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ETUC Expert Briefing
Respect for Trade Union Human Rights in Europe
European Parliament, Brussels, 1 March 2016



[Amnesty International was invited to contribute to an *Expert Meeting on respect for trade union rights in Europe*. The European Parliament Trade Union Intergroup convened the meeting. Jutta Steinruck MEP, S&D Group, introduced the session. Speakers were Shane Enright, John Hendy QC, trade union representatives from Belgium and Italy, and Esther Lynch, European TUC Confederal Secretary.]

Workers' rights: what they are and why they matter.

Dear friends and colleagues,

I am happy to be with you on behalf of Amnesty International. What I want to do today is to set out Amnesty's view on the place for workers' rights within the wider framework of human right and to describe why these rights matter now, perhaps more than ever.

Workers rights covers a wide range norms, some more technical and precise than others, and some more fundamental such as freedom from child labour or the prohibition of forced labour. I am going to focus on trade union rights, for reasons that I set out.

My responsibilities in Amnesty are global so I will look at these issues beyond as well as within Europe. John Hendy can address the European legal dimension in greater detail.

Let me be quite clear from the outset, and let there be no doubt: the right to form and join trade unions, the right to collectively bargain and the right to strike – these are universal human rights.

The right to organise at work is a crucial enabling right. It is the basis on which workers and communities can defend their living standards, protect their health and livelihoods, and defend the public services that the most vulnerable are usually most reliant upon.

Crucially, the drafters of the Universal Declaration and the ILO core conventions, envisaged union rights as ensuring a balance of power in the workplace to better guarantee that collective bargaining - the establishment of work conditions beyond state regulation and by mutual agreement - could be meaningfully undertaken.

I want to use the time I have to share Amnesty International's perspective on these rights, and I want to start by making some basic economic points that are worth repeating.

We have seen a trend of increasing economic inequality, with the richest gaining a bigger and bigger share of our planet's wealth. This is true since the crash of 2008, but it is a trend that goes back decades. Let me illustrate this with just a few charts.

[[Chart 1](#) – see below] This table summarises the share of wealth of the richest one per cent for a range of developed nations, including a number of European states. The red columns are the share of wealth in 1980, the blue is the share of wealth in 2006-2012 – in every case the richest 1% have taken a bigger share of national wealth. Note that over half the states in this chart are EU members.

Now, there are many factors that might account for such concentration of wealth, and here are just some of them. [[Chart 2](#)]. Amnesty International is not an economic body. We have no views on fiscal policy. We don't advocate for particular economic models. Trade policy is beyond our mandate. And yet we know that economic factors and poverty impact directly and substantially on human rights. Our approach to economic inequality is rights-based: in this case, asserting and defending the right to organise.

Last summer a staff paper issued by the IMF concluded that - and I am quoting - "*The decline in unionisation is strongly associated with the rise of the income share of the top 10 percent of earners (to the detriment of middle- and low-income workers) in advanced economies. This holds even after controlling for other established determinants of inequality, such as technological progress, globalisation, political and social factors, financial deregulation, and declining top marginal tax rates.*"

So for Amnesty International, one key way - the key way - to tackle this pressing challenge of inequality is to strengthen the ability of workers to exercise their fundamental rights.

Workers' rights, and particularly trade union rights, have been Amnesty International's cause for sixty-five years. Our organisation was formed through a newspaper appeal that cited, amongst other cases, the story of a maritime union leader jailed solely for peaceful union activities by the Greek junta. Forty years ago our first *Urgent Action* was invented in support of a jailed Brazilian labour leader. So Amnesty and trade unions have made common cause for a long time.

And worker's rights, especially the right to organise and the means to bargain, are increasingly under attack from governments, media and businesses that question the very principles of collectivism and social protection, that see union rights as some sort of cost-benefit equation with a rush to the bottom.

The figures here [[Chart 3](#)] are for the United States, but a similar trend can be seen in European states and elsewhere. In the post war consensus, workers' incomes rose in line with productivity growth, but from the 1970's – partly due to with increasing neo-liberal economic policies and attacks on trade union rights through so-called "right to work" laws, we have seen productivity continue to grow while workers' incomes have flat-lined. Workers' are getting a smaller and smaller share of the pot.

And there is a correlation too - though causation is more complex – between the decline in unionisation and the growth of income of the richest few [[Chart 4](#)]. Finally, [[Chart 6](#)] shows the relationship between income inequality, measured by the Gini coefficient, and the level

of unionisation, which show that in countries where there is high union membership, there is lower inequality.

