

Human.Rights@Work

“Trade union rights are human rights”

A regular newsletter produced by the ILO Bureau for Workers' Activities (ACTRAV)

N° 2/06
2 May 2006

Contents

- Latin America's flexibility woes ...
- ... and its union rights deficit
- Target: end child labour
- 28 April: World Day for Safety and Health at Work
- New moves to promote decent work worldwide
- Burma: new measures
- Freedom of association: Belarus, Colombia, Nepal, Burma ...
- Labour market rigidities and unemployment – a myth
- A rights-based approach to migration
- Tripartite European-African dialogue on Migration for Development
- Pointers

Latin America's flexibility woes ...

The fight against unemployment and the precarious labour markets tops the agenda at the ILO's 16th American Regional Meeting.

Tripartite delegations from 35 of North America, Latin America and the Caribbean will meet on 2-5 May in Brasilia to discuss how to fight the region's endemic unemployment and precarious labour markets.

Growth in the region (4.5 per cent in 2005 and 4 per cent predicted for 2006) does not seem to be benefiting the majority of the population, whose living and working conditions have hardly improved at all, according to a report to be presented to the meeting by ILO Director-General Juan Somavia. “In fact, judging by the increasing number of immigrants leaving or moving around within the region each year, many people cannot find opportunities in the region and in their countries” he notes.

One of the region's basic problems is the stagnation of productivity. At US\$10,100 per worker per year, it has remained unchanged since the 1980s. But other factors have also played their part. The Director-General's report points to certain reforms designed to “flexibilize” the labour market, which have led to the growth of unemployment and the informal sector. In some countries, the report says, reforms have been brought in which give greater flexibility to hire and fire and, in many cases, social protection measures have been scrapped. Those who support these policies claim that countering labour market “rigidities” helps to create formal employment.

But in fact, as the report emphasizes, there is no evidence that reforms of this kind could improve the situation. “On the contrary,” it says, “recent experience suggests that such a move might even

have made things worse.” The upshot is that 126 million people in Latin America face a decent work deficit. That is 53 per cent of the active population, with women and young people particularly hard hit.

The Director-General will present the tripartite delegations with a “regional agenda” including policy recommendations and proposed measures to promote the creation of decent jobs over the next decade.

... and its union rights deficit

A report compiled by the ILO Bureau for Workers’ Activities highlights the disturbing state of trade union rights in Latin America.

Designed to alert public opinion, while shedding light on union rights violations and ensuring that they no longer go unpunished, a report from the ILO Bureau for Workers’ Activities cites an “extremely serious” trade union rights situation in Latin America. The report is based on information collected by the ILO’s Freedom of Association Committee and Committee of Experts on the Application of Standards. It covers the period from 1990 to March 2006, during which more than half of all the complaints examined by the Freedom of Association Committee (56.07 per cent) concerned countries in Latin America. This could, of course, mean simply that the region makes more frequent use of the ILO complaints mechanism, but “difficulties do exist,” the report insists. Geographically, Central America is the region making the most frequent use of the ILO complaint mechanism (more than a quarter of all the complaints). Country-by-country analysis shows that the highest number of complaints during the period covered by the report came from Argentina, followed by Canada, Peru, Colombia, Guatemala and Venezuela. These six countries alone account for 56.53 per cent of all complaints concerning the region. In a ranking by types of violation, anti-union discrimination heads the list, followed by physical harm to trade union activists and leaders. From 1990 to March 2006, no less than 232,636 trade unionists suffered physical harm. The report also shows that education has now overtaken public services as the sector with the most violations. The public sector in general (including education), has the most breaches of freedom of association. As the report insists, this should “give the region’s governments pause for thought”.

“If our societies are to genuinely implement democracy, beyond election day, employers and the public authorities must accept and guarantee the exercise of freedom of association,” the report concludes. Worker delegates at the American regional meeting will be making sure that the point is well taken.

Target: end child labour

It can be done, ILO report shows

The global report on child labour published by the International Labour Organization (ILO) will be out on 4 May. It provides new estimates of the number of children at work, both worldwide and region-by-region. It also analyses the progress made so far in the struggle against child labour. Entitled *The end of child labour: Within reach*, the report sets realistic targets for the

complete abolition of the worst forms of child labour. It was drawn up in the framework of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO's International Programme on the Elimination of Child Labour (IPEC). It is the most recent and wide-ranging study currently available on the extent of child labour and of the international efforts to eradicate it.

Four years ago, the first ILO report provided the basis for a reliable estimate of the child labour situation and called for the creation of an effective strategy to eliminate it. This year, the report gives a new global perspective, due to the experience gained in recent years, with a view to making further progress in eliminating child labour.

