

# Human.Rights@Work

“Trade union rights are human rights”

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

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## ILO Conference gives new impetus to decent work

*Decent work is not an abstraction. By adopting new health and safety standards to halt the annual slaughter of more than two million people at work, by reaffirming the need to end the use of asbestos which, on its own, is responsible for 100,000 deaths a year, and by approving a new Recommendation aimed at clarifying employment relationships and so ensuring that all wage-earners enjoy the conditions and protection to which they are entitled, the government, worker and employer delegates to the International Labour Conference made the concept of decent work even more concrete and tangible in the working world. Workplaces are changing fast, the ILO Director-General recalled in his report. And all too often, workers' rights are still being flouted, as was emphasized in the discussions of the standards committee and the reports of the ILO Committee on Freedom of Association, as well as the report published by the International Confederation of Free Trade Unions during the Conference.*

Held from 31 May to 16 June in Geneva, the 95th Conference of the International Labour Organization concluded its work after extensive debates centred on deep changes in the world of work and the promotion of decent work in the 21st century.

In his closing address, ILO Director-General Juan Somavia said the event had “set standards for the 21st century which are relevant and applicable for countries all over the world and at all stages of development”. He also emphasized the ILO’s “strong mandate to engage fully in the process of renewing our multilateral system, confident in the recognition we have as ‘the decent work agency’”.

The Conference brought together some 4,000 government, worker and employer participants representing the ILO’s member States and hosted two eminent guest speakers. President Ellen

Johnson Sirleaf of Liberia called for urgent action for development and peace in her country, while President Oscar Arias Sánchez of Costa Rica emphasized the need for concrete measures to ensure a fairer globalization.

The Conference was presided over by Mr. Čestmír Sajda, Deputy Minister of Labour and Social Affairs of the Czech Republic. Conference Vice-Presidents were Ms. Aisha Abdel Hady (Governments), Minister of Manpower and Migration of Egypt, Mr. Jorge de Regil (Employers) from Mexico and Mr. N.M. Adyanthaya (Workers) from India.

### **Changes in the world of work**

Over the next ten years, 400 million new jobs will have to be created in order to keep pace with the likely growth of the labour force, particularly in the developing countries, Mr. Somavia told the Conference.

“That job creation challenge comes on top of the pressure of a continuing large-scale shift out of agriculture and rural areas towards cities, pushed by poverty and pulled by the hope of a better job,” he added. “The global economy is not delivering enough decent jobs that people need. Despite the many benefits of globalization, we see again and again how the dignity of work has been devalued. Economic optimism for some is matched with profound social pessimism for many. This is why we must put in place policies that replace jobless growth with quality, ‘job-rich’ growth.”

Other challenges to be tackled by the world economy, according to Mr. Somavia’s conference report *Changing patterns in the world of work*, include an ageing population, discrimination, migration and the fact that six out of ten workers have no social coverage.

Responding to the Director-General’s report, Sir Leroy Trotman, Workers’ Group spokesperson at the Conference and on the ILO Governing Body, said some might believe that “a driver of change in the world of work should be greater reliance on markets and a correspondingly reduced role for the State” but this “myth” was “the basis for the crisis the world finds itself in regarding growth without development and employment”. The State must reassert itself, he insisted. The Director-General’s report was not only a discussion item for the Conference, but a reference text for workers’ organizations all over the world in their strategizing about their future.

Leroy Trotman also revisited the issue of Corporate Social Responsibility (CSR), mentioned in the Director-General’s report. But the report “fails to say that these CSRs are frequently unilaterally determined for the express purpose of avoiding the collective bargaining exercise and full recognition of the fundamental principles and rights at work,” Leroy Trotman emphasized. He added that “where we can have CSRs pursued and arrived at by consultations with workers’ representatives, and faithfully adhering to the principles covered by our ILO Conventions as their minimal point of departure, then our group may continue to support them”.

