Twelfth Item on the Agenda

IN-DEPTH REVIEW OF INTERNATIONAL LABOUR STANDARDS

Introductory Note

1. This is the sixth report in a series of in-depth reviews of Office programmes and activities submitted to the Governing Body. It is submitted in accordance with paragraph 710 of the Programme and Budget for 1974-75, which provides for "an in-depth review of ILO Conventions and Recommendations and of procedures for promoting and supervising their application ... in order to provide an opportunity for discussing and examining the ways and means of keeping ILO standards fully relevant to the needs and realities of the contemporary world and of strengthening the effectiveness of ILO procedures and activities for the promotion and implementation of its standards".

2. The present paper differs from earlier reports in the series in that it is not limited to a particular ILO programme as such. It is concerned with standards as a means of ILO action in which all of the ILO's technical programmes have their part to play.

3. The paper raises a number of issues bearing upon the form, scope and future orientation of ILO standard setting and upon measures to supervise or promote the implementation of standards. These matters would appear to be of such importance, not only to the Governing Body but to the ILO membership as a whole, that the Governing Body may wish the Director-General at an appropriate stage to seek the views of all member States and of national employers' and workers' organisations on these matters, either within the context of an annual session of the International Labour Conference or by inviting comments in writing.

4. Furthermore, a number of the problems raised in the paper concerning the implementation of standards and, in particular, concerning ILO procedures of supervision or for the examination of complaints are of direct concern to the bodies entrusted with such procedures, such as the Committee of Experts on the Application of Conventions and Recommendations, the tripartite Conference Committee on the Application of Conventions and Recommendations and the Governing Body Committee on Freedom of Association. The Governing Body will therefore no doubt at an appropriate stage wish to seek the views of these bodies on matters of concern to them before finalising its conclusions or recommendations. A similar approach would appear advisable as regards the Governing Body Committee on Discrimination in respect of matters relating to the elimination of discrimination in employment and occupation.

5. Chapters II-VII of the paper each conclude with a suggested list of points for discussion. The suggested points are purely illustrative and in no way intended to restrict the scope of the Governing Body's discussion.

CONTENTS

CHAPTER I: INTERNATIONAL LABOUR STANDARDS IN 1974
GENERAL SURVEY AND CURRENT PROBLEMS .......................... 1-28

CHAPTER II: ADOPTION OF INTERNATIONAL LABOUR STANDARDS ....... 29-62
1. The Starting Point ................................................. 29-33
2. A Planned Approach to Standard Setting .......................... 34-36
3. The Substance of International Labour Standards ................. 37-44
4. The Form of International Labour Standards ..................... 45-57
5. Procedures for the Elaboration of Conventions and Recommendations .................................................. 58-62

CHAPTER III: SUBMISSION TO THE COMPETENT AUTHORITIES AND RATIFICATION .................................................. 63-79
1. Submission of Conventions and Recommendations to the Competent Authorities ........................................ 63-65
2. Ratification of Conventions ........................................... 66-79

CHAPTER IV: PROCEDURES OF SUPERVISION .......................... 80-142
1. Procedures Based on Regular Reporting by Governments ....... 82-101
   (a) Reporting on Ratified Conventions and on Unratified Instruments ...................................................... 83-87
   (b) The Working of ILO Supervision .................................. 88-101
2. Procedures Based on the Examination of Complaints .......... 102-127
   (a) General Representation and Complaint Procedures .......... 103-109
   (b) Special Freedom of Association Procedures ................. 110-127
3. Special Action in the Field of Discrimination .................... 128-138
4. Direct Contacts ...................................................... 139-142

CHAPTER V: MEASURES TO PROMOTE THE IMPLEMENTATION OF STANDARDS .................................................. 143-168
1. Discussion at the Regional Level .................................... 145-148
2. Assistance to Governments ......................................... 149-154
3. Assistance to Employers' and Workers' Organisations .......... 155-164
4. Relations with Non-Governmental Organisations, Universities, etc. ............................................................ 165-168

CHAPTER VI: ILO STANDARDS AND OTHER INTERNATIONAL ORGANISATIONS .......................... 169-180
CHAPTER VII: STANDARDS WITHIN THE OVER-ALL FRAMEWORK OF ILO ACTIVITIES

1. Standards and Planning .................................................. 182-183
2. Standards and Technical Co-operation ................................. 184-191
3. Standards and Other ILO Activities ................................. 192-202

APPENDICES

Appendix I: Tentative Analysis of Existing International Labour Conventions and Recommendations and of Possible Further Developments in this Field

Appendix II: Ratifications - Reports Requested/Received - Committee of Experts' Comments - 1959-1974

Appendix III: Cases of Progress in the Application of Ratified Conventions: 1964-74

Appendix IV: Direct Contacts 1969-1973

Appendix V: ILS Budget 1966-1975
CHAPTER I

INTERNATIONAL LABOUR STANDARDS IN 1974

GENERAL SURVEY AND CURRENT PROBLEMS

1. On 1 July 1974 after the International Labour Conference had adopted two Conventions and two Recommendations at its 59th Session, the total number of Conventions came to 140 and that of Recommendations to 148. At the same session three questions were the subject of a first discussion which will undoubtedly result in the adoption of new instruments in 1975. Four other questions have already been placed on the Conference agenda in 1975 and 1976 with a view to adopting new standards. At present, existing Conventions have received over 4,000 ratifications, to which must be added more than 1,000 declarations in respect of various territories. The effect of these numerous obligations is followed up by the ILO by means of complex machinery, involving more particularly the submission of annual reports by governments. The number of reports for the last reporting period, received by June 1974, exceeded 3,000. By examining these reports, the bodies set up by the ILO carry out each year an evaluation of the extent to which ILO standards are being implemented. Further, in the field of freedom of association, the special procedure set up in 1950 is used extensively - by July 1974 the number of cases brought before the Committee on Freedom of Association was reaching the 800 mark. At the beginning of June 1974, the Governing Body referred an important case to the Fact-Finding and Conciliation Commission on Freedom of Association. Towards the end of the same month the Governing Body appointed a Commission of Inquiry to examine the observance of two Conventions by a particular country, pursuant to a resolution of the Conference. These facts give an idea of the scope of the Organisation's standard-setting activities and of the procedures established to promote the application of the standards adopted by it. They show that the system of Conventions and Recommendations provided for in the Constitution of the ILO has been and continues to be widely used and that the supervisory procedures established and developed on the basis of the Constitutional provisions and decisions of the Governing Body and the Conference are required to operate regularly and indeed with increasing intensity.

2. But what, it is sometimes asked, has been the world impact of this standard-setting work? A precise answer to this question is not possible, and oversimplifications, in one direction or another, should be avoided. In the first place it is self-evident that the ratification of Conventions does not in itself provide a sufficient indication of the actual effect of standards. Ratifications may simply confirm a state of affairs which was already in existence; on the other hand, a ratification does not necessarily mean that the Convention is implemented in practice. Ratification may prove impracticable for a number of reasons, even where law and practice are in full conformity with the standards of the Convention or even go beyond them. Standards which have had an undeniable effect are also to be found in instruments other than Conventions. However, even allowing for these points, ratifications cannot be ignored as one of the elements involved in the effectiveness of standards, since they are often preceded by changes in legislation to make ratification possible. Many such cases may be cited, for example, in connection with forced labour in India and Poland, conditions of work in Israel, various safety and health measures enacted in France, minimum wages in Japan in 1971, certain maritime Conventions in the United Kingdom in 1925 and more recently (in 1970) equal pay in the same country. In several countries, ratification has resulted in tacitly bringing national legislation into line with ratified standards, particularly regarding equality of treatment for foreign workers. Even more frequently express action, legislative or otherwise, has been taken after ratification for the purpose of giving full effect to the Convention, even where applicable examples could be cited. In Norway, Poland and Switzerland, the majority of ratified Conventions have exercised a more or less direct influence on national legislation.

3. It is, however, over and beyond ratifications, to legislative and practical measures actually taken to implement international standards, that one must look for the true touchstone of the effectiveness of standards. Here, once
again, there is a danger of oversimplification. It would be an exaggeration to
give international standards the credit for all measures at the national level
which might appear to result from the adoption or ratification of a Convention,
for such measures may well have had their origin mainly in internal conditions,
even though the existence of a particular international standard may have hastened
or contributed to their adoption. Nevertheless, there is ample evidence of the
direct influence of standards. Speaking generally, it is evident that certain
Conventions such as those on maternity protection (1919), holidays with pay (1936)
and various Conventions on social security and work at sea, and even instruments
which have been relatively sparsely ratified such as those on hours of work, have
had considerable influence on the law and practice of many countries, and some-
times also on collective bargaining. While there is less information available
in respect of Recommendations, it has been noted that some of them have had an
undoubted influence, such as the Occupational Health Services Recommendation, 1959,
and above all the Termination of Employment Recommendation, 1965. The
representatives of various countries, such as Argentina, Cameroon and Malaysia,
have stated explicitly before the Conference that ILO standards are a constant
source of inspiration in developing their social legislation. Cases of this
kind are so frequent that a representative of the OAU said a few years ago that
ILO Conventions and Recommendations were the common denominator of virtually all
the labour codes of African countries. Ministers have often referred to
particular legislative measures taken in conformity with ILO standards. Recent
examples concern maternity leave for public servants in Australia (1973) and the
certain legal systems (Colombia, Costa Rica, Honduras) issues not expressly
covered by national legislation are to be resolved on the basis of ILO standards,
whether or not they have been ratified. A series of monographs published in the
International Labour Review** has clearly demonstrated the extensive influence of
which ILO standards have had, also in recent years, in widely differing countries.
Lastly, a significant aspect, because of its scope and frequency, in the impact
of ILO standards in the numerous cases in which the advice and assistance of the
Office are sought in drawing up particular labour laws or labour codes, as has
been done in some sixty countries during the last ten years. Several of these
cases covered the whole range of labour legislation, others have related more
especially to social security. A recent example concerned one of the newest
member States, the United Arab Emirates, whose Labour Minister informed the
Conference in 1974 that a draft labour code drawn up with the assistance of an
ILO expert was in conformity with the basic provisions of ILO standards.

4. It would be easy to provide many more illustrations of the above-
mentioned kind, without for that matter providing a complete balance sheet.
The only cases on which fairly precise data are available are those in which
States have taken steps in response to comments by supervisory organs, and as cases
of this kind have been duly noted by the bodies in question. It is thereby
significant that some 800 cases of such progress, in respect of 140 States or
territories, have occurred in the last ten years. The Committee of Experts has
stressed the large number of developing countries which have taken measures of
this kind. This list of cases of progress (to be found in an appendix hereto)
is however by no means exhaustive and does not include the numerous cases of
"invisible" or less apparent progress which may be directly attributable to the
influence of international labour standards. Lastly, over and above specific
cases of direct influence and the more general value of international labour
standards as a source of inspiration, a less clear-cut but in no way negligible
factor of influence should be mentioned: the mere existence of a standard has
sometimes led to universal recognition of the legitimacy and validity of certain
fundamental principles which, in spite of many difficulties of application, have
come to constitute a kind of common law whose effective application is sought
through continuous action on both the national and international levels. Free-
dom of association standards are the most obvious example.

---

1 There are monographs dealing with the following countries: Belgium,
Cameroon, Colombia, France, Greece, India, Ireland, Italy, Nigeria, Norway,
Poland, Switzerland, Tunisia, the United Kingdom and Yugoslavia. A study on
the Federal Republic of Germany is being prepared for publication and will appear
shortly.
5. Although the over-all effect of international labour standards has been considerable, it has been unevenly distributed among subject areas and countries. Some Conventions have clearly had only limited influence. The effect of certain standards, even some of the most important ones, has been considerable in some countries but not in others. The influence of standards has not always been as decisive as desired in reducing inequality, improving working and living conditions, and increasing respect for human rights. International labour standards cannot, of course, provide a universal remedy. However, in order to ensure that they fulfill their role, one must examine their limitations and the means by which these may be overcome. The first of these limitations is inherent in their nature. By definition, standards are proposed to States for their acceptance and can be effective only to the extent that, at the national level, they secure the interest, support and action needed for their implementation. Frequently standards which have had no impact in a particular country have suddenly prompted positive steps of implementation when the authorities have decided to follow dynamic social policies and have used these standards as a basis for reforms. Thus, the effectiveness of standards is dependent above all on the attention and interest which they secure, at the national level, from governments, employers' and workers' organisations, and public opinion in general. A second limitation on the effectiveness of standards, closely connected with the first, arises out of their aim: the principal object of standards is to stimulate national action of a general nature - such as the drawing up of social policies, the enactment of laws and regulations, the establishment of institutions - which in turn will have specific effects on individuals and particular situations. A meaningful implementation of standards in practice, what might be termed their "second degree" effectiveness, and their actual impact on the realities of life in a given society constitute, of course, their ultimate objectives, but the latter are more difficult to define and promote and are in large measure dependent on action at the national level. While ILO supervision is directed at covering also this fundamental aspect of the application of standards, it is evident that the problem calls for supplementary action of a different sort. It raises the whole issue of international action. A third limitation is to be found in the subject-matter of standards. They have spread gradually to most areas of social policy, but some fields have been only partly dealt with and some categories of workers have been given less protection than others. Further, every social issue is not equally suited to the adoption of standards. Lastly, more general issues, such as the economic situation and economic policies of individual countries, taxation, income distribution, international trade, political problems, civil liberties, public administration, health, and the like, directly affect social conditions, but the ILO is not in a position to influence them, either through standards or otherwise. These various limitations, coupled with the fact that in the world there are still serious problems of poverty, inequality and dissatisfaction, make it necessary to give careful thought to the kind of standard-setting action best suited to different situations, to the possibilities of strengthening this action in certain fields, to possible recourse to other means of action or a combination of various means of action on certain questions, or even to the possibility of joint action by several international organisations - in short, to the choice of means best adapted to promoting the attainment of the Organisation's aims.

6. In reviewing the role of international labour standards, it is not necessary to expatiate on the various purposes underlying the system. They are well known. The promotion of social justice was the prime mover. Although improvements, often considerable ones, have been made in the working man's situation, it is clear that "injustice, hardship and privation" are still prevalent in large parts of the globe, and even within rich nations, that subsisting inequalities are more keenly felt than in the past, and that the need for greater dignity, better life, and more humane conditions of work is more and more obvious in a rapidly developing world. Concern with social justice thus still occupies a central position. It was the major factor in the adoption of Conventions such as those dealing with basic human rights and child labour.

7. The contribution of international labour standards to universal and lasting peace has been one of the general purposes of ILO standard-setting activities. It must be understood in the wider context of reinforcing democratic institutions, reducing both internal and international tensions, establishing conditions of stability, justice and concord on the national and world levels, developing a sense of international solidarity and setting up ordered structures for bringing about peaceful change.
Concern with competition between the nations has often been invoked in favour of international standards, which would thus form a sort of code of fair competition among States. This argument has helped dispel certain fears of measures of social progress and has the advantage of stressing that the human element cannot be ignored as a social factor in international trade, though, however, the notion is no longer as clear-cut as it seemed originally. The competitive potential of a product is dependent on many factors apart from manpower costs, and it is particularly in the context of measures directed towards economic integration (e.g. the European Economic Community, and even there only to a certain extent) that the problem of evening out social charges has taken on particular importance. Nevertheless, the international competition factor has never ceased to be relevant in the ILO. It has sometimes been significant in the field of maritime Conventions and the conditions governing their coming into force. It has sometimes made certain States hesitate to ratify particular Conventions (such as the Hours of Work Convention, 1919 (No. 1)). Quite recently, it came to the fore again in the Governing Body's discussions on the question of "fair standards" in relation to trade liberalisation. At present the issue seems to be seen rather in the light of more general notions of a certain balance in social costs, of the greater stability which international labour standards may offer to industries operating in world markets and of the assistance which standards may provide to economic integration and the flow of manpower and goods.

In addition to these three fundamental justifications mentioned in the Preamble to the ILO Constitution, other functions for international labour standards have become apparent over the years. This is true of their role as objectives of balanced economic and social development, a concern which was reflected in the United Nations International Development Strategy for the Second Development Decade. Standards can also be useful in regulating questions which involve an international element, such as the movement of people (e.g. migrant workers) or the transport of goods (e.g. the loading and unloading of ships, where uniform regulations should be adopted by the various countries involved). Various cases have also been mentioned where the existence of international obligations in the field of social security was mentioned in the Preamble or reflected in the provisions of the Convention. In some cases (for 1954, e.g. the Convention on the loading and unloading of ships), there is, however, one function which has taken on increasing importance: namely, the role of standards as a source of inspiration for the drafting up of national policies and legislation. As standards came to cover ever broadening areas, governments have found in them authoritative guidance both for precise technical regulations and for the establishment of general social policies. Standards are no longer aimed merely at protecting the weakest, but also provide models for a just and rational organisation of social relationships and for the solution of complex technical problems.

The relative importance of these various factors and of the functions attributed to international labour standards may have varied over the years and from field to field, thus influencing the form of instrument best suited to attaining the desired goal: Convention, Recommendation, or even instruments of some other nature. The Convention remains the main form of dealing with essential issues in respect of which sustained and energetic action appears to be called for, particularly in the case of basic human rights. Conventions enable ratifying States to take on formal obligations and to secure international recognition of the state of their law and practice. Because of this they have a special value as a stimulant. They enable the Organisation to evaluate, on a legal basis, the manner in which each State fulfils such obligations and systematically to follow the measures taken in each country to implement the standards contained in them. On the other hand, the less formal role of Recommendations has become better defined in the course of time. Sometimes they have paved the way for a Convention when an issue was not yet sufficiently ripe (this occurred initially in regard to labour inspection). In increasingly frequent cases (some sixty to date), Recommendations supplement a Convention, only basic matters being dealt with in the Convention while questions of detail and means of implementation are dealt with in the Recommendation. Sometimes, too, Recommendations have laid down a standard higher than that in the corresponding Convention. Finally, Recommendations are used to deal with subjects which do not lend themselves to the formulation of precise obligations, for example, in cases in which the diversity of national conditions prevents the establishment of rules which can be universally and fully accepted, but in which it is useful to have a set of guidelines for governments (instruments in the field of industrial relations) or where the problem in likely to be affected by rapid technological change (in particular in the field of safety and health).
There are also various even less formal documents (conclusions of Industrial Committees and technical meetings, model codes, etc.) which have suggested that it is useful to have a wider range of means of action than is provided by Conventions and Recommendations, although detailed information is not available on the effect which they have had.

11. The future role of international labour standards must be determined with due regard to the important changes which have occurred since the founding of the ILO. The world itself has changed enormously. The international community today comprises twice as many States and is much less homogeneous than in 1919. Changes in technology are constantly modifying the nature of labour problems. Within the ILO itself standard setting is no longer the Organisation's only means of action. While it remains a highly useful tool, there has been a considerable development of other means of action, particularly technical cooperation. On the international level, the ILO is no longer the only organisation dealing with social problems or human rights. Other organisations, both world-wide and regional in scope, are increasingly adopting standards in fields which are also, directly or indirectly, within the ILO's competence. At the national level, social questions have become much more complex and issues such as employment, the environment, and the quality of life are taking on an ever increasing significance. Against such a changed background the position of international labour standards, their precise form and their future role must be re-examined, not for the purpose of calling into question a means of action whose importance is not denied by anyone, but in order to ensure that standards respond fully to present-day needs and conditions and that the procedures and activities aimed at securing their implementation are, wherever possible, much more effective and, if necessary, streamlined.

12. Having regard to the major role which standards have played and can still play in furthering the aims of the ILO and to the developments and changes which have taken place since the founding of the ILO both in the Organisation itself and in the world, one is led to raise certain questions, both in regard to the past and for the future.

13. As regards the past there is now a total of nearly 300 Conventions and Recommendations adopted in the course of 55 years. What must be examined is whether all of them continue to be of equal relevance to present-day conditions. If they are not, it has been suggested that existing standards be divided into those which remain of current interest and should receive attention from member States, and those which no longer represent a valid objective and might therefore in some way or other be regarded as "dormant". It is also necessary to proceed, as effectively as possible, with the work of revising older standards to bring them into line with current world needs. The work already carried out to this end should not be underestimated: of the 140 existing Conventions, 40 represent an updating of earlier Conventions. Should such action be intensified and accelerated?

14. With regard to the future, the problems are of two types: the first concerns the form, the intensity and the procedures of standard setting by the Organisation, whereas the second relates to subject-matter.

15. With respect to the first category of questions, a decision must first be made as to whether, generally speaking, the same rhythm and principles should be followed in the standard-setting work of the Organisation. Are the present proportions of Conventions, Recommendations and other forms of standards best suited to achieving the Organisation's aims? Is it felt that an excessive number of Conventions on widely varying matters diminishes their impact? If so, should Conventions be limited to major questions or the establishment of a general framework, while other matters would be dealt with by other kinds of instruments or modes of action? It would then be necessary to define the sorts of standards best suited to particular types of problems. One should also examine whether the practice of adopting Conventions and Recommendations by the double-discussion procedure should be maintained or whether and to what extent this procedure might be simplified. One should also consider in what manner to ensure the best technical preparation of standards and the fullest participation of governments, employers and workers in drawing them up.
16. As regards substance, the main aspects of a future programme of international labour standards, as well as of the updating and streamlining of existing standards, need to be considered. The present body of standards covers widely varying fields of social policy: early standards relating to conditions of work in the strict sense to social insurance and then social security, to the protection of children, and to women's work have been supplemented by Conventions dealing with basic human rights (freedom of association, abolition of forced labour, elimination of discrimination) and major employment problems. A number of Conventions and Recommendations have dealt with the machinery required to ensure the effectiveness of action in the social field (labour inspection, the fixing of minimum wages, and statistics). Labour relations have been the subject of a series of Recommendations. Some instruments are aimed at the whole working population of a given country, while others cover particular categories whose numbers may greatly vary: agricultural workers, aboriginal and tribal populations, seafarers, fishermen, foreigners and migrants. Some deal with limited subjects (benzene, for example), others with comprehensive national policies (such as employment policy). Although international labour standards now cover a vast area, it would be illusory to think that they now deal with—or at some future time could deal with—all questions which require international regulation. On the one hand, needs, conceptions and technological conditions are frequently changing in a rapidly changing world and international standards, like the national legislation which it is their role to influence, must constantly be adapted and supplemented. The number of items which are examined by the Governing Body each year when it draws up the Conference agenda shows the abundance of subjects on which new standards are contemplated. Without going to the extent of laying down a rigid programme which current needs would quickly upset, it would undoubtedly be useful to have an over-all look at the problem in order to facilitate the longer-term development of standard setting. Consequently, the present study and a special appendix contain indications which might assist consideration of this question. The discussion might perhaps extend to more basic issues than a straightforward list of questions to be dealt with. Do existing standards sufficiently cover the most disfavoured categories of workers? More generally, in what way can protection be progressively extended to all workers in the world and can standards cover all the various aspects of social policies whose scope and complexity are constantly increasing?

17. These are, in broad outline, some of the questions which may be legitimately asked regarding the adoption and content of international labour standards. They will be dealt with in more detail in Chapter II of the present study.

*

18. The adoption of standards, however, constitutes only the first step in the Organisation's standard-setting work. Standards, when adopted by the Conference, must be examined by the competent authorities of each State. The ILO Constitution contains special provisions in this respect whose observance sometimes encounters difficulties. One might examine whether the ILO could do more to help resolve these difficulties.

19. Once examined by the competent authorities, standards can be accepted by States. More particularly, Conventions can be ratified. The ratification of Conventions has always been one of the principal subjects of discussion within the Organisation. Are there enough ratifications of Conventions? What value should be attributed to ratifications? To what extent should they be encouraged? This is the type of question which has been discussed regularly and sometimes heatedly over the last fifty years. These matters now seem less controversial. It is generally admitted that although Conventions are adopted in order to be ratified, and although ratification is eminently desirable so as to complete the Organisation's standard-setting work and as a means of bringing about or reinforcing social progress, it is not an end in itself. The essential objective is the implementation of Conventions, and ratification is a means of promoting and supervising such implementation. With due regard to these considerations, the present situation regarding ratifications deserves objective examination. The total of over 4,000 ratifications is impressive, but closer
examination reveals significant differences among Conventions and among States. It is noteworthy that the Conventions respecting basic human rights have on average had nearly 90 ratifications (subject to the problems of implementation dealt with below), but the situation in respect of others is very uneven. It is appropriate, therefore, to look for reasons which might explain this variety in the extent of ratification, such as economic and social conditions, legal problems like those of federal States or States in which social matters are often regulated by collective agreements, or sometimes the too rigid or too advanced character of certain Conventions. It must be noted also that in recent years the rate of ratification has somewhat slowed down. It would be useful, therefore, to examine what measures might be taken nationally or internationally to overcome such difficulties.

20. These are a few of the questions arising in connection with the submission of Conventions and Recommendations to the competent authorities and with the ratification of Conventions. Both of these subjects are dealt with in Chapter III of the present study.

21. The main purpose of international labour standards is their implementation. Consequently the Organisation has sought to supervise and promote this implementation. The ultimate ends of its action and also the credibility of the idea of Conventions and ratifications are here at stake. Supervision is not, however, limited to the carrying out of obligations under ratified Conventions. It is aimed also, although less systematically, at following the effect given to unratified Conventions and to Recommendations. It includes in addition special procedures and activities in certain fields more particularly connected with human rights, such as freedom of association and discrimination. Varied procedures have been established in response to these needs.

22. The general procedure is based on the annual submission of reports by governments. It involves the examination of these reports by a committee of independent experts - independence and objectivity constituting a fundamental principle of supervision - and the discussion of problems of application by a tripartite Conference committee, in which the governments concerned participate. The positive results which this procedure brings about year by year are patent. But it is clear that it also encounters difficulties, sometimes serious ones. This is not the place to discuss the substantive problems involved. On the other hand, those which relate to the functioning of the machinery itself must be considered. One of these problems is the constant increase in the volume of work for both governments and the supervisory bodies resulting from the increase in the number of Conventions and of member States and in the number of ratifications. The system was simplified already in 1959, when reporting on a two-yearly basis replaced annual reports. But the numbers of ratifications, and consequently of reports due, have continued to mount. It has now become necessary to consider whether one should not go further in introducing wider spacing or greater selectivity in requesting and examining reports. The question is whether simplification can be introduced without prejudicing the effectiveness of supervision and what guarantees or supplementary measures might have to accompany any simplifications. One might even consider the possibility that a wider spacing of reports might be compensated by more frequent recourse to the various complaints procedures. The basic questions in this type of supervision remain, however, those of the genuineness and effectiveness of the dialogue with governments on which it is based. Although this procedure produces concrete instances of progress every year, attempts should still be made to improve it. Improvements should have three fundamental aims: to increase the precision of supervision in evaluating not only the extent to which national legislation conforms to Conventions, but also to what extent the latter are applied in practice; to augment the effectiveness of supervision and promote positive reaction on the part of governments; and lastly, to facilitate effective participation by employers' and workers' organisations in these procedures.

23. In addition to the procedure based on reporting, other procedures founded on the presentation of complaints have been established. Some have been used only in exceptional cases, although less rarely now than in the past. This is especially true of the complaints procedure provided for in article 26 of the
ILO Constitution, which has once again, quite recently, led to the establishment of a Commission of Inquiry. It is the most formal procedure at the Organisation's disposal and is clearly intended for cases of special importance calling for thorough and detailed examination. Would it be appropriate to modify this procedure? Another procedure which is much more frequently resorted to is that concerning freedom of association. The question has often been raised whether this procedure, which is applicable even to States which have not ratified the freedom of association Conventions, might be strengthened and made more effective. On several occasions, steps have already been taken to this end, but the matter remains open to further discussion. In another area, one must consider the prospects of the special measures in the fight against discrimination recently provided for by the Governing Body.

