

# International Labour Convention no.151 - Concerning the protection of the right to organise and procedures for determining conditions of employment in the public service

## H.M.S.O. - Convention (No.151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service

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## Convention (No.151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service

Convention concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service Entry into force: 25 Feb 1981 Adoption: Geneva, 64th ILC session 27 Jun 1978 Status: Up-to-date instrument Technical Convention. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Solange Passaris et Guy Raffi.

### Legal aspects of the registration of public sector staff associations as trade unions.

It would be interesting to clarify to what extent conventions of the International Labour Organisation, such as that on freedom of association, effectively provide for the creation of such organizations at the international rather than the national level.

### Legal aspects of the registration of public sector staff associations as trade unions.

Such facilities shall be afforded to the representatives of recognised public employees' organisations as may be appropriate in order to enable them to carry out their functions promptly and efficiently, both during and outside their hours of work. Service des programmes, 30 mai 1983, no. The Director-General of the International Labor Office shall notify all Members of the International Labor Organization of the registration of all ratification's and denunciations communicated to him by the Members of the Organization.

Part IV - Procedures for determining terms and conditions for employment Article 7 Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

### **Convention (No.151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service**

What is C151 and why is it so important? Recommendation 159 The Recommendation which complements the Convention adds that the determination of the organizations to be granted the rights provided for under the Convention should be based on objective and preestablished criteria with regard to their representative character, that the procedures for recognition of public employees' organizations should not be such as to encourage the proliferation of organizations covering the same categories of employees. Such protection shall apply more particularly in respect of acts calculated to: a Make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organisation; b Cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employees' organization or because of participation in the normal activities of such an organization. Technical support from the ILO proved crucial in assisting the unions convince the administration, the government and the Senators of the Philippines to support ratification.

#### **Convention C151**

The Governing Body of ILO, at its 117th Session November 1951 , in fact set up a Committee on Freedom of Association which continues to meet regularly to hear complaints relating to infringements of the principles of the various conventions. Convention 151 provides in particular 'that such protection shall apply more particularly in respect of acts calculated to a make employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organization; b cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employee's organization or because of participation in the normal activities of such organization'. There must be an enabling law to be passed by Congress to amend Executive Order 180 and a legislation that subscribes to the principles of the Convention, which is the next campaign struggle and undertaking of the trade union movement! The extent to which the guarantees provided for in this Convention shall apply to high-level employees whose functions are normally considered as policy-making or managerial, or to employees whose duties are of a highly confidential nature, shall be determined by national laws or regulations.

#### **Major breakthrough for public workers' rights: Philippines ratifies ILO Convention 151**

The Recommendation also deals with certain aspects of the procedures for determining terms and conditions of employment. Presumably neither trade unions nor employers organizations would care to see the conventional narrow definition of worker and employer diluted by any broader non-restrictive definition, as provided by the Convention.

#### **Convention No. 151**

The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations. Article 17 The English and French versions of the text of this Convention are equally authoritative.

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