



ORGANIZATION OF AMERICAN STATES
Inter-American Council for Integral Development
(CIDI)



**XVI INTER-AMERICAN CONFERENCE
OF MINISTERS OF LABOR (IACML)**

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**DECLARATION OF BUENOS AIRES 2009:
“FACING THE CRISIS WITH DEVELOPMENT, DECENT WORK,
AND SOCIAL PROTECTION”**

(Adopted at the Closing Session held on October 8, 2009 and
pending revision by the style committee)

1. WE, THE MINISTERS PARTICIPATING IN THE XVI INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR (IACML) OF THE ORGANIZATION OF AMERICAN STATES (OAS), met in Buenos Aires, Argentina on October 6 to 8, 2009, conscious of the effects of the international economic crisis and especially concerned about its impact on employment levels and job quality, and recognizing that the State in its role as guardian, among other roles, has a proactive part to play in promoting employment and protecting the rights of workers, propose to move forward with a variety of innovative solutions that place decent work and social protection as fundamental pillars of development.

2. In the present context of the global economic downturn, we reaffirm our commitment to integral development and the principles of international cooperation and solidarity reflected in the Charter of the OAS. We confirm the full force and effect of the Inter-American Democratic Charter of the OAS, adopted in Lima, Peru in September 2001, and reaffirm that democracy and social and economic development are interdependent and mutually reinforcing; and further, that the promotion and strengthening of democracy requires the full and effective exercise of workers' rights.

3. We reaffirm our obligations as members of the International Labour Organization (ILO) and our commitments to promote, respect and realize the principles in respect of the fundamental rights contained in the ILO Declaration. In this framework, we look to the ILO Declaration on Social Justice for a Fair Globalization adopted in 2008, and to the resolution concerning the promotion of sustainable enterprises adopted at the 96th Session of the International Labor Conference for guidance.

4. We adopt the resolution “Recovery from the crises: A Global Jobs Pact” that came out of the 98th Session of the International Labor Conference designed to guide national and international policies aimed at stimulating economic recovery, generating jobs and providing protection to working people and their families.

5. We recall the labor mandates of the Fourth Summit of the Americas and the Fifth Summit of the Americas, in whose declarations the Heads of State and Government of the Americas reaffirmed the central role of decent work in order to fight poverty and strengthen democratic governance. Further, we reaffirm our commitment to the promotion of human prosperity and will implement the specific mandate of our Heads of State and Government in the Declaration of Commitment of Port of Spain 2009 to endorse at the Sixteenth IACML a work programme that advances the objectives of the promotion of decent work.

6. We express our concern that the present international economic crisis is affecting millions of workers in our region. The impact of the current framework, requires the countries of the Americas to take complementary actions at the national and regional level, allowing for our differences and disparities, but committed to our common goals and persistent in our policies in order to maintain activity levels and to continue promoting improvements in the living standards of our peoples.

7. We recognize the positive contribution of trade among our nations to the promotion of growth, employment, and development. We will therefore continue to insist on an open, transparent and rules-based multilateral trading system. We further recognize the need for all our peoples to benefit from the increased opportunities and welfare gains that the multilateral trading system generates. We commit ourselves to continue analyzing, within the limits of our competencies, the labor dimension, the cooperation mechanisms contained therein, and the effects on employment of the regional and subregional integration processes, as well as of bilateral and multilateral free trade agreements.

8. Convinced of the need to involve society as a whole in policy shaping, we recognize that dialogue among governments and the social actors is an indispensable mechanism for generating the consensus which would enable the social, political and economic sustainability of strategies for facing the crisis and provide a broader basis of legitimacy for public policies designed to meet the fundamental needs of our peoples.

9. We are convinced that promotion of employment levels and protection of job quality, in addition to being a prerequisite for sustainable democratic systems, are an indispensable objective in tackling the impact of the crisis on the living standards of our peoples.

10. Therefore, we, the Ministers of Labor of the Hemisphere, conscious of the need for the State through its public policies to play a proactive role, and to foster the accomplishment of the aforementioned objectives, adopt the following recommendations to guide the development of active labor policies in our respective countries and to serve as a frame of reference for regional exchange and cooperation measures.

