

**Committee:** Social, Humanitarian and Cultural Committee (GA3)

**Issue:** Mitigating the Humanitarian Consequences of Union Busting on Worker Syndicates

**Student Officer:** Vasiliki Lentoudi

**Position:** Co-Chair

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## PERSONAL INTRODUCTION

Dear Delegates,

Welcome to the 7th annual session of the Deutsche Schule Thessaloniki Model United Nations! My name is Vasiliki Lentoudi, and I have the utmost honor to serve as a Co-Chair in the Social Humanitarian and Cultural Committee (GA3) of this year's DSTMUN conference. I am 15 years old and I attend the Deutsche Schule Athen. I have been participating in MUN conferences for 3 years, and I must admit that each and every single one of them is undoubtedly an unforgettable experience for me.

First and foremost, I would like to congratulate all delegates for entering the amazing world of MUN, which will provide you with extraordinary experiences, a large amount of strong friendships and great political and general knowledge of current affairs and issues that affect humanity and our society globally. Having participated in a variety of conferences, I can assure you that MUN does not only contribute to the academic future of an individual, but it may also affect the evolution of one's personality and character too.

If this is your first time participating in an MUN conference, I would like to first of all greet you all to this large MUN community. I would like to encourage you to participate as much as you can. The other chairs and I are going to try our best to make you feel welcome and less anxious. Before the start of the conference, we are going to explain procedural matters as well as proceed with some icebreakers.

In the next pages of this study guide, I aim to concentrate on the mitigation of Humanitarian Consequences of Union Busting on Worker Syndicates and try my best to cover every aspect of the topic and provide you with all the information you need during your research on the topic.

For further information or questions that may appear while reading the study guide, feel free to contact me. My email address is [lentoudi.vasiliki@gmail.com](mailto:lentoudi.vasiliki@gmail.com). I am looking forward to the 7th DSTMUN conference and spending three unforgettable days with you all!

## TOPIC INTRODUCTION

“Union busting refers to an attempt by an employer or a government entity to break and remove a trade union in order to secure a non-union workforce.”<sup>1</sup> Trade or labor unions were formed after industrialization and served as a means of human rights protection and advocating for employees' better working conditions as well as fair wages. One of their major roles is also to engage in influencing labor laws and security measures that have to do directly with their everyday life as workers and their quality.

However, after the large expansion of factories in cities or in other places around the world where plantations were modernized, employers found it more profitable to discourage their workers and employees from joining a trade or labor union. Consequently, employees and workers didn't have the right to get represented, thus they did not have the chance to enhance their work conditions or to demonstrate and fight for their rights since they could get easily fired if they did.

Throughout the years and decades, a variety of union busting tactics have been introduced to the workforce, both legal and illegal. For example, propaganda campaigns or captive audience meetings organized by employers. Both in Less Economically Developed Countries (LEDCs) as well as in More Economically Developed Countries (MEDCs) threats and intimidation are utilized as a method of union busting, such as threatening a worker that they could lose their job if they enter a union. Thus, Union Busting and the methods through which Union Busting has been implemented have affected workers' and employers' lives, mostly because the consequences of Union Busting have a strong impact on their mental health since psychological and humanitarian consequences are the most crucial ones.

Union busting has been an issue for many years in several parts of the world; however, the United States has the biggest historical background on the topic, where union busting has been an issue for about three hundred years. It is a matter of great importance to first understand that it is unlawful for an employer to interfere with, restrain, or coerce employees in the exercise of their rights and being part of a labor union. Employers may not respond to a union organizing drive by threatening, interrogating, or spying through detective agencies on pro-union employees or by promising benefits, such as increased wages or enhanced and higher positions if they no longer want to enter a labor union.<sup>2</sup>

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<sup>1</sup> “What is Union Busting? - The United Food and Commercial Workers International Union.” *The United Food & Commercial Workers International Union*, 27 Aug. 2024, [www.ufcw.org/union-101/what-is-union-busting](http://www.ufcw.org/union-101/what-is-union-busting).

<sup>2</sup> “Interfering with Employee Rights (Section 7 & 8(A)(1)) | National Labor Relations Board.” *Www.nlr.gov*,

## DEFINITION OF KEY TERMS

### Collective bargaining

“Collective bargaining is the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, ways to balance work and family, and more.”<sup>3</sup>

### Government entity

“Government entity stands for any agency, instrumentality, subdivision or other body of any national, regional, local or other government.”<sup>4</sup>

### Labor laws

“Labor law is legislation specifying responsibilities and rights in employment, particularly the responsibilities of the employer and the rights of the employee”,<sup>5</sup> while it differs from country to country or even state to state.

