

# Foreword

As an active trade unionist, I know of the multiple efforts made by trade unions internationally to fight racism and build a more equal, humane society. When I took up the position as General Secretary of the ICFTU early last year, one of my priorities was to step up the trade union fight against racism and xenophobia, in particular at the workplace and in the labour market.

The UN World Conference Against Racism (WCAR) in September 2001 marked a new phase for trade unions in their fight against racism. Thanks to their work in the run up to and at this Conference, the UN Programme for Action includes many recommendations about fighting racism which are particularly relevant to workers. They are also born out of our own experience of racism.

Unfortunately since that Conference world events have made the fight against racism far more difficult. There has been an increasing lurch to the right by many governments. They are now carrying out activities and bringing in legislation which could undermine the good work completed at the Conference and could derail future efforts.

Anti-terrorist legislation and increasingly tough asylum and migration policies are encouraging racism by emphasising that some people are 'outsiders' or invaders to be regarded with trepidation. There is a real danger that this fear could pervade every aspect of life.

The ICFTU believes that, against this political reality, it is more important than ever to pursue the positive outcomes from the Durban Conference. This is one way of fighting this racist and xenophobic backlash. It is essential to make everyone understand the vital contribution that migrants, people of colour, indigenous peoples and ethnic minorities bring to so-

ciety and how they enrich our cultures and strengthen our economy.

The United Nations emphasised that the Conference Against Racism should be 'action-oriented and concentrate on practical steps for eradicating racism'. We have taken the UN at its word and intend to carry out every single recommendation relating to the racism that workers experience daily and to translate them into action.

This Primer is action-oriented as it shows how trade unions can put the Durban Programme of Action into practice. It begins by highlighting racism and xenophobia which workers have encountered and looks at the Programme's Recommendations which would combat this. It then explains how these fit in with the Trade Union Plan of Action and suggests what trade unionists should do, based on examples of successful trade union activities.

In an important section it looks at the racism which trade unionists may, unwittingly, practice against fellow workers or even within the union structure. It shows how unions can change, giving concrete examples of what unions are doing in various parts of the world.

By using this Primer and following the examples which trade unions have given us, I believe that by the time the UN Conference carries out its five-year review, we will be able to look back and see that we have moved on in our fight against racism and xenophobia.

Guy Ryder  
General Secretary

December 2003

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# Background to icftu's attack on racism and xenophobia

**T**rade unions stand against racism as a matter of fundamental principle. Racism and xenophobia contradict and undermine the trade union struggle for freedom and social justice for all. For the ICFTU, therefore, combating racism and workplace discrimination is a matter of course. During the 40 years of Apartheid in South Africa, it coordinated the international trade union fight to rid the country of the brutal regime. In a resolution on racism and xenophobia it adopted at its 15th World Congress (1992), the ICFTU urged governments to respect the rights of all people to live in dignity, regardless of their age, gender, race, religion, ethnic or national origin. The following year, the ICFTU's Trade Union Rights Committee meeting had an in-depth discussion on fighting racism in a globalising world.

In an important gesture of support to fight racism worldwide, the ICFTU held its 17th World Congress in Durban, South Africa, in 2000. Trade unions passed the following resolution re-affirming their pledge to combat racism and xenophobia in the lead-up to the UN Conference, "The ICFTU will also strive to make sure that action to overcome discrimination at work - including against migrants or on the basis of race, colour, national extraction, sexual orientation, disability, or age - is given the highest political commitment and the financial resources to match. The ICFTU will lead by example, acting as a catalyst for change in the trade union movement, to promote solidarity in diversity, as all workers must have their place in our organisation."

The ICFTU's policies, programmes and actions have developed through a long, hard struggle by its members who have been the victims of racism and xenophobia in the labour market, at the workplace and, sometimes, within the trade union movement itself. To a large extent, progress has been achieved through the pressure brought about by union members who have insisted, argued and cajoled their brothers and sisters into taking up the fight.

## **The Aylmer International Workshop – “Trade Unions Fighting Racism and Xenophobia”, May 2001**

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The ICFTU made careful preparations for the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) by ensuring that the issues had been properly discussed within the trade union movement and a common position agreed beforehand. On 6-9 May 2001, the Canadian Labour Congress hosted an international workshop in Aylmer, Canada. This brought together 36 trade union leaders and activists from 21 national and regional centres and three Global Union Federations (GUFs). Representatives from the International Labour Office and the Secretariat of the UN (WCAR) also attended the meeting. Trade unionists described their unions' activities in fighting racism and established the main issues they would raise at the UN Conference. They also discussed lobbying strategies, and drew up the Trade Union Plan of Action. This meeting was instrumental in consolidating international trade union preparations.

### **Trade Union Plan of Action to fight racism and xenophobia**

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The workshop prepared a lobbying document for Durban and adopted the international labour movement's Plan of Action: 'Trade Unions say NO to Racism and Xenophobia'.

The Plan of Action divides its activities into three areas:

- Combating Racism and Xenophobia in Communities and in Society;
- Combating Racism and Xenophobia in the Labour Market and in the Workplace;
- Transforming Unions through Equality in Diversity.

# Background to icftu's attack on racism and xenophobia



The Plan's core theme is that the victims of racism should lead the fight. Its key area of activity is fighting discrimination in the workplace. It urges unions to lobby for strong (er) national laws to combat racism and xenophobia at the workplace and in the labour market. Awareness raising and formal and informal education are cornerstones of this strategy. It includes programmes aimed at young workers and training to sensitise teachers. It also involves work-based human rights programmes and initiatives. The need to integrate a gender perspective in all aspects of our work in this area is stressed.

The Plan emphasises the importance of monitoring policies to ensure they are being implemented. It urges authorities to carry out strategic planning, particularly in the field of employment and to ensure that victims have access to social provision and services including housing, education and health. It urges governments to ratify and implement international UN and ILO Conventions to prevent discrimination against workers (including migrant workers).

## NGO Labour Commission and Declaration

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As part of the NGO Forum held just before the UN Conference the ICFTU organised the Labour Thematic Commission on 28 August, in Durban. The Commission produced the Labour NGO Declaration.

In many ways the Labour Declaration mirrors the Aylmer Plan, particularly in its emphasis that those affected by racism must take the lead in the fight against it. The Declaration stresses that racism, racial discrimination, xenophobia and related intolerance are manifested through multiple forms of discrimination practiced in the workplace and in the community. These include restrictive immigration and labour laws and

policies, the denial of trade union rights, the denial of protection under labour laws, exploitative working conditions and very low pay. Discrimination also prevents people having access to public services such as health, housing and social security.

The Labour Declaration stresses that migrant workers are doubly at risk of racism and xenophobia, as their lack of legal status is too often used as an excuse to deny them their rights. Trade unions point to the negative effects globalisation has on workers, many of whom are trafficked from country to country, and say that policies and programmes of the international financial institutions can aggravate racism.

The Labour Declaration underlines the central position of trade unions, as democratic and representative organisations of working people, in fighting racism and discrimination in the labour market and in society generally, and recognises the key role of those affected by racism in developing, implementing and monitoring policies and programmes to eliminate racism.

# Using the durban programme of action to fight racism and xenophobia

**T**he United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) took place in South Africa from 31 August to 7 September 2001. This was the Third UN Conference on Racism – the first two took place in Geneva in 1978 and 1983. The UN, well aware of the dangers of ‘UN Conference fatigue’, affirmed that this Conference would be action-orientated and concentrate on active steps to eradicate racism. It stuck to its claims as the final Declaration and Programme of Action contain over 200 concrete recommendations.

More than 300 trade unionists from ICFTU-affiliated national centres attended the Conference. Thanks to their careful preparations and tenacity, many sections of the UN Declaration and its accompanying Programme of Action reflect trade union concerns about discrimination in employment and the daily discrimination workers face.

The UN Programme provides a good basis for trade unionists to take practical steps to end racism. Many of its recommendations are very similar to those in the trade union’s own Action Plan.

## **The UN Conference Declaration and Programme of Action**

The Conference documents agree on the need for national action plans, tougher national legislation and more – and better - legal assistance for victims of racial discrimination. They emphasise the need to improve the administration of justice and to reinforce national institutions to combat racial discrimination.

The Programme also includes measures to ensure equality in employment, health and the environment. An important pre-

condition is to set up monitoring mechanisms to check that these measures are being put into effect. It recommends a wide variety of educational and awareness-raising measures as well as measures to counter racism in the media and to use new technologies such as Internet.

### **Identifying the victims of racism and xenophobia and their core role in leading the fight.**

What makes the Durban Programme different from other UN Conference documents is its emphasis on the importance of those affected by racism and xenophobia leading the fight. This same approach guided the trade unions in drawing up their own Plan.

The Durban Declaration and Programme refer to specific groups of people:

- a) Africans and those of African descent who face racial discrimination, both in Africa, where in South Africa the scourge of Apartheid still remains in many private companies, and in other countries, where they were taken as slaves.
- b) Asians and those of Asian descent who suffer similar discrimination.
- c) Indigenous people who are being discriminated against in many countries, e.g. Australia, Canada, New Zealand, the United States. The populations in these countries are now coming to realise the extent of the discrimination they have practised against the people whose land they took.
- d) Ethnic groups such as the Roma and ‘travellers’ still face very strong discrimination throughout Europe.
- e) Migrants workers are increasingly affected by racism and xenophobia and are constantly vilified throughout the media and in the public consciousness. Often they are trafficked across regions against their will and their pay and working conditions leave them in modern day slavery.

## How the Primer is organised

The Primer uses the Durban Programme of Action as its starting point. This is attached as an accompanying document and is also available on the UN website <http://www.unhchr.ch>. The UN Programme divides its recommendations according to the different victims of racism. However, in this Primer because the recommendations are often very similar for each of the different groups, these are classified according to issues addressed, not according to the group concerned, except in the special case of migrants.

The Durban Conference also focuses on the gender dimension of racial discrimination and on the question of multiple discrimination.

This chapter is divided into the following sections:

- A. Fighting discrimination at the workplace and in the labour market
- B. Fighting discrimination nationally
- C. Fighting discrimination internationally
- D. Special issues

Chapter III focuses on Trade unions fighting racism within their ranks.

In explaining the relevance of the UN Programme for trade unionists we have classified actions and illustrated each situation with a current example or examples. This is followed by an explanation of the relevant UN Programme activity designed to solve this and a description of how this relates to the ICFTU's own Plan of Action. The Primer suggests targeted activities and cites examples of trade union actions.

The text of the Plan of Action "Trade Unions say NO to Racism and Xenophobia", a list of major UN and ILO Conventions, and useful addresses and contacts are found at the end of this Primer.

## A. Fighting discrimination at the workplace and in the labour market

Sustained lobbying by trade unionists at the UN Conference has meant that the UN Programme includes an entire section on fighting racism and xenophobia in employment. This covers outlawing discrimination at the workplace, promoting equal employment opportunities, opening up the public services to a more diverse workforce and the importance of providing the victims of racism with the means to gain employment. An important concern is ensuring that equity-seeking groups have relevant training and qualifications to obtain work.

### Outlawing discrimination at the workplace

**The first place to fight discrimination is at work, where people experience it very directly, and often very personally. The UN Programme suggests measures to address the issue of racism at work, while the Trade Union Plan gives detailed examples of what can be done.**

- **In Gabon, the Labour Code is not applied in sectors and regions where there are large concentrations of migrant labour. Migrant workers have found that they cannot organise without suffering reprisals from employers. In addition, employment conditions, wages, health and safety and dismissal procedures are far less favourable to the migrant workforce than for Gabonese workers.**
- **In the United States Wayne Elliott, and the two other black men among the 30 warehouse workers at the Lockheed Martin plant in Marietta, Georgia found "back-to-Africa tickets" on their desks with disgusting racial messages. When they reported this, they were treated as though they were the wrongdoers. Then a hangman's noose appeared near Wayne's desk. "You're going to end up with your head in here," a white co-worker threatened.**

# Using the durban programme of action to fight racism and xenophobia

What the United Nations Programme Recommends Nos:104 (a,b,c), 105, 106, 107, 108, 215,

Governments, businesses and NGOs should support non-discriminatory workplaces by protecting the rights of workers who are subject to racism and by advancing non-discriminatory practices. Governments must back this up with strong anti-discrimination legislation and policies. Business sector, including transnational corporations, should collaborate with trade unions to develop voluntary codes of conduct to prevent and eradicate racism. Governments and business must remove the obstacles for those who have problems in finding or keeping work, including skilled work.

