

Memorandum

International Labour Organization

89th Session of the International Labour Conference

Geneva
5 – 21 June 2001



International Labour Office
Geneva
<http://www.ilo.org/ilc>

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A. Date, place and agenda of the Conference

The 89th Session of the International Labour Conference will be held in Geneva from **Tuesday, 5 to Thursday, 21 June 2001**.

The proceedings of the Conference will take place in the *Palais des Nations* and in the headquarters of the International Labour Office. The opening sitting will be held in the Assembly Hall of the *Palais des Nations* and will begin at **11 a.m. sharp on Tuesday, 5 June**.

Preliminary Meetings

Government, Employer and Worker members of the Conference will hold preliminary meetings of their respective groups on **Monday, 4 June**.

Committees

The committees will begin their work on **Tuesday, 5 June in the afternoon** or on **Wednesday, 6 June in the morning**, as the case may be.

The agenda of this session is as follows:

Standing items

- I.(a) Reports of the Chairman of the Governing Body and of the Director-General.
- I.(b) Global report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.
- II. Programme and budget and other questions.
- III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

- IV. Safety and health in agriculture (*second discussion*).
- V. Promotion of cooperatives (*first discussion*).
- VI. Social security — issues, challenges and prospects (*general discussion*).

B. Information on the agenda

I.(a) Reports of the Chairman of the Governing Body and of the Director-General

The discussion of these documents in plenary sitting will begin on Monday, 11 June.

The Chairman of the Governing Body will submit to the Conference a report on the work carried out by the Governing Body during the preceding year.

The Conference will also have before it a Report of the Director-General of the International Labour Office, in accordance with paragraphs 1 and 2 of article 12 of the Conference Standing Orders. This report will examine how decent work might be achieved in practice at the national level within a global economy.

It is worth recalling in connection with the discussion of these reports that the Working Party of the Governing Body of the International Labour Office on the Programme and Structure of the ILO formulated in 1967 a number of principles, in respect of which it expressed the wish that attention should be drawn to them in this memorandum. These principles, which are set forth in paragraphs 54 to 58 of the Fourth Report of the Working Party, are as follows:

54. Freedom of speech is the life-blood of the International Labour Organization. The Declaration of Philadelphia proclaims the principle that “freedom of expression and of association are essential to sustained progress”; it thereby treats freedom of speech as the corollary of freedom of association in the context of the fundamental principles on which the International Labour Organization is based. There is no immunity from criticism for anyone — a government, an employer or a worker — in the ILO.

55. Freedom of speech includes freedom to reply; he who criticizes must expect those criticized to defend their views and conduct and must be prepared to accept similar criticism of his own views and conduct.

56. The fundamental purposes of the ILO, as defined in the Constitution and the Declaration of Philadelphia, embrace so wide a range, including social justice as a contribution to lasting peace and the right of all human beings, irrespective of race, creed or sex, to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, that the limits of debate in the International Labour Conference can never be narrowly circumscribed. The ILO has a continuing responsibility to focus attention on these objectives and criteria of policy irrespective of political considerations.

57. There is nevertheless an essential distinction to be made between the purpose and proper scope of such debate in the International Labour Conference and the discussion of political matters in such organs of the United Nations as the Security Council and the General Assembly, which are entrusted by the Charter with responsibility for political decisions in the United Nations system.

58. In periods of acute political tension the ILO has a twofold responsibility to uphold the values of human freedom and dignity enshrined in its Constitution, and to circumscribe rather than extend the area of international tension by ensuring the fullest possible degree of continued cooperation in pursuit of the objectives of the ILO. Every delegate to the International Labour Conference therefore has an obli-

gation to the Conference to keep these considerations constantly in mind, and the President has an obligation to ensure that the Conference does not lose sight of them.

Time-limit for speeches

So as to enable as many speakers as possible to take the floor, the Conference will have before it a unanimous recommendation by the Governing Body to set the time-limit for speeches to a **maximum of five minutes**.

Visiting ministers, delegates, observers and representatives of international organizations will certainly wish to bear it in mind when preparing their speeches, to avoid running the risk of being asked to resume their seats before they have concluded.

