



## SECOND ITEM ON THE AGENDA

**Date, place and agenda of the  
90th Session (2002) of the Conference****Proposals for the withdrawal of Recommendations  
Nos. 1, 5, 11, 15, 37, 38, 39, 42, 45, 50, 51, 54, 56,  
59, 63, 64, 65, 66, 72 and 73**

1. As stated in paragraph 19 of document GB.277/2/1, the present paper contains proposals for the withdrawal of 20 Recommendations. At its 88th Session (2000) the Conference will be called upon to decide on the withdrawal of an initial series of documents in accordance with article 45bis of its Standing Orders.<sup>1</sup> These Recommendations constitute a second series of instruments proposed for withdrawal.
2. The 20 Recommendations in question relate to various spheres. Ten of them concern employment: Unemployment Recommendation, 1919 (No. 1), Unemployment (Agriculture) Recommendation, 1921 (No. 11), Vocational Education (Agriculture) Recommendation, 1921 (No. 15), Employment Agencies Recommendation, 1933 (No. 42), Unemployment (Young Persons) Recommendation, 1935 (No. 45), Public Works (International Co-operation) Recommendation, 1937 (No. 50), Public Works (National Planning) Recommendation, 1937 (No. 51), Vocational Education (Building) Recommendation, 1937 (No. 56), Employment Service Recommendation, 1944 (No. 72) and Public Works (National Planning) Recommendation, 1944 (No. 73). Three relate to labour administration: Labour Inspection (Health Services) Recommendation, 1919 (No. 5), Inspection (Building) Recommendation, 1937 (No. 54) and Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59). The remaining seven deal with working conditions: Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37), Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38), Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39), Control Books (Road Transport) Recommendation, 1939 (No. 63), Night Work (Road Transport) Recommendation, 1939 (No. 64), Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65) and Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66).

<sup>1</sup> Conventions Nos. 31, 46, 51, 61 and 66: see doc. GB.271/4/2.

3. These instruments were examined by the Working Party on Policy regarding the Revision of Standards at the 274th<sup>2</sup> and 276th<sup>3</sup> Sessions of the Governing Body. They were found no longer to serve a useful purpose on account of either their de facto replacement by more modern instruments or because they related to a very specific time frame (this is the case for Recommendations Nos. 37, 38 and 39, in particular, whose purpose was for special investigations to be made within four years of their adoption). In accordance with the unanimous proposals of the Working Party on Policy regarding the Revision of Standards, approved by the Committee on Legal Issues and International Labour Standards, the Governing Body considered that all these Recommendations were obsolete and decided by consensus to propose their withdrawal to the Conference.<sup>4</sup>
4. Under article 12bis, paragraph 1, of the Standing Orders of the Governing Body, the Office is required to place before the Governing Body a report containing all relevant information it has regarding the withdrawal of the instruments concerned. The Governing Body will no doubt wish to consider, as when it placed the withdrawal of Conventions Nos. 31, 46, 51, 61 and 66 on the agenda in March 1998,<sup>5</sup> that this requirement has been fulfilled, since these Recommendations have already been examined on the basis of documents prepared by the Office (see appendix).
5. Under the terms of article 12bis, paragraph 2, of the Standing Orders of the Governing Body, the decision to place on the agenda of the Conference an item on withdrawal should be reached as far as possible by consensus. If such a consensus cannot be reached in two successive sessions of the Governing Body, it must obtain a four-fifths majority of the members of the Governing Body with a right to vote during the second of these sessions, by special dispensation from the provisions of article 18 of the Standing Orders.
6. In accordance with article 45bis of the Standing Orders of the Conference, if the Governing Body decides to place the question of the withdrawal of these instruments on the agenda of the 90th Session of the Conference, the Office is required to communicate to all governments, so that it reaches them at least 18 months before the session of the Conference, a short report and questionnaire inviting their opinion.
7. With regard to the practical consequences of a withdrawal, as established when the withdrawal of the five abovementioned Conventions<sup>6</sup> was placed on the agenda of the Conference, the instruments in question would no longer be reproduced in the official compendium of ILO Conventions and Recommendations. All that would remain would be their full title and number; there would also be a reference to the session and year of the Conference at which the decision of withdrawal was taken.

<sup>2</sup> Doc. GB.274/LILS/WP/PRS/3: Recommendations Nos. 1, 5, 11, 15, 42, 45, 50, 51, 54, 56, 59, 72 and 73.

