



## Governing Body

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Institutional Section

INS

### FOURTH ITEM ON THE AGENDA

## Reports of the Committee on Freedom of Association

### 379th Report of the Committee on Freedom of Association

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## Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry

### A. Introduction

1. The Committee of Freedom of Association, set up by the Governing Body at its 117th Session (November 1951), met at the International Labour Office, Geneva, on 26 and 27 May 2016, under the chairmanship of Mr Teramoto (Japan) in the exceptional absence of Professor Paul van der Heijden.
2. Subsequent to the decision of the Governing Body, at its 291st Session, that the implementation of the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus 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), should be followed up by the Committee on Freedom of Association (CFA), the Committee last examined this matter in its 369th Report (June 2013), which was approved by the Governing Body at its 318th Session.

#### 3. On that occasion, the Committee made the following recommendations:

- (a) The Committee once again urges the Government to provide information in respect of the steps taken to ensure the immediate registration of:
  - (i) the primary-level organizations that were the subject of the complaint; and
  - (ii) REWU primary organizations in Mogilev, Gomel and Vitebsk.

It further once again urges the Government to ensure that the workers in those enterprises where the primary-level organizations have been wound down are rapidly and duly informed of their right to form and join organizations of their own choosing without interference and that the registration of any such newly created organization is rapidly effectuated. The Committee requests the Government to keep it informed in this respect. It also invites the complainant organizations to provide all relevant information in this regard.

- (b) With regard to the situation at “Granit” enterprise, the Committee expects that:
  - (i) the BITU primary trade union will be registered without delay; and that
  - (ii) the tripartite Council will examine the cases of dismissal of Mr Stakhaevich, Mr Karyshev and Mr Pavlovski and should it be found that they were dismissed for their activities in the BITU primary trade union, the Government will take the necessary measures to ensure their reinstatement; if reinstatement is not possible for objective and compelling reasons, the Committee requests the Government to take the necessary measures to ensure that the workers concerned are paid an adequate compensation which would represent a sufficiently dissuasive sanction for anti-union discrimination.

The Committee requests the Government to keep it informed in this respect.

- (c) The Committee requests the Government to examine the issue of effective protection against acts of anti-union discrimination in law and in practice in the framework of the tripartite Council and to keep it informed of the outcome.
- (d) The Committee expects that the Government will take all necessary measures in order to ensure that the relevant authorities abstain from any action that would prevent trade unions and their representatives from exercising their right to express opinions on the situation of

trade union rights in the country or Government's economic and social policies. It requests the Government to provide information on the concrete measures taken to that effect.

