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## **International Trade Union Confederation (ITUC) Commonwealth Trade Union Group (CTUG)**

### **CTUG submission to the 2018 Commonwealth Heads of Government Meeting (CHOGM) London, April 2018**

*“Heads reaffirmed their commitment to the realisation of the economic, social and cultural rights of all and the right of everyone to an adequate standard of living. They emphasised the need to protect individuals from all forms of violence and discrimination.”*

*Commonwealth Leaders Communiqué, Malta, 2015*

The Commonwealth Trade Union Group (CTUG) represents over 30 million workers in Commonwealth countries. With this statement we call the Commonwealth Heads of Government Meeting to commit to measures and take action in order to promote human and trade union rights, decent work and human well-being.

The CTUG believes strongly in the values and institutions of the Commonwealth and we call on Commonwealth leaders to devote resources to, and increase the political priority given to the work of those institutions.

The CTUG urges the CHOGM to take efforts to fulfil the following cross-cutting priorities:

1. The establishment of an annual meeting of Commonwealth Labour Ministers to discuss and make recommendations on the jobs crisis;
2. Adopting a target for full ratification of the ILO Fundamental Rights Conventions by all Commonwealth countries;
3. To promote the ratification of the ILO Convention No.29 and its 2014 protocol and take action to mandate due diligence throughout global supply chains;
4. Develop a Youth Employment Strategy with clear employment targets as well as principles for the support of vocational education and quality apprenticeships;
5. Adopt ambitious climate policies within a timeframe that allows our planet to stay

below the 2°C temperature increase threshold, that way supporting the creation and transformation of jobs and a Just Transition to the low carbon economy;

6. Provide resources and support to the implementation of the Mauritius Strategy and the Barbados Programme of Action for Small Island Developing States (SIDS);
7. Developing a coherent and robust peer review mechanism to audit performance by Commonwealth member states against the Harare Principles ;
8. Keep under review the progress of the restoration of democracy in Fiji;
9. Refer Swaziland to the Commonwealth Ministerial Action Group for persistent breaches of the Commonwealth Charter;
10. Include a reference to LGBTI rights in the Declaration of the CHOGM.

### **A sustainable future for the Commonwealth countries**

#### *Accelerating the Just Transition to a low-carbon economy*

In December 2015 in Paris, governments agreed on a framework for climate action and committed to secure a safe emissions pathway in order to preserve billions of lives and livelihoods. The commitment to stay below 2°C and even aim at not surpassing 1.5°C average temperature increases must be followed with policy coherence between the national and international level, and among institutions of global governance. As 2015 was declared the warmest year since the recording of temperature data started, and February 2016 was already 1.2°C warmer than the base year used by the Paris Convention, there is an urgent need for action.

Climate change presents many challenges and dangers but also an opportunity that, if followed by bold action, could unleash the massive job creation potential of a green economy, while at the same time securing a Just Transition for workers in sectors which will face change. The commitment to a Just Transition is also part of the Paris Agreement, and has been translated into concrete policies in a consensus document by governments, employers and trade unions under the ILO's Guidelines for a Just Transition.

Just Transition to a low-carbon economy means that nobody is left behind. Workers in affected sectors should be able to find access to new skills, access to new job opportunities created by investment and public programmes, and access to social protection and public services that would enable individuals and communities not only to cushion against the anticipated change but also transform themselves in the realities of the low-carbon economy.

The CTUG calls the CHOGM Leaders to:

- ☐ actively promote the implementation of the ILO Guidelines for a Just Transition in their national contexts, in permanent dialogue with social partners, which implies anticipating potential impacts on jobs of a zero-emission trajectory; and
- ☐ open a dialogue with all relevant stakeholders, including trade unions, in the process for implementing Nationally-determined contributions (NDC) and assess potential

for improving their ambition and scope, as a means for implementing the Paris Agreement.

### *Public Health*

Although great progress has been made, the HIV/AIDS continues to menace the future of Commonwealth countries, its people and their health.

- The CTUG calls on CHOGM to encourage the implementation of ILO Recommendation No. 200, on HIV and AIDS and the World of Work, and set targets for adopting the ILO Code of Conduct on HIV/AIDS.

### **A Fairer Future: Democracy, Good Governance and Rights**

Democracy and human rights are at the heart of the Commonwealth's values, and we believe that the Commonwealth needs to do more to promote freedoms and rights enjoyed in democratic societies and act against breaches. We support the principles of the 'Charter of the Commonwealth' and the implementation of the Harare Principles, especially *"the importance and urgency of economic and social development to satisfy the basic needs and aspirations of the vast majority of the peoples of the world"* although we believe they should go further, for example being explicit about the rights of LGBTI people.

