

In a response to the Business and Human Rights Resource Centre, Deutsche Post DHL recently addressed the UNI and ITF allegations that it has ignored its human rights obligations. In this response, DHL attempted to minimize the seriousness of its management problems and to mischaracterize its relationship with both UNI and the ITF. DHL suggests that the unions' "campaign" is of recent vintage, following some dismissals in Turkey. In fact, however, UNI and ITF have been voicing concerns about Deutsche Post DHL's violations of international labour and human rights standards for over four years. The evidence of misconduct in Turkey was reported in the 'White Paper' issued by ITF and UNI in May 2012 along with myriad other examples from around the world. Even after that report was issued DP-DHL continued its anti-union activities in Turkey and in fact accelerated the terminations in an effort to block workers' rights to form a union.

Deutsche Post DHL continues to claim that the dismissal of DHL Supply Chain employees in Turkey was for "legitimate reasons" and was aligned with their "internal policies and guidelines and with the national law and practices in Turkey". In fact these dismissals took place in the context of an organising drive by the Turkish transport union TUMTIS and were part of a *"sustained and coordinated"* campaign to limit workers' freedom of association, according to an independent report by Professor John Logan. Professor Logan reports that there were *"at least 21 terminations, apparently for union membership, under the pretext of "poor performance, safety violations and other vague violations of company policy"*.

Far from DHL's actions being aligned with national law, as the company claims, the Turkish courts rejected its justification for the dismissals and ruled that employees were unfairly terminated in eight of the cases that have been heard to date. Reinstatement was ordered in all eight cases. Deutsche Post DHL does not deny that the dismissals were found to be invalid. They circumvent the issue by asserting that they were not found to be related to union issues. In fact with these eight cases the Turkish courts did not need to deal with the issue of union activity in order to see that the dismissals had violated Turkish law.

On January 17, however, the Labour Court ruled that two more workers were dismissed illegally and are entitled to reinstatement or one year's salary as compensation. It is our understanding that in these cases the Court issued a oral opinion that these workers were dismissed by DHL because of their participation in union activities.

Professor Logan provides extensive and compelling evidence, including interviews with workers, that Deutsche Post DHL conducted *"an aggressive campaign, based on thinly veiled coercion and intimidation, to keep the union out at all costs, even if that meant sacking union members, pressuring them to resign from the union, preventing them from talking to union officials and to each other about the potential benefits of unionisation, creating an atmosphere of fear in the workplace and telling workers that the union would drive the company out of business and is associated with a known terrorist organisation"*.

DHL claims that it believes Professor Logan's report is "partial" and "lacks balance". Yet while DHL has, on a number of occasions, claimed it has commissioned its own independent report on the situation in Turkey it has never released this report or shared its findings with ITF and UNI. In fact Deutsche Post DHL has failed to provide any evidence to suggest that Professor Logan's findings are incorrect, "partial" or unbalanced. Moreover the company refused a proposal made by ITF and UNI to undertake a joint investigation or an investigation conducted by an agreed-upon "neutral" third party. German national television has recently picked up the story of DHL's anti-union practices in Turkey and elsewhere, underscoring the growing scrutiny of its behaviour overseas.

http://mediathek.daserste.de/themen/204_politik-weltgeschehen/310120_report-mainz/13058666_unterdrueckt-die-deutsche-post-weltweit

Deutsche Post DHL claims that it respects the rights of its employees. It has signed the UN Global Compact and has a Code of Conduct that acknowledges support for fundamental human and worker

rights, including the right to freedom of association and the right to collective bargaining. DHL relies upon these CSR commitments as a shield to deflect the demands of workers globally that Deutsche Post DHL sign a global agreement with UNI and ITF. UNI and ITF have asked that the Global Compact use its best efforts to persuade DHL to respect its commitments. In practice, UNI and ITF believe that in many countries around the world DP-DHL consistently and systematically violates the principles to which it has committed.

The UNI-ITF "White Paper", entitled *Corporate Irresponsibility: Deutsche Post DHL's Global Labour Practice Exposed* presents extensive evidence that, in countries such as Turkey, Malawi, Indonesia, Colombia, Guatemala and the USA, DHL systematically aims to limit freedom of association, collective bargaining and the presence of a union within its workforce. While DHL claims that these cases are "part of the past" or "have been resolved," the reality is that a pattern emerges of a consistent and systematic policy of violations of labour rights throughout the company's global operations over a number of years. In many of these cases, such as Indonesia and Colombia, intimidation and harassment continues. Other cases such as Malawi, Guatemala and Costa Rica are far from being "resolved"; indeed, the company has been so successful in creating a climate of fear that workers may have completely given up on ever being able to exercise their right to freedom of association. In the USA, where DHL subsidiary Exel operated a plant for Hershey chocolates using foreign students, it (together with the staffing agency it used) has recently been ordered to pay back \$213,000 in illegal deductions as well as \$143,000 in fines for health and safety violations.

This report, together with the report by Professor Logan, provide the substantive evidence for the case filed with the German government alleging that Deutsche Post DHL has violated the standards established by the OECD Guidelines for Multinational Enterprises.

Our long-standing impression is that DHL prefers to turn a blind eye to activities located in "the periphery" and has an active management policy of allowing "local practices" instead of following the more rigorous standard of respecting internationally recognized human rights everywhere it operates. As such, it falls far short of being able to "know and show" that it respects workers' human rights equally across its operations. The OECD case therefore also alleges that Deutsche Post DHL has failed to establish the due diligence systems now required by the OECD Guidelines.

We'd like to clarify one final point. The company claims it is their intention to continue "regular and ongoing global dialog with representatives of the global union federations ITF and UNI". This is both disingenuous and false. It is true that the parties have held a number of meetings in recent years. However, the company has consistently refused to acknowledge or resolve the problems raised by ITF and UNI. In September, they gave a clear message that they were not prepared to continue any discussions around the situation in Turkey or our proposals for a global agreement. On that basis we have indicated that we see no value in continuing to attend meetings without any framework for a relationship. Our view is that DHL is happy to give the impression of a productive relationship while in fact there is no serious intent to resolve or address problems.

We did, however suggest that if they had changed their position on these issues we would reopen discussions and would be available to meet. We have had no response to this. The company should not continue to make reference to ongoing dialog when no such dialog exists.