- (e) The Committee once again urges the Government to take the necessary measures to amend Presidential Decree No. 2 in consultation with the social partners, so as to ensure that the right to organize is effectively guaranteed.
- (f) The Committee once again urges the Government to take the necessary measures to amend Decree No. 24 so that national workers' and employers' organizations may receive assistance, even financial, from international workers' and employers' organizations in pursuit of their legitimate aims, including through means of strikes. It requests the Government to keep it informed of any measure taken in this respect.
- (g) The Committee once again urges the Government to take the necessary measures to immediately amend the Law on Mass Activities so as to bring it in line with the right of employers' and workers' organizations to organize their activities.
- (h) The Committee requests the Government to keep it informed of all developments in respect of legislative initiatives affecting trade union rights.
- (i) The Committee once again requests the Government to ensure that an independent investigation into all outstanding allegations of interference and pressure is carried out without delay by a body having the confidence of all parties concerned. If it is found that the above alleged measures were taken against trade unionists for having exercised their trade union rights or their participation in legitimate trade union activities, the Committee expects that those who suffered from anti-union measures will be fully compensated and that appropriate instructions will be given to the relevant authorities so as to avoid any recurrence of such acts.
- (j) The Committee continues to urge the Government to pursue more vigorously, on the one hand, the instructions to be given to enterprises in a more systematic and accelerated manner so as to ensure that enterprise managers do not interfere in the internal affairs of trade unions and, on the other, instructions to the Prosecutor-General, Minister of Justice and court administrators that complaints of interference and anti-union discrimination shall be thoroughly investigated. The Committee further requests the Government to ensure an independent investigation into all alleged instances of interference and anti-union discrimination at "Polymir", "Grodno Azot", "Frebor", "Belarusneft-Osobino", "Avtopark No. 1", "Mogilev ZIV", "Belaeronavigatsia", "MLZ Universal", "Belaruskaliy" and "Granit" companies, and at the Brest State Pedagogical University.
- (k) The Committee requests the Government to provide its observations on the BITU allegation concerning the detention of the Chairperson of its Soligorsk regional organization.
- (l) The Committee requests the Government to conduct independent investigations into the alleged cases of refusal to hold pickets and meetings and to bring the attention of the relevant authorities to the right of workers to peaceful demonstration to defend their occupational interests.
- (m) The Committee requests the Government to indicate the measures taken to implement the recommendations made by the United Nations Special Rapporteur on the independence of judges and lawyers.
- (n) The Committee requests the Government to examine the cases of alleged denial of facilities to trade unions and its leaders with a view to determining the violations of the legislation or any agreement concluded in this respect, and to take the necessary measures of redress. Furthermore, when following this examination, it has been determined that no agreement with regard to allocation of premises had been concluded between a union and an employer, the Committee requests the Government to take the necessary measures in order to encourage the parties to find a mutually acceptable solution. The Committee requests the Government to keep it informed in this respect.
- (o) The Committee urges the Government to intensify its efforts to ensure that freedom of association is fully and effectively guaranteed in law and in practice and expects that the Government will intensify its cooperation with the Office, as well as social dialogue with all partners, including the trade unions outside of the FPB, to implement without delay all

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the recommendations of the Commission of Inquiry and ensure that any legislative changes will conform to this objective.

4. The Government submitted its reply in a communication dated 1 April 2016.
5. The Committee has examined the information contained in the Government's communication. The Committee submits for the approval of the Governing Body the conclusions it has reached concerning the measures taken to implement the recommendations of the Commission of Inquiry.

**B. The Government's reply on measures taken to implement the recommendations of the Commission of Inquiry**

6. In its communication dated 1 April 2016 the Government indicates that in order to give effect to recommendation No. 2 made by the Commission of Inquiry, Presidential Decree No. 4 of 2 June 2015 amending Presidential Decree No. 2 of 26 January 1999 on measures to regulate the activities of political parties, trade unions and other public associations (Decree No. 2) abolished the minimum 10 per cent requirement for the establishment of trade unions. Pursuant to Decree No. 4, the minimum membership requirement for establishing a (stand-alone) trade union is now set at ten workers. The Government acknowledges the positive role played by the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (the tripartite Council), which proposed the amendments to Decree No. 2.
7. The Government recalls that in June 2013, the Committee on the Application of Standards invited the Government to accept a direct contacts mission (DCM) "with a view to obtaining a full picture of the trade union rights situation in the country and assisting the Government in the rapid and effective implementation of all outstanding recommendations of the Commission of Inquiry". The Government accepted the Committee's proposal and took the necessary steps to enable the DCM to carry out its tasks in full. The DCM visited Belarus from 27 to 31 January 2014 and met with the representatives of the Council of Ministers, the Administration of the President, the Office of the Prosecutor-General, the Ministry of Labour and Social Protection, the Ministry of Justice, the Ministry of Foreign Affairs, and the social partners.
8. The Government points out that the DCM has positively appraised the work of the Government to implement the recommendations made by the Commission of Inquiry. The DCM paid particular attention to the work of the tripartite Council. The mission held a meeting with the members of the tripartite Council who emphasized the importance of the Council as an essential forum enabling all interested parties to express their positions and make proposals to resolve important issues. None of the parties to the Council expressed doubt regarding its useful and essential nature. The Government points out that this attitude towards the Council results directly from the consistent policy of the Government to respect the principle of trade union pluralism and to create possibilities for all trade unions and employers' associations to take part in the social dialogue.
9. The Government refers to the long-term objectives set by the DCM which the latter considered to be conducive to implementing the recommendations of the Commission of Inquiry. The DCM proposals were endorsed at the 320th Session of the Governing Body in March 2014. During the discussion which took place in June 2014 at the 103rd Session of the International Labour Conference, the Committee on the Application of Standards noted the proposals developed by the DCM and the fact that the Government had supported those

proposals and expressed its willingness to work together with the social partners and the ILO to implement them.

