

[4.1.2] Waivers in employment relations

Report Misuse

Pinned

[MatthiasMS](#) about a month ago

Having read the excerpts from the *Wilson, National Union of Journalists and Others v. United Kingdom* European Court of Human Rights judgment, what do you think about the questions raised above? What are, in your view, the permissible and the impermissible incitements for individuals to waive their rights? Can you think of situations in your own country that raise the same types of issues? And how does your legal system deal with these situations?

Please provide your input **by responding to this post**, rather than posting different posts. As usual, feel free to 'upvote' the opinions of fellow learners that appeal to you, or that seem particularly well argued.

1. Loading content
2. [38 votes \(click to vote\)](#) [DevrimC](#)

27 days ago

In the case *Wilson, National Union of Journalists and Others v. United Kingdom* the journalists were told by their employer that they would be given a financial reward if they did not join the Union. In a certain way there was a clear temptation because of the financial reward. But, by imposing that the right of the journalists not to join the Union is violated. According to the European Court of Human Rights, the UK legislation is seeking to influence the choice of the employees. Because states have a positive obligation to protect individuals, the Court said that there is a failure of the State in that case. In my view, the permissible and the impermissible incitements for individuals to waive their rights is a big issue. I imagine individuals selling their heart, liver, kidneys, etc. I have difficulties to accept that people choose to sell their organs. I clearly see unfair advantage of the poorest and most vulnerable people. Even if organ trade is illegal in most countries in the world, it's not the case of all countries. Because organ trade generates profits I can imagine how the temptation is huge for some very poor people and that's why I think that states and international law should protect individuals from such a temptation by prohibiting people to sell their organs. In Belgium, it is prohibited (l'article 4, §1 de loi sur le prélèvement et la transplantation).

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- I agree with your opinion in this case because it felt like the UK was indeed trying to tempt them, if you join then you get paid less, which is not the way it should be. I also believe that by imposing that they better not join the union, that their right is violated. Like the ECHR said, the state is failing on this point because they are trying to influence too much the choice of employees where they should be protecting them.

But for people to be allowed to waive their rights is a very sensitive matter. When we look at one of the examples where the husband of a dying women in the UK wanted to release his wife from all the pain by ending the suffering is something that the Belgian government tried to solve with the Euthanasia law. Because euthanasia is illegal in all countries of the UK, it is possible to have cases like *pretty v UK*. This is one of the main reasons why in Belgium Euthanasia is allowed, to stop people from taking the law into their own hands and to make sure that the person who wants to end their suffering is assisted by various doctors and cannot be pressured to do so. I think that sometimes there is a fine line between waiving your own right, like the right to life, and taking the

law into your own hands.

This is why I think that the government must try to protect their citizens as best as they can, like Belgium with the Euthanasia law and the prohibition of organ trade.

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-posted 25 days ago by [CarolienVdB](#)

- For me there's a big difference between a situation of waiver of rights like in *Pretty v. UK* and one like in *Wilson, National Union of Journalists and Others v. the United Kingdom*. In the second case, where one receives money in exchange for a waiver of a right, I don't think that employers and companies should be allowed to act that way. It seems totally wrong to me. But in the first case, we are talking about someone that wants to waive a very personal right, for personal reasons and with no monetary interest linked to it. Maybe for other people the "monetary factor" doesn't change much, but for me it seems to make a huge difference.

I totally agree with you Caroline when you say that this subject is a very sensitive one and I am not even sure that there is "one good answer". It always depends on the circumstances. But for euthanasia, for example, in my country it is not legal yet and I think that Belgium (and other countries) is going the right direction by allowing it, with very strict conditions for sure. In Canada it is currently being debated and I don't know what the conclusion will be but, for this precise case of waiver of rights, I do think we should allow it.

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-posted 23 days ago by [Marie-Odile2](#)

- I agree with Marie-Odile when she says that the "money factor" is extremely important in this case. The situation where people's human rights are waived against a financial incentive (such as in *Wilson* or when people are offered money for their organs), is very different than the one where their rights are waived in order to achieve a legitimate aim (such as public safety on a vessel or on a nuclear plant in *Madsen v. Denmark* and *Wretlund v. Sweden*) or even another human right (the right to personal autonomy and to self-determination for instance, in *Pretty v. UK*).

