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**Article**

## Precarisation of Project Work in the Construction Industry and Trade Union Strategies for Employees' Representation

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Marion Felix Hellmann-Theurer\*

## **Precarisation of Project Work in the Construction Industry and Trade Union Strategies for Employees' Representation**

Employment in the construction industry has always been unstable and insecure – and short-term for the duration of the construction project due to the project-based nature of the building industry and constant variations in the demands for labour. However some decades ago the majority of workers employed in the industry were employed on a full-time, permanent basis and the higher incidence of short-term and precarious employment is a more recent phenomenon. In fact throughout the world, we are confronted with increasing forms of precarious jobs in the construction industry. Precarious employment is even the norm in many developing countries. Where there is little direct employment, we have large numbers of informal workers, “self employed” workers, agency workers, and labour-only subcontracting as well as long chains of sub-contractors. They are all the more worrying as they go hand in hand with a weakening of workers' protection.

The Building and Wood Workers International (BWI), a global union federation of free and democratic unions with members in the construction industry, in building materials, woodworking, forestry and other related industries,<sup>1</sup> has for some time been dealing with the impacts of precarious work on union representation and collective bargaining. At national levels, a number of BWI affiliates have developed their own strategies and gained experience.

### **The changing construction industry**

The construction sector comprises a wide range of economic activity, from individual house building and repair to major engineering works. Construction activity is usually divided roughly equally between housing, non-residential building and civil engineering projects. Construction enterprises range from self-employed individuals to multinational firms operating. The majority of enterprises involved in on-site construction are specialized in terms of the type of work and the locality where they operate. Build-

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<sup>1</sup> The BWI brings together around 328 trade unions representing around 12 million members in 130 countries. The Headquarters is in Geneva, Switzerland. BWI's mission is to promote the development of trade unions in throughout the world and to promote and enforce workers rights in the context of sustainable development. The author published the BWI brochure “Fight precarious jobs in the construction and wood industry in Europe”, March 2011.

<http://www.bwint.org/pdfs/BWI%20Brochure%20on%20precarious%20employment-web.pdf>

ing materials and components, plant and equipment, are generally purchased or hired from other enterprises. Design and engineering services are also generally supplied by quite separate entities.

Construction is different from other industries in a number of important respects. First, the products of the construction industry are produced or assembled at the point of consumption implying that the workforce has to be mobile. Secondly, the role and responsibilities of each participant in the process have to be legally defined. The institutional framework of the industry is largely unique to each country or State, giving local firms an edge in bidding. The construction sector is not only a big employer of labour - around 7 per cent of the labour force. Shortages or high costs of labour have led in many high income countries to the mechanization of construction activities, as well as to the transfer of component production from the site to the factory.

In many developing countries, many workers are informal or work in small companies. There is a widespread use of the contracting system. Workers are employed on a project basis, with no insurance against periods of unemployment or sickness, insecurity of employment and lack of social protection. In addition, the industry exploits many migrant workers from less developed countries. Most often illegal, their wages and conditions of work are far from decent.

Subcontracting has always been important in the construction industry, particularly in building and construction where the production process is divided into a number of discrete activities. These tasks or activities are often carried out sequentially and may require specialised labour. Hence it often makes sense, in technical and economic terms, for general contractors to subcontract some tasks to independent, specialised units.

However, there is evidence from all parts of the world to indicate that subcontracting has increased significantly in the past 2-3 decades. And it is no longer restricted to specialised tasks. Subcontracting is more and more on a "labour only" basis and may go through several stages, creating a multi-layer system. At the bottom of the multi-layer subcontracting are the intermediaries who recruit and control workers: they are called as *mistris*, *jamadars* or *mukadams* in India, *oyaji* in Korea, *Kepala* in Malaysia, *gatos* in Brazil, *gangmasters* in the United Kingdom, *maestros* in Mexico, *Ranstad* and *Adecco* in Europe or Asia.

There are a growing number of sole traders or independent contractors in the construction sector. Genuine self-employment has a place in the sector, alongside directly employed workers. However, bogus self-employment is a problem, often resulting from a trilateral relationship between the contractor, an intermediary (such as an agency or 'gang master') and the worker. Essentially, a gang master provides the contractor with workers who have a bogus self-employed status yet none of the legal, professional, financial, regulatory and administrative knowledge and skills of genuinely self-employed workers. This means that the workers are at risk as they are not adequately covered by social insurance. Moreover, unfair competition is created between genuine and bogus self-employed workers, thus distorting the market.

