



Follow-up activities by the Office under the Declaration on Fundamental Principles and Rights at Work: Freedom of association and collective bargaining, forced or compulsory labour

1. This brief note has the purpose of informing delegates at the 90th Session of the International Labour Conference (Geneva, June 2002) of activities in pursuit of the Action Plans approved by the Governing Body in November 2000¹ on freedom of association and the effective recognition of the right to collective bargaining, and in November 2001² on forced or compulsory labour. This note is structured following the headings of those two Action Plans and refers to countries, regions or organizations for which activities were envisaged at the time of approval of the Action Plans as well as to countries, etc., for which resources have become available subsequently under the inspiration of the Action Plans, notably to the InFocus Programme on Promoting the Declaration and the Turin Centre of the ILO.

A. Freedom of association and collective bargaining

2. This section updates *Provisional Record* No. 2 of last year's Conference. Not listed here are the many activities such as meetings, publications, advisory services, ongoing projects, etc., handled by the Bureau for Workers' Activities, the Bureau for Employers' Activities, other headquarters or field units that are concerned with or touched upon freedom of association and collective bargaining and which complement the Action Plan of 2001. They are shown as a matter of course in the ILO programme implementation reports regularly submitted to the Programme, Finance and Administrative Committee of the Governing Body.³
3. Five of the major technical cooperation projects launched in 2001 with the financial support of the United States Department of Labor were the object of independent mid-term evaluations about half way through their two-year periods of execution. This note draws on the findings of these mid-term evaluations and of similar exercises carried out for other projects.

¹ GB.279/TC/3.

² GB.282/TC/5.

³ For the last report, see GB.283/PFA/9.

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4. The Office will shortly begin to elaborate the second Global Report on freedom of association and the effective recognition of the right to collective bargaining, to be submitted to the 2004 International Labour Conference. This Report will have as one of its objectives the evaluation of activities carried out since the adoption of the Action Plan in 2000.

Principal hurdles to be addressed

Strengthening of rights

5. *Bulgaria and Romania*: This two-country project, which is also referred to under “Specific implementation problems” below, carried out surveys on trade union rights, regional structures, etc., and elaborated awareness-raising as well as promotional material for trade unions in both countries.
6. *Central America*: The mid-term evaluation of this regional project found that initial efforts had concentrated on: (a) diagnostics of labour relations and globalization in the region, meant to serve as inputs for subsequent education and training activities; (b) the design of a pilot diploma in labour relations at the University of the Dominican Republic; (c) a regional strategy for alternative means of conflict resolution in labour relations; and (d) the publication of a journal on labour relations.
7. *East Timor*: A technical cooperation project to strengthen industrial relations is under way in this new country. A Labour Code developed with ILO’s assistance was scheduled for adoption on 1 May 2002. Through this project, provisions on freedom of association and collective bargaining have been included in the country’s Constitution, and the Labour Code itself ensures the respect of these fundamental rights.
8. *Eastern Africa*: The mid-term evaluation of this project that covers *Kenya*, the *United Republic of Tanzania*, and *Uganda* saw as the most impressive feature of the initial phase of this project its ability to deliver and gain wide acceptance of a comprehensive knowledge and understanding of the nature, purpose and relevance of social dialogue in general and of Conventions Nos. 87 and 98 in particular, as foundation principles of a sound labour relations environment in all three of the countries participating in the project. The project was also credited with contributing to the Kenyan Government’s recognition of the Civil Service Union, which had been refused registration in the past.
9. *Gulf Cooperation Council (GCC) countries*: An agreement was reached between the ILO and the GCC in October 2001, foreseeing a series of activities under the Declaration, including freedom of association and collective bargaining. Among the first of these activities was a technical advisory mission in January to *Saudi Arabia*, to discuss the Decree of April 2001 on workers’ committees, followed by a consultancy on labour law reform in April 2002. A tripartite meeting on the Declaration was held for the *United Arab Emirates* in January, with particular focus on freedom of association and collective bargaining. This was accompanied by technical consultations with the Government and its partners on possible elements of a law on the right of workers to organize. A meeting on the Declaration with particular regard to freedom of association and collective bargaining, planned for April in *Qatar*, was postponed and will occur after the 90th Session of the International Labour Conference.

