



**Decent work has no
colour!**

**Diversity is our
strength!**

**Let's unite against
racism!**

Statement by the International Trade Union Confederation (ITUC), Public Services International (PSI) and Education International (EI) to the United Nations Conference on the review of the Durban declaration and action plan (South Africa – 2001) concerning racism, racial discrimination, xenophobia and related intolerance (April 2009)



International Trade Union Confederation (ITUC)

is the main global union organisation of over 170 million workers, through 312 affiliated members in 157 countries and territories.



Education International (EI)

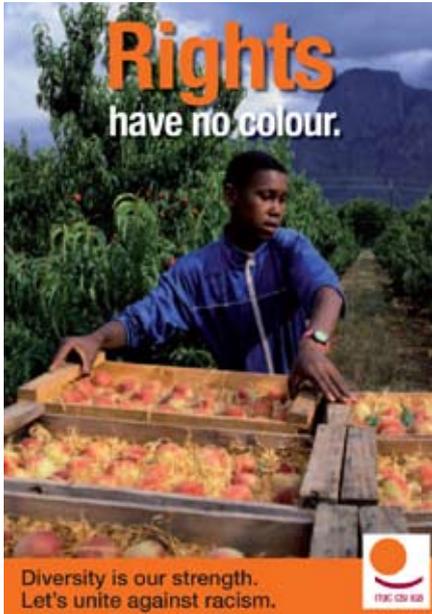
is a global union federation of unions representing 30 million teachers and education workers, through 401 affiliated members in 172 countries and territories.



Public Services International (PSI)

is a global union federation of over 646 unions of workers in public sector in over 158 countries and territories.

I. Combating racism and xenophobia through a coherent strategy deployed by all states



1. The United Nations Conference on the review of the Declaration and Action Plan adopted in Durban (South Africa - 2001) on racism, racial discrimination, xenophobia and related intolerance is taking place against the background of a profound financial crisis with catastrophic consequences on the living and working conditions of millions of workers. The loss of jobs, which according to the ILO will amount to 24 to 52 million additional unemployed people worldwide, can only lead to even greater poverty, wider differences, fiercer competition and deeper divisions between workers. The economic and financial crisis will be bound to amplify the damaging effects of racism and xenophobia.

2. Public Services International (PSI), Education International (EI) and the International Trade Union Confederation (ITUC), fully support the holding of this Conference, considering it to be of major importance, particularly within the current context in which discrimination of every kind is worsening and having serious repercussions not only on the workers concerned but on the workings of our economies and societies in general. The trade union movement thus expresses its full support and commitment to the success of the Conference and to the subsequent implementation of the decisions

adopted with a view to progressing towards a world free of racism and racial discrimination.

3. The ITUC, PSI and EI underline that it is crucial that the international community move forward together, with the utmost conviction and determination, to fight this scourge. The trade union movement insists that every effort is made to bring all countries in the world around the negotiating table.
4. The ITUC, PSI and EI believe that this Conference should be seen as a forum for serene and constructive dialogue capable of promoting unity between different regions, cultures, religions, groups and peoples, and not an arena for division and divisiveness. This Conference must constitute an opportunity to reaffirm the concrete commitment of States, employers and the trade union movement to eliminating all forms of discrimination.
5. Trade union organisations welcome the recent statement by the WTO, the IMF, the OECD, the World Bank, the ILO and the German government (5 February 2009) concerning the global crisis we are facing, which will undoubtedly have a dramatic impact on jobs and generate social problems. That statement is a strong signal of the determination to involve the ILO on an equal footing with other major actors, to recognise decent work as a key component of the new Charter for Sustainable Economic Governance and to ensure that the Millennium Development Goals (MDGs) are implemented. The international trade union movement trusts that this statement will be followed up by concrete measures and achievements.