Outsourcing of labour requirements has become the norm in the construction industry. Increasingly, both in developing and developed countries, workers are contracted through arrangements other than a direct employment contract. This is sometimes referred as the “externalisation of labour costs”, as main contractors shift costs and risks onto sub- contractors and workers.

In this way, the employment relationship with the main contractor becomes disguised. Sometimes a “triangular employment relationship” is created, whereby the worker performs work for an enterprise as part of a contractual arrangement between this enterprise (the “user”) and another enterprise (the “provider”). In this way, the main contractor seeks to evade responsibility for the employment conditions of the workforce.

In other cases, the worker is formally “self-employed” but in reality depends on a particular employer or a client, known as “dependent self-employment”. There is a spectrum of dependency from nominally self-employed to economically dependent worker. In this way, the employer again evades responsibility as the worker is considered a service provider.

Construction provides a point of entry into the labour market for temporary migrant workers and therefore attracts millions of workers around the world. For example Qatar may recruit up to a million additional migrant construction workers in the next decade to build the stadiums and infrastructure improvements Qatar promised in its bid to host the 2022 FIFA World Cup soccer tournament; hundreds of thousands of mostly South Asian migrant construction workers in Qatar risk serious exploitation and abuse, sometimes amounting to forced labour<sup>2</sup>. Migrant construction workers in Russia face widespread abuse both in and outside of the workplace, Human Rights Watch said in a report<sup>3</sup> In a climate of rising hate-motivated violence against migrants, exacerbated by the global financial crisis, the Russian government is failing to protect these workers from abusive employers, employment agencies, and police. The report documents widespread withholding of wages, failure to provide required contracts, and unsafe working conditions by employers at construction sites across Russia. It also details cases in which workers were unwittingly trafficked into forced labour by employment agencies that promised construction jobs in Russia, but then delivered workers to employers who confiscated their passports and forced them to work without wages. In some cases, these workers were confined and beaten.

### **Challenges for trade union representation**

A key question for construction trade unions is, what are the relationships (or situations) under which work is performed that present obstacles to bargaining and organising (or union recognition). Organising and collective bargaining are important angles of the problem. In the end, what is needed are strong unions, which are able to pro-

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<sup>2</sup> Building and Better World Cup, Protecting Migrant Workers in Qatar Ahead of FIFA 2022. <http://www.hrw.org/reports/2012/06/12/building-better-world-cup-0>

<sup>3</sup> "Are you Happy to Cheat Us?' Exploitation of Migrant Construction Workers in Russia," <http://www.hrw.org/de/news/2009/02/10/russia-migrant-construction-workers-face-serious-abuses>

tect members from precarious work situations. And for that, strong laws are needed to allow workers to organise and their unions to properly represent them, including in collective bargaining.

At national and the international standard setting level, several instruments have been developed that are of use for unions in their struggle to defend workers in precarious employment. A key development at the international level has been the ILO's work on the employment (or work) relationship issue. The adoption of the Employment Relationship Recommendation is an important point in the development of new international labour standards concerning disguised employment relationship and triangular/dependent self-employment. The Recommendation considers the difficulties of establishing whether or not an employment relationship exists or who is accountable for workers' rights, and particularly noted disguised employment relationships, ambiguous employment relationships and triangular employment relationships.<sup>4</sup>

Beside all legal progress, fact is that the large construction firms retain a core of permanent workers and concentrate on management and coordination functions rather than the physical construction work. They are sometimes referred to as "hollowed-out" companies. At the same time, there has been a proliferation of small contracting firms. A dual labour market has been created with a two-tier employment system and wage structure, which presents enormous challenges for the trade unions, and in the industrialised countries has resulted in a membership decline. The issue has become how to clarify the employment relationship so as to extend the right to trade union membership and collective bargaining coverage to precarious workers, many of whom are migrant workers as well.

Precarious workers face unequal working conditions, in terms of pay, working hours, holidays, and other entitlements, including pension rights, disability allowances and unemployment benefits. Workers sometimes have less access to provision of protective equipment, and skills training opportunities. Because of their employment status, they find there are difficulties to join a trade union, and have limited or no protection from dismissal. Migrant workers sometimes find themselves in highly exploitative situations. They are often perceived as a threat with the potential to undermine conditions for the permanent workforce, and to impact negatively on industry retirement schemes or vocational training which are collectively funded.