What the Trade Unions' Action Plan says:

The Action Plan has a major section on combating racism in the workplace with detailed recommendations:

- negotiate collective agreements to end discrimination against, and ensure equal opportunities and treatment for migrants, workers of colour, indigenous peoples and ethnic minorities, including:
  - vocational and long-term training,
  - paid leave for language training, including at work,
  - affirmative action measures,
  - leave for religious and cultural reasons,
  - clear grievance procedures for dealing with racism,
- network with organisations and/or groups of workers facing multiple forms of discrimination to develop a joint strategy and action programme;
- work with employers to combat workplace racism.

Putting this into action

- 👉 Incorporate these clauses into collective agreements in negotiations with management.
- 👉 Join with other groups, including NGOs to fight discrimination.
- 👉 In negotiation with employers, ensure that foreign workers are entitled to join unions and have the same rights as other workers.
- 👉 Identify best practice in collective bargaining and grievance procedures in order to ensure effective equal opportunities at the work place.

Examples to follow

- Volkswagen, the German vehicle company, has worked with the unions to draw up a collective agreement which lays down sanctions, including being fired, for racial discrimination.
- In the UK, the Trade Union Congress (TUC) has a very high profile campaign on rooting out racism at work. They have a "Root Out Racism" hotline to offer advice and assist workers to deal with problems of racism at work.
- In Italy, the social partners have set up innovative collective agreements which take migrant workers' concerns into account. For example Zanussi allows time for prayer during breaks, and after three years of service, migrant workers are entitled to extra holiday.

# Using the durban programme of action to fight racism and xenophobia

## Equal opportunities in employment

**While workers face racial discrimination at the workplace, for some the battle begins earlier, when they seek work. In all cases it is more difficult for African, Asian,**

**indigenous people, ethnic minorities and migrant workers to get jobs.**

• In 2001 the British TUC reported that black and Asian people in Britain were twice as likely to be unemployed as their white counterparts. Their national jobless rate stood at 12%, compared to a national 5% jobless rate among white people. In addition, twice as many black workers were trapped in part-time work, because they could not find full-time jobs.

• According to the Australian Council of Trade Unions (ACTU), unemployment amongst indigenous people is around six times the national average, and their earnings are only half those of other Australians on average.

• In Denmark an Arabic man who had been educated in Denmark wrote to 20 companies to get a job. When he wasn't successful he re-sent an application to one company, but with a Danish name. He immediately got a letter back saying the firm was very interested, calling him for an interview.

What the United Nations Programme Recommends Nos.8 (c), 16, 29, 48, 49, 51, 99

States should recognise the problems which victims of racial discrimination face when they seek employment, and work with them to design concrete programmes to improve their job opportunities. Where necessary, this can mean practising positive discrimination to help them enter the job market.

What the Trade Unions' Action Plan says:

- There should be work and career development programmes for workers of colour, indigenous peoples and ethnic minorities to improve their promotion opportunities at all levels.
- Set up trade union mentoring programmes to assist Africans, Asians, indigenous people, ethnic minorities and migrant workers to gain access to the labour market, particularly for women and youth.
- Establish work and career development programmes to improve their opportunity for promotion at all levels.

Putting this into action

- 👉 Work with the government and business to set up schemes to assist African, Asian, indigenous people and ethnic minorities to get work.
- 👉 Promote mentoring programmes and enforcement frameworks for anti-racism legislation and programmes to assist migrants to get work.
- 👉 Work with local firms to set-up affirmative action recruitment programmes.
- 👉 Disseminate best practice, including public policies and employers' and workers' strategies to address racial discrimination at the work place.

Examples to follow

- In Belgium under national collective agreements, the social partners are implementing measures to reach an employment rate for workers from ethnic minorities in proportion to their percentage in the population by 2010.
- FACE (Fondation pour agir contre l'exclusion) in France is an association of 500 companies with a programme of training and public awareness on discrimination. Companies such as Coca Cola, Danone, Bosch and Motorola NEC have in-company trainers and mentors working to support young workers from ethnic minorities.
- In Maharashtra state, India, Shramajeevi Sanghatana, a trade union representing forced labourers, ethnic minorities and peasants, frees bonded labourers by negotiating with their owners that they will not exploit them after their debts have been paid off. The union also assists in reintegrating the workers in society and organises joint activities with them.



# Using the durban programme of action to fight racism and xenophobia

## Opening up public services to a more diverse workforce

The Programme looks at ways of ensuring that marginalised groups have the same access to jobs in the public sector. Here the governments can lead the way by making public services more accessible to them. In addition,

by increasing the proportion of staff from different racial backgrounds, public services become more responsive to people's needs.

What the United Nations Programme Recommends Nos :11, 74 (a), 110 (b), 137, 144 (b)

States are encouraged to identify specific factors which prevent people from marginalised groups working in the public sector. As a follow-up, states, NGOs and the private sector are asked to work together to recruit them into public employment, for example in the teaching or medical professions.

What the Trade Unions' Action Plan says:

• The Plan sets clear targets for the appointment of people of colour and indigenous peoples, migrants and ethnic minorities to senior levels of the civil and public services and the judiciary. Increasing the diversity of the people who lead these services sends out a clear signal that the government is serious about opening up the public services.

Putting this into action

- 👉 Unions can work with the governments to encourage them to set up affirmative action programmes to recruit people of colour and indigenous peoples, migrants and ethnic minorities into the police, the health service and as teachers.
- 👉 Public sector unions should work with local government services to set up affirmative action programmes in their employment policies.
- 👉 Unions should insist that in hiring policies the public services promote affirmative action and should push for quotas in hiring which provide effective equality in the employment of minorities.
- 👉 Advertise recruitment vacancies in publications read by ethnic minorities and immigrants and their children.
- 👉 Ensure that job descriptions do not contain arbitrary criteria which are not relevant to the specific tasks of the job.

Examples to follow

- Although Brazil ratified ILO Conventions 100 and 111 against Discrimination in the Workplace some years ago, the unions (CUT, Forca Sindical, CGT) found that the proportion of black Brazilians in the public services was still very small. They produced a strongly worded leaflet to denounce this situation, saying, "It is not enough to ratify agreements and conventions. There must be policies to put them into practice". CUT has worked with the Federal Government to set up an affirmative action programme to hire black civil servants.
- The Irish Nurses Organisation has set up a cultural diversity task force to tackle racism in the nursing sector and to bring about more diversity in their staff.

• In Japan, non-Japanese citizens are prohibited from seeking employment for certain positions in local government. Local governments have been directed to limit their access to jobs that involve the exercise of public authority and formation of public opinion, e.g. tax collection, construction permit issuance, sanitation inspection and fire fighting have been deemed off limits in some local governments.

• In Toronto, Canada, Michael McKinnon, a prison officer of Indian descent, who had worked at the Metro Toronto East Detention Centre for more than 15 years, won his case against the local corrections service. He was called "Chief", "Wagon Burner" and "Tomahawk" by co-workers, some of whom also taunted him by wearing headbands with feathers. A local judge agreed saying, "The indifference, ineptitude and bad faith of management at all levels is bewildering."

# Using the durban programme of action to fight racism and xenophobia



**What do six engineers, one mathematician, one broadcaster, one pilot and one atomic scientist all have in common? They are all migrants living in Canada who have to drive taxis as their professional qualifications aren't deemed suitable to practice in the country. Local politicians have urged local professional associations to help them acquire the qualifications they need to practice their profession.**

## Qualifications/Training for workers

One of the big problems facing people of colour and indigenous peoples, migrants and ethnic minorities is that they often lack the necessary skills to get work or to help them develop their communities. This lack of relevant

skills or language is a particular handicap for migrant workers who arrive with professional qualifications which they discover are not acceptable in their new country.

What the United Nations Programme Recommends 16, 17, 29, 30 (f), 103, 124

States should offer programmes that provide training and technical assistance to indigenous peoples to stimulate their access to economic activities. The Programme stresses the importance of recognising migrants' education, professional and technical credentials and to give them the opportunity to education and training without discrimination and, if possible, in their own language.

What the Trade Unions' Action Plan says:

- Trade unions are urged to work to get foreign credentials and qualifications recognised and for bias-free national assessment standards for professions and occupations.
- Trade unions should support language training initiatives for migrant workers, while also countering attempts by employers to use language as a means to discriminate.

Putting this into action

- ✎ Work with local NGOs/government bodies to provide training for people in indigenous communities.
- ✎ Lobby for foreign qualifications to be recognised.
- ✎ Unions should ask employers when recruiting not to automatically exclude qualifications or experience gained in other countries without careful examination.
- ✎ Ask interviewers not to impose a higher level of written and spoken mastery of the national language than that needed for the job in question.
- ✎ Organise language courses.
- ✎ Ensure that foreign workers have the same rights as national workers to educational leave, training programmes, etc.

Examples to follow

- In Augsburg, Germany, local businesses work with the Chamber of Commerce and the Bavarian Ministry of Labour to involve ethnic minority-owned businesses in the apprenticeship system. This is helping more young people from ethnic minorities to enter the labour market, and is being replicated in other German cities.
- In Ireland a special employment service was created to fight exclusion that travellers (groups of people who live a mobile existence without any fixed abode) faced on the labour market. The service gives them training and guidance to fill job vacancies.
- The Union syndicate Suisse (USS) in Switzerland is setting up special courses to provide migrants with vocational training or follow-up training.

# Using the durban programme of action to fight racism and xenophobia

## Creating employment for people from different ethnic backgrounds

As well as ensuring that people have the opportunity to seek work, those who have been victims of racism should be given the opportunity to set up their own businesses.

These new businesses are often the means for injecting dynamism into the community.

What the United Nations Programme Recommends

Nos: 103, 104,b,

States should support companies owned by people who have been the victims of racism. This can be done in a number of ways – by promoting equal access to credit and to training programmes, and by developing community banks. The Programme points out that this can stimulate growth in economically distressed areas.

What the Trade Unions' Action Plan says:

• The Plan calls for equal access for all people to social services and provisions.

Putting this into action

- 👉 In areas where banks are discriminating against Africans, Asians, indigenous peoples, ethnic minorities and migrant workers, work with the banking unions to get them to alter their policies.
- 👉 Work with NGOs to set up self-employment projects.
- 👉 Help organise informal workers into unions.
- 👉 Help organise credit banks and cooperatives.

Examples to follow

- COSATU suggests setting up 'cooperative banks', following the examples of communities in Ghana and Bangladesh.
- The South African government also gives preferential treatment to companies run by members of the black community when awarding public procurement contracts.
- MASHAV – Hidadrut's (Israel) International Institute is organising courses to empower people to set up their own businesses through giving them the skills to organise their own self-help economic enterprises in the urban informal sector.

• **COSATU**, the South African trade union found that banks would not lend money to people living in townships or inner city areas, because of red-lining, whereby they refused to invest because these areas are a "high risk" and "low return" for their shareholders. This affects black people more than white people, keeps these areas underdeveloped and leads to their decay.

• In the **USA** in 1996, ten high-tech firms founded by immigrants were found to have generated \$28 billion in revenues.

# Using the durban programme of action to fight racism and xenophobia

## Equality before the law/legal assistance

**In many countries where people face discrimination, unions lobby for laws that expressly prohibit racism at work or in society. They work with those people who are discriminated against to make sure they understand their rights, and receive equal treatment before the law.**

What the United Nations Programme Recommends

Nos. 81, 108 160, 161, 162

All States should ensure that their national laws expressly and specifically prohibit racial discrimination. Examples of where special laws are necessary occur in the granting of work visas and permits or in access to health care and justice.

