

INTERNATIONAL LABOUR
CONFERENCE

SIXTY-NINTH SESSION
GENEVA, 1983

RECORD OF PROCEEDINGS

INTERNATIONAL LABOUR OFFICE
GENEVA



was to be expected that different points of view would exist as to the methods of organisation of workers and employers. The Government member of Spain stressed that it was clear that the principle of free choice contained in Convention No. 87 depended on the decision and the wish of the workers themselves. The Convention did not favour either trade union unity or pluralism provided the system corresponded to the free choice of those concerned.

58. Several members of the Committee, and in particular the Government members of Cuba, Czechoslovakia, Ethiopia, Hungary, the German Democratic Republic, the USSR and Zimbabwe and the Workers' members of Czechoslovakia and the German Democratic Republic, did not agree with the conclusions of the general survey on the question of trade union unity. The Government member of the USSR was of the view that the problem of trade union pluralism involved both legal and factual aspects. The text of Convention No. 87, he added, contained no mention of trade union monopoly. He referred to a report of an ILO mission entitled "The Trade Union Situation in the USSR" as reflecting a different point of view from the concept of trade union pluralism as an ideal. He also mentioned the Ninth Conference of Asian States Members of the ILO in 1980, the report of which stated that Convention No. 87 did not express any view either for or against trade union unity and that the supervisory bodies had recognised that workers and employers were generally opposed to pluralism and competing trade unions and had requested governments to promote unity in order to avoid difficulties. As regards the factual aspect, trade union unity, according to the Government member of the USSR, had always been an advantage for the development of the workers' movements, not only in the socialist countries. He, therefore, disagreed with the view of the Committee of Experts that legislation should not specifically name a single central organisation, even if the existing trade union organisation had requested this. The Government member of Czechoslovakia considered that, in the socialist countries, where all the forces of production were united for the attainment of common objectives, trade union unity was indispensable. He considered it legitimate for united trade union movements to call for and be accorded certain prerogatives to strengthen their bargaining position. Similar tendencies towards trade union unity could be encountered in the developing countries where development objectives were the main priority. He considered strange the supposition made in the general survey that trade union unity in Western countries was the result of a voluntary process whereas, in the socialist countries and in the developing countries, it was always imposed under pressure from governments. Several members, including the Government member of Cuba, the Government member of the German Democratic Republic and the Workers' members of Czechoslovakia and Romania said that the question of pluralism or trade union unity had to be seen against the historical perspective of the experience of each country. The Government member of Ethiopia stressed that the object of Convention No. 87 was not to make trade union diversity obligatory, as unity had always been the long-standing ideal of the workers of the world, on whose initiative Convention No. 87 had

been elaborated. In her view there was a fundamental difference between a situation where the unified structure was established by legislation, commencing with the existing trade unions, and a situation where the workers and their unions united voluntarily into a single organisation. This view was supported by the Workers' members of the Byelorussian SSR and the USSR.

59. Some members pointed out the dangers that could, in their opinion, arise in situations where pluralism existed. The Workers' member of Colombia stated that, in countries where pluralism existed, or was said to exist, many workers' organisations had been used by governments for political ends. The Government members of Ethiopia and Czechoslovakia and the Workers' members of the Byelorussian SSR, Colombia, Czechoslovakia, Ecuador and Mali pointed out that trade union pluralism favoured employers and weakened the workers.

60. Referring to the study published by the ILO in 1960 on the trade union situation in the USSR, the Government member of the United States noted that the supervisory bodies had repeatedly rejected the views contained in that report.

Right to strike

61. The question of the right to strike gave rise to a number of comments by the members of the Committee. The Workers' members stated, without recognition of the right to strike, freedom of association did not exist. They welcomed the fact that the Committee of Experts had considered that this right constituted one of the essential means at the disposal of the workers for the defence and promotion of their interests. According to the Workers' members, the General Survey revealed that the right to strike was subject to numerous restrictions in many countries, and they launched an appeal to all member States to improve this disturbing situation, including that of the public service and supervisory staff. In cases of prohibitions or restrictions on strikes imposed exceptionally in the public interest, provision should be made for workers to enjoy all necessary guarantees. Referring to the sanctions that were frequently imposed on strikers, the Workers' member of Japan stated that, according to the Committee of Experts, the participation in peaceful strikes, even if these were illegal, should not result in sentences of imprisonment being imposed. He considered that this interpretation would have a favourable influence on legal decisions that were taken regarding trade unionists who had been arrested for strike action. The Workers' member of Liberia stated that responsible trade unions did not call a strike unless this was necessary. He considered that the right to strike should be granted to the workers of every country including those in the developing countries.