Trade unions are increasingly facing the need to organise outside the dwindling permanent workforce in order to address issues which are after all at the core of trade union work: unequal treatment and discrimination. How can unions organise sub-contracted and agency workers and the bogus self-employed and make sure they are still able to represent the workers in the industry?

### **Case studies on union strategies: Organising and campaigns**

*FNV Bouw: Organising the self-employed in the Netherlands construction industry*

In 2009, there were around 60,000 people considered to be self-employed in the Dutch construction industry, and the figure is rising. Some self-employed have delib-

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<sup>4</sup> <http://training.ilo.org/socdial/webcontents/R198EmplRel.pdf>

erately opted for self-employment, but most are the “bogus self-employed”. Some lost their job during a recession and found they could only return to work with their former employer if they agreed to work as self-employed; others are workers contracted through agencies to provide a service; and others are workers from the “New Europe” who find it is easiest to enter the industry as a self-employed worker. The self-employed are outside the remit of the EU services directives and are not covered by the Dutch sectoral collective agreement.

Some 10 years ago, the union decided it could not merely ignore the problem but that it had to find ways to adapt and organise these new groups. FNV Bouw made a policy commitment to be the trade union of all workers in construction, regardless of their types of employment, in order to legitimately claim to be the voice of workers, and also to maintain their bargaining position with employers and government.

In 2002, “FNV ZBo” was formed (ZBo means self-employed in construction) as an independent union with its own charter and considerable autonomy but established, funded and staffed by FNV Bouw. It began by offering affordable individual services, (such as insurances and legal services) under the well-trusted name of the FNV. FNV ZBo is now by far the biggest organisation of self-employed in construction, with over 9,000 members and growing. Indeed, in terms of membership growth, it is the most successful trade union in the Netherlands today. However, it was argued that FNV BZO needed to go further than acting as an individual service provider and needed a collective agenda. Therefore FNV ZBo and FNV Bouw formed a federation in order to develop joint strategies on issues such as “good income” (based on rates of pay and fair costs) so as to move towards a level playing field where one form of labour did not undermine another. Other issues on the collective agenda include health and safety, vocational training, retirement schemes and exploitative subcontracting agencies. In these ways, FNV believes that it can rebuild a united movement of construction workers to everyone’s benefit.

#### *Ukraine Construction Workers Union: the impact on occupational health and safety and incomes*

In Ukraine, contract labour in the construction industry has become increasingly common. It has a serious impact on incomes, and revenues for social security funds.

In Eastern Ukraine, from 2000 onwards, companies began to reduce the permanent workers and replace them with contract labour. The contract workers complained to the union as they found they lost up to 20% of their wage, which was paid as a fee to the labour agency. The union had to call in the regional prosecutor so that the labour inspector could gain access to the contracts. It was found that the labour agency was using temporary work contracts, with no fixed workplace. Under the terms of these contracts, the main contractor had the right to reduce the salary if it was found the quality of the “service” was inadequate. While the regional prosecutor was able to intervene satisfactorily in this case, it remains very easy for employers to resort to these kinds of fraudulent devices. The union is calling for a specific law to regulate labour agencies.

Another important impact is health and safety in the industry. Contract workers not only lose their preferential seniority rates for working in hazardous and hard conditions but are often unlawfully insured as office workers rather than construction

workers, so the employer can pay a smaller premium. If there is a work related accident, it is almost impossible to determine the responsible party and the injured worker and their families do not receive compensation.

*Korea: Organising strategies of Construction Workers*

The Korean Construction Workers Union---merger of local unions and trades unions---was founded in 2007; the outcome of effective organising drives in various parts of the industry, particularly for self-employed construction workers, which the ILO types as disguised workers. Over 80% of its membership now comprises self-employed dump-truck workers.

Prior to the 1997 economic crisis, most construction transport workers were regular workers employed directly by companies. The economic crisis and the introduction of neo-liberal policies forced Dump truck and ready mix cement workers (remicon) to become bogus self-employed workers and forced and to sign unfair and unilateral contracts with their previous employers.

Successful organizing of construction transport workers began with remicon workers. Their main demands included union recognition, abolition of illegal individual sub-contracting and overtime pay. Through persistent strike action, the union was able to achieve union recognition and negotiate agreements company agreements but not at the national level. The union also began an organising drive among dump truck workers, calling for standardised contracts, and a uniform fuel tax subsidy. In March 2007, revisions to the Act on Management of Construction Equipment & Machinery were finally passed at the National Assembly, which met many of their demands, including standardised contracts, stringent sanctions against use of sub-contracting and improved response to industrial accidents.

