



Governing Body

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Institutional Section

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Report of the Director-General

Fourth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Workers' Representatives Convention, 1971 (No. 135)

► Introduction

1. By communications dated 14 May 2021 and 9 January 2022, the Academic Union at the University of Physical Education and Sport in Gdańsk (AWFiS) submitted a representation to the International Labour Office pursuant to article 24 of the ILO Constitution, alleging non-observance by the Government of Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Workers' Representatives Convention, 1971 (No. 135).
2. The Governing Body declared the representation receivable at its 343rd Session (November 2021) and decided that as it related to Conventions dealing with trade union rights, to transmit the representation to the Committee on Freedom of Association for examination as per the procedures set out in the Standing Orders on articles 24 and 25 of the Constitution of the ILO.¹

¹ GB.343/INS/14/2, para. 5.

3. Poland ratified Conventions Nos 87 and 98 in 1957 and Convention No. 135 in 1977.
4. The following provisions of the ILO Constitution relate to the representation procedure:

Article 24

Representations of non-observance of Conventions

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

Article 25

Publication of representation

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

5. By a communication dated 14 December 2021, and in accordance with article 4(1)(c) of the Standing Orders concerning the procedure for the examination of representations, the Office invited the Government to supply any observations it might wish to make with regard to the elements of the representation that refer to the non-observance by Poland of Conventions Nos 87, 98 and 135.
6. The Government of Poland submitted its observations concerning the representation in a communication dated 25 April 2022.
7. In light of the conclusions set out in the Appendix, the Committee established to examine this representation recommends that the Governing Body approve its recommendations as reflected in the draft decision below.

► Draft decision

8. **In the light of the conclusions and recommendations set out in the report of the Committee contained in document GB.350/INS/17/4, the Governing Body:**
 - (a) **approved the report of the Committee;**
 - (b) **requested that the Government of Poland, in the context of application of Conventions Nos 87, 98 and 135, take into account the observations made in paragraphs 19 and 22 of the Committee's conclusions;**
 - (c) **invited the Government to provide information in that respect for examination by the Committee of Experts on the Application of Conventions and Recommendations;**
and
 - (d) **made the report publicly available and closed the representation procedure.**

► Appendix

Report of the Committee set up to examine the representation alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Workers' Representatives Convention, 1971 (No. 135)

I. Introduction

1. Following the decision taken by the Governing Body at its 343rd Session (November 2021), for the examination of the elements of the representation alleging non-observance of Conventions Nos 87, 98 and 135, the Committee on Freedom of Association designated the following members to examine the representation: Ms Vicki Erenstein ya Toivo (Government member, Namibia), Ms Renate Hornung-Draus (Employer member) and Mr Magnus M. Norddahl (Worker member).
2. The Committee adopted the present report on 1 March 2024.

II. Examination of the representation

(a) The complainant's allegations

3. In its communications dated 14 May 2021 and 9 January 2022, the Academic Union at the University of Physical Education and Sport in Gdańsk (AWFiS) alleges acts of interference by the employer in the functioning and administration of the University of Physical Education and Sport Employee Union (ZZP), ultimately leading to its being under the control of the employer, and subsequent serious violations of the freedom of association of the Academic Union.
4. The Academic Union alleges that prior to its establishment in November 2019, the employer took over the ZZP through the following measures: while the chairman of ZZP was on vacation, the employer organized a meeting of the union during which the absent chairman was removed from union office and a new chairperson, who was fully submissive to the employer, was elected. The Academic Union further alleges that the employer persuaded submissive employees to join the union in order to gain advantage in the ballots held at the union general meetings. The employer further organized a general meeting of the ZZP by sending union correspondence through the Chancellor's Office and brought about the removal of the union management board and their replacement by a new, fully submissive board. The complainant further alleges that the employer took over and copied the documents of the chairman of the ZZP during the union meeting it had organized and also took over his computer, which could also be used for union activities, while he was absent from work.
5. The complainant further informs that on 7 December 2015, the ZZP requested the employer to put at its disposal a free room to be used as the union headquarters, as section 33(1) of the Unions Act requires the employer to provide the premises and technical equipment necessary for the performance of trade union activities, something which the employer failed to do. Furthermore, according to the Academic Union the employer failed to provide the information

requested by ZZP on 8 October 2018 regarding salary increases for administrative employees. Both failures were indicated in a National Labour Inspectorate (NLI) report.

