

HUMAN & TRADE UNION RIGHTS POLICY PAPER

Strengthening rights through education unions



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Education International
Internationale de l'Éducation
Internacional de la Educación

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The Human and Trade Union Rights Policy Paper describes how human and trade union rights strengthen the work of education unions and provide a mandate for them to act on behalf of their members. This Policy Paper reflects the values and objectives promoted by EI through its constitution, policies and programme activities. It complements the EI Education Policy Paper adopted by the 6th World Congress in 2011.

Preamble

- Education International (EI) is the voice of the education sector worldwide, representing teachers and education workers at all levels of education – from early childhood education to higher education and vocational training. As the world’s largest and most representative Global Union Federation (GUF) with over 30 million members in 171 countries, EI unites all teachers and other education employees and promotes their interests and defends their human and trade union rights.
- EI is guided by the principles of human and trade union rights, and by its commitment to democracy, equity and social justice. It is independent of governments and inter-governmental organisations. It is self-governing and free from influence or control by any political party or ideological or religious grouping or by any commercial interest. EI promotes and protects the rights of all teachers and education workers and campaigns for quality education for all that is publicly regulated and funded.
- EI is a strong advocate for trade union rights worldwide and assists in the development of strong, independent, democratic, sustainable, inclusive and representative organisations for teachers, academic staff, higher education researchers, school leaders, student teachers, para teachers, education support personnel and other education workers. EI fosters solidarity and mutual cooperation within and between its member organisations.
- After adopting the 2011 Education Policy Paper, which presents EI’s comprehensive policy on education, EI has decided to develop a complementary Rights Policy Paper, outlining the human and trade union rights framework that guides the organisation’s work and informs the policies and programmes, which it implements to promote individual and collective rights.
- This policy paper reflects the values of EI’s member organisations and the demands of the education union movement, including the universal right to free quality education, respect for the rights of children and for the human and trade union rights of all teachers and education workers, as well as the collective rights of the organisations that represent them.
- The Rights Policy Paper is based on the rule of law and the principles and practices of human and trade union rights, especially those enshrined in international and regional treaties, including the Universal Declaration of Human Rights and the Conventions and recommendations of the International Labour Organisation (ILO).
- The Paper provides an appropriate framework for policy and programmes aimed at enabling conditions for promoting social justice, eradicating poverty and challenging all forms of discrimination, whether based on age, disability, ethnicity or indigeneity, gender, gender identity or sexual orientation, language, marital status, migratory status, political activism, religion, socio-economic status, trade union affiliation, among others.

- The list of rights in this paper, whether defined as human or trade union rights, or rights derived from human or trade union rights such as economic, environmental, social and/or cultural rights, is not exhaustive.

Human rights in a globalised world

1. Human rights are universal and inalienable, interdependent and indivisible, and imply both rights and obligations. EI affirms that all peoples in all nations should live in peace, free from wars, conflicts, violence and exploitation, and enjoy a culture of respect for human rights, for democracy, for social justice and for equality. Human rights norms, standards and commitments must be constantly upheld and promoted through collective and individual action.
2. Some of the effects of globalisation have had a significant negative impact on the realisation and protection of human rights. While various national, regional and international treaties and policies have driven aspects of globalisation, such as liberalisation of markets and privatisation, corporations enjoy extraterritorial status, allowing foreign investors to ignore the principles of human and trade union rights. Conversely, States are steadily relinquishing and/or losing their power to regulate markets and the economy.
3. The right to form and join trade unions (freedom of association), and to bargain collectively are fundamental human rights recognised in the Universal Declaration of Human Rights, the ILO's Declaration on Fundamental Principles and Rights at Work, and several regional treaties.
4. Trade unions, including education unions, have an important role to play in promoting and defending the human rights of all. They must collaborate at all levels in order to protect and ensure that everyone experiences the application of human rights, including the right to free quality public education and the inter-related rights within education.
5. A rights-based approach supports the work of EI and its members. In this approach, human beings are not merely considered as passive beneficiaries of human rights, but as active and assertive holders of rights. Any violation of their rights can lead to legitimate reparation or redress. Rights holders may hold duty bearers accountable for respecting and maintaining those rights. Through governments, the state is the custodian of human rights. A rights-based approach also aims to ensure that everyone is aware of their rights, and education is key to ensuring widespread knowledge and awareness of human and other rights.

Education for the world we want

6. The right to education is key to the realisation of the full spectrum of human rights, and the attainment of social justice worldwide. Quality education provides people with the knowledge and skills that are needed to question, conceptualise and solve problems that occur both locally and globally, and actively contribute to the sustainable and democratic development of societies. Equitable and inclusive quality education is also fundamental to the achievement of all other areas of human development, including health, nutrition and environmental sustainability inter alia. Quality education fosters critical minds, leads to understanding and knowledge of rights and develops the capacity to pursue the application and defence of rights.

