FIRST ITEM ON THE AGENDA

Examination of the least-ratified and dormant Conventions

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1 Based on Appendix II of document GB.264/LILS/WP/PRS/1, Nov. 1995.

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* Convention left dormant by the Governing Body in 1985-86.
I. Introduction

1. At its first meeting in November 1995 the Working Party on Policy regarding the Revision of Standards asked the Office to prepare a paper on the basis of the list of Conventions that have not entered into force, have been left dormant or have received only few ratifications (see Appendix II of document GB.264/LILS/WP/PRS/1). Of the 58 Conventions listed 17 concerning seafarers were set aside by the Working Party from the start. The remaining 41 Conventions (prior to 1985) are examined in this paper along the lines described below. The recommendations of the Working Party were approved by the LILS Committee and by the Governing Body at its 264th Session. ²

2. As requested by the Working Party, ³ this paper is in four sections:
   - an examination of the Conventions that have not entered into force;
   - an analysis of the denunciations that have occurred;
   - a list of Conventions that might be considered obsolete and which are not already covered under the first two sections;
   - an examination of the other Conventions that have received few ratifications (20 or fewer).

In each section the Conventions concerned are dealt with by field (hours of work, migrant workers, etc.) according to the classification established by the Ventejol Working Parties of 1979 and 1987.

3. In addition, the Working Party asked the Office to indicate, as far as possible, why the various Conventions have not entered into force, can be considered obsolete or have received few ratifications. In a number of cases this has posed something of a problem, and it is therefore necessary to indicate exactly what method has been applied in this paper.

4. The Office first of all gives an objective appraisal of the current situation of the 41 Conventions, on the basis of criteria on which a consensus was reached at the Working Party’s first meeting. Since each Convention has its own specific characteristics, they are examined one by one. In each case a description is first given of the current ratification situation and of what can reasonably be assumed to be the prospects of ratification in the light of past experience or objective factors (such as the fact that a Convention has been closed to ratification after having been revised). Reference is then made to the situation as regards denunciations, a distinction being made between “pure” denunciations (meaning that member States have put an end to the commitments they had entered into vis-à-vis a Convention) and “automatic” denunciations (resulting from the ratification of a revised Convention). The situation as regards the supervisory procedures is also examined: i.e. whether or not the Governing Body has decided to leave a Convention dormant, and whether or not comments have been made by the Committee of Experts on the Application of Conventions and Recommendations, and possibly by the other supervisory bodies (Conference Committee on the Application of Standards, the Committee on Freedom of Association,

representations and complaints under articles 24 and 26 of the Constitution). From these objective criteria one can deduce whether a Convention is still “alive”, so to speak, or whether in practice it is more or less obsolete. Under a fourth heading an examination is made of the need to revise each Convention. Of the 41 Conventions examined, 17 have already been revised and 6 others have revised earlier Conventions. On the basis of these four factors (ratifications, denunciations, supervisory procedures, need for revision), the paper gives the Office’s remarks on the specific status of each Convention. Where appropriate, this heading also incorporates the opinions and recommendations of the Ventejol Working Parties of 1979 and 1987.

5. This, then, is how the Office has proceeded in order to provide the Working Party with the necessary objective information to make its recommendations to the Governing Body. The information, however, is not necessarily complete, as the Office often does not have all the necessary data to analyse the obstacles and difficulties that governments may encounter with the ratification of certain Conventions. Besides, only the constituents themselves are in a position to assess properly whether a particular Convention still has an active role to play in the national context or if the protection it affords is now meaningless or outdated. The Working Party is therefore invited to complement the information contained in this paper with any other data available to its members.

6. The Working Party also asked the Office to look into the action that might be proposed (abrogation, leaving a Convention dormant, revision or status quo). An examination of some of the Conventions that have not entered into force or are clearly obsolete suggests that their possible abrogation should be contemplated, irrespective of the legal or other provisions that might make such abrogation or termination possible (these are analysed in another paper submitted to the Working Party). Should the Conference decide to proceed with one or more of the procedures for abrogating or terminating Conventions presented in the other paper, some of the Conventions examined in this paper could be selected by the Working Party for abrogation in due course. In 1985 and 1986, without waiting for an abrogation procedure, the Governing Body decided to take practical steps to leave some 20 obsolete Conventions “dormant”. In practice, leaving a Convention dormant means not requesting detailed reports which no longer seem relevant, subject to specific conditions and safeguards. This pragmatic approach

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4 For the sake of completeness, this paper refers on occasion to earlier Governing Body documents which will be available to any members of the Working Party who wish to consult them at its next meeting.


6 At its 229th, 231st and 232nd Sessions (documents GB.229/10/19, Feb.-Mar. 1985; GB.231/13/18, Nov. 1985; and GB.232/9/17, Feb.-Mar. 1986), the Governing Body decided that detailed reports should no longer be requested on certain Conventions which appeared to have lost their relevance, subject to the following conditions and safeguards:

(a) should circumstances change so as to give renewed importance to any of the Conventions concerned, the Governing Body could again require detailed reports to be presented on their application;

(b) employers’ and workers’ organizations would remain free to present comments on problems encountered in the fields covered by the Conventions concerned. In accordance with established procedures, these comments would be considered by the Committee of Experts
of the Governing Body was the first step towards resolving the problem of obsolete Conventions without undermining the standard-setting system as a whole. The Working Party may wish to recommend leaving a number of other Conventions dormant. It might also envisage going a step further and recommending that Conventions considered obsolete should no longer appear in the ILO’s publications, studies and research. They would thus be only of historical interest, being to all intents and purposes “shelved” as far as standard-setting system is concerned. This would not affect in any way the implications of these Conventions for the legal systems of member States that have ratified them. Meanwhile, the Office would continue to make available the texts of these Conventions and their ratification status on request. The Working Party could therefore propose that certain Conventions be shelved, i.e. that in addition to being left dormant they cease to be published. In the case of other Conventions, the proposals or suggestions put forward by the Office envisage either their revision or maintenance of the status quo. The examination of each Convention in turn thus leads to the submission of concrete proposals, which are offered as suggestions to help the Working Party conduct its discussion and reach a decision in each case.

7. At its first meeting, the Working Party drew attention to the broad consensus on essential issues which had emerged, i.e. that its work was intended to rejuvenate and strengthen the standard-setting system. The proposals or suggestions now submitted to the Working Party have been prepared with that objective in mind. There are thus two aspects to the question. First, in order to rejuvenate the standard-setting system, a number of measures have been proposed to bring it up to date and make it more relevant, while at the same time drawing the obvious conclusions from situations that have today ceased to exist or provisions that are in practice obsolete. Secondly, in order to strengthen the system, certain measures have been proposed to enhance its effectiveness without undermining the protection already afforded to workers under ratified Conventions.

* * *

II. Conventions that have not entered into force

8. Of the 159 Conventions adopted prior to 1985, 13 have never entered into force. Eight of these concern seafarers and will not be examined in this
paper. The latter often contain more demanding conditions for their entry into force than the two ratifications that are normally required in the case of international labour Conventions. The five other Conventions that have not entered into force, and which are examined below, were all adopted during the 1930s. They are sectoral Conventions, of which four have to do with hours of work — in coal mines, in public works and in textiles. The other Convention concerns migrant workers. Of the five Conventions three have received no ratification, and two have already been revised.

II.1. C.31 — Hours of Work (Coal Mines) Convention, 1931

(1) Ratifications:

(a) Number of ratifications: 2
   — Spain 1932
   — Argentina 1956

Conditions for entry into force: ratification by two States from a list of seven specified member States — none of which has ratified the Convention.

(b) Ratification prospects: virtually nil (no ratification for the past 40 years). Moreover, according to its Article 22.2, Convention No. 31 should have been closed to new ratifications following the entry into force of Convention No. 46. Since the latter itself never entered into force, Convention No. 31 has remained open to ratification. The ratification of Convention No. 31 by Argentina was in fact recorded subsequently to the adoption of Convention No. 46 revising Convention No. 31.

(2) Need for revision: the Convention has already been revised by the Hours of Work (Coal Mines) (Revised) Convention, 1935 (No. 46) — three ratifications at 31 December 1995. The latter has not, however, yet entered into force.

(3) Remarks: as it has not entered into force, this Convention has no effect. Its prospects of entering into force are virtually non-existent. Moreover, it has already been revised by Convention No. 46, only four years after its adoption. Consequently, neither the status quo nor a new revision can be recommended.

The Working Party could for the time being contemplate shelving the Convention, pending its possible abrogation by the Conference subsequently. Shelving Convention No. 31 immediately would mean that it would no longer appear in ILO publications (at present it continues to appear, for example, in the list of ratifications that are submitted to the Conference each year). In the long term its formal abrogation could be envisaged in two stages. To begin with, the Working Party could draw the attention of the two States parties to the Convention to the possibility of requesting the cancellation (or withdrawal) of the registration of their ratification, since they cannot

9 See document GB.264/LILS/4, para. 27.

10 These States are the following: Germany, Belgium, Czechoslovakia, France, Netherlands, Poland, United Kingdom.
denounce the Convention. 11 At the national level, this cancellation request could be decided along the lines laid down by the Governing Body or by Convention No. 144 for denunciations. 12 It should be mentioned that these two member States, Argentina and Spain, are parties to other Conventions on hours of work that are currently in force, such as Convention No. 1. Subsequently, the Working Party could re-examine the status of Convention No. 31 and possibly recommend its abrogation by the Conference.

(4) Proposals:

(a) The Working Party could propose that Convention No. 31 be shelved with immediate effect.

(b) The Governing Body could draw the attention of the two States parties to Convention No. 31 to the possibility of requesting the cancellation or withdrawal of the registration of their ratification.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 31 in due course, with a view to its possible abrogation by the Conference.

