions are indispensable to good governance.

BWI goals include 1) to promote and defend human and trade union rights; 2) to increase trade union strength; 3) to promote a stable and high level of employment in our sectors; and 4) to influence policy and strengthen the capacity of institutions and tripartite structures in our sectors.

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BWI gratefully acknowledges the financial support of the Friedrich-Ebert-Stiftung. Nora Wintour wrote the text and Louie Bañaga produced the graphic design.

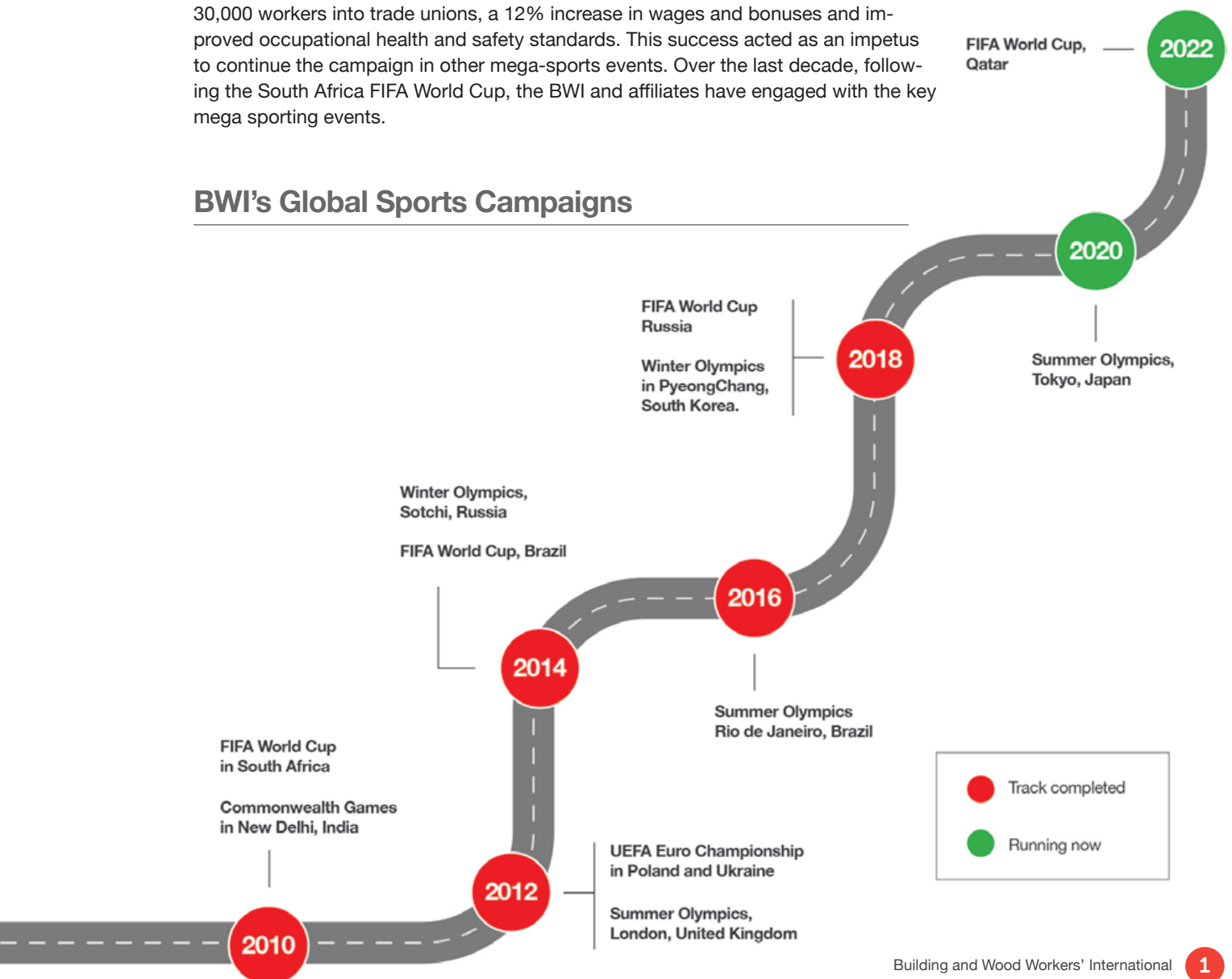
All photos used herein are from BWI photo collection.

# Introduction

The Building and Wood Workers' International (BWI) launched the Global Sports Campaign for Decent Work in 2007 in the run up to the 2010 FIFA World Cup South Africa. The campaign seeks to use the opportunities of mega-sports events to realise the rights to organise and bargain collectively on the construction sites; to improve the terms and conditions of work of the construction workers, including fair and regular wages; and to ensure occupational health and safety standards and zero fatal accidents. Given the scale of the projects and the immovable timetables, there are many migrant construction workers on the mega-sporting events infrastructure projects, so the organising work has also focused on outreach and organising of migrant workers. BWI also campaigns for FIFA and the IOC to accept their responsibilities to respect and promote decent work and human rights. Beyond that, the campaign aims to strengthen the organising base of its affiliates in host and migrant workers' sending countries. In the longer term, the BWI's broader objective is to transform the construction industry so there is genuine commitment to work with unions to ensure decent work and uphold human rights; as well as recognition of the responsibility of the industry as a global player to promote sustainable development.

The South Africa 2010 FIFA World Cup campaign resulted in the recruitment of over 30,000 workers into trade unions, a 12% increase in wages and bonuses and improved occupational health and safety standards. This success acted as an impetus to continue the campaign in other mega-sports events. Over the last decade, following the South Africa FIFA World Cup, the BWI and affiliates have engaged with the key mega sporting events.

## BWI's Global Sports Campaigns





# 2018 FIFA World Cup Russia

## The Context

Exploitation and abuse of workers are pervasive problems in Russia's construction industry. Workers face threats or dismissal if raising concerns about labour conditions or participating in work stoppages; and migrant workers face the additional threat of deportation. In addition, there are many tiers of sub-contracting, which further complicate issues related to contractor liability for employment, occupational health and safety procedures and the enforcement of the use of personal protective equipment.

**The 2013 FIFA Law:** The construction companies in Russia constitute a powerful lobby and the 2013 "FIFA Law" that regulated all aspects of the country's preparations for the championship clearly reflected this situation. The FIFA Law included a provision that stated the Russian Labour Code which sets minimum rates



for overtime payments would not be applicable to workers contracted by FIFA and its business partners, including companies with partnership agreements or service providers, and applied to all subsidiaries, suppliers and sub-contractors.