### Labor Union

“A labor union is a group of two or more employees who join together to advance common interests such as wages, benefits, schedules and other employment terms and conditions.”<sup>6</sup>

### Union Busting

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[www.nlr.gov/about-nlr/rights-we-protect/the-law/interfering-with-employee-rights-section-7-8a1#:~:text=It%20is%20unlawful%20for%20an.](http://www.nlr.gov/about-nlr/rights-we-protect/the-law/interfering-with-employee-rights-section-7-8a1#:~:text=It%20is%20unlawful%20for%20an.)

<sup>3</sup> *Collective Bargaining* | AFL-CIO. [aflcio.org/what-unions-do/empower-workers/collective-bargaining](http://aflcio.org/what-unions-do/empower-workers/collective-bargaining).

<sup>4</sup> *Definition: government entity from 15 USC § 6602(3)* | LII / Legal Information Institute.

[www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def\\_id=15-USC-739774706-709182385&term\\_occur=999&term\\_src=title:15:chapter:92:section:6604.](http://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=15-USC-739774706-709182385&term_occur=999&term_src=title:15:chapter:92:section:6604.)

<sup>5</sup> “What Is Labor Law? | Definition from TechTarget.” *WhatIs.com*, [www.techtarget.com/whatis/definition/labor-law#:~:text=Labor%20law%20is%20legislation%20specifying.](http://www.techtarget.com/whatis/definition/labor-law#:~:text=Labor%20law%20is%20legislation%20specifying.)

<sup>6</sup> Team, Investopedia. “Labor Union: Definition, History, and Examples.” *Investopedia*, 4 Feb. 2024, [www.investopedia.com/terms/l/labor-union.asp](http://www.investopedia.com/terms/l/labor-union.asp).

Union busting refers to “an attempt by an employer or a government entity to break and remove a trade union in order to secure a non-union workforce.”<sup>7</sup>

### Industrial revolution

The Industrial Revolution shifted societies from an agrarian economy to a manufacturing one, with products being made by machines rather than by hand. This led to increased production and efficiency, lower prices, more goods, improved wages, and migration from rural areas to urban areas.<sup>8</sup>

## BACKGROUND INFORMATION

### Historical Context of Union Busting

From the beginning of the Industrial Age and continuing into the twenty-first century, companies faced by militant workers have often turned to agencies that specialize in ending strikes and breaking unions. This phenomenon is called union busting. Such agencies are most of the time detective and guard agencies, citizen groups, such as the Citizens’ Alliance, company guards, police, national guard, or even the military. Union busting started after the huge growth of labor unions in the late 1800s. At this time, factories and industries in the United States and in Central Europe began to expand. During the Industrial Revolution, goods and other products that had once been painstakingly crafted by hand started to be produced in mass quantities in factories. Consequently, many people moved to the cities from rural areas and this process accelerated dramatically with industrialization as the rise of large factories turned smaller towns into major cities over the span of decades.<sup>9</sup>

The Industrial Age had as a result, among others, the growth of labor unions since workers began to demand better wages and enhanced working conditions. At the beginning of the 20th century, a significant labor movement was spotted around the world, while workers and employees organized strikes that sometimes even resulted in violent acts when police forces tried to bring them down. Such strikes

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<sup>7</sup>“---.” *The United Food & Commercial Workers International Union*, 27 Aug. 2024, [www.ufcw.org/union-101/what-is-union-busting](http://www.ufcw.org/union-101/what-is-union-busting).

<sup>8</sup>Chen, James. “Industrial Revolution: Definition, History, Pros, and Cons.” *Investopedia*, 14 Aug. 2024, [www.investopedia.com/terms/i/industrial-revolution.asp#:~:text=The%20Industrial%20Revolution%20shifted%20societies,rural%20areas%20to%20urban%20areas](http://www.investopedia.com/terms/i/industrial-revolution.asp#:~:text=The%20Industrial%20Revolution%20shifted%20societies,rural%20areas%20to%20urban%20areas).

<sup>9</sup> Editors, History.com. “Industrial Revolution.” *HISTORY*, [www.history.com/topics/industrial-revolution/industrial-revolution#labor-movement](http://www.history.com/topics/industrial-revolution/industrial-revolution#labor-movement).

took place all around the world in all continents and the majority of countries. Examples are the Marikana Massacre in the North West Province on August 16, 2012; a strike in Zhanaozen, a city in Kazakhstan, which had taken place for seven months until the police squads ended the strike on December 16, 2011 and a strike in Colorado in April 1914, by coal miners, which was burnt down after a violent attack by the Colorado National Guard and Colorado Fuel & Iron Company guards. All these strikes had, most of the time, unwilling results of violence and harm. For example, a dispute between Carnegie Steel and the Amalgamated Association of Iron and Steel Workers in July 1982 exploded into violence at a steel plant in Homestead, Pennsylvania, on May 1937, Chicago police attacked a Memorial Day gathering of unarmed, striking steelworkers, in 1921 about 10,000 miners who demanded the creation of a labor Union fought during a week-long confrontation against a private army of almost 3,000 mine guards<sup>10</sup>, and on May 4, 1986, a violent confrontation between police and labor protesters took place in Chicago.<sup>11</sup>

