

Other affiliation issues

- TUCA / Alternativa Democrática Sindical

During its meeting in December 2016 (16GC) the General Council was informed by the secretariat of the intention of 12 affiliates to leave our Regional Organisation for the Americas, TUCA, and to establish a separate structure in the Americas and the Caribbean.

For information we reproduce the text of the GC doc nr. 16GC/E/5 – Appendix V:

During the preparation process for the TUCA Congress, a number of member organisations proposed to change the TUCA Constitution on issues that they considered as “improving the democratic and transparent character of TUCA”. These changes were prepared in meetings that these affiliates organised and to which the TUCA leadership was not invited.

The proposed changes focused on:

- *an increase of the TUCA secretariat from 6 to 10 persons*
- *a large increase of the TUCA Executive Council – every member organisation should be entitled to appoint one titular and one substitute member of the EC*
- *the creation of the position of a Treasurer/Financial Secretary*
- *inclusion of the names of all TUCA affiliates in the TUCA statutes*

The secretariat of TUCA argued that these proposals would lead to enormous additional costs which would leave hardly any funds for activities.

The creation of a position of a Treasurer would have no added value. All figures of the TUCA accounts are presented in detail and in a transparent way, and are subject of control by the internal and external auditors of TUCA and the ITUC and are finally subject of approval by the governing bodies of TUCA and the ITUC.

Including the names of all affiliates in the TUCA statutes would be very impractical, it would require a change of statutes after every decision to affiliate a new organisation.

After long discussions in the Executive Council (EC) meetings of TUCA in 2015 and 2016, it became clear that it was not possible to reach consensus on these proposals which obliged the chair of the meetings to put the issue to a vote. An overwhelming majority of the EC members supported the position of the secretariat.

The EC preparation meetings approved the composition of the Congress committees which included the organisations that proposed to change the statutes.

The TUCA congress took place from 26 to 29 April 2016 and the same organisation that proposed the changes of statutes during the EC preparation meetings made the same proposals during Congress. The result was a repetition of what happened during the preparation of Congress. 87% of the Congress delegates supported the proposals of the secretariat.

12 organisations, representing 13% of the TUCA membership, left the Congress before it ended.

The Congress continued with 45 organisations that elected a secretariat of 7 persons (previously 6).

During the TUCA Congress, the organisations that left the Congress hall published a manifesto and a declaration. In these publications they repeated their proposals to change the TUCA statutes and complained again about a lack of transparency and democracy in TUCA. They also stated their intention to leave TUCA and to remain members of the ITUC. From that moment they presented themselves as “Corriente Alternativa Democrática CAS”.

In a short meeting of these affiliates with the General Secretary and a Deputy General Secretary of ITUC during the TUCA congress, the General Secretary made clear to the group that the ITUC and its regional structures respect all our affiliates, that they have the full right to propose changes in the statutes but that finally decisions are taken in a democratic way as defined in the TUCA and ITUC Constitutions.

She strongly advised them not to take any decision about disaffiliation given the risk that this could lead to international isolation.

She also invited them to meet, to listen to them and to see whether there would be any opportunity for resolution of their concerns.

The ITUC/TUCA affiliates which are part of the “Corriente Alternativa” are CGT Colombia, CROC Mexico, CTM Mexico, Força Sindical Brasil, CAT Peru, CAT Chile, CSE Ecuador, CGTC Curaçao, FTA Aruba, CTV Venezuela, CNT Paraguay, CGTP Panama.

During the months after the TUCA Congress this group was joined by other trade unions that are not members of the ITUC/TUCA. Some of these organisations were expelled from ITUC in the past, others have never been a member of the ITUC.

The group had a meeting in September in Mexico where they adopted a decision to create a structure, an alternative international trade union organisation for the Americas and the Caribbean, with the aim of being recognised by the ITUC and other international institutions such as the ILO. The group published their intention to organise a founding congress in April 2017.

Before their meeting in September, the ITUC General Secretary sent an urgent message to the leader of the Corriente Alternativa, Julio Roberto Gomez of CGT Colombia, strongly advising them not to take a decision to create a separate structure and to leave TUCA, because this could put their ITUC affiliation at risk.

The General Secretary repeated her invitation to meet to see whether there are any opportunities for resolution of their concerns.

The ITUC did not receive a response to the message of the General Secretary to the leadership of the Corriente Alternativa.

At the beginning of October, the ITUC received a letter from the 12 member organisations that from what is now called the Alternativa Democrática Sindical de las Americas y el Caribe – ADS. In this letter they announce the creation of a new organisation, their decision to leave TUCA, and inform the ITUC that they decided to ratify/confirm their membership of the ITUC (annex V.II).

At the end of October, 2 organisations CGT Colombia and FS Brazil, announced their disaffiliation of TUCA and reconfirmed their affiliation to the ITUC.

The ITUC secretariat strongly regrets the decision of these 2 affiliates to leave TUCA and to create,

together with other ITUC affiliates and non-affiliated trade unions, a separate structure in the Americas and the Caribbean. The secretariat also regrets that this group did not respond to the invitation of the ITUC General Secretary to meet and to see whether there are any opportunities for resolution of their concerns.

The ITUC secretariat witnessed the TUCA Congress and its preparative process and concluded that

- the TUCA statutes were fully respected
- the group of 12 affiliates had all opportunities to explain their proposal to change the statutes and to discuss them with the other TUCA affiliates
- the final voting on the proposal showed an overwhelming majority for the position of the TUCA secretariat
- that the TUCA secretariat, by increasing the secretariat from 6 to 7 persons, showed good will regarding at least one of the proposals.

The ITUC secretariat supports the position of the TUCA leadership that agreeing to the proposals of the group of 12 would lead to an extreme increase of costs, for which no budget is available.

On the request of the group to accept continuation of their membership of ITUC while they are leaving TUCA, and being recognised by the ITUC as an alternative structure in the Americas and Caribbean region, the General Council is requested to discuss this request and to come to first conclusions.

The General Council is requested to include the following in their considerations:

- Art. XXVII of the ITUC statutes – “Regional organisations and structures” which says: “The Congress shall determine the regions for each of which a regional organisation or structure shall be established. The regional organisations shall be organic parts of the Confederation.” The founding Congress of the ITUC (2006) has defined “The Americas” as one of its regions, and approved the establishment of TUCA (2007) as its regional organisation.
- The group of 12 affiliates announced the creation of a separate structure and in its publications and in their disaffiliation letters to TUCA it is clear that the foreseen creation of a separate structure is a follow-up of their condemnation of TUCA which they qualify as an undemocratic and non-transparent organisation. They also expressed the ambition to become the “main instrument of defence of labour rights of workers in the region”.
- The group also intends to represent the Americas and Caribbean workers in international structures such as the ILO.
- At the meeting of the group in September 2016 in Mexico, where the creation of a new structure was announced, the Assistant Secretary of Labour of the Mexican government who was invited, stated in public that the initiative to create a new regional organisation would be “the start of a major change for the international labour movement”.

The statements of the group can only be interpreted as an intention of the foreseen new structure to compete with the ITUC Regional Organisation in the Americas, which is clearly against the interests of the ITUC.

Recommendations:

The General Council is requested to:

- *repeat, once again, the invitation by the ITUC General Secretary to meet the 12 involved affiliates to see whether there are any opportunities for resolution of their concerns, and to include the President and the General Secretary of TUCA in such meeting; and,*
- *In case opportunities for resolution cannot be identified, the General Council strongly advises these 12 affiliates not to create a separate regional structure, while leaving TUCA, as this **would be seen as an action “against the interests of the ITUC and of TUCA as organic part of the ITUC” as described in art IV(a) of the ITUC constitution, and can be a reason for suspension and expulsion from the ITUC.***

The secretariat had recommended the General Council to repeat again the invitation of the General Secretary to the 12 involved organisations to see whether there are any opportunities for resolution of their concerns, and in case a resolution could not be identified, to advise these affiliates not to create a separate regional structure since this would be seen as an action against the interests of the ITUC which can be a reason for suspension and expulsion from the ITUC.

During the meeting of the General Council in December 2016 the General Secretary announced that representatives of this group of 12 affiliates agreed to meet the ITUC, and such a meeting to see whether there are opportunities to resolve the issues was foreseen early in 2017.

This meeting took place on 10 March 2017 (Panama) and the Secretariat informed the General Council members in writing about the results of the meeting.

For your information we reproduce the letter of the Secretariat to the General Council of 15 March 2017.



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João Antonio Felício

President
 Président
 Präsident
 Presidente

**To the members and substitutes of the ITUC
 General Council**

Sharan Burrow

General Secretary
 Secrétaire générale
 Generalsekretärin
 Secretaria General

DGS/JW

15 March 2017

**Meeting of the ITUC Leadership with CGT Colombia, CROC Mexico, CTM Mexico, FS Brazil, CGTC
 Curaçao and CGTP Panama on 10 March 2017 in Panama**

Dear colleagues,

As you were informed during our General Council meeting in December 2016 a number of ITUC affiliates announced that they want to withdraw from membership of our Regional Organisation TUCA with the intention to establish an alternative structure for unions in the Americas.