62. The Government member of Tunisia noted that, for several years, the Committee of Experts had sought to introduce more clarity into the conditions in which the right to strike could be exercised by trying to conciliate the right of workers to defend their personal, economic and social interests with the necessity to maintain social peace and the national interest, which was an essential condition for maintaining the rhythm of the national development effort. He pointed out, however, that his Govern-

ment was not in agreement with the Committee of Experts concerning the interpretation which the Committee had given to the concept of essential services. He considered that international standards should not be applied in the abstract when dealing with concrete differences which characterised the national conditions of member States. In addition, he wondered whether it would not be useful to seek a better definition of the difficult and fundamental concept of the right to strike or to envisage a specific international Convention on this subject.

Collective bargaining

63. The Committee as a whole emphasised the close links which existed between freedom of association and collective bargaining. The Government member of Belgium pointed out that, if the principles of freedom of association were not respected, any valid agreement between the social partners lost the significance which the supporters of an economic and social democratic system wished to give to it. The Workers' members considered that collective bargaining had, in recent years, been subjected to too many limitations with governments claiming serious economic and financial difficulties. They considered, however, that, even in these cases, the restrictions imposed should be exceptional measures and of short duration. The Employers' members also considered that the right to bargain collectively without impediment or restriction was of primary importance since it implied both dialogue and the concept of agreement which could only bear fruit if they were exercised without interference by the State. The Employers' member from Venezuela emphasised that the intervention by governments in the determination of conditions of employment was not only a denial of the basic principle of freedom to negotiate, but it did not contribute to economic and social progress. In his view, dialogue and direct agreement between the parties was the best method of solving problems in labour relations matters.

64. Several Workers' members including those from Denmark, France and the Netherlands referred to the impediments placed by governments, for reasons of incomes policy, in the way of free determination of wages, especially in the developed countries. The Workers' member of France considered that the economic difficulties of the Western countries threatened to jeopardise the right to bargain collectively. He added that the guarantee of this right was a obligation for States and that governments had a duty to play a role in encouraging collective bargaining.

65. The Government member of the Netherlands expressed regret that the Committee of Experts had not, in its general survey, given an interpretation of the obligations concerning collective bargaining which flowed from Convention No. 87. He referred to the problems confronting certain countries which tried to reconcile the concept of collective bargaining with socio-economic policy, in particular employment policy. In his opinion, the general survey only provided a few guidelines as to what should be done to take account, on the one hand, of the concern of governments to maintain a reasonable standard of living for all, taking account of the economic situation, and, on the other hand, the objective of non-interference by the authorities in collective bargaining.

66. The Workers' member of Senegal referred to the Collective Bargaining Convention (No. 154), adopted by the Conference in 1981. The Government member of Sweden expressed the wish that the examination of this Convention by member States could also lead to a reappraisal by these States of the possibility of ratifying Conventions Nos. 87 and 98, especially as regards those which had not yet done so.

67. As regards the right to bargain collectively of workers in the public service, the Workers' members noted that, at the normative level, some progress had been made with the adoption by the Conference in 1978 of the Convention concerning the Determination of Conditions of Employment in the Public Service (No. 151). According to the Workers' members, this Convention had been ratified by too few countries, and States should endeavour to apply it faithfully and completely, thereby giving effect to the resolution adopted by the Joint Committee on the Public Service at its session in May 1983. The Workers' member of Japan expressed the wish that the next general survey on freedom of association should include an examination of the extent to which Convention No. 151 was being applied. This would be all the more important since Article 6 of Convention No. 98 permitted the exclusion from its scope of public servants engaged in the administration of the State and, frequently, this provision was given too wide an interpretation, which meant that in several countries all, or the majority of public servants were excluded from the protection of the Convention. The Workers' member of Czechoslovakia mentioned that, in contrast, in the socialist countries collective agreements were concluded in all public undertakings, industries and services.

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68. The Committee noted, both in its general discussion and in its consideration of individual cases, in the light of comments made by the Committee of Experts, that there existed fundamental differences of interpretation and application between the legislation and practice of many countries and those provisions of the Convention concerning the right of workers to establish organisations of their choice. This was particularly the case as regards the socialist countries. These divergences reflected different concepts of freedom of association. The Committee expressed the wish that the divergences thus encountered could be overcome and clarified with the assistance of the ILO, in particular by the organisations of seminars and other means.

Conclusions

69. The Committee concluded its work on the general survey by noting that the discussion which had taken place had offered to all the possibility of expressing, with complete frankness, their positions on the difficult problems which freedom of association and collective bargaining presented in the world of today. The Committee expressed the hope that the general survey of the Committee of Experts and the discussion that had taken place in the Conference Committee would encourage the recognition and the promotion of freedom of association which the ILO in its Constitution had solemnly undertaken to pro-