### **Decent work – a global objective**

On the ILO’s Decent Work Agenda, the Director-General emphasized that “what began as an internal concept to modernize and reform the structure of the ILO by its tripartite constituents developed in a few short years into an agenda that has resonated with political leaders, as well as with working women and men and business people almost everywhere”. In 2004 in Ouagadougou, the Heads of State of the African Union decided that decent work should be the focal point of a summit on employment and poverty. In 2005 in Mar del Plata, the Organization of American States decided that its presidential summit would be devoted to the challenge of decent work, poverty reduction and democratic governance. The Asian Development Bank made growth with decent

work the central theme of its flagship annual report. The Economic Commission for Africa did the same, followed by the African Finance Ministers. Just a few weeks ago, the European Commission published a communication entitled *Promoting Decent Work for All: The EU contribution to the implementation of the Decent Work Agenda in the world*. The 2005 United Nations World Summit adopted a document which makes full employment and decent work one of the main objectives of relevant international and national policies and explicitly supports fundamental principles and rights at work. Finally, the ILO's Decent Work Agenda was at the centre of the high-level debate of the UN Economic and Social Council, held in Geneva on 3-5 July 2006 (see box). These first high-level discussions since last year's summit concentrated on the subjects of full employment and decent work and for the first time, Labour Ministers as well as representatives of trade unions and employers' organizations took part directly in the ECOSOC discussions.

#### **U.N. put decent work and the ILO at the centre of the fight against poverty**

The High-Level Segment of the Economic and Social Council of the United Nations (ECOSOC) concluded with a strong expression of international support for the work of the ILO. The Ministerial Declaration adopted underscores the priority of achieving full and productive employment and decent work for all. In this time of UN reform, Ministers attending sent a strong message for the UN system to come together to promote quality employment and singled out decent work country programmes as part of a "more coherent and pragmatic United Nations approach to development".

The Ministerial Declaration was adopted following three days of intense discussions on national and international policies needed to generate decent work for all as a vital foundation for global efforts to achieve international development goals to cut the numbers of people living in extreme poverty by half by 2015.

A high-level trade union delegation played an important role in ensuring that the concerns of workers were integrated in the final text. The delegation included Sharan Burrow (Australia), President of the ICFTU, Barbara Byers (Canada) and Marc Blondel (France), all members of the ILO Governing Body.

The Ministerial Declaration calls on governments to ratify and implement ILO Conventions protecting the rights of workers. It invites "all relevant actors, including the Bretton Woods Institutions and other multilateral banks, to join (our) efforts" to implement the Declaration. "This move presents the extraordinary opportunity to mainstream the goal of full and productive employment and decent work for all into the regular activities of all relevant UN organizations", said ILO Director-General Juan Somavia. "This can set in motion a process of policy dialogue within the multilateral system – including the Bretton Woods Institutions – to stimulate the necessary policy convergence behind this global goal agreed to at the 2005 UN Summit."

For ICFTU General Secretary Guy Ryder "this represents an important step forward in the global struggle for decent work and places the ILO at the centre of multilateral efforts to achieve it". His sentiments were echoed by his counterpart at the World Confederation of Labour (WCL), Willy Thys, who lauded the "comprehensive and concrete nature" of the Declaration adopted by the meeting, and its "recognition that the provision of decent work is the best way of helping the marginalised and disadvantaged". Governments will now have to implement the commitments they have made, stress the world trade union bodies.

## Historic agreement for Colombia

**Colombia's government and social partners signed an agreement in Geneva to defend the right to life and freedom of association. The agreement also aims to end the impunity enjoyed by those who murder trade unionists. More than two thousand activists have been murdered in the course of ten years.**

A standing ovation from members of the Conference's tripartite Committee on the Application of Conventions and Recommendations (standards committee) greeted the tripartite agreement reached on 1 June between the Colombian trade union centres, the Colombian employers' representatives and the country's government. The six-point agreement, achieved during the Conference's second day, guarantees a permanent ILO presence in Colombia. Among the functions assigned to the ILO permanent representation will be the promotion of decent work. It will emphasize the defence of the basic rights of workers, trade unionists and trade union organizations, and particularly the right to life, freedom of association, collective bargaining and entrepreneurial freedom for employers. The agreement stipulates that the national concertation commission on social and wage policies will be convened and the ILO representation will be invited to sit in on its meetings. The document also deals with the impunity still enjoyed by those who murder Colombian trade union activists and leaders. More than two thousand trade unionists have been killed over the past ten years. The investigations very rarely lead to any convictions and the ILO has expressed its deep concern over this unacceptable level of impunity. Under the agreement, the social partners and the Colombian government are pledged to monitor closely the results achieved by the new special investigation unit of the Office of the Procurator-General, with the aim of clearing up cases involving the murder or illegal detention of trade union leaders and workers and launching prosecutions.

