

Human.Rights@Work

“Trade union rights are human rights”

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

N° 5/06

18 September 2006

Contents

- Decent Work Decade launched in Asia-Pacific
- Belarus: European sanctions after union rights violations
- International financial institutions and international labour standards
- Organizing to escape poverty in India
- Promoting peace and development in Africa
- New term at the Global Labour University
- Disability rights – new international Convention readied
- Workaday labour standards
- New technologies will boost productivity, but also impact employment in retail

Decent Work Decade launched in Asia-Pacific

Faced with a massive decent work deficit in the region, the ILO's Asian regional meeting lays the foundations for new strategies.

On 1 September, worker, employer and government delegates from the Asia-Pacific Region concluded the 14th Asian Regional Meeting of the International Labour Organization by launching a “Decent Work Decade” aimed at linking the goal of decent work with the global poverty reduction agenda.

The delegates, representing Asian, Pacific and Arab ILO Member States, also committed to promoting “tangible” policy measures to better ensure that economic growth translates into productive employment and decent work for all. “Our focus is enhancing productivity, competitiveness and growth,” said Juan Somavia, Director-General of the ILO. “The answer isn't charity, giveaways or handouts. The best social programme is a decent job. The dignity and reward of honest hard work, that's what people want.”

Admittedly, the region's decent work deficit is a particularly flagrant one. The report prepared by the ILO for the meeting deplores the fact that robust growth in trade and production has not led to the creation of employment, while an estimated 250 million more workers are expected to be looking for jobs between now and 2015. With the world's longest working week (50 hours or more in some Asian countries), the region also holds the record for the pay rates that have least kept pace with productivity gains. One example is India, where a productivity increase of 84 per cent between 1990 and 1999 coincided with a cut of around 22 per cent in the purchasing power of wages.

The ILO report also emphasizes the weakness of the trade union organizations, which it links to the presence of an informal economy and the importance of the agricultural sector, with its low unionization rates. However, the reasons for this situation may also be sought in a low level of respect for trade union freedom. This was the issue taken up by the Workers' Group spokesperson at the meeting, Halimah Yacob. She deplored the fact that this point had not received more attention when the report was being drafted. “The Workers' Group is (...) very disappointed that the background Report to the 14th ILO Regional Meeting makes very limited reference to these issues, which constitute the major obstacle to the realization of

decent work in Asia,” she declared. “In fact, trade unionism is fast turning into one of the most hazardous occupations.” Her remarks confirm the findings in the annual report on violations of trade union rights, published by the ICFTU this June. This report shows that repression, violence and sometimes murder are the responses most often received in Asia and the Pacific by workers who organize peacefully in trade unions. According to the report, 17 trade unionists were killed in the region in 2005, at least 947 others were beaten or tortured, and more than 8,000 trade unionists were arrested. In fact, these figures probably understate the reality, as by no means all the violations ever become known. Ms. Halimah called on the ILO to continue monitoring the application of the basic Conventions in Asia.

So it is all the more encouraging that ratification and respect for core labour standards head the list of priorities agreed by the more than 400 government, employer and worker representatives attending the Asian regional meeting. In their conclusions, the ILO constituents in the Member States of the region “commit to an Asian Decent Work Decade – for the period up to 2015 – during which we will make a concentrated and sustained effort to progressively realize decent work in all countries of our diverse continent”.

“The Decent Work Agenda also enables progress towards a fair globalization in which the goals of economic efficiency and social equity are well-balanced,” the conclusions insist.

Promoting safety and health at work is another of the priorities for action. Each year, the ILO estimates, about 1 million workers in Asia die as a result of work-related accidents or diseases. And finally, as more than three million Asian workers leave their country each year to seek jobs abroad, the protection of migrant workers and of their working conditions in the countries of destination should also be a major concern for the region’s governments and social partners.