24. Finally, a supplementary method has been added to these various procedures, namely, direct contacts with governments. It is now possible to analyse the results of five years of experience in this respect.

25. These are some of the major questions arising out of the supervisory procedures established by the Organisation. They are considered in Chapter IV of this study.

26. Apart from supervisory machinery, various other measures have been taken to promote the application of standards. During the last four or five years the ratification and implementation of standards have come to be discussed at the regional level. Is it appropriate to pursue and strengthen this tendency, and in what manner might regional conferences take a more active part in the effective realisation of ILO standards? At government level, various measures for assistance and training for officials are undertaken regularly. Measures have also been taken to provide information in the standards field to employers' organisations and especially to workers' organisations. These various steps are aimed at providing all parties concerned with the information necessary for their participation in the procedures for the application of standards. Are they useful and should they be pursued or even intensified? Ought one not perhaps to envisage more general action to provide information regarding standards to certain non-governmental organisations, universities, legislatures, etc., since the impact of standards will partly depend on the extent to which they are known to and are able to influence wider circles? These various issues will be dealt with in Chapter V of this study.

27. International labour standards often go beyond the scope of the ILO. Some of them extend into such wide fields that they have been adopted in collaboration with other international organisations, which also participate in supervising their implementation. Conversely, other world-wide and regional organisations have adopted, and are increasingly tending to adopt, standards on human rights and labour matters, and the ILO is, or will be, called upon to contribute to supervising their application. This gives rise to the question of the responsibility of the ILO and of the co-ordination of the activities of various organisations, which will be dealt with in Chapter VI.

28. After the examination of these various problems, it will be necessary to place standards within the general framework of ILO activities. The first question is how standard setting can be usefully integrated in the various
planning operations, especially long-term planning, while keeping for procedures sufficiently flexible to be able to meet unforeseen needs. A fundamental concern must also be to avoid isolating standard setting from other ILO activities and to ensure in particular increased co-ordination with technical co-operation. This can give standards a further dimension, help in their practical application and find in well defined and uncontested standards a firm basis for action which must obviously also take account of national realities and priorities. More generally, attention needs to be paid to ensuring that standards aspects are duly taken into consideration by technical, research, publication and other services in the Office, with a view to co-ordinated action both in preparing and implementing standards. The fundamental issue is what part standards should play in the over-all framework of ILO activities. In other words, how can the ILO ensure that, in a complex, changing and heterogeneous world, this means of action and its related procedures may continue, in an appropriate form, together with the other means at the Organisation's disposal and particularly with the full co-operation of governments and of employers' and workers' organisations, to respond fully to present-day needs and conditions? It is in the light of these questions that the last chapter of this study should be read.
CHAPTER II

ADOPTION OF INTERNATIONAL LABOUR STANDARDS

1. The Starting Point

29. No consideration of the standard-setting process in the ILO can overlook what already exists, namely, as of July 1974, 140 Conventions and 148 Recommendations. To what extent are the standards embodied in these instruments still valid? To what extent does the body of these standards form a coherent set of guidelines for national action? To what extent can it be said that the body of standards is complete and how can it be kept up to date?

30. These questions were touched on by a proposal recently made to the Governing Body by the Government of Canada. The main features of that proposal were as follows:

(a) The ILO's standard-setting activities should be seen as a means of achieving agreed programme objectives, and Conventions should therefore serve as targets for ratification.

(b) To perform this function, ILO Conventions must reflect the best modern thinking on the subjects covered. It is necessary to avoid superfluity of instruments on the same or similar subjects, and obsolete instruments should be removed. The present number of Conventions is too great to serve as a target for ratification.

(c) The ILO should make a review of existing Conventions and Recommendations in order to decide which instruments should be retained in a modern code of standards, to identify instances where revision of existing Conventions would be desirable, and to identify subject areas not adequately covered by existing instruments. A process should be developed for systematic continuing review of Conventions so as to keep the body of ILO standards up to date and adapted to modern concepts. In planning the agenda of future sessions of the Conference, regard should be had to the need for revision of standards.

(d) Any Convention not retained as part of the modern code might, even if not formally abrogated, be left dormant. As such, it would no longer be regarded as a target for ratification and omitted from the chart of ratifications.

After a preliminary exchange of views on that proposal, it was decided that it should be considered further within the context of the in-depth review of the international labour standards programme.

31. Possible procedures for determining, inter alia, the continued validity of existing standards are suggested in section 2 of this chapter. What will have to be borne in mind in that connection is that the International Labour Code serves the needs of countries at widely different levels of development and that a certain diversity of texts from which to choose may be a necessity. At the same time, the limitations on legal action following on a determination that a particular instrument no longer has relevance must be recalled: while Recommendations could at any time be abrogated by Conference action, either as part of the adoption of up-to-date standards or by a decision directed solely to such abrogation, the obligations arising from the ratification of a Convention can, once the Convention has entered into force, be brought to an end only by denunciation, either voluntary or automatic (i.e. resulting, normally, from the ratification of a revising Convention which is in force). Accordingly, when the possibility of abrogating obsolete instruments was previously examined by the Governing Body it became apparent that only a very small number of Conventions would lend themselves to such treatment. It would be possible to envisage, for the future, the inclusion in the final Articles of Conventions of a provision empowering the Conference to

---

1 GB. 188/15/22, paras. 26 to 33.
2 Some Recommendations already provide that they "supersede" earlier standards, but no steps have hitherto been taken for the formal deletion of these standards from the body of ILO texts.
terminate obligations in respect thereof. The suggestion that Conventions found
to be obsolete - and a line would have to be drawn between such texts and those
which could still represent interim objectives1 - might be left "dormant" in the
sense of not being regarded as targets for ratification or included in charts of
ratification, does not raise the same issues. However, in determining the manner
in which such Conventions are to be treated, care would have to be taken not to
appear to be depreciating ratifications which exist as legal obligations2, which have
represented a step in social advancement and which are recorded as such.3

32. The idea of creating a compact and coherent code out of the existing
multiplicity of ILO instruments must be examined in the light of the same con-
straints. At the same time, if it is understood that that idea relates not to a
codification in the sense of national legislation, but to the creation of a clear
target for ratification, there are various avenues to its realisation. One
possible approach is through the process of standard setting; another through
practical measures aimed at identifying the standards which should be regarded as
representing up-to-date objectives for social policy and action.

(a) One possibility would be to replace instruments dealing with the same
or similar subjects by a comprehensive, up-to-date instrument. This approach has
recently been adopted in the Minimum Age Convention, 1973, which revises and is
intended gradually to replace ten earlier Conventions. This Convention may
therefore now be considered as the main objective of national action in the field.
At the same time, it was accepted by the Conference not only that the process of
replacing the obligations arising from some 370 ratifications of the earlier
Conventions would be a slow one, but that five of the earlier Conventions might
still represent interim targets for countries unable initially to apply the new
Convention to all the economic sectors required, or ratifying it initially for
an age level lower than that set in these earlier Conventions. The approach might
be used in other cases in which the earlier standards can be welded into a compact
and coherent instrument (as distinct from being merely strung together), where a
sufficient measure of agreement exists on the solution to be sought, and where
there are fair prospects that the network of obligations existing in respect of the
earlier instruments can be shifted to the new within a reasonable time-space. How
widely practicable these requirements make the approach is a matter of some doubt:
for instance, while the field of hours of work, with ten existing Conventions
(other than maritime), would seem indicated for consolidation, it must be recalled
that, on the occasion of the last Conference discussion of the subject, considera-
tion by three sessions of the Conference was required for the adoption of a
Recommendation.

(b) A variant of this standard-setting approach may be the establishment of
"key" Conventions to which others relate in logical manner. In the field of
social security, the Minimum Standards (Social Security) Convention, 1952, plays
such a role; by virtue of special provisions in that Convention and in later
instruments concerning individual branches of social security a high degree of
integration is achieved. It may be that the proposed comprehensive instrument on
the working environment could play a similar role as regards the multiplicity of
existing instruments on safety and health.

(c) Practical measures designed to relate existing Conventions and Recommenda-
tions to the current needs of member States might include the following:

(i) Wholly obsolete standards might be omitted from any republication of
the volume of Conventions and Recommendations.

- which has become necessary for a variety of reasons - could indicate,
for each subject area, the up-to-date standards which should now

---

1 An example of a Convention which may be, or may be becoming genuinely
obsolete although it is highly ratified, is the Minimum Age (Trimmers and Stokers)
Convention, 1921. Not only is it revised, but the occupations to which it
relates are disappearing.

2 The problem may be illustrated by two examples (without prejudging whether
they represent genuinely "obsolete" Conventions): while the revised Convention
on night work of young persons, of 1948, has been ratified by 37 countries, the
original Convention of 1919 remains in force for a further 32 countries; the
Employment Injury Benefits Convention, 1964, which revised all the earlier
Conventions on the same subject, has so far been ratified by 13 States, while from
36 to 44 other States remain bound by the earlier Conventions.
constitute the objective and basis of national action, and the extent to which earlier standards retain significance as interim objectives. Obsolete or obsolescent texts might be omitted, with an indication merely of the sources where they may be found.

(iii) Conventions which can never give rise to obligations - i.e. those which have not entered into force and are no longer open to ratification - and the two Conventions (Nos. 80 and 116) which were purely procedural might be omitted from the chart of ratifications. With a view to giving a truer picture of the obligations arising out of Conventions, cases in which a Convention has been denounced might be omitted from ratification totals by country and by Convention.

(iv) There might be a systematic attempt to draw up programmes of action, international and regional, for the ratification or acceptance of standards the implementation of which should be regarded as priority objectives.

These various measures - aimed at the removal of what is clearly out of date, the systematic compilation of what retains interest, and the identification of priority objectives - may go a considerable way towards meeting the preoccupation that ILO standards should play a dynamic part in the development of the Organisation's programmes.

33. The volume of instruments already in existence has occasionally led to the question whether any major standard-setting activity is still required. Perhaps a growing part of such activity will be that of revision - i.e. the adaptation of existing standards to changing conditions and relationships. At the same time, as has been shown both by a number of over-all reviews by the Governing Body of questions which might be the subject of new standards, and by a variety of Conference resolutions, with the passage of time new problems call for attention; three-quarters of the instruments adopted in the last ten years broke new ground. Just as it is inconceivable that at the national level legislation can be brought to a halt, so international labour standards will retain their vitality only if they keep abreast of new problems and new ideas.

2. A Planned Approach to Standard Setting

34. This does not necessarily mean that the approach and methods adopted hitherto in the drawing up of Conventions and Recommendations may not require reconsideration. ILO practice has been to bring before the Conference, one by one, clearly delimited subjects. This has the advantage of permitting adequate attention to be given to the various technical aspects of the question under discussion, and of leading to the formulation of reasonably precise standards. It also means however a constantly growing number of instruments, as a result of decisions taken year by year without any over-all or co-ordinated legislative plan; this clearly implies difficulties both in terms of providing clear guidelines for national action and in terms of effective international supervision of such action.

35. If it were felt desirable to adopt a more systematic approach, the Long-Term Plans could be used as a basis for establishing a programme of standard setting during the period to which they relate. The draft plan could include a section indicating the various questions which appeared ripe for Conference actions and suggesting priorities which might be related to areas of emphasis of the Plan. The Governing Body could establish an outline programme of items to be placed on the agenda of the Conference during the Plan period, possibly after examination of the matter by one of its Committees or by a special working party. This programme would not constitute final decisions on the agenda of the Conference in the years in question, but - like the remainder of the Long-Term Plan - would provide guidelines for the future work of the Organisation. The actual decisions on the agenda of Conference sessions could still be taken on an annual basis, and the Governing Body would retain full freedom to select subjects not included in the outline programme if the need for priority consideration arose. However, the existence of such a programme would facilitate the inclusion in budget and programme proposals of provision for the necessary technical preparation - research, expert meetings and/or preparatory technical conferences.
36. A systematic review of the existing body of standards could be undertaken without awaiting the preparation of the next draft Long-Term Plan. The results of this review could become the blue-print for the ILO's standard-setting activities in the years ahead, and be incorporated and carried forward in time in subsequent Long-Term Plans. The review would be aimed at determining which instruments should be regarded as obsolete (particularly in the case of Recommendations this might lead to the abrogation of some 40 to 50 instruments); which standards called for revision; and on which subjects new standards might be adopted. It could also examine the possibilities of replacing existing Conventions and Recommendations in given fields by comprehensive texts. Finally, recommendations might be formulated as to priorities in the consideration of the various items.

3. The Substance of International Labour Standards

37. Appendix I contains a tentative analysis of existing ILO standards and suggestions for future standard-setting activities, based largely on the Long-Term Plan, in-depth reviews of ILO programmes, Governing Body papers and decisions of the Conference and other ILO meetings. It indicates, by subject-area, all existing Conventions and Recommendations, the extent to which the various instruments are still of current interest or may be regarded as obsolete, the need for updating and revision of standards (including the possibilities of consolidation) and questions on which the adoption of new standards might be considered. This analysis could be used as a basis for action under the planned approach to standard setting outlined above.

38. Two general problem areas require consideration in this connection. First, what should, ideally, be the scope of international instruments, both in terms of subject-area and in terms of categories of persons covered? Second, how can standards be made meaningful for member States at widely different stages of development?

Scope

39. The aim of obtaining a clear and compact body of international labour standards is clearly better served by approaching subjects from a broad perspective, than by dealing, one by one, with very limited aspects. What has been said above, about the possibilities of consolidation of existing standards in comprehensive instruments and the creation of key instruments in certain fields, applies also to the elaboration of standards in new areas. There are, as regards new standards, some additional limitations. Some of the future standard-setting work will have to be devoted to filling gaps in the existing body of standards or bringing particular earlier instruments up to date; these needs may impose the adoption of some standards of relatively narrow scope. Also, care will have to be taken to see that the Conference is not called upon to deal in the limited time at its disposal with too sizeable a new subject. The latter problem might be met by such means as a general discussion of a subject by the Conference at a session preceding that at which standards on aspects identified at the general discussion as calling for them are elaborated.

40. As regards the categories of persons covered, the general trend in the adoption of standards in recent years - as opposed to the early years of the Organisation, when it was usual to limit instruments to particular sectors of economic activity - has been towards generalisation of scope. Again, it is clearly desirable, both from the point of view of the social purpose of standards and from the point of view of providing coherent guidelines to governments, that coverage be as wide as possible, although uneven development of social protection at the national level may make it necessary to leave some flexibility, in the form of possibilities of temporary derogations or separate acceptance, as regards the creation of obligations.

41. There are two possible qualifications to the general principle stated in the preceding paragraph:

(a) There are certain occupational groups whose work is carried out in conditions which involve significantly distinct problems. The main examples, traditionally, have been seafarers, fishermen and dockworkers; more recent examples have been teachers and nurses. Here too, there may be room for consolidation in
that many problems of seafarers and fishermen, and some of the problems of these
categories and dockworkers, are similar in nature. But in so far as these
problems are distinct from those of persons in other sectors of economic activity,
distinct instruments will have to deal with them.

(b) There may be a question whether specific action is required to improve
the relative position of the large groups of the population which have been
traditionally disadvantaged, such as those engaged in subsistence agriculture. It
may be that a detailed examination of existing standards would show that there was
room for such action; the adoption of the Tenants and Share-croppers Recommen-
dation, 1968, was a step in that direction. At the same time, it is certain that
many existing instruments are applicable to them and are not effectively applied
only because use is made of possibilities of derogation, separate acceptance etc.;
action therefore needs in large part to be directed, not to new standards, but
towards the fullest possible application of what exists.

Flexibility

42. The Constitution of the ILO expressly recognises, in article 19, paragraph
3, the need to adapt Conventions and Recommendations to the particular situation,
of climate, development or otherwise, of different countries. The increased
heterogeneity of the membership of the Organisation has underlined the need for
such adaptation. An ever growing range of "flexibility devices" has accordingly
been developed: they include possible limitations on scope; "escalator" clauses
making possible ratification at different levels of substantive obligation etc.
Their use has brought into relief the question whether the attempt to set universal
standards in a world with a wide range of national differences in development is an
exercise in squaring the circle.

43. There is no doubt that a great range of the problems dealt with in
international labour standards are similar in nature throughout the membership of
the Organisation; what differs is the capacity of overcoming them. In this
connection it must be recalled that the aim of international labour standards is
not to obtain uniformity of legislation and practice, but to establish internation-
ally recognised minimum levels of social protection. What the flexibility devices
in these standards are designed to do is to establish a basic level below which
international "recognition" cannot be given - even if that level cannot be readily
attained at once by certain countries - as well as higher minima for countries in
respect of which the basic level would not represent a social target. The
responsiveness of the standards so evolved to real needs is of course a matter of
judgment. In the section concerning procedures, below, some consideration will
be given to the question whether different countries at present play an equal role
in the shaping of standards. However, there is no reason why the careful and
judicious weighing of all the elements involved should not produce standards
meaningful for the entire membership of the Organisation.

44. There are some matters which are of interest only to certain States.
This has always been the case: instruments on underground work concern only States
with mines; instruments on maritime work concern only States with a merchant
marine. Similarly, the Conference has in recent years adopted some instruments
of specific interest to developing countries, such as the Recommendation on
co-operatives in developing countries. Usually these instruments are of interest
to the category of countries concerned in all parts of the world. It is con-
ceivable, however, that there may be needs for standards which are peculiar to
one region; the possible ways of dealing with such needs are considered in the next
section, in connection with the question of possible regional standards.

4. The Form of International Labour Standards

45. The two forms of instruments provided for in the Constitution of the ILO
are Conventions and Recommendations. The question of their respective role and
value, and their suitability for particular subjects and in particular circumstances,
is one which arises regularly and cannot be ignored in this review. But there are
some further questions. In particular, the ILO prepares less formal guidelines
for member States in the form of model codes, codes of practice, etc.; what role
do they and should they play in a planned legislative programme? And what room,
if any, is there for regional standards?
Conventions and Recommendations

46. It is sometimes forgotten that under the Constitution of the ILO both Conventions and Recommendations must be brought before the competent authority of each Member "for the enactment of legislation or other action", that in respect of both each Member must report on the action taken, and that in respect of both there are further reporting obligations, admittedly less frequent and regular in the case of Recommendations than in that of Conventions. It is therefore perhaps unfortunate that Recommendations should be so widely regarded as second-class standards; indeed, while there is much less concrete information on the impact of Recommendations than on that of Conventions, surveys of the Committee of Experts and national studies have demonstrated the considerable influence of certain Recommendations. A better view may be that both Conventions and Recommendations constitute guides for national action, but with different degrees of commitment, according to the nature of the subject and the circumstances.

47. The difference between the two forms of standard is of course that a Convention, by ratification, may create binding legal obligations the observance of which is the subject of regular international supervision, whereas a Recommendation does not give rise to such obligations. In deciding whether a subject lends itself to the adoption of a Convention, the essential question then is to what extent the subject-matter lends itself to the formulation of clear and practicable rules as a basis for meaningful obligations, that is, of provisions which furnish a sufficiently precise indication to governments of the action required of them, which can be expected to be applied in their entirety subject only to such adaptations and limitations as are expressly permitted and the implementation of which is capable of objective evaluation.

48. The answer to that question is necessarily one of judgment. This is not peculiar to international legislative work; the controversy, in a number of countries, whether the problem of discrimination is susceptible of legislative treatment shows that it arises on the national plane also. What can perhaps be said, most tentatively, is that the International Labour Conference has found precise questions of conditions of employment (hours of work, minimum wages, holidays with pay), of safety and health, of social security and of human rights on the whole more suitable for Conventions than questions of employment policy, vocational guidance and training and industrial relations. Conversely, it has had recourse to Recommendations, in particular, where national experience on a subject is lacking, and standards are exploratory; where an agreed aim may be achieved by a variety of methods and it is accordingly necessary to leave a measure of freedom for national action; where it is felt undesirable to overload a Convention with detailed guidelines on the application of the principles contained therein; and where it is desired to set out as a target a standard higher than is susceptible of ratification, in a Convention, in the foreseeable future (the two last cases normally take the form of Recommendations supplementing Conventions and adopted at the same time). It might be worth undertaking a comparative study of the functions and advantages of Conventions and Recommendations as a basis for establishing more precise guidelines for the choice of the form of future instruments.

49. A special word needs to be said about the so-called "promotional" Convention. It is designed to obtain from States, by ratification, a commitment to pursue stated policy objectives, the methods and timing being left largely to the discretion of individual States. There can be no doubt of the value of such a legal commitment where the policy objective is defined with precision, and progress in realising that objective can be evaluated with a fair measure of certainty; the sizeable impact of the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958, and the Employment Policy Convention, 1964, may be cited as examples. However, where the pursuit of the objectives stated calls for measures over wide areas of public policy, whose relative priority at any given time within over-all government programmes is so much a matter of judgment that evaluation of the extent of compliance with the international commitment becomes hazardous, the use of the Convention form becomes more open to doubt. Some prudence would therefore seem to be called for in the growing recourse to promotional Conventions.

1 For example, the recent survey of the Termination of Employment Recommendation, 1963.
50. A further point which deserves special mention is that of the relationship between the form of the instrument on the one hand and the addressee of the guidance which it contains and the method of implementation on the other. Many standards contained in ILO instruments are addressed directly to employers or workers and their organisations. Moreover, it is the practice in many countries to deal with certain matters dealt with in international labour standards by collective agreements without government intervention. This does not give rise to difficulty in relation to Recommendations. However, Conventions, when ratified, are binding on the State for fixed periods, and it is the Government which is internationally responsible for compliance therewith; there has been hesitation, over the years, as to whether and how such commitments can be assumed in respect of matters not under direct government control. There were experiments, in the 1940s, with special procedures which have never come into operation. More recently, standard provisions have been included in certain Conventions permitting application by means of collective agreements but specifying a residual obligation to legislate if compliance with the Convention is not complete. In the one case in which that standard provision has not been used - a subject peculiarly one for direct action by employers and workers in many countries (the Workers' Representatives Convention, 1971) - the Conference report indicated that "it was understood that ... legislative action would not be required where existing arrangements, including collective agreements, ensured that effect was given to the provisions of the Convention."  

Other Forms of Standards

51. The ILO has for many years published model codes and codes of practice, particularly in the field of occupational safety and health. These are generally prepared by groups or meetings of experts and approved by the Governing Body. Their advantages, as compared to Conventions and Recommendations, are that they can provide more detailed and concrete guidance; that they can be altered more easily to keep pace with technical changes; and that their preparation is less costly. These reasons therefore arise whether their use can be extended to other areas and how they can be integrated in the overall legislative work of the Organisation.

52. Action for the preparation of models for national legislation on a wider basis is under consideration. The Programme and Budget for 1974-75 makes provision for exploratory study of the possibilities and usefulness of preparing model texts, adapted to different legal systems and to the needs of countries at different levels of development, to serve as a basis for social legislation. The Draft Long-Term Plan 1976-81 contains similar proposals in the field of social security. Measures of this kind could usefully supplement existing ILO action because Conventions and Recommendations mostly lay down general principles which require to be completed by numerous administrative details; in many instances, Conventions expressly leave important matters to be regulated by national laws or regulations. A systematic compilation of model texts, drawing on what was best in national sources as well as on ILO instruments, and offering a range of approaches adapted to different conditions and systems of administration, might represent a most useful service to governments, employers, workers and other interested parties; it could also significantly enhance the effectiveness of ILO assistance in the drawing up of social legislation.

53. There is less experience of standards in the form of guidelines adopted by representative meetings such as regional conferences and Industrial Committees. The regional aspect will be considered further below. It may suffice here to say that the Conference has recognised the potential usefulness of such guidelines by concluding, during its first discussion of a proposed Recommendation on human resources development, that member States should take account of guidelines supplementing its provisions which may be formulated by regional conferences, Industrial Committees and meetings of technical experts.

---

2 Para. 724.
3 Para. 353.
The proposed instrument on human resources development is an example of a recent trend, again most marked in the field of occupational safety and health, for Conventions and Recommendations expressly to envisage that detail which cannot be included in the formal standards, particularly because of the rapidity of technical change and changes in scientific knowledge, will be dealt with by model codes, guides and conclusions of expert meetings. This would appear to be the beginning of the integration of formal and less formal standards. The less formal standards cannot replace the formal, with all the advantages given to the latter by the pertinent constitutional provisions. It may be that a judicious combination of the two - framework Conventions or Recommendations, supplemented by substantial detail in other forms - is an answer to many of the questions raised in this review.

Regional Standards

The question has been raised at times whether there would be advantages in the adoption of regional standards. Discussions on the subject at the regional level have revealed not only a marked consensus in favour of the continued setting of standards on a universal basis, but also the similarity of the difficulties encountered in different regions. As suggested above, in section 2 it is perfectly feasible to set international standards, suitably flexible, universally, and there are good reasons for so doing, including the consideration that separate standard setting in different regions may produce conflicting concepts and thereby impair the over-all authority of standards.

This does not mean that there is no room for regional standards at all. Such standards can play a useful role in two respects. First, as suggested above, there are from time to time social problems which are peculiar to one region or sub-region. The standard-setting work that has been done in respect of Rhine boatmen is one example. Second, universal standards often deal with the subject-matter in fairly general terms; one of the ways in which supplementary detail can be provided is by regional action.

Many of these regional standards will be of a non-formal nature. For instance, consideration by regional advisory committees and Regional Conferences of the problems arising in their regions in the ratification and application of universal standards could lead to the establishment of guidelines on the manner in which these standards could be carried into effect in the conditions prevailing in the region and on the aspects requiring priority attention. But recourse to formal instruments is by no means precluded: Conventions have been adopted in the past, on a regional level, both by special diplomatic Conferences under the auspices of the ILO and as the result of the collaboration of the ILO with regional organisations; they have dealt both with questions peculiar to a region (such as the Rhine boatmen Conventions) and with questions supplementary to universal standards (such as the Conventions established in collaboration with regional organisations in three continents on the social security of migrant workers). In conclusion, therefore, wider recourse in future to the adoption of regional standards should not be precluded in cases where the similarity of the problems encountered in a given region warrant such an approach, and with the express proviso that regional standards must not be such as to impinge upon the principles incorporated in standards adopted at the universal level.

Procedures for the Elaboration of Conventions and Recommendations

ILO procedures for the preparation of its standard-setting work were evolved over many years with a view to ensuring the most thorough technical preparation and fullest consideration of the texts adopted. They have not been changed for a substantial period of time, during which the Organisation's membership has greatly increased and has become more heterogeneous, while the legislative work has become more complex both because it must be related to a large body

of existing standards, and because it must take account of a large variety of needs. It is legitimate to ask whether the procedures are effectively meeting these strains, or whether alternatives should be actively explored.

59. In selecting items for the Conference agenda with a view to the adoption of standards, it is important to ensure that the subjects are ripe for action - in the sense that the matters to be regulated are clearly defined and technically prepared - and that they correspond to priority needs of member States. Steps have recently been taken within the Office to ensure that no items are proposed to the Governing Body which are not fully ripe for action. As indicated above in section 2, the planning of standard setting within the framework of Long-Term Plans would facilitate the necessary advance preparation. It has also been suggested above that it may be useful in certain circumstances to undertake a general discussion of a subject before elaborating standards and this has of course been done occasionally in the past. And a further possibility is the use of regional bodies, particularly regional advisory committees, to obtain both a picture of priority needs regarding choice of subjects, and of problems to be taken into account in dealing with them.

