



Fundamental Rights of Workers

- Objectives
- Materials Needed
- Key Questions

OBJECTIVES

AT THE END OF THE STUDY SESSIONS, PARTICIPANTS SHALL:

- have a better understanding of the fundamental rights of workers;
- have acquired some knowledge of the international instruments which guarantee these fundamental rights;
- have an understanding of why many workers across the world are denied these fundamental rights;
- have some information on what concerned groups are doing to promote these fundamental rights; and
- think about what workers can do to achieve these fundamental rights.

MATERIALS NEEDED

- Universal Declaration of Human Rights
- ILO flowchart
- Core Labor Rights ILO Conventions and Recommendations
- UN Convention on the Rights of the Child

KEY QUESTIONS

- Do you know what the Universal Declaration of Human Rights is?
- Do you know how the UN Convention on the Rights of the Child protects children?
- Do you know what the International Labor Organization (ILO) is and what it does?
- Do you know what the ICFTU and ITSs are and how their work impacts on the lives of workers?
- Can you list what your fundamental rights are as a worker, and identify the ones that you and your colleagues are being denied?
- Can you think of ways to achieve the fundamental rights that you are currently not enjoying?



- Introduction
- Universal Declaration of Human Rights (UDHR)

INTRODUCTION

Globalization today is characterized, above all, by rapid market expansion — trade, movement of capital and information and rootlessness of production. While these changes have brought some positive gains for workers (jobs and the possibility for increased international solidarity), they have outpaced the regulation of this process and its effects on people. There has been more progress on policies, norms and institutions that favor open global markets than those that protect the rights of people. There needs to be a renewed commitment to human rights, and workers need to understand them and how to exercise them.

In this section, we will examine the international instruments that commit governments and employers to uphold human rights, which include worker rights.

UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

BACKGROUND

- It was adopted by the United Nations General Assembly on 10th December 1948.
- It sets forth the basic civil, economic, political and social rights and freedoms of every person.
- Its preamble states that the declaration is meant to serve “as a common standard of achievement for all peoples and all nations.”

CONTENTS

Now let us examine in greater detail the human rights and freedoms that are contained in the UDHR. (You may take turns to read aloud in your group the following key points contained in the thirty articles of the declaration, and help each other to better understand their meaning.)

THE DECLARATION STATES THAT:

- all human beings are born free and equal in dignity and rights;
- everyone has the right to life, liberty and security of person;
- no one shall be held in slavery or servitude;



■ Universal
Declaration of
Human Rights
(UDHR)
contents continued

- no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
- everyone has the right to recognition everywhere as a person before the law;
- all are equal before the law and are entitled without any discrimination to equal protection of the law;
- everyone has the right to an effective legal remedy, in the event of any violation of fundamental rights granted by the constitution or by the law;
- no one shall be subjected to arbitrary arrest, detention or exile;
- everyone shall have the right to a fair and public hearing;
- everyone charged with a penal offence shall be presumed innocent until proved guilty;
- no act or omission shall constitute a penal offence with retrospective effect;
- no heavier penalty shall be imposed for any penal offence with retrospective effect;
- everyone shall have the right to privacy ;
- everyone has the right to freely move about and choose the place of residence, within the borders of each state;
- everyone has the right to leave any country, including his/her own, and return to his/her country;
- everyone has the right to seek and to enjoy in other countries asylum from persecution;
- everyone has the right to a nationality and no one shall be arbitrarily deprived of his/her nationality nor denied the right to change his/her nationality;
- men and women of full age have the right to marry and to found a family and they are entitled to equal rights as to marriage, during marriage and at its dissolution;
- everyone has the right to own property and no one shall be arbitrarily deprived of his/her property;
- everyone has the right to freedom of thought, conscience and religion;
- everyone has the right to freedom of opinion and expression and to seek, receive and impart information and ideas through any media and regardless of frontiers;