Concern over Korean trade union situation: In a statement adopted in Busan, the Workers’ Group at the 14th ILO Asian regional meeting expressed its deep concern over the violations of trade union rights in Korea and its support and solidarity for Korean trade unionists in their fight for trade union freedom. The Group particularly deplored the attitude of the Korean Labour Minister who, on the eve of the regional meeting and while negotiations were in progress, announced that his government would not, as the trade unions are demanding, lift the restrictions on trade union rights contained in the legislation. The Workers’ Group also condemned the police violence and brutality which marred the peaceful demonstrations organized by the trade unions, including those held during the regional meeting. Korean national trade union centres (FKTU and KCTU) drew the attention of the tripartite delegates to the government hostility towards trade unions which prevails in the country and to its refusal to implement the recommendations of the ILO Committee on Freedom of Association. Among the key demands by Korea’s trade unions are the full respect for freedom of association for government employees (the authorities have given instruction to close all offices of the Korean Government Employees Union – KGEU – and continues attacking its members), an end to anti-union repression, the full respect of the right to strike and to bargain collectively. Respect for trade union pluralism at the workplace and the payment of salaries for elected trade union shop stewards are also part of the trade union demands.

Belarus: European sanctions after union rights violations

Will the European Union show the Lukashenko regime that it cannot get away with trampling on core labour standards? That is what the Brussels-based European Commission is proposing. The global unions are looking for a firm EU stance.

The European Council is scheduled to take a decision on 26 September on a Commission proposal to suspend access by Belarus to the advantages of the Generalized System of

Preferences, because of the serious violations of freedom of association in that country. If the Commission's proposal secures a qualified majority in the Council, the measure would come into effect within six months of its adoption and the withdrawal of trade preferences would remain in force until the reasons for its adoption no longer apply.

This suspension of the tariff reductions that Belarus has enjoyed up to now would affect its exports of minerals, textiles, garments and wood to Europe, currently valued at 390 million euro per year. After Russia, the European Union is the biggest market for Belarussian exports. Last year, EU countries bought 3.3 billion euros' worth of goods from Belarus, representing 37 per cent of its export earnings.

The Commission proposal follows a long enquiry, launched in 2003 after a complaint was lodged by the International Confederation of Free Trade Unions, the World Confederation of Labour and the European Trade Union Confederation, citing violations of ILO Conventions 87 and 98 on freedom of association and collective bargaining. In 2004, an ILO commission of enquiry confirmed the seriousness of the situation and made recommendations to the Belarus authorities.

Two years after the commission of enquiry, those recommendations are still a dead letter and no concrete steps have been taken to ensure that workers can organize freely outside the official trade union centre, the Federation of Trade Unions of Belarus (FPB). Recently, the ILO Committee on Freedom of Association found that, far from implementing the recommendations of the commission of enquiry, the Belarus government was in the process of eliminating every last trace of free trade unionism in Belarus. Government interference and the intimidation and harassment of trade unionists are, in fact, continuing without respite, and several recent detentions have been reported by the international trade union organizations.

The EU Generalized System of Preferences requires that the beneficiary countries respect human rights and the core standards of the ILO. So the international trade union organizations are hoping that the EU Council will stick to this position and will adopt the Commission proposal.

International financial institutions and international labour standards

Policy coherence not yet achieved.

Do the International Financial Institutions really want to build international labour standards into their lending policies? The answer so far seems to be "Yes and no". Remarkable contradictions keep coming to light. For instance, in Washington on 25 August, the International Finance Corporation (IFC), the World Bank's private sector arm, signed an agreement with the International Labour Office on the launch of a programme aimed at improving respect for international labour standards throughout the global production chain. Called the "Better Work Programme", the agreement will cover various sectors including the textile, plantation and electronics industries. Drawing on the programme developed by the ILO in the Cambodian textile sector, this new initiative provides for the creation of tools to monitor international labour standards and secure better implementation, including through the support of the public labour inspection systems. According to Rachel Kyte, the Director of the IFC's Environment and Social Development Department, "IFC's recently adopted performance standard for Labour and Working Conditions is focused on helping our clients address labour risks in their own businesses as well as in their supply chains. We look on this partnership with the ILO as an opportunity to provide companies in emerging markets with new tools and even stronger evidence of the business case for responsible practices." The "Better Work Programme" will be developed through pilot projects in the countries of the Middle East, Southern Africa and East Asia. Since 1 May 2006, loans granted by the IFC are

conditional on the contracting enterprises' respect for core labour standards. This decision has been hailed by the international trade union movement.

