

The Challenge to Trade Union Rights

Within the last two decades, the universal labour movement has had to combat mounting pressures from both outside and within. The political directorate and the business community in some jurisdictions have been relentless in their signal intent and actions to break the backbone of the labour movement. This display of uneasiness and resentment has in large measure contributed to the adoption of a resolution by the International Labour Organization in 1970, which promoted trade union rights and civil liberties. It addressed the principle that the rights conferred upon workers' and employers' organizations must be based on respect for those civil liberties which have been enunciated, in particular, in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights. What this suggests is that the absence of these civil liberties, will inevitably remove all meaning from the concept of trade union rights.

The ILO Committee on Freedom of Association has sought to address the principle of trade union and employers' organizations rights and civil liberties. The Committee advances the position that a genuinely free and independent trade union movement can only develop where fundamental human rights are respected. This would mean that there is respect for the right of freedom of association. The repressive actions taken by some governments against trade unions, where in some instances trade union leaders are arrested and put in jail, mean that the principle is being violated. This response strengthens the position that the rights of employers' and workers' organizations can only be exercised within the framework of a system that guarantees the effective respect of the other fundamental human rights.

In respecting the human rights of the individual means that there should be no barriers when it comes to the right to associate. This by no stretch of the imagination can be seen as a privilege. Following on this, there can be no reservation placed on the fact that a genuinely free and independent trade

union movement can only develop where fundamental human rights are respected. If this is to be observed, then it is a requirement that all appropriate measures should be taken to guarantee that, irrespective of trade union affiliation, trade union rights must be exercised in normal conditions with respect for basic human rights and in a climate free of violence, pressure, fear and threats of any kind.

The fact that some governments show a blatant disregard for the observance of these principles will raise the alarm. The fact that the ILO and the United Nations work in collaboration in developing world standards, and accepting that Governments, Employers and Labour, work together at the level of the ILO in developing global labour standards, it is but pathetic that in many instances, governments' have failed to ratify the conventions or implement the recommendations of the ILO. This undermining by failing to respect the agreed standards and practices, constitutes an acute problem for the labour movement in progressing with these ideals. In examining where the problem lies, it may have its genesis in the ideology, philosophy, and outlook of individual governments. Those who view organized labour as a threat may be prone to act in an indifferent manner.

Apart from the issues of political persecution some trade unions face, there is the challenge of freedom of expression and access to the media. The ILO Committee on the Freedom of Association promotes the idea that a free trade union movement can develop only under a regime which guarantees fundamental rights, including the right of trade unionists to hold meetings on trade union premises, freedom of opinion expressed through speech and the press and the right of detained trade unionists to enjoy the guarantees of normal judicial procedure at the earliest possible moment. Inasmuch that within Commonwealth countries democratic principles are practiced, it would seem that access to the media may not appear to be a major issue which confronts trade unions. However, because of the fact that in many countries there are state owned radio and television stations, and in some

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cases privately owned media houses and television stations are owned by corporate interest who may be linked to the government of the day, trade unions might experience difficulties in getting their voices heard and information publicly disseminated.

Traditionally, trade unions have used the strike as a major form of protest action. Legislation passed in some jurisdiction has been directed at limiting the force of such action. This, if left unchallenged has the potential of weakening the ability of the labour movement to call the attention of and action by governments and employers to their legitimate concerns and grievances. Importantly, the ILO Committee on the Freedom of Association has recommended that governments are to ensure that any emergency measures aimed at national security do not prevent in any way, the exercise of legitimate trade union rights and activities, including strikes, by all trade unions irrespective of their philosophical or political orientation, in a climate of complete security.