

Cluster	Source of Laws	Description
<b>FREEDOM OF ASSOCIATION &amp; RIGHTS TO COLLECTIVE BARGAINING</b>		
<b>Freedom of Association (FoA)</b>		
<b>FoA definition</b>	Presidential Decision No. 83 of 1998 concerning Ratification of ILO Convention No. 87 (CO87 Article 2)	Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.
<b>Trade Union definition</b>	Trade Union Act No. 21 of 2000 Chapter I Article 1 paragraph 1	A trade union is an organisation that comes from, is established by, and for either company-bound or company-free workers, which is free, open, independent, democratic, and responsible to fight for, defend and protect the rights and interests of workers and improve the welfare of workers and their families.
<b>Organisation</b>	Trade Union Act No. 21 of 2000 Chapter III Article 5 paragraph (1) and (2)	(1) Every worker has the right to form and become a member of trade union. (2) A trade union is formed by no less than 10 (ten) workers.
	Trade Union Act No. 21 of 2000 Chapter III Article 6 paragraph (1) and (2)	(1) Trade unions have the right to form and become a member of a federation of trade unions. (2) A federation of trade unions is formed by no less than 5 (five) trade unions.
	Trade Union Act No. 21 of 2000 Chapter III Article 7 paragraph (1) and (2)	(1) Federations of trade unions have the right to form and have membership in a confederation of trade unions. (2) A confederation of trade unions is formed by no less than 3 (three) federations of trade unions.
	Trade Union Act No. 21 of 2000 Chapter VI Article 14 paragraph (1) and (2)	(1) A worker is not allowed to have membership in more than one trade union in one company. (2) In case a worker at a company have been registered as a member in more than one trade union, they must make a written declaration stating the trade union of which they choose to retain membership.
	Trade Union Act No. 21 of 2000 Chapter VI Article 15	A worker whose position in a company creates conflict of interests between the management and the company's workers shall not be allowed to become union official in the company in question.
	Trade Union Act No. 21 of 2000 Chapter V Article 18	Upon its establishment, a trade union, a federation or a confederation of trade unions shall give a written notification to the local government agency responsible for manpower affairs for record keeping.
	Trade Union Act No. 21 of 2000 Chapter V Article 23	The trade union, federation and confederation of trade unions officials that already have a (union) registration number must give a written notification of their existence to their working partners according to their hierarchical levels.
	Trade Union Act No. 21 of 2000 Chapter VIII Article 30	Trade unions' finances come from: a. union dues whose amount shall be determined in the union statutes/bylaw. b. profits earned from the union's legitimate moneymaking activities; c. unconditional financial assistance from members or other parties.
	Trade Union Act No. 21 of 2000 Chapter VIII Article 30 paragraph (1)	Union officials shall be held accountable for the use and management of finances and assets of the trade union, the federation and the confederation of trade unions.

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<b>Rights and obligation</b>	Trade Union Act No. 21 of 2000 Chapter VII Article 25 paragraph (1)	A trade union, federation and confederation of trade unions that has a registration number has the rights to: <ul style="list-style-type: none"> <li>a. negotiates a collective bargaining agreement with the management;</li> <li>b. represents workers in industrial dispute settlements;</li> <li>c. represents workers in manpower institutions;</li> <li>d. establishes an institution or carry out activities related to efforts to improve workers' welfare;</li> <li>e. carry out other employment related activities that do not run against valid national statutory rules and regulations.</li> </ul>
	Trade Union Act No. 21 of 2000 Chapter VII Article 27	A trade union, a federation or a confederation of trade unions that has already a registration number is obliged to: <ul style="list-style-type: none"> <li>a. protect and defend its members from any violations of their rights and further their interests;</li> <li>b. improve the welfare of its members and their families;</li> <li>c. present its accountability on organisational activities to its members in accordance with its statute and bylaw.</li> </ul>
	Trade Union Act No. 21 of 2000 Chapter VII Article 28	Everybody is prohibited from preventing or forcing workers from forming or not forming a trade union, becoming union official or not becoming union official, becoming union member or not becoming union member and or carrying out or not carrying out trade union activities by: <ul style="list-style-type: none"> <li>a. terminating his employment, temporarily suspending his employment, demoting him, or transferring him to another post, another division or another place in order to discourage or prevent him from carrying out union activities or make such activities virtually impossible;</li> <li>b. not paying or reducing the amount of the workers' wage;</li> <li>c. intimidating or subjecting workers to any other forms of intimidation;</li> <li>d. campaigning against the establishment of trade unions.</li> </ul>
	Trade Union Act No. 21 of 2000 Chapter VII Article 29 paragraph (1) and (2)	(1) Employer must provide opportunity to the officials and members of trade union to carry out its activities during working hours that are agreed upon by both parties and/or arranged in the collective bargaining agreement. * (2) The agreement by both parties and or the arrangement in the collective labour agreement as referred to under paragraph (1) must regulate: <ul style="list-style-type: none"> <li>a. types of union activities for which the opportunity is provided;</li> <li>b. procedures for the provision of the opportunity;</li> <li>c. of which provisions of opportunity (activities) are or are not entitled to pay.</li> </ul> <p style="text-align: right;"><i>*If a collective bargaining agreement was not in place, a signed written agreement suffice.</i></p>