

RESTRICTIONS ON SPECIAL CATEGORIES

Permissible restrictions and their limitations on special categories of workers

Public servants:

Forbidding them to form or join mixed (members from other sectors) organizations at the first level

“The Committee considers that it is admissible for first-level organizations of public servants to be limited to that category of workers, subject to two conditions: firstly, that their organizations are not also restricted to employees of any particular ministry, department or service, and secondly, that they may freely join federations and confederations of their own choosing, like organizations of workers in the private sector. However, provisions stipulating that different organizations must be established for each category of public servants are incompatible with the right of workers to establish and join organizations of their own choosing”.

Executives, managers, confidential employees:

Prohibited from joining or forming organizations open to lower-grade workers

“... restrictions are compatible with freedom of association provided that two conditions are met: first, that the persons concerned have the right to form their own organizations to defend their interests; and, second, that the category of executive and managerial staff is not so broadly defined as to weaken the organizations of other workers in the enterprise or branch of activity by depriving them of a substantial proportion of their actual or potential membership.”

Agricultural and domestic workers:

Restrictions on first-level organizations

“Because of the nature of their work and the conditions in which they carry it out, rural workers are in something of a special category. In the opinion of the Committee, while restrictions can be imposed on first-level organizations of rural workers, they should nevertheless be entitled to affiliate to federations and confederations of their own choosing, in whatever way they deem appropriate.”