6. The complainant alleges that because the employer took over the ZZP through these unlawful actions, on 14 November 2019 the Academic Union was established. As soon as 20 November 2019, the employer started dismissing the three members of the Founding Committee of the new union who were designated as the beneficiaries of employment protection in the Founding Committee resolution dated 18 November 2019. The dismissed members of the Founding Committee were Mr Tomasz Frołowicz (25 November 2019); Mr Jędrzej Antosiewicz (25 November 2019) and Mr Robert Brzeziński (20 November 2019). The complainant adds that these dismissals infringed section 32(1) and (7) of the Act on Trade Unions (ATU), which provides that three members of a new union designated in the resolution of the founding committee may not be dismissed without the consent of union management for a period of 6 months from the day of establishment of the founding committee. The complainant adds that the employer further dismissed Mr Olgierd Bojke on 31 December 2019 and "influenced" Ms Agata Maj to resign, both members of the Audit Committee of the Academic Union. Lawsuits for compensation due to unlawful dismissals were ongoing at the moment of the submission of the complaint. The complainant emphasizes that the costs of the lawsuits are borne by the dismissed workers.
7. The complainant further alleges that following the dismissals, on 26 November 2020 the employer submitted an application requesting the National Court Register to ex officio remove the names of the dismissed founding members of the union from the National Register of Associations. On 14 December 2020, the court referendary admitted the employer's application and removed the names from the Register. In its communication of 9 January 2022 the Academic Union indicates that the District Court Gdańsk-North confirmed this decision on 9 December 2021 by a summary ruling and adds that it has submitted an application requesting the communication on the grounds of the ruling and will appeal against it as soon as this is received. The complainant states that the removal of the names of its members from the Register constitutes an infringement of section 2 of the ATU according to which unemployed persons within the meaning of employment regulations retain the right to be union members. Finally, the complainant alleges that after the labour inspectorate informed the president of the union that the facts alleged in its application may constitute an offence under section 35(1)(2) of the ATU, the Academic Union submitted a denunciation to the fourth police station in Gdańsk but the police refused to investigate. Furthermore, the District Prosecutor Office in Gdańsk-South declined to initiate an investigation into obstruction of union activity at the University without any justification.
8. The complainant finally requests that recommendations on the following matters be addressed to the Government:
 - to take measures to punish the representatives of the employer, including the Chancellor and the two vice-chancellors, for acts of anti-union discrimination, dismissal of protected unionists, and removal of Academic Union officials' names from the National Register;
 - to raise awareness among university authorities, police personnel, prosecutors and court referendaries of the National Court Register of the offences of impediment to the legal establishment of a union; obstruction of trade union activities and anti-union discrimination;
 - to ensure that workers dismissed for reasons related to their trade union activities have access to prompt procedures and are properly compensated for professional and moral damages;

- to amend the applicable law with a view to providing adequate and dissuasive sanctions against acts of anti-union discrimination, and
- to take steps to prevent acts of interference and attempts to create workers' organizations controlled by the employer.

