

COMMITTEE: Right to Strike (ILO 1)

ISSUE: How to guarantee trade union freedom in the professional world?

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PRESIDENT'S PRESENTATION



Hello dear delegates!

My name is Rania El Amrani, I am 16 years old, and I am in my second year of high school at the International School of Ferney-Voltaire. I was born in France but I am of Moroccan origin. I am part of the advanced English class; I enjoy it a lot and devote most of my free time to English and French literature. Generally, I love enjoying the presence of a book and a good cup of mint tea. I also love drawing in various styles.

I have been part of the MUN program since last year, where I participated as a resolution admin. This year, our committee will primarily focus on the challenges related to trade union freedom in the professional environment. It is necessary to find answers to these problems that prevent workers from exercising certain rights, such as trade union freedom, which is one of the fundamental labor rights.

This right is essential to enable workers to organize collectively, defend their interests, and demand improvements in working conditions. The reality of trade union freedom varies greatly from one country to another. In some states, it is fully guaranteed, while in others, it is restricted, threatened, or even non-existent.

This report examines the necessary conditions to guarantee trade union freedom, identifying the obstacles it faces, analyzing successful examples, and proposing concrete recommendations for its protection and promotion worldwide.

During the conference, your duty will be to debate for three days within the ILO in our tripartite committee. Representatives of governments, employers, and workers will need to try to find solutions together by forming judicious and coherent alliances to guarantee freedom of association in the professional environment. I wish you good luck for the three days of reflection and hard work on this theme and look forward to experiencing this event alongside you. See you in January!

KEYWORDS

Freedom of Association, Trade Union Freedom: According to the International Labour Organization (ILO), trade union freedom is the right of workers and employers to establish and join organizations of their choice without interference from the state or employers for a free and open society. (Article 2 of ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize) In many cases, these organizations have played a significant role in the democratization of their countries.

(List of countries that have ratified this convention:

https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTUMENT_ID:312232)

Tripartite Committee: According to the ILO, the concept of a tripartite committee refers to a structure of dialogue and consultation between governments, employers, and workers. (ILO Convention No. 144)

Strike: A strike, as defined by the ILO, is an action where workers collectively stop working to express demands or protests on issues related to their working conditions. (Article 3 of ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize)

Mediation: According to the ILO, mediation is a conflict resolution process that involves the intervention of a neutral third party to facilitate communication and negotiation between the conflicting parties. (Article 33 of ILO Convention No. 98 on the Right to Organize and Collective Bargaining)

Trade Union: According to the ILO, a trade union is an organization composed of workers or employees formed to defend and promote their economic, social, and professional interests. (Article 2 of ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, 1948)

GLOBAL OVERVIEW

I. The legal framework of trade union freedom

1.1. International recognition of trade union freedom

Trade union freedom is a fundamental labor right enshrined in major international conventions. These conventions are international standards that signatory states commit to upholding. However, the implementation of these commitments varies widely depending on the political, economic, and social contexts of each country.

1.2. Trade union freedom in national legal systems

In many countries, trade union freedom is protected by national legislation, but this protection is not always sufficient or effective. Unions may face restrictive laws, obstacles to their creation or functioning, and discriminatory practices.

In Europe, for example, the legal framework is largely favorable to unionization. Some Northern European countries (Sweden, Denmark, Finland, France, Germany, Belgium, Italy, Spain, Netherlands, Portugal) have laws that actively support union organization and collective bargaining. In France, for instance, trade union rights are protected, and unions play a significant role in social dialogue.

Conversely, in other countries, the situation is much more complex. In authoritarian regimes or emerging economies, trade union freedom is often restricted or ignored. In some cases, the creation of independent unions is prohibited, or unions are placed under the direct control of the state or employers (China, Cuba, Saudi Arabia, United Arab Emirates, Iran, North Korea, Syria).