The first situation seems to me an impermissible incitement for individuals to waive their rights, or very difficult to justify, whereas the second situation can be permissible in some circumstances.

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-posted 21 days ago by [NathanTulkens](#)Community TA

- I completely agree with all the contributions above this one. When you have a situation in which there is a relationship between two individuals, in which the money has a big weight, the role of the State is even bigger. If you have a relationship which is unequal, the State should intervene with less limits than in a situation of an equal relationship.

I quite agree with Nathan when he said that the situation where human rights are waived because of a financial incentive are to be considered as impermissible incitements for individuals to waive their rights. And, in a broader way of seeing things, this should be the case all the time you have a unequal relationships between individuals, because of money or other factors.

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-posted 21 days ago by [MarieTancré](#)

- I agree with Marie-Odile when she says there's a big difference between the Pretty vs UK case and the Wilson case, because in the 2nd one, the State is clearly trying to influence the journalists not to join the Union while in the 1st one, Mrs Pretty only wants to waive her rights for personal purposes.

This is a very important factor and I think that any case where human rights are restricted or waived because of a financial incentive should be considered as impermissible .

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-posted 19 days ago by [VioletteMouvet](#)

- I agree with the previous contributions also. Under UK law, employers don't have to obligation to recognise unions for the purposes of collective bargaining, and I think in this case, they were ABUSING of that situation by giving financial inducements for those who accepted the end of union representation.

I think all relationships between individuals are imbalanced in some way. In the relationships between employers and employees, it is clear that employers exercise authority over employees and that employees are thus economically vulnerable. But according to me, in the Younger v. UK case for example, Stuart is also in a situation of vulnerability compared to the doctors and guard in the prison. I think we cannot say that this kind of person, in a situation of drug-addiction, maybe mental sickness, and of deprivation of liberty, can be presumed to have conscientiously waived his rights! All relationships are imbalanced in some way and this is why the court is very protective in its decisions concerning the waiver of rights.

As Nathan Tulkens said, financial inducements are impressive methods to renounce their rights. The example of the trade of organs given by Devrim is quite good in order to show the moral problems that can cause the waive of rights induced by financial necessity.

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-posted 19 days ago by [Sophiecartondetournai](#)

- I think it's very difficult to make a clear distinction between permissible and impermissible situations of waiver of rights. On the one hand, the State has to protect vulnerable people against abuse of power, as in a work relationship. On the other hand, the State can't intervene too much in people's choices.

People are supposed to know what they want to do with their lives, with their money and with their rights and the State can't be too paternalist. But I agree with the fact that financial rewards to waive his rights can be an impermissible incitement if they are proposed to people who are in a low position.

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-posted 16 days ago by [Paulinecastiaux](#)

- I agree with the distinction made by Marie-Odile between a case where someone wants to waive a very personal right and in a case where someone does it on the influence of a

money factor. It is quite clear that when money is the motivation it is more impermissible in people's spirit than when it comes from the very willing of a person. But I also think that the distinction doesn't stop there. In my opinion, it is not because the person really wants to waive a personal right that it is totally permissible. I know the European court of Justice has a tendency of self-determination and total liberty of individual - and I do think it is the result of a great evolution. I also know that States can't intervene in lots of situations, and as M. De Schutter said in his earlier video 'it is the price to pay to live in free societies'. But in some cases, look for instance in a case from the European court of Justice (17.02.2005) about sado-mazochism, the borders aren't so clear and the state's intervention isn't unbearable to me...

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-posted 14 days ago by [ameliethibaut](#)

- I believe, that all the incitements for individuals to waive their rights are impermissible. Rights are inalienable.

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-posted 6 days ago by [PollyTolstaya](#)

- Impermissible denotes some form of non consent actions that work to the detriment of a person or persons or a trade union. Permissible methods are more transparent, acceptable and legal.

