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Withdrawal of twenty Recommendations

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ABBREVIATIONS

CCP	Confederation of Portuguese Business
CDSA	Democratic Confederation of Autonomous Trade Unions (Gabon)
CNC	National Confederation of Commerce (Brazil)
CNF	National Confederation of Financial Institutions (Brazil)
CNI	National Confederation of Industry (Brazil)
CNT	National Labour Council (Belgium)
CSG	Gabonese Trade Union Congress
FCCISM	Federation of Chambers of Commerce, Industry and Services of Morocco
LJEWU	Lanka Jathika Estate Workers' Union (Sri Lanka)
UGT	General Union of Workers (Portugal)
UPS	Confederation of Swiss Employers
USCIB	United States Council for International Business

INTRODUCTION

At its 277th Session (March 2000), the Governing Body of the International Labour Office decided, in accordance with article 12bis of its Standing Orders, to place on the agenda of the 90th Session (2002) of the International Labour Conference an item relating to the withdrawal of 20 Recommendations.¹ Six of these concern *employment policy*: Unemployment Recommendation, 1919 (No. 1), Unemployment (Agriculture) Recommendation, 1921 (No. 11), Unemployment (Young Persons) Recommendation, 1935 (No. 45), Public Works (International Co-operation) Recommendation, 1937 (No. 50), Public Works (National Planning) Recommendation, 1937 (No. 51), and Public Works (National Planning) Recommendation, 1944 (No. 73). Two Recommendations relate to *employment services and employment agencies*: Employment Agencies Recommendation, 1933 (No. 42), and Employment Service Recommendation, 1944 (No. 72). Two concern *vocational guidance and training*: Vocational Education (Agriculture) Recommendation, 1921 (No. 15), and Vocational Education (Building) Recommendation, 1937 (No. 56). Three Recommendations deal with *labour inspection*: Labour Inspection (Health Services) Recommendation, 1919 (No. 5), Inspection (Building) Recommendation, 1937 (No. 54), and Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59). Seven further Recommendations relate to *hours of work*: 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).

In accordance with article 45bis of the Standing Orders of the Conference concerning the procedure to follow in order to abrogate or withdraw Conventions or Recommendations, the Office drew up a first report and a questionnaire requesting all governments to indicate their positions with regard to withdrawal, providing all relevant information.² After recalling the decisions of the Conference and the Governing Body according to which the Conference may now proceed with the withdrawal of Conventions which have not entered into force and Recommendations, the report sums up the reasons put forward by the Governing Body in proposing that these Recommendations should be withdrawn. It was sent to the ILO member States, who were invited to communicate their replies to the Office by 1 November 2001 at the latest.

¹ Document [GB.277/2/2](#).

² ILO: *Withdrawal of twenty Recommendations*, [Report VII \(1\)](#), International Labour Conference, 90th Session, Geneva, 2002.

At the time of drawing up this report, the Office had received replies from the following 67 member States:³ Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium,⁴ Benin, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland,⁵ France, Gabon, Greece, Hungary,⁶ Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden,⁷ Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

The Office drew the attention of governments to article 45bis, paragraph 2, of the Standing Orders of the Conference, which requests that they “consult the most representative organizations of employers and workers before finalizing their replies”.

The governments of the following 50 member States indicated that employers’ organizations and/or workers’ organizations had been consulted or associated in drawing up the replies: Australia, Austria, Barbados, Belarus, Belgium, Benin, Brazil, Cambodia, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Lebanon, Lithuania, Mauritius, Republic of Moldova, New Zealand, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Suriname, Sweden, Switzerland, Syrian Arab Republic, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

In the case of the following 28 member States the replies of employers’ and workers’ organizations were incorporated into those of the government, were appended or were communicated directly to the Office: Austria, Barbados, Belarus, Belgium, Benin, Brazil, Colombia, Croatia, Czech Republic, Estonia, Finland, Gabon, Hungary, Japan, Republic of Korea, Mauritius, Morocco, New Zealand, Peru, Poland, Portugal, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Ukraine, United Kingdom, United States.

The present report has been drawn up on the basis of the replies received, the essential points of which are given in the following pages together with brief commentaries.

³ Replies that arrived too late to be included in the report may be consulted by delegates at the Conference.

⁴ The Government of Belgium sent the opinion of the National Labour Council (CNT) with its reply.

⁵ The Government of Finland communicated the opinion of the Tripartite ILO Committee.

⁶ The Government of Hungary communicated the opinion of the National ILO Council.

⁷ The Government of Sweden communicated the opinion of the Tripartite ILO Committee.

SUMMARY OF REPLIES RECEIVED AND COMMENTARIES

This section contains a summary of the general observations formulated by governments and employers' and workers' organizations, as well as their replies to the questionnaire.