II. Obstacles to guaranteeing trade union freedom

2.1. Authoritarian regimes and union repression

In some authoritarian regimes, trade union freedom is a theoretical right, but in reality, it is heavily repressed. In countries like China, Saudi Arabia, or Iran, independent unions are banned, and only government-controlled unions are allowed to exist. Moreover, trade unionists are often persecuted, imprisoned, or intimidated for exercising their union rights. This repression discourages workers from organizing and demanding improvements in their working conditions, which harms social stability and economic justice in these countries.

2.2. Threats to union autonomy in some democratic countries

Even though unions are theoretically protected by law, their autonomy can be threatened by anti-union practices such as discrimination against union representatives, unfair dismissals, and obstruction to union formation. Some governments or employers use indirect means to limit trade union freedom.

Examples:

In **Mexico**, practices such as manipulating unions through agreements with employers are common, limiting the true representation of workers. "Protection" unions are often created to maintain control over workers without genuinely defending their interests.

In **Colombia**, violence and intimidation against trade unionists are major problems. Workers who attempt to organize face threats, attacks, and sometimes even assassinations, discouraging unionization and harming trade union freedom.

2.3. The precariousness of work and the erosion of unionization

Another major obstacle to trade union freedom lies in the increasing precariousness of work. The rise of non-salaried employment forms (temporary work, zero-hour contracts, remote work, informal work) and excessive labor market flexibility make it harder to organize workers and defend their rights.

Labor market flexibility has a double consequence: it weakens existing unions, which struggle to effectively represent precarious workers, and makes it harder for new unions to emerge in informal or precarious sectors.

2.4. Neoliberal economic policy and labor deregulation

Globalization and neoliberal economic policies have also played a role in degrading the conditions of trade union freedom. Many governments have implemented reforms aimed at deregulating the labor market, thereby weakening worker protections and union powers. In some cases, unions have been viewed as obstacles to economic reforms and have been marginalized or reduced to advisory roles.

Moreover, the relocation of companies to low-wage countries has weakened union power in industrialized countries because these companies depend on countries where trade union rights are less protected.

ILO TREATIES AND MAJOR EVENTS

I. Significant legislative evolution:

Thanks to the continuous commitment of the ILO, the improvement of union rights in certain countries has become a tangible and promising reality.

To guarantee freedom of association in the professional environment, it is crucial to adhere to the ILO's international standards:

- 09/07/1948
 - Convention No. 87 of 1948 ([here](#)) established and protected the freedom of association and the right of workers to organize. It guarantees their right to collectively bargain with employers.
- 01/07/1949
 - Convention No. 98 of 1949 ([here](#)) on the Right to Organize and Collective Bargaining aims to promote a fair working environment.

- 21/06/1976
 - ILO Convention No. 144 ([here](#)), adopted on June 21, 1976, ensures freedom of association and the recognition of the right to collective bargaining. Important figures such as ILO members, government representatives, and employers' and workers' organizations played a crucial role in the development and implementation of this convention within tripartite consultations.
- 22/06/1981
 - ILO Convention No. 155 ([here](#)) on Occupational Safety and Health and the Working Environment strengthened workers' rights and ensured better working conditions.

These treaties are essential for guaranteeing workers' freedom of association, with key figures like Albert Thomas and Francis Blanchard playing a major role in promoting them within the ILO.

II. When effort shapes change:



A major event related to freedom of association is the Universal Declaration of Human Rights adopted by the UN in 1948 ([here](#)), which recognizes the right to freedom of association as a fundamental human right.

Source: droitsdelapersonne.ca

POSSIBLE SOLUTIONS

Our issue requires us to reflect on realistic solutions to guarantee the right to trade union freedom for all workers. Sometimes, the problem stems from employers who want to diminish or even eliminate their rights. In other cases, the problem comes from the State, which does not recognize workers' rights. Finally, in some cases, the issue arises from workers who exceed the limits of their rights. For these different situations, there are various solutions:

1. Strengthening national and international legislative frameworks

Reinforcing the legal framework is a fundamental tool to ensure trade union freedom. States should adopt laws that:

- Protect unions and union representatives against any form of discrimination or repression.
- Guarantee the right to collective bargaining for all workers, including those in informal or precarious sectors.
- Facilitate the creation of independent unions and their legal recognition.