- 10.** The Government recalls that the following areas of collaboration have been identified: (1) the work of the tripartite Council; (2) collective bargaining in the context of trade union pluralism; (3) development of a system for dispute resolution and mediation; and (4) training of judges, prosecutors and lawyers on the application of international labour standards. The need to take action in these areas was supported by the social partners. The Government points out that together with the social partners it is actively working with the ILO to implement the above proposals of the DCM.
- 11.** In the context of implementing the proposals of the DCM, on 9 and 10 July 2014 the International Labour Office held a seminar in Minsk, with the assistance of the Government, to review the experience gained from the work of the tripartite consultative bodies. The aim of the seminar was to assist the Government and the social partners to develop proposals for improving the work of the tripartite Council. The seminar was attended by members of the tripartite Council and other representatives of the Government, and employers' and workers' organizations (Federation of Trade Unions of Belarus (FPB) and Congress of Democratic Trade Unions (BKDP)). The seminar participants developed proposals aimed at improving the effectiveness of the Council, which were discussed in detail at Council meetings held on 23 January and 23 April 2015.
- 12.** Following the discussions, members of the Council reached a common position on amending the Regulations of the Council in order to enhance its efficiency. The new version of the Regulations, approved by Order No. 48 of the Ministry of Labour and Social Protection of 8 May 2015, has significantly expanded its mandate. In particular, the Council is now empowered to analyse the existing legislation and the draft laws and regulations affecting social and labour relations in terms of their compliance with ILO Conventions and Recommendations and international practice with a view to ensuring that international labour standards are applied at the national level. The Council is empowered to send to legislative bodies its proposals for implementing provisions of ILO Conventions and Recommendations and for amending and supplementing laws and regulations on labour and trade unions in accordance with the ILO recommendations. The Council has the right to initiate review by the National Council for Labour and Social Issues (NCLSI) of proposals for amendments of laws and regulations on labour and trade unions. The Regulations also provide for more active involvement by international experts in the consideration of matters within the Council, including experts from the International Labour Office. In order to facilitate urgent consideration of issues the Council may convene extraordinary sessions.
- 13.** The Government further indicates that on 13 and 14 May 2015 the International Labour Office, together with the Government and the social partners, held a tripartite seminar in Minsk on "Collective Bargaining and Cooperation at the Enterprise Level in the Context of Pluralism". The Government explains in this regard that there is a number of enterprises in the country where several trade unions exist, each of which, regardless of its size, wishes to participate in collective bargaining with the employer. Under the established practice in Belarus, only one collective agreement is concluded within an enterprise. The employer enters into collective bargaining with a single workers' group represented by trade unions. The procedure for interaction among various trade unions within the trade union group set up to form a single workers' front for the negotiations is currently not clearly defined. In fact, the matter is resolved through agreement between trade unions affiliated to the FPB and the BKDP. For example, at the country's largest enterprise, JSC "Belaruskaliy", in Soligorsk, three trade unions (two FPB primary trade unions and one BKDP primary trade union) take part in collective bargaining. However, in practice, agreement between trade unions at other enterprises is not always achieved. Usually this entails conflict between the

unions, which in turn has a negative impact on the collective bargaining process at the enterprise.

