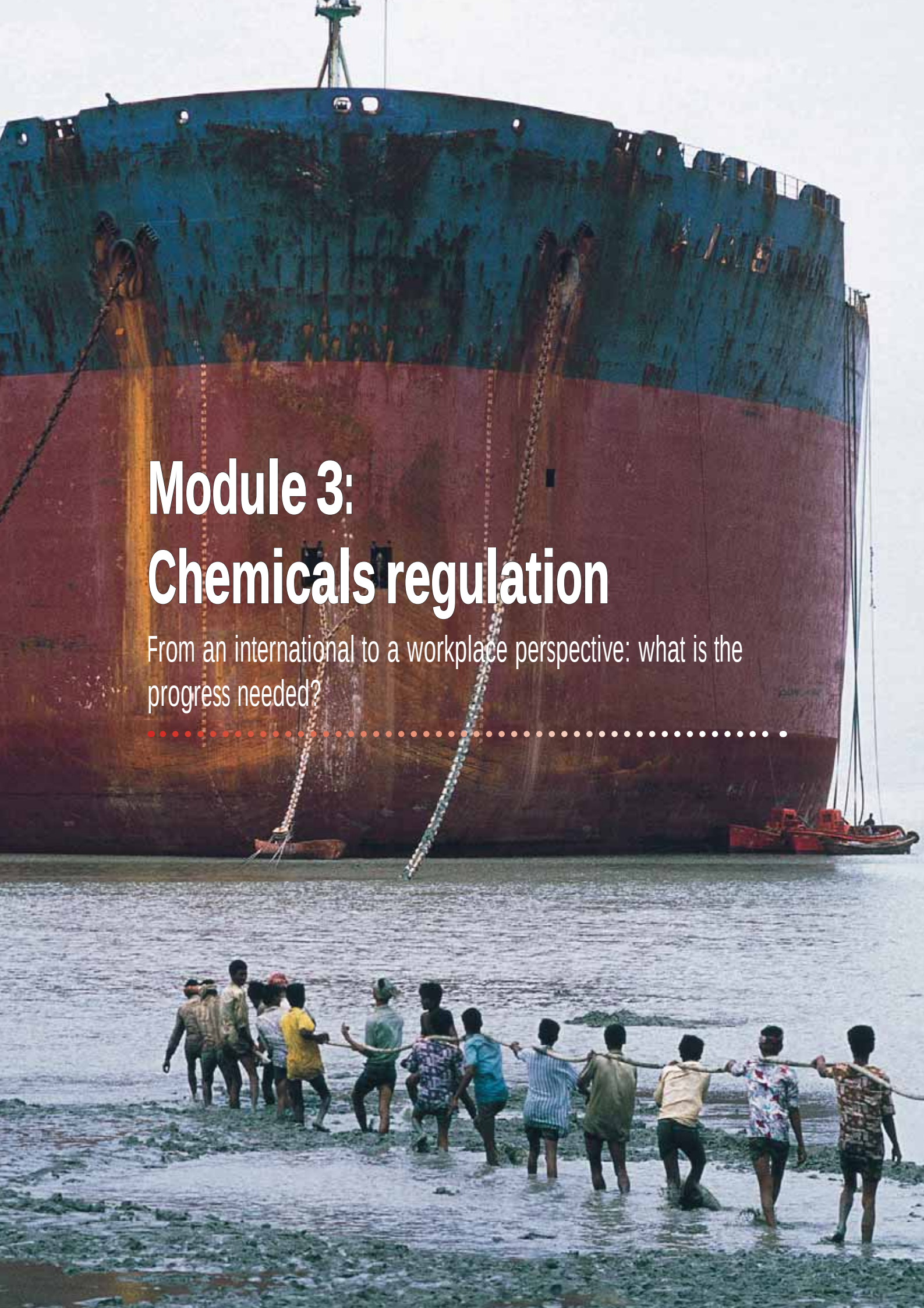

Module 3: Chemicals regulation

From an international to a workplace perspective: what is the progress needed?

© Van Capellen - UNEP / Still Pictures
Shipbreaking, Pakistan

MODULE OBJECTIVES:

The module aims at:

- Introducing the international environmental negotiations and processes related to management of chemicals;
- Raising awareness on the importance of stakeholders involvement in the negotiation process, particularly workers and trade unions;
- Highlighting concrete success stories of negotiation agreements, social alliances, etc;
- Identifying steps to ensure workers' and stakeholders' participation in negotiations and local / workplace initiatives.

LEARNING OUTCOMES:

At the end of the session, the trainee will be familiar with:

- the Strategic Approach to International Chemical Management;
- the objective and scope of action of the following Conventions: Stockholm, Rotterdam and Basel;
- the Pollutant release and transfer registers and regional processes as REACH;
- The potential for stakeholders alliances on this topic through concrete examples;
- Existing initiatives in the workplace.

UNIT 1: INTERNATIONAL GOVERNANCE OF CHEMICAL SUBSTANCES

UNIT 1 WILL FIRST PRESENT THE MOST RELEVANT INTERNATIONAL INSTRUMENTS THAT REGULATE THE MANAGEMENT OF CHEMICALS. IT WILL ADDRESS THE FOLLOWING ISSUES:

1. What are the objectives of international instruments and agreements?
2. How do they work?
3. How do we stimulate debate and contributions towards more strategic actions?

Box 3.1. Taking action!

The most useful for workers and trade unions is probably to know what they can do and what already happens in the workplace and at the national level, as it is their every-day fields of intervention whereas international dynamics are likely seen as far way processes.

Indeed, it is important to mobilize and push for further regulation and / or collective agreements from the workplace level and perspective. Trade unions and workers know and have experienced that labour and social rights are best guaranteed when there are pressures and demands at the ground level.

Dynamics at the international level influence and can condition what happens at the national level. Indeed, global treaties, conventions and other agreements can serve as frameworks that mark the paths and guide country actions. This is particularly true when the actions involve legally binding agreements. They can still be instructive and helpful when they are applicable merely on a voluntary basis, since they can be used to apply external pressure in similar situations.

If others can make progress in getting what is right for them, why could we not too? Knowing what other countries are doing collectively, also gives a reference point for determining whether similar, more stringent or adapted processes are needed at the national level. And of course, if trade unions and workers can use international measures to help influence national legal framework, it may help them achieve various rights and guarantees, and demand more easily that they be implemented in the workplace.

Source: Sustainlabour, 2008

Global voluntary strategies: the case of SAICM

Strategic approach to international chemical management[53]

Acknowledging that the existing international policy framework was inadequate and needed to be further strengthened, the International Conference on Chemicals Management (ICCM) endorsed the Strategic Approach to International Chemicals Management (SAICM) in February 2006.

SAICM is an ambitious, non-legally binding policy framework that aims to facilitate the elimination and reduction of risks of chemicals throughout their life-cycle. This international chemicals regulation has made some significant steps forward, moving from regulating specific problems to addressing generic issues including governance.

The SAICM process involved a multi-stakeholder and multi-sectoral consultation in which over 140 Governments and around 60 civil society groups participated. Among them, the International Trade Union Confederation (ITUC), public interest groups focussed on the environment and health, industry associations and the scientific community.

How it works…

SAICM supports the goal of Johannesburg's 2002 World Summit on Sustainable Development of ensuring that, "by the year 2020, chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health".

SAICM comprises three core outputs:

- The Dubai Declaration, which expresses the commitment to SAICM by Ministers, heads of delegation and representatives of civil society and the private sector;
- The Overarching Policy Strategy (OPS), which sets out the scope of SAICM, the needs it addresses and objectives for risk reduction, knowledge and information, governance, capacity-building and technical cooperation, illegal international traffic, as well as underlying principles and financial and institutional arrangements; and
- A Global Plan of Action, which proposes "work areas and activities" for implementation of the Strategic Approach.