Luc Cortebeeck (Belgium), Workers' Group spokesperson on the standards committee, called the agreement "the fruit of twenty years of effort by trade unionists within the ILO". The Colombian trade union centres said the permanent follow-up by the ILO from now on will be extremely important. They are looking forward to "significant advances thanks to the implementation of this agreement".

## Burma: new Governing Body measures mandated

**Unless there is tangible progress, the Governing Body, which is due to meet in November, will be asked to adopt new measures to put pressure on the military junta.**

Debating forced labour in Burma (Myanmar), the Conference recalled that no progress can be made without a real commitment from the government. In particular, the Conference identified two points that require rapid, tangible and verifiable action: 1) the release of any person who had been imprisoned following contacts with the ILO and the halting, by the end of July, of prosecutions that were currently underway; 2) the establishment together with the ILO, by the end of October, of a credible mechanism for dealing with complaints of forced labour, with all necessary guarantees for the protection of complainants.

It will be up to the ILO Governing Body to assess, in November 2006, whether these conditions have been met. In the light of developments or the lack of them, the Governing Body is now mandated to decide the most appropriate course of action. Several options were set out in a document submitted to the Conference, including officially raising the matter with the

International Court of Justice and the UN Security Council. During the Conference, the government expressed its willingness to cooperate with the ILO and announced the release of Su Su Nwe. The ILO had been calling for her to be freed ever since she was detained last year for successfully bringing a forced labour case against government officials.

#### **Also discussed in standards committee**

That said, the Workers' Group in the standards committee expressed their indignation at the "disrespectful attitude" shown by the ambassador of Burma (Myanmar), who left the room during the contribution by the group's spokesperson. The committee again held a special session on the application by Burma/Myanmar of Convention no. 29 on forced labour, 1930, in order to examine the measures taken under Article 33 of the ILO Constitution.

The committee noted the information provided by the ambassador of Burma (Myanmar), according to which the government had decided to declare a six-month moratorium, as an experiment. During this period, those wishing to lodge complaints about forced labour will be heard by the Director-General of the Labour Department and the ILO Liaison Officer.

However, the committee emphasized in its conclusions that, although appearing to be positive, this step came very late and was still limited in scope. Words urgently needed to be confirmed and complemented by concrete action, particularly the acquittal and release of those who have already been prosecuted for denouncing forced labour, and the withdrawal of prosecutions now underway.

## **Global Report on child labour**

### **Some progress. But also some questions. Are those rescued from the worst forms of child labour still being deprived of an education?**

On 9 June, at a roundtable discussion during the Conference, the Labour Ministers of Brazil, Turkey and Tanzania, and those countries' employer and worker representatives, presented their results and good practice in the struggle against child labour. The roundtable was part of the plenary discussion on the recent ILO Global Report on child labour and the worldwide activities linked to the World Day Against Child Labour, whose theme is "The End of Child Labour: Together we can do it!" During the discussion, Simon Steyne (United Kingdom), speaking on behalf of the Workers' Group, welcomed the drop in the number of children at work. But he expressed his disquiet over the possibility that children who escape from the worst forms of child labour may not find their way back to school, but may instead have ended up in other forms of employment, contrary to the provisions of ILO Conventions. "We know where children of that age should be," he declared. "They should be in school, not at work." He also drew attention to the persistence of child labour in agriculture and domestic work. Finally, he said that many Member States would do better in the fight against child labour if they also respected freedom of association and the right to collective bargaining.

## New measures to promote safety and health at work

**A Convention and a Recommendation provide the ILO with a promotional framework for occupational health and safety at work. The aim is better ratification of the existing instruments.**

Last year, after a first discussion, the worker delegates secured a decision in favour of adopting a Convention and a Recommendation that were to form a promotional framework for safety and health at work. They also said they would be watching to ensure that these two instruments were not just empty shells, but contained important elements for preventing workplace hazards. They were not disappointed. After an employer attempt to halt the discussions, negotiations resumed and the Conference ultimately voted by an overwhelming majority to adopt a new Promotional Framework Convention on Occupational Safety and Health and an accompanying Recommendation. “While not as detailed in some areas as the Workers would have liked, the agreements reached have addressed the major issues and concerns we raised,” Björn Erikson (Norway) told the Conference on behalf of the workers’ group. He was speaking for Worker Vice-Chairperson Peg Seminario (United States), who led the negotiations during the work of the Conference’s Committee on Safety and Health.