The Programme particularly calls on States to give victims of racism in society in general, but also at the workplace, full information of their rights, and access to information, support, administrative and judicial remedies, and legal assistance so they can fight discrimination.

What the Trade Unions' Action Plan says:

- Unions should lobby for strong and effective pro-active labour legislation, including employment equity and pay legislation, where the burden of proof is on the employer/company accused of discrimination.
- In the case of undocumented workers, the unions should work with the local community to provide support and legal assistance.

Putting this into action

- 👉 Lobby for tighter rights-based labour legislation.
- 👉 Ensure the right to legal assistance and aid in the complaint proceedings.
- 👉 Work to set up competent national bodies to investigate allegations of racial discrimination.
- 👉 Offer legal advice services to undocumented and immigrant workers.
- 👉 Accompany migrant or any other workers, who are unsure of their legal rights or who cannot understand the language, to tribunals.

Examples to follow

- In Namibia the International Labour Organisation worked with the government in drafting the Affirmative Action (Employment) Act in 1998. The Namibian legal policy and its approach to combating discrimination on the basis of race and sex and other forms of discrimination has been the model for other countries in the region.
- In Spain the Union General de Trabajadores (UGT) and Confederación Sindical de Comisiones Obreras (CC.OO.) have set up networks dealing with problems faced by migrant workers. They help them to negotiate residence and employment permits and handle complaints about discrimination.
- The AFL-CIO offers a free Immigration Lawyer Consultation for union members who are automatically entitled to a free initial consultation, a review of documents and additional services at a 30% discount.

• **In California, seventeen Latino Avis employees won their case against Avis Rentacar in the Supreme Court. They accused a supervisor of hurling racial slurs at his Latino subordinates, and the managers of creating an abusive work environment at the company's San Francisco office.**

• **A furniture company in Liverpool, UK, had a policy of not recruiting anyone who came from Liverpool 8, an area where 50% of the population are black. A judge ruled that this was "indirect discrimination", and the company was fined.**

# Using the durban programme of action to fight racism and xenophobia

## B. Fighting Discrimination Nationally

**While trade unions are tackling racial discrimination and xenophobia at the workplace, they are also working to change national policies which institutionalise this racism. This is an important part of the Trade Unions' Plan of Action, and also comes out strongly in the UN Programme.**

## State policies and procedures to prevent discrimination

**The state can play a major role in fighting discrimination in two ways - it can outlaw it in its national legislation and ensure that this is enforced, and it can set up special programmes to stamp up racism. Trade unions are working with governments to draw up national legislation.**

What the United Nations Programme Recommends Nos.105, 106, 163, 164 (b)(c) (d) (e)

States should promulgate legislation which reflects international norms to protect workers' rights, in particular of those who have been trafficked or smuggled, and are in dangerous and poorly paid jobs. States should create national bodies to investigate allegations of racial discrimination, and to ensure that victims have access to legal help when filing legal complaints.

What the Trade Unions' Action Plan says:

- Governments should ratify and implement the UN Convention on the Elimination of All Forms of Racial Discrimination.
- Governments should introduce and implement mandatory national affirmative action legislation and programmes to end discrimination against, and promote equality of opportunity and treatment for migrants, workers of colour, indigenous peoples and ethnic minorities.
- Governments should actively promote and provide resources for campaigns and programmes to combat racism in the labour market and the workplace, including race-awareness courses for workers and employers.

Putting this into action

- 👉 Lobby governments to pass laws which specifically outlaw discrimination, or where they exist, pressure governments to implement them.
- 👉 Work with governments to pass affirmative action legislation.
- 👉 Lobby governments to ratify and implement the UN Convention on the Elimination of All Forms of Racial Discrimination.
- 👉 Ensure that the rights provided by the country's national laws and collective agreements are guaranteed to foreigners.

Examples to follow

- South Africa's Employment Equity Act passed in 1998 prohibits unfair discrimination on a wide range of grounds, and requires employers to implement affirmative action measures. It also establishes a "tripartite-plus" Commission on Employment Equity, which advises the Ministry of Labour.
- The Swedish government passed a law against ethnic discrimination in working life in 1999, covering both direct and indirect discrimination. The employer must investigate and take measures where there are reports of ethnic harassment.
- In Fiji, where more than half of the population are descendants of Indian immigrants, the government had drawn up a Constitution which disenfranchised the Indian section of the population. The Fiji Trade Union Congress (FTUC) was part of a coalition lobbying for a new Constitution which gives equality to all Fijians.

**In Australia 30 Salvadorans went on strike at a roller door factory, Steel-Line Doors, in Brisbane. The factory owner had instigated a campaign of racial discrimination ever since they joined the Automotive, Metals and Engineering Union. He had actively encouraged supervisors and many of the Australian workers in a campaign of racial hatred against them. He treated three of the Salvadorans in a humiliating way, and denied them the same overtime pay and conditions as the other workers.**

# Using the Durban Programme of Action to fight racism and xenophobia

## Improved opportunities to participate in economic and everyday life

The UN Conference was anxious to stress that as well as being the victims of racism, many groups are prevented from participating in economic life. In the UK, it is estimated that migrants contribute 10% more to the

economy than they take out, demonstrating how discrimination against them also represents a loss for the country concerned.

- One of every four women in Spain's prisons is a Roma – a proportion 15 times greater than the ethnic group's presence in the population. A report financed by the European Union found that Roma also tend to be given longer sentences – an average of 6.7 years, even though 87% of them are mothers. The women complained that local authorities and the police kept them from exercising their traditional occupations as travelling salespeople and street vendors.
- A study in the United States found that African Americans with the same credit record as whites are 60% more likely to be denied when they apply for mortgage loans.

What the United Nations Programme Recommends  
Nos. 4, 8, 11, 16, 30, 35, 41, 45

States should take measures to facilitate the integration into the economy of all Africans and those of African descent, Asians and those of Asian descent, all migrants, refugees, Roma and other travellers. It stresses that businesses have a dynamic impact on communities by stimulating industrial and commercial growth.

What the Trade Unions' Action Plan proposes:

- The Plan of Action commits trade unions to undertake campaigns to raise public awareness of the vital contribution that migrants, people of colour, indigenous peoples and ethnic minorities bring to society, enriching cultures and strengthening the local economies.
- It stresses the importance of actively promoting and providing resources to stimulate employment for migrants, black people and ethnic groups.

Putting this into action

- ☞ Unions should ensure that managers and decision-makers receive appropriate training in applying a policy of equal opportunity.
- ☞ Unions should help workers in the informal economy obtain legal and social protection.
- ☞ Research how much local immigrants contribute economically to the local economy and publish the figures.
- ☞ Set up contacts with marginalised groups in the community, providing them with information and assistance.

Examples to follow

- The social partners in Finland signed a joint statement in April 2001 stressing that foreign labour is a positive resource and that measures must be found to change peoples' attitudes. Trade unions are taking part in an EU project "multiculturalism is a strength in the workplace".
- In the Netherlands the FNV is working with the Jan Luyken Residence BV (a five star hotel in Amsterdam), RAI Catering and McDonalds on the KOM project to help ethnic minorities to find work in the hotel and catering industry.

# Using the durban programme of action to fight racism and xenophobia

## Equal Access to public services

Very often racist attitudes prevent people of colour, indigenous peoples, migrants and ethnic minorities from gaining access to public services such as health and education. The Programme stresses the importance of

ensuring that all those in marginalised communities have equal access to services, including education and health.

What the United Nations Programme Recommends Nos. 11,39, 110 (b,c,d) 121, 122, 123

The Programme recommends identifying factors which prevent the victims of racism from having equal access to public services. It stresses the need for all children to have access to education, including free primary education. Medical personnel should be properly trained to work with diverse groups of people, to be aware of their particular health needs and to seek ways of improving their health and education.

What the Trade Unions' Action Plan Proposes:

- The Plan stresses the importance of ensuring that people of colour, ethnic minorities, indigenous peoples, migrants and refugees have equal access to social service provisions such as housing, education, health, etc.
- The Plan calls for special language training for migrants.

Putting this into action

- 👉 Work with local organisations to accompany people who visit social service departments to ensure that they understand their entitlements.
- 👉 Lobby to ensure that public services are maintained, and that they are open to all.
- 👉 Push for race-awareness training of civil servants so that they are able to identify discriminatory conduct and for implementation of policies and procedures to eradicate it.
- 👉 Unions in the public services should lobby their employers to make their services more accessible to migrants, ethnic minorities, indigenous peoples, etc.
- 👉 Ensure that all children have access to local schools.

Examples to follow

- CMKOS, the Czech trade union centre is urging representatives of the teaching sector and civil services to improve the living and working condition of the Roma in the country.
- Muslim students in Thrace, Greece, are allowed to use Turkish language schoolbooks and the authorities have agreed to gradually introduce Turkish language classes and the teaching of the Koran in some schools.
- In Luxembourg, the CGTL's (national union centre) staff in the branch unions who deal with migrant questions are all of foreign origin. They provide help and advice to foreign workers when the latter encounter discrimination at work, in housing or in social security.

• In Greece some municipal authorities have expelled communities of Roma/ Gypsies from their permanent camps without providing alternative accommodation and have excluded them from many normal citizenship rights and benefits.

• A man was taking his five-month old son to the hospital in El Paso, on the US/Mexican border. He was stopped by Immigration agents who asked for his birth certificate, after he told them he was born in the US. He tried to explain that in the rush he had forgotten it. The agents proceeded to interrogate him. By the time they finally called the ambulance, the boy was dead.

# Using the Durban Programme of Action to fight racism and xenophobia

- In 2000 Amnesty International published a report exposing the rampant racism in the Austrian police. It gives details of detainees being kicked, punched, beaten with truncheons and sprayed with pepper. It describes how foreigners, particularly black Africans, were beaten unconscious for not showing police their papers.
- On 12 November 2001, the Honduran military attacked an indigenous organisation fighting for the preservation of their lands and the environment. The Chorti people of the department of Ocotepeque (on the Guatemalan border) were protesting to demand the return of their land which had been taken by the government. The police and military responded with tear gas and bullets. 12 were wounded, 20 were detained, and one was killed. This attack is a continuation of the repression of Honduran indigenous peoples and popular organisations since 11 September 2001.

## *Smashing racism and xenophobia in the police and legal services*

Many people are discriminated against when they come in to contact with legal services or the police. In many cases, this is based on deep-rooted racism. The UN Programme suggests that governments should draw up

and enact laws to prevent all forms of discrimination in the legal institutions, and should train those working in them to think differently.

What the United Nations Programme Recommends Nos. 30 (e) 71, 72, 74, 133, 134, 135, 138, 139

The Programme urges governments to design and implement policies to ensure that police and other law enforcement officers are not motivated by racism and xenophobia. To supplement this, it suggests that they set up special courses for those working in the police or immigration services to ensure that they treat migrants and others in a non-discriminatory manner.

What the Trade Unions' Action Plan proposes:

- The Action Plan says that there should be anti-racism and cross-cultural education and training for all workers and staff, including at the management level.

Putting this into action

- ☞ The public sector unions should set up work-based anti racism courses.
- ☞ Implement measures to address misconduct by police officers and other law enforcement personnel and eliminate racial profiling.
- ☞ Offer language-training schemes for legal enforcement officers in the languages of the main ethnic groups.
- ☞ Ensure that agents of the criminal justice system are properly trained to guarantee equal treatment before courts and tribunals.

Examples to follow

- The Instituto Nacional contra la Discriminación, Xenofobia y Racismo (INADI) in Argentina holds anti-discrimination training sessions for schoolteachers and police officers and runs public education campaigns. It has established a procedure to take action in the courts when cases of racism occur.
- The DGB in Germany is setting up a programme to integrate immigrants into the public sector, involving training for public sector workers, including the police. Those on the course have the opportunity to exchange views with the immigrant population to learn about their situation.