11 Since the possibility of denouncing a Convention depends on its entry into force, it follows that States that have ratified it cannot denounce it. On the other hand they can request that the registration of their ratification be cancelled. This has already happened in the past. In 1954 and 1966, for instance, the registration of ratifications of the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51), and the Reduction of Hours Work (Textiles) Convention, 1937 (No. 61), were cancelled at the request of the Government of New Zealand. The Director-General informed the Governing Body of his intention to cancel the registration of these ratifications in view of the long period of time which had elapsed since their ratification by New Zealand (16 and 27 years, respectively) without any other ratification having been registered for the entry into force of the Convention. At the time the Director-General pointed out that, had these Conventions entered into force shortly after their adoption, the Government of New Zealand would have had the possibility of denouncing them ten years later, pursuant to the provisions they contain. See Official Bulletin, 31 Dec. 1954, Vol. XXXVII, No. 7, pp. 376-379, and Official Bulletin, Apr. 1966, Vol. XLIX, No. 2, pp. 209-211. It should be noted that, whereas the ILO has previously used the term “cancellation” of the registration of a ratification, Article 65 of the Convention of Vienna on the Law of Treaties uses the word “withdrawal”.

12 At its 184th Session the Governing Body:

(a) endorsed the general principle that, in any case in which the denunciation of a ratified international labour Convention may be contemplated, it is desirable for the government concerned, before taking a decision on the matter, fully to consult the representative organizations of employers and workers on the problems encountered and the measures to be taken to resolve them;

(b) requested the Director-General, in any case in which he becomes aware that the denunciation of an international labour Convention is contemplated, to draw the attention of the government concerned to the above-mentioned principle endorsed by the Governing Body;

(c) requested the Director-General, in any case in which a government communicates to him the denunciation of an international labour Convention without an indication of the reasons which have led to its decision, to request the government concerned to provide such indications, for the information of the Governing Body. (See document GB.184/11/18, Nov. 1971, para. 34. See also document GB.264/LILS/WP/PRS/1, Nov. 1995, para. 57.)
II.2. C.46 — Hours of Work (Coal Mines)  
(Revised) Convention, 1935

(1) *Ratifications:*
(a) Number of ratifications: 3
   - Cuba 1936
   - Mexico 1939
   - Spain 1971

*Conditions for entry into force:* ratification by two States from a list of seven specified member States — none of which has ratified the Convention; 13
(b) Ratification prospects: virtually nil. Moreover it is most unlikely that any two of the seven member States whose ratification is required for the entry into force of the Convention will ratify it in the foreseeable future if they have not done so over the past 60 years.

(2) *Need for revision:* this Convention has not been revised. Since it is a sectoral Convention concerned with hours of work, its revision on an individual basis would not seem to be a viable option.

(3) *Remarks:* the remarks made in connection with Convention No. 31 would seem to be applicable, *mutatis mutandis,* to Convention No. 46, though the status of the latter is different in so far as it has not been revised. It should perhaps be included in a group of instruments on hours of work (Conventions Nos. 1 and 30 among others) for possible revision. During the preparatory work for the last Meeting of Experts on Hours of Work in 1993, however, the question of Convention No. 46 was not raised. The proposals submitted to the Working Party are therefore the same for Convention No. 31 and for Convention No. 46.

(4) *Proposals:*
(a) The Working Party could propose that Convention No. 46 be shelved with immediate effect.
(b) The Governing Body could draw the attention of the three States parties to Convention No. 46 to the possibility of requesting the cancellation or withdrawal of the registration of their ratification.
(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 46 in due course, with a view to its possible abrogation by the Conference.

II.3. C.51 — Reduction of Hours of Work (Public Works)  
Convention, 1936

(1) *Ratifications:*
(a) Number of ratifications: 0

13 The same States as in the case of C.31; see note 9 above.
Conditions for entry into force: after two ratifications.
(b) Ratification prospects: non-existent (no ratification in 60 years).

(2) Need for revision: this Convention has not been revised. Since it is a sectoral Convention concerned with hours of work, its revision on an individual basis would not seem to be a viable option.

(3) Remarks: same as for Conventions Nos. 31 and 46. Moreover, since Convention No. 51 has received no ratifications, its situation appears even simpler. The Working Party might therefore contemplate its abrogation by the Conference, if it so wishes.

(4) Proposals:
(a) The Working Party could propose that Convention No. 51 be shelved with immediate effect.
(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 51 in due course, with a view to its possible abrogation by the Conference.

II.4. C.61 — Reduction of Hours of Work (Textiles) Convention, 1937

(1) Ratifications:
(a) Number of ratifications: 0
Conditions for entry into force: after two ratifications.
(b) Ratification prospects: non-existent (no ratification in 59 years).

(2) Need for revision: this Convention has not been revised. Since it is a sectoral Convention concerned with hours of work, its revision on an individual basis would not seem to be a viable option.

(3) Remarks: same as for Convention No. 51.

(4) Proposals:
(a) The Working Party could propose that Convention No. 61 be shelved with immediate effect.
(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 61 in due course, with a view to its possible abrogation by the Conference.

II.5. C.66 — Migration for Employment Convention, 1939

(1) Ratifications:
(a) Number of ratifications: 0
Conditions for entry into force: after two ratifications.
(b) Ratification prospects: Convention closed to ratification.

(2) Need for revision: Convention already revised by the Migration for Employment Convention (Revised), 1949 (No. 97) — 40 ratifications as at
31 December 1995 — which has been supplemented by the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) — 17 ratifications as at 31 December 1995.

(3) Remarks: same as in the case of Conventions Nos. 51 and 61. Moreover, Convention No. 66 has already been revised and is closed to ratification.

(4) Proposals:
   (a) The Working Party could propose that Convention No. 66 be shelved with immediate effect.
   (b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 66 in due course, with a view to its possible abrogation by the Conference.

III. Analysis of past denunciations

9. There are two kinds of denunciation: “pure” denunciations and “automatic” denunciations. Their implications and their significance differ. Automatic denunciations result from the ratification of a Convention revising the Convention that is denounced. They are part of the updating of the standards ratified by member States and therefore reflect the evolution of the standard-setting system. Pure denunciations, on the other hand, are acts that put an end to the commitments entered into by member States, thereby signifying that they have difficulties with certain Conventions. The Working Party has expressed the wish to examine the Conventions that have been the subject of pure denunciations. Altogether there are 29 such Conventions, while the total number of pure denunciations amounts to 76 since the creation of the ILO. Eleven Conventions are discussed in this chapter. Most of them have been denounced by one or two member States, except for the Night Work (Bakeries) Convention, 1925 (No. 20) — six denunciations — and the Night Work (Women) Convention (Revised), 1934 (No. 41) — three denunciations. Of these 11 Conventions 3 have already been revised and 8 were left dormant by the Governing Body in 1985-86. If the Working Party so wishes, the other Conventions that have been the subject of pure denunciations could be examined at its next meeting.

III.1. C.20 — Night Work (Bakeries) Convention, 1925

(1) Ratifications:
   (a) Number of current ratifications: 11
      Latest ratification: Bolivia, 1973;
   (b) Prospects for ratification: minimal (no ratification for the past 23 years).
      Convention left dormant.

14 Denunciations of international labour Conventions by member States, and the reasons for the denunciation if any, are published in the Official Bulletin.
(2) Pure denunciations: 6

<table>
<thead>
<tr>
<th>Country</th>
<th>Ratification</th>
<th>Denunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>1955</td>
<td>1981</td>
</tr>
<tr>
<td>Finland</td>
<td>1928</td>
<td>1983</td>
</tr>
<tr>
<td>Ireland</td>
<td>1937</td>
<td>1980</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>1934</td>
<td>1950</td>
</tr>
<tr>
<td>Sweden</td>
<td>1940</td>
<td>1970</td>
</tr>
<tr>
<td>Uruguay</td>
<td>1933</td>
<td>1978</td>
</tr>
</tbody>
</table>

NB: This Convention may be denounced at any time.

Reasons for denunciation:

- changes in the techniques and organization of production in this industry since the adoption of Convention No. 20 in 1925 (Argentina, Finland, Sweden);
- the ban on night work has become an anachronism (Argentina);
- immediate and serious threat to employment in this industry (Ireland).

(3) Supervisory procedures:

(a) Left dormant: yes, in 1985. Reasons: Convention then in force in ten States, denounced by six others by reason of changes in working conditions as a result of the considerable development of industrial baking. The Working Party on International Labour Standards considered in 1979 that the Convention was no longer adapted to present conditions.  

(b) Comments by the Committee of Experts: Comments pending for four countries (Colombia 1989, Bolivia 1993, Chile and Peru 1994). Three countries have announced their intention to denounce the Convention (Chile, Colombia and Peru). Chile indicated that the ban on night work in bakeries was no longer justified because of changes in the technology and organization of production and improvements in working conditions.

(4) Need for revision: this Convention has not been revised. As it is a sectoral Convention, and following the adoption of the Night Work Convention, 1990 (No. 171), revising the Convention on an individual basis would not seem to be a viable option.

(5) Remarks: Convention No. 20 has something of a mixed status. It is still applicable to 11 member States but has been the subject of 6 pure denunciations and 3 other member States have announced their intention to denounce it. Maintaining the status quo does not, therefore, seem to be the proper solution. The grounds given for denouncing the Convention suggest that it has been overtaken by developments in the baking industry. This was recognized by the 1979 Working Party and led to its being left dormant in 1985. However, neither the 1979 nor the 1987 Working Party proposed its revision. The LILS Working Party could propose that Convention No. 20 be

shelved. It could also take the additional initiative of recommending that the Governing Body invite the States parties to the Convention to contemplate ratifying the Night Work Convention, 1990 (No. 171), and denouncing Convention No. 20 at the same time. The Working Party (or the LILS Committee) could then re-examine the status of Convention No. 20 at a later date.

