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Statement of Guy Ryder, General Secretary

International Trade Union Confederation

The ITUC is the world association of trade unions. Our affiliates consist of workers' organisations in 153 countries and territories. Trade unions belonging to the ITUC collectively have 168 million members. Our principal mission is to be the global voice for workers including at international organisations such as the United Nations and especially at the International Labour Organisation (ILO) which was created to establish international labour standards.

We are especially concerned with defending the right of workers to form and join their own organisations and monitor respect for this basic human right throughout the world. Each year we issue an *Annual Survey of Violations of Trade Union Rights* which is considered the authoritative publication on this subject.

Our view is that both labour legislation and its application in the United States fall far short of internationally recognised labour standards enshrined in ILO Conventions 87 and 98 on freedom of association as well as on the right to organise and the right to collective bargaining.

The procedures established by the National Labour Relations Act to protect workers who seek to exercise what is recognised throughout the world as a basic human right are utterly inadequate. These procedures do not provide workers with effective redress in the face of abuses by employers. The remedies available to workers who have been fired illegally for trade union activity are inadequate, and the penalties against employers who illegally fire them are ineffective. Many workers, including those fired illegally, do not use available legal procedures because they take too long and fail to provide adequate compensation, or to redress the wrong done to them.

The 2006 edition of our Survey notes that “An entire industry exists in the United States to defeat union organizing drives through coercion and intimidation. A recent study found that 82 percent of employers hire high-priced union busting consultants to fight organizing drives.” Our view is that these practices must be prevented, and that providing severe penalties against the violation of workers' rights during organizing campaigns as foreseen in the Employee Free Choice Act would be a welcome measure.

Workers seeking to form or join trade unions in the United States will often become involved in excessive and costly litigation and unduly lengthy and complex procedures. This is a failure of the law that effectively denies the right to join trade unions and to bargain collectively to large segments of the American workforce. These segments include those workers who would stand to benefit most from membership in a trade union. For this reason the ITUC especially welcomes the provisions in the proposed legislation that would allow a union be certified if a majority of employees have signed authorizations designating the union as their bargaining representative. This would restore a right that American workers are entitled to and which they have lost.

Another serious problem identified by our Survey is the practice of bad-faith or “surface” bargaining aimed at preventing a union reaching a first contract. This practice is one of the reasons that currently 45 per cent of all attempts at achieving a first contract for newly organised workers fail. The use of mediation and arbitration to help employers and employees reach a first contract within a reasonable period of time, as set out in the Employee Free Choice Act, is a long overdue measure.

The failure of the United States to protect the internationally recognised right of workers to form and join trade unions and to bargain collectively with their employers has, over the years, disappointed workers throughout the world. It has also denied the United States the credibility needed to defend these human rights in places where respect for these rights would be a major contribution to democracy, world peace and prosperity.

We think it is useful to recall that the United States has failed to ratify ILO Conventions 87 and 98 which is a distinction that it shares with just 19 of the ILO’s 180 Member States. In this respect the United States stands alongside countries such as Afghanistan, Vietnam and Iran. It is also only one of two OECD Member States not to have ratified Conventions 87 and 98.

This failure to ratify these two ILO Conventions does not remove the United States from any obligation however. The United States Government, by virtue of its membership of the International Labour Organisation, a UN agency, is obliged to uphold respect for the fundamental principles of the ILO including the right to freedom of association and the right to bargain collectively as enshrined in conventions 87 and 98.

The ITUC believes the Employee Free Choice Act is an important step forward to removing some of the serious problems in current US industrial relations law and practice that contravene internationally recognised standards.

A handwritten signature in dark ink, reading "Guy Ryde". The signature is written in a cursive, slightly stylized font. The first name "Guy" is written with a large 'G' and the last name "Ryde" is written with a large 'R' and a distinct 'y'.

Brussels, 28 February 2007