- Football's World Cup will soon be upon us, and the ILO has just brought out a brochure on the fight against child labour in the factories producing footballs in Pakistan's Sialkot area. Ever since 1997, and the revelations made by the unions before the 1996 European championship, an ILO project has been playing a major role in changing attitudes among parents, authorities and employers in the area. They now realize just how vital the education of children is to everybody's future. Today, more than 95 per cent of the area's football production chains do not use any child labour, and more than 10,000 young people have received support for their studies since the project began. [Click here](#) for the brochure, which tells this success story in full and could provide pointers for action to eliminate child labour in other countries or sectors.

28 April: World Day for Safety and Health at Work

Union campaigns and ILO initiatives go hand in hand

This and every year, 28 April is the International Commemoration Day for dead and injured workers, together with the World Day for Safety and Health at Work which the ILO organizes on the same date, adding a tripartite perspective to the trade union action. This year, the day's slogan was *Union Workplaces – Safer workplaces* and the main themes were: a) *Asbestos* and the Global Unions "Ban Asbestos" campaign, b) *HIV/AIDS*: workplace-related problems and the implementation of programmes to address them and c) ILO Conventions and instruments relating to worker safety.

For its part, the ILO looked into the relationship between HIV/AIDS, decent work and safe work. [Click here](#) to download the report from the ILO site.

Each year, 2.2 million workers lose their lives as a consequence of work-related accidents and illnesses. Proper preventive measures could end most of this slaughter. The ILO has repeatedly stressed that a trade union presence and trade union action, together with social dialogue, are important factors in reducing work-related accidents and diseases.

Tripartite events were held worldwide to mark the Day.

New moves to promote decent work worldwide

Globalization forum and general discussion in 2007

The ILO Governing Body, which met in Geneva on 16-31 March, gave its greenlight to continue discussion on a proposal by Director-General Juan Somavia, to hold a “globalization forum” to take place in 2007. This would be an event to discuss the link between decent work and globalization, with the aim of making “decent work a common cause with key partners in the formal multilateral system [*the other UN agencies and institutions such as the World Bank, the World Trade Organization and the International Monetary Fund – Ed.*] and more widely among the diverse networks of state and non-state actors, which characterize the emerging global community.”

According to Governing Body Chair Carlos Tomada, the Argentinian Minister of Labour, Employment and Social Security, “the results expected from such a forum are improved ILO capacity, improved coherence within the multilateral framework and enhancement of the essential role that the social partners can play in achieving decent work.”

The employers, who initially opposed this initiative, finally agreed to continue discussion on the possible convening of this event. It is now likely to take place in March or April 2007.

Also in 2007, during the International Labour Conference in June, an important general discussion will be held on “strengthening the ILO’s capacity to assist its Members’ efforts to reach its objectives in the context of globalization”. The two main themes running through this debate will be: reaffirming the ILO’s *raison d’être* and the relevance of its message in the framework of globalization; and how the ILO can help all of its constituents to implement its aims, individually and together, within this new context.

Without prejudice to the debates scheduled for 2007, Workers’ Group spokesperson Leroy Trotman stressed the need for ILO constituents to “recognize, in an authoritative document, that social progress and social justice are not spontaneous results generated automatically by a growth in trade or greater prosperity. They demand persevering, deliberate action by Member States, not only of the ILO but of any organization that is interested in working for progress and social justice.” 2007 will not be the occasion for another debate on globalization, but rather for studying the means by which the ILO can exert more influence on its development and, as a government representative put it, to bring States more to the fore in the pursuit of the ILO’s essential mission, which is to establish a framework of standards underlying States’ interventions in the social field, as broadly defined.

The European Commissioner for Development and Humanitarian Aid, Louis Michel, told the Governing Body of the importance of the Strategic Partnership signed in 2004 between the European Union and the ILO. Mr. Michel, who is also a member of the High-Level Panel on UN System-Wide Coherence, set up by UN Secretary-General Kofi Annan, recalled that an international consensus now exists on the fact that productive employment and decent work, as defined by the ILO, are effective means of combating poverty and strengthening sustainable development. He told the Governing Body that he intends to propose a new initiative to the Commission and to the ACP-EU Council, aimed at encouraging all the enterprises that are active in the ACP countries (Africa, Caribbean, Pacific) to respect basic ethical standards, with incentive measures for the application of ILO Conventions.

Meanwhile, it is worth noting that the theme of the High-Level Segment at the UN Economic and Social Council (ECOSOC) in July 2006 will be “Creating an environment at the national and international levels conducive to generating full and productive employment and decent work for all and its impact on sustainable development”.