<sup>3</sup> Doc. GB.276/LILS/WP/PRS/4: Recommendations Nos. 37, 38, 39, 63, 64, 65 and 66.

<sup>4</sup> Docs. GB.274/10/2 and GB.276/10/2.

<sup>5</sup> Doc. GB.271/4/2, para. 6.

<sup>6</sup> Doc. GB.271/4/2, para. 10.

**8. *The Governing Body may wish to place on the agenda of the 90th Session (2002) of the International Labour Conference an additional item relating to the withdrawal of Recommendations Nos. 1, 5, 11, 15, 37, 38, 39, 42, 45, 50, 51, 54, 56, 59, 63, 64, 65, 66, 72 and 73.***

Geneva, 31 January 2000.

*Point for decision:* Paragraph 8.



## Appendix<sup>1</sup>

### Excerpts from document GB.274/LILS/WP/PRS/3

#### II.1. R.1 – Unemployment Recommendation, 1919

- (1) *Related instruments:* This Recommendation was adopted together with the Unemployment Convention, 1919 (No. 2). These two instruments were supplemented by the Fee-Charging Employment Agencies Convention, 1933 (No. 34) (see the preamble to the Employment Agencies Recommendation, 1933 (No. 42)).
- (2) *Need for revision:* The 1974 study considered that Recommendation No. 1 (which deals with the abolition of fee-charging employment agencies, the recruitment of workers in one country with a view to their employment in another country, unemployment insurance and public works to combat unemployment) had been superseded (de facto) by later, more detailed standards covering these various areas.<sup>2</sup> The Ventejol Working Parties of 1979 and 1987 classified it in the category of “other instruments”. It was not reproduced in the Office’s compilation. Convention No. 2 was submitted to the Working Party for examination at the 267th and 268th Sessions of the Governing Body.<sup>3</sup> At the 268th Session, given the number of countries that had ratified it, the Governing Body decided to maintain the status quo for this instrument.<sup>4</sup> The standards that have been adopted on the same subjects include the Migration for Employment Convention, 1949 (No. 97), and Recommendation (Revised) (No. 86), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and Migrant Workers Recommendation, 1975 (No. 151), the Employment Policy Convention, 1964 (No. 122), and Recommendation (No. 122), and the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), and Recommendation (No. 176). As regards employment agencies, the instruments adopted subsequently are the Fee-Charging Employment Agencies Convention, 1933 (No. 34), and Employment Agencies Recommendation, 1933 (No. 42) (see paragraph II.5 below), the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), and the Private Employment Agencies Convention, 1997 (No. 181), and Recommendation (No. 188). It should be noted that, while Convention No. 2 merely provides for the establishment of free public employment agencies and the coordination of public and private agencies, Recommendation No. 1 recommends the adoption of measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit and to abolish those that already exist. Convention No. 34 (shelved by decision of the Governing Body)<sup>5</sup> and Recommendation No. 42, and subsequently Convention No. 96, progressively softened this radical position and led up to Convention No. 181 and Recommendation No. 188, which are the current standards on the subject and adopt a different approach, recognizing the role which private employment agencies may play in a well-functioning labour market, while protecting the rights of workers using their services. It therefore appears that Recommendation No. 1 can be considered to be obsolete.

<sup>1</sup> The recommendations of the Working Party on Policy regarding the Revision of Standards contained in the excerpts reproduced below have been endorsed by the Committee on Legal Issues and International Labour Standards and approved by the Governing Body (GB.274/10/2 and GB.276/10/2).

<sup>2</sup> GB.194/PFA/12/5, Appendix I, p. 58.

<sup>3</sup> GB.267/LILS/WP/PRS/2 and GB.268/LILS/WP/PRS/1.

<sup>4</sup> GB.268/8/2.

<sup>5</sup> GB.265/8/2.

- (3) *Proposals*: The Working Party might recommend to the Governing Body:
  - (a) to note that the Unemployment Recommendation, 1919 (No. 1), is obsolete;
  - (b) to propose to the Conference its withdrawal in due course.

