The End Goal of Workers’ Rights Advocacy
By
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Although some progress has been made recently in raising the profile of worker’s rights as human rights a great deal still needs to be done. One problem for workers’ rights advocates has been to get the rhetoric right. Suggested here is a fundamental axiom in support of the proposition that collective bargaining is essential to democracy and dignity at work:

“Human dignity and principles of democracy require that working conditions that are collectively conceived and applied be collectively negotiated. To impose unilaterally standardized conditions of work is to offend democratic values and treat employees as less than human.”

Commonly, workers’ rights advocates emphasize workers’ freedom of association or their more specific right to organize. The fundamental axiom shifts the emphasis to the right of all workers to collectively negotiate the conditions under which they work.

For those who seek to secure an unfettered right to organize the goal is a society without opposition to unionization. The axiom puts in place a different goal: the right of all workers to collectively negotiate their conditions of work. The goal is a society in which all collectively conceived and applied conditions of work are the result of collective negotiations. In such a society, employers may not change standardized conditions unilaterally; they must negotiate the changes with employee representatives.

There are three human rights that are closely connected but have separate and distinct characteristics. Freedom of Association is the most expansive of these rights. It embraces the right of workers to organize in their interests but it also embraces the right of all people to choose their own religion or join a political party, or other organizations of their choice. The Right to Join or Form a Trade Union of one’s choice is the second of these related rights. Also known as the Right to Organize, this right is derivative from Freedom of Association. It is Freedom of Association as it materializes in the world of work. The third related right is the Right to Collective Bargaining: the right of workers to collectively negotiate the conditions under which they work.

The first two rights – freedom of association and its world of work materialization as the right to organize – adhere solely to workers. They may be exercised without reference to employers or States. With regard to the freedom to associate people have the right to follow a religion or to refrain from associating with any particular religion or with any religion whatsoever. With regard to joining or forming a union, workers have a right to form a union or not and to join any particular union or not.
Whether or not workers are able to exercise the Right to Bargain Collectively is entirely dependent on the willingness of employers to recognize worker representatives and enter into negotiations with them. By failing to recognize employee representatives the employer has the power to deny workers one of their fundamental human rights. Since all people have a moral duty to respect the rights of all other people, employers have a duty to recognize employee representatives and enter into negotiations with them. Failing to do so is to violate worker human rights. Focusing on the Right to Bargain Collectively shifts the onus to act from workers to employers.

Although collective bargaining is commonly associated with formal trade unions, international labour standards seek to protect the right of any group of workers to select spokespersons from among their ranks in order to make representations to their employer about their conditions of work. If the employer recognizes and negotiates with those representatives collective bargaining may be said to have occurred. If negotiations are unsatisfactory, workers – whether or not formally constituted into a trade union – have a fundamental human right to withdraw their labour in concert. In short, they have a right to strike - a right that is recognized as an essential element of the Right to Bargain Collectively.

To date in most countries almost the entire onus to organize and to initiate collective negotiations has been placed on workers. Defenders of employer interests put emphasis on the right to organize and have paired it with the purported right to refrain from organizing. After setting up the issue in that manner they put forth arguments in support of workers choosing to refrain from not only organizing but also from bargaining collectively. The common proposition is that “We respect the right of our workers to organize or not and we prefer that they choose not to do so.”

This intellectual process conflates the right to organize or not with the right to bargain or not. However, while any worker might reasonably prefer to be a member of one union over another or even to refrain from bringing him or herself under the authority of any trade union, that preference does not logically carry over to a preference to refrain from collective bargaining. Since conditions collectively conceived and applied, such as most pension plans for example, cannot be individually negotiated the worker has a choice of labouring under conditions unilaterally conceived, applied and periodically changed by the employer or – with the agreement of the employer – co-deciding terms and conditions of employment through representatives. When put in this context it is hard to imagine how any sane, self-respecting worker would prefer to have the employer exercise total control when the unfettered option of co-decision through representatives is available and on offer by a human rights respecting employer.

When approached from this perspective, the right to refrain from collective bargaining may be seen to be a nonsense right on the same plane with the right to be enslaved or the right to be discriminated against or the right to be arbitrarily imprisoned. They are rights without value or rights that offend standards of human decency.
In short, it may be safely assumed that all workers prefer to negotiate their conditions of work through representatives of their own choosing rather than being subject to conditions unilaterally imposed upon them. Not surprisingly that assumption is supported empirically in the work of Freeman and Rogers reported in their book *What Workers Want*. They surveyed workers in Canada and the United States and found that nearly all of them wanted some form of more or less independent representation through which they could co-determine their conditions of work. In the United States only “nine percent want either no organization or an organization with no independence.” The percent of Canadian workers preferring exclusion was even lower.

Although this survey has not yet been repeated in the UK, the logic of the situation strongly suggests that the results would be similar. If so we may say that since nearly all workers covered by collective conditions prefer to co-decide those conditions and since all workers have a human right to do so the continuation of unilaterally imposed conditions is the prime social problem to be solved. With regard to collective bargaining, the end goal of worker rights advocacy is not the right to organize or not. Instead – as suggested by the fundamental axiom – the end goal is an economy in which all such conditions have been collectively negotiated.

Near universal collective representation has been achieved in several countries including Finland, Sweden and Denmark, economies that the World Economic Forum has rated as among the world’s most competitive. It was, as Hendy and Gall indicated in another article in this volume, nearly achieved in the UK in the 1970s before suffering a major reversal in the 1980s and 1990s. In short, universal collective bargaining is the only goal consistent with basic principles of democracy and human rights. It is also a goal that is entirely achievable and one that is consistent with a high standard of living. We must settle for nothing less.