Relationships between individuals may be imbalanced in some ways, but Government concurrence can tip the balance in a big way against an individual or trade union. In the area of public policy the government should not be seen to be taking sides in disputes between private entities.

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-posted 6 days ago by [dearaunt](#)

- I believe government need to get out of this business. individual rights must be respected.

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-posted 6 days ago by [workeye](#)

- Very interesting discussion. I'd like to add a different scenario. Authors' *moral rights* are protected under the Universal Declaration (art. 27). In some/most countries, moral rights *may not be waived*. Moral rights include "right to the *integrity* of the work" (e.g. the right to oppose to any "*alteration*" of the work). The open access movement proposes authors to allow others the alteration, mix and remix of their works (e.g. CreativeCommons). I'd like to allow third parties to alter and mix my works, but this may be illegal since my domestic law doesn't allow me to waive my moral right to the integrity of my work...

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-posted 6 days ago by [FernandoVillarrealGonda](#)

- I think in this case here the owner of the paper was thinking more about protecting their business model, than of looking after the workers in the company. More and more this is happening here in the UK and this is not the only tactic which companies use. The fact

that the then and if we look forward to the present government, they allowed such action to go ahead, knowing full well the implications, shows how difficult it is for individuals to go against business and government.

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-posted 5 days ago by [TonyBerr](#)

- I agree with this. Here in Brazil, we have a popular saying: "the occasion makes the thief". Of course it is difficult to refuse money or rewards just to waive one right which cannot give you any profit. Also about organs, if it were so easy to get it there wouldn't be traffic for it. If they allow a person to sell their organs in case of despair many of poor people will give up of non-vital organ.

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-posted 5 days ago by [Maiariadine](#)

- I agree with the contributions above. I think individual right should be respected. But when financial rewards are given to individuals to impair their rights, the state should intervene to protect those rights.

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-posted 5 days ago by [JulieThonus](#)

- I agree as well

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-posted 5 days ago by [amoryexito](#)

- The very fact that people can be influenced by Money (or other considerations) to agree to things that are against public policy and State obligations has been well illustrated by DervimC (the sale of organs). States do have positive obligations to prevent exploitation and there have to be permissible waivers and impermissible waivers. For example, in India, employment contracts that prevent employment in the similar industry after separation are **rarely** enforceable as such terms interfere with the right to occupation.

We see that in India, irrespective of contractual terms, the courts frequently look at the nature of waivers and often strike down unreasonable terms.

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-posted 4 days ago by [sunilguptasg](#)

- Human relations are generally unequal. Those who have power, especially economic power enjoy advantage in bargain. Therefore protection by law is necessary. Everybody should have the right to join a union.

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-posted 4 days ago by [ismailk](#)

- I agree with Ismailik. However, in such situation the approach taken by the unions should be expected to be constructive to the overall objectives.

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-posted 4 days ago by [Pompeii](#)

- Determination for self expression should be left to the individual. Inducements constitute a deviation to this norm. This is not a one size fits all arrangement and so in a set up that requires multiple input, majority by individual considerations should be allowed. Monetary inducements here will constitute an anomaly and so should be discouraged.

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-posted 4 days ago by [Frutilong](#)

- IT was clear that Article 11 was violated in this matter. Union is under the freedom of association. It should be let to the union member's choice to decide if they want to join or not. Joining members should not be violated with lesser incentives.

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-posted 4 days ago by [N9A](#)

- I agree with all the contribution and I think everyone of us has a choice to make. But doesn't mean to misuse your choice. The government has the will to protect the vulnerable.If you look at the case of impermissible on artificial insemination On the other hand, methods of artificial insemination which replace the act of sexual intercourse between spouses are not morally permissible.one way in which this can occur is by the method used to obtain the sperm for insemination, for example, when the sperm is obtained through masturbation.Or again, through the freezing and storage of a husband's sperm it is now possible for a woman to become pregnant when her husband is geographically removed from her or even after his death. The very absence of the husband indicates that this is a use of artificial insemination which replaces the act of sexual intercourse between spouses.