At the same time, they expressed their wish to remain a member of the ITUC at global level.

We informed you in detail about this process in appendix V of the General Council document on affiliation issues, which you will find in the annexe of this letter for information.

In a meeting with some of these affiliates during the General Council, we agreed to meet to see whether there are any opportunities for resolving the issues. These affiliates were repeatedly informed that establishing an alternative regional structure outside the ITUC would be considered as "against the interests of the ITUC".

The meeting took place on 10 March 2017 in Panama. The affiliates involved in this initiative are CGT Colombia, CTM Mexico, CROC Mexico, Força Sindical Brazil, CNT Paraguay, CAT Chile, FTA Aruba, CSE Ecuador, CGTC Curacao and CGTP Panama.

Despite the agreement with these organisations made in December 2016 that no action on the creation of separate structures would be made until our meeting, they recently published the announcement of their founding Congress that will take place in April 2017.

In the meeting in Panama on 10 March, the ITUC and TUCA were both represented at the highest political level. From the affiliates that announced the creation of an alternative regional structure, CGT Colombia, CROC Mexico, CTM Mexico, FS Brazil, CGTC Curacao and CGTP Panama were present.

During the meeting, we made a strong appeal to these organisations to engage in discussions, policy making and actions on the ITUC priorities and frontlines, to protect their members and all workers around the world against the increasing pressure on workers' rights and against injustice. Unity of workers within our pluralist ITUC is today more needed than ever.

The affiliates that were present all confirmed their support for the ITUC priorities and frontlines but informed us that they do not feel sufficiently respected by TUCA and its political leadership.

They criticised the composition of the representative structures of TUCA and do not consider themselves well represented in the TUCA structures, or by the TUCA policy despite Congress decisions

Contact: Bd du Roi Albert II, 5, Bte 1
 B-1210 Bruxelles, Belgique

Tel : +32 (0)2 224 02 11
 Fax : +32 (0) 2 201 58 15

e-mail : info@ituc-csi.org
www.ituc-csi.org

taken by the majority of the affiliates after long discussion.

They informed us that the founding congress of their alternative structure (Alternativa Democrática Sindical - ADS) will take place and they do not want to postpone this congress to give further opportunities to discuss their concerns with the ITUC and with TUCA.

We were left with no choice and had to explain to them that such action would be considered as "against the interests of the ITUC" and that the ITUC leadership would feel obliged to propose to the General Council suspension of ITUC membership of those affiliates that would join this alternative regional structure – as described in appendix V of General Council document 16GC/E/5.

We strongly regret that we have to inform you about the position of these affiliates. We had hoped that the meeting of 10 March would create a basis for continuing discussions about their concerns and about possible solutions.

Apparently, the leadership of these affiliates had already taken final decisions on the creation of an alternative regional structure outside the ITUC before our meeting with them, contrary to our understanding from the meeting with them in Vienna. This understanding was the basis upon which we made the recommendation that the General Council adopted. It is not clear to us that this decision has been taken by all of the ten affiliates in the group.

We are informing all affiliates that are involved in this initiative, also the ones that did not attend the meeting of 10 March, of the consequences of their possible membership of this alternative structure that will be established in April 2017.

Sadly, this would mean the ITUC leadership would have no choice but to propose implementation of the procedures for suspension of their membership of the ITUC.

Yours sincerely,



General Secretary

Enclosure: Appendix V – 16 GC/E/5

While the secretariat had hoped that the meeting of 10 March 2017 could create a basis for continuing discussions it became totally clear that the affiliates involved in this initiative had no intention to postpone the creation of a separate regional structure for the Americas.

To ensure that all involved ITUC affiliates were aware of the risk that becoming a member of this separate regional structure would be considered as against the interests of the ITUC, we sent all of them a letter on 15 March 2017 in which the Secretariat explained the possible consequences of their decision.

The letter to the involved affiliates of 15 March 2017 is annexed for information.

The founding Congress of a separate regional structure, Alternativa Democrática Sindical (ADS) took place from 17 to 21 April 2017 in Bogotá, Colombia.

By this action the affiliates involved have formalised their split from our regional structure TUCA. After consultation with the ITUC Elected Leadership Group, the secretariat concluded that we have no option **but consider the decision of those organisations which have joined ADS as an “action against the interests of the ITUC”**.

To avoid further tensions the Secretariat ended all cooperation with these affiliates and announced that a proposal would be brought to the next General Council meeting to suspend them from ITUC membership.

The members and substitute members of the General Council were informed about these developments and by letter of 3 May 2017 and asked to advise the Secretariat in case of questions or objections. No objections were received.

