



**TRADE UNION CONFEDERATION
OF THE AMERICAS
(TUCA)**



**INTERNATIONAL TRADE UNION
CONFEDERATION
(ITUC)**

Trade union road map for the reconstruction and development of Haiti

Santo Domingo, 9 April, 2010

We, the trade unionists of Haiti and from all over the world¹, met in Santo Domingo on 8 and 9 April 2010 at an important Trade Union Summit for the reconstruction and development of Haiti. We propose this road map to Haitian officials and society, and to the international community.

Introduction

- Haiti is not a poor country, but an impoverished one.
- Haiti is an over-indebted country; the trade union movement calls for the cancellation of its debt and for donations, not loans.
- The catastrophe of 12 January must open the way to a new Haiti with decent work spearheading the country's reconstruction and development, ensuring the implementation of the ILO World Employment Pact for policy consistency; work is not merchandise, it is a fundamental right.
- The country's reconstruction firstly requires the definition of a societal model in which the economy is placed in the service of development and social justice; it is a priority to relaunch national production which must serve the above-mentioned purposes.
- It is time to strengthen the public sector, in particular the Ministry of Social Affairs and Labour, so as to develop a sound and long-term employment policy and high-quality public services for all (principally education, health, housing, and access to water, electricity and telecommunications).
- This road map emphasises the rights of women and youth, and the fulfilment of those rights.
- It is essential that the Haitian trade union movement participate in all the bodies working on the reconstruction of the nation.
- Haiti is a free and sovereign country; a deadline for the progressive withdrawal of international military forces is required in the framework of an agreement negotiated with the UN and the countries involved.

THEME 1

How to ensure Decent Work for All?

I. Definition of a national employment policy

- The decent work agenda has four strategic goals: respect for international standards, employment for all, access to social protection, social dialogue and tripartism; decent work must be the basis of Haitian reconstruction and development and the pillar of any national employment policy and of the Haitian reconstruction process as a whole.
- Job-generation is a challenge for Haiti and must be discussed and implemented in a tripartite manner; ratification and respect for Convention 122 (employment policy) are urgent and a National Decent Work Programme (NDWP) also needs to be drawn up between the government and the Haitian social partners in the framework of the tripartite social dialogue and with ILO support.
- The priority in terms of job-generation must be set in conjunction with Haitian workers themselves.
- Any lasting decent employment policy must emphasise the formalisation of work in the informal economy, as well as the promotion of cooperatives and micro-enterprises.
- Job-generation programmes must be developed that respect and enforce through regulation a series of principles and rights, above all:
 - payment of decent salaries enabling a decent life, including for workers who have not received their salaries since 12 January (mostly teachers).
 - the application of the principle of wage equity between women and men.
 - revision of the minimum salary in a tripartite framework and its adaptation to the cost of living.
 - the signing of labour contracts to formalise labour relations and ensure respect for labour rights.
- Access to micro-credit, mainly through cooperatives, must be further developed, as well as funds for small and medium enterprises (SMEs) and for rural workers.
- The Action Plan of the Haitian Government and the UNDP specifically proposes sectors where jobs can be generated, particularly in the areas of:
 - ◆ Reconditioning of production infrastructure (irrigation systems, plantations);
 - ◆ Maintenance programmes for roads and small community infrastructure in rural and urban areas.
 - ◆ Cleaning and recycling projects for the debris generated by the collapse of buildings in the quake-affected areas.
 - ◆ Reinforcement of agriculture; for this purpose the trade union movement demands a land development and vocational training policy focused on food self-sufficiency, which envisages full respect for the rights of rural workers, including the right to organise themselves.
 - ◆ The Haitian State must allocate the financial resources required for the abovementioned purposes.
- Emphasis must be put on disabled workers' access to employment.
- It is essential to generate green jobs (and green technologies); this innovative response would ensure access to basic services, such as electricity, whilst combating scourges such as the country's deforestation.

The national and international trade union movement demands that the reconstruction contracts be awarded for public procurement that contains commitments to respecting Haitian labour legislation and ILO core conventions. All national and foreign companies and non-governmental organisations in Haiti must respect the country's labour legislation and the ILO conventions, in particular the right to organise trade unions.