The Convention’s aims clearly state that ILO member States should consider the measures to be taken in order to ratify relevant ILO occupational safety and health Conventions, and it refers in particular to the Occupational Safety and Health Convention (no. 155). The Recommendation accompanying the new Convention cites more than fifteen relevant Conventions. In its “national programme” section, the Recommendation includes a paragraph concerning various activities at the workplace, particularly hazard and risk assessment and the promotion of preventative measures. The new instruments could have a rapid impact on the situation. Jukka Takala, head of the ILO’s SafeWork Department, immediately stated that the Office plans to launch a ratification campaign in favour of the new Convention and other essential occupational safety and health Conventions such as Convention 155 and the Convention (no. 81) on Labour Inspection, as well as those listed in the annex to the Recommendation. This was a response to concerns expressed by the workers, who had attributed the low ratification rate for these Conventions (no. 155 has secured only 45 ratifications to date) to the lack of promotional efforts and not, as the employers maintain, to the allegedly “too prescriptive” nature of these instruments. The ILO estimates that some 6,000 workers die each day as a result of work-related accidents or diseases. The aim of the new measures is to develop “a preventative safety and health culture” by putting occupational safety and health at the top of national agendas. This is to be achieved by launching national programmes and promoting safer, healthier working environments through preventative measures. The Convention was adopted by 455 votes to 2, with 5 abstentions, and the accompanying Recommendation by 458 votes to 3, with 6 abstentions.

## ILO strengthens anti-asbestos stance

**An important Conference resolution aims to end the use of all types of asbestos. It marks a major victory for the unions’ international campaign to have asbestos banned.**

At the initiative of the Workers’ Group, the Committee on Safety and Health proposed a resolution on asbestos. Adopted by the Conference at the same time as the committee’s report, the resolution

calls on the ILO to “promote the elimination of future use of all forms of asbestos and asbestos containing materials in all member States”.

While the Asbestos Convention, 1986 ( no. 162), currently ratified by 28 countries, advocates but does not impose the prohibition of asbestos, the new resolution clarifies the ILO’s position by confirming that Convention 162 “should not be used to provide a justification for, or endorsement of, the continued use of asbestos”. (In fact, Convention 162 calls for a ban on asbestos. Nonetheless, it refers mainly to the measures needed in order to prevent exposure to asbestos that is still in place. This standard is vital to the protection of those involved in the stripping, renovation and demolition of buildings, such as carpenters and plumbers).

Asbestos is everywhere, even in countries that have banned its use. And it is still claiming more victims every day. 100,000 deaths a year, one death every five minutes worldwide. The International Confederation of Free Trade Unions has asked trade union organizations around the world to intensify their efforts to secure a complete ban on asbestos. In Geneva, the Building and Wood Workers’ International (BWI), representing more than twelve million workers worldwide, representing twelve million workers in 135 countries, sounded the alarm in a video clip shown at the Conference. (To view the clip (French only, sorry), click here: <http://www.pourlemploi.com/video/amiante/amiante.html>).

“Everybody knows that asbestos kills,” said BWI General Secretary Anita Normark.

The production and use of asbestos are now prohibited in 40 countries, including the 25 members of the European Union. But according to the BWI, “asbestos is being used more and more in the developing countries, in Asia, Africa and Latin America, while millions of people are dying from it.” The BWI asked the ILO to state clearly that all types of asbestos should be banned and the already available substitutes should be used instead. The new resolution makes that absolutely clear. But the campaign for a total ban must go on. Every year, 2.5 million tonnes of asbestos are produced worldwide, and its use has increased in the developing countries. With a turnover of \$637 million a year, the asbestos trade is a money-spinner that scorns the health and safety of millions of workers.

At the beginning of the Conference, France’s Employment Minister Gérard Larcher also proposed that the ILO should completely abolish the use of asbestos throughout the world.

The Employers’ Group and the governments of Canada and Zimbabwe, two major asbestos producers, spoke against the adoption of the resolution, but in view of the broad support for it among the workers and the majority of governments, its opponents did not call for a vote.

