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# International labour relations

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The working relationship is the legal relationship between the social partners. There is when a person does a job or services under certain conditions in exchange for a remuneration. It is through the working relationship, however defined, that reciprocal rights and obligations are created between the employee and the employer. It has been, and continues to be, the main vehicle through which workers can access the rights and benefits connected with employment in the fields of labour law and social security. The existence of a working relationship is the condition that determines the application of work and social security provisions for employees. It is the key point of reference to determine the nature and extent of the rights and obligations of employers towards workers. The problem has become more and more important because of the increasingly widespread phenomenon of employees without protection because of one or a combination of the following factors: the scope of the law is too narrow or is too restrictive interpreted; the law is poorly or ambiguous formulated so that its scope is not clear; the working relationship is disguised; the relationship is objectively ambiguous, giving rise to doubt whether or not a working relationship actually exists; the employment relationship exists, but obviously it is not clear who the employer is, what the rights of the worker and who is responsible for them; and the lack of conformity and application. This is why points like the following need to be addressed: When does a relationship exist in employment? What is an ambiguous work relationship? What is a masked working relationship? What is a "triangular" employment relationship? Who's an employee? Who is a employer? To address these problems, a general discussion took place on the scope of the work report in 2003 and in 2006 the International Labour Conference adopted the recommendation (No 198) on employment. This recommendation concerns: the formulation and application of a national review policy at appropriate intervals and, if necessary, clarify and adapt the scope of laws and regulations, in order to ensure effective protection for workers who carry out work in the context of a subordinate relationship work; the determination - through a list of relevant criteria - the existence of such a relationship, based on the facts relating to the performance of work and the remuneration of the worker, despite how the relationship is characterized in any contrary provision, which could have been agreed between the parties; and the creation of a special mechanism - or the use of an existing one - to monitor developments in the labour market and the organization of the work so as to be able to formulate recommendations on the adoption. Conference reports: Report V - ILC 91 \* Session 2003 - The interim work report Record No. 21, ILC 91 \* Session 2003 - The Working Report V (1) - ILC 95a Session 2006 - The interim work report Record No. 21, ILC 95 \* session, 2006 - the preparation of work reports in these discussions at the ILC, the Office has undertaken a series of national studies showing that many workers suffer from a lack of protection Country: Argentina (EspaÅ ± ol); Australia; Brazil (Português © s); Bulgaria; Cameroon (Français); Chile (EspaÅ ± ol); Costa Rica (EspaÅ ± ol); Czech Republic; El Salvador (EspaÅ ± ol); Finland; France (Français); Germany; India; Italy; Ireland;Japan; Korea; Morocco (Français); Mexico (EspaÅf Å ± OL); Pakistan; Panama (EspaÅf Å ± OL); PerÅ¹ (EspaÅf Å ± OL); Philippines; Poland; Poland; Federation; South Africa; South Africa (Update); Slovenia; Sri Lanka; Thailand; Trinidad and Tobago; United Kingdom; Uruguay (Spain); United States; Venezuela (EspaÅ ± ol). The ILO Constituents also helps in developing national policies and monitoring configuration and implementing mechanisms. It also promotes good practices at national and international level concerning the determination and use of working relationships. Page 2 The working relationship is a legal relationship between employers and workers. There is when a person provides his job or provides services under certain conditions, in exchange for a remuneration. Through the working relationship, as defined, the rights and obligations are established between the employee and the employer. The work report has been and continues to be the main means of access of workers to employment rights and benefits, working areas and social security. The existence of a working relationship is the necessary condition for the application of labour and social security laws for employees. It is also the fundamental point of reference to determine the nature and scope of the rights and obligations of employers regarding its workers. The subject is increasingly important by the growing and more widespread phenomenaiacs of employees, who lack protection from one or more of the following factors: the field is too narrow or is interpreted too limited. The formulation of the law is insufficient or ambiguous, so its advertising is confused. The work report is disguised. The relationship is objectively ambiguous, which leads to doubts about the actual existence of a working relationship. The employment relationship exists, but obviously it is not clear who is the employer, who are the rights of the worker and who answers from them. The unabservance or lack of application. This is why the following questions should be discussed: When does a relationship exist in employment? When does a work report arise? What is an ambiguous work relationship? What's a job report? What is a working relationship â€ tetriangularâ€? What can be considered an employee? What can be considered a employer? In the contemporary Industrial Systems relations, the functions performed by the trade unions are, as Employersi;1/2 Organisations, essentially: defence and promotion of the interests Membersi;1/2; Political representation; and provision of services to members. The other side of the trade function UnionSi;1/2 representative is their control function: their legitimacy depends in part on the ability to exercise the discipline course of accession, such as calling or ending a strike. The COSTANTE SFIDA COMMERCIALE UNIONSi;1/2 is to increase their density, that is, the NUMBER of mebers as a percentage of the workforce of the formal sector. The members of the unions are individuals; Their odds, contributions in some systems