In addition, the negotiators agreed on a "Quick start programme (QSP)" that involves a time-limited trust fund to provide seed money to support the objectives and strategic priorities of the SAICM. Developing countries and countries with economies in transition are eligible for support from the trust fund. Representatives of civil society networks participating in SAICM may also present project proposals, on an exceptional basis, and subject to endorsement of the application by the SAICM focal point at government level in the countries hosting the projects. There are already some trade union programmes approved under this fund, aiming at strengthening their participation and capacity building to implement SAICM.

53 Based on the Strategic Approach to International Chemicals Management (SAICM) http://www.chem.unep.ch/saicm/ (last accessed 14 April 2008)

Box 3.2. The Dubai Declaration

"The sound management of chemicals is essential, if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment, and the elevation and maintenance of the standard of living in countries at all levels of development."

Source: Strategic Approach to International Chemicals Management (SAICM) http: / / www.chem.unep.ch / saicm / *(last accessed 14 April 2008)*

Examples of substances and working areas under SAICM …

Some of the substances prioritized under SAICM are the highly toxic pesticides, lead in gasoline, persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative substances; chemicals that are carcinogenic, mutagenic or that adversely affect, among others, the reproductive, endocrine, immune or nervous systems; persistent organic pollutants (POPs), mercury; and chemicals produced or used in high volumes.

The main working areas are Occupational Health and Safety, cleaner production, sound agricultural practices, waste management, the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and of the pollutant release and transfer register (PRTRs) including the creation of national and international registers, as well as the prevention of illegal traffic in toxic and dangerous goods

What still needs to be done…

Success of SAICM will depend on the commitment of the different stakeholders. Implementation is perhaps the biggest challenge facing SAICM – as for most, if not all, chemicals MEAs - along with funding needs. To this end, the development of national Strategic Approach implementation plans is the first important milestone..

For trade unions, as for the rest of civil society organizations, it is essential to demand rights for effective participation in chemicals management forums at all levels of governance. In so doing, it also is necessary to collaborate with other stakeholders and to monitor and follow what governments, the private sector, and other interested parties are doing.

Financial and technical resources are necessary for implementation. Indeed, a proper governmental allocation of expertise and capabilities, as well as an adequate, international funding mechanism are key to achieve objectives under SAICM.

Box 3.3. What is the Intergovernmental Forum on Chemical Safety (IFCS)?

The Intergovernmental Forum on Chemical Safety (IFCS) is a unique forum where governments, international, regional and national organizations, industry groups, public interest associations, labour organizations, scientific associations and representatives of civil society meet to discuss of international chemical policy issues and priorities.

IFCS provides a forum for discussing issues of common interest and new and emerging issues in the area of sound management of chemicals.

SAICM, substitution of hazardous chemical substances, nanomaterials and nanotechnology are some of the next issues generating interest and attention within IFCS.

The functions of IFCS are consultative and advisory, and include :

- Defining priorities for cooperative action and facilitating this cooperation;
- Recommending concerted international strategies;
- Helping strengthen national chemicals management coordination mechanisms;
- Identifying gaps in scientific understanding;
- Fostering information exchange and technical cooperation;
- Reviewing effectiveness of relevant ongoing activities;
- Advising governments in their work on chemical safety;
- Promoting cooperation among governmental and nongovernmental organizations;
- Evaluating progress on agreed actions and recommendations.

Read more at: http: / / www.who.int / ifcs / en /

Source: Intergovernmental Forum on Chemical Safety. "Global Partnerships for Chemical Safety" http: / / www.who.int / ifcs / en /

Where to get more information?

- Strategic Approach to International Chemical Management http://www.chem.unep.ch/saicm/

Multilateral environmental agreements trio: Basel, Rotterdam and Stockholm Conventions

Multilateral Environmental Agreements (MEAs)[54] are a subset of the universe of international agreements. What distinguishes them from other agreements is that they focus on environmental issues, create binding international law, and include multiple countries. Over the years, many MEAs have been negotiated and agreed at the international and regional levels. Some have only a limited number of "Parties",[55] while others involve almost all the countries around the world.

MEAs differ in scope and substance. Nevertheless, they tend to be formulated through a similar process that moves through recognizable stages. These stages include pre-negotiation, negotiation, adoption and signature, ratification and accession, and entry into force.

MEAs come in a variety of forms. They can be:

- Global: for example, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal applies throughout the world; or
- Regional: for example, the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa, which applies only within the African Region.

Civil society participation is allowed in many MEAs, though, for some of them, not at the scope and degree that civil society might want. Nonetheless, civil society should use any available means and forum to make their voices and views clear. In particular, workers and trade unions must bring to these forums their expertise, in terms of their experiences in the workplace, and knowledge of the realities of hazardous chemical contamination and impacts. MEAs and their mechanisms must be seen as genuine opportunities to push forward in the struggle to achieve labour rights, social justice, and fair and equitable development.

Indeed, social dialogue has an important role to play in framing MEA regimes. For this to happen, it is important that trade unions spot where and how they can best intervene and

54 Based on UNEP. "Guide for Negotiators of Multilateral Environmental Agreements" http://www.unep.org/DEC/docs/Guide%20for%20Negotiators%20of%20MEAs.pdf (last accessed 14 April 2008)

55 "Party" is the name given to refer to those countries that have ratified a Convention

participate. Therefore, the following section presents the three most relevant MEAs related to sound and sustainable management of chemicals.

Basel Convention: about chemicals international trade movement[56]

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the most comprehensive global environmental agreement on hazardous and other wastes.

It is a global treaty to protect human health and the environment from risks posed by hazardous wastes and their transboundary movement. When hazardous wastes are dumped indiscriminately, spilled accidentally or managed improperly, they can cause severe health problems, or even death, and poison water and land for decades.

In the late 1980s, a tightening of environmental regulations in industrialized countries led to a dramatic rise in the cost of hazardous waste disposal. Searching for cheaper ways to get rid of the wastes, "toxic traders" began shipping hazardous waste to developing countries and to Eastern Europe. When this activity was revealed, international outrage led to the drafting and adoption of the Basel Convention, which entered into force on May 1992. By 2007, 169 countries and the European Community were Parties to the treaty.

How it works… [57]

First, the Basel Convention regulates the transboundary movements of hazardous and other wastes applying the "Prior Informed Consent" procedure (shipments made without consent are illegal). Shipments to and from non-Parties are illegal unless there is a special agreement. Each Party is required to introduce appropriate national or domestic legislation to prevent and punish illegal traffic in hazardous and other wastes. Illegal traffic is criminal.

Second, the Convention obliges its Parties to ensure that hazardous and other wastes are managed and disposed of in an environmentally sound manner (ESM). To this end, Parties are expected to minimize the quantities that are moved across borders, to treat and dispose of wastes as close as possible to where they were generated and to minimize the generation of wastes at the source. Strong controls have to be applied from the moment of generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal.

Wastes under the Basel Convention are substances or objects that are disposed of, or are intended or required to be disposed of by the provisions of national law. Annex I of the Convention, as further clarified in Annexes VIII and IX, lists those wastes that are classified as hazardous and subject to the control procedures under the Convention. Annex II of the

56 Based on the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, http: / / www.basel.int /

57 Based on "The Basel Convention at a Glance" http: / / www.basel.int / convention / bc_glance.pdf (last accessed 14 April 2008)

Convention identifies those wastes that require special consideration (referred to as "other wastes", and which primarily refer to household wastes).

Parties may also inform the Convention Secretariat of additional wastes, other than those listed in Annexes I and II of Convention, that are considered or defined as hazardous wastes under their national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

As defined by the Convention, "management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites; and "disposal" means any operation specified in Annex IV to this Convention.