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-posted 3 days ago by [enocothin](#)

- I personally do not see much similarity in cases involving a person being offered financial incentive to behave in one way and another case involving a person's free choice to deal with their own private problems. Financial gain unbalances situations more so as the case involves people further and further down the poverty levels.

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-posted 3 days ago by [GlennaSue](#)

- The motivation for the person intending to waive their rights is a crucial consideration. Where this comes from the person themselves, as in Pretty, it should be their decision to make, since the motivation is one of a subjectively considered benefit to them (in Pretty, the end to suffering). However, where the motivation and encouragement comes from the more powerful party (in Wilson, the employer) then the waiver of rights should not be allowed, even though the benefit of extra cash exists. That is compensation for a lost right, whereas the consideration for the waiver should be for the benefit of the party waiving the right, not any other.

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-posted 3 days ago by [Branwen](#)

- everyone should have the right to join a union no matter his condition, we need to consider that the more members have the union, the more power it have to fight the

unbalance that is related to the different economic resources, sometimes in a more useful/faster way than normally restricting labour laws can do

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-posted 3 days ago by [Snidel](#)

- i do agree with DevrimC, but in my ownview, the permissible and the impermissible incitements for individuals to waive their rights its a little bit confusing but i will try to speak my mind on this issue

to me **permissible** incitements it is when an individual waives his rights to an extent that it does not go against the laws of the state and also it also goes along with his consent meaning he does not suffer from his decision making

hence **impermissible** incitements are those that puts a person in a seesaw that he wants both options but has to choose one while both are important to him, therefore this also goes along with the fact that impermissible incitements are also that restricts a persons **absolute right**

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-posted 3 days ago by [dennismsechu](#)

- I agree that money motivation can make for a utilitaristic decision that can be contested at a later stage with a certain probability of rights been restored in any case . Naturally the many cases in question pose a lot of different moral and practical questions and to find the right balance between the right to individual freedom even in cases where the state as the right to control or prohibit actions that are contrary to the health of a person but are an expression of the freedom of individuals to decide on their own opinion even in questions relating to ending their own life for whatever reason the person may think the best decision at the moment . In conclusion it is extremely difficult in my view to establish where the right to personal freedom starts and where the obligation of state to protect individual life ends .

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-posted 3 days ago by [Alepalms](#)

- I couldn't think of any case where it would be permissible for rights to be signed away for financial gain. One example might be where individuals sign away certain rights to be paid for medical drug testing. Should governments act to make that illegal, or does the aim justify the waiver? In the event of a calamity, would it hold up in a domestic court that the company could sign away liability?

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-posted 3 days ago by [ChristineHerbert](#)

- I believe the very existence of the unions in the US was they very instrument that brought "safety regulations" into the work place in the early 1900's. The little man needs to be protected from big business.

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-posted 3 days ago by [YvonneMattei](#)

- Surely if we are talking about human rights, their value is not measurable in

money..perhaps the problem also here is that we do not have defined the very core of human rights *per se*.. maybe the rest of the so called human rights are not purely human rights, despite being extremely important for everyone..but however characteristics such as being able to be sold, takes away the "human right" note.

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-posted 3 days ago by [LeaSecco](#)

- I agree with Marie Trance in that the role of the State should be to provide a level playing field for individuals in relations to both public officials, institutions and private actors. Where the asymmetry in the power and options between these actors is bigger, the more important this role seems to me. Also, it would seem that the case in question should also be made if the employer, by not offering the same pay to journalists that did not waiver their right, was not discriminating against them? If they have similar professional merit and experience and qualifications, then basing their pay levels on whether or not they are members of a trade union seems discriminatory to me.

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-posted 3 days ago by [KarinAndersson](#)

- This is a difficult question because on the one hand the individual should have the right to negotiate their own pay and make the decision as to whether they want to receive a better deal by denouncing their trade union and on the other hand the trade union only works if workers stand together collectively.