• Juan Cano is a tall and very dark-skinned Cuban. One day he was walking through Havana in shorts, tennis shoes and T-shirt, with a knapsack slung over his shoulder – he was taking the family's computer to be repaired. Approaching in the opposite direction was a white man, dressed identi-

cally, also carrying a full knapsack. As they crossed paths a police officer demanded to see Juan's papers, but let the white man pass without a second look. When the policeman learned he had just detained a lieutenant colonel in the Cuban military, he was effusively apologetic.



# Using the durban programme of action to fight racism and xenophobia

## Awareness raising activities

**Along with legislation and implementation programmes, awareness raising is a key strategy for fighting racism and xenophobia. Unions have organised thousands of events and campaigns all over the world to make the public aware of the extent of racism.**

What the United Nations Programme Recommends Nos.58, 104 (a), 117 125,

States should work with NGOs and civil society to organise information and education programmes to raise awareness and understanding of the benefits of cultural diversity, both in society and at the workplace.  
The programme suggests anti-racism education and media campaigns promoting the values of tolerance and diversity and the respect of the culture of indigenous peoples.

What the Trade Unions' Action Plan says:

• Trade unions are committed to undertaking awareness campaigns on racism and xenophobia and religious intolerance through demonstrations, public meetings, assemblies, the press and the media.

Putting this into action

- 👉 Organise major campaigns including workshops and exhibitions, public meetings.
- 👉 Mobilise and demonstrate against racist acts.
- 👉 Produce education packs to raise awareness of racism and the benefits of cultural diversity.
- 👉 Hold high-profile events such as national conferences and concerts.

Examples to follow

- The CFDT in France has launched a campaign against racism and xenophobia. The campaign materials includes guides on how to run awareness raising sessions, produce exhibitions and posters, and how to raise the issues in with management.
- The Canadian Labour Congress has an information and campaign Kit multiculturalism – “Respecting our Differences”.
- In 1997, during the European year Against Racism, the Union syndicale des travailleurs du Maghreb-arabe (USTMA) and the European Trade Union Confederation (ETUC) organised a joint conference to launch a trade union campaign to fight racism.

• **A survey on Finnish attitudes to workers from ethnic minorities carried out by SAK, the Finnish trade union centre, showed that there was still racial discrimination at work both by employers and workers. Racial discrimination occurred in 12% of the workplaces surveyed, with 6% of employers and 11% of workers discriminating against ethnic minorities.**

• **According to a Reuters' report, Microsoft had to rectify the spell-checker of its 2002 version in French, which suggested replacing “anti-stress” with “anti-Arab”. The President of Microsoft's European and Middle East operations said: “We are not trying to give a synonym of anti-stress, just to help the user solve a spelling problem”.**

# Using the durban programme of action to fight racism and xenophobia

A study by the South African Human Rights Commission found that racism is still prevalent in schools because of lingering stereotypes that black people are naturally and scientifically inferior to whites. The report said, "As such, mixing is not really an aspiration of white learners because blacks have nothing of importance or relevance to offer them."



## Education, including human rights education

The UN Programme stresses the importance of education, in particular human rights education for fighting racism and for awakening people to the value that other cultures bring to society.

There are several Recommendations which deal with this, including that human rights education should begin at school, and continue into adult life.

What the United Nations Programme Recommends Nos. 74 (b), 125, 127, 130, 132, 156

The Programme requests States to include anti-racism teaching in their education curricula and to produce suitable education materials. It encourages schools to produce their own materials to raise awareness against racism and xenophobia, and to commemorate the International Day for the Elimination of Racial Discrimination (March 21).

The Programme acknowledges the important role which teachers play in combating racism. It recommends encouraging them to do so and also that the State should recruit more teachers from ethnic backgrounds.

What the Trade Unions' Action Plan says:

- The Plan urges trade unions to campaign to reform the education system and revise school textbooks and education materials to ensure a non-racist perspective and to promote an understanding of different cultures.

Putting this into action

- ✎ Work with the local authorities and NGOs to produce educational materials to fight racism.
- ✎ Run human rights education courses for union members, including teachers.
- ✎ Encourage schools to consider developing educational activities, including extra-curricular activities to raise awareness of racism, and commemorate the International Day for the Elimination of Racial Discrimination (March 21).

Examples to follow

- Education international (EI) is coordinating the GIVE network of indigenous peoples' and teachers' organisations which is working to promote indigenous education.
- A number of unions, such as the CLC Canada and ACTU Australia, are working with teachers' unions to implement trade union and anti-racist educational programmes in schools, colleges and universities.

# Using the durban programme of action to fight racism and xenophobia

## The media

Because of its need to put out simple messages and stereotypes, the media is one of the means of perpetuating racism. Many people build their beliefs on the misinformation they get from the TV and the radio and, increasingly, from the Internet where ‘race-hate sites’

flourish. The UN Programme stresses the need to stop the media’s dissemination of racial hatred. The media can also be used to fight racism, and some unions are taking a proactive stance and using it to draw attention to racist stereotypes.

What the United Nations Programme Recommends Nos. 117, 144, 147

Governments should put financial resources into media campaigns encouraging tolerance. The private sector is specifically urged to promote a voluntary ethical code for the media which would combat racism and the proliferation of ideas of racial superiority, promote tolerance among all people, and avoid stereotyping, particularly about migrants. As the Internet is now one of the chief means of communicating, the UN Programme encourages Internet providers to establish voluntary codes of conduct against disseminating racist messages. It asks States to adopt legislation to persecute those found guilty of doing so.

What the Trade Unions’ Action Plan says:

• The Action Plan calls on the media to play a positive role in sensitising the general public about the impact of racism and xenophobia on society.

Putting this into action

- 👉 In many countries it is against the law to use the Internet to spread racist propaganda. Carry out a survey of the Internet, and report all cases of racism to the police.
- 👉 National journalists’ unions can develop a code of conduct on how people should be portrayed in the press.
- 👉 Use the media to publicise cases of racism.
- 👉 Put in place measures to encourage access of marginalised communities to mainstream and alternative media through programmes which reflect their cultures and languages.

Examples to follow

- COSATU carried out a major survey on racism in the media, which looked at racial stereotyping. One finding is that media owners prevented black staff from moving up the hierarchy.
- The International Federation of Journalists (IFJ) has adopted a global campaign to combat racism. This includes an awareness raising campaign for journalists, structures for industry dialogue and the creation of a global network, support for editorial independence and effective self-regulation, the recruitment of more people from ethnic communities into journalism and more resources for media training on tolerance issues.
- The Irish Journalists Union adopted a code of conduct on how people should be portrayed in the press.

• The racial stereotyping in the US media was shown up by a survey of TV viewers. They were so accustomed to seeing African-American crime suspects on the news that even when the suspect’s race was not specified, they remembered seeing a black person.

• In 1999, the South African organisation, Women’s Media Watch analysed newspaper reports carried by *The Star*, *The Citizen* and *The Sowetan* and found that 53% of reports were devoted to the murders of white women and only 31% to murders of black women, even though far greater numbers of black women are murdered. In the case of a gruesome gang rape and murder of a black woman in 1998, the media focused far more on the retaliation of her local community than on the violent attack, with a heading ‘Rape Suspect’s Friends Beaten By Locals’.

• In Australia in the days following September 11 2001, a radio talk-back announcer told listeners that the terrorist attacks were “an act of religious war” and that “sleepers” or foreign terrorists were “infiltrating our communities and waiting, sometimes for years, to act on instructions”.

# Using the durban programme of action to fight racism and xenophobia



For many years, Brazil was seen as a model of a multi-racial society. This has been disputed by the Trade Union Institute for Racial Equality (INSPIR) which carried out an extensive programme to 'map' the black population in the Brazilian Labour market. The study, which clearly shows the extent of discrimination against black people, gives data on the number of child workers, how much less black people earn in relation to white people, unemployment levels and injury rates.

## Monitoring

Bringing in new laws or passing international conventions to combat racism and xenophobia is a good beginning. However, these have to be monitored to see they are being put into practice. In addition, an important

condition for tackling discrimination at work or in the community is to know its extent and the form it takes, so data collection can help to tackle discrimination, as the Trade Unions' Plan points out.

What the United Nations Programme Recommends Nos. 92, 95, 110 (a, c)

All governments are urged to collect, compile and publish reliable statistical data on the situation of individuals and groups who are victims of racism, and to see how far strategies to cope with racism are working. The Programme specifically mentions that this should include information on employment.

What the Trade Unions' Action Plan says:

- Trade unions are lobbying for an international observatory to monitor the impact of racism in the labour market, and to share best practice. This is also a way of monitoring government observance of international Conventions.

Putting this into action

- 👉 Set up a system to monitor the incidence of racist events in the work place.
- 👉 Carry out an extensive audit of the position of people from ethnic minorities in the job market, their pay, conditions, the position of women, etc. Use the results as a lobbying tool.
- 👉 Carry out an analysis of the workforce to identify all the groups represented, comparing proportions with the recruitment area. Identify the posts occupied by a small number of people from a given racial, ethnic or national group. Monitor changes in this structure over time.
- 👉 Carry out an analysis of skills needed in the workforce. If new skills are needed recruit these skills irrespective of a person's race, religion, ethnic or national origin.

Examples to follow

- The European Union has set up a centre to study the extent and development of the phenomena and manifestations of racism, xenophobia and anti-Semitism. It collects, records and analyses information submitted by research centres, Member States, Community institutions, trade unions and NGOs. It has also set up and a European Racism and Xenophobia Information Network (known as "RAXEN").
- The CC.OO. in Spain has networks of specialised centres called CITE to help migrants. These carefully monitor those who come for help and support and each year, the CC.OO. publishes a detailed report.

# Using the durban programme of action to fight racism and xenophobia

## C. Fighting discrimination internationally

The Programme pinpoints a number of actions which should be taken internationally or through the UN to fight racism. These include ratifying international Conventions, enforcing United Nations programmes and legislation, preventing the trafficking of human beings, co-operating regionally, and monitoring progress.

## Ratifying international Conventions

International work to eliminate racism and xenophobia began immediately after the Second World War. The United Nations Declaration of Human Rights in 1948 was accompanied by a number of international Conventions designed to outlaw racism, genocide and xenophobia. However, not all countries have ratified them. The Programme urges governments to do so without delay and asks those who have already done so to apply them in practice.

What the UN Programme Recommends:  
Nos. 75, 78, 79

The Programme urges States to ratify or implement the following: The 1965 Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Transnational Organised Crime, plus its Protocol to Prevent, Suppress and Punish Trafficking in People, especially women and children, and the Smuggling of Immigrants. It urges States to ratify a number of ILO Conventions which deal more specifically with workers' rights. These are: C97 on Migration for Employment (1949); C111 on Discrimination in Employment and Occupation (1958), C138 on the Minimum Age for Employment (1973) and C182 on the Worst Forms of Child Labour (1999), C143 on Migrant Workers (1975), C169 on Indigenous and Tribal peoples (1989), and the UN Convention on the Protection of the Rights of Migrant Workers and their Families (1990).

What the Trade Unions' Plan of Action says:

• Ratification and implementation is in line with the TU Plan, although it lists the additional core ILO Conventions that trade unions should push to be ratified: C87 on Freedom of Association, C98 on Collective Bargaining, C29 and C105 on the Abolition of Forced Labour and C100 on Equal Pay.

Putting this into action

- ☞ Check which of these Conventions your government has ratified: <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN> and get your union to push your government to ratify them immediately and to implement those which have been ratified.
- ☞ Strengthen cooperation with the ILO on the campaign to ratify and implement ILO Conventions.
- ☞ Urge your union, in co-operation with the ICFTU, to use the appropriate ILO mechanism in order to submit complaints on these Conventions via the ILO Committee of Experts, the Committee on Freedom of Association and the Follow up mechanism to the Declaration on Fundamental Principles and Rights at Work.
- ☞ Lobby your government to ratify the UN Convention on Migrant Workers.

Example to follow

- The International Federation of Building and Wood Workers (IFBWW) is putting pressure on the WTO regarding the General Agreement on Trade in Services (GATS). In order to protect migrant and cross-border workers, it is calling on all WTO member states to ensure that migrants and others who cross borders to work receive conditions and wages which are not less favourable than those in the receiving country.