Discrimination and interference

10. *Cambodia*: The project’s second synthesis report on working conditions in *Cambodia’s* garment sector stated that, whereas there was no evidence of forced labour or

discrimination, there were problems concerning, inter alia, freedom of association in a number of factories, including anti-union discrimination, and that strikes were not organized in conformity with legally required procedures. Technical advisory services were provided for the drafting of ministerial decrees with a view to providing a framework for enterprise-level trade union representation and right to collective bargaining. (For a related project, see under “Specific implementation problems” below.)

Specific implementation problems

11. *Interregional:* Since January 2001, the Turin Centre of the ILO has been hosting a two-year project on freedom of association (FOA Project), financed with extra-budgetary funds. It aims at improving the sustainability of technical assistance provided by the Office in that field by accompanying it with upstream and downstream training activities. The FOA Project is meant to be the first phase of a broader training programme of the Turin Centre on fundamental principles and rights at work (its extension to forced labour is currently under negotiation). Among its activities are worth noting that, from September to December 2001, the FOA Project trained a pool of 17 experts from all regions in the field of freedom of association for the purpose of supporting the Turin Centre’s and the Office’s activities on this subject matter. Available to intervene upon request, these experts have made it possible to implement a number of comprehensive freedom of association projects in *Latin America, Africa* and *Asia*. For example, an extensive one-year project in the port sector of CONOSUR countries was launched. The FOA Project is also working in close collaboration with workers’ organizations of Central Africa (*Rwanda, Congo, Democratic Republic of the Congo, Burundi*) in order to strengthen their organizational and bargaining capacities. In Asia, the FOA Project collaborates with ILO Offices and technical cooperation projects to implement training activities in the field of freedom of association and collective bargaining. In Indonesia, for instance, four activities have been planned for 2002 in this regard. They are either tripartite or specifically addressed to governments, workers’ or employers’ organizations. Because a significant number of requests have been received, the FOA Project is also working with the judiciary. Projects have been launched for countries of *Latin America* and *Northern Africa* as well as *Romania*. In the course of 2001 and 2002, it has been noted that more and more judicial decisions are pronounced with specific references to ILO freedom of association instruments. Furthermore, the FOA Project aims at mainstreaming freedom of association in all of the Turin Centre’s training activities. To that end, it is developing relevant training material such as an extensive PowerPoint presentation on the subject which has been translated into a number of languages.
12. *Bolivia:* A short project raised awareness about the Declaration’s principles in the country through media activities; it improved the collection of information on labour relations; and provided training to the social partners on basic labour rights.
13. *Brazil:* A small project follows up on an earlier DECLARATION-supported meeting aimed at promoting through collective bargaining more equal chances for women and other social groups in the workplace.
14. *Caribbean:* The mid-term evaluation of this regional project observed, inter alia, that in every discussion held the social partners and beneficiaries indicated that the project had a great impact on their attitude towards labour management relations. It had helped to build trust, to guide beneficiaries to seek improvement in their approach by highlighting best practice enterprises as role models, by providing needed information from case studies and other surveys on conflict resolution, and on approaches to productivity gains built on cooperation rather than being undermined by confrontation. The evaluation mission

strongly recommended the extension of this project for a period to be decided in consultation between the United States Department of Labor and the ILO.

15. *Colombia*: A project has recently started to develop and improve labour relations at the national and regional levels.
16. *Indonesia*: This project has several objectives. One of them was to facilitate the passage and implementation of two new laws on dispute settlement and broader labour market questions that contained specific subsections on freedom of association and collective bargaining. The mid-term evaluation was informed that, after well over a year, the adoption of this legislation was still not certain and, therefore, recommended to focus the project's current activities on the training of the social partners both in organization and management skills and in negotiation and bargaining skills, and this at the national level as well as in seven provinces.
17. *Jordan*: A new project has begun to strengthen the enforcement of labour law and create an enabling environment for economic development and social stability through promotion of social dialogue at the national, sectoral and enterprise levels.
18. *Morocco*: A three-year project has just been launched that seeks to improve labour administration practices and promoting social dialogue and reducing industrial disputes. Its activities cover the national level, selected sectors (agribusiness, construction, tourism) and enterprises.
19. *Nigeria*: The labour law reform module of this technical cooperation project is now under way, with a large number of laws identified as requiring modification in order to comply with fundamental principles and rights, in particular freedom of association. This project also assists the social partners, and the Government, in creating harmonious industrial relations through social dialogue.
20. *Organization of American States (OAS)*: The mid-term evaluation of this regional project, which has the aim of enhancing the capacity of ministries of labour to address substantive matters of concern in the context of the OAS labour ministerial process, recommended its extension with a focus on labour issues arising from hemispheric integration and strengthening cooperation with the OAS and the Inter-American Development Bank.
21. *Senegal*: A new project aims to strengthen the competencies and capacities of workers' and employers' organizations with a view to increasing their participation in defining and implementing economic and social development policies and to allowing them to participate in drafting the national collective agreement and negotiating sector-related collective agreements. This project also aims to provide the Government with technical assistance so that it can bring labour legislation into line with the relevant fundamental Conventions.
22. *Southern Africa*: This two-year project to promote respect for the Declaration's fundamental rights and principles, in particular freedom of association, commenced early in 2002. One of its components covers labour law reform for *Zambia* and *Lesotho*, another capacity building for the social partners and the governments in areas of collective bargaining and tripartism in those two countries as well as in *Botswana* and *Malawi*.
23. *Ukraine*: A technical cooperation project on the reform of labour legislation, labour inspection, the promotion of freedom of association and the right to collective bargaining was launched late last year. Workshops and advisory services to the tripartite constituents have been its initial mode of operation.

