

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

RIGHT OF ASSOCIATION
(NON-METROPOLITAN TERRITORIES)
CONVENTION, 1947 (No. 84)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;

- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **replies to comments by the supervisory bodies.** The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period from _____ to _____

made by the Government of _____

on the

RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947 (No. 84)

(ratification registered on _____)

I. Please indicate whether effect is given to the Articles of the Convention:

- (a) by customary law or practice, or
- (b) by legislation.

In the first alternative, please indicate how effect is given to the Articles of the Convention. In the second alternative, please give a list of the constitutional and legislative provisions or administrative or other regulations which give effect to the Articles of the Convention. Where this has not already been done, please forward copies of these various provisions, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

II. Please supply available information concerning the customary law and practice, the legislative provisions and regulations and any other measures the effect of which is to ensure the application of each of the following Articles of the Convention.

If, in your country, ratification of the Convention gives the force of law to its provisions please indicate, in addition to the constitutional texts from which this effect is derived, any measures which may have been taken to give effect to those provisions of the Convention which may require the intervention of the competent authorities to ensure their application.

If the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

This Convention applies to non-metropolitan territories.

Article 2

The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

Please indicate how the right of association of employers and employed is guaranteed and give a brief account of the practical results of the exercise of this right.

Please state briefly the conditions, if any, which govern the establishment, constitution, suspension and dissolution of the organizations of employers and workers as well as the objects which they may legally pursue.

Article 3

All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations.

Please state how the right to conclude collective agreements is assured to trade unions which are representative of the workers concerned.

Article 4

All practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of arrangements for the protection of workers and the application of labour legislation.

Please indicate the steps taken to consult organizations of employers and workers regarding the adoption and working of measures to ensure the protection of workers.

Article 5

All procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible.

Please describe briefly the procedures followed for the investigation of disputes between employers and workers and furnish available information regarding the practical effect of the adoption of such procedures.

Article 6

1. Employers and workers shall be encouraged to avoid disputes, and if they arise to reach fair settlements by means of conciliation.

2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.

3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.

4. Where practicable, these officers shall be officers specially assigned to such duties.

Please state whether there are public officers specially assigned to the investigation and settlement of industrial disputes and, if so, give as full information as possible regarding their duties.

Article 7

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

Please furnish particulars of the machinery created for the settlement of industrial disputes and state to what extent the representatives of employers and workers, including representatives of their respective organizations, are associated with the working of this machinery.

Article 8

1. In respect of the territories referred to in article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 9

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by an international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 10

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Please supply the information requested in Article 10 and indicate in particular the modifications of the provisions of the Convention, if any, which it has been possible, due to changes in the local conditions, to renounce. Please also state which modifications of the provisions of the Convention are still regarded as necessary and supply all available information on the local conditions which make it desirable to maintain these modifications.

III. Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organization and working of inspection.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please give a general appreciation of the manner in which the Convention is applied, including, for instance, extracts from official reports, copies of collective agreements or copies of decisions, by conciliation bodies, as well as information regarding all practical difficulties encountered in the application of the Convention.

Please state whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical fulfilment of the conditions prescribed by the Convention or the application of legislation implementing the Convention. If so, the information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

VI. Please indicate the representative organizations of employers and workers to which the reports on the application of the Convention submitted to the Director-General in conformity with article 22 of the Constitution of the International Labour Organisation have been communicated in accordance with article 23 of the Constitution.

