Research Report

Leiden Model United Nations 2017
~ fresh ideas, new solutions ~

Forum: *International Labour Organization*
Issue: *Protecting the right to collective bargaining*

Position: *Chair*

Introduction

Collective bargaining is a term made up by Beatrice Webb, an English sociologist. The right to it was later recognized in multiple international conventions.
The right is supposed to protect both employers and employees by negotiating regulations on workers' rights. This is mostly used in trade unions, who represent employees. They usually negotiate between employers and groups of employees.

Definition of key terms

Right

It's a "a moral or legal entitlement to have or do something''[1]. Rights are fundamental and are supposed to ensure that all people are treated equally and fairly.

Collective bargaining

"Collective bargaining is a key means through which employers and their organizations and trade unions can establish fair wages and working conditions. It also provides the basis for sound labour relations.''[2] Such a process of negotiation is usually executed by one or multiple employers and a trade union representing employees.

Trade union

Also known as labour/labor union. It is an organization of employees, who try to regulate and negotiate about common goals, such as higher payment or better treatment.

General overview

The first time the right to collective bargaining was widely recognized was in the United States of America. They made it illegal to refute the right of unifying in 1935. In this era it was important to have such a right, as companies grew bigger and got much more employees. Besides that, the unemployment rates were extremely high due to the economic crisis in the twenties and thirties of the 20th century. A couple of years later, in 1948, the Universal Declaration of Human Rights also named the

[1] Google
[2] ILO

right to collective bargaining a human right. Human rights, although they are not binding, shall be protected at all times. Parties that do not abide by them, can be punished through international law. Therefore, the right to collective bargaining is protected by international law.
The International Labour Organization (ILO) named the right to collective bargaining as one of their fundaments. Thus, when they established the Declaration on Fundamental Principals and Rights at work, they once again declared that it is one of their most important principals.
Not all countries have a functioning collective bargaining system. China, for example, has a trade union controlled by the government. This is not necessarily bad, but it does surpass the original idea of collective bargaining: a negotiation between employees and employers. However, there has been some progress regarding trade unions the past decade. Most countries now have laws that at least allow collective bargaining. Not all of them allow trade unions.

Major parties involved

Canada
Once extensively reviewed this right and came to the conclusion that it was an important labor right. According to them, the human right to collective bargaining is a way of giving workers a voice[3].
United States of America
The National Labor Relations Act was made up in 1935 and is established in order to protect all American workers. Besides that, there are several other acts, all established in the first half of the 21st century
China
As of now, there are still no laws that allow collective bargaining. Although, there is the *All-China Federation of Trade Unions (ACFTU)* all departments of it belong to the government. However, due to the extremely fast economic growth, the Chinese government is searching for a new type of organization for their trade union.

Timeline of events

1891 Establishment of the term *collective bargaining* by Beatrice Webb.
1948 The organization of trade unions is named as a human right in Article 23 of the Universal Declaration of Human Rights.
1998 The International Labour Organization (ILO) defines collective bargaining as a fundamental right for workers in the *Declaration on Fundamental Principles and Rights at Work.*

[3] Supreme Court of Canada, *Facilities Subsector,* June 2007

Previous attempts to solve the issue

There have been a lot of attempts to protect this right to collective bargaining, such as in the aforementioned declarations. The Universal Declaration of Human Rights is officially not binding but can be used to prosecute parties who have signed it, according to international law. However, there is some discussion about that and several states and scholars have declared the Declaration as non-binding. The Declaration of the ILO is not binding, but all state parties have reached an agreement on the topic through it. Furthermore, the Declaration has been reviewed in 2010.

Possible solutions

First of all, it is important to review the right to collective bargaining in the light of this new, more digitalized, era. Are the Declarations that are protecting the Right now lacking regulations that are much needed now? And how can we solve that?

Furthermore, we have to see if there are any ways to make the Declarations more binding. That way this Right can be protected by for example International Law. This would ensure that all member countries of the ILO should have rules about collective bargaining and should allow it.

Useful documents

- 1998 ILO Declaration on Fundamental Principles and Rights at Work http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm
- 1948 Article 23 of the Universal Declaration of Human Rights http://www.un.org/en/universal-declaration-human-rights/index.html
- Definition by ILO of collective bargaining. http://www.ilo.org/global/topics/collective-bargaining-labour-relations/lang--en/index.htm

Appendix

2: http://www.ilo.org/global/topics/collective-bargaining-labour-relations/lang--en/index.htm