

Feature Address delivered by Dennis de Peiza, General Secretary, Congress of Trade Unions and Staff Associations of Barbados to Opening of the Annual General Meeting of the Barbados Secondary Teachers' Union, Tuesday, 3 April, 2012.

I am honoured and humble to have been invited to address the Opening of the 2012 Annual General Meeting of the Barbados Secondary Teachers' Union. I offer my gratitude to the Executive Board for affording me the opportunity to address this distinguished body of professions. I take the liberty of expressing my thanks in the familiar words of your elder statesman, Bro. Patrick Frost, who is well known for his trade mark remark of, 'Thanks for the pick.'

Mr. Chairman, it is always good to write one's name on the pages of history, and so I feel extremely proud to enter my name in the records of this organization, which now boast of seventy six years of rich history.

Before I proceed to share my thoughts with you on the subject of 'Trade Union Rights - Human Rights, let me take this opportunity to bring fraternal greetings from the Congress of Trade Unions and Staff Associations of Barbados to this Annual General Meeting. I wish to apologize for the absence of our President, Bro. Cedric Murrell, who is unavoidably absence due to a domestic commitment. He however has instructed me to convey his best wishes to you, for a successful General Meeting.

'To protect the rights and dignities of both practising and retired members whenever this may be necessary.' I will make the bold assumption that these words are familiar to every member of the BSTU who is sitting in the audience this afternoon.

If you aren't, I call tell you that it is one of the principal objectives of your union.

Over the many years that I have been associated with the trade union movement, I am heartened by the stout defense of the BSTU on the matters of trade union rights and human rights. 'Small in size, but not in stature', are words that can fittingly be used to describe the Barbados Secondary Teachers Union. From my research and knowledge, there is overwhelming evidence to support the tremendous advocacy undertaken by the union in promoting the well being of its members and others within the teaching profession. The evidence also attest to the work of the union in promoting fairness, justice, equality of treatment, denouncing discrimination and prejudice, and above all the right to organize and to bargain collectively.

Trade unions across the world have the joint responsibility of defending trade union rights and human rights. It can be said that the BSTU has demonstrated leadership in this regard, and so deserves to be applauded for its work in promoting both trade union rights and human rights.

Trade union and human rights are universal. It is therefore expected that democratic societies around the world will respect the various conventions that give support to trade union and human rights practices. Based on the universality of trade union rights and human rights, there is the wider expectation that governments will undertake to protect these. It is however the responsibility of trade unions and staff associations to remain vigilant over such matters; and hence there is no room for them to become complacent. They must understand that they have a responsibility to lobby governments to enact ILO and other

Human Rights Conventions, and to introduce pertinent legislation. Trade unions and staff associations must also work with employers to create workplaces that are free from discrimination.

Since 1948, when the United Nations Declaration of Human Rights were adopted the advocacy and activism of trade unions has been given an impetus. Trade unions were able to place emphasis on the basic rights of workers, and to be more specific the fundamental rights at work; by directing attention to the eight basic International Labour Organization Conventions. These are: Conventions #87 & 98: Rights to Freedom of Association and Collective Bargaining, Convention #29 & 105: Abolition of Force Labour, Convention #100 & 111: Prevention of Discrimination in the Employment and Equal Pay for value of work, Convention #138 & 182: Abolition of Child Labour, and Convention #155 & 161: Occupational Safety and Health Services. The fundamental point that ought not to be missed coming out from this, is that trade unions rights are guaranteed by the ILO Conventions.

For the purpose of addressing the significant of trade union and human rights, I now turn my attention distinguishing the differences between them. The hard facts would suggest that the features of the two complement each other. Human rights form a protectionist mechanism for the observance of trade union rights, as they guard against the exploitation of workers. On the other hand, labour rights seek compliance with the law and conventions, so as to eliminate practices that are not consistent with human rights standards.

As a derivative of this, trade unions can maintain that their rights extend to the promotion of high labour standards, due process, transparency, speed and effect solutions in labour disputes, the effective enforcement of labour laws, access to administrative and

judicial for workers whose rights have been violated, public availability of labour laws and regulations, and opportunities for interested persons to comment on proposed changes, and to promote public awareness of labour laws and workers' rights.

The interrelatedness of human and trade union rights is reflected in how they are perceived and treated under the law and within the constitution of state. Human rights are often expressed and guaranteed by law. The 1993 Vienna World Conference on Human Resources, advanced the position that it is the duty of all state to promote and protect all human rights as fundamental freedoms. Akin to this is the fact that trade unions have a right to perform lawful activities.

I suggest that this is what we have come to accept should obtain in all democratic societies. Trade union leaders have in the past, and today, remain subject to persecution by the political directorate within the western societies, as they continue to stoutly defend trade union rights that are protected by a number of human rights treaties, such as ILO Conventions #87 and #98. Some have suffered the indignation of being beaten, imprisoned or tortured for leading demonstrations. Shop stewards have lost their jobs for attempting to organize workers, while other workers have been discriminated against for political, religious, ethnic and other reasons.

In this age of globalization, strong unionization is very essential, if the many conservative attempts that are constantly being made to undermine trade union rights, and freedoms of the individual are to be defeated. Your attention is drawn to the concerted efforts made to have fundamental social rights that include trade union rights, excluded from the European Union Charter.