Employers tended then to break Unions or deprive employees of the right to enter a Labor Union or form one. Unions have the ability to collect dues, fees, fines and assessments and negotiate, while they can't, as commonly believed, guarantee higher wages, better benefits, employment, hours worked, prevent terminations and set job standards.<sup>12</sup>

### Historical context of Labor legislation in the United States

To have a clear view of the consequences of union busting activities, it is a matter of great importance to inspect labor legislation and how it has evolved throughout the years. The Railway Labor Act (RLA) of 1926<sup>13</sup> was the first major piece of labor legislation passed by Congress. The RLA was amended in 1936 to expand from railroads and cover the emerging airline industry. The purposes of the RLA are to avoid any interruption of interstate commerce by providing for the prompt disposition of disputes between

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<sup>10</sup> February 22, Chris Williamson •, and 2024. "Black Miners and the Battle of Blair Mountain." *DOL Blog*, [blog.dol.gov/2024/02/22/black-miners-and-the-battle-of-blair-mountain](https://blog.dol.gov/2024/02/22/black-miners-and-the-battle-of-blair-mountain).

<sup>11</sup> "Haymarket Affair | History, Aftermath, and Influence." *Encyclopedia Britannica*, 31 Aug. 2024, [www.britannica.com/event/Haymarket-Affair#:~:text=Top%20Questions-,What%20was%20the%20Haymarket%20Affair%3F,international%20struggle%20for%20workers'%20rights](https://www.britannica.com/event/Haymarket-Affair#:~:text=Top%20Questions-,What%20was%20the%20Haymarket%20Affair%3F,international%20struggle%20for%20workers'%20rights).

<sup>12</sup> "Discounting Rights: Wal-Mart's Violation of US Workers' Right to Freedom of Association: VI. Freedom of Association at Wal-Mart: Anti-Union Tactics Comporting with US Law." *Www.hrw.org*, [www.hrw.org/reports/2007/us0507/7.htm](https://www.hrw.org/reports/2007/us0507/7.htm).

<sup>13</sup> Participation, Expert. *Railways Act 2005*. [www.legislation.gov.uk/id/ukpga/2005/14](https://www.legislation.gov.uk/id/ukpga/2005/14).

carriers and their employees and protecting the right of employees to organize and bargain collectively. It imposes a duty on carriers and employees to make use of every reasonable effort to maintain collective bargaining agreements, and to settle all disputes, whether arising out of the application of such agreements or otherwise.<sup>14</sup> Collective bargaining is the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, policies that aim to protect the safety and health of employees, ways to balance work and family, and more.<sup>15</sup> It is actually a way of solving problems and issues that may appear in the workforce. Such issues could be discrimination and harassment, unequal treatment by the employees, health and safety concerns, payment and administrative issues.

### **Union Busting Strategies and Tactics**

Employers, companies and factories made use of some strategies and tactics to achieve Union Busting and prevent the form of Labor Unions. These tactics can be most of the time effective, according to the circumstances and the employees of a company; however, the majority of them are illegal, and therefore a variety of events and acts have been implemented to protect workers. The tactics and strategies implemented could be divided into smaller sections and key areas, according to their main theme.

#### **Communication and psychological pressure**

To begin with, a very common and one of the first union busting strategies that was implemented, were anti-union campaigns. Companies and employees tend even today to launch Anti-Union campaigns, through which they try to indirectly turn workers against Labor Unions. Another similar tactic is the organization of mandatory meetings, in which lawyers and “labor-management” consulting firms, who get paid to help employers keep workers from exercising their right to form a union, speak to the employers.<sup>16</sup> Companies also send managers and supervisors to union-busting seminars to become informed and then brainstorm with

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<sup>14</sup>“ibid”

<sup>15</sup>---. [aflcio.org/what-unions-do/empower-workers/collective-bargaining](https://aflcio.org/what-unions-do/empower-workers/collective-bargaining).

<sup>16</sup>“Union Busting Playbook | Union Busting Playbook.” *Union Busting Playbook*, [unionbustingplaybook.com](https://unionbustingplaybook.com).

workers. Firms and large companies often proceed with surveillance and monitor workers' activities and lives to understand who is in favor of Labor Unions. Then they proceed with social isolation, psychological pressure, and social pressure. An unpleasant environment is created in which employees suffer under psychological pressure.<sup>17</sup>

### **Economic threats and administrative tactics**

Some other tactics and strategies have an economic or administrative background. A variety of companies and employers have been offering for many decades wage increases and bonuses to employees if they reject a union, with major example companies such as Starbucks and Walmart. They manifest their workforce into believing that no unions are needed and make unrealistic promises. In addition, companies threaten their employees with layoffs and reduced wages if a union gets formed or an employee wants to become part of a union, while they offer promotions and special favors to those who oppose unionization. Large companies also utilize tactics to delay union elections and tend to hire and cooperate with "professional consultants, legal firms, and other agencies that specialize in helping companies quell union activity", right before union elections, to have the biggest and most important impact they can on employees.<sup>18</sup> The majority of these tactics lead to major problems in the workplace, especially between workers. It leads to competitiveness, leadership and management issues and even leads to a lack of collaboration and teamwork.

