**Russian Federation**

**Federal Act (No. 10-FZ) on Trade Unions, their rights and guarantees of their activity.** Dated 12 January 1996.

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**Chapter I. General Provisions**

**Article 1. Subject-Matter of Regulation and Purposes of the Present Federal Act**

Public relations arising in the exercise by citizens of their constitutional right to association, creation, activity, reorganization and/or liquidation of trade unions, their amalgamations (associations), and primary trade union organizations shall be the subject-matter of regulation of the present Federal Act.

The present Federal Act shall lay down the legal principles underlying the creation of trade unions, and their rights and guarantees of activity, and shall regulate relations between trade unions and organs of state power, organs of local self-government, employers and their amalgamations (unions, associations), and other public entities, legal persons and citizens.

**Article 2. Right to Unite in Trade Unions**

1. The trade union shall be a voluntary public entity of citizens linked by common producer and professional interests, according to the line of their activity, set up for the purposes of representation and protection of their social-and-labour rights and interests.
All trade unions shall enjoy equal rights.

2. Every person attaining the age of 14 years and engaged in labour (professional) activity shall have the right to set up, at his discretion, trade unions for the protection of his interests,to join these, to engage in trade union activity and to withdrawfrom trade unions.
This right shall be exercised freely, without preliminary permission.

3. Russian Federation citizens resident outside Russian Federation territory may be members of Russian Federation trade unions.

4. Foreign citizens and stateless persons resident in Russian Federation territory may be members of Russian Federation trade unions, except in the cases established by Federal laws or international treaties of the Russian Federation.

5. Trade unions shall have the right to set up their own amalgamations (associations) according to the sectoral, territorial or other feature taking professional specifics into account, such as all-Russia amalgamations (associations) of trade unions, interregional amalgamations (associations) of trade unions, and territorial amalgamations (associations) of trade union organizations. Trade unions and their amalgamations (associations) shall have the right to cooperate with trade unions of other states, to enter into international trade union and other amalgamations and organizations, and to conclude treaties and agreements with them.

**Article 3. Basic Terms**

The terms used for the purposes of the present Act shall have the following meaning:

***primary trade union organization***

a voluntary association of trade union members working, as a rule, at one and the same enterprise, in one and the same institution, in one and the same organization, irrespective of form of ownership or subordination, operating on the basis of a statute adopted by it in conformity with its rules, or on the basis of a general statute of primary trade union organization of the respective trade union;

***all-Russia trade union***

a voluntary amalgamation of trade union members working in one or more branches of activity linked by common social-and-labour and professional interests, operating throughout Russian Federation territory or in the territories of over one-half of Russian Federation subjects or uniting at least one-half of the total number of workers of one or more branches of activity;

***all-Russia amalgamation (association) of trade unions***

a voluntary amalgamation of all-Russia trade unions and/or territorial amalgamations (associations) of trade union organizations operating throughout Russian Federation territory or in the territories of over one-half of Russian Federation subjects;

***interregional trade union***

a voluntary amalgamation of trade union members working in one or more branches of activity and operating in the territories of less than one-half of Russian Federation subjects;

***interregional amalgamation (association) of trade union organizations***

a voluntary amalgamation of interregional trade unions and/or territorial amalgamations (associations) of trade union organizations operating in the territories of less than one-half of Russian Federation subjects;

***territorial amalgamation (association) of trade union organizations***

a voluntary amalgamation of trade union organizations operating, as a rule, in the territory of one Russian Federation subject or in the territory of a town or district;

***territorial trade union organization***

a voluntary amalgamation of members of primary trade union organizations of one trade union operating in the territory of one Russian Federation subject, or in the territories of several Russian Federation subjects, or in the territory of a town or district;

***trade union body***

a body formed in conformity with the rules of a trade union, an amalgamation (association) of trade unions or the statute of a primary trade union organization;

***trade union representative (agent)***

a trade union organizer, a trade union group organizer, the leader of a trade union, of an amalgamation (association) of trade unions, of a trade union body, or other person duly authorized to act as representative by the rules of a trade union, an amalgamation (association) of trade unions, the statute of a primary trade union organization or by decision of a trade union body;

***organization***

an enterprise, institution or organization, irrespective of form of ownership or subordination;

***employer***

an organization (legal person), as represented by its senior executive (management), or a natural person with whom a worker has labour relations;

***employee***

a natural person working in an organization under a labour agreement (contract), a person engaged in individual entrepreneurial activity, a person studying at an educational institution of primary, secondary or higher professional education;

***trade union member***

a person (employee temporarily not working, pensioner) with membership in a primary trade union organization.