- The Commonwealth would benefit if it held a peer review to audit the performance of Commonwealth governments against the Charter of the Commonwealth and the Harare Principles.

In 2017, the G20 Labour and Employment Ministers agreed that minimum wage legislation and collective bargaining are important in order to set income floors and reduce income inequality, eliminate poverty and achieve sustainable wage growth. The Ministers also referred to *"the responsibility of businesses to respect human and labour rights in their supply chains and take effective measures to identify, prevent, mitigate and account for the risk of violation of these rights"*.

To this end, the CTUG calls on CHOGM to:

- establish a target for all Commonwealth governments to ratify all eight ILO Conventions on Fundamental Rights at Work as soon as possible, and to undertake annual reviews of progress towards that objective and to publish the results of their reviews;
- instruct the Commonwealth Secretariat to monitor progress towards the ratification by all Commonwealth countries of the ILO governance Conventions and the ILO Convention No. 144 on Tripartite Consultation, and report to the next CHOGM;
- encourage national legislation to follow the principles of the ILO Convention 131 on Minimum Wage Fixing, ILO Convention No. 102 on Social Security and the ILO Recommendation No. 202 on Social Protection Floors;
- cooperate and exchange good practice over the creation of National Action Plans on Business and Human Rights under the UN Guiding Principles, including with mandatory human rights due diligence.

In particular, the CTUG recognises that the Commonwealth needs to continue to be vigilant where countries breach the Commonwealth Charter, and ensure that the worst breaches are held accountable through the enforcement mechanisms of the Commonwealth.

In this regard, the CTUG urges CHOGM to:

- keep under review the progress of the restoration of democracy in Fiji; and
- refer Swaziland to the Commonwealth Ministerial Action Group for persistent breaches of the Commonwealth Charter.

#### *Domestic workers*

There are over 100 million domestic workers in the world, many of them in Commonwealth countries. Most of them are girls, women, and often migrants. Their work is undervalued, underpaid and unrecognised and they are often vulnerable to violence. The adoption of the relevant ILO instruments was a step forward to address basic human rights and decent work gaps for these workers who have been neglected for too long by the international community.

The CTUG calls on the Commonwealth to

- promote the ratification of the ILO Convention No.189 and Recommendation No. 201 on Domestic Workers; and
- promote the formalisation of domestic work in line with ILO Recommendation 204 on formalising the informal economy.

#### *Discrimination*

Discrimination on grounds of gender, race, caste, age, sexual orientation and gender identity, disability or other grounds is a divisive blight affecting all Commonwealth countries. Achieving gender equality depends on equal rights of inheritance, land ownership, workers' rights, wages, property rights, and access to finance. It requires determined governments to tackle the spread of the unprotected economy where a great majority of women, children, migrants, young people and minorities continue to be exploited.

- In view of achieving universal implementation of the Harare Principles, the CTUG calls on the Commonwealth to promote the adoption by Member States of international human rights conventions (including the core Conventions of the ILO), by developing peer review and audit; and
- We urge the Commonwealth to include LGBTI rights in its equality work, and encourage the removal of statutes criminalising LGBTI people.

#### *Integration of migrants*

Being faced with multiple challenges in dealing with the increase of migratory and refugee flows, workers in the Commonwealth expect commitments to resettle refugees and asylum seekers and to afford all migrants the right to decent work. In particular, migrant workers are more vulnerable when they lack language skills and remain unaware of their rights. Granting equal protection to migrant workers and refugees is the best way to protect the jobs and wages of workers in the host country.

- The CTUG calls on the Commonwealth, and especially its developed countries, to support refugees by providing quality education, language, skills and vocational training along with social protection and access to public health care services, including trauma counselling. Targeted programmes for unaccompanied minors and young adults are fundamental.
- We call for governments to guarantee protections for migrants irrespective of immigration status and ensure that the enforcement of labour market rules is kept distinct from enforcement of immigration laws.

The CTUG welcomes the important work being done by the Commonwealth Games Federation to ensure respect for workers' and other human rights in the framework of Commonwealth Games events, and other aspects of the Federation's activities.