The KCWU has identified various organising strategies for the self-employed: (1) mobilising support from unionised workers, especially in similar trades; (2) making demands which are easily understood by the workers and general public; (3) setting up networks and workplace associations before the union was officially formed;(4) getting media attention (5) securing enough financial support from existing unions during the organising phase before the new union of self-employed could be setup.

In South Korea, the Framework Act on the Construction Industry (FACI), states that subcontracting is permitted only in cases where a general contractor subcontracts some tasks to specialized contractors. However, as is the case throughout the Asia, multi-layer subcontracting is the norm. This has been a tremendous barrier for the KCWU to organize and effectively negotiate collective bargaining agreements. Thus, the strategy of the union was to sign project site agreements with the main contractor determining that it would be more effective as the main contractor is responsible for ensuring labour and occupational safety laws at the site; exert influence over the employment practices of subcontractors; and enable the union to have access to the site to recruit members.

In addition, after several years of lobbying in 2007 the government repealed provisions within the FACI that that allowed contractors and subcontractors to evade their responsibility behind intermediaries and foremen. This in essence legitimized an “illegal” multi-layer subcontracting system.

*Hong Kong: Construction Site General Workers' Union (CSGWU) and sub-contracted workers*

In Hong Kong, sub-contracting is very common and the sub-contracting chain on a construction site can be extremely extensive, with up to 5 or 6 layers. It is not uncommon for some sub-contractors to avoid paying their workers, simply claiming that they in turn have not been paid. The CSGWU was restructured in 2009 to reflect the interests of a broader range of trade unions, and with a new leadership in place, it began to address the situation of sub-contracted and self-employed workers. One of the first issues it faced was non-payment of wages by sub-contractors.

The Hong Kong Convention and Exhibition Centre is a world renowned convention centre, operated by the government entity, the Hong Kong Trade Development Council and a subsidiary company of NWS Holdings. A major expansion project was undertaken in 2009, and at its height, there were 2000 workers on site. Hip Hing Construction Ltd, a member of NWD Holdings, was the main contractor. From March – July 2009, the union received 7 collective complaints concerning non-payment of wages, involving 230 workers. The union was able to stage a strike and a hugely embarrassing demonstration outside the flagship Convention centre, demanding that the main contractor take responsibility for ensuring the payments. With the Labour Office playing a facilitation role, it was possible to reach an agreement with the sub-contractors to pay the back wages.

However, such complaints still continue, because of the multi-tier sub-contracting system and the CSGWU is calling on the government to enact new legislation to limit the use of sub-contracting and to oblige the main contractor to pay the wages of sub-contracted workers. The union has also adopted a “charter to promote the system of long-term employment for construction workers,” which was signed by the government and employers’ organisations. However, despite the charter, sub-contracting and outsourcing remain the key characteristics of the construction industry in Hong Kong.

*Namibia and South Africa: Trade Unions Quest to Ban Labour Brokers*

In December 2007, Namibia banned the practice of labour brokers when it signed into law the Labour Bill of 2007 stating “No person may, for reward, employ any person with a view to making that person available to a third party to perform work for the third party.” This was the result of successive advocacy of the National Union of Namibian Workers (NUNW) and the Labour Resource and Research Institute.

Following this ban, Africa Personnel Services Limited a labour broker challenged the prohibition and subsequently in 2009 the Namibian Supreme Court ruled that a “total ban of labour broking was unconstitutional as it unreasonably restricted the right to carry on a trade or business, a constitutional right under the Namibian constitution.”

Nevertheless the government has expressed its commitment to restrict the practice of labour practices. In January 26, 2010 the Namibian government announced that it “would tighten the screws on labour hire through a range of amendments to the Labour Act of 2007 and the Constitution.”



In South Africa noting the developments in Namibia BWI promoted the discussion on banning labour brokers during the “Campaign for Decent Work Towards and Beyond 2010” which later influenced a national campaign to ban labour brokers led by the trade union center COSATU. After strike actions the government following the example of Namibia decided to review the labour hire industry and published the draft Labour Relations Amendment Bill – December 2010.

The proposed amendments to the Act can be grouped under the following - (a) responses to the increased informalisation of labour to ensure that vulnerable categories of workers receive adequate protection and are employed in conditions of decent work; (b) adjustments to the law to ensure compliance with South Africa's obligations in terms of international labour standards and (c) ensuring that labour legislation gives effect to fundamental Constitutional rights including the right to fair labour practices, to engage in collective bargaining and right to equality and protection from discrimination.

