

# Freedom of Association: ILO's perspective

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Shingo Miyake

Labour Law and International Labour  
Standards Specialist

ILO Port of Spain

# All workers and employers have the right to establish and join organizations

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- “Workers and employers, without distinction whatsoever, have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorization.”

- Article 2, Convention No. 87

# Workers' and employers' organizations have the right to manage themselves

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- Right to:
  - draw up their constitutions and rules
  - elect their representative in full freedom
  - organize administration and activities
  - formulate their programmes
- Public authorities should refrain from any interference which would restrict this right or impede their lawful exercise.

- Article 3, Convention No. 87

Workers' and employers' organizations may be dissolved or suspended by judicial decision.

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- Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority

- Article 4, Convention No. 87

# Right to federations and confederation

## Right to affiliate with int'l organizations

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- Right of workers' and employers' organizations to establish and join federations and confederations
- Right of such organisation, federation or confederation to affiliate with international organisations of workers and employers

- Article 5, Convention No. 87

# Protection for employers' and workers' organizations

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- Protection of workers against acts of anti-union discrimination in respect of their employment
  - Making employment subject to not joining a union or relinquishing union membership
  - Dismissing because of union membership or participating in union activities
- Protection against interference by each other
  - Workers' organizations not to be established under the domination of employers
    - Articles 1 and 2, Convention No. 98

## Workers' Representatives Convention, 1971 (No. 135): Workers' representatives must enjoy effective protection and facilities

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- “Workers’ representatives”
  - representatives designated or elected by trade unions;
  - representatives who are freely elected by the workers of the undertaking
- In case of the latter, their functions do not include activities which are recognised as the exclusive prerogative of trade unions.
- They shall enjoy protection, including protection against dismissal. They shall also enjoy necessary facilities.

- Articles 1, 2 and 3

## Workers' Representatives Recommendation, 1971 (No. 143): Recommended types of protection

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- Definition of the reasons justifying termination
- Consultation with, an advisory opinion from, or agreement of an independent or joint body before final decision;
- Special appeal procedure;
- In respect of the unjustified termination, a remedy which should include reinstatement;
- In the case of any alleged discriminatory dismissal or unfavourable change in the employment conditions, the employer should bear the burden of proving that such action was justified;
- A priority to be given to workers' representatives with regard to their retention in employment in case of reduction of the workforce



# Workers' Representatives Recommendation, 1971 (No. 143): Recommended types of facilities

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- Facilities
  - time off from work without loss of pay or benefits;
  - access to workplaces, to the management of the enterprise and to management representatives
  - authorization to collect trade union dues;
  - authorization to post trade union notices;
  - distribution of union documents to workers;
  - facilities and information necessary for their functions
- These facilities should not impair the efficient operation of the enterprise.
- Elected representatives of workers should be given similar facilities as trade union representatives.

## Other standards on freedom of association

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- Rural Workers' Organisations Convention, 1975 (No. 141) and Rural Workers' Organisations Recommendation, 1975 (No. 149)
  - Similar to Convention No. 87
- Labour Relations (Public Service) Convention, 1978 (No. 151) and Labour Relations (Public Service) Recommendation, 1978 (No. 159)
  - Similar to Convention Nos. 98 and 135, and Recommendation No. 143