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GENERAL

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Item 16

TRADE UNION RIGHTS (FREEDOM OF ASSOCIATION)

Comments by Member States on the progress report by the Secretary-General and the Director-General of the International Labour Office concerning the question of the establishment of a Fact-Finding and Conciliation Commission on Freedom of Association

The Secretary-General has the honour to circulate herewith, in accordance with resolution 239 (IX) of the Economic and Social Council, the text of a letter dated 3 February 1950 from the Acting Secretary of Foreign Affairs of the Philippines.

PHILIPPINES

"This is with reference to Your Excellency's note (Ref: SOA 317/5/03/ES) dated December 27, 1949, drawing attention to resolution 239 (IX) adopted by the Economic and Social Council on August 2, 1949, and requesting comment on the progress report regarding the establishment of the Fact-Finding and Conciliation Commission on Freedom of Association.

"In this connection, I have the honor to submit hereunder the views of this Government on the matter:

"As a general proposition, this Government is in accord with the plan for the establishment by the International Labour Office of a Fact-Finding and Conciliation Commission on Freedom of Association for the purpose of international supervision of freedom of association, such commission, when finally established, to consist of "persons who hold, have held, or are qualified to hold high judicial office, or who have other special qualifications for examining and evaluating evidence concerning factual allegations relating to the exercise of trade union rights, and who will command general confidence by reason of their character, standing and

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impartiality." It is felt that the establishment of the commission which is intended to be an implementation organ and essentially a fact-finding body, would exercise influence upon Philippine labor relations, not only because the Philippines is a member of the International Labour Organization but because this country was a party to the adoption of the Convention on Freedom of Association and Protection of the Right to Organize (1948) and the Convention on the Right to Organize and Collective Bargaining (1949).

"Regarding the proposal that neither the Governing Body nor the International Labour Conference should refer a case to the commission except with the consent of the Government concerned, it is suggested that in the formulation of the necessary rules and procedure governing reference of cases to the commission, the proposals of the Director-General be given as much effect as may be consistent with the established practice of the United Nations. This Government is interested in said proposal being embodied in the instrument for the creation of the proposed commission."
