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COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

INTERNATIONAL BILL OF RIGHTS

Resolution Adopted by the Economic and Social Council
on 24 March 1947

The following is an extract of the Resolution adopted by the Council
on the item proposed by the World Federation of Trade Unions:

"GUARANTEES FOR THE EXERCISE AND DEVELOPMENT OF
TRADE UNION RIGHTS

"THE ECONOMIC AND SOCIAL COUNCIL

"Having taken note of the item regarding Trade Union Rights
placed on its agenda at the request of World Federation of Trade
Unions, and the memoranda submitted by the World Federation of Trade
Unions and the American Federation of Labor,

"THE ECONOMIC AND SOCIAL COUNCIL

"FURTHER RESOLVES to transmit the documents to the Commission on
Human Rights in order that it may consider those aspects of the subject
which might appropriately form part of the Bill or Declaration on
Human Rights."

The following documents are:

1. Draft Resolution Submitted by the World Federation of Trade Unions
to the Economic and Social Council on Guarantees for the Exercise and
Development of Trade Union Rights;
2. Memorandum and Draft Resolution Submitted by the American Federation
of Labor to the Economic and Social Council on the Guarantees for the
Exercise and Development of Trade Union Rights.

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DRAFT RESOLUTION

SUBMITTED BY THE WORLD FEDERATION OF TRADE UNIONS TO THE ECONOMIC
AND SOCIAL COUNCIL ON GUARANTEES FOR THE EXERCISE
AND DEVELOPMENT OF TRADE UNION RIGHTS

1. Ever since the end of the Second World War, one notes that certain interventions tend, in various countries, to destroy the very foundations of trade union rights. The means employed to hinder the progress of the trade union movement are principally as follows:

the large-scale dismissal of trade unionist workers, the arrest of active trade unionist and trade union leaders, the occupation of trade union premises, the revocation by the government of bodies democratically chosen by the trade unions, the nomination of trade union leaders by the government, the prohibition of all coloured or native workers against forming occupational organizations, the prohibition on occupational organizations against forming any federal occupational or inter-occupational organizations, whether locally, nationally or internationally, etc.

2. Such attacks on trade union rights can demonstrate the persistence in certain countries of nefarious ideologies which have placed the world in deadly peril. The respect for trade union rights as an element of peace and co-operation between the peoples should be assured on the international level.

3. Trade-Unionism when unhampered in its evolution tends to go further than the particular interests of its members and becomes, in an ever-increasing measure, the spokesman of the general interests. This aspect of the evolution is also clearly illustrated by the programmes of economic reorganization formulated in most countries by the workers' trade unions. Basing themselves on the generally accepted idea that the exercise of the right of ownership is a social function. Trade-Unionism, representing the producers, insists on the necessity of bringing the community into still greater participation in the general direction of economic policy.

4. In the social domain, the role of the trade unions is still more important. They conclude collective agreements which can be extended to embrace all workers in a profession or in a nation, that is to say, even

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those who are not members of these organizations. In certain cases therefore, the trade unions are given the power to make regulations. In many countries also, they share in the control and direction of industrial undertakings and even in the activities of the State; in this way, they take part in the preparation of social legislation through their advisory councils, labour councils and economic councils, and share in the application of social legislation by administering social security institutions, by collaborating with inspecting bodies and also on conciliation and arbitration boards and on labour tribunals by supervising employment, apprenticeships, occupational training, and control of prices, etc.

5. Thus, in war, as in peace, the states call on the aid of trade union organizations in order to introduce a higher degree of justice into their social system. In this way alone can there be the guarantee of a peaceful evolution in conformity with the facts and with the democratic development. If, for example, it is rendered impossible for workers to make collective agreements, they have no other means of redressing the wrongs inflicted on them than by the collective stoppage of work and by agitation.

6. This evolution, which must be guaranteed and made general, is merely the expression of the democratic principle, according to which those concerned, namely the producers, should have a say in determining economic and social policy. The value of this principle has been increased by the fact that the war for the triumph of democracy and liberty has been brought to a successful issue with the active help of the working class and as a result of its sacrifices. Already the victory of the United Nations has inspired the development of trade unionism in all quarters in close relationship with social progress and the development of popular liberties.