II. The international trade union movement and the fight against racism, racial discrimination, xenophobia and related intolerance

6. The ITUC, PSI and EI reaffirm their adherence to the goals and principles of equality and non-discrimination enshrined in the Universal Declaration of Human Rights. They are opposed to racism, xenophobia and all forms of discrimination which constitute serious violations of human rights and a denial of the fact that all human beings are born free and equal in dignity and rights.
7. In fighting the racism and discrimination affecting millions of workers in a range of areas, including work, housing and education and training, the unions favour an approach focusing on the promotion of human rights, equality, diversity, solidarity, social justice and social cohesion.
8. In their day-to-day action, trade union organisations are fighting to bring an end to discrimination in all its forms, so

that the millions of men and women who are deprived of jobs, confined to certain occupations, denied promotion opportunities at work or are poorly paid, harassed and intimidated on grounds of their gender, religion, colour, nationality, ethnicity, sexual orientation, gender identity, political opinion, social background, age or disability, can live and work in conditions of equality, dignity and justice.

9. The trade union movement regards this as a just struggle and a strategic way of countering competition between different groups of workers and combating the exploitation at work of the most vulnerable groups.
10. The unions reaffirm their strong conviction that the fight against racism must be linked to the social and women's struggles, and must be tackled from the perspective of solidarity between workers.
11. Trade unions are convinced that the tensions that exist around the world and in our societies have nothing to do with any incompatibility between cultures but are, rather, the product of poverty, unemployment, injustice and lack of freedom, and that racism is used as strategy to undermine solidarity, which is the essence of trade union action.
12. The trade union movement is aware that racism, xenophobia and all forms of discrimination are ills that we need to fight with all our might, because they are at the root of numerous armed conflicts and forced displacements around the world and are a key factor in the vicious circle of poverty and social exclusion, and because these forces are diametrically opposed to the basic principle that underpins human rights, i.e. that each member of the human family has equal and inalienable rights.
13. On a daily basis, trade unions are witnesses to the discrimination faced by numerous groups of workers based on their colour, sex, ethnic origin, culture or religion. Concrete problems experienced in the world of work include discrimination in access to employment, poor working conditions and wages, violence, etc.
14. Trade unions are, therefore, on the frontline of this battle for respect for the human and workers' rights of discriminated groups. In their action, they are confronted with a number of problems such as the difficulties in identifying racism and its scope, the lack of awareness and lack of mobilisation against racism, the absence or inadequate involvement of workers from discriminated groups in trade union activities, the poor representation of these workers in decision-making instances, and the very inadequate integration of the subject in social dialogue processes.
15. Monitoring the implementation of the commitments made at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban 2001) has been one of the major concerns of union organisations. Through their action plans, trade unions worldwide want to build a world that is free of discrimination, a world in which diversity is seen as an asset and a strength, rather than a threat.
16. Trade unions have come a long way since Durban (2001). They have stepped up their efforts to prevent and eradicate racial discrimination, xenophobia and related intolerance, using all the instruments at their disposal, in particular the ILO Conventions.
17. International trade unions have played a coordinating role, facilitating exchanges and the dissemination of information and good practices in this area. They have set up campaigns aimed at mobilising the largest possible number of affiliated organisations worldwide, so as to ensure that priority is given in each of their countries and in their day-to-day work to issues related to discrimination based on sex, race or ethnic, religious or cultural identity. Two important aspects of their work are organising workers and promoting the existing international legal instruments, which are too frequently neglected in practice.
18. To make workplaces racism-free areas, trade unions have been strengthening exchanges of experiences and information; organising and mobilising members, trade union leaders and workers in general; negotiating the inclusion in collective agreements of clauses aimed at ending all discrimination. The world's trade unions are committed to guaranteeing equal opportunities to workers of colour, migrant workers, and workers belonging to indigenous peoples and ethnic minorities, in areas such as access to training, including language learning, establishing positive action policies, recognising religious and cultural specificities and providing multi- and inter-cultural training for staff, etc.
19. Aware of the complexity of this issue, the challenges associated with the struggle and the fact that there is still a long way to go before racism, racial discrimination and associated intolerance are eradicated, trade union organisations, in

their capacity as social partners, are keen to work with all relevant partners to ensure that this Conference's decisions lead to effective solutions.