14. The seminar was attended by members of the tripartite Council and representatives of employers' organizations and trade unions (the FPB and the BKDP), as well as representatives of a number of enterprises (trade unions and employers) where several trade unions exist. As a result of the two-day discussions, moderated by ILO representatives, the participants drew up conclusions which provided for the representatives of all trade union organizations active at an enterprise to be included in a collective bargaining committee formed at the enterprise. The discussion begun at the seminar was further developed by the tripartite Council.
15. During the Council's meetings held on 17 November and 9 December 2015, proposals on a procedure for conducting collective bargaining and concluding collective agreements, where there are several trade unions in an organization, were agreed upon. These proposals provided that all trade unions active at an enterprise have the right to participate in collective bargaining and be parties to a collective agreement. The Council unanimously endorsed the inclusion of these proposals in a draft General Agreement between the Government and the national organizations of employers and trade unions for 2016–18. On 16 December 2015, the General Agreement was signed at a meeting of the NCLSI. The General Agreement includes proposals for conducting collective bargaining and concluding collective agreements where there are several trade unions in an organization, as proposed by the tripartite Council following the ILO tripartite seminar. Thus, the work done by the Council has resulted in the inclusion of the following regulations in the General Agreement for 2016–18:

45. For the purposes of improving the procedure for conducting collective bargaining and concluding collective agreements the Parties have agreed on the following:

To conclude within an organization (or separate subdivision of an organization) one single collective agreement;

To make provision for participation in the work of the collective bargaining committee of representatives of all trade union organizations active in the organization, subject to the decision of their elective organs;

The number of representatives of trade union organizations to be included in the collective bargaining committee shall be defined in proportion with the number of trade union members among the staff of those organizations, but shall not be less than one person from each (with right of substitution);

Decisions by the workers in the framework of the collective bargaining committee shall be made on the basis of proposals from all the trade union organizations. In the event of disagreements on the workers' side, that side shall work in good conscience to come to an agreed solution. Should agreement not be reached, a decision shall be taken by majority vote among the workers' side following further discussion;

In the text of the collective agreement the workers' side shall indicate all the trade union organizations whose representatives were involved in the work of the collective bargaining committee. Those organizations shall be the participants in the concluded collective agreement;

On the workers' side, the collective agreement shall be signed by the authorized representative of the trade union organization with the largest number of members, unless the trade union organizations involved in reaching the collective agreement have agreed on a different procedure for signing the collective agreement. There shall be no change to the practice of signing collective agreements by representatives of several trade unions existing at individual organizations, unless the trade union organizations involved agree on a different procedure for signing the collective agreement.

The Government indicates that in accordance with section 362 of the Labour Code, the General Agreement constitutes the basis for local tariff agreements and collective agreements.

16. The Government further informs that in the context of implementing the third area of cooperation proposed by the DCM and endorsed by the social partners, on 25 February 2016, a tripartite seminar entitled “Mechanisms for dispute resolution and mediation” was held in Minsk with the ILO assistance. During the seminar, in which members of the tripartite Council and other representatives of Government, employers’ organizations and trade unions took part, there was an animated exchange of opinions concerning the treatment of labour disputes under the existing national system and possible effective new mechanisms, including the tripartite Council.
17. The Government thus considers that the work to implement the proposals of the DCM is carried out in full compliance with the agreements reached between the Government and the ILO. The joint activities are aimed at solving specific issues highlighted by the Commission of Inquiry in its recommendations. The Government emphasizes the fact that the intensification of cooperation between the ILO and the Government, as well as the joint activities involving all parties concerned, has a positive effect on the relations between the social partners within the country. The Government has noted positive trends in the development of relations within the trade union group. The issue of participation by the BKDP representative in sittings of the NCLSI has been resolved. Its leader, Mr Yaroshuk, participated in the meetings of the National Council which took place on 25 September 2014, 13 January and 1 April 2015. The Government assesses positively the level of cooperation achieved at this stage between the parties to social dialogue within the social partnership system. Thus, at present, the principles of trade union pluralism are implemented in practice in the country.

