

ITF ORGANISING MANUAL

UNION

RECOGNITION

UNION RECOGNITION

Winning union recognition is part of the process of organising non-union workers.

Unions sometimes allow legal frameworks to control their organising strategy. We need to understand our legal frameworks but not be trapped in them. Our benchmarks and plans should be set by our situation, not by the legislative framework. When workers face employer pressure or repression, we will usually need to meet a higher standard of worker involvement than the minimum the law allows.

In India, a registered trade union of workers “shall at all times continue to have not less than 10 per cent or one hundred of the workers, whichever is less...”

Once the union has 10 per cent membership, it can register with the labour board or it can wait until it reaches its benchmarks for worker involvement and then register. In India, there are also legal protections that give workers the right to organise: freedom of

association and core labour standards. The laws are strong, but delays are common. We need to think carefully about which protects the workers best. Sometimes we need not just the law but also higher levels of worker participation in the union.

In Argentina, the law protects workers who are elected as union delegates from termination. In a workforce of 400, the union would be allowed to elect five delegates.

The legal protection for the elected delegates allows these workers to communicate with their co-workers without fear of discipline. This can help with organising. The problem is that this can prevent workers from becoming involved, because they wait for the five elected delegates to do the work. The ideal might be to first meet our benchmarks for organising, then elect the delegates and move to publicly confront the employer.

In much of English-speaking Africa, the law provides for recognition once the union has

signed up 50 per cent plus one (a simple majority) of the workers as union members. The union can lose recognition if it falls below a simple majority membership. Some unions sign up 75 per cent before they seek recognition in order to protect against the employer increasing pressure on workers, especially when the membership is close to the “50 per cent plus 1” threshold.

Informal or precarious workers may not be covered by labour laws. When we organise in the informal sector, we need to be aware of other laws that affect workers and working conditions. We will also need to create our own benchmarks according to the level of worker involvement we will need to win improvements in conditions.

Spend time studying the legal framework for union recognition and other laws that affect your organising. Train workers to know both the law and how to use the law to support organising.

Once you have met the minimum legal requirements for union recognition, what is your plan?

- To take the legal steps for union recognition*
- To meet our benchmarks first and then seek legal recognition*

Why?