(b) The Government's observations

9. In its communication dated 25 April 2022, the Government indicates that it has not violated the Conventions referred to in the representation as they have been implemented through a number of legal institutions at the disposal of employees, which were also used by the complainant. The Government adds that several state bodies, including the District Prosecutor's Office in Gdańsk and the Minister of Science and Higher Education took measures to resolve the conflict and clarify the irregularities. The Government refers to the provisions of national law including the ATU and the Labour Code, which guarantee freedom of association and prohibit anti-union discrimination. The Labour Code provides employees a right to claim appropriate compensation for acts of anti-union discrimination. Compensation is determined by the Labour Court and the burden of proof is on the employer, while the employee should only show a probability of discrimination. The Government indicates that it is not clear whether the complainant has exercised this right. Concerning the employment safeguard for union representatives provided in section 32 of the ATU, the Government indicates that this provision requires the active opposition of the union to the dismissals within a deadline (14 working days since the notification in the case of intention to terminate or unilaterally change the legal relationship or 7 working days in the case of an intention to dissolve the legal relationship). Failure to act within these time-limits will be considered as union consent to the measures taken by the employer. Employees dismissed in violation of these rules are entitled to submit a claim to the Labour Court, requesting either reinstatement or compensation. Furthermore, section 35 of the ATU establishes penal sanctions (fine or restriction of liberty) for acts of interference and anti-union discrimination. The Government indicates that the dismissed founding members of the Academic Union exercised their right to submit a case against the employer to the Labour Court for infringement of section 32 of the ATU and proceedings are underway in the following cases: management board member for compensation and president and vice-president of the management board for reinstatement. In the case of one audit committee member who had submitted a case for compensation, an agreement was reached and the proceedings were discontinued by a decision dated 15 March 2022.
10. The Government further indicates that the complainant had recourse to the protection of the NLI and obtained confirmation of several infringements on the part of the employer as mentioned in the representation. These infringements included failure to provide premises, technical equipment and the information necessary to perform trade union activities. Furthermore, by a letter dated 24 April 2020, the NLI informed the president of the union that the facts indicated in the union application may constitute the offence laid down in section 35(1)(2) of the ATU. The Government further indicates that on 24 January 2020 the NLI also sent a post-inspection statement to the employer, in which it highlighted infringements of trade union rights and requested the employer, inter alia (i) not to dismiss employees covered by the protection against termination indicated in the resolution of the founding committee of the Academic Union; (ii) to provide the ZZP with a room and technical equipment for performing trade union activities; (iii) to provide the company union with the information necessary for trade union activities; and (iv) to refrain from interfering in the trade union's autonomy regarding the election of a company social labour inspector. The Government

indicates that when the NLI finds a violation, it addresses to the employer an “improvement notice” with conclusions, and requires notification to the responsible labour inspector of the date and method of implementation of its conclusions within 30 days. If the employer fails to comply, the NLI can take further measures and may find that the employer has committed an offence by repeatedly infringing the legal provisions protecting union members’ rights. This can be the basis for the labour inspector to issue a notification of reasonable suspicion of commission of the offence of malicious or persistent violation of an employee’s right, which is punishable by a fine, restriction of liberty or imprisonment for up to two years.

11. The Government further confirms that pursuant to section 35(1)(2) of the ATU, obstructing trade union activities constitutes an offence and where the competent authorities refuse to investigate such cases, as the complainant alleges has been the case with the police and prosecutor’s office in Gdańsk, there is a possibility of challenging this decision in the competent court of first instance, while the representation does not inform whether such challenge has been made.
12. Concerning the removal of the Academic Union members’ names from the National Register, the Government explains that pursuant to section 23 of the Act on National Court Register, the registry court only examines whether the documents attached to the application comply with the legal requirements concerning their form and content. It verifies the reported facts only if they give rise to reasonable doubts and is not competent to examine the application in terms of offences related to trade union activities, such as acts of interference with the lawful establishment of a trade union, obstruction of union activities, or anti-union discrimination (other State institutions have examined these matters as indicated above). Regarding the case of the Academic Union, the Government indicates that the court referendary decided for the ex-officio removal of the names of five Academic Union officials following the notification of the University Chancellor and pursuant to paragraphs 32(1)(a) and 32(1)(d) of the union statute, which provide that the mandate of trade union members expires before the end of their term of office, inter alia in the event of loss of membership rights and change of workplace: in this case membership was lost due to the termination of employment. The Government further indicates that the court referendary’s interpretation of the statute raised doubts and the removed persons appealed against the decision to the District Court Gdańsk-North, however, the latter upheld the contested decision on 9 December 2021. The Government adds that it is not informed whether the complainants have lodged an appeal in this regard.
13. In reply to the specific requests submitted in the representation, the Government provides the following replies:
 - The Government cannot punish employer representatives for acts of anti-union discrimination as judicial authorities are competent in this regard and the principle of separation of powers prevails.
 - The National School of Judiciary and Public Prosecution provides training and professional development courses for judges and prosecutors to complement their specialist knowledge and professional skills. The programme takes into account training needs reported by the Minister of Justice, the Public Prosecutor General, the National Prosecutor, the National Council of the Judiciary, the National Council of Prosecutors, presidents of the courts of appeal and regional prosecutors. A training on protection of employee rights and freedom of association in criminal law was provided in 2019; furthermore a training entitled “crimes and offences under collective and individual labour law” was planned to be conducted in 2020, but was cancelled due to the Covid-19 pandemic.

