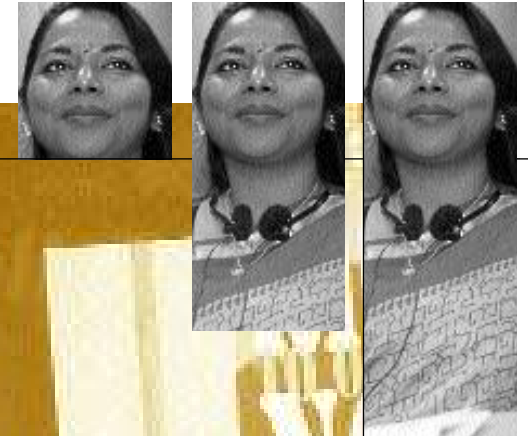
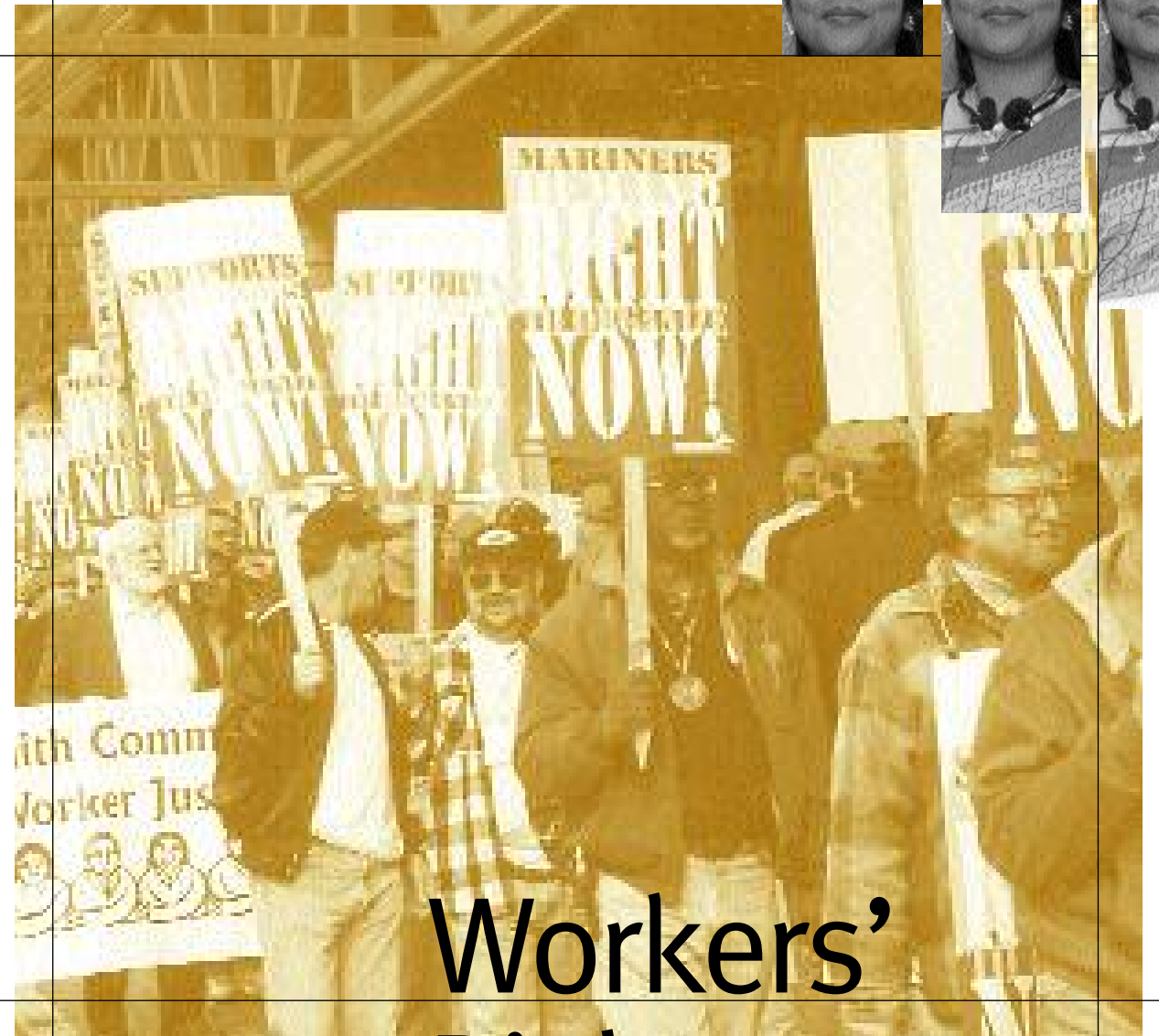




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Workers' Rights are Human Rights. An ITF resource book for trade unionists in the transport sector



# Workers' Rights are Human Rights



An ITF resource book  
for trade unionists  
in the transport sector



#### About the ITF

The International Transport Workers' Federation is a worldwide federation of over 590 transport trade unions in more than 135 countries, representing around 5 million workers. Founded in 1896, it is organised in eight industrial sections: seafaring, docks, railways, road transport, civil aviation, inland navigation, fisheries and tourism services.

The ITF represents transport workers at world level and promotes their interests through global campaigning and solidarity. It is dedicated to the advancement of independent and democratic trade unionism, and to the defence of fundamental human and trade union rights.



The ITF is one of ten sector-based Global Union Federations – formerly known as International Trade Secretariats – and is part of “Global Unions”, an alliance of international trade union organisations, which includes the International Confederation of Free Trade Unions (ICFTU). Internet: [www.global-unions.org](http://www.global-unions.org)

#### Acknowledgements

The collective efforts of many people have made this resource book possible. The ITF would especially like to thank all those who contributed their stories and experiences, including ITF Summer School participants.

The ITF wishes to acknowledge the generous support of the Netherlands Confederation of Trade Unions (FNV) for financing the production of this resource book. This publication is part of a series of resource books produced by the ITF and sponsored by the FNV. The other two in this series are “Women Transporting the World” and “Globalising Solidarity”.

This resource book was written and edited by Celia Mather, with grateful thanks to Stirling Smith of Labour and Society International for his research and drafting.

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An ITF resource book  
for trade unionists  
in the transport sector



# How to use this resource book

This book is for:

- n Worker activists in the transport sectors
- n Union educators and education committees of ITF affiliates
- n Office bearers, board members and national/regional committee members of ITF affiliates
- n Staff and officials of ITF affiliates dealing with union rights

The aims of this resource book are:

- n to help you understand what are the international rights of workers and trade unions in a context of global human rights standards
- n to help you know more specifically about the rights of transport workers
- n to help you and your union to develop local, national and international action for human and trade union rights

How can this book be used?

- n as a working document; there are case studies, action points, quotations and reference material throughout the book. Do not just read them, they are there to use. Hopefully it will encourage you to think of things that you can do. Record these points and then take the appropriate action.
- n in union workshops/seminars/courses; trade union educators may take parts or all of the book at any one time to include in course materials; discussion points and educational activities are suggested which can be taken up with your course participants
- n working through it together as a team of union office bearers or active members; following up your discussions, making plans, organising events and actions to strengthen your campaigns for human and workers rights
- n as reference; the book should not be something you read through once and then put away but kept for future reference.

Above all, the book is a tool to be used.

This resource book is an important part of the ITF's *Mobilising Solidarity* strategy, adopted at the 1998 Congress in New Delhi. It is one of a set of three. The other two books are: "*Women Transporting the World*" and "*Globalising Solidarity*".



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# Introduction

Trade unions are human rights organisations. Unions depend upon some of the most fundamental rights – such as the right to freedom of association and free speech. Not only do trade unionists depend upon these rights. We have also been at the forefront of the struggle to win them, and for all people not just union members.

Yet still today these basic rights are denied to trade unionists every day all over the world. In 2000, for example, no less than 209 trade unionists were killed for their trade union activity, according to the International Confederation of Free Trade Unions. 153 of them were in just one country, Colombia.

The ITF insists that workers' rights are human rights. By knowing more about the system of human rights, ITF affiliates will be in a position to defend their members' rights and campaign for the full realisation of human rights for all people.

The ITF Constitution mentions many basic human rights. We regard as particularly important the human rights conventions of the ILO – the Core Labour Standards – but we are also concerned with a wider range of rights that goes beyond those. The right to free expression and the right of assembly; the right to work which is not dangerous or harmful to health; the

right not to suffer discrimination on the grounds of gender or race. These too are among the many other human rights recognised in international agreements.

A practical example of our commitment is the campaign “Human Rights have No Borders”, which the ITF Civil Aviation Section launched in conjunction with Amnesty International. Transport workers are being asked to take decisions which stop refugees from travelling, leaving them vulnerable to persecution, imprisonment, even torture and death from governments. ITF affiliates support members who work for airlines, shipping, road and rail companies who refuse this role.

Conventions and international human rights treaties are not a substitute for the basics of trade union work – organisation and collective bargaining. But they may provide some help in the ITF's task, set out in our Constitution, to defend and further internationally the economic and social interests of transport workers of all kinds, and their trade unions.

That task is the purpose of this book.

David Cockcroft  
ITF General Secretary



## Transport Workers and Human Rights





The ITF insists that workers rights are human rights. By knowing more about the system of human rights, ITF affiliates will be in a position to defend their members rights and campaign for the full realisation of human rights for all people.

David Cockroft, ITF General Secretary

Human rights are not something that have been granted to the world's peoples by our rulers. Human rights have been won by ordinary people, workers and communities, fighting hard, and sometimes being killed for their efforts, to get the argument across that everyone should be treated equally and with dignity.

The right to form trade unions only came after many, many struggles by workers in many parts of the world. It is a struggle which continues today. Trade unions, the organisations of workers, historically have also been at the forefront of the worldwide struggle for human rights for all people, not just for union members. Some would say that it was really the trade union movement, working through the International Labour Organisation, that invented modern human rights law and the system to supervise it under the United Nations.

Many workers around the world remember, for example, the historic struggle against "apartheid" in South Africa which only ended in 1994 with the country's first democratic elections. It was a system of racial discrimination imposed by a white minority government, and one of the worst forms of human rights abuse the world has seen. It was finally brought down by a combination of a political movement in which the country's trade unions played a leading role plus international economic sanctions called for by the workers of South Africa and backed by the international trade union movement. Trade unions at home and abroad were key to the fight against "apartheid".

Transport workers and their unions have played a strong and proud role in fighting for human rights as well as workers' rights. It was not always the case, however. In the early years of the 20th century,

hostilities between Europeans, and protectionism by European seafarers towards Asian ones, created many divisions within the ITF, often based on racist stereotypes. However, under the leadership of General Secretary Edo Fimmen (1919-1942), an anti-racist and anti-colonialist policy was developed after the First World War. Fimmen was a staunch internationalist and never ceased to build strong relations between workers to overcome divisions of nationality, race or creed.

Eighty years ago, in 1920, the ITF led its first international trade boycott, effectively cutting off Hungary because of the "white terror" of the Horthy regime which was executing opponents. During the 1920s and 1930s, the ITF played an important part in the fight against fascism in Europe. Trade union organisation was destroyed by repression but underground networks of railway workers, seafarers and others, backed by the ITF office in Amsterdam, were deeply involved in resistance movements across Europe.

There have been long periods when deep political divisions have scarred international workers' solidarity, for example during the "Cold War". But there is also much in history of which transport workers can be proud. These struggles have led the ITF to be a body founded upon principles of democracy, equality and justice, as the ITF Constitution shows.



More

information

"Solidarity – The First 100 Years of the International Transport Workers' Federation", Pluto Press, London, 1996

"The International Transport Workers' Federation 1914-1945: The Edo Fimmen Era", edited by Bob Reinalda, Stichting Beheer IISG, Amsterdam, 1997

## Rights in the ITF Constitution

The ITF Constitution states clearly the organisation's commitment to human rights, as can be seen from this extract.

### Preamble

The International Transport Workers' Federation, founded in 1896, is an international organisation which aims to embrace transport workers' trade unions of all countries, irrespective of colour, nationality, race or creed.

It is a free trade union body, established to defend and further internationally the economic and social interests of transport workers of all kinds, and their trade unions. It stands for the defence of democracy and freedom and is opposed to colonialism, imperialism, totalitarianism and aggression in all their forms and to any discrimination based on colour, nationality, sex, race or creed.

### Rule I: Aims and Methods

- (1) In all aspects of its work the ITF subscribes fully to the principles of the world free trade union movement and the aims and ideals of the International Labour Organisation (ILO) in particular as stated in its Declaration of Philadelphia of 1944.
- (2) The aims of the ITF shall be:
  - (a) to promote universal recognition of Conventions Nos. 87 and 98 of the International Labour Organisation, concerning respectively Freedom of Association and Protection of the Right to Organise and to Bargain Collectively and other relevant instruments of that Organisation;
  - (b) to support the work of the United Nations, its agencies, other inter-governmental and non-governmental organisations in those activities promoting peace based on social justice and economic progress;
  - (c) to assist affiliated organisations to defend and promote, internationally, the economic, social, occupational, educational and cultural interests of their members;
  - (d) to assist affiliated organisations by developing research activities on problems and trends affecting their members, on working conditions, labour legislation, trade union organisation and education, collective bargaining and other matters related to the achievement of the ITF's aims;
  - (e) to assist workers in the transport and allied industries in the defence and promotion of their economic, social, occupational, educational and cultural interests

## Rights under attack

Today trade union rights and the workers who fight for them are still being attacked by employers and governments. Every year, the International Confederation of Free Trade Unions (ICFTU) releases figures for trade unionists worldwide who suffer gross abuse of their human rights. They make grim reading.

In 2000, for example, at least 209 trade unionists were assassinated or “disappeared” because they had the temerity to stand up for workers’ rights. This was a staggering 50 per cent more than in 1999. The worst culprit was Colombia, where no less than 153 people died for their trade union activities in 2000. In Bangladesh, four workers were savagely killed by police in the port of Mongla while demonstrating to demand more staff. In Bolivia, at least 14 people were killed by the police during two vast social movements calling for higher pay and lower water rates.

Arrests, acts of torture, threats, interference in unions’ internal affairs and repressive dismissals are also on the rise in many countries. Worldwide about 3,000 were injured, 8,500 arrested, over 100,000 harassed, and nearly 20,000 dismissed because of their trade union activities in that year alone.

There has been a steady growth in export processing zones, in about 33 countries. In these zones, workers are usually deprived of all union rights. When unions are set up they are the target of constant attacks.

The Middle East stands out as the region where the right to organise trade unions freely is very much the exception. Undemocratic regimes simply outlaw any form of trade union activity.

Throughout Eastern Europe and the Balkans, company unions are being encouraged. In Bosnia-Herzegovina and elsewhere, the World Bank has been promoting the introduction of anti-union labour legislation. However, it is Belarus that stands out as the worst violator of trade union freedoms in that region.

In Africa, the ICFTU names Zimbabwe, Djibouti, Ethiopia, Swaziland, Morocco, Sudan, Equatorial Guinea and Libya as the countries where free trade unionism is most suppressed. In the Americas, it is Colombia, Venezuela, Guatemala and Costa Rica. In Asia, the ICFTU singles out Burma, China, Fiji, Pakistan and Indonesia.

Developed countries are not exempt. Here you will probably not be killed for trade union activity, but many workers have their rights violated, especially public employees. In Australia, the Ministry of Workplace Relations was revealed to have developed a “code of conduct” for senior civil servants on “how to lie, confuse, discredit and disseminate misleading information as a bargaining tactic”.

Transport workers are among both those who suffer, and those who take action in solidarity, as we shall see.

More information

International Confederation of Free Trade Unions, “Annual Survey of Violations of Trade Union Rights”, see [www.icftu.org](http://www.icftu.org)

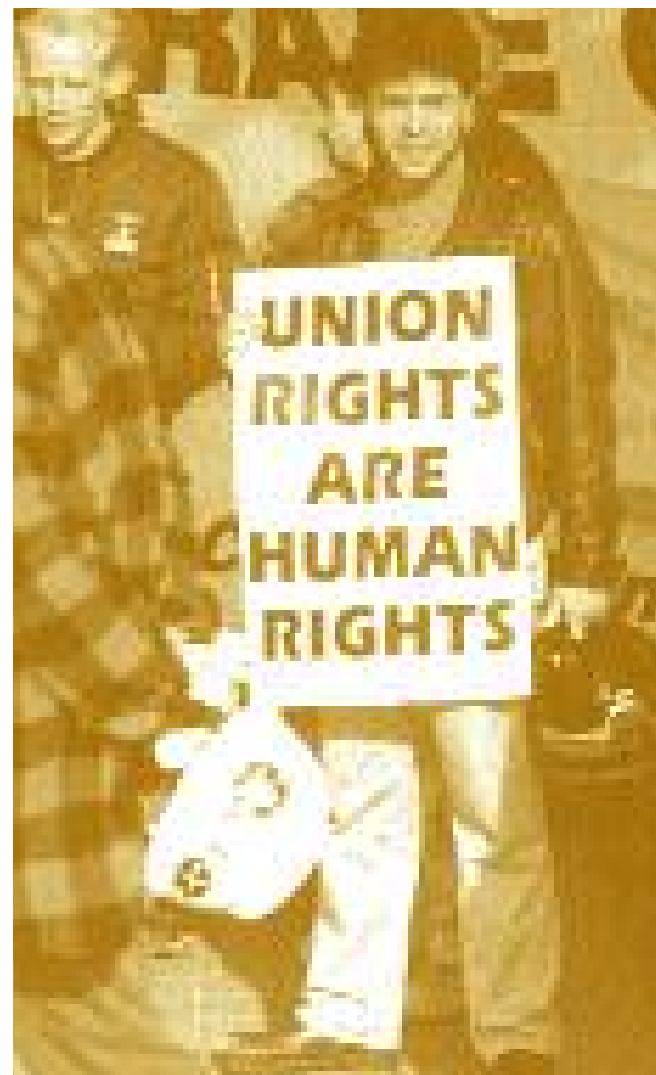


Photo: CFMEU

## Globalisation and the attack on rights

In all the sectors where the ITF organises, and across all the world’s continents, hard-won rights for workers are being undermined by the processes of neo-liberal “globalisation”.

Seafarers were perhaps the first to recognise this process as the flag of convenience system grew. Immediately after the Second World War, shipowners began “running away” to other countries to register their vessels, where they could benefit from a lax regime of regulation which was “convenient” to them. The ITF flag of convenience campaign has been running since 1948 to combat the FOC system.

Workers in other transport sectors felt the effects of “globalisation” somewhat later. The restructuring of ports, railways and road transport has grown apace since the 1990s. The restructuring package has included not only privatisation, mergers, sub-contracting and other massive changes in ownership.

It has also involved deregulation, a deliberate weakening of legislation to remove many hard-won protections for workers, and downgrading of consultation with workers’ representatives. It has opened the way for mass retrenchment, casualisation of jobs, increasing demands for “flexibility” from the workers, and a lowering of health and safety standards. It has made the job of the “union-busters” easier.

Civil aviation remains, by contrast, a relatively regulated industry. This is because of the strategic nature of the industry to the global economy and the extreme dangers involved if standards drop. However, civil aviation workers both on the ground and in the air have to remain vigilant. It is a highly competitive industry where airlines constantly attempt to cut costs and squeeze more out of their workers.