60. Under the present Standing Orders, items are placed on the agenda for a double discussion unless the Governing Body decides otherwise. That procedure is in fact used in the overwhelming majority of cases, not only of new standards but also of revision. Its main elements are the consultation, on two occasions, of governments (and through them of employers and workers), and consideration, on two occasions, by a special Committee of the Conference. In a number of ways the working of this procedure is not wholly satisfactory. It would be highly desirable that the consultation of governments takes place within a tight, statutory time schedule. The number of replies received (rarely exceeding half the membership and sometimes substantially less), the lateness of many replies, and the purely formal nature of some of them suggest that this schedule, combined with other pressures on government services, does not allow of adequate consideration of the questionnaires and draft texts. The lateness of replies, in turn, compresses the time for Office analysis. Second, Conference Committees are now so large that they have difficulty in dealing effectively with what is, in many ways, a drafting job. Moreover, they are not fully representative as many smaller delegations find it difficult to attend all the Committees in which they are interested, and absenteeism, particularly in the Government group, is accordingly high. All this may limit the participation in the standard-setting process, particularly of the less developed countries.

61. There are a number of possible means for facilitating consultation and discussion, which could be used alone or in combination:

(a) One possibility would be to reduce the number of items being placed on the Conference agenda, and thus to reduce the pressures on governments and Conference delegations. This would imply a slowing down of standard setting and is thus related to a possible over-all review of the need for new or revised standards; the analysis in Appendix I suggests that there is no shortage of items.

(b) It would be possible to extend the time limits for government consultation at least prior to the first discussion. This would give more leisure for government consideration but would also extend the present time-lag of three years between the time the Governing Body calls for law and practice reports on an item and the final adoption of an instrument, probably to four years.

(c) It would be possible to replace the double-discussion procedure by greater recourse to a single discussion preceded (i) by a technical meeting and (ii) by subsequent consultation of governments, within time-limits corresponding to those at present covering the double-discussion period. This would give more leisure for government consideration, would reduce the number of occasions on which there is government consultation, and would reduce the number of items before the Conference at any one time, without slowing down standard setting. There are problems involved - particularly that of ensuring a balanced composition of technical meetings - but this approach may be one of the most promising and perhaps deserves at least a trial.

(d) Some Conference Committees have already experimented with procedures under which the full Committee discusses major issues, and then refers amendments to technical groups. This leaves drafting in the hands of more manageable bodies, while reducing the number of meetings of the full Committee and hence the pressures on smaller delegations. More systematic recourse to such procedures may deserve consideration.
Above all, it may perhaps be desirable to have a certain flexibility in procedures, and to choose the one most apt in the circumstances. If, for instance, a very sizeable item is before the Conference, involving the adoption of several instruments, the possibility of carrying part of it over for a further session should not be included.

62. Some special reference should, finally, be made to procedures of revision. There exists a separate revision procedure under the Standing Orders, the essential elements of which are the consultation of governments by the Governing Body; the fixing by the Governing Body of the precise questions on which there is to be revision; and a single discussion by the Conference. If that procedure has, as indicated, been largely replaced by the normal procedure, this would seem to be due to the fact that it is less suitable for major modifications of existing standards, and that in recent years the revision process has usually involved the complete reshaping of instruments. However, the possible need for limited modifications in an instrument should not be ignored. For this, there is not only the special procedure; there are provisions in certain instruments - in particular the Employment Injury Benefits Convention, 1964, as regards the schedule of occupational diseases - for a simplified amendment procedure. One of the difficulties, as experience with the 1964 Convention has shown, is to fit such limited modifications into the pattern of Conference work. From this point of view it may be worth while to explore possible variants on the suggestion made, in connection with the review by the Conference in 1963 and 1964 of the programme and structure of the ILO, for the creation of a standing revision Committee of the Conference. At the same time, only an over-all review of the need for revision can reveal clearly the scope, at this time, for simplified revision procedures.
Chapter II

Suggested Points for Discussion

Para. 31 Should Conventions in future contain a final Article permitting abrogation? Should formal steps be taken for the deletion of obsolete Recommendations from the body of ILO instruments? Should certain Conventions be left "dormant" - if so, according to what criteria?

Para. 32 Possible measures with a view to creating a compact, up-to-date and coherent body of ILO standards.

Paras. 34-35 Adoption of a planned approach to standard setting, within the framework of Long-Term Plans.

Paras. 36-37 Over-all review of existing standards and future needs in standard setting (see Appendix I).

Paras. 42-43 The continuing need for flexibility in standard setting.

Paras. 46-48 Respective roles of Conventions and Recommendations.

Para. 49 The proper role and limitations of "promotional" Conventions.

Paras. 51-54 What is the place for other forms of guidelines, such as (a) model codes or codes of practice, (b) compilations of model texts for national legislation, (c) guidelines adopted by representative or expert meetings to supplement Conventions or Recommendations?

Paras. 55-57 Possible scope for standard setting at the regional level.

Paras. 60-61 What changes might be made in the procedure for adoption of standards to facilitate their preparation and the necessary consultations?

Para. 62 Should use be made of methods of simplified revision?
CHAPTER III

SUBMISSION TO THE COMPETENT AUTHORITIES
AND RATIFICATION

1. Submission of Conventions and Recommendations to the Competent Authorities

63. Article 19 of the ILO Constitution (paragraphs 5, 6 and 7) provides that member States shall bring Conventions and Recommendations within one year or eighteen months of their adoption, before the "authorities within whose competence the matter lies, for the enactment of legislation or other action". The purpose of this provision is to ensure that governments do not overlook ILO standards and that the question of the action to be taken in regard to them is promptly examined at the appropriate level by the authority competent to legislate or otherwise act in the area in question.

64. This rule has given rise to two kinds of difficulties. First, the nature of the obligation, which represented an innovation in international law, is still sometimes imperfectly understood and fulfilled. Secondly, lengthy delays often occur before instruments are submitted. Fewer than half the member States submit instruments within the prescribed time limits of one year or eighteen months, but many more do so over the following three or four years. Reasons given for delay are the need to examine the action to be taken with regard to instruments, sometimes in consultation with other authorities; the need to translate texts into the national language; administrative and parliamentary delays and priorities, etc.

65. The ILO supervisory bodies regularly follow up the extent to which the obligation to submit instruments is being respected. The Office sometimes provides additional assistance at the request of governments and such assistance could be increased. It may include in particular, explaining the scope of the obligation to national officials at international training courses, regional seminars or in the course of "direct contact" or other missions; or sending to countries on request documents as indications by which other member States have met the obligation to submit instruments, which can serve as models. The translation by the Office of the texts of Conventions and Recommendations as they are adopted into languages other than the official and working languages (over and above existing arrangements), as a means of solving the language problem, could raise financial and other problems but might prove useful and merits consideration.

2. Ratification of Conventions

66. The aim of the whole system of international labour Conventions is their ultimate ratification. Although ratification is not an end in itself, it should be regarded as the normal culmination of the whole process of framing Conventions for member States which are of the opinion that they can implement them. Because of the obligations which it entails, ratification serves as an incentive to countries to implement the Convention and sets in motion the ILO supervisory procedures. Hence ratification is generally a decisive step in the implementation of a Convention and an important element in its effectiveness.

67. The number and the geographical distribution of ratifications have therefore always received close attention. Progress in the number of ratifications, which has matched the increase in the number of Conventions and of member States,

---

1 See Chapter I, para. 19.
2 See Chapter I, para. 2.
may be judged from a few figures: ratifications totalled 1,000 in 1949, after
the ILO's first 30 years, 2,000 in 1960, 3,000 in 1964, and 4,000 in 1974. The
increase was particularly rapid after 1960 when many States gained their independ-
ence, especially in Africa, and confirmed the obligations arising out of Conventions
which had previously been accepted on their behalf. The rate of increase has
somewhat slowed down in recent years. The average annual number of ratifications
over the last ten years has been 93, excluding some 250 cases of confirmation of
obligations by new States. There were 62 ratifications in 1972 and 77 in 1973.

68. Twenty-one States have ratified more than 50 Conventions and 13 less
than 10, with the rest falling in between. The average number of ratifications
by States in Europe is 47, in the Americas 35, in Africa 24, and in Asia 20.

69. There are many different reasons why governments have not ratified more
Conventions. Sometimes the government feels that economic and social conditions
do not permit it to take the measures required by the Convention, because of
their expense or a different order of priorities for national development. From
this point of view, it cannot be expected that Conventions whose purpose is
change and social progress can be immediately implemented by the great majority
of member States. In some cases there are legal obstacles in the way of
ratification. Thus certain governments do not feel able to assume the obligation
to implement a Convention when its subject-matter, within a federal State, falls
within the competence of the constituent units, or again when the subject-matter
is generally dealt with nationally through collective bargaining. In other
cases difficulties may arise from the excessively detailed or rigid requirements
of a Convention or even from one of its minor provisions. Mention should also
be made of the fact that national administrative processes move slowly and some-
times even reveal a degree of indifference, or there may be apprehension about
the consequences of ratification such as the obligation to communicate annual
reports and submit to supervision. Finally, some of the more recent Conventions
have set fairly complex standards - for example, on social security - or relate
to special categories of workers such as fishermen, seafarers, dockers and under-
ground workers, which limits the likelihood of their ratification by a large
number of member States.

70. Since ratification constitutes an important element in the implementa-
tion of Conventions it should also be regarded as one of the ILO's essential
objectives and a criterion of the achievement of its programme. Without attempt-
ing to establish precise mathematical objectives for different Conventions and
different countries and without underestimating the importance of the fact that
implementation is the purpose of ratification, the Organisation should encourage
member States to give continuing attention to ratification to the extent of their
possibilities.

71. Measures for this purpose are provided for under the Constitution;
others have sometimes been taken by the Conference and the Governing Body; by the
Office and even by certain regional organisations.

72. The provisions of the Constitution on submission to the competent
authorities, which are intended to encourage ratifications, have been discussed
in paragraphs 63-65 above. Article 19, paragraph 5, of the Constitution has the
same purpose in view and provides for the communication by governments of reports
on unratified Conventions, indicating in particular the difficulties which prevent
or delay ratification. The subject is dealt with in paragraph 85 below and all
that need be said here is that every year the Governing Body chooses the texts
(Conventions or Recommendations) for which such reports will be requested. Such
requests enable member States and the ILO to review ratification prospects and
examine difficulties and ways of overcoming them. These reports relate only to a
limited number of instruments, sometimes one a year. Only once, in 1969, on the
occasion of the ILO's fiftieth anniversary, were States asked to report on an im-
portant group of seventeen key Conventions, limiting their reports to difficulties
and prospects of ratification. This method might be used at regular intervals,
for example every five or ten years and the list of Conventions chosen for the
purpose could vary according to the priorities fixed by the Governing Body.

1 This phenomenon of state succession by former non-metropolitan territories
or States which were formed by separating from another State of which they were a
part has led to a total of 736 ratifications by 49 new States.

2 See above para. 42 on attempts to make Conventions more flexible.
73. On special occasions the Conference or the Governing Body may appeal to member States to ratify and apply particularly important Conventions. Several such appeals have been made concerning the human rights Conventions, most recently in February-March 1974, on the occasion of the discussion of fair labour standards. Without excessive recourse to such appeals it would still be possible for the Governing Body and the Conference to draw up a list of the most important Conventions, to bring it up to date from time to time, and to draw the attention of governments to the fact that it identifies Conventions whose ratification should be given priority. The Director-General could be made responsible for informing the Governing Body and the Conference of the replies received.

74. The question of ratification and implementation of Conventions is now regularly brought to the attention of regional advisory committees and conferences. The current procedure might be systematised and developed so as to enable the regional conferences, on the basis of a selected list of Conventions of special interest to the region, to carry out a closer examination of difficulties facing countries in the region and possible ways of overcoming them.

75. As regards the special difficulties of federal States, several such States have worked out methods of solving the problem of ratification. A number of Conventions have been drafted in such a way as to make allowance for cases of division of legislative competence in federal States. However, the problem of ratification by federal States has not everywhere been wholly resolved and continues to be the subject of discussion at the Conference. The question might therefore be considered whether the remaining difficulties call for solution through more deliberate action within the States concerned, or whether further measures to this end might also be taken by the ILO. It was recently suggested that it would be useful to hold meetings between representatives of such States to enable them to exchange information on the matter, and that the ILO might facilitate such meetings and exchanges of information.

76. As indicated below, the Office uses various methods for providing governments with useful information with a view to ratification, in particular at each Conference session as well as at regional conferences. Such assistance is given on a modest scale and needs to be developed.

77. As is also mentioned below, the "direct contacts" procedure is intended to permit more detailed discussion with governments of questions relating to the implementation of standards. It might also be used to try to solve special difficulties of governments in ratifying Conventions.

78. Outside the ILO such regional organisations as the Council of Europe and the European Communities examine questions relating to the ratification of ILO Conventions by their member States. The Office co-operates in this work when requested and in the case of the Council of Europe even takes part in discussions in the competent bodies. It should of course continue and develop such co-operation in the future.

79. Such measures and any others that might be taken at the international level may have no effect if governments, with whom the decision to ratify lies in the last resort, show little interest in the question or consider it only from a narrow angle. The purpose of ratification is not merely to confirm that national law and practice already apply the standards laid down in the Convention but should also be envisaged from the point of view of the changes and improvements which application of the Convention might entail at the national level. Ratifications should be an incentive to progress and a factor of progress. Ratifications will therefore never fully achieve their purpose unless governments make them a significant element of their social policy. For that purpose it would be useful if governments, with the co-operation of employers' and workers' organisations, could examine methodically and review regularly the prospects of ratifying and implementing international labour Conventions. This is one of the aspects of the question, which the Conference is to examine in June 1975, of the establishment of national tripartite machinery with a view to improving the implementation of ILO standards.

1 If the proposal to select Conventions of topical importance were adopted (see para. 32 above) these Conventions might afford a basis for the proposed action.

2 See below paras. 145-149.
Chapter III

Suggested Points for Discussion

Para. 65
Measures to assist governments as regards the obligation to submit instruments to the competent authorities.

Para. 72
Reporting at more regular intervals on groups of unratified Conventions and Recommendations.

Paras. 73-79
Other measures designed to help governments in overcoming obstacles to ratification (list of Conventions of particular importance, discussions at regional level, special problems of federal States, direct contacts, national tripartite discussions, etc.).
CHAPTER IV

PROCEDURES OF SUPERVISION

80. The framing of instruments by the ILO and their formal acceptance by member States are only the first stages of the Organisation's standard-setting work. What matters is that ILO instruments result in effective measures at the national level for the benefit of those whose well-being they are intended to protect and promote, and more generally in the development of the social policies of member States. As a contribution to this goal, the Organisation has established the principle that States must report on the way in which they have complied with their obligations or even on the effect which they give to certain standards. It has instituted procedures designed to ascertain whether ratified Conventions are duly complied with as well as to promote the implementation of unratified Conventions and of Recommendations; it has also taken special action to safeguard freedom of association and to combat discrimination in employment and occupation.

81. Have these various procedures succeeded in their objectives? Should the present methods be changed or supplemented? Is it possible to keep the burden on member States and on the ILO within manageable limits while enhancing the role of standards as a means of action of the Organisation?

1. Procedures Based on Regular Reporting by Governments

82. With more than 140 Conventions in what is called in a broad sense "the International Labour Code", and over 4,000 ratifications on its chart of ratifications, the ILO's task in supervising the application of ratified Conventions is becoming heavier from year to year. On the one hand, the burden of reporting is felt more and more by governments, especially those of the developing countries which often lack staff qualified to prepare the reports and replies to the ILO. On the other hand, the task of the supervisory bodies, which is to help governments, through their comments, to a fuller application of Conventions, involves the examination of an ever-growing number of reports of very varying degrees of importance.

(a) Reporting on Ratified Conventions and on Unratified Instruments

83. As long as fifteen years ago, when total ratifications had not yet reached 2,000, the Governing Body considered that reports on ratified Conventions - due annually under article 22 of the Constitution - would have to be spaced out to enable governments and the ILO to continue to cope with them. Detailed reporting on a two-yearly basis did initially afford the desired relief, but ratifications have more than doubled since then and it will be seen from Appendix II that the total number of reports due has increased in the same proportion. Additional measures have therefore again become urgent. The basic objective remains to keep demands on governments to a minimum without jeopardising the obligation to report on what is done or meaningful supervision.

84. Elements of a possible solution might consist of the following combined approach: detailed reporting would be further spaced out so that information on each group of Conventions would be generally asked for at four-yearly intervals; to prevent this from leading to a slackening of supervision, reports would continue to be due on an annual basis if serious problems of application have been noted by the supervisory bodies or if there has been no reply to their comments. Immediate reports would also be called for after the entry into force of a Convention for a country and whenever observations have been presented on the application of a ratified Convention by employers' or workers' organisations. Finally, as an additional safeguard, reports could be requested even outside the four-year cycle if the Governing Body considered that a given Convention or group of Conventions required immediate priority due to its current interest, its relevance to the objectives of the Long-Term Plan, etc.
85. In the case of unratified Conventions and of Recommendations, the Governing Body asks for reports under article 19 of the Constitution, taking into account the importance and current interest of the instruments concerned. The principles the Governing Body applies in making its choice—no more than one or two instruments in any given year, periodic emphasis on human rights subjects, occasional spotlighting of a major Recommendation—seem to have served the basic purpose of this procedure, i.e. to help discern and overcome difficulties in the ratification of a Convention or the implementation of a Recommendation. There is no apparent need therefore to alter the general approach followed in this respect, except perhaps by asking from time to time for information on ratification prospects in regard to a group of important Conventions, as suggested above (paragraph 72).

86. Some governments find and will probably continue to find it difficult to prepare their reports to the ILO. Measures to help them in such cases are discussed in Chapter V below.

87. Copies of the reports on both ratified and unratified instruments must, under article 23 of the Constitution, be communicated by governments to the representative organisations of employers and workers. In its most recent report, the Committee of Experts on the Application of Conventions and Recommendations indicates that there are now relatively few cases where this is not done.

(b) The Working of ILO Supervision

88. The essential purpose of ILO supervision is to ascertain whether ratified Conventions are effectively applied and to guide governments, where necessary, towards a fuller measure of compliance. The main difficulties reside in the bulk of the data to be examined and in the formulation of supervisory comments likely to encourage prompt and positive implementing action.

Supervisory Bodies

89. The system involves evaluation of the governments' reports by the Committee of Experts on the Application of Conventions and Recommendations and tripartite discussion in a Committee of the International Labour Conference. The ILO has always considered the technical, legal examination of reports by an independent body to be the key to any serious effort at supervision; no one has called this principle into question, but the practical functioning of the system has from time to time given rise to disagreement. The Governing Body has always been concerned to appoint to the Committee of Experts, on the proposal of the Director-General, independent persons of the highest standing and qualifications, drawn from all parts of the world. The Committee of Experts has itself underlined how indispensable the principles of impartiality and objectivity are to the due performance of its task. The ILO's aim must therefore be to maintain these principles and to see to it that the members of the Committee, by virtue of their independence and competence, as well as the diversity of their national origins and experience, are in a position to continue to discharge their mandate on a joint, harmonious and effective basis.

90. To round out the working of ILO supervision, the technical phase must be combined with a phase in a broader, public forum where all the interests involved are represented. This important tripartite dimension is provided by the Conference Committee on the Application of Conventions and Recommendations where governments have an opportunity to explain and discuss some of the more difficult problems encountered in giving effect to ILO standards.

Examination of Reports

91. It is of course for the supervisory bodies themselves to determine whether and how their methods of operation might warrant modification. The ideas put forward below are therefore of a preliminary nature and designed merely to open the way for the consideration of the question.

92. The Committee of Experts organises its work by assigning to each of its members initial responsibility for a group of Conventions; government reports received in sufficient time are sent together with any relevant documentation to the expert concerned for examination prior to the Committee's yearly session.
93. With the mounting volume of reports and the complexity of certain of the more recent Conventions, the Committee of Experts' task has become increasingly difficult. The measures suggested above for the further spacing out of reports are therefore as urgent from the point of view of the Committee's work as from that of the governments. It might in addition be necessary in due course to envisage other steps such as lengthening the Committee's session, enlarging its membership while maintaining broad geographical representation and making fuller use of the working party technique.

94. In order to present the results of its examination with a maximum of clarity, the Committee of Experts has over the past several years reduced the bulk of its published comments ("observations"): two-thirds of all the comments are now sent directly to governments ("direct requests"), instead of being included in its printed report. This principle of selectivity will no doubt have to be further developed, so that supervision can focus on essentials.

95. The desire, on the other hand, to come to grips not only with questions of legislative conformity but also with the realities of implementation has led the Committee of Experts to concern itself more and more with the practical application of ratified Conventions, particularly in cases where observations are received from employers' and workers' organisations. Further efforts still need to be made to enable these organisations to play a more active role in this field (see Chapter V below).

96. In the final analysis, the impact of the Committee of Experts' comments will however depend on the kind of response they evoke from governments. With this essential purpose in mind, the Committee has endeavoured in recent years not only to underline any lack of conformity with a ratified Convention, but also to focus more and more on the positive steps needed to ensure better implementation. Furthermore, once such steps have been taken, the Committee notes with satisfaction the progress achieved (see paragraph 4). This constructive and positive approach undoubtedly deserves to be pursued.

97. In the case of the article 19 reports on unratified Conventions and Recommendations, the Committee of Experts prepares general surveys of its findings, explaining how obstacles to full implementation of the standards concerned might be overcome. Without going into detail, it can be considered that these surveys have served adequately the needs of governments and of employers' and workers' organisations as well as those of the Conference to which they are addressed.

98. During the tripartite phase of supervision in the Application Committee of the Conference, employers' and workers' representatives play in fact a major role in discussing the Committee of Experts' observations with the governments concerned. Here again, the sheer bulk of the subject-matter has forced the adoption of a selective approach. In order to be able to complete its work within the relatively limited time available at its annual sessions, the Conference Committee has found it necessary to concentrate on a limited number of the Committee of Experts' observations. The result of its discussions is largely determined by the spirit in which they are conducted and by the degree of familiarity of the participants with ILO standards and procedures. This accounts for the importance of the measures of assistance to governments, employers and workers dealt with in Chapter V below.

99. With the same purpose of strengthening the effectiveness of supervision in mind, the Conference Committee decided in 1957, at the suggestion of its Employer members, to highlight in its report special problems experienced by governments in discharging certain of their obligations under the ILO Constitution or under ratified Conventions. This "special list" was established on the basis of specific criteria, the formulation of some of which has undergone changes. One criterion in particular covers problems in the application of a ratified Convention and may therefore, as has been seen on a number of occasions, give rise to differences of appraisal. The Conference Committee will no doubt wish to review the whole question, and in particular the criteria and the procedure followed, within the framework of the present in-depth review.

100. But the discussions and findings of the Conference Committee are not the final phase of the process of supervision. It is still necessary, for obvious reasons, that the essential points of the questions discussed should receive the attention of the Conference itself in plenary sitting. The programme of work of the Conference should be arranged so as to enable the Conference to undertake this discussion at an appropriate stage.
101. To sum up, the long-range effectiveness of ILO supervision depends on three factors above all: the governments' reports, the methods for their examination and the extent to which the comments of the supervisory bodies and the tripartite discussions tend to encourage positive measures of application. It is through the improvements introduced in each of these spheres that the ILO's system of supervision will be in a position to face the difficulties of the years ahead.

2. Procedures Based on the Examination of Complaints

102. A set of procedures based on complaints completes the regular supervision which functions on the basis of annual reports by governments. Two of these forms of procedure (complaints strictly so-called and representations) are of general application and are regulated by the ILO Constitution. Machinery which applies solely to freedom of association has also been operating since 1950. Besides these, the formula of ad hoc studies inspired by these procedures has occasionally been used. Two general remarks might be made about these procedures. First, the constitutional complaint procedures have been used only to a very limited extent (though increasingly in recent years), while recourse to the special freedom of association machinery is very frequent. Secondly, cases in which the Organisation has been led to establish independent bodies of a quasi-judicial nature to examine certain cases of particular importance, mainly concerning human rights, are increasingly tending to become a regular aspect of the supervisory procedures of the ILO. There have been nine cases of this type since 1961, three of which are presently under examination.

(a) General Representation and Complaint Procedures

103. Two types of complaint procedures are provided for in the ILO Constitution as concerns the application of ratified Conventions: on the one hand, there is the representation procedure, which can be initiated by any organisation of employers and workers and which is examined by the Governing Body (which entrusts the preliminary examination to a committee of three members); and, on the other hand, there is the complaints procedure as such, which may be initiated by any State which has ratified the Convention which it alleges is not being observed or by the Governing Body itself, either on its own initiative or on the complaint of a delegate to the Conference. This second procedure may lead to the examination of the case by a commission of inquiry appointed by the Governing Body.

104. Recourse to these two procedures has not been frequent. There have been nine cases of representations, only two of which have occurred during the last thirty years. There have been four cases of complaints which resulted in the establishment of commissions of inquiry, but all - in distinction to the first-mentioned procedure - have occurred recently, i.e. since 1961.

105. The limited use of these procedures shows that they are reserved for exceptional cases in which the importance of the questions under examination (in fact, they concerned principally, in the case of complaints, Conventions concerning fundamental rights: forced labour, freedom of association, discrimination) is such that the regular procedure has appeared inadequate and a more thorough examination has seemed necessary. It is moreover useful that such procedures of an exceptional character exist as a sort of last resort. It is even essential that when serious disagreements occur on the application of ratified Conventions, sometimes in a difficult political context, the Organisation has available to it procedures offering guarantees of an impartial and meticulous examination which will inspire in the parties the confidence which is necessary if they are to co-operate fully in the proceedings and accept their conclusions.

1 These were the Commissions of Inquiry in the cases of Portugal (1961-62), Liberia (1962-63), Greece (1969-70) and Chile (1974); the Pact-Finding and Conciliation Commission on Freedom of Association in the cases of Japan (1964-65), Greece (1965-66), Lesotho (1973) and Chile (1974); and the Study Group to Examine the Labour and Trade Union Situation in Spain (1968-69).

2 This does not involve complaints under the special procedure for protection of freedom of association (see below, paras. 110-127).
The question is sometimes raised as to why recourse to these procedures is not more frequent. One of the reasons is, without doubt, that in the great majority of cases the regular procedures based on the examination of reports by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations meet the needs. This procedure permits organisations of employers and workers to raise questions which may be of concern to them, either by presenting comments on the reports by their governments, or more generally by participating in the work of the Conference Committee. The limited number of complaints is also to be explained by the fact that every State naturally hesitates to present a complaint against another State because of the unfriendly character the gesture might have, at least when it is not made in a particular political context (as was the case for the complaints which were made to the ILO in 1961 and 1962).

Must it then be thought that the rules of receivability and of functioning of the procedures are too strict and unwieldy, and that they should be simplified to make them more accessible? This does not seem to be the case. While there is a limitation as to the States which may make a complaint (which must themselves have ratified the Convention in question), any delegate to the Conference may also make a complaint (subject to the decision of the Governing Body on the matter) and any organisation of employers or workers may present a representation.

