



## Fourth sitting

Friday, 6 June 2008, 10.30 a.m.

*President: Mr Salamín*

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*Original Spanish: The PRESIDENT*

It is my pleasure to declare open the fourth plenary sitting of the 97th Session of the International Labour Conference. Before beginning the discussion of the Global Report we need to cover a number of other points, and these are linked to our activities.

First of all, please note that the results of the elections to the Governing Body held on Monday, 2 June, can be found in *Provisional Record* No. 9.

### FIRST REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

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*Original Spanish: The PRESIDENT*

Secondly, the first report of the Credentials Committee can be found in *Provisional Record* No. 4B. This report contains information on the manner of establishing the quorum for our discussions, which the Committee may be called upon to fix at any moment. The Conference is asked to take note of this report.

*(The report is noted.)*

### FIRST REPORT OF THE SELECTION COMMITTEE: SUBMISSION, DISCUSSION AND APPROVAL

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*Original Spanish: The PRESIDENT*

Thirdly, you will find the first report of the Selection Committee in *Provisional Record* No. 5-1.

I will now call on the Chairperson of the Committee, Mr Shahmir, to present the Committee's report.

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Mr SHAHMIR (*Government, Islamic Republic of Iran; Chairperson of the Selection Committee*)

I have the honour of submitting to the Conference the first report of the Selection Committee, which was published in *Provisional Record* No. 5-1. The report sets out a number of decisions concerning the work of the Conference that I shall now summarize.

The Committee decided that the discussion of the reports of the Chairperson of the Governing Body and of the Director-General would begin on Monday, 9 June, at 10 a.m. and that the list of speakers would be closed on Thursday, 5 June, at 6 p.m. The Committee also endorsed the Governing Body's recommendation, contained in Appendix I to the report, that the discussion on the Global Report come under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, *Freedom of association in practice: Lessons learned*, and decided that this discussion should be held in two dedicated sittings today. The Committee en-

dorsed a tentative plan of work of the Conference which is reproduced in Appendix II of the report. This is, of course, subject to modification as the Conference progresses.

The Committee also fixed the closing date for submission of candidatures for membership of the Governing Body, as well as the timing of the elections which were, as you are duly aware, successfully held in the morning and afternoon of Monday, 2 June.

You will see from the report that the Committee draws participants' attention to a series of suggestions to facilitate the work of the Conference, particularly as regards the fixing of the quorum. It further recommends to the Conference that the practice followed in the past few years by Government members – of not applying for regular membership of committees if they are not at the time entitled to vote – should be continued. If this practice, for any reason, is not fully respected, the Committee recommends that the calculation of the main coefficient for votes in committees should be based on the number of the regular Government members entitled to vote. The electronic voting system, which is explained in Appendix III of the report, takes this into account.

The Selection Committee has invited a number of international non-governmental organizations to be present at Conference discussions on items on the agenda in which they have expressed a particular interest.

Lastly, the Committee noted the concern expressed by the Workers' group, and supported by the Employers' group, that the electronic voting system was proving time-consuming to use, given a Conference schedule in which time was already at a premium. The Committee felt that attention should be paid to this matter and the issues addressed.

With these words, I recommend the first report of the Selection Committee to the Conference for adoption.

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*Original Spanish: The PRESIDENT*

May I take it that the Conference is in agreement with the proposals set out in the first report of the Selection Committee and approves the report, namely, paragraphs 1–11 and its three appendices.

*(The report is approved.)*

**FIRST REPORT OF THE FINANCE COMMITTEE OF  
GOVERNMENT REPRESENTATIVES: SUBMISSION,  
DISCUSSION AND APPROVAL**

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*Original Spanish: The PRESIDENT*

Fourthly, I should like to draw your attention to the first report of the Finance Committee of Government Representatives, which is contained in *Provisional Record* No. 11–1. The Committee has received four requests for voting rights on the basis of article 13, paragraph 4, of the Constitution of the International Labour Organization.

The Committee prepared its first report as a matter of urgency, in accordance with article 31 of the Standing Orders of the International Labour Conference. The report contains four draft resolutions on contributions in arrears and is now submitted to the Conference for adoption. If there are no objections, may I assume that the Conference adopts the first report of the Finance Committee of Government Representatives, namely, paragraphs 1–24 and the appendix?

*(The report is approved.)*

**RESOLUTION CONCERNING THE ARREARS OF  
CONTRIBUTIONS OF THE COMOROS: ADOPTION**

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*Original Spanish: The PRESIDENT*

Before proceeding to the adoption of the four draft resolutions one by one, I should like to inform you that, in conformity with paragraph 4 of article 13 of the ILO Constitution, a record vote will be held on each resolution on Monday, 9 June.

We shall now move on to the resolution concerning the arrears of contributions of the Comoros. May I take it that the resolution is adopted.

*(The resolution is adopted.)*

**RESOLUTION CONCERNING THE ARREARS OF  
CONTRIBUTIONS OF THE CENTRAL AFRICAN REPUBLIC:  
ADOPTION**

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*Original Spanish: The PRESIDENT*

May I take it that the resolution concerning the awareness of contributions of the Central African Republic is adopted?

*(The resolution is adopted.)*

**RESOLUTION CONCERNING THE ARREARS OF  
CONTRIBUTIONS OF IRAQ: ADOPTION**

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*Original Spanish: The PRESIDENT*

May I take it that the resolution concerning the awareness of contributions of Iraq is adopted?

*(The resolution is adopted.)*

**RESOLUTION CONCERNING THE ARREARS OF  
CONTRIBUTIONS OF THE SOLOMON ISLANDS:  
ADOPTION**

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*Original Spanish: The PRESIDENT*

May I take it that the resolution concerning the awareness of contributions of the Solomon Islands is adopted?

*(The resolution is adopted.)*

I thank the Finance Committee of Government representatives for its report.

**GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO  
DECLARATION ON FUNDAMENTAL PRINCIPLES AND  
RIGHTS AT WORK: INTERACTIVE SITTING**

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*Original Spanish: THE PRESIDENT*

We now move on to the discussion which will be entirely dedicated to the examination of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

This year, the Global Report, which is the Director-General's Report I(B), is entitled *Freedom of association in practice: Lessons learned*. It is the third Global Report on the extremely important subject of freedom of association, trade union rights and collective bargaining.

In *Provisional Record* No. 8 you will find information on the follow-up activities undertaken by the Office since 2005 in respect of the ILO.

This discussion could not be taking place at a better time, as this year marks the tenth anniversary of the adoption of the ILO Declaration and the 60th anniversary of the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The aim of this discussion is to permit an evaluation of the effectiveness of the Organization's activities and to determine future priorities in the form of a plan of action for technical cooperation which will be submitted to the Governing Body for its consideration at its November 2008 session.

The Global Report concludes with some proposals for future action. What interests us is what you believe can be done in practice in the fields of freedom of association and collective bargaining. We are not here to open a discussion on the particular situation in a specific country because, as you are well aware, these matters are dealt with in other bodies, for example, in the Committee on the Application of Standards. You may wish to base your discussion on the list of questions that have been published in the *Daily Bulletin*.

The arrangements for the discussion of the Global Report have been examined by the Governing Body and accepted by the Selection Committee. The discussion will take place today in two plenary sittings, should the number of speakers so require; the afternoon sitting may be prolonged into the evening.

You will recall that, for the purposes of this discussion, at the first plenary sitting I submitted a proposal for the suspension of certain provisions of the Conference Standing Orders, including paragraph 3, article 12, on the number of interventions, and paragraphs 2 and 6 of article 14 on the order of speaking and the maximum length of interventions. You agreed to the suspension of these provisions at the second plenary sitting.

My main concern is that everyone who wishes to speak should have the opportunity to do so and should have sufficient time to express his or her views. A practice has been established whereby the spokespersons of groups are allowed a little more time than individual speakers. However, I would urge all speakers to be brief and to the point so that we may have a wide-ranging and rich debate.

Before opening the debate, I should like to mention firstly, that there is no official speakers list. If you wish to take the floor please fill in the relevant form and hand it in to the secretariat. Some of you have already done this. Secondly, some of you have asked at what time you are going to be given the

floor. We are unable to give a precise answer, but we shall try to let you know roughly when the various speakers will be speaking. Non-governmental organizations wishing to intervene may do so at the end of the day if there is sufficient time left to do so.

Finally, to facilitate the secretariat's preparation of a *Provisional Record* in which your interventions will be recorded, may I ask you upon taking the floor to announce your name and country clearly, so that we know who is speaking.

Before I declare the general discussion open, I wish to repeat the rules that I have just referred to. The Employer and Worker representatives will have 15 minutes for their statements. The other speakers on the list will have five minutes each.

I now declare the discussion open.

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Mr TABANI (*Employer, Pakistan; Employer Vice-President*)

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It is a great pleasure to be here with all of you and speak on behalf of the Employers' group in this important debate.

The Employers' group, as we all know, gives special importance to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.

Let me start, sir, by congratulating you on your unanimous election. We look forward to your wisdom and guidance to bring this Conference to a successful conclusion.

I also take the opportunity to welcome my good friend Mr Roy Trotman and his colleagues from the Workers' group, as well as many colleagues from the Governments, and I am certain that we will have a fruitful discussion today.

I recall the discussion at the time of the adoption of the Declaration ten years ago. On that occasion my Employer colleagues mentioned the challenge and opportunity that adopting the Declaration afforded in order to establish the ILO as a primary multilateral organization on social issues. If the ILO was to retain its central role in the area of fundamental rights, the Conference needed to adopt a high-minded and uplifting declaration of principles with a meaningful follow-up, and the Declaration was thus adopted.

Here I would like to reiterate the commitment of the Employers' group to the principles enshrined in the Declaration, the relevance of which continues to increase as it has kept increasing since the last ten years.

I am proud to be the spokesperson of the Employers' group today, especially in the year that marks the tenth anniversary of the Declaration. As you know, since its adoption the Declaration has been widely cited in many debates at different levels. Its values represent a global consensus on social and labour issues.

This year is also the 60th anniversary of the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). This also is a special occasion for the world of employers' organizations, as the Convention recognizes the importance of employers joining the organization of their choice.

In the context of the Declaration and its follow-up, Convention No. 87 is of great importance. The principle of freedom of association and the effective recognition of the right to collective bargaining, which is the principle that concerns us today, is

drawn from two core Conventions – Convention No. 87 and Convention No. 98.

We believe that within this framework we will have an interesting discussion. Our group looks forward to hearing the contributions from the participants in this debate. More importantly, we believe that this will be an excellent opportunity to learn about the challenges and the successes that the groups have encountered when respecting, promoting and realizing the principle of freedom of association and the effective recognition of the right to collective bargaining at national level in their respective contexts.

And we do believe that the contributions of today will facilitate the achievement of the objectives of the Global Report. These contributions will serve as a basis for assessing the effectiveness of the assistance provided by the Organization and determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out. This comes in to Part 3 of the Declaration.

Allow me now to focus on this year's Report.

First of all, the Employers' group commends the Director-General and the Office for the excellent Global Report entitled *Freedom of association in practice: Lessons learned*.

This year, the Report has been released quite early. The Employers' group recognizes the efforts and thanks the Office for this early release. This has facilitated proper analysis in order to seek a common position for our group.

We are pleased to see that throughout, the Report recognizes the importance of the principle of freedom of association and the effective recognition of the right to collective bargaining for employers. As you know, without the realization of this principle, the existence of employer organizations could be weakened. Sadly, in some instances, it seems that freedom of association is taken to concern trade unions only. Such is the case in paragraph 30, to mention only one.

The Report has discussed the type and serious nature of complaints on freedom of association in the Committee on Freedom of Association of the Governing Body, with regard to violations of the principles against both workers as well as employer organizations. In fact, the Report recognizes these violations as quite serious. We wish to point out here that the CFA could be requested to deal with such cases expeditiously.

The Report also mentions some of the efforts undertaken by the International Organisation of Employers (IOE) in promoting this principle. I would like to take this opportunity to reiterate the commitment of the IOE in promoting and defending the interests of employers at the international level, as well as its commitment to continue engaging with the Office to support its work related to the Declaration.

There is an impressive list of more than 50 countries in Appendix VII giving summary information on technical cooperation during the last four years. The Office has shown the response, impact and sustainability of the projects. We look forward to hearing from the concerned governments and social partners of their views on the success of these technical cooperation programmes.

After discussing some of the positive points, let me also share with you some points of concern for

employers in order to constructively support the process of the follow-up to the Declaration and continue building up our engagement.

The Report repeatedly refers to the fact that ratification is the first step in giving effect to the principle of freedom of association and the right to collective bargaining. There is little acknowledgement of the fact that the spirit of the Declaration calls for adherence to the principles of the core Conventions, not their ratification.

This issue has been the subject of concern for Employers during many discussions of the Global Report. As in the past, and unfortunately once again, we have to repeat our concern. This is very disappointing for our group as we have defended the essence of the Declaration throughout all these years.

However, we find the pace of ratification which is due to the efforts of the Office quite satisfactory. For example, paragraphs 17–25 of the Report offer an analysis of the progress in ratifications. Tables and graphs are provided to explain this progress and can be termed as quite satisfactory.

Another point, also concerning this reference to ratification, is the continuous allusion to the formal ILO mechanisms that States are subject to when ratifying Conventions. Once again, we stress our views on the difference between the Conventions and the Declaration. Conventions apply to those member States who ratify them, whereas the Declaration applies to all member States simply by virtue of their membership of the ILO. Conventions are legal instruments whereas the Declaration is a political and promotional instrument. Conventions, if ratified, require governments to respect their strict legal detail, whereas the Declaration is intended to focus on the steps taken by governments to promote fundamental principles.

Although paragraph 61 states that the Report must look beyond the formal mechanisms, we believe that throughout the Report this is not completely achieved. Other paragraphs of the Report continue to emphasize these formal mechanisms.

Another concern that I would like to mention is the fact that the Report regularly refers to “freedom of association and the right to collective bargaining” instead of “freedom of association and the effective recognition of the right to collective bargaining”.

It is of key importance to remember that freedom of association creates the right environment to choose voluntarily whether or not to engage in collective bargaining.

Employers recognize that collective bargaining can be a useful and empowering tool for engagement between employers and workers. When combined with the principle of freedom of association, it has been, and continues to be, an effective vehicle in achieving successful outcomes for workers and employers throughout the world.

Collective bargaining is, and continues to be, one of the most significant expressions of social dialogue. But the context for collective bargaining is the rapidly evolving nature of global labour markets, coupled with the changes brought about by globalization and the opportunities and challenges that it entails.

Finally, I would allude to Chapter VI “Looking forward: A plan of action for the next four years”.

As is the custom, the Governing Body of the ILO in its November 2008 meeting will consider for adoption a plan of action on freedom of association

and the effective recognition of the right to collective bargaining for the next four years on the basis of the discussion on the Report today.

We are pleased with the methodology adopted by the Office by using the comments of the group of Independent Expert-Advisers to shape the six elements for the promotion of the principles concerned with this Report.

We agree generally with these principles and wish to emphasize that the elements listed in paragraph 324(b), (d), (e) and (f) be given priorities.

The Global Report presented this year contains information regarding the cases filed with the CFA, a proper analysis of the progressive ratification of Conventions Nos 87 and 98, and tabulated information on the technical cooperation programme by country and region, and finally proposes a plan of work for the future years. It is an excellent document and we hope that the discussion will be interesting and fruitful. My colleagues in the Employers’ group will be requesting the floor to add further thoughts to my intervention. Thank you for your attention.

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Mr TROTMAN (*Worker, Barbados; Chairperson of the Workers’ group*)

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Mr President, we have no quarrel with your suggestion that the speaking time be limited. However, we must implore you not to impose unilateral regulations regarding the time for speaking. This spokesperson certainly has not agreed with you or anyone else to speak for 15 minutes. I do not know how long I will take but I will try to be brief; but there is no regulation that I am aware of that says that I should speak for 15 minutes.

Regarding the Report itself, I wish to congratulate those responsible for its preparation – and the Office, the Director-General and others – for what we on this side think is a very thought-provoking Report, which should set the stage for an impressive series of interventions. I, myself, will wish to have the permission towards the end to summarize in such a way that I may effectively deal with what takes place in the next four years.

I wish my opening comments, therefore, to relate to an examination of the subject itself, with some thoughts which the Workers’ group across the world consider an important basis for any discussion now or at any future time on this subject.

The first point we wish to make is that a fundamental right is just what it says. It is a fundamental right and a basic human right. We must not hedge a fundamental right of freedom of association and the contingent right of freedom to negotiate in the labour market by placing conditions on it from time to time.

We shall want to speak more fully on this point later, but I think that, just as everybody should understand that a human being should have the right to exercise his or her religious preferences and the right to dissent, so freedom to associate must not be related to the stage of economic development of a country, to the gender or sexual orientation of a leader or anything of that sort. We want to put that point forward very frankly as the basis for our discussion.

We are perfectly aware that there are some 135 or 137 countries which have ratified Convention No. 87. Naturally, you would also expect us to take note of the fact that the very small number of countries which have not ratified it account for about half of

the world's population. I think that, in the spirit in which we are holding these discussions, that it would not be proper to cite the names of those countries, but we do believe that some of those countries would wish us, in this body, to recognize their commitment to the level of democracy that they preach and their insistence that the rest of the world should adhere to democratic principles. Even though they may not yet have ratified Convention No. 87 and other core Conventions they must be able – if necessary with assistance from the ILO – to demonstrate clearly what they have done to implement Convention No. 87 and the fundamental principles and rights of work referred to in the Declaration – and how they have sought to ensure that, ratification apart, every man and woman in their country is genuinely being given the opportunity to exercise his or her freedom at work and, through that freedom, to obtain social justice at the workplace and in the country at large.

This is important because many of those countries are not small. When you look at them, you see that they exercise tremendous influence, both globally and in their particular environment, sectors or region. It would be unreasonable for us to have this discussion without calling for further efforts to be made in the coming year so that we can see evidence that they are moving forward. As to the Office's work in this area, we would like to see it broken down by year, so that we can see what progress is being made, especially where there has been no ratification, towards some systematic programme that shows us that it is not just a question of countries failing to ratify those principles, but that even the countries that have not ratified them are working systematically towards their ratification while at the same time they have made it clear that they recognize freedom of association as fundamental and not subject to any conditions.

This subject is particularly relevant today. It is the third report of its kind – 2000, 2004 and now – and it comes just when we are celebrating the 60th anniversary of Convention No. 87, a fact which should be the occasion for very serious reflection. We must be willing to show how we plan to proceed. The challenge is not only that of identifying what is being done by the major countries but of deciding how we can get more ratifications.

Another point to which the Report draws our attention is the importance of enhanced labour administration, because the number, of ratifications alone cannot be considered an acceptable criterion.

The question is whether those countries that have ratified the Convention have done everything to bring about its meaningful application. There is no point having a country send us a beautiful letter telling us how that country has ratified the Convention, and then for us to find that, on the ground, everything is done in that country to reduce the meaning and application of the Convention and to maintain a situation where some are more equal than others.

If we are to go back to a situation where there is no equality between men and women in a country and where some people feel that they should not allow others in their community to exercise freedom of association, then we will always have a world where there is no social justice. And if there is no social justice, there is not going to be any peace. After all, one of the major challenges of the ILO's mandate is to contribute to world peace, and world

peace can only come about when men and women everywhere enjoy the respect that is due to them.

You will note that export processing zones, which are mentioned in Chapter IV, are very frequently used by employers and some governments as a means of denying workers their right to freedom of association.

Far too many governments that have said "yes" to the principle of freedom of association want to attach to it so many exceptions as to make the issue nothing but a joke. When you consider that there are countries which argue that almost everything under the sun is an essential service, you can see what I mean about agreeing to ratification but denying its implications.

What this house needs is a report that shows not only which countries have ratified the Convention and Declaration but to what extent the principle of essential services is being abused.

It would seem to us that there has to be a meeting of minds, as to what reasonably constitutes an essential service. Everybody should understand that an essential service is one whose denial imperils the life of individuals with a certain immediacy. If you apply that to everything, you are not being serious.

The need for enhanced labour administration is also an area where the ILO needs to help nations. Many countries would like to implement the principles that make for proper administration of the labour department, especially with regard to freedom of association and the right to bargain collectively. But certain international financial institutions, particularly the IMF, have from time to time sought to reduce the number of public officials dealing with human resources and with the needs of men and women. Treating the needs of people is a very important element in the development of any society, and no external agency should be allowed to deny it the number of inspectors and other officials needed to ensure that people are able to live within a context of respect and general justice.

As we look forward to seeing what happens in the coming years, we need to bear in mind a number of shortcomings that we have perceived. The Report itself needs to look at some of these other areas. I have spoken on the matter of essential services, because we think that it is a means by which people seek to avoid their responsibilities. But we invite the Office also to make sure that the follow-up of the work we have done so far is genuinely conducive to respect for social justice, for fair globalization and for decent work.

In paragraph 228, the Report speaks of migrant labour. Although we are concerned with freedom of association in general, there has to be a greater understanding of the plight of this particular type of workers. Where migrant workers are denied their fundamental human rights, the issue of freedom of association is a major problem. The Report is correct to draw our attention to the need for governments everywhere to realize that much of the interaction among countries and peoples involves the migrant population. It is very important, as the Report says, to defend both the migrants and the workers in the host country, because there has to be a proper balance. Very frequently migrants are used as a means of taking away the liberties of the people in the host country, and the Report is correct in wanting to make sure that this abuse is not repeated across the world.

We also need to understand that the world now accepts pluralism. There is no single political system that one expects to prevail. There is no single religious system that is expected to prevail. A person who is not willing to show tolerance of different views undermines peace in the community. We therefore agree with paragraph 282 that we must attach greater value and importance to pluralism, and that the rights provided for in Convention No. 87 must be strengthened by the Office and by all of us. If the bottom line is the promotion of peace and respect for everyone, then the pluralistic basis on which people interact must also be looked at.

The informal economy has been growing rapidly, and the Report's reference in paragraph 202 to the issue of freedom of association in that area is very relevant. In some countries, where most of the potential workforce is to be found in the informal economy, the fact that workers do not have a formal employer or a formal structure for their employment relationships ought not to be used as grounds for denying them the basic right to freedom of association.

I hope that as the debate progresses, more of those countries where the informal sector is critical will show us how they are trying to bring the informal sector under the Convention, so that the rest of us can benefit from their experience.

Another point on which we would like to touch has to do with the need for greater support for the ILO's supervisory machinery. The principles and rights at work within the Declaration all come from Convention No. 87. The Convention is just one of the instruments used by the ILO to ensure that what was set down by our founding fathers in 1919 as a basis for the ILO is respected by all. The supervisory mechanism is one of the three fundamental aspects of that mandate.

The Workers' group is greatly concerned that there is so much evidence in the year 2008 of governments trying to bypass the supervisory machinery, which they set up in the first place and which their continued membership of the ILO has committed them to respect. It is a contradiction in terms. If it continues, then this practice will reduce the relevance and importance of the ILO. In the aftermath of this year's session of the Conference, we need to arrive at an understanding that no country should be above the clear unambiguous commitment to respect the ILO's mandate and its supervisory machinery.

Although there are other areas for discussion, we have to understand that there are people who are being forced to live in conditions of discrimination or denied their fundamental rights – the right to peace, to a homeland, to work. In the Palestinian region, for example, we have to see how the cause of peace can be furthered by freedom of association. In our view, the two are related and we cannot hope to have peace in of the world if we do not also have respect and non-discrimination.

The Office has to show how such practical matters can be addressed. In the discussions that lie ahead we hope to have the assistance of the Employers' group. We support the Employers' position that Conventions Nos 87 and 98 apply to employers, just as they apply to workers. We therefore encourage governments to have greater respect for these Conventions and to help employers also to organize, to respect freedom of association and to discourage abuse of workers who wish to exercise

their right to organize. They should even go so far as to support some form of guidance that shows nations how they can take action at the national level to defend workers who are denied their human and trade union right to freedom of association. As I said before, I would like to comment on the way forward when the time comes to wrap up the discussion.

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*Original Arabic: Mr AL-DOSARI (Minister of Labour and Social Affairs, Qatar)*

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It is my pleasure to address you on behalf of the Labour and Social Affairs Ministers of the countries of the Gulf Cooperation Council, comprising the United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar and Kuwait, and also Yemen at this sitting devoted to the discussion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. This meeting makes it possible for us to exchange views and opinions every year so as to strengthen the principles and values of justice and equality.