The union advantage – better pay, healthier conditions, more equal workplaces, lower turnover, improved training – these are all still true, but apply to a diminishing proportion of the workforce in many developed nations. In the UK the union advantage, for instance, amounts to 33 per cent higher pay for young workers in unionised workplaces compared to equivalent non-unionised young workers.

Let me use my own country as an example. The UK is the most deregulated labour market in the EU, we have the biggest obstacles to unionisation and to taking industrial action. The outcome is zero hours contracts, social welfare recipients being forced to work for free stacking shelves in supermarkets, widespread undercutting of wages and more. And such precarious, insecure, exploitative work is increasing elsewhere in Europe. Some of you will be familiar, for instance, with our research and campaign on the exploitation of migrant agricultural workers in Italy.

And let there be no doubt; economic inequality matters now more than ever, and it especially matters in terms of the human rights impacts. When we look at the turmoil and upheavals in North Africa and the Middle East that have driven the worst humanitarian crisis in Europe since the second world war, it is important to give due regard to the drivers for change.

A key factor behind the so-called Arab Spring was persistent unemployment, jobless growth, and increasingly youthful populations with limited economic opportunities. It is worth recalling that the first, and so far only successful revolution in this wave of revolt, was in Tunisia, where the trade unions channeled popular discontent to bring about lasting change. I pay tribute to the Tunisian labour movement, the UGTT, for leading the Quartet that brought about a stable transition. It says something about the merit and worth of trade unions that they should have won the Nobel Peace Prize this year – a prize that was honourably bestowed on Amnesty International some decades ago.

It is worth recalling too, that it was the waves of strikes in Egypt in 2009 and 2010, mostly led by women workers in the textile and assembly plants, that gave communities the confidence to stand up to and eventually overthrow Mubarak. In Bahrain it was trade unionists – teachers and medics - who led the protests in Manama's Pearl Roundabout.

For sure it is political and diplomatic failures that are at the heart of the refugee crisis, but it is only through greater economic and workplace participation and equality that we will see any sustainable improvement.

Of course, not all problems can be solved by having independent and democratic trade unions, but extending and respecting trade union protections is usually the best way for workers to assert their rights and claim a fair share of the wealth and resources of their communities.

And there are many other ways in which in which trade unions support social progress and human rights in our communities. As a teenager in the UK I witnessed the transformation of British unions to become the most decisive champions of LGBT rights at home. Unions are the staunchest of advocates for women's rights and for the rights of the marginalised.

Back home it is unions that are helping isolated migrant domestic workers, whose rights to change employer in the event of sexual assault or labour exploitation was callously stripped by the last government.

In my childhood, I witnessed underground organising by unions that helped challenge the Franco dictatorship. It is no wonder that trade unionists are often in the front lines of tackling dictators and despots, defending freedom of association, assembly and expression upon which their abilities to organise are entirely dependent.

And yet, there is an intensifying assault on the right to organise and workers rights more widely.

We can see that reflected in the persistent attacks on the teachers' and municipal unions in South Korea, in the judicial harassment and intimidation, including murders, of trade unionists in Colombia. Unions have been banned in essential industries in Fiji.

In the USA the denial of collective bargaining rights to public sector workers' in Wisconsin was characterised by the Governor of that state as "*tackling vested interests*" but the only interests at stake were the human rights, universal rights, of teachers, health workers, and carers. And that language of vested interests that sees unions as sometimes-inconvenient lobby groups is creeping into our European discourse too.

We have witnessed the government of Finland tear up collective agreements unilaterally. Until just a few days ago Airbus workers, in Spain were under threat of lengthy jail sentences for organising a strike, relying, disgracefully, on Franco-era laws. We have the scandal in my country of the systematic blacklisting of trade unionists who lost their livelihoods for standing up for health and safety on constructions sites.

Wherever trade unionists stand up for their workers rights and wider rights they put themselves on the front line as human rights defenders.

And in their role as human rights defenders it is our duty - and yours - to accompany them, to make common cause, to demand protection and freedom for unions to do their work. From Amnesty's point of view, trade unionists are rights holders.

Now it is none of our business, in Amnesty, to have a point of view on the collective bargaining and industrial goals of unions - we are neither representative, competent nor accountable on such questions, but when it come to the right to bargain itself, we stand tall and unwavering.

Just before I wrap up, I want to emphasise that solidarity is a two way street. Last year the UK government announced its Trade Union Bill. In October I gave evidence for Amnesty International to the TU Bill Scrutiny Committee.