III. Racism today: State of play following the decisions adopted in Durban

A growing phenomenon

20. Despite the fact that a large majority of governments have ratified ILO Conventions 100 and 111, thereby reflecting, in principle, a universal condemnation of discrimination in employment, we cannot fail to note that discrimination in employment continues to be the major manifestation of racial discrimination. Furthermore, despite the legislative progress made in a number of countries on equity issues, real equality is still absent from our workplaces and elsewhere.
21. The implementation of anti-terrorist legislation and strengthened security measures, coupled with increasingly stringent asylum and immigration policies have provoked a rise in racism and xenophobia towards certain groups of people and led to a lack of respect for the rule of law.
22. Neoliberal economic policies are tending increasingly to pit social groups against one another in order to maximise profits (workers against refugees, asylum seekers and exploited undocumented persons), thereby reinforcing a rise in latent, though very real racism. These policies reek of slavery, moreover, wherever people's fear is abused to make them accept all kinds of poorly protected working conditions and under-paid or unpaid work.
23. Millions of workers around the world are suffering from discrimination based on sex, colour, religious and cultural differences and ethnic or national origin and are prey to racism, xenophobia, intolerance and ethnic and religious conflicts, both in the world of work and society at large. Today's world is marked, for example, by inter-ethnic violence, racial tensions, the marginalisation of indigenous people, the exploitation of migrants and the rejection of foreign workers or those belonging to ethnic minorities.
24. In certain countries, both right- and certain left-wing political groups have turned to policing to contain the anger provoked by worsened living conditions in neglected areas. As a result, the social insecurity linked to soaring unemployment has been reinforced by race-based identity checks and police brutality that is rarely punished by justice systems that are often two-tiered. Discrimination at the hands of the police and the justice system thus compounds the other forms of discrimination, contributing to the "institutionalisation" of racism.
25. Recent years have seen a rise in racial violence, manifested in the form of forced displacements of certain peoples, the criminalisation of young people from certain social groups, organised genocides of certain ethnic groups, and the over-representation of young people from certain social groups in prisons. Trade unions deplore the fact that most governments have not taken on a leading role in establishing inclusive policies geared towards groups of people susceptible to these forms of discrimination and that incorporate preventative measures or positive action.

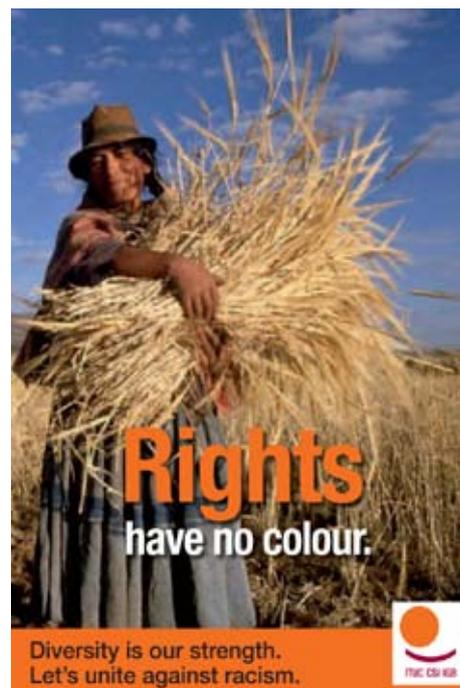
Racial discrimination: a changing and subtle concept

26. According to the ILO, discrimination refers to any distinction, exclusion or preference made on the basis of sex, religion, political opinion, national or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation¹.
27. Speaking about today's form of racism, which has become an insidious and changing phenomenon that is hard to quantify and to combat, is a very complex matter. Owing to the moral and legal prohibition of discrimination based on sex, race, colour or ethnic, cultural or religious origin, discrimination has taken on hidden and inexplicit forms, which are not easy to detect. Traditional racist attitudes, centred on a hierarchy of population groups established on the basis of biological differences, have been replaced in many cases by a "cultural" form of racism, which is producing more subtle forms of discrimination, and a more diffuse type of racism, which is fuelled by the belief that the cultural values of certain groups have no place within the dominant cultural environment. This racism promotes a particular value system and a particular cultural hierarchy, so that the resulting discrimination is not confined to theory. On the contrary, it is solidly embedded in society's structures (justice, education, media, immigration and employment) and in government policies, and has a real impact on the population groups concerned.