The title of this year's Global Report is *Freedom of association in practice: Lessons learned*.

We welcome the contents of this Report, which presents objectively the progress made in the countries of the Gulf Cooperation Council and we share the ideas contained in the Report concerning the right to decent work and to social justice, human dignity and the strengthening of rights.

We also highly appreciate in the Report the objective evaluation of the extension of democracy and of the main challenges faced in the implementation of those rights and of social justice.

Ten years after the adoption of the Declaration, we may note the importance of this promotional aspect, which was adopted by the Organization in its follow-up mechanism. This has contributed to the strengthening of efforts to overcome problems and make it possible to implement the principles contained in the Report and promote cooperation among the countries in this regard.

When we look objectively at the evolution over the last ten years, we see the progress made in the development of mechanisms for worker representation and freedom of association, in accordance with the spirit and letter of the Declaration.

In Bahrain, a law was passed concerning trade union rights.

In Saudi Arabia, a law was passed with the aim of promoting trade union associations and committees within enterprises. Such committees are active in many sectors of production in the country.

In 2006, Oman passed two decrees (74-2006 and 112-2006) amending the Labour Code which grant the right to establish trade unions. Workers have set up trade unions in accordance with the relevant ministerial decisions.

In the United Arab Emirates, the political leaders have adopted policies and criteria, in relation to immigrant workers, to protect fundamental workers' rights regarding wages, decent accommodation, and health and safety at work.

In 2007, Kuwait ratified Convention No. 98 after ratifying Convention No. 87. Act No. 11 of 2003 concerns the right of public sector and oil industry workers to establish trade unions along the lines of those in the private sector.

Yemen has also ratified Conventions Nos 87 and 98 and has passed a law concerning freedom of association, in accordance with which the second

Congress of the confederation of workers' unions was held.

In line with its process of modernization, Qatar adopted a new Labour Code in May 2004 which entitles workers to set up trade union committees in enterprises to defend their rights and interests. This law also gave the right to workers to set up committees for allied occupations, and these constitute the confederation of workers of Qatar.

Speaking of the achievements of our different countries in implementing the rights of workers and freedom of association, we would like to say that our countries have devised plans for reform and modernization, based on the values of our civilization, which uphold human rights and strengthen the legislation which can embody them. This reflects our countries' desire to use all possible means to promote human rights, freedom of association and the participation of all sectors of society and the social partners in the development of our countries. This is why we endorse the plan of action which promotes efforts on the part of workers, employers and their organizations together with civil society in facing the challenges of globalization and of promoting the very concept of decent work. We also affirm our support for the development of technical cooperation programmes provided by the Organization.

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Mr MUNYES (*Minister for Labour, Kenya*)

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Kenya welcomes the Global Report of the Director-General entitled *Freedom of association in practice: Lessons learned*. The Report, produced under the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work, brings out a number of salient issues and other developments upon which we would like to make a couple of comments.

First, this is a special report that comes at a time when the ILO is marking the tenth anniversary following the adoption of the 1998 Declaration. Equally, it is significant that it is the 60th anniversary since the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Kenya has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Although we have not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), we recognize the fact that freedom of association and the right to organize and bargain collectively are fundamental human rights. In this regard, Kenya recently enacted new labour laws which are consistent with the provisions of this Convention. Thus, workers and employers enjoy the rights guaranteed by this Convention, inter alia, the right to establish and join organizations of their choice, the right to draw up their own constitution and elect representatives, the right to join federations and confederations and to affiliate with international organs and workers' and employers' organizations with legal personal personality.

There is evidence of an increase in the enjoyment of this right from the records at the Registrar of Trade Unions, the Industrial Court and Labour Department, where vital statistics exist on the number of disputes settled between workers and trade unions, the absolute number of trade unions, union densities, collective bargaining agreements, number of strikes, to mention just a few.

We would like to thank the ILO for providing us with support during the review process. However, to realize full practical and effective implementation of these laws, our effort to provide an enabling environment requires assistance in the form of advocacy, awareness creation, capacity building of labour officers, employers and workers, facilitation of tripartite discussion on issues around the implementation of the new labour laws, strengthening of the national labour board, expansion of the Industrial Court, for effective prevention and settlement of disputes.

Please allow me to share some information and ideas for orienting the Action Plan for the next four years on freedom of association and effective recognition of the right to bargaining. As we assess the performance of this Convention through application of its principles globally, one of the questions to pose is why the work of the supervisory bodies shows diverse scenarios globally. And second, what should be the role of the State. We know that everywhere in the world, the State remains the major repository of power when it comes to industrial relations. At the bare minimum, the State brings forth policies and legislation that can aid the positive enjoyment of the right to freedom of association. It is a fact also that in other incidences the State can stifle the same. This being the case we need then to ask why it appears that this Convention still has law ratifications.

In our view, the performance of this Convention, with its closest Convention No. 98, requires a legislative framework and institutions that facilitate these processes and which can deal with inevitable but reconcilable conflicts that occur from time to time. It requires official labour administration, strong workers' and employers' organizations, and hence an important intervention of Governments by providing the necessary enabling environment, namely political will, financial and human resources and infrastructure for the implementation of laws which are built on these principles.

Governments need to be assisted in creating institutions that facilitate the establishment of trade unions and employers' organizations and promote a culture of collective bargaining.

Some of the major challenges to the enjoyment of these rights include a changing environment whereby there has been growing pressure on governments to relax laws in the labour market, as earlier advocated by the International Monetary Fund, the World Bank and the globalization process which scatters collectivities.

Some multilateral enterprises have been calling for labour laws to be flexed, which is a major threat to freedom of association. The insistence by some managements on productivity in wage setting, as opposed to collective bargaining under trade unions, massive redundancies, closures and mergers, subcontracting of work and home working are other challenges.

In addition, stiff competition in the world of work and discrimination by employers who prefer non-unionized workers, discrimination between core and contingent workers, structural and technological changes, especially the new production processes, as well as mechanization, which destroy numerical strengths are equally a threat to this Convention.

Whereas ratification rates of Convention No. 87 are on the increase in some countries, implementation does not show similar performance. As of 31

December 2007, total ratifications of Conventions Nos 87 and 98 stood at 148 and 158 respectively. The statistics show that Convention No. 87 is now the least ratified of all the eight fundamental Conventions. The Report invites further reflection on the ways to remedy this situation.

In response to these challenges, there is a need to expand the level of collective bargaining from national to regional and international levels. We should welcome initiatives under corporate social responsibility and company codes of conduct, international framework agreements, bilateral and multilateral and government initiatives which advocate compliance with international labour standards. There is a need to combat exclusion in the enjoyment of these rights, and for trade unions to revamp their recruitment drives in the new industries and emerging sectors, the informal economy, and among migrant workers.

With regard to the ILO, advisory services, advocacy, training, development of tripartism and strengthening labour administration in member states should be given more consideration and prioritized.

The question of funding needs to be considered, especially the need for extra-budgetary funds and continued support of donors would be appreciated.

In conclusion, we urge the November session of the Governing Body to take into account these proposals. I thank you.

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Mr FERNANDES (*Minister of State for Labour and Employment, India*)

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At the outset let me convey my appreciation to the ILO for bringing out such a comprehensive document on fundamental principles and rights at work. It is encouraging to note the positive trends in freedom of association and collective bargaining across the world. Freedom of association (Convention No. 87) and collective bargaining (Convention No. 98) play a decisive role in economic and social development. We are living in a world where historical and cultural pluralism and diversity reign, therefore it is natural that there are also many different approaches to the implementation of these fundamental principles and rights.

I would like to respond to the references to India in the Report for non-ratification of Conventions Nos 87 and 98. Here I wish to reiterate that our commitment and conviction to the principles of these core Conventions should not be judged merely by the non-ratification of these Conventions. Our Constitution guarantees freedom of association, freedom of organization, freedom of expression and all other forms of freedom guaranteed under the Constitution as fundamental rights. Our commitment and our conviction to the principles of these Conventions are evident in our political traditions, institutional mechanism, free society, free media and very strong judiciary. Our national laws and policies ensure rights at work, including freedom of association and collective bargaining. The process of social dialogue, which assumes high priority in India, has backing from two very important labour statutes: the Industrial Disputes Act, 1947 and the Trade Union Act, 1926.

The rights guaranteed under Conventions Nos 87 and 98 are, by and large, applicable to our industrial and other workers through laws and practices. However, to ensure impartiality and political neutrality, some reasonable restrictions have been im-

posed on public servants, and it is because of this technical reason that we were unable to ratify these two core Conventions. But, at the same time, we feel that our public servants are provided with more rights than what is provided in the ILO Conventions. They enjoy a high degree of job security, as laid down in the Constitution of India. They also have the right to form and join associations, and well-established grievance redressal mechanisms, like staff council, joint consultative machinery as well as administrative tribunals. We believe the ILO will appreciate our position on these two core Conventions.

I fully agree with the view expressed in the Report that collective bargaining is a tool that can effectively respond to changing economic situations generated by globalization and structural changes in employment. We also appreciate efforts being made by the international workers' and employers' organizations and bilateral and multilateral initiatives to promote freedom of association and collective bargaining rights.

We appreciate the important points made in Chapter V of the Report that the technical cooperation programme of the ILO is an extremely important and effective tool in the development of institutions for collective bargaining.

The Report highlights some of the important sectoral issues for agricultural and rural employment, public services, retail, the informal economy, special economic zones and migrant workers. It is heartening to note that trade unions at a national and international level are playing an important role in ensuring the welfare of workers by exercising collective bargaining rights.

The Report has recognized the informal economy as an area where ensuring the rights of freedom of association and collective bargaining is a challenging task. Paragraph 204 of the Report shows the importance of ensuring these rights by highlighting the extent of the informal economy in most developing countries. In India, workers in the informal economy have been enjoying the rights of collective bargaining, apart from other legal mechanisms, by forming cooperative societies. It has been observed that when workers in an unorganized sector join a cooperative society, the power of collective bargaining increases manifoldly. As agriculture continues to be an extremely important sector of our economy, the cooperatives system is crucial for the transformation of our agriculture. With more than half a million cooperative societies covering almost every village in our country, the Indian cooperative movement is one of the largest people's movements in the world.

We are happy to note that the role of trade unions in the informal economy in India has been noted in paragraph 214 of the Global Report not only as expanding the scope of union activities but also helping the workers in unorganized sectors by advocating social protection. The Government of India, in consonance with the spirit of the Constitution promotes and facilitates tripartite consultations and almost all policy formulations are preceded by rounds of tripartite consultation with social partners in the form of committees, meetings and workshops. Such consultation provides very important input for the promotion of decent work.

I would like to reaffirm my country's commitment to the principles of freedom of association and collective bargaining and our conviction to imple-

ment the spirit of these principles at workplaces in India.

Mr STØSTAD (*Deputy Minister of Labour and Social Inclusion, Norway*)

As has been noted, the Director-General's Report is particularly timely as we celebrate the tenth anniversary of the ILO Declaration on Fundamental Principles and Rights at Work and the 60th anniversary of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The Report should remind us all that freedom of association and the right to collective bargaining are fundamental values and human rights that should apply to all; that freedom of association and the right to collective bargaining are preconditions for the balance of power in the labour market, and that, as such, freedom of association and the right to collective bargaining are preconditions for social justice, sustainable growth and for democracy working in practice.

Only by respecting the right to freedom of association and collective bargaining can we facilitate meaningful social dialogue between governments and workers' and employers' organizations, thus making sure that the fruit of growth and development are shared and enjoyed by all.

This is also a question of economic growth and achieving high income levels. We believe it is no coincidence that so many of the richest countries in the world for a long time have recognized freedom of association and the right to collective bargaining, while so many countries where people have been denied these fundamental rights remain among the poorest.

There is growing evidence, as I am sure you are aware, that fundamental principles and rights at work have played an important part in improving economic development and productivity, better management of enterprises and the functioning of the labour market.

Already, in 2000, the Organisation for Economic Co-operation and Development (OECD) found that countries that strengthen the observance of core labour standards can increase economic efficiency by raising the skill levels of the workforce and by creating an environment that encourages productivity growth and innovation.

Freedom of association is not only about growth, development and social justice. For too many, it can also be a question of life and death. We regret to note that serious threats to workers and employers seeking to organize, and this includes killings, detention and violence, still persist in some countries.

We appreciate the role of the ILO in revealing such atrocities and the efforts to bring them to an end, but we must acknowledge that the power of the ILO, and thus the international community, to bring an end to these violations, remains frustratingly limited.

I must admit this is a cause of great concern to Norway.

In the advocacy work of the ILO it is also important to give real-life examples of employers and workers exercising their rights and achieving results. Information should be gathered on concrete cases of good practices in collective bargaining and social dialogue that others will wish to imitate.

The ILO should also work closely, on a tripartite basis, with the non-ratifying countries, to seek the means to overcome obstacles to ratification.

The Global Report shows that, since the ILO Declaration on Fundamental Principles and Rights at Work was adopted ten years ago, we have seen progress towards universal ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The number of ratifications is 148 and 158 respectively out of a total number of 182 member States.

Still, that does not help workers and employers in the remaining countries that do not enjoy protection under Conventions Nos 87 and 98. The fact remains, as I have already mentioned, that this comprises about half of the world's workers and employers.

Some groups are facing particular difficulties in exercising their fundamental rights. Many of those working in agriculture and export processing zones, many migrant and domestic workers and those in the informal sector are facing a difficult situation even in countries that have already ratified the Conventions.

Labour legislation is the foundation for respect of freedom of association and recognition of the right to collective bargaining. The ILO has long-standing experience in assisting member States with labour law reform. It is of the utmost importance that the Organization continues to have enough capacity in this field to be able to meet requests for assistance from member States.

Decent work for all and a fair distribution of the benefits of globalization are the most important objectives of the ILO in our time. The report of the World Commission on the Social Dimension of Globalization demonstrated that we have a long way to go in this respect. We believe that one most important step on that path is to give all workers and employers the right to organize and to collective bargaining.

In conclusion, Norway strongly supports a new updated plan of action in this area and we believe the Director-General's Report offers a number of proposals that will make a sound basis for the plan of action. As pointed out in the Report, however, sustainable change depends on the commitment of the government and the social partners of each country and their ability to achieve a strong, joint ownership of the agreed course of action. The aim must be to use these fundamental rights as the foundation for democratic development.

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*Original Spanish: Mr FUNES DE RIOJA (Employer, Argentina; Chairperson of the Workers' group)*

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On behalf of the employers of my country, as well as those of the Employers' group of the Conference, which I represent, I should like to congratulate the President on his appointment. I should also like to say that I fully support the comments made by our spokesperson, the distinguished Employers' representative, Mr Tabani.

For us, the Declaration and its follow-up are essential. We have promoted the Declaration and continue to believe in its relevance, and this is why I should like to make a few comments.

First, I should like to emphasize the idea raised in the Report submitted to us that the exercise of freedom of association and of the right to collective bargaining requires a conducive environment, and that this conducive environment is built on effective institutions, whose main requirement is democracy,

which enables the exercise of freedom and equality. Without these basic elements, without respect for law and order, freedom of association and collective bargaining exist in name only, and not in reality.

Second, as can also be deduced from the Report under consideration, rather than focusing on what these standards state, more focus should be given to how they are effectively implemented. In many of the world's developing countries, there is a great difference between standards and actual practices. Above and beyond the instruments that are ratified, the values that are adopted and the principles that are adhered to, there is a reality that goes beyond these standards and often generates or presents contradictions with them. We consider that our Organization must also focus on the effective implementation of standards.

Among the most complex issues addressed in the Global Report, I am going to refer two issues in particular: the informal economy and migrant workers. Although in general terms the issue of effective implementation is a serious one, in terms of actual practices, when considering the informal economy and migrant workers, we fully agree with the comments made in the Report.

I would like to conclude by making five comments.

First, as stated by Mr Tabani, we believe that the Global Report and the Declaration are not merely a matter of ratification; they are a matter of adhering to principles and promoting values, and we believe that these elements should not be confused. We emphasize this because, once again, it has been pointed out that one of the successes of the Declaration is its ratification, whereas we believe that the biggest success of the Declaration is the respect of these values.

Second, the Declaration itself and these fundamental principles and rights at work cover freedom of association for workers and employers, not only so that employers promote, and know how to respect, workers' rights, but also for their own right to freedom of association. This is something we strongly emphasize given that equal emphasis is not always given to violations of the freedom of association of employers. This also comes under the Declaration and, in any case, is also covered by the right to freedom of association recognized in Convention No. 87.

Third, I wish to point out that the Report sometimes paints a pessimistic or critical picture of globalization and its positive effects. From the beginning we viewed globalization as a fact, which resulted in a significant flow of international trade and technology, and which then increased democracy, and consequently freedoms, throughout the world. The positive effects of globalization on productivity and trade cannot be denied.

Fourth, we are once again, focusing on the issue of the central role of the ILO, of the Organization, with regard to the Declaration: providing technical cooperation, giving examples of good practices, as mentioned by the Government of Norway, and establishing an effective and realistic plan of action.

Fifth, we consider that the proposed role needs to be enhanced and that very important issues exist with regard to best practices, the way forward, technical cooperation and the experience gained in this area. Using this as a starting point, we hope that this debate will enhance the future action plan because, as stated by the President, the relevance of the Dec-

laration is, and will be, central for the Organization in its strategy for achieving social inclusion and social development that are compatible with economic development.

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Mr AHMED (*Worker, Pakistan*)

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We are meeting in a very troubled world, in which working class faces the challenges of soaring prices, high inflation and poverty, as well as the challenges of developing and strengthening the principles of freedom of association and collective bargaining, which are the essential components of the decent work concept pursued by this great organization.

We are meeting at a time when we are celebrating the 60th anniversary of this important Convention, No. 87, and that of the UN Declaration of Human Rights of 1948, as well as the tenth anniversary of the ILO Declaration on Fundamental Principles and Rights at Work.

The Global Report this year contains many very pertinent observations on the application of freedom of association in member States. We are, however, concerned that many of the major industrial countries have not ratified this Convention, and half of the Asian-Pacific countries have not ratified it. We therefore appeal to those countries to come forward to ratify and demonstrate their commitment towards this principle because the principle is not only enshrined in the Preamble of the ILO Constitution but also in the Declaration of Philadelphia, which declares that freedom of association and expression are essential for sustained progress.

We see gaps in the implementation of the Convention in some member States. The ILO committees concerned with the application of conventions need to consider how it is that flagrant violations are taking place in the weakest parts of the world, particularly in Colombia and Myanmar.

We also believe that civil liberty can only exist with democracy, and democracy cannot exist without independence. We therefore also express our concerns at the state of violation of the rights of freedom of association in Palestine. We join our voice to calls to allow the people to enjoy the fruits of social justice and freedom of association.

The supervisory bodies of this great organization must address this issue. In my own country many of these rights of freedom of association were suspended. With the intervention of the ILO, we were able to have them restored. Similarly, and recently, last year, in Sialkot, the largest producer in the soccer ball industry, the ILO took the initiative to organize a tripartite meeting with employers, workers and the Government, to give technical assistance to promote compliance with international social standards. This had great success. This shows that technical cooperation can help member States – not only governments, but also employers and the workers – and we will therefore certainly urge that technical cooperation should continue to be strengthened to all parties in order to put the principles of these important Conventions into practice, particularly in the light of the globalization of the economy.

The capacity of representative organizations should be strengthened, both for employers and workers, so that they are able to face the challenges of economic globalization, deregulation and privatization, and new regulations should be introduced to tackle the exploitation of workers. As we have seen, the Report shows that workers not only in the informal sector, but the rural sector, which constitutes

the bulk of the population, are still denied these basic rights owing to the feudalism that prevails in many developing countries. We therefore urge that these impediments to the exercise of these rights be removed, not only in this area, but also in areas including essential services, domestic workers and migrant workers.

The decent work concept which is being pursued by this organization requires constant efforts if results are to be achieved. In Pakistan, there has recently been a general election in which the forces of extremism were defeated. Before the election, we had a dialogue with the major political parties to include in the election manifesto the important issue concerning the world of work, particularly by bringing the labour laws into conformity with the ILO Conventions. We have seen in many sectors that there are still violations of trade union rights owing to the Industrial Relation Ordinance, and these include violations by multinationals. The political parties have committed themselves in an election manifesto to tackling this problem. Our national leader Benazir Bhutto declared before her assassination that her party would bring labour legislation into conformity with the ILO Conventions. The Prime Minister, in his first speech, has also committed himself to this goal and to establishing a tripartite employment commission in order to promote decent work. We in Pakistan are promoting the decent work programme and giving special emphasis to the idea that material progress alone is not sustainable, unless the core values of the ILO Declaration are respected. We therefore endorse the approach of the ILO, to place people at the centre of society and international life and of these international standards, particularly freedom of association and right to collective bargaining, and to give social justice to the teeming masses and to the working class who are the builders of any society.

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Ms HANARTANI (*Government, Indonesia*)

We highly appreciate the great effort put in by the Office in preparing this comprehensive document, which shows the current situation in member States, subsequent to the adoption of the ILO Declaration on Fundamental Principles and Rights at Work in 1998 and its follow-up.

The new era of freedom of association in Indonesia practically began with the ratification of Convention No. 87 in 1998. However, even before our independence, several trade unions existed. Following our independence in 1945, human rights and freedom of association became priorities for the founding fathers of our country. This is reflected and affirmed in the provisions of the 1945 Constitution of the Republic of Indonesia. Article 28 states that the freedom to form unions and to assemble and express opinions, verbally and in written form, shall be stipulated by law. The freedom to form unions granted by the 1945 Constitution is meant for the entire community, including workers. Workers, as citizens, have rights and status that are equal to those of any other citizens before the law. They have the right to have a job and to earn money for a decent living, the right to voice their opinion, the right to associate and the right to establish and become members of trade unions. Therefore, the right to become a trade union member is a fundamental right of the workers.

Shortly after independence in 1945, several statutory regulations stipulated the freedom to form un-

ions, such as Act No. 14 on the main provisions concerning manpower, Act No. 21 on labour agreements, and Act No. 18 of 1959 on the ratification of Convention the Right to Organise and Collective Bargaining (No. 98).

However, there was no specific law stipulating how to exercise the right to organize or establish a union at that time. This put the workers in a disadvantaged position when it came to negotiations with the management.

The year 1998, as I mentioned earlier, became a landmark in Indonesian history for the labour movement and freedom of association. The labour law reform programme was launched by Indonesia in 1998, following the ratification of Conventions Nos 98 and 87, and supported by the ILO consultation process.

Since the ratification of Convention No. 87, Indonesia has gradually ratified the core Conventions and, in so doing has entered a new era of labour law reform, involving members, trade unions and labour dispute settlement law, inspired by the Conventions Nos 87 and 98 as well as other core Conventions. Act No. 21 of 2000 on trade unions has been further elaborated in various ministerial regulations, and as a result the number of trade unions has greatly increased, as has their membership at various levels, which is shown in the formation of several federations, confederations and plant-level unions. There are now more than 3 million registered workers in Indonesia, comprising more than 300,000 workers who belong to independent unions at plant level.

On this auspicious occasion, allow me to share with you that Indonesia is commemorating the tenth anniversary of freedom of association in 2008. We understand that it is not always easy to please everyone, especially where freedom of association and its implementation are concerned. However, please bear in mind that we always endeavour to improve the implementation of the principle of freedom of association in the working world. With a population of more than 220 million people and a labour force of more than 90 million, comprising 30 million workers of various educational backgrounds in the informal sector, which is scattered throughout the 17,000 islands of the Indonesian archipelago, we are sure that you agree that it is not an easy task, as many might think, to change the mindset and actions of the past era to fit the present, more democratic one.

The ILO, as an organization that is responsible for labour standards and the supervision of their implementation, should enhance further cooperation in various forms with its member States. That cooperation should be directed towards a better implementation of the ILO core Conventions. Furthermore we are aware that the fundamental principles of the ILO Conventions must be implemented within the framework of the Decent Work Agenda, which has been agreed upon by and is the dream of all the ILO constituents.

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Mr INDRASUKHSRI (*Government, Thailand*)

I would like to take this opportunity to give information about the development of freedom of association or the right to organize and collective bargaining in Thailand.

Currently, Thailand has enforced three main acts concerning the provision of appropriate protection and basic rights for workers, which at the same time help employers in dealing with employees at the

workplace. The acts include the Labour Protection Act, the Labour Relations Act and the State Enterprises Labour Relations Act. Their combined enforcement has produced a satisfactory outcome in the area of labour development in the Kingdom of Thailand.