### C. The Committee’s conclusions

18. *The Committee notes with interest the information transmitted by the Government.*
19. *The Committee notes that at its 102nd Session (2013), the Committee on the Application of Standards of the International Labour Conference discussed the case of Belarus with respect to the application of Convention No. 87 and the implementation of the Commission of Inquiry’s recommendations. In its conclusions, the Committee “invited the Government to accept a direct contacts mission with a view to obtaining a full picture of the trade union rights situation in the country and assisting the Government in the rapid and effective implementation of all outstanding recommendations of the Commission of Inquiry”. A DCM consisting of Mr Halton Cheadle (member of the Committee of Experts on the Application of Conventions and Recommendations (CEACR)) and ILO officials visited Minsk from 27 to 31 January 2014. The Governing Body took note of the report of the mission at its 320th Session (March 2014).<sup>1</sup>*
20. *The Committee further notes the 2013, 2014 and 2015 comments of the CEACR on the application of Conventions Nos 87 and 98, as well as the discussions that took place in the Conference Committee on the Application of Standards in June 2014 and 2015.*
21. *In view of the time that has elapsed since its last examination of the measures taken by the Government to implement the recommendations of the Commission of Inquiry and the corresponding recommendations of this Committee, and, of the fact, as noted by the DCM,*

<sup>1</sup> See GB.320/INS/7.



that “the situation of trade union rights [in the country] has evolved”, the Committee will briefly recall the recommendations that have been implemented or to be implemented and examine the situation as it currently stands with recommendations for further consideration of the matter.

22. The Committee recalls that Commission of Inquiry recommendations 3, 4 and 11 were implemented by the Government, when the Republican Registration Commission was disbanded and the overseeing authority regarding registration of trade unions was vested in the Ministry of Justice, the conclusions and recommendations of the Commission of Inquiry were made public and the BKDP became a member of the NCLSI. With regard to the latter recommendation, the Committee notes the Government’s indication that the BKDP Chairperson, Mr Yaroshuk, participated in the meetings of the NCLSI which took place on 25 September 2014, 13 January and 1 April 2015.
23. With regard to the recommendations concerning registration of trade unions (CFA recommendations (a), (b)(i) and (e) – Commission of Inquiry recommendations 1 and 2), the Committee recalls that these directed the Government to address both practical and legislative challenges to registration, in particular as concerns the legal address requirement imposed by Presidential Decree No. 2, its rules and regulations, as well as the minimum 10 per cent requirement for the establishment of stand-alone enterprise-level trade unions, set by the same Decree.
24. With regard to the latter, the Committee notes with interest that, following a proposal by the tripartite Council, Presidential Decree No. 4 of 2 June 2015 abolished the 10 per cent minimum membership requirement by lowering the minimum number of members for forming an enterprise trade union to ten workers.
25. As concerns the legal address requirement, the Committee notes from the DCM report that “many of the primary trade union organizations mentioned in the Commission of Inquiry’s report no longer existed (recommendation 1)” and that according to the Government, there were no outstanding requests for registration. It further notes from the same report that while the possibilities as to the kind of premises which could satisfy the legal address requirement have been widened, “there were still considerable impediments for registration of new organizations”. The Committee also notes from the 2015 observation of the CEACR on the application of Convention No. 87 the BKDP indication that “faced with such obstacles, independent trade unions generally had been discouraged from seeking registration”.
26. The Committee deeply regrets that there are currently no intentions to amend the legal address requirement, as recommended by the Commission of Inquiry. In this respect, it notes with interest the Government’s indication that, following a seminar in July 2014 organized by the ILO in Minsk on the experience of tripartite consultative bodies with social partnership, the tripartite Council approved amendments to its Regulations aimed at improving its efficiency, which were issued by the Ministry of Labour and Social Protection in Order No. 48 of 8 May 2015. The Committee notes in particular that the regulations expand the mandate of the tripartite Council to send proposals to legislative bodies on the implementation of ILO Conventions and Recommendations in law, in accordance with ILO recommendations, to review the application in practice of labour and trade union legislation and examine communications from trade unions and employers’ organizations on issues of compliance with ratified ILO Conventions. The Committee expects that the extended mandate of the tripartite Council will be of assistance in addressing the points that the Committee has been raising for a number of years and urges the Government to consider, within the framework of the tripartite Council, the measures necessary to ensure that the matter of legal address ceases to be an obstacle to the registration of trade unions in practice.

