



## FOR INFORMATION

### FOURTEENTH ITEM ON THE AGENDA

## Report of the Director-General

### **Third 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 303rd Session (November 2008), the Governing Body had before it a document for information on the issue of trade union rights in Belarus.<sup>1</sup> The document reported that discussions with the Government were under way with a view to setting the dates for a tripartite seminar on the implementation of the 2004 Commission of Inquiry recommendations, along the lines noted by the Conference Committee on the Applications of Standards in June 2008.
2. Following an agreement reached between the Government of Belarus and the Office at the end of 2008, in January 2009, a tripartite mission consisting of representatives of the International Labour Office, the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE) visited Minsk on 19–23 January 2009 to participate in a tripartite seminar on the implementation of the Commission of Inquiry recommendations organized jointly by the ILO and 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 held on 21 January 2009, together 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.
3. At the seminar, presentations were made by the representatives of all the trade unions and employers' organizations. The IOE presentation was made by Mr Emmanuel Julien,

<sup>1</sup> See GB.303/19/2.

member of the ILO Governing Body. The ITUC presentation was made by its General Secretary, Mr Guy Ryder. The seminar was co-chaired by Mr Vladimir Potupchik, Minister of Labour and Social Protection of Belarus, and Mr Kari Tapiola, ILO Executive Director. The one-day seminar provided for an open and frank discussion on the situation of trade unions which have alleged violations of their rights.

4. As a result of the seminar, the representatives of all constituents in Belarus discussed on 22 January 2009, a plan of action to implement the recommendations of the Commission of Inquiry which would provide for a strengthened mechanism, chaired by the Minister of Labour. The plan of action would ensure, for example, that trade unions could raise and discuss their concerns, particularly those relating to trade union registration and protection against anti-union discrimination. All the social partners agreed to a draft plan, which is attached to this document.
5. The Minister of Labour and Social Protection, Mr Potupchik, sent a letter to the Office on 20 February 2009 informing it that the action plan had been formally adopted by the tripartite National Council on Labour and Social Issues on the same day.

Geneva, 27 February 2009.

*Submitted for information.*

## Appendix

### **Plan of Action of the Government of the Republic of Belarus on the implementation of the recommendations set forth in the report of the Commission of Inquiry entitled “Trade union rights in Belarus”**

1. The Plan of Action on the implementation of the recommendations of the Commission of Inquiry is prepared on the basis of proposals that were announced in the course of the Tripartite Seminar “Freedom of association and social partnership in the Republic of Belarus: Developments in the light of the recommendations set forth in the report of the Commission of Inquiry on trade union rights in Belarus”, which took place in Minsk on 21 January 2009. The Plan of Action was discussed by all the social partners, as well as by representatives of the ILO, the ITUC and the IOE during the meeting that took place on 22 January 2009 at the Ministry of Labour and Social Protection.
2. The Government, together with the social partners, will take steps to work out a common position with regard to solving the issues touched upon in the Commission’s recommendations and will take appropriate decisions.
3. The Government of the Republic of Belarus will adopt organizational measures to enhance the effectiveness and transparency of the Council for the Improvement of Legislation in the Social and Labour Sphere. The Council will be headed by the Minister of Labour and Social Protection. The number of representatives of trade unions and employers’ associations within the Council will be increased. The Council will have to present regular reports to the National Council for Labour and Social Issues.
4. The Ministry of Labour and Social Protection and the Ministry of Justice will actively participate in the work of the Council. As the aim is to deal with the implementation of the recommendations of the Commission of Inquiry, all social partners involved in this respect shall have an opportunity to express their views.
5. The Council for the Improvement of Legislation in the Social and Labour Sphere will consider the law and practice and will carry out work aimed at improving the conditions for the establishment and registration of trade unions.
6. The Government intends to solve the problems related to the application of the existing legislation and make transparent the provisions of Presidential Decree No. 2 of 26 January 1999 with regard to the 10 per cent minimum membership requirement and the legal address requirement. The Ministry of Justice of the Republic of Belarus will provide a relevant explanation note to facilitate the process of registration.
7. The Council will examine rapidly all the reported cases of non-registration of trade union organizations, identify all the reasons for non-registration and work out proposals to overcome them so that workers may fully enjoy their rights under ratified Convention No. 87.
8. The Council will make a thorough examination of the legislation that regulates the receipt and use of foreign gratuitous aid in the Republic of Belarus and the procedure for conducting mass activities in order to arrive at a reasonable decision in the light of international principles and standards.
9. The interested parties are required to offer their suggestions to the Council with a view to arriving at acceptable decisions that could guarantee effective protection of workers against discrimination on the grounds of trade union membership.

10. The Government of Belarus will take appropriate measures to monitor the application of labour contracts in Belarus. The monitoring results, including the weak points revealed, will be discussed in the Council on a regular basis and solutions will be considered to redress any negative impact this may have on workers and trade union members.
11. To ensure that trade union members, who believe that they have suffered from discrimination, are provided with the applicable guarantees, the Council will examine these cases rapidly at the request of the trade union members or the trade union organizations and draw corresponding conclusions and, where appropriate, take concrete actions.
12. The Government of the Republic of Belarus will continue its efforts to inform courts and prosecution bodies of the necessity of instituting thorough investigations into complaints of violation of trade union rights. The Ministry of Justice of the Republic of Belarus, together with the Supreme Court of the Republic of Belarus, the Office of the Public Prosecutor General, trade unions and employers' associations, will conduct a number of seminars on the protection of workers' and trade unions' labour rights.
13. The set of measures provided for in the present Plan of Action will be implemented in the course of 2009. As it is envisaged that the measures adopted by the Government of Belarus to implement the Commission's recommendations will be considered by the tripartite Committee on the Application of Conventions and Recommendations at the 98th Session of the International Labour Conference, necessary steps to carry out measures provided for in the Plan of Action will be taken before the Conference starts its work. While implementing the Plan of Action, the Government of Belarus will be working in close contact with the social partners and the International Labour Office.
14. The Government of Belarus will seek assistance from the International Labour Office with a view to familiarizing itself with the experiences of other countries regarding the above issues.