• The ILO was the first international organisation to address indigenous peoples' issues. Its involvement in this field is a natural outgrowth of its work on labour and social policy, and this relevance continues to this day. In fact, much attention to this subject has been and is still being paid, both in standard setting, and the ILO's strong supervisory system, as well as in technical co-operation. To date, the ILO is responsible for the only two international legal instruments in force that specifically address the rights of indigenous and tribal peoples: the Indigenous and Tribal Populations Convention, 1957 (No. 107); and the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

• July 2003 brought good news: the 1990 UN Convention on Migrant Workers finally came into force, after the ratification by the 20th UN Member State. This Convention gives migrant workers more protection and guarantees their rights to trade union representation. However, as the ICFTU noted at the time, none of the major immigrant 'receiving' countries in North America or Europe have ratified it.

# Using the durban programme of action to fight racism and xenophobia

## Enforcing United Nations programmes against racism and xenophobia

There are UN agencies set up to fight racism, such as the UN Committee on the Elimination of Racial Discrimination (CERD) and the UN High Commission for Human Rights (UNCHR). Several recommendations

urge governments and the international community to implement and support the Programmes of these agencies. Trade unions have a role to play in pushing for this.



What the UN Programme Recommends

Nos. 155, 156, 177, 196, 200, 201

States are asked to cooperate with the CERD and other monitoring bodies to promote international instruments to eliminate racism. The UNCHR is asked to pay special attention to human rights violations, including those against migrants.

There are a series of recommendations dealing with UN Decades, which are a useful means of raising awareness (e.g., the Third Decade to Combat Racism and Racial Discrimination which ends in 2003). Another recommendation is for the UN to declare a Year or a Decade against Trafficking, which would heighten awareness of the situation of the millions of women, young people and children who are trafficked each year.

The UN Programme urges the ILO to carry out activities to fight racism at work, and to support governments, employers and trade unions which are doing so.

What the Trade Unions' Plan of Action says:

- Trade unions should ensure strong monitoring and enforcement frameworks for new legislation and programmes.
- Trade unions are urged to undertake awareness campaigns on the issue of racism and xenophobia, and on the contribution which migrants, people of colour and indigenous peoples and ethnic minorities bring to society.

Putting this into action

- 👉 Approach your government to ensure that it is setting up tripartite structures to implement these programmes.
- 👉 Carry out activities for the Decade of Roma Inclusion which begins in 2005.
- 👉 Suggest to governments that they lobby for a Year or Decade Against Trafficking.
- 👉 Reinforce work with the ICFTU to coordinate lobbying for implementation of Conventions.

Examples to follow

- Thanks to support from the Austrian Trade Union Federation (ÖGB) the UN Commission for the Elimination of Discrimination Against Women reproached the government on the limited access women immigrants had to the labour market. It called on it to recognise that women were entitled to seek asylum in the country on grounds exclusively linked to their sex, notably genital mutilation.
- In France, the Confederation Générale du Travail-Force ouvrière (CGT-FO) Equality Migration Section recently published a special issue of its Law Review on national and international anti-discrimination legislation.

# Using the durban programme of action to fight racism and xenophobia

## D. Special Issues

There were a number of inter-linked issues which the UN Conference highlighted – migrants, gender and trafficking.

Globalisation has created a massive migrant work force and many of these migrants are women. In addition to facing discrimination as women workers, they find themselves in the most vulnerable situations, often subject to abuse and violence. Unduly restrictive immigration policies have led to an unprecedented growth in irregular forms of migration, including trafficking and smuggling of migrants. Women and girls are the main victims of trafficking.

What the UN Programme Recommends

Nos.30, 31, 32, 33,67,182, 184

The Programme has a whole section dealing with migrants, including migrant workers. It calls for their educational, professional and technical credentials to be recognised.

It calls for measures to ensure that they receive fair wages and equal pay and conditions, and to be eligible for social benefits. It urges the State to recognise the same economic benefits and responsibilities for documented long-term migrants as for the rest of the population.

It urges governments to recognise women migrants' special needs as well as the contribution they make both to their countries of origin and to their host countries.

It urges governments to protect domestic workers from violence and discrimination.

On a regional level, States are urged to encourage regional discussions about the problems of migration and to set up regional programmes and agreements to protect migrant workers and to ensure that they do not become the victims of trafficking.

What the Trade Unions' Plan of Action says:

- The Action Plan has a section of demands, specifically aimed at migrant workers. Trade unions should:
  - Urge governments to legalise undocumented workers;
  - Lobby for legislation to protect those working in the underground economy;
  - Work with communities to provide support and legal assistance for undocumented workers;
  - Start special campaigns to organise migrant workers, including undocumented migrant workers;
  - Get involved in shaping national immigration and migration policies;
- Global Unions:
  - Are urged to help establish links between organisations in countries which send migrants and those which receive them to protect and defend migrant workers' rights;
  - Should call on the UN to organise a North/South summit on migration.

## Migrant Workers –

*a special issue for international trade unions*

Around 175 million people - 2.3 % of the world's population - live outside the country of their birth. Of these 115 million are estimated to be migrant workers. The 1990s has seen a feminisation of the Asian labour market with women, particularly from Asia, moving to other countries as economic migrants. However, according to the International Organisation for Migration, migrant women generally earn less than native-born and migrant men, and less than native-born women.

• Farida Ahmed, a Bangladeshi national, was employed as a domestic worker in the United States. She was only paid \$100 per month, which was sent directly to her husband in Bangladesh and worked seven days a week, with no days off, for an average 14 hours per day. When she arrived in the United States, her employer confiscated her passport. She was only allowed to leave the apartment to go to the market to assist her employer's wife. Farida's plight is, unfortunately, not an isolated one: the abuse, exploitation and slave-like situation of migrant women in various parts of the world, in particular the Gulf countries, has been reported time and again by the unions, NGOs and the media.

# Using the durban programme of action to fight racism and xenophobia



• A union representing construction workers in Ireland reported that some companies are forcing migrants working on the sites to live on the sites as well, in temporary dwellings, sometimes in deplorable conditions.

• Studies show that foreign households contribute more than they take out of their 'adopted' country. Migrants living in Switzerland make an annual contribution equal to \$2,600 to the country's social security funds. In the United States immigrant workers pay 18 times more in tax than they receive in social benefits, while in the UK, migrants make up 4% of the workforce but contribute 8% to the GDP.

## Putting this into action

Work on the following campaigns:

- 👉 Urge governments to legalise undocumented workers.
- 👉 Lobby for national legislation to protect those working in the underground economy.
- 👉 Work with communities to provide support and legal assistance for undocumented workers.
- 👉 Organise migrant workers, whatever their status.
- 👉 Get involved in shaping national immigration and migration policies.
- 👉 Set up links between your union and those in countries which send/receive migrants.
- 👉 Urge your international organisation (ICFTU and/or GUFs) to call on the UN to organise a North/South summit on migration.

## Examples to follow

- In Spain the CC.OO. and the UGT released a manifesto entitled: "For equal rights and social integration of immigrants, against racism and xenophobia", calling for a change in the law affecting immigrants. This was passed in February 2000.
- The Barbados Workers' Union takes an active part in the formulation and monitoring of national policies on migration
- The CEOSL (Confederación Ecuatoriana de Organizaciones Sindicales Libres) in Ecuador has denounced the government's inaction about the plight of Ecuadorian migrants, although their remittances constitute the country's second highest source of revenue.
- The New Zealand Council of Trade Unions (NZCTU) marks December 18 (International Migrants Day) and calls for equal rights for all New Zealand migrants, as part of its campaign to support the country's migrant workers.
- UNI (Union Network International) provides a 'Passport' to all workers who are going to work in another country. This gives them advice and guidelines on living abroad, explaining their rights as workers, and puts them in touch with UNI's office in their new country.
- PSI's Campaign on "Women and International Migration in the Health Sector" was launched in May 2003. The action research campaign consists of a survey of nurses and other health care workers in 14 countries, information gathering and networking, membership mobilisation and qualitative research.



# Using the durban programme of action to fight racism and xenophobia

## Gender

The position of gender in discrimination is one that was particularly noted by the Conference. Women are doubly discriminated against – as black, brown, indigenous or from an ethnic minority or a migrant, and because of their sex. While they have sought to improve

their situation through economic empowerment, often they find themselves in the worst jobs, in sweatshops or as exploited and abused domestic servants. For some, the sex industry is the only option.

What the UN Programme recommends

States should adopt public policies and programmes specifically aimed at women and girls who are subject to discrimination - Africans, Asians, indigenous groups, migrants and those from other disadvantaged groups. These programmes should also be designed to empower women to take decisions which affect their lives.

9, 18, 31, 50, 51, 52, 53, 59, 94, 176, 212

Governments should incorporate a gender perspective in all their data collection, programmes, and plans of action, and employment programmes.

The Programme acknowledges the importance of civil society and urges States to work closely with civil society organisations to promote gender equality and women's advancement.

What the Trade Unions' Plan of Action says:

- One of the basic principles of the TU Plan is to integrate a gender perspective when implementing policies, programmes and activities in the fight against racism and xenophobia in order to address the multiple discrimination women face.

Putting this into action

- 👉 Campaign to mainstream women's concerns into policies and programmes.
- 👉 Get governments to enforce equality legislation.
- 👉 Work to promote participation of coloured, ethnic minority, indigenous and migrant women in decision-making processes in political life and in the unions.
- 👉 Support coloured, black, indigenous and migrant women's organisations.

Examples to follow

- Italian trade unions are working with NGOs and the local authorities on a project called 'Via Amica' which assists migrant prostitutes. They are given information on healthcare, work and residency permits and housing. Via Amica offers shelter to those who want to change their jobs, and has assisted prostitutes in finding new jobs.
- A number of unions, such as the ACTU Australia, NZCTU New Zealand, CLC, Canada, CUT and Força Sindical, Brazil and CEOSL, Ecuador are working with indigenous peoples' organisations and have special programmes for women.
- The CUT Brazil has a National Working Women's Committee (CNMT) and a National Committee on combating Racial Discrimination (CNCADR). The basic strategy is to tackle gender-based and racial discrimination in a coordinated manner, based on ILO conventions 100 (on equal pay) and, above all, on N°111 (banning all forms of discrimination in employment). Along the same lines, the CNMT has been running a campaign since 1995 entitled "Citizenship: equal opportunities in life, at work and in the trade union movement".



• In the United Kingdom 20% of black and migrant women are overqualified for the work they are doing.

• Black women in Brazil make up 44% of the population and families where the breadwinner is a black women. The income of households headed by black women is 74% lower than that of households where the breadwinners are white men.

# Using the durban programme of action to fight racism and xenophobia



• **Thai Women are being trafficked into debt bondage in Japan. They are typically promised lucrative jobs by traffickers in Thailand, but arrive in Japan to find themselves trapped in 'debt', working in the sex industry. To repay these exorbitant sums - usually about \$38,000 - they must work for months, or even years, without pay, under highly coercive and abusive conditions.**

• **The trafficking industry today is estimated to be worth US\$ 78 billion dollars, third place after drugs and arms smuggling. Trafficking in human beings is growing fastest in Central and Eastern Europe and in the former Soviet Union. A Russian trafficked victim in Germany's sex industry earns \$7500 monthly, of which the exploiter takes at least \$7,000.**

## Trafficking

The trafficking of people for employment – usually in the underground economy - is one of the downsides of globalisation. There has been a massive increase in trafficking in recent years and it is now said to be the world's fastest growing criminal business. Women and

girls are the main victims and it is estimated that each year between 700,000 and 2 million women and girls are being trafficked. They usually find themselves working in sweat shops or are forced to work in the sex industry, unable to escape because they cannot buy their way out.

What the UN Programme recommends

Nos.38, 63, 69, 88, 105, 186, 201

As victims of trafficking are particularly exposed to racial discrimination, governments should to implement laws and other measures to combat it, including punishing those responsible and their intermediaries. States are further urged to protect and rehabilitate the victims of trafficking. The tourist industry should develop codes of conduct to prevent trafficking. Regional measures are called for to combat trafficking and smuggling of migrants, in particular women and girls. The Conference called for a Year Against Trafficking to highlight the spread of this scourge.