The national trade union centres, the Federation of Independent Trade Unions (FNPR) and the Russian Confederation of Labour (KTR), together with other civil society organisations immediately took up the issue. The KTR organised pickets and rallies in over 20 Russian cities and the global unions, including BWI, supported the Russian unions by calling on the Russian government to amend the law.

The Russian Tripartite Committee which deliberates on economic and social policy, agreed to support the union positions. In June 2015, when the final list of FIFA business partners covered by the law was published, it only included the national football association and some broadcasting companies but no other FIFA contractors. This victory sent a clear message to the Russian construction companies that unions were prepared to defend workers' rights on the World Cup sites.

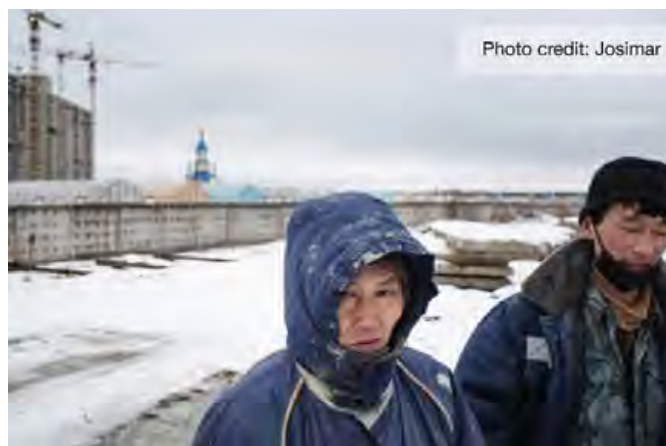
The regional branches of the BWI affiliate, the Russian Building Workers' Union (RBWU) had the legal right to conduct site monitoring visits and some regional branches worked with the main contractor to ensure compliance with minimum employment conditions and occupational health and safety issues. At one stadium the RBWU Branch signed collective agreements with two of the sub-contractors. However, because of the large number of migrant workers on the sites, the RBWU faced many challenges in organising and representing the workforce.

## The Main Issues

**Migrant workers' rights:** Over 10,000 construction workers were employed to build or renovate the 10 stadiums for the 2018 FIFA World Cup Russia and to build new infrastructure such as roads and accommodation for players and fans. It was estimated that about 60 per cent of the workforce were migrant workers. So the protection of migrant workers' rights was a central issue in the campaign. While some workers were internal migrants from the poorer regions of Russia, the majority were foreign migrant workers from the former Soviet Republics in Central Asia, and from Eastern and Southeast Europe. Migrants from non-visa countries of Central Asia and

## North Korean migrant construction workers at St. Petersburg Stadium

In November 2016, BWI was informed that a North Korean migrant construction worker had died at the workers' camp near the St. Petersburg stadium. That same month, BWI, together with its Swedish affiliate, inspected the stadium and were shown names of 25 North Korean migrant workers from the security gate lists. However, it was not possible to find out any more details. During a follow-up inspection, the team was informed that the workers had moved to another site.



Because there were earlier reports that the North Korean government had allegedly forced workers to take up work abroad, BWI informed FIFA it was concerned about the situation. BWI urged FIFA to verify whether North Koreans were indeed working on the sites and to ensure there was no evidence of forced labour. In the face of wide media coverage of the situation, FIFA acknowledged the presence of North Korean migrant workers at the stadium although it failed to investigate the circumstances surrounding the death of the worker or provide any further information. However, FIFA and FIFA LOC did take measures so that no more North Korean migrant workers were employed on the stadium sites, as was verified by BWI in subsequent inspections.

Ukraine and Belarus were required to obtain a special permit to work in Russia. However, the system was open to abuse, because of language barriers and lack of knowledge of their rights. Many migrant workers entered the country on tourist visas and were very vulnerable to discrimination and exploitation.

**Failure to provide employment contracts:** Many Russian and migrant workers stated that their employers did not provide them with a written employment contract (*trudovoi dogovor*) or service contract (*grazhdansko-pravovoi dogovor*) when they began work, as required under Russian law. Some workers received a contract only after several months, while others never received them. Others received oral agreements only, which are explicitly prohibited under Russian law.





**Wages-plus-bonus system:** Russian labour market institutions are weak and fail to regulate wages adequately. The fixed wage rate cannot be lower than the minimum wage (which is derisively low) but the rest of the wage, which can amount to up to 70% of the total wage packet, can be paid as additional bonuses. The wages-plus-bonus system was widely used by World Cup stadium contractors. When workers signed an employment contract, it stipulated the basic wage rate, normally the minimum wage, while at the same time the employer would promise an additional bonus or other incentives, to be paid “according to internal regulations”. Inevitably, these bonuses and incentives did not always get paid.

**Wage arrears:** Non-payment of wages and delays in payment were common occurrences. Delays could be from a few days up until three or even five months. The most common cause of strikes and protest actions were related to non-payment of wages and bonuses.

**Occupational health and safety:** There were multiple and serious violations of occupational safety and health regulations during the renovation and construction at the stadiums. The inspection visits consistently noted the lack of personal protective equipment (PPE) or management failures as the use of PPE was not enforced. Work at heights was not organised properly and the inspection visits reported unsafe scaffolding, lack of protective barriers and signs, and many unprotected and dangerous holes.

**Extreme weather conditions:** During cold weather, Russian law requires employers to carry out an assessment of conditions to establish what protections are required for workers to remain safe. However, in

part because contractors were under considerable pressure from the government and FIFA to deliver on time, construction work did not stop even during extreme weather conditions when temperatures dropped to below – 20°C.

**Death and serious injuries:** As of June 2018, BWI and RBWU recorded 21 fatal accidents since the beginning of the renovation and construction of the stadiums. The main reasons for the fatalities were because workers fell from a height or because equipment fell from a height onto a worker.

## Campaign Achievements

Since the beginning of the preparations for the 2018 FIFA World Cup Russia, the BWI and the Russian Building Workers Union (RBWU) called for FIFA and the FIFA Local Organising Committee (FIFA LOC) to negotiate a MoU to ensure decent and safe working conditions on the stadium sites. These negotiations were made possible because of BWI's earlier engagement with FIFA during previous World Cups and because of the additional publicity resulting from the decision, in May 2015, by BWI and the Swiss affiliate, UNIA, to submit a complaint under the OECD Guidelines for Multinational Enterprises to the Swiss National Contact Point. Furthermore, following the dramatic dawn raids to arrest senior members of the FIFA Executive Committee in Zurich in December 2015, the scandal-ridden FIFA elected a new President, Gianni Infantino, who was under pressure from many sides, including BWI and its affiliates, to show that the organisation was changing in important ways. FIFA opened negotiations for a MoU on joint inspections of World Cup stadium in early 2016 at the same time as



it began to review its policies concerning its human rights responsibilities.