COORDINATION OF POLICIES AND PROGRAMS FOR PROMOTING EMPLOYMENT AND PROTECTING WORKERS' RIGHTS: A GUIDING FRAMEWORK IN FACING THE CRISIS

11. We highlight the recovery and stimulus measures that have been implemented by our countries and others around the world in response to the greatest economic crisis in modern times. We are firm in our belief that the success of our actions will be measured by the men and women engaged in dignified, decent and productive work.

12. We reaffirm our conviction of the need to continue to create innovative responses and policies to confront the economic crisis which, on one hand, should be based on an integrated approach that includes the economic, labor, social and ecological dimensions, and, on the other, should combine medium and long-term strategies and emergency measures for promoting employment and protecting workers' rights.

13. We declare our resolve to continue promoting employment and decent work as central issues of debates and decisions of the multilateral system, in order to tackle the crisis through coordinated actions and to set the foundations for a new development strategy in the context of democracy and renewed global cooperation.

14. We will renew efforts to contribute to employment creation and preservation in collaboration with social and productive actors, other ministries and government agencies, within a framework of economic and environmental sustainability that combines management of natural resources and technological innovation in harmony with the objectives of decent work. In the same way, and embracing the postulates of the United Nations Environment Programme (UNEP), we will promote quality employment in jobs created in the framework of an environmentally sustainable development in view of its potential to generate income, create decent work, and reduce poverty.

15. Within the framework of the crisis, we will promote synergies between public and private investment in infrastructure, in order for project planning and execution to be oriented towards those projects that contain a high employment coefficient and that, at the same time, promote decent work and enhance job skills.

16. Based on the foregoing, at the national level and at local levels, we believe collaboration and exchange with other ministries and organizations in the economic, educational, and social sectors to be essential in developing measures to stimulate effective demand, help to maintain the purchasing power of workers' wages, sustain and fuel the growth of businesses, and contribute to an improvement in employment levels, inter alia, through macroeconomic stimulus packages, as appropriate.

THE ROLE OF MINISTRIES OF LABOR IN ADDRESSING THE CRISIS

17. In this time of economic crisis and, given its impact on employment, acknowledging the important role of our ministries in this context, we will strengthen labor administration capacity as a central element of all measures aimed at ensuring protection for workers, social security coverage, active employment policies, and social dialogue. The Ministries of Labor, as appropriate, can play a positive role contributing to the development of harmonious labor relations, healthy and safe work environments and negotiated salaries. Their contributions are key for economic recovery and prosperity with sustainable enterprises.

18. We reaffirm our commitment to ensure the effective enforcement of our national labor laws and ensure effective observance of fundamental principles and rights at work. We recognize that international labor standards will support economic recovery, and therefore, that their promotion is especially important at this time.

19. We will intensify our efforts to bring a significant reduction in levels of unregistered work, implementing or strengthening labor inspection and other mechanisms to enforce national labor laws in the workplace.

20. Recognizing the heterogeneity of the informal economy in the countries of the hemisphere, we will encourage the adoption of measures to bring about its gradual formalization. This will help to improve working conditions and productivity, and will promote the Decent Work Agenda.

21. We will foster skills development, upgrading, and retraining for workers through technical, technological and professional training programs - coordinated with education and production needs, in order to improve their employability, with particular attention to those who will enter the labor market for the first time, those who are out of work, those in danger of losing their jobs, and the most vulnerable groups. We will encourage the development of competencies that enable appropriate harnessing of the potential of new information and communication technologies (ICTs) for enterprises and workers.

22. We will improve labor competencies and certification of skills, and seek the necessary resources for Public Employment Services, as entities responsible for promoting active policies of labor insertion, training and mobility, so that jobseekers receive adequate services. Furthermore, we will strive to ensure the quality and availability of their services, in particular for individuals and groups most vulnerable to the crisis.

23. We recognize the need to strengthen or implement active and passive policy instruments, in accordance with national circumstances, such as well-targeted emergency employment programs, in order to cushion the increase in unemployment, provide incomes to workers who have been laid off or are at risk of losing their jobs, and build competencies that improve the employability of workers.

24. We will promote active policies to preserve employment in those companies whose situation could affect economic activity and employment levels according to the situation of each country. We will work, in collaboration with the social partners, to find options to minimize job losses or otherwise mitigate the employment effect of the economic crisis within the framework of respect for workers rights and ongoing social dialogue.