Amongst other measures, the Bill proposes that in "important" services - including education - 40 per cent of the workforce must vote in favour for a strike ballot to be legal. This is in the context of a government that refuses to allow balloting online or in workplaces. This is a threshold that few government MPs have achieved in their own election. It would make all abstentions count as no votes, and effectively make sector wide

strikes virtually impossible. They also plan to criminalise pickets and are consulting on allowing agency workers to replace strikers.

Critically, the government proposals would interfere directly with free collective bargaining.

The amount of facility time that an employee should enjoy to undertake their duties should be a matter between employer and worker and not the business of the state. Likewise, deduction of union dues through check off is a voluntary agreement between Union and enterprise, freely entered by the worker. Again no business of the state, unless the state sees as its business the imposition of administrative hurdles the principal aim of which is to undermine fundamental workplace rights and tip the balance solely in the direction of the employer.

This Bill is shameful and a grotesque attack on civil rights that have been condemned by Amnesty International, Liberty and the British Centre for Human Rights.

It's surely no accident that this is happening against the background of eight years of imposed pay restraint. Just as in Wisconsin, we have a government legislating to its advantage against the interests of the universal rights of their workers.

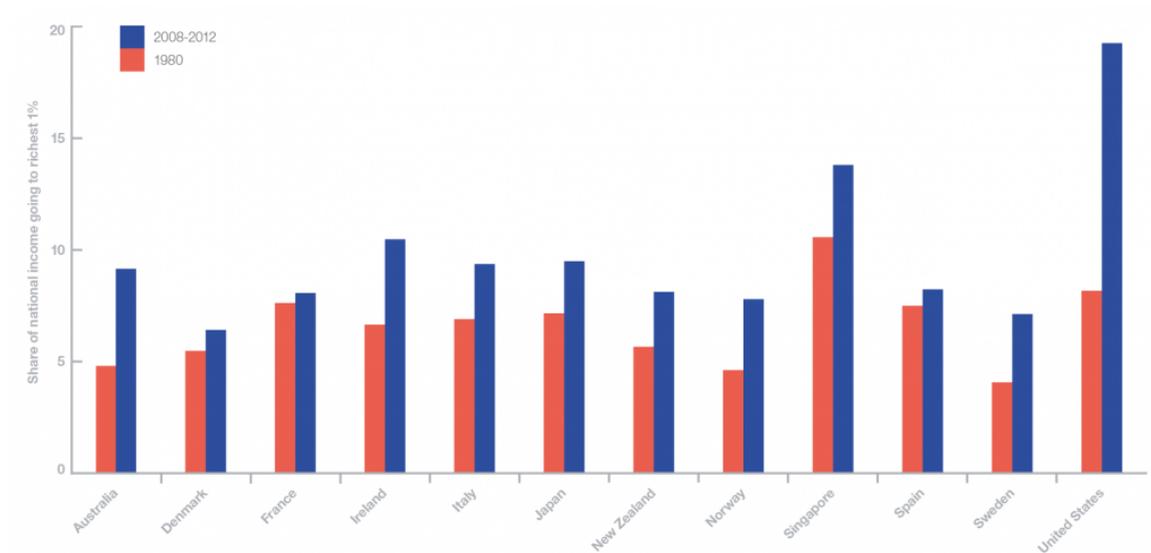
In the context of deepening economic inequality, growing employment precarity, socially dangerous levels of under-employment in many states, and mass migrations of workers into conditions sometimes of servitude and kafala, it is time to strengthen, not weaken, workers' rights, and in particular to stand up for the crucial role that trade union rights have, and trade unions play, as human rights defenders, and that is as true today in Europe and it is anywhere else in the world.

Thank you.

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[Annex 1 – slides shown during the presentation, with sources.](#)

