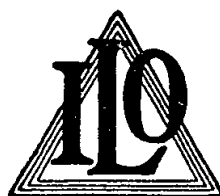


INTERNATIONAL LABOUR OFFICE

**Resolutions and Various Texts
Adopted by the 30th Session of the
International Labour Conference**

(Geneva, June-July 1947)



**GENEVA
1947**

09734

II. PROTECTION OF THE RIGHT TO ORGANISE AND TO BARGAIN COLLECTIVELY

8. There should be agreement between organised employers and workers mutually to respect the exercise of the right of association.

9. (1) Where full and effective protection is not already afforded, appropriate measures should be taken to enable guarantees to be provided for :

(a) the exercise of the right of freedom of association without fear of intimidation, coercion or restraint from any source with the object of :

- (i) making the employment of the worker conditional on his not joining a trade union or on his withdrawing from a trade union of which he is a member ;
- (ii) prejudicing a worker because he is a member or agent or official of a trade union ;
- (iii) dismissing a worker because he is a member or agent or official of a trade union.

(b) the exercise of the right of association by workers' organisations in such a way as to prevent any acts on the part of the employer or employers' organisations or their agents with the object of :

- (i) furthering the establishment of trade unions under the domination of employers ;
- (ii) interfering with the formation or administration of a trade union or contributing financial or other support to it ;
- (iii) refusing to give practical effect to the principles of trade union recognition and collective bargaining.

(2) It should be understood, however, that a provision in a freely concluded collective agreement making membership of a certain trade union a condition precedent to employment or a condition of continued employment does not fall within the terms of this Resolution.

10. Appropriate agencies should be established, if necessary, for the purpose of ensuring the protection of the right of association as defined in paragraph 9 herein.

II

Resolution concerning the Agenda of the 1948 Session of the International Labour Conference

(Adopted on 11 July 1947)

The Conference,

Having approved the report of the Committee appointed to consider the seventh item on its agenda,

Decides :

(1) to place on the agenda of its next general session the question of freedom of association and of the protection of the right to organise with a view to the adoption of one or several Conventions at that Session, and

(2) to place on the agenda of its next general session, as one item for first discussion, the application of the principles of the right to organise and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between the public authorities and employers' and workers' organisations.

After having adopted the Resolution concerning the agenda of the 1948 Session of the International Labour Conference, the Conference adopted the two following lists of points, which enumerate a number of questions already suitable to serve as a basis for the adoption of one or several international labour Conventions in 1948 :

**LISTS OF POINTS TO SERVE AS A BASIS FOR THE ADOPTION
OF ONE OR SEVERAL INTERNATIONAL LABOUR
CONVENTIONS IN 1948**

(Adopted on 11 July 1947)

I. FREEDOM OF ASSOCIATION

1. Desirability of drawing up a proposed international Convention concerning freedom of association.

2. Need to provide that employers and workers, without distinction whatsoever, should have the inviolable right to establish or join organisations of their own choosing without previous authorisation.

3. (1) Need to provide that employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes.

(2) Need to provide further that the public authorities should refrain from any interference which would restrict this right or impede the organisations in the lawful exercise of this right.

4. Need to provide that employers' and workers' organisations may not be dissolved or suspended by administrative authority.

5. Need to recognise the right of employers' and workers' organisations to establish federations and confederations of such organisations and to affiliate with international organisations of employers and workers.

6. Need to provide that the guarantees defined in paragraphs 2, 3 and 4 with regard to the establishment, functioning, dissolution and suspension of employers' and workers' organisations should apply to federations and confederations of such organisations.

7. Need to provide that the acquisition of legal personality by employers' and workers' organisations should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

8. Desirability of providing that the acquisition and exercise of the rights as outlined in this Part should not exempt employers' and workers' organisations from their full share of responsibilities and obligations.

II. PROTECTION OF THE RIGHT TO ORGANISE

1. Desirability of drawing up a proposed Convention concerning the protection of the right to organise.
2. Need to provide that where full and effective protection is not already afforded appropriate measures should be taken to enable guarantees to be provided for the exercise of the right of freedom of association without fear of intimidation, coercion or restraint from any source.
3. Desirability of making such provision as may be necessary for the establishment of appropriate agencies for the purpose of ensuring the protection of the right of association.

III

Resolution concerning International Machinery for Safeguarding Freedom of Association

(Adopted on 11 July 1947)

The Conference,

(1) Recalling the references to freedom of association in the Declaration of Philadelphia and the Constitution of the International Labour Organisation, reaffirms belief in and attachment to the principle of freedom of association in all countries as an essential element in those wider personal freedoms which are the foundation of peace, prosperity and happiness ;

(2) Is concerned at the widespread reports that conditions may exist prejudicial to freedom of association in many countries ;

(3) Feels that steps should be taken to encourage, expand and universally establish freedom of association both by reminding Governments of all States, whether Members of the I.L.O. or not, of their obligations in this respect under the Constitution of the I.L.O. and/or the Charter of the United Nations, and by other practicable means ;

(4) In this connection has noted with interest the proposals made by the W.F.T.U. and the A.F. of L. for the establishment of international machinery for safeguarding freedom of association and feels that these proposals deserve close and careful examination ;

(5) Recognises that the proposals raise issues of great complexity and difficulty including, for example,

- (i) questions involving the sovereignty of States ;
- (ii) the relationship of any such machinery to the proposals under examination by the United Nations for giving effect to a Bill of Rights and establishing machinery for supervising the exercise of other fundamental freedoms, including freedom of speech, of information and of lawful assembly ;