- Penalize anti-union practices, such as the wrongful dismissal of unionized workers or intimidation. States should also ratify and implement international ILO conventions and ensure compliance with international standards on trade union freedom.

2. Importance of international cooperation

International cooperation and the role of multilateral organizations, such as the ILO and the UN, are essential to guarantee trade union freedom. These organizations can exert diplomatic pressure on governments that restrict trade union freedom by launching investigations or imposing economic or diplomatic sanctions, fostering a more harmonious and productive work environment. International unions, like the International Trade Union Confederation (ITUC), also play a key role by mobilizing public opinion and organizing international solidarity campaigns.

3. Supporting local unions and promoting international solidarity

Support for local unions in countries where trade union freedom is threatened is crucial. International unions, NGOs, and governments of developed countries can provide financial, legal, and technical assistance to unions in developing countries or in countries where union rights are repressed. International solidarity, through awareness campaigns and targeted economic boycotts, can also contribute to increasing pressure on governments or companies that violate union rights. These actions may include demonstrations, solidarity strikes, and support actions for persecuted unionized workers.

4. Education and training of workers

Adequate education on unionization is essential to guarantee trade union freedom, especially in countries with a weak union culture. Workers need to be informed about their rights and the importance of collective organization. Training programs, in partnership with unions, NGOs, and public institutions, can strengthen workers' ability to organize and defend their rights. Teaching union rights in schools, universities, and professional training programs can also help strengthen union culture and train future union leaders. These leaders would then be better equipped to participate in decision-making within the company for a more inclusive and collaborative work environment.

5. Integration of union rights into trade agreements

Bilateral or multilateral trade agreements can be used to guarantee union rights.

Examples of bilateral trade agreements:

- Free Trade Agreement between the United States and Chile (2004): This agreement includes commitments to respect labor rights, including the recognition of union rights, to ensure fair working conditions.
- Economic Partnership Agreement between Japan and Chile (2019): This agreement also includes provisions related to respecting workers' rights, including union rights, to promote a fair and equitable work environment.

Example of a multilateral trade agreement:

- North American Free Trade Agreement (NAFTA): Although replaced by the United States–Mexico–Canada Agreement (USMCA), NAFTA contained provisions on respecting workers' rights, including union rights, to promote fair working conditions among the three member countries.

Modern free trade agreements should include commitments to workers' rights, notably trade union freedom and collective bargaining. By integrating social clauses into these agreements, governments can increase pressure on partner countries and monitor them to ensure they respect union rights, ensuring fair and equitable working conditions for all employees.

Examples of Countries that Have Successfully Guaranteed Trade Union Freedom:

- Nordic Countries: A Model of Social Dialogue: The Nordic countries (Sweden, Denmark, Norway, and Finland) are often cited as successful examples of trade union freedom. These countries have high unionization rates and a collective bargaining model that includes unions in the decision-making process. Social dialogue is central to the economic and social policy of these countries, with strong collaboration between employers, unions, and governments. The success of this model is based on laws protecting union rights, constant dialogue among stakeholders, and an economic policy grounded in social justice.
- Latin America and the Rise of Independent Unions

QUESTIONS TO CONSIDER:

- Does your country grant the right to trade union freedom to its workers?
- Are there many strikers in your country? If so, how many?
- What are the main causes of strikes?
- Have you implemented any laws, procedures, or measures concerning strikes?
- Are there any NGOs (non-governmental organizations) that support unions in your country?

- Are there any tensions between your government and the unions? If so, what are the causes?

BIBLIOGRAPHY

Articles:

- Right to Strike and Trade Union Freedom according to the Constitutional Council in France (article in French only)
 - [Link](#)
- May 1, 1886: A Tragic Strike in Chicago Inspires Labor Day (article in French only)
 - [Link](#)

Videos:

- What Does the Law Say About Strikes in France?
 - [Watch Here](#)
- History of Trade Union Freedom
 - [Watch Here](#)

Report:

- ILO Report on the Right to Strike, 2014
 - [download](#)

It is highly recommended to review ILO Conventions 87, 98, 144, and 155 for more detailed information on the topic.