However, a few days after the partnership agreement with the ILO was signed, the World Bank came out with a surprising report. The latest edition of *Doing Business*, which has the biggest print run of all the Bank's publications, advises governments to do away with any regulation of employment markets and to follow the example of the Marshall Islands and Palau. What these two states have in common is that they are both tiny Pacific island nations neither of which has a labour code or is a member of the ILO. The ICFTU, which strongly criticized this report, points out that the title of "Best Performer" on labour market regulation was awarded to these countries because they both, amongst other exemplary features, allow workers to be required to work up to 24 hours per day, seven days a week, without there being any obligation to grant them holidays or to give prior notice of dismissal.

"The World Bank should get its message straight," said ICFTU General Secretary Guy Ryder. "If the Bank truly believes that the ILO's core labour standards are good for development, it can't turn around and praise countries that don't join the ILO and don't respect the core standards as the world's 'Best Performer' for their labour standards."

Nor has the International Monetary Fund been idle. According to the ICFTU, the Fund recently advised the South African government to improve its *Doing Business* indicators by "streamlining" its hiring and dismissal procedures. The changes would, the international unions say, have required doing away with affirmative action rules that post-apartheid governments put in place in order to correct the legacy of several decades of racial discrimination. (Several other cases of the IMF and World Bank's use of *Doing Business* to remove workers' protection are described in a [detailed analysis](#) prepared by the ICFTU).

Organizing to escape poverty in India

New successes for ACTRAV project with Norwegian assistance.

Growing union membership, wider geographical coverage, activities in the areas hit by the tsunami, victories in demands-based campaigns – more successes have been chalked up by the project that the Bureau for Workers' Activities is running for workers in the remote parts of the Indian states of Tamil Nadu and Madhya Pradesh. Launched in 2003 with the aim of bringing rural women into the unions, the project has led to hundreds of self-help groups in almost 650 villages. In this way, it enables women to take their future into their own hands, in some cases to break out of bonded labour, to obtain better working conditions, combat child labour and improve access to education and health. In 2004, just after the tsunami devastated part of South-East India, the project was extended into the areas affected. As a result, hundreds of women workers received training and found new jobs and an income.

At the end of August 2006, those in charge of the project met with representatives of the Bureau for Workers' Activities to take stock and prepare the follow-up to the programme.

The bottom line is positive – between January and June 2006, 20,000 people joined the six trade unions involved in the project. Almost 6,000 of these new members are in the areas affected by the tsunami. The unions' role has also grown. In the villages, the self-help groups have signed more than 300 collective agreements with employers or local authorities – all of them on the eradication of child labour. In the village of Thirumangalam, the health centre has been completely renovated thanks to pressure from the groups. In Manachanallur, gem polishers have been able to break out of bonded labour. Thanks to demonstrations in the district of Kanyakumari, workers were able to secure their right to social assistance.

Intervention by self-help groups also stopped the demolition of a hospital in Indore. Instead,

the authorities agreed to renovate it and to make it more accessible to women from the rural villages.

“The project in Tamil Nadu and Madhya Pradesh has played an instrumental role in reaching out to the rural informal economy workers. The partner trade unions have gained knowledge on labour rights and social security for rural informal economy workers...and reach to new areas in increasing their membership,” the project evaluation report says. All the activities are to continue in future, and the possibility is already being envisaged of developing a fully-fledged trade union federation, in order to ensure the viability of the initiatives taken by the local unions. Social rights and international labour standards will be a particular focus for efforts over the coming months.

Promoting peace and development in Africa

The State must take back the role of main development agent.