¹ ILO Convention 111 prohibiting discrimination in employment (1958)

The impact of economic globalisation

28. Globalisation as we know it has had a negative impact on the overall social fabric of countries and on the living and working conditions of millions of people. The concentration of power in the hands of certain regions of the world and multinational companies has heightened inequalities within and between countries, impoverishing, marginalising and exploiting workers. Aside from the destruction of social and education systems, the greatest failing of economic globalisation as we know it is its inability to create sufficient jobs where people live. Unemployment and poverty are rising as a result, contributing to marginalisation and polarisation within societies. These economic inequalities are also forcing millions of people to make the painful choice of emigrating to find decent work, so that they can live in dignity.
29. The international regulations that give form and content to this process of economic globalisation reinforce the exclusion of groups that are already disadvantaged in relation to the rest of society. Globalisation, reflected in structural adjustment plans, privatisations and unequal trade, aggravates poverty among vulnerable population groups. Women and children are the number-one victims. In this way, globalisation is a fertile breeding ground for racism, as it affects the lives of those concerned on many different levels.



Migration, racism and the economic and financial crisis

30. Migration for work is one of the faces of globalisation, which is characterised by large and constantly rising migration flows. According to estimates of the United Nations Population Division international migrants numbered 191 million in 2005, and almost half of these were women. And migrants, refugees and asylum seekers are amongst the groups that are most vulnerable to racial discrimination². These migrants very often work in dangerous and insalubrious conditions, are concentrated in the toughest and least qualified jobs and are subject to racial slurs at the workplace.
31. There is a link between the global economic and financial crisis increasing unemployment and increased racism and xenophobia³. This is due to the economic pressure resulting from the massive loss of jobs (and associated benefits) that is fostering more ethnic or racial tensions as migrants are seen as competitors for jobs and welfare⁴. The consequences of the global economic and financial crisis are not, therefore, neutral and its social impact is alarming.
32. Migration raises complex issues and demands difficult decisions that must be addressed if we are to avoid leaving the pathway clear for racists and xenophobes, who do not hesitate to play on workers' concerns regarding job insecurity, wages, access to public services, etc.

Segregation in the world of work

33. Equal opportunities and treatment at work are basic rights and must be guaranteed for all. But in a global context of inequality, the pursuit of profit at all costs, deepening conflicts in certain regions of the world, and the economic and financial crisis, some population groups are under greater threat than others.
34. Following the failure of the political sphere to meet the needs of the least advantaged, we are witnessing the development of "institutionalised" racism, embodied by the advances made by the extreme right in the parliamentary elections of certain countries. We are also witnessing the development of systemic racism, attributable to policies and practices that directly or indirectly disadvantage certain groups of people based on their "race", sex, colour or

² As affirmed by Mr. Muigai, UN Special Rapporteur on contemporary forms of racial discrimination, xenophobia and intolerance (in « UN human rights expert outlines priorities for addressing the scourge of racism », UN News Centre - 04/11/2008).

³ Affirmation by Mr. Muigai, UN Special Rapporteur on contemporary forms of racial discrimination, xenophobia and intolerance (in « UN human rights expert outlines priorities for addressing the scourge of racism », UN News Centre - 04/11/2008).

⁴ The new UN Rapporteur on racism sets out his priorities, New York, 06/11/2008

ethnic, religious or cultural identity. Discrimination in access to employment, housing, health, education and leisure thus remains a reality throughout the world.

