FIRST ITEM ON THE AGENDA

Conventions in need of revision (third stage)

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I. Introduction
1. This paper contains an examination of 35 Conventions and is submitted for consideration by the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards (LILS) at its fourth meeting. At its first two meetings, in November 1995 and March 1996, the Working Party elaborated on the criteria to be adopted for this examination and the methodology to be applied, and made a number of proposals which have been approved by the Committee on Legal Issues and International Labour Standards and by the Governing Body at its 264th and 265th Sessions. The results of the first and second stages of the examination, comprising a case-by-case examination of 71 Conventions, are recapitulated in the paper submitted to the Working Party under the second item on its agenda at its present meeting.
2. The analysis of these 35 Conventions forms part of the continuation of the work carried out by the Working Party in November 1995 and March and November 1996. Twenty-nine of the Conventions here examined are considered for the first time, while the examination of six Conventions was initiated, but not concluded, at the third meeting of the Working Party in November 1996.

3. The Conventions under review pertain to eight different subject areas: human rights, employment, social policy, labour administration, industrial relations, conditions of work, occupational safety and health, and employment of children and young persons. At the end of this examination the Working Party will have examined all the Conventions within its mandate except for the last of these subject areas. The practice adopted of complementing the case-by-case examination with an examination based on subject area, has been continued. This practice permits the rendering of a more coherent picture of the subject areas examined, taking into account Governing Body decisions regarding Conventions already reviewed.

4. The present examination makes a series of proposals which can be arranged into five groups according to the type of action being proposed, as follows:

Proposals for revision

5. Thirteen proposals for revision are submitted, of which two are firm and 11 are tentative. The first two concern Conventions Nos. 6 and 90. It may be recalled that the Governing Body, at its session in March 1996, approved a proposal to revise the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79). The Working Party recommended that this proposal should be considered together with the other Conventions on night work of young persons, more specifically Conventions Nos. 6 and 90. It is proposed that these two Conventions be included in the revision of the Conventions on the night work of young persons.

6. With respect to the 11 other Conventions, elements have been identified pointing towards a possible need for a revision. In order to clarify the situation regarding these Conventions, it is proposed to request the member States to provide the Office with additional information, including information concerning the need for a full or partial revision of the Conventions in question. In the case of two of these Conventions, it has further been proposed to request specific information regarding the form a possible revision should take.

Promotion of revised Conventions

7. Four Conventions examined under this category have already been revised. In these cases it is proposed that the States parties to the initial Conventions be invited to ratify the corresponding recent Conventions. It should be noted that, in all four cases, the ratification of the revising Convention will, ipso jure, entail the immediate denunciation of the initial Convention. Three of these Conventions have been considered to be obsolete. The fourth Convention seems to maintain its value as an interim basis.
8. Convention No. 11 represents a special case, in that this Convention has been superseded, but not revised, by another Convention, namely Convention No. 87. Most States parties to the latter Convention are also parties to Convention No. 11. The Office proposes that the States parties only to Convention No. 11 be invited to ratify Convention No. 87.

Promotion of up-to-date Conventions

9. It is proposed that a group of thirteen Conventions be considered as being up to date and that as a result the ratification of these Conventions should be encouraged. This is the case certainly with Conventions Nos. 14, 106, 120, 142, 150 and 159. With respect to another group of seven Conventions (Nos. 115, 131, 135, 139, 151, 154, and 155), most, but not all, indications point towards a conclusion that the Conventions are up to date, that no revision is called for at this stage and that their ratification should be promoted. In these seven cases it is therefore proposed that member States be requested to inform the Office whether there are any obstacles or difficulties that might impede or delay the ratification of these Conventions.

Shelving and abrogation

10. Three proposals are being made under this category. In one case shelving would take place with immediate effect. This concerns Convention No. 63 (statistics), which can be deemed to have become obsolete with the coming into force of Convention No. 160. In the second case, concerning Convention No. 62 (safety provisions in the building industry), it is proposed that the decision to shelve be deferred to a later stage. The third concerns Convention No. 32 (dockers protection against accidents) in which case all conditions for a decision to shelve the Convention have not yet been met. It is proposed to re-examine the situation with respect to Convention No. 32 at a later stage.

11. None of the Conventions here examined are being proposed for abrogation.

Status quo

12. As regards a final group of four Conventions, none of the previous types of proposals seems appropriate. The maintenance of the status quo is thus proposed.

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II. Human rights

13. On the basis of this paper the Working Party will be able to conclude its examination of the Conventions in the area of human rights. Of the 12 Conventions which are considered to fall in this
category, six of them (the six Conventions on basic human rights) have been excluded from this exercise. The Working Party examined the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) at its meeting in November 1996. The five remaining Conventions are examined below.

14. With the exception of Convention No. 11, three Conventions concerning freedom of association considered here have not attracted the same levels of ratifications as the Conventions regarding basic human rights to which they are closely related. Convention No. 156 concerning workers with family responsibilities is also a Convention that has had difficulties in gaining a significant number of ratifications, despite intensive promotional efforts. Other indications have also been identified which seem to point towards a possible need for a revision of three of the Conventions examined. It is proposed to seek more information as to the status of these Conventions, as well as on the potential needs for revision.

Freedom of Association

II.1. C.11 - Right of Association (Agriculture) Convention, 1921

(1) Ratifications:

a. Number of current ratifications: 117.
c. Ratification prospects: Convention ratified by a large majority of the member States. Since 1987 it has received ten new ratifications and it may receive further ratifications.

(2) Denunciations: none.

(3) Supervisory procedures: comments pending for nine countries including on observations made by a workers' organization in Sri Lanka. A representation under article 24 of the Constitution alleging non-observance by Peru of a series of Conventions including Convention No. 11 has recently been presented.

(4) Need for revision: this Convention has not been revised. The Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87), adopted in 1948, does not revise Convention No. 11, but the protection of agricultural workers' right to organise, regulated by Convention No. 11, falls fully within the scope of Convention No. 87. Consequently, a revision of Convention No. 11 does not seem to be called for.

(5) Remarks: Convention No. 11, with 117 current ratifications, is one of the best ratified Conventions of the ILO. The problems of rural workers, especially their right of association, have been an ILO concern from the very start of the Organization and Convention No. 11, adopted 75 years ago, is in fact the first ILO Convention to deal with the right to organize. Convention No. 11 is brief and specific. Its purpose is to extend to all those engaged in agriculture the same rights of association as held by
industrial workers. In 1948, Convention No. 87 was adopted. It specifies and extends the right to organize to all workers, including rural workers. Although Convention No. 87 is not a revision of Convention No. 11, the latter Convention loses its independent purpose for member States which have also ratified Convention No. 87. It may be recalled that in the course of the Ventejol Working Parties of 1979 and 1987, Convention No. 11 had been classified in the category of "other instruments". The link between Convention No. 11 and Convention No. 87 has been recognized by the Committee of Experts in that, since 1961 the practice has been followed whereby comments touching on issues covered by both Convention No. 87 and Convention No. 11 are often not repeated, but a reference is made under the heading of Convention No. 11 to comments made in relation to Convention No. 87.

Nineteen countries are bound by Convention No. 11 but not by Convention No. 87. For the vast agricultural populations in some of these countries including, for example, Brazil, China, and India, Convention No. 11 retains its value on an interim basis ensuring a certain minimum of rights to organize for agricultural workers. The continued importance of a protection for these rights was underscored at the recent Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Workers in the Context of Economic Restructuring. On the basis of the foregoing, the Working Party may wish to recommend to the Governing Body that the 19 member States bound by Convention No. 11 but not by Convention No. 87 be encouraged to consider ratifying Convention No. 87, and that the status of Convention No. 11 be re-examined at a later stage.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite the 19 member States bound by Convention No. 11 and not by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) to ratify Convention No. 87.

b. The Working Party (or the Committee on Legal Issues and International Labour Standards) could re-examine the status of Convention No. 11 in due course.

II.2. C.135 - Workers' Representatives Convention, 1971

(1) Ratifications:

a. Number of current ratifications: 58.

b. Latest ratifications: Cyprus, Estonia, the Republic of Moldova and Mongolia, 1996.

c. Ratification prospects: since 1987 this Convention has received eighteen new ratifications and it is likely to receive further ratifications.

(2) Denunciations: none.

(3) Supervisory procedures: comments pending for 13 countries, including on observations transmitted by workers' organizations in Austria, France, United Kingdom, Italy, Turkey and the United Republic of Tanzania. A complaint before the Committee on Freedom of Association resulted in a direct
contacts mission to Côte d'Ivoire(13) and the case of Côte d'Ivoire was also discussed at the Conference in 1995.

(4) Need for revision: this Convention has not been revised and the Office is not aware of any indications that would point in that direction. Although this Convention continues to receive new ratifications, it remains considerably less well ratified than either Convention No. 87 or No. 98, to which it is closely related.

(5) Remarks: the purpose of Convention No. 135 is to strengthen the protection of workers' representatives and to ensure that they are afforded facilities in order to enable them to carry out their functions promptly and efficiently. It is thus complementary to Conventions Nos. 87 and 98 and is therefore of continued relevance and importance. The Ventejol Working Parties of 1979 and 1987 classified this Convention in the category of Conventions to promote on a priority basis. The Working Party may therefore wish to recommend to the Governing Body that it invite member States to ratify Convention No. 135 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of the Convention.

(6) Proposals:

   a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 135 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of the Convention.

   b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 135 in due course.

II.3. C. 141 - Rural Workers' Organisations Convention, 1975

(1) Ratifications:

   a. Number of current ratifications: 35.
   c. Ratification prospects: this Convention has received new ratifications at a slow but steady rate. Since 1987 it has received nine new ratifications and it is likely to receive further ratifications.

(2) Denunciations: none.

(3) Supervisory procedures: comments pending for 8 countries including on observations made by workers' organizations in India and the Philippines. The Conference Committee on the Application of Standards discussed the case of India in 1992.

(4) Need for revision: this Convention has not been revised, but there are some indications that might suggest the need for a revision. The Convention was classified among Conventions to promote on a
priority basis by both Ventejol Working Parties in 1979 and 1987. The Committee of Experts noted, however, in a General Survey of 1983, that a large number of countries reported difficulties that could "delay or prevent" the ratification of the Convention, but that some of these countries should be able to overcome these difficulties in the light of the comments made. The concerns by the Committee of Experts were echoed at the International Labour Conference in 1988, when the Committee on Rural Employment, in its conclusions concerning rural employment, stated that the ILO should investigate the reasons for the limited ratification of Convention No. 141, and promote a tripartite dialogue on the subject. (14)

(5) **Remarks:** Convention No. 141 reaffirms the principle of the right of association of rural workers, a right which is already recognized by Convention No. 11, examined above, as well as Convention No. 87. (15) Convention No. 141 also takes up, in its Preamble, the principles established by articles 1 and 2 of Convention No. 98. (16) The importance and relevance of Convention No. 141 were also confirmed by the classification, by both Ventejol Working Parties, of this Convention among Conventions to promote on a priority basis. The ratification level of Convention No. 141 is, however, very far from the levels of ratifications attained by any of Conventions Nos. 11, 87 or 98 and, as noted above, there are some indications that a number of countries experience difficulties that could "delay or prevent" ratification of the Convention. The Convention has, however, continued to receive ratifications, and since the 1988 International Labour Conference the Convention has received an additional nine ratifications. The continued relevance of Convention No. 141 was recently also underscored by a unanimous resolution (17) to promote the ratification of this Convention, adopted at the conclusion of the Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Workers in the Context of Economic Restructuring (18). In view of the above, the Working Party may wish to recommend to the Governing Body that member States be invited to ratify Convention No. 141 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay its ratification or that might point to the need for a full or partial revision of Convention No. 141.

(6) **Proposals:**

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 141 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of the Convention or that might point to the need for a full or partial revision of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 141 in due course.

II.4. C.151 - Labour Relations (Public Service) Convention, 1978

(1) **Ratifications:**

a. Number of current ratifications: 30.
c. Ratification prospects: since 1987 the Convention has received 11 new ratifications and it is likely to receive further ratifications.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for nine countries including observations from workers' organizations in Finland, United Kingdom, Portugal and Turkey.

