

Statement of interpretation on Article 6

This article seeks to ensure that both employers and workers can exercise the right to bargain collectively. It deals, in four paragraphs, with various aspects of the relations between employers and workers and between their respective organisations and with the means which should be used to develop these relations.

The first three paragraphs of this article set forth the following methods of collaboration which should be established between employers and workers.

- (a) consultation on matters of common interest;
- (b) negotiation with a view to the conclusion of collective agreements;
- (c) conciliation and voluntary arbitration for the settlement of any labour disputes which may arise.

In its fourth paragraph, Article 6 deals with the right of employers and workers to take collective action in cases of conflicts of interest, including the right to strike. The Committee notes that, by this provision, the right to strike is, for the first time, explicitly recognised in an international convention. Hence, the Committee had to elaborate to a great extent its own principles of interpretation.

A perusal of the first governmental reports shows that the right of collective bargaining is widely recognised in the states concerned. This observation must, however, be qualified in the following two respects:

- (1) In certain cases, the reports submitted do not contain sufficient information to enable the Committee to judge whether or not a Contracting State is fulfilling its obligations under one or other of the four paragraphs of Article 6 in practice;
- (2) In some countries participation in a strike is, as a matter of law, regarded as a termination of the contract of employment. Subject to what is said below (see comment (i) to Paragraph 4) this situation cannot, in the Committee's opinion be considered as entirely compatible with the obligations which this provision of the Charter imposes.

In spite of these reservations, the Committee is favourably impressed by the situation regarding collective bargaining in the majority of the countries in question.

The Committee's comments on the four paragraphs of Article 6 of the Charter are as follows: