

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

**FREEDOM OF ASSOCIATION
AND PROTECTION OF THE RIGHT
TO ORGANISE CONVENTION,
1948 (No. 87)**

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

FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (No. 87)

(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, practice, 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. In addition, please provide any indication specifically requested below under individual Articles.

If, in your country, ratification of the Convention gives the force of national 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 national 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

Each Member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

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.

Please state what substantive or formal conditions, if any, must be fulfilled by workers' and employers' organizations when they are being established.

Please specify whether there exist any special legal provisions regarding the establishment of organizations by certain categories of workers (other than members of the armed forces and the police) and, in particular, by public officials and employees of publicly owned undertakings.

If so, please indicate under each of the Articles of the Convention what are the special legal provisions which apply as regards the establishment, functioning and dissolution of such organizations.

Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Please state the conditions, if any, governing the constitutions of such organizations or the objects which they may legally pursue.

Article 4

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Please state the legal provisions, if any, which relate to the suspension or dissolution of workers' and employers' organizations.

Article 5

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Please indicate any legal provisions relating to the affiliation of workers' and employers' organizations with international organizations of workers and employers.

Article 6

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Please state whether any guarantees prescribed by national legislation which give effect to this Convention and which relate to the establishment, functioning or dissolution of workers' and employers' organizations apply equally to federations and confederations, or whether there exist special provisions with regard to the latter. In the second alternative, please indicate such provisions.

Article 7

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Please indicate any conditions to which the acquisition of legal personality may be made subject.

Please state, in particular, whether the acquisition of legal personality is optional or compulsory for workers' and employers' organizations.

Article 8

1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

Please give a general indication of the measures of a general character which may apply to workers' and employers' organizations, as, for example, general legislation concerning associations and meetings, laws concerning the safety of the State or a state of siege, penal codes, etc.

Article 9

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Please indicate to what extent the guarantees prescribed by the Convention apply to members of the armed forces or the police.

Article 10

In this Convention the term “organisation” means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

III. Article 11 of the Convention is as follows:

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Please indicate the legislative or other measures taken to ensure the free exercise of the right to organise.

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 supply any general observations which may be considered useful with regard to the manner in which the Convention is applied.

VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate 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 appreciation of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: “Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22.”