(4) Need for revision: this Convention has not been revised.

(5) Remarks: the adoption of Convention No. 151 introducing collective bargaining rights for public servants occurred almost thirty years after the collective bargaining rights in general had been regulated in Convention No. 98. Pursuant to its article 6, public servants "engaged in the administration of the State", are excluded from the scope of Convention No. 98. In the course of the Ventejol Working Parties of 1979 and 1987 Convention No. 151 was classified in the category of Conventions to be promoted on a priority basis. Although continuing to receive ratifications, it has, however, received a relatively limited number of ratifications, particularly in the light of the ratification rates of Conventions Nos. 87 and 98. It might be considered whether this could not be remedied by an intensification of the promotional efforts regarding this Convention. In view of the foregoing, the Working Party may wish to recommend to the Governing Body that member States be invited to ratify Convention No. 151 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay its ratification.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 151 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay its ratification.
b. The Working Party might recommend to the Governing Body that it invite the Director General to include Convention No. 151 among the Conventions subjected to an intensified promotional efforts.
c. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 151 in due course.

Equality of Opportunity and Treatment

II.5. C.156 - Workers with Family Responsibilities Convention, 1981

(1) Ratifications:

a. Number of current ratifications: 25.

c. Ratification prospects: since 1987 the Convention has received 16 new ratifications and it is likely to receive further ratifications.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for 19 countries including on observations made by workers' organizations in Finland, France, Japan and Spain.

(4) Need for revision: this Convention has not been revised.

(5) Remarks: In the course of the 1987 Ventejol Working Party, this Convention was classified in the category of Conventions to be promoted on a priority basis. The continued importance of this Convention in the overall framework of equality has been underscored in two ILO Resolutions concerning equality,\(^{(19)}\) as well as in the General Survey of 1993.\(^{(20)}\) Two recent major international conferences - the World Summit for Social Development (Copenhagen, March, 1995) and the Fourth Conference on Women (Beijing, September 1995) have also emphasized the importance of promoting the harmonization of work and family responsibilities for women and men. Convention No. 156 has, however, had difficulties in attracting ratifications. In spite of a number of promotional activities carried out by the Office as described in the General Survey, the Convention had only been ratified by 19 member States at the time of the General Survey. The Committee of Experts noted several reports on obstacles to ratification. However, in its evaluation of the reported barriers to and prospects for ratification, the Committee chose to emphasize the flexibility in application permitted under article 9 of the Convention. It was further of the opinion that there were certain misunderstandings among a significant number of governments', employers' and workers' organizations concerning the purpose and requirements of the instrument. It proposed additional promotional activities. The discussion of the Survey by the Conference revealed differing views. The workers' members considered that the Survey had dissipated certain misunderstandings concerning the interpretation of the Convention which had constituted obstacles to ratification, and called upon the ILO to take measures to encourage its ratification. Opinions were divided, however, on whether the proper interpretation of Article 8 of the Convention had become sufficiently clear. While subscribing to the objectives of the Convention, the employers' members suggested that Convention No. 156 be classified among instruments "seriously in need of revision" in the "hope that a redrafted Convention could be framed in more practicable and realistic terms."\(^{(21)}\) In view of the foregoing, the Working Party may wish to recommend to the Governing Body that it invite member States to ratify Convention No. 156 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 156 or that might point to the need for a full or partial revision of the Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 156 and to inform the Office of the obstacles and difficulties encountered,
if any, that might impede or delay the ratification of Convention No. 156 or that might point to
the need for a full or partial revision of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 156
in due course.

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III. Employment

15. The present analysis will enable the Working Party to conclude its examination of Conventions in
this subject area which comprises a total of eight Conventions. The Employment Policy Convention,
1964 (No. 122) is outside the purview of the Working Party(22) and three Conventions have already been
examined by the Working Party. (23) The four Conventions remaining to be examined concern four
different domains: employment policy, vocational guidance and training, rehabilitation and employment
of disabled persons, and employment security. The review of one of these Conventions was initiated, but
not concluded, at the November 1996 session of the Working Party.

16. The Conventions in this subject area display a wide variation both in terms of scope and in terms of
status. In the fields of vocational guidance and training as well as of rehabilitation and employment of
disabled persons, the relevant Conventions stand out as being well ratified and up to date. In that of
vocational guidance and training, a special need has been identified, namely to develop a practical guide
to assist the State parties in the application of the Convention. The situation is more complex in the field
of employment policy. One of the first ILO Conventions, Convention No. 2, is at issue. It has been
superseded by more recent, and in several respects, more comprehensive Conventions including
Convention No. 122. In the field of employment security, the Office has given certain indications
concerning Convention No. 158 that might point to a need for revision. In this case, a call for additional
information is proposed. Finally, it may be recalled that, in the field of employment services and fee
charging employment agencies, the revision of the Fee-Charging Employment Agencies Convention
(Revised) (No. 96) is on the agenda for the Conference this year.

Employment Policy

III.1. C.2 -- Unemployment Convention, 1919

(1) Ratifications:

a. Number of current ratifications: 51.
c. Ratification prospects: small. The Convention has received three ratifications in the past 18 years.

(2) Denunciations:
(a) Pure denunciations: 3

<table>
<thead>
<tr>
<th>Ratification</th>
<th>Denunciation</th>
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<tbody>
<tr>
<td>Bulgaria</td>
<td>1922</td>
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<tr>
<td>India</td>
<td>1921</td>
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<tr>
<td>Uruguay</td>
<td>1933</td>
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Reasons for denunciation:

**Bulgaria:** No reason for denunciation given.

**India:** Since the constitutional changes of 1935, the provinces now have sole jurisdiction over the question of unemployment.

**Uruguay:** The situation in Uruguay does not justify the establishment of a system of public employment agencies as required in Convention No. 2.

(b) Automatic denunciation: none.

(3) Supervisory procedures: according to ILO practice, no reports are requested concerning the application of Convention No. 2 from member States which have also ratified Conventions Nos. 88 and 122\(^{(24)}\). Comments pending for nine countries concern, in particular, the establishment of advisory committees, the coordination of non-fee-charging public and private employment agencies and the provision of statistics and data on unemployment. Workers' organizations in Argentina, Morocco and Turkey have transmitted observations on the application of the Convention to the Committee of Experts.

(4) Need for revision: this Convention has not been formally revised. However, the Employment Service Convention, 1948 (No. 88), and the Employment Policy Convention, 1964 (No. 122) have been considered to cover the areas encompassed by Convention No. 2 to such extent that, as noted above, the reporting requirements under Convention No. 2 have been waived for countries which have ratified the two latter Conventions.

(5) Remarks: the Working Party initiated its examination of the present Convention at its November Session 1996.\(^{(25)}\) Pursuant to the decision by the Governing Body in November 1996, Convention No. 2 has been re-examined in the light of the more recent Conventions on employment policy. Convention No. 2 cover issues related to labour statistics, public employment agencies and unemployment insurance benefits. Since its adoption, several more recent instruments on areas covered by Convention No. 2 have been adopted. In addition to Conventions Nos. 88 and 122, these include the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Labour Statistics Convention, 1985 (No. 160), and the
Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168). The three most recent of these Conventions are more comprehensive in scope in their specific area of regulation than Convention No. 2. Conventions Nos. 88 and 122, taken together, cover most aspects of Convention No. 2. Considering that the Governing Body has decided to maintain the status quo with respect to Convention No. 88, it does not seem appropriate to propose a promotion of the ratification of Convention No. 88 and Convention 122 and a concomitant denunciation of Convention No. 2. In addition, Convention No. 2 maintains its value and interest on an interim basis at least for the 26 member States not bound by other more recent Conventions. The Working Party may therefore wish to recommend to the Governing Body the maintenance of the status quo with respect to this Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body the maintenance of the status quo with regard to Convention No. 2.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 2 in due course.

Vocational Guidance and Training

III.2. C.142 - Human Resources Development Convention, 1975

(1) Ratifications:

a. Number of current ratifications: 57.


c. Ratification prospects: Convention likely to receive further ratifications. It has been ratified by 16 member States since 1987.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for 46 countries including on observations from workers' and employers' organizations in Brazil, Finland, Guinea, Italy, Japan, Turkey, and the United Kingdom.

(4) Need for revision: this Convention has not been revised. Although the General Survey of 1991 contained indications that a number of countries experienced difficulties in the implementation of this Convention, there are several indications that the appropriate course of action to overcome such difficulties could be intensified technical cooperation, rather than its revision.

(5) Remarks: both Ventejol Working Parties of 1979 and 1987 classified this Convention in the category of Conventions to be promoted on a priority basis. A General Survey covering Conventions Nos. 140 and 142 and their accompanying Recommendations Nos. 148 and 150 was concluded in 1991. In the
General Survey, the Committee of Experts noted with satisfaction that the objectives set out in the international standards on human resources development were almost universally recognized, but it was concerned that the gradual implementation of these objectives was encountering considerable difficulties in several countries. The Committee of Experts was, however, of the opinion that these difficulties could be overcome with technical cooperation provided by the Office and that the experience gained and the understanding of the difficulties encountered through technical cooperation could be made available to all member States, for example in the form of a practical guide to help in the formulation and implementation of policies and programmes tailored to national conditions. (27) The discussion of the results of the General Survey at the Conference basically echoed the conclusions of the Committee of Experts in its evaluation of the importance of the topic and the difficulties encountered, and there was a strong support for an intensification of ILO technical cooperation activities in the area of training, particularly in order to help developing countries to implement consistent human resources development policies. (28) Since the General Survey in 1991, this Convention has been ratified by an additional 14 member States. The Working Party may therefore wish to consider promoting this Convention, inter alia, by proposing that the Office intensifies technical cooperation in this field including the development of a practical guide to help in the formulation and implementation of policies and programmes tailored to national conditions.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify the Human Resources Development Convention, 1975, (No. 142).

b. The Working Party might recommend to the Governing Body that it invite the Director General to undertake a study on the means and methods to increase and develop technical cooperation in the field of human resources development including the development of a practical guide to help in the formulation and implementation of policies and programmes tailored to national conditions.

c. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 142 in due course.

Rehabilitation and Employment of Disabled Persons

III.3. C. 159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983

(1) Ratifications:

a. Number of current ratifications: 58.

b. Latest ratifications: Cuba and Bolivia, 1996.

c. Ratification prospects: this Convention has rapidly attracted ratifications from a third of all member States. In the past three years alone it has been ratified by ten member States. It is likely to receive further ratifications.
(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for 34 member States, including on observations made by workers' organizations in Finland and Spain.

(4) Need for revision: this Convention has not been revised. It is a recent, well ratified Convention and there are no indications pointing towards a need for revision.

(5) Remarks: this Convention has rather rapidly received a substantial number of ratifications. Adopted in 1983, it entered into force in 1985. At the time of the Ventejol Working Party in 1987 it was classified in the category of Conventions to be promoted on a priority basis. In 1993, it was proposed for a General Survey due to the topical interest of the subject and the interest in further promoting the ratification rate of this Convention. The Governing Body decided accordingly, and a General Survey is due to be prepared for adoption by the Committee of Experts in 1997. In view of the foregoing, the Working Party may wish to recommend to the Governing Body that member States be invited to ratify Convention No. 159 and to examine at a later stage if the General Survey calls for any further action to be taken in respect of this Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that member States be invited to ratify Convention No. 159.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 159 in due course.

Employment Security

III.4. C.158 - Termination of Employment Convention, 1982

(1) Ratifications:

b. Latest ratification: Namibia, 1996.
c. Ratification prospects: the Convention has slowly attracted an increasing number of ratifications, but remains rather poorly ratified. In a General Survey of 1995, a number of countries reported facing obstacles to ratification. In addition, a ratification subsequent to the General Survey has been followed by a denunciation. It would seem that the ratification prospects of this Convention are somewhat uncertain.

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

Ratification Denunciation

Brazil 1995 1997

*Reasons for denunciation:* "[...] complex circumstances, of legal and economic nature, which could not have been foreseen at the time of ratification, have made it difficult for the Brazilian Government to implement Convention 158 within its legal system. In fact, the Convention could, on the one hand, be invoked to justify excessive and indiscriminate dismissals, based on the rather general and vague 'operational requirements of the undertaking, establishment or service', as stated in its Article 4, or on the other hand, give way to broad prohibition of dismissals which would not be compatible with the current program of economic and social reform and modernization. It is also felt that the Convention would be a step back in the course towards less State intervention and more collective bargaining. [...] Such uncertainty regarding the scope of the provisions of the Convention would, in the context of the Brazilian legal system, based on positive law generate insecurity and litigation, with no practical advantages for the improvement and modernization of labour relations."

(3) *Supervisory procedures:* comments pending for 13 countries including on observations submitted by workers' organizations in Brazil, Gabon and Spain. Three representations under article 24 of the Constitution have been submitted of which two, alleging non-observance by Brazil and Venezuela, have yet to be declared receivable and of which one, alleging non-observance by Turkey, is under consideration.

(4) *Need for revision:* this Convention has not been revised. Although the Committee of Experts concluded as recently as 1995 in a General Survey that the obstacles to ratification reported by several countries might be overcome, there are indications that the Convention is encountering persistent difficulties in gaining approbation. The Convention remains relatively poorly ratified. It has been denounced by one country and the employers' members expressly proposed a revision of this Convention at the Conference in 1995.

(5) *Remarks:* in the course of the Ventejol Working Party of 1987, this Convention was classified in the category of Conventions to be promoted on a priority basis. In the 1995 General Survey, the Committee of Experts noted that a certain number of Governments had indicated legal or practical difficulties in the application of the Convention and that these difficulties were preventing its ratification. The Committee of Experts analysed these difficulties in detail, highlighted the flexibility offered by the Convention and concluded that in "[...] most of the cases examined the ratification of the Convention would not appear to be a social objective which is impossible to achieve. Indeed, the absence of prospects for its ratification would appear to be more the result of specific situations than opposition in principal to the minimal protection afforded by the Convention." The General Survey was subjected to an in-depth discussion in 1995 at the Conference Committee on the Application of Standards. There, the employers' members
concluded that Convention No. 158 ought to be revised as soon as possible. The workers' members, on the other hand, considered that the Convention was "as relevant now as ever before" and noted that the Committee of Experts had identified no points in need of revision. Since 1995, two new ratifications have been registered, but one of these was the ratification by Brazil, which subsequently denounced the Convention. It would thus seem that the ratification of this Convention is facing several obstacles and difficulties. It should also be noted that, according to the Committee of Experts, only a certain number of Governments had supplied full information on difficulties of application and their intentions as regards ratification. In view of the foregoing, the Working Party might recommend to the Governing Body that it invite member States to ratify the Convention and, in order to enable a more informed decision as to the possible need for a revision of the Convention, to request information on the obstacles and difficulties encountered, if any, that might impede or delay ratification or that would point to the need for a full or partial revision of the Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 158 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 158 or that might point to the need for a full or partial revision of the Convention.
b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 158 in due course.

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IV. Social policy

17. This subject area comprises two Conventions. One is the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), which was examined at the November Session 1996 of the Working Party. (32) This Convention was revised by Convention No. 117 which is examined here. The latter Convention is an example of a Convention with a broad scope on issues which also are governed by more precise provisions in more recent Conventions. To the extent that these more recent Conventions have not been ratified by the parties to Convention No. 117 it maintains its value as an interim basis for national action.

IV.1. C.117 - Social Policy (Basic Aims and Standards) Convention , 1962

(1) Ratifications:

c. Ratification prospects: the Convention has received three ratifications since 1987 and another four ratifications during the ten years preceding 1987. Its future ratification prospects seem
uncertain.

(2) **Denunciations:** none.

(3) **Supervisory procedures:** comments pending for 23 countries concerning mainly certain specific issues covered by the Convention including the situation of migrant workers, remuneration of workers, and educational facilities available, inter alia, to migrant worker children. The comments also include observations from workers' organizations in Brazil and Spain. Two representations under Article 24 of the Constitution have been examined. In one case against Spain in 1987, the allegations were found not to have been substantiated.

(4) **Need for revision:** this Convention has not been revised.

(5) **Remarks:** Convention No. 117 deals with broad social issues which are governed by more precise provisions in other international labour Conventions. It revises the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)\(^{33}\). The revision was aimed at eliminating the provisions of Convention No. 82 whose application was limited to non-metropolitan territories.\(^{34}\) During the proceedings of the 1979 Ventejol Working Party, the Office stated that Convention No. 117 largely superseded Convention No. 82 and that Convention No. 117 remained relevant.\(^{35}\) The 1979 Ventejol Working Party then classified Convention No. 117 in the category of Conventions to be promoted on a priority basis. The 1987 Ventejol Working Party maintained this classification without any additional commentary. In the course of the work in the current Working Party, it was decided in March 1996, in relation to the examination of Conventions Nos. 50, 64 and 86, to invite the States parties to these Conventions to contemplate ratifying, inter alia, the present Convention.\(^{36}\) Convention No. 117, which is very broad in scope, seems thus to retain its value as an interim basis for national action for member States which have not ratified the more specific Conventions on issues covered by the Convention. Based on the foregoing considerations, the Working Party may wish to recommend to the Governing Body maintaining the status quo with respect to this Convention and to re-examine the status of Convention No. 117 at a later stage.

(6) **Proposals:**

a. The Working Party could recommend to the Governing Body the maintenance of the status quo with respect to Convention No. 117.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 117 in due course.

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**V. Labour administration**
18. The area of labour administration includes seven Conventions. Four of these Conventions are outside the present mandate of the Working Party. Three are priority Conventions and Convention No. 160 was adopted in 1985. One Convention was considered at the November Session 1996 of the Working Party. This leaves two Conventions to examine which are reviewed below.

General

V.1. C.150 - Labour Administration Convention, 1978

(1) Ratifications:

a. Number of current ratifications: 39.

b. Latest ratification: Namibia, 1996.

c. Ratification prospects: Although the Convention has been ratified by only eight countries since 1987, it is likely that it will receive further ratifications.

(2) Denunciations: none.

(3) Supervisory procedures: comments pending for seven countries including observations from workers' organizations in the United Kingdom and Spain. At its 267th Session (November 1996), the Governing Body adopted the report of the committee set up to examine the representation presented under article 24 of the Constitution alleging non-observance by Uruguay of, inter alia, Convention No. 150.

(4) Need for revision: the Convention was adopted almost 20 years ago, but it has still only attracted a fairly limited number of ratifications. The General Survey of adopted by the Committee of Experts in 1996 did not, however, reveal any specific problems with the Convention and no other indications pointing towards a need for revision have been noted.

5) Remarks: Convention No. 150 refers to activities that are dealt with in detail in several other instruments - for example, the instruments on labour inspection, employment services, employment policy, human resources development and tripartite consultations. It is a broadly worded Convention with flexible provisions. In the course of both Ventejol Working Parties of 1979 and 1987, this Convention was classified in the category of Conventions to be promoted on a priority basis. In 1991, the Committee of Experts expressed the opinion that a fully applied Convention could be the linchpin of a closer relationship, at national level, between international labour standards and technical cooperation activities, that the Committee therefore attached great importance to the Office's promotional activities in connection with the Convention. Consequently, it recommended that the States which had not already done so, ratify the Convention. A General Survey was adopted by the Committee of Experts in 1996. The Convention (and its accompanying Recommendation No. 128) were stated to remain appropriate and relevant to current conditions and to provide vital encouragement to member States in

enhancing their labour administration by either adopting a systematic, coordinated and collaborative approach or by further improving their techniques in effective administration. The Working Party therefore may wish to recommend to the Governing Body that it invite member States to ratify the Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 150.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 150 in due course.

Statistics

V.2. C.63 - Convention concerning Statistics of Wages and Hours of Work, 1938

(1) Ratifications:

a. Number of current ratifications: 15.


c. Ratification prospects: The Convention was closed to further ratification.

(2) Denunciations:

(a) Pure denunciations: none.

(b) Automatic denunciations: 19 (excluding Czechoslovakia) as a result of ratifications of the revising Labour Statistics Convention, 1985 (No. 160).

(3) Comments by the Committee of Experts: comments pending for 24 countries.

(4) Need for revision: this Convention has been revised by Convention No. 160.

(5) Remarks: in the course of the Ventejol Working Parties of 1979 and 1987 this Convention was classified in the category of "other instruments". In 1988, the revising Convention No. 160 entered into force and the Committee of Experts issued a General Observation drawing the attention of member States to the possibility of ratifying Convention No. 160, which included a range of statistics "far beyond the scope of Convention No. 63" providing for "the elements for describing, understanding, analysing and planning the many complex dimensions of labour's role in the functioning of the modern economy and of society in general." It also noted that Convention No. 160 was drafted to permit a flexible and gradual implementation. Convention No. 63 binds, at present, a limited number of States and there
seems to be a rather even flow of ratifications of Convention No. 160 including of States which had been parties to Convention No. 63.\(^{(41)}\) Consequently, the Working Party may wish to recommend to the Governing Body to invite the States parties to Convention No. 63 to ratify Convention No. 160 and to decide to shelve Convention No. 63 with immediate effect. It will be noted that the shelving of Convention No. 63, on which reports would be requested in 1998 from a very small number of States, would not have any incidence on the pending comments by supervisory bodies.

(6) **Proposals:**

a. The Working Party might recommend to the Governing Body that Convention No. 63 be shelved with immediate effect.
b. The Working Party might recommend to the Governing Body that it invite the 15 States parties to Convention No. 63 to ratify the Labour Statistics Convention, 1985 (No. 160), the ratification of which, ipso jure, will cause the immediate denunciation of Convention No. 63.
c. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 63 in due course.

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**VI. Industrial relations**

19. This section examines a single Convention, the Collective Bargaining Convention, 1981, (No. 154) which is the only Convention in this subject area.

**VI.1. C.154 - Collective Bargaining Convention, 1981**

(1) **Ratifications:**

a. Number of current ratifications: 25.
b. Latest ratifications: Suriname, Greece and Guatemala, 1996.
c. Ratification prospects: the Convention has received a steady and seemingly increasing flow of ratifications and is likely to receive further ratifications.

(2) **Denunciations:** none.

(3) **Supervisory procedures:** comments pending for eight countries. Six cases concerning compulsory arbitration in Norway have been dealt with by the Committee on Freedom of Association.\(^{(42)}\)

(4) **Need for revision:** this Convention was adopted rather recently and has not been revised.

(5) **Remarks:** The aim of this Convention is to give the existing instruments which lay down the right to
collective bargaining, and in particular Convention No. 98, greater effect by defining methods for the promotion of this right. In 1987, the Ventejol Working Party classified this Convention in the category of Conventions to be promoted on a priority basis. Since then, the Convention has been ratified by an additional 18 member States bringing the number of ratifications to the current 25. Although there are indications that ratification rate of the Convention might be gaining momentum, the Working Party may still wish to obtain some more information concerning possible obstacles to ratification.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 154 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 154.
b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 154 in due course.

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VII. Conditions of work

20. Conditions of work is a large subject area comprising 26 Conventions subdivided in two sections, wages and general conditions of employment. Wages covers three distinct fields of which one, minimum wage-fixing machinery, is examined here. The examination of the Conventions on minimum wage-fixing was initiated, but not concluded, in November 1996. General conditions of employment comprises six separate fields. The Working Party has already concluded the examination of hours of work and night work. The fields of part-time work and home work consist of recently adopted Conventions only. What remains to be examined are the Conventions concerning weekly rest and paid leave, which are examined below.

Minimum Wage-Fixing Machinery

VII.1. C.26 -- Minimum Wage-Fixing Machinery Convention, 1928

(1) Ratifications:

a. Number of current ratifications: 99.
c. Ratification prospects: since its adoption until 1983, this Convention has received a rather even flow of ratifications. Since then, it has been ratified only by five member States, four of which occurred in 1993. It has been ratified by more than half member States and although it may receive further ratifications, its ratification prospects seem somewhat uncertain.
(2) **Denunciations:**

(a) Pure denunciation: 1

**Ratification Denunciation**

United Kingdom 1929 1985

*Reasons for denunciation:* the terms of the Convention reduce flexibility in this area of great public interest and as a result the Government considers that these provisions are no longer of interest to the United Kingdom.

