

# Human.Rights@Work

“Trade union rights are human rights”

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

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## 97<sup>th</sup> Session of the International Labour Conference

*Opening the 97<sup>th</sup> session of the International Labour Conference (Geneva, 28 May – 13 June 2008), ILO Director-General Juan Somavia stressed the urgent need for countermeasures to rectify what he called “globalization without social justice”. The delegates responded by adopting a historic declaration on social justice for a fair globalization. The promotion of decent work in rural areas, skills development and the struggle against child labour were also on the agenda of this important session, which marked the 60<sup>th</sup> anniversary of Convention 87 on freedom of association.*

## ILO adopts a historic declaration on social justice

**More than sixty years after the Declaration of Philadelphia (1944), the ILO strongly reaffirms its commitment to promote social justice and equips itself with a new tool to achieve that within the new context of globalization.**

On 10 June 2008, the annual conference of the International Labour Organization rounded off two years of discussion by adopting a historic declaration on “Social Justice for a Fair Globalization”. This marks the Organization's most important renewal since it adopted the historic text of the “Declaration of Philadelphia” in 1944.

Through the 2008 Declaration, governments, employers and workers from all Member States call for a new strategy to promote open economies and open societies, based on social justice, full and productive employment, sustainable enterprises and social cohesion. The Declaration

acknowledges the benefits of globalization but also recognizes that it has caused many countries and sectors to face major challenges of income inequality, continuing high levels of unemployment and poverty, and the growth of both unprotected work and the informal economy.

The “Declaration on Social Justice for a Fair Globalization” and an accompanying Resolution were adopted by acclamation by Member States, workers and employers attending the Conference. It establishes a new foundation on which the ILO can effectively support the efforts of its constituents to promote social justice through the four strategic objectives of the Decent Work Agenda – employment, social protection, social dialogue and tripartism, and fundamental principles and rights at work.

The Declaration provides for regular ILO review of the elements that make up decent work. These are now codified as being indivisible and independent. It also includes many paragraphs that reaffirm the ILO’s mandate, which derives from its Constitution. And it recalls the ILO’s role in examining the whole range of economic, financial and trade policies pursued by other institutions or governments, whenever they have an impact on employment. Thus, the Declaration calls upon the international organizations (for example, the World Bank, the IMF, the WTO and the other United Nations agencies) and the regional ones (such as the EU) to promote decent work.

“This is an excellent declaration,” said South African trade unionist Ebrahim Patel, who led the workers’ group side in the negotiations. “It is a statement about the present and about the future, about helping to create a world in which social justice is at the heart of the global economy and in which decent work is the tool to get it there.”

The ILO Declaration also emphasizes equality and non-discrimination, and it calls for vigorous promotion of ILO standards relating to “governance” (i.e. Conventions 81 and 129 on labour inspection, Convention 122 on employment policy and Convention 144 concerning tripartite consultation on international labour standards). Moreover, freedom of association and collective bargaining are now formally codified as the enabling rights for achieving the aim of decent work for all. The Declaration specifically stresses the need to address “the growth of both unprotected work and the informal economy, which impact on the employment relationship and the protections it can offer” as well as reaffirms the conviction of “the importance of the employment relationship (which) should be recognized as a means of providing legal protection to workers”.

“The demands of the modern world of work are changing and this Declaration strengthens our effort to respond through the Decent Work Agenda,” said ILO Director-General Juan Somavia. “Not only does it signal a major change towards balanced economic and social policies, but it equips the ILO with a formidable tool to pursue the promotion of a fair globalization based on Decent Work.”

“With this Declaration,” said Employer Vice-Chair Emmanuel Julien, “the Organization is equipped with the best tool it has ever had to change so as to meet the challenges of globalization.” He added that it would also lead to the ILO “delivering more whilst adhering to our fundamental values”.

The Declaration includes a follow-up mechanism to ensure the means by which the Organization will assist its Members in their efforts to promote the Decent Work Agenda, including a review of the ILO’s institutional practices and governance and a system of regular discussions by the International Labour Conference, responding to realities and needs in member States and

assessing the results of ILO activities. The Declaration also emphasizes the ILO's role in connection with universal social security coverage, the establishment of a basic income for all those in need, and the setting of a basic living wage and of safe and healthy working conditions.

“What we now have is a compass” for the ILO and its members, said Jean-Jacques Elmiger, Chairperson of the Committee on Strengthening the ILO's Capacity, adding that “it is now up to all of us to shape the future while the Declaration and the Resolution show us the way to take”.