■ Universal
Declaration of
Human Rights
(UDHR)
contents continued

- everyone has the right to freedom of peaceful assembly and association;
- everyone has the right to take part in the government of his country;
- everyone has the right of equal access to public service;
- the authority of government shall be derived from the will of the people expressed in periodic and genuine elections;
- everyone has the right to social security in accordance with the organization and resources of each member state;
- everyone has the right to work, free choice of employment, equal pay for equal work, a living wage, protection against unemployment and form and join trade unions;
- everyone has the right to rest and leisure, limitation of working hours and periodic holidays with pay;
- everyone has the right to a standard of living adequate for the health and well-being of himself/herself and of his/her family, including food, clothing, housing and medical care and necessary social services, security in the event of unemployment, sickness, disability, widowhood, old age and other lack of livelihood in circumstances beyond his/her control;
- motherhood and childhood are entitled to special care and assistance, and all children whether born in or out of wedlock, shall enjoy the same social protection;
- everyone has the right to education and it shall be free and compulsory in the elementary and fundamental stages;
- technical and professional education shall be made generally available;
- higher education shall be equally accessible on the basis of merit;
- education shall be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms;
- parents have a prior right to choose the kind of education that shall be given to their children;
- everyone has the right to participate in the cultural life of the community, enjoy the arts and share in scientific advancement and its benefits;
- the moral and material interests resulting from any scientific, literary or artistic production of an individual shall be protected;



- Universal Declaration of Human Rights (UDHR)
contents continued
- Exercise

- everyone is entitled to a social and international order in which the rights and freedoms set forth in the declaration can be fully realized;
- in the exercise of the rights and freedoms set forth in this declaration, everyone shall be subject to limitations determined by law, and their purpose shall be to secure respect for the rights and freedoms of others and to meet the just requirements of morality, public order and the general welfare in a democratic society.

EXERCISE

Now that you have had the opportunity to read and understand the rights and freedoms contained in the UDHR, can you pick one aspect of it and explain to your group how its full implementation will improve your life?



List examples of violations of human rights and fundamental freedoms in your country, including your workplace, and together with your group think of ways you and your trade union can use the UDHR to correct the situation.

The UDHR states that everyone has the right to an adequate standard of living. What is your understanding of “an adequate standard of living”?

We know that a family’s standard of living is mainly determined by the income of the breadwinner. List the needs of your family in monetary terms to determine whether your income is enough to provide your family with an adequate standard of living. If your income is insufficient, how can your trade union use the UDHR to strengthen its bargaining position vis-à-vis your government and employer to increase your income?



- The United Nations Convention on the Rights of the Child
- The International Labor Organization (ILO) and what it does to promote the fundamental rights of workers

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

- It reaffirms the fact that children, because of their vulnerability, need special care and protection, and it places special emphasis on the primary caring and protective responsibility of the family.
- It also reaffirms the need for legal and other protection of the child before and after birth, the importance of respect for the cultural values of the child's community, and the vital role of international cooperation in securing children's rights.
- It also states that the child has the right to be protected from work that threatens his or her health, education or development, and calls upon the state to set minimum ages for employment and regulate working conditions.

THE INTERNATIONAL LABOR ORGANIZATION (ILO) AND WHAT IT DOES TO PROMOTE THE FUNDAMENTAL RIGHTS OF WORKERS

BACKGROUND

The ILO which was established in 1919 is a specialized agency of the United Nations (UN). Its work focuses on the promotion of the welfare of workers throughout the world.

STRUCTURE AND MAIN FUNCTION

The ILO is unique in that it has a tripartite structure, comprised of **governments, employers and trade unions**. The chief policymaking body of the ILO is called the International Labor Conference, which ordinarily meets every June. Every member state is entitled to be represented by a delegation comprised of two government members, one employer and one trade unionist at the Conference. The delegates speak and vote independently.



- ILO Function
- Core labor rights Conventions

A major function of the International Labor Conference is to establish international labor standards, in the form of **Conventions**, which are legally binding for the countries that ratify them, and **Recommendations**, which are voluntary. Each newly adopted Convention is submitted for ratification by member States. Once ratified, employers' and workers' organizations can complain to the ILO if it is not being implemented. In the past, a number of member states have been censured, following investigations arising out of complaints of violations of ratified conventions.

INTERNATIONAL LABOR OFFICE

Between conferences, the ILO is supervised by an elected Governing Body, which is also tripartite in nature. The permanent staff of the ILO, called the International Labor Office, headquartered in Geneva, Switzerland, includes administrative and clerical employees and technical experts. The office conducts research, publishes labor information and provides technical assistance to developing nations.

CORE LABOR RIGHTS CONVENTIONS

The standards enunciated in the Universal Declaration of Human Rights are also contained in many of the ILO Conventions and Recommendations. Of particular interest to us are the following Conventions and Recommendations:

Convention 29

FORCED LABOR (1930; RATIFIED BY 150 STATES)

Prohibits forced or compulsory labor in all forms, with certain exemptions for military service, properly supervised convict labor and emergencies such as wars and national disasters.