## Employment relationship – a vital issue

**The ILO adopted a recommendation which should enable member States to provide better protection to employees. The employers refused to support this instrument, which they see as “bad for business and employment”.**

“The question of whether an employment relationship exists between two parties is of crucial importance, for many reasons that we all know so well. Up to now most legal systems link workers’ protection and access to social security to the existence of such a relationship.” So said the ILO Director-General, welcoming the Conference’s adoption of a Recommendation on this subject. The voting was 329 votes to 94, with 40 abstentions, in favour of the new standard. It proposes that

member States should formulate and apply, in consultation with workers and employers, national policies on effectively establishing the existence of an employment relationship and on the distinction between employed and self-employed workers, combating disguised employment relationships and ensuring standards applicable to all forms of contractual arrangements, including those that involve multiple parties, so that wage-earners may receive the protection to which they are entitled.

The Recommendation which, according to the ILO Director-General, should guide member States in elaborating, improving or maintaining policies on this important issue, proposes the establishment of a legal presumption that an employment relationship exists where one or more relevant indicators is present. It suggests a list of specific indicators for the existence of an employment relationship, such as subordination or economic dependency.

Ebrahim Patel (South Africa), the Workers' Group spokesperson in the Committee on the Employment Relationship, said the Recommendation "strikes the right balance between the fundamental rights of workers and the legitimate concerns of employers". It was inspired by a "tradition that has seen the State not as a neutral mediator of interests but as an instrument by which society fosters equity, and law not as a neutral system of rules but a way in which society advances its values in a transparent and open manner".

Apparently, the employers did not see things quite that way, as their spokesperson Andrew Finlay (Canada) said this instrument is "bad for business and employment". He continued: "As policy-makers, courts and tribunals look to the ILO for guidance on this matter, they will find this Recommendation. They will find overly simplistic criteria and indicators and, worse, a suggestion that there should be a presumption of employment." So it is scarcely surprising that the employers refused to support the Recommendation. The workers, on the other hand, felt that it "starts to give a social dimension to globalization". Indeed, it does include provisions aimed at ensuring effective protection to workers especially affected by uncertainty about the existence of an employment relationship, notably the most vulnerable – young workers, elderly workers, those in the informal economy, migrant workers and workers with disabilities. The majority of governments supported the Recommendation, judging it to be a useful, balanced text. Nigerian government delegate Ms. Koripamo-Agary, for example, declared: "This instrument can be applied well across all industrial relations systems, across different jurisprudences and levels of development. That was evidenced during the proceedings in the Committee by the unanimity of governments across regions to have adopted this Recommendation."

The existence of this Recommendation, and its adoption by the Conference, will not of itself solve the problems of millions of workers who need protection but, Ibrahim Patel pointed out, it does "give member States of the ILO much greater guidance on how to respond to that challenge". Certainly, as far as the Workers' Group side is concerned, this new instrument should also serve as a basis for future ILO activities.

## Road map for technical cooperation

### **A committee examined the ILO's role in technical cooperation, but also the role of technical cooperation in achieving the Organization's aims.**

"Full and productive employment and decent work are a central driver of development and therefore a priority objective of international cooperation," states the Committee on Technical

Cooperation in its conclusions, adopted by the Conference. The Committee reviewed all aspects of the technical cooperation provided by the ILO from the mobilization of resources, synergies with constituents and other multilateral institutions through to the criteria for public-private partnerships. Underlying this analysis are the pursuit of the ILO's fundamental and strategic objectives, the implementation of country programmes for the promotion of decent work and the reforms of the United Nations system.

A lot is at stake. At a time when the UN is embarking on in-depth reforms of technical cooperation, requiring more coordination between specialized agencies and field programmes, the recognition of decent work as a global objective will put the ILO at the forefront of efforts to ensure that employment creation means job quality and equality and that economic growth means fair distribution of the resulting profits. As the resolution notes, "by focusing on areas within its mandate where it enjoys a comparative advantage, the ILO will be able to contribute more effectively to the United Nations reform process". At the same time, "social partners are key actors in social and economic development, and their role and capacity should be strengthened".