Following an examination of the general observations, each question is followed by the total number of replies received, and the number of affirmative, negative and other replies, together with a list of the governments from which they originated. The reservations or explanations accompanying the governments' replies, and the observations of employers' and workers' organizations, are presented alphabetically by country, in succinct form. Replies which may be regarded as a simple affirmative or negative are not reproduced, except in cases where the replies of employers' or workers' organizations diverge from those of the government.

The general observations and the replies to questions are followed by brief Office commentaries. The replies and commentaries have been grouped together by subject, in accordance with the presentation of the first report.

General observations

BAHRAIN

The Government has no objection to the withdrawal of these Recommendations, given that they are obsolete. It would be advisable to draft new, more appropriate, Recommendations, in the areas concerned.

BELGIUM

National Labour Council (CNT): The Council has indicated its support for the withdrawal of the 20 Recommendations for the reasons set out in the Office report. However, the withdrawal of these instruments must not weaken the protection enjoyed by workers in those countries that have accepted their provisions. The withdrawal should also be neutral with regard to other ILO instruments in the areas in question.

COSTA RICA

The 20 Recommendations in question should be withdrawn for the reasons given by the Office in its report and also because they have been replaced by the Conventions ratified by Costa Rica. Furthermore, withdrawal would be helpful in clarifying national law. These provisions as a whole appear to be ineffective at national level, in the light of the changes brought about by globalization.

CZECH REPUBLIC

The Czech Republic fully supports the proposal to withdraw these 20 Recommendations and endorses the efforts made by the ILO to make its activities more effective and improve transparency in its standards-related activities.

GABON

Democratic Confederation of Autonomous Trade Unions (CDSA): The Confederation has examined seven of the 20 Recommendations proposed for withdrawal in the light of prevailing social, political and economic conditions in the country, which are characterized by the knock-on effects of progressive deregulation of the employment service and labour legislation. While they may appear to be obsolete, a number of these Recommendations remain relevant for Gabon and fill certain gaps in legislation.

MOROCCO

Federation of Chambers of Commerce, Industry and Services of Morocco (FCCISM): The Federation supports the withdrawal of these 20 obsolete Recommendations for the reasons given by the Governing Body. International labour standards should form a homogeneous body such as to preclude discrepancies and duplication, and thus facilitate their implementation at the national level. In general terms, the FCCISM considers, like the International Organisation of Employers, that ILO Conventions and Recommendations should focus on fundamental principles. It should be left to governments to legislate on the basis of those principles, in consultation with employers' and workers' organizations.

NEW ZEALAND

The withdrawal of the 20 Recommendations in question is a logical step in the process of ensuring that the ILO standards system is up to date and consistent.

PORTUGAL

The system of international labour standards needs to be improved and made more relevant. With that in mind, the Recommendations in question should be withdrawn. A number of them have been replaced by more recent instruments, while others addressed concerns specific to the time when the instruments were adopted.

Confederation of Portuguese Business (CCP): The withdrawal of the obsolete instruments would create greater clarity and would improve the general perception of the ILO and its standards. There is no reason to retain these 20 Recommendations within the ILO's standards system.

SWITZERLAND

The Confederation of Swiss Employers (UPS) welcomes the withdrawal of these 20 Recommendations, which marks an important step in the modernization of the ILO's standards system.

UNITED STATES

The Government fully supports the recommendations of the Working Party on Policy regarding the Revision of Standards, the Committee on Legal Issues and International Labour Standards (LILS) and the Governing Body regarding the withdrawal of these 20 obsolete Recommendations. This will give member States a clearer view of the ILO's Recommendations which should guide them in the future.

The United States Council for International Business (USCIB): These Recommendations, which have become outdated and in a number of cases have been replaced by more recent instruments, should be withdrawn. The issue of their substantive value aside, these Recommendations are very brief and address fundamental policy issues. In that regard, they provide an example for the ILO in the area of the drafting and revision of standards. ILO instruments should address fundamental labour issues and leave details of implementation to be decided at the national level.

Office commentary

Most of the general observations emphasize the expected benefits of withdrawing the 20 Recommendations, notably by helping to make the body of international standards more consistent, relevant and up to date. This should facilitate the implementation of up-to-date Recommendations at the national level.

One government considered that more modern standards should be adopted in the relevant areas.

Two employers' organizations emphasized that ILO standards should focus on fundamental aspects, leaving it to authorities at the national level to deal with issues of detail. One of these organizations considered that the instruments proposed for withdrawal, some of which are very short, could serve as a model in terms of form.

One national tripartite committee, while favouring withdrawal, qualified its support with a reference to the need to ensure protection for workers in countries that have accepted these instruments, and recalled that such a withdrawal should be neutral with regard to other ILO instruments.

One workers' organization considered that, although they appeared obsolete, a number of these Recommendations were still relevant in the country where it carried out its activities and filled certain gaps in legislation.

