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European Languages

زبانهای اروپایی

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01.09.2022

The war on two fronts of the Ukrainian workers



Sources: europe-solidaire.org/

When Russia invaded Ukraine on February 24, the social conflict within the country was not put on hold: any illusion that defense demands might produce a truce in the class struggle soon vanished.

On the contrary, the war of resistance of beleaguered Ukraine against Putin's "special military operation" has intensified a pre-existing internal confrontation.

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This is due to what could be called a "special political-legal operation" against the rights of workers and trade unions, carried out by the most aggressive neoliberal elements within the government of President Volodymyr Zelensky, with the apparent blessing of his boss.

This offensive was launched in 2019 to attract foreign investment to Ukraine, but stalled in 2020-21 when the government's initial attempt to deregulate the labor market was rejected by union protests. The attack has accelerated since the invasion, but now under the cover of martial law and in the name of the sacrifice necessary to win the war against the Russian invasion.

According to Nataliia Lomonosova of the Ukrainian *thinktank* Cedos, there is talk in government circles that the Ukrainian state "cannot afford social assistance, labour benefits or the protection of labour rights" because of the war.

From this experience it seems to follow that, regardless of whether Putin is defeated, the Ukrainian neoliberal government and its friends in the European Union (EU) are determined to turn the country as soon as possible into a space favorable to capital, starting work while the war against Russia is still to be won.

Proof of this is the approval on 20th July by the Ukrainian Parliament (Verkhovna Rada) of two laws, one introducing zero-hour contracts and the other effectively eliminating trade union coverage for 70% of workers in companies with fewer than 250 employees.

Law 5371 temporarily withdrawn

However, for a brief period it seemed that the proponents of this broad deregulation of the labour market might have suffered a setback.

Its biggest weapon, the ominously named "Law on the Amendment of Certain Legislative Acts to Simplify the Regulation of Industrial Relations in Small and Medium-sized Enterprises and Reduce Administrative Burdens for Employers", was withdrawn on July 9 from the Verkhovna Rada by its proponents.

La principal defensora es Halyna Tretiakova, redactora de la ley. Jefa de la comisión parlamentaria de políticas sociales y protección de los derechos de los veteranos,

Tretiakova, de la derecha libertaria, es miembro del partido Servidor del Pueblo de Zelensky, que goza de una mayoría de 240 en el parlamento de 450 escaños.

El proyecto de ley retirado (Ley 5371) ya había sido aprobado en primera lectura el 12 de mayo, con 246 diputados a favor, y había sido presentado para su modificación durante la sesión plenaria de la Rada Suprema del 13 al 17 de junio.

¿Qué ocurrió entonces para que se retirara temporalmente? ¿Por qué los diputados de Servidor del Pueblo se arrepintieron y retiraron su apoyo después de haber respaldado el proyecto de ley en mayo?

...en respuesta a la protesta

Parte de la explicación fue la movilización de la opinión sindical internacional contra la legislación anti obrera que, desde el punto de vista australiano, equivale a una versión más draconiana de la ley Work Choices del gobierno de John Howard (véase este análisis del abogado laboralista ucraniano Vitaliy Dudin).

La Confederación Sindical Internacional (CSI) y la Confederación Europea de Sindicatos (CES) ya condenaron la Ley 5371 y otras “reformas” laborales en septiembre de 2021, por considerarlas “simplemente incompatibles con las normas laborales internacionales”. Tal declaración habría producido una cierta reacción nerviosa en un gobierno ansioso por demostrar que quiere cumplir los criterios de la Unión Europea (UE).

Dentro de Ucrania, aunque los dos principales sindicatos—la Federación de Sindicatos (FPU) y la Confederación de Sindicatos Libres (KFPU)—se han preocupado de no aparecer como opositores al muy popular Zelensky, la derrota del proyecto de ley era un desafío fundamental para ellos como organizaciones.