- Regarding access to prompt procedures in case of anti-union discrimination, the Government indicates that as a general rule, cases should be heard in the order of their receipt but for urgent cases, dates of hearings or sessions must be set out of that order. Cases related to claims of unlawful termination or dissolution of employment contract by the employer without notice are urgent cases. The Government further refers to a number of procedural reforms already implemented and indicates that further reforms are envisaged with a view to improving the functioning of the judiciary which would result in the reduction of the duration of court proceedings. The Government indicates that the measures taken by the employer will be assessed by an independent court with respect to their compliance with the legal protection of trade unionists, in particular the protection provided by section 32 of the ATU. With regard to the provision of adequate compensation for professional and moral losses to workers dismissed for anti-union reasons, the Government indicates that compensation for discrimination is not limited and in such cases burden of proof is shifted to the employer. Pursuant to the Labour Code, the amount of compensation for unreasonable or unlawful immediate termination of employment contract should correspond to the actual damage. Several legal provisions provide that anti-union discrimination is unacceptable and pursuant to section 35(1)(3) of the ATU it also constitutes an offence. The Government emphasizes that it does not appear from the representation whether trade union members have used all the actions legally available to them against the employer.
 - Regarding the request to amend the law with a view to providing adequate and dissuasive sanctions against acts of anti-union discrimination, the Government affirms that the available sanctions are sufficient.
 - Regarding prevention of acts of interference, the Government indicates that there is legislation to prevent such situations, in particular the penal provisions of the ATU. Section 1(2) of the ATU introduces the principle that a trade union is independent from employers and public authorities in its statutory activity. Trade unions also have the right to freely define their structure and rules of membership and perform trade union functions.
14. The Government concludes that the Polish legal system establishes several legal institutions aimed at sanctioning behaviour violating freedom of association; however, it is not clear whether the complainant used all available legal remedies.

(c) The Committee's conclusions

15. *The Committee notes that the representation contains allegations of infringement of freedom of association at the AWFIS. The complainant, the Academic Union of AWFIS, submits allegations which first set out the context of the employer's failure to provide facilities and information to and acts of interference in the ZZP and then more specifically the measures taken by the employer against the complainant, established on 14 November 2019 due to the employer interference in the ZZP.*
16. *The specific context of the ZZP relates to the employer's failure to address the union's demand for premises and technical equipment necessary for trade union activities at the workplace and the failure to reply to the union's request for information regarding salary increases for administrative employees in October 2018. According to the Government, these failures were addressed in a post-inspection statement dated 24 January 2020 where the NLI requested the employer to remedy them. The Government does not, however, reply to the allegations of acts of employer interference first in the ZZP and subsequently in the Academic Union. The Committee recalls the complainant's specific allegation that the employer interfered in the functioning and administration of the ZZP through organizing the removal of its chairperson and his replacement by a person allegedly submissive to*

the employer; persuading submissive employees to join the union; interference in the organization of a general meeting of the union, and replacement of the whole management board by a board submissive to the employer. The Academic Union alleges that as a result of these manoeuvres, the employer completely took over the ZZP and brought it under its control, and it was therefore necessary to establish a new union. Furthermore, it is alleged that shortly after the establishment of the Academic Union in November 2019, the employer dismissed three founding members of the union, including the president, the vice-president and another member of the board of management and one year later applied for the removal of their names from the national register of associations. The occurrence of these dismissals and the removal of the names from the Register are confirmed in the Government reply.

