

PRESS RELEASE

ILO Report Sees Encouraging Trends in Fundamental Rights at Work Although Serious Violations Persist

BANGKOK (ILO News): Despite continued threats to workers and employers seeking to organize—including killings, detention and violence—the broad, global picture of respect for fundamental rights at work is on balance improving and more encouraging than it was four years ago, says a new report issued today by the International Labour Office (ILO) in Geneva.

“Violations of freedom of association rights of both employers and workers persist in different forms, including murder, violence, detention and refusal to allow organizations the legal right to exist and function,” says the report, *“Organizing for Social Justice”, a global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work¹*. “People continue to lose their lives and their freedom for attempting to organize and defend collectively their fundamental rights.”

Yet there are encouraging signs of progress in assuring fundamental rights at work, the study says, noting that there has been “a general positive trend, linked to the spread of democracy, high rates of ratification of the fundamental international labour standards and increased transparency in global markets” and that the ILO was moving toward eventual universal ratification of the relevant conventions.

What is more, the report says there is growing recognition that respect for freedom of association and the right to collective bargaining has also played “an important part in sound economic development (by) ensuring that the benefits of growth are shared, and promoting productivity, adjustment measures and industrial peace.”

“The right to organize is one of the most powerful tools we have for promoting decent work and sustainable poverty-reducing development,” says ILO Director-General Juan Somavia. “This is a fundamental human right at work, a development right that we cannot do without. The question is not *whether* to respect these principles and rights—but *how* best to respect and make use of them.”

“Organizing for Social Justice” is the second Global Report to be issued on freedom of association and the right to collective bargaining under the ILO Declaration on Fundamental Principles and Rights at Work adopted in 1998 by the International Labour Conference. This is the first report in a new four-year cycle examining the status of the measures being taken to ensure respect for freedom of association and the right to collective bargaining, and reviewing

¹ *Organizing for Social Justice”, a global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Office, Geneva, 2004, ISBN 92-2-113030-4, price 20 Swiss francs. See <http://www.ilo.org/declaration>

the technical cooperation that the ILO has provided to improve the capacity of its constituents to give practical effect to these principles and rights at work.

In Indonesia, the ILO Jakarta Office, in collaboration with the Ministry of Manpower and Transmigration, will launch the report nationally together with a publication on major labour laws of Indonesia on Wednesday, 26 May 2004, at YTKI Building, Jl. Gatot Subroto, Jakarta. Those publications will be launched by the Minister of Manpower and Transmigration, Jacob Nuwa Wea, and Country Director of the ILO in Indonesia, Alan Boulton.

Positive trends, workable solutions

The report says “positive and encouraging” developments in the quest for fundamental rights at work, including freedom of association and the right to collective bargaining, have occurred since the last assessment in 2000² which said “we are still a long way from universal acceptance of these fundamental principles and rights in practice.” This year, *Organizing for Social Justice* notes the ILO “is moving towards universal ratification” of its conventions governing such rights.

In the past four years, the report says, the ILO has seen an increase not only in ratifications of fundamental international labour standards, but also in awareness that such measures need to be followed up by legislative reform, increased social dialogue and cooperation between governments, employers and workers.

In terms of the situation of particular groups, the report notes that despite considerable challenges, progress is being made in protection for public sector employees, migrants, and workers in agriculture, export processing zones, domestic work and the informal economy who face obstacles including exclusion under the law, violence and harassment of those who try to organize, difficult working conditions, physical abuse, and ambiguous and “disguised” employment relationships.

The report includes examples of progress involving technical assistance carried out under the ILO Declaration, aided by significant donor funding. This ranges from advice on law reform to longer-term, multi-faceted projects operating in single countries or regional groupings, on every continent.