(6) Proposals:

(a) The Working Party could propose that Convention No. 20 be shelved with immediate effect.

(b) It could recommend that the Governing Body invite the States parties to Convention No. 20 to contemplate ratifying the Night Work Convention, 1990 (No. 171), and of denouncing Convention No. 20 at the same time.

(c) The Working Party or the LILS Committee would re-examine the status of Convention No. 20 in due course.

III.2 C.43 — Sheet-Glass Works Convention, 1934

(1) Ratifications:

(a) Number of current ratifications: 12

Latest ratifications: Malta, 1988 (also ratified in 1993 by the Czech Republic and Slovakia).

(b) Ratification prospects: minimal. 16

(2) Ratification 1

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>1937</td>
</tr>
</tbody>
</table>

Reasons for denunciation: no reasons given. 17

(3) Supervisory procedures

(a) Left dormant: yes, in 1985. Reasons: Convention adopted many years before, applicable in a small number of countries and no longer relevant. 18

(b) Comments by the Committee of Experts: comments pending for one country (Malta 1992).

16 However, it should be noted that ratification of Convention No. 43 by Malta is fairly recent and subsequent to its being left dormant.

17 In 1971, following its discussion of denunciations for which no reasons were given, the Governing Body decided to request the Director-General, in any case in which the government communicates to him that denunciation of an international labour Convention without an indication of the reasons which have led to its decision, to request the government concerned to provide such indications, for the information of the Governing Body (documents GB.184/SC/4/4 and GB.184/11/18, Nov. 1971, para. 34(c)).

(4) *Need for revision:* This Convention has not been revised. As it is a sectoral Convention concerned with hours of work, its revision on an individual basis would not seem to be a viable option.

(5) *Remarks:* Convention No. 43 is still applicable to 12 member States. However, the Governing Body already considered in 1985 that it was no longer relevant and left it dormant. It has not been revised, and the 1979 and 1987 Ventejol Working Parties did not recommend its revision. This being so, the LILS Working Party could recommend shelving the Convention. However, if the Working Party envisages the revision of other Conventions dealing with hours of work and working conditions of shift workers, it could include Convention No. 43 among the possible instruments for revision.

(6) *Proposals:*

(a) The Working Party could propose that Convention No. 43 be shelved with immediate effect.

(b) Should the Working Party recommend the revision of other Conventions dealing with hours of work and working conditions of shift workers, it could include Convention No. 43 among the possible instruments for revision.

(c) The Working Party or the LILS Committee would re-examine the status of Convention No. 43 in due course.

### III.3. C.49 — Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

(1) *Ratifications:*

(a) Number of current ratifications: 9

   Latest ratifications: Malta, 1988 (also ratified in 1993 by the Czech Republic and Slovakia).

(b) Ratification prospects: minimal. ¹⁹

(2) *Pure denunciations: 1*

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zealand</td>
<td>1938</td>
</tr>
</tbody>
</table>

*Reasons for denunciation:* the Convention no longer reflects present day working methods and hinders the adoption of more flexible work schedules (New Zealand).

(3) *Supervisory procedures:*

(a) Left dormant: yes, in 1985. Reasons: Convention adopted many years before, in force in a small number of countries and no longer relevant. ²⁰

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¹⁹ However, it should be noted that ratification of Convention No. 49 by Malta is fairly recent and subsequent to its being left dormant.

(b) Comments by the Committee of Experts: comments pending for one country (Malta 1992).

(4) Need for revision: this Convention has not been revised. As it is a sectoral Convention concerned with hours of work, its revision on an individual basis would not seem to be a viable option.

(5) Remarks: same as for Convention No. 43.

(6) Proposals:
(a) The Working Party could propose that Convention No. 49 be shelved with immediate effect.
(b) Should the Working Party recommend the revision of other Conventions dealing with hours of work and working conditions shift workers, it could include Convention No. 49 among the possible instruments for revision.
(c) The Working Party or the LILS Committee would re-examine the status of Convention No. 49 in due course.

III.4. C.60 — Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

(1) Ratifications:
(a) Number of current ratifications: 1 — Paraguay, 1966.
(b) Prospects for ratification: Convention kept open to new ratifications by the revising Convention (Article 10.2 of Convention No. 138). However, since the adoption of the latter 23 years ago in 1973, there has been no further ratification.

(2) Denunciations:
(a) Pure denunciations: 1

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zealand</td>
<td>1947</td>
</tr>
</tbody>
</table>

Reasons for denunciation: no reasons given.
(b) Automatic denunciations: 9 denunciations following ratification of Convention No. 138.

(3) Supervisory procedures:
(a) Left dormant: no.
(b) Comments by the Committee of Experts: no comments pending.

(4) Need for revision: Convention already revised by the Minimum Age Convention, 1973 (No. 138) — 48 ratifications as at 31 December 1995.

(5) Remarks: at the time of the 1979 Ventejol Working Party, the Office indicated that Convention No. 60 was of continuing relevance solely as an interim basis for national action, pending its replacement by the Minimum
Age Convention, 1973 (No. 138). Nine member States have ratified Convention No. 138 and at the same time denounced Convention No. 60; only one member State (Paraguay) has not done so. Since Convention No. 60 has received no ratification since the adoption of Convention No. 138 in 1973, the Working Party could consider that Convention No. 60 no longer serves any interim purpose and, consequently, invite the only State still party to the Convention to contemplate ratifying Convention No. 138. It should be noted that Convention No. 138 is one of the fundamental ILO Conventions whose ratification the Governing Body is currently endeavouring to promote.

(6) **Proposals:**

(a) The Working Party could propose that Convention No. 60 be shelved with immediate effect.

(b) It could recommend that the Governing Body invite the State party to Convention No. 60 to contemplate ratifying the Minimum Age Convention, 1973 (No. 138), and denouncing Convention No. 60 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 60 in due course, with a view to its possible abrogation by the Conference.

### III.5. C.41 — Night Work (Women) Convention (Revised), 1934

(1) **Ratifications:**

(a) Number of ratifications: 17

Latest ratifications: Argentina, 1950 (also ratified by Suriname in 1976 upon its accession to independence. Fourteen other countries ratified this Convention following their accession to independence, after the entry into force in 1951 of Convention No. 89 which closed Convention No. 41 to further ratification. Four of them subsequently ratified Convention No. 89).

(b) Prospects for ratification: Convention closed to any further ratification.

(2) **Denunciations:**

(a) Pure denunciations: 3

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hungary</td>
<td>1936</td>
</tr>
<tr>
<td>Myanmar</td>
<td>1935</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>1937</td>
</tr>
</tbody>
</table>

21 Document GB.203/PFA/5/8, May-June 1977, paras. 6.1(2) and 6.5(2).

22 See documents GB.264/LILS/5, Nov. 1995, and GB.265/LILS/6, Mar. 1996, on the ratification and promotion of the ILO’s fundamental Conventions. As at 1 February 1996, the Office had not yet received a reply from Paraguay to the Director-General’s letter inviting it to clarify its intentions vis-à-vis ratification of Convention No. 138.
Reasons for denunciation: the exclusion of women from night work is considered discriminatory, particularly from the standpoint of wages and career prospects (Hungary).

Myanmar and United Kingdom: no reasons given.

(b) Automatic denunciations: 18 denunciations following ratification of Convention No. 89.

(3) Supervisory procedures:
(a) Left dormant: no.
(b) Comments by the Committee of Experts: comments pending for five countries (Afghanistan, Central African Republic, Peru, Suriname and Venezuela, 1994). In 1994, Suriname indicated that it was considering denouncing the Convention. Application of the Convention by the Central African Republic was discussed by the Conference Committee on the Application of Standards in 1991.

(4) Need for revision: Convention already revised by the Night Work (Women) Convention (Revised), 1948 (No. 89) — 49 ratifications as at 31 December 1995 — which itself has been the subject of 15 pure denunciations. A Protocol to Convention No. 89 was adopted in 1990 — 2 ratifications as at 31 December 1995. Moreover, the Night Work Convention, 1990 (No. 171) — four ratifications as at 31 December 1995 — provides for measures to protect night workers in general.

(5) Remarks: Convention No. 41 partially revises the Night Work (Women) Convention, 1919 (No. 4). Convention No. 41 has itself been partially revised by Convention No. 84, which was amended by a Protocol adopted in 1990. The 1979 Ventejol Working Party considered that Convention No. 41 did not serve any purpose as an interim basis for national action. Since the entry into force of Convention No. 89 in 1951, Convention No. 41 has been the subject of 21 denunciations, of which 18 were automatic. However, 17 member States are still bound by the provisions of convention No. 41. The Working Party could encourage the States parties to Convention No. 41 to contemplate ratifying Convention No. 89 and its Protocol and/or the Night Work Convention, 1990 (No. 171).

(6) Proposals:
(a) The Working Party could propose that Convention No. 41 be shelved with immediate effect.
(b) It could recommend that the Governing Body invite the States parties to Convention No. 41 to contemplate ratifying the Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol, 1990], and/or the Night Work Convention, 1990 (No. 171), and denouncing Convention No. 41 at the same time.

Given the close relationship between Convention No. 41 and Convention No. 4, the Working Party could examine the status of Convention No. 4 at its next meeting.

Document GB.203/PFA/S/, May-June 1977, paras. 7.3(3) and 7.5(4).
(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 41 in due course.

III.6. C.48 — Maintenance of Migrant’s Pension Rights Convention, 1935

(1) **Ratifications:**

(a) Number of current ratifications: 7


(b) Ratification prospects: Convention closed to any further ratification.

(2) **Denunciations:**

(a) Pure denunciations: 2

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
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</thead>
<tbody>
<tr>
<td>Hungary</td>
<td>1937</td>
</tr>
<tr>
<td>Poland</td>
<td>1938</td>
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</table>

Reasons for denunciation: the Convention is inappropriate, difficult to apply and does not meet the requirements of member States (Hungary); in a context of mass emigration, the provisions of this ratified Convention are no longer relevant and have no practical significance (Poland).