**II.2. R.11 – Unemployment (Agriculture) Recommendation, 1921**

**R.45 – Unemployment (Young Persons) Recommendation, 1935**

**R.50 – Public Works (International Co-operation) Recommendation, 1937**

**R.51 – Public Works (National Planning) Recommendation, 1937**

**R.73 C Public Works (National Planning) Recommendation, 1944**

- (1) *Related instruments*: These Recommendations are autonomous.
  - (2) *Need for revision*: It was noted in the 1974 study that the Employment Policy Convention, 1964 (No. 122), and Recommendation (No. 122), laid down “comprehensive standards in the field of employment policy, which have [de facto] superseded the provisions of earlier Recommendations relating to particular groups of workers or to circumstances at a specific period. Accordingly, Recommendations Nos. 11, 50, 51, 71 and 73 may be considered to be no longer of current interest”.<sup>6</sup> The study also mentions that Recommendation No. 45 was superseded (de facto) by the Special Youth Schemes Recommendation, 1970 (No. 136).<sup>7</sup> The Ventejol Working Parties of 1979 and 1987 classified all these Recommendations in the category of “other instruments”. They are not reproduced in the Office’s compilation. It appears that these instruments can be considered as obsolete.
  - (3) *Proposals*: The Working Party might recommend to the Governing Body:
    - (a) to note that the Unemployment (Agriculture) Recommendation, 1921 (No. 11), the Unemployment (Young Persons) Recommendation, 1935 (No. 45), the Public Works (International Co-operation) Recommendation, 1937 (No. 50), the Public Works (National Planning) Recommendation, 1937 (No. 51), and the Public Works (National Planning) Recommendation, 1944 (No. 73), are obsolete;
    - (b) to propose to the Conference their withdrawal in due course.
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**II.5. R.42 C Employment Agencies Recommendation, 1933**

- (1) *Related instruments*: This Recommendation was adopted together with the Fee-Charging Employment Agencies Convention, 1933 (No. 34).
- (2) *Need for revision*: The Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of “other instruments”. It is not reproduced in the Office’s

<sup>6</sup> GB.194/PFA/12/5, Appendix I, p. 57.

<sup>7</sup> Examined below in para. II.4.

compilation. Convention No. 34 was revised for the first time by the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), and on a second occasion in 1997, at the same time as Convention No. 96, by the Private Employment Agencies Convention, 1997 (No. 181) (see Article 16 of the Convention), which is supplemented by the Private Employment Agencies Recommendation, 1997 (No. 188). As indicated above (paragraph II.1), the 1997 instruments, which are currently the most modern instruments on this subject, contain different objectives to those pursued previously by the Organization. Convention No. 34 was examined by the Working Party at the 265th Session of the Governing Body.<sup>8</sup> It was decided to shelve it with immediate effect.<sup>9</sup> This Convention is therefore considered as being obsolete. The same conclusion seems appropriate with regard to the Recommendation which accompanies it.

- (3) *Proposals*: The Working Party might recommend to the Governing Body:
- (a) to note that the Employment Agencies Recommendation, 1933 (No. 42), is obsolete;
  - (b) to propose to the Conference its withdrawal in due course.

## **II.6. R.72 C Employment Service Recommendation, 1944**

- (1) *Related instruments*: This Recommendation is autonomous. According to its Preamble, it follows on from Convention No. 2 (the Convention providing for the establishment of a “system of free public employment agencies under the control of a central authority”) and to Recommendation No. 71 (which requires the existence of an efficient employment service). As indicated in paragraph II.7 below, Recommendation No. 83 was intended to supplement it.
- (2) *Need for revision*: The 1974 study considered however that Recommendation No. 72 had been superseded (de facto) by Convention No. 88 and the Employment Service Recommendation, 1948 (No. 83).<sup>10</sup> In fact, over the years the 1948 instruments, which are more precise and comprehensive, became the reference instruments in this area, taking the place of the 1944 instrument. The Ventejol Working Parties of 1979 and 1987 classified this Recommendation in the category of “other instruments”. It is not reproduced in the Office’s compilation. It appears that this Recommendation could be considered to be obsolete.
- (3) *Proposals*: The Working Party might recommend to the Governing Body:
- (a) to note that the Employment Service Recommendation, 1944 (No. 72), is obsolete;
  - (b) to propose to the Conference its withdrawal in due course.
- [...]

