ELEVENTH ITEM ON THE AGENDA

Reports of the Committee on Legal Issues and International Labour Standards

Second report: International labour standards and human rights

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Appendix I:

Report of the Working Party on Policy regarding the Revision of Standards
I. Report of the Working Party on Policy regarding the Revision of Standards

1. The Committee had before it the report of the Working Party on Policy regarding the Revision of Standards which consisted of three parts dealing respectively with: the information note on follow-up on decisions taken by the Governing Body; the deferred examination of six Conventions; and follow-up on the consultations concerning the need for revision and obstacles to the ratification of 13 Conventions.

2. The representative of the Government of France and Chairperson of the Working Party, presenting the results of the work done, explained that the examination of the need for revision of Recommendations, which had also been included on the agenda, had been postponed until the Working Party's next meeting. An examination of this kind of all the Recommendations had never before been undertaken by the Organization and, as a representative of the Director-General had indicated to the members of the Working Party, the Office needed to deliberate further on the matter. The deferred examination of six Conventions concerned five Conventions concerning occupational accident and sickness benefits, that had first been examined in November 1997, and the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), which had been examined for the first time in November 1996. The Working Party also had before it a paper prepared by the Office concerning follow-up on the consultations held with the constituents regarding 13 Conventions that had already undergone initial examination by the Working Party. This document was based on replies received from 64 member States. With a few exceptions, the replies that had been received indicated that tripartite consultations had taken place and most of them reflected the views and opinions of the employers' and workers' organizations concerned.

3. The Chairperson pointed out that the Working Party, having examined the Conventions, had reached a consensus on each of them with the exception of Convention No. 96 and the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), examination of which had been deferred. The Working Party suggested the revision of six Conventions and the inclusion of these questions in the portfolio of proposals for the Conference agenda. It also proposed to invite the Office to undertake a short survey of
the following Conventions: the Termination of Employment Convention, 1982 (No. 158); the Holidays with Pay Convention (Revised), 1970 (No. 132); and the Paid Educational Leave Convention, 1974 (No. 140). These Conventions would be re-examined subsequently by the Working Party at its meeting in March 1999.

4. The Chairperson also presented an information note produced by the Office which constituted a summary of the work carried out by the Working Party up until the Governing Body's November 1997 session. The Working Party requested the Office to submit an updated and amended version of this document to the Conference Committee on the Application of Standards in June 1998 and to the Working Party itself at its next meeting. The Office reproduced and distributed a document on flexibility in ILO standards. This document will also be made available to delegates to the Committee on the Application of Standards. Finally, the Chairperson thanked the secretariat for the quality of its preparatory documents and expressed appreciation for the very positive attitude of the members of the Working Party, in particular of its two Vice-Chairpersons. In conclusion, he recommended that the Committee approve the points for decision indicated in the final paragraph of the report.

5. The Employer members referred to the statement of the Chairperson which reflected the complexity of the work that had been done. As work advanced, the issues became increasingly difficult. Paragraph 6 of the Working Party's report expressed the general feeling of the Employers' group regarding the need for progress and for greater depth in the policy regarding the revision of standards, to ensure that ILO standards were appropriate to prevailing social and economic conditions. They expressed the hope that in future, a more sustained pace of work would be established by the Working Party. They supported the recommendations set out in paragraph 90 of the Working Party's report.

6. The Worker members recommended that the Committee approve paragraph 90 of the report and the points for decisions that it contained. They felt it was encouraging that the Working Party was coming to the end of its examination of the needs for revision of Conventions. They also pointed out that the Officers of the Working Party still needed to agree on a precise agenda for its next meeting. The deferred examination of two Conventions, the examination of the needs for revision of Recommendations and Maritime Conventions, and follow-up on the recommendations of the Working Party were examples of items that had already been suggested as areas for future work. They also pointed out that, at their request, the Office had given its assurance that, in the updated version of the information note, paragraph 9(b) would be included in a separate section which would not refer to the promotion of ratification or to the revision of the Conventions concerned.

7. The Employer members, referring to paragraph 43 of the report, recalled that the purpose of the Working Party was to consider policy regarding the revision of standards, not to promote the ratification of Conventions.

8. The representative of the Government of Mexico expressed appreciation for the progress made by the Working Party. He recalled that a subregional seminar on policy regarding the revision of standards had taken place in Mexico in December 1997. The participants had included representatives of the
governments, and of employers' and workers' organizations, from Costa Rica, Cuba, the Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua and Panama. With the assistance of the Area Office, Standards Department and multidisciplinary advisory team in San José, practical exercises had been conducted. These had made it possible to analyse the decisions that had been taken on policy regarding the revision of standards and had facilitated tripartite consultations on the Conventions for which information had been requested. The subregional tripartite seminar that had taken place in Mexico had shown that decisions taken by the Working Party and the LILS Committee produced practical results.

9. The representative of the Government of Finland expressed satisfaction with regard to the results obtained by the Working Party on important issues. He congratulated the members on their constructive approach towards breathing new life into international labour standards. This work was important in that it showed the ILO's capacity for self-renewal.