**Article 4. Sphere of Activity of the Present Federal Act**

1. The effect of the present Federal Act shall apply to all organizations in Russian Federation territory, and also to Russian Federation organizations abroad, and to other organizations in conformity with the international treaties of the Russian Federation.

2. The rights of trade unions and the guarantees of their activity, as written into the present Federal Act, shall apply to all primary trade union organizations, trade unions, their amalgamations (associations), and also to trade union bodies formed by them and to trade union representatives within the limits of their powers.

The specific application of the present Federal Act with respect to trade unions of military personnel, employees of Russian Federation internal affairs agencies, agencies of the Federal security service, Russian Federation customs agencies, Federal fiscal police agencies, judges and procurators shall be determined by the respective Federal laws.

**Article 5. Independence of Trade Unions**

1. Trade unions shall be independent in their activity from the organs of executive power, the organs of local self-government, employers and their amalgamations (unions, associations), political parties and other public entities, and shall not be accountable to them or subject to their control.

2. Interference by organs of state power, organs of local self-government and their officials in the activity of trade unions which may entail a restriction of trade union rights or hinder the legitimate exercise of their statutory activity shall be prohibited.

**Article 6. Legal Basis of Trade Union Activity**

1. The rights of trade unions in their relations with organs of state power, organs of local self-government, employers, their amalgamations (unions, associations), and other public entities, and the guarantees of their activity shall be determined by the Russian Federation Constitution, the present Federal Act, other Federal laws, and also the laws of Russian Federation subjects.

2. The legislation of Russian Federation subjects may not restrict the rights of trade unions and the guarantees of their activity, as provided for by Federal laws.

3. Where international treaties of the Russian Federation and conventions of the International Labour Organization ratified by the Russian Federation lay down rules other than those provided for by the present Federal Act, the rules of international treaties and conventions shall apply.

**Article 7. Rules of Trade Unions and Their Amalgamations (Associations), Statutes of Primary Trade Union Organizations**

1. Trade unions and their amalgamations (associations) shall independently work out and confirm their rules, the statutes of primary trade union organizations, and their structure; they shall form trade union bodies, organize their activity, convene meetings, conferences and congresses, and hold other functions.

2. The rules of trade union must provide for the following:

* + the title, objectives and tasks of the trade union;
	+ the categories and professional groups of member-citizens;
	+ the conditions and rules of formation of the trade union, admission to and withdrawal from its membership, the rights and duties of trade union members;
	+ the territory within which the trade union conducts its activity;
	+ the organizational structure;
	+ the rules of formation and the competence of trade union bodies, the duration of their powers;
	+ the procedure of entry of addenda and amendments to the rules, the procedure of payment of admission and membership fees;
	+ the sources of income and other property, the procedure of management of trade union property;
	+ the location of the trade union body;
	+ the procedure of reorganization, termination of activity and liquidation of the trade union, and use of its property in these cases;
	+ other matters relating to trade union activity.

3. The rules of an amalgamation (association) of trade unions must provide for the following:

* + the title, objectives and tasks of the amalgamation (association) of trade unions;
	+ the composition of participants;
	+ the territory within which it conducts its activity;
	+ the procedure of formation of trade union bodies and their competence;
	+ the location of the trade union body;
	+ the duration of the powers of the trade union body;
	+ the sources of income and other property, the procedure of management of trade union property;
	+ the procedure of entry of addenda and amendments to the rules;
	+ the procedure of reorganization, termination of activity and liquidation of the trade union amalgamation (association), and use of its property thereof in all cases;
	+ other matters relating to the activity of the trade union amalgamation (association).