(b) Automatic denunciations: 1 denunciation following the ratification of Convention No. 157.

(3) **Supervisory procedures:**

(a) Left dormant: yes, in 1986. Reasons: the Convention was adopted many years ago, is in force in a small number of countries, has been revised and is closed to any further ratification.

(b) Comments of the Committee of Experts: no comments pending.

(4) **Need for revision:** Convention already revised by the Maintenance of Social Security Rights Convention, 1982 (No. 157) — three ratifications as at 31 December 1995.

(5) **Remarks:** Convention No. 48 has already been revised by Convention No. 157 in 1982. It is closed to further ratification and has been left dormant. The Working Party could encourage the seven States parties to the Convention to contemplate ratifying Convention No. 157 and denouncing Convention No. 48.

(6) **Proposals:**

(a) The Working Party could propose that Convention No. 48 be shelved with immediate effect.

(b) It could recommend that the Governing Body invite the seven States parties to the Convention to contemplate ratifying the Maintenance of Social Security Rights Convention, 1982 (No. 157), and denouncing Convention No. 48 at the same time.
(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 48 in due course, with a view to its possible abrogation by the Conference.

III.7. C.21 — Inspection of Emigrants Convention, 1926

(1) **Ratifications:**
   (a) Number of current ratifications: 30
       Latest ratifications: Malta, 1988 (also ratified in 1993 by the Czech Republic and by Slovakia).
   (b) Ratification prospects: minimal.  

(2) **Pure denunciations:** 1

<table>
<thead>
<tr>
<th>Nation</th>
<th>Ratification</th>
<th>Denunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zealand</td>
<td>1938</td>
<td>1982</td>
</tr>
</tbody>
</table>

NB: This Convention can be denounced at any time.

*Reasons for denunciation:* the Convention is no longer relevant since, like refugees, the few migrants who travel in organized groups do so by air (New Zealand).

(3) **Supervisory procedures:**
   (a) Left dormant: yes, in 1985. Reasons: the Convention provides for the inspection of ships carrying emigrants, which no longer exist.
   (b) Comments by the Committee of Experts: no comments pending.

(4) **Need for revision:** this Convention has not been revised. Since the Convention refers to transport conditions by boat that have now disappeared or are only of marginal significance, its revision has not been contemplated.

(5) **Remarks:** although it is still ratified by 30 member States, Convention No. 21 relates to a situation that has largely disappeared. Moreover, at the time of the 1979 Ventejol Working Party, the Office pointed out that Convention No. 21 was no longer of current interest as 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 the Migration for Employment Convention (Revised), 1949 (No. 97).

(6) **Proposals:**
   (a) The working group could propose shelving Convention No. 21, with immediate effect.
   (b) It could recommend that the Governing Body invite the States parties to the Convention to contemplate ratifying the Migration for Employment

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25 However, it should be noted that ratification of Convention No. 21 by Malta is fairly recent and subsequent to its being left dormant.

26 Documents GB.229/SC/1/2, Feb.-Mar. 1985, para. 5(b), and GB.229/10/19, Feb.-Mar. 1985, para. 22(b).

Convention (Revised), 1949 (No. 97), if appropriate, and denouncing Convention No. 21 at the same time.

(c) The working group (or the LILS Committee) would re-examine the status of Convention No. 21 in due course.

III.8. C.28 — Protection against Accidents (Dockers) Convention, 1929

(1) Ratifications:
   (a) Number of current ratifications: 1 — Nicaragua, 1934.
   (b) Ratification prospects: Convention closed to any further ratification.

(2) Denunciations:
   (a) Pure denunciations — 1
       Ratification     Denunciation
       Luxembourg 1931 1988
       NB: Period of denunciation every five years.
       Reasons for denunciation: denunciation with a view to the ratification of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), revising Conventions Nos. 32 and 28 (Luxembourg).
   (b) Automatic denunciations: 2 denunciations following ratification of Convention No. 32.

(3) Supervisory procedures:
   (a) Left dormant: yes, in 1985. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification. 28
   (b) Comments by the Committee of Experts: no comments pending.

(4) Need for revision: Convention already revised by the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32), and by the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152).

(5) Remarks: Convention No. 28 has been revised twice, by Convention No. 32 and by Convention No. 152; the latter contains up-to-date provisions on the protection of dockworkers against accidents. Only one member State (Nicaragua) is still party to Convention No. 28, which is closed to any further ratification.

(6) Proposals:
   (a) The Working Party could propose shelving Convention No. 28, with immediate effect.
   (b) It could recommend that the Governing Body invite the State party to Convention No. 28 to contemplate ratifying the Occupational Safety and

Health (Dock Work) Convention, 1979 (No. 152), and denouncing Convention No. 28 at the same time.

c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 28 in due course, with a view to its possible abrogation by the Conference.

III.9. C.50 — Recruiting of Indigenous Workers Convention, 1936

(1) Ratifications:
   
   (a) Number of current ratifications: 32
   
   (b) Ratification prospects: minimal.  

(2) Pure denunciations: 1

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
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</thead>
<tbody>
<tr>
<td>Somalia</td>
<td>1960</td>
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</table>

Reasons for denunciation: this Convention, which was ratified when the territory was a British Protectorate and was applicable only to workers belonging to the indigenous population of a territory dependent on a member State of the Organization, no longer applies to Somalia as an independent State.

(3) Supervisory procedures:

   (a) Left dormant: yes, in 1985. Reasons: this Convention, along with Conventions Nos. 64, 65, 86 and 104, mainly concerns the recruitment of indigenous worker in dependent territories. These practices have largely disappeared, though certain independent States still have problems of recruitment of indigenous workers. Moreover, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. Modern-day problems of international migration of labour need to be dealt with within the context of the Conventions concerning migrant workers. As to internal migration of labour, this is dealt with in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

   (b) Comments by the Committee of Experts: comments pending for one country (Guatemala, 1994). In 1990 Saint Lucia informed the Committee of Experts that it had no indigenous population as defined by the Convention; in 1991, Ghana stated that the Convention was no longer applicable to the situation in the country. In both cases, the Committee recalled that Convention No. 50 had been left dormant.

  
  29 However, it should be noted that ratification of Convention No. 50 by Guatemala is fairly recent and subsequent to its being left dormant.

(4) **Need for revision:** this Convention has not been revised. Since the situations to which it refers have largely disappeared, its revision has not been contemplated.

(5) **Remarks:** at the time of the 1979 Ventejol Working Party, the Office indicated that the conditions for recruiting indigenous workers dealt with in Convention No. 50 had largely disappeared.\(^{31}\) Moreover, some of its provisions appear somewhat anachronistic today. Furthermore, as long ago as 1936 Recommendation No. 46, which was adopted at the same time as Convention No. 50, advocated the gradual elimination of the recruitment of indigenous workers. Consequently, the Working Party could consider whether the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and/or, as regards migration, of the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), could be seen as gradually rendering Convention No. 50 superfluous, inasmuch as they grant the workers concerned at least equivalent protection.

(6) **Proposals:**

(a) The Working Party could propose the shelving of Convention No. 50, with immediate effect.

(b) It could recommend that the Governing Body invite the States parties to Convention No. 50 to contemplate ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and/or the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and denouncing Convention No. 50 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 50 in due course.

### III.10. C.64 Contracts of Employment (Indigenous Workers) Convention, 1939

(1) **Ratifications:**

(a) Number of current ratifications: 30

Latest ratification: Guatemala, 1989

(b) Ratification prospects: minimal.\(^{32}\)

(2) **Pure denunciations:** 1

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somalia</td>
<td>1960</td>
</tr>
</tbody>
</table>

\(^{31}\) Document GB.204/PFA/11/14, Nov. 1977, para. 12.3.

\(^{32}\) However, it should be noted that the ratification of Convention No. 64 by Guatemala is fairly recent and subsequent to its being left dormant.
**Reasons for denunciation:** this Convention, which was ratified when the territory was a British Protectorate and was applicable only to workers belonging to the indigenous population of a territory dependent on a member State of the Organization, no longer applies to Somalia as an independent State.

(3) **Supervisory procedures:**

(a) Left dormant: yes, in 1985. Reasons: along with Conventions Nos. 64, 65, 86 and 104, this Convention is mainly concerned with the recruitment of indigenous worker in dependent territories. These practices have largely disappeared, though certain independent States still have problems of recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers. ³³ As to the internal migration of labour, this is dealt with in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

(b) Comments by the Committee of Experts: comments pending for two countries (Panama, 1991, and Guatemala, 1994). Saint Lucia informed the Committee of Experts in 1990 that it had no indigenous population as defined by the Convention. At the time the Committee recalled that the Convention had been left dormant.

(4) **Need for revision:** this Convention has not been revised. Since the situations to which it refers have largely disappeared, its revision has not been contemplated.

(5) **Remarks:** same as for Convention No. 50.

(6) **Proposals:**

(a) The Working Party could propose the shelving of Convention No. 64, with immediate effect.

(b) It could recommend that the Governing Body invite the States parties to Convention No. 64 to contemplate ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and/or the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and denouncing Convention No. 64 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 64 in due course.

III.11. C.110 — Plantations Convention, 1958
[and Protocol, 1982]

(1) Ratifications:
   (a) Number of current ratifications: 10
   (b) Ratification prospects: poor. The adoption of the additional Protocol in 1982 was designed to facilitate ratification of Convention No. 110. There has, however, been no new ratification for 15 years.

(2) Pure denunciations: 2

<table>
<thead>
<tr>
<th>Ratification</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>1965</td>
</tr>
<tr>
<td>Liberia</td>
<td>1959</td>
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</tbody>
</table>

Reasons for denunciation: no reasons given.

