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Freedom of Association and the Right to Strike

By Luis Inacio Lula da Silva

It is a fact that technological innovations and changes in the organization of work have caused alterations in the labour market, making certain international labour standards obsolete and, at the same time, giving rise to demands for new rights. However, this does not justify the pressure that the International Labour Organization (ILO) has been put under to reduce its character as an International Organization (IO) to that of an agency of the United Nations system, nor indeed the questioning about whether the right to strike is part of Convention 87, on freedom of association, although the ILO has been fostering this concept for more than sixty years now.

The ILO is one of the oldest and most important organizations in the UN system. It is also the only one to be run on a tripartite basis – governments, employers and workers. It has standard-setting and supervisory powers, as well as mechanisms for annulling obsolete standards, for updating incomplete standards and for enabling member countries to denounce Conventions that they consider unsuitable. So the instruments for perfecting the standards system do exist.

Obviously, the current debate is not about this. Rather, it is an attempt to weaken a fundamental ILO standard, namely freedom of association, and hence the other ones too. The main premise of freedom of association is that each sector – workers and employers – organizes itself as it wishes and none of the parties can interfere in the others' organization – particularly the State. Thus, it is unnecessary for this standard to authorize trade unions to hold meetings, collect dues or publish bulletins, amongst other things. It is implicit that Convention 87 guarantees workers' right to take collective, independent decisions, including the right to hold strikes.

The Brazilian Constitution, which we approved in 1988 as a replacement for the legislation of the military dictatorship period, recognizes the right to strike. During my time in government, I set out to strengthen freedom of association by ratifying Convention 151 and extending this right to public sector workers. We approved the law that conferred a legal personality on the Brazilian trade union centres, and my government negotiated formal collective agreements with them – such as on the criteria for readjusting the minimum wage; we created the Economic and Social Development Council (CDES), with the participation of workers, employers and other social organizations; and we are seeking to highlight the ILO and the decent work agenda to the greatest degree possible; among other initiatives.

During the 1970s and '80s, I was honoured to be the presi-

dent of the Metalworkers' Trade Union of São Bernardo e Diadema. On 1 April 1980, we embarked on a 41-day strike for better working conditions and pay. The reaction of the employers and the government was extremely repressive, as 1,507 strikers were dismissed and 14 trade union leaders, myself included, were arrested and sentenced to a number of years in prison by a military court. The repression by the employers and the military government generated an impressive wave of solidarity and, internationally, this violation of our human and trade union rights caused a complaint to be lodged with the ILO Committee on Freedom of Association, bearing the number 958. In 1982, this case led to a unanimous resolution, which stated: *"concerning Luis Inacio da Silva and other trade union leaders ... recalling again the importance which it attaches to the right to strike as one of the essential means that must be available to workers and their organizations for promoting and defending their occupational interests"* ... This clear ILO position on our right to strike was an important factor in getting the government to reconsider the verdicts passed on us, and the Organization's intervention was also important in similar situations in Poland and South Africa.

Nobody likes going on strike, but there are times when it is the only way to improve the workers' living conditions. A strike sometimes affects the users of a particular service or hurts a particular economic sector. That is the side we do not like. Neither do we sometimes like election results or certain government measures, but that does not mean we are going to give up our right to vote. And yet, having the freedom to organize without having the right to strike is the same as having democracy without having the vote.

Throughout history, higher, more justly distributed incomes and the promotion of social rights have never been won without workers' organizing in unions and holding strikes. These gains contributed to the development of our countries, and the trade unions became actors in that development. We need ever-stronger trade unions in order to eradicate poverty once and for all and promote development. Raising difficulties in order to curb trade union action is a disservice that is in nobody's interests.

Luis Inacio Lula da Silva is Ex-President of the Federal Republic of Brazil.