An implementation plan following on from the Declaration will be examined at the next session of the ILO Governing Body, in November 2008.

The trade unions immediately welcomed the adoption of this new instrument. In a press release, the International Trade Union Confederation (ITUC) emphasized that the adoption of the Declaration “consolidates decent work's status as the cross-cutting objective of the global community”.

“In place of our world of income inequality, high levels of unemployment and poverty and the growth of unprotected work,” ITUC General Secretary Guy Ryder insisted, the Declaration “demonstrates a common commitment to build a world based on social justice .”

## Promotion strategy for decent work in rural areas

**Agriculture is a big provider of jobs, but it has an enormous decent work deficit. Bridging that gap is vital if world poverty is to be reduced.**

According to the ILO report which provided the basis for a tripartite general discussion during the International Labour Conference, some 3.4 billion people live in the rural areas. That is just under half of the world's population, but it includes three-quarters of the world's poor. Faced with this challenge, the government, employer and worker delegates on the Conference's Committee on Rural Employment unanimously recognized that decent work in rural areas is an essential condition for progressing the Millennium Development Goals as well as the ILO's Decent Work Agenda.

“The decent work deficits facing rural workers are multifaceted,” James Ritchie (New Zealand) told the Conference. He is the workers' group spokesperson in the Committee on Rural Employment. Addressing those deficits adequately will, he said, “require a multifaceted approach that brings together rights, employment, social protection and social dialogue. These pillars of the ILO have formed the framework of our discussions.”

### **Action framework and strategies**

In its conclusions, unanimously adopted by the Conference, the committee proposes the adoption of “strategies to promote decent and productive employment in rural areas”. These strategies, the document says, should be an integral part of national employment strategies and should be aimed at eliminating poverty.

Apart from economic policy, skills development, the promotion of sustainable enterprises (based on the conclusions of the 2007 general discussion on sustainable enterprises – see Human.Rights@Work 23 July 2007), the conclusions also put the emphasis on labour market

regulations, institutions and policies: “Rural areas need strong labour market institutions and effective labour administration, including labour inspection and appropriate training and extension services.” Recalling that “collective bargaining is one important means of promoting decent employment”, the document calls for strategies aimed at extending labour rights into the rural areas. It deplores the fact that many rural workers are excluded from the scope of labour legislation due to the nature of their activity, as in the case of seasonal labourers, or because they belong to particular groups, for instance migrant workers or indigenous peoples.

### **Labour rights deficit**

“The huge gap in protection and implementation affects not only the realization of fundamental principles and rights at work – freedom of association, forced labour, child labour and discrimination – but also other workers’ rights related to wages, working time occupational safety and health, and social security,” the Conference conclusions emphasize.

To create decent jobs in the rural areas, governments are asked to examine their legislation, in the framework of a national action plan, so as to bring everyone within the scope of existing employment rights and labour rights.

Freedom of association, occupational health and safety (agriculture is still one of the most dangerous sectors), equal opportunities (half of the world’s food is produced by women in rural areas), abolition of forced labour (“a significant feature in the rural areas of some countries,” the conclusions say), the extension of social protection (“measures to extend social protection, particularly social security, should be a priority”), and the eradication of child labour – these are just some of the “priority policy guidelines” which the document commends to governments. In fact, it offers guidance both to governments and to the social partners on their respective roles in implementing the action framework. The ILO, too, is provided with precise, detailed guidance on its future fields of activity to support the promotion of rural employment, and partnerships with other organizations are mentioned, such as with the FAO.

“We think everyone now understands that the Millennium Development Goals will not be achieved unless we pay sufficient attention to agriculture and more broadly to the development of the rural areas,” Mr. Ritchie concluded.

### **Food crisis**

At the initiative of the workers’ group, the committee also approved the text of a resolution on the food crisis. “The crisis underlines the need for global coherence to ensure food security,” the workers’ group pointed out. “Throughout the food chain, from plough to plate, it is absolutely essential that the ILO and its constituents should be at the heart of the debate.”

Unanimously adopted by the conference, the resolution proposes that the ILO convene a tripartite meeting on the world food crisis and its impact on decent work. This meeting should contribute to an in-depth discussion at the United Nations on the social impact of food prices and their effects on employment and decent work.