**Article 8. Registration as Legal Person of Trade Unions, Their Amalgamations (Associations), Primary Trade Union Organizations**

1. The legal capacity of a trade union, of an amalgamation (association) of trade unions, and of a primary trade union organization as a legal person shall originate from the time of their state (notifying) registration with the Russian Federation Ministry of Justice or its territorial agency in an Russian Federation subject at the place of location of the respective trade union body.
The aforesaid registration shall be ground for entry of trade unions, their amalgamations (associations), and primary trade union organizations on the register of public entities.
The Russian Federation Ministry of Justice and its territorial agencies in Russian Federation subjects shall not have the right to control the activity of trade unions, their amalgamations (associations) or primary trade union organizations, or to deny them registration.
Trade unions, their amalgamations (associations), and primary trade union organizations shall have the right not to be registered with the Russian Federation Ministry of Justice or its territorial agencies in Russian Federation subjects. In such case, they shall not acquire the rights of legal person.
Trade unions, their amalgamations (associations), and primary trade union organizations shall address, within the period of one month from the day of heir formation, to the Russian Federation Ministry of Justice or its territorial agencies in Russian Federation subjects certified copies of their rules or statutes of primary trade union organizations, decisions of congresses (conferences, meetings) on the creation of trade unions, their amalgamations (associations), and primary trade union organizations, on confirmation of their rules or statutes of primary trade union organizations, lists of participating trade unions and their amalgamations (associations).
Registration of primary trade union organizations as legal person may also be effected by a duly authorized representative of the trade union body of the respective trade union.

2. Denial of registration or evasion thereof may be appealed against in court of law by trade unions, their amalgamations (associations) and primary trade union organizations.

Trade unions, their amalgamations (associations), and primary trade union organizations shall be exempted from the payment of registration fee on the basis of legislation on trade unions and the respective Federal law.

**Article 9. Prohibition of Discrimination Against Citizens by Reason of Trade Union Affiliation or Non-Affiliation**

1. Affiliation or non-affiliation with trade unions shall not entail any restriction of social-and-labour, political or other rights or freedoms of citizens guaranteed by the Russian Federation Constitutions, by Federal laws and by the laws of Russian Federation subjects.

2. Making a person's admittance to employment, promotion at work, and also dismissal from work conditional on his trade union affiliation or non-affiliation shall be prohibited.

**Article 10. Reorganization, Termination of Activity, Suspension, Prohibition of Activity and Liquidation of Labour Union or Primary Trade Union Organization**

1. The reorganization or termination of activity of a trade union or of a primary trade union organization shall be effected by decision of its members, in the manner determined by the rules of the trade union and the statute of the primary trade union organization, and the liquidation of a trade union or of a primary trade union organization as a legal person -- in conformity with Federal law.

2. Where the activity of a trade union is contrary to the Russian Federation Constitution, the constitutions (charters) of Russian Federation subjects or Federal laws, it may be suspended for a period of up to six months or prohibited by decision of the Russian Federation Supreme Court or the respective court of an Russian Federation subject, on the motion of the Russian Federation Procurator-General or the procurator of the respective Russian Federation subject. Suspension or prohibition of trade union activity by decision of any other agencies shall not be permitted.

**Chapter II. Basic Rights of Trade Unions**

**Article 11. Right of Trade Unions to Representation and Protection of Social-and-Labour Rights and Interests of Employees**

1. Trade unions, their amalgamations (associations), primary trade union organizations and their bodies shall represent and protect the rights and interests of trade union members in matters of individual labour relations and relations connected with labour, and in the field of collective rights and interests -- the aforesaid rights and interests of employees, irrespective of trade union membership, in the event of their being vested with powers of representation in the established manner.
Drafts of legislative acts affecting social-and-labour rights of employees shall be considered by Federal organs of state power with due account of the proposals of all-Russia trade unions and their amalgamations (associations).
Drafts of normative legal enactments affecting the social-and-labour rights of employees shall be considered and adopted by organs of executive power and organs of local self-government with due account of the opinion of the respective trade unions.
Trade unions shall have the right to make proposals for adoption by the respective organs of state power of laws and other normative enactments relating to the social-and-labour sphere.

