

# Checklist on the receivability of complaints to the CFA

## Complaint must be sent to the ILO Director-General

Is the complaint addressed to the ILO Director-General at the ILO Headquarters in Geneva?

YES  NO

- ▶ Submission through regional ILO offices, while receivable, may delay processing.

## Complaint must be in writing

Is the complaint directed to the ILO in writing?

YES  NO

## Complaint must be dated and include the permanent address of the complainant

Is the complaint dated?

YES  NO

Does the complaint indicate the permanent address of the complainant?

YES  NO

- ▶ The organization must have a permanent existence which makes it possible to correspond with it.

## Complaint must be lodged with the CFA against a government

Does the complaint clearly say that its intent is to lodge a complaint with the CFA against a specific government?

YES  NO

## Complaint must come from an employers' or workers' organization

(a) Does the complainant have consultative status with the ILO or is an international organization whose affiliated organizations are affected by the allegations?

YES  NO

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(b) Is the complainant a national organization, i.e. an organization with full national coverage, having a direct interest in the matter?

YES  NO

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(c) If the complainant is not a national organization, i.e. it has a more limited coverage (for example municipal or provincial), is the organization affiliated to or has it the support of a national or international organization under (a) or (b) above?

YES  NO

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(d) Is the complainant a registered organization? If the complainant is not a registered organization, it is important to explain why in the complaint, and to indicate whether it has the support of a national or international organization under (a) or (b) above.

YES  NO

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(e) If the complainant organization is in exile, has been dissolved or has failed to satisfy the national administration of its lawful existence, to enable the CFA to consider whether the complaint is receivable, has the complainant provided relevant information on its membership, statutes/by-laws, and national/international affiliations, and stated whether a national or international organization under (a) or (b) above supports the complaint?

YES  NO

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## Complaint should not be purely political in character

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Does the complaint contain allegations of infringements of freedom of association or the right to collective bargaining, or of human rights violations relating to the exercise of trade union rights?

YES  NO

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## The freedom of association Conventions do not need to be ratified

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- ▶ By membership of the ILO, each member State is bound to respect a certain number of principles, including the principles of freedom of association, regardless of ratification of the freedom of association Conventions.

## National remedies do not need to have been exhausted

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- ▶ The CFA determines in each case individually the importance of this general principle.
- ▶ The existence of a national appeal procedure nevertheless constitutes a factor that should be taken into account. If an administrative or judicial appeal concerning the issues raised in the complaint has been filed, it is important to indicate the outcome of the appeal proceedings and provide a copy of the decision. If there has not been a decision yet, it is suggested to send the decision as soon as it is issued.
- ▶ If an administrative or judicial appeal concerning the issues raised in the complaint has not been filed, it is important to explain why in the complaint.

## Complaint must be signed

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Is the complaint signed by an officer of the organization or a person authorized to take such action under the statutes of the organization or by a person holding power of attorney to act on behalf of the organization?



- ▶ An “entitled representative” does not include, e.g. a clerical assistant to the president or a lower-level official of the organization.
- ▶ If the complaint is signed by a lawyer, it is important to attach to the complaint the power of attorney given by the organization.
- ▶ While faxed and scanned complaints attached to emails may be receivable, electronic mails on their own are not, as they cannot be signed.