



MANIFESTO

Against union busting practices in the ports of Sines, Caniçal e Leixões

It is public knowledge that this **National Union seeks to combat the precariousness**, reinforced by the present port labour law, that reaches all national ports.

It is our strategic goal to struggle, without taking steps back, for **worthy work conditions for all Portuguese dockworkers**. In this sense, after a lingering conflict, we have achieved a good agreement for the Port of Lisbon, that has paved the way for ongoing negotiations to collective agreements for the ports of Figueira da Foz and Setúbal.

Our competence and firmness has been known for decades in the debate of all the labour affairs. For decades, we fight for a constructive dialogue that really works. For decades, we created better conditions for fruitful dialogue between conflict parties, with positive impact on workers.

However, where our representativeness is still recent, we testify **union busting practices** by companies which are, in countless cases, lamentably connivant with local unions.

Let us observe the following cases:

SINES

- Collective and public threats were made by the shift manager at the PSA cafeteria. We refer to threats made publicly aiming to punish the affiliated workers, or in the process of affiliating to the SEAL, the real threats being the hiring to the most violent services or freezing the progress in terms of salary career to these workers, by forcing them to remain in the lower salaries group.



- Chirurgical and discriminatory selection of this Union affiliates for testing the consumption of psychotropic substances, the results of which were illegally made public.
- Disciplinary proceedings to our affiliates because they worked while dressing clothes with the IDC - International Dockworkers Council logo, worldwide organization where SEAL is affiliated.
- Assignment of the former Union delegate to a fixed workplace, without any operational activity, on the 00/08 hours shifts, being one of the most ancient and versatile workers.
- Continuous law violations by PSA / LABORSINES, to whom this labour union has required, countless times, since the last three years, a proper wallboard for display of labour-union information as well as an office for the Union delegate. Until today, these wrong procedures were never modified, even if, by our initiative, a judicial notification was delivered to the transgressive companies, in blatant violation of the Labour Code.

CANIÇAL (MADEIRA)

- Local port companies signed a CBA - collective bargaining agreement - with fake unions, aiming to apply it to dozens of workers whose rights were never respected. Until today, these workers never feel represented by such unions.
- In December 2010, following the creation of SEPTIVA Union, where were affiliated the vast majority of ETPRAM dockworkers – we refer to the holders of individual and permanent contracts and of the most specialized skills among all the dockworkers of the port of Caniçal - these workers were confronted, after January 2011, with procedures of continuous and unfair discrimination which relegated them to the bottom of the working schedules. These obvious reprisals cannot be understood except in the context of boycott to the labour-union free option to which all the workers are entitled.



- From this moment on, as a rule, the company choose to disregard the permanent employees far beyond the 11th shift, monthly, to avoid paying salaries above the national minimum wage. Meanwhile, they often hired precarious and badly paid workers to usually work two shifts a day.
- Although the SEPTIVA affiliated workers, were holders of a permanent labour contract, they were all hired for near eleven days a month - with a daily salary close to 51€ - with penalties for absences to the 12th shift, to which they could be sporadically scheduled. So, in such absence cases, they were paid 10 days, even if they had worked for 11 days. And so forth.
- With this unmistakably illegal behaviour of the company, the salaries of these workers decreased from 1300 euros to 600 euros, thus, on average, less than half of the salary they usually earned before deciding to create the SEPTIVA Union. Besides, contrary to other workers who maintained the same salary levels, they were never called for overtime work.
- At this stage, while these workers affiliated to SEPTIVA were financially hurt, as indicated above, they were threatened with sackings and were targets of frequent disciplinary proceedings.
- In the negotiations where SEPTIVA participated, or rather, tried to participate, it was verified the promiscuous and simulated essence of negotiations between employers and boss labour unions. For several times SEPTIVA was put aside, unacceptable situation, once SEPTIVA represented the majority of dockworkers in the port of Caniçal, holders of permanent contract and of the best and most specialized training.
- After the decision of these workers to terminate SEPTIVA and integrate SEAL, National Dockworkers Union, the persecutions increased, as follows:



- Constant pressures over the workers, in particular, threats of disciplinary proceedings, because they attended legally convoked plenary meetings, and also with the aggravating circumstance to have no forgiveness for any labourer error, as light and insignificant it was.
- Convened with the aim of maintaining the discrimination of our members thru starvation wages, the company promotes their replacement, not only by precarious workers, usually working in double shifts, but also by mechanical maintenance workers of the company and from satellite companies, and others, without any training, namely on the more specialized jobs, such as cranes and other mechanical equipment.
- To assign inexperienced workers in these functions at the expense of the professionals whom we represent. This situation affects the ships which are not owned by the economic group who explores the concession of the Caniçal terminal and has already led to frequent delays, what has already driven to complaints made by his rival shipowner, that has been harmed.
- All types of discrimination, mostly those who affect salaries, that we referred, continue to be followed until now. If such a discrimination affected before the elements of the SEPTIVA Union board, the truth is that, today seems to reach and affect, mainly, the SEAL Union delegate.



LEIXÕES

The unaffiliated dockworkers to the local labour union - which only represents sixty other workers remaining from the period of the 1993' restructuring process - were always victims of unfair discrimination, whether in their salary conditions or in all other working issues which are always more unfavourable to them. Things have gone so far as to deny the right to organize a labour union in the same port.

As an example of the active role the local union plays in these union busting practices reported here, we have the example of a meeting, in Mars 2011, between the young workers and the management of GPL for the renewal of their labour contract. The requirement for update of careers and salaries sent to the director Fernando Moreira, appointed as union representative for decades in this management board, answered, and we quote: "as you were not born earlier, you will never have rights here".

As if all this was not enough, in the middle of 2015, the young workers tried to obtain information from directors of the local labour-union about the possibility of affiliation into this union, which was rejected. Joaquim Araújo – local union director - even declared that, and we quote: "while we remain here, you will not integrate the labour union because all this belong to us" referring to the patrimony built by the grandparents of some of our new members and which is, at present, being sold and shared between the existing members of the local union.

On January 2017, after the changes on the statutory geographical scope of our Union, to the national level, more than forty of these workers joined SEAL. In the aftermath of SEAL's growth this is what has arrived:



- Immediately, on January 13th, four dockworkers were targeted with disciplinary proceedings – all from the first workers to join SEAL - because they asked for exclusion from the second shift, on the legal deadlines, to attend a Plenary meeting with the Union Board. In one of these cases, it was signalled a working absence to the worker and deducted the complete worker's daily salary, no matter he had already worked the 1st shift, from 08 to 17 hours.
- Constant threats to workers, whether by the corporate management or by the leaders of the local union, to avoid SEAL's affiliations, including hostility and physical violence.
- Wage discrimination on these workers, eliminating their access to overtime work they usually executed before their labour-union option, which had strong negative impact on their salaries.
- Discrimination of these affiliated workers - with more than eight years' experience – by their replacement on the most technologically advanced equipments of port facilities.
- Assignment of these more skilled workers to the most painful, isolated and vulgar jobs. These workers are replaced in their more specialized functions by precarious workers, hastily recruited, inexperienced and without adequate training, what caused frequent and important delays on termination of ship operations, with shipowners complaining repeatedly about it.
- Enticement of these workers and of the port precarious workers, by promising them additional profits at the level of remuneration and working conditions if they would opt for the membership at the local union, including those to whom, until now, always had been denied any possibility of affiliation.



- When the enticement has no effect, threats are made to the precarious workers by warning them that, if they do not become members of the local labour union, possibility previously unthinkable and unacceptable by such organization, they would never be called to work again.
- In Mars 2017, all the SEAL's affiliated workers received a registered letter, with delivery warning, sent by GPL, allegedly for having produced two solidarity videos. One for the Spanish dockworkers - recorded on February 17th, at 12:45 am - and the other one in support of the Swedish dockworkers - filmed on February 23rd, at 09:30 am. Inside, it was a letter from APDL – Administration of the ports of Douro and Leixões - accusing the workers for the operational disruption of the port due to the production and participation on these videos.
- The deceptive intervention of the local Port Administration, perfectly aligned with the remaining “mafia” actors of the port, had "forgotten" that the production of the first video happened during the stoppage for all the workers lunch time, whereas the second video occurred simultaneously with a local union plenary meeting, and thus, with all port operations halted.
- Taking advantage of this distorted vision of reality, APDL, the Port Authority, took advantage of this communication to threaten workers with a ban on access to port area if any type of "demonstration" would take place. From then on, the security of the premises was reinforced and the workers' control was hampered.
- This clearly concerted action from several public and private entities on the ground constitutes an evident attempt to intimidate and repress our members’ freedom of expression.



- On May 12th 2017, Alcino de Oliveira, President of GPL, Leixões Dockworkers pool, accompanied by his director Fernando Moreira, cargo designated for decades by the local labour union, as well as some heads of TCGL, met with the foremen of this stevedoring company. Alcino Oliveira, the most senior official of GPL, tried to seduce these company foremen - to whom this port workers company supplies dockworkers – offering them money if they guarantee the continuation on the strategy of discrimination to our affiliates, as to choose them to work in the most painful tasks and, above all, to hunt them in a selective way under threats and actions of real disciplinary proceedings. The dockworkers our affiliates targeted in this enticement case, belong to the staff of the same GPL where Alcino de Oliveira occupies the cargo of Chairman/President of the Management Board for several decades.
- Such persecutory practices are already affecting precarious workers for whom, for example, are not being respected, as were before, the health limitations prescribed by doctors, namely the level of respiratory distress caused by working in more adverse environments.
- Also, the fact that some precarious workers participated in the commemorative luncheon of our Union, verified by the recognition of the presence of these workers in photographs, originated that they were never called again or were temporarily suspended from work, following GPL orders.
- Machinery drivers from TCGL's stevedoring company, after the exercise of their free option right for labour-union membership, were threatened by the announcement of their workplace extinguishment in case they will do not leave SEAL.
- Other TCGL workers were called by their directors to inform them they were forbidden to speak with SEAL affiliated workers.



