



**SOCIAL ACTORS' PARTICIPATION IN THE ACTIVITIES
OF THE SUMMIT OF THE AMERICAS PROCESS**

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**DECLARATION OF THE LABOR MOVEMENT OF THE AMERICAS TO THE IX
SUMMIT OF THE AMERICAS
Los Angeles, USA, June 2022**

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CONFEDERACIÓN SINDICAL DE TRABAJADORES/AS DE LAS AMÉRICAS

CONFEDERACIÓN SINDICAL INTERNACIONAL



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-OAS)**, gathered virtually from the Autonomous City of Buenos Aires, on May 31, 2022, presents the following Declaration to the IX Summit of the Americas:

We regret not being able to attend the **IX Summit of the Americas**, since the representatives of the regional trade union movement are participating in the **International Labor Conference of the International Labor Organization (ILC - ILO)**, the first one that takes place in person since the year 2019. We are developing an important participation in the different commissions and debates of the Conference, where we express the legitimate voice of the workers of the Americas.

We share the terms under which this Summit, which takes place under the slogan "**Building a sustainable, resilient and equitable future**", is convened, considering that the pandemic has exposed, more than ever, the structural problems of our economies, as well as the social inequality that prevails in the continent, added to the fact that the measures adopted by most countries to mitigate the effects of the pandemic have been insufficient.

The context of the pandemic has also shown the importance of having workers' organizations that can represent the legitimate interest of those who have been particularly affected in their jobs, income and health and who may fall into the cycle of poverty and exclusion if adequate labor and social protection policies are not implemented.

The deficit in terms of effective Social Dialogue makes responses even more difficult, since unilateral measures by governments and employers only increase the difficulties for working people. For this reason, it is essential to guarantee the exercise of the right of 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, in such a way that it allows expressing the points of view of trade union organizations not only on labor relations at the company level but also on more general problems that directly or indirectly affect workers.

Debates such as the deepening of democracy, social policies, macroeconomic approaches, among others, demand a public position and alternative proposals from trade unions due to the socio-political function they fulfill and which is not exhausted, as has been said, in claims related purely to immediate professional interests.

For these reasons, we consider the contribution made by **the Inter-American Court of Human Rights** through its Advisory Opinion No. 27/21 of May 5, 2021, substantive. It has revealed a broad view of the phenomenon of freedom of association, collective bargaining and strike, and their relationship with other rights and with a gender perspective. We fully share the opinion of the Court insofar as it states that:

- The rights to freedom of association, collective bargaining and to strike are human rights protected in the framework of the inter-American system, and this places the states under obligation to adopt mechanisms for guaranteeing them, including access to effective judicial recourse against actions in violation of these rights, prevention, investigation, and sanction of the perpetrators of violations of trade union rights, and to adopt specific measures for the effective exercise of these rights;
- Respect for and guarantee of these rights is essential to defend labor rights and fair, equitable, satisfactory working conditions;
- Labor law sets a minimum threshold for the protection of worker rights, and for this reason, worker rights recognized in labor laws cannot be abrogated in peius through collective bargaining;
- Union autonomy cannot be used to protect measures that would limit the exercise of women's trade union rights, but to the contrary, obliges the states to adopt positive measures that will allow women to enjoy formal and material equality in the workplace and in labor unions;
- The states are under the obligation to adapt their laws and practices to new conditions on the labor market, regardless of the kind of technological developments that produce these changes; and they must understand their obligations to protect worker rights under international human rights law, and for this purpose, foster the real participation of worker representatives and employer representatives in the design of employment policies and laws.

These considerations made by the highest human rights body in the region provide more than enough foundation for trade union organizations to be protagonists of policies, plans and programs to overcome the crisis.

Progress in the region towards a human-centered recovery is currently compromised by the fallout from the war and Russia's invasion of Ukraine, which is affecting economies, household incomes, jobs, and access to food and basic needs of people.

From the Trade Union movement of the Americas, we ratify our commitment with peace, sovereignty and self-determination of peoples and nations, as was expressed in the Document from TUCA's 4th Congress. **Peace is built with dialogue, not weapons.**

In this regard, we firmly advocate a negotiated solution, with an immediate ceasefire and the total withdrawal of Russian military units from Ukraine, with security guarantees for all parties involved.

Likewise, we express our solidarity with the internally displaced persons and refugees of this conflict, as well as with the millions of people affected by other military conflicts, while we make a call to strengthen humanitarian aid in all regions of the planet where it is required.