We in Barbados should not ever become complacent, and should guard against attempts how so ever conceived or orchestrated, to place pressure on the labour movement to pull back from the causes it defends. This should also serve as a reminder to our local trade unions and staff associations, that they have a social responsibility to protect their members from political, social and legal abuses.

Those in this room today would recall sentiments expressed in some sections of the local media, which related to the ongoing dispute between the staff at the Alexandra School and the Principal, Mr. Jeff Broome. It should not escape us that there were those who sought to defend that which cannot be defended, as it relates to allegations of the failure to treat to individuals with dignity and respect; and further, to question the legitimacy of aggrieved workers to exercise their right to strike.

It should be known that the right to strike is a trade union which is embedded in the freedom of association. This is supported by the European Court of Human Rights, which acknowledged that *"Everyone has the right to peaceful assembly and the freedom of association with others, including the right to form and to join trade unions for the protection of interest."*

This is also collaborated by Karen Curtis, Deputy Director of the International Labour Standards Department. In addressing the 4th Assembly for Human Rights held in Geneva on October 9, 2006. She made the point that, *"The basic rights of freedom of association, whether they manifest themselves at national level in relation to a government's economic and social policy or at enterprise level with the aim of improving workers' terms and conditions of employment, cannot be denied their place as a fundamental human rights."*

The challenge to the right to strike as is evident in our own backyard within the twin island states of Trinidad and Tobago ought to arouse the thoughts of local trade unionists. Our history teaches us that Caribbean political leaders have a follow pattern tendency. In anticipation of possible futurist intentions, a clear message must be sent to the political directorate, that the right to free speech and the right to strike, are important symbols of a free society that cannot be abridged.

This brings us to the interesting subject of trade union recognition. When one considers that the freedom of association is recognized and accepted as fundamental trade union right and human right, it is disconcerting to understand why there is a strong opposition in some quarters to the writing of trade union recognition into law. The objection to this is nothing short than a deliberate obstruction to free and democratic expression. By putting into law legislation to give effect to this, starting with the Employment Rights Bill, the Government of Barbados would have discharged its obligation in removing any impediment to workers' freedom of association; and to the violation of one of the fundamental principle of the international human rights standards.

Today we are asked to pay close attention to government's proposal to introduce an Anti Corruption's Bill. The extent to which it is suggested that it should be applied to the leadership of trade unions, raises some serious questions about its impact on voluntary organizations. There is now a need for the local trade union movement to take a careful look at how this intended legislation, may infringe on the both trade union rights and human rights.

Another issue which now confronts local trade unions in Barbados is the decline which is being experienced in union membership. Several reasons have been advanced for this. It is my understanding that some employers within the private sector have been attempting to dissuade employees from being unionized. I believe that there is no shortage of reports of instances where persons trade union and human rights being violated, by virtue of they being harassed, pressured, threatened, suspended, fired or otherwise victimized for the exercise of the right to freedom of association.

These are acts of discrimination which cannot go unnoticed. If we are to safeguard workplace justice that is founded on recognizing and respecting workers' rights and human rights, unions may have insist on having human rights clauses in collective bargaining agreement with employers. This as you may be aware, is something that has already been set in motion, as it pertains to eradicating acts of discrimination in the workplace of persons who are suffering or affected by HIV and AIDS.

In continuing to address the issue of Occupational Safety and Health, the labour movement can reasonably defend its work in raising awareness on both trade union rights and human rights. With the proclamation of the Safety and Health at Work Act, 2005, it will certain bring provide the basis for the promotion and protection of standards that promote the rights and freedoms of the individual. It will provide for the workers' right to information on workplace hazards, workers' right to be free from retaliation from raising safety concerns or refusing imminently dangerous work, and workers' right to work in an environment that is reasonably free from predictable, preventable and serious risks.

To the leadership and members of the BSTU, I take this opportunity to remind you that you have an obligation to follow the directions of Education International on trade union rights and human rights.

Under the heading of human rights, EI promotes education rights, children rights (including the fight against child labour), academic freedom, equality, non discrimination on the basis of gender, national or ethnic origins, sexual orientation or identity, disability, age or religious beliefs.

Under the heading of trade union rights, EI encourages the ratification and implementation of international conventions on the protection of core labour standards, the freedom to form and join unions, the freedom to strike and the right to collective bargaining.

Finally, Mr. Chairman, it is expected that workers will look to their trade unions and staff association to lead the charge to secure, protect and defend trade union and human rights. How they present themselves to the public, and what they present will certainly determine how they are perceived as exponents of practicing what they preach. Trade unions can not appear to be undermining and /or compromising the very principles that espoused. Considering that trade unions are in themselves human right organizations, it is imperative that they do not lose sight of their agenda of protecting workers' rights. It is to be reemphasized that this should start with the understanding that trade unions and staff associations have a joint responsibility along with the employer or agent of the employer, to create a workplace that is free from discrimination.

I therefore implore trade unions and staff associations to exercise their right to secure justice within the workplace, which is founded on the recognition of, and respect for the human rights of people.

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