25. We recognize the contribution of sustainable enterprises, including micro, small and medium size enterprises and other production units, to poverty reduction, wealth creation and employment generation. In current times, in some countries, there are enterprises that face a decrease in demand that, coupled with less access to credit, threatens their sustainability and could consequently lead to a decrease in jobs. Therefore, we will contribute to the creation of an enabling environment for the establishment and growth of enterprises.

26. We will redouble our efforts to promote equal treatment and equal opportunities in the world of work, so that the economic crisis does not become a pretext for increased discrimination in the labor market. We will augment our efforts, paying particular attention to vulnerable groups to provide assistance and opportunities to young people at risk, persons with disabilities, senior citizens, low-paid and less qualified workers, persons employed in the informal economy, and migrant workers, among others.

27. We will promote policies to provide full access to employment opportunities and technical, technological and professional training, as appropriate, for the population, in particular vulnerable groups, so that they can overcome poverty and social exclusion, where it exists, in the framework of policies to combat all forms of discrimination at work.

28. We will deepen our efforts to eradicate forced and obligatory labor in all modalities, including bondage and semi-slavery, through integrated actions by the government and the society.

29. We will work towards a continuing reduction in the gender gap, promoting a reduction of the disparities that exist between men and women in the world of work. Notwithstanding the progress made in the last decades, there are challenges that become more relevant with the current economic crisis. We commit ourselves to reinforce the mainstreaming of the gender perspective in employment policies, and promote it in recovery programs. We will strive, in the area of our competences, to ensure that all workplaces are free from violence and different forms of harassment. We will contribute to equity initiatives in the workplace that lead to a better balance between family and workplace responsibilities.

30. We will give priority to reducing unemployment and precarious jobs for young people in the hemisphere and will redouble efforts for their inclusion in vocational training,

apprenticeship, educational reentry programs and models for school to work transition, in order to increase their access to decent and productive work.

31. We commit to protecting children from economic exploitation and from any tasks that may interfere with their education and integral development, according to the principle of the effective abolition of child labor, which is contained in the ILO Declaration on Fundamental Principles and Rights at Work (1998), in accordance with the commitment by our Heads of State and Government at the Fourth Summit of the Americas. In addition, we will contribute to the adoption of coordinated national strategies to prevent and eradicate the worst forms of child labor by 2020 at the latest, in accordance with the Declaration of Commitment of the Fifth Summit of the Americas and the Plan of Action of the Fourth Summit of the Americas.

32. We underscore the need for national occupational health and safety policies and programs which promote prevention and control of occupational hazards, that reaffirm the commitment of states and of employers and workers in promoting effective measures in this area, adopting an interagency approach.

33. We will collaborate with Ministries of health to help reduce the effects of phenomena such as pandemics or health crises which can impact on the health of the population and on the economy of countries and employment, by appropriate legislation and regulation and by the promotion of the design and implementation of preparedness plans in companies and workplaces, with a view to limiting the effects on workers' health and productive activity as much as possible.

34. We commit to making the maximum use of mechanisms, as appropriate, that allow to maintain stable industrial relations environment and prioritize negotiations between employers and workers, in order to prevent and solve disputes through negotiation, mediation and arbitration services, thereby playing an important role in helping the economy to recuperate in the current crisis.

35. We reaffirm the importance of fully protecting the human rights of migrants, regardless of their immigration status, and observance of the labor laws applicable to them, including the principles and labor rights embodied in the ILO Declaration on Fundamental Principles and Rights at Work.

36. In the context of the global economic crisis, we recognize that migrant workers and their families are particularly vulnerable. We also acknowledge that families that depend on migrant remittances will face additional challenges. We will also step up efforts, in the area of our competencies, to combat migrant trafficking and trafficking in persons in the world of work.

37. We will promote the improvement of national, sectoral, and regional labor market information systems and statistics, giving priority at this stage to implementation of observatories for sectors and production units potentially affected in their activity and employment levels.

38. We agree that the economic crisis allows us to refine our labor and employment policies and programs to improve the lives of working men and women and provide for more equitable economic growth. In this context, we undertake to make the necessary efforts at the national level and with international technical and financial cooperation agencies, in order to provide our Ministries of Labor with qualified human resources and sufficient budgetary and technical means to tackle the immediate and longer-term challenges resulting from the present environment in an effective manner.

