

The Committee took as the basis of discussion the proposed conclusions drafted by the Office, and in the general discussion employers' members observed that freedom of association should be guaranteed in its negative aspect—freedom not to join—as well as in the positive aspect—freedom to establish organizations and to join them. They considered that the regulations should state clearly that no employer or worker should be forced to join an industrial organization against his will.

The United Kingdom Government, in opposing this view, pointed out that the proposal would raise several difficult issues of vital importance to Governments, no less than to workers and employers. If the intention was to give protection by law to an individual's right not to join any organization, it seemed to follow that collective agreements providing for the closed or union shop would have to be made illegal. He asked whether the effect of the employers' proposal would be to require all strikes to be made illegal where union members refused to work with individual workers who were not prepared to join a union, and pointed out that, if so, few Governments could accept a Convention which required any such action to be taken.

The workers' members maintained that the right to organize and the right not to organize could not be placed on a footing of equality, and opposed any inclusion in the international regulations of a clause specially guaranteeing the right not to join. It was emphasized that the regulations were intended primarily to make the principle of freedom of association effective by guaranteeing to those concerned the right to establish organizations freely, and allowing them to function freely, an essential condition of collective bargaining.

After the general discussion, the Committee proceeded to an examination of the detailed provisions, and decided to postpone until next year the decision as to whether the international regulations should take the form of a Convention or a Recommendation.

The conclusions arrived at as a basis for final discussion and decision at the next session were as follows:—

- (1) International regulations concerning the application of the principles of the right to organize and to bargain collectively to be adopted in the form of a Convention or a Recommendation.
- (2) The workers to be accorded adequate protection against any acts of anti-union discrimination in respect of their employment, and especially against acts designed to—
 - (a) Make the employment of a worker dependent on the condition that he shall not join a union or shall withdraw from one to which he belongs :
 - (b) Cause the dismissal of or otherwise prejudice a worker by reason of his membership in a union or because of his participation in union activities outside working-hours or, with the consent of his employer, within working-hours.
- (3) (a) Workers' organizations to be accorded adequate protection against any acts of interference, on the part of employers' organizations or their agents, in their establishment, functioning, or administration.
 - (b) In particular, acts which are designed to—
 - (i) Effect the establishment of workers' organizations under the domination of employers :
 - (ii) Support workers' organizations by financial or other means with the object of placing such organizations under the control of employers—shall be deemed to constitute wrongful interference.
- (4) Employers and workers to be accorded adequate protection against acts of wrongful coercion designed to interfere with the free exercise of their right to organize.