Convention 105

ABOLITION OF FORCED LABOR (1957; RATIFIED BY 140 STATES)

Prohibits the use of any form of forced or compulsory labor as a means of political coercion or education, punishment for the expression of political or ideological views, workforce mobilization, labor discipline, punishment for participation in strikes, or discrimination.



■ Core labor rights
Conventions
continued

Convention 87

FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE

(1948; RATIFIED BY 124 STATES)

Guarantees the right of workers to form and join organizations of their own choosing without prior authorization, and without interference from public authorities.

Convention 98

THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

(1949; RATIFIED BY 141 STATES)

Guarantees the right to organize and bargain collectively, and protection against anti-union discrimination and employer interference.

Convention 100

EQUAL REMUNERATION (1951; RATIFIED BY 140 STATES)

Requires equal pay and benefits for men and women for work of equal value.

Convention 111

DISCRIMINATION (EMPLOYMENT AND OCCUPATION)

(1958; RATIFIED BY 137 STATES)

Calls for elimination of discrimination in access to employment and training and working conditions, on grounds of race, color, sex, religion, political opinion, national extraction or social origin and to promote equality of opportunity and treatment.

Convention 135

WORKERS' REPRESENTATIVES (1971; RATIFIED BY 66 STATES)

Requires that worker representatives are not discriminated against and have access to carry out their representative functions in the workplace.

Convention 138

MINIMUM AGE CONVENTION (1973; RATIFIED BY 77 STATES)

Establishes the minimum age for admission to employment (15 or 14 for countries meeting developing country exceptions, and not less than the age for completion of compulsory schooling) and stipulates the minimum age for admission to hazardous work (18).



■ Core labor rights
Conventions
continued

Convention 182

PROHIBITION AND IMMEDIATE ELIMINATION OF THE WORST FORMS OF CHILD LABOR (1999; RATIFIED BY 6 STATES)

Calls for the immediate elimination of the worst and most hazardous forms of child labor; adds to, and does not supersede, Convention 138.

Recommendation 146

States that high priority should be given to planning for and meeting the needs of children and youth in national development policies and programs and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

Convention 155

Occupational Safety and Health (1981; Ratified by 31 states)

Addresses steps to be taken to prevent accidents and injury to health.

Recommendation 164

States that the provisions of the Occupational Safety and Health Convention, should be applied to all branches of economic activity and to all categories of workers, including public employees and self employed persons, as may be necessary and practicable. It lists the measures that should be taken to eliminate hazards at their source. It also sets down the measures that employers and governments might take to effectively formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

Convention 159

VOCATIONAL REHABILITATION AND EMPLOYMENT OF DISABLED PERSONS (1983; RATIFIED BY 68 STATES)

Aims at ensuring that appropriate vocational rehabilitation measures are made available to all categories of disabled persons, and at promoting employment opportunities for disabled persons in the labor market. Equality of opportunity and treatment of disabled men and women workers shall be respected. Special positive measures aimed at effective equality of opportunity and treatment shall be provided.



- Core labor rights Conventions continued
- Questions

Convention 177

Home Work (1996; Ratified by 2 states)

Home workers are entitled to equality of treatment in relation to other wage earners, including the right to organize, protection against discrimination, occupational health and safety protection, remuneration, statutory social security protection, access to training, minimum age requirements and maternity protection.

It is heartening to note that in most member states, the labor legislation is based on the principles espoused in the ILO Conventions and Recommendations. But what is lacking in most cases is effective implementation and enforcement.

QUESTIONS



For trade unions to be effective, freedom of association and the right to organize and bargain collectively must be guaranteed and promoted. Are you satisfied with the implementation of these freedom and right in your country?

Think of ways in which your trade union can use the core labor rights Conventions to promote human rights and fundamental freedoms in your country.



- Ideal Versus Reality of fundamental rights
- Question:
 - forced labor

IDEAL VERSUS REALITY

The rights espoused in the above international instruments are universal in nature and they seek to promote freedom, justice and peace in the world, by calling upon governments to guarantee, among others:

- the total abolition of forced or compulsory labor;
- freedom of association;
- the right to organize and collective bargaining;
- effective protection for workers' representatives to carry out their functions promptly and efficiently;
- equal remuneration for male and female workers for work of equal value;
- the elimination of all forms of discrimination;
- the elimination of child labor;
- a safe and healthy working environment;
- the rehabilitation and employment of disabled persons; and
- protection for home workers.

Every member state of the United Nations is legally and morally bound to uphold the Universal Declaration of Human Rights. And from the number of countries that have ratified the core ILO Conventions, it would appear as though workers throughout the world enjoy freedom and justice. But what is the actual situation?