1.(b) Global report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

The Follow-up to the Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference at its 86th Session (1998), calls on the Director-General to draw up a report to provide every year a dynamic global picture relating to the implementation of one of the four categories of fundamental principles and rights. The Governing Body has decided that the second global report will be on **the elimination of all forms of forced or compulsory labour**.

The global report, drawn up under the responsibility of the Director-General, will portray worldwide trends in relation to the chosen category of principles and rights, for both States that have and those that have not yet ratified the relevant fundamental ILO Conventions. The report is to serve as a basis for (a) an assessment of the effectiveness of the assistance provided by the Organization and (b) a subsequent determination by the Governing Body of priorities and plans of action for technical cooperation in the area concerned for the next four-year period.

The Follow-up to the Declaration foresees a discussion of this report undertaken separately from reports under article 12 of the Conference Standing Orders.

The Governing Body decided at its 279th Session (November 2000) to invite the Conference to adopt the following ad hoc arrangements for the discussion of the second global report:

- To convene two plenary sittings on the same day during the second week of the Conference, with the possibility, if necessary, of extending the sitting or convening a further sitting on the same day or on a different day, as appropriate.

- To suspend the application of article 12, paragraph 3, and of article 14, paragraph 6, of the Standing Orders of the Conference that limit the number of statements by each speaker and the speaking time in plenary.
- To divide the time available into three phases: a first phase devoted to opening statements by the spokespersons of the Employers and Workers and, if appropriate, by other delegates; a second phase for statements by individual delegates; and a third phase to allow spokespersons of the groups and other delegates to make their concluding remarks in the discussion.
- To set the speaking time at ten minutes for speeches by group spokespersons and at five minutes for delegates' speeches.

The attention of delegates is drawn to the fact that, in order to promote an interactive debate, a series of points for discussion will be included in the global report.

II. Programme and budget and other questions

The Conference will be called upon to examine and adopt the programme and budget of the ILO for the 2002-2003 biennium and to consider such other financial and administrative matters as the Governing Body may decide to bring to its attention.

III. Information and reports on the application of Conventions and Recommendations

In pursuance of articles 19 and 22 of the ILO Constitution, governments are required to communicate information and reports to the Director-General on the measures taken to bring the Conventions and Recommendations adopted by the Conference before the competent national authorities, and to give effect to the Conventions which they have ratified, as well as on the position of their countries with regard to the subject matter of Conventions which they have not ratified and of Recommendations. Under articles 22 and 35, governments which have not ratified Conventions shall supply the Director-General with information and reports concerning the application of such Conventions, as the case may be, in non-metropolitan territories.

The Conference will consider information and reports supplied by governments in pursuance of the above-mentioned articles of the Constitution together with the report of the Committee of Experts on the Application of Conventions and Recommendations. At the 89th Session the reports submitted in pursuance of article 19 of the Constitution will deal with the Night Work (Women) Convention, 1919 (No. 4), the Night Work (Women) Convention (Revised), 1934

The smooth functioning of the Conference depends on the delegates having the opportunity to study beforehand the documents prepared by the International Labour Office on which the discussions are based. The attention of governments is therefore drawn to the importance of ensuring that the reports sent to them on the various items on the agenda are distributed in good time to Government delegates, as well as to those representing employers and workers.

E. Publication of the Provisional Records

During the session the proceedings of the Conference will be published in Provisional Records in English, French and Spanish. These Provisional Records may also be consulted on the ILO's website.

F. Composition of delegations

Article 3, paragraph 1, of the Constitution of the ILO provides that each delegation to a session of the International Labour Conference shall be composed of **four** delegates, namely **two** Government delegates, **one** delegate representing the employers and **one** delegate representing the workers.

In accordance with the provisions of article 3, paragraph 2, of the Constitution, each delegate may be accompanied by not more than two advisers for each separate item placed on the agenda. Items IV, V, and VI are separate items on the agenda of the session. In addition, the item "Information and reports of the application of Conventions and Recommendations" is considered as a separate item within the meaning of the above-mentioned provision of the Constitution, that is to say with a view to the appointment of advisers. In these circumstances **each Government, Employers' and Workers' delegate to the 89th Session may be accompanied by not more than eight advisers.**

Governments are requested, when composing their delegations, to give consideration to the importance of making arrangements for representation at the plenary sittings when such sittings are held simultaneously with the sittings of committees.