(b) Automatic denunciations: none.

(3) **Supervisory procedures:** no reports are requested concerning the application of Convention No. 26 from member States which have ratified both Conventions Nos. 26 and 131 without denouncing the former. The Committee of Experts has made comments that were left pending for 55 countries and has received observations from employers' and workers' organizations in Argentina, Colombia, Hungary, India, Italy, New Zealand, Turkey, Guinea, Rwanda, inter alia, on the consultation and participation of employers' and workers' representatives and the factors to be taken into account in fixing minimum wages. In addition, the Conference Committee on the Application of Standards discussed, at recent Conferences, a number of individual cases concerning the application of the Convention. Two representations under article 24 of the Constitution have been examined with regard to Bolivia in 1984 and Paraguay in 1995.

(4) **Need for revision:** Convention No. 26 has not been revised. The Minimum Wage-Fixing Convention (No. 131) was adopted in 1970 to complement Conventions Nos. 26 and 99 which were left open for further ratifications. It could be recalled, as noted in November 1996, that regulations on minimum wages have recently been under criticism by certain groups of economists whose views have been echoed in particular by the Bretton Woods institutions -- the IMF and the World Bank. However, opinions on the subject are divided and these recent trends have not so far led to requests for the revision of Conventions Nos. 26, 99 and 131.

(5) **Remarks:** the examination of this Convention as well as the related Conventions Nos. 99 and 131, was initiated at the previous session of the Governing Body in November 1996. It may be recalled that at a meeting of Experts in 1967 it was stated that Convention No. 131 was intended to supplement rather than replace the existing instruments. The latter could then still be ratified by countries that were not in a position to provide better protection. The range of instruments would enable each country to choose the standards that were best adapted to its possibilities and its level of development. The Ventejol Working Parties of 1979 and 1987 classified Conventions Nos. 26 and 99 in the category of "other instruments" while Convention No. 131 was classified among Conventions to be promoted on a
priority basis. At the time of the 1979 Working Party, the Office recalled the conclusions of the 1967 Meeting of Experts but also underlined that the instruments adopted in 1970 with regard to minimum wages (Convention No. 131 and Recommendation No. 135) represented the principal targets to be achieved at the national level. Thus, even if the ratification of Conventions Nos. 26 and 99 may be an interim target, Convention No. 131 is the latest and most up-to-date standard on the subject. The 1992 General Survey which dealt with Conventions Nos. 26, 99 and 131, did not reveal any special problems as regards the content of the Conventions examined. It may, however, be relevant to note that while all three Conventions for a long period of time received a relatively regular flow of ratifications, there was a noticeable change in 1983. Thereafter all three Conventions have received irregular and few new ratifications, in particular Conventions Nos. 26 and 99. What stands out in the present examination is also the large number of comments by the Committee of Experts that are pending, in particular as regards the present Convention No. 26 and Convention No. 131. In view of the foregoing, the Working Party may wish to recommend to the Governing Body that member States be invited to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 26 and that in the meantime status quo be maintained with respect to this Convention.

(6) Proposals:

- a. The Working Party may wish to recommend to the Governing Body the maintenance of status quo with respect to Convention No. 26.
- b. The Working Party might recommend to the Governing Body that it invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 26.
- c. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 26 in due course.

VII.2. C.99 -- Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951

(1) Ratifications:

- a. Number of current ratifications: 51.
- c. Ratification prospects: since its adoption this Convention received a relatively steady flow of ratifications until 1983. Since then it has received an additional four ratifications, three of which occurred 1993. Although the Convention may receive further ratifications, its prospects seem uncertain.

(2) Denunciations:

- (a) Pure denunciation: 1
United Kingdom 1953 1994

Reasons for denunciation: in view of the fact that their provisions are no longer appropriate for the United Kingdom over the long term, since the legal control of wages and related conditions is not compatible with its efforts to deregulate in this area, the Government intends to denounce Conventions Nos. 99 and 101.

(b) Automatic denunciations: none.

(3) Comments by the Committee of Experts: no reports are requested concerning the application of Convention No. 99 from member States which have ratified Convention No. 99 as well as Conventions Nos. 95 and 131. Comments are pending for 24 countries.

(4) Need for revision: Convention No. 99 has not been revised. The Minimum Wage-Fixing Convention, 1970 (No. 131) was adopted in 1970 to complement Conventions Nos. 26 and 99 which, however, were left open to further ratifications. See further comments made in the case of Convention No. 26.

(5) Remarks: as in the case of Convention No. 26 and for the same reasons, the Working Party may wish to recommend to the Governing Body that member States be invited to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 99 and that in the meantime status quo be maintained with respect to this Convention.

(6) Proposals:

a. The Working Party could recommend the maintenance of the status quo with respect to Convention No. 99.

b. The Working Party might recommend to the Governing Body that it invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 99.

c. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 99 in due course.

VII.3. C.131 -- Minimum Wage-Fixing Convention, 1970

(1) Ratifications:

a. Number of current ratifications: 40.


c. Ratification prospects: the flow of ratifications of this Convention has been rather regular until 1983. In the decade 1983-1992, it attracted only three ratifications. Since then, however, it has received an additional five ratifications and the Convention seems likely to receive further
ratifications.

(2) Denunciations: none.

(3) Supervisory procedures: comments by the Committee of Experts pending for 35 countries. Workers' organizations in Brazil, Costa Rica, Ecuador, Latvia, the Netherlands, Portugal, Spain, France (concerning Guadeloupe), and Sri Lanka have submitted observations to the Committee of Experts. Four representations have been submitted under article 24 of the Constitution with regard to Bolivia, Costa Rica, France and Spain.

(4) Need for revision: this Convention has not been revised. At its adoption it was considered desirable to adopt a new instrument that would supplement Conventions Nos. 26 and 99, ensure the protection of wage earners against unduly low wage levels, and, while being generally applicable, take into account the needs of the developing countries. See also comments made in the case of Convention No. 26.

(5) Remarks: In addition to the remarks made in the case of Convention No. 26, it can be noted that the Ventejol Working Parties of 1979 and 1987 classified Convention No. 131 in the category of instruments to be promoted on a priority basis. It also considered that it provided a valid foundation for national action as well as a ratification target. Further, while Convention No. 131, similarly as Convention Nos. 26 and 99, suffered a hiatus in the flow of ratifications as of 1983, it has received an additional six ratifications since the General Survey in 1992. Its ratification rate remains rather low, however, in comparison with the ratification rates of Conventions Nos. 26 and 99. The high number of pending comments by the Committee of Experts as well as the numerous observations transmitted from workers' organizations are to be noted. These indications also seem to raise some uncertainties as to the continued relevance of Convention No. 131. The Working Party may therefore wish to propose that a request be made for additional information from member States concerning the obstacles and difficulties encountered, if any, that might impede or delay its ratification, to an invitation to ratify Convention No. 131.

(6) Proposals:

a. The Working Party might wish to recommend to the Governing Body that it invite member States to ratify Convention No. 131 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of the Convention.
b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 131 in due course.

Weekly Rest

VII.4. C.14 - Weekly Rest (Industry) Convention, 1921

(1) Ratifications:
a. Number of current ratifications: 114.
c. Ratification prospects: almost every year since its adoption, with few exceptions, this Convention has received additional ratifications. It is one of the most well ratified ILO Conventions. Since 1987, it has received 13 new ratifications and it is likely to receive further ratifications.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for 38 countries and observations have been made by workers' organizations in Argentina, France, New Zealand, and Spain.

(4) Need for revision: although adopted more than 75 years ago, this Convention has not been revised. In neither of the two General Surveys conducted in 1964 and 1984 did the Committee of Experts note any serious difficulties in relation to this Convention. The Office is not aware of any indications that there is any specific need for a revision of this Convention.

(5) Remarks: irrespective of its respectable age, this Convention seems to maintain its relevance and importance. In the course of the Ventejol Working Parties of 1979 and 1987, it was classified in the category of Conventions to be promoted on a priority basis, and in two General Surveys in 1964 and 1984 its relevance and importance was also reaffirmed. In the 1984 General Survey, the Committee of Experts stated that "weekly rest is certainly one of the best observed of workers' rights and a principle which has often been accepted from time immemorial". The Working Party may therefore like to recommend to the Governing Body that it invite member States to ratify Convention No. 14.

(6) Proposals:

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 14 in due course.

VII.5. C.106 - Weekly Rest (Commerce and Offices) Convention 1957

(1) Ratifications:

a. Number of current ratifications: 61.
c. Ratification prospects: the Convention has received a steady flow of ratifications since its adoption. Twelve new ratifications have been registered since 1987 and the Convention is likely to receive further ratifications.
(2) **Denunciations:** none.

(3) **Supervisory procedures:** comments pending for 28 countries including on observations from workers' organizations in France and Sri Lanka. The application of the Convention in the Syrian Arab Republic and in Kuwait has been discussed in the Conference Committee on the Application of Standards in 1988 and 1992, respectively.

(4) **Need for revision:** this Convention has not been revised. In neither of the two General Surveys conducted 1964 and 1984 did the Committee of Experts note any serious difficulties in relation to this Convention, although some difficulties in application were experienced in certain sectors. The Office is not aware of any indications that there is any specific need for a revision of this Convention.

(5) **Remarks:** as noted in relation to the examination of Convention No. 14 above, weekly rest is one of the best observed workers' rights, and the importance of Convention No. 106 has been confirmed by the Committee of Experts in two General Surveys in 1964 and 1984, respectively. In the course of the Ventejol Working Parties of 1979 and 1987 this Convention was classified in the category of Conventions to be promoted on a priority basis. In a 1984 General Survey, the Committee of Experts noted the obstacles to ratification reported by certain member States, particularly in parts of the service sector, but noted also that it expected that the tendency for the weekly rest period not only to increase in length, but also to be extended to new sectors, would continue. Since the General Survey in 1984, the Convention has received an additional 11 ratifications. The Working Party may therefore wish to recommend to the Governing Body that it invite member States to ratify Convention No. 106.

(6) **Proposals:**

a. The Working Party may wish to recommend to the Governing Body that it invite member States to ratify Convention No. 106.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 106 in due course.

**Paid Leave**

**VII.6. C.52 - Holidays with Pay Convention, 1936**

(1) **Ratifications:**

a. Number of current ratifications: 44.


c. Ratification prospects: Convention closed to further ratifications.

(2) **Denunciations:**
(a) Pure denunciations: none.

(b) Automatic denunciations: 11 countries as a result of their ratification of the Holidays with Pay Convention (Revised), 1970 (No. 132).

(3) Supervisory procedures: comments pending for 23 member States including on observations from workers' organizations in Argentina, Ukraine, and New Zealand. Since 1987, the application of this Convention in Burma (now Myanmar), Côte d'Ivoire, the Central African Republic and Morocco has been discussed in the Conference Committee on the Application of Standards.

(4) Need for revision: this Convention has been revised by Convention No. 132 which entered into force 30.06.1973.

(5) Remarks: in the course of the Ventejol Working Parties of 1979 and 1987, this Convention was classified in the category of "other instruments". It was revised in 1970 by the adoption of Convention No. 132. The latter Convention has, however, had difficulties in attracting ratifications and to date, only 11 member States, previously bound by Convention No. 52, which have decided to ratify Convention No. 132. As Convention No. 52 is a revised Convention, the Working Party may wish to recommend to the Governing Body that it invite the States parties to Convention No. 52 to contemplate ratifying the revising Convention No. 132. Given the previous considerations, however, the Working Party may wish to recommend to the Governing Body to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 132. As Convention No. 52 remains in force in relation to a substantial number of countries, and as additional information seems necessary as to the current status of the revising Convention No. 132, it seems premature to consider the shelving of Convention No. 52.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite the States parties to Convention No. 52 to ratify the Holidays with Pay Convention (Revised), 1970 (No. 132) the ratification of which will, ipso jure, cause the immediate denunciation of Convention No. 52, and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 132.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 52 in due course.