Regarding the policy and feasibility of ratifying the said Conventions, all sectors of workers must be well educated, particularly about their rights and benefits on the one hand, and about the impact on the stability and security of the nation on the other. Moreover, related agencies must have clear and common understanding that the application of the Conventions concerns the members of society.

More importantly, a crucial point is that existing legislation must be revised. To conform with the ILO principles and rights of the Conventions, amendment of labour acts must be considered and a final decision must be made by the legislative process of the parliament. This is in order that the application of the Conventions does not cause any unexpected problems and suffering to society as a whole.

As a matter of fact, I would like to inform you also that, due to the present Labour Relations Act, workers and employers are free to organize unions, congresses, councils or associations. They have the freedom to submit to officials any complaints or grievances relating to unfair treatment by the employers.

We have the tripartite Labour Relations Committee to make final judgement. The workers' unions and employers' organizations have been playing very important roles in finding the best resolutions for the problems. I could say that the cooperation of the three parties has been going very well.

The Ministry of Labour is now in the process of revising and amending the present Labour Relations Act. Some public hearings have been held to take into account the responses and views of every party concerned.

With regard to the freedom of government officials, who were previously not permitted to organize and establish unions, the new Constitution and other subordinate laws guarantee the right to organize and collective bargaining, similar to the principles of the relevant Convention.

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*Ms IKUSAWA (Worker, Japan)*

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At the outset, I would like to point out that the following statement in the Global Report is very important: "Freedom of Association is a fundamental human right and, together with collective bargaining rights, a core ILO value. ... While ratification is an important element, the real challenges lie in the effective implementation of Conventions."

Now I would like to make comments on three points.

Firstly, I would like to discuss the fact that, as pointed out by the Report, Japan is in violation of the Convention.

The Report states: "The provisions of Convention No. 87 apply to all workers without distinction whatsoever and are therefore applicable to employees of the State. It is considered inequitable to draw any distinction in trade union matters between workers in the private sector and public servants, since workers in both categories should have the right to organize for the defence of their interests."

However, freedom of association and the right to collective bargaining of Japanese public service employees are severely restricted. Then, paragraphs

173 and 174 of the Report point out that freedom of association cannot be denied, even for essential services. On the other hand, they also point out that "firefighters in some countries are placed in the same category as the armed services and face an outright ban on organizing". This is the case in Japan. Paragraph 177 states that the list of countries where governments have intervened to obstruct collective bargaining by teachers on salaries and conditions of work includes Japan.

Accordingly, I must point out that Japan is facing this critical situation in terms of freedom of association, as seen by the fact that firefighters and prison staff are refused the right to organize, that compensatory measures for the restrictions on fundamental rights of public service employees are turning into a mere shell, and that teachers have been subjected to disciplinary measures for participating in a strike against a unilateral wage cut.

Secondly, I would like to discuss the stance of government and the possibility of changing it.

Paragraph 172 of the Report says: "... in Japan, the commitment was made to engage trade unions in public sector reform". Actually, discussion is already being held in the National Diet on a bill for the reform of the civil service system. Under pressure from us, RENGO, and opposition parties, the Government agreed to amend the bill and with that amendment it is likely that necessary measures will be taken in order to establish an autonomous system of industrial relations for public service employees – in other words, the system which is equivalent to labour-management relations in the private sector. This means that, when placed under strong domestic and international pressure, and our persistent struggle, the Japanese Government finds itself forced, though reluctantly, to move towards the effective implementation of the Convention.

The Japanese Government does not have a positive stance towards the effective implementation of the Convention. We must strongly condemn it on this point. However, I also must repeat that it is possible, through international solidarity and domestic struggle, to change this stance. For the Japanese Government, which claims to rule a democratic society, there are no economic, social or political reasons preventing it from assuring the rights in accordance with ILO Conventions. And the Government, trade unions and employers are called upon to promptly and effectively implement the Declaration on Fundamental Principles and Rights at Work.

Finally we, RENGO, from its position as representative of the trade union movement in Japan, reaffirms its support for the idea stated in the Report that "the guarantee of fundamental principles and rights at works is of particular significance in that it enables the persons concerned to claim, freely and on the basis of equality of opportunity, their fair share of the wealth they have helped to generate, and to achieve their full human potential".

This year is an important one, marking the tenth anniversary of the adoption of the Declaration on Fundamental Principles and Rights at Work and the 60th anniversary of the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

This is our commitment, that we will make utmost efforts for the promotion and realization of freedom of association and the effective recognition of the right to organize, and we will fulfil our responsibility towards the present and future.

We thank the Office for an excellent Report. This is the third Global Report, concerning the principles of freedom of association and collective bargaining since the adoption of the 1998 Declaration.

The first two Reports considered freedom of association from the perspective of effective representation in the changing world of work, it identified excluded workers and suggested steps towards the progressive realization of the rights to organize and bargain collectively. The Global Report prepared for this year's Conference focuses on lessons learned. This is particularly timely, since 2008 marks the tenth anniversary of the ILO Declaration on Fundamental Principles and Rights at Work and the 60th anniversary of Convention No. 87. Freedom of association and collective bargaining are fundamental rights. The ratification of Conventions Nos 87 and 98 can be an important step towards achieving these rights, but the real challenge is to ensure the effective implementation of these principles. Rights that are notionally recognized but not realized on the ground make little difference to the lives of workers or employers. The factors necessary for their realization include appropriate legislative frameworks, effective labour administration and enforcement mechanisms, institutions to facilitate collective bargaining and dispute resolution, and independent workers' and employers' organizations. Some countries have been more successful at meeting these objectives than others. Canada continues to encourage all member States to express support not only in principle for freedom of association, but also to take steps in advance to protect freedom of association in practice.

Canada's own recognition of freedom of association as a fundamental right was referenced in an important decision of the Supreme Court of Canada in 2007. In the decision, Canada's highest court determined that the freedom of association provision in the Canadian Charter of Rights and Freedoms protects the right to associate for the purpose of collective bargaining. While it will be some time before the full scope and impact of this decision is known, the ruling itself is evidence of the importance of the issue.

The Global Report notes that governments have a primary role in creating a conducive and enabling environment for the exercise of freedom of association and bargaining rights. Democratic institutions, effective governance, recognition and protection of civil liberties and active engagement with social partners are all critical. All of us in this room know that the world of work has changed dramatically since the ILO came into being almost 80 years ago. The importance of partners coming together to share views, consider new approaches and find consensus solutions to deal with emerging issues cannot be overstated.

Today's discussion needs to be followed by concrete action. The ILO should focus its efforts on assisting member States to create enabling frameworks for freedom of association and collective bargaining, to build effective administrations and to develop mechanisms for social dialogue. Through such practical action, the fundamental right to freedom of association can be given real meaning and have a real and positive impact on social and economic conditions across the globe.

The new Global Report on freedom of association offers a comprehensive review of the factors needed to enable freedom of association, the obstacles that stand in the way and an assessment of global trends.

Freedom of association is enshrined in the United States Constitution and the United States has a long and deep commitment to workforce democracy. Our application of freedom of association has been guided by several enduring fundamental principles. These are: (1) the employee's freedom to form, join or assist labour organizations and to freely choose to be represented, or not, by a labour organization, or to choose to refrain from any of these activities; (2) the obligation of employers and labour organizations to engage in good-faith bargaining, to reach collective bargaining agreements covering the terms and conditions of employment and to honour those contractual commitments once made; and (3) a government-sponsored election process to ensure that employees can freely elect representatives of their own choosing through a private ballot election.

The principal federal agency that administers the laws related to workplace freedom of association in the United States, the National Labor Relations Board (NLRB), has two principal functions. First, it determines, through democratic, private ballot elections, whether employees wish to be represented by a union for the purposes of collective bargaining, and, if so, by which union; and, second, it seeks to prevent and remedy unfair labour practices by either employers or unions.

These are often complicated issues. The ILO has stated that private ballot elections are in accordance with international freedom of association principles. We agree and our experience has taught us that the private ballot process is the best way to ensure fairness, justice and the protection of workers from harassment and intimidation from all sides.

Our system is effective. Over the past five years, the NLRB has recovered a total of US\$604 million in back pay, fines and reimbursements for workers and more than 13,000 employees were offered reinstatement in jobs from which they should not have been separated.

Our system is also fair and efficient. In the fiscal year 2007, the NLRB received a total of 2,302 petitions seeking an election to certify a union as the exclusive bargaining representative for a unit. On average, private ballot elections were held within 39 days of the filing of the petition, and unions won a majority of those elections. In the same year, 662 elections were held involving petitions to de-certify unions and unions won 35.1 per cent of those elections.

In fiscal year 2007, the NLRB received more than 22,000 cases alleging unfair labour practices. After conducting investigations that averaged about two months, more than one third of the cases were found to have merit. In 2007, the NLRB was able to resolve, through settlements, about 97 per cent of those unfair labour practice cases determined to be meritorious.

The United States is committed to freedom of association globally, as well as domestically. Over the past few years, the United States has supported ILO programmes that promote freedom of association in Central America, East Africa, Indonesia, Jordan, Morocco and the Caribbean. These programmes focused on:

Educating workers and employers about their rights and responsibilities under national labour laws

Improving industrial relations among employees, businesses and governments through mediation and arbitration training

Assisting foreign governments to administer their labour laws more effectively

Preventing and resolving labour conflict through peaceful, institutional mechanisms.

Freedom of association also plays an important role in United States trade policy. As the Report notes, since 2001, the United States has signed numerous free trade agreements, all of which have labour chapters that reaffirm the parties' obligations with the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work.

Trade agreements signed since 2007 all have provisions that assert that the parties will adhere to international labour standards as described in the Declaration. Freedom of association is a core American value. The United States is committed to working to advance freedom and democracy and looks forward to cooperating with other member States to further this goal in a meaningful way.

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Mr ANDERSON (*Employer, Australia*)

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My remarks in this debate will address the freedom of association aspects of the Report rather than the collective bargaining matters. I would, however, commend to delegates, advisers and observers the work on collective bargaining which the Employers presented to the Governing Body of the ILO last November, as summarized in the second edition of the International Organisation of Employers *International Labour and Social Policy Review*, which was launched last week.

Those of us who have been here for a while will know that the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) is a bedrock of the ILO. We draw strength from what it gives, and it gives life to the role of employers' and workers' organizations. However, as much as we draw strength from it, we see the problems which the Global Report identifies, problems where freedom of association is not recognized, where the Convention is ratified but not applied and problems of application that might prevent its ratification or recognition. As a member of the ILO Governing Body's Committee on Freedom of Association (CFA), I can assure you that these are not problems in the abstract, they affect people, they affect organizations, they affect social order and they affect economies.

Underpinning the Global Report is the proposition, correctly stated, that the role of governments is to provide "an enabling environment" for freedom of association. The Report points to concerns about what it sees as under-ratification rates. On the data presented this is true, though it should not be overstated. It still has over 148 ratifications. It is also true that ratification can lead to effective recognition and in many cases does, but if I had to choose between ratification rates and effective recognition on the ground, I know what I would choose – effective recognition. It is implementation that ultimately makes a difference to lives and organizations. As it says in the Report, that is the real challenge.

It is interesting to note that the Report concludes that "complaints concerning lack of civil liberties

have diminished in comparison with problems arising from the application of the relevant rights and principles". This is instructive, it should force each of the elements of the ILO to ask questions of themselves as to why, in practice, we fall short of the goal in so many contexts. This includes examination by the ILO itself. No doubt most of the reasons why this freedom is denied is an unwillingness by the State to embrace the full notion of industrial freedom and to either ignorantly or defiantly view it as a threat to established power. However, more subtly, there is a possibility that one of the reasons why problems in practice exist is because the boundaries of the concept are not clear, resulting in those boundaries or perceived boundaries becoming an impediment to ratification or national application. I do not say this as a get-out-of-jail-free card for Governments, I say it because we need to be careful about pushing boundaries. We must make sure that the principle of freedom of association retains its historical crystal clarity. If the principle is and remains crystal clear, then the moral and legal case against non-complying governments is more likely to engender a ground swell of global outrage and compel change.

The Global Report, especially in Chapter I, gives a snapshot of some of the clear-cut cases that come before the CFA. Some come from my own Asia-Pacific region. We do not have time this morning to go through them. Let me simply say that the stronger and clearer the government commitment to efficient administration of justice in cases where freedom of association is breached, then the more likely it is that the supervisory bodies of the ILO, including the CFA, will allow those national procedures to be given respect. Paragraph 43 of the Report talks to this point.

One weakness in the Report is the inference that the purpose of freedom of association is to increase membership rates of unions or employer organizations per se. Paragraph 46, for example, conveys this inference. Rather, the Convention speaks about freedoms in regard to the institutional rights of unions and employers' organizations to exist and undertake their work without interference and independently from government or other coercion. That is what is fundamental for employers' organizations about the principle. Membership may be and should be a natural consequence of that freedom, but it is not the intrinsic purpose in the strict sense. Freedom of association equally concerns the freedom to join organizations, the freedom to remain a member of organizations, the freedom to cease to be a member and the freedom to never become a member despite having had the free choice to do so. The Report does not capture this broader perspective.

In summary then, we should use the opportunity of the Global Report and this debate to renew our commitment to the principle of freedom of association and, especially, its effective recognition. We should each look to our responsibilities – unions, governments, employers' organizations and the Office itself. Above all, we should regard the notion, at least in its purest form, as fundamental to social and economic order, notwithstanding the great changes that have occurred in the 60 years since our forebears promulgated Convention No. 87.

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Original French: Mr VAN HOLM (*Government, Belgium*)

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My delegation would like to thank the Director-General for his Report which is in keeping with its

role in the follow-up to the 1998 Declaration and gives a global vision of the progress made and the challenges to be overcome in order to ensure for all the right to organize and bargain collectively. In spite of the increasing realization of the importance of these fundamental rights and progress registered in various parts of the world, the whole picture is still worrisome.

Nearly 50 per cent of the total active population of the member States of the ILO live in five major world powers that have not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Among the member States which have ratified the Convention in question many are encountering persistent difficulties with regard to the implementation of these fundamental rights, as we see from the discussions each year in the Committee on the Application of Standards.

My delegation was particularly worried about the situation of certain worker groups that find it extremely difficult to have their trade union rights respected. Workers in the informal economy and among them domestic workers, those in export processing zones and migrant workers whose number is only growing.

The vulnerability of these groups with regard to employment and economic life is considerable. However, aside from the ILO, who can take an interest in their fate? It is inevitable that the social partners and governments must consult and coordinate. Our recent experience leads my delegation to note that cooperation broadening to other partners, including civil society, can improve mobilization.

In 2005, in Belgium, a campaign to raise awareness of the situation of domestic personnel was launched on the initiative of the King Bedouin Foundation and in consultation with several ministries and the National Labour Council.

This campaign aimed to remind workers, departments dealing with requests from workers in these vulnerable groups, and also employers of the existing legal framework, so that the rights of these workers are taken into consideration.

The major trade unions in Belgium also wage a joint struggle, for example, against discrimination against migrant workers in the labour market.

What can the ILO do? The ILO must continue its efforts, improve mobilisation and solidarity with these groups of workers within its reports, putting into perspective its technical assistance, by supporting, for example, the trade unions of the countries concerned, for them to cover as many groups of this population as possible.

The Minister of Employment has already expressed to the Executive Director, on 4 June, the hope he places in the future Convention on domestic labour. We have also noted with interest the various initiatives at the international level of governments and non-governmental actors in promoting freedom of association and collective bargaining.

The signature of at least 61 international framework agreements referring to freedom of association and collective bargaining shows a trend which is growing stronger. We must follow this phenomenon and make sure that the ILO is consulted or involved in the control of the implementation of these agreements which constitute an increasingly used tool for establishing rules of conduct for multinational enterprises in the exercise of their social responsibilities

ties to solve the problems raised by the globalization of their operations.

These international framework agreements are an official recognition of partnership at the worldwide level, which involves the social partners. Within this framework, Belgium supports the proposal of the Governing Body Subcommittee on Multinational Enterprises to put in place a programme which would give advice or specialist guidance to enterprises on the way in which they apply international standards and the MNE Declaration, and to promote better use of the Declaration.

In conclusion, two preoccupations. Firstly, we must note the reduction in extra-budgetary financing of technical cooperation, which may serve the promotion of freedom of association and collective bargaining. The moment has come to examine and adjust the imbalance in the distribution of resources between the four groups of fundamental principles and rights, which may not, however, be effectively applied without implementing an integrated approach.

Secondly, my delegation would like, in the discussions concerning the strengthening of the capacity of the ILO, to reiterate the importance of the global reports to ensure the follow-up to the ILO Declarations on Fundamental Principles and Rights at Work. The complete and careful analysis currently carried out in each of the four groups of fundamental principles and rights at work is an inestimable source of information and effectively guides the priority actions carried out by the ILO to enforce these fundamental rights for the benefit of all.

The ambitious objective proposed by the Director-General of universal ratification of the fundamental Conventions by 2015 is a strategy which is supported 100 per cent by the Belgian Government. Thank you.

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*Original French: Mr BARDE (Employer, Switzerland)*

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Even though it is the end of my mandate, I am speaking as President of the European group of the International Organisation of Employers.

On my many visits to various countries in Europe, especially those of Central and Eastern Europe, I was able to detect a clear trend towards freedom of association and trade union freedom. This freedom, however, is not yet universally understood. This is because the problems which we experienced in the past are still with us, sometimes stemming from fears about the meaning of freedom of association. Sometimes, therefore, we find ourselves faced with problems which are linked to understanding the usefulness of this freedom and how it is to be implemented.

This of course requires trust – trust in the responsibility of social partners. This is something which is not always obvious to certain states which have recently joined the market economy system and the democratic system and which may be more concerned with their own economic growth than with a social partnership that might be seen by some as an impediment to their freedom of action.

In some countries, chambers of commerce with compulsory membership participate in social dialogue, which prevents the development of independent employers' associations. Furthermore, in certain countries in transition, the influence of politicians and of political parties prevents the free management of professional associations.

So I think, as I said earlier on, that we have a problem of understanding with regard to the responsibility of the various economic, social, political or other actors with regard to trust. This is a fundamental problem, and this is where we must spare no effort, and we must have the humility to adapt our efforts to the specific situations existing in each of the countries concerned.

The Global Report mentions and pinpoints certain countries, and of course it must do so, but it is up to us to assess the relative significance of actual or alleged violations to freedom of association, according to the respect shown by the States to the fundamental principles underlying this freedom and on the basis of the democratic and constitutional principles of the countries concerned.

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Mr RADIBE (*Worker, Botswana*)

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We from the Botswana Federation of Trade Unions commend the efforts that the ILO is making to make sure that some of these issues that have been pending are absolutely brought on the floor.

We regard the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), as very critical and the one that brings democratic and participation among the citizens, the people and the workers of the nations. However, we believe that the ILO, together with the workers, employers and governments, should actually make a point that such activities in our Organization related to Convention No. 87 are given the proper monitoring and evaluation. There are some other countries that have ratified Convention No. 87 and then find that the situation of workers in those countries are worse than those countries which of course did not ratify. We believe mechanisms and instruments should be put in place to make sure that, of course, countries are followed up. We are not underrating the work of the Committee of Experts on the Appli-

cation of Conventions and Recommendations and the other ILO committees but we still believe a lot has to be done in Botswana, as this issue of freedom of association in the public service is new to us.

We still believe a lot has to be done in the public service because it appears as if our Government feels that the public service workers should not enjoy the right to organize and the right to collective bargaining.

However, this very clearly demonstrates the hypocrisy and denial of the Government that, of course, is supposed to be providing an environment for such rights to be enjoyed.

In previous years, we have had a real issue as to victimization and intimidation of workers who wanted to enjoy these rights. Some were dismissed, some, of course, were victimized and they could not join their federations and trade unions any more.

In this case we feel the governments of the world should be aware that, once such instruments are ratified, they have to be enjoyed. We would like to stress to our governments the need to put up a tripartite structure for social dialogue which will always give a chance for all the partners to bring forward their issues, because you will find that with regards to issues of trade, issues that, of course, affect workers sometimes, like the Economic Partnership Agreements and other related issues, the workers are always left behind, trade union organizations and issues are always left behind.

So, we believe, with social dialogue, the workers of the world will enjoy the fruit of their labour.

Having said that, we would like to congratulate the ILO's missions all over the world for having done a very good job but we still believe a lot can be done.

*(The Conference adjourned at 1 p.m.)*

## Fifth sitting

Friday, 6 June 2008, 3.10 p.m.

President: Mr Louh, Mr Tabani, Ms Diallo

### GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK: INTERACTIVE SITTING (CONT.)

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*Original Arabic:* The PRESIDENT (Mr LOUH)

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We are now going to continue our discussion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, *Freedom of association in practice: Lessons learned*. I would like to remind everyone, particularly those of you who were not here this morning, that this Report is the third on this subject. There was an initial report in the year 2000 – *Your voice at work* – and then there was a second Report in 2004 – *Organization with a view to social progress* – and this year, as you all know, we are celebrating the tenth anniversary of the adoption of the ILO Declaration on Fundamental Principles and Rights at Work. I would also like to remind you that we are celebrating the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The Report before us presents a number of measures to promote freedom of association and organization and to foster collective bargaining. Your constructive comments will help us to complete and enrich the Report before us. I would like to remind you that it is not a question of opening a discussion, a debate, nor of discussing a particular case in a particular country. This is done in other bodies within the ILO, for example, within the framework of the Committee on the Application of Standards. It is a general discussion that we are having today.

Might I also remind you that the speaking time will be five minutes. Please respect this five minute limit, so that a maximum of speakers can take the floor.

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Mr DE WITT (*Government, United Kingdom*)

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The United Kingdom Government strongly supports ILO Conventions Nos 87 and 98, which promote and protect workers' rights worldwide. We were the first country to ratify Convention No. 87 on freedom of association and protection of the right to organize, which was adopted in 1948, and we firmly believe that these rights remain fundamental to democracy.

We also strongly support the ILO's unique supervisory mechanisms which enable workers' and employers' organizations to monitor how those rights are being applied and to engage in dialogue with governments on issues of compliance. These processes have enabled the ILO to do as much as, if not

more than, any other body to highlight abuses of, and bring about respect for, international workers' rights.

Today, nearly 150 countries have ratified Convention No. 87. Over 150 countries have ratified Convention No. 98 on the right to organize and collective bargaining, and through the ILO 1998 Declaration on Fundamental Principles and Rights at Work, all of the ILO member States have committed themselves to respecting, promoting and realizing those rights, as well as the other core labour standards, regardless of their level of economic development and whether or not they have ratified the relevant ILO Conventions.

Yet, in the twenty-first century, violations of these rights still continue, as was highlighted in the very first Global Report which focuses on these Conventions and which was published in 2000, and while the second Global Report on freedom of association, and collective bargaining, which was published in 2004, showed that the global picture was, on balance, encouraging, it also showed that abuses of these fundamental rights persisted in too many countries.

This year's Report carries a similar message. While most member States fully recognize the right to freedom of association, to organize and to collective bargaining, serious and major cases involving abuse of these rights continue. We therefore support the ILO's proposals for a plan of action which will, over the next four years, focus on ratification and implementation of the labour standards related to these rights, helping constituents to give effect to those rights and strengthening the ILO's knowledge base in order to facilitate its work and advocacy in this area.

The United Kingdom Government takes its responsibilities under Conventions Nos 87 and 98 very seriously. As reported to the ILO, we have in recent years conducted a number of full-scale reviews of our legislation relating to trade union rights. Where these have identified areas for improvement, we have amended our legislation accordingly.

There have been a number of recent developments in the United Kingdom with regard to trade union rights, which might be of interest to the Committee.

Let me begin with the freedom of trade unions to use political party membership as a lawful criterion for belonging to a trade union. At last year's ILO session of the Conference, the United Kingdom Government explained that it was undertaking a public consultation about this issue in the light of the judgement by the European Court of Human

Rights in the *ASLEF v UK* case. The UK Government issued its response to that consultation in November and confirmed that it would change the law at the earliest opportunity by substantially amending the relevant parts of the Trade Union and Labour Relations (Consolidation) Act 1992. We have moved quickly. Clause 18 of the Employment Bill, which is currently before the House of Lords, includes provisions to change the 1992 Act, extending union autonomy significantly. The bill should become law this autumn.