(3) Supervisory procedures:
   (a) Left dormant: no.
   (b) Comments by the Committee of Experts: comments pending for seven countries (1993 and 1994).

(4) Need for revision: Convention already partially revised by the adoption in 1982 of a Protocol (two ratifications as at 31 December 1995) clarifying the scope of Convention No. 110.

(5) Remarks: Convention No. 110 has already been partially revised in 1982 by an additional Protocol. A further revision would not seem to be appropriate, although it has been proposed that the Convention be made more flexible by allowing member States wishing to ratify it to exclude from its scope a number of products, or else that a (restrictive) list be supplied of the products considered to be plantation products. This is a sectoral Convention which concerns only a minority of member States, it is highly detailed, and its level of ratification had not increased for the past 15 years despite its partial revision. The 1987 Ventejol Working Party placed Convention No. 110 in the category of instruments whose promotion should be given priority.

(6) Proposals:
   (a) The Working Party could examine the status of Convention No. 110 and, if appropriate, propose promotional measures to improve its level of ratification.
   (b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 110 in due course.

* * *

IV. Conventions that might be considered obsolete

10. Sixteen Conventions are examined in this section. Ten of them have already been revised and, for the most part, closed to ratification. Several
Conventions relate to situations that have now largely disappeared, such as the recruitment of indigenous workers. Others contain provisions that are no longer relevant, such as the seven Conventions on social insurance dating back to the 1920s and 1930s. By and large, the obsolete character of these Conventions was already recognized by the 1979 and 1987 Ventejol Working Parties, and the Working Party could contemplate shelving them or leaving them dormant.

IV.1. C.34 — Fee-Charging Employment Agencies Convention, 1933

(1) **Ratifications:**
   (a) Number of current ratifications: 5
       Latest ratifications: Argentina, 1950 (also ratified in 1993 by the Czech Republic and Slovakia).
   (b) Ratification prospects: Convention closed to any further ratification.

(2) **Automatic denunciations:** 6 denunciations following ratification of Convention No. 96.

(3) **Supervisory procedures:**
   (a) Left dormant: yes, in 1985. Reasons: Convention in force in a small number of countries and not open to further ratification. Moreover, the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), offers the choice either of accepting commitments similar to those of Convention No. 34 or of regulating fee-charging employment agencies, whether conducted with a view to profit or not.  

   (b) Comments by the Committee of Experts: comments pending for two countries (Argentina and Bulgaria, 1994). These two countries have signified their intention to ratify Convention No. 96.

(4) **Need for revision:** Convention already revised by the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) — 37 ratifications as at 31 December 1995. The revision of Convention No. 96 is itself on the agenda of the Conference for 1997.

(5) **Remarks:** Convention No. 34, which has already been revised, is closed to ratification and has been left dormant, is one of the instruments that the Working Party might consider obsolete. The five member States that are still parties to the Convention could be invited to ratify either Convention No. 96, which is more flexible, or a new Convention resulting from the revision of Convention No. 96 which the Conference may adopt in 1997.

(6) **Proposals:**
   (a) The Working Party could propose shelving Convention No. 34, with immediate effect.

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34 Documents GB.231/SC/5/1, Nov. 1985, para. 6, and GB. 231/13/18, Nov. 1985, para. 73.
(b) It could recommend that the Governing Body invite the States parties to Convention No. 34 to contemplate ratifying the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), or a new Convention revising Convention No. 96 which the Conference may adopt at a forthcoming Session.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 34 in due course.

IV.2. **C.67 — Hours of Work and Rest Periods (Road Transport) Convention, 1939**

(1) **Ratifications:**

(a) Number of current ratifications: 3
- Cuba 1953
- Peru 1962
- Central African Republic 1964

(b) Ratification prospects: Convention closed to any further ratification.

(2) **Denunciations:**

(a) Pure denunciations: 0

(b) Automatic denunciations: 1 denunciation following ratification of Convention No. 153.

(3) **Supervisory procedures:**

(a) Left dormant: yes, in 1986. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification.²⁵

(b) Comments by the Committee of Experts: comments pending for one country (Peru, 1994).

(4) **Need for revision:** Convention already revised by the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) — 7 ratifications as at 31 December 1995.

(5) **Remarks:** Convention No. 67, which has already been revised, is closed to ratification and has been left dormant, is one of the instruments that the Working Party might consider obsolete. The three member States that are still parties to the Convention could be invited to ratify the Hours of Work and Rest Periods (Road Transport), 1979 (No. 153).

(6) **Proposals:**

(a) The Working Party could propose shelving Convention No. 67, with immediate effect.

(b) It could recommend that the Governing Body invite the three States parties to Convention No. 67 to contemplate ratifying the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 159), and denouncing Convention No. 67 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 34 in due course, with a view to its possible abrogation by the Conference.

IV.3. C.25 — Sickness Insurance (Agriculture) Convention, 1927

(1) Ratifications:

(a) Number of current ratifications: 18

(b) Ratification prospects: minimal. Although it has been revised, this Convention has not been closed to further ratification. It was adopted prior to the introduction of the final Articles providing for Conventions to be closed to further ratification upon the adoption of a revising Convention, unless the Conference decides otherwise, and the automatic denunciation of the initial Convention upon a State's ratification of the revising Convention.

(2) Denunciations: 1 State has denounced Convention No. 25 and subsequently ratified Convention No. 130 (non-automatic denunciation, see 1(b) above).

(3) Supervisory procedures:

(a) Left dormant: no.

(b) Comments by the Committee of Experts: comments pending for five countries (Colombia and the United Kingdom, 1992; Chile and Haiti, 1993; Peru, 1994).

(4) Need for revision: Convention already revised by the Medical Care and Sickness Benefits Convention, 1969 (No. 130) — 14 ratifications as at 31 December 1995.

(5) Remarks: since the adoption of post-1945 instruments instituting social security systems, the earlier Conventions on social insurance dating back to the 1920s and 1930s can be considered technically obsolete. Such is the case with Convention No. 25 and the six Conventions examined below (Conventions Nos. 35, 36, 37, 38, 39 and 40). Convention No. 25 has already been revised by Convention No. 130, which contains up-to-date provisions on the subject. However, at the time of the 1979 Ventejol Working Party, the Office indicated that Convention No. 25 could continue to be relevant as an interim basis for national action and retained value in so far as it remained open for ratification. To that extent it could represent an interim target. The Working Party could therefore consider whether

36 Document GB.203/PFA/5/8, May-June 1977, paras. 9.2(3) and 9.8(2).
developments since 1979 call for a re-examination of the situation and the shelving of Convention No. 25. At the same time it could examine the status of the Sickness Insurance (Industry) Convention, 1927 (No. 24), which is very close to Convention No. 25. Convention No. 24 has 26 current ratifications (as at 31 December 1995).

(6) Proposals:
(a) The Working Party could propose shelving Convention No. 25, with immediate effect.
(b) It could recommend that the Governing Body invite the States parties to Convention No. 25 to contemplate ratifying the Medical Care and Sickness Benefits Convention, 1969 (No. 130), and denouncing Convention No. 25 at the same time.
(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 25 in due course.

IV.4. C.35 — Old-Age Insurance (Industry, etc.)
Convention, 1933

(1) Ratifications:
(a) Number of current ratifications: 10
   Latest ratifications: Argentina, 1955 (also ratified by Malta in 1965 and Djibouti in 1978 upon their accession to independence).
(b) Ratification prospects: Convention closed to any further ratification.

(2) Automatic denunciations: 1 denunciation following ratification of Convention No. 128.
   NB: Convention No. 128 can be ratified by Part (II, III and IV), with ratification of Part II entailing the automatic denunciation of Conventions Nos. 35 and 36, that of Part III the automatic denunciation of Conventions Nos. 37 and 38, and that of Part IV the automatic denunciation of Conventions Nos. 39 and 40.

(3) Supervisory procedures:
(a) Left dormant: yes, in 1986. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification. 37
(b) Comments by the Committee of Experts: comments pending for three countries (Chile and France, 1993; Peru, 1994). The application of this Convention by Chile was discussed by the Conference Committee on the Application of Standards in 1993 and 1995 and its application by Peru in 1994. In addition, a representation (article 24) was presented against Chile by a workers’ organization in 1985.

(4) *Need for revision:* Convention already revised by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) — 16 ratifications as at 31 December 1995.

(5) *Remarks:* same as for Convention No. 25. Moreover, Convention No. 35 is closed to ratification and has been left dormant.

(6) *Proposals:*
   (a) The Working Party could propose shelving Convention No. 35, with immediate effect.
   (b) It could recommend that the Governing Body invite the States parties to Convention No. 35 to contemplate ratifying the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), and denouncing Convention No. 35 at the same time.
   (c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 35 in due course.

IV.5. C.36 — Old-Age Insurance (Agriculture) Convention, 1933

(1) *Ratifications:*
   (a) Number of current ratifications: 10
      Latest ratifications: Peru, 1960 (also ratified by Malta in 1965 and Djibouti in 1978, upon their accession to independence).
   (b) Ratification prospects: Convention closed to any further ratification.

(2) *Denunciations:* 0.

(3) *Supervisory procedures:*
   (a) Left dormant: yes, in 1986. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification. 38
   (b) Comments by the Committee of Experts: comments pending for three countries (Chile and France, 1993; Peru, 1994). The application of this Convention by Chile was discussed by the Conference Committee on the Application of Standards in 1987.

(4) *Need for revision:* Convention already revised by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) — 16 ratifications as at 31 December 1995.

(5) *Remarks:* same as for Convention No. 35.

(6) *Proposals:*
   (a) The Working Party could propose shelving Convention No. 36, with immediate effect.