VII.7. C.132 - Holidays with Pay Convention (Revised), 1970

(1) Ratifications:

c. Ratification prospects: although the Convention was adopted more than 25 years ago, it has only received 26 ratifications. It has received nine new ratifications since 1987 at the rate of one or two ratifications a year. Although the Convention seems likely to receive further ratifications, there is some uncertainty as to its future prospects.

(2) Denunciations: none.

(3) Supervisory procedures: comments pending for 16 countries including on observations by a workers' organization in Spain. In a case under article 24 of the Constitution alleging non-observance by Portugal of Convention No. 132, a report was adopted in 1985.

(4) Need for revision: this Convention has not been revised, but it revises the Holiday with Pay Convention, 1936 (No. 52) (see, Section VII.6, supra). Since its adoption in 1970, against significant opposition, it has remained poorly ratified. In a 1984 General Survey, the Committee of Experts noted that a number of countries had reported discrepancies between their national legislation and Convention No. 132 which constituted obstacles to ratification. While noting that some of these obstacles were serious impediments to the ratification of the Convention, the Committee was of the opinion that other reported obstacles might be overcome, possibly through the assistance of the Office.

(5) Remarks: the Ventejol Working Party of 1979 classified this Convention in the category of Conventions to be promoted on a priority basis. In a 1984 General Survey, the Committee of Experts noted the obstacles to ratification reported by a number of countries, but also took note of the fact that legislation in more than 60 countries at the time conformed to the standard set by Convention No. 132 as regards the minimum length of holiday with pay. The Committee concluded that it seemed "likely" that this Convention would receive a "number of ratifications". Since then, Convention No. 132 has been ratified by an additional nine member States. The Ventejol Working Party of 1987 maintained the view that Convention No. 132 should be promoted on a priority basis. The Convention continues, however, to have difficulties in attracting ratifications and only 11 of the 55 member States party to Convention No. 52 have decided to ratify the revising Convention No. 132. In view of the foregoing, the Working Party may wish to recommend to the Governing Body to invite member States to ratify this Convention and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 132 or that might point to the need for a full or partial revision of this Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 132 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 132 or that might point to the need for a full or partial revision of this Convention.
b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 132
VII.8. C.140 Paid Educational Leave Convention, 1974

(1) Ratifications:

c. Ratification prospects: since 1987 the Convention has received nine new ratifications of which the five latest were registered 1993. Its ratification rate remains rather low, and although it is likely to receive further ratifications, its prospects for attracting a significant number of ratifications seem doubtful.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for 17 countries including on observations submitted by workers' organizations in Finland and the United Kingdom.

(4) Need for revision: this Convention has not been revised. A General Survey in 1991 noted certain difficulties and obstacles to ratification reported by member States, but according to the Committee of Experts these difficulties could be overcome.

(5) Remarks: Convention No. 140 was adopted in 1974 after considerable discussion. The 1979 and 1987 Ventejol Working Parties both classified this Convention in the category of Conventions to be promoted on a priority basis. In a 1991 General Survey, the Committee of Experts noted the relatively low rate of ratification and stated that economic or financial difficulties were specially important in the application of this Convention, as it contains substantive provisions concerning the financing of the arrangement for the continuing training of workers. In the Survey, the Committee of Experts underscored the promotional, flexible aspects of the Convention. It analysed in detail the reports of different national practices and concluded that this examination "should provide member States with useful indications as to the possible forms of a policy designated to promote, as required by the Convention, the granting of paid educational leave for the purposes indicated, by methods appropriate to national conditions and practice and by stages as necessary." In 1995, the Committee of Experts noted a revival of interest in the instruments on paid educational leave manifested, inter alia, by recent ratifications, breaking a trend since 1983. At the 82nd Session of the Conference 1995, in the Committee on the Application of Standards, the employers' members noted, however, that the global number of ratifications of Convention No. 140 was only 28 and that they considered there were still a considerable number of problems concerning the practical application of this Convention. Based on these considerations, the Working Party may wish to consider recommending to the Governing Body to invite member States to ratify Convention No.140, and to invite member States to inform the Office of
the obstacles and difficulties encountered, if any, that might impede or delay the ratification of Convention No. 140 or that might point to the need for a full or partial revision of this Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 140 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay its ratification or that might point to the need for a full or partial revision of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 140 in due course.

* * *

VIII. Occupational safety and health

21. Of the 20 Conventions in this area, 12 are examined here. Occupational safety and health Conventions are subdivided into three fields. Among the general Conventions, only one, Convention No. 155, is examined here. The other three general Conventions were adopted recently and are not covered by the Working Party's present mandate. Seven Conventions examined concern specific risks, toxic substances and agents. In this domain two Conventions are outside the present mandate of the Working Party. In the field of protection in given branches of activity, four Conventions are examined here, one Convention is outside the present mandate of the Working Party, and two Conventions have already been examined by the Working Party in March 1996.

22. A common feature with respect to the Conventions considered here is that they are not very well ratified. It is therefore frequently proposed to seek additional information regarding the reasons for such ratification rates. With respect to six of the Conventions examined, indications of varying strength have been identified pointing towards a need for a revision. It is proposed to seek additional information in this regard.

23. Another common feature of the Conventions in this area is that they are often very specific and technical. Several Conventions rely on scientific evaluations which evolve over time and which tend to require a concomitant revision or an adjustment of the Conventions. With respect to Conventions Nos. 115 (radiation protection) and 139 (occupational cancer) a special legislative technique has been used permitting a regular updating of the Convention without instituting a formal revision procedure.

General provisions

(1) Ratifications:

a. Number of current ratifications: 27.
c. Ratification prospects: the Convention has received a steady but rather slow flow of ratifications and is likely to receive further ratifications.

(2) Denunciations: none.

(3) Supervisory procedures: comments by the Committee of Experts pending for 12 countries. Workers' organizations in Brazil, Croatia, the Czech Republic, Finland, Spain and Sweden have transmitted observations concerning the application of the Convention. Two representations under article 24 of the Constitution have been submitted and are pending, both with regard to Uruguay. In 1990, the Committee of Experts formulated a general observation noting, inter alia, that from its review of the Governments' reports, the progress towards the implementation of the Convention was slow.

(4) Need for revision: this Convention has not been revised. It is a relatively recently adopted Convention. Although there seems to be some difficulties in attracting ratifications, there are no other specific indications that the Convention might be in need of a revision.

(5) Remarks: at the time of the adoption of Convention No. 155, in 1981, the parties expressed their satisfaction with the Convention noting that it represented a comprehensive and balanced solution to the issues involved. Hopes were expressed that the Convention should be capable of being widely, if not universally, ratified. Since then, however, the Convention has only received a slow, albeit steady, flow of ratifications. The Ventejol Working Party of 1987 placed Convention No. 155 in the category of instruments to be promoted on a priority basis and the continued importance of the Convention was emphasized by the adoption in 1988 at the meeting of the Chemical Industries Committee of a conclusion providing, inter alia, that the ILO should continue its efforts with a view to promoting, in particular, Convention No. 155. In 1994 at the Conference, the employers' members noted, however, that "[...] it is striking that, among the less ratified Conventions are those concerning occupational safety and health - an area which all agree is the ILO's responsibility and in which instruments are generally adopted by a very large majority." In view of the foregoing, the Working Party may wish to invite member States to ratify Convention No. 155 and to invite member States to inform the Office of the obstacles and difficulties encountered in the ratification process.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 155 and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of the Convention.
b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 155.
in due course.

**Protection against specific risks, toxic substances and agents**

**VIII.2. C.13 - White Lead (Painting) Convention, 1921**

(1) **Ratifications:**

a. Number of current ratifications: 61
b. Latest ratifications: Slovakia, Czech Republic and Bosnia and Herzegovina, 1993.

c. Ratification prospects: uncertain. During its 75 years of existence this Convention has attracted a rather uneven flow of ratifications. The bulk of the ratifications were registered before 1979 and in the past ten years, nine ratifications have been registered.

(2) **Denunciations:** none.

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

(4) **Need for revision:** Convention No. 13 has not been revised since its adoption in 1921. In 1988, the Committee of Experts noted in a general paragraph that there were "increasing difficulties encountered in the application of Article 3, paragraph 1 of the Convention", and it called the Governing Body's attention to this fact so that it could examine the necessary measures to resolve these difficulties.

(5) **Remarks:** in the course of the Ventejol Working Parties of 1979 and 1987 Convention No. 13 had been classified as a Convention to be promoted on a priority basis. Based on the evaluation made by the Committee of Experts, it would seem, however, that at least a partial revision of the Convention could be undertaken. Such a revision could take the form of an additional Protocol to Convention No. 13. Prior to recommending any further action with respect to this Convention, the Working Party may therefore wish to recommend that member States be invited to comment on the possible need for a revision of this Convention and, if a revision would be considered appropriate, what form such a revision could take.

(6) **Proposals:**

a. The Working Party might recommend to the Governing Body that member States be invited to inform the Office of the difficulties and obstacles encountered, if any, that might impede or delay the ratification of the Convention or that might point to the need for a full or partial revision of Convention No. 13 and, if appropriate, to indicate the form that such a revision might take, including the possible adoption of a Protocol to Convention No. 13.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 13 in due course.
VIII.3. C.115 - Radiation Protection Convention, 1960

(1) Ratifications:

a. Number of current ratifications: 47.


c. Ratification prospects: this Convention has already received 47 ratifications, but the bulk of the ratifications occurred before 1980. Since 1987 an additional nine ratifications have been registered. The Convention is likely to receive further ratifications, but it seems rather poorly ratified given its subject matter.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: in four successive general observations the Committee of Experts has reviewed the most recent Recommendations of the International Commission on Radiological Protection ("ICRP") and other international instruments. Comments are presently pending for 27 countries, mainly concerning an invitation to member States to implement the 1990 Recommendations of the ICRP (Publication No. 60) and the 1994 International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources. The comments also concern the provision of alternative employment for workers having accumulated doses beyond established values and the level of information provided by governments on protective measures in emergency situations. The comments pending also include observations on the application of Convention No. 115 transmitted by workers' organizations in Ecuador, France and Sri Lanka.

(4) Need for revision: this Convention has not been revised. The Ventejol Working Party proposed a (limited) revision of Convention No. 115 in 1979. In 1987, however, the Ventejol Working Party noted that a subsequent development in the practice of the Committee of Experts had mooted the question of a revision, and concluded, with reference to the activities of the International Atomic Energy Agency, that it did not seem appropriate for the ILO to adopt any further revised standards concerning ionising radiation. It would seem that the legislative technique in article 6, paragraph 1 of Convention No. 115, to provide that the "maximum permissible doses and amounts [of ionising radiation] shall be kept under constant review in the light of current knowledge" has limited the needs to revise the Convention in this respect. In assessing member State compliance with this article, the Committee of Experts has regularly referred to current knowledge as embodied in the ICRP Recommendations and other international instruments based on the same Recommendations.

(5) Remarks: the Ventejol Working Parties of 1979 and 1987 classified Convention No. 115 in the category of Conventions to be promoted on a priority basis. Furthermore, as observed by the Committee of Experts in its 1995 general observation, the disaster which occurred in the atomic plant of Chernobyl and its after-effects had clearly shown the necessity of genuine international cooperation in this domain. In view of the foregoing, the Working Party may wish to invite member States to ratify Convention No.
115 and invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of the Convention.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify the Radiation Protection Convention, 1960 (No. 115) and to inform the Office of the obstacles and difficulties encountered, if any, that might impede or delay the ratification of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 115 in due course.

VIII.4. C.119 - Guarding of Machinery Convention, 1963

(1) Ratifications:


c. Ratification prospects: since its adoption and until 1977 this Convention has received a steady flow of ratifications. In the decade 1977 - 1987 only one new ratification was registered. Since 1987, however, an additional 12 new ratifications can be noted. The Convention is likely to receive further ratifications.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments by the Committee of Experts pending for 27 countries containing observations made by workers' organizations in Finland, Guatemala, Italy, and Latvia. With respect to Cyprus the Committee of Experts observes "with satisfaction the adoption of certain laws giving effect to the Convention".