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24. *Viet Nam*: A new project has just been initiated that seeks to increase the industrial relations capacities of the tripartite partners at various levels with a view to promoting sound labour-management relations at the workplace.

Labour law reform

25. *Bulgaria and Romania*: This two-country project in *Bulgaria* provided technical advisory services to the constituents on amendments to the Labour Code. A mission assessing the country's legislation and practice on the right to strike took place at the end of March 2002; and a technical report is being discussed in a tripartite forum for proposing amendments to the current legislation. In *Romania*, a seminar was held in April on the reform of the law concerning the Social and Economic Council (see also above under "Principal hurdles to be addressed").
26. *Cambodia*: A recently launched companion project to the one mentioned under "Discrimination and interference" above aims to enhance the Ministry's capacity to implement effectively the dispute resolution system of the Labour Code.
27. *Guatemala*: Technical advisory services were provided on the amendments to the Labour Code.

Export processing zones

28. *South Asia*: A meeting took place on Labour Issues in Export Processing Zones in South Asia: The Role of Social Dialogue (Chennai, India, October 2001). It brought together employers, workers, and officials from ministries of labour and export processing zone authorities. Special stress was placed on freedom of association. A publication prepared by the ILO South Asia Multidisciplinary Team includes the national background documents that were prepared in connection with the meeting.

Agricultural workers

29. *Nepal*: A project aimed at the sustainable elimination of bonded labour in *Nepal* includes provision of support to organizations of agricultural workers to educate their members about labour standards and minimum wage regulations, and to assist members in taking legal action when their rights are violated. Agricultural unions will also be involved, with other partners, in village-based vigilance committees to monitor incidence of bonded labour and compliance with minimum wages (see also above under "Specific implementation problems").

B. Forced or compulsory labour

30. The Special Action Programme to Combat Forced Labour adopted by the Governing Body in November 2001 effectively became operational in February 2002 when staff members were recruited or transferred to DECLARATION thanks to donor support. However, a few activities had been initiated prior to that time and are mentioned here. Not listed are the considerable activities of the International Programme on the Elimination of Child Labour (IPEC) and of the Social Finance Programme that partly or mainly deal with forced labour situations, except where these are carried out with the active participation of DECLARATION's Special Action Programme to Combat Forced Labour (SAP-FL).
31. The Geneva-based Inter-Governmental Organizations (IGO) Contact Group on Human Trafficking and Migrant Smuggling designated the ILO and UNHCR as joint coordinators

for the year starting 1 May 2002. The Declaration Programme acts as the focal point for the different ILO units concerned with trafficking.

Applied research and its dissemination

32. *Interregional:* SAP-FL has launched a series of studies to shed light on the nature, characteristics and extent of the phenomenon of forced labour in different parts of the world, including in *Eastern and Western Europe*, and *Latin America*. In *West Africa*, a series of investigations is being planned, building on earlier work, to investigate the occurrence of forced labour in different forms and different economic sectors across the region – some linked to trafficking in persons, others to traditional forms of governance and others to commercial economic activities. Studies will investigate local perceptions and definitions of the problem as a basis for devising effective responses and solutions. A consultant has been engaged to examine the scope for, and difficulties of, measuring the incidence of forced labour in general and trafficking in particular.
33. *Mongolia:* The Government with the support of the social partners has requested a study and series of consultations. It is currently envisaged that, following a period of initial analysis and stakeholder consultations, a seminar will take place in late July 2002 in that country.