2. Trade unions shall protect their members' right to free disposal of their capacity for labour, to choice of type of activity and profession, and also the right to remuneration for labour without any discrimination whatsoever and not below the minimum amount of labour remuneration established by Federal law.

3. Systems of labour remuneration, forms of material incentives, amounts of tariff rates (salaries), and also labour norms shall be established by employers and their amalgamations (unions, associations), by agreement with the respective trade union bodies, and shall be written into collective contracts and agreements.

4. Trade unions shall have the right to take part in the consideration of their proposals by the organs of state power, organs of local self-government, and also by employers, their amalgamations (unions, associations), and other public entities.

5. Trade union representatives shall have the right of unimpeded access to the organizations and workplaces where members of their trade unions work, for the purpose of implementing the statutory tasks and exercising the rights granted to trade unions.

**Article 12. Right of Trade Unions to Promote Employment**

1. Trade unions shall have the right to take part in working out state employment programmes, to propose measures for the social protection of trade union members made redundant as a result of restructuring or liquidation of an organization, and to exercise trade union control of employment and compliance with legislation in the field of employment.

2. Liquidation of an organization and its divisions, change in the form of property or the legal-organization form of an organization, full or partial suspension of production (work) entailing a reduction in the quantity of workplaces or a worsening of working conditions may be effected only after preliminary notification (at least three months in advance) of the respective trade unions and the holding with them of negotiations on observance of the rights and interests of trade union members.

3. Trade unions shall have the right to put before the organs of local self-government for their consideration proposals on deferment of dates or temporary abandonment of measures involving mass redundancy of employees.

4. Rescission on the employer's initiative of a labour agreement (contract) with an employee who is a trade union member may be made only with the preliminary consent of the respective trade union body, in the cases provided for by legislation and by collective contracts and agreements.

5. Recruitment and use in the Russian Federation of foreign manpower shall be effected with due account of the opinion, respectively, of all-Russia amalgamations (associations) of trade unions or territorial amalgamations (associations) of trade union organizations.

**Article 13. Right of Trade Unions and Primary Trade-Union Organizations to Conduct Collective Bargaining, Conclude Agreements and Collective Contracts, and Control Fulfillment Thereof**

1. Trade unions, their amalgamations (association), primary trade union organizations, and their bodies shall have the right to conduct collective bargaining and to conclude agreements and collective contracts on behalf of employees, in conformity with Federal law.
The representation of trade unions and their amalgamations (associations) in conducting collective bargaining and concluding agreements on behalf of employees on the Federal, sectoral or territorial level shall be determined with due account of the number of trade union members united by them.
Where several primary trade union organizations of different trade unions operate in an organization, their representation in collective bargaining and conclusion of collective contracts shall be determined with due account of the number of represented trade union members.
Conduct of bargaining and conclusion of agreements and collective contracts on behalf of employees by persons representing the employer shall be prohibited.

2. Employers, their amalgamations (unions, associations), organs of executive power and organs of local self-government shall have the duty to conduct collective bargaining with primary trade union organizations, trade unions and their amalgamations (associations) on social-and-labour matters, and also on matters of conclusion of collective contracts and agreements, where primary trade union organizations, trade unions and their amalgamations (associations) act as initiators of such bargaining, and to conclude collective contracts and agreements on the terms and conditions agreed by the parties.

3. Primary trade union organizations, trade unions and their amalgamations (associations) shall have the right to exercise trade union control of fulfillment of collective contracts and agreements.
In the event of breach by employers, their amalgamations (unions, associations), by organs of executive power and organs of local self-government of the terms and conditions of a collective contract or agreement, primary trade union organizations, trade unions, amalgamations (associations) of trade unions, and their bodies shall have the right to address to them motions on elimination of these breaches, which shall be considered within the period of one week. In the event of refusal to eliminate these breaches or of failure to reach agreement within the stated period, the disagreements shall be considered in conformity with Federal law.

**Article 14. Right of Trade Unions to Participate in Settlement of Collective Labour Disputes**

Trade unions shall have the right to participate in settling collective labour disputes, and shall have the right to organize and stage, in conformity with Federal law, strikes, meetings, rallies, street marches, demonstrations, picketing and other collective acts, making use thereof as a means for protection of the social-and-labour rights and interests of employees.