Representation of non-governmental delegates and advisers

Article 3, paragraph 5, of the Constitution provides that:

The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

In connection with this provision, the Credentials Committee at the 46th Session (1962) of the Conference, having before it cases where several representative organizations existed in one and the same country, made the following statement in this regard:

This article requires: (a) that there shall be consultations; (b) that these consultations shall be entered into with the most representative organizations of employers and workpeople, in the country in question, provided such organizations exist; and (c) that the delegates finally appointed should be chosen in agreement with the said organizations.

Certainly, agreement cannot always be reached. But genuine consultations undertaken in good faith are essential. In Advisory Opinion No. 1 of the Permanent Court of International Justice — which relates particularly to countries where there are several representative organizations ... it is stated in particular with regard to the obligation laid down in paragraph 5 of article 3 of the Constitution, that:

The engagement ... is not a mere moral obligation. It is a part of the Treaty and constitutes an obligation by which the Parties to the Treaty are bound to one another.

The obligation is that the persons nominated should have been chosen in agreement with the organisations most representative of employers or workpeople, as the case may be. There is no definition of the word "representative" in the Treaty. The most representative organisations for this purpose are, of course, those organisations which best represent the employers and the workers respectively. What these organisations are, is a question to be decided in the particular case, having regard to the circumstances in each particular country at the time when the choice fails to be made. Numbers are not the only test of the representative character of the organisations, but they are an important factor; other things being equal, the most numerous will be the most representative. The article throws upon the Government of the State the duty of deciding, on the data at its disposal, what organisations are, in point of fact, the most representative ...

The only object of the intervention of industrial organisations, in connection with the selection of delegates and technical advisers, is to ensure, as far as possible, that the Government should nominate persons whose opinions are in harmony with the opinions of employers and workers respectively. If, therefore, in a particular country there exist several industrial organisations representing the working classes, the Government must take all of them into consideration when it is proceeding to the nomination of the Workers' delegate and his technical advisers. Only by acting in this way can the Government succeed in choosing persons who, having regard to the particular circumstances, will be able to represent at the Conference the views of the working classes concerned ...

The aim of each Government must, of course, be an agreement with all the most representative organisations of employers and workers, as the case may be; that, however, is only an ideal which is extremely difficult to attain.

What is required of the Governments is that they should do their best to effect an agreement, which, in the circumstances, may be regarded as

*the best for the purpose of ensuring the representation of the workers of the country.*¹

.....

The Credentials Committee feels bound to appeal very strongly ... to all the Governments of the States Members of the Organization to conform strictly to the Constitution when appointing non-Government delegates to the International Labour Conference. Arbitrary choice of such delegates by the Governments from lists submitted by organizations of greatly varying sizes, without any effort at genuine consultation to reach an agreement with the most representative organizations, constitutes an abuse which, if it is not remedied, could lead the International Labour Conference into a situation which would be dangerous for the entire Organization ...

Furthermore, to ensure an equal representation of employers and workers on the committees of the Conference it is desirable that, so far as possible, equal numbers of Employers' and Workers' advisers should be appointed in each delegation.

The Credentials Committee at the 61st Session (1976) of the Conference drew attention to the imbalance which in certain cases existed between the number of advisers to the delegates of each group. It once again urged governments to take greater account, when nominating delegations, of the proportions in the composition of the Conference envisaged by paragraphs 1 and 2 of article 3 of the Constitution.

Governments will no doubt wish to ensure that **the delegations attending the Conference are appointed in accordance with the provisions of the Constitution, that they comprise four delegates and that they are fully tripartite**. In this connection, the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organization which was adopted by the Conference at its 56th Session (1971) requests that member States be reminded that "they are obliged to send tripartite delegations whose members are able to act in full independence of one another", and that they be asked "when communicating the credentials of members of the delegations representing employers and workers, to state for the information of the Credentials Committee which employers' and workers' organizations were consulted and also **to confirm that the travelling and living expenses of such delegates and their advisers are in fact being borne by the member State, in accordance with the terms of the Constitution**".

