



ORGANIZATION OF AMERICAN STATES

INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR (IACML)

INTER-AMERICAN NETWORK FOR LABOR ADMINISTRATION (RIAL)

HEMISPHERIC SEMINAR:

**FREEDOM OF ASSOCIATION, COLLECTIVE BARGAINING AND SUSTAINABLE DEVELOPMENT
IN A CONTEXT OF ECONOMIC CRISIS: PRESERVATION OF CITIZENSHIP**

Washington, D.C., October 11, 2012

EVENT SUMMARY

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I. DESCRIPTION AND PARTICIPANTS

This Seminar was held on October 11, 2012 at OAS headquarters in Washington, D.C., immediately after the First Meeting of the Working Groups in the framework of the XVII IACML on October 9 and 10.

The Seminar was approved by the authorities of the IACML as part of the 2012-2013 Calendar, as a response to a request expressed by the labor union movement and in keeping with the mandates of the XVII IACML in 2011; in particular article 8 of the Plan of Action of San Salvador which mandates: “Incorporate social dialogue as a crosscutting topic of the working groups’ discussions and continue to expand cooperation, exchange and systematization of experiences on strengthening of social dialogue, freedom of association, and collective bargaining.”

More than any other event in Inter-American Network for Labor Administration (RIAL), this seminar was planned as a tripartite space and therefore in each one of the panels there were interventions from government, labor and business representatives, grouped in the two advisory bodies of the Conference: the Trade Union Technical Advisory Council (COSATE), which acts as a facilitator for the

Trade Union Confederation of the Americas (TUCA), and the Business Technical Advisory Committee on Labor Matters (CEATAL).

The anticipated outcomes of the seminar, which were achieved, were:

- More consistent knowledge about the challenges, opportunities and strategies to promote freedom of association and the promotion of collective bargaining;
- Exchange of initiatives and positive experiences of governments, workers and employers that are useful to support, improve and make more effective public policies and programs to promote freedom of association and collective bargaining;
- Identification of issues related to freedom of association and collective bargaining relevant to the focus of future meetings of the Inter-American Conference of Ministers of Labor (IACML).

The Seminar included the participation of 23 delegations of Ministries of Labor of the Hemisphere, members of COSATE, CEATAL, and the ILO.

All information from the event is available at: <http://www.rialnet.org>, under “Workshops and Seminars.”

III. SUMMARY OF PRESENTATIONS AND DISCUSSIONS

OPENING OF THE EVENT

- **Chair of the XVII IACML:** Javier Rivas, Director of International Relations, Ministry of Labor and Social Welfare of El Salvador read a message from Minister Humberto Centeno, Chair of the IACML, in which he stressed that democracy, freedom of association and human rights are an indivisible whole and noted that the absence of freedom of association hinders the functioning of the political system, imperils governance and threatens social peace and, hence, should be as important to workers as it is to employers. He said that union action has weakened, with fewer unionized workers in the world, which threatens not only the rights of workers, but several social achievements. He emphasized that the state must take proactive and committed action in terms of the exercise of the right to union activity and ended by stating that people need unions; that they are a force organized by workers; that they can cope with the effects of the crisis, labor precariousness, and injustices; and that they push for democratic transformations so that workers and their families can live in dignity.
- **Technical Secretariat/OAS:** Jorge Saggiante, OAS Executive Secretary for Social Development highlighted that this Seminar originated as a proposal from the labor movement which was hosted by the Ministers of Labor in the IACML, demonstrating the paramount importance that they assign to the subject. He stressed that for the OAS freedom of association and collective

bargaining are fundamental pillars of democracy, equitable economic growth and the development of our nations. He noted that one of the purposes of the OAS is to strengthen democratic governance, crucial to which is consensus-building, dialogue and participation; and, to that extent, this Seminar, as a forum for dialogue between workers, employers, governments and international organizations is in practice a form of building democratic governance and with good reason is at the heart of freedom of association and collective bargaining.