Also, the conclusions emphasize, it is "essential for the ILO to make a strong effort to ensure that its technical cooperation programme provides the resources required to meet agreed objectives relating to strengthening the capacity of national organizations of employers and workers to meet the needs of their members and to participate in collective bargaining and in the conception and execution of technical cooperation". In this respect, Workers' Group spokesperson Halimah Yacob (Singapore) called for more funds for technical cooperation – both in the general budget and in extra-budgetary technical cooperation. She emphasized that the use of extra-budgetary resources depends to a great extent on the willingness of donors, and she regretted that they had given little support to one of the ILO's four main objectives – the promotion of freedom of association and the protection of the right to organize. According to a report submitted to the Conference by the Director-General, the ILO spent a total of \$171 million on technical cooperation in 2005. \$154 million of that came from extra-budgetary sources. Even a cursory examination of that report shows that freedom of association is the Cinderella of extra-budgetary technical cooperation.

"We cannot completely address the issue of competence and capacity building without touching on the important role that the two cross-cutting bodies, the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV), perform," Halimah Yacob emphasized, pointing to paragraph 14 of the conclusions, which urges the ILO to provide ACTRAV and ACT/EMP with the resources need to achieve the agreed objectives.

Finally, while the conclusions do identify public-private partnerships as a potential source of finance, they also state clearly that the uses of the funds thus obtained must conform to the principles and values of the Organization. They ask the Governing Body to establish clear guidelines and criteria for such partnerships.

On this point, the ILO Director-General indicated that the Office will be speeding up work on guidance and criteria for partnerships and that proposals will be submitted to the Governing Body. Halimah Yacob confirmed that the Workers' Group will ask for the follow-up to these conclusions to be placed on the agenda of the next meeting of the Committee on Technical Cooperation of the Governing Body.

## 25 countries appear before standards committee

**Apart from the case of Burma, the Committee on the Application of Conventions and Recommendations examined 25 individual cases concerning freedom of association, forced labour, discrimination, child labour, employment policy, labour inspection, wages etc. All of these fields are covered by ILO standards.**

Three countries were the subject of a special paragraph in the standards committee report adopted by the Conference. Special paragraphs are one way for the committee to express serious concern. The three are Burma, concerning Convention 29 on forced labour, Bangladesh concerning Conventions 87 and 98 (freedom of association) and Belarus, also concerning these two Conventions. On Belarus, the committee decided that the Governing Body should examine new measures to be used in line with the ILO Constitution if the government persists in its refusal to implement the recommendations of the ILO commission of enquiry. Possible new measures could be envisaged by the Governing Body in November.

### **Other particularly worrying cases**

The Workers' Group also expressed its disquiet over the situation in various countries, including Djibouti, where the government has scrapped the minimum wage fixing system and leaders of the national trade union organization have been harassed and imprisoned, and Zimbabwe, where the Workers' Group spokesperson noted a "total lack" of trade union freedom and denounced the attitude of the government representative who did not shrink from trying to intimidate the workers' representatives and issuing threats against them. The case of Iran deserved particular attention, the Workers' Group felt, because of the complete lack of progress on the vital issues of discrimination against women and religious minorities (Convention 111), which the committee has been discussing for years. The conclusions on the right to collective bargaining in Costa Rica were preceded by intense negotiations between the country's government (including President Oscar Arias Sánchez, a guest of honour at the Conference), the employers and the workers (the CTRN trade union confederation), as well as the Workers' and Employers' Groups at the highest level. A high-level mission will be sent to Costa Rica. An interesting discussion about Convention 162 on asbestos concerned the shortcomings in its application observed in Croatia. Discussions were also held on the cases of Switzerland and Australia. The unions in both countries have denounced curbs on freedom of association.

The Workers' Group has already listed the cases that it may wish to discuss next year: Argentina (Conventions 87 and 98), Japan (Convention 29), India (Convention 111), Paraguay (Conventions 79 and 90), Luxembourg (Convention 68), Turkey (Conventions 87 and 98) and Ethiopia (Convention 87).

### **Labour inspection:**

The general survey discussed by the Conference this year was on labour inspection. The committee emphasized the importance of labour inspection for protecting workers and ensuring that labour law is correctly applied at the national level. It also highlighted its key role in the world of work. On that point, Workers' Group spokesperson Luc Cortebeeck criticized the widespread chronic

underfinancing of labour inspectorates. “The missions assigned and attributed to labour inspectorates are aimed solely at ensuring the correct application of the legislation on working conditions,” he said. “Any distraction from that mission resulting from an increase – intentional or not – in the labour inspectors’ tasks should be denounced.”