39. Conscious of the benefits that accrue from the exchange of good practices and active horizontal cooperation in the inter-American framework, we agree to strengthen the Inter-American Network for Labor Administration (RIAL) and other horizontal cooperation mechanisms at the regional and subregional and bilateral levels, in order to promote quality employment, workforce development, and effective enforcement of labor laws in our countries.

ENCOURAGING SOCIAL DIALOGUE AND COLLECTIVE BARGAINING

40. We will encourage broad and inclusive social dialogue at the national level, by sectors, and at the enterprise level, since we acknowledge it as an efficient mechanism for maintaining employment levels, preserving skills and sharing the costs of the crisis, as well as the benefits of the subsequent economic and social recovery, in a fair manner.

41. We will strengthen our efforts in order to promote the institutionalization of the different social dialogue practices in use in our countries, in order to strengthen our response to the current challenges, in which it is necessary to build consensus and reduce disagreement.

42. We stress the need to promote freedom of association and broaden collective bargaining in order to adopt agreements between parties by which to confront the effects of the crisis with the least possible costs, recognizing sectoral and productive heterogeneities.

43. We recognize that the rights of workers' and employers' organizations can only be exercised in a climate free from violence, pressure, or threats of any kind against the leaders and members of these organizations. We commit to ensure that this principle be fully respected.

44. We undertake to support the development of employers' and workers' organizations, helping to increase their capacities in defense of their interests in the crisis and to consolidate a robust social dialogue.

STRENGTHENING SOCIAL PROTECTION IN THE CRISIS

45. We recognize the importance of social protection systems in addressing the needs of the most vulnerable segments of our societies, particularly in the current economic crisis environment. We will continue to explore models of social protection to address economic and social hardships, in balance with the need to promote labor market engagement and employability.

46. We reiterate our conviction, expressed in previous IACML, regarding the need to strengthen and expand the coverage of social security systems, ensuring, within our areas of competence, its efficiency and transparency with effective policies that take into account the principles of universality and solidarity, provide for financial sustainability and accountability, and promote justice, equity and social inclusion, without requiring a particular management model.

47. In an effort to ensure comprehensive coverage and fair distribution of benefits, we will seek to organize the social protection system in such a way as to combine, where appropriate, contributive and non-contributive systems in a coordinated manner.

48. We underscore the importance of unemployment protection mechanisms (inter alia, unemployment insurance or support), especially in the present environment. Such

mechanisms should be part of a comprehensive strategy that operates in tandem with active employment policies.

49. We will design or strengthen, depending on country circumstances, non-contributive social protection mechanisms, within the areas of our competencies, which would make it possible to manage a basic social benefits program with transfers to vulnerable and crisis-affected households. Our goal will be to protect jobless workers in countries without unemployment insurance or workers in the informal economy against the risk of lapsing into extreme poverty.

WE RESOLVE TO:

- A. Implement a Plan of Action based on this Declaration and on the work of the XV IACML and the Fifth Summit of the Americas, and to dedicate the necessary resources to this end.
- B. Establish two Working Groups as follows:
 - a. Working Group I: “Decent Work to Face the Global Economic Crisis with Social Justice for a Fair Globalization”
 - b. Working Group II: “Strengthening of the Ministries of Labor to Promote Decent Work”
- C. Encourage the countries of the Hemisphere to intensify cooperation and to share knowledge, experiences and achievements in the area of employment, labor and social protection, and to exchange best practices in promoting decent work for all, in the framework of the Inter-American Network for Labor Administration (RIAL).
- D. Express appreciation to the different international organizations for their invaluable collaboration, in particular the members of the Joint Summits Working Group: OAS, ILO, PAHO, etc., which have played a central role in the promotion of decent work and we urge the promotion of all regional dialogue fora with these institutions.
- E. We commend the Trade Union Technical Advisory Council (COSATE) and the Business Technical Advisory Committee on Labour Matters (CEATAL), in their capacity as constructive interlocutors and advisory bodies, for their innumerable contributions to the Inter-American Conference of Ministers of Labor.
- F. Organize the XVII Inter-American Conference of Ministers of Labor of the OAS in El Salvador in 2011.