35. The victims of racism and xenophobia, especially minorities, people of colour or indigenous peoples, tend to form the most economically marginalised groups, both in society at large and in the world of work, and in both developed and developing countries. Workers from vulnerable population groups are concentrated in the lowest-paid jobs with the worst working conditions, without social security and, in many cases, without trade union representation to ensure respect for their rights. Segregation at work is used as a strategy for generating incredible profits through the perpetuation of “pools” of precarious jobs and different levels of pay and working conditions.

Discrimination and the environment

36. Indigenous peoples continue to suffer the loss of their land and resources, the destruction of their cultures, the pollution of their living spaces and acts of violence, all of which constitute threats to the very survival of these peoples. Environmental discrimination is also manifested in the form of discriminatory acts such as the forced removal of peoples to make way for the construction of dams, mining operations, gas or oil exploration, deforestation, etc.
37. Indigenous peoples are often faced with practices organised deliberately by public authorities or multinational companies, aimed at keeping them in a position of subordination and treating them in a blatantly unequal manner. Such practices result in the acquisition of land for purposes of exploitation and profit⁵ and include violence and genocide, incitement to racial hatred, insults and threats, as well as racist conduct, attitudes or remarks. These practices have numerous ill effects on the health and the hygiene and salubrity of the living environment of indigenous peoples. This multidimensional pollution constitutes a serious threat to the natural balance and the biodiversity of the areas where they live.
38. Environmental discrimination results in a process of destruction of indigenous peoples, firstly, because it constitutes a serious attack on the fundamental rights of indigenous peoples by denying their right to a healthy environment and sustainable development and, secondly, because by depriving them of their ancestral land, it destroys the foundation of their spiritual, material, cultural and socio-economic existence. Such racism can only result in the extinction of these peoples not only as a human community but also as an essential link in the conservation of cultural and genetic diversity.

IV. DURBAN REVIEW CONFERENCE : OBSERVATIONS AND CONCERNS

39. The trade union movement is deeply concerned by the fact that the impact of racism on the world of work and the mechanisms to be introduced to fight it have been given no more than marginal attention in the various texts we have seen throughout the preparation of this Conference. The links between racism and poverty, or between racism and the decent work deficit, have not been adequately pinpointed as root causes of the development of discriminatory attitudes. The trade union movement demands that the final document of the Conference include issues linked to the world of work, identifying them as priority issues to be taken on board in the fight against racism and xenophobia. The huge difficulties faced in terms of access to work, education, decent working conditions, equal pay and promotion, and the need for action in these areas must be stressed.
40. The unions are also very concerned that the Millennium Development Goals (MDGs) are not presented as a key link in the chain of actions for fighting racism and xenophobia. Failing to fill this gap will come at the risk of missing the main point of this Conference.
41. Despite a great effort on the ratification of ILO Conventions 100 and 111, the unions cannot fail to note the lack of success in the actual and effective implementation of these Conventions. It is essential that we do not scrimp on carrying out an in-depth analysis into these crucial instruments.
42. The unions are convinced that racism and xenophobia, which constitute a major threat not only to social stability and peace but to the sound operation of the economy, can only be effectively tackled by global and globalising, dynamic and courageous policies covering employment, education, living conditions, public services, etc.

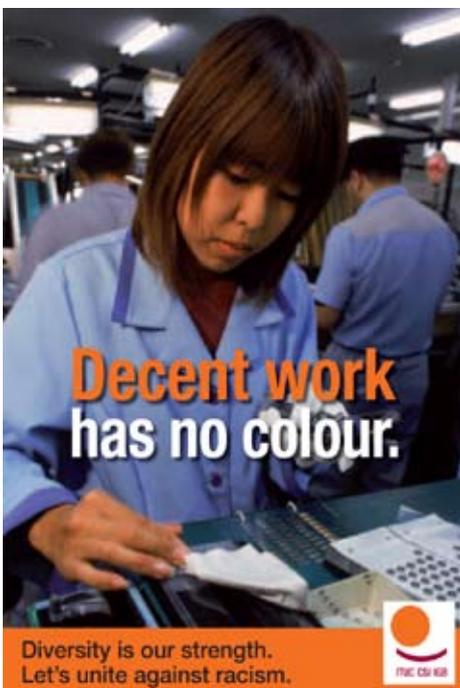
⁵ For Ian Chambers, ILO regional director for Central America, “The indigenous population of the world, estimated at 300 million, live in zones which have 60% of the natural resources of the planet. Multiple conflicts due to the use and final destination of their lands as determined by the interest of governments and companies is not surprising. The exploitation of natural resources (oil and minerals) and tourism are the principal industries which threaten indigenous territories in America.”