7. Within the State, the role of modern trade unionism is of ever-increasing importance. This role, however, can be effective and can be of value for the community only on condition that the trade union movement preserve its independence, its autonomy and its spontaneous character. It is therefore fitting that the State should not obtain a hold over the trade unions and

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over the workers' movement by means such as: the nomination of administrative bodies and leaders by the public authorities, or the interference of the latter on any other score in the running of trade unions.

8. Furthermore, any attempt to hinder the federation of trade union organizations on the occupational and inter-occupational level, locally, nationally and internationally, constitutes a very serious infringement of trade union liberty. In fact, the idea of organization is at the very basis of trade union movement which, by its very nature, tends to integrate into ever-widening entities. Trade union practice in every country is decisive in this direction and any effort to the contrary could only tend to restore a corporate system condemned by experience.

Moreover, the evolution of trade unionism extends beyond national frontiers and is manifested with equal intensity on the international level.

9. Even at the end of the First World War, the Peace Conference insisted on the necessity of organizing the working class. Through its representatives the working class took part in a series of conferences and in a number of international organizations and in this way the international personality of the workers organizations became an indisputable reality.

10. Attention should be drawn to the work undertaken by the WFTU after the Second World War, in order to assist trade union organization in liberated or defeated countries, an action which constitutes one of the most important factors in the spread of democracy in the political, social and economic domain, and of which the beneficial effect has been recognized by all the governments concerned.

11. After the Second World War, the evolution which we have demonstrated both on the national and international level, became more pronounced. Already relations of confidence have been established between the Economic and Social Council and the World Federation of Trade Unions.

12. Besides, according to Article 1 (3) of their Charter, the United Nations propose as one of their aims, the realization of international co-operation

/"in solving

"in solving international problems of an economic, social, intellectual or humanitarian nature, by developing and encouraging respect by the rights of man and the fundamental liberties for all without distinction of race, sex, language or religion". The same idea is to be found in Articles 55 (e) and 62 of the Charter. The attainment of this objective, presupposes the general expansion and consolidation of trade unionism on the national and international level.

13. Effective co-operation in economic and social matters is only feasible with the help of the masses of the peoples, who must be assured of an ever-increasing standard of comfort, and whose most responsible elements are organized within trade unions.

The recognition of trade union rights and the unrestricted and uncontested use of those rights should allow the full development of the trade union activities. These activities may lead the trade union organizations in each country to co-operation in establishing and implementing social legislation. The outcome of this progressive social legislation, setting out the constructive possibilities of trade unionism, can be a new right enabling the trade unions to determine the economic and social policies in each country.

14. Unorganized, spontaneous anarchic movements can be a danger to the internal peace of every country. If effective international co-operation is to be established, there must be pacification and consolidation of the democratic regime within each state.

15. Effective respect for trade union rights, apart from guarantees proper to every country, demands a safeguard of an international character whenever the use of these rights results in developments which might affect the international life. From national and international practice there can be established, for trade union rights, a real common international law, for which, respect in all states, should be assured by the Economic and Social Council.

On the basis of the preceding considerations, the WFTU submits to the

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Economic and Social Council, the following resolutions:

1. Trade Union rights are recognized as an inviolable prerogative enjoyed by salaried workers for the protection of their professional and social interests.
2. Trade union organizations should be able to administer their own affairs, to deliberate and freely decide on all questions falling within their competence, in conformity with the law and with their constitution, without interference in their duties from governmental or administrative bodies.
3. There should be no obstacle to the federation of trade union organizations on the occupational or inter-occupational level, whether locally, regionally or internationally.
4. All legislation which places restrictions on the above-mentioned principles is contrary to the economic and social collaboration laid down by the Charter of the United Nations.
5. The Economic and Social Council decides to set up a Committee for Trade Union Rights which will safeguard, in a permanent fashion, respect for trade union rights. On every occasion on which the afore-mentioned principles are violated, the Committee will make the necessary enquiries and will submit recommendations to the Economic and Social Council as to the measures to be adopted.

