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(CIDI)



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COSATE/TUCA DECLARATION

JOINT DECLARATION OF THE TRADE UNION TECHNICAL ADVISORY COUNCIL
(COSATE) AND THE TRADE UNION CONFEDERATION OF THE AMERICAS (TUCA)

AT THE XXI INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR OF THE
ORGANIZATION OF AMERICAN STATES (OAS)

The trade union movement of the Americas, represented by its continental organization, the Trade Union Confederation of the Americas (TUCA) and the Trade Union Technical Advisory Council (COSATE), in a meeting held virtually in the city of Buenos Aires on September 22, 2021, adopts the Declaration below within the XXI Inter-American Conference of Ministers of Labor:

We agree on the terms upheld under the call for this Conference, which has as a theme “BUILDING A MORE RESILIENT WORLD OF WORK WITH SUSTAINABLE DEVELOPMENT, DECENT WORK, PRODUCTIVE EMPLOYMENT, AND SOCIAL INCLUSION,” for the pandemic has revealed, now more than ever, the structural problems in our economies and the social inequality prevailing in our continents, along with the fact that the measures taken by most of the countries to mitigate the impact of the pandemic have been insufficient.

Furthermore, the pandemic has proved the importance of workers’ organizations as representatives of the legitimate interest of those whose jobs, income and health have been particularly affected, and who might fall into poverty and exclusion if appropriate social protection and labor policies are not implemented. The lack of effective Social Dialogue hinders response ever further, for governments and employers’ unilateral measures only increase difficulties for working people.

For this reason, it is essential to guarantee the right to freedom of association, collective bargaining at all levels and in all sectors of activity, whether public or private, as well as the right to strike. This would allow trade union organizations to express their point of view on not only labor relations at company levels but also on general issues directly or indirectly affecting workers.

Debates on strengthening democracy, social policies, macroeconomic approaches, among other topics, demand public positioning and alternative proposals from trade unions, given the socio-political role they play and the fact that this, as already mentioned, does not stop at mere professional vindication.

Therefore, we celebrate the substantive contribution made by the Inter-American Court of Human Rights through its Advisory Opinion No. 27/21 on May 5th, since it has revealed a wide world view regarding the rights to freedom of association, collective bargaining and strike and their relation to other rights with a gender perspective.

We thoroughly agree with the Court's opinion when it states that:

- The rights to freedom of association, collective bargaining and strike are human rights protected within the inter-American framework, which compels States to adopt procedures to guarantee them. These procedures include access to effective legal counsel against violation of trade union rights; the prevention, investigation and punishment of those responsible for these violations; and the adoption of specific measures to ensure the continued enforcement of rights.
- Respecting and guaranteeing these rights is key to defend labor rights, and fair, equal and fulfilling conditions in the workplace.
- Labor rights set the minimum level of protection for workers' rights; thus, they cannot wave their labor rights, as stated in labor law, through collective bargaining.
- Trade union autonomy does not justify measures limiting women to exercise their trade union rights within their organizations. In fact, governments are compelled to adopt positive measures leading to formal and material equality for women in their union and workplace.
- Governments have the obligation to adapt their legislations and practices to the new labor market conditions and technological advances driving those changes. For this purpose, States have to encourage the effective participation of employers' and workers' representatives in the design of labor law and policies.

These observations made by the highest body for the protection of human rights in the region provide a solid foundation for trade union organizations to play a leading role in developing policies, plans and programs for the crisis recovery.

Moreover, the region's trade union movement launched the Development Platform for the Americas (PLADA) as a political proposal to build true democracy, with social justice and respect to the full exercise of freedom of association rights; and with economically sustainable, environmentally-friendly and inclusive social development. In the context of the COVID-19 pandemic, and its social, economic and health effects, we find in PLADA a powerful instrument to take action in the region.