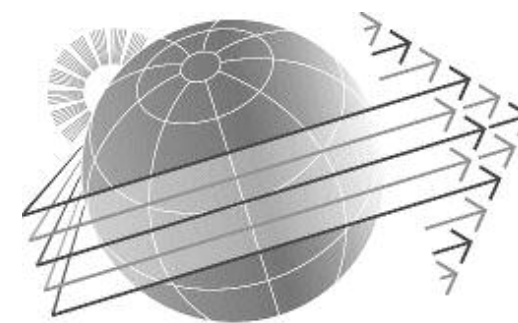


### Globalising Solidarity

“Resolution No. 1, Transport Workers and the Global Economy”, adopted at the ITF Congress, New Delhi, 1998, says:

Transport operators are becoming trans-nationalised. They are striving for profitable operations within an environment of ferocious international competition. They are seeking to lower their costs through isocial dumping in a global labour market in which they can seek the cheapest and least-protected workforce.

Governments have assisted the process of globalisation through attacking and undermining workers rights, passing increasingly restrictive and repressive labour laws.



Resolution No. 1 called for a renewed commitment to international minimum standards along with greater trade union action at the international level.

These issues are dealt with in depth in the ITF’s resource book “Globalising Solidarity”.



## The global economy and minimum labour standards

Extracts from “Resolution No. 1, Transport Workers and the Global Economy”, adopted at the ITF Congress, New Delhi, 1998

23. Globalisation of the world economy should offer the prospects of faster economic growth, a fairer distribution of wealth, international investment and technology, a faster growth of living standards and employment for workers throughout the world...
24. The reality is completely different. Multinational capital has achieved an unprecedented level of freedom from government control. Employers are free to establish facilities in virtually any country and can pick and choose the labour laws and tax regimes they like. Countries with decent labour laws and strong unions come far down the list in this international beauty parade.
25. The ITF, through its long history of fighting flags of convenience, is well experienced with this kind of system and knows it can only be fought by international minimum standards backed by strong trade union action, organised globally.
26. More jobs in the developing countries of the world are an absolute priority today. However, they cannot be bought at the expense of the conditions for which unions in the industrialised countries have fought for over a century.
27. For this reason, the ITF supports the efforts of the international trade union movement... to establish binding rules to prevent governments which violate core international labour standards from gaining competitive advantage... It strongly supports the role of the International Labour Organisation as the UN body responsible for labour matters...
28. ...During the Geneva WTO (World Trade Organisation) conference in June 1998 a significant number of world leaders... expressed strong support for a closer link between the ILO and WTO on trade and labour matters.
29. ...A new approach is... needed which is clearly non-protectionist, which takes account of the need to protect social and economic rights such as the right to employment and which commands the widest possible consensus within the trade union movement...
30. Core labour standards are a beginning but they are not the end. In an international industry like transport, the pressure of the global economy will require the enforcement of more comprehensive minimum standards through international trade union action, for example through the development of international union structures for individual multinational companies... International codes of conduct... with binding force are indispensable in any negotiations designed to liberalise foreign direct investment...

## The rights of refugees and migrant workers

One impact of political instability, oppressive regimes, and vast economic inequalities has been the increasing movement of peoples across borders. Some are fleeing persecution and possible death, including trade union activists. Others are seeking jobs and an income to support their desperate families.

Many developed countries experiencing a massive growth in the number of refugees and migrants have responded with harsh policies. Both the ITF and Amnesty International believe these policies all too often obstruct people genuinely at risk from arriving in a safe country and seeking protection as a refugee, violating the spirit of the 1951 United Nations Convention relating to the Status of Refugees.

For example, many countries now have laws which make transport companies liable if they bring in an “illegal” immigrant. A carrier which transports a passenger who has no proper documentation to enter

the country has to pay a fine, and take responsibility for accommodation, repatriation and other costs. However, many people genuinely fleeing human rights violations are not able to carry the proper documentation. They may have been in hiding from an oppressive government, or the situation is too urgent for them to go through the proper procedures. Perhaps war has made obtaining documents impossible.

That is on the point of entry. At the point of exit – deportation – the scenes can be distressing in the extreme. Airline cabin crew in Europe have witnessed deportees shackled in chains, bound with tape, and drugged. They have been asked by police to help control distraught refugees who believe they are being sent home to their certain death. This includes giving deportees sedatives without their knowledge or permission.

Such policies have had a deep impact on the transport workers who find themselves involved. They resent being asked to collude in unjust practices and feel distressed for the refugees. They are put in difficult, unfair and potentially illegal positions by governments and employers.

For example, as a result of the carrier’s liability laws, airlines now require check-in staff and cabin crew to check passengers’ travel documents and take decisions on who can and cannot be allowed to travel. But airline employees should not be expected to act as an immigration police force. That is the duty of governments. To back this up, the ITF Civil Aviation Section launched the campaign “Human Rights have No Borders” with Amnesty International about the rights of refugees and the role of airline workers. Many affiliates in Europe and North America have also launched campaigns.

Refugees and migrants also hide themselves on board vessels at sea. There are cases where stowaways have remained on board for months or even years because the authorities refused to let them land, where stowaways outnumbered the crew, and where stowaways were murdered or thrown overboard. Up to now there is regrettably no internationally agreed procedure for dealing with stowaways. In 1997, the ITF adopted a policy on stowaways which reminds masters and crew to treat them fairly and humanely.

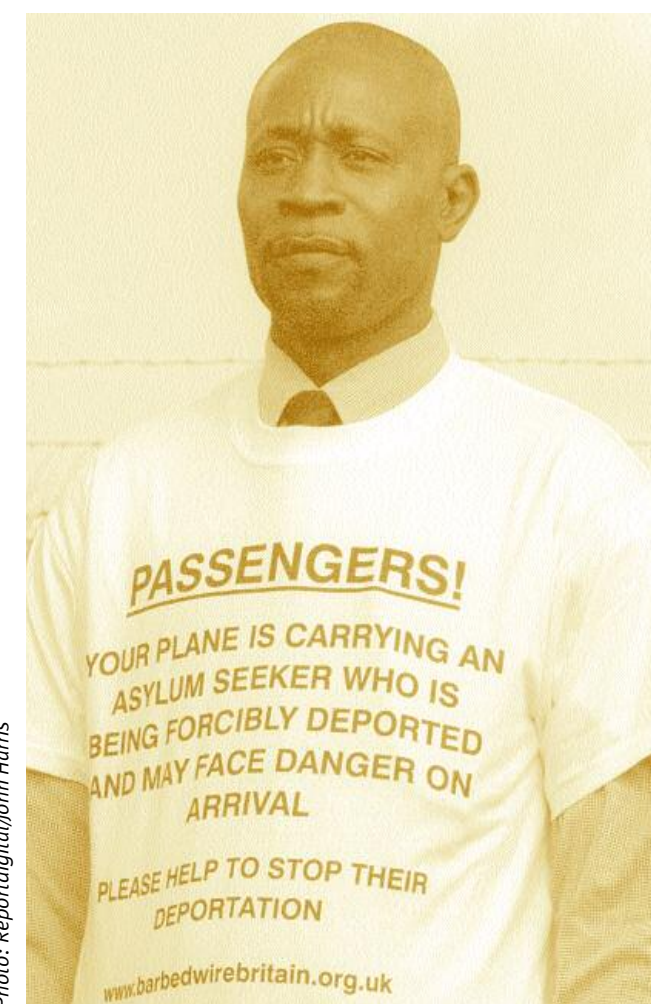


Photo: Reportdigital/John Harris





## Transport workers are not immigration officers

ITF affiliates support members who work for airlines, shipping, road and rail companies who refuse to act as an immigration officer. The ITF has advised transport workers:

- n To remember that refugees should not be treated like criminals. Often they are very vulnerable and need assistance.
- n If asked by an employer to check travel papers, to explain that they are not qualified and do not wish to do this.
- n If asked to detain a passenger on board, to insist that an immigration officer becomes involved at the earliest opportunity; and to let the passenger know that this will give them an opportunity to claim asylum.
- n If such an incident occurs, to inform their trade union representative as soon as possible and pass the information to a local Amnesty International group or other organisation concerned with the welfare of refugees.

The ITF has urged affiliates to:

- n increase membership awareness on this human rights issue.
- n call on their governments to:
- n ensure that all existing international standards and rights for asylum seekers are upheld.
- n repeal all carrier's liability laws and other unjust penalties against airlines for carrying refugees.
- n work towards an international agreement on asylum procedures established by a committee of experts including the United Nations High Commissioner for Refugees (UNHCR).

## French workers support asylum seekers

The FGTE-CFDT transport workers' union in France is one of the unions that represents civil aviation workers who daily come into contact with refugees seeking asylum. They may be found wandering around the "no-man's land" of airports, awaiting immigration officials, confused, scared, without food, perhaps separated from their children. Or they may be highly distressed, having had their applications rejected, perhaps even been beaten up by immigration officials, and are now being flown home, maybe to imprisonment, torture or death. The CFDT has called such deportations "Flights of Shame".

There are practical issues to do with staff training but above all, says the union, it is a question of ethics and humanity. The CFDT has joined forces with twenty other groups, including an association of judges and lawyers and the French section of Amnesty International, in a body called Anafé. Together they lobby to improve refugees' rights, investigate and publicise practices by immigration authorities and the courts, hold hearings of experts, and run information campaigns and contact hot-lines for aviation workers.

Anafé also has the right to visit each refugee detention centre in the country eight times a year to check on conditions and individual cases. Importantly too, the human rights groups can seek the CFDT's help when, for example, they suspect a refugee is being flown out of the country before the full legal process has been concluded. With 96 per cent of asylum applicants coming through Roissy airport in Paris, the CFDT has recognised that airport workers and cabin crew are a vital part of ensuring that refugees get their full rights.

## ITF deplores plight of Tampa crew and refugees

As the Norwegian-flagged *Tampa* was anchored off Christmas Island in August 2001, the Maritime Union of Australia (MUA) and the ITF strongly condemned the Australian government's refusal to accept the refugees on board. The Norwegian fleet worldwide lowered their flags to half-mast.

Not only were they all deeply concerned about the human rights of the 440 men, women and children picked up off a sinking Indonesian vessel. They also deplored the intolerable position that the master and 27 crew members had been put in.

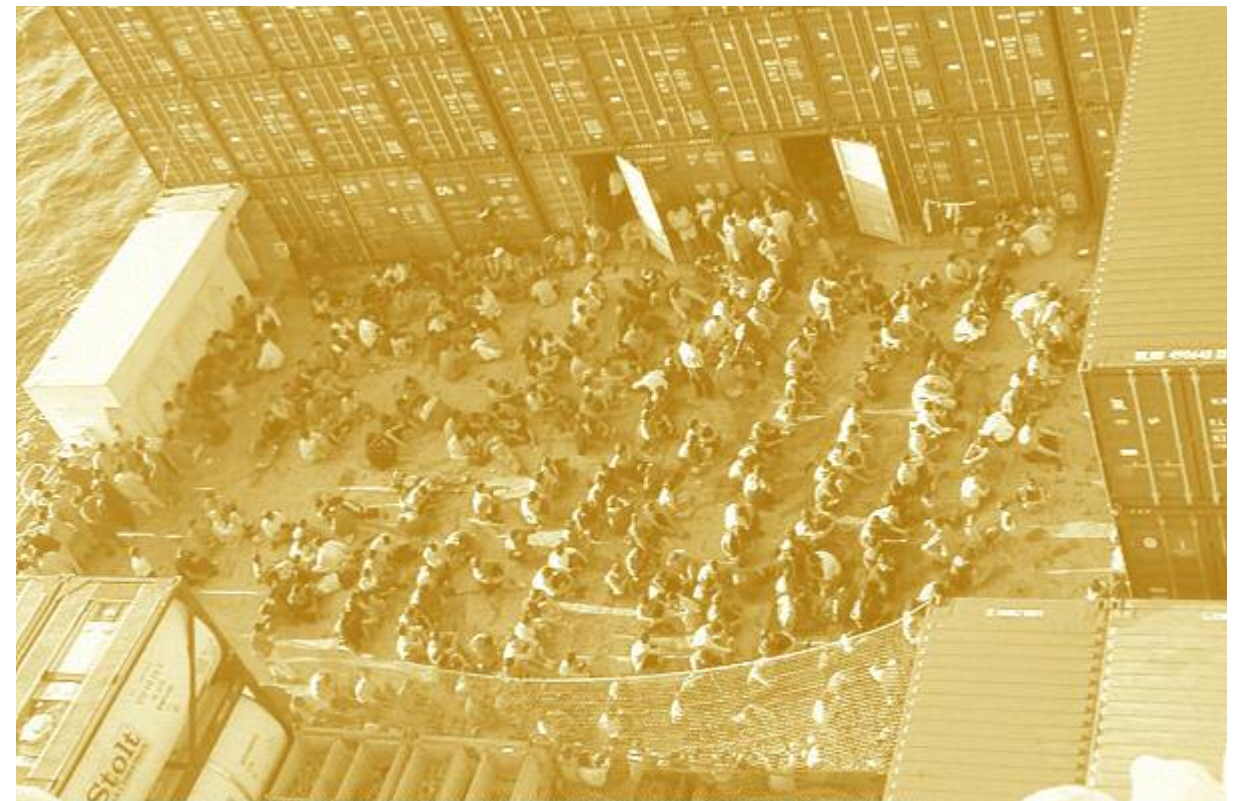
In a letter to Prime Minister John Howard, ITF General Secretary David Cockroft explained that the Australian actions were in breach of international conventions. These included Solas (Safety of Life at Sea) 1979, since the vessel had utterly inadequate lifesaving equipment for such a large number of passengers.

Also the government was preventing the captain from rescuing people in distress at sea and taking them to shore. This is his duty under the International Convention on Maritime Search and Rescue 1979 and Article 98 of the United Nations Convention on the Law of the Sea (Unclos).

The ITF warned that Australia risked setting a dangerous precedent that could fatally undermine future rescues at sea. No-one, said the ITF, should put seafarers "in the position of having to decide who is a refugee and who is an economic migrant. Seafarers have to help those in distress and leave such questions to national authorities".

MUA National Secretary Paddy Crumlin feared that the Australian government was "opening the way for the international shipping industry to turn its back on people or vessels in distress at sea".

The refugees, many fleeing the Taliban regime in Afghanistan, were transferred to military vessels and taken to Papua New Guinea and Nauru.



Key questions  
for discussion

- n What are the ways in which transport workers and their trade unions in your country have fought for human and workers rights? If possible, give some examples from history.
- n What are the forces in global society ñ political, economic and social ñ which today continue to undermine basic human and workers rights?
- n What are the most strategic ways for trade unionists to combat these forces so as to defend human and workers rights, and extend them?

Activity 1: Human rights in the ITF Constitution

Note: You will need a copy of your union s Constitution.

Look at the extract from the ITF Constitution on page 7. Make a list of the human rights that the ITF supports

Look at your own union s Constitution. Make a list of the human rights that your union supports

Compare your two lists from the ITF Constitution and from your union s Constitution. Where are the similarities? Are there any gaps or inconsistencies?

Give examples of when your union and the ITF have taken steps to defend human rights

What further action do you think your union and the ITF might take to make sure that human rights are better respected?

Notes:

Activity 2: Seafarers’ rights – then and now

This activity aims to examine to what extent rights have changed over the years.

Below are quotes from seafarers throughout the centuries. In small groups, assess when each incident happened and match the quote to one of the following dates: 1853, 1946, 1995 (twice), 1997, 1999.

Quote A “The master refused to seek medical care and advice for the man. The burned seafarer was left to treat himself with alcohol and water and it was not until twelve days later, when the vessel had crossed the Atlantic and arrived in America that the port authorities insisted he be taken ashore for treatment.”

Quote B “Our families’ welfare is dramatically changing from bad to worse. In fact we are up-to-date slaves of ruthless owners. We hope you will publish our letter in your newspaper and maybe somebody will save us.”

Quote C “He asked the Captain of one vessel if they were ever visited. With a look of sovereign contempt the Captain answered, ‘Visit us, Sir? No Sir. As long as they can get anything by us poor seamen, I believe they will leave us to perish like dogs”.

Quote D “Dire living conditions for seamen aboard ships are concerning the Liverpool Port Authority. The Medical Officer’s annual report suggests ship owners should follow the American example and supply hot and cold running water to crewmen’s quarters, as well as bug-free bunks! However, the owners complained that it was a waste of money, as sailors would just knock their quarters about and leave them in a filthy condition.”

Quote E “The 45 crewmembers have been unpaid for six months and have relied on handouts for food and water. Some have resorted to selling blood, or tried to be jailed to obtain food.”

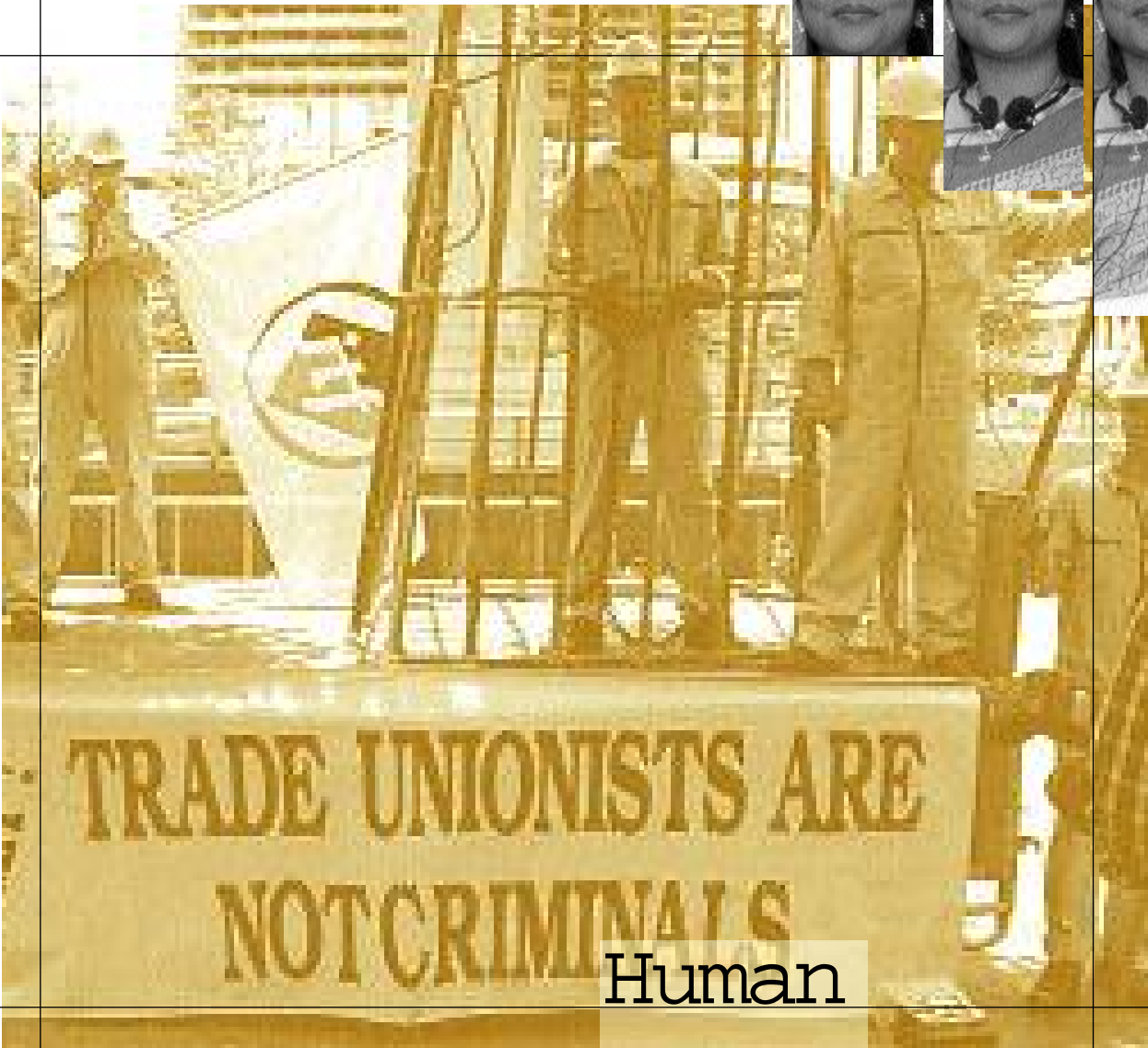
Quote F “The crew had been forced to scrounge for whatever food they can lay their hands on – they recently cooked and ate a stray dog.”