/MEMORANDUM

MEMORANDUM AND DRAFT RESOLUTION

SUBMITTED BY THE AMERICAN FEDERATION OF LABOR TO THE
ECONOMIC AND SOCIAL COUNCIL ON THE GUARANTEES FOR THE
EXERCISE AND DEVELOPMENT OF TRADE UNION RIGHTS

1. On 28 February 1947, a document E/C.2/28 was circulated to the members of the Economic and Social Council on behalf of the World Federation of Trade Unions. This document contains a draft of the proposed resolution regarding the guarantees for the exercise and development of trade unions' rights.
2. In the document E/CT.2/2 circulated to members of the Council as of 20 August 1946, the American Federation of Labor, in its draft of a proposed "International Bill of Rights" covered, among other questions, the basic points raised by the World Federation of Trade Unions. Specifically, the American Federation of Labor draft urged the adoption of the following provisions as a part of the "International Bill of Rights":

IV

BASIC HUMAN RIGHTS

"Without freedom from fear of tyranny by absolutist bureaucrats or dictators and without freedom from want, there can be no political or industrial democracy within nations or just relations and enduring peace between nations.

"Only by removing the political, economic and social ills and maladjustments afflicting humanity will mankind be able to reach that long hoped-for stage of civilization in which peace and plenty shall truly prevail.

"In this spirit, the American Federation of Labor proposes to the Economic and Social Council of the United Nations that it draft an International Bill of Rights which shall be part of the general peace treaty and be binding on all its signatories. We propose that this International Bill of Rights shall include the following provisions:

/1. Every

1. Every human being - irrespective of race, colour, creed, sex or national origin - has the right to pursue his or her work and spiritual development in conditions of freedom and dignity.

2. Freedom of expression and association is vital to the preservation of the basic liberties and the enhancement of the spiritual and material progress of the human race. These rights must be inviolate for those who oppose, no less than for those who support, a ruling party or a regime at any specific moment.

Genuine freedom means the right of association and organization into various - into differing - educational, religious, economic, political and trade union organizations, without fear of direct or indirect control and compulsion by governmental or any other agencies.

3. The right to organize and work for a constantly more equitable distribution of the national income and wealth and the right to strive for the enhancement of the moral and material well-being of the people - for better health and security against the ravages of unemployment, accidents, sickness and old age - are to be considered inalienable. The conditions of work under modern large scale industry make it especially necessary for the working people to have an effective system of social legislation which will provide minimum wages and maximum working hours; guarantee against the employment of child labour; set up adequate medical care; provide accident, unemployment and old-age insurance and other such vital measures making for effective social security of the population.

4. Raise labour standards throughout the world. There is no more effective way of stimulating the revival of production

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and the international expansion of markets than by increasing the purchasing power of the great mass of people in every country.

5. Freedom of religion and right to religious worship are indispensable to a truly democratic society.

6. The right of asylum is to be guaranteed by all nations. No human being who is a refugee from any political regime he disapproves of is to be forced to return to a territory under the sovereignty of that regime.

7. The right to migrate or leave temporarily or permanently a country in which a citizen does not want to remain must be assured, limited only by the laws of immigration of the country which he may wish to visit.

8. There must be freedom of opinion and expression and full access to the opinions of others.

9. The more full and complete knowledge of the world is extended and realized by the peoples of all nations, the less will be the distance and misunderstandings between nations and peoples. Therefore, the right of free access to and exchange of information - scientific, economic, social, religious and political - the promotion of knowledge and of cultural relations, the full and free dissemination of news by radio and press must be assured.

10. Involuntary servitude in any shape, manner or form or under any guise shall be outlawed and discontinued by all nations and all peoples.

11. Freedom from arbitrary arrest, detention, search and seizure; proper judicial determination of arrest and charges; a fair public trial by jury or competent and unprejudiced court constituted in accordance with normal judicial procedure; right of habeas corpus and freedom from arbitrary imposition of penalties.

/12. The key

12. The key to the entire approach of human rights must be the placing of respect for human personality and welfare above all else. In this spirit, the foregoing rights can have tangible meaning and practical application only if:

- (a) All human beings have real security and are free from discrimination on account of race, colour, creed or difference of political belief from the government in control or the party in power.
- (b) There is to be no peacetime conscription or militarization of workers protesting or striking against conditions of labour which they consider unfair or unsatisfactory.
- (c) All economic or political discrimination and punishment for differences of political opinion or religious belief and practices are to be eliminated. The threat of being sent to concentration or labour camps as a punishment for difference of opinion with any government authority or dominant political party must be completely removed.
- (d) Freedom from censorship of books, press, radio and art, having due regard to the requirements of morals and decency.
- (e) Freedom from the terror of secret police surveillance, arrest or torture. This can be assured only through the abolition of all political police and concentration camps in every country."