10. The representative of the Government of Germany congratulated the Chairperson on the quality of the Working Party's work. It was important to stress that the recommendations concerning the revision of six Conventions and a more in-depth examination of three others was a good result. From the practical point of view, however, it was difficult for delegates outside the Working Party to appreciate fully the Chairperson's statement which had referred to documents submitted to the Working Party for examination, since those particular documents had not been distributed to everyone. The Chairperson had in addition made an observation on the Employment Injury Benefits Convention, 1964 (No. 121) [Schedule I amended in 1980]. That Convention, which had been ratified by 22 member States, had a schedule with a list of occupational illnesses that had been revised in 1980. However, the revised list had been accepted by only four member States and the reasons for this needed to be investigated. The Chairperson had also referred to the preparatory document on follow-up on consultations concerning the need for revision and obstacles to the ratification of 13 Conventions.\(^{(5)}\) It was to be hoped that the detailed information provided by the Government of Germany regarding obstacles to ratification of the Employment Clauses (Public Contracts) Convention, 1949 (No. 94), and the Protection of Wages Convention, 1949 (No. 95), would be reflected in that document.

11. The representative of the Government of the Russian Federation congratulated the Office on the speed with which it had prepared the Working Party's report, and noted that if all reports were produced in the same way, delegates would have little reason to complain.

12. The representative of the Government of Panama said that he was very satisfied with the work done by the Working Party. It meant that the Governing Body was now better able to serve its constituents in the field of standard setting. He assured the Office that the follow-up on the Working Party's recommendations would have its support.

13. The Employer members requested the Office to provide information on the distribution of documents submitted to the Working Party. As regards the observations of the Government representative of Germany on the list given in a schedule to Convention No. 121, they considered that it
was not necessary to modify the Working Party’s recommendations within the LILS Committee. The Office could draft a technical note on the matter.

14. A representative of the Director-General stated that the documents submitted by the Office to the Working Party were not confidential. In accordance with normal practice, documents were distributed to the members of the Working Party, but all the constituents could request a copy if they so wished. With regard to the list given in a schedule to Convention No. 121, the Office would submit a technical note on the subject.

15. The Committee recommends that the Governing Body:

(a) take note of the report of the Working Party on Policy regarding the Revision of Standards, and of the opinions expressed during the meeting of the Committee;

(b) approve the proposals set out in the relevant paragraphs of the report on which a consensus was reached in the Working Party and the Committee.

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II. Standard-setting policy: The ratification and promotion of fundamental ILO Conventions

16. The Committee had before it a document on this subject following the discussions which it had had at the 268th Session (March 1997) of the Governing Body.

17. A representative of the Director-General (the Chief of the Equality and Human Rights Coordination Branch of the International Labour Standards Department) updated the information contained in the document in question. Since the preparation of this document, i.e. 19 February 1998, replies had been received from 20 countries. With account being taken of all the replies received since 25 May 1995, the Governing Body and the ILO had received information from 132 member States out of the 153 which had not ratified all the fundamental Conventions at the beginning of this campaign. Finally, the ILO had received replies from four of the 25 countries which had never replied to the previous letters from the Director-General on the subject, namely Cape Verde, Grenada, Malawi and the Seychelles, in addition to the five countries mentioned in paragraph 47 of the document. The representative of the Director-General stated that since the publication of Office paper, the ILO had registered two new ratifications of fundamental Conventions: Albania had ratified Convention No. 138, thus joining the group of countries that had ratified all seven fundamental ILO Conventions, and Qatar had ratified Convention No. 29.

18. Going into the details of the information received since the preparation of the above-mentioned document, the representative of the Director-General stated that South Africa reported that Conventions Nos. 100 and 138 would be shortly examined by the social partners; Belize stated that Conventions Nos.
19. The Employer members expressed their satisfaction with the results of the campaign as summarized in paragraph 4 of the document before the Committee, in particular as regards the constantly increasing number of ratifications of Convention No. 138. Noting that to date the ILO had registered 82 ratifications of fundamental Conventions since the beginning of the campaign, they believed that the results of the operation could be described as good even though they regretted that the number of countries which had never replied to the different circulars from the Director-General remained high. They took this occasion to emphasize the importance of promotional activities and technical assistance in overcoming the obstacles to ratification. They therefore encouraged the Office to pursue this exercise and above all to give special attention to the 20 countries which had never replied to the different circulars from the Director-General.

20. The Worker members supported the suggestion of the Employer members requesting the ILO to
make every effort to obtain information from the countries which had not replied to any of the four letters from the Director-General. They noted that because of this silence the Governing Body did not have any information on the ratification outlook of the fundamental Conventions in these countries. As regards the symbols used in the table appearing in Appendix II to the document before the Committee, they believed that the symbol "*" had much too broad a meaning. They therefore suggested that the ILO should reflect on how to modify it so that the information contained in this table would allow a clear distinction to be made between the different explanations provided by the member States. As regards the Special Study concerning Conventions on forced labour, the Worker members expressed their disappointment with the small number of replies received (31 reports out of the 76 requested) and expressed the hope that the attention of the countries in question would be drawn to this lapse -- even if it was too late now that the study had already been published. Finally, the Worker members expressed the hope once again that the campaign for the promotion of fundamental ILO Conventions would be more proactive, particularly since this year the ILO was celebrating the 50th anniversary of the Freedom of Association and Protection of the Right to Organise Convention, 1948, (No. 87), and that the Organization might adopt, at the next session of the International Labour Conference in June 1998, a Declaration of ILO principles on fundamental rights and an appropriate follow-up mechanism. Furthermore, the Worker members believed that it was time for the Organization to examine more closely the replies of some countries which stated that they could not ratify certain fundamental Conventions. In this respect, they informed the Committee that the explanations given by some countries (Australia [C.138], Malaysia [C.105], New Zealand [C.87, C.98 and C.138], Singapore [C.105], Suriname [C.100 and C.111], United Arab Emirates [C.87, C.98 and C.111]) did not satisfy them; that ways should be studied of how the ILO could effectively help countries which referred to socio-economic obstacles to justify non-ratification; that they hoped that Canada and the United States would review their penal system to allow ratification of the Forced Labour Convention, 1930 (No. 29); and finally that they did not understand why China could not ratify Conventions Nos. 29 and 105 respecting forced labour although it had stated that its national legislation and practice were in conformity with the provisions of these instruments. The Worker members endorsed the Office's intention to present a new update in March 1999 and, in the meantime, to provide new information in November on the technical assistance dispensed within the framework of the programme.