Once quotes and dates have been matched, check how right you were.

Discuss your responses to the information. What does it tell us about the state of seafarers rights today? Why do you think conditions for seafarers have remained so bad for so long? What are the barriers to seafarers improving their rights?

Answers

- A ñ 1997 Vessel Ashley (Liberia), reported in ‘Voyages of Abuse’ by AD Couper
- B ñ 1995 Vessel Nova Progress (Panama), reported in ‘Tradewinds’
- C ñ 1853 Revd John Ashley, founder of Missions to Seamen, reporting on a vessel lying off Cardiff, Wales, 1853
- D ñ 1946 ‘Liverpool Echo’, December 1946
- E ñ 1999 Vessels Zainat Al Khaleej (UAE), Reem Al Khaleej (UAE) and Johalison (UAE) at Kalba Port near Fujairah (UAE), reported in ‘Lloyd’s List’, 7 June 1999
- F ñ 1995 ‘St Petersburg newspaper’, 5-11 December 1995



Human  
Rights ñ  
for All





Unions emerged to not only collectively protect workers from the arbitrary use of power by employers and governments, but also to create a culture of equality and dignity for all members in their ranks...

Human rights work within the union is not an addition to trade union work; it is essential to the very reason for our existence...

Human rights exist only to the extent that they are struggled for, won and then maintained.

*Canadian Autoworkers' Union (CAW),  
Policy Statement on  
Human Rights are Workers' Rights*

Human rights are those rights which every person possesses and should be able to enjoy, simply because they are human. They are the birthright of all people. They are universal – all humans possess all these rights, regardless of race, colour, creed, sex, age, class, language, national origin, political belief. All human beings should enjoy all human rights.

The idea of “universal human rights” is something that has grown slowly and painfully through human history. It grew by means of peasant and slave revolts, attempts to stop the harassment of religious minorities, rebellions against invaders and colonialists, and mass actions by workers.

There were many mileposts along the way. In 1776, the American Declaration of Independence declared that certain rights or, as they put it, “truths” were “self-evident” – that is, nobody could disagree with

them. Less than two decades later, in 1789, the French Revolution issued its “Declaration of the Rights of Man and the Citizen”.

After the human catastrophe that was the First World War, the League of Nations and the International Labour Organisation were established in 1919. Not long after the ILO was set up, freedom of association – the right of workers to form their own organisations, free of interference – became the first human right to be recognised in a global treaty, and the first to be supervised by an international committee of experts.

In the modern sense, human rights are a 20th century idea, which arose out of one of the bitterest struggles – the fight against fascism. Until then the phrase “human rights” was not an everyday term. There were few treaties that provided rights. There were very few books or lawyers specialising in the field and few civil or non-governmental organisations (NGOs) campaigning for rights.

All that changed after the Second World War. In 1945 the United Nations was set up and the Universal Declaration of Human Rights (UDHR) was declared. Today human rights are recognised as a part of international law (the law which deals with relations between states) and increasingly in national legal systems. The denial of rights is exposed in newspapers and the internet, broadcast on TV, and challenged in the courts.

There is even the prospect of bringing international prosecutions in human rights cases. By mid-2002 it is likely that the world will have a new International Criminal Court (ICC) which will be able to investigate and prosecute individuals accused of crimes against humanity, genocide and crimes of war.

We still have a long way to go, however. Although human rights are supposed to be the birthright of all, they are still denied to hundreds of millions every day.

## The main human rights instruments

There are more than sixty international instruments dealing with different aspects of human rights. The most important ones are:

- n The International Bill of Human Rights which consists of the:
  1. Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948.
  2. International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly in 1966 and came into force in 1976. Ratified by 144 countries.
  3. International Covenant on Civil and Political Rights, adopted by the UN General Assembly in 1966 and came into force in 1976. Ratified by 147 countries.
- n Convention on the Elimination of All Forms of Racial Discrimination (CERD), adopted by the UN General Assembly in 1965 and came into force in 1969.
- n Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly in 1979 and came into force in 1981.

- n Convention on the Rights of the Child (CRC), adopted by the UN General Assembly in 1989 and came into force in 1990.
- n ILO Core Labour Standards, as laid down in the eight Core Conventions and endorsed in the Declaration of Fundamental Rights adopted at the International Labour Conference in 1998.

In 1993, governments met at the World Conference on Human Rights in Vienna, Austria, to reconfirm their “solemn commitment” to human rights. In the Vienna Declaration and Programme of Action they said again that they would fulfil their obligations to promote universal respect for and implementation of all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations and other human rights instruments. They declared: “The universal nature of these rights and freedoms is beyond question.”

The International Labour Organisation (ILO) has also drawn up many other important Conventions relating to standards in the workplace. These are discussed in Section 3 of this book.

There are also regional agreements and systems to protect human rights in Africa, the Americas and Europe.

### A human rights legacy from Chile

The dictator Pinochet murdered thousands of trade unionists in Chile in the 1970s, as well as many other political opponents. Even so, he was able to move freely around the world, hosted by governments and other right-wing friends.

In 1999, however, he was arrested in the UK. This was at the request of a Spanish judge who wanted to try him for his crimes, in particular the murder of some Spanish citizens. Pinochet claimed immunity, on the grounds that he was acting in his capacity as head of government.

The British courts ruled that Pinochet was liable to stand trial for his crimes. He was eventually allowed to go free, however, because the British government thought he was too ill to stand trial. In Chile, where he had been given immunity from prosecution when he retired, it looked likely he would stand trial. But eventually there too he escaped justice by apparently being too old and infirm.

However, there is a monumental legacy that the movement for democracy in Chile has given the world. Former dictators now have to be careful where they travel. No dictator is safe from prosecution abroad for violations of human rights at home. No government or individual Head of State can pretend it has no concern for human rights.

This is an important step forward, achieved by popular organisations including trade unions in Chile and around the world, working together with sympathetic lawyers and others. It demonstrates that we are still making progress on achieving human rights for all.



## Universal Declaration of Human Rights

The Universal Declaration of Human Rights, adopted in 1948 by the United Nations General Assembly, is still an inspiring document. It proclaims the rights to which all human beings are entitled.

Here are some of the key rights contained in the Universal Declaration of Human Rights

- n Everyone has the right NOT to be discriminated against. (Article 2)
- n No-one shall be held in slavery or servitude. (Article 4)
- n Everyone has the right to a fair trial or public hearing. (Article 10)
- n Everyone has the right to seek asylum from persecution. (Article 14)
- n Everyone, as a member of society, has the right to social security. (Article 22)
- n Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (Article 23)
- n Everyone who works has the right to decent wages ñ iust and favourable remunerationñ. (Article 23)
- n Everyone has the right to form and to join trade unions for the protection of his or her interests. (Article 23)
- n Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. (Article 24)
- n Everyone has the right to a standard of living adequate for the health and well-being of themselves and of their family. (Article 25)
- n Everyone is entitled to a social and international order in which these rights and freedoms can be realised. (Article 28)

The Universal Declaration of Human Rights is a document that should be promoted and publicised, for example pinned up at your workplace.

More information: The United Nations website has all the texts of UN Declarations. See [www.un.org/rights](http://www.un.org/rights). Or contact the human rights organisations given at the end of this book.



## Various kinds of rights

The rights set out in the International Bill of Human Rights are the rights of individuals. They are often divided into two categories: civil and political rights, on the one hand, and economic, social and cultural rights, on the other.

Civil and political rights include:

- n the right not to be arbitrarily imprisoned
- n freedom of speech
- n the right to a fair trial
- n the right to own property
- n the right to be considered innocent until proved guilty
- n freedom from torture
- n the right to life
- n freedom from degrading treatment
- n freedom of association, including the right to form and join trade unions.

They are laid down, for example, in the International Covenant on Civil and Political Rights

Economic and social rights include:

- n the right to equal pay
- n the right to safe and healthy working conditions
- n the right to social security
- n the right to strike in conformity with the law
- n the right to fair wages
- n the right to rest, limited working hours, and periodic holidays with pay
- n the right to education.

They are laid down, for example, in the International Covenant on Economic, Social and Cultural Rights as well as the International Covenant on Civil and Political Rights

A “third generation” of rights is usually called **collective rights**. This is because they refer to

the rights of societies rather than individuals. They include:

- n the right to development and freedom from extreme poverty
- n the right to protection of a minority culture
- n the right to full employment
- n the right to freedom of association and collective bargaining.

These are laid down in numerous UN instruments. Many are reconfirmed in the Vienna Declaration of 1993.





## Are some rights more important than others?

All human beings should enjoy all human rights. This is the principle which the United Nations has declared.

In practice, most governments, international agencies and human rights organisations tend to focus more on some rights than others. The UN has admitted, “*the United Nations in reality has promoted civil and political rights much more than economic, social and cultural rights in the past decades*”.

Civil and political rights are certainly important as they are a way of protecting each individual from the arbitrary exercise of power, for example by a dictatorship.

However, governments often ignore the economic, social, cultural and collective rights that their citizens also have. One third of all UN member states have failed to ratify the International Covenant on Economic, Social and Cultural Rights.

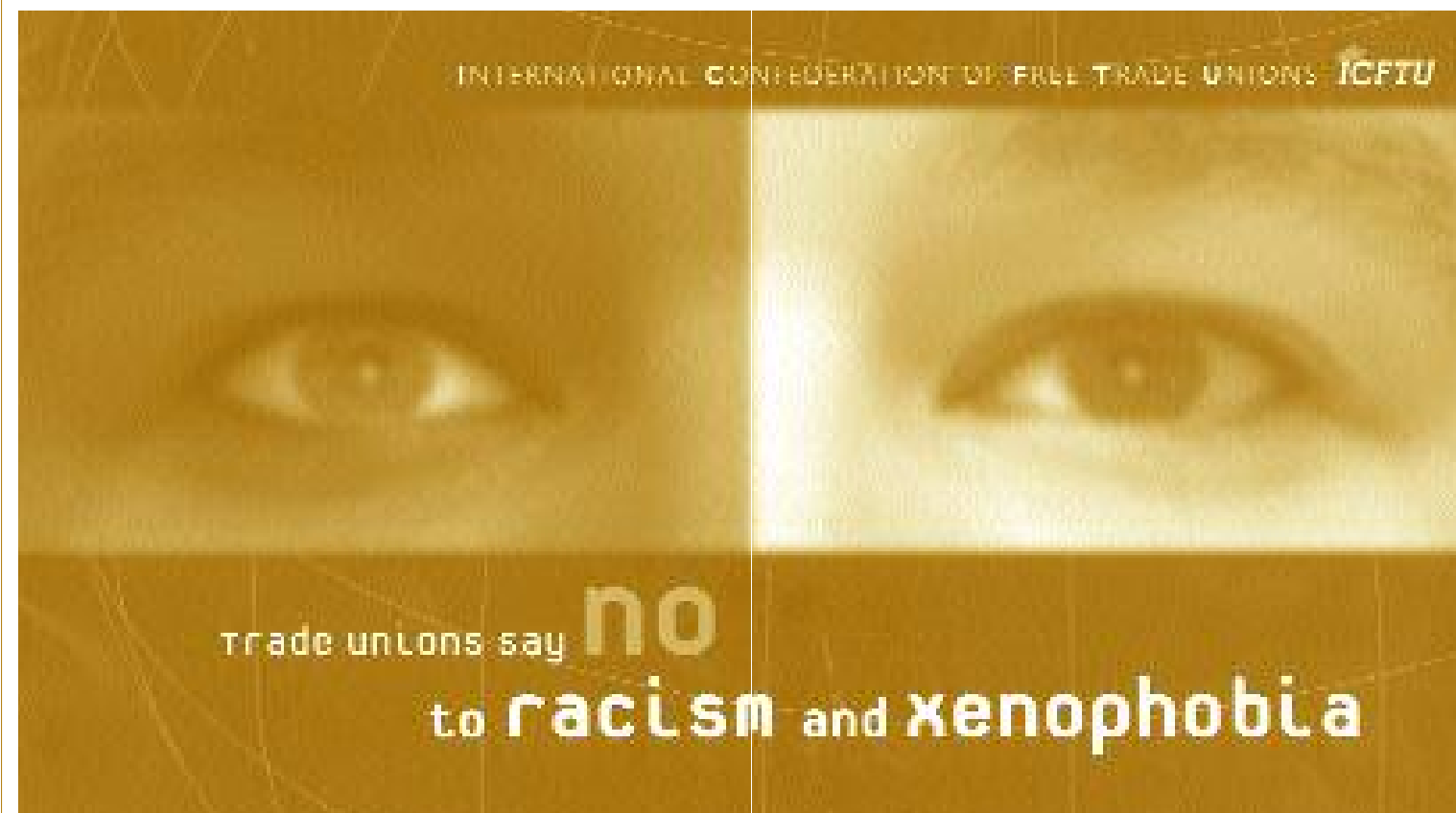
The UN High Commissioner for Human Rights, Mary Robinson, believes this must be changed. She has made it clear that economic, social and cultural rights must be seen as equal in status with civil and political rights.

...particular attention must be paid to those rights that are currently inadequately protected: from a global perspective, economic, social and cultural rights still require better determination of their content and strengthening of the means and methods of their realisation. Therefore, various parts of the United Nations system have recently placed these rights on their agendas. The right to food, adequate housing, health, eradication of extreme poverty and respect for international labour standards (including freedom of association and collective bargaining in the area of labour, freedom from discrimination in labour, elimination of forced labour and exploitive child labour) are also subject to inter-agency co-operation.<sup>1</sup>

Mary Robinson, UN High Commissioner for Human Rights

Meanwhile, a few dictatorial governments claim that the right to basic requirements such as food and shelter must come before certain civil and political rights. This is a favourite argument of the Chinese government, for example. They use it when criticised for their failure to allow independent trade unions. However, in countries such as China where peaceful, democratic protest against government policy is very difficult, many people do not have the basics of food or shelter and cannot draw attention to the fact.

Governments should not be able to choose which human rights they will apply or not. The whole point of human rights is that they are entitlements which cannot be taken away, or even given up voluntarily. All human rights for all means that all human beings must enjoy all human rights.



## Trade unions say no to discrimination

Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity<sup>1</sup>

UN Millennium Summit Declaration

Racism and xenophobia – a fear of foreigners – have deep roots in colonialism and slavery. Discrimination against women is so deeply embedded in most societies that it is seen as “normal”. Many kinds of discrimination remain rife in today’s world, continuing to do immense damage to society as well as to the individuals at the receiving end.

Combating discrimination requires systematic programmes of action by governments and organisations of civil society including trade unions. Non-discrimination should be the responsibility of all workers as individuals too.

The International Confederation of Free Trade Unions (ICFTU) has a wide programme of activity to combat racism and xenophobia. It is promoting a Plan of Action among trade unions around the world (see [www.icftu.org](http://www.icftu.org)). The ITF and many affiliates also have

policies and programmes of action. For example, support for refugees and asylum seekers is described on page 12. Here are some other examples:

- n Each seafarer shall be entitled to work, train and live in an environment free from harassment and bullying, whether sexually, racially or otherwise motivated.<sup>1</sup> The ITF Policy Guidelines on Harassment and Bullying<sup>1</sup> are aimed at tackling discrimination at sea. Mixed crews, long voyage times, a status-oriented hierarchy, a male-dominated industry, and lack of access to outside support are some of the factors involved. The policy is built into all ITF-approved agreements for flag of convenience vessels, and includes model texts for maritime affiliates to use. See also page 36 for the NUMAST maritime officers union policy in the UK.
- n Canadian airline reservations officers blew the whistle<sup>1</sup> on their employers’ racist policy of seating members of the Indo-Canadian community at the back of the plane.
- n In 1999, after many years of falling membership, the US union centre AFL-CIO successfully recruited 600,000 new members. Many were immigrants from Latin America and the Caribbean. Up to then, union policy on immigration had discouraged such workers from joining. But the AFL-CIO chose to do a U-turn. It has called for the abolition of the law imposing sanctions on employers and an amnesty for six million undocumented workers.
- n The Czech national trade union centre CMKOS is concerned at rising discrimination, notably towards migrant workers and Roma Gypsies. At its 1998 congress, the CMKOS called on the trade unions to strengthen their co-operation with government departments and teachers so as to improve the living and working conditions of the Roma Gypsies.

Gender discrimination is dealt with more fully in the ITF resource book “*Women Transporting the World*”.

See also page 31 on the ILO Core Conventions against





## Respect for rights within unions

Trade unions also need to put their own house in order. Some unions have even been founded on racist or sexist discrimination. Discrimination, bullying and harassment can be all too prevalent unless unions develop policies and practices to root them out. The

ITF itself now has five seats on the Executive Board (reserved) for women and in 1999 adopted a “Policy on Mutual Respect” based partly on the policies of several affiliates.

### Guidelines: ITF Policy on Mutual Respect

The ITF is committed to creating and maintaining a working environment based on dignity and mutual respect. In all organisations there should always be vigilance to ensure that all participants feel they are able to operate in an atmosphere in which they feel comfortable and safe. This should apply to meetings, socialising and all the events around ITF activities.

What we ask of you

- n To treat everybody, including other delegates from ITF affiliates, as well as ITF staff members, with respect and dignity
- n To make absolutely sure your own behaviour does not cause offence or misunderstanding
- n To think before you make personal remarks
- n To accept responsibility for challenging all forms of unacceptable and offensive behaviour, and for upholding personal dignity

What is unacceptable behaviour?

Unacceptable behaviour includes unwelcome physical, verbal or non verbal conduct including the use of email and any behaviour that ridicules, intimidates, or is physically abusive.

This may have as its focus such things as:

- n Race, ethnic origin, nationality, and skin colour
- n Gender and sexual orientation
- n Disabilities or sensory impairments
- n Age, health, or physical characteristics
- n Religious or political beliefs

This may involve such forms of unwanted behaviour as:

- n Unwanted physical contact
- n Physical or sexual assault
- n Sexual or compromising propositions
- n Racist, sexist or religious jokes
- n Offensive language, insults and obscene gestures
- n Unwelcome gifts
- n Intrusion by pestering or stalking

These lists are not definitive.

We are aware that among trade unionists there is a very high degree of appreciation of the need to respect the dignity of every individual. We welcome your co-operation in our practical efforts for making ITF meetings a positive experience for everyone.

### Guidelines for anti-discrimination bargaining

Does your Collective Bargaining Agreement have a no-discrimination clause?

Does the no-discrimination clause cover all of the following human rights grounds: race/colour, religion/creed, age, sex, marital/family status, disability, national or ethnic origin, sexual orientation, political affiliation, and pardoned conviction?

Are there other grounds covered by the no-discrimination clause – union activity, political affiliation, language, criminal record?

Does the clause cover:

- n discrimination by supervisors and managers?
- n discrimination by co-workers?
- n discrimination by union representatives?
- n discrimination by clients, customers, suppliers etc?

Does the clause cover:

- n hiring?
- n promotions and transfers?
- n training?

Does the collective agreement say that job requirements must be “bona fide” or “real”?

Can the union use a grievance or arbitration procedure to enforce the clause?

Does the collective agreement say that there must be programmes in place to correct any discrimination which is the result of policies and practices in the workplace?