What the Trade Unions' Plan of Action says:

• The Plan calls for legislation to protect those working in the underground economy.

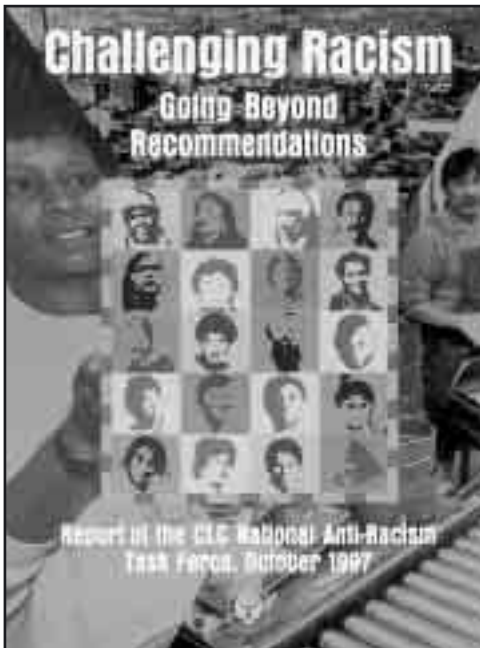
Putting this into action

- 👉 Push governments to ratify the Convention Against Transnational Organised Crime, signed in 2002, but ratified by only six countries so far (<http://www.uncjin.org/Documents/Conventions/conventions.html>).
- 👉 Lobby government to pass laws making trafficking, especially of children, a crime.
- 👉 Work with business sector and Internet providers to develop codes of conduct to prevent trafficking.
- 👉 Work with NGOs helping to protect and support victims of trafficking.

Examples to follow

- The government of Mali approved a new law making child-trafficking a crime. The law, brought in to deal with child labour in West Africa, makes the offence punishable by five to 20 years in prison. Mali is considered one of the prime suppliers of young labourers to work on coffee or cocoa plantations, as domestics or in similar low-paid positions.
- Iceland is working against the trafficking of women through a campaign with other Nordic countries and the Baltic states. The main focus is on increasing public awareness about trafficking of women, and on reducing the demand, by targeting buyers and potential buyers of sexual services.
- UNI (Union Network International) launched their campaign against trafficking on International Women's Day (8 March) 2001. The campaign stresses that human rights is at the core of anti-trafficking strategies.

The third part of this Primer looks at ways in which trade unions can fight racism within their ranks. Trade unionists have tended to ascribe racist acts to wider society, and to deny that racism takes place at the workplace or among workers and even within the trade unions. Unions, which have a long history of anti-racism, 'on the streets', did not automatically question whether they, or their members, were racist. In some countries trade unions saw 'immigrant' labour as a threat to local jobs, while in others, union members voted for anti-immigration and racist right-wing parties. Pressure from people of colour, indigenous peoples, migrants, ethnic minorities and refugees within the trade unions has forced them to look at their own policies and action. These groups have helped to design strategies and programmes to stamp out all racism within union structures and to ensure that unions reach out to a more diverse group of people.



## Making trade unionists aware of racism

**A strong, clear anti-discrimination policy within the trade unions is a prerequisite to fighting racism in the workplace and in society. Many unions are already implementing or have launched programmes of reflection and re-education to change their own attitudes and methods of working.**

**The Trade Unions' Plan of Action gives clear guidelines on 'Transforming our unions through equality in diversity'. These could be summed up as four steps for transforming trade unions: Organise, Educate, Actively promote diversity at all levels and Work with other organisations fighting racism.**

- According to a survey by the Finnish trade union SAK, shop stewards had difficulties in recognising ethnic minorities, and in the private sector at least 5% of those representing their workplaces were unaware whether they had employees from ethnic minorities or not.
- The lessons of the Balkan conflict prompted trade unions in the region to put non-discrimination issues as number one priority in their approach to conflict prevention. They realised that failing to protect their members against discrimination based on ethnicity, political beliefs, religion, etc., opened the door wider to conflict. In a series of conferences and meetings, frank and open dialogue took place, with the unions publicly apologising for the past and committing themselves to work intensely to resolve conflict and build peace in the region.

• According to a Danish union official, “You often find that refugees are afraid of union involvement because of their past experiences. They will pay fees but they don’t ask any questions about them. Some even thought the union fee was some sort of protection money for the local mafia”.

• Comment from a black women worker, “It’s rewarding to be a black woman involved in the union. I think it makes other black women feel optimistic to see you there. Yes it makes a difference.”

### A. Organise

*Recruit people of colour, ethnic minorities, indigenous people and migrants into the unions*

The strength of anti-racist work within unions comes when it is based on the demands put forward by those who are most affected. However, it has often been the case that migrants, workers of colour, indigenous peoples

or those from ethnic groups do not join unions which they generally perceive as being indifferent to their needs and concerns.

What the Trade Unions’ Plan of Action says:

- Trade unions must take an explicitly anti-racist approach in the development and implementation of their policies, programmes and action.

Putting this into action

- 👉 Unions must carry out strong recruitment campaigns. Once a critical mass of people has been achieved they are more likely to feel confident and join together to put forward anti-racism ideas.
- 👉 Make the union web-site multilingual to represent all the different groups who are members or potential members.
- 👉 Offer support and assistance through advice leaflets and telephone help lines to all people suffering racial discrimination at work. Make people see that the union can make a difference.
- 👉 Arrange recruitment campaigns in community clubs and organisations attended by migrants, workers of colour, indigenous people or those from ethnic groups.
- 👉 Put adverts about the union in ethnic press and on ethnic media.
- 👉 Organise small multi-cultural parties at the workplace or union office, and encourage everyone to bring a typical dish or musical instrument from his/her country.

Examples to follow

- In the UK, three out of every four unions say they are specially targeting people of colour, indigenous peoples, migrants, ethnic minorities and refugees as part of their recruitment programmes.
- Portugal has recently seen an influx of migrant workers with many people coming from former colonies. The Portuguese UGT is trying to integrate these workers into the union. The ICFTU 8th World Women’s Conference in February 2003 identified the organisation and recruitment of migrant, ethnic minorities and indigenous women workers, as a priority for future work. It recommended that unions use innovative strategies and make alliances with community organisations.

# Trade unions fighting racism within their ranks

## Mentoring Programmes to target potential members

This is another way of encouraging people of colour, indigenous peoples, migrants, and ethnic minorities, particularly young workers, to get involved in trade unions, as new members find it off-putting to see that they are

often the only non-white or migrant or indigenous person at meetings. As one activist in Sweden said, “I would be the only person with black hair in the room”.

• Comment from Bangladeshi man in the UK, “Unions could help with mentoring schemes. Matters become clearer when there is someone who takes time to explain things to you”.

What the Trade Unions’ Plan of Action says:

- Trade unions must develop and implement mentoring programmes for new members to give them support and integrate them into the movement.

Putting this into action

- 👉 Set up mentoring programmes at work for people of colour, indigenous peoples, migrants and ethnic minorities.
- 👉 Establish and enlarge vocational training networks for people of colour, indigenous peoples, migrants and ethnic minorities.
- 👉 Organise monthly meetings at the workplace specifically aimed at new workers to offer specific support to people of colour, indigenous peoples, migrants and ethnic minorities.

Examples to follow

- In Pittsburgh, US, local trade unions in the construction industry are setting up mentorship schemes to break down the misunderstanding between the union and people of colour, indigenous peoples, migrants and ethnic minorities.
- In 2002 four trade unionists from Eastern Europe came to the UK to swap recruitment tips with UK trade unionists. An Estonian trade unionist stayed on to help the construction union UCATT recruit amongst the many migrant workers on building sites across London.



Those affected to develop anti racism policies

The presence of people of colour, indigenous peoples, migrants and ethnic minorities within the union is a prerequisite for developing anti-racist policies. They need

to be supported in their efforts to get their union brothers and sisters to take action against racism.

What the Trade Unions' Plan of Action says:

- Those directly affected by racism must play the primary role in developing, implementing and monitoring trade union anti-racism policies, strategies and programmes.

Putting this into action

- ☞ Unions must develop positive action policies to encourage people of colour, indigenous peoples, migrants and people from ethnic minorities to be active.
- ☞ Encourage black/ethnic minority sections within unions.
- ☞ Appoint a racial equality/indigenous rights/migrant workers' officer to encourage more union participation.
- ☞ Unions must show in their policies that they are serious about combating racism within their ranks.
- ☞ People of colour, indigenous peoples, migrants and ethnic minorities should be encouraged to set up their own newspapers, e-mail networks, etc.

• A survey carried out in the UK found that workplaces with more than 5% of black employees were more likely to develop initiatives to encourage black participation in the union.

• A study in Denmark has revealed that while union membership amongst immigrant workers is high, very few of them go to branch meetings. This is because the meetings are arranged to coincide with the evening's drinking sessions, which are not attractive to people from ethnic minorities.

Examples to follow

- The CTU Rūnanga is the representative body for Māori workers whose unions are affiliated to the New Zealand CTU. Unions are represented within the Rūnanga by at least one person, who is responsible for ensuring that the views of Māori workers within their union are included in the discussions and decision-making of the group.
- The AFL-CIO policy decision to reverse its previous position and to support the amnesty of six million undocumented migrants, as well as opposing sanctions against employers employing them, made a big difference to migrants' perception of the union. It sent a message that the union was supporting immigrant workers and resulted in many joining up.
- In the Netherlands, the FNV has a working group of black and migrant trade unionists fighting against institutional racism at the workplace.
- In Hong Kong and Korea, migrant workers' organisations are affiliated to the national centres; unions are also part of the migrant workers' network.

## B. Educate

### Building up anti-racism awareness

One of the important aspects of union work against racism is to make trade unionists aware that it also exists within their ranks.

What the Trade Unions' Plan of Action says:

- Integrate anti-racism awareness sessions in all trade union training and education policies, programmes and activities at all levels.

Putting this into action

- 👉 Include awareness raising sessions in all educational activities and programmes.
- 👉 Ensure that all union officials and workplace representatives receive training in handling discrimination complaints and tackling hidden racism and intolerance.
- 👉 Send shop stewards and trade union tutors on racism-awareness training courses.
- 👉 Set up technical assistance programmes aimed at people of colour, indigenous peoples, migrants and ethnic minorities.
- 👉 Include specific sessions in education courses on integrating anti-racism policies in collective bargaining sessions.
- 👉 Promote equal opportunities policies more widely to workers.
- 👉 Organise country-wide marches to raise awareness on racism, xenophobia, discrimination and related intolerance.

Examples to follow

- The Irish TUC has set up an organisation called "Counteract" aimed at defusing tension and wiping out prejudice between Catholic and Protestant workers. Counteract is also working with groups other than workers, such as prisoners, police officers, young people, the authorities, etc
- The Australian Council of Trade Unions (ACTU) has compiled a training manual on cultural diversity and racism entitled "Working in Harmony: The Model for Cultural Change in the Workplace" with representatives of different communities and the government.
- The British TUC organises the 'Respect Festival' in London. This event draws attention to the importance of racial tolerance and to the contribution which other cultures play in London.
- The New Zealand Council of Trade Unions (NZCTU) has produced special educational material a Te Tiriti O Waitangi resource kit to advance teaching on Maori education and history.
- In the US the AFL-CIO organised a march of immigrant workers and their supporters who travelled from nine US cities and converged on New York in October 2003.

• A Pakistani woman working as a hotel cleaner in Copenhagen managed to persuade immigrant women cleaners to attend union meetings, and was elected as union secretary, a job high up the union hierarchy. However, instead of encouraging this, the local union officials were shocked at the possibility that in two or three years' time she could become branch leader, and saw it as a conspiracy by the immigrants, so they refused to give her support in her duties.