Throughout, the United Kingdom Government has recognized that it is a difficult issue involving conflicting human rights. It is therefore not surprising that during its parliamentary passage, this section of the bill has been very closely scrutinized. Many peers of all political parties are critical of the deregulatory approach that we have followed in clause 18. They stress that the law must be balanced and fully recognize the importance of the rights of individuals to hold political beliefs and to belong to the union of their choice. At this stage, it is difficult to know how the United Kingdom Parliament will finally decide the shape of this clause. We will, of course, keep the Committee of Experts on the Application of Conventions and Recommendations fully informed of developments.

In the UK, we have also undertaken a thorough review of the position of trade union representatives. As we often stress, the UK's system of industrial relations is very decentralized. Collective bargaining is usually undertaken at the company level, or even lower. We therefore have very many thousands of separate bargaining units where lay union representatives are given an important bargaining role.

These local officials need to combine their work as an employee with their functions as a representative. Our review has shown that, for a significant minority of representatives, this is difficult.

The UK Government has therefore asked the independent Advisory Conciliation and Arbitration Service (ACAS) to revise and update its code of practice on time off for trade union duties and activities, so that it provides more guidance on the ways to best deal with these problems.

ACAS has representatives of both trade unions and employers in its membership. Its code of practice is important in setting behavioural norms and is taken into account by our employment tribunals in determining complaints about inadequate time off. We are hopeful that this new code of practice will come into effect, following public consultation, in the first half of next year.

In conclusion, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), are key to decent employment relations. We must constantly strive to find the best ways to ensure compliance with them. That is most effectively done, in our judgement, by fully understanding the myriad of different situations that characterize modern industrial relations around the world.

The advice given by the ILO must be pitched appropriately to match these greatly varying circumstances.

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Mr ALLEY (*Employer, Canada*)

At the outset, I would just like to point out that this is the first session of the International Labour

Conference I have attended, so I will be brief so I will not embarrass myself. I was told that this would be an experience and it has been. I have learned a new language, which I call "ILO-ese", I will take it back to Canada with me. But I would like you to know that I do know something about the ILO as my late uncle, John Mainwaring, as I recall, presided over the Governing Body in the early 1970s, when he was a Government representative from Canada.

I have reviewed the Global Report and would like to make the following comments from the perspective of Canadian employers. The first thing I would like to note is that, in many cases, the Report refers to "freedom of association and the right to collective bargaining", as opposed to "freedom of association and the effective recognition of the right to collective bargaining", as stated in the Declaration. To us, this is an important distinction.

Canadian employers support the right to freedom of association. This implies the right of employees and employers to freely join a trade union or an employers' association of their choice. But it also implies the right not to join a trade union or an employers' organization.

In Canada, the various governments treat the issue of freedom of association very seriously at the policy level. We heard that from Ms Young earlier today. The governments ensure the necessary legislative machinery is in force and that it is balanced and fair.

The real issue for Canadian employers right now is not whether their employees have the freedom to organize, they very clearly do. The real issue for us right now is finding the right people with the right skills, right now. We are in a very competitive market for employees and therefore employers tend to treat their employees very well, otherwise they are going to lose them. Employers are well aware of the conditions in collective agreement and labour standards legislation. To attract and retain employees they have policies that contain wages and working conditions far in excess of what is required.

Canadian employers, and I think all employers, believe that we must ensure that the Declaration remains relevant. To do this, we must have the active support and participation of all the social partners. The ILO must embark on programmes to ensure that the profile of the Declaration remains relevant. To remain relevant, the Declaration and its Follow-up should be pertinent to employers.

As I read the Report, it seems to infer that the only way to freedom of association is through ratification. Now, my understanding is that the spirit of the Declaration calls for adherence to the principles drawn from the core Conventions, not their ratification. Employers have taken the position, and I believe quite rightly, that the Declaration is not a tool to encourage ratification, rather it is to be used to encourage adherence to the core principles.

To conclude, Canadian employers support the right to freedom of association, it is the sign of a vibrant democratic society. We would encourage the ILO to continue to offer its support, where necessary, to ensure all workers and employers have both the right to freely choose, or not to choose, to become a member of a trade union or employers' organization.

First of all, I would like to correct a mistake that appears in the Review of the annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, which is document GB.301/3.

The experts responsible for drafting the annual reports and observations consider that the Single Central Organization of Workers (CUT) supports the single trade union system which is at variance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

This information, however, is not in keeping with our history, nor with our practice, nor with our trade union views. The CUT statutes, as part of the union's principles and undertakings, defend the concepts enshrined in Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as a way of ensuring definitive freedom of association for all Brazilian workers. Furthermore, whenever trade union reform is discussed in the country, the CUT argues in favour of ending the single trade union system based on the belief that it unduly restricts the right to freedom of association. Having clarified this, I will now discuss the progress made and the challenges which exist in my country with regard to freedom of association.

The following points stand out in terms of progress: the official recognition of the trade union central organizations; forwarded by the President of the Republic to the Brazilian national Congress with a view to ratifying the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Termination of Employment Convention, 1982 (No. 158). The creation of the national Labour Forum and the Standing Bargaining Committee of the Federal Civil Service and Constitutional Amendment No. 45 2004, which authorizes judicial intervention in collective bargaining only when requested by both partners.

Although these achievements breathe new life into the fight for freedom of association, we still face significant challenges. The trade union reform achieved through Act No. 11648 2008, which recognizes the trade union central organizations, is merely partial. We still have to put an end to the single trade union system and the trade union tax in order for national legislation to comply with Convention No. 87.

However, there are sectors of the trade union movement in my country which are opposed to this Convention.

In the Americas, only the United States and Brazil have not ratified this important Convention. Other countries have done so, but fail to comply with it, as is the case with Colombia. And we still have to ensure representation at the workplace, as anti-union practices continue to be a serious problem in Brazil.

The following cases are concrete examples: violations committed in 2006 by the enterprise Unilever, submitted for examination to the Committee on Freedom of Association (Case No. 2470); discriminatory dismissal of the members of the works council of the Enterprise Ifer and LG Electronics (a metalworkers' trade union); dismissal of a former trade union official by the Band TV broadcaster during a period of stability; use of legal and police action by the company, Randon, in order to prevent the mobilization of its workers taking place during a wage campaign – a common practice throughout the

country; the setting up of a Parliamentary Inquiry Committee regarding the Trade Union of Educational Workers of Rondônia by the State Legislative Assembly, which did not even set out the legal grounds for this measure. It should be pointed out that this case has already been brought to the notice of the ILO; lack of collective bargaining within the civil service in most Brazilian States; lack of effective collective bargaining in rural areas, in order to ensure better wages and decent living conditions for rural workers and also for farmers' families.

In this regard, the actions of the Brazilian judicial authorities leave much to be desired. It is not a question of denying the progress already made, such as, for example, the fact that the Gasol network of petrol stations and the enterprise Sadia were found guilty of anti-union conduct. These decisions are not, however, definite, handed down, as they were, respectively by the Federal District Labour Court and the Labour Court of Minas Gerais. However, the justice system in Brazil is still subject to serious delays. Even now, the massacre that occurred on 2 December 1999 in the enterprise NOVACAP (Brasília), and which resulted in the death of the employee José Ferreira da Silva, has not been dealt with by the courts. As we know, a slow legal system means injustice and impunity. Moreover, the sanctions applied are not dissuasive.

We, in the trade union movement, believe that we are living at a critical moment, one of opportunity and risk. In order to be able to take advantage of these opportunities and bring about the necessary trade union reform, we need the continued support of the ILO, particularly in order to eliminate anti-union practices and to further the ratification of Conventions Nos 87 and 151. Indeed, we could perhaps take advantage of the celebration of the 60th anniversary of Convention No. 87 in order to organize courses promoting its ratification in my country. We also need the support of the ILO in order to fight against practices that restrict freedom of association and collective bargaining. Those guilty of such anti-union behaviour must be held accountable in an adequate fashion as in the case of Unilever and the Legislative Assembly of Rondônia.

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*Original Spanish: Mr DE REGIL (Employer, Mexico)*

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The promotion of freedom of association as a general principle and as a human right has, without a doubt, been work which has been crowned with success. The document analysing this work presents it as a success. Let us look at the reality.

In practice, the association of individuals has been a constant element. Since I have been a member of the Committee on Freedom of Association – from 1996 until now – I have seen that there is a consistent trend among governments and individuals to accept, regulate and make use of freedom of association. That said, in this situation freedom of association is the genus whereas the right to take advantage of freedom of association and the right to collective bargaining are species within the genus.

In practice, we are increasingly seeing forms of association, organization and collective bargaining in regions of the world where in the past, less than ten years ago, nobody thought in terms of such rights. Therefore, we have to conclude that, in general terms, freedom of association has grown considerably and the work of the supervisory bodies has facilitated and strengthened this fundamental human right. Nevertheless, I think we also must

clarify the situation, in light of our practical experience, in relation to freedom of association and the right to organize. For example, the issue of jurisdiction is often abused. Attempts are made to violate the trade union legislation in many countries by obtaining trade union status without a sufficient number of members or where the same individuals are registered in more than one union. Also, specific industrial unions represent individuals involved in other activities or try to negotiate with companies in other fields. Sometimes many trade unions are set up in the same industry. In my country, Mexico, it is obvious that trade union activity is big business and, for that reason, attempts have been made to increase the participation and involvements in labour activities.

This can be seen clearly in that trade unions are often against other forms of association, for the purposes of representation and collective bargaining being accepted within the ILO and they oppose other forms of association being recognized as having the right to represent people professionally. They try to ignore the civil organizations and associations, cooperative societies and solidarity groups which are collective groups which are working hard and, what is worse, which represent the individuals right to dissent or to seek out other forms of association, and this is very serious.

The fundamental principle is the right to join, to leave, or not to join a trade union and as long as we do not recognize the right to seek out other forms of representative association, we are granting a special privileged monopoly to the trade unions, which is, in fact, contrary to human rights. It is the right of the individual to decide how they wish to exercise their freedom of association, it is not for an entity to take the decision. Therefore, it is urgent that we analyse the various elements that should constitute the new concept of freedom of association. It is however, important to continue to promote freedom of association for workers and employers. In practical terms, we have seen how important it is to maintain and support the principles of freedom of association. This is not only a privilege for workers but also for employers, because, for us, this right is a fundamental weapon to maintain our independence vis-à-vis governments, to encourage free trade and to strengthen economic growth in our countries. Freedom of association is the cornerstone of democracy and freedom. We have all seen a large number of cases where totalitarian and dictatorial governments have attacked and undermined free associations of workers and employers.

I would also like to highlight a number of points, which, as a result of my long years of experience in this house, in particular regarding legal issues and the supervisory bodies of the Organization; I have noted and learned from.

One point, which I would like to highlight, is the measures which have been taken to prevent and put a stop to abuse, which has led to the loss of freedom and often the loss of life. We have had many cases where the speed of action and the use of pressure, the sending of missions and decisive preventive action have allowed us to prevent successfully unfortunate situations. We have, however, also learned some painful and disappointing lessons. I mention this because I know of certain cases where there has been abuse of the supervisory bodies, where direct action has been requested, which has resulted in the

extortion or distortion of the judicial systems of certain countries.

In light of what I have said, I think that the conclusions I could suggest would be the following: in the economic realities of today, it is obvious that workers use not only trade unions to represent them before their employers; other forms of association are used to formalize work, such as civil organizations, labour cooperatives, solidarity groups and other forms of trade union representation, including professional colleges. Preventive and corrective action is necessary, and the supervisory bodies have to have the elementary prudence to ensure that they are not being used by unscrupulous groups in which abuse and extortion prevail.

Finally, freedom of association is the basis for freedom, democracy and development and, therefore, we must continue to promote it.

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*Original Spanish: Mr LUCAS (Worker, Guatemala)*

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As a delegate of the workers of Guatemala, I am happy to participate in this discussion on the Global Report which basically refers to the fundamental principles of work, and specifically to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

In analysing the Report we would have liked to inform you that my country, Guatemala, has made progress in its compliance with the provisions of these Conventions. Unfortunately, however, we cannot say that this is the case. On the contrary, there has been a degradation of these rights and an increase in violence against trade unionists, and even their assassination. Guatemala has for ten years been on the list of the Committee on the Application of Standards, for serious violations of the fundamental rights of the workers. This is an example of the indifference of the State of Guatemala and its incapacity to implement the requisite measures, to respect workers' rights and to put a stop to trade union discrimination.

The main problems are the violence, corruption and impurity, a weak system of justice, and public servants who usually defend the interests of Guatemala's oligarchy. The Government of Guatemala has officially accepted that the professional level in the system of justice should be low, and corruption is rife.

The most important labour sectors are linked to exports, under the Free Trade Agreement with the United States and the European Union. It is therefore necessary that compliance with national legislation and the ILO's Conventions should be strictly monitored, as is the case in Cambodia to ensure that production does not violate these fundamental rights. We, as workers' organizations, are victims of repression, even though most of us are farmers, agricultural workers, workers in the agro-export sector of the textile industry, workers in the informal economy and municipal workers.

The ILO should pay greater attention to the quality of the cooperation projects. In Guatemala, the ILO Subregional office in Costa Rica has two projects, one to strengthen the system of justice and the other to monitor compliance with the White Paper. But the unionized workers believe that the projects should be reviewed so as to guarantee impartiality, particularly as regards monitoring activities. This would help the ILO to contribute to strengthening

the State of Guatemala and to ending the serious problem of violence and discrimination against workers.

To strengthen the capability of the State, it is essential to restore the Ministry of Labour's power to impose sanctions. Without that, we shall never have a labour inspectorate that is efficient and respected.

The ILO should promote full compliance with the Conventions dealing with the labour relationship between employers and workers, so as to put an end to all contracts in which it is disguised. In several countries like Guatemala, contracts are based on the 029 budget line which has now turned into a legalized fraud. Workers are contracted as if they were professionals or in the civil or merchant service, when in fact they are pure and simple work contracts. In this way, the workers and their families are deprived of social benefits and of the rights to set up a trade union.

Finally, the ILO must prevail on States to ratify the Conventions. In certain countries where the Conventions have been ratified, the ILO needs to promote and monitor their effective implementation. There are countries which ratify Conventions just to impress the international community, while in fact they are violated everyday.

It is also important to monitor multinational corporations, which are responsible for the loss of workers' social protection and for the increase in degrading forms of employment.

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Mr HOBBS (Government, New Zealand)

The Government of New Zealand congratulates the Director-General and the Office on the publication of the Global Report – *Freedom of association in practice: Lessons learned*. We salute the ILO on this, the tenth anniversary of the Declaration on Fundamental Principles and Rights at Work and the 60th anniversary of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The right to free association in employment is a fundamental one. Its denial robs all others of their true meaning. There is, in our view, no real substitute for the free expression of the authentic voice of working women and men in matters concerning their livelihoods. Besides being a fundamental human right and a core ILO value, freedom of association also plays a key part in sustainable employment relations and the progress required to achieve decent work. New Zealand's own economic transformation and productivity frameworks are founded on the recognition that the engagement of all stakeholders is necessary to improve national competitiveness and performance. We also endorse the Report's findings that the effective exercise of freedom of association requires a supportive political, legislative and institutional environment.

New Zealand is a strong supporter of the right to freedom of association and the promotion of collective bargaining both in principle and in practice. We maintain robust legal and institutional structures to safeguard these rights to provide the necessary protections and to ensure that there are strong and representative unions and employers' organizations. We therefore strongly support the ILO's efforts to build capacity and support for the practical implementation of freedom of association and collective bargaining through its advocacy, technical cooperation and capacity-building activities. We support the proposed plan of action on promoting these rights

and hope it will include consideration of other related activities such as the Strengthening the ILO's Capacity (SILC) exercise and the field structure review.

We note the Report's concern over the comparatively low incidence of ratification of Convention No. 87 and the Director-General's separate proposal for setting a target date of 2015 for the full ratification of all of the core labour Conventions. It is true that ratification of a Convention does express a commitment by a government to implement that Convention. However, the real issue and challenge is the implementation. Ratification does not, of itself, guarantee that employment rights are actually observed. It is for this reason that New Zealand only ratifies Conventions when we are convinced of our ability to fully apply them in terms of our domestic law and practice. Ensuring there is sufficient capacity among States to fully implement the Conventions they might ratify is therefore critical, in our view, and ongoing support for the legal and administrative structures required to underpin the exercise of employment rights must be a priority for the ILO in any promotional campaign on freedom of association and the right to collective bargaining. We look forward to a constructive discussion and analysis of these issues.

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Original Portuguese: Mr LIMA GODOY (Employer, Brazil)

Freedom of association, which is the topic of the Global Report of 2008 and is now being discussed in the 97th Session of the International Labour Conference has received much attention from the ILO, particularly when it is exercised in the trade union field by workers, and this is certainly supported by the employers of Brazil and Latin America, as I can confirm as Regional Vice-President for South America of the International Organisation of Employers (IOE).

However, this discussion provides an opportunity to emphasize the need for the Organization to provide the same defence for the employers when the same liberty is denied or in some way threatened. This is in keeping with the content and the spirit of the 1998 Declaration, one of the most fundamental manifestations of the will of this institution and therefore deserving of the respect of all the tripartite constituents of the ILO.

It is a pleasure for me to be able to state before this august assembly that in my country we have made ample use of this freedom, especially following the promulgation of the Constitution of 1988, which restored democracy in Brazil, and although we have not adopted the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87), we, nevertheless, have a trade union system with many members and collective bargaining is practised on a wide scale in all economic sectors and in all regions of the country. Furthermore, recently, without the opposition of the employers' sector, trade union central organizations received legal recognition of their role as representatives of the workers in tripartite official organizations, but unfortunately the same cannot be said for the whole of Latin America. There is the flagrant ongoing assault on the main employers' organization of Venezuela, the Venezuelan Federation of Chambers of Commerce and Manufacturers Associations (FEDECAMERAS), a frequent participant at the International Labour Conference. However, this case has not been adequately examined by the Con-

ference Committee on the Application of Standards although Venezuela, Mr Chairman, has ratified Convention No 87.

Further examination of these two examples shows that compliance with the Declaration should not be confused with the ratification of the Conventions, which can only be achieved with the effective and wholehearted promotion of its contents.

In approving the Declaration of 1998, the tripartite constituents of the ILO entered into a serious and formal commitment that can only be honoured through consistent and effective actions that give substance in the real labour world, to the unanimously declared fundamental rights and principles.

In the interests of effectiveness, we urge the International Labour Office to renew its commitment to strengthening its assistance to its constituents, especially technical cooperation, according to the needs and requests that occur in each country.

To be frank, on this point, we would have preferred there to be more substance in the Action Plan presented in the Report for the next four years, which only takes up two of the 103 pages of the document under discussion. For us as employers, the promotion of the contents of the Declaration of 1998 represents the very heart of the ILO's mission. Therefore, while thanking you very warmly for the attention that has been given to me by everybody present, I conclude with words reaffirming the firm commitment to promote in practice, the fundamental rights and principles at work, and I am convinced that I am joined by all employers of Brazil and Latin America.

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Mr MATSUI (Government, Japan)

On behalf of the Japanese Government, I would like to make some comments on the Global Report.

Firstly, the Japanese Government considers it inappropriate that Japan has been stated, in paragraph 177, as one of the countries. In Japan, for teachers who are public service employees, the right to negotiate salaries with the authorities is recognized. In addition, in Japan, measures to compensate for the restriction of basic labour rights, such as the recommendation system regarding salaries and other working conditions for local public service employees, including teachers in public schools, are awarded to personnel commissions, which are neutral third-party organizations. The Japanese Government considers that these measures are implemented for the appropriate revision of salaries and invites the ILO to take this into consideration.

Secondly, the Japanese Government regards civil service reform as an important issue which should be worked on without delay because the public is highly interested in public service employees these days. The Japanese Government drafted the Bill Stipulating Civil Service Reforms, which defines the fundamental principles of civil service reforms and basic policy, on the basis of the results of discussions, with the inclusion of relevant employees' organizations, and submitted it to the Diet on 4 April 2008. The Bill passed the House of Representatives with amendments on 29 May, and today the Bill was adopted in the upper house of our Parliament.

The Bill Stipulating Civil Service Reforms, which includes an examination of the right to conclude collective agreements, is based on the report of the Special Examination Committee and Advisory Group, which includes members having knowledge

and experience of trade unions and the relevant employees' organizations.

It should be noted that partial amendments were made to the original after lively discussions in the Diet.

So the civil service reforms are under way with exchanges of views between the parties concerned, and in-depth discussions are taking place in the Diet.

The Japanese Government will examine the situation in detail, in accordance with the purpose of the law, after the Bill is adopted. It will decide on the necessary legislative measures within some three years of enactment of the law, having continued frank exchanges of views with the parties concerned, including employees' organizations.

After the adoption of the Bill, we will proceed with our review of the future examination framework by listening to the parties concerned, including employees' organizations.

The Japanese Government will continue to do its utmost to hold meaningful discussions with the parties concerned, including the trade unions, and achieve fruitful civil service reforms, based on the idea that frank exchanges of views and coordination are necessary.

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Original Arabic: Ms ABDEL HADY (Minister of Manpower and Migration, Egypt)

We have read the report prepared by the Office. The Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work – *Freedom of association in practice: Lessons learned*. I believe that this Report is a very good Report and it comes at a time when we are celebrating the tenth anniversary of our Declaration, the Declaration on Fundamental Principles and Rights at Work, and the 60th anniversary of the Fundamental Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

We all know that freedom of association is one of the most basic rights and principles. We believe that it is the way to promote democracy and good governance in the field of work and to provide a conducive environment at work.

I believe that these rapid changes we are witnessing today in the field of work, especially those relating to the new technologies, privatization and all the other changes in this field, all play a major role when it comes to the fundamental principles and rights at work and freedom of association and collective bargaining rights.

I believe that we need to provide a conducive environment that will enable us to enjoy our freedom of association and the right to collective bargaining, especially given these changes and transformations that we have been witnessing globally. This would require us to have very effective, efficient and strong institutions and bodies, whether for the employers or for the workers. These associations and organizations must enjoy the right to collective bargaining and must be able to cooperate amongst themselves in order to help us settle conflicts and help us reach the best solutions possible for all parties.

I believe that collective bargaining plays a major role in this field. It helps us promote the significant role played by associations and organizations of workers and employers.

Egypt has ratified the eight core Conventions, especially Convention No. 87, and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Egypt has ratified these core Conventions because it believes that we have principles that we must abide by and because Egypt respects all international Conventions and treaties.

The Constitution of Egypt guarantees the right of freedom of association and it provides the possibility to all parties to join associations and organizations in order to promote themselves and their unions and defend their interests.

The Egyptian Government plays a major role in promoting freedom of association. It provides and ensures the most conducive environment for collective bargaining and it tries to overcome all shortcomings and all obstacles when it comes to the full enjoyment of all the rights of workers.

Egypt provides the necessary structures and bases in order to promote freedom of association and collective bargaining. It also provides the best tribunals to settle the cases and the conflicts that might arise.

Egyptian labour law has also fixed the framework of freedom of association and collective bargaining and has given both employers and employees the right to present their cases in front of the bodies which can look into these cases in order to reach the best settlement possible and in order to reach an agreement between them.

This work takes place within tribunals that were established within the relevant bodies. The Ministry of Labour in Egypt strives to create a balanced relationship between all social partners. It also plays a major role in providing technical and moral support to the social partners.

During the past few years, the Ministry of Labour has helped settle a number of disputes. More than 80 per cent of the total number of grievances which were presented were settled amicably and the rights of the workers were guaranteed.

The Ministry also works hard in order to ensure that all disputes are settled, whether in the private or in the public sectors, and we have seen in the past few days that good results have been achieved in this field.

The Ministry also holds awareness-raising campaigns and courses in order to inform workers of their rights and of the means they have at their disposal in order to establish those rights.

The Ministry provides them with all the help necessary and there are also discussion and negotiation sessions which are held between the three social partners within the Ministry.

In the field of collective bargaining, we have managed to settle more than 90 per cent of the disputes that have reached us at the Ministry. This settlement of disputes was reached thanks to the efforts of the Ministry. Moreover, more than 70 collective worker agreements were reached in order to protect the rights of workers under and within Egyptian labour law.

In the past few years, and in the past few weeks, we have seen a very sharp rise in food prices and we have seen the effect that it has on the poorest sections of the population. This has led to crises and disputes in some countries of the world, including Egypt.

We, at the Ministry of Labour, believe that we must protect the working force and, indeed, all workers. Thus, our Ministry has done its utmost

possible in order to assist all enterprises which are facing problems. The Ministry has also tried to help to settle all disputes and problems.