Examples of wastes regulated by the Basel Convention…

- Biomedical and healthcare wastes;
- Used oils;
- Used lead-acid batteries;
- Persistent Organic Pollutant wastes (POPs wastes), chemicals and pesticides that persist for many years in the environment. They are transported over great distances from their point of release, they bioaccumulate (thus threatening humans and animals at the top of the food chain), and cause a range of adverse health effects;
- Polychlorinated Biphenyls (PCBs), compounds used in industry as heat exchange fluids, in electric transformers and capacitors, and as additives in paint, carbonless copy paper, sealants and plastics; and
- Thousands of chemical wastes generated by industries and other consumers.

Did you know?	Transboundary movement of hazardous substances Reports to the Basel Convention suggest that there are at least 8.5 million tonnes of hazardous waste moving from country to country each year. Of these millions of tonnes of hazardous wastes sent for disposal abroad, much is received as a welcomed source of business. However, many countries do complain that they are receiving shipments which they never agreed to and which they are unable to deal with properly. Source: Based on national reports transmitted to the Secretariat of the Basel Convention in 2001

The Basel Convention also has 14 Basel Convention Regional and Coordinating Centres in the following locations: Argentina, China, Egypt, El Salvador, Indonesia, the Islamic Republic of Iran, Nigeria, the Russian Federation, Senegal, the Slovak Republic, the South Pacific Regional Environment Programme (Samoa), South Africa, Trinidad and Tobago and Uruguay. The Centres develop and undertake regional projects, and deliver training and technology transfer for the implementation of the Convention.

What still needs to be done…

On 19 August 2006, a ship (the Probo Koala) chartered by a Dutch company offloaded 400 tons of gasoline, water and caustic washings used to clean oil drums. The cargo was dumped at Akouedo and at least 10 other sites around the city, including in a channel leading to a lake, roadsides and open grounds. Six people died and close to 9,000 others sought treatment since the toxic wastes were dumped on open-air sites around Abidjan.[58]

Why did it happen? Could have been avoided? Actually, since 1995 the Parties approved the Basel Ban Amendment, which would prohibit globally the export of hazardous waste from rich to poorer countries, whatever the reason. The rationale behind the ban was that there is the high risk that hazardous wastes will not be safely managed in developing countries, and that risk should simply not be taken. It also reflected the "polluter pays principle," according to which whoever causes pollution should assume its costs.

Unfortunately, the Ban Amendment has not yet entered into force. It first needs to be ratified by at least three-fourths of the Parties who accepted it. Thus far, as of mid-2007, there have been only 63 ratifications.

Ironically, many of the countries that are currently having their workers and environmental health severely impacted by hazardous waste have failed so far to ratify it. These countries include India, Pakistan, Bangladesh, the Philippines, and Cote d'Ivoire (Ivory Coast). Meanwhile, some countries like the United States, Canada, Australia, New Zealand and South Korea have openly opposed the global ban. Worst of all, the US, the nation that produces the most hazardous waste per capita, has failed to ratify the original Basel Convention.

Likewise, old ships are exported to horrific, dirty recycling operations in the South Asian countries of India, Pakistan and Bangladesh. A study[59] released by the Indian government in 2006 revealed that 1 in 6 workers at the Indian shipbreaking yards are suffering from asbestosis from inhaling hazardous asbestos waste from the ship construction.

This is why the Basel Convention and the Basel Ban were created. It is time to make it effective.

58 Based on "MAC and Communities: ToxiCities" (2006) http://www.minesandcommunities.org/article.php?a=1798 (last accessed 14 April 2008)

59 Based on Basel Action Network (BAN) http://www.ban.org/ban_news/2006/060926_activists_call.html (last accessed 14 April 2008)

Workers, particularly dockers and transport workers from developing countries are the first to suffer from these legal loopholes. To prevent it from being foisted on developing countries, the proper and real implementation of international legal instruments, including the Basel Convention and the Basel Ban, needs to be ensured.

Where to get more information?

- For more information, go to the reading material on the Basel Convention. http://www.basel.int/
- More information about the fourteen regional centres for training and technology transfer is available at: http://www.basel.int/centres/regdescr.html

Civil Society Organizations:

- Basel Action Network (BAN): http://www.ban.org/

This is why it is so important to ensure workers and trade unions' participation in international decision making processes like the Basel Convention. As workers are victims, and witnesses to chemical tragedies, and they can best explain the health and environmental impacts of inadequate action.

Rotterdam Convention: information exchange and prior informed consent[60]

The dramatic growth in chemicals' production and trade during the past three decades has raised concerns about the potential risks posed by hazardous chemicals, including pesticides. Countries lacking adequate infrastructure to monitor the import and use of these chemicals are particularly vulnerable.

In response to that, since the mid-1980s some programmes were initiated to develop and promote voluntary information exchange. Twenty years later, they lead to the Rotterdam Convention, which was adopted on 10 September 1998. This Convention entered into force on 24 February 2004. As of mid-2007, there were 117 Parties to the Convention.

How it works…

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by Parties, which are listed in what is called Annex III.

60 Based on Rotterdam Convention official website http://www.pic.int/ (last accessed 14 April 2008)

The objectives of the Convention are:

- To promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm; and
- To contribute to the environmentally sound use of those hazardous chemicals, by facilitating information exchange about their characteristics, by providing for a national decision making process on their import and export and by disseminating these decisions to Parties.

To achieve its objectives, the Convention includes two key provisions, namely the Prior Informed Consent (PIC) and Information exchange.

The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties.

All Parties are required to take a decision as to whether or not they will allow future import of each of the chemicals in Annex III of the Convention. Import decisions taken by Parties must be "trade neutral." It means that, if a Party decides not to accept imports of a specific chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from non-Parties.

All exporting Parties are required to ensure that exports of chemicals subject to the PIC procedure comply with the decision of each importing Party.

Information exchange is the other mechanism of the Rotterdam Convention. The Convention facilitates information exchange among Parties for a very broad range of potentially hazardous chemicals. A developing country Party or a Party with an economy in transition that is experiencing problems caused by a severely hazardous pesticide formulation may report such problems to the Secretariat. A chemical that is banned or severely restricted by a Party can be exported from its territory, if an individual importing Party accepts it and is notified of its status before the first shipment, and annually thereafter.

Examples of substances regulated…

There are 39 chemicals listed in Annex III of the Convention and subject to the PIC procedure: 24 pesticides, 4 severely hazardous pesticide formulations and 11 industrial chemicals.

Mercury compounds that are used as pesticides are on the list. So are the pesticides aldrin, dieldrin, lindane, monocrotophos and DDT, the latter famous for contaminating the milk of nursing mothers and for decimating bald eagles, ospreys, and other predatory birds. Also on the list is the industrial class of chemicals known as PCBs.

61 Based on Barrios, P. (2004). "Rotterdam Convention on Hazardous Chemicals: A Meaningful Step toward Environmental Protection?". Georgetown International Environmental Law Review

Other chemicals that are on the list and covered by the PIC procedure include various forms of asbestos, known to be a major cause of mesothelioma and occupational lung cancer.

What still needs to be done…[61]

The Rotterdam Convention aims at promoting exchange of information and transparency in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm. However, important steps still need to be undertaken to ensure a proper and fair system.

For example, currently the burden of preventing an export falls on the importing country. Exporting countries must inform importing countries of their exports and respect the importing countries' decisions in relation to PIC substances. Meanwhile, the importing countries must analyse the data received, consider potential existing alternatives, and make a decision on the future importation of a chemical consistent with their national legislation and the rules of international trade. In addition, they must be able to control effectively imports of the chemicals they have severely restricted or banned. However, in practice, the limited resources of developing countries greatly reduce their governments' ability to test, monitor, or regulate pesticides imported across their borders.