### **A more secure future**

#### *Human trafficking and Modern Slavery*

Estimates show there are more than 21 million modern slaves worldwide. Forced labour in the private economy generates US\$ 150 billion in illegal profits per year. Domestic work, agriculture, construction, manufacturing and entertainment are among the sectors most concerned. Migrant workers and indigenous people are particularly vulnerable to forced labour. The Protocol to the ILO Forced Labour Convention (No. 29) has given renewed focus and energy to the determination to eliminate forced labour. The CTUG calls on

- CHOGM to promote the ratification of the ILO Convention No.29 and its 2014 protocol
- Countries take action to end exploitation in global supply chains
- Instruct the Secretariat to work with trade unions seeking to protect and organise the most vulnerable workers'
- ILO Convention No.29 and its 2014 protocol

### **A more prosperous Commonwealth**

#### *Job creation with investment*

Massive public investment is needed in physical infrastructure and the care economy, and in the Just Transition to a low carbon economy. Public investment in these areas has high job creation potential and it will improve the productivity of the Commonwealth economies with equity and in a sustainable way. In particular, investment in social services, childcare, healthcare and education have a great potential to address poverty, ageing and other demographic trends, as well as create a highly skilled and productive workforce.

- The CTUG urges the Commonwealth to strengthen cooperation in promoting productive investment in the green economy, infrastructure, care services, education and other public services.

Youth unemployment runs rampant in many Commonwealth countries as well as in the rest of the world. The CHOGM must promote policies on both the labour supply and demand side in order to improve youth's capacity to participate in the labour market and create jobs for the youth.

- The Commonwealth Youth Ministers Forum could develop a Youth Employment Strategy, in cooperation with Labour Ministers, with clear employment targets and bi-annual reviews of progress, sharing of best practices in training and vocational education, promotion of quality apprenticeships, and enhanced cooperation on youth innovation.

#### *Addressing insecurity at work*

Insecurity at work is on the rise in many Commonwealth countries. Too many workers face insecurity about their employment contract, insecurity about working hours, worries about (low) pay and risk missing out on key rights such as the right to social security. Insecure work comes at a serious cost: It affects living standards of workers, productivity of business and has a significant impact on public finances.

- To ensure the burden of managing risks at work is fairly shared between employers and employees, Commonwealth governments should change employment policy, including by amending laws, regulating labour brokers and employment agencies, and actively promoting collective bargaining in order to encourage full-time employment contracts over short-term and precarious forms of employment relations.

#### *Trade and development*

Many developing countries in the Commonwealth stand to be affected by Economic Partnership Agreements (EPAs) with the European Union (EU). As trade between Africa, Caribbean and Pacific (ACP) is UK-intensive, the British vote to leave the EU certainly changed the market access balance of the EPAs, and raises the prospect of post-Brexit UK free trade agreements with other Commonwealth countries.

In their current form, the EPAs could be detrimental to ACP's structural transformation, including employment creation and quality, industrialisation, food sovereignty, and formation of domestic capital. As the EPAs are not always negotiated on a block to block basis and they also damage regional integration. Trade unions are also concerned that EPA negotiations have not involved trade unions and have inadequate provisions for trade unions to monitor their impact on workers and enforce labour standards in once in place. Developing countries, least developed countries among them, should always enjoy adequate policy space to attain domestic development priorities.

The CTUG calls on CHOGM to:

- decide reject the EPAs in their current form
- reject investment protection agreements that provide foreign investors with privileged justice systems to claim their rights under the agreements
- involve trade unions in EPA and other trade negotiations to ensure that they guarantee decent jobs, fair pay and encourage development

- that any agreements have inbuilt monitoring and investigation mechanisms and that involve trade unions in order to ensure respect for the International Labour Organisations' Decent Work Agenda and Sustainable Development Goal 8

The CHOGM in London should address the over-reliance of some Commonwealth countries on commodities trade. Possible quick fixes include a mechanism to provide aid in times of price shocks and to stabilise commodity prices in countries in risk. Measures to address speculation in commodities markets would provide great benefit to poor Commonwealth countries and assist them to move towards a long-term solution through industrial policy and diversification.

The CHOGM should reaffirm the commitment to duty-free, quota-free access to LDC's products and take measures to provide it. Other measures on the multilateral level that would have a positive effect on poor Commonwealth countries include the simplification of rules of origin and a waiver for the protection of intellectual property rights (IPRs) in order to enable quicker technological dissemination and cheaper intellectual property related products, including medicine, seeds and others. The CHOGM should also support that food programmes be secured from WTO sanctions and work to deliver the Doha Round's Developmental Mandate before trying to put new issues, like e-commerce or investment protection, on the negotiations agenda.

In terms of all trade agreements involving Commonwealth countries, especially post-Brexit trade deals with the UK, the CTUG calls for enforceable language on workers' rights, and no special enforcement mechanisms for investors. Such trade deals should involve the active participation of representatives of workers, employers and civil society, and should involve them also in monitoring the outcome of such agreements.