The Office recalls in this regard that the withdrawal of a Recommendation does not affect the national legislation that may have been adopted to give effect to it, and does not in general prevent a State from continuing to apply the instrument if it wishes to do so. The Governing Body has taken the view that such Recommendations had lost their purpose with regard to the Organization, either because they had been replaced de facto or because that purpose was limited in time. These observations apply to all the Recommendations examined here, and will not be repeated in the Office commentaries that figure in the subsequent sections of the report.

Employment policy

I. UNEMPLOYMENT RECOMMENDATION, 1919 (No. 1)

1. Do you consider that Recommendation No. 1 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 1 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 1)

Total number of replies: 65.

Affirmative: 65. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. This Recommendation should be withdrawn since the issues which it addresses are covered by more recent instruments. Furthermore, it was adopted before the Second World War and the social and economic transformations that have taken place since then require a new approach in this area. Lastly, while Recommendation No. 1 advocates the prohibition of employment agencies which charge fees or which carry on their business for profit, the Private Employment Agencies Convention, 1997 (No. 181) recognizes their existence.

Gabon. CDSA: No. This Recommendation should be retained as a safeguard against ill-considered policies that might result in rising unemployment as a result of import labour in a context of employment flexibility. Currently, the national employment service of Gabon does not have the means to monitor compliance with regulations concerning measures to combat unemployment. Furthermore, Gabon has not ratified the Unemployment Convention, 1919 (No. 2), to which this Recommendation is linked.

Lebanon. Yes. Although Recommendation No. 1 is linked to Convention No. 2, its Preamble does not state that its provisions must be applied in conjunction with those of the Convention. It is thus possible in principle to withdraw Recommendation No. 1, while retaining Convention No. 2 in the standards system. Furthermore, the matters dealt with in this Recommendation are also covered by more recent instruments. It is included in the category of obsolete instruments. Furthermore, its provisions do not authorize the establishment of fee-charging employment agencies, which is at variance with the principle adopted by the Conference when it adopted the Private Employment Agencies Convention (No. 181) and Recommendation (No. 188) of 1997.

Mexico. This Recommendation should be withdrawn since it does not reflect the realities of the labour market or the competition that exists between public employment services, private employment agencies and labour exchanges.

Morocco. FCCISM: Yes.

Sri Lanka. Lanka Jathika Estate Workers' Union (LJEWU): Yes.

II. UNEMPLOYMENT (AGRICULTURE) RECOMMENDATION, 1921 (No. 11)

1. Do you consider that Recommendation No. 11 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 11 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 3)

Total number of replies: 66.

Affirmative: 65. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Negative: 1. Brazil.

Brazil. No. This Recommendation should be retained in the ILO's standards system as it suggests the adoption of effective measures to combat unemployment.

National Confederation of Financial Institutes (CNF): Yes. There is no reason not to withdraw this Recommendation.

National Confederation of Commerce (CNC): Yes.

National Confederation of Industry (CNI): Yes.

Gabon. CDSA: No. This Recommendation provides an essential element in efforts to combat employment, bearing in mind in particular the current restructuring in the agro-industrial sector.

Lebanon. Yes. There is no objection to the withdrawal of this Recommendation, as the Employment Policy Convention (No. 122) and Recommendation (No. 122) of 1964 contain more comprehensive provisions to promote the reabsorption of unemployment based on an active policy of promoting full, productive and freely chosen employment. These instruments apply to all economic sectors, including the agricultural sector. It should be noted that Recommendation No. 122 devotes a special section to the promotion of rural employment. Furthermore, Recommendation No. 11 is already included in the category of obsolete instruments and is no longer included in the compilation of Conventions and Recommendations.

Morocco. FCCISM: Yes.

Portugal. General Union of Workers (UGT): No. Although Convention No. 122 and Recommendation No. 122 address many of the matters covered by Recommendation No. 11, the

latter also addresses other subject areas, including that of the internal movement of labour. In countries like Portugal, this is important for the revival of regions affected by desertification.

Sri Lanka. LJEWU: Yes.

III. UNEMPLOYMENT (YOUNG PERSONS) RECOMMENDATION, 1935 (No. 45)

1. Do you consider that Recommendation No. 45 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 45 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 9)

Total number of replies: 65.

Affirmative: 63. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Negative: 1. Gabon.

Other: 1. Lebanon.

Brazil. Yes. See general comments under question 1.

Gabon. No. Despite the adoption of a number of ILO standards aimed at combating unemployment, this Recommendation has not lost its purpose, given that it contains provisions concerning issues that are still of current interest, such as the minimum age for admission to employment, the age for completion of compulsory schooling, social assistance for young unemployed people, etc.

Gabonese Trade Union Congress (CSG): Yes.