### Joint inspection visits

In August 2016, the MoU was signed by FIFA, the FIFA LOC, the RBWU and BWI to collaborate in ensuring decent and safe working conditions for the construction and renovation of the 2018 World Cup Russia stadiums, through carrying out joint inspection visits.

The key areas of cooperation included:

- ▶ Information exchange to identify the most effective ways of resolving issues related to decent working conditions;
- ▶ Joint visits to monitor working conditions at the World Cup sites;
- ▶ Facilitation of a process to address and resolve workers' complaints on serious violations of decent work conditions;
- ▶ Collaboration with capacity building on decent work at the World Cup sites.

In early 2017, BWI and RBWU met with FIFA and FIFA LOC to discuss how to make the inspection system more effective, which at that time was only based on a documentation review. It was agreed that from then on the inspections would include direct contact visits to the construction sites and to workers' accommodation facilities as well as personal interviews with workers and a new site inspection methodology was developed. From 2017-2018, BWI and RBWU participated in 35 joint inspection visits to eight of the ten stadiums under construction or renovation. Each stadium was visited at least twice and in some cases on five occasions over the period of 19 months from October 2016 to March 2018. BWI inspectors included staff from the BWI, the RBWU and occupational health and safety experts from BWI affiliates in Sweden and Finland. The joint inspection visits fell far short of providing a regular inspection of the sites to ensure compliance with labour and occupational health and safety standards. However, the inspection visits did achieve some gains in terms of provision of employment contracts, payment of wage arrears, payment of minimum wages and improvements to PPE and other occupational health and safety issues. However, the MoU and the











## Some Challenges

The joint methodology for inspection visits was vastly improved after 2017. However, the BWI and RBWU had requested that following an inspection visit, the general contractor and sub-contractors be required to draw up an action plan with concrete steps as to how to fix any issues of non-compliance within two weeks of each visit. However, FIFA and FIFA LOC rejected this proposal. BWI and RBWU proposed to establish a contact person accountable to MoU parties in each stadium so that workers could file complaints in an accessible manner and in confidence. However, FIFA and FIFA LOC also rejected this proposal. The MoU only covered the ten stadiums but not the many other World Cup infrastructure-related projects such as transport infrastructure, and new accommodation facilities and the metro extension projects.

## Lessons from the the Russia FIFA campaign

*“Without doubt the joint labour inspections of the FIFA stadiums were the most effective mechanism. Before the joint inspections were agreed, we did not have access to the sites and had no way to talk to the workers. During the inspections, we were able to hold interviews with groups of workers, who in those circumstances were not afraid to speak out and tell us of their problems. Our biggest challenge was how to organise workers. Most workers were migrants and their main concern was how to resolve wage issues, finish their job, collect their wages and return home. It was difficult to talk to the workers about trade unions and their future. I think in retrospect that we should have established a closer collaboration with trade unions in the migrants’ home countries and developed a membership system that could have benefitted workers on return home as well.”*

**Alexander Pliauga**, Kalingrad Branch of RBWU

*“The joint inspection methodology was very effective. It was developed by the Klinsky Institute with the participation of RBWU, BWI and the LOC. It included the group interviews with workers, training for OHS officers and a documentation review of company labour agreements and OHS risk management. However, we lacked a mechanism to make employers take immediate remedial measures when we identified clear violations of OHS regulations or other matters. This is where FIFA could have used its leverage but it failed to do so. In retrospect, it was a mistake to have accepted FIFA’s proposal to establish a workers’ hotline. It was operated by the Ministry of Labour and workers did not trust it. Indeed, it was hardly used at all. In future, such hotlines should be operated by the union or an independent group of experts. Also we failed to organise the construction site workers. I think we should have developed our own methodology for the joint inspections with a focus on organising. We should have trained our OHS inspectors and branch trade unions leaders on organising. If I have any advice for future campaigns, I would say that the unions should take 200% advantage of the opportunity of access to a site to talk to the workers. Unions should examine the labour agreements in operation on the site very carefully – are they really in accordance with national legislation or the national CBA? If there are gaps, then the unions should put pressure on the client to work with the contractors to ensure decent working conditions.”*

**Boris Sochenko**, RBWU President

# PyeongChang 2018 Winter Olympics

## The Context

In South Korea, there was extensive investment in new infrastructure for the 2018 PyeongChang Winter Olympics, to the value of approximately USD 16 billion. The challenge for the BWI and its affiliate, the Korean Federation of Construction Industry Trade Unions (KFCITU), was to make sure that the new investment brought decent jobs for the construction workforce. While the exact numbers of construction workers employed on the sites is not known, it was calculated that the sites required 260,000 hours of work on an annual basis.

There have been major political changes over the period during the construction of the new infrastructure for the Games. The conservative government of President Park Geun-hye sought to introduce labour reforms intended to cut wages and workers' protections. The government responded to the wide-spread protests and rallies in opposition to the







reforms by arresting large numbers of trade unionists and other activists. In late 2016 however, in the wake of a major political corruption scandal, the President was impeached and forced from office. The new President Moon Jae-in made commitments to improve industrial relations and respect fundamental human and trade union rights, although in practice very little changed. Hence the campaign in Korea has been carried out within an extremely tense and difficult political context with frequent intimidation and repressive measures against trade union leaders.

### Initial mapping of the PyeongChang Olympic Games construction sites

The Korean Construction Workers' Union (KCWU), an affiliate of the KFCITU, was the primary union organising workers on the sites for the 2018 PyeongChang Olympic Games. In early 2015, the KFCITU supported the KCWU in working with its Gangwon Branch to carry out a mapping of the construction sites and to analyse its membership base and geographical distribution with a view to developing an organising strategy. They concluded that there were local union organisations in all the cities and counties where the Olympic Games-related construction was under way. However, their membership was nearly entirely in construction equipment, electrical division and tower crane divisions. The union had signed or was in the process of negotiating collective contracts either with the general contractor or some of the sub-contractors for these equipment operator divisions covering terms and conditions of employment and a clause to ensure that union members should be given preferential

### Attacks against South Korean trade union leaders

Attacks on trade unionists were particularly severe under President Park Geun Hye. The police often arrested trade unionists who participated in demonstrations, rallies or strikes on charges of 'obstruction of traffic' or 'obstruction of business' and they also faced criminal charges, such as joint coercion or extortion.

Following a major rally against the government's regressive labour reforms in November 2015, prosecutors filed criminal charges against over 500 union leaders and members, including 36 members of the Korean Plant Construction Workers Union (KPCWU), nine of whom received prison sentences. Many other union leaders received steep fines.

