CERN Staff Association

18 September 2023

Session outline

- Freedom of association

- Why are Staff associations important?

- Top tips for staff associations and delegates

Freedom of association

Collective Bargaining

- The **process** by which an employer (or group of employers) negotiate with a group (or groups) of workers, in order to regulate:
    - Remuneration (salaries, allowances, pensions etc)
    - Working conditions (location, hours, health & safety, welfare etc).
    - Rights and obligations of both parties (employer and worker)

History of staff management relations in international organisations

- Treaty of Versailles – establish International Labour Organisation – Staff Committee established – facilitate relations between Director and staff
    - In the background, resistance from Governments to independent trade union presence in international organisations – fear of political (socialist?) interference
- United Nations – 1947 – tension between Soviet Union worker participation and United States laissez-faire management models
- United Nations report 1949 – broad model established – mirrored by post-war international organisations

Freedom of association

International Court of Justice ("ICJ" or "World Court"):

International Organisations "are bound by any obligations incumbent upon them under general rules of international law"

Sources of international law?
- International Conventions
- International custom
- General principles of law
- Judgements applicable to the international organisation e.g., ILO Administrative Tribunal

International Organisations are bound by the customary rules of international law, including the customary aspects of international human rights law

Article 1: Equality
Article 7: Protection from discrimination
Article 8: Access to an effective remedy for violation of basic rights
Article 10: Fair and impartial tribunal
Article 18: Freedom of thought
Article 19: Freedom of expression
Article 20: Freedom of association
Article 23: Right to join a 'trade union'

UNIVERSAL
DECLARATION
OF HUMAN
RIGHTS

SIMON FERRAR
TRAINING AND ORGANISATIONAL DEVELOPMENT

Freedom of association

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right of workers to form association – ILO AT Judgement 911

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Right to negotiate collectively – ILO AT Judgement 2672

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Bans identity-based discrimination – ILO AT Judgement 2704

Statute and Rules of Procedure – International Civil Service Commission – Revision 3 - 2023

Specifies consultation by Commission with Staff Reps

Standards of Conduct for the International Civil Service

Freedom of association & expression, non-discrimination of reps

CERN's Staff Rules and Regulations

Identifies specifics to the organisation

ILO Administrative Tribunal

Judgements e.g., ILO AT Judgement 4230 – proper and meaningful consultation

Triblex – **ILO AT Case Law Database**

Typical goals of staff associations/councils

To promote a better understanding between management and staff

Obligations
Rights
Privileges

To promote and safeguard the rights, privileges, interests and welfare of all staff

To promote awareness of obligations, rights and privileges of staff

To contribute to the promotion and achievements of the objectives of the organisation;