En una carta enviada el 18 de mayo a los diputados, el “órgano representativo común” de los sindicatos ucranianos “advirtió a los diputados del pueblo de Ucrania contra las decisiones erróneas”, añadiendo que éstas podrían “conducir a la discriminación de los empleados de las pequeñas y medianas empresas en materia de derechos laborales y a una

desestabilización no deseada de la situación, que es inaceptable en las condiciones de la ley marcial”.

El comunicado añadía este argumento, aparentemente incontestable:

"In this regard, we draw your attention again to the speech of Ukrainian President V. Zelensky to the Verkhovna Rada of Ukraine on May 3 last year, in which the head of state urged the deputies: 'Do not waste your time, neither mine, nor that of the people of Ukraine on secondary initiatives and unimportant things.'

Does this description fit the labor market "reform" backed by senior officials in Zelensky's own party?

The reaction of the workers

The reaction of Ukrainian trade unionists to Law 5371 was more vigorous than that of their representatives. A Facebook post following Parliament's first reading vote, translated by the British Ukraine Solidarity Campaign, read:

"While trade union activists, miners, metallurgists, teachers and doctors, defend Ukraine's freedom at the front, the fat-assed rats of the Verkhovna Rada of Ukraine are stabbing us in the back. On May 12, 246 deputies voted in favor of Halyna Tretyakova's infamous Law 5371, which deprives the majority of Ukrainian workers of all labor rights. We will never forget it and we will not forgive anyone who votes in favour of this draft at second reading. We demand their rejection. Death to our enemies."

The role of workers and trade union activists in defending Ukraine during the critical first weeks of the invasion is a story that is largely yet to be told. However, enough is already known of his heroic action to explain that outraged Facebook post.

Defence of workers in Kryvyi Rih

An example of the workers' reaction was published by the International Labour Network of Solidarity and Struggle on 12 April. It explained the reaction to Putin's invasion of

workers at ArcelorMittal's Kryvyi Rih plant in eastern Ukraine, one of the world's largest steel mills.

"Shortly after the Russian invasion, on February 24, Russian troops advanced up to 10 kilometers from Kryvyi Rih. The company's top managers, many of them expatriates, left for Poland, leaving behind the local managers, the union and the workers. Mining operations were initially shut down for fear that miners would be trapped underground if power was interrupted. Then, on March 3, workers carefully closed the blast furnaces—a complicated process that takes seven to ten days to complete safely—dug anti-tank defenses, and built shelters. Despite air raid sirens and bombs that regularly fell near the site, union activists stayed to coordinate efforts to help the military, territorial defense forces, hospitals and workers, and to help evacuate women and children.

"Some 1,600 workers were incorporated into the territorial defense forces and had to urgently find protective equipment. By the end of March, Russian forces had retreated some 70 kilometers from the plant and, although the danger remained, the union strongly maintained that production should resume to maintain the city's economic base. On April 2, work began to restart blast furnace number 6. On April 9, the furnace was restarted and pig iron was produced and steel manufactured. The union demanded that the management return from exile to run the plant."

The Permanent Offensive

This anger of the workers did not stop the deregulators of the labor market, especially since all public mobilization is illegal under Ukrainian martial law.

Probably stung by having been forced to initially withdraw Law 5371, the enemies of the country's trade unionism only took a week to launch their next attack.

Dmytro Natalukha, head of the Economic Development Commission of the Verkhovna Rada, announced on 17 July that parliament would have to review the legal status of trade union properties, which in his opinion should belong to the state and are being used illegally.

The clear purpose of the threat to union ownership is to weaken the resistance of union leaders to Law 5371. In finally passing the law, parliament also added a small carrot: it will only apply for the duration of the war.

Zelensky must now decide whether to sign into law the anti-worker legislation of the Verkhovna Rada, as radical forces and activists in Ukraine mobilize to remind him of the possible effect of his approval on the morale of the men and women who stand up to the Russian invader.

Will they convince you that your colleagues' crusade for radical deregulation of the labor market is, after all, "secondary" and "unimportant" compared to popular resistance to invasion?

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Source: <http://europe-solidaire.org/spip.php?article63401>

Rebellion 31.08.2022