**XIX INTER-AMERICAN CONFERENCE OF** OEA/Ser.K/XII.19.1

**MINISTERS OF LABOR (IACML)** CIDI/TRABAJO/doc.19/15 Rev. 1

December 3-4, 2015 3 December 2015

Cancún, Mexico Original: Spanish

DECLARATION OF THE TRADE UNION TECHNICAL ADVISORY COUNCIL (COSATE)

(Agreed at the meeting of COSATE, held on Thursday, December 3, 2015)

The trade-union movement of the Americas, represented by its hemispheric organization, the Trade Union Confederation of the Americas (TUCA), and the Trade Union Technical Advisory Council (COSATE), meeting in the city of Cancún, Mexico, on December 3, 2015, adopts the following Declaration on the occasion of the XIX Inter-American Conference of Ministers of Labor.

We applaud the holding of this Conference under the topic “ACHIEVING DECENT WORK WITH SOCIAL INCLUSION AND SUSTAINABLE DEVELOPMENT IN THE AMERICAS,” and we reaffirm our unswerving struggle for the full enjoyment of trade union freedoms, the right of collective bargaining, organization and the right to mobilize and strike, together with our commitment to the principles of solidarity and cooperation and the tripartite principle as a means to consolidate democracy, social justice, human rights, labor rights, and sustainable development.

In the context of this important meeting, TUCA and COSATE reaffirm their interest in and willingness to collaborate with the process of defining the political agenda, priorities, and actions of the OAS and of future Inter-American Conferences of Ministers of Labor. Our status as a permanent consultative body allows us to make contributions for the balanced implementation of the Declaration and Plan of Action.

Accordingly, we identify the following as our priorities:

* **Democracy, human rights, and social justice**

TUCA and COSATE reaffirm that respect for democracy and human rights are the indispensable pillars for the existence of a model for development based on social justice.

Political democracy, achieved after confronting military dictatorships and authoritarian regimes in the region, still needs to consolidate a solid democratic institutional structure. We must therefore expand democracy with greater and more diverse civic participation mechanisms so that it is the social fabric itself which prevents the emergence of new authoritarian regimes, especially those which arise from *de facto* power concentrated in economic monopolies with high-profile influence and that, in various countries, also act like the real power, above that duly authorized. These economic monopolies also impose a conservative and backward agenda contrary to society’s democratic advances such as the fight against different types of discrimination and the inclusion of all citizens, regardless of their gender, sexual orientation and identity, race, social and ethnic origin, age, or any other authoritarian vice of exclusion and discrimination.

The hemispheric trade-union movement is a social and political player in democracy, as it has shown at those different historical moments when it has stood at the vanguard of the defense of democracy and human rights. Similarly, social organizations are another foundation that guarantees true citizen participation in decisions that affect society.

Trade-union rights are human rights and they are interdependent with other human rights, including civil and political rights (in this regard, we draw attention to the resolution concerning trade union rights and their relation to civil liberties adopted by the ILO). Thus, ensuring the full enjoyment of trade-union rights is an essential prerequisite for promoting a model of development in the region’s countries that respects democracy and human rights.

Our region remains one of the most dangerous for the pursuit of trade-union activities. In several of the region’s countries, we see recurrent killings of trade unionists or threats to their lives and physical integrity, cases of anti-union discrimination such as anti-union dismissals and transfers, the bringing of criminal proceedings against trade unionists, and legislative amendments that hamper their work. States must comply with their obligation of guaranteeing the safety of workers so they can pursue their trade-union activities.

We, the workers, support social dialogue, with real results, with policies that encourage and foster social dialogue, with the commitment of all the states. States must create the necessary legislative and administrative conditions, by adopting public policies to promote decent work.

* **Sustainable development model**

TUCA and COSATE reaffirm that a model for sustainable development must consolidate mechanisms to guarantee that it is the people who set the hemisphere’s social and political course, and not businesses or multinational corporations.