**Article 15. Trade Union Relations with Employers, Their Amalgamations (Unions, Associations), Organs of State Power, and Organs of Local Self-Government**

1. The relations of trade unions with employers, their amalgamations (unions, associations), organs of state power and organs of local self-government shall rest on the basis of social partnership and interaction of the parties to labour relations and their representatives, and also on the basis of a system of collective contracts and agreements.

2. Trade unions shall have the right to take part in the election of the organs of state power and organs of local self-government, in conformity with Federal legislation and the legislation of Russian Federation subjects.

3. Trade unions shall have rights equal with those of other social partners to parity participation in the management of state funds of social insurance, employment, medical insurance, pension and other funds formed out of insurance contributions, and shall also have the right to exercise trade union control of the use of monies from these funds. The charters (statutes) of these funds shall be confirmed in agreement with all-Russia amalgamations (associations) of trade unions or with the respective all-Russia trade unions.

4. Trade unions shall act to organize and conduct health-improvement measures among trade union members and their families. The amount of funds for these purposes shall be determined by the management body (board) of the Russian Federation Social Insurance Fund, on the motion of the respective trade unions.

5. Trade unions shall have the right to effect interaction with the organs of state power, organs of local self-government, amalgamations (unions, associations) and organizations for the development of sanatorium and health-resort treatment, institutions of rest and leisure, tourism, mass physical culture and sport.

**Article 16. Relations of Trade Unions, Primary Trade Union Organizations and Their Bodies with Other Representative Bodies of Employees in Organization and with Management Bodies of Organization**

1. Relations of trade unions, primary trade union organizations and their bodies with other representative bodies of employees in an organization shall rest on the basis of cooperation.
The presence of other representative bodies of employees in an organization may not be used to prevent the activity of trade unions in conformity with the present Federal Act.

2. Trade unions shall have the right to nominate their representatives as candidates for election to other representative bodies of employees in an organization.

3. Trade unions shall have the right, as authorized by employees, to have their representatives in the collegial management bodies of an organization.

4. Participation by trade union representatives in the work of other representative bodies of employees in an organization shall not deprive them of the right to apply directly to employers on matters affecting the interests of trade union members.

**Article 17. Right of Trade Unions to Information**

1. In order to conduct their statutory activity, trade unions shall have the right to receive, free of charge and without hindrance, information on social-and-labour matters from employers, their amalgamations (unions, associations), organs of state power and organs of local self-government.
Trade union bodies shall have the right to discuss obtained information with the invitation of representatives of employers, their amalgamations (unions, association), management bodies of the organization, organs of state power, and organs of local self-government.

2. Trade unions shall have the right to use state-owned mass media in the manner determined by contracts with their founders, and may also be founders of mass media, in conformity with Federal law.

**Article 18. Right of Trade Unions to Participate in Training and Higher Training of Trade Union Personnel**

Trade unions shall have the right to set up educational and scientific-research institutions, and to effect the training, retraining and higher training of trade union personnel and instruction of trade union personnel and trade union members.

Trade union educational and scientific-research institutions may be partially financed out of the funds of the respective budgets, in the established manner.

**Article 19. Right of Trade Unions to Exercise Trade Union Control of Compliance with Labour Legislation**

1. Trade unions shall have the right to exercise trade union control of compliance by employers and persons in office with legislation, including compliance in matters of labour agreement (contract), working time and time of rest, remuneration of labour, guarantees and compensations, benefits and preferences, and also in other social-and-labour matters in organizations in which the members of the given trade union work, and shall have the right to demand elimination of any discovered breaches. Employers and persons in office shall have the duty, within the period of one week from the time of receipt of a demand for the elimination of discovered breach, to inform the trade union on the results of the consideration thereof and the measures taken.

2. In order to exercise trade union control of compliance with labour legislation, trade unions shall have the right to set up their own labour inspectorates, which shall be vested with powers specified in trade union confirmed statutes.
Trade unions and their labour inspectorates shall, in exercising these powers, interact with state agencies of supervision and control of compliance with labour legislation.