PANEL 1 – FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING AS INSTRUMENTS TO PROMOTE DECENT WORK

- **Presentation by the ILO.** Tania Caron, Specialist in International Labor Standards, ILO Office in Costa Rica – International labor standards are crucial not only for democracy, but for the economy; the solution to the economic crisis should be negotiated as part of the social dialogue process. Freedom of association and collective bargaining are cornerstones of the ILO. Since its foundation in 1919 they have been guiding principles, considered essential to the pursuit of social justice and decent work in the globalization process, and are part of the fundamental principles and rights at work, as recognized in the 1998 Declaration. This means that all countries, although they have not ratified the fundamental Conventions on the subject (87 and 98), should respect them and that they are one of the pillars of the Decent Work concept. She noted that a recent study by the Committee of Experts on ILO Conventions 87 and 98 indicates that the crisis has pressured the failure to respect the principles and fundamental rights, in particular freedom of association and collective bargaining, although ILO and OECD investigations show that applying these principles produces a more balanced distribution of income and reduces inequalities, and also allows the development and respect of other principles (such as non-discrimination) and other standards, such as those relating to wages and hours. She drew attention to the protection of trade unionism in public administration and the importance of respecting collective bargaining in the public sector, and said that in 2013 the Committee of Experts would survey Conventions 151 and 154 dealing with these issues. Highlighted were some best practices regarding freedom of association and collective bargaining: Decent work programs by country, which are developed through tripartite working groups, have served to advance these issues; tripartite agreements like the one signed in February 2012 in Panama, where tripartite commissions were created to examine legislation or analyze complaints or claims by unions or employers' organizations; and bilateral agreements, such as a recent one in Haiti in the textile sector, where workers and employers sign a document of principles and create forums for dialogue on freedom of association and collective bargaining.
- **Intervention by Brazil.** Mario Barbosa, Special Advisor on International Affairs, Ministry of Labor and Employment – Collective bargaining and social dialogue were a very important component of the entire arsenal of measures to tackle the crisis with the intention of preserving and creating jobs. The experience of Brazil shows how labor struggles go beyond economic and labor issues and become part of the demand for democratic freedoms and political consensus; hence, they are a key element of democratic governance. In 2006 Brazil approved the national decent work agenda and a national plan of employment and decent work to implement it; both

documents are the result of tripartite consensus, which was not easy to achieve but now allows for clear guidelines and indicators to advance decent work objectives. Brazil now has permanent forums for tripartite consultation and negotiation in various sectors, highlighting the recent national commitment in the civil construction sector, which now has large investments in preparation for the Olympic Games and World Cup. This commitment puts the goal of decent work in programs and businesses linked to construction and represents a historic step in this area, known for its poor working conditions. The concept of sustainable enterprise, resulting from an ILO document from 2007, is fully compatible with the concept of decent work and implies that companies respect the concept, which includes collective bargaining, in their operations and business.