### **Walmart and its anti-union campaigns**

Walmart is known as the nation's largest private-sector employer and at the same time, one of the biggest anti-union companies. "Walmart maintains a steady drumbeat of anti-union information at its more than 4,000 U.S. stores, requiring new hires to watch a video that derides organized labor."<sup>19</sup> Walmart's anti-union campaign goes back decades. A group of

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<sup>17</sup>"ibid"

<sup>18</sup>Germain, Jacqui. "Union Busting: What Are Some of the Most Common Tactics Employers Use?" *Teen Vogue*, 17 Feb. 2022, [www.teenvogue.com/story/union-busting-what-is-it](http://www.teenvogue.com/story/union-busting-what-is-it).

<sup>19</sup> "How Walmart Persuades Its Workers Not to Unionize." *The Center for Popular Democracy*, 7 July 2015, [www.populardemocracy.org/news/how-walmart-persuades-its-workers-not-unionize](http://www.populardemocracy.org/news/how-walmart-persuades-its-workers-not-unionize).

hacker activists leaked two internal Walmart PowerPoint slideshows. “One was a “Labor Relations Training” presentation for store managers that echoed the “Manager’s Toolbox” in suggesting that unions were money-grubbing outfits caring little about workers’ welfare. “<sup>20</sup> Some anti-Union videos were also leaked, in which anti-Union messages were spread. Walmart then confirmed the authenticity of the videos and the presentations. The anti-Union videos started with the phrase: “You’re just beginning your career with us. It’s hard to grasp everything that’s available to you, like great benefits.” <sup>21</sup> Even though the propaganda and Walmart’s wish to refrain its’ workers from forming or to be part of a Union is clear the company itself believes that this is just the philosophy of the company. A formal statement of the company, which was set out in its 2005 employee handbook, states: “We are not anti-union; we are pro-associate. It is our position that every associate can speak for himself or herself without having to pay hard-earned money to a union to be listened to and have issues resolved.” <sup>22</sup>



Figure 1: Walmart workers protesting

## Current Situation

### Humanitarian Consequences

Union busting is, among others, associated with a large amount of humanitarian consequences for individuals. To begin with, union busting

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<sup>20</sup>“ibid”

<sup>21</sup>*Discounting Rights: Wal-Mart’s Violation of US Workers’ Right to Freedom of Association: VI. Freedom of Association at Wal-Mart: Anti-Union Tactics Comporting with US Law.*  
[www.hrw.org/reports/2007/us0507/7.htm](http://www.hrw.org/reports/2007/us0507/7.htm).

<sup>22</sup>“ibid”



activities and strategies violate one of the fundamental human rights of an individual, namely the right to express one's opinion freely under the Universal Declaration of Human Rights (UDHR)<sup>23</sup>. Individuals and workers are being oppressed and do not have the chance to get formally represented by a labor union, which would normally collect dues, fees, fines, assessments and negotiate. In addition to that, they most of the time receive downgraded and unfair treatment from their employees, who utilize violent tactics and strategies to prevent them from forming a labor union or becoming part of one. The outcome of union busting is also extremely negative for workers and employees. They get indoctrinated that in case an employee still wants to enter a union, then they may even lose their job.

### **Social and Psychological Consequences**

Union busting has also a variety of social and psychological consequences for individuals and workers. Employees are being oppressed; they are being forced to attend mandatory manifesting meetings, and they could get fired if they express an opposite opinion on the matter. In addition, most of the time employees are being threatened and psychologically suppressed by their employers, who claim that if they enter a union, then they would proceed with actions that could lead to them losing their jobs, while they offer promotions and special favors to those who oppose unionization. Furthermore, companies implement social isolation, psychological or social pressure. Thus an extremely unpleasant environment is created, in which employees suffer under psychological pressure.<sup>24</sup>

### **Legal and Political Consequences**

Among the social, psychological and humanitarian consequences of Union Busting, there are also legal and political consequences. To begin with, the tactics and strategies utilized by large companies or employers are most of the time illegal, since there has been legislation, such as the National Labor Relations Act (NLRA), that has been introduced that prohibits a large amount of these tactics. In addition, conventions have been adopted by large organizations, such as the International Labor Organization (ILO) which has adopted conventions, such as the ILO Convention No. 87: Freedom of Association and Protection of the Right to Organize Convention, that

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<sup>23</sup> “---.” *United Nations*, [www.un.org/en/about-us/universal-declaration-of-human-rights](http://www.un.org/en/about-us/universal-declaration-of-human-rights).