43. The unions stress that there are close links between efforts to combat racism, racial discrimination and xenophobia and efforts to promote democracy and egalitarian multiculturalism, as well as dialogue between cultures, civilisations and religions. The latter are ways of ensuring respect of human right and combating intolerance.
44. Trade unions deplore the fact that since the adoption of the action plan and the final declaration in Durban 2001, there has been no real progress in terms of arrangements to ensure the effective participation of civil society, particularly trade unions, in the drafting and implementing of policies. This approach can do nothing to promote the objectives of fighting racism and xenophobia at work.

V. Follow-up to the Durban review Conference: Establishing Effective Instruments

The international trade union movement calls on the governments to assume their responsibilities and to resolutely commit to:

Decent work: a powerful tool in the fight against all forms of discrimination



45. Using decent work as a tool to combat all forms of discrimination, by reaffirming their commitment to the creation of healthy, just and equitable economies, through the implementation of strategies aimed at productive and full employment.

46. Placing the fight against racism and xenophobia within the context of creating decent work and eradicating poverty. Indeed, promoting equitable distribution of the wealth and resources generated by the economy, with the key focus of creating decent work, would contribute to greater cohesion between workers and, subsequently, to the eradication of racism and xenophobia.

47. Ensuring respect for the universal right of all to employment, to decent working conditions, to equal pay for work of equal value, and to sufficient income to cover their basic needs, both social and economic.

48. Respecting and enforcing the right of workers to form and join trade unions and to engage in collective bargaining without threat or fear, and ensuring the integration of the gender and diversity dimension in negotiations, as well as in equal representation.

49. Strengthening and increasing the scope of social protection by guaranteeing access to social security, to pensions, to unemployment benefits, maternity protection and quality health care for all, irrespective of gender, colour, ethnic origin, culture or religion, as well as access to public instruments and services to help reconcile work, family and private life.

Fairer global trade and financial systems

50. Implementing a reform of unfair trade rules, including the effective and exhaustive reform of global financial and monetary systems, in such a way that trade agreements contribute to decent work, sustainable development and the empowerment of all workers, irrespective of their origin, sex, colour, culture or religion.

51. Including social and environmental concerns as priorities in trade agreements and for the international financial institutions; a revision is also needed of loan and debt repayment conditions that oblige countries to deregulate their labour markets, cut public spending and privatise public services. Attention must be drawn to the repercussions of growing financial chaos on the real economy, including the significant fall in employment, which threatens to place workers in competition with each other, to divide them and to aggravate racism, xenophobia and all forms of discrimination.

Trade unions: key players in the fight against discrimination



52. Making this Conference a space for consultation with trade unions and other civil society organisations that have long proposed alternatives to the model of economic globalisation that has led us to the situation we found ourselves in today, with the well known consequences on the lives of workers and especially those most vulnerable to racial and xenophobic discrimination.

53. Recognising the key role that has been played and remains to be played by trade union organisations in the fight against racism and xenophobia. Indeed, trade unions have for many years been playing a major role in the fight against discrimination based on sex, colour, ethnic origin, culture or religion. They have made great progress since the Durban Conference in 2001, taking the issue on board in their agendas and organising concrete actions to fight this scourge, especially in the process of social dialogue, in which they are key partners. Trade unions, in their capacity as social partners, must be involved in the monitoring and follow-up structures and procedures.

