

ETUC/ ITUC STATEMENT OF TRADE UNION DEMANDS RELATING TO KEY SOCIAL ELEMENTS OF “SUSTAINABLE DEVELOPMENT” CHAPTERS IN EUROPEAN UNION NEGOTIATIONS ON FREE TRADE AGREEMENTS (FTAs)

1. There must be strong and unambiguous references to the requirement that both parties commit themselves to the effective implementation of core labour standards and other basic decent work components.
2. There is need for a clear statement that parties to the agreement will ratify the ILO standards concerned.
3. It should be clarified that the Sustainable Development chapter falls under the same standard provisions as everything else in the FTA, hence making its stipulations subject to the same dispute settlement treatment as all other components in the body of the agreement.
4. Both parties should submit regular reports on general progress to implement all the commitments made under this agreement, including the Conventions protected by the ILO Declaration on Fundamental Principles and Rights at Work and any other instruments that may be mentioned.
5. Both parties must make an engagement to respect the OECD Guidelines on Multinational Enterprises and the ILO Tripartite Declaration on Multinational Enterprises and Social Policy, and not to lower labour standards in order to attract foreign investment. Such an engagement must specify that it extends to all parts of their territories, so as to prevent the agreement resulting in an expansion of production in export processing zones (EPZs).
6. Provision should be included for ongoing sustainability impact assessments (SIAs) and for action to be taken on the basis of their findings. The SIAs should consider all relevant aspects of the social and economic impact of the agreements, including access to quality public services and the use of different policies, including trade related policies, to achieve industrial development.
7. It is essential that governments be required to act on the basis of social partners' formal submissions of communications. This should be a binding mechanism whereby recognised workers' and employers' organisations on both sides of any FTA should be able to submit such requests for action. Such complaints should be treated within a specified time period and form part of an ongoing follow-up and review process to ensure that governments address such complaints effectively.
8. Complaints about social problems should be subject to consideration by genuinely independent and well-qualified experts. Their recommendations must be part of a defined process for adequately rapid treatment of the issues raised, such that their deliberations are not limited to the issue of reports and recommendations but result in ongoing follow-up and review provisions, particularly in order to maintain pressure on any governments that allow violations of workers' rights on their territories.
9. A Trade and Sustainable Development Forum providing for consultation with workers' organisations, employers' organisations and NGOs should be established, with a clearly defined, appropriate balance between those three groups of members. This should meet at least twice a year, and should enable Forum members to raise social issues and problems for public discussion.

10. In addition to linkage to the general dispute settlement provisions of the agreement as mentioned above, the agreement should provide for fines. These must be high enough to be of a sufficiently disincentive nature. The proceeds from such fines should be directed towards improving social standards and working conditions in the sectors and areas giving rise to the problems concerned.
11. Technical and development assistance should be provided in the FTA, linked where relevant to cooperation with multilateral agencies and especially the ILO. Additional forms of incentives, including trade incentives should also be included.
12. In addition to co-operation regarding the core labour standards, there are other important ILO conventions relevant to decent work that should be encompassed in the agreement. These include those identified as "priority conventions" by the ILO Governing Body in its 1993 decision (Convention 122 on Employment Policy, Conventions 81 and 129 on Labour Inspection and Convention 144 on Tripartite Consultation), other Conventions enjoying widespread support at the ILO (including Convention 155 on Occupational Safety and Health, Convention 102 on Social Security, Convention 103 on Maternity Protection, and Convention 135 on Workers' Representatives), and certain other essential ILO instruments (namely the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195) and the Employment Relationship Recommendation, 2006 (No. 198)).¹
13. Finally, given the overall context of this chapter on "sustainable development", we would stress that strong clauses concerning respect for multilateral environmental agreements, including the Kyoto Protocol, are required.
14. Respect for human rights conventions in general, including those on civil and political rights, is highly relevant to the social dimension of sustainable development and should equally be stipulated in the chapter.

¹ Additional ILO Conventions dealing specifically with occupational health and safety issues that should be included are Convention 162 on Safety in the Use of Asbestos, as well as others concerning sectors which are recognized as hazardous by the ILO, and Convention 187 on the Promotional Framework for Occupational Safety and Health.