*Adapted from “Human Rights are Workers’ Rights”,  
Canadian Autoworkers’ Union (CAW), September 2000*



## Key questions for discussion

- n What can unions do to prevent workplace harassment?
- n Does your union have a policy against discrimination? What kinds of discrimination does it include? What actions against discrimination are envisaged, and actually carried out?
- n Why do you think the ITF brought in a policy on mutual respect in 1999?

### Activity 1: Arguments about human rights

In small groups, examine these statements below.  
Do you agree or disagree? Please be ready to give your reasons.

*“You cannot apply the same human rights standards to all countries. They have different cultural and religious traditions.”*

*“Human rights instruments place duties on governments. It is not the responsibility of employers to ensure enforcement of human rights.”*

*“Human rights conventions make no difference at all to the day-to-day work of trade unions. They come out of remote international conferences and have no impact on ordinary workers.”*

*“If we do not uphold human rights close to home, we shall look in vain for progress in the larger world.”*

*“Human rights work within the union is not an ‘addition’ to trade union work; it is essential to the very reason for our existence...”*

*“As trade unionists and workers, we have more in common than we have that’s different.”*

*“Difference isn’t the problem. Discrimination based on difference is the problem.”*

### Activity 2: Changing attitudes

In twos, each tell your partner of a time when you saw someone you know change an attitude to people or a stereotype that they had grown up with. What do you think caused them to reconsider?

In plenary, draw out the reasons why attitudes may have changed. Discuss how trade unions, as democratic organisations of workers, can help change attitudes in favour of human rights for all.

Photo: Reportdigital/Jess Hurd



Workers  
Rights ñ  
for All



“Universal and lasting peace can only be established if it is based upon social justice.”

*Constitution of the International Labour Organisation (ILO)*

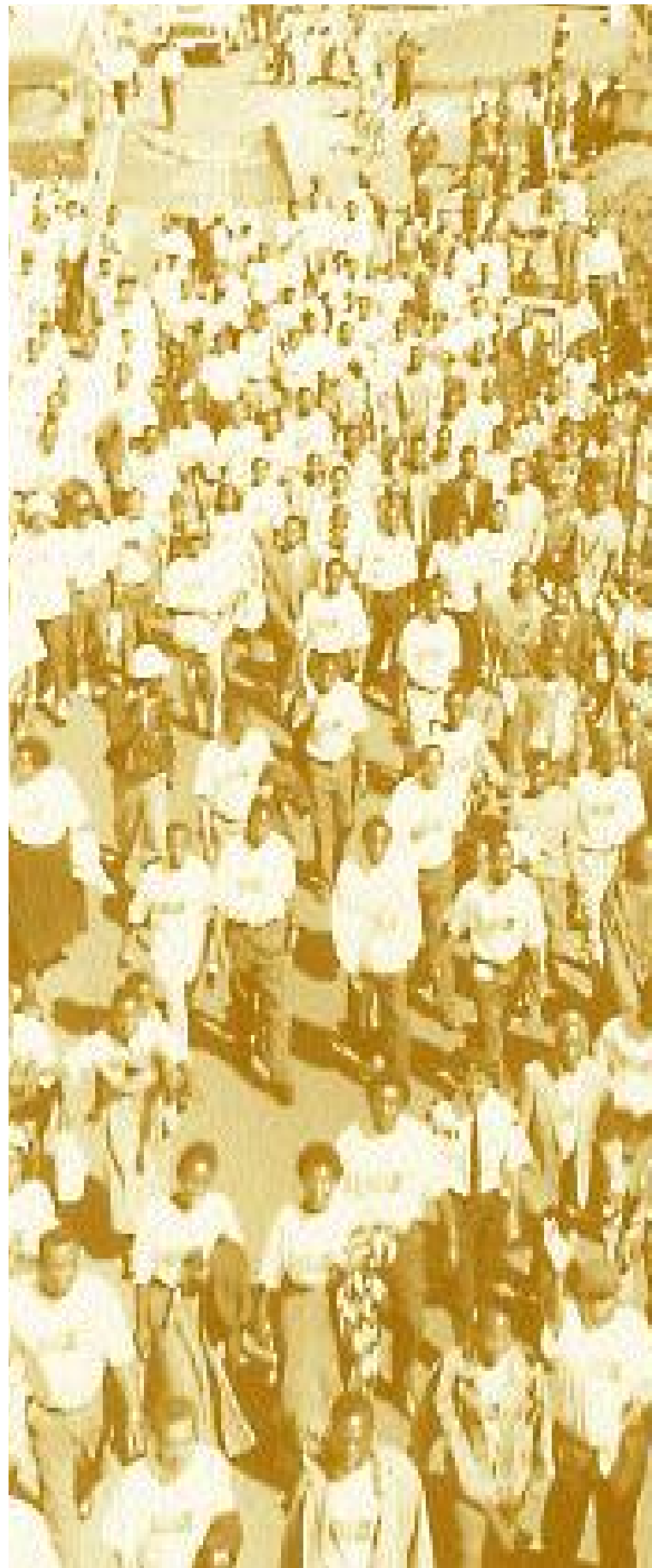
According to the United Nations Universal Declaration of Human Rights, the right to work, to safe work, to proper pay, to equal pay, to social security, and to form or join a union are the human rights of workers – all workers everywhere.

Workers’ rights are protected in particular through the International Labour Organisation (ILO), which is a body of the United Nations.

All workers know that it is one thing to have rights set out on paper and another to have them properly respected so that workers actually enjoy their rights.

In this Section we look at workers’ rights which are set out at an international level through the ILO and through other organisations relevant to transport workers, such as the International Maritime Organisation (IMO). There is information on the rights which apply to workers in all sectors and industries – especially the ILO’s Core Labour Conventions – as well as information which relates specifically to transport workers.

Workers’ rights also exist at national level, in the legislation of your own country. It is important for trade unionists to know your own national labour laws and use them. Even in the most repressive of regimes it can be possible to use the law to defend workers’ rights.



## International Labour Organisation

The International Labour Organisation (ILO) is a special body of the United Nations which deals with the world of work. It is the international body which sets worldwide standards for workers’ rights. The kinds of issues taken up by the ILO include industrial relations, child labour, vocational training, policy on employment creation, and health and safety standards at work.



It is not compulsory for countries to belong to the ILO. For a while in the late 1970s the US pulled out of the ILO, accusing it of overly attacking Israel and of only scrutinising right-wing regimes. Today, however, almost all (175) countries of the world belong to the ILO.

The ILO is actually older than the United Nations. It was set up by the Treaty of Versailles, which marked the end of the First World War. In 1919, the leaders of the countries which had “won” the war met to make a treaty to decide the new global arrangements. Those politicians met in the shadow of a huge wave of strikes, revolutions and uprisings all over the world. The Russian Revolution was only two years old. Workers were demanding that one outcome of the suffering caused by the war should be social justice. The creation of the ILO was a response to this demand.

What makes the ILO unique among international organisations is that it is “tripartite”. This means that the three parties – governments, employers and trade unions – are all represented and have voting rights in the ILO. By contrast, all other UN organisations, as well as the World Bank, World Trade Organisation etc, are run only by governments.

This does not make the ILO a perfect democracy among equals. Governments generally have a greater say at the ILO, being allowed to send two representatives to every one for the employers and one for the trade unions. The workers’ voice gets even more sidelined when, as often happens, governments and employers support each other.

The ILO has a very wide range of activities. It carries out research and publishes information on the world of work. As well as its headquarters in Geneva, it has regional programmes plus offices in many capital cities of the world. In some countries it runs advisory services for governments, employers and trade unions, and education programmes which tend to involve trade unions rather than the other two partners.

Perhaps the most important aspect of the work of the ILO is its role in setting international labour standards – the ILO Conventions and Recommendations.

### More information

The ILO website [www.ilo.org](http://www.ilo.org) and the ILO office in your country can provide:

- n Publications on workers’ rights
- n The text of all ILO Conventions and other documents, including the ILO Declaration of Fundamental Rights
- n Information on which ILO standards have been ratified by your country, from the ILOLEX database.



## What are international labour standards?

The ILO has two kinds of international labour standards: Conventions and Recommendations. They are adopted by the International Labour Conference, which meets every year in Geneva.

By mid-2001, the International Labour Conference had adopted over 180 Conventions and 185 Recommendations on a very wide range of labour issues.

International Labour Conventions are the closest thing we have to international law. They are international treaties which are binding on the countries which ratify them. A country's diplomats first sign a Convention, and at that point it is not binding. However, when later the government "ratifies" the Convention, this means that it modifies its country's laws to conform to the Convention. The government also agrees to international scrutiny to check that it is putting the Convention into practice.

Usually, a certain number of countries must ratify a Convention before it comes into force. An ILO Convention normally needs only two ratifications. ILO Conventions on maritime issues usually need a certain number of maritime states to ratify before such a Convention comes into force. Because of this requirement, some ILO Conventions have never come into force. They include ILO Conventions Nos. 76, 93 and 109 which deal with wages, hours of work and manning at sea.

No country can be forced to ratify a Convention. Indeed, some Conventions have few ratifications. The small number of countries which have ratified a particular ILO Convention is sometimes used by governments to justify their own refusal to ratify. So, governments often need persuading, particularly by the trade union movement in their country, to ratify.

Even where national laws are relatively good and meet the ILO standard, the ITF encourages affiliates not to accept non-ratification. It weakens the basic concept of worldwide minimum standards and could hinder the future work of the ILO.

If a country has ratified a Convention but is not putting it into effect, a complaint can be made to the ILO. Such complaints can be made by workers' organisations, by employers, or by the governments of other ratifying states. The ILO then investigates and decides whether or not to take action such as issuing a report. How to take a complaint to the ILO is discussed in Section 4.

However, even if the ILO rules that a country has not met the standard required by a Convention, the ILO has no mechanisms to force a government to change its law or practice. The ILO has no police force or army. It must rely only on its power to embarrass a government in the eyes of the international community. Many governments do not like the public exposure involved when complaints are made against them. Unfortunately, however, there are still arrogant and ruthless regimes who do not respond to this kind of pressure.

It is worthwhile finding out which Conventions your country has ratified and which it has not, and then working through your union to persuade your government to ratify more. This may be useful to workers in your particular sector/industry. It will also strengthen the concept of worldwide minimum standards and the work of the ILO.

International Labour Recommendations are different from Conventions. They are non-binding guidelines of good practice. They give more detail about how the provisions of a Convention can be applied.

## ILO core labour standards

The ILO has decided that a number of ILO Conventions are basic human rights. It calls them Core Labour Standards. They are:

- n Conventions Nos. 87 and 98 on freedom of association and the right to collective bargaining
- n Conventions Nos. 29 and 105 on the elimination of all forms of forced or compulsory labour
- n Conventions Nos. 138 and 182 on child labour
- n Conventions Nos. 100 and 111 on the elimination of discrimination in employment and occupation.

The Declaration of Fundamental Rights, adopted at the International Labour Conference in 1998, says that all states, by the very fact that they belong to the ILO, should respect, promote and realise the rights and principles contained in these Core Conventions. It declares:

the guarantee of fundamental principles and rights at work... enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential.<sup>1</sup>

So, the labour standards contained in these Core Conventions should

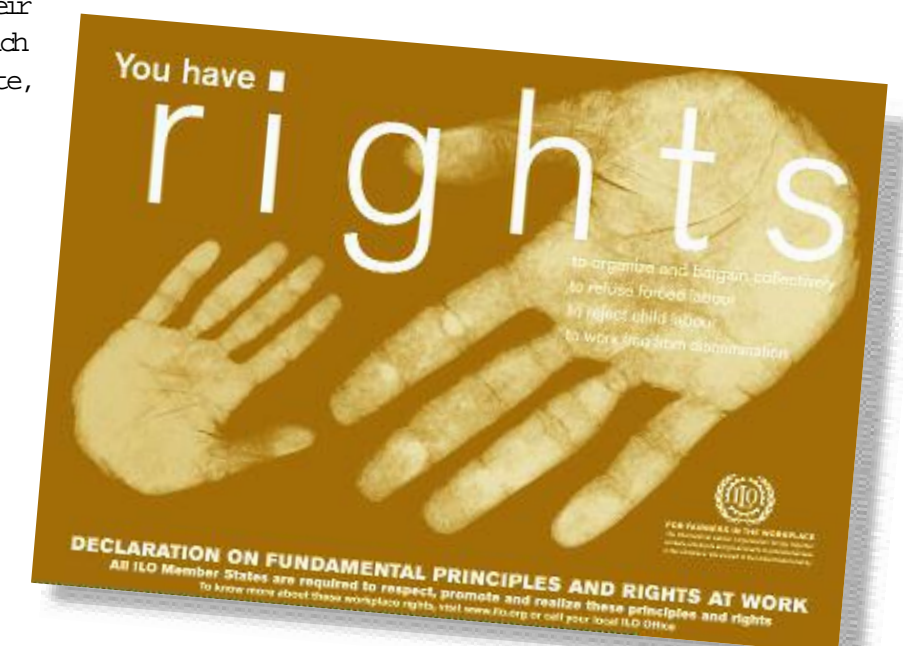
apply whether or not a particular country has ratified them. They apply to all workers, everywhere.

The ILO is promoting the Core Labour Standards through its poster "You Have Rights". The aim is to have this poster up in every workplace. It is available in a number of languages. The poster can be downloaded from the website of the ICFTU international trade union confederation at: [www.icftu.org](http://www.icftu.org). Or it can be obtained from your national trade union centre, or the ITF Secretariat.

More information

The ILO is publishing a report each year on the core labour rights and to what extent they are being respected. Unhappily, the reports paint a depressing picture.

The 2000 report "*Your Voice at Work*" was on the right of freedom of association. In 2001, the ILO report focused on "*Stopping Forced Labour*". It says that trafficking of women and children – mainly for prostitution and domestic service but also sweatshop work – has increased dramatically throughout the world in the last ten years.



## Basic trade union rights

ILO Core Conventions

The right to form trade unions and bargain collectively with employers are the fundamental rights of all people at work.

Freedom of Association and Protection of the Right to Organise, Convention No. 87 (1948), bans any acts of discrimination against trade unions. It protects employers' and workers' organisations from mutual interference and promotes collective bargaining.

Right to Organise and Collective Bargaining, Convention No. 98 (1949), protects workers who exercise their right to organise. It upholds the principle of non-interference between workers' and employers' organisations and promotes voluntary collective bargaining.

All over the world trade unionists have to be vigilant to ensure that these basic rights are respected by governments and employers. This is obviously the case in countries where there is an authoritarian



regime that is hostile to democratic organisation among its citizens, for example in China, Burma and Colombia. But under democratic regimes too, overt as well as subtle forms of anti-union discrimination can operate.

### ITF takes up Chinese seafarers' rights

In 1995, the ITF sponsored a complaint to the ILO about anti-union discrimination against seafarers from China. Slave-like conditions, cruelty and a climate of fear had been discovered by ITF Inspectors on a series of flag of convenience vessels employing Chinese crews. Before leaving China to work on foreign-flag ships, Chinese crews were told that they must not contact the ITF to seek help. Huge deductions from wages, threats to families in China, and intimidation by Chinese diplomats abroad were part of the catalogue of abuse.

Three seafarers from the Greek-owned *Arcadia* who were assisted by ITF Inspectors in Italy in 1992, for example, were detained when they returned home to China, and the back wages won for them were forcibly confiscated by officials. In 1996, the ILO supported the ITF's case and ruled that China must stop discriminating against seafarers who exercise their right to trade union representation, including their right to seek help from ITF unions.

The ILO ruling was an important achievement, but its impact on the level of trade union rights in China was mainly symbolic. Following this and continuing pressure from ITF, the *Arcadia* crew members were finally released after two and a half years, though their property remains confiscated. Chinese seafarers, however, remain on offer as a part of the global workforce virtually unprotected by trade union rights.

### Facing up to union-busting

*"I've been a captain for 10 years and in my time in the oil industry, it rarely (never) happens that you work 12 hours and rest 12 hours. It's more like 16 hours work and 8 hours rest. This is due to not having qualified reliefs 80 per cent of the time. So in order for you to save your job and be able to pay your bills and feed your family, you do what you have to – and that is 'break the law' and make the company happy..."*

The "law" is the 12-hour rule and the country is the United States. Mariners in the offshore industry of the US Gulf of Mexico are being made to break the law on the hours that they work, or risk losing their jobs and being blacklisted. The captain who wrote this cannot be named for fear of reprisals.

Their daily pay may be good, but many are hired on a daily basis and do not get overtime pay or paid holidays. They can be fired at will, particularly if they show any interest in a union.

To grapple with this alarming situation, five US maritime unions formed Offshore Mariners United (OMU) in 1998. They have launched a major campaign to unionise the offshore seafarers in the US Gulf.

Louisiana is one of the Deep South's "Right to Work" states where unions are bad-mouthed and harassed. Houma, where the OMU has its field office, is the base for many of the supply companies and a company-dominated town. As soon as mariners speak up or are found out for making contact with the union, they face the sack or simply never get work again.

Employers have brought in the notorious union-busting consultant Jay Cole, of Cole Associates, based far to the north in Chicago. Cole helped to set up a group around Houma called Concerned Citizens for the Community (CCFC) which, despite its name, is an employer-backed association. The CCFC hammers home the message to local people that unions have only come to intimidate them and take their money. Union activists who try to speak up at CCFC public meetings have been led away in handcuffs. Hundreds of CCFC billboards have sprung up to line Houma's highways saying "There is no 'you' in union".

In this climate of intimidation, the OMU sought help internationally. Many of the companies operating in the Gulf also operate offshore Norway, the UK, Brazil, Australia and elsewhere. In those countries, the offshore workers are unionised and work under collective bargaining agreements between the unions and the self-same companies.

In June 2001 an international union fact-finding mission visited Louisiana. On the mission were union representatives from the Norwegian, British and Australian operations of companies which also operate in the Gulf. They met conditions which they barely could imagine would exist in a developed democracy. They found that employers who negotiate with unions in one part of the world can be rabidly anti-union in another.

The OMU is optimistic that the tide will turn in the unions' favour. Its organising effort has been called by one of the unions involved, the American Maritime Officers, "the biggest maritime organising battle since the 1950s".

Meanwhile, international solidarity for the US Gulf campaign is growing. Trade unions with members working for the same companies elsewhere in the world have pledged their commitment to the campaign for workers' rights offshore in the US Gulf. They believe it would be far simpler if the employers would just sit down in the US and negotiate as they do elsewhere. Birger Pedersen, Assistant Secretary of the ITF Special Seafarers' Department, commented, *"This is an issue which is pure human rights."*

Offshore Mariners United is made up of five US maritime unions: the American Maritime Officers (AMO), the Marine Engineers' Beneficial Association (MEBA), the International Organization of Masters, Mates and Pilots (MM&P) and the Seafarers' International Union (SIU) (which now includes the National Maritime Union).

*From Transport International No.7, December 2001*



## A ban on forced labour

ILO Core Conventions

It is estimated that 27 million people live in conditions of slavery around the world today. They receive no pay and are under constant threat of violence. Many are children.

Forced Labour, Convention No. 29 (1930), bans all forms of forced or compulsory labour, except for military service or convict labour, or during emergencies such as war, fires and earthquakes.

Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period, according to ILO Convention No. 29, Article 18.

Abolition of Forced Labour, Convention No. 105 (1957), bans the use of all compulsory labour as a means of political coercion or education; as sanctions against the free expression of political and ideological opinion; as a means to mobilise or discipline a workforce; as a punishment for taking part in strikes; or as means of discrimination.

### ILO calls for sanctions against Burma

In November 2000 the ILO asked governments to take sanctions against Burma. The ILO charged the Burmese military regime with a “crime against humanity” for its systematic use of forced labour. It was the first time the ILO had taken such a step.