Persistent poverty exacerbated by neo-liberal economic policies, the subversion of democratic processes, muzzling of opposition movements and manipulation of ethnic or religious differences are among the potential obstacles to peace and development in Africa, according to the continent's trade union organizations. That analysis emerged from a meeting of trade unionists from Ghana, Sierra Leone, Liberia and Nigeria held in Abuja last month under the auspices of the ILO Bureau for Workers' Activities, with the support of the Italian trade union confederation Cisl and the African Regional Organization of the International Confederation of Free Trade Unions (ICFTU-AFRO). The aim of the meeting was to develop strategies aimed at improving trade union organizations' capacity to help build peace, resolve conflicts and consolidate democracy and development. In a communiqué issued at the end of the meeting, the union leaders set out the conditions to be fulfilled if peace and development are to be achieved in Africa. They include the restoration of the State's role as an active agent of development; the correction of the imbalances in world trade, notably the agricultural subsidies in the rich countries which penalize African exports; and the promotion of decent work, including an end to mass public sector dismissals in Ghana, Liberia, Sierra Leone and Nigeria. The African unions called on the trade union organizations in the industrialized countries to become more involved in campaigns to promote access to their markets by African countries. The unions at the meeting also committed themselves to relaunch and strengthen the Organization of Trade Unions of West Africa (OTUWA).

New term at the Global Labour University

Alongside Kassel and Berlin in Germany, the GLU will be teaching a Master's degree in South Africa.

Launched in 2004 by the ILO Bureau for Workers' Activities in cooperation with the international trade union movement and a number of academic institutions, the Global Labour University (GLU) has begun its third Master's programme designed to further young trade unionists' education. One new development in January 2007 will be the addition of a third campus. As well as the Labour Policies and Globalization course taught at the University of Kassel and the Berlin School of Economics, where the academic year began on 1 September, a Master's in Labour and Development will be available from January 2007 onwards at the University of Witwatersrand (Johannesburg) in South Africa.

The one-year programmes are for university graduates with experience of trade union work or related fields. In exceptional cases, admission will be granted to candidates with skills and qualifications gained through professional experience and life-long learning. The programmes' recognition criteria conform to the European Credit Transfer System (ECTS).

As ICFTU General Secretary Guy Ryder says, “International research, knowledge and debate together with organizing and solidarity are central to the labour movement’s efforts for changing policies to make decent work for all a global reality. The GLU is an innovative contribution to that process ...”

Closing dates for applications

The closing date for receipt of applications for the programme at the University of Witwatersrand is 1 October 2006, and the course will begin on 1 January 2007. Applications for the Kassel and Berlin programme beginning in September 2007 must be in by 1 March 2007. There is a possibility for students who so wish (depending on availability) to follow one semester in South Africa and the other in Germany to get the Master’s degree.

This year as always, ACTRAV will be granting a certain number of scholarships to students from developing or transition countries. Candidates for these grants must be below 40 years of age as a general rule and their application must be supported by a trade union organization. The supporting organization or another donor organization must provide a contribution of 1,500 euros.

Disability rights – new international Convention readied

New instrument heeds ILO concerns on decent work and labour rights.

After five years of negotiations, launched in 2002, the UN General Assembly committee tasked with drawing up an international convention to protect and promote the rights of persons with disabilities finally concluded its work at the end of August, when it approved a draft instrument. The treaty, which is the 21st century’s first legally binding instrument on human rights, will be presented to the UN General Assembly for adoption at its next session this autumn. The draft Convention does not create any new rights, but it does specifically prohibit discrimination against people with disabilities in all sectors of life. Made up of 40 articles, the Convention affirms equality of rights for people with disabilities, the principle of non-discrimination and equal recognition in law, the right to liberty and security, the right to personal mobility and an independent life, and the rights to health, work, education and participation in political and cultural life.

The ILO was closely associated with the preparatory work on the Convention and insisted on the principle of equality of opportunity and treatment and on non-discrimination. These principles are set out in ILO Convention 159 and Recommendation 168 on vocational rehabilitation and employment of people with disabilities (1983) and other ILO Conventions on equal opportunities.