As for the functioning of the procedures, it is well known that when a complaint results in the creation of a commission of inquiry, the commission is composed of independent persons appointed by the Governing Body on the proposal of the Director-General, in order to ensure that matters which are often very difficult and very controversial should be examined in a completely impartial and objective manner. The procedure followed by these commissions (assembly of documentation, hearing of parties and of witnesses, and on-the-spot visits, if necessary) is also carried out in a quasi-judicial manner. The results obtained seem to indicate that this is indeed the right method. The effect given to the recommendations of these bodies is also examined regularly by the regular supervisory bodies. It is certainly not too much to expect that some of these reports, which contain long-term recommendations, will continue to produce results in the future and to be taken into consideration by the successive governments of the countries concerned.

Thus, it does not seem necessary, in these circumstances, to modify or supplement the existing procedures. They may certainly on occasion inspire other ad hoc formulae which are devised to take account of differing circumstances: It is also best not to be restricted to rigid categories and to be able to adapt existing procedures to the needs of situations which may differ. In the history of the Organisation there have thus been different types of inquiries over the years (as, for example, in 1949 concerning conditions on board ships flying the Panamanian flag), but as to formal complaints based on the Constitution it would not seem that the present procedures call for modification. They offer every possibility to States and to organisations which desire to resort to them, and they permit a serious and responsible examination of the problems treated by them. The only modification, of a minor order, which might be contemplated at some appropriate time concerns the representation procedure: this procedure is presently ruled by regulations of 1932, amended in 1938, the provisions of which are too ponderous to be followed to the letter now by the Governing Body. This is not, however, an urgent matter. As for the procedure for the examination of complaints, it is not subject to strict rules: the Governing Body issues general guidelines and the commissions of inquiry determine their own procedure on the basis of precedents. This practice has raised no problems and may be considered satisfactory.

(b) Special Freedom of Association Procedures

In view of its importance, the ILO established special machinery for the protection of freedom of association in 1950, following an agreement with the United Nations. Of course, the general procedures described above apply to the Conventions on freedom of association as they do to all the others, and particular attention has in fact been given to the application of these Conventions. Five general surveys, the last one in 1973, have been prepared by the Committee of Experts on the effect given to the freedom of association Conventions. The reports of the numerous governments which have ratified these Conventions are examined.
regularly by the Committee of Experts and the problems encountered are discussed by the Application Committee of the Conference. Finally, one of the formal complaints examined recently by commissions of inquiry concerned the application of these Conventions.

111. The special freedom of association machinery is designed to supplement the procedures of general application. It involves the examination of complaints which may emanate from governments or from organisations of employers or workers. Complaints can also be officially transmitted to the ILO by the United Nations. These complaints may concern States which have or have not ratified the freedom of association Conventions. For the non-ratifying States, the machinery is based on their membership of the ILO and on the fact that the ILO Constitution has affirmed the principle of freedom of association, so that the Organisation can, therefore, promote the realisation of this principle through its inquiry and conciliation bodies.

112. Wide recourse has been had to this special machinery. To date, almost 800 cases have been submitted to the Committee on Freedom of Association, some of which concern particular situations of fact while others relate to the general trade union situation in a country. The effect of this procedure has been extremely varied, and cannot in fact be assessed since there are no means of knowing what action has been taken by the governments. It is known that in several cases States have taken account of the recommendations which have been made to them, by amending their legislation, by releasing imprisoned trade union leaders or by taking measures of clemency. In other cases, these recommendations have not been followed, at least not immediately. A more general effect of this procedure has been to call upon governments to account to the ILO for the action taken in the field of freedom of association; this has sometimes played a preventive role and has brought about a wider recognition of the value of the principles of freedom of association.

113. The procedure in question has had to face various kinds of difficulties. Thus at the general level it has often been pointed out - particularly in the Resolution adopted by the Conference in 1970 on Trade Union Rights and their Relation to Civil Liberties - that the effective exercise of trade union rights depends to a large extent on respect for certain more general civil liberties. The ILO is unable to deal directly with the more general question of civil liberties, which goes beyond its competence, but it cannot ignore its relevance to the protection of trade union freedom. This is a problem which the bodies responsible for examining complaints often have to face. It is also the reason for which the entry into force, no doubt in the near future, of the International Covenants on Human Rights, and the role which the ILO will require to play in their implementation, are of prime importance.

114. This much said, it is appropriate to examine the questions arising from the functioning of the two bodies which make up this machinery for the protection of freedom of association: the Committee on Freedom of Association and the Fact-Finding and Conciliation Commission.

115. The Committee on Freedom of Association. This Committee, established by the Governing Body from among its members on a tripartite basis, examines all complaints received in the first instance and reports to the Governing Body on whether the complaints appear substantiated and whether recommendations should be addressed to the government concerned or whether, in appropriate cases, a complaint should be referred to the Fact-Finding and Conciliation Commission. The procedure of the Committee has been altered and improved over the years with the approval of the Governing Body. The latest improvements, which were made in November 1971, were made in response to a request contained in the above-mentioned Resolution of the Conference of 1970 with a view to strengthening the freedom of association procedures. The problems encountered in the functioning of these procedures are linked to the three basic considerations which led to their adoption - and which are sometimes in conflict with one another.

---

1 On this question see below, para. 118.
2 See below, para. 177.
116. In the first place, the Committee follows the rule which is basic to all contentious procedure, namely that of giving to the opposing parties an opportunity of putting forward their point of view. Its basic concern is to establish the precise facts. Accordingly, the complaints are communicated to the governments in question so that they may submit their observations. In certain cases, if a doubt or contradiction exists, and if it appears useful to inform the complainants of the observations of the government, the substance of these observations is communicated to them for their comments, or certain questions are put to them. If this is done, the government receives the text of the comments or replies of the complainants so that it may, as defendant, put forward its point of view last. These rules follow the normal principles of all proceedings, but sometimes result in delays, either because governments delay in submitting their observations - or even in certain cases fail to do so - or because their reply is incomplete so that the Committee has to request further information, or because the Committee decides that the reply should be communicated to the complainants. Independently of the delays, the Committee has sometimes found it impossible to reach conclusions when faced with contradictory statements by the parties.

117. A second essential consideration in this procedure has been the need to deal with the cases as rapidly as possible. Thus, a distinction has been made by the Committee between urgent cases - which are dealt with as a matter of priority and according to special rules - and those which are not. In certain cases its secretariat is required to remind governments that information has not been received. Sometimes there are long delays before governments submit the necessary information and this is one of the major difficulties of the present procedure. In cases where a government takes too long to reply and does not appear willing to co-operate the Committee, after giving a warning to the government, and after the lapse of a reasonable period of time, submits its conclusions on the substance of the matter to the Governing Body without waiting any longer.

118. A third consideration is, obviously, the effectiveness of the procedure. In fact, it did not include any means of knowing what subsequent action had been taken by governments on the recommendations addressed to them. Various measures have been taken to this end. First, when these recommendations concern the legislation of countries which have ratified the freedom of association Conventions, the Committee brings its conclusions to the attention of the Committee of Experts on the Application of Conventions and Recommendations so that this Committee may follow up the question under its regular procedure. Secondly, on the proposal or with the consent of the government, a representative of the Director-General may visit the country concerned within the framework of the direct contacts procedure in order to establish the facts, seek a solution to the difficulties encountered and report back to the Committee; this procedure has been used in three cases to date, the most recent being in April/May 1974. Thirdly - and this is a recent measure - the Committee may recommend that the government concerned be invited, after a reasonable period of time, to indicate the steps which it has been able to take to remedy certain anomalies. Finally, if a government shows a clear lack of co-operation, greater publicity can be given to the allegations made, to the recommendations of the Committee and to the negative attitude of the government.

119. Can these procedures be still further improved? It is for the Committee on Freedom of Association and for the Governing Body to assess the situation. At first sight it would appear that the improvements which have been progressively made, most recently in 1971, generally take account both of the concern for effectiveness and of the limits of international action in the present circumstances. Certain suggestions, however, some of wider import than others, can be put forward.

(a) More frequent recourse to the "direct contacts" procedure, which has been little used to date but which has proved extremely useful in each case, would certainly produce positive results - as it has done under the general procedure concerning ratified Conventions. It would permit obscure points to be clarified and would avoid situations in which the Committee is unable to decide between the contradictory statements of the parties. In addition, the informal discussions which constitute direct contacts could contribute to a wider co-operation on the part of governments, reduce tensions, and sketch out the elements of a solution. Direct contacts would in some cases be useful

1 See below, para. 139.
2 See below, para. 141.
during the initial stages of the procedure so as to avoid, above all in
important cases, loss of time or deadlock. They could also be useful in
encouraging governments to take account of the recommendations made to them.
Furthermore, therefore, the best rule that, in addition to the usual and the
initiative for direct contacts comes from the government concerned, as has
been the case so far, the Committee on Freedom of Association and, in certain
urgent cases, the Director-General should be able to suggest this course of
action to a government, on the understanding that the government would have to
give its consent and that the Committee on Freedom of Association and the
Governing Body would remain responsible for appraising the situation following
such direct contacts.

(b) In order to overcome the difficulties which arise from the lack of co-operation
of certain governments who do not reply to communications relating to complaints,
a procedure could be envisaged whereby, at each session of the Conference, the
Committee on Freedom of Association would hold one or two private sittings in
which it would invite the delegates of the governments concerned to participate
in order to discuss the complaints relating to their countries. The Committee
could also entrust such a discussion to its chairman or officers.

(c) Lastly, in order to avoid delays in the procedure it may be asked whether it
still serves any purpose to maintain the rule that the examination of the
reports of the Committee on non-urgent cases - reports which are, in any event,
small in size - is put off to the following session of the Governing Body,
which generally involves a delay of several months.

120. The Fact-Finding and Conciliation Commission. This Commission is the
formal body in the machinery for the protection of freedom of association. It is
composed of independent persons appointed by the Governing Body on the proposal of
the Director-General. It is for the Governing Body to refer cases to the Commiss-
ion, and it does so on the recommendation of the Committee on Freedom of Associa-
tion. Complaints may also be referred to the Commission at the request of the
United Nations when they concern member States of the United Nations which are not
Members of the ILO. Generally, no complaint may be referred to the Commission
without the consent of the government concerned except in cases covered by
article 26 of the Constitution of the ILO which concerns the supervision of the
application of ratified Conventions.

121. The number of cases referred to the Fact-Finding and Conciliation Com-
mission has been limited. There have been four, the first being in 1964 and the
most recent being referred to the Commission in June 1974. The procedure followed
by the Commission has been analogous, mutatis mutandis, to that of commissions of
inquiry responsible for examining complaints relating to ratified Conventions (see
above, paragraph 108).

122. In view of the limited number of cases referred to the Commission, it
might be asked whether steps should not be taken to facilitate more frequent
recourse to this procedure. The reply should no doubt be analogous to that
suggested above with regard to commissions of inquiry under the ILO Constitution.1
Indeed, in view of the development of the current procedure entrusted to the Com-
mittee on Freedom of Association and of the need to obtain the consent of the
government concerned, recourse to the Fact-Finding and Conciliation Commission has
taken on a rather exceptional character. It is useful that a procedure of this
kind exists so that cases of particular importance may be examined in depth. In
reality, the fact that recourse to the procedure is rare is not so much due to the
procedure itself - although in certain cases it could appear to be rather cumber-
some for less important cases. It is due, above all, to the reticence, express
or presumed, of governments. Too much weight has no doubt been given to the con-
tentious aspect of the procedure, and governments do not like to be in the position
of the accused. There has been too great a tendency to lose sight of the "con-
ciliation" aspect of the procedure, and of the fact that it can be in the interest
of governments, in matters which are the subject of dispute at the national and
international levels, to obtain an outside opinion which is impartial and indepen-
dent, and which could clarify the problems, reduce the tensions and contribute to
the search for constructive solutions. It is therefore significant that in the
first case in which, in 1964, one government, that of Japan, consented to the
referral of a case concerning it to the Commission, both the Government and the
complainant organisation considered the report of the Commission as a basis for the

1 See para. 109.
progressive solution of the outstanding questions. In the second case, which concerned Greece, the Government spontaneously gave its consent in 1965 to the case being brought before the Commission.

123. When the procedure was introduced, it was asked whether the requirement of government consent would not paralyse it. There have certainly been cases where consent has been refused, but it would not appear that this condition should be dispensed with. For one thing, it seems to be indispensable only in the case of the countries, fewer and fewer in number, which have not ratified the freedom of association Conventions (since, for the others, complaints are possible under article 26 of the Constitution). Furthermore, conciliation presupposes a desire on the part of the parties to establish the facts and to seek a solution to a dispute. There would be little chance of success if, from the outset, one of the parties refused to recognise the procedure.

124. If no changes are called for in the procedures themselves, it may none the less be useful, in certain cases, to devise ad hoc formulae to take account of particular circumstances. This is what happened in 1968 with the establishment of the study group entrusted to examine the labour and trade union situation in Spain. The ILO should always remain open to the possibility of adapting its means of action to particular situations, at the same time bearing in mind the necessity, in doing so, of respecting the fundamental principles which have guided its procedures.

125. As a conclusion to this examination of the special freedom of association machinery, a more general question might be asked, namely whether this machinery, which was introduced at a time when it was not known whether the freedom of association Conventions would be substantially ratified, maintains its full usefulness now that these Conventions have been ratified by 80 States and more. Several reasons lead to the conclusion that this question may be answered in the affirmative: 45 member States have still not ratified the Freedom of Association and Protection of the Right to Organise Convention (No. 87); and even for States which have ratified the Convention, complaints can bring to the surface questions - mainly questions of fact, such as arrests - which could go unnoticed under the general supervisory procedure based on government reports, which is adapted to primarily assessing the conformity of legislation; the greater frequency of meetings of the Committee on Freedom of Association permits a more rapid examination of questions which can be urgent; the fact that this special procedure is based on the general principles of freedom of association gives it more flexibility; finally, recourse to the Fact-Finding and Conciliation Commission can make possible a thorough and constructive examination of important questions and can contribute to the search for solutions.

Research and Promotional Activities

126. International action in the field of freedom of association cannot be limited to the examination of complaints. It should also include research which can lead either to the elaboration of new standards or, more generally, to a deeper knowledge of the issues, the identification of particular problems and the emergence of possible solutions based on the principles of freedom of association. It should also include education in the principles of freedom of association and their promotion and dissemination. This form of action is dealt with more generally later. Briefly, it may be stated here that various studies, mainly on subjects specified in the Conference Resolution of 1970 concerning Trade Union Rights and their Relation to Civil Liberties, have been carried out and that others are being prepared, or are to be prepared in future years. Amongst these studies, a digest of decisions of the Committee on Freedom of Association, which has been requested in the above-mentioned Resolution of 1970, was published in 1972, and on Public Authorities and the Right to Protection of Trade Union Funds and Property, in 1973.

1 See on this subject Appendix I.

2 See Chapters V and VII.

3 In particular, on Eligibility for Trade Union Office, in 1972, and on Public Authorities and the Right to Protection of Trade Union Funds and Property, in 1973.
1972 and widely distributed; it will be kept up to date. Finally, the holding of regional trade union meetings is envisaged with a view to disseminating information on the principles of freedom of association and to examining difficulties which may be encountered in their implementation.

127. It would appear necessary to pursue in the future this research and promotional activity which is a response to the request made in the Resolution of 1970 for action to ensure a wider knowledge of ILO principles and standards concerning trade union rights, and comprehensive studies on various aspects of freedom of association.

3. Special Action in the Field of Discrimination

128. The ILO's concern with the elimination of discrimination in employment and occupation is reflected in the ILO Constitution, in international standards adopted on the matter by the Conference, and in the programme of special activities adopted by the Governing Body in 1963.

129. The most important instruments adopted in the field of discrimination are the Discrimination (Employment and Occupation) Convention and Recommendation, 1958 (No. 111). Further important instruments are likely to be adopted in 1975 concerning, inter alia, equality of opportunity and treatment of migrant workers, designed to extend to such workers the same type of policy as provided for by Convention No. 111 and the supplementary Recommendation.

Supervisory and Other Procedures

130. With the exception of the special procedure in relation to freedom of association, all the ILO general supervisory procedures to which the present chapter is devoted apply fully to Convention No. 111. Reports from the governments of ratifying States1 are thus regularly examined by the Committee of Experts whose observations are subsequently discussed by the Conference Committee. General surveys covering Convention and Recommendation No. 111 were carried out in 1963 and 1971 on the basis of reports supplied under article 19 of the Constitution in accordance with the practice, referred to in paragraph 85 above, of placing special emphasis on human rights subjects in requesting reports under article 19. The special procedures for the examination of complaints and representations are likewise fully applicable, as witnessed by the decision of the Governing Body in June 1974 to establish a commission of inquiry under article 26 of the Constitution to examine the observance by Chile, inter alia, of Convention No. 111. Finally, the Committee of Experts has itself expressed the hope that governments will have the fullest possible recourse to the procedure of "direct contacts" in the fields covered by Convention No. 111. It has emphasised that this procedure could in general be used by governments to help them in their own efforts to determine the measures to be taken or to overcome differences of opinion on the basis of the principles of the Convention.

131. A recent innovation in the ILO's programme of practical action for the elimination of discrimination in employment consists in the possibility of carrying out special surveys of the situation and problems of a country, with a view to making an impartial evaluation of the facts, providing the government with technical aid to clarify uncertain or disputed situations and overcoming the difficulties encountered. Surveys of this kind can be carried out, either on the initiative of the government concerned or, with its consent, at the request of a member State or of any employers' or workers' organisation on questions of specific concern to them.

132. The conclusions reached above in regard to the ILO general supervisory procedures are also valid for the field of discrimination, though it calls for two further comments, one relating to the procedure of direct contacts and the other to the proposed special surveys of national conditions.

133. In so far as direct contacts are concerned, it must be noted that although recourse to such contacts has been had by 15 governments covering a total of 84 cases of difficulties in the application of ratified Conventions, no such case has related to the application of Convention No. 111. Yet most, if not all, member

---
1 Convention No. 111 has been ratified by 82 countries.
States of the ILO are in varying degrees faced with problems relating to discrimination in employment, be it on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin, or on several of these grounds. The absence of recourse to direct contacts as a means of helping to overcome such problems may depend on several factors: a sense of embarrassment on the part of certain governments and a resulting reluctance to expose to the examination of an international body the existence of national problems or tensions; ignorance of the procedure in question; or doubts as to the effectiveness of the procedure as a means of solving the difficulties encountered. Greater efforts on the part of the Office and the supervisory bodies seem called for in order to overcome these obstacles and to persuade governments of the potential usefulness of recourse to direct contacts in cases where difficulties exist in the application of the ILO standards on discrimination.

134. The procedure of special surveys of national situations and problems is in many ways similar to that of direct contacts. Both procedures can be used only with the consent of the government concerned, both aim essentially at helping governments to achieve fuller compliance with ILO standards. However, there are certain differences between the two, notably the fact that the special surveys can be initiated not only at the request of the government concerned but also at the request of another member State or of any employers' or workers' organisation on questions of specific concern to them (for example, to promote equality of opportunity and treatment for migrant workers). As yet it is too early to assess the efficacy of this new means of action; for it will depend on the use which is made of it. Here again, efforts by the Office to make this procedure widely known and understood may well be decisive.

Research and Promotional Activities

135. ILO action to combat discrimination is by no means limited to supervising the implementation of standards or analogous measures. It must comprise also research, the collection and dissemination of information, educational and promotional activities, and close collaboration with other international organisations concerned with the promotion of human rights. Promotional activities in general with regard to standards are dealt with in Chapter V of the present paper, and Chapter VI deals with ILO co-operation with other international organisations.

136. As regards research, it is known that special reports on the policy of apartheid in the Republic of South Africa are submitted annually by the Director-General to the Conference in accordance with the Declaration which it adopted in 1964. These reports are generally considered to constitute the most solid source of information on the effects of this policy in labour matters, and they have not been without influence in South Africa itself, providing an objective source of reference for forces militating for change.

137. An important feature of the ILO's promotional and educational programme in the field of discrimination consists in the holding of regional meetings on equality of opportunity in employment. Such meetings, organised for Asia in 1969, for the Americas in 1973, and envisaged for Europe in 1975 and Africa in 1976-77, have proved to be of considerable value in contributing to a better understanding of the problems facing the countries of the regions concerned and the policies to be followed in resolving them.

138. Notwithstanding the positive results of much of the ILO's research and promotional action in the field of discrimination, a serious assessment of what has been attempted and achieved rather leads to the impression of a certain dispersion of effort. This is perhaps to be explained by the sheer enormity of the problem of discrimination in employment, and by the variety of grounds on which such discrimination occurs. The draft Long-Term Plan for 1976-81 aims however at a greater concentration of effort in the years to come, with special emphasis on equality of opportunity and treatment for migrant workers and on the abolition of all discrimination on the grounds of sex.
4. Direct Contacts

139. What can be done when the various forms of procedure just described, whether based on reporting or concerned with special aspects of human rights, threaten to result in deadlock? Would it not be conceivable, in such cases, to follow a less formal, more direct approach? As has been seen (paragraph 118), the possibility of direct, on-the-spot contacts has already been used several times within the framework of the freedom of association machinery. And the same possibility now also exists as part of the ILO's action in the field of discrimination (paragraph 133).

140. It is however in connection with the regular supervisory procedure that such direct contacts have been most extensively used and tested, at the suggestion of the Committee of Experts and with the full support of the Conference. Under this procedure, which has now been in operation for over five years, a representative of the Director-General discusses with governments, at their request or with their consent, the practical or legal obstacles to the full implementation of certain Conventions, so as to clarify the situation and envisage possible solutions. Intended initially to cover ratified Conventions only, the procedure has since been extended to include questions of the submission of Conventions and Recommendations to the competent authorities, the preparation of reports and ratification prospects; and the employers' and workers' organisations are now also associated in these contacts.

141. Fifteen countries, which are listed in Appendix IV, have so far had recourse to direct contacts and progress was achieved in over half of the cases discussed. This new method has thus proved effective, but very uneven use has thus far been made of it in different parts of the world: in addition to Latin America, where direct contacts have been numerous and in most cases crowned with success, more countries in Africa and Asia might avail themselves of the opportunity afforded by these contacts to find a way out of long-standing and apparently intractable difficulties.

142. It might also be useful to co-ordinate the direct contacts procedure more closely with the ILO's other assistance and technical co-operation activities, which are examined in Chapters V and VII below.
Chapter IV

Suggested Points for Discussion

Para. 84  Would a further spacing out of detailed reporting on ratified Conventions be desirable, subject to adequate safeguards to maintain the effectiveness of supervision?

Para. 85  Functioning of the system of reporting under article 19 of the Constitution. Criteria for the selection of instruments on which reports are to be requested.

Paras. 88-99  Necessity to seek the views of the Committee of Experts and the Conference Committee on the various points raised in this section of Chapter IV (procedures and working methods of these bodies, including questions relating to the special list (paragraph 99)).

Para. 109  Should the regulations governing the representation procedure be modified?

Para. 119  Necessity to seek the views of the Governing Body Committee on Freedom of Association on the various suggestions made in this paragraph with a view to further improving existing procedures (more frequent recourse to direct contacts, special sittings of the Committee during annual Conference, examination of reports on non-urgent cases).

Paras. 126-127  The need for research and promotional activities in the field of freedom of association, including the holding of regional seminars.

Paras. 133-134  The need to encourage governments to have recourse to the procedure of direct contacts and to the new procedure for special surveys of national situations and problems with regard to discrimination.

Para. 138  The need for a greater concentration of effort in the ILO's action against discrimination; special emphasis on migrant workers and the abolition of discrimination on the grounds of sex. Should the Governing Body Committee on Discrimination be consulted on the above matters?
MEASURES TO PROMOTE THE IMPLEMENTATION OF STANDARDS

143. Alongside the supervisory procedures reviewed above, there is room for other types of action by which the ILO can promote the implementation of its standards. Action of this kind is essential if the situations and problems which prevent or delay the application of Conventions and Recommendations are to be dealt with. It is also necessary, more generally, to make ILO standards and procedures better known to those they are intended to serve. The methods available for this purpose include regional discussion, as well as various types of assistance to governments, to workers and employers, and even to other non-governmental circles. To what extent have these methods proved effective thus far and what else could be done to ensure that ILO standards evoke a fuller degree of response and have a greater impact?

144. While they are varied, the measures reviewed in the present chapter are not the only ones which can be used: in particular, the practical implementation of certain Conventions can sometimes be facilitated through technical co-operation. This broader aspect of ILO assistance, and the whole question of co-ordination of operational and standard-setting activities, are among the problems examined in Chapter VII.

1. Discussion at the Regional Level

145. In recent years, the regional advisory committees and regional conferences have examined the problems arising in their regions in the ratification and application of ILO Conventions. In its present form this examination has been focused on certain Conventions selected for this purpose and has involved consultations with the governments, employers and workers of the region in order to determine whether the difficulties encountered are similar in type and whether possible solutions could therefore be sought within a specifically regional context. The degree of participation in this process of review and consultation has not been sufficient thus far to warrant any definite conclusions one way or the other. It is clear however from the express request of the recent ILO Conferences in Asia and Africa (Teheran, 1971 and Nairobi, 1973) for the continuation of regional examinations, that this type of activity can - if developed along positive lines - open up new opportunities for relating the implementation of ILO principles and standards more closely to the realities and concerns of a given part of the world.

146. As has already been seen in Chapter II (paras. 28 and 29), the aim of this new approach would not be to produce instruments in the form of Conventions and Recommendations which would merely parallel existing global texts, but rather to create other less formal standards which, within their regional context and whatever their form - guidelines, resolutions, codes of practice, etc., would be essentially designed to spell out feasible and acceptable means of action for translating into practical terms, within the region, the universal principles and standards of the ILO.

147. The means of action developed in this way could focus on specifically regional circumstances and problems in such fields as migration, social security, hygiene, conditions of work in inland transport, the protection of tribal populations, etc. The subjects suitable for treatment in this way would emerge from the regional examination of standards as well as from the discussion of technical items on the agenda of regional conferences or from regional programmes selected for regional review and evaluation.

148. Any means of action agreed upon by a regional meeting of the ILO could not of course disregard texts already framed by existing organisations in the region. Similarly, any system set up to follow up the effect given to the regional guidelines, etc. of the ILO would, in so far as possible, be co-ordinated with parallel arrangements established by such regional organisations.
2. Assistance to Governments

149. As noted in Chapters II and III, the implementation of ILO standards by governments is liable to meet with a variety of difficulties: the bearing of the obligations under the Constitution or under ratified Conventions may not be fully understood; the preparation of reports or replies to the ILO may be delayed due to insufficient or inadequately trained staff; or problems of application may require exploration through methods less formal than the direct contacts procedure.

150. In all such cases, the ILO must be able to provide advice and assistance which are rapid, practical and inexpensive. Existing general measures to explain ILO standards and procedures, especially to government officials of developing countries, must be increasingly supplemented by more individualised assistance, provided on the spot within the framework of the on-going decentralisation of ILO activities.

151. The Office's current efforts in this field aim first of all at using the general and regional conferences to make available to governments— and other interested parties—information which will facilitate action aimed both at ratification and at the implementation of Conventions and Recommendations. At the regional level, seminars on ILO standards are organised regularly for government officials from Asia, the Arab States and Latin America, and could be extended to the Caribbean area. To supplement these more general facilities, individualised assistance is available through fellowships for government officials to study standards questions in the International Labour Standards Department, often in conjunction with a Conference session in Geneva.

152. A first step in extending this range of possibilities might be to make advice and assistance more easily available within the regions themselves. A resolution on standards adopted by the Nairobi Conference in 1973 calls for the assignment to Regional Offices of an official with special responsibility for advising governments, as well as employers and workers, on standards and their implementation. If the necessary expertise is not already available in the various offices, members of ILS could be detached regularly to them for a few months to carry out advisory missions on the spot, as well as to acquire firsthand experience which would be of use to them in their work at headquarters.