Forced or compulsory labor, which is work or service any person is required to do involuntarily, except in a few instances provided for in Article 2 of ILO Convention 29, continues to be practiced in some form in a number of countries.

QUESTION



Do you have personal knowledge of instances of forced or compulsory labor in your country? If so, explain the situation and the remedial actions that are being taken.



- Questions:
 - freedom of association
 - collective bargaining

In many countries, workers continue to be denied freedom of association and the right to free collective bargaining, without which trade unionism is a farce.

QUESTIONS



What are the legislative and administrative restrictions that impede freedom of association and the right to free collective bargaining in your country?

In what ways have the denial and restrictions of these rights affected workers in your country?

- Questions:
 - discrimination

In most cases, female workers are employed in low paid jobs and are seldom promoted. Disparity in the remuneration of male and female workers, for work of equal value, continues to be a major concern as well.

Discrimination on the basis of race, color, sex, religion, political opinion, national and social origin nullifies or impairs equality of opportunity or treatment in employment or occupation. However, it is being practiced widely in the world.

QUESTIONS



Have you come across instances of inequality in the remuneration of male and female workers for work of equal value? If so, what remedial actions have been taken?

Is discrimination in employment or occupation a serious problem in your country? If so, what is being done to rectify the situation?



- Questions:
 - discrimination
 - child labor

For workers' organizations to thrive, workers' representatives who are elected or appointed to run them should be able to do so without the fear of being discriminated against and have full access to carry out their representative functions in the workplace. However, in many countries, workers' representatives continue to face tremendous problems, including the loss of liberty and life, in extreme cases.

QUESTIONS



What are the major problems faced by your workers' representatives in carrying out their responsibilities?

How have the problems affected them and the workers whom they represent?

It is upon children that the future of the community is based. They need to be protected and given the best that there is for a healthy physical and mental growth. However, millions of children have been deprived of a meaningful childhood, through the scourge of child labor. In spite of the countless international instruments that exist for the protection of children, it has been estimated that close to two hundred and fifty million children continue to toil long hours, for a pittance, under hazardous conditions, alongside adult workers, especially in developing countries.

QUESTIONS



What forms of child labor exist in your country? What actions have been taken by your government and the trade union movement to eliminate child labor?

How does child labor affect adult workers?



- Exercises:
 - safety, health programs
 - home workers

Workers are entitled to a safe and healthy working environment. But every year, millions of workers, throughout the world, continue to die or become disabled for life, through industrial accidents and industrial diseases. This only enhances the argument that employers put profits before safety and health of their employees, and governments adopt a lackadaisical attitude towards the issue.

QUESTIONS



What safety and health problems are faced by workers in the workplaces represented by your union?

Do you know of workers who have been disabled? What sort of rehabilitation programs are available for them?

In their quest for greater profits, employers have come up with different strategies to cut down the cost of production. Outsourcing certain production processes is one of those ideas. The manufacturers who obtain these contracts, in turn, sometimes use home workers to increase their own profits. Home workers are normally paid much less than their counterparts in the industrial sector and they seldom come under the purview of the national labor legislation. They are a thoroughly exploited lot.

QUESTIONS



Is home work common in your country? If so, how has it affected terms and conditions of employment in the industrial sector?

Should home workers enjoy the benefits of the national labor and social security legislation in your country? Explain.

What are your suggestions to protect home workers?



- The International Trade Union Movement (ICFTU) and International Trade Secretariats (ITSs)

THE INTERNATIONAL TRADE UNION MOVEMENT AND WHAT IT DOES TO PROMOTE FUNDAMENTAL WORKER RIGHTS

The international trade union movement is mainly comprised of the International Confederation of Free Trade Unions (ICFTU) and International Trade Secretariats (ITSs).

National trade union centers from countries all over the world are affiliated with the ICFTU. The AFL-CIO, the British TUC, the INTUC and the TUCP are examples of national trade union centers that are affiliates of the ICFTU.

The ITSs are bodies that group trade unions in a particular industry or sector. The International Textile, Garment and Leather Workers' Federation (ITGLWF) and the International Metalworkers' Federation (IMF) are two examples of ITSs.

Together, the ICFTU and ITSs have been in the forefront of the struggle for human rights and fundamental freedoms, across the world.