- The TCGL company, through its collaborators and with the collaboration of local union leaders, began an internal investigation process to ascertain the extent of the universe of workers who were affiliated, or may had the intention, to join SEAL, for which they called, separately, their employees, for the purpose of questioning them, particularly those who had joined the Union.
- By the middle June 2017, the TCGL' workers our affiliates, were practically withdrawn from the possibility of being assigned to extra work, with the resulting overtime earning reductions, when this assignment was a normal and almost daily practice, in recent years, and are now being replaced by new, precarious and untrained workers hired thru GAIACEDE, with the clear intention of financially damaging our members and to create conditions for their complete replacement in the future.
- Dockworkers recently affiliated to SEAL were removed from the tasks they performed, for several years, and were placed in most of the basic, heavy and tough workplaces, as punishment for themselves, and for intimidation of whom dared to join our Union.
- GPL' permanent port workers staff affiliated to SEAL, were removed from extra hours and replaced by workers of GAIACEDE, an ETT, temporary employment agency.
- These GAIACEDE workers were compelled to sign a membership proposal for the local union, having no experience on port work, which increases accidents risk, because they were "trained" under a disguised scheme, hastily and continuously unattended, by local union directors.
- GPL's director Fernando Moreira, appointed to the cargo, for decades, by the local union, gave orders to accept no more to employ precarious workers who participated in a festive SEAL's lunch on the last May 1st, and punished them with suspension for more than a week of no work and, therefore, reaching any income.



- GAIACEDE temporary workers that obtain daily/shift contracts, without any training and experience, are integrated into critical workplace gangs, both onboard ships as well as in container yards.
- Directors of companies nominate these precarious and untrained workers as foremen, maximum hierarchy in charge of port/ship operations, although GPL' permanent workers, with a vast professional experience, but SEAL members, integrate these same gangs, but sent into the most elementary and painful jobs, due to their trade-union option.
- Since January 2017, six disciplinary proceedings were initiated and three workers were suspended. In all these cases, the concerned workers are SEAL's members.
- Also since January, 2017, month of the publication of SEAL' Statutes and the beginning of port of Leixões workers affiliation into this Union, more than thirty new precarious workers were poorly «trained» by temporary employment agency GAIACEDE, to which the port work company GPL subcontracts workers to supply to stevedoring companies, their associates, aiming that SEAL's affiliated dockworkers, which are GPL permanent employees, are not allowed to work any overtime shift, in order to reduce their income compared to what was normal before their unionization process.



- On June 14th, two SEAL affiliates noticed that, on a yard gantry crane, a GAIACEDE worker, with about a month of operator practice, was "training" another worker of this ETT, even more recently hired. Both warned that such a situation could jeopardize the safety of operations at the port of Leixões and, thus, the safety of its workers. Fernando Moreira, the GPL director appointed for decades by the local union, appeared at this "training" workplace, and stated to our affiliates that they were immediately suspended, claiming that "he was the employer and he knows who are skilled for training", even if the instructors were not qualified for it, as it was the case. These our two affiliates are still, verbally, suspended and no longer were hired to work.
- On June 16th, TCL' head chief of Parque 2 - Sul ordered the full stoppage of "pok1" gantry crane operations because it was being operated by two trainees, without the presence of the alleged instructor, Joaquim Araújo, local union director. This has been a constant practice since the GPL permanent employees have joined the SEAL, showing the reckless way how these men are "trained", with the noteworthy aim of accelerating the ongoing process of replacing our affiliates, professional dockworkers in Leixões for more than a decade.
- These repeated practices of attacking the most basic rights of our affiliated workers have led to the brutal surge of precarious and untrained labour, which has been reflected in the exponential growth in the number, frequency and severity of labour accidents in the port of Leixões.
- In this regard, we regrettably point out a recent case in which one of these workers suffered a very serious accident which caused him to lose both lower limbs, remaining the conviction that this workplace accident may have been motivated by the poor operational safety conditions of the heavy equipment that caused this serious accident.



Considering the extent of union busting practices by the companies in these ports, until now unpunished, we are obliged to formalize this public statement for the awareness of all the concerned public and private parties.

As a first demonstration of solidarity with all the Portuguese dockworkers constantly discriminated and exploited in so unworthy way, continuously persecuted and threatened due to their union affiliation option, the collective of workers represented by **this National Dockworkers Union declares July 10th as National Struggle Day, in all national ports**, against these illegal, insidious and unacceptable concerted practices, arising massively.

Approved at an Extraordinary General Assembly

Lisbon, June 19th, 2017