INTERFERENCE IN ASSEMBLY

Was meeting held at trade union premises?

YES — **NO**

"The right of occupational organizations to hold meetings in their premises to discuss occupational questions, without prior authorization and interference by the authorities, is an essential element of freedom of association and the public authorities should refrain from any interference which would restrict this right or impede its exercise, unless public order is disturbed thereby or its maintenance seriously and imminently endangered."

"Trade unions must conform to the general provisions applicable to all public meetings and must respect the reasonable limits which may be fixed by the authorities to avoid disturbances in public places ... organizations ... must comply with reasonable formalities."

Were formalities complied with?

YES — **NO**

"The obligation on a procession to follow a predetermined itinerary does not constitute a violation of trade union rights."

Was public order disturbed or seriously and imminently threatened?

YES — **NO**

" It is for the government, which is responsible for the maintenance of public order, to decide whether meetings, including trade union meetings, may in particular circumstances endanger public order and security, and to take any necessary preventive measures. ... The authorities should resort to the use of force only in situations where law and order is seriously threatened. The intervention of the forces of law and order should be in due proportion to the danger to law and order that the authorities are attempting to control and governments should take measures to ensure that the competent authorities receive adequate instruction so as to eliminate the danger entailed by the use of excessive violence when controlling the demonstrations which might result in a disturbance of the peace."

"Although the prohibition of demonstrations on the public highway in the busiest parts of a city, when it is feared that disturbances might occur, does not constitute an infringement of trade union rights, the authorities should strive to reach agreement with the organizers of the demonstration to enable it to be held in some other place where there would be no fear of disturbances."

Were formalities reasonable?

NO — **YES**

Was the demonstration in pursuit of purely trade union objectives?

YES

NO

"The Committee has always drawn a distinction between demonstrations in pursuit of purely trade union objectives, which it has considered as falling within the exercise of trade union rights, and those designed to achieve other ends."

Consider FOA recourse

CFA Compilation of 2018, para. 209, 216, 217, 222, 223, 225 and 227.