Another challenge is to enlarge as much as possible the number of Party member countries. Probably the easiest way to achieve this goal would be to proscribe trade of PIC chemicals with non-Parties, so that all exporting countries would feel compelled to ratify the Convention. The Rotterdam Convention originally included a rule on trade with non-parties, but the provision was subsequently deleted. As a result, there are no incentives for exporting countries to become parties to the treaty. Serious consideration should be given to readopting a provision that precludes trade with non-Parties as a way to promote participation of all exporting countries.

In addition, there is an important loophole in the Rotterdam Convention, because chemicals for which no registration has been sought remain completely outside of its scope of coverage. It seems very appropriate and urgent, as a matter of urgency, to expand the PIC list to include those chemicals as well, taking into account the growing number of hazardous chemical substances in commerce.

Although the Rotterdam Convention is not intended to deal directly with chemicals management, but instead with information exchange and prior informed consent (PIC), a concept that lies on the idea that importing countries have a real choice in the type of products they decide to authorize. However, many countries, and especially developing ones, usually have no access to alternatives to the chemicals included in the PIC list. As a result, following Prior Informed Consent procedures becomes just a formal process, in the absence of any real alternatives or other options (e.g. in dealing with some pesticides). In the end, if the ultimate goal of the Rotterdam Convention is to protect human health and the environment from the potential harmful effects of some hazardous chemicals and pesticides, alternatives should be somehow promoted, disclosed and, if necessary, supported.

Where to get more information?

- For a full list of the chemicals in Annex III of the Convention that are subject to the prior informed consent procedure, consult the Convention website and for more information, go to the reading material on the Rotterdam Convention. http: / / www.pic.int /

Stockholm Convention: "Ridding the world of POPs!"[62]

The Stockholm Convention is a global treaty designed to protect human health and the environment from persistent organic pollutants (POPs).

Box 3.4. Spread the message: take POPs to Court!

In court, a person is innocent until proven guilty. Chemicals suspected of bioaccumulating, persisting in the environment, and harming human beings and animals do not deserve that kind of protection. The Stockholm Convention has enough evidence to convict the 12 POPs of posing a significant risk. However, it also recognizes that there are other suspects out there that could pose the same or similar threats. For POP no. 13 and beyond, the Convention clearly states that the required standard of evidence will be based on the need for precaution.

Source: UNEP (2005). "Ridding the world of POPs: A guide to the Stockholm Convention on Persistent Organic Pollutants" http: / / www.pops.int / documents / guidance / beg_guide.pdf *(last accessed 8 February 2008)*

POPs are very toxic chemical substances that also persist in the environment – and can thus travel long distances - and tend to bio-accumulate as they move upwards through the food chain. They pose a serious risk of adverse effects to human health and the environment.

The Stockholm Convention entered into force on 17 May 2004, and counted with 153 Parties as of March 2008.

How it works…

The Stockholm Convention requires countries to ban the production of POPs pesticides and industrial chemicals and to reduce, and wherever feasible, eliminate the release of unintentional chemical by-products. The Convention aims to:

- Eliminate the intentional production and use of POPs;
- Minimize releases from unintentional production of POPs, such as dioxins and furans, which are produced by incomplete combustion;

62 Based on the official website of the Stockholm Convention on Persistent Organic Pollutants http: / / www.pops.int

- ensure that stockpiles and wastes of the listed chemicals are managed and disposed of in an environmentally sound manner; and
- Impose certain trade restrictions.

Although the Stockholm Convention agreed an initial list of twelve compounds or groups of compounds, criteria have been established for the inclusion of new POPs to the initial list. Any Party can submit a proposal to the Secretariat to list a chemical in Annex A (Elimination), Annex B (Restriction) or Annex C (Unintentional Production) however, the proposal needs to contain the information specified in Annex D (Screening Criteria).

To this end, a subsidiary body of the Convention was established, the POPs Review Committee, for the purpose of analysing and recommending new additions to the original list.

Examples of substances regulated…

The Convention initially targeted a list of 12 POPs (the "Dirty Dozen") but has a procedure for adding others.

- Nine of the POPs are pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex, and toxaphene;
- Two industrial chemicals: hexachlorobenzene (HCB), which here gets counted twice since it is also used as a pesticide and can be a byproduct of pesticide manufacture; and the class of industrial chemicals known as PCBs, or polychlorinated biphenyls. PCBs have received a great deal of publicity for polluting rivers and lakes in industrial regions, killing or poisoning fish, and causing several human health scandals, including contamination of rice oil; and
- A group of 2 unintentional chemical by-products: polychlorinated dioxins and furans. These compounds have no commercial use. Dioxins and furans result from combustion and from industrial processes such as the production of pesticides, polyvinyl chloride, and other chlorinated substances. Dioxins and furans are the most potent cancer-causing chemicals known; they gained worldwide attention in the late 1990s when they were found to have contaminated chicken meat in several European countries.

There is enough scientific evidence that POPs inflict serious harm and damage to the environment and human health, including to the offspring of current generations. Solid evidence has been gathered associating human exposure to specific POPs or classes of POPs with:

- Cancers and tumours at multiple sites;
- Neurobehavioral impairment including learning disorders, reduced performance on standard tests and changes in temperament;
- Immune system changes;
- Reproductive deficits and sex-related disorders;
- A shortened period of lactation in nursing mothers; and

- A variety of diseases such as endometriosis (a painful, chronic gynaecological disorder in which uterine tissues grow outside the uterus), and increased incidence of diabetes, among others.

Much still needs to be done…

As a management tool, the Stockholm Convention calls upon each Party to develop a plan, as part of implementing its obligations. The National Implementation Plan (NIP) must be transmitted to the Secretariat of the Convention within two years of the entry into force of the Convention for such Party. The National Implementation Plans (NIPs) are meant to be reviewed and updated, as appropriate.

The Convention recognizes –article 7 paragraph 2- that all parties, where appropriate, shall cooperate directly or through global, regional and subregional organizations, and consult their national stakeholders in order to facilitate the development, implementation and updating of their implementation plans. As these National Implementation Plans are submitted, implemented, and updated, workers and trade unions need to engage your national governments, requesting opportunities to participate, monitor and help revise the National Implementation Plans to improve their effectiveness.

The complete list of POPs candidates goes far beyond the initial twelve. It is therefore important to push to have the list enlarged and to ensure proper implementation. To demand for effective compliance mechanisms are also important issues that need to be put forward and addressed.

Box 3.5. Success story: Trade union participation in the Spanish National Implementation Plan

Spanish trade unions have participated in the elaboration of the Spanish National Implementation Plan. This National Implementation Plan has been elaborated through a participatory process that has included employers, trade unions and environmental and other non-governmental organizations.

Source: National Implementation Plans. Spain http: / / www.pops.int / documents / implementation / nips / submissions / NIP_spain.pdf (last accessed 14 April 2008)

Where to get more information?

- For more information, go to the reading material on the Stockholm Convention http: / / www.pops.int /

Civil Society Organizations:

- International POPs elimination network (IPEN) http: / / www.ipen.org /
- Trade union clearing house on POPs http: / / www.sustainlabour.org / pops /

ILO CONVENTIONS AND RECOMMENDATIONS ON CHEMICAL SAFETY

One of the key functions of the International Labour Organization since the beginning has been the establishment of international standards on labour and social matters. These international labour standards take the form of Conventions and Recommendations. About 70 of them deal with occupational safety and health matters.

How it works…

Conventions are comparable to multilateral international treaties: they are open to ratification by member States and, once ratified, create specific, binding obligations. A State that has ratified a Convention is expected to apply its provisions by legislation or by other appropriate means as indicated in the text of the Convention.

In addition to the ILO Conventions and Recommendations dealing with occupational safety and health matters, further guidance is provided in Codes of Practice and manuals used as reference material by those in charge of formulating detailed regulations or responsible for occupational safety and health.

