



COUNTRY BASELINE UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: LAO PEOPLE’S DEMOCRATIC REPUBLIC

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government’s reporting obligations	YES , for the 2002 and 2005 Annual Reviews (ARs).	
	Involvement of Employers’ and Workers’ organizations in the reporting process	YES , according to the Government: Involvement of the Lao National Chamber of Commerce and Industry (LNCCI) and the Lao Federation of Trade Union (LFTU) through consultations.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers’ organizations	2008 AR: Observations of the LNCCI comprised of 23 affiliates. 2007 AR: Observations of the LNCCI 2006 AR: Observations of the LNCCI.	
	Workers’ organizations	2008 AR: Observations of the LFTU. Observations of the International Trade Union Confederation (ITUC). 2007 AR: Observations of the LFTU. Observations of the International Confederation of Free Trade Union (ICFTU). 2006 AR: Observations of the LFTU. 2005 AR: Observations of the International Confederation of Free Trade Union (ICFTU). 2003 AR: Observations of the LFTU. 2002 AR: Observations of the LFTU. 2001 AR: Observations of the International Confederation of Free Trade Union (ICFTU).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification	The Lao People’s Democratic republic has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87) (C.87) nor the Right to Organise and Collective Bargaining Convention, 1949 (No.98) (C.98).
		Ratification intention	YES, since 2002 for C.87 and C.98. 2008 AR: The Government confirmed its intention to ratify C.87 and C.98. The LNCCI and the LFTU expressed their support to the ratification of C.87 and C. 98 and indicated that a tripartite consultation would accelerate the process. 2007 AR: According to the Government: the possibility of ratification of C.87 and 98 is currently under

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers’ and workers’ organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

			<p>examination. The LNCCI and the LFTU expressed their support to the ratification of C.87 et de la C.98 by Lao PDR.</p> <p>2006 AR: The Government confirmed its intention to ratify C.98 and C.98 in a near future. The LNCCI and the LFTU supported the ratification of all the fundamental conventions by Lao PDR, particularly C.87 and C.98.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): the Government intends to ratify C.87 and C.98.</p>	
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2006 AR: According to the Government: The principle and right (PR) are recognized by the 1991 Constitution and national labour laws that guarantees freedom of association and the right to collective bargaining.		
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> Legislation: <p>Article 3 of the 1994 Labour Code guarantees the right and freedom of association (or affiliation to any group or social organization legally constituted) to workers and employers.</p> <p>2008 AR: A new Labour Code was adopted in 2006 with specific provisions on freedom of association for employers' and workers' organizations.</p> <p>2007 AR: The Government indicated that national labour norms were currently under review (including the fundamental norms of the ILO) in collaboration with the ILO, the LNCCI and the LFTU).</p>		
	Basic legal provisions	(i) 1991 Constitution; (ii) 1994 Labour Code (Article 3).		
	Judicial decisions	NIL		
	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	2002-2005 ARs: According to the Government: Prior government authorization is necessary to operate employers' organizations and conclude collective agreements. Any category of employer can organize.
For Workers			2002-2005 ARs: According to the Government: Prior government authorization is necessary to operate workers' organizations and conclude collective agreements. Any category of worker can organize.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Au niveau national (entreprise, secteur/industrie, national)	Special attention to particular situations	2002-2005 ARs: According to the Government: women.	
		Information/ Data collection and dissemination	2002-2005 ARs: According to the Government: there is a lack of information and statistical data on the PR.	
	At international level	NIL		