That same month, 15 leaders of Seoul-Gyeonggi Tower Crane Branch of KCWU were charged with 'blackmail' after they had requested an employer to respect a collective bargaining agreement and not discriminate against union members. Jeong Min Ho, Vice-President of the KCWU and Kim Myeong Uk, President of the Tower Crane Branch were sentenced to two and three years in prison respectively but were released on bail in September 2016. 13 other members of the union were given suspended prison sentences. Also in November 2016, Lee Jong Hwa, the President of the Korean Plant Construction Workers' Union (KPCWU) was sentenced to six months in prison after he was charged with 'obstruction of traffic' during a rally.

Under the new President Moon Jae-in, despite his commitments to respect trade union rights, attacks against trade union leaders continued. In August 2017, Former Secretary of the Daejeon-Sejong Construction Equipment Branch of the KCWU was arrested on charges of criminal blackmail. In November, Kim Seong-jong, from the KCWU Gwangju-South Jeolla Construction Equipment Branch was sentenced to four months in prison for allegedly making false accusations against a company union. The police have also ransacked Branch offices of the KPCWU on a number of occasions.

Former Korean Confederation of Trade Unions (KCTU) President, Han Sang-Gyun, was arrested in December 2015 for charges related to his participation in the November 2015 rally. He was given a five-year sentence. Following an international campaign condemning his sentence, he was finally released in May 2018, after two years, five months and 12 days in prison. However, former KCTU General Secretary, Lee Young-Joo and other union leaders remain in prison.



employment on the sites covered by the agreement. However, there were no collective agreements covering general labourers.

## KCWU Organising Strategy

Because of the limited staff at the KCWU Gangwon branch, it was agreed that respective local Presidents should seek to become full-time union officials to carry out organising campaigns focusing in the first place on the construction equipment operators, tower crane drivers and electrical workers. It was recognised that the union needed to make special efforts to organise migrant workers and the other construction trades as its own membership was largely among the construction equipment operators.

The union provided training for the leadership of each local on negotiation techniques. Because all the tower crane operators in the region were union members and they would be employed on the sites, they received additional training to assist the union to identify workplace issues.

## The Main Issues

The major issues facing the construction workforce was the use of sub-contractors, the non-payment of wages, and the vulnerability to exploitation of the migrant construction workforce within a context of severe repression against trade unions and arrest of their leaders.

**Sub-contracting:** Sub-contractors dominate the South Korean construction industry. One survey in 2006 found that 70% of building sites had at least three tiers of sub-contracting and some had many more. Under the South Korean “Framework Act on the Construction Industry”, sub-contracting is permitted only for specialised tasks, and then only for a maximum of three

## Korean Construction Workers’ Union Organising Map March 2015

In the case of the national government funded double-track railway (121km), the Gangwon Regional Branch of the Construction Equipment Division was able to conclude wage and collective bargaining agreements with the construction companies covering all the construction sites. This agreement covered dump truck drivers, excavator operators and other construction equipment operators.

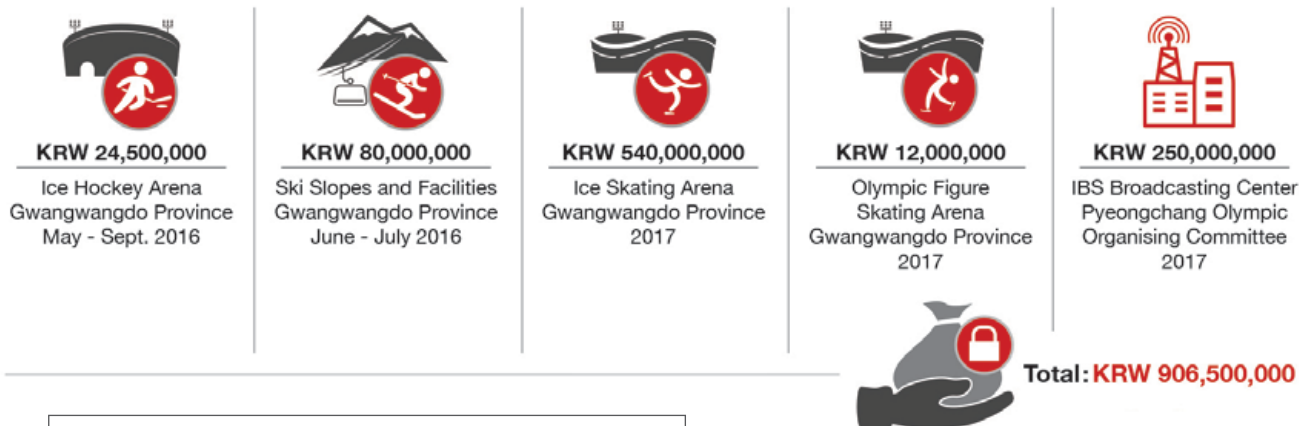
In the different zones along the railway, the union was able to conclude agreements with either the general contractor or with some sub-contractors. Out of 15 construction sites, the union had negotiated agreements at 8 sites and union members were working there.

In the 17 construction projects funded by the Provincial Government, the union was in the process of negotiating a collective agreement for the luge/bobsleigh site; had a collective agreement for the speed and figure skating sites and the two ice hockey stadiums in Gangneung. However, it had been unable to conclude agreements for the ten Olympic facilities in Pyeong-Chang although some union members were employed on the sites.

In the construction of local access roads, on the nine sites, five collective agreements had been negotiated and two were in process of negotiation. In the construction of the national road, with the exception of one site, collective agreements had been concluded or were in the process of negotiation.



## Wage Arrears



### Lessons from the KFCITU Campaign

*By taking part in the campaign, the KFCITU helped workers to settle unpaid wages and improve working conditions. However, we faced many organising challenges as there was no union structure for general labourers in Gangwon province. In the early stages of the campaign, we focused on securing employment for construction equipment operators who were our members. In the later part of the campaign, we expanded our scope to include the general labourers working on the residential construction sites. We were able to use the union members to organise workers in other trades. The KCFITU occupational health and safety committee played a pivotal role and we were also influenced by BWI's policies on organising migrant workers. As a result, a new branch for general labourers was established and is now involved in securing jobs for union members.*

*The BWI international campaigns, such as the Red Card for FIFA, raise awareness of workers' rights on construction sites for mega sports events but also it helps build the sense of solidarity among workers across the globe. What really matters is that we expand our organisation so we can achieve more fruitful results!*

**Cho Eun Sook**, Campaign Director, KFCITU

tiers of sub-contracting. However, an amendment to this act effectively permitted sub-contracting of labour. Sub-contracted workers do not have the same benefits as those directly employed, and do not have collective bargaining rights. Because of the lack of transparency, funds for wage payments disappeared in the contracting chain, with clients and contractors blaming sub-contractors and vice versa. A BWI investigation in 2015 calculated at one stage that contractors and sub-contractors owed a truly astonishing USD12 million in wage arrears. This situation put immense stress on workers and their families who often fell into debt or were prey for unscrupulous money-lenders.