The COVID-19 pandemic and the new global scenario posed by Russia's war and invasion of Ukraine, make us ratify the validity of the Development Platform of the Americas (PLADA) as a powerful instrument for action in the region. In this direction, the essential lines of the actions of TUCA and of COSATE itself, aimed at collaborating with these purposes in the national space

and within the OAS, have their source of inspiration in the resolution adopted at the **4th Congress of the TUCA**, whose pillars of action and prioritization are detailed below and seem relevant to us in relation to the topic addressed at the **IX Summit of the Americas**:

a) Sustainable Development with Social Justice and Decent Work, the Center of an Alternative Agenda for the Americas

For TUCA and COSATE, development as a people's concept and program is based on the principles of social, economic and environmental justice, gender equality and equity, democracy and human rights.

On this basis, it assumes and promotes "decent work, freedom of association, universal social protection, grassroots empowerment with effective presence of the State and the implementation of public policies to regulate economic and social activities, in order to guarantee the satisfaction of the population's needs".

Sustainable development involves questioning and "challenging the current economic order, the commercialization and financialization of the commons and the inequalities that cement the patriarchal and discriminatory system", therefore, "we are committed to a model that places care and the sustainability of life at the center, based on a profound change in social metabolism and a new relationship with the environment". Territorial and gender-based social movements, cannot, in any case, remain excluded from this debate.

We also reaffirm our commitment to defend social security and occupational health as human rights and strategic elements of decent work. We reject any proposal to privatize social security in the region, since individual capitalization reproduces and enhances existing inequalities and results in impoverishing workers of retirement age.

The pandemic has demonstrated the relevance of public protection and health systems, since the countries in the region that had stronger systems were able to better cope with the onslaught of COVID 19. The Pandemic revealed the significant deficits for workers who have been on the front lines of the fight against COVID, in particular for healthcare workers, caregivers (mostly women) and essential services and production workers.

The production and distribution of vaccines against COVID are crossed by the power of transnational pharmaceutical companies, even though in most cases, their scientific development and production have been stimulated by public resources and state support.

The commercialization of vaccines constitutes a real obstacle for Latin America and the Caribbean to have effective access. Protected by patents, intellectual property and confidentiality clauses, pharmaceutical companies have subjected countries to unworthy conditions for access to immunization. In our region, this becomes more important in the face of fragile health systems, privatized and put at the service of profit.

The TUCA and COSATE reaffirm the universality and gratuity of health, especially access to vaccines in the framework of the COVID 19 Pandemic, and we urge governments to establish COVID as an occupational disease, in order to have the necessary regulations to protect workers who are on the front line of action, as well as service and production workers considered essential.

On another topic, in a continent with extremely high percentages of informality and job insecurity, capitalization as the systems' panacea is a notion irrefutably unsustainable. Another

element to consider, as part of the reality of our labor markets, is the situation of groups that show irregular labor trajectories, such as women with family responsibilities due to non-shared care, or who suffer discrimination in employment, such as the wage gap which affect the density of their social security contributions. Distribution or pay-as-you-go systems which are based on solidary, redistributive, contributory, and non-contributory mechanisms, on the other hand, are not “automatic takers” of these labor market dysfunctions, and, therefore, constitute an instrument for reducing these inequalities.

The current global situation together with the devastating effects of the pandemic require stability and collaboration. At this critical moment for our peoples, the Organization of American States - OAS- has fallen short in its mandate to promote regional unity and cooperation. In this regard, we call on the OAS to put an end to policies and practices that exacerbate differences in the region and instead serve as a forum for dialogue and cooperative action to address the serious economic and social problems that exist today in the Americas.

b) Defending democracy and freedom of association to expand our rights

For TUCA and COSATE, the democratic question in our region is vital and needs to be defended and deepened, not only because it is a civilizational value, but also because the attacks on freedom always have the workers as the first victims of the consequences of democratic interruption (violence, torture, assassinations, disappearances).

In addition, democracy enables people’s growth in terms of rights and liberties.

We also bring forward, as the ILO did in its founding act in 1919, that social justice is the foundation of universal and permanent peace.

As was stated in the 4th TUCA Congress, we reaffirm that peace is not only the absence of conflict, but “will be especially the consequence of fair economic and social conditions for the majority of the population”.

We emphasize that a substantive part of the democratic functioning of a society cannot do without democratizing, in turn, the media, to fully comply with freedom of expression and enable access to plural information, since it is a true public good and basic human right that the State must guarantee.

c) Protect the work provided in the new information technologies (digital platforms, teleworking, etc.)