7. The teaching of equality and respect for diversity and difference must be incorporated into the school curriculum to counter implied or explicit discrimination and stereotypes. Both male and female teachers must receive high quality initial education and training, and have access to continuous professional development that enables them to carry out their duties in line with the principles of equality, including the prevention of violence, especially against women and girls.
8. Education institutions must be places where a culture of peace is instilled and experienced. Education institutions have the responsibility to promote the development of the whole person, to enable everyone to become socially conscious and active global citizens, able to contribute to society in a caring, responsible and environmentally aware manner. Citizenship and human rights education are grounded in a rights-based approach to education, and should be embedded within all subjects across learning environments. It is based on an understanding of the purpose of education as going beyond the mere acquisition of knowledge, skills and competencies, to transforming the way people think and act individually and collectively, and co-exist.
9. Education is an essential condition for human fulfilment, peace, sustainable development, economic growth, decent work, equality and global citizenship. It contributes to strengthening democracy and social cohesion, and fostering respect for cultural and linguistic diversity. Education is key to uniting nations, bringing people closer through values and attitudes of understanding, solidarity and cooperation. The persistence of armed conflicts, extremism, militarism, sectarianism and terrorism demands continued efforts in organised civil society, in which trade union organisations have a considerable presence, to promote a culture of peace, respect, tolerance and non-violence which is fundamental to human rights.
10. Education institutions everywhere should be recognised, by all parties to conflicts, as safe sanctuaries in which all have an equal opportunity to develop their potential in safety, secure from violence in all of its forms. All children and adults have the right to education in a safe peaceful learning and teaching environment. National legislation should protect children, students, teachers, academics and education support personnel from violent political or military attacks on educational settlements, as well as on their way to or from, their places of learning or work.

The role of education trade unions

11. The trade union movement contributes to the promotion of social justice globally, and collective labour action has resulted in the past and will result in the future in improvements in the living and working conditions of workers and their families. Social justice requires that all women and men have opportunities to obtain decent and productive work in conditions of equity, security and dignity.
12. Education unions work to advance the rights of teachers and education support personnel whilst also contributing to securing the entitlements of all children to quality education.
13. Education unions worldwide fight for improved employment opportunities, decent working conditions, wages and pensions, social protection and other basic social rights, as well as a fairer distribution of wealth. Privatisation and commercialisation of public services, including in education, can lead to an erosion of democratic decision-making and public accountability in education governance, among other negative effects. In addition, union-busting tactics and unilateral, unnegotiated changes in labour relations result in precarious working conditions and the undermining of teachers' and other education workers' trade

union rights. Many education workers are denied social justice because of increasingly insecure fixed-term employment, low and irregularly paid salaries, poor employment benefits and deficient or non-existent social protection policies.

14. The right to freedom of association and collective bargaining is enshrined in ILO Conventions 87 and 98. Workers have the right to form and join the organisations of their own choosing. Mobilisation within trade unions enables workers to stand together to promote and defend their rights. Such solidarity is the most effective and legitimate way for workers to advance their common interests and achieve fair terms of employment.
15. Education unions represent education workers in social dialogue with educational authorities (be they public or private). Education unions aim to fulfil several objectives through meaningful social dialogue: the realisation of the human right to education by demanding free quality public education for all; the participation of teachers and education support personnel in education reform processes; the promotion and defence of fundamental democratic rights, and the professional interests of, and fair working conditions for education workers; the achievement of the trade union rights to freedom of association and to collective bargaining by demanding the application of the core ILO labour standards. Collective agreements must be respected by employers.
16. Education unions have the right to draw up their constitution and rules, to elect their representatives, to organise their administration and activities and to formulate their programmes without any external interference. Education unions have the right to join federations and confederations and to affiliate with international organisations of workers. Trade union organisations must function in a democratic manner, and membership and access to positions of responsibility within them must be free from all discrimination.
17. A sustained effort is needed to promote solidarity and cooperation between education unions at national, regional and international levels. The fragmentation of the union movement, whether it occurs because of internal conflicts or external interference, weakens the effective expression of collective interests. It also provides opportunities for employers, governments and other authorities to exploit differences between unions to avoid addressing the needs of teachers and other education workers and to implement, without coordinated opposition, policies hostile to the interests of those who work in education, and contrary to the public funding and provision of quality education.
18. Education unions engage in a constructive dialogue with trade unions in other sectors, civil society representatives, including non-governmental organisations (NGOs) at national and international levels. Education unions are also committed to international trade union development cooperation. The increased involvement in the education sector of parents' and students' organisations creates conditions for coalition building in pursuit of common interests.