the support Le Unioni;1/2s Task called. (States financed by employers, called i;1/2Company trade unions, or by governments in the former communist countries, do not take into account, since only independent workers' unions are real trades.) The affiliation is GENALLY A QUESTION OF A separate one. 1/2s voluntary decision, although some trade unions which have been able to win closed shop or security union are covered by being the representatives of all workers covered by particular collective agreement (e.g., in countries where unions are recognized as representatives of workers' bargaining units in a constitute ). Trade unions can be affiliated with umbrella organizations at industrial, national, regional and international level. The unions are structured inlines:crafts or occupation, by industry branch, if they group white or blue-collar workers and sometimes even by enterprise. There are also general unions, which include workers of various professions and industries. Even in countries where the concentrations of industrial unions and general unions are the trend, the situation of agricultural or rural workers has often favoured the development of special structures for that sector. At the top of this division there is often a territorial division, with regional and sometimes local subunits, within a union. In some countries there were splits in the workers' movement around ideological (party politics) and also religious lines which then come to reflect in the union structure and belonging. Public sector employees tend to be represented by unions separated from those representing private sector employees, although there are exceptions to this. The legal status of a union may be that of any other association, or may be subject to special rules. A large number of countries require trade unions to record and disclose some basic information to authorities (name, address, official identity, etc.). In some countries this goes beyond the simple registration control to interferences; In extreme cases of disdain for the freedom of the principles of association, the unions will need government authorization to operate. As workers' representatives, the unions have the power to enter into commitments on their behalf. Some countries (such as the United States) require the employer's recognition of trade unions as an initial prerequisite for engaging in collective bargaining. Trade union density varies widely between and within countries. In some Western European countries, for example, it is very high in the public sector, but it tends to be low in the private sector and especially in its use in white-collar groups. The figures for collective employment in that region are mixed, from above in Austria and Sweden to a low in France, where, however, the union political power far exceeds what the membership data suggest. There is some positive correlation between centralization of bargaining and union density, but there are also exceptions. As voluntary associations, the unions shall elaborate their rules, usually in the form of constitution and statute. In democratic trade union structures, members select trade union officials either by direct vote or by delegates at a general conference. The internal Union government in a small and highly decentralized union of workers in a particular professional group is likely to differ significantly from that found in a large, centralized general or industrial union. There are tasks to be assigned between trade union officials, trade union representatives and non-paid workers and coordination work to be done. The financial resources available for a union also vary depending on its size and ease with which it can collect the two. The establishment of a system of control of quotas (for which the quotas are deducted from a worker's wage and paid directly to the union) greatly relieves this task. In most of Central and Eastern Europe, the unions which have been dominated and financed by the state are transformed and/or joined by new independent organizations; all are struggling to find a place and operate successfully in the new economic structure. Extremely low wages (and therefore debts) there and in developing countries with unions supported by the government make it difficult to build a strong independent union movement. In addition to the important function of collective bargaining, one of the main activities of the unions in many countries is theirpolitic. This can take the form of direct representation, with the unions that receive reserved places in some parliaments (for example, Senegal) and on tripartite organisms that play a role in determining national economic and social policy (for example, Austria, France, countries Bassi), or on tripartite tripartite advisory bodies The fields of work and social affairs (for example, in many Latin American and African and Asian countries). In the European Union, trade union federations have had an important impact on the development of social policy. More generally, the unions have an influence through the exercise of power (supported by a threat of industrial action) and political decision-maker lobbying at national level. It is certainly true that the unions have successfully fought for greater legislative protection for all workers worldwide: Some believe that this was a bittersweet victory, long-term mince their justification to exist. The objectives and issues of Union political actions have often extended far beyond the narrowest interests. A first example of this was the fight against apartheid in South Africa and the international solidarity expressed by trade unions around the world in words and actions (for example, organizing boycott of the imported South African coal dockworker). If trade union policy is on the offence or defence, of course it will largely depend on the fact that the government of power tends to be pro- or anti-work. It will also depend on the Union's report to political parties; Some trade unions, especially in Africa, were part of their struggles for independence and maintain close ties with government political parties. In other countries there is a traditional interdependence between the movement of labour and a political party (for example, Australia, the United Kingdom), while in other alliances they can move over time. In any case, the power of trade unions often exceeds what is expected from their numerical strength, in particular in which they represent workers in a key economic or public services sector, such as transport or mining. In addition to the