#### *UNLA in Switzerland fighting bogus self employment*

BWI member union UNIA presented in 2010 some research findings that subcontracting chains are often chosen to camouflage the “real” contract relations. Subcontracting chains have the effect that at the – weakest – end of these chains (bogus) self-employed are executing the work. (Bogus) self employment is used to circumvent Swiss collective agreements and binding minimum wages especially concerning posted workers. The workload which is claimed to be executed by self-employed persons grew by two thirds between 2007 and 2010, compared to a growth of 18 per cent executed by posted workers. According to UNIA certain groups of people are obviously declared as self-employed just to circumvent Swiss labour regulations, collective agreements, binding (minimum) wages. Today approximately 15'000 persons, who are declared as self-employed, mostly from the EU, execute approximately 550'000 days of work. Many of these persons used to be either posted workers or persons who were normally appointed as employees in Swiss companies. 20 to 25 per cent of the controlled self-employed are in fact *bogus* self-employed which means that out of today's 15'000 self-employed persons in Switzerland approximately 3'000 to 4'000 are in fact *bogus* self-employed.

UNIA successfully introduced a new form of collective agreements which are legally binding: Foreign companies who want to work in Switzerland, have to pay deposits in order to be entitled to execute this work. This is the case among others in the following sectors: scaffolding, painters and plasterers, insulation, facility management and so forth. In order to make sure that companies treat their workers accordingly to legally binding collective agreements, companies have to deposit up to 20,000 Swiss Francs per contract. In case of violations of Swiss legislation or generally binding collective agreements, controlling agencies are able to execute the fines against the concerned companies as in some cases the fines are not enforceable in the country of origin.

Under pressure from the trade unions and some employers associations, Swiss government adopted a new directive concerning the fight against bogus self-employment which came into force 2011.

*Collective bargaining agreements against subcontracting in Panama*

The Cement Industry Workers' Trade Union of Panama (SITICEDPA) has managed to limit the use of contract labour at the "Panama" cement plant, the largest in the country. When HOLCIM took over the plant in 2001, it moved to reduce the number of permanent jobs by almost 60%, replacing them with contract labour. The company is currently owned by the Colombian multinational, ARGOS.

The union identified 8 sub-contractors operating in the plant. The contract workers received much lower wages, even below the national minimum, and inferior protective clothing. They were on short-term contracts so not entitled to social benefits and were threatened with dismissal if they affiliated to the union.

The SITICEDPA leadership agreed to take up the cause of the contract workers but needed to create awareness among the permanent workforce about the importance of limiting the practice and defending the interests of contract workers. They argued that all workers should be treated equally, without distinction. The union first managed to negotiate a new clause in the collective contract whereby the employer would cover the costs of occupational health provisions for all workers regardless of their contractual status. The company also agreed that contract workers would not be employed in the direct cement production line.

The union then managed to get the company to stop using one sub-contractor who always paid its workers late. The workers hired by the sub-contractor in question were put onto the regular pay role. In 2012, for the next collective agreement negotiations, the union plans to set limits to the use of sub-contracting, which should be used only in certain very specific areas, such as scaffolding and painting.

*OECD complaint against Holcim in India*

The Indian National Cement Workers' Federation (INCWF) estimates there are 140,000 cement workers in India, of whom one third are women and 55,000 are contract workers. Under the terms of the Contract Labour Act and the 1983 Cement Industry Wage Board Agreement, contract workers are not allowed in production jobs, only in loading and unloading, and contract labourers should have the same pay as permanent workers. In practice, contract labourers are found throughout the industry and are paid about two thirds less than the permanent workers, normally at minimum wage levels.

Some unions have been very active in defending the case of contract labourers in the industrial courts. For example, the Pragatisheel Cement Shramik Sangh (PCSS) represents contract workers at ACC HOLCIM Jamul Cement Plant, one of the major plants in the country. This company employs about 300 permanent workers and over 1,200 contract workers in all parts of the production process. It is self-evident that the contract workers are involved in core work. Over 800 of the contract workers only have daily contracts and many have been employed for over 20 years!