- **Intervention by the United States.** Richard Bock, Director of the Division of Operations and Management, National Labor Relations Board (NLRB) – The National Labor Relations Board (NLRB) is a government agency separate from the Department of Labor created in 1935 to ensure compliance with the National Labor Relations Act. This act includes protection of the right of workers to organize, to form unions and to be free to join them, and also governs the relationship between employers and unions in the private sector. It is emphasized that the law protects the concept of freedom of association, even in the absence of unions, under the concept of protected concerted activity, which protects the right of workers to discuss and take action on their employment conditions. The NLRB fulfills its mission in two ways: 1) It investigates, at the request of a party, and sanctions practices that threaten the rights mentioned; over 90% of cases where a violation is found end in a settlement, and the rest go to a quasi-judicial body within the board, and 2) It conducts secret elections for workers to decide whether or not to be represented by a union; if “yes” gets the majority of votes, the union is certified by the Board and is the sole representative of workers in collective bargaining. Currently, the Board is considering new issues arising from changing employment relationships, such as social networks and how employers and workers are making use of them.
- **Intervention by COSATE.** Amanda Villatoro, Secretary of Education and Trade Union Policy, Trade Union Confederation of the Americas (TUCA), COSATE facilitator – Thanks to the IACML, especially the Ministries of Labor of Brazil, Argentina and El Salvador, as well as the Technical Secretariat for making this seminar possible. One cannot speak of freedom of association and collective bargaining without speaking of the context, which today is marked by a high rate of violent crime against trade unionists, rising indicators of job insecurity and collective bargaining restrictions in many sectors, especially in the public sector. There are many challenges in this area, one of which is the failure of legislation; according to the Committee on Freedom of Association of the ILO, breach of its recommendations is nearly 47%, with 15% partial compliance and 38% total compliance. TUCA sent a survey to members from 12 countries and found several troubling cases, such as: Chile has no unionization by activity or industry, only by business; furthermore, the public sector is prevented by law from bargaining collectively. In Guatemala, legislation allows all types of unions, but in practice there are many restrictions and much violence (approximately 1 unionist killed every 3 to 4 weeks), although it is encouraging news that the National Plan for Decent Work was signed recently. The recent TUCA Congress ratified as one of its priorities the promotion and protection of the fundamental rights of

workers, which are essential for any sustainable development model. That Congress also emphasized that rights to freedom of association are human rights and fundamental to democratic governance, stability and social peace, and are also instruments of citizenship, which allow for extending democracy to the workplace. Without freedom of association, there is no democracy and no access to rights at work. TUCA is developing a continental campaign on freedom of association and collective bargaining to mobilize people on the importance of these issues to democracy. TUCA condemns acts against democracy such as the coup in Honduras and the parliamentary coup in Paraguay, and also condemns recent youth labor laws in the latter country, which pauperizes youth work. Decent work, the full exercise of freedom of association and collective bargaining and the centrality of work are essential to promoting sustainable development.

- **Intervention by CEATAL.** Stefan Marculewicz, United States Council for International Business (USCIB) – It is important to acknowledge the fundamental ILO Conventions for orderly economic and social development with decent work, and for sustainable enterprises and job creation. Without workers and without employers, there is no work, and without decent work there is no good work. National law and practice define collective bargaining in each country – national law is a delicate balance of the rights of workers, trade unions, employers, and others. International Labor Standards create a framework, and only for those countries that have ratified the conventions in question, so it is important to maintain awareness of the distinction between international standards and national law. Freedom of association includes the right to associate with a labor union, but also the right not to as the case may be, and does not create the obligation for a worker to join a union. As set forth in ILO Convention 87, it is the right of workers to be represented by someone of their own choosing, which implies that they have the right to be represented by no one if they so choose. We have the obligation to recognize that right. Freedom of association also refers to freedom of expression and freedom of opinion, rights which extend to workers and employers as individuals. Employers therefore can exercise their right to free expression insofar as it does not interfere with the workers’ ability to freely choose a labor union. The right to strike is a “hot topic” at the moment. At the Applications Committee of the ILO there is a fundamental difference of opinion over whether Convention 87 includes the right to strike or not. The ILO’s position is that the right to strike is a creature of national law. As we move forward with the decent work agenda in the Americas, it is important to realize that the right to strike is not guaranteed under all circumstances because of ILO conventions, and that the legal circumstances affecting striking workers are to be worked out at the national level. As far as workers choosing their representatives, there should be an awareness of two sets of interests. There are the workers’ interests, and then there are the interests of the institutions that represent them, and these interests are not always the same. For example, a worker who does not want to be represented by a union and a union who wants to have that worker as a member are at odds. An awareness of this distinction should inform policymaking. There is a difference as well between the promotion of collective bargaining and the recognition of the right to collective bargaining. Collective bargaining is a means to decent work, rather than an end in itself. There is another important concept, the duty of fair representation, which means that all workers represented by a trade union should be equally represented. This means that workers who vote against the creation of a union must still be

fairly represented if the union comes into being. This is another point to take into consideration and one which is not represented in an ILO convention.