17. *The Committee notes that the Academic Union submits in this regard that the Government should amend the legislation and take steps to prevent acts of interference aimed at creating workers' organizations controlled by the employer within the meaning of Article 2 of Convention No. 98. While the Government replies that there is legislation to prevent such situations, in particular the penal provisions of the ATU, the Committee notes the complainant's allegations that despite the NLI indication that some of the facts reported by the union could constitute the offence contained in section 35(1)(2) of the ATU, the police refused to initiate an investigation into the interference in union activities and the District Prosecutor's Office in Gdańsk declined to initiate an investigation into the obstruction of union activity at AWFIS without giving any reason. The Government indicates in this regard that the procedure applicable to the offence of "obstruction of trade union activity" in section 35(1)(2) is the same as the procedure applicable to any other criminal complaint and in case of refusal to initiate an investigation, a right to appeal to the criminal court is provided in the code of criminal procedure.*
18. *The Committee recalls that Article 2(1) of Convention No. 98 provides that "Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration" and that Article 2(2) provides that "In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article". The Committee notes that the alleged acts of persuasion of certain workers to join the ZZP and the organization by the employer of a meeting of the management board as well as a general meeting of the union where decisions were taken to replace the union leaders with persons allegedly favoured by the employer would, if true, constitute acts designed to bring the union under employer domination and therefore constitute examples of employer interference in the administration of the union within the meaning of Article 2 of Convention No. 98. Furthermore, with reference to Article 1 of Convention No. 98, the Committee notes with concern the dismissal of the leaders of the Academic Union only days after its establishment and the steps taken to remove their names from the National Register of Associations and recalls that such acts of anti-union discrimination are likely to give rise to serious obstacles for the functioning of the newly established union. Seen together from a global perspective, the alleged acts, if confirmed, combine to present a picture of serious violation of the freedom of association of AWFIS, as they suggest that the employer, after having gained control over the existing union, attempted to hinder the effective formation and activity of another union at the workplace.*
19. *The Committee notes that the Academic Union alleges that Polish law does not provide adequate protection against acts of interference, an allegation that the Government rejects, referring to section 1(2) of the ATU providing the principle of independence of trade unions from the employer;*

sections 9 and 10 of the same act guaranteeing the right of unions to freely define their structure and rules of membership and perform trade union functions; and finally section 35(1)(2) which penalizes the obstruction of the lawful creation of a trade union or its lawful activities. The Committee recalls that besides the prohibition of acts of interference, “adequate protection” against acts of interference within the meaning of the Convention requires the establishment of rapid appeal procedures and sufficiently decisive sanctions against such acts.¹ The Committee notes that none of the provisions referred to in the Government reply clearly and expressly prohibit acts of interference within the meaning of Article 2 of Convention No. 98 and may therefore, on their own, be insufficient in ensuring the protection required by the Convention. The Committee finally notes that in this case, the penal procedure allegedly stalled at its first stage, because of the refusal of penal authorities to investigate, and already at that stage the union had to start a procedural battle by appealing against the refusal to investigate. In view of the foregoing, the Committee invites the Government to review the legislation, in consultation with the social partners concerned, with a view to determining the measures that may be necessary to ensure adequate protection against acts of interference as required in Articles 2 and 3 of Convention No. 98.

20. The Committee also notes the complainant’s allegations concerning the dismissals of Mr Tomasz Frolowicz; Mr Jędrzej Antosiewicz, Mr Robert Brzezińskion and Mr Olgierd Bojke, as well as the allegedly forced resignation of Ms Agata Maj. It further notes that the employer has obtained the removal of the names of these Academic Union leaders and members from the National Registry of Associations simply by notifying their dismissal to the National Court Register. The complainant indicates that the first three unionists benefited from the specific protection of employment provided by section 32 of the ATU and that the lawsuits for compensation were still open at the time of filing the representation. The Government confirms that proceedings for infringement of section 32 of the ATU are under way before the District Court Gdańsk-South in relation to the dismissals of the three founding members of the Academic Union: in the case of Messrs Frolowicz and Antosiewicz, respectively the president and vice-president of the management board, for reinstatement, and in the case of Mr Brzezińskion, member of management board, for compensation. Concerning the removal of the names of the dismissed founding members from the National Register of Associations, the complainant indicates its intention to appeal against the decision of the District Court Gdańsk-North upholding the decision of the court referendary. The Committee has not received any further information on the final outcome of these proceedings.
21. In the view of this Committee, enterprise-level unions are particularly vulnerable to anti-union dismissal of their leadership at the early stages of their establishment, considering that such dismissals can paralyse their functioning and threaten their very existence. Furthermore, the Committee recalls that the existence of legal provisions prohibiting acts of anti-union discrimination is not enough if they are not accompanied by effective and rapid procedures to ensure their application in practice. This general principle is based on Article 3 of Convention No. 98.² The Committee notes that in this case, while the president, the vice-president and a third member of the management board of the Academic Union were dismissed in November 2019, at least until April 2022, the date of the Government reply, the cases brought by the dismissed workers to challenge the dismissals were not heard even at the first instance. While the Government indicates that allegations of unlawful dismissal “without notice” are considered urgent cases and are examined more quickly, the Committee notes that the dismissals in this case were not “without notice”. The