These include an ILO project supporting the drafting of a new labour Code for East Timor, and another that is contributing to shaping the labour Code of Ukraine. Other examples are in Africa, a project in Kenya, Uganda and the United Republic of Tanzania on giving effect to freedom of association and the right to collective bargaining through labour law reform, and in the Caribbean, a project aimed at improving competitiveness in the global economy by shifting away from confrontation to increased business and labour cooperation in industrial relations.

Across Asia and the Pacific, national employers’ organizations are working with the ILO to increase the involvement of women, giving a voice to women entrepreneurs. These are just some of the examples of work in some 50 countries in which the ILO has been carrying out technical cooperation activities, and providing advisory services in many more.

² *Global Report under the Follow-up to the ILO Declaration on Fundamental Principles at Rights at Work: Your Voice at Work*, International Labour Office, Geneva, 2000, ISBN 92-2-111504-6, see <http://www.ilo.org/declaration>

The result, the report says, is that in just four years, “the mix of technical cooperation activities to promote the Declaration, ranging from advocacy to technical advice and capacity building, is having an impact”.

Under the Declaration, the ILO is working closely with constituents to:

- ✓ move towards overcoming existing obstacles to ratifying and applying the relevant Conventions;
- ✓ support organization and bargaining for vulnerable groups of workers;
- ✓ understand better how these principles can help to build a labour market that promotes rights, economic development and poverty reduction; and,
- ✓ deepen the knowledge base, advisory services, and technical cooperation and awareness raising and advocacy activities relating to this principle.

Organizing for Social Justice says in a globalized economy, freedom of association and the right to collective bargaining in particular, “provide a connecting mechanism between social goals and the demands of the marketplace.” It concludes that a growing body of evidence suggests these rights “contribute to improving economic and trade performance and do not have the negative effects often predicted by some economic theorists”.

The many examples of concrete national action, supported by ILO technical cooperation, provided in the report, confirm that the real question is how best to respect and make use of these principles and rights.

Global progress

The report says the past four years have seen “continued progress” in the ratification of the two core Conventions defining these principles and rights and that both are moving towards eventual universal ratification by all 177 ILO member States. At the same time, it says that globalization is presenting new challenges

The report notes that in strict numerical terms, this level of ratifications still leaves about half the world’s workers outside of the protection of their provisions. For various reasons, such large countries as Brazil, China, India, Mexico and the United States have not ratified the fundamental conventions on freedom of association.

The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) has now been ratified by 142 member States—up from 135 four years ago, and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), has received 154 ratifications, up from 149 over the same period.

Regionally, ratification rates vary, from a high of 96 per cent for Convention No. 87 and 100 per cent for Convention No. 98 in Europe; through 87 per cent and 96 per cent respectively in Africa, to 91 per cent and 86 per cent in the Americas, to 46 per cent and 64 per cent in Asia and the Pacific, and 27 per cent and 45 per cent in the Arab States.

The report goes on to say that ratifications do not, however, give the whole picture of the situation. “The disturbing reality is that in many parts of the world and in a number of economic sectors, freedom of association and the right to collective bargaining are not respected,” the report says. “Even where they are recognized in law, those seeking to exercise their rights can face serious difficulties.”

Despite the progress shown both by results of technical cooperation and ratifications, the standards supervisory system continues to identify violations in all regions of the world. Some of them are of a persistent and serious nature. Much attention has continued to be paid to Colombia, where a special technical cooperation programme aims at protecting trade union leaders from violence and killings. Both employers' organizations and trade unions have made complaints regarding the policy of the government of Venezuela. And there is currently a Commission of Inquiry on freedom of association rights in Belarus. This Commission will issue its recommendations in the latter part of 2004.

The report also recalls that under the ILO Declaration, all ILO members States “even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the (ILO) Constitution, the principles concerning the fundamental rights which are the subject of those Conventions” which include freedom of association and the effective recognition of the right to collective bargaining.³ The ILO is ready to offer assistance to all countries, including the large ones, to assist in the process of ratification and implementation.

³ For a full text, see “*ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*”, <http://www.ilo.org/declaration>