3. Trade union labour inspectors shall have the right of unimpeded access to the organizations, irrespective of form of ownership or subordination, in which members of the given trade union work, in order to check up on compliance with legislation on labour and legislation on trade unions, and also on fulfillment by employers of the terms and conditions of the collective contract or agreement.

**Article 20. Rights of Trade Unions in Protection of Labour and Natural Environment**

1. Trade unions shall have the right to take part in drawing up state programmes on matters of protection of labour and the natural environment, and also in working out normative legal and other enactments regulating matters of labour protection, industrial disease, and ecological safety.

2. Trade unions shall exercise trade union control of the state of protection of labour and the natural environment through their bodies, their authorized persons (agents) for labour protection, and also their own labour-protection inspectorates operating on the basis of statutes confirmed by trade unions. For these purposes, they shall have the right of unimpeded access to the organizations, irrespective of form of ownership or subordination, their structural divisions and workplaces manned by members of the given trade union, to take part in investigation of accidents on the shop floor (at work), to protect the rights and interests of trade union members on matters of working conditions and safety on the shop floor (at work), compensation of harm caused to their health on the shop floor (at work), and also on other matters of protection of labour and the natural environment, in conformity with Federal legislation.

3. In the event of discovery of breaches posing a hazard to the life and health of employees, trade union bodies in an organization and trade union labour-protection inspectors shall have the right to demand of the employer immediate elimination of these breaches, and simultaneously to request the Federal Labour Inspectorate to take urgent measures.

4. At nonfulfillment of demands for elimination of breaches, especially in the event of a direct threat to the life and health of employees, trade union bodies and trade union labour-protection inspectors shall have the right to demand of the employer, of the management body of the organization, and of persons in office a suspension of operations pending adoption of a final decision by the Federal Labour Inspectorate. The employer and his officials shall have the duty to fulfill such a demand without delay.

5. Trade unions shall have the right to take part in the expert examination of the safety of labour conditions at industrial facilities being designed, built or operated, and also in the expert examination of the safety of designed and operated mechanisms and tools.

**Article 21. Trade Union Participation in Privatization of State-Owned and Municipal Property**

Trade unions shall have the right to have their own representatives in commissions being set up in an organization for the privatization of state-owned and municipal property, including social-purpose facilities.

A trade union representative shall be among the representatives of the organization appointed to the respective property management committee to take part in the work of the privatization commission of the organization and to exercise trade union control.

**Article 22. Rights of Trade Unions to Social Protection of Employees**

1. The rights of trade unions in social insurance and health protection, social security, improvement of living conditions and other types of social safeguards for employees shall be regulated by the appropriate Federal laws, and also by the laws of Russian Federation subjects.

2. Trade unions shall have the right to take part in drawing up social programmes designed to create conditions for human life in dignity and free development, in working out measures for the social protection of employees, in determining the basic criteria of living standards, the rate of indexation of wages, pensions, stipends, grants and compensations depending on changes in the price index, and shall also have the right to exercise trade union control of compliance with legislation in the aforesaid sphere.

**Article 23. Right of Trade Unions to Protection of Employee Interests in Agencies Considering Labour Disputes**

In the event of breach of labour legislation, trade unions shall have the right, at the request of trade union members and other employees, and also on their own initiative, to lodge appeals in protection of their labour rights with agencies considering labour disputes.

Trade unions may set up law services and consultations for the protection of the social-and-labour and other civil rights and professional interests of their members.

**Chapter III. Guarantees of Trade Union Rights**

**Article 24. Guarantees of Property Rights of Trade Unions**

1. Trade unions, their amalgamations (associations), and primary trade union organizations shall have possession, use and disposal of the property belonging to them by right of ownership, including money resources necessary for meeting their statutory objectives and tasks, and shall have possession and use of other property transferred to them in the established manner for their economic management.

2. Guarantees shall be provided for the recognition, immunity and protection of trade union rights of ownership, conditions for the exercise of these rights on a par with other legal persons, irrespective of form of ownership, in conformity with Federal laws, the laws of Russian Federation subjects, and legal enactments of the organs of local self-government.
Financial control of trade union funds by the organs of executive power shall not be exercised, except for control of earnings from entrepreneurial activity.
Restrictions on independent financial activity by trade unions shall not be permitted.
Alienation of trade union property may be made only by decision of court of law.