153. Another step would be the more systematic provision to governments of documentation to guide them in their work, such as model texts to serve as a basis for labour and social legislation; under a pilot project in the 1974-75 Programme, such texts would draw on the relevant international and national standards. For Conventions dealing with specific problems (e.g., safety and health, minimum wage fixing, labour clauses in public contracts, etc.), use would be made of more specialised material, such as the technical guides, studies, employment strategy missions reports and other practical data published by the ILO.

154. The Office could also become more fully a clearing-house for the exchange of experience in regard, for instance, to consultation arrangements among the constituent units of federal States, or the operation of tripartite bodies or to other practical problems with standards implications.

3. Assistance to Employers' and Workers' Organisations

155. Because of the special role which employers' and workers' organisations play in the drafting and implementation of ILO standards, measures to assist them in this area are at the heart of the Organisation's efforts to strengthen tripartism, which received added impetus through the general resolution which the Conference adopted on the matter in 1971. As already noted, the representative organisations are entitled, under the Constitution, to receive copies of the information and reports which their governments send to the ILO on Conventions and Recommendations. In addition, some sixty Conventions, as well as many Recommendations, call for the collaboration or consultation of employers and workers in giving effect to these instruments, and the current trend is to include such clauses more and more systematically. This tendency is also confirmed by the inclusion in the 1975 Conference agenda of an item on the establishment of tripartite national machinery to improve the implementation of ILO standards.
156. The effective participation of employers and workers and of their organisations is limited by a number of factors: not only do the occupational organisations and especially the trade unions in many countries suffer from lack of resources and trained staff, but the substance of ILO standards is sometimes difficult to grasp, the relevant procedures are complex, there are language and communications problems and finally, the practical relevance of Conventions and Recommendations is not always readily apparent to the organisational leadership, not to mention the rank and file.

157. There has, it is true, been a noticeable effort to ensure that the representative organisations receive and examine copies of their governments' reports to the ILO: the supervisory bodies have insisted on full compliance with article 23 of the Constitution, the Governing Body has revised the report forms accordingly and the number of observations on the application of ratified Conventions received from workers' and employers' organisations has more than trebled over the past two years. But the measures taken by the Office could be further developed and have a much greater impact. Such a programme of action would mainly rely on specialised publications, educational materials and study courses.

158. In order to make the substance of international labour standards more easily accessible to non-specialists, a simplified edition of the Conventions and Recommendations should be issued in the major languages; this edition would not only take account of the suggestions for a more compact code of modern standards (see Chapter II) but would focus on the most important instruments, whether in the field of human rights or of the major sectors of activity (e.g. industry, agriculture, commerce, maritime work). Such a "popular edition" of ILO standards would of course be of interest beyond employers' and workers' circles and should, for instance, prove especially useful for technical co-operation purposes.

159. Employers and workers seeking advice on standards would be able to turn to the officials responsible for such questions at the regional level, as envisaged in the Nairobi resolution (see above para. 152).

160. In order to be in a position to participate in supervising the effect given to standards, employers' and workers' organisation must be familiarised with the report forms issued by the Governing Body, as well as with the comments made by the ILO supervisory bodies. Since 1972, the Office has begun to send some of this material to the representative organisations on a more systematic basis, and the Worker members of the Conference Committee have asked that the observations and direct requests of the Committee of Experts be made available to them at the same time.

161. A Workers' Education Manual on Standards is now in preparation and this should be supplemented by an increasing range of materials, such as notes for lecturers, study kits and other teaching aids explaining the role of employers and workers in regard to standards and human rights. In addition, collaboration with the Workers' Education programme should be further developed to ensure that its publications, courses, symposia and so on fully reflect the potential role of Conventions and Recommendations in the pursuit of trade union objectives.

162. Since 1968, short study courses on ILO standards have on occasion been organised, immediately preceding General or regional Conference sessions, for workers' representatives attending these meetings. Other forms of seminars could be held not only for trade unionists but also for employers, if they desired. These seminars would place standards within the context of social and economic development and would bring together participants from a group of countries or from a whole region.

163. The involvement of employers and workers in the implementation of standards gains in effectiveness when tripartite machinery within a country provides a systematic framework for consultation and continuous follow-up. The ILO should therefore expand its assistance to all the parties concerned in order to promote the creation and development of national tripartite bodies. The adoption of a new instrument by the Conference on this subject might give added impetus to such a programme and help to focus attention on the usefulness of standards in tripartite consultations, studies and decisions at the national level.

164. This is equally essential in the case of negotiations between employers and workers. A fuller awareness of ILO principles and standards can broaden the common ground on which collective bargaining and agreements must be based. All the practical measures suggested above should therefore be viewed as tools for promoting healthy labour-management relations and greater mutual understanding.
4. Relations with Non-Governmental Organisations, Universities, etc.

165. ILO standards are not the exclusive preserve of governments, employers and workers but are of interest to the community as a whole. Efforts to promote their implementation must therefore marshal the support of those who are in one way or another concerned with social welfare and progress, in non-governmental organisations, in educational institutions, through their parliamentary activities or in more informal ways.

166. Non-governmental organisations can do much to make ILO standards better known and more effective. The success of women's organisations in publicising the Equal Remuneration Convention, the role of child welfare organisations in contributing to the adoption and application of minimum age standards illustrate the value of their support and help: human rights organisations have played a decisive role in the fight against discrimination. The ILO should therefore continue and expand its contacts with all interested international and national organisations and should assist their efforts to mobilise public opinion in favour of social objectives. Depending on their special spheres of interest and action, they should have ready access to ILO materials and standards, to study kits, to lecture aids, etc.

167. The same is true of educational institutions. Courses on labour and international law, on international organisation and relations, on human rights, etc. usually cover ILO activities, but the teaching and study of international labour law could be developed. Model syllabuses might be developed, short seminars might be organised (perhaps in collaboration with employers' and workers' organisations) and research projects might be initiated under ILO sponsorship. The International Institute for Labour Studies would certainly have a positive role to play in this respect, as would the new United Nations University, workers' universities and other specialised institutions.

168. Another sphere where a better knowledge of ILO standards could have more widespread and lasting effects is the parliamentary sphere. As noted above (para. 63), newly adopted Conventions and Recommendations must be brought before the legislative bodies and the value of their examination necessarily depends on the extent to which parliamentarians are familiar with ILO standards. A first step was taken some time back, with the help of the Interparliamentary Union, to explain ILO instruments and procedures to parliamentarians, but a more systematic approach will be needed to ensure continuing impact.
Chapter V

Suggested Points for Discussion

Paras. 146-148
Regional discussions as a means of promoting the implementation of standards. Possible scope for less formal standards such as guidelines, resolutions, codes of practice, etc. See also Chapter II, paras. 55-57. Matters that may be particularly appropriate for discussions at regional level.

Paras. 152-154
Measures of assistance to governments (advisory missions in the field, the provision of guidance material in the form of model texts, etc., assistance to federal States, assistance in setting up of tripartite machinery).

Paras. 160-162
Measures of assistance to employers' and workers' organisations (need for a simplified edition of Conventions and Recommendations, lecture materials, study kits, seminars on standards; communication to such organisations of comments made by the supervisory bodies).

Paras. 166-168
The need for a closer involvement of non-governmental organisations, universities, members of legislative bodies, etc. in action to promote the implementation of standards.
CHAPTER VI

ILO STANDARDS AND OTHER INTERNATIONAL ORGANISATIONS

169. The ILO is not the only international organisation which uses standard setting as a major means of action. Over the past 25 years other organisations, both universal and regional, have been making increasing use of international instruments to promote the realisation of their objectives. Some of the Conventions adopted by other organisations in the field of human rights include provisions on social matters which fall within the ILO's field of action and on which more detailed ILO Conventions exist. Conversely, certain ILO Conventions relating to broad areas of social policy touch on aspects for which other organisations are primarily responsible. The question has therefore arisen of how all this legislative activity can best be co-ordinated.

170. On the initiative of the ILO, the matter has recently been considered by the Administrative Committee on Co-ordination, which concluded that, given the overriding purpose of developing an integrated system of international treaty law, the fundamental concerns in co-ordinating the standard-setting work of international organisations, within and outside the United Nations system, should be: (a) to prevent unnecessary duplication; (b) to prevent conflict between the obligations undertaken by States under different instruments, as well as in the interpretation and supervision of the implementation of instruments adopted by various organisations; and (c) to ensure that provisions on complex technical subjects are established and supervised by those most competent to do so. The last of these points is of special interest to the ILO not only from the point of view of its technical expertise, but also to ensure that the full weight of tripartite deliberation is brought to bear on the elaboration and implementation of standards of direct concern to the productive forces in society.

171. A series of measures have already been taken for consultation and collaboration among interested organisations both in relation to the adoption of instruments and in regard to following up their implementation, and it has been agreed within the United Nations system to ensure a regular exchange of information on the legislative activities of the various organisations. It has however been recognised that the ultimate responsibility for co-ordinating the adoption of international standards and the arrangements for supervising their implementation belongs to the competent legislative organs.

172. It would appear useful to review briefly in what measure the preoccupations expressed in the conclusions of ACC have already received attention or appear to give rise to problems, respectively as regards the adoption of international instruments and the measures to follow up their implementation.

173. Within the United Nations system - which by definition is based on the principle of division of responsibilities and has institutional arrangements for co-ordination - there is a long history of on the whole successful collaboration in relation to the adoption of international standards. It may be recalled that it was in response to requests from the United Nations that the ILO proceeded to the drawing up of Conventions in such fields as freedom of association, equal remuneration and discrimination in employment. The Abolition of Forced Labour Convention was adopted as a direct consequence of joint action by the United Nations and the ILO on the question of forced labour. In connection with action for the protection and integration of indigenous and tribal populations, it was agreed that comprehensive standards, including provisions on matters of concern to other organisations such as the UN, FAO, UNESCO and WHO, should be framed by the ILO, in co-operation with these other agencies, and the Recommendation on tenants and sharecroppers was drawn up by the ILO in co-operation with the United Nations and FAO. Other examples of close collaboration in the preparation of standards relate to performers' rights (ILO, UNESCO and BIRPI), the status of teachers (UNESCO and ILO), conditions of nursing personnel (on which action by the ILO is now contemplated, on the basis of preparatory work undertaken jointly with WHO) and the training of seafarers (IMCO and ILO). The ILO was consulted in the preparation of the UNESCO instruments relating to discrimination in education, and collaborated actively in the elaboration of the United Nations Covenants on Human Rights which - because they were intended to deal comprehensively with the whole range of human rights - cover many questions falling within the ILO's field of action and already the subject of ILO Conventions and Recommendations.
174. The Covenants on Human Rights, by their wide-ranging scope, represent a rather special case of international standard setting, justified by the overriding concern for the establishment of an international bill of rights. The question may however arise in future to what extent instruments of similarly general scope may be appropriate in other areas. In addition to problems of duplication and possible conflicts of interpretation, there is a danger that provisions expressed in terms of general principles, leaving a large measure of discretion to national authorities in their realisation, may erode more specific obligations established by more limited instruments.

175. In the case of standard setting by organisations outside the United Nations - mainly regional organisations - the basic concerns of co-ordination remain the same. However, whereas within the United Nations system there is an established division of functions, the regional organisations have general responsibilities within their respective geographical areas. To what extent does standard setting by these organisations represent a useful adjunct to efforts on a world level? The considerations relevant to this question seem essentially the same as those mentioned in connection with the possible adoption of regional standards under the auspices of the ILO (see Chapter II, paragraphs 55 to 57): there may be special regional or subregional problems calling for regulation and it may be felt desirable to supplement universal standards. In particular, in certain regions it may be considered possible, and desirable, to set higher objectives in social policy and legislation than have been established on a universal level.

176. While the ILO has concluded collaboration agreements with the various regional organisations, the extent of collaboration in connection with their standard-setting activities has varied considerably. In the field of social security, the ILO has made close collaboration with regional organisations, particularly as regards the preparation of instruments concerning the social security rights of migrant workers. Assistance of this kind has been provided to the European Economic Community, the Council of Europe, the Common African, Malagasy and Mauritian Organisations, the former Organisation of Senegal Riparian States, the Organisation of Central American States, and more recently to the Andean Group and the Organisation of American States. In the case of the Council of Europe, there has been close collaboration in the drawing up of instruments in the social field generally (for instance, at the request of the Council of Europe, the ILO convened a tripartite conference to consider the draft of the European Social Charter). Deliberate efforts have been made to reflect ILO standards in such instruments and to establish a link with them; a specific place has also been assigned to the ILO in arrangements for supervising the application of these instruments. Except in the case of social security (which has been mentioned above), regional organisations have generally not been invited to make a similarly direct contribution from the ILO to their standard-setting work, even if ILO standards appear to have been taken into account in framing of certain instruments. This appears to be an area where the possibilities of closer co-operation might well be explored.

177. As regards procedures for following up the implementation of international instruments, a series of arrangements have already been established among organisations in the United Nations system for collaboration on questions of common concern (such as the elimination of discrimination or the protection and integration of indigenous populations). These take the form of an exchange of information and representation at meetings of the competent supervisory bodies. In one case (teachers), UNESCO and ILO have created joint supervisory machinery. In the case of the Covenants on Human Rights, which contain specific provisions on participation of the specialised agencies in their implementation, detailed arrangements remain to be worked out. Although the Covenants are not yet in force, consultations on the matter are taking place among the organisations concerned with a view to the submission of proposals to their respective deliberative organs. It is significant that, on its recent consideration of the co-ordination of the legislative work of international organisations, the Administrative Committee on Co-ordination concluded that, in view of the importance of achieving uniform interpretation of standards, analysis of compliance with standards should as far as possible be carried out by those with the greatest competence in the field. This principle appears to be of basic importance for relations between the ILO and other organisations, both within and outside the United Nations system.

178. In the case of regional organisations, reference has already been made to the close association of the ILO in supervising the implementation of instruments adopted by the Council of Europe, involving in the case of the European Social Charter the participation of an ILO representative in a consultative capacity.
in the work of the committee of experts established by the Charter and, in the case of the European Code of Social Security and Protocol, the examination of governments' reports in the first instance by the ILO Committee of Experts on the Application of Conventions and Recommendations. No corresponding arrangements exist with other regional organisations.

179. One factor which increases the problems of international co-ordination in the standards field is the proliferation of instruments and of supervisory procedures. In the ILO, as described in Chapter IV, it has traditionally been sought to adopt a unified approach to the implementation of its standards. Elsewhere, in contrast, the practice has been to make distinct provision for supervision of implementation in individual instruments, leading to the creation of a multiplicity of supervisory bodies governed by varying conceptions as regards their composition, terms of reference and means of action. These developments - in addition to increasing the risks of conflicting methods and interpretations - may also have serious implications as regards the burdens imposed on States, and thus impair the over-all effectiveness of the efforts made at the international level.

180. It is evident that adequate co-ordination of the standard-setting work of international organisations does not depend solely on the action taken by any one organisation, but is the sum total of the efforts made by all organisations. In so far as responsibility for decisions within organisations ultimately rests on their competent legislative organs, it is important that preoccupation with the needs of co-ordination should not be confined to the international level, but should also receive serious attention within each of the member States. They are, after all, the intended beneficiaries of the standard-setting action and also those most directly burdened by the consequences of any failure in co-ordination.
Chapter VI

Suggested Points for Discussion

Paras. 173-174  Collaboration within UN family. Need to avoid possible duplication and conflicts of interpretation.

Paras. 175-176  The place for standards adopted by regional organisations. A need for closer collaboration with such organisations.

Para. 179        The need to avoid an undue proliferation of supervisory procedures.
STANDARDS WITHIN THE OVER-ALL FRAMEWORK OF ILO ACTIVITIES

181. The standard-setting activities of the ILO have at times been considered as a form of activity separated from other forms of activity pursued by the Organisation or at any rate only vaguely linked thereto. Nothing could be farther from the truth. Standards, technical co-operation, research, education and promotional activities, all of these should serve complementary purposes as part and parcel of a concerted programme of action, aiming at the promotion of human rights and social justice. The following sections of this chapter set out some of the ways and means by which this concerted action can be achieved.

1. Standards and Planning

182. Much has been done in recent years to transform the programming and planning machinery of the ILO into a tool better equipped to meet the constantly changing needs of an increasingly complex and heterogeneous world. The introduction as from 1970-71 of a two-yearly programme and budget constituted an important step in this direction, enabling the ILO to plan its activities, including its standard setting, over a longer period, whilst at the same time rendering possible a greater degree of flexibility in the timing of initiatives or in the shifting of priorities as new needs arose. The series of in-depth reviews of selected ILO programmes has enabled the Governing Body to a far greater extent than was earlier possible to evaluate the effectiveness of past activities with a view to setting objectives and priorities and improving performance in future activities. Finally, the Governing Body's examination at two-yearly intervals of draft Long-Term Plans covering a six-year period has - although the system is as yet far from perfection - become an important instrument for determining in broad outline the major areas of emphasis towards which ILO efforts should be oriented during the period in question and the means of action that should be employed for the achievement of determined objectives in these areas.

183. What more can be done in order to forge into a coherent whole the entire spectrum of ILO programmes, standard setting, operational or other? With particular regard to standards and their place within the over-all framework of ILO activities, attention was drawn, in Chapter II of the paper, to the absence of any planned approach to standard setting. To remedy this, it was suggested both that a systematic review of the existing body of standards should be undertaken, the results of which would become the blueprint for the ILO's standard-setting activities in the years to come, and that future Long-Term Plans should include a special section indicating the various questions which appeared ripe for Conference action and suggesting priorities which might be related to areas of emphasis of the Plan. Measures of this kind would constitute a decisive step towards integrating standard setting more fully into future over-all plans for ILO action.

2. Standards and Technical Co-operation

184. With the vast expansion of technical co-operation, effective co-ordination between ILO operational and standard-setting activities has become a constant necessity. Ways and means have to be found whereby application of this principle is accepted and realised as a matter of course throughout the ILO. Measures to that end constitute a concrete test of programme co-ordination in its simplest day-to-day terms and the results of such co-ordination should add to the impact of both standard setting and technical co-operation.

---

1 See Chapter II, section 2, paras. 34-36.
2 Reference is also made to the suggestion in Chapter IV, section 1(a), para. 84 above, that the Governing Body in its selection of instruments for reports under article 19 or under article 22 on an ad hoc basis should be guided also by the relevance of such instruments to the Long-Term Plan.
185. The difficulties encountered are twofold. They may be due to the fact
that those concerned, whether government or ILO officials, are largely unaware of
the relevance and potential role of standards in regard to a given technical co-
operation project (or vice versa). A second, more serious obstacle arises when
the inter-relationship of a project with certain standards is manifest, but it
proves difficult for political, social or economic reasons to translate this link
into positive recommendations and action.

186. If, to take the first case, the implications of one form of action for
the other are not readily apparent, a fuller awareness of standards and of opera-
tional work by the officials concerned constitutes the main remedy available.
Efforts to make standards more widely known, as discussed in Chapter V, would be
one step in that direction; efforts to spell out more clearly the role of technical co-
operation would be a natural complement. For this purpose the regional seminars on standards underline the benefits that technical assistance can provide,
technical co-operation experts are briefed on standards and the Labour Administra-
tion Centres for Africa and Asia (CRADAT and CIAT) include ILO standards in their
teaching curricula. But these efforts might well be broadened and carried further.

187. On the one hand, experts in the field, whose assignments seem at first
sight to have only limited standards implications, may not always fully appreciate
why regard for basic instruments, especially in the area of human rights, should
be a consistent aim of technical aid by the ILO. On the other hand, the Office
might explore more systematically cases where the application of ratified Conven-
tions could be facilitated through technical co-operation. The Committee of
Experts on the Application of Conventions and Recommendations refers to this possi-
bility from time to time, but a stronger lead could be given in certain cases by
making governments more aware of the types of assistance that could be provided.
Countries which have ratified the Employment Policy Convention, 1964 (No. 122)
should, for instance, be particularly well placed in obtaining assistance under
various facets of the World Employment Programme.

188. There is special need to co-ordinate standards and technical co-operation
during the operational phase of a given project. Knowledge and experience acquired
on the spot may contribute to a fuller understanding of difficulties which hamper
the implementation of standards. In the case of Conventions, the lessons of tech-
nical co-operation may point the way to better application, both before and after
ratification. Obversely, it may be useful for experts to draw on any relevant
instrument for guidance in a given field, and their advice and recommendations
should be consistent with the terms of ratified Conventions which have a bearing on the
project. In addition, respect for the Organisation's basic principles on
freedom from discrimination, freedom from forced labour and freedom of association
should permeate all ILO assistance. Standing arrangements within the Office aim
at achieving these various objectives: technical co-operation experts are given
appropriate instructions; liaison is maintained during the operational phase of a
project; all the services concerned collaborate in the preparation of the final
report so that the proposals it contains adequately reflect the relevant standards.
A similar approach should be consistently followed in the case of major inter-agency
missions or projects under the World Employment Programme.

189. At the national level, co-ordination between standards and operational
activities should gain from the fuller association of employers' and workers'
organisations in the countries concerned. This was reflected in the Governing
Body's conclusions and recommendations for securing more effective tripartite par-
tagicipation in the ILO's technical co-operation programme (November 1972). The kind
of national tripartite machinery to be considered by the Conference (June 1975)
might similarly serve to give the non-governmental interests a more regular and
recognised role as regards technical aid projects, including their relation to ILO
standards.

190. It may, however, happen occasionally that a project results in conclu-
sions and recommendations which are at variance with ILO standards. Unless funda-
mental issues of human rights such as slavery or forced labour, objectives on
which a project can be considered to be well placed to weigh in the light of economic or other considerations relating to the current stage of
development of the country concerned, but this should only be on a transitional
basis, every effort being made to assist the country in overcoming the difficulties
that prevent full implementation of the standards in question, particularly rati-
fied Conventions.
191. With this pragmatic approach, any issues raised by the co-ordination of standards and technical co-operation should help the ILO in charting the proper course to follow in pursuance of its mandate. And from a standard-setting perspective, the practical experience gained through technical co-operation will act as a testing ground not only at the national level, but even from a broader point of view.

3. Standards and Other ILO Activities

Research

192. Research carried out by the ILO often serves as the starting point for the development of new instruments. The studies which emerge sometimes indicate that the time is ripe for an attempt to frame new or revised standards in a given field. But no law and practice report placed before the Governing Body to assist it in fixing the agenda of a future Conference session can adequately fulfil its purpose unless it is based on solid facts and permits valid conclusions. Standard setting thus depends for its initial success on the quality of the preparatory work by the Office. Thorough research will assist materially in the choice of subjects and in the framing of international provisions which reflect the realities of the countries they are intended to serve.

193. In this process of interaction, standard setting is however not the only beneficiary. In many cases the material used for ILO research is taken from the information and reports required to supply to the ILO on the effect given to Conventions and Recommendations. Data of this kind are in fact among the most authoritative available, coming directly from governments and frequently more up to date than other available sources. Any observations received from workers' and employers' organisations further add to the background data thus available.

194. Measures have been taken in the Office in order to ensure that the technical departments are made regularly aware of this information, most of which relates to the application of ratified Conventions. At the same time the competent services have an important role to play in analysing government reports. A preliminary examination, carried out jointly by the technical departments and the International Labour Standards Department, makes it possible to place at the disposal of the supervisory bodies of the ILO the practical expertise and experience accumulated within the Office. While this collaboration has on the whole functioned well existing measures to involve all the competent services fully in the implementation of Conventions still need to be further developed throughout the Office.

195. Given this clear and constant interdependence of standards and research, both will benefit from additional efforts to bring the results of research to bear on standard setting and to enable the Office's research programme to draw on the vast array of information provided through government reporting on standards. This interplay should proceed continuously as areas of emphasis expand and new subjects emerge for research and standards alike.

Publications

196. ILO publications provide the primary forum for bringing standards-related subjects and issues to the attention of all those interested in the ILO. Two main types of publications are involved.

197. The first category comprises the various reports submitted to the Conference under the third item on its regular agenda "Information and Reports on the Application of Conventions and Recommendations" as well as the reports on selected Conventions now regularly submitted to regional conferences. The second category comprises a number of special studies or articles on important aspects of human rights, published either separately or in the International Labour Review and frequently evoking widespread interest, not least in trade union quarters. A continuing series of articles in the Review examines the influence of ILO standards on the law and practice of particular member countries, and has proved to be an excellent means of placing the tangible results of standard setting before a wider public.
Reference should finally be made to the occasional publication outside the ILO of articles or books dealing with standards. Because they are likely to reach a broader readership, such publications constitute a valuable extension of the Office's programme and may also serve to create additional demand for ILO publications on standards and on other activities of the Organisation.

Further Action to Make Standards Better Known

What further action is possible beyond the measures discussed in Chapter V and in the present chapter to make standards more widely known and supported?

It is useful to recall that the ILO's public information programme through its pamphlets, fact sheets and information kits, has often given steady and detailed coverage to the framing of standards, to the relevant procedures and to major developments as regards implementation. Human rights have been featured regularly and the recurring need to reissue booklets and fact sheets has confirmed a widespread and steady demand for materials of this type. Further action might therefore focus on two more general objectives.

Firstly, it should be possible to supplement the printed word by preparing material on standards for broadcasting and even for television. A few years ago a series of radio talks on discrimination in employment and occupation had met with considerable interest and response. Perhaps similar series focusing on other issues in the human rights and social standards fields should be attempted, for instance in connection with International Women's Year in 1975.

Secondly, the public information programme might be used more systematically to give prominence to the discussion and implementation of standards at the regional level. This would be in line with the new developments suggested in Chapter V (paragraphs 145-149) and would also help to make standards better known in the developing countries by placing them within a more familiar regional or even local context.

With the above, the present paper comes to an end. It has sought to describe the current position with regard to standard setting and to present the major problems facing the Organisation in this regard. It has analysed the future perspectives for standard setting, stressing the need for a more planned approach, suggesting measures - legislative and practical - with a view to providing an up-to-date, compact and coherent body of international labour standards, examining the proper place for Conventions, Recommendations and other less formal guidelines, and advancing ideas for possible improvements in the procedures for the adoption of standards. It has examined questions relating to the submission of instruments to the competent authorities, to the ratification of Conventions and to the variety of supervisory or similar procedures evolved by the ILO over the years, with a view to exploring the scope for improvements in the system, both in order to increase its effectiveness and to assist governments in complying with their constitutional obligations. It has devoted particular attention to the special procedures relating to freedom of association and to action in the field of discrimination, and has suggested certain measures designed to render more effective the ILO's action in these important fields. It has reviewed a variety of means by which promotional activities can usefully supplement the established procedures of ILO supervision, including discussions at the regional level, expanding the assistance given to governments and employers' and workers' organisations, and measures to promote a closer involvement of non-governmental organisations in matters relating to standards. Finally, it has attempted to offer some ideas both as to the manner in which the ILO's standard setting needs to be co-ordinated with that of other international organisations and vice versa, and the manner in which standards should take their place as an integral part of the ILO's overall action programme, notably through a closer co-ordination between standard-setting, operational and other activities.
204. Not all of the questions thus raised will be of equal importance in the minds of all. But they all relate to the manner in which ILO action for the promotion of human rights and social justice can be made more effective, and a responsible and thorough discussion of the issues raised and a measure of consensus on some if not all of them will go a long way towards helping the Governing Body, the Office and, indeed, the entire membership of the Organisation to formulate programmes and policies designed to strengthen this action and to preserve the relevance and the vitality of the ILO's legislative work, a work which has to continue in a world where, in spite of its variety, international agreements of all types are assuming constantly growing importance as a means of promoting the welfare and freedom of man, and where almost every country is continuing to extend rather than to contract the scope of its social legislation and to develop rather than to diminish the place of such legislation in its social policy.
Chapter VII

Suggested Points for Discussion

Para. 183  
Measures to integrate standard setting more fully into over-all plans for ILO action.