21. The speaker concluded by drawing the attention of the Committee to the fact that the emphasis placed on the promotion of ratification should not lead to a disregard of the problem of the effect of application of fundamental ILO Conventions in each of its member States.

22. The representative of the Government of Croatia, recalling the terms of the letter from the Director-General of 28 January 1998 addressed to the Governments of Bosnia-Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia noted that, contrary to the assurances given by the Director-General in the letter -- the footnote which must necessarily be added to the word Yugoslavia had been omitted from the document before the Committee (see the footnote added to the appendix of this report); in the same way, she requested an explanation of the content of paragraph 46.

23. The representative of the Government of Egypt recalled that her country had ratified six of the seven
fundamental Conventions. She said that if her country had not yet ratified Convention No. 138, it was because until recently Egyptian legislation was not in conformity with the provisions of the said instrument in that it authorized work from the age of 12 years. Since Egypt had recently adopted new legislation which was in conformity with the provisions of the Convention, the Government had initiated the process for the ratification of Convention No. 138. Finally, she insisted on the need for the ILO to reinforce the assistance which it provided to member States whose legislation and practice were not in conformity with the provisions of the seven fundamental Conventions.

24. The representative of the Government of the United Kingdom expressed her support for the suggestion made by the Workers' members regarding the meaning of the symbols appearing in the table in Appendix II. She believed that, if this suggestion were adopted, this would provide a clearer overview of the real ratification outlook of the fundamental Conventions in each of the member States of the Organization. She took the occasion to recall that her country was studying the possibility of ratifying the two remaining fundamental Conventions, namely Conventions Nos. 111 and 138.

25. The representative of the Government of India stated that his Government had ratified three of the seven fundamental Conventions (namely, Conventions Nos. 29, 100 and 111) and confirmed that it planned to ratify shortly the Abolition of Forced Labour Convention, 1957 (No. 105). As regards Conventions Nos. 87 and 98, he emphasized that in practice workers in the private sector enjoyed the rights established by these two instruments. The problem arose only for workers in the public sector who, because of their functions, could not enjoy in the same conditions as workers in the private sector the rights guaranteed by these two Conventions. In fact, other mechanisms had been established to guarantee civil servants the right to freedom of association and collective bargaining. As regards Convention No. 138, he mentioned certain obstacles, such as the fact that there was no provision in Indian legislation establishing a minimum age for admission to employment and the level of socio-economic development of the country. He stated that his country did not believe that the ratification of a Convention would be sufficient to resolve the question of child labour. However, he assured the Committee that his country had the firm intention of participating actively, from June 1998, in the drafting of new international labour standards designed to put an immediate end to the exploitation of children engaged in dangerous activities and work. Finally, he urged the ILO to adopt much more flexible standards which would no doubt facilitate their ratification by a much larger number of member States.

26. The representative of the Government of Chile informed the Committee that the Parliament of his country was currently examining proposals to approve the ratification of Conventions Nos. 87, 98, 105 and 138. He took this opportunity to applaud the positive results for his country of its participation in the International Programme on the Elimination of Child Labour (IPEC).

27. The representative of the Government of Bangladesh emphasized that his country was seriously considering the ratification of the last of the seven fundamental Conventions which it had not yet ratified, namely Convention No. 138. To do so, he recalled that his country had previously had to amend its legislation in practice in line with the principles established in the said Convention. Finally, he stated
that the activities carried out by the IPEC programme in his country seemed to be bearing fruit, so that his country was often cited as an example for others.

28. A Worker member (Mr. Ahmed) endorsed the remarks of the Worker spokesperson and noted that the technical assistance to which reference was made in paragraphs 44 and 45 of the document before the Committee was very important and that it should not be limited to governments but also offered and provided to the social partners. In this respect, he mentioned the case of the national tripartite seminar on the ratification and application of fundamental ILO Conventions, organized in Pakistan (18-20 September 1997) on the initiative of the workers' organizations. As regards the statements by the Government representative of India, he pointed out that managerial staff were a minority in the civil service and that the large majority of workers in the public sector was made up of low-ranking employees who should have the right to enjoy without restriction the rights enshrined in Conventions Nos. 87 and 98 to defend a social and economic policy which reflected their own interests. As regards the statements by the representative of the Government of India concerning Convention No. 138 and, more generally, the lack of flexibility in ILO instruments, he recalled that all children should be able to have access to education. He also emphasized that the ratification of Convention No. 138 was an important act as was the anticipated adoption, in June 1999, of a new Convention on child labour.

