

Labor: Freedom of Association

Freedom of Association, Overview

The concepts of Freedom of Association and Collective Bargaining are arguably the most contentious labor rights given the often confrontational and sometimes violent ways private enterprises and worker organizations interact. However, worker organizations are a key element to ensure labor compliance as they help ensure that employees receive at minimum their basic rights as prescribed by law. Although freedom of association is directly linked to worker unions, it is actually a much broader topic that guarantees the right of employers and workers to join any organization and enjoy freedom from interference or discrimination for their participation.

ILO Conventions

[Convention 87](#) focuses on the right of workers and employers to freely establish and join any organization without authorization or interference from public authorities.

These Employer and Worker organizations are free:

- To establish and execute their own governance systems, activities, and programs free from interference of public authorities
- From the threat of dissolution or suspension from administrative authorities
- To establish and join any federations or confederations, which in turn have the same rights as above as well as the right to freely affiliate with any international Employer or Worker organizations
- From conditions that restrict the above freedoms when attempting to establish a legal entity

The above freedoms are guaranteed as long as these organizations comply with the law of the land, which in turn must not impede the freedoms guaranteed under this Convention.

[Convention 98](#) focuses specifically on the relationship between employers and workers. It states that:

- Workers shall be protected from anti-union discrimination relating to their employment, especially in cases where:

- Employment is made contingent upon agreement not to join a union or to revoke union membership
- Worker is dismissed or discriminated against due to union activities that take place outside of working hours or during working hours, when approved by employer
- Employer and Worker organizations shall enjoy equal and adequate protection from interference by each other, especially from acts that attempt to put Worker organizations under the domination or control of Employer organizations
- Measures should be put in place to encourage and facilitate voluntary negotiation between employers or Employer organizations and Worker organizations