Lebanon. [Convention No. 122](#) and [Recommendation No. 122](#) establish general standards in the area of employment policy but do not contain detailed provisions regarding the employment of young persons. The Special Youth Schemes Recommendation, 1970 ([No. 136](#)), makes no mention of the need for special measures for the employment of young people in the context of public employment agencies. Nor do these three most recent instruments contain any provisions on social and leisure services for young people. Consequently, if the International Labour Conference decides to withdraw [Recommendation No. 145](#), new standards concerning the employment of young people would need to be adopted on the basis of the resolution adopted by the Conference on this topic in 1998. A general discussion could be held on the subject. Lebanon considers that Convention No. 122 and Recommendations Nos. 122 and 136 do not fully replace Recommendation No. 45, since they do not deal with the issue of leisure and social services for young people and make no reference in their respective Preambles to [Recommendation No. 45](#).

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

IV. PUBLIC WORKS (INTERNATIONAL CO-OPERATION) RECOMMENDATION, 1937 (No. 50)

1. Do you consider that Recommendation No. 50 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 50 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 10)

Total number of replies: 64.

Affirmative: 64. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: This question has no direct bearing on the financial system. Financial institutions would not derive any particular benefit from the withdrawal of this Recommendation.

CNC: Yes.

CNI: Yes.

Lebanon. Yes. [Convention No. 122](#) and [Recommendation No. 122](#) establish a general framework for economic development programmes and their impact on employment. Furthermore, international collaboration to combat unemployment is not restricted to public works. In general terms, it is preferable to adopt a single instrument on a given question. The Convention could be supplemented by a Protocol to broaden its scope.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

V. PUBLIC WORKS (NATIONAL PLANNING) RECOMMENDATION, 1937 (No. 51)

1. Do you consider that Recommendation No. 51 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 51 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 11)

Total number of replies: 64.

Affirmative: 64. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: See reply to question 10.

CNC: Yes.

CNI: Yes.

Gabon. CSG: The Congress has expressed reservations regarding the withdrawal of this Recommendation.

Lebanon. Yes. See reply to question 10. [Convention No. 122](#) and Recommendation No. [122](#) have the same objective as [Recommendation No. 51](#) and are more detailed.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

VI. PUBLIC WORKS (NATIONAL PLANNING) RECOMMENDATION, 1944 (No. 73)

1. *Do you consider that Recommendation No. 73 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?*

2. *If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 73 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 20)*

Total number of replies: 64.

Affirmative: 64. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: See reply to question 10.

CNC: Yes.

CNI: Yes.

Gabon. CSG: The Congress has expressed reservations regarding the withdrawal of this Recommendation.

Lebanon. Yes. [Recommendation No. 73](#) addresses the economic and social aftermath of the Second World War. Its general framework is therefore linked to a quite specific period. Furthermore, [Convention No. 122](#) and [Recommendation No. 122](#) contain more detailed provisions on employment policy.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

Office commentary

Nearly all the replies were in favour of the withdrawal of Recommendations [Nos. 1, 11, 45, 50, 51](#) and [73](#), as proposed by the Governing Body, and for the reasons indicated in the report.

With regard to [Recommendation No. 1](#), one workers' organization considered that the instrument was still useful as a means of preventing an increase in unemployment resulting from the importation of labour in the context of greater employment flexibility. The Office notes that methods intended to promote employment and provide protection against unemployment have since then been the subject of a number of standards based on a more dynamic concept of the labour market (the Employment Policy Convention ([No. 122](#)) and Recommendation ([No. 122](#)) of 1964; the Employment Policy (Supplementary Provisions) Recommendation ([No. 169](#)) of 1984; and the Employment Promotion and Protection against Unemployment Convention ([No. 168](#)) and Recommendation ([No. 176](#)) of 1988.

As regards [Recommendation No. 11](#), one government and one workers' organization considered that this instrument provided for effective measures to combat unemployment. Another workers' organization noted that the Recommendation addressed certain issues that were of importance to rural areas affected by desertification. The Office recalls that most of the questions covered by Recommendation No. 11 are also covered by [Convention No. 122](#) and [Recommendation No. 122](#). In particular, the annex to Recommendation No. 122 provides for measures to ensure fuller use of local labour in rural development.

As regards [Recommendation No. 45](#), one government considered that this instrument had not lost its purpose, in particular, with regard to its provisions on the minimum age for admission to employment, the age for completion of compulsory schooling and social assistance for young unemployed people. Another government considered that if the Conference decided to withdraw this Recommendation, it would be necessary to adopt new standards on the employment of young people, and a general discussion could be held on the subject.

The Office recalls that the relevant standards concerning the minimum age for admission to employment or work are the Minimum Age Convention, 1973 ([No. 138](#)), which is a fundamental Convention, supplemented by the Minimum Age Recommendation, 1973 ([No. 146](#)). In addition, Article 8(1) of [Convention No. 168](#) provides that States should endeavour to establish special measures to promote productive and freely chosen employment for identified categories of disadvantaged persons having or liable to have difficulties in finding employment, including young

workers. The issue of youth employment is also addressed in Part III of Recommendation No. 169. An examination of the possibility of adopting other standards on the employment of young persons in the context of a general discussion, possibly based on an integrated approach, might be considered for the agenda of a future session of the Conference.