Chart 1



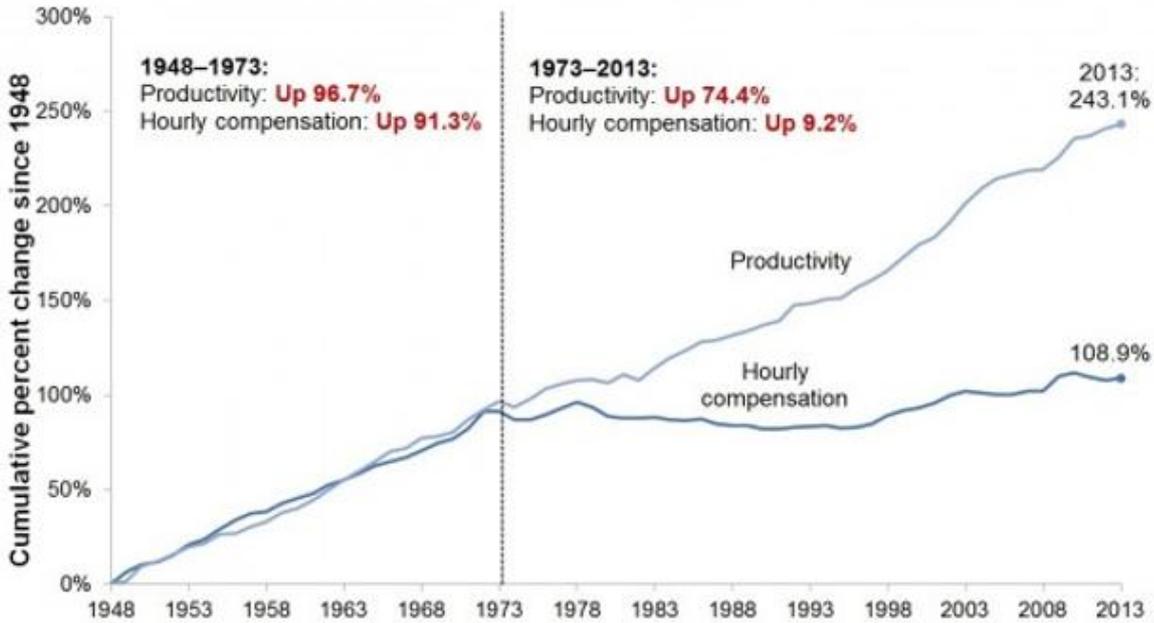
<http://reports.weforum.org/outlook-global-agenda-2015/top-10-trends-of-2015/1-deepening-income-inequality/>

Chart 2

What are the causes?

- Increased financialisation of the public realm
- Accelerating enclosure, privatisation and commodification of the “commons”
- Globalisation/trade policies
- $r > g$
- Austerity policies to finance deficit reductions
- IMF/World Bank conditionalities
- **Erosion of workers’ rights/workers’ power**

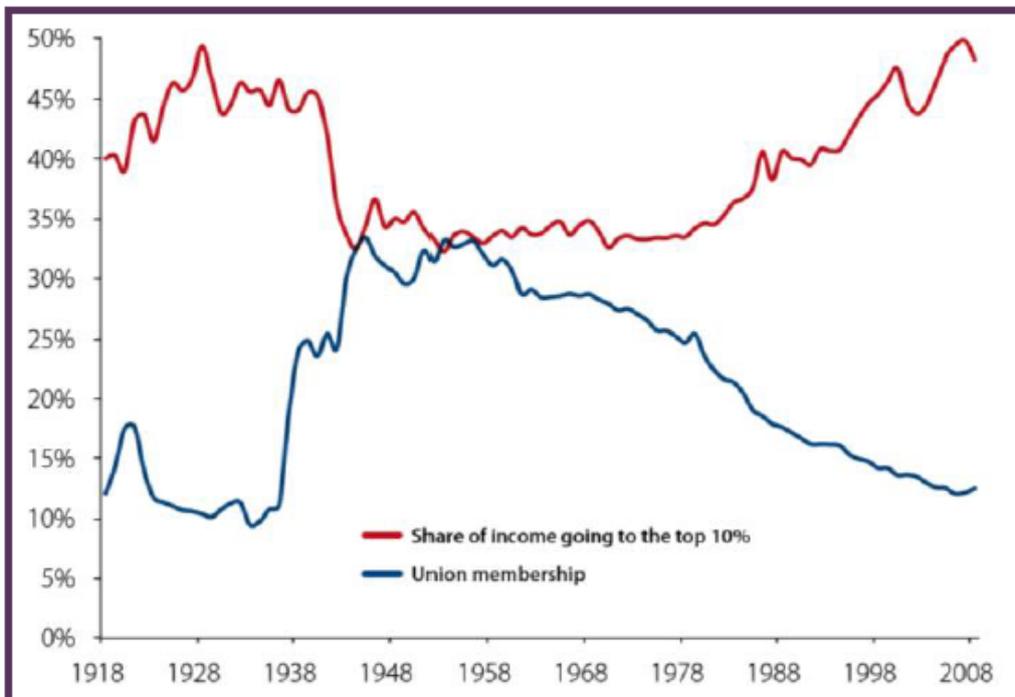
Chart 3



<http://www.afscme.org/blog/collective-bargaining-erosion-hits-everyone#.VK7CqMX9wsc.twitter>

Chart 4

Figure 3 – Unions and shared prosperity in the USA (1918-2008)