<sup>24</sup> “How Walmart Persuades Its Workers Not to Unionize.” *The Center for Popular Democracy*, 7 July 2015, [www.populardemocracy.org/news/how-walmart-persuades-its-workers-not-unionize](http://www.populardemocracy.org/news/how-walmart-persuades-its-workers-not-unionize).

recognize, for example, that every worker and employee has the right to form a labor union or attend one.

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### United States of America

After the Industrial Revolution, which produced a massive expansion of factories and companies in urban areas, workers moved from farms to factories and faced harsh working conditions such as long hours, low pay, and health risks. Since the employers, companies, and factories didn't do anything to enhance the working conditions or to fulfill workers' wishes, workers started to form the first labor unions and organize strikes, such as the Pullman Strike in 1894, which were burned down by police or military forces. Although the first anti-union activities started in the 1870s, the history of labor legislation in the United States began in 1926 with the Railway Labor Act (RLA). It was mainly passed by Congress due to the many strikes that took place and harmed the economy of the country. "The purposes of the RLA are to avoid any interruption of interstate commerce by providing for the prompt disposition of disputes between carriers and their employees and protecting the right of employees to organize and bargain collectively."<sup>25</sup> The next act, the Wagner Act in 1938 was even more significant since its main purpose was to establish the legal right of most workers to organize or join labor unions and to bargain collectively with their employers.<sup>26</sup> Although nowadays the situation of Union Busting has improved, many large companies still utilize sophisticated methods and tactics to refrain their employees from forming Unions or being a part of one. They often even hire Union busting consultants.<sup>27</sup>

### United Kingdom

Union Busting has a large historical background in the United Kingdom. Unions emerged strongly in the UK during the 19th century and from the early 1900s, significant strikes and actions took place which were most of the times met with harsh employee responses. Unlike the United States, the issue of Union Busting

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<sup>25</sup>----. *Railways Act 2005*. [www.legislation.gov.uk/id/ukpga/2005/14](http://www.legislation.gov.uk/id/ukpga/2005/14).

<sup>26</sup>"Wagner Act | Summary, History, and Facts." *Encyclopedia Britannica*, 20 July 1998, [www.britannica.com/topic/Wagner-Act](http://www.britannica.com/topic/Wagner-Act).

<sup>27</sup> "ibid"

in the United Kingdom started to become more crucial in 1980. During this decade Prime Minister Margaret Thatcher shared her anti-union mindset and proceeded with a variety of actions that managed to weaken Labor Unions. Such actions were the Trade Union Act, which was the first legislative action in the United Kingdom that legally recognized trade Unions and Employment Acts, laws that protect workers and ensure fair treatment in the workplace. In the early 2000s, the Employment Relations Act <sup>28</sup> was introduced, which managed to restore some balance in industrial relations. From this act until today, the United Kingdom has made a variety of efforts to combat the issue. For example, it has launched Union campaigns, utilized political advocacy and made use of non-governmental organizations. Consequently, union busting is no longer a very big issue in the United Kingdom, while trade unions play a vital role in the representation of workers. However, membership levels decreased significantly after 1980. <sup>29</sup>

## Australia

“Australian workers have had a big win over a conservative government doing its best to destroy unions. Since coming to power in 2013, the conservative federal government has been seeking to introduce legislation that would give the government power to deregister unions and union officials they don’t approve.”<sup>30</sup> Trade unions have existed in Australia since the 19th century, and almost all of them are affiliated with the Australian Council of Trade Unions (ACTU). The strikes and labor movement also began in Australia at the start of the 20th century, during which strikes and other violent actions took place. An example of a very important strike is the “Sheep Shearers Strike, which began in Queensland in 1891 when employers sought to introduce union-busting contracts and a reduction in pay rates.”<sup>31</sup> Nowadays, trade unions in Australia aren’t that popular. “It is well known that membership in trade unions over the past four decades has declined steadily, from above 50% of the workforce in the 1970s to a little above 15% now.”<sup>32</sup> Unless

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<sup>28</sup> AFL-CIO. “Collective Bargaining | AFL-CIO.” *Aflcio.org*, aflcio.org/what-unions-do/empower-workers/collective-bargaining.

<sup>29</sup> Gov.uk. “Joining a Trade Union.” *GOV.UK*, 26 Jan. 2012, www.gov.uk/join-trade-union.

<sup>30</sup> “Union Busting Law Defeated in Australia.” *Publicservices.international*, 2 Dec. 2019, publicservices.international/resources/news/union-busting-law-defeated-in-australia?id=10450&lang=en. Accessed 26 Aug. 2024.

<sup>31</sup> Antje. “Australia’s History of Workers’ Rights, Strikes and Campaigns.” *The Commons*, 19 Mar. 2024, commonslibrary.org/australias-history-of-workers-rights-strikes-and-campaigns.