The world of work is subject to rapid changes, which in many cases require certain adaptations of labor legislation to effectively reach and protect those who work in new scenarios.

The States must undertake actions to avoid that these transformations have a negative impact on both employment conditions and workers' income, since the omission in which they have mostly incurred thus far has caused that many of the new ways of working are used to circumvent social protection regulations, by simulating autonomous relationships instead of dependent ones and, therefore, making work more precarious.

We claim that the protective spirit of labor legislation should be retaken without falling into approaches that, under the argument of the equality of the parties in contractual relations, deny

the radical asymmetry that exists between workers and employers when setting working conditions.

d) Addressing Inequalities, Promoting Inclusion. Gender Equity & Equality

Finally, we affirm the need to definitively enshrine gender equality. We demand policies that comply with the objectives indicated in the TUCA Congress in the sense of unleashing greater autonomy for women, for them to develop capacities to make free and informed decisions about their lives, in order for them to be and do according to their own aspirations and desires in the historical context that makes them possible and in its physical, economic and political dimensions.

The pandemic worsened gender inequalities, therefore, States must redouble their efforts to guarantee the right to a life free from all forms of violence and discrimination, breaking down the barriers that hinder women inclusion into the world of work, make care burdens excessive, widen income gaps and limit women's participation in political and social spheres, among others.

The COVID-19 pandemic has exacerbated violence against historically discriminated sectors, such as women, youth, indigenous peoples, the Afro-descendant population, the LGBTIQ+ population; but we have also seen criminalization and violence against social activists and militants, including trade unionists, has risen dangerously in the region. Countries like Colombia, Brazil, Honduras and Guatemala continue to be the most dangerous for the militancy of trade unionists, environmentalists and other human rights defenders.

The lack of government action, impunity and the failure to adopt concrete measures for their protection and defense operate as the main drivers of criminalization and violence.

IN CONCLUSION, WE EXPRESS THAT:

We are strong supporters of an institutionalized Social Dialogue to recover from the crisis and achieve a future of work with social justice and sustainable development.

We understand that social dialogue is, effectively, a primary mechanism to generate trust between governments and social actors in the world of work; reach fair, equitable and lasting agreements; prevent and resolve conflicts; promote responsible business conduct and strengthen sustainable companies, but fundamentally we conceive that it should tend to materialize greater margins of equality between the actors in the world of work. **In post-pandemic reconstruction, the cost cannot be paid by workers.**

We point out that collective bargaining is an essential instrument of social dialogue as it constitutes the means by which workers and employers, in the exercise of freedom of association, agree on basic working conditions and set the terms of their relationship.

In this sense, social dialogue and collective bargaining can play a central role in promoting green and sustainable recovery processes in the countries of the region, based on just transition frameworks that favor the creation of green jobs, reduce carbon emissions and put workers at the center, articulating the principles of decent work, environmental justice and social justice.

We believe that the States must address the regulation of the new ways of working on digital platforms and teleworking in a way that considers the inequality of the parties in these relationships and, consequently, protects the conditions in which the work is provided.

We reiterate what has been said on previous occasions about the value of PLADA as a contribution of trade unionism to the debate on options/models for the development of the Americas, and we require the expansion of spaces to ensure the presence of representative social actors from the region with an agenda that contemplates the interests of all countries.

We also reaffirm our intention to strengthen ties with the Inter-American Commission and Court and with the Commissioner for Economic, Social and Cultural Rights, calling on the OAS to continue working to guarantee the exercise of Economic, Social and Cultural Rights (ESCR), and, in particular, those referring to labor and trade union rights, freedom of association and collective bargaining, as a key condition to combat inequality.

We must promote the development and implementation of campaigns and actions against violence against women through the countries' ratification of Convention 190, since the confinement caused by the pandemic increased the risk of suffering situations of harassment and violence in the workplace and at home.

Trade unionism in the Americas will continue its work of accompaniment and advocacy with the governments of the region so that this fundamental instrument is ratified.

The TUCA and COSATE ratify that they will continue accompanying the work of the trade union organizations in each country of the region, defending together with them the democratic rights and especially the interests of the working class. We inform that with this objective the **TUCA National Tables** have been installed in Paraguay, the Dominican Republic and Guatemala as priority countries for our strategic agenda in the current period.