- **Space for dialogue:**

- The delegate from Paraguay shared advances from the last 4 years in social dialogue, including: The inclusion of tripartite forums for youth (drafting of a youth employment law) and wage policy, and the creation of the Tripartite Commission for Gender Equality, as well as tripartite consultation and consensus-building on public policies and bills. Also highlighted was the conciliation and mediation mechanism which has mediated important labor disputes in the public and private sector.
- The delegate from El Salvador said that his country has from 2009 recognized the right of public sector workers to freedom of association and collective bargaining, and that progress continues in this area. In February 2012, began the enforcement of a Directive on labor relations for the executive branch of government that includes recruitment, protection against discrimination and benefits. Social dialogue spaces have been enhanced through the creation of the Economic and Social Council and the strengthening of the Superior Labor Council and the National Minimum Wage Council for workers to effectively influence public policy.
- The Vice-Chair of COSATE referred to the right to strike, the discussion of which took place at the Application Committee of the ILO this year with two themes: one of form, based on the contradiction of discussing the opinion of the Committee of Experts while still complying with the rulings of the Committee on Freedom of Association; and the other of background, which is to be analyzed. He explained that for trade unionists the strike is a right—workers have the right to say they will not work and in the framework of international regulations may define what is called the “right to essential services” to ensure coexistence in society. But the right to strike is a fundamental right and is in the framework of Convention 87.
- The ILO delegate referred to the right to strike, indicating that it is true, as the representative of CEATAL mentioned, that Convention 87 does not have a provision on the right to strike but that the supervisory bodies of the ILO have always said that, in accordance with Article 3 and 10 of the convention, the right to strike is an intrinsic corollary of the right to organize. At the same time, the Committee on Freedom of Association has said it is not an absolute right; there are restrictions, such as in essential public-sector services. She reported that recently tripartite consultations were taken on the system of supervisory bodies, which will be a subject to be analyzed by the ILO Governing Body in 2013.

PANEL 2 – STRENGTHENING OF COLLECTIVE BARGAINING AND FREEDOM OF ASSOCIATION AS STRATEGY TO FACE THE INTERNATIONAL ECONOMIC CRISIS: EXPERIENCES FROM THE REGION

- **Intervention by Panama.** Yeskelle J. Pedroza Quintero, Special Regional Director of Labor and Labor Development for the Expansion of the Panama Canal – Presented best practices of her country on social dialogue and tripartism, especially highlighting the Tripartite Agreement signed in February 2012, by which were put into operation: The Committee for the Implementation of the Tripartite Agreement and the Commission for the Handling of Complaints on freedom of association and collective bargaining, dedicated to examining with urgency complaints regarding freedom of association and collective bargaining as they arise, and whose goal is to find solutions and reach consensual agreements in Panama to prevent complaints from reaching the ILO. This Commission has produced great results. Another best practice is the collaboration agreement between the Ministry of Labor and the Labor Foundation, through which the government will provide financial resources; the government is now part of that foundation, which originally was only for employers and workers. Within the Panama Canal expansion project, which employs a workforce of approximately 10,000 people, “tripartite labor clinics” have been established to give workers and employers direct and permanent access to labor authorities for consultation, making claims and achieving solutions. These clinics are physically located in the workplace, so workers don’t need to approach the Ministry; the Ministry comes to them. The clinics have yielded excellent results, with an 80% reduction of complaints within the workplace.
- **Intervention by CEATAL.** John Craig, Alternate Representative of CEATAL and Counsel, Canadian Employers Council – Affirmed that employers support freedom of association and collective bargaining, and that this principle has enjoyed broad tripartite support at the ILO for decades. Employers also enjoy this right when they form employers’ and industry associations to influence policy and engage in collective bargaining. There are nonetheless important debates about the right to strike, freedom from forced association, and the nature and extent of collective bargaining, particularly about the diversity of domestic systems. Overall, though, CEATAL broadly supports the core concepts of freedom of association and collective bargaining, namely the freedom to organize, to engage in dialogue and reach agreements on workplace issues, to express opinions, and to do these things without undue interference. He noted that employers are also concerned with the need to achieve economic efficiency to ensure sustainable enterprises. Today, this means taking into account the global context within which workplaces operate. Many employers have operations in multiple countries, which adds significant complexity, including in the area of labor, and collective bargaining cannot be insulated from such pressures and complexities. Can collective bargaining and freedom of association serve as tools of enterprises to be more competitive and efficient, and to create more jobs? Some have argued that dealing with unions or other associations is an impediment to efficiency and job creation, which implies that employers are better off acting unilaterally. This point of view cannot be dismissed since either side can make unreasonable demands and frustrate progress in a collective bargaining scenario. However, if employers and workers share the common goals of improving productivity, creating jobs, and sharing success equitably from the level of the CEO to frontline workers, then collective bargaining and freedom of association can contribute to achieving progress. He further noted that acknowledging freedom of association and collective bargaining can be a component of corporate social responsibility, one that shows that companies recognize that these freedoms are a precondition to economic