	Monitoring, enforcement and sanctions mechanisms	2002-2005 ARs: According to the Government: The PR is realized through: (i) inspection and monitoring, (ii) special institutional mechanisms and; (iii) penal, civil and administrative sanctions.	
	Involvement of the social partners	2007 AR: The LNCCI and the LFTU indicated their participation in the upcoming national labour law review.	
	Promotional activities	<p>2008 AR: The LNCCI indicated that regular meetings are organized with workers and bipartite consultations are also provided in cases of dispute. Moreover, several workshops have been organized by the LNCCI in collaboration with the ILO in Bangkok, the Government and workers' unions regarding the national labour law review in Lao PDR.</p> <p>2006 AR: The LNCCI stated that it had initiated its activities in 2003 with the support of the ILO and the Australian Chamber of Commerce.</p>	
	Special initiatives/Progress	<p>2006 AR: According to the Government: a special initiative was initiated through several seminars on C.87, C.98 and the other fundamental conventions in collaboration with the ILO.</p> <p>According to the LNCCI: sensitization activities on the national legislation and international labour standards were undertaken for the members of the LNCCI.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employer's organizations	2008 AR: The LNCCI indicated that the right to strike was still not recognized, that dispute settlements were not always straightforward and that employers' organizations were still very small and weak compared with workers' organizations.
		Worker's organizations	<p>2008 AR: The LFTU indicated the lack of education on the PR amongst the workers.</p> <p>According to the ITUC: (i) under the 1994 Labour Law, workers and employers have the right to organize but any labour union must be affiliated with the government sanctioned LFTU, which is controlled by the single political party (LPRP); (ii) civil servants are excluded from the 1994 Labour Law; (iii) severe limitations on bargaining and strikes (restriction within the Penal Code); (iv) lack of law enforcement.</p> <p>2007 AR: The LFTU pointed out the following challenges: (i) some observers (NGOs and diplomatic personnel) mentioned that the law was not respected; (ii) conflict resolution mechanisms are not efficient.</p> <p>2002-2005 ARs: According to the LFTU: the main challenges are the following: (i) the exclusive union is controlled by the only political party legally authorized; (ii) all the unions must be affiliated to the LFTU; (iii) the workers' organizations are not able to apply their own internal regulations; (iv) the right to strike is restricted through dissuasive sanctions; (v) labour inspection services and labour courts are not able to put in force national labour laws; (vi) the legal obligation of employers to bargain is lacking and (vii) freedom of association for civil servants is being prejudiced.</p>
	According to the Government	2002-2005 ARs: According to the Government: the main difficulties in the Lao PDR are: (i) the practice in place regarding employment issues; (ii) the lack of capacity from government, employers' and workers' institutions and (iv) the absence of social dialogue.	

TECHNICAL COOPERATION	Request	<p>2008 AR: According to the Government: ILO technical assistance is needed for conducting a country assessment and seminars on the PR and the Declaration follow-up. The LNCCI requested ILO technical assistance for the capacity building of employers' organizations and supported the Government's view on the necessity of a country assessment. The LFTU requested ILO technical assistance for the capacity building of workers' organizations.</p> <p>2007 AR: The Government requested ILO technical assistance for the training of civil servants at the Ministry of Labour. It also required ILO technical cooperation on the labour law reform. The LNCCI requested ILO technical assistance for training on the fundamental conventions, particularly with respect to collective bargaining techniques. The LFTU requested ILO technical assistance for the training and capacity building of workers' organizations on the ILO fundamental conventions.</p> <p>2006 AR: The Government called for ILO technical assistance for the realization of the PR and ILO fundamental conventions in Lao PDR. The LNCCI requested ILO support for the strengthening of sensitization activities on the national legislation and international labour standards. The LFTU requested ILO technical cooperation for the realization of the PR among the workers.</p>
	Offer	ILO; Australian Chamber of Commerce.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) listed the Lao PDR among the countries that has expressed for the past few years its intention to ratify C. 87 and 98 without materializing it. Therefore, they encouraged the Government to take the appropriate steps to do so. They also welcomed efforts made by Lao PDR (New Labour Code) in implementing the principle and right. The IDEAs further acknowledged the high number of promotional activities concerning the realization of the PR in the Lao PDR (and some other countries), and encouraged the Office to maintain its support to these activities. However, they listed the Lao PDR among the countries where only one official trade union was allowed in practice and where unions are subject to government's interference or influence. In this regard, they recalled the following: «the right to official recognition is an essential aspect of the right to organize as it allows employers' and workers' organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers' and workers' organizations' internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right» (Cf. Paragraphs 31, 34, 35 and 36 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs listed the Lao PDR among the countries that had been indicating their intention to ratify C.87 and C.98 for several years, with no indication that progress had been made (Cf. Paragraph 33 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2004 AR: The IDEAS noted that Lao PDR was reporting on an irregular basis and recommended that the Office strengthen its assistance to countries, like the Lao PDR, that were not able to comply on a regular basis with their reporting obligations under the ILO Declaration Annual review (Cf. Paragraph 30 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAS noted that the Lao PDR had a chequered record in reporting under the ILO Declaration Annual Review (Cf. Paragraph 14 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2001 AR: The IDEAS recommended that the Office initiate a dialogue with the Lao PDR and other countries that had never reported under the Declaration Annual Review Cf. Paragraph 30 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	