Examples of the most relevant conventions on chemical safety…

Some of the most relevant Conventions on Chemical Safety are listed below, which you most likely know:

- ILO Convention 174 concerning the Prevention of Major Industrial Accidents (1993) and its accompanying Recommendation 1993 (No. 181) aims to protect workers, the public and the environment from major industrial accidents, in particular through the prevention of major accidents involving hazardous substances and the limitation of their consequences;
- ILO Convention 170 concerning Safety in the use of Chemicals at Work (1990) and its accompanying Recommendation (No.177) represent international efforts to upgrade the national measures and harmonize regulatory standards. They emphasize the need to establish a coherent national policy of chemical safety ranging from the classification and labelling of chemicals to the control in all aspects of the use of chemicals;
- ILO Convention 162 concerning Asbestos (1986) advances organizational, technical and medical measures to protect workers against hazardous asbestos dust;
- ILO Convention 155 concerning Occupational Safety and Health (1981);
- ILO Convention 148 concerning Working Environment (Air Pollution, Noise and Vibration) (1977);
- ILO Convention 139 concerning Occupational Cancer (1974) and its related accompanying Recommendation No.147 provides for efforts to replace carcinogenic agents with safe products;
- ILO Convention 136 concerning Benzene (1971); and
- ILO Convention 135 concerning Workers' Representatives Convention (1971).

What still needs to be done…

Ratification, in addition to effective implementation, is a core problem for the ILO Conventions. For example, only 15 countries have ratified ILO Convention 170, and only 50 countries have done so for ILO Convention 155.

There are over 180 ILO conventions in many areas of labour law, industrial relations and social security, but they have not been universally ratified. For the conventions adopted between 1975 and 1995, the average ratification is about 13 percent 10 years after their adoption.[63]

There are different views or explanations for these low figures. For developing countries, the economic costs of ratification are one of the major reasons for refusing to be legally bound. For industrialized countries, the ratification of ILO conventions is more likely to depend on internal political factors such as government preferences, or the power of left-wing parties in parliament.

Regardless of the reasons for failures to ratify, those most directly and adversely affected are workers. Therefore, urging Governments to ratify and adopt the necessary measures is a priority.

Where to get more information?

- ILO. "Standards on Safety and Health" http://www.ilo.org/public/english/protection/safework/standard.htm#cr_specrisk

  Based on ILO Conventions official website http://www.ilo.org/ilolex/english/convdisp1.htm

Pollutant release and transfer registers (PRTRs)

Following the 1992 United Nations Conference on the Environment and Development (UNCED), including its adoption of Agenda 21, there has been increased support among the international community and individual governments for the establishment of national Pollutant Release and Transfer Registers (PRTRs) as a means of improving environmental management at the national level.

63 Boockmann B. (2000). "The ratification of ILO conventions: A failure time analysis". ZEW Discussion Paper No. 00-14, Centre for European Economic Research (ZEW)

How it works…

A Pollutant Release and Transfer Register (PRTR) is a catalogue or database of releases and transfers of potentially harmful chemicals including information on the nature and quantity of such releases and transfers. The data for PRTRs can be collected from point sources of pollution, such as factories, as well as from diffuse sources, such as agricultural operations or transportation activities. A PRTR usually covers releases to air, water and land as well as wastes transported to treatment and disposal sites.

A PRTR is a means of obtaining regular, periodic information about releases and / or transfers of chemical substances of interest and for making this information accessible to those who may be interested in and / or affected by it. As such, a PRTR is a tool for promoting efficient and effective policies for environmental protection and sustainable development.

Several national and regional government organizations have developed systems to collect and disseminate data on environmental releases and transfers of toxic chemicals from industrial facilities. International bodies, environmental groups, industrial firms and associations, and other non-governmental organizations are also involved in developing these systems.

Examples of data introduced…

Key features of a PRTR include: periodic collection of information to allow tracking of trends over time; the use of common identifiers for chemicals, facilities and locations to facilitate comparison and aggregation of the data; computerization of the information for ease of analysis; and dissemination of the information to government policy makers and the public. Some potential applications of PRTR information include mapping the data to discern the proximity of pollution sources to population centres or to ecologically sensitive areas, as a way of highlighting potential health or environmental impacts and effectively targeting management efforts. Trends in the data can reveal the progress made by individual facilities or industrial sectors in reducing waste and minimizing pollution, or help identify opportunities for improvement.

What still needs to be done…

One of the reasons for the success of PRTR systems is that they entail benefits for and can possibly used by not only for governments, but also for the reporting industries and the public. For example, PRTRs provide government authorities with useful data for setting environmental management priorities, enhance knowledge within industry about inefficient and wasteful production processes, raise public awareness about potentially toxic releases, and increase the ability of all stakeholders to participate in environmental decision making.

It is important to ensure that workers and trade unions have easy access to information and use it. They should also keep track of how data are produced. With this view, effective, externally monitored mechanisms are necessary to guarantee the quality of the information provided by companies.

Indeed, well-informed workers can take measures to protect themselves and their facilities from chemical-related disasters. Similarly, well-informed communities can promote and monitor the progress of environmental improvement efforts.

Moreover, PRTRs can be a source of valuable information to fire departments, the police, hospitals and other emergency response professionals who must respond to chemical-related emergencies. PRTRs are also useful to teachers and academics who use PRTR information for educational activities and research purposes.

It is important, then, to demand the development and use of PRTR information in Developing Countries, and to ensure the collection of PRTR data by the various levels of government, industry, trade unions, non-governmental and community groups. When it becomes available, this information should also be made easily and readily accessible to the public.

Where to get more information?

Governments

- Australia - National Pollutant Inventory (NPI) www.npi.gov.au
- Canada - National Pollutant Release Inventory (NPRI) - http://www.ec.gc.ca/pdb/npri
- On February 16, 2001, the National Pollutant Release Inventory (NPRI) launched a new and improved web site. Some of the new features include the organization of the site by topic, the compilation of previous years' information in one location and features that enhance the usability and functionality of the site.
- Czech Republic http://www.ecn.cz/PRTR
- France http://www.pollutionsindustrielles.ecologie.gouv.fr/IREP/

  Mexico - http://www.ine.gob.mx/ueajei/publicaciones/libros/327/i.html?id_pub=327
- Spain http://www.eper-es.es/
- Switzerland Swiss PRTR (Swiss Pollutant Release and Transfer Register), Swiss Agency for the Environment, Forests and Landscape (SAEFL)http://www.bafu.admin.ch/chemikalien/01389/01401/index.html?lang=en
- United Kingdom Environment Agency Pollution Inventory http://www.environment-agency.gov.uk/pi
- United States http://www.epa.gov/tri

Organizations

- Commission for Environmental Cooperation (CEC) Taking Stock North American Pollutant Releases and Transfers http: / / www.cec.org / programs_projects / pollutants_ health / prtr / index.cfm?varlan=english
- Environmental Defence Fund The Chemical Scorecard http: / / www.scorecard.org
- Environmental Management and Law Association (EMLA) - http: / / www.emla.hu

  This Hungarian non-governmental civil expert association is a pioneer and advocate of PRTR in Hungary.
- Europe Includes information on the http: / / eper.cec.eu.int / (EPER)
- Friends of the Earth Factory Watch http: / / www.foe.co.uk / factorywatch
- Global Chemical RTK Resources http: / / www.mapcruzin.com / globalchem.htm
- Intergovernmental Forum on Chemical Safety (IFCS) http: / / www.who.int / ifcs /
- Inter-Organization Programme for the Sound Management of Chemicals (IOMC) http: / / www.who.int / iomc / en /
- IOMC PRTR Coordinating Group Terms of Reference http: / / www.who.int / iomc / groups / prtr / en /
- IOMC Coordinating Groups Standard Operating Procedures http: / / www.who.int / iomc / groups / en /
- *The Right-to-Know Network (RTK NET)* http: / / www.rtk.net /
- *United Nations Environment Programme Pollutant Release Transfer Registers (UNEP PRTR)* http: / / www.chem.unep.ch / prtr / default.htm
- *United Nations Institute for Training and Research (UNITAR)*

  http: / / www.unitar.org / cwm / b / prtr /
- *UNITAR Chemical and Waste Management Publications – PRTRs* http: / / www.unitar. org / cwm / publications / #BT1
- World Bank New Ideas in Pollution Regulation (NIPR) http: / / www.worldbank.org / nipr /
- World Health Organization PRTRs and emission estimation models

  http: / / www.who.int / docstore / water_sanitation_health / HIA / EEmodels.htmlhttp: / / www.who.int / water_sanitation_health / HIA / EEmodels.html

REACHING REGIONAL AGREEMENTS

The European Union is the world's largest chemical producer, representing about 28% of worldwide chemical output. Seven years of intense debate has culminated in the EU chemicals legislation reform, finally adopted by the European Parliament and Council in December 2006.