29. A Worker member (Mr. Blondel) supported the statements of the Workers' spokesperson and reiterated the importance which the Worker members attached to the ratification of Conventions even if they were aware that ratification did not ipso facto imply the application of the said instruments. He furthermore wondered whether certain countries tended to ease their conscience about not wanting to ratify all the fundamental ILO Conventions by simply making their financial contribution to the Organization and its programmes of technical assistance. Finally, he asked whether the document before the Committee was available on the Web, in which case it was clear that the public in general could easily form a good idea of the state of ratification of the fundamental Conventions by each of the member States of the ILO, if not of their effective application.

30. The representative of the Government of India replied to the remarks of the Worker member of Pakistan concerning the ratification of Conventions Nos. 87 and 98 by stating that his Government was perfectly aware of the provisions appearing in these instruments and for this reason it had initiated consultations with the ILO to examine to what extent it would be possible to reconcile the provisions of these instruments with its legitimate concerns. In this respect, he informed the Committee that a national tripartite seminar, organized jointly with the ILO, would be held in the month of April 1998 and deal precisely with these two Conventions.

31. As regards paragraph 46, the representative of the Government of Swaziland regretted that his country had not replied to the various circulars from the Director-General. He explained that, in addition to the fact that his country was experiencing a relatively difficult period, the Government was working on the preparation of a new Act respecting industrial relations, after the social partners had unanimously expressed their rejection of the text adopted in 1996. The speaker assured the Committee that, as soon as the new next was adopted, his Government would be able to report on the ratification outlook of Convention No. 138.
32. As regards the observation of the representative of the Government of Croatia, the Chairperson of the Committee recognized that the asterisk or footnote which should systematically be attached to the word Yugoslavia ("this concerns the former socialist Federal Republic of Yugoslavia since, pursuant to decisions taken by the Governing Body in line with the respective United Nations resolutions, no State is recognized as the continuation of this Member") had been omitted by error and he assured the representative of the Government of Croatia that this would be corrected. Finally, as regards paragraph 46, he asked the Committee to consider that only 24 countries and not 25 (as of the date of publication of the document before the Committee) had never replied directly to the different circulars issued by the Director-General.

33. The Committee took note of the document.

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III. General status report on ILO action concerning discrimination in employment and occupation

34. The Employer members considered that the Office paper, which gave an overview of the different activities to combat discrimination, was satisfactory. They questioned, however, whether it was the correct context in which to refer to the objectives of the Drug and Alcohol Prevention Programme (paragraph 29). They also asked for an explanation of paragraph 34, which indicated that the current privatization of the energy, oil and mining sectors in developing countries might jeopardize the employment and development opportunities of indigenous and tribal communities if suitable compensatory and rehabilitation schemes were not put into place.

35. The Worker members expressed support for the activities undertaken by the Office to eliminate discrimination. It was considered that there should be a continuation and strengthening of the coordination and collaboration with the United Nations Commission on Human Rights and its subsidiary bodies. Moreover, every effort should be made to support the activities being undertaken to achieve gender equality. In this regard, the Office should consider setting up a database to record the participation of women in all meetings and conferences, whether international, subregional, regional or national, with a view to promoting the more balanced representation of men and women. While the creation of three additional posts of Senior Specialist on Women and Gender Questions was welcomed, it was imperative that those posts that remained vacant be filled as soon as possible so that the activities in this area could be sustained. The Worker members hoped that the Office would take the necessary measures to implement the conclusions adopted by the Tripartite Meeting on Breaking through the Glass Ceiling: Women in Management (December 1997). The Office should also propose concrete measures to improve the unenviable position of women workers in export processing zones (EPZs): as noted in paragraph 13, the findings of studies carried out under the Action Programme on Labour and Social Issues Relating to Export Processing Zones confirmed that EPZs had been one of the main vehicles for the globalization of production; that women, who constituted most of the labour force in those zones
worldwide, were stereotyped into low-wage, low-skill jobs and were left largely unprotected from unscrupulous employers, landlords and vendors and were often vulnerable to sexual harassment at work and in the community. It would be interesting to have information on the progress that had been made with respect to the proposals that were being developed for the improvement of the living and working conditions of women workers in EPZs: here, it was hoped that account was being taken of the relevant international labour standards. The exploitation of women was, in fact, a universal problem that should be approached comprehensively and with sufficient resources to ensure that the whole issue was addressed adequately. The global programme on *More and Better Jobs for Women* could be an effective tool to tackle the problems faced by women workers in a comprehensive manner. The Worker members gave full support for the programme and hoped that donors would do their utmost to ensure its viability. However, it was crucial that the ILO also make major resources available for the programme. Efforts must be made to ensure that the social partners were fully involved.

36. As regards migrant workers, the paper highlighted increased unemployment among this category and other circumstances that had led to their economic and social marginalization. They insisted that the document should refer to the "elimination" rather than the "reduction of" discrimination against migrant workers. Clearly, it was a priority of the Organization to respond to the increasing number of requests for technical assistance in the area of migration for employment, mentioned in paragraph 21. It was emphasized that the transfer of the Migration Programme to the Conditions of Work and Welfare Facilities Branch should not result in any lessening of the services being provided, and for this reason efforts had to be made promptly to fill the vacant posts in the programme. Migrant workers were vulnerable to exploitation, as was evident with regard to the displacement of workers through the crisis in Asia. There was hence a need for adequate financial resources and sufficient Office personnel to address the real needs. The Worker members were concerned that insufficient priority was being given to the situation of migrant workers in the ILO. The International Organization for Migration (IOM) was not a substitute for the ILO in this area, as the ILO had a clear mandate in this respect deriving from its Constitution. The interregional project to combat discrimination against migrant workers, described in paragraph 23, was supported fully and the Worker members hoped that the tripartite interregional meeting to be organized in 1998 would take place as soon as possible. It was noted from paragraph 25 of the report that the Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration (April 1997) had approved a set of guidelines, aimed at the Organization's constituents, on improving the protection of various groups of migrant workers. The Worker members considered that it was important to follow up on the implementation of these guidelines and to support all the continuing activities of the Office in this regard.

