

By the Judgement of 27 October 2020 No. 44-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 7, para. 1 of the Federal Law “On Labour Unions, their rights and guarantees of their activities”.

The challenged provision was the subject of consideration to the extent which, providing for the requirement of consistency of the charters of associations of labour union organisations with the charters of associations of the respective labour unions, obliges a territorial association of labour union organisations, which is both a founder and a member of an all-Russian association of the relevant labour unions, to ensure that the provisions of their charter are in conformity with provisions of the charter of the all-Russian association of labour unions established thereby.

The Constitutional Court recognised the challenged provision as inconsistent with the Constitution of the Russian Federation to the extent which it, establishing the appropriate obligation of the territorial association of labour union organisations, being both a founder and a member of the all-Russian association of the corresponding labour unions, allows unjustified interference of the state in the activities of labour unions, as well as restriction of the right to association and freedom of activity of public associations, which is not consistent with constitutionally significant goals.

The Constitutional Court also noted that the recognition of the challenged legal provision as inconsistent with the Constitution of the Russian Federation and the loss of its legal force does not in itself cancel the provisions of the charter of an association of labour unions, obliging associations of labour union organisations which are the members thereof to ensure that their charters comply with the charter of this association, provided that such provisions of the charter have been adopted in the prescribed manner by the authorised bodies of the association of labour unions through democratic procedures.