We have also tried to provide funding and financial aid and subsidies to certain workers in some of those enterprises which are facing a crisis. We have, in some cases, provided this financial assistance more than once to the same worker, because we believe that we must help all workers. We have also established a crisis room within the Ministry in order to follow up the situation and try to help find the best solutions possible. All this we do at the Ministry under the supervision and guidance of His Excellency, Mr Hosni Mubarak, the President of Egypt, because we in Egypt believe that we must ensure a peaceful existence and stability for all our population.

Finally, I wish to thank the group of experts who follow up the implementation of the Declaration on Fundamental Principles and Rights at Work.

I wish you all much success. Thank you.

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*Original Arabic: Mr RAZZOUK (Government, Lebanon)*

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The 2008 Global Report centres on the ILO Declaration on Fundamental Principles and Rights at Work and is based on two fundamental principles: freedom of association and collective bargaining. The Report also stresses other important principles like equality, justice and complementarity, which are indispensable conditions for the success of the new social contract.

On this occasion, may I express my deepest gratitude to His Excellency, the Director-General of ILO, for the seriousness, the quality and the relevance of this 2008 Report. We thank him for putting his finger on the problem and we must be just as courageous and serious in order to achieve our objectives.

Lebanon has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) yet, but we are in the process of setting up a legal mechanism for the ratification of this Convention. Lebanon has made steps forward towards complementarity between social partners in spite of the political differences and differences of approach that exist in Lebanon. Without doubt, the rules and principles contained in these two Conventions (Nos 87 and 98) are very important for creating an environment conducive to decent work. Consequently, these two Conventions were very well received by both workers and employers.

No researcher or negotiator can be isolated from their social, political and economic environment. Even more so because we live in an age of globalization which is overtaking the whole world. Our world has become a global village. Borders are being erased, cultural and social exchanges are intensifying. We have entered a new age of competitiveness and competition for the best. We live in a time of radical changes which know no boundaries. We live in an age of communication, of modernization, of an opening up of civilizations to one another in the greatest of cultural and social exchanges, which has changed even the concept of life, whether we like it or not. This is why freedom of association and collective bargaining are important and are the ideal framework for establishing and facilitating registration and promoting mutual confidence.

Lebanon, because of its geographical position, is a crossroads between Asia, Europe and Africa. Leba-

non has always been a centre of cultural exchange and exchange between civilizations and cultures. I can assure you that our society has made strides forward towards modernization to such a degree that Lebanon has been called the Switzerland of the East. Lebanon has always been and will always be a land of freedom for its people and all freedom-loving peoples.

We would like also to stress the role of governments as responsible for setting up the political and social environment to enable freedom-loving people to set up and create this social justice, protected from all forms of discrimination, particularly discrimination between men and women.

The Government of my country has made it possible for women to reach the highest posts in all fields, including the public sector. Lebanese women are pioneers of creativity and innovation. There are still problems, which are making efforts to resolve in accordance with the international standards. We believe in rapid change but not in changes made in haste. It is always better to take the time needed.

Imagine this small country, Lebanon, only around 10,000 square kilometres, and with a population of 3 million people, where there are around 700 trade unions and 60 federations of workers and employers, and where women play a leading role in the public sector and in civil society. Freedom of association is flourishing in Lebanon and any talk of government interference in the work of the trade unions is so exaggerated as to lack any credibility. Freedom of expression is consecrated both in theory and in practice in Lebanese society and nobody can restrain it. This is how the Lebanese Government, represented by the Ministry of Labour, established the appropriate framework for cooperation between the social partners: the government, the employers and the workers.

The very principle of direct collective bargaining has made it possible for workers in Lebanon to make important progress, particularly in increasing the level of social subsidies and social protection. The Government has paid greater attention to agriculture, which is one of the keystones of our economy. In spite of the violent attacks aiming to destroy Lebanon's economy, in spite of all the problems, difficulties and wars, Lebanon has held out. Our society has made giant strides forward with regard to respecting fundamental rights and principles, and particularly in strengthening freedom of association and the right to collective bargaining and the eradication of forced labour and child labour.

In the end it is application that is important, laws and texts are not sufficient; these texts and these laws must be implemented and through practical measures such as the promotion of labour inspection.

Convention No. 87 is being discussed now in Lebanon so that it can be adopted and ratified as soon as possible and we have already made some headway in this regard. For instance, it is now possible for civil servants in the public sector and in government departments to organize and to create trade unions and organizations. This has in fact already happened in certain administrations such as the public sector council and the water and electricity boards. We hope very soon to finish adopting legal provisions to enable civil servants in the public administration to organize and create trade unions. We hope that the name of Lebanon will soon

be on the list of countries that have ratified Convention No. 87, but we also hope that the Organization will understand the very difficult circumstances in which Lebanon has found itself recently and which have delayed its ratification.

In conclusion, we would like to praise the Director-General's efforts in writing this most important Report and to pay tribute to all the technical cooperation projects that the Organization has prepared, while stressing the importance of follow-up, monitoring and the need to adapt to changes. The Organization must strengthen and reactivate the role of the regional offices, which should have yearly meetings outside the framework of the International Labour Conference.

Thank you for listening and we wish the Organization, the Director-General and everyone concerned by the problems of labour and workers, much success with their objectives of justice and equality.

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*Original Arabic: Mr MATAR (Employer, United Arab Emirates)*

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The Director-General has given us a Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work entitled *Freedom of association in practice: Lessons learned*. First of all, we would like to say to the Director-General how much we appreciate this document. The Report is objective and transparent, and contains precious information on freedom of association in reality. We would like to stress the following points, whose follow-up is important for this Declaration.

The Declaration is of capital importance as regards making people aware of these fundamental rights and encouraging both workers and employers to promote the fundamental principles and help the governments implement them nationally.

Secondly, there is an important link between the four fundamental principles relating to freedom of association, the suppression of child labour, forced labour, equality of wages, and the suppression of any discrimination at the place of work.

Thirdly, there is inequality among the countries concerning the ratification of different Conventions and we must examine closely what the reasons for this inequality are.

Fourthly, the ILO must grant the necessary technical assistance to the countries, workers' and employers' bodies to enable them to implement the principles contained in the Declaration. An evaluation of the situation and of the implementation of such principles will enable the barriers to be overcome which prevent the implementation of these fundamental rights and freedoms.

The United Arab Emirates have already ratified six out of the eight Conventions mentioned in the Declaration. This covers three of the four sectors referred to by the Declaration. This ratification has taken place with the participation of the social partners.

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*Mr SANKAR SAHA (Worker, India)*

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I am Sankar Saha, General Secretary, All India United Trade Union Centre.

I am thankful to the Director-General for opening this debate on the global review of the application and realization of universal principles and rights concerning freedom of association and collective bargaining. This is the tenth year of the ILO Declaration on Fundamental Principles and Rights at

Work and it is also true that this is the 60th anniversary of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

There is no doubt that in the given system of economy, the freedom of association and that of collective bargaining are fundamental human rights and have a major impact on work and living conditions, if the rights are allowed to be exercised in conditions of freedom, equity security and human dignity.

It is also true that we are debating on the right to organize and collective bargaining after a decade of globalization that has resulted in joblessness, unemployment, underemployment, wage cuts, outsourcing, contractorization, casualization and, in short, total insecurity of jobs. The ILO's *World Employment Report 1998-99* observed: "The number of unemployed and underemployed workers around the world has never been higher ... The global employment situation is grim, and getting grimmer." This will be substantiated from the fact that millions of migrant workers are moving from country to country to sell their labour at the cheapest price without any social protection. We cannot name a country where child labour is not exploited and where trafficking in women and children have not become a regular matter of trade and commerce. Similarly, during globalization, informalization of formal sectors has become a common factor in all countries and, as a result, the absolute majority of the workforce in all countries, even up to 94 per cent, are in the informal sector, with no minimum wages, no service conditions and no coverage under the social security system. In many countries, workers are in competition to secure jobs at the lowest price and, today, 1.3 billion people live on less than US\$1 a day, 3 billion live on less than US\$2 a day. In the open market economy, rewarded by globalization, 86 per cent of the world's wealth belongs to 22 per cent of the world's population, and only 225 of the richest capitalists in the world have a combined wealth of more than US\$1,000 billion, which is equal to the annual income of the 47 per cent of the world's population.

This august house will kindly appreciate that the entire world economy has been plunged into the deepest recession which is no longer periodical but has become permanent and irreversible in nature. The much trumpeted market economy is itself eating up the market and eventually the industries are downing shutters, bidding goodbye to millions of workers everyday. We are talking about the right to organize and collective bargaining when workers are not at work, but there was a time when the world witnessed a glorious period when every woman and man in many countries enjoyed the right to work and, as such, enjoyed the dignity of labour.

Let us now recall the words of the President of the World Bank Group, the leading architect of globalization: "I have spoken in the past about images of hope ... But today I have other memories. Dark, searing images of desperation, hopelessness and decline. Of the people who once had hope, but have it no more."

To help develop the competitive edge of economic houses at home and abroad, national governments are creating special economic zones where no law of the land, particularly labour laws, will operate. To take advantage of these benefits, corporate houses are rushing to the special economic

zones, closing their shutters in non-special economic zones.

I would like to put to this international house that, in the given circumstances when informalization of formal sectors is on the priority agenda of national governments and employers, when "hire and fire" has become the order of the day, when permanency and job security have become a matter of ancient history, when individual contracts are encouraged by the authorities as against collective agreements, and when employers are doing all this with the full support and encouragement of governments that are subservient to the ruling class, when the national governments are not only discouraging the workers from going on strike, but also cracking down on the strikers, brutally torturing, mercilessly killing and putting them behind bars by dint of promulgating most undemocratic black acts, and when the judiciary is banning strikes resorted to by the workers for the realization of their legitimate demands, the fate of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) can be easily imagined. And this will even be evident from the records of the Committee on the Application of Standards, where serious violations of these Conventions have been reported in cases of as many as 96 developed and developing countries.

The lesson to be learned in the given circumstances is the historic lesson that no right is ever given to the workers, who are the creators of this civilization, as a charity, and the rights are the product of working class struggle, including the radical change of the world by sacrificing millions of lives. Rights lost can be regained only by relentless struggle against the system that generates exploitation.

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*Original French: Mr ADDOUM (Government, Morocco)*

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I wish to emphasize the quality and relevance of the Report of the Director-General, which this year is dedicated to freedom of association and collective bargaining, the cornerstone of the ILO's system of values, which are part of the continuity which characterizes the ILO's actions with regard to the effective implementation of the Declaration on Fundamental Principles and Rights at Work. In its continuing quest for social justice, democracy and the promotion of human rights, the ILO has made the promotion of the fundamental labour rights the main objective of its standard-setting activity and its programme of technical cooperation.

The Report has set out the evolution and new developments recorded in terms of ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as well as the application of their provisions and reforms of national legislations in this field. It was also able to open up new areas of thought and has raised elements for debate concerning freedom of association and collective bargaining. The Report also emphasizes the importance of freedom of association and collective bargaining within a context marked by increased competition, where respect for trade union freedom is an indispensable condition for economic competitiveness and attracting foreign investment.

The role of the State is therefore fundamental, in so far as the promotion of freedom of association and collective bargaining are dependent on updated legislation, the existence of efficient institutions and

the efficiency of the labour administration. Furthermore, the development of new contracting methods resulting from the increased competition imposed by the globalization of the economy, require thought to be given to new ways of ensuring the protection of the right to freedom of association and the promotion of social dialogue, and the development of dialogue mechanisms and consultation at all levels.

However, the continued existence of restrictions prompts us to wonder about the origin of these problems and to think of ways to overcome them and methods of assisting the constituents, with a view to strengthening the capacities of the social partners. This is why the plan of action drawn up by the Office for the next four years, which aims to strengthen the mechanisms for promoting freedom of association and collective bargaining is so useful.

I would like to take this opportunity to briefly outline Morocco's experience with regard to the promotion of freedom of association, where notable advances have been recorded in the field of freedom of association, thanks to a renewal of the legal system and a strengthening of tripartite technical cooperation programmes. The new Labour Code of 2003 has enshrined freedom of association and prohibited any form of interference in the affairs of trade unions, it has also set up several bipartite and tripartite social dialogue bodies at enterprise, regional and national levels, in order to peacefully resolve social conflicts and focus on issues relating to employment, occupational safety and health, and collective labour agreements.

Furthermore, collective bargaining has for the first time been instituted and regulated by the Labour Code, according to timescales and procedures determined at enterprise, sector and national levels. Of course, Morocco has taken important steps forward in promoting freedom of association, within the framework of the process of strengthening the democratic institutions which Morocco is rooted in. This experience can be perfected and it requires effort and determination from the social partners and a strengthening of technical cooperation.

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Mr RAHMAN (*Employer, Bangladesh*)

As I address this august gathering, I congratulate the President and the three Vice-Presidents for being elected to their respective positions.

The Director-General has once again provided an in-depth analysis in an erudite report, entitled *Freedom of association in practice: Lessons learned*.

We endorse the Director-General's analysis and expect that the plan of action highlighted in the Report will be given due priority, considering the rapidly changing scenario under globalization.

We recognize that freedom of association and the right to organize collectively are fundamental human rights. These freedoms cannot only ensure dynamic and conducive economic and social conditions, but also help achieve convergence of views and approaches amongst the social partners and can ensure an inclusive growth process. In the case of less-developed countries, inclusive growth particularly is the sine qua non for sustainable economic and social welfare. The expectation that globalization will bring welfare and inclusive development has proved to be somewhat inaccurate. Several UNCTAD reports show that it is incorrect that globalization will reduce poverty in the less-developed countries. According to these reports,

persistent mass poverty in the less-developed countries is neither due to lack of integration into the global economy, nor due to insufficient trade liberalization, but is rather the consequence of underdevelopment of a country. In many less-developed countries, trade liberalization has actually worsened the trade balance. The UNCTAD report points out that aid, debt relief and trade must all work hand in hand for inclusive growth.

A development-led approach to trade will be more effective than a trade-led approach to development. The Report argues that the links between international trade and poverty vary between countries, according to their production structure and level of development. In the 50 LDCs, most of the population live on incomes that are at, or below, a bare US\$1 day subsistence minimum, making extreme poverty a mass phenomenon.

Globalization coupled with economic liberalization has contributed to increasing social and territorial inequalities in many countries, resulting in social exclusion in many cases. The introduction of new technology has generated greater productivity and efficiency but perhaps at the expense of employment. It should be noted that this growth without jobs is contributing to breeding unemployment and the expansion of the informal economy, both in the developed and in the developing world. As a consequence, the new economy that is emerging from the process of globalization is characterized by greater social polarization. The divide between the highly educated and the stable wage earners and an increasing underclass of workers in precarious employment and workers in the informal economy appears to be growing at a greater pace than ever.

I urge the Director-General to look into this particular issue for a better tomorrow.

While we commend the comprehensive action plan with a view to encouraging countries to ratify the fundamental Conventions including Conventions Nos 87 and 98 within the next few years, we feel ratification alone is not sufficient to achieve the desired objectives and face the future challenges. The global community must be able to deliver the tangible benefits so that all three social partners are encouraged to promote principles and rights at work and make efforts for their implementation.

Finally, it is essential to improve the quality of leadership and enhance the capacity of both employers' and workers' organizations. Strengthening of employers' and workers' organizations is extremely important in order to ensure proper social dialogue. Such a strengthening process, along with mass awareness, can create conducive conditions and thereby promote the Decent Work Agenda, which emphasizes rights at work, employment, productivity, working conditions and social protection for all.

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Mr MAINALI (*Government, Nepal*)

First of all, on behalf of my delegation and on behalf of myself, I would like to thank the Director-General for his Global Report on *Freedom of association in practice: Lessons learned*, which provides a global overview of the application and legalization of universal principles and rights concerning freedom of association and collective bargaining.

We consider freedom of association and collective bargaining to be a fundamental right. The Interim Constitution of Nepal 2007, guarantees freedom to

every citizen in Nepal to practise any profession or to carry on any occupation, industry or trade. They enjoy the right to form unions and associations, to peaceful assembly and to defend their occupational interests and collective bargaining.

Nepal has ratified seven ILO Conventions, including Convention No. 169 on indigenous and tribal peoples. ILO Convention No. 87 is under the active consideration of the Government of Nepal. Nepal, as a labour-sending country, is also working with countries of destination for the protection and promotion of the rights of migrant workers. We are happy to have positive responses from them.

Let me briefly touch on historic changes that have taken place in Nepal since the success of the peaceful people's movement in April 2006.

Nepal has moved from over a decade-long armed conflict to a peace process. The armed group has been converted into a political party. Elections to the Constituent Assembly were held in April 2008 and the first sitting of the Assembly declared the formal end to the 240-year institutional monarchy. Nepal is now a republic with all fundamental rights guaranteed by the Constitution.

This provides an enabling environment for workers or employers to establish and join organizations of their own choosing, without having to wait for a signal from the authority, and to engage in collective bargaining.

The Government has already initiated legal institutional reforms. We are in the process of launching social security mechanisms for the benefit of employers and workers. The Government recognizes the tripartite mechanism and addresses labour-related problems in such way as to promote harmonious relations between workers and management and maintain industrial peace in the country. Under the new amendment to the Civil Service Act, government officials in Nepal enjoy trade union rights up to the officer level.

As the Constitutional Assembly prepares to have comprehensive deliberations on various aspects of the new Constitution, we are committed to institutionalizing and further strengthening the provisions that guarantee the right to freedom of association and collective bargaining for the workers and employers of the country.

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Mr ROYE (*Worker, India*)

Freedom of association and the right to collective bargaining are the bedrock on which social dialogue is built. Collective bargaining is the highest form of social dialogue.

It is a matter of deep indignation that even after 60 long years since the adoption of ILO Conventions Nos 87 and 98, millions of workers around the world are deprived of the fundamental rights of freedom of association and protection of the right to organize and collective bargaining. The figures for ratifications of these two Conventions by the member States are very dismal. As the current Report noted, "It should be a matter of concern that Convention No. 87 has now become the least ratified of all eight fundamental Conventions."

However, it is very important to note that the ILO Declaration on Fundamental Principles and Rights at Work states that the member States, "even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the

Constitution, the principles concerning the fundamental rights which are the subject of those Conventions ... ." Again, to quote from the introduction to the 2004 Global Report, "... the real debate cannot and should not be on *whether* to respect these principles and rights, but on how best to respect and make use of them".

The ILO Global Report (2004), which contains figures on collective bargaining and the proportion of workers in a country whose pay and conditions of employment are set primarily by collective agreements, paints a dismal picture. In most EU Member States, as well as others such as Australia and Norway, coverage is 80 per cent or higher. In other developed countries, coverage is lower, ranging from 37 per cent in Switzerland and 34 per cent in Canada down to 20 per cent in Japan and 15 per cent in the United States. In Asia, coverage ranges from less than 2 per cent in India to 14 per cent in the Republic of Korea. In Latin America, the variation is considerable, ranging from 65 per cent to less than 3 per cent.

African countries reported an average rate of 30 per cent. Under the policies of capitalist globalization, the issues of serious concern before the working class in developed countries are relocation of manufacturing and commercial activities through outsourcing and off-shoring resulting in serious impediments in their rights to organize trade unions and big erosion in their power of collective bargaining. In the developing countries, the working class is facing an inhuman, barbarous onslaught from big business, both indigenous and overseas. Cases of kidnapping and assassination of trade union leaders are increasing in the developing countries, which are the destination of choice for the MNCs. It has been stressed that the right to freedom of association and collective bargaining is crucial, particularly for the most vulnerable workers in export processing zones, in call centres, in the informal and rural sectors, and for migrant workers, contractual workers and domestic workers, a group in which women predominate.

A recently published ILO report has noted that employers in EPZ enterprises sometimes even resort to physical violence to prevent workers from forming and joining trade unions of their choice. Similarly, horrifying situations have been experienced by call centre workers, particularly in the developing countries. The International Workers' Symposium in Geneva in 2005 came out against the prescriptions of the World Bank and the IMF policies directed towards marginalizing the trade union movement and noted that "IMF and World Bank packages had included various anti-poor and anti-labour policy reforms, particularly privatization of public entities, cost sharing in education and health-care facilities, wage restraint, retrenchments, price liberalization, decline in real wage, substantial arrears in payment of wages, non-payment of workers' redundancy benefits and elimination of fringe benefits and labour welfare and protection measures. The present Global Report has rightly noted that collective bargaining in many countries continues to have higher coverage rates in the public sector; privatization would therefore normally be expected to affect collective bargaining coverage. Without the right to strike, the right to collective bargaining is bound to lose its effectiveness in achieving a decent outcome from collective bargaining. An expert has opined that the right to strike

is the logical corollary of the effective realization of the right to collective bargaining. If it does not exist, bargaining risks becoming inconsequential and a dead letter.

Noting from the Global Report that some countries with large economies and populations have yet to ratify and, in many of them, no active efforts appear to be under way to bring about ratification, I have to say that India has so far ratified the core Forced Labour Convention, 1930 (No. 29), in 1954, the Equal Remuneration Convention, 1951 (No. 100) and Discrimination (Employment and Occupation) Convention, 1958 (No. 111), both in 1958, and the Abolition of Forced Labour Convention, 1957 (No. 105), in 2000. I appeal to the international fraternity of the working class to extend support to our struggles to achieve ratification of the remaining core Conventions in India.

Lastly, I share the concern expressed in the Global Report that “there has been a gradual decline in expenditure by the Declaration Programme on activities directly linked to freedom of association and collective bargaining”, and I support the proposed plan of action.

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*Original French: Ms ALLEKI (Government, France)*

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May I congratulate the Office on the quality of the Global Report and on the progress it highlights. Freedom of association and collective bargaining are at the heart of the mission of ILO and they have been a major focus for action for more than 60 years. May I recall the fundamental role of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). These Conventions are important tools for the development of social dialogue; dialogue which is essential to reconcile economic with social aims. Since 2000, under the follow-up to the 1998 Declaration, the Global Reports on freedom of association have shown the progress that has been made in strengthening and evaluating this freedom under the aegis of the ILO.

The ILO plays a crucial role in identifying needs, organizing the framework for action and implementing measures that are adapted to globalization, in light of instruments which are now being developed, such as international framework agreements or corporate social responsibility.

France wanted to be at the side of the ILO in promoting freedom of association and collective bargaining; thus we support the technical cooperation programme, PAMODEC, which supports States in their efforts to implement fundamental labour rights. The promotion of social dialogue is a fundamental tool to modernize the employment and labour systems and adapt them to the reality of globalization.

In France, this has taken the shape of two important reforms. First, the Act of 4 May 2004 on continuing professional development and social dialogue aims to encourage bargaining in companies and, particularly, in very small companies. The second reform, the Act of 31 January 2007 on the modernization of social dialogue, provides that any draft reform envisaged by the Government regarding labour employment and vocational training resulting from bargaining should be the object of preliminary consultation with the social partners, with a view to initiating bargaining. This would make it possible to involve the social partners from now on

before the legislative process takes place. The idea that harmonious social dialogue is an important condition for the healthy functioning of a company is recognized by everyone.

It is up to us, member States of the ILO, to take the necessary steps to reach this objective and to protect workers against the violations of their rights. It is up to us, the international community, to continue to take action for this fundamental right to be recognized and to be implemented world wide.

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*Mr MUSEKA (Government, Zimbabwe)*

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I wish, on behalf of the Government of Zimbabwe, to start by joining the ranks of those who have spoken before me in congratulating the Director-General and his staff for coming up with a thought-provoking Global Report entitled *Freedom of association in practice: Lessons learned*.

My Government takes pleasure in reflecting and in celebrating the tenth anniversary of the ILO Declaration on Fundamental Principles and Rights at Work. Indeed, the Declaration has inspired a remarkable momentum in many of our countries to ratify the core Conventions, as well as to give them full effect in practice.

In the case of Zimbabwe, we take much pride in the fact that our Government has ratified all the core Conventions contained in the Declaration. My Government, in consultation with the social partners, has therefore continued to modernize its labour administration system and, in particular, its labour laws, which are now in accordance with the many provisions of the said Conventions.

This is in spite of the reprehensible manner in which our Government is portrayed by those whose machinations are purely domiciled in the political arena. Our labour administration system also continues to undergo transformation with a view to making it more responsive to the needs of its many stakeholders, especially the workers. We are, however, compelled to underline how difficult it is for us to create employment and to safeguard the interests of those in employment under the yoke of illegal but pernicious economic sanctions imposed on Zimbabwe by the West.