37. Full support was given to Office activities in favour of disabled workers and it was hoped that the intensive consultations begun with the principal non-governmental organizations concerned with questions related to disabled persons (described in paragraph 26) would also include trade unions. The Worker members appreciated the range of activities being taken by the Office to overcome discrimination against indigenous and tribal peoples, who were subject to exploitation of a most serious nature everywhere in the world. As regards the situation of workers of the occupied Arab territories, they stressed the importance that should be attached to the Director-General's report which, as was noted in paragraph 40 of the paper, had committed the ILO to doing everything "to make its contribution to the
peace process, especially by strengthening the ability of the Palestine Authority and the employers' and workers' organizations concerned to meet their most pressing economic and social needs, especially on the West Bank and in the Gaza Strip”.

38. The representative of the Government of Germany reiterated the comments he had made in the past concerning the fact that, even though the paragraphs dealing with migrant workers outlined certain problems faced by them, information was included that did not relate directly to discrimination against this group of workers, which was the overall purpose of this report. He expressed concern that the unit dealing with migrant workers had been abolished and its work integrated into another branch, as outlined in paragraph 21 of the report, and hoped that, as a result, the Office's commitment to the question would not be diminished. Referring to paragraph 22 of the report, he considered it premature to note that the number of reports so far received from governments in connection with the forthcoming general survey on migrant workers remained low, as the deadline for those reports was only 1 April 1998. Referring to paragraph 23 of the report concerning the interregional project on migrant workers, he observed that a study undertaken in Germany had concluded that the approach was not scientifically serious.

39. The representative of the Government of Egypt stressed the importance attached to the regular missions undertaken by the ILO to verify conditions in the occupied Arab territories, which were deteriorating daily. Israel was continuing its action to appropriate land to build new settlements in the occupied Arab territories, and to lay siege in other ways, thus creating further unemployment, poverty and hunger. The report of the Director-General, prepared for the 85th Session (June 1997) of the International Labour Conference had noted that the real GNP per capita in the territories was estimated to have declined by 36.2 per cent between 1992 and 1996, which represented a decline of nearly 10 per cent per year. This was accompanied by a deterioration in the living and working conditions of employers and workers in the occupied territories, as had been confirmed by the ILO missions sent regularly since 1978. A recent report prepared by UNCTAD on trade in the occupied Arab territories had also shown the ill effects of the severe economic crisis on many aspects, and especially on the peace process. ILO efforts in this area were much appreciated, and the Director-General's commitment that the ILO would do everything to contribute to the peace process, as outlined in paragraph 40 of the Office paper, was particularly welcomed. The commitment of the ILO to relieve the suffering of people in the occupied territories was reflected in the information contained in paragraph 38 of the report, which indicated that the ILO was currently implementing technical cooperation activities in the occupied Arab territories worth US$9.2 million and that the International Training Centre of the ILO in Turin was executing a number of activities worth US$2 million. As regards migrant workers, the report showed the commitment of the ILO to eliminating discrimination, in accordance with Conventions Nos. 97 and 143, and in line with the 1990 United Nations Convention on migrant workers, which had unfortunately been ratified by only 11 countries. The ILO should maintain intensive cooperation with the United Nations High Commissioner for Refugees (UNHCR) and with the IOM to ensure adequate protection was extended to migrant workers. Full support was given to the need to promote the guidelines approved at the Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration (April 1997), which aimed at preventing the exploitation of migrant workers. The ILO was also called upon to devote greater resources to technical cooperation that would be consistent with both the Programme of Action adopted
by the International Conference on Population and Development (Cairo, September 1994) and the Declaration and Platform of Action adopted by the World Summit for Social Development (Copenhagen, March 1995). Referring to paragraph 21 of the report, he expressed the hope that the Technical Symposium on International Migration and Development, to be held in The Hague in June-July 1998, would show the links between migrant workers and their economic, social and cultural rights. United Nations resolutions Nos. 90/127 and 50/123 reflected the importance of these matters to the international community. Appreciation was also expressed for the role taken by the ILO in strengthening its action against discrimination for all groups, including persons with disabilities.

40. The representative of the Government of Canada congratulated the Office on a very informative paper, filled with information on extremely important technical cooperation activities undertaken in support of the non-discrimination Conventions, which were among the core labour standards. She expressed the support of her Government to the Office and to all of the individuals who contributed to these little-known but critical aspects of the ILO's work. It was reassuring to discover, in this connection, the comprehensive and cross-departmental involvement of many branches of the Office, both at headquarters and in the field. In view of the fact that the activities described in the report would only increase in importance if the Organization were successful in adopting a Declaration concerning the core labour standards, she stressed the importance her delegation attached to what they viewed as two essential preconditions for ensuring the optimal impact of the activities discussed in this report. The first concerned the continued and adequate funding of these activities from the core budget; and the second related to the effective follow-up on and integration of these activities into the longer-term Office agenda for technical cooperation. It was strongly recommended that the Office ensure that these two conditions were met. Her Government would seek adequate commitments to those programmes in the forthcoming budget discussion.