(4) Need for revision: this Convention has not been revised. In a 1987 General Survey, however, the Committee of Experts noted that there seemed to be technical difficulties in the implementation of the Convention and that existing national legislation tended to be more general in scope than the provisions of the Convention. It further noted that one of the problems in the full application of Convention No. 119 in ratifying countries had been the implementation of the rather complex provisions preventing dangerous machinery from reaching users. In the discussion of the General Survey at the Conference, members in the Committee on the Application of Conventions and Recommendations stressed the importance of the related issue concerning safety in the international transfer of machinery and technology and one Government representative suggested the adoption of a protocol to Convention No. 119 on that issue.
(5) **Remarks:** the Ventejol Working Parties of 1979 and 1987 classified Convention No. 119 in the category of instruments to be promoted on a priority basis. As mentioned above, the Committee of Experts noted in the 1987 General Survey that there seemed to be certain difficulties in the application of the Convention. It concluded, however, that Convention No. 119 retained its full value as a guide for national action in this field, although it had been adopted some time ago. It should be noted, that since the General Survey Convention No. 119 has been ratified by 12 additional countries. On balance, the Working Party may wish to recommend to the Governing Body to invite member States to ratify the Convention and to clarify the present situation with respect to the Convention.

(6) **Proposals:**

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 119 and to inform the Office of the obstacles and difficulties, if any, that might impede or delay its ratification or that might point to the need for a full or partial revision of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 119 in due course.

**VIII.5. C.127 - Maximum Weight Convention, 1967**

(1) **Ratifications:**


c. Ratification prospects: Only three ratifications have been registered since 1987 and the prospects for further ratifications seem rather poor.

(2) **Denunciations:** none.

(3) **Supervisory procedures:** comments left pending for 17 countries including on an observation by a workers' organization in Turkey. The comments from the Committee of Experts seem to reveal that several State parties to the Convention experience difficulties in the application of the Convention. A few individual cases have been discussed by the Conference Committee on the Application of Standards, Algeria and Tunisia in 1987 and Madagascar in 1992.

(4) **Need for revision:** this Convention has not been revised. Three main factors seem to point towards a need for a revision. One is the difficulties in application reported by the Committee of Experts. A second is that the Convention seems to require adaptation to modern technology and research. Already in 1987, in the context of the Ventejol Working Party, it was suggested to review the standards concerning maximum weight by referring to recent research on lifting techniques. A third factor which tends to place this Convention among the outmoded Conventions in the area of occupational safety and health, is that the modern trends seem to be to favour a preventive and individual risk-assessment approach.
(irrespective of gender and age) rather than an approach based on predetermined fixed safety limits as contained in article 3 of Convention No. 127. The lack of agreement on any specific maximum weights that can safely be lifted and carried by adult or young workers, and by men or women was highlighted in a technical background paper considered at the 1989 Meeting of Experts on "Special protective measures for women and equality of opportunity and treatment". (73)

(5) Remarks: in the course of the Ventejol Working Parties of 1979 and 1987, this Convention was classified in the category of Conventions to be promoted on a priority basis. In 1987, Convention No. 127 was ratified by 21 member States and since then it has only received a further three ratifications. For reasons examined, there are indications that a need to revise this Convention has emerged since 1987. For these reasons, the Working Party might wish to recommend to the Governing Body to invite member States to ratify the Convention and to clarify the present situation with respect to its revision.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 127 and to inform the Office of the obstacles and difficulties, if any, that might impede or delay its ratification or that might point to the need for a full or partial revision of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 127 in due course.

VIII.6. C.136 - Benzene Convention, 1971

(1) Ratifications:

a. Number of current ratifications: 34.


c. Ratification prospects: this Convention has an uneven record of ratifications. Until the 1980s, it often received several ratifications per year. In 1983-1990 it received no ratifications and since then it has received an additional nine ratifications at the approximate rate of one a year. It seems likely that it will receive further ratifications, but additional information regarding possible obstacles to ratification or need for revision seems to be required.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for 17 countries. A workers' organization in Spain has submitted observations on the application of the Convention.

(4) Need for revision: this Convention has not been revised. However, in the course of the Ventejol Working Party of 1987, a revision of Convention No. 136 was suggested in order to extend its scope to
products having a benzene content lower than 1 per cent. Further, in 1988, a meeting of the Chemical Industries Committee concluded, inter alia, that an updating of the exposure limit value listed in Article 6 of the Convention was called for, as this limit "[...] is far in excess of the internationally accepted limit". However, a revision of Convention No. 136 has yet to be proposed to the Governing Body. (5) Remarks: in the course of the Ventejol Working Parties of 1979 and 1987 this Convention was classified in the category of Conventions to be promoted on a priority basis. The recently adopted Chemicals Convention No. 170 provides a general framework for the more specific Convention No. 136, but the latter Convention retains its importance, inter alia, in that it determines, in article 6, a specific limit value for permissible benzene contents. It would appear, though, that this article 6 is in need of revision in order to adjust it to currently internationally accepted limits and the Working Party may therefore wish to recommend that this Convention be revised. Such a revision could take the form of an additional Protocol to Convention No. 136. Prior to recommending any further action with respect to this Convention, the Working Party may wish to recommend that member States should express an opinion on the possible need for a revision of this Convention and, if a revision would be considered appropriate, the form that such a revision could take.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that member States inform the Office of the difficulties and obstacles encountered, if any, that might impede or delay the ratification of the Convention or that might point to the need for a full or partial revision of Convention No. 136 and, if appropriate, inform the Office of the form that such a revision a might take, including the possible adoption of a Protocol to Convention No. 136.
b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 136 in due course.

VIII.7. C.139 - Occupational Cancer Convention, 1974

(1) Ratifications:

a. Number of current ratifications: 32.
c. Ratification prospects: this Convention was adopted over 20 years ago. It has, however, failed to receive a significant number of ratifications. Although it is a Convention likely to receive further ratifications, some additional information on possible obstacles to ratification may be called for.

(2) Denunciations: none.

(3) Supervisory procedures: comments by the Committee of Experts pending for four countries. In its comments the Committee of Experts has frequently invited member States to take into account the
guidelines contained in the ILO publication *Occupational Safety and Health Series No. 39* (Occupational Cancer: Prevention and Control). Workers' organizations in Finland and Italy have submitted observations concerning the application of the Convention. The Conference Committee on the Application of Standards has on three occasions (1989, 1991 and 1992) discussed individual cases concerning the application of the Convention.

(4) **Need for revision:** this Convention has not been revised. In a general observation formulated in 1992, and with reference to article 2 of the Convention, the Committee of Experts referred directly to its analysis of the recent findings of the International Commission on Radiological Protection (ICRP) in its general observation in relation to Convention No. 115 of the same year. Similarly as in the case of Convention No. 115, this Convention prescribes in article 2, paragraph 2 limits for exposure to carcinogenic substances that are to be "reduced to the minimum compatible with safety". This legislative technique allows for a constant review of permissible limits without revising the Convention as such. The Office has noted no request for revision of this Convention.

(5) **Remarks:** in the course of the Ventejol Working Parties of 1979 and 1987 this Convention was classified in the category of Conventions to be promoted on a priority basis. It is, however, a Convention which remains rather poorly ratified. In view of the foregoing, the Working Party may wish to invite member States, if appropriate, to ratify Convention No. 139 and to invite them to inform the Office of the obstacles and difficulties, if any, that might impede or delay the ratification of the Convention.

(6) **Proposals:**

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 139 and to inform the Office of the obstacles and difficulties, if any, that might impede or delay the ratification of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 139 in due course.


(1) **Ratifications:**

a. Number of current ratifications: 39.


c. Ratification prospects: from its adoption until the 1987 General Survey this Convention had been ratified by only 18 member States. Since then, however, it has more than doubled its ratification rate and it is likely to receive further ratifications.

(2) **Denunciations:** none.

(3) **Comments by the Committee of Experts:** comments by the Committee of Experts left pending for 29
countries containing observations by workers' organizations in Brazil, Costa Rica, Ecuador, Finland and Italy, as well as two employers' organizations in Finland. The comments by the Committee of Experts concerned a very wide variety of issues, frequently of a technical nature, of relevance to the application of the Convention.

(4) Need for revision: this Convention has not been revised. The 1987 General Survey did not reveal any needs for revision of the Convention. It would seem, rather, that there is a need to develop further criteria for the technical application of the Convention. A recent proposal has been submitted to consider a draft code of practice covering all types of air pollutants and other ambient factors in the working environment, such as noise, vibrations, temperature, humidity, illumination and radiations intended to contribute to the implementation of the general provisions of Convention No. 148. (77)

(5) Remarks: the Ventejol Working Parties of 1979 and 1987 classified this Convention in the category of instruments to be promoted on a priority basis. The need for promotion of the Convention was further emphasized in the 1987 General Survey. (78) The Committee of Experts noted that most governments had not yet paid sufficient attention to the subjects covered by Convention No. 148. Few governments had adopted a cohesive system of protection against air pollution in the working environment, even fewer had adopted measures concerning noise, and very few indeed had done anything about vibration. The Committee of Experts also noted that the considerable flexibility allowed by the Convention had been used very little by ratifying States and indicated that by a closer comparison of national law with the possibilities of flexibility offered, more countries might be able to ratify Convention No. 148. It would seem that the clarifications contained in the General Survey eased the concerns of several countries, as an additional 21 countries have ratified Convention No. 148 since 1987, but, as the comments by the Committee of Experts seem to indicate, technical aspects of the application of the Convention may require further clarifications. In light of the foregoing the Working Party may wish to recommend to the Governing Body to invite to member States to ratify the Convention and provide the Office with additional information that might impede or delay its ratification.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 148 and to inform the Office of the obstacles and difficulties, if any, that might impede or delay its ratification or that might point to the need for a full or partial revision of the Convention.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 148 in due course.

Protection in Given Branches of Activity

VIII.9. C.27 - Marking of Weight (Packages Transported by Vessels) Convention, 1929

(1) Ratifications:
a. Number of current ratifications: 63.
c. Ratification prospects: this Convention is a well ratified Convention, but its flow of ratifications has been uneven. Since 1977 this Convention has been ratified by 11 member States, but only two ratifications occurred in the period 1977-1991. Nine new ratifications have been registered since 1991. It seems likely that this Convention will receive further ratifications.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for six countries including, inter alia, reiterated requests for a response to the general observation formulated by the Committee of Experts in 1991.

(4) Need for revision: this Convention has not been revised. In the course of the 1987 Ventejol Working Party, however, one Government representative proposed a revision of this Convention in order to take account of the increasing use of modern techniques of container transport. This proposal caused the Committee of Experts to formulate a general observation in 1987 requesting additional information on the manner in which the Convention was applied to containers. In a subsequent general observation in 1991 the Committee of Experts noted that, in fact, there seemed to be considerable difficulties in applying the Convention to containers and that it was desirable that Convention No. 27 be revised "with a view to ensuring the safe handling of containers". In a direct request to the Netherlands in 1992, the Committee of Experts noted that the Government underscored that the Convention was out of date and ought to be revised. The Committee of Experts expressed its support for this statement with reference to the replies by many other governments. Subsequently work for the revision of the Convention was undertaken and a proposal to include a revision of Convention No. 27 among proposed items for the Governing Body to consider for the agenda of the International Labour Conference in 1994 was raised. This proposal was, however, not retained.