## **How skills contribute to decent work**

**Against the vicious circle of low-quality jobs, the ILO is pitting a virtuous circle of decent work which could raise productivity and improve working conditions.**

The conclusions on “skills for improved productivity, employment growth and development” adopted by the delegates to the International Labour Conference emphasize the important role played by skills development in economic and social development and decent work.

The text points to a series of actions and initiatives that could be taken to replace the vicious circle of poor education, mediocre training, weak productivity, low-quality jobs and low pay with a virtuous circle in which skills development fuels innovation, growth and the creation of high-quality jobs, improving working conditions while increasing enterprises’ productivity, enabling informal sector workers to move into the formal economy and facilitating access to education and training by groups facing particular difficulties, such as women, young people, rural workers, informal sector workers, workers with disabilities and migrant workers.

Seamless pathways to training, basic and high-level skills development, and skill transfers are the key elements of this approach.

But improving productivity cannot be an end in itself, the document repeatedly insists. Rather, it should be a means of improving workers’ lives, enterprise sustainability, social cohesion and economic development. During the discussion, the workers’ group warned the committee dealing with this topic against focussing too much on productivity. Speaking for the workers, Halima Yacob (Singapore) recalled that from the worker’s perspective, enhancing productivity through skills development is valuable if productivity gains are translated into better working conditions, as promoted by the Decent Work Agenda. The example of export processing zones (EPZs), she said, showed that high productivity could be accompanied by poor working conditions and violations of core labour standards.

So the workers highlighted the vital role of collective bargaining in ensuring that workers, including those who are least qualified, receive a fair share of productivity gains.

However, productivity gains and competitiveness drives through cost-cutting have a negative short-term impact on the quality and quantity of jobs, and this should not be underestimated.

What is more, skills development will not automatically lead to improved productivity or the creation of more and better jobs. There are also other critical factors involved, listed in the conclusions: “respect for workers’ rights, gender equality, health and safety standards; good labour relations; effective social protection; good leadership and a high standard of organizational processes; and effective and active labour market policies and employment services”.

The conclusions recall that governments have overall responsibility for creating, in consultation with the social partners, an enabling framework to meet skills needs. To achieve this, they identify three objectives: matching supply to current demand for skills ; helping workers and enterprises adjust to change; and building and sustaining competencies for future labour market needs.

A series of measures is proposed in the conference conclusions aimed at benefiting from the changes brought about by globalization while reducing its negative impacts. These recommendations are addressed to governments, the social partners and the ILO itself. They cite all types of enterprise, from SMEs to multinationals. Skills enhancement, early identification of needs, and policy coherence at the national and international levels are among the topics developed in the conclusions.

## Standards committee's strategic watchdog role

**The Conference Committee on the Application of Standards examined in detail the situation on respect for certain Conventions in 23 countries. It also gave insights into the labour rights situation worldwide. To the workers' group, that situation is cause for concern.**

This year, the Conference Committee on the Application of Standards marked the 60<sup>th</sup> anniversary of Convention 87 on freedom of association and protection of the right to organize, 1948; the 50th anniversary of Convention 111 on discrimination (employment and occupation), 1958; and the 10th anniversary of the 1998 ILO Declaration on Principles and Fundamental Rights at Work. And yet, as workers' spokesperson Luc Cortebeeck (Belgium) put it to the International Labour Conference, "Every year, I am confronted with what my colleagues tell me about the waves of violence and murders which have become standard practice". Forty-three trade unionists had lost their lives in Latin America since the beginning of 2008, he emphasized. He also expressed concern over the situations in the Philippines, where a union official was killed in March 2008 in the province of Cavite, and Cambodia, where the social climate is marred by many acts of violence, of which trade unionists are the main victims.

As for the situation in Costa Rica, the workers' group spokesperson described it as "even more insidious, but more effective for the destruction of trade unionism". He cited a constitutional reform currently underway there. It aims to openly introduce "solidarismo" as a replacement for trade union organizations, in flagrant breach of the Convention on freedom of association.

The committee examined 23 individual cases ranging over a wide spectrum of issues covered by ILO standards.

On Belarus, the committee gave a favourable reception to the information from the government that it would be abandoning the draft trade union law in its present form. But at the same time, the committee expressed deep concern over fresh allegations of harassment and pressure against independent trade unions. And it once again deplored the fact that the key recommendations of the Commission of Inquiry had not been put into effect. The committee hopes the Governing Body will be able to note positive developments when it meets in November 2008.

The committee adopted two special paragraphs on serious violations by Bangladesh and Zimbabwe of Convention 87 on freedom of association and protection of the right to organize, 1948.