Para 184-190  
Measures to ensure effective co-ordination between ILO operational and standard-setting activities (within the Office, in the field, at the national level).

Para. 201-202  
Measures to make ILO standards better known.
APPENDIX I

TENTATIVE ANALYSIS OF EXISTING INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS AND OF POSSIBLE FURTHER DEVELOPMENTS IN THIS FIELD

Existing Conventions and Recommendations will be reviewed below by subject-matter. In each area, it will be attempted to indicate the instruments of primary interest, the extent to which other standards retain significance, and any instruments which may be considered obsolete. Indications will also be given of need for updating and revision (including the scope for consolidation) of existing standards and of possible subjects for new standards.

I. BASIC HUMAN RIGHTS

A. Freedom of Association

Existing Standards

Right of Association (Agriculture) Convention, 1921 (No. 11).
Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84).
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
Workers' Representatives Convention (No. 135) and Recommendation (No. 143), 1971.

Comments

All these instruments must be considered to be of continuing interest.

As regards Convention No. 11, although agricultural workers are covered by Convention No. 87, twenty-five countries bound by its provisions have not ratified the later Convention. Even for countries bound by Convention No. 87, Convention No. 11 may still be of value, since it is aimed at ensuring equal treatment of agricultural workers with industrial workers in relation to rights of association and combination, even on points which are not regulated by Convention No. 87.

The provisions of Convention No. 84 are covered in greater detail in Conventions Nos. 87 and 98. However, Convention No. 84 is binding on a number of territories in respect of which either or both of the later Conventions have not yet been accepted, and to that extent remains of interest.

It does not appear appropriate to undertake consolidation of the existing instruments, since it would be undesirable to modify standards whose importance and continuing universal validity have been repeatedly acknowledged or to disturb the very extensive network of ratifications existing in respect of these Conventions.

Possible Subjects for New Standards

The question of organisations of rural workers and their role in economic and social development was the subject of a first discussion at the Conference in 1974. The conclusions adopted contemplate a Recommendation on this question.

Freedom of association and procedures for determining conditions of employment in the public service. This item was considered by the Governing Body in connection with the agenda of the 59th (1974) Session of the Conference (GB 186/2/1 and GB 188/2/1), but finally not selected. It is to be discussed at a technical tripartite conference due to be held in 1975 (GB 193/2/3).

\[1\] See also section IV - Industrial Relations, below.
Protection of trade union funds and assets against intervention by the public authorities. One of the subjects listed in the 1970 Conference resolution on trade union rights and their relation to civil liberties as calling for study and possible new standards. Considered by the Governing Body when giving preliminary consideration to the agenda of the 59th (1974) Session of the Conference (GB.186/2/1), but not retained. An ILO study on the question was published in 1973.

Enforcement procedures for protection against anti-union discrimination. The 1970 Conference resolution on trade union rights and their relation to civil liberties listed protection against anti-union discrimination among the subjects calling for study and possible new standards. A study on enforcement procedures in this field is currently being made.

Freedom of trade unions from intervention by administrative and judicial authorities in trade union elections. A study of this subject, which will also cover the removal from office of trade union officers, is due to be made in 1974/75 (Programme and Budget for the Biennium 1974-75, paragraphs 734-5).

Inviolability of trade union premises. One of the subjects listed in the above-mentioned 1970 Conference resolution as calling for study and possible new standards. A study is envisaged in 1976 (draft Long-Term Plan for 1976-81, paragraph 206).

Various other subjects listed in the 1970 Conference resolution for study and possible new standards have already received attention in the standards adopted in 1971 on the protection and facilities to be afforded to workers' representatives in the undertaking and in 1974 on paid educational leave, or will be covered by measures proposed in the field of industrial relations (see section IV below). Points in the resolution on which no action has yet been initiated are the right to participate fully in international trade union activities and the right of access of trade unions to the media of mass communications.

B. Forced Labour

Existing Standards

Forced Labour Convention, 1930 (No. 29).
Abolition of Forced Labour Convention, 1957 (No. 105).
Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35).
Forced Labour (Regulation) Recommendation, 1930 (No. 36).

Comments

The two Conventions are of continuing interest.

While these two instruments overlap to a certain extent, their scope is not identical, as was brought out by the general survey of forced labour made in 1968 by the Committee of Experts on the Application of Conventions and Recommendations. Both Conventions are widely ratified (By 107 and 91 States respectively); however, twenty-five States are bound only by Convention No. 29 and nine States only by Convention No. 105. In these circumstances, it does not appear desirable to attempt the consolidation of these Conventions in a single instrument.

The Forced Labour (Indirect Compulsion) Recommendation was invoked in the conclusions and recommendations of the two commissions of inquiry which examined complaints of forced labour in the period 1961-63, and also referred to by the Committee of Experts in the above-mentioned survey of 1968. This Recommendation accordingly appears still to be of value.

The Forced Labour (Regulation) Recommendation was intended to lay down certain additional rules to be observed when recourse was had to forced labour, as permitted by Convention No. 29, as an exceptional measure during the transitional period pending its complete abolition. In the great majority of cases, this transitional period has expired. Moreover, Convention No. 105 requires the immediate abolition of all forms of forced labour within its scope. In these circumstances, Recommendation No. 36 may be regarded as no longer of current interest.
Possible Subjects for New Standards

Freedom to terminate employment (protection of the worker against arbitrary restrictions on the right to leave particular employment or work). Study of this question is provided for in the Programme and Budget for the Biennium 1974-75 (paragraph 726).

Service obligations imposed in connection with studies. Referred to in the draft Long-Term Plan 1974-79 (paragraph 17) as a possible area for new standards.

Freedom of labour in the merchant marine. The study of this question is provided for in the Programme and Budget for the Biennium 1974-75 (paragraph 726). If considered suitable for new standards, the question might be dealt with as such, or considered in connection with any action on freedom to terminate employment (see above) or in relation to labour discipline (see section IV below).

Prison labour. Mentioned in the draft Long-Term Plan 1976-81 (paragraph 378) as a subject for study and possible new standards.

C. Discrimination

Existing Standards

Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958.
Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951.

Comments

These instruments are still of current interest. See however, below, as to possible supplementary action on certain aspects of equality of opportunity and treatment in employment and occupation and possible further action or revision of standards on equal remuneration.

The above-mentioned Conventions differ greatly in scope and consolidation appears not to be appropriate.

Possible Subjects for New Standards

Equality of opportunity and treatment of women workers. This subject has been placed on the agenda of the Conference in 1975 for a general discussion (see Report VIII, 60th Session of the Conference (1975). The discussion may be expected to lead to the adoption of conclusions for further action (inter alia) by the ILO, including the possible adoption of further standards.

Equal remuneration. A meeting of experts on equality of remuneration, in May 1974, recommended that the ILO should re-examine the Equal Remuneration Convention to determine whether its provisions are still adequate in the light of experience since its adoption (GB.193/9/15, Appendix, paragraph 23). In connection with the in-depth review of the general conditions of work programme, it was suggested that, in the light of research and conclusions of meetings, consideration might be given to adoption of a new instrument imposing stronger obligations than Convention No. 100 (GB.192/10/1, Annex, I.A.2). A general survey of national law and practice in regard to the matters dealt with in Convention No. 100 and Recommendation No. 90 is to be made by the Committee of Experts on the Application of Conventions and Recommendations in 1975, and will be presented to the Conference. This question of equal remuneration is likely to be considered also in the general discussion by the Conference in 1975 of equality of opportunity and treatment of women workers.

Non-discrimination in employment and occupation on ground of age. Mentioned as a possible subject for new standards in the draft Long-Term Plan 1974-79 (paragraph 21) and in the draft Long-Term Plan 1976-81 (paragraph 382). It may be considered as part of a wider discussion of the problems of older workers (see GB.193/2/3, paragraphs 29 to 37).

1 See also section X - Migrant Workers, below.
II. LABOUR ADMINISTRATION

A. General

No general standards relating to labour administration exist. However, the formulation of standards is now contemplated on the following subjects:

- Labour administration - role, functions and organisation - placed on the agenda of the Conference in 1976, for first discussion.
- Establishment of national tripartite machinery to improve the implementation of ILO standards - placed on the agenda of the Conference in 1975, for first discussion.

On the occasion of the preliminary consideration by the Governing Body in 1972 of the agenda of the Conference in 1974, it was suggested that the question of administration of justice in labour problems might be appropriate for Conference action at a later stage (GB.196/2/1, Appendix, paragraph 11; see also draft Long-Term Plan for 1976-81, paragraph 209).

B. Labour Inspection

Existing Standards

- Labour Inspection (Health Services) Recommendation, 1919 (No. 5).
- Labour Inspection Recommendation, 1923 (No. 20).
- Inspection (Building) Recommendation, 1937 (No. 54).
- Co-operation in Accident Prevention (Building) Recommendation, 1937 (No. 55).
- Labour Inspection Convention (No. 81) and Recommendation (No. 81), 1947.
- Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82).
- Labour Inspection (Agriculture) Convention (No. 129) and Recommendation (No. 133), 1969.

Comments

Recommendations Nos. 5, 20, 54, 55 and 59 have been superseded by the more developed standards adopted in 1947 and 1969, and are therefore no longer of interest.

The remaining instruments are of continuing interest. Although the provisions of Convention No. 85 are covered in greater detail in Conventions Nos. 81 and 129, it remains binding on a number of territories in respect of which the latter instruments have not yet been accepted; moreover, a number of former non-metropolitan territories, on becoming Members of the ILO, undertook to continue to apply the provisions of Convention No. 85 until such time as they could ratify Convention No. 81.

Technically, it would appear possible to consolidate the three Conventions (and also their supplementary Recommendations). However, in view of the varying number of ratifications (82 for Convention No. 81, 4 for Convention No. 85 - plus undertakings by 8 States to continue to apply its provisions, 14 for Convention No. 129) and the varying targets represented by these instruments, it seems doubtful whether such a consolidation would prove practicable.

No further standards in this field are contemplated at present.

---

1 See also section III B - Employment Services, below.
2 See section IV - Industrial Relations - for certain earlier instruments relating to consultation.
3 See also section XI - Seafarers - and Section XIV - Plantations, below.
C. Statistics

Existing Standards

Migration Statistics Recommendation, 1923 (No. 20).
Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63).

Comments

Responsibility for international action in the field of migration statistics was transferred to the United Nations in 1959, which since then have adopted various recommendations in this field going considerably beyond the relatively limited indications in Recommendation No. 19. This Recommendation may be considered obsolete.

The revision of Convention No. 63 has been recommended by the Twelfth International Conference of Labour Statisticians (1973) to bring its provisions into harmony with modern practices and needs in the field of statistics of wages and hours of work (GB.192/3/3, Appendix, Resolution III).

III. EMPLOYMENT POLICY AND HUMAN RESOURCES DEVELOPMENT

A. Employment Policy

Existing Standards

Unemployment (Agriculture) Recommendation, 1921 (No. 11).
Unemployment (Young Persons) Recommendation, 1935 (No. 45).
Public Works (International Co-operation) Recommendation, 1937 (No. 50).
Employment (Transition from War to Peace) Recommendation, 1944 (No. 71).
Public Works (National Planning) Recommendation, 1944 (No. 73).
Employment Policy Convention, 1964 (No. 122) and Recommendation (No. 122), 1964.
Special Youth Schemes Recommendation, 1970 (No. 136).

Comments

Convention No. 122 and Recommendation No. 122 lay down comprehensive standards in the field of employment policy, which have superseded the provisions of earlier Recommendations relating to particular groups of workers or to circumstances at a specific period. Accordingly, Recommendations Nos. 11, 50, 51, 71 and 73 may be considered to be no longer of current interest.

Recommendation No. 45 has been superseded by Recommendation No. 136.

No further standards in this field are contemplated at present.

B. Employment Services

Existing Standards

Unemployment Convention (No. 2) and Recommendation (No. 1), 1919.
Employment Service Recommendation, 1944 (No. 72).
Employment Service Convention (No. 88) and Recommendation (No. 83), 1948.
Fee-Charging Employment Agencies Convention, 1933 (No. 34).
Employment Agencies Recommendation, 1933 (No. 42).
Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96).

Comments

The Unemployment Convention, 1919 (No. 2) provides for regular communication to the ILO of information concerning unemployment, for the establishment of a system

---

1 See also section XI - Seafarers, below.
of free public employment agencies, and for extension to workers of other ratifying States of benefits under any existing system of unemployment insurance. The second and third of these subjects are regulated in greater detail in subsequent instruments (Convention No. 88 and Convention No. 118 respectively). However, Convention No. 2 remains binding on 45 States, of which 17 have not ratified Convention No. 88 and 44 have not accepted Convention No. 118 in respect of unemployment benefit. To that extent, the Convention of 1919 appears still to retain value.

The Unemployment Recommendation, 1919 (No. 1) (which dealt with abolition of fee-charging employment agencies, recruiting of workers for employment in another country, unemployment insurance, and co-ordination of public works to combat unemployment) has been superseded by subsequent, more detailed standards covering these various questions.

Recommendation No. 72 was superseded by the standards on employment services adopted in 1948. The desirability of revising the Employment Service Convention, 1948 (No. 88) was considered by the Governing Body Committee on Standing Orders and the Application of Conventions and Recommendations in 1971, which reached the conclusion that such revision did not appear appropriate (GB.184/11/18, paragraphs 35 to 42).

Convention No. 34 was revised by Convention No. 96, and is no longer open to ratification. It remains in force for five States.

Convention No. 96 is still of current interest.

Possible Subjects for New Standards

Temporary work agencies. A resolution inviting the Governing Body to place this question on the agenda of an early session of the Conference with a view to the adoption of appropriate international standards was adopted unanimously by the Resolutions Committee of the Conference in 1973, but failed to be adopted in plenary session for lack of a quorum (GB.192/5/19). In connection with the consideration by the Governing Body of the 1976 Conference agenda, it was indicated that this question was being actively examined by the Office, but that it was not yet in a position to make proposals for Conference discussion (GB.193/2/3, paragraph 8). The responsibilities of labour departments in regard to this question might also be considered in the forthcoming Conference action concerning labour administration (see section II A above).

C. Vocational Guidance and Training

Existing Standards

Vocational Guidance Recommendation, 1949 (No. 87).
Vocational Education (Agriculture) Recommendation, 1921 (No. 15).
Vocational Education (Building) Recommendation, 1937 (No. 56).
Vocational Training Recommendation, 1939 (No. 57).
Apprenticeship Recommendation, 1939 (No. 60).
Vocational Training (Adults) Recommendation, 1950 (No. 88).
Vocational Training (Agriculture) Recommendation, 1956 (No. 101).
Vocational Training Recommendation, 1962 (No. 117).
Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99).

Comments

The instruments which appear still to be of interest are, as regards vocational guidance, Recommendation No. 87; as regards vocational training, Recommendations Nos. 56, 101 and 117; as regards vocational rehabilitation, Recommendation No. 99.

The following Recommendations have been superseded: No. 15 (by No. 101) and Nos. 57, 60 and 88 (by No. 117).

1 See also section XI - Seafarers, below.
When the question of "Human resources development: vocational guidance and vocational training" was placed on the agenda of the 1974 Session of the Conference, it was contemplated to revise and update Recommendations Nos. 87, 101 and 117. The conclusions adopted following the first discussion contemplate the adoption of a Convention supplemented by a Recommendation which would complement the earlier Recommendations in this field. This matter may receive further consideration in the course of the second discussion in 1975.

No further standards in this field are contemplated at present.

IV. INDUSTRIAL RELATIONS

Existing Standards

Collective Agreements Recommendation, 1951 (No. 91).
Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92).
Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94).
Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).
Communications within the Undertaking Recommendation, 1967 (No. 129).
Examination of Grievances Recommendation, 1967 (No. 130).

Comments

All these instruments are of continuing interest.

Possible Subjects for New Standards

Methods for determining conditions of employment in the public service.
See under section I A.

Both the Long-Term Plan 1974-79 (paragraph 295) and the paper submitted to the Governing Body in May 1975 in connection with its consideration of the Conference agenda in 1975 (GB.190/2/1, paragraph 52) indicated that, in the light of work being done in the Office, it might be found desirable to include the following questions in the agenda of a future session of the Conference:

Prevention and settlement of labour disputes.
Methods and practice of collective bargaining.

The draft Long-Term Plan 1976-81 (paragraph 212) contemplates a comparative study of methods of establishing works rules and their contents, for discussion by a tripartite advisory meeting to be convened in 1978-79 and possible inclusion in the agenda of a subsequent Conference session. The draft Long-Term Plan 1974-79 (paragraph 17) had mentioned the related question of labour discipline as a possible item for Conference action.

Contract labour. Further study of this question is provided for in the Programme and Budget for the Biennium 1974-75 (paragraph 659). The Long-Term Plan 1972-77 (paragraph 193) indicated that the subject might be suitable for the adoption of standards.

Research currently being carried out in the Office on multinational enterprises will provide a basis for determining whether any standard-setting action would be desirable, inter alia, concerning industrial relations in such enterprises.

See also section I A - Freedom of Association, above.
V. GENERAL CONDITIONS OF EMPLOYMENT

A. Employment Security

Existing Standards

Termination of Employment Recommendation, 1963 (No. 119).
Dock Work Convention (No. 137) and Recommendation (No. 145), 1973.

Comments

These instruments are of continuing interest.

The measures taken in member States to give effect to Recommendation No. 119 were the subject of a general survey by the Committee of Experts on the Application of Conventions and Recommendations in 1974, following reports under article 19 of the ILO Constitution. In the Conference Committee on the Application of Conventions and Recommendations, there was general agreement, in the light of its discussion of this survey, that the question of termination of employment should again be brought before the Conference for the framing of further standards which would take account of developments since 1963 (Provisional Record No. 27, 59th Session (1974), Second Part, paragraphs 18 to 21).

The draft Long-Term Plan 1976-81 (paragraph 212) refers to the undertaking in 1976-77 of a comparative study on a related subject, namely, the labour-management aspects of the merger and closure of undertakings, especially from the point of view of the protection of workers affected by such measures.

B. Wages

Existing Standards

Minimum Wage-Pixing Machinery Convention (No. 26) and Recommendation (No. 30), 1928.
Minimum Wage-Pixing Machinery (Agriculture) Convention (No. 99) and Recommendation (No. 89), 1951.
Minimum Wage-Pixing Convention (No. 131) and Recommendation (No. 135), 1970.
Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84), 1949.
Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1949.

Comments

In the field of minimum wages, the Convention and Recommendation adopted in 1970 represent the principal target of achievement for national measures (draft Long-Term Plan 1976-81, paragraphs 182 and 185, based on the conclusions of the Governing Body Working Party on the in-depth review of the general conditions of work programme).

It should however be recalled that, when the Conference adopted Convention No. 131, it decided that this Convention should not be regarded as revising any existing Convention, because it considered that the ratification of the earlier Conventions (Nos. 26 and 99) might represent a valid interim target for countries not yet in a position to ratify the Convention of 1970. At present, far more countries are bound by Conventions Nos. 29 and 99 (84 and 40 ratifications respectively) than by Convention No. 131 (14 ratifications). For the time being, therefore, Conventions Nos. 26 and 99 must be considered as of continuing interest.

See also section XI - Seafarers, below.

2 See also section I C above, with respect to equality of remuneration.
On the other hand, Recommendations Nos. 30 and 89 may be regarded as superseded, since the relevant standards of reference are now to be found in the instruments of 1970.

The Conventions and Recommendations relating to labour clauses in public contracts and to the protection of wages appear to be of current interest (see Report of the Working Party on the in-depth review of the general conditions of work programme - GB.192/10/1, Annex, Section III.C.). With respect to the protection of wages, however, the draft Long-Term Plan 1976-81 (paragraph 349) proposes research and symposia on evaluation of wages paid in kind, to determine whether additional standards on this question would be desirable.

C. Hours of Work

Existing Standards

Hours of Work (Industry) Convention, 1919 (No. 1).
Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8).
Hours of Work (Commerce and Office) Conventions, 1930 (No. 30).
Hours of Work (Hotels, etc.) Recommendations, 1930 (No. 37).
Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38).
Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39).
Hours of Work (Coal Mines) Convention, 1931 (No. 31).
Sheet-Glass Works Convention, 1934 (No. 43).
Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46).
Forty-Hour Week Convention, 1935 (No. 47).
Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49).
Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51).
Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61).
Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67).
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).
Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66).
Reduction of Hours of Work Recommendation, 1962 (No. 116).
Night Work (Bakeries) Convention, 1925 (No. 20).

Comments

Recommendation No. 116 embodies the most recent standards on hours of work. In the course of the in-depth review of the general conditions of work programme it was suggested that this Recommendation should be regarded as a target for progress. It was also suggested that a new Convention on hours of work might be adopted containing somewhat less rigid requirements concerning administration and enforcement measures than Conventions Nos. 1, 30 and 47 (GB.192/10/1, Annex, Section III.C.).

While from a technical point of view it would be useful to have a new, comprehensive Convention on hours of work to consolidate and replace earlier standards, it is necessary to recall the considerable differences of views which found expression at the time of consideration of Recommendation No. 116 and the difficulties then experienced in arriving at an acceptable instrument.

For the present, Conventions Nos. 1, 30 and 47 must be considered to retain their interest.

Conventions Nos. 31, 46, 51 and 61 have not received the number of ratifications required for their entry into force, and may be regarded as obsolete.

Conventions Nos. 43 and 49 (relating to glass works operating continuous shifts) are binding on nine and seven States respectively; all except one of these ratifications were registered more than 20 years ago. The draft Long-Term Plan 1976-81 (paragraph 117) contemplates research relating to shift work, in the light of which it will be possible to review the appropriateness of standards in this field.

Convention No. 67 has been ratified by only four States and appears no longer adapted to present conditions. However, the regulation of hours of work in road transport, dealt with in this Convention and in its three supplementary Recommendations (Nos. 63, 64 and 65) remains a matter of considerable - indeed, growing - importance. The Inland Transport Committee, at its Ninth Session (1972), proposed
the convening of a meeting of experts to examine all the problems covered by Convention No. 67 in the light of recent developments and to formulate recommendations on ILO action (Conclusions No. 96, paragraph 21).

Recommendation No. 8, relating to hours of work in inland navigation is now largely superseded by the provisions of Recommendation No. 116. However, Part II, which recommends the conclusion of agreements by States riparian to international waterways, remains of value.

Recommendations Nos. 37, 38 and 39 provided for investigation into hours of work of various categories of workers excluded from Convention No. 30, with a view to consideration by the Governing Body of the need for further standards. Their force is now spent.

Convention No. 20 is no longer adapted to present conditions, in view of the development of industrial baking. It however remains binding on fourteen States.

Possible Subjects for New Standards

Arrangement of working time. The Working Party on the general conditions of work programme listed this subject among questions on which new standards might be contemplated. Such standards might cover various practices, such as flexible hours, part-time employment, and flexible retirement (GB.192/10/1, Annex, section III.C.).

Shift work. See comments above regarding Conventions Nos. 43 and 49.

It may be noted that, except in relation to plantations (Part V of the Plantations Recommendation, 1958 (No. 110) - listed in section XIV below), there are no standards relating to hours of work in agriculture; this sector is expressly excluded from the scope of Recommendation No. 116.

D. Weekly Rest

Existing Standards

Weekly Rest (Industry) Convention, 1921 (No. 14).
Weekly Rest (Commerce) Recommendation, 1921 (No. 18).
Weekly Rest (Commerce and Offices) Convention (No. 106) and Recommendation (No. 103), 1957.

Comments

Recommendation No. 18 has been superseded by the instruments of 1957.

The remaining instruments are still of current interest.

No new standards in this field are contemplated at present. It may however be wondered whether, in the light of developments in working hours, a further development of weekly rest standards may not become desirable in due course.

It may be noted that, except in relation to plantations (Part VI of the Plantations Convention, 1958 (No. 110) - listed in section XIV below), there are no standards relating to weekly rest in agriculture.

E. Paid Leave

Existing Standards

Holidays with Pay Convention (No. 52) and Recommendation (No. 47), 1936.
Holidays with Pay (Agriculture) Convention (No. 101) and Recommendation (No. 93), 1952.
Holidays with Pay Recommendation, 1954 (No. 98).
Holidays with Pay Convention (Revised), 1970 (No. 132).
Paid Educational Leave Convention (No. 140) and Recommendation (No. 148), 1974.
Comments

Conventions Nos. 52 and 101 have been revised by Convention No. 132. However, they remain in force for 44 and 35 States respectively, and Convention No. 101 has been left open for ratification as an interim target for countries not yet able to accept Convention No. 132 in respect of agriculture. To that extent, the earlier Conventions remain of interest.

Recommendations Nos. 47, 93 and 98 may be regarded as superseded by the adoption of Convention No. 132.

No further standards in this field are contemplated at present.

F. Leisure

Existing Standards

Utilisation of Spare-Time Recommendation, 1924 (No. 21).

Comments

This Recommendation has to a considerable extent been superseded by later standards, for example, as regards recreation and transport facilities, by the Welfare Facilities Recommendation, 1956 (No. 102) and, as regards housing, by the Workers' Housing Recommendation, 1961 (No. 115).

The question of leisure is receiving renewed attention within the framework of programme emphasis on improved conditions and humanisation of work (see draft Long-Term Plan 1976-81, paragraphs 118 and 119, and Programme and Budget for the Biennium 1974-75, paragraph 420). Proposed research will no doubt throw light on the appropriateness of further standards.

G. Other Questions - Possible New Standards

Employment and conditions of work and life of nursing personnel. This question has been placed on the agenda of the Conference in 1976.

Protection of the salaried inventor. The adoption of an appropriate international instrument on this question was called for by a resolution adopted by the Advisory Committee on Salaried Employees and Professional Workers at its Sixth Session (1967).

Temporary work. See section III B above, with regard to possible new standards concerning temporary work agencies. In addition to the employment market aspects, consideration needs also to be given to conditions of work of temporary workers. The possibility of standards on the matter was contemplated in the in-depth review of the general conditions of work programme (GB.192/10/1, Annex, section II.D.).

Right of access to information and protection of workers' privacy. In connection with the consideration by the Governing Body of the agenda of the Conference in 1975, reference was made to this subject among various questions on which work was being done in the Office and which it might be desirable to include in the agenda of a future Conference session (GB.190/2/1, paragraph 52; see also Programme and Budget for the Biennium 1974-75, paragraph 424).

Humanisation of work. The draft Long-Term Plan 1976-81 (paragraph 150) contemplates the convening in 1978 of a World Symposium on the Humanisation of Industrial Work and the possibility of subsequently placing this subject, or certain aspects of it, on the agenda of the Conference, probably for a general discussion. This action may in due course point to the need for new standards.

Research currently being carried out in the Office on multinational enterprises will provide a basis for determining whether any standard-setting action would be desirable, inter alia, concerning conditions of work in such enterprises.
VI. EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

A. Minimum Age

Existing Standards

- Minimum Age (Industry) Convention, 1919 (No. 5).
- Minimum Age (Agriculture) Convention, 1921 (No. 10).
- Minimum Age (Non-Industrial Employment) Convention (No. 33) and Recommendation (No. 41), 1932.
- Minimum Age (Industry) Convention (Revised), 1937 (No. 59).
- Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60).
- Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52).
- Minimum Age (Coal Mines) Recommendation, 1953 (No. 96).
- Minimum Age (Underground Work) Convention (No. 125) and Recommendation (No. 124), 1965.
- Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973.