Burma: new measures

Forced labour continues and those who denounce it are repressed. The situation in Burma (Myanmar) demands new measures.

What new measures should be taken to convince the Burmese government to put an end to forced labour? That was the question put to the Governing Body by Workers’ Group spokesperson Leroy Trotman. The practice of forced labour still systematic in Burma, he stressed. Moreover, anyone complaining about it had every chance of ending up in jail, as is shown by several cases included in the report prepared for the Governing Body by the ILO Liaison Officer in Rangoon. Membership of the Federation of Trade Unions, Burma (FTUB) has also become grounds for imprisonment, as the authorities now regard it as an illegal terrorist organization.

On Burma, the Governing Body adopted a resolution submitted by the Workers’ Group, and it decided to place the following point on the agenda of the 95th session of the International Labour Conference: “To review what further action could be taken by the ILO in accordance with its Constitution in order (i) to effectively secure Myanmar’s compliance with the recommendations of the Commission of Inquiry and (ii) to ensure that no action is taken against complainants or their representatives.”

While it will be up to the Conference to decide these measures, Mr. Trotman mentioned, among other possibilities, bringing the matter to the attention of the UN Security Council and the International Court of Justice. He also asked the International Labour Office to analyse the different possibilities for action before the Conference takes place and to evaluate the measures taken so far by governments under the Resolution adopted by the International Labour Conference in 2000. By virtue of Article 33 of the ILO Constitution, the resolution provides for the ILO to ask Member States to review their economic policy and other relations with Burma, including investments, in the light of the continuing use of forced labour there.

Freedom of association

Belarus, Colombia, Nepal, Burma ...

Once again, the Committee on Freedom of Association had to deal with serious violations of workers’ basic rights to organize in trade unions and conduct collective bargaining in defence of their interests. Speaking for the Workers’ Group in the discussion on the Committee’s report to the Governing Body, Jerry Zellhoefer said that “the nature of the violations of trade union rights and the undermining of, and attacks upon trade unions, and collective bargaining can vary from extreme violence to subtle or not so subtle threats, intimidation, and coercion by Governments and employers.”

The Committee on Freedom of Association currently has 122 cases before it, and it examined 37 dossiers during its March session. Colombia, Burma, Nepal and Belarus were among the most serious and urgent cases.

On **Belarus**, the Committee expressed deep concern over the fact that, rather than acting on the recommendations of the Commission of Inquiry, the government there is out to eliminate any trace of independent trade unionism. In fact, the government seems to be trying to get out of trouble by suppressing the source of the complaint rather than remedying the rights violations suffered by the independent trade unions.

So the Committee repeated its previous recommendations and urged the government, in the strongest terms, to take appropriate, immediate and concrete measures to ensure that workers can organize freely outside the official trade union centre, the Federation of Trade Unions of Belarus (FPB).

In his contribution, the workers' representative recalled that government interference, as well as the intimidation and harassment of trade unionists, are continuing unabated. He cited several recent cases of detention, reported on 22 March by the international trade union organizations. The government member from Finland, speaking on behalf of the European Union, said that, since August 2005, the European Commission had launched a procedure that could lead to withholding from Belarus the benefits of the General System of Preferences, if, by 1 April 2006, the government had not formally undertaken to respect all the recommendations of the ILO Commission of Enquiry.

The case of **Colombia**, with its long procession of anti-union murders, has been before the Committee for many years now. According to documents studied by the Committee, at least 73 trade unionists were murdered between January 2004 and December 2005. Even if some welcome positive developments have been noted, particularly regarding efforts to provide protection to trade unionists, the situation of impunity surrounding these crimes is "intolerable" Mr. Zellhoefer said and, he added, "threatens the very survival of the trade union movement". In all, no more than fifteen people have been sentenced, and the majority of the enquiries has not got past the preliminary stage. Indeed, the Committee on Freedom of Association examined numerous documents citing a plan called "Operation Dragon", which is aimed at eliminating several leaders of the municipal enterprise workers' union in Cali, as well as human rights campaigners. According to these documents, the public enterprise EMCALI, which amongst other things is responsible for water supply, energy distribution and telecommunications in the city of Cali, has signed a contract with a security firm which includes members of the armed forces, with the aim of destabilizing the trade union and physically eliminating some of its members. The security firm obtained personal information on the union leaders from the Administrative Department of Security, which was actually responsible for protecting the trade unionists! The Committee on Freedom of Association requested the Colombian government to place at the disposal of the country's Public Ministry all the means needed in order to carry out an independent enquiry into these facts and to guarantee the safety of all those under threat. Mr. Zellhoefer insisted that the protection programmes for trade unionists should be maintained, due to the seriousness of the threats, and the Colombian workers' representative Gómez Esguerra recalled that the very survival of trade unionism in Colombia is at stake. "The problem will not be solved just with bullet-proof vests and armoured cars," he said. "The government will also have to commit itself, vis-à-vis the international community, to respect freedom of association."