The focus of the Global Report on Conventions Nos 87 and 98 could not have been more opportune, given the hostile environment as occasioned by the negative forces of globalization. The Report is well-researched on this particular aspect and offers us insight into the changing nature of the labour market, the negative symptoms of which cannot be ignored.

In the case of Zimbabwe, the weight of economic sanctions that have been imposed by the West on the country continue to make it difficult for our people to realize the full effects of its progressive social and economic turnaround programmes. Besides the illegality of the mentioned sanctions, the sanctions put to the fore the West's rhetoric when it claims to be the vanguard of human rights and justice.

The people of Zimbabwe have, for the last ten years, suffered untold suffering and punishment for defending their sovereignty and for their resolve for equality. The resultant vulnerability of workers, under conditions of high formal-sector unemployment and rising poverty levels has, as can be expected, seriously weakened the bargaining power of workers.

I am however pleased to assure you that my Government will nonetheless remain steadfast and will continue to advance and to protect the rights of all workers with due regard to Conventions Nos 87 and 98. I must therefore take this opportunity to call on the Director-General and his team to further explore means of finding how the collective bargaining system can be protected, even under difficult economic environments.

On this aspect, the Report apparently contains generic methodologies, yet our different countries have clear peculiarities, some of which present extremely complex impediments in our labour administration systems. One size may not fit all.

We have noted with high regard the case of the Barclays Africa/Union Forum and express the hope that this novel practice may soon find its way across the whole of Africa, and indeed the world over. The case shows us that through dialogue and partnership we are stronger and better able to transcend the barriers of confrontation and be in a position to defend our collective interests and sustainably improve the welfare of not only the workers but the society at large.

As I conclude my remarks, I once again would like to reflect on the successes that our Organization has scored in the last ten years and in doing so would like to confirm my Government's continued commitment to contributing to the advancement of humankind by making the workplace the epicentre of democracy and social justice. Much can be achieved if our countries are not subjected to a hegemonic foreign interference in their internal affairs. My congratulations once again go to the Director-General and his Officers for the well-researched and stimulating Global Report.

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Mr RACHMAN (*Employer, Indonesia*)

The Employers' Association of Indonesia (APINDO), is extremely passionate about this discussion regarding the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work *Freedom of association in practice: Lessons learned*. APINDO shows great concern regarding the important Conventions, that is the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In each and every activity and opportunity that APINDO has, APINDO always perceives and relates to these fundamental rights.

It is 100 years since the first Indonesian trade union was formed, therefore Indonesia already learned about freedom of association a century ago. Indonesia ratified Convention No. 98 in 1957 and Convention No. 87 in 1998. With regards to the ratification of these two Conventions, APINDO and the Indonesian trade unions have the same aims: to work together to achieve productivity; to prevent disputes before they occur; to achieve prosperity; lastly, APINDO and Indonesia's trade unions have achieved this position in an organized, harmonious environment. In addition, Act No. 21 2000, concerning labour trade unions and Act No. 30 of 2003 concerning manpower have been signed.

This constitutes a significant step for employer organizations of Indonesia and trade unions with the intention that employer organizations of Indonesia and trade unions be able to communicate their aspi-

rations democratically, as well as to improve their skills and ability for sustainable enterprise.

Working together, employers and workers can create a partnership; develop sustainable employment and prosperity for both partners, based on transparency – democratic and justified.

Industrial relations policies are implemented through bipartite institutions in order to form a close partnership between workers and employers.

Based on the report from members of APINDO, most of them gained benefits from bipartite institutions. Before a union is formed normally the company could make company regulations without negotiating with unions and now workers who want a quality agreement only negotiate through the union.

In our opinion, it is important to have more assistance and better policy from Government to promote these rights.

The ILO's latest research and technical assistance will improve understanding about these rights. APINDO realizes the importance of partnerships with trade unions in order to enhance employee welfare and guarantee company sustainability.

The trade union must help to ensure that the company is productive while, on the other hand, the company has the responsibility to give freedom of association to the employees.

Employers understand and consider the Labour Union Act, therefore freedom of association is implemented everywhere in Indonesia and as recounted today, there are more than 90 unions officially registered in the Ministry of Manpower and Transmigration. This condition is a result of the concern shown by employers, Government and workers to fight for workers' rights in order to achieve company productivity.

Finally, as to the implementation of Conventions, a national bipartite forum has been formed to conduct harmonious, dynamic and fair discussions and negotiations in order to achieve productivity while considering employers' rights.

APINDO is willing to work with trade unions as a partner in solving any kinds of problem related to employees and as a partner in discussing steps to enhance company performance.

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*Original Spanish: Ms TRIANA ALVIS (Worker, Colombia)*

The Report leads us to analyse that it is today urgent to turn speeches into practice and that it is not worth having legal instruments if they are not complied with and enforced. Throughout the world, the subject of freedom of association is inherent to the very life of trade unionism and is a central element, fundamental to democracy and a social state of law.

Life is not possible without water, which is synonymous with life. It is not possible to talk about democracy without the existence of the full exercise of freedom of association.

Freedom of association is not something which is just incorporated in labour codes, or in the constitutions of each country or in the Conventions and Recommendations of the ILO. We have to give it real life; it must be a living entity, the result of which is the full recognition of the four fundamental components of freedom, which are: the right to life, the right to association, the right to collective bargaining and the right to strike.

Except for very honourable exceptions, I would like to say that in the Americas and Caribbean region, freedom of association has increasingly deteriorated.

It is obvious that in our region the rates of union membership are now unacceptably low as a result of persecution, repression, murder and forced relocation.

The criminalization of worker protests, mass layoffs of workers, the proliferation of precarious contracts in the form of short-term contracts, third-party contracting, "solidarismo", systems of contracting agencies, civil contracts, contracts of extremely short duration and now the absurd appearance of these infamous worker cooperatives which have converted countries like Colombia into a scourge for the working class.

To be honest, trade unionism in the Americas and the Caribbean region has shrunk to a degree where it is almost on the point of disappearance unless urgent measures are taken. We still have time to contain the aggression, which puts the democratic stability in all of our countries at great risk.

Consequently, while I thank the ILO for all the work which it has done with regard to the freedom of association, we would like to press the urgency of protecting and consolidating the standards system and driving forward a campaign to get more ratifications of the core Conventions.

Globalization must also move towards globalizing the good practices of freedom of association and collective bargaining. Our concern is that what is being globalized is the practice that the best union is the union which does not exist.

Unfortunately, we believe that if there are no more decisive instruments it is going to be extremely difficult to change the conduct of the business community and governments. Consequently, the strengthening of standards is urgent and necessary so that governments really do promote freedom of association and require that the business community should duly respect the right to organize and to collective bargaining, together with the generation of new jobs which are well paid and stable.

As an example, it will be important to associate international cooperation and multiple bilateral agreements so that, before signing an agreement, governments and employers are required to fulfil the Conventions and Recommendations and to provide information about how many new unions exist in the country, how many new collective agreements have been signed, what part of the population, in fact, is involved in social dialogue and how many new jobs have been created.

The ILO, on the basis of its tripartite character, should promote and urge the multilateral World Bank to work out debt relief agreements with countries with whom we have foreign debt, so that that debt can be abandoned or reduced, with the results to be invested in the generation of new, decent, stable, well-paid jobs, which in turn, will provide for a better standard of living, while the workers will promote the creation of union organizations which are sufficiently represented.

A further suggestion is that we would like to see another world campaign against precarious contracts and everything that entails labour outsourcing, and a resounding "no" to the idea being imposed that nothing needs to be done. We say, no, a million times to capitalist determinism.

In the case of Colombia, the ILO should accompany us in the struggle for the development of article 53 of the Constitution adopting a statute for work and labour which has been 18 years before Congress without being approved.

To conclude, we believe that it is worth looking for mechanisms so that the international standards system really should be fulfilled and it be understood that the success of everything will depend, to a great degree, upon political will and the continued support of the international community.

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*Original Spanish: Mr MORALES (Government, Mexico)*

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Attempting to promote freedom of association is one of the objectives of the present Mexican Government, and there is a favourable environment in relation to the Global Report we are dealing with. The creation of new organizations of employers and employees on a federal basis, and the reform of their statutes in full respect of union freedoms, are demonstrations of the political will of the Government.

With regard to the questions which have been raised by this discussion, I would like to refer to the role of this Organization first of all. I would suggest that we should continue with this promotional activity in relation to the basic principles, providing technical assistance to those countries which require it. A good opportunity could be the Decent Work Country Programmes; the ratification of Conventions on this subject is not everything since what is truly important is the application of the principles contained in those instruments.

A measure has been adopted by the Mexican Government for access to public information which will contribute to the respect of this principle. Since 1 January 2008, any person can consult directly, on the Ministry of Labour's website all information concerning collective agreements, internal rules of procedure and Conventions which are in force, as well as the executive committees and the statutes of those unions, federations and confederations which have been registered at the Ministry of Labour.

In conclusion, I would like to refer to the third point under discussion today concerning initiatives associated with the workers' and employers' organizations. Through ongoing dialogue with the factors of production, we have agreed on the formulation of specific labour agendas with the main union organizations, industrial and commercial bodies, and other such associations. In all of these meetings, the Government of Mexico has affirmed its commitment to social dialogue to contribute to strengthen the balance between the factors of production which will enable the creation of a peaceful labour environment.

*(Mr Tabani takes the Chair.)*

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*Mr PATIL (Employer, India)*

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On behalf of the Council of Indian Employers, I would like to compliment the Director-General and his team for bringing out the excellent report entitled *Freedom of association in practice: Lessons learned*, which is also the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

Freedom of association is a fundamental right. It is also enshrined in the directive principles of the state policy adopted in 1950 by the founding fathers of India's Constitution. For reasons well known, India has not ratified Conventions Nos 87 and 98, but over the years the right to freedom of association has gained strength with strong, vibrant and democratic institutions and traditions. The institution of social dialogue has also taken deep roots in

areas where collective bargaining as a process is not formally recognized.

Globalization has ushered in intense competition necessitating major changes in the way employer and employee relations function. The forces of globalization have brought out compelling needs for employers and employees to cooperate to compete and this is essential for basic survival, even before reciprocally raising the issue of rights. But this has in fact forced each party to respect the other party's rights and obligations much more closely than before. Globalization, fuelled by strides in technological development and the growth of information and communication technology, has also given rise to a growing informal sector which is a cause for concern and worry. It has given rise to various forms of atypical employment. We sometimes blur the identity of the social partners.

Some of these changes are universal, and perhaps unchangeable in the short and medium term. We have to find ways and means of dealing with these in a manner that will progress towards inclusive growth, without in any case hampering economic progress.

Social dialogue is one such major instrument towards decent work. It is based on recognition of mutual rights and also responsibilities. It is in effect an extension of collective bargaining and not a substitute as such. Globalization also makes it imperative on social partners to cooperate intensely in improving productivity, and in various ways to contribute to improving the sustainability of the enterprise. In the process, it also calls for continuous skill upgrading, learning to learn and continuous lifelong learning of employees at all levels.

Globalization is a great pointer to the success of more cooperative resolution of issues between employer and employees. It has given impetus to greatly increased leadership from the rank and file of workers, and has changed the very complexion of the bargaining process over time.

There is a crucial role for the Government as a regulator. The ongoing role is more that of a facilitator and promoter of equity and fair play in national interests than merely protecting the interests of one or the other party.

The ILO has played a great role in strengthening the social partners through its technical assistance programmes. It has brought about greater awareness among the social partners of their rights and responsibilities.

In a quickly changing economic environment, the ILO has also to play a significant role in promoting harmony and peace for progress, recognizing the rights and responsibilities of the parties towards each other and towards society at large.

The ILO, as well as the social partners, also has to contribute significantly to social inclusion of the disabled and the disadvantaged, in a manner which promotes growth with harmony and peace.

Before I close, I wish to express a fond hope that the social partners, with all their might and resources, use freedom of association to strengthen progress and use their capabilities to develop human resources to reach greater heights.

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Mr AMRANI (*Government, Israel*)

It has been 60 years since the establishment of the State of Israel. This is a significant milestone of which we are very proud. It has also been approximately 60 years since ILO Conventions Nos 87 and

98 were first put forward for ratification, an important milestone of which the ILO should also be justifiably proud.

The principles at the core of these Conventions, namely freedom of association and the right to organize, are the foundation of collective labour law in Israel, with the objective of ensuring equality and balance in labour relations. In this regard, Israel has ratified both Conventions and has been implementing their provisions through two important labour laws: the Collective Agreement Law and the Settlement of Labour Disputes Law, both of which came into force in 1957.

The two Conventions are essentially composed of three interconnecting elements: freedom of association, freedom to engage in collective bargaining and freedom to strike, all three of which serve as the basis for ensuring decent working conditions.

It is important to note that although Israeli legislation contains no provision explicitly granting the right to strike, this right has been guaranteed by Israel's labour courts which have found that: "Strikes belong, by their nature, not to the sphere of rights, but to the sphere of liberties." Thus, this right is realized, subject to select binding exceptions, and is taken advantage of quite liberally in Israel. Statistics show that Israeli workers are more aware of their right to strike and employ it with greater frequency than their counterparts in other developed countries. Because of this reality, occasionally there is a call for reconsideration of the strike rules, with the aim for strengthening the mediation mechanisms in labour disputes.

At the same time, membership in workers' organizations is decreasing over time. While still recognized as an important and vital legal tool at the disposal of Israeli workers, the percentage of Israeli workers who belong to a workers' organization has dropped from an estimated 80 per cent in the 1980s, to only 35 per cent today, most of which belong to the public sector.

It is the view of the Israeli Government that workers' organizations are crucial, not only to safeguard and improve the rights and status of workers, but especially to improve the rights and status of workers in the periphery – the low wage and low-skilled workers. To give one example, we recently witnessed the first ever effort of workers in a coffee shop chain to establish their own organization. The labour dispute which broke out led to the organization of all the workers in the chain, and to improvements in their status, pay and working conditions. Although this is not a typical collective agreement, it is an accomplishment in a sector that until now had not been engaged by the General Federation of Labour. This arrangement serves as a positive example for many other sectors, such as beauticians in pharmacy chains, truck drivers and movie theatre ushers, to unionize if they choose.

Even in cases where organizing has failed because the group of workers was not large enough, or the plant was comprised mostly of new workers with low motivation to take part in a strike, the failure was not total. Often, even the attempt to organize ultimately leads to improvements in the workers' pay scale and working conditions, to greater solidarity and to heightened awareness of the importance of organizing.

We see, therefore, the importance in increasing workers' consciousness of the value of organizing, especially in light of the rapid changes of the labour

market's requirements. To this end, the General Federation of Labour must play a major role in orienting workers, in offering assistance and advice, and in providing a safety net of strike compensation. Consideration should also be given to establishing voluntary organizations to inform workers with respect to their rights and the advantages of unionizing.

The Israeli Government recognizes the importance of involving all participants in the labour market in this important issue. Additionally, we have impressed upon employers that organized labour may often benefit them by providing stability in the workplace, improvements in pay and working conditions often result in more satisfied workers and consequently greater output.

In sum, Israel recognizes the vital role that the ILO Conventions play in supporting workers who seek decent work, and thus a decent standard of living. We will continue to implement the core principles of the Conventions, namely freedom of association, freedom to engage in collective bargaining and freedom to strike, through practice, legislation and court decisions, and look forward to continued collaboration with the ILO during the next 60 years.

In the framework of cooperation between the social partners and the Government, we will continue to develop new and innovative tools for the benefit of both workers and employers in the spirit of decent work for all.

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*Original Russian: Mr SANGINOV (Government, Tajikistan)*

During our short membership in the ILO, Tajikistan has always been a supporter of its ideas and principles, ratifying 67 ILO Conventions.

The Ministry of Labour has prepared and presented for ratification the Labour Inspection Convention, 1947 (No. 81), and the Occupational Safety and Health Convention, 1981 (No. 155). We have begun cooperation with the tripartite partners to implement the decent work programme for 2007–09, which we signed during the 96th Session of the ILC. We also hope that the appointment of an ILO permanent coordinator from January 2008 will promote the realization of a programme and projects, as well the representation of timely and high-quality reports on the implementation of Conventions ratified by the Republic of Tajikistan. The Global Report for this year and other materials for the meeting, I would like to emphasize their significance and relevance to our country, and consider that this session will make a contribution to solving the problems included on the agenda. Certain problems have not been adequately tackled in our country, and that has had certain consequences. In spite of the fact that 74 per cent of the population of Tajikistan live in rural areas and more than 60 per cent are employed in agriculture, it is precisely in this sector of the economy that the wages of workers are the lowest in the country. For example, if the monthly wage of one worker is US\$61 in agriculture, it is only US\$16. Such wages do not enable one to buy the necessary foodstuffs.

Towards the end of April, wages stood at US\$48 per month for one member of a family. The situation is made worse by the fact that we still have delays in paying wages in the non-government sector. The overall arrears of unpaid wages amount to 16.1 per cent of the monthly wage for employed workers; 65 per cent of them work in agriculture. We must bear in mind that, in agriculture, women and

young people are employed in most cases. Sometimes there is use of child labour by rural employers. Low wages are a catalyst for the migration of the male population in search of a decent wage abroad. In order to solve this problem, the Ministry of Labour developed a concept document for reforming wages in the Republic of Tajikistan and in March of this year this was approved by the Government.

This concept document focuses on the elaboration of a set of regulations covering the amount of wages to be paid, the ways in which they are to be paid, regulating wages in keeping with the minimum cost of living, enhancing the role and significance of standardization of labour, salary payment and the elaboration of mechanisms for paying compensation for those who lose their jobs.

In applying this concept document, we equate minimum wages with the minimum living cost. From 1 July 2008, we intend to increase wages threefold. These measures are taken by the Government, but will not resolve all the problems. The social partners must sign and adhere to collective agreements. Studies by the Ministry show that nearly 20 per cent of private farms have collective agreements, but no more than that. It is also important to promote decent and productive employment and this is linked to high-quality vocational training in conditions of growth. The system of vocational training will cover only one third of the young population who enter the world of work. In raising the further development of professional and vocational education, particularly of the unemployed and migrants, we have created a republic-level Centre for Adult Education, with five branches. Of course, those five centres are only the first step, and we hope to pursue this work. We are sure, moreover, that the Ministry of Labour will examine possibilities of legislating for the creation of new private employment agencies alongside the state agencies. This has to do with the balance of interests between private agencies and the defence of the right of workers as provided by the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188), which have so far only been ratified by 20 countries.

The implementation of ILO programmes in the country has created new possibilities for finding employment and creating jobs for the rural population. Migration has led to the creation of an effective mechanism for employing women from migrant families in those spheres which are highly productive, particularly bee-keeping. Since 1 February 2008, we have been implementing the ILO Convention on regulating migration. The aim of this project is to create places for learning and giving credits to the migrants and to their families. This practice calls for expansion and development and we hope to receive ILO assistance. We are sure that the implementation of the cooperation programme with the assistance of the ILO, will be productive and that, when we hold consultations, we will discuss specific measures for achieving this goal.

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*Mr KASSIM (Government, Nigeria)*

On behalf of the Nigerian delegation, I wish to commend the Director-General and the Office for producing this comprehensive Report entitled *Freedom of association in practice: Lessons learned*. As noted in the Report, freedom of association is a fun-

damental human right. In the same vein, the protection of the right to organize and collective bargaining is another right that allows for the legitimate formation and functioning of trade unions and employers' associations.

When the Government gets involved in the relationship existing in the industry, it becomes the third actor. Hence, in principle and practice, the tripartite relationship in industry provides the participatory governance structure that makes use of social dialogue to cultivate and promote the democratic values of discussion, consultation and negotiation to accommodate the interests of the three key actors in workplaces. The outcome of the industrial relations process is often aimed at producing decent conditions of work.

This is a reflection on the type of industrial relations and the outcome expected when Nigeria ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), at the inception of its political independence in 1960. Besides ratification, Nigeria domesticated the two cited Conventions, thus making the right to freedom of association and the right to belong to any trade union of choice an inalienable constitutional provision. This affirms the high value Nigeria placed in real terms on the implementation of Convention No. 87 and Convention No. 98 respectively.

For this reason, Nigeria joins the rest of the world in celebrating the 60th anniversary of the adoption of the Universal Declaration of Human Rights. We remain very happy to celebrate the promotion of the fundamental right of freedom of association, as this is an enabling right which protects the right to organize and collective bargaining throughout the world. As part of Nigeria's political experience, in making these core Conventions operational, I wish to highlight areas where the Government has made progress and taken on new initiatives. I shall also outline some challenges faced in Nigeria, especially under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. There is an established national labour advisory council, a tripartite body which provides advice on national labour policies, new Conventions for ratification and labour laws for review, among other functions. Also, Nigeria has reviewed the main labour legislation now at different stages of legislative enactment. Within the same period, section 33 of the Trade Unions Act was amended in 2005, to allow for additional labour centres and restored automatic check-off to registered trade unions, among other issues. Resulting from the amended Trade Unions Act, the Trade Union Congress was registered with the mandate to organize senior staff.

Having stated the progress made, permit me to observe that the Labour Institutions Bill is among the new initiatives introduced by the Government, to create and regulate the labour market institutions used for dispute resolution. To this end, Nigeria wishes to express its appreciation to the ILO for the technical assistance offered during the review exercise.

At this point, I wish to observe that there are still some other challenges to be met in the areas of: organization of workers and employers in the information and communications technology sector; establishment of trade unions and collective bargaining structures, especially in export processing

zones; organization of workers and employers in the informal sector into viable trade unions and employers' associations; establishment and management of effective consultative tripartite-plus structures for dispute resolution; new areas of concern in dealing with workers living with HIV/AIDS and to provide them with a sustainable system of care and support; and improvement of social dialogue in the public sector to integrate the concerns of the essential services sector.

Let me conclude by stating that Nigeria is totally committed to the ideas of the ILO in the area of freedom of association and will continue to cooperate towards achieving that objective.

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Mr ARUMUGAM (*Employer, Malaysia*)

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The Global Report provides an overview of the application and realization of the universal principles and rights concerning freedom of association and the right to collective bargaining. The statement in the executive summary that the right to organize and the right to collective bargaining make it possible to promote democracy, sound labour market governance and decent conditions at work, is an excellent statement that correctly summarizes the importance of the two universal principles.

While it is true in the correct context that governments that provide the correct legislative framework to protect and guarantee the right to organize and to enter into collective bargaining as well as efficiently address possible conflicts play a paramount role, I must also emphasize the role of workers and employers themselves in furthering the rights to organize and collective bargaining. As can be ascertained from the Global Report itself, although most countries have ratified the two Conventions, there is a serious lack of urgency on the part of the majority of employers and workers to benefit from the assistance and technical cooperation extended to them by the ILO.

The statement in the executive summary that, while ratification is an important element, the real challenges lie in the effective implementation of the Conventions, correctly reflects the position that the implementation of the Conventions requires the wholehearted acceptance and commitment of all the tripartite parties. The Report also notes that despite an increase in the number of countries that have ratified Conventions Nos 87 and 98 (as at the end of December 2007), a major part of the world's workers and employers continue not to be afforded the protection offered by these instruments. It is encouraging to note the statement that today the outright prohibition of all types of workers' organizations, or employers' associations is rare. However, the fact that one recurrent type of denial of the right to organize is the prescription by governments of single organizations to which workers must belong, outlawing or suppressing others, is not looked upon favourably by certain countries, including Malaysia. Although Malaysia has not ratified Convention No. 87, more for historical reasons, it has ratified Convention No. 98. The Trade Unions Act, 1959, provides for the registration of not only workers' trade unions but also employers' trade unions. The right to organize is confined to the same trade, industry, occupation or establishment. By restricting unions to register by trade, industry or occupation, the Government is also ensuring unions of a large membership base, capable of voicing their views strongly, as opposed to organizations which are not

employment-based and are composed of workers in different industries.

Because of the national industry-based unions, covering employees all over the country, there is a standards-based structure and uniform conditions of service. Workers in individual places of work or establishments are also permitted to form their own trade unions, despite the existence of industry-based unions. This allows workers to organize themselves, according to their own preferences, extending to them the right to organize, although in a limited manner.