## Freedom of association committee’s irreplaceable role

**Freedom of association is being seriously violated in a number of countries, but there has also been progress in some cases, thanks to the tenacity of the ILO Committee on Freedom of Association.**

At its session immediately after the Conference, the ILO Committee on Freedom of Association examined 31 of the 102 cases currently before it. As the latest report from the committee showed during the Conference in Geneva, the situation of trade union rights worldwide is anything but satisfactory, but the cases where the Committee has achieved progress deserve a mention.

### **Progress**

The government of Ontario, for example, has finally adopted a voluntary, effective system for the prevention and resolution of conflicts, rather than having recourse to laws imposing a return to work in the case of strikes. Just such a law had been the subject of a complaint lodged in 2003 by the Education International and teachers’ union federations in the province. The law violated the collective bargaining rights of several thousand teachers. The recommendations of the Committee on Freedom of Association, and social dialogue, made it possible to resolve this situation. Another success came in India, where the state of Tamil Nadu took steps to reinstate teachers who had been fired during a strike in 2003. Just before the strike, 2,400 trade union leaders and activists had been arrested and more than 170,000 employees and teachers in the public services had been sacked. Finally, in an important case concerning Mauritius, the committee noted that the government has revised a law on industrial relations, after consulting the social partners, in line with the principles of freedom of association. The trade union movement had complained that it had been victimized for 30 years due to the antidemocratic and repressive nature of this law.

### **Urgent cases**

Nonetheless, serious violations of freedom of association are still being committed on different continents. The Committee drew special attention to the cases of Cambodia, Djibouti and Zimbabwe.

On Cambodia, the Committee firmly requested the government to take steps enabling trade unionists to conduct their activities in a climate devoid of intimidation and threats to their lives. It asked the government to reopen the inquiry into the murder of Chea Vichea, the President of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC). He was gunned down on 22 January 2004. It also asked for an impartial inquiry into the murder of Ros Sovannareth, a member of the union’s executive, killed by two attackers riding a motorbike on 7 May 2004, as well as into attacks against leaders of federations affiliated to the FTUWKC.

Heavy-handed repression during a strike, interference in union elections, the arrest and detention of trade unionists – the case of Djibouti has been before the Committee on Freedom of Association for several years. And the government has once again been invited to respond to the serious accusations levelled against it. A further element has been added to the dossier: on 3 April, an ILO

official was stopped and taken in for questioning in Djibouti, then expelled the following day. He was accompanying an international mission looking into the trade union situation there. The other members of the mission were refused entry into the country. Ulf Edström, the workers' spokesperson on the Committee on Freedom of Association, recalled that the suppression of independent trade unionism in Djibouti has, for several years now, prevented the country's trade union movement from being represented at the International Labour Conference.

The Committee on Freedom of Association expressed its profound disquiet over the general trade union climate in Zimbabwe, and it invited the country's government to accept a direct contacts mission. The case before the Committee concerns murder attempts, attacks and intimidation as well as the arbitrary arrest and detention of trade unionists. The Committee deplored the lack of a government response to its previous recommendations and invited the government to show more cooperation in future.

### **Other cases**

Other cases dealt with by the Committee include Malta, where the government has amended the labour legislation in such a way that workers no longer get compensatory leave for public holidays falling on a Saturday or Sunday; Turkey, where a teachers' union is under threat of disbandment for defending "the right of all citizens to education in their mother tongue"; Guatemala, where the government has still not followed up on the recommendations of the Committee, which had asked that an inquiry be opened into attacks, death threats and harassment against trade unionists; a similar case in Peru; dismissals of trade unionists in El Salvador; and threats against trade unionists in Indonesia.

On Iran, the Committee welcomed the news that four trade unionists arrested during the repression against strikes and meetings on 1 May 2004 had been found not guilty on certain charges brought against them and had been acquitted. However, not all the charges have been withdrawn, and the Committee expressed the hope that they will be fully cleared and released. A number of trade unionists (twenty or more according to the ICFTU) are still in prison. Among them is Mahmoud Salehi, a member of the Bakers' Association in Saqez. A so-called "additional proof" has been brought against him: two texts that he wrote in 2004, namely an article entitled "Preparing a cost of living index for a family of 5 in Iran" and a declaration condemning the massacre of several strikers by the security forces in Khatoonabad in January 2004. The Committee recalled that legitimate trade union activities were involved and invited the government to withdraw all the charges brought against this trade unionist.

