



Canada's International Commitment to Promote Freedom of Association

FREEDOM OF ASSOCIATION and the right to free collective bargaining are well established as fundamental human rights. These rights are enshrined in a variety of guises in a number of international documents originating in the United Nations and the International Labour Organization (ILO), a specialized organization of the United Nations established in 1919.

Canada has traditionally been a major participant in both of these organizations and has actively helped develop many of the international human rights standards that give meaning to freedom of association and the right to collective bargaining.

The following is a brief summary of those key international human rights standards.

ILO 1944 Declaration of Philadelphia

In 1944, when the ILO had completed 25 years of work and was on the threshold of its post-war expansion of operations, the International Labour Conference meeting in Philadelphia adopted the Declaration of Philadelphia, which redefined the aims and purposes of the ILO. The Declaration remains a guiding consideration in all ILO work, and embodies the following principles:

- Labour is not a commodity.
- Freedom of expression and of association are essential to sustained progress.
- Poverty anywhere constitutes a danger to prosperity everywhere.
- All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their

spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

At the time the Declaration was developed, Canada, as a member State of the ILO, endorsed the principles and rights set out in the Declaration and undertook to work towards attaining its overall objectives.

United Nations Universal Declaration of Human Rights

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, which set out fundamental principles for human rights. These include the right to freedom of association (Article 21) as well as the right of everyone to form and to join trade unions for the protection of his/her interests (Article 23).

Canada was in fact one of its principal drafters and, upon its adoption, Canada agreed to support, promote and adhere to the principles of human rights and fundamental freedoms as set out in the Declaration.

ILO Convention No. 87 – Freedom of Association and Protection of the Right to Organize, 1948

This Convention establishes the right of all workers to form and join unions of their own choosing without prior authorization and lays down a series of guarantees for the free functioning of organizations without interference

by public authorities, including the right to engage in free collective bargaining.

This ILO Convention was ratified by Canada and all provincial governments in March 1972 and in fact the federal Parliament went so far as to make reference to Convention No. 87 in the Preamble of the Canada Labour Code.

ILO Declaration on Fundamental Principles and Rights at Work

In 1998, the ILO adopted its Declaration on Fundamental Principles and Rights at Work, reaffirming the commitment of the international community “to respect, to promote and to realize in good faith” the rights of workers and employers to freedom of association and the effective right to collective bargaining and to work towards the elimination of discrimination in respect of employment and occupation. The Declaration underlines that all member countries have an obligation to respect these fundamental principles.

Canada supported the adoption of the 1998 Declaration and the official position of the federal government is that “Canada attaches great importance to the Declaration ... as a key instrument for the promotion of the fundamental principles of freedom of association and collective bargaining. ... Its implementation will contribute significantly to improving the lives of working people and their families.”

Declaration on Social Justice for a Fair Globalization

The ILO Declaration on Social Justice for a Fair Globalization adopted by the International Labour Conference in 2008 affirmed the

relevance of the ILO’s mandate to promote social justice using all the means available to it, including the promotion of international labour standards. The Declaration underlined that, in order to reach the ILO’s objectives in the context of globalization, the Organization must “promote the ILO’s standard-setting policy as a cornerstone of ILO activities by enhancing its relevance to the world of work, and ensure the role of standards as a useful means of achieving the constitutional objectives of the Organization.”

Canada’s Commitment to ILO Standards Falls Short

The Canadian government has repeatedly pledged to abide by these international human rights standards. Canada expressly recognized in 2000 “that Canada does not expect other governments to respect standards which it does not apply to itself.” Canada has bound this country legally and rhetorically in international law to ensure all workers in Canada actually have these rights and not to enact legislation or engage in activities that undermine them.

The reality of Canada’s record, federally and provincially, is quite different, at great cost to Canadians. The promise of Canada’s international rhetoric has not been met in this country. The rights endorsed so enthusiastically in international forums by Canada have never been fully realized.

Canada has failed to promote labour rights at home. During the past 30 years, federal and provincial governments have repeatedly violated the law they have been obliged to uphold, at great cost to Canada’s social and economic well-being. This record has been a disgrace to Canada’s international reputation and a scandal perpetrated on its own citizens.

