

Coded Behavior

Conduct Rules for Arab Workers' Associations

Introduction

This paper contains a set of behavioral rules that are supposed to guarantee the exercise of a free, democratic and effective practices of workers' associations. We have opted to give this set of rules the name "coded behavior" rather than a "code of conduct" to highlight the following two issues:

- To highlight the fact that the concept of this paper is different than the concept usually adopted in economic/business institutions in general and in multinational enterprises in particular;
- To highlight that this paper contains behavioral rules tested for their effectiveness in the practices of workers' associations all over the world; these rules are listed in this paper as such and not only as ideal standards to be followed.

The paper focuses on the behavior of workers' associations, and only refers to the behavior of associations members digressively. "Behavior" in this context refers to the broad definition of the word which includes: the attitudes, convictions as well as practice.

This paper addresses Arab workers and employees, members and non-members of workers' associations. By addressing them, it urges them to examine the reality of the Arab trade union life based on certain specific rules and to attempt to develop the Arab trade union life towards more freedoms, democracy and effectiveness. This paper may become a reference if approved by a number of Arab workers' associations after being discussed and developed.

The paper was to choose between two approaches: an approach that collects general rules, specifically rights and an approach that goes beyond rights and touches on actual and diverse practices. It is easy to reach agreements if the first approach, which is not affected by the special conditions in the different geographic areas and countries, has been followed, but this approach wouldn't be of practical value in analyzing the existing conditions and in developing these conditions. By contrast, the second approach contains rights and actual practices; thus it serves as a standard tool for monitoring the existing realities and prospects for developing this reality. Because of this nature, it raises the question on the validity of these selected behavioral rules and the possibility of having them applied in the different social, economic and political contexts. We have opted to choose the second approach despite of its pitfalls, and we encourage the use of the conduct rules below as a standard tool adjustable upon an interactive dynamic dialect between these rules and the reality where they are applied. This will give the opportunity to seriously discuss what has been known as the "Arab specificity" on the level of trade unions – a specificity usually used to justify the current situation and for discarding projects aimed at developing this situation. It is worthwhile mentioning that these rules of conduct as well as debate around them, should be considered within this given phase characterized by the globalization of the economy and its repercussions on various levels.

For practical reasons, the present paper lacks the background theory and field evidences explaining and supporting the list of conduct rules, their content and their order. Nevertheless, we have tried, wherever possible, to give a prelude to these conduct rules by referring to some underlying sources. We count on other occasions, organized by the project, to thoroughly discuss the relevant implications and background information.

Conduct rules of trade unions can be discussed through three concepts, these are: the freedom of the workers' associations, internal democracy of workers' associations and their efficiency. In addition to being inclusive of the different rules of conduct, the three concepts are characterized by the following:

- They are widely known in the circles of workers' associations, they do not only facilitate discussions but also encourage and motivate these discussions.
- They are usable as they give clear and tangible indicators.
- There is an interdependent and dialectical relations between them and this allows linking the different factors in a comprehensive framework.

Approaching conduct rules from the perspective of the effectiveness of the workers' associations will definitely raise the question of freedom of members (individuals and unions) and of the level of their participation.

Approaching these rules from the perspective of democratic practices of associations, will definitely takes us back to the question of freedom of associations and their efficiency. An association cannot be democratic if it is not independent; this democracy, from a trade union point of view, is not useful if it is not capable of taking the move and of being active (efficiency).

Finally, approaching conduct rules from the perspective of the freedom of the association will necessarily make us wonder about the capacity of these rules in providing a space for expressing this freedom in a democratic way and on the effective tools that would guarantee that this freedom achieves its aims.

First: Freedom of Workers' Associations

This text is based on the ILO concept of freedom of association as expressed in international conventions (specially Nos. 87, 98 and 135) and in interpretations of these conventions by the ILO. Our choice is based on the following considerations:

- The universality of the concept and the fact that it does not contradict with the diversity existing in the different countries of the world;
- The applicability of the concept through specific standards stated in the conventions
- The existence of interpretations by ILO (Committee on Freedom of Association for example) of the concept and its applications.
- The possibility of using the concept, with its international legal legitimacy, to amend violating national legislations.