Employment services and employment agencies

VII. EMPLOYMENT AGENCIES RECOMMENDATION, 1933 (No. 42)

1. Do you consider that Recommendation No. 42 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 42 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 8)

Total number of replies: 65.

Affirmative: 65. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. Yes. This Recommendation should be withdrawn, as it advocates the development of public employment services. Such a solution is not appropriate in conditions of globalization. The labour market needs to be more dynamic.

CNF: Yes. See reply to question 1.

Gabon. CDSA: No. Despite its obsolete character, this Recommendation is still relevant, given that Gabon has not ratified the applicable Convention in this area. The practice of fee-charging employment agencies can lead to exploitation of the workforce and excessive deregulation.

Lebanon. This Recommendation can be withdrawn, since the Employment Service Convention (No. 88) and Recommendation (No. 83) of 1948 cover the issues addressed by it. Furthermore, the instrument is no longer included in the compilation of Conventions and Recommendations.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

VIII. EMPLOYMENT SERVICE RECOMMENDATION, 1944 (No. 72)

1. Do you consider that Recommendation No. 72 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 72 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 19)

Total number of replies: 65.

Affirmative: 64. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Negative: 1. Brazil

Brazil. No. Recommendation No. 72 should not be withdrawn because it corresponds to the established system in Brazil.

CNF: See reply to question 10.

CNC: Yes.

CNI: Yes.

Gabon. CDSA: No. The national employment service is increasingly ineffective owing to the absence of an instrument for promoting and regulating the employment market. This Recommendation therefore retains its usefulness, particularly since Gabon has not ratified a Convention in this area.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

Office commentary

Nearly all the replies were in favour of the withdrawal of Recommendations Nos. 42 and 72, as proposed by the Governing Body for the reasons stated in the report.

One workers' organization considered that these Recommendations were still relevant, since the member State in question had not ratified any Convention in this area. The workers' organization in question considered that the employment market should be administered at the national level and was against fee-paying employment agencies, and considered that the national employment service needed a promotional and regulatory instrument.

One government considered that [Recommendation No. 72](#) should not be withdrawn because it was consistent with the system established at the national level.

The Office notes that the purpose of [Recommendation No. 42](#) is no longer consistent with the current objectives of the Organization. It recalls that, with regard to public employment services, Recommendation No. 72 is regarded as having been replaced de facto by the Employment Service Convention ([No. 88](#)) and Recommendation ([No. 83](#)) of 1948, both of which are more precise and comprehensive instruments.

Vocational guidance and training

IX. VOCATIONAL EDUCATION (AGRICULTURE) RECOMMENDATION, 1921 ([No. 15](#))

1. Do you consider that Recommendation No. 15 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 15 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 4)

Total number of replies: 66.

Affirmative: 66. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. Yes. See general comments in reply to question 1. This Recommendation deals with the issue in quite a limited way, whereas the Vocational Training (Agriculture) Recommendation, 1956 ([No. 101](#)), and the Human Resources Development Recommendation, 1975 ([No. 150](#)), approach the issue of technical education in a more systematic way.

Gabon. CDSA: No. This Recommendation has not lost its purpose, because it can be used by the State as a basis on which to develop new vocational training policies and, moreover, because Gabon has not ratified a Convention relating to this issue.

Italy. This Recommendation can be withdrawn because it is obsolete. Italian legislation in this area goes further than international requirements.

Lebanon. This Recommendation can be withdrawn because it has been replaced by subsequent Recommendations such as, most recently, [Recommendation No. 150](#). This more recent Recommendation also contains special provisions concerning rural communities. Recommendation [No. 15](#) is obsolete and no longer appears in the compilation of Conventions and Recommendations.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

X. VOCATIONAL EDUCATION (BUILDING) RECOMMENDATION, 1937 (No. 56)

1. Do you consider that Recommendation No. 56 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 56 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 13)

Total number of replies: 65.

Affirmative: 64. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Negative: 1. Gabon.

Brazil. Yes. See general comments in reply to question 1. Since this Recommendation was adopted, the ILO has begun to adopt a more global approach to the issue of vocational training, rather than focusing on particular sectors, such as the building industry. Thus, the Conference adopted the Human Resources Development Convention (No. 142) and Recommendation (No. 150) of 1975. Recommendation No. 56 can be withdrawn because it has been replaced by standards that are more general in scope and better adapted to the realities of the vocational training sector, namely, Convention No. 142 and Recommendation No. 150, as well as the Safety and Health in Construction Convention, 1988 (No. 167), and Recommendation (No. 175).