Mr. Edström also drew attention to the case of Australia, where the government has, he said, taken it upon itself to decide what constitutes the principles of freedom of association, and is ignoring the recommendations of the Committee on Freedom of Association. The case of Australia is before the Committee on Freedom of Association following a complaint from several trade union organizations, including the Australian Council of Trade Unions (ACTU). New legislation brought in at the end of 2005 imposes heavy restrictions on the rights to organize and to bargain collectively, broadens employers' power to impose individual contracts on workers, abolishes protection against unfair dismissal for most workers and weakens the mechanisms for setting minimum wages.

Two dossiers concerning Colombia were dealt with by the Committee. They concern restrictions on the right to strike and violations of the right to collective bargaining, particularly in cooperatives.

## ICFTU report

During the International Labour Conference, the ICFTU launched the latest edition of its annual report on violations of trade union rights worldwide. It recalls that 115 trade unionists were murdered during 2005 for defending workers' rights, more than 1,600 others were violently assaulted and 9,000 were arrested. Moreover, almost 10,000 workers were dismissed on account of their trade union activities and almost 1,700 were detained. The report was presented at a meeting of worker delegates taking part in the Conference. The ILO Bureau for Workers' Activities has produced a video based on the report. In the video, ICFTU General Secretary Guy Ryder, expresses his deep concern over the level of violence now faced by trade union activists. Also interviewed is Juan Somavia, the Director-General of the International Labour Organization, who pays homage to "We pay tribute to those trade unionists who have stood up for fundamental principles and rights at work even when it has meant personal sacrifice, prison and in some cases, even their life. Where there has been injustice, there must be redress, and the ILO is there to help."

To watch the video, click this link:

<http://www.pourlemploi.com/video/tradeunions/tradeunions.html>

## Pointers

- **Low participation by women:** Despite many calls for change, the number of women at the Conference is still far from satisfactory. Out of all those accredited for the Conference, 24.3 per cent were women, as against 22.2 per cent last year. Governments do better than the employers and the workers. Slightly more than 30 per cent of the government delegates were women. The figure for the employers was 20 per cent, and for the workers 17 per cent. For titular delegates, the proportion was even lower, at 18.8 per cent for government delegations this year, 12.6 per cent for the employers and 10.1 per cent for the workers. In the plenary, only 41 of the 286 speakers were women (14 per cent) and in the interactive session on child labour, 16 of the 53 speakers were female (less than 30 per cent).
- **New Governing Body Chair:** The Governing Body elected Mr. Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour of the Republic of South Africa, as its Chairperson for the 2006-07 session. He succeeds Carlos Tomada (Minister of Labour of Argentina), who chaired the Governing Body during the 2005-06 session. Mr. Mdladlana has been Minister of Labour since 1998. Sir Leroy Trotman, General Secretary of the Barbados Workers' Union and Workers' Group spokesperson on the Governing Body, was re-elected Worker Vice-Chairperson. Daniel Funes de Rioja, President of the Social Policy Department of the Union of Argentine Industries and Chairperson of the Employers' Group within the Organization of American States from 1995 to 1998, was re-elected as the Employer Vice-Chairperson. The three will serve as Officers of the Governing Body during its 2006-07 Session.
- **Government interference in the nomination of worker delegates:** The Conference's Credentials Committee denounced government interference in the nomination of worker delegates for Djibouti (for the tenth year running!), Guinea, Paraguay and Rwanda. The Committee also had before it ICFTU complaints concerning non-payment of worker delegates' expenses by the governments of Afghanistan and Georgia.

- **Child labour:** The International Conference of Labour Statisticians, to be held in 2008, is likely to adopt international standards for the collection of statistics on child labour.
- **Violence at work:** Violence at work, ranging from intimidation to mobbing, threats against psychologically unstable colleagues, sexual harassment and murder, is on the increase worldwide and may even reach epidemic levels in some countries, according to a new ILO publication. Moreover, the global cost of workplace violence adds up to millions of dollars' worth of losses due to the resulting absenteeism and sick leave.