

A BRIEF OUTLINE OF THE EUROPEAN COURT OF HUMAN RIGHTS PRECEDENT CONCERNING FORCED UNION MEMBERSHIP AND USE OF UNION DUES

1981 - [Young, James, and Webster v. The United Kingdom](#)

Application no. 7601/76; 7806/77

The Court found that the United Kingdom failed to protect the applicant's Article 11 - freedom of association rights when it allowed the inclusion of termination rights for unions in closed shop legislation. UK legislation had been changed to allow closed shop collective agreements. Some British Rail employees were opposed to the union's political agenda. The applicants refused to join; the employer fired them per union request.

The Court recognized a right of non-association even though it had been specifically considered and left out of the European Convention on Human Rights. The Court did not address whether or not the right of non-association was equal to the right of association and limited itself to banning post-entry closed shops.

1993 - [Sibson v. United Kingdom](#)

Application no. 14327/88

The Court did not find that the form of compulsion in this case struck at the substance of the right to not associate. A truck driver and union member resigned membership after a personal quarrel with a co-worker. Otherwise the applicant was not opposed to the union. The remaining members subsequently entered into a closed shop arrangement in order to force Sibson to rejoin or be terminated. The employer offered a comparable job at a nearby work site. Sibson did not accept and was fired. His termination was upheld.

1993 - [Sigurdur A. Sigurjónsson v. Iceland](#)

Application 24/1992/369/443

The Court ruled that the requirement of membership in a professional organization violated Article 11 of the European Convention. In doing so, the Court confirmed that "freedom of association" provides both the right to belong to an association and the right to remain outside of one. The Court found the violation because the applicant faced the dilemma of joining the organization or a loss of his livelihood. Court did not find it necessary to rule if negative aspect on the same footing as the positive.

The applicant stopped paying membership fees in the taxi association because he did not share view on limiting competition. He was expelled and his lost license to operate. Case not about unions and was not seen as a clear cut post-entry situation.

2006 - [Sørensen and Rasmussen v. Denmark](#)

Applications nos. 52562/99 and 52620/99

The Court declared closed shop collective agreement provisions illegal. They found that any form of closed shop (pre- or post-entry) violated Article 11 - freedom of association provision of the [European Convention on Human Rights](#). The judgment combined two separate cases with different facts and was issued by the Grand Chamber – the highest level of the Court reserved for very important cases. Subsequently, Denmark also had to amend its legislation to comply.

2007 - [*Evaldsson and Others v. Sweden \(2007\)*](#)

Application no. 75252/01

The Court found that the mere suspicion of political uses of a union's monitoring fees (union dues) paid by employees covered by a collective agreement, but who are not members, violated the right to Peaceful Enjoyment of Possessions (or protection of property rights) under the [European Convention on Human Rights](#) (the Convention) - specifically Protocol 1, Article 1. Having found a violation under this Article the Court declined to rule on Articles 9, 10, 11 & 14.