The new Convention recognizes the right of persons with disabilities to work, and stipulates the obligation to protect against them all forms of exploitation, violence and abuse, including on the basis of gender. States parties must ensure that people with disabilities can freely exercise their trade union rights, must prohibit any employment discrimination and must ensure a work environment that is “open, inclusive and accessible”. Access to vocational training must also be guaranteed.

Some ten per cent of the world population – 650 million people – are estimated to have a disability.

Workaday labour standards

The ILO’s International Training Centre in Turin has published a collection of rulings which show how international labour law is used by national courts.

Day in, day out – though this fact is sometimes forgotten – judges, lawyers, labour inspectors and trade unionists invoke international labour standards in order to get workers’ rights respected. In the judges’ case, ILO standards are used in support of a ruling when one or another Convention has been ratified by the country concerned. But these standards can also inform decision-making and case law even on the basis of provisions in unratified Conventions or in Recommendations. Lawyers also use the standards to organize their defence of workers. It is this day-to-day application of international labour law that the ILO’s International Training Centre in Turin set out to highlight by publishing, on a CD-ROM, a compendium of court decisions in which domestic courts have relied on elements of international law to resolve the cases brought before them. Mainly composed of labour law cases, the collection also includes judgements with a more general bearing on people’s basic rights. The decisions are presented in the form of summaries that bring out the way in which international law was used in each specific case. For instance, the reader can learn how a South African judge drew on Convention 158 on the termination of employment to rule in favour of the reinstatement of workers fired for going on strike, even though South Africa has not (yet) ratified this Convention. In Argentina, a case described in the collection shows how a judge used jurisprudence created by the Committee on Freedom of Association to resolve a case of unfair dismissal, while in Colombia, a court ordered the reinstatement of dismissed workers on the basis of Conventions 87 and 98 and the recommendation of the Committee on Freedom of Association. Basing itself on Convention 111, the labour court in Ouagadougou ordered a firm to pay back wages to a worker who had suffered discrimination. Several of the rulings are about the right to strike. Interestingly, the South African Constitutional Court, for instance, decided that “where employers and unions had the right to negotiate on an issue it was natural to assume that unions also had the right to strike on the same issue”.

The rulings in the collection can be consulted via three kinds of index: by country, by topic and by the type of use of international law.

Complementing the collection itself is a library containing: the texts of the ILO Conventions and Recommendations, as well as the texts of the other international instruments cited in the collection; the proceedings and documents of the international monitoring bodies; and a selection of publications.

New technologies will boost productivity, but also impact employment in retail

The introduction of new technologies will be one of the driving factors contributing to productivity gains in the retail sector but will also affect the levels and quality of employment.

A new [report](#) has been prepared for discussion at a *Tripartite Meeting on the Social and Labour Implications of the Increased Use of Advanced Retail Technologies* to be held in Geneva from 18 – 20 September. The meeting will examine the role of new retail technologies, particularly RFID (radio frequency identification) in shaping the employment landscape in commerce. The workers’ group to that meeting will include key affiliates of UNI-commerce. The global union will coordinate the trade union input in the meeting.

The technology enables non-contact transmission of product information such as price, manufacturer, expiration date and weight via a radio frequency. According to the ILO report, the compelling reason underlying RFID supply chain introduction is to help retailers deliver what the customer wants and thus increase productivity and competitiveness.

Other benefits include better food safety through enhanced ability to track and trace livestock, to access product information, and to fight counterfeit products.

A number of trade unions have been critical about some aspects of RFID workplace applications, particularly the potential for misuse of their capacity for tracking personnel movements and worker surveillance. According to the report, there is little regulation in this respect so far, given that the technology is still nascent. For RFID advocates, however, public concern with the technology is reminiscent of the short-lived anxiety when bar codes were first introduced.

According to the ILO report, with extensive social dialogue and appropriate training, workers and employers can achieve win-win outcomes with improved productivity, increased customer satisfaction, enhanced working conditions, and improved worker benefits.