Gabon. No. This Recommendation retains its purpose and contains important safety provisions relating to vocational education.

CSG: Yes. This Recommendation should be withdrawn.

Italy. Yes. See reply to question 4.

Morocco. FCCISM: Yes.

Portugal. UGT: No. Even though subsequent occupational safety standards relating to training have been adopted, Recommendation No. 56 deals with the specific question of working at heights, which leads to numerous accidents.

Sri Lanka. LJEWU: Yes.

Office commentary

Nearly all the replies were in favour of the withdrawal of Recommendations Nos. 15 and 56, as proposed by the Governing Body for the reasons stated in the report.

One workers' organization considered that Recommendation No. 15 was still useful, since its country had not ratified a Convention in that area.

One government and one workers' organization considered that Recommendation No. 56 contained useful guidelines on occupational safety education. The Office recalls that Convention No. 142⁸ contains general provisions relating to the adoption of vocational guidance and training programmes. Convention No. 167 and Recommendation No. 175 deal with all issues relating to safety and health in the construction industry, including scaffolding. These instruments contain numerous provisions on prevention, for instance through the training of workers. Consequently, taken together, these instruments seem to cover all the issues contained in Recommendation No. 56. Moreover, constituents will have an opportunity to raise any issues they consider to be insufficiently covered by ILO standards in the context of the general discussion based on an integrated approach to occupational health and safety, that will take place at the 2003 session of the Conference.

Labour inspection

XI. LABOUR INSPECTION (HEALTH SERVICES) RECOMMENDATION, 1919 (No. 5)

1. Do you consider that Recommendation No. 5 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 5 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 2)

Total number of replies: 66.

Affirmative: 66. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

⁸ The revision of Recommendation No. 150, which accompanies Convention No. 142, is included on the agenda of the 2003 session of the Conference under the double discussion procedure.

France. This Recommendation can be withdrawn because the Labour Inspection (Agriculture) Convention (No. 129) and Recommendation (No. 133) of 1969 contain provisions on labour inspection for the entire agricultural sector.

Gabon. CDSA: No. The provisions of this instrument make a useful contribution to regulating the principles and practices of occupational health services.

Italy. This Recommendation can be withdrawn because it is out of date. In Italy, responsibility for the tasks incumbent upon public health services has been passed on to local health services.

Lebanon. Yes. Recommendation No. 5 should be withdrawn because the Labour Inspection Convention (No. 81) and Recommendation (No. 81) of 1947 provide for the establishment of a labour inspection system that includes the health services covered by this Recommendation, and are more exhaustive.

Mexico. The Recommendation should be withdrawn because it has become obsolete as a result of developments in labour inspection mechanisms since 1919. Furthermore, its provisions have been replaced by more detailed standards.

Morocco. FCCISM: Yes.

Peru. Yes. More recent standards, such as Convention No. 81 and Recommendation No. 81, deal with the issue of labour inspection in a more comprehensive manner.

Portugal. UGT: No. This Recommendation concerns the establishment of government health services. It remains useful because the instruments adopted subsequently cover specific sectors only or are based on the assumption that government health services have already been established, which is not necessarily the case.

Sri Lanka. LJEWU: Yes.

XII. INSPECTION (BUILDING) RECOMMENDATION, 1937 (No. 54)

1. Do you consider that Recommendation No. 54 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 54 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 12)

Total number of replies: 66.

Affirmative: 65. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, France, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Negative: 1. Gabon.

Brazil. CNF: Yes. CNF sees no reason to oppose the withdrawal of this Recommendation.
CNC: Yes.
CNI: Yes.

Gabon. No. This Recommendation has not lost its purpose, because many countries still cannot provide specialist labour inspectors, and because there are many risks involved in the building sector.

CSG: Yes. CSG supports the withdrawal of this Recommendation.

CDSA: No. This instrument makes it easier to determine measures to adopt concerning the preventive mission of labour inspection services, particularly with regard to new establishments and production processes. In the context of maintaining a safe working environment, the Recommendation remains useful, given that Gabon has not ratified a Convention in this area.

Italy. This Recommendation can be withdrawn. Several European Directives on this issue are applicable in Italy.

Mexico. Yes. See reply to question 2.

Morocco. FCCISM: Yes.

Peru. Yes. See reply to question 2.

Portugal. UGT: No. Despite the subsequent adoption of instruments applicable to all sectors, this Recommendation still remains useful. Its sectoral approach, which differs from that of [Convention No. 81](#) and [Recommendation No. 81](#), is more appropriate. This sector is also covered by specific standards at the national and community levels, particularly with regard to working conditions, occupational safety and health and accident prevention.

Sri Lanka. LJEWU: Yes.