When examining the case of Zimbabwe, the committee had, Mr. Cortebeeck regretted, found itself facing "an absolutely dismissive Government". At the moment when "it should have explained its policy on compliance with Convention No. 87", the government "in fact preferred to hide in the shadows of the gallery of the meeting room and did not face the Workers".

Also discussed by the committee was Colombia's application of Convention 87 on freedom of association and protection of the right to organize, 1948. The Colombian government appeared voluntarily before the committee to submit information on the measures it had taken following the high-level ILO mission to Colombia in November 2007. The workers' group made its position on this very clear: "This solution of a voluntary appearance must in no way constitute a precedent". In fact, the workers' group had wanted Colombia to be included on the list of countries requested to appear before the committee, because "in Colombia, unionists are still being assassinated with complete impunity". It was the employers' refusal that led to "innovative"

solution of the government's "agreeing to appear voluntarily". The workers' group spokesperson saw this as a so-called "special session" in which the government "felt it could control the situation". That is why the workers' group will oppose any repetition of this formula in future.

The committee proposed, for the second time, the exceptional step of delegating a high-level mission, with the two Vice-Presidents of the workers' and employers' groups, to visit Guatemala. It also proposed that a tripartite roundtable be held, with ILO technical assistance, on the case of Georgia, so as to permit an exchange of views between the social partners and the government on the Labour Code. Alongside these more specific measures, the conclusions of the Committee on the Application of Standards proposed no less than eight offers of technical assistance, some of which had already been accepted. Those concerned are Zambia (regarding Convention 138), Mexico (Convention 182), Egypt (Convention 87), Paraguay (Convention 29), Indonesia (Convention 105), Sudan (Convention 29), India (Convention 29) and the Dominican Republic (Convention 111). Eight governments (Croatia, India, Iran, Czech Republic, Uganda, United Kingdom, Sweden and Guatemala) were requested to provide complete reports to the Committee of Experts on the application in practice of certain Conventions.

### **Special session on Burma**

The committee again held a special session on the application by Burma (Myanmar) of Convention 29 on forced labour, 1930, following the measures taken in the context of Article 33 of the ILO Constitution.

Sending its condolences to the Burmese people after Cyclone Nargis, the committee expressed the sincere hope that the humanitarian needs will be met and the necessary reconstruction work will be undertaken without any recourse to forced labour, in full respect of civil rights and international standards.

The committee concluded that none of the recommendations of the Commission of Inquiry had yet been implemented and that forced labour was still very widespread, including the enrolment of children into the armed forces. It deplored the impunity that still surrounds these practices and once again urged the government to fully implement the Commission of Inquiry's recommendations, which were adopted by the Governing Body more than ten years ago.

The committee also emphasized the need to allow all Burmese citizens to exercise their civil rights fully, and it called on the government to immediately end the house arrest of Daw Aung San Su Kyi.

### **Complaint against the government of Zimbabwe**

Thirteen worker delegates, most of whom are members of the ILO Governing Body, signed a formal complaint against the government of Zimbabwe under Article 26 of the ILO Constitution. Article 26 permits a Conference delegate to lodge a complaint against an ILO Member State if the delegate believes that the state concerned is not ensuring satisfactory compliance with a ratified Convention. It was Alinah Rantsolase, a member of the South African workers' delegation, who announced the submission of the complaint on the worker delegates' behalf during the Conference discussion of the report of the Committee on the Application of Standards. "Since 2002," she said, "the Conference Committee has consistently attempted to create a constructive dialogue" with the Zimbabwean government in order to "find a durable solution" to "increasingly serious violations" of Conventions 87 and 98 (freedom of association and collective bargaining). But, she added, "in the last few months, trade union leaders and members have been

systematically arrested, detained, harassed and intimidated for the exercise of legitimate trade union activity". This complaint could lead the Governing Body to establish a Commission of Inquiry tasked with drawing up a detailed report on the situation and recommending what measures should be taken to satisfy the complainants.