growth. International framework agreements (IFAs) are an increasingly prevalent instrument which are negotiated and signed voluntarily by employers and trade unions and applied to a company's global operations. Ford became the first major American corporation to enter into an IFA in April 2012 when it signed an agreement with the International Metalworkers' Federation, and the Banco do Brasil entered into one in 2011. These IFAs represent innovative, global approaches to collective engagement and should be considered as models for the future.

- **Intervention by COSATE.** Rafael Molano, First Vice Chair, *Central Unica de Trabajadores (CUT)*, Colombia – Stressed that to talk of freedom of association is to talk of progress and democracy, since unions play a key role in the development of peoples and in building a more just and equitable society. Connected to the issue of freedom of association is that of collective bargaining, which is a concept about which many government officials and businessmen are confused, because the labor movement is never organized to destroy businesses, much less to encroach where it does not belong. On the contrary, collective bargaining elevates and animates the sense of belonging that the worker has for his or her business as long as it contributes to the welfare of the workers themselves, and contributes to a greater distribution of wealth. He mentioned some countries where unions are considered to have strengthened freedom of association and collective bargaining in law and practice, such as Argentina, Uruguay and Brazil, and as a result have strengthened governments. Others, such as Paraguay, Guatemala and Colombia, have not met the agreement creating serious consequences for democracy with social impairment and exclusion. He highlighted the IACML in Buenos Aires in 2009 and the commitment of Ministers to ensure compliance with labor laws and effective enforcement of core labor rights, and ended by insisting on the need to promote freedom of association and expand collective bargaining to confront the crisis with the least possible costs.
- **Space for dialogue:**
 - The delegate of the Bahamas noted that freedom of association and collective bargaining are intimately related to the processes of democratization and are part of human rights. He mentioned that in the Caribbean many political leaders come from the labor movement and unions have a very active role in public policy development and the consolidation of democracy. He affirmed that unions support initiatives for their members, such as training and financial advice, and contribute to the welfare of the country. He stressed that this event is very timely for discussing these issues and commended the OAS for it.
 - The delegate of COSATE referred to the Labor Action Plan concluded between Colombia and the United States, which the unions considered an innovative and promising step. He noted that there has been some progress on protection of trade unionists, but drew attention to the situation of almost no compliance with the intentions to reduce forms of hiring that reduce freedom of association and weaken collective bargaining, which is very troubling. He mentioned that some important sectors, such as ports, are particularly threatened and stressed that there must be continued work and commitment toward the fulfillment of the Plan.