<sup>32</sup> “ibid”

something changes, it is believed that in the next couple of decades, the union movement may no longer be viable in Australia.

## Germany

It is strongly believed that in Germany trade unions have not only played an important role in the past in building, expanding and defending the welfare state, but nowadays too. They are a central pillar in shaping the world of work.<sup>33</sup> Not only employees but also employees value labor unions and recognize the meaning they have had in the expansion of the countries' economies and evolution throughout the years. However, union busting also appears to be a new area of conflict in industrial relations in Germany. "It has become clear that some employers and companies are unwilling to accept statutory co-determination rights." The Otto Brenner Foundation, a major German foundation that aims the promotion of social justice and democratic participation, hopes that the study will "draw public attention to this new problem area", says its managing director Legrand. "We want to draw attention to this dark side of the working world and operational reality."<sup>34</sup> During World War 2 (WW2), before the important role that trade unions play nowadays in Germany, in place of genuine labor unions, workers were forced to join the German Labor Front (DAF), which was the national labor organization of the Nazi party. Consequently, collective bargaining and the right to strike were abolished, and pay and working conditions were set by Nazi officials.<sup>35</sup>

## International Labor Organization

"The International Labor Organization (ILO) is a United Nations agency whose mandate is to advance social and economic justice by setting international labor standards."<sup>36</sup> It was founded in October 1919 and it is one of the oldest specialized

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<sup>33</sup> "Otto Brenner Stiftung." *Otto-Brenner-Stiftung.de*, 2023, [www.otto-brenner-stiftung.de/sie-moechten/presseinfos-abrufen/detail/news/union-busting-in-deutschland/news-a/show/news-c/NewsItem/](http://www.otto-brenner-stiftung.de/sie-moechten/presseinfos-abrufen/detail/news/union-busting-in-deutschland/news-a/show/news-c/NewsItem/). Accessed 26 Aug. 2024.

<sup>34</sup> "ibid"

<sup>35</sup> "A Notorious Part of History: May 1933: The Dissolution of Labor Unions in Nazi/Fascist Germany | American Postal Workers Union." *American Postal Workers Union*, 23 May 2024, [apwu.org/news/magazine-labor-history/notorious-part-history-may-1933-dissolution-labor-unions-na-zifascist#:~:text=In%20place%20of%20genuine%20labor](http://apwu.org/news/magazine-labor-history/notorious-part-history-may-1933-dissolution-labor-unions-na-zifascist#:~:text=In%20place%20of%20genuine%20labor). Accessed 26 Aug. 2024.

<sup>36</sup>"ILO Homepage." *International Labour Organization*, [www.ilo.org](http://www.ilo.org).

agencies of the United Nations. “The ILO's standards are aimed at ensuring accessible, productive, and sustainable work worldwide in conditions of freedom, equity, security and dignity.”<sup>37</sup> It has three main bodies, the International Labor Conference, the Governing body and the International Labor Office. The International Labor Organization has adopted 89 conventions since, which have determined the lives of workers worldwide.<sup>38</sup> The organization has managed to improve the situation of Union Busting around the world with the publication of numerous conventions, such as the ILO Convention No. 87 and the ILO Convention No. 98. Both conventions aim after all the recognition of the right to organize and be part of a labor union. Additionally, since it is an organization that concentrates on the international situation of labor around the world, it is a very important and crucial organization for the topic, since it actually specializes in protecting workers' rights.

## BLOCS EXPECTED

### **The bloc supporting Unions and encouraging cooperation to protect the human rights of worker syndicates**

One of the two possible blocs regarding mitigating the Humanitarian Consequences of Union Busting on Worker Syndicates could be the one that supports Unions and aims for the protection of workers' human rights, thus the elimination of Union Busting. It aims to enforce a strong legislative system that protects the employees rather than the employers. Countries in this bloc could be Germany, France, the USA and other MEDCs .

### **The bloc supporting a more lenient legislation system upon Union Busting**

One of the two possible blocs could be the one that includes mostly LEDCs, that is, Latin American countries and some Asian countries as well as Russia. This bloc could support the enforcement of a most advantageous legislative system for the employees rather than the employers. On one hand, it aims to help combat the issue but on the other hand, it tries to protect the employees too.

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<sup>37</sup>“ibid”

<sup>38</sup>ILO. “International Labour Organization.” *Ilo.org*, 2019, [www.ilo.org/](http://www.ilo.org/).

