

No. 12659

MULTILATERAL

Convention (No. 135) concerning protection and facilities to be afforded to workers' representatives in the undertaking. Adopted by the General Conference of the International Labour Organisation at its fifty-sixth session, Geneva, 23 June 1971

Authentic texts: English and French.

Registered by the International Labour Organisation on 24 July 1973.

MULTILATÉRAL

Convention (n° 135) concernant la protection des représentants des travailleurs dans l'entreprise et les facilités à leur accorder. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa cinquante-sixième session, Genève, 23 juin 1971

Textes authentiques : anglais et français.

Enregistrée par l'Organisation internationale du Travail le 24 juillet 1973.

CONVENTION¹ CONCERNING PROTECTION AND FACILITIES TO BE AFFORDED TO WORKERS' REPRESENTATIVES IN THE UNDERTAKING

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-sixth Session on 2 June 1971, and

Noting the terms of the Right to Organise and Collective Bargaining Convention, 1949,² which provides for protection of workers against acts of anti-union discrimination in respect of their employment, and

Considering that it is desirable to supplement these terms with respect to workers' representatives, and

¹ Came into force on 30 June 1973 for the following two members of the International Labour Organisation, i.e. twelve months after their ratifications had been registered by the Director-General of the International Labour Office, on the dates indicated, in accordance with article 8 (2):

Niger	5 April 1972
France	30 June 1972

Thereafter, ratifications by the following members of the International Labour Organisation have been registered by the Director-General of the International Labour Office on the dates indicated, to take effect twelve months after those dates, in accordance with article 8 (3):

Iraq	27 July 1972 (To take effect on 27 July 1973.)
Sweden	11 August 1972 (To take effect on 11 August 1973.)
Hungary	11 September 1972 (To take effect on 11 September 1973.)
Cuba	17 November 1972 (To take effect on 17 November 1973.)
Spain	21 December 1972 (To take effect on 21 December 1973.)
Ivory Coast	21 February 1973 (To take effect on 21 February 1974.)
United Kingdom of Great Britain and Northern Ireland	15 March 1973 (To take effect on 15 March 1974.)
Zambia	24 May 1973 (To take effect on 24 May 1974.)

² United Nations, *Treaty Series*, vol. 96, p. 257.

Having decided upon the adoption of certain proposals with regard to protection and facilities afforded to workers' representatives in the undertaking, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international convention,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-one the following convention, which may be cited as the Workers' Representatives Convention, 1971:

Article 1. Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

Article 2. 1. Such facilities in the undertaking shall be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently.

2. In this connection account shall be taken of the characteristics of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

3. The granting of such facilities shall not impair the efficient operation of the undertaking concerned.

Article 3. For the purpose of this Convention the term "workers' representatives" means persons who are recognised as such under national law or practice, whether they are

- (a) trade union representatives, namely, representatives designated or elected by trade unions or by the members of such unions; or
- (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

Article 4. National laws or regulations, collective agreements, arbitration awards or court decisions may determine the type or types of workers' representatives which shall be entitled to the protection and facilities provided for in this Convention.

Article 5. Where there exist in the same undertaking both trade union representatives and elected representatives, appropriate measures shall be taken, wherever necessary, to ensure that the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned and their representatives.

Article 6. Effect may be given to this Convention through national laws or regulations or collective agreements, or in any other manner consistent with national practice.

Article 7. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8. 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9. 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this article.

Article 10. 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12. At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13. 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14. The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Fifty-sixth Session which was held at Geneva and declared closed the twenty-third day of June 1971.

IN FAITH WHEREOF we have appended our signatures this thirtieth day of June 1971.