¹ ILO *Giving globalization a human face: General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, 2008, ILC.101/III/1B, 2012, para. 197, and *Compilation of decisions of the Committee on Freedom of Association*, sixth edition, 2018, para. 1218.

² ILO 2012 General Survey, para. 190.

Committee further notes that the dismissals remained effective despite the appeal lodged by the dismissed trade union leaders, and furthermore, they led to the removal of their names from the National Register of Associations. The Committee notes that in this case, the District Court Gdańsk-North has upheld the decision to remove the names of dismissed Academic Union leaders even though the dismissed workers had challenged the lawfulness of those dismissals before the District Court Gdańsk-South. The Committee notes the Government's indication that this decision was based on a reading of the union statute which "raised doubts" and was challenged by the dismissed union founders.

22. *The Committee recalls that while Convention No. 98 requires protection against acts of anti-union discrimination in relation to all workers, the protection provided for in the Convention is particularly important in the case of trade union representatives and officers and that one of the ways of ensuring this protection is to provide that trade union representatives may not be dismissed or otherwise prejudiced either during their term of office, or for a specified period following its expiry.³ The Committee also refers the Government to Workers' Representatives Recommendation, 1971 (No. 143), which provides guidance on possible measures to ensure effective protection of workers' representatives against anti-union dismissals, including detailed and precise definition of the reasons justifying termination of their employment and a special recourse procedure open to workers' representatives who consider that their employment has been unjustifiably terminated (paragraph 6(2)(a) and (c)). In this regard, the Committee notes that section 32 of the ATU provides employment protection to three designated founding members of a trade union for a period of six months after its establishment, as well as for trade union managers and representatives indicated in a resolution of the management board for the period indicated in the resolution. Nevertheless, in the present case, the length of the proceedings, combined with the absence of suspensive effect of the appeal against the dismissal and the disconnection between proceedings related to the National Register and those pertaining to the lawfulness of dismissals has hindered the protection that section 32 could have provided against the anti-union dismissals, at least for the duration of the proceedings. The Committee notes from the Committee of Experts' 2022 observation on the application of Convention No. 98 in Poland, the Government's indication that following the amendment of section 4772(2) of the Code of Civil Procedure (CCP), the court, at the employee's request, may decide to impose on the employer the obligation to continue the employment of the employee until the final conclusion of the proceedings. The Committee of Experts also noted the observation of NSZZ "Solidarność" that additional changes to the CCP were needed to make the protection provided in section 32 of the ATU effective and requested the Government to provide information on the practical application of section 32 of the ATU and section 4772(2) of the CCP. In view of the foregoing, the Committee requests the Government to take all the necessary measures to ensure that the cases concerning the dismissals of Academic Union leaders are concluded without further delay so that the union will be able to conduct its activities in the future free from undue interference and discrimination. It further invites the Government, in full consultation with the social partners concerned, to consider, as appropriate, additional measures to ensure rapid and effective protection against anti-union discrimination in law and in practice.*

III. The Committee's recommendations

23. **The Committee recommends that the Governing Body:**
 - (a) **approve the present report;**

³ ILO 2012 General Survey, para. 186.

- (b) request that the Government, in the context of the application of Conventions Nos 87, 98 and 135, take into account the observations made in paragraphs 19 and 22 of the Committee's conclusions;**
- (c) invite the Government to provide information in this respect for examination by the Committee of Experts on the Application of Conventions and Recommendations; and**
- (d) make this report publicly available and close the present representation procedure.**

Geneva, 1 March 2024

(Signed) Ms Vicki Erenstein ya Toivo
(Government member)

Ms Renate Hornung-Draus
(Employer member)

Mr Magnus M. Norddahl
(Worker member)