Comments

Convention No. 138 and Recommendation No. 146 represent comprehensive, up-to-date standards in this field. The Convention revised all the earlier Conventions relating to minimum age for employment (including those relating to maritime work, listed in the section concerning seafarers, below), which it is intended gradually to replace.

However, most of the earlier Conventions remain open to ratification, either because this is expressly provided for in Convention No. 138 (namely, in respect of sectoral Conventions which fixed a minimum age of 15 years or more) or because they will be closed to ratification only when all the parties thereto have ratified the new Convention or otherwise consented to such closing (this being the position for early instruments not containing provisions for closing to ratification). Even the denunciation of earlier sectoral Conventions fixing a minimum age of 15 years or more as an automatic consequence of ratification of Convention No. 138 is subject to acceptance of corresponding obligations under that Convention. In these circumstances, the earlier Conventions are likely to retain their interest as the basis of international obligations for some time.

Recommendations Nos. 41, 52 and 96 may be considered to have been superseded, the first two by the instruments of 1973, the last by the standards of 1965 relating to underground work generally.

Recommendation No. 124 remains of value, since it contains more specific provisions in regard to underground work than the instruments of 1973; indeed, Recommendation No. 146 provides that, in determining a higher minimum age for dangerous work under Convention No. 138, full account should be taken (inter alia) of the standards relating to underground work.

No further standards in this field are contemplated at present.

B. Medical Examination

Existing Standards

- Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77).
- Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78).
- Medical Examination of Young Persons Recommendation, 1946 (No. 79).
- Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124).

Comments

All these instruments remain of current interest.

1 See also section XI - Seafarers, below.
It would be possible to contemplate the consolidation of the various Conventions (including that relating to young seafarers (No. 16)) in one instrument, similar to the action taken in regard to minimum age. However, it may be wondered whether in this case there would be corresponding advantages.

There are no standards relating to the medical examination of young persons in agriculture.

C. Night Work

Existing Standards

Night Work of Young Persons (Industry) Convention, 1919 (No. 6).
Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14).
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90).
Night Work of Young Persons (Non-Industrial Occupations) Convention (No. 79) and Recommendation (No. 80), 1946.

Comments

Conventions Nos. 79 and 90 and Recommendation No. 80 remain of current interest.

Convention No. 6 has been revised by Convention No. 90, but it remains binding on 32 States which have not ratified the later Convention and is still open to ratification. To that extent, it retains value.

Recommendation No. 14 is the only instrument dealing specifically with night work of young persons in agriculture. Part I, concerning children under 14 years, is superseded by Paragraph 13 of the Minimum Age Recommendations, 1973 (No. 146) which provides for a minimum night rest of 12 hours for children below 15 years employed on light work. Part II of Recommendation No. 14, relating to young persons below 18 years, is the only night work provision applicable to this group of workers in agriculture. Its requirement of a rest of nine hours - as compared with a minimum of twelve hours laid down in Conventions Nos. 79 and 90 - does not appear adequate. The question merits examination whether there would not be room for new standards on night work of young persons in agriculture, or even for comprehensive standards on hours, weekly rest, and night work in agriculture, taking account of the special features of work in this sector.

In connection with the studies at present being undertaken regarding night work by women (mentioned in section VII C below), it might also be possible to examine the desirability of adopting comprehensive standards on night work and/or shift work covering all sectors of activity other than maritime employment and dealing also with the special protection appropriate for young workers.

D. Conditions of Employment in Underground Work

Existing Standards


Comments

These standards remain of interest.
VII. EMPLOYMENT OF WOMEN

A. General Conditions

Existing Standards

Equality of opportunity, treatment and remuneration - see section I C above.

Comments

As regards existing standards on equality of opportunity, treatment and remuneration and forthcoming Conference action, see section I C above.

Recommendation No. 123 remains of current interest.

B. Maternity Protection

Existing Standards

Maternity Protection Convention, 1919 (No. 3).
Maternity Protection (Agriculture) Recommendation, 1921 (No. 12).
Maternity Protection Convention (Revised) (No. 103) and Recommendation (No. 95), 1952.

Comments

The instruments of current interest are Convention No. 103 and Recommendation No. 95.

Convention No. 3, although revised, is in force for 26 States (of which 20 have not ratified Convention No. 103) and remains open to ratification. To that extent, it retains value.

Recommendation No. 12 has been superseded by Convention No. 103, which covers agriculture.

No further standards in this field are contemplated.

C. Night Work

Existing Standards

Night Work (Women) Convention, 1919 (No. 4).
Night Work (Women) Convention (Revised), 1934 (No. 41).
Night Work (Women) Convention (Revised), 1948 (No. 89).
Night Work of Women (Agriculture) Recommendation, 1921 (No. 13).

Comments

The most recent standards on night work of women in industry are those of Convention No. 89. However, both the earlier Conventions remain in force for a number of countries, and Convention No. 4 remains open to ratification.

The whole question of night work of women is currently under examination, following the preparation of a report on the working of the existing Conventions (GB.191/16/25, paragraphs 2 to 10). Consultations of governments and of employers' and workers' organisations have revealed wide differences of views, some favouring retention of the existing standards, others suggesting the relaxation of the prohibition or even its complete removal. It has also been suggested that new standards on night work might be adopted, applicable to workers generally
(an approach related to the problem of shift work, referred to as a possible subject for new standards in section V C above). It has also been pointed out that a distinction between industrial and non-industrial occupations is not justified in this area.

Recommendation No. 13 - providing for a night rest of nine hours for women workers in agriculture - appears of limited value. The question of the appropriate scope for standards concerning night work will in any case be covered in the above-mentioned review of the existing Conventions.

D. Underground Work

Existing Standards

Underground Work (Women) Convention, 1935 (No. 45).

Comments

This Convention is still of interest. No further standards in this field are contemplated.

VIII. OCCUPATIONAL SAFETY, HEALTH AND WELFARE

A. General Provisions

Existing Standards

Prevention of Industrial Accidents Recommendation, 1929 (No. 31).
Protection of Workers' Health Recommendation, 1953 (No. 97).
Occupational Health Services Recommendation, 1959 (No. 112).

Comments

The question of the working environment has been placed on the agenda of the Conference in 1976. It is contemplated that the Conference might adopt a comprehensive instrument or instruments defining the responsibilities of the State, employers and trade unions in occupational safety and health matters, thus providing a framework for other standards and other measures in this field (see GB.193/2/3, paragraphs 13 to 16, and draft Long-Term Plan 1976-81, paragraph 31). It will be for the Conference to determine to what extent such new standards would revise or supersede the provisions of the above-mentioned Recommendations.

Possible Subjects for New Standards

As regards general standards relating to the working environment, see above.

The proposed Conference discussion on this subject is aimed at the adoption also of more specific instruments relating to the control of atmospheric pollution in the working environment and the control of noise and vibration.

The attention of the Governing Body has also been drawn to the desirability of Conference action on the following questions, although further preparatory work is necessary before proposals can be made for their inclusion in the Conference agenda: air pressure; application of the principles of ergonomics to the organisation and methods of work; prevention of psychosomatic disorders and mental stress due to the pace and monotony of work (GB.190/2/1, paragraph 34).
B. Building Industry

Existing Standards

Safety Provisions (Building) Convention (No. 62) and Recommendation (No. 53), 1937.

Comments

These instruments are still of interest.

No further standards in this area are contemplated.

C. Dock Work

Existing Standards

Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27).
Protection against Accidents (Dockers) Convention, 1929 (No. 28).
Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33).
Protection against Accidents (Dockers) Consultation of Organisations Recommendations, 1929 (No. 34).
Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32).
Protection against Accidents (Dockers) Reciprocity Recommendation, 1932 (No. 40).
Dock Work Convention (No. 137) and Recommendation (No. 145), 1973.

Comments

Convention No. 27 and the instruments of 1973 are of current interest.

Convention No. 28 was revised by Convention No. 32 and closed to further ratification. Convention No. 32 is no longer adapted to present conditions and is in need of revision. The need for such revision has been brought to the attention of the Governing Body in connection with its consideration of the Conference agenda. An expert meeting is to be convened with a view to Conference action in 1977 (see GB.190/2/1, paragraphs 39-40; GB.193/2/3, paragraph 8; draft Long-Term Plan 1976-81, paragraph 324).

Recommendation No. 33 was superseded by the standards adopted in 1932. The revision of Recommendations Nos. 34 and 40 might be examined in conjunction with the revision of Convention No. 32.

D. Commerce and Offices

Existing Standards

Hygiene (Commerce and Offices) Convention (No. 120) and Recommendation (No. 120), 1964.

Comments

These instruments are of continuing interest.

No further standards in this field are contemplated.
E. Machinery  
Existing Standards

Power-driven Machines Recommendation, 1929 (No. 32).
Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963.

Comments

Recommendation No. 32 has been superseded by the instruments of 1963. The latter remain of current interest.
No further standards in this field are contemplated.

F. Maximum Weight  
Existing Standards

Maximum Weight Convention (No. 127) and Recommendation (No. 128), 1967.

Comments

These instruments are of continuing interest.
No further standards in this field are contemplated.

G. Toxic Substances  
Existing Standards

Anthrax Prevention Recommendation, 1919 (No. 3).
Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4).
White Phosphorus Recommendation, 1919 (No. 6).
White Lead (Painting) Convention, 1921 (No. 13).
Radiation Protection Convention (No. 115) and Recommendation (No. 114), 1960.
Benzene Convention (No. 136) and Recommendation (No. 144), 1971.
Occupational Cancer Convention (No. 139) and Recommendation (No. 147), 1974.

Comments

Recommendation No. 6 merely called on member States of the ILO to adhere to the Berne Convention on white phosphorus of 1906; its force is spent.
The remaining instruments are still of interest. It has however been suggested that the desirability of revising the instruments on protection against radiation should be examined (Long-Term Plan 1974-79, paragraph 271).

Possible Subjects for New Standards

Control of atmospheric pollution in the working environment. See A. above.
Safe use of asbestos. A meeting of experts on the safe use of asbestos (1973) recommended the adoption of an international instrument or instruments on this question at the earliest opportunity (GB.192/9/26, Appendix, paragraph 71).
H. Welfare

Existing Standards

- Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16).
- Welfare Facilities Recommendation, 1956 (No. 102).
- Workers' Housing Recommendation, 1961 (No. 115).

Comments

Recommendation No. 16 has been superseded by the more comprehensive standards of Recommendation No. 115, which cover also housing provided by employers. The other instruments remain of interest.

Possible Subjects for New Standards

It may be noted that workers in agriculture are excluded from Recommendation No. 102, and that there are no general standards concerning welfare facilities in agriculture (the Plantations Recommendation, 1958 (No. 110) contains a part on welfare facilities for plantation workers, and a provision in very general terms relating to social services for tenants and share-croppers is contained in the Tenants and Share-croppers Recommendation, 1968 (No. 132)). Consideration might be given to further Conference action in this area.

IX. SOCIAL SECURITY

A. Instruments of General Scope

Existing Standards

- Income Security Recommendation, 1944 (No. 67).
- Social Security (Armed Forces) Recommendation, 1944 (No. 68).
- Social Security (Minimum Standards) Convention, 1952 (No. 102).

Comments

All these instruments remain of value. Although the provisions of Recommendation No. 67 have been developed in subsequent instruments on social security, the comprehensive approach to income security embodied in this instrument retains definite interest. Recommendation No. 68, although adopted with a view to conditions following the Second World War, remains relevant for other cases of armed conflict.

By virtue of Article 75 of Convention No. 102 and the related provisions of subsequent Conventions relating to particular benefits (Nos. 121, 128, 130), the obligations in respect of such benefits accepted under Convention No. 102 may be replaced by ratification of the later Conventions. Nevertheless, Convention No. 102 is likely to retain its value for a considerable time to come, both because the higher standards of the subsequent Conventions may not be capable of attainment by all States ratifying Convention No. 102 and because certain branches (unemployment benefit and family benefit) have not yet been the subject of further Conventions.

No other social security standards of general scope are contemplated.

---

1 See also section XI - Seafarers, below.
B. Medical Care and Sickness Benefit

Existing Standards

Social Insurance (Agriculture) Recommendation, 1921 (No. 17).
Sickness Insurance (Industry) Convention, 1927 (No. 24).
Sickness Insurance (Agriculture) Convention, 1927 (No. 25).
Sickness Insurance Recommendation, 1927 (No. 29).
Medical Care Recommendation, 1944 (No. 69).
Medical Care and Sickness Benefits Convention (No. 130) and Recommendation (No. 134), 1969.

Comments

The up-to-date standards on this question are contained in the instruments of 1969.

Conventions Nos. 24 and 25 were revised by Convention No. 130. However, they remain in force respectively for 22 and 17 States (of whom only three have so far ratified Convention No. 130). To that extent, they retain value.

Both Recommendations Nos. 17 and 29 have been superseded by the more recent standards.

Recommendation No. 69 which spelt out the concept of medical care as a guarantee for all members of the community, whether gainfully occupied or not, deriving from every person's right to health, retains its importance as a doctrinal basis for action in this field. It moreover contains provisions on a number of important aspects not dealt with in the instruments of 1969.

No further standards in this field are contemplated.

C. Maternity Benefit

See section VII B. above.

D. Invalidity, Old-Age and Survivors' Benefit

Existing Standards

Social Insurance (Agriculture) Recommendation, 1921 (No. 17).
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35).
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36).
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37).
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38).
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39).
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40).
Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43).
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48).
Invalidity, Old-Age and Survivors' Benefits Convention (No. 128) and Recommendation (No. 131), 1967.

Comments

The up-to-date standards on this question are contained in the instruments of 1967.

Conventions Nos. 35 to 40 were revised by Convention No. 128, and are no longer open to ratification. For the time being, they remain in force for from 6 to 11 States.

Recommendations Nos. 17 and 43 have been superseded by the more recent standards.

The revision of Convention No. 48 is contemplated as one of two outstanding items in the programme of revision of earlier social insurance Conventions recommended by the Committee of Social Security Experts (draft Long-Term Plan 1976-81, paragraphs 221 and 354).
Apart from this revision, no further standards in this area are contemplated.

E. Employment Injury Benefit

Existing Standards

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12).
Workmen's Compensation (Accidents) Convention, 1925 (No. 17).
Workmen's Compensation (Minimum Scale) Recommendation, 1925 (No. 22).
Workmen's Compensation (Jurisdiction) Recommendation, 1925 (No. 23).
Workmen's Compensation (Occupational Diseases) Convention (No. 10) and Recommendation (No. 24), 1925.
Equality of Treatment (Accident Compensation) Convention (No. 19) and Recommendation (No. 25), 1925.
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42).
Employment Injury Benefits Convention (No. 121) and Recommendation (No. 121), 1964.

Comments

The up-to-date standards concerning employment injury benefit are contained in the instruments of 1964.

Conventions Nos. 12, 17, 18 and 42 were revised by Convention No. 121. However, all these Conventions remain open to ratification, in the case of the first three because they contained no provision for closing to further ratification, and in the case of Convention No. 42 because of an express provision in Convention No. 121. For the time being, they remain in force for considerably more countries than have ratified Convention No. 121.

Recommendations Nos. 22, 23 and 24 may be regarded as superseded by the standards contained in Convention No. 121 and Recommendation No. 121.

When Convention No. 121 was adopted in 1964, the Conference also adopted a resolution calling for the convening of a meeting of experts to prepare a revised list of occupational diseases taking account of recent technical and medical developments and for the placing on the agenda of a future session of the Conference of the revision of the list appended to Convention No. 121. Further resolutions on this matter were adopted by the Conference in 1967 and 1970. Action on these resolutions remains outstanding.

Convention No. 19 has been superseded by Convention No. 118. However, it remains open to ratification, and is in force for 89 States, of which only 17 have so far accepted Convention No. 118 in respect of employment injury benefit. Recommendation No. 25 supplemented Convention No. 19 and to that extent retains interest.

Apart from the revision of the list of occupational diseases, mentioned above, no further standards in this field are contemplated.

F. Unemployment Benefit

Existing Standards

Unemployment Provision Convention (No. 44) and Recommendation (No. 44), 1934.

Comments

The instruments of 1934 are no longer adapted to present conditions. Although more modern provisions on unemployment benefit are contained in the Social Security (Minimum Standards) Convention, 1952 (No. 102), the need for new standards in this field has been recognised by the Committee of Social Security Experts, by the Second European Regional Conference, and by the Governing Body on the occasion of
the in-depth review of the social security programme. Attention has been drawn to the question in connection with the consideration by the Governing Body of the Conference agenda for 1975 and 1976 (GB.190/2/1, paragraphs 41-42, GB.193/2/3, paragraphs 20-24), but the item has not so far been selected.

G. Family Benefit

Comments

Apart from Part VII of Convention No. 102, there exist no standards on family benefit. The possibility of adopting a new instrument on this question is mentioned in the draft Long-Term Plan 1976-81 (paragraph 199).

X. MIGRANT WORKERS

Existing Standards

Reciprocity of Treatment Recommendation, 1919 (No. 2).
Inspection of Emigrants Convention, 1926 (No. 21).
Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26).
Migration for Employment Convention (No. 66) and Recommendation (No. 61), 1939.
Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62).
Migration for Employment Convention (Revised) (No. 97) and Recommendation, (Revised) (No. 86), 1949.
Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100).

Comments

Convention No. 66 was revised by Convention No. 97. It is not in force and is closed to ratification, and is therefore obsolete. Recommendations Nos. 61 and 62 were revised by Recommendation No. 86, and are therefore likewise obsolete. Recommendation No. 2 has been superseded by the standards of 1949.

Convention No. 21 (which is in force for 29 States) and Recommendation No. 26 appear no longer of current interest. Provisions concerning measures to safeguard the welfare of migrant workers and their families during the journey, and in particular on board ship, are contained in Convention No. 97.

Convention No. 97 and Recommendations Nos. 86 and 100 remain of current interest. Supplementary standards on migrant workers are however under consideration by the Conference. The conclusions adopted following the first discussion in 1974 contemplate a Convention on migrations in abusive conditions and on equality of opportunity and treatment and a Recommendation on equality of opportunity and treatment, social policy, and employment and residence in countries of employment.

Possible Subjects for New Standards

See above regarding current Conference action.

Women migrants, young migrants, seasonal migrants and frontier workers in Europe. The draft Long-Term Plan 1976-81 (paragraph 220) contemplates studies regarding these groups, as possible subjects for future Conference action.
A. General

Existing Standards

National Seamen's Codes Recommendation, 1920 (No. 9).
Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107).

Comments

Although most important maritime countries have established a seamen's code, many countries have not yet done so, and the principle laid down in Recommendation No. 9 remains of interest.

The remaining Recommendations also remain of current interest. However, see below regarding further action contemplated in regard to Recommendations Nos. 107 and 108.

Possible Subjects for New Standards

Continuity of employment of seafarers. This question has been placed on the agenda of the Preparatory Technical Maritime Conference to be held in 1975, with a view to adoption of an international instrument or instruments by the next maritime session of the Conference.

Sub-standard vessels, particularly those registered under flags of convenience. This question has been placed on the agenda of the Preparatory Technical Maritime Conference to be held in 1975. The Joint Maritime Commission proposed the inclusion of this item, with a view to adoption of an appropriate instrument or instruments to ensure that the obligations of Recommendations Nos. 107 and 108 are widely attained.

Industrial relations in the shipping industry. This question has been placed on the agenda of the Preparatory Technical Maritime Conference to be held in 1975. The item was proposed by the Joint Maritime Commission, with a view to the adoption of a comprehensive international instrument.

Social problems arising from new technology on board ship. The draft Long-Term Plan 1976-81 refers to initial consideration of this question by the Tripartite Subcommittee of the Joint Maritime Commission on Seafarers' Welfare in 1977, with a view ultimately to the possible adoption of new standards on methods of improving the attractiveness of seafaring as a career, sharing by seafarers of benefits other than wages arising from modernisation, and alleviation of human stresses and strains of modern shipboard work and life.

B. Training and Entry into Employment

Existing Standards

Placing of Seamen Convention, 1920 (No. 9).
Seamen's Articles of Agreement Convention, 1926 (No. 22).
Vocational Training (Seafarers) Recommendation, 1946 (No. 77).
Seafarers' Identity Documents Convention, 1958 (No. 108).
Vocational Training (Seafarers) Recommendation, 1970 (No. 137).

Comments

Recommendation No. 77 was revised, and accordingly superseded, by Recommendation No. 137. All the other instruments remain of interest.
Now international standards on training and certification of seafarers are being prepared by the Inter-Governmental Maritime Consultative Organization, in consultation with the Joint IMCO/ILO Committee on Training, with a view to the convening of a Conference in 1977.

C. Conditions for Admission to Employment

Existing Standards

Minimum Age (Sea) Convention, 1920 (No. 7).
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15).
Minimum Age (Sea) Convention (Revised), 1956 (No. 58).
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16).
Medical Examination (Seafarers) Convention, 1946 (No. 73).

Comments

Conventions Nos. 7, 15 and 58 have been revised by Convention No. 138, but remain open to ratification (see section VI A. above). They are at present in force respectively for 39, 60 and 46 States. To that extent, they retain interest. Convention No. 15, however, has to a large extent lost its relevance as a result of technological developments.

Conventions Nos. 16 and 73 remain of value.

No further standards in this field are contemplated.

D. Certificates of Competency

Existing Standards

Officers' Competency Certificates Convention, 1936 (No. 53).
Certification of Ships' Cooks Convention, 1946 (No. 69).
Certification of Able Seamen Convention, 1946 (No. 74).

Comments

The above instruments remain of current interest. As regards the preparation of additional standards, see B. above. The Joint Maritime Commission has requested the Director-General to include in his report to the next maritime session of the Conference information on progress and difficulties encountered in the application of Convention No. 74.

E. General Conditions of Employment

Existing Standards

Hours of Work and Manning (Sea) Convention (No. 57) and Recommendation (No. 49), 1956.
Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76).
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109) and Recommendation (No. 109), 1958.
Holidays with Pay (Sea) Convention, 1936 (No. 54).
Paid Vacations (Seafarers) Convention, 1946 (No. 72).
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91).
Repatriation of Seamen Convention, 1926 (No. 23).
Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27).

Comments

Conventions Nos. 57, 76 and 93 (which are not in force) and Recommendation No. 49 are obsolete, having been superseded by Convention No. 109 and Recommendation No. 109. Convention No. 109 has so far been ratified by 8 States, but the conditions for its entry into force have not yet been fulfilled.
In accordance with a resolution adopted by the 55th (Maritime) Session of the Conference in 1970, the Joint Maritime Commission in 1972 recommended a revised basic minimum wage for able seamen, having regard to the fall in the value of money since the adoption of Recommendation No. 109.

As regards paid vacations, Conventions Nos. 54 and 72 are obsolete, having been superseded by Convention No. 91. The revision of the last-mentioned Convention is on the agenda of the Preparatory Technical Maritime Conference to be held in 1975.

With reference to repatriation, Convention No. 23 and Recommendation No. 27 remain of value.

Possible Subjects for New Standards

Protection of young seafarers. This question has been placed on the agenda of the Preparatory Technical Maritime Conference to be held in 1975.

F. Safety, Health and Welfare

Existing Standards

Food and Catering (Ships' Crews) Convention, 1946 (No. 68).
Accommodation of Crew Convention, 1946 (No. 75).
Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78).
Accommodation of Crews Convention (Revised), 1949 (No. 92).
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133).
Ships' Medicine Chests Recommendation, 1958 (No. 105).
Medical Advice at Sea Recommendation, 1958 (No. 106).
Prevention of Accidents (Seafarers) Convention (No. 134) and Recommendation (No. 142), 1970.
Seamen's Welfare in Ports Recommendation, 1936 (No. 48).

Comments

Convention No. 75 is obsolete, having been superseded by Convention No. 92.

The remaining instruments remain of interest. However, as regards Recommendation No. 105, the Joint ILO/WHO Committee on the Health of Seafarers, at its Fifth Session (1973), recommended the drawing up, for consideration at its next session, of proposals for amendments to the contents of the ship's medicine chest, in the light of the increasing employment and presence of women in cargo ships and the increasing number of chemical carriers.

G. Labour Inspection

Existing Standards

Labour Inspection (Seamen) Recommendation, 1926 (No. 28).

Comments

The principles embodied in this Recommendation are of considerable importance. Certain other instruments relating to seafarers also provide for maintenance of arrangements for inspection, such as the Conventions on crew accommodation (Nos. 92 and 133) and on prevention of accidents (No. 134). No recent studies have been made regarding the effect given to Recommendation No. 28 in national law and practice or its adequacy in present-day conditions. These questions may merit examination, with a view to determining the desirability of further measures by the ILO.
H. Social Security

Existing Standards

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8).
Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10).
Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55).
Sickness Insurance (Sea) Convention, 1936 (No. 56).
Social Security (Seafarers) Convention, 1946 (No. 70).
Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75).
Seafarers' (Medical Care for Dependents) Recommendation, 1946 (No. 76).
Seafarers' Pensions Convention, 1946 (No. 71).

Comments

Convention No. 8 and Recommendation No. 10 remain of value, since they are the only substantive provisions on income protection against unemployment applicable to seafarers (Convention No. 70 providing merely for the application to seafarers of unemployment benefit not less favourable than in the case of industrial workers - if such benefit exists). If the Unemployment Provision Convention, 1934 (No. 44) is revised (see Section IX F. above), the position regarding seafarers may also be reviewed.

Convention No. 55 remains of value, since it makes provision for liability of shipowners in the case of sickness, injury or death of seamen which may supplement, or even take the place of, protection under general social security schemes; it also deals with repatriation of sick or injured seamen.

The revision of Convention No. 56 was mentioned in the in-depth review of the social security programme as part of the future standard-setting programme, in accordance with recommendations made by the Committee of Social Security Experts (GB.185/FA/12/9, paragraph 58).

It should be noted that recent Conventions relating to employment injury benefit, invalidity, old-age and survivors' benefits, medical care and sickness benefit in principle cover seafarers, permitting ratifying States to exclude them from application of these instruments only if they are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by the respective Conventions. The question therefore arises to what extent the earlier Conventions dealing with social security for seafarers are still relevant or could, if necessary, be regarded as providing equivalent protection with the more recent general Conventions. This whole question would seem to merit study, with due regard to the special characteristics of maritime employment. Such a study would make it possible to determine what further standard-setting action may be desirable to define the position of seafarers in this field.

I. Fishermen

Existing Standards

Hours of Work (Fishing) Recommendation, 1920 (No. 7).
Minimum Age (Fishermen) Convention, 1959 (No. 112).
Medical Examination (Fishermen) Convention, 1959 (No. 113).
Fishermen's Articles of Agreement Convention, 1959 (No. 114).
Fishermen's Competency Certificates Convention, 1966 (No. 125).
Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).
Vocational Training (Fishermen) Recommendation, 1966 (No. 126)

Comments

Convention No. 112 was revised by Convention No. 138 (see section VI A. above). It has however been left open to ratification, and the ratification of Convention No. 138 by a State already a party to Convention No. 112 involves the denunciation of the latter only if equivalent obligations are accepted under the revising Convention.
Recommendation No. 7 provides for the limitation of hours of work of fishermen in the direction of the eight-hour day and the 48-hour week, with such special provisions as are necessary to meet the special conditions of the fishing industry. It is for the time being, the only instrument dealing with hours of work of persons engaged in maritime fishing, who are excluded from Recommendation No. 116. See however below, regarding the possibility of new standards.