PANEL 3 – THE ROLE OF THE IACML/OAS AND THEIR BODIES IN PROMOTING FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

- **Intervention by the OAS.** Evelyn Jacir de Lovo, Director of the Department of Social Development and Employment – It was stressed that freedom of association and collective bargaining, besides being crucial to decent work, are key elements of social cohesion, defined as the ability of a society to ensure the welfare of all its members, minimizing disparities. The evolution of freedom of association and collective bargaining at the IACML and OAS was presented, and it was noted that since 1963 the Ministers have recognized that freedom of association is an essential basis for ensuring that workers have an effective role in national development. The General Secretariat of the OAS has endorsed the pronouncements of the IACML, recognizing that social dialogue and freedom of association and collective bargaining are essential to building and promoting democratic and inclusive societies, and therefore democratic governance, prosperity and social peace. It was stressed that national and hemispheric tripartite dialogue spaces should continue to be institutionalized and utilized as the IACML elevated CEATAL and COSATE to the status of advisory bodies of the Conference in 2009, giving them a stronger voice. This coincided with the trade union assessment presented in this Seminar on the gaps that exist between policy frameworks and reality, a challenge on which to keep making progress. The Protocol of San Salvador on economic, social and cultural rights was highlighted; the protocol came into force in 1999 and in Article 8 establishes trade union rights. In this protocol, the State Parties commit to submitting periodic reports on the measures taken to progressively achieve the full realization of recognized rights; in this regard, the OAS General Assembly in 2012 adopted the first set of indicators on rights to social security, health and education, and based on these indicators will start the reporting process. Currently the Working Group charged with indicators and monitoring is defining indicators for the second group of rights, including trade union rights. It was recalled that the participation of workers and employers at the OAS transcends the IACML and now includes the General Assembly of the OAS and the Summit of the Americas, allowing them to influence all items on the hemispheric agenda.
- **Intervention by COSATE.** Francisco Quijano, Chair of COSATE and Member of *Central Autónoma de Trabajadores Salvadoreños (CATS)* – Recalled that IACML Declarations recognize that social dialogue, tripartite consultation and freedom of association and collective bargaining require representative social actors, protected from practices of any kind which prevent or limit the exercise of their autonomy. This implies that without freedom of association one cannot speak of social dialogue or progress towards social justice. This freedom guarantees to workers the opportunity to express their aspirations, to strengthen their position in collective bargaining and to participate in social policy. He reiterated the Declaration of COSATE at the XVII IACML, which highlighted the value of the IACML as an institutionalized dialogue forum on labor, and sought to put freedom of association and collective bargaining on the agenda of the IACML to gain more information, research, and especially a continuing effective dialogue on the subject. He noted that the labor movement demands real social dialogue at the national and regional levels that promotes compliance with the rights of workers, respect for their institutions, and collective bargaining with freedom of association as a roadmap for the respect of workers’

rights. He concluded by saying that a challenge for the future is the ability to coordinate actions with other existing mechanisms within the framework of the OAS, such as the Inter-American System of Human Rights, to help ensure that freedom of association and collective bargaining are fully covered and protected as fundamental rights.

- **Intervention by CEATAL.** John Craig, Alternate Representative of CEATAL and Counsel, Canadian Employers Council – Raised the question, What is the role of the IACML and OAS in promoting freedom of association and collective bargaining? Labor relations are influenced by national, social, and economic experiences. One size does not fit all when it comes to the exercise of collective bargaining, and each country has to take its own context into account; still, it should be possible to share and learn from experiences at the regional, national, and local levels. One strength of the IACML is that it is tripartite, bringing together governments, workers through COSATE, and employers through CEATAL. It is also self-directed, as all three social partners contribute to the agenda of the IACML and then participate in its activities. CEATAL and COSATE now participate in the General Assembly and Summits of the Americas as well. The promotion and strengthening of social dialogue and tripartism creates trust among partners and workers and is important at the local, national, and regional levels, and accordingly should remain a commitment of the IACML. He mentioned that another long-term commitment of the IACML has been that of cooperation, allowing countries to work together to improve their labor administration systems and modernize their labor laws. Horizontal cooperation implies that knowledge and experience can be transferred between countries; each country has something to offer based on its unique experiences, and each country can learn from the experiences of others. The IACML's role in promoting freedom of association and collective bargaining should be to facilitate cooperative activities that inform governments, employers, and workers about best practices in the region. To promote this work, the IACML, through or in conjunction with the RIAL, could promote capacity-building in labor administration, including work in the areas of conciliation and mediation services offered by Ministries of Labor. Expanding these services should be a priority from the employers' perspective, as they are of great importance in avoiding industrial conflict. Indeed, in many countries in the region, conciliation is a precondition to legal strikes and lockouts, so providing affordable, professional support of this nature has clear social and economic benefits. Ministers of Labor, in conjunction with employers and workers through social dialogue, should develop best practices in this area that could be adopted by all countries in the region. He further noted that the OAS and IACML also have the capacity to work toward collective engagement mechanisms for sustainable enterprises, of which the aforementioned international framework agreements (IFAs) are an example. Lastly, he mentioned that another great area of interest is that of youth in the workplace and in society. Young people are a great resource for the countries of the region and often bring a fresh perspective which challenges the established way of doing things, creating new ideas in the process. Ministers of Labor are therefore encouraged, on their own and through collaboration with the OAS and IACML, to focus on education, skills development, and entrepreneurship for young people.
- **Space for dialogue:**