The measures that neoliberal policies have imposed in the region to curtail state action, to increase the flexibility of and deregulate labor relations, and to constrain trade-union action have yielded disastrous results that have led to massive increases in labor precarization, have left workers unprotected against the abuses of business owners, and have deepened inequality and social exclusion.

The severe economic, political, and social crisis that has rocked the entire world since 2008 has placed a major challenge before the peoples and nations of the peripheral, dependent regions: they must ensure that the costs of overcoming this new crisis must not be placed on the shoulders of the workers and people, as is occurring in some regions and countries as a result of intense pressure brought to bear by governments, companies, and international multilateral organizations. The policies adopted to assist corporations and to rescue banks have deepened unemployment, inequality, and social exclusion.

In light of that scenario, recognizing the basic political role that trade-unionism has to play in fighting the causes of structural imbalances, the trade-union movement in the region has been promoting the **Development Platform of the Americas (PLADA)** as a political proposal for the construction of true democracies, with social justice and full respect for the exercise of trade-union freedoms, with environmentally and economically sustainable inclusive social development.

In PLADA, the trade-union movement of the Americas has its principal instrument of dialogue, conversation, and political influence. We want to lay down the debate on sustainable development as a central matter in defining the paths we propose to overcome social exclusion, environmental deterioration, concentration of wealth, and absence of democracy, inherited from the neoliberal phase of capitalism.

PLADA is our invitation to think about the region through a dialogue with governments, political parties, social movements, productive sectors, and international intergovernmental institutions, like the OAS. We believe it is essential for the OAS to include, as part of its priority political agenda, the promotion of a model for sustainable development.

* **Climate change**

TUCA and COSATE wish to place priority on the urgent, unavoidable, and worldwide problem of climate change. Addressing climate change is a shared phenomenon by all the countries of the world, but with responsibilities that must be differentiated. A paradigm shift involving a fair transition toward a sustainable economy is therefore essential.

For that, a regulatory framework must be established that favors the production of diversified, clean energy and that serves the demands of our peoples. It is essential that we secure, from the developed countries, funding commensurate with the goals implicit in evolving toward less polluting economies.

* **Human rights and multinational companies**

For TUCA and COSATE, the obligation of ensuring respect for human rights, including trade-union rights, falls not only on states but also on private companies. The growing power of multinational companies must be clearly and appropriately regulated by law.

The trade-union movement of the Americas will further pursue its plan of action against transnational corporations and Latin American multinational companies that violate labor rights at different points in their supply chains, and linking mechanisms for effective oversight and monitoring must be established.

* **Violence and terrorism**

The Americas should be a territory of peace, where human rights and democracy are among the people’s fundamental values and in which trade unions play a leading role.

The trade-union movement condemns all forms of domination by authoritarian governments and other power structures, including those found in the legislative and judicial branches, all forms of violence, and all external interference by states and transnational entities in the internal affairs of countries.

We repudiate all internal violations of the right to self-determination of the peoples and nations that coexist within a single nation-state. TUCA and COSATE reject the establishment of foreign military bases in national territories, and they demand the removal of those that exist.

We repudiate the indiscriminate terror that takes innocent lives, which is part of a spiral of hate and violence that is giving no sign of abating and, instead, is adopting increasingly horrendous manifestations. Recently, the violence of the so-called Islamic State, which was responsible for the November 2015 attacks in Paris, has been felt in different countries and is threatening to spread into other regions. It is time for a true commitment on the part of all nations, in coordination with the United Nations, to deal with its origins and consequences in a truly comprehensive fashion.

We highlight the risk of governments using the rationale of fighting terrorism as a way to restrict the exercise of democratic rights and, most particularly, to contain legitimate protest and criminalize social leadership.

* **Social protection**

TUCA and COSATE defend a model of social security that is comprehensive, solidarity-based, redistributive, and universal, under the responsibility of the state, that balances society with the guarantees of protection for workers and for the population as a whole.