## **II.8. R.15 C Vocational Education (Agriculture) Recommendation, 1921**

- (1) *Related instruments*: This Recommendation is autonomous.
- (2) *Need for revision*: The in-depth study of 1974 considered that it had been superseded (de facto) by the Vocational Training (Agriculture) Recommendation, 1956 (No. 101). The Ventejol Working

<sup>8</sup> GB.265/LILS/WP/PRS/1.

<sup>9</sup> GB.265/8/2 and GB.265/LILS/5.

<sup>10</sup> GB.194/PFA/12/5, Appendix I, p. 58.

Parties of 1979 and 1987 classified this Recommendation in the category of “other instruments”. It is not reproduced in the Office’s compilation. Recommendation No. 15 appears no longer to serve a useful purpose on account of its de facto replacement.

- (3) *Proposals:* The Working Party might recommend to the Governing Body:
  - (a) to note that the Vocational Education (Agriculture) Recommendation, 1921 (No. 15), is obsolete;
  - (b) to propose to the Conference its withdrawal in due course.

## **II.9. R.56 C Vocational Education (Building) Recommendation, 1937**

- (1) *Related instruments:* This Recommendation is autonomous. Other instruments were adopted the same year on safety in the building industry: the Safety Provisions (Building) Convention, 1937 (No. 62),<sup>11</sup> and Recommendation (No. 53), the Inspection (Building) Recommendation, 1937 (No.54) (examined in paragraph IV.2 below), and the Co-operation in Accident Prevention (Building) Recommendation, 1937 (No. 55).
  - (2) *Need for revision:* The 1974 study considered that this Recommendation was still of interest. Since that time, new provisions on the two areas to which it relates C vocational education and safety and health in the building industry C have been introduced in the following instruments: the Human Resources Development Convention, 1975 (No. 142), and Recommendation (No. 150) (examined in paragraph II.11 below); the Safety and Health in Construction Convention, 1988 (No. 167), and Recommendation (No. 175). (Convention No. 167 revises Convention No. 62, and Recommendation No. 175 replaces Recommendations Nos. 53 and 55.) The Ventejol Working Parties of 1979 and 1987 classified it in the category of “other instruments”. It appears that this Recommendation no longer serves any useful purpose.
  - (3) *Proposals:* The Working Party might recommend to the Governing Body:
    - (a) to note that the Vocational Education (Building) Recommendation, 1937 (No. 56), is obsolete;
    - (b) to propose to the Conference its withdrawal in due course.
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<sup>11</sup> The States parties to Convention No. 62 were invited to ratify the Safety and Health in Construction Convention, 1988 (No. 62), which ratification entails the immediate denunciation of Convention No. 62 (GB.268/8/2).

**IV.2. R.5 C Labour Inspection (Health Services)  
Recommendation, 1919**

[...]

**R.54 C Inspection (Building) Recommendation, 1937**

**R.59 C Labour Inspectorates (Indigenous Workers)  
Recommendation, 1939**

- (1) *Related instruments:* These Recommendations are autonomous. [...] Recommendation No. 54 is one of a series of instruments that were adopted in 1937 on the building industry (see paragraph II.9 above). Related to Recommendation No. 59 is the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64) (shelved by decision of the Governing Body).<sup>12</sup>
- (2) *Need for revision:* The 1974 study noted that Recommendations Nos. 5, [...], 54 and 59 were no longer of interest, given that they had been superseded by more developed standards adopted in 1947 and 1969.<sup>13</sup> These standards are the Labour Inspection Convention and Recommendation, 1947 (No. 81), the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). A Protocol to Convention No. 81 was adopted in 1995. The Ventejol Working Parties of 1979 and 1987 classified these [...] Recommendations in the category of “other instruments”. None of them is reproduced in the Office’s compilation. [...] It appears that the instruments concerned can be considered as being obsolete.

- (3) *Proposals:* The Working Party might recommend to the Governing Body:

[...]

- (b) to note that the Labour Inspection (Health Services) Recommendation, 1919 (No. 5), the Inspection (Building) Recommendation, 1937 (No. 54), and the Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59), are obsolete;
- (c) to propose to the Conference the withdrawal of Recommendations Nos. 5, 54 and 59 in due course.

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<sup>12</sup> GB.265/8/2.

<sup>13</sup> GB.194/PFA/12/5, Appendix I, p. 56.