(5) Remarks: this Convention was adopted in 1929 at a time when substantially different transportation techniques were in use. The continued importance and relevance of the Convention was confirmed, however, in the course of the Ventejol Working Parties of 1979 and 1987 which both decided to classify this Convention in the category of Conventions to be promoted on a priority basis. Since then, however, the question of safe handling of containers has emerged as a question which would require regulation and this question has been raised as a justification for a revision of Convention No. 27. As the reasons invoked for a revision do not seem to be directed at the content of the Convention but rather at its (limited) scope of application, an additional Protocol to the Convention concerning the safe handling of containers could be envisaged. Prior to recommending an further action with respect to this Convention, the Working Party may therefore wish to recommend that member States could comment on the possible need for a revision of this Convention and, if a revision would be considered appropriate, which form such a revision could take.
(6) Proposals:

a. The Working Party might recommend to the Governing Body that member States inform the Office of the difficulties and obstacles encountered, if any, that might impede or delay the ratification of the Convention or that might point to a need for a full or partial revision of Convention No. 27 and, if appropriate, inform the Office of the form that such a revision might take, in particular the possible preparation of a Protocol to Convention No. 27.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 27 in due course.

VIII.10. C.32 - Protection against Accidents (Dockers) Convention (Revised), 1932

(1) Ratifications:

a. Number of current ratifications: 34 (82).

b. Latest ratifications: Bosnia and Herzegovina and Tajikistan, 1993. (83)

c. Ratification prospects: Convention closed to any further ratification.

(2) Denunciations:

(a) Pure denunciations: none.

(b) Automatic denunciations: ten denunciations following the ratification of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152).

(3) Comments by the Committee of Experts: comments pending for nine countries including on an observation from a workers' organization in New Zealand.

(4) Need for revision: this Convention has been revised by Convention No. 152.

(5) Remarks: the Working Party has already examined international labour standards concerning the protection of dock workers against accidents in relation to the consideration of Conventions Nos. 28 and 152 in March 1996. (84) Convention No. 32 constitutes an early revision of Convention No. 28 and both Conventions have, in turn, been revised by Convention No. 152. As a result of the examination in March 1996, the Governing Body decided to shelve Convention No. 28 with immediate effect and to invite the States, parties to Convention No. 28, to contemplate ratifying Convention No. 152. In the course of the examination of Convention No. 152, it was noted that Convention No. 152 had failed to attract a significant number of ratifications. Although the Governing Body decided to promote the ratification of Convention No. 152, as it contains the most up-to-date provisions on the subject, it decided at the same time to request additional information from member States in view of the low ratification rate of Convention No. 152. The Convention presently examined, No. 32 still binds 34 member States and does...
therefore seem to maintain at least an interim value for these countries. Further, in almost twenty years, only ten States parties to Convention No. 32 have decided to opt for a ratification of the revising Convention No. 152. In view of the foregoing the Working Party may wish to recommend that the Governing Body invites the States parties to Convention No. 32 to ratify Convention No. 152 and to consider the status of Convention No. 32 as well as the possibilities for shelving this Convention when the circumstances so permit in the light of the information received pursuant to the Governing Body decision concerning Convention No. 152.

(6) Proposals:

a. The Working Party might recommend that the Governing Body invite the States parties to Convention No. 32 to ratify the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), the ratification of which, ipso jure, will cause the immediate denunciation of Convention No. 32.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 32 (including the possibility of shelving, when appropriate) in due course, in light of the information received pursuant to the Governing Body request for information concerning Convention No. 152.


(1) Ratifications:


c. Ratification prospects: Convention closed for further ratification.

(2) Denunciations:

(a) Pure denunciations: none.

(b) Automatic denunciations: 6, following the ratification of the Safety and Health in Construction Convention, 1988 (No. 167). (85)

(3) Supervisory procedures: comments pending for 14 countries, including on observations submitted by workers' organizations in Finland, France, and the Netherlands. At its November 1996 session, the Governing Body adopted the report of the Committee set up to examine the representation made under article 24 of the ILO Constitution, alleging non-observance by Uruguay of various Conventions, including Convention No. 62.

(4) Need for revision: this Convention has been revised by Convention No. 167.
(5) Remarks: in the course of the Ventejol Working Parties of 1979 and 1987 this Convention was classified in the category of Conventions to be revised. Since then the Convention has been revised by Convention No. 167. During the course of the adoption of Convention No. 167, Government as well as workers' and employers' representatives seemed to be in agreement that Convention No. 167 should be able to be widely ratified. As of 31.12.1996, it has received a total of 12 ratifications. In view of the foregoing, the Working Party may wish to accompany an invitation to member States who have ratified Convention No. 62 to ratify Convention No. 167 with a request for information of the difficulties, if any, which might impede the ratification of Convention No. 167. The Working Party may thus wish to defer the decision to shelve Convention No. 62 to a later stage.

(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite the States parties to Convention No. 62 to ratify the Safety and Health in Construction Convention, 1988 (No. 167), the ratification of which, ipso jure, will cause the immediate denunciation of Convention No. 62, and to invite member States to inform the Office of the obstacles and difficulties, if any, that might impede or delay the ratification of Convention No. 167.

b. The Working Party (or the LILS Committee) could defer the decision to shelve Convention No. 62 to a later date, and re-examine the status of this Convention in due course.

VIII.12. C.120 - Hygiene (Commerce and Offices) Convention, 1964

(1) Ratifications:

a. Number of current ratifications: 49.


c. Ratification prospects: this Convention has received nine new ratifications since 1987 and is likely to receive further ratifications.

(2) Denunciations: none.

(3) Comments by the Committee of Experts: comments pending for 19 countries, including on observations from a workers' organization in Costa Rica.

(4) Need for revision: this Convention has not been revised and the Office has noted no indication that would point to such a need.

(5) Remarks: in the course of the Ventejol Working Parties of 1979 and 1987 this Convention was classified in the category of Conventions to be promoted on a priority basis. In view of the foregoing, the Working Party may wish to invite member States to ratify Convention No. 120.
(6) Proposals:

a. The Working Party might recommend to the Governing Body that it invite member States to ratify Convention No. 120.
b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 120 in due course.

* * *

IX. Employment of children and young persons

24. In this subject area, the Working Party has only initiated its examination. This area is divided in three fields. The examination of the minimum age and night work Conventions was initiated at the March session 1996.\(^{(86)}\) Two Conventions concerning night work will be examined here. The remaining Conventions in this subject area are to be examined at a future session of the Working Party.

25. The examination of the two Conventions in this section was initiated, but not concluded at the November session 1996 of the Working Party. As a revision of "the provisions of Convention No. 79, and possibly of other instruments on the night work of young persons"\(^{(87)}\) already has been approved it remains to be decided whether Conventions Nos. 6 and 90 are to be included in this revision. The Working Party may also wish to seek some additional information concerning the form a possible revision should take.

Night Work

IX.1. C.6 -- Night Work of Young Persons (Industry) Convention, 1919

(1) Ratifications:

a. Number of current ratifications: 51.
c. Ratification prospects: minimal. It has received four ratifications in the past twenty years. This Convention has been partially revised by the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) but it was not closed to further ratification. It was adopted before the introduction of the final articles providing, in the absence of a decision to the contrary by the Conference, for the closure of the Convention to further ratification upon the adoption of a revising Convention and the automatic denunciation of the original Convention upon the ratification by one State of the revising Convention.

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

Ratification Denunciation
United Kingdom 1921 1947

*Reasons for denunciation:* not given.

(b) Other denunciations: eight States have denounced Convention No. 6 and subsequently ratified Convention No. 90.

(3) *Comments by the Committee of Experts:* no reports are requested concerning the application of Convention No. 6 from member States which have ratified both Conventions Nos. 6 and 90 without denouncing the former. Comments by the Committee of Experts are pending for 13 countries.

(4) *Need for revision:* this Convention has been partially revised by Convention No. 90. In the course of the Ventejol Working Party of 1987 it was stated that consideration should be given to "the adoption of new instruments on night work of young persons which would be of general scope and replace all existing instruments applicable to particular sectors of economic activity" and that "this would correspond to the action taken in respect of minimum age".

(5) *Remarks:* the Working Party initiated the examination of this Convention at its November Session 1996. The Ventejol Working Parties of 1979 and 1987 both classified Convention No. 6 in the category of "other instruments", while at the same time suggesting a possible revision of this Convention by reference to proposals to adopt new more general standards either on night work or on night work of young persons. Since then, the Night Work Convention, 1990 (No. 171) has been adopted which contains protective measures for night work in general but no specific provisions aimed at young persons. In the course of the work of the present Working Party, the Governing Body has already taken the view that an updating of standards concerning night work by young persons has become due. It may be added that such an updating could be seen as a complement to the current actions by the ILO in the field of child labour, which include a proposal for the adoption of new instruments for discussion by the Conference in 1998. Based on the foregoing, the Working Party may wish to recommend to the Governing Body to contemplate the revision of this Convention which could take the form of the adoption of a Protocol to the Night Work Convention, 1990 (No. 171).

(6) *Proposals:*

a. The Working Party might recommend to the Governing Body that it contemplate the revision of the Conventions on the night work of young persons, and include Convention No. 6 in its examination, and that the Governing Body draw up recommendations on the form that such a
revision might take, in particular the possible preparation of a Protocol to the Night Work Convention, 1990 (No. 171), that would deal with the specific conditions of night work for children and young persons.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 6 in due course.

IX.2. C.90 -- Night Work of Young Persons (Industry) Convention (Revised), 1948

(1) **Ratifications:**

a. Number of current ratifications: 49.


c. Ratification prospects: this Convention has received nine ratifications since 1985 and seems likely to receive further ratifications.

(2) **Denunciations:** none.

(3) **Comments by the Committee of Experts:** comments pending for 14 countries.

(4) **Need for revision:** this Convention has not been revised. It revises partially the Night Work of Young Persons (Industry) Convention, 1919 (No. 6). A revision of this Convention, as well as the related Convention No. 6, was suggested by the both Ventejol Working Parties although this Convention was classified in the category of instruments to promote on a priority basis. The suggestion formulated by the Ventejol Working Party in 1987 was that consideration should be given to "the adoption of new instruments on night work of young persons which would be of general scope and replace all existing instruments applicable to particular sectors of economic activity" and that "this would correspond to the action taken in respect of minimum age".

(5) **Remarks:** the Working Party initiated the examination of this Convention at its November Session 1996. Based on the foregoing, and for the same reasons as invoked in relation to the examination of Convention No. 6 above, the Working Party may wish to recommend to the Governing Body to contemplate the revision of this Convention. Similarly as suggested in the context of the examination of Convention No. 79, such a revision could take the form of a Protocol added to the Night Work Convention, 1990 (No. 171).

(6) **Proposals:**

a. The Working Party might recommend to the Governing Body that it contemplate the revision of the Conventions on the night work of young persons, in particular Convention No. 90, and that the Governing Body draw up recommendations on the form that such a revision might take, in particular the possible preparation of a Protocol to the Night Work Convention, 1990 (No. 171),
that would deal with the specific conditions of night work for children and young persons.

b. The Working Party (or the LILS Committee) could re-examine the status of Convention No. 90 in due course.

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X. Final remarks

26. On the basis of the case-by-case examination of the Conventions and of the proposals set out above, the Working Party is invited to make recommendations to the LILS Committee. These proposals can be recapitulated as follows:

a. Proposals for revision have been considered in respect of thirteen Conventions. Two of these proposals are firm (Conventions Nos. 6 and 90) and eleven are tentative, depending on further information from member States (Conventions Nos. 13, 27, 119, 127, 132, 136, 140, 141, 148, 156, and 158).

b. Promotion of revising Conventions linked to denunciations of initial Conventions has been proposed in four cases. Thus the ratification of Conventions Nos. 152 (revising No. 32), 132 (revising No. 52), 167 (revising No. 62) and 160 (revising No. 63) is proposed. To these Conventions is to be added Convention No. 11, in which case the ratification of Convention No. 87 is proposed.

c. Promotion of up-to-date Conventions is proposed in the case of thirteen Conventions (Nos. 14, 106, 115, 120, 131, 135, 139, 142, 150, 151, 154, 155 and 159.)

d. Three Conventions are, under certain conditions, proposed for shelving, namely Conventions Nos. 32, 62 and 63. No proposals have been made for the abrogation of Conventions.

e. As regards Conventions Nos. 2, 26, 99 and 117 the maintaining of status quo is proposed. With respect to Convention Nos. 26 and 99 additional information is requested.