**TIMELINE OF EVENTS**

| Date              | Description of event  |
|-------------------|---|
| May–July 1894     | The widespread railroad strike , the Pullman Strike took place in Chicago by 125,000–250,000 workers and employers were responding to layoffs, wage cuts, and firings   |
| April 20, 1914    | A violent attack by the Colorado National Guard and Colorado Fuel & Iron Company guards against striking coal miners  |
| August 16, 2012   | “The South African Police Service (SAPS) opened fire on a crowd of striking mine workers at Marikana, in the North West Province” <sup>39</sup>   |
| December 16, 2011 | Police squads opened fire on unarmed residents, who had been protesting for seven months demanding higher salaries and enhanced worker conditions in Zhanaozen, a city in Kazakhstan’s southwest  |
| July 1892         | “A dispute between Carnegie Steel and the Amalgamated Association of Iron and Steel Workers exploded into violence at a steel plant in Homestead, Pennsylvania” <sup>40</sup>   |
| August 31, 1921   | “About 10,000 miners, who demanded the creation of a labor Union fought during a week-long confrontation against a private army of almost 3,000 mine guards, deputies and National Guardsmen organized by company owners” <sup>41</sup> |

<sup>39</sup>Marikana Massacre 16 August 2012 | South African History Online.  
[www.sahistory.org.za/article/marikana-massacre-16-august-2012](http://www.sahistory.org.za/article/marikana-massacre-16-august-2012).

<sup>40</sup> History.com Editors. “Homestead Strike.” *HISTORY*, A&E Television Networks, 29 Oct. 2009,  
[www.history.com/topics/industrial-revolution/homestead-strike](http://www.history.com/topics/industrial-revolution/homestead-strike).

<sup>41</sup> February 22, Chris Williamson •, and 2024. “Black Miners and the Battle of Blair Mountain.” *DOL Blog*, [blog.dol.gov/2024/02/22/black-miners-and-the-battle-of-blair-mountain](http://blog.dol.gov/2024/02/22/black-miners-and-the-battle-of-blair-mountain).

|               |   |
|---------------|---|
| May 30, 1937  | “Chicago police attacked a Memorial Day gathering of unarmed, striking steelworkers and their families and killed ten of the strikers” <sup>42</sup>  |
| May 4, 1886   | Violent confrontation between police and labor protesters in Chicago on May, that became a symbol of the international struggle for workers’ rights   |
| June 10, 2022 | “The International Labour Conference (ILC) adopted a resolution amending the Declaration on Fundamental Principles and Rights at Work to encompass a safe and healthy working environment.” <sup>43</sup> |

## RELEVANT RESOLUTIONS, TREATIES AND EVENTS

### **ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organize Convention, 1948)**

The Freedom of Association and Protection of the Right to Organize Convention (No. 87) was signed in 1948 and became effective in July 1950. According to the International Labor Organization (ILO) “parties to the Convention oblige to ensure the right of both employers and employees to join an organization of their choice and free from any influence of authorities that belongs to the core principles of the ILO”<sup>44</sup>. Additionally, the ILO Convention No. 87 contains the voting for officers and the consolidation of an internal constitution. The implementation of the convention

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<sup>42</sup> “May 30, 1937: Memorial Day Massacre.” *Zinn Education Project*, 30 May 2023, [www.zinnedproject.org/news/tdih/memorial-day-massacre/#:~:text=Memorial%20Day%20Massacre%3A%20Workers%20Die%2C%20Film%20Buried](http://www.zinnedproject.org/news/tdih/memorial-day-massacre/#:~:text=Memorial%20Day%20Massacre%3A%20Workers%20Die%2C%20Film%20Buried). Accessed 26 Aug. 2024.

<sup>43</sup> Trebilcock, Anne. “2022 Amendments to the ILO Declaration on Fundamental Principles and Rights at Work.” *International Legal Materials*, 10 Mar. 2023, pp. 1–6, <https://doi.org/10.1017/ilm.2023.7>.

<sup>44</sup> *Convention - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*. [gsphub.eu/conventions/Freedom%20of%20Association%20and%20Protection%20of%20the%20Right%20to%20Organise%20Convention,%201948%20\(No.%2087\)#:~:text=87\)%20was%20signed%20in%201948,core%20principles%20of%20the%20ILO](https://www.ilo.org/public/libdoc/iloorg/1948/1948087.pdf).

is supervised by the ILOs' committee experts. Every three years, a State Party must report on the current state of implementation, which is reviewed and evaluated by the same Committee of Experts. In addition, the Convention sets up general rules for organizations themselves, which include, for instance, voting for officers and the consolidation of an internal constitution.<sup>45</sup>

### **ILO Convention No. 98 (Right to Organize and Collective Bargaining Convention, 1949)**

The Right to Organize and Collective Bargaining Convention (No. 98) sets out a regulation for the freedom of forming or becoming part of a labor union and for collective bargaining, principles that belong to the core values of the International Labor Organization (ILO). "The Convention ensures workers protection from discrimination for their membership or engagement in union activities."<sup>46</sup> In addition, the Convention lays out principles for the collective bargaining between workers' and employers' organizations.