Mindful of the global geopolitical tensions in full swing, stemming from the war and Russia's invasion of Ukraine, we once again reiterate our commitment to peace and firmly advocate a negotiated solution, with an immediate ceasefire and total withdrawal of the Russian military units in Ukraine, with security guarantees.

In this regard, we also call on the governments of the region to adopt concerted public policies within the framework of tripartite social dialogue and in accordance with the guidelines expressed in this document, in order to mitigate the economic and social effects of the armed conflict in Ukraine in our region and underpin a recovery centered on people through Decent Work and with Social Justice as a horizon.

Finally, being consistent in our vision of regional integration without exclusions, we believe that the Summit of the Americas should bring together all the countries of the region, regardless of the ideological political option of their governments, in order to build joint solutions to the serious problems of the region. The Americas must be a territory of peace where respect for sovereignty, self-determination, and non-interference in the internal affairs of the countries constitute the cornerstone in the relationship between the nations of the hemisphere and in favor of their peoples.

Trade Union Technical Advisory Council of the Inter-American Conference of Ministers of Labor (COSATE – OAS)

Trade Union Confederation of the Americas (TUCA)

Labor's Demands for the Summit of the America's Migration Declaration- COSATE-CSA

The pandemic has laid bare the need for sweeping changes to fix the economic and political systems that are failing workers, and the global labor movement has responded with a clarion call for a new social contract that ensures equality, inclusion, climate friendly jobs, rights for all workers, and universal social protection. Coherent, rights-based migration governance is an essential part of the larger structural change we need to create an economy that respects and protects *all* workers and promotes democracy in the workplace and the community.

Trade unions have outlined a clear set of demands to ensure that migration policy frameworks adhere to human and labor rights standards, and do not further criminalize migrants or empower the private sector to dictate the terms of migration governance. To do that, States must move beyond temporary or circular migration programs and put the focus on regularization, humanitarian resettlement, and policies that promote sustainable development and decent work for all in countries of origin, transit and destination.

To this end, it continues to be imperative to adopt structural policies in the face of the impacts of extreme weather events in the region related to climate change as well as the need to adopt just transition measures that promote jobs and decent working conditions in order to prevent thousands of families from leaving their countries in search of a better life. Furthermore, unilateral coercive measures against some countries in the region must be put to an end, as they have been politically counterproductive and have aggravated the economic and social situation in the region, thus acting as factors that stimulate migration.

In most cases, circular or temporary migration programs favor job insecurity, but even more so, they subject migrant workers to systematic separation from their families. This not only hinders the work and educational trajectories of entire families, but also inhibits the mechanisms that grant access to social protection.

An America's Declaration could serve as an important vehicle to help address the root causes that compel people to migrate, encourage pathways out of irregularity, and enhance regular migration channels that promote shared prosperity and advance workers' rights. However, the reality we see in practice on the global and regional levels is quite different. We urge States in the Americas to shift priorities and approaches to meet the needs and demands of workers.

Demand #1 – Collective worker voice and participation. Trade unions have demanded transparent processes that give workers a seat at the table and ensure our freedom to stand together and receive a fair return on our work. This requires authentic social dialogue and guarantees to adhere to our Fundamental Principles and Rights at Work.

Workers' agency is fundamental to achieving fair migration and decent work for all. Freedom of association is an enabling right that shifts the power dynamics so that workers can protect and advance their interests through collective actions and negotiations with employers. Without realizing this shift, we can never hope to reverse entrenched patterns of discrimination and exploitation against migrant workers. Removing barriers to organizing is critical to defending excluded workers of all sorts, because unions provide concrete mechanisms to enforce labor standards and remedy disputes.

We urge States to engage in social dialogue at the national and regional level with trade unions and workers' organizations to further the development of decent work and fair migration. An America's declaration should also reaffirm the importance of the ILO's tripartite mechanisms and conventions as necessary foundations for building a fair migration governance framework.

It is of fundamental importance to promote the ratification of labor migration conventions. Convention 143, which incorporates migrant workers in irregular conditions, is especially important given that, according to statistics, the largest flows of migrants do so in this condition due to a lack of migratory regularization policies. In a similar vein, it is important to have national and institutionalized tripartite spaces, to coordinate public policies regarding migration issues and to achieve a governance scheme that guarantees effective participation of social actors.

Demand #2 – Commitment to decent work, quality public services and sustainable development. Trade unions have demanded policies that protect and empowers worker in countries of origin, transit and destination, and policy coherence that produces positive labor market outcomes for all working people, regardless of race, gender or migration status.