The ITF played a part in getting this decision by the ILO, and the whole international trade union movement is backing it with a call for economic sanctions. The unions say it is impossible to do business with Burma and not be complicit in the oppression of innocent people.

Up to two million men, women, children and the elderly are forced to work for the Burmese military. They construct roads, railways, dams and army camps; they act as servants and sentries for army officers; or they dig fishponds, log timber and farm on land that army officers have seized. Portering is the most feared work. Porters are saddled with heavy loads and forced-marched through the hills, often in front to detonate landmines.

Burma has ratified ILO Conventions Nos. 87 (freedom of association) and 29 (freedom from forced labour) but ignores them. The Federation of Trade Unions of Burma (FTUB) is banned and two of its leaders, U Khin Kyaw and U Myo Aung Thant, have been jailed for 17 years and life respectively for their union activities. The FTUB operates in exile from Thailand, as does the ITF-affiliated Seafarers’ Union of Burma (SUB).

Before being cleared to work overseas Burmese seafarers must sign contracts promising not to contact the ITF. James McCauley, an AB seafarer from Canada who worked on the ITF ship *Global Mariner*, speaks of his admiration for Burmese seafarers. “In the face of the strongest adversity they take a stand,” he said. “They have no rights whatsoever. I will just lose a job, but these guys will lose their life. I am glad to call them ‘Brother’.”

The Federation of Trade Unions of Burma (FTUB) website is: [www.tradeunions-burma.org](http://www.tradeunions-burma.org)

## Child labour

ILO Core Conventions

There are different union viewpoints on whether all or only the worst forms of child labour should be banned. Some say that all child labour must be eradicated as it violates the human rights of children, makes them suffer, and drives down the job opportunities and wages of adults. Others believe that it is only realistic that some children need to work to help sustain themselves, and that it is how they are treated and how their human rights are protected which are important.

Also some unions are concerned that child labour can be used by certain countries as a protectionist measure to keep out the goods and services of other countries, particularly to protect the trade of powerful countries against the cheaper trade of less powerful countries.

The UN Convention on the Rights of the Child (1989) says that children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to their health or physical, mental, spiritual, moral or social development. Children have the same rights as adults to free association.

Minimum Age of Entry into Employment, Convention No. 138 (1973), says that governments must have a national policy to ensure the effective abolition of child labour. In most circumstances, the minimum age for employment should be 15 years, or 14 years in less developed countries. There is a higher minimum age of 18 for hazardous work.

Worst Forms of Child Labour, Convention No. 182 (1999), sets out the first steps to eliminate the worst forms of child labour – named as slavery, bonded labour, prostitution, pornography, the drugs trade and other criminal activities, and any work that harms children’s health, safety or morals. A child is defined as under 18 years old. Governments must draw up a detailed list of the worst forms of child labour in their country and make plans to eliminate them as soon as possible.

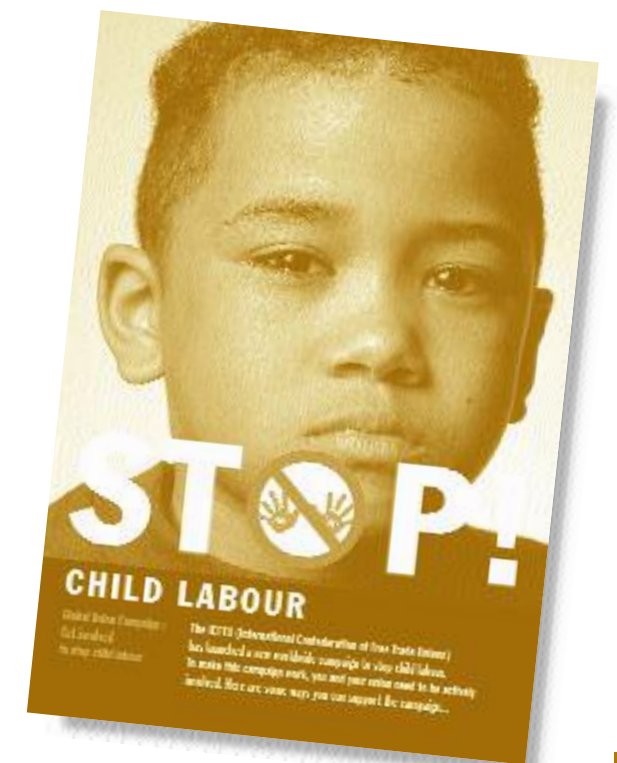
Ending child labour is not a simple issue. Taking children out of employment requires time, effort and resources if the children are not to end up in a worse situation, such as on the streets. Fair wages for adults would reduce the need for poor families to send their children out to work. The ILO’s International Programme on the Elimination of Child Labour is trying to promote effective alternatives to child labour.

Child labour exists in various transport sectors. In Indonesia, for example, boys of 12-14 years are employed as “conductors” on minibuses carrying passengers. They call out the destinations and collect fares, and are small enough to sit on the steps just behind the door. Children also work on offshore fishing platforms. In the Philippines in the mid-1990s, boys as young as ten years were increasingly brought into the port of Dapitan to unload sacks of concrete, each weighing over 100 pounds.

Are there children working in the transport sector in your country? What can your union do to support them?

More information:

“Children at Work: A Handbook on Child Labour for Public Service Workers”, Public Services International.





# An end to discrimination

## ILO Core Conventions

All human beings are born free and equal in dignity and rights.

United Nations Universal Declaration of Human Rights, Article 1

Equal Remuneration, Convention No. 100 (1951), says that men and women must get equal pay for work of equal value. This applies to basic wages or salaries and all other payments, both direct and indirect. To decide whether work is of equal value, there must be an objective evaluation of the work, without any discrimination based on gender.

Discrimination (Employment and Occupation), Convention No. 111 (1958), requires each government to have a national policy to eliminate, in employment and occupation, all discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin. The policy should cover access to employment, training and working conditions. Governments must pass laws and organise educational programmes to promote equality of

opportunity and treatment. In each country there must be a national authority to implement the policy.

Women's rights are laid down in the UN Convention on the Elimination of All Forms of Discrimination against Women (1981). Article 11 says that women workers must have the same opportunities for promotion, training, job security, pay, sickness benefits and paid leave. No woman can be dismissed for being pregnant or getting married. Working conditions for pregnant women must be safe and healthy.

The UN International Covenant on Economic, Social and Cultural Rights (1976) also speaks of "equal pay for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men". (Article 7)

Discrimination against women is dealt with more fully in the ITF resource book "Women Transporting the

## Making life at sea more tolerable

A survey of women members by the UK maritime officers' union NUMAST (National Union of Marine, Aviation and Shipping Transport Officers) found that over 70 per cent had suffered sexual harassment in one form or another. NUMAST Executive Officer Mark Dickinson says: "We were horrified by the survey results. So NUMAST, the UK ratings' union RMT (National Union of Rail, Maritime and Transport Workers) and the Chamber of Shipping are working together to develop guidelines on harassment and bullying, and training material. We want to secure a real commitment to making life at sea more tolerable for all seafarers on UK ships, irrespective of race, culture, religion, age and gender."



## HIV/Aids and transport workers

"HIV, the virus that causes Aids, now reaches into virtually every community and every workplace in every corner of this country. The cost in human terms is immeasurable. HIV robs us of our most talented leaders. It weakens our solidarity because it evokes unnecessary fear, prejudice and distrust in our workplaces."

This quote from John Sweeney, President of the US labour centre AFL-CIO, underlines the fact that HIV/Aids is a global problem which the international trade union movement has to address. For the ITF this is particularly important as many of its members work in high-risk occupations related to their long and frequent absence from home.

HIV/Aids is important to trade unions because of the unfair treatment which their members may face. In many countries workers living with HIV/Aids – or just thought to be at risk of it – face discrimination, unfair dismissal and pre-employment screening for HIV without prior consent even where this is illegal. Inadequate insurance or social security schemes deny millions of workers access to appropriate care. In all countries unions should be aware of the human and workers' rights implications of HIV/Aids.

At the 1994 ITF Congress, a resolution asked affiliates to take part in an Aids information campaign supported by the ITF and called on them and their members to take measures to prevent people with HIV also facing discrimination. It called on governments to invest more in preventative measures and research. The ITF launched a research and education project among road and rail workers in East Africa.

Many ITF affiliates from all the different transport sectors have taken action. Some have successfully negotiated workplace policies on HIV/Aids or included HIV/Aids related provisions in their collective bargaining agreements. Two British seafarers' unions have negotiated with British Shipping "Guidelines to Shipping Companies on HIV and Aids" which state that "employees who contract HIV are perfectly capable of working normally".

The ILO has brought out a Code of Practice on HIV in the workplace. The code gives guidance on developing workplace policies and how to treat HIV/Aids in collective bargaining agreements. It covers the rights and responsibilities of governments, employers, and workers and their organisations. It also covers prevention, education and training of managers, workers' representatives, and health and safety officers.

Transport unions can respond to HIV/Aids by:

- n Developing trade union and workplace policies.
- n Organising training for trade union leaders and managers.
- n Organising education for workers and workers' families.
- n Challenging discrimination, prejudice and marginalisation of HIV positive people.
- n Showing solidarity with HIV positive people's organisations and giving tangible assistance to their care.
- n Supporting community-based prevention initiatives.
- n Lobbying governments to acknowledge the problem, especially in countries where the severity of the HIV/Aids crisis is not being officially recognised.

Resources:

[www.ilo.org/aids](http://www.ilo.org/aids): ILO Code of Practice on HIV/AIDS and the World of Work

[www.unaids.org](http://www.unaids.org): UNAids

[www.brta-lrta.org](http://www.brta-lrta.org): Business Responds to Aids and Labor Responds to Aids

## Other key rights

As well as the “core” Conventions, the ILO has many other important instruments which apply – or should apply – to workers around the world. There are also the rights embedded in United Nations Declarations (see Section 2). Below are just a few of these other key rights.

### Safe and healthy workplaces

Employers are responsible for making sure that workplaces are safe and healthy. ILO Convention No. 155 on Occupational Safety and Health (1981) and ILO Convention No. 174 on the Prevention of Major Accidents (1993) are among the many ILO standards which deal with this issue. The same right is confirmed in the UN International Covenant on Economic, Social and Cultural Rights (1976), Article 7.

### Reasonable working time

All workers have the right to “rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays”, according to the UN International Covenant on Economic, Social and Cultural Rights (1976), Article 7.

ILO Convention No. 47 on the Forty-Hour Week (1935) sets the standard working week at 40 hours. Overtime beyond statutory working hours should be limited and voluntary. If overtime is compulsory, it violates the ILO Core Convention No. 29 on Forced Labour.

Long hours of work affect many workers worldwide, including transport workers. Workforce numbers have been so cut that in many workplaces there is no slack in the system to cover sickness or mechanical breakdown. At sea, 12 to 15-hour days are common, with rest snatched in two or three-hour sessions. Air crews have the special problem of frequently crossing time zones. See also page 48 for the ITF global campaign “Fatigue Kills” among road transport

drivers.

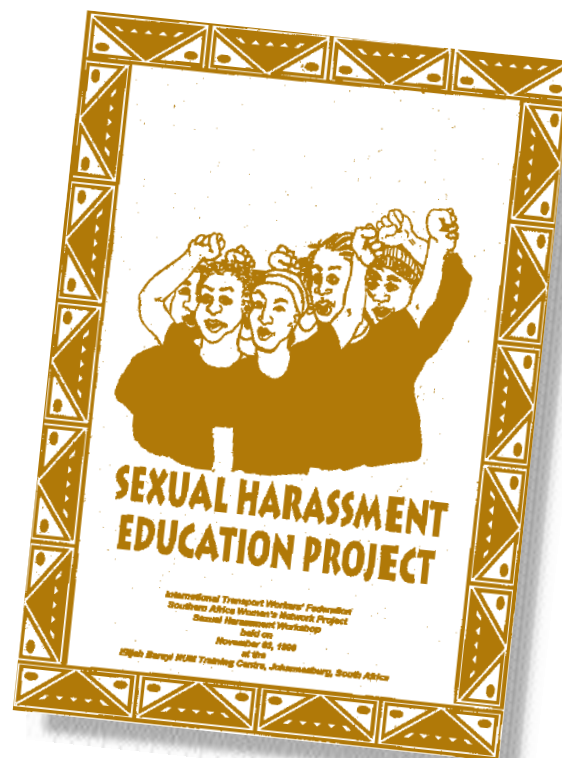
### Freedom from physical and verbal abuse and sexual harassment

Everyone has the right to dignity and freedom from cruel, inhuman or degrading treatment, according to the UN Universal Declaration of Human Rights (1948), Article 5. Sexual harassment should be included as abuse but it is not spelt out.

Violence against public transport workers is a growing problem. The ITF has been running a “Zero Air Rage” campaign which is described more fully in the ITF resource book “Globalising Solidarity”. Urban transport is another vulnerable sector. Underfunded in many countries, services become run down, and passengers experience more frustration. Many transport workers are at risk because they handle money, deal with complaints, work alone and work late.

### Equal rights for part-time workers

Part-time workers have the same rights as full-time workers. This applies to their union and collective bargaining rights, their health and safety rights, and their employment rights. They must not be paid wages which are disproportionately lower than the wages of full-time workers. ILO Convention No. 175 on Part-Time Work (1994).



### The right to strike

All workers have “the right to strike, provided that it is exercised in conformity with the laws of the particular country”. This is according to the UN International Covenant on Economic, Social and Cultural Rights (1976), Article 8.

There is no ILO Convention which specifically states that workers have the right to strike. However, the ILO’s Committee on Freedom of Association has over the years made some important rulings that make it clear that such a right exists and that only very limited restrictions on exercising that right should be allowed in law.

The committee has stated that strikes can only be prohibited in the case of public servants exercising authority in the name of the state (for example, the armed forces) or where workers are providing essential services whose interruption could endanger life. The list of essential services is short: hospitals, electricity and water supply, telephone services and air traffic control.

The ILO’s Committee on Freedom of Association stated in 1985 that transport should not be considered an essential service: “Although it is recognised that a stoppage in services or undertakings such as transport companies, railways, telecommunications or electricity might disturb the normal life of the community, it can hardly be admitted that the stoppage of such services could cause a state of acute national emergency.”

The committee has said that it can be legitimate to say that a minimum level of service should be maintained during a dispute. However, that level should be agreed in advance between the parties to the dispute. If they cannot reach an agreement, then the level should be set by an independent body, not a government ministry.

The ILO says that back-to-work orders, requisitioning orders, or the hiring of workers to break a strike in any of the sectors not strictly considered essential is “a serious violation of freedom of association”.

The ILO has a wide interpretation on the right to strike. Here are two other statements from the Committee on Freedom of Association:

“The right to strike should not be limited solely to industrial disputes... workers and their organisations should be able to express... their dissatisfaction as regards economic and social matters affecting their members’ interests.”

“A general prohibition of sympathy strikes could lead to abuse and workers should be able to take such action provided the initial strike they are supporting is itself lawful.”





## Transport workers rights

The ILO's Core Standards apply as much to transport workers as they do to all other workers. So do the ILO's general standards on working terms and conditions which are given in a wide range of Conventions – too many to list or mention here.

The ILO also has Conventions and Recommendations which apply in particular industries. A very large

number deal specifically with maritime transport and fishing, in fact far more than for any other sector. There are also specific Conventions for dock workers and for road transport workers.

There are no Conventions especially for railway workers, nor for civil aviation workers. These workers come under the scope of the general ILO Conventions.

### Transport union rights under attack

The international labour standards are quite clear – transport workers have the same trade union rights as those in other industrial sectors. They have the right to freedom of association and are free to take industrial action.

Only air traffic controllers do not have the same rights. They are among those listed by the ILO as rendering an “essential service” and therefore not entitled to take industrial action. An essential service as defined by the ILO is one where interruption would threaten life, personal safety or health. It is clear that transport services other than air traffic control do not fall into this category.

But governments seem unable to resist classifying many forms of transport – road, rail, sea and air – as “essential services”. They then subject them to various restrictions on trade union activity ranging from an outright ban, to delays over strike action, or to minimum service levels to be maintained in a dispute. The 2001 Annual Survey of Violations of Trade Union Rights by the ICFTU gives many examples:

- n In Ethiopia, the definition of “essential services” under the law includes air transport, railways and buses. In Dominica it is port services, and in Bulgaria the railways that are considered “essential”. Guinea, Mozambique, Panama, Thailand and Vietnam name the whole transport sector as “essential”.
- n In Manila, Philippines, the government banned a strike by light rail transit workers and dismissed 900 workers. This is despite a court ruling that this type of public transport could not be classified as “essential”.
- n In Serbia, 12 trade union members were sacked after a strike in December 2000 at the Nis Express Transport Company. In this country, the list of essential services is so long that some 60 per cent of employees are involved.
- n In Switzerland, a 1927 law included railway workers, as employees of a state enterprise, among those banned from striking. A change to the law in January 2001 means they are no longer state employees and the ban is lifted, though there are still restrictions under their collective agreement.
- n In Quebec, Canada, the right to strike is limited by a very broad definition of essential services. In November 2000, the Quebec authorities ordered truck drivers in Montreal back to work after they had gone on strike to demand that their employer recognise the union and engage in collective bargaining.

*“Governments have a worrying tendency to adopt an authoritarian response when confronted with legitimate demands from transport workers,” says ITF Assistant General Secretary Stuart Howard. “The International Labour Organisation (ILO) has ruled that, apart from air traffic controllers, transport is not strictly an essential service. Back-to-work orders in the transport sector are violations of trade union rights; the implementation of minimum services rules is also strictly defined.”*

## Seafarers

Transport workers rights

### Slavery in the 21st century

*“For thousands of seafarers life at sea is modern slavery and their workplace a slave ship.”* ICONS

In March 2001 the International Commission on Shipping (ICONs), an independent commission of experts set up to inquire into ship safety, released a hard-hitting report entitled “Ships, Slaves and Competition”. It said that tens of thousands of seafarers are treated like slaves and live in fear of being thrown overboard if they complain. On 10 to 15 per cent of the world's ships the crews are working in unsafe conditions for little or no pay and are subject to starvation diets, rape and beatings.

The Commission, chaired by former Australian Transport Minister Peter Morris, stated that sub-standard shipping is allowed to operate because of “a veil of secrecy on ship ownership and support from cargo owners seeking lower freight rates at the expense of the majority of quality ship operators”.

For the full ICONS report see: [www.icons.org.au/images/ICONs-fullreport.pdf](http://www.icons.org.au/images/ICONs-fullreport.pdf)

The ILO recognises that the working and living conditions of seafarers are uniquely harsh. During the first decade of the ILO (1919-1929), more than a quarter of the Conventions adopted concerned standards in the maritime sector. This focus was partly due to the famous sinking of the *Titanic* in 1912 with the loss of over 1,500 passengers and crew. Safety at sea became an urgent matter in the years that followed, and so from the outset the ILO has dealt with maritime questions separately.

Special Maritime Sessions of the International Labour Conference have been held regularly since 1920. They have adopted over 30 Conventions and 20 Recommendations specifically for the maritime sector. These cover a wide range of seafarers' rights from social security to accommodation, hours of work and repatriation.

The ILO also holds special Maritime Conferences, purely devoted to seafarers' questions. Attending these conferences are delegates from governments, employers and unions. The ITF is well represented on behalf of its maritime affiliates.

### A new bill of rights

Because there are so many different Conventions and Recommendations relating to seafarers, in January 2001 the ILO's Joint Maritime Commission agreed to draw up a new Bill of Rights for Seafarers. The Bill will

reform and revise the many ILO Conventions and Recommendations into one comprehensive framework. It is hoped that the new document will be ready for approval in 2005.