41. The representative of the Arab Labour Organization considered that the report, which reflected the many commendable activities taken by the Office to eliminate discrimination, deserved thorough consideration. The regular mission to the occupied Arab territories and the provision of technical assistance would help uncover the practices being employed by Israel and reduce the suffering of workers in the territories. The desired results had not, however, been achieved. Accordingly, the ILO should reinforce its efforts. It was important to note that 19 per cent of the Palestinian people were living below the poverty line, due to practices such as the building of settlements, border closures, the confiscation of land and the imposition of collective punishments. As had been noted in paragraph 39 of the report, much remained to be done to ensure that Palestinian workers enjoyed enhanced employment opportunities, economic security and conditions of work that were consistent with international principles and labour standards. It was to be hoped that the ILO mission which was scheduled to take place soon would not encounter delays. Moreover, it was hoped that the mission would be able to examine the situation in detail and that it would make use of the information gathered by other international missions, as well as that available from relevant intergovernmental and non-governmental sources. There was a need for the ILO mission to check the settlements on confiscated Palestinian land: to date, visits to these areas had not been possible. The ILO had received a number of observations concerning this matter and it was hoped that in future the Committee would be presented with a document which detailed the activities taken in this field. As regards the technical assistance projects
being implemented, the representative of the Government of Saudi Arabia had requested the Office to restore those projects that had been stopped, as the workers concerned were in dire need of the assistance they provided.

42. The representative of the Government of Ethiopia expressed appreciation for the informative document provided to the Committee. He noted that the interregional project to combat discrimination against migrant workers and ethnic minorities, discussed in paragraph 23, was funded chiefly by extra-budgetary resources: this situation should be changed in the next budget. Great appreciation was expressed for the ILO's participation in the work of the United Nations Commission on Human Rights and in the treaty bodies, and for the input made by the Office in these fora. He drew particular attention to the decision by the General Assembly\(^{(12)}\) to hold a World Conference on Racism and Racial Discrimination, and hoped that the ILO would make a substantial contribution both in regard to the preparation of this Conference and as a participant in the meeting.

43. The representative of the Government of the United Kingdom thanked the Office for the report. During the discussion of the global programmes in the Committee on Technical Cooperation, her Government had welcomed the creation of the International Programme on More and Better Jobs for Women, which was still a fledgling programme that did not yet have its full complement of personnel or funding. The United Kingdom Government had agreed to provide support to the programme in the form of additional staff and had already embarked on making the necessary arrangements in this regard. In the establishment of this international programme, it was hoped that account would be taken of the arrangements made in connection with the International Programme for the Elimination of Child Labour (IPEC), which had instituted a steering committee. It was also hoped that the ILO would make adequate resources available for this programme.


45. The representative of the Government of Algeria considered that one of the essential aims of the creation of the ILO was to satisfy the elementary needs of workers wherever they may be, so as to ensure that the enjoyment of the fundamental and indivisible rights in connection with work were the same everywhere. Those rights, however, were not enjoyed in the occupied Arab territories. Accordingly, he also associated himself with the sentiments expressed by the representatives of the Government of Egypt and the Arab Labour Organization, as well as by others who had spoken on this topic. All initiatives by the ILO to defend the rights of the workers in the territories should be supported.

46. The representative of the Government of China complimented the Office on a valuable document that described the activities being undertaken in the area of discrimination and highlighted the
promotional character of this work. The paper demonstrated that an international organization could, by mobilizing resources, promote and achieve its goals and objectives. Part III of the report, concerned with equality for women, indicated that there had been a smooth development of activities with practical outputs. These activities were considered very important and useful by his Government, as well as by all women workers in China.

47. The representative of the Government of Panama stated that the report indicated that the Organization was following the right path. His subregion took a particular interest in having available such a full, fine report on those sensitive areas where the ILO was clearly at the forefront of international action.

48. A representative of the Director-General (Chief, Equality and Human Rights Coordination Branch) stated that reference had been made to the Drug and Alcohol Prevention Programme in paragraph 29 of the report because one of the key concepts of the code of practice which had been developed in this area was to ensure that drug and alcohol policies and programmes should apply to all staff and should not "discriminate on grounds of race, colour, sex, religion, political opinion, national extraction or social origin". In regard to the concern over the comment in paragraph 34 that the current privatization of the energy, oil and mining sectors in many developing countries may jeopardize the employment and development opportunities of indigenous and tribal communities, it should be noted that the stress was laid on the potential for, or the possibility of, a disadvantageous effect. In recent months, in fact, the Office had received visits from oil companies which wished to discuss the measures that might be taken to avoid jeopardizing particular indigenous and tribal communities, which was an indication that the companies involved had themselves recognized the potential effects that their activities might have on those communities. In regard to the remarks made about the organizational measures affecting the Migration Programme, reference was made to the statement by the Director-General at the 270th Session of the Governing Body on the report of the Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration, where he had explained that the Migration Branch had been placed under the Working Conditions and Environment Department in an endeavour to bring together those working on the protection of a series of vulnerable groups. The Director-General had noted that the officials concerned would continue to work on migration issues and care would be taken to maintain publicity for the activities concerned. Moreover, the Director-General indicated that no reduction in the resources of the programme would take place; he had in fact expressed confidence that the output of the programme would be enhanced, as a result of the team being more rationally situated. The comment in paragraph 22 concerning the receipt of reports under article 19 of the ILO Constitution was intended to highlight the trend noted for some time in relation to the receipt of such reports. Following the decision of the United Nations General Assembly to hold a World Conference on Racism and Racial Discrimination, the Office had expressed its interest and willingness to participate in the arrangements being made for the meeting and to take an active role in the Conference itself.