Abductions and slavery

34. *Mauritania:* Following a recommendation made within the framework of the action plan adopted by the constituents in a previous programme on the implementation of the fundamental principles and rights at work, the Ministry of Public Service, Labour, Youth and Sports has just invited an ILO delegation to visit Nouakchott to discuss, with all constituents, the implementation of a study on forced labour and child labour.

Misuse of cultural traditions and communal customs

35. *Niger:* In Niamey, in November 2001, a forum bringing together the members of the National Council of Traditional Chiefs, UNICEF and the ILO debated the contemporary forms of slavery. A number of commitments unanimously agreed upon, as well as a more general study that is under way, will allow the various forms of forced labour and their significance to be categorized, and proposals for action to fight these to be put forward.

Advisory services

36. *Madagascar:* The Government hoped that the Office would provide assistance to allow it to bring national legislation into line with the relevant fundamental Conventions. The project that has been devised, in addition to this assistance, envisages carrying out an in-depth study of the various forms of forced labour and the extent to which they take place, as well as preparation of an action programme to fight and eliminate these.

Programmes and projects

Recruitment, debt bondage and domestic work under forced labour conditions

37. *Brazil:* A joint Ministry of Labour-DECLARATION project was launched at the beginning of 2002 that aims to strengthen and coordinate actions of government agencies and other key partners in order to combat forced labour and, through the provision of assistance and

income-generation activities, to prevent rescued workers from falling back into forced labour situations. It has begun to influence the incidence of mobile inspection raids and the presence in this field of federal judges and prosecutors.

38. *India (Tamil Nadu)*: A project entitled “Prevention of over-indebtedness in Tamil Nadu”, a joint undertaking between DECLARATION and the Social Finance Programme, offers an integrated approach for reducing bonded labour in that State. Following approval in March 2002, the project is now planning direct action for prevention of debt bondage (including microfinance, skills and business training), education for children in families at risk of bondage and strengthening the capacity of vigilance committees to identify, release and rehabilitate bonded labourers. In addition, a study is to be undertaken on the situation of *Dalits* in *Nepal*, to ascertain the extent to which they are subjected to forced labour as a consequence of discrimination.
39. *Nepal*: A joint DECLARATION-IPEC project, the approval of which was held up by a number of developments, finally got under way in December 2001. Its purpose is to rehabilitate bonded adult and child labourers, notably *kamaiyas*, following their effective release, through training, education, livelihood improvements and service provision (see also under section “Agricultural workers” above).
40. *Pakistan*: The Special Action Programme to Combat Forced Labour (SAP-FL) will give priority to the design and start up of a major, comprehensive and integrated programme to eradicate bonded labour in *Pakistan*. In April 2002, DECLARATION fielded a high-capacity mission to identify the means by which the ILO can provide support for the Government’s plan to combat bonded labour. Initial measures have been taken to survey the incidence of bonded labour in different regions, and to provide technical assistance. The Government’s plan provides for a comprehensive range of measures, including a national survey to ascertain the extent of bonded labour; a relief package for freed bonded labourers; reconstitution and activation of vigilance committees; registration of brick kilns; creation of legal aid cells; generation of self-employment; awareness raising; identifying the role of social partners; and other aspects.

Internal or international trafficking resulting in forced labour situations

41. *Europe, south-eastern*: Following a series of consultations and discussions with key stakeholders and organizations already engaged in anti-trafficking initiatives, the SAP-FL is developing a comprehensive prevention programme that positions trafficking within a broader economic framework of employment and migration pressure, while taking into consideration the special needs of women and children as the primary victims of trafficking. The initiative aims to strengthen national and regional capacities to combat trafficking, and draws lessons from ILO’s earlier innovative programmes against trafficking in the Asia region. Specific programme interventions would include law and policy reform, awareness raising that includes education on safe migration, demonstration projects on community detection and surveillance, economic and social empowerment, victim protection and reintegration. Micro-level initiatives are to be linked with broad national strategies of employment creation and job promotion, skills training and sustainable livelihoods. Taken together, these interventions provide a way of expanding economic options for those at greatest risk.

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