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-posted 3 days ago by [Lyck](#)

- I agree with the commenters who include the factor in the *Wilson* case of the imbalance of power, not just of competing rights and interests. The Court does not discuss the rationale for including trade unions in Article 11, which was to correct an imbalance of power initially between employers and employees. It makes no logical sense to permit the more powerful to make an end run around the protection of trade unions. And one rule of statutory construction is that the provisions of any law are supposed to be rational, rather than illogical. The Court made the proper decision in this case.

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-posted 3 days ago by [DeborahAnne](#)

- Marie Odille wrote:

But in the first case, we are talking about someone that wants to waiver a very personal right, for personal reasons and with no monetary interest linked to it. Maybe for other people the "monetary factor" doesn't change much, but for me it seems to make a huge difference.

No I completely agree with you that the monetary factor makes a big difference. As the introduction to this part of the court wrote:

Because the relationships between the parties are generally imbalanced in that context, **human rights courts have an important role in protecting workers from abuse of power**

When there's money involved in negotiating the waiver of fundamental human rights, I think the probability of cases of abuse of power increases by a very large margin.

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-posted 3 days ago by [ChrisAlford33](#)

- I agree with Marie, monetary interest makes a difference. A economic incentive for a social right seems uneven to me. In the U.S., I could see this boiling down to Big Government versus Big Business. "Who are politicians to say that this is unfair?" versus "What makes you think that a business has anything other than profit in mind?" Of course, everything here becomes a media circus, like the Oregon assisted suicide case in the 90s. It's hard to discern what is real and what is part of the "show."

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-posted 3 days ago by [HollyLocke](#)

- one big concern I have about people choosing to waive their rights for financial incentive is the flow on effect later on. If employees receive a bonus for not being union members and later on, through inflation and lack of further pay rises, their assisted pay becomes merely the amount that is needed to survive, the union members are left with an unliveable wage and no bargaining power. Really the waiver by their colleagues, waives their rights as well.

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-posted 2 days ago by [LindsayW](#)

- I agree with Marie Odile and others who state that it makes a difference what the "reward" for waiving your right is - whether it is a monetary advantage or - as in the case of Pretty vs UK - access to an alternative right such as self-determination. However, even in the case of euthanasia, it is not only the right of the individual concerned that is at stake: one argument often brought forward in the debate whether euthanasia should be legalized or not is that legalizing this practice may put pressure on the ill, infirm and elderly to terminate their life in order not to be a burden for others (e.g. caretakers, society etc). I think this is a very important argument against completely leaving the choice up to the individual even in these seemingly very private matters.

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-posted 2 days ago by [Almagro](#)

- In the context of these journalists of course the power of money tried to tempt them. but we should once again think why they got tempted; it could be greed for some people but for some the need to fulfill their basic need. lets connect this case with the case of selling organs. Why would anyone attempt to sell their body part; its extreme case. In my country, there are people who hardly get to eat once a day. They believe or at least want to believe that a kidney is enough to survive while the other buys them the surviving. To stop this, the law is forwarded that people are not allowed to sell their organs only in family members they can donate.

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-posted 2 days ago by [IPnaina](#)

- I agree with the majority in the sense that this is a sensitive topic. In my country, Peru,

selling organs is not allowed mainly because it attempts people's integrity.

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-posted 2 days ago by [AymeJara](#)

- I agree that the right to waive rights is impermissible.

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-posted 2 days ago by [Izzy550](#)

- It would seem that in this case the employer has abused its privileged position in already imbalanced negotiations. The purpose of the spirit of the law is to address this imbalance. So vulgar attempts to abuse power here seem clearly in violation of the spirit of the law and should be prevented.

I can't imagine the fury and disbelief of the union reps for this company when they saw what the unions were doing. A little reminder of how our news media is run in the UK and the values that drive it.

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-posted 2 days ago by [paulomac](#)

- I agree with many of the opinions above that the state does have an obligation to protect people from an imbalanced relationship that offers them an incentive (such as money or property) to waive their rights.

If a person waves their rights for some other gain, then I believe there is a strong argument to support their decision.