The PCCS took up the case of contract workers, arguing they should be part of the permanent workforce. In 2006, in a landmark hearing, the industrial court determined "*all the workers under reference are the company's employees and the company has entered into fake and sham contracts to make it believe it is the contractor's employees.*" The company was

directed to regularise the workers. The company appealed but it was not until March 2011 that the High Court upheld the original decision, ruling that contractual arrangements between irregular workers and HOLCIM were indeed “sham and bogus” and directed the management to regularise those workers who could establish membership of the union. However, the ruling neglected to recognise the rights of those who had been coerced into accepting voluntary resignation from the union. The union is appealing these issues and at the same time has expressed willingness to dialogue with the company.

In 2008, the INCWF had passed a resolution at its National Executive to organise contract workers and where necessary to reform the Statutes of its State organisations in order to do so. In 2012 PCSS submitted a complaint to the national contact point in Switzerland where HOLCIM is registered, under the OECD guidelines on multinational enterprises. BWI is mediating a dialogue between PCSS and HOLCIM that the company recognizes PCSS as a negotiating partner.

#### *Using International Framework Agreement in Indonesia*

In 2010, the FKUI (Indonesia General and Informal Workers Federation) started organising contract workers at PT Lafarge Cement Indonesia. To date, it has about 215 members from various sub-contracting companies.

On January 21, 2011, a BWI delegation visited PT. Lafarge Cement Indonesia at Kec. Lhoknga Kab. Aceh Besar. The delegation discovered several violations of basic labour and social legislations and unresolved industrial disputes, in contrast to BWI's International Framework Agreement with Lafarge. The situation was reported to Lafarge headquarters with hope that the PT Lafarge Cement Indonesia would negotiate with the union.

Utilizing the BWI mission report, the Union President, Nantasyah urged the PT Lafarge Indonesia to improve the working conditions of contract workers, increase their wages, provide basic personal protective equipment, regularise the contract workers, and recognise the union. Nantasyah has been working with PT Lafarge Cement Indonesia for more than 20 years without any written employment contract with his many sub-contractors; the rest of the members of the union have similar conditions.

In response, the PT Lafarge Cement Indonesia concocted a theft allegation against Nantasyah leading to his arrest on August 22, 2011. The BWI raised the arrest of Nantasyah as a form of trade union harassment to Lafarge Headquarters which led to his release. The BWI is still lobbying for his re-employment without preconditions and recognition of the contract workers.

### **Lessons learned**

Prekarious work is not a new phenomenon in the sectors that BWI represent and thus campaigns and actions to eradicate precarious work has been a steadfast priority and a mainstay of the work of a number of BWI affiliates. A number of these initiatives have resulted in successes in several areas such as increased membership, improved working conditions, recognition of the rights of precarious workers, and improved legislations. However, there is still much work that must be done. Learning from the

experiences of BWI affiliates, it is clear that whatever strategies are developed and implemented to combat precarious work must be ultimately supportive of fundamental changes in social, economic, and labour policies. Without this as the centre piece of any BWI campaign, there will be no true success in fighting against precarious work.

BWI affiliates and the BWI can:

1. Organise self-employed, agency and contract workers within existing unions, and where necessary, extend the coverage of the union, if its own jurisdiction is limited by constitutional provisions;
2. Set up new organisations specifically targeting self-employed with the support of the existing unions and as part of a jointly agreed agenda; recruit organisers from the migrant communities working in the construction and forestry sectors;
3. Use collective bargaining to limit the use of contract work to specific and defined needs and guarantee that provisions, including rates of pay, are generally binding for all workers;
4. Use existing legislation or regulations to limit the use of contract work and temporary work, to specific and defined needs and to guarantee the right to equality of treatment; where necessary call for new regulations or law;
5. Use public procurement legislation and procedures to limit the use of contract workers and to guarantee equality of treatment for contract workers; and to apply sanctions in cases of false self-employment or other abusive practices;
6. Campaign for the adoption of legislation concerning the joint and several liability of the main contractor for cases of abuse further down the contracting chain;
7. Use the ILO Recommendation 198 on the Employment Relationship to campaign for the adoption of tripartite national or regional criteria to determine the employment status, based on principles of subordination in order to identify situations of dependent self-employment and impose sanctions;
8. Use forestry certification systems to apply sanctions in cases of abusive practices;
9. Support negotiations related to regulation and restrictions on the use of contract labour and other forms of precarious work in existing and new IFAs;
10. Establish company-wide networks to secure organising and bargaining rights and take cases concerning abuse of contract workers to the National Contact Points of the OECD Guidelines of Multinational Enterprises;
11. Take test cases to the ILO Committee on Freedom of Association to expand the jurisprudence on the application of trade union rights to precarious workers and disseminate the recommendations.