unions, many other types of workers' participation have come up to provide an indirect or direct representation of employees. In some cases there are close to the unions; In others they are the only type of participation available to workers. The functions and powers of the workers' representatives who exist in these agreements are described in Article i;1/2Forms of the participation of workers. The third type of trade union function, providing services to members, focuses primarily on the workplace. A company-wide administrator shop is there to ensure that workers' rights under the collective contract of bargaining and law are respected, if not, if not, act. The Union's official work is to defend the interests of the VIS-Fis management workers, thereby legitimizing their representative role. This may involve the employment of an individual complaint on the discipline or dismissal or collaboration with management on a joint health and safety committee. Outside the workplace, many unions provide other types of benefits, such as preferential access to credit and participation in welfare schemes. The Union Hall can also serve as a centre for cultural events or even great family ceremonies. The range of services A Union can offer its members is vast and reflects the creativity and resources of the Union itself and the cultural milieu in which it operates. As Visser observes: the power of the unions depends on various internal and external factors. Can we distinguish between organizational power (how many internal sources of power can unions mobilize?), institutional power (which external sources of support can depend on unions?) And economic power (what market forces play in the hands of the unions?) (VISSER A Van Ruyssveldt et al. 1995). Among the factors identified for a strong union structure is the mobilization of a large, stable, paid-paid and well trained subscription (toan adhesion could be added that reflects the composition of the labour market), avoidance of organizational fragmentation and political or ideological rifles and development of astruttura che fornisce una presenza a livello aziendale pur avendo il controllo centrale dei fondi e del process decisionale. If a modello di successo, che finara è stato di carattere nazionale, può evolversi di fronte ad un'economia always più internazionalizzata, è la grande sfida che affronta i sindacati in questo hora. Breen Creighton Rapporto tra Diritti dell'Associazione e Rappresentanza e Sicurezza e Salute La consultazione congiunta e la partecipazione cannot essere efficaci solo in un ambiente in cui vi è un adeguato riconoscimento e rispetto per il diritto dei datori di lavoro e dei lavoratori di associate In a sense molto reale, quindi, il rispetto del diritto di organizzazione può essere considerato un presupposto essenziale di una efficace strategia per la sicurezza e la salute sul lavoro sia a livello nazionale che internazionale e sul post di lavoro. In questo caso, è necessario e opportuno esaminare più da vicino gli standard dell'OIL relativi alla libertà di associazione, tenendo tal della loro applicazione nel contesto della prevenzione delle injuriy e delle malattie legate al lavoro e della compensazione e riabilitazione di coloro che hanno subfornito La libertà degli standard di associazione esige che vi sia un riconoscimento corretto nella legge e nella practitioner del diritto dei lavoratori e dei datori di lavoro di formarsi e di aderire alle organizzazioni di loro scelta e del diritto di tali organizzazioni, una volta stabilite, di formulare e di attua I diritti di associazione e di rappresentanza sono altresì soggetti alla cooperazione tripartita (governi, datori di lavoro e lavoratori) nel settore della salute e della sicurezza sul lavoro. La cooperazione è promossa nell'ambito dell'OIL, ad esempio, by: unire i governi a consultare le organizzazioni rappresentative dei datori di lavoro e dei lavoratori in relazione alla formulation e all'attuazione della poli in materia di salute e sicurezza sul lavoro a livello regional OIL and Diritti dell'Associazione and Rappresentanza Il diritto di associazione per tutti gli scopi legittimi da parte degli impiegati e dei datori di lavoro è stato uno dei metodi e dei principi di cui all'articolo 41 della Costituzione originale dell'OIL. Question principio trova ora un riconoscimento esplicito nel preambolo della Costituzione come una delle condizioni essenziali dell'istituzione della giustizia sociale, che è esta stessa considerata la condizione essenziale della pace universale e duratura. Insieme al principio del tripartismo, è anche riconosciuto espresmente all'articolo 1 della Dichiarazione di Filadelfia, che è stata allegata alla Costituzione nel 1946. Questa approvazione costituzionale dell'importanza del rispetto dei principi di libertà di associazione aiuta a fornire una delle basi giuridiche per la capacità della Commissione di rettifica e di conciliazione sulla libertà di associazione e del del del Comitato dell'organo direttivo sulla libertà di associazione di indagare su presunte violazioni dei principi di libertà di associazione. Già nel 1921 la Conferenza Internazionale del Lavoro ha adottato la Convenzione di Diritto di Associazione (Agricoltura) (n. 11), che richiede la ratifica degli Stati per Garante a tutti coloro che sono impegnati in agricolturaAssociation rights and combination for industrial workers. However, it does not say anything about the rights to be agreed to industrial workers with which those engaged in agriculture are to enjoy the parity! Try to adopt a more general tool that deals with freedom of association in the 1920s founded on the employer's rocks and the insistence of the government that the right to train and unite trade unions must be accompanied by a correlative right not to join . The issue was re-opened in the period immediately after the Second World War. This duly led to the adoption of the right of association (non-subway territories) Convention, 1947 (n. 84), the freedom of association and the protection of the right to organize convention, 1948 (n. 87) and the right to organize and collective bargaining agreement, 1949 (n. 98). The conventions NN 87 and 98 are among the most important and more ratified conventions of all the ILO conventions: from 31 December 1996, the Convention n. 87 had attracted 119 ratifications, while n. 98 had attracted 133. Among them they embody what is correctly considered as four key elements in the notion of freedom of association. The â €

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