The Committee also asked the government to keep it informed of the progress made by the specialist unit which deals with cases of human rights violations committed against trade unionists. This unit is under Colombia's Procurator General. Also, the Committee recommended that the Governing Body seriously envisage the possibility of establishing an ILO office in Colombia, with the aim of facilitating communication between the government and the Committee on Freedom of Association concerning the action to be taken in order to combat and ultimately put an end to the current situation of impunity and to achieve better observance of freedom of association.

Murders, arrests and imprisonment are also faced by activists in **Burma** (Myanmar) where, Mr. Zellhoefer pointed out, there is a lack of trade union freedom both in law and in practice. The Committee on Freedom of Association once again urgently asked the government to open an independent inquiry into the murder of Saw Mya Than, the education union leader killed in cold blood by soldiers in August 2002, in reprisal for a rebel attack. Saw Mya Than was a victim of forced labour, a very widespread practice in Burma. He was picked out to serve as a porter (in fact, as a human shield) for the soldiers. The Committee on Freedom of Association also demanded the immediate release from prison of Myo Aung Thant. He was a member of the union at the All Burma Petro-Chemical Corporation, set up in 1988. Arrested in June 1997, he was sentenced, two months later, to life imprisonment for "high treason", on trumped-up charges of smuggling explosives into the country. Finally, the Committee called upon the government to abstain from any act of anti-union discrimination against seamen who take trade union action.

The Committee also examined violations of freedom of association in **Nepal**. After the royal coup of February 2005, all civil liberties were suspended by a state of emergency. The resulting climate of fear forced many trade union members, activists and leaders into exile.

The Committee asked the government to examine the possibility of a direct contacts mission to Nepal, so as to promote the full exercise of freedom of association.

In his contribution, the workers' spokesperson also set out the concerns of the Committee on Freedom of Association about violations of trade union freedom in the public services, particularly in **Bahrain**, **Equatorial Guinea** and the **Republic of Korea**. In the Korean case, the arrest and imprisonment of construction industry trade unionists was also cited. Other cases examined concerned the use of force to suppress a strike in **Morocco** and restrictions on freedom of association in **Malaysia** – a situation that the Committee has been denouncing for the past fifteen years. Finally, in a case concerning the violation of freedom of association in British Columbia, a province of **Canada**, the Committee on Freedom of Association reminded the Canadian government that the principles of freedom of association must be applied throughout the country's territory.

Labour market rigidities and unemployment – a myth

ILO study rebuts International Monetary Fund arguments

Much to the chagrin of the all-out supporters of economic liberalism, unemployment is not due to so-called "labour market rigidities". Increased joblessness is more closely linked to restrictive macroeconomic policies. In plain terms, labour market deregulation does nothing to solve the unemployment problem. That is the thrust of a study conducted by Lucio Baccaro and Diego Rei for the ILO's International Institute for Social Studies, available as a [discussion paper](#) entitled

Institutional determinants of unemployment in OECD countries: A time series cross-section analysis (1960-98). According to the authors, the International Monetary Fund's advice that "countries with high unemployment" should "undertake comprehensive structural reforms to reduce 'labour market rigidities'" simply does not stand up.

In the IMF's terms, "rigidities" means "generous unemployment insurance schemes; high employment protection, [...] high firing costs; high minimum wages; non-competitive wage-setting mechanisms; and severe tax distortions." But the study shows that the main cause of increased unemployment is rises in the interest rate, and that the degree of independence enjoyed by central banks also plays a role. "The claim that systematic deregulation of labour markets would solve the unemployment problem faced by several advanced countries appears unwarranted based on our results," the authors conclude.

A rights-based approach to migration

ILO's new multilateral framework for win-win migration

The ILO Governing Body gave the green light for the publication of a multilateral framework for rights-based labour migration. Earmarked for widespread promotion, the document includes 15 principles in nine sections linked, among other things, to decent work. The principles cover international cooperation, the protection of migrant workers, the management of labour migration, social integration and inclusion, and migration for employment and development. Each principle is followed by guidelines to facilitate its implementation. The framework also has two annexes. Annex I includes a list of the international labour standards concerning migrant workers. Annex II is a compilation of examples of good practice in labour migration policies, drawn both from countries of origin and from receiving countries.

The framework is one of the seven elements in the action plan adopted by the International Labour Conference in 2004. The plan also includes a promotion campaign for Conventions 97 and 143 on migrant workers. As part of the action plan, the Office will encourage the use of the framework in the elaboration and implementation of labour migration policies.

Tripartite European-African dialogue on Migration for Development

Meeting was the high point of a programme launched two years ago by the ILO with European Union support

The tripartite European-African dialogue on Migration for Development held in Brussels this April called on the European countries to open up more accessible, legal channels for labour migration, so as to respond to the needs of their labour markets and reduce clandestine or irregular migratory flows. They recommended that more consideration be given to regularization measures, as a way of resolving situations in which large numbers of workers often find themselves without a proper legal status, even though they are performing jobs for which no local labour is available or which the nationals of the receiving country refuse to do.

In a "road map" adopted at the end of the meeting, the participants appealed to governments to ratify and apply the ILO and UN standards on migration and to adopt migration policies based on

the multilateral framework proposed by the ILO. European Commission officials welcomed the progress made in the African countries and asked the ILO to pass the meeting's conclusions on to the European-African summit on migration which will be held in Rabat in July, as well as to the United Nations General Assembly, which will hold a special session on migration in September. Delegations from 11 African countries took part in the tripartite Dialogue. Also represented were the African Union, ECOWAS, the European Commission, the IOM, the International Organization of Employers, the ICFTU, the ETUC and the Churches' Commission for Migrants in Europe.

Pointers

- **Women's participation in ILC:** The International Confederation of Free Trade Unions (ICFTU) has called on its affiliates to include women in their delegations to the International Labour Conference. Although the ICFTU has sent numerous reminders to its affiliates, the situation has not improved, its General Secretary Guy Ryder states in a letter to all its member organizations. The proportion of women in the worker delegations to the 2005 session of the International Labour Conference was only 16.03 per cent, as against 27.3 per cent in the government delegations and 17.3 per cent in those of the employers. Women achieved better results in the elections to the Workers' Group on the Governing Body, and the principle of gender parity was applied by the Workers' Group when it appointed its spokespersons for the four committees. This question will be discussed at the 125th session of the ICFTU Executive Board (June 2006).
- **Unemployment, a source of instability in Africa:** Youth unemployment poses a very serious threat to security and stability in West Africa, warned the UN Secretary-General's Special Representative for the region. Of West Africa's 300 million inhabitants, 50 per cent are in the under-20 age group and 75 per cent are aged below 30. A large proportion of them are jobless. Unemployment breeds violence, the Representative said. This issue concerns the world as a whole, because unemployment in their own region is pushing young people to emigrate.
- **Toxic waste threatens human rights:** The hazards arising from toxic chemical substances are a breach of human rights, the United Nations says. The World Health Organization estimates that 47,000 people die each year due to the effects of toxic substances, notably pesticide poisoning. Many cases involve "irresponsible or illegal behaviour by enterprises" according to the UN, which complains that such acts often go unpunished.
- **World health staff shortage:** Almost 100 million people work in the health sector worldwide, but it is no longer attracting enough new recruits, either in the industrialized countries or in the developing nations, according to an ILO study. While the number of medical staff is going down, more than ten million people worldwide die of diseases that could easily be cured. In the European Union, more than half of the doctors were aged over 45 in the year 2000. In the US, a 20 per cent shortfall in health staff is predicted by the year 2020 if present trends continue. But the situation is particularly worrying in the developing countries where, according to the WHO, a "brain drain" is adding to the crisis. The rich countries are holding down the lid on their own recruitment crisis by bringing in doctors and nurses from the South. Africa alone will need a million more such staff if it is to achieve the

Millennium Development Goals (which, amongst other things, aim to reduce or eliminate a whole series of diseases and social ills by the year 2015). Sub-Saharan Africa, which has 11 per cent of the world's population and 24 per cent of the world's cases of illness, has only 3 per cent of the planet's health staff.

- **ICJ turns 60:** The International Court of Justice is celebrating its 60th anniversary this year. Made up of 15 judges elected for nine years by the Security Council and the General Assembly, it is the main judicial body of the United Nations. It rules on disputes between States and issues advisory opinions at the request of specialized agencies and institutions.
- **Fewer refugees worldwide:** The number of refugees around the world has fallen to its lowest level in 25 years, but there has been a worrying rise in the number of people displaced within territories. According to the High Commission for Refugees, there are 9.2 million refugees, but 25 million internally displaced people. The HCR has decided to extend its action to those displaced within their own country.