

Social rights



A glimpse of the European Social Charter

“When I think of work, it’s mostly about having control over your destiny, as opposed to being at the mercy of what’s out there.”

Gary Sinise

While the European Convention on Human Rights guarantees civil and political rights, the European Social Charter guarantees the economic and social rights of the citizens of its state parties.

The Social Charter was adopted in 1961 by the Council of Europe and three Protocols were added to it in 1988, 1991 and 1995. The Charter and its 1988 Protocol guarantee a series of rights that we can classify into two categories:

- *working conditions*, which include the prohibition of forced labour, non-discrimination in work environments, trade union rights, prohibition of child labour under the age of 15 and protection of the 15- to 18-year-old workers, equal treatment for migrant workers, etc.; and
- *social cohesion*, which includes the right to health, social security, medical assistance, the right of older people to be protected, etc..

The revised Social Charter was adopted in 1996. It entered into force on the 1 July 1999 and will progressively replace the 1961 Charter. This new document guarantees: equality between men and women, protection in case of dismissal, dignity of the workers in the work place, protection against poverty and social exclusion, the right to housing, and the enlargement of the right not to be discriminated against, etc..

The Charter has a mechanism of control based on the presentation of national reports by state parties (1991 Protocol) as well as a system of collective complaint (1995 Protocol) which allows, “*inter alia*”, trade unions and non-governmental organisations to present collective claims.

? Do you think that social security systems should be private or public?

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The right to work

The right to work is guaranteed, as one of the social and economic rights, in international instruments such as the Universal Declaration of Human Rights (UDHR) (Article 23), the International Covenant on Economic, Social and Cultural Rights (Article 6) and the revised European Social Charter (ESC).

When it recognises the right to work, a state is not committing itself to *guaranteeing a job for everyone who wants one*; such an obligation could be “unworkable” in practice. Rather, it implies that the state has an obligation to develop economic and social conditions where jobs can be created.

The right to work is important in itself but also insofar as it is a basic condition to secure human dignity. Unless the right to work is guaranteed first, the actual exercise of several other basic rights may be inconceivable.

As a corollary of the right to work comes the right to just (or fair) conditions of work. This right specifically includes the guarantees not to be discriminated against, to receive a fair remuneration and paid holidays as well as to have reasonable working hours and a safe and healthy working environment that safeguards a person’s physical and mental well-being. These guarantees are given in an attempt to make sure that workers begin and continue their working life in decent conditions. Work should not become an intolerable burden or an end to itself; it should be a means to ensure that at least primary needs such as food, clothing, housing and education, are met.

? Do you think that unemployed people should receive support from the state?

Employment: a youth perspective

Having a job implies a lot more than having means to support oneself. It is also a tool for life experience. Through employment, individuals (particularly young people) develop many skills, ranging from basic technical skills to personal skills.

Unemployment and bad working conditions are part of the complex interrelated issues creating obstacles to people’s full development and to their maintaining their inherent dignity. Some examples of these consequences include the inability of the unemployed to afford adequate living conditions for themselves and their dependants, the potential creation of a large number of black market jobs decreasing workers’ security and ability to protect their rights, and the need for a large social security scheme to be created in order to provide assistance to the unemployed.

The transition from school to work is a crucial stage for young people in their personal and professional development throughout adult life. The consequences of being unemployed at young ages can be serious. Youth unemployment is often associated with social problems such as violence, crime, suicide and abuse of alcohol and drugs.

Unemployment rates amongst young people are often higher than amongst adults. This difference can be wide or narrow, depending on the specific context of the country.

“The workers have nothing to lose in this but their chains. They have the world to gain.”

Karl Marx

Unemployment rates in some European countries⁴⁵

Country	Youth Unemployment (%)	Overall Unemployment (%)
Croatia	31.4	9.9
Germany	10.7	9.9
Latvia	25.5	13.8
Russia	26.8	13.3
Slovakia	20.4	11.1
Spain	39.2	20.9
Sweden	11.2	5.3
The Netherlands	5.1	3.8
UK	13.6	7.1

“No one can arrive from being talented alone. God gives talent; work transforms talent into genius.”

Anna Pavlova

Various reasons explain the high incidence of unemployment among young people: segmentation of the labour market; technical and organisational changes that have created a demand for higher qualifications; and the labour market crisis which has meant tougher conditions for unemployed workers.

Trade unions, working for the workers

The history of trade unions is a very long one. The rights of workers have undoubtedly improved even if only gradually and trade unions have played a crucial role in this process.

Labour Day: 1st May

May 1st, International Workers’ Day, commemorates the historical struggle of working people throughout the world.

May Day was born from the struggle for the eight-hour day. With workers being forced to work ten, twelve and fourteen hours a day, support for the eight-hour movement grew rapidly. The first days of May of 1886 were marked by strikes and demonstrations in the United States. As many as half a million workers took part in the May 1st demonstrations all over the country. In Chicago, for example, around 90000 people took part in a march.

The 1st of May quickly became an annual event. Around the world workers in more and more countries marked labour’s day on May Day. May Day was celebrated for the first time in Russia, Brazil and Ireland in 1891.

