

The Right to be Unionized

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The constitution of Barbados promotes freedom of association as a fundamental human right. As a consequence of this, every citizen and resident has the right to join or not to join a trade union. This is not to be challenged, as the decision to associate rests with the choice and preference of the individual. Those who opt not to join a trade union should not be ridiculed, discriminated against or ostracized.

It is a matter of concern when workers are denied the right to be unionized. It is known that some employers would not encourage their employees to be unionized. This is particularly distressing, since it is perceived that those in an enterprise who opt to hold membership in a trade union are very often apparently targeted. It is believed that in many instances, such employees are unceremoniously terminated by their employer, or placed under extreme pressure in their daily work life, to the point that they sometimes choose to cash in the job.

In either instance, this is neither a desirable nor an appropriate thing to happen. Any fears or reservations which workers may have about joining a union ought to be dispelled, since it is their right to be unionized. Moreover, they should be comforted by the fact that they are not to be disadvantaged because they are members of a trade union. Therefore, they should see unionization as their life line to representation at the workplace.

They should be conscious of the fact that it is their right to decide to leave, or remain a member of a trade union; to be a member of the trade union of their choice, even if it is different from the one recognized by their employer; and moreover, to belong to more than one trade union.

Employees should be aware that they cannot be refused employment, treated unfairly at work, harassed, dismissed or selected for redundancy because the individual is a member of a union, or has expressed an intention to join a trade union. Employers on the other hand should be wary of their actions as these could put them on the wrong side of the law. Employers ought to be reminded that ignorance of the law is not an acceptable excuse.

While in most Commonwealth countries the right to unionization is guaranteed under law, it is almost difficult to understand why some large companies can boast of not being unionized. The disclosure by Mr. Adam Stewart, Chief Executive Officer of Sandals Resorts, that twenty one of its twenty three hotel properties are not unionized, is an alarming revelation. Is the Sandals position indicative of how it views the trade union movement? This is hardly a position that trade unions can come to accept. They however are faced with the problem of identifying what they can do about it.

There are instances in Barbados where the trade union movement has clearly demonstrated its position against employers who opposed the unionization of their staff members. One such recorded case was that of the Barbados Workers' Union boycott of the Brown Sugar Restaurant. It would now seem that the union movement has some work to do, for it can hardly be seen as acceptable to have businesses establishing their operations in a domicile that support unionization, while at the same time not encouraging the unionization of their staff members. Is it likely that this would be a case of turning a blind eye?

The problem for regional trade unions seems more acute, if coupled with the position of the employer, employees by way of a referendum, as it is in the case of the Bahamas, opt not to be unionized.