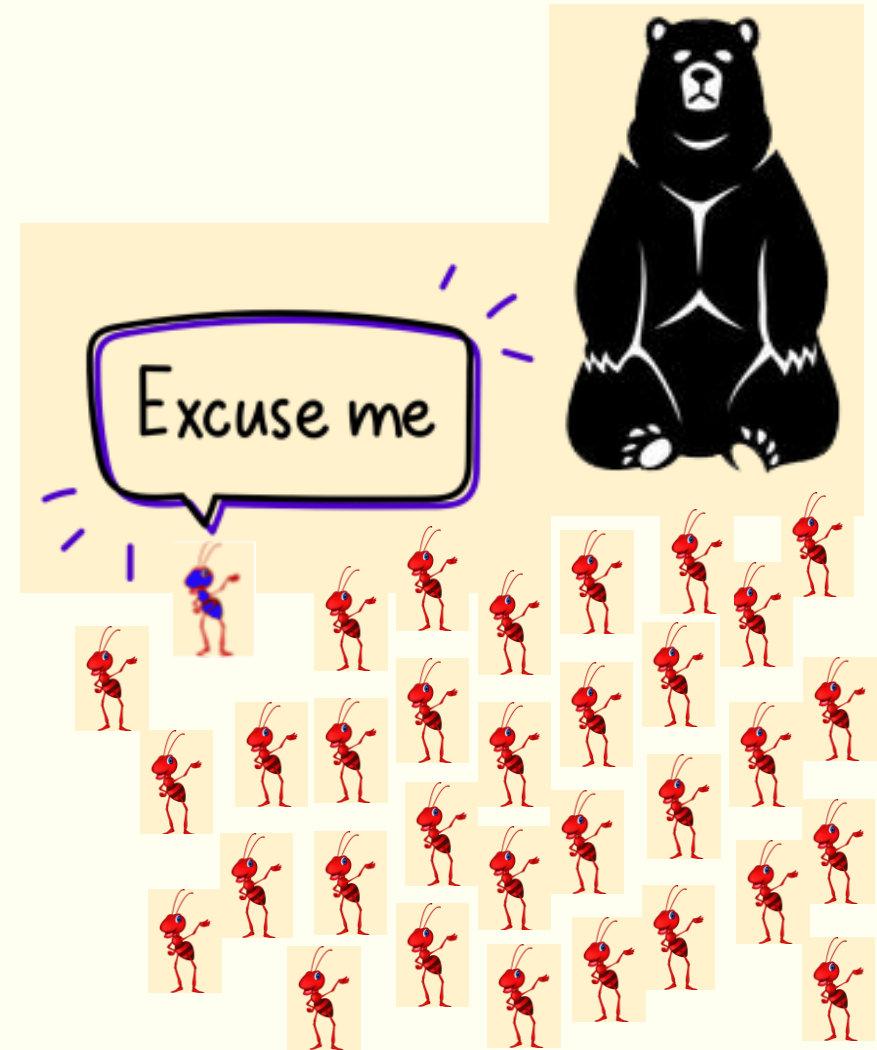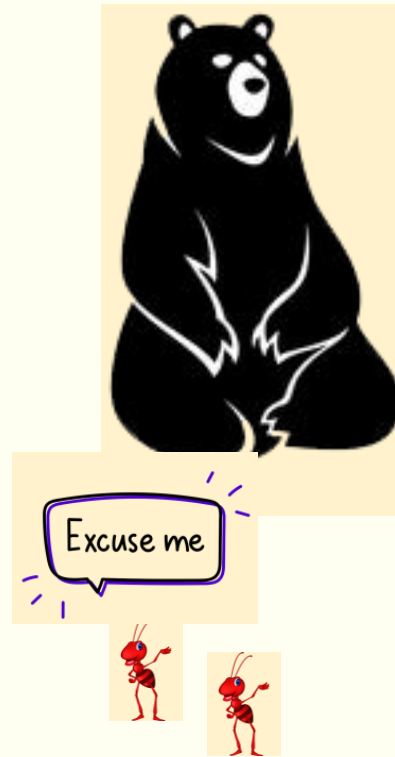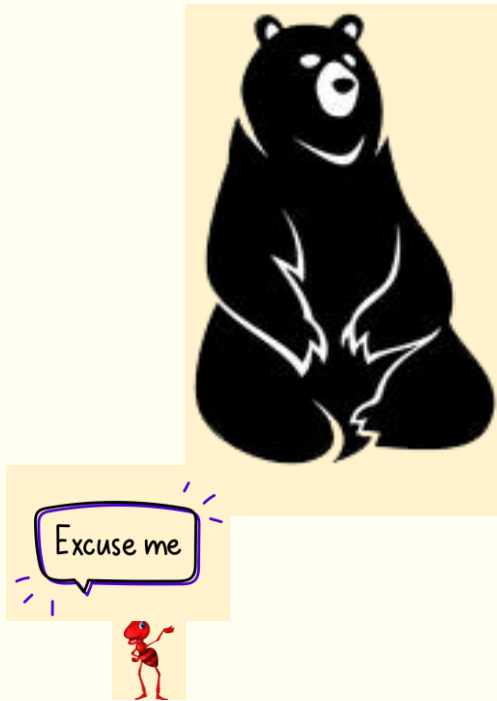To establish and maintain a link/bridge between staff in different work locations;

Maintains close relationship with similar bodies in other international organisations

To improve communication and foster a better understanding between staff

Why are Staff Associations important?

Why are Staff Associations important?
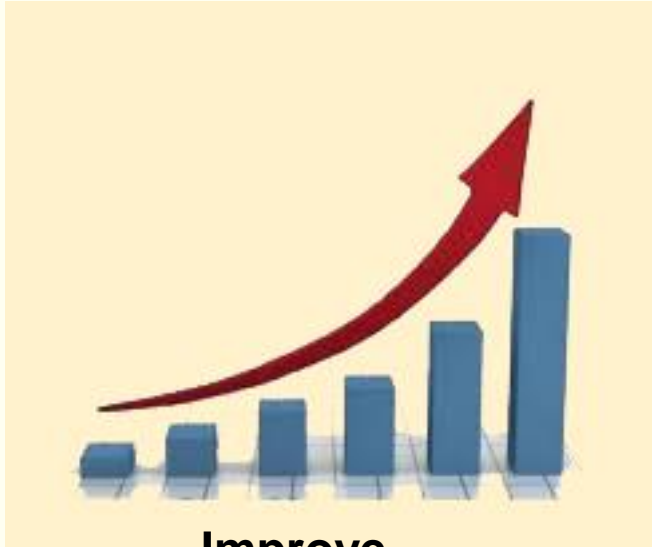
Improve
existing rights and conditions