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(b) It could recommend that the Governing Body invite the States parties to Convention No. 36 to contemplate ratifying the Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128), and denouncing Convention No. 36 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 36 in due course.

IV.6. C.37 — Invalidity Insurance (Industry, etc.) Convention, 1933

(1) Ratifications:
   (a) Number of current ratifications: 10
       Latest ratifications: Bulgaria, 1949 (also ratified by Djibouti in 1978 upon its accession to independence, and by the Czech Republic and Slovakia in 1993).
   (b) Ratification prospects: Convention closed to any further ratification.

(2) Automatic denunciations: 1 denunciation following ratification of Convention No. 128.

(3) Supervisory procedures:
   (a) Left dormant: yes, in 1986. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification. 39
   (b) Comments by the Committee of Experts: comments pending for three countries (Chile and France, 1993; Djibouti, 1994). The application of this Convention by Chile was discussed by the Conference Committee on the Application of Standards in 1987. In addition, a representation (article 24) was presented against Chile by a workers’ organization in 1985.


(5) Remarks: same as for Convention No. 35.

(6) Proposals:
   (a) The Working Party could propose shelving Convention No. 37, with immediate effect.
   (b) It could recommend that the Governing Body invite the States parties to Convention No. 37 to contemplate ratifying the Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128), and denouncing Convention No. 37 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 37 in due course.

IV.7. C.38 — Invalidity Insurance (Agriculture) Convention, 1933

(1) Ratifications:
   (a) Number of current ratifications: 10
      Latest ratifications: Peru, 1960 (also ratified by Djibouti in 1978 upon its accession to independence, and by the Czech Republic and Slovakia in 1993).
   (b) Ratification prospects: Convention closed to any further ratification.

(2) Denunciations: 0.

(3) Supervisory procedures:
   (a) Left dormant: yes, in 1986. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification. 40
   (b) Comments by the Committee of Experts: comments pending for four countries (Chile and France, 1993; Djibouti and Peru, 1994). The application of this Convention by Chile was discussed by the Conference Committee on the Application of Standards in 1987.


(5) Remarks: same as for Convention No. 35.

(6) Proposals:
   (a) The Working Party could propose shelving Convention No. 38, with immediate effect.
   (b) It could recommend that the Governing Body invite the States parties to Convention No. 38 to contemplate ratifying the Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128), and denouncing Convention No. 38 at the same time.
   (c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 38 in due course.

IV.8. C.39 — Survivors’ Insurance (Industry, etc.) Convention, 1933

(1) Ratifications:
   (a) Number of current ratifications: 7

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Latest ratifications: Italy, 1952 (also ratified by the Czech Republic and Slovakia in 1993).

(b) Ratification prospects: Convention closed to any further ratification.

(2) **Automatic denunciations**: 1 denunciation following ratification of Convention No. 128.

(3) **Supervisory procedures**:
   (a) Left dormant: yes, in 1986. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification.\(^{41}\)
   (b) Comments by the Committee of Experts: comments pending for one country (Peru, 1994).

(4) **Need for revision**: Convention already revised by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) — 16 ratifications as at 31 December 1995.

(5) **Remarks**: same as for Convention No. 35.

(6) **Proposals**:
   (a) The Working Party could propose shelving Convention No. 39, with immediate effect.
   (b) It could recommend that the Governing Body invite the States parties to Convention No. 39 to contemplate ratifying the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), and denouncing Convention No. 39 at the same time.
   (c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 39 in due course.

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IV.9. C.40 — Survivors' Insurance (Agriculture) Convention, 1933

(1) **Ratifications**:
   (a) Number of current ratifications: 7
      Latest ratifications: Peru, 160 (also ratified by the Czech Republic and Slovakia in 1993).
   (b) Ratification prospects: Convention closed to any further ratification.

(2) **Denunciations**: 0.

(3) **Supervisory procedures**:

(a) Left dormant: yes, in 1986. Reasons: Convention adopted many years ago, in force in a small number of countries, revised and closed to any further ratification.  42

(b) Comments by the Committee of Experts: comments pending for one country (Peru, 1994).


(5) Remarks: same as for Convention No. 35.

(6) Proposals:

(a) The Working Party could propose shelving Convention No. 40, with immediate effect.

(b) It could recommend that the Governing Body invite the States parties to Convention No. 40 to contemplate ratifying the Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128), and denouncing Convention No. 40 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 40 in due course.

IV.10. C.44 — Unemployment Provision Convention, 1934

(1) Ratifications:

(a) Number of current ratifications: 12

   Latest ratifications: Spain, 1971 (also ratified by Djibouti in 1978 upon its accession to independence).

(b) Ratification prospects: Convention closed to any further ratification.

(2) Automatic denunciations: 2 denunciations following ratification of Convention No. 168.

(3) Supervisory procedures:

(a) Left dormant: no.

(b) Comments by the Committee of Experts: comments pending for six countries (Djibouti and Netherlands, 1991; Algeria, France and New Zealand, 1992; Peru, 1993).

(4) Need for revision: Convention already revised by the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 169) — 6 ratifications as at 31 December 1995.

(5) Remarks: at the time of the 1979 Ventejol Working Party, the Office pointed out that Convention No. 44 was no longer adapted to present conditions.  43


43 Document GB.203/PFA/5/8, May-June 1977, para. 9.6(2).
Since then it has been revised by Convention No. 168 and closed to ratification. The Working Party could therefore recommending promoting ratification of Convention No. 168 and contemplate shelving Convention No. 44.

(6) Proposals:

(a) The Working Party could propose shelving Convention No. 44, with immediate effect.

(b) It could recommend that the Governing Body invite the States parties to Convention No. 44 to contemplate ratifying the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), and denouncing Convention No. 44 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 44 in due course.

IV.11. C.65 — Penal Sanctions (Indigenous Workers)
Convention, 1939

(1) Ratifications:

(a) Number of current ratifications: 33

Latest ratifications: Panama, 1970 (also ratified by Saint Lucia in 1980 and 5 other countries in the 1960s upon their accession to independence).

(b) Ratification prospects: virtually nil.

(2) Denunciations: 0.

(3) Supervisory procedures:

(a) Left dormant: yes, in 1985. Reasons: along with Conventions Nos. 50, 64, 86 and 104, this Convention is mainly concerned with the recruitment of indigenous workers in dependent territories. These practices have now largely disappeared, though certain independent States still have problems with the recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers. As to the internal migration of labour, this is dealt with in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

(b) Comments by the Committee of Experts: comment in 1990 (Saint Lucia) recalling that the Convention has been left dormant.

(4) Need for revision: This Convention has not been revised, nor has its revision been envisaged recently (see also paragraph 5 below).

(5) **Remarks:** same as for Conventions Nos. 50 and 64. Moreover, the provisions of Convention No. 65 have largely been incorporated in the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104), though the latter does not revise Convention No. 65 formally.  

(6) **Proposals:**

(a) The Working Party could propose shelving Convention No. 65, with immediate effect.

(b) It could recommend that the Governing Body invite the States parties to Convention No. 65 to contemplate ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and denouncing Convention No. 65 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 65 in due course.


(1) **Ratifications:**

(a) Number of current ratifications: 2

- United Kingdom 1950
- Australia 1973

(b) Ratification prospects: virtually nil. This Convention, which was adopted in 1947, entered into force only in 1974; it has received 2 ratifications in 49 years.

(2) **Denunciations:** 0.

(3) **Supervisory procedures:**

(a) Left dormant: no.

(b) Comments by the Committee of Experts: no comments pending.

(4) **Need for revision:** This Convention has not been revised, nor has its revision been envisaged.

(5) **Remarks:** Convention No. 83 does not contain any fundamental obligations. It specifies the conditions for the application of certain Conventions, listed in the Schedule annexed to the Convention, to non-metropolitan territories, in accordance with article 35 of the Constitution. Consequently, it was not classified by the 1979 and 1987 Ventejol Working Parties. The shelving of Convention No. 83 could now be contemplated.

(6) **Proposals:**

(a) The Working Party could propose shelving Convention No. 83, with immediate effect.

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(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 83 in due course.


(1) Ratifications:
   (a) Number of current ratifications: 22
       Latest ratifications: Australia, 1973 (also ratified by Grenada in 1979 and 3 other countries in the 1970s upon their accession to independence).
   (b) Ratification prospects: virtually nil.

(2) Denunciations: 0.

(3) Supervisory procedures:
   (a) Left dormant: yes, in 1985. Reasons: along with Conventions Nos. 50, 64, 65 and 104, this Convention is mainly concerned with the recruitment of indigenous workers in dependent territories. These practices have now largely disappeared, though certain independent States still have problems with the recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers. 46 As to the internal migration of labour, this is dealt with in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).
   (b) Comments by the Committee of Experts: no comments pending.

(4) Need for revision: This Convention has not been revised. Since the situations to which it refers have largely disappeared, its revision has not been contemplated.

(5) Remarks: same as for Conventions Nos. 50, 64 and 65.

(6) Proposals:
   (a) The Working Party could propose shelving Convention No. 86, with immediate effect.
   (b) It could recommend that the Governing Body invite the States parties to Convention No. 86 to contemplate ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and/or the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Migration for Employment Convention (Revised), 1949 No. 97) and the Migrant

Workers (Supplementary Provisions) Convention, 1975 (No. 143), and denouncing Convention No. 86 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 86 in due course.


(1) Ratifications:
   (a) Number of current ratifications: 26
   (b) Ratification prospects: minimal. 47

(2) Denunciations: 0.

(3) Supervisory procedures:
   (a) Left dormant: yes, in 1985. Reasons: along with Conventions Nos. 50, 64, 65 and 86, this Convention is mainly concerned with the recruitment of indigenous workers in dependent territories. These practices have now largely disappeared, though certain independent States still have problems with the recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers. 48 As to the internal migration of labour, this is dealt with in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).
   (b) Comments by the Committee of Experts: comments pending for 1 country (Guatemala, 1991).