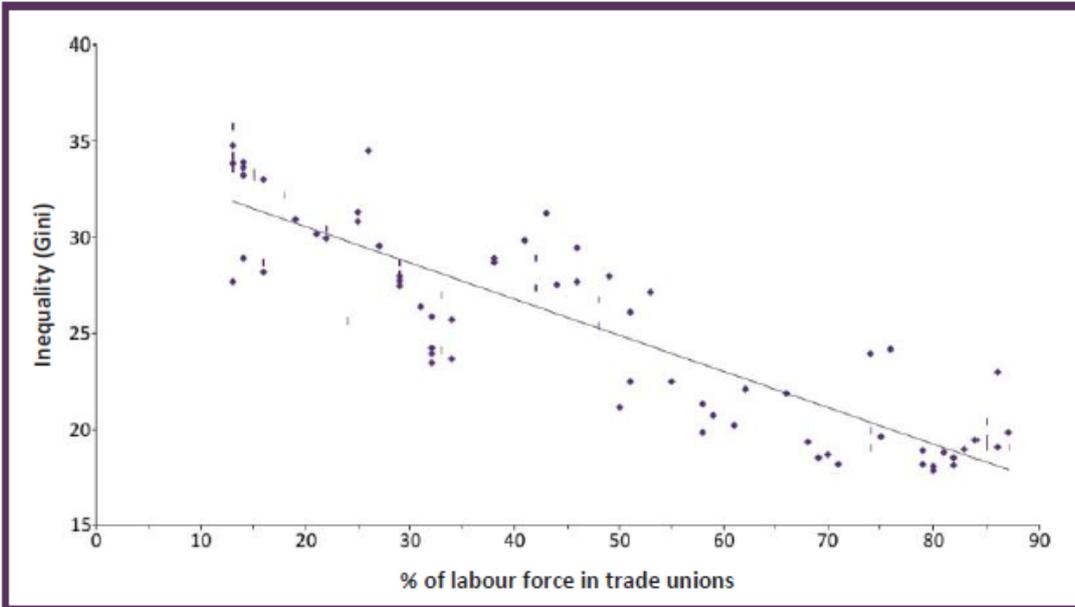


Source: Eisenbrey, R and Gordon, C. Economic Snapshot—unions and labor standards (2012). Data from Historical Statistics of the United States, unionstats.com, and Piketty and Saez 2003 The World Top Incomes Database⁷.

http://classonline.org.uk/docs/2013_04_Thinkpiece_labour_movement_and_a_more_equal_society.pdf

Chart 5

Figure 2 – Countries with stronger trade unions are less unequal (data for 16 OECD countries 1966-1994)



Source: Gustafsson B, Johansson M. In search of smoking guns: What makes income inequality vary over time in different countries? *American Sociological Review* 1999:585-605.

[Annex 2: Further reading, references and sources](#)

<http://reports.weforum.org/outlook-global-agenda-2015/top-10-trends-of-2015/1-deepening-income-inequality/>

<http://policy-practice.oxfam.org.uk/publications/wealth-having-it-all-and-wanting-more-338125>

<http://www.afscme.org/blog/collective-bargaining-erosion-hits-everyone#.VK7CqMX9wsc.twitter>

<http://classonline.org.uk/pubs/item/the-importance-of-the-labour-movement-in-tackling-inequality>

The Spirit Level: Why Equality is Better for Everyone – Wilkinson & Pickett

TU Bill evidence session Tuesday 13 October 3pm Parliament TV

<http://www.parliamentlive.tv/Event/Index/6b437a7a-ff4c-4ef1-a2a2-07fb6de07227>

https://www.tuc.org.uk/sites/default/files/TUC_UnionADV.pdf

<http://www.amnesty.org.uk/tradeunions>

Annex 3: some recent comments on economic inequality

- “A greater concentration of wealth could – if unchecked – undermine the principles of meritocracy and democracy. It could undermine the principle of equal rights in the 1948 UDHR.” *Christine Lagarde Managing Director IMF May 2014*
- “Financial markets and institutions have become the masters rather than the servants of the real economy...heightening levels of inequality and posing a systemic threat to economic stability” *Dr Supachai Panitchpakdi S-G UNCTAD 2012*
- “Sustained strong growth is at risk if social inequality grows, or rent-seeking behaviour by owners of natural resources or land is allowed to continue unchecked” *ILO World of Work Report 2014*
- “A decent work deficit exists in varying degrees in most nations, throughout supply chains, and for the majority of women and migrants. People feel abandoned by their governments as they prioritise business interests over the concerns of working people and their families.” *Sharan Burrow G-S International TUC*
- “Deepening inequality” is the greatest global risk WEF Outlook on the Global Agenda 2015: “persistent jobless growth” is ranked 2nd