I also note that in paragraph 41 of the Global Report it is acknowledged that it is essential for trade unions and employers' organizations to function independently and freely implying a dual absence of interference on the part of the government authorities, as well as by the employers' organizations in the activities of these organizations. In Malaysia, the activities of workers' trade unions are well regulated by the law, as well as the unions' own rules and constitutions. Any interference by workers, which infringe on the right of workers and workers' representatives are subject to penal sanctions as provided for in the Industrial Relations Act, 1967.

I also take note of the statement that in some countries a large proportion of workers work in the informal economy and face not only a lack of legal protection but also a lack of a collective voice as in general, union coverage is low and collective bargaining rarely takes place.

The statement that for freedom of association and collective bargaining to become effective in the informal economy they must be anchored to the rule of law, and that governments have a primary role to play in this regard, deserves consideration. However, it is not an easy task, since it is not for the Government to compel the formation of workers' trade unions or to impose collective bargaining in the informal sector. The best thing that governments could do would be legislating minimum terms and conditions of employment, as in the case of the Employment Act in Malaysia, as well as setting up regional councils by sectors to ensure that minimum wages are established for employees in certain sectors, where it is difficult to organize workers, again, as done in Malaysia.

In conclusion, I know that the ILO will continue to provide assistance and cooperation to strengthen workers' and employers' organizations and the public institutions concerned to enable them to promote the rights and principles in question.

I, on behalf of the Malaysian Employers' Federation, the only organization registered in Malaysia to represent the interests of employers, welcome that assurance and we will certainly avail ourselves of this assistance and cooperation. I also know that the Governing Body of the ILO will be considering the adoption of a plan of action on freedom of association and collective bargaining for the next four years in November.

As a deputy member, recently elected to the Governing Body, and representative of the Malaysian Employers' Federation, I will cooperate fully in formulating this action plan, particularly in respect of the right to collective bargaining.

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*Original Spanish: Mr BONOMI (Minister of Labour and Social Security, Uruguay)*

I want to remind people here that labour regulations in general are based on three concepts, three

fundamental pillars: bargaining, strikes and strengthening of trade union activities. I would also recall the fact that the relationship which is established between those three concepts emerges from the fact that in an authentic democracy, conflict is inevitable because the recognition of the existence of groups with diverse and contradictory interests is a key feature of a pluralistic society. The important thing is not to deny the conflict itself, or the possibility of such conflict, the important thing is to have a balance in the power relationship so as to solve the conflict through negotiations. But in order for a worker to be considered in a position to negotiate or bargain with his employer, it is necessary that he be guaranteed the exercise of a fundamental right – freedom of association. This is much more important, particularly in sectors where trade union presence is thin. It is clearly underlined by the inequality of possibilities between the employers and the workers. Those differences are also very much connected with the economic and social development of the countries in which the organizations are located, and even with the profitability of the enterprises.

It was said some time ago that often trade union activities can be a business. It may be that this is the case when only the corporate aspect is developed without also developing awareness and the programmatic aspects. But in the countries where you have persecution, kidnapping and killing of trade union members, being a trade union member is not a "business". Certainly, in such countries there is a high degree of economic underdevelopment or at least pronounced inequality in development.

The statements which have been made here and the Conventions which have been drawn up and ratified by a large number of ILO members are not even taken into account in these countries. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) has been ratified by 148 countries, but if we take account of the fact that in this Conference we have more than 200 countries attending, it is quite clear that there is a large number of countries which have not ratified this true statute of freedom of association.

Compliance with and respect for principles, with or without formal ratification of Conventions, necessarily arises from the strength in each country of those who truly believe in the agreed principles and concepts.

The ILO can help to strengthen those who have thoughts along these lines but it cannot take their place. The Uruguayan Government, taking due account of the above statements, has promoted a system of labour relations based broadly on the concepts of centralized collective bargaining, promotion of labour rights and trade union rights, inclusive policies and self-governance. This led to bargaining, strengthening of freedom of association, and social dialogue, and this has helped to make progress in all political, social and economic areas. But we are not suggesting here that this path be taken because each country creates its own route, according to its own characteristics. We cannot import or export paths to follow but we can exchange experiences, although the time we have to do so is not sufficient, and that is why I wish to emphasize the concepts that I have referred to above.

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*Original Spanish: Mr RODRÍGUEZ MEJÍA (Worker, Colombia)*

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With regard to the third Report of the Director-General on freedom of association and the right to organize, I would like to refer to one of the key questions in the *Daily Bulletin* on what is required to create an enabling environment for these initiatives and for the exercise of the freedom of association and the right to organize and the right to collective bargaining. Of course, as has been said many times by the Committee on Freedom of Association, we have to have a climate which is free of violence, but the violence is not just a matter of physical violence, it can also be in the form of an anti-union atmosphere or policy. It could involve stigmatizing, discrediting or playing down the role of unions in society. Instead of recognizing the role of unions as indispensable organizations in any democratic society which can make peaceful conflict resolution a possibility and can contribute to the progress of society, they are painted as unpatriotic, for example, for opposing free trade agreements or agreements partially conceding sovereignty to other countries to the detriment of the most vulnerable sectors of population, or as an ally of armed or subversive groups. Socially, they are often presented as being responsible for the closing down of businesses or inflationary processes or, in any case, as bad for the economy. This view denies the role of trade unions and considers the relevance only of employers' associations. Sometimes attempts are made to replace trade unions without prejudice to freedom of association, with other forms of organizations like solidarity groups or to replace demanding trade unions with collaborative organizations.

In our region, Latin America, the Inter-American Democratic Charter approved on 11 September 2002 in Lima, states that the existence of free unions and complying with Conventions Nos 87 and 98 are fundamental for the existence of democracy in the region.

Another thing that generates an environment which works against exercising the right to organize are practices and legislation against collective bargaining.

For example, in Colombia, collective agreements are promoted to the detriment of agreements with workers' organizations. Employers often offer increased wages and other benefits on condition that workers leave or do not join the union.

I would like to point out a measure that the Colombian trade unions believe would generate a better environment for the exercise of union rights: first, States should align their legislation and practice with the collective agreements and they should comply with the recommendations of the ILO supervisory bodies. In this regard, we would like to draw the attention of this assembly and the Governing Body to the fact that monitoring mechanisms are required to follow up the recommendation of the supervisory bodies such as the Committee on Freedom of Association and the Committee of Experts.

Last but not least, we have to state here that, ten years after the Declaration and 60 years since Convention No. 87 was adopted, the fundamental rights of freedom of association and the right to organize should be considered international rights which are imperative and compulsory for all members of the human family.

*(Ms Diallo takes the Chair.)*

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*Original Spanish: Ms LAU VALDÉS (Government, Cuba)*

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My delegation attaches great importance to the subject which is dealt with this year in the Global Report. In my country, there is a real, effective exercise of the freedom of association and there are over 19 trade unions. Furthermore, the workers participate in the making of decisions which affect them within society as a whole, as well as in the workplace. This is just one example of the freedom enjoyed by the workers. Precisely because we attach such great importance to this right, we would like to highlight the fact that, in the Report, the right to associate is based upon pluralism, however the freedom to associate should also be assessed against the background of neo-liberal globalization in economic and social terms. This phenomenon which has restricted the participation of trade unions in the decision-making process with regards vital issues concerning economic and social policies. This in turn, has affected workers' rights and has led to a significant drop in union membership.

We believe the ILO should also adopt measures to incorporate in its supervisory mechanisms the concept that freedom of association must include the effective right to participate in the decision-making process at a national level, and that this aspect would also further encourage the ILO to link the exercise of freedom of association with public freedoms and democracy.

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*Original Spanish: Ms MÁSPERO (Worker, Bolivarian Republic of Venezuela)*

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Today we are celebrating the 60th anniversary of the implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and during this general discussion on these rights, as a representative of the workers of Venezuela, I would like to say a few things about the meaning of these Conventions for the Venezuelan working class.

The first step is the ratification of this Convention by the member countries. In that regard we are concerned by the double standards of countries such as the United States and other leading powers, which denounce others as violating freedom of association while they have not ratified the Convention and their legislation and practices exclude millions of migrant workers, who work in those countries, from fundamental labour rights.

The second step is the effective compliance with Convention No. 87. In my country, not only have we ratified the Convention, but freedom of association and collective bargaining are enshrined in the Constitution. That same Constitution gives equal rights for all workers without any distinction of nationality, gender, race or religion, and this includes the migrant workers, who are a reality not only in America but also in Europe, including more than 5 million displaced Colombians who, due to the situation in their country, are living in Venezuela.

The number of trade unions and affiliated workers has increased in our country. We have the highest minimum wage in Latin America and have nationalized telecommunications, electricity and cement enterprises and recently SIDOR, the largest iron and steel works in Latin America, as acts of sovereignty of the people of Venezuela, and to eradicate exploitation and the flexibilization, which in the case of SIDOR affected some 10,000 workers in the tertiary field. After nationalization, the first 1,200 will be

included on the fixed payroll of the enterprise and the rest will be included progressively, in the attainment of dignified and decent work, as referred to in the Director-General's Report.

As a result of the transformation that our country is undergoing, new organizations of workers have sprung up, such as the UNT, which I represent and which has, in terms of representativeness, overtaken others that continue to present themselves here as the most representative organisations but which do not in fact have the support of the working class in our country because they overtly participated in a coup d'état with FEDECAMARAS and continue to denounce to this organization violations which do not exist. As a leader of an independent trade union, I would like there to be a consolidation of a real plurality of workers' representatives on the Governing Body. The inclusion of the All China Federation of Trade Unions is a step forward but we believe that much further advances should be made by including the World Federation of Trade Unions, and others.

Lastly, I feel that a fundamental contribution of the ILO in watching over the true and effective implementation of Convention No. 87 in the member countries is to look more closely at the realities of our countries, the true situation of workers and to thus strengthen, through technical support, liberalization processes such as the one Venezuela is going through.

Now finally, for Venezuelans, for our works, now that the SIDOR iron and steel works is ours, we say "long live sovereignty".

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*Original Spanish: Mr PIUMATO (Worker, Argentina)*

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First of all, we would like to thank the Chairperson for offering us this opportunity to participate in the discussion on the Global Report: *Freedom of association in practice: Lessons learned*.

The representatives of the union movement in Argentina would like to refer to the fact that we consider that certain important advances have been made in our country since 2003 in freedom of association and collective bargaining.

After three decades of denial of the essential rights during the military dictatorship from 1976 to 1983 and the unrestricted imposition of neo-liberal policies from 1989 which foreclosed the exercise of the basic rights of the workers and the unions and which led to the loss of millions of jobs and the increase in poverty to cover 60 per cent of the Argentine population five years ago. As from 2003, however, this has improved considerably on the basic principles and in all the associated variants, i.e. production, labour and social dialogue.

As was said at the last session of the International Labour Conference in 2007 by the President of the nation, Cristina Fernández de Kirchner, it is only on the basis of a general dialogue that the Government can defend a production model which is based upon the domestic development of the market, with good wages, job creation and a better distribution of wealth. For this purpose, an intelligent business community and strong unions are necessary.

This was only seen during the period of Peronism in Argentina, a period in which the participation of the workers in GDP achieved 50 per cent. Consequently, after the debacle inflicted by the neo-liberal model on the vast majority of Argentine people in the infamous third decade when the economic model imploded, the rise of a popular Government

with the implementation of progressive economic and social policies and the unification of the majority of the unions in one organization, the CGT, led to a definite improvement of the situation. The neo-liberal logic of the last three decades was removed and we have raised the slogans that more work means stronger unions, and united unions mean protected workers.

The re-implementation of collective bargaining, which was stopped in 1989, the re-establishment of the tripartite council on employment, productivity and the minimum wage, after 14 years of suspension, the recovery of the rights by the workers and the unions, which had been wiped out after the military coup of 1976, have reaffirmed the validity of social dialogue after almost three decades of a purely virtual existence and enhanced the presence of freedom of association in our country.

We Argentine workers defend our union model for practical reasons and because of our historical experience, which in the case of the world union movement has led to practically unanimous unification in the ITUC. In our case, it appears that when there was a unified union movement it coincided with the best years for the workers, whereas when the union movement was divided, the rights of unions were reduced and so was their capacity to act.

This experience of the historical struggle of the Argentine workers and of our union model is the reason why the unions have survived during the most bloody and repressive period of dictatorship in our country, which attempted to destroy any form of political and social organization. It suffices to recall that the majority of the 30,000 people who were killed or who disappeared in our country came from the ranks of the unions. It is also true that the Argentine union organization resisted, under severe attack, the most virulent period of neo-liberalism, the so-called "unbridled capitalism" from 1989 to 2001.

Therefore, as we inherit and continue a history full of heroes who gave their lives in defending the rights of workers, we defend our trade union model.

Paradoxically, those who in the past attacked the rights of Argentine workers from both inside and outside the country are attempting to divide the union organizations, precisely when economic concentration requires more unity and strength on the part of the workers.

The same concept that unity equals strength has been accepted throughout the world with the creation of the ITUC. Unity, solidarity and organization are the basic principles of our union model. This explains why our membership is the highest percentage of workers (65 per cent) in the whole of Latin America. Our agreements cover the greatest number of workers in the whole of America. It is the unions which act in discussions and sign the collective agreements. The unions, through their base delegations, see to it that the agreements are applied.

Every four years the unions organize democratic elections, members freely express themselves and elect their union leaders. This is the strength and the legitimacy of our union movement. This process is supplemented by the election of base delegations, in which all workers can participate, whether members or not.

In Argentina there is a union for every 3,350 workers, there are 1,500 legally recognized unions and 1,200 registered unions with nearly 600 in the

last three years. During the same period, more than 1,100 collective agreements per year have been signed, and these are impressive figures.

Moving towards full social justice is not an easy task. The minorities connected with transnational finances which acquired great profits in the past decades plot ceaselessly against our rights and seek to stop a fairer distribution of wealth. We see this in our country and throughout Latin America.

In conclusion, we can say that in the last few years the advances in freedom of association have been clearly expressed by a strengthening of the unions and social dialogue.

The challenges which are still there, however, the elimination of unemployment and social exclusion, and the elimination of casual labour, require strong unions so that through dialogue, agreements can be reached and commitments made so that we can move on towards these objectives and so that the agreements achieved are not merely declarations of goodwill but are effective and applied, and will lead to a declaration of Argentina as a country free of social injustice.

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Mr NUSRAT (*Government, Pakistan*)

The Report focuses on the premise that achieving decent work for all is possible only if people have a say in what relates to their lives. The Report also marks the tenth anniversary of the ILO Declaration on the Fundamental Principles and Rights at Work and the 60th anniversary of the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Freedom of association, the right to organize and collective bargaining are rights enshrined in the Constitution of the Islamic Republic of Pakistan. These rights are also enacted in the ILO Constitution, the Declaration of Philadelphia and the 1998 Declaration of Fundamental Principles and Rights at Work.

These are, no doubt, enabling rights which make it possible to promote democracy, sound labour market governance and decent conditions at work. The role of governments in providing an enabling environment is of paramount importance. We agree that political will is essential, both for the right legislation and for proper implementation of law, and strong efficient labour administrations are important for the promotion of these basic rights.

I would also like to pay tribute to the ILO in its struggle for the rights of freedom of association and collective bargaining through extended ratification of core ILO Conventions related to the issue.

When the first Global Report *Your voice at work* was published in the year 2000, there were 135 ratifications of Convention No. 87 which has now increased to 148 ratifications.

As for the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) is concerned, there were 149 ratifications in the year 2000. That figure has now reached 158 ratifications.

Globalization has affected the world of work and influences collective bargaining procedures and the relative positions of various stakeholders. Freedom of association and collective bargaining, while contributing to political and social stability, also contribute to the increased foreign direct investments and exports. We appreciate the recognition given to the Sialkot Initiative in the Global Report and appreciate that the Sialkot Initiative has been designed to address a number of issues relating to labour

standards, including that of promoting social dialogue and freedom of association in Sialkot.

The importance of dialogue between the Government and the employers' and the workers' organizations cannot be denied because it is instrumental in fostering the social and economic progress of a country.

Dialogue among and between governments and the two social partners on issues of common interest plays a vital role in promoting social justice and social welfare.

We believe that the employers' and workers' representatives also have a crucial role to play in guiding labour-related policies and programmes.

It is in this belief that the Government of Pakistan is pursuing a policy of promoting dialogue with the stakeholders, the trade unions and employers' organizations on all labour-related issues. The role played by the ILO in devising the Sialkot Initiative, and the action plan to implement it, is highly commendable. Despite the number of advances, some groups of workers still face huge challenges in organizing themselves in many countries.

In Pakistan, we firmly believe the right to freedom of association should be available to the workers. The Government is committed to improving working conditions, especially in relation to its international obligations. Pakistan has ratified 36 ILO Conventions, including the eight core Conventions and two priority Conventions. The Government has also shown its commitment to promoting tripartism in the country by ratifying the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

It is important to note that the newly-elected Prime Minister, in his first speech to the National Assembly, announced his intention to bring all labour laws into conformity with the ILO Conventions. As a first step, the Industrial Relations Ordinance 2002, is being repealed and a new law for industrial relations, in conformity with ILO Conventions Nos 87 and 98, is being submitted for the approval of the national Parliament.

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Original Spanish: Mr PÉREZ (*Worker, Bolivarian Republic of Venezuela*)

Freedom of association and the right to collective bargaining are successes for workers. This has cost many lives and mobilizations. These rights are not just something given by governments and employers. They are rights or conquests, like human rights, democratic freedoms and the right to strike.

Despite the fact that governments have the main responsibility of guaranteeing these rights, employers are the ones who infringe them most. In these times of globalization, the major transnational corporations do not like recognizing trade unions. We have to take into account that not only is the freedom of association violated when employers do not recognize the legality of a trade union, or when a government denies legality, but the greater degree of violation occurs when employers dismiss workers who are organizing a trade union, which is almost always done to submit draft agreements.

We, the trade unions or trade unionists, also have responsibilities with regard to guaranteeing the exercise of the right to unionize. When we do not respect the right of the minorities in our trade union organizations, we are failing to respect and are acting against freedom of association.

When the ILO constitutes a Governing Body, and plurality is not recognized and all the existing international workers' organizations and non-confederated workers are not taken into account, this does not contribute to being the best example of a defender of freedom of association. We cannot have one rule here and another rule there. Our workers and our organizations have to set the best example in defending freedom of association. We cannot have as examples certain governments and certain employers who come and ask, in the name of freedom of association, for the end of trade unions, because when they ask to discuss with other forms of organizations such as associations or co-operatives, it is because they know that this is the way to then cause the proliferation of these types of organizations in order to crush and fail to recognize trade unions.

When trade union activity is a business, as some people say, it is because employers grant rewards, and so the business is between two. Democratic governments should provide greater guarantees for freedom of association. But in most of the countries of the Group of 7, and in many other countries, they have not signed Convention No. 87.

To conclude, I would just like to refer to those who complain because, after seven or eight years, Venezuela, this time, was not on the list of those who are violating the freedom of association here at the ILO. They are all doing this in defence and in solidarity with the organizations of employers and one of the workers' organizations which participated in a coup d'état only six years ago. FEDECAMARAS and CTV, the ones who are doing this, are doing this for revenge and due to political hatred. This should be corrected as it was corrected this time. In all countries there have been violations of the of freedom of association. Some violate more than others. However, as Marcella Máspero said, in Venezuela trade unionization has increased and more unions have been established, and those trade unions, such as CTV and its affiliates that had 40, 30, and 20 years without holding elections, have had to hold elections. So if we draw a comparative picture with another country, which we hope will not be with Colombia, but with any of these other countries which consider freedom of association, I think that Venezuela would stand the test, and that is the challenge. Freedom of association has to be defended and should not be begged for. Freedom of association is an every day practice that employers from coming to the ILO, will hopefully respect, just as we trade unions have to ensure that it is respected.

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*Original Spanish: Mr MUSSA (Government, Bolivarian Republic of Venezuela)*

On behalf of the Government of the Bolivarian Republic of Venezuela, we regret that although the President clearly and categorically said at the beginning of this meeting that specific country cases would not be discussed, the Employer representative of Brazil made a specific reference to the Bolivarian Republic of Venezuela which compels us to take the floor here as a right of reply.

Our Government is faithful to and respects the Freedom of Association and Protection of the Right to Organize, 1948 (No. 87), ratified in 1982. On each and every occasion that the ILO's various supervisory bodies have asked us for reports, clarifications, greater explanations, as a result of our broad

focus on this subject, we have not hesitated to provide them, since we believe that our inclusive policy is quite innovative, and works against all the usual things that have harmed freedom of association and trade union rights.

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*Original French: The PRESIDENT*

I am sorry, but you will have your right of reply at the end of the meeting. If you have a statement to make on the Global Report, you may continue.

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*Original Spanish: Mr MUSSA (Government, Bolivarian Republic of Venezuela)*

The Government of the Bolivarian Republic of Venezuela considers that work is not a commodity that is subject to market laws. It is essential to man's existence on the Earth and part and parcel of the human condition. Therefore, human rights referring to freedom of association, give it content. Freedom of association or in other words, autonomous and independent organizations of workers and employers which are a genuine and authentic expression of the bases of workers and employers whose leaders truly and effectively represent the fight of workers and employers in building an inclusive society with social justice is a requirement of our Government.

Organizations of workers and employers promoting participative and protagonistic democracy in all instances are also a crucial and inescapable requirement of the Government of the Bolivarian Republic of Venezuela and should be an historic need of workers' and employers' organizations. Our Government urges the employers and workers to promote and carry out participative and protagonistic democracy in their organizations so that they can stop being an expression of an entrepreneurial and trade union aristocracy and really base themselves on the feelings of employers and workers and build a fairer society where the forgotten people of yesterday can join with them to build a new free democratic society full of solidarity and with social justice in Venezuela. Those who say that they are persecuted were those who attacked the constitutional order claiming to abolish our Constitution which was approved by popular referendum. They appointed a de facto President, who was the President of FEDECAMARAS, they persecuted and without any judicial order arrested the legitimate authority and it is them, these people who we call upon to join in with the construction of the Republic enshrined in our Constitution, this society, no other society, that reproduces the same schemes of exclusion that they introduced for more than 40 years, this society of social justice is the mandate of our people.

Our Government, amongst other considerations is strengthening the purchasing power of workers. In Venezuela, the minimum wage is currently the highest in Latin America. It includes workers in public enterprises, it fights against the simulation of labour contracts, it strengthens labour legislation on social security and occupational health, it stimulates and strengthens collective hiring. So we invite the Employers to come and visit Venezuela so that they can find out the truth that there is nothing else there but a people working towards social justice.

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*Mr THOMAS (Worker, India)*

I am the President of Hind Mazdoor Sabha (HMS), a trade union in India, which is celebrating its 60th year and we are also celebrating the 60th

year of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Paradoxically, my country has not ratified that Convention. We trade unions, all trade unions in India, are very much in favour of ratifying Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), but unfortunately the Government takes the stance that there is constitutional opposition. It is true that article 19 of the Constitution of India provides for freedom of association. Therefore, we were able to organize our union, my union, in 1948, but we require ratification. We have emphatically asked the Government to ratify the Convention, as we are amenable to the supervision of an international body.

In the era of globalization, we understand that the multinationals come to India, and India is now a growing economy. India has become rich, one of the economic powers in the world, but the workers are not getting the benefit. The workers are not getting the benefit because they are not all organized. Ninety per cent of our workers are not organized. Three-hundred and ninety-seven million workers today are in the informal sector and unorganized. Ten per cent of the workers are organized, and there is a flow of workers to the informal sector from the organized sector. In the recent past, the figures presented to the Parliament show that 39 million workers transferred from the formal sector to the informal sector, and to control this phenomenon there should be an international supervisory mechanism, accountability, so we trade unions feel that to impose accountability, international Conventions have to be ratified.

Of course India is growing, and the trade union movement is independent. At the same time we have big problems. They are a reality because the economic situation in the villages is not good. We are outsourcing work for multinationals which come to India and in the service sector we are making a lot of money, as well as in the IT sector. However, the organized sector, agricultural, rural workers, they are still poor and we, the trade union movement as a body for social change, as an instrument for social change, are trying to improve the standard of living of those in rural areas.

We feel that the Government is doing something but the tripartism has to be embraced.

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Mr MORRIS (*Worker, Bahamas*)

In acknowledgement of this year's Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, *Freedom of association in practice: Lessons learned*, I will share with you a Bahamian worker's position.

Convention No. 87 recognizes the rights of all workers and employers to establish and join organizations of their choosing, while promoting and defending their interests to negotiate collectively with other parties. The Convention allows us to exercise these rights freely without interference by any other party or State. The right to organize and to bargain collectively are enabling rights that make it possible to promote democracy, sound labour market governance and decent conditions at work as outlined in the Report.

