

# Memorandum

International Labour Organization

## 91st Session of the International Labour Conference

Geneva  
3-19 June 2003



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

## A. Conference Programme

Dates: Tuesday, 3 June to Thursday, 19 June 2003;

Place: *Palais des Nations* and the Headquarters of the International Labour Office, Geneva.

- **Registration for the Conference:** *In the Palais des Nations, at the Information Desk. Registration will be possible on Saturday, 31 May, from 10 a.m. to 4 p.m. and from Monday, 2 June at 8 a.m., and thereafter during Information Desk working hours.*
- **Registration in committees:** *Government delegates may register with the Conference secretariat. For Employer and Worker delegates, this is undertaken at the preliminary group meetings, or by obtaining registration forms from the Employer and Worker relations services.*

### **Monday, 2 June** **From 9 a.m.**

Preliminary Meetings for Government, Employer and Worker members;

### **Tuesday, 3 June** **10 a.m.**

Opening sitting in the Assembly Hall of the *Palais des Nations*. The Conference will elect its Officers, and set up its various Committees. The Selection Committee (see page 9) will meet immediately after the opening sitting of the Conference.

### **11 a.m.**

Committees start their work (tripartite and group meetings). Committee sittings continue until adoption of their reports at the end of the second, or beginning of the third week.

### **Monday, 9 June** **10 a.m.**

Discussion begins in plenary of the reports of the Chairperson of the Governing Body and of the Director-General and may continue until Tuesday, 17 June.

- *Please note that the speakers' list for this discussion closes on **Wednesday, 11 June** at 6 p.m.*

### **Wednesday, 11 June** **(provisional date)** **10 a.m.**

Discussion of the Global Report on the elimination of discrimination in employment and occupation.

## B. Agenda of the Conference

### Standing items

- I.(a) Reports of the Chairperson of the Governing Body and of the Director-General.
- (b) Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.
- II. Programme and Budget proposals for 2004-05 and other questions.
- III. Information and reports on the application of Conventions and Recommendations.

### Items placed on the agenda by the Governing Body

- IV. Human resources training and development – Revision of the Human Resources Development Recommendation, 1975 (No. 150) (*standard setting, first discussion*).
- V. The scope of the employment relationship (*general discussion*).
- VI. ILO standards-related activities in the area of occupational safety and health: An in-depth study for discussion with a view to the elaboration of a plan of action for such activities (*general discussion based on an integrated approach*).
- VII. Improved security of seafarers' identification (*standard setting, single discussion, with a view to the adoption of a Protocol or other instrument*).

## C. Composition of delegations

Delegations to the International Labour Conference are composed of **four** delegates: **two** Government delegates, **one** delegate representing the Employers and **one** delegate representing the Workers (ILO Constitution, article 3 (1)).

Each delegate may be accompanied by advisers, who shall not exceed two for each item on the agenda of the meeting (ILO Constitution, article 3 (2)). At the present session, this concerns items III, IV, V, VI and VII. **Therefore, each Government, Employers' and Workers' delegate to the 91st Session of the ILC may be accompanied by up to ten advisers.** To guarantee an equal representation of employers and workers, governments should ensure that an equal number of Employers' and Workers' advisers are appointed in each delegation. **Travel and living expenses of delegates and their advisers are to be borne by their respective member States.**

Under the Constitution, member States must ensure that their delegations are fully tripartite, and that the delegates are able to act in full independence of one another. They are required to nominate non-Government delegates chosen in agreement with the

industrial organizations, if such organizations exist, which are most representative of employers or workpeople in their respective countries (ILO Constitution, article 3 (5)).

Governments are also asked to bear in mind the resolution adopted at the 78th Session of the Conference (1991), which calls on governments and employers' and workers' organizations to include more women in their delegations to the International Labour Conference.

**Constituents are asked to remember that the success of the discussions depends on the competencies of participants.** It is therefore of critical importance that participants should be chosen not only for technical expertise required, but also with a view to adopting a coordinated approach, involving action shared between several different government administrations. A brief description of the Committees and their duties and functions is given below.

## D. Committees

### II. Finance Committee of Government Representatives

*(ILC Standing Orders, article 7bis and Section H, article 55 (3))*

Under **agenda item II** the Conference will be called on to examine and adopt the Programme and Budget of the ILO for the 2004-2005 biennium, and to consider other financial and administrative matters that the Governing Body may decide to bring to its attention. The **Finance Committee** is established to cover these questions and to report to the Conference on them.