The remaining instruments are of current interest.

Possible Subjects for New Standards

In a resolution adopted in 1966, the Conference called for consideration to be given to various additional questions concerning fishermen, in particular the stabilisation of fishermen’s employment and earnings, working hours, manning standards, pensions, sickness insurance, holidays with pay, medical care on board, and repatriation. The draft Long-Term Plan 1976-81 (paragraph 324) proposes the holding in 1976-77 of a meeting of the Committee on Conditions of Work in the Fishing Industry, to be followed by a preparatory technical conference, with a view to the framing of further standards for adoption by the Conference.

As regards social security questions, it would seem appropriate to study the implications for fishermen of recent Conventions in this field (Nos. 121, 128, 130) - see comments in H. above.

J. Inland Boatmen

Existing Standards

As regards hours of work, see section V C. above.

Possible Subjects for New Standards

The draft Long-Term Plan 1976-81 (paragraph 324) proposes a comprehensive study of national law and practice concerning certificates of competency of inland boatmen, with a view to the possible inclusion of this item in the Conference agenda in 1978 or 1979.

The Meeting on Conditions of Work in the Inland Transport Industry (1968) also recommended the adoption of instruments on the question of minimum age for admission to employment, medical examination and vocational training. More general standards on the first and last of these items have in the meantime been adopted or are currently under consideration by the Conference.

XII. INDIGENOUS AND TRIBAL POPULATIONS

Existing Standards

Recruiting of Indigenous Workers Convention, 1936 (No. 50).
Elimination of Recruiting Recommendation, 1936 (No. 46).
Contracts of Employment (Indigenous Workers) Convention (No. 64) and Recommendation (No. 58), 1939.
Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65).
Indigenous and Tribal Populations Convention (No. 107) and Recommendation (No. 104), 1957.

1 Although this group is not strictly speaking one of "seafarers", it is considered here as a matter of convenience.
The instruments of 1957 concerning indigenous and tribal populations retain their full value. The remaining standards are now of only limited interest, since both recruiting and long-term contracts of the kind dealt with in them have to a large extent disappeared. Furthermore, Recommendation No. 58 was superseded by Convention No. 86, and Convention No. 65 has been substantially duplicated by Convention No. 104, even if not formally revised. Varying numbers of countries nevertheless remain bound by the Conventions in question.

When Convention No. 104 was adopted in 1955, the Conference adopted a resolution calling for preparation of standards relating to the abolition of penal sanctions of general scope (both as regards the workers and the breaches of contract covered). This matter might be considered in conjunction with the question of labour discipline, mentioned in section IV above.

XIII. SOCIAL POLICY (GENERAL)

Existing Standards

Social Policy in Dependent Territories Recommendation, 1944 (No. 70).
Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74).
Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82).
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).
Co-operatives (Developing Countries) Recommendation, 1966 (No. 127).
Tenants and Share-Croppers Recommendation, 1968 (No. 132).

Comments

Recommendations Nos. 70 and 74 have largely been superseded by subsequent instruments, both the Conventions relating to non-metropolitan territories adopted in 1947 (Nos. 82 to 86) and instruments of general application. Their significance has also been diminished by the accession to independence of large numbers of former dependent territories.

Convention No. 82 has largely been superseded by Convention No. 117, although it is still in force for a number of non-metropolitan territories.

Convention No. 117 and Recommendations Nos. 127 and 132 remain of current interest.

No further standards in this area are contemplated.

XIV. PLANTATIONS

Existing Standards

Plantations Convention (No. 110) and Recommendation (No. 110), 1958.

Comments

Convention No. 110 has been ratified by only ten States, two of which subsequently denounced it. The eight States now bound by it include only one country in Africa and one country in Asia. The main obstacle to ratification in a number of countries appears to arise from the strict scope of the Convention, which does not permit the exclusion of plantations on account of their limited size or the small number of workers employed. The revision of the Convention on this point was suggested by the Asian Advisory Committee at its 11th Session (1961) (Minutes of the 150th Session of the Governing Body (November 1961), Appendix X, paragraphs 72 to 80). The need for such revision was again stressed by the Asian Advisory Committee at its 15th Session in 1973 (GB.191/7/4, paragraph 124). It was felt that the matter might be dealt with by the simplified revision procedure...

It may be noted that, since the adoption of Convention No. 110, the Conference has adopted a Convention on labour inspection in agriculture (No. 129) and various other Conventions of considerable importance to this sector, such as those dealing with minimum age (No. 138), holidays with pay (No. 132) and various branches of social security (Nos. 121, 128 and 130).
APPENDIX II

RATIFICATIONS - REPORTS REQUESTED/RECEIVED - COMMITTEE OF EXPERTS' COMMENTS - 1959-1974

Cases of progress in the application of ratified Conventions

Biennial reporting system applied

Art. 37 reports
- requested
- received

Committee of Experts' Comments

Direct Requests

Observations
# APPENDIX III

## CASES OF PROGRESS IN THE APPLICATION OF RATIFIED CONVENTIONS, 1964-74

<table>
<thead>
<tr>
<th>Countries</th>
<th>Relevant Conventions</th>
<th>No. of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>52 (twice), 19, 24, 32, 42 (twice), 63</td>
<td>1</td>
</tr>
<tr>
<td>Algeria</td>
<td>17 (twice), 19, 24, 32, 42 (twice), 63</td>
<td>8</td>
</tr>
<tr>
<td>Argentina</td>
<td>3, 8, 13, 17 (twice), 22, 23, 27, 29, 33, 42, 50, 73, 77, 79 (twice), 81, 90, 100, 105</td>
<td>21</td>
</tr>
<tr>
<td>Australia</td>
<td>27, 42 (three times), 88, 105</td>
<td>6</td>
</tr>
<tr>
<td>Austria</td>
<td>2, 42, 63, 89, 94</td>
<td>5</td>
</tr>
<tr>
<td>Barbados</td>
<td>11, 17, 19, 42, 63</td>
<td>5</td>
</tr>
<tr>
<td>Belgium</td>
<td>42, 56 (twice), 81 (twice), 91, 92, 94, 97, 102 (twice), 113</td>
<td>12</td>
</tr>
<tr>
<td>Bolivia</td>
<td>96</td>
<td>1</td>
</tr>
<tr>
<td>Botswana</td>
<td>29 (twice), 50, 64, 65, 82, 86, 105 (twice)</td>
<td>9</td>
</tr>
<tr>
<td>Brazil</td>
<td>5, 11 (twice), 81, 88, 92, 95, 96</td>
<td>8</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>3, 12, 13, 29 (twice), 30 (twice), 32, 35, 36, 37, 38, 39, 40, 42, 52, 53, 71, 81</td>
<td>19</td>
</tr>
<tr>
<td>Burma</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Burundi</td>
<td>4, 17, 18, 42 (twice), 50, 89</td>
<td>7</td>
</tr>
<tr>
<td>Byelorussia</td>
<td>52, 87, 105</td>
<td>3</td>
</tr>
<tr>
<td>Cameroon</td>
<td>6, 29, 65, 81, 87, 95</td>
<td>6</td>
</tr>
<tr>
<td>Central African Rep.</td>
<td>1 (three times), 14 (twice), 63, 105</td>
<td>7</td>
</tr>
<tr>
<td>Chad</td>
<td>4, 33, 81</td>
<td>1</td>
</tr>
<tr>
<td>Chile</td>
<td>2, 3, 4, 6, 11, 17, 24, 25, 45</td>
<td>9</td>
</tr>
<tr>
<td>Colombia</td>
<td>1, 3 (three times), 4, 5, 8, 12, 13 (twice), 17 (twice), 18, 23, 24 (twice), 25 (twice), 95, 111</td>
<td>20</td>
</tr>
<tr>
<td>Congo</td>
<td>33, 87</td>
<td>2</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>29, 88, 89, 90, 96, 112</td>
<td>6</td>
</tr>
<tr>
<td>Cuba</td>
<td>27, 81</td>
<td>2</td>
</tr>
<tr>
<td>Cyprus</td>
<td>44, 81, 88, 105, 121, 124</td>
<td>6</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>1, 29 (three times), 35 (twice), 36, 37, 38, 39, 40, 43, 44, 49, 52, 63, 87, 89, 90</td>
<td>19</td>
</tr>
<tr>
<td>Dahomey</td>
<td>87</td>
<td>1</td>
</tr>
<tr>
<td>Denmark</td>
<td>5, 42 (twice), 52, 94, 102, 105, 106 (twice)</td>
<td>9</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>1, 52, 74, 90</td>
<td>4</td>
</tr>
<tr>
<td>Egypt</td>
<td>17, 63</td>
<td>2</td>
</tr>
<tr>
<td>El Salvador</td>
<td>12, 105</td>
<td>2</td>
</tr>
<tr>
<td>Fiji</td>
<td>5, 29 (three times), 85, 94</td>
<td>6</td>
</tr>
<tr>
<td>Finland</td>
<td>9, 30, 52, 62, 94</td>
<td>5</td>
</tr>
<tr>
<td>Countries</td>
<td>Relevant Conventions</td>
<td>No. of Cases</td>
</tr>
<tr>
<td>----------------------------</td>
<td>----------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>France</td>
<td>3 (three times), 6, 19, 62, 69, 77 (twice), 78, 96</td>
<td>11</td>
</tr>
<tr>
<td>Gabon</td>
<td>3, 4, 13, 87</td>
<td>4</td>
</tr>
<tr>
<td>Fed. Rep. of Germany</td>
<td>3 (twice), 87, 102 (three times)</td>
<td>6</td>
</tr>
<tr>
<td>Ghana</td>
<td>16, 29, 59, 81, 88, 90, 106, 108, 120</td>
<td>9</td>
</tr>
<tr>
<td>Greece</td>
<td>1 (twice), 14 (twice), 16, 42, 52, 81 (twice)</td>
<td>9</td>
</tr>
<tr>
<td>Guatemala</td>
<td>45, 58, 77, 78, 79, 81 (twice), 87, 89, 90, 95, 98, 105, l11, 112</td>
<td>15</td>
</tr>
<tr>
<td>Guyana</td>
<td>42, 87</td>
<td>2</td>
</tr>
<tr>
<td>Haiti</td>
<td>24, 25, 42 (twice), 81</td>
<td>5</td>
</tr>
<tr>
<td>Hungary</td>
<td>2, 13, 29 (twice), 45, 52 (three times), 77, 78, 87, 103</td>
<td>12</td>
</tr>
<tr>
<td>Iceland</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>India</td>
<td>1, 14, 26, 27, 29, 88</td>
<td>6</td>
</tr>
<tr>
<td>Iraq</td>
<td>1, 13, 14, 17, 26, 29, 30, 42 (twice), 52, 58, 59, 81 (twice), 95, 105, 106, 115</td>
<td>18</td>
</tr>
<tr>
<td>Ireland</td>
<td>2, 89</td>
<td>2</td>
</tr>
<tr>
<td>Israel</td>
<td>77, 78, 79 (twice), 94, 102, 118</td>
<td>7</td>
</tr>
<tr>
<td>Italy</td>
<td>3, 55, 60 (twice), 73, 77, 78, 79, 90</td>
<td>9</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>3, 13, 18 (twice), 19, 29, 85, 95</td>
<td>8</td>
</tr>
<tr>
<td>Jamaica</td>
<td>81</td>
<td>1</td>
</tr>
<tr>
<td>Japan</td>
<td>21, 98</td>
<td>2</td>
</tr>
<tr>
<td>Jordan</td>
<td>124</td>
<td>1</td>
</tr>
<tr>
<td>Kenya</td>
<td>15, 29, 58, 59, 65, 94, 105</td>
<td>7</td>
</tr>
<tr>
<td>Khmer Republic</td>
<td>4, 6, 29</td>
<td>3</td>
</tr>
<tr>
<td>Kuwait</td>
<td>1, 30, 81</td>
<td>3</td>
</tr>
<tr>
<td>Laos</td>
<td>4, 6, 29</td>
<td>3</td>
</tr>
<tr>
<td>Lesotho</td>
<td>29, 65, 105</td>
<td>3</td>
</tr>
<tr>
<td>Liberia</td>
<td>29, 55, 110</td>
<td>3</td>
</tr>
<tr>
<td>Libyan Arab Rep.</td>
<td>52, 89, 95</td>
<td>3</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>30, 59, 60, 77, 78, 79, 90</td>
<td>7</td>
</tr>
<tr>
<td>Madagascar</td>
<td>19, 29, 118</td>
<td>3</td>
</tr>
<tr>
<td>Malawi</td>
<td>64 (twice), 85, 87</td>
<td>4</td>
</tr>
<tr>
<td>Malaysia</td>
<td>17, 81, 95, 98</td>
<td>4</td>
</tr>
<tr>
<td>Mali</td>
<td>18, 29, 81</td>
<td>3</td>
</tr>
<tr>
<td>Malta</td>
<td>32, 42 (twice), 88, 95</td>
<td>5</td>
</tr>
<tr>
<td>Mauritania</td>
<td>3 (twice), 5, 6, 18 (twice), 33, 52, 73, 81, 87, 90 (twice), 94</td>
<td>14</td>
</tr>
<tr>
<td>Mauritius</td>
<td>65, 81, 82, 94, 105</td>
<td>5</td>
</tr>
<tr>
<td>Mexico</td>
<td>8, 42, 43, 49, 52, 55, 90 (twice), 102, 108</td>
<td>10</td>
</tr>
<tr>
<td>Morocco</td>
<td>22 (twice), 29, 42, 81, 94, 101</td>
<td>7</td>
</tr>
<tr>
<td>Netherlands</td>
<td>44, 48 (twice), 68, 87, 89, 90, 96, 105, 121</td>
<td>10</td>
</tr>
<tr>
<td>New Zealand</td>
<td>17, 22</td>
<td>2</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>1, 2, 3, 5, 6, 7, 8, 11, 13 (twice), 15, 16, 17 (twice), 18, 22, 27, 28, 30</td>
<td>19</td>
</tr>
<tr>
<td>Countries</td>
<td>Relevant Conventions</td>
<td>No. of Cases</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Niger</td>
<td>5, 18, 29 (twice), 33, 87</td>
<td>6</td>
</tr>
<tr>
<td>Norway</td>
<td>29, 30, 42, 44, 63, 96, 105, 118</td>
<td>8</td>
</tr>
<tr>
<td>Pakistan</td>
<td>1, 27, 29, 81 (twice), 87, 89, 90 (twice), 98, 106</td>
<td>11</td>
</tr>
<tr>
<td>Panama</td>
<td>3, 12, 17, 30, 42, 52, 81, 87</td>
<td>8</td>
</tr>
<tr>
<td>Paraguay</td>
<td>59, 60, 78, 81, 95, 117</td>
<td>6</td>
</tr>
<tr>
<td>Peru</td>
<td>10, 11, 12, 24 (twice), 25, 27, 35 (twice), 36, 37 (twice), 38, 39 (twice), 40, 62, 77, 78, 99, 102 (twice)</td>
<td>22</td>
</tr>
<tr>
<td>Philippines</td>
<td>17, 87, 89, 90, 95 (twice)</td>
<td>6</td>
</tr>
<tr>
<td>Poland</td>
<td>45, 69, 101</td>
<td>3</td>
</tr>
<tr>
<td>Portugal</td>
<td>1, 4, 6 (twice), 7, 17 (twice), 18, 26, 27, 29, 68, 69, 73, 74, 89 (twice), 92, 105 (twice)</td>
<td>20</td>
</tr>
<tr>
<td>Romania</td>
<td>1, 6, 29, 89</td>
<td>4</td>
</tr>
<tr>
<td>Rwanda</td>
<td>3, 13</td>
<td>2</td>
</tr>
<tr>
<td>Senegal</td>
<td>52</td>
<td>1</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>16, 17, 32, 64, 65, 87, 88, 95, 105</td>
<td>9</td>
</tr>
<tr>
<td>Singapore</td>
<td>5, 22, 61, 88</td>
<td>4</td>
</tr>
<tr>
<td>Somalia</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>(former British Somaliland)</td>
<td>50, 95</td>
<td>2</td>
</tr>
<tr>
<td>Spain</td>
<td>3 (twice), 20, 24 (twice), 25 (twice), 42, 48, 62, 103, 105, 113</td>
<td>13</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>41, 81</td>
<td>2</td>
</tr>
<tr>
<td>Swaziland</td>
<td>26, 29, 82, 105</td>
<td>4</td>
</tr>
<tr>
<td>Sweden</td>
<td>19, 29, 63, 102, 105, 118</td>
<td>6</td>
</tr>
<tr>
<td>Switzerland</td>
<td>29, 105, 111</td>
<td>3</td>
</tr>
<tr>
<td>Syrian Arab Rep.</td>
<td>1, 17, 18, 29, 30, 63, 81, 89, 98, 106, 120</td>
<td>11</td>
</tr>
<tr>
<td>Tanzania</td>
<td>15 (twice), 50</td>
<td>3</td>
</tr>
<tr>
<td>Tanganyika</td>
<td>81, 95 (twice)</td>
<td>3</td>
</tr>
<tr>
<td>Thailand</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>Togo</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>65, 98, 115</td>
<td>3</td>
</tr>
<tr>
<td>Tunisia</td>
<td>17, 26, 52 (twice), 62, 81, 90, 95, 106 (twice), 108</td>
<td>11</td>
</tr>
<tr>
<td>Turkey</td>
<td>14, 81, 95 (twice), 98, 105</td>
<td>6</td>
</tr>
<tr>
<td>Uganda</td>
<td>17 (twice), 81 (twice), 94</td>
<td>5</td>
</tr>
<tr>
<td>Ukraine</td>
<td>29 (twice), 52, 87, 103</td>
<td>5</td>
</tr>
<tr>
<td>USSR</td>
<td>29 (twice), 52, 87, 103</td>
<td>5</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>17, 87, 98, 105</td>
<td>4</td>
</tr>
<tr>
<td>Upper Volta</td>
<td>29, 87, 111</td>
<td>3</td>
</tr>
<tr>
<td>Uruguay</td>
<td>15, 16 (twice), 17, 22, 23, 27, 42, 43, 52, 58, 59, 60, 62, 63, 67, 73 (twice), 77, 78, 89, 90, 103 (four times)</td>
<td>26</td>
</tr>
<tr>
<td>Venezuela</td>
<td>1, 3 (twice), 11 (twice), 26</td>
<td>6</td>
</tr>
<tr>
<td>Viet-Nam</td>
<td>6, 14</td>
<td>2</td>
</tr>
<tr>
<td>Countries</td>
<td>Relevant Conventions</td>
<td>No. of Cases</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>3, 14, 45, 48, 90, 102, 103, 106</td>
<td>8</td>
</tr>
<tr>
<td>Zaire</td>
<td>4, 17 (twice), 42, 50, 89, 121</td>
<td>7</td>
</tr>
<tr>
<td>Zambia</td>
<td>5, 18, 29 (twice), 50, 65 (twice), 82, 85, 117, 123, 124 (twice)</td>
<td>13</td>
</tr>
</tbody>
</table>

**NON-METROPOLITAN TERRITORIES**

<table>
<thead>
<tr>
<th>Australia</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Guinea</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>Pápua</td>
<td>11</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Denmark</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Faroe Islands</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Greenland</td>
<td>6, 19, 106</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>France</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas Departments: (French Guiana, Guadeloupe, Martinique and Reunion)</td>
<td>3 (twice), 62, 69</td>
<td>4</td>
</tr>
<tr>
<td>Comoro Islands</td>
<td>3, 6</td>
<td>2</td>
</tr>
<tr>
<td>French Territory of the Afars and the Issas</td>
<td>6 (twice)</td>
<td>2</td>
</tr>
<tr>
<td>New Caledonia</td>
<td>82</td>
<td>1</td>
</tr>
<tr>
<td>St. Pierre and Miquelon</td>
<td>6, 33</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Netherlands</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Netherlands Antilles</td>
<td>17, 42, 81</td>
<td>3</td>
</tr>
<tr>
<td>Surinam</td>
<td>13, 62, 95 (twice), 96</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>United Kingdom</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua</td>
<td>81, 82</td>
<td>2</td>
</tr>
<tr>
<td>Bahamas</td>
<td>5, 82, 84, 85, 94, 95, 105</td>
<td>7</td>
</tr>
<tr>
<td>Bermuda</td>
<td>29, 82, 94</td>
<td>3</td>
</tr>
<tr>
<td>British Honduras</td>
<td>42, 65, 95, 101</td>
<td>4</td>
</tr>
<tr>
<td>British Virgin Islands</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Brunei</td>
<td>81, 105</td>
<td>2</td>
</tr>
<tr>
<td>Dominica</td>
<td>94, 95</td>
<td>2</td>
</tr>
<tr>
<td>Falkland Islands (Malvinas)</td>
<td>5, 10</td>
<td>2</td>
</tr>
<tr>
<td>Gibraltar</td>
<td>39, 82, 95, 108</td>
<td>4</td>
</tr>
<tr>
<td>Gilbert and Ellice Islands</td>
<td>7, 42</td>
<td>2</td>
</tr>
<tr>
<td>Guernsey</td>
<td>24, 25, 26, 56</td>
<td>4</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>7, 42, 50, 64, 81, 84, 86, 105</td>
<td>8</td>
</tr>
<tr>
<td>Jersey</td>
<td>10, 24</td>
<td>2</td>
</tr>
<tr>
<td>St. Christopher-Nevis-Anguilla</td>
<td>82, 85</td>
<td>2</td>
</tr>
<tr>
<td>St. Helena</td>
<td>85</td>
<td>1</td>
</tr>
<tr>
<td>St. Lucia</td>
<td>82, 85, 94, 101</td>
<td>4</td>
</tr>
<tr>
<td>St. Vincent</td>
<td>5, 29, 94</td>
<td>3</td>
</tr>
<tr>
<td>Countries</td>
<td>Relevant Conventions</td>
<td>No. of Cases</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Seychelles</td>
<td>5 (twice), 7, 82 (twice), 108</td>
<td>6</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>5, 7, 8, 26, 29 (twice), 42, 64, 81 (twice), 94, 95, 105 (twice), 108</td>
<td>15</td>
</tr>
<tr>
<td>Southern Rhodesia</td>
<td>81, 84, 86</td>
<td>3</td>
</tr>
<tr>
<td>United States</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Samoa</td>
<td>55</td>
<td>1</td>
</tr>
<tr>
<td>Trust Territory of the Pacific Islands</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>111 countries, 36 territories</td>
<td>835 cases</td>
</tr>
</tbody>
</table>
## APPENDIX IV

### Direct Contacts 1969-1973

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Problems discussed</th>
<th>Progress noted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Conventions</td>
<td>Other</td>
</tr>
<tr>
<td>Argentina</td>
<td>1969</td>
<td>13, 33, 68, 73, 79, 90</td>
<td>13, 33, 73, 79, 90</td>
</tr>
<tr>
<td>Mauritania</td>
<td>1969</td>
<td>3, 18, 33, 52, 81, 87, 94</td>
<td>3, 33, 18, 52, 81, 94</td>
</tr>
<tr>
<td>Venezuela</td>
<td>1969</td>
<td>11, 26</td>
<td>11, 26</td>
</tr>
<tr>
<td>Portugal</td>
<td>1970</td>
<td>105</td>
<td></td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>1971</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uruguay</td>
<td>1971</td>
<td>15, 58, 59, 60, 67, 77, 78</td>
<td>15, 58, 59, 60, 67, 77, 78</td>
</tr>
<tr>
<td>Dominican Rep.</td>
<td>1971</td>
<td>1, 52, 79, 90</td>
<td>1, 52, 79, 90</td>
</tr>
<tr>
<td>Colombia</td>
<td>1972</td>
<td>3, 8, 13, 18, 22, 23, 24</td>
<td>3, 8, 23</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>1972</td>
<td>29, 89, 90, 96, 112</td>
<td>29, 90, 96</td>
</tr>
<tr>
<td>Guatemala</td>
<td>1972</td>
<td>58, 77, 78, 79, 81, 90, 106, 112</td>
<td>45, 58, 77, 78, 79, 81, 89, 90, 112</td>
</tr>
<tr>
<td>Liberia</td>
<td>1972</td>
<td>Implementation of ratified Conventions, in particular Convention No. 29</td>
<td></td>
</tr>
<tr>
<td>Peru</td>
<td>1972</td>
<td>1, 4, 8, 27, 41, 68, 69, 77, 78, 79, 87, 90</td>
<td>27, 77, 78</td>
</tr>
<tr>
<td>Argentina</td>
<td>1973</td>
<td>23, 32, 42, 50, 68, 81, 100</td>
<td>23, 42, 50, 100</td>
</tr>
<tr>
<td>Bolivia</td>
<td>1973</td>
<td>5, 14, 42, 87</td>
<td></td>
</tr>
<tr>
<td>Paraguay</td>
<td>1973</td>
<td>52, 59, 60, 77, 78, 79, 81, 89, 90, 95</td>
<td>59, 60, 78, 81</td>
</tr>
<tr>
<td>Dahomey</td>
<td>1973</td>
<td>Implementation of ratified Conventions, especially Conventions Nos. 18, 29</td>
<td>Submission; Supply of art. 22 reports</td>
</tr>
</tbody>
</table>

**Total: 15 countries**

- 84 cases of application of ratified Conventions
- 4 other questions
- 53 cases of progress noted, involving 12 countries
## APPENDIX V

### ILS BUDGET 1966-1975

(Programme 90)

<table>
<thead>
<tr>
<th>Year</th>
<th>Approved Budget (US dollars)</th>
<th>Cost increase</th>
<th>Percentage increase</th>
<th>Percentage of ILO Budget</th>
<th>Staff resources (man-years/months)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Programme increase</td>
<td>Total increase</td>
<td>Prof. Categ.</td>
</tr>
<tr>
<td>1966</td>
<td>556,070</td>
<td></td>
<td></td>
<td></td>
<td>2.6%</td>
</tr>
<tr>
<td>1967</td>
<td>561,175</td>
<td>5.01%</td>
<td>1.67%</td>
<td>6.68%</td>
<td>2.4%</td>
</tr>
<tr>
<td>1968</td>
<td>598,669</td>
<td>6.15%</td>
<td>5.6%</td>
<td>10%</td>
<td>2.5%</td>
</tr>
<tr>
<td>1969</td>
<td>676,096</td>
<td>4.4%</td>
<td></td>
<td></td>
<td>6.68%</td>
</tr>
<tr>
<td>1970-71</td>
<td>1,595,829</td>
<td></td>
<td></td>
<td></td>
<td>3.2%</td>
</tr>
<tr>
<td>1972-73</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3.2%</td>
</tr>
<tr>
<td>(a)</td>
<td>2,342,147</td>
<td>16%</td>
<td>1.3%</td>
<td>17.3%</td>
<td>90/03</td>
</tr>
<tr>
<td>(b)</td>
<td>1,963,331</td>
<td></td>
<td></td>
<td></td>
<td>28/00</td>
</tr>
<tr>
<td>1974-75</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.7%</td>
</tr>
<tr>
<td>(a)</td>
<td>3,426,382</td>
<td>44%</td>
<td>2.3%</td>
<td>46%</td>
<td>91/01</td>
</tr>
<tr>
<td>(b)</td>
<td>2,906,134</td>
<td></td>
<td></td>
<td></td>
<td>26/00</td>
</tr>
</tbody>
</table>

1 Not actual allocations or expenses.

(a) Including programme 90.5 Legislative Series which came under major programme 90 ILS as from January 1971.

(b) Not including programme 90.5 Legislative Series.