**Occupational health and safety:** South Korea has one of the worst industrial accident rates in the OECD

and according to the KFCITU the national average in the construction industry is equivalent to two fatalities per day. Excessive working hours, exacerbated by the system of sub-contracting, lack of transparency on responsibilities for occupational health and safety and inadequate protective equipment take a heavy toll. There were four fatalities on PyeongChang 2018 related sites, two of which were only reported following an investigation by KCWU Gangwon Branch. It is very likely that other accidents have not been reported.

**Migrant workers:** There are increasing numbers of migrant workers in the construction industry in South Korea. Although the majority are Korean-Chinese, there are significant numbers from Central and South East Asia. Their visa status and associated employment restrictions, as well as cultural and language barriers, make them more vulnerable to abusive employers. Under a government scheme, there is a quota for 65,000 posted workers and foreigners of Korean descent, mainly Chinese, to apply for a visa to work in the construction industry. However, because of the high demand for labour, the numbers of migrant workers on the Olympic games-related infrastructure projects was much higher. A government funded study estimated that there were 250,000 – 300,000 migrant workers on the sites throughout the country, which would translate to 180,000 - 240,000 undocumented workers.

### Campaign Objectives

#### National level:

The KFCITU objectives were to:

- ▶ Organise new groups of workers, including other construction trades and migrant workers;
- ▶ Sign new collective agreements covering both machine operators and construction trades on the Olympic games sites;
- ▶ Ensure that wages were paid regularly and any wage arrears were paid in full;



- ▶ Establish effective dispute resolution mechanisms to address workers' rights violations and grievances;
- ▶ Establish joint labour inspections of sites to ensure occupational health and safety standards were enforced;
- ▶ Lobby for effective regulations to limit the use of sub-contracting;
- ▶ Establish alliances with migrant workers' organisations in Korea;

#### **Regional level:**

- ▶ the KCFITU to sign partnership agreements with BWI affiliates in migrant sending countries.

#### **International level:**

- ▶ BWI and its affiliates to lobby the International Olympic Committee to use its influence:
  - i. to promote, and where possible, require, direct employment for all workers engaged in the PyeongChang 2018 projects.
  - ii. to establish joint safety and labour inspections on all the 2018 Olympic sites.

## **Campaign Achievements**

**'Construction sites safer together':** The KFCITU made occupational health and safety a major component of its organising strategy. The union standing committee on occupational health and safety, composed of experts on the topic, took the lead in preparing an awareness-raising campaign on the different construction sites using the slogan: 'construction sites safer together'.

The standing committee produced a video highlighting occupational health and safety risks, and the low wages and long hours that labourers endured. The union carried out regular training workshops and awareness-raising events which were also used to recruit new members. Union members who operated dump trucks

on the construction sites placed highly visible signs about the union's work to ensure good occupational health and safety practices on the sides of their trucks.

**Organising new groups of members:** With the help of the Construction Workers' Mutual Aid Association, the KCWU Gangwon Branch set up a free recruitment agency to help job seekers to find work and through educational and outreach programmes to recruit workers. The union prepared leaflets, focusing on issues such as wage arrears and industrial accidents to encourage unorganised workers and migrant workers to join the union.

The Gangwon Labourers' Branch preparatory committee was formed and flyers and education materials prepared, targeting in the first place carpenters and bar benders.

### **Ending the systematic practice of wage arrears with the introduction of electronic direct payment system**

After strikes, protests and advocacy by the KCWU and the KFCITU the majority of the cases of wage arrears were resolved. The BWI together with the KFCITU submitted a report to the President of the IOC, Thomas Bach, exposing the issue of wage arrears, calling for the immediate intervention by the IOC to facilitate the resolution of this problem. However, the IOC deferred the matter to the PyeongChang Local Organising Committee, failing to use their leverage to facilitate a resolution.

In Seoul, a direct electronic payment system to protect workers' wages had been introduced. As a result of its advocacy, and with the support of the KFCITU and BWI, the Gangwon Branch of the KCWU demanded that the Gangwon Provincial government implement a similar system. With support from some local legislators, the local government finally agreed to implement an electronic payments system from July 2017. The central government has agreed to use a similar system



for the government funded projects. Although these systems are not fully functional, they have brought a greater degree of transparency to the payment process.

### Legal advice to Vietnamese construction workers

The union helped a group of ten Vietnamese workers in June 2017 to claim their wage arrears. The group had not been paid three months wages (equivalent to USD 150,000) because their employer, a sub-contractor, had declared his company bankrupt. The migrant



workers had been working an average of 14 hours per day and the ten-member team was allowed to take one day off in rotation, equivalent to one rest day every ten days. The only time off during the working day was a 30-minute lunch break and they all lived crammed together in a small flat. They were paid on a piece-rate system but the day's tasks were determined unilaterally by the general contractor so in order to complete the work they found they often worked until 9 or 10pm.

### Outreach work with undocumented migrant workers

Prior to the campaign, some Korean Chinese workers, who held visas, had joined the KCWU. However, as part of the campaign, the union also began outreach work and organising undocumented migrant workers, in particular from Vietnam, Cambodia, and other South East Asian countries. The union carried out legal education sessions and operated consultation clinics for different ethnic and national groups using the slogan: 'We will help you whether you are documented or not'. The Branch and local unions attended cultural events, such as Vietnam Day, to meet with community leaders. The KCFITU also formed alliances with migrant associations and human rights organisations, including 'Joint Action for Migrants', 'the Human Rights Alliance in North Jeolla Province' and the 'Migrants Trade Union'.

### Outreach by BWI affiliates from migrant workers' country of origin

The KFCITU partnered with BWI affiliates in the migrant workers' countries of origin, in the Philippines, Thailand and Vietnam to provide pre-departure briefings and other support. In June 2016, union leaders from BWI affiliates in Thailand (BWICT) the Philippines (NUBCW) and Vietnam (VGCL) travelled to South Korea to explore how to support the KFCITU's plans to organise migrant workers on the construction sites for the PyeongChang 2018 Games. As a result, the KFCITU was able to assist migrant workers with issues such as unpaid wages and exploitative working conditions.

### Some challenges

**Organising:** the KFCITU had a low-union density outside the construction equipment sector. They used the opportunities of having members in key sectors on each site to the maximum, which meant they had access to the sites and could distribute awareness-raising leaflets and highly visible messages on construction equipment. However, it was difficult to make substantial membership gains among other construction trades, the daily labourers or with migrant workers.