• A black activist in the United Kingdom put the case plainly when he said, "Workplace reps need to be educated. The vast majority are white, male and middle-aged and they just would not know how to handle a race discrimination case or how to bargain around race equality issues, how to identify discrimination".

### C. Actively promote diversity at all levels

#### *Monitoring the union's employment policies and implementing positive action measures*

Unions can encourage more people of colour, indigenous peoples, migrants and ethnic minorities to be active in the union by ensuring that the unions' attitudes and policies reflect their anti-racist perspective.

First, unions must send a clear message that no racism within their ranks will be tolerated, and then they should carry out internal equity audits to see how many people from these groups are employed in their staff.

What the Trade Unions' Plan of Action says:

- Implement positive action measures including an equity audit of executive and administrative union staff to find how many people of colour, indigenous peoples, migrants and ethnic minorities are employed and bear in mind the gender dimension

Putting this into action

- A) To encourage union employment of people of colour, indigenous peoples, migrants and ethnic minorities.
- 👉 Ask your union to organise an equality audit, bearing in mind the gender perspective.
  - 👉 See which posts are filled by people from a given racial, ethnic or national group (not specific posts targeted at these people) Examine what measures are used to encourage them to take up union posts.
  - 👉 Set up quotas for the employment of marginalised groups. Monitor changes over time.
  - 👉 Publish best practice examples of union employment of people from ethnic minorities.
- B) To stamp out racism among union members:
- 👉 Take disciplinary action against any union member who commits racist acts, or who uses racist language.
  - 👉 Identify and publicise best practices in collective bargaining and grievance procedures.

Examples to follow

- The Finnish Trade Unions launched a statistical analysis in 1996 on the scope and manifestations of racial discrimination in the union and unionised workplaces. It used the results to build up its anti-racism policy.
- The Canadian Labour Congress regularly reports on the number of aboriginal people employed by the union and of the number of aboriginal office bearers.



## Democratise union structures

Too often the 'union culture' excludes those who are outside the 'club', which discourage people of colour, migrants, ethnic minorities and indigenous peoples working for change within the union. Very clear positive action practices have to be put into effect within the union to stop this. This can be done by carrying out reviews of the existing structures or by insisting on changes within the union Constitution.



What the Trade Unions' Plan of Action says:

- Trade unions must democratise union structures for the full integration of people of colour, migrants, ethnic minorities and indigenous peoples at all levels.

Putting this into action

- 👉 Carry out a review of existing structures and representation.
- 👉 Establish a national committee on race equality matters.
- 👉 Set targets for representation of people of colour, migrants, ethnic minorities, indigenous peoples and refugees for all the union's decision-making bodies.
- 👉 Give people from ethnic groups the right to self-organise.
- 👉 Make the commitment to abolish racism a condition of affiliation to the national union centre.
- 👉 Suggest model clauses to be included in Union Constitutions.
- 👉 Give full support and resources to black/ethnic minorities/migrants/indigenous peoples' committee.

Examples to follow

- The TUC (UK) has suggested changing its Constitution so that unions can only affiliate to the TUC if they have a clear commitment to promote equality. The TUC has also prepared model clauses which unions can use.
- Unions in Ecuador and Panama have established departments for rural and indigenous issues.
- The Irish CTU set up an anti-racism task force to monitor activities of various unions and provide resources and technical assistance to unions developing anti-discrimination policies.

- People of colour, indigenous peoples, ethnic minorities or migrant workers in major leadership positions serve as role models and prove that members from these groups can rise to the top in the union movement. The election of Linda Chavez-Thompson as Executive Vice President of the AFL-CIO in the USA and Bill Morris as General Secretary of the T & G in the UK had this effect.
- Unions have also used quotas to ensure that members from minority groups are represented on influential committees or have access to leadership training courses.

*Remove barriers to leadership positions for people of colour, indigenous peoples, migrants and ethnic minorities*

**While people of colour, indigenous peoples, migrants and ethnic minorities may become involved in the union, they still encounter the ‘glass ceiling’ effect, whereby they cannot rise up to senior positions.**

What the Trade Unions’ Plan of Action says:

- Develop and implement positive action programmes to remove barriers to access to leadership positions for workers of colour, migrants, ethnic minorities and indigenous peoples.

Putting this into action

- ☞ Reserve places on union training schemes for workers of colour, migrants, ethnic minorities and indigenous peoples.
- ☞ Have quotas for workers of colour, migrants, ethnic minorities and indigenous peoples to sit on the Union’s governing bodies.
- ☞ Set up special leadership courses aimed at workers of colour, migrants, ethnic minorities and indigenous peoples.
- ☞ Set up a union hotline to give information and advice to workers of colour, migrants, ethnic minorities and indigenous peoples on union training courses, particularly those which will help them to rise up the union hierarchy.

Examples to follow

The Swedish Municipal Workers Union is helping to promote immigrant members to influential union positions. This includes reserving two places for foreign-born members on the special education programme to become a union officer. The United Steelworkers of America’s Canadian District has a ‘Leadership Development’ education programme which it actively encourages people of colour to attend.

## Set up and strengthen separate structures

Some unions have decided that setting up special structures will help to push forward the anti-racist agenda, in the same way that the creation of ‘women’s committees’ has increased women’s participation in the union. These structures create a favourable environment in

which under-represented social groups can develop their own agenda and build up their own activism. However, appropriate measures must be taken to prevent equity-seeking groups from being marginalised within the union power structure.

What the Trade Unions’ Plan of Action says:

- Trade unions must set up and strengthen special structures to combat racism and xenophobia.

Putting this into action

- 👉 Work to set up a special union structure for workers of colour, indigenous peoples, ethnic minorities, migrants and refugees.
- 👉 Offer technical help in terms of drawing up this structure’s terms of reference, rules of procedure, etc.
- 👉 Devolve power to this structure to carry out the union’s anti-racist work.
- 👉 Set up regional committees to bring together all these structures.

Examples to follow

- The AFL-CIO in the US has four Constituency Groups - the A. Philip Randolph Institute, a national organisation of black trade unionists, the Labor Council for Latin American Advancement, the Asian Pacific American Labor Alliance for Asian Pacific American Trade unionists and the Coalition of Black Trade Unionists.
  - LO Denmark helped to create a network of ethnic minorities within the trade union movement called ‘Colournet’.
  - Black Workers for Justice-Europe is a European-wide organisation which encourages regional activities, sharing of information and campaigning.
- The European Trade Union Confederation has a Commission for Migrant Workers which meets on a regular basis to prepare the union position vis-à-vis European policies and programmes. A majority of ETUC members have set up special structures for migrant workers.



### D. Working with other groups

#### Building Alliances

Trade unions are increasingly forming alliances and links with other organisations to push forward their anti-racism agenda. They are working closely with non-governmental organisations (NGOs), and with business.

What the Trade Unions' Plan of Action says:

- Trade unions must coordinate strategy for affiliates to carry out joint work with anti-racist groups at the community level.
- ICFTU must work closely with international NGOs which defend and promote the rights of peoples of colour, indigenous peoples, migrants, refugees and ethnic minorities.

Putting this into action

#### A) Working with NGOs.

- ☞ Approach and/or open dialogue with local or international NGOs working on campaigns to fight racism and xenophobia.
- ☞ If working with an international organisation, check with the ICFTU or with the GUFs to see if links have already been made.
- ☞ Obtain information and campaign material from ICFTU or the GUF.
- ☞ When organising an activity against racism and xenophobia, invite an NGO speaker.

#### B) Working with business

- ☞ Find out which businesses participate in the UN Social Compact and contact them about a joint anti-racism and xenophobia campaign in their organisation.
- ☞ Approach company managers with the suggestion of setting up a joint management-trade union anti-discrimination working party.
- ☞ If management already has an anti-discrimination policy, produce a joint leaflet for management/workforce on how to implement it effectively.

• The ICFTU has joined with other international organisations working on the migrants' issue in the global campaign for the ratification of the UN Convention on Migrant Workers.

## Examples to follow

### NGO links:

- RESPECT is a European network of migrant domestic workers' organisations, trade unions, NGOs and individuals campaigning for the rights of non-EU citizens working in private households. RESPECT is pushing for all European Union states to recognise the importance of domestic work and to educate all their citizens.
- In France, unions have linked up with SOS Racisme in its campaign to fight racism and xenophobia at the workplace. Fighting discrimination at work is one of SOS Racisme's aims.

### Business:

- In South Africa, Sanlam, a company which originally started as an employment vehicle for Afrikaners, has now drawn up an anti-discrimination policy.
- The International Transport Workers' Federation (ITF) has published a guide setting out specific information on the racism faced by international crews who are forced to work together at sea for long periods. As well as re-asserting the ITF's anti-racism policy, it gives employers important guidelines to follow for setting up an effective policy to tackle racism.

These examples show positive will on the companies' part, but they should always be reminded that they need to support the inclusion of anti-discrimination provisions in collective agreements if they are serious about combating discrimination at the workplace.



- Unions and business have been working together on social issues at the ILO and through other forums such as the UN Global Compact. Some transnational companies are also realising that fighting discrimination is good for business and at the UN Durban Conference joined together under the slogan "Discrimination is everybody's business".



### Integrate with other union programmes

Two aspects of the international trade union movement's work link very closely with the fight against racism: child labour and youth work. The Plan of Action mandates these programmes to work closely with the unions' anti-racism programmes. Child labour links with anti-racism activities as many of the issues overlap: Studies on migrants and on trafficking show that young girls are amongst the prime victims of trafficking.

Children of ethnic groups in some countries are forced to work also because they are denied access to education. Youth work is a priority for the trade union movement. Many of the ideas of young members concern changing union structures and encouraging young workers of colour, indigenous people, ethnic minorities and migrants to join the union.

What the Trade Unions' Plan of Action says:

- The ICFTU and its regional organisations must ensure that the anti-racism dimension is an integral part of the ICFTU and GUF policy and action on child labour and on youth. Particular attention should be given to the full involvement of young workers in the fight against racism, xenophobia and related intolerance.

Putting this into action

- 👉 Youth sections should strongly lobby for the creation of new jobs, in particular for young workers belonging to the most vulnerable groups.
- 👉 Campaign for subsidies and incentives to employers to train unemployed young people, including those from minority groups.
- 👉 Make the union more democratic and more welcoming for young people from minority groups.
- 👉 Publicise the millions of children who are trafficked across borders to work in the sex industry and sweat shops.
- 👉 Lobby for your government to ratify and implement ILO Conventions 138 and 182 against child labour.
- 👉 Lobby your government to set up properly funded public education and training systems, which are open to all.

Examples to follow

- The ICFTU Youth Campaign aims to ensure that jobs are created for young people, in particular those from the most vulnerable groups (ethnic/racial minorities, indigenous peoples, migrants, etc.) and that special subsidies and incentives should be given to employers for the training and re-training of unemployed young people, including those from minority groups.
- The ICFTU Youth Programme is working to ensure that the union structure is made more democratic and that members from ethnic minorities, migrants, indigenous peoples are fully integrated.
- The ICFTU campaign against child labour is working to eliminate all forms of child labour, and the economic causes of child labour.
- The ICFTU is working with PICUM, the Platform for International Cooperation on Undocumented Migrants, an umbrella group of European organisations.
- The ICFTU Child labour Campaign is lobbying governments to set up public education systems open to all children.

# Conclusion

This Primer has shown ways in which unions can fight racism. They can use their power and their experience to fight discrimination at the workplace, in their own countries and in their regions. Because trade unions operate internationally, they also have power to change the international agenda on racism and xenophobia. They showed their strength, and also their expertise, at the UN Conference in Durban when they were able to push through many recommendations concerned with discrimination at work.

Globalisation has led to the explosion in the number of migrant workers, and here the trade union and NGO pressure at the Conference led to a whole section on migrant workers' rights.

This Primer also includes a chapter on how trade unions are tackling racism and xenophobia within their organisations. The trade union movement is broadening its perspective and influence, and this chapter includes discussions of how trade unions should link up with other organisations in this fight.

All suggestions in the Primer are based on concrete examples drawn from the international trade union movement, and here the breadth of the programmes and activities of trade unions is impressive. These examples also show how they are adapting their ideas and their methods to the current world situation.