3. Basically, the protection of rights of trade union members and of their organizations is encompassed by the above proposals of the American Federation of Labor. These proposals were referred to the Human Rights Commission of the Economic and Social Council, were considered by that Commission and were referred by it to the Drafting Committee empowered to draft an International Bill of Rights.

/4. There

4. There is no doubt that numerous problems which affect workers generally, or labour and trade union organizations more specifically, are outside the framework of reference set forth for the Human Rights Commission. The United Nations, under the terms of its agreement with the International Labour Organization (document A/72), Article I, recognized the latter organization as "a specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purpose set forth therein." The terms of reference of the International Labour Organization are indicated in its Constitution, Article 10 and Articles 19, 20, 21, 35. (Constitution and Rules, Montreal 1946)

5. It is therefore quite proper for the Economic and Social Council to request the International Labour Organization to make a survey of labour conditions in the various countries, Members of the United Nations, in order to secure information on the treatment received by the individual workers in the exercise of their rights to form, join or belong to Trade Union organizations without interference or coercion by the governmental authorities; on the extent, if any, of government domination or interference with Trade Union organizations; and regarding any coercive acts directed against individual workers insofar as their relations to their Trade Union organizations are concerned. On the basis of such inquiries, the International Labour Organization should be requested to undertake the necessary steps for the elimination of such practices which deny basic individual rights to workers or collective rights to their organizations.

6. The American Federation of Labor, after examining in detail the proposals submitted to the Economic and Social Council by the World Federation of Trade Unions, suggests that these proposals be amended to read as follows:

DRAFT RESOLUTION

I. The Economic and Social Council recommends, in accordance with the

/Agreement

Agreement between the United Nations and the International Labour Organization, that the International Labour Organization take into early consideration the problem of trade union rights with reference to questions as follows:

- A. To what extent have workers the right to form, join or belong to labour or trade union organizations of their own choice without interference or coercion by the government?
- B. To what extent are trade unions free to operate in accordance with the decisions of their own members, whether on a local, regional or national basis, without interference by governmental authorities?
- C. To what extent are workers free to select, elect or appoint officers of their own trade unions?
- D. To what extent are unions free to raise their own funds and dispose of them by decisions of their own memberships or in accordance therewith, under their own rules and regulations, without governmental interference?
- E. To what extent are workers or their organizations free to communicate with other workers or organizations, either within the confines of the same country or outside the country?
- F. To what extent are local, regional or national trade union members free to join international organizations, without fear and free from governmental interference?
- G. To what extent are labour or trade union organizations free to deal with the employers of workers they represent and conclude collective agreements and participate in their formulation?
- H. To what extent is the right of workers and of their organizations to resort to strikes recognized and protected?
- I. To what extent are workers and their trade unions free to resort to voluntary arbitration, free from government domination
/and interference,

and interference, in order to settle their differences with their employers?

J. To what extent have workers and their organizations the right to press for governmental action for the purpose of securing legislative or administrative action on their behalf?

K. To what extent are workers free to move from one part of the country to another, within the confines of the national borders, and to what extent are they free to migrate outside the national boundaries?

L. To what extent are workers free to accept employment, to stay on the job or to abandon it, in accordance with their own decision, without governmental coercion or interference?

M. To what extent, if any, does forced or slave labour exist and how are individuals of whatever nationality, race, sex, language or religion, protected against compulsory, or forced labour?

N. To what extent are working conditions and workers' welfare protected by legislative standards and what is the nature and character of such protection?

II. The Economic and Social Council further recommends to the International Labour Organization that it drafts on the basis of the survey recommended above, for the purpose of ultimate submission to the various states, proposals for:

- (a) Incorporating the rights universally recognized
- (b) Protecting the workers and their organizations against the violation of basic labour or trade unions' rights, and
- (c) Providing proper measures for the enforcement of such rights.