A real political will: achieving a racism-free world

54. Including the goals related to gender equality in the Final Declaration as a key component in the fight against discrimination. The fact is that women

suffer the cumulative effects of discrimination and are confronted with racism, xenophobia and discrimination based on their sex, colour, ethnicity, sexual orientation, religion, age, disability, etc.

- 55.** Playing a leading role in defending and protecting the rights of those affected by direct or indirect racism and xenophobia and adopting a specific, clear, direct and determined approach to the struggle against racism and xenophobia, establishing appropriate institutional mechanisms and allocating the financial resources needed to reach respectable targets.
- 56.** Examining the urgent reforms that need to be made to asylum and immigration policies in receiving countries, given their unquestionable tendency to heighten racial tensions owing to their repressive nature. The trade union movement considers it crucial to emphasise and raise public awareness of the important contribution that migrants, indigenous peoples and ethnic minorities are making to our societies and economies.
- 57.** Running wide-scale awareness-raising programmes targeting citizens, institutions, authorities and civil servants at every level, to prepare them to ACT in the fight against racial discrimination and xenophobia. Governments have a duty to do implement effective awareness-raising campaigns given that one of the main problems is the lack of awareness regarding the existence of these problems and their impact on the victims.
- 58.** Providing the resources required for awareness-raising campaigns and wide-ranging training programmes on diversity in the workplace and implementing positive action to prevent and eradicate racism at work.
- 59.** Establishing both national observatories and an international observatory on the impact of racism and xenophobia on the employment market and associated mechanisms for receiving complaints, with the participation and involvement of the social partners. Establishing monitoring mechanisms and a legal framework covering racism in the media (press, internet, etc.), given the impact of the dissemination of racism through the media and new communication technologies.
- 60.** Promoting the development of a database and systematic studies aimed at following the evolution of racism and preventing it in the world of work. This responds to the dearth of comprehensive scientific data on discrimination in the world of work and the measures adopted to tackle it. This could constitute a precious tool for the dissemination of good practices and the provision of regular reports to workers and their unions as well as employers and companies.
- 61.** Examining and strengthening existing employment policies, with a view to ensuring that population groups vulnerable

to racial discrimination are not disproportionately affected by unemployment and under-employment.

- 62.** Implementing capacity building programmes for labour inspectors with regard to the detection of discrimination based on race, colour, sex, etc. in the workplace.
- 63.** Establishing clear targets for the appointment of people from discriminated groups at top levels of the civil service and the judiciary, and clear mechanisms to ensure equal treatment in terms of access to social and health services, housing, education, etc.)
- 64.** Establishing mechanisms to assist the victims of racial discrimination in the workplace and urging employers to adopt genuine equal opportunities policies with a view to eradicating this form of discrimination in workplaces. Adopting such policies is not only a question of decency but also makes economic sense: racism at work affects workers' confidence and morale, though also productivity.
- 65.** Supporting trade union organisations in their efforts to implement policies and actions for fighting against racism, xenophobia and all forms of discrimination.

- 66.** Respecting the existing international legal framework and ensuring better respect for the international conventions that are devoted to the universal right to respect and tolerance and are based on the core human rights conventions. Ratifying and APPLYING the international conventions, especially those of the UN and the ILO, must be core objectives. The relevant conventions are:
 - Convention on the protection of the rights of all migrant workers and members of their families (1990).
 - Convention on the elimination of all forms of racial discrimination (1963).
 - Convention 111 on the prohibition of discrimination in employment (1958).
 - Convention 100 on equal remuneration (1965).
 - Convention 97 on migration for employment (1949).
 - Convention 143 on migration in abusive conditions and the promotion of equal opportunities and treatment for migrant workers (1975).
 - Convention 169 on indigenous and tribal peoples (1989).

- 67.** Including in national policies
 - The Declaration on the rights of indigenous peoples.
 - The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998).