Meanwhile the ILO has launched an International Programme for the Promotion of Decent Work in the Maritime Industry, as part of its “Decent Work” programme. This will promote “opportunities for men and women to obtain decent and productive work, in conditions of freedom, equity, security and human dignity”. It will be implemented in close collaboration with the ITF and the International Shipping Federation (ISF).

Even before the new Bill of Rights for Seafarers becomes accepted, seafarers have many rights according to over 60 ILO Conventions and Recommendations. The standards cover a very wide range of issues affecting seafarers. Below are some of the most important. These standards apply to all workers on board, including “hotel” staff on cruise vessels.

### Minimum labour standards

The key statement on minimum internationally acceptable labour standards on merchant ships is contained in Convention No. 147 (1976), ratified by 42 countries, and its Protocol of 1996, supplemented by Recommendation No. 155.



The Convention aims to improve the efficiency and safety of navigation and strengthen measures to protect the marine environment, as well as promote seafarers' interests in the fields of health and safety, working conditions, and trade union rights. The Convention applies to every seagoing ship employed for any commercial purpose.

Each flag state should adopt minimum standards relating to safety, social security, and shipboard conditions of employment and living arrangements. The Convention specifically includes standards of hours of work and manning to ensure the safety of life aboard ships.

It also refers to other ILO Conventions on minimum age, medical examinations for crew members, articles of agreement, officers' competency certificates, food and catering on board ship, crew accommodation, prevention of occupational accidents, sickness or injury benefits, and repatriation, as well as freedom of association, protection of the right to organise, and collective bargaining.

Perhaps the most important feature of this Convention is that Article 4 gives extensive powers to port authorities to detain vessels which do not meet the standards.

### Recruitment and placement of seafarers

As the ILO says, "Serious problems remain concerning the recruitment of seafarers, particularly from developing countries where people are fleeing the worst forms of poverty and often become victims of unscrupulous recruiters. They go to sea with little or no understanding of the terms and conditions of their service, or the rights and protection to which they are entitled."

Convention No. 179 (1996) requires each government to supervise closely all agencies in its country which recruit and place seafarers. Private agencies should be licensed and regulated. They must not charge seafarers a fee to get a job, and they must not interfere with seafarers' trade union rights. This Convention has been ratified by only six countries: Finland, Ireland, Morocco, Norway, the Philippines, and the Russian Federation, but it is expected that more will follow.

### Hours of work and the manning of ships

Convention No. 180 (1996) says that seafarers should work no more than 14 hours in any 24-hour period, or 72 hours in any 7-day period. Or they should have a minimum rest of 10 hours in any 24-hour period and 77 hours in any 7-day period. Manning levels should be sufficient to make the vessel "sufficiently, safely and efficiently manned". This Convention had by mid-2001 been ratified by 4 countries with others expected shortly.

### Annual leave with pay

Seafarers are entitled to annual leave with pay of at least 30 calendar days for one year of service. This does not include public holidays. Seafarers should be able to take their leave at the place where they were recruited, and be given their travel costs. This is according to Convention No. 146 (1976), which has been ratified by 13 countries, including Brazil, France, Kenya, and the Netherlands.

### Employment rights

Continuity of Employment (Seafarers), Convention No. 145 (1976), says that countries with a maritime industry must take steps to promote continuous or regular employment for qualified seafarers. Seventeen countries have ratified it, including Brazil, Italy, the Netherlands, Norway, Poland and Spain.

Articles of Agreement (Employment Contract), Convention No. 22 (1926), lays out the way in which articles of agreement, the maritime employment contract, are to be signed and terminated. It gives the details that should be in the documents. It has been ratified by 58 countries.

### Social security

Convention (Revised No. 165) (1987) sets standards for a comprehensive system of social security for seafarers. Only two countries, Hungary and Spain, have ratified it.

### Prevention of accidents

There are many health and safety standards applying to ships. They include Convention No. 134 (1970), ratified by 27 countries. Under this, governments must bring in laws or codes of practice to help prevent accidents which are specific to work on board ships.

### Labour standards and safety at sea

As well as the ILO standards, the United Nations Convention on the Law of the Sea (Unclos) (adopted 1982, came into force 1994) also emphasises the need for good labour standards so as to ensure safety at sea, as well as to protect the marine environment (Article 94). Unclos says that it is the duty of flag states to implement these standards.

There is also close co-operation between the ILO and another specialised United Nations body, the International Maritime Organisation (IMO), on questions that affect safety at sea, such as crew training and certification, as well as seafarers' health, including alcohol and substance abuse. The IMO also has guidelines on shipowners' responsibilities for personal injury to or death of seafarers (IMO Resolution A.930(22)).

The ILO and IMO also work with the World Health Organisation (WHO) on questions concerning seafarers' health, including HIV/Aids.

### New rules for abandoned seafarers

In the ITF's experience at least five crews are abandoned each month. Crew members are left in ports around the world, unpaid and with no supplies. Not surprisingly, it is owners using flags of convenience who are the biggest culprits, with Panama, Malta, Belize and Honduras among the worst flags.

The IMO has new guidelines to tackle this problem which came into force on 1 January 2002 (IMO Resolution A.931(22)). These make shipowners liable for payment and support of crews while they are stranded, and for repatriation home. Shipowners should have enough financial security to cover any likely costs. In the event of the shipowner failing to pay, flag states would be required to step in.



## Fishing workers

Transport workers rights

As with other seafarers, workers on board fishing vessels have some specific international rights laid down by the ILO. As well as the ones set out below, there are Conventions on vocational training, articles of agreement (employment contracts) and certification for fishing workers.

### Minimum age

Convention No. 112 (1959) sets out a minimum age of 15 years for starting work on board commercial fishing vessels. It has been ratified by 29 countries including Australia, Liberia, Mauritania, Mexico and Peru.

### Medical examinations

Seafarers on board fishing vessels have rights to medical examination, according to Convention No. 113 (1959), which has been ratified by 29 countries.

### Accommodation of crews

Convention No. 126 (1966) says that fishing workers must have adequate protection against weather and sea, and their accommodation must be properly ventilated and heated. There are provisions for their sleeping quarters, mess room, galley, and washing/sanitation facilities. It has been ratified by 22 countries including France, Germany, Norway,

### Harrowing evidence from fishing vessels

Vessels which are fishing illegally, many of them flying flags of convenience, often stay out on the high seas for months on end, plundering the seas, damaging fish stocks, and exploiting the crews.

Many of the crews come from the Philippines, Indonesia and Central or North Africa. Unverified reports suggest that the owners keep them at sea for many months at a time, moving them from boat to boat when catches are taken ashore. Crew members may be manacled to prevent them jumping ship when their vessel comes into port. They are made to work up to 18 hours a day, beaten, and even urinated over.

The ITF has worked closely with Greenpeace, the worldwide environmental organisation, on illegal fishing. They have called on responsible nations to close their ports to these vessels, close their markets to illegally caught fish, and stop companies involved in the trade from continuing to do business.

Further information: “*Troubled Waters*”, a joint ITF-Greenpeace publication, available in PDF format from the ITF website [www.itf.org.uk](http://www.itf.org.uk)

### Iceland condemned for banning strike

In May 2001 a strike by three fishing unions in Iceland was declared illegal by the government, and a ban was placed on further strikes until the end of 2003. The strike had been called after employers failed to enter into serious negotiations during a protracted dispute. The fishermen had grievances concerning minimum wages, artificially depressed fish prices (wages are calculated as a percentage of profits), and compensation for death and injury.

It was the fourth intervention of the Icelandic government in legitimate strikes by fishermen in seven years. The government acted without any arbitration or consultation. The actions were condemned by delegates at the ITF's European arm, the ETF, and the ITF Fisheries Section Conference for breaching ILO Convention No. 87 on freedom of association.

One of the three unions signed a separate agreement, splitting the union position. But the other two unions are taking a complaint to the ILO with the help of their national union centre ASI, and the ITF.

## Dockers

Transport workers rights

Dock work is very dangerous and as early as 1929 the ILO adopted a Convention to protect dockers against accidents. Since then there have been two further Conventions on the subject, and perhaps confusingly both are still in force.

Protection against Accidents (Dockers), Convention No. 32 (1932), is somewhat obsolete, given technological change in cargo-handling. However, it is still ratified by 33 countries.

Occupational Safety and Health (Dock Work), Convention No. 152 (1979), lays down detailed provisions for safety in dock work. It obliges governments to have national laws or regulations to make ports a safe and healthy workplace. It covers such issues as personal protective equipment and clothing; regular inspection of equipment; safe access to ships, holds and equipment; the handling of dangerous substances; an obligation on employers to collaborate; information and training of workplace representatives; and the rights of workers to report possible risks. It has been ratified by 20 countries.

Worryingly, 88 countries with seaports have not ratified either of these Conventions. They include the USA, South Africa, Australia, Japan and Greece.

Port workers also have rights to safe conditions of work under the International Convention on Safety of Life at Sea (Solas) of the IMO. The Solas Convention

contains rules on the construction of ships which impact on the work of port workers on board ships in port.

The International Convention on Safe Containers, the International Convention for the Prevention of Pollution from Ships (Marpol) and the International Maritime Dangerous Goods Code (IMDG) are other IMO instruments which are important for port workers' safety and health. The IMDG Code is due to become mandatory.

### Protecting dockers jobs

Dock labour is an important source of employment. When new technology for cargo-handling was introduced, there were fears about the social repercussions from large-scale job losses. Therefore, according to the Dock Work Convention No. 137 (1973) of the ILO, each government should have a national policy to promote the employment of dock workers. The Convention has been ratified by 22 countries, and many countries have national laws specifically protecting dock labour jobs.

However, many governments and employers are trying to take the opportunity of restructuring and “rationalisation” to get around this requirement so that they can employ unskilled and untrained workers. In 2001, port workers across Europe realised this was happening to them when the European Commission drafted a new Directive.

### Jail, jail and more jail

Five dockers from the US port of Charleston faced heavy prison sentences after being unfairly charged with rioting when they were merely attempting to defend their jobs. The five – Kenneth Jefferson, Peter Washington, Ricky Simmons, Jason Edgerton and Elijah Ford – are members of the International Longshoremen's Association (ILA), an ITF affiliate.

In January 2000, 150 members of ILA Local 1422, a virtually all black union branch, held a legal picket to protest against the sudden use of non-union labour to unload a Danish freighter. Some 600 riot police responded with clubs and teargas.

Originally the ILA members were charged with minor offences. But the South Carolina State Attorney General, Charlie Condon, called for “Jail, jail and more jail” and raised the charges to rioting and conspiracy to riot. US unions accused Condon of using race and anti-labour sentiment to further his own political ambitions. Widespread support from within the US, both locally and nationally, was due to be backed-up by an ITF global day of action on the opening day of the trial. In early November 2001, however, the case was dropped in exchange for a plea of “no contest” to low-level misdemeanour charges. The plea is not an admission of guilt. It was a significant victory for dockers' rights in the US.



## European unions say 'No!' to sub-standard ports

European dockers' unions, angered by attempts to steamroller in radical reform of the region's ports, held a European Action Day on 25 September 2001. Activities ranged from extended discussions over lunch-breaks in canteens to two-hour all-out stoppages, as well as strong lobbying of member governments of the European Union. Taking part were ITF affiliates in all EU countries plus Norway, as well as non-ITF unions.

A draft EU Directive on port reforms proposed to deregulate the dock labour system, bypassing port registers of dock workers provided for under ILO Convention No. 137. Instead cargo-handling would be allowed by untrained and unregistered port workers and seafarers, or "self-handlers" as Loyola de Palacio, European Commissioner for Transport, calls them. Dockers' unions reacted strongly against the inevitable loss of skilled jobs and deterioration in port standards, particularly in health and safety.

Unions were also affronted by the lack of proper consultation. ITF affiliates in the Netherlands and Belgium responded furiously to a letter from a senior officer of the European Commission's Directorate General for Sea Transport who alleged that the unions did not understand the proposals. In fact, union opinion had only been sought through a questionnaire rather than through "social dialogue" with the ITF/ETF (European Transport Workers' Federation), as is normal EU practice.

After strong intervention by the ETF and the ITF Dockers' Section to the European Commission and EU member governments, the UK government openly denounced the draft Directive, and various members of the European Parliament urged amendments to the draft Directive.

ITF Dockers' Section Secretary Kees Marges commented, *"We are not against competition but we denounce these proposals because they could seriously endanger EU ports. If accepted, sub-standard ports will develop against which the better ports can only compete by dropping their standards. A better way to create a 'level playing field' would be for all EU member governments to ratify the relevant ILO Conventions."*



## Railway workers

Transport workers rights

There are no ILO Conventions specifically relating to railway workers. They come under the general ILO Conventions.

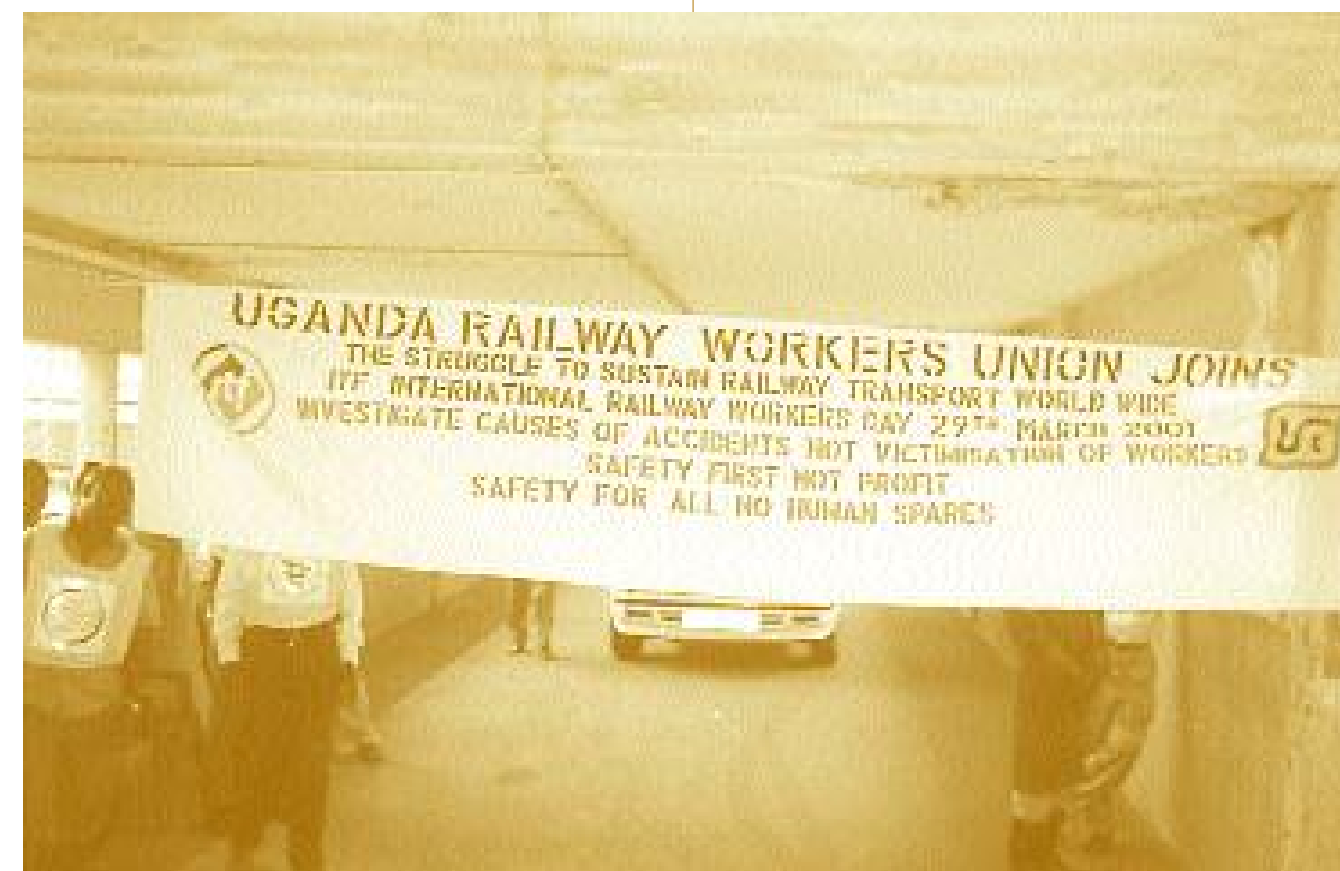
Since the 1990s there has been an on-going process of restructuring of many state-owned railways around the world. This has largely involved privatisation, sub-contracting and cuts. It has meant many changes in working terms and conditions for railway workers and a side-lining of trade unions by management. One of the greatest concerns of railway trade unions has been the impact on rail safety, for both the workers and the passengers. In some countries such as the UK there have been large-scale disasters involving many deaths since privatisation.

Railway workers come under their own national laws governing the safe running of railways, but they also have international rights under ILO Conventions. For example, Occupational Safety and Health, Convention No. 155 (1981), is very far-reaching.

Governments must have a "coherent" national policy covering workplace conditions, equipment standards, work processes and their mental and physical impact, consultation with representative trade unions, and protection for workers who "blow the whistle" on bad practices. However, this Convention has only been ratified by 36 countries. Many countries with large rail networks are not included.

ITF-affiliated railway unions have held two global Action Days in 2000 and 2001. The theme "Safety First, Not Profit" was chosen to drive home the message that, whoever owns the railways, safety must be the priority.

More detail on the ITF campaign is given in the ITF resource book *"Globalising Solidarity"*.





## Road transport workers

Transport workers rights

Extremely long hours and inadequate rest periods are common in both goods and passenger transport. Fatigue and ill-health among bus, truck and taxi drivers is a serious occupational hazard. This situation threatens not only their health and safety. It is also clearly a danger to other road users.

ILO Convention No. 153 (1979) concerns hours of work and rest periods in road transport. It is the only ILO Convention which deals exclusively with conditions in road transport.

The main clauses of the Convention state that:

- n Every driver is entitled to a break after 4 hours continuous driving or after 5 hours continuous work.
- n The maximum daily total driving time should not exceed 9 hours.
- n The maximum weekly driving time should not exceed 48 hours.
- n The daily rest period must never be less than 8 consecutive hours.

The Convention has so far been ratified by only seven countries: Ecuador, Iraq, Mexico, Spain, Switzerland, Uruguay and Venezuela. Moreover, most of these countries have taken no steps to make sure that the Convention is implemented.

In February 2002, the European Union adopted a Working Time Directive on drivers' working hours. The directive gives definitions of working time for a truck driver which includes waiting time. It states how long a truck driver can work within certain periods. But it

has its limitations. Despite lobbying by the ITF's European arm, the European Transport Workers' Federation (ETF), it does not include self-employed drivers. This will lead to problems if companies shift to using subcontracted owner-operators rather than employing drivers directly. The Directive must now be incorporated into the national laws of each member country of the European Union.

Each year from 1997-2001, the ITF has held global Action Days under the slogan "Fatigue Kills". Road transport unions in over 75 countries have taken part. In 2001, over a quarter of a million trade unionists were involved on the day in 65 countries.

The demands are:

- n Limitation of working hours in line with ILO Convention No. 153.
- n In Europe, amendment of European regulations to control working hours not just driving time.
- n Proper implementation of regulations where they exist.
- n Adequate resting places for long distance drivers.
- n Improved procedures at border crossings to limit waiting times.
- n Full pay for all time on duty, with no more unpaid waiting time.