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-posted 2 days ago by [Kasiayar](#)

- I agree with most of you. The base is very simple. Under any law of human rights employers should not be allowed to abuse employees for any type of circumstances. In the same time, it would be very difficult to distinguish between a person who accepts the waiving of his rights, and a person who is forced to do so!

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-posted 2 days ago by [Ryousif](#)

- I Agree, and agree with Ryousif final commentary.

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-posted 2 days ago by [SebastianMFernandez](#)

- I completely agree with Ryousif above, the base is simple indeed. Once the right provides profit for another person, then the person in need is not enjoying his right but makes use of it for indecent reasons. In fact we speak about the violation of the right to free will and choice because the same person would not for example donate if it was not for money so the person is actually tempted to act against himself due to his lack of money. We could only speak for the principle of choice under circumstances that people above the poverty limits could choose to sell their organs but now no. So let's examine first the circumstances before deciding what is a human right and what is not.

As for the right to euthanasia, again the circumstances should be examined to the detail.

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-posted 2 days ago by [elenfou](#)

- DevrinC's opinion about organ trade inspired me. I wonder the case of Wilson is impermissible partly because it is 'trade' of human rights with money rather than pure individual waiver of it. If human rights are tradable, they become commodities.

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-posted a day ago by [HiromiY](#)

- Agree with Nathan. The situation where people's human rights are waived against a financial incentive creates a very dangerous precedent. As Marie Odille rightly pointed out, there is an unequal relationship between individuals due to the monetary factor.

Anyway, the conditions justifying im/missibility should be always carefully examined- be it the right to euthanasia or the right to associate.

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-posted a day ago by [Zalanova](#)

- I don't understand why any man would choose to waive his rights to suit his desires. The notion of waiver of rights gives the impression of hypocrisy in the major principles of human rights. This is because it seems antithetical to some extent, that man would choose to waive the very rights that have been propounded to safeguard his dignity and free will. In my opinion, under no circumstances should the waiver of rights be permissible.

On the other hand, given the fact that life itself is a volatile notion and nothing is ever 'black and white' it would seem that the points stated in the 1st paragraph give off a hint of ignorance. I do envision (with just very little imagination) that the waiver of rights could prove useful to the individual and to the State (in certain circumstances). For example, given the fact that States don't possess the power to override (as it wishes) certain rights just to protect other rights, then the waiver of rights could prove useful... However, this is pure speculation based on my understanding of the material and a somewhat dark one at that considering the implications...

If the waiver of rights is seen to be permissible in certain circumstances, when do we then draw the line? I think the waiver of rights will forever be a curse that will plague whatever society that upholds the beauty of freedom. Freedom to me is synonymous to power and man is a hungry animal that feeds on both. To an average man, the waiver of rights just means more freedom which equals more power.

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-posted a day ago by [Alufa](#)

- I agree that the right to waive human rights has to be very seriously dealt by the states as it may impinge upon the other rights of a person or a group.

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-posted a day ago by [MNadeemKhan](#)

- I think that the employer was violating a different right in this case- the right to be paid

the going rate for the job. You can not pay 2 workers different rates for the same job, using the fact of their membership in a union as an excuse for lower rates, any more than you can pay someone less for belonging to a particular faith or gang or political party. The fact that the labour union has the mandate and/or potential to bargain on behalf of workers should not be a reason to discriminate against its membership. Or have I totally misunderstood the situation?

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-posted a day ago by [FCRR](#)

- In the Wilson, national union of journalist and others v. the united kingdom case and other similar instances. I think there are 2 things that are paramount when looking at the permissibility of incentives.
 1. I agree with many of the comments above, that the ratio of power is an important consideration. Big business versus a single individual. completely equal relationships may be purely theoretical, but some are distinctly less equal. When the power distribution in a relationship is skewed as employer employee then the stated incentives are not the primary concern. There is a certain amount of implied pressure and the freedom of the individual to freely choose to waive their rights is in itself restricted.
 2. the second is the nature of the incentives. As many people have commented there is something about financial incentives that sit uncomfortably with consideration of permissibility. personally I don't have an issue with incentives as long as those incentives are not such as it would change a person's free choice. i.e they are an encouragement not a deciding factor. For example aid agency when giving out vaccinations in poor countries often offer incentives to increase attendance (a bag of lentils when you get a jab). These are never set at a level where it would persuade someone to do it if they didn't want to. Instead it merely gives them a reason to do it today. It doesn't fundamentally alter their freedom to choose.