**Advocacy with government:** The KFCITU held frequent meetings with officials from the Ministry of Land, Infrastructure and Transport, the Ministry of Employment and Labour, and other Ministries, as well as the Gangwon Provincial Government and relevant authorities to put forward demands to end illegal sub-contracting and to ensure compliance with the labour laws. Together with the BWI, the KCFITU and its affiliates called on the government to:

- ▶ Establish a tripartite consultative body for occupational health and safety in the construction industry;
- ▶ Carry out regular joint inspections of the 2018 PyeongChang Games sites;
- ▶ Establish an effective dispute mechanism to address workers' grievances at the 2018 PyeongChang Games sites;
- ▶ Ensure main contractor liability and end illegal sub-contracting.

However, to date, there has not been any substantial progress in relation to these demands.

**Advocacy with the IOC:** BWI and its affiliates consider that the IOC has a key role to play in advocating for the rights of workers in Olympic and related construction projects. However, the IOC did not use its influence with the national, provincial and local governments, nor with the PyeongChang Olympic Committee directly, to take measures to ensure decent and safe working conditions on the sites and respect for human rights and trade union rights.

# Lessons and Guide Posts



There are a number of good practices and successful strategies from the 2018 global sports campaigns in Russia and Korea that could be adapted for use in the future. Here are a few pointers for the next generation of campaign teams and their civil society allies.

- 1. Campaigning around the 'FIFA Law':** It is essential to ensure that the framework law, known as the 'FIFA Law', as a minimum, does not undercut existing labour laws. A further step is to carry out advocacy for the law to include commitments to respect fundamental rights at work and human rights. It is useful to recall as a good practice that the Brazilian FIFA Law in 2012 (art 29) stated that the 'government may adopt measures to promote the campaign for decent work during the World Cup'. In Russia, the campaign against the regressive provisions of the FIFA Law was very successful. The national centres united behind the demand, sending a clear message to FIFA and its business partners that the unions were prepared to defend workers' rights at the World Cup sites and elsewhere.
- 2. Mapping the construction sites for sports venues and other infra-structure related projects:** A mapping exercise can cover the following issues: background research on the main construction sites, approximate workforce size and duration of the projects; location of union members, in which of the construction trades, level of union density and the location and coverage of collective contracts where they exist or are in negotiation; a list of priority organising and collective bargaining targets. The mapping exercise carried out by the KFCITU was an important reference tool for assessing their own membership and collective bargaining coverage on the sites, as well as the number of union organisers available, so as to develop a SMART organising strategy for the different sites.
- 3. Organising as a central pillar of the campaign:** It is evident that the capacity to organise the work force varies considerably depending on national circumstances. Some successful strategies include: using the existing membership as a base to reach out throughout the sub-contracting chain; using members in high-skilled and critical positions, such as tower crane operators, to exercise their influence to allow union organising on sites; taking up grievances of non-unionised workers in the sub-contracting chain, such as wage arrears, non-compliance with employment contracts non-payment of bonuses, or the non-existence of employment contracts; establishing union sponsored employment and information centres near or by the construction sites, which can be used to recruit union members at the same time; seeking to negotiate effective and accessible grievance resolution mechanisms; where necessary, coordinating protest actions or strikes to demand contractors agree to dialogue or negotiate on gross violations of human rights and labour rights.
- 4. Using occupational health and safety as an organising entry point and advocacy tool:** Both in Russia and Korea, occupational health and



safety concerns were a major focus of the union campaigns. Strategies included carrying out a survey of the main occupational and safety issues; using the media to highlight exploitative conditions which put workers at risk; calling for zero tolerance for workplace accidents; carrying out training sessions and distributing awareness-raising materials, including videos or posters on occupational health and safety, around the theme 'construction sites safer together'; lobbying the government to agree to joint inspections of construction sites. As a best practice, it is useful to refer to the methodology developed by BWI and its affiliates for the World Cup in Russia. The draft Occupational Safety Protocol drawn up in the context of the 2014 World Cup Brazil is another useful reference.

5. **Commissioning research on working and living conditions on the construction sites:**

Here there are opportunities to use the general public's interest in mega-sporting events to get media coverage through personal interviews with construction workers about their working and living conditions; highlighting stories of abuse and exploitation, including of migrant workers, naming high-profile multinational companies if possible, so as to shame them and relevant authorities into action; launching the reports or video clips with maximum media presence and calling on any multinationals implicated to respond.

6. **Outreach activities and organising migrant workers:**

In both Russia and Korea, the BWI affiliates reached out to the large numbers of migrant workers to provide legal assistance and other advice. Successful strategies included: providing information materials in migrant workers' languages; organising legal clinics for different migrant workers' by national group; providing post-arrival seminars on topics such as national labour laws, occupational health and safety and contract obligations, in association with embassies of countries of origin if possible; networking with migrant community organisations and human rights organisations working to protect migrants.

7. **Partnerships with BWI affiliates in migrant workers' countries of origin:**

In both Russia and Korea, the BWI affiliates in the host country developed partnerships with BWI affiliates in the migrant workers' countries of origin. These partnerships can cover a range of activities, such as developing information materials and training programmes jointly; organising missions by union representatives from migrant workers' countries of origin to the host nation to meet with migrant construction workers, and to provide legal and other advice

and encourage union membership. Unions in the country of origins can also organise pre-departure seminars; provide support for returning workers on issues such as wage disputes, unfair recruitment practices and government regulation of recruitment agencies.

8. **Coalition building:** In both Russia and South Korea, the construction unions worked with the trade union centres, and research and occupational health and safety institutions. Where possible, unions sought to build wider alliances with local government, civil society organisations and crucially to build transnational solidarity networks; for example with BWI affiliates to benefit from their occupational health and safety expertise and added legitimacy.



9. **Advocacy at national level:** The main strategies have included: advocacy on the need for clear regulation of sub-contracting with a view to reducing it to a minimum, and the promotion of permanent direct employment. Another key area is advocacy around the need for joint inspections of the construction sites with the government and local organising body; and the establishment of tripartite consultative bodies for occupational health and safety in the construction industry. In this context, it is useful to recall the 2012 Summer Olympics London MoA included a clause with a commitment to promote direct employment.

10. **Advocacy at international level:** In both Russia and Korea, BWI and its affiliates have carried out advocacy with IOC and FIFA to urge them to use their influence to ensure decent work on the construction sites, including regular payment of wages, and adequate occupational health and safety protections, including joint inspection of construction sites.