Each union undertakes activities appropriate to its local situation. This ranges from lobbying and negotiations with government and employers, to border actions and road blockades, go-slow convoys, work stoppages and overtime bans, rallies, marches and sit-ins, decoration of vehicles with messages, sounding horns, on-road inspections, leafleting the public and road users, exhibitions and workshops, and the display of wrecked vehicles.

More information on the Action Days is given in the ITF resource book "Globalising Solidarity".



## Civil aviation workers

Transport workers rights

There are no ILO Conventions specifically covering civil aviation workers. Ground staff and cabin crew enjoy the rights laid down in general ILO Conventions.

Only air traffic controllers are different. As noted on page 40, they fall into a special category called "essential workers", which means that governments are allowed to ban them from taking industrial action. This strongly affects their scope for union activity. In many countries, air traffic controllers come under military jurisdiction, as in the case of Venezuela (see page 59).

Some safety and security standards of such bodies as the International Civil Aviation Organisation (ICAO), the European Joint Aviation Authorities (JAA), and the Federal Aviation Administration (FAA) of the US, impact on working conditions. These include licensing requirements for pilots, maintenance engineers, air traffic controllers and some other categories of employees. There are also limits on working time for cabin crew and pilots, minimum staffing numbers for crews, as well as minimum health requirements and mandatory drug and alcohol testing.

These standards, however, generally fall short of working conditions established by collective bargaining. Also they are explicitly not aimed at providing workers with rights but rather to ensure the safe and secure operation of air services.

Cabin crews face an unusual problem. In many countries, they are not covered by national health and safety regulation on the basis that their workplaces are not fixed premises. And when they are in the air, while they are subject to the jurisdiction of the country where the aircraft is registered, this is not always the country of the airline they are flying for, or the country in which they are based. In any event, no governments have developed adequate workplace protection and health and safety standards for aircraft cabins. This leaves most cabin crew workers less protected than workers on the ground.

An example of this is the problem of "Air Rage", violence on board aircraft. Legally, it is the country of registration of the airplane that has the responsibility to prosecute. But that is of no practical use in cases where the aircraft lands after an incident in a foreign country. So it becomes a lottery whether pilots and cabin crew who suffer violence or harassment in their workplace have any real legal remedy. The ITF is campaigning for an international treaty to close this loophole.

Some airlines such as United Airlines have also tried to argue in local courts that employees in their foreign crew bases, such as UAL cabin crew based in Paris, France, should not be able to benefit from the social benefits or protections available either in the US or in France. They have argued that the aircraft is the workplace and the employees are effectively stateless!

Aviation workers often have safety responsibilities. Frequently they witness short cuts on safety by airline operators. It is imperative that these workers are given "whistle-blower" protection – that they are protected by law if they report these shortcomings.



## Key questions for discussion

Do you know:

- n which ILO Conventions, including those that relate to your transport sector, have been ratified by your country? If not, how can you find out?
- n which trade unions represent you at the ILO? If not, how can you find out? How can you strengthen your voice in the ILO?
- n what training and education programmes on workers rights are run by the ILO in your country, and how to get involved in them?

### Activity 1: ILO standards in your country

Look at the ILO's Core Labour Standards and remind yourself what they are. Discuss whether there are barriers to achieving all of them in your country. If so, what are the barriers and how might they be overcome? Consider factors such as:

- n to what extent workers are aware of the concept of rights
- n the policies and practices of your current government towards workers rights
- n the capacity of trade union organisations in your country to mobilise around rights
- n the kind of support which you might expect from other sectors of society.

### Activity 2: ILO standards in your transport sector

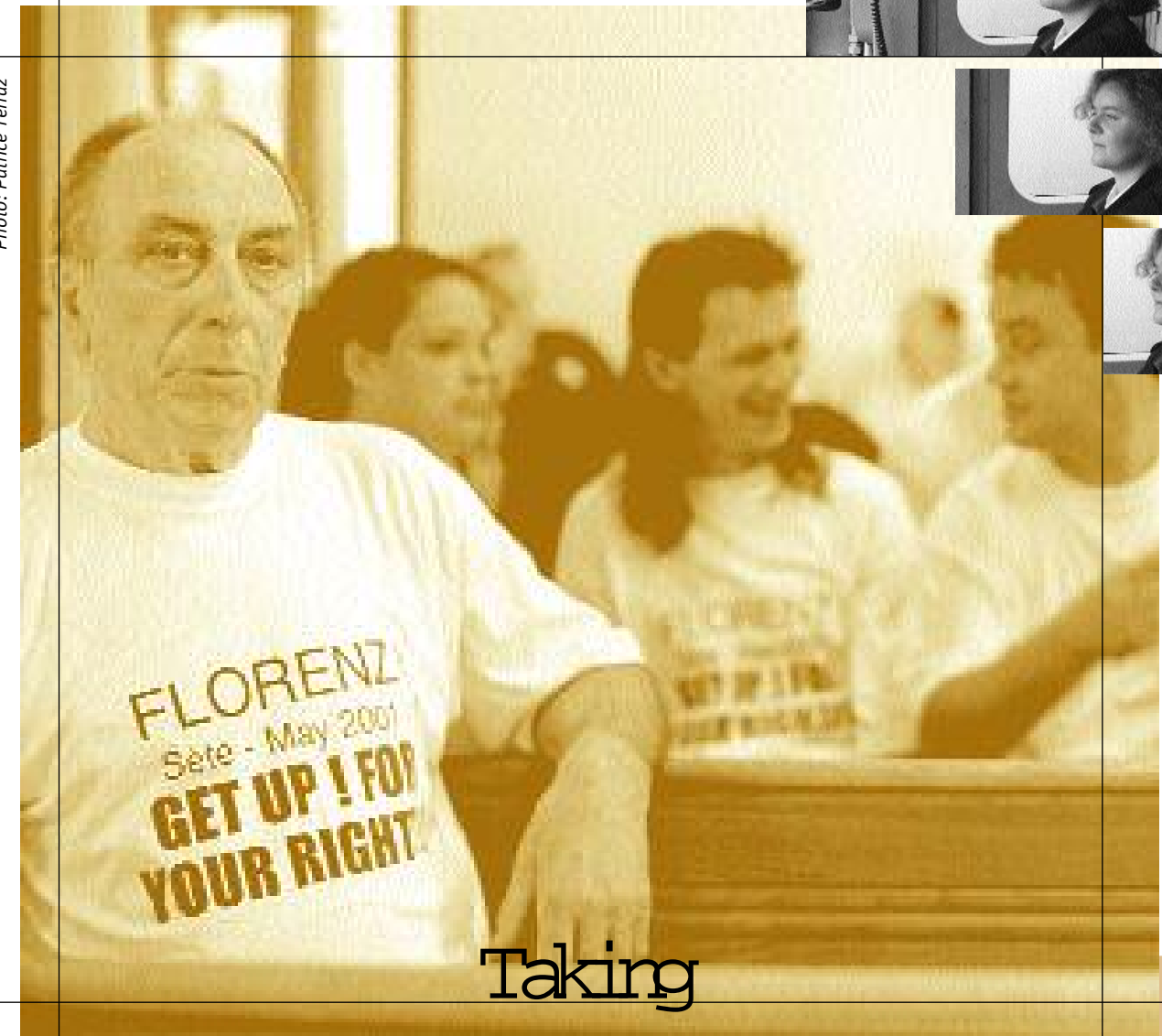
Get copies of the ILO's Labour Standards relating to your industrial sector from the ILO website at [www.ilo.org](http://www.ilo.org)

Find out whether or not they have been ratified by your country.

Discuss what steps need to be taken to ensure they are ratified, if this is needed.

Discuss what steps need to be taken to ensure they are fully implemented. What are the barriers and how might they be overcome?

Photo: Patrice Terraz



## Taking Action for Rights





66  
 I welcome the many initiatives being taken by trade unions from all parts of the world to push forward the agenda of equality and non-discrimination in the workplace and labour market. Unions are active in advocacy for migrant workers and ethnic minorities, training union representatives to identify and challenge institutional discrimination at work and seeking new agreements with employer organisations. I encourage the international trade union movement around the world to... strengthen your actions to recognise the value of diversity and to combat discrimination.

Mary Robinson, United Nations High Commissioner for Human Rights in a statement prior to the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, September 2001

What are the activities which trade unionists can and do undertake to win and defend human rights? Here are some possibilities:

Defending the human and workers' rights of your own union members – and making it clear that any violations are human rights abuses. When workers are sacked for trying to organise a union, that is a violation of human rights.

Protest messages to express your outrage when the human or workers' rights of others are violated. These violations may be in your own country or

abroad. The ITF issues Action Alerts to ask affiliates to take action on very pressing cases. Messages and material support to those suffering repression. Such a show of international solidarity gives heart and sustenance to those on the front-line of fighting for their rights.

Complaints to official organisations such as the ILO and UN bodies about specific cases where human rights have been violated. One of the greatest weapons in our arsenal against human rights abusers is still condemnation and vilification.

Lobbying and negotiating with governments and intergovernmental bodies to strengthen international human rights statutes and processes, and national legislation. One important step is to demand that your government ratifies all the ILO Core Labour Standards and the key UN Conventions that it has not already ratified.

Negotiating agreements with employers which reinforce the responsibility of employers also to respect human and workers' rights.

Education among union members about the importance of campaigning for human and workers' rights.

Campaigns that mobilise union activists and raise awareness widely in society; joint action with community-based organisations and civil society movements including consumer organisations, women's groups, faith-based groups, human rights NGOs and environmentalists. Such campaigns strengthen the long term work of trade unions in lobbying.

Economic sanctions such as boycotts. These should only be undertaken where they have been requested by the victims of abuse; otherwise they can damage those whom we wish to support.

All trade unionists can play a part in these kinds of solidarity for human and workers' rights.

## Danish workers take action for Malaysian rights

Tian Chua is a researcher with the Labour Resource Centre in Kuala Lumpur, Malaysia. He is also Vice President of the Partai Keadilan, the Social Justice Party, which is the main opposition party in the country. Tian has been arrested several times for his political activities.

On 10 April 2001 Tian was arrested again, under the draconian Internal Security Act (ISA). Tian was one of several detained without charge and held incommunicado for sixty days. Amnesty International says he was probably tortured. Then the government ordered he should be held for two years. There was no trial. In detention his health deteriorated badly, particularly after a hunger strike to mark the first anniversary of being detained.

The Danish SiD trade union has taken up Tian's case vociferously. Christian Juhl of SiD explained more about the campaign at the ITF Summer School in Denmark in August 2001:

*"In the early 1990s, study circles on the 'Asian miracle' were popular among SiD members. We knew that when an economy booms, unions become more important. We made contact with the Labour Resource Centre in Malaysia and helped with building up their library and training. Every three months, letters were exchanged in both directions, which is the study circle approach. Money was collected. We exchanged people and developed real contact from worker to worker.*

*In 1997, Tian came to Denmark. He gave May Day speeches at seven rallies. In all, 44 SiD activists either invited Tian for a meal at their home or had him stay over to learn more about Malaysia. Now these people can be easily mobilised. We are aware that Tian is not the only person detained under the ISA and we publicise this. But people in Denmark know Tian. That is why the campaign concentrates on him.*

*Postcards and posters have been printed, a website was set up, and we put an article in the SiD magazine which has a circulation of 330,000. We hear that local Amnesty International groups sent 10,000 letters/emails of protest. SiD also took our protest to the Danish government, and they in turn protested three times to the Malaysian government through the Danish embassy in Kuala Lumpur.*

*We have contact with unions and individuals in Malaysia but it is frustrating that the unions there do not do more. It is because they are highly regulated and have only limited rights.*

*International solidarity is important for SiD. The work is decentralised and all twelve SiD districts must take part. Now the trend is to go down to the local SiD branches. The local unions profit from this international approach because of the impact of globalisation. For example, in Silkeborg where I come from, ninety per cent of employees work for foreign-owned companies. We also think it is important for combating racism in Denmark."*





# ITF-wide solidarity

Within the ITF, the most practical form of campaigning is the solidarity which affiliates show for each other.

The ITF is often asked by member unions to generate solidarity where basic human or workers' rights are being seriously violated. In both 1999 and 2000, the ITF received just over 100 such requests, most of them concerning attacks on the rights of workers to join and form trade unions.

What is encouraging is that each time a request is made numerous ITF affiliates respond. Often they write a letter of protest to the government that is violating rights. They may also contact their own government to make a protest. Sometimes they organise or join in demonstrations, or even take industrial action.

## Practical solidarity

At the ITF's 39th Congress, held in New Delhi in 1998, the *Mobilising Solidarity* strategy paper had this to say:

- 22. International solidarity has always been the most important feature of ITF work.
- 23. Some 'solidarity' is symbolic - messages, resolutions, diplomatic pressure etc. The importance of such solidarity should not be ignored. In some countries, the mere threat of action by the ITF has been sufficient to achieve settlements, secure the reinstatement of sacked union leaders or cancel legal attacks on unions.
- 24. Financial solidarity can also be important where unions face massive costs because of attacks by employers or governments, fines or other legal actions which threaten their ability to defend their members' interests or where workers face being forced back to work through starvation.
- 25. But threats are worthless unless those being threatened believe there is a risk of the threats being carried out. Financial solidarity can help continue a dispute but will rarely win it.
- 26. So, without denying the importance which solidarity messages, diplomatic pressure and financial support can have in winning disputes, this document concentrates on practical solidarity - sympathy strikes, boycotts, different types of industrial or any other direct action which has the effect of exerting direct economic pressure on employers or governments.
- 27. The ITF has succeeded over many years in organising direct solidarity, mainly in the maritime sectors and, to some extent, in aviation. As a result, it has achieved a major role in establishing and enforcing minimum wages and working conditions in the international shipping industry.

## Guidelines for ITF affiliates requesting international support

To make it easier to co-ordinate international solidarity during a conflict or dispute, the ITF Secretariat in London asks for:

- n A clear request for ITF assistance so that the Secretariat can distinguish between what is purely information, and what is a request for some form of international support.
- n As much advance notice as possible. Please give us information about a potential dispute in good time before it develops fully. This will help us to plan action in advance.
- n Brief, but clear information on the basic facts and background of the dispute, including the main causes; the demands of the union; the legal situation; the extent and nature of industrial action.
- n Detailed information of any trade union/human rights violations which may have been encountered and of who was responsible.
- n An indication of the position of other ITF affiliates and/or other union organisations in your country including your trade union centre where appropriate. Also if there is more than one ITF union involved, we need to know their attitude. Has the national ITF co-ordinating committee been informed/involved?
- n Full details of the employer concerned, their ownership, links with other companies and, where relevant, details of the main customers/suppliers affected by the dispute.
- n Information about the legal status of the dispute and any other legal information you may have which could be relevant.
- n Details of any contacts which you have already had with ITF affiliates in other countries.
- n Names and titles, addresses, fax numbers and email addresses of persons/bodies to whom letters of protest should be sent, including ministers, government officials, company representatives etc.
- n Information on any important dates that may affect the conduct of the dispute, or which can be the focus for international support action, for example, union days of action, court hearings, contract expiry dates.
- n Information on specific countries where it may be possible to exert pressure for a resolution of the dispute. For example links with employers in other countries, routes flown by an airline or ports at which ships may call.
- n Keep us informed regularly on developments, offers, mediation meetings etc. In particular you must let us know immediately if the dispute ends.

## ITF Action Alerts

Once the ITF receives a request for action against a serious violation of human and workers' rights, the ITF Secretariat investigates the case and, if the case needs it, issues an Action Alert to ITF affiliates. These are requests to affiliates to take lawful solidarity action.

Many affiliates, even those far away from the scene of the violations, respond by writing protests to the government concerned, holding demonstrations outside embassies, and on occasion taking industrial action in sympathy.

Some examples from a three-month period in 2000 show the range of solidarity action by the ITF:

- n In August 2000, the Dockers Section mobilised support for the ITF affiliate in the port of Karachi in Pakistan. Management of the Port Trust had begun a campaign of harassment against the union.
- n In September 2000, the ITF supported the Fiji Trades Union Congress (FTUC) in its campaign against the violent overthrow of the democratic government in May (see page 57). This followed earlier action by affiliates, especially in the Asia/Pacific region, hitting Fijian air and shipping services with industrial action.
- n In October 2000, the ITF wrote to the President of Belarus, Alexander Lukashenko, to protest against government action against the functioning of trade unions.
- n Also in October 2000, the ITF called on affiliates to show solidarity with the people of Burma against the military regime (see also page 34).

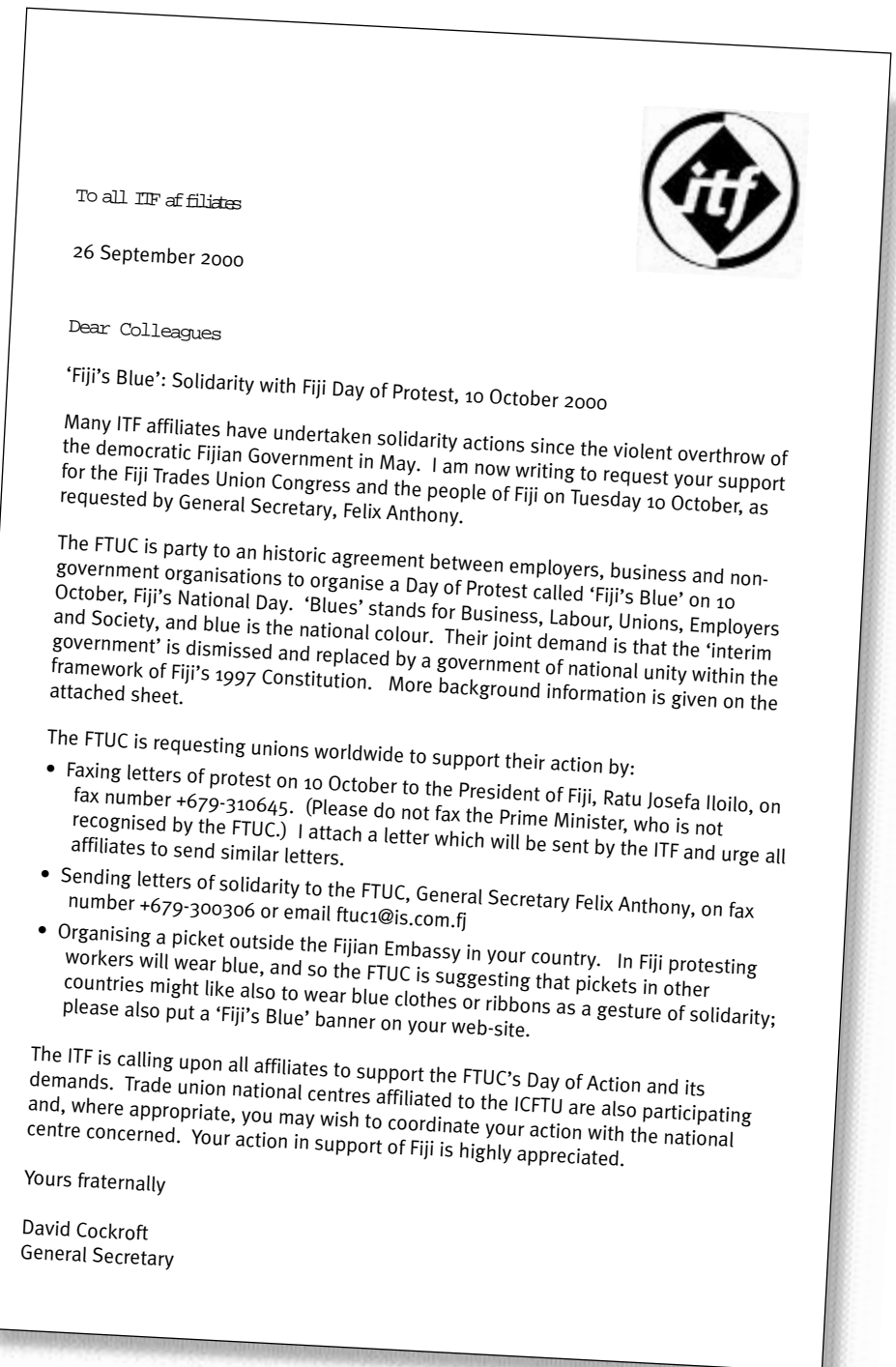


*"We received a lot of solidarity messages from international organisations such as the ICFTU and ITF, some national union centres, plus transport workers' unions in Australia, Canada, Ghana, South Africa and elsewhere.*

*As a result of pressure, New Zealand and Australia imposed sanctions, and the European Union withheld aid. Many letters were written to the President of Fiji, Ratu Josefa Iloilo, calling on him to restore the elected government and uphold the 1997 Constitution, and voicing concerns about the anti-union movement.*

*However, more concerted pressure on governments might have more quickly solved the problem. The removal of sanctions by the Australian government after the 2001 elections was, for example, not appropriate because the 1997 Constitution is still being violated."*

*Felix Anthony, General Secretary of the Fiji Trades Union Congress*



*"The JSU sent two letters to the government of Fiji. We consider that democracy is essential for and the basis of the trade union movement not only in Fiji, but anywhere in the world. As a trade union, it was natural and important for us to express our concern and protest against violation of democracy in Fiji, because it was our problem too."*

*Keiko Takahashi, International Affairs Department, All Japan Seamen's Union (JSU)*

## Taking a complaint to the ILO

If you think the law and/or practice on workers' rights in your country does not conform to an ILO Convention, your union can consider making a complaint to the ILO. The procedure for considering such a complaint can take a long time. A year is typical. However, many trade unions have eventually found it a useful step as part of their overall strategy.