In 2006, the UN Conference Against Racism and Xenophobia will carry out a five year evaluation of progress in carrying through its Recommendations. The ICFTU will work to make sure that we will also be evaluating our own progress in fighting racism and xenophobia at the workplace, nationally and internationally, and in our own ranks.



### Basic principles

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The following are the basic principles underpinning the trade unions' fight against racism, racial discrimination, xenophobia and related intolerance:

- Trade unions stand against racism and xenophobia as a matter of fundamental principle. The promotion of human rights, equality and diversity is an integral part of the trade unions' daily struggle for freedom, equality and justice for all.
- Trade unions take an explicitly anti-racist approach in the development and implementation of their policies, programmes and action.
- Trade unions recognise the central role to be played by those affected by racism, xenophobia and ethnic discrimination in developing, implementing and monitoring relevant policies, programmes and activities, paying special attention to the most vulnerable groups: women, youth and persons with disabilities.
- Trade unions recognise the crucial importance of integrating a gender perspective when developing and implementing policies, programmes and activities in the fight against racism and xenophobia, in order to address more effectively the issue of multiple discrimination against women.

## PLAN OF ACTION

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### Combating Racism and Xenophobia in our Communities and in Society

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#### *At national level*

Trade unions urge governments to:

- ratify and implement the UN Convention on the Elimination of All Forms of Racial Discrimination (1965);

- ensure equality of treatment for peoples of colour, ethnic minorities, indigenous peoples, migrants and refugees as regards access to social services and provisions (health, housing, education, etc.);
- grant political rights for migrants and refugees;
- provide free language training for migrants and refugees, with special attention to women, together with a training allowance;
- set clear targets for the appointment of people of colour and indigenous peoples to senior levels of the civil and public services and the judiciary.

Trade unions call on the media to play a positive role in sensitising the general public to the nefarious impact of racism, racial discrimination and xenophobia on the whole of society.

Trade unions are committed to:

- undertaking awareness campaigns on the issue of racism, xenophobia and religious intolerance through demonstrations, public meetings, assemblies, the press and media, etc., at the same time raise public awareness of the vital contribution that migrants, people of colour, indigenous peoples and ethnic minorities bring to society, enriching our cultures and strengthening our economies;
- networking with and actively supporting organisations of migrants, ethnic minorities, peoples of colour and indigenous peoples, taking into account the specific and multiple discrimination against women;
- actively campaigning for reform of the educational system and revision of school textbooks and education materials to ensure a non-racist perspective and to promoting understanding and appreciation of different cultures.



## At regional and international levels

The ICFTU, GUFs (Global Union Federations) and their regional organisations will:

- facilitate exchange of good practices to combat racism in our communities and in society amongst affiliated organisations;
- call for the protection of the civil rights of prisoners, taking into account the over-representation of people of colour within the prison system in many parts of the world.

## **Combating Racism and Xenophobia in the Labour Market and in the Workplace**

### At national level

Trade unions urge governments to:

- ratify and implement international Conventions, notably the UN Convention on the Protection of Migrant Workers and Members of Their Families; the Core ILO Conventions, in particular C111 on Discrimination in Employment and C100 on Equal Pay\*; C169 on Indigenous and Tribal Peoples, C97 on Migration for Employment and C143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers; and to fully respect and promote the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-Up (1998);
- introduce and implement mandatory national affirmative action legislation and programmes to end discrimination against and promote equality of opportunity and treat-

ment for migrants, workers of colour, indigenous peoples and ethnic minorities;

- actively promote and provide resources for campaigns and programmes to combat racism in the labour market and at the workplace, which would include, i.a. race-awareness courses for workers and employers;
- ensure strong monitoring and enforcement frameworks for new legislation and programmes;
- establish a national observatory to monitor the impact of racism on the labour market, disseminate best practices and provide regular reports to workers and their trade unions, as well as to employers and companies.

Trade unions must:

- negotiate the inclusion of clauses in collective agreements aimed at ending discrimination against and ensuring equal opportunities and treatment for migrants, workers of colour, indigenous peoples and ethnic minorities, i.a.:
  - provision of vocational and long-term training
  - paid leave for language training, including in the workplace
  - implementation of affirmative action measures
  - leave for religious and cultural reasons
  - clear grievance procedures in dealing with and compensating victims of racism
  - anti-racism and cross-cultural education and training for all workers and staff, including at management level
- work for recognition of foreign credentials and qualifications; development of bias-free national standards of assessment for various professions and occupations;

\* ILO Core Conventions: C 87 & 98 (Freedom of association & Collective bargaining); C 29 & 105 (Abolition of Forced labour); C 100 (Equal pay); C 111 (Discrimination in employment); C 138 & 182 (on child labour).

- lobby for strong and effective pro-active labour legislation, including employment equity and pay legislation; burden of proof to be placed on the employer/company accused of discrimination;
- network with organisations and/or groups of workers facing multiple forms of discrimination with a view to developing a joint strategy and action programme;
- seek a partnership approach with employers to combat workplace racism;
- call for the establishment of specific work and career development programmes for workers of colour, indigenous peoples and ethnic minorities to prepare for improved promotion opportunities at all levels;
- set up mentoring programmes involving trade unionists to assist migrants, indigenous peoples, workers of colour and ethnic minorities to access trades, professions and the labour market in general; particular attention to be paid to women and youth
- support language training initiatives for migrant workers, whilst at the same time counter attempts by employers to use the language issue to discriminate on racial grounds.

#### *Migrant workers*

##### Trade unions must:

- urge governments to legalise undocumented workers;
- lobby for legislation to protect those working in the underground economy;
- work with communities to provide support and legal assistance for undocumented workers;
- undertake special campaigns to organise migrant workers, including those who are undocumented;
- be actively involved in shaping immigration and migration policies in order to protect the interests of working peoples and their families;

- if from the sending and receiving countries, work jointly to protect and defend rights of migrant workers (through ICFTU and its regional organisations);

#### At regional and international levels

##### The ICFTU must:

- lobby strongly for the establishment of an international observatory for monitoring the impact of racism in the labour market, share best practice and provide regular reports to workers and their trade unions;
- strengthen co-operation with the ILO on the campaign for the ratification and effective implementation and monitoring of ILO conventions;
- work closely with international NGOs which defend and promote the rights of peoples of colour, indigenous peoples, migrants, refugees and ethnic minorities;
- in collaboration with GUFs open dialogue with governments and academics on the establishment of international standards for the recognition of foreign credentials, qualifications and training.
- with the GUFs, call on the UN to organise a North/South summit on migration.

## **TRANSFORMING OUR UNIONS THROUGH EQUALITY IN DIVERSITY**

### At national level

Trade unions must:

- be aware at all times of the primary role of those directly affected by racism in developing, implementing and monitoring trade union anti-racism policies, strategies and programmes.
- integrate anti-racism awareness sessions in all trade union training and education policies, programmes and activities at all levels;
- democratise union structures for the full integration of people of colour, migrants, ethnic minorities and indigenous peoples at all levels in order to strengthen union policy development, organisation and mobilisation of workers, and implementation of policies and programmes;
- develop and implement positive action programmes to remove barriers to access to leadership positions of workers of colour, migrants, ethnic minorities and indigenous peoples;
- set up and strengthen special structures to combat racism and xenophobia;
- develop and implement mentorship programmes for target members to give them support and integrate them into the movement;
- implement positive action measures - including internal equity audit - of union staff, both executive and administrative;
- co-ordinate strategy for affiliates to carry out joint work with anti-racist groups at the community level.

### At regional and international levels

The ICFTU and its regional organisations undertake to:

- disseminate the Plan of Action to affiliates, governments and community groups with the purpose of developing joint action;
- establish an ICFTU/GUFs anti-racism body (task force/committee/working party), with adequate resources, including staffing, to carry out its functions and to meet on a regular basis;
- organise an international anti-racism conference;
- actively promote the exchange and dissemination of good practices and case studies among affiliates;
- assist unions in drawing-up anti-racism guidelines and plans of action;
- actively promote diversity in decision-making bodies and staff, including through adoption of positive action measures;
- implement and monitor recommendations of the 7th World Women's Conference of the ICFTU (Rio de Janeiro, May 1999) under the section: 'Organising for Equality: Migrants and ethnic minorities';
- ensure that the anti-racism dimension is an integral part of the ICFTU and GUFs policy and action on child labour;
- ensure that the anti-racism dimension is an integral part of the work of the ICFTU Youth Committee at all levels, in particular in involving fully young workers in the fight against racism, xenophobia and related intolerance.

November 2000

**UN Conventions**

International Convention on the Protection of the rights of all Migrant workers and members of their families.  
[http://www.migrantsrights.org/Int\\_Conv\\_Prot\\_Rights\\_MigWorkers\\_Fam\\_1999\\_En.htm](http://www.migrantsrights.org/Int_Conv_Prot_Rights_MigWorkers_Fam_1999_En.htm)

International Convention on the Elimination of All Forms of Racial Discrimination  
[http://www.unhchr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhchr.ch/html/menu3/b/d_icerd.htm)

Convention against transnational organised crime  
<http://untreaty.un.org/English/notpubl/I8-12E.doc>

**ILO Conventions**

C 111 Discrimination (Employment and Occupation) Convention, 1958  
<http://www.ilo.org/ilolex/english/convdisp2.htm>

Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries  
<http://www.ilo.org/ilolex/english/convdisp2.htm>

C97 Migration for Employment Convention (Revised), 1949  
<http://www.ilo.org/ilolex/english/convdisp2.htm>

C143 Migrant Workers (Supplementary Provisions) Convention, 1975  
<http://www.ilo.org/ilolex/english/convdisp2.htm>

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 Website [www.cioslorit.org](http://www.cioslorit.org)

## Global Union Federations (websites and emails):

### **Education International (EI)**

E-mail [headoffice@ei-ie.org](mailto:headoffice@ei-ie.org)

Website [www.ei-ie.org](http://www.ei-ie.org)

### **International Federation of Chemical Energy, Mine & General Workers' Unions (ICEM)**

E-mail [info@icem.org](mailto:info@icem.org)

Website [www.icem.org](http://www.icem.org)

### **International Federation of Journalists (IFJ)**

E-mail [ifj@ifj.org](mailto:ifj@ifj.org)

Website [www.ifj.org](http://www.ifj.org)

### **International Textile, Garment & Leather Workers' Federation (ITGLWF)**

E-mail [office@itglwf.org](mailto:office@itglwf.org)

Website [www.itglwf.org](http://www.itglwf.org)

### **Public Service International (PSI)**

E-mail [psi@world-psi.org](mailto:psi@world-psi.org)

Website [www.world-psi.org](http://www.world-psi.org)

### **International Transport Workers' Federation (ITF)**

E-mail [mail@itf.org.uk](mailto:mail@itf.org.uk)

Website [www.itf.org.uk](http://www.itf.org.uk)

### **International Federation of Building and Wood- workers (IFBWW)**

E-mail [info@ifbww.org](mailto:info@ifbww.org)

Website [www.ifbww.org](http://www.ifbww.org)

### **International Metalworkers' Federation (IMF)**

E-mail [info@imfmetal.org](mailto:info@imfmetal.org)

Website [www.imfmetal.org](http://www.imfmetal.org)

### **International Union of Food Agric. Hotel Rest.Cater.Tobac.& Allied Work. Assoc. (IUF)**

E-mail [iuf@iuf.org](mailto:iuf@iuf.org)

Website [www.iuf.org](http://www.iuf.org)

### **Union Network International (UNI)**

E-mail [contact@union-network.org](mailto:contact@union-network.org)

Website [www.union-network.org](http://www.union-network.org)

### **International Labour Organisation (ILO)**

Website [www.ilo.org/](http://www.ilo.org/)

### **UN Commission on Human Rights (UNCHR)**

Website [www.unhchr.ch/](http://www.unhchr.ch/)

### **International Organisation of Migration (IOM)**

Website [www.iom.int/](http://www.iom.int/)