### III. Committee on the Application of Conventions and Recommendations

*(ILC Standing Orders, article 7 and Section H)*

This Committee is set up to deal with **agenda item III – Information and reports on the application of Conventions and Recommendations**. It will consider information and reports supplied by governments under articles 19, 22 and 35 of the Constitution on the effect given to Conventions and Recommendations, together with the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III (1A), International Labour Conference, 91st Session, 2003), and submit a report on its work to the Conference.

At the 91st Session the General Survey of reports submitted under article 19 (Report III (1B)) will deal with the Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1949.

Pursuant to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar, adopted by the Conference at its 88th Session (2000), the Committee will also hold a special sitting to discuss the effect given by the Government of Myanmar to the recommendations of the Commission of Inquiry set up to examine the observance of the Forced Labour Convention, 1930 (No. 29).

#### IV. Human resources training and development – revision of the Human Resources Development Recommendation, 1975 (No. 150) (*Standard setting, first discussion*)

In the wake of globalization and associated developments in the economy, in labour markets and in the world of work, a new approach to learning and training is emerging. Recent trends in law and practice in many countries reveal an effort to put the individual at the centre of human resources development; engage the social partners in the governance and financing of education and training; and ensure that all citizens have access to learning and training opportunities throughout their lives. In this context, the present Human Resources Development Recommendation is largely outdated and needs to be replaced by a dynamic instrument that is more applicable and more useful to member States and the social partners when formulating and implementing human resources development policies and programmes.

Having decided, at its 280th Session (March 2001), to include this question on the agenda of the 91st Session (2003) of the International Labour Conference, the Governing Body further decided, at its 283rd Session (March 2002), that this item should be addressed under the double discussion procedure. The Office has prepared two reports as the basis for the first discussion. The preliminary report, *Learning and training for work in the knowledge society*, Report IV (1), International Labour Conference, 91st Session, 2003, was accompanied by a questionnaire to which governments were asked to give reasoned replies. These replies have been summarized in a second report, *Learning and training for work in the knowledge society: The constituents' views*, Report IV (2), which also indicates the main points that the Conference may wish to consider.

#### V. The scope of the employment relationship (*general discussion*)

The protection afforded by most national labour laws and ILO instruments is only applicable to workers who are employees and have an identifiable employer who has an employment relationship with them. Failure to obtain a clear idea of the nature of the relationship between a person performing work or a service, and the person receiving the work or service can leave workers unprotected. Forms of employment can be disguised, or may become ambiguous, thereby raising serious questions as to who is an

employee, and who is an employer. This phenomenon is by no means new, but it is tending to increase, and certain categories of workers – women, marginalized workers, illegal immigrants – can be particularly affected by it. Moreover, the problem should now be considered against a background of globalization, of important changes in the labour market and of economic crisis.

The Conference's task is to work towards a common understanding of the characteristics and the extent of this problem, under the general discussion procedure. As a basis for the debates, it will have before it a report entitled *The scope of the employment relationship*, Report V, International Labour Conference, 91st Session, 2003. The report focuses on ways of addressing these issues at national level through laws, regulations, or procedures. It will present recent national and international initiatives for consideration, and will include a set of suggested points for discussion.

## VI. ILO standards-related activities in the area of occupational safety and health: An in-depth study for discussion with a view to the elaboration of a plan of action for such activities (*general discussion based on an integrated approach*)

Global social and economic changes in trade, regulatory systems, technology, information, work organization, employment patterns, and in other spheres, are having an increasing effect on the status and role of international labour standards and thus on their impact on national law and practice. This effect is significant in the field of occupational safety and health.

For this agenda item, the Conference will hold a general discussion, under the new ***integrated approach***, on the overall coherence, relevance and impact of ILO occupational safety and health (OSH) standards-related activities. To assist the debates, the Office has prepared a report entitled *ILO standards-related activities in the area of occupational safety and health*, Report VI, International Labour Conference, 91st Session, 2003. In the light of current national and regional OSH priorities, the report will highlight the challenges and dominant features shaping future developments in this area and examine key aspects and factors related to such cross-cutting issues as demography, economy, employment shifts and concern for vulnerable workers. It will serve as a basis for elaborating a plan of action for a more streamlined and focused use of ILO OSH standards and other instruments, as well as other means of action, including technical cooperation, knowledge management and dissemination and inter-agency cooperation, to increase their effectiveness and impact.