## Public contract labour clauses hotly debated

### **Despite resistance from the employers, the ILO is to promote the ratification and application of Convention 94.**

The Committee of Experts report about Convention 94 on labour clauses (public contracts), 1949, sparked a lively debate between workers and employers. The employer side argued that the Convention is obsolete, out of line with European law, too expensive to apply or even superfluous, as national legislation would suffice. It may be recalled that the aim of Convention 94, ratified by 59 countries, is to guarantee respect for minimum labour standards when fulfilling public contracts – i.e. contracts to which at least one of the parties is a central public authority and the execution of which involves public expenditure and the employment of workers by the other party to the contract. An example would be public works (construction) contracts. Under the Convention, public contracts must include clauses that guarantee to the workers concerned pay rates, work times and other working conditions that are no less favourable than those set for the same type of work within the occupation or industry concerned in the same region, whether by collective agreement, arbitration award or national legislation. The Convention provides for the application of sanctions in the case of breaches. The worker members, while stressing the importance of the General Survey discussion within the Conference committee, recalled that Convention 94 and Recommendation 84 have a twofold objective - to avoid labour costs' becoming a competition factor when tendering for public procurement, and to ensure that public contracts do not exert downward pressure on pay and conditions. So the worker members shared the view of the Committee of Experts that Convention 94 is an under-utilized instrument and supported the aims proposed in the General Survey – namely to ask public authorities and the international financial institutions (IFI) to put Convention 94 and Recommendation 84 back at the centre of procurement practices. In this respect, the workers' group emphasized, Convention 94 is the only appropriate instrument because it is universal, binding and effectively supervised. It should be promoted as such.

### **Recent European Court of Justice case law**

The discussions on the General Survey were of particular interest at a time when several rulings by the Court of Justice of the European Communities (ECJ) appear to question the very principles on which Convention 94 is based. Speaking for the European Trade Union Confederation (ETUC), Catelene Passchier recalled that several recent ECJ rulings were on cases in which employers had sought, through the courts, to challenge locally applicable pay and conditions. Among these cases (Laval, Viking, Ruffert), that of *Ruffert* concerned the ECJ's questioning, after a legal challenge, of a decision by a German local authority (the federal state of Lower Saxony) to require that all workers be paid at the rates laid down in the locally applicable collective agreements. That requirement was in line with the principles of Convention 94. However, the ECJ concluded that, in this concrete case, the setting of wages higher than those in the posted workers' country of origin (these were Polish workers who were being paid half as much as their German counterparts!) amounted to a restriction of the freedom of services provided for in the founding treaty of the European Community. The employer members taking

part in the discussion within the Committee on the Application of Standards welcomed this ECJ ruling on the *Rüffert* case “to the extent that it gave precedence to the freedom to provide services within the EU common market over national legislation that prescribed payment of wages as laid down in a local collective agreement”. But the workers’ group saw the *Rüffert* judgement as an open invitation to social dumping and levelling down, and hence as contrary to the aims pursued by Convention 94. So the ETUC representative called on the European Union and its Member States to show that they stand by their commitment to the ILO and to support the promotion of Convention 94.

At the close of the discussion, the employers repeated that in their view, while they accepted the role played by a social dimension in public procurement contracts, Convention 94 should not be promoted. They were also opposed to any attempt to revise it with a view to expanding its scope to cover new forms of public procurement. The worker members, on the other hand, did not shift in any way from their conclusion there should be a campaign to promote the Convention and strengthen its visibility, conduct research in greater depth, exchange good practice, provide technical assistance and hold expert meetings in order to pursue consideration of socially sustainable public procurement. As Convention 94 is one of the up to date Conventions, it should be the subject of promotional action. The discussion of the General Survey had emphasized the importance of this Convention and the need to continue promoting it, concluded the committee’s Rapporteur Jinno Nkhambule (Swaziland) in his report to the Conference.

## Freedom of association committee reports

**The Governing Body approved the 350th report of the ILO Committee on Freedom of Association. At its recent meeting, the Committee examined 40 cases. Altogether, there are currently 128 cases before the Committee.**

In the case of Guatemala, the Committee deplored the murder on 23 September 2007 of trade union leader Marco Tulio Ramírez Portela, General Secretary of the Finca Yuma sub-branch of the SITRABI trade union, and firmly hoped that the investigation under way will make it possible to bring the perpetrators of this homicide to justice. It also requested the government to provide the necessary protection to the murdered union leader’s brother, who is also General Secretary of SITRABI, and to investigate the allegations that on 20 July 2007 armed soldiers entered SITRABI’s headquarters and interrogated staff about the union leaders’ names and activities.

The case of the Republic of Korea concerns obstacles to the exercise, by dispatch workers or subcontracted workers, of full freedom of association and collective bargaining rights normally guaranteed to them under the generally applicable legislation. The Committee called on the government to develop appropriate mechanisms, in consultation with the social partners concerned, aimed at strengthening the protection of subcontracted workers’ rights to freedom of association and collective bargaining and preventing any abuse of subcontracting as a way of evading in practice the exercise of these rights. It invited the government to have recourse to ILO technical assistance in this respect.