Trade unions are associations of employees (there are also associations of employers) and their main objective is to represent the employees’ interests to the employers. The right to form and join a trade union is a fundamental human right. A well functioning and respected trade union movement is often a good indicator of democracy and standards of human rights.

Besides playing a role in the fight for better working conditions, trade unions have had (and continue to have) a key role in the building of social movements and the developing of social changes. The role of trade unions has been very varied across Europe. In some countries, where fascist and communist regimes were in place, trade unions were overtaken or created by state authorities and the political elite and turned into a tool for their oppressive regimes. As a result of this historical reality, many people are sceptical of the role that trade unions can play, and only lately have the workers from these countries started to recognize the positive role of trade unions in the fight for protecting their rights. Other differences exist across Europe, especially regarding the role and organization of trade unions. In most countries, trade unions are organised in confederations.

Solidarność (Solidarity) was a new national union movement which swept across Poland during the 1980s.

The movement officially started with the signing of the Gdansk Accords on August 31 1980, which called for the right to form independent trade unions and the right to strike among other things. In reality, it started when the workers of the ship-building industry decided to protest on December 14 1970, on a march from the shipyards towards downtown Gdansk which was brutally repressed by the police. Many strikes in the summer of 1980 showed that the Solidarity movement had taken root as a force of social and democratic change. Solidarity membership grew to over nine million members. The repressive policy of the communist government became evident in the banning of Solidarity, which was thus obliged to work in secret for several years.

Youth and trade union membership

Over recent years, trade unions in many countries have seen a decrease in youth membership. Many trade unions have been slow to respond to the changes experienced by young people and have sometimes failed to formulate an agenda that attracts them in sufficient numbers to replace the traditional membership that has been lost. Consequently, many unions are now

developing a work agenda that takes into account the needs and the reality of young workers as well as appropriate structures to deal with this sector. Some have established youth committees, which is the case of the ETUC and the ICFTU - the International Confederation of Free Trade Unions.

“The work will teach you how to do it.”

Estonian proverb



Are you member of a trade union? Have you ever been?

- Between 1988 and 1997, unions affiliated to the *Deutscher Gewerkschaftsbund* (DGB) lost no fewer than 609 407 young members or 55.2% of youth membership.
- Between 1987 and 1999, in Sweden the membership of youth in trade unions aged between 16 and 24 decreased from 62.7% to 46.7%.
- In Greece, 70.1% of young people expressed no trust in trade unions compared to only 22.9% who did not trust the army and 40.6% who did not trust the judiciary.⁴⁶

Child labour

The issue of child labour today is receiving great attention. Children are engaged in numerous kinds of work, from domestic service to heavy industrial production. The number of children involved is alarming.

It is hard to gather statistics on child labour because of its illegal nature in most cases. It is estimated that some 250 million children between the ages of 5 and 14 are working; 120 million full-time, 130 million part-time.

Some 61% of this total (nearly 153 million) are found in Asia; 32%, (80 million) are in Africa, and 7% (17.5 million) live in Latin America.

Child labour also exists in many industrialised countries and is emerging in eastern European countries

The revised European Social Charter has reinforced the guarantee for the protection of children and young people in the work environment compared to the guarantees that were included in the 1961 Charter. Article 7(1) provides that “with a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake: to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education”. The International Labour Organisation (ILO), the major labour standard-setting organisation, has long dedicated its activities to eradicate child labour and to that end, it has adopted recommendations and conventions. Two main conventions deal specifically with child labour.

1. The ILO Worst Forms of Child Labour Convention (1999) came into force in 2000. Previous attempts to end child labour have failed and the general situation for working children continues to worsen. Therefore, the international community, within the idea of taking “one step at a time”, decided to abolish completely the worst forms of child labour. As of November 2001, 108 countries have ratified this convention.
2. The ILO Minimum Age Convention (1973) is another example. Article 1 states “each Member (...) undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons”.

The International Labour Organisation (ILO)

has played a major role in the development of and the fight for guaranteeing workers' rights and has contributed to the training and promotion of proper structures to promote workers' rights. www.ilo.org

The percentages of children between the ages of ten and fourteen who work are: 30.1% in Bangladesh, 11.6% in China, 14.4% in India, 17.7% in Pakistan, 24% in Turkey, 20.5% in Ivory Coast, 11.2% in Egypt, 41.3% in Kenya, 25.8% in Nigeria, 31.4% in Senegal, 4.5% in Argentina, 16.1% in Brazil, 6.7% in Mexico, 0.4% in Italy and 1.8% in Portugal.

One of it's the ILO's major programmes dedicated to the eradication of child labour is called the International Programme on the Elimination of Child Labour. The Convention on the Rights of the Child in Article 32(1) provides that "State Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development".

Globalisation has started to impact heavily on social rights.⁴⁷ Indeed, this process promotes practices that challenge social guarantees that are generally considered to be minimum safeguards of basic working conditions. With the establishment of a free market economy, many companies consider the lack of social protection as an "attractive" feature for investments and for low-cost production of goods. Relocation of industries from countries where labour guarantees are compulsory to other countries that do not provide such guarantees to the workers is seen as a viable option for lucrative ends.

In a context where the priority of most companies is to increase their profits even at the cost of the social and labour rights of their workers, the international and regional human rights instruments that provide for social and economic rights are fundamental to the protection workers' rights.

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