- The delegate of Trinidad and Tobago noted that in the Caribbean, freedom of association and collective bargaining have been a great achievement, which have strong roots in the role played by organized labor in the struggle for independence. Considering the great progress made, he offered to provide technical assistance in this area through the RIAL. He stressed the need for the trade union movement, employers and Ministries of Labor to have a global perspective given the realities of today's working world marked by globalization, which requires developing coordinated actions and achieving greater policy coherence. He said the IACML and RIAL have a fundamental role in promoting coordinated actions and policy coherence, and celebrated that they are spaces for tripartite dialogue and exchange. He concluded by saying that the way forward is cooperation, not confrontation; that “we either swim together or we sink separately.”

SYNTHESIS OF QUESTIONS AND DISCUSSIONS: PROPOSALS FOR THE IACML TO FOLLOW-UP

- **Intervention by Brazil.** Mario Barbosa, Special Advisor on International Affairs, Ministry of Labor and Employment of Brazil – Stressed that the objectives of the Seminar were fully achieved, since it stimulated a debate about freedom of association and collective bargaining and valued freedom of association as a component of democracy and guaranteed citizenship at the forefront of a new development model. He said that this event is a starting point for the IACML to further deepen this issue and proposed future actions: deepen the exchange and dissemination of experiences and best practices; analyze public policies to strengthen labor organization against the background of the crisis facing the world economy; and promote reflection on the feasibility of collective bargaining in the public sector, which are recurring themes for all countries in the region. He said the WG1 report to the next IACML highlights the results of the Seminar and suggests future actions for consideration by Ministers, and stressed that freedom of association and collective bargaining is a strategic issue for the work of the Conference.
- **Intervention by COSATE.** Marta Pujadas, Vice-Chair of COSATE and Representative of *Confederación General del Trabajo de la Republica (CGT)*, Argentina – Expressed the appreciation and satisfaction of the labor movement with the Seminar, which advanced discussions on freedom of association and collective bargaining, brought visibility to this issue and its challenges, and identified best experiences and setbacks. She highlighted some of the key messages of trade unionism during this Seminar, which recapitulates several tenets of the Declaration of COSATE presented to the XVII IACML: that freedom of association and collective bargaining have had setbacks, which affects the quality of democracy; that they are fundamental rights that must be protected both by governments and by the private sector; and that any attack on or weakening of them is a violation of human rights. In the Declaration it was noted that the union movement called on the Ministers of Labor of the Americas to begin building within the IACML an objective analysis on the topic of freedom of association and collective bargaining in the Americas to build an agenda in which governments, unions, employers and the rest of civil society engage in the fight against the violation of these rights. In addition, the labor movement made specific calls to governments for: The full guarantee of the exercise of freedom of association in our countries; recognition and advancement of the right to