(4) Need for revision: This Convention has not been revised. Since the situations to which it refers have largely disappeared, its revision has not been contemplated.

(5) Remarks: same as for Conventions Nos. 50, 64, 65 and 86.

(6) Proposals:
   (a) The Working Party could propose shelving Convention No. 104, with immediate effect.
   (b) It could recommend that the Governing Body invite the States parties to Convention No. 104 to contemplate ratifying the Indigenous and Tribal

47 However, it should be noted that the ratification of Convention No. 104 by Guatemala is fairly recent and subsequent to its being left dormant.

Peoples Convention, 1989 (No. 169), and denouncing Convention No. 104 at the same time.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 104 in due course.

IV.15. C.85 — Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

(1) **Ratifications:**

(a) Number of current ratifications: 5

- United Kingdom 1950
- Australia 1954
- France 1954
- Belgium 1955
- Papua New Guinea (accession to independence) 1976

(b) Ratification prospects: virtually nil.

(2) **Denunciations:** 0.

(3) **Supervisory procedures:**

(a) Left dormant: no.

(b) Comments by the Committee of Experts: one comment pending (United Kingdom, 1992).

(4) **Need for revision:** This Convention has not been revised. It is still relevant for certain non-metropolitan territories and its revision has not been contemplated.

(5) **Remarks:** at the time of the 1979 Ventejol Working Party, the Office pointed out that this instrument was still of relevance as an interim basis for national action. 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. The Working Party could contemplate leaving it dormant.

(6) **Proposals:**

(a) The Working Party could propose leaving Convention No. 85 dormant, with immediate effect.

(b) It could recommend that the Governing Body invite the 5 States parties to Convention No. 85 to contemplate extending the application of the Labour Inspection Convention, 1947 (No. 81), and/or the Labour Inspection (Agriculture) Convention, 1969 (No. 129), to the non-

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49 Document GB.202/PFA/10/7, Feb.-Mar. 1977, paras. 2.2(3) and 2.4(2).

50 In this case the provisions of Convention No. 85 would cease to apply to the territory concerned, pursuant to its Article 9.
metropolitan territories still governed by the provisions of Convention No. 85.

(c) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 85 in due course.


(1) Ratifications:
   (a) Number of current ratifications: 4
       — United Kingdom 1950
       — France 1954
       — New Zealand 1954
       — Belgium 1955
   (b) Ratification prospects: virtually nil (no ratification for the past 41 years). This Convention was kept open to new ratifications by Convention No. 117 (Article 19) which revised it.

(2) Denunciations: 0.

(3) Supervisory procedures:
   (a) Left dormant: no.
   (b) Comments by the Committee of Experts: one comment pending (United Kingdom, 1991).

(4) Need for revision: Convention already revised by the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) — 30 ratifications as at 31 December 1995.

(5) Remarks: this Convention was classified by the 1979 and 1987 Ventejol Working Parties in the "other instruments" category. At the time of the 1979 Working Party, the Office pointed out that the Convention had been largely superseded by Convention No. 117, although it was still in force for a number of non-metropolitan territories. The two Conventions deal with broad social issues which in many cases are governed by more precise provisions in other international labour Conventions.

(6) Proposals:
   (a) The Working Party could propose leaving Convention No. 82 dormant, with immediate effect.
   (b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 82 in due course.

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51 Document GB.204/PFA/11/14, Nov. 1977, paras. 13.2 and 13.3.
V. Other Conventions that have received few ratifications

11. This section deals with nine Conventions. Five of them revise earlier Conventions and are fairly recent. In several cases, the member States that have ratified the earlier Conventions have not ratified the revised Conventions, or only a few of them, and their level of ratifications is therefore quite low. The Office often does not have the necessary information to analyse in detail why this is so, to identify the obstacles or difficulties encountered by member States with the ratification of these Conventions, and to evaluate the possible need to revise them. The Working Party could begin by proposing that this information be made available to the Office, so that appropriate recommendations can then be made in full possession of the facts. In some other cases, the need to revise certain instruments has already been recognized or contemplated.

V.1. C.84 — Right of Association (Non-metropolitan Territories) Convention, 1947

(1) Ratifications:
   (a) Number of current ratifications: 4
      - United Kingdom 1950
      - New Zealand 1952
      - France 1954
      - Belgium 1955
   (b) Ratification prospects: minimal (no ratification for the past 40 years).

(2) Denunciations: 0.

(3) Supervisory procedures:
   (a) Left dormant: no.
   (b) Comments by the Committee of Experts: no comments pending.

(4) Need for revision: the revision of Convention No. 85 has not been contemplated.

(5) Remarks: at the time of the 1979 Ventejol Working Party, the Office pointed out that this Convention was still of interest as an interim basis for national action. It also pointed out that the provisions of Convention No. 84 were covered in greater detail in Conventions Nos. 87 and 98. Of the member States that have ratified Convention No. 84, some have already extended the application of Conventions Nos. 87 and 98 to their non-metropolitan territories, while others no longer have territories to which Convention No. 84 could apply. Moreover, Convention No. 84 is also binding on a number of States to which one or other of Conventions Nos. 87 and 98 is not yet applicable. This is because, upon their accession to independence, some member States undertook to comply with the provisions of Convention No. 84 pending their ratification of Convention 87 and/or Convention No. 98.

52 Document GB.202/PFA/10/7, Feb.-Mar. 1977, paras. 1.1(4) and 1.4(2).
That being so, the Working Party could propose that the member States that are still applying the provisions of Convention No. 84 be invited to contemplate ratifying Conventions Nos. 87 and 98. These States have in fact already been invited to look into the matter as part of the Governing Body's efforts to promote ratification of the ILO's fundamental Conventions, which include Conventions Nos. 87 and 98. 53

(6) **Proposals:**

(a) The Working Party could recommend that the Governing Body invite the Member States that have undertaken to apply the provisions of Convention No. 84 to contemplate ratifying the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and/or the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 84 in due course.

**V.2. C.47 — Forty-Hour Week Convention, 1935**

(1) **Ratifications:**

(a) Number of current ratifications: 13

latest ratifications: Finland, 1989 (also ratified by Azerbaijan, Kyrgyzstan and Uzbekistan in 1992, Tajikistan in 1993 and Lithuania in 1994);

(b) Ratification prospects: this Convention is still receiving a small number of ratifications.

(2) **Denunciations:** 0.

(3) **Supervisory procedures:**

(a) Left dormant: no.

(b) Comments by the Committee of Experts: comments pending for two countries (Finland and New Zealand, 1993).

(4) **Need for revision:** it is generally considered that, from the technical standpoint, the Conventions on hours of work need revising. For lack of a consensus, however, this has not yet proved possible.

(5) **Remarks:** Convention No. 47, which was adopted in 1935, entered into force only 22 years later. It has not been ratified by many countries, but there is

53 The States that have undertaken to do this and that have not yet ratified Convention No. 87 are Fiji, Mauritius, the Solomon Islands, Somalia, the United Republic of Tanzania and Zaire, and those that have not yet ratified Convention No. 98 are Mauritania, the Solomon Islands and Somalia. The United Republic of Tanzania has indicated that there are divergencies between national legislation and Convention No. 87 which make ratification something of a problem, and Zaire states that it has submitted a Bill, inter alia, to authorize ratification of Convention No. 87. As regards the other States, as at 1 February 1996 the Office had not yet received any response to the Director-General's letter inviting them to state their intention as regards ratification of the ILO's fundamental Conventions (see documents GB.264/LILS/5, Nov. 1995, and GB.265/LILS/6, Mar. 1996).
still a trend towards its ratification. At the time of the 1979 Ventejol Working Party, the Office emphasized that it would be useful to have a new global Conventions on hours of work combining and superseding the existing standards but that efforts in this direction had so far failed. It added that, pending a revision of this nature, the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 47), and Forty-Hour Week Convention, 1935 (No. 47), must be considered as retaining their interests. These remarks are still valid. The last Meeting of Experts on Working Time (1993) adopted the following conclusions: “The Experts agreed that certain provisions of Conventions Nos. 1 and 30 on hours of work in industry and in commerce and offices with respect to the limitations on maximum hours of work over different periods did not adequately reflect some recent developments in working-time arrangements. They recognize that, with these exceptions, Conventions Nos. 1 and 30 are still relevant. The Experts, excluding those appointed by the Governing Body after consultation with the Employers’ group, were in favour of revising these Conventions to reflect these concerns and to provide measures which ensure appropriate flexibility and adequate workers’ protection.”

(6) Proposals:
(a) The Working Party could propose maintaining the status quo as regards Convention No. 47, pending the adoption of revised standards on hours of work and working-time arrangements.

V.3. C.153 — Hours of Work and Rest Periods (Road Transport) Convention, 1979

(1) Ratifications:
(a) Number of current ratifications: 7
   latest ratification: Uruguay, 1989
(b) Ratification prospects: still a fairly recent Convention which might well receive additional ratifications.

(2) Denunciations: 0.

(3) Comments by the Committee of Experts: comments pending for five countries (Iraq, Mexico, Uruguay and Venezuela, 1993; Ecuador, 1994).

(4) Need for revision: as this is a fairly recent sectoral Convention dealing with hours of work, the possibility of its revision on an individual basis would not seem to be a viable option for the moment.