XIII. LABOUR INSPECTORATES (INDIGENOUS WORKERS) RECOMMENDATION, 1939 (No. 59)

1. *Do you consider that Recommendation No. 59 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?*

2. *If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 59 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions.* (Question 14)

Total number of replies: 66.

Affirmative: 66. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. The Recommendation should be withdrawn because other standards exist in this field. In Brazil, labour inspection services do, in any case, cover the whole of the country.

Italy. This Recommendation can be withdrawn because labour inspection services in Italy cover the whole of the country.

Mexico. Yes. See reply to question 2.

Morocco. FCCISM: Yes.

Peru. Yes. See reply to question 2.

Sri Lanka. LJEWU: Yes.

Office commentary

Nearly all the replies were in favour of the withdrawal of Recommendations Nos. 5, 54 and 59, as proposed by the Governing Body for the reasons stated in the report.

Two workers' organizations considered that Recommendation No. 5, which concerns the establishment of a public service specifically responsible for safeguarding workers' health, remained useful.

One government considered that Recommendation No. 54 still made a useful contribution by providing for a specialized labour inspectorate in the building industry.

One workers' organization considered that Recommendation No. 54 still made a useful contribution to labour inspection with regard to new establishments and production processes. Another workers' organization considered the sectoral approach of this Recommendation to be an advantage.

The Office recalls that Article 35(b) of the Safety and Health in Construction Convention, 1988 (No. 167), provides for the establishment of appropriate inspection services to supervise the implementation of safety and health measures in the construction industry. Furthermore, the Labour Inspection Convention, 1947 (No. 81), also covers the construction industry.

Hours of work

XIV. HOURS OF WORK (HOTELS, ETC.) RECOMMENDATION, 1930 (No. 37)

1. *Do you consider that Recommendation No. 37 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?*

2. *If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 37 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 5)*

Total number of replies: 66.

Affirmative: 66. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China,

Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: Yes. Enterprises currently operate in an increasingly competitive environment. Labour standards must adapt to the new demands of the economic, social, historic and cultural context. This Recommendation was adopted during a period of economic prosperity, when state interventionism led to the adoption of detailed legislation on labour conditions. This legal framework has increasingly come to be regarded as excessively rigid. Greater flexibility is required with regard to certain standards, in order to address the problem of unemployment. Ideally, there should be a reduction in labour legislation, with an increased emphasis on collective bargaining. The Recommendation should therefore be withdrawn.

CNC: Yes.

CNI: Yes.

Gabon. CSG: This organization has expressed reservations concerning the withdrawal of this Recommendation.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

XV. HOURS OF WORK (THEATRES, ETC.) RECOMMENDATION, 1930 (No. 38)

1. *Do you consider that Recommendation No. 38 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?*

2. *If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 38 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 6)*

Total number of replies: 66.

Affirmative: 66. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: Yes. There is no objection to the withdrawal of this Recommendation.

CNC: Yes.

CNI: Yes.

Lebanon. Yes. This Recommendation is now obsolete and no longer appears in the compilation of Conventions and Recommendations. However, neither Convention No. 1 nor the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), deals with the issue of hours of work in the activities covered by Recommendation No. 38. These two instruments should therefore either be revised and a framework Convention adopted concerning hours of work in all sectors of the economy or, alternatively, a Protocol to Convention No. 30 should be adopted, to cover these activities.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

XVI. HOURS OF WORK (HOSPITALS, ETC.) RECOMMENDATION, 1930 (No. 39)

1. Do you consider that Recommendation No. 39 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 39 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 7)

Total number of replies: 65.

Affirmative: 65. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: Yes. CNF has no objection to the withdrawal of this Recommendation.

CNC: Yes.

CNI: Yes.

Gabon. CSG: The CSG has expressed reservations concerning the withdrawal of this Recommendation.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

XVII. CONTROL BOOKS (ROAD TRANSPORT) RECOMMENDATION, 1939 (No. 63)

1. Do you consider that Recommendation No. 63 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. *If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 63 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 15)*

Total number of replies: 65.

Affirmative: 65. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: Yes. CNF has no objection to the withdrawal of this Recommendation.

CNC: Yes.

CNI: Yes.

Gabon. CSG: This organization has expressed reservations concerning the withdrawal of this Recommendation.

Italy. This Recommendation is out of date. Provisions have been adopted more recently at the European and national levels with a view to improving road transport conditions.

Morocco. FCCISM: Yes.

Portugal. UGT: Yes. However, standards adopted more recently have been a retrograde step, because they are less specific with regard to individual control books. This is of particular significance for this sector, to which considerable attention has been paid by the United Nations Economic Commission for Europe and the European Community.

Sri Lanka. LJEWU: Yes.

XVIII. NIGHT WORK (ROAD TRANSPORT) RECOMMENDATION, 1939 (No. 64)

1. *Do you consider that Recommendation No. 64 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?*

2. *If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 64 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 16)*

Total number of replies: 65.