collective bargaining for all workers; an end to violence against trade unions and to impunity for crimes committed against trade unionists; and the combat of all covert practices that undermine labor. She responded to the topic of sustainable business, indicating that it is a concept that they support, but not as a component of Decent Work concept. She said that workers feel that there is a commitment within the IACML to freedom of association and collective bargaining, indicating that this ministerial process is a privileged instance to monitor these principles at the national level. She celebrated the completion of this event as a space to build a social dialogue, which is the gateway to improving freedom of association and collective bargaining and emphasized that the next Conference in Colombia should include these principles in the Declaration and Plan of Action. She proposed enriching the RIAL Portfolio with contributions from CEATAL, COSATE and TUCA on best practices and progress, especially in fighting anti-union practices.

- **Intervention by CEATAL.** John Craig, Alternate Representative of CEATAL and Counsel, Canadian Employers Council – Stressed that disagreements are natural on the scope and legal meanings of concepts like freedom of association and collective bargaining, but we do agree on certain foundational principles. He raised as a suggestion that the IACML continue to build into its activities, where appropriate, considerations of matters related to associational and collective action, for workers and for employers. He recognized that so many other issues discussed by the Conference have a link to associational activity and collective bargaining. He also recognized the important contributions of the RIAL and IACML in terms of institutional strengthening and suggested that cooperation activities strengthen the exchange of best practices in mediation and conciliation as well as in national and local social dialogue. He stressed that for CEATAL the issue of sustainable business is particularly important. It is considered the basis for economic growth and job creation, and is an issue that needs further analysis, including in the role of governments and Ministries of Labor in particular in educating entrepreneurs, supporting micro-enterprises and providing legal services. The modernization of employment laws based on regional best practices should also be analyzed. He concluded by saying that the RIAL is a very important institution in terms of information gathering, research and the dissemination of best practices, and that the discussion should be continued on the role of the RIAL and whether its resources are sufficient to play the full constructive role that it should in future debates.
- **Space for dialogue:**
 - The delegate of Paraguay congratulated the Chair of the IACML on the level of discussion and thanked the OAS for maintaining open channels of debate, which were severed for his country in other fora such as Mercosur and UNASUR, but are hoped to be reintegrated soon. He stressed that Paraguay began a process in 2008 to build a better society, which is ongoing.
 - The delegate of Panama thanked the OAS and reiterated the commitment of her government to support other States and continue to seek alternatives and models for the benefit of all workers.

- The delegate of Trinidad and Tobago welcomed the richness of the debates pledged Trinidad and Tobago's continuing contribution to the process, both by way of dialogue and by way of financial contribution, which includes annual support to the RIAL. He reiterated that the world has changed, which means we must consider new strategies and innovative solutions to current problems, and pledged to continue supporting El Salvador and then Colombia as Chairs of the IACML in achieving progress on the labor agenda in the region.

CLOSURE OF THE MEETING

- Javier Rivas, Director of International Labor Relations, Ministry of Labor and Social Welfare of **El Salvador** – Thanked the presenters, delegations, WG1 authorities who had the responsibility of organizing this Seminar, the chair of WG2 and the General Secretariat of the OAS, which has been the engine of everything that is organized in the framework of the Conference.
- Evelyn Jacir de Lovo, Director of the Department of Social Development and Employment, **OAS** – Thanked the authorities of the IACML and all present and stressed that the OAS is its Member States and the General Secretariat is at the service of all. She said that for the Secretariat it is an honor to support the IACML, which is more than a formal meeting of labor authorities; rather, it is a lively forum that has a high commitment to the personal, professional and institutional development of all its members. She reiterated that the Secretariat of the OAS, inspired by the passion and commitment of all its members, is fully committed to achieving better policies, programs, projects and actions to achieve decent work, in the sense of work that is productive, decent, well-paid, respectful, and framed in a win-win relationship between workers and employers. This is the kind of work that leads to greater prosperity, greater democracy, greater growth and social peace in the Hemisphere.