In this sense, the key lines of action of TUCA and COSATE, usually collaborating for these purposes at the national level and within the OAS, have as a source of inspiration the resolution adopted during the Fourth Congress of TUCA. The resolution's priority areas for action, detailed below, are deemed relevant in the context of this Inter-American Conference of Ministers of Labor:

a) *Sustainable development, with social justice and decent work as the main focus for an alternative agenda for the Americas*

For TUCA and COSATE, as a key concept and program for societies, development is based on the principles of environmental, economic and social justice, gender equity and equality, democracy and human rights. On this basis, development promotes “decent work, freedom of association, universal social protection, people’s empowerment with effective presence of governments and the implementation of public policies to regulate economic and social activities, in order to ensure people’s needs are met.”

For subscribers, sustainable development means questioning and “challenging the current economic order, the commercialization and financialization of common goods and the inequalities behind the discriminatory and patriarchal system.” For this reason, we “support a model focusing on care and sustainability, starting with a profound change in the social metabolism and a new relationship with the environment.” In this debate, gender-based and territory-based social movements must not be left aside.

We restate our commitment to the defense of Occupational Health and Social Security as Human Rights and strategic elements of Decent Work. We reject any effort for the privatization of social security in the region, since individual capitalization perpetuates and increases existing inequalities, leading retiring workers into poverty.

The pandemic has proved the relevance of public systems of health and protection, considering that countries with strong systems in the region were more able to face the impact of COVID-19. The pandemic also revealed important deficiencies for frontline workers against COVID-19, especially for health workers, caretakers (which are mostly women) and essential services and production workers.

The production and distribution of vaccines against the virus are influenced by the power of international pharmaceutical companies, even when, in most cases, scientific development and production of vaccines were boosted by public resources and government aid.

Commercialization of vaccines hinders effective access for Latin America and the Caribbean. Protected by patents, intellectual property and confidentiality clauses, pharmaceutical companies have subjected countries to outrageous conditions to grant access to immunization. In our region, this is even more serious considering our fragile health systems, which are privatized and made to reap a profit.

TUCA and COSATE reaffirm the need for free universal healthcare and access to vaccines in the context of the pandemic. We urge governments to recognize COVID-19 as an occupational disease, in order to develop the necessary regulations to protect frontline workers and essential services and production workers.

On the other hand, in a region where informality and job insecurity rates are sky-high, capitalization as a utopia for all systems becomes undeniably unsustainable. Another area to be reviewed in our labor markets is that of those groups with inconsistent work paths. Such is the case of women responsible for unshared household duties, or women being discriminated against at work, where pay gaps reduce their incomes. Social security systems based on solidarity and redistribution, contributory and non-contributory mechanisms do not take advantage of those labor market deficiencies and, therefore, constitute an instrument to reduce such inequalities.

Trade Unions in the Americas regret that governments in the region lost the opportunity to agree on coherent responses to serve public health systems, increase social protection and protect decent work in the context of the pandemic. In this scenario, we state that the Organization of American States (OAS) itself has become irrelevant in the face of these critical challenges. Much on the contrary, during the pandemic, the OAS has helped deepen differences, promote interference and destabilize democracies in the region.

b) *The defense of democracy and freedom of association to extend our rights*

For TUCA and COSATE, the democracy issue in the region is fundamental, as it should be defended and strengthened. This is because democracy not only has a civilizing value, but also because its interruption and the attacks on freedom always have workers as their first victims (violence, torture, murders and disappearances).

Moreover, democracy enables people to extend their rights and freedoms.

We declare, as the ILO did in its inaugural act in 1919, that social justice is the foundation of permanent universal peace.

As stated during the Fourth Congress of TUCA, peace is not only the absence of conflict, but also “the product of establishing fair social and economic conditions for the majority of the population.”

We also highlight that a substantial part of the democratic mechanism in society is the democratization of the media, in order to ensure full compliance with the right to freedom of expression and enable access to a wide range of sources of information, since these are proper public goods and basic human rights to be guaranteed by the State.

c) *The protection of work transformed by new technologies (digital platforms, telework, etc.)*

The world of work is subjected to fast changes in work formats, which, in many cases, require labor legislations to be adapted in order to appropriately protect those who perform their functions in these new scenarios.