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IV. Report of the meeting of the Joint ILO/UNESCO
Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART)

49. The Committee had before it a paper summarizing the results of the CEART's Fourth Special Session, held in Paris from 15 to 18 September 1997, including those related to the principal areas of the ILO's competence, allegations by teachers' organizations concerning the application of the Recommendation, the CEART's examination of an eventual role in the monitoring of the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, and proposals for future action.

50. The Employer members agreed with the proposal for future action contained in paragraph 85(f) in so far as it concerned the need for scientifically based studies on stress, but they could not agree with the suggestion that there was an automatic linkage between stress and burnout and the challenge of maintaining experienced teachers in the profession. Subject to this clarification, the Employer members supported the point for decision contained in paragraph 12 of the paper, including subparagraph (e) on future action.

51. The Worker members supported the suggested improvements in working methods for the handling of allegations, mentioned in paragraph 9 of the paper before the Committee, as well as the proposals for future action contained in paragraph 11. They were also pleased to note that the CEART was prepared to assume a monitoring role for the Recommendation concerning the Status of Higher-Education Teaching Personnel, as mentioned in paragraph 10. The Worker members supported the point for decision contained in paragraph 12 of the paper.


53. The representative of the Government of Ethiopia asked why a communication was being addressed separately to a teacher's organization in the United Kingdom. The representative of the United Kingdom Government replied that it was her understanding that the teachers' union involved had been asked to supply additional information to the Committee. When they did so, the United Kingdom Government would respond in due course.

54. The representative of the Government of Germany referred members of the Committee to the CEART report and its annexes, which provided detailed information on some of these questions.

55. On behalf of the Office, the Deputy Director-General (Mr. Tapiola) informed the Committee that there appeared to be some problems of communication in the case of Ethiopia, but that letters had been sent under the joint signature of the ILO and UNESCO. In the case of the United Kingdom, a letter was
sent separately to the teachers' organization because it had not supplied the information requested by the CEART according to the procedures.

56. The Committee accordingly recommends that the Governing Body --

(a) take note of the report on the Fourth Special Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers;

(b) authorize the Director-General to communicate the report to the governments of member States and, through them to the employers' and workers' organizations concerned, as well as to concerned intergovernmental and non-governmental organizations, and to invite them to continue and to intensify their efforts to apply all provisions of the ILO/UNESCO Recommendation, notably in the light of the Joint Committee's proposals on a strategy for improving teachers' status;

(c) authorize the Director-General to communicate the relevant part of Annex 2 containing the Joint Committee's analysis of the allegations before it to the Governments of Albania, Bolivia, Colombia, the Czech Republic, Ethiopia, Senegal and the Federal Republic of Yugoslavia (Serbia and Montenegro) and to the teachers' organizations concerned, including the United Kingdom teachers' union, and where appropriate, to invite them to take the necessary follow-up action as recommended in the report;

(d) forward the report to the International Labour Conference at its 86th Session (June 1998) for examination in the first instance by the Committee on the Application of Standards;

(e) request the Director-General to take into consideration, where appropriate in consultation with the Director-General of UNESCO, the Joint Committee's proposals for future action by the ILO and UNESCO contained in paragraphs 84-88 of its report, in planning and implementing future ILO activities, due account being taken of available resources.

* * *

V. UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997

57. The Committee had before it a paper summarizing the action taken with regard to the draft Recommendation by UNESCO and by the ILO since the previous examination by the Governing Body at its 268th Session (March 1997). The 29th Session of the UNESCO General Conference had adopted the Recommendation with minor amendments. The paper further noted that the UNESCO General Conference had not addressed the issue of the new instrument's monitoring, which had been an issue of concern to the Governing Body.
58. The Worker members were satisfied with the text adopted by the General Conference of UNESCO, and were pleased to note that the CEART was prepared to assume a role in its monitoring. They reiterated their position that the CEART was the appropriate forum for supervision of the Recommendation's implementation, and they supported the point for decision contained in paragraph 6.

59. The Employer members also supported the point for decision contained in paragraph 6.

60. The Committee accordingly recommends that the Governing Body --

(a) take note of the adoption of the Recommendation concerning the Status of Higher-Education Teaching Personnel by the 29th Session of the General Conference of UNESCO;

(b) invite the Director-General to continue consultations with the Director-General of UNESCO with a view to submitting to the Executive Board of UNESCO at one of its future sessions a proposal concerning the legal and practical aspects of monitoring of the Recommendation by the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART);

(c) invite the Director-General to submit a report to the Governing Body at its 273rd Session (November 1998) on the outcome of those consultations and any action taken by the Executive Board of UNESCO.