3. Trade unions shall not be liable for the obligations of organizations, organs of state power or organs of local self-government, which, for their part, shall not be liable for the obligations of trade unions.

4. The sources, procedure of formation of property and use of funds of trade unions shall be determined by their rules and statutes of primary trade union organizations.

5. Trade unions may have in their ownership land parcels, buildings, structures, installations, sanatorium, health-resort, tourist, sports and other health-improvement institutions, cultural-enlightenment, scientific and educational institutions, housing stock, and organizations, including publishing houses and printing works, and also securities and other property required for ensuring the statutory activity of trade unions.

6. Trade unions shall have the right to institute banks, solidarity funds, insurance and cultural-enlightenment funds, funds of instruction and training of personnel, and also other funds in accordance with the statutory objectives of trade unions.

7. Trade unions shall have the right to conduct entrepreneurial activity on the basis of Federal legislation through organizations established by them, in order to attain the objectives specified in the rules and in accord with these objectives.

**Article 25. Guarantees to Employees Who Are Members of Trade Union Bodies and Are Not Released from Main Duties**

1. Employees who are members of trade union bodies and are not released from their main duties may not be subjected to disciplinary penalties without the preliminary consent of the trade union body of which they are members; heads of trade union bodies in divisions of organizations -- without the preliminary consent of the respective trade union body in the organization; and heads of trade union bodies in an organization and trade union organizers -- without the preliminary consent of the body of the respective amalgamation (association) of trade unions.

2. Transfer of the aforesaid trade union employees to other work on the employer's initiative may not be made without the preliminary consent of the trade union body of which they are members.

3. Dismissal on the employer's initiative of employees who are members of trade union bodies and are not released from their main duties shall be permitted, apart from the general rules of dismissal, only with the preliminary consent of the trade union body of which they are members; dismissal of trade union group organizers -- only with the preliminary consent of the respective body of the division of the organization (and in the absence thereof -- of the respective trade union body in the organization); and dismissal of heads and members of trade union bodies in the organization and trade union organizers --only with the preliminary consent of the respective amalgamation (association) of trade unions.

4. Institution of disciplinary proceedings against trade union representatives for labour protection and trade union representatives on joint committees (commissions) for labour protection set up in the organization, their transfer to other work or dismissal on the employer's initiative shall be permitted only with the preliminary consent of the trade union body in the primary trade union organization.

5. Members of trade union bodies not released from their main duties, trade union representatives for labour protection, and trade union representatives in the joint committees (commissions) for labour protection set up in organizations shall be released from their main duties for fulfillment of trade union duties in the interests of the collective of employees, and also for periods of short-term trade union instruction. The conditions of release from main duties and the rules of remuneration for the time of fulfillment of trade union duties and the time of instruction of the aforesaid persons shall be determined by collective contract or agreement.

6. Members of trade union bodies not released from main duties shall be released therefrom for participation as delegates in congresses and conferences convened by trade unions, and also for participation in the work of elective bodies. The conditions of their release from work and the rules of remuneration for the time of participation in the aforesaid functions shall be determined by collective contract or agreement.

**Article 26. Guarantees for Full-Time Trade Union Personnel Elected (Delegated) to Trade Union Bodies**

1. Trade union personnel released from work in the organization in consequence of election (delegation) to elective posts in trade union bodies shall be returned to their former workplace (post) at the end of the period of their powers, and in the absence thereof shall be given other equivalent work (post) in the same organization or, with the employee's consent, in another organization.

2. Where it is impossible to provide appropriate work (post) at the former workplace in the event of the organization's restructuring, the employer or his successor or, in the event of liquidation of the organization, the trade union shall retain for the full-time trade union worker his average wage for the period of job placement, but not for over six months, and in the event of study or retraining, for a period of up to one year.

3. The time of work of full-time trade union personnel elected (delegated) to trade union bodies shall be credited to them in the overall and special labour seniority.