Forthcoming meetings of the Working Party

27. At the next meeting in November 1997, the Working Party could examine the need for revision of those Conventions which remain to be examined within the terms of reference of the Working Party. These would relate to some twenty-five Conventions in the following subject areas: social security, employment of children and young persons, indigenous and tribal peoples, and, among other special categories, Conventions concerning fishermen, dockworkers and nursing personnel.

28. As regards the maritime Conventions, a document including a proposal for a procedure for examining the need for revision of these Conventions, taking into account the specific nature of this economic sector, will be submitted to the Working Party for consideration in November 1997.

29. At such time as the Working Party will have concluded its case-by-case examination of Conventions, it may wish to undertake an examination of other questions within its terms of reference.
these questions concern the methods of revision of international labour standards. The pertinent section of the terms of reference of the Working Party is reproduced below. It may be recalled that the LILS Committee initiated a consideration of certain aspects of this issue at its March-April 1995 session, including, inter alia, the question of the advantages and disadvantages of a total revision of Conventions, the possibilities for partial revisions of Conventions by way of additional protocols, as well as procedures set up or envisaged to facilitate the revision of Conventions. If the Working Party so wishes, the Office could prepare a document that would analyse the different methods for revision that have been at the disposal to the Organization until now and that it could avail itself of in the future.

30. The Working Party has focused its initial attention on the needs for revision of Conventions, setting aside, for the time being, the examination of Recommendations. These should, however, also be considered in the present context. It could be envisaged to review all Recommendations in light of the decisions already taken with respect to their corresponding Conventions in order to identify which Recommendations would require a closer scrutiny, possibly on a case-by-case basis. Given that the tentative list of agenda items for the Working Party for its November 1997 session already seems rather long, the Office proposes to postpone the consideration of Recommendations until March 1998, and to prepare a document on this issue for such time, should the Working Party so decide.

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


2. GB.268/LILS/WP/PRS/2: Follow-up on the recommendations of the Working Party, Appendix I.

3. A decision to shelve a Convention amounts to no longer requesting detailed reports and to ceasing to publish such a Convention in the documents, studies and research papers of the ILO. Shelving leaves, however, intact the right to invoke provisions relating to representations and complaints, under Articles 24 and 26 of the Constitution, and allows employers' and worker's organizations to continue to make comments in accordance with the regular supervisory procedures, and the Committee of Experts to revise these comments and to request, where necessary a detailed report.

4. Conventions Nos. 87 and 98, 29 and 105, 100 and 111, see GB.264/LILS/WP/PRS/1, paras. 32-33, and GB.264/9/2 para. 16.

5. GB.267/LILS/WP/PRS/2, VIII.3.
6. This reflects the situation at 31.12.1996. Ratifications that were subsequently replaced by denunciations were not taken into account.

7. The denunciations of international labour Conventions by member States and their reasons for doing so, when given, are quoted in full in the *Official Bulletin*.

8. It should be remembered that the Ventejol Working Parties of 1979 and 1987 had classified international labour standards into four categories: (1) instruments for promotion on a priority basis; (2) instruments for revision; (3) other existing instruments; and (4) subjects for new standards. The purpose of the first category was to identify the modern instruments that constituted useful objectives on a universal basis. The instruments that could not be classified in this category or in that of "instruments to be revised" were placed in the category of "other instruments". The latter category thus comprised three kinds of Conventions: those that constituted useful interim targets for States that were not in a position to ratify the more recent instruments, the old Conventions and Conventions that were extinct (Final report of the Working Party on International Labour Standards, in *Official Bulletin*, Vol. LXII, 1979, Series A, special number, paras. 3-9, and Final report of the Working Party on International Labour Standards, ibid., Vol. LXX, 1987, Series A, paras. 2-4).

9. Bahamas, Brazil, Chile, China, Fiji, India, Iraq, Kenya, Malawi, Malaysia (Sarawak and Peninsular), Mauritius, Morocco, New Zealand, Papua New Guinea, Singapore, Solomon Islands, United Republic of Tanzania, Uganda, and Zaire.

10. A resolution was adopted calling for member States to ratify "existing Conventions concerning fundamental human rights" including Convention No. 87 and to consider the ratification and implementation of Conventions that "are of particular significance to the agricultural sector" including, inter alia, Convention No. 11. *Resolution concerning the Conventions relating to fundamental human rights and other Conventions that are of major importance to agriculture*. TMAWW/1996/14, para. 1 (a) and (b).

11. Considered in the context of comments made concerning Conventions Nos. 87 and 98.

12. In their comments, the Committee of Experts noted the conclusions of the Committee on Freedom of Association in Cases Nos. 1810 and 1830 (303rd Report of the Committee, approved by the Governing Body at its 265th Session (March 1996)) concerning the alleged non-observance by Turkey of Convention No. 87.


15. Six States (Afghanistan, Brazil, El Salvador, India, Kenya, the Philippines), parties to Convention No. 141, have not ratified Convention No. 87.

16. Seven States (Afghanistan, El Salvador, India, Mexico, Switzerland, Uruguay and Zambia), parties to Convention No.141 have not ratified Convention No. 98.

17. Resolution concerning the Conventions relating to fundamental human rights and other Conventions that are of major importance to agriculture. TMAWW/1966/14.


20. *Workers with family responsibilities*, General Survey on the application of the Workers' with Family Responsibilities Convention (No. 156) and Recommendation (No. 165).


22. In addition to the six Conventions on basic human rights, the four priority Conventions, Conventions Nos. 81, 129, 122 and 144, are not examined by the Working Party.

23. The Fee-Charging Employment Agencies Convention, 1933, (No. 34) was shelved in March 1996, and in November 1996 it was decided to maintain the status quo with respect to the Employment Service Convention, 1948 (No. 88), and to re-examine the status of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) in light of the work of the Conference in 1997.

24. As of 31 December 1996, this concerned 25 member States. Hungary has also ratified both Conventions. The ratification by Hungary of Convention No. 88 was, however, registered recently and the Office has not yet received the first report from Hungary on the application of Convention No. 88.

25. GB.267/LILS/4/2, at paras. 8-11.


30. The Act of denunciation was registered on 20.11.1996 and will take effect 21.11.1997.


33. Convention No. 82 was considered by the Working Party in March and November 1996. In March 1996, the Working Party agreed to postpone examination of, inter alia, Convention No. 82 to its next session (see GB.265/LILS/5). The decision taken in November 1996 was that the Office should enter into consultation with the four States party to Convention No. 82 in order to determine whether or not its provisions are being applied in the framework of other Conventions in the non-metropolitan territories concerned and that a decision regarding the shelving of Convention No. 82 be deferred pending receipt of the relevant information from the Office on the results of its consultation. GB.267/LILS/4/2(Rev.), para. 66 (appended to GB.267/9/2).

34. International Labour Conference, *Record of Proceedings*, ILO, Geneva, 1962, pp. 814-816. It should be noted that Convention No. 117 does not close Convention No. 82 to further ratifications, and a ratification of Convention No. 117 does not entail a denunciation of Convention No. 82.

35. GB.204/PFA/11/14, paras. 13.3 and 13.4.

36. GB.265/LILS/5, para- 46 and 72.

37. The Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No 144).


39. In a paragraph to the 1991 General Report of the Committee of Experts concerning the application of Convention No. 150, paras. 54-55.

40. Six of these comments are addressed to member States which have subsequently denounced Convention No. 63 by ratifying Convention No. 160.
41. Of the latest ten ratifications of Convention No. 160, seven States were previously parties to Convention No. 63.

42. Cases Nos. 1099, 1255, 1389, 1448, 1576 and 1680.

43. GB.267/LILS/4/2, paras 15-18.

44. The Part-Time Work Convention, 1994 (No. 175) and the Home-Work Convention, 1996 (No. 177).

45. This concerned 30 member States as at 31.12.1996.

46. GB.267/LILS/4/2 paras. 15-18.


48. As of 31 December 1996 this concerned 15 member States.


50. Ibid., paras. 183-190.

51. These three ratifications result from state succession and were registered after the closure to further ratifications of Convention No. 52.

52. Convention No. 132 had 26 current ratifications as at 31 December 1996.

53. The votes cast were 295 votes in favour, 43 against (38 abstentions).


56. International Labour Conference, 1995, Record of Proceedings, Provisional Record No. 24, p. 24/13,
57. The Occupational Health Services Convention, 1985 (No. 161), the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Safety and Health in Mines Convention, 1995 (No. 176).

58. The Asbestos Convention, 1986 (No. 162) and the Chemicals Convention, 1990 (No. 170).

59. The Safety and Health in Construction Convention, 1988 (No. 167).

60. The Protection against Accidents (Dockers) Convention, 1929 (No. 28) and the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 32), see GB.265/LILS/WP/PRS/1 paras. III.8 and V.9 and GB.265/LILS/5, paras. 42 and 71.

61. The Workers' adviser, Netherlands, (Vice-Chairman of the Committee), stated that the proposed Convention was "widely applicable and should therefore be ratified and progressively implemented in both developing and industrialized countries". The Employers' representative (Vice-Chairman of the Committee), expressed the hope that the proposed Convention would be capable of "universal ratification". The Government adviser, Poland (Chairman of the Committee), referred to the Convention as a "model and realistic document". The Employers' adviser of the United States voiced, however, a strong opposition to the content of Articles 11, 16 and 21. International Labour Conference, Record of Proceedings, Sixty-seventh Session, 1981, pp. 30/1-5.

62. Conclusions (No. 62) concerning the impact of new technology on safety and health protection in the chemical industries, Chemical Industries Committee, Tenth Session, IC/CI/10/17, para. 34 p. 63.


66. In its general observation of 1992, the Committee of Experts formulated a detailed analysis of Recommendation No. 62 of the ICRP and in 1995 the Committee of Experts noted that the 1994 "International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources", jointly sponsored by the IAEA, the ILO, the Nuclear Energy Agency of the OECD and the WHO, in conjunction with the FAO and PAHO, maintained the low dose limits recommended in the ICRP Recommendation No. 62.

67. The Government Representative of the United States declared that its Government was in favour of extending the applicability of Convention No.115 to include nuclear radiation and to devices generating...
ionising radiation.


75. IC/CI/10/17 Conclusions (No. 62) concerning the Impact of New Technology on Safety and Health Protection in the Chemical Industries, para 35 p. 67.

76. Entered into force 4.11.1994. As of 31.11.1996 ratified by five member States (Mexico, Sweden, Norway, Colombia, and China).

77. The code of practice was due to be discussed at a Meeting of Experts proposed to be held during the biennium 1996-97. For financial reasons this proposal could not be retained, but is to be reconsidered for the 1998-99 biennium.


81. In the course of the 253rd Session of the Governing Body (May-June 1992), the representative of the Government of Germany regretted that the proposal was not retained, as the Convention constituted an obstacle to modern transportation by containers and stated that it was out of date.

82. A ratification by Italy of this Convention has not been registered yet, although the Government has reported to the Committee of Experts that the Convention has been ratified.

83. These two ratifications result from state succession and were registered after the closure to further ratifications of the Convention.

84. For Convention No. 28 see GB.265/LILS/PR/PR/1, para. III.8 and for Convention No. 152, idem., para. V.9.


86. The Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60) and the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79).


88. Thirteen member States as at 31.12.1996.


90. GB.267/LILS/PR/PR/2, under VI.1 and GB.267/LILS/4/2, paras. 54-58.


95. GB.267/LILS/ WP/PR S/2, under VI.2 and GB.267/LILS/4/2, paras. 54-57.


97. "(3) the methods of revision should be diversified. With very few exceptions, the ILO has opted for the method of the total revision of instruments, following the double-discussion procedure at the Conference. When an instrument needs to be thoroughly overhauled, this method seems the most appropriate; but it is also the most cumbersome. It is not satisfactory for the Organization that partial or technical revisions have been unable to be included in the work of the Conference or that standards sometimes await revision over a very long period. To try and cope with the wide range of needs and situations, various procedures have already been set up, but it has been noted that some of them have not been used -- or very little". GB.262/LILS/3, para. 67. Also reproduced in GB.267/LILS/ WP/PR S/2, Annex.

98. GB.262/LILS/3.