#### *Sustainable Development Goals and Decent Work*

The 2030 Agenda for Sustainable Development sets out collective development priorities at the international level. It contains a set of shared objectives, the Sustainable Development Goals (SDGs), to which all countries have committed. The promotion of democracy, rule of law, human rights, good governance and social and economic development, the principles at the heart of the Commonwealth, are also those at the core of this global effort. As such, the Commonwealth provides its Member States with a key vehicle for implementing their shared values through its support of the 2030 Agenda process. Establishing a people-centred approach to building sustainable social, environmental and economic development within its wealth of diversity can provide a blueprint for the rest of the world. For this to happen effectively, it is essential that key stakeholders involved in its ground-level implementation be included in the policy-making process.

Through their everyday work on upholding freedom of association and collective bargaining, on promoting decent work and the rights of working people, trade unions are instrumental to achieving the SDGs. The recognition of decent work as a crosscutting issue that affects progress across the board and the reality of an interdependent global labour market highlights the need for close coordination. Trade unions throughout the Commonwealth, with their wealth of experience on labour issues, are natural partners in this effort. Through

consultation, they provide valuable insights, which are both shared and context-specific. In order to strengthen this contribution, build consensus among social partners, promote economic equality and reinforce institutional stability, trade unions highlight the role of social dialogue in SDG implementation at the national and Commonwealth levels.

The CTUG calls on the CHOGM to:

- Support the inclusion of trade unions in the SDGs implementation at national level;
- Establish specific social dialogue on the implementation of the SDGs at Commonwealth level;
- Assist Member States in their reporting duties for all 18 Decent Work Indicators (ILO custodian and involved indicators) of the SDGs Global Indicator Framework.
- Publish a biennial stocktaking of progress towards attaining the SDGs for each developing country in the Commonwealth.

#### *Curbing tax evasion and tax avoidance*

A year after its creation, the Inclusive Framework set up by the OECD for the implementation of the Base Erosion and Profit Shifting (BEPS) Action Plan has succeeded in reaching broad participation by developing countries but has yet to prove its effectiveness in ensuring BEPS measures and minimum standards are observed by all countries, including middle- and low-income countries. The BEPS agreement on a country-by-country (CbC) reporting framework for MNEs is a key achievement of the BEPS Action Plan.

The strict confidentiality requirements of the CbC reporting framework however are not only unjustified from a corporate tax accountability perspective. They are in fact proving to be counter-productive as many countries are struggling to meet the legal and technological conditions to satisfy the confidentiality requirements. More broadly, the combined implementation of the BEPS Action Plan (on tax avoidance) and of the separate Global Forum on Tax Transparency agreement on automatic exchange of information (tax evasion) has put national tax administrations under stress. Both processes will require maintaining political momentum for reform to effectively address tax avoidance and evasion. Commonwealth members have a key leadership role to play in this regard.

The CHOGM should:

- encourage developed countries to increase development aid and capacity building programmes to support tax administrations of developing countries meeting the requirements under the BEPS Action Plan and the Global Forum on Tax Transparency
- commit to a publicly disclosed country-by-country reporting framework for global business

#### *Social Protection Floor*

The CTUG also calls on Heads of Government to work with the ILO and trade unions to establish a universal Social Protection Floor. This would ensure the availability, continuity and access to essential services such as water, sanitation, health and nutrition. Social protection could include active labour market measures with a view to developing human capital and increasing the re-employability of those adversely affected by globalisation and

the crises. Trade agreements should ensure there are specific exemptions for public services to ensure governments retain policy space to provide a Social Protection Floor.

### **A More Prosperous Future**

In line with Sustainable Development Goals, we emphasise the significance of employment as a means to escape poverty and that experience shows that it is the practice of Commonwealth values that is at the heart of successful economies. However, if ending poverty is the aim, then growth alone is not enough. Millions of working poor today do not enjoy full employment and decent work and they remain trapped in precarious conditions and informality. Unemployment and particularly youth unemployment soar in both the developed and developing Commonwealth countries posing new threats to social cohesion.

In response to the employment consequences of off-shoring and outsourcing, more effective international rules to shape globalisation are needed. States fail to protect rights and business fail to respect human rights in their operations in developing countries leading to grave infringements. Bold action is needed in order to regulate corporate behaviour, including by requiring mandatory human rights due diligence.

The CTUG urges the Commonwealth Leaders to implement their own current commitments, while also considering the suggestions from the CTUG including in particular the pursuit of an employment-led sustainable growth model with high quality jobs, productive investment, social protection and access to quality public services that will provide jobs and improve the livelihoods of millions of people. The CTUG supports strongly the successful development of intergovernmental cooperation through the Commonwealth in order to attain democracy, human and trade union rights and decent work in all its countries, and to enable growth that bears benefits for all.