4. Full-time trade union personnel elected (delegated) to the body of a primary trade union organization shall have the same social-and-labour rights and benefits as other employees of the organization, in conformity with the collective contract or agreement.

**Article 27. Guarantees of Right to Work for Employees Who Were Members of Trade Union Bodies**

Dismissal on the employer's initiative of employees who were members of trade union bodies shall not be permitted within the period of two years after the end of the period of their powers, except where the organization is liquidated or where the employee commits acts entailing dismissal under Federal law. In such cases, the dismissal shall be made in the manner provided for in Clause 3 of Article 25 of the present Federal Act.

**Article 28. Employer's Duties to Create Conditions for Trade Union Activity**

1. The employer shall make available to trade unions operating in the organization, for use free of charge, the equipment, premises, transport vehicles and means of communication required for their activity, in conformity with the collective contract or agreement.

2. The employer may transfer to trade unions, for use free of charge, buildings, structures, premises and other facilities entered on the balance sheet of the organization or leased by it, and also rest and leisure centers, sports and health-improvement centers required for arranging rest and leisure, conduct of cultural-enlightenment, physical-culture and health-improvement work with employees and members on their families. In the event, the maintenance, repair, heating, lighting, cleaning, guarding, and also the equipment of the aforesaid facilities shall be effected by the organization, unless the collective contract or agreement provides otherwise.
The list of facilities and the amount of deductions of monies to the trade union for the conduct by it of social, cultural and other work in the organization shall be determined in the manner and on the conditions established by Federal legislation, the legislation of Russian Federation subjects, and by collective contract or agreement.

3. Where employees who are trade union members file written applications, the employer shall remit, monthly and free of charge, to the trade union's account trade union membership fees out of the wages of the employees, in conformity with the collective contract or agreement. The employer shall not have the right to delay the remittance of the aforesaid monies.

4. In organizations in which trade unions conclude collective contracts or agreements or which are covered by the effect of sectoral (intersectoral) tariff agreements, employers shall, on the written application of employees who are not trade union members, monthly remit to the account of the trade unions monies out of the wages of the aforesaid employees on the conditions and in the manner established by collective contracts or sectoral (intersectoral) tariff agreements. Where several trade unions which took part in signing a collective contract or sectoral (intersectoral) tariff agreement operate in the organization, the monies shall be remitted to the account of these trade unions in proportion to the number of their members.

**Chapter IV. Protection of Trade Union Rights**

**Article 29. Judicial Protection of Trade Union Rights**

The judicial protection of the rights of trade unions shall be guaranteed.

Cases of breach of trade union rights shall be heard by a court of law on the petition of a procurator or on a statement of claim or bill of complaint filed by the respective body of the trade union or primary trade union organization.

**Article 30. Liability for Breach of Trade Union Rights**

1. For breach of legislation on trade unions, officials of state agencies and organs of local self-government, employers, persons in office of their amalgamations (unions, associations) shall bear disciplinary, administrative or criminal liability, in conformity with Federal laws.

2. Bodies of all-Russia trade unions, of amalgamations (associations) of trade unions, and of primary trade union organizations shall have the right to demand the institution of disciplinary proceedings, including dismissal of persons in office in breach of legislation on trade unions and failing to fulfill obligations provided for by the collective contract or agreement.
On the demand of the aforesaid trade union bodies, the employer shall have the duty to abrogate a labour agreement (contract) with a person in office, where that person is in breach of legislation on trade unions and fails to fulfill his obligations under the collective contract or agreement.

**Chapter V. Liability of Trade Unions**

**Article 31. Liability of Trade Unions**

For nonfulfillment of its obligations under a collective contract or agreement, for organizing and staging a strike declared by a court of law to be illegal, trade unions and persons within their governing bodies shall bear liability under Federal laws.

**Chapter VI. Concluding Provisions**

**Article 32. Entry of the Present Federal Act into Force**

The present Federal Act shall enter into force from the day of its official promulgation.

**Article 33. Bringing of Legal Enactments into Conformity with the Present Federal Act**

The Russian Federation President shall be requested and the Russian Federation Government authorized to bring their legal enactments into conformity with the present Federal Act.