Workers' associations should adopt conduct rules that guarantee the practice of freedom by:

1. Commitment to the right to freedom of association that guarantee the freedoms of workers' associations as stated in the international conventions, most importantly:
 - All workers, without distinction whatsoever, shall have the right to establish and to join organizations of their own choosing without previous authorization (Trade Union Pluralism).
 - Workers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes without any interference from public authorities;
 - Workers' organizations shall have the right to establish and join federations and confederations and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers without previous authorization;
 - Workers' organizations shall not be liable to be dissolved or suspended by administrative authority;
 - Workers' Associations right to guarantee protection for their premises, their correspondences and their telephone communications;
 - Protection of workers against acts of anti-union discrimination in respect of their employment;
 - Protecting workers' unions against any interference by employers in their establishment, functioning or administration;
 - Protect the funds and assets of workers' associations against any interference from government authorities;

- The right of workers' associations to bargain collectively to organize work conditions and other issues affecting their members;
 - The right of workers' associations to practice their activities inside companies and at work places;
 - Protecting labour representatives from any prejudice or any acts that may affect them (unjustified decisions by companies' management) for practicing acts in line with their freedom of association rights;
 - The right of workers and their associations to strike as a mean to protect their economic and social interests.
2. Encourage concerned authorities to ratify international conventions on freedom of association;
 3. Advocate the amendment of national legislations to adhere to international conventions on freedom of association.
 4. Practice rights included in the concept of freedom of association.
 5. Compile and submit complains to ILO when these rights are violated by the government, employers, or any other party.
 6. Take all decision in full independence from any external party (specially the state, employers, political parties) and remove all (legal and non-legal) challenges that impede the practice of independence. The decisions of workers' associations should be a free expression of its members and this could not be achieved unless the association is democratic. Hence there is a dialectical relation between freedom (and independence) and the principle of democracy.
 7. Commitment to freedoms and individual and public rights as stated in the Universal Declaration of Human Rights and the two international covenants of human rights and commitment to protect and guarantee these rights as basis for freedom of association.

Second: Democracy of Workers' Associations

Unlike the concept of freedom, there is no internationally approved definition of democratic associations. The concept we adopt here is based on a number of sources: the principles of political democracy, democratic associations as manipulated in the internal bylaws of associations, critical review of democracy as applied by associations from the perspective of actual participation of members in the decision-making, and democracy as a mechanism for the respect of the rights of minorities and marginalized groups and guaranteeing their representation.

Workers' associations should adopt rules of conduct that would guarantee the establishment of democratic rules within their structures. Among these are:

1. Broadening the base of membership by organizing mobilization campaigns and other means, given that the number of members is the external basis of organizational democracy: with low rate of membership, the association loses its representative character of workers and internal democracy becomes an

organizational game that does not reflect the real trends of workers represented by the association.

2. Building a vertical and horizontal organizational structure: vertically, general assemblies, summits, councils of representatives or central councils and executive councils; horizontally: commissions and branches in the different regions.
3. Adoption of internal rules to ensure equal rights and duties for all members.
4. Adoption of an electoral mechanism that allows lower-level bodies to elect higher bodies vertically and horizontally and the adoption of the proportional representation system related to the number of membership in the composition of the different bodies and elections, and minimizing the margin between the minimum and maximum percentages so as not to allow larger bodies to overwhelm smaller bodies. Elections should be held by secret ballot, periodically by and among members.
5. Ensuring the existence of physical and legal conditions for holding free and fair elections without any interference from any outside party (among these are central associations and other associations) and ensuring that elections are monitored by an external independent party that has no personal interests in results.
6. Resolving conflicts and contests related to elections by just legal means by resorting to the relevant judicial authority. If such means do not exist, associations should attempt to create them.
7. The decision-making process should engage all committees and branches within the framework of respect of vertical hierarchical relationship; decisions taken with regard to all issues should reflect the will of the majority.
8. Informing members of all issues, businesses and activities through a specific mechanism endorsed by the organization. The mechanism should be periodically examined by members.
9. Adopting and applying rules for managing meetings, discussions and decision making in line with rules applied by democratic organizations.
10. Taking measures to prevent the transformation of workers' associations into an oligarchy where decisions and the administration are monopolized by a few number of leaders while other members are not allowed the opportunity to participate and are kept outside the framework of decision-making. Among these measures are:
 - Expanding the powers of the associations' committees and branches,
 - The diversification associations functions,
 - The establishment of societies (sporting, cultural, and social) within the association and preserving their freedom in organizing their work and their activities,