On the 1st June 2007, REACH regulations for the Registration, Evaluation and Authorization, of Chemicals entered into force in the European Union.

How it works…

REACH unifies more than 40 norms and regulations on this issue and affects 30,000 substances of the estimated 103,000 substances which are already in the European market. REACH establishes a new system of management and control of human and environmental risks caused by hazardous chemical substances.[64]

REACH introduces the principle of precaution and establishes a framework for the substitution of the most dangerous substances where safer alternatives already exist in the market. In addition, it shifts the burden of proof: from now on producers, importers and intermediate users of chemical substances and compounds –instead of the Administration or victims having to prove the hazard- will have to demonstrate and guarantee that they only produce, trade or use substances that do not negatively affect human health or the environment.

To ensure this, REACH mandates companies to provide information, and to guarantee in chemical uses that the risks these substances can entail are managed in a responsible way. The cornerstone of REACH is the potential to generate and to provide access to information on the uses, dangers, risks and preventative measures associated with various families of the substances and compounds.

While the costs of implementation of REACH will be significant, these are primarily incurred by industry for testing purposes. So far, most analyses have not considered the health and ecosystems benefits associated with REACH or its potential to stimulate innovation in safer substances.

REACH has been eagerly awaited, and while views differ as to whether this new EU regime is strong enough, it does represent an important step forward towards a more secure and transparent chemical industry. The measures included within REACH will result in increased information on the effects of substances on human health and the environment, and will promote more sustainable production and uses of chemistry.

64 Based on http: / / europa.eu / scadplus / leg / en / lvb / l21282.htm (last accessed on 15th February 2008), Substance: a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Box 3.6. Success story: the role of European trade unions

European trade unions, lead by the European Trade Union Confederation (ETUC), have campaigned for years to establish an effective framework for safeguarding the environment and workers' health. The approval of the REACH regulation is an important step in the management of chemical substances and has to be recognized as such.

Nevertheless, ETUC clearly acknowledges the strong lobby and pressure exercised by the chemical industry, and regrets that some provisions were consequently weakened or dropped. More specifically, European trade unions take issue with the fact that information vital to protecting workers' health given in the chemical safety reports will now only be required for a third of the chemicals originally planned. This means that workers who are exposed to the 20,000 chemicals produced in quantities of from 1 to 10 tonnes will be denied access to information that is vital to their safety.

Source: ETUC. REACH. Press releases on REACH http://www.etuc.org/r/830 *(last accessed 15 April 2008)*

What still needs to be done…

REACH marks clear progress, because industry will now have to provide information on the safety of their chemicals before they can put them on the market. However, the success and great challenge for the success of this regulation depends on the way it will be implemented, to ensure proper application, control and surveillance of chemicals.

In this field, trade unions have a key role to play in promoting training, information, control and pressure. Several questions are relevant, and need to be answered in the coming months and years:

- What consequences will REACH have for current legislations that address workers' and environmental protection?
- How can workers participate in the process?
- How will REACH help improve workers and the public's health, as well as environmental protection?

At the international level, it will be interesting and important to consider how REACH-generated information can be used beneficially, not only under that regime, but also in support of other programs and regimes, including:

- How the Unions will be able to use the REACH-related information on chemical substances and compounds, including the use, dangers, risks and preventive measures as well as the array of substances and processes referred to as alternatives?
- How global Unions and Federations will be able to be include various REACH aspects into Global Framework Agreements with multinational companies;

- How agreements can be promoted between the European Commission and other governments for the exchange and use of information similar to that called for under the REACH regulation?

For these and other potential follow-on initiatives, there are many paths and avenues to be explored. These include the possibility in the medium- or long-term that REACH might provide the core elements and basis for a global chemicals management convention and regime that addresses similar to, if not even more far reaching requirements than the current REACH regulation? In any case, these are some of the questions and debates that deserve sustained attention and focused attention from now onwards.

Where to get more information?

For information produced by trade unions on REACH:

European Trade Union Institute (ETUI) http: / / hesa.etui-rehs.org / uk / dossiers / dossier.asp?dos_pk=1

For more information on REACH:

- European Chemicals Agency (ECHA) http: / / ec.europa.eu / echa / home_es.html
- European Chemicals Bureau (ECB) http: / / ecb.jrc.it /
- International Uniform Chemical Information Database (IUCLID) http: / / ecb.jrc.it / iuclid /

The European Commission has launched in an informative video on REACH in EUtube that can be downloaded from http: / / nl.youtube.com / watch?v=cURiPGJDjSA

UNIT 2: NEGOTIATION AT THE NATIONAL LEVEL: OUR NEIGHBOURS ADOPTED IT, WHY CAN'T WE?

This unit will address the following issues:

1. What is the role of tripartism?
2. What is the importance of social alliances for a sustainable management of chemicals?

Demands to Governments: enhancing tripartism

A considerable number of international bodies are working on chemical safety. However, all the different international instruments presented above require national enforcement mechanisms and actual application to be effective.

Social pressure is important to ensure their approval and implementation. Trade unions have long been characterized by their political activity in this field, both for the promotion of legislation favourable to the interests of their members or workers as a whole; and for their engagement in broader political and social struggles[65] for the well-being of people and of society as a whole. To this end campaigns, lobbies, demonstrations and strikes are undertaken, and will be again in the future.

Occupational safety and health has been and still is an important area of trade union concern and action. In this regard, it involves a multi-faceted focus that includes:

- Preventing job displacement or disabilities as a result of conditions that were hazardous and harmful to workers' health;
- Protecting workers in their employment from broader risks, caused by factors that adversely affect their health; and
- Placing and maintaining support for workers so that they benefit from an occupational environment adapted to his/her physiological and psychological capabilities.

65 This latter group include a broad array of activities such as political and social democracy, civil and democratic rights, the elimination of poverty, equality, and the rule of law, etc.

Environmental concerns have gradually been introduced into the trade unions' agendas. That said, these issues need to be introduced and pushed much more strongly at the national level. The current model of development is socially unfair and environmentally unsustainable. A sustainable and fair development requires broader labour rights along with broader environmental protection. In this context, workers and trade unions are in a unique position to stimulate dialogue around positive social and environmental dimensions of sustainable development while simultaneously contributing to economic development.

Chemistry as practised nowadays is damaging to human health and the environment. Society, collectively, must to act for the substitution and in some cases the ban of some chemicals, while simultaneously looking for non-chemical alternatives. These critical steps are essential, as part of broader efforts to advance towards a sound and sustainable management of chemicals, based on the development of clean production and green-chemistry.

Social dialogue, which includes all types of negotiation between, or among, representatives of governments, employers and workers, is an important tool that can explain many success stories. It is important to operate within tripartite processes, ones that enable a joint negotiation process with the government, the employers, and the employees as the official parties.

Box 3.7. Success story: Trade union "Environment delegate" in Navarra, Spain

In the Employment Plan in Navarra, Spain for 2005-2007, agreement was reached on the creation of a Territorial Delegate for the Environment, as a result of the negotiations between the regional Government of Navarra, employers (Business Association CEN), and the Spanish trade unions CCOO and UGT.

