Workers Symposium on **Policies and Regulations** Geneva, 4 - 7 October 2011

Colloque des travailleurs sur les politiques et les réglementations to Combat Precarious Employment destinées à lutter contre l'emploi précaire para luchar contra el empleo precario Genève, 4 - 7 octobre 2011

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**Sharan Burrow General Secretary, ITUC 5 October 2011** 

Thank you, well, first of all congratulations to ACTRAV on this Symposium. It is timely, it is a critical issue, and I understand you have had lots of robust discussions. I think I want to say three things: the first is a contextual piece, which involves both the issues for us and the responsibility of the ILO; the second one goes to some of the specifics that the ITUC is engaged in and around precarious work; and third, areas to come back to the future, demands we would have, or the actual position we would take in response to what should be a future standard setting piece for the ILO itself.

In the first instance, let me say our first priority is to stop what is happening right now. You know, we are not just seeing the historical escalation of precarious work that you have referred to, but the context of what now is the second wave of the financial crisis, a wave of serious threat that is basically lying at the feet of governments and in action. We are not only losing collective bargaining rights, we are now in a labour war effectively across Europe, the U.S., emerging democracies. Why? Because the old stakeholders who drove the neo-liberal economic policies that would seem to be foul policies, the Washington consensus if you'd like, are back in control. We thought the global financial crisis showed them this was a failed economic model. We were wrong. We have now a situation where we are largely engaged in what I can only describe as a labour war. And what is the biggest demand of all of that? An "increase" in flexibility and precarious work. So, we must stop this now. And indeed we need the ILO to be much stronger in its advocacy. It was very important to hear the Director-General last week say to the G20 labour ministers "you cannot be hypocrites in this environment". If you are genuinely supporting labour standards as the floor of decent work, then you cannot be attacking them on the basis of conditionality in terms of economic governance arrangements. It was terrific to hear him say that, but we now need the ILO to say this everywhere; to defend its own standards; to be pro-active not just at the international level in calling out the other institutions where they are operating, but as well at the country level, despite what their leaders say, on an old recipe. We also need those leaders to be active not only in the promotion of labour rights but in the implementation and outcomes at the country level. And we cannot afford for the ILO to wait to be asked. Its leaders have to be pro-active if this House is to maintain its very constitutional mandates or the principles of the Declaration of Philadelphia or the Social Justice Declaration.

We have a mandate, a resolution that the ITUC is taking seriously, and in fact you will see that there is a plan of action. So our response is first of all that we need to organize. If workers are not our members, if we are not organizing workers, then we are not in a position to build the political power that will actually allow us to oppose both industrially and politically this course of action, or these trends in terms of insecure or precarious work. That begins with corporate organizing, and I'm delighted to be able to say that we are working with the GUFs around global corporate campaigns. So we are serious about organizing at the heart of building the political power, and the industrial power that is necessary to do something about this. If you break that down, apart from the corporations, we really appreciate the joint thinking that is going on with ACTRAV around the plan for organizing domestic workers. Take any example one that comes to my mind is South Africa. There, domestic workers now have rights, covered by legislation, two things were instigated - one was a minimum wage for domestic workers, and the second was the social protection scheme that has formalized about a million jobs for the domestic work sector - The new Convention 189, adopted at the 100<sup>th</sup> International Labour Conference in June 2011 allows to effectively broaden that everywhere. Both working with the IUF in this case, but also with global alliances, and many of our affiliates, we see that many workers are brought under union auspices and given the rights they deserve. The Domestic Workers' Convention, which you know our advocates are to be congratulated for, gives us a tool to win against 21<sup>st</sup> century slavery, for many people, mostly women. And that is a terrific thing. But we have to make the most of it. We have a twelve by twelve campaign that says next year, in 2012, at least 12 countries ratify and actually implement legislation. We will identify these countries with the IUF, and others as we go forward.

If we do not tackle the informal economy, we simply do not put the floor of guarantee on the other workers. So, we need to do serious work with this. Ironically, it is the one area where I can tell you that there is a possibility of working with the employers in this House. Other areas I wouldn't be so confident, but I am confident that the mix is there and is serious enough for employers to want their businesses to be sustainable. Ironically, we want them to be sustainable as well because that means secure jobs. So, for us the mix is, again, a minimum wage, social protection, the right to not just be covered by core labour standards, but other legislative environments around the security of work issues that you've already discussed.

Our first priority though is to organize, and to work with those people who are organizing in the informal sector of the not in fact unions but doing the work that we ultimately should be doing. So there is (are) a lot of areas there.

We are of course working on Conventions 87 and 98 for all workers in crisis countries. I won't spend any time on that but you would know that there is a whole range of countries where, if we can achieve freedom of association, achieve the right to collective bargaining and so on, then we actually start to build the base of opposition to both impunity and indeed to building union rights?

I want to finish with saying that the two major areas that we want to focus on next year with ACTRAV is a minimum wage campaign. We are serious about the dignity of minimum wages. If you do not have a floor of minimum wage then you cannot guarantee that people have the dignity of an income on which they can live. We want to raise that to the area of a major demand everywhere. Now, how people implement minimum wage mechanisms you can argue about in your country, but while we can tell you what various options are, what best practice is, basically, we want to wage the campaign to win the legitimacy as we have around social protection, which we now have to drive into the poorest of countries with

global financing. You get those two things, you clean up large tracks of the informal economy and you give people a basis on which we can then argue rights to other areas like collective bargaining and so on.

Finally, let me come back to the ILO. There's no doubt that since we started our discussion about a decade ago – really – and heard about the threats to jobs security, there have been a number of discussions, at the informal discussions earlier in this decade, you had the Employment Relations standard-setting piece with 198, and of course that gave us one tool, and that is to say that unless it is otherwise proven, your direct employer is in fact the person for whom you are delivering productive work every day. But, it is not strong enough. We always knew that ultimately we wanted a Convention. There are areas where we think there are either three new instruments or collective instruments around precarious work, it doesn't matter much, but the issue of disguised, triangular and ambiguous employment remains ill-defined and without the guarantees of equal treatment in all of those areas, particularly triangularizing employment that we need to see. So whether it's three different instruments, or whether it's indeed a Convention on precarious work that covers these three, that picks up the loopholes, that strengthens it, clearly what we need to do is to make sure that the centrality of freedom of association and collective bargaining, the definitions around who is an employee, how we cover work, not artificial definitions, but how we cover work in the broader sense, those things need to be part of that. And we must continue to increase our advocacy to make sure that that standard-setting piece, however we debate it and define it, and see what's possible in the context of the politics of this House, that in fact it is done. The broader frame is we have to reassert the primary role of standards in this House, and interestingly enough, we will have a chance to negotiate in the next six months with a potential, or potential candidates, who would want to be new D-Gs – a new D-G – of this House, and that has to be one of our primary demands: that the mandate of the House, around the very heart of dignity of rights for working people is at the helm of whoever wants that job and ultimately gets our vote. So, I will look forward to seeing what you come up with, because frankly we can use all the ideas we can get. Where you have practice that's working, we want to know about it, but most of all we want to build the united front right

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across the world with the unions, with the union centres, with the GUFs, to make sure that we work nationally and internationally to stop what's happening now, to stop the war on labour rights, and then to move on to the sort of guarantees that must be at the heart of any mature industrial relations system.

Geneva

5 October 2011