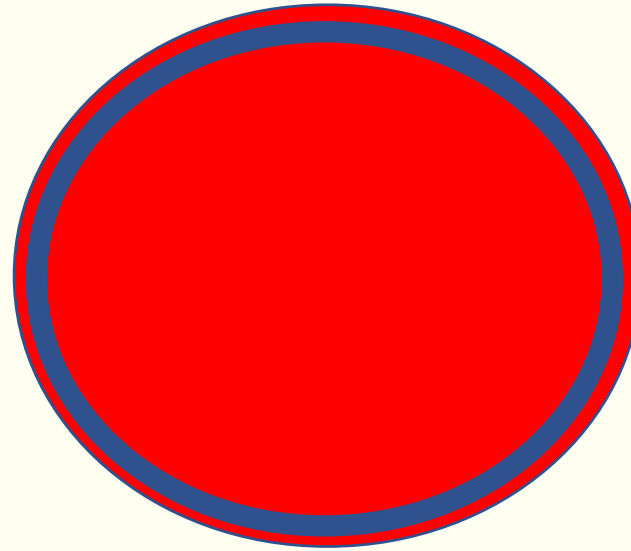**Defend**
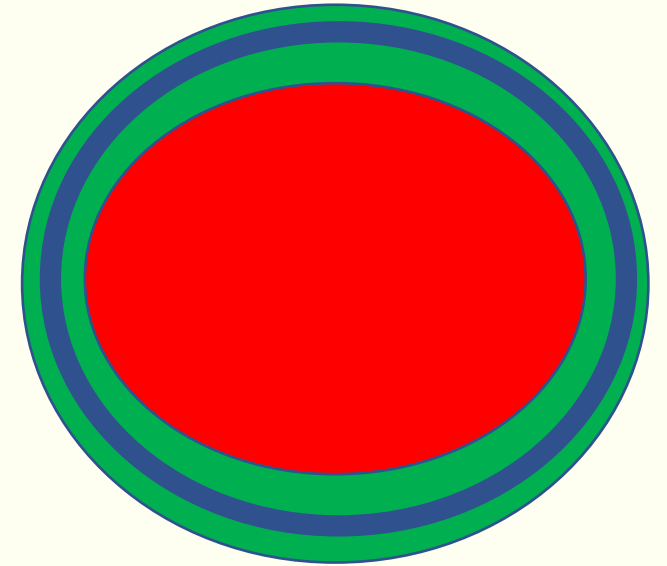**existing rights and conditions**

Palliate
Changes or their impact

Why are Staff Associations important?
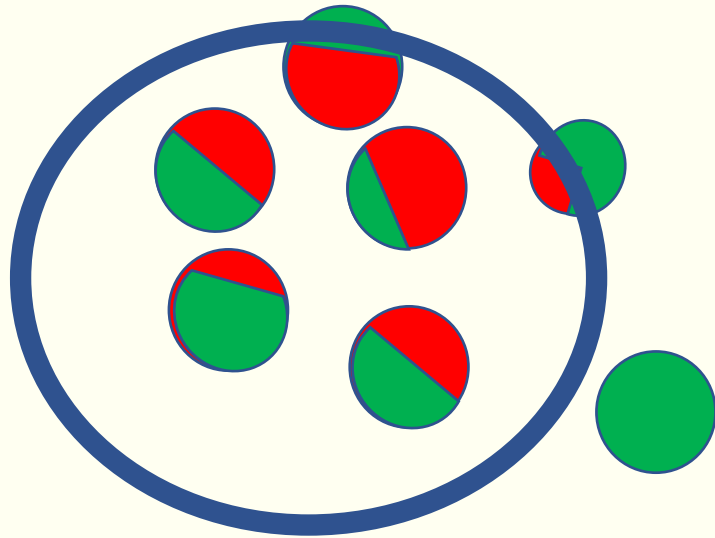
National model
IGBCE – Germany

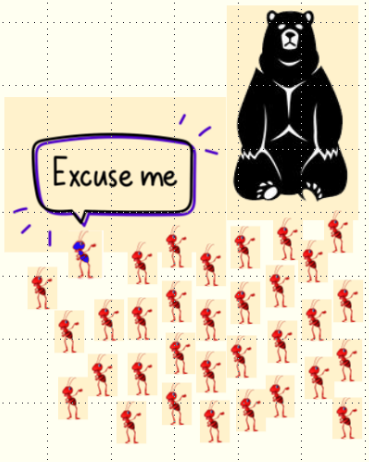**International Model 1**
EMBL

International Model 2
IAEA

Union or Staff Association

Organisation with members of Union or SA

People not covered by Union or SA

Top Tips

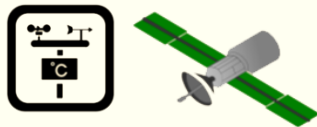**Organise or die…**

Connect to people
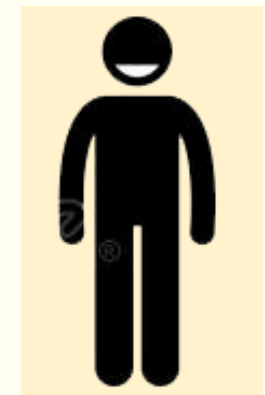
Reflect the diversity

New people = new ideas/solutions

Teamwork

Clear strategic direction

Time

Enjoy