II. Respect for decent work in the reconstruction phase

- “Cash for Work” programmes enable immediate and substantial job-generation, but they cannot be the sole pillar of a real employment policy. Furthermore:
 - As the major players, the ILO, in conjunction with the Ministry of Social Affairs and Labour and the stakeholders, must be asked to coordinate and supervise these programmes.
 - Although such programmes are not a long-term solution, they can provide some temporary solutions, and the work involved must be undertaken responsibly.
 - These programmes must provide for the payment of decent wages and respect of international labour standards, including the core labour standards and those concerning health and safety at work.
- We propose the creation of a “Decent Work Observatory” to monitor donor projects, including those planned on a long-term basis.
- Reconstruction work is arduous, manual and largely carried out by men, so it is also necessary to ensure that jobs are created that are accessible to women during the reconstruction phase.

III. Vocational/Technical Training and Free, Compulsory, Public and High-Quality Education as the Basis of Sustainable Development.

- Sustainable development cannot be achieved without education.
- It is high time that the public sector and the State fulfil their role in society and provide education for all.
- This requires access to public, free and high-quality education for all and at each level (primary, secondary and university), as well as a vocational and technical training programme covering the main areas of the country's employment and development policy.
- The challenge in terms of education is dual: the trainers themselves need to be trained and the target persons need to be trained as a matter of urgency, including in mobile classrooms.
- The State must allocate the necessary budgets for implementing this policy.
- Trade unions will develop bilateral and bi-national vocational training programmes, in particular for women.

THEME 2

How to strengthen the Rule of Law in Haiti?

Good Governance

- **Access to health and education** is fundamental to ensure the Rule of Law.
- The **Reform of the Judiciary** is a priority (nomination of judges according to the rules established in the Constitution, implementation of a High Judicial Council, nomination of a President of the Court of Appeal)
- Need for **decentralisation**; this means strengthening the role and capacities of local communities, increasing their resources and increasing the number of workers involved and the training provided to them; this policy needs to be established in agreement with the other social partners.
- Good governance cannot exist without strong trade unions, hence the importance of making all possible efforts to strengthen Haitian trade union organisations.

Human Rights and Workers' Rights

- The Haitian State is bound to enforce the **conventions and international texts** that it has ratified; there is still a series of ILO conventions that need urgently to be ratified (including conventions 102, 122, 135, 141, 144 and 151).
- Priority must be given to the **rigorous enforcement of human rights and existing laws**, including the Labour Code, despite the gaps in the current texts.
 - Urgent action is needed on various issues in agreement with the social partners (e.g. arrangements to enforce the Labour Code, monitoring bodies, enforcement of judicial rulings, remedies and sanctions in the event of non-respect of the Labour Code).
 - The right to organise and to collective bargaining remains a challenge; there will be no sustainable development if this right is not implemented at all levels and covers the public and private sectors, workers in the informal economy and rural workers.
 - It is critical to strengthen labour administration and oversight in all the abovementioned sectors and to establish them within the public sector, in accordance with the recommendations recently made by ILO experts.
 - Workers must be allowed to receive legal protection in the relevant courts (industrial tribunals) from union representatives duly appointed by their union organisations; too often workers who are victims of abuse do not obtain justice owing to the weak means available for filing complaints.
- The **reformulation of the 1984 Haitian Labour Code** is urgent as it fails to take into account either the evolving needs of workers or ILO recommendations. Mostly it will be necessary to:
 - legislate to take into account the rights of children and women and the various ILO conventions.
 - put tripartite discussions back on the agenda and present the draft reform of the Labour Code, after discussion with trade unions, to the House of Deputies.

Participation of Trade Unions in the Reconstruction and Development

- **Strengthening of Social Dialogue**
 - It is urgent to create a culture of negotiation between workers and employers; joint committees are needed so that workers can pursue this culture of social dialogue at company level too.
 - The tripartite conciliation and arbitration commission established by law in 1900 needs to be reactivated: it has not had any members for 3 years, when its mandate ended; its mandate and competences also need to be reformed.
 - An Economic and Social Council needs to bring together all sectors of production (with representatives of workers, employers, the State and other sectors, including workers in the informal economy).

- **Reformulation and Strengthening of the Ministry of Social Affairs and Labour**
 - The ILO made recommendations to the Haitian State on a new law reforming the Ministry of Social Affairs and Labour to transform it into the Ministry of Labour and Social Security.

- **Financing of Union Organisations**
 - A law needs to be formulated on the financing of trade union organisations, based on their representativeness.

