



## Bureau of Democracy, Human Rights, and Labor Office of International Labor Affairs

# Country Reports on Human Rights Practices

## Worker Rights in Focus: Collective Bargaining

Closely related to freedom of association, the right to collective bargaining enables workers to have an equal voice in negotiating for fair wages and decent working conditions. Effective collective bargaining helps workers and employers to settle workplace conflicts peacefully and to prevent costly labor disputes. When prevalent across an economy, collective bargaining helps to ensure equitable distribution of the gains from growth and to reduce inequality. The right to organize and bargain collectively also includes prohibitions on anti-union discrimination by employers and interference in union activities. With some exceptions, all workers, including foreign and migrant workers, should be protected under this core principle.

### Collective Bargaining in Practice

The right to organize and bargain collectively is one of the most basic of labor rights. Nevertheless, workers encounter stiff resistance from employers across the globe as they seek to organize and effectively represent their own interests. In addition, many governments fail to establish basic protections of this right and to promote mechanisms for voluntary negotiations. Common problems in this area include:

- Employer refusal to bargain with a representative union;
- Legal exclusion of employment conditions from bargaining process or requirement that agreements receive prior government approval;
- Unfair dismissal, demotion, blacklisting and/or refusal to hire workers based on union-related activities;
- Creation of employer-controlled organizations to compete with and diminish worker-led unions;
- Failure to provide access to effective legal remedies for workers targeted by anti-union discrimination;
- Use of subcontractors and temporary workers to subvert the right to organize and bargain collectively.

### Highlights from the 2010 Country Reports on Human Rights Practices

The Country Reports on Human Rights Practices (HRR) address the extent to which individual countries respected human rights and worker rights. The 2010 HRR highlighted problematic practices regarding the freedom to organize and bargain collectively in numerous countries, including the following instances:

- In Central America, employers created illegal company affiliated unions, blacklisted union organizers, and failed to reinstate illegally dismissed workers, particularly in Export Processing Zones;
- Cambodian employers harassed and dismissed union leaders in garment factories and other enterprises resulting in approximately 40 union leaders dismissed or suspended without cause;
- In Egypt, the law required government involvement in collective bargaining and established restrictive standards for negotiating;
- The Malaysian government limited collective bargaining agreements in a number of industries and excluded a variety of employment terms from the bargaining process;
- In Eritrea, the government set wages for union workers and government employees; and
- In Turkey, anti-union discrimination and firings occurred, and employers avoided reinstating illegally fired workers by simply paying a fine.

All 2010 Human Rights Reports are available at:  
<http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

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