States in the America's must make the promotion of decent work the driving principle not just for regular pathways, but also for addressing root causes of migration and spurring sustainable development. Decent work policies enshrine universal rights, generate economic growth, promote public health and social cohesion, and reduce racial, gender and status inequities that undermine our democratic institutions. Unions are calling for investment in inclusive and quality public services and trade strategies that help creation of decent, climate-friendly jobs, accompanied by just transition measures to promote resilience and guarantee that no one is left behind in dealing with the impacts of the climate crisis and in industrial transformation processes. These shifts are essential to reducing the root causes that force families to migrate as a means of survival.

Public employment services should be strengthened, both at the national and regional level. For this, it is necessary to have public officials who are familiar with and trained in migration issues. Public services must maintain a systematic and institutionalized relationship with local social actors. A strengthened network of public services has implications in the fight against those private employment agencies that operate fraudulently and violate the rights of migrants.

Demand #3 – Non-discrimination mandates. Trade unions have demanded commitments to combat xenophobia and racism, end all forms of discrimination, and ensure equal treatment and access to justice and quality public services for all. All countries must strongly condemn the use of migration and migrants as part of hate speech, electoral campaigns, or other situations that stimulate xenophobia and violence against the migrant population. Furthermore, the intersectionality of inequality must be analyzed and addressed since it only deepens the vulnerability of migrants, who are often already victims of inequalities of gender, age, religion, etc.

The pandemic has revealed the essential nature of work that has long been invisible and undervalued, much of which is performed by migrants; a significant percentage of these are women migrant workers, such as those in health and social care and domestic work. This amplifies the imperative for States to recognize the principles of equal protection and equality of treatment for all workers, regardless of their status or whether they are in the informal or formal economy. We call for policy coherence that incorporates migration governance into broader economic, social, racial, environmental, and gender justice initiatives. Migrants, whatever their race, class, gender identity, immigration status or sector, must be part of social protection policies in the destination countries in which they work. Migrant workers must also have access to concrete status protections when they exercise their rights and help to enforce labor laws.

States have recognized the systematic violations of migrant workers' rights, including rampant issues of wage theft. However, they must go further in calling for the development of justice mechanisms that allow migrants, whether still in the destination country or after return to their

country of origin or a third country, to easily and fairly obtain remedies for the systematic violations they face in the workplace. The concept of “portable justice” should be part of the regional Declaration, and states should task the ILO with using its tripartite mechanisms to develop international standards around remedying wage theft and other routine workplace violations for migrants.

Demand #4 – Diverse channels for regular migration. Given that serious humanitarian concerns dominate our migration discourse today, trade unions have demanded that the implementation process prioritize regularization schemes and increase humanitarian resettlement options and other rights-based channels—which allow migrants the freedom to move, settle, work, and fully participate in society—over expanding temporary or circular work programs.

Not all regular pathways are fair or equitable. We call on States to redouble efforts to regularize undocumented migrants and promote family unification. In the context of rapidly escalating mass human displacement, much of which is driven by the climate crisis, the imperative to increase resettlement commitment and capacity grows ever more urgent. Now is the time to emphasize and expand humanitarian pathways for climate migrants and others in ways that ensure full worker rights, facilitate social and family cohesion, and provide options for permanent residence and meaningful participation in civic life.

Demand #5 – Just models for labor migration and adherence to international standards. Trade unions have demanded a new approach to labor migration that empowers migrants and reduces employers’ control over the process. This framework must include binding regulation of the recruitment industry and be guided by ILO’s fair recruitment principles and guidelines to ensure equity and safeguard rights and standards for all.

States must take steps to fundamentally restructure labor migration pathways so they end the commodification of migrant workers and the systematic exploitation by recruiters and employers. Temporary labor migration programs must not be positioned as a false solution to origin country development or to humanitarian crises, climate displacement, or other forms of forced migration. Instead, labor migration pathways must allow workers to fully exercise the freedom of association, as well as the option for family unity, permanent residency and eventual citizenship if they desire it.

As workers, we expect an America’s declaration to be firmly based on international human rights as well as humanitarian and labor law, requiring governments to commit, explicitly, to aligning their legislative frameworks with the relevant instruments. It must promote the ratification of the ILO core conventions as well as the migration-specific conventions. The ILO should be the lead UN agency on the governance of labor migration, as it has a rights-based, constitutional mandate and expertise in labor.

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