

NELP Statement on Human Rights Day: Excluded Workers Around the Nation Demand Human Right to Organize

Following is a statement from the National Employment Law Project concerning the release of a new report by the Excluded Workers Congress about workers who historically have been excluded from basic labor protections and the right to organize:

Today, December 10, 2010, is International Human Rights Day—a day when we celebrate the inherent dignity and equality of all human beings. It's a fitting day to celebrate the Excluded Worker Congress and the release of its new report, [*Unity for Dignity: Expanding the Right to Organize to Win Human Rights at Work*](#), which highlights our common goal to make human rights a reality for everyone, everywhere, and always.

Sixty-two years ago today, nearly every nation on earth (including the United States) came to an agreement that “everyone has the right to form and to join trade unions for the protection of his interests.” Those words come from the Universal Declaration of Human Rights—an agreement setting out the first global commitment to dignity and equality. It's the Constitution of the global community.

The treaty those nations signed did not say everyone but farmworkers, domestic workers, or those who live in the South. The Universal Declaration applies to everyone.

The Declaration says, “Everyone has the right to free choice of employment.” It did not say everyone but guestworkers, who are forced to either work for one employer, no matter how bad the conditions, or to leave the country.

The Declaration says everyone who works has the right to “just and favourable” pay and “an existence worthy of human dignity.” It did not say everyone but workfare workers, tipped workers, and taxi drivers.

The right to organize is the most basic of labor rights. Workers who can organize have a voice at work. They can change working conditions for themselves. They can claim not only minimum wage pay and overtime pay, but fair pay.

We know that we are not there yet.

Today in America, millions of workers lack the basic human right to organize. They include more than 1.5 million farmworkers, nearly 2 million domestic workers, millions of public employees in 11 states, and taxi drivers everywhere. Add to these the workers whose rights are curtailed by fear of retaliation and actual retaliation—among them, more than 100,000 guestworkers and day laborers.

Millions of workers in the United States are excluded—either by policy or by practice—not only from the right to collectively bargain, but from many other core labor rights. Some of them are characterized as “independent contractors” and not entitled to the protection of labor laws at all. Others, like home-care workers, are excluded from basic minimum wage and overtime laws. Some, like tipped workers in restaurants, aren't entitled to a federal minimum wage above \$2.13 per hour.

So we know we are not there yet. But the Excluded Worker Congress embodies what the Universal Declaration is about—inherent human dignity, and equality and fairness. These workers aren't just repeating the lofty words of the Universal Declaration; they are organizing to make them real. They have already:

- Brought the exclusion of public employees from the right to organize to the International Labour Organization;
- Built a movement around the exclusion of domestic workers from labor protections, and won equality at the New York State level;

- Secured agreements with the Florida tomato industry that raise wages for farmworkers across the industry;
- Introduced national legislation to provide legal protection to guestworkers and others immigrants if employers use the threat of deportation to quash organizing efforts;
- Campaigned to “ban the box” on job applications that locks formerly incarcerated workers out of jobs; and
- Begun a campaign for an ILO convention on Decent Work for Domestic Workers.

Now the sectors are working together, as the Excluded Worker Congress, to share what they have learned with the rest of the labor movement and with broader social justice movements, both within the U.S. and around the world.

The Excluded Worker Congress brings together nine sectors of workers who were told they couldn’t organize, but went out and did it anyway. Their hard-won victories are the foundation for a new framework, and a new era, of building worker power. This report is an invitation to join the movement and bring human rights to all workers.

The Excluded Workers Congress was launched in the summer of 2010 and is led by the National Domestic Workers Alliance (NDWA), the National Day Laborers Organizing Network (NDLON) and Jobs with Justice (JwJ) as a part of the Inter-Alliance Dialogue (IAD). The IAD includes the following grassroots organizing networks: JwJ, Grassroots Global Justice Alliance, the Right to the City Alliance, Pushback Network, NDLON and NDWA.

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