### **ILO Declaration on Fundamental Principles and Rights at Work (1998)**

"On June 10, 2022, the International Labour Conference (ILC) adopted a resolution amending the Declaration on Fundamental Principles and Rights at Work to encompass a safe and healthy working environment."<sup>47</sup> Under this declaration, all Member States are obliged to respect the fundamental rights of employees and workers, namely: "freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labor, the effective abolition of child labor, and the elimination of discrimination in respect of employment and occupation"<sup>48</sup>

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<sup>45</sup> "ibid"

<sup>46</sup> *Convention - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*.  
gsphub.eu/conventions/Right%20to%20Organise%20and%20Collective%20Bargaining%20Co  
nvention,%201949%20(No.%2098).

<sup>47</sup> ---. "2022 Amendments to the ILO Declaration on Fundamental Principles and Rights at Work." *International Legal Materials*, 10 Mar. 2023, pp. 1–6, <https://doi.org/10.1017/ilm.2023.7>.

<sup>48</sup> ---. "2022 Amendments to the ILO Declaration on Fundamental Principles and Rights at Work." *International Legal Materials*, 10 Mar. 2023, pp. 1–6, <https://doi.org/10.1017/ilm.2023.7>.



## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

### International Trade Union Confederation (ITUC)

The International Trade Union Confederation (ITUC) is an organization that was established in November of 2006 and encourages trade union movement. “The ITUC represents 176 million workers in 161 countries and territories and has 325 national affiliates.”<sup>49</sup> The ITUC has three main regional organizations, namely the Asia-Pacific Regional Organization, the Trade Union Confederation of the Americas, and the African Regional Organisation. The ITUC's purpose is the preservation and defense of workers' rights and interests, through international cooperation between trade unions, global campaigning, and advocacy within the major global institutions. As an organization, it plays a crucial role in the life and representation of employees and workers around the world.<sup>50</sup> Consequently, it has contributed to tackling the issue of union busting, since it protects, among others, the right of workers to enter or form a labor union.

### Global Framework Agreements (GFAs)

“GFAs are negotiated on a global level between trade unions and a multinational company. They put in place the very best standards of trade union rights, health, safety and environmental practices, and quality of work principles across a company's global operations, regardless of whether those standards exist in an individual country.”<sup>51</sup> By signing a Global Framework Agreement, a company is responsible for protecting its workers' fundamental rights, one of them being the right to enter or form a Trade Union to get represented. GFAs contribute to combat union busting by setting clear expectations for labor practices worldwide. They also contribute to maintaining very friendly and appropriate work conditions in each company. Some large and well-known companies that have made such an agreement are IKEA, H&M, BMW and others.

## POSSIBLE SOLUTIONS

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<sup>49</sup>“International Trade Union Confederation (ITUC).” *World Economic Forum*, [www.weforum.org/organizations/international-trade-union-confederation-ituc](http://www.weforum.org/organizations/international-trade-union-confederation-ituc).

<sup>50</sup>*Who we are - International Trade Union Confederation*. [www.ituc-csi.org/who-we-are](http://www.ituc-csi.org/who-we-are).

<sup>51</sup> <https://www.industrialunion.org/global-framework-agreements>

### **Launch informative campaigns for employees**

Since one very common strategy used by employers and companies is to launch anti-union campaigns and brainstorm with their workers, a very efficient and effective solution could be to launch campaigns and anti-union-busting meetings and seminars for workers. Some of them would be mandatory, and they should be presented to them at the beginning of their career. Consequently, they would be aware of the situation of Union Busting and they wouldn't let their employers brainstorm with them and oppress them into not attending Labor Unions. The meetings and campaigns could be held by the International Labor Organization (ILO), and the heads of the meetings could be experts who have studied the topic.

### **Utilize monitor and report tactics**

It is a matter of great importance to have a straight view of the position of each company on the matter. If a company is strongly against unions and implements various and violated strategies on its workers to brainstorm, oppress, and influence them, then the company's acts are illegal and should be faced with consequences, such as fines and others according to the illegal acts of each company. Therefore, a monitoring program could be introduced by the UN and specifically the International Labor Organization, under which employees and workers of each company could be interviewed by representatives of the UN and explain the situation of the company as well as the working conditions. In addition to that, the UN should have a clear view of what is going on in the company by itself through monitoring and reporting tactics. One of them could, for example, send representatives who would realize on their own whether the situation of the company is healthy and legal upon the matter.

### **Provide legal aid and psychological support to workers**

Although it is crucial to implement strategies to combat union busting in the future, it is at the same time extremely important to think of the workers who have already suffered mentally from the consequences of union busting. Employees who suffered from union busting were oppressed; they could get fired if they expressed an opposite opinion on the matter, and they were even brainstormed by their company and employers. Consequently, the International Labor Organization could launch programs that aim to provide legal aid to these people and help them get through the psychological effects of union busting. The ILO is to fund the costs of the

whole procedure, while through social media and campaigns people who would like to volunteer and help with the psychological damage of these workers could do so.

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