By letter of 17 May 2017 the Secretariat informed the affiliates which are members of ADS that cooperation with them would end, and that a proposal would be put to the next General Council meeting to suspend them from ITUC membership.

Below you will find the letters sent to the General Council (3 May 2017) and to the ADS members (17 May 2017).



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**To the members and substitute members
 of the General Council**

Sharan Burrow

General Secretary
 Secrétaire générale
 Generalsekretärin
 Secretaria General

DGS/JW/pdc

3 May 2017

Dear colleagues,

As you were previously informed, a number of affiliates of our Regional Organisation for the Americas, TUCA, announced that they would leave TUCA and create a separate structure called "Alternativa Democrática Sindical (ADS)". The history of this separation is summarised in the attached document, 16 GC/E/5 Appendix V.

During the General Council meeting in Vienna, a meeting with a number of these affiliates took place and it was agreed that we would invite and meet the affiliates that intended to establish this alternative structure to see whether there were any opportunities for resolution of their concerns.

We also agreed that in the meantime both sides would refrain from any announcement or statement on this issue.

Based on that agreement we advised the General Council to postpone formal discussions about the status of these organisations in the ITUC.

The meeting with the affiliates that were involved in the initiative to establish a separate structure took place on 10 March 2017 in Panama. It was attended by CGT Colombia, CTM and CROC Mexico, Força Sindical Brazil, CGTP Panama and CGTC Curacao, while the ITUC was represented by the General Secretary and a Deputy General Secretary, and TUCA by its President, General Secretary and Secretary for Social Policy.

Unfortunately, the group of affiliates that intended to create ADS announced the final decision to establish this structure two weeks before our meeting in Panama, not respecting the agreement that was made with them during the General Council meeting in Vienna.

Nevertheless we continued organising this meeting and listened and discussed their concerns as promised.

Unfortunately, it became clear during the meeting that there was no will at all to refrain from the establishment of the ADS structure.

Despite all efforts to avoid this split in our Americas Region, these organisations have decided to breach the unity of workers, at a time when we need to join our forces more than ever.

We have had no choice but to inform all the ITUC affiliates that are involved in the founding of a separate structure, that we have to define this as "an action against the interests of the ITUC" and would propose the implementation of the procedures for suspension of their membership of the ITUC if they did indeed decide to establish a formal structure outside the ITUC.

Contact: **Bd du Roi Albert II, 5, Bte 1
 B-1210 Bruxelles, Belgique**

Tel : +32 (0)2 224 02 11
 Fax : +32 (0) 2 201 58 15

e-mail : info@ituc-csi.org
www.ituc-csi.org

We have to inform you that the following ITUC member organisations indeed participated as founding member of the Alternativa Democrática Sindical (ADS) during its founding Congress that took place in Bogota, Colombia, from 17 to 21 April 2017:

- FTA Aruba
- Força Sindical Brazil
- CAT Chile
- CGT Colombia
- CGTC Curacao
- CSE Ecuador
- CTH Honduras
- CGT Honduras
- CROC Mexico
- CTM Mexico
- CGTP Panama
- CNT Paraguay

That leads us to the sad conclusion that our reconciliation efforts and our hearing of their concerns did not change their intention to separate from the ITUC Regional Structure and to create an alternative structure outside the ITUC.

By this action, they have formalised a split in our Regional Organisation TUCA. In their statements during the founding Congress of ADS many leaders of the above mentioned organisations accused TUCA of undemocratic and non-transparent behaviour, while the TUCA leadership was strongly attacked. Specifically concerning the allegation that the TUCA Congress was conducted in an undemocratic manner, we witnessed the preparation and conduct of the Congress and can confirm that it was a clear, transparent and democratic process. The offer made to the ADS organisations to establish a process to look into any other concerns was unfortunately rejected by them.

It became very clear that one of the aims of ADS is to attack and undermine the work of the ITUC Regional Structure TUCA.

As mentioned earlier we will propose to the General Council to implement the procedures for suspension of ITUC membership for these 12 affiliated organisations as described in the ITUC Constitution, on the basis of their actions against the interests of the ITUC.

In the short term it is necessary to avoid further tension in the Americas region and at other international levels. A continuation of any practical cooperation with these organisations would lead to an unnecessary increase of tensions and to further sharpening of division.

To ensure continuity of our work and actions in unity we can no longer include these organisations in our activities.

After consultation with the ITUC Elected Leadership Group, it is clear that we have no option but to consider the decision of those organisations which have joined the ADS as an action "against the interests of the ITUC", which triggers grounds for the cessation of all cooperation with them forthwith, and their suspension from ITUC membership. The General Council will be asked to formalise the suspension of these organisations when it meets in December.