27. *The Committee further notes that the DCM had discussed at length the conflict which had arisen at the “Granit” enterprise (CFA recommendation (b)) which, although it was eventually examined, could not be resolved by the tripartite Council and considered, in this respect, that “it was necessary to develop mechanisms to find an acceptable resolution of these kinds of disputes in the future, through fact-finding, facilitation and mediation, with full respect of freedom of association principles”. The Committee notes with interest that on 25 February 2016, a tripartite seminar on mechanisms for dispute resolution and mediation was held in Minsk with ILO assistance, which, according to the Government gave rise to an animated exchange of opinions concerning the treatment of labour disputes under the existing national system and possible effective new mechanisms, including the tripartite Council. The Committee expects that the Government, together with the social partners, as well as other stakeholders (e.g. Ministry of Justice, Office of the Prosecutor-General, judiciary and Belarusian National Bar Association) will continue working together towards building a strong and efficient system of dispute resolution which could deal with labour disputes involving individual, collective and trade union matters. The Committee invites the Government to take advantage of the ILO technical assistance in this regard.*
28. *In the same vein, the Committee recalls the numerous allegations of anti-union discrimination and interference in trade union activities that both the Commission of Inquiry and this Committee has examined (CFA recommendations (c), (i) and (j) – Commission of Inquiry recommendations 4–8). In this respect, the Committee notes that in its meetings with the relevant stakeholders, the DCM received information to the effect that “all complaints of violations of trade union rights ... were properly and timely investigated either by the prosecutors or dealt with by the courts”. Further in this respect, the Committee notes that the DCM observed that “all Government representatives appeared to agree on the need to conduct a training and awareness-raising activity for the judiciary, lawyers, prosecutors and other members of the legal profession on international labour standards, and they requested ILO assistance in this regard. The DCM considered that such activity could positively impact on the examination by the courts of alleged violations of freedom of association rights.” The Committee welcomes the Government’s intention to cooperate with the Office in organizing such an activity and expects that it will be carried out in the near future.*
29. *The Committee recalls the outstanding recommendations in relation to the exercise of trade union rights under the Law on Mass Activities and Decree No. 24 concerning the use of foreign gratuitous aid (CFA recommendations (f), (g), (h), (k) and (l) – Commission of Inquiry recommendations 8–10). The Committee recalls that pursuant to Decree No. 24, foreign gratuitous aid could only be used for specific purposes and, specifically, could not be used “for carrying out public meetings, rallies, street processions, demonstrations, pickets, strikes, designing and disseminating campaigning materials, as well as running seminars and other forms of mass campaigning among the population”. Failure to comply with the requirement to register foreign aid would result in substantial fines and confiscation of the aid, as well as possible termination of the trade union’s activities, “including for a single incident of such violations”. Under the Law on Mass Activities, which establishes a procedure for mass events that is necessary for the protection of the rights of the wider community and to ensure law and order, the application to hold the event must be made to the local executive and administrative body. While the decision of that body can be appealed in court, the Law does not set out clear grounds on which a request may be denied. A trade union that violates the procedure for organizing and holding mass events may, in the case of serious damage or substantial harm to the rights and legal interests of other citizens and organizations, be liquidated for a single violation. In this context, “violation” includes a temporary cessation of organizational activity or the disruption of traffic, death or physical injury to one or more individuals, or damage exceeding 10,000 times a value to be established on the date in question.*