Pointers

- **Gulf States:** After Bahrein and Kuwait, the Sultanate of Oman has now authorized the creation of trade union federations. A royal decree to that effect was published on 22 July 2006. The 2004 Labour Law did not allow workers to form trade unions. However, in its annual survey on 2005, the ICFTU noted that there was progress of sorts, as workers in any establishment were allowed to form a representational committee to represent and defend their interests and legal rights. The new decree seems to suggest that Oman is now on the right course as far as freedom of association is concerned. The decree does not exclude the possibility for migrant workers to join trade union federations. Migrant workers make up 50 per cent of the working population in Oman.
- **El Salvador ratifies Freedom of Association:** El Salvador, after much resistance, has at long last ratified four ILO Conventions. The Salvadoran president signed, on 29 August, Conventions 87 on freedom of association and protection of the right to organise, 98 on the right to organise and collective bargaining, Convention 135 on the protection of workers' representatives and 151 on labour relations in the public service. The move follows a major trade union campaign and is linked to access to the European Generalised System of Preferences. According to the new "GSP Plus" scheme adopted by the EU in 2005, countries wishing to benefit from preferences must have ratified a series of 23 international instruments, including all eight Core Conventions of the ILO. An exception had been made in the case of El Salvador, which was given preferential access to the European market for a trial period ending in December 2006. This concession had been granted on the condition that the instruments must, meanwhile, be ratified.
- **New ILO Member State:** The Republic of Montenegro has become the 179th Member State of the International Labour Organization, following receipt in Geneva of a letter from the Minister of Foreign Affairs, Miodrag Vlahovic, stating, on behalf of the government, that the Republic of Montenegro formally accepts the obligations of the ILO Constitution. The Republic of Montenegro, which has been a member of the United Nations since 22 June 2006, became a member of the ILO on 14 July 2006. In 2002, Serbia and Montenegro reached agreement on a reorganized union between them, to last for at least three years. Known as the "Belgrade Agreement", this compromise provided for, among other changes, the definitive renunciation of the name Yugoslavia, in favour of that of the State of Serbia-and-Montenegro (with an "and" between the two names). At the end of this moratorium period, a referendum on

Montenegro's independence was held on 21 May 2006. 55.5 % of the votes were in favour of independence. The Parliament of Montenegro officially proclaimed the country's independence on the evening of 3 June 2006, with immediate effect. Montenegro has 620,000 inhabitants. The Confederation of Independent Trade Unions of Montenegro (SSSCG) is affiliated to the International Confederation of Free Trade Unions. The SSSCG has 63,000 members.

- **Conflict prevention:** As armed conflicts continue to flare around the world, prevention cannot be left to governments alone, the UN Secretary-General states in a report published this month, just before the General Assembly on this issue. Issued five years after a first global report on the subject, the document states that “a culture of prevention is beginning to take hold at the United Nations”, but “an unacceptable gap” remains “between rhetoric and reality”. At a press conference in New York, Ibrahim Gambari, the Under-Secretary-General for Political Affairs, emphasized that the report advocates a three-pronged approach: identifying sources of tension within and between societies, States or regions; strengthening peace standards and institutions; and strengthening the mechanisms for settling internal disputes within States. Ibrahim Gambari also recalled the importance of ensuring that countries are less vulnerable to conflict, by tackling the problems of bad governance, corruption, lack of transparency and the inequitable distribution of resources.
- **Brain drain:** The massive outflow of nurses, midwives and doctors from poorer to wealthier countries is “one of the most difficult challenges posed by international migration today,” according to a report published by the United Nations Population Fund (UNPFA) on 6 September. In Africa, 20,000 highly qualified nurses and doctors migrate every year, while in some countries (Liberia, Uganda and the Central African Republic), there are less than 10 nurses for every 100,000 people. The figure for the rich countries is 2,000 per 100,000.
- **Domestic workers:** Domestic staff are seldom protected by labour legislation or allowed to join trade unions. According to a study carried out by the ILO (International Labour Organization) in 65 countries, only 19 of them have legislation specifically concerning domestic service. “Employers who are guilty of violence are rarely prosecuted and sentenced,” the report emphasizes, even though several cases of “extremely serious” ill-treatment have occurred in Hong Kong, China and Singapore.