## The Bidding Process

BWI and its affiliates have also increasingly engaged 'upstream' in the bidding process for global sports events and in establishing framework agreements to regulate conditions on the construction sites before the work commences, as was the case with the London 2012 Summer Olympics and the bid for the 2022 Winter Olympics in Stockholm. There are emerging good practices in relation to the bidding process and avenues to develop this approach further both with the IOC sponsored events and with the FIFA World Cup. Joint agreements with the local organising bodies can include a memorandum of agreement, principles of cooperation or a jointly agreed grievance dispute mechanism.

**The IOC:** The International Trade Union Confederation (ITUC), with the support of the global union federations, wrote to request that the IOC commit to incorporating recognition for ILO core conventions in the bid criteria for the Olympics. In December 2014, the BWI submitted detailed comments to the IOC concerning mandatory labour clauses to be included in both the IOC standard host city bidding documents and in conditions of contract, including fundamental workers' rights and safety, health and welfare provisions. Furthermore, the BWI recommended that all bids should commit to present a detailed health and safety plan prior to the project start.

### Best Practice Stockholm Bid for 2022 Winter Olympics

As part of the preparations for the bid for the 2022 Winter Olympics, which was subsequently withdrawn, the Swedish Olympic Committee (SOK) approached the Swedish union confederation, LO, about negotiating a draft memorandum of agreement (MoA). The LO set up a working group with union representatives from the construction sector, the metal industry and the hotel and restaurant sector. The agreement was concluded in 2013 and signed by LO and the SOK. It included the following principles:

- ▶ The Olympic Games will be implemented so as to achieve long-term sustainability from an environmental perspective and well as economically, socially and ethically.
- ▶ International norms and standards, including the Universal Declaration of Human Rights, the eight core ILO conventions and the OECD Guidelines for Multinational Enterprises, will be respected.
- ▶ All enterprises and suppliers of goods and services will be encouraged to follow Swedish collective agreements when the work is performed in Sweden.

**FIFA:** In the wake of the revelations concerning corrupt bidding practices, in 2017 FIFA introduced a new bidding process, effective for the 2026 World Cup bid, which is designed to make the process more transparent, with the bid book content and hosting requirements publicly available. The bidding documents now states that *'FIFA is fully committed to conducting its activities in connection with hosting the FIFA World Cup based on sustainable event management principles, and to respecting and promoting international human rights and labour standards.'*

### Points to negotiate in a MoU with the FIFA LOC or Olympic Delivery Authority

- ▶ Support for trade union membership and representation, including the provision of appropriate facilities at individual project or employer level; and reasonable time off for trade union duties;
- ▶ Rights for union representatives to access construction sites and the workforce;
- ▶ Commitment to use directly employed labour and limit the use of sub-contracting to specialised work;
- ▶ Commitment to ensure terms and conditions of employment that respect national or local collective bargaining agreements; or in their absence, provide decent work;
- ▶ Commitment to ensure equality of treatment and non-discrimination in recruitment and employment;
- ▶ Commitment to carry out regular joint inspections of construction sites and workers' accommodation to ensure compliance with standards on occupational health and safety; and terms and conditions of employment;
- ▶ Commitment to establish effective and accessible grievance dispute procedures;
- ▶ Commitment to adopt policies on the prevention of sexual exploitation and abuse on construction sites and employer-provided accommodation and to establish safe and accessible mechanisms to report any such cases.





# Moving Forward: Faster, Higher, Stronger!

Learning from the successes and drawbacks of the campaigns in Russia and Korea will contribute to the next steps in BWI's on-going global sports campaigns. The spotlight will now focus yet more intensely on the construction workforce in Tokyo, due to host the 2020 Summer Olympics and on Qatar as the migrant workforce there continues to build the stadiums and other infrastructure for the 2022 World Cup. While the national circumstances of these two countries are very different, both campaigns have already built on the achievements of the past to make new gains.

## Japan: New achievements

The three BWI affiliates in Japan, Zenkensoren, Sinrin Roren and Nikkenkyo held a handover ceremony in Rio de Janeiro in June 2016, following the close of the



Summer Olympics in that city. They pledged at the time to give priority to working to guarantee high occupational health and safety standards and zero accidents, negotiate better wages, protecting foreign workers and ensure the use of certified sustainable timber.

There have been some new achievements. The Japanese unions now form part of the Council for Occupational Safety and Health. Building on past practices, the Japanese unions together with BWI have urged the Tokyo Organising Committee for the Olympic and Paralympic Games (TOCOG) to undertake joint safety and labour inspections. There have been two tragic

fatalities on the Olympic-related infrastructure sites so this request has become more urgent.

Another achievement has been the TOCOG's adoption of a Sustainable Sourcing Code and its commitment to sustainability and the use of timber as a construction material. The Japanese unions together with BWI have called for the exclusive use of certified timber and timber-related products, which would guarantee social and environmental criteria in their production, and also allow for a mechanism for dispute resolution. The Japanese affiliates together with the BWI submitted a complaint to the TOCOG because a high proportion of the timber procured for the Olympic projects comes from countries with poor labour standards, and where the right to freedom of association is not respected. They cited the example of Zedtree Plywood in Sarawak, where although it is a certified company, a union organiser had been arbitrarily dismissed. Extending advocacy for decent work into the supply chain of construction projects for global sports events represents a new and significant area of union influence.

## Qatar: a new chapter of constructive engagement

In the case of Qatar, there were no BWI affiliates or recognised unions representing the migrant construction workforce. The 'kafala' system of employer sponsorship of migrant workers led to situations of extreme abuse and exploitation in the construction industry,



# BWI's Global Sports Campaign Moves Forward

## Milestone 1

**FIFA commits to including union delegations in stadium construction site inspection visits.**



1

In March 2008, BWI representatives met with FIFA for the first time, including then-President Sepp Blatter. In a historic agreement, FIFA recognised that trade unions should be included in future site inspections and one joint inspection was conducted.

## Milestone 2

**New legislation in South Africa to reduce contract work.**



2

During the 2010 FIFA World Cup campaign, the South African construction unions demanded labour law reforms to ensure workers on contract for more than three months become permanent workers. In 2015, a new law was passed making contract and labour broker workers permanent workers after 3 months.

## Milestone 5

**Memorandum of Understanding with the Supreme Committee for Delivery and Legacy in Qatar**



7

After years of advocacy at the OECD and ILO, in November 2016, BWI signed a landmark MoU with the Supreme Committee for Delivery and Legacy of Qatar to carry out joint labour and accommodation inspections on the World Cup construction sites.