State must be the guarantors, organizers, and administrators of social security systems. This coverage must be provided through social security systems that are funded by a contributory public pillar with progressive contributions (which must be tripartite, involving the state, employers, and the deferred wages of workers) and a noncontributory basic public pillar that commits to funding a minimum level of benefits covering all those in need, regardless of their employment or work situation.

It is essential that we modify those private social security systems that have failed miserably and return to financially sustainable public systems.

In the design and implementation of public policies and programs for social security, we must overcome the habitual omission and invisibility of the inequalities that exist within the world of work, which erroneously assumes that the norm is male, formal, long-term, and full-time employment, and by default discriminates against working women and large, heterogeneous sectors: workers in the informal economy, home makers, small-scale farmers, domestic workers, and others. In addition, we must promote equal working conditions for women and men, ensuring that productive activities are compatible with the law and with care obligations, which requires public policies for helping reconcile work and the family.

Public institutions must be equipped with resources to allow them to establish oversight mechanisms for identifying contribution evasion and avoidance, including the incorrect classification of workers whereby they are excluded from social security, the imposition of sanctions, the recovery of welfare resources, strengthening national laws and inspection systems, and bringing criminal action against employers for the crime of embezzling public funds.

Improving levels of social protection requires the participation and prior consultation of workers in the adoption of any state resolution in this area, including the creation of tripartite committees with gender parity. We request the ratification of ILO Convention C102 and its effective application in countries.

Healthy and safe workplaces with decent conditions are essential in progressing toward decent work with equity and justice.

We believe it is a priority to guarantee the right to social security for all persons, and for the content of that right to be included on the agenda of the OAS, at the IACML, and in other regional integration processes such as CAN, MERCOSUR, UNASUR, SICA, CARICOM, and others.

We request the approval of the Inter-American Agreement on Social Security for better protection of workers in the region.

* **Precarity and informality**

In the opinion of TUCA and COSATE, informal employment is a persistent problem and one of the main obstacles to our countries’ development.

The transformations in productive and business structures that have taken place in recent decades, the region’s structural economic and social problems, and the imposition of neoliberal policies have caused a trend toward exceedingly high levels of informality and unprecedented labor precarity.

Informality and precarity are a part of the new global governance of corporate capitalism that seeks to increase exploitation and inequalities. Their spread also implies a problem of insufficient political response. The absence of relevant national and global policies favors this phenomenon at the world, regional, and local levels, where different public and private players come together to create an unfavorable context for the creation of decent work.

This situation, which affects millions of men and women — and young workers in particular — demands the development of suitable comprehensive public policies that address specific labor issues in order to progress toward true social inclusion and effective decent work for all.

The precarity caused by the flexibilization of contracting in processes to outsource production at the weakest links of supply chains encourages greater labor exploitation, simulation, and fraud.

New forms of contracting through software applications must be regulated in order to establish clear labor relations, as well as obligations and rights.

We reject and shall fight national, regional, and international rules that enshrine outsourcing, delocation, and subcontracting with the aim of increasing precarity.

The trade-union movement of the Americas ratifies its commitment to guaranteeing the defense of the interests of informal and precarious workers’ collectives in order to make genuine progress toward the formalization of employment, addressing the specific issues of the age and gender dimensions, and impacting inclusive public policies for decent work within the framework of sustainable development.

TUCA and COSATE demand that women and young people be guaranteed the right to conditions of equality and to the protection of all human rights and fundamental freedoms recognized by regional and international instruments, including fair wages and salaries, social security, and trade-union freedom. ILO Recommendation 204.

* **Child labor**

TUCA and COSATE reiterate their commitment toward preventing and eradicating child labor, with emphasis on the worst forms of it, which still represent a grave scourge in the region.

We ratify our commitment toward its eradication and we will at all times denounce the dangers faced by children, such as domestic work, prostitution, and all forms of child exploitation.