Affirmative: 64. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic,

Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Negative: 1. Lebanon.

Brazil. CNF: Yes. CNF has no objection to the withdrawal of this Recommendation.

CNC: Yes.

CNI: Yes.

Gabon. CSG: The CSG has expressed reservations concerning the withdrawal of this Recommendation.

Italy. Yes. See reply to question 15.

Lebanon. No. The Night Work Convention (No. 171) and Recommendation (No. 178) of 1990 focus on the protection of the safety and health of night workers. Recommendation No. 64, on the other hand, provides that member States should determine the categories of transport for which regular night work is authorized. It therefore remains useful for States which do not want to authorize night work on an unconditional basis.

Morocco. FCCISM: Yes.

Portugal. UGT: Yes. However, the standards adopted more recently have been a retrograde step. There is still a need to establish objective limits and, in particular, identify, as Recommendation No. 64 did, the categories of transport for which regular night work is authorized, in order to avoid endorsing the principle that night work may become the norm.

Sri Lanka. LJEWU: Yes.

XIX. METHODS OF REGULATING HOURS (ROAD TRANSPORT) RECOMMENDATION, 1939 (No. 65)

1. Do you consider that Recommendation No. 65 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 65 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 17)

Total number of replies: 65.

Affirmative: 65. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan,

Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: Yes. CNF has no objection to the withdrawal of this Recommendation.
CNC: Yes.
CNI: Yes.

Gabon. CSG: The CSG has expressed reservations concerning the withdrawal of this Recommendation.

Italy. Yes. See reply to question 15.

Lebanon. Yes. This Recommendation has been replaced by the Hours of Work and Rest Periods (Road Transport) Convention (No. 153) and Recommendation (No. 161) of 1979, even though the latter does not indicate that it replaces Recommendation No. 65. Furthermore, Recommendation No. 65 no longer appears in the compilation of Conventions and Recommendations.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

XX. REST PERIODS (PRIVATE CHAUFFEURS) RECOMMENDATION, 1939 (No. 66)

1. Do you consider that Recommendation No. 66 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 66 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any information on the effect which has been given, or is proposed to be given, to its provisions. (Question 18)

Total number of replies: 66.

Affirmative: 66. Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Greece, Hungary, Iceland, India, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Brazil. CNF: Yes. There is no reason not to withdraw this Recommendation.
CNC: Yes.
CNI: Yes.

Italy. Yes. See reply to question 15.

Morocco. FCCISM: Yes.

Sri Lanka. LJEWU: Yes.

Office commentary

Nearly all the replies were in favour of the withdrawal of Recommendations Nos. 37, 38, 39, 63, 64, 65 and 66, as proposed by the Governing Body for the reasons stated in the report.

With regard to hours of work in the entertainment industry, one government considered that, while it was true that Recommendation No. 38 was obsolete, a new standard should now be adopted on this issue.

The same government also considered that Recommendation No. 64 remained useful for States not wishing to authorize night work on an unconditional basis. One workers' organization also raised this issue, although it did not object to the withdrawal of the Recommendation.

The Office notes that the provisions of the Night Work Convention (No. 171) and Recommendation (No. 178) of 1990 reflect a different approach, namely, that of protecting the safety and health of night workers, including the provision of an alternative to night work in some circumstances.

PROPOSED CONCLUSIONS

Pursuant to paragraph 3 of article 45bis of the Standing Orders of the Conference, the report is presented to the Conference for consideration. The Conference is also invited to consider and to adopt the following proposals:

1. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Unemployment Recommendation, 1919 (No. 1).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

2. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Labour Inspection (Health Services) Recommendation, 1919 (No. 5).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

3. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Unemployment (Agriculture) Recommendation, 1921 (No. 11).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

4. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Vocational Education (Agriculture) Recommendation, 1921 (No. 15).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

5. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

6. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

7. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

8. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Employment Agencies Recommendation, 1933 (No. 42).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

9. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and
Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Unemployment (Young Persons) Recommendation, 1935 (No. 45).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

10. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Public Works (International Co-operation) Recommendation, 1937 (No. 50).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

11. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Public Works (National Planning) Recommendation, 1937 (No. 51).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

12. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Inspection (Building) Recommendation, 1937 (No. 54).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

13. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Vocational Education (Building) Recommendation, 1937 (No. 56).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

14. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

15. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Control Books (Road Transport) Recommendation, 1939 (No. 63).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

16. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Night Work (Road Transport) Recommendation, 1939 (No. 64).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

17. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

18. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

19. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Employment Service Recommendation, 1944 (No. 72).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

20. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Following consideration of the proposal for the withdrawal of several international labour Recommendations, which is the seventh item on the agenda of this session,

decides this day of June of the year two thousand and two to withdraw the Public Works (National Planning) Recommendation, 1944 (No. 73).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.