A set of suggested points for discussion will be included in the report.

## VII. Improved security of seafarers' identification (standard setting, single discussion with a view to the adoption of a Protocol or other instrument)

In response to the terrorist attacks of 11 September 2001, the Assembly of the International Maritime Organization (IMO) adopted a resolution entitled "Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships". One aspect to be considered in this context concerns the present arrangements for the identification of seafarers seeking authorization to exercise their important right to shore leave or for carrying out professional duties in a foreign territory. The ILO's Seafarers' Identity Documents Convention, 1958 (No. 108) covers this aspect, but provides for an identity document lacking the security features necessary for present-day conditions. Convention No. 108 therefore requires urgent updating in this respect. It also needs to be reviewed to ensure that the new provisions to be adopted, which could be included in a protocol to that Convention or in an instrument revising it, are readily acceptable to the largest possible number of countries. The various competent IMO bodies and the ILO Governing Body agreed that the question of improved security of seafarers' identification could be more appropriately dealt with by the ILO, on the expectation that the new ILO instrument on the subject could be brought into application in the near future. The Governing Body at its 283rd Session (March 2002) accordingly placed this question as an urgent item on the agenda of this 91st Session of the Conference, and decided that it would be governed by the single-discussion procedure.

The Office has prepared two reports as a basis for this item. The first, *Improved security of seafarers' identification*, Report VII (1), International Labour Conference, 91st Session, 2003, contained a questionnaire for governments. The second report consists of two volumes: Report VII (2A), which includes summaries of replies received and Office commentaries, and Report VII (2B), containing the proposed instrument submitted for discussion.

The discussions on this item will require not only expertise in the maritime sector, and on security matters, but also a coordinated approach possibly involving several different government departments in each member State, including the departments of labour and social affairs, transport, coastguards, immigration, justice and police.

## Standing Orders Committee

### (ILC Standing Orders, Section H)

This Committee may meet as required, if proposed amendments to the Standing Orders of the Conference are received.

## Selection Committee

*(ILC Standing Orders, article 4 and Section H, article 55(2))*

The Selection Committee is composed of 28 members appointed by the Government group, 14 members appointed by the Employers', and 14 by the Workers' groups. Its responsibilities include arranging the programme of the Conference, fixing the time and agenda of its plenary sittings and acting on its behalf on any other routine question. Since the 1996 reforms to the Conference, most of these tasks have been delegated to the Officers of the Committee. Therefore, except where the Selection Committee is called on to consider specific issues, it normally holds only one sitting at the beginning of the Conference.

## Credentials Committee

*(ILC Standing Orders, article 5 and Section B)*

The Credentials Committee is composed of one Government, one Employers' and one Workers' delegate. It meets in private.

Its responsibilities include:

- Examining the credentials of national delegations, and other participants, to the Conference (ILC Standing Orders, article 5(2));
- Determining the quorum required for the validity of votes taken by the Conference (ILC Standing Orders, article 20(1));
- Considering objections concerning the conformity of nominations of delegates and advisers with the provisions of article 3 of the Constitution (ILC Standing Orders, article 26(3) to (8));
- Considering complaints alleging non-compliance with article 13, paragraph 2 (a) of the Constitution (payment of expenses of tripartite delegations) (ILC Standing Orders, article 26(9) to (11)).

## E. Plenary

After its opening sitting on Tuesday, 3 June the Conference will not meet in plenary until the second week of its work. The second plenary sitting will therefore be held on **Monday, 9 June at 10 a.m.** Plenary sittings will be held throughout the second week and part of the third week, as required, for the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

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

Discussion of these documents will begin in plenary sitting on **Monday, 9 June at 10 a.m.** The Chairperson of the Governing Body will submit a report to the Conference on the work carried out by the Governing Body from June 2002 to June 2003.

The Conference will also examine a Report of the Director-General of the International Labour Office, which shall be devoted to the relationships between decent work, poverty reduction and development.