Education workers' rights

19. All education workers have a right to form and join unions. Many teachers and education workers live and work in unsafe, inadequate and insecure conditions; this prevents them from actively engaging in union activities. Despite international labour conventions, teachers and school leaders in some countries are denied the right to join trade unions and/or face harassment, unfair working conditions, dismissals, and sometimes arbitrary detention or even death, because of their union activities. Some governments maintain or develop political, structural and legal barriers to unionization. The right to establish and to join organisations of their own choosing without prior authorisation is a basic right for

every education worker. They should enjoy adequate protection against acts of anti-union discrimination in their employment. A climate free from violence, pressure, threats or any external interference is essential to the full exercise of freedom of association.

20. All education workers have the right to collectively negotiate their terms and conditions of employment through institutionalised and regulated collective bargaining systems in which workers' interests are represented by their union. Individualised salaries that are unilaterally fixed by the employer without such negotiations should be prohibited. Teachers' representatives should be included in any decision-making affecting the organisation and contents of education and the interests of the sector.
21. All education workers have the right to be educated about their rights, and to have a right to full representation through their union or association at every step of any disciplinary, performance, or grievance process.
22. Ensuring the right to teach requires a democratic environment, free access to knowledge, adequate education and training for professionals, decent living and working conditions and the recognition and support of the status of the profession.
23. All education workers have a right to freedom of expression. EI endorses the ILO/UNESCO recommendation of 1966 that states: "The participation of teachers in social and public life should be encouraged in the interests of the teacher's personal development, of the education service and of society as a whole. Teachers should be free to exercise all civic rights generally enjoyed by citizens and should be eligible for public office."
24. All education workers have a right to equal treatment and to freedom from any form of discrimination. All education workers should receive the same standard of training and professional development, benefit from equitable working conditions, and receive equal pay for work of equal value, regardless of age, disability, ethnicity or indigeneity, gender, gender identity or sexual orientation, language, marital status, migratory status, political activism, religion, socio-economic status, trade union affiliation, among others.
25. All education workers have the right to stable and secure jobs. The increased use of fixed-term, casual or part-time contracts without social security and/or tenure is a negative trend that must end. Such casualization disproportionately affects women, minorities and young people. EI also condemns the increasing employment of unqualified and/or untrained teachers on short-term contracts and lacking social protection, who have no career prospects and are paid far less than qualified personnel.
26. All education workers have a right to social security protection, regardless of the type of school in which they are employed. Such protection should include medical care and sickness benefits, unemployment benefits, retirement benefits, employment injury benefits, family benefits, paternal benefits, invalidity benefits and survivor benefits. Social protection should be extended to periods of probation and training, and to those who enter the profession on a temporary basis.
27. Education workers at all levels of education must be appropriately trained and qualified. All education workers have a right to continuous professional training and development. Adequate support systems, such as mentoring and induction programmes, must be available for new and trainee teachers. Education workers have a right to career advancement and promotion opportunities, and should be offered opportunities for professional development.
28. All education workers have the right to undertake industrial action, including strike action. Through industrial action, workers assert bargaining power in employment relations. The right to strike is recognised in international and regional treaty instruments and by court decisions.

29. All education workers have a right to work in a safe and healthy environment. This includes, but is not limited to, a reasonable number of pupils per classroom, and access to health and safety procedures for addressing work-related stress, and violence and harassment at work, including sexual harassment.
30. All education workers have a right to professional autonomy and academic freedom. Education workers should be given a role in the selection and adaptation of teaching materials, the selection of textbooks and the development and application of teaching methods.
31. Academic freedom for teaching and research is closely linked to academic tenure or its equivalent. Policies and resources are needed to make academic freedom, professional autonomy and intellectual property rights a reality.
32. All education workers have a right to professional, fair, participatory and just leadership. Education workers should also have the right to voice their concerns and complaints to the leadership of educational institutions without fear of negative consequences on their employment status or working conditions.