What then has the Bahamas done to realize this international standard? Well, I can happily say here today that the Bahamas ratified Convention No. 87 in June 2001, but seven years later, has not yet enacted the necessary legislation consistent with this

Convention. In fact, while the Bahamas Government publicly endorses Convention No. 87, they also publicly interfere with the rights of casino workers to organize, as mentioned in paragraph 1 of the Committee of Experts' report on the Bahamas. Therefore, as it relates to progress, I can say without contradiction that despite the noble step taken by the Bahamas Government in ratifying this Convention, there has been no progress over the past seven years, even though we will have made the Caribbean news by becoming the first Caribbean country to prepare a Decent Work Country Programme.

This initiative is supported by the Bahamas Government, but it is a result of collaborative work with the ILO Subregional Office and the Bahamian Tripartite Committee, TRIFOR. This Committee, under the guidance of our Director of Labour, is working tirelessly to address the deficiencies of our labour laws and is working with the ILO to harmonize our laws with the CARICOM model.

We are therefore making some progress in addressing our labour laws. What will happen to our work will ultimately be at the hands of the politicians.

We in the Bahamas are extremely happy with the technical assistance given by our Regional Office. However, it must be pointed out that more fire needs to come from the ILO with regard to the Bahamas' obligation to enact timely legislation.

There is no justification to take seven years to enact the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Flippant reporting by the Bahamas Government in this respect must be discouraged by the Committee on the Application of Standards.

As it relates to casino workers, our TRIFOR committee is trying to have this matter addressed, but as we are not a statutory body, our request to meet with the Government is not getting the necessary attention. Our TRIFOR committee wrote to the Bahamas Government two months ago to address the situation of casino workers being denied the process to union recognition, which is guaranteed by law.

We will remain hopeful and should there be no results, we will bring this matter to the Conference next year. It must be noted that, as a result of casino workers being denied the right to join a union, they are being taken advantage of with the full cooperation of the Bahamas Government.

Even though the work week has been reduced to 40 hours since 2001, casino workers are still working 48 hours a week without being paid overtime. Or, whenever they work 40 hours their pay is cut by one day. In fact, for the past two years I have had to take three weeks off work without pay each year to attend this Conference.

Finally, enough could never be said about Dr Romero and her staff at the ILO subregional office for the work done on behalf of the Bahamas. The Bahamas TRIFOR committee is also doing an excellent job, and it is our wish that very soon we will have a functioning legislative authority. I remain committed to the high standards and ideals of this great body.

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Mr SUKUMAL SEN (*representative, Trade Union International of Public and Allied Employees*)

I appreciate the Global Report on the ILO Declaration on Fundamental Principles and Rights at Work. On the 60th anniversary of the adoption of

this Declaration, it is a great pity that the ILO has to express concern that the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) is the least ratified of all eight fundamental Conventions.

It is even more pitiful that the ratification of Convention No. 87 stands only at 82 per cent, whilst the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) stands at 87 per cent of the ILO's membership of total 181. It is most shocking that half of the global labour force is now outside the protection of the Freedom of Association and Protection of Convention No. 87. As an Indian, I also feel it is a matter of shame that, alongside some other countries, India has also refused to ratify the Convention and the argument is that the reasonable restrictions are imposed on the workers. The term "reasonable" seems atrocious to the workers, so it is not tenable. In fact, the labour force of the entire Sub-continent, India, Pakistan and Bangladesh, remains deprived of these fundamental rights, the rights enshrined in Convention No. 87 and the Employment Service Convention, 1948 (No. 88). From the outset, the Labour Relations (Public Service) Convention, 1978 (No. 151) which is specifically designed to support the public service, has not been implemented in these, and many other, countries.

I would also mention that in countries which witness a regime change and fall under direct, or indirect dictatorial regimes, such as Bangladesh recently, the labour force stand to lose all their fundamental rights, particularly in a situation of economic globalization, the workforce in the informal sector is fast increasing, whilst in the organized sector it is sinking. Thus, with regard to implementation, the ILO has to put more pressure on the defaulting members, so that these fundamental rights are actually ratified by those governments.

Lastly, I would take the opportunity to mention that the ILO's decision-making process should be thoroughly democratized and all parties should enjoy an equitable partnership within the ILO structure.

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Mr SAJINARAYANAN (*Worker, India*)

I represent Bharatiya Mazdoor Sangh (BMS), the largest trade union in India.

The greatest challenge that we trade unions face in India, is the large size of the informal sector. They are not covered by any of the labour laws. Trade union activities and the government inspectorate have not reached them. A vast number of workers live in poverty, so for the trade unions in India organizing the unorganized sector means poverty eradication and national development.

Global statistics show that India has the largest number of rich people, but unfortunately we have also a large number of poor people. In the unorganized sector, labour laws are not properly implemented. There are new emerging areas, like the IT sector, special economic zones, export processing zones, which are considered exempt from labour laws. Trade unions are struggling hard to establish freedom of association in these areas. Workers run the risk of dismissal if they form a trade union. Another challenge brought by unfair globalization is widespread contractualization and closing of establishments in the organized sector. The organized sector is thus reduced and pushed to the informal sector very rapidly. A large scale of loss of employment and falling quality of employment is a

serious outcome of the process of globalization in India. Uncertainty and lack of job security have increased rapidly. This has adversely affected the bargaining power of workers. This is an area to which trade unions in India have given serious attention. Only a strong trade union movement can meet this challenge.

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*Original Spanish: Ms OVIEDO DE LA TORRE (representative, World Federation of Trade Unions)*

I speak on behalf of the WFTU and more than 65 million members from 120 trade unions in 90 countries, organizations which have had an advisory status within the ILO for more than 60 years.

The debate on the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work planned for this 97th Session of the Conference is occurring at the same time as the 60th anniversary of the Universal Declaration of Human Rights, the 60th anniversary of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the tenth anniversary of the ILO Declaration on Fundamental Principles and Rights at Work.

This historical context makes us remember that it was at the behest of the World Trade Union Federation, which submitted a resolution to the Economic and Social Council of the United Nations in 1947 and also to the ILO Governing Body, that the issue of trade union recognition was raised. This initiative later gave rise to the adoption of Conventions Nos 87 and 98. Since that time our organization was involved in the recognition and protection of freedom of association, and throughout all these years this issue has been at the very crux of our activities and priorities.

Allow me to refer to some of the issues contained in the Global Report. First of all, I would like to thank the Office for the presentation of this Report, the third on this topic, and, at the same time, for the information contained in it.

In the Global Report, we stress the progress in ratification of Conventions Nos 87 and 98, based on the campaign launched since 1995, announcing that Convention No. 87 has been ratified by 148 States and Convention No. 98 by 158, 82 and 87 per cent, respectively, of the ILO member States. It expresses concerns at the fact that Convention No. 87 is the least ratified.

Likewise, it calls our attention to the low percentage of ratifications of these Conventions in regions such as Asia, the Pacific and the Arab States, and to the fact that States of major industrial importance have still not ratified this Convention.

Beyond ratification and the commitment of governments, the challenge lies in the application and implementation of these Conventions. The Committee on the Application of Standards devotes a large part of its work to examining cases of violations of Conventions Nos 87 and 98. The Committee on Freedom of Association also looks at hundreds of cases each year. All this means that many millions of workers, whether duly protected, or not, are victims of violations of freedom of association and the right to collective bargaining.

Today, neo-liberal globalization favours the interests of major transnational capital, monetary fund reforms applied by many governments, free market, privatization, flexibility, deregulation, delocalization, there has been a rapid deterioration in the right to organize, freedom of association, collective bar-

gaining, and general labour and social rights which have been achieved by the workers after many years of struggle.

The ILO should study in greater depth the relationship and the effects of neo-liberal globalization on the ratification and application of the rights and principles contained in the 1998 Declaration, as well as the link to the application of the remaining ILO Conventions and Recommendations, which are just as important, if not more so.

The trade union organizations are concerned by the attempts to weaken the standard-setting system of the ILO, in the name of neo-liberal globalization and competitiveness. We reject the positions of many employers' organizations which in practice impede the creation of trade unions and generally obstruct freedom of association and collective bargaining. We appeal to the employers to refrain from applying anti-trade union policies and to assume more responsible positions corresponding to the principles and values of the ILO. Therefore, there is still much progress to be made and we cannot have a conformist approach towards what has been achieved.

The Global Report presents some experiences and cases from various countries. For the workers' organizations, when we talk of freedom of association, what comes to mind is a country where to be a trade unionist is a tremendous risk to human life itself. In recent years, more than 2,000 trade unionists have been killed, and 26 have already been killed this year. We think that it is regrettable that the Report only talks about the case of Colombia in general terms and only mentions it by name in one triumphant paragraph on ILO technical cooperation, without denouncing this regrettable reality and the impunity of the people who have carried out these acts. We hope that the ILO technical cooperation can contribute more effectively to solving the problem.

To conclude, I would just like to refer to Chapter 3 of the Global Report, devoted to international employers' and workers' organizations. We regret that when it refers to international workers' organizations, it only mentions the ITUC and its sectoral organizations, ignoring, as is usually the case, other official documents of the ILO and the WFTU, which together with its affiliates and sector organizations form part of the family of workers. We too have carried out many initiatives with regard to freedom of association. These practices contradict the plural and democratic nature that is required of all ILO members, and apply to the structures and functioning of the ILO. Our organization feels that the Organization should attach more value to pluralism, tolerance, the representation of all on an equal footing, without exclusion or discrimination, making practical efforts to combat monopolies within its own structures and to avoid excessive privileges for the most representative organizations, at the expense of others. We hope that specific steps can be taken in the future to change this situation.

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*Original Spanish: Mr COVA (Worker, Bolivarian Republic of Venezuela)*

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On behalf of the trade union organizations, which in Venezuela are affiliated to the International Trade Union Confederation, we would like to recognize the appropriateness and the importance of the Global Report submitted by the Director-General to the Conference. At a time of growing

threats to human rights, which are essential for workers, male and female, all over the world, where those who have the right to freedom of association are commonly subjected to discrimination, persecution and anti-trade union restrictions and interference by governments and the new international economic powers that promote unregulated and uncontrollable globalization. It is ever clearer that the practice of delaborization is continuing, precisely to prevent and irreparably weaken the enjoyment of collective bargaining and freedom of association. Since its foundation, however, the ILO has reaffirmed that freedom of association is an essential premise for the enjoyment of other rights of a social, civil and political nature, which implies that the absence or the illegitimate restriction of trade union rights will carry with it the disappearance of fundamental rights for working men and women.

Freedom of association has, in some cases, attracted bullets and not metaphorically if you think of the murders of trade union leaders in Colombia, Honduras or Guatemala to mention only a few countries in Latin America carried out with impunity or even tacit assistance from some governments or some companies or employers.

The institutional, legal and political framework in which these rights should be enjoyed is being progressively destroyed. I come from a country, Venezuela, where the principles of freedom of association and collective bargaining are being restricted in different ways with the interference of the public authorities and the State bodies in areas that pertain to the collective autonomy guaranteed by Conventions Nos 87 and 98. This is reflected in interference in the organization of trade union elections, discrimination against independent trade unions, promotion of trade union organizations that support the Government, violations of the right to confidentiality of data by demanding information on the private lives of members, and discriminating against workers for political reasons in the absence of any real or effective social dialogue. A situation such as the one I have described requires an innovative solution, involving the participation of all parties – governments, employers, workers and the ILO itself – because the work of promoting, monitoring and following up the Conventions on freedom of association and collective bargaining means that we have to perfect and improve the supervisory machinery.

We all know that in many countries it is cheap not to observe Conventions. This is an unacceptable and intolerable comparative advantage, since it simply means that you fail to recognize the dignity of the worker and of work itself. The Declaration of Philadelphia of 1944 set out perfectly clearly forever that labour was not a commodity. The ILO is a universal heritage in the world of work and the only institution on the international level that is competent to define the basic labour standards and therefore it is appropriate that it should supervise the commitments and social rights that should be contained in the commercial agreements between the company and countries, initiatives on clauses and social labels such as penalizing countries that do not fulfil or restrict fundamental rights, which should be strengthened. This reality requires new approaches by the International Labour Organization. Furthermore, even if we accept the importance of initiatives of private self-regulation, such as codes of conduct and codes of good practice or corporate social responsibility, they can only be accepted if

they are within the framework of a policy for respecting fundamental labour standards and in particular the right to collective bargaining.

We know that there are enterprises that promote the eradication of child labour, but put obstacles in the way of their workers exercising the right to collective bargaining. A lot of these initiatives are merely commercial strategies and, even worse, nothing more than an instrument to clean up the damaged image of enterprises. The Global Report on Freedom of Association also requires that trade unions promote, respect and fully implement both instruments. It is an undertaking that we must all assume completely, and we support the convening of the meeting in November of the Governing Body and we hope that the plan of action on freedom of association and collective bargaining will be approved and that this will respond to the demands and to the problems that are facing workers throughout the world.

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*Original Spanish: Mr NATERA (representative, International Trade Union Confederation)*

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I stand before you here today in my role as President of the Medical Federation of Venezuela (FMV) and Vice-President of the Medical Confederation of Latin America and the Caribbean (CONFEMEL). I represent over 65,000 doctors practising legally in the Bolivarian Republic of Venezuela and over 700,000 doctors across Latin America, as well as the trade union block.

In Venezuela, the main employer is the Government, which also happens to be the main culprit when it comes to violations of labour legislation. The Venezuelan administration refuses to participate in collective bargaining, having replaced it with a Presidential decree which excludes doctors and teachers. The Government also denies doctors freedom of association, the right to organise, and the right to conclude collective agreements in order to obtain a fair wage and to hold free elections to fill trade union posts as well as other rights, established under the agreements and resolutions agreed by the parties under the Freedom of Association and protection of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as well as other Conventions yet to be ratified by the signatory bodies. Over the next four years, the ILO must continue to be vigilant with regards compliance with ratified Resolutions. In my sector in Latin America and Venezuela we are faced with a series of common and grave problems which I shall resume briefly. Our Government fails to treat its citizens with due consideration with regard to the following points: (1) collective bargaining and collective agreements, the Government refuses to sit down with institutions such as the FMV in order to discuss the signing of collective agreements, having sought to replace them, over the last six years, with Presidential decrees; (2) the right to elect and renew our trade union authorities has been denied us for the last seventeen years by the National Electoral Council (CNE); (3) the right to decent work. In our hospitals there is double the amount of work and wages are very low indeed. A resident doctor barely earns US\$400, making Venezuelan doctors the lowest-paid in the world; (4) the right to health and life, as enshrined in articles 83-85 of the Constitution of the Bolivarian Republic of Venezuela. In light of

this right, the Government should immediately provide the resources necessary to hospitals to ensure that they are fully-equipped. This is not the case in Venezuela; (5) safety, hospital staff and the respect for human dignity established under ILO standards, when, in fact, the work load has been doubled, doctors have to remain on call at work for two or three days and the salary is pathetic; (6) defence of the right to study and exercise the medical profession in Venezuela; (7) violations of human rights; (8) free and democratic education.

We must force the Venezuelan Government to sit down with the FMV, as was agreed with the ILO two years ago. The Government has failed to discuss and sign the national collective agreement which has been pending for six years and which covers medical schools and other schools and regional trade unions and which was ratified by the ILO two years ago. There is also a need for openness regarding trade union statutes and laws and elections must be held immediately within federations, colleges and trade unions so that we can choose officials.

We must ensure that the Government does not reject collective bargaining, a situation denounced in light to the recently ratified Convention. Medical personnel must be treated with respect, both inside and outside hospitals. The Venezuelan Government constantly makes statements which do not at all reflect the reality in the hospitals, where doctors are attacked, wounded, traumatized, threatened, assaulted, robbed and raped. This constitutes a flagrant breach of our human rights.

International bodies should carry out an immediate review of the parallel medical studies programme imposed by the Venezuelan Government and endorsed by the National Universities Council, which establishes fewer than 3,000 hours of study, when the World Health Organization recommends no fewer than 7,000 hours of training and practical information, and the medicine faculties of Venezuelan universities provide more than 8,600 hours of practical training to trainee doctors, compared to the parallel medical studies programme, which offers fewer than 3,000 hours. The parallel medical studies programme represents a real danger and threat to people's health in Latin America and worldwide. It is necessary to guarantee to our children and young persons a free and democratic education, where no ideologies are imposed, politics are kept out the classroom and where theories of international decadence are not presented from the Venezuelan Government as viewpoint.

Finally, we recommend that governments around the world comply with and respect, among others, Conventions Nos 87, 98 and 29. We oppose exploitative contracts, the globalization of unemployment and hunger, government inspired violence and targeting professional workers in Venezuela, the attempt by the Venezuelan Government to substitute the discussion and signing of a collective agreement with an unjust and incomplete presidential decree, and the "working poor" salaries of the Venezuelan doctors who earn less than 400 dollars.

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*Original French: The PRESIDENT*

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I now give the floor to the Government delegate of the Bolivarian Republic of Venezuela, who wishes to exercise his right of reply.

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*Original Spanish: Mr MUSSA (Government, Bolivarian Republic of Venezuela)*

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We find ourselves obliged to exercise our right of reply in light of the impertinent accusations made by Mr Natera and Mr Cova regarding the Government of the Bolivarian Republic of Venezuela.

Our Government respects not only Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98) but all the Conventions that have been signed and ratified by our National Government. Our National Government respects freedom of association because it considers it to be a fundamental right essential to the human condition. We respect freedom of association, but which freedom of association? The freedom of the trade union aristocracy? The freedom represented by the rights of the Venezuelan workers? We have decided to walk hand in hand with those Venezuelan workers and it is with them that we want to build the Venezuela of social justice. Those workers, not the pseudo leaders who purport to represent Venezuelan workers.

Our Government respects human life, and it even protects human life. Our Government had developed policies intended to protect human life with an inclusive health system given to the service of the Venezuelan people. It is with this health service, and with the doctors that represent this health service, that we wish to build our Republic, because that is the Republic that our constitutional mandate obliges us to build.

I wanted to use our right of reply because I believe that this is not the forum for examining the complaints made by Mr Natera and Mr Cova. There is space in Venezuela open to all Venezuelans that wish to build the Bolivarian Republic of Venezuela enshrined in our constitution. We extend an invitation not only to them but also to entrepreneurs who wish to build and who understand that the rates of production have got to serve citizens, to serve men. This alone can be protected by our Constitution. We invite Mr Cova, Mr Natera and everyone to join in the construction of this Republic.

That is why we wanted to make it clear that we reject all the allegations made by Mr Natera and Mr Cova. We do not believe that this is the forum for such statements.

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*Original French: The PRESIDENT*

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I am sorry that we cannot enter into an argument. There are no more rights of reply so thank you very much. Before I close the meeting, I would like to give the floor to the Employer and Worker spokespersons so that they can briefly summarize the views that have been expressed.

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*Mr TABANI (Employer, Pakistan; speaking on behalf of the Employers' group)*

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It has been a long debate and we have heard, I do not know, maybe a little more than 50 speakers from the three groups. It is very difficult for me, at this time, to summarize and I do not think there is any need for me to summarize, because the discussions that have taken place are to be noted by the Office, on the basis of which a way forward, the plan for the next years, is to be prepared, and be presented to the Government group.

However, I must say that a good document, well drafted, properly documented, always deserves a good discussion, and this is what has happened

since this morning. We have had a very good discussion. Everybody has responded to different parts of the document, and I think most of them have appreciated the strategies, the ratification and the work done by the ILO on technical cooperation. Those governments which have not ratified the Conventions have explained the reasons why they have not, and the fact that they are applying the principles even if ratification has not taken place, and I think that is the real meaning and the essence of the Declaration on Fundamental Principles and Rights at Work, and the practice of the principles, implementation of the principles, and this was emphasized by several governments, as well as by my Employer colleagues who supported me also in this line of thought.

Mention was also made of the results of the SILC meeting, how it will affect the working of the Office in future years, and also the organization or the reorganization of the regional offices, so a very comprehensive debate has taken place. Now it is up to the Office, and we know the wisdom and the hard work that Mr Kari Tapiola puts in to get the essence from this discussion and to come to the Governing Body with a good way forward.

We have appreciated and applauded the way forward as indicated here. Perhaps now we need more details and a good plan, which we can in the Governing Body discuss and carry forward.

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*Mr TROTMAN (Worker, Barbados; speaking on behalf of the Workers' group)*

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I think that those of us who have sat through this particular debate would wish to thank those who have taken part in it for their contributions. We are pleased that the Report provokes so much discussion.

I will not comment on the discussion except for a few matters to which I have to respond to for the record.

The Workers' group believes that the Government, Employer and Worker delegates who spoke about implementation were quite accurate in their assessment.

At 5 p.m. this afternoon, we were made to believe that a member Government, Zimbabwe, had ratified Convention No. 87 and that it is therefore faithful to the terms and spirit of that Convention. All I can think of, in response to that, is of a parade of a company of 100 school cadets, 99 of whom were marching, left right, left right, and one who was marching right left, right left, and the mother of that 100th cadet quite self-righteously exclaimed that the 99 cadets were marching disgracefully and the parade would have been a disaster were it not for her son. I say no more. That Government's representative, however, should not challenge the intelligence of everyone else in this chamber.

This morning we referred to the gap between the promise of ratification and the honour in implementation. The Governing Body must apply appropriate funding to assist those governments which are trying to honour their commitment under the Declaration as well as to Convention No. 87 itself. However, technical support cannot be expended on administrations which believe that fundamental rights can be selectively applied. I do not need to repeat it, but I wish it would be underlined. Those are the areas we addressed, calling the non-ratifying countries to commence a process by which they can

demonstrate over the medium term their efforts towards ratification.

It is not enough to say that they are carrying out the spirit of the Convention. Refusal is a deliberate decision not to respect the ILO's supervisory mechanisms. Such countries are mislead smaller States, many of which are looking to them for guidance.

In the ILO's action plan, provision must be made for more national and regional labour administration training. The ILO will thus show governments and the social partners how they can ratify the Convention and implement it in a manner which does not do violence to the fundamental rights embodied in the Convention.

Furthermore, the Office must recruit experts to build a department of persons who will be able to work with struggling social partnerships, showing them how to set up labour management structures and helping them to use Conventions Nos 87 and 98 to create a social platform for socio-economic growth and development. This platform must include the informal economy and must also include persons suffering from HIV/AIDS.

The Office should prepare a document for the Governing Body which examines what an essential service really is. Every effort must be made to remove the embarrassment which we all suffer when critics tell us of the intellectual acrobatics which we practise to avoid being governed by our own regulations.

We all recognize that we must demand respect for the fundamental nature of the human rights addressed in Convention No. 87. Special attention must be given to the migrant workers, as well as to the subject of migration and its impact on workers in the host country.

Education has to play an important role in attitudinal change and social enlightenment, which are required in this matter of equal treatment of migrants, particularly those of different ethnic groups and with different languages.

The Office must take note of the fact that there are other institutions whose actions are tending towards

regulations which could undermine the ILO. It should be made clear that the ILO is the global authority on standards, rules and regulations and that the ILO must interpret labour market interaction, not somebody else.

The Conference and the Governing Body must thus insist upon the fact that CSRs and the ISO's suggestions cannot, and must not, constitute rules for labour-management relations.

The Report which goes from this meeting to the Governing Body must suggest that a firm stance be taken regarding Convention No. 87 among others, including the Conventions on safety and health at work.

Our Workers' group does not wish to oppose export processing zones simply because they exist as EPZs. We must, however, deplore the indifference of many companies in those zones towards human values, decent work and sometimes a worker's health.

It is necessary, therefore, for our report to note for the Governing Body the need for greater effort towards bringing decent work values into export processing zones. It should be agreed by all that there must not be two levels of decent work in a single community. Basic rights must be just that, rights for all as part of their very existence.

Finally, we call for a fuller examination of paragraph 324 of the Report. Some of the suggestions may be acceptable but there are gaps in the reasoning regarding some of the areas that have been mentioned.

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*Original French:* The PRESIDENT

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Thank you. We have now reached the end of our debate and I thank all the speakers for an excellent discussion.

I would like to thank particularly the group spokespersons, Mr Tabani and Sir Roy Trotman for their constructive cooperation. The Office will take due note of all the points that you have raised during this discussion in carrying out future activities.

*(The Conference adjourned at 7.40 p.m.)*

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