Complaints can only be made to the ILO:

- n About a government, not an employer.
- n If the government has ratified the Convention in question.
- n By a trade union if it is:
  1. a national organisation, like a transport workers union, directly interested in the matter; or
  2. a national trade union centre; or
  3. an international workers organisation, like the ITF.

While complaints cannot be made to the ILO directly against employers, it is possible to complain that a government has not taken adequate steps to regulate the activities of employers in its country.

Complaints must be made in writing and be accompanied by as much proof as possible that supports the allegations. Vaguely worded complaints are of no use. Complaints must refer to the Convention and the relevant national law, give dates, names etc, and mention any attempts to resolve the issue, for example through a labour court.

Background research will help support your case. You can use:

- n Reports of the ILO Committee on the Application of Standards. This report is produced every year and says how governments are implementing Conventions. It may be that your problem is not unique and complaints have been made before.
- n Copies of reports submitted by your government to the ILO in previous years.

Further information/help can be found through:

- n The ILO Area Office responsible for your country. The Programmes Unit in this office should have an officer responsible for workers organisations. There may also be a Librarian or Publications Officer. (See page 66 for contact details.)
- n ILO Multi-Disciplinary Teams based in sub-regions (for example, South Asia or East Africa). Each of these Teams has a specialist for Workers Activities, who will be a trade unionist, plus a specialist on ILO Standards.
- n The Workers Activities Branch of the ILO, based in Geneva; contacted via the ITF.

Complaints are heard in the ILO by the Committee on Freedom of Association or by a Commission of Inquiry especially appointed by the ILO Governing Body.

More information on how ILO labour standards are enforced is given on the ILO website [www.ilo.org](http://www.ilo.org) in various languages.

Before making a complaint, you are strongly advised to discuss it with the ITF Secretariat first. The ITF can give advice on what is likely to succeed and what not. Also, with the backing of the ITF, your case is more likely to be taken up. You should also contact your national centre, if appropriate.

## Venezuelan air traffic services workers go to the ILO

In February 1995 the government of Venezuela sent in the military to run the country's air traffic services. José Iglesias, who is now Education Officer in the ITF Latin American region, was one of the trade unionists who saw the military take over his job in a commando operation. José explains what happened and how they sought help from the ILO:

*"In 1993 we formed the Aeronautic Workers' Organisations' Federation, bringing together eight air traffic services workers' trade unions and associations. It included the SUEPTAV union for aeronautical telecommunications technicians, of which I was Assistant Financial Secretary.*

*One of our greatest concerns was the poor technology we were using. But the ministry failed to address this. Later we knew we were right because the Federal Aviation Administration (FAA) in the US used our low technical standards to restrict aviation business with our country. So, in January 1995, we took industrial action. The air traffic controllers went on a work-to-rule which caused long delays in commercial flight schedules.*

*Early in the morning of 18 February, the military moved in. I was a night-shift supervisor on duty at Caracas airport at the time. The air traffic controllers were thrown out and replaced by military personnel. All other air traffic services came under military supervision. So the civil aviation workers stopped work and said they would stay out until the last military officer left the airports.*

*The government's response was to issue Decree 572. Under this, all air traffic services workers were given a new status that normally only applies to middle management, "personal de confianza" or "trustworthy personnel". One implication was they could be arbitrarily sacked. Effectively they lost most of their rights.*

*We looked for all kinds of support from the trade union movement nationally and internationally. We won a decision by the Legal Advisory Department of the Venezuelan Congress that the President was not authorised to issue such a decree. So we took this to the Supreme Court of Justice. However, two years later the court still refused to make a decision and merely gave deadlines for continuing negotiations. We suspect they didn't want to make a legal precedent for future cases.*

*Meanwhile we were helped by human rights organisations in Venezuela to take a complaint to the ILO. We needed their help because some of my colleagues had been arrested by Military Intelligence. It was quite a lot of work to get all the documentation ready, and it took about a year to get a decision. In fact, the Committee on Freedom of Association of the ILO decided in favour of the workers and told the Venezuelan government to withdraw Decree 572 and its regulations. The Supreme Court took little notice of the ILO's decision, however. Perhaps its greatest worth was that the ILO gave the workers something positive after a year without jobs or salaries.*

*By February 1997, most of the workers were back at work and military operatives were sent back to their air bases. However, even now in late 2001 the military is still in supervisory positions and Decree 572, though widely recognised as illegal, remains in place. The government has changed but the new one is happy to benefit from the situation.*

*We didn't get a lot from the ILO process, but it did bring us in contact with the ITF and we affiliated. Then the ITF could represent us at the ILO when we couldn't be there. Before that we knew very little about the international trade union movement. This was probably the greatest benefit of going to the ILO."*



## Lobbying governments

As we have seen, human and workers' rights are laid down at international level in United Nations declarations and ILO Conventions, as well as in regional declarations and directives in Europe, the Americas, Southern Africa and elsewhere.

As all trade unionists know, human and workers' rights are also embedded in the national statutes and laws of each country, for example in the Constitution and/or in labour legislation.

Whatever rights exist at international level, they still have to be enforced by national governments. So this is the key battlefield for trade unions, and most trade unions take up lobbying of governments as one of their most important roles.

There are many points at which trade unions can intervene with governments over human and workers' rights. Below are some possibilities. Your union will of course select which is most strategic for action, depending on your own situation.

### Human rights ensuring your government

- n is working constructively at international level to strengthen international and regional human rights instruments
- n has a Constitution which embeds the International Bill of Human Rights
- n has immigration policy and practices based on humane principles
- n has passed comprehensive anti-discrimination legislation.

### Workers rights ensuring your government

- n is playing a full and constructive role in the ILO
- n has ratified the Core ILO Conventions
- n has ratified the ILO Conventions relating to your industrial sector
- n has amended legislation to reflect the Conventions it has ratified
- n has labour legislation which meets at least the minimum stated in appropriate Conventions
- n is ensuring that the legislation and Conventions are properly respected.



## Pressure on employers

Every time trade unionists negotiate with an employer, they are exercising their basic rights to organise and to bargain collectively. But these hard-won rights are still, in today's world of the global labour market and deregulation, extremely hard to defend.

Most international human rights treaties and conventions are designed to protect individuals from the state. For many workers, however, violations of their rights are committed not by states but by employers (often with the collusion of the state).

Multinational employers, which operate in many countries, pose a particular problem for defending workers' rights. The company may be willing simply to move to another country when the workers in one country get organised and claim their rights. This happens particularly in low technology, labour intensive industries such as garments and sport shoes, which are mobile and can seek out countries where independent unions are non-existent or very weak, such as China.

Other companies are more tied to particular locations because of the capital investment they have made or because that is where their key raw materials come from. Their tactic may be to try to get away with the minimum each government will allow. So where enforcement is high, they tolerate and negotiate with unions, and where it is low they can be union-bashers.

It is clear that much stronger international mechanisms are needed to persuade multinational corporations to fulfil their obligations towards human and workers' rights. During the 1990s, amid growing discontent about the global economy – as seen during the “anti-globalisation” demonstrations in Seattle, US, and elsewhere – a number of new strategies were developed. Many are aimed at persuading employers to act in a more “socially responsible” way. Some are based on the idea that there is a “business case” for ethical behaviour – that it benefits companies and their “bottom-line” profits to treat their employees well, to respect the environment, not to give bribes, and so on.

Such initiatives to encourage ethical business include:

- n The United Nations Global Compact: A number of business leaders have agreed to a set of principles with Kofi Annan, UN Secretary-General. These principles include the ILO's core standards. In announcing the compact, Kofi Annan warned that unfettered capitalism is leading to many social and political problems and is “vulnerable to backlash”. The answer, he said, is for multinational enterprises to choose to respect international environmental, human rights and labour standards.
- n The Organisation for Economic Co-operation and Development (OECD), the “club” of rich industrialised countries, has adopted Guidelines for Multinational Enterprises. The Guidelines include the ILO's core standards, health and safety standards, employee consultation, and vocational training.
- n Codes of conduct: There are various types of codes. “Corporate codes of conduct” refers to company policy statements where they define for themselves their ethical standards. There are also “codes” which are general standards, such as SA8000, to which companies sign up and allow professional monitors to oversee and advise. Then there are codes which have been developed by coalitions including worker and consumer activists, student campaigns etc, to put pressure on particular companies, such as those with a famous “logo” which are vulnerable to consumer boycotts.

None of these initiatives is legally enforceable; they are “voluntary”. But they may embarrass some employers into modifying their behaviour, or bring pressure through consumer purchasing power. They are most likely to succeed where they involve the workers affected and raise levels of awareness and campaigning for workers' rights.

Trade unions believe, rather, that the emphasis must be on the negotiation of collective bargaining agreements (CBAs), possibly supported at the international level by framework agreements (see next page). CBAs have legal status, enforceable through the courts. Unions also have mass membership, whose power can be mobilised to support such agreements.



## Framework agreements

Some Global Union Federations – which are sectoral trade union bodies similar to the ITF – have negotiated global agreements with multinational companies and international employers’ organisations. To date, there are just a dozen of these “framework agreements”.

The agreements cover such issues as basic trade union rights, non-discrimination, health, safety and environmental issues, information and training. The company not only agrees to respect workers’ fundamental freedoms throughout its operations worldwide but often also to collaborate with its suppliers to do the same. Most importantly the agreement creates a permanent channel of communication between the international union federation and the corporation’s headquarters. The International Federation of Chemical, Energy, Mine



and General Workers’ Unions (ICEM) has, for example, a framework agreement signed with the Norwegian oil company Statoil, which has been useful in the campaign for offshore workers’ rights in the US Gulf (see page 33).

*“The essential point about these agreements is that we have the right to monitor their implementation, and to bring any breaches to the immediate attention of corporate management at the highest level. That is the vital difference between global agreements and the internal codes of conduct adopted by many multinationals.”*

*Freg Higgs, ICEM, Transport International, December 2001*

The ITF has not yet signed any framework agreements, but it has reached a global agreement with the International Maritime Employers’ Committee (IMEC) which covers the wage levels for 60,000 seafarers on board vessels owned by IMEC members, which include Maersk, Mobil, Chevron, Shell and Swire Pacific. This is a unique international collective agreement in the international trade union movement.

For more on the international trade union movement and its activities relating to multinational employers and the global economy, see the ITF resource book “Globalising Solidarity”.

## Building local and global action

Negotiations and lobbying, whether at local, national or international level, are more likely to succeed if they are backed by solid organisation of union members and a targeted campaign. This is key to the success of trade union activity.

There are many components to building good trade union organisation and campaigning. Campaigning methods to mobilise workers, unions and their allies are discussed more fully in the ITF resource book “Globalising Solidarity”.

Remember: on any issue of fundamental human and workers’ rights, the ITF is there to help mobilise international solidarity.

As history has shown, and continues to show, human and workers’ rights do not just “happen”. Unions have to campaign for them. Strong campaigns need strong unions with active and informed members, and transport workers have a vital role to play, particularly because they are so key to the global economy.

The ITF document “Mobilising Solidarity” adopted at the 1998 Congress in New Delhi says: “Solidarity – collective trade union strength – has always been and remains the basis of the ITF and of the entire international trade union movement... Those who give solidarity today may need it tomorrow.”

*“First they arrested the Communists ñ but I was not a Communist, so I did nothing. Then they came for the Social Democrats ñ but I was not a Social Democrat, so I did nothing. Then they arrested the trade unionists ñ and I did nothing because I was not one. And then they came for the Jews and then the Catholics, but I was neither a Jew nor a Catholic and I did nothing. At last they came and arrested me ñ and there was no-one left to do anything about it.”*

*Reverend Martin Niemöller, a German Protestant clergyman speaking of Germany under the Nazis in the 1930s*

*“Where, after all, do universal human rights begin? In small places, close to home ñ so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizens action to uphold them close to home, we shall look in vain for progress in the larger world.”*

*Eleanor Roosevelt, US. Quoted by Kofi Annan, Secretary-General of the United Nations, commemorating the 50th Anniversary of the Universal Declaration of Human Rights*

*“Injustice anywhere is a threat to justice everywhere.”*

*Martin Luther King Jr, US*

Key questions for discussion

- n If so many governments ignore the treaties they have signed, and there are no international courts to make them implement them, why is it worth fighting to secure rights?
- n How might you campaign to pressure the government in your country to bring your labour law and practice into line with the Core ILO Conventions?
- n Do you agree or not with the quotes on page 63? State your reasons. Can you give examples from your own experience that fit each of these quotes?

Activity 1: Union action on human/workers’ rights

In small groups, discuss with concrete examples the activities that your trade union has undertaken recently in support of the basic human and trade union rights of workers elsewhere, either at home or abroad.

What activities were undertaken? Why? What were the results? What were the lessons?

Activity 2: Responding to an ITF Action Alert

In small groups, read through the sample Action Alert on page 57. Discuss how your union might respond. Consider the concrete possibilities for:

- n A protest letter to the government in question.
- n Activities you can undertake with fellow union members: eg demonstrations ñ where and with whom?
- n Letters to the press.

Think about the role of:

- n Your national union centre.
- n Other organisations in your locality/country with whom you can work, eg human rights NGOs and lawyers, consumer campaigns, faith groups, students
- n The local press and media.

Activity 3: Taking a case to the ILO

Select one of the cases in this book where the core rights of transport workers are being violated.

Prepare a formal statement of the case to the ILO. Consider what information and extra documentation you would need to include.

Discuss how you would take your complaint forward. Which bodies would you approach?

Activity 4: Human rights in your employment contract

There is no reason for human rights to stop when you go to work. Your employment contract should reflect that fact. Look at your contract of employment (this may be called something different in your country). Use the table below to check how human rights are reflected in your contract of employment (if at all).

Human and workers rights (as in the UDHR, ILO core standards, ILO transport conventions etc)	Corresponding clause in your contract of employment

If you have identified fundamental rights that are missing, how might you campaign to have the contract improved?



# Information sources on human rights

## United Nations

In nearly every country there is a United Nations Information Centre, located in the capital city. UN material is usually available in English, French and Spanish, and often other languages too.

*“Human Rights Today”*, a UN Briefing paper, 1998, is a very useful introduction with information on UN activities in the field of human rights.

Internet: [www.un.org/rights](http://www.un.org/rights) gives many texts of UN declarations of rights.

United Nations High Commissioner for Human Rights (UNHCHR)  
The UNHCHR is the central point in the UN system for human rights.

Centre for Human Rights  
UN Office  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland  
Tel +41 22 917 1234  
Fax +41 22 917 0123  
Internet: [www.unhchr.ch](http://www.unhchr.ch)

## International Labour Organisation (ILO)

Not every country has an ILO office in the capital city. But there will be an ILO office responsible for your country. Your union national centre, the ITF, the United Nations office, or even Ministry of Labour should be able to tell you where the appropriate ILO office is.

There is a special part of the ILO devoted to trade unions, called ACTRAV.

ACTRAV  
ILO  
4 Route des Morillons  
CH-1211 Geneva 22  
Switzerland

The ILO’s website is enormous, and very interesting.

It is free and well designed. Material is available in English, French and Spanish. The ILO puts a large number of documents of use to trade unionists on this site. This includes the text of ILO Conventions.  
Internet: [www.ilo.org](http://www.ilo.org)

## International Confederation of Free Trade Unions (ICFTU)

The ICFTU has a great deal of useful information about labour rights, including the Annual Survey of Violations of Trade Union Rights and country-by-country analysis of all major labour rights. It also attends major human rights conferences and lobbies for wider human rights on behalf of the international labour movement.

5 Boulevard du Roi Albert II, Box 1  
B-1210 Brussels  
Belgium  
Tel: +32 2 224 0211  
Fax: +32 2 201 5815  
Internet: [www.icftu.org](http://www.icftu.org)

## International Committee for Trade Union Rights (ICTUR)

ICTUR is focused on defending trade union rights worldwide. It has a network of committed lawyers and national committees in some countries.

UCATT House  
177 Abbeville Road  
London SW4 9RL  
UK  
Tel: +44 20 7498 4700  
Fax: +44 20 7498 0611

Email: [ictur@gn.apc.org](mailto:ictur@gn.apc.org)  
Internet: [www.ictur.labournet.org](http://www.ictur.labournet.org)  
Human Rights Watch (HRW)

The largest human rights organisation in the US, HRW takes up labour questions and has produced hard hitting reports on child labour, for example.

34th Floor, 350 Fifth Avenue  
New York  
NY 10118 3299  
USA  
Tel +1 212 290 4700  
Fax+ 1 212 736 1300  
Email: [hrwny@hrw.org](mailto:hrwny@hrw.org)  
Internet: [www.hrw.org](http://www.hrw.org)

## Anti Slavery International

This claims to be the oldest human rights organisation in the world. It was established in 1839 to fight the slave trade. It now campaigns especially on child labour, forced labour or bonded labour, and other forms of modern slavery.

Thomas Clarkson House  
The Stableyard  
Broomgrove Road  
London SW9 9TL  
UK  
Tel: + 44 20 7501 8920  
Fax: + 44 20 7738 4110  
Email: [antislavery@antislavery.org](mailto:antislavery@antislavery.org)  
Internet: [www.antislavery.org](http://www.antislavery.org)

## Amnesty International

One of the best known human rights organisations, Amnesty International concentrates on Prisoners of Conscience, people imprisoned for their beliefs, and on campaigning against the death penalty. Founded in 1961, it has sections in many countries.

Amnesty has recently produced “Human Rights: is it any of your business?” Aimed at business leaders, it presents the “business case” for human rights and includes labour rights in its definition. There is a useful resources section of Amnesty International.

The International Secretariat can put you in touch with your national section:

International Secretariat  
1 Easton Street  
London WC1X 8DJ  
UK  
Tel: +44 20 7814 6200  
Fax: +44 20 7833 1510  
Internet: [www.amnestyinternational.org](http://www.amnestyinternational.org)

# Notes

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