Children's¹ and students' rights

33. All people have a right to free, equitable, inclusive and quality public education of 12 years, of which at least 9 years should be compulsory. Governments have a responsibility, derived from the Convention on the Rights of the Child, to provide the same right to education to all children, on the basis of equal opportunity. Special attention needs to be given to vulnerable children, including migrant, internally displaced, orphaned, asylum seeking or refugee children.
34. Privatisation policies sometimes have the effect of undermining the right to free, equitable quality education; creating, exacerbating and entrenching inequities in access and participation in education; modifying teachers' work conditions and labour relations; undermining the rights of teachers; and eroding democratic decision-making and public accountability in relation to education governance.
35. The physical conditions of a learning environment have a direct impact on the quality of education, and on the wellbeing and health of students and staff. The physical space and equipment must correspond to the requirements of educational policies and programs, including the availability of teaching materials. All education institutions must have access to clean drinking water and proper sanitation facilities, including separate toilets for girls and boys, adequate lighting, ventilation, heating, as well as drainage equipment. The buildings and facilities must also provide a secure environment within which staff and students feel that they are protected and safe from physical harm.
36. Corporal punishment is cruel and degrading treatment inconsistent with international human rights law, and is contrary to the principle of safe learning environments. Physical punishment should not be permitted as a method of teaching or discipline in any education facility.
37. All children and students have a right to an inclusive learning process free from discrimination, including those based on gender, sexual and psychological abuse, harassment, bullying, including cyberbullying, and other forms of violence. All education

¹ For the purposes of this policy paper, a child means every human being below the age of 18 years, unless, under the national law applicable to children, majority is attained before the age of 18. The term student is used to depict any other category of learners, including higher education and lifelong learning.

workers should be trained in peaceful conflict resolution to safeguard and promote the interests and well-being of students, and leadership should adopt concerted violence prevention and anti-bullying strategies.

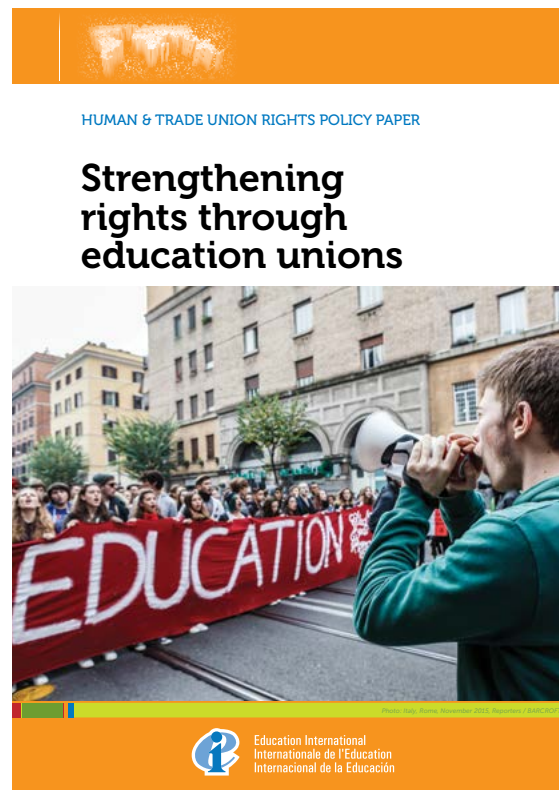
38. All children should benefit from active learning and student-centred pedagogies promoting meaningful learning, problem solving, and critical thinking.
39. Education unions advocate for specific measures supporting professionals working with students with special needs. In many countries, unions identify and promote positive educational methods that support children and young people with special needs and behavioural difficulties.
40. The right to receive education in one's mother tongue or native language is recognised in several international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples (2007). This implies that educational planning should include the training of sufficient numbers of fully competent and qualified teachers able to teach in the mother tongue, as is stipulated in UNESCO's Recommendation on the Status of Teachers. Children should also be offered opportunities to benefit from multilingual education – the mother tongue, a regional or national language and/or an international language – to acquire knowledge, skills and competencies.
41. All children and students have a right to be directly represented in the governance processes of educational institutions, according to their age and capabilities. All students have a right to organise themselves freely in legally recognised entities. Students must not suffer academic, financial or legal consequences stemming from involvement in such entities. All children and students have the right to be informed about all education affairs in a transparent manner.
42. Special attention should be paid to the respect of children's' rights, which are enshrined in the Convention on the Rights of the Child and its Protocols on children in armed conflicts, the sale of child labour, child prostitution and child pornography, and other internationally binding documents. The Convention on the Rights of the Child declares that all children have the right to be protected against neglect, cruelty and exploitation; and ILO Convention 138 states that child labour should be abolished, and the minimum age for employment should not prejudice school attendance. Education unions contribute towards the respect and defence of children's' fundamental rights through defending the right to quality education for all.



POLICY PAPER ON EDUCATION



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Education International
Internationale de l'Éducation
Internacional de la Educación

Head Office
5, Bd du Roi Albert II
1210 Brussels, Belgium
Tel +32 2 224 06 11
Fax +32 2 224 06 06
headoffice@ei-ie.org
<http://www.ei-ie.org>
#Unite4ed



www.ei-ie.org