In the case of Indonesia, the Committee deeply regretted the allegations of extensive army involvement in an industrial dispute at PT Cigading Habeam Centre Company, leading to the dismissal of all 481 workers of the company and its subsequent reopening the next day as a joint operation with a cooperative run by the army. The committee requested the government to take appropriate remedial measures with regard to the anti-union dismissals and to investigate and punish the alleged acts of intimidation and violence by the army towards the dismissed workers.

The committee also dealt with three cases concerning the Islamic Republic of Iran – two brought by workers’ organizations and one complaint concerning interference in an employers’ organization. The committee expressed its deep concern over the seriousness of the situation prevailing in the country and requested the government to accept a direct contacts mission in respect of the matters raised in relation to all of the pending cases concerning the Islamic Republic of Iran.

As regards the specific case of the lengthy detention of Mansour Osanloo, President of the Independent Syndicate of Workers of Tehran and Suburbs United Bus Company, the committee urged the government to ensure his immediate release from prison and the dropping of any remaining charges against him.

In the case of the Bolivarian Republic of Venezuela, the Committee expressed its profound concern over the seriousness of the allegations submitted by the International Organization of Employers (IOE), which demonstrated a climate of violence and intimidation surrounding leaders of employers’ organizations and their members.

## Education – the best weapon against child labour

### **Children need good education. Adults need decent work.**

Citing data that many of the estimated 75 million children without primary schooling start working at an early age, the International Labour Office (ILO) said that education is critical to breaking the cycle of child labour and poverty as well as eradicating child labour in its worst forms by 2016.

As ILO Director-General Juan Somavia stated, “We must work for every child’s right to education so no child has to work for survival. The goal is quality education for children and decent work for adults.”

Hundreds of events were organized in some 60 countries around the world to mark the World Day which each year focuses attention on child labour worldwide.

The ILO’s International Programme on the Elimination of Child Labour (IPEC) published a new technical report on child labour and education, based on surveys of child labour in 34 countries from all regions of the world.

The report cites UNESCO statistics showing that some 75 million children of primary school age were out of school in 2006, a reduction from 103 million in 1999. It also acknowledges that the number of children involved in economic activities has been falling.

In 2004, it was estimated that this figure had fallen by 20 million over the previous four years. However, of the 191 million children of this age engaged in some kind of economic activity, an estimated 165 million were victims of child labour.

## Elections

The Governing Body of the International Labour Office (ILO) elected H.E. Mr. Zdzislaw Rapacki, Ambassador of Poland to the Conference on Disarmament and Permanent

Representative of Poland to the United Nations Office in Geneva, as Chairperson for its 2008-09 Session.

The 302nd session of the Governing Body also considered a range of other business, including a report of the ILO Committee on Freedom of Association.

Ambassador Rapacki replaces H.E. Mr. Dayan Jayatilleka, Ambassador and Permanent Representative of Sri Lanka to the United Nations in Geneva, who served as Governing Body Chairperson during the 2007-08 period. Prior to his appointment to Geneva, Mr. Rapacki had worked for 10 years as foreign policy adviser to the President of Poland. In 2006, he was the President of the Conference on Disarmament.

Sir Leroy Trotman, General Secretary, Barbados Workers' Union and spokesperson of the Workers' Group in the Governing Body, was re-elected Workers' Vice-Chairperson. Daniel Funes de Rioja, President of the Social Policy Department of the Argentine Industrial Union and Chairman of the Employers' Group of the Organization of American States from 1995 to 1998, was re-elected as Employer Vice-Chairperson.

The three will have the role of representing the Governing Body during their 2008-09 term of office. The Governing Body is the ILO executive, meeting three times a year in Geneva. It takes decisions on policy and establishes the programme and budget of the ILO, which has 182 Member States.