## Excerpts from document GB.276/LILS/WP/PRS/4

### **II.5. R.37 C Hours of Work (Hotels, etc.) Recommendation, 1930** **R.38 C Hours of Work (Theatres, etc.) Recommendation, 1930** **R.39 – Hours of Work (Hospitals, etc.) Recommendation, 1930**

- (1) *Related instruments:* These three Recommendations are linked to the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30). Each of these instruments relates to a different category of establishment.
- (2) *Need for revision:* The purpose of these three Recommendations was to invite the member States to conduct inquiries into hours of work of different categories of workers excluded from the scope of Convention No. 30 and to inform the ILO of the results of that survey within a period of four years following the adoption of these Recommendations. These inquiries were intended to allow the Governing Body to examine the possibility of adopting Conventions in this area at a later date. The 1974 in-depth review noted that the force of these Recommendations was now spent<sup>14</sup> and the Ventejol Working Parties of 1979 and 1987 classified them in the category of “other instruments”. They are not reproduced in the Office’ compilation. These three Recommendations have now lost their intended purpose, which was strictly time-limited. Furthermore, the issue of hours of work of nursing personnel is currently dealt with in the Nursing Personnel Convention (No. 149) and Recommendation (No. 157) of 1977, and the issue of hours of work in the hotel and catering sector is dealt with in the Working Conditions (Hotels and Restaurants) Convention (No. 172) and Recommendation (No. 179) of 1991. In addition, the Reduction of Hours of Work Recommendation, 1962 (No. 116), is applicable to all categories of workers (see paragraph II.8 below). Consequently, Recommendations Nos. 37, 38 and 39 can be considered as being obsolete.
- (3) *Proposals:* The Working Party might recommend to the Governing Body:
  - (a) to note that the Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37), the Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38), and the Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39) are obsolete;
  - (b) to propose to the Conference the withdrawal of Recommendations Nos. 37, 38 and 39 in due course.

### **II.6. R.63 C Control Books (Road Transport) Recommendation, 1939** **R.64 – Night Work (Road Transport) Recommendation, 1939** **R.65 – Methods of Regulating Hours (Road Transport) Recommendation, 1939** **R.66 – Rest Periods (Private Chauffeurs) Recommendation, 1939**

- (1) *Related instruments:* The four Recommendations are linked to the Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67). That Convention was revised by the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153). The Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161), was adopted in conjunction with Convention No. 153.

<sup>14</sup> GB.194/PFA/12/5, Appendix I, p. 62.

- (2) *Need for revision:* The in-depth review of 1974 considered that Convention No. 67 was no longer adapted to present conditions, although it emphasized that the regulation of hours of work in road transport was a matter of considerable importance.<sup>15</sup> The Ventejol Working Parties of 1979 and 1987 classified all four Recommendations in the category of “other instruments”. They are not reproduced in the Office’s compilation. Convention No. 67 was examined by the Working Party during the 265th Session of the Governing Body.<sup>16</sup> The Governing Body decided to shelve it with immediate effect.<sup>17</sup> The provisions contained in Recommendations Nos. 63, 65 and 66, concerning respectively control books, the establishment of bargaining machinery with a view to implementing Convention No. 67 and the establishment of specific provisions covering private chauffeurs, were superseded de facto by the provisions contained in Convention No. 153 and Recommendation No. 161. As for Recommendation No. 64, it embodies an approach to the issue of night work which would appear to have become outdated since the adoption of the Night Work Convention (No. 171) and Recommendation (No. 178) in 1990. In particular, the emphasis in the new standards is no longer, as it was in Recommendation No. 64, on restrictions on the possibilities for night work, but on the protection of the safety and health of night workers, including the possibility of providing an alternative to night work in certain situations. Consequently, Recommendations Nos. 63, 64, 65 and 66 can be considered obsolete.
- (3) *Proposals:* The Working Party might recommend to the Governing Body:
- (a) to note that the Control Books (Road Transport) Recommendation, 1939 (No. 63), the Night Work (Road Transport) Recommendation, 1939 (No. 64), the Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65), and the Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66), are obsolete;
  - (b) to propose to the Conference the withdrawal of Recommendations Nos. 63, 64, 65 and 66 in due course.

<sup>15</sup> GB.194/PFA/12/5, Appendix I, p. 61.

<sup>16</sup> GB.265/LILS/WP/PRS/1.

<sup>17</sup> GB.265/8/2.