In the meantime, any organisation that disassociates itself from the ADS would be welcomed back to ITUC activities.

Please advise us if you have any questions on or objections to this course of action.

Yours sincerely,



General Secretary



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João Antonio Felicio

President
Président
Präsident
Presidente

Sharan Burrow

General Secretary
Secrétaire générale
Generalsekretärin
Secretaria General

Mr Miguel Zayas Martínez

General Secretary
CNT
Piribebuy 1078, c/Hernandarias y Colon
Asuncion
Paraguay

Email: cnt@cnt.org.py

DGS/JW/

17 May 2017

Dear Mr Zayas Martínez,

We were informed that your organisation has participated as founding member during the founding Congress of the Alternativa Democrática Sindical, that took place in Bogotá from 17 to 21 April 2017.

According to article XXVII of the ITUC Constitution the ITUC Regions and the Regional Organisations of the ITUC are determined by the ITUC Congress. Our regional organisations are organic parts of our Confederation.

As we communicated to you in several meetings and in writing on 15 March 2017 we consider your decision to establish and to join a separate regional structure outside our Regional Organisation TUCA as an action against the interests of the ITUC.

We will propose to the ITUC General Council to suspend your organisation from ITUC membership during its meeting in December 2017.

In the interim, we want to avoid an unnecessary increase of tensions in the American Region and at other international levels and have decided, after consultation with the members of the ITUC General Council, to end all cooperation with your organisation with immediate effect.

We regret that we have had to take these measures after you rejected our offer to establish a process to look into your concerns. Your decision to formalise a structure that confirmed the separation from our Regional Organisation leads us to no other conclusion.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Burrow', written over a white background.

General Secretary

In the mean time we can report to you that CTH Honduras and CGT Honduras informed us that they do not consider themselves as ADS members and reconfirmed their membership of TUCA.

This means that finally the following ITUC affiliates have joined ADS:

FTA Aruba
Força Sindical Brazil
CAT Chile
CGT Colombia
CGTC Curaçao
CSE Ecuador
CROC Mexico
CTM Mexico
CGTP Panama
CNT Paraguay

Conclusions and Recommendation

Since the announcement of these 10 affiliates to leave TUCA and to establish a separate regional structure for the Americas, the secretariat has done everything possible to meet them, to discuss their concerns and to see whether there are any opportunities for resolution of these concerns.

Unfortunately many of these invitations remained unanswered and finally the outcome of the meeting in Panama on 10 March 2017 was disappointing. It became clear that the member organisations involved had no intention at all to explore a possible reconciliation that would avoid a separation from our regional structure for the Americas.

Since April 2017 the separate regional structure is a fact.

“Art. XXVII of the ITUC statutes. Regional organisations and structures” says: the Congress shall determine the regions for each of which a regional structure shall be established. The regional structures shall be organic parts of the Confederation.

The founding Congress of the ITUC (2006) defined the Americas as one of its regions, and the General Council approved the establishment of TUCA (in 2008) as its Regional Organisation.

Before, during and after the foundation of ADS leaders, representatives of the affiliates involved have made several statements against TUCA and the ITUC.

As an example the leader of CROC Mexico made the following (recorded) statement:

“ADS is an organisation that will strengthen the union work in Latin America and will also strengthen the policy of our governments in all our countries. Because in the ILO there are organisations that are attacking our countries. And, well, the organisations both TUCA and the ITUC do not reply to this criticisms that are made towards our governments. Therefore the ADS will have a voice in the ILO and will defend the trade union organisation of Mexico and also actions of our own government in this international court.”

Beside the 10 ITUC affiliates that have left TUCA, ADS includes trade unions that were not accepted into affiliation by the ITUC because they were not considered as independent, democratic or representative national trade unions.

Other ADS affiliates were suspended from ITUC in the past.

Statements of ADS leaders and the composition of their membership make clear that there is a growing distance between their policy/profile and the standards/principles of the ITUC.

The General Council is requested to consider the actions of the following affiliates

FTA Aruba
Força Sindical Brazil
CAT Chile
CGT Colombia
CGTC Curaçao
CSE Ecuador
CROC Mexico
CTM Mexico
CGTP Panama
CNT Paraguay

as actions against the interests of the ITUC, and to suspend them from ITUC membership with immediate effect.

The General Council requests the secretariat and the secretariat of TUCA to monitor the developments in the Americas Region and to remain open for any of these organisations which leave the ADS to return to TUCA/ITUC before the next ITUC Congress, that has the mandate to decide on the expulsion of these 10 organisations.