THEME 3

How to ensure Social Protection for All in Haiti?

Basic Principles

- Access to social protection must be treated as a human right.
- Ratification of Convention 102 and other conventions covering social protection is urgent.
- Specific emphasis is needed on the situation of women and their access to social protection, hence the importance, inter alia, of the ratification of Convention 183 (maternity protection).
- The social protection system must not be privatised.

Coverage

- A comprehensive social protection system must be based on equality between women and men and include vulnerable groups such as children, the elderly, disabled workers, as well as workers in the informal economy.

Financing

- Both contributory and non-contributory systems are needed in order to cover the entire population, including the very poorest. The social protection system must include a contributory scheme covering independent workers.
- A national budget must be drawn up to cover social protection.
 - A section of the aid pledged at the recent UN Summit in New York must be allocated to the financing of social protection.
 - Progressive taxation arrangements must be established in order to finance this social protection.

Functioning and Participation of Trade Unions

- This system must be based on a standing tripartite body that monitors the social protection system;
- Union organisations have pledged to set up a single standing committee, consisting of all the union centres, for this purpose. The committee will be in charge of monitoring the social protection system.
- The additional funding obtained will help strengthen the capacity, transparency and monitoring of the system, including training and hiring of government experts on occupational health.
- More efficient public policies are required on family planning and combating HIV-AIDS.
- The signing of collective agreements will serve as a complementary mechanism to help strengthen social protection.

Migrant Workers

- The trade union movement calls upon countries with **Haitian migrant workers** to ratify ILO conventions 97 and 143 on the rights of migrant workers and for the rights enshrined in these conventions to be fulfilled.
- We also call for the signing of bilateral agreements between those governments and the Republic of Haiti on protection of the rights of migrant workers and transferability of their rights, particularly between the Dominican Republic and Haiti.
- We insist on the need to regularise undocumented Haitian migrant workers as a means of ensuring respect for their rights, including access to social protection in the country where they are residing;
- At the same time, the regularisation of citizens in Haiti who are not registered at the Vital Statistics Bureaus is imperative in order to prevent their exclusion from social security coverage.

CONCLUSIONS

Based on all these recommendations, the national, regional and international trade union movement:

- *Pledges to make all possible efforts to ensure the implementation of this road map.*
- *Calls on the ILO to play a stronger role in Haiti for a sufficiently long period of time and, more particularly, to strengthen its technical cooperation and training on international labour standards.*
- *Insists on the implementation of the United Nations Development Assistance Framework (UNDAF) in Haiti, with strong involvement from the ILO and the social partners.*

In order to achieve these goals, the Haitian trade union movement:

- *Makes a historic commitment to work in a unified manner and establish arrangements for an ongoing dialogue based on a Charter, which will enable the implementation of this road map and form a basis for all their future actions.*
- *Will continue developing alliances with other sectors, such as progressive political parties, churches and civil society organisations (human rights organisations, and women's and peasants' groups, for instance).*

† This road map was approved by over one hundred representatives of trade union organisations and organisations linked to the trade union sphere, among them:

- **Haitian trade unions:** CTH, CNEH, CTSP, CSH, SSH, MOÏSE, CATH, MSH, UACSH, Batay Ouvrière
- **Global Union Federations:** EI, ITF, PSI, BWI, IUF, UNI
- **Latin American trade unions:**
 - Host country: CASC, CNUS, CNTD – Dominican Republic
 - Other countries: CGTG – Guatemala, CROC – Mexico, CUT – Brazil, UGT – Brazil, Força Sindical – Brazil, CUT – Chile, CAT – Chile, CGT – Colombia.
- **African trade unions:** ITUC-Africa (CNTS Senegal)
- **European trade unions and organisations involved in trade union solidarity:** TUC – UK, SASK – Finland, CGT – France, CGT-FO – France, Paz y Solidaridad-CCOO – Spain, ISCOD-UGT – Spain, ACV-CSC – Belgium, ISCOS-CISL – Italy.
- **North American trade unions and organisations involved in trade union solidarity:** Solidarity Center- AFL-CIO – USA, CSN – Canada, CLC – Canada, FTQ – Quebec, CAW – Canada.

This Summit was also attended by, and received important contributions from many ILO representatives, as well as the Haitian Ministry of Social Affairs and Labour.

The Dominican Minister of Labour gave the opening address in the presence of international observers, including a World Bank representative.