



## 2<sup>nd</sup> WORLD CONGRESS

Vancouver, 21 - 25 June 2010

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### RESOLUTION

ON

### PROMOTING AND DEFENDING FUNDAMENTAL WORKERS' RIGHTS

1. Congress affirms that workers' rights are human rights and that promoting and defending fundamental workers' rights is and must remain a priority for the ITUC. Ensuring their full, universal respect and their enforceability is the necessary guarantee of the human rights of all workers and a precondition of any fair model of globalisation. Just as poverty anywhere is a threat to prosperity everywhere, so does the violation of fundamental workers' rights in any country undermine those rights even in countries where they are currently respected.

2. Workers' fundamental rights are defined by ILO Conventions 87 and 98 on freedom of association and collective bargaining, 29 and 105 on forced labour, 100 and 111 on discrimination and 138 and 182 on child labour, and the 1998 ILO Declaration of Fundamental Principles and Rights at Work makes explicit the obligation of all governments to respect the principles they embody and also to defend them within the multilateral organisations. The decent work agenda codified through the ILO's 2008 Social Justice Declaration and the 2009 Global Jobs Pact furthermore recognises standards as an essential pillar of a concerted strategy to overcome crisis and achieve sustainable economic development. Congress calls on governments to meet that obligation and on those which have not already done so to ratify these conventions. Governments have the responsibility to protect these fundamental human rights through law and its application. Indeed governments have the indispensable role. Congress deplores and condemns the persisting and widespread violation of fundamental workers' rights wherever they occur and commits the ITUC to work to bring them to an end.

3. Congress recognises that it is the responsibility of each state to protect the rights of its citizens and its workers at national and regional levels and within international institutions. It asserts that the organisations of the multilateral system have a complementary responsibility to provide an international policy environment which promotes respect of workers' fundamental rights and assists governments in meeting their responsibilities. It therefore calls on the International Financial Institutions and the WTO in particular to make the promotion of fundamental workers' rights and of the right to decent jobs an explicit objective of their work and to cooperate closely with the ILO to this end. There is urgent need for the ILO and WTO to deepen their cooperation to have the international trading system work effectively for the enforcement of these rights.

4. Congress underlines the crucial role of the ILO's supervisory system in holding governments accountable for their performance in the application of fundamental rights Conventions. It calls on the ITUC and its affiliates, in close cooperation with the ILO Workers' Group to defend the integrity of that system and its jurisprudence, and to take all opportunities to strengthen it. In conditions of accelerating globalisation there is special need to ensure that the universality of ILO standards is not undermined by trade and investment agreements, or policies or legal decisions made at national or regional level. Cross-border solidarity actions should correspondingly be universally recognised as legitimate tools of international trade union action. In that regard it is necessary to establish a full, legal recognition at national, regional and global levels of the right of trade unions to take cross-border sympathy action including industrial action.

5. Congress stresses the important role to be played by international, regional and national trade union organisations, in cooperation with other civil society organisations, in promoting citizens' awareness and education in order to enable them to protect their fundamental rights more effectively. Such awareness amongst citizens is a precondition for the emancipation of people generally, and workers more particularly.

6. The rights to form and join a trade union, to bargain, and to free and independent trade union action, are essential for all working people to defend and promote their interests. Congress asserts that the level of violation of these rights, documented in the ITUC's Annual Survey constitutes a concerted attack on working people everywhere and a dramatic and unacceptable failure by governments to meet their obligations to protect fundamental human rights or to develop adequate governance of the global economy. It salutes the courage and commitment of the many victims of these violations and rededicates the ITUC to ensure that their sacrifice is not in vain. Congress denounces external interference in trade union activities, including in countries where this has encouraged a proliferation and weakening of trade unions or where a single union structure has been enforced.

7. Congress deplores also that today at least 12.3 million people are subjected still to modern forms of slavery and other forms of forced labour. Urgent efforts are needed to eradicate the growth of trafficking and other abuses linked to globalisation which subject the most vulnerable of the world's workers to the cruellest and most extreme forms of abuse.

8. Congress welcomes the campaign work undertaken by the ITUC since its foundation in respect of forced labour and trafficking. It calls on the ITUC to continue that work and on affiliates to engage in it and in other initiatives in this field, with a view to attaining the ILO target of eradicating forced labour by 2015.

9. Congress condemns as intolerable the fact that over 200 million children are at work instead of at school and reaffirms the ITUC's commitment to the historic mission of the trade union movement to eliminate exploitation of children and to achieve universally accessible, free quality education. It underlines that child labour is acutely harmful to the physical and mental well-being of children and perpetuates the cycles of poverty, deprivation and underdevelopment of the societies in which it occurs.