## Milestone 6

**Swiss National Contact Point for OECD Guidelines on MNEs mediates with FIFA**



6

In May 2017, following two years of discussions, the Swiss National Contact Point for the OECD Guidelines for MNEs welcomed the results of its mediation leading to the institutionalisation of dialogue regarding human rights between FIFA, BWI and other stakeholders.

## Milestone 8

**International Framework Agreements covering Qatar with QDVC/VINCI and BESIX**



8

In November 2017, BWI signed an International Framework Agreement with QDVC/Vinci – a joint venture between French company VINCI and Qatari Diar. It applies to all sub-contractors and suppliers and to all construction work in Qatar, not just World Cup sites. In December, BWI signed a new International Framework Agreement with the Belgian company, BESIX, which is a major contractor on two Qatar World Cup sites.

## Milestone 9

**FIFA's Independent Human Rights Advisory Board**



9

In June 2017, FIFA established an Independent Human Rights Advisory Board, composed of international experts from the United Nations, business, civil society and trade unions, including BWI's General Secretary.





**Milestone 3.**  
Memorandum of Agreement between British TUC, construction workers' unions and London Olympic Delivery Authority




**Milestone 4**  
Agreements on working conditions in construction industry and use of certified wood in Brazil for FIFA 2014 World Cup and Rio 2016 Olympics

3

The London 2012 Olympic Delivery authority viewed unions as partners. Signed five years before the games, a MoU covered procurement procedures, wage rates, union access to sites and the promotion of direct employment.

4

In 2012, a tripartite agreement on minimum working conditions, health and safety, providing for collective bargaining on salaries and benefits, was agreed; it covered all FIFA World Cup sites. The Rio 2016 Olympics Organising Committee partly adopted a BWI Occupational Safety Protocol and signed an agreement with the Forest Stewardship Council to use certified wood products on Olympic construction sites.



**Milestone 5.**  
Memorandum of Understanding between FIFA and Russian Building Workers' Union and BWI

Milestone  
5

In August 2016, RBWU, BWI, and FIFA and FIFA LOC signed a MoU to carry out joint inspection visits to ensure decent and safe working conditions on the construction sites of the 2018 World Cup Russia stadiums.





described only a few years ago as modern-day slavery in many media reports. With no union organising base on the ground, the BWI needed to find other mechanisms to address the urgent and critical situation in Qatar, where fatal accidents on the sites were a far too common occurrence.

BWI's initiative, in partnership with its Swiss affiliate, UNIA, to submit a complaint in May 2015 on alleged human rights violations of migrant workers employed at the 2022 World Cup Qatar construction sites to the Swiss national contact point for the OECD Guidelines for Multinational Enterprises was a major turning point. The action opened up a significant new avenue to put pressure on FIFA to institutionalise dialogue on human rights with BWI

and other stakeholders. It dramatically increased BWI's legitimacy and standing with FIFA, and after two years of negotiations, mediated with the on-going support of the Swiss national contact point, FIFA for the first time explicitly recognised its human rights responsibilities and the need to use its leverage with regard to contractors and sub-contractors. As Ambet Yuson stated in June 2018, the results went far beyond what was anticipated at the time of submitting the complaint.

As a result of continuous dialogue, in November 2016, BWI signed a MoU with Qatar's Supreme Committee for Delivery and Legacy (SC) to carry out regular joint inspection of the 2022 FIFA World Cup Tournament Project sites. In addition as part of the agreement, the





BWI will participate in Workers' Welfare Forums, established by the SC to address workers' concerns and grievances. The BWI has been asked by the SC to participate in investigations of the 2018 fatality at Al Wakrah stadium. In January 2018, a report published jointly by the SC and the BWI outlined the work of the inspection teams and progress to date. Described as an "excellent starting point" by the BWI, the cooperation between the two parties was renewed for a further year.

The Qatari government has now accepted an ILO technical cooperation programme in order to align its laws and practices with international labour standards. In September 2018, the government enacted new legislation that puts an end to the requirement to obtain an

exit permit from employers for migrant workers. This had been one of the main concerns of migrant workers as the employer controlled their right to leave the country. It is a step on the road towards abolishing the notorious 'kafala' system.

In April 2018, the BWI participated in a tripartite conference organised by the government to commemorate Workers' Memorial Day, with the intention of strengthening social partners' commitment to improving occupational health and safety in the construction industry in Qatar. On the ground, the BWI is continuing its work with migrant community leaders, the labour attachés from embassies of migrant workers' countries of origin and with lawyers and other human rights defenders.



# The Lasting Legacy of BWI's Global Sports Campaigns

The BWI Global Sports Campaigns have achieved lasting gains in terms of labour legislation reforms, occupational health and safety in the construction industry and respect for workers' rights, including migrant workers' rights. The campaigns have also strengthened BWI's affiliates in their organising capacity, negotiation and coalition-building skills and in some cases have strengthened unity of action and resulted in dramatic membership increases.

There has also been an equally important shift in perceptions about the place of human rights in sports and the place of human rights in business. The foundation of the Centre for Sports and Human Rights in June 2018 is based on a shared vision of a multi-stakeholder coalition that mega-sporting events have a duty to provide a lasting positive legacy and to embed international human rights 'from vision to legacy'. BWI has played a key role in developing the new Centre's founding principles and policy documents and launching it onto the world stage.

The Centre's founding document sets out key recommendations concerning explicit commitments to human rights in the bid documents, by the local organising committees, in supplier contracts and supply chains. In relation to the construction workforce, it calls for respect for the rights to a decent wage, working time, overtime compensation, holidays, health and safety and other benefits and measures to protect the specific risks associated with a migrant workforce. It states it is critical that unions are able to participate in joint site inspections together with the games-awarding bodies and local organising committees; that there are independent investigations of workplace accidents and injuries and an on-site grievance mechanism.

A little more than a decade after BWI first launched its campaign for workers' rights at mega-sporting events, there has been an unprecedented increase in awareness of the importance of embedding human rights in all aspects of the impact of sports events, ranging from the rights of athletes, local communities, journalists, children's rights to the financial and environmental impacts. Brought together by a common concern to uphold human rights in the sports' world, and with the support of inter-governmental agencies, a strong multi-stakeholder coalition has been created. BWI is rightly proud of its place in this coalition as one of the first organisations to call upon mega-sports bodies to recognise their human rights' responsibilities.

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As the BWI campaigns move forward, there are now many new allies to support the union work to protect the rights of the construction workforce in mega-sporting events - so together the achievements will surely be

**Faster, Higher, Stronger!**

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**PLAY FAIR, SAFE WORK**

**NO MORE DEATHS IN  
MEGA-SPORTS EVENTS**



**WITHOUT US**

**NO FOOTBALL IN  
QATAR IN 2022**



99% of all construction workers  
in Qatar are migrants



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