- Providing necessary frameworks and securing the necessary human and material resources to educate and train members in order to create incentives for participation on the one hand and in order to enhance workers capacities to actively participate on the other hand,
 - Ensuring the right of opposition within the association capable of utilizing official and non-official means of communications with members.
11. Addressing the problem of lack of participation of women and young people (or other marginalized groups for reasons of ethnic, religious, sectarian, national, physical or otherwise) in trade unions, by adopting at least two measures:
- The principle of quotas to ensure the representation of these groups,
 - The creation of special committees for them and giving these committees the powers and capacities needed to carry out their tasks.
12. Adopting democratic good governance principles in managing workers' associations, public and financial affairs on all executive levels in an transparent manner free from corruption.

Third: The Effectiveness of Associations

The effectiveness of an association is its ability to achieve its objectives. The effectiveness of the organization is measured at the national level but within the framework of the globalization of the economy and its social and economic impact. Given the diverse objectives of associations from one to the other and in the different countries, effectiveness will be measured through general conduct rules that apply to trade union movements in general.

Workers' associations should adopt rules of conduct that would enable them to enhance their efficiency and achieve their objectives. These rules include:

1. Setting-up professional, sectoral and geographical structure on the basis of professional/economic structure, the development of these structures, the distribution of labor force among these structures and also on the basis of the organizational structures of employers.
2. Developing a strategic plan for several years, through a democratic process within the association to include the demands of the organization, its priorities and forms of action within a long-term vision to achieve social justice.
3. Adopting forms of action that would achieve the demands of labors such as collective bargaining and democratic pressure methods such as sit-ins, strikes and demonstrations.
4. Giving greater importance to the campaigns as a form of pressure to achieve demands, especially given the decline of governments to interfere through the tripartite committees and with the collapse of the collective bargaining systems, with the control practiced by international financial institutions, World Trade Organization and multinational corporations in drawing economic and social policies in the different countries.

5. Building an organizational model as a substitute for the currently existing service-based model which is incapable of defending the interests of laborers in the globalized economy and the need of associations to act by organizing campaigns and mobilizing grass-roots and involving them in actions taken *.
6. Serious and effective engagement in international associations as a necessary condition for any effective action at the local level in a globalized economy and given the control practiced by international trade and financial institutions in the economies of the different countries.
7. Participating actively in the different local and international civil society networks, particularly those working for the respect for human rights, the rights of women, combating poverty and challenging the World Trade Organization policies in order to build a more just globalization for individuals and peoples.
8. To unite workers, regardless of their ethnic, national, religious or political affiliations so as to face fundamentalism and civil conflicts that threaten the national societies and the unity of the state; this is done by defending human rights, citizenship and socio-economic interests.
9. Commitment to the democratic system as a viable political framework for struggle to achieve and apply social justice.

Ghassan Slaiby
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* Service-based model is based on the following elements: leaders take actions and provide services to members, reliance on experts, communication within the association take the form of up-down approach, associations' actions are reactions to stances taken by employers and governments and are not based on a self-developed plan, centralization in the organization and marginal importance given to educating members. The organizational model is based on a completely different set of elements: the leadership mobilizes grass-roots, communications are two-ways through mobilization and qualified structures, associations' actions are according to a strategic plan set by associations for a period of time, broad decentralization (huge powers given to committees and braches), training and educating members is a necessary condition for this model.