The International Labour Conference of the ILO elected the new members of the Governing Body on 2 June. The workers' group elected Leroy Trotman as its Chairperson. Ebrahim Patel (South Africa) was appointed as Vice-Chairperson of the workers' group. A full list of Governing Body members is available on the ILO website at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/---reloff/documents/meetingdocument/wcms\\_083538.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/---reloff/documents/meetingdocument/wcms_083538.pdf)

## Pointers

- Gulf countries :** During the International Labour Conference, Mr Dan Cunniah, Director of the ILO Bureau for Workers' Activities held a series of meetings with Ministers leading the delegations from Gulf countries (Saudi Arabia, Qatar, Oman, and the United Arab Emirates), as well as with senior representatives from trade unions in Arab countries. Mr Ahmed Khalef, Arab Desk Officer for ACTRAV, attended the discussions. The rights of workers to organize and bargain collectively was prominent during the talks with the government officials. The question of migrant workers was also raised. In this respect, during the meetings with the trade union leaders from Arab countries, agreement was reached on the principle of convening a sub-regional conference on the rights of migrant workers. The conference will be attended by representatives from trade union organisations in Gulf countries as well as by trade union representatives from countries of origin of the migrant workers. The conference is scheduled to be held in Kuwait at the end on 2008, and will be organized by ACTRAV in close cooperation with the Kuwait Trade Union Federation.
- Report on the situation of workers of the occupied Arab territories:** The annual report of the International Labour Office (ILO) on the situation of workers of the occupied Arab territories depicts a much degraded employment and labour situation,

showing that the plight of the Palestinian people has deteriorated alarmingly in a number of respects. According to the report, only one person of working age (15 years and above) in three living in the occupied Arab territories was employed for all or part of the time, with unemployment hovering above 20 per cent. Over 80 per cent of the population in Gaza is now dependent on food aid as a result of a drastic economic blockade imposing the closure of all crossings.

- **Credentials:** This year, the Credentials Committee received 16 objections. These related both to the credentials of delegates and their technical advisers in certain delegations and to the absence of worker or employer delegates from some delegations. Objections upheld by the committee concerning the designation of worker delegates included the following countries: Bangladesh, Djibouti, Gabon, Burma (Myanmar), Nicaragua and Venezuela. The ITUC, for its part, lodged an objection alleging non-payment of travel and subsistence expenses for the worker delegate from the Democratic Republic of Congo, who was consequently unable to attend the Conference. Article 13, Paragraph 2(a) of the Constitution requires Member States to bear the expenses of, at least, a complete tripartite delegation. The committee also noted that 4838 people were accredited to the Conference in various capacities. It emphasized that they included 170 ministers or deputy ministers from Member States.
- **One-year campaign for gender equality:** The International Labour Organization is launching a one-year global campaign to highlight the central role of gender equality in its Decent Work Agenda and in the work of its constituents – governments, employers' and workers' organizations. The campaign is built around 12 different Decent Work themes. The awareness-raising campaign will be conducted for one year and will lead into a general discussion on gender equality at the heart of decent work, during the 2009 International Labour Conference.
- **HIV/AIDS:** A new report, *HIV/AIDS and the World of Work*, lays the groundwork for discussion with a view to an ILO standard at the 2009 and 2010 International Labour Conferences. Many countries have taken significant steps to address the issue of HIV/AIDS in the world of work, the report reveals. It notes that more than 70 ILO Member States have adopted, or are about to adopt, a general law on HIV/AIDS, while 30 countries have adopted, or will adopt, specific workplace rules. Other countries deal with HIV/AIDS under either equal opportunities or public health legislation, and some have integrated HIV/AIDS into labour legislation.
- **ILO Decent Work Research Prize 2008:** This year, the prize has been awarded to Nobel Prize winning economist Joseph Stiglitz and Canadian labour researcher Harry Arthurs. Professor Stiglitz currently chairs Columbia University's Committee on Global Thought. He was formerly Chief Economist of the World Bank and a member of the World Commission on the Social Dimension of Globalization convened by the ILO. Professor Stiglitz received the Nobel Prize in economics in 2001. Professor Harry Arthurs, former Dean of Osgoode Hall Law School at York University in Toronto, Canada and former President of the University, was cited for his major contribution to the understanding of socio-economic relationships and policy instruments for the advancement of decent work.
- **The ILO has 182 Member States:** Tuvalu, a United Nations member since 5 September 2000, became a Member of the ILO on 27 May 2008.

## Supplement

### Convention 87 turns sixty

**People fight for it. People fight through it. Freedom of association is the best path to a fair globalization.**

July 1948 saw the adoption of the first-ever international Convention protecting freedom of association. ILO Convention 87. It is now celebrating its sixtieth anniversary, a few months ahead of the Universal Declaration of Human Rights, which devotes several articles to it.