### Registration of speakers for the discussion of the reports of the Chairperson of the Governing Body and of the Director-General

This may be done in advance, by telephone (+41 22 799 77 30), facsimile (+41 22 799 89 44), or email ([adamo@ilo.org](mailto:adamo@ilo.org)). It may also be done during the Conference, as early as possible, at the Office of the Clerk of the Conference. The list of speakers closes on **Wednesday, 11 June at 6 p.m.**, subject to the decision of the Selection Committee.

### Time limit for speeches

To allow as many speakers as possible to take the floor, the time limit for speeches is set at a maximum of **five minutes** (ILC Standing Orders article 14.6). Visiting ministers, delegates, observers and representatives of international organizations and non-governmental international organizations will wish to bear this in mind when preparing their speeches.

### Principles governing the discussion in Plenary

The following principles, set out in paragraphs 54 to 58 of the Fourth Report of the Working Party of the Governing Body of the International Labour Office on the Programme and Structure of the ILO (1967), form a useful background to the discussion of the two reports in plenary:

- Freedom of speech is a pillar of the ILO: neither governments, nor employers or workers are immune from criticism within its walls;
- Freedom of speech includes freedom to reply – one point of view may be parried by another;
- Social justice contributes to lasting peace; all human beings have the right to pursue their material well-being and spiritual development in freedom and dignity. The breadth of these fundamental principles of the ILO makes it impossible to circumscribe debate in the International Labour Conference, and the ILO must

focus on the objectives that derive from these principles, irrespective of political considerations;

- Nevertheless, the purpose and scope of debate in the International Labour Conference must not encroach on discussions proper to the United Nations Security Council and General Assembly, bodies entrusted by the Charter with responsibility for political decisions in the UN system;
- To uphold the values of human freedom and dignity enshrined in the ILO Constitution, in periods of acute political tension the Conference must strive towards the fullest possible continued cooperation in pursuit of the Organization's objectives. Every delegate has an obligation to keep these considerations in mind, and the President of the Conference to ensure they are preserved.

## 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 issue an annual report providing 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 fourth Global Report will be on **the elimination of discrimination in respect of employment and occupation**.

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 member States that have and have not yet ratified the relevant fundamental ILO Conventions (The Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)). 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 precise arrangements to be followed by the Conference in discussing the Global Report are to be decided by the Governing Body at its 286th Session (March 2003).**

## F. Communication of documents prepared for the Conference

Every effort will be made to ensure that the documents submitted to the Conference are communicated to member States well in advance of the session. As soon as the

documents are available, they will also be placed on the ILO's web site at the following address: <http://www.ilo.org>. Governments are urged to distribute the reports sent to them in good time to government delegates, as well as to those representing the employers and workers. This will enable all participants to prepare fully for the discussions.

## G. Publication of the Provisional Records

During the session, the proceedings of the Conference will be published in *Provisional Records* in English, French and Spanish, which may also be consulted on the ILO's web site. To facilitate this publication, delegates are requested wherever possible to supply copies of their speeches on diskette in a format that is compatible with the Word text processing system.

## H. Credentials

Credentials of delegates and their advisers must be deposited with the International Labour Office **at least 15 days** before the date fixed for the opening sitting, in line with article 26, paragraph 1, of the ILC Standing Orders. The closing date for deposit of the credentials of all delegates and advisers is therefore **Monday, 19 May 2003**.

The form for the submission of credentials is attached to this Memorandum, together with an explanatory note on the importance of depositing credentials with the secretariat, which gives details on the various categories of participants at the Conference, and on the roles that they play.

*Credentials are to be deposited with the Legal Adviser:*

- by post, at the following address:  
Office of the Legal Adviser  
International Labour Office  
CH-1211 Geneva 22
- by facsimile: +41 22 799 85 70
- or via Internet, by means of an electronic form; access codes will be passed through the Permanent Missions in Geneva.

## I. Delegates with a disability

The Conference premises are fully accessible to **persons with a disability**.

## J. Accommodation for delegations in Geneva

This year, the ILC coincides with the International Telecommunication Union (ITU) Radiocommunication Assembly and World Radiocommunication Conference. These events are expected to draw some 3,000 participants. It is thus more than ever essential to make hotel reservations as early as possible. Since the International Labour Office **does not have a hotel reservation service**, delegations to the Conference should 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. 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](http://www.geneve-tourisme.ch)

## K. 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 who wish to visit or stay in France during the Conference session should obtain the necessary single or multiple entry visas for France in their own country before leaving for Switzerland.