Governments should take initiative to prevent such changes from affecting negatively on working conditions and salaries. Their lack of action so far has caused people working under these new formats to be considered freelancers instead of employees under a full contract, thus evading social protection regulations and undermining job security.

We claim that labor legislation must regain its protection aspect without falling into an approach that, relying on the argument of equality between parties in a contract, deny the radical asymmetry that exists between employer and employee when setting working conditions.

d) *Facing inequalities, promoting inclusion, and gender equity and equality:*

Lastly, there is another area of agreement between the theme of this Inter-American Conference of Ministers of Labor and the points of view of TUCA and COSATE: the ultimate consolidation of gender equality.

We call for policies that comply with the goals set during the Congress of TUCA, aimed at achieving “greater autonomy for women, so that they can develop capacities to make free and informed decisions, in order to live their lives according to their own ambitions and wishes, in the historical context that makes that possible, and in its political, economic and physical dimensions.”

The pandemic has deepened gender inequalities, which proves that governments must double their efforts to guarantee the right to live free from all kinds of violence and discrimination. They must overturn barriers hindering access to the world of work, placing excessive care responsibilities, widening pay gaps and limiting women participation in political, social, or other organizations.

The COVID-19 pandemic has aggravated violence towards historically alienated groups, such as women, youngsters, aboriginal peoples, people of African descent, and LGBTIQ+ communities. But we have also seen how criminalization of and violence towards social activists and supporters, including trade union members, has increased dangerously in the region. Countries such as Colombia, Brazil, Honduras and Guatemala continue to be the most dangerous for trade union, environmental, and other human rights activists. Impunity, no governmental action and not adopting concrete measures for the protection and defense of activism constitute the main enablers of criminalization and violence.

To conclude, we state that:

We are strong supporters of institutionalized social dialogue as a tool to achieve crisis recovery and a future world of work that includes social justice and sustainable development.

Indeed, we consider social dialogue to be an essential mechanism to create trust among governments and social actors in the world of work; reach fair, equal and long-lasting agreements; prevent and resolve conflicts; promote responsible business behavior, and strengthen sustainable businesses. But, most of all, we believe social dialogue should favor the realization of greater margins for equality among the actors in the world of work. The cost of post-pandemic reconstruction cannot be paid by workers.

We state that collective bargaining is a fundamental instrument of social dialogue, since it represents the means by which workers and entrepreneurs, while exercising their freedom of association, agree on basic working conditions and set liaison terms between representatives.

We believe governments should approach the regulation of new work formats (digital platforms and telework) in a way that considers the inequalities between the parties involved and protects those specific working conditions accordingly.

We reaffirm what was said before about the value of PLADA as a trade unions' contribution to the debate on options/models for the development of the Americas, and demand an expansion of spaces to ensure the presence of representative social actors for the region, with an agenda that includes the interests of all countries.

We also reaffirm our commitment to strengthening the relationships with the Inter-American Commission on Human Rights (IACHR) and the I/A Court H.R., and with the Commissioner for Economic, Social and Cultural Rights. We call on the OAS to continue working to guarantee these rights, in particular those related to trade union and labor rights, freedom of association and collective bargaining, as a key to fight inequality.

We demand promoting the development and implementation of campaigns and actions against violence towards women through the ratification of Convention 190 by all countries, since the isolation caused by the pandemic worsened the risk of harassment and violence in the workplace and at home. Trade unions in the Americas will continue their duty to follow-up on the issue and influence governments to ratify this fundamental instrument.

Finally, TUCA and COSATE confirm that they will keep supporting the work of trade union organizations in each country within the region, pulling together to defend democratic rights and, in particular, the interests of the working class. With this goal in mind, the Mesas Nacionales CSA (TUCA National Roundtables) have been established in Paraguay, Dominican Republic and Guatemala as priority countries in our strategic agenda for this period.

TRADE UNION TECHNICAL ADVISORY COUNCIL (COSATE) OF THE OAS IACML

TRADE UNION CONFEDERATION OF THE AMERICAS (TUCA)

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Buenos Aires, Argentina