They agreed that:

- As with occupational risks, prevention is the basic orientation that is needed to avoid environmental risks; and
- Paths toward clean production that are non-polluting and respectful of the environment and the use of the natural resources. These paths also lead toward healthier working and living conditions.

The main characteristic of the Delegate for the Environment is that it is not linked directly to a business or the workplace. Instead, its field of action and basis for interventions will be the territorial Community of Navarra. There will be six delegates, with four appointed by the trade unions and two by the employers.

The Delegates will collaborate on the implementation of Environmental Management Systems and their regulations, and will work closely with trade union representatives, and with business management in the productive sectors. Based on available information and thanks to her / his expertise, any Delegate can bring to the table actions that contribute to social, labour, industrial and economic advances towards Sustainable Development.

Source: ISTAS, Union Institute of Work, Environment and Health of the CCOO, http: / / www.istas.net / web / daphnia.asp?articulo=763 *(last accessed 10 February 2008)*

Concrete experience demonstrates the importance and necessity of such tripartite processes. The following "success" stories recount only a few examples of why such a process can be extremely effective in achieving Occupational and Environmental Health and Safety.

The structure of employment laws affects unions' roles and the way they carry out their business. Different States take different approaches to legislation, regulation, and enforcement. For example, in many Western European countries, wages and benefits are largely set by governmental action. Instead, the United States takes a more laissez-faire approach, setting minimum standards but leaving most workers' wages and benefits to collective bargaining and market forces.

However, in many countries, unions still do not have the legal right to represent workers, or this right is disputed. This non-existent or uncertain status can result in non-recognition of a union, or even in political harassment or criminal prosecution of union activists and members, with many cases of violence and deaths recorded historically, until nowadays.

International solidarity and external pressure are key in the efforts to promote these basic labour rights. Moreover, efforts should also concentrate on denouncing the double standards applied by some countries.

Box 3.8. Success story: A tripartite agreement on Benzene in Brazil

The *National Tripartite Agreement on Benzene*, concluded in 1995 between Brazilian trade unions, the petrochemical industry, and the national government, provides a model of employer-union cooperation for sustainable development. It was signed by industrial associations, Brazilian trade union centres, the Government, and Fundacentro, after a vigorous campaign led by the Unified Workers Confederation (CUT). The agreement makes it mandatory for companies and sub-contractors to carry, store, use or handle benzene and its derivatives in a prescribed manner, to register its use with the Ministry, and to define a "Programme of Prevention" of benzene's hazards in every workplace.

Standards and procedures define objectives, applications, and responsibilities for each workplace party, and a Technical Standard for safe exposure determined by workers, employers and government. Strict procedures are defined for evaluation, and workers are involved in monitoring. In each plant, workers participate in a Representative Group of Workers (GTB), educated and responsible for monitoring and enforcing the designated Programme for Prevention of Occupational Exposure to Benzene (PPEOB). They also have equal representation on a "Permanent National Commission for Benzene" (CNPBz) that oversees developments, monitors compliance, promotes studies, supplements laws and regulations, and issues Certificates for the Controlled Use of Benzene to companies. Periodic seminars on Benzene organised under the Accord provide for joint evaluation of the Accord.

Source: Ministerio do Trabalho e Emprego, Acordo Benzeno, http: / / www.mte.gov.br / seg_sau / comissoes_benzeno_acordo.asp *(last accessed 15 April 2008)*

Box 3.9. ITUC Annual Survey of violations of trade union rights

The 2007 edition of the ITUC Annual Survey of violations of trade union rights, covering 138 countries, shows an alarming rise in the number of people killed as a result of their trade union activities, from 115 in 2005 to 144 in 2006.

Colombia is still the deadliest country in the world for trade unionists. Another challenge is the sharp increase in the number of deaths in both Asia and Africa. Literally thousands of trade unionists were arrested during the past year for their part in strike actions and protests to defend their rights, while thousands more were dismissed, in some cases for simply trying to form or join a union. In industrialised countries, several governments sought to restrict trade union rights through changing labour legislation, removing or restricting the rights to bargain collectively, to strike or even to organize.

Source: Annual Survey of violations of trade union rights (2007), http://survey07.ituc-csi.org/getcontinent.php?IDContinent=0&IDLang=EN *(last accessed 14 April 2007)*

The importance of social alliances in the decision making[66]

It is important to integrate workers, trade unions and the labour movement as a whole into broader coalitions for social and economic justice, where they can support each other on what they see as mutually beneficial goals.

Social relations and alliances have a long history, particularly between the labour movement and local communities. The cooperation between trade unions and NGOs is more recent and more complex, ranging from close cooperation to more problematic relationships, but it offers important potential and opportunities for collaboration. When unions and NGOs co-operate, their joint impact on social and political events can be quite powerful. When such cooperation fails, it can hinder significantly the agenda of both.

When the modern movement for environmental protection arose in the 1960s, its relations with the labour movement were ambivalent. In the short term, many trade unions saw ecological movements as threats to employment. At the same time, the environmental movement had difficulties to relate environmental concerns with the social and labour dimension.

In recent years, awareness of the need for long-term sustainable development is spreading throughout the labour movement, as it is gradually doing among the public. This growing awareness is leading to forms of cooperation among Unions and environmental NGOs.

66 Based on Gallin, D. (posted on December 2006). "Trade Unions and NGOs in Social Development: a Necessary Partnership". Global Labour Institute http://www.globallabour.info/en/2006/12/trade_unions_and_ngos_in_socia.html (last accessed 19 December 2007)

The capacity of environmental NGOs to mobilize public opinion, and consequently bring powerful transnational corporations to the bargaining table has contributed to this favourable shift. Unions and NGOs began seen each other more as potential allies.

Cooperation has also developed with research institutes and universities on social / labour issues are also important to strengthening workers' and trade union's efforts towards social and economic justice.

Looking to the future, the way society develops will that are resulting from common struggles and social alliances among these various non-governmental forces.

Box 3.10. Successful alliances: An agreement on chlorine

The International Federation of Chemical Energy, Mine & General Workers' Unions (ICEM) has worked with Greenpeace on an agreement with the chemical industry on chlorine. In this matter, ICEM also collaborated with other NGOs and indigenous defence groups on a campaign against Rio Tinto Zinc (RTZ), a leading mining company accused of conducting its operations in socially and environmentally unacceptable conditions.

Source: Based on Gallin, Dam (posted on December 2006) Trade Unions and NGOs in Social Development: a Necessary Partnership, Global Labour Institute, http: / / www.globallabour.info / en / 2006 / 12 / trade_unions_and_ngos_in_socia.html *(last accessed 19 December 2007)*

Box 3.11. Successful alliances: Clean Clothes Campaign (CCC)

The International Textile, Garment & Leather Workers' Federation (ITGLWF) participates in the Clean Clothes Campaign (CCC), a coalition started in the Netherlands in 1990 with the objective of improving working conditions in the garment industry worldwide.

It includes trade unions, consumer organizations, women's groups, solidarity organizations, development organizations, several shops around the world, and other NGOs. Since 1995, CCC has expanded to other European countries. Similar campaigns were also held in Australia, Canada and the US, in the wake of the CCC campaign.

Initially focused on Asia, CCC has more recently become active in Africa and in Central and Eastern Europe. The organizations involved in the different national CCCs are trade unions and NGOs who have their own partner organizations in the producing countries. CCC organizes support for workers in a conflict situation, and also has a small strike fund.

Source: Based on Gallin, Dam (posted on December 2006) Trade Unions and NGOs in Social Development: a Necessary Partnership, Global Labour Institute (last accessed 19 December 2007)

Box 3.12. Successful alliances: Campaign against the scrapping of contaminated ships

The International Transport Workers' Federation (ITF) and International Metalworkers' Federation (IMF) have supported a Greenpeace campaign against the scrapping of contaminated ships in Asia, particularly in India.