* * *

VI. Forms for reports under articles 19 and 22 of the Constitution

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

61. The Committee had before it a paper containing draft forms for reports on unratified Conventions, under article 19 of the Constitution, on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100). The reports would be used by the Committee of Experts on the Application of Conventions and Recommendations for the "mini-survey" on these Conventions under the procedure decided in 1995.

62. The Worker members agreed with the proposals in the Office paper.

63. The Employer members also supported the proposals, but requested an explanation of the origin of the term "access to vocational training" in point II of the draft report form for Convention No. 111.
64. The representative of the Government of Canada agreed with the proposals, but asked why there was a reference to giving effect to the provisions of the Convention "by collective agreements between workers and employers" in the draft report form for Convention No. 100 (point I), but not in the draft for Convention No. 111.

65. The representative of the Government of India noted, with reference to point IV of the draft report form for Convention No. 111, that in his country one of the authorities entrusted with the enforcement of the national policy of equal opportunity and treatment were the employment exchanges at the state and local levels. This point specifically asked for information on how workers' and employers' organizations cooperated in the implementation of the policy, but in India there was no such cooperation between such organizations and employment exchanges. He asked for guidance on how governments in such a situation might reply.

66. A representative of the Director-General stated, in reply to the question by the Employer members, that the wording was taken from Article 1, paragraph 3, of Convention No. 111, stating the kinds of activities covered by the Convention. He also referred to the Special Survey on equality of opportunity and treatment carried out by the Committee of Experts and discussed at the 83rd Session of the Conference in 1996, which contained a substantial discussion of this point at paragraphs 69 et seq. In reply to the question on collective bargaining, this was specifically mentioned in Convention No. 100 as one of the possible means of implementation, and thus was reproduced in the report form, whereas Convention No. 111 made no such specific reference. On the question by the Government of India, it was recalled that the purpose of these surveys was precisely to elicit "any difficulties arising from the Convention, from national legislation or practice, or any reason which may prevent or delay the ratification of the Convention" (point V(b) of the draft report form), and the difficulties raised by the Government member were precisely the kind of information that the Committee should have at its disposal.

67. The Committee recommends that the Governing Body adopt the draft report forms for the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100), which are appended.

* * *

Other questions

68. The representative of the Government of Japan, speaking on behalf of the Asian and Pacific Government members, made the following statement:

I would like to make some comments on the behalf of the Asian and Pacific group on the issue of the review and improvement of the ILO supervisory mechanisms. The Asian and Pacific group has on several occasions called for a review of the ILO's supervisory mechanisms. The IMEC group, the non-aligned members of the ILO and the Employer representatives have also expressed their interest in this
The governing body considers that such a review should cover the terms of reference and mandate of various ILO supervisory bodies and their role in the promotion of ILO objectives according to the constitution and the Declaration of Philadelphia. We have given this subject a lot of consideration and could supply the office with a paper explaining in more detail what the review should include. In this regard, you might recall that in the 270th governing body, last November, the Asian and Pacific group requested that this item be put on the agenda for this governing body. Unfortunately, this has not been done. We would like to reiterate the importance of this issue and again request the inclusion of an item on the review and improvement of ILO supervisory mechanisms on the agenda of the LILS Committee of the next governing body in November 1998, and we also request that the office prepare a document to facilitate the discussion on this issue.

69. The representative of the Government of Egypt recalled that he had supported the request in November 1997 and reiterated his support for this request. He also requested that this item be put on the agenda of the committee's next meeting at the governing body in November 1998.

70. The deputy director-general (Mr. Tapiola) responded by citing the discussions that had taken place in November 1997, and even before, where it was agreed that all aspects of the follow-up on the director-general's report to the international labour conference of 1997 would be taken up in the governing body itself. The governing body had thoroughly discussed the first document on that item, which concerned the possible declaration and its follow-up. It was then decided that the second part, which was on standard setting and also included the questions raised by the representatives of the governments of Japan and Egypt, would be taken up at the November 1998 session of the governing body, and in the governing body itself.

71. The chairperson noted that the issue would be pursued in accordance with the deputy director-general's explanation.


(Signed) J. Ilabaca, chairperson.

Points for decision:

Paragraph 15;
Paragraph 56;
Paragraph 60;
Paragraph 67.

2. Document **GB.271/LILS/WP/PRS/1**.

3. Document **GB.271/LILS/WP/PRS/2**.


5. Document **GB.271/LILS/WP/PRS/2**.

6. Document GB.270/LILS/5, as revised, reproduced in the annex (**GB.270/LILS/5/Rev.1**).

7. **GB.271/LILS/6**.

8. See **Appendix II**.

9. Divergencies between the Convention and national legislation; Convention currently being "studied" or "examined"; ratification considered "unnecessary", ratification to be examined after adoption of a Constitution, a Labour Code, legislation, etc.; discrepancy between the ILO's information and that given by a Government; preliminary consultation with the social partners, etc.

10. Footnote reading as follows: "This concerns the former socialist Federal Republic of Yugoslavia since pursuant to decisions taken by the Governing Body in line with the respective United Nations resolutions, no State is recognized as the continuation of this Member."

11. **GB.271/LILS/7**.


14. **GB.271/LILS/9**.

15. **GB.271/LILS/10**.

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**Appendix I**

**Appendix II**

**Appendix III**
For further information, please contact the Official Relations Branch at Tel: +41.22.799.7732, Fax: +41.22.799.8944 or by e-mail: RELOFF@ilo.org

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