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INTERNATIONAL LABOUR OFFICE

**Resolutions
Adopted by the
International Labour Conference
at Its 54th Session**

(Geneva, 1970)



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accordingly not appropriate to deal with the question in the framework of a general Convention on holidays with pay,

Considering, however, that improvements in the standards relating to holidays with pay for workers in other occupations should be reflected also in standards applicable to seafarers,

Considering, moreover, that the General Conference has approved a new Convention concerning annual holidays with pay (revised), 1970, which has the object of improving general standards in holidays with pay granted in other economic areas;

Requests the Governing Body of the International Labour Office—

- (a) to invite the Joint Maritime Commission to consider at an early session the provisions of the Paid Vacations (Seafarers) Convention (Revised), 1949, in the light of the relevant conclusions of the 54th Session of the International Labour Conference;
- (b) to communicate this resolution to the 55th (Maritime) Session of the International Labour Conference, for its information.

VIII

Resolution concerning Trade Union Rights and Their Relation to Civil Liberties ¹

The General Conference of the International Labour Organisation,

Considering that the preamble to the Constitution of the International Labour Organisation proclaims recognition of the principle of freedom of association as one of the objectives of the Organisation,

Considering that the Declaration of Philadelphia, an integral part of the Constitution, proclaims that freedom of expression and of association are essential to sustained progress and refers to other fundamental human rights inherent in human dignity,

Considering that the International Labour Organisation has laid down basic standards of freedom of association for trade union purposes in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98),

Considering that without national independence and political liberty full and genuine trade unions rights could not exist,

Considering that trade unions, provided they enjoy their full rights, are an essential factor for the attainment of the objective of economic, social and cultural progress stated in the Constitution of the ILO,

Considering that the rights of workers' and employers' organisations and of human beings in general flourish in a climate of social and economic progress,

Considering that the advancement of the rights of workers' and employers' organisations is linked both to national social and economic development and to national, regional and international legislation,

Considering that, according to Article 8 of the Freedom of Association and Protection of the Right to Organise Convention, 1948, workers, employers and their organisations should respect the law of the land in exercising the rights provided

¹ Adopted without opposition on 25 June 1970.

for in that Convention, but the law of the land should not be such as to impair, nor should it be so applied as to impair, the guarantees provided for in the Convention, and that this principle should also be respected when trade unions assume responsibility in the interests of the common welfare,

Recalling earlier calls by the Conference for reinforcing the action and machinery of the International Labour Organisation for the protection of trade union rights, more particularly the resolution concerning freedom of association, adopted on 9 July 1964, and the resolution concerning action by the International Labour Organisation in the field of human rights and in particular with respect to freedom of association, adopted on 24 June 1968,

Considering the evolution which has taken place in various fields and the fact that the present session of the Conference has dealt with the question of protection and facilities afforded to workers' representatives,

Regretting that forty-five Members of the International Labour Organisation have not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948, and that thirty-two Members have not yet ratified the Right to Organise and Collective Bargaining Convention, 1949, and deploring that some of these States violate and infringe the principles laid down in these instruments,

Deploring also that amongst the member States which have ratified these Conventions some do not yet apply them fully and others violate them,

Considering that the supervisory machinery of the ILO, and particularly the Governing Body Committee on Freedom of Association, on the basis of existing standards, has taken supplementary decisions concerning infringements of trade union rights which refer also to specific civil liberties,

Considering that the possibilities of protecting trade union rights would be strengthened if the ILO gave the widest publicity to these decisions,

Considering that the question of the protection of civil liberties as such comes within the purview of the United Nations on the basis of the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and that the speedy ratification and application of these Covenants is of the utmost importance as a means of reinforcing the protection of trade union rights,

Considering that there exist firmly established, universally recognised principles defining the basic guarantees of civil liberties which should constitute a common standard of achievement for all peoples and all nations, enunciated in particular in the Universal Declaration of Human Rights and the International Covenants on Human Rights, but that the observance of the standards embodied in the Covenants will become a binding obligation for States only when the Covenants are ratified and enter into force,

Considering that war, colonial or neo-colonial domination and racial discrimination are major obstacles to the welfare of workers and a flagrant impediment to the work of the International Labour Organisation,

Considering that international measures to provide more effective protection for specific civil liberties by the United Nations would reinforce the action of the International Labour Organisation for the protection of trade union rights;

1. Recognises that the rights conferred upon workers' and employers' organisations 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

Covenants on Civil and Political Rights and that the absence of these civil liberties removes all meaning from the concept of trade union rights.