As a result of a request made by the Credentials Committee at the 79th Session (1992) of the Conference, governments are asked in the

¹ Copies of the Advisory Opinion No. 1 are available on request.

attached form for credentials to provide such confirmation or to state the difficulties which prevent them from wholly or partially covering the expenses referred to.

The attention of governments is drawn to paragraphs 9, 10 and 11 of article 26 of the Conference Standing Orders which empower the Credentials Committee to consider complaints alleging non-compliance with the obligation of governments under article 13, paragraph 2 (a), of the Constitution to cover such expenses.

Furthermore, to give effect to the request made by the Credentials Committee at the 88th Session (2000) of the Conference, governments are urged, when completing the form for credentials, to specify, in respect of each Employer and Worker delegate and adviser, the organization to which they belong and their function within that organization.

Representation of women on national delegations

The ILO Constitution provides in article 3, paragraph 2, that when questions specially affecting women are to be considered by the Conference, at least one of the advisers should be a woman. In addition, it is nowadays generally recognized that all questions discussed at the Conference are of equal concern to women and men. In view of the low proportion of women on national delegations over the years, the Conference has adopted several resolutions urging those concerned to find a solution to this problem.

Consequently, as early as 1975, at its 60th Session, the Conference asked in a resolution that women be appointed to delegations on the same basis and by the same standards as men. At its 67th Session (1981) it adopted another resolution urging that efforts be made in all member States to include women in national delegations among both Government and non-Government delegates and advisers. Subsequently, in a resolution concerning ILO action for women workers, adopted at its 78th Session (1991), the Conference called upon governments and workers' and employers' organizations to include more women in their delegations to the International Labour Conference.

G. Credentials

It is absolutely essential that, as laid down in article 26, paragraph 1, of the Standing Orders of the Conference, the credentials of delegates to the Conference and their advisers are deposited with the

International Labour Office **at least 15 days** before the date fixed for the opening of the session of the Conference. As the Conference will open on 5 June 2001, **the last date for the deposit of the credentials of all delegates and advisers is Monday, 21 May 2001.**

In recent years, a number of delegations have not observed the deadline for the deposit of credentials, with the result that it has become extremely difficult to deliver delegates' admission badges in time for the opening of the Conference, to seat delegations in the Assembly Hall of the Palais des Nations and to finalize the lists of committee members. As some 3,000 persons take part in the work of the Conference, **it is of the utmost importance that governments return to the ILO by Monday, 21 May at the latest the attached form for credentials. This would not only ensure the smooth running of the Conference but would also be in the interest of the delegations themselves.**

H. Delegates with a disability

Finally, it should be pointed out that since the premises of the Conference are accessible to **disabled persons** there is no physical barrier to their nomination as delegates or advisers. The Official Relations Branch of the International Labour Office may be contacted for additional information.

I. Accommodation for delegations in Geneva

The International Labour Office does not have a hotel reservation service. It is therefore suggested that delegations to the Conference request the diplomatic representations of member States in Geneva or, where applicable, in Berne, to make the necessary reservations with hotels in the Geneva area as early as possible. Reservations may also be made through the:

**Office du tourisme de Genève
18, rue du Mont Blanc
P.O. Box 1602
CH-1211 Genève 1
Telephone: (41.22) 909.70.00
Facsimile: (41.22) 909.70.11
Internet site: <www.geneve-tourisme.ch>**

It is highly advisable to reserve hotel accommodation well in advance.

J. Entry visas for Switzerland and France

Entry visas for Switzerland are issued primarily by Swiss diplomatic representations abroad. Delegates to the Conference who require an entry visa should submit a personal request to the Swiss embassy or consulate in their country of residence. Delegates may wish to note that visas are issued upon arrival at the airport in Geneva only in exceptional circumstances.

The French Consulate in Geneva is not authorized to issue entry visas for France to temporary visitors to Switzerland without first referring the application to the French embassy or consulate in the applicant's home country. Consequently, members of the delegations wishing to visit or stay in France during the session of the Conference should obtain the necessary single or multiple entry visas for France in their own country before leaving for Switzerland.

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