- In the long and arduous struggle of the South African people against apartheid, which totally defied the UDHR, the ICFTU and ITSs were solidly behind them. They financially supported the worthwhile projects of the genuine workers' organizations in South Africa, and campaigned vigorously to ensure that the apartheid regime was isolated internationally, despite some powerful governments which talked about constructive engagement with the apartheid regime.
- When the people of Chile were subjected to harsh and inhumane treatment by the Pinochet military dictatorship, the ICFTU and ITSs did everything possible to help the persecuted trade unionists and to return the country to democracy.
- When the Malaysian Government detained twenty-three trade unionists working for the national carrier, under the draconian Internal Security Act, without trial, affiliates of the International Transport Workers' Federation refused to service Malaysian aircrafts in a number of countries. The stand-off lasted until the Malaysian Government agreed in principle to release the trade unionists from detention.



- Exercise
- Why millions of workers are denied their basic human rights and fundamental freedoms

The ITGLWF has been internationally acclaimed for its work on behalf of child workers, across the world.

The impressive work done by the ICFTU and the ITs in promoting human rights and fundamental freedoms, around the world, have been well documented.

EXERCISE

Do you know of examples of work done by the international trade union movement in promoting human rights and fundamental freedoms? Share your knowledge with your group.

Can you think of ways in which workers from different countries can help each other to enhance human rights and fundamental freedoms? Share your thoughts with your group.

WHY MILLIONS OF WORKERS ARE DENIED THEIR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

In spite of the adequacy of international instruments which guarantee workers their human rights and fundamental freedoms, in many countries there is a tremendous lack of freedom and worker rights. Why the injustices in the form of low wages, safety and health hazards, discrimination against minorities and female workers, forced labor and the exploitation of children and home workers?

It boils down to the simple fact that any system is only as good as the people who implement it. Governments, either through the lack of political will, inefficiency and corruption, or pressure from investors, have ignored their responsibility to nurture fundamental rights.

Global retailers and merchandisers who trawl the world in search of the cheapest goods, paying ever lower prices for products and demanding tighter and ever more unrealistic delivery schedules, are hastening the race to the bottom.



- Question
- Consumer campaigns for fundamental worker rights

Those responsible are therefore :

- governments that lack the political will;
- inefficient and corrupt administrators;
- investors who continue to pressure third world governments to provide them with an environment in which they can maximize profits; and
- global retailers and merchandisers whose main concern is for cheap and fast delivery of quality products.

QUESTION



Do you agree with the above observation?

What are your own thoughts on the matter?

CONSUMER CAMPAIGNS FOR FUNDAMENTAL WORKER RIGHTS

The globalization of production has been accompanied by a revolution in communication. Abuses in the form of low wages, appalling working conditions, child labor, forced labor, discrimination, etc., and deaths of innocent workers in factory fires that could have been prevented, are often carried into the living rooms of homes, across the world, in news broadcasts, the day they happen.

As never before, consumers — particularly young people — are aware and responding and linking such abuses with corporate power. Such awareness, over the years, has resulted in consumer campaigns in the importing countries, against products produced under exploitative conditions. With the consequent shrinkage in their market share and stock value, corporations, on the other hand, have begun to recognize that they are accountable not just to their shareholders, but to consumers, employees throughout the supply chain and to civil society.

This recognition in turn has resulted in the emergence of many unilateral codes of conduct, which are supposed to guarantee workers their human rights and fundamental freedoms. Some company codes have been criticized as nothing more than public relations exercises.



- Conclusions
- Exercise

However, with the relentless campaign of consumer groups, trade unions, NGOs and enlightened corporations in the importing countries, over the years, some credible multilateral codes of conduct, one of the most comprehensive of which is SA8000, have been formulated. When a company is certified to SA8000 or a similar credible code, consumers in the importing countries can know that the company is committed to respecting workers' fundamental rights.

A reminder, though. Codes of conduct, however good, are no substitute for fair national labor legislation, enacted and effectively implemented by governments or for international labor standards enforced around the world. Nor can they be a substitute for the right of workers to organize and to bargain collectively with their employers. Nor are they shortcuts to more equitable wages and better working conditions. *At best, codes of conduct are a handle that workers and their representatives can use to help enforce their rights, as part of the mechanism of normal industrial relations.*

EXERCISE

Governments which have the least respect for human rights and fundamental freedoms have branded consumer campaigns as just another protectionist measure which will harm workers in the exporting countries. What do you think?

How can workers use the international instruments, the international trade union movement and consumer campaigns to secure their fundamental rights?

**IN THE NEXT SECTION WE WILL LOOK AT
CODES OF CONDUCT.**