



## FOR INFORMATION

### NINETEENTH ITEM ON THE AGENDA

## Report of the Director-General

### **Second Supplementary Report: Measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry established to examine the observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**

1. At its 301st Session (March 2008) on the Governing Body adopted the following decision:

The Governing Body takes note of the information contained in the statement of the Minister of Labour. It also takes note of all other statements made in this discussion, and allegations that harassment and violations of trade union rights continue despite the recommendations of the Commission of Inquiry.

The Governing Body deeply regrets that no specific progress has been made towards the implementation of those recommendations since its last review of this question in November 2007 and urges the Government of Belarus to ensure that workers' and employers' organizations can carry out their activities in full freedom.

As it is highly probable that the situation in Belarus will be further discussed at the Conference, the Governing Body urges that national tripartite action towards solving the problems identified by the Commission of Inquiry takes place and can be recorded at that stage.

2. At its 97th Session (2008), in the framework of its examination of the measures taken by the Government of the Republic of Belarus to give effect to the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the International Labour Conference, approving the report of the Committee on the Application of Standards, inter alia:

... took note of the written and oral information provided by the Government representative, the Minister of Labour, and the discussion that followed.

The Committee noted the detailed information provided by the Government on steps it had taken to implement the recommendations of the Commission of Inquiry since the issuance

of the Commission's report in 2004 and on recent steps to promote social dialogue in the country.

The Committee noted the statements made by the Government representative according to which, the submission of the draft trade union law to Parliament had been suspended and that the Government was actively continuing its work on the draft law in consultation with the social partners. The Committee further noted the Government's statement that, at its April 2008 meeting, the National Council on Labour and Social Issues endorsed the principle of full compliance with ILO Conventions Nos 87 and 98 as the basis for the future work on the new legislation on trade unions, which would be discussed in the Council for the Improvement of Legislation in the Social and Labour Sphere in July.

In light of the recommendations made by the Committee of Experts that the draft trade union law should not go forward in its present form, the Committee welcomed the fact that the Government had held the draft law back.

The Committee nevertheless noted with deep concern new allegations of harassment and pressure exercised on independent trade unions, including through dismissal, arbitrary rent increases for the premises used by independent trade union organizations and the continuing denial of registration.

The Committee noted with regret that it had to observe once again that the key recommendations of the Commission of Inquiry had not yet been implemented. While some recommendations had been dealt with, as noted earlier by this Committee, these steps did not go to the heart of the matter as clearly set out in the report of the Commission of Inquiry. In particular, no specific steps had yet been taken to satisfactorily address the question of the right for all trade unions to obtain registration without previous authorization and to conduct their activities without interference and harassment.

In light of the Government's stated commitment to social dialogue, the Committee firmly encouraged it to work closely with all the social partners to find acceptable solutions in the light of the comments of the Committee of Experts and which would effectively lead to the implementation of all the recommendations of the Commission of Inquiry. The Committee emphasized that such cooperation had to take place in a framework where there was no pressure on, or harassment of, trade union organizations and their members and where the fundamental rights of each of them was scrupulously respected.

The Committee welcomed the Government's statement that it was organizing a seminar on anti-union discrimination with the participation of ILO representatives immediately following the Conference and that a more expanded tripartite seminar would be organized, in autumn 2008, on the implementation of the Commission of Inquiry recommendations.

The Committee firmly expected that the Governing Body would be in a position to note positive developments in this respect at its November 2008 session. It requested the Government to provide information on legislative developments, as well as complete statistics relating to the registration of trade unions and complaints of anti-union discrimination to the Committee of Experts for examination at its forthcoming session.<sup>1</sup>

3. From 17 to 19 June 2008, a tripartite mission consisting of representatives of the Office, the International Trade Union Confederation and the International Organisation of Employers visited Minsk to participate in a seminar on anti-union discrimination organized by the Government of Belarus. Representatives of the Federation of Trade Unions of Belarus, the Congress of Democratic Trade Unions and the Radio and Electronic Workers' Union and representatives of the Confederation of Industrialists and Entrepreneurs (Employers) and of the Business Union of Industrialists and Employers named after Professor M.S. Kunyavsky, participated in the seminar along with the representatives of the Ministry of Labour and Social Protection, the Ministry of Justice, judges and representatives of the Office of the Public Prosecutor. The seminar provided for an open and frank discussion on the situation of trade unions which have alleged violations of their rights.

<sup>1</sup> *Provisional Record* No. 21, International Labour Conference, 97th Session.

4. Discussions with the Government are currently under way for setting the dates for another, more expanded, tripartite seminar early next year on the implementation of the 2004 Commission of Inquiry recommendations, along the lines noted by the Conference Committee on the Application of Standards.
5. The report of the Committee on Freedom of Association before the Governing Body at this session also contains conclusions and recommendations on the case of Belarus.<sup>2</sup>

Geneva, 7 October 2008.

*Submitted for information.*

<sup>2</sup> See GB.303/9.