30. *The Committee notes with regret that there is currently no intention to amend these pieces of legislation. While, as noted by the DCM, in practice, trade unions have not been prevented from using foreign financial assistance, as concerns the Law on Mass Activities, it notes with regret from the 2015 CEACR observation on the application of Convention No. 87 repeated refusals to authorize the BKDP, the Belarusian Independent Trade Union (BNP) and the Radio and Electronic Workers' Union (REP) to hold demonstrations and meetings. The Committee therefore once again urges the Government, in consultation with the social partners, to amend Decree No. 24 and the Law on Mass Activities. The Committee considers that the amendments should be directed at abolishing the sanctions imposed on trade unions or trade unionists for a single violation of the respective legislation; setting out clear grounds for the denial of requests to hold trade union mass events, bearing in mind that any such restriction should be in conformity with freedom of association principles; and at widening the scope of activities for which foreign financial assistance can be used, in particular in view of the apparent (financial) burden that is placed on trade unions to ensure the law and order during a mass event. The Committee invites the Government to avail itself of ILO technical assistance in this respect.*
31. *The Committee recalls that some of the outstanding recommendations are aimed at improving social dialogue in the country (CFA recommendation (h) – Commission of Inquiry recommendation 12). In this respect, it recalls the Government's previous intention to amend the legislation that governs collective labour relations – the Law on Trade Unions and the Labour Code – with a view to laying down clear rules on cooperation between employers and trade unions in concluding collective agreements, including where there are several unions at the same enterprise, in particular by establishing a representativity criteria. The Committee notes with interest that this idea appears to have been abandoned and that a new General Agreement for 2016–18 contains a provision on the collective bargaining procedure at enterprises with more than one union. Pursuant to this provision, a single body comprising representative of all unions active at such an enterprise negotiates a collective agreement to which all trade unions can become a party.*
32. *The Committee trusts that the above described new procedure will also provide an opportunity to address, through collective bargaining, the issue of facilities to be granted at the enterprise level to trade unions outside of the FPB structures (CFA recommendation (n)). In this respect, the Committee notes from the DCM report that at its meeting with one of the employers' organizations in the country, it had discussed the issue of facilities. Representatives of the Business Union of Entrepreneurs and Employers named after Prof. M. Kouniavsky (BSPN), the employers' organization representing private enterprises and non-governmental organizations, stated "that their organization maintains good relations with both the FPB and the BKDP, seeing them as partners. ... It was difficult to allocate office space on the premises of their members' enterprises, as they were often small companies with little or no unused office space. At the same time, the BSPN representatives indicated that their members were inclined to provide certain facilities to the unions active at their enterprises, such as the use of a conference room or printing or telephone facilities."*
33. *While duly recognizing the efforts made by the Government and the progress noted above, the Committee stresses that much remains to be done in order to implement in full all of the Commission of Inquiry's recommendations. It encourages the Government to pursue its efforts in this respect, in particular along the lines highlighted in this report. The Committee expects that the Government, with the assistance of the ILO and in consultation with the social partners, will take the necessary steps to fully implement all outstanding recommendations without further delay. It requests the Government to provide detailed information in this regard.*

## The Committee's recommendations

34. *In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:*

- (a) The Committee expects that the extended mandate of the tripartite Council will be of assistance in addressing the points that the Committee has been raising for a number of years and urges the Government to consider, within the framework of the tripartite Council, the measures necessary to ensure that the matter of legal address ceases to be an obstacle to the registration of trade unions in practice.*
- (b) The Committee expects that the Government, together with the social partners, as well as other stakeholders (e.g. Ministry of Justice, Office of the Prosecutor-General, judiciary and Belarusian National Bar Association) will continue working together towards building a strong and efficient system of dispute resolution which could deal with labour disputes involving individual, collective and trade union matters.*
- (c) The Committee expects that a training and awareness-raising activity for the judiciary, lawyers, prosecutors and other members of the legal profession on international labour standards will be conducted in the near future.*
- (d) The Committee once again urges the Government, in consultation with the social partners, to amend Decree No. 24 and the Law on Mass Activities. The Committee considers that the amendments should be: directed at abolishing the sanctions imposed on trade unions or trade unionists for a single violation of the respective legislation; setting out clear grounds for the denial of requests to hold trade union mass events, bearing in mind that any such restriction should be in conformity with freedom of association principles; and at widening the scope of activities for which foreign financial assistance can be used, in particular in view of the apparent (financial) burden that is placed on trade unions to ensure the law and order during a mass event.*
- (e) The Committee invites the Government to avail itself of ILO technical assistance in respect of the implementation of the recommendations above.*
- (f) The Committee requests the Government to provide detailed information on the measures taken in respect of the above recommendations.*

Geneva, 3 June 2016

*(Signed)* Mr Teramoto  
Chairperson

*Point for decision:* paragraph 34