10. Congress recognises that the fight to end all child labour, as defined in ILO Convention 138, is crucial for the achievement of decent work and decent life for all and must be multi-faceted. It should encompass a sectoral dimension and a specific strategy for the informal economy as well as a gender dimension needed to address the

disadvantaged situation of girls, and include the worst forms as defined in ILO Convention 182, which should be strictly connected to respect of the minimum age for employment as defined in ILO Convention 138. Congress acknowledges the strong relation between the occurrence of child labour and the absence of decent work for adults, and supports programmes to establish child labour free sectors or zones and campaigns to provide education for all as part of a strategy to attain the full elimination of child labour. Governments which demonstrate clear commitment to the elimination of child labour should benefit from the fullest possible international support, particularly through the ILO International Programme for the Elimination of Child Labour (IPEC) and its action plan for the elimination of all worst forms of child labour by 2016. Such a plan should incorporate full partnerships with trade unions in the fight against child labour. Governments and employers which condone or benefit from the exploitation of child labour should be subject to stringent sanctions, including commercial measures.

11. Congress affirms that discrimination in all its forms is an offence against the equality of rights of all human beings. It recommits the ITUC to oppose resolutely all discrimination, be it based on gender, race, nationality, ethnicity, religion, political opinion, age, disability, health status, sexual orientation or gender identity. It expresses deep concern at the growth of tension and conflict in many parts of the world which can be both cause and consequence of discrimination and calls on the ITUC to take all opportunities to fight for their elimination.

12. In this regard, it is a particular responsibility of trade unions to be active in combating racism and xenophobia at the workplace and in the community, and to promote in companies the notions of workplace diversity and the integration of all workers in the world of work and society. Congress rejects unequivocally notions of the incompatibility of cultures or the superiority of any, and calls on the ITUC and its affiliates to oppose them with solidarity between all workers and commitment to coexistence, tolerance and understanding on the basis of strict equality.

13. Similarly, trade unions have a responsibility to actively oppose homophobia at work and in society. Congress unequivocally condemns any form of discrimination or violence against or denial of the rights of lesbian, gay, bisexual and transgender (LGBT) persons, and supports action to end or prevent the criminalisation of homosexuality in any country. It calls on the ITUC and its affiliates to combat such attitudes with solidarity between all working men and women and a commitment to coexistence, tolerance and understanding based on absolute equality and to take measures to defend the social protection and workers' rights of LGBT persons, and to organise them.

### **ITUC Action Programme**

14. Congress commits the ITUC and regional organisations, working together with Global Union partners and affiliates to:

- (a) Make the universal and full respect of workers' fundamental rights a key goal of its activities for a new model of globalisation, including in its work with the IFT's and the WTO;
- (b) Promote trade union action and objectives based on solidarity and focused on fundamental workers' rights, given that the defence and development of those rights anywhere requires that they be respected everywhere;

- (c) Intervene in all appropriate ways to oppose violations of workers' fundamental rights, wherever they occur, and to call on the solidarity of all affiliates in those efforts;
- (d) Denounce and publicise all violations of fundamental workers' rights, raise awareness of them through education and communications activities, support defenders of trade union rights, and in particular continue publication of the Annual Survey of Violations of Trade Union Rights;
- (e) Build the capacity of affiliates to combat fundamental workers' rights violations, including through education programmes, the building of regional and global networks and publication of annual national reports on trade union rights;
- (f) Campaign for the release of imprisoned trade union activists and protect the safety of defenders of trade union rights;
- (g) Campaign vigorously to put an end to the most egregious instances of violation and oppression and support their victims, and to combat impunity for violators of workers' rights;
- (h) Work to end abuses of trade union and other human rights in export processing zones worldwide, and for the incorporation of fundamental workers' rights into the national laws or guidelines establishing such zones;
- (i) Promote the right to organise, to collective bargaining and to collective action for all public sector workers including the police and armed forces, working closely with the Public Services International and other Global Union Federations;
- (j) Contribute actively to achieving the right for workers to take cross-border industrial action to promote worldwide respect for fundamental human rights at work when necessary;
- (k) Work to establish legal liability for companies that violate universally recognised human rights, both in developing and in industrialised countries;
- (l) Work together with the Global Union Federations in order to achieve more effective international coordination and a common strategy for the promotion and observance of fundamental workers' rights;
- (m) Work to obtain full respect for fundamental workers' rights for workers in the informal economy, irrespective of their employment status, in particular for their right to organise and bargain collectively;
- (n) Make full use of the ILO's supervisory system and follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, protect the integrity of their working methods and jurisprudence and take all opportunities to strengthen their effectiveness, including through specific attention to publicising the actions of the governments identified as the worst violators at the International Labour Conference;
- (o) Campaign for universal ratification of the fundamental rights conventions of the ILO by 2015;
- (p) Ensure that the universality of ILO standards is not undermined by policies or legal decisions made at national or regional level;
- (q) Work closely with the ILO, including through IPEC and the Global Trade Union Alliance against Forced Labour and Trafficking to promote respect for fundamental workers' rights;
- (r) define a specific ITUC action plan for the eradication of child labour and the ratification and implementation of ILO Conventions 138 and 182, in full

cooperation with IPEC and with other committed organizations, with specific strategies for the informal economy and domestic work;

- (s) Disseminate examples of good practice in the elimination of child labour, including the establishment of child labour free zones as part of a strategy to attain the full elimination of child labour and to provide education for all;
  - (t) Work closely with appropriate human rights organisations, progressive alliances and broad fronts to coordinate events, meetings, forums and other initiatives in support of fundamental workers' rights, and promote such cooperation by affiliates as appropriate.
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