

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**LABOUR RELATIONS (PUBLIC SERVICE)
CONVENTION, 1978 (No. 151)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

Annexed to this report form will be found the text of a Recommendation whose provisions supplement those of the present Convention. The sole object of appending the text of this Recommendation to the report form is to contribute to a better understanding of the requirements laid down in the Convention and to facilitate its application.

The government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the government deems it useful to supply such information in its report, by way of information on practical application, this would make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

GENEVA

1980

REPORT

for the period to , made by the Government of
. , in accordance with article 22 of the
Constitution of the International Labour Organisation, on the measures taken to give
effect to the provisions of the

LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978 (No. 151)

ratification of which was registered on

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

In so far as there exist other measures or methods which are relevant to the implementation of the Convention, please indicate their nature and contents.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all persons employed by public authorities, to the extent that more favourable provisions in other international labour Conventions are not applicable to them.

2. The extent to which the guarantees provided for in this Convention shall apply to high-level employees whose functions are normally considered as policy making or managerial, or to employees whose duties are of a highly confidential nature, shall be determined by national laws or regulations.

3. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

Please indicate the categories of persons employed by public authorities to which the legislation, regulations, collective agreements, or other measures mentioned in reply to question I of this report form apply.

Please indicate to what extent the guarantees provided for in this Convention apply to the categories of employees mentioned in paragraph 2. If such employees do not benefit from these guarantees, please indicate how the categories of employees concerned are defined.

Please indicate to what extent the guarantees provided for in this Convention apply to members of the armed forces and the police (paragraph 3).

Article 2

For the purpose of this Convention, the term “public employee” means any person covered by the Convention in accordance with Article 1 thereof.

Article 3

For the purpose of this Convention, the term “public employees’ organisation” means any organisation, however composed, the purpose of which is to further and defend the interests of public employees.

PART II. PROTECTION OF THE RIGHT TO ORGANISE

Article 4

1. Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—

- (a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees’ organisation;
- (b) cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employees’ organisation or because of participation in the normal activities of such an organisation.

Please indicate how adequate protection against acts of anti-union discrimination in respect of their employment is ensured to public employees.

Article 5

1. Public employees’ organisations shall enjoy complete independence from public authorities.

2. Public employees’ organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration.

3. In particular, acts which are designed to promote the establishment of public employees’ organisations under the domination of a public authority, or to support public employees’ organisations by financial or other means, with the object of placing such organisations under the control of a public authority, shall be deemed to constitute acts of interference within the meaning of this Article.

Please indicate how public employees’ organisations are assured of complete independence from public authorities.

Please indicate how adequate protection is ensured to public employees’ organisations against any acts of interference by public authorities in their establishment, functioning or administration.

PART III. FACILITIES TO BE AFFORDED TO PUBLIC EMPLOYEES’ ORGANISATIONS

Article 6

1. Such facilities shall be afforded to the representatives of recognised public employees’ organisations as may be appropriate in order to enable them to carry out their functions promptly and efficiently, both during and outside their hours of work.

2. The granting of such facilities shall not impair the efficient operation of the administration or service concerned.

3. The nature and scope of these facilities shall be determined in accordance with the methods referred to in Article 7 of this Convention, or by other appropriate means.

Please indicate what measures have been taken to afford to the representatives of recognised public employees’ organisations such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, both during and outside their hours of work.

PART IV. PROCEDURES FOR DETERMINING TERMS AND CONDITIONS OF EMPLOYMENT

Article 7

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

Please describe the existing procedures for determining terms and conditions of employment of public employees.

Please provide information on any measures which may have been taken to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

PART V. SETTLEMENT OF DISPUTES

Article 8

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.

Please describe the procedures for the settlement of disputes arising in connection with the determination of terms and conditions of employment of public employees.

Please indicate how procedures other than negotiation were established, and any measures taken to guarantee the independence and impartiality of the machinery mentioned in this Article.

PART VI. CIVIL AND POLITICAL RIGHTS

Article 9

Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

Please indicate to what extent public employees have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association.¹

Please indicate whether there are obligations arising from the status and the nature of the functions of public employees which necessitate the limitation of their civil and political rights, the nature of these obligations and the type and extent of the corresponding limitations of their civil and political rights.

III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

¹ Attention is drawn to the report of the Committee on the Public Service, paragraph 75 (International Labour Conference, 64th Session (1978), *Record of Proceedings*), according to which "the civil and political rights envisaged by this Article [are] the rights affirmed to be essential for the normal exercise of trade union rights by the Resolution concerning trade union rights and their relation to civil liberties, adopted at the 54th Session of the International Labour Conference in 1970, namely:

- (a) the right to freedom and security of person and freedom from arbitrary arrest and detention;
- (b) freedom of opinion and expression and in particular freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;
- (c) freedom of assembly;
- (d) the right to a fair trial by an independent and impartial tribunal;
- (e) the right to protection of the property of trade union organisations."

- IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**
- V. Please give a general appreciation of the manner in which the Convention is applied, including, for example, extracts from reports, studies and inquiries, and statistics on the numbers of public employees and of public employees' organisations, by sectors of activity and by levels of functions. Please indicate any practical difficulties encountered in the implementation of the Convention.**
- VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

¹Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

ANNEX

LABOUR RELATIONS (PUBLIC SERVICE) RECOMMENDATION, 1978 (No. 159)

.....
1. (1) In countries in which procedures for recognition of public employees' organisations apply with a view to determining the organisations to be granted, on a preferential or exclusive basis, the rights provided for under Parts III, IV or V of the Labour Relations (Public Service) Convention, 1978, such determination should be based on objective and pre-established criteria with regard to the organisations' representative character.

(2) The procedures referred to in subparagraph (1) of this Paragraph should be such as not to encourage the proliferation of organisations covering the same categories of employees.

2. (1) In the case of negotiation of terms and conditions of employment in accordance with Part IV of the Labour Relations (Public Service) Convention, 1978, the persons or bodies competent to negotiate on behalf of the public authority concerned and the procedure for giving effect to the agreed terms and conditions of employment should be determined by national laws or regulations or other appropriate means.

(2) Where methods other than negotiation are followed to allow representatives of public employees to participate in the determination of terms and conditions of employment, the procedure for such participation and for final determination of these matters should be determined by national laws or regulations or other appropriate means.

3. Where an agreement is concluded between a public authority and a public employees' organisation in pursuance of Paragraph 2, subparagraph (1), of this Recommendation, the period during which it is to operate and/or the procedure whereby it may be terminated, renewed or revised should normally be specified.

4. In determining the nature and scope of the facilities which should be afforded to representatives of public employees' organisations in accordance with Article 6, paragraph 3, of the Labour Relations (Public Service) Convention, 1978, regard should be had to the Workers' Representatives Recommendation, 1971.