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-posted a day ago by [AlisJay](#)

- It is a very controversial case. Nonetheless, it brings about a notion which must be addressed for the good of society. In this case, the Government must be held responsible because it refrained from preventing the abuse of rights of individuals who under certain conditions were lured into waiving some of their basic rights in exchange for monetary benefits. I compare this case with the general notion which implicates, in most circumstances, the prohibition of buying and selling drugs. In such comparison the perpetrators should be taken as drug dealers and those who had their rights violated as drug addicts. The latter as such because under the socioeconomic conditions in which they live they are vulnerable due to the imbalance of power in favor of the employers, who in turn sought illegal advantages from their positions.

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-posted about 22 hours ago by [rodolfomaiche](#)

- In my opinion, obviously it is impermissible, since the fundamental essence of this right to freedom of association, precisely protects the right of all persons to group together voluntarily for a common purpose and to form and join an association; for instance,

trade unions or professional association, which is specifically protected in article 8 of the ICESCR, also international Labour Organization (ILO). The key point, is the component of free consent and self-determination, which they would contravene by the economic stimulus; the will is a key element in the development of all rights and freedoms.

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-posted about 20 hours ago by [albaluz2014](#)

- I agree with the majority people here. It is one thing for an individual, of his own accord, to denounce a right, and completely another when enticed with promises of monetary benefits or faster climb up the career ladder. That said, in both cases, the State should intervene, and in the former case, ensure that the individual is not under any influence, and in the latter, NOT allow companies to formulate such promises by enticing them with some kind of benefits.

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-posted about 20 hours ago by [TheKulkarni](#)

- I agree with DevrimC, the workers should have total liberty to decide, any suggestions are inadmissible, even to join or quit in the Union.

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-posted about 17 hours ago by [CarlosCRS](#)

- I shall return to the said euthanasia. I think that in this case should be given to the right. Many people have arguments, as when he wakes up tomorrow, a month or a year. In my country, too euthanasia is not allowed, but many European countries are already agree on this right - to end a losing battle for his life. I agree with this. In such rare cases should this right be legal.

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-posted about 17 hours ago by [mishulka91](#)

- All workers rights must be defended and shouldn't be changed by any initiative of a company, because it should become a common practice

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-posted about 17 hours ago by [aposligua](#)

- I completely agree with DevrimC and like the comparison

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-posted about 9 hours ago by [fredrikheldal](#)

- I think employment relationships are among the most imbalanced relationships. One can argue than most relationships are imbalanced in some way but it is hard to find relationships that are imbalanced as much as employment relationships are, where employees often are in a situation of need and employers often have an advantage (social, moral, intellectual sometimes, certainly a financial one). Therefore, the question of financial inducements in that context is especially tricky. It seems to me that there would be very few situations where methods of trying to convince employees to renounce their rights would be permissible. Certainly, such renunciations should not be

irreversible. The question of moral rights raised by one of my peers is an interesting one, too.

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-posted about 8 hours ago by [MarieHx](#)

- There are no questions. I absolutely agree. "It considers that, by permitting employers to use financial incentives to induce employees to surrender important union rights, the respondent State has failed in its positive obligation to secure the enjoyment of the rights under Article 11 of the Convention."

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-posted about 7 hours ago by [PDNP](#)

- Agree

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-posted about 3 hours ago by [MatthewLenggu](#)

- Because the Union protects the rights of people within it, there should be no financial temptation made to lure a person to give up their rights being protected in a company by their Union, since it can take advantage of someone from a poor background who may not know they are making a bad decision for their future rights being protected in return for quick-money.

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