2. Places special emphasis on the following civil liberties, as defined in the Universal Declaration of Human Rights, which are essential for the normal exercise of trade union rights:

- (a) the right to freedom and security of person and freedom from arbitrary arrest and detention;
- (b) freedom of opinion and expression and in particular freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;
- (c) freedom of assembly;
- (d) the right to a fair trial by an independent and impartial tribunal;
- (e) the right to protection of the property of trade union organisations.

3. Reaffirms the ILO's specific competence—within the United Nations system—in the field of freedom of association and trade union rights (principles, standards, supervisory machinery) and of related civil liberties.

4. Emphasises the responsibility of the United Nations for protecting and promoting human rights in general political freedoms and civil liberties throughout the world.

5. Expresses its deep concern about and condemns the repeated violations of trade union rights and other human rights.

6. Calls upon all member States which have not done so to ratify and apply the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and invites the United Nations also to seek this.

7. Invites the Governing Body to pursue energetically the efforts of the ILO with a view to total decolonisation along the lines of the Declaration adopted on this subject by the United Nations.

8. Invites the Governing Body to extend and expand its efforts to eliminate the discriminatory practices on the basis of race, colour, sex, religion, nationality, political and trade union opinion which still exist in several countries, including countries and territories under a colonial régime or foreign domination in any form.

9. Reaffirms its belief in the principles which inspired the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and strongly urges that all member States which have not already done so to ratify these Conventions and, pending ratification, that they ensure that the principles embodied in these Conventions are observed and that they respect the principles enshrined in these Conventions in the enactment of their national legislation.

10. Invites the Governing Body of the ILO to take as soon as possible the necessary steps, pursuant to the resolution of 1964, with a view to including in the Constitution of the ILO the essential principles contained in these Conventions concerning trade union freedom.

11. Invites the Governing Body to instruct the Director-General to publish and distribute widely in a concise form the supplementary decisions taken by the Committee on Freedom of Association.

12. Invites the Governing Body to ensure wider knowledge of ILO principles and standards concerning trade union rights, using to this end, in particular, regional conferences, seminars, programmes for workers' and management education, etc.

13. Invites the Director-General of the ILO to express the support of the ILO for the action of the United Nations in the field of human rights and to draw the attention of the appropriate United Nations bodies to the relationship which exists between trade union rights and civil liberties.

14. Invites the Governing Body to undertake all efforts with a view to strengthening the ILO machinery for securing the observance by member States of ILO principles concerning freedom of association and trade union rights.

15. Invites the Governing Body to instruct the Director-General to undertake further comprehensive studies and to prepare reports on law and practice in matters concerning freedom of association and trade union rights and related civil liberties falling within the competence of the ILO, with a view to considering further action to ensure full and universal respect for trade union rights in their broadest sense;

For this purpose particular attention should be given to the following questions:

- right of trade unions to exercise their activities in the undertaking and other workplaces;
- right of trade unions to negotiate wages and all other conditions of work;
- right of participation of trade unions in undertakings and in the general economy;
- right to strike;
- right to participate fully in national and international trade union activities;
- right to inviolability of trade union premises as well as of correspondence and telephonic conversations;
- right to protection of trade union funds and assets against intervention by the public authorities;
- right of trade unions to have access to media of mass communication;
- right to protection against any discrimination in matters of affiliation and trade union activities;
- right of access to voluntary conciliation and arbitration procedures;
- right to workers' education and further training.

16. Invites the Governing Body, taking into account the studies and reports prepared by the ILO, to place on the agenda of a forthcoming session of the International Labour Conference one or more questions which could be the subject of new instruments with a view to enlarging trade union rights, taking into account those civil liberties which are a prerequisite for their exercise.

IX

Resolution concerning the Placing on the Agenda of the Next Ordinary Session of the Conference of an Item Entitled "Protection and Facilities Afforded to Workers' Representatives in the Undertaking" ¹

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the eighth item on the agenda,

¹ Adopted on 24 June 1970 by 280 votes in favour, 0 against, with 7 abstentions.