TUCA and COSATE assume, as part of their actions throughout the hemisphere, the fight against all manifestations of child labor, by paying due attention to its different causes and ramifications, in the formal and informal economies, through the public and universal provision of free, obligatory, and quality education; fighting for decent work for adults; seeking to improve family incomes; creating and maintaining awareness and commitment among organized civil society; and conducting campaigns for the ratification and enforcement of ILO Conventions 138 and 182 and to ensure that employers uphold those Conventions in all their operations.

We also highlight the progress that has been made and the exchanges that have taken place under the Regional Initiative for a Latin America and Caribbean Free of Child Labor, in which TUCA is an active participant.

* **Migrant workers**

TUCA and COSATE reaffirm the right of free movement of people and workers, the right to migrate or not to migrate, to remain or to return with dignity. Migrants, whether regular or not, must enjoy the same rights as other citizens. TUCA demands a clear migration policy at the hemispheric level.

States must deal with migration as a matter of human rights and not as a national security problem. The option of migrating must not meet with barriers or obstacles, and migrants must not be criminalized.

The OAS can be a space for the countries of the North and of the South to find mechanisms that allow their citizens who migrate to enjoy social protection, independent of where they have paid contributions or under which system they have done so. Also associated with the question of migration, the guarantee and protection of the rights of migrant workers and their families — particularly the right to nondiscrimination, social security, salary protection, job certification, trade-union membership, and collective bargaining, among others — is a matter that can be included in a wide agenda for the member states and other regional social actors.

TUCA and COSATE support all actions related to the emerging feminization of migration in our hemisphere in order to promote the full protection of that segment of the population and the exercise of their human rights.

**In concluding, we state that:**

We reaffirm the importance of PLADA as trade-unionism’s contribution to the debate on the options and models for the development of the Americas, and we request the expansion of forums to ensure the presence of representative social actors from the region with an agenda covering the interests of all the countries.

We call on the OAS, in the new stage on which it has embarked, to invest the IACML’s topics with greater promotion and dynamism, interconnecting and involving all the areas of the Organization for the greater effectiveness of the Declaration to be adopted in Cancún and its Plan of Action.

We propose closer ties with the Commission on Human Rights and the Inter-American Court and with the Commissioner for Economic, Social, and Cultural Rights, and we call on the OAS to continue working to guarantee the exercise of ESCR and, in particular, those dealing with labor and trade-union rights, trade-union freedoms, and collective bargaining, as a key prerequisite for combating inequality.

We request that COSATE be allowed to participate in all the activities, with the commitment of OAS-IACML and the national governments to guarantee the allocation of funds for the effective participation of its members at the conferences, between conferences, and in all other activities organized by the OAS.

We call for the enhanced impact of IACML-RIAL, with greater possibilities of progressing with the specific agenda on trade-union rights, both in the region and in the countries, with the participation of COSATE. Ratification and implementation of Conventions 87, 98, 135, 151, and 154.

We place priority on our Hemispheric Campaign for Trade-union Freedom, Collective Bargaining, and Trade-union Self-reform, in order to respond to governments, justice operators, and other institutional players.

We highlight the right of mobilization and strike action.

We request the priority inclusion on the IACML’s agenda of the right to social security, the protection of migrants, the fight against all forms of discrimination at work, and integrated policies for women and young people.

We request that impetus be given to the development and implementation of campaigns and actions against violence toward women.

Intensify and improve the inter-American human rights system to include topics related to workers’ rights, such as trade-union freedom, collective bargaining, and strike action, and other economic, social, and cultural rights.

Combat all practices intended to increase labor precarity, such as outsourcing, subcontracting, labor protection contracts, associated work cooperatives, solidarismo, etc.

TRADE UNION TECHNICAL ADVISORY COUNCIL (COSATE)

TRADE UNION CONFEDERATION OF THE AMERICAS (TUCA)

Cancún, Quintana Roo-México, December 3, 2015.

CIDTR00074E01