Some ships are contaminated with high levels of toxic and hazardous materials, including heavy metals and asbestos. The two international federations point out that offshore scrapping pollutes the environment and endangers the health of the workers involved; ships scrapped in Asia should be free of substances such as asbestos, lead, other heavy metal compounds, oily wastes and polychlorinated biphenyls. Ship owners should be responsible for rendering ships non-hazardous before breaking them up. There must be adequate safeguards for the environment and nearby communities. Shipbreaking workers should enjoy significantly improved health and safety conditions

Source: Based on Gallin, D. (posted on December 2006). "Trade Unions and NGOs in Social Development: a Necessary Partnership". Global Labour Institute

http: / / www.globallabour.info / en / 2006 / 12 / trade_unions_and_ngos_in_socia.html (last accessed 19 December 2007)

Box 3.13. Successful alliances on pesticides

The International Union of Food Agric. Hotel Rest.Cater.Tobac.& Allied Work. Assoc. (IUF) works with the Pesticide Action Network (PAN) and its regional bodies as well as with the Brazil-based *Grupo Interdisciplinario de Pesquiza e Acção em Agricultura e Saúde (GIAS)* on pesticides.

In response to the situation relating to genetically modified food, especially problems caused by the use of pesticides and concerns about sustainable agriculture, the Latin American Regional Organization of the IUF initiated, in September 1998, a joint project, named BioMater, involving trade unions, peasant organizations and NGOs aimed at preserving, producing and distributing seeds. BioMater has established a seed bank for organic production of seeds that will be registered in most Latin American countries.

Source: Based on Gallin, D. (posted on December 2006). "Trade Unions and NGOs in Social Development: a Necessary Partnership". Global Labour Institute
http: / / www.globallabour.info / en / 2006 / 12 / trade_unions_and_ngos_in_socia.html (last accessed 19 December 2007)

UNIT 3: NEGOTIATION IN THE WORKPLACE: NOT WORTH DYING FOR A JOB

There are three main types of reasons for employers to establish better occupational and environmental safety and health standards:

- Moral - An employee should not have to risk injury at work, nor should others associated with the work environment;
- Economic - Employing organizations also sustain costs in the event of an incident at work (such as legal fees, fines, compensatory damages, investigation time, lost production, lost goodwill from the workforce, from customers and from the wider community); and
- Legal - Occupational safety and health requirements are reinforced in civil law and / or criminal law; it is accepted that without the extra "encouragement" of potential regulatory action or litigation, many organizations would not act upon their implied moral obligations.

The mechanism to achieve the occupational and environmental and health standards is through collective agreements.

Collective bargaining is an important tool for raising living standards and improving working conditions. Even though safety and health are addressed in the national laws of almost all countries, collective bargaining often provides the mechanism through which these laws are actually implemented in the workplace. For example, the law may mandate joint safety and health committees or works councils, but leave the details to negotiation between the employers and the workers' organizations.

There are certain legal and structural pre-conditions for collective bargaining to function properly. The democratic foundations and the appropriate legal framework to ensure independence and the effective participation of social partners are essential.

Unfortunately, collective bargaining is under attack by authoritarian employers and repressive governments, both in developed and developing countries. It rarely exists in the informal sector or in small, traditional enterprises. As a result, the majority of the world's workers do not yet enjoy the benefits of effective collective bargaining under a legal framework that guarantees labour rights.

Collective bargaining takes place between an employer, a group of employers or one or more employers' organizations on the one hand, and one or more workers' organizations on the other. It may take place at many different and often complementary levels: a unit within an enterprise, the enterprise level, or the sector, regional or national level.[67]

67 Based on ILO Social Dialogue website http: / / www.ilo.org / public / english / dialogue / themes / cb.htm (last accessed 19 December 2007)

Collective bargaining serves a dual purpose:

- It provides a means of determining the wages and conditions of work applying to the group of workers covered by the ensuing agreement through free and voluntary negotiations between the two independent parties concerned; and
- It enables employers and workers to define by agreement the rules governing their relationship.

These two aspects of the bargaining process are closely interrelated.

Collective bargaining can be advantageous for both workers and employers:

- For workers, collective bargaining, more so than individual employment relations, ensures adequate wages and working conditions by providing them with a "collective voice"; and
- For employers, collective bargaining helps to stabilise industrial relations by maintaining industrial peace that otherwise may be disrupted by labour unrest.

The scope of collective agreements can be limited to a single workplace centre, or to the different working centres a company has in the same country. However, they can also be agreed at the regional and international level as Global Framework Agreements, which are a really important tool.

In many situations, multinational enterprises reinforce dualistic economic structures and exacerbate income inequalities. Multinationals use their economic power to influence government policies in directions that may not favour development. They are able to extract sizeable economic and political concessions from competing governments in the form of excessive protection, tax rebates, investment allowances and the cheap provisions of factory sites and services. As a result, a non-regulated environment appears to be a condition for investment. This allows irresponsible and unsustainable social and environmental behaviours.

The weakness of regulation leaves an open space for the evolution of voluntary practices. Trade union action in developing countries faces at least two challenges regarding the corporate accountability:

- Firstly, the governments need to be pressed by the Unions to strengthen regulatory frameworks for private investment, including in export processing zones (EPZ), in order to ensure their social and environmental sustainability.
- Secondly, Unions need to guard against the adoption of voluntary approaches to corporate responsibility that do not undermine the first goal, and to help ensure a conducive environment for trade union action on environment and social issues.

International coordination is important to face these situations. In this regard, the development of Global Union Federations' Global Framework Agreements is a good example of international solidarity among trade unions. They become an important tool when making demands to Multinational companies, particularly when the trade unions involved are strong enough to ensure implementation and follow-up.

Box 3.14. Success Story: Responsible Care programme on chemicals

The Responsible Care programme is a voluntary worldwide initiative on health, safety and the environment by the chemicals industry. It was launched in 1985 in Canada by the Canadian Chemical Producers' Association (CCPA). It was taken up in 1989 in Europe by the European Chemical Industry Council (CEFIC) and in 1998 in the USA.

In 2003, the European social partners in the chemicals sector - the European Mine, Chemical and Energy Workers' Federation (EMCEF) on the trade union side and CEFIC and the European Chemical Employers Group (ECEG) on the employers' side - signed a "memorandum of understanding" on the basis of the Responsible Care programme. This agreement sought to develop the involvement of workers and their representatives in Responsible Care. The European programme is seen as very important because:

- It has focused attention in Europe on workers' involvement in health, safety and environmental issues, despite the failure to reach a global agreement on the issue, which was reportedly blocked by US companies in 2000/01;
- It has set high health, safety and environment protection standards as a top priority on the agenda of all European chemical companies; and
- It has recognized the right of workers' and workers' organizations to participate actively in Responsible Care programmes.

Source: European Industrial Relations online observatory. "Information from European Foundation for the improvement of living conditions" http://www.eurofound.europa.eu/eiro *(last accessed 19 December 2007)*

MODULE 3 REFERENCES

Official websites:

- Basel Convention. http: / / www.basel.int /
- European Foundation for the improvement of living conditions, European Industrial Relations observatory on-line http: / / www.eurofound.europa.eu / eiro
- Intergovernmental Forum on Chemical Safety http: / / www.who.int / ifcs / en /
- ILO Conventions official website http: / / www.ilo.org / ilolex / english / convdisp1. htm
- ILO Social Dialogue website http: / / www.ilo.org / public / english / dialogue / themes / cb.htm
- Rotterdam Convention. http: / / www.pic.int /
- Stockholm Convention. http: / / www.pops.int /
- Strategic Approach to International Chemical Management http: / / www.chem. unep.ch / saicm /

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