In 1948, the Second World War was not long over. By recognizing freedom of association, the ILO took a decisive step forward in the struggle for social justice. But many challenges remained for trade union organizations. The 1950s witnessed the break-up of empires. Unions in the colonized countries were at the forefront of the independence struggles in Africa and Asia.

Scarcely had freedom of association been recognized than it was being threatened and trampled underfoot. The first complaints reached the ILO. They were about the repression directed against the liberation movements. Created in 1951, the ILO Committee on Freedom of Association pointed the finger at the colonial powers, France and the United Kingdom.

The trade union movement emerged strengthened from the independence struggles, but lives had been sacrificed. Trade unionists had been arrested, imprisoned, murdered ...

In 1960, some military dictatorships seized power in Latin America and others tightened their grip. Trade unionists were a priority target. But freedom of association, even when assailed, stifled or repressed, is a bulwark against authoritarian regimes.

People fight for it. People fight through it.

Braving the Greek colonels, General Franco in Spain, the racist apartheid regime in South Africa, the Tontons Macoutes in Haiti, and from Bangkok to Warsaw and Prague, trade union struggle kept the torch of liberty alight. It fuelled aspirations for a more just world.

And international solidarity was strengthened. Convention 87 also spells out trade union organizations' right to affiliate to internationals.

In the 1970s and 1980s, the Chile of General Pinochet, Turkey under the military and the apartheid regime were mobilizing issues for workers worldwide.

At the same time, Solidarność brought hopes of change in Poland. The imposition of martial law there in December 1981 and the imprisonment of Lech Walesa and his colleagues only delayed the onward march of history. Convention 87 was to play a central role in the re-legalization of the independent trade union.

And freedom of association was demanded by the miners in the Soviet Union.

Then the first breaches in the Berlin Wall heralded the end of the communist regimes in the East. But the Chinese army brutally crushed the Beijing Spring in Tienanmen Square. The pioneers of independent trade unionism in China were repressed.

Elsewhere, freedom of association triumphed. Democracy returned to Chile. Apartheid ended in South Africa. Nelson Mandela had spent more than thirty years in prison. He became the President of South Africa. Worker mobilization also helped to overthrow the Suharto regime in Indonesia.

In all of these struggles, just like those being waged today in Burma, Colombia, Zimbabwe or Belarus, the role of trade union organizations, the international trade union movement and the ILO was to prove decisive.

Convention 87 has been ratified by 148 of the 181 ILO Member States. But the 33 countries that have not ratified it are home to almost half of the world's population. So the trade union movement must stay mobilized and help to garner more ratifications.

Fortunately, the ILO's supervisory mechanisms on freedom of association apply to all member countries. They have freed thousands of trade unionists from prison.

Since 1951, more than 2500 complaints have been examined.

Apart from being a fundamental right, recognized as such in the 1998 Declaration on Principles and Fundamental Rights at Work, freedom of association is also a force for social progress. Where unions are recognized, where they can negotiate freely, social inequality is reduced. In workplaces with a union presence, there is no room for child labour, working women's maternity rights are respected, and social protection systems are put in place. The eight-hour day, weekly rest days, paid leave, social security, equal treatment, integration of workers with disabilities – these are just a few of the gains won by trade unions on the road towards decent work.

But freedom of association also brings economic and social benefits.

“Trade unions are not only important to the workers they represent. They are an essential voice, along with employers and governments for democracy and social justice, for development and for peace,” says ILO Director-General Juan Somavia.

And the global report on freedom of association published by the ILO this year recalls that “Various studies demonstrate that respecting freedom of association and collective bargaining rights has a positive impact on competitiveness and economic performance... (These rights) are essential to human rights, democracy and the social and economic development of countries.”

While six thousand people still die each day due to accidents at work or work-related illnesses, there is no ignoring the fact that a trade union presence and social dialogue cut accident rates by half. In 1984, trade unions in Bhopal warned of the impending disaster. It could have been avoided. But nobody listened.

Today, many trade unionists still have to work in a hostile climate - sackings of activists, arbitrary transfers, relocation threats and being turned down for jobs are their daily lot, even when they are not subject to physical threats, imprisonment or murder.

As Guy Ryder, General Secretary of the International Trade Union Confederation, points out, “Even in several rich industrialised countries obstacles are making trade union action difficult, to say the least.”

Many more struggles are still to come. New areas of negotiation are opening up with

the advent of the global framework agreements. Many challenges will have to be met. But one thing is for sure. Without freedom of association, there will be neither peace nor social justice nor decent work.