



**ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK  
ANNUAL FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS**

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**REPORT FORM**

**Freedom of association and the effective recognition of the right to  
collective bargaining**

***Introduction***

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions, on any changes to their law and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), forms part of this component of the follow-up to the Declaration.

To be completed with regard to the principles concerning the fundamental rights which are the subject of the Convention or Conventions<sup>1</sup> to which your State is not a party.

*Please continue answers on a separate sheet, if necessary, indicating the number of the question.*

1.1. Is the principle of freedom of association recognized in your country?  Yes  No

1.2. Is the principle of the effective recognition of the right to collective bargaining recognized in your country?  Yes  No

*If you wish, attach additional information on a separate sheet, indicating Q. 1.*

2.1. Please indicate whether the following categories of persons can exercise freedom of association:

(a) All workers in the public service  Yes  No

(b) If “no” to (a), please specify which categories cannot exercise this right

(c) Medical professionals  Yes  No

(d) Teachers  Yes  No

(e) Agricultural workers  Yes  No

(f) Workers engaged in domestic work  Yes  No

(g) Workers in export processing zones (EPZs) or enterprises/industries with EPZ status  Yes  No

(h) Migrant workers  Yes  No

(i) Workers of all ages  Yes  No

If not, please specify the minimum age: \_\_\_\_\_

(j) Workers in the informal economy  Yes  No

(k) Other specific categories of workers that cannot exercise this right. Please specify which.

(l) All categories of employers  Yes  No

If “no”, please specify which

2.2. For any categories ticked “no” above, please state the reasons. *Please continue on a separate sheet, indicating Q. 2.*

3.1. Please indicate whether the right to collective bargaining can be exercised with regard to the following categories of persons:

(a) All workers in the public service  Yes  No

<sup>1</sup> The texts of these Conventions may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Geneva 22.

(b) If “no” to (a), please specify which categories cannot exercise this right

- (c) Medical professionals  Yes  No
- (d) Teachers  Yes  No
- (e) Agricultural workers  Yes  No
- (f) Workers engaged in domestic work  Yes  No
- (g) Workers in export processing zones (EPZs) or enterprises/industries with EPZ status  Yes  No
- (h) Migrant workers  Yes  No
- (i) Workers of all ages  Yes  No
- If not, please specify the minimum age: \_\_\_\_\_
- (j) Workers in the informal economy  Yes  No

(k) Other specific categories of workers that cannot exercise this right. Please specify which.

- (l) All categories of employers  Yes  No
- If “no”, please specify which

3.2. For any categories ticked “no” above, please state the reasons. *Please continue on a separate sheet, indicating Q. 3.*

4.1. In your country, can workers exercise freedom of association at the following levels?

- (a) Enterprise  Yes  No
- (b) Sector or industry  Yes  No
- (c) National  Yes  No
- (d) International  Yes  No

4.2. In your country, can employers exercise freedom of association directly or indirectly at the following levels?

- (a) Enterprise  Yes  No
- (b) Sector or industry  Yes  No
- (c) National  Yes  No
- (d) International  Yes  No

4.3. In your country, is the principle of the effective recognition of the right to collective bargaining recognized at the following levels?

- (a) Enterprise  Yes  No
- (b) Sector or industry  Yes  No

- (c) National \_\_\_ Yes \_\_\_ No  
 (d) International \_\_\_ Yes \_\_\_ No  
 (e) Other. Please specify

- 5.1. Is government authorization or approval required in your country to:  
 (a) Establish an employers' organization \_\_\_ Yes \_\_\_ No  
 (b) Establish a workers' organization \_\_\_ Yes \_\_\_ No  
 (c) Conclude collective agreements \_\_\_ Yes \_\_\_ No
- 5.2. **If yes to any**, please specify under which circumstances. *Please continue on a separate sheet, indicating Q. 5.*

- 6.1. Have specific measures been implemented or are they envisaged to respect, promote and realize freedom of association and effective recognition of the right to collective bargaining in your country? \_\_\_ Yes \_\_\_ No
- 6.2. **If yes**, please specify these measures by ticking the relevant boxes below.

Type of measure	Freedom of association		Collective bargaining	
	Envisaged	Implemented	Envisaged	Implemented
Legal reform (labour law and other relevant legislation)				
Inspection/monitoring mechanisms				
Penal sanctions				
Civil or administrative sanctions				
Special institutional machinery				
Capacity building of responsible government officials				
Training of other government officials				
Capacity building for employers' organizations				
Capacity building for workers' organizations				
Tripartite discussion of issues				
Awareness-raising/advocacy				
Other measures. Please specify				

- 7.1. In the measures described in question 6, is special attention given to the situation of women? \_\_\_ Yes \_\_\_ No

**If yes**, please specify and describe.

- 7.2. In the measures described in question 6, is special attention given to the situation of specific categories of persons? \_\_\_ Yes \_\_\_ No

**If yes, please specify and describe.**

- 7.3. In the measures described in question 6, is special attention given to the situation of specific industries or sectors? \_\_\_\_\_ Yes \_\_\_\_\_ No

**If yes, please specify and describe.**

8. In instances where the Government finds that the principle of freedom of association and the effective recognition of the right to collective bargaining has not been respected, what does it do? Please describe action taken in recent instances.

9. Please describe any major changes concerning the principle that have taken place since your last report (for example, changes in the regulatory, policy or institutional frameworks, initiation of significant new programmes, new data).

<b>Major change (freedom of association)</b>	<b>Date of change</b>
<b>Major change (collective bargaining)</b>	<b>Date of change</b>

10.1. Please describe any initiatives undertaken in your country that can be regarded as successful examples in relation to the freedom of association. *Please attach any relevant documents, indicating Q. 10.1.*

10.2. Please describe any initiatives undertaken in your country that can be regarded as successful examples in relation to the effective recognition of the right to collective bargaining. *Please attach any relevant documents, indicating Q. 10.2.*

11. What have been the main difficulties encountered with respect to realizing the principle of freedom of association and effective recognition of the right to collective bargaining? *(Tick all that apply.)*

<b>Nature of the difficulty</b>	<b>Freedom of association</b>	<b>Collective bargaining</b>
Lack of public awareness and/or support		
Lack of information and data		
Social values, cultural traditions		
Social and economic circumstances		
Political situation		
Legal provisions		
Prevailing employment practices		
Lack of capacity of responsible government institutions		
Lack of capacity of employers' organizations		
Lack of capacity of workers' organizations		
Lack of social dialogue on this principle		
Other. Please specify		

12.1. Does your Government see a need for new and/or continued technical cooperation with the ILO to facilitate the realization of the principle of freedom of association and effective recognition of the right to collective bargaining? \_\_\_\_\_ Yes \_\_\_ No

12.2. **If yes**, please indicate your technical cooperation needs, **ranking them** as follows:

1 = most important; 2 = second most important; 3 = third most important; 0 = not important.

*Please attach further details for the **first three priority technical cooperation needs** that you identify in relation to freedom of association and effective recognition of the right to collective bargaining, indicating Q. 12.*

Type of technical cooperation desired	Ranking
Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle	
Awareness-raising, legal literacy and advocacy	
Strengthening data collection and capacity for statistical analysis	
Sharing of experiences across countries/regions	
Legal reform (labour law and other relevant legislation)	
Capacity building of responsible government institutions	
Training of other officials (police, judiciary, social workers, teachers)	
Strengthening capacity of employers' organizations	
Strengthening capacity of workers' organizations	
Strengthening tripartite social dialogue	
Other. Please specify	

13.1. Regarding the preparation of this report:

(a) Was the most representative employers' organization consulted in its preparation? \_\_\_\_\_ Yes \_\_\_ No

(b) Were the most representative workers' organizations consulted in its preparation? \_\_\_\_\_ Yes \_\_\_ No

(c) Was there consultation with any government authorities outside the Ministry? \_\_\_\_\_ Yes \_\_\_ No

13.2. **If yes** to any of the above, please describe the consultation process(es). *Please continue on a separate sheet, indicating Q. 13.*

14. Regarding comments received on this report:

(a) Did employers' organizations make any comments on the report? \_\_\_\_\_ Yes \_\_\_ No

(b) Did workers' organizations make any comments on the report? \_\_\_\_\_ Yes \_\_\_ No

15. Which employers' organizations have been sent copies of the report? Please attach list.

16. Which workers' organizations have been sent copies of the report? Please attach list.

17. Please attach to your report any other new information relevant to the efforts made by your country to respect, promote and realize the principle of freedom of association and the effective recognition of the right to collective bargaining.

**Replies are due not later than 1 August – Please send to the InFocus Programme on Promoting the Declaration, ILO, 4 route des Morillons, CH-1211 Geneva 22, Switzerland; Email: [declaration@ilo.org](mailto:declaration@ilo.org). An electronic version of this form may be found at [www.ilo.org/declaration](http://www.ilo.org/declaration).**

**Thank you for providing this information, which is to be used in the promotional spirit of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.**