(5) Remarks: Convention No. 153 is one of the fairly recent Conventions that have received few ratifications. Convention No. 153 revised Convention No. 67, whose status has been examined above. As noted in connection with

54 Document GB.201/PFA/13/2, Nov. 1976, para. 5.3(3).
55 Document GB.258/ESP/6/6, Nov. 1993, Annex 1, p. 37, paras. 2 and 3.
Convention No. 67, the three States that are still party to it could be invited to consider ratifying revised Convention No. 153. Moreover, the Working Party could examine what are the main obstacles to ratification of Convention No. 153, before contemplating its revision. The Governing Body could therefore invite member States to inform the Offices what are the prospects of ratifying Convention No. 153 and what obstacles they have encountered, so as to identify the possible need to revise it. On the basis of this information, the Office would report back to the Working Party (or the LILS Committee) on developments with regard to Convention No. 153 as well as Convention No. 67.

(6) Proposals:
(a) The Working Party could recommend that the Governing Body invite member States to contemplate ratifying Convention No. 153 and, where appropriate, to inform the Office of the obstacles and difficulties encountered and the possible need to revise this Convention;
(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 153 in due course.


(1) Ratifications:
(a) Number of current ratifications: 20
   latest ratifications: Spain, 1971 (also ratified by Azerbaijan and Kyrgyzstan in 1992, Tajikistan in 1993 and Lithuania in 1994);
(b) Ratification prospects: minimal.

(2) Denunciations: 0.

(3) Supervisory procedures:
(a) Left dormant: no.
(b) Comments by the Committee of Experts: comments pending for three countries (Italy, 1991; Cuba and Peru, 1994).

(4) Need for revision: this Convention has not been revised. It was classified by the 1979 and 1987 Ventejol Working Party both among the instruments to be revised and among the instruments to be promoted on a priority basis.

(5) Remarks: the 1987 Ventejol Working Party envisaged the drafting of instruments of general scope on the night work of young persons which would, inter alia, have revised the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79), and the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90). Preparatory work on this subject has not yet started. Account must also be taken of the adoption of the Night Work Convention, 1990 (No. 171), which includes protective measures for night work in general but no specific provisions aimed at adolescents. This being so, the Working Party could consider whether the revision of Convention No. 79 (and Convention No. 90) should
be undertaken, or if the promotion of Convention No. 171 would suffice to meet the need to update standards in this area. It could also contemplate the adoption of an additional protocol to Convention No. 171 dealing specifically with the night work of adolescents, which would revise Convention No. 79.

(6) Proposals:
(a) The Working Party could recommend that the Governing Body take appropriate measures to update the provisions of Convention No. 79 and possibly of other instruments on the night work of young persons.


(1) Ratifications:
(a) Number of current ratifications: 3
   - Sweden 1984
   - Spain 1985
   - Philippines 1994
(b) Ratification prospects: a fairly recent Convention that is liable to receive other ratifications.

(2) Denunciations: 3.

(3) Supervisory procedures:
(a) Left dormant: no;
(b) Comments by the Committee of Experts: comments pending for two countries (Spain, 1990; Sweden, 1993).

(4) Need for revision: a fairly recent Convention. The possible reasons for revising the Convention are not sufficiently clear at the moment.

(5) Remarks: much the same as for Convention No. 153. Convention No. 157 revises Convention No. 48, which has been examined above. Convention No. 157 is of a highly technical nature. On the one hand, the States Parties to Convention No. 48 could be invited to consider ratifying the revised Convention No. 157. On the other, more information is needed on the ratification prospects of Convention No. 157 and/or on the obstacles and difficulties encountered so that the Working Party can make recommendations as to the possible need for revising this Convention.

(6) Proposals:
(a) The Working Party could recommend that the Governing Body invite the member States to contemplate ratifying Convention No. 157 and to inform the Office on the obstacles and difficulties encountered, if any, as well as of the possible need to revise this Convention.
(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 157 in due course.
V.6. C.130 — Medical Care and Sickness Benefits
Convention, 1969

(1) **Ratifications:**
   (a) Number of current ratifications: 14
       latest ratifications: Venezuela, 1982 (also ratified by the Czech Republic
       and Slovakia in 1993);
   (b) Ratification prospects: Convention liable to receive additional
       ratifications.

(2) **Denunciations:** 0.

(3) **Comments by the Committee of Experts:** comments pending for 11 countries.

(4) **Need for revision:** Convention adopted over 25 years ago, whose possible
    revision could be looked into.

(5) **Remarks:** much the same as for Conventions Nos. 153 and 157. Convention
    No. 130 revised Convention No. 25, which has been examined above.

(6) **Proposals:**
   (a) The Working Party could recommend that the Governing Body invite the
       member States to contemplate ratifying Convention No. 130 and to
       inform the Office of the obstacles and difficulties encountered, if any,
       as well as of the possible need to revise this Convention.
   (b) The Working Party (or the LILS Committee) would re-examine the
       status of Convention No. 130 in due course.

V.7. C.128 — Invalidity, Old-Age and Survivors’
Benefits Convention, 1967

(1) **Ratifications:**
   (a) Number of current ratifications: 16
       latest ratifications: Venezuela, 1983 (also ratified by the Czech Republic
       and Slovakia in 1993);
   (b) Ratification prospects: Convention liable to receive additional
       ratifications.

(2) **Denunciations:** 0.

(3) **Comments by the Committee of Experts:** comments pending for 11 countries.

(4) **Need for revision:** Convention adopted 29 years ago, whose possible revision
    could be looked into.

(5) **Remarks:** much the same as for Conventions Nos. 153, 158 and 130. Convention
    No. 128 revised Conventions Nos. 35, 36, 37, 38, 39 and 40, which have been examined above.
Proposals:

(a) The Working Party could recommend that the Governing Body invite the member States to contemplate ratifying Convention No. 128 and to inform the Office of the obstacles and difficulties encountered, if any, as well as of the possible need to revise this Convention.

(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 128 in due course.

V.8. C.143 — Migrant Workers (Supplementary Provisions) Convention, 1975

(1) Ratifications:

(a) Number of current ratifications: 17
   latest ratifications: San Marino, 1985 (also ratified by Slovenia in 1992 and Bosnia and Herzegovina in 1993);

(b) Ratification prospects: Convention liable to receive additional ratifications.

(2) Denunciations: 0.

(3) Comments by the Committee of Experts: comments pending for 13 countries.

(4) Need for revision: Convention adopted 20 years ago, whose possible revision could be looked into.

(5) Remarks: Convention No. 143 complements, but does not revise, the Migration for Employment Convention (Revised), 1949 (No. 97). The two Conventions could be examined together by the Working Party. At its present session the Governing Body Committee on Employment and Social Policy will be examining a paper which, inter alia, analyses the possible need for revising Conventions Nos. 97 and 143. It is therefore proposed that examination of Convention No. 143 be postponed and that the Working Party receive a report at its next meeting on the outcome of the discussions in the ESP Committee.

(6) Proposals:

(a) The Working Party could postpone examination of Convention No. 143. At its next meeting, the Office would report on the relevant findings of the Governing Body’s ESP Committee and would examine together the possible need for revising Conventions Nos. 97 and 143.

V.9. C.152 — Occupational Safety and Health (Dock Work) Convention, 1979

(1) Ratifications:

(a) Number of current ratifications: 18
   latest ratifications: Brazil, 1990;

(b) Ratification prospects: Convention liable to receive additional ratifications.
(2) Denunciations: 0.

(3) Comments by the Committee of Experts: comments pending for 16 countries.

(4) Need for revision: fairly recent sectoral Convention which is still being ratified (nine ratifications since 1985) and therefore does not seem to call for revision.

(5) Remarks: since its adoption there has been a fairly steady trend towards the ratification of Convention No. 152, though no new ratification has been registered in the past five years. Convention No. 152 contains updated provisions revising those of Conventions No. 28 (examined above) and No. 32 (34 ratifications as at 31 December 1995). The States parties to Conventions Nos. 28 and 32 could be invited to consider ratifying Convention No. 152 and to inform the Working Party of the obstacles and difficulties encountered with its ratification, if any. At this stage, a revision of Convention No. 152 would not seem to be called for.

(6) Proposals:

(a) The Working Party could recommend that the Governing Body invite the member States, and especially the States Parties to Conventions Nos. 28 and 32, to contemplate ratifying Convention No. 152 and to inform the Office of the obstacles and difficulties encountered with the ratification of this Convention, if any.

(b) The Working Party (or the LILS Committee) would re-examine the status of Convention No. 152 in due course.

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VI. Final remarks

12. Some of the recommendations that the Working Party might make could be implemented immediately; others would require some form of action and follow-up that the Office could undertake if the Governing Body were to request it to do so. The services of the Office (and specifically the multidisciplinary teams in the field) could be called upon to provide information and assistance to government authorities and to employers' and workers' organizations so that they can conduct consultations on the ratifications and denunciations that are being contemplated. At the level of the member States, the implementation of some of the recommendations of the Working Party would call for this kind of tripartite consultation along the lines of the procedures set out in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).

13. The foregoing analysis shows that there are more Conventions in certain fields than in others which have not entered into force and are liable to be obsolete or ratified by only a few countries. This is true, for example, of the Conventions on hours of work and on social security. The Working Party might therefore consider pursuing its examination of the Conventions by analysing the
possible cases of obsolescence by field (i.e. by group of Conventions dealing with related issues) on the basis of the classification drawn up in 1979 and 1987.

14. At its next meeting in November 1996, the Working Party could examine the following Conventions:

— the Conventions identified in this paper as being suitable for examination at the next meeting of the Working Party, namely the Conventions on migrant workers (Nos. 97 and 143) and the Conventions on night work of women (Nos. 4 and 89) and of young persons (Nos. 6, 79 and 90), or Conventions relating to specific fields that the Working Party might select;

— the other Conventions that have been the subject of pure denunciations and which have not been examined in this paper (Nos. 1, 2, 26, 30, 45, 88, 94, 95, 96, 99, 101 and 103).

15. The Working Party is invited to examine the proposals presented above and to submit